

POLITICAL PARTIES ACT

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Amended by the following Acts (date of adoption, publication in the Riigi Teataja, date of entry into force):

16.05.1996 (RT I 1996, 37, 739) 8.06.1996
6.06.1996 (RT I 1996, 42, 811) 1.10.1996
17.06.1998 (RT I 1998, 59, 941) 10.07.1998
17.02.1999 (RT I 1999, 27, 393) 1.07.1999
29.01.2002 (RT I 2002, 21, 117) 4.03.2002
13.03.2002 (RT I 2002, 29, 174) 1.07.2002
7.05.2002 (RT I 2002, 42, 264) 24.05.2002
12.06.2002 (RT I 2002, 57, 355) 18.07.2002
3.12.2002 (RT I 2002, 102, 602) 1.01.2003
18.12.2002 (RT I 2003, 4, 22) 23.01.2003
18.12.2003 (RT I 2003, 90, 601) 1.01.2004, partially 1.01.2008
28.06.2005 (RT I 2005, 47, 387) 18.09.2005
12.10.2005 (RT I 2005, 57, 450) 1.01.2006
11.10.2006 (RT I 2006, 48, 357) 18.11.2006
9. 11. 2006 (RT I 2006, 52, 384) 10. 12. 2006
24.01.2007 (RT I 2007, 12, 66) 1.01.2008
14.02.2007 (RT I 2007, 24, 126) 1.07.2007
10.29.2009 (RT I 2009, 53, 363) 1.01.2010
26.11.2009 (RT I 2009, 62, 405) 1.01.2010
27.01.2010 (RT I 2010, 9, 41) 8.03.2010

Chapter 1 General Provisions

§ 1. Definition of political party

(1) A political party is a voluntary political association of Estonian citizens and which is registered pursuant to the procedure provided for in this Act and the objective of which is to express the political interests of its members and supporters and to exercise state and local government authority.

(2) A political party shall be a non-profit association. The Non-profit Associations Act applies to political parties insofar as this Act does not provide otherwise.

[RT I 2003, 90, 601 – entered into force 1.01.2004]

§ 2. Means for achieving objectives of political party

(1) The means for achieving the objectives of a political party are:

- 1) the presentation of candidates and conduct of election campaigns of the political party in elections to the Riigikogu and the European Parliament and local government council elections;
- 2) the participation of the political party in the activities of the Riigikogu through members of the political party elected to the Riigikogu; in the activities of the European Parliament through members of the political party elected to the European Parliament; in the activities of local government councils through members of the political party elected to local government councils; in the formation of the Government of the Republic and the executive body of local government councils and in the election of the President of the Republic through members of the political party elected to the Riigikogu and to the local government council, respectively; and in international cooperation with political parties of foreign states.

(2) [Repealed – RT I 1996, 42, 811 – entered into force 1.10.1996]

[RT I 2003, 4, 22 – entered into force 23.01.2003]

§ 3. Principle of territoriality in formation of political parties

(1) Political parties shall be formed on the principle of territoriality. Political parties shall not found sub-units in institutions, enterprises or organisations.

(2) The directing bodies and structural units of political parties founded, registered and operating in Estonia shall be located within the territory under the jurisdiction of the Republic of Estonia. Structural units of political parties may also be located in a foreign state if this is not contrary to the laws of that state.

§ 4. Restrictions on activities of political parties

(1) Political parties whose objectives or activities are directed at changing the constitutional order or territorial integrity of Estonia by force or are otherwise contrary to criminal law are prohibited.

(2) Organisations or alliances which possess weapons, are militarily organised or perform military exercises shall not operate as a political party or structural unit of a political party.

(3) Interference in the internal matters of a political party, except in special cases permitted by law, is prohibited.

(4) The formation and operation of political parties or their sub-units or of other political associations or their structural units of other states is prohibited within the territory under the jurisdiction of the Republic of Estonia.

§ 5. Political party members

(1) An Estonian citizen with active legal capacity who has attained eighteen years of age may be a member of a political party. A citizen of the European Union with active legal capacity who has attained eighteen years of age and who is not a citizen of Estonia but living permanently in Estonia may also be a member of a political party. A person may be a member of only one political party at a time.

[RT I 2006, 52, 384 – entered into force 10.12.2006]

(2) The Non-profit Associations Act applies to admittance to and resignation and exclusion from a political party, unless otherwise provided by this Act.

(2¹) A member of a political party resigns from the political party on the basis of a written notice. Resignation enters into force after delivery of the notice to the leadership of the political party.

(3) The following persons may not be members of a political party:

- 1) the Chancellor of Justice and his or her advisers;
- 2) the Auditor General and the chief auditor of the National Audit Office
- 3) judges;
- 4) public prosecutors;
- 5) police officers;
- 6) persons in active service in the Defence Forces;
- 7) [Repealed - RT I 2009, 62, 405 - entered into force. 1.01.2010].

(4) The President of the Republic shall suspend his or her membership in a political party for the duration of his or her term of office.

(5) Political parties shall not have corporate members.

Chapter 2 Foundation and Organisation of Activities of Political Parties

§ 6. Foundation of political party

(1) A political party shall be founded by a memorandum of association in unattested written form. The provisions of the Non-profit Associations Act (RT I 1996, 42, 811; 51, 967) apply to the memorandum of association of a political party unless otherwise provided by this Act.

(2) A political party shall be registered if it has at least 1 000 members.

§ 7. Articles of association and platform of political party

(1) The activities of political parties shall be based on their articles of association.

(2) The requirements for articles of association provided for in the Non-profit Associations Act apply to the articles of association of a political party.

(2¹) A resolution on amendment of the articles of association of a political party is adopted if over half of the members or their representatives who participate in the general meeting vote in favour of it and the articles of association do not prescribe a greater representation requirement.

(3) The political activity of a political party shall be based on a platform. The procedures for its approval and amendment shall be provided for in the articles of association of the political party.

[RT I 2003, 90, 601 – entered into force 1.01.2004]

§ 8. Application for entry in register

The following shall be appended to the application of a political party for entry in the non-profit associations and foundations register, in addition to that provided for in § 10 of the Non-profit Associations Act:

- 1) a platform signed by the members of the leadership;
- 2) a list of members of the political party, which contains members' names, personal identification codes and the day, month and year of becoming a member of the political party;
- 3) a sample or sketch of the insignia of the political party if these are prescribed by the articles of association.

[RT I 2002, 57, 355 – entered into force 18.07.2002]

§ 8¹. List of members of political party

(1) The leadership of a political party shall maintain a list of members of the political party with the given name, surname and personal identification code of each member and the time of his or her admittance, resignation or exclusion. Other information may also be entered on the list if it is not in conflict with law.

(2) By 1 February each year, the leadership of a political party shall submit a list of members of the political party as of 1 January, excluding members who have resigned or have been excluded from the party, to the registration department of the court of its location. In order to ensure compliance with the Riigikogu Election Act and the European Parliament Election Act, the leadership of a political party shall submit a list of members of the political party as on the last day for presentation of candidates for members of the Riigikogu or Members of the European Parliament on the day following that day.

(2¹) The registration department of the court shall publish the lists of members of the political parties in the non-profit associations and foundations register.

[RT I 2007, 12, 66 – entered into force 1.01.2008]

(3) The Minister of Justice shall establish the requirements for the electronic submission of the list specified in subsection (2) of this section.

(4) The leadership of a political party may submit or, at the request of a person who has resigned or been excluded from the political party, shall submit a corresponding notice to the registration department of the court. If the person's membership of the political party is set out in the list of members of the party published on a webpage, the registration department of the court shall make a notation there concerning his or her resignation or exclusion on the basis of the notice.

(5) If the leadership of a political party has not submitted a notice specified in subsection (4) of this section, a person who has resigned or been excluded from the political party may submit a notice himself or herself in order for a notation

to be made. The notice shall be notarially authenticated. A notary shall send a notarially authenticated copy of the notice to the leadership of the political party. A notarially authenticated notice shall be deemed equal to a digitally signed notice.

§ 9. Decision on registration of articles of association of political party

(1) [Repealed – RT I 1996, 42, 811 – entered into force 1.10.1996]

(2) A political party shall not be registered under the name of a political party that has already been entered in or deleted from the register.

§ 9¹. Participation and voting in general meeting of political party

A member of a political party or, in the cases prescribed in the articles of association, a representative of a member who is granted an unattested proxy may participate and vote in the general meeting of the political party. Only another member of the political party may be a representative.

[RT I 2003, 90, 601 – entered into force 1.01.2004]

§§ 10–11 [Repealed – RT I 1999, 27, 393 – entered into force 1.07.1999]

§ 12. Assurance of legality of activities of political party, and merger, division and termination thereof

(1) The legality of the activities of political parties shall be assured and the merger, division and termination of political parties shall be effected on the basis of the Non-profit Associations Act. A merger resolution of political parties is adopted if over one-half of the members who participate in or are represented at the general meeting vote in favour. Political parties participating in merger or division shall, in addition to the information prescribed in the Non-profit Associations Act, also submit the information prescribed in § 8 of this Act. The list of members of the political party shall reflect the situation after the merger or division.

(2) The registration department of a court has the right to demand that the leadership of a political party submit the list specified in subsection 8¹ (2) of this Act as of the date designated by the registration department if there is reason to believe that the actual number of members of the political party has fallen below 1000.

(3) If the number of members of a political party falls below 1000 and voluntary dissolution is not commenced, the registration department of a court, in addition to persons specified in subsection 40 (1) of the Non-profit Associations Act, may request the commencement of compulsory dissolution.

(4) The activities of a political party whose activities or aims are directed at changing the constitutional order of Estonia by force shall be terminated pursuant to the procedure provided for in the Constitutional Review Court Procedure Act (RT I 2002, 29,174; 2003, 4, 22; 24, 148).

[RT I 2003, 90, 601 – entered into force 1.01.2004]

Chapter 2¹ ASSETS AND FUNDS OF POLITICAL PARTIES

[RT I 2003, 90, 601 – entered into force 1.01.2004]

§ 12¹. Assets and funds of political parties

(1) Only membership fees established by the articles of association of a political party, allocations from the state budget received pursuant to this Act, donations of natural persons and income earned on the assets of the political party are the source of the assets and funds of the political party.

(2) Political parties shall not accept anonymous or concealed donations.

(3) The assignment of any goods, services, proprietary or non-proprietary rights to a political party under conditions that are not available to other persons is deemed to be a concealed donation.

(4) A political party may enter into a loan agreement or credit agreement if the lender or creditor is a credit institution and the agreement is secured by the assets of the political party or by the suretyship of its member.

§ 12². Annual report

1. The obligation of an accountant-control on the annual report of the bookkeeping of the party receiving separate state budget is described in the Accountancy Act.

[RT I 2010, 9, 41- entered into force. 8.03.2010]

2. The General Meeting of the party or the organ which according to the statutes substitutes it, every year approves the party's report of the financial year, and presents it, according to §36 par. 5 and §78.3 of the Non-profit Organizations Act, without information of its core business.

[RT I 2009, 53, 363 - entered into force. 1.01.2010]

§ 12³. Accessibility of donations

(1) A political party shall maintain a register of donations received by the political party. The political party shall publish the register of donations on its webpage.

(2) The register of donations shall set out the names of the donors, the details thereof and the value of the donations. In the case of a non-monetary donation, the value of the donation shall be determined by the donor.

(3) The accuracy of the information in a register of donations shall be ensured by the leadership of the political party.

(4) Political parties shall not accept anonymous donations or donations from legal persons. If possible, political parties shall return such donations to the donor. In the absence of the possibility, political parties shall transfer the donations into the state budget within ten days where it is added to the funds to be allocated to political parties from the state budget in the following budgetary year.

§ 12⁴. Accessibility of financing of election campaign

(1) Political parties shall submit, within one month after election day, a report to the committee specified in subsection 14 (2) of the Anti-corruption Act concerning expenses incurred and sources of funds used for the conduct of the election campaign in Riigikogu or local government council elections or elections to the European Parliament by the political party, non-profit associations specified in § 12⁶ of this Act or persons who stood as candidates in the list of the political party.

(2) The committee specified in subsection (1) of this section has the right to demand additional documents concerning expenses incurred and sources of funds used by political parties, non-profit associations specified in § 12⁶ of this Act or persons who stood as candidates.

§ 12⁵. Allocations from state budget

(1) A political party represented in Riigikogu has the right to an allocation from the state budget. The amount of the allocation is proportional to the number of seats received in Riigikogu elections.

(2) A political party that participates in Riigikogu elections and fails to reach the election threshold but receives at least:

1) 1 percent of the votes shall receive an allocation of 150 000 kroons from the state budget per year;

2) 4 percent of the votes shall receive an allocation of 250 000 kroons from the state budget per year.

(3) Upon merger of political parties, the allocations specified in subsections (1) and (2) shall be totalled. Upon division of a political party by way of separation, the allocation from the state budget shall be allocated to the divided political party and the recipient political party shall not receive an allocation from the state budget. Upon division of a political party by way of distribution, the allocation shall be distributed pursuant to the agreement provided for in the division agreement of the political party. Upon termination of a political party, the right to receive allocations from the state budget shall terminate on the date on which a corresponding registry entry is made but not later than two months after the political party passes a decision on its termination.

(4) The sums to be allocated to a political party shall be transferred to the account of the political party through the state agency designated by the Government of the Republic, on the basis of the notice submitted by the National Electoral Committee, which contains the number of seats received by political parties in the Riigikogu elections.

(5) In the year of Riigikogu elections, the calculation of allocations from the state budget shall be changed as of the month following the announcement of election results.

(6) Upon division of a political party, the calculation of allocations from the state budget shall be changed as of the month following the division. Upon termination of a political party, the calculation of allocations from the state budget shall be changed as of the month following the term provided in subsection (3) of this section, considering the conditions specified in subsections (1), (2) and (4) of this section.

[RT I 2005, 47, 387 – entered into force 18.09.2005]

§ 12⁶. Restrictions on donations arising from membership in political party

The restrictions to political parties upon acceptance of donations provided for in this Chapter and the requirements for the disclosure of donations also apply to non-profit associations in which the political party is a member. Political parties are permitted to make donations to such non-profit associations.

§§ 12⁷–12¹² [Repealed – RT I 2003, 90, 601 – entered into force 1.01.2004]

Chapter 2² LIABILITY

[RT I 2002, 102, 602 – entered into force 1.01.2003]

§ 12¹³. [Repealed – RT I 2003, 90, 601 – entered into force 1.01.2004]

§ 12¹⁴. Violation of procedure for registration and disclosure of donations to political party

(1) Violation of the procedure for the registration and disclosure of donations to a political party is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

[RT I 2003, 90, 601 – entered into force 1.01.2004]

§ 12¹⁵. Violation of procedure for disclosure of annual economic activity report, quarterly statement of funds and financing of election campaign of political party

(1) Violation of the procedure for the disclosure of the annual economic activity report, a quarterly statement of funds received by a political party and financing of the election campaign of a political party is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons. (correction notice) 9.09.2008 15:45

§ 12¹⁶. Proceedings

(1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 44, 284; 56, 350; 64, 390; 82, 480) and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313) apply to the misdemeanours provided for in §§ 12¹⁴–12¹⁵ of this Act.

(2) The extra-judicial prosecutor for misdemeanors, described in §12(14)-12(15) of this act, is the police authority. [RT I 2009, 62, 405 - entered into force. 1.01.2010]

(3) County or city courts shall hear misdemeanour matters provided for in §§ 12¹⁴–12¹⁵ of this Act.

[RT I 2003, 90, 601 – entered into force 1.01.2004]

Chapter 3 Implementing Provisions

§ 13. Implementation of Act

(1) [Repealed – RT I 1998, 59, 941 – entered into force 10.07.1998]

(2) Until the elections of the VIII Riigikogu, political parties may be founded and registered if they have at least 200 members.

(3) § 11 of this Act is implemented as of the date of announcement of the results of the elections of the VIII Riigikogu.

(4) Upon entry in the non-profit associations and foundations register of a political party which was registered earlier, the minutes of the general meeting whereby the text of the articles of association of the political party in force was adopted shall be appended to the application for entry in the non-profit associations and foundations register and the application shall be signed by the leadership elected at the general meeting.

(5) Loan agreements and credit agreements entered into by political parties until 1 January 2004 shall remain in force.

[RT I 2003, 90, 601 – entered into force 1.01.2004]

§ 13¹ [Repealed – RT I 2005, 47, 387 – entered into force 18. 09. 2005]

[§ 14 omitted]

Correction Notice

The text of subsection 12¹⁵ (2) of Chapter 2² of Political Parties Act shall be worded as follows:

"(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons."

Basis: Clause 17 (3¹) 2) of the Riigi Teataja Act and the application letter 2.6-3/1670 of the Constitutional Committee of Riigikogu on September 8th 2008.