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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**



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**REPUBLIC OF ESTONIA**

**RIIGIKOGU ELECTORAL LAW**

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**Chapter I**

**General Provisions**

**Article 1. The basis of the Electoral System**

Members to the Republic of Estonia Riigikogu shall be elected in free elections on the basis of general, uniform and direct franchise by secret ballot.

**Article 2. General Franchise**

(1) Republic of Estonia citizens who have attained 18 years of age on the election day and who are permanent residents on the territory of the Republic of Estonia shall have the right to vote.

(2) Any Republic of Estonia citizen who is entitled to vote and has attained 21 years of age on the election day may be a candidate for the Riigikogu.

(3) Citizens who have been declared incapable by a court of law shall not be entitled to vote.

(4) Citizens who at the time of the election are serving a sentence in a place of detention on the basis of court decision which has come into force shall not participate in the elections.

**Article 3. Uniform Franchise**

Each elector shall have one vote in electing the Riigikogu.

**Article 4. Direct Franchise**

Election results shall be determined on the basis of the expression of the will of those persons who directly participate in the elections.

**Article 5. Secret Ballot**

Voting in the Riigikogu elections shall be held by secret ballot.

## **Chapter II**

### **Electoral Districts and Polling Stations**

#### **Article 6. Formation of Electoral Districts**

(1) 12 multi-mandate electoral districts shall be formed for the Riigikogu elections:

- electoral district No. 1 - Southern-Tallinn;
- electoral district No. 2 - Northern-Tallinn;
- electoral district No. 3 - Western-Tallinn;
- electoral district No. 4 - Eastern-Tallinn;
- electoral district No. 5 - Harju- and Raplamaa;
- electoral district No. 6 - Hiiu-, Lääne- and Saaremaa;
- electoral district Nr. 7 - Eastern-Virumaa with Narva, Sillamäe and Kohtla-Järve;
- electoral district Nr. 8 - Järva- and Lääne-Virumaa;
- electoral district Nr. 9 - Jõgeva- and Viljandimaa;
- electoral district Nr. 10 - Tartumaa with Tartu;
- electoral district Nr. 11 - Põlva-, Valga- and Võrumaa;
- electoral district Nr. 12 - Pärnumaa with Pärnu.

(2) Citizens of the Republic of Estonia residing in that part of the territory of the Republic of Estonia which is currently not under the jurisdiction of the Republic of Estonia shall vote accordingly in electoral districts No. 7 and No. 11.

(3) 101 members shall be elected to the Riigikogu. Mandates shall be distributed to the electoral districts on the principle of proportionality in accordance with the number of citizens entitled to vote.

(4) The distribution of mandates shall be calculated by the Republic of Estonia Election Committee no later than 70 days before the elections.

#### **Article 7. Formation of Polling Station Districts**

(1) In order to organize voting and the counting of votes, the territory of counties and cities of republican subordination shall be divided into polling station districts.

(2) Polling station districts may also be formed in Republic of Estonia diplomatic missions. These polling station districts shall be part of electoral district No. 1.

**Article 8.            Procedures and Standards for  
the Formation of Polling Station  
Districts**

(1) Polling station districts shall be formed by county governments and by the city governments of cities of republican subordination. Polling station districts in diplomatic missions shall be formed by the Ministry of Foreign Affairs of the Republic of Estonia which shall inform the Election Committee of the Republic of Estonia of their location and estimated number of electors.

(2) Polling station districts shall be formed on the basis of the electoral register list within two weeks after the election is declared.

Notice of the boundaries of polling station districts and the location of polling station district committees and polling stations shall be made public no later than 20 days before the elections.

**Chapter III**

**Election Committees**

**Article 9.            The System of Election Committees**

(1) Elections for the Republic of Estonia Riigikogu shall be prepared and executed by the following election committees:

- 1) the Republic of Estonia Election Committee;
- 2) territorial election committees, which are the election committees of counties or cities of republican subordination;
- 3) polling station district committees.

(2) The authority of election committees shall be in effect for four years.

(3) Only Republic of Estonia citizens who are eligible to vote may be members of election committees.

**Article 10.        Formation of the Republic of  
                  Estonia Election Committee**

(1) The Republic of Estonia Election Committee shall be formed, and changes to its composition shall be made by the Riigikogu.

(2) Proposals for the composition of the Republic of Estonia Election Committee shall be presented by the Volikogus of counties and cities of republican subordination. Parties may appoint their representatives to the committee who shall participate in committee meetings with the right to speak.

(3) Organizational and technical services for the Republic of Estonia Election Committee shall be provided by the Riigikogu Chancellery.

(4) The composition of the Republic of Estonia Election Committee shall not be increased between the time elections are declared and ratification of the election results.

**Article 11.        The Authority of the Republic of  
                  Estonia Election Committee**

The Republic of Estonia Election Committee:

1) shall supervise the observance of the Electoral Law and shall guarantee its uniform application throughout the territory of the Republic of Estonia by issuing guidelines and regulations;

2) shall draft a schedule for the preparation and holding of early Riigikogu elections;

3) shall enact the forms for election documents, regulations for their storage, and standards for ballot boxes and seals;

4) shall distribute mandates between the electoral districts;

5) shall determine the amount of the security payment to be paid upon nomination of a candidate in accordance with the law.

6) shall register electoral coalitions;

7) shall register all submitted candidates and candidate lists according to the electoral district and shall dispense this information;

- 8) shall accept the application of a registered candidate to forego nomination and shall delete his or her name from the list of candidates.
- 9) shall confirm the form and text of the ballot papers, shall organize their printing and shall deliver them to the territorial committees;
- 10) shall determine the results of the Riigikogu elections and shall publish bulletins on the results from the counting of votes;
- 11) shall register the elected members of the Riigikogu and shall publish the list of members;
- 12) shall appoint an alternate member to the Riigikogu to substitute for a departing member;
- 13) shall make proposals to the Riigikogu for the termination of the authority of members of the Riigikogu, or for the reinstatement of suspended authority;
- 14) shall ratify the election budget and allocation of funds for election expenses;
- 15) shall decide matters regarding material and technical services;
- 16) shall review reports and complaints regarding the decisions and activity of territorial election committees and shall make relevant decisions in these matters.

**Article 12.      Formation of Territorial Election  
                         Committees**

- (1) Territorial election committees shall be formed and changes in its composition shall be made by the corresponding Volikogu of a county or city of republican subordination. Committees shall consist of 10 to 20 members.
- (2) Proposals for the composition of a territorial election committee may be made by all local government bodies. The territorial representative bodies of parties may appoint their representatives to a committee who shall participate in committee meetings with the right to speak.
- (3) Technical services for territorial election committees shall be provided by the chancellery of the county government or of the city government of a city of republican subordination.

(4) The composition of a territorial election committee shall not be increased between the time elections are declared and the ratification of election results.

**Article 13.      The Authority of Territorial  
                 Election Committees**

Territorial election committees:

- 1) shall supervise the observance of the Electoral Law and the legitimacy of the carrying out of elections;
- 2) shall form polling station district committees and shall make changes to their compositions;
- 3) shall determine the election results in counties or cities of republican subordination;
- 4) shall fulfil guidelines and regulations issued by the Republic of Estonia Election Committee;
- 5) shall decide matters related to providing material and technical services for the elections within the limits of funds allocated by the Republic of Estonia Election Committee;
- 6) shall review reports and complaints regarding the decisions and activity of the polling station district committees and shall make decisions in these matters.

**Article 14.      Formation of Polling Station  
                 District Committees**

(1) Polling station district committees shall be formed by the corresponding territorial election committee no later than 25 days before the election day. Polling station district committees in diplomatic missions shall be formed by the Ministry of Foreign Affairs of the Republic of Estonia. Committees shall consist of 3 to 10 members.

(2) Candidates for polling station district committees shall be nominated by the executive bodies of first level local governments.

**Article 15.      The Authority of Polling Station  
                 District Committees**

Polling station district committees:

- 1) shall obtain and provide the public with access to the excerpt from the electoral register concerning its

polling station district;

2) shall inform electors of the location and office hours of the polling station district committee and the time and location of voting;

3) prior to the election day, shall accept envelopes containing ballot papers from electors not present on the election day;

4) shall provide for the preparation of the polling room and ballot boxes;

5) shall organize voting on the election day;

6) shall count the votes cast in the polling station district;

7) shall review reports and complaints regarding the preparations of elections and organization of voting, and shall make decisions on these matters.

#### **Article 16.      Organization of the Work of                  Election Committees**

(1) The chairman, vice-chairman and secretary of an election committee shall be elected at a meeting of the committee. Committees consisting of less than 5 members shall elect a chairman and a secretary.

(2) Meetings of election committees shall be convened by the chairman or, in his/her absence, by the vice-chairman. The first meeting of an election committee shall be convened by its founding body. The committee shall have a quorum if no less than one half of the complement of the committee is present. Committee resolutions shall be adopted by a simple majority of votes. Members of a committee who do not agree with a resolution adopted by the committee shall have the right to add their dissenting opinion to the minutes of the meeting.

(3) Resolutions adopted within the limits of the committees' authority shall be obligatory for lower level election committees, local government bodies and state enterprises, institutions and organizations.

(4) Complaints regarding the decisions and activity of polling station district committees may be presented to territorial election committees; complaints regarding the decisions and activity of territorial election committees may be presented to the Republic of Estonia Election Committee. Decisions by the Republic of Estonia Election Committee regarding the registration of candidates and candidate lists and

election results may be contested in the National Court.

(5) Members of election committees may be released from their work or official duties during the time of the organization of the elections, on the basis of a decision by the committee.

(6) Members of election committees shall be remunerated from funds allocated for the organization of elections according to procedures enacted by the Republic of Estonia Election Committee.

(7) Members of election committees shall not have the right to campaign for or against any candidate, party or coalition.

**Article 17.      Making Changes to the Composition  
                    of Election Committees**

(1) A member of an election committee may be released from his or her official duties by the body which formed the committee. The decision for release may be based on the member's application or a justified decision of the election committee.

(2) The appointment of a new member shall occur according to procedures established for forming the committee.

**Article 18.      Informing the Public of the Work  
                    of Election Committees**

Elections committees shall inform residents of their meetings, adopted resolutions and planned events. Committee meetings shall be public.

**Article 19.      Assistance to Election Committees**

(1) Local government bodies, state institutions, enterprises and organizations and their officials are obligated to assist the election committees in the exercise of their authority and to provide information and materials necessary for their work.

(2) Election committees shall have the right to appeal to local government bodies, state institutions, enterprises and organizations and to their officials on matters related to the organization of elections, who shall be obligated to respond to the election committee within three working days.

## **Chapter IV**

### **Nomination of Candidates**

#### **Article 20. Nomination of Candidates**

(1) The nomination of candidates shall be free. Candidates shall be nominated in lists or individually by electoral district and on national lists. Organizations or associations may present their candidates on a single list only and may belong to only one coalition. The nomination of candidates shall commence after the distribution of mandates has been announced by the Republic of Estonia Election Committee.

(2) Information regarding candidates and candidate lists shall be submitted to the Republic of Estonia Election Committee no later than 45 days before the election day in accordance with the form for the submittal presentation list. National lists may only include those candidates who have been presented in the territorial electoral districts on the list of the same name. Each candidate may only be nominated in one territorial electoral district. The order of candidates shall be determined by the nominator.

(3) In nominating candidates, the following information must be provided: given and surname according to the identification card, date of birth and place of residence, consent of the candidate, confirmed by his or her signature to run as a candidate in the given electoral district, and proof that the candidate is a Republic of Estonia citizen and has a sufficient command of the Estonian language to be able to participate in the work of the Riigikogu.

(4) Every list shall have a name. Should the name of a list coincide with the name of a registered party, it must be confirmed with the signatures of two authorized members of the party. The list of a coalition must be confirmed by the signatures of authorized representatives of all parties in the coalition. It is prohibited to use a name for a list which is likely to be confused with the name of a registered party or coalition.

(5) Persons submitting candidates or lists shall transfer a security payment equal to one half of the monthly salary of a member of the Riigikogu per nominee to the account of the Republic of Estonia Election Committee. The security shall be returned if the candidate is elected or obtains votes equalling at least one half of the simple quota in the electoral

district or if the national list participates in the distribution of compensation mandates.

Unreturned security payments shall be transferred by the Republic of Estonia Election Committee as state income.

#### **Article 21. Registration of Candidates**

(1) The Republic of Estonia Election Committee shall register all correctly presented candidates and candidate lists no less than 40 days prior to the election day.

(2) Candidates and candidate lists shall be registered according to the order they are submitted. Each candidate shall be given a registration number during registration. Registration numbers shall begin with 101.

(3) If inaccuracies are discovered regarding a candidate or candidate list, the Republic of Estonia Election Committee shall make a proposal to the presenter for their correction within three working days.

(4) If the inaccuracies cannot be corrected, then the entire list shall be left unregistered. If the inaccuracies pertain to only one or some of the candidates, the Republic of Estonia Election Committee shall delete them from the list.

(5) Changes to presented lists may not be made after their registration, except on the basis of a personal application by a candidate to forego nomination or in the case of the death of a candidate.

(6) A relevant certificate shall be issued to each registered candidate by the Republic of Estonia Election Committee which shall include the candidate's name, registration number and electoral district number.

(7) Persons nominated as candidates who are members of an election committee shall be considered to be released from their duties as an election committee member as of the moment of their registration as a candidate.

#### **Article 22. Ballot Papers**

(1) Ballot papers shall be printed in Estonian.

(2) The ballot papers shall detail all lists nominated

in the electoral district together with the names of the lists and the registration numbers, given and surnames of all candidates on the lists. The lists shall appear on the ballot paper in the final order they are submitted. Candidates nominated as individuals in the voting district shall appear after the lists. In the case of electoral coalitions, the full name of all parties participating in the coalition shall appear in addition to the name of the coalition on the ballot paper.

(3) The following text shall appear on the ballot paper: " I vote for candidate No.....", where the voter shall enter the registration number of the preferred candidate.

(4) Ballot papers shall be delivered to the voting district committees no less than 16 days prior to the election day.

## **Chapter V**

### **Basic Guarantees for the Activity of Candidates**

#### **Article 23. Candidates' Rights**

(1) Registered candidates may, upon agreement with their employer, suspend their work related duties until the elections. His or her position shall be reserved during this time.

(2) Registered candidates may not be obstructed from appearing at pre-election meetings.

#### **Article 24. Election-related Expenses**

(1) Organizational expenses for elections shall be covered by the state budget. The campaigns of candidates, parties and electoral coalitions shall not be financed from the state budget or local government budgets.

(2) State institutions and local governments shall provide space and equipment necessary for the organization of elections to election committees free of charge.

## **Chapter VI**

### **Voting and Determination of Election Results**

#### **Article 25. Time and Location of Voting**

- (1) Voting on the election day shall begin at 9:00 AM and conclude at 8:00 PM.
- (2) Voting shall occur in locations determined by the polling station district committees.
- (3) Voting may be declared to be concluded in any voting district if all registered electors have voted. The counting of votes may not begin before 8:00 PM.
- (4) Voters who temporarily leave their place of residence and are elsewhere on the election day may submit their completed ballot in a sealed envelope to the polling station district committee within 15 days prior to the election day. Envelopes shall be opened on the election day during the counting of votes and the ballot paper contained in the envelope shall be included with the other ballot papers from the election. Voters shall confirm the receipt of ballot papers and envelopes with their signature on the electoral register.

#### **Article 26. Voting**

- (1) Electors may only vote in the polling station district corresponding to their place of residence. Electors who are abroad may vote in polling station districts in Republic of Estonia diplomatic missions.
- (2) Each polling station must have booths for secret voting and ballot boxes.
- (3) Information regarding the national electoral register must be available at every polling station.
- (4) The polling station district committee shall maintain order in the voting room, whose instructions, within the limits of its authority, shall be obligatory for all persons present in the voting room.
- (5) Prior to the commencement of voting, the chairman of the polling station district committee shall control and seal the ballot boxes in the presence of the members of the committee.
- (6) The polling station district committee shall issue ballot papers to electors on the basis of the electoral register and upon presentation of an

identity document. Electors shall confirm receipt of the ballot paper with their signature.

(7) In voting, electors shall enter the registration number of one candidate in the prescribed position on the ballot paper and shall place the ballot paper into the ballot box.

(8) Each elector shall vote in person. Electors who are unable to fill out the ballot paper themselves shall have the right to call the person of their choice into the voting booth.

(9) If the elector accidentally spoils the ballot paper, he or she shall have the right to obtain a new ballot paper upon returning the ballot paper to the polling station district committee.

(10) On application by electors who, due to their state of health or other valid reasons, are unable to come to the polling station, the polling station district committee shall assign at least two committee members the task of organizing voting at the location of the electors. A register of these electors shall be compiled where electors shall sign their signature.

#### **Article 27.      The Counting of Votes in the Polling Stations**

(1) Prior to opening the ballot boxes, the polling station district committee must recount and cancel all remaining empty ballot papers. Thereafter, the number of spoiled ballot papers and the number of ballots cast outside of the polling station shall be determined and the number of envelopes containing ballot papers delivered to the polling station district committee prior to the election day shall be recounted.

(2) The polling station district committee shall open the ballot boxes once the time allotted for voting has passed.

(3) The polling station district committee shall determine the total number of electors in the polling station district on the basis of the electoral register, as well as the number of electors who received a ballot paper. The polling station district committee shall determine the total number of electors who participated in the election on the basis of the number of ballot papers in the ballot box.

(4) The polling station district committee shall count the votes for each candidate and each list separately.

(5) Ballots which have not been marked with the registration number of any candidate or have been marked with more than one number or which do not correspond to the form set by the Republic of Estonia Election Committee shall be voided. In disputable cases, the polling station district committee shall determine the validity of the ballot paper by a vote.

(6) The results of the vote count shall be entered in the minutes of the meeting of the polling station district committee. The minutes shall be signed by the committee chairman and secretary and shall be sent immediately to the respective territorial election committee together with the ballot papers and electoral registers. The dissenting opinions of committee members, reports and complaints of violations of the Election Law during the voting or in the counting of votes which have been received by the committee shall together with a legal statement on the condition of the seal on the ballot box, shall be included in the minutes.

(7) The counting of votes shall be public.

**Article 28.       Determination of Election Results  
                  in the Electoral Districts**

(1) On the basis of the minutes submitted by the polling station district committees the territorial election committee shall determine the total number of electors, the number of electors who participated in the election, the number of votes cast for each candidate and each list. The results shall be controlled by a recount of the ballot papers.

(2) On the basis of data submitted by all the territorial election committees, the Republic of Estonia Election Committee shall determine the total number of electors, the number of electors who participated in the election, the total number of valid ballots and the number of votes cast for each candidate and list in the election by electoral district.

(3) If the Election Law is violated in any polling station district, the Republic of Estonia Election Committee may declare the election and all votes cast in that polling district to be void.

(4) A simple quota shall be calculated for each electoral district which is obtained by dividing the number of valid votes cast by the number of mandates.

(5) Candidates who obtain a number of votes which exceeds or equals the simple quota shall be elected.

(6) Candidates shall be listed in order of votes obtained on lists which are included in the distribution of national compensation mandates. The number of votes cast for all candidates on one list shall be totalled. The list shall receive as many mandates as the number of times the number of votes obtained in the electoral district exceeds the simple quota. Those candidates at the top of the list shall be elected.

(7) Election results in counties and cities of republican subordination shall be entered into the minutes of the corresponding territorial election committee by polling station district. The final election results shall be entered into the minutes of the Republic of Estonia Election Committee. The minutes shall be signed by the respective election committee chairman and secretary. The dissenting opinions of committee members, reports and complaints of violations of the Election law during the voting, the counting of votes or the determination of election results shall be included in the minutes.

(8) The determination of election results shall be public.

#### **Article 29.      Distribution      of      Compensation                          Mandates**

(1) Mandates not distributed in electoral districts on the basis of simple quota shall be distributed as compensation mandates between the national lists of those parties and electoral coalitions whose candidates obtained at least 5% of the national vote or for which at least three were elected by simple quota, but not between less than two lists.

(2) In the distribution of compensation mandates, a modified d'Hondt distribution method shall be used with the distribution series of 2 to the 0.9, 3 to the 0.9, 4 to the 0.9, etc. In the calculation of the comparative figures of each list, as many first elements of the series as there are mandates distributed on the basis of simple quota to the same list in territorial electoral districts shall be disregarded.

(3) For national lists, those candidates who appear at the top of the list shall receive compensation mandates. For the purposes of distributing mandates, the names of candidates on the list who have been elected by a simple quota in the territorial electoral district shall be disregarded.

(4) No list shall receive more mandates than there are candidates on the list.

## **Chapter VII**

### **Substitution of a Member of the Riigikogu**

#### **Article 30. Suspension and Premature Termination of the Authority of Members of the Riigikogu.**

(1) The authority of a member of the Riigikogu shall be suspended on his or her appointment as a member of the Government of the Republic and shall be restored with their release from the duties as a member of the Government.

(2) The authority of a member of the Riigikogu shall be prematurely terminated:

- 1) on his or her assuming another public office;
- 2) on a guilty verdict of a court coming into force;
- 3) if he or she resigns in accordance with procedures prescribed by law;
- 4) if the National Court has pronounced him or her to be permanently incapable of fulfilling his or her duties;
- 5) on his or her death.

(3) When the authority of a member of the Riigikogu has been suspended or prematurely terminated, an alternate member shall assume his or her seat. The alternate member shall have all the rights and duties of a member of the Riigikogu.

(4) The authority of an alternate member shall cease when a member of the Riigikogu resumes his or her authority.

#### **Article 31. Determination of Alternate Members**

(1) The first not elected candidate from amongst candidates on the same national list on which the member of the Riigikogu to be substituted was a candidate shall be appointed as the alternate member.

(2) If the first not elected candidate for some reason cannot accept employment in the Riigikogu then the

alternate member shall be appointed from amongst the not elected candidates on the same list according to their order on the national list.

(3) If the Riigikogu member to be substituted was an unlisted candidate or no other persons were on the list, then an additional mandate shall be distributed between the national lists.

(4) The alternate member shall be appointed by the Republic of Estonia Election Committee.

## **Chapter VIII**

### **Final Provisions**

#### **Article 32. Registration of Members of the Riigikogu**

The Republic of Estonia Election Committee shall register the elected members of the Riigikogu and shall publish a notice of the final election results in the "Riigi Teataja" together with a complete list of elected members no later than 10 days after the election.

#### **Article 33. Responsibility for Violations to the Election Law**

Violation of the provisions of the Election Law is punishable as an administrative or criminal offence.

Arnold Rüütel  
Republic of Estonia Supreme Council Chairman

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