

**NB: Unofficial translation, legally binding only in Finnish and Swedish.**

Ministry of Justice, Finland

**Act on the Sámi Parliament**

(974/1995; amendments up to 1026/2003 included,

*laki saamelaiskäräjistä*)

Chapter 1 — **General provisions**

Section 1 — *Objective of the Act* (1279/2002)

- (1) The Sámi, as an indigenous people, have linguistic and cultural autonomy in the Sámi homeland as provided in this Act and in other legislation. For the tasks relating to cultural autonomy the Sámi shall elect from among themselves a Sámi Parliament
- (2) The Sámi Parliament belongs to the purview of the Ministry of Justice.

Section 2 — *Financial responsibility of the State*

An appropriation shall be made in the State budget for the tasks intended in this Act.

Section 3 — *Definition of a Sámi*

For the purpose of this Act, a Sámi means a person who considers himself a Sámi, provided:

- (1) That he himself or at least one of his parents or grandparents has learnt Sámi as his first language;
- (2) That he is a descendent of a person who has been entered in a land, taxation or population register as a mountain, forest or fishing Lapp; or
- (3) That at least one of his parents has or could have been registered as an elector for an election to the Sámi Delegation or the Sámi Parliament.

#### Section 4 — *The Sámi homeland*

The Sámi homeland means the areas of the municipalities of Enontekiö, Inari and Utsjoki, as well as the area of the reindeer owners' association of Lapland in Sodankylä. A map showing the boundaries of the homeland shall be published in the decree or its schedule.

#### Section 4a — *Applicability of administrative legislation (1026/2003)*

The Administrative Procedure Act (434/2003; *hallintolaki*), the Act on the Openness of Government Activities (621/1999; *laki viranomaisten toiminnan julkisuudesta*), the Personal Data Act (523/1999; *henkilötietolaki*) and the Archives Act (831/1994; *arkistolaki*) are applicable to the Sámi Parliament and the organs thereof, unless otherwise provided in this Act.

### Chapter 2 — **Tasks of the Sámi Parliament**

#### Section 5 — *General powers*

- (1) The task of the Sámi Parliament is to look after the Sámi language and culture, as well as to take care of matters relating to their status as an indigenous people.
- (2) In matters pertaining to its tasks, the Sámi Parliament may make initiatives and proposals to the authorities, as well as issue statements. In the pursuance of these matters the Sámi Parliament shall furthermore use the powers prescribed in this Act or elsewhere in the law.
- (3) The Sámi Parliament shall adopt its own Rules of Procedure. (1279/2002)

#### Section 6 — *Sámi representation*

In matters pertaining to its tasks, the Sámi Parliament shall represent the Sámi in national and international connections.

### Section 7 — *Report*

Each year the Sámi Parliament shall draw up a report of the Board for the Government enumerating events of import in the development of matters of specific relevance to the Sámi.

### Section 8 — *Allocation of the appropriation*

- (1) The Sámi Parliament shall decide how the funds designated for the common use of the Sámi shall be allocated.
- (2) The decision of the Sámi Parliament referred to in paragraph one is not subject to appeal.

### Section 9 — *Obligation to negotiate*

- (1) The authorities shall negotiate with the Sámi Parliament in all far-reaching and important measures which may directly and in a specific way affect the status of the Sámi as an indigenous people and which concern the following matters in the Sámi homeland:
  - (1) community planning;
  - (2) the management, use, leasing and assignment of state lands, conservation areas and wilderness areas;
  - (3) applications for licences to stake mineral mine claims or file mining patents;
  - (4) legislative or administrative changes to the occupations belonging to the Sámi form of culture;
  - (5) the development of the teaching of and in the Sámi language in schools, as well as the social and health services; or
  - (6) any other matters affecting the Sámi language and culture or the status of the Sámi as an indigenous people.
- (2) In order to fulfil its obligation to negotiate, the relevant authority shall provide the Sámi Parliament with the opportunity to be heard and discuss matters. Failure to use this opportunity in no way prevents the authority from proceeding in the matter.

## Chapter 3 — **Period of office, bodies and business**

### Section 10 — *Composition and period of office*

- (1) The Sámi Parliament consists of 21 members and 4 deputy members chosen at an election to the Sámi Parliament for four calendar years at a time. There shall be at least three members and one deputy member for each of the municipalities in the Sámi homeland.
- (2) On the basis of the results of the elections to the Sámi Parliament, the Government shall order the members and deputy members of the Sámi Parliament to take up their duties, grant them release from their duties at their own request and appoint, on the basis of the said election results, new members and deputy members in place of those who have ceased to be members or deputy members during the electoral period.
- (3) If a member or deputy member of the Sámi Parliament loses his eligibility for office in the way referred to in Section 22, the Government shall, on the initiative of the Sámi Parliament, confirm that his position of trust has expired.

### Section 11 — *Chairman*

- (1) The Sámi Parliament shall elect a chairman and two deputy chairmen from among its members. Immediate notification of the election shall be made to the Ministry of Justice.
- (2) The office of chairman is a full-time position.

### Section 12 — *Convening of meetings*

- (1) Meetings are held by decision of the Sámi Parliament. A meeting shall also be convened if the chairman or Board consider it necessary or if three-quarters of the members so demand.
- (2) If a member elected for a municipality in the Sámi homeland is unable to attend a meeting, the deputy member elected for the same municipality shall be invited in his place.

### Section 13 — *The Board of the Sámi Parliament*

- (1) The Sámi Parliament shall elect from among its members a Board consisting of the chairman and two deputy chairmen and a maximum of four other members.
- (2) In an election year, the chairman, the two deputy chairmen and the other members shall stay in office until such time that a new Board has been elected after the election. (1279/2002)
- (3) The Board shall prepare matters for the meetings of the Sámi Parliament and implement the decisions of the Parliament as specifically prescribed in the Rules of Procedure.

### Section 14 — *Other bodies*

The Sámi Parliament shall appoint an Election Committee for the elections referred to in Chapter 4. The Parliament may also appoint other bodies for the management of matters relating to Sámi cultural autonomy.

### Section 15 — *Transfer of authority*

- (1) The Board and other bodies of the Sámi Parliament may use the authority vested in the Parliament as prescribed in this Act and in the Rules of Procedure of the Parliament.
- (2) The transfer of authority mentioned in paragraph (1) is not permitted in matters referred to in section 7, section 10(3), sections 11–14, section 18b, section 18c or section 18j. (1279/2002)

### Section 16 — *Offices and staff* (1725/1995)

- (1) The Sámi Parliament shall have offices and a staff of persons employed under civil service and employment contracts in the way specifically decreed.
- (2) In respect to the civil servants, positions and employment relationships of the Sámi Parliament, the same shall apply as is decreed and prescribed in respect to state civil servants, positions and employment relationships.

- (3) In respect to staff employment relationships and their determination, the same shall apply as is decreed, prescribed and agreed upon concerning state employment relationships and their determination.

Section 17 — *Fees and remuneration*

Members of the Sámi Parliament, other officials, personnel and experts shall be paid fees, travelling expenses, per diem allowances and other remunerations in the way specifically prescribed in the Schedule of Fees to be confirmed by the Sámi Parliament.

Section 18 — *Consideration of matters*

- (1) The Sámi Parliament constitutes a quorum when the chairman or one of the deputy chairmen and at least half of the other members are present.
- (2) A member of the Sámi Parliament and of a body appointed by it is disqualified from taking part in any decision which concerns him personally, a close person as referred to in section 28(2) of the Administrative Procedure Act, or a comparable person referred to in paragraph (3) of the said section. (1026/2003)
- (3) Matters are decided in the Sámi Parliament by majority decision. If there is an equality of votes the chairman shall have the casting vote. In elections the person who has received most votes is considered elected. If there is an equality of votes the matter shall be decided by lot.

Chapter 3a — **Accounting and auditing** (1725/1995)

Section 18a — *Accounting records* (1725/1995)

In addition to what is prescribed in this Act in respect to the accounting records and annual accounts of the Sámi Parliament, the provisions of the [Accounting Act] in force shall be applied.

Section 18b — *Financial period and annual accounts* (1725/1995)

- (1) The financial period of the Sámi Parliament is the calendar year.

- (2) Annual accounts, consisting of an income statement, a balance sheet, notes to the financial statements, and an annual report, shall be drawn up for each financial period.
- (3) The annual report shall contain an explanation of the use of State aid and the activities of the Sámi Parliament during the financial period.
- (4) The annual accounts must be signed by the members of the Board of the Sámi Parliament.
- (5) The annual accounts must be submitted for approval by the Sámi Parliament by the end of June of the following year. (1279/2002)

Section 18c — *Auditors* (1725/1995)

- (1) The Sámi Parliament shall have two auditors, each with his own deputy, who shall be elected to audit the administration and accounts for the years of the term of office of the Sámi Parliament.
- (2) The Sámi Parliament and the Ministry of Justice shall each elect one auditor and his deputy. At least one of the auditors and his deputy shall be an auditor approved by the Central Chamber of Commerce or the local Chamber of Commerce, or an auditor approved by the Board of Public Administrative and Financial Audit.
- (3) An auditor may resign from his position during his term of office by informing the body that had elected him. An auditor may be dismissed during his term of office by the body that had elected him.

Section 18d — *Competence of auditors* (1725/1995)

- (1) An auditor shall have the knowledge and experience of accounting, financial and legal matters required for conducting the audit of the Sámi Parliament.
- (2) A person may not be elected an auditor who is a minor or has been declared a bankrupt or prohibited from engaging in business.

Section 18e — *Independence of auditors* (1725/1995)

An auditor shall have the prerequisites to carry out an independent audit. If the conditions for an independent audit are absent, the auditor must refuse to accept the task or relinquish it.

Section 18f — *Disqualification of auditors* (1725/1995)

- (1) A person may not be an auditor if he:
  - (1) is a member of the Sámi Parliament or the other bodies referred to in section 14;
  - (2) keeps the accounts or manages the assets of the Sámi Parliament;
  - (3) is employed by or is otherwise subordinated to the Sámi Parliament or a person referred to in subparagraphs (1) and (2);
  - (4) is the spouse or cohabitant in a marriage-like state, brother or sister or a relative in directly ascendant or descendent line or related by marriage or related so by marriage that the one is married to the brother or sister of the other, of a person referred to in subparagraphs (1) and (2).
- (2) An auditor may not have a loan or guarantee or some such similar benefit from the Sámi Parliament or from a person referred to in paragraph (1), subparagraphs (1) and (2).

Section 18g — *The audit* (1725/1995)

The auditors shall examine, in accordance with generally accepted auditing standards, the administration, accounting records and annual accounts for the financial period.

Section 18h — *Right to information* (1725/1995)

The auditors have the right to obtain information from the Sámi Parliament and to see all the documents they consider necessary in order to conduct their audit.

Section 18i — *Audit report (1725/1995)*

- (1) The auditors shall present to the Board of the Sámi Parliament by the end of April a written audit report, which shall contain an opinion as to whether:
  - (1) the annual accounts of the Sámi Parliament have been drawn up in accordance with the rules and regulations pertaining to annual accounts;
  - (2) the annual accounts provide a true and fair view of the activities and finances for the financial period;
  - (3) the information in the annual report concerning the use of State aid is correct; and
  - (4) the annual accounts should be adopted.
- (2) Should the auditors note that the administration and finances of the Sámi Parliament have been managed contrary to the law or the decisions of the Sámi Parliament and that the error or damage caused is not insignificant, a remark to this effect must be entered in the report.

Section 18j — *Consideration of the audit report (1725/1995)*

- (1) The Board of the Sámi Parliament shall present the audit report together with the annual accounts to the Sámi Parliament for its consideration.
- (2) The Sámi Parliament shall decide on the measures called for by the audit report and the statements included therein.

Section 18k — *Forwarding of documents to the Ministry of Justice (1725/1995)*

The Sámi Parliament shall, within six months from the end of the financial period, forward to the Ministry of Justice a certified copy of the income statement and balance sheet together with the notes to the financial statements, as well as the annual report and the audit report.

## Chapter 4 — **Elections to the Sámi Parliament**

### Section 19 — *Election year*

Elections to the Sámi Parliament shall be held every fourth year (*election year*).

### Section 20 — *Electoral district and Election Committee*

- (1) For the purpose of elections to the Sámi Parliament the country is one electoral district.
- (2) The elections are carried out by the Election Committee referred to in section 14. (1279/2002)
- (3) The Election Committee shall consist of a chairman and four other members, each of whom shall have a personal deputy. The Committee shall have a member and deputy member from each of the municipalities in the Sámi homeland. The Committee shall elect a deputy chairman from among its members.
- (4) The Election Committee has the right to employ a secretary and, with the permission of the Ministry of Justice, such other staff as are required.

### Section 21 — *Right to vote* (1279/2002)

The right to vote in elections to the Sámi Parliament shall belong to every Sámi, regardless of locality of residence, who reaches the age of 18 years no later than on the last election day, provided that he or she is a Finnish citizen, or that he or she is a foreign citizen domiciled in Finland in accordance with the Municipality of Residence Act (201/1994; *kotikuntalaki*) on the last date when the request for inclusion in the electoral roll can be made.

### Section 22 — *Eligibility for office* (1279/2002)

Anyone with the right to vote in elections to the Sámi Parliament shall be eligible for office, provided that he or she has agreed to stand and does not lack legal capacity.

Section 22a — *Commencement of elections* (1279/2002)

A public notice shall be given of the commencement of the elections.

Section 23 — *Electoral roll* (1279/2002)

- (1) The Election Committee shall draw up an electoral roll of the persons with the right to vote, on the basis of the previous electoral roll and the Population Information System. The name and the personal identification number, as well as the domicile and address, if known, of each person with the right to vote shall be entered in the electoral roll. However, the domicile or the address shall not be entered into the electoral roll, if the information is secret under the provision in section 24(1)(31) of the Act on the Openness of Government Activities.
- (2) The persons with the right to vote shall be entered into the electoral roll in alphabetical order, by municipality, in so far as not otherwise provided in paragraph (1).

Section 23a — *Preparation of the electoral roll* (1279/2002)

- (1) A Sámi with the right to vote who has not been entered into the electoral roll shall be entered into it on request. A person entered into the electoral roll shall be removed from it upon notification of a wish no longer to be listed in the roll, or if the person has died. The request and the notification shall be filed with the Election Committee no later than at 4<sup>PM</sup> on 31 December of the year preceding the election year.
- (2) When preparing the electoral roll, the Election Committee may on its own initiative include a child of a person with the right to vote, if the child has reached the voting age after the previous election or will reach that age by the date referred to in section 21. However, such a person may be entered into the electoral roll only after he or she has declared in writing to the Election Committee that he or she considers himself or herself to be a Sámi as referred to in this Act.
- (3) The Election Committee shall confirm and sign the electoral roll no later than on the last day of February of the election year.

Section 23b — *Purpose of the information in the electoral roll*  
(1279/2002)

- (1) The electoral roll or the information contained therein shall not be used for any other purpose than the carrying out of the elections to the Sámi Parliament.
- (2) However, the Board of the Sámi Parliament has the right to use and deliver the information contained in the electoral roll for purposes of statistics and scientific research, as provided in section 28 of the Act on the Openness of Government Activities.

Section 24 — *Voter card and decision* (1279/2002)

- (1) The Election Committee shall make out a voter card for each person in the electoral roll, bearing the information on that person as entered into the electoral roll, information on the public display of the electoral roll, information on voting and the election day and on the right to vote on the election day as provided in section 31a, if voting is arranged on the election day, as well as the address of the Election Committee. and other information required by the election rules.
- (2) Well in advance of the public display of the electoral roll, the Election Committee shall send the voter card to each person with the right to vote whose address is known.
- (3) A decision of the Election Committee rejecting or not admitting a person's request to be included in the electoral roll or a persons notification of removal from the roll shall be sent to that person well in advance of the public display of the electoral roll.

Section 25 — *Public display of the electoral roll* (1279/2002)

- (1) The Election Committee shall arrange for the public display of the electoral roll, excluding personal identification numbers, so that there is a gap of at least five months between the end of the period of display and the holding of the election.
- (2) The electoral roll shall be kept on public display for 10 consecutive weekdays, Saturdays excluded, for no less than three hours a day.

- (3) A public announcement shall be given of the public display of the electoral roll.

Section 25a — *Access to the electoral roll (1279/2002)*

- (1) Everyone shall have access to the electoral roll and to the documents relating to its preparation while the roll is on public display. The electoral roll and the documents relating to its preparation shall not be released for copying or photographing, nor shall copies of them be given to anyone. However, a person entered into the electoral roll has the right to an extract, free of charge, of the information pertaining to himself or herself. A person who has requested to be included in the electoral roll shall have access to the documents relating to the matter as provided in section 11 of the Act on the Openness of Government Activities.
- (2) The electoral roll, and the documents relating to its preparation and containing information on the ethnic origin of individuals, shall be secret at all times except for the period referred to in paragraph (1). The duty of secrecy does not prevent the delivery of information from the electoral roll to a person who needs it in order to ascertain his or her right to vote.
- (3) In other respects, access to the documents relating to the preparation of the electoral roll shall be governed by the provisions of the Act on the Openness of Government Activities.

Section 26 — *Demand for the rectification of the electoral roll (1279/2002)*

- (1) Anyone who considers that he or she has been unlawfully omitted from the electoral roll or that the entry on him or her in the electoral roll is incorrect may demand, in writing, that the Election Committee rectify the matter within 14 days from the end of the period of display. The Election Committee shall decide the matter urgently.
- (2) Anyone dissatisfied with the decision of the Election Committee may file a demand for rectification with the Board of the Sámi Parliament

within 14 days of having received notice of the decision. The Board shall decide the matter urgently.

- (3) If the decision of the Election Committee or the Board of the Sámi Parliament entails the inclusion of the person in the electoral roll, the Election Committee shall without delay send a voter card referred to in section 24 to him or her.

Section 26a — *Self-rectification* (1279/2002)

- (1) If the Election Committee considers that a person has been unlawfully omitted from the electoral roll or unlawfully included in it, or that an entry in the electoral roll is incorrect, the Election Committee is entitled, on its own motion, to add the person to the roll, to remove him or her from it, or to correct the incorrect entry. The rectification shall be carried out no later than two months before the commencement of the polling.
- (2) When a person is removed from the electoral roll, a written decision to this effect shall be made and notice of the decision shall be given to the person concerned.
- (3) When a person is added to the electoral roll, a voter card referred to in section 24 shall be sent to him or her without delay.
- (4) When an incorrect entry in the electoral roll is corrected, the person concerned shall be notified of the correction without delay, unless this is evidently unnecessary.

Section 26b — *Appeal to the Supreme Administrative Court*  
(1279/2002)

- (1) A decision of the Board of the Sámi Parliament referred to in section 26 and a decision of the Election Committee referred to in section 26a are open to appeal to the Supreme Administrative Court within 14 days of the date when the person concerned received notice of the decision.

- (2) In other respects, the appeal shall be governed by the provisions of the Act on Administrative Judicial Procedure (586/1996; *hallintolainkäyttölaki*).
- (3) The Supreme Administrative Court shall without delay serve notice of its ruling to the appellant, the Board of the Sámi Parliament and the Election Committee, which is to make the amendments ensuing from the ruling to the electoral roll and, if necessary, send a voter card referred to in section 24 to the person concerned.

Section 26c — *Certification of the electoral roll* (1279/2002)

- (1) If no demand for rectification has been filed within the appointed time, the Election Committee shall make an entry to the electoral roll to the effect that it has been certified.
- (2) If a demand for rectification has been filed, the Election Committee shall enter the possible rectifications arising from the demand into the electoral roll. Each rectification shall contain a reference to the decision on which it is based.
- (3) Before commencing the polling, the Election Committee shall make an entry to the electoral roll to the effect that it has been certified with rectifications, as referred to in paragraph (2). The electoral roll shall be considered certified regardless of whether a final decision relating to a demand for rectification has been made before the commencement of the polling, or whether said decision has been communicated to the Election Committee. The certified electoral roll shall be observed in the election without any alterations.

Section 26d — *Voting by virtue of a court order* (1279/2002)

- (1) A person who before the counting of the ballots produces to the Election Committee, or on the election day produces to the polling committee, an order of the Supreme Administrative Court to the effect that he or she has the right to vote shall be reserved the opportunity to obtain the election documents and to vote.

- (2) The person shall hand the court order or a certified copy over to the Election Committee or the polling committee, as the case may be, so that an entry to this effect can be made in the electoral roll.

Section 27 — *Nominations* (1279/2002)

- (1) Nominations of candidates in the elections to the Sámi Parliament may be made by no fewer than three Sámi with the right to vote, by filing a duly filled-in and signed nomination application no later than 31 days before the commencement of the polling, before 4PM. The application shall contain the following information:

- (1) The full name of the candidate and, where necessary, the other name by which the candidate is generally known, his or her personal identification number, his or her title, profession or position in no more than two expressions, as well as his or her domicile and address; and

- (2) the written consent of the nominee to stand as a candidate in the respective elections to the Sámi Parliament.

- (2) The persons nominating the candidate form the nomination group, which is to designate an agent and an alternate agent from among itself.

- (3) Each person with the right to vote may participate in the nomination of only one candidate. If a person belongs to two or more nomination groups, the Election Committee shall remove his or her name from all of them.

- (4) The agent of the nomination group shall be reserved an opportunity to supplement or correct the information in the application no later than 27 days before the commencement of the polling, no later than 4PM.

Section 27a — *List of candidates* (1279/2002)

- (1) The Election Committee draws up a list of eligible candidates no later than 21 days before the commencement of polling. The list of candidates includes a headline which identifies the elections in question, as well as a list of all candidates in numerical order, so that

the first candidate has the number 2. The order of the candidates on the list is determined on the basis of a draw of numbers carried out by the Election Committee.

- (2) Each candidate is entered on the list by number, name, and title, profession or position in no more than two expressions, as well as domicile. The first name of the candidate may be supplemented or replaced with a generally known other name or shortened name. The list of candidates shall be published, sent to the agents of the nomination groups, and kept accessible through the duration of the election.
- (2) A decision of the Election Committee shall not be separately open to appeal.

#### Section 28 — *Polling* (1279/2002)

The polling in the elections to the Sámi Parliament shall be carried out over a period of four weeks commencing on the Monday of the first full week of September. The polling shall be carried out by postal vote, but if the Election Committee so decides it may also be carried out in the Sámi homeland by voting in person on the polling day. Public notice of the polling shall be given.

#### Section 29 — *Commencement of polling and election documents*

The polling commences with the dispatch of the election documents to the persons with the right to vote. The documents are sent by registered mail. These documents include a ballot, duly stamped by the Election Committee, an envelope for the ballot, a covering letter, an envelope for the covering letter, a list of candidates and voting instructions.

#### Section 30 — *Postal voting* (1279/2002)

- (1) A person with the right to vote may vote upon receipt of the election documents. The vote has been cast once the person has left a sealed envelope containing the ballot and the covering letter, duly completed and signed, in the covering envelope, at the post office for delivery by

registered mail. If the person encloses the voter card, he or she need only sign the covering letter.

- (2) Election documents sent by post must reach the Election Committee by the commencement of counting. (1279/2002)

Section 31 — *Voting by return of election documents to the office of the Election Committee* (1279/2002)

- (1) A person with the right to vote may also return the election documents in person to the office or the other points of service of the Election Committee between the Monday of the third full week and the Friday of the fourth full week of the elections. The vote has been cast once the person has received a receipt for the return of the election documents.
- (2) The Election Committee shall see to it that the election documents returned to its office and other points of service are kept in a manner guaranteeing the secrecy of the vote, and that the election documents are safely delivered to the Inari office of the Election Committee before the commencement of counting.

Section 31a — *Voting on the polling day* (1279/2002)

- (1) If voting on the polling day is arranged, the polling day shall be the Sunday of the fourth week of the elections.
- (2) Voting on the polling day shall take place simultaneously in all of the municipalities in the Sámi homeland. There shall be one polling station in each municipality. A person with the right to vote may vote only in that municipality in the Sámi homeland which has been entered into the electoral roll as his or her domicile.
- (3) The voting shall be arranged so that the secrecy of the vote is guaranteed.

Section 31b — *Polling hours* (1279/2002)

- (1) The voting on the polling day shall commence on 10<sup>AM</sup> and continue without interruptions until 6<sup>PM</sup>.

- (2) All voters who have arrived by 6<sup>PM</sup> so as to wait for their turn to vote shall have the right to vote. The waiting area shall be closed at 6<sup>PM</sup>. The persons who have arrived shall be informed, before the closing of the waiting area, that the area is to be closed.

Section 31c — *Polling committee* (1279/2002)

- (1) Well in advance of the elections, the Election Committee shall appoint for each polling station a polling committee, consisting of three members and two alternate members, so that the Election Committee representative of the municipality in question and that representative's personal alternate serve as one of the members and alternate members, respectively, of the polling committee.
- (2) The person representing the Election Committee in the polling committee shall serve as its chairperson. Where necessary, the polling committee shall select a deputy chairperson from among itself.
- (3) The polling committee shall have a quorum with three members present.

Section 31d — *Preparatory measures* (1279/2002)

The Election Committee shall see to it that the polling station is equipped with the following:

- (1) voting booths, designed so that the secrecy of the vote is guaranteed;
- (2) the requisite number of ballots and validation stamps;
- (3) lists of candidates, to be put on display in the voting area, waiting area and voting booth;
- (4) seals and sealing equipment;
- (5) a certified copy of the electoral roll, containing the persons from that municipality with the right to vote (*local electoral roll*); and
- (6) a ballot box.

Section 31e — *Voting assistant* (1279/2002)

- (1) In each polling station, there shall be a voting assistant designated by the Election Committee, for the purpose of assisting a voter on request in the marking of the ballot.
- (2) A person whose capacity to mark a ballot has been essentially diminished has the right to use the assistant of his or her choice in the marking of the ballot.
- (3) A voting assistant referred to above in paragraphs (1) and (2) shall be a person who has the right to vote in the elections to the Sámi Parliament. A person who is standing as a candidate in the elections shall not serve as a voting assistant or an assistant of choice.
- (4) The assistant shall conscientiously comply with the directions of the voter and keep secret the information received in the context of voting.

Section 31f — *Opening the voting on polling day* (1279/2002)

At the opening of the voting on polling day, the chairperson of the polling committee shall show to the voters who are present that the ballot box is empty, and then close the box and seal it with the seal of the Election Committee. The ballot box shall not be opened after it has been closed at the opening of the voting on polling day, until such time that the counting of the votes in the elections to the Sámi Parliament commences under the provisions in sections 34–36.

Section 31g — *Voting on the polling day* (1279/2002)

- (1) The voter shall present himself or herself at the polling station to the polling committee, which shall see to it that the voter does not vote before his or her right to vote has been verified.
- (2) The voter shall provide identification to the polling committee.
- (3) The voter shall mark the ballot clearly with the number of the candidate whom he or she wishes to vote for, so that there is no uncertainty as to which candidate he or she means. The mark shall be

made in the voting booth, so that the secrecy of the vote is maintained.

- (4) A voter who has marked the ballot shall then fold it and present it to the polling committee for stamping. Then the voter shall insert the ballot into the ballot box.
- (5) The polling committee shall make an entry into the electoral roll to the effect that the voter has exercised his or her right to vote.

*Section 31h — Closing of the voting on polling day; polling minutes*

- (1) After the closing of the voting on polling day, the polling committee shall see to it that the sealed ballot box and the local electoral roll, containing voting entries, are delivered to the Inari office of the Election Committee in a manner guaranteeing the secrecy of the vote. The Election Committee shall see to it that the ballot box and the local electoral roll are kept in a safe place until the commencement of the counting.
- (2) In addition, the polling committee shall see to it that minutes are kept of the voting on polling day, indicating:
  - (1) the date, as well as the clock times when the voting on the polling day was opened and closed;
  - (2) the members and alternate members of the polling committee present;
  - (3) the voting assistants and the assistants of choice; and
  - (4) the number of those voting.

*Section 32 — Voting in institutions and at home*

- (1) Those persons who are being cared for in institutions located within the Sámi homeland, as well as those who are being cared for at home within the homeland, and who otherwise are incapable of voting without undue hardship, may vote at their place of care.
- (2) For voting at a place of care, the Election Committee shall appoint the member and deputy member representing the relevant municipality on the Election Committee to be the election official and his deputy.

- (3) When voting at a place of care those present shall include the voter and the election official, as well as a person chosen or approved by the elector who shall also be entered in the electoral roll for the Sámi Parliament as entitled to vote.

*Section 33 has been repealed by the Act 1279/2002.*

Section 34 — *Commencement of the counting of the votes (1279/2002)*

The Election Committee shall commence counting the votes at 6<sup>PM</sup> on the Monday following the close of polling. Any covering envelopes that arrive after the commencement of counting shall be disregarded and not opened. Minutes shall be kept of the proceedings. The agent or alternate agent of a nomination group has the right to be present.

Section 35 — *Electoral roll entries (1279/2002)*

- (1) The counting of the votes shall commence with the opening of the covering envelopes and entering all those who have voted in accordance with sections 31 and 32 in the electoral roll according to the covering letters.
- (2) A vote shall be disregarded:
- (1) if the person voting has not been entered in the electoral roll as a person with the right to vote, or if it is shown that he or she has died before the commencement of polling;
  - (2) if the covering letter is so deficient that it cannot with certainty be ascertained who has voted; or
  - (3) if the ballot envelope has been marked so that it bears a reference to the voter or the candidate or some other inappropriate marking.
- (3) A vote cast otherwise than on the polling day shall be disregarded also if it appears in the markings in the local electoral roll that the person has voted on the polling day.
- (4) When all those who have voted have been entered in the electoral roll, and when and the ballot envelopes to be disregarded, in their covering envelopes, have been set aside from those that have been accepted,

the accepted ballot envelopes shall be placed unopened in a ballot box.

Section 36 — *Sorting of ballots*

- (1) When all accepted ballot envelopes are in a ballot box, all ballot boxes shall be emptied and the ballot envelopes opened. (1279/2002)
- (2) For purposes of counting the votes, the ballots shall be sorted so that the ballots for each candidate are placed in separate piles. Ballots that have been declared invalid shall be sorted into a distinct pile. The ballots in each pile shall then be counted. Separate minutes shall be kept of the count.

Section 37 — *Invalid ballots*

A ballot shall be declared invalid:

- (1) if the ballot envelope contains anything else than one ballot;
- (2) if the vote has been disregarded in accordance with section 35;
- (3) if a ballot other than the ballot printed and stamped by the Election Committee has been used;
- (4) if the candidate's number has been written so that it is not absolutely certain for whom the vote was cast; and
- (5) if the voter's name has been written on the ballot or it bears a distinctive identification or some other inappropriate marking; markings that only clarify for which candidate the voter intended to vote shall not be considered inappropriate.

Section 37a — *Storing the election documents* (1279/2002)

The list of candidates, the ballots, the electoral roll with entries on those who voted, as well as the other material used in the elections shall be stored in accordance with the specific provisions thereon.

Section 38 — *Determination of election results*

- (1) The 21 candidates receiving the most votes shall have been elected as members of the Sámi Parliament are, provided that among them are at least three candidates from each of the municipalities in the Sámi homeland. If any of these municipalities does not have three

candidates among this group, then the three candidates from this municipality with the most votes shall have been elected.

- (2) The deputy member to be elected from among the candidates for each of the Sámi municipalities is the one who has received the next most votes after the ones who were elected.
- (3) If there is a tied vote, the order of the candidates shall be decided by lot.

#### Section 39 — *Confirmation of election results*

- (1) The results of the election shall be confirmed by the Election Committee at a meeting commencing at 6PM on the third day after the commencement of the counting of the votes.
- (2) Immediate notification of the results of the election shall be made to the Ministry of Justice, which shall order the members and deputy members of the Sámi Parliament to take up their duties for the next term of office.

#### Section 40 — *Demand for rectification of and appeal against the results of the election (1279/2002)*

- (1) A person with the right to vote who considers that the decision of the Election Committee in confirming the results of the election or some measure related to it is unlawful, may submit a demand for rectification to the Board of the Sámi Parliament within 14 days of the Election Committee's confirmation of the election results.
- (2) The Board of the Sámi Parliament shall deal with the demand for rectification urgently and no later than the end of the election year.
- (3) The decision of the Board of the Sámi Parliament is open to appeal to the Supreme Administrative Court within 14 days of the date when the person in question has received notice of the decision of the Board. In other respects, the appeal shall be governed by the provisions in the Act on Administrative Judicial Procedure.

- (4) If the decision or measure of the Election Committee referred to in paragraph (1) is unlawful and this has influenced the election results, the election results shall be rectified and the Government shall, if necessary, determine who are the members and deputy members of the Sámi Parliament in accordance with the rectified election results.
- (5) If the results of the election cannot be rectified, an order for the repeat of the elections shall be made.

Section 40a — *Repeat of the elections after an appeal*

- (1) Repeat elections shall be carried out by the same Election Committee as in the repealed elections, if possible. The same certified electoral roll and list of candidates as in the repealed elections shall be used in the repeat elections, unless the Board of the Sámi Parliament or the Supreme Administrative Court otherwise orders in its decision. In other respects, the procedure in the repeat elections shall be that provided for the regular elections.
- (2) The repeat elections shall be carried out during the calendar month that begins after two full calendar months have passed from the issue of the decision referred to in paragraph (1). The elections shall commence with the dispatch of the election documents referred to in section 29 to those with the right to vote.
- (3) The results of the repeat elections shall be notified to the Ministry of Justice at once.

Section 40b — *Competence of the members of the Sámi Parliament and of the bodies appointed by the Sámi Parliament (1279/2002)*

The members and deputy members of the Sámi Parliament elected in repealed elections shall stay in office until the results of the repeat elections have been confirmed and the Government ordered the members of the Sámi Parliament to take up their duties in accordance with those results. The above provision applies also to the members of the bodies appointed by the Sámi Parliament.

Section 40c — *Detailed provisions* (1279/2002)

Detailed provisions on the following issues may be adopted by Decree of the Ministry of Justice:

- (1) public announcements relating to the elections;
- (2) requests for inclusion in the electoral roll, removals from the roll and the information to be attached to such requests;
- (3) public display of the electoral roll;
- (4) publication of the list of candidates and public display of the same;
- (5) the ballot; and
- (6) the storage of the election documents.

Chapter 5 — **Appeals**

Section 41— *Lodging an appeal*

A decision of the Sámi Parliament Board or committee or other body established by the Parliament may be appealed against to the Sámi Parliament, unless otherwise prescribed in this Act or elsewhere in the law. An appeal against a decision of the Sámi Parliament may be made to the Supreme Administrative Court. The appeal shall observe what is prescribed in [the Act on Administrative Judicial Procedure].

Chapter 6 — **Miscellaneous provisions**

Section 42 — *Employment of staff* (1725/1995)

The Sámi Parliament shall appoint or employ its own staff.

Section 42a — *Pension rights* (1725/1995)

- (1) All persons in the employ of the Sámi Parliament have a right to a pension and upon their death their beneficiaries shall have a right to a family pension from public funds to the extent appropriate according to the provisions pertaining to persons in the employ of the state and their beneficiaries.
- (2) In respect to the costs arising from arranging the pension cover intended in paragraph (1), the Sámi Parliament is liable to pay the

pension contributions as prescribed in the State Pension Fund Act (1372/1989; *laki valtion eläkerahastoista*).

- (3) In order to implement the said pension cover, the Sámi Parliament shall annually inform the State Treasury of the persons in its employ. This information shall be made in accordance with the instructions of the State Treasury.
- (4) If the pension contributions are not made within the stipulated time, the State Pension Fund shall collect an annual interest on arrears in accordance with the rate of interest prescribed for this purpose in section 4(3) of the Interest Act (633/1982; *korkolaki*).
- (5) Pension contributions and interest on arrears will be collected as prescribed in the Proceedings for the Recovery of Taxes and Payments Act (367/1961; *laki menettelystä verojen ja maksujen perinnässä*).

Section 42b — *Secrecy obligation and liability in damages* (1725/1995)

- (1) No member of the Sámi Parliament or of the bodies referred to in section 14 or an auditor referred to in section 18c shall without due authorisation express to a third party or use to his private benefit any information which he has obtained in the performance of his duties concerning another person's private circumstances, economic situation or business or trade secrets.
- (2) Any person referred to in paragraph (1) is liable to make good the loss he has caused the Sámi Parliament in the performance of his duties either deliberately or through negligence. The same shall apply to loss caused to another through the breaking of this Act.
- (3) In respect to the reduction of compensation and the division of responsibility where several persons are liable for compensation, what is prescribed in the Tort Liability Act (412/1974; *vahingonkorvauslaki*) shall hereby apply.
- (4) In respect to the liability of civil servants and other employees to indemnify for damages, what is prescribed in the Tort Liability Act and elsewhere shall hereby apply.

Section 43 — *Further provisions and regulations*

- (1) Further provisions on the implementation of this Act shall be issued by Decree.

*Paragraph (2) has been repealed by the Act 1279/2002.*

Section 44 — *Entry into force*

- (1) This Act shall enter into force on 1 January 1996.
- (2) Measures necessary for the implementation of this Act may be taken prior to its entry into force.

Section 45 — *Transitional provisions*

- (1) Upon the entry into force of this Act, the Government shall order the members of the Sámi Delegation to be the members of the Sámi Parliament for the remaining period of office of the Sámi Delegation and shall augment the composition of the Sámi Parliament for the said period in accordance with this Act, disregarding, however, what is prescribed in section 10(1), concerning the minimum municipal representation, by ordering the additional members and deputy members required on the basis of the notification to the Ministry of Justice by the Election Committee of the Sámi Delegation and on the basis of the results of the last election to the Sámi Delegation to take up their duties. Until such time as the Government has given its order, the Sámi Delegation shall, without separate instructions, manage the tasks assigned to the Sámi Parliament as prescribed in this Act.
- (2) Upon the entry into force of this Act, the civil servants and other employees of the Sámi Delegation shall become the civil servants and other employees of the Sámi Parliament. (1725/1995)