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COUNTRY
REPORT
2018/23

DECEMBER
2018

REPORT ON POLITICAL PARTICIPATION OF MOBILE EU CITIZENS: ESTONIA

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This report was funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020)

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Global Citizenship Observatory (GLOBALCIT)
Robert Schuman Centre for Advanced Studies
in collaboration with
Edinburgh University Law School

Report on Political Participation of Mobile EU Citizens: Estonia
RSCAS/GLOBALCIT-PP 2018/23
December 2018

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Printed in Italy
European University Institute
Badia Fiesolana
I – 50014 San Domenico di Fiesole (FI)

www.eui.eu/RSCAS/Publications/
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This report was funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020).

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Report on Political Participation of Mobile EU Citizens

Estonia

Mari-Liis Jakobson¹ and Leif Kaley²

Abstract:

In Estonia, EU citizens, third-country nationals, and persons with undetermined citizenship enjoy the right to vote in local elections. Third-country nationals and persons with undetermined citizenship are eligible to vote if they hold a long-term or permanent residence permit. EU citizens also enjoy passive electoral rights in local elections. Furthermore, EU citizens have the right to vote in and stand for the European Parliament (EP) elections held in Estonia. Estonian citizens, who are either temporarily or permanently resident abroad, have the right to vote in and stand as candidates in national and EP elections. Despite Estonia having a number of measures in place, which significantly facilitate both the voter registration procedure and the casting of the ballot, the turnout of resident non-national EU citizens and non-resident Estonian nationals remains very low. Possible facilitators would be to increase the information campaigns and activities, and to encourage the political participation of both resident EU citizens and non-resident citizens more generally.

Kokkuvõte:

Eestis saavad kohalikel valimistel valida nii Euroopa Liidu kodanikud, kui ka määratlemata kodakondsusega isikud. Kolmandate riikide kodanikel ja määratlemata kodakondsusega isikutel on võimalik valida, kui neil on pikaajaline või alaline Eesti elamisluba. EL-i kodanikel on õigus ka kohalikel valimistel kandideerida. Lisaks on EL-i kodanikel õigus valida ning kandideerida ka Euroopa Parlamendi valimistel Eestis. Hoolimata sellest, et Eestis on loonud mitmeid võimalusi ja toetavaid meetmeid nii valijate registreerimiseks kui hääletamiseks, on EL kodanike ning välismaal elavate Eesti kodanike valimisaktiivsus äärmiselt madal. Potentsiaalselt võiks olukorda parandada täiendavad teavitustegevused, samuti võiks julgustada Eestis elavate EL-i kodanike ning võõrsil elavate eestlaste poliitilist osalust laiemalt.

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1. Introduction

Non-resident citizens have the right to vote in and stand for in national elections held in Estonia (see Table 1). The same applies for European Parliament (EP) elections. Non-resident citizens are automatically registered to vote in national and EP elections. Non-resident Estonian voters may cast the ballot through in-country voting, personal voting at diplomatic missions, postal voting, or electronic voting.

Resident EU citizens, third-country nationals, and stateless persons enjoy electoral rights in local elections held in Estonia. Third-country nationals and stateless persons have to hold a long-term residence permit or permanent residence right in Estonia (usually granted after five years of lawful residence). Long-term residents are automatically registered. EU citizens have to register to be able to vote in local elections. Resident EU citizens furthermore have the right to vote and stand for EP elections. A one-off active registration is required for EU citizens to be able to cast their vote.

Table 1. Conditions for electoral rights of non-resident citizens and non-citizen residents in Estonia

Type of voter	Election type	Right Voting	Right Candidacy	Automatic registration	Remote voting
Non-resident citizens	National Legislative	YES	YES	YES	YES ¹
Non-resident citizens	European Parliament	YES	YES	YES	YES ²
Non-citizen residents	Local Legislative	YES ³	YES ⁴	NO ⁵	NA
Non-citizen residents	Local Mayoral	NA	NA	NA	NA
Non-citizen residents	European Parliament	YES ⁶	YES ⁷	NO ⁸	NA

1.1. Demographic Characteristics of Non-citizen Residents and Non-resident Citizens

Non-citizen residents

The population of Estonia is one of the smallest in the EU; as of 1 January 2018, 1,319,133 persons reside in Estonia. Roughly 15% of the population are non-citizen residents. The main national group of non-citizens are citizens of the Russian Federation (85,369), followed by

¹ In-country voting, personal voting at diplomatic missions, postal voting and electronic voting are available.

² In-country voting, personal voting at diplomatic missions, postal voting and electronic voting are available.

³ EU citizens; third-country nationals or stateless persons with a long-term residence permit or permanent residence right, usually granted after five years of continuous and lawful residence.

⁴ Only EU citizens residing in the Estonian municipality where the election is held.

⁵ Active registration is required for EU citizens; third-country nationals and stateless persons are automatically registered.

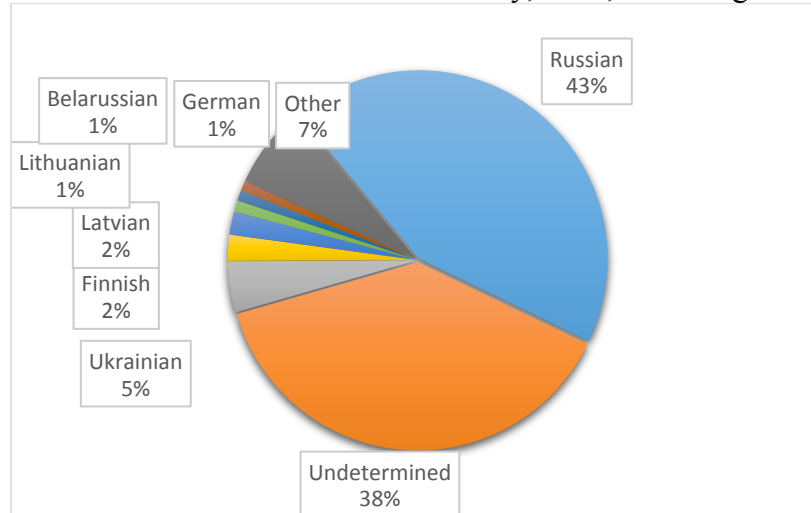
⁶ Only EU citizens who reside in Estonia and who actively registered in the electoral registry at least 30 before the election day.

⁷ Only EU citizens residing in Estonia.

⁸ A one-off active registration is required. The registration is automatically renewed as long as the voter does not change his/her address of residence.

persons with undetermined citizenship (75,628) – a status given to persons who were residing in Estonia after Estonia restored its independence and who have not obtained Estonian citizenship, but also do not hold a citizenship of any other country.⁹ Other significant non-citizen groups include Ukrainian (8,649), Finnish (4,384), Latvian (3,870), Lithuanian (1,894), Belarussian (1,739) and German (1,648) citizens.

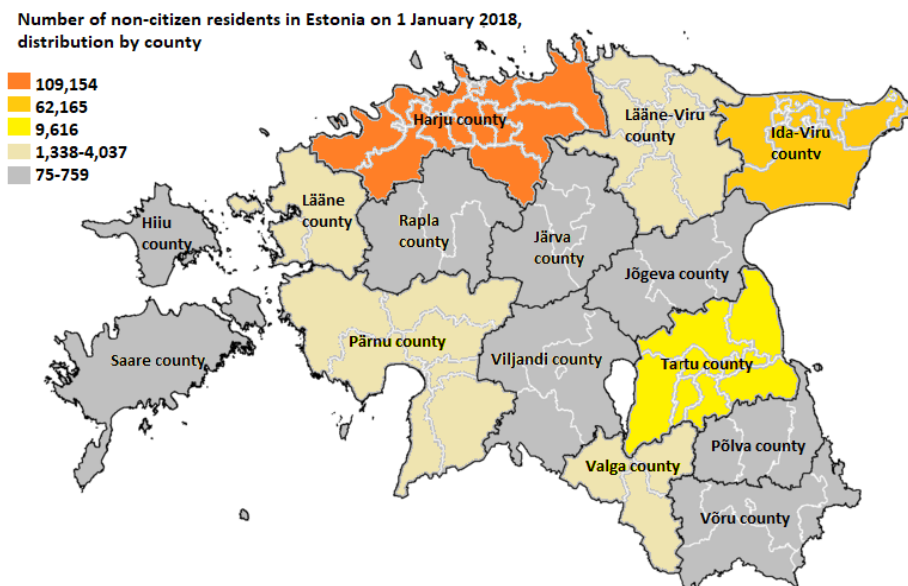
Figure 1. Non-citizen residents in Estonia on 1 January, 2018, according to citizenship.



Source: Statistics Estonia

Non-citizen residents are geographically largely clustered in three main regions: almost 92% of all non-citizen residents reside in the following counties: Harju county (where the capital city Tallinn is located), Ida-Viru county (an industrial and dominantly Russian-speaking region), or Tartu county (where Estonia's largest university is situated).

Figure 2. Number of non-citizen residents in Estonia on 1 January, 2018, by county.



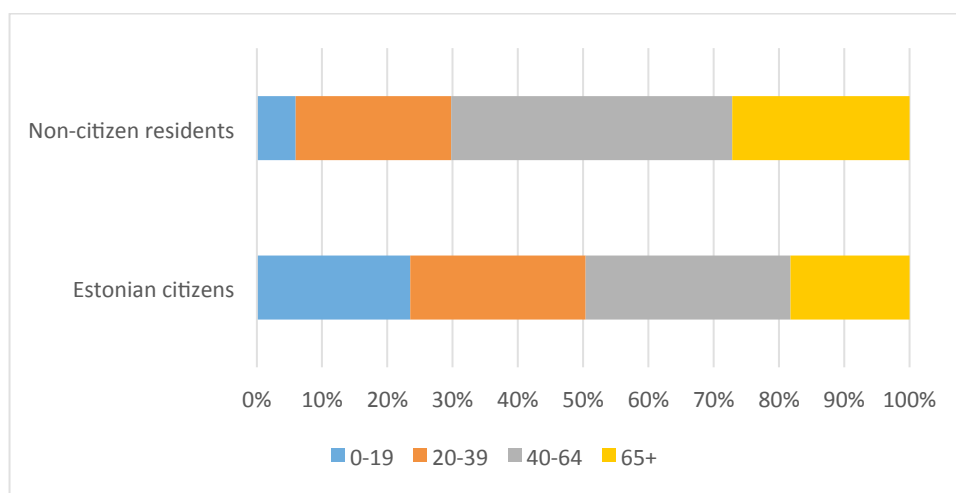
Source: Statistics Estonia

⁹ See e.g. the GLOBALCIT country report on Estonian citizenship law. Priit, J. and Poleschchuk, V. Report on Citizenship Law: Estonia. Country Report, RSCAS/EUDO-CIT-CR 2013/6.

The gender balance among the non-national population differs slightly from the national population: while 54% of Estonian citizens residing in Estonia are women, the men are slightly more represented among the non-national residents with a percentage of 52%.

The age structure of the non-citizen residents, however, is considerably older than the national population. This is primarily due to the ageing population with Russian citizenship and due to the simplified naturalisation of children of non-citizens.

Figure 3. The age structure of the citizen and non-citizen population in Estonia on 1 January, 2018.



Source: Statistics Estonia

The following will give an overview of the demographics of **nationals of other EU Member States** residing in Estonia ('EU nationals' from hereon). The data is derived from the Estonian population register and adjusted, based on the residence index, i.e. a composite index, deriving information from 14 different national registers, which helps to identify, whether the person is actually living in Estonia, or not.¹⁰ This is used, since people often do not notify the population register when leaving Estonia. The following data only represents the number of residents who are older than 16, i.e. already of voting age in the local elections.

As of 1 January 2018, 17,472 EU nationals who have reached voting age¹¹ are resident in Estonia. The largest national groups are Finnish, Latvian, Lithuanian and German citizens. While the data are not completely comparable to the data on the whole population presented above, the gender balance among the voting age population differs considerably from that of Estonian citizens, as well as that of the total non-citizen resident population: 63% of EU nationals residing in Estonia are male (the ratio is roughly the same for persons over 18). The EU national population is also relatively young (see Table 2 below).

¹⁰ Meres, K. (2017) Calculation of population size: residency index vs population register

¹¹ 17,311 persons were at least 18 years old, i.e. of voting age for the EP elections.

Table 2. Non-citizen EU nationals resident in Estonia according to citizenship and gender on 1 January 2018, aged 16¹² and over.

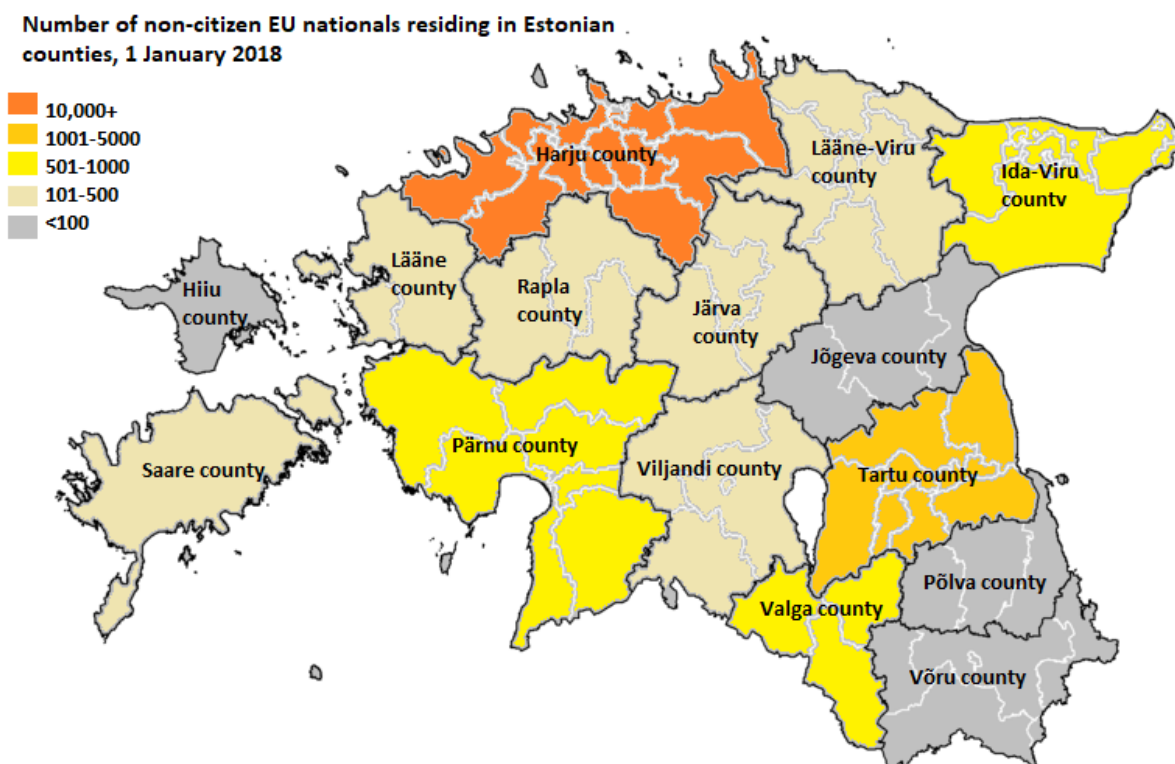
Citizenship	Total	Age				Gender	
		16-17	18-39	40-59	60+	% of men	% of women
Austria	113	1	91	12	9	54%	46%
Belgium	152	0	121	23	8	68%	32%
Bulgaria	325	1	153	156	15	84%	16%
Croatia	43	1	35	6	1	42%	58%
Cyprus	13	0	7	5	1	62%	38%
Czech Republic	249	1	238	9	1	44%	56%
Denmark	170	1	65	81	23	84%	16%
Finland	4,178	23	2000	1220	935	65%	35%
France	709	2	579	103	25	64%	36%
Germany	1,555	42	1,093	280	140	55%	45%
Greece	128	0	89	35	4	68%	32%
Hungary	184	0	141	37	6	56%	44%
Ireland	77	5	43	26	3	75%	25%
Italy	940	9	662	230	39	66%	34%
Latvia	3,373	42	1706	1177	448	55%	45%
Lithuania	1,693	18	659	686	330	55%	45%
Luxembourg	3	0	1	0	2	33%	67%
Malta	10	1	4	5	0	80%	20%
Netherlands	287	0	167	93	27	78%	22%
Poland	453	2	264	140	47	62%	38%
Portugal	201	0	166	33	2	63%	37%
Romania	463	4	258	184	17	82%	18%
Slovakia	163	0	158	4	1	54%	46%
Slovenia	39	0	31	5	3	51%	49%
Spain	529	2	453	67	7	60%	40%
Sweden	736	4	265	305	162	81%	19%
United Kingdom	686	2	325	284	75	83%	17%
Total:	17,472	161	9,774	5,206	2,331	63%	37%

Source: Statistics Estonia

The geographic distribution of EU nationals in Estonia is roughly similar to the general non-citizen resident population. The majority live in the capital city region (Harju county), Tartu and Ida-Viru counties. Other regions more popular among EU nationals are Pärnu (a resort town) and Valga county, which both border Latvia.

¹² The minimum age to be eligible to vote in the local elections in Estonia.

Figure 4. Distribution of voting-age non-citizen EU nationals according to county of residence on 1 January 2018.



Source: Statistics Estonia.

Non-resident citizens

Estonian citizens residing abroad are much more difficult to account for, as there is no enforcement mechanism to ensure that people register their actual place of residence in the Estonian population register, even if the Population Register Act obliges them to do so. However, on 1 January 2018, a total of 108,903 Estonian citizens who had reached voting age (over 18 years old in the national and EP elections) had registered their residence abroad (note that different accounts for ethnic Estonians abroad range from 150,000 to 250,000¹³).

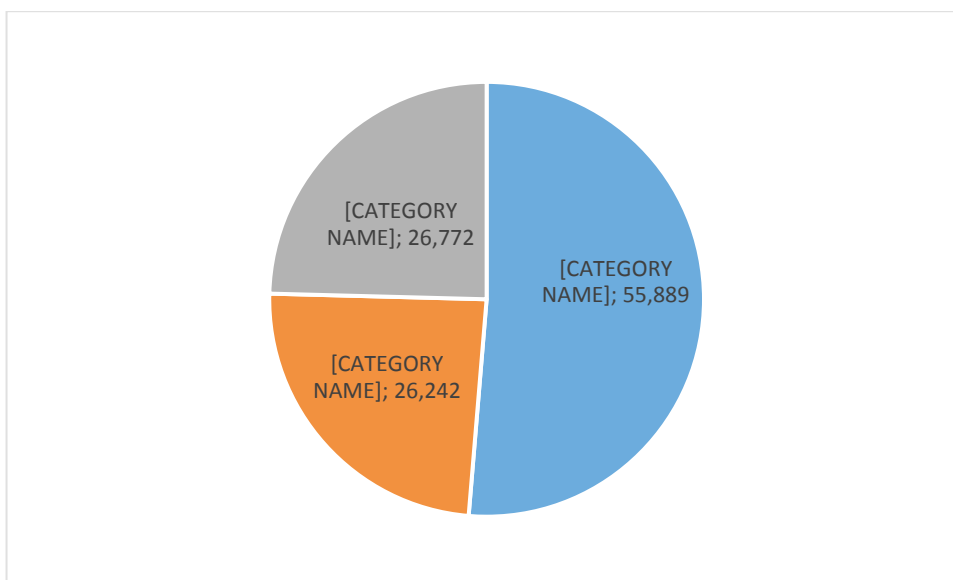
Among Estonian citizens who had registered their place of residence in a foreign country, more than half are registered in another EU Member State, a quarter in third countries, and the whereabouts of the other quarter were unknown. Besides the EU, large communities of Estonian citizens also reside in Russia, the United States, Canada, and Australia.¹⁴

¹³ Rahvuskaaslaste programm [*The Compatriots' Programme*] 2014-2020, p4.

https://www.hm.ee/sites/default/files/rahvuskaaslaste_programm_2014_2020.pdf

¹⁴ Tiit, E-M. (2015) External Migration in Estonia in the Past Decade. A Statistical Estimate. *Population Trends*. Tallinn: Statistics Estonia, pp 68-101.

Figure 5. Country of residents of Estonian citizens residing outside of Estonia on 1 January 2018.



Source: Statistics Estonia.

More than half of Estonian citizens residing abroad live in Finland. Other more important destination countries include the United Kingdom, Germany, Sweden and Ireland. The age structure of voting-age Estonians abroad is similar to that of EU nationals in Estonia, as the younger age cohorts (18-39) dominate. The gender composition, however, is the opposite: 58% of Estonian citizens residing in other EU Member States are female. The gender gap is particularly stark in some Southern and Western European countries (e.g. Greece, Italy, Austria, Luxembourg, Belgium), while the genders are more balanced in Finland and in some Eastern European countries (Latvia, Lithuania, Poland).

Table 3. Estonian residents residing abroad by country of residence as of 1 January 2015 in the Estonian population register

Country of residence	Total	Age			Gender	
		18-39	40-59	60+	% of men	% of women
Austria	201	130	60	11	19%	81%
Belgium	284	164	107	13	23%	77%
Bulgaria	32	15	9	8	50%	50%
Croatia	8	5	3	0	38%	63%
Cyprus	102	72	26	4	39%	61%
Czech Republic	78	56	22	0	23%	77%
Denmark	469	311	141	17	27%	73%
Finland	35,962	17,835	15,060	3,067	46%	54%
France	498	295	154	49	25%	75%
Germany	3,656	1,845	1,234	577	30%	70%
Greece	46	25	18	3	7%	93%
Hungary	42	14	19	9	38%	62%
Ireland	1,666	1,075	528	63	37%	63%
Italy	462	295	156	11	11%	89%
Latvia	544	181	172	191	48%	52%

Lithuania	139	56	53	30	47%	53%
Luxembourg	130	68	59	3	20%	80%
Malta	34	30	4	0	47%	53%
Netherlands	564	408	141	15	27%	73%
Poland	46	25	15	6	52%	48%
Portugal	61	45	12	4	20%	80%
Romania	6	5	1	0	33%	67%
Slovakia	7	6	0	1	29%	71%
Slovenia	4	3	0	1	25%	75%
Spain	659	397	213	49	30%	70%
Sweden	3,565	1,293	1,100	1,172	38%	62%
United Kingdom	6,624	4,700	1,591	333	34%	66%
Total:	55,889	29,354	20,898	5,637	42%	58%

Source: Statistics Estonia.

1.2. Summary of the Electoral Rights of Non-citizen Residents and Non-resident Citizens

Non-citizen residents

Non-citizen residents, who have attained at least 16 years of age, have active legal capacity, are not serving a sentence in a custodial institution, and who have a long-term or permanent residence permit or are EU citizens, are allowed to vote in **local elections**. To do so, they have to be registered as residents of the respective municipality in the Estonian population register.

EU citizens who are registered as residents in the municipality before 1 August of an election year (elections usually take place in October) and are at least 18 years of age, also have the right to stand as candidates in the municipal elections. Third-country nationals cannot stand as candidates in the municipal elections.

Voter registration is automatic and based on the Estonian population register. Everyone who has been registered as a resident of the respective municipality at least 30 days prior to the election day will be registered as a voter. Candidates can be registered until 35 days before the election day. To be registered, a party, electoral list or individual candidate has to present their application to the local electoral committee.

There are five methods of casting a vote in the municipal elections:

- Voting at the designated polling station on the election day (between 9 a.m. and 8 p.m.);
- Advance voting at any polling station across Estonia between the 7th and 10th day before the election day (between 9 a.m. and 8 p.m.);
- Advance voting at the designated polling station between the 4th and 6th day before the election day (between 9 a.m. and 8 p.m.);
- Online voting between the 4th and 10th day before the election day (voting begins at 9 a.m. on the 10th day before the election day and ends at 6 p.m. on the 4th day before the election day);

- Home voting in case a person is unable to vote at the polling station due to health conditions. To be able to vote at home, a voter has to submit a written application to the rural municipality or city government or to the voting district committee of his or her residence by 2 p.m. on the election day.

There have been no significant changes in the non-citizen residents' rights to vote or to stand as candidates, except for lowering the voting age to 16 – until 1 February 2016, the age limit was 18. Other more recent changes relate to the organisation of elections. In 2017, a new body, State Electoral Service was established, which now takes care of some organisational activities related to elections, and there have also been slight changes in how elections are organised at the local level.

Non-national EU citizens residing in Estonia also have the right to vote and stand as candidates in **EP elections**. To stand as candidates, non-national EU citizens have to make an application similar to that of nationals, providing some personal and contact details, expressing their desire to stand as a candidate and confirming that they comply with the requirements set by law and that they are not standing as a candidate in another EU Member State. In addition, non-national EU citizens are required to provide some additional personal details, e.g. their citizenship, date and place of birth, their last residential address in their home Member State, information on the electoral district where they were previously registered in their home Member State, and declare that they have not been deprived of their right to stand as candidates in their home Member State.¹⁵

Voter registration in Estonia is automatic, the electoral roll is created on the basis of the Estonian population register. However, non-national EU citizens who are first-time voters in EP elections held in Estonia, have to register once to be able to cast their ballot.

Non-national EU citizens who have registered in the Estonian population register at least 30 days prior to the election, can make an application to the Ministry of the Interior to cast a vote in the EP elections held in Estonia. At least 70 days prior to the election day, the Ministry of the Interior sends a notification to all EU citizens registered as residents in the population register concerning the upcoming election, which provides instructions on how to register for EP elections. In case a person has voted in Estonia in the preceding EP elections, they are automatically added to the electoral roll, unless they have applied to be removed.

Voters can choose between seven different methods of casting their vote:

- Voting at the designated polling station on the election day (between 9 a.m. and 8 p.m.);¹⁶
- Advance voting at any open polling station across Estonia between the 4th and 10th day before the election day (between 9 a.m. and 8 p.m.);¹⁷ however, between the 7th and 10th day before the election day, only some polling stations designated by the State Electoral Office are open;
- Advance voting at an Estonian representation or embassy abroad – a selection of Estonian representations abroad will organise voting on at least two days between the 10th and 15th day before the election day;

¹⁵ European Parliament Election Act, §27

¹⁶ §37-38

¹⁷ §37, §41-41

- Online voting between the 4th and 10th day before the election day (voting begins at 9 a.m. on the 10th day before the election day, and ends at 6 p.m. on the 4th day before the election day);
- Advance voting held outside of the voting district of residence at the location of voter – if the person is unable to vote at a polling station due to his or her state of health or for another good reason, he or she may, until 2 p.m. on the last day of advance voting, submit a written application to vote at his or her location to the rural municipality or city government of his or her location or to a voting district committee;¹⁸
- A person staying abroad can also apply for postal voting by sending their application to the nearest Estonian representation abroad by at least the 30th day prior to the election day;
- Home voting in case a person is unable to vote at the polling station due to health conditions. To vote at home, a voter has to submit a written application to the rural municipality or city government or to the voting district committee of his or her residence by 2 p.m. on the election day.¹⁹

Non-resident citizens

Non-resident citizens who are at least 18 years old, who have active legal capacity and are not serving a sentence in a custodial institution, are eligible to vote in the national **Riigikogu elections**, as well as **EP elections**. Non-resident citizens are also eligible to stand as candidates under the same conditions, except they have to be at least 21 years of age.

Voter registration is automatic for both elections, based on the Estonian population register. Thus, to vote, a non-resident Estonian citizen has to be registered in the Estonian population register prior to the 30th day before the election day. In case a person is permanently resident abroad, they may also register as voters permanently residing abroad. To do so, non-resident citizens need to send an application to the nearest Estonian representation abroad, along with a copy of an identification document, their residential address abroad and must indicate their last place of residence in Estonia (usually by specifying the county, or in case of Tallinn, also the city district, or if this is the case, the city Tartu). If a voter who is permanently resident abroad, has not ever had a residence in Estonia, he or she may indicate the last residence of his or her parents or grandparents in Estonia.

Their last place of residence in Estonia designates the voting district in which they can cast their vote. In case the voter's (or his or her ancestors') last place of residence cannot be specified, the person will vote in the first voting district, i.e. the district of Haabersti, North of Tallinn and Kristiine in Tallinn.

Non-resident Estonian citizens usually have five different methods of casting their vote at their disposal:

- In case a person who is temporarily resident abroad is in Estonia on the election day, they can cast their vote at the designated polling station on the election day (between 9 a.m. and 8 p.m.). In case a person who is registered as a voter permanently residing

¹⁸ §42(1)

¹⁹ §45

abroad happens to be in Estonia on the election day, they can also cast their vote at a polling station of their voting district.

- In case non-resident citizens happen to be in Estonia during the period of advance voting, they can vote at any open polling stations across Estonia between the 4th and 10th day before the election day (between 9 a.m. and 8 p.m.).
- Advance voting at an Estonian representation or embassy abroad – a selection of Estonian representations abroad will organise voting on at least two days between the 10th and 15th day before the election day.
- Online voting between the 4th and 10th day before the election day (voting begins at 9 a.m. on the 10th day before the election day and ends at 6 p.m. on the 4th day before the election day);
- A person staying abroad (either temporarily or permanently) can also apply for postal voting by sending their application to the nearest Estonian representation abroad at least 30 days prior to the election day.²⁰

There have been no significant recent changes in non-resident citizens' rights to vote or stand as candidate in the *Riigikogu* elections or EP elections.

2. Non-national EU Citizens' Franchise in EP and Local Elections

2.1. Overview of Relevant Administrative Regulations

EP elections

The main law regulating the franchise of EU citizens in EP elections held in Estonia is the European Parliament Election Act. The law stipulates the rights of non-national EU citizens to vote and run as candidates, and the procedures for voter registration, procedures for informing citizens about the upcoming elections, etc. In addition, the organisation of online voting which also applies for EP elections, is stipulated in the *Riigikogu* Election Act.²¹

In addition, the State Electoral Committee issued relevant decrees prior to specific elections (until 1 January 2017, when legislation was changed and from thereon, the State Electoral Office has issued the relevant decrees). For instance, prior to the 2014 EP elections, decrees were issued defining the form for the list of voters,²² the form for informing resident non-national EU citizens about their right to vote and stand as candidates (one form for persons who have not yet been included on the electoral roll, and one for persons who were included in the electoral roll in the last EP elections),²³ and the form for nominating and registering candidates.²⁴

²⁰ *Riigikogu* Election Act §38-47

²¹ See European Parliament Election Act §47²

²² <https://www.riigiteataja.ee/akt/119022014021>

²³ <https://www.riigiteataja.ee/akt/119022014020>

²⁴ <https://www.riigiteataja.ee/akt/119022014017>

Local elections

The main law regulating the franchise of EU citizens in the local elections held in Estonia is the Municipal Council Election Act. The law stipulates the rights of non-national EU citizens to vote and run as candidates, and the procedures for voter registration, procedures for informing citizens about the upcoming elections, etc. The organisation of online voting is stipulated in the Riigikogu Election Act.²⁵

In addition, the State Electoral Office and State Electoral Committee issue relevant decrees prior to specific elections. For instance, prior to the 2017 local elections, the State Electoral Office issued a decree defining the form for nominating and registering candidates,²⁶ and the State Electoral Committee issued a decree on the design of the ballot paper.²⁷ In addition, Tallinn city council also decides on the voting districts in the city, as Tallinn is the only place where one municipality is divided into multiple districts.

2.2. Voter Registration

EP elections

Estonia uses an **automatic voter registration system**, i.e. voter lists are generated based on the Estonian population register. However, for the resident EU citizens to be included in the electoral roll for EP elections, one needs to make an application to the chief registrar of the population register in the Ministry of the Interior. Once a person has been registered as a voter for the EP elections in Estonia, there is **no need to renew the registration** (unless the person has meanwhile voted in the EP elections held in another EU Member State after having made the application to vote in Estonia).

In the 2014 EP elections, 1,191 non-national EU citizens were registered to vote in Estonia. While almost 75% of those voters had already been registered in the previous elections, 353 new registrations were made in 2014. However, compared to the number of non-national EU citizens who registered themselves in the Estonian population register, it appears that only about 6% of those registered to vote in EP elections.

Table 4. Number of non-national EU citizens registered in the Estonian electoral register and the population register in 2014.

Member State	In the electoral register from previous elections	Applications to be registered in 2014	Registered as voters in 2014	Persons over 18 registered as residents on 10.09.2014
Austria	2	3	5	184
Belgium	3	6	9	167
Bulgaria	4	2	6	323
Spain	2	9	11	582
Netherlands	12	7	19	310

²⁵ See European Parliament Election Act §47²

²⁶ <https://www.riigikogu.ee/tegevus/dokumendiregister/dokument/14643530-1798-4945-b88d-7ae466d0f107>

²⁷ <https://www.riigikogu.ee/tegevus/dokumendiregister/dokument/5f6030fd-14b8-4b7f-aa04-1f2772a3d0f6>

Ireland	4	5	9	99
Italy	14	19	33	958
Greece	0	1	1	105
Lithuania	250	36	286	1,811
Luxembourg	0	0	0	3
Latvia	238	44	282	2,992
Poland	14	15	29	730
Portugal	3	0	3	231
France	7	17	24	855
Sweden	26	11	37	800
Romania	3	1	4	421
Germany	65	43	108	1,999
Slovenia	1	0	1	40
Finland	139	103	242	5,819
United Kingdom	27	14	41	849
Denmark	18	6	24	234
Czech Republic	5	4	9	246
Hungary	1	6	7	234
Slovakia	0	1	1	126
Total	838	353	1,191	20,130

Source: State Electoral Office

To register as an EP voter in Estonia, a non-resident EU citizen needs to have permanent residence in Estonia, i.e. the address details of his or her residence have to be entered to the Estonian population register.²⁸ An EU citizen needs to be registered in the Estonian population register at least 30 days prior to the election,²⁹ and the application for registering as a voter (along with a copy of one's identification document) also needs to be sent at least 30 days prior to the election. The application can be sent either by post or via e-mail (if the person is in possession of Estonian digi-ID and can sign documents digitally).³⁰ To sign documents digitally, a person needs to have an Estonian e-residency card (which non-citizens can also apply for) or an Estonian identity card, for which a non-national EU citizen would need to have registered their place of residence in the population register already earlier.

The main challenge related to registering as an EP voter in Estonia concerns the rather short deadline for administering the application. In some other EU Member States the registration procedures are completed earlier and thus, if a person has previously been registered as a voter in another Member State (especially in case where the country does not have a central registry for the electoral roll), then it may be complicated to transfer this right to Estonia. Another set of possible challenges may relate to the procedures related to registering as a resident (see sub-section on local elections).

²⁸ European Parliament Election Act §4(2)2

²⁹ European Parliament Election Act §20(4)

³⁰ https://www.riigiteataja.ee/aktilisa/1190/2201/4020/vvk_m19_lisa1.pdf#

Local elections

The list of voters for the local elections in Estonia is created automatically, based on the Estonian population register, which includes the person's name, date of birth, personal code, citizenship, data regarding the third-country national's permanent or long-term residence permit, information on divestment of active legal capacity, and place of residence.³¹ Hence, to participate in the local municipality elections, a person needs have a regular dwelling (i.e. own or rent a residential house or apartment) in the respective municipality/district, and register their place of residence in the Estonian population register.

The registration procedure can be done either online in the e-Government portal (if the person has an Estonian digi-ID), or in the local municipality office. In case the person is not the owner of the place of residence, he or she will need to provide a copy of the rental agreement, or the permission of the owner of the dwelling in some other form.³² This requirement occasionally stirs some confusion over certain situations, e.g. how to document permission in case the person does not have a rental agreement (e.g. when cohabiting with a spouse/partner/friend), or what to do when the owner refuses to give permission. However, a simple statement from the owner of property usually suffices. Until 2019, a person could in some cases (e.g. their landlord does not give permission) be registered with the specificity of the municipality. The restriction was added to keep the population register as accurate as possible.³³

The main legal restriction concerning the registration of the place of residence actually comes from the Aliens' Act, which obliges people providing housing to foreigners to verify the legal basis of their stay in Estonia.³⁴ According to the memorandum by the Estonian Chancellor of Justice, where she asked the Ministry of the Interior to change the legislation due to a conflict with the constitution and EU legislation, she pointed out that this regulation also affects EU citizens.³⁵ For instance, an Estonian citizen renting out an apartment to an EU citizen, who is prohibited from entering the country, could be penalised, even if checking such details is in contradiction with personal data protection laws.

2.3. Information during Election Campaigns

EP elections

As non-national EU citizens are not a very numerous voter group in Estonia, the number of information campaigns and activities directed at this specific target group is not very large. However, there are certain activities undertaken by national and EU authorities, as well as by civil society organisations (CSOs) in Estonia that have either targeted non-national EU citizens specifically, or that are simply more accessible to them.

§18 of the European Parliament Elections Act foresees that the chief processor of the population register sends a notification to all non-national EU citizens about their right to participate in EP elections held in Estonia. For the 2014 EP elections, two notification forms

³¹ Municipal Elections Act § 24, European Parliament Election Act §17

³² Population Register Act, par 40(6) <https://www.riigiteataja.ee/en/eli/ee/516012014003/consolide/current>

³³ Explanatory statement for the draft law 382 amending the Population Register Act

³⁴ <https://www.riigiteataja.ee/en/eli/516012014004/consolide> Aliens Act §289(1)

³⁵ http://www.oiguskantsler.ee/sites/default/files/field_document2/6iguskantsleri_margukiri_eluruumi_voimaldav_a_voi_uurilepingut_solmiva_isiku_kohustus_kontrollida_valismaalse_riigis_viibimise_seaduslikkust.pdf, 51-52.

were created by the National Electoral Committee. One form was designated for EU citizens who were not yet registered on the electoral roll in Estonia³⁶ about how to register as voters and candidates in the Estonian EP elections. Another form was created and sent to non-national EU citizens who had voted in the previous EP elections held in Estonia, containing information about how to apply to be removed from the electoral roll if they wished to vote in their state of citizenship, and also about their right to run as candidates in the upcoming EP elections held in Estonia.³⁷ The notice was sent out in English, but also included a link to the website where the same information was also available in Finnish, Latvian, German and French as languages which are likely to be spoken by non-national EU citizens resident in Estonia.³⁸ Along with the notice, resident non-national EU citizens also received application forms for voter registration.

When a person is registered on the electoral roll, they will also receive a voter card (in Estonian) either by post or by e-mail concerning the voting procedures and times.

In addition, information about the 2014 EP election was available in English (in addition to Estonian) on the thematic website of the National Electoral Committee,³⁹ which included information about who has the right to vote, information about the dates and voting methods, candidates, and, after the election, also about the election results. In addition, an online platform was created where voters could try out online voting prior to the elections, and a call centre was set up where people could make inquiries about voting. Furthermore, the instructions for online voting are available in English.

In addition, there were some informational materials produced by the respective EU institutions which were available to all EU citizens (and not specifically targeting EU nationals residing abroad),⁴⁰ and some events organised by CSOs promoting participation in EP elections, mainly targeting non-national EU citizens. For instance, the Foreign Investors Council (FICE) has organised several debates prior the elections and allegedly also held a debate prior to the 2014 EP elections.

Local elections

Prior to local elections, there have been somewhat fewer informational activities organised targeting non-national EU citizens. Similarly to EP elections, the chief processor of the population register (the Ministry of the Interior) sends a notification to EU citizens registered as residents in Estonia at least 70 days prior to the election day of the Estonian local elections. The State Electoral Service (which took over some of the obligations of the National Electoral Committee) again provided information about the elections on its thematic website in English, but it was somewhat more laconic and directed voters looking for more information to the English version of the Municipal Elections Act. In addition, a more detailed description of the Estonian online voting system was available.

However, prior to 2017 local elections, there were some informational and political campaign activities organised by the candidates or as civic initiatives informing possible voters who spoke neither Estonian nor Russian, the main languages used in municipal election campaigns. For instance, a Portuguese citizen residing in Estonia created instructions on how

³⁶ https://www.riigiteataja.ee/aktilisa/1190/2201/4020/vvk_m19_lisa1.pdf#

³⁷ https://www.riigiteataja.ee/aktilisa/1190/2201/4020/vvk_m19_lisa2.pdf

³⁸ Interview at the State Electoral Office

³⁹ <http://ep2014.vvk.ee/index-en.html>

⁴⁰ E.g. <http://www.europarl.europa.eu/elections-2014/et/top-stories/choose-who-is-in-charge>

to participate in the local elections in Estonia⁴¹. This also sparked some political discussion on the largest Facebook group bringing together ‘expats’ in Estonia, although in general, party politics is not part of the regular discussion⁴².

As a result of the pursuant discussion over how little information about the programmes of the political parties is available, a candidate debate was organised under the auspices of a series of events called “ESTonishing evenings”, which is a civic initiative targeting mainly the English-speaking community of “expats” in Tallinn. The debate, titled “Future in Tallinn”, featured candidates of five political parties and one electoral list in Tallinn.⁴³ In addition, the British Estonian Chamber of Commerce also held a candidate debate for their members.⁴⁴

These initiatives partly helped to mobilise the political parties to publish their manifestos (or summaries of key promises) also in English. Information about the election was published by the main English news portals in Estonia. ERR News published an overview of the electoral platforms of the six major parties running in the elections in the Tallinn and Tartu municipalities.⁴⁵

In addition, in an unprecedented move, an electoral list consisting of mainly non-national EU citizens ran in the Tallinn municipal elections in 2017, the campaign for which was primarily organised in English and via social media.⁴⁶ However, the candidates did not gain wide public attention and their election result also remained rather modest.

2.4. Political Parties and Candidacy Rights

Political parties generally carry out campaigns targeting other, larger electoral groups, primarily Estonian nationals and in case of local elections, also non-national permanent residents, who are mostly Russian-speaking. Non-national EU voters are not among the key campaign constituencies neither in EP or local elections. This is also evident from the languages used in campaign materials: most political parties (and electoral lists) conduct their campaigns only in Estonian or in Estonian and Russian. However, there are some exceptions.

EP elections

In the 2014 EP elections, there were a few non-national candidates running for the European Parliament. Two of them were running as independent candidates (Lance Gareth Edward Boxall, a UK citizen, and Joeri Wiersma, a citizen of the Netherlands), one candidate (Abdul Hamid Turay, a citizen of the UK) was running on the list of the Estonian Social Democratic Party. No non-national candidates have been elected thus far. Turay received 865 votes, Boxall 64 votes and Wiersma 48 votes. In comparison, the smallest amount of votes that has gotten a candidate elected was 18,516.

⁴¹ <http://estonianworld.com/life/quick-guide-local-elections-estonia-expats/>, see also

<https://medium.com/@jcrei/a-quick-guide-to-the-local-elections-in-estonia-for-expats-4c10a137b32>

⁴² <https://www.facebook.com/groups/166477880066544/>

⁴³ <https://www.youtube.com/watch?v=LAdH3d71Mz4>

⁴⁴ <https://www.becc.ee/a-vision-for-tallinn>

⁴⁵ <https://news.err.ee/k/2017-local-elections>

⁴⁶ <https://www.facebook.com/futureTallinn/>

While the registration procedure of candidates is the same for all candidates alike, standing as a candidate might be slightly more complicated for a non-national EU citizen, because the forms for registering candidates are in Estonian, even if there is assistance provided. A larger issue for non-national candidates, however, can be campaigning, when the candidate does not have good command of Estonian. For instance, the debates where candidates get to introduce themselves on Estonian Public Broadcasting television and radio are held in Estonian.

Local elections

In the local elections, there have been more non-national EU citizen candidates. In Tallinn, even an electoral list primarily comprising of non-national EU citizens called *Hääled - international and local voices for the prosperous future of Tallinn* has stood for elections. This electoral list campaigned primarily in English and targeted non-national EU citizens residing in Tallinn. But the election results for the electoral list remained rather modest, as did the scores of other non-national EU citizens.

However, there was one exception: in the municipality of Viljandi, Harri Juhani Aaltonen, a Finnish citizen and a local entrepreneur, scored the fourth best result in the whole district. He was also the mayoral candidate of the Pro Patria and Res Publica Party and promised to apply for Estonian citizenship if they got to form city government.

This also indicates one of the constraints non-national EU citizens face when running in the local elections: while they are allowed to stand as candidates and serve on the municipality council, they are not allowed to take executive office in the local governments, which is reserved for Estonian nationals.

In addition, there are some candidates who are Estonian nationals, but have lived abroad and thus speak other languages and also campaign either among the Estonian diaspora abroad or EU citizens in Estonia. For instance, Yoko Alender and Valdo Randpere (Reform Party), who have lived in Sweden, are actively engaged with the Swedish community in Estonia, and also campaign in those circles.

2.5. Turnout

EP elections

The total number of registered voters in the 2014 EP elections was 902,873. Of these, the vast majority (99.7%) were voters holding Estonian citizenship and registered as resident in Estonia. In addition, 1,191 non-national EU citizens were registered to vote.

Altogether 329,766 people voted in Estonia in EP elections in 2014 (turnout 36.5%). While this was higher than the turnout in the EP elections held in 2004 (26.8%), it remained lower than in 2009 (43.9%) and significantly lower than when compared to the turnout in both national (usually more than 60%) and local elections (usually more than 50%).

Unfortunately, there is no official estimate about what the turnout of non-resident EU citizens was. Due to their marginality as a voter group (registered non-resident EU citizens constitute a mere 0.3% of the electorate) and also the lower relevance of EP elections for Estonian citizens, the turnout of non-national EU citizens has not been a subject of public debate.

Local elections

The general turnout of the local elections in Estonia in 2017 was 53.3%. Unfortunately, there is no information about the turnout of non-national EU citizens, and unlike with the non-national Russophone population, the role of the EU citizens in the election results has not been discussed much in the media. However, there was at least one news story about the non-national EU citizens as part of the electorate, where the central topic was the non-national EU citizens' interest in Estonian local politics and lack of information provided about the subject.⁴⁷

3. Non-resident Citizens' Franchise in National and EP Elections when Residing in Other EU Member States

3.1. Overview of Relevant Administrative Regulations

EP elections

The main law regulating the franchise of non-resident Estonian citizens in EP elections is the European Parliament Election Act. The law stipulates their rights to vote and run as candidates and the general procedures for voter registration, procedures for informing citizens about the upcoming elections, and also the more general guidelines for the organisation of voting abroad. In addition, the National Electoral Committee has also issued a decree with more detailed regulations of the organisation of voting abroad,⁴⁸ forms for registering as candidates,⁴⁹ and organisation of voting.⁵⁰ The organisation of online voting is stipulated in the Riigikogu Election Act.⁵¹

National elections

The main law regulating the franchise of non-resident Estonian citizens in the national elections is the Riigikogu Election Act.⁵² The law stipulates their rights to vote and stand as candidates, and the general procedures for voter registration, procedures for informing citizens about the upcoming elections, and also the more general guidelines for the organisation of voting abroad. In addition, decrees by the National Electoral Committee were issued with more detailed regulations on the organisation of voting in general,⁵³ as well as on the organisation of voting abroad.⁵⁴

⁴⁷ <http://ekspress.delfi.ee/kuum/eestis-elavad-valismaalased-valimiste-kohta-on-vahe-infot?id=79367744>

⁴⁸ <https://www.riigiteataja.ee/akt/119022014019> and <https://www.riigiteataja.ee/akt/121102014002>

⁴⁹ <https://www.riigiteataja.ee/akt/107102014005> (EP) and <https://www.riigiteataja.ee/akt/110102014019> (Riigikogu)

⁵⁰ <https://www.riigiteataja.ee/akt/121102014001> (Riigikogu) and <https://www.riigiteataja.ee/akt/104032014011> (EP)

⁵¹ See European Parliament Election Act par 47²

⁵² See European Parliament Election Act par 47²

⁵³ <https://www.riigiteataja.ee/akt/121102014001>

⁵⁴ <https://www.riigiteataja.ee/akt/121102014002>

3.2. Voter Registration

Estonian citizens who are resident abroad do not have to undergo any specific registration procedures to be able to vote in the national or EP elections. The same applies to Estonian citizens who are resident outside of the EU. In case they live abroad permanently and have registered their residence to a foreign address in the Estonian population registry, they can register as voters permanently resident abroad. As such, they shall receive their voter cards with the information about the Estonian representation abroad nearest to their registered address and information about postal voting (along with an application for postal voting).

Both voters registered as permanently resident abroad, as well as voters whose permanent address is registered in Estonia, and who are only temporarily resident abroad, can vote at an Estonian representation abroad during the designated dates. Both can apply for postal voting, vote online (if they have a functioning digi-ID), or vote at a polling station in Estonia during the advance voting period (and under some circumstances, also vote in a polling station on the election day).

To register as a voter who is permanently resident abroad, a person has to file an application with an Estonian representation abroad⁵⁵ or online. According to the Estonian Population Registry Act, a person is obliged to inform the registrar of their change of residence within 30 days from settling in a new residence, although there are no enforcing mechanisms to ensure the fulfillment of that obligation. Thus, the address of residence may not always correspond with the person's actual address of residence, and thus, many Estonians residing abroad are actually registered as residents in Estonia in the Estonian population registry.

3.3. Turnout

EP elections

The total number of Estonian citizens living in other EU Member States who were registered to vote in the 2014 EP elections held in Estonia was 48,156 – a little over 5% of all persons registered to vote for the EP elections held in Estonia. However, only 1,657 votes were cast at the Estonian representations abroad or by post. 1,085 votes were cast online.⁵⁶ This makes a turnout ratio of just about 0.5% (or even smaller, since Estonian citizens residing outside of the EU are eligible to also vote in the EP elections), although the State Electoral Office usually only accounts for the votes actually cast abroad when calculating the turnout abroad. There is no data about how many votes were cast in the individual countries.

⁵⁵ Estonian Population Register Act, §40(1)

⁵⁶ https://www.valimised.ee/sites/default/files/uploads/misc/Valimised_Eestis_1992-2015.pdf, p.125.

Table 5. Estonian nationals registered as voters in other EU Member States in the 2014 EP elections.

Member State	Number of Estonians registered as voters
Austria	140
Belgium	223
Bulgaria	28
Spain	344
The Netherlands	289
Croatia	4
Ireland	1,272
Italy	220
Greece	49
Cyprus	54
Lithuania	80
Luxembourg	98
Latvia	514
Malta	8
Poland	39
Portugal	42
France	372
Sweden	2,969
Romania	4
Germany	2,678
Slovakia	5
Slovenia	4
Finland	33,996
United Kingdom	4,387
Denmark	245
Czech Republic	58
Hungary	34

Source: State Electoral Office.

Estonian citizens residing abroad are usually not treated as a separate target group for campaign activities, nor is their influence on the election outcome debated publicly.

National elections

The total number of Estonian citizens resident abroad who were eligible to vote in the general election held in 2015 was 61,694, but only 1,251 votes were actually cast at the embassies or

by post, and 2,747 votes were cast online.⁵⁷ With turnouts so low, the National Electoral Committee no longer calculated the turnout of non-resident Estonians based on the total of enfranchised citizens in the 2015 national elections.

However, in the national election campaigns, the voters resident abroad are actually gaining in importance for the political parties. For instance, the Conservative People's Party in Estonia has initiated a branch organisation in Finland, the most populous Estonian community abroad.⁵⁸ The Estonian Social Democratic Party ran a billboard campaign in Helsinki, the capital city of Finland, and many other parties organised meetings with voters all across the world or placed their advertisements in the Estonian newspapers or radio channels abroad.⁵⁹ However, the medium that is probably most resonant for campaigning is online news portals and social media.⁶⁰

4. Conclusion

Although the technical procedures of voter registration are made rather easy for both non-national EU citizens residing in Estonia, as well as for non-resident Estonian citizens, the low voter turnout (and also the rate of voter registrations among non-national EU citizens in the context of EP elections) demonstrates that voting across borders incurs also other kinds of challenges:

- While Estonian authorities have aimed to make voter registration as easy and comfortable as possible for the non-national EU residents by sending persons eligible to vote the application for registration to their official home address, only 6% have actually registered to vote in Estonia.
- While Estonian nationals abroad have a wide variety of methods for voting (in polling stations, online, in Estonian representations abroad, by post) and all except for postal voting require no previous registration, the turnout remains below 1% both for the national and the EP elections.

These findings suggest that while the bureaucratic procedures can always be improved further, what may be even more crucial, is how informed citizens are about the opportunities provided by the elections and the political competition between parties, and also whether citizens have a sense of empowerment and engagement with the elected bodies. While mobile individuals are often a group that is complicated in terms of political participation, their participation would also benefit from being better informed about their choice of candidates.

⁵⁷ *Ibid*, p. 76.

⁵⁸ Jakobson, M-L., Saarts, T., Kalev, L (2018). Conservative nationalism across borders: the case of Conservative People's Party of Estonia. A paper presented at a conference "*Political Parties Abroad, a new Arena for Citizenship?*", 26-27 April 2018, Louvain-la-Neuve, Belgium.

⁵⁹ *Ibid*, see also <https://www.err.ee/530031/erakonnad-teevad-valimisreklaami-uha-enam-ka-valismaal-elavatele-eestlastele>

⁶⁰ While there are no representative studies on the media consumption of Estonians residing abroad, qualitative inquiry has indicated that people mostly follow Estonian online media and are active on social media. See e.g. Jakobson, M. L., Järvinen-Alenius, P., Pitkänen, P., Ruutsoo, R., Keski-Hirvelä, E., & Kalev, L. (2012). The emergence of Estonian–Finnish transnational space. In *Migration and Transformation*: (pp. 159-205). Springer, Dordrecht.

Administrative arrangements:

Attainable on the nation-state level

- The relevant government entities, but also employers, CSOs, and other actors could inform and encourage a (timely) registration of the place of residence. This is currently the main precondition for receiving information concerning the voting procedures⁶¹.
- The chief registrar of the population registry could keep record of Estonian nationals who are (or have been) removed from the electoral roll prior to EP elections and send them a similar notification and application to register as voters if they so wish, prior to the upcoming elections, as is currently sent to non-national EU citizens residing in Estonia.
- Simplify the procedure of receiving a new ID card for Estonians permanently residing abroad (especially those residing in regions further away from the Estonian representations abroad), so that non-resident Estonian citizens can vote online.

Attainable on the EU level

- Develop common principles and rules (e.g. deadlines, methods for registering as voters and standard operating procedures for information exchange concerning administering the register) for voter registration across the European Union.
- Introduce a European Union common voter registration database.

Outreach Activities:

- Inform mobile EU citizens simultaneously about their right to vote in their state of residence as well as their home state, e.g. create a website or database on the EU level, where the persons can check when, where and how to register to vote in EP elections.
- Inform Estonians abroad about their opportunity to vote in EP elections: while there is in general a rather good cooperation between many Estonian representations abroad and local Estonian associations, this cooperation has not always been utilised to inform Estonians abroad about their right to vote in the EP elections.
- Inform people about how to re-register as voters when returning to Estonia.
- Support democratic citizenship, citizen identity and participation, with a focus on non-national EU citizens and transnationals.
- Organise ‘get-out-the-vote’ campaign(s) targeting Estonian nationals residing abroad.
- Provide information in forms that targets persons less interested in politics.
- Outreach activities targeting EU nationals in Estonia should target primarily the 18-39 age group, as it is the largest.

⁶¹ While the new Population Register Act taking effect from 2019, already requires that non-national EU citizens register a place of residence in order to receive a national identity code. However, this does not ensure that the residential address in the population register is or will remain accurate

- Organise more campaign events targeting groups who do not speak Estonian or Russian.
- Cooperate with major English news channels in Estonia, as well as employers/ companies with international staff to inform people about registration procedures, voting opportunities and political campaigns.
- Organise candidate debates targeting mobile populations, e.g. debates targeting mobile EU citizens in Estonia before local and EP elections, and (online) debates targeting mobile Estonian citizens residing abroad prior to Estonian parliamentary elections.
- Help non-nationals to understand the competency of local governments in Estonia and thus also explain what the vote in the local elections is about.
- Notify non-national EU citizens of the highly flexible voting opportunities (i.e. voting online, advance voting in the polling stations, voting abroad) and the relative simplicity of the electoral system (all of Estonia is one voting district, closed lists for parties) already prior to the registration deadline.

