

RUSSIA

National election system, the basis of a democratic state

History. The history of elections in Russia covers nearly 1,150 years. In 862, as in the rest of Eurasia, Rurik was elected the duke. The election was held in two rounds, three candidates passed to the second round.

Brief description of the election system of the Russian Federation. In the Russian Federation, elections are held on three levels – federal, regional and municipal. On the federal level, direct elections are those of the President of the Russian Federation (majority system of absolute majority) and deputies of the State Duma of the Federal Assembly of the Russian Federation (proportional system); indirect elections are those of deputies of the Federation Council of the Federal Assembly of the Russian Federation (half of the composition is elected by members of legislative state authorities of the Subjects of the Russian Federation, the other half represents executive authorities and is delegated by high ranking officials of subjects of the Russian Federation).

On the level of the Subjects of the Russian Federation: direct elections are those of members of legislative (representative) state authorities of 83 Subjects of the Russian Federation; indirect elections are those of high ranking officials (heads of supreme executive state authorities) of the Subjects of the Russian Federation.

On the local level, elections of members of representative bodies and heads of municipal formations are held. Heads of municipal formations, according to the charter of the municipal formation, are elected directly by citizens or members of the representative body of local authorities.

As the first of July, 2009 the number of voters in the Russian Federation was 107,945,779 and taking into account voters residing outside the Russian Federation - 109,617,785 .

In 1993–2008, five federal election cycles were carried out, including elections of the President of the Russian Federation and deputies of the State Duma of the Federal Assembly of the Russian Federation. Early and repeated elections of deputies of the State Duma were not conducted.

Modernization of Russian election system in 2008–2010. Starting from spring 2006, single voting days have been established in the Subjects of the Russian Federation for conduct of elections and referenda – the second Sunday of March and the second Sunday of October (in the year of election of deputies of the State Duma, it is the voting day in the specified election, i.e. December instead of October). This ensures control and uniformity in organization of election process.

From 2008, based on initiatives from the President of the Russian Federation Dmitry Anatolyevich Medvedev stipulated in the annual messages of the President to the Federal Assembly, modernization of the Russian election system has been carrying out.

The most important innovations have already introduced in Russian election legislation in 2008–2009, primarily include:

- extension of periods of constitutional powers of the President of the Russian Federation from four to six years and of the State Duma of the Federal Assembly of the Russian Federation and five years;

- ensuring guarantees of representation in the State Duma of the Federal Assembly of the Russian Federation of interests of voters, who cast their votes for parties which failed to pass the established seven-per-cent threshold for participation in distribution of seats (according to the new federal law parties which have gained from five to six per cent, receive one seat in the State Duma; more than six per cent, but less than seven per cent - two seats; the most of preferences established for parliamentary parties, cover these parties too);

- the right of a political party which has won the regional parliamentary election, to provide the head of the state with the propositions of candidates for the office of the high ranking official (head of the supreme executive body of state power) of the Subject of the Russian Federation;

- modifications related to registration of election associations and candidates participating in electoral campaigns (the number of voter signatures required for the registration for elections of deputies of the State Duma of the Federal Assembly of the Russian Federation has been reduced; parties which formed fractions in more than one third of legislative bodies of the Subjects of the Russian Federation, have been excused from collecting signatures);

- modifications related to the procedure of formation of the Federation Council of the Federal Assembly of the Russian Federation (further its composition will be formed only from the members of regional parliaments and representative bodies of local authorities of respective Subjects of the Russian Federation);

- gradual reduction of the minimum number of members of an organization required for registration of a new political party (from fifty thousand members to forty-five thousand from 2010 and to forty thousand from 2012);

providing parliamentary parties with guarantees of equal coverage of their activities on state-owned public TV and radio channels.

Today, modernization of the political system is continuing. In his Message to the Federal Assembly of the Russian Federation of 12 November, 2009, the President of the Russian Federation came up with new proposals, including:

on improvement of the party system – the possibility appear annually in legislative bodies of state power of the Subjects of the Russian Federation, for political parties which are not represented in them, additional guarantees of participation of non-parliamentary parties in the work of election commissions on federal and regional level;

on improvement of the election system – political parties which, based on results of the election, failed to pass to the State Duma of the Federal Assembly, but having fractions in legislative bodies of state power of the Subjects of the Russian Federation or in representative bodies of local authorities, are planned to be excused from signature collection for participation in the respective election; in the future, it is planned to reject signature collection as a method of allowance of political party to participation in election;

on review of grounds for, the procedure of advance voting, and utilization of absentee ballots, as a means of prevention of illegal manipulations;

on technical provision of political competition, in particular using of Internet for free public discussions on any questions; implementation of electronic vote counting devices and processing information at polling stations as measures of prevention of violations during election campaigns.

Now relevant draft laws are being developed, some of them have been already introduced to the State Duma. A federal law, which stipulates to differentiate the number of election commissions of municipal formations, depending on their type has been also adopted. Thus, election commissions of municipal districts, city regions and municipalities in cities of federal importance are formed of 8, 10 or 12 commissioners, and election commissions of settlements of six, eight or ten commissioners. The members of the commission are appointed by the representative body of the municipal formation, based on proposals from election associations and on proposals from the higher level election commission.

Provision of election organization. The structure of the election commissions (referendum commissions) in the Russian Federation: the Central Election Commission of the Russian Federation; election commissions of the Subjects of the Russian Federation;

election commissions of municipal formations; district election commissions, territorial election commissions and precinct election commissions.

Election commissions are formed based on proposals from political parties and other public associations, with at least half of the commissioners appointed by proposals from parties allowed to distribution of seats based on party lists in the representative body of the relevant or higher level. The system of election commissions is headed by the Central Election Commission of the Russian Federation consisting of 15 members, five of which are appointed by the State Duma, five by the Federation Council, and five by the President of the Russian Federation. Election commissions of the Subjects of the Russian Federation are state bodies of the Subjects of the Russian Federation beyond administrative subordination to the Central Election Commission of the Russian Federation, although the CEC of Russia finances them from the federal budget and recommends two members of each commission for appointment, including the candidature of the chairperson.

There were over 10 thousand elections during the Single voting days (in March and October, 2009) held in the Subjects of the Russian Federation. 63 thousand deputy seats and elected offices were occupied; around 130 thousand candidates were running for those offices. There were elected: members of legislative authorities in 12 Subjects of the Russian Federation; members of representative bodies of local authorities in 22 administrative centers of regions; heads of municipalities in 13 administrative centers of regions. More than 21 thousand of polling stations were formed at the regional and local elections in October 2009 and more than 96 thousand stations – at the federal election 2008.

Other participants of the election process in the Russian Federation. There are seven political parties registered in the Russian Federation. The election commissions maintain continuous interaction with them.

Priority areas of interaction of the election commissions are: with the Federal Assembly of the Russian Federation, legislative (representative) state power of the Subjects of the Russian Federation and deputies, executive bodies; mass media; civil society structures.

Interaction of election commissions with mass media includes:

election commissions' resolution, within their competence, issues related to information support of elections and referenda, organization of election and referendum campaigning, consideration and settlement of election appeals related to these issues;

education of representatives of federal and regional mass media, including study of issues of election legislation and process;

monitoring and control over provision of guarantees of equality between parliamentary parties in coverage of their activities given by state-owned TV and radio channels.

The CEC of Russia and the Subjects of the Russian Federation widely use such form of activities as organization of the Information centers at the federal and the regional elections on the voting day. More than four thousand journalists work in these centers. Annually CEC of Russia held the contests of best materials on Russian elections, prepared by federal and regional mass media.

From September, 2009 according to the Federal law "On guarantees of equality between parliamentary parties in coverage of their activities by state-owned public TV and radio channels" the time recording of airtime spent by state-owned TV and radio channels for coverage of activities of parliamentary parties has been commenced. Practice of using of this unique, first in Europe law has indicated that its requirements are realized as a whole.

There are problems in practical sphere: lack of coverage of activities of political parties in certain regions; uncertainty in recording of commercial airtime; in equivalence of newsbreaks (for instance, on days of assemblies of any party, an incline in coverage is observed towards this party).

Critical remarks from opposition regarding the practice of ensuring equality between parliamentary parties in coverage of their activities given by state-owned TV and radio channels: monitoring does not contain quantitative assessment; it does not take into account coverage of activities of officials being members of a party. There are also reports about the need to include non-governmental TV and radio channels into the coverage of the federal law. However, implementation of such requirements entails the danger of de-facto establishment of censorship. In this respect, in my opinion, the American model of work with mass media is more productive, which involves maximum freedom in assessment of politicians and political parties in combination with control over the financial aspect of activities of mass media.

Interaction of the Central Election Commission with the State Duma and the Federation Council, Chambers of the Federal Assembly of the Russian Federation, is carried out during organizational accompaniment of draft laws, parliamentary hearings,

conferences, “round tables” and other forms of discussion of issues related to development and improvement of election legislation. Cooperation practice also includes the report of the Chairman of the Central Election Commission to the State Duma of the Federal Assembly on results of elections on single voting days.

Interaction of the Central Election Commission with the Government of the Russian Federation and election commissions of the Subjects of the Russian Federation with bodies of the state power on regional and municipal levels includes resolution of issues related to organization of voter registration, organizational, transport, technical and financial provision of elections, maintaining public order and security during the preparing and conducting election.

The legal framework for interaction is provided by regulations of legislation, decisions of the Government of the Russian Federation and executive bodies of the Subjects of the Russian Federation on assistance for election commissions. Interaction is also carried out based on bilateral cooperation agreements – such agreements were concluded with the Minister of Internal Affairs of the Russian Federation, the Ministry of the Russian Federation for Affairs of Civil Defense, Emergencies and Disaster Relief, the Federal Migration Service, the Federal Space Agency and other ministries and institutions.

Interaction with civil society structures is carried out during intense contacts with political parties, other public associations, the Public Chamber of the Russian Federation, the Russian Free Election Foundation, and the association of non-profit organization for protection of election rights “Civil Control”. Generally they are based on the understanding and support. However, some non-governmental structures, including those existing at the expense of grants supplied from abroad, are often busy with searching for defects in Russian election system, without providing no actual support. They build their findings and conclusions on the basis of adversely interpreted data of election statistics, which are universally available.

Technical progress in the election system. In his Message to the Federal Assembly in November 2009, the President of the Russian Federation D.A. Medvedev touched upon one of the most relevant issue for election organizers, accelerated technical re-equipment of the election system. The deadline for preparing the program of the technical re-equipment of the election system has been established – January 2010.

Proposals include: development of a remote voting technology, including with utilization of the public information and communication network of Internet and mobile

communication networks; automation of the process of preparing of the protocols by precinct election commissions; using such vote counting means at polling stations as ballot processing complexes containing a scanner automatically recognizing marks on ballots, as well as touch screen voting complexes. The using the remote e-voting, "GLONASS" global satellite navigation technology and "Gonets" satellite communication system, as well as web cameras and other technical devices are among the perspective technologies.

For instance, at elections, in 2008-2009 in seven Subjects of Russia, some forms of voting were approved – using CDs, social payment cards and mobile phones. Today, a project of Implementation framework for remote e-voting has been developed as a part of the State Automated System of the Russian Federation "Vybery". Its purpose consists in implementation of remote e- voting providing voters with an opportunity to express their will outside the polling station, using individual technical means and public communication networks.

In October 2009, an experiment was carried out in the Irkutsk Region, during which the following technical facilities were displayed: with application of "GLONASS" global navigation system, data of the protocol of the precinct election commission on voting results were transferred to a higher territorial election commission, and there also was on-line monitoring of the motion of the vehicle delivering election documentation. Thus, measures of technical re-equipment of Russian election system are already applied in a trial run, and have justified themselves; currently, it is necessary to speak about their implementation on the nationwide scale.

Publicity and transparency of election process. Increasing transparency of election and the strengthening of trust to election system assist the effective and public work of the election commissions with appeals of the participants of the election process for the violation of the election legislation, detailed reports and issuances in relevant publications of the Central Election Commission and election commissions of the Subjects of the Russian Federation.

During the elections in spring 2009, 360 appeals and complaints were sent to and considered by the Central Election Commission of the Russian Federation, and in autumn - 453. It is worth taking into account that the average number of applications for one election campaign has decreased by one and a half times – we consider it evidence of constant work to improve organization of elections and a result of close cooperation of election organizers with numerous participants of election campaigns.

National and international election observation. It's very important to emphasize the essential role of election observation in promoting trust to election process, protecting and securing civil and political rights, transparency and publicity in election process.

The function of international guarantees of human and civil rights is performed by regulations of international treaties of the Russian Federation, as well as the institution of international election observation. In the Russian Federation the legal status of international observers and the procedure of their invitation are regulated by the legislation. In addition, in recent years, a quota principle has been introduced, where the number of observers from an organization and the duration of their stay are subjected to agreement with the host party.

Strengthening universal principles of international law, issues of international evaluation of elections include development of general principles of organization of democratic elections and objective criteria for their evaluation, establishment of the international legal status of organizations and institutions sending observers, mutual obligations of such organizations, institutions, etc.

In 2008, the Declaration "On Principles of International Election and Referendum Observation in Member States of the Commonwealth of Independent States" was adopted. This document is the evidence of intentions to develop the system of democratic elections, including using the institution of international observation.

The Russian Federation supports normalization of the process of election observation, including the OSCE area. Russia initiated development of the European Convention on Standards of Democratic Elections, which is still at the draft stage.

The OSCE/ODIHR applies double standards – to developed democracy countries and "young" democracy countries. In addition, there has been obvious tendency towards evaluation of the political system of a country, its constitution and other legislative acts, as well as active intervention in the election process through publishing reports on the election process before the election results are issued. The absence of unified international rules and techniques of observation may lead to degradation of the institution of international observation, including refusal of a number of countries to invite international observers to elections. The examples of recent years have been elections in Poland, Moldova over a hundred of international observers were refused to accredit by organizers during the recent election, the USA (in several states the observers are not permitted to observe the

process of voting at the polling stations) and Ukraine (the observation mission of the CIS executive committee was not invited to the election).

Thus, in the OSCE area, states independently make decisions on advisability of invitation and acceptance of international observers and their number, based on their own views and principles, but not on legalized standards. It is in the interest of the OSCE and all states to put an end to such practice. Common attitude towards this significant issue would become the triumph of common sense. The further hesitation in adoption of international standards documents can lead to elimination of the institution of international observation. At the same time, Russian election organizers have always promoted the adoption of international acts establishing common standards for election observation.

Chairman
of the Central Election Commission
of the Russian Federation

V.E. Churov