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European Parliament Election Act¹

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07.06.2006	RT I 2006, 30, 231	14.07.2006
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20.05.2009	RT I 2009, 29, 175	01.07.2009
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19.05.2010	RT I 2010, 29, 150	01.01.2011
25.11.2010	RT I, 10.12.2010, 1	01.04.2011
17.02.2011	RT I, 21.03.2011, 1	01.01.2012
13.06.2012	RT I, 10.07.2012, 3	01.04.2013
17.10.2012	RT I, 01.11.2012, 1	11.11.2012
18.12.2013	RT I, 10.01.2014, 1	20.01.2014, in part 01.01.2015
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19.06.2014	RT I, 12.07.2014, 1	01.01.2015, in part on the day following its publication in the Riigi Teataja.
13.04.2016	RT I, 06.05.2016, 1	01.01.2017
14.06.2017	RT I, 04.07.2017, 1	01.01.2018
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13.06.2018	RT I, 09.07.2018, 1	01.01.2021
12.12.2018	RT I, 22.12.2018, 4	01.01.2019

11.12.2019
16.06.2021
07.05.2024

RT I, 03.01.2020, 2
RT I, 25.06.2021, 3
RT I, 24.05.2024, 1

13.01.2020
18.10.2021
03.06.2024, in part 01.10.2024

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application

This Act regulates the election of Members of the European Parliament in Estonia.

§ 2. Bases of election system

(1) The number of Members of the European Parliament elected in Estonia is provided in the laws and regulations of the European Union.

[RT I, 22.12.2018, 4 – entry into force 01.01.2019]

(2) Elections to the European Parliament are free, general, uniform and direct. Voting is secret.

(3) Each voter has one vote.

(4) Election results are determined based on the principle of proportional representation.

§ 3. Time of elections to European Parliament

(1) Members of the European Parliament are elected for a term of five years.

(2) Elections to the European Parliament are held on a day falling within the period determined by the Council of the European Union. The election day is a Sunday.

(3) Elections to the European Parliament are declared by the President of the Republic by a resolution not later than three months before the election day.

§ 4. Right to vote and stand as candidate

(1) Estonian citizens who have attained 18 years of age by the election day have the right to vote.

(2) A citizen of the European Union who is not an Estonian national (hereinafter *citizen of the European Union*) has the right to vote if:

- 1) they have attained 18 years of age by the election day;
- 2) their permanent residence is in Estonia, i.e. the address details of their residence have been entered in the Estonian population register (hereinafter *population register*);
- 3) they have not been deprived of the right to vote in their home Member State.

(3) A person does not have the right to vote if:

- 1) they have been divested of the active legal capacity with regard to the right to vote;
- 2) they have been convicted of a criminal offence by a court and they are serving a prison sentence.

(4) Estonian citizens who have attained 21 years of age by the election day have the right to stand as candidates.

(5) A citizen of the European Union has the right to stand as a candidate if:

- 1) they have attained at least 21 years of age by the election day;
- 2) their permanent residence is in Estonia, i.e. the address details of their residence have been entered in the population register;
- 3) they have not been deprived of the right to stand as a candidate in their home Member State.

[RT I, 10.01.2014, 1 – entry into force 20.01.2014]

(6) The following persons may not stand as candidates for the European Parliament:

- 1) a person who has been divested of their active legal capacity with regard to the right to vote;
- 2) a person who has been convicted of a crime by a court and is serving a prison sentence;
- 3) a person in active service in the Defence Forces.

[RT I, 10.07.2012, 3 – entry into force 01.04.2013]

(7) A person may vote or stand as a candidate only in one Member State of the European Union in the same elections to the European Parliament.

[RT I 2006, 30, 231 – entry into force 14.07.2006]

Chapter 2

CAMPAIGNING

§ 5. Restriction on election campaigning

(1) [Repealed – RT I, 03.01.2020, 2 – entry into force 13.01.2020]

(2) Election campaigning at polling places is prohibited.
[RT I, 03.01.2020, 2 – entry into force 13.01.2020]

(3) [Repealed – RT I, 03.01.2020, 2 – entry into force 13.01.2020]

§ 5¹. Prohibition of political outdoor advertising

[Repealed – RT I, 03.01.2020, 2 – entry into force 13.01.2020]

Chapter 3 ELECTORAL DISTRICTS

[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 6. Electoral district

Elections to the European Parliament are held in one national electoral district.

§ 7. Formation of voting districts

[Repealed – RT I 06.05, 2016, 1 – entry into force 01.01.2017]

Chapter 4 ELECTORAL MANAGEMENT

[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

Division 1 National Electoral Committee

[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 8. Competence of National Electoral Committee

(1) The function of the National Electoral Committee is to ensure compliance with the principles provided in § 2 of this Act, to ascertain the voting results and election results across the whole country, to exercise supervision over the activities of the elections managers, to resolve complaints and to perform other functions arising from law.

(2) For the performance of their functions, the National Electoral Committee has the right:

- 1) to issue precepts to the elections manager for the protection of the principles provided in § 2 of this Act or for ensuring the subjective rights of a person;
- 2) to annul the votes cast in the advance voting in part or in whole due to material violation of law and call on the voters to vote again during advance voting or on the election day;
- 3) to declare the voting results in a voting district or an electoral district invalid or to declare the electronic voting results invalid in whole or in part and to hold a repeat vote if the violation significantly affected or could have significantly affected the voting results;

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

- 4) not to start electronic voting or to suspend or terminate electronic voting in whole or in part where the security or reliability of the electronic voting system cannot be ensured in such way that electronic voting could be conducted pursuant to the requirements of this Act.

[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

(3) To resolve an issue within the competence of the National Electoral Committee, the National Electoral Committee adopts a resolution which is signed by the chair of the Committee. A resolution enters into force upon signature.

Division 2

Elections Managers

[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 9. Elections managers

(1) The elections to the European Parliament are managed by:

- 1) the State Electoral Office;
- 2) rural municipality and city secretaries;
- 3) voting district committees;
- 4) vote counting committees.

(2) The procedure for formation of the State Electoral Office is provided in the Riigikogu Election Act.

(3) The procedure for appointment to office and substitution of rural municipality and city secretaries is provided in the Local Government Organisation Act.

(4) The functions of a rural municipality or city vote counting committee during the elections to the European Parliament are performed by a rural municipality or city electoral committee formed pursuant to the procedure provided in the Municipal Council Election Act.

(5) A person managing elections and a person who provides assistance to them may not simultaneously be an authorised representative of a political party or independent candidate, or a candidate.

(6) A person managing elections must have the right to vote pursuant to subsections 1–3 of § 4 of this Act and be proficient in Estonian.

(7) A person managing elections and a person who provides assistance to them must be independent in the performance of their duties and may not campaign for or against political parties or candidates.

(8) A person managing elections, a rural municipality or city government official or employee, or another person is entitled to receive remuneration for the performance of duties related to the organisation of elections.
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

§ 10. Competence of State Electoral Office

(1) The function of the State Electoral Office is:

1) to ensure the holding of the elections in accordance with law, to organise electronic voting and ascertain the results of electronic voting;

1¹) to ensure electronic use of the list of voters while holding voting;

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

2) to exercise supervision over the activities of the elections managers;

3) to organise the development and management of the technical solutions necessary for performance of the duties arising from electoral Acts;

4) to perform other duties arising from this Act.

(2) For the performance of their functions, the State Electoral Office:

1) gives written instructions to the elections managers for ensuring the uniformity of elections;

2) issues oral and written mandatory orders to the elections managers;

3) draws up a draft budget for the preparation and holding of the elections;

4) distributes among the local authorities, upon approval of the National Electoral Committee, the funds allocated for holding of the elections and establishes the procedure for using the funds allocated to the rural municipality and city secretaries and voting district committees;

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

5) ensures the availability of the inventory and services necessary for holding of elections;

5¹) establishes the procedure for forwarding of the election equipment to the voting district committees, and the distribution areas of the election equipment;

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

5²) establishes the procedure for use and preservation of the election equipment;

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

5³) operates the election information system and electronic voting system, including the hardware and software used for generating the encryption key for electronic votes and the vote-opening key included in the electronic voting system, and for counting and processing votes;

[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

6) instructs and trains the elections managers;

7) may remove a person managing elections who has violated the law or an order of the State Electoral Office from the holding of elections;

8) where necessary, makes a proposal to the National Electoral Committee for adopting the resolutions provided in clauses 2–4 of subsection 2 of § 8 of this Act.

(3) The Head of the State Electoral Office signs a written order of the State Electoral Office. A written order enters into force upon signature.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

§ 11. Competence of county head of elections

[Repealed – RT I, 04.07.2017, 1 – entry into force 01.01.2018]

§ 11¹. Competence of rural municipality or city secretaries

(1) The function of a rural municipality or city secretary is to organise the elections in the rural municipality or city, instruct voting district committees and perform other functions arising from this Act.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(2) For the performance of their functions, a rural municipality or city secretary:

- 1) issues mandatory instructions to the voting district committees;
- 2) decides on the expenditure of a voting district committee based on the amount of the funds allocated by the State Electoral Office;
- 3) decides on the remuneration of a member of a voting district committee on the proposal of the chair of the voting district committee;
- 4) decides on the remuneration of the members of a vote counting committee.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(3) Clerical support to a rural municipality or city secretary is organised by the rural municipality or city government. Tallinn City Secretary may authorise also other city officials or employees to perform its duties related to management of elections, notifying the State Electoral Office thereof.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 12. Assistance to elections managers

Assistance to elections managers is provided pursuant to the provisions of § 18 of the Riigikogu Election Act.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

§ 12¹. Organisation of election information system and electronic voting system, and ensuring cyber security

(1) The State Electoral Office has the right to involve competent authorities and persons in the organisation of the development, administration and hosting of the election information system and the electronic voting system, as well as in ensuring the cyber security of these information systems. The expenditure of such involvement is covered from the budget of the State Electoral Office of the Chancellery of the Riigikogu.

(2) The technical development, administration, hosting and cyber security of the election information system and the hosting of the collector component of the electronic voting system referred to in clause 3 of subsection 1 of § 48⁴ of the Riigikogu Election Act are ensured by the Information System Authority. The additional functions and their financing are agreed on the basis of subsection 1 of this section.

[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

§ 13. Formation of voting districts

(1) At least one voting district is formed within the territory of each rural municipality and city, and of each city district of Tallinn. A voting district has a polling place or polling places where voting is managed by a voting district committee.

(2) The rural municipality or city government determines the following by a regulation not later than on the 60th day before the election day:

[RT I, 24.05.2024, 1 – entry into force 01.10.2024]

- 1) the number and numeration of the voting districts and the types of voting managed by each district;
- 2) the locations of polling places on the advance voting days and on the election day;
- 3) one voting district where voters can vote from the sixth until the third day before the election day. More than one voting district may be determined with the permission of the State Electoral Office.

(3) Voting districts are permanent. Voting is held in the same voting districts for the Riigikogu, municipal council and European Parliament elections, and referendums, unless the rural municipality or city government

determines otherwise and amends the regulation specified in subsection 2 of this section. The rural municipality or city government notifies the State Electoral Office immediately of any amendments.

(4) A polling place or polling places may be situated in different locations on each day of the advance voting. With the permission of the State Electoral Office, the rural municipality or city government may determine that more than one polling place is open on the same advance voting day.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 14. Formation of voting district committee

(1) In order to hold voting in a voting district, the municipal council (hereinafter *council*) forms a voting district committee comprising at least five members.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(2) The council appoints the chair of a voting district committee and members of a voting district committee by a resolution on the proposal of the rural municipality or city secretary and in consideration of the principle of political balance not later than on the 20th day before election day.

(3) The rural municipality or city secretary presents one half of the members of a voting district committee, and the political parties participating in the elections present the remaining members.

(4) A political party participating in the elections may present one member candidate for a voting district committee to the rural municipality or city secretary not later than on the 40th day before election day.

(5) The consent of the person is required to appoint them a member of a voting district committee.

(6) Where political parties do not present candidates or where the number of candidates presented by them is smaller than the number of places that the political parties have in the voting district committee, the council appoints the remaining members on the proposal of the rural municipality or city secretary.

(7) Where the number of member candidates for a voting district committee presented by political parties exceeds the number of places that the political parties have in the voting district committee, all the remaining candidates are appointed alternate members of the voting district committee.

(8) The council appoints, on the proposal of the rural municipality or city secretary and pursuant to the provisions of subsection 7 of this section, at least two alternate members of a voting district committee.

(9) A voting district committee elects a deputy chair of the voting district committee from among its members.
[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

§ 15. Competence of voting district committee

The function of a voting district committee is to hold voting within the voting district at polling places, at the residence or location of voters, in penal institutions, hospitals and 24-hour social welfare institutions, to ascertain voting results in the voting district and to perform other functions arising from this Act.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 16. Working procedures of voting district committee

(1) Where a member of a voting district committee is unable to perform their duties, they are substituted at the invitation of the chair of a voting district committee by an alternate member who will have all the rights and obligations of the member of a voting district committee, except the rights and obligations of the chair or deputy chair. With the permission of a rural municipality or city secretary, also another person may participate in the work of a voting district committee in exceptional cases.
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(2) Clerical support to a voting district committee is organised by the rural municipality or city government.
[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

§ 16¹. Observation of elections

(1) Everyone has the right to observe the acts and procedures of the National Electoral Committee and elections managers.

(2) An observer must introduce themselves before commencement of observation.

(3) An observer has the right to write down the numbers of the security devices used in the sealing of the election equipment.

(4) An observer may neither interfere with a voter's voting nor the work of the National Electoral Committee or of the elections manager, nor participate in the acts within the competence of an electoral committee or elections manager.

(5) An observer has no right to examine the list of voters, except in order to verify the accuracy of the data entered in the list of voters regarding themselves.

(6) Where due to shortage of space it is impossible to ensure equal conditions to all observers for monitoring the procedure, the observation is carried out pursuant to the orders of the National Electoral Committee or the elections manager.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

Chapter 5

REGISTRATION OF VOTERS

§ 17. Registration of voters

(1) Voters are registered in the population register.

(2) The procedure for maintenance of the population register is prescribed by law.

(3) Voters are registered on the basis of the following data regarding a person as entered in the population register:

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]:

- 1) given name and surname;
- 2) date of birth;
- 3) personal identification code;
- 4) information on citizenship;
- 5) information on divestment of active legal capacity;

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

6) residential address;

[RT I, 17.11.2017, 1 – entry into force 01.01.2019]

7) address of the place of stay.

[RT I, 17.11.2017, 1 – entry into force 01.01.2019]

(4) A rural municipality or city secretary may authorise an official or employee of the rural municipality or city government or its division to perform the functions of the rural municipality or city secretary provided in this Chapter, notifying the controller of the population register thereof.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(5) A complaint may be filed with an administrative court of the complainant's residence against the acts of a rural municipality and city secretary provided in this Chapter.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

§ 18. Notification of citizens of European Union of right to vote in European Parliament elections

(1) Not later than on the 70th day before the election day, the controller of the population register organises the preparation and sending of notices to citizens of the European Union who pursuant to subsections 2 and 3 of § 4 of this Act have the right to participate in voting.

(2) The following is entered in the notice:

- 1) given name and surname of the voter;
- 2) date of birth of the voter;
- 3) residential address;
- 4) information concerning the voter's right to vote and stand as candidate;
- 5) information on the procedure for standing as candidate and voting.

§ 19. Notification of voters about voting possibilities

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(1) The controller of the population register organises the preparation and sending of election information sheet not later than on the 10th day before the election day. The information sheet is sent electronically to voters who have an email address registered in the data portal of Estonia or entered in the population register.

(2) The following is entered in the election information sheet:

- 1) information concerning the conditions of the right to vote;
- 2) information concerning the voting possibilities in the rural municipality or city;
- 3) other information concerning the voting.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 20. List of voters

(1) The controller of the population register organises the preparation of the list of voters on the basis of the data of the population register and sends it to the State Electoral Office not later than on the 25th day before the election day.

(2) The list of voters is maintained on the basis the data prescribed in subsection 3 of § 17 of this Act, as at the 30th day before the election day. Upon maintenance of the list of voters, any changes made to the data specified in clauses 1–5 of subsection 3 of § 17 of this Act after the 30th day before the election day are also taken into account. Any changes made to the residential address and address of the place of stay after the 30th day before the election day are not taken into account.

(3) Data on a person are not entered in a list of voters where:

- 1) they have been convicted of a criminal offence by a court pursuant to the information of the criminal records database and where, as at the 30th day before election day, they are to serve a prison sentence until the election day;
- 2) according to a notice from a competent administrative authority of a Member State of the European Union, the person has expressed their wish to exercise their right to vote in another Member State of the European Union;
- 3) the person is a citizen of the European Union and has not submitted an application to be entered in the list of voters or has submitted an application to be removed from the list.

(4) The residential address of a voter entered in the population register as at the 30th day before the election day is entered in the list of voters. Where the residential address of the voter is not entered in the population register and there is an address of the place of stay, the address of the place of stay of the voter is entered in the list of voters. Where the data on the residence of a voter are entered in the population register to the accuracy of the rural municipality or city, or in Tallinn to the accuracy of the city district, the data on the residence of a voter to the accuracy of the rural municipality or city, or in Tallinn to the accuracy of the city district, are entered in the list of voters.

(5) The following data on each voter are entered in the list of voters:

- 1) given name and surname;
 - 2) personal identification code;
 - 3) residential address or address of the place of stay;
 - 4) a notation regarding the issue of a ballot paper to the voter and information on the time and place of voting.
- [RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 21. Procedure for entry of citizens of European Union in list of voters

(1) A citizen of the European Union who pursuant to subsections 2 and 3 of § 4 of this Act has the right to participate in the voting and who wishes to exercise said right submits an application to be entered in the list of voters to the controller of the population register not later than on the 30th day before the election day. The person appends a copy of the page of their identity document containing personal data to the application.

(2) In the application, the person states:

- 1) their nationality;
- 2) the address of their residence in Estonia;
- 3) the local government or electoral district of his or her home Member State in the electoral register in which their name was last entered, where such data are available;
- 4) that the person wishes to exercise their right to vote in Estonia only;
- 5) that they have not been deprived of the right to vote in their home Member State.

(3) The controller of the population register enters a person in the list of voters pursuant to the procedure prescribed in § 20 of this Act and informs the competent administrative authorities of the person's home Member State thereof and informs the person of being entered or not being entered in the list of voters.

(4) In the next elections to the European Parliament, a person who has been entered in the list of voters pursuant to the provisions of this section, is entered in the list of voters without having to submit another application, if the person:

- 1) has the right to participate in the voting pursuant to subsections 2 and 3 of § 4 of this Act;
- 2) has had a permanent residence in Estonia, which is entered in the population register, during the entire period of time between the elections.

§ 22. Accessibility of lists of voters

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(1) A voter may check the correctness of data entered in the list of voters concerning themselves.

(2) After the election day, the authorised representatives of political parties and independent candidates and their authorised representatives may, in the event of sufficient interest, examine the lists of voters to the necessary extent at the location of the State Electoral Office, and the lists may also be used for scientific purposes.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 23. Checking correctness of data entered in list of voters and correction of errors

(1) Where a voter finds that the data entered in the list of voters concerning themselves contain an error, they submit an application for correction of the error to the voting district committee which promptly forwards it to the rural municipality or city secretary.

(2) The rural municipality or city secretary promptly reviews the application together with the controller of the population register and responds to the applicant. Where an error is corrected, the controller of the population register sends the correction to the State Electoral Office.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 24. Making amendments to list of voters

(1) Amendments are made to a list of voters only where:

1) a person who has not been entered in the list of voters but who has the right to participate in the voting pursuant to this Act is to be entered in the list;

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

2) a person who does not have the right to participate in the voting, is to be deleted from the list;

3) a person who, according to a notice from a competent administrative authority of another Member State of the European Union, has been entered in the list of voters or electoral register of that Member State, is to be deleted from the list of voters.

(2) In order to amend a list of voters, a person submits an application in order to be entered in the population register or an application for the amendment of register data which are the basis for the registration of voters to a rural municipality or city secretary. The rural municipality or city secretary reviews the application together with the controller of the population register and promptly responds to the person. Where the register data of the population register which are the basis for the registration of voters are amended in such manner that it brings about an amendment to the list of voters, the controller of the population register sends the amendment to the State Electoral Office.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(3) [Repealed – RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(4) [Repealed – RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(5) Where a rural municipality or city secretary dismisses an application specified in subsection 2 of this section, the applicant may file a complaint with an administrative court of their residence against the act of the rural municipality or city secretary. The complaint is filed with the rural municipality or city secretary who forwards the complaint to the administrative court of their location together with a written explanation within 24 hours.

(6) The administrative court has to review the complaint and make a judgment within three working days after the date of receipt of the complaint.

(7) The administrative court makes one of the following judgments:

1) to refuse to grant the complaint;

2) to grant the complaint and issue a precept to the rural municipality or city secretary to arrange that the data of the person be entered in the population register or to amend the register data which are the basis for the registration of voters.

(8) Where the administrative court grants the complaint, the person is promptly entered in the population register or the data pertaining to the person are amended.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(9) Where a citizen of the European Union is deleted from the list of voters, the controller of the population register notifies thereof the competent administrative authority of the person's home Member State.

Chapter 6

NOMINATION AND REGISTRATION OF CANDIDATES

§ 25. Political party

(1) Political parties which are entered in the non-profit associations and foundations register on the last day for the nomination of candidates may participate in the European Parliament elections.

(2) [Repealed – RT I 2010, 29, 150 – entry into force 01.01.2011]

(3) Political parties participate in European Parliament elections under their own name.

(4) A political party submits, upon nomination of candidates, a written notice to the State Electoral Office which sets out the names, personal identification codes, addresses and telecommunications numbers of the authorised representatives of the political party. The notice is signed by a person entitled to represent the political party pursuant to the Non-profit Associations Act or the articles of association of the political party. [RT I, 06.05.2016, 1 – entry into force 01.01.2017]

(5) A political party may authorise up to two persons to represent the party.

(6) [Repealed – RT I 2010, 29, 150 – entry into force 01.01.2011]

§ 26. Independent candidate

Any person who is entitled to stand as a candidate may present themselves for registration as an independent candidate and perform the acts necessary for registration. A person who has the right to vote pursuant to subsections 1–3 of § 4 of this Act may nominate another person as an independent candidate and perform the acts necessary for their registration on the basis of a corresponding power of attorney.

§ 26¹. Documents for standing as candidate

The State Electoral Office prepares and publishes the sample documents for standing as a candidate and provides an opportunity to submit the documents for standing as a candidate using electronic means. [RT I, 06.05.2016, 1 – entry into force 01.01.2017]

§ 27. Application to stand as candidate

[RT I, 11.07.2014, 1 – entry into force 21.07.2014]

(1) In an application to stand as a candidate, a person:

- 1) expresses their desire to stand as a candidate in the list of a political party or stand as an independent candidate;
- 2) confirms that they comply with the requirements for candidates for Member of the European Parliament set out in this Act;
- 3) confirms that they are not standing as a candidate for election as a Member of the European Parliament in any other Member State;
- 4) submits the data provided in subsections 2–4 of this section.

(2) A citizen of the European Union declares in an application to stand as a candidate that they have not been deprived of the right to stand as a candidate in their home Member State.

(3) A candidate submits the following data in an application to stand as a candidate:

- 1) given name and surname;
- 2) personal identification code;
- 3) membership of a political party;
- 4) residential address;
- 5) telecommunications numbers;
- 6) contact details;
- 7) information concerning the education;
- 8) place of employment and position.

(4) A citizen of the European Union additionally enters the following data in an application to stand as a candidate:

- 1) data on their nationality;
- 2) their date and place of birth;
- 3) last residential address in their home Member State;
- 4) information on the local authority or electoral district of their home Member State in the electoral register in which their name was last entered.

(5) The State Electoral Office publishes:

1) the data provided in clauses 1–3 of subsection 3 and clause 1 of subsection 4 of this section for an indefinite period, with the date of birth being published instead of the personal identification number;

2) the data provided in clauses 6–8 of subsection 3 of this section for six months after the election day.
[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

(6) A candidate uses only their given name and surname as their name when standing as a candidate.

(7) A candidate signs an application to stand as a candidate.

(8) The National Electoral Committee promptly gives notice of the submission of an application to stand as a candidate by a citizen of the European Union to the competent administrative authority of the home Member State from whom the National Electoral Committee receives the information concerning the existence of the person's right to stand as a candidate in their home Member State.

[RT I, 11.07.2014, 1 – entry into force 21.07.2014]

§ 28. List of candidates

(1) A political party prepares a list of candidates.

(2) The number of candidates in the list may exceed the number of Members of the European Parliament elected in Estonia by two.

[RT I, 22.12.2018, 4 – entry into force 01.01.2019]

(3) A person may stand as a candidate in the list of candidates of one political party only. A person who is nominated as an independent candidate or who is a member of another political party registered in Estonia may not stand in a list of candidates.

(4) A political party may submit only one list of candidates for registration.

(5) The order of candidates in the list is determined by the political party.

(6) A list of candidates is signed by all authorised representatives of the political party.

§ 29. Nomination of candidates

(1) The nomination of candidates begins on the 60th day before the election day. A political party may present its candidates after the submission of the notice specified in subsection 4 of § 25 of this Act.

(2) The nomination of candidates ends at 18:00 on the 50th day before the election day.

[RT I, 10.01.2014, 1 – entry into force 01.01.2015]

(3) In order to register candidates, a political party submits the following to the State Electoral Office:

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

1) an application for the registration of candidates;

2) the list of candidates;

3) a copy of the payment order certifying the payment of the deposit;

4) an application to stand as a candidate of each candidate.

[RT I, 11.07.2014, 1 – entry into force 21.07.2014]

(4) An independent candidate submits the following to the State Electoral Office:

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

1) an application for the registration of the candidate;

2) a copy of the payment order certifying the payment of the deposit;

3) an application to stand as a candidate.

[RT I, 11.07.2014, 1 – entry into force 21.07.2014]

(5) Before nominating candidates, a political party or an independent candidate deposits an amount equal to five minimum monthly wages as established by the Government of the Republic, for each person nominated, in the current account of the Ministry of Finance as a deposit.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

§ 30. Acceptance and return of documents

(1) The State Electoral Office maintains records concerning the nomination of candidates.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

(2) The registration documents of candidates are delivered by an authorised representative of the political party. The registration documents of an independent candidate are delivered by the independent candidate or their authorised representative.

(3) Where all the required documents have not been submitted to the State Electoral Office, or the submitted documents contain errors or omissions, the person who accepts the documents proposes to the person submitting the documents to submit the required documents or data or to correct the errors. All the submitted documents are returned.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

(4) Where a political party or an independent candidate wishes to make amendments to the registration documents of candidates, the State Electoral Office returns all the documents submitted and, upon resubmission thereof, the documents are deemed to have been submitted for the first time.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

(5) Where a candidate is deleted from the list of nominated candidates on the basis of a personal application, the State Electoral Office returns the application to stand as a candidate to the candidate and informs an authorised representative of the political party or independent candidate thereof. The political party is not required to resubmit the registration documents of candidates.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

(6) Where a political party or an independent candidate submits documents before 18:00 on the 50th day before the election day and it becomes evident that not all the required documents have been submitted, that the documents contain omissions or that the documents submitted contain errors which cannot be corrected immediately, the documents are accepted. The person who accepts the documents proposes to the person submitting the documents to submit the missing documents or data or to correct the errors. In such case, the political party or independent candidate is to perform the required acts not later than before 18:00 on the 43rd day before the election day.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

§ 31. Registration of candidates

(1) The National Electoral Committee registers, after expiry of the term for the nomination of candidates but not later than on the 40th day before the election day, all persons nominated in accordance with the requirements of this Act in the order of their nomination.

(2) Each candidate is assigned a registration number. Registration numbers begin at 101 and are assigned to the candidates in accordance with the lists of political parties in an electoral district. Independent candidates are assigned registration numbers after the candidates of political parties have been assigned numbers. The sequence of assigning numbers among political parties and independent candidates is determined by drawing lots.

[RT I 2010, 10, 42 – entry into force 15.03.2010]

(3) Where within the term specified in subsection 6 of § 30 of this Act the person submitting the documents has failed to submit the missing documents or data or to correct the errors in the documents for standing as a candidate, the National Electoral Committee does not register:

- 1) any of the candidates nominated by a political party where a document specified in clauses 1, 2 or 3 of subsection 3 of § 29 of this Act is missing or where it contains material deficiencies;
- 2) a candidate whose documents or data are missing or whose documents contain material deficiencies;
- 3) a candidate who does not comply with the requirements prescribed in subsections 4–7 of § 4 and in subsection 3 of § 28 of this Act.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

(4) The National Electoral Committee adopts a reasoned resolution not to register a candidate.

(5) The National Electoral Committee revokes a resolution to register a candidate where:

- 1) the candidate declines to stand as a candidate on the basis of a written application which may be submitted by them within three days after registration;
- 2) the candidate dies;
- 3) it is evidenced that the candidate does not comply with the requirements prescribed in subsections 4–7 of § 4 of this Act.

(6) The National Electoral Committee registers a person who was not registered previously after the term specified in subsection 1 of this section where the Committee finds that the person complies with the requirements prescribed in subsections 4–7 of § 4 of this Act or where the resolution of the National Electoral Committee not to register the candidate is revoked by a judgment of the Supreme Court.

(7) A resolution on registration may be revoked and a person who was not registered may be registered not later than on the 13th day before the election day.

[RT I, 01.11.2012, 1 – entry into force 11.11.2012]

§ 32. Consolidated list of candidates

(1) After the registration of candidates, the State Electoral Office prepares a consolidated list of candidates.
[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

(2) Candidates are entered in the consolidated list of candidates by the lists of candidates of political parties in the order of the registration numbers. The name of the political party which submitted the list is indicated at the top of the list of candidates. Independent candidates are entered in the consolidated list of candidates in the order of the registration numbers after the lists of candidates of political parties.
[RT I 2010, 10, 42 – entry into force 15.03.2010]

(3) The registration number and name of each candidate are set out in the consolidated list of candidates. Where several candidates with the same name stand, their dates of birth are also set out in the consolidated list.
[RT I 2010, 10, 42 – entry into force 15.03.2010]

(4) The State Electoral Office informs the rural municipality and city secretaries, and foreign missions organising voting in foreign states of all corrections and amendments to consolidated lists of candidates, and they make the corresponding corrections or amendments to the consolidated lists of candidates. The consolidated lists of candidates are not amended after the 13th day before the election day.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 32¹. Certification of right to stand as candidate of Estonian citizens when standing as candidates in Member States of European Union

The State Electoral Office forwards to the competent administrative authority of the residence within five working days as of the receipt of a relevant notice the information pursuant to Article 6 (1) of Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals (OJ L 329, 30.12.1993, p. 34–38), amended by Directive 2013/1/EC (OJ L 26, 26.01.2013, p. 27–29).
[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

Chapter 7 VOTING PROCEDURE

§ 33. Polling place

(1) Voting in a voting district is organised at a polling place or polling places designated by the rural municipality or city government. Different polling places may be designated for voting on the election day and on the advance voting days.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(2) A polling place has places for the distribution of ballot papers, voting booths and a ballot box. The consolidated list of candidates is posted at a polling place.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(3) Order at a polling place is maintained by the voting district committee. Lawful oral orders given by members of the voting district committee are mandatory for all persons at the polling place.

§ 34. Voting booth

(1) A voting booth must enable secret ballot.

(2) A voting booth has a table and a writing instrument. The consolidated list of candidates is placed on the wall of the voting booth.

§ 35. Ballot box

(1) Voting district committees inspect and seal ballot boxes before the voting opens.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(2) The opening of a ballot box is covered. It is opened only to deposit a ballot paper in the box.

(3) On the advance voting days, voting district committees seal the openings of the ballot boxes used for advance voting after the close of voting.

§ 36. Ballot paper

(1) The National Electoral Committee establishes the standard form of ballot papers and electronic votes.
[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

(2) The State Electoral Office organises the preparation and delivery of ballot papers to the voting district committees.
[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

(3) After the receipt of ballot papers, a voting district committee puts an impression of the seal of the voting district committee on the ballot papers. The State Electoral Office puts an impression of the seal on the ballot papers used for voting in foreign states.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 37. Time of voting

(1) Voting on the election day opens at 9:00 and closes at 20:00.

(2) Advance voting is held:

1) from the sixth day to the third day before the election day in a voting district designated on the basis of clause 3 of subsection 2 of § 13 of this Act. Voting opens at 12:00 and closes at 20:00;

2) from the second day to the first day before the election day in all voting districts. Voting opens at 12:00 and closes at 20:00;

3) from the sixth day to the third day before the election day in penal institutions, hospitals and 24-hour social welfare institutions between 9:00 and 20:00;

4) from the sixth day to the first day before the election day by electronic means. Voting opens at 9:00 on the sixth day before the election day and lasts 24 hours a day until 20:00 on the day before the election day.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(3) Home voting is held from 9:00 to 20:00 on the second and the first day before the election day and on the election day in the cases prescribed by this Act.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(4) Voters are allowed to complete voting within 15 minutes after the end of the voting time provided in subsection 1 and in clause 4 of subsection 2 of this section.

[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

§ 38. Voting

(1) In order to receive a ballot paper, a voter presents their identity document to the voting district committee.

(2) A member of the voting district committee checks from the list of voters that the voter has the right to vote.

(3) Where it turns out as a result of checking that the voter has the right to vote, the member of the voting district committee makes a notation in the list of voters concerning the issue of the ballot paper. The voter signs against the receipt of the ballot paper.

(4) The voter completes the ballot paper in a voting booth.

(5) The voter writes the registration number of the candidate for whom the voter wishes to vote in the designated space on the ballot paper.

(6) The voter completes the ballot paper on their own. Where they are unable to complete the ballot paper on their own due to a physical disability, another voter, but not a candidate for Member of the European Parliament, may do so at their request and in their presence.

(7) The voter may not take the ballot paper out of the polling place. Where the voter spoils the ballot paper, they have the right to receive another ballot paper from the voting district committee. The voter must return the spoiled or unused ballot paper to the voting district committee.

(8) After completing the ballot paper, the voter folds the ballot paper and hands it to a member of the voting district committee who puts an impression of the seal of the voting district committee on the outside of the folded ballot paper.

(9) The voter deposits the ballot paper in the ballot box on their own. Where a voter, due to a physical disability, is unable to deposit the ballot paper in the ballot box on their own, another voter may do so at their request and in their presence.

(10) Where the voter returns the ballot paper and abstains from voting, the member of the voting district committee removes the notation concerning the issue of the ballot paper to the voter from the list of voters.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 39. Advance voting

- (1) Advance voting is held pursuant to the procedure prescribed in § 38 of this Act.
- (2) A voter entered in the list of voters who has attained 18 years of age by the day of the advance voting has the right to vote in the advance voting.
- (3) At least three members of a voting district committee organise the advance voting.
- (4) [Repealed – RT I, 09.07.2018, 1 – entry into force 01.01.2021]
- (5) The voting district committee keeps the ballot box and election documents on the advance voting days and the following days in such manner that only the members of the voting district committee have access to these.

§ 40. Specifications for advance voting held outside voting district of residence

[Repealed – RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 41. Advance voting held outside voting district of residence in polling place

[Repealed – RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 42. Advance voting held outside voting district of residence at location of voter

[Repealed – RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 43. Electronic voting

[Repealed – RT I 01.11, 2012, 1 – entry into force 11.11.2012]

§ 44. Voting in penal institutions, hospitals and 24-hour social welfare institutions

[RT I, 11.07.2014, 1 – entry into force 21.07.2014]

- (1) Voting in penal institutions, hospitals and 24-hour social welfare institutions is organised by the voting district committee designated by a rural municipality or city government on the days prescribed in clause 3 of subsection 2 of § 37 of this Act. The rural municipality or city government may designate a voting district committee to organise voting only in penal institutions, hospitals and 24-hour social welfare institutions.
- (2) The administration of a penal institution, hospital and 24-hour social welfare institution submits an application for organising the voting to the voting district committee prescribed in subsection 1 of this section.
- (3) Voting is organised by at least two members of the voting district committee pursuant to the provisions of subsections 1–3, 5–7 and 10 of § 38 of this Act.
- (4) After completing the ballot paper, the voter folds the ballot paper and deposits the ballot paper in the ballot box pursuant to the procedure specified in subsection 9 of § 38 of this Act.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 45. Home voting

- (1) Where a voter is unable to vote at a polling place due to their state of health or for another good reason, they may apply to vote at home. The application to vote at home may also be submitted to vote at the location of the voter.
- (2) In order to vote at home, a voter submits a written application by 14:00 on the election day.
- (3) A voter may submit an application to vote at home also by phone from 12:00 to 20:00 on the second and the first day before the election day and from 9:00 to 14:00 on the election day.
- (4) An application to vote at home must include the following:
 - 1) name of the voter;
 - 2) personal identification code of the voter;
 - 3) address of the voter;
 - 4) telecommunications numbers of the voter;
 - 5) reason for voting at home.

(5) An application for voting at home is registered. Where the voting district committee finds that the application is unsubstantiated, the committee notifies the applicant about the circumstances for dismissal of the application.

(6) Home voting is organised by at least two members of the voting district committee pursuant to the provisions of subsections 1–3, 5–7 and 10 of § 38 of this Act. Such members are appointed based on the principle that they may not be members of the same political party and they may not have been presented to be members of a voting district committee on the proposal of the same political party.

(7) After completing the ballot paper, the voter folds the ballot paper and deposits the ballot paper in the ballot box pursuant to the procedure specified in subsection 9 of § 38 of this Act.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 46. Voting in Estonia by voters residing in foreign states

A voter permanently residing in a foreign state who is entered in the list of voters and who has not voted pursuant to the procedure provided in Chapter 8 of this Act may vote pursuant to the general procedure at the time prescribed in § 37 of this Act.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 46¹. Voting without using the list of voters

(1) Where it is not possible to use a list of voters, the voter places the ballot paper in one of the envelopes given by the member of the voting district committee. The voter places the envelope in the other envelope given by the member of the voting district committee. The voting district committee writes the data pertaining to the voter on the outer envelope.

(2) The voter gives the envelope with the ballot paper to a member of the voting district committee. The members of the voting district committee store the envelope with the ballot paper in accordance with the procedure provided in subsection 5 of § 39 of this Act until they can check the voter's right to vote from the list of voters.

(3) Where it turns out as a result of checking that the voter has the right to vote, the outer envelope with the ballot paper of the voter is opened and the inner envelope is deposited in the ballot box.

(4) A member of the voting district committee makes a notation concerning voting in the list of voters.

(5) Where the voter is not in the list of voters or has already voted according to the list of voters, the envelope containing the ballot paper of the voter is not taken into account.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 47. Taking votes cast during advance voting outside voting district of residence into account

[Repealed – RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 47¹. Taking votes cast using electronic means into account

[Repealed – RT I 01.11, 2012, 1 – entry into force 11.11.2012]

Chapter 7¹ ELECTRONIC VOTING

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

§ 47². Organisation of electronic voting

Electronic voting is organised at the time provided in clause 4 of subsection 2 of § 37 of this Act and pursuant to the procedure provided in Chapter 7¹ of the Riigikogu Election Act.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

Chapter 8 VOTING IN FOREIGN STATE

§ 48. Preparation for voting

(1) Voting in a foreign state for voters permanently residing in the foreign state and voters temporarily staying there is held by the foreign missions of Estonia.

(2) A consular authority led by an honorary consul who is an Estonian citizen may be designated to hold voting by an order of the Government of the Republic. In such case, the consular authority led by the honorary consul performs the acts prescribed in this Chapter.
[RT I 2009, 29, 175 – entry into force 01.07.2009]

(3) Voting is organised by the head of a foreign mission or an official designated by them. In the event prescribed in subsection 2 of this section, voting is organised by the honorary consul or a person designated by them. The person organising the voting must be a person who has the right to vote pursuant to subsections 1 and 3 of § 4 of this Act.

(4) [Repealed – RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(5) An election information sheet is sent electronically to voters permanently residing in the foreign state and voters temporarily staying there pursuant to the data of the population register, to their email address registered in the data portal of Estonia or entered in the population register, not later than on the 60th day before the election day.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(6) The following is entered in the election information sheet:

- 1) information concerning the conditions of the right to vote;
- 2) address of the foreign mission;
- 3) procedure for submitting an application to vote by post, voting by post and voting at the foreign mission;
- 4) due date for receipt by the foreign mission of applications to vote by post;
- 5) due date for receipt by the foreign mission of ballot papers sent by post;
- 6) time of voting at the foreign mission;
- 7) time of electronic voting;
- 8) other information concerning voting.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 49. Submission of applications to vote

(1) Where a voter wishes to vote by post, they send a corresponding application to the Estonian foreign mission in the country of their habitual residence. Where Estonia does not have a foreign mission in the country of habitual residence of a voter, the voter sends the application to the closest foreign mission of Estonia.

(2) A voter who has been entered in the list of voters:

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

- 1) appends a copy of the page of their identity document containing personal data to the application;
- 2) indicates in the application their residential address in the foreign state.

(3) A voter who has not been entered in the list of voters:

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

- 1) appends copies of documents which certify their identity and that they have the right to vote pursuant to subsection 1 of § 4 of this Act to the application;
- 2) indicates in the application their residential address in the foreign state;
- 3) indicates their last residence in Estonia (the county, the city district in Tallinn, or the city of Tartu). Where a voter permanently residing in a foreign state has not had a residence in Estonia, they indicate the last residence of their parents or grandparents in Estonia.

(4) A voter temporarily staying in a foreign state indicates their residential address in Estonia in the application in addition to the information prescribed in clauses 1 and 2 of subsection 2 of this section.

(5) Applications are to be received by the foreign mission not later than on the 30th day before the election day.
[RT I 2006, 30, 231 – entry into force 14.07.2006]

§ 50. Sending of election documents to voter

At the earliest possible opportunity, a foreign mission sends the following to voters who sent their applications in due time and who comply with the requirements of this Act:

- 1) a ballot paper;
- 2) the consolidated list of candidates;
- 3) two envelopes.

§ 51. Voting by post

(1) A voter completes a ballot paper pursuant to the requirements of this Act. The voter places the completed ballot paper in one of the envelopes sent by the foreign mission. The voter places this envelope in the other

envelope sent by the foreign mission. The data pertaining to the voter are written on the outer envelope. Thereafter the voter sends the ballot paper to the foreign mission.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(2) Ballot papers sent by post are to be received by the foreign mission on the day determined by the foreign mission, which is to be determined in such manner that the State Electoral Office will receive the ballot papers not later than on the fourth day before the election day.
[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

(3) The foreign mission makes a notation concerning the voting in the list of voters based on the ballot paper received by the due date provided in subsection 2 of this section.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(4) In the event of voting by post, the expenses relating to the acts specified in subsection 1 of § 49 of this Act and subsection 1 of this section are covered by the voter.

§ 52. Electronic voting in foreign states

[Repealed – RT I 01.11, 2012, 1 – entry into force 11.11.2012]

§ 53. Voting at foreign missions

(1) Where a voter does not submit an application to vote by post within the term prescribed in subsection 5 of § 49 of this Act or does not send a ballot paper to the foreign mission by the due date prescribed in subsection 2 of § 51, the voter may vote at the foreign mission at the time determined by the foreign mission.

(2) A foreign mission must allow voting at the mission at least on two days during the period from the 15th day to the 10th day before the election day.

(3) The person managing the voting checks from the list of voters that the voter has the right to vote.

(4) Where it turns out as a result of the checking that the voter has the right to vote, the person managing the voting makes a notation in the list of voters concerning the issue of a ballot paper. The voter signs against the receipt of the ballot paper.

(5) At a foreign mission, a voter completes a ballot paper pursuant to the provisions of this Act. Thereafter the voter places the completed ballot paper in an envelope. The voter places the envelope in another envelope. The person managing the voting writes the information pertaining to the voter on the outer envelope.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 54. Taking ballot papers into account upon ascertaining of voting results

(1) A foreign mission sends the received envelopes with ballot papers to the State Electoral Office. Where according to the information in the list of voters, the voter has already voted or has voted several times, the foreign mission does not take into account any of the ballot papers of the voter and the envelopes with the ballot papers are not sent to the State Electoral Office.

(2) The ballot papers received by a foreign mission are taken into account in the ascertaining of the voting results if they are received by the State Electoral Office not later than on the fourth day before the election day.

(3) The voting results of voters permanently residing in a foreign state are ascertained by Tallinn City Vote Counting Committee.

(4) The State Electoral Office forwards the ballot papers of voters permanently residing in a foreign state to the vote counting committee specified in subsection 3 of this section not later than on the second day before the election day.

(5) Envelopes with the ballot papers of voters permanently residing in a foreign state are opened on the election day in order to ascertain the voting results.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 55. Voting on board ship flying national flag of Estonia and located in international waters or waters of foreign state

[Repealed – RT I, 09.07.2018, 1 – entry into force 01.01.2021]

Chapter 9

ASCERTAINING OF VOTING RESULTS AND ELECTION RESULTS

§ 56. Time of ascertaining of voting results

The counting of votes begins on the election day after the close of voting in Estonia. Voting results may not be disclosed before the close of voting in all Member States of the European Union.
[RT I 2004, 30, 208 – entry into force 01.05.2004]

§ 57. Ascertaining of voting results in voting district committee

(1) Where the counting of votes does not begin immediately after the close of voting, the voting district committee seals the openings of the ballot boxes.

(2) Before the ballot boxes are opened, the voting district committee has to count and cancel all ballot papers that were not issued to voters and all spoiled ballot papers returned by voters. Ballot papers are cancelled by cutting off a corner of the ballot paper.

(3) Before the ballot boxes are opened, the voting district committee prepares a record sheet concerning the ballot papers.

(4) When a ballot box is opened, the condition of the security features on the box is inspected. More than one-half of the members of the voting district committee must be present at the opening.

(5) An impression of the seal of the voting district committee is put on the outside of ballot papers of home voters and ballot papers deposited in the ballot box pursuant to subsection 4 of § 44 and subsection 3 of § and 46¹ of this Act, and the ballot papers are placed among the ballot papers of voters who voted at the polling place.

(6) The voting district committee ascertains the number of invalid ballot papers and the number of votes cast for candidates and political parties based on the ballot papers extracted from the ballot boxes, and enters these numbers in a record.

(7) A ballot paper is declared invalid where:

- 1) it does not bear two impressions of the seal of the voting district committee,
- 2) no candidate registration number or more than one candidate registration number has been written on the ballot paper,
- 3) the registration number written on the ballot paper has been corrected, or
- 4) the registration number written on the ballot paper is illegible.

(8) Where no candidate registration number has been written on a ballot paper but the will of the voter is clear and unambiguous, the ballot paper is deemed to be valid.

(9) A record is prepared concerning the ascertaining of the voting results. The chair of the committee signs the record. The date and time of preparation of the record are indicated in the record.

(10) After ascertaining of the voting results, valid ballot papers are packed as per candidate. Invalid ballot papers, ballot papers which were not issued to voters and spoiled ballot papers returned by voters are packed separately. The voting district from which the ballot papers originate and the type and number of ballot papers in the packet are noted on each packet. The chair of the voting district committee signs the notation.

(11) Ballot papers, the record sheet concerning the ballot papers and the records concerning the voting results are promptly forwarded to a rural municipality or city election committee.

(12) Voting results are ascertained publicly in a voting district committee. Persons who are present at the counting of votes must follow the oral orders given by members of the vote counting committee.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 58. Ascertaining of voting results of voters voting in foreign state

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(1) Tallinn City Vote Counting Committee organises the counting of the votes and decides on the validity of ballot papers.

(2) The vote counting committee begins counting the votes cast by voters who voted in a foreign state at the time prescribed in § 56 of this Act. At least three members of the vote counting committee must be present at the opening of the envelopes.

(3) The inner envelopes which contain the ballot papers of voters who voted in a foreign state are opened and an impression of the seal of the voting district committee is put on the outside of the ballot papers.

(4) On the basis of the ballot papers, the vote counting committee verifies the number of voters who voted in a foreign state, the number of invalid ballot papers and the number of votes cast for candidates and political parties. Ballot papers are declared invalid in accordance with the provisions of subsections 7 and 8 of § 57 of this Act.

(5) A record signed by the chair of Tallinn City Vote Counting Committee is prepared with regard to ascertaining the voting results of voters voting in a foreign state. The date and time of preparation of the record are indicated therein.

(6) Voting results of voters who voted in a foreign state are ascertained publicly. Persons who are present at the counting of votes must follow the oral orders given by members of the vote counting committee.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 59. Ascertaining of voting results in rural municipalities and cities

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(1) The vote counting committee provided in subsection 4 of § 9 of this Act organises the counting of the votes and decides on the validity of ballot papers.
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(2) On the basis of the records, list of voters and record sheets concerning the ballot papers received from the voting district committees, the vote counting committee verifies the number of voters entered in the lists, the number of voters who were given a ballot paper, the number of ballot papers extracted from the ballot boxes, including the number of invalid ballot papers, and the number of votes cast for candidates and political parties, and enters these numbers in a record. The result obtained is checked by recounting the ballot papers.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(3) Where the numbers obtained by recounting the ballot papers are different from the numbers in the record of a voting district committee or in the list of voters, the vote counting committee sets out the differences and the circumstances which caused such differences in an appendix to the record. The records or record sheets concerning the ballot papers of the voting district committee may not be amended. The vote counting committee adopts a resolution concerning the final voting results.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(4) The vote counting committee prepares a record concerning the voting results in a rural municipality and city which is signed by the chair of the rural municipality or city election committee. The date and time of preparation of the record are indicated therein.
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(5) Voting results are ascertained publicly.
[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

§ 59¹. Counting of votes cast using electronic means

(1) The State Electoral Office ascertains the results of electronic voting after 20:00 on the election day.

(1¹) After the end of electronic voting and before the votes cast electronically are counted, the State Electoral Office verifies, in the presence of an information systems auditor, the integrity of the set of electronic votes recorded in the electronic voting system, the correspondence of the votes recorded in the system with the votes registered, the integrity of the digital signatures of the votes, and whether the voters who voted electronically are in the list of voters.
[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

(2) At least three persons designated by the Head of the State Electoral Office and at least one half of the members of the National Electoral Committee must be present at the counting of votes.

(3) Prior to the counting of electronic votes, the State Electoral Office:
1) annuls the electronic votes which have been changed by the ballot papers when voting;

1¹) retains the last electronic vote cast by the voter and disregards any electronic vote cast earlier;
[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

2) separates the electronic votes subject to counting from the personal data of the voters.

(3¹) For the purpose of counting the votes cast electronically, only the electronic votes cast during the advance voting as provided in clause 4 of subsection 2 and in subsection 4 of § 37 of this Act are taken into account.
[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

(4) To count the electronic votes, the members of the National Electoral Committee and the State Electoral Office use the means of access provided in subsection 3 of § 48³ of the Riigikogu Election Act, which ensure access to the vote-opening key for electronic votes.

(5) The State Electoral Office verifies the following with regard to the voters of each rural municipality and city and voters permanently residing in a foreign state:

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

- 1) the number of voters who participated in electronic voting;
- 2) the number of invalid electronic votes;
- 3) the number of electronic votes annulled on the basis of clause 1 of subsection 3 of this section;
- 4) the number of electronic votes cast for candidates and political parties.

(6) An electronic vote which does not contain the registration number of the candidate or which does not comply with the standard form established by the National Electoral Committee is null and void.

(7) Counting of votes cast by electronic means is public. Persons who are present at the counting of votes must follow the oral orders of the persons designated by the Head of the State Electoral Office.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(8) The State Electoral Office enters the voting results in the election information system immediately.

(8¹) On the day following the election day, the State Electoral Office verifies the integrity of the data in the electronic voting system, including the correctness of the result of counting of electronic votes, in such manner that the secrecy of the voter's vote is ensured.

[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

(9) The Head of the State Electoral Office signs the results of electronic voting after verification of the integrity of the data of the electronic voting system.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

§ 60. Ascertaining of voting results in National Electoral Committee

(1) On the basis of the records concerning the voting results of voters in rural municipalities and cities which are received from all the rural municipality or city secretaries and on the basis of the records concerning the voting results of voters who voted in a foreign state, voting results of the voters who voted using electronic means, and list of voters, the National Electoral Committee verifies the number of voters entered in the lists of voters, the number of voters who were given a ballot paper, the number of voters who participated in voting, the number of invalid ballot papers and the number of votes cast for candidates and political parties.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(2) The National Electoral Committee prepares a record concerning the voting results which is signed by the chair of the Committee. The date and time of preparation of the record are indicated therein.

(3) The ascertaining of the voting results in the National Electoral Committee is public.

§ 61. Ascertaining of election results

(1) Mandates are distributed using the d'Hondt distribution method with the distribution series of 1, 2, 3, 4 etc. The comparative figure of an independent candidate is the total number of votes cast in favour of the candidate. A mandate is received by the political party or independent candidate whose comparative figure is higher. Where the comparative figures of at least two political parties or independent candidates are equal, the mandate is received by the political party or independent candidate who was positioned further towards the bottom in the consolidated list of candidates.

(2) The candidates are reranked in the list of a political party according to the number of votes cast for each candidate. Where at least two candidates receive an equal number of votes, the candidate who was further towards the top of the list submitted by the political party is ranked ahead. In the reranked list of the political party, the mandate is given to the candidate who is further towards the top of the list.

[RT I 2010, 10, 42 – entry into force 15.03.2010]

(3) No political party is given more mandates than there are candidates in its list.

(4) Where a resolution to register a candidate included in the list of a political party is revoked (subsection 5 of § 31), the votes cast for them in a foreign state are retained by that political party. The votes of a candidate who dies after the start of the advance voting are also retained by the political party. Where the decision on the registration of an independent candidate is revoked or an independent candidate dies, votes cast in favour of the candidate are not taken into account in the ascertaining of election results.
[RT I 2010, 10, 42 – entry into force 15.03.2010]

(5) The National Electoral Committee prepares a record concerning the election results which is signed by the chair of the Committee. The date and time of preparation of the record are indicated therein.

(6) The ascertaining of the voting results in the National Electoral Committee is public.

Chapter 10

ELECTION EXPENDITURE

§ 62. Expenditure for organisation of elections

(1) Expenditure relating to the preparation and organisation of European Parliament elections is covered from the state budget.

(2) [Repealed – RT I, 06.05.2016, 1 – entry into force 01.01.2017]

(3) [Repealed – RT I, 06.05.2016, 1 – entry into force 01.01.2017]

(4) The expenditure of the population register relating to the registration of voters is covered from the state budget out of the funds available therefor in the budget of the Ministry of the Interior.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(5) Expenditure relating to the organisation of voting in a foreign state is covered from the state budget out of the funds available therefor in the budget of the Ministry of Foreign Affairs.
[RT I, 11.07.2014, 1 – entry into force 21.07.2014]

(6) Expenditure related to the performance of the functions of the Information System Authority provided in subsection 2 of § 12¹ of this Act is covered out the funds prescribed for the activities of the Information System Authority in the budget of the State Electoral Office of the Chancellery of the Riigikogu.
[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

§ 63. Report on financing of election campaign of political party and independent candidate

[Repealed – RT I 10.12, 2010, 1 – entry into force 01.04.2011]

§ 64. Funds used for election campaign

[Repealed – RT I 10.12, 2010, 1 – entry into force 01.04.2011]

§ 65. Expenditure for election campaign

[Repealed – RT I 10.12, 2010, 1 – entry into force 01.04.2011]

Chapter 11

NOTICES AND COMPLAINTS

[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 66. Notice concerning deficiency in electoral management

(1) A person who finds that an elections manager has infringed their rights or otherwise violated the law, may submit a notice concerning a deficiency in electoral management (hereinafter *notice concerning deficiency*).

(2) A notice concerning deficiency is to be submitted immediately, but not later than on the third day after the violation specified in subsection 1 of this section.

(3) A notice concerning deficiency is submitted to the State Electoral Office which organises the review of the notice and responding thereto.

(4) A notice concerning deficiency:

- 1) indicates the name, personal identification code and telecommunications details of the person submitting the notice;
- 2) describes the act regarding which the notice is submitted.

(5) A notice concerning deficiency is submitted orally or in writing. An oral notice is recorded by the State Electoral Office.

(6) A notice concerning deficiency is reviewed promptly, but not later than within three days after the submission thereof. The person submitting the notice is promptly notified of the results of the review and the measures taken.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

§ 67. Definition of complaint

For the purposes of this Act, a complaint means a duly completed request filed with the National Electoral Committee for an act of an elections manager to be declared unlawful, and a complaint or appeal filed with the Supreme Court pursuant to the procedure provided in § 70¹ of this Act against a resolution or an act made by the National Electoral Committee.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

§ 68. Right to file complaint

An individual, a candidate or a political party (hereinafter *interested person*) who find that their rights have been infringed by a contested act has the right to file a complaint.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

§ 69. Requirements for complaint

(1) A complaint is prepared in writing and it sets out the following:

- 1) the name, personal identification code or in the absence thereof the date of birth, or registry code, address and telecommunications details of the complainant;
- 2) the name, address and telecommunications details of the representative of the complainant where the complainant has a representative;
- 3) the description of the contested act;
- 4) the reasons why the complainant finds that the contested act infringes their rights;
- 5) the reasons why the complainant finds that the contested act is not lawful;
- 6) how and when the complainant became aware of the contested act;
- 7) a request for restoration of the term for filing a complaint and the reasons why the term was allowed to expire, where the complaint is filed after the expiry of the term for filing the complaint;
- 8) the date of filing the complaint.

(2) A complaint is signed by the complainant. A complaint from a political party is signed by the authorised representative of the political party.

(3) Where a complaint does not meet the requirements prescribed in subsections 1 and 2 of this section or where a complaint has been submitted in violation of the procedure prescribed in § 68 and subsection 1 of § 70 of this Act, the National Electoral Committee may dismiss the complaint. In case of dismissal of the complaint, the National Electoral Committee may forward the complaint to the State Electoral Office for responding pursuant to the rules provided in subsection 6 of § 66 of this Act. Where the complainant has allowed the term for filing the complaint to expire with good reason, the National Electoral Committee restores the term on the basis of their reasoned request.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

§ 70. Review of complaint in National Electoral Committee

(1) A complaint is to be filed with the National Electoral Committee within three days after:

- 1) the performance of the contested act or
- 2) the review of a notice provided in § 66 of this Act.

(2) The National Electoral Committee has to review a complaint and adopt a resolution within five working days after receipt of the complaint.

(3) The National Electoral Committee adopts one of the following resolutions:

- 1) to refuse to grant the complaint;
- 2) to grant the complaint;
- 3) to grant the complaint in part.

(4) The National Electoral Committee promptly communicates the resolution to the complainant.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

§ 70¹. Filing of complaint or appeal against resolution or act of National Electoral Committee

(1) Where an interested person finds that an act of an elections manager or a resolution or act of the National Electoral Committee infringes their rights, the person may file a complaint or appeal with the Supreme Court pursuant to the procedure prescribed in the Constitutional Review Court Procedure Act.

(2) A complaint against an act of the elections manager may be filed with the Supreme Court after adjudication of the matter in the National Electoral Committee.

(3) A complaint or appeal against an act of the elections manager or a resolution or act of the National Electoral Committee is filed with the Supreme Court via the National Electoral Committee within three days after the communication of the resolution or performance of the act of the National Electoral Committee.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

§ 71. Declaration of invalidity of voting results

(1) Where the National Electoral Committee or the Supreme Court has declared the voting results in a voting district, rural municipality, city, or electoral district invalid, the National Electoral Committee determines a new election day, and a repeat vote is held in the respective voting district, rural municipality, city or electoral district. Where the voting results of a voting district are declared invalid, a repeat vote can be given by the voters who voted during advance voting and on the election day in the same voting district.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(2) No repeat vote is held where the National Electoral Committee has annulled the votes cast in the advance voting in part or in whole due to a major violation of law and has called on the voters to vote again during advance voting or on the election day.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

(3) The provisions of §§ 39, 44 and 46 and Chapters 7¹ and 8 of this Act do not apply to a repeat vote.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

Chapter 11¹ LIABILITY

[RT I 2005, 37, 281 - entry into force 10.07.2005]

§ 71¹. Violation of restrictions established on outdoor political advertising

[Repealed – RT I 12.07, 2014, 1 – entry into force 01.01.2015]

§ 71². Taking ballot paper out of polling place

(1) Violation of the prohibition on taking a ballot paper out of the polling place is punishable by a fine of up to 20 fine units.

[RT I 2006, 30, 231 – entry into force 14.07.2006]

(2) [Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(3) A police authority conducts extra-judicial proceedings in the matters of misdemeanours provided in subsection 1 of this section.

[RT I 2009, 27, 165 – entry into force 01.01.2010]

Chapter 12 FINAL PROVISIONS

§ 72. Registration of members of European Parliament and declaration of election results

(1) The National Electoral Committee registers, by a resolution, the elected Members of the European Parliament not later than on the 20th day after the election day.

(2) Where voting results have been declared invalid in the event specified in § 71 of this Act, the National Electoral Committee adopts the resolution to register the elected Members of the new European Parliament after the results of the repeat vote become clear.

(3) The election results are deemed to be declared on the day following the publication of the resolution of the National Electoral Committee set out in subsection 1 or 2 of this section in the *Riigi Teataja*. The National Electoral Committee forwards the resolution to the European Parliament.

(4) Where an elected candidate holds an office specified in clause 2, 4, 5 or 7 of § 75 of this Act at the time of declaration of election results, they must notify the National Electoral Committee within 10 days after the date of declaration of election results, whether they agree to participate in the work of the European Parliament or wish to continue in their current office and decline the mandate. If the elected candidate agrees to participate in the work of the European Parliament, they must submit a copy of their letter of resignation from their current office to the National Electoral Committee.

[RT I, 25.06.2021, 3 – entry into force 18.10.2021]

(5) Where an elected candidate declines the mandate to the European Parliament, they are replaced by an alternate member. The replacement of an elected candidate is formalised by a resolution of the National Electoral Committee which is forwarded to the European Parliament.

§ 73. Registration of alternate members of European Parliament

(1) The alternate member of a Member of the European Parliament is the first candidate not elected to the European Parliament in the election from among the candidates in the same list in which the resigning Member of the European Parliament or the person who declined the mandate stood as a candidate.

(2) The National Electoral Committee registers the alternate members of the European Parliament by its resolution.

(3) Candidates unelected in the list of the same political party are registered as alternate members when re-ranked according to the number of votes received (subsection 2 of § 61).

[RT I 2010, 10, 42 – entry into force 15.03.2010]

§ 74. Registration of additional mandates

(1) Where a Member of the European Parliament to be substituted stood as an independent candidate or where there were no more candidates in the same list, the alternate member designated on the basis of an additional mandate which is distributed among the lists and independent candidates and registered with the National Electoral Committee becomes a Member of the European Parliament.

(2) The table of comparative figures of political parties and independent candidates which is approved by a resolution of the National Electoral Committee is the basis for the distribution of additional mandates.

(3) The table of comparative figures sets out the comparative figures calculated for political parties and independent candidates (subsection 1 of § 61) in size order, starting from the comparative figure which was the first not to be taken into account upon distribution of mandates.

(4) Where at least two comparative figures are equal, the comparative figure of the political party or independent candidate which received more votes from voters receives a higher ranking. Where the number of votes of independent candidates or political parties is equal, the independent candidate or political party who was further towards the bottom of the consolidated list of candidates receives a higher ranking.

[RT I 2006, 30, 231 – entry into force 14.07.2006]

§ 75. Incompatibility of office of Member of European Parliament

The following persons may not be Members of the European Parliament:

- 1) members of the Riigikogu;
 - 2) the President of the Republic;
 - 3) members of the Government of the Republic;
 - 4) persons serving in offices appointed by the Riigikogu, the President of the Republic, the Government of the Republic, the Prime Minister or the head of a governmental authority or another state agency, except the chair or a member of a council appointed by the Riigikogu pursuant to law;
 - 5) the Chairman of the Supervisory Board of *Eesti Pank*;
 - 6) a person in active service in the Defence Forces;
- [RT I, 10.07.2012, 3 – entry into force 01.04.2013]
- 7) rural municipality or city mayors, members of a rural municipality or city council;
- [RT I, 25.06.2021, 3 – entry into force 18.10.2021]
- 8) [repealed – RT I, 25.06.2021, 3 – entry into force 18.10.2021]
 - 9) members of the Commission of the European Communities;
 - 10) Judges, Advocates-General and the Registrar of the European Court of Justice and the Court of First Instance of the European Communities;
 - 11) members of the Board of Directors of the European Central Bank;
 - 12) members of the Court of Auditors of the European Communities;
 - 13) the Ombudsman of the European Communities;
 - 14) members of the Economic and Social Committee of the European Economic Community and European Atomic Energy Community;

- 15) members of the Committee of the Regions;
- 16) members of committees or other bodies set up pursuant to the Treaties establishing the European Economic Community and the European Atomic Energy Community for the purpose of managing the Communities' funds or carrying out a permanent direct administrative tasks;
- 17) members of the Board of Directors, Management Committee or staff of the European Investment Bank;
- 18) active officials or servants of the institutions of the European Communities or of the specialised bodies attached to them or of the European Central Bank.

§ 75¹. [Repealed – RT I 2009, 12, 70 – entry into force 14.07.2009]

§ 76. Premature termination of term of authority of Member of European Parliament

- (1) The term of authority of a Member of the European Parliament terminates prematurely:
- 1) if they assume an office specified in § 75 of this Act;
 - 2) upon their resignation;
 - 3) where according to a resolution of the National Electoral Committee, the Member of the European Parliament does not meet the requirements provided in subsections 4–7 of § 4 of this Act;
 - 4) upon the entry into force of a conviction of an intentionally committed criminal offence, where the person is sentenced to imprisonment;
 - 5) upon their death;
 - 6) where they are not elected as the result of a repeat vote upon entry into force of the resolution of the National Electoral Committee specified in subsection 2 of § 72 of this Act.

(2) The National Electoral Committee immediately notifies the European Parliament of assumption of an office specified in clause 2, 4, 5, 6 or 7 of § 75 of this Act by a Member of the European Parliament or of any circumstances specified in clauses 3–6 of subsection 1 of this section or of such circumstances becoming known. Upon the resignation of a Member of the European Parliament, the Member of the European Parliament submits an application to the President of the European Parliament.
[RT I, 25.06.2021, 3 – entry into force 18.10.2021]

(3) Upon premature termination of the term of authority of a Member of the European Parliament, they are replaced by an alternate member. The replacement of a Member is formalised by a resolution of the National Electoral Committee which is forwarded to the European Parliament.

§ 77. Refund of deposit

The deposit is refunded to an independent candidate or a political party where the independent candidate or political party received at least 5% of the votes nationally. The National Electoral Committee transfers unrefunded deposit into state revenues.

§ 77¹. Preservation of ballot papers and election documents

(1) A rural municipality or city secretary preserves the ballot papers for one month after the election day. After the expiry of this term, but not before final resolutions have been made in respect to any complaints or appeals provided in § 67 of this Act, the rural municipality or city secretary organises the destruction of the ballot papers and documents it.
[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

(2) The State Electoral Office preserves the electronic votes for one month after the election day. After the expiry of this term, but not before final resolutions have been made in respect to any complaints or appeals provided in § 67 of this Act, the State Electoral Office:

- 1) publicly destroys the electronic votes, personal data of the voters contained in the electronic voting system and the vote-opening key for electronic votes;
- 2) other parties involved in the organisation of the electronic voting destroy the back-up copies of the electronic voting system in their possession and the personal data of the voters contained in the electronic voting system.
[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

(3) The records of voting results and election results are preserved permanently. The list of voters is preserved permanently in the National Archives.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(4) The State Electoral Office organises the preservation of the records of voting results and election results, record sheets concerning the ballot papers, and other election documents.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(5) The rural municipality and city governments organise the preservation of the election equipment in rural municipalities and cities during the period between elections.
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

§ 78. Implementation of electronic voting

Electronic voting is not implemented before 2005.

§ 79.–§ 92.[Omitted from this text.]

¹Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals (OJ L 329, 30.12.1993, p. 34–38), amended by Directive 2013/1/EC (OJ L 26, 26.01.2013, p. 27–29). [RT I, 10.01.2014, 1 – entry into force 20.01.2014]