



Office for Democratic Institutions and Human Rights

ESTONIA

PARLIAMENTARY ELECTIONS

5 March 2023

ODIHR NEEDS ASSESSMENT MISSION REPORT

10-13 January 2023



Warsaw
16 February 2023

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I. INTRODUCTION

Following an invitation from the Estonian authorities to observe the 5 March 2023 parliamentary elections and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 10 to 13 January. The NAM comprised Ana Rusu, ODIHR Senior Election Adviser and Goran Petrov, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and the preparations for the parliamentary elections. Based on this assessment, the NAM recommends whether to deploy an ODIHR election-related activity for the forthcoming elections and, if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions, judiciary and the election administration, as well as with representatives of political parties, media, and civil society. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs for their assistance and cooperation in organising the NAM. ODIHR would also like to thank all of its interlocutors for having taken the time to meet with the mission and share their views.

II. EXECUTIVE SUMMARY

In accordance with the Constitution, on 28 November, President Karis called parliamentary elections for 5 March. Voters will elect 101 members of parliament by proportional representation from 12 multi-member constituencies. To be eligible for seat allocation, a party must obtain at least five per cent of valid votes nationwide.

Substantial legislative changes were introduced since the last parliamentary elections, including introducing a fully electronic voter register and the possibility to vote at any polling location within an electoral district and abolishing the ban on outdoor political advertising during the campaign period and of the campaign silence on election day. While these changes were viewed as an improvement by election stakeholders, several longstanding ODIHR recommendations are yet to be addressed, including on removing the automatic voting ban for all prisoners, allowing the possibility for those with undetermined citizenship to join parties, specifying conditions for the invalidation of internet voting results, increasing the capacity of the Committee on Monitoring the Funding of Political Parties and further expanding the accessibility of election-related information for national minorities.

The parliamentary elections are supervised by the National Election committee (NEC) and managed by a three-tier structure of election managers headed by the State Election Office (SEO). Most of ODIHR NAM interlocutors expressed full confidence in the impartiality and professionalism of the election administration. While access to polling stations by persons with disabilities is considered to be improved, some ODIHR NAM interlocutors pointed out that it is very difficult for voters with visual impediment to vote independently. The Election Act provides full access to citizen and

international observers throughout the electoral process, including the right to observe the meetings and work of NEC and election managers.

Citizens over 18 years of age are entitled to vote. The voter register is based on the Estonian Population register and is updated regularly. Since 2021, a fully electronic voter list has been introduced in all polling stations, and voters are marked online, with a contingency procedure prescribed in case of connectivity issues. ODIHR NAM interlocutors did not raise any concerns regarding the accuracy or inclusiveness of the voter register. The law provides ample opportunities for advanced voting in person, including from any district in the country.

Voters can cast their ballots online during the advance voting period and, for the first time they will be able to override their electronic vote by voting in person not only during advance voting but also on election day. Most ODIHR NAM interlocutors expect the trend of a rising number of voters voting online to continue. Although most ODIHR NAM interlocutors expressed full confidence in the internet voting, some noted concerns related to possible impersonation or family voting.

Candidates may stand through nomination by a registered political party or independently. None of the political parties met by the ODIHR NAM expected issues with candidate registration. There are no legal requirements to ensure gender parity on candidate lists. The law does not require a minimum representation of women on candidate lists and women are currently underrepresented in the parliament. Some parties mentioned that they will implement voluntary gender quotas on their candidate lists.

The law was recently amended to remove the prohibition on outdoor political advertising during the campaign, and the contestants can now campaign throughout the election period, including on election day. Campaigning is prohibited only inside polling stations. The presence of campaigners very close to polling station entrances was raised as a potential issue of concern by some ODIHR NAM interlocutors.

The law prohibits donations from anonymous sources and national and foreign legal entities, but does regulate some aspects related to third-party financing. Contestants must submit reports on campaign expenses to the Political Parties Financing Surveillance Committee within one month after the elections. The lack of cap on campaign donations and expenditures together with limited resources and tools at the disposal of the Committee were mentioned by some ODIHR NAM interlocutors as potentially undermining integrity of campaign financing.

The media environment is pluralistic and offers a diverse range of views. Television is the primary source of political information, with a considerable role played by the public broadcaster. While misinformation remains a general concern, the ODIHR NAM was informed that media outlets use fact-checking mechanisms and take measures to promote media literacy. The law does not require equal advertising prices, which according to some ODIHR NAM interlocutors, may negatively affect the level playing field and limit the transparency of campaign spending. All ODIHR NAM interlocutors expressed high confidence in the media to cover the election campaign comprehensively and offer voters an informed choice.

The Election Act provides for expedited deadlines for dispute resolution. Decisions of election bodies can be challenged by submitting a notice to the SEO, which the SEO considers within three days. Complaints may be submitted to the NEC, within three days, and the NEC must decide within five working days. An NEC decision may be appealed to the Supreme Court as the final instance. Decisions on the appointment of Voting District Committee members can be challenged only before the administrative court using regular deadlines.

Some ODIHR NAM interlocutors noted positive trends in integrating national minorities, but highlighted that their participation in the public sector remains low. Some political parties informed the ODIHR NAM that they have several candidates from among minorities on their candidate lists and described efforts to reach out to Russian-speaking voters and address issues directly impacting minorities in the campaign. Some representatives of national minorities highlighted that the relevant election information is available in Russian. Despite initiatives to simplify naturalization, 64,005 persons remain with undetermined citizenship, most of them of voting age and belonging to national minorities.

All ODIHR NAM interlocutors noted a high level of stakeholder confidence in the integrity of the electoral process and the ability of the election administration to organise the elections transparently and professionally. Some interlocutors pointed out potential issues of concern related to the integrity of internet voting, especially for persons with disabilities and those residing in care homes as well as the legal framework for campaign financing as a potential area of improvement. Therefore, based on the assessments noted in this report, the ODIHR NAM recommends deploying an Election Expert Team (EET) for the 2023 parliamentary elections to further assess the implementation of internet voting, the regulation and practice related to the political party and campaign finance, and the participation of national minorities. ODIHR also encourages the authorities to consider other outstanding previous recommendations, including those pertaining to the voting rights of prisoners.

III. FINDINGS

A. BACKGROUND

Estonia is a parliamentary republic with legislative authority exercised by a unicameral parliament (*Riigikogu*). Executive authority is vested with the government, led by the prime minister. The president is elected by the parliament for a five-year term and holds limited functions, including nominating the prime minister. In accordance with the Constitution, on 28 November, President Karis called parliamentary elections for 5 March.

Five political parties won parliament seats after the last elections in 2019.¹ The Centre party, together with EKRE and *Isamaa*, formed a coalition government led by the Centre's party Jüri Ratas. In January 2021, following allegations of corruption and the resignation of the cabinet, the Reform Party formed a government with the Centre party, led by Kaja Kallas. On 3 June 2022, the prime minister dismissed the ministers from the Centre party but continued to function as a minority government. In July 2022, Ms Kalas formed her second cabinet in coalition with *Isamaa* and SDP.

Women are well represented at the state and local level executives, with the president and prime ministers and 6 of 14 cabinet members being women. However, women are less represented in parliament, with 29 of 101 members elected in 2019 being women.

ODIHR has previously observed five elections in Estonia since 1999.² The ODIHR EET deployed for the 2019 parliamentary elections assessed the election administration, internet voting and the participation of national minorities.

¹ The Reform Party obtained the largest number of seats (34), followed by the Center Party (26), the Conservative People's Party - EKRE (19), Pro-Patria Union-Res Publica – *Isamaa* (12) and the Social Democratic Party – SDP (10). Due to leaving their factions since the elections, five MPs are unaffiliated.

² See all previous [ODIHR reports](#) on Estonia.

B. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The *Riigikogu*'s 101 members are elected in a proportional open list system for a 4-year term in 12 multi-member constituencies (MMCs), with a nationwide threshold of 5 per cent. The number of mandates in each constituency is determined proportionally to the number of registered voters in each district and currently ranges from 5 to 16.³

Mandates are allocated in three steps. Mandates are initially distributed among candidates who reach the simple quota in the district, i.e., the number of valid votes divided by the total number of district mandates. This includes any independent candidates who passed the quota. Parties that won more than five per cent nationwide participate in the further distribution of seats. Candidates who received at least ten per cent of the simple quota are elected. The remaining mandates are divided nationally among political parties using a version of the d'Hondt distribution method.

Parliamentary elections are regulated primarily by the 1992 Constitution, last amended in 2015, and the 2002 *Riigikogu* Election Act, last amended in 2020, but with several amendments, introduced in 2018, in force starting from 1 January 2021.⁴ Election legislation is supplemented by regulations and decrees of the NEC.⁵ Most ODIHR NAM interlocutors expressed full confidence in the legal framework for conducting democratic elections.

Since 2021, a fully electronic voter registration and identification system was introduced, along with the possibility for voters to vote at any polling location organised within their electoral district and, during the initial stages of the advance voting period, in polling stations in any other district in the country. In addition, the ban on outdoor political advertising during the campaign period and campaign silence on election day were abolished.

While a number of previous ODIHR recommendations were implemented, including in relation to internet voting, election campaigning and observation, several longstanding recommendations are yet to be addressed, including removing the automatic voting ban for all prisoners, allowing the possibility for those with undetermined citizenship and long-term residence to join political parties, specifying conditions for the invalidation of internet voting results, providing clear criteria for determination of the validity of electronic votes, relaxing conditions for refunding deposits for candidate registration, increasing the capacity of the Committee on Monitoring the Funding of Political Parties (CMFPP) by giving it the necessary authority and resources, and further expanding the accessibility of election-related information for national minorities. The ODIHR NAM was informed by parliament representatives that currently there are no pending amendments to the legal framework, despite proposals from some political parties and state institutions to introduce changes to the Election Act and the Political parties Act.⁶

³ In September 2022, the NEC [recommended](#) to the Constitutional Committee of the Parliament to consider changing the district boundaries to avoid frequent changes to the number of mandates per MMC due to the dynamic demographic shifts.

⁴ Other applicable laws include the 1994 Political Parties Act (last amended in 2014), 2010 Media Services Act (last amended in 2022), 2007 Public Broadcasting Act (last amended in 2022), 2002 Constitutional Review Court Procedure Act (last amended in 2019), 2001 Penal Code (last amended in 2022) and 2002 Code of Misdemeanour Procedure (2022).

⁵ In 2022, the NEC amended previous regulations related to the description and technical requirements for ensuring general principles of internet voting, as required by the Election Act, the format of the paper and electronic ballots for *Riigikogu* elections, and the allocation of mandates.

⁶ On 14 September 2022, the NEC sent a [letter](#) to the parliament and the Ministry of Justice, drawing attention to several aspects of the election process that, in its view, need improvement, including to division of duties between agencies organising internet voting and regulation of underlying systems, reconsidering boundaries of constituencies and the voting rights of prisoners.

C. ELECTION ADMINISTRATION

The parliamentary elections are supervised by the NEC and managed by a three-tier structure of election managers that include the SEO, 79 city and municipal secretaries and, at the precinct level, 405 Voting District Committees (VDCs).⁷ An overwhelming majority of ODIHR NAM interlocutors expressed full confidence in the impartiality and professionalism of the election administration.

The NEC is an independent body responsible for issuing decisions to supplement the law, registering candidates, considering election complaints and validating election results.⁸ The SEO is in charge of developing technical solutions, operational preparations, training election officials and organizing internet voting.⁹ The NEC and SEO decisions and instructions are binding for lower-level election managers.

Three of the seven NEC members and six of the eleven SEO staff are women. According to the SEO, women are well represented among lower-level election managers. The VDCs administer elections at the polling station level and comprise a minimum of five members. The chairperson and members are appointed by local government councils. By law, at least half of the members are nominated by municipal secretaries and the rest by the political parties participating in the elections. Parties may submit one nomination per VDC, for all VDCs.¹⁰ The SEO plans to organise non mandatory online training sessions for VDC members on election procedures and the use of the election management electronic system. In addition, the SEO maintains an online course for election officials with video materials and a knowledge tests.¹¹

According to the representatives of the Chancellor of Justice, the physical access to polling stations has improved in recent years, with some 80 per cent of polling stations accessible in the last parliamentary elections. The ODIHR NAM interlocutors pointed out that it is very difficult for voters with a visual impediment to vote independently.¹²

D. VOTER REGISTRATION

Citizens who turn 18 by the time of voting have the right to vote. By law, citizens deprived of legal capacity on account of an intellectual or psychosocial disability by an individualised court decision are also deprived of the right to vote, except if the court decision mandates partial deprivation with

⁷ In addition, the SEO appoints Vote Counting Committees, one for each district, which count the votes of all voters who voted outside of the district. Votes cast by voters permanently residing abroad are counted by the Tallinn City Counting Committee.

⁸ The NEC's seven members are appointed for four-year terms by the Chief Justice of the Supreme Court (two members), and one each from the Chancellor of Justice, the Auditor General, the Chief Public Prosecutor, the Secretaries of the Parliament Chancellery, and of the State Chancellery.

⁹ The SEO head and deputy are appointed by the parliament's secretary general upon receiving the NEC's approval. Other SEO staff are appointed based on proposals by its head.

¹⁰ The Election Act mandates a principle of political balance in VDCs as the only guiding principle but does not foresee a situation if there are more submissions from parties than the appointees from the municipality. To solve the issue, some election managers add nominees to match the number of political party nominees for particular VDCs from reserve members.

¹¹ The SEO has also produced a detailed handbook on election procedures available [online](#).

¹² Some other accessibility options are also lacking, such as election information provided in easy-to-read language and pathways for voters with visual impairments to find their way to polling stations.

retained electoral rights.¹³ Contrary to international standards, all prisoners convicted for a criminal offence are disenfranchised, regardless of the severity of the crime committed.¹⁴

The voter register is based on the population register and is updated regularly. Changes in voters' residential addresses in the last 30 days before elections are not reflected.¹⁵ In 2021, a fully electronic voter register was introduced and, upon voting, the voter's entry is marked online. In case the electronic register is inaccessible, ballots are placed in individual contingency envelopes until the connection is restored.¹⁶ The central voter list will allow voters to vote at any polling station in their electoral district.¹⁷ According to the Ministry of Interior, 965,231 voters were registered as of January, including those registered abroad.

The law provides various possibilities for advance voting in person.¹⁸ From 27 February to 2 March, each municipality should have at least one polling station open where voters will be able to vote also outside of their own electoral district.¹⁹ Voting in care homes, and detention centres will also be organised during this period. On Friday, Saturday and election-day Sunday, all polling stations will be open for voting, but in this period voting is only allowed within the voters' own district.²⁰ Voters residing abroad can submit a request to Estonian diplomatic missions abroad to either vote there or to request a postal ballot.²¹ All ODIHR NAM interlocutors noted that there are ample opportunities for voters to cast a ballot and that significant voter mobility is accommodated.

Voters may check their registration online at any time, and they receive an information sheet at the latest ten days before elections.²² In case of errors, voters can submit an application for correction to the municipal or city secretary.²³ The ODIHR NAM was informed that such cases are very rare. By law, the political parties and other election stakeholders do not have access to check voter lists. However, after election day, the authorised representatives of political parties and independent candidates can examine the voter list at the SEO premises, in case they can show reasonable doubt

¹³ See article 29 of the [Convention on the Rights of Persons with Disabilities \(CRPD\)](#) which requires states to guarantee to persons with disabilities political rights, including rights "to vote and be elected", and does not provide for any reasonable exclusion from these rights. Article 12 of the CRPD further requires equal recognition before the law. See also paragraph 9.4 of the 2013 CRPD Committee's [Communication No. 4/2011](#) which states that "an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability".

¹⁴ In its 2015 [judgement](#), the Supreme Court has held that automatic and non-selective deprivation of voting rights of prisoners as prescribed by the Elections Act is unconstitutional, but did not annul the respective stipulations in the act. It invited the parliament to amend the law or the Ministry of Justice to initiate a constitutional review proceeding.

¹⁵ This measure aims to prevent the possibility for voters to change the electoral district where they vote very close to election day.

¹⁶ The electronic voter register was used for the first time in the October 2021 elections of local councils. According to the SEO, during these elections, a system configuration error resulted in an interruption of service that lasted 40 minutes and the activation of contingency procedures in all polling stations across the country.

¹⁷ In practice, this allows for opening polling stations at locations frequented by voters. Tallinn election managers informed ODIHR NAM that most of their advance voting polling stations would be opened in shopping centres.

¹⁸ According to the SEO, 105 polling stations will be opened in this period.

¹⁹ The envelopes containing their ballots will be forwarded to VDCs established by the SEO, one for each electoral district and will be counted after polls close on election day.

²⁰ During this period, VDCs will conduct home visits for homebound voters who submitted a request by 2pm on election day.

²¹ Voting abroad will be organized in 41 diplomatic missions.

²² According to the SEO, more than 90 per cent of voters receive the information sheets over email.

²³ If the request is rejected, they may submit a complaint, forwarded within a day to the Administrative Court and decided by the court within three days.

about the list's accuracy. ODIHR NAM interlocutors did not raise any concerns regarding the accuracy or inclusiveness of the voter register.

E. INTERNET VOTING

Voters can cast their ballots online during advance voting from Monday, 27 February, 9:00pm until Saturday, 5 March, 8:00pm, without interruption, from any location. In the last parliamentary elections in 2019, 43.8 per cent of voters voted online, the highest since the introduction of internet voting.

Voters can vote online as many times as they wish, and only their last electronic ballot is taken into account, a measure that increases the integrity of internet voting. For the first time in parliamentary elections, and in line with a prior ODIHR recommendation, voters would be able to override their electronic vote with a paper ballot not only during the advance voting, but also on election day.²⁴ As a novelty, voters can acquire information at the polling station if they previously cast an electronic ballot. According to the SEO, this reduces the potential of voters being misinformed that electronic votes could be easily stolen without their knowledge, if they do not override it with a paper ballot.

The legal framework for internet voting comprises the Election Act and several other laws and decisions of the NEC.²⁵ The SEO is responsible for organizing online voting but on most technical aspects it relies on the Information System Authority (RIA), which is an independent state agency responsible for developing the election information system and ensuring protection of the critical infrastructure.²⁶

According to most ODIHR NAM interlocutors, the broad acceptance and high voter confidence in internet voting are rooted in the longstanding widespread use of digital identity for health, banking and administrative services. Voters identify online using an ID card, mobile or digital tokens.²⁷ The law prescribes that a voter must vote electronically on an individual basis. Although most ODIHR NAM interlocutors expressed full confidence in internet voting, some noted concerns related to possible impersonation or family voting. A number of ODIHR NAM interlocutors indicated that voters residing in care homes, may be particularly vulnerable.²⁸ Despite these concerns, most ODIHR NAM interlocutors expressed confidence in the technical aspects and the accurate tally of the election results.

The ballots cast online are encrypted with the an encryption key before being submitted, which protects the secrecy of the vote.²⁹ Encrypted and signed votes are stored in an electronic ballot box. At vote counting, after the repeated electronic votes are excluded, the electronic votes are

²⁴ This possibility is possible by having a fully electronic voter list for all voting methods.

²⁵ Including, *inter alia*, the Electronic Identification and Trust Services for Electronic Transactions Act and the Identity Documents Act.

²⁶ Among other services, RIA conducts risk assessment procedures and DDOS protection, cyber hygiene training, system integrity and pen tests, maintains the electronic ballot box, and provides user support.

²⁷ The widely used mobile application-based Smart-ID is currently not allowed as a form of identification for the purpose of voting, although it is possible to use it for most other e-government services. According to [E-Estonia](#), Smart-ID is used by some 44 per cent of citizens on a daily basis.

²⁸ RIA explained to the ODIHR NAM that, for the 2021 local elections, it conducted checks to identify if any clusters of voters are voting online from the same location within a short timeframe and it did not find such cases. The representative of the Chancellor of Justice informed the ODIHR NAM that they visited a care home during the 2021 local elections where proxy voting was suspected due to voters voting from the same device but, upon interviewing the residents there, did not find any indication of pressure on them to vote in a particular way.

²⁹ The associated decryption key is split and distributed among the NEC and SEO members immediately after being created as a part of a process that can be observed.

anonymised, mixed, decrypted and tallied.³⁰ While all critical functions of the internet voting system are elaborated in detail by the election authorities, some important aspects, such as detailed rules for determining results, are yet to be formalised in the primary legislation.³¹

According to RIA, following the 2019 elections, the government requested it to develop an application for voting using mobile devices (Android and iOS devices). However, due to the lack of political consensus and amid concerns by the NEC and other election stakeholders, this option was not introduced for the 2023 parliamentary elections.³²

F. CANDIDATE REGISTRATION

Voters who have reached 21 years of age are eligible to stand for the *Riigikogu*, with the exception of active serving members of the Estonian defence forces.³³ Candidates can be nominated by a registered political party or run independently and can stand in only one electoral district but do not need to be residents of those districts.

To stand, a candidate, or a party on behalf of the candidate, must submit a deposit equal to one minimum monthly salary per candidate (654 EUR).³⁴ Despite a prior ODIHR recommendation, deposits are reimbursed only to individual candidates who receive at least half of the quota in their electoral district or to a political party that receives at least five per cent of the votes nationally.

The candidate registration commenced on 1 December 2022 and contestants needed to submit candidacies by 19 January and candidate registration is finalised by 24 January. None of the political parties met by the ODIHR NAM expected any issues related to candidate registration.

There are no legal requirements to ensure a minimum representation of women on candidate lists or when replacing MPs during the parliament's term. Some political parties informed the ODIHR NAM that they will implement some voluntary quotas to increase the number of women in higher positions on their candidate lists, e.g., by allocating some top positions across the twelve district candidate lists to women. However, most ODIHR NAM interlocutors assessed that these measures may not be sufficient to increase the number of women MPs.

G. ELECTION CAMPAIGN

Since 2020, the Election Act does not define an election campaign period and, in line with a previous ODIHR recommendation, does not prohibit outdoor political advertising during the campaign. Campaign silence was also removed, and parties and candidates may campaign on election day.³⁵ The only existing prohibition relates to campaigning inside polling stations. According to the SEO,

³⁰ The internet voting is audited the day after the elections, in a process that mathematically verifies the accuracy of the process.

³¹ In 2019, following the last parliamentary elections, the Supreme Court made an [opinion](#) as part of their ruling on two complaints that the rules for determining the results of electronic voting described in bylaws should be clearly stipulated in the primary legislation.

³² Concerns include voters not be able to verify their votes if they voted on the same device, trust in the application providers to deliver unaltered voting software to mobile devices and other technical issues.

³³ The law prohibits certain officials from being elected MPs. This does not prevent them from standing as candidates, but if elected, they have to decide whether to continue in their current office or become an MP.

³⁴ A political party may list up to two more candidates per district compared to the number of contested seats and, before submission, pay the deposit for all their candidates in a lump sum. To submit a maximum number of candidates in all 12 districts, a party must pay a deposit of 81,750 EUR.

³⁵ By law, election officials are prohibited from campaigning. The Law Enforcement Act also prohibits campaigning in public transportation vehicles or those used to transport voters to polling stations.

this limitation only extends to part of the building in which the polling station is located, but campaigning must be sufficiently distanced so it does not impact the voting process. The presence of campaigners very close to polling station entrances was raised as a potential issue of concern by some ODIHR NAM interlocutors.³⁶

Parties informed the ODIHR NAM about their intention to have direct meetings with voters and set up campaign tents at locations frequented by voters and advertise in the print, broadcast, online media and social networks. According to organisations of persons with disabilities, most campaign locations and party premises that host campaign and political party events are inaccessible for persons in wheelchairs.

H. CAMPAIGN FINANCE

The Political Parties Act regulates campaign finance, including public funding, sources of income and reporting requirements. The act was amended since 2014. A number of previous ODIHR recommendations on campaign finance issues remain unaddressed, including on introducing campaign donation and expenditure limits.

Annual state funding is the primary source of funding for all parliamentary parties, with funding proportional to the number of MP seats they have.³⁷ Parties that obtained at least two per cent of votes in the last elections are also eligible to receive state support.³⁸ Some ODIHR NAM interlocutors held a view that the eligible non-parliamentary parties receive insufficient support from the state budget. In-kind donations and loans are permitted. While the law prohibits donations from anonymous sources and national and foreign legal entities, according to ODIHR NAM interlocutors, there is room for improving the regulation of third-party financing.³⁹

The financing of parties and campaigns is overseen by the Political Parties Financing Surveillance Committee (PPFSC).⁴⁰ Parties submit to the PPFSC quarterly donation reports and annual reports on income and expenditures.⁴¹ Election contestants must also submit reports on campaign expenses within one month after the elections.⁴² The PPFSC can check the veracity of financial reports, including by requesting income data of individual donors from the tax office in case it suspects malfeasance. However, a number of ODIHR NAM interlocutors underlined that the PPFSC has limited resources and authority for effective monitoring. Specifically, interlocutors mentioned the inability of the PPFSC to request third-party organisations to disclose financial information if it suspects political spending in favour of contestants, in contravention of the law.

³⁶ Tallinn election managers explained to ODIHR NAM that the managers of shopping malls, as privately held entities, typically do not permit campaigning inside the malls. The Ministry of Interior informed the ODIHR NAM that police investigated several isolated allegations of vote-buying in the 2019 and 2021 elections but that these did not lead to prosecution and convictions.

³⁷ Parties received 5,240,582 EUR from state funding in 2022.

³⁸ Such parties received annual allocations equaling 30,000, 60,000, or 100,000 EUR if they won more than 2, 3 or 4 per cent of votes in the last parliamentary elections.

³⁹ By law, the parties may affiliate themselves with foundations or non-profit organisations and donate to their activities but must disclose this relationship to the Political Parties Financing Surveillance Committee.

⁴⁰ PPFSC comprises members serving five-year terms on a part-time basis, nominated by parliamentary parties, the Chancellor of Justice, the Auditor General and the NEC.

⁴¹ Donation reports must contain names of donors and contribution amounts, including in-kind donations and the names of party members and their membership dues. Party expenses must be reported in specified categories, such as advertising, public relations, and publications, and audited by an accredited auditor before submission.

⁴² The campaign reports must include the expenses of the listed candidates and any affiliated organisations, and the candidates bear personal responsibility for failing to declare an expense.

The PPFSC explained to ODIHR NAM that it does not have the power to impose any sanctions. If it finds a violation, the PPFSC may request the party to return the money to the donor or submit it to the state budget (if the donor identity cannot be established). If the party fails to follow the request, the PPFSC may initiate proceedings against the party before the Administrative Court.⁴³

I. MEDIA

Estonia's media environment is pluralistic and offers a diverse range of views. Television is the primary source of political information, with a considerable role played by the public broadcaster, followed by internet, radio and print media. While misinformation remains a general concern, ODIHR NAM was informed that a number of media and other organisations have or use fact-checking services, and make efforts to promote media literacy. Overall, the interlocutors expressed a high level of confidence in the media to cover the election campaign comprehensively and offer voters an informed choice.

The national broadcaster (ERR) comprises three national television channels (including a Russian language channel), five national radio stations and four internet news portals, each including a dedicated Russian language outlet.⁴⁴ By law, the ERR programming must be politically balanced, in particular during campaigns, and provide equal opportunity to all political parties and independent candidates.⁴⁵ Political advertising on ERR is prohibited, and there is no free airtime for contestants. However, the ERR online platform features video addresses from all parties and candidates standing independently. The ERR plans to hold thematic debates among the electoral contestants on TV and radio.⁴⁶ Some debates will be organised specifically for young voters (featuring younger candidates and topics of their interests) and some in the Russian language.

Disputes against specific programmes on ERR are reviewed by the producer, who makes a decision on whether and how to address it, and, in the second instance, the ERR ethics adviser (ombudsperson) reviews the complaint and recommends to the ERR management board the course of action. The ERR's decision can be further challenged in court, but according to the ERR representatives, the process at the ERR reduces the need for litigation and expedites the remedy. Disputes over media election coverage by private outlets may be addressed to the Press Council, a consultative body comprised of the chief editors of the major media outlets.⁴⁷

Private media, including a broad range of television and radio stations, internet portals and newspapers, are largely unregulated regarding campaign coverage. A number of private media outlets plan to cover elections extensively and also offer political advertising. While some private media have political leanings in their editorial approach, the ODIHR NAM interlocutors stated that this, in general, does not negatively impact the access of specific contestants on the media's platforms and the overall pluralistic election environment. However, the law does not require fixed and equal

⁴³ The PPFSC may also request data from the Tax Authority if it suspects that the individual donation is not from personal resources.

⁴⁴ According to the ERR rules, candidates communicate on ERR's Estonian-language channels in Estonian and in the corresponding programs of Russian-language channels in Russian.

⁴⁵ Within a week after elections are called, the council approves and publishes a [set of rules](#) on election programs and scheduling, further mandating that the coverage must be impartial and independent of political influence.

⁴⁶ Only the political parties that submit a full list of candidates (101 candidates) in all electoral districts will be invited to participate in the main debates. Opinion polls are not taken into account in determining the debate participants. Individual political party representatives will be permitted to participate in only one of the main debates on TV and radio.

⁴⁷ According to ERR, the press council may, but does not, as a rule, consider election-related disputes for ERR.

advertising prices for all contestants, which according to some interlocutors, may negatively affect the level playing field and occlude the transparency of political funds spent for this purpose.⁴⁸

J. CITIZEN AND INTERNATIONAL OBSERVERS

The Election Act provides full access to citizen and international observers throughout the electoral process, including the right to observe the meetings and work of NEC and election managers.⁴⁹

As in previous elections, a coalition of civil society organisations and volunteer experts is planning to assess specific aspects of the elections, mainly related to the campaign activities, including in the media and campaign financing, starting from 20 January. The coalition plans to publish weekly findings that include the worst and best examples of specific candidates' compliance with the code of good conduct. At the time of the ODIHR NAM visit, they did not envisage any organized observation of election day proceedings.

K. NATIONAL MINORITIES

According to the 2021 census, ethnic Estonians represent 69 per cent of the population. The largest national minorities are Russians (24 per cent), Ukrainians (2 per cent) and Belarusians (1 per cent).

Some ODIHR NAM interlocutors noted positive trends regarding the integration of national minorities, however their representation in the public sector remains low. No progress has been made in the right of minorities to communicate with local authorities in minority languages, particularly affecting smaller national minorities.⁵⁰

Some political parties informed the ODIHR NAM that they will include several candidates belonging to ethnic minorities on their candidate lists. They plan to reach out to Russian-speaking voters, including by providing campaign information in Russian and consideration of issues directly impacting minorities, such as the extent of use of minority languages in the education system. Campaigning is permissible in foreign languages, but the contestants should provide a translation in Estonian of the essential information offered. The Language Act requires that if a foreign language is used in outdoor advertisements, the same text should be included in Estonian and no less visible than in other languages. The Language Inspectorate oversees compliance with the Language Act and follows up on complaints of possible violations.⁵¹ By law, all elected officials must be proficient in Estonian. Some representatives of national minorities highlighted that the relevant election information is available in Russian.

⁴⁸ According to the ODIHR NAM interlocutors, the media advertising market is facilitated by advertisement agencies who sign long-term contracts with the media and may buy advertising time in bulk on specific channels, securing discounts. Prices that the political parties secure for their advertising depend on the quality of the contract secured by the ad agency that they engage with.

⁴⁹ The SEO plans to facilitate observation of key events related to internet voting, including the creation and dissemination of the vote encryption/decryption keys, counting of internet votes and, after elections, auditing of the internet voting process and destruction of election materials after the election results are final.

⁵⁰ See the 2022 [Fifth Opinion on Estonia](#) of the Advisory Committee on the Framework Convention for the Protection of National Minorities of the Council of Europe. In paragraph 17, the committee "urges the authorities to expand its consultation structures with representatives of national minorities beyond the sphere of culture and provide adequate opportunities for persons belonging to national minorities to have their voice heard and have a substantial influence on all decisions and issues affecting them. Due account should be taken of the diversity of views within minority communities, and of gender and age balance."

⁵¹ During the October 2021 local elections, when outdoor campaign posters could be used for the first time, the Language Inspectorate reacted to complaints in two different municipalities, which were expressly remedied by the campaigners.

According to the Ministry of Interior, as of 1 January 2023, there are 64,005 adults with undetermined citizenship (roughly equivalent to 5 per cent of the total population and most belonging to national minorities), a figure that has been steadily decreasing in recent years.⁵² While significant progress was made in integrating non-citizens, many still face difficulties passing naturalization exams or are disinterested in the process. These persons do not have the right to vote or stand as candidates in parliamentary elections but have the right to vote in local elections.⁵³ While they could participate in party activities and donate to parties or candidates, they still lack the right to join a political party, contrary to a prior ODIHR recommendation.

L. COMPLAINTS AND APPEALS

The Election Act provides for expedited deadlines for dispute resolution. Decisions of election bodies can be challenged by submitting a notice to the SEO, which the SEO considers within three days. Complaints may be submitted to the NEC, within three days, and the NEC must decide within five working days. The law provides that the complaint is considered if submitted only by a subject who has direct interest in the violation, which may limit the legal standing; the NEC informed ODIHR NAM that it applies a broad interpretation for accepting complaints for consideration. A NEC decision may be appealed to the Supreme Court as the final instance, which decides on it within seven working days. However, the deadlines above apply only in relation to the actions and decisions of the election officials. The decisions of the municipal authorities on the appointment of VDC members can be legally challenged only before the administrative court to which regular deadlines apply. ODIHR NAM interlocutors did not raise any concerns about election dispute resolution. By the time of the NAM visit, no complaints were lodged with the NEC.

IV. CONCLUSIONS AND RECOMMENDATIONS

All ODIHR NAM interlocutors noted a high level of stakeholder confidence in the integrity of the electoral process and the ability of the election administration to organise the elections transparently and professionally. Some interlocutors pointed out potential issues of concern related to the integrity of internet voting, especially for persons with disabilities and those in care homes and the legal framework for campaign financing as a potential area of improvement. Therefore, based on the assessments noted in this report, the ODIHR NAM recommends deploying an Election Expert Team (EET) for the 5 March 2023 parliamentary elections to further assess the implementation of internet voting, the regulation and practice related to the political party and campaign finance, and the participation of national minorities. ODIHR also encourages the authorities to consider other outstanding previous recommendations, including those pertaining to the voting rights of prisoners.

⁵² A total of only 75 underage persons are with undetermined citizenship.

⁵³ These stateless persons are legal residents who enjoy full economic and social rights and protections.

ANNEX: LIST OF MEETINGS

Officials

Ministry of Foreign Affairs

Tiina Nirk, Director General, Consular Department
Erle Ignatjev, Desk Officer, Consular Services Division
Käthlin Saluveer, Head of the International Organisations Division
Merit Kaasik, Desk Officer, International Organisations Division

National Electoral Committee

Oliver Kask, Chairperson, Judge at the Tallinn Circuit Court
Airi Mikli, Deputy Chairperson, Advisor to the Auditor General
Janek Laidvee, Member, Judge at the Tallinn Administrative Court
Olari Koppel, Member, Deputy Chancellor of Justice
Dilaila Nahkur-Tammiksaar, Member, Chief State Prosecutor
Epp Hannus, Member, Adviser to the Legal Department of the Government Office
Teet Raidma, Member, Information Security Auditor

State Election Office

Arne Koitmäe, Head of Office
Nellika Valder, Deputy Head

Tallinn Election Committee

Heiki Soome, Deputy Chairperson
Aljona Kallaste, Election Manager

Information System Authority

Mr Gert Auväärt, Director of Cyber Security
Alo Einla, Head of the Elections Infosystems

Ministry of Interior

Mairis Kungla, Deputy Head of the Population Facts Department
Henry Timberg, Head of the Public Order and Criminal Policy Department

Office of the Chancellor of Justice

Olari Koppel, Deputy Chancellor of Justice
Kertti Pilvik, Head of International Relations and Organisational Development
Liina Lust-Vedder, Senior Adviser

Language Inspectorate

Ilmar Tomusk, Director General

Political Party Financing Surveillance Committee

Liisa Oviir, Chairperson
Nellika Valder, Deputy Chairperson

Constitutional Affairs Committee of the Parliament

Erle Ennever, Adviser, Head of Secretariat
Helin Leichter, Adviser

Constitutional Review Chamber of the Supreme Court of Estonia

Katri Jaanimägi, Counsellor

Political Party Representatives

Marko Šorin, MP, Centre Party
Anti Poolamets, MP, Conservative People's Party
Margit Sutrop, MP, Reform Party
Mati Raidma, MP, Reform Party
Kristo Enn Vaga, Campaign Manager, Reform Party
Indrek Saar, MP, Social Democratic Party

Media Representatives

Public Broadcasting Board

Erik Roose, Chairperson of the Board
Toomas Luhats, Board Member
Mart Luik, Board Member
Tarmu Tammerk, ERR Journalism Ethics Ombudsman

***Postimees* Newspaper**

Priit Hõbemägi, Editor in Chief

Civil Society Representatives and Academia

Steven-Hristo Evestus, Executive Director, Transparency International Estonia
Ave Härsing, Head of Cultural Diversity Activities, Integration Foundation
Aleksandr Dusman, Head of Ida-Viru Round Table of National Minorities
Mari Puuran, Accessibility Policy Officer, The Estonian Chamber of Disabled People
Jakob Rosin, Chairperson, Estonian Blind Union
Sven Kõllamets, Counsellor for students with special needs, Tallinn University of Technology
Mihkel Solvak, Associate Professor of Technology Research, University of Tartu

International Community⁵⁴

Representatives of diplomatic missions of Greece, Ireland, Italy, Lithuania, the Netherlands, Norway, Portugal, the Russian Federation and Switzerland.

⁵⁴ The ODIHR NAM extended an invitation to representations of all OSCE participating States resident in Estonia.