

Date Printed: 01/14/2009

JTS Box Number: IFES_27

Tab Number: 37

Document Title: REPUBLIC OF ESTONIA: LAW ON THE
APPLICATION OF THE CONSTITUTION

Document Date: 1992

Document Country: EST

Document Language: ENG

IFES ID: CON00082



96F7F0CD-BADE-46C7-9185-B529F1F7D4AD

Unofficial Translation

REPUBLIC OF ESTONIA

LAW

ON THE APPLICATION OF THE CONSTITUTION

Article 1.

The Constitution shall enter into force on the day following its adoption by referendum and shall be applied in accordance with procedures prescribed by this law.

The authority of the Republic of Estonia Supreme Council and the Congress of Estonia shall cease upon announcement of the results of the Riigikogu elections.

Until the results of the Riigikogu elections have been announced, functions of the legislative body shall be carried out by the Republic of Estonia Supreme Council.

The Government of the Republic which was confirmed into office by the Supreme Council shall be released from office upon the assumption of office of a government formed by the Riigikogu.

Article 2.

Legal acts currently in effect in the Republic of Estonia shall continue to be in effect after the Constitution enters into force insofar as they are not in violation of the Constitution or of the Law on the Application of the Constitution and until they are voided or brought into full accordance with the Constitution.

Disputes regarding the accordance of a legal act with the Constitution and with the Law on the Application of the Constitution shall be decided by the National Court.

Article 3.

Elections for the Riigikogu and President of the Republic shall be announced by the Supreme Council after the adoption of the Constitution, whereby the schedule for

the election shall be determined. The elections must be held no later than September 27, 1992.

The authority of the first complement of the Riigikogu elected after the adoption of the Constitution shall extend, as an exception, up to three years.

The Riigikogu shall be convened for its first session by the Chairman or Vice-Chairman of the Republic of Estonia Electoral Committee within ten days after the announcement of election results.

The Chairman or Vice-Chairman of the Republic of Estonia Electoral Committee shall lead the work of the Riigikogu until the election of the Chairman of the Riigikogu (Speaker).

Until the adoption of the Law on the Statutes of the Riigikogu and the Law on the Procedures of the Riigikogu, the Riigikogu shall have a quorum if at least one half of its complement is present at a session.

For the purposes of the Constitution, the following shall mean:
majority of yes-votes - more votes are cast for than against;
two thirds majority of votes - at least two times as many votes are cast for as against;
four fifths majority of votes - at least four times as many votes are cast for as against;
majority of the complement of the Riigikogu - over one half of the complement of the Riigikogu votes yes;
two thirds majority of the complement of the Riigikogu - at least two thirds of the complement of the Riigikogu votes yes;
three fifths majority of the complement of the Riigikogu - at least three fifths of the complement of the Riigikogu votes yes.

The Supreme Council shall, prior to the announcement of the elections for the Riigikogu and President of the Republic, enact legal acts on electing the President of the Republic and on the remuneration and social security for members of the Riigikogu and the President of the Republic.

Article 4.

Point 11, Article 78 and Article 79 of the Constitution shall be applied after the President of the Republic, elected on the basis of this Article, assumes office.

In applying the Constitution, the President of the Republic, as an exception, shall be elected simultaneously with the election of the Riigikogu through a general, uniform and direct election, by secret ballot, by the majority of votes cast, for four years. If no one candidate receives over one half of votes cast, the President of the Republic shall be elected by the Riigikogu from amongst the two candidates who received the most votes, within 10 days of the convention of the Riigikogu. Detailed procedures for the election of the President of the Republic shall be prescribed by the Law on Electing the President of the Republic.

The right to nominate candidates for President shall belong to at least ten thousand Republic of Estonia citizens with the right to vote.

Persons who are candidates for the office of President of the Republic may not simultaneously be candidates for the Riigikogu.

Article 5.

The entering into force of the Constitution shall not in itself bring about the end of the employment relations of existing employees of government bodies.

The authority of the Auditor-General, Bank of the Estonia President, Chairman of the National Court and members of the National Court, appointed to office for a term by the Supreme Council, shall extend until the end of their appointed term.

Candidates for offices listed in Point 11, Article 78 of the Constitution and not specified in Paragraph 2 of the present Article shall be presented by the President of the Republic to the Riigikogu within 60 days after assuming office.

Article 6.

Until December 31, 2000, candidates for the office of President of the Republic, for the Riigikogu or the Volikogus of local governments, as well as persons who seek the office of Prime Minister, minister, Chairman of the National Court, member of the National Court, judge, Legal Chancellor, Auditor-General, Bank of Estonia President, Commander or Commander-in-Chief of the Defence Forces or any other government or local government office filled by election or appointment, must take a written oath of conscience that they have not been in the service or an agent of security organizations, military

intelligence or counter intelligence services of states which have occupied Estonia, and that they have not participated in the persecution or repression of citizens for their political convictions, disloyalty, social class or service in the government or defense services of the Republic of Estonia.

If a court determines that the information confirmed by the oath is untrue, the candidate shall be excluded from the list of candidates or his or her mandate shall be voided, or the person shall not be appointed to the offices noted in Paragraph 1 of this Article or the person shall be dismissed from office.

Article 7.

Persons who wish to remain in the offices specified in Paragraph 1, Article 6, which they have assumed prior to the convention of the Riigikogu, must take the written oath of conscience within 30 days after the convention of the Riigikogu. If a person refuses to take the oath or if a court determines that the information confirmed by the oath is untrue, the person shall be dismissed from office.

Regulations for taking the oath shall be enacted by the Supreme Council prior to the declaration of elections for the Riigikogu and the President of the Republic.

Article 8.

During the three years following the adoption of the Constitution by referendum, the Riigikogu shall have the right to make urgent amendments to the Constitution with a two thirds majority vote of the Riigikogu. The decision to treat a bill for changes to the Constitution as urgent shall be adopted by a majority of yes-votes.

The right to initiate amendments to the Constitution during the three years after the adoption of the Constitution by referendum shall also rest with public initiative, in the form of at least ten thousand citizens with the right to vote. The proposal to change the Constitution by public initiative shall be entered into the agenda of the Riigikogu as an urgent matter and shall be resolved according to procedures prescribed in Paragraph 1 of the present Article.

Article 9.

The present law is adopted together with the Constitution by referendum on June 28, 1992. The law shall enter into force simultaneously with the Constitution.

The Law on the Application of the Constitution may be amended in accordance with procedures prescribed for amending the Constitution.

**Return to Resource Center
International Foundation
for Electoral Systems
1620 I St. NW, Suite 611
Washington, D.C. 20006**