

# Estonia: more options for external voting

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The Republic of Estonia re-established its independence on 20 August 1991 on the basis of legal continuity of statehood. The legislative body in which the supreme power of the state is vested is the parliament, which is elected by proportional representation (PR). The first fully free and democratic national legislative and presidential elections were held on 20 September 1992.

According to the constitution, a citizen who has attained 18 years of age has the right to vote. Participation in voting may be restricted for citizens who have been legally incapacitated or have been convicted by a court and are serving sentences in penal institutions. In legislative elections, every Estonian citizen with the right to vote who has attained 21 years of age has the right to stand for election (paragraphs 56–58 and 60 of the constitution).

The parliament is elected in free, general, uniform and direct elections on the principle of proportionality.

## **Entitlement of external electors**

Since independence was regained, Estonian citizens with foreign residency have been granted the right to vote in legislative elections and referendums. However, external voting is not possible in elections to local government councils. External voting was practised for the first time during the constitutional referendum in June 1992.

In legislative elections, voters who are *permanently* resident abroad vote in the electoral district in Estonia where they or their parents, or grandparents, were last permanently resident. Citizens who are staying abroad temporarily vote in the electoral district in which they are entered on the electoral register, according to their residence (paragraphs 50 and 54 of the Riigikogu Election Act 2002). External electors, both temporarily and permanently resident abroad, may choose whether to vote at a foreign mission in person or by post.

## The organization of the external vote

Estonia's foreign diplomatic missions organize external voting. The leader of each mission must appoint one of the officials working there to organize the voting. Their work is coordinated by the Ministry of Foreign Affairs, which is also responsible for training and for delivering voting materials such as the electoral registers, ballot papers and envelopes.

Since the late 1990s, with increased volumes of travel and migration, external voting has become more significant. There were major changes in the electoral law concerning external voting in 1998. Estonia is a small country and does not have many diplomatic missions (there were 35 at the time of the 2004 elections). In earlier elections many Estonians were not able to vote because they were living a long distance away from the diplomatic mission. To overcome this problem, in 1999 a procedure for advance postal voting was introduced. The option of personal voting at diplomatic missions still remains.

Since 1999 citizens who are staying abroad *temporarily* have also been able to vote externally, either at Estonian diplomatic missions or by post. Additionally, according to the amended election laws, electors who are permanently resident abroad and who have not voted in the country of residence have the option of casting their vote in Estonia.

To ensure the principle of one person, one vote, external voting takes place in advance. At the diplomatic missions, voting is organized on at least two days in the period between 15 days and ten days before election day. All external voters' ballot papers should be received by the National Election Committee not later than the fourth day before election day. The National Election Committee then sorts them and delivers them to the appropriate electoral district. The right to vote is checked again in the voter's electoral district to ensure that no one has voted more than once. The votes are counted on election day itself.

To improve the checking of their eligibility, all electors, including those living permanently abroad, are registered in a central population register. Before the start of the external voting period, the lists of electors are sent to the diplomatic missions. In certain cases these may be amended by the diplomatic missions.

To ensure the secrecy of the vote, ballot papers are sent in two envelopes. The inner envelope is anonymous, and the outer envelope shows the voter's name and the number of the electoral district. Once the voter's eligibility has been checked against the electoral registers, the outer envelope is removed and the ballot paper in the anonymous inner envelope is put in the ballot box.

For postal voting the voter submits a request to the diplomatic mission of his or her country of residence. If there is no mission in that country the voter addresses the request to the nearest mission. This must be done not later than 45 days before election day. Not later than 35 days before election day, the diplomatic mission sends the voter a ballot paper, the list of candidates and two envelopes. The voter completes the ballot paper and places it in the two envelopes. On the outer envelope he or she writes his or her name and the number of the electoral district. The voter who is staying abroad temporarily also indicates his or her address in Estonia. He or she then sends the envelope back to the diplomatic mission, which collects all the ballot papers and forwards them to the National Election Committee (paragraphs 50–52 of the Riigikogu Election Act 2002).

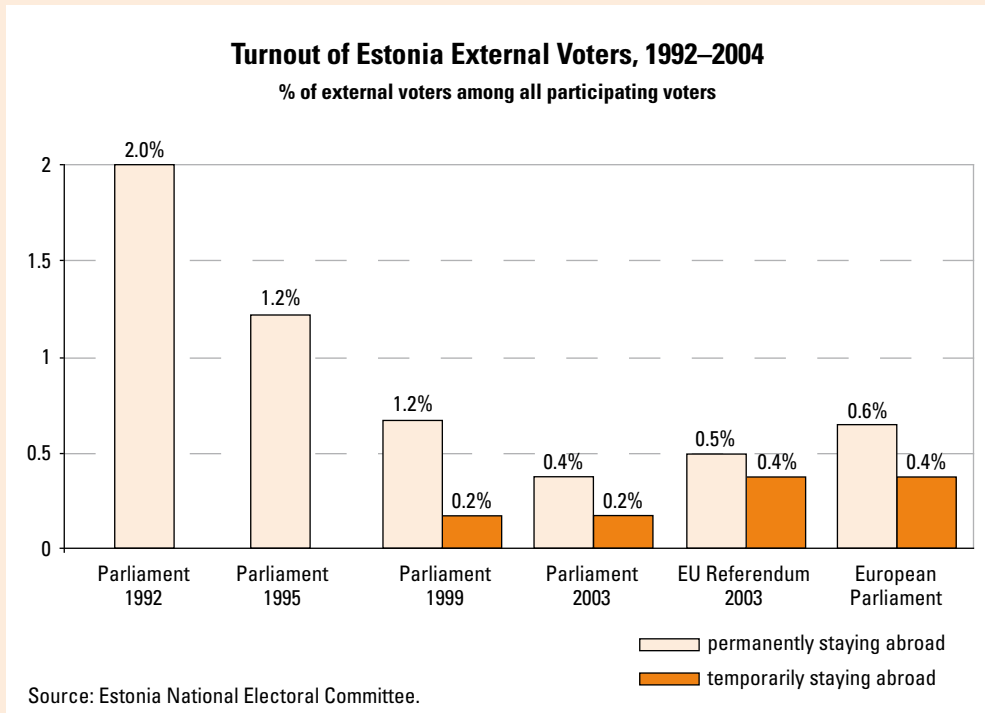
## Trends in voting turnout

World War II and related events created the Estonian diaspora, with Estonians scattered all over the world. After independence former Estonian citizens and their descendants living abroad had the right to practically automatic Estonian citizenship, and many people have taken citizenship in this way. These are the majority of the electors living permanently abroad. Currently, some 14 per cent of all Estonians—160,000 persons (Kulu 1997)—live outside the country, but the number of electors is significantly smaller. For the 2004 elections, according to the population register about 15,000 Estonians permanently abroad had the right to vote.

In the first legislative elections, in 1992 and 1995, external voting was greatly valued by Estonian citizens living permanently abroad, perhaps because this was the first time in many years they had had the opportunity to take part in the political life of the newly independent Estonia. However, the number of participating voters living permanently abroad has fallen steadily (although in recent elections the share of permanent external voters among all participating voters has increased). An exception to the general trend was the referendum on joining the European Union, in 2003, when total turnout was relatively high and the turnout of voters living permanently abroad also increased.

In contrast, the turnout of citizens temporarily abroad increased over the period 1999–2003.

Exceptionally, in the 2004 elections to the European Parliament turnout was very low in Estonia, as it was in many other European Union countries.



## E-voting and external voting

In 2002 the legislative basis for electronic voting was created. The Riigikogu Election Act, the Local Government Council Election Act, the Referendum Act and the European Parliament Election Act all cover e-voting. The main object of e-voting is to give voters an additional option for casting their vote and thereby increase participation. It allows people to vote via the Internet using a digital signature and 'smart' ID cards for identification purposes. The first e-voting pilots were conducted in 2004 and 2005 during local referendums and elections, and in March 2007, in the world's first national Internet election, remote e-voting was available to Estonian voters abroad as well as in Estonia (see National Election Committee, 'E-voting Project').

There is still a concern that people who are permanently resident abroad need a new kind of document—the ID card—in order to vote electronically. The ID card is a compulsory domestic identification document, but not many citizens who are resident abroad have applied for it. On the other hand, for voters who are abroad temporarily, voting will become easy even in local elections (in which external voting organized by diplomatic missions is not foreseen).

If e-voting succeeds and people get used to this method of voting, it may affect external voting. Personal voting at diplomatic missions in foreign countries and postal voting are among the most expensive forms of voting. In future, therefore, consideration may be given to replacing some paper-based ballot procedures with electronic ballot papers, in particular in connection with external voting.