



Russian Federation: Changes in Election Legislation

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RUSSIAN FEDERATION
CHANGES IN ELECTION LEGISLATION

Executive Summary

Introduction of a proportional system of election for the lower chamber of the Russian legislature and the elimination of single-mandate electoral districts in May 2005 has led to a full-scale reform of the nation's election legislation. The most important changes that affect elections on all levels of the federation are the reform of campaign financing; the ban on participation of political blocs in elections; the ten-fold increase of budget financing of political parties that received more than three percent of the votes during the most recent elections; the expansion of authority of the Central Election Commission, charging it with the duty to control the finances and property of political parties and their regional branches; and the establishment of a single voting day nationwide.

I. Recent Changes in Election Legislation

On August 6, 2005, President V. Putin signed the Federal Law on Amendments to Selected Legislative Acts of the Russian Federation.¹ This Law changes nine federal laws and three codes, and creates a completely new electoral system. Most of the changes, which will be introduced gradually until July 1, 2006, are aimed at increasing the role of political parties in Russia's electoral system. Before this date, political parties must establish no less than one hundred regional groups in all constituent components of the Russian Federation in order to be eligible to participate in federal elections. If the number of regional branches decreases during the electoral campaign, the electoral registration of the party will be terminated. Regional groups are allowed to have monetary funds independent from the national party fund. In order to gain seats in federal or regional legislatures, parties participating in elections must receive no less than seven percent of the relevant votes. Under the new legislation, the right to nominate candidates running for an office is given exclusively to political parties. Self-nomination is prohibited; however, the law does not prohibit an individual from recommending himself as a candidate to a political party for nomination. As of January 1, 2006, all elections in Russia will be held on the second Sunday in March. The second Sunday in October is reserved as voting day for elections that are cancelled or recognized as invalid in March.

The expanded authority of the Central Election Commission now includes the review of information provided by political parties regarding their receipt of funds and how they spend those funds, the monitoring of donations, and control over operations regarding property owned by political parties. Electronic voting is allowed in a limited number of precincts. The Central Election Commission also reviews this procedure.

¹ ROSSIISKAIA GAZETA, Aug. 12, 2005.

Some amendments are included in the Code of Administrative Violations. They recognize the following acts as misdemeanors: violation of the vote counting procedures; wrongful processing of election results; the issuance of a copy of an election result protocol that is different from the original; and violation of rules for the preservation of election documents. The heads of election commissions on all government levels face administrative liability for these violations. Some changes were introduced into the rules regulating the pictures of individuals in printed or video campaign materials. The previous rule required the consent of every person whose portrait appeared in printed materials. Candidates are no longer restricted in their ability to use images of famous or unidentified persons in their campaign materials.

II. Changes in the Law Regarding the Election of Duma Members

The Federal Law on Election of the State Duma Members was signed by the President of Russia on May 18, 2005.² The Law initiates the most serious reform of the Russian electoral system since 1993, and continues the pattern started in 2004 by the Law on Referendum, which made it impossible to initiate a referendum through the population, and Law No. 159-FZ, which eliminated the election of governors. The new Law lends itself to the victory of the ruling party in parliamentary elections. The Law addresses the following aspects of elections: the administration of elections, the nomination of candidates, the status and role of political parties, turnout and the determination of results, the openness of elections, finances and media, and methods of dispute resolution.

1. *Parties and party lists*

The most important change introduced by this Law is the transition from a mixed electoral system, which combined elements of proportional and majoritarian electoral methods, to a proportional electoral system that is used to elect the State Duma. According to this Law, all 450 members of the State Duma are elected from a single federal electoral district proportionate to the number of votes they receive. Seats in the State Duma will be divided among the parties proportionate to the number of votes they receive. The Law establishes formulas for counting the number of seats. A party is eligible for representation in the legislature if it has received more than seven percent of the total number of votes. In Russia this requirement means that about four million voters must cast their ballot for a particular party for it to have its faction represented in the parliament. Inside the party, the division of its seats will depend on the number of votes received by each regional party list within a particular region. The all-Russian federal part of the list is limited to three persons, and the rest of the list must be nominated in regions and be included in one of seventy-one regional lists. However, there is no residence requirement for candidates included in regional parts of the list. The number of candidates included in the federal party list cannot exceed five hundred individuals. Also, the Law does not prohibit elected individuals from refusing their mandate and delegating their seat in the Duma to another party member. Persons not associated with a party may be included in the list and elected to the Duma by a party; however, they cannot constitute more than one-half of the party's candidates. The Law also provides for an imperative mandate, under which elected Duma members cannot change their party affiliation and even may be dismissed from the Duma for violation of party discipline. In case of dismissal, they will be substituted by the next person in the party's election list.

² SOBRANIE ZAKONODATELSTVA ROSSIISKOI FEDERATSII [official gazette] 2005, No. 21 Item 5329.

2. Electoral registration

In order to register its federal party list with the Central Election Commission, a political party must be in existence at least one year before the official announcement of the election.³ Each political party must run separately. Electoral blocks and other unions between political parties are not allowed. Political organizations, movements and other participants in the political process are excluded from elections. To be eligible to participate in elections, a party must submit to the Central Election Commission at least 2000,000 signatures in support of its registration that were collected in different constituent components of the Russian Federation. The Law states that no more than ten thousand signatures can be collected in the same constituent component. The number of allowed invalid signatures has been decreased from twenty to five percent. If five percent of collected signatures are deemed invalid, the Central Election Commission must cancel the electoral registration of the party. A signature collection may be substituted by an escrow deposit in an amount equal to US\$2 million, which is fifteen percent of the total amount allowed for electoral spending. This money will be returned to the party after elections, if it receives more than four percent of the total vote. These requirements do not apply to parties with existing representation in the State Duma.

3. Administering elections

The Central Election Commission, together with its regional and local branches, is the federal institution that organizes elections. In addition to the established procedure for forming the election commission, which preserves the influence of parties already represented in the State Duma, the Law provides for the right of political parties to delegate one representative to the commission.

Under the new Law, the Central Election Commission has become more powerful in making decisions regarding invitations to foreign observers, who function as reporters who simply monitor elections. Domestic observers shall be nominated only by political parties participating in elections, and foreign observers can be invited by the President of Russia, the Russian Government, the federal legislature, or the Central Election Commission. Political parties and non-government organizations may petition the Central Election Commission with requests to issue an invitation to a particular individual; however, the Central Election Commission is not obliged to meet these requests and may leave them without a response. Domestic NGOs are not allowed to monitor elections.

In addition to the preserved old norm, under which elections were voided when voter turnout was less than twenty-five percent, election results may be cancelled if no party received more than seven percent of votes or if all parties together have received sixty percent or less of the votes. The law prohibits the creation of a one-party legislature and requires the canceling of election results in cases where only one political party received more than sixty percent of the votes, and the remaining parties received less than seven percent.

4. Campaign financing

The Law establishes a maximum amount, Rubles 400 million (equivalent to US\$13.4 million), which any political party may spend for electoral purposes. All monies shall be equally divided

³ The federal party list is a list of candidates nominated by a political party for election as State Duma members. It is divided between all parts of Russia, consisting of three individuals that are elected nationwide and regional groups of candidates that represent a constituent component of the federation, a part of a constituent component, or a group of components with a range of voters between 650 thousand and three million.

between the party's own resources and donations, which are limited as a percent of the total amount allowed for electoral spending. For example, donations from individuals are capped at 0.07 percent and donations from legal entities are capped at 3.5 percent of the maximum allowed for electoral spending. In addition to the federal electoral fund, parties may establish regional electoral funds in amounts between six and thirty million Rubles (US\$200,000 – 1 million), depending on the number of voters registered in the region. The law provides for compensation of election expenditures, from the federal budget, to parties that received more than three percent of the total votes in increments of Rubles 5 (US\$0.17) for each vote that was received. The amount will be given in annual installments and must be saved for future election campaigns. This money cannot be spent for party needs, except elections.

Provisions regarding free and equal access to mass media for propaganda purposes also have been amended. Under the new Law, the government demands full reimbursement of funds allocated for advertisements to a political party, if a party received less than three percent of the total votes counted during the election. In addition, a party may refuse to participate in televised debates or other programs where simultaneous participation of different party representatives is required. In such cases, the party can save its share of free airtime and may use it at its own discretion for individual campaigning.

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