



Election Complaints and Appeals

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Riigikogu Election Act

Riigikogu Election Act:

2002: i-voting introduced first time

2005: amendments after developing the 1st gen i-voting system

2011: individual vote verification via smart device

2017: 2nd gen new i-voting system (universal verification)

2023: Major revision, in-depth rules for I-voting (technological requirements, descriptions of procedures, adherence to fundamental election principles)



New complaint review process in 2002

Goals:

Fast review process

Fast-track to Supreme Court (Constitutional College)

Filing a complaint should be fast

All complaints should be resolved before elected MPs are registered

Popular (public) complaints are not allowed



Complaints and notices

Voter/party can file:

- a notice about a deficiency in electoral management to the SEO
- a formal complaint to the NEC



Notice about deficiency

Can be filed by anyone

Can be a general notice/observation about election management

SEO must resolve and respond in 3 days

Does not limit right to complaint



Complaints to National Election Commission

Can be filed by candidate, political party or voter

Must concern infringement of complainant's rights

3 days after the procedure or decision of the electoral commission or administration

NEC resolves complaints in 3 working days



Appeals to Constitutional College of Supreme Court

Filed up to 3 days after decision of the NEC

NEC's decisions can be contested directly at the Supreme Court

7 working days to resolve the complaint



Powers of the Supreme Court

- 1) Declare the decision or procedure unlawful and require:
to issue a new decision or perform the operation anew;
- 2) Deny the appeal
- 3) Declare voting results invalid
- 4) Envoke constitutional review



Invalidity of voting results

When the issue would have or might have affected election results (e.g distribution of mandates)

Declared invalid by NEC or Supreme Court

Partial (eg municipality, constituency, i-voting) or complete invalidity

Repeat vote is arranged as soon as possible

Limited to paper voting within the constituency or municipality



More information at:

Elections website:

<https://www.valimised.ee/en>