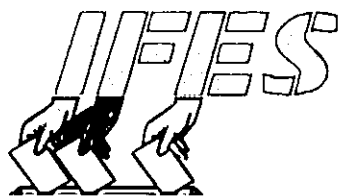


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Parliamentary and Presidential Elections in Russia 1999–2000

TECHNICAL ASSESSMENT





Parliamentary and Presidential Elections in Russia 1999-2000

Duma Election: 19 December 1999
Presidential Election: 26 March 2000

***TECHNICAL ASSESSMENT WITH RECOMMENDATIONS
FOR LEGAL AND PROCEDURAL REFORM***

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TABLE OF ABBREVIATIONS

<i>CEC</i>	- Central Election Commission of the Russian Federation
<i>CPRF</i>	- Communist Party of the Russian Federation
<i>DEC</i>	- District Election Commission
<i>IESD</i>	- Institute for Election Systems Development
<i>IFES</i>	- International Foundation for Election Systems
<i>NGO</i>	- Non-governmental Organization
<i>PEC</i>	- Precinct Election Commission
<i>PETA</i>	- Pre-Election Technical Assessment
<i>SEC</i>	- Subject Election Commission
<i>TEC</i>	- Territorial Election Commission
<i>Basic Guarantees Law</i>	- Federal Law “On Basic Guarantees of Electoral Rights and the Right of Citizens of the Russian Federation to Participate in a Referendum”
<i>Presidential Election Law</i>	- Federal Law “On the Election of the President of the Russian Federation”
<i>Duma Election Law</i>	- Federal Law “On the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation”
<i>Duma</i>	- Lower House of Parliament
<i>Federation Council</i>	- Upper House of Parliament

EXECUTIVE SUMMARY

During its first ten years of democratic elections, the people of the Russian Federation have participated in several contested presidential and parliamentary elections and referenda. For most citizens of the Russian Federation, it was the first time in their lives that they experienced a real and peaceful transfer and transition of political power through the ballot box. In addition to federal elections for the Duma and presidency, elections have been conducted throughout the 1990s in the 89 subjects of the Russian Federation and at the local level to elect local Dumas and councils. Nearly every Sunday finds voters somewhere in this vast country of about 150 million people (and 107 million voters) going to the polls to elect some official or decide an important referendum. The choices presented to voters during this past decade have been unprecedented and have given Russians the opportunity to influence their future by the ballot box. While a difficult economy has dominated the headlines for the past decade, the birth and development of participatory democracy has been one of the crowning achievements of the Russian people.



On June 12, 1991, Russian citizens went to the polls to elect their first President, Boris Yeltsin, a man who would serve them for almost a decade. On 12 December 1993, Russian voters elected the first parliament following the breakup of the Soviet Union. In that election, voters elected members of the State Duma and of the Federation Council, the upper body of the parliament. Subsequent to that election, in 1995, the Duma made a significant change by eliminating the direct election of the

Federation Council. Rather, the Federation Council was restructured to create uniform and equal representation of interests of Russia's 89 subjects. The Federation Council is comprised of 178 deputies, two from each subject. They assume their membership in the Council automatically, by virtue of their positions of leadership at the subject level. Namely, one of each region's members is the elected executive head of the subject (governors, or presidents in the case of autonomous subjects) and the second is the head of the regional legislative body, elected by the deputies of that body.

The Law on the Election of Deputies to the State Duma was also amended to bring it more into compliance with the law "On Basic Guarantees of Electoral Rights of Citizens of the Russian Federation." The restructuring of these laws was accomplished in the years 1993-1995. In late 1992, the development of new election administration was initiated by a group of deputies and experts within the framework of the Constitutional Commission of the Congress of the Peoples Deputies of the Russian Federation. Their work, as modified, entered into force by presidential decree in the political crisis in the second half of 1993. On the basis of this decree, the first election to a new Russian parliament was conducted on 12 December 1993. At that same election, Russian voters ratified a new constitution that established basic voting rights for citizens of the Federation.

Electoral reform efforts in Russia have centered on a stated commitment to guaranteeing the rights of its citizens in the electoral process. Nevertheless, protecting the rights of over 100 million voters is a daunting task. The framework law on the "Basic Guarantees of Election Rights and the Rights to Participate in a Referendum" entered into force in 1994. This law was annulled with the passage of a new Federal Law "On Basic Guarantees of Electoral Rights and the Right of Citizens of the

Russian Federation to Participate in a Referendum" in September 1997. The Basic Guarantees law outlined a hierarchical structure of election commissions, formally recognized electoral associations and blocs as part of the political landscape, guaranteed the right of voters and candidates participating in the process, and developed fundamental principles for voting, counting and tabulation processes, among other innovations.

The Law on the Election of Deputies for the State Duma of the Federal Assembly and the Law on the Election of the Russian President of the Russian Federation were first adopted in 1995 and have been significantly modified since that time.

The continuous revision of laws regulating elections has resulted in much more specificity in the various codes. Some have argued that such detail has made uniform applicability and enforcement more difficult to achieve. At the same time, it should be acknowledged that they have raised election administration standards and allowed for improved processes for the election of more local officials.

While a good election law does not automatically translate into a well-conducted, free or fair process, it provides the framework within which the political actors must operate. It is essentially up to election administrators to ensure that these actors play by the rules of the game and that free and fair elections are conducted. The assessment team found considerable praise for the improvements made in the administration of the elections of the Russian Federation since the establishment of a permanent Central Election Commission in 1993. Many of those interviewed indicated that, procedurally, elections were conducted relatively free of widespread fraud, and commented positively on the role of the CEC.

This report is designed for Russian election administrators, lawmakers, and others as they evaluate these historic elections and pursue legal and procedural reforms. It includes recommendations and suggestions that are designed to promote the continued success of the electoral process in the Russian Federation. Indeed, the technical nature of the recommendations reflect the desire of the International Foundation for Election Systems to provide feasible and reasonable changes that, if implemented, will continue to enhance the credibility and transparency of the Russian electoral process as a whole.

The legal basis for the elections is described in detail in the first and second chapters of the report. Chapter 1 provides the fundamental structure in the *Constitutional Basis for the Election System*. In this chapter, the role of elections and the basic rights of Russian citizens to elect public officials are addressed. In addition, it details how the Constitution of the Russian Federation establishes the entire system of legislative acts regulating Federal elections. Chapter 2 is devoted to the *Federal Laws Governing Elections*. It describes how the law "On Basic Guarantees of Electoral Rights and the Right of Citizens of the Russian Federation to Participate in a Referendum" goes further than the Constitution toward regulating all stages and aspects of the electoral process. The "Federal Law on the Election of the President of the Russian Federation" as well as the law "On the Federal Law on the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation" are examined to provide information and analysis of the legal foundation for Duma and presidential elections. In addition, other federal laws and decrees and directives of the president of the Russian Federation that affect the election process are reviewed. This chapter makes a series of recommendations, including the need for an all-encompassing electoral code to reduce the confusion and problems caused by conflicting provisions in the federal laws governing elections.

In Chapter 3, an extensive look at the *Administration and Policymaking* procedures used in the process of conducting Duma and presidential elections are examined. Starting with the top policymaking and administrative body, the Central Election Commission (CEC), and ending with the body that serves the voters directly, the Precinct Election Commission (PEC), the report provides information regarding the duties, responsibilities and limitations of each of the administrative structures involved in conducting elections in the Russian Federation. While the report notes the significant improvements made in conducting elections, it also makes recommendations for improving training procedures.

Election Monitoring and Transparency Issues are analyzed in Chapter 4. The legal basis for the fundamental mechanisms involved in providing checks and balances to the election process is described. Political parties, non-governmental organizations, and international monitors now have basic rights that allow them to observe and monitor elections in the Russian Federation. Conflicts between federal and local laws that were problematic in the monitoring process are reviewed. While it is without question that significant improvements have been made in this area since 1993, the chapter does provide several recommendations to increase transparency and provide more quality observation.

The complicated presidential and Duma nomination process is described in Chapter 5, *Nomination and Registration of Candidates*. The rights and responsibilities of political associations and blocs, candidates, and others are detailed in the report. In addition, obstacles and controversies encountered in the Duma and presidential elections are mentioned in this chapter. Some of those difficulties included: the arbitrary decisions made by election commissions; inconsistency in the disclosure requirements filed by the candidates; and lack of specificity in the rules and procedures governing officials in the review and certification process in determining the eligibility of candidates and their registration or rejection. Recommendations in this chapter suggest a review of procedures and propose various methods to improve the nomination process.

Chapter 6 examines the important issue of the *Mass Media and Pre-electoral Campaigning*. Perhaps one of the most problematic areas found in the recent Duma and presidential elections, the role of the media in the election process is vital to any democracy and certainly important in an assessment process. The media have continued to draw much scrutiny by domestic and international observers of the Russian election process. This report notes that since 1996, the increasing concentration of the media in the hands of state and corporate interests has led to greater manipulation during the recent elections. Specific issues such as coverage by the media, particularly the state-controlled media, government pressure, the legal environment, sanctions, penalties, and adjudication of grievances are all highlighted in separate sections within this chapter. Specific recommendations are included to urge those involved in the democratic process to learn from the negative aspects of the recent elections and take steps to improve the process so that in future elections the media can play an unbiased and ethical role in providing voters with information of high quality about the election.

With the many changes that have taken place since the 1995 and 1996 elections, the important role that *Campaign Finance* played in the 1999 and 2000 elections are highlighted in Chapter 7. New legislation has significantly tightened the regulation of campaign financing and campaign expenditures and also increased transparency mechanisms. New personal, contributor and expenditure disclosure requirements have helped give voters more information about the candidates and the campaign. However, as with any new procedural change and requirements, enforcement

issues become increasingly important. This chapter examines the legal framework governing campaign finance, reviews the practice in past elections, and, finally, suggests several recommendations for improvements in this important area. These suggestions include the need to increase ceilings of campaigns, make public disclosure more effective, and provide more detail in the law so that variation in interpretation can be kept to a minimum or eliminated.

Chapter 8 is an in-depth *Technical Assessment of the Automated Elections System* focusing on the methods of *Voter Registration* in the Russian Federation. Our thorough analysis includes a review of the ability of the CEC Automated Election System to accurately identify register voters in a particular precinct, and to capture and transmit results with the necessary safeguards and characteristics that would be expected of such a system. Noting that the Central Election Commission has a strong interest in improving the voter registration process and constructing a permanent National Register of Electors in the Russian Federation, this report provides great detail regarding the current system and the feasibility of evolving toward a National Register. The need for, and advantages of, such a system are addressed, and concrete suggestions for its implementation are put forward. The implication of legal, transparency, and cost issues are also examined with recommendations.

General Issues of the Campaigns are addressed in Chapter 9. *The Undue Influence of State Bodies on the Campaign* is discussed in detail. This problem, which manifested itself in the both the Duma and presidential campaigns, is one that has cast a dark cloud over the democratic process in the Russian Federation. Undue influence by federal, regional, and local authorities — and by other institutions such as state ministries, powerful enterprises, and military leaders — was a pervasive problem. Influence on the campaign process most often included pressure on local and regional election commissions, courts, political party structures, and mass media with the aim of restricting the effectiveness of political opponents or influencing public opinion. (Examples of these efforts are covered in Chapter 6.) Recommendations for improvement include providing sufficient oversight, improving the independence of the media, and promoting nonprofit watchdog organizations.

A review and analysis of the *Voting Process* can be found in Chapter 10. Issues such as ballot security, mobile ballot boxes, polling station size, vote count and tabulation of results, and early voting are examined. Numerous recommendations are made to improve the process, such as strengthening security measures regarding the distribution of ballots. This includes special packaging, increasing the number of polling booths, and improving training directives, among other suggestions.

Chapter 11 is a very thorough examination of the procedures used in the *Reporting of Voting Results*. The results transmission process is carefully reviewed with along with the specific issues of hardware, software, SAS “Vybory,” security, ease of operation, accuracy and reliability, transparency, and limitations of the system. In general, it was found that the basic system used to transmit results is acceptable. While a simple process, it was found to be effective in controlling the protocol receiving and verification process. One significant shortcoming was that the process was not sufficiently transparent at some levels. In addition, it was noted that no detailed storage of individual protocol images is provided. Consequently, a recount of all protocols is not possible, a feature that is not desirable in the event of a complete electronic failure or contested election.

Voting Beyond the Borders of the Russian Federation is a subject that is highlighted in Chapter 12. The law gives Russian citizens who are otherwise eligible to vote but who are out of the country on

official or private business, or as tourists, the opportunity to participate in the election by voting at a designated location in the country where they are at the time of the election. Of course, not every country has a designated polling station for Russian citizens. With the increasing mobility of Russian citizens for economic and other reasons, voting abroad continues to grow. IFES secured 10-12 accredited representatives in various countries during the Duma and presidential elections. While voting was generally orderly, there were minor problems noted, including the need for increased awareness of the availability of such voting to Russian citizens living abroad.

Chapter 13 details the process of the Adjudication of Grievance during the federal election cycle and builds on the analysis to make recommendations for consideration by legislators and election administrators. Adjudication of Grievances forms an integral part of the electoral process. The legal framework describes the important role of the courts in resolving challenges. The process of adjudication of election grievances in Russia is flexible and leaves the complainant a number of options at every step. The division of adjudication authority between the courts and election commission is outlined in this chapter. Several specific examples and cases are cited in this chapter along with a review of court practices in 1999-2000. In its recommendations section, this chapter provides solid suggestions to streamline the adjudication process by following a hierarchical structure rather than circumventing election commissions with direct appeals to the CEC.

The final chapter details a *Summary of the 82 Recommendations* found throughout this report. These suggestions are designed to provide guidance to those with an interest in improving the electoral process in the Russian Federation. Following the recommendations is a series of attachments and addenda, which are referenced throughout the report.

FOREWORD

The work of the International Foundation for Election Systems (IFES) in Russia has as its main aim the development of analytical materials based on the assessment of the electoral system from a comparative perspective while taking into account the distinctive and unique features of the Russian Federation. This report is the product of years of observation, analysis, discussion, recommendations, and assistance, which has ultimately led to two federal elections—for the State Duma in December 1999 and for President in March 2000. IFES has been honored and privileged to be able to witness the extraordinary efforts made by the legislators and the Central Election Commission of the Russian Federation to enhance, strengthen, and develop a sustainable election system and administrative structure across the Russian Federation.

While building on the work of IFES over the years, including the observation of elections in the regions, this report is designed as a reference tool for all those whose responsibility it is to reform laws, institutionalize elections, or develop procedures in support of the electoral and democratic process. The authors, in compiling the report, have made every attempt to represent facts accurately and objectively, with each point being referenced appropriately.

It should be acknowledged firsthand that elections to the State Duma and to the office of the president marked a significant advancement in the democratization process in Russia and, in particular, in the professionalization of the administration of elections. Election administrators at all levels should be congratulated for their work and dedication to the huge task at hand. IFES does not pronounce itself on the impartiality and independence of the election processes that it has witnessed; rather, it presents here a collection of specific suggestions and options to refine the electoral process. The recommendations made herein are rather technical in nature, while taking into account the overall political environment, which is sometimes out of the immediate control of the electoral authorities.

A significant number of people must be recognized and thanked for their contributions toward making this report possible. In particular, IFES would like to thank the chairman of the Central Election Commission of the Russian Federation, Alexander Albertovich Veshniakov, for the access, cooperation, and expert analysis provided by the Commission, its distinguished members and staff. IFES also wishes to extend its thanks to the Head of the Chamber of Informational Disputes, Mr. Monahov, for the contribution of the Chamber and its staff to our media program.

The project team is also indebted to the many Russian election commissions and individuals for the excellent cooperation that we received throughout the observation. Their constant encouragement and tangible support were crucial to the successful completion of this phase. Team members were continuously impressed by the dedication and enthusiasm shown by so many public servants of the PECs, TECs, and SECs who put in extra effort to assist IFES in the observation process.

The IFES Russia team wishes to acknowledge the immeasurable benefit received from the insights of the representatives of the legislative and executive branches, candidates, organizations, political parties, representatives of the mass media, and others who have participated in IFES's events and activities across Russia over the years. IFES extends a special thank you for the insights received

from the following parties who took time to meet with us during the busy electoral period of the State Duma elections: the Communist Party of the Russian Federation; the Union of Right Wing Forces; Yabloko; Unity; and the Liberal-Democratic Party of Russia. IFES is also grateful to the presidential candidates and their teams with whom we met during the presidential elections: presidential candidates Dzhabrailov, Filatov, Skuratov, Tuleyev, Zhirinovskiy, and Zyuganov as well as the official representatives of presidential candidates Titov, Yavlinsky, Podberyozkin, and Vladimir Putin's campaign manager, Mr. Medvedev. They kept IFES's advisers abreast of the success of the transparency mechanisms, the process for adjudication of grievances, and the evolution of their campaign both in the media and with the electorate.

IFES is certainly indebted to the services provided by Linda Edgeworth, OSCE Senior Deputy Head of Mission, Alexander Yurin, Executive Director of the Institute for Election Systems Development, and Victor Ragozin, attorney and State Duma adviser, for clarifying the intricacies of Russian law and politics as well as commenting on various drafts of this report.

IFES's activities in Russia are made possible thanks to a grant from the United States Agency for International Development. The report does not reflect in any way or form the views or opinions of the government of the United States of America, or those of the United States Agency for International Development or its staff.

CHAPTER 1:

CONSTITUTIONAL BASIS FOR THE ELECTION SYSTEM

The general aspects of the country's electoral system, particularly the issues connected with elections to the federal executive and legislative bodies, receive comparatively little attention in the Constitution of the Russian Federation. This situation is not an exceptional state of affairs. The world experience is mixed in this regard, with some constitutions detailing the intricacies of the election system and others laying general guidelines that limit, for example, when to hold elections.¹ The Constitution of the Russian Federation sets in place some basic parameters. The most relevant references are the following.

- The Constitution defines the role of the elections in the general system of the exercise of power in Russia. Thus, according to Article 3 (3), elections (along with referenda) are the supreme direct expression of the power of the people;
- The electoral rights of citizens—the right to elect and be elected to bodies of state power and bodies of local self-government laid down in Article 32; this part of the constitution enjoys a particularly high level of legal protection;
- The Constitution specifies the bodies authorized to call the elections to the State Duma and the presidency of the Russian Federation (Article 84 (a)),
- The term in power of the chambers of parliament (Article 96 (1)) and the period within which the elections to the State Duma are to be held in the event of its dissolution are indicated. Another important point is that Article 96 (2) specifies that the procedure for the election of deputies to the State Duma is to be established by federal law. This rules out the regulation of elections to the State Duma by means of executive ordinances;
- The active and the passive electoral rights in the elections to the State Duma are defined in Article 32 (2) and (3).
- As to the President of the Russian Federation, Article 81 of the Constitution states that this position shall be “elected ... on the basis of a general, equal and direct vote by secret ballot.”
- The right to call for presidential elections is given to the Federation Council, as indicated in the list of constitutional powers found in Article 102 (1) (e).

These provisions are very important. They establish the basis for the entire system of legislative acts regulating the federal elections, including its deferral of responsibility to the legislative body for the enactment of laws to govern elections to the State Duma. It is noted that based on the aforementioned

¹ The International IDEA Handbook of Electoral System Design, by Andrew Reynolds and Ben Reilly. Publisher: International Institute for Democracy and Electoral Assistance, Stockholm, Sweden, 1997.

constitutional principles, the Constitutional Court of the Russian Federation has twice (in 1995 and 1998) considered the questions of the conformity of the elections of the State Duma to the Constitution².

At the same time, there are other constitutional provisions that play an important role in the organization and administration of the elections. These are particularly concerned with the constitutional regulation of the political rights and freedoms of citizens (the freedom of speech, the right to association, etc.) and the legal status of public associations and mass media. The fundamental principles setting the stage for a democratic, representative, and multi-party election system are entrenched in the Constitution. The norms of electoral legislation must not contradict these provisions of the Constitution. We will reference these norms throughout the analysis of the federal elections.

The norms found in the Constitution that apply to elections are the following:

Article 2: ... *"The recognition, observation, and protection of the rights and freedoms of man and citizen are the obligation of the state."*

Article 13, Section 3: *"In the Russian Federation, political pluralism and a multi-party system are recognized."*

Article 17, Section 2: *"The basic rights and freedoms are inalienable and enjoyed by everyone"*

Article 29, Section 1: *"Everyone is guaranteed freedoms of thought and speech."*

Article 29, Section 4: *"Freedom of the mass media is guaranteed. Censorship is forbidden."*

Article 30, Section 1: *"Everyone enjoys the right to association ... Freedom of activity of public associations is guaranteed."*

Article 31: *"Citizens of the Russian Federation have the right to assemble peacefully, without weapons, hold rallies, meetings, demonstrations, marches, and pickets."*

Article 32, Section 1: *"Citizens of the Russian Federation have the right to participate in managing state affairs both directly and through their representatives."*

Article 32, Section 2: *"Citizens of the Russian Federation have the right to elect and be elected to state bodies of power and local self-government bodies, as well as to participate in referenda."*

Article 32, Section 3: *"Deprived of the right to be elected are citizens recognized incapable by the court and also those detained in places of deprivation of freedom upon a court sentence."*

The norms of electoral legislation must not contradict these provisions of the Constitution. We will reference these norms throughout the analysis of the federal elections.

Further explication of rights and legal processes is provided in the federal law "On Basic Guarantees of Electoral Rights and the Right of Citizens of the Russian Federation to Participate in a Referendum" and in specific laws for elections to the State Duma and to the presidency of the Russian Federation, and in laws regarding election to subject and local offices.

² "Enhancing the Representativeness of the State Duma: Options for Limiting the "Wasted Votes", by Christian Nadeau, Esq., in "Vestnik" of the Central Election Commission of the Russian Federation #4 (58), 1998. See also: Resolution of the RF Constitutional Court of November 17, 1998 "On Verification of Constitutionality of Some Provisions of the Federal Law "On Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation" of June 21, 1995.

CHAPTER 2:

FEDERAL LAWS GOVERNING ELECTIONS

THE BASIC GUARANTEES LAW

The current federal law “On Basic Guarantees of Electoral Rights and the Right of Citizens of the Russian Federation to Participate in a Referendum” (hereafter the “Basic Guarantees Law”) as modified and amended by the federal law of March 30, 1999 has replaced the federal law “On Basic Guarantees of Electoral Rights of Citizens of the Russian Federation” adopted on October 26, 1994. This law applies to all elections held in the Russian Federation, including the election of deputies to the State Duma and of the president. The law contains detailed provisions regulating the key stages and aspects of the electoral process. In fact, this law acts as a quasi-constitutional federal law (with higher legal force than other federal laws). This superior status, however, is prescribed within its own text rather than through the appropriate mechanism for the creation of such laws that exists formally within the construct of the Constitution. Article 108 of the Constitution specifically provides for the enactment of “constitutional laws” having higher legal force than other laws; however, under this provision enactment of a “constitutional law” requires super majorities in both the upper and lower chambers to gain passage. The Law on Basic Guarantees was not enacted by the 3/4 majority in the Federation Council and 2/3 majority of the State Duma normally required to pass laws given greater weight than other laws. Nonetheless, in the 1995 elections to the State Duma, the Supreme Court of the Russian Federation recognized the priority of the Basic Guarantees Law when the provisions of Law on the Election of Deputies to the State Duma were found to be in conflict.

At present, law enforcement bodies have absolutely clear guidance as to the prioritization of electoral laws: as stated in Article 1 (7) of the Basic Guarantees Law, in cases where other federal laws contradict this law the provisions of this law apply. However, it is not clear how this provision would stand up to a legal challenge if a conflicting federal law were to pass that contained similar hierarchical language, or a new “constitutional law” were enacted that dealt with election issues in a contradictory way.

The Basic Guarantees Law encompasses a broad scope of fundamental and guiding principles. Among the most significant rights guaranteed by this law are the following.

- The people of the Russian Federation have the right of self-government, and the legitimacy of the government depends upon the expression of the free will of voting citizens.
- The scope of this law applies to all elections at all levels of government throughout the Russian Federation (although legislative bodies of subjects are entitled to enact laws that provide additional electoral rights).
- Electoral associations (political parties, political organizations and political movements³) and electoral blocs (coalitions of political parties, political organizations and political movements) are recognized as an institutional feature of the political system.

³ Article 2. *Main Terms Used in this Electoral Law*, Law on Basic Guarantees of Electoral Rights and the Right of Citizens of the Russian Federation to Participate in a Referendum.

- Citizens have a right to voluntary, equal and direct political participation by secret ballot.
- Citizens have the right to elect and be elected regardless of sex, race, nationality, origin, language, religion, beliefs, association, place of residence, property or official status.
- A hierarchy of independent electoral commissions is established and vested with responsibility for implementing the election laws at the central, subject, district (constituency), territorial (local) and precinct (polling station) levels. Under the Basic Guarantees Law these commissions are required to carry out their functions in an open and public manner.
- Candidates are guaranteed the right to equal treatment under the election laws, the right to campaign, and the right to equal access to the media and public facilities.
- In addition to these fundamental guarantees, the Basic Guarantees Law also sets forth relatively specific procedural principles on which subsequent election laws are to be founded.
- The law addresses the issue of the preparation of voter lists and sets responsibility for their creation and maintenance with local authorities. The law also protects the rights of voters to be included on the list and to appeal decisions, errors or omissions that affect their franchise.
- Local authorities are assigned responsibility for the formation of electoral precincts, which may serve no more than 3000 voters. Special provisions are made to accommodate polling at military installations, rest homes, and other extraordinary polling sites.
- The Basic Guarantees Law sets parameters for the composition and qualifications of members of the Central Election Commission, defines their primary responsibilities and grants the commission regulatory authority regarding procedures for voter registration, tabulating election returns and election administrative and campaign funding.
- Foundation principles are defined for voting procedures and the general operation of electoral commissions. In particular, articles cover detailed descriptions of voting, counting and tabulation procedures, prohibitions against voting for other persons, procedures for guaranteeing the secrecy of the vote, and protections from undue interference or influence on the voting.
- The rights of citizens and election participants to appeal the decisions and actions of election commissions are articulated as are the general procedures for filing complaints.
- Procedures are generally defined for the nomination and registration of candidates by electoral associations and blocs, including a requirement for the use of secret balloting by electoral associations and blocs in selecting their nominees, and a procedure for direct nomination of candidates by voters.
- The law provides general coverage of the rules and restrictions regarding campaign funding, which encompasses financial support from federal budget funds and from private sources through voluntary contributions while leaving the question of the overall ceiling on campaign expenditures to the legislation that affects the election process.
- Fundamental rights of candidates, electoral and public associations, and international observers to monitor the entire voting, counting, and tabulation process are defined.

- The law mandates the publication of election results within three months after an election. The law also guarantees citizens and election participants immediate access to results and election documents for their examination upon request.

Improvements and Weaknesses in the Amended Law on Basic Guarantees:

It is important to note the improvements contained in the new Basic Guarantees Law over the previous law. Firstly, the Basic Guarantees Law now provides for ballot access for candidates and electoral associations either by an electoral deposit or by a minimum number of signatures. Echoing longstanding IFES recommendations, amendments have been incorporated that:

- define deadlines for actions to be undertaken⁴,
- strengthen the ballot access regime⁵,
- strengthen the role of the Central Election Commission by emphasizing its direct authority over lower commissions, which was unclear in the prior version;
- clarify the hierarchy of the election commissions and their relationship to federal bodies⁶,
- give free air time for PSAs to election commissions—something still not available in the United States, for example, but existing in a majority of the established democracies⁷,
- increase transparency in the election process in general—for example, by providing authorized observers access to the work of election commissions and relevant documents⁸, as well as by mandating the disclosure of assets and income, criminal records, and citizenship of candidates.
- The law also eased the burden on election officials in their verification of the petitions in support of candidates by allowing them to verify a random sampling of signatures rather than each of them one by one (Article 32 (4)). Furthermore, the amendments clean up previous typos and oversights, as in (Article 2. par.24) where the word “referendum” has been replaced appropriately by “election” and the introduction of appropriate modifications to accommodate the specifics of multi-mandate districts⁹.
- These amendments, however, still fall short on several points. Although the disclosure of candidates’ assets is a positive development¹⁰, the regulation of campaign finance ceilings,

⁴ For example, see Articles 32(8), 33(6)(7)(8)(14), 46(4), 48.

⁵ See Articles 28(2), 32(1)(4)(5); In particular, the provision allowing more freedom in the way forms are to be filled by supporters when collecting signatures will limit unnecessary court challenges.

⁶ See Articles 23 (4), 24(12), 27(7), 32(2), 45(7).

⁷ See Article 21(16).

⁸ See Articles 21(15), 26(1)(4), 49(3), 52(8), 53(1).

⁹ For more examples, see Articles 23(3), 24(3), 36(4)(5), 38(2); on multi-mandate, see Articles 19(3), 30(10), 56(17), 58(3), 59(6)(8).

¹⁰ See Articles 32(2), 46(5), 47(4).

for example, is left open for each jurisdiction to regulate as it sees fit. The law also continues to oblige banks, not candidates, to report on electoral fund activities¹¹.

- The rules governing the media have been improved in regard to the definition of who is subject to them, but they are confusing and have been proved ineffectual in balancing the interests of allowing full media coverage and legitimate editorial commentary on one hand, and curbing improper and unethical bias on the other.
- Advances in the development of scaled penalties have been minimal; the “life or death” approach to penalties is still present with only rare instances where sanctions are graded to match the seriousness of the violation. In addition, greater discretion regarding imposition of sanctions has been granted to election commissions, in addition to the courts. For example, campaign activity that represents a violation of (Articles 37-45) can result either in a warning or, at the option of the election commission, the cancellation of the registration of the candidate or party list (Article 45 (17)).¹²
- The law still requires a minimum level of participation of 50 percent of voters for elections to be valid in the case of referendums. Additionally, the law (a) limits the constitutional right of incumbents to be elected in the case of repeat elections (Article 32 (16)), (b) requires the criminal background of candidates to appear on the ballot itself (double jeopardy), (c) prohibits candidates and electoral associations from organizing the transportation of voters on election day (Article 52(12)), and (d) allows for election commissions to declare null and void elections where “irregularities...make it impossible to reliably establish the result of the expression of the will of voters” (Article 58(7)).

On a related note, the law itself seems like a growing tax code, where new “dirty election technologies” are being stamped out through added details in the Basic Guarantees Law. Article 45, (4) for example, which states that electoral blocs or candidates cannot engage in charitable activities during an election period, was inflated six-fold judging by the word count. While this level of detail is seen as a positive development by some, the high level of specificity imposes an extraordinary burden on parties, blocs, and candidates who have to comply, as well as on election commissions across the country that have to ensure uniform and consistent enforcement.

In our opinion, the overall text of the law has certain shortcomings from the standpoint of clarity. These shortcomings include the repetition of some provisions, variance in terms used that presumably have the same meaning, and the formulation of norms the compliance with which is difficult to confirm. On one hand, the specificity of Russia’s legal environment, in particular the absence of *stare decisis* in the courts, requires a substantial level of detail in election laws. On the other hand, based on the experience of IFES, expanding the detail in a law makes it increasingly difficult to administer, while reducing the ability of participants in the electoral process to appreciate all its nuances. In some respects, the electoral law is similar to a taxation code in its level of detail and all-encompassing scope.

In the case of the State Duma elections of 1999, there was a significant number of complaints and court cases — although the Duma Election Law had been updated to reflect the vast majority of the changes contained in the Basic Guarantees Law (see below). However, one can imagine the level of complexity and

¹¹ See Article 47(13).

¹² See also Articles 32(10), 47(13), 58(7), 64, 65.

legal challenges that would have ensued if the State Duma Election Law had not been amended in time to reflect the changes. The CEC already had to issue more than 30 regulations for the State Duma elections. It was estimated that another 40 would have been necessary just to reconcile the conflicting provisions of the Duma Election Law.

The impact of these observations will be demonstrated throughout the rest of the report and highlighted with specific recommendations for changes for consideration.

Recommendations:

IFES invites lawmakers and the Central Election Commission to consider adopting a single “electoral code” that would provide one centralized location for the legal text that defines the general norm for the conducting of all federal elections in Russia. Such a code would incorporate the general provisions such as those relevant to all elections contained in the Law on Basic Guarantees, with subsequent chapters for the unique provisions germane to each specific type of election. Separate chapters, for example, would exist for the presidential race, elections to the State Duma, and referendum elections. Not only would this provide officials as well as election participants a single source for relevant election laws. It could help eliminate the current practice of replicating Basic Guarantees provisions in each and every separate law. Generally accepted rules of legal drafting discourage such a practice for several reasons.

- Repetition of a clause does not in any way increase the legal weight of the provision. When a system contemplates a hierarchy of laws, the inclusion of a provision meant to cover all elections in the pre-eminent law is sufficient. Likewise, provisions of the Constitution are rarely found replicated in legislative acts. They stand on their own merit.
- There is also a danger that the replication will not be exact from one law to another. In fact, several such circumstances have led to confusion, disparate interpretations, and subjective application in both Duma and presidential elections. An example that is expounded in more detail in Chapter 6 of this report, covering Mass Media and Pre-Electoral Campaigning, is the subtle difference in the language carried over from Article 37 (2) of the Law on Basic Guarantees defining who may engage in “propaganda” during the elections. In both the Law on the Election of the President, and the Law on Election to the State Duma, (coincidentally, Articles 8 (2) in both laws,) the text is altered subtly to identify who may participate in “campaign” activities. The CEC’s interpretation of the provisions ultimately led to litigation in the Supreme Court.
- As legislative bodies enact amendments to laws, replication of language can also lead to conflicting provisions if conforming amendments are not carried over to each and every law in which the original language was repeated.

THE PRESIDENTIAL ELECTION LAW

The Federal law “On the Election of the President of the Russian Federation”¹³ (hereinafter the “Presidential Election Law”) was adopted in the final days of the State Duma on December 1, 1999. It was approved by the Federation Council on December 23, 1999. The enacted election law was the final act of legislation passed by President Boris Yeltsin before he formalized his premature resignation on December 31, 1999. The passage of the law itself, among the brouhaha of the State Duma

¹³ Law # 228-ΦЕ ; original text and the translation are available from www.fci.ru and from IFES.

elections, did not cause much controversy. As discussed above, many of the articles contained in the law are copied from the provisions of the Basic Guarantees Law. Debate did occur over the appropriate ceiling for campaign finance, over media regulations, and over a few attempts to tip the level playing field through specific amendments. In regard to the campaign spending limit, it is interesting to note that in spite of almost universal concerns expressed over the inadequacy of the ceiling established in the Duma elections for parties and blocs running nationwide campaigns, the limit was lowered significantly for the presidential race.

One of the proposed amendments was to place an upper limit on the age of presidential candidates. It has been speculated that interest in such a limitation stemmed from recurrent concerns related to the ill health and periods of incapacity that punctuated the later years of Yeltsin's presidency. A more cynical view was that it may have also been an attempt to curtail the potential presidential candidacy of former Prime Minister Primakov, who had sided with the Fatherland-All Russia bloc in the Duma elections. The matter of his age and health were frequent subjects of attacks against him during the Duma Election in broadcasts on ORT's *Vremya* program, hosted by Dorenko. While this proposal did not, ultimately, make it into law, it is important to underline for future reference that any limitation in this regard may be seen as a violation of the new constitutional rights of citizens to participate in the elections. It is generally acceptable to have a lower age limit, along with citizenship and residency requirements, for the eligibility of candidates, as is the current practice in Russia. The same is not true of an upper age limit. The 1991 Soviet legislation included a cap of 65 years of age for candidates seeking the presidency — anyone older was ineligible for office. At the present time, our research indicates that very few countries have an upper age limit for presidential candidates, including such countries as Iran and Equatorial Guinea. The practice of not imposing an upper age limit is consistent with the policy of minimizing barriers to participation in order to provide voters with more choices.

The law enacted on December 31, 1999 represents overall a significant improvement over the previous law that governed the presidential elections of 1996. The degree of specificity found throughout the law, however, has proved misleading at times or put the Central Election Commission in a legal straitjacket. Throughout this report specific provisions of the Presidential Election Law are discussed in detail. What follows is a discussion of the general provisions that set the stage for presidential elections as well as specific comments about the law itself in terms of election administration. (The frequency with which provisions that duplicate constitutional or Basic Guarantees language appear in the presidential law will become evident).

The Right to Vote and to Be Elected

The first article in the Presidential Election Law declares that the President is to be elected by a direct vote of the people. The "people" in this instance are defined in Article 3(1) and 24 as Russian citizens who are at least 18 years old. Those citizens who are legally declared incompetent or imprisoned under a decision made by a court are prohibited from electing or being elected. Citizens who are in prison awaiting trial are permitted to vote and, apparently remain eligible to run. Special provisions are made for military personnel and their dependents, temporary residents, voters residing outside of Russia as well as those voters in rest homes, sanatoriums, hospitals and spas.

Any citizen over the age of 35 is eligible to run for president provided that person has resided in the territory of the Russian Federation for at least ten years. The President is to be elected through a single federal election district encompassing the entire territory of the Russian Federation. The law reinforces the Constitution, which sets the presidential term at four years.

Calling the Elections

Article 5 of the Presidential Election Law dictates that the Federation Council has the responsibility of calling the date of the presidential election. In the event that the president of the Russian Federation terminates the fulfillment of his term before the expiration of his constitutional term, as Yeltsin did, the Presidential Election Law dictates that the Federation Council is to set a special election. In case of premature elections, all election-related time frames established in the law are reduced by one quarter.

One of the appendices contains an election calendar produced by IFES, which details the effect of the reductions on each of the time elements in the election code when an early election is conducted, as in the case of the March 26, 2000 presidential election. Perhaps one of the major consequences of the reduction was the shorter time period given to election commissions to conduct their work and to the voters and mass media, who had less time to review or publish the disclosures of financial information regarding the candidates (personal and campaign-related).

From a political standpoint the sudden resignation cut nearly three months from the time period expected before the presidential elections would normally have taken place. Analysts and party/bloc interlocutors generally agreed that one of the more serious consequences was that opposition forces had little time to prepare their strategies, organize themselves to build stronger coalitions behind a single, more viable candidate, and rebuild and finance their support structures for the conduct of a second nationwide election in three months. The rapid realignment of political allegiances that immediately followed the Duma Elections as factions in the legislative body were formed exacerbated the lack of preparedness of most political groupings to launch into the presidential elections.

Recommendations:

We would suggest that Article 5 be reviewed for its impact on the election process, particularly the 25 percent reduction in certain election events. The review would include dates relating to technical aspects of the election such as reduction of time requirements for the printing and distribution of ballots (Article 63(7)), appointment of election commissions (Article 14) and candidate disclosure dates. The law can be rewritten in such a way so as not to change some of the dates involved in the election, especially those that reduce the dates by which candidates are required to disclose personal resources and campaign funds (Articles 37, 38, 39, 58), so that the voters are informed in a timely manner and that the CEC and the courts have adequate time to deal with challenges and changed ballots, if necessary.

If the president ceases to exercise power due to resignation, health, or impeachment, Article 92 of the Constitution of the Russian Federation states that the duties will be temporarily fulfilled by the chairman of the government (prime minister). It further states that the elections are to be set by the Federation Council for the last Sunday three months after the date of premature termination of fulfillment of powers. Should the Federation Council fail to set elections under such circumstances, the CEC is tasked with announcing the election date. Some analysts have pointed to what they believe is a serious flaw in the legal framework regarding early abdication of presidential powers. Specifically, there is concern that the Constitution fails to set criteria by which it can be determined that an incumbent president's health makes him incapable of carrying out the duties of his office. Nor is there a provision that dictates by whom the final decision is to be made or by what instrument the resignation is to be made official.

Election Administration and the Presidential Election Law

IFES has identified several areas where changes could significantly improve the current Presidential Election Law in general terms in regard to election administration:

- The establishment of a minimum level of participation of 50 percent of the voter list could have had serious political consequences if this level had not been reached on election day – which, as the experience of Ukraine’s parliamentary elections shows, outweighs any benefits presented by higher voter participation.
- The scope of normative regulation of election procedures is much broader than in the previous federal law "On the Election of the President of the Russian Federation." For example, the Presidential Election Law provides for much tougher sanctions against candidates for violation of various rules laid down by the election law, so that even minor technical omissions or infractions can result in the rejection or de-registration of the candidate. It is important that the sanctions established for various offenses be adequately “graded” to the gravity of the offense and that their application be predictable for the participants in the electoral process.
- Ensuring uniformity and consistency of terms and the elimination of vague language would help to avoid controversies and time-consuming appeals and court cases. (For example, the term “political public association” is labeled in three different ways; “propaganda” and “campaigning” are interchanged; what constitutes an “essential” omission needs further clarification, etc.)
- Having predictable time limits (i.e., 90 days instead of three months) would also add clarity and eliminate misunderstandings.
- The Central Election Commission of the Russian Federation should be allowed to continue to cooperate with international partners during the election process, in support of voter participation, training, and other informational initiatives; and
- Adding a provision regarding the consequences of an “act of God” or “state of emergency” on the outcome of an election would provide a safeguard against the Central Election Commission (or other bodies) from having to take decisions beyond their legal competence.¹⁴

The comments above serve as an opening for the chapters that follow. We will analyze specific provisions of the Presidential Election Law relative to the particular election component being discussed. In addition, recommendations are made for consideration by lawmakers and officials as they pursue procedural refinements and legal reforms.

THE DUMA ELECTION LAW

Elections to the State Duma of the Russian Federation are governed by the Basic Guarantees Law and Federal Law on the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation. The Constitution of the Russian Federation also defines basic voting rights.

¹⁴ On this aspect, for a detailed analysis of the implications of the state of emergency and the effects on national elections, see the background paper of C. Nadeau, A. Postnikov, which details the legal regime and the international experience in this area (Annex R).

Russian parliamentary elections are conducted when the term of members of the Russian State Duma expires. By law, the State Duma is elected for a four-year term, but this term may be ended earlier by a presidential or Duma decree under certain emergency conditions. The State Duma, which is the lower chamber of the Federal Assembly, is made up of 450 members who are elected through two types of mandates. One half (225) of the members are elected on the basis of a pluralistic system in single-mandate districts. The division of the Federation into its 225 electoral districts was based on Article 19 of the Law on Basic Guarantees, which provides that electoral districts are to be based on the number of voters registered within given territories. Information about the total number of voters is to be submitted by those responsible for compiling the voter registers for a specific election to the highest level election commission appropriate to the jurisdiction of the election. For presidential, Duma and referendum elections that commission is the Central Election Commission (CEC.) The information about the number of voters in each area is to be provided within 5 days after the election date has been ordered. The CEC must then determine the electoral districts based on the numbers of registered voters not later than 70 days prior to the election. Subsection 3 of Article 19 requires that election districts have approximately equal numbers of voters, with an acceptable deviation from the average representation quota of not more than 10 percent. A greater deviation of 15 percent is allowed for remote or rural areas where population densities are much lower. Districts must be contiguous and take into consideration administrative-territorial divisions of the subjects or municipal units¹⁵.

A single candidate is elected in each district with the candidate winning the most votes being declared the winner. An exception exists when the winning candidate has fewer votes than those cast for the "against all candidates" option, which is also provided on the ballot. Additionally, according to Article 79 (2) (a) of the Duma Election Law, in the single-mandate district, if fewer than 25 percent of the registered voters participate, the election is considered not to have taken place and the results are nullified. A repeat election must be held.

The other half of the Duma Deputies are elected by proportional representation where citizens vote for a political party or bloc that has successfully registered its slate of candidates called "federal lists." The number of candidates included in each federal list cannot exceed 270. The federal lists are split into two federal and regional groups. Not more than 18 candidates can appear in the federation-wide grouping. Regional groups are organized according to the subjects or groups of subjects of the Federation. The order in which the candidates appear on a federal list is determined by the party or bloc. The law mandates that a political association or bloc must receive at least 5 percent of the total number of votes cast, including those given to "against all parties and blocs" and invalid votes ~~vote~~ in order to participate in the distribution of seats. The seats won by a party or bloc are awarded to their candidates in the same sequential order as they were ranked on their respective federal lists. Article 80 (3) of the Duma Election Law also addresses circumstances where the cumulative share of votes received by parties or blocs passing the 5 percent threshold to not represent the will of the majority of voters participating in the election. Under its provisions, if the cumulative number of votes cast for all parties passing the 5 percent threshold is less than 50 percent of the total number of votes cast, then other parties or blocs gaining at least 3 percent are also allowed to share in the allocation of seats. They are awarded seats in declining order of their votes received, until the number of votes cast for all parties or blocs participating in the allocation equals 50 percent or more of the total number of votes cast in the race. As in the case of the single mandate contests, elections on the federal list can also be annulled under certain conditions¹⁶:

¹⁵ Note that a special provision allows a deviation of not more than 30 percent for electoral districts created for remote areas populated with indigenous or very small populations.

¹⁶ Duma Election Law, Article 80 (11) (a-c)

- if the total number of participants in the voting falls below 25 percent of the total number of registered voters;
- if none of the federal lists passed the five percent threshold;
- if the total number of votes cast for parties and blocs participating in the distribution of seats (passing the five percent threshold, or the three percent thresholds when warranted) is less than 50 percent of the total votes cast.

COMPARISON TO 1995 LAW

The current Federal law "On the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation" of June 24, 1999 (hereinafter the "Duma Election Law") replaced the law with the same name enacted on June 21, 1995. The new law differs from the old one in that it contains a much greater scope of normative regulation of practically all elements of the electoral process. At the same time, it is important to note that many new provisions contained in the Duma Election Law are also predetermined by the Basic Guarantees Law.

The following are some of the important changes that have taken place in the regulation of the elections to the State Duma as compared with the 1995 election campaign:

- The procedure of the compilation of voter lists has been modified: this duty has been transferred to the Territorial Election Commissions;
- Election commissions that carry out registration of candidates and federal lists of candidates have been granted wider powers in regard to imposing sanctions on candidates, electoral associations, and electoral blocs that have committed breaches of the electoral laws (abuse of official position; violation of rules for election campaigning, and election campaign funding, etc.). The most powerful of these sanctions is the ability to refuse to register candidates and lists of candidates or to revoke the decision to register candidates and lists of candidates;
- Under the new Duma Election Law, an electoral deposit may be paid instead of submission of the required number of signatures for registration of a federal list of candidates or in single-mandate districts. The deposit must be paid out of an electoral fund that has a mandatory indication of whose contributions are used to pay the electoral deposit. In the forthcoming election campaign, the electoral deposit for a candidate is 83,490 rubles (approximately \$3500). The electoral deposit for an electoral association or electoral bloc that nominates a federal list of candidates is 2,087,250 rubles (approximately \$88,000);
- A large number of "electoral offences" has been defined, connected with indirect campaigning efforts for candidates and lists of candidates;
- Fairly strict conditions have been established for election campaigning through the mass media and for publication of campaign materials. These conditions aim to ensure the equality of candidates, electoral associations and electoral blocs and to allow election commissions to control these processes. The amended law also provides greater clarity as to which media are required to provide free airtime, and the manner in which free airtime is to be utilized.
- The list of prohibited sources of funding for the election campaigns of candidates, electoral associations and electoral blocs has been extended; it has been established that electoral funds

must be formed before the registration of candidates and federal lists of candidates; the purpose of electoral funds has been widened (to include funding of the election campaign and not merely of election publicity as before); candidates, electoral associations, and electoral blocs are now required to file financial reports three times (the first, the interim and the final financial report); and additional powers have been granted to election commissions for exercising control over election campaign funding.

- Early voting, which had allowed any citizen who was going to be away from their polling place on election day to vote in advance, has become more restricted. In the amended law it has been replaced by the possibility for such voters to receive an absentee certificate, which will allow them to vote at a polling station in the community where they will be on voting day.
- The number of candidates in the federal part of the federal lists of candidates has been increased from 12 to 18.
- The turnout threshold was reduced from 50 percent to 25 percent.
- In the event of the withdrawal of one of the first three candidates on the federal list of candidates, the registration of the given list is cancelled, and the same sanction is applied if more than 25 percent of candidates are withdrawn from the list. This provision has been perceived as an attempt by lawmakers to discourage parties and blocs from adding names of well-known, influential individuals on their lists to attract popular support, when, in fact, these persons have no intent to actually take office if elected.

In spite of the significant enhancements of this law and the level of detail it provides, the CEC was still compelled to issue voluminous instructions and resolutions to clarify the provisions of this law.

INTERRELATION OF LAWS GOVERNING ELECTIONS

Conduct of elections in the Russian Federation is made particularly complex by the fact that in each case attention must be paid to several laws rather than one. They not only include the Constitution of the Russian Federation and the Law on Basic Guarantees, but also a separate federal law enacted to cover the specific election being conducted. There is also wording throughout each of these codes referring to “other federal laws” that apply as well. There are numerous other, seemingly unrelated laws that also affect the election processes in Russia at the federal level. This situation is normal in as much as elections do not operate in a vacuum. In fact, there are also other instruments having legal force that impact the election process, including presidential decrees and resolutions of the administration. This also entails that the work of other ministries is engaged, especially with regard to the verification of assets and income reported by candidates and to criminal prosecution of electoral offenses.

A notable difference between Russia and other countries is the difficulty in handling all these laws at once for the users of the election system, including the voters, the parties/blocs and candidates, and the election officials themselves. A weakness in Russian legislative drafting in general is that specific citations identifying the exact law(s) being referenced are not required. In the table below, we briefly present 15 laws that have an impact on the electoral process and three presidential decrees. Some of the laws, granted, have a very limited scope but can have significant impact on the election process — for example, the Federal law of July 5, 1995, “On the Basic Principles of the Government Service of the Russian Federation,” which defines in its Article 3 the concept of a “government employee.” This concept is applied throughout the election laws in determining what “government employees” and, in particular, incumbents can do during an election process. On the other hand, the presidential decree

“On the Judicial Chamber of Information Disputes under the President of the Russian Federation” has been widely used throughout election campaigns to address media grievances.

A most important development occurred in the final days of December 1999 with the passage of the amendments to the *Russian Federation Code of Administrative Offenses* and the *Federal Law on Administrative Responsibility of Legal Entities for Violation of the Russian Federation Laws on Elections and Referenda*. A longstanding recommendation of IFES, these new legislative acts increase the scope of corrective actions and remedies available to perpetrators of electoral violations. The previous limitations were always directly targeted at the registration of a candidate — a serious threat that limits the ability to impose sanctions against other culpable participants in the election process. With these new provisions, the responsibility for violations can be attributed to more entities and can be punished with a wider range of penalties than political “life or death,” when one uses only de-registration as punishment.

In the meantime, we also recommend that the CEC publish an all-encompassing collection of the laws that apply to elections, with a short commentary as to how these laws apply. The Table on the pages that follow serves to illustrate the complexity of the interrelation of laws that impact the conduct of elections.

OTHER FEDERAL LAWS

The table below gives an overview of the legal provisions contained in “other federal laws:”

Name of the law	Examples of articles regulating the election of the President of the RF	IMPACT
Civil Code of the Russian Federation	<p>Article 21 Defines dispositive capacity of a citizen.</p> <p>Article 21, Part 1 The capacity of a citizen to acquire and exercise civil law rights by his actions, create for himself civil law obligations and to fulfill them (civil law dispositive capacity) arises in full with the attainment of majority, i.e., at the attainment of the age of eighteen.</p> <p>Article 48 Defines a legal entity.</p> <p>Articles 117 – 119 The concept of public and religious organizations (associations) and funds (foundations).</p> <p>Articles 153 – 181 lay down the general rules for concluding transactions.</p> <p><i>Commentary: The norm of Article 169 establishing invalidity of transactions concluded with a purpose running counter to the basic principles of law and order and morality applies to violation of the rules for election campaign financing.</i></p>	<p>Citizenship is a requirement to participate in elections.</p> <p>Affects who can participate in the election as a “political public association”</p> <p>Campaign finance</p>
Code of Civil Procedure of the RSFSR	<p>Establishes civil proceedings in all courts of law of the Russian Federation, including those in respect to cases initiated by complaints about actions of administrative bodies and officials. The latter category includes cases initiated by complaints in connection with application of electoral laws.</p>	<p>Complaint adjudication</p>

Name of the law	Examples of articles regulating the election of the President of the RF	IMPACT
Law of the Russian Federation of April 27, 1993 on appealing in courts the actions and decisions violating the rights and freedoms of citizens	<p>Article 1 Each citizen has the right to lodge a complaint with a court of law if he believes that unlawful actions (decisions) of government bodies, bodies of local self-government, institutions, organizations, enterprises and their associations, public associations or officials violated his rights and freedoms.</p> <p><i>Commentary: Under this law it is possible to appeal actions of government bodies, bodies of local self-government, institutions, organizations, enterprises and their associations, public associations or officials violating the electoral rights of citizens of the Russian Federation. This law is applied if the Federal law "On Basic Guarantees of Electoral Rights and the Right of Citizens of the Russian Federation to Participate in a Referendum," federal laws on elections, or other federal laws do not provide a special procedure for appealing such actions.</i></p>	<p>Complaint adjudication</p>
Federal law of May 19, 1995 on public associations, with subsequent modifications and additions	<p>Article 5 A public association means a voluntary, self-governing non-profit organization created on the initiative of citizens who are united by a community of interests for the realization of common aims set forth in the charter of the public association.</p> <p>Article 7 Public associations may be created in one of the following organizational-legal forms:</p> <ul style="list-style-type: none"> · a public organization; · a public movement; · a public fund (foundation); · a public institution; · a public activity body. <p>Political public associations have the following organizational-legal forms: a public organization (including a political party, for a political organization) and a public movement (for a political movement).</p> <p>The Federal law regulates the creation, activity, reorganization and liquidation of public associations.</p>	<p>A public association is a pre-condition for forming an electoral association.</p>
Federal Law "On Charitable Activity and Charitable Organizations"	<p>Article 6 A charitable organization is a non-governmental (non-state and non-municipal) non-profit organization created for the realization of the aims provided by this Federal law by carrying out charitable activity in the interests of the society as a whole or various categories of citizens.</p> <p>Article 7 Charitable organizations are created in the form of public organizations (associations), funds, foundations, and institutions and in other forms provided by federal laws for charitable organizations. A charitable organization may be created in the form of an institution if its founder is a charitable organization.</p>	<p>Campaign finance, campaigning</p>

Name of the law	Examples of articles regulating the election of the President of the RF	IMPACT
Russian Federation Law "On Mass Media" in the version of December 27, 1991 with amendments and additions of January 13, 1995, June 6, 1995, July 19, 1995, December 27, 1995, March 2, 1998	<p>Article 2 Definition of mass media.</p> <p>Article 7 The concept of a media founder.</p> <p>Article 18 The status of a media founder.</p> <p>Article 19 The status of an editorial office of mass media.</p> <p>Article 47 Defines a journalist's rights.</p> <p>Article 49 Defines a journalist's responsibilities and establishes the rules for distribution of mass information, the principles of mutual relations between mass media and citizens and organizations.</p> <p>Article 51 Inadmissibility of abuse of a journalist's rights.</p> <p>Article 58 Responsibility for infringement of the freedom of mass information.</p> <p>Article 59 Criminal, administrative and disciplinary responsibility of mass media officials and journalists for abuse of freedom of mass information and violation of provisions of this law.</p> <p>Article 60 Responsibility for other violations of mass media legislation.</p>	<p>Mass media</p> <p>"Public" mass media, as defined in the election law, is subject to more stringent violations during election campaigns.</p>
Federal Law "On Licensing Various Kinds of Activity"	<p>Under Article 13 of this law licensing authorities may suspend a license if they discover violations of the license requirements, terms and conditions that may harm the rights, legitimate interests, morality and health of citizens, the national defense and national security or if the licensee fails to comply with the decisions of the licensing authorities obliging the licensee to remedy the discovered violations. Licenses may be annulled on such grounds as discovery of inaccurate or falsified data in the documents submitted for receipt of the license; repeated or gross violation of the license requirements, terms and conditions; unlawful issuance of the license.</p> <p><i>Comments: Under this law licenses for the mass media may be revoked if the mass media violate the current electoral legislation of the Russian Federation.</i></p>	<p>Mass media</p> <p>An example of the impact of this law is given by the fact that ORT and TV-Center received notices in February 2000 that their licenses would be up for bidding in May, immediately after the election process. This decision, although it can be defended on an administrative basis, has strong political overtones and impacts on coverage.</p>

Name of the law	Examples of articles regulating the election of the President of the RF	IMPACT
Federal Law of July 5, 1995 "On the Basic Principles of the Government Service of the Russian Federation"	<p>Article 3 Defines the concept of "government employee." "A government employee is a Russian Federation citizen who discharges the duties of a government office of the government service as provided by the federal law for a monetary remuneration paid from the federal budget or the budget of a subject of the Russian Federation."</p> <p>Article 11 Sets forth the restrictions imposed by government service.</p> <p>In particular, a government employee is not allowed to use for non-official purposes any means of logistical, financial and information support, other state property and restricted information, to take advantage of his official position in the interests of political parties, public associations.</p>	<p>Election laws refer to the concept of "government employees" as it applies in particular to incumbents and the work of government officials in favor of a candidate.</p>
Labor Code of the Russian Federation	<p>Article 111 For as long as employees perform state or public duties and if, under applicable laws, such duties may be performed during working hours, the employees are guaranteed their jobs (positions) and average pay. Average pay is guaranteed for citizens when they exercise an electoral right.</p>	<p>Allows workers to take time off of work without compensation loss when they go and vote.</p>
Federal Law of August 12, 1995 on the general principles of organization of local self-government in the Russian Federation, with subsequent amendments and additions	<p>Article 1 Defines the concept of "a local self-government body."</p> <p>Article 21 Defines the concept of "a municipal employee."</p> <p>Article 60 Provides that until the appropriate Federal law (on municipal service) is adopted municipal employees are subject to the restrictions established by the federal legislation for government employees.</p>	<p>"Local self-government bodies" are included in the provisions of the Basic Guarantees Law as well as in the Duma and Presidential Election laws; they are elected, and also play an important role in selecting poll workers, providing assistance and information for registration, and other such work.</p>
Russian Federation Law "On Russian Federation Citizenship"	<p>Defines persons having Russian Federation citizenship, establishes rules for acquisition and termination of Russian Federation citizenship.</p>	<p>Defines who can vote in Russia, as citizenship entails the franchise to vote.</p>

Name of the law	Examples of articles regulating the election of the President of the RF	IMPACT
Russian Federation law of June 25, 1993 on the right of Russian Federation citizens to the freedom of movement, choice of place of stay and residence within the Russian Federation	<p>Article 2 Defines the concepts of "place of stay" and "place of residence."</p> <p>The place of stay is a hotel, sanatorium, holiday hotel, pension, camp, tourist camp, hospital, or other similar institution as well as a dwelling other than the citizen's place of residence, where the citizen stays temporarily.</p> <p>The place of residence is a dwelling house, apartment, office-run dwelling, specialized house (hostel, hotel-shelter, reserve housing, special house for single or senior citizens, boarding house for invalids, veterans, etc.) as well as any other dwelling where the citizen resides permanently or currently as its owner, under a contract of lease (sublease), contract of hire or on other grounds provided by the Russian Federation legislation.</p>	<p>Defines where people are registered to vote; also defines that a "propusk" (permit) is not required for someone to be considered eligible to vote.</p>
Criminal Code of the Russian Federation	<p>Article 141 Establishes responsibility for obstructing the exercise of electoral rights or functioning of election commissions.</p> <p>Article 142 Establishes criminal responsibility for falsification of electoral documents, referendum documents or for miscounting of votes.</p> <p>Articles 44, 53, 55, 56, 57, 58 Establish punishment in the form of confinement.</p> <p><i>Commentary: Under Article 32 of the Constitution of the Russian Federation citizens kept at places of confinement under a court sentence do not have the right to elect and be elected.</i></p>	<p>Criminal responsibility of serious offenders of the electoral law</p>
RSFSR Code of Administrative Offences, with amendments and additions	<p>Article 40 (1) to 40 (24) Establishes administrative responsibility for the violation of citizens' right to inspection of the list of voters, referendum participants, or for tampering with any stage of the electoral process.</p>	<p>Penalties for violations of the law by the government authorities</p>
Federal Law "On Administrative Responsibility of Legal Entities for Violation of Russian Federation Laws on Elections and Referenda"	<p>This Federal law establishes responsibility for violation of Russian Federation laws on elections and referenda, in the form of unlawful acts or omissions on the part of legal entities.</p> <p>The law also regulates jurisdiction over cases connected with administrative offenses, rules for the initiation and adjudication of such cases as well as documentation of the acts and actions of the investigating authorities. The law sets out the procedure for imposing an administrative penalty and appealing court decisions.</p>	<p>Enforcement mechanisms of electoral laws; penalties for violations</p>

Name of the law	Examples of articles regulating the election of the President of the RF	IMPACT
Russian Federation Law of April 18, 1991 "On Militia" with amendments and additions of November 6, 1999.	<p>Under Clause 23, Article 10 of this law, the law enforcement bodies of the Russian Federation must, within the scope of their competence, assist deputies of the representative bodies of power, of bodies of local self-government, deputy candidates and candidates for elected offices in the bodies of state power, bodies of local self-government, officials of bodies of state power and bodies of local self-government, members of election commissions, and representatives of public associations in the pursuit of their lawful activities if those are being obstructed or endangered.</p> <p>Moreover, under Clause 27 of the same article of the law, law enforcement bodies must assist election commissions and referendum commissions in the exercise of their powers and, among other things, furnish to election commissions on their request the information about candidates, registered candidates running for deputy or elected offices in bodies of state power, bodies of local self-government, who have convictions that have not expired or have not been cancelled.</p> <p>Under Clause 28 of the same article, in the course of an election campaign or preparation and administration of a referendum the law enforcement bodies must stop election propaganda or propaganda relating to the issues put to the referendum that runs counter to law (included in this is taking measures to stop attempts at bribing voters or referendum participants), inform the relevant election commission or referendum commission about the violation discovered and measures taken.</p>	<p>Military voting</p>

There are also other normative acts that are found in the presidential decrees and government regulations. A non-exhaustive list of examples is found in the Table below for reference purposes only.

<p>Decrees and Directives of the President of the Russian Federation</p> <p>Decree of the President of the Russian Federation No. 2335 of December 31, 1993 "On the Judicial Chamber for Information Disputes under the President of the Russian Federation"</p> <p>Decree of the President of the Russian Federation No. 228 of January 31, 1994 "On Approval of the Statute of the Judicial Chamber for Information Disputes under the President of the Russian Federation"</p> <p>Decree of the President of the Russian Federation No. 1723 of August 23, 1994 "On the Development and Creation of the State Automatic System of the Russian Federation 'Vybory'"</p> <p>Decree of the President of the Russian Federation No. 227 of February 28, 1995 "On the Measures to Ensure Creation, Functioning and Development of the State Automatic System of the Russian Federation 'Vybory'"</p> <p>Directive of the President of the Russian Federation No. 427 of November 10, 1999 "On Acceptance for Operation of the State Automatic System of the Russian Federation "Vybory"</p>
<p>Acts of the Government of the Russian Federation</p> <p>Resolution of the Government of the Russian Federation No. 32 of January 13, 2000 "On Assisting Election Commissions in Organization of the Preparation and Administration of the Election of the President of the Russian Federation".</p>

CHAPTER 3:

ADMINISTRATIVE STRUCTURES FOR THE CONDUCT OF ELECTIONS

The Basic Guarantees Law establishes a permanent Central Election Commission (CEC), which is charged with overseeing elections in the Russian Federation. For State Duma elections, four subordinate levels of election commissions under the CEC are established: Subject Election Commissions of the subjects of the Russian Federation (SEC), District Election Commissions (DEC), in each of the 225 electoral districts, Territorial Election Commissions (TEC), and Precinct Election Commissions (PEC). In presidential elections, the same commissions are formed with the exception of district-level commissions (DECs). The Central Election Commission and Subject Election Commissions are legal entities and act on a permanent basis. The terms of District Election Commissions coincide with the term of the State Duma. Commissions at the lower levels are created to serve only during the campaign period of a specific election unless subject or other local laws establish different terms.

Each of these commissions elects a chairman and a secretary from among its membership. The CEC and SECs also elect a deputy chairman. All election commissions are required to allow the representatives of associations, blocs or candidates, and the media to attend all meetings and to be present when any commission is working on electoral matters such as voter lists, ballots, absentee certificates, and counting of votes. Each level of commission may hear complaints and take decisions. Commissions inform voters of their activities, including the registration and biographical information of candidates, lists of voters, and other matters¹⁷.

The hierarchy of elections commissions and their relation with one another as been significantly clarified in the revised election laws. In particular, earlier versions of the relevant laws were not sufficiently clear as to whether the Central Election Commission was “advisory” or “supervisory” over election commissions. Amended provisions have closed the gap by making it clear that the Central Election Commission “directs” the activities of election commissions relative to the conduct of federal elections¹⁸. The law is equally clear that within the hierarchy of commissions, each level may hear complaints, take decisions, and overturn the decisions of subordinate commissions.

Another significant improvement in the Law on Basic Guarantees relates to the membership of the subject, territorial, and district commissions. In particular, Article 23 provides safeguards to ensure that appointments to the various commissions result in diversified membership representing a cross-section of interests. Additionally, in response to concerns about the potential influence of administrative authorities on the work of these commissions, amendments proposed by IFES have been incorporated to limit the number of state or municipal employees who can be appointed. Under the amended law no more than 1/3 of their members can come from the ranks of state or municipal employees.

¹⁷ See Articles 21 - 24 of the Basic Guarantees Law; Articles 18 - 29, 31 of the Duma Elections Law; Article 17-21 of the Presidential Election Law.

¹⁸ See Article 22 (6), Basic Guarantees Law.

THE CENTRAL ELECTION COMMISSION (CEC)



The Central Election Commission (CEC) is a permanent body charged with the responsibility of organizing the preparations for the conduct of elections in the Russian Federation, guiding the activities of lower level commissions, establishing policies and overseeing uniform application of election legislation. The 15 voting members of the CEC (five appointed by the president; five - by the Duma; five - by the Federation Council) must have a legal education. Each registered political party and bloc (or candidate, in the case of a presidential

election) is allowed to appoint a non-voting member to the CEC to represent its interests. Whereas the terms of most non-voting members terminate 30 days after the publication of the results of the election, those members representing parties, blocs or presidential candidates succeeding in the election continue to serve until the registration of candidates phase is completed at the next election for the same office. Although they may not vote on resolutions and decisions of the CEC, non-voting members are entitled to speak at meetings, make proposals on matters within the competence of the CEC, raise questions and receive meaningful answers, inspect copies of relevant documents, and request that issues be put to a vote.

The CEC is authorized to issue instructions on questions regarding the application of law and adopt decisions that are binding on lower commissions, state bodies, local government bodies, public associations, state enterprises, agencies, and organizations throughout the Russian Federation. In coordination with the SECs, the CEC organizes the national system of voter registration. Responsibility for the registration of federal lists and presidential candidates rests with the Central Election Commission. The CEC is responsible for significant administrative and logistical management functions, including the distribution and use of funds allocated from the federal budget for the conduct of elections and the provision of lower level commissions with facilities, transport, communications and other material and technical support. The CEC also allocates funds to registered candidates for use in their campaigns and formalizes instructions governing the granting of airtime by mass media outlets to candidates on a free and paid basis. Under the law, the CEC has the authority to adjudicate complaints or appeals regarding decisions or actions of subordinate election commissions. In addition, the CEC has the authority to override decisions of lower commissions. A member of the CEC may be removed by a vote of the commission only under certain conditions, which include: 1) voluntary withdrawal; 2) loss of citizenship; 3) conviction by a court of law; 4) a court ruling that a member is incapacitated; and, 5) the member's death¹⁹.

SUBORDINATE ELECTION COMMISSIONS

Subject Election Commissions (SECs)

In each of the 89 subjects of the Russian Federation, there is a permanent Subject Election Commission (SEC) established to oversee elections in the subject²⁰. The 10 to 14 members of a SEC are appointed by the representative and executive bodies of the subject, with each body responsible for selecting 1/2 of the membership. Among the members, at least 1/3 must be selected from proposals of the parties or blocs having factions in the State Duma or legislative body of the subject.

¹⁹ See Articles 12, 13, 22 of the Basic Guarantees Law; Articles 19, 24 of the Duma Elections Law; Article 17 of the Presidential Election Law.

²⁰ Note: In the December 1999 Duma election, the SEC in Chechnya did not conduct elections; in the March 2000 presidential contest, the CEC facilitated the balloting in Chechnya.

Other nominees may be selected taking into account the recommendations of public associations, elected bodies of local self-government, and subject or district commissions from previous convocations. No more than one member can be appointed from any party or bloc. Fifty percent of the SEC members must be appointed by the representative body of the subject and 50 percent are appointed by the executive body. As in the case of the Central Election Commission, non-voting members representing winning parties/blocs or presidential candidates may also remain in their posts until the parties, blocs or candidates have been registered for the next relevant election.

The SECs provide for the interaction of the CEC with bodies of state power within the subjects and coordinate the activities of subordinate election commissions within their jurisdiction. They also play a key role in ensuring adherence to campaigning and media access rules within the subject. The SECs hear complaints and adjudicate disputes regarding actions or decisions of lower commissions and may overturn such decisions when warranted. The SECs approve the polling sites within the subject and are responsible for printing and distributing ballots within their jurisdiction. In addition, the SEC is ultimately responsible for ensuring uniform use of the “Vybory” State Automated System (SAS) and for summarizing the voting results within the subject as a whole. The “Vybory” system is a computerized program that allows for the returns from TECs to be entered, then added electronically. SECs serve four-year terms. The chairman, deputy chairman, and secretary must have a legal education.

District Election Commissions (DECs)

When Duma Elections are called, in each of the 225 constituency districts of the Russian Federation, a District Election Commissions (DECs) is to be formed to administer elections. DEC must be established not later than 90 days before date of the election. Under the Basic Guarantees and Duma Elections Law, DEC are established only for Duma elections or when special Duma by-elections are held. Each DEC has eight to fourteen members appointed by the legislative and executive bodies of the subject, in part on the basis of recommendations from the electoral associations/blocs, elective bodies of local self-government, and prior subject or district commissions. A candidate or electoral association/bloc with a candidate registered in the district is allowed to appoint a non-voting member to the DEC to represent his/her/their interests. DEC are responsible for coordinating activities and for supervision of Territorial Election Commissions (TECs) and Precinct Election Commissions (PECs) during elections to the State Duma. DEC also register single-mandate constituency candidates for election to the State Duma in the given district. The DEC are authorized to hear complaints about actions or decisions taken by TECs and PECs and may overturn their decisions, as warranted. The DEC summarize election results reported from the TECs and PECs within their jurisdiction. The term of the DEC expires after official publication of the results of the election to the State Duma.

Territorial Election Commissions (TECs)

Territorial Election Commissions (TECs) are appointed in each territorial subdivision within the subject of the Russian Federation (more may be appointed in areas with an exceptionally large number of voters) not later than 60 days before the election. The TEC has five to nine members who are appointed by elected bodies of local governments within the city, rayon or other units making up the territory, in part on the basis of recommendations from electoral associations/blocs, public associations, and meetings of voters organized at work places, schools, and residences. At least 1/3 of the members must be appointed from proposals from parties and blocs having factions in the State Duma.

The TECs ensure that ballots and other materials are distributed to PECs and generally oversee the work of the PECs within their jurisdiction. The TECs coordinate the activities of Precinct Election Commissions. In addition, they are responsible for compiling the voter list for each precinct in their territory on the basis of information provided by the population registration bodies and distributing them to the PECs²¹. The TECs are authorized to hear complaints about actions or decisions taken by PECs and may overturn their decisions, as warranted. The TECs summarize election results reported from the PECs within their jurisdiction. The TECs are the field level commissions for reporting of results through the “Vybory” State Automated Information System (SAS Vybory). Results can then be sent by modem to higher level commissions; this same computer system is also used to electronically compile the voter registration lists. All protocols are collected and manually entered in the system at the TEC level. The terms of the TECs expire after the official publication of the results of the election to the State Duma.

Precinct Election Commissions (PECs)

Precinct Election Commissions (PECs) have three to 15 members (depending on the number of voters) who are appointed by elected bodies of local governments no later than three days after the precinct is formed. The manner in which members are appointed is similar to that for territorial commissions. In remote areas such as polar stations, ships at sea, or remote military locations, members of the PEC are appointed by a meeting of voters. PECs in precincts with up to 1000 voters have three to seven members, those with 1001 to 2000 voters, five to 11 members, and those with more than 2000 voters, five to 15 members. Each PEC can have a maximum of 3000 voters in its jurisdiction. It is the PECs that serve the voters directly by notifying them of the election, their polling site, its working hours, and the hours of voting.

They are responsible for updating the final list of voters assigned to their polling sites and make the list available for public scrutiny so that errors and omissions can be corrected. PECs coordinate this effort with bodies of local self-government. On Election Day, the PEC is responsible for organizing the polling site, processing of voters, and counting the votes at the end of the polling day. The term of the PEC expires after the official publication of the results of the election for the State Duma.

INDEPENDENCE OF ELECTION COMMISSIONS

Article 21 (12) of the Law on Basic Guarantees mandates that election commissions are to be “independent of the state bodies and bodies of the local self-government.” For the most part, election commissions appear committed to handling their tasks and coming to their decisions independently. Ultimately, however, the line is often blurred, and commission members find themselves serving two masters, their superior election commissions, and the local administration. First, their appointments are awarded by regional and local administrative and legislative bodies and as many as 1/3 of them are regular employees of those same authorities. In addition, their workspace, supplies, equipment, transportation, communications facilities, and printed documents are provided by the local authorities. Even their funding is channeled through the local authorities. This kind of association is a common and necessary element in the administration of elections in most election contexts.

²¹ Article 18 (11), Law on Basic Guarantees.

However, circumstances in the Russian Federation warrant continuing consideration of steps that can be taken to strengthen the division between practical support provided by local authorities and improper interventions by those same authorities in the activities and decisions of election commissions. In particular, during each Duma and presidential election, IFES as well as other international and domestic observers have noted that in a few notable regions, local authorities repeatedly appear to overstep their boundaries by interfering with the decisions of commissions on such important elements as the registration of candidates. In some regions the authorities have continued to tip the playing field to the advantage of certain candidates over others by denying opposition candidates and parties the opportunity to meet with voters or conduct rallies, and by applying administrative and financial pressure on local media to control campaign coverage. As noted in the OSCE/ODIHR Final Report on the Presidential Elections, some Territorial Election Commissions had reported that they had been instructed by their local administrations to pick up and distribute campaign material in the final weeks before the election. Such activities are clearly a violation of the laws that prohibit election commissions or bodies of state and local government from preparing or disseminating campaign propaganda²².

The capacity of election commissions to thwart improper activities of local authorities is negligible. First, individual members, especially those whose livelihood depends on the good will of their state or local employers, may also feel vulnerable to the pressures being applied to other election participants. Secondly, lower level commissions have no legal authority to sanction officials of the administration. Without the support of prosecutors, courts and the Central Election Commission, they can do little to overcome violations perpetrated by those administrations that choose to violate the electoral rights of candidates, parties and blocs and the voters. Even in cases where wrongdoing on the part of authorities or on the part of commission members has been substantiated through the courts, individual perpetrators are simply not prosecuted in spite of applicable laws such as:

- the RSFSR Code of Administrative Offenses;
- the Criminal Code of the Russian Federation; and,
- the Federal Law on Administrative Responsibility of Legal Entities for Violation of Russian Federation Laws on Elections and Referenda.

Unless perpetrators are held accountable under the law, there is little to deter them from continuing to engage in unlawful practices. At the very least, the election laws should be augmented to give the Central Election Commission specific authority to remove offenders among the ranks of election commissions from their posts. Consideration should also be given to ensuring that such persons are precluded serving on election commissions in the future, or from running for office, even if such sanctions are imposed for a predetermined period of time.

On a practical level it has also been observed that in many cases, officials of the administration actually lead the work of the commissions. At some training sessions, representatives of the administration conduct the training. Although the law limits the number of commission members who can be employees of the state or local authorities, the law in no way restricts the posts they may hold on those commissions. Frequently, they become the chairpersons or secretaries. On polling day officials of the local administration are often on hand, and have been observed directing the work of PECs and intruding on the counting of votes. Consideration should be given to regulations that could more effectively close the door on opportunities that currently tend to promote the role of local administrations rather than diminish it as Article 21 of the Law on Basic Guarantees implies.

²² Article 44 (3) (a) and (e), Law on Basic Guarantees

Election Administration Organizational Chart

Central Election Commission

5 members appointed by President
5 members appointed by Duma
5 members appointed by Federation Council

Subject Election Commissions (89)

10 to 14 members appointed by
representative bodies of local government

District Election Commissions (225)*

8 to 14 voting members appointed by legislative
and executive body of Subject in part on the basis
of recommendations by electoral associations/blocs

Territorial Election Commissions (2700+)

5 to 9 members appointed by elected bodies of local government
within entities making up the territory, in part on the basis of
recommendations by the electoral associations/blocs.

Precinct Election Commissions (93000+)

3 to 15 members appointed by
local representative bodies

Voters

107 Million

TRAINING OF ELECTION COMMISSIONS

Understanding and implementing election law is an important element of any election process. The process by which laws, regulations, and procedures are imparted to those responsible for administering an election can be crucial when determining if the election is conducted in a free, fair, and professional manner. The procedures used to train election commissions in the Russian Federation have greatly improved in recent elections. The establishment of a permanent CEC in 1993 has proved to be a catalyst for developing improved training materials and procedures and has allowed for a more critical analysis of the conduct of the election. Indeed, members of the CEC and their staff have participated in professional development conferences for election officials and observed elections in other countries. Many IFES recommendations made in previous reports have been followed and implemented.

Training in the Russian Federation is conducted “top-down,” that is, the CEC conducts training programs and conferences for the SECs starting about three months before the election. The SECs organize most of the election commission training in their jurisdiction, working with the DEC and TECs. Most of the training of the PECs is conducted by the TECs.

According to interviews with those involved in the electoral process in the Duma and presidential elections, training at the lower level election commissions is inconsistent and in need of uniformity. With 94,000 polling stations scattered throughout 11 time zones, it is easy to understand why such problems occur. While some Subject Election Commissions utilize sophisticated techniques such as professional training videotapes, this is the exception rather than the rule. Criticisms expressed by some members of the PECs included: 1) no training manuals were provided; 2) PECs did not appear to have an adequate knowledge of the election law; and 3) only the chairman appeared to have any real knowledge of the law or procedures. Consideration should be given to requiring that the formal schedule of training for PECs developed in each Territory be submitted to the Subject Election Commission so that there is some oversight to ensure that arrangements have been made for all PECs to attend training. A requirement that each PEC member attend the training should be imposed; members who cannot commit to attending the session should be replaced.

A NEW TRAINING VIDEO

The Central Election Commission should be commended for developing a training video for Precinct Election Commissions for the March 2000 presidential election. The production of the film followed recommendations that IFES had made to the CEC in previous technical assessments and reports. The 36-minute video, most of which was filmed at polling stations in the December 1999 Duma election, provided a realistic and basic view of the process of balloting. It gave specific and detailed examples of how the PECs were to conduct the election. A transcript and description of the video can be found in the Appendices.

In the video, CEC Chairman Veshniakov emphasized new provisions in the recently revised election law, including a newly designed absentee certificate. Various players acted out the role of voters and PEC members and several examples were shown regarding who could and who could not receive a ballot. The training video, while a good first step, does need some refinement. One weakness appeared to be in the area of ballot security, particularly the storage of unused ballots and voter lists prior to Election Day. It should be noted that it was difficult to find Precinct Election Commissioners who had viewed the video. Therefore, steps should be taken to insure that the video is distributed to all of the subjects. In addition, consideration should be given to broadcasting the video on State television stations in areas where equipment to show the video

may be in short supply or non-existent. Consideration should also be given to distributing copies of the videos to the political parties, candidates, and NGOs so that they may be adequately educated in the election process.

RECOMMENDATIONS

- Improve the quality and distribution of the CEC training video. Now that the CEC has taken the important step of producing a good training video for members of Precinct Election Commissions, it should take the next step of improving its product and insuring that it is distributed nationwide to all PEC members on a timely basis. Such mass viewing of a good training product will greatly improve the uniformity of training in the Federation. Copies of the training video should also be provided to political parties, candidates and NGOs so that they may be adequately educated in the election process.
- Improved training manual and video. While it is acknowledged that the CEC has continually improved the training manual and materials provided to election commissions, the CEC should continue to improve the process by providing a more descriptive and illustrative product. Issues of ballot security, transparency, and the rights of observers particularly should be reexamined and improved in the training manual and video.
- Randomly examine PEC members. It appeared that some Subject Election Commissions conducted an exam of commissions in their jurisdictions to determine what information had been absorbed. This is a laudable effort that should be encouraged. Such feedback would help provide guidance in the development of training materials and other documents.

CHAPTER 4:

ELECTION MONITORING AND TRANSPARENCY ISSUES

The Basic Guarantees Law establishes certain fundamental mechanisms for transparency. The Duma and Presidential Election Laws and decrees issued by the CEC have expanded on these provisions concerning the transparency of the election process. Without question, there have been substantial improvements in this area since 1993.

The election laws provide for reasonable transparency of the election process. Political parties, non-governmental organizations and international monitors all have certain rights to observe and monitor the administration of the election process during its many stages, especially in the counting stage²³. In past elections, such monitoring has resulted in the prevention of fraud and in recommendations that have substantially improved the process. Russia should be applauded for its efforts to open up this portion of the election process to public scrutiny, especially in its expansion of the rights of domestic observers generally, including the rights of party and candidate representatives to serve as non-voting members of election commissions.

However, there are some shortcomings, including inadequacies that remain regarding the manner in which information about the expenditure of funds by candidates and political parties/blocs is made public. In addition, local election commissions rely overly on the CEC to determine if observers can be permitted at local elections (even though the CEC technically does not have any control over local elections), often using that as an excuse to deny credentials to legitimate observer groups, or, conversely, citing local laws to deny access to observers in federal elections when local elections are being held simultaneously. In addition, although the expansive rights of observers to be present at polling stations is carried forward to the Territorial Commission level as well during the tabulation of voting returns, there are still occurrences where access is restricted or denied altogether at some TEC locations. Provisions of law regarding international observers are sparse requiring the CEC to elaborate their entitlements and limitations by resolution. Another problem cited is that while CEC meetings are ostensibly “public” according to the Basic Guarantees Law, realistically, one must write in advance to gain entrance to the building housing the CEC (due to proper security measures). Perhaps a mechanism could be found, such as live video broadcast of such meetings, to allow greater immediate access to the information provided and debated at CEC meetings.

DOMESTIC OBSERVERS

Candidates for the State Duma and the presidency, political parties and blocs with candidates on the ballot, election commission members and the mass media are permitted to “freely” attend any and all meetings of election commissions as they proceed in administering the election²⁴. The commissions are required to inform such persons when they hold meetings or will be engaging in work on voters lists, ballots, absentee certificates to be used by voters who will be away from their

²³ Articles 31 – 33 of the Basic Guarantees Law; Articles 77 - 81 of the Duma Election Law; Articles 17– 22 of the Presidential Election Law.

²⁴ Article 29 of the Duma Election Law; Article 21 of the Presidential Election Law.

polling stations on Election Day, and protocols of voting results. It should be noted that many commission members represent a political interest in that many are appointed after being recommended by political parties/blocs.

In establishing provisions for the “Openness of the Activity of Elections Commissions, and Referendum Commissions,” the Law on Basic Guarantees also identifies others who may participate as observers in the process. In addition to the observers representing parties, blocs, and candidates participating in the election, provisions also provide access by representatives of the mass media, international observers, and other “observers.” Article 2 of the Basic Guarantees Law defines an “observer” as: “a person appointed in the elections by a registered candidate, electoral association, electoral bloc, public association established and registered at a level corresponding to the level of ...the election or a higher level...”

Article 26 distinguishes between types of observers and the activities for which they can be present. For example, in sub-section (1) granting access to the meetings and working sessions of commissions, only the partisan observers associated with parties, blocs, and candidates, as well as members of higher commissions and representatives of the mass media are identified. Sub-section (3) relating to Election Day and precinct activities includes the same groups as in sub-section (1), but also adds the term “observers,” thereby extending the list of those who can be present at the polling stations to include public associations and “foreign” (international) observers. Similarly, sub-section (5) includes the full group among those eligible to observe “other commissions” as they determine the vote returns, results of elections, and the compilation of protocols, as well as during recounting of votes.

The inclusion of “public associations” in the list of those who can observe an election represents an enhancement over the former law, when opportunities for NGO groups did not exist. One concern that international observers encountered during the presidential election was the fact that in some instances, seemingly unaffiliated public associations recruiting and organization observations were, in fact, service organizations of electoral blocs and candidates established to support their campaigns. An example of such an organization is the Russian Voters Organization (Rossiyskoye Obyedineniye Izbirateley). It claimed to be a non-political NGO when it was founded in August 1999, with the goal of promoting voter participation in the process by informing the voters of their rights. In September, however, it decided to support Unity for the elections, and took an active part in the campaign activities for the bloc. Interlocutors for the organization expounded on their work to recruit and organize observers for Election Day. After the Duma Election it turned back to being a “non-political” organization. By February, however, it pledged its support to Putin in his attempts to become the next president. It supported, for example, the “Public Reception Centers” established as part of Putin’s campaign in 80 locations throughout the Federation. These reception centers were publicly acknowledged to be part of Putin’s campaign effort; it was also acknowledged that these well-equipped and well staffed offices, where citizens could come to seek legal advice and assistance regarding difficulties they were having with governmental bureaucracies, were temporary and would disband as soon as the elections were over. In spite of their “non-political” posturing, representatives of the Russian Voters Organization stated their “right” to change their allegiances with each and every election. Questions posed to members of the group about their funding or whether their expenditures incurred in their Unity/Putin support activities or the funding of the of Public Reception Centers had been paid through the appropriate electoral fund could not be answered. Obviously, it will be important to develop a concrete evaluation strategy to distinguish the public organizations that are really non-political from those “shadow” organizations that have very specific political agendas.

Rights Extended to Domestic Observers

Observers are entitled to inspect voter lists prior to an election. On Election Day, the same group may be present at the polling stations or at meetings conducted by higher level commissions. Electoral associations/blocs are only permitted to have one person at a time at any polling station. Each observer must present official credentials from the political party/bloc, public association or candidate whose interests they represent and valid personal identification. No prior notification is required for sending an observer to a polling station.

The rights of domestic observers articulated in the law are quite liberal; in particular, the law specifies that each element of the processing of voters on polling day is to be visible to the observers. This includes, for example:

- inspecting the voter lists;
- observing the issuance of ballots to voters;
- being present when voters vote outside the polling station through the mobile ballot box and remote and “special” polling stations such as hospitals, pre-trial detention centers, closed military installations, etc.;
- watching advance preparations before counting, such as canceling the unused ballots and certification of the voter register after the signatures of voters who have received ballots have been counted;
- inspecting the protocols and asking for certified copies.

In a prime example, Article 26(8)(d) that during the counting of votes, observers may position themselves at a “distance and under conditions that allow them to observe the contents of the ballots. They may also “inspect any filled and unfilled ballot.” Observers may make remarks to the commissions and may also appeal decisions and actions of a commission to a higher level commission or a court. Observers are entitled to make a copy of any protocol or other document issued by an election commission and have such a document certified by the chairman or secretary of a commission. Domestic observers cannot interfere in the voting process in any manner; nor can they assist commissions in carrying out their tasks. For example, they cannot issue ballots to voters or assist them in signing the voter register or marking their ballots, participate in the counting process or in the adoption of any decision made by the commission. Observers may wear identification badges but such badges cannot have any signs of election campaigning.

Particularly notable is the exclusion of representatives of the local administration or other state and federal bodies from the ranks of authorized persons who can be present and serve as observers. Nowhere are they mentioned with regard to their right to be present at polling stations on polling day, to direct, or otherwise participate in the activities of electoral commissions. Nonetheless, authorized observers continue to report that representatives of the local administration are commonly on site, directly engaging in activities that bring into question the influence they bring to bear which may, in fact, jeopardize the independence of the election commissions dictated by federal law.

INTERNATIONAL OBSERVERS

Article 26 of the Basic Guarantees Law, Article 30 of the Duma Election Law and Article 22 of the Presidential Election Law basically govern the activities of international observers. Article 2 of the Basic Guarantees Law defines a foreign (international) observer as “a person representing a foreign or international organization that is entitled to monitor the preparation and administration of elections and referenda in the Russian Federation in the procedure set forth by this Federal Law.”

The legal provisions covering international observers are quite sparse in detail, fundamentally emphasizing the manner in which they are invited and accredited, the duration of their authorization and their accountability under the laws of the Russian Federation. Specifically, international observers must be “appropriately invited” to observe elections in the Russian Federation, and must be duly accredited by the CEC. Invitations can be forthcoming from the Central Election Commission, the State Duma, the presidential administration, Ministry of Foreign Affairs and other governmental bodies. All international observers, however, are accredited and receive their identity cards from the CEC, which allows them to properly monitor the election process. The term of the observers shall begin when they are first accredited by the CEC and last until the day the official general election results are published. International observers have the right to act independently and have essentially the same rights as domestic observers. Other issues, which are articulated in the law, relate to the right of international observers to hold press conferences and express opinions about the laws and electoral processes conducted before and after election day. Except for the general statement of purpose to “monitor the preparation and administration of elections,” stated in the definition in Article 2 of the Law on Basic Guarantees, the extent of their access and their specific rights and restrictions were left unstated.

In view of the limited coverage of rights and limitations of international observers within the law, for both the Duma and presidential elections the CEC issued directives regarding international observers. Resolution No. 13/89-3, which was approved on 10 September 1999, afforded international observers state protection, and instructed election commissions and federal and state bodies to “render any necessary assistance. Further, the resolution indicated that persons infringing on the rights of international observers could be “held responsible under federal law.” The document virtually reiterated the rights granted domestic observers with only a few exceptions. Text related to the rights to appeal decisions and actions of electoral commissions was omitted, as was a right to “make proposals and remarks concerning the organization of voting” to the chairpersons of the Precinct Election Commissions.

The most notable omission, however, related to missing language that would permit international observers to be present at the special polling stations such as those established at hospitals, institutions, and certain military installations as is allowed for the domestic counterparts. In spite of concerns raised by international observer groups about this omission during the Duma election, no changes in the resolution were made for the Presidential Election. International interest in observing at such sites is prompted by the fact that voters at these institutions can be particularly vulnerable to undue pressure due to the nature of their confinement or service, and improper manipulation by those under whose care, guardianship or supervision they find themselves. Transparency is particularly important in these circumstances. This issue will deserve reconsideration in the future.

OBSERVERS AND TRANSPARENCY IN THE ELECTION PROCESS

In almost all polling stations where IFES representatives were present, there were political association and candidate observers. The majority of these local observers were sitting in a row of chairs where, as much as possible, they did not obstruct election activities. At some polling stations, the observers were situated so they could see almost everything, but at others, they could see only a portion. On the whole, observers appeared passive, reading a book, napping, taking a cigarette break, and sitting without being alert. When asked why they were not more alert, they explained that they thought the elections were being conducted properly. They did not appear diligent in their assignments, so their ability to detect voter fraud is questionable.

At times, especially after the polls were closed, PEC chairpersons, in addition to consulting with other PEC members or, more often, not consulting with them at all, would confer with observers on particular procedures on whether a particular ballot should be valid or invalid.

Recommendations:

The presence of both domestic and international observers can enhance public confidence that elections are conducted freely and fairly. The secrecy of the ballot is sacrosanct, and sufficient security measures need to be in place to prevent election fraud. Within that context, the election process needs to be as transparent as possible. Toward that end, the following steps might be implemented:

- 1) In the training program for election commissioners a section on common methods of voter fraud and how to prevent and detect it should be included.
- 2) The improper interference and influence of the local administrations, which are frequently present and often participate in the activities of Precinct Election Commissions, has been criticized in each election. An assessment should be made to determine steps that could be taken to deter them from taking this role. However, the assessment should also attempt to identify “innocent” conditions or circumstances that are prompting their involvement in spite of laws intended to eliminate it. For example, given that they are permanent employees involved in the technical and practical support for election commissions, it may be that they are simply better informed and knowledgeable, and are therefore relied upon for their guidance by PECs lacking confidence. If such circumstances exist, senior commissions must devise ways to overcome them, including devising better training mechanisms. Perhaps technical support mechanisms such as “hotlines,” which would allow PECs to contact their higher level commission for guidance rather than their local authorities, should be explored. Ultimately, if there are more ulterior motives at play suggesting that improper interventions are taking place to manipulate the outcome or tip the playing field, the full weight of laws intended to prosecute such behavior should be exercised.
- 3) The training program for election commissioners should be enhanced to re-emphasize not only the rights of observers, but also to provide guidance on how to respond to their concerns. Training should also be designed to ease the discomfort and apprehension commission members often feel when they know that observers will be present. Observers are not only important to expose weaknesses in the system but also to acknowledge the successes of the system. They can be very helpful to commission chairpersons who may not always be aware of transgressions or problems in the very busy and sometimes chaotic activity at a polling station. Training should also make commissions more cognizant of the “do’s” and “don’ts” for observers (e.g. they should not consult with observers about questionable

ballots). Encourage candidates and political parties to better train their observers to be more alert and effective, and give them some tools to do the job. Invite party/bloc/candidate support groups to identify persons who will be responsible for coordination and training of their observers. Invite them to the training sessions for the officers of Subject Election Commission and other commissions when polling day training is to be the featured topic. Provide a copy (copies) of the procedural manual to the representatives of the parties/blocs and candidates, and give them permission to share it in their own training exercises. Create simple, quick reference guides to basic steps in the Election Day processing of voters that can be handed out to observers when they arrive on Election Day. Usually a one-page flyer can accommodate steps in polling on one side, and steps in the counting process on the reverse side. Share them and encourage parties/blocs and candidates to reproduce as many as they need so that they can also distribute them to each and every observer they will accredit.

- 4) Ensure that the findings of observers are not ignored. Make a general comment “form” available to observers and ask them to comment on the overall proficiency of the polling station. Ask for comments as to the elements that they found satisfactory, as well ideas on how the process can be improved. These forms could be transferred to Subject Election Commissions that have permanent standing, so that they can prepare a report of findings for ultimate submission to the Central Election Commission. At the very least, it should be mandatory that written complaints be transferred to the Subject Election Commission so that they can be compiled into a summary report for transmission to the Central Election Commission.
- 5) When comprehensive reports and complaints are submitted by individual observer organizations, they should be taken seriously and reviewed to determine which complaints are legitimate, which are based on misunderstandings of the process, and which deserve further investigation and, if warranted, prosecution. The Communist Party in particular, for example, accumulated extensive information and documentation from their observers who were active in all parts of the country. From these reports they were able to compile a comprehensive report of findings, which was submitted to the CEC and other relevant agencies of the state. At the very least, even when the issues exposed are anecdotal or unlikely to have influenced the outcome, such reports can be beneficial in exposing trends that suggest that additional training might be needed, or that adjustments to the procedures may be warranted.

CONFLICTS BETWEEN FEDERAL AND LOCAL ELECTION LAWS

Election commissioners from SECs to PECs complained about the difficulty they had when federal and local election laws were in conflict. One Subject Election Commission chairman stated that he had to decide which law applied on a case-by-case basis. At the PEC level, the commissioners generally chose to follow local laws. For example, when IFES representatives asked to accompany the mobile ballot box at a couple of polling stations, the teams were told they could not, because according to the local election laws, permission from the TEC had to be obtained at least the day before the election. At one polling station, IFES representatives were told they could not stay after the polls were closed, because, according to local election laws, they did not register in advance.

In a few cases, after consulting with the laws, election manuals, and other available documents, rather than clarifying the situation, the election commissioners became more confused. This was especially true in trying to determine how to complete the protocols. In the end, the law or directive that was the most understandable and/or easiest to implement was usually the one chosen.

Recommendations:

It is essential to the proper conduct of elections that laws do not conflict and are written clearly, so there can be no misinterpretation leading to their misapplication. Manuals and training curricula must be based on these laws, being careful not to go beyond the laws. To clarify current confusion, the following steps may be helpful:

- 1) Modify training of election commissioners to make it clear that where there are conflicts, federal laws and directives take precedence over local laws and directives.
- 2) Improve written instructions, election manuals, and other documents to make them easier for election commissioners to understand. For example, this could be done by having a separate booklet for Election Day activities and for vote count and transmittal, with each training manual containing: an index, graphics; flow charts of decisions; a “Basic Q & A” section; simple and direct language; phone numbers and guidance as to where to get help; a “What if” case study of real examples (e.g., what if the person has no ID and wants to vote); as well as a feedback form to be completed by the user and compiled after the election process for future improvements.

CHAPTER 5:

NOMINATION AND REGISTRATION OF CANDIDATES

The Basic Guarantees Law, the Duma Election Law and the Presidential Election Law devote much detail to the process of nominating candidates for the presidency and for the Duma as well as for the establishment of political associations. Most of the framework provided would generally meet international standards. However, the Duma election experience of December 19, 1999 has shown that the application of the process is not necessarily uniform throughout the Federation, particularly for candidates running for the State Duma in the District contests. Different interpretations of the same law by election commissions and the courts instilled confusion in some areas, particularly in single-mandate districts. It should be noted that, while similar problems existed in the March 2000 presidential contest, they were minor by comparison. Articles 33-43 detail the provisions in the law regarding this important element of the election process.

In both the Duma and presidential election laws the provisions regarding the nomination process have been enhanced to provide significantly more detailed procedural guidance, not only in terms of requirements imposed on candidates and the information they must provide, but also in establishing the grounds under which they will be rejected. In particular, the new laws provide more specificity regarding the information that must be provided by circulators as well as each voter signing a petition in support of a candidate. Expanded requirements have been incorporated regarding personal information that must be provided by each candidate, including information about any criminal record or double citizenship, and the full disclosure of income and assets of the candidate and all immediate family members. This level of detail is generally regarded as a significant improvement over prior laws. In addition, sophisticated administrative structures within the election commissions were established to verify the accuracy and completeness of the information provided.

It was openly acknowledged by lawmakers as well as high-level election officials that the new requirements were devised not only to provide more information to the voters but also to make candidates more accountable. Throughout the Russian Federation, there are widespread concerns that organized crime and what has come to be called “legal anarchy” inhibit efforts to bring stability and order back to society. In the minds of many, the disclosure requirements provided administrators a practical means to ensure that persons thought to be associated with criminal elements could be weeded out to minimize their possibility of gaining legitimacy (and immunity) through the electoral process. Officials would probably agree that, in this regard, the goal was met in several instances.

However, the elaborate level of detail and the complexity of reporting requirements made full compliance difficult. It also created an environment in which certain candidates could be targeted for a more severe level of scrutiny than other candidates. In good many cases, this review resulted in the rejection of candidates on the basis of technical omissions rather than on substantive falsification or misrepresentations bearing directly on their fundamental eligibility or right to be elected.

Questions regarding the rejection of candidates became one of the most controversial aspects of both elections. Although in most instances the grounds for rejecting candidates were obvious and remained unchallenged, a number of high-profile cases were contested in the Supreme Court. Notwithstanding these concerns, the enhancement of the laws, and the facilitation of the process was generally considered a success resulting in the registration of a broad spectrum of parties and candidate from which the electorate could choose.

POLITICAL ASSOCIATIONS AND BLOCS

An Electoral Association is a political party, political organization or movement that is formed under the law and registered with the Ministry of Justice. Electoral associations determine for themselves whether they want to participate in an election or not. Although they can be formed at any time, to field candidates in a particular election they have to have been registered with the Ministry of Justice, or at a lower level conforming to the jurisdiction covered by the election, at least one year prior to the election. The rules for the formation of electoral associations are not covered under election laws but under the Federal Law on Public Associations enacted in May of 1995. Under that law, associations must establish a charter before they are registered and granted official status. In these terms, electoral associations are similar to other public associations. The main difference that distinguishes electoral and public associations is the manner in which their charter outlines their political activities, purposes, and intentions.

An electoral association (party) is not automatically eligible to participate in a specific election. To do so it must be registered by the Election Commission. Electoral associations must appoint authorized representatives to represent their interests during the electoral campaign. An electoral association may field candidates for the Duma election for proportional and single-mandate districts.

Such associations may also voluntarily join forces with one or more political associations to form electoral blocs to field candidates for the Duma or presidential election. Once registered to participate in an election, such blocs are treated as single electoral associations in terms of their requirements and obligations. Political associations/blocs do not have to submit candidates for every one of the 225 single-mandate districts, nor do they have to submit a list with a sufficient number of candidates to fill every seat in the Duma, which will be elected proportionally. However, a political association/bloc cannot have more than 270 candidates on its federal list. In some respects, associations and blocs have grown tremendously since 1993. In the December 1999 Duma election, 26 parties/blocs qualified for the ballot. In the 1995 Russian Federation parliamentary election, voters selected among 43 political associations/blocs that fielded candidates.

Electoral associations and blocs are not the only groups eligible to nominate candidates, although only they can register federal lists of candidates for the seats in the Duma elections awarded on the basis of proportional distribution. In the single mandate constituencies, candidates can also be self-nominated, or nominated by citizens. Likewise, in the presidential contest, candidates can be nominated by initiative voters groups. In fact, a majority of the presidential candidates were nominated by initiative voters groups, including most of those known to be affiliated with specific electoral associations. Even Zyuganov, the leader of the Communist Party, with its sophisticated and broad-sweeping organization structure, was nominated by an initiative group rather than his party.

THE PRESIDENTIAL ELECTION NOMINATION PROCESS

The presidential election of March 26, 2000 was conducted under new legislation that was adopted and signed into law just hours before the resignation of former President Boris Yeltsin on December 31, 1999. While the federal law "On the Election of the President of the Russian Federation" is analyzed more fully in Chapter 2, it should be noted that reforms in the law were designed to provide voters with more information on candidates, make candidates more accountable, and tighten registration guidelines to make it more difficult for criminals to become official candidates for the presidency.

It should also be noted that due to the resignation of President Boris Yeltsin and the subsequent need for an early presidential election in the Federation pursuant to Article 5 of the Constitution, the time

period for certain electoral requirements was reduced by 25 percent because of the shorter campaign period. In addition, the number of signatures that had to be gathered in support of a candidate's nomination was cut in half.

The nomination process officially began on January 5, 2000 when the Federation Council set the date for the presidential election for March 26, 2000. During the first step, candidates sought to be nominated by political parties and by independent means. Once nominated, candidates have to register with the Central Election Commission by meeting all the requirements of the law. Under Article 81, candidates seeking presidential office had to be at least 35 years old, citizens, and residents of the Russian Federation for no less than 10 years.

Electoral associations, blocs, and initiative voters' groups initiate the process of nominating a candidate by holding congresses or meetings at which they vote by secret ballot to select a candidate for nomination. Each nominating group also appoints authorized representatives who will speak for the group in all matters related to their participation in the election. Initiative voters' groups must consist of at least 100 voters. The list of authorized representatives of an election association, bloc, or initiative voters' group must also be registered with the Central Election Commission.

To apply for registration, election associations, blocs, and initiative voters' groups must submit documents certifying the foundation of their election association, bloc, or initiative voters' group, as well as documents certifying the nomination of a particular candidate and the candidate's written consent to run for the office of president. The candidate's written consent must include information as to whether he has double or foreign citizenship and any criminal record. Should a nominated candidate have a criminal record, he must provide complete information on the offense committed, punishment incurred, and sentence served. Ultimately this information will also appear on the ballot. In addition, candidates must submit detailed information about their income, assets, property, and material liabilities, as well as the same information of all members of their immediate family, reported on separate forms. Such information should cover a two-year period up to the day the election was called and must be certified by tax authorities. A special decree issued on January 13, 2000 stipulated that state government bodies were mandated to assist the CEC in its review of documentation relating to the election. When the disclosure forms are submitted, they are immediately distributed to appropriate governmental agencies such as the tax offices, vehicle registration offices, departments responsible for recording residential property, and various licensing agencies. Each agency is responsible for responding to the commission, with an acknowledgement that the information provided was consistent with information on record, was inconsistent with public records, or that there is insufficient information on hand to confirm or deny the accuracy of the information provided. When the accuracy of the information provided is confirmed, the candidate is registered, and the Commission may make public any or all of the information submitted. If the information provided is found to be insufficient, inaccurate or fraudulent, the candidate is rejected. Article 39 (d) of the new election code details a more inclusive definition of what may be classified as a "serious inaccuracy". This includes:

- failure to disclose income or deposits in bank accounts totaling two hundred times the official minimum monthly wage on the day the election was called, and exceeding 10 percent of the declared amount; and,
- failure to disclose any apartments, houses, land, vehicles, boats, aircraft, or enterprises (or part thereof).

These factors figured prominently in the presidential elections, affecting three of the candidates,

including Putin. When it was discovered that Zhirinovsky's son had failed to disclose his ownership of an apartment in Moscow, the Central Election Commission rejected Zhirinovsky's candidacy on the basis of this omission. In his appeal to the Supreme Court, Zhirinovsky pleaded that Article 39 (3) gives the Central Election Commission authority to reject a candidate if the information submitted is "essentially" inaccurate. He argued that this omission could not be considered an "essential" since the apartment represented less than 1 percent of the total amount of property disclosed. However, the court upheld the CEC's original decision. In response, Zhirinovsky appealed to the Cassation Court. In the meantime, it came to light that Putin had also failed to disclose ownership of a country house owned by his wife. In Tuleyev's case, questions were raised as to whether an apartment in Moscow should have been reported. Neither Putin nor Tuleyev was rejected. The CEC dismissed allegations regarding the Putin case because an investigation revealed that the house in question was not completed, and as such did not have to be reported. In Tuleyev's case it was determined that, in fact, the apartment was actually owned by the state. Ultimately, Zhirinovsky won at the level of the Cassation Court, and he was added to the ballot. In spite of his victory, however, valuable time was lost in his campaign.

THE CIRCULATION OF PETITIONS IN SUPPORT OF THE CANDIDATE

Immediately upon registration of the authorized representatives, a nominating organization may begin gathering signatures on a nominating petition. Because this election was conducted early, signature requirements for each candidate were lowered to a minimum of 500,000 (as opposed to the usual 1,000,000 required) signatures of voters on officially authorized signature sheets. Signatures must come from voters residing in at least 15 of the Russian Federation's 89 subjects. No more than 7 percent of the accepted signatures may come from a single subject. Voters may sign the petition of more than one candidate. Coercion is not allowed in the collection of signatures and signatures may not be obtained where wages are being paid or charity given. While signature collectors may be paid, governing bodies of businesses cannot participate in the collection. When signatures are submitted, they must be separated by subjects, and protocols must be completed indicating the total number of signatures. The deadline for submission of signature petitions to the CEC for the March 2000 presidential election was February 13, 2000 at 6:00 p.m.

This aspect of the process was also subject to controversy during the presidential elections. Allegations were made that three of the candidates, Titov, Dzhabrailov and Savostyanov had contracted with a commercial enterprise to circulate their petitions, and that the signatures submitted by the company were fraudulent. However, no action was taken, and all three candidates were allowed to stay on the ballot. The Prosecutor General had indicated that the investigation would not be completed until after Election Day. It is most important that such serious allegations are resolved before Election Day. The ultimate outcome could have been seriously challenged, for example, if it had been decided that any or all three of the candidates should have been rejected and that their cumulative votes had been sufficient to have put into question whether a second round would have been required.

In another questionable case, Tagi-zade's candidacy was rejected on the basis that he had submitted only 482,929 signatures. The substance of his argument was that the rest of the signatures were in fact in the process of being submitted when, at the 6:00 p.m. deadline, the CEC simply refused to accept the rest, in spite of the fact that his team had arrived some 40 minutes before the deadline. The Court rejected the argument and Tagi-zade was rejected. A legitimate question remains as to whether this was an appropriate application of the rules. It would be like denying a voter waiting in line the opportunity to vote after 8:00 p.m. on election day. Although the risk is borne by the candidate when submissions are made at the very last minute, it can also be argued that the Commission should have been sufficiently staffed and prepared to handle such circumstances.

For the March 2000 election, the Central Election Commission had a period of eight days to review each petition to ensure that it was in proper order and that it contained the required number of valid signatures. In a normal election it would have had 10 days for the verification. The CEC can use other governmental bodies as well as professional assistance and methods to verify signatures. In what is considered a major improvement in the law, the process of verification has been clarified and simplified in the new law. By law, the CEC must verify at least 20 percent of the total number of signatures required. Signatures may be disqualified if the signer is not properly registered, if the signature has been forged or if identifying information is missing. If the total number of invalid signatures exceeds 15 percent of those checked, then an additional 10 percent must be verified. If the total number of invalid signatures exceeds 15 percent, then the candidate is denied registration. When it is determined that a petition satisfies the legal requirements, the Central Election Commission registers the candidate and issues an appropriate registration certificate.

Ultimately, candidates may be denied registration for several reasons, which include:

- serious violation of procedures during the collection of signatures;
- a proportion of invalid signatures greater than 15 percent;
- failure to submit required documentation or disclosure information;
- serious inaccuracies in the paperwork submitted; and
- serious violation of campaign finance regulations.

While the law does not indicate that this is a complete list, the CEC may on its own volition declare other violations serious enough to warrant disqualification. Refusal of the Central Election Commission to register a candidate may be appealed to the Supreme Court. The case must be adjudicated within three days.

Candidates Registered for the Presidential Election of March 26, 2000

The Central Election Commission of the Russian Federation registered a total of 33 initiative voters' groups that had the right to nominate their candidates for the presidency of the Russian Federation. Fifteen of these initiative groups submitted registration papers on behalf of their candidates. Of the 15 initiatives seeking to register, two were disqualified (All-Russian Party of the People leader Anzori Aksentyev-Kikalishvili and Tishkino Director Ismail Tagi-zade), one withdrew his candidacy (Moscow Duma Deputy German Khrustalyov) and twelve were declared eligible to begin their campaigns.

The twelve candidates for President of the Russian Federation were:

- Vladimir Putin, current Acting President and Prime Minister, former Head of FSB
- Gennady Zyuganov, leader of the Communist Party
- Grigory Yavlinsky, leader of the Yabloko bloc
- Konstantin Titov, Governor of Samara, member of the coordinating council of the Union of Right Wing Forces

- Aman Tuleyev, Governor of the Kemerovo Region, fourth on the CPRF list
- Yury Skuratov, former Chief Federal Prosecutor
- Umar Dzhabrailov, Moscow business man and hotel owner (“Radisson – Slavjanskaya”)
- Ella Pamfilova, head of For Civil Dignity, first woman candidate for the presidency
- Stanislav Govorukhin, conservative filmmaker, OVR
- Alexey Podberyozkin, head of Spiritual Heritage, former assistant to Zyuganov
- Yevgeny Savostyanov, head of the Moscow Fund for Presidential Programs, former Yeltsin aide
- Vladimir Zhirinovskiy, leader of the Liberal-Democratic Party of Russia

Affiliation of the Candidates

Of the 15 candidates who managed to submit all the necessary documentation and signatures to the Central Election Commission on time only three had been nominated by election associations and blocs, whereas the remaining 11 candidates were nominated by initiative voters’ groups.

Candidates nominated by initiative voters’ groups	Candidates nominated by election associations and blocs
Govorukhin, Stanislav Dzhabrailov, Umar Zyuganov, Gennady Podberyozkin, Alexei Putin, Vladimir Savostyanov, Yevgeny Skuratov, Yury Titov, Konstantin Tuleyev, Aman Khrustalyov, German Yavlinsky, Grigory	Aksentev-Kikalishvili, Anzori – leader of the public organization “All-Russian Party of the People” Zhirinovskiy, Vladimir – leader of the Liberal-Democratic Party of Russia Pamfilova, Ella – leader of the public political movement “For Civil Dignity”

Recommendations:

While problems in interpretation of the law during the presidential election were anticipated, some of the decisions gave the impression of simple political posturing, which undermined the public's faith in the democratic process. The disclosure requirements for candidates should be reviewed to determine if they can be clarified so as to prevent wide discrepancies in such interpretations. However, it should be said that the resolution of conflicts during the election process does help to promote an established order of arbitration, which, if accepted by the political players, promotes the rule of law.

One of the most important deficiencies in the law is that, in spite of the recommendations of technical advisers and international observers, there is no graded system of penalties that would

provide for sanctions that match the severity of the infraction. There remains only one penalty: the rejection of the candidate. This issue remains one of grave importance and should be revisited especially when such infractions involve minor technical omissions and deficiencies.

THE DUMA NOMINATION PROCESS

Qualification and Procedures

A candidate seeking the office of deputy in the State Duma must be at least 21 years of age and a citizen of the Russian Federation. A person may become a candidate for the Duma:

- by being nominated by an electoral association or bloc in a single mandate constituency, or on their federal list to be elected under the proportional system;
- by being a self-nominated candidate or a candidate nominated by a citizens' group for a single mandate constituency.



Under each circumstance, a candidate may procure a position on the ballot by collecting the required amount of signatures or by making an electoral deposit²⁵. When proposing nominees on a federal list, political associations/blocs have the option of submitting 200,000 signatures, with no more than 14,000 signatures coming from one subject of the Federation, or of making an electoral deposit. The party must receive at least 3 percent of the total vote to have its deposit returned. Signatures must be submitted no later than 55 days prior to the election. Election officials must certify the signatures submitted or funds deposited and declare the candidate officially registered if all qualifications are met.

Nominations in the single mandate races must be supported by the signatures of at least 1 percent of the voters in the district to be placed on the ballot. Signatures must be submitted no later than 55 days prior to the election. Signatures submitted may not exceed the required number by more than 15 percent. While the random verification of signatures is permitted, at least 20 percent of all signatures must be randomly checked. A candidate may opt out of collecting signatures by making an electoral deposit to the CEC. The deposit money may only come from the election fund. If a candidate does not receive at least 5 percent of the total votes cast, the funds will be kept by the state.

A person may be a candidate for both a single-mandate district *and* a federal list. However, if elected in both, the candidate must choose which election he will serve (single-mandate or federal party list). In addition to listing his name on the nomination papers, a candidate must list any criminal history. Candidates can also use pseudonyms on the ballot if approved by the Central Election Commission. It should be noted that while candidates may be *nominated* to be placed on the ballot, a candidate is considered to be an official candidate for the Duma only as of the time that his nomination is accepted and he is formally registered by the election commission. Candidates may not begin their campaign activities until they have registered.



²⁵ See Articles 2, 28-32 and 34-36 of the Basic Guarantees Law; Articles 6 and 32-51 of the Duma Elections Law.

If a candidate is affiliated with a party, but has chosen to run independently or has been nominated by a citizens' group, he or she may indicate his or her party membership at their discretion. Candidates from a party must indicate their party affiliation if they also run in a single-mandate constituency.

Regardless of the manner in which they are nominated, financial disclosure documents similar to those required of candidates for the presidency, are required of all candidates for the Duma pursuant to Article 45 of the Law on the Elections of Deputies to the State Duma. They undergo the same level of scrutiny as well. As in the presidential election, the verification of the information contained in the disclosure statements often resulted in candidates being disqualified when it was determined that income or assets were misrepresented or fraudulent. Such rulings were made regarding candidates nominated on the federal lists as well candidates running in the single mandate constituencies.

The disqualification of a candidate on such grounds has special significance if the candidate is nominated on a federal list. Under Article 51 of the Duma Election Law, if any of the top three persons on its list "falls out" (vybytiye), the party or bloc forfeits its right to field candidates for the election, and its name is removed from the ballot. If any of the top three candidates "falls off" the list during the distribution of seats, the result will be a forfeiture of the mandates won by the federal list, and the seats are redistributed to another federal list that received fewer seats or no seats at all.

At the same time, candidates other than the top three may withdraw from the ballot list up until the third day before the election. However, if the number of withdrawals or removals is greater than 25 percent of the list, the entire list is forfeited. These circumstances resulted in the most controversial court challenges during the Duma Elections. In the case of Zhirinovsky's Liberal Democratic Party, 35 of its 256 candidates were found to have serious deficiencies in their financial disclosure documents or had failed to disclose prior arrests or outstanding convictions. Two of them happened to be among the top three candidates. One of the top three candidates of the Russian Conservative Party of Entrepreneurs (RKPP) resulted in a decision of the CEC to reject its federal list as well. Zhirinovsky sidestepped the problem by forming another bloc, the Zhirinovsky Bloc, and transferred most of the remaining candidates to the new federal list. RKPP, however, filed a case in the Supreme Court requesting that the CEC's decision be overturned. RKPP argued successfully that the removal of individual candidates should not disqualify the entire list. In a lengthy legal saga that is assessed more fully in Chapter 13, the ruling was ultimately overruled, and RKPP was not allowed to participate in the elections.

Candidate Registration and Arbitrary Decisions

Candidates were nominated to be placed on the ballot, but it was not until the election commission accepted such a nomination that a candidate was considered to be officially registered and thus an official candidate for the Duma. Under the law, the Central Election Commission and District Election Commissions were charged with the responsibility of reviewing and verifying signatures and qualifications, financial deposits, and, perhaps most challenging, the financial holdings of the candidates.

The registration process was extremely problematic in the pre-election phase of this Duma election. Some candidates complained that, for political reasons, their registration for the ballot was denied, delayed, or scrutinized more closely. While most of the publicity regarding rejections centered on the Central Election Commission, particularly the controversy surrounding the problems with the

registration of Vladimir Zhirinovskiy's Liberal Democratic Party of Russia bloc, there appeared to have been many controversial rejections made of candidates at the District Election Commission level. According to CEC Chairman Alexander Veshniakov, "many of the District Election Commissions' decisions on the refusal of registrations were not convincing or even arguable." Also, serious allegations were made of pressure by the regional administration on District Election Commissions to deny registrations.

Examples of alleged administrative pressure upon regional electoral commissions and courts to harass or hinder opposition candidates were recorded throughout Russia, and specific instances of such incidents were recorded in Omsk, Kursk, Sakhalin, Primorsky Krai, and in the Republics of Kalmykia, Tatarstan, and Bashkortostan. In Bashkortostan, the current Duma Deputy Alexander Arinin was denied registration by the local electoral commission and local courts even after the CEC had overruled the decision of the local electoral commission. In Primorsky Krai, Viktor Cherepkov, former mayor of Vladivostok and one of the chief opponents of Governor Evgeny Nazdratenko, was de-registered in both mayoral and single-mandate contests for minor and disputable financial reporting irregularities. In Omsk, a candidate had been denied registration repeatedly even though he had made successful appeals to the CEC.

In addition to election commissions, it was also alleged that the courts were used to harass associations and candidates. Many such court challenges focused on minute details in nomination documents and legal stipulations.

The complexity of the law and the difficulty in verifying information provided by candidates placed a difficult burden on the Central and District Election Commissions during the registration process. It is clear that changes should be made to improve the process for future Duma elections so that candidate documents can be verified in a more fair and timely manner and that arbitrary decisions by election commissions can be discouraged.

Recommendations:

A thorough review should be made of all the candidates who were nominated for the Duma election and whose registration was rejected by election commissions. *All complaints made by candidates* should be carefully scrutinized as well as any court actions or decisions of higher level commissions regarding appeals of registration rejections. It should be determined if a pattern existed whereby certain political parties or movements had an unusual number of rejections, if the rejections resulted in only one or two primary parties or movements remaining on the ballot, or if certain election commissions rejected an unusually high number of candidates.

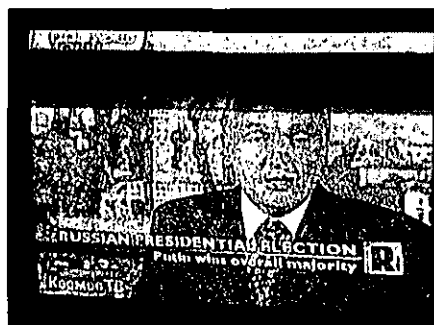
After such analysis, it should be determined whether the following actions need to be taken:

- Changing the disclosure requirements in the law to lessen nomination/registration requirements or to provide more clarity for candidates and election commissions.
- Requiring the Central Election Commission to provide more specific rules and procedures regarding candidates' eligibility for registration.
- Providing additional training of election commissions regarding the determination of candidates' eligibility for registration.
- Accelerating the appeal process for candidates whose registration has been rejected.

- Implementing sanctions against election commissions that unduly deny a candidate's registration or ignore court and CEC decisions or act on them in an untimely manner.

CHAPTER 6:

MASS MEDIA AND PRE-ELECTORAL CAMPAIGNING



During the parliamentary and presidential elections the media regrettably failed to live up to the functions of an independent democratic institution capable of contributing to full and fair elections. In previous elections the main charge against the media had been bias, but the smear campaigns during the 1999 parliamentary elections aimed mainly at discrediting the opposition Fatherland-All Russia bloc and its leaders, Primakov and Luzhkov, introduced a new factor unprecedented in post-Soviet general elections. A correspondingly persistent

propaganda campaign was run to promote the Unity bloc, a movement that had not existed two months earlier and that lacked a party platform, but was nevertheless a success, which could not have been achieved without the impact of the media. If, by comparison, the March 2000 presidential election was relatively subdued, this was because the field had already been cleared by the State Duma elections – few candidates had resources to compete immediately after this intense parliamentary campaign. The decline of the media's role as the society's fourth estate is a disturbing sign that can only do harm to Russia's developing democracy.

The media's inadequate performance was confirmed by international observers. The European Institute of the Media (EIM) criticized the vitriolic negative campaign and partial coverage of the parliamentary elections. While the presidential elections were "less confrontational," it stated that Vladimir Putin "overwhelmingly dominated the media coverage." The OSCE, with its wider agenda of evaluating the elections in general, claimed "further progress for the consolidation of democratic elections," but pointed to the media as a weak point in both elections. It lamented negative coverage in the Duma elections and, in the presidential election, pressure on the media and a decline of credible pluralism²⁶.

BACKGROUND

The concentration of the media in the hands of state and corporate interests over the last four years opened the way for manipulation during these elections. The roots of the problem go back to the 1996 presidential elections and Yeltsin's dependence on banking and financial structures to fund his elaborate and successful re-election campaign through the media. This was the start of the close collaboration between the so-called oligarchs and the media. Practically all the media, other than the Communist media, voluntarily gave their support to Yeltsin in the belief that their media freedoms would be curbed if the Communists came to power. They colluded in silence over Yeltsin's heart attack during the first and second round of the elections. The EIM called the 1996 presidential elections "tendentious," but scandal mongering was not yet a part of the electoral scene²⁷.

²⁶ See OSCE International Observation Mission Report, State Duma Elections, January 2000; OSCE International Observation Mission Report, Presidential Elections, April 2000; Warsaw.

²⁷ See European Institute for the Media (EIM), *The 1996 Presidential Elections in Russia – Media Analysis*; Dusseldorf, (1996).

As a reward for services rendered, powerful financial groups were able to acquire media outlets without restriction after the elections, and the media received ample investments from their new mentors and state privileges. This union, however, did not last long when interests came into conflict, most notably in the case of the Svyazinvest tender. The ensuing confrontations led to the notorious “information wars” and the use of “kompromat,” or compromising material, as an instrument in the media to destroy rivals. The media visibly became a vehicle for financial and political interests. Smear tactics became relatively commonplace (e.g. the Skuratov sex-video scandal), most obviously in the St. Petersburg local elections of December 1998. Moreover, pressure from state and regional administrations had increased due to the financial difficulties of many media outlets since the August 1998 default, which has made them susceptible to influence in order to survive. The pluralism that exists today is narrow and the truth value of information disseminated uncertain, bringing back into play the old Soviet habit of having to read between the lines. “Public Expertise,” a recent work headed by the Union of Journalists that studied media-related legislation and access to information, concluded that none of the 89 regions promotes a climate favorable to a free and pluralistic media.

When NTV presenter Yevgeny Kiselyov was reminded that he had been a party to the decisions made at the 1996 elections he said: “We were genuinely wrong and should have looked ahead, not to tomorrow but to the day after; it turned out that we created a monster called power.”

MEDIA COVERAGE

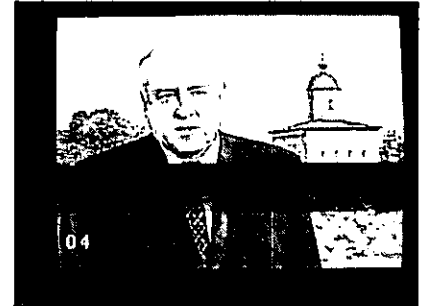
During the 1999 Duma election the two nationwide state-controlled television channels, ORT and RTR, launched a fierce onslaught to blacken the opposition and marginalize its main leader, Primakov, as a future presidential candidate. In this endeavor they were successful. As the channels with the largest potential audience, 98 percent and 97 percent respectively, the results confirmed the significant political role of the media in influencing the electorate.

The most serious offender in the negative campaign was ORT. Backed by the executive branch (the state owns 51 percent of the television station) and its main shareholder, media magnate Boris Berezovsky (who has a 49 percent stake), ORT produced an unremitting stream of scurrilous and mainly undocumented information through presenters Sergey Dorenko, Mikhail Leontyev, and Pavel Sheremet, all on current affairs programs and in the news. The most notorious of the presenters, Sergey Dorenko, managed by means of accusation and insinuation to conduct a character assassination of Primakov and Luzhkov, Fatherland-All Russia’s main representatives. Primakov was accused of being incriminated in the attempted assassination of Georgian President Eduard Shevardnadze and was made out to be too feeble to run as future president due to hip surgery (one such operation was shown in all its bloody detail). Luzhkov was regularly ridiculed and by means of computer graphics that turned him into a Monica Lewinsky or a Mussolini; meanwhile, reports made claims of his excessive wealth, his gigantic security service, his support for allegedly evil Scientologists, and his part in the murder of an American businessman. As no hard evidence was provided, the information remained on an anecdotal and emotive level. In its news reports, ORT even mocked opponents through the use of clips from old Soviet movies

According to EIM, ORT’s coverage of Unity, on the other hand, was overwhelmingly positive. ORT devoted more than a quarter (28 percent) of its election news coverage to Unity, while Fatherland-All Russia received half that coverage, with 14 percent. Moreover, in qualitative terms, the impact of a one-hour Dorenko program would be far more significant than could be measured by quantitative methods. Dorenko’s ratings throughout the electoral campaigns far exceeded those of NTV’s respected newscaster Yevgeny Kiselyov.

While all the television channels showed bias, not all participated in the smear campaign. As monitored by the EIM, the Moscow city channel, TV Center, clearly promoted Luzhkov and Fatherland-All Russia and had some negative campaigning against Unity, but this was not comparable with ORT, nor could it have been as effective given TV Center's reach of only 40 percent of the audience. The private channel owned by media magnate Vladimir Gusinsky, NTV, with a reach of 73 percent and generally considered the most professional channel, showed a bias toward Fatherland-All Russia but maintained a more balanced approach, and ran the most successful election program, "Vox Populi." According to EIM the print media were also partisan, although there was a broader range of opinion than possible on television. The use of black PR and hidden advertising seems to have been widespread.

In comparison with the Duma election, the presidential election was an anti-climax as Putin's success was a foregone conclusion. What made the election a non-event, was that Putin as the main contender refused to be involved in the contest. He declined to take part in televised debates or to make use of his allocation of free airtime. When asked on one occasion to outline his policy, he told the reporter, "I won't tell you" — which would clearly be unacceptable in most countries. Claiming that it was fair to give other candidates a chance in the campaign, Putin nevertheless was rarely off the screen. For example, he enjoyed a spectacular photo opportunity when he copiloted a jet to Chechnya.



Thus, according to EIM's monitoring results, Putin received over a third of all coverage devoted to presidential candidates on all television channels taken together and over a third of space in the national newspapers. ORT and RTR were clearly biased in favor of Putin, while TV Center and NTV devoted half their news coverage to Putin. However, NTV's flagship "Itogi" ran a fairly critical analysis of Putin's book after excerpts had been published in *Kommersant* on March 10, and gave Yavlinsky preferential treatment. During both elections NTV explained that if it gave more time to some candidates this was to rectify the imbalance of total coverage.

Generally, media coverage was less strident than during the Duma election, except in the last week when ORT again resorted to deceptive tactics. Its target was Yavlinsky, who more than any other candidate made use of his campaign funds for televised appearances. Among its accusations, ORT alleged that Yavlinsky had accepted huge donations from foreign sources; it emphasized several candidates' accusations that he had exceeded the legal limits on campaign spending; it claimed he had undergone cosmetic surgery to improve his appearance; and in what appeared to be a staged event, it showed a group of homosexuals at a press conference announcing support for Yavlinsky.

GOVERNMENT PRESSURE

International observers noted that government pressure was exacted to keep the media in line. Before the presidential election the Press Ministry, TeleRadio Broadcasting, and Mass Communications announced that ORT and TV Center, which had received warnings during the Duma election for breaking the law, would not automatically have their licenses renewed later in May, but would need to compete with other bidders. This was an obvious threat to TV Center not to take an oppositionist stand in the presidential election; in the case of ORT the warnings may have been no more than a formality. Certainly when its license was put out to tender, ORT won easily without any real competitors. In effect the offenses of the two channels were hardly analogous. ORT was accused on two occasions of systematic negative campaigning, while TV Center was found to have offended only in one interview. Its second warning,

THE LEGAL ENVIRONMENT

The Election Laws attempt in a fairly thorough way to regulate the activities of the media and ensure that the media behave in a responsible way. However there are areas of the law that lack precision and have confused the electoral process. This is especially the case in the definition of “pre-electoral campaigning,” which does not make a clear distinction between two very important but totally different activities—political advertising and coverage of events.

As a result, the CEC has enforced its own interpretation of the law in its Clarification of August 13, 1999 (No.8/52-3), which states in Article 9 that “campaigning through the media (via the channels of television and radio organizations and through the print media) can only be conducted by registered candidates, electoral associations and electoral blocs that have registered federal lists of candidates; and exclusively at the expense of their electoral fund.” The document stresses that “no other participants” have the right to engage in campaigning. This entails that journalists do not have the right to engage in pre-electoral campaigning, which means, according to the definition in the law, that they cannot “encourage or aim to encourage voters to participate in the elections” or “to vote for or against any registered candidate” or party (Article 8:2 of both the Duma Election Law and the presidential Election Law). Thus, the CEC’s interpretation contradicts the law, which does not disqualify journalists from taking part in campaigning.

By including media coverage of elections under the terminology of pre-electoral campaigning and declaring this a prohibited zone to journalists, the CEC in one fell swoop restricts a fundamental right of the media in all democratic societies. If a journalist cannot say anything “for” or “against” a candidate this negates his professional duty to act as the “watchdog” of public interest. The traditional role of journalism during elections in established democracies is to provide accurate information and to ask probing questions of candidates or representatives of parties in order to reveal any hypocrisy or deception on their part (which they can get away with in political advertising) and to study the background of candidates and parties so that they can give a proper assessment and overview of their policies and statements (good or bad). This activity is conducted in the voters’ interest—to provide them with information that will enable them to make a balanced decision.

The CEC’s well-intentioned objective of preventing journalists from taking part in propaganda during the elections is understandable, but, as we have seen above, the excesses of the election campaign were not curbed. The ban may have frightened off smaller channels and newspapers, but it did not affect the more powerful outlets. It is therefore vital to separate the functions of political advertising and media coverage: the first refers to provisions adequately defined in the law of free and paid air time and space for all candidates and parties to express their views; the second refers to journalism and the provision of information and analysis.

To deal with these problems, it would be advisable to write into the law a definition of what is meant by political advertising, as was the case in the 1993 and 1995 CEC regulations. One could turn also to the provisions of the Ukrainian CEC of October 31, 1999 regulating the media during the presidential elections, which define political advertising as information containing “emotional appeal, creative imagery, repetitiveness, expressiveness, conciseness; with the aim of propagating ideas, views, program documents of a candidate in order to shape his/her political image, create a favorable opinion about him/her.” In the United States, political advertising is restricted by specific regulations and is generally limited to messages that directly induce a citizen to vote for a candidate.²⁸

²⁸ It is important to note that in the United States, there is a prevailing trend toward the use of negative advertising. Negative political ads consist of paid messages which attack directly an opposition candidate, rather than promoting one’s policies and campaign message. Generally, such attacks are vitriolic and sometimes are very personal. However, they are paid from the

SANCTIONS, PENALTIES AND ADJUDICATION OF GRIEVANCES

As stated in the Basic Guarantees Law (Article 45:9), the CEC may refer cases of violation of campaign activities in the media to law enforcement bodies, to a court of law or to a state media body such as the Press Ministry for the purpose of exacting penalties and sanctions. As well, the Judicial Chamber for Information Disputes under the president acted as a body of experts for adjudicating complaints and disputes.

The CEC and the Press Ministry, however, disagreed on what constituted a campaign violation. According to the Press Ministry, the CEC's interpretation enforces a "moratorium" on free speech, which contradicts both the constitution and the Media Law. Thus, on one occasion on October 29, 1999 when the CEC requested that the Press Ministry evaluate ORT's Sergey Dorenko program as a crude violation of campaign laws, the ministry refused to penalize the station.

Rather, the response of the ministry was to point to Article 60 (4) of the Duma Election Law. Under its provisions, television and radio programs and periodicals are prohibited from making public information that may damage the honor, dignity, or business reputation of candidates. However, the wording of the law qualifies the conditions under which such a prohibition exists. Specifically, this article states that broadcast or publication of such information is prohibited "...if [broadcasters and publishers] cannot give a registered candidate(s) a possibility to make public (publish) a denial or some other explanation in defense of his/her (their) honor, dignity, or business reputation before the end of the campaign period." By the manner in which the prohibition is worded, there is little to distinguish between what might be factual information and what might be unsubstantiated slander. It is not clear how a negative but factual and well-researched and documented story about a candidate would be treated, but under this article a candidate could apparently demand equal time to refute the story. Presumably, civil laws were expected to cover occurrences of slander and libel. Additionally, this article in and of itself could serve to stifle journalistic coverage of candidates and their campaigns, notwithstanding the fetters imposed by the CEC's resolution limiting campaigning in the mass media only to registered candidates.

Upon the Press Ministry's direction, and in an attempt to settle the grievance, Luzhkov and Primakov were offered compensatory time by ORT to refute the diatribe perpetrated by Dorenko. Primakov agreed as long as the time provided was not on Dorenko's program. Luzhkov, on the other hand, refused. Instead, he pursued a slander case against ORT and Dorenko through the Supreme Court, and won. Unfortunately, under Russian law the fine imposed in such cases is of such financial insignificance that there is virtually no deterrent, especially as to a station as powerful as the state's number one channel. ORT's simply continued with its own biased coverage.

With the ministry and other appropriate authorities failing to take more affirmative action in even the most egregious case brought to their attention, the fundamental question regarding the validity and weight of the CEC's interpretation of the law restricting "campaigning" through the mass media only to registered candidates remained unresolved. As the ministry did not seek clarification from the Constitutional Court, although it claimed it would, the uncertainties in the law remained throughout the duration of both elections.

An interesting aspect in the presidential election was the CEC's attitude toward a short-lived "vote against all candidates" campaign that ultimately faded as quickly as it emerged. An option to "vote against all candidates" was provided at the bottom of the presidential ballot. The campaign encouraging voters to select this option in voting day was perceived as an attempt to reduce the likelihood of a first-round victory for any candidate.

In response to the campaign, CEC Chairman Veshniakov declared on television that “against all” campaigning could entail criminal prosecution under Article 141 of the Criminal Code as an obstruction of electoral rights, carrying a sentence of up to five years imprisonment. He added that calling to vote “against all candidates” is a form of electoral campaigning and therefore, as in all campaigning, must be financed from electoral funds. In a case brought against the CEC in the Supreme Court for “encroaching upon citizens’ right to freely declare their will,” the CEC successfully upheld its position. Its implementation in practice seemed impossible. For example, does this imply, then, that all political speech is “campaigning” and must therefore be financed through a bank account? One critic of this policy suggested that under the same logic, if the “against all” campaign was required to establish an electoral account, it should also be awarded the same level of campaign funding from the federal budget that candidates received. Moreover the law talks about voting for or against “any” registered candidate, so that “all” candidates are not covered in its definition. We suggest a review of the interpretation of the policy for future elections.

In all, the Press Ministry used its enforcement rights against major television outlets on four occasions, three of which only going so far as to issue election-related warnings. ORT received its first official warning — and the first such admonition issued to any federal television channel — for broadcasting lurid footage, put together by nationalist Petersburg journalist Alexander Nevzorov, of a concert and youth rally organized by a coalition of liberal politicians, Right Cause. A few days later when Petersburg Television rebroadcast the report, the ministry took the station off the air and temporarily suspended its license. The other two warnings were issued to ORT and TV Center in the cases mentioned above.

During the presidential election, the CEC put forward a resolution on February 17, 2000 (No.84/992-3) in which it called on candidates Putin and Zyuganov to “pay attention” to the laws and set out a list of campaign violations attributed to them. The CEC chairman explained this resolution as a “preventative measure” The resolution mentioned Putin’s use of his position as incumbent to gain privileged access to ORT; it censured *Komsomolskaya Pravda* for systematic bias in favor of Putin and *Sovetskaya Rossiya* and *Segodnya* for systematic bias against Putin. It cited the newspapers *Sovetskaya Rossiya* and *Pravda* for publishing propaganda materials relating to Zyuganov prior to the official campaigning date. An official warning from the Press Ministry was issued to *Rossiyskaya Gazeta* for publishing propaganda material under the title, “How many people are ready to give their votes now to Vladimir Putin?”, in violation of the time limits for electoral campaigning.

Some of the more frequent violations addressed by electoral commissions were:

- publishing opinion polls without citing sources;
- violating time limits for electoral campaigning;
- publishing materials not paid for by campaign funds or not identifying PR from journalistic reports;
- publishing campaign materials in cases where a media outlet had not notified the commission in advance and had not published their rates in the time allotted, and a general confusion between campaign material and commentary.

The resolutions of the CEC appear to have been motivated by a very positive intent to neutralize the biased and often slanderous commentary tainting the campaign environment. The CEC’s interpretation of the law could be considered laudatory in view of strong evidence that the media have yet to fully mature, first, in its commitment to unbiased and factual coverage of the elections, and second in its clear identification

of editorial commentary. However, there is room to question the validity of such a restrictive approach that curbed anyone but candidates from expounding their views on mass media during the election campaign. This is especially true when the most egregious offender was the state's own mass media outlet, which was apparently immune from such limitations.

From a constitutional standpoint, the CEC's resolution, at least on the surface, would seem to contravene Article 28 of the Constitution that states:

- (1) Everyone shall have the right to freedom of thought and speech...
- (4) Everyone shall have the right to seek, get, transfer, produce and disseminate information by any lawful means.
- (5) The freedom of the mass media shall be guaranteed. Censorship shall be prohibited."

In addition, certain rights to participate in propaganda activities are guaranteed by the Law on Basic Guarantees. The definition of "propaganda" is provided in Article 2 in several contexts.

"Propaganda material" is defined as "printed, audio, video and other materials containing signs of election propaganda, propaganda on referendum issues designed for public dissemination during the election campaign or during the referendum."

"Election propaganda" is defined as "the activities of citizens of the Russian Federation, candidates, electoral associations, electoral blocs, public associations, permitted by law and conducted by legal methods, that are aimed at encouraging voters to participate in the election and to vote for or against certain candidates (lists of candidates.)"

Article 37 of the Basic Guarantees Law provides guidance as to who is allowed to participate in propaganda activities stating:

- (2) "Citizens (emphasis added) of the Russian Federation, public associations, political parties shall be entitled to conduct, in legal forms and by legal methods, propaganda encouraging the participation in elections, for or against any registered candidate (for or against a list of candidates), electoral association, electoral block as well as for or against a referendum, for or against participation in the referendum, or for or against matters issued at a referendum.
- (4) "Campaigning during elections and referenda may be conducted through mass media, (emphasis added) by arranging and holding public events (public gatherings, meetings with voters, public debates and discussions, rallies, demonstrations, manifestations, by issuing and dissemination of propaganda printed materials and utilizing other forms allowed by law.

Both the Law on the Election of President and the Law on the Election of Deputies to the State Duma virtually replicate the language of Article 37 (2) of the Basic Guarantees.³⁰

It is important to note that subsection (2) refers to the right to engage in "propaganda activities" while subsection (4) refers to "campaigning." Such nuances and subtle disparities in the language of various laws left the door open for questionable interpretations that often made compliance as well as enforcement difficult.

³⁰ See Article 8(2), Law on the Election of the President, and Article 8(2), Law on the Election of Deputies to the State Duma.

In spite of protests lodged with the Central Election Commission by the Russian Association of Editors and general concerns expressed by the media at large, the CEC's hand was strengthened by the Supreme Court's decision of November 19, 1999 against the well-known investigative journalist Alexander Minkin, who had taken the CEC to court over its Clarification to the Duma Election Law prohibiting participants other than registered candidates and parties from taking part in pre-electoral campaigning in the media. Minkin, who was also an independent candidate for the Moscow District, had the support of the Fatherland-All Russia Bloc and Yabloko during his court case. The CEC won an analogous case against N. P. Volnenko on November 12, 1999.

Aside from any legal questions that deserve further consideration, the main problem was the potential for abuse in the CEC's interpretation of pre-electoral campaigning. Conscientious journalists were quite rightly unclear where the barrier lay between campaign material and journalistic commentary in certain types of reporting. For example, a statement such as: "At the rally candidate X explained his policy in a moderate and correct manner" can in effect be taken to be reporting "for" a candidate, although the statement may also be true. In general the CEC did not go out of its way to penalize the media, but the CEC's draconian interpretation meant that almost any media outlet could have been penalized. Therefore, those sanctions and penalties that were applied were inevitably selective and arbitrary. This also relates to other cases. One can ask why, for example, the number 2 state channel RTR, which offended against the law by broadcasting election results one hour earlier than permitted in the presidential election, was not penalized?

Recommendations:

- A formal review of the relevant provisions in all the various laws governing the election process should be accomplished to determine where terminology is inconsistent and where disparate language has the potential to lead to confusion or subjective interpretation. It is also advisable to provide a precise definition of what is meant by political advertising and how it differs from media coverage and analysis. If journalists are disqualified from making any analysis or commentary other than paraphrasing candidates/parties, it should be so stated in the law. This would be both precise and honest. If such a prohibition were starkly spelled out, rather than lost in the present confusion, it would become blatantly obvious that it is unacceptable in a democratic society to curb the work of journalists during elections.
- That a journalist should provide information and analysis is hardly contestable in a democratic society. The only proviso is that the information is accurate and the analysis sound. The fact that there are unscrupulous journalists and that information can be manipulated (i.e. concealed advertising) does not take away from the value of journalism as such. The CEC should give those journalists who retain a sense of pride in their independence and impartiality the chance to do their jobs properly without the threat of sanctions. The Judicial Chamber for Information Disputes under the president made the same point in its statement of December 7, 1999, which argued that elements of agitation in media coverage should not be used as grounds for banning journalist participation in the electoral campaign.
- At present, if candidates commit a violation of the law while using the free or paid time or space allocated to them, the editorial office (editor) is liable for the violation. This presents a dire situation where candidates have the right to determine the format, nature and content of their campaign, which the editor is obliged to disseminate, but for which he becomes liable. If the editor rejects libelous material he breaks the Election Laws and if he accepts it he breaks Article 57 of the Mass Media Law. It is therefore suggested to amend the Election Laws to

indicate that the liability for any violations a candidate may commit while availing himself of free or paid time should rest with the candidate instead of the editor.

- The practice of using a candidate's representative in debates or discussions should be challenged. The voter has a right to know directly what candidates are like and not the way they are presented by a second party.

The CEC would do well, and relieve itself of a headache at the same time, if it made a serious appeal to the media community to regulate its own activities. After all, many of the cases of improper journalistic practice are matters of ethics and conduct. In Russia there are a number of well-formulated and principled journalistic codes, drafted and approved by journalists themselves. The Union of Journalists has its own code of ethics, as well as a Grand Jury, which was the only self-regulatory journalistic body that issued a public reprimand during the parliamentary campaign. The Charter of Television and Radio Broadcasters has been signed by most of the top stations but, unfortunately, its signatories did not once invoke it during the parliamentary campaign despite massive violations of taste and decency. There is also the Russian National Association of Telebroadcasters' Memorandum on elections, NTV's Instructions for its journalists and the Advertising Code. If the task of bringing together disparate journalists and their vested interests appears overwhelmingly difficult today, there is still no better time to start than during a crisis of confidence. Journalistic professionalism and independence is, after all, a common interest. In other countries, journalists tend to abide by their codes precisely because they do not want to be regulated by any outside force that may not understand the finer points of their profession and may represent opposing interests.

CHAPTER 7:

CAMPAIGN FINANCE

The new presidential and Duma electoral legislation, adopted in 1999, has significantly tightened the regulation of campaign financing and campaign expenditure while also increasing transparency mechanisms. For example, the electoral legislation specifies that all expenses arising in association with a candidate's election campaign must be paid for out of a single official campaign fund and, similarly, that all income must be paid into the fund. Each candidate is obligated to establish this fund as a single account opened with the Savings Bank of the Russian Federation. More importantly, candidates and parties now have to report on their expenses twice prior to the elections. This chapter will first examine the legal framework governing campaign finance, then review the practice in past elections and suggest several recommendations for future improvements in this area.

First and foremost, it must be underscored that the 1999 legislation represents a progressive step in regard to financial disclosure and transparency in the election process. Several longstanding recommendations have made it into law this year, for example:

- the establishment of a period within which the Central Election Commission of the Russian Federation must allocate money to the electoral fund of a registered candidate;
- the obligation of candidates to submit interim financial reports;
- the prohibition of specific means by which candidates holding government office may take advantage of their official position; and
- the prohibition of in-kind donations to candidates.

The adoption of the new election laws caused surprisingly very little debate in regard to the appropriate level of ceiling for campaign expenses, in spite of the fact that virtually all participants in the Duma election agreed that the limits set in that election were simply too low. In our opinion, this is an indication in and of itself that parties and candidates had low expectations at the outset in regard to the enforcement of these ceilings. For example, the lowering of the ceiling for presidential candidates to less than \$1 million in a country with over 107 million voters caused little discussion, if any. Here again, insufficient emphasis was placed on bringing the "practice" of political financing into line with legislation that is already in place. Policy makers must understand that a successful campaign finance disclosure system is not necessarily one exhaustive in its regulation, but rather one that facilitates — to the greatest extent possible — compliance by political participants that is enforceable by election authorities and that exposes violations to the electorate.

THE LEGAL FRAMEWORK—AN OVERVIEW

Campaign Finance Provisions in the Basic Guarantees Law

The Basic Guarantees Law establishes the system of campaign finance in general terms, defining basic prohibitions in Article 47. Under this provision, candidates and parties are given the right to raise election funds of their own to finance their pre-election campaigns. The Basic Guarantees Law identifies the sources from which donations to these election funds may be accepted. They include:

- funds provided to candidates or electoral associations by appropriate election commissions;
- personal or existing assets of candidates or electoral associations (except those that are of foreign origin);
- assets provided to candidates by electoral associations; and,
- voluntary donations by physical persons or legal entities.

Assets allocated to the election funds are to be used solely for the purposes of pre-election campaigning. The law also identifies sources from which donations to the election funds are prohibited. They include contributions from:

- foreign states, organizations or citizens (except for local elections, if a foreigner resides there);
- Russian legal entities involving foreign participation unless the foreign partner's share is less than 30 percent;
- international organizations;
- governmental organizations and institutions at all levels;
- charitable groups, religious associations; and
- anonymous donations.

Separate laws governing the elections for particular offices at federal, subject and local levels specify limitations upon not only the amounts of total receipts and expenditures of election funds of candidates or electoral associations, but also on the amount of funding that can be accepted from particular sources. Prior to Election Day, election commissions are obligated to periodically publicize information from data received from candidates or electoral associations about amounts and sources of their election funds. Every candidate or electoral association is required to submit a report of receipts and expenditures to the appropriate election commission within 30 days after the election. A novelty of the March 1999 amendments, the Basic Guarantees Law provides that other election laws may require candidates and parties to pay back to the state the public funds they received if they fail to meet a basic threshold. The election laws for the Duma and the presidency take advantage of this provision, as explained below.

Campaign Finance Provisions in the Duma Election Law

The campaign finance provisions included in the Duma Election Law replicate the main prohibitions, rights and responsibilities that are outlined in the Basic Guarantees Law. For the first time, candidates and political parties had to file campaign finance reports before the election. The first report is filed when a candidate files his registration papers (Duma Election Law, Article 66:2a). The second report is filed not later than 10 days before voting day (Duma Election Law, Article 62:2b). The last report is to be filed not later than thirty days after the official publication of election results (Duma Election Law, Article 66:2c). The CEC has increased the use of technology and made diligent use of reporting on disk and hard copy format. The Savings Bank of the Russian Federation also files a diskette with the CEC with information containing all income sources of a candidate's electoral fund.³¹ By law, a single-mandate-district (SMD) candidate cannot spend more than 20,000 times the minimum wage, or 1,669,800 rubles (\$65,000). A political association or bloc cannot spend more than 500,000 times the minimum wage, or 41,745,000 rubles (\$1.7 million) (Art. 62, 94). If these amounts are exceeded by more than a half percent, a candidate's registration papers are cancelled—his name is taken off the ballot—or, after an election, candidates can lose their seat. The campaign commences when the candidate is registered according to Article 53 of the Duma Election Law. The CEC releases the campaign finance reports to the media within five days of their receipt.

The public funding of parties and candidates is minimal in amount. A candidate running in a single-mandate district can expect to receive 1,000 rubles (less than \$40) from the State to support their campaign. Political associations/blocs may receive between 200,000-300,000 rubles (\$8,000-\$12,000) toward promoting the candidates on their party lists. However, the CEC is to withhold funds to any association/bloc that received less than 2 percent of the vote in the last election and is financially in "arrears" to television, radio and mass media organizations.

Campaign Finance Provisions in the Presidential Election Law³²

As mentioned earlier, the new presidential election legislation has significantly tightened the regulation of campaign financing and campaign expenditure. The Election Unit's special briefing document on election campaign finance describes very well the state of affairs with respect to campaign finance provisions. It states: "The electoral legislation specifies that all expenses that arise in association with a candidate's election campaign must be paid for out of a single official campaign fund, and similarly all income must be paid into the fund. Each candidate is obliged to establish this fund as a single account opened with the Savings Bank of the Russian Federation. This is done after the official representative of the nominating organization has been formally registered by the Central Electoral Commission. The CEC issues a special document to allow the candidate to open the account.

The electoral legislation sets limits on campaign expenditure and on the size of contributions to the campaign fund. As defined in Article 55:6, the total campaign funds spent on the first round may not exceed 300,000 times the official minimum monthly wage on the day on which the elections were formally called. When the Federation Council called presidential elections on January 5, 2000 the official minimum monthly wage stood at RUB83.49 per month. The limit on campaign spending has thus been set

³¹ See Directions on the Procedures for Forming and Expending the Electoral Funds of Candidates, Registered Candidates, Electoral Associations and Electoral Blocs in the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation, CEC, October 11, 1999.

³² This section replicates the information contained in EU BD 15, issued March 23, 2000.

at RUB25.047m (approximately USD 880, 000). In the event of the elections proceeding to a second round, the two candidates remaining are allowed to spend a further 100,000 times the official minimum monthly wage, or a further RUB8.349m, for a total of RUB33.396m.

Limits on contributions to the campaign fund are set as follows³³:

- the candidate may contribute their own personal funds up to a maximum of 2,000 times the official minimum monthly wage — a maximum of RUB166,980;
- the organization that nominated the candidate may contribute a maximum of 200,000 times the official minimum monthly wage — a maximum of RUB16.698m;
- any single individuals may contribute a maximum of 400 times the official minimum monthly wage — a maximum of RUB33,396;
- any single legal entity may contribute a maximum of 40,000 times the official minimum monthly wage — a maximum of RUB3.3396m.

In addition, each candidate receives an equal share of federal funds that have been allocated for financing electoral campaigns. In the current elections each candidate has received RUB400,000. This money is distributed by the CEC after the candidate has been officially registered, but no later than 40 days before the day of the election in normal circumstances, or 30 days in pre-term elections such as in the current case. However, candidates must return this money to the CEC if they poll less than 3 percent of the vote. That is why candidates who are not certain of polling over 3 percent of the vote tend to spend money carefully. Movement for Civil Dignity head Ella Pamfilova, former deputy head of the presidential administration Yevgeny Savostyanov, and State Duma deputy and filmmaker Stanislav Govorukhin appear to fall into the latter category and their campaign spending has been very restrained. Pamfilova's campaign team has even announced that its electoral campaign will be limited to making use of the free media access allocated to all candidates and will not entail any expenditure³⁴.

The requirement that the funds provided for campaigning be returned by candidates falling below a 3 percent threshold is ill-advised because of its inhibiting affect not only on the candidates, but also on the vibrancy of the campaign as a whole. There is little benefit in providing funds from the state coffers in an attempt to provide equal opportunities for those candidates who may need it most, and then penalizing them because they are not particularly successful in the election. Rather, they should be encouraged to fully utilize the funds. It would be preferable to require that “unexpended” portions of the state's contribution be refunded.

The electoral legislation forbids candidates from accepting donations from the same sources as defined in the Basic Guarantees Law, referenced above. Furthermore, any anonymous donations must be forwarded to the federal budget within 10 days of receipt.

“Individuals may donate their own personal services to election campaigns, but may not donate material goods or resources. Formal contracts must be concluded for any material goods or resources provided by

³³ All figures are for the election of the President of the Russian Federation held March 26, 2000. These amounts will vary in the future according to the minimum wage. See Presidential Election Law, Article 57.

³⁴ Two Presidential candidates, as of April 20, had returned their funds to the CEC – Alexei Podberyozkin, head of the Spiritual Heritage, and Kemerovo Governor Aman Tuleev.

any individual or legal entity to an election campaign (for example, the provision of office space or transport) and the goods or resources must be paid for out of the campaign fund. This includes resources used by individuals who have donated their personal services to the electoral campaign, or services provided by an individual on a paid basis. Legal entities are not permitted to donate their services and all such services must be contracted and paid for.

CAMPAIGN FUNDS OF REGISTERED CANDIDATES

Consistently with the new provisions of the law increasing transparency, on March 10, 2000 the CEC published details of registered candidate election funds as of March 2 in a special edition of "Vestnik," its official publication. The candidates may be divided into two groups. In the leading group are candidates with around RUB20m or more in their campaign fund. Acting President Vladimir Putin accrued the largest fund of RUB29.886m, in preparation of contesting a second round. However, as this amount exceeds the total first-round campaign spending permitted, Putin has had to refund a portion of the contributions to get the account under the official limit. Putin is followed by Kemerovo Governor Aman Tuleyev with RUB21.994m, Yabloko Party leader Grigory Yavlinsky with RUB21m, and Communist Party (CPRF) leader Gennady Zyuganov with RUB17.224m. This group consists of those candidates who were generally expected to have a chance of posting a strong performance.

The second group consisted of the candidates with few resources or chances of winning, who had collected less funds or sympathizers. This group, consisting of second and third tier candidates having on average less than 1,000,000 rubles in their war chest at the time. This group includes candidates Titov, Podberyozkin, Govorukhin, Savostyanov, and Pamfilova. Vladimir Zhirinovskiy, whose registration was delayed in litigation, had only 100,000 rubles in his account at the time he was actually granted access to the ballot.

USE OF ELECTORAL CAMPAIGN FUNDS

As stated in Article 55, a candidate's electoral funds must be used only for the purposes of the electoral campaign, and all expenditure arising out of the electoral campaign must be paid out of the fund. Such electoral expenditure includes costs incurred in the collection of nomination signatures, any payments made to those engaged in collecting the signatures (payments to those actually signing in support of a candidate's nomination are banned); any payments for information, consulting or any other services provided by individuals or legal entities.

All financial operations involving payments of expenses from the campaign fund must be halted on voting day. Similarly, if a candidate is disqualified or withdraws from the election, Article 59 states that all operations from the campaign fund must be halted at the point when the CEC formally removes the candidate's candidature. If candidates are denied registration by the CEC they must return all unspent funds to the individuals and legal entities that donated the money, in proportion to the amount they originally contributed (minus postage costs).

Within 30 days after the election, all candidates must refund all remaining unspent money to the CEC and then to the individuals and legal entities that have made donations in proportion to the amounts contributed. In addition, all candidates who poll less than 3 percent of the total vote or withdraw their candidature (as Yevgeny Savostyanov had) must refund all funds given to them by the CEC. Sixty days after the election, the CEC can request the branches in which campaign accounts are held to forward any remaining funds in the account to the federal budget (Article 59(7)).

CONTROL AND TRANSPARENCY MECHANISMS

The new electoral legislation has developed and extended the provisions on financial control of campaign funds. This encompasses the control of the CEC, a candidate's personal responsibility, and the mass media.

CEC's control — Article 61 of the Presidential Election Law establishes an audit and control service across the Russian Federation within the CEC structure. Therefore, control over campaign finances is exercised by the audit service of the CEC and regional electoral commissions. The bank branches that hold campaign accounts issue statements to the CEC of all sums credited and debited from campaign accounts at least once per week and, in the last ten days prior to the Election Day, at least once every three days (Article 58).

Candidate's accountability and responsibility — According to Article 55 of the Presidential Election Law, a candidate is personally accountable for the finances of their campaign. A candidate may appoint an official representative for financial matters, who is registered as such by the CEC, and who may take responsibility for campaign finances. The term of empowerment of a financial representative begins on the day on which they are registered by the CEC and expires 60 days after the elections or, if the relevant candidate is involved in any court proceedings, when the final decision is passed. A candidate may at any time terminate the powers of the financial representative by serving a notice to this effect to the representative and submitting a copy to the CEC.

Pursuant to longstanding recommendations to have disclosure *prior* to Election Day, candidates must submit three financial reports during the electoral campaign:

- the first when the registration documents are submitted to the CEC;
- the second not earlier than 20 days and not later than 10 days prior to the day of the ballot; and
- the final report not later than 30 days after the official publication of the election results.

The format of the financial reports was set by the CEC and agreed to by the Central Bank of Russia.

Accountability to the electorate via the mass media — To encourage transparency in campaign financing, the CEC releases details on candidates' campaign accounts to the mass media. The media may also request additional information from the CEC. The electoral law obliges state-owned periodicals to publish details of:

- total sums contributed to and spent from electoral funds;
- all expenditures in excess of 2,000 times the minimum monthly wage (RUB166,980);
- all donations in excess of 1,000 times the minimum monthly wage (RUB83,490);
- the total number of individuals who have made donations in excess of 100 times the minimum monthly wage (RUB8,349); and
- the sums returned to donors and the reasons for the refund.

RESPONSIBILITY FOR VIOLATION OF FINANCIAL REGULATIONS

The law establishes strong accountability for violation of financial regulations. Failure to submit financial reports or information on the sources of income may be punished by an administrative fine of 10 to 100 times the minimal monthly wage (RUB834.9 — RUB8,349 in the current elections). Acceptance of unlawful donations from foreign states, foreign or international organizations, or Russian organizations with foreign participation, may be punished by fines equal to three times the sum of the donation as well as by the confiscation of the donation. Any costs arising out of the electoral campaign that are found not to have been paid out of the campaign fund may be punished with fines equal to three times the sum of the unlawful expenditure. In cases of serious financial violations the CEC may deny registration or de-register a candidate. The Supreme Court may also investigate cases of alleged financial violations and take decisions on the de-registration of candidates.”³⁵ Only in the area of campaign financing are sanctions graded so that the severity of the penalty is commensurate with the seriousness of the violation. It is a model that should be emulated in other elements of the process where infractions result in the total rejection or de-registration of the candidate as the only option.

ELECTION CAMPAIGN PRACTICE — DUMA AND PRESIDENTIAL ELECTIONS

The State Duma and presidential elections contrast greatly in many ways, including in regard to campaign finance expenditures. While candidates filed reports that showed expenses being within the ceilings established in the law, there is a general sense that these reports were a reflection of reality only in the case of the presidential elections. During the presidential elections, there was very little evidence of actual campaigning until late February. Candidates, given the overwhelming popularity of the acting president, appeared to flounder or loose steam early in the race. This situation also reflected a lack of financial interest in support of the elections. Clearly, as the OSCE noted in their assessment of the presidential elections, Vladimir Putin received overwhelming support from a number of high level officials who went on “volunteer” leave in favor of the acting president’s campaign. The powers inherent to incumbency were used rather than any serious financial might. And no other candidate was able to attract serious financial capital to mount an attack on the leading candidate. Hence, the level of violations in the presidential campaign appears to have been rather low. This was a surprise to most observers, as the ceiling for presidential campaigns is probably one of the lowest in the world. As noted before, such low ceilings are generally an invitation to push people toward fraudulent actions.

This is in contrast to the vigorous competitive elections for the State Duma where six main parties jockeyed for position and campaign finance played a more important role. As practiced in the Duma elections, the political finance system was not widely respected and failed to facilitate monitoring of campaign funds by political participants, civil society, or the public. On one hand, there was limited interest from the part of the mass media to publicize and investigate campaign finance violations. On the other, the CEC did put out a comprehensive report with all the financial data given by the candidates and parties — but not in a way that is user friendly. Few journalists, the week prior to an election, have the time to sort out the information in way to do a meaningful analysis — even if there was interest to do so. IFES acknowledges that the election commissions were extremely overextended and short of resources, and that the time frame for proper review was short.

³⁵ EU, *ibid.*

These first reports issued by the candidates tended to set a tone lacking respect for or confidence in financial disclosure as a monitoring mechanism, particularly since it was obvious that many candidates had hidden assets and income from election reporting (necessitated, presumably, by their other reports to tax authorities). While proof of illegal campaign financing activities is always difficult to come by, one can rely on the press and surveys conducted about the cost of running for office within several PR firms to have a good sense of what a serious, effective political campaign costs to run for office. Several reports were published in leading newspapers, including a long interview with Igor Mintusov in "Business Russia," head of the successful political consulting firm Nikkolo M, about the costs of running for office.³⁶ For the candidates and parties who ran large-scale campaigns, it is clear that the cost to run such an effective campaign far exceeded the ceilings imposed by the law.

The campaign funding and expenditure disclosure function in the State Duma and the presidential elections did not work, in our opinion, as fully as expected. Hailed as an important step toward greater transparency, the preliminary campaign finance reports failed to disclose the financial data in a format, which is readily usable. It is important to have the information public and in a format that lends itself to analysis. This is not possible if one relies on the materials published in "Vestnik" alone. There is a lot of information contained in Form 7, for example, that contains all the basic data one needs to review the sources of a candidate's funding, how much money has been accumulated or returned if the donation was anonymous, for example. As the information is already available in electronic format, it is hard to understand why this was not readily transferred onto the website of the CEC. As examples, one can simply visit www.fec.gov to know the expenses of presidential candidates in the United States, www.elections.ca to see the latest expenses of candidates and parties in Canada, or www.aec.gov.au to do the same in Australia. Elections Canada lists every donation above \$C100 on this site. Any computer user should be able to do research by date, region, amount donated, donor, and recipient at a minimum. The information is already contained in Form 7 and should be made widely available to the public—not just for elite research purposes of the people who are on the "Vestnik" distribution list. Having the pre-election campaign reports was an important first step with which the candidates complied. The next one is to make sure the public, and in particular the media, have access to it and can use it diligently.

While there is a general sense that due to the dire financial situation there were not such excesses as were present in the previous Federal election cycle in 1995/1996, it was clear that the ceilings were exceeded in the Duma elections. However, in spite of having diligently established a whole structure and worked extensively with various ministries, the CEC has yet, to the extent of our knowledge, to prosecute more than a handful of candidates for violations of the campaign finance laws in the State Duma elections. Formal complaints to the Central Election Commission during the presidential and Duma elections regarding the law and regulations on campaign finance were virtually non-existent in spite of the new legislation that requires pre-election reports on campaign expenditures and a vigorous effort on the part of the CEC to monitor and control campaign finance at the Federal and regional level.

In our experience, it is essential that violators of campaign finance laws face the law and that such cases be made public. By penalizing a few people, the CEC would instill a healthy dose of respect in the plethora of electoral consultants and potential candidates who will be forced to re-think their plans and strategies within the confines of the law.

³⁶ See "Paying the Pipers" by Brian Whitmore in *Business Review*, November 1999, Volume 7, №10, Moscow.

In conclusion, if one looks at the three levers of control over campaign finance expenditures — the CEC apparatus itself, the candidates' obligations to file timely reports, and, finally, the accountability of the candidates to voters through the mass media, one can see an overall positive result in the past elections, especially for the presidential elections. First, there is no doubt that the CEC apparatus did proceed diligently to identify campaign finance violations, especially in regard to the first report, which directly affects the pending registration of a candidate. Second, the candidates did file reports, which, overall, were timely. The CEC did make a laudable effort to put out a comprehensive campaign finance manual in the form of the resolution mentioned above.³⁷ A review of the manual by international experts on election administration brought substantial praise for the accuracy, detail, and forms used in the manual to help guide the thousands of candidates in filing the required reports. The manual uses sample forms and detailed step-by-step instructions that are essential to put the law in motion in the hands of the users. There is no doubt that this manual did assist the candidates in getting timely reports to the CEC. Third, as mentioned above, is the disclosure of the information to the press. The letter of the law was certainly respected — the reports of candidates were made public and published — but the true effect of “disclosure” was not there. There was little, if any, public debate about the source of funding of candidate X or Y based on the reports published by the CEC. Having such reports more widely distributed, in a user-friendly format, is essential to push disclosure in the public arena.

Recommendations:

Ceilings of Campaigns — Duma and Presidential Elections

Political party funding is to elections and the success of a campaign as is a “war chest” in times of trouble. The issue of campaign finance in Russia is as divisive as in any other democracy seeking to establish a balance of interest between the freedom of speech and association, the need for transparency and the need to limit the undue influence of a few large donors. Russian legislators have made significant changes in the reporting process of campaign finance expenditures for the Duma elections, while at the same time maintaining very low ceilings and strictly equalitarian distribution rules in regard to the use of public funds. The low ceilings are compensated to some degree by the provision of equal access to free print and electronic media to all candidates.

The ceilings are very low when compared to Western democracies, even after taking into account the various economic and social factors such as gross domestic product. Preliminary results of research that is being conducted by Christian Nadeau show that Russia, if one takes into account the voting population and the length of the political campaign, has one of the lowest ceilings worldwide. For example, in Canada, with a voting population of a fifth of Russia's but a similar territory, political parties have a campaign ceiling of \$7.5 million for national elections.

In the area of regulation and disclosure of financed political activity, IFES has long advocated that limitations on contributions to candidates and electoral associations/blocs and limitations on overall campaign expenditures should not be set unreasonably low.³⁸ However well intended, severe limitations upon political giving and spending tend to stifle political action and, as evidenced in prior elections, encourage widespread, unreported “off-the-books” financial activity that wholly

³⁷ This manual is available in English and in the original Russian language at IFES.

³⁸ See comments of Robert A. Dahl, *Control over financing of the election campaign and candidates in the elections of the Russian Federation* (IFES/Russia, 1996); Dr. Michael Pinto Duschinsky, *Aspects of Financing of Political Campaigns*, IFES/Russia, 1997).

thwarts the law's purposes. In addition, setting strict limits, while providing the image of equalizing the playing field, may actually limit the ability of opposition candidates to overcome the advantages of incumbency which clearly marked the recent elections, not only in the exploitation of administrative resources, but also the state controlled media. Compliance with legal requirements for reporting campaign receipts and disbursements by candidates and electoral associations/blocs should be strongly encouraged and enforced with graded penalties.

It has been acknowledged that campaign finance violations have not been a major issue in the latest presidential elections. However, IFES nonetheless contends that this is due to the unique situation of having had early elections on the heels of the State Duma elections, which exhausted resources. The elections of March 26, 2000 were unique in this respect. We strongly recommend that policy makers examine the real costs of conducting a professional and effective campaign and adjust the ceilings for campaign finance expenditures accordingly.

Effective and Public Disclosure

The primary reasons for campaign finance disclosure are to provide as much information as possible to the voters about the candidates they will be considering as they cast their ballots and to ensure that all candidates are following the rules equally. Such disclosure can also serve to alert voters as to which groups or individuals may be in a position to influence the policies and decisions of a candidate once he or she is elected. Thus, it is vitally important that the information be complete and disclosed to the public for easy access as soon as possible. After reviewing and comparing the reasons for the disqualification of candidates by the CEC and the DEC, a determination should be made to implement one or more of the following actions:

- 1) Disclosing candidate information submitted on nomination papers, including financial disclosures, within 48 hours after registration has been confirmed.
- 2) Changing the penalties for non-disclosure or false disclosure of personal and/or campaign finances from only disqualification of candidacy ("life or death") to a range of penalties from modest monetary fines for minor breaches to heavier fines for more serious infractions to disqualification for major violations.
- 3) Providing financial disclosure information to the general public in a user-friendly format, through which automated searches could be conducted, at a minimum, by name, donor, candidate, region and electoral association.

The table below shows the minimum information which should be contained on a user-friendly database is as follows for electoral associations, and candidates, along with the accompanying list which could be produced after a query from the user, for State Duma or presidential elections based on the information required in Form 7 for the Duma elections:

- 1) Name of electoral association/bloc
- 2) Name of authorized representative signing financial disclosure statement
- 3) Contributions received by the electoral fund
 - a) Total receipts during reporting period
 - b) Total amount received from prior funds of electoral association/bloc (may not exceed 16,698,000 rubles)
 - c) Total amount received from individuals
 = List: Contributions from individuals aggregating over 13,000 rubles (may not exceed 25,047 rubles)
 - Name of each individual
 - Total aggregate amount of each individual's contribution
 - Total of this list
 - d) Total amount received from legal entities
 = List: Contributions from entities aggregating over 1,700,000 rubles (may not exceed 3,339,600 rubles)
 - Name of each legal entity
 - Total aggregate amount of each entity's contribution
 - Total of this list
 - e) Total amount received from Central Election Commission
- 4) Resources returned out of the electoral fund
 - a) Total amount returned
 = List: Contributions returned in whole or in part
 - Name of each individual or legal entity
 - Amount returned
 - Cause of refund
 - Prohibited source
 - Exceeds limitation
 - Inadequate documentation / other
- 5) Expenditures from the electoral fund
 - a) Total amount of expenditures
 = List: Expenditures over 3000 rubles (aggregate by payee)
 - Name of payee / vendor
 - Amount of payment
 - Purpose of expenditure(s) (as described in report) may be several payments/purposes for same payee
 - b) Total amount of expenditures for production and airing of paid TV and radio advertisements³⁹.

Again, we recommend that the CEC explore the feasibility of putting such information in an electronic format for future elections. We will be pleased to work with the CEC on methods and practical suggestions to build upon the existing systems in the future.

³⁹ Source: Robert A. Dahl, IFES Election Law consultant, 1999 State Duma elections Report.

ADDITIONAL RECOMMENDATIONS

- The election law should also distinguish between prohibitions on campaign-related activities and other, politically neutral activities, which should not be prohibited. For example, the development of voter education or rights awareness activities by charitable organizations or the provision of nonpartisan assistance to the election apparatus should clearly be made a legal activity (Article 55).
- Article 57 defines what is an anonymous donation. While the definition is fundamentally accurate, a distinction should be drawn between donations whose source cannot be traced (i.e., totally anonymous donations) and donations which have been transferred without indicating all of the necessary data by which the source can be identified. This comment is consistent with the guiding principle established herein in regard to IFES's intent to increase of clarity of the obligations of participants in the electoral process.
- By seeking to eliminate all contributions to the political process which are not controlled, the legislators may have gone too far in the items covered under what is prohibited to do during an election. According to Article 57(6), all kinds of paid work and all paid services directly or indirectly related to the elections may be performed/rendered only with the written consent of candidates or their authorized agents, with the payment to be made only from the corresponding electoral fund. The same clause prohibits legal entities, their branches, representative offices, and other divisions from performing work, rendering services and selling goods, directly or indirectly related to the elections, free of charge or at unreasonably low rates. This prohibition should not be applied to election-related work that is politically neutral, such as voter education programs and nonpartisan efforts to support the work of election commissions or efforts to support the institutional development of political parties on the part of like-minded foreign parties.

For more details on IFES' past recommendations on Campaign Finance issues, see the IFES *Compilation of Campaign Finance Materials and Recommendations* (1999), which details concerns, issues, and options for lawmakers.

CHAPTER 8:

TECHNICAL ASSESSMENT OF THE AUTOMATED ELECTIONS SYSTEM – VOTER REGISTRATION

The Automated Elections System consists of two main modules: Voter Registration and Results Transmission. Our observation of the CEC Automated Elections System included its ability to accurately identify registered voters in a particular voting precinct, and to capture and transmit results with the necessary safeguards and characteristics, those that an election official would expect all Automated Elections Systems to be able to handle. In doing so, we observed several presentations and comprehensive tests of the set up, and the system operation at the Moscow Subject Electoral Commission (SEC), the Rostov SEC, and several of the Territorial Electoral Commissions (TECs) at Rostov.

We observed the system on accuracy and reliability, and examined performance when deliberately attempts were made to introduce errors into the vote tabulation process. We specifically examined a number of common tabulation capabilities that most election administrators expect a system to accomplish.

Our approach recognized that software is regularly changed (and sometimes must be changed when election codes are revised), while hardware features of most systems are relatively static, especially if standard and off-the-shelf items are used. Our observation looked at all of a system's features working together at one point in time. It can be argued that evaluating hardware and system concepts is more important than the detailed performance of software, because substantial revision of software can be easily programmed to particular specifications as necessary. The truth of the matter is that ideally that could be the case, but in real life any thing that can go wrong will go wrong and will delay the process. Software is the heart of any system; it binds hardware and firmware in a working process geared by logically programmed steps. Any change in software will be subjected to a harsh test in order to be certified and qualification testing will be a necessary process to identify any malfunction or equipment that lacks synchronization. This process could take longer than the time it takes to install a working computer. Our findings about the software's performance was contingent to how it was working together with other hardware components as one unified Automated Elections System.

We have developed criteria that are general in nature, recognizing that there is no practical way to combine a wide range of qualitative and quantitative findings into a single observation. As stated below, we believe the proposed approach enabled us to focus on the primary criterion of the system's overall suitability for use in Russia's particular situation.

Specifications, standards, and observation criteria for Automated Elections Systems can differ significantly, depending upon one's perspective on the purpose that they are intended to serve. For example, in result transmission, Centralized Direct Recording Results Transmission Systems define many aspects of what might be called an ideal Automated Elections System. Yet, this comprehensive system could have features and goals that are not fully consistent with Russia's electoral needs. Because they are intended primarily to apply to new telecommunications systems that are developed to meet specific requirements, they can legitimately require advances in the state-of-the-art infrastructure beyond the capabilities of actual facilities in a large nation such as Russia.

The outcome of the observation is intended to be useful to the CEC and other election administrators who must choose among the diverse types and models of systems currently available or to continue with the current system. The observation therefore determines and describes, from the perspective of the election administrator, the strengths and weaknesses of the system in the voter registration and result transmission processes, identifying the most important aspects. This will enable the election administrators to determine if the system is best suited to Russia's particular situation.

BACKGROUND

The Russian Central Election Commission is interested in improving the country's voter registration process and constructing a permanent computerized National Register of Electors. As part of that effort, IFES has been called on to observe the current Registration System, compare the system with other jurisdictions, and explore the possibility of implementing a National Register of Electors, also known as Population Registration when it includes civil registration information shared with other governmental agencies or departments. Our findings and recommendations are set forth in this document.

This report describes the purpose and results of that observation; it concludes that a centralized continuously updated national register is both feasible and cost-effective. A possible scenario could be an automated register of all the elector population, which could be shared among other governmental agencies or departments. It would be maintained and updated in permanent registration offices at the TEC level using information from existing data sources, and could be nationally dispersed in a common database in what is technically known as a replicated database structure.

A national register of electors would offer several significant benefits to Russia in a time of fiscal restraint and changing social and demographic conditions:

1. When properly maintained between electoral events, it would provide for elector registration at significant cost savings. Permanent registration offices are the best sources to update information on electors who move, Russian citizens turning 18 and people who die.
2. It would allow election administrators to make available to parties and candidates a preliminary list of electors for each electoral precinct, immediately after the call for an election or referendum.
3. Using existing information and telecommunications technology, it would allow the contents of a national register to be shared with other Russian governmental agencies or departments, while safeguarding the privacy of electors, and eliminating the need for the current duplication of effort and expense of registering electors at the national, provincial, territorial, and local levels of government.
4. There is support for the concept of a shared national register among a growing number of subject and territorial electoral offices. Moving to a shared register would eliminate repeated enumeration of the same electors by different levels of government, and ensure the elimination of possible duplicates at a national level.
5. The registration of electors for the first electoral event at which a register would be in place would cost approximately the same as it would to use the present registration system. For each subsequent federal event, cost avoidance could be realized.

6. It could be the main source of information for driver's license files, vital statistics files, and files for citizenship and immigration.

Our report offers an abbreviated vision of how the register could become a reality by outlining some of the steps required to implement the concept and by making recommendations for advancing the project. Among these, the most important are:

1. Legislative changes to the federal elector registration system and authorization of the Central Electoral Commission to enter into data-sharing arrangements with other governmental agencies or departments are necessary before a register could be implemented.
2. To implement the population registration or national register of electors in time for a possible fall 2004 electoral event, the IFES team has identified three key issues that would first have to be addressed:
 - New legislation to allow the building and maintenance of a national register of electors would need to be in place;
 - The data required to build the initial register would have to be gathered during the year 2001, through partnerships established with key subjects; and
 - The required systems and procedures relating to the establishment and maintenance of a national register of electors would have to be developed and implemented by the year 2003.

THE RUSSIAN SYSTEM

Identifying Voters

The current system used in Russia provides for particularly liberal registration procedures. The voter register is based on a non-continuous registration system. The main source of input and update is from the Internal Affairs Office and Housing Registry, referenced to the "internal passports" that all citizens must carry for identification. Voters who have moved recently and have not yet completed the change of registration forms can be placed on a supplementary roll or have their passports stamped to be able to vote at their new precinct. Although these procedures could lend themselves to electoral fraud, criminal sanctions against multiple voting have all but eliminated this risk.

When potential voters approach the polling station on Election Day, they must usually identify themselves to election officials before they receive ballots. This allows election officials to check voters' names against the voter list and ensure that they are included. Each name is then checked off, or stroked out, or the voter is asked to sign the register.

Registration and Voter Lists

Under the law, eligible Russian citizens can be placed on only one voter roll. The same law allows citizens to be placed on the voter list on Election Day if they have been erroneously omitted. During the past decade, the compilation of voter lists has improved significantly in the Russian Federation. For the most part, gone is the hand-written or typewritten list of voters that could be found at polling stations in the first half of the decade. In nearly all subjects of the Russian Federation, computerized

voter lists are the standard. This has allowed for greater efficiency in processing voters on Election Day. In addition, this provides an opportunity for the election authorities to move toward a uniform federal voter registry that could eliminate duplications and discourage voter fraud. It has been suggested, however, that governmental agencies compiling non-voter information on Russian citizens (housing, employment, pension, etc.) do not cooperate sufficiently with the authorities charged with the responsibility of updating the voter lists.

The Right to Be Registered to Vote

Article 32(2) of the Russian Constitution gives citizens of the Russian Federation who have reached the age of 18 the basic right to elect their leaders and take part in a referendum. The Basic Guarantees Law further defines these rights in Article 3(1) by stating: "A citizen of the Russian Federation shall participate in elections on the basis of universal, equal and direct suffrage by secret ballot." It goes on to indicate that such participation shall be "free and voluntary" and that no citizen can be "forced" to vote.

Voter List

Citizens must be "registered," meaning they have to be placed on a voter list in order to cast the ballot (Article 17 of the Basic Guarantees Law). Such registration shall take place at the municipal or local administrative level on January 1 and July 1 of each year. It is the duty of the government to find and place voters on the voter list. Voter registration is compiled electronically utilizing the State Automated System (SAS) known as "Vybory." SAS-Vybory creates a database of voters that allows for electronic comparisons and sorting. The voter lists are created on the basis of long-established methods and practices. Federal and subject governmental bodies are to assist local bodies and election commissions in the registration of voters. In addition, Passport services, Department for Civil Acts Registration, and other federal agencies are involved in the process of voter list compilation and verification. Lists are maintained and updated by an authorized body, usually a local government official. For Election Day use, voter lists must be provided to the PECs in two printed copies with the names placed in alphabetical or street address order. The list must contain the first, middle and last name and the date of birth of the voter. The lists are certified and signed by the chairman and secretary of the territorial or Precinct Election Commission. Those in the military shall also have the right to be on a voter list that may be compiled by a commanding officer of the unit. A citizen can only be placed on one precinct voter list (Article 18 of the Basic Guarantees Law).

While there is a database created for each district, there is no countrywide database available at the present time. The 225 single mandate districts are based on the number of voters that were registered as of January 1, 1999. During the 1999/2000 elections there were 107 million voters on the rolls. In the 1995 Duma election, there were 104 million voters on the rolls. Since the State Duma did not adopt new boundaries for single mandate election districts by September 9, 1999 (the last day they could do so) the CEC used the 1995 district boundaries.

Appealing the Voter Lists

Voter lists are transferred from TECs to PECs no later than 25 days prior to an election. The PECs shall update the list and post it no later than 20 days before the election. According to Article 18(14) of the Basic Guarantees Law, at any time until the counting of ballots begins after the close of polls

on Election Day, an eligible citizen may make an appeal to the PEC if their name is not found on the voter list. Such an appeal may be made before the election or on Election Day. Prior to Election Day, PEC officials have 24 hours to act on such an appeal. They have only 2 hours to make a decision on Election Day. Voters can be denied an appeal of their non-enrollment only for good reasons and with proper documentation from appropriate authorities. The chairman of the PEC must sign any such exclusion. A voter may appeal this denial to higher election commissions. Such appeal must be considered within three days, or immediately on Election Day.

Permanent National Registration

In Russia, experience with permanent national registration has been limited. In recent times there has been no opportunity for national population registration automation and limited possibilities for storing the information at a central site. Today, only a few TECs maintain a permanent voter list system. The temporary voter registration system, also known as the Periodic List system (see definition in Attachment M), has been in existence for more than two decades and automated for less than a decade.

THE NEED FOR A NATIONAL CONTINUOUS POPULATION REGISTER

Population registration should not be mistaken for *civil registration*. Population registration, unlike civil registration, only includes persons that are of voting age at the time of the programmed next elections, generally the population over 16 years of age. While the information gathered from a population registration may be retained and ultimately used within the civil registration or in a continuous registration system, in many cases it could effectively be a one-time event. In this respect, it is conceptually closer to a census. The objective of a population registration exercise is to gather certain information on the personal characteristics of individuals for specific purposes. For instance, the CEC may want to conduct a national population registration for the purposes of identifying the population of Russia, and issuing identification cards and ultimately use it for the continuously updated central Population Register.

Our assessment to review the technical needs and challenges in conducting eventual elections, has been aimed at establishing the quality of population and other registries in Russia, and the extent to which implementation of a centralized continuous population register would be feasible.

With the ending of hostilities in the area and the incoming refugees to Russia, registration of citizens and voters will likely be the most complex issue in public administration and eventual elections. In addition to other factors like the massive population movements within the country, which resulted from the democratization, civil and electoral planning will be required to include elements taking into account the issues of return to vote at place of domicile, implementation of restrictions to vote at place of residence, voter eligibility, and possibly out-of-country voting. These “real-world” concerns and issues inherent in the population must be incorporated into strategic electoral planning.

It is clear that issues of data integrity and quality would necessitate a full, new voter registration system to deal with events surrounding the rapid movement of people, subject that has only reinforce recommendations as to the scope of changes required to update registration and identity documents.

INTRODUCTION TO POPULATION REGISTRATION

Population Registration

The national population registration entails the ongoing registration of people living in the country and their place of residence. Population registration is of major importance to the individual's right to a unique identity. In our modern society it is required for a person to provide proof of his or her name, marital status or other personal information, and this can be accomplished by means of an extract from the population registers. Registration is a pre-condition for entitlement, ranging from child or sickness benefits, to positive identification in the private sector (such as positive identification when performing bank transactions). Other reasons for population registration are to satisfy the needs of society in regard to basic social services, taxation processes, vehicle registration, continuous updating of address registers and census information, among others.

The basic information should include details of the identity, residence and family circumstances, together with other personal details and in many case biometrics data. In many cases the information and costs are shared with other governmental agencies or departments, and details are forwarded to the personal registers at other governmental agencies or departments (see Appendix L, Alternative Methods of Voter Registration: Pros and Cons).

History

Population registration dates back a long time in many countries such as Great Britain, Sweden, Spain, many Latin American countries, and some states in the United States, among others. At the beginning it was dealt with by the Church. The earliest reference to the maintenance of parish registers dates back to the beginning of the 16th century. It is said that the first national directive concerning parish registration came in the 16th century when the priests were assigned the task of maintaining so-called catechetical interview records for the population.

One of the most advanced systems operates in Sweden where the population registration process became a means of facilitating the electoral process, collection of taxes, checking tax returns, maintaining social statistics and regulating the labor market. In 1946 the Sweden population registration reform brought about the introduction of the unique personal identity number. On July 1, 1991, the responsibility for population registration was transferred from the parish offices of the Church of Sweden to the Tax Administration.

Civil Registry and Population Registry

The new tendency for registering voters is the population registration with basis on the civil registry. The civil registry may contain a variety of information on all citizens, such as name, address, citizenship, age, identification number and other data. In a number of countries, particularly in Europe and Latin America, the voter list is produced from information already collected through the national civil registry. One of the big questions in countries with a civil registry is whether the department responsible for the civil registry, often the National Population Register Office, Electoral Commission/Tribunal, or the Interior Ministry, is also responsible for the voters list.

Colombia and Peru, for example, use a single ministry, the National Population Register Office, for both registries, while most other countries separate these responsibilities between two agencies.

Once a population registry has been created, producing a voter list becomes relatively efficient and cost-effective. This is because the major costs are borne in the first place by the population registry. Furthermore, while the maintenance costs of a civil registry are relatively high, the information recorded may be used for many other purposes, as it is in Sweden, thereby reducing the overall costs associated with government data management.

The population register has a variety of uses, only one of which is as a voter list. Election administrators should consider how the electoral uses of the civil registry are managed, and how it relates to the other uses of the population register.

Responsibility for Registration: Citizen or the State?

The manner in which registration takes place varies considerably from one system to another. In some instances registration is primarily the responsibility of the citizens. They must initiate the registration process by making first contact with the election administration. In Russia as in other countries, election officials are responsible either for maintaining or developing new lists. This is often accomplished by conducting periodic updates by gathering information from other agencies and/or by establishing local registration centers.

In practice, the responsibility for initiating contact is often shared between citizens and the state. In countries where a continuous voter registration is used, for example, the election authority devotes considerable effort to making registration accessible by establishing voter registration centers, including mobile units. It is up to citizens, however, to visit the permanent registration offices or information kiosks to formally initiate their registration. By using a continuous voter registration, a complete list of eligible voters can be produced on an annual basis (as in the United Kingdom) or on a monthly basis (as in the Dominican Republic and Puerto Rico). Countries that have adopted a continuous voter registration system include Argentina, Australia, Canada, Colombia, Denmark, and some states in the United States.

Experience in countries where voters initiate registration has shown that making the registration process convenient can significantly increase participation. In the final analysis, the issue is one of access. The state must assume considerable responsibility to ensure that registration does not become a barrier to participation in democratic elections.

Voter registers are less costly to produce when the greater responsibility for registration rests with the voters. In these instances, election administration officials have a responsibility to ensure that voters are made aware of the registration requirements, as well as the procedures that must be followed to complete registration.

Possible Scenario for a Population Registration Framework

The civil register, or population register, has a variety of uses, only one of which is as a voter list. Election administrators should consider how the electoral uses of the civil registry are managed, and how this relates to the other uses of the population register (see Appendix M, Managing Elections with the Civil/Population Register).

With the construction of the Population Register, the main data gathering may be centralized in a local database at each TEC, with a replicated central repository database at the CEC. The Population Register would furnish services to many different authorities, departments and

institutions, a process that could be facilitated by the CEC. Similarly, the population register may be under the jurisdiction of a special authority under the CEC dedicated entirely to this purpose and to submitting data for the election process.

A possible scenario for the implementation of a Population Registration System and structure could be:

1. A permanent registration office at the local level (TEC) deals with all day-to-day population registration. Basic information related to the names of newborn children, certain name changes, deaths and other vital data collected today by means of receiving information directly from the civil registration governmental agencies or departments (Internal Affairs and Housing) will in turn be collected by means of receiving information directly from the private individual at the permanent registration office. Internal Affairs and Housing will become recipients and only in a small number of cases will they need to submit information. When this happens it is usually related to changes of address, immigration and emigration, and change in personal status.
2. In principle, population registration involves the following: vital private individual data is registered at the permanent registration office. The details are received and, the data is verified and dealt with by a staff member of who decides if the case can be registered in the population register. Each person registered is allocated a personal identity number as a form of national identification. When the case is registered, information can be provided in the form of a register extract.
3. A decision is made at the permanent registration office within whose geographical area of responsibility the person referred to in the decision lives or, in the case of a person who has died or moved abroad, where they were registered most recently. In the case of a change of address, the decision is sent to the permanent registration office in the area to which the person has moved. All these process could be performed electronically within the TECs at a national level.
4. The local databases are kept at each TEC level, but would be replicated at the level of a national database in the CEC computers, thus virtually eliminating the possibility of duplicate registration.

Computerization Alternatives

Three alternatives for computerizing the National Population Register were examined:

1. A centralized database using a high speed electronic network link between personal computers, a sophisticated relational database writing records to a "central server" computer, and an operating system on that file server with capability to store, manipulate more than 106 million records on a single processor.
2. A centralized repository database created on a centralized pool of stand-alone personal computers (PCs) with data transferred via telecommunications to a 'central server' computer. The repository computer would be structured to allow the use of off-the-shelf relational database software packages. Transfers of subset data to multiple processors would be possible whenever production demands required such action.
3. A centralized database using an electronic network link between personal computers (PCs) with data transferred via telecommunications to the "central server" computer. The databases would be updated locally at the TEC level, with a centralized repository database updated by replication from the TECs. Each local database would be kept at the TEC level, but would

be replicated at the CEC national level database computers, thus virtually eliminating the possibilities of duplicate registration.

Alternative 1 was rejected as too ambitious, risky and expensive given the available level of technical support currently available in Russia.

Alternative 2 was rejected, although seen as very desirable from a non-technical perspective. It is the most easily constructed, the quickest to obtain the required hardware for, and the easiest to support.

Alternative 3 was endorsed as sufficiently flexible. From a purely technical perspective, this alternative is the most desirable and would provide the best long-term solution. It could use UNIX or NT as the operating system on a "central server" computer, and Windows or NT based PCs as "client" computers, linked to the server via a WAN interacting as a local area network, all using a powerful corporate relational database software product. However, it could be operationally more complex, more expensive to implement and require a greater level of training. Nevertheless, the benefits of a central repository, and at the same time local controlled replicated databases at the TECs, would give the CEC the security, transparency and flexibility required by a national population registration system.

Performance Criteria for a Voter Registration System

In evaluating a voter registration system, it is helpful to establish clear performance criteria against which overall utility and cost effectiveness can be measured. For a periodic voter registration system such as the one currently used, this would include accuracy as well as comprehensiveness, or completeness.

"Accuracy" refers to whether the data on individuals entered in the voter register is updated and with or without errors. That is to ask, are the name, address, gender, age, citizenship and any other variables updated, correct and free from error?

"Comprehensiveness" refers to the proportion of eligible voters who are actually included on the voter list. That is to ask are all eligible voters included?

With continuous population registration, accuracy in having the most recent changes in such data as residence, name, or age included in the voter list is often a function of continuous and timely updating of data. The primary concern virtually eliminated by the continuous population registration is whether on Election Day the information about voters on the list is consistent with their current circumstances and is not duplicated somewhere at the subject or national level (see Appendix N, Linking Existing Datasets).

The Experience of Other Countries

Most Western democracies use permanent voter lists of one kind or another. National Registration systems are present in Great Britain, France, Australia, Germany, Finland and Sweden. Not surprisingly, in countries where registration is compulsory (such as Australia and Germany) or where the lists are produced from general population registers (as in the Scandinavian countries), the voter lists tend to be more complete because their coverage of the electoral population is greater.

In France, voter registration is a blend of state involvement and voter responsibility because voter registration is voluntary, but there is close cooperation between local and national governmental agencies or departments in continually updating the list.

Most Western countries that maintain permanent voter lists use them for elections at different levels of government. Permanent voter lists in Great Britain, Germany, and France are used for local, national, and European parliamentary elections. In Australia, the electoral roll is used for national elections, for elections in four states, for referendum elections and for elections to resolve union disputes. The frequent use of the lists increases their cost-effectiveness and provides more opportunities to keep them current and accurate.

Registers of electors extracted from existing general population register data banks are of greater reliability. Finland, Sweden and Germany, for example, maintain registers that allow sharing of personal data between government agencies.

Countries using the civil registry have a variety of administrative arrangements for the electoral use of the registry. In Argentina, the civil register is used to create a separate voter list with the latter maintained by a separate authority, the electoral judge. The National Register of Persons and the agency of the Interior Ministry process changes to the population register. The National Register checks, classifies, and processes the information. This, in turn, is forwarded to the electoral secretariat of each district for inclusion in the voter list.

In other contexts in which the civil registry is used, there is no separate department or agency that is responsible for the voter list as distinct from the civil register, and possibly no separate, physical voter list at all.

In Sweden, for example, the National Tax Board and the local tax offices are responsible for both the population registration and the voter list. The National Tax Board maintains a separate election unit and a unit for population registration. The tax offices have employees who are specialized in population registration. The voter list is compiled from the population register and from other registers.

In Denmark, the Interior Ministry is responsible for the maintenance of the civil registry and, within the ministry, the government maintains a separate election unit headed by the election consultant. In Panama, the civil register is an agency of the Electoral Court, suggesting a blurred distinction between the civil and electoral registries.

Population Register Challenges

The Population Register project, faces legal, operational and technological challenges that should be considered:

Legal Challenges

1. A comprehensive legal framework is an essential component of the population registration project. A legal structure should be established within the Civil Documents unit that will be able to provide an initial framework for the project and timely continuing advice.
2. There must be competent and experienced legal personnel to work alongside the technical and other professionals responsible throughout the implementation of the population registration and identification program.

3. The legal staff needs to have access to legal research materials, to deal effectively with a myriad of important questions, including sensitive issues involving state sovereignty and human rights.
4. There must be an identification and resolution of significant legal issues through the legislative process. Key issues include the establishment of revision standards for eligibility and evidentiary standards for population and voter registration, the accessibility and safeguarding of biometric and other personal information, and guarding against the creation of false identities.

Operational Challenges

1. Adequate time and effort has to be devoted to development of a comprehensive logistical plan, including deployment of computers and other equipment, the registration eligibility determination process, definition of election information requirements, and the ability to update data for change of names, residence, etc.
2. A key component of the project is the transmission of data via telecommunication. However, sufficient planning and implementation has been done to establish the current telecommunications procedures and infrastructure for the SAS-Vybory System, and would constitute the basic element for the Population Registration project's telecommunications needs.
3. As a prerequisite a peak-demand analysis, time-motion evaluations, and workflow optimization should be performed.
4. Projections concerning the time required for registration have to take into consideration the "inverse bell curve" which typically characterizes public response to registration. In other words, the registration centers will likely encounter peak crowds on the first and last weeks of registration, with a calm somewhere in the middle of the registration period.

Technological Challenges

When used by experienced management as part of the solution to well-defined problems, computer technology can produce generous results. However, the expectations placed upon a poorly planned and implemented technological solution could prove very optimistic but unmanageable at best.

1. One hundred and nine million registrations must be entered into the main computer's Population Registration Database, replicated in each local office.
2. It is anticipated that the system will be required to produce updated voter lists by polling station for each particular domicile section or precinct. However, due to rapid changes in individuals' addresses, a continuous registration method has to be established to identify and update registrants' addresses more precisely than by the one used in the current PEC system.

POPULATION REGISTRATION AND TRANSPARENCY ISSUES

Guaranteeing Freedom of Information by:

1. *Open access principle*

The open access principle means, among other things, that the general public is normally entitled to examine documents held by the authorities.

For the population registration authority, the access principle means that anyone normally has the right to examine details recorded in the population register. However, in certain cases there must be exceptions to this principle, such as with particularly sensitive information. The exceptions are generally stated in a Secrecy Act if it is considered that special reasons exist where details would cause harm if they were revealed. An example could be where the address of someone who is being threatened or persecuted is revealed.

2. *Review of the Voter List*

The election authorities in some countries provide the ability for voters, parties, and/or their proxies to view the voter list beginning several days before an election. Objections and claims can be filed with the precinct election committee, which must act on the claim within one or two days. The precinct election committee can either amend the list accordingly or reject the claim. This decision is appealable to the district electoral entity, whose decision is final.

3. *Be Prepared to Justify and Defend all Decisions on Registration*

The overall integrity of a voter list can be challenged and the election administration officials should be prepared to defend the inclusion or exclusion from the voter list of each voter. Officials should also be able to defend the list from the perspective of efforts at reaching measurable levels of quality. A good journalist may ask, "How many eligible voters are there? How many are registered? Is what Candidate X says about there being so many thousand unregistered in certain areas true? How many changes of address transactions did you process last year? How can you explain the fact that this is a certain percentage fewer than were reported to have moved by another governmental authority?" These are the types of specific questions that election administrators often face.

A continuous registration system like that for population registration will, at the least, comply with the minimal information required relating to the decisions on including or excluding voters (e.g., the registration cards, forms challenging the registration of a voter, the decision of the revision court, etc.), which should be stored for a suitable period of time following the election. Furthermore, it complies with the need to provide very detailed audit trail material, concerning such things as the date the registration material was first filed, what documented evidence was presented, what pieces of data were updated, at what time — information that must be readily available and accessible when a dispute arises.

4. *Provide Appropriate Mechanisms of Appeal*

All decisions taken by the election authority relating to the eligibility of a potential voter, which might include such things as the denial of the vote, the claim of a fraudulent registration, the claim of

a duplicate registration or duplicate voting, rejection from a nomination paper or petition or recall, must be open and transparent, and open to appropriate mechanisms of appeal. In the first instance, this appeal may be to the election authority itself, usually to the director of the local electoral office. Following this, an appeal should be possible either to the election commission. And finally, where the circumstances warrant, this decision should be appealable through normal judicial channels.

CONCLUSIONS

We conclude that a population register is both feasible and cost-effective. With the implementation of the SAS-Vybory system, a foundation already exists for sharing the work of building a national population register and maintaining it between electoral events. Work to make the voter and information requirements more compatible across all Russian jurisdictions could significantly enhance the potential for joint partnerships with other governmental agencies or departments.

There is support for the concept of a shared national register among a growing number of subject and territorial electoral agencies. A national register of electors would offer several significant benefits to Russia in a time of fiscal restraint and changing social and demographic conditions:

1. A national register, properly maintained between electoral events, would provide for elector registration at significant cost savings. The experiences of Finland, Sweden, Germany and Denmark have demonstrated that there are other effective and publicly acceptable methods of registering electors besides periodic voter registration or door-to-door enumeration.
2. Such a register would allow election administrators to make available to parties and candidates a preliminary list of electors for each electoral precinct immediately after the call of an election or referendum.
3. Existing information technology would allow the contents of a national register to be shared with other Russian governmental agencies or departments, while safeguarding the privacy of electors. Moving to a shared register would eliminate the current duplication of effort and expense associated with registering electors at the national, provincial, territorial and local levels of government, and ensure the elimination of possible duplicates at the national level.
4. The registration of electors at the first electoral event at which a register would be in place would cost approximately the same as it would to use the present registration system. For each subsequent federal event, cost avoidance could be realized. Permanent registration offices are the best sources to update information on electors who move, citizens turning 18 and people who die.
5. Electoral information would be of higher quality, because preliminary lists of electors would be produced over time and not in the tight time frames currently required during an electoral event.
6. A strong foundation for further development of computer-assisted electoral processes would be built as technologies and public familiarity evolves.
7. It could be the main source of information for driver's license files, vital statistics files, and citizenship and immigration files.

A possible scenario could be an automated list (register) of all the Russian elector population, which could be shared among other governmental agencies or departments. It would be maintained and

updated in permanent registration offices at the TEC level using information from existing data sources and could be nationally dispersed in a common database in what is technically known as a replicated database structure.

Our report offers an abbreviated vision of how the register could become a reality, by outlining some of the steps required to implement the concept and by making recommendations for advancing the project. Those that are most significant include:

1. Legislative changes to the federal elector registration system and authorization of the Central Electoral Commission to enter into data-sharing arrangements with other governmental agencies or departments are necessary before a register could be implemented; and
2. To implement the population registration or national register of electors in time for a possible fall 2004 electoral event, the IFES team has identified three key issues that would first have to be addressed:
 - New legislation to allow the building and maintenance of a national register of electors would need to be in place;
 - The data required to build the initial register would have to be gathered during the year 2001 through partnerships established with key subjects, and
 - The required systems and procedures relating to the establishment and maintenance of a national register of electors would have to be developed and implemented by the year 2003.

CHAPTER 9:

GENERAL ISSUES RELATING TO THE CAMPAIGNS

The campaign periods for the Duma and Presidential Elections were marked with some common themes that reflect the status of a socio-political environment that has not kept full pace with the legal and administrative evolution of the election system itself. In spite of a constitutional and legal structure that dictates the Russian Federation is to be a multi-party state, electoral associations and blocs, with few exceptions, continue to emerge and disappear with each and every election, unable to sustain themselves over the course of time. As in several other countries, personalities matter very much, the difference in Russia being the near absence of ideologies in the presidential campaign environment. Platforms and programs remain in the deep shadows, seldom emerging as a significant part of the campaign rhetoric. During the 1999/2000 cycle in particular, an honest debate on policies, views, and proposals for solving the country problems did not really take place. The real influences molding public attitudes, shaping the course of the campaigns and electoral outcomes are still those exerted by the incumbent structures of power. Tolerance for credible opposition or critical media in the political landscape has yet to mature. Under the newly elected leadership, the next few years will be key in determining whether the journey embarked upon so far toward building a free society and representative democracy will be completed.

The Duma Election Law and the Presidential Election Law are explicit in prohibiting the use of official influence on the outcome of the elections — Article 1 of both laws states that “No one shall exert any influence on a citizen of the Russian Federation in order to compel him/her to participate or not to participate in the election in a free expression of a citizen’s will.” The law also includes several provisions that forbid the use of state power or the use of position to influence voting.

Throughout the pre-election campaign for seats in the State Duma, undue influence by federal and regional political authorities — and by other institutions, such as state ministries, powerful enterprises, and military leaders — was a pervasive problem. Influence on the campaign process most often included pressure on local and regional election commissions, courts, political party structures, and mass media, with the aim of restricting the effectiveness of political opponents or of influencing public opinion. During the presidential election, the use of state infrastructure at the federal and regional level was subtler, but just as pervasive.

One factor that differed in the State Duma and presidential election cycle of 1999-2000 from the previous cycle in 1995-1996 is that the governors and other regional leaders were elected to power in the interim and were not presidential appointees. As elected officials with their own constituent power bases, regional executives, especially in more prosperous regions, had enjoyed increasing autonomy with many flexing their new political muscle to pull away from the center.

According to the Russia Regional Report, “Putin’s strongest support came from Ingushetia, where he gathered 85.42 percent of the vote. His top showings tended to be in other regions with “questionable electoral reputations” in which the regional executives came to have heavily court the acting president, such as Tatarstan (68.74 percent), Bashkortostan (60.34 percent), and Dagestan (76.69 percent). The leaders of these regions have successfully influenced previous elections in favor of their chosen candidates by employing their administrative resources in the candidate’s favor. In the cases of Ingushetia, Tatarstan and Bashkortostan, the shift of support to Putin was particularly significant. Just three months earlier in the State Duma elections, these same regions voted heavily in favor of the

Fatherland-All Russia (OVR) bloc, with the full, public endorsement of their regional executives. While OVR gathered slightly over 13 percent overall, it pulled in 87.98 percent in Ingushetia, 40.65 percent in Tatarstan, and 35.20 percent in Bashkortostan.⁴⁰ In Dagestan where voters had split their vote giving the largest share (37.56percent) to the Communist Party, Zyuganov was the overwhelming loser in the presidential race when over 3/4 of the vote went to Putin.⁴¹ These dramatic shifts in popular support directly reflected the public shift of allegiances away from OVR leaders, Luzhkov and Primakov, almost immediately after the Duma Elections.

This phenomenon was not new. Similar shifts were noted between the first and second rounds of the 1996 presidential elections as well. The most dramatic shift once again involved Dagestan. Whereas Zyuganov had lead in the first round race by a margin of 34.7percent over Yeltsin, in the second round the result was overturned, and Yeltsin ended up the victor in the region with a 42.54percent swing in the popular vote. Although not as dramatic, a reversal also occurred in Bashkortostan where the 7.67 percent margin for Zyuganov in the first round became a 15.54 percent deficit in the vote spread in the second round. In the Republic of Karachayevo-Cherkessiya the differences between the margin of victory for Zyuganov and later for Yeltsin was 33.18 percent. In Rostov the total reversal of the votes originally cast for Zyuganov that went to Yeltsin in the second round was 14.42 percent. Similar patterns became evident in Tula, Tver, the Jewish autonomous region, Kaluga, Kostroma and Ust-Ordynsky Buryat Auton. The fact that such trends have lingered in spite of significant improvements in the election system's legal foundation and administrative processes gives credence to public concerns that the election environment is still controlled by those in power in these areas in particular.

Throughout the State Duma election and the presidential elections, there was much evidence of a manipulation of the levers of state infrastructure through enterprise heads and regional leaders in a way that significantly impacted the outcome of both elections. One analyst writes:

“In actuality, Putin’s victory in the first round, without particular opposition from his main competitors, became the logical conclusion to the ruling group’s consolidation process, which was outlined back in the parliamentary elections . . . The concentration of resources in the hands of the ruling group easily guarantees the election (re-election) of the incumbent, while an alternative has simply no chance of being realized. The threat of the marginalization of the opposition and the conversion of the elections into a simple tool of political manipulation may be fully realized even on the scale of Russia as a whole.”⁴²

Putin’s regional leadership support base was built around the 37 founding governors of the Unity party. 47 regional and republican heads openly and publicly backed Putin while a further 38 have given him their tacit support. Even Kemerovo Governor Aman Tuleyev, an active member of the Communist Party, also contesting the election, expressed his backing for Putin while the leaders of key red regions such as Stavropol and Krasnodar quietly shifted their allegiances and provided assistance to Putin’s campaign. Similarly, St. Petersburg Governor Yakovlev, with whom Putin has had an adversarial relationship, has attempted to ingratiate himself by extending his tacit support, in spite of his participation on the federal list of OVR during the Duma elections.

⁴⁰ Russian Regional Report, East-West Institute, March 28, 2000

⁴¹ The Communist Party filed a formal letter of complaint with the Central Election Commission alleging falsification of results in Dagestan on 4 April, 2000, resulting in an investigation which confirmed that improprieties had taken place.

⁴² Vladimir Gelman, Russia’s Last Choice, The Pattern of Knowing the Results Ahead of Time, Russian Election Watch, No.9, April 7, 2000.

Russian and Western media have reported numerous instances of official influence on the results of the Duma and presidential elections. In fact, the advantage of incumbency was so pervasive in this round of elections that all oblast and regional leaders (seven) that stood for election on the same day of the presidential election were victorious—resulting in a “clean sweep” by those in positions of power. The victories ranged from 58 percent to an incredible 98 percent of the votes in favor of the incumbent. Since this report does not cover regional elections, the examples of the inordinate use of local infrastructure will not be described. However, a few examples of the pervasive use of state influence during the State Duma and presidential elections serve to illustrate the point.

- In Bashkortostan, OVR member President Murtaza Rakhimov banned a November broadcast of Sergei Dorenko’s ORT program that was harshly critical of Yury Luzhkov and other OVR leaders. In December, local police received orders to confiscate campaign literature from candidates not supported by the republic’s authorities, and various materials from the CPRF and the local Rus political association were seized. Republican authorities claimed that the seizures were in conjunction with the “Whirlwind” anti-terrorist operation in effect since the August-September bombings in Moscow and Dagestan, but they were an obvious attempt to mute opposition voices.
- According to the magazine “Profile,” the educational structures of the military service were provided with handouts on the State Duma elections that only mentioned one party — Unity. In addition, Army Chief Deputy of the Main Administration of Educational Affairs, Vladimir Kozhemiakin, openly called for his subordinates to promote Unity and explain the party’s program among the ranks in the military.
- Not all lower level election commissions acted in an independent and transparent manner during the election process. While hard evidence of administrative pressure is not proven, the fact that the SECs of Moscow City and Moscow Oblast, Bashkortostan, and Krasnodar had the most complaints in regard to registration of candidates (40 in total) is indicative of the selective nature in the way the SECs accomplished their work. More than half of these complaints were overturned by the CEC. According to CEC Chairman Veshniakov “lots of the District Election Commissions’ decisions about the refusal of candidates were not convincing or even arguable.”⁴³
- The SEC of Kalmykia sought to overturn the will of the people by disqualifying an elected State Duma Deputy for District 14. Ms. Buratayeva, a well-known television anchorwoman, was elected, even beating Yury Luzhkov’s wife, who was running in the same district. Buratayeva is also an opponent of Kirsan Ilumzhinov, president of Kalmykia. The decision of the SEC rested mainly on technicalities—such as her presentation of the documents required for her to assume office one day later than the deadline. Her appeal of the SEC decision to the CEC was ruled positively on February 4, and she is now a State Duma deputy.
- According to the Presidential Election Law, people who are empowered to act for a candidate or registered agents (Article 42) must go on unpaid leave. The law also includes several provisions that forbid the use of state power or the use of position to influence voting.

⁴³ CEC RF Chairman Alexander Veshniakov in a report at the meeting of Chairman and Secretaries of the Election Commissions of the Subjects of the Russian Federation, January 27, 2000.

The Putin campaign included 204 officials as registered agents (more than 1/3 of the allowed number of registered agents). This includes 73 State Duma deputies, heads of local administrations, Defense, Interior and FAPSI officials, the First Deputy Commander of the Missile Troops main headquarters, the Caspian Fleet Commander and the Black Sea Air Force Commander and many top railroad officials.

Many of the infractions of electoral law from the part of administrative and executive authorities stem from a combination of lack of legal clarity and proper financial independence from local regimes. This is not an unusual situation, and methods to combat corruption and local influences can be addressed through the use of mass media, investigative authority, and consistent decisions in such cases. (For more details on corrupting influences in the electoral process, refer to "Corruption in Politics" by Professor Michael Pinto-Dushinsky, which was published by IFES/Russia in 1999).

In addition, the abuse of power to influence Russian elections occurs due to the enormous state infrastructure that was left in the wake of the collapse of the Communist system, the existence of an underdeveloped mass media that is not prepared to play its traditional role as the fourth estate, the lack of private watchdog organizations, and the peculiarities of regional political situations.

Putin's campaign strategists also exercised control over the pre-election election campaign by keeping the acting president above the fray and making him an invisible target safeguarded against any direct confrontation with his opponents.

Such tactics, combined with polls showing the public's acceptance of the government's actions in Chechnya and Putin's image as a tough and committed leader, created a campaign virtually devoid of issues. Even the conflict in Chechnya failed to materialize as a campaign issue. Except for a brief, full court press by Yavlinsky during which his ratings showed moderate increases,⁴⁴ campaigns of other candidates were half-hearted. Even Zyuganov, the most prominent contender, visited only about a quarter of the regions during the campaign, compared to those made by the Communist Party during the Duma Elections. Several of the candidates relied on their agents to attend debates and other campaign functions rather than being present themselves. On 16 March, Govorukhin, Pamfilova, Zhirinovskiy, and Dzhabrailov walked out of a CEC meeting in protest of the fact that other candidates had failed to participate in person.

Recommendations:

Public awareness of the influence of government authorities contributes to the cynicism of the entire electoral process. On Election Day, the conduct of the elections could be a model of the democratic process, but public confidence in the election results is lessened due to it being common knowledge that the authorities have manipulated the process during the pre-election period to ensure certain outcomes. After a review and analysis of election-related activities on the part of local, regional and federal authorities, it should be determined whether the following actions need to be taken:

- 1) Providing sufficient oversight of governmental entities, possibly including the establishment of a CEC department specifically to deal with federal and regional electoral law enforcement, in coordination with sub-level commissions.

⁴⁴ Coincidentally, in the period during in which Yavlinsky's media coverage was escalating along with his ratings, attacks against him were unleashed on ORT.

- 2) Increasing the mass media's capacity to assess and report government accountability. Russian mass media outlets need better training in investigative journalism and its role in government accountability. Moreover, laws or regulations seeking to improve media independence may need to be instituted.
- 3) Promoting private, non-profit watchdog organizations to be independent forces for civic advocacy and government oversight.
- 4) Making publication of the platform of the candidates and their personal participation in the publicly funded debates mandatory and amending Article 42 to distinguish between those activities which must be attended by the candidate personally, and those which can be performed by the agent of the candidate.

CHAPTER 10:

THE VOTING PROCESSES AND POLLING DAY PROCEDURES

BALLOTS AND BALLOT SECURITY

The CEC is responsible for defining the format and procedures for ensuring the accountability and protection of ballots for federal elections, however ballots are printed at the SEC level. After ballots have been printed and handed over to the TECs, all rejected and surplus ballots are destroyed. A record is drawn up by the printing house and signed by all election commission members present to certify that all surplus ballots have been destroyed. A ballot transfer document is drawn up between the SEC and the TEC in the presence of the DEC indicating the number of ballots to be transferred and the time of transfer. Ballots are transferred to the polling stations no later than four days prior to the election. As an additional security measure on election day, each ballot is to be certified by two members of the PEC who are supposed to sign each ballot and place the election commission's seal in the upper right corner at the point it is actually issued to a voter.

Several conditions exist, however, that result in the ballots being difficult to secure and account for, and vulnerable to improper duplication and misuse.

- The paper used in ballot printing allows for fraudulent duplication due to the absence of any specifications in the law concerning paper quality or printing techniques, which are used. The use of watermark paper would reduce the risk of fraud but watermarked paper is rather expensive. What could be used instead is microprinting. Realizing that ballots are printed throughout the Russian Federation, the CEC could encourage all SECs to use microprinting where it is available. It may not be feasible throughout the entire Russian Federation but could be used in all the large population centers accounting for a high percentage of voters. In addition, while uniformity of the ballot is important, in those areas where such printing techniques are not available, it still might be possible to apply a faint pattern that would not interfere with the regular text. Although no such restrictions exist in the Law on Basic Guarantees, Article 71 of the Duma Elections law and Article 63 of the Presidential Law expressly state that numbering the ballots is not allowed. However, these provisions need not limit the possibility of attaching ballots to counterfoil or stubs that are serially numbered. Production of ballots in a manner that would allow them to be easily separated from their counterfoil would safeguard against being able to link a specific ballot paper to the voter to whom it was issued. However, special packaging of ballots or binding with rubber glue would also provide officials with better control over their ballot papers would greatly simplify the calculation of used and unused ballots at the end of polling day. Special packaging in uniform groups of 100 or 500 ballots would also provide a more accurate and easier count when verifying the number of ballots during transfers. A transfer record for each point of ballot transfer, from the printing organization to the TEC down to the PEC, should require two signatures of the persons receiving the ballots, an exact count and a verification of the number of ballots received and the time the transfer took place. The law does not mention that signatures should be put on the transfer record. However, the CEC requires that three persons sign all

transfer records. Appropriate security personnel should be involved during all phases of ballot transport and storage.

- Ballot certification includes the signatures of two members of the PEC and placement of the election commission seal at the upper right corner of the ballot. During both the Duma and presidential elections these activities frequently took place in advance to save time and to keep the voting line moving. It is suggested that the seal could be placed on the ballots immediately before issuing the ballot to the voter. This should not cause any significant delay during the processing of voters, and would preserve the element of security envisioned in the law.

VOTING OUTSIDE THE POLLING STATION AND USE OF MOBILE BALLOT BOXES



Article 54 of the Basic Guarantees Law provides for the use of mobile ballot boxes on Election Day to serve voters who cannot get to the polling station by themselves for reasons including health and physical disability. A voter may make a written or oral request to the PEC to send a team consisting of at least two members of the commission to his or her place of residence or other location, such as a hospital. Such requests must be received by the PEC no later than 18:00 on Election Day and must eventually be signed by the voter, even if it is signed at the point the ballot box arrives at the voter's location. Citizens who cast ballots by this method vote in the

same way as they would do at a polling station, in that they sign for receipt of the ballot, vote in secret and place their ballot in special mobile boxes. Accredited observers may accompany the mobile ballot box teams as they visit voters who have requested such assistance. A notation is made on the voter list of any voter who has requested to cast a ballot in the mobile ballot box.

EARLY VOTING

Prior to the enactment of the current election laws, early voting was made available to any voter who learned that he or she might be away from his or her resident district on polling day. Under the amended laws, this service has been severely restricted for use at polar stations, ships at sea on Election Day and other remote locations. Such voting cannot take place earlier than 15 days prior to Election Day; it must be authorized by the appropriate DEC and conducted by at least two PEC members. While early voting may take place at the designated polling place, election commissioners may also take mobile ballot boxes to voters for early voting at locations where it is not practical to establish a polling station. The process of voting under these circumstances follows the same routine as is carried out at regular polling stations on Election Day.

ABSENTEE VOTING

In place of the early voting procedure, voters who will not be at their usual residences on election day may apply for an absentee certificate from their Territorial Election Commission not later than 24 days prior to the election, or from their Precinct Election Commission after that date and up until one day before Election Day. Presentation of the absentee certificate at a polling station in the community wherever the voter is on Election Day will allow the voter to vote at that station. The absentee certificate had

a detachable coupon during the recent elections, in the event that there might be a second round. The voter's name was added to a supplemental list which the voter signed acknowledging that he or she had been issued a ballot and the PEC kept the coupon. The certificate was kept by the voter for use during the second round had one been necessary, at which time the procedure would have been repeated, and the PEC would have retained the certificate. During the Duma Elections the rules for issuing ballots to absentee voters was somewhat complicated. If the voter appeared in a polling station in the same District in which he or she is a registered voter, the voter received both the Federal List Ballot, and the District Ballot. If, on the other hand, the voter presented the absentee certificate at a polling station in a different district, he or she was only eligible to receive the federal list ballot. Such procedures made accountability for ballot usage more difficult since the total number of ballots issued might be different for the federal list than for the District ballot. To ease the problem, the voter register had separate signature boxes for each type of ballot. Voters signed once or twice depending on what ballots they were eligible to receive. In many constituencies local elections were held at the same time, and the voter had to sign for 1, 2 or 3 separate ballot types. At the end of the day as ballots were accounted for, the signatures supporting the issuance of each type of ballot could be counted separately.

STANDARD PROCESSING OF VOTERS AT THE POLLS

The election laws of the Russian Federation are very clear that each voter must vote personally, and that no one can cast a ballot on behalf of another person. Upon presentation of appropriate identification, the voter's name is found on the voters' list. The voter is asked to sign the register to acknowledge receipt of the ballot. Upon receipt of the ballot, the voter is directed to a voting booth where the ballot is to be marked in secret. If the voter's name cannot be found on the voters list, the voter can be added to the supplemental list if he or she can present identification that proves his or her residence in the area served by the precinct.

POLLING STATION SIZE AND VOTING BOOTHS



In every region IFES assessed, there were polling stations that were too small to accommodate the voters in that precinct. Voters were very patient, waiting as long as two hours in and around the polling station, to sign in and get their ballots. Having received their ballots, however, voters were sometimes no longer willing to wait to vote. Oftentimes, there were insufficient voting booths even in large polling stations. These conditions fostered more than one person in a voting booth as well as many voters using tables, ledges, and anywhere else they could to mark their ballots. Insufficient voting booths also encouraged the return of family and group voting, and consultations with relatives, friends, party representatives and/or others prior to voters marking their ballots. In fact, voting in the open and in groups appeared to be the norm in many places.

Recommendations:

The combination of crowded conditions and voters voting openly rather than in the secrecy of voting booths provide opportunities for unfair influence on voters, negative experiences for voters, a callous view of elections, and, even worse, public lack of confidence in the results of the election. An analysis may be needed to determine means to improve these conditions, such as:

- 1) Finding larger spaces for polling stations.
- 2) Re-drawing the precinct lines to increase the number of precincts, and thus increasing the number of polling stations.
- 3) Encouraging people to vote during non-peak times, so there will be fewer people in the morning when the polling stations are the most crowded.
- 4) Increasing the number of voting booths, perhaps using smaller, lighter booths that are less expensive, take up less room, and are easier to assemble and disassemble.

VOTE COUNT AND TABULATION OF RESULTS



The law and the regulations adopted by the Central Election Commission provide for a reasonable mechanism for an accurate and accountable count of the votes immediately after the close of the polls on Election Day. And, the protocol, which has to be completed and signed by all commission members at the polling station, is a very detailed document.

Counting is to be conducted “openly and publicly” with all results announced publicly and noted on an “enlarged” copy of the protocol posted for all to observe. Authorized observers and election monitors are allowed to examine ballots and materials, under the supervision of election officials. All ballots issued to the polling station must be accounted for. The number of ballots used (including those for early and mobile voting) must match the number of voters who voted at the polling station.

Unused ballots are to be counted first, cutting off the lower left corner to render them unusable. Next, the number of spoiled ballots is noted in the protocol. The number of voters who signed the lists and those issued absentee certificates are also entered in the protocol. The count of early voters is also entered. Only after such accounting is complete, can the ballot boxes be opened, starting first with the box containing the ballots cast in early voting, followed by the mobile boxes. In each case, the number of ballots contained in each of these special boxes is compared to the number of voters who signed acknowledging the receipt of ballots. If the number of ballots contained in these boxes exceeds the number of voters to whom ballots were issued, all ballot contained in the errant box are disqualified and may not be included in the counting of votes. The ballots from the boxes found to be in good order are commingled with the ballots in the stationary ballot for counting.



The new laws require that in each ballot be announced out loud as the votes are counted, although OSCE/ODIHR observers reported that in just over half of the locations observed this procedure was not followed. As ballots are called, they are separated and stacked according to the votes cast, including those not marked or marked incorrectly. Not less than two PEC members count each stack of ballots separately. All ballots are accounted for, including invalid ballots. If any doubts arise as to the voters' intent, the PEC shall decide the matter in a public vote with the corresponding decision noted on the back of the ballot and signed by not less than three members. After the PEC completes its work, ballots and other election

materials are placed in sealed boxes or bags in preparation for their transfer to the TEC. Such materials can only be opened by a decision of a higher election commission or a court.

Upon completion of the counting, the PEC completes the protocol on which the voting returns and the accountability for all ballots issued to the polling station are reported.

Full compliance with the detailed procedures for the counting of votes and the completion of the protocol appeared to be quite difficult for many polling station officials. The complexity of the process and the mandate that each task must be completed in a particular order were both confusing and time consuming. In recent local and national elections, observers have noted the fact that, while polling procedures were handled extremely well, during the counting procedures PECs tended to do things “their” way in order to speed up the process. For example, while the law clearly states that PECs must post and complete an over-sized copy of the protocol while tabulating the results, this is not always done. Another example cited by observers is that mobile boxes are not counted first, as required. Some PECs took very careful steps to check and re-check the accuracy of their count especially when certain entries could not be balanced against the controls built into the system. Others appeared to allow for minor “alterations” in some of the entries on the protocol to achieve a balance when the frustration got too great . Such “alterations” involved entries related to the accountability for the ballots issued to the polling station rather than the votes cast for candidates.

Recommendations:

In view of the difficulties that PECs are experiencing in accomplishing the count in a reasonable amount of time, and completing the protocol efficiently, it will be important for the Central Election Commission to re-evaluate the process to determine where elements can be simplified and streamlined. In addition, a few technical deficiencies in the process should be corrected. What follows are a few suggestions for consideration.

- The current guidelines call for each task involved in closing down the polling station and initiating the protocol and counting the votes to happen in a very strict sequential order which limits the possibility that some tasks can be carried out simultaneously. While it is important that some tasks follow a logical sequential order for the sake of the integrity of the counting process, other tasks are not quite so sensitive. For example, the counting of the signatures in the voter registers can probably be handled by some members of the PEC while others are canceling the unused ballots. Dividing the assignments of PEC members can speed up the process, and make the process more efficient.
- The accountability for the use of ballots and for rationalizing the number of voters who voted with the number of votes cast, centers on a number of mathematical control relationships in the data entered in the various field of the protocol. These control relationships assist officials in ensuring their protocol is correct and rational. An example of a control relationship is the requirement that:

The number of ballots received by the polling station (line 1 on the protocol) must equal:

- the number of ballots used in early voting (line 3),
- + the number of unused ballots (line 4),
- + the number of ballots issued at the polling station (line 5),
- + the number of ballots issued to voters using the mobile ballot box (line 6).

Another example is that:

The contents of all ballot boxes, (Line 7 + Line 8 on the protocol) must equal:

the number of all valid ballots (line 9),
+ the number of all invalid ballots (line 10).

One important control relationship is missing and should be added.

The total number of valid and invalid ballots should be equal to, or greater than:

the number of ballots issued to voters for early voting,
+ the number of ballots issued to voters voting at the precinct,
+ and voters voting through the mobile ballot box.

Where they are not equal, it is usually because a voter may have chosen not to vote his or her ballot and may have taken it away rather than dropping an unmarked ballot into the ballot box. In determining the number of ballots issued, the officials are relying on the count of the number of signatures of voters who have signed the registers. In attempting to balance the number of signatures with the number of ballots in the ballot boxes, officials had no way of knowing for sure why the discrepancy existed, and numerous recounts of the signatures could not resolve it. This was the area where official tended to make artificial adjustment. Rather, it is recommended that space be provided on the protocol to show the discrepancy.

- Although the number of ballots contained in each mobile ballot box is to be determined before the votes on those ballots can be counted, no such verification is required for ballots in the stationary ballot box. Before early voting and mobile box ballots are commingled, the number of ballots contained in the stationary ballot box should be counted and compared to the number of ballots issued at the polling station. Any discrepancy should be noted on the protocol. There should never be more ballots in the ballot box than the number of ballots issued. A very small tolerance factor could be built into the formula to accommodate the rare occasion when a vote slips through the process without signing the register but in general the number of ballots in the ballot box should be equal to, or less than the number of ballots issued.
- The completion of the protocol is made overly complicated because of having to account for all the early voting, mobile voting and issuance of absentee certificates to voters voting elsewhere, and the voting by absentee voters registered elsewhere. It might be worth considering ways to ease the complexity by handling some of these activities differently. For example, rather than having absentee voters sign the supplemental register, perhaps they could be handled in a manner similar to the handling of spoiled ballots. Rather than using the supplemental register to account for the issuance of their ballots, the coupons could be used for that purpose. Just as spoiled ballots are segregated and counted separately, at the end of the day the coupons containing the information about each absentee voter could be counted and recorded. This would simplify the counting of signatures, which takes an extraordinary amount of time, while at the same time avoid commingling absentee voters who will never be added permanently to the voter list for the precinct with the supplemental list of resident voters who were inadvertently omitted from the voters list.

- Consideration should be given to eliminating the use of the mobile ballot box on Election Day, in favor of serving those voters in the week immediately preceding polling day. In this way, no ballots would be leaving the polling station on Election Day, and the total number of voters using the mobile ballot box would be known in advance. It would also mean that all commission members could remain in the polling station in Election Day. In the same way full accountability is maintained for voters voting early, measure could be implemented to safeguard the integrity and accountability for ballots cast before Election Day through the mobile ballot box. After each day of mobile voting, the slot of the box should be sealed so that no additional ballots can be slipped into the box. A separate box could be used on each successive day in which voters are served, with each box accompanied by a special voters list identifying the voters who have been served, and recording the number of ballots used for that day. At the close of the polls, the ballots contained in the mobile ballot boxes would be handled in the same manner as those contained in the ballot box used for early voting. Parties/blocs and candidates could be advised as to when the days on which mobile ballot boxes would be delivered to voters at home so that they could accompany the PEC and observe the process.
- Production of ballots attached to serially numbered counterfoils and bound in standard quantity pads or books would greatly enhance their security for early voting, and mobile voting accomplished before Election Day. It would also save considerable time by eliminating the need for members of the PEC to cancel the unused ballots by clipping their corners and having to count the loose ballots manually. Rather, the unused ballots would remain attached to their numbered counterfoils. A mathematical calculation comparing the serial numbers on the stubs from which ballots have been removed, with the remaining ballots on the pad, would provide a faster and equally accurate accounting for the unused ballots. It would also be easier for higher level commissions to maintain a full record of the quantities and the ranges of serial numbers assigned to each ballot. These types of safeguards could help eliminate instances where loose marked ballots were seen on people's desks and on shelves after Election Day.

CHAPTER 11:

REPORTING VOTING RESULTS



In any election system, the method by which polling place protocol results are transmitted from the polling place and counted in the overall results is a vital element of the election process. During the past decade, there has been an increasing use of electronic mechanisms to calculate and transmit results. The use of computer hardware and software has allowed for increased speed in the processing of results. However, at the same time, it has also raised questions regarding the ability of the system to be adequately transparent. In this chapter we examine current practices used to transmit results and recommend new procedures designed to insure that the system is accurate and tamper-free.

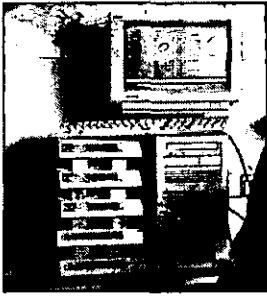
RESULTS TRANSMISSION PROCESS OBSERVATION

We believe that the most significant characteristics of an Automated Election System are transparency and the ability to function accurately and reliably over a reasonable life span. It must have the capability of being easily set up for elections and operated by the types of personnel available in the typical commission office, with the level of training they are likely to receive. These considerations, along with basic requirements for security measures, have been considered predominant to develop the observation criteria.

It is important to note that a given Results Transmission System will not necessarily work the same way in different countries. Although there are some common experiences in different regions of the world, the effects of a certain electoral system type depend, to a large extent, on the socio-political context in which it is used. The constraints of Results Transmission Systems depend upon factors such as how a society is structured in terms of regional, linguistic, or geographical divisions. Other factors could include how many parties there are and whether particular pockets of population are geographically concentrated or dispersed over a wide area.

Results Transmission System is preliminary and its results are not considered final and official. The final official results are dependent on the outcome of the final tally process. Transparency in the results transmission process is always important, but becomes particularly so in societies where there are a substantial number of inexperienced or skeptical voters. If the Results Transmission System is not considered "fair" and allows the opposition to feel that they have been deceived, the Results Transmission Systems may encourage losers to work outside the system, using non-democratic, confrontational and even violent tactics. Finally, the choice of the Results Transmission System will determine the ease or complexity of the act of result dissemination to the media and general public.

HARDWARE DESCRIPTION



The remote setup and central tabulation software operates on Compaq PC based computers. It uses ProLiant and ProSignia servers and DeskPro and ProLinea workstations for data entry and retrieval at the central and remote sites. At the central site the system uses Compaq super-servers. Standard commercial printers are used to produce protocol proof sheets for checking and to output results.

The hardware components in the system have been observed against usual Russian election-administration practices, frequently referenced standards and common-sense considerations. Hence the systems hardware components could not be tested to measure their reliability and accuracy under various conditions; their performance during the election process was taken into consideration.

SOFTWARE (SOURCE CODE) STRUCTURE AND CONTENT

Although we did not have access to the software source, we were told that the software is written in "C" programming language, which is a structured and modular oriented language, easily maintained by a "C" programmer.

SAS—VYBORY PROCESS AT THE TERRITORIAL ELECTION COMMISSION (TEC)

General Procedures and Process

The SAS-Vybory system is operated by the system administrator of the TEC. The system administrator works under the guidance of the chairman of the TEC, in cooperation with the supervisory group. When requested to do so by the members of the supervisory group, the system administrator must explain the meaning and purpose of the actions being performed and acquaint the group members with the available technical and service documentation. The rules for entry and presentation of information are laid down in the Provisional Rules for the Exchange of Information in the Operation of the Functional Task Complexes (hereafter the "FTC").

The chairman of the TEC supplies the system administrator with the documents and information necessary to input data into the database. Prior to entering data at each workstation, the system administrator (operator) or his subordinate enters (in the FTC) the name of the person who will input the data and the name of the member of the member of the supervisory group who is present during data entry.

The data to be entered is taken from the first copy of the protocol. Entry of the PEC protocols data is always carried out in the presence of a representative of the PEC and a member of the supervisory group of the TEC. If the data was received via a technical communication channel, the entry of such data into the SAS-Vybory is always carried out in the presence of a supervisory group member from among voting members of the TEC. During entry of the data from the PEC protocol, the FTC automatically checks compliance with the control relationships between the numerical data of the protocol.

The representative of the PEC visually checks the control relationships between the numerical data of the protocol and the data entered from the protocol for compliance. After the data of the PEC protocol is entered into the system the data is retrieved in the form of a computer printout.

The printout is compared against the first copy of the PEC protocol and if no discrepancies are found, it is signed by the system administrator (the operator) and by the supervisory group member who was present during data entry, with the indication of the date and time.

Having entered the data of the protocol of a PEC, the system administrator, in the presence of the representative of the given PEC and a supervisory group member, shall check the data of the entered protocol for consistency with the data of movement of blank documents (ballots and absentee certificates) entered into the system. If any discrepancies are detected between the data, the reason for their occurrence must be established and steps must be taken to rectify them.

If an error is detected, a supervisory group member issues permission to the system administrator to correct the error in his presence and in the presence of the chairman of the PEC or his representative. The reason for making the change and the name of the person who sanctioned it is entered and a new computer printout of the data is obtained.

The printouts of the electronic protocol and electronic summary table of current preliminary returns, signed by the members of the supervisory group and by the system administrator, are handed over to the secretary of the TEC who makes them available to all members of the TEC and to the persons entitled to receive these electoral documents.

If, after signing the protocol of voting returns and/or the summary table and forwarding their first copies to the SEC, the TEC which completed the protocol and/or the summary table makes any corrections in the protocol and/or the summary table, the system administrator shall, in the presence of a supervisory group member, enter these corrections into the data base of the FTC "Returns" and shall make a note to this effect in the system log. After entry of the corrections, the results of operation of the FTC "Returns," together with the database archive shall be immediately transmitted to the SEC via the telecommunications system of the SAS-Vybory.

The corrected protocol and/or the corrected summary table are printed out in duplicate. One copy of the printout of the protocol and/or of the summary table signed by the members of the supervisory group and by the system administrator is handed over to the secretary of the TEC, to be attached to the second copy of the protocol of the TEC; the other copy of the printout is made available to all members of the Territorial Election Commission and to the persons entitled to receive these electoral documents for examination and copying.

The entry of data from the protocol into the SAS-Vybory, consistency of this data with the first copy of the protocol, and transfer of the computer printout to the chairman of the PEC is to be certified in a record of compliance with the first copy of the protocol of the PEC. This record is then attached to the second copy of the protocol of the PEC.

On voting day, current voting returns are transmitted to the CEC and to the SEC every 90 minutes beginning from 22:00, local time, and every hour beginning from 1:00, local time, until the data has been entered from the protocols of all Precinct Election Commissions. The presence of a member of the supervisory group is required.

The system administrator, using the facilities of the FTC in the presence of a supervisory group member, transmits the preliminary voting returns from the TEC to the SEC, via the telecommunications system of the SAS-Vybory. After the data of all protocols of the Precinct Election Commissions has been entered, transmission of current returns to the CEC is mandatory. The system administrator transmits the information with the concurrence of the chairman of the TEC in the presence of a supervisory group member.

After the TEC signs the protocol of voting returns, the system administrator, in the presence of a supervisory group member, transmits the results of operation of the FTC together with the database archive to the election commission of the SEC via the SAS-Vybory telecommunications system.

TECHNICAL OBSERVATION

We did not attempt to verify the system's ability to handle all possible variations in how special types of votes are interpreted and tabulated. However, we are aware that the Preliminary Results Transmission System cannot handle all particular logic rules that we know are used in the voting process and it is the final tally that will deal with such situations.

We thus have not identified as deficiencies the system's inability to handle special requirements that are applicable to only a limited number of situations. However, in selected instances, we have observed the system's ability to handle one of these features, where it is included routinely in the election process, such as errors in the sum of totals in the protocol received by the TEC from the PEC.

SECURITY

Access to computer programs is password protected; only an authorized person can access the administrative menus that assign passwords and configure election features. Once an election has been defined, the supervisor can prevent further access to that database by those with the user password; a different user password can be assigned for the election.

Because the entire database at the TEC is contained on site, it is easy to make a backup copy for overnight security. If the computer is to be used by other departments between elections, it is relatively easy to remove the entire voting software from the hard disk to physically prevent access to it.

Security of the recorded results is good. The computers are electronically identified so as to transmit results from the TEC to the SEC and the CEC; access is obtained only by the proper preprogrammed code.

The system includes various physical security measures in its design. All computers are security-code lockable to make tampering obvious. When locked, the device is protected from most tampering methods or accidents.

EASE OF OPERATION

The documentation seems thorough and complete, and someone generally familiar with elections can learn to operate the system with minimal assistance. The menu is illustrated and the options for the required entry are explained.

The documentation for operation of the protocol results capture process accurately explains, step-by-step in a readable and usable manner, the various tasks needed to operate the computer from start to finish.

Because of the complete documentation just mentioned, the elaborate menu structure, and the user-friendly data entry screens, it is easy to set up an election process. The commission workers are able to easily operate the computer with its clear instructions and simple menus.

Consolidation of data requires minimal operator interaction. Results are automatically updated and displayed, with minimum operator direction required for printing out results.

ACCURACY AND RELIABILITY

The system encompasses a basic design and a non-sophisticated use of telecommunications to gear it. However, it seems acceptable for its purpose. It works relatively fast and includes all the necessary controls that guarantee the required accuracy in the results transmission process.

A simple but effective process is used at the TEC to control the protocol receiving and verification process. Once the protocol is received from the PEC it is entered into the computer and a printout of the contents is produced and verified by the PEC representatives for correctness and acceptance. Only then are the protocol results updated in the system and transmitted to the SEC and the CEC. The transmitted information to the SEC and the CEC cannot be changed or tampered with, and will only serve to update the results at each level.

Serious errors in results capturing and transmission were virtually impossible to make, and minor errors were easy to correct, although it might be possible to simplify the process of canceling an erroneously entered protocol result.

TRANSPARENCY

During our observation in Rostov we had the opportunity to track the results from a PEC to the TEC and to the SEC. The data capture and verification control process at the TEC was observed and it was deemed to be reasonably acceptable. The results follow through from the TEC to the SEC was observed and it was also found to be acceptable and tamper free. However, we found several areas where the transparency of the electronic process could be improved, at all levels.

The issue of adequate transparency for this process is very significant. While there is a supervisory group that monitors the use of the SAS-Vybory system, there is little, if any, independent monitoring of the release and transmission of interim results at levels above the PECs. Representatives of political parties/candidates/options should be present, sign and have a copy of the protocol of the vote results and should be allowed to witness the transmission of the corresponding results to the electoral management body. Indeed, such transparency of actions is essential in the acceptance of the general outcome of the election. This apparently small step can directly impact the confidence all participants have in the results gathering process.

LOGIC AND ACCURACY TEST

Political parties and candidates should have the ability to conduct or observe an independent technical "Logic and Accuracy" test of the result transmission system before the election and, if possible, immediately after the counting has been completed. Such a test would verify that the system is working properly.

A Logic and Accuracy test allows for independent observers to place pre-determined sample vote count numbers into the system. The numbers are then counted, transmitted, and tracked. They are then verified as accurate after such test is completed. In many countries, such a test is conducted by political parties and/or candidates to verify that the counting and results transmission system is working properly. While the election body actually runs the system, it is the observers who provide the numbers and verify the count. In many cases, this Logic and Accuracy test is conducted just prior to the commencement of counting and immediately afterwards to insure that

the system has not been tampered with to count votes a certain way. A successful Logic and Accuracy test will reassure the political parties, candidates, mass media, and the public that the counting system is indeed accurate and tamper-free.

WEB SITE POSTING OF RESULTS

One frequent criticism of the vote count and verification process in the Russian Federation is the inability of candidates, parties, NGOs, and citizens to access the polling station results to check for accuracy. It is strongly recommended that the Central Election Commission post the individual results for each precinct on its web site. Thus, access to such information could be made available to groups and individuals. There are many countries where election authorities do this at a central level. In some polling station results are made available at a local level. Some examples include Mexico, Brazil and the United States. A sample of such a website can be found at <http://www.co.st-louis.mo.us/elections/ELECTIONRESULTS.html>

LIMITATIONS OF THE SYSTEM

Although updated information is kept in the system at the TEC, no detail storage of individual protocol images is provided. Consequently, a recount of all protocols is not possible, a feature which some election administrators may deem desirable in the event of a complete electronic failure or a contested election.

THE FEDERAL INFORMATION CENTER

The Federal Information Center at the CEC processes and disseminates the result information to the media and general public. The setup in Ostankino made it one of the most impressive information centers in the world. Hi-tech state of the art equipment and technologies were combined to present a cybernetic show. Since the early night hours results were received continuously, granting the opportunity to identify the election outcome by midnight, and disseminating the results throughout the nation.

CHAPTER 12:

VOTING BEYOND THE BORDERS OF THE RUSSIAN FEDERATION

Both the Duma and Presidential Election Laws as well as the Basic Guarantees Law have provisions for giving Russian citizens who are out of the country on Election Day the opportunity to cast a ballot⁴⁵. Out-of-country voting was first practiced in the Russian Federation in 1996 for the presidential contest where about one and a half million voters living abroad cast ballots, representing about one-half of 1 percent of all the votes cast in the election.

The Central Election Commission is charged with the responsibility of providing regulations and materials for voting abroad and selecting polling stations. Of course, not every country of the world had a designated polling station for Russian citizens. However, for the 2000 presidential elections, 360 out-of-country voting sites were established in 130 countries. Most locations were in places where there was a large concentration of Russia citizens, particularly in former Soviet states and areas with Russian military personnel such as Yugoslavia and Kosovo, or special work sites such as oil fields in Africa and Asia. Typically, polling was conducted at Russian embassies, consulates and other official locations such as military bases. However, in some cases hotel and other private rooms were also used for the balloting. In the same manner utilized for voting at extremely rural or remote sites within the Russian Federation, 56 “early voting” stations were also approved in special cases where distance or circumstances, combined with a concentration of Russian voters warranted such an accommodation.

ELIGIBILITY CRITERIA AND ASSIGNING JURISDICTION

Russian laws are quite liberal in their treatment of voting rights for citizens living outside the territory of the Federation, although they relate exclusively to presidential, Duma and nationwide referendum elections although no provisions yet exist for out-of-country voting for lower level elections. For these types of elections, they also provide for a loosely structured method of determining eligibility, and assigning out-of-country voters to their voting jurisdictions. It is somewhat unique to the Russia Federation, the voting right of a citizen living abroad is neither dependent on former or current residency, nor on intent to return. Rather, proof of citizenship is the only criteria for exercise of the voting right, notwithstanding the basic age requirement and freedom from criminal or mental capacity exclusions.

This liberal approach rests on Article 4 of the Basic Guarantees Law. This Article augments the universal suffrage provided for in the Constitution by ensuring the right to vote regardless of fundamental factors such as sex, race, nationality, language, origin, and religion. Included in the list is “place of residence.” In addition, Article 4 (4) states that voting “qualifications shall not contain any requirements concerning duration and period of such residence.”

In practice, these provisions impact the system by eliminating eligibility criteria normally associated with assignment of out-of-country voters to “proper jurisdictions.” Clearly the issue is moot in

⁴⁵ See Articles 16(4),16(6) of the Duma Election Law; Articles 14(10),26(4), 69(33) of the Presidential Election Law; and Article 53(1) of the Basic Guarantees Law.

regard to single constituency elections such as the election of the president or a nation-wide referendum. It has relevance, however, in lower level elections, where territories are divided into constituencies or districts from which individual candidates are elected on ballots which are unique to each constituency. Such is the case, for example, in single-mandate races for the State Duma.

As a general standard, a presumption of a substantive tie to a jurisdiction, most commonly through residency, is usually required in order to establish a person's eligibility to vote in that jurisdiction. No such standards are established in the Russian Federation. Rather, a simplified system has been implemented whereby an assessment is made as to the number of citizens residing in various countries. Based on their number, the all citizens residing in a particular country, as established and reported by the embassy, consulate or military unit, are assigned as a group to one of several pre-selected densely populated districts in the Moscow and St. Petersburg regions.

The addition of a group of voters living abroad to a particular district, although somewhat arbitrary, is ultimately a calculated decision that ensures that the additions do not inflate the jurisdiction's size beyond the representation quota utilized in the establishment of electoral districts. Secondly, consideration is given to ensuring that the number of out-of-country voters being added to any one of these pre-selected districts remains insufficient to skew or significantly alter the outcome. A few examples from the presidential elections in 2000, serve to illustrate how the country-based assignments of citizens residing abroad to the various voting jurisdictions were made.

- 12,782 voters registered in Germany at the Russian Embassy, Berlin Branch, Russian consulates in Hamburg, Leipzig, Munich, and Rostock, were assigned to the Serpukhovskiy District of the Moscow Region, in which there were 450,556 registered voters.
- 22,750 voters registered in African, North American, Central and Latin American states were assigned to Medvedkovskiy District, in Moscow City which had a resident registered voting population of 444,509.
- 40,000 voters registered through the Consular District at the Russian Embassy in Tallinn, Estonia were added to the Vsevolozhskiy District in the Saint Petersburg Region where 406,597 resident voters were already registered.

In each of the pre-selected districts a special "precinct" number is added to the list of regular polling stations that will ultimately absorb the voting results from the voters assigned to the district from abroad. Each embassy, consulate or other out-of-country voting site receives only one district's ballot. Regardless of any former or current residence in the district, or lack thereof, voters abroad automatically receive the same ballot as the regular voters voting within the district on Election Day.

This feature of the system keeps the administration of out-of-country voting simple. It eliminates the need for PECs abroad from having to determine complex voter residency issues as voters appear to vote, having to prepare separate voter registers for the various jurisdictions, and accounting for up to 225 ballot types on Election Day, as would be the case in a Duma election. Nonetheless, there is a legitimate question as to whether voters who have never resided in a district should be allowed to vote for candidates registered in that district. Alternatively, it can also be argued that there is a fundamental disenfranchisement of voters who are summarily denied the opportunity to vote in their correct jurisdiction where they have resided and can establish genuine ties to the community.

ASSESSING THE PROCESS

IFES had accredited representatives assess the election process for the Duma elections in twelve countries (Azerbaijan, Kazakhstan, Uzbekistan, Kyrgyzstan, Tajikistan, Ukraine, Moldova, Romania, Yemen, Armenia, Georgia, and the United States). In the United States, six polling stations were assessed: Washington, DC, Chicago, Houston, San Francisco, Cleveland and New York.

For the March 26, 2000 presidential election, IFES assessors were present at ten sites in six countries (Ukraine, Georgia, Armenia, Kazakhstan, Uzbekistan, and the United States). Most locations observed by IFES had over 1000 ballots cast with the most cast for the presidential election in Tashkent, Uzbekistan, where 1881 voters cast ballots, while in Houston, Texas only 69 Russian citizens cast ballots.

All IFES assessors were experienced election experts or IFES staff members who had considerable knowledge of the election process. Each was provided with a survey instrument, instructions, applicable laws and appropriate credentials from the Central Election Commission of the Russian Federation. At almost all polling stations, assessors visited the polling sites before the election to determine how preparations were conducted and where materials/ballots were being stored. On Election Day, observers viewed the opening of the polls, balloting, and the counting of votes cast. In addition, voters were interviewed after completing the balloting process to determine their thoughts on the process.

VOTING PROCESS AT OUT-OF-COUNTRY SITES

PEC Members at Voting Stations Abroad

Each polling place outside of the Russian Federation established its own polling station commission (PEC). Members were appointed by the head of the diplomatic or consular mission of the Russian Federation or by the commanding officer of the military unit. At almost all of the embassies, embassy employees served as members of the PEC while military locations used military personnel to conduct the election.

Voter Lists

Just as regular voter registration is a passive exercise requiring no action or application by the voter within the Federation, citizens abroad need not apply. Rather, the PEC members developed a list of potential voters from lists they had culled from official records of Russian citizens in the country of their jurisdiction. For example, an embassy utilizes the records of Russian citizens who have registered with them upon their arrival or during their stay in the particular foreign state. There is a general acknowledgement that the number of citizens officially registered abroad may be somewhat understated. For the presidential elections approximately 805,700 appeared on the voter lists from abroad. In some polling stations, the lists appeared quite accurate. However, in most cases, a good percentage of voters were added to the rolls on Election Day after showing proper identification.

Observers

While observers were generally allowed fairly free access to the polling station, access was limited in some circumstances. In some cases, observers were not allowed to view the voter list or where documents had been stored. In the few locations that had political party or candidate observers, most represented the Communist Party.

Voter Notification

Most embassies used various methods to inform Russian citizens in their country of the election and the opportunity to vote. Those methods included print media, television, radio (including Radio Liberty), embassy websites, press releases, leaflets, and word of mouth. "Free" media was used to promote the balloting and, except for leaflets produced in Ukraine, the expenditure of funds to promote out-of-country voting was minimal. In a number of CIS countries, most citizens have access to Russian State television given out-of-country voters in these locations greater access to general news about the elections as well as the campaigns.

Voting

Voting was conducted in a normal fashion with voters producing some form of identification (a passport or military ID), receiving their ballot(s), voting in secret (in most cases), and placing their ballot in a sealed ballot box. The number of available ballots varied from polling station to polling station. In most cases, ballots were pre-signed prior to being given to voters.

Mobile Boxes

As in domestic polling stations, in some locations a mobile ballot box was utilized to vote Russian citizens who could not come to the polling stations. In some instances, the mobile box was used to vote military personnel.

Counting

At all locations observed except one (Houston, Texas), ballot counting was conducted in the open. The protocol was prepared and photocopies provided to observers. Protocols were sent to the Ministry of Foreign Affairs and/or the CEC. In Houston, the 69 voted ballots and other materials were sent to the Russian embassy in Washington for counting and processing.

Turnout

With passive registration, a limited number of locations often too distant for easy access and with limited election information, actual turnout by out-of-country voters remains quite low, although in both elections, voter participation abroad varied a great deal by location. All in all, only about 20 percent of the voters registered abroad took part in the Duma election, while that number increased to approximately 31 percent during the presidential election. However, during both elections, most locations observed by IFES assessors served between 1000 to 1800 voters.

GENERAL ASSESSMENT OF VOTING ABROAD

Overall, based on IFES's observations, elections outside the Russian Federation were conducted reasonably well. Generally, one or more embassy or consulate official constituted the Precinct Election Commission (PEC) along with Russian nationals living in the cities where the polling stations were located. The layout at most polling stations was good and training of the officials

conducting the poll appeared to be adequate. Very few people who showed up at the voting abroad sites were turned away. Those who were not permitted to vote were denied the opportunity to vote because they could not prove they were current Russian citizens. There were a few places where the polling stations were too small, but none reported to be chaotic or in disarray as was the case in some polling stations within the Russian Federation.

Although, many PECs provided information about the election, including the date, time, and place for voting, to newspapers read by many Russians, better efforts could have been made to inform Russian voters. It was noted, for example, that no sustained effort was made to inform Russians that were studying abroad of their voting rights or opportunities to cast a ballot out of the country. Most voters who were disenfranchised were those who were not within commuting distance of a polling station.

In all cases, people who presented valid identification were allowed to vote. Absentee voting certificates were not required. In one country observed by IFES, mobile ballot box voting was conducted in a city miles away from the embassy. It should be noted that in most location blank ballots were pre-signed by PEC members prior to being given to voters.

There were minor differences in the interpretation of election laws, since PEC members had to rely on their personal readings of the election laws, directive, manuals, and other documents supplied by the CEC.

RESULTS OF VOTING ABROAD

With some exceptions, out-of-country voting trends generally seemed to parallel the votes cast within the Federation. For example, during the Duma election, Unity, the pro-Kremlin bloc, received 23.32 percent of the domestic vote, while earning 23.9 percent of the votes from abroad. However, the Communist party did comparatively poorer at voting abroad locations than they did at polling stations within the boundaries of the Federation. The voters living abroad gave 21 percent of their votes to the party, while they earned 24.29 percent domestically. The Luzhkov/Primakov bloc, Fatherland All-Russia, in contrast, fared better outside the country gaining a 17.4 percent share as opposed to the 13.33 percent garnered at home. The better hold on voters abroad in this instance, may have been due to their distance from the negative campaigning against the bloc which saturated the state's main broadcast channel and negatively impacting their poll ratings significantly in the latter weeks of the campaign.

During the presidential race, Putin was the big winner among out-of-county votes, exceeding his in-country victory by 10 points. While he earned 52.94 percent domestically, his share of the votes cast abroad was 62 percent. At some locations observed by IFES Acting President Putin received upwards of 80 percent of the vote. Yavlinsky from Yabloko was also more popular with an out-of-country vote share of 8 percent compared to 5.8 percent at home. Inversely, with 19 percent of the votes, Communist candidate Zyuganov's share among voters abroad trailed 10 percent behind the 29.21 percent share he received at home.

Problems Encountered at Polling Sites Abroad

Several IFES observers of polling outside of the Russian Federation indicated some general problems experienced at some of the polling sites. They included:

1. Observers were not allowed to view where ballots were being stored;
2. Seals on ballot boxes were not adequate;

3. Ballots were pre-signed;
4. There was low participation;
5. There were not enough secrecy booths;
6. Voter education appeared to be very limited.

Recommendations

Voting abroad is another laudable attempt to include all eligible Russian voters in the election process. It is likely that the number of Russians traveling abroad will continue to increase and thus procedures to allow them to vote may need to be amended to accommodate this trend and to further ensure greater transparency and secrecy in the process. Some recommendations follow.

- Every effort should be made to expand the number of polling sites abroad in areas with significant concentrations of Russian citizens.
- Provide polling stations with adequate seals for the ballot boxes and voter lists.
- Ensure that all polling stations have adequate number of polling booths with proper secrecy features.
- Reinforce voting procedures such as not having ballots pre-signed prior to the beginning of voting.
- Provide better election and voting information to Russian citizens who are abroad on the day of an election.
- Although current laws prevent application of durational residency requirements in determining voter eligibility, it may be appropriate to reconsider whether these provisions necessarily prohibit any proof of district residence requirement when it comes to voters voting from foreign states. If these voters are to continue to be eligible to vote in single-mandate or constituency-based contests, there should be a mechanism to ensure they receive the correct ballot for the appropriate district to which they have a legitimate claim.
- At some point, it may be feasible to consider some type of voting by mail for Russian citizens unable to go to polling stations. By mail voting systems allow administrators to dramatically extend the reach to citizens who do not live within reasonable distances from the limited number of in-person polling stations which can reasonably be established. However, significant amendments would have to be made to the election laws, which currently require each ballot to be cast in person. In addition, such programs can be extremely complex to administer especially when the pre-election campaign period is relatively short. They can also add to the expense. Regulations governing such programs tend to be elaborate, as they must cover some complex issues such as:
 - a. verification of eligibility;
 - b. defining acceptable documentation to substantiate identity in order to receive a ballot and to confirm that the voted ballot has been received from the same voter;

- c. establishing deadlines for receipt of applications and for the return of voted ballots;
- d. handling of ballots found to be undeliverable by post authorities. etc.

By mail programs usually require more pro-active engagement of voters in applying to vote by mail, and in keeping their records current and their whereabouts known to officials. They also require reliable mail delivery systems. Finally, by mail voting commonly entails a delay in the final announcement of official results.

In spite of such challenges, by mail voting systems can significantly broaden voter participation by citizens living or serving in foreign states. Although they require extensive planning and manpower to implement, even in most difficult circumstances they have proven themselves to be quite successful⁴⁶.

⁴⁶ An example can be taken from the by-mail program designed by IFES consultants for Bosnia and Herzegovina in 1996 and 1997. An 80 percent turnout was achieved, among half a million voters residing in 80 countries.

CHAPTER 13:

ADJUDICATION OF GRIEVANCES

This chapter summarizes the experience of the adjudication of grievance process during the federal election cycle and builds on this analysis to make recommendations for consideration by legislators and election administrators. A complete overview of the major decisions of the courts of last instance as well as the complaint resolutions of the CEC can be found in Appendices.

Adjudication of grievances is an integral part of the electoral process. Indeed, just as for any other government body, which has quasi-judicial powers, the review of decisions by an independent arbiter ensures all participants important safeguard measures. Since the last federal election cycle, there have been significant improvements in this area due to the increased clarity of the election laws as well as closer institutional collaboration between the CEC and the Supreme and Constitutional courts in particular. Examples of the results of this collaboration have been the holding of joint seminars and more importantly the publication of a case-law compendium⁴⁷. While the law of precedent does not apply, there nonetheless were longstanding recommendations to have case law published in a user-friendly format.

OVERVIEW AND LEGAL FRAMEWORK

The role of the courts in the electoral process in Russia is especially important as decisions of the CEC can be appealed directly to the Supreme Court. Furthermore, decisions of lower-level election commissions can be appealed either to the court, or to an election commission of a higher instance (Article 63 of the Basic Guarantees Law; Article 90 of the Duma Election Law, Article 80 of the Presidential Election Law). Decisions of the court are binding on all of the electoral system's apparatus and actors. Decisions and actions of the CEC and all of its components can be challenged in a court of law by any participant in the election process whose rights have been infringed, starting with the voter. The constitutionality of electoral laws is determined by the Constitutional Court. This was the case, for example, with the issue related to the constitutionality of the proportional representation system of distributing votes in the State Duma (1999)⁴⁸. By opening the door to litigation so widely open, it is not surprising that the number of cases presented to the courts increases constantly.

According to the Basic Guarantees Law (Article 22), it is within the competence of the CEC to adjudicate election related grievances. Also, the CEC can make representations to the Supreme Court and ask for a binding legal opinion. These powers are to be exercised under the normal conditions of administrative law; namely, the election commission must act within its jurisdiction under the limits set by the appropriate law. The rights and obligations of the CEC can be summarized as follows: the CEC is obligated to give an oral or written response to applicants within

⁴⁷ See *Election Law in Russia*, Vols. 1-3, Moscow 1999. ISBN 5-86095-191-4.

⁴⁸ See Resolution of the RF Constitutional Court of November 17, 1998 "On Verification of Constitutionality of Some Provisions of the Federal law "On Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation" of June 21, 1995.

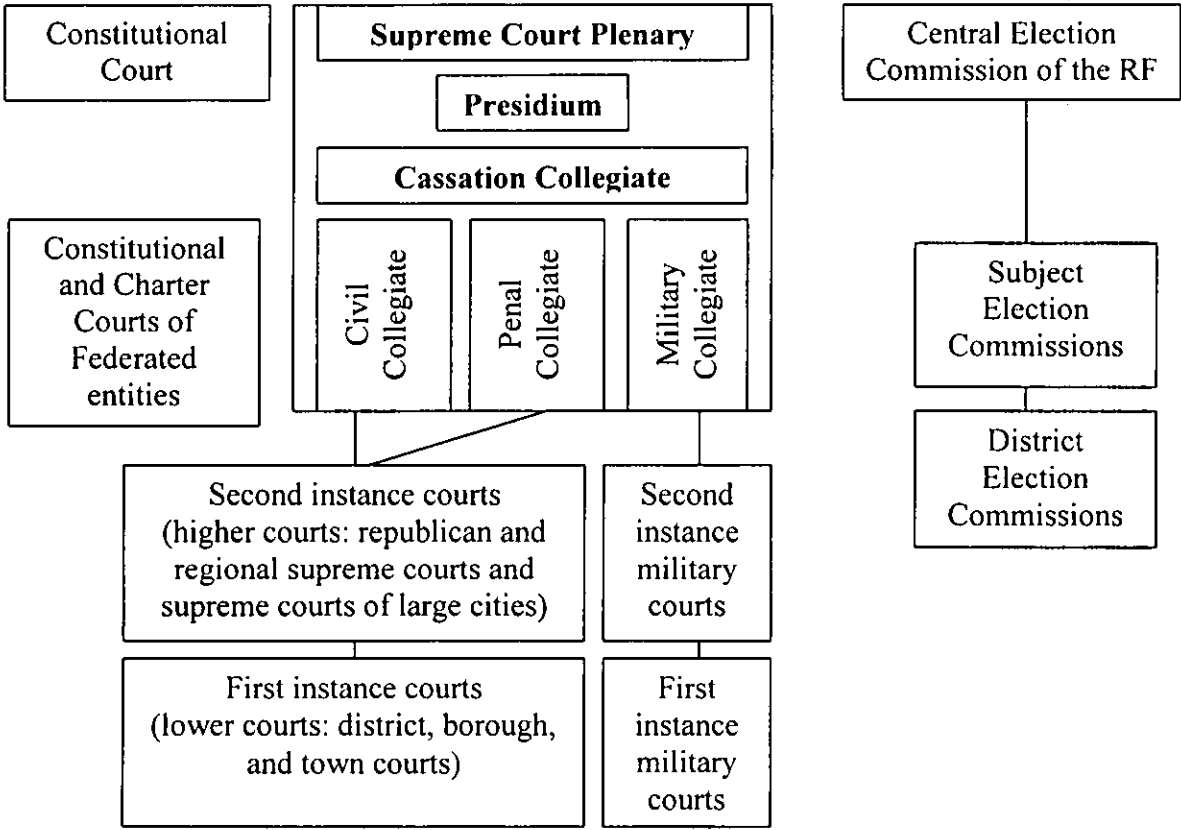
the specified time periods⁴⁹. If the CEC fails to reply to the applicant, or if the applicant believes that the CEC decision was legally flawed, the applicant may appeal to the Civil Chamber of the Supreme Court. The Civil Chamber should consider the appeal within five working days, but no later than the day prior to the election. In those cases where additional investigation is required, the Civil Chamber is permitted to take up to 10 working days to consider the case. The Supreme Court does not re-examine the entire case on its merits, but only rules on whether the decision of the CEC contravened legislation. If the Supreme Court upholds the appeal it instructs the CEC to make a new decision in accordance with the Court's resolution. In those cases where an alleged electoral violation affects a large number of citizens or if the alleged violation is of broad public significance, such as if the victor in a presidential contest is accused of serious electoral violations, the CEC may appeal directly to the Supreme Court. In such cases the Supreme Court judges the case on its merits and not the legality of a CEC decision."

The process of adjudication of election grievances in Russia is flexible and leaves to the complainant a number of options at every step. Table 1 below exemplifies the structure of the courts in relation to the election process. For example, a person denied the right to be a candidate by an election commission can appeal the decision to a higher level election commission, or, alternatively, a court of equal rank. In the case of the CEC, their decisions are appealed directly to the Supreme Court, including their decisions on the issues concerning the nomination of candidates. It is important to note that the Basic Guarantees Law specifies that one does not have to go to an election commission of a higher level before pursuing the matter in court. Such flexible manner of proceeding is contradictory to the principles of administrative law that gives special authority to administrative bodies and delegates judicial authority to a specialized body. This helps to provide a rapid, specialized, and final solution to such issues. Normally, only in the case when an administrative body exceeds its competence, or when all administrative remedies have been exhausted do the courts have a right to review a decision.

Another difficult situation arises when a party uses this situation to lodge the same or, in the worst case, a similar complaint with the election commission and the court simultaneously. The Duma and the Presidential Elections Law acknowledge this situation. The laws stipulate that when a case is presented to both the court and the election commission, the commission must suspend its investigation and deliberation until the court case is resolved. We underscore this aspect as a positive feature of the Russian election system. In Ukraine, for example, such a provision does not exist, which sometimes results in contradictory solutions issued at the same time. However, having all administrative remedies exhausted prior to going to court is still recommended. The current situation does bring unnecessary delays in the adjudication process, as exemplified by the example below.

⁴⁹ Note that the inclusion of precise deadlines in the amended Federal election laws, essential in a deadline-oriented election environment, have improved the overall interaction of the courts and the CEC during this past election cycle in comparison with the previous one. See EU briefing Document 10, issued March 16, 2000.

TABLE 1 – General Scheme of the Court System in Russia in Relation to the CEC Structure⁵⁰



The Omsk District Election Commission (#129) initially denied registration of Mr. Kokorin as a candidate to the State Duma in that constituency. Mr. Kokorin had presented all required documents and considered his denial groundless. He applied to the Omsk regional court to have the decision of the DEC overturned—and the court denied his appeal. Undeterred, Mr. Kokorin lodged a formal complaint with the CEC against both the decision of the DEC #129 and the decision of the court. On December 18 — one day prior to the elections to the State Duma — the CEC ruled that the decision of the DEC *and* the Omsk regional court be overruled, and that the application of Mr. Kokorin be re-considered immediately.⁵¹ Had Mr. Kokorin applied directly to the CEC — without going to the Omsk regional court, he could have had his case resolved faster. The CEC had no choice but to wait until the decision of the Omsk regional court was issued prior to taking action. It is better for electoral issues to be adjudicated first within the electoral system.

REVIEW OF COURT PRACTICE—1999/2000

High profile cases at the level of the Supreme Court were a hallmark of the Duma and presidential election processes with disputes arising between various participants: voters, candidates, initiative groups, election authorities, government bodies, and the mass media. Vladimir Zhirinovskiy and his party, in particular, found themselves in front of the court more often than any other during both

⁵⁰ Adapted from EU Briefing Document I, published 25/11/99.
⁵¹ *V.M. Kokorin vs. Omsk District Election Commission (#129)*, 63/761-3. Decision of December 18, 1999.

processes. In fact, the exceptional number of times that Zhirinovskiy or his party found themselves in front of the courts can lead to doubts as to whether he was submitted to the same level of scrutiny as all other candidates.

Those who found themselves in court, either as plaintiffs or defendants, appealed to provisions of the electoral code or applied all possible legal means to protect their rights as stipulated in federal laws. That participants actively utilized the mechanisms provided to them for redress of grievances and built their respective cases upon legal provisions is indicative of the increasing credibility of election legislation and the institutions tasked with enforcement and adjudication. The number of cases is considered normal due to the new nature of the electoral legislation and the number of candidates.

In the Duma 1999 elections, the CEC resolved a total of 106 complaints, which stemmed from the actions or inaction of lower level election commissions. The vast majority of these cases (90 percent) were tied to the issue of registration of candidates and the sometimes flaky conduct of the District Election Commissions⁵². For the Duma elections, to our knowledge, a total of 40 cases made their way to the Supreme Court and one to the Constitutional Court.⁵³ There is no data existing compiling the decisions and complaints presented to the lower level courts. Nonetheless, given that there were more than 140 parties eligible to participate, that 28 of them ran in the Duma elections, and that more than 3,000 candidates were registered, the level of court cases seems rather low. More importantly, the CEC won a record 90+ percent of the cases in front of the Supreme Court.

The use of the courts for the resolution of disputes, albeit sometimes the actions on the part of the appellants were politically motivated, demonstrated that overall the system functioned. The following excerpt from the Election Unit report is quite eloquent in regard to the main highlights of the State Duma elections in regard to the court challenges the CEC faced. The main ones are the de-registration of Spas and the registration of the Conservative Businessmen of Russia and the LDPR.

Sample Cases — Spas Registration

“While Spas is a relatively new organization, having been registered on 18 December 1998, it is regarded as an umbrella movement for Russian National Unity (RNU), which failed to meet the necessary requirements to be registered with the Ministry of Justice and contest the Duma elections. Led by Alexander Barkashov, the RNU first gained prominence at the end of the 1980s as a nationalistic, right wing, militant organization. It created semi-military detachments and tried to recruit young people through promoting martial arts classes. The RNU adopted Nazi-style uniforms and symbols and became known for its extreme nationalistic views, although they deny being a pro-fascist or pro-nazi organization.

The extreme views of RNU have evoked widespread outrage and demands that it be banned, and the prominence of Barkashov’s name at the head of the Spas party list attracted public attention to the organization. Public indignation over the presence of Spas in the national arena of the Duma elections and the mandatory access this would give the organization to air its views in the national media led to close scrutiny of the organization. Spas was accused in the media of having falsified

⁵² It’s important to note that while the number of cases on registration are prevalent, there are virtually no cases involving the issue of registration based on a monetary deposit. This situation, combined with the high number of SMD candidates who favored that option, exemplifies the importance of this new aspect of the law. The issue of signature collection dominates the registration case law.

⁵³ The information on the cases is based on what has been published in *Vestnik*, the official magazine of the CEC of the RF, starting from August 1, 1999 until April 30, 2000.

details of branch organizations that in reality did not exist in its application for registration with the Ministry of Justice as a federal-wide organization. When the ministry registered Spas on 18 December 1998, it supplied documentation on branches in 47 regions. But when the Ministry of Justice, prompted by the media, checked up on the branches in 1999, it discovered that details on six had been forged. Therefore the Ministry ruled that Spas had branches in only 41 regions and applied to the Borough (Moscow) Court to cancel its registration as a federal-wide political association. The Borough Court ruled in the ministry's favor, and the Moscow City Court upheld the original decision on 24 November and the ruling canceling Spas's registration as a federal-wide legal entity became effective on the same day.

It was following this decision that the CEC withdrew Spas's registration for the Duma elections on 25 November. While Spas protested the CEC's de-registration, the Supreme Court upheld the correctness of the CEC's action⁵⁴. Spas was never allowed to participate in the elections — nor did it have access to free air time to expose its minority views to a wider audience.

Sample Cases—LDPR and RKPP Registration

“The CEC originally refused to register the RKPP and the LDPR after it had struck-off candidates among the parties' top troika on their party-list, for providing false income and property statements. The CEC based its decision on its interpretation of article 51 point 11 of the Electoral Law. This point specifies that in the case of one or more of the top three candidates on the electoral association's or bloc's federal list of candidates ‘falling-out’ (‘vybytiye’) of the race, other than in the case of the candidate's death, serious illness, or serious illness of a close relative, registration of the electoral association or bloc should be refused. If the electoral association or bloc has already been registered, then the registration should be revoked.”⁵⁵ This provision has been declared to be unconstitutional by the Constitutional Court in April 2000, and policy makers will be forced to review this aspect of the law in the future. Nonetheless, the case sets the exceptional difficulties and scrutiny of which the LDPR and Zhirinovsky was an object in particular.

“The LDPR, rather than appealing the decision and running the risk of being left out of the elections if the appeal failed, reformed as the Zhirinovsky Bloc and successfully registered with a shorter, pruned party-list, omitting the contentious individuals. However, the RKPP appealed the CEC's decision to the Supreme Court, which interpreted ‘falling-out’ (‘vybytiye’) as meaning ‘withdrawal’ of the candidate at his/her request. The Supreme Court based this interpretation on its view of the aim of the law as being to prevent an electoral association or bloc campaigning under well-known personalities who have no intention of actually serving in the Duma on behalf of the association or bloc. While the CEC continued to disagree with this interpretation, it did accept the ruling of the court and registered first the RKPP, and then the LDPR for the elections, while at the same time appealing to the Prosecutor General to protest the decision with the Presidium of the Supreme Court. The Presidium agreed with the CEC's original interpretation of article 51 point 11, allowing the CEC, on 9 December, to de-register the LDPR and RKPP”⁵⁶.

In the end, it is possible that all the difficulties that Zhirinovsky faced in the courts helped him to be in the news media on a regular basis and allowed him to be perceived as a “victim of the system.”

⁵⁴ EU Briefing Document No. 34, issued December 23, 1999.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

There is no doubt this helped him in some ways to pass the 5 percent threshold. The CEC's interpretation of the law and legal actions are not called in question—this is not the case with the complaints and resolutions found in regional courts.

PRESIDENTIAL ELECTIONS

With respect to the presidential elections, the number of cases is evidently smaller due to the simplified nature of the elections — one electoral district, a limited pool of candidates, and legislation very similar procedure-wise to the one governing the State Duma elections. In the presidential elections, the CEC served as an adjudication body and saw its decisions appealed to the Supreme Court in 13 cases. The distribution of the cases in the Supreme Court reflects the same issues present in the Duma: Registration of candidates. Again, the CEC's record in front of the courts is impressive — the CEC won 11 out of 13 cases.

As noted in IFES' Pre-Election Technical Assessment of 1999, there is a possibility with any court adjudication process that the courts actually go beyond their own competence. This happens when they opt to directly engage in the determination of voting results or activities connected with the nomination of candidates rather than ensuring that a due process is or has been followed. It is important to respect the will of the voter — and the power of the commission to administer the elections. A survey of regional electoral disputes by Postnikov, Okunkov, and Krylov in the period 1995-1997 concluded that “in the adjudication of electoral disputes, courts must refrain from assuming the functions of electoral commissions, particularly, the functions connected with the determination of voting and election results. The task of the courts must be to monitor the legality of the activity of election commissions”⁵⁷.

One should note that this issue has not been problematic in the current Federal election cycle at the top court levels — especially as the Supreme Court proved to be of the same opinion most of the time as the CEC. Again, the same does not hold for regional courts, as exemplified by the cases of administrative pressures illustrated previously. There has been reported harassment of candidates and parties through administrative and legal pressures in Primorsky Krai and the republics of Kalmykia, Bashkortostan, and Tatarstan. In Bashkortostan, candidate Alexander Arinin, a State Duma deputy, was denied registration by the local election commission and the local court — even after a CEC ruling deciding he should be registered. In Primorsky Krai, longtime opponent of Governor Nazdratenko saw his registration both for local elections and SMD candidacies cancelled for politically motivated reasons.

The Basic Guarantees Law clearly established broad standards for protection against the infringement or compromise of voters' rights, the Duma and Presidential Election Laws enumerate specific procedures for redress of grievances and resolution of disputes regarding the election process. Political participants in the Federal elections have shown greater willingness to use opportunities under the law for both administrative and judicial appeals. Voters, candidates, electoral associations and initiative groups are increasingly exercising their right to complain if they believe they have not been treated fairly. The high number of cases involving registration of candidates and the very important substantive nature of the few cases on media violations point to the need for remedies and additional clarity in the electoral legislation in these areas.

⁵⁷ Summary of the Judicial Practice of Adjudication of Electoral Disputes in the Subjects of the Russian Federation in 1995-1997; completed in November 1998 (Available from IFES/Russia).

ELECTION COMMISSION REVIEW OF COMPLAINTS⁵⁸

For the recent presidential and State Duma elections, as in previous electoral cycles, the Central Election Commission has established internal "working groups" to process complaints. The responsibilities of these groups correspond with three substantive areas: complaints related to pre-election agitation and media disputes; complaints related to the election process itself, including voting and tabulation; and complaints related to campaign financing. The working groups include participation of commissioners, legal department staff and support staff. In comparison with the previous election cycle, the "working groups" were also expanded to include representatives of the various ministries involved. For example, the Press Ministry was part of the mass media working group and the Tax Ministry was part of the campaign finance one.

Written complaints brought to the commission are entered into a "log" and assigned to the appropriate working group, which has a short time frame from the receipt of the complaint to conduct a preliminary review. A team comprised of a commission member, an attorney from the CEC legal department, a representative from the ministry involved, and a staff person with expertise in the subject matter generally examines the issues involved and evidence presented, prepares an outline, and makes preliminary findings and recommendations. Based on the team's findings and its own deliberation, the working group responds to the complainant. If the complainant is satisfied with this decision, the matter is concluded. If the complainant rejects this decision, the case can be brought forward for a hearing before the full commission. The commission never hears a complaint prior to having it processed in a working group. The commission's decision can, of course, be appealed to the Supreme Court.

A typical case is the example of Mr. Shrebetsky, a SMD candidate in district #217. The District Election Commission of Koryak declined his registration based on the failure of the candidate to supply a sufficient number of valid signatures on voter petitions in his favor. The CEC, after reviewing the facts and the actions of the District Election Commission and basing its opinion upon the recommendation of the working group, ruled on November 26, 1999 that the decision of the DEC remain. Shrebetsky was not allowed to run for the State Duma elections⁵⁹.

Observers of the Russian election process during the past year have been struck by how often election commission decisions appealed to the Supreme Court seemed to revolve around relatively arcane details of procedure and form. Two such examples include the implications of the 34 sq. meters of undeclared property for a presidential candidate and the decision to stop receiving signatures from a candidate at 6:00 p.m. sharp as he is in the process of filing them on the last day to the CEC. The Central Election Commission was particularly demanding of exact information and absolute adherence to formal requirements, especially in the filing of nomination documents and signature petitions but less so in regard to the mass media's neutral coverage or campaign finance requirements.

⁵⁸ This section is an update of the IFES '96 Presidential Elections Report. See Barnes, C.; Dahl, R.; Edgeworth, L.; McDonald, L.; *The 1996 Presidential Elections in Russia – A Technical and Legal Analysis and Recommendations*. IFES/Russia (1997).

⁵⁹ *O.P. Shrebetsky vs. Koryak Election District (#217)*, Case 53/653-3; November 26, 1999.

Recommendations⁶⁰:

Channeling Complaints under Present Law

As noted above and in previous IFES reports, “any citizen can file a complaint with the courts or election commissions or both alleging violations of their electoral rights by governmental bodies or election authorities. Pursuant to the Federal Law on Basic Guarantees of Electoral Rights, a complainant is not required to seek administrative redress or preliminary appeal through election commissions prior to seeking court review (such a requirement generally exists under laws in the United States, called the doctrine of “exhaustion of administrative remedies”). The fundamental right of access to the adjudication process must be protected, but some problems have arisen under the current laws and procedures as to division of authority and original or appellate jurisdiction among governmental bodies”⁶¹.

DIVISION OF ADJUDICATION AUTHORITY BETWEEN THE COURTS AND ELECTION COMMISSIONS

The rights under the law to either pursue complaints or appeals of official decisions through courts or election commissions has resulted in a confusing “parallel track” for complaint adjudication. No procedural or substantive lines of jurisdiction distinguish the two options. In particular, some complainants have submitted their cases simultaneously through administrative channels and to the courts. In these circumstances election commissions have questioned their authority or obligation to pursue their review of the complaint in view of the court’s superior juridical status. Some cases appear to have jumped back and forth causing delay and interruptions of their resolution, as exemplified above.

Recommendations:

In dealing with cases related specifically to actions and decisions of commissions, including errors, omissions, or violations, the law should require appeals of subordinate election commissions to be initially brought to higher commissions. Except in extraordinary circumstances specifically delineated under the law, complainants should not have the option of bringing election-related complaints or appeals of decisions, actions or inaction of subordinate election commissions directly to court. Prior to judicial review, complainants should be required to “exhaust” available administrative remedies. All complaints should first be brought to appropriate commissions and all appeals of their decisions brought to the subject commissions and then Central Election Commission. Only appeals of CEC actions should proceed to the Supreme Court (which may refer cases to lower courts or procurator offices for fact-finding where appropriate).

As noted earlier, the amendments of March 1999 to the Basic Guarantees Law do clarify the structure and authority of the election commissions; this is a welcome improvement over the previous situation. However, in past elections, the practice has shown that decisions of DEC’s are appealed directly to the CEC. The requirement to follow the administrative structure would further strengthen the electoral commission’s authority and scope. This adjudicator-function model is frequently found in Latin

⁶⁰ The recommendations marked *are updated or integrated from the IFES ’96 report, *supra*. They are still very much applicable to this day in the current context of elections.

⁶¹ Same, *supra*.

American jurisdictions, although sometimes, as in Peru and Mexico, a separate structure deals exclusively as a separate election judicial tribunal with the electoral grievances.

DELEGATION OF REVIEW AUTHORITY WITHIN THE ELECTION COMMISSION STRUCTURE

The election laws specifically contemplate adjudicative review of decisions, actions and inaction of lower level election commissions by both subject level commissions and the Central Election Commission. Many complaints, however, are submitted directly to the CEC rather than through the hierarchy of lower level commissions. In addition, the vast majority of complaints, which are generated from lower level commissions, go directly on appeal to the CEC or to the Supreme Court. Subject Election Commissions, in general, appear to be passed over in the appeal process as either unnecessary or hopelessly biased by local political interests. It is uncertain how much discretion to review facts the Central Election Commission chooses to exercise in hearing appeals from lower commissions, or if its review is based solely on whether the lower commission properly interpreted and applied the law.

Recommendations:

Mechanisms should be devised to improve the capacity of Subject Election Commissions to review complaints and appeals. Under the election laws, Subject Election Commissions are permanent bodies, and are specifically recognized as having responsibilities for reviewing appeals of decisions of subordinate election commissions. The role of Subject Election Commissions in complaint adjudication should be deliberately elevated by procedural changes and their capacity to perform this function professionally and responsibly should be strengthened through training, additional resources, and monitoring by the Central Election Commission.

Given the record number of times the CEC was proven right by the Supreme Court, it is appropriate to consider for expediency purposes that appeals to the Supreme Court should be permitted on a more discretionary basis on the part of the Court. This could be done, for example, with a combined method of threshold and automatic review. The threshold could be the showing of significance required as to legal issues or potential harm to the complainant and a right of appeal be automatically granted when it involves allegations of electoral fraud, for example.

The election laws should specify the statute of limitations for election-related complaints or appeals of election commission actions⁶². Complainants should be required to file complaints or appeals within a reasonable time of events or discovery of a grievance.

Resolution of complaints should yield consistent outcomes⁶³. While the information dissemination of the CEC must be commended for its contribution to transparency, there is still a need to have information about complaint adjudication compiled, organized, and made accessible to political participants, commissions, and the courts in a centralized manner. A compendium of relevant laws and court cases concerning election-related complaint adjudication should be created; in addition, decisions of the CEC should be made available immediately on the Internet site.

⁶² The recommendations marked *are updated or integrated from the IFES '96 report, *supra*. They are still very much applicable to this day in the current context of elections.

⁶³ The recommendations marked *are updated or integrated from the IFES '96 report, *supra*. They are still very much applicable to this day in the current context of elections.

Collecting information about complaints and issues should be done from the ground up⁶⁴. There is a wealth of information available that could help identify the successes and failures of the election process on Election Day, and during the counting and summarization procedures. At each stage commission members who disagree with the decisions of the commission or with the information provided on the protocols are allowed to attach their comments to the protocols. In addition, complaints submitted by voters, candidates and other election participants, and a statement as to how the complaints were addressed and resolved are also supposed to be attached to the protocols. Presumably, the issues have been addressed prior to the time they are transferred to a successively higher level of commission. However, once they are transferred there seems to be no formal method whereby they are reviewed to ensure that they have been properly handled by lower level officials. In addition, if such a review were formalized as a standard practice, analysis of the nature of the complaints would be most beneficial in assisting election administrators in identifying trends and where legal or procedural reforms and additional training or civic education may be called for.

It is recommended that on an administrative basis Territorial Elections be required to identify, segregate, and transmit copies of dissenting opinions and complaints submitted with precinct protocols to the Subject Election Commissions. Subject commissions should be required to examine, summarize and report on the complaints and any resolution that ensued within their region. These reports should be submitted to the Central Election Commission within 90 days in order that the CEC may be apprised of difficulties being encountered and can strategize as to what action may be necessary not only in the immediate term, but also for the future.

⁶⁴ The recommendations marked *are updated or integrated from the IFES '96 report, *supra*. They are still very much applicable to this day in the current context of elections.

CHAPTER 14:

SUMMARY OF RECOMMENDATIONS

This report has made note that the State Duma elections of December 19, 1999 and the presidential election of March 26, 2000 were generally conducted in a positive manner. This is due in large part to the professionalism that the members of the Central Election Commission and their staff have developed in the six years since democratic elections were instituted in Russia. This professionalism is beginning to manifest itself at the lower election commissions, which is an indication of the success the CEC is having in carrying out its oversight function at sub-level commissions.

However, there remains a need for additional improvements in the election processes of the Russian Federation. We offer the following recommendations as suggestions for consideration to the various bodies and organizations that are involved in the administration of elections; legislative bodies who determine public policy and the legal basis for elections; and organizations, individuals, and international groups who have an interest in improving democratic process in the Russian Federation.

The purpose of this report is to provide the CEC with information that IFES believes will assist the commission in making further improvements in the election process. Thus, the outstanding effort and solid performance of the election administration infrastructure in Russia are only briefly noted herein, while the areas identified as possibly needing improvement are highlighted.

These findings have noted the solid progress the Central Election Commission has made in improving the conduct of elections in the Russian Federation. Indeed, legislative changes and a conscientious effort by the CEC to meet international standards have resulted in fewer problems than existed in past elections. In addition, this progress has instilled greater confidence in voters and the international community in the electoral process of the Russian Federation. However, this report does note many important areas where shortcomings exist and where significant improvements could be made to continue the progress that has been accomplished in recent years. Below is a summary table of IFES's recommendations.

Findings	Potential Problems	Recommendations
Some provisions of the existing election-related laws conflict with each other or with the Constitution of the Russian Federation.	Essential to the proper conduct of elections are laws that do not conflict and are written clearly so that there can be no misinterpretation leading to their misapplication. Manuals and training curricula must be based on these laws, being careful not to go beyond the laws. To clarify current confusion, the following steps may be helpful:	<p>#4 Modify training of election commissioners to make it clear that where there are conflicts, federal laws and directives take precedence over local laws and directives.</p> <p>#5 Improve written instructions, election manuals, and other documents to make them easier for election commissioners to understand. For example, this could be achieved by having a separate booklet for election day activities and for vote count and transmittal, with each training manual containing: an index, graphics, flow charts of decisions, a "Basic Q & A" section, simple and direct language, phone numbers and guidance as to where to get help, a "What if" case study of real examples (e.g., what if the person has no ID and wants to vote), as well as a feedback form to be completed by the user and compiled after the election process for future improvements.</p>
The language of Russian Federation election-related laws is often vague and inconsistent. For example, the term "political public association" is labeled in three different ways; "propaganda" and "campaigning" are interchanged; what constitutes an "essential" omission needs further clarification, etc.	The lack of uniformity and consistency of terms may lead to controversies and time-consuming appeals and court cases.	<p>#6 A formal review of the relevant provisions in all the various laws governing the election process should be accomplished to determine where terminology is inconsistent and where disparate language has the potential to lead to confusion or subjective interpretation.</p> <p>#7 Having predictable time limits (i.e., 90 days instead of three months) would also add clarity and eliminate misunderstandings.</p> <p>#8 The Law on Basic Guarantees should be amended to include a provision that specifies the hierarchy of laws and provisions that will apply when federal and regional or local elections are being conducted simultaneously. At a minimum, local laws should be set aside if they are more restrictive regarding the rights of observers, or when standards of accountability are lower than those required in federal elections. Technical procedures, especially during the counting and reporting of results should follow federal guidelines to the extent possible, to promote consistency in the counting and reporting process, and to reduce procedural confusion on election day.</p>
The 1999-2000 election cycle was marked with a substantial number of disputes dedicated to issues related to candidate registration and/or rejection thereof.	A pattern may appear whereby registration of some parties' candidates is denied more often than of others, prompting accusations of favoritism and undermining the political process.	<p>#9 Change the disclosure requirements in the law to lessen nomination/registration requirements or to provide more clarity for candidates and election commissions.</p> <p>#10 Require the Central Election Commission to provide more specific rules and procedures regarding the eligibility for registration of candidates.</p> <p>#11 Provide additional training of election commissions regarding the determination of eligibility for registration of candidates.</p> <p>#12 Accelerate the appeal process for candidates whose registration has been rejected.</p> <p>#13 Provide for sanctions against election commissions who unduly deny a candidate's registration.</p> <p>#14 Provide for sanctions against election commissions who ignore court and CEC decisions or act on them in an untimely manner.</p>

Findings	Potential Problems	Recommendations
While problems in interpretation of the law during the presidential election were anticipated, some of the decisions gave the impression of simple political posturing, which undermined the public's faith in the democratic process.	Less confidence in fairness of application of election laws.	#15 The disclosure requirements for candidates should be reviewed to determine if they could be clarified so as to prevent wide variances in such interpretations. However, it should be said that the resolution of conflicts during the election process does help to promote an established order of arbitration, which, if accepted by the political players, promotes the rule of law.
It has been noticed that some candidates do not deem it necessary to inform the electorate of their political platforms. In addition, many candidates refuse to participate in political debates, which are generally viewed as one of the basic venues to get the candidate's message through to the public.	Voters feel confused as to whom to vote for since they do not know what a particular candidate stands for.	#16 Publication of candidates' platforms and personal participation in publicly funded political debates should be made mandatory. The law should be amended to clearly distinguish between activities that must be personally attended by candidates and those that can be carried out by their authorized representatives or agents.
<ul style="list-style-type: none"> Media, Journalistic Freedom and Political Advertising 		
During the 1999-2000-election cycle the political advertising vs. news coverage dichotomy was much debated.	Lawsuits may continue to be filed against mass media outlets and journalists charged with biased attitude towards certain members of the election process.	#17 It is advisable to provide a precise definition of what is meant by political advertising and how it differs from media coverage and analysis. If journalists are disqualified from making any analysis or commentary other than paraphrasing candidates/parties, it should be so stated in the law. This would be both precise and honest. If such a prohibition was starkly spelled out rather than lost in the confusion of the present, it would become blatantly obvious that it is unacceptable in a democratic society to curb the work of journalists during elections.
That a journalist should provide information and analysis is hardly contestable in a democratic society. The only proviso is that the information should be accurate and the analysis sound. The fact that there are unscrupulous journalists and that information can be manipulated (i.e. concealed advertising) does not take away from the value of journalism as such.	The Judicial Chamber for Information Disputes of the Presidential Administration made the same point in its statement of December 7, 1999, arguing that elements of agitation in media coverage should not be used as grounds for banning journalist participation in the electoral campaign.	#18 The CEC should give those journalists who retain a sense of pride in their independence and impartiality, the chance to do their jobs properly without the threat of sanctions.

Findings	Potential Problems	Recommendations
At present, if a candidate commits a violation of the law while using the free or paid time or space allocated to them, the editorial office (editor) is liable for the violation.	This presents an absurd situation where a candidate has the right to determine the format, nature, and content of his or her campaign, which the editor is obliged to disseminate, but for which they become liable. If editors reject libelous material, they break the Election Laws, and if they accept it they break Article 57 of the Mass Media Law.	#19 It is therefore common sense to amend the Election Laws to indicate that the liability for any violations a candidate may commit while availing themselves of free or paid time should rest with the candidate instead of the editor.
Candidate representative used in major debates (in lieu of candidate)	Real political discourse is threatened	#20 The practice of using a candidate's representative in debates or discussions should be challenged. The voter has a right to know directly what a candidate is like and not the way he or she is presented by a second party.
Too many regulations and restrictions on the mass media in its coverage of candidates	Freedom of Press, freedom of speech, and journalistic independence are threatened resulting in diminished quality and lack of diversity of information disseminated to the public.	#21 The CEC would do well, and relieve itself of a headache at the same time, if it made a serious appeal to the media community to regulate its own activities. After all, many of the cases of improper journalistic practice are matters of ethics and conduct. In Russia, there are a number of well-formulated and principled journalistic codes drafted and approved by journalists themselves. The Union of Journalists has its own code of ethics as well as a Grand Jury, which was the only self-regulatory journalistic body that issued a public reprimand during the parliamentary campaign. The Charter of Television and Radio Broadcasters has been signed by most of the top stations, but, unfortunately, its signatories did not once invoke it during the parliamentary campaign despite massive violations of taste and decency. There is also the Russian National Association of Telebroadcasters' Memorandum on elections. NTV's Instructions for its journalists and the Advertising Code. If the task of bringing together disparate journalists and their vested interests appears overwhelmingly difficult today, there is still no better time to start than during a crisis of confidence. Journalistic professionalism and independence is, after all, a common interest. In other countries journalists tend to abide by their codes precisely because they do not want to be regulated by any outside force that may not understand the finer points of their profession and may represent opposing interests.

Findings	Potential Problems	Recommendations
<p>• Campaign Finance and Disclosure</p>		
<p>The spending limits imposed on candidates and parties by the RF election-related legislation are very low as compared to Western democracies, even after taking into account the various economic and social factors such as gross domestic product. Preliminary results of research which is being conducted by Christian Nadeau shows that Russia, if one takes into account the voting population and the length of the political campaign has one of the lowest spending limits worldwide. For example, in Canada, with a voting population of a fifth of Russia's but a similar territory, political parties have a campaign limit of \$7,500,000 for national elections.</p>	<p>Political party funding is to elections and the success of a campaign as is a "war chest" in times of trouble. The issue of campaign finance in Russia is as divisive as in any other democracy seeking to establish a balance of interest between the freedom of speech and association, the need for transparency and the need to limit the undue influence of a few large donors. Russian legislators have made significant changes in the reporting process of campaign finance expenditures for the Duma elections, while at the same time maintaining very low ceilings and strictly equalitarian distribution rules with regard to the use of public funds. The low ceilings are compensated to some degree by the provision of equal access to free print and electronic media to all candidates.</p>	<p>#22 In the area of regulation and disclosure of financed political activity, IFES has long advocated that limitations on contributions to candidates and electoral associations/blocs, and limitations on overall campaign expenditures should not be set unreasonably low.⁶⁵ However well intended, severe limitations upon political giving and spending tend to stifle political action and, as evidenced in prior elections, encourage widespread, unreported "off-the-books" financial activity that wholly thwarts the law's purposes. Compliance with legal requirements for reporting campaign receipts and disbursements by candidates and electoral associations/blocs should be strongly encouraged and enforced with graded penalties.</p> <p>#23 It has been acknowledged that campaign finance violations have not been a major issue in the latest presidential elections. However, IFES nonetheless contends that this is due to the unique situation of having had early elections on the heels of the State Duma elections, which exhausted resources. The elections of March 26, 2000 were unique in this respect. We strongly recommend that policymakers examine the real costs of conducting a professional and effective campaign and adjust the ceilings for campaign finance expenditures accordingly.</p>
<p>The primary reasons for campaign finance disclosure are to provide as much information as possible to the voters about the candidates they will be considering as they cast their ballots and to ensure that all candidates are following the rules equally. Thus, it is vitally important that the information be complete and disclosed to the public for easy access as soon as possible.</p>	<p>Public not given adequate data to make informed decision.</p>	<p>#24 After reviewing and comparing the reasons for the disqualification of candidates by the CEC and the DEC's, a determination should be made to implement one or more of the following actions:</p> <ol style="list-style-type: none"> 1) Disclosing candidate information submitted on nomination papers, including financial disclosures, within 48 hours after registration has been confirmed. 2) Changing the penalties for non-disclosure or false disclosure of personal and/or campaign finances from only disqualification of candidacy ("life or death") to a range of penalties from modest monetary fines for minor breaches to heavier fines for more serious infractions to disqualification for major violations. 3) Providing financial disclosure information to the general public in a user-friendly format, through which automated searches could be conducted, at a minimum, by name, donor, candidate, region and electoral association.

⁶⁵ See comments of Robert A. Dahl, *Control over financing of the election campaign and candidates in the elections of the Russian Federation* (IFES/Russia, 1996); Dr. Michael Pinto Duschinsky, *Aspects of Financing of Political Campaigns*, IFES/Russia, 1997).

Findings	Potential Problems	Recommendations
Campaign disclosure information provided was not user-friendly and, at times, difficult to decipher. Disclosure information was not provided in easy-to-use format.	<p>The media, public bodies, and certainly the public can be greatly confused by the lack of properly given information and the failure to disclose information on a timely basis.</p> <p>Deciphering campaign disclosure information can be difficult if not presented in easy-to-read and easy-to-access formats.</p>	<p>#25</p> <p>The table below shows the minimum information that should be contained on a user-friendly database is as follows for electoral associations and candidates, along with the accompanying list, which could be produced after a query from the user, for State Duma or presidential elections based on the information required in Form 7 for the Duma elections:</p> <ol style="list-style-type: none"> 1) Name of electoral association/bloc 2) Name of authorized representative signing financial disclosure statement 3) Contributions received by the electoral fund <ol style="list-style-type: none"> a) Total receipts during reporting period b) Total amount received from prior funds of electoral association/bloc (may not exceed 16,698,000 rubles) c) Total amount received from individuals <ul style="list-style-type: none"> = List: Contributions from individuals aggregating over 13,000 rubles (may not exceed 25,047 rubles) Name of each individual Total aggregate amount of each individual's contribution Total of this list d) Total amount received from legal entities = List: Contributions from entities aggregating over 1,700,000 rubles (may not exceed 3,339,600 rubles) Name of each legal entity Total aggregate amount of each entity's contribution Total of this list e) Total amount received from Central Election Commission 4) Resources returned out of the electoral fund <ol style="list-style-type: none"> a) Total amount returned <ul style="list-style-type: none"> = List: Contributions returned in whole or in part Name of each individual or legal entity Amount returned Cause of refund <ul style="list-style-type: none"> ○ Prohibited source ○ Exceeds limitation ○ Inadequate documentation / other 5) Expenditures from the electoral fund <ol style="list-style-type: none"> a) Total amount of expenditures <ul style="list-style-type: none"> = List: Expenditures over 3000 rubles (aggregate by payee) Name of payee / vendor Amount of payment Purpose of expenditure(s) (as described in report; may be several payments/purposes for same payee) b) Total amount of expenditures for production and airing of paid TV and radio advertisements⁶⁶ <p>#26</p> <p>We continue to urge that the CEC explore the feasibility of putting all disclosure information in an electronic format for future elections. We will be pleased to work with the CEC on methods and practical suggestions to build upon the existing systems in the future.</p>

⁶⁶ Source: Robert A. Dahl, IFES Election Law consultant, 1999 State Duma elections Report.

Findings	Potential Problems	Recommendations
Non-partisan organizations were accused of improper political activity or in-kind donations to political candidates.	Could curtail the work of NGOs involved in <i>non-partisan</i> activity that promotes the democratic process. Freedom of association and freedom of speech could be curtailed.	#27 The election law should distinguish between prohibitions on campaign-related activities and other politically neutral activities, which should not be prohibited. For example, the development of voter education or rights awareness, activities by charitable organizations, or the provision of nonpartisan assistance to the election apparatus should clearly be made a legal activity (Article 55).
Finance law not clear on definition of what constitutes an anonymous donation.	Attempts could be made to "hide" donations as anonymous contributions.	#28 Article 57 defines what is an anonymous donation. While the definition is fundamentally accurate, a distinction should be drawn between donations whose source cannot be traced (i.e., totally anonymous donations) and donations that have been transferred without indicating all of the necessary data by which the source can be identified. <i>This comment is consistent with the guiding principle established herein with regard to IFES's intent to increase the clarity of the obligations of participants in the electoral process.</i>
Neutral entities prohibited from promoting non-partisan voter education programs.	Neutral voter education and voter participation efforts by legal entities can be discouraged and diminished, resulting in lower voter participation and less competition in the electoral process.	#29 By seeking to eliminate all contributions to the political process that are not controlled, the legislators may have gone too far in the items covered under what is prohibited during an election. According to Article 57(6), all kinds of paid work and all paid services directly or indirectly related to the elections may be performed/rendered only with the written consent of candidates or their authorized agents, with payment to be made only from the corresponding electoral fund. The same clause prohibits legal entities, their branches, representative offices, and other divisions from performing work, rendering services and selling goods directly or indirectly related to the elections free of charge or at unreasonably low rates. This prohibition should not be applied to election-related work that is politically neutral, such as voter education programs and nonpartisan efforts to support the work of election commissions or efforts to support the institutional development of political parties on the part of like-minded foreign parties. For more details on IFES's past recommendations on campaign finance issues, see the IFES Compilation of Campaign Finance Materials and Recommendations (1999) which details concerns, issues, and options for lawmakers.
<p>• <i>Training & Voter Education</i></p>		
The application of the election code by commissions --at all levels -- was found to be inconsistent.	Lack of fairness in system that may result in diminished support for the political process.	#30 Improve training directives. It is imperative that all training documents and directives issued by the CEC make it abundantly clear that SECs, DECes, and PECs are to follow the law and regulations to the letter of the law. All members of such commissions should be trained in counting procedures and should be encouraged to question any chairman of a commission that does not conform to established procedures and the law. Those who are found to violate procedures should not be allowed to serve again. Those who violate the law should be prosecuted.
Training materials, while much improved, need additional illustrations, definition, and detail.	Inconsistent applicability of election laws and regulations.	#31 While it is acknowledged that the CEC has consistently improved the training manual and materials provided to election commissions during recent elections, the CEC should continue to improve the process by providing a more descriptive and illustrative product. Issues of ballot security, transparency, and the rights of observers, particularly, should be reexamined and <i>improved in the training manual and video.</i>
Training video produced by CEC for Presidential election was a major step forward. However, distribution and use was limited.	Lack of uniformity in training of election commissions.	#32 Now that the CEC has taken the important step of producing a good training video for members of Precinct Election Commissions, it should take the next step to improve their product and to insure that it is distributed nationwide to all PEC members on a timely basis. Such mass viewing of a good training film will greatly improve the uniformity of training in the Federation. Copies of the training video should also be provided to political parties, candidates, and NGOs so that they may be adequately educated in the election process.

Findings	Potential Problems	Recommendations
Some Subject Election Commissions provide written examinations to their TECs and PECs to determine skill and knowledge levels.	Only small percentage of commissions tested.	#33 It appears that some Subject Election Commissions conduct an exam of commissions in their jurisdictions to determine what information had been absorbed. This is a laudable effort, which should be encouraged throughout the Federation. Such feedback would help provide guidance in the development of training materials and other documents. Administration of elections
Voter Education and observer training programs not adequate.	Poorly trained observers can result in accusations that are false and indefensible. Citizens must have confidence that elections are conducted freely and fairly, or they will not have faith in the process. The secrecy of the ballot is sacrosanct and sufficient security measures need to be in place to prevent election fraud. Within that context, the election process needs to be as transparent as possible.	#34 Create a voter education program to inform voters and the general public about all aspects of the election. Invite them to observe each step. #35 In the training program for election commissioners, include a section on common methods of voter fraud and how to prevent and detect it. #36 Revise the training program for election commissioners so they are more cognizant of the “dos” and “don’ts” of observers (e.g. they should not consult with observers about questionable ballots). #37 Encourage candidates and political parties to better train their observers to be more alert and effective.
Public awareness of the influence on the part of government authorities contributes to cynicism about the entire electoral process. On Election Day, the conduct of the elections could be a model of the democratic process, but public confidence in the election results is lessened due to its being common knowledge that the authorities have manipulated the process during the pre-election period to ensure certain outcomes.	Public's faith in political system could be seriously undermined.	#38 Provide sufficient oversight of governmental entities, possibly including the establishment of a CEC department specifically to deal with federal and regional electoral law enforcement, in coordination with sub-level commissions. #39 Increase the mass media's capacity to assess and report government accountability. Russian mass media outlets need better training in investigative journalism and its role in government accountability. Moreover, laws or regulations seeking to improve media independence may need to be instituted. #40 Promote private, non-profit watchdog organizations to be independent forces for civic advocacy and government oversight.
It has been observed that a significant number of PEC members did not participate in any training activities prior to elections and were thus unable to address important issues on the Election Day.	Lack of uniform training for PECs throughout the country leads to numerous problems that arise at polls on Election Day, for example, PEC members unable to answer simple questions asked by voters.	#41 Consideration should be given to requiring that the formal schedule of training for PECs developed in each Territory be submitted to the Subject Election Commission so that there is some oversight to ensure that arrangements have been made for all PECs to attend training. A requirement that each PEC member attend the training should be imposed; members who cannot commit to attending the session should be replaced.

Findings	Potential Problems	Recommendations
<p>• <i>Voter Registration</i></p>		
No centralized population register exists in Russian Federation.	Lack of national registry can lead to duplicate registrations and increased opportunity for fraud.	<p>#42</p> <p>The civil register, or population register, has a variety of uses only one of which is as a voter list. Election administrators should consider how the electoral uses of the civil registry are managed, and how this relates to the other uses of the Population Register (see Appendix D, Managing Elections with the Civil/Population Register).</p> <p>With the construction of the Population Register, the main data gathering may be centralized in a local database at each TEC, with a replicated central repository database at the CEC. The Population Register would furnish services to many different authorities, departments and institutions, a process that could be facilitated by the CEC. Similarly, the Population Register may be under the jurisdiction of a special authority under the CEC dedicated entirely to this purpose and to submit data for the election process.</p> <p>A possible scenario for the implementation a Population Registration System and structure, could be:</p> <ol style="list-style-type: none"> 1. A permanent registration office at the local level (TEC) deals with all day-to-day population registration. Basic information related to the names of newborn children, certain name changes, deaths, and other vital data collected today by means of receiving information directly from the civil registration governmental agencies or departments (Internal Affairs and Housing) will in turn be collected by means of receiving information directly from the private individual at the permanent registration office. Internal Affairs and Housing will become recipients and only in a small number of cases will they need to submit information. When this happens it is usually related to changes of address, immigration and emigration, and changes in personal status. 2. In principle, population registration involves the following: vital private individual data is registered at the permanent registration office. The details are received and, the data is verified and dealt with by a staff member who decides if the case can be registered in the population register. Each person registered is allocated a personal identity number as a form of national identification. When the case is registered, information can be provided in the form of a register extract. 3. A decision is made at the permanent registration office within whose geographical area of responsibility the person referred to in the decision lives or, in the case of a person who has died or moved abroad, where he was registered most recently. In the case of a change of address, the decision is sent to the permanent registration office in the area to which the person has moved. All these processes could be performed electronically within the TECs at a national level.

Findings	Potential Problems	Recommendations
<p>There is a real need for consideration of various options regarding a national registry database.</p>		<p>#43</p> <p>Three alternatives for computerizing the National Population Register were examined with these considerations:</p> <ol style="list-style-type: none"> 1. A centralized database using a high speed electronic network link between personal computers, a sophisticated relational database writing records to a "central server" computer, and an operating system on that file server with capability to store and manipulate more than 106 million records on a single processor. 2. A centralized repository database created on a centralized pool of stand-alone personal computers (PCs) with data transferred via telecommunications to a "central server" computer. The repository computer would be structured to allow the use of off-the-shelf relational database software packages. Transfers of subset data to multiple processors would be possible whenever production demands required such action. 3. A centralized database using an electronic network link between personal computers (PCs) with data transferred via telecommunications to the "central server" computer. The databases would be updated locally at the TEC level, with a centralized repository database updated by replication from the TECs. Each local database would be kept at the TEC level, but would be replicated at the CEC national level database computers, thus virtually eliminating the possibilities of duplicate registration. <p>Alternative 1 was rejected as too ambitious, risky and expensive given the available level of technical support currently available in Russia.</p> <p>Alternative 2 was rejected, although seen as very desirable from a non-technical perspective. It is the most easily constructed, the quickest to obtain the required hardware for and the easiest to support.</p> <p>Alternative 3 was endorsed as sufficiently flexible. From a purely technical perspective, this alternative is the most desirable and would provide the best long-term solution. It could use UNIX or NT as the operating system on a "central server" computer and Windows or NT based PCs as "client" computers, linked to the server via a WAN interacting as a local area network, all using a powerful corporate relational database software product. However, it could be operationally more complex, more expensive to implement and require a greater level of training. Nevertheless, the benefits of a central repository, and at the same time local controlled replicated databases at the TECs, would give the CEC the security, transparency and flexibility required by a National Population Registration System.</p>

Findings	Potential Problems	Recommendations
<p>We conclude that a population register is both feasible and cost-effective. With the implementation of the SAS-Vybory system, a foundation already exists for sharing the work of building a national population register and maintaining it between electoral events. Work to make the voter and information requirements more compatible across all Russian jurisdictions could significantly enhance the potential for joint partnerships with other governmental agencies or departments. There is support for the concept of a shared national register among a growing number of Subject and territorial electoral agencies. A national register of electors would offer several significant benefits to Russia in a time of fiscal restraint and changing social and demographic conditions:</p>	<p>Lack of centralized registry is costly and inefficient.</p>	<p>#44</p> <p>A national register, properly maintained between electoral events, would provide for elector registration at significant cost savings. The experiences of Finland, Sweden, Germany, and Denmark have demonstrated that there are other effective and publicly acceptable methods of registering electors besides periodic voter registration or door-to-door enumeration.</p> <p>2. Such a register would allow election administrators to make available to parties and candidates a preliminary list of electors for each electoral precinct immediately after the call of an election or referendum.</p> <p>3. Existing information technology would allow the contents of a national register to be shared with other Russian governmental agencies or departments, while safeguarding the privacy of electors. Moving to a shared register would eliminate the current duplication of effort and expense of registering electors at the national, provincial, territorial, and local levels of government and would ensure the elimination of possible duplicates at a national level.</p> <p>4. The registration of electors at the first electoral event at which a register would be in place would cost approximately the same, as it would to use the present registration system. For each subsequent federal event, cost avoidance could be realized. Permanent registration offices are the best sources to update information on electors who move, citizens who turn 18, and people who die.</p> <p>5. Electoral information would be of higher quality because preliminary lists of electors would be produced over time and not in the tight time frame currently required during an electoral event; and</p> <p>6. A strong foundation for further development of computer-assisted electoral processes would be built as technologies and public familiarity evolves.</p> <p>7. Could be the main source of information for driver's license files, vital statistics files, and citizenship and immigration files.</p> <p>A possible scenario could be an automated list (register) of all the Russian voting population, which could be shared among other governmental agencies or departments. It would be maintained and updated in</p> <p>Permanent registration offices at the TEC level using information from existing data sources, and could be nationally dispersed in a common database in what is technically known as a replicated database structure.</p> <p>Our report offers an abbreviated vision of how the register could become a reality by outlining some of the steps required to implement the concept and by making recommendations for advancing the project. Those that are most significant include:</p> <p>1. Legislative changes to the federal elector registration system and authorizing the Central Electoral Commission to enter into data-sharing arrangements with other governmental agencies or departments are necessary before a register could be implemented; and</p> <p>2. To implement the population registration or national register of electors in time for a possible fall 2004 electoral event, the IFES team has identified three key issues that would first have to be addressed:</p> <p>New legislation to allow the building and maintenance of a national register of electors would need to be in place:</p> <p>The data required to build the initial register would have to be gathered during the year 2001, through partnerships established with key Subjects, and</p> <p>The required systems and procedures relating to the establishment and maintenance of a national register of electors would have to be developed and implemented by the year 2003.</p>

Findings	Potential Problems	Recommendations
Although updated information is kept in the system at the TEC, no detailed storage of individual protocol images is provided.	Consequently, a recount of all protocols is not possible, a feature which some election administrators may deem desirable in the event of a complete electronic failure or a contested election.	<p>#45 While local databases are kept at each TEC level, they should be replicated at the national level database in the CEC computers, thus virtually eliminating the possibility of duplicate registration.</p> <p>#46 Although current laws prevent application of durational residency requirements in determining voter eligibility, it may be appropriate to reconsider whether these provisions necessarily prohibit any proof of district residence requirement when it comes to voters voting from foreign states. If these voters are to continue to be eligible to vote in single-mandate or constituency-based contests, there should be a mechanism to ensure they receive the correct ballot for the appropriate district to which they have a legitimate claim.</p>
<p>• <i>Ballot Security</i></p>		
The paper used in ballot printing allows for fraudulent duplication due to the absence of any specifications in the law concerning paper quality or printing techniques that are used.	These specifications limit what can be done to prevent duplication of ballot papers.	<p>#47 The use of watermark paper would reduce the risk of fraud but watermarked paper is rather expensive. What could be used instead is microprinting. Realizing that ballots are printed throughout the Russian Federation, the CEC could encourage all SECs to use microprinting where it is available. It may not be feasible throughout the entire Russian Federation, but could be used in all the large population centers accounting for a high percentage of voters. In addition, while ballot uniformity is important, in those areas where such printing techniques are not available, it still might be possible to apply a faint pattern that would not interfere with the regular text.</p> <p>#48 Special packaging of ballots or binding with rubber glue would also provide officials with better control. Special packaging in groups of 100 or 500 ballots would provide a more accurate and easier count when verifying the number of ballots during transfers. Also, on polling day, the members of the PEC would have better control over the number of ballots not certified.</p> <p>#49 A transfer record for each point of ballot transfer, from the printing organization to the TEC down to the PEC, should require two signatures of the persons receiving the ballots, an exact count and a verification of the number of ballots received and the time the transfer took place. The law does not mention that signatures should be put on the transfer record. However, the CEC requires that three persons sign all transfer records. Appropriate security personnel should be involved during all phases of ballot transport and storage.</p> <p>#50 Ballot certification includes the signatures of two members of the PEC and placement of the election commission seal at the upper right of the ballot. In past elections, both of these activities took place in advance to save time and to keep the voting line moving. It is suggested that the seal could be placed on the ballots immediately before issuing the ballot to the voter. This should not cause any significant delay during the processing of voters and would build a final piece of security into the process.</p>

Findings	Potential Problems	Recommendations															
<ul style="list-style-type: none"> <i>The Voting Process</i> 																	
In every region IFES assessed there were polling stations that were too small to accommodate the voters in that precinct. Voters were very patient, waiting as long as two hours in and around the polling station to sign in and get their ballots. Having received their ballots, however, voters were no longer willing to wait to vote. Frequently, there were insufficient voting booths even in large polling stations.	These conditions may lead to more than one person being in a voting booth as well as many voters using tables, ledges, and anything else they could to mark their ballots. Insufficient voting booths may also encourage the return of family and group voting and consultations with relatives, friends, party representatives and/or others prior to marking the ballots. The combination of crowded conditions and voters voting openly rather than in the secrecy of voting booths provide opportunities for unfair influence on voters, negative experiences for voters, a callous view of elections and, even worse, public lack of confidence in the results of the election.	<p>#51 Find larger spaces for polling stations.</p> <p>#52 Re-draw the precinct lines to increase the number of precincts and thus increase the number of polling stations.</p> <p>#53 Encourage people to vote during non-peak times, so there will be fewer people in the morning when the polling stations are the most crowded.</p> <p>#54 Increase the number of voting booths, when necessary, using inexpensive smaller and lighter booths. The Central Election Commission or the law should establish a formula for polling stations regarding how many booths should be available. If there is just one ballot to be marked, then there should be one booth for each 300 people on the voting rolls at the polling station. With a 70 percent turnout, a polling station with 1000 voters would have 700 voters casting ballots or about one person per minute. Assuming it takes a voter about one to three minutes to mark one ballot, three booths should be adequate. It is recommended that the formula at the end of this chapter be used when deciding how many booths should be at a polling station.</p> <p><i>Formula for determining the number of voting booths needed at Polling Stations</i></p> <table> <thead> <tr> <th># of ballots to be voted</th><th># of booths per # of voters</th><th># of booths for 1000 voters</th></tr> </thead> <tbody> <tr> <td>1</td><td>1 @ 300 voters</td><td>3</td></tr> <tr> <td>2</td><td>1 @ 275 voters</td><td>3-4</td></tr> <tr> <td>3</td><td>1 @ 250 voters</td><td>4</td></tr> <tr> <td>4</td><td>1 @ 200 voters</td><td>5</td></tr> </tbody> </table>	# of ballots to be voted	# of booths per # of voters	# of booths for 1000 voters	1	1 @ 300 voters	3	2	1 @ 275 voters	3-4	3	1 @ 250 voters	4	4	1 @ 200 voters	5
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Findings	Potential Problems	Recommendations
<p>In our assessment, mobile voting was fraught with problems. In some cases, observers were not allowed to accompany the mobile ballot boxes. In others, political party observers were asked to take the place of one of the two PEC members required to accompany the mobile boxes to voters.</p>	<p>Opens opportunity for fraud.</p>	<p>#55 Allow for a minimum of four PEC commissioners so that there are at least two remaining at a polling station when mobile voting takes place or have additional PEC members whose only responsibility would be overseeing the mobile ballot boxes.</p> <p>#56 Place more limitations on mobile voting to ensure that only those needing the service receive it.</p> <p>#57 Allow immediate family member to take ballot to immobilized voter and return ballot in sealed envelope after it has been marked.</p> <p>#58 Improve the instruction manuals and training programs so that election commissioners can more easily follow the laws for the issuance of the absentee voting certificates and the issuance of ballots to voters who present such certificates.</p> <p>#59 Consideration should be given to eliminating the use of the mobile ballot box on election day, in favor of serving those voters in the week immediately preceding polling day. In this way, no ballots would be leaving the polling station on Election Day, and the total number of voters using the mobile ballot box would be known in advance. It would also mean that all commission members could remain in the polling station in election day. In the same way full accountability is maintained for voters voting early, measure could be implemented to safeguard the integrity and accountability for ballots cast before election day through the mobile ballot box. After each day of mobile voting, the slot of the box should be sealed so that no additional ballots can be slipped into the box. A separate box could be used on each successive day in which voters are served, with each box accompanied by a special voters list identifying the voters who have been served, and recording the number of ballots used for that day. At the close of the polls, the ballots contained in the mobile ballot boxes would be handled in the same manner as those contained in the ballot box used for early voting. Parties/blocs and candidates could be advised as to when the days on which mobile ballot boxes would be delivered to voters at home so that they could accompany the PEC and observe the process.</p>
<p>Counting procedures not consistent at all polling places. PEC members fatigued when counting ballots allowing for mistakes and repeat of counting process.</p>	<p>Inaccurate count.</p>	<p>#60 The current guidelines call for each task involved in closing down the polling station and initiating the protocol and counting the votes to happen in a very strict sequential order, which limits the possibility that some tasks can be carried out simultaneously. While it is important that some tasks follow a logical sequential order for the sake of the integrity of the counting process, other tasks are not quite so sensitive. For example, the counting of the signatures in the voter registers can probably be handled by some members of the PEC while others are canceling the unused ballots. Dividing the assignments of PEC members can speed up the process, and make the process more efficient. In addition, it should be determined whether additional PEC members could be added just to assist in the ballot count (they could also assist in the delivery of mobile boxes in the afternoon).</p>

Findings	Potential Problems	Recommendations
Problems in the counting process. Procedures not clear and mistakes easily made. Ballots for one party or one candidate checked and counted by one person.	Deliberate wrong checking or mistakes in accounting for all ballots received, counted and those not used.	<p>#61</p> <p>The accountability for the use of ballots and for rationalizing the number of voters who voted with the number of votes cast, centers on a number of mathematical control relationships in the data entered in the various field of the protocol. These control relationships assist officials in ensuring their protocol is correct and rational. An example of a control relationship is the requirement that:</p> <p style="padding-left: 40px;">The number of ballots received by the polling station (line 1 on the protocol) must equal:</p> <p style="padding-left: 80px;">the number of ballots used in early voting (line 3),</p> <p style="padding-left: 40px;">+ the number of unused ballots (line 4),</p> <p style="padding-left: 40px;">+ the number of ballots issued at the polling station (line 5),</p> <p style="padding-left: 40px;">+ the number of ballots issued to voters using the mobile ballot box (line 6).</p> <p>Another example is that:</p> <p style="padding-left: 40px;">The contents of all ballot boxes, (Line 7 + Line 8 on the protocol,) must equal:</p> <p style="padding-left: 80px;">the number of all valid ballots (line 9),</p> <p style="padding-left: 40px;">+ the number of all invalid ballots (line 10).</p> <p>One important control relationship is missing and should be added.</p> <p style="padding-left: 40px;">The total number of valid and invalid ballots should be equal to, or greater than:</p> <p style="padding-left: 80px;">the number of ballots issued to voters for early voting,</p> <p style="padding-left: 40px;">+ the number of ballots issued to voters voting at the precinct,</p> <p style="padding-left: 40px;">+ and voters voting through the mobile ballot box.</p> <p>Where they are not equal, it is usually because a voter may have chosen not to vote his or her ballot and may have taken it away rather than dropping an unmarked ballot into the ballot box. In determining the number of ballots issued, the officials are relying on the count of the number of signatures of voters who have signed the registers. In attempting to balance the number of signatures with the number of ballots in the ballot boxes, officials had no way of knowing for sure why the discrepancy existed, and numerous recounts of the signatures could not resolve it. This was the area where official tended to make artificial adjustment. Rather, it is recommended that space be provided on the protocol to show the discrepancy.</p> <p>The validation and counting of ballot stacks should be done two times by two different commissioners.</p>
Decisions about whether ballots are valid or not were made by the commission chairman after consultation with observers.	Partisan decisions.	<p>#62</p> <p>Decisions on questionable ballots should be made in accordance with the law by all voting members of the commission.</p>

Findings	Potential Problems	Recommendations
PEC commissioners had difficulties accounting for various ballots such as mobile, absentee and early voting.	Mistakes being made on the protocols because various types of voted ballots and certificates not accounted for properly.	#63 The completion of the protocol is made overly complicated because of having to account for all the early voting, mobile voting and issuance of absentee certificates to voters voting elsewhere, and the voting by absentee voters registered elsewhere. It might be worth considering ways to ease the complexity by handling some of these activities differently. For example, rather than having absentee voters sign the supplemental register, perhaps they could be handled in a manner similar to the handling of spoiled ballots. Rather than using the supplemental register to account for the issuance of their ballots, the coupons could be used for that purpose. Just as spoiled ballots are segregated and counted separately, at the end of the day the coupons containing the information about each absentee voter could be counted and recorded. This would simplify the counting of signatures, which takes an extraordinary amount of time, while at the same time avoid the commingling of absentee voters who will never be added to the voter list permanently for the precinct with the supplemental list of resident voters who were inadvertently omitted from the voters list.
Not all PECs had large protocols available.	Observers have no opportunity to observe process step by step.	#64 All PECs should have large protocols posted and used.
The final protocol is reported by phone to the Territorial Election Commission.	Procedure could be used by Territorial Election Commission to advise PEC on how to change results.	#65 Results of counting should only be the responsibility of the PEC. In case of differences (the protocol not balancing), the territorial commission should be obliged to report differences in a separate line.
Some PECs issued two sets of protocols - official 3 copies of protocols with signatures and stamps.	This gives TEC opportunity to change and replace protocols.	#66 Signing and stamping protocols in advance should be prohibited.
Improper interference and influence of local administrations whose representatives are often present and participate in PECs' activities has been criticized in each election.	Interference of local administrations in the activities of PECs detracts from the public's confidence that elections are conducted freely and fairly and their outcome is not manipulated.	#67 An assessment should be made to determine steps, which could be taken to prevent representatives of local administrations from interfering with and influencing the work of PECs. However, the assessment should also attempt to identify "innocent" conditions or circumstances that are prompting their involvement in spite of laws intended to eliminate it. For example, as permanent employees involved in the technical and practical support for election commissions, it may be that they are simply better informed and knowledgeable and are, therefore, relied upon for their guidance by PECs lacking confidence. If such circumstances exist, senior commissions must devise ways to overcome them including devising better training mechanisms. Perhaps technical support mechanisms, such as "hotlines" which would allow PECs to contact their higher level commission for guidance rather than their local authorities should be explored. Ultimately, if there are more ulterior motives at play suggesting that improper interventions are taking place to manipulate the outcome or tip the playing field, the full weight of laws intended to prosecute such behavior should be exercised.
A high level of cynicism has been observed among voters with respect to the results of elections being pre-programmed. Lack of observers at polls contributes to this attitude.	This may lead to lower voter turnouts and lack of trust in the government and elections.	#68 The presence of both domestic and international observers can enhance public confidence that elections are conducted freely and fairly. Representatives of the local administration or other state and federal bodies from the ranks of authorized persons should be allowed to serve as observers. Nowhere in the law are they mentioned with regard to their right to be present at polling stations on polling day, to direct, or otherwise participate in the activities of electoral commissions. Nonetheless, authorized observers continue to report that representatives of the local administration are commonly on site, directly engaging in activities that bring into question the influence they bring to bear which may, in fact, jeopardize the independence of the election commissions dictated by federal law.

Findings	Potential Problems	Recommendations
It has been noticed that many PEC members feel apprehensive uncomfortable towards observers.	This may lead to lack of understanding of observers' mission by PEC members.	#69 Training programs for election commissioners should be enhanced to emphasize that observers have rights, including the right to have their concerns addressed by members of election commissions. The training should also be designed in such a way so that to ease the discomfort and apprehension election commissioners feel towards observers, since observers are there to not only expose weaknesses but also to acknowledge successes of the system.
It has been noticed that political parties, associations, blocs, and candidates often do not have their observers at PECs.	This negatively impacts the effectiveness of observation of elections and increases opportunities for fraud.	#70 Political parties, associations, blocs, and candidates should be encouraged to improve the training of their observers so that the latter could be more alert and effective in their observation efforts. Invite party/bloc/candidate support groups to identify persons who will be responsible for coordination and training of their observers. Invite them to the training sessions for the officers of Subject Election Commission and other commissions when polling day training is to be the featured topic. Provide a copy (copies) of the procedural manual to the representatives of the parties/blocs and candidates, and give them permission to share it in their own training exercises. Create simple, quick reference guide to basic steps in the election day processing of voters which can be handed out to observers when they arrive on election day. Usually a one-page flyer can accommodate steps in polling on one side, and steps in the counting process on the reverse side. Share them and encourage parties/blocs and candidates to reproduce as many as they need so that they can also distribute them to each and every observer they will accredit.
The work of observers often does not find any appreciation among election officials. Sometimes election officials do not even find out the results of observation.	The lack of feedback on the part of election officials may render observation efforts useless.	#71 <i>A way should be found to ensure that the findings of observers are not ignored. A uniform observation form should be developed to be used by all observers. Upon completion of observation the forms should be transferred through lower-level election commissions all the way up to the CEC. At the very least, it should be mandatory that written complaints be transferred to the SEC so that they can be compiled into a summary report for transmission to the Central Election Commission. When comprehensive reports and complaints are submitted by individual observer organizations, they should be taken seriously and reviewed to determine which complaints are legitimate, which are based on misunderstandings of the process, and which deserve further investigation and, if warranted, prosecution. The Communist Party in particular, for example, accumulated extensive information and documentation from their observers who were active in all parts of the country. From these reports they were able to compile a comprehensive report of findings which was submitted to the CEC and other relevant agencies of the state. At the very least, even when the issues exposed are anecdotal or unlikely to have influenced the outcome, such reports can be beneficial in exposing trends that suggest additional training might be needed, or that adjustments to the procedures may be warranted.</i>
Final PEC, TEC, DEC, and SEC results could be presented to observers by request (Article 85(1) of the Duma Election Law). The Law does not indicate whether results should be given free of charge.	Many commissions set their own price for copies of protocols.	#72 The law should state that all certified observers are to be given copies of results free of charge.
Election commissions conduct no audit of election results.	Opens opportunity for fraud.	#73 There should be an audit of results or selective recounting of ballots in the presence of observers.

Findings	Potential Problems	Recommendations
<p>During our observation, we had the opportunity to track the results from a PEC to the TEC and to the SEC. The data capture and verification control process at the TEC was observed and it was deemed to be acceptable. The results' follow-through from the TEC to the SEC was observed and it was also found to be acceptable and free of tampering. However, it must be noted that representative of political parties/candidates were not present at all stages of the transmission of results. In addition, obtaining official polling station results after the election appeared to be difficult, if not impossible.</p>	<p>Lack of observation and transparency during the transmission of results can open opportunities for manipulation of results. The inability to obtain official polling station results after the election seriously undermines the transparency of the process and encourages charges of manipulation of vote counts.</p>	<p>#74 The issue of transparency is very significant at the time of the release and transmission of interim results. Representatives of political parties/candidates/options should be present, sign and have a copy of the protocol of the vote results, and should be allowed to witness the transmission of the corresponding results to the electoral management body. Indeed, such transparency of actions is essential to the acceptance of the general outcome of the election. This apparently small step can directly impact the confidence all participants have in the results gathering process.</p> <p>#75 Political parties and candidates should have the ability to conduct or observe an independent technical "Logic and Accuracy" test of the result transmission system before the election and, if possible, immediately after the counting has been completed. Such a test would verify that the system is working properly. A Logic and Accuracy test allows for independent observers to place pre-determined sample vote count numbers into the system. The numbers are then counted, transmitted, and tracked. They are then verified as accurate after such test is completed. In many countries, such a test is conducted by political parties and/or candidates to verify that the counting and results transmission system is working properly. While the election body actually runs the system, it is the observers who provide the numbers and verify the count. In many cases, this Logic and Accuracy test is conducted just prior to the commencement of counting and immediately afterwards to insure that the system has not been tampered with to count votes a certain way. A successful Logic and Accuracy test will reassure the political parties, candidates, mass media, and the public that the counting system is indeed accurate and tamper-free.</p> <p>#76 Web Site Posting of Results. One frequent criticism of the vote count and verification process in the Russian Federation is the inability of candidates, parties, NGOs, and citizens to access the polling station results to check for accuracy. It is strongly recommended that the Central Election Commission post the individual results for each precinct on its website. Thus, access to such information could be made available to groups and individuals. There are many countries where election authorities do this at a central level. In some polling station results are made available at a local level. Some examples include Mexico, Brazil and the United States. A sample of such a website can be found at http://www.co.st-louis.mo.us/elections/ELECTIONRESULTS.html</p>
<p>At several polling stations in the Duma election, campaign materials were seen near or even in the polling stations (this practice was pervasive in areas where local authorities were supporting a specific party list).</p>	<p>Such displays so near or in polling stations may have undue influence on voters' choice, as they are the last things voters see before casting their ballots.</p>	<p>#77 Within 24 hours of election day, remove all campaign materials within 100 meters of each polling station. The PECs could perform this task or, under its supervision, the appropriate government department could be given this assignment. Another option is to inform the campaigns where the polling stations are located and require the campaigns to remove their own materials no later than 24 hours before election day.</p>

Findings	Potential Problems	Recommendations
<p>Voting abroad is another laudable attempt to include all eligible Russian voters in the election process.</p>	<p>It is likely that the number of Russians traveling abroad will continue to increase and thus procedures to allow them to vote may need to be amended to accommodate this trend and to further insure greater transparency and secrecy in the process.</p>	<p>#78 Provide for more polling locations in areas with a significant concentration of Russian citizens. Russian citizens temporarily residing outside their election precincts or traveling abroad have equal rights to participate in the election of the president of the Russian Federation. To enable such citizens to exercise their voting rights, more polling places should be established in polar stations, ships at sea, and Russian embassies and consular missions located abroad. In addition, the following steps should be taken at all out of country polling locations:</p> <ul style="list-style-type: none"> • Provide polling stations with adequate seals for the ballot boxes and voter lists. • Provide more polling booths in locations with a large number of voters on the lists. • Ensure that all polling stations have adequate polling booths with proper secrecy. • Reinforce voting procedures such as not having ballots pre-signed prior to the beginning of voting. • Consider some type of voting by mail for Russian citizens unable to go to polling stations. • Provide better election and voting information to Russian citizens who are abroad on the day of an election.

Findings	Potential Problems	Recommendations
<p>As noted in this document and in previous IFES reports, "any citizen can file a complaint with the courts or election commissions or both alleging violations of their electoral rights by governmental bodies or election authorities". Pursuant to the Federal Law on Basic Guarantees of Electoral Rights, a complainant is not required to seek administrative redress or preliminary appeal through election commissions prior to seeking court review (such a requirement generally exists under laws in the United States, and is called the doctrine of "exhaustion of administrative remedies"). The fundamental right of access to the adjudication process must be protected, but some problems have arisen under the current laws and procedures as to division of authority and original or appellate jurisdiction among governmental bodies."⁶⁷</p>	<p>Without adequate procedures and mechanisms in place to process complaints on a timely basis and in a fair manner, the entire electoral system is called into question.</p>	<p>#79 In dealing with cases related specifically to actions and decisions of commissions including errors, omissions, or violations, the law should require that appeals of subordinate election commissions be initially brought to higher commissions. Except in extraordinary circumstances specifically delineated under the law, complainants should not have the option of bringing election-related complaints or appeals of decisions, actions or inaction of subordinate election commissions directly to court. Prior to judicial review, complainants should be required to "exhaust" available administrative remedies. All complaints should be first brought to appropriate commissions and all appeals of their decisions brought to the subject commissions and then Central Election Commission. Only appeals of CEC actions should proceed to the Supreme Court (which may refer cases to lower courts or procurator offices for fact-finding where appropriate).</p> <p>As noted earlier, the amendments of March 1999 to the Basic Guarantees Law do clarify the structure and authority of the election commissions; this is a welcome improvement over the previous situation. However, in past elections the practice has shown that decisions of DEC's are appealed directly to the CEC. The requirement to follow the administrative structure would further strengthen the electoral commission's authority and scope. This adjudicator-function model is frequently found in Latin American jurisdictions, although sometimes, as in Peru and Mexico, a separate structure deals exclusively as a separate election judicial tribunal with the electoral grievances.</p> <p>#80 Mechanisms should be devised to improve the capacity of Subject Election Commissions to review complaints and appeals. Under the election laws, Subject Election Commissions are permanent bodies and are specifically recognized as having responsibility for reviewing appeals of decisions of subordinate election commissions. The role of Subject Election Commissions in complaint adjudication should be deliberately elevated by procedural changes and their capacity to perform this function professionally and responsibly should be strengthened through training, additional resources, and monitoring by the Central Election Commission.</p> <p>#81 Given the record number of times the CEC was proved right by the Supreme Court, it is appropriate to consider for expediency purposes that appeals to the Supreme Court should be permitted on a more discretionary basis on the part of the Court. This could be done, for example, with a combined method of threshold and automatic review. The threshold could be the showing of significance required as to legal issues or potential harm to the complainant and a right of appeal be automatically granted when it involves allegations of electoral fraud, for example.</p>

⁶⁷ Same, supra.

Findings	Potential Problems	Recommendations
		<p>#82 The election laws should specify the statute of limitations for election-related complaints or appeals of election commission actions. Complainants should be required to file complaints or appeals within a reasonable time of events or discovery of a grievance.</p> <p>#83 Resolution of complaints should yield consistent outcomes. While the information dissemination of the CEC must be commended for its contribution to transparency, there is still a need to have information about complaint adjudication compiled, organized, and made accessible to political participants, commissions, and the courts in a centralized manner. A compendium of relevant laws and court cases concerning election-related complaint adjudication should be created; in addition, decisions of the CEC should be made available immediately on the Internet site.</p> <p>#84 Collecting information about complaints and issues from the ground up.* There is a wealth of information available that could help <i>identify the successes and failures of the election process on election day and during the counting and summarization procedures.</i> At each stage commission members who disagree with the decisions of the commission or with the information provided on the protocols are allowed to attach their comments to the protocols. In addition, complaints submitted by voters, candidates, and other election participants and a statement as to how the complaints were addressed and resolved are also supposed to be attached to the protocols. Presumably, the issues have been addressed prior to the time they are transferred to the successively higher level commission. However, once they are transferred there seems to be no formal method whereby they are reviewed to ensure that they have been properly handled by lower-level officials. In addition, if such a review were formalized as a standard practice, analysis of the nature of the complaints would be most beneficial in assisting election administrators in identifying trends, and where legal or procedural reforms, additional training or civic education may be called for.</p> <p>#85 On an administrative basis, it is recommended that territorial elections be required to identify, segregate and transmit copies of dissenting opinions and complaints submitted with precinct protocols to the Subject Election Commissions. Subject commissions should be required to examine, summarize and report on the complaints and on any resolution that ensued within their region. These reports should be submitted to the Central Election Commission within 90 days in order that the CEC may be apprised of difficulties being encountered and may strategize as to what action may be necessary not only in the immediate term, but also in the future.</p>

Attachments

Parliamentary Elections

- A** Main Administrative Resolutions of the CEC for the State Duma Elections
- B** Resolution of the CEC of RF on Clarifications of Certain Campaign-Related Issues During Elections of Deputies of the Third State Duma of the Federal Assembly of the Russian Federation. August 13, 1999
- C** Election Schedule – A Quick Reference Guide for the Election of the Deputies of the State Duma of the Federal Assembly of the Russian Federation on December 19, 1999
- D** Complaints Adjudicated by the CEC of RF for the State Duma Elections
- E** Complaints Adjudicated by the Supreme Court of RF for the State Duma Elections
- F** Sample Protocols for the State Duma Elections
- G** Sample Ballot for the State Duma Elections

Presidential Elections

- H** Main Administrative Resolutions of the CEC for the Presidential Elections
- I** Resolution of the CEC of RF on Violation of Election Campaigning Rules and Procedures During Preparation for the Election of the President of the Russian Federation in the Year 2000. February 17, 2000
- J** Election Schedule – A Quick Reference Guide for the Election of the President of the Russian Federation on March 26, 2000
- K** Sample Ballot for the Presidential Elections

Reference Materials

- L** Alternative Methods of Voter Registration: Pros and Cons
- M** Managing Elections with the Civil/Population Register
- N** Linking Existing Data Sets
- O** On the Legal Regime of the State of Emergency: Possible Effect on the Holding of National Elections
- P** Geographical Areas where IFES Carried out Programs in Support of the State Duma and Presidential Elections
- Q** Useful Web Sites
- R** Organizations and Parties IFES Met during the State Duma and Presidential Elections

A

**Main Administrative Resolutions
of the CEC
for the State Duma Elections**

List of Main Administrative Resolutions of the CEC, State Duma Elections

1) CEC Letter on certain issues of formation and operation of electoral blocs in the election of deputies of the state Duma of the Federal Assembly of the Russian Federation of third convocation.

Moscow, July 27, 1999

2) CEC Resolution on the list and forms of documents to be submitted by electoral associations, electoral blocs to the Central Election Commission of the Russian Federation and to district election commissions during the election of deputies to the third state Duma of the Federal Assembly of the Russian Federation of the third convocation.

Moscow, August 13, 1999

3) CEC Resolution on identity cards of candidates running for deputies of the third state Duma of the Federal Assembly of the Russian Federation, agents of electoral associations, electoral blocs, and agents of candidates running for deputies and registered in single-mandate electoral district.

Moscow, August 13, 1999

4) CEC Resolution on clarifications of certain campaign-related issues during elections of deputies of the third state Duma of the Federal Assembly of the Russian Federation.

Moscow, August 13, 1999

5) CEC Resolution on utilization of the State Automated System "Vybery" of the Russian Federation when holding elections of deputies to the third state Duma of the Federal Assembly of the Russian Federation.

Moscow, August 13, 1999

6) CEC Resolution on the appeal of the Central Election Commission of the Russian Federation to the electoral process participants.

Moscow, August 13, 1999

7) CEC Resolution on the procedure governing the activities of authorized representatives of electoral associations, electoral blocs for financial issues and on identity cards of authorized representatives of electoral associations, electoral blocs for financial issues.

Moscow, August 13, 1999

8) CEC Letter on certain issues of formation and operation of electoral blocs in the election of deputies of the State Duma of the Federal Assembly of the Russian Federation (third convocation).

Moscow, August 18, 1999

9) Resolution of the government of the RF in assisting the electoral commissions in arrangements for preparing for and holding the elections of deputies to the State Duma of the Federal Assembly of the Russian Federation.

Moscow, August 25, 1999

10) Clarification of the rules for the activities of foreign (international) observers during the elections of deputies to the state Duma of the Federal Assembly of the Russian Federation of third convocation.

Moscow, September 10, 1999

11) CEC Resolution on the clarification of the procedure for the exercise of the electoral rights by servicemen and staff members of law enforcement bodies in the period of the preparation for and conduct of the election of deputies to the state Duma of the Federal Assembly of the Russian Federation of third convocation.

Moscow, September 21, 1999

12) CEC Resolution on the clarification of certain issues in the application of Articles 45, 47 and 64 of the Federal Law "On the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation" when an electoral deposit is paid for registration of candidates nominated in single-mandate electoral districts, federal lists of candidates.

Moscow, September 25, 1999

13) Directions on the procedures for forming and expending the electoral funds of candidates, registered candidates, electoral associations and electoral blocs in the election of deputies of the State Duma of the Federal Assembly of the Russian Federation.

Moscow, October 11, 1999

14) CEC Resolution on the clarification of certain issues related to the application of the provisions of the Federal Law "On the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation," which prohibit taking advantage of official position or status during the conduct of the election of deputies of the state Duma of the Federal Assembly of the Russian Federation of the third convocation.

Moscow, October 21, 1999

15) CEC Resolution on certain issues of election campaigning during preparation for the election of deputies of the State Duma of the Federal Assembly of the Russian Federation of the third convocation.

Moscow, October 21, 1999

16) CEC Resolution on the use by election commissions of the city of Moscow of ballot scanners and information display complexes during the election of deputies of the State Duma of the Federal Assembly of the RF of the third convocation on December 19, 1999.

Moscow, October 27, 1999

17) CEC Resolution on the format and the degree of protection of the ballot for voting in a single-mandate electoral district in the election of deputies of the State Duma of the Federal Assembly of the Russian Federation of the third convocation.

Moscow, October 29, 1999

18) CEC Resolution on the clarification of some issues concerning compilation by territory and precinct election commissions of voters lists for the conduct of the election of deputies of the State Duma of the Federal Assembly of the Russian Federation of the third convocation and the procedure for working with voters lists.

Moscow, October 29, 1999

19) CEC Appeal to TV and/or radio broadcasting organizations and editorial offices of periodicals.

Moscow, October 29, 1999

20) CEC Resolution on the information presented by the working group for monitoring compliance by electoral process participants with the rules and procedures for conducting election propaganda in the election of deputies of the State Duma of the Federal Assembly of the Russian Federation of the third convocation.

Moscow, October 29, 1999

21) CEC Resolution on the information presented by the working group for monitoring compliance by electoral process participants with the rules and procedures for conducting election propaganda in the election of deputies of the State Duma of the Federal Assembly of the Russian Federation of the third convocation.

Moscow, October 29, 1999

22) CEC Resolution on the procedure for production and on the number of ballots for voting in the election of deputies of the State Duma of the Federal Assembly of the Russian Federation of the third convocation.

Moscow, November 12, 1999

B

**Resolution of the CEC of RF on
Clarifications of Certain Campaign-
Related Issues During Elections of
Deputies of the Third State Duma of
the Federal Assembly of the Russian
Federation. August 13, 1999**

**RESOLUTION
OF THE CENTRAL ELECTION COMMISSION
OF THE RUSSIAN FEDERATION**

***On Clarifications of Certain Campaign-Related Issues During Elections of Deputies
of the Third State Duma of the Federal Assembly of the Russian Federation***

In accordance with Article 24 of the Federal Law "On the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation", the Central Election Commission of the Russian Federation resolves:

1. To approve the *Clarifications of Certain Campaign-Related Issues During Elections of Deputies of the Third State Duma of the Federal Assembly of the Russian Federation* (attached).
2. To publish this resolution in both "Bulletin of the Central Election Commission of the Russian Federation" and "Rossyiskaya Gazeta".

A. A. VESHNYAKOV
Chairman,
Central Election Commission
of the Russian Federation
O. K. ZASTROZHNYA,
Secretary,
Central Election Commission
of the Russian Federation

*Moscow,
August 13, 1999,
No. 8/52-3*

APPROVED

Resolution of the Central Election
Commission of the Russian Federation
No. 8/52-3 of August 13, 1999

CLARIFICATIONS

*of Certain Campaign-Related Issues During Elections of Deputies
of the Third State Duma of the Federal Assembly of the Russian Federation*

With effect from August 10, 1999, the campaign for electing deputies of the Third State Duma of the Federal Assembly of the Russian Federation has started. TV, radio and the print media extensively cover the beginning of the election campaign as well as election-related activities of public political associations and individuals. As it receives numerous inquiries, the Central Election Commission of the Russian Federation believes it necessary to clarify major points related to vote canvassing during the election campaign period.

1. In accordance with Article 8 of the Federal Law "On Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation" (hereinafter — the Federal Law), election campaigning is understood as activities aimed to encourage or encouraging voters to participate in the election and to vote for or against any registered candidate, for or against any federal list of candidates registered with the Central Election Commission of the Russian Federation.

2. Under Paragraph 1, Article 53 of the Federal Law, election campaigning starts from the day of registration of a candidate, federal list of candidates, and ends at 00.00 local time one day prior to voting day.

The Federal Law (Paragraphs 7 and 8 of Article 62, and Paragraph 6 of Article 65) establishes that election campaigning may only be funded from the electoral fund of any registered candidate, electoral association, or electoral bloc that has registered a federal list of candidates.

Any actions of individuals or public political associations that qualify as election campaigning, in case such actions are performed after the official publication of the Decree of the President of the Russian Federation declaring elections of the State Duma Deputies and before the candidates and/or lists of candidates are registered, shall be deemed so performed in violation of the Federal Law. Under subparagraphs (b) and (f), Paragraph 2, Article 91 of the Federal Law, election campaigning prior to the registration of any candidate or any federal list of candidates constitutes valid ground for refusing to register such candidate or federal list of candidates.

3. Election campaigning may be conducted through the mass media, by holding public events, by issuing and distributing printed, audiovisual and other campaign materials and in other forms not prohibited by law.

4. At the appropriate stage of electoral process, citizens of the Russian Federation, political public associations may, in any form allowed by law and by legitimate methods, conduct election campaigning.

Under Paragraph 3, Article 52 of the Federal Law, neither election campaigning shall be conducted nor any kind of election propaganda materials shall be produced or distributed by:

federal bodies of state power, bodies of state power of subjects of the Russian Federation, other state bodies, bodies of local self-government;

persons who hold government and municipal offices, government and municipal employees, servicemen when they are discharging their official duties or taking advantage of their official position and status;

military units, military establishments and organizations;

charity and religious organizations and organizations founded by them;

election commissions, voting members of election commissions.

5. Under Paragraph 5 of Article 48 and Paragraph 3 of Article 52 of the Federal Law, registered candidates holding government offices of category «A» or an elective municipal office shall carry on election campaigning only when they are off duty. Such off-duty time includes any rest and recreation time, including any leave, weekends and public holidays, as well as other days of rest. The above registered candidates may not engage in election campaigning while on official trips.

Under Article 1 of the Federal Law "On Fundamentals of the Civil Service of the Russian Federation" the persons holding government offices of category «A» include the President of the Russian Federation, the Chairman of the Government of the Russian Federation, the Chairmen of the Chambers of the Federal Assembly of the Russian Federation, heads of the legislative and executive in the Subjects of the Russian Federation, deputies, ministers, judges, and other persons holding government positions, which are established for direct discharge of any powers of government bodies.

Article 41 of the Federal Law contains a list of violations affecting the principle of equal electoral rights, which involve misuse by a register candidate, for election campaign purpose, of any advantages resulting from his or her position or office including, in particular, priority access to mass media, use of telephones, fax services, and other communication, information services, and office equipment supporting the operation of government agencies or local bodies of government. However, compliance with this restriction should not prevent any deputies or elected officials from discharging their powers and responsibilities to the voters. Therefore, the Federal Law doesn't apply to any appearances of deputies or elected officials in the mass media, which are unrelated to election campaign, as those are governed by other federal laws, in particular, the Federal Law "On Procedure for Covering the Activities of Government Authorities in the State-Owned Mass Media".

6. Officials, journalists and creative staff members of TV and/or radio broadcasting organizations (hereinafter broadcasters), and editorial offices of mass media shall not participate in highlighting the election campaign through the mass media if these persons are registered candidates or agents of registered candidates, electoral associations, electoral blocs, or authorized representatives of electoral associations, electoral blocs. (Paragraph 6, Article 48 of the Federal Law).

7. Between the day when the decision to schedule elections is officially announced and the day preceding the voting day, the business and other activities of candidates, registered candidates, electoral associations, electoral blocs, agents and authorized representatives of electoral associations, electoral blocs, agents of registered candidates and the organizations whose founders, owners, possessors are and/or whose governing bodies include the said persons or entities shall only be advertised through the channels of such broadcasters and in such print media to which Paragraphs 4 and 5 of Article 55 of the Federal Law does not apply, subject to provision of airtime and print space for a fee, and provided it is paid exclusively with the money of the relevant electoral fund (Paragraph 3, Article 60 of the Federal Law). Thus any advertising of the above individuals and legal entities must be suspended with effect from August 10, 1999 until such candidate and/or federal list of candidates is registered, whereas upon such registration such advertising may only be conducted at the account of the relevant electoral fund. No such advertising is permitted on the voting day or on the day preceding the ballot day.

8. Under Paragraph 4 of Article 41 and Paragraph 8 of Article 48 of the Federal Law, in the course of an election campaign no charity activities shall be carried on by candidates, registered candidates, electoral associations, electoral blocs, which have nominated or registered lists of candidates or which nominated a candidate registered in a single-seat constituency, electoral associations comprised in electoral blocs which have which have nominated or registered federal lists of candidates or nominated any registered candidates in single-seat electoral districts, agents and authorized representatives of such electoral associations, electoral blocs, by agents of registered candidates, and by organizations whose founders, owners or possessors are and/or whose governing bodies include the said persons and organizations, and also by other natural persons and legal entities acting on the request or on instructions of the said persons and organizations. The said persons shall not ask other natural persons and legal entities to render any material and financial aid or services to voters and organizations.

Natural persons and legal entities shall not carry on charity activities on behalf or in support of any candidates, registered candidates, electoral associations, electoral blocs, their authorized representatives and agents. Thus, with effect from August 10, 1999, charitable activities of the aforesaid persons and organizations must be suspended.

9. Articles 8, 52, and 55 through 57 of the Federal Law establish that only registered candidates, electoral associations, electoral blocs that have registered federal lists of candidates may conduct an election campaign in the mass media (via broadcasting channels, in newspapers and periodicals), and exclusively for the account of the electoral fund. No other participants in the electoral process may conduct an election campaign in the mass media.

Equal conditions as regards access to the mass media for the purposes of election campaign is guaranteed to registered candidates running for the State Duma deputies, electoral associations, electoral blocs that have registered federal lists of candidates.

In accordance with Paragraph 6, Article 55 of the Federal Law, a registered candidate nominated by an electoral association, electoral bloc in a single-seat constituency and concurrently included in the federal part of the federal list of candidates of the same electoral association, electoral bloc may not use free air time or printing space on the

channels of TV and radio broadcasting organizations and in any periodicals referred to in Paragraph 2, Article 55 of the Federal Law.

A registered candidate nominated by an electoral association, electoral bloc in a single-seat constituency and concurrently included in the federal part of the federal list of candidates of the same electoral association, electoral bloc may use free air time and printing space either as a candidate registered in a single-seat constituency or as a candidate included in the regional group of candidates (Paragraph 7, Article 55 of the Federal Law).

The Federal Law stipulates that any mass media referred to in Paragraphs 4 and 8, Article 55 of the Federal Law, provided they fully abstain from participation in any campaign activities, as well as any specialized TV and radio broadcasting organizations and specialized mass media (cultural-educational, children's, technical, scientific, etc.), provided that they fully abstain from highlighting the election campaign in any form, may refuse to publish or air any election propaganda materials.

Under Paragraph 8 of Article 55, Paragraph 12 of Article 56, and Paragraph 9 of Article 57 of the Federal Law, TV and radio broadcasting organizations and editorial offices of periodicals must, within 20 days after official publication of the decision to call the election, publish information about the rates and terms of payment for any airtime and print space provided for election campaign purposes. The said rates and terms of payment shall be the same for all persons and entities entitled to conduct election campaign via the mass media. Any TV and radio broadcasting organization must publish such information is one of the mass-circulation periodicals where publications have an official nature, for instance, in Rossiyskaya Gazeta. The payment for such publications shall be determined by agreement between the broadcaster and the print medium. The editors of the periodical shall publish the above information in their periodical.

Under Paragraph 17 of Article 56 and Paragraph 14 of Article 57 of the Federal Law, in case any TV and radio broadcasting organization or any periodical referred to in Paragraph 8, Article 55 of the Federal Law fails to publish the above information or fails to notify the Central Election Commission of the Russian Federation of its readiness to provide airtime and print space to any registered candidates, electoral associations, electoral blocs, the same may not provide any airtime or print space to them.

Under Paragraph 24, Article 56 of the Federal Law, in TV and radio news programs, any reports concerning election campaign events shall be always presented as a separate bulletin, normally at the beginning of such programs and without any comments. Such news bulletins shall not payable by any electoral fund. The media editors ought to supervise the above new bulletins to make sure they do not give preference to any candidate, registered candidate, any electoral association, electoral bloc, in particular, in terms of time devoted to covering their election campaigns.

10. Pursuant to Paragraphs 1, 3, and 4, Article 59 of the Federal Law, registered candidates, electoral associations, and electoral blocs shall be free to issue printed, audiovisual and other propaganda materials. Such materials may only be produced and distributed with their written consent. The aforesaid materials must contain the names and legal addresses of the organizations (the first, middle and last names and the places of

residence of the persons) that prepared printed materials, the name of the organization (the first, middle and last name of the person) that placed an order for printing the given materials and information about the number of copies printed and the date of publication. Originals or copies of any printed materials must be submitted to the appropriate election commission before they are disseminated, along with the information concerning the location (place of residence) of organizations (persons) that have produced and ordered these materials.

11. In accordance with the Federal Law (Articles 60 and 91), any violation of the election campaign rules prescribed by these Clarifications and otherwise established by the Federal Law, including with regard to campaign funding, shall result in refusal to register any candidate and/or federal list of candidates, or withdrawal of registration from any registered candidate and/or federal list of candidates.

Electoral process participants, including mass media officials and journalists, shall be held liable, in accordance with the Code of Administrative Violations of the Russian Federation, for conducting election propaganda when it is prohibited, for breaching any conditions of conducting an election campaign in the media, for production or dissemination of anonymous campaign materials, as well as for deliberate destruction or mutilation of campaign materials.

In case any broadcaster violates the election campaign rules established by the Federal Law, the relevant electoral commission may move the law enforcement authorities, courts of law, or the executive bodies of government charged with pursuit of government policy in the mass media domain, requesting that any unlawful campaign activities be suppressed, and the broadcaster and its officials subjected to any sanctions prescribed by the legislation of the Russian Federation.

In case any materials are circulated or made public, which contain appeals to violent usurpation of power, violent changes in the constitutional system and any infringement against the integrity of the Russian Federation, advocate war, or incite social, racial, ethnic, or religious hatred and enmity, the respective broadcasters and periodicals shall be held liable pursuant to the Law of the Russian Federation "On Mass Media" for misusing the media freedoms.

C

Election Schedule – A Quick Reference Guide for the Election of the Deputies of the State Duma of the Federal Assembly of the Russian Federation on December 19, 1999



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Election Schedule - A Quick Reference Guide

For the election of the deputies of the State Duma of the Federal Assembly of the Russian Federation
19 December 1999

This Election Calendar is intended to serve only as a quick reference guide. The information and descriptions of the deadlines and election activities provided in this calendar have been abbreviated and are not intended to represent the full text or requirements of the relevant laws. To gain a thorough and accurate understanding of the legal requirements, readers should refer to the actual laws and to the regulations and instructions issued by the Central Election Commission of the Russian Federation.

Deadline: #Days Prior/After Election Day	Activity	Responsible Entity	Authority		COMMENTS
			"On the Election of Deputies of the State Duma..." ¹	"On basic Guarantees of Electoral Rights ..." ²	
One year Prior December 19, 1999	A political public association or modifications and amendments to be made in the statute of a public association to obtain the status of a political public association shall be registered with the Ministry of Justice to qualify for participation in the State Duma elections. ³	Ministry of Justice	Article 32 Clause 1	Article 2	

¹ Federal Law "On the Election of the Deputies of the State Duma of the Federal Assembly of the Russian Federation", dated June 24, 1999.

² Federal Law "On Basic Guarantees of Electoral Rights and the Right of Citizens of the RF to Participate in a Referendum", dated September 19, 1997 and as amended March 30, 1999.

³ A full compilation of electoral associations is available from IFES/Russia's Resource Center.

Deadline: #Days Prior/After Election Day	Activity	Responsible Entity	Authority		COMMENTS
			"On the Elec- tion of Depu- ties of the State Duma..."	"On basic Guarantees of Electoral Rights ..."	
200 Days Prior 2 June 1999	The Central Election Commission of the Russian Fed- eration (CEC of RF) must present the statistical data and graphic representation of the electoral map it sug- gests to the State Duma for the allocation of the 225 single-mandate district seats.	CEC of RF	Article 12 Clause 5	Article 19 Clause 1	
For the 1999 elec- tions, delay is re- duced to July 10, 1999	For the election of the State Duma in '99, the delay has been reduced to seven days after the entry into force of the State Duma Election Law.		Article 94 Clause 5		
Between Five to Four Months Prior 19 July 1999 – 19 August 1999	The President of the Russian Federation must issue a decree calling for the election of the State Duma within this period; the decree is officially published in the mass media within five days of its issuance. Once a decree is issued, all the provisions of the electoral laws regarding restrictions on campaign finance, media, and other matters for the pre-electoral campaign apply to the candidates and electoral blocs.	President of the Russian Federation	Article 5 Clause 2	Article 10 Clause 1	
Decree issued 9 August 1999					
After the official publication of a de- cree calling for elec- tion	The period for the nomination of candidates for party lists starts, as well as for single-mandate candidates provided the districts have been created.	Voters, candidates, electoral associa- tions/ blocs	Articles 37-39 Clause 3	Article 28 Clause 3	
Election Decree Published 10 August 1999	Public mass media organizations ⁴ must reserve paid air time and space for campaigning and make public their tar- iffs; they must be the same and available for everyone.			Article 40 Clause 3	
	Electoral blocs formed with the consent of two or more electoral associations have the same rights as electoral as- sociations; they must register with the CEC of RF, which has five days to accept/reject the application.		Article 33		

⁴ All mass media that receive more than 15% of their budget from public funds are subject to strict regulations for the elections. On mass media regulations, see the IFES/NPI/ESD Handbook "Mass Media and Parliamentary Elections – 1999"

Deadline: #Days Prior/After Election Day	Activity	Responsible Entity	Authority		COMMENTS
			"On the Elec- tion of Depu- ties of the State Duma..."	"On basic Guarantees of Electoral Rights ..."	
Within 10 Days of publication of Elec- tion Decree 20 August 1999	All federal funds available for the conduct of elections are accessible to CEC of RF	Russian Government	Article 61 Clause 2		
No later than 100 Days Prior 9 September 1999	225 single-mandate districts are formed by a special Federal Law.	State Duma, on the basis of sta- tistical data given by CEC of RF	Article 12 Clause 7	Article 19 Clause 1	
No later than 98 Days Prior 11 September 1999	If a Federal Law with a new scheme has not been pub- lished on time, CEC of RF uses the same single- mandate districts as in the previous election process. It makes the districts public 98 days prior to election day.	CEC of RF	Article 12 Clause 8	Article 19 Clause 2	
No later than 90 Days Prior 19 September 1999	District election commissions composed of 8 to 14 mem- bers, shall be formed. Members are nominated by the Subject's Executive and Legislative Authorities, in part on the basis of recommendations by the electoral associa- tions/blocs.	Legislative and Executive bodies of the Subject of the Russian Fed- eration	Article 20 Clause 2	Article 20 Clause 2	
	State funding for the conduct of the election must be remitted by CEC of RF to the 89 Election Commis- sions of the Subjects of the Russian Federation	CEC of RF	Article 61 Clause 5		
90 Days Prior 20 September 1999	Nomination of candidates in single-mandate electoral districts may begin if the scheme of single-mandate electoral district has not been approved within the pe- riod established by the election law ⁵ .	Candidates, elec- toral associa- tions/blocs	Article 37 Clause 5		

⁵ Federal Law "On the Election of the Deputies of the State Duma of the Federal Assembly of the Russian Federation", dated June 24, 1999.

Deadline: #Days Prior/After Election Day	Activity		Responsible Entity	Authority		COMMENTS
				"On the Elec- tion of Depu- ties of the State Duma..."	"On basic Guarantees of Electoral Rights ..."	
85 Days Prior 25 September 1999	Registration of candidates and lists	Registration of candidates starts for a pe- riod of 30 days.	CEC of RF, dis- trict election com- missions	Article 45 Clauses 1-2	Article 32	
		Together with the documents required for registration the first financial report shall be submitted to the appropriate election com- mission.	Candidates, elec- toral associations/ blocs	Article 66 Clause 2(b)		
		Candidates and electoral associations/ blocs can submit either signature lists or an electoral deposit ⁶ in support of their registration.	Candidate, elec- toral associations/ blocs	Article 45 Clause 5	Article 32 Clause 5	
		Candidates can run simultaneously in one single-mandate district and on a party list, provided they are running for the same electoral association/bloc.	Candidates elec- toral associations/ blocs	Article 47 Clause 4	Article 32 Clause 7	
		Upon acceptance of an application, the election commission has 10 days to register or reject a candidate/list.	Election commis- sions, referendum commissions	Article 47 Clause 1	Article 32 Clause 6	
		Within 24 hours after a decision was taken to refuse registration of a candi- date or a party list the appropriate elec- tion commission shall issue a copy of the motivated decision.	Appropriate elec- tion commission	Article 47 Clause 6	Article 32 Clause 9	
		Appeal of a decision to register a candidate must be heard within five days of the deci- sion.	Supreme Court, election commis- sions, courts	Article 47 Clause 10		
	Election campaigning officially starts on the day a can- didate or electoral association/bloc is registered; it ends a day before the vote.		Candidates, elec- toral associations/ blocs	Article 53	Article 38 Clause 1	

⁶ For full electoral deposits regulation, see Article 64 of the Federal Law "On the Election of the Deputies of the State Duma of the Federal Assembly of the Russian Federation"

Deadline: #Days Prior/After Election Day	Activity		Responsible Entity	Authority		COMMENTS
				"On the Elec- tion of Depu- ties of the State Duma..."	"On basic Guarantees of Electoral Rights ..."	
No later than 65 Days Prior 14 October 1999	Last day when candidates nominated or registered for a party list or single-mandate district can switch district, decide to run on both a party list and in a single-mandate district, or vice-versa.		Electoral associa- tions/ blocs	Article 38 Clause 10		
No later than/ 60 Days Prior 19 October 1999	Voter data is collected and transferred to the 2,700 ter- ritorial election commissions for the purpose of review and correction of the voter lists		Election commis- sions, heads of mu- nicipal units, com- manders of mili- tary units, heads of polar stations	Article 15 Clause 7		
	CEC of RF must issue the form and procedure for dis- tribution and application for absentee certificates by voters; these are considered as important as ballots.		CEC of RF	Article 72 Clause 1		
	Territorial election commissions, with 5-9 members, shall be formed over a maximum period of thirty days. Members of territorial election commissions are appointed by the representative bodies of local self-governments, in part on the basis of recommendations by the electoral associa- tions/blocs.		Representative bodies of local self-government	Article 21 Clause 1	Article 23 Clause 2	
	Not later than three days af- ter its forma- tion	Election commissions must hold their first meeting, at which they elect their Chairman, Deputy Chairman, and Sec- retary among voting members.	Election commissions	Article 31 Clauses 2-4		
	Commissions of Subjects of the Russian Federation shall distribute and remit funds to district election commissions.		Subject election commissions	Article 61 Clause 5		
No later than 55 Days Prior 24 October 1999	Closing date of registration for candidates and party lists (18:00 local time).		Candidates, elec- toral associations/ blocs	Article 45 Clauses 1-2		
	The last date when a candidate, an electoral association/bloc can pay their electoral deposits out of the electoral funds.		Candidates, elec- toral associations blocs	Article 64 Clause 5		

D

Complaints Adjudicated by the CEC of RF for the State Duma Elections

Complaints Adjudicated by CEC RF, State Duma Elections

Date	Case Number	Parties	Case Issue	Resolution
10/27/99	31/405-3	B.L. Korsunsky vs. Birobidzhan election district #214	Mr. Korsunsky was denied registration for failure to comply with the federal law in the part related to campaigning activities.	The CEC ruled that the previous decision of Birobidzhan election district #214 be agreed with, Mr. Korsunsky's grievance be declined.
11/1/99	35/436-3	A.N. Arinin vs. Oktyabrsky election district #5	Mr. Arinin was denied registration for failure to comply with the federal law in the part related to formation and expenditure of election funds.	The CEC ruled that the previous decision of Oktyabrsky election district #5 be overruled, Mr. Arinin's registration application be re-considered, the Central Commission of the Republic of Bashkortostan re-enforce control over the observation of election rights of citizens by district election commissions during the elections of deputies to the State Duma of the Russian Federation.
11/3/99	37/458-3	A.M. Traspov vs. Stavropol election district #55	Mr. Traspov was denied registration for failure to comply with the federal law in the part related to campaigning activities.	The CEC ruled that the decision of Stavropol election district #55 be agreed with, Mr. Traspov's grievance be declined.
11/3/99	37/459-3	A.V. Knyshov vs. Belokalitvin election district #142	Mr. Knyshov was denied registration for failure to comply with the federal law in the part related to submission of valid financial information.	The CEC ruled that the previous decision of Belokalitvin election district #142 be overruled, Mr. Knyshov's registration application be re-considered, Election Commission of the Rostov Region re-enforce control over the observation of election rights of citizens by district election commissions during the elections of deputies to the State Duma of the Russian Federation.
11/3/99	37/460-3	A.A. Kornatsky vs. Odintsovo election district #110	Mr. Kornatsky was denied registration for failure to comply with the federal law in the part related to formation and expenditure of election funds.	The CEC ruled that the previous decision of Odintsovo election district #110 be overruled, Mr. Kornatsky's registration application be re-considered, Election Commission of the Moscow Region re-enforce control over the observation of election rights of citizens by district election commissions during the elections of deputies to the State Duma of the Russian Federation.
11/3/99	37/461-3	Yu.E. Voyevoda vs. Kaliningrad Regional Election Commission	Mr. Voyevoda was denied registration for failure to comply with the federal law in the part related to submission of valid income and property information.	The CEC ruled that the Election Commission of the Kaliningrad Region immediately re-consider Mr. Voyevoda's registration application.

11/5/99	38/469-3	N.V. Ignatkov vs. Bryansk election district #64	Mr. Ignatkov was denied registration for failure to comply with the federal law in the part related to collection of signatures.	The CEC ruled that the previous decision of Bryansk election district #64 be overruled, Mr. Ignatkov's registration application be immediately re-considered.
11/5/99	38/470-3	N.V. Babkin vs. Odintsovo election district #110	Mr. Babkin was denied registration for failure to open an election fund bank account on time.	The CEC ruled that the previous decision of Odintsovo election district #110 be overruled, Mr. Babkin's registration application be re-considered.
11/5/99	38/471-3	"Movement of Patriotic Forces-Russian Cause" vs. Oktyabrsk election district #5	Mr. Idiatulin nominated by the "MPF-RC" was denied registration for failure to comply with the federal law in the part related to formation and expenditure of election funds.	The CEC ruled that the previous decision of Oktyabrsk election district #5 be overruled, Mr. Idiatulin's registration application be re-considered.
11/5/99	38/472-3	M.I. Aushev vs. Ingush election district #12	Mr. Aushev was denied registration for failure to submit a certified copy of income declaration when applying for registration.	The CEC ruled that the previous decision of Ingush election district #12 be overruled, Mr. Aushev's registration application be immediately re-considered.
11/5/99	38/474-3	P.E. Babichev vs. Podolsk election district #112	Mr. Babichev was denied registration for failure to submit sufficient and valid information.	The CEC ruled that the decision of Podolsk election district #112 be agreed with, Mr. Babichev's grievance be declined.
11/5/99	38/475-3	V.P. Voytenko vs. Chita election district #188	Mr. Voytenko was denied registration for failure to comply with the federal law in the part related to submission of adequate financial reports.	The CEC ruled that the previous decision of Chita election district #188 be overruled, Mr. Voytenko's registration application be re-considered.
11/5/99	38/476-3	A.V. Tarabanov vs. Orekhovo-Zuyevo election district #111	Mr. Tarabanov was denied registration for failure to comply with the federal law in the part related to formation and expenditure of election funds.	The CEC ruled that the previous decision of Orekhovo-Zuyevo election district #111 be agreed with, Mr. Tarabanov's grievance be declined.
11/8/99	39/499-3	G.K. Volkov vs. Vladimir election district #66	Mr. Volkov was denied registration for failure to comply with the federal law in the part related to campaigning materials and their distribution.	The CEC ruled that the previous decision of Vladimir election district #66 be overruled, Mr. Volkov's registration application be re-considered.
11/8/99	39/500-3	B.M. Smirnov vs. Sergach election district #122	Mr. Smirnov was denied registration for failure to comply with the federal law in the part related to submission of sufficient	The CEC ruled that the previous decision of Sergach election district #122 remain unaltered, Mr. Smirnov's grievance be declined.

			number of valid signatures on voters' petitions.	
11/9/99	40/513-3	E.V. Voinov vs. Central Election Commission of the Republic of Mordovia	Mr. Voinov was denied registration for failure to comply with the federal law in the part related to submission of sufficient number of valid signatures on voters' petitions.	The CEC ruled that the previous decision of the Central Election Commission of the Republic of Mordovia remain unaltered, Mr. Voinov's grievance be declined.
11/9/99	40/514-3	A.A. Zhirinovsky vs. Central Election Commission of the Republic of Mordovia	Mr. Zhirinovsky was refused registration for failure to comply with the federal law in the part related to submission of sufficient number of valid signatures on voters' petitions.	The CEC ruled that Zhirinovsky's grievance be declined.
11/9/99	40/515-3	V.A. Dmitriyev vs. Verkh-Isetsky election district #162	Mr. Dmitriyev was denied registration for failure to comply with the federal law in the part related to formation and expenditure of election funds.	The CEC ruled that the previous decision of Verkh-Isetsk election district #162 be overruled, Mr. Dmitriyev's registration application be immediately re-considered.
11/9/99	40/516-3	Yu.M. Aksyonov vs. Ishimsky election district #178	Mr. Aksyonov was denied registration for failure to comply with the federal law in the part related to submission of sufficient valid information.	The CEC ruled that the previous decision of Ishimsky election district #178 be overruled, Mr. Aksyonov's registration application be re-considered.
11/9/99	40/517-3	A.V. Pershin vs. Udmurtsky election district #29	Mr. Pershin was denied registration for failure to comply with the federal law in the part related to submission of sufficient number of valid signatures on voters' petitions.	The CEC ruled that Mr. Pershin's grievance be accepted, the previous decision of Udmurtsky election district #29 be agreed with.
11/9/99	40/518-3	A.A. Ivanova vs. Sterlitamak election district #7	Ms. Ivanova was denied registration for failure to comply with the federal law in the part related to submission of sufficient number of valid signatures on voters' petitions.	The CEC ruled that the previous decision of Sterlitamak election district #7 remain unaltered, Ms. Ivanova's grievance be declined.

11/9/99	40/519-3	A.V. Nikonov vs. Kovrov election district #67	Mr. Nikonov was denied registration for failure to comply with the federal law in the part related to submission of sufficient number of valid signatures on voters' petitions.	The CEC ruled that the previous decision of Kovrov election district #67 remain unaltered, Mr. Nikonov's grievance be declined.
11/9/99	40/520-3	A.M. Ovsyannikov vs. Tuymazinsky election district #8	Mr. Ovsyannikov was denied registration for failure to comply with the federal law in the part related to submission of sufficient number of valid signatures on voters' petitions.	The CEC ruled that the previous decision of Tuymazinsky election district #8 be overruled, Mr. Ovsyannikov's registration application be re-considered.
11/9/99	40/521-3	V.P. Lednyov vs. Adygeya election district #1	Mr. Lednyov was denied registration for failure to comply with the federal law in the part related to submission of sufficient and valid information on income and property.	The CEC ruled that Mr. Lednyov's grievance be accepted, the previous decision of Adygeya election district #1 be overruled, Mr. Lednyov's registration application be immediately re-considered.
11/9/99	40/522-3	Yu.V. Utkin vs. Sterlitamak election district #7	Mr. Utkin was denied registration for failure to comply with the federal law in the part related to formation and expenditure of election funds.	The CEC ruled that Mr. Utkin's grievance be accepted, the previous decision of Sterlitamak election district #7 be overruled, Mr. Utkin's registration application be immediately re-considered.
11/10/99	41/526-3	V.G. Makhmutov vs. Nizhnekamsk election district #25	Mr. Makhmutov was denied registration for failure to comply with the federal law in the part related to submission of sufficient and valid information on applicant's labor history.	The CEC ruled that the previous decision of Nizhnekamsk election district #25 be overruled, Mr. Makhmutov's registration application be immediately re-considered.
11/10/99	41/527-3	V.A. Ziyatdinova vs. Nizhnekamsk election district #25	Ms. Ziyatdinova was denied registration for failure to comply with the federal law in the part related to submission of sufficient and valid information.	The CEC ruled that the previous decision of Nizhnekamsk election district #25 remain unaltered, Ms. Ziyatdinova's grievance be declined.
11/10/99	41/528-3	Z.N. Kharisov vs. Nizhnekamsk election district #25	Mr. Kharisov was denied registration for failure to comply with the federal law in the part related to submission of sufficient and adequate	The CEC ruled that the previous decision of Nizhnekamsk election district #25 remain unaltered, Mr. Kharisov's grievance be declined.

			information.	
11/10/99	41/529-3	G.V. Kuptsov vs. Lipetsk election district #102	Mr. Kuptsov was denied registration for failure to comply with the federal law in the part related to submission of registration application in person.	The CEC ruled that the previous decision of Lipetsk election district #102 remain unaltered, Mr. Kuptsov's grievance be declined.
11/10/99	41/531-3	O.V. Kazarov vs. Ulyanovsk election district #181	Mr. Kazarov was denied registration for failure to comply with the federal law in the part related to submission of sufficient and adequate information.	The CEC ruled that Mr. Kazarov's grievance be accepted, the previous decision of Ulyanovsk election district #181 be overruled, Mr. Kazarov's registration application be immediately re-considered.
11/11/99	42/537-3	A.N. Arinin vs. Oktyabrsky election district #5	Mr. Arinin was denied registration for failure to comply with the federal law in the part related to formation and expenditure of election funds.	The CEC ruled that the previous decision of Oktyabrsky election district #5 remain unaltered, Mr. Arinin's grievance be declined.
11/11/99	42/538-3	V.N. Lopatin vs. Vologda election district #72	Mr. Lopatin was denied registration for failure to comply with the federal law in the part related to submission of sufficient and adequate information.	The CEC ruled that the previous decision of Vologda election district #72 be overruled, Mr. Lopatin's registration application be re-considered.
11/11/99	42/539-3	V.I. Skorobogatova vs. Syktyvkar election district #17	Ms. Skorobogatova was denied registration for failure to comply with the federal law in the part related to campaigning activities.	The CEC ruled that the previous decision of Syktyvkar election district #17 be overruled, Ms. Skorobogatova's registration application be re-considered.
11/11/99	42/540-3	A.A. Kornatsky vs. Odintsovo election district #110, repeat complaint	Mr. Kornatsky insisted that he was denied registration groundlessly.	The CEC ruled that Mr. Kornatsky be registered as candidate for the State Duma, Odintsovo election district #110 issue a candidate's certificate to Mr. Kornatsky.
11/12/99	43/551-3	Yu.G. Nikolayev vs. Tuymazinsky election district #8	Mr. Nikolayev was denied registration for failure to comply with the federal law in the part related to submission of sufficient number of valid signatures on voters' petitions.	The CEC ruled that the previous decision of Tuymazinsky election district remain unaltered, Mr. Nikolayev's grievance be declined.

11/12/99	43/552-3	S.S. Konviz vs. Tuva election district #27	Mr. Konviz was denied registration for failure to comply with the federal law in the part related to submission of sufficient number of valid signatures on voters' petitions.	The CEC ruled that the previous decision of Tuva election district #27 remain unaltered, Mr. Konviz' grievance be declined.
11/12/99	43/553-3	O.M. Pavletsov vs. Vladimir election district #66	Mr. Pavletsov was declined registration for failure to comply with the federal law in the part related to submission of sufficient number of valid signatures on voters' petitions.	The CEC ruled that the previous decision of Vladimir election district #66 on denying Mr. Pavletsov registration as candidate for the State Duma be overruled, Mr. Pavletsov's registration application be immediately re-considered.
11/12/99	43/554-3	A.L. Skorobogatov vs. Rostov election district #146	Mr. Skorobogatov was denied registration for failure to comply with the federal law in the part related to collection of signatures.	The CEC ruled that the previous decision of Rostov election district #146 remain unaltered, Mr. Skorobogatov's grievance be declined.
11/12/99	43/557-3	T.A. Andreyeva vs. Odintsovo election district #110	Ms. Andreyeva was denied registration for failure to comply with the federal law in the part related to timely submission of applications for registration.	The CEC ruled that the previous decision of Odintsovo election district #110 be overruled, Ms. Andreyeva be registered as candidate to the State Duma, election district #110 issue a candidate's certificate to Ms. Andreyeva
11/12/99	43/558-3	S.A. Sokolov vs. Orekhovo-Zuyevo election district #111	Mr. Sokolov was denied registration for failure to comply with the federal law in the part related to submission of sufficient number of valid signatures on voters' petitions.	The CEC ruled that the previous decision of Orekhovo-Zuyevo election district #111 be overruled, Mr. Sokolov's registration application be re-considered.
11/15/99	44/565-3	A.N. Kirillov vs. Sterlitamak election district #7	Mr. Kirillov was denied registration for failure to comply with the federal law in the part related to formation and expenditure of election funds.	The CEC ruled that the previous decision of Sterlitamak election district #7 remain unaltered, Mr. Kirillov's grievance be declined.
11/15/99	44/566-3	A.N. Lavrinenko vs. Tyumen election district #179	Mr. Lavrinenko was denied registration for failure to comply with the federal law in the part related to submission of sufficient and adequate	The CEC ruled that the previous decision of Tyumen election district #179 remain unaltered, Mr. Lavrinenko's grievance be declined.

			information.	
11/15/99	44/567-3	V.V. Bolotnov vs. Birobidzhan election district #214	Mr. Bolotnov was denied registration for failure to comply with the federal law in the part related to submission of sufficient and adequate information on applicant's income and property.	The CEC ruled that the previous decision of Birobidzhan election district #214 remain unaltered, Mr. Bolotnov's grievance be declined.
11/15/99	44/568-3	O.P. Kitova vs. Belgorod election district #62	Ms. Kitova was denied registration for failure to comply with the federal law in the part related to submission of sufficient number of valid signatures on voters' petitions.	The CEC ruled that the previous decision of Belgorod election district #62 be overruled, Ms. Kitova's registration application be immediately re-considered.
11/15/99	44/569-3	S.P. Klemantovich vs. Koryak autonomous election district #217 on registration of E.P. Mel	Mr. Klemantovich challenged the decision of Koryak autonomous election district #217 on registration of Mr. Mel as candidate running for the State Duma as Mr. Mel's sequence of actions contradicted the federal law.	The CEC ruled that all previous decisions of Koryak autonomous election district #217 remain unaltered, Mr. Klemantovich's grievance be declined.
11/15/99	44/570-3	E.A. Vorobyov vs. Avtozavodsky election district #191	Mr. Vorobyov was denied registration for failure to comply with the federal law in the part related to submission of sufficient number of valid signatures on voters' petitions.	The CEC ruled that the previous decision of Avtozavodsky election district #191 remain unaltered, Mr. Vorobyov's grievance be declined.
11/15/99	44/571-3	A.V. Gerasimov vs. Blagoveschensk election district #58	Mr. Gerasimov was denied registration for failure to comply with the federal law in the part related to submission of sufficient number of valid signatures on voters' petitions.	The CEC ruled that the previous decision of Blagoveschensk election district #58 remain unaltered, Mr. Gerasimov's grievance be declined.
11/16/99	45/578-3	A.V. Mertens vs. Kemerovo election district #88	Mr. Mertens was denied registration for failure to comply with the federal law in the part related to submission of sufficient number of valid	The CEC ruled that the previous decision of Kemerovo election district #88 be overruled, Mr. Mertens be registered as candidate to the State Duma, election district #88 issue a candidate's certificate to Mr. Mertens.

			signatures on voters' petitions.	
11/16/99	45/579-3	V.V. Lysenkov vs. Tuymazinsky election district #8	Mr. Lysenkov was denied registration for failure to comply with the federal law in the part related to submission of sufficient number of valid signatures on voters' petitions.	The CEC ruled that the previous decision of Tuymazinsky election district #8 remain unaltered, Mr. Lysenkov's grievance be declined.
11/18/99	46/590-3	S.A. Shedenkov vs. Novomoskovsk election district #175	Mr. Shedenkov was declined registration for failure to comply with the federal law in the part related to submission of sufficient number of valid signatures on voters' petitions.	The CEC ruled that the previous decision of Novomoskovsk election district #175 be overruled, Mr. Shedenkov's registration application be re-considered.
11/19/99	47/596-3	I.A. Zhdakayev vs. Sakhalin election district #160	Mr. Zhdakayev was denied registration for failure to comply with the federal law in the part related to submission of sufficient and adequate information.	The CEC ruled that the previous decision of Sakhalin election district #160 remain unaltered, Mr. Zhdakayev's grievance be declined.
11/19/99	47/597-3	S.A. Shestakov vs. Lgov election district #97	Mr. Shestakov was denied registration for failure to comply with the federal law in the part related to submission of sufficient and adequate information.	The CEC ruled that the previous decision of Lgov election district #97 remain unaltered, Mr. Shestakov's grievance be declined.
11/23/99	50/630-3	V.N. Lopatin vs. Vologda election district #72, repeat complaint	Mr. Lopatin was denied registration for failure to comply with the federal law in the part related to submission of sufficient and adequate information.	The CEC ruled that the previous decision of Vologda election district #72 remain unaltered, Mr. Lopatin's grievance be declined.
11/23/99	50/631-3	O.V. Kazarov vs. Ulyanovsk election district #181	Mr. Kazarov was denied registration for failure to comply with the federal law in the part related to submission of sufficient and adequate information.	The CEC ruled that the previous decision of Ulyanovsk election district #181 be overruled, Mr. Kazarov be registered as candidate for the State Duma, election district #181 issue a candidate's certificate to Mr. Kazarov.
11/23/99	50/632-3	A.N. Leus vs. Kavminvodsky election district	Mr. Leus was denied registration for failure to comply with the federal	The CEC ruled that the previous decision of Kavminvodsky election district #53 remain unaltered, Mr. Leus' grievance be declined.

		#53	law in the part related to collection of signatures.	
11/23/99	50/633-3	A.Yu. Kazantsev vs. Koryak election district #217	Mr. Kazantsev was denied registration for failure to comply with the federal law in the part related to submission of sufficient number of valid signatures on voters' petitions.	The CEC ruled that the previous decision of Koryak election district #217 remain unaltered, Mr. Kazantsev's grievance be declined.
11/26/99	52/639-3	M.I. Aushev vs. Ingush election district #12	Mr. Aushev was denied registration for failure to comply with the federal law in the part related to submission of sufficient and adequate financial information.	The CEC ruled that the previous decision of Ingush election district #12 remain unaltered, Mr. Aushev's grievance be declined.
11/26/99	52/640-3	A.A. Sarychev vs. Moscow Regional Election Commission	Mr. Sarychev was denied registration as gubernatorial candidate for failure to comply with the federal law in the part related to collection of signatures.	The CEC ruled that the previous decision of the Moscow regional Election Commission remain unaltered, Mr. Sarychev's grievance be declined.
11/26/99	52/641-3	V. I. Korenets & M. V. Savva on behalf of G.E. Pogrebnoy vs. Tikhoretsk election district #43	Mr. Pogrebnoy was declined registration for failure to comply with the federal law in the part related to submission of sufficient number of valid signatures on voters' petitions.	The CEC ruled that the previous decision of election district #43 be overruled, Mr. Pogrebnoy's registration application be re-considered.
11/29/99	53/652-3	O.M. Pavletsov vs. Vladimir election district #66	Mr. Pavletsov was declined registration for failure to comply with the federal law in the part related to submission of sufficient number of valid signatures on voters' petitions.	The CEC ruled that the previous decision of Vladimir election district #66 remain unaltered, Mr. Pavletsov's grievance be declined.
11/29/99	53/653-3	O.P. Shkrebetzky vs. Koryak election district #217	Mr. Shkrebetzky was denied registration for failure to comply with the federal law in the part related to submission of sufficient number of valid signatures on voters' petitions.	The CEC ruled that the previous decision of Koryak election district #217 remain unaltered, Mr. Shkrebetzky's grievance be declined.

11/29/99	53/654-3	Yu.M. Aksyonov vs. Ishimsky election district #178, repeat complaint	Mr. Aksyonov was denied registration for failure to submit valid information on his labor history, as well as for violation of the federal law in the part related to campaigning activities.	The CEC ruled that the previous decision of Ishimsky election district #178 remain unaltered, Mr. Aksyonov's grievance be declined.
12/2/99	54/681-3	G.V. Kuptsov vs. Lipetsk election district #102	Mr. Kuptsov was denied registration for failure to comply with the federal law in the part related to collection of signatures, election fund formation, and expenditure of election funds.	The CEC rules that the previous decision of Lipetsk election district #102 remain unaltered, Mr. Kuptsov's grievance be declined.
12/2/99	54/682-3	K.M. Kazanatova vs. Buynaksk election district #10	Ms. Kazanatova was denied registration for failure to comply with the federal law in the part related to timely opening of election fund bank accounts.	The CEC ruled that the previous decision of Buynaksk election district #10 be overruled, Ms. Kazanatova be registered as candidate to the State Duma, election district #10 issue a candidate's certificate to Ms. Kazanatova.
12/2/99	54/683-3	S.V. Latsev vs. Sergach election district #122, on registration of N.P. Khvatkov & A.N. Listkov as candidates for the State Duma	Mr. Latsev insisted that registration of State Duma candidates, Mr. Khvatkov and Mr. Listkov be canceled since after their registration he discovered that they had violated the federal law in the part related to collection of signatures.	The CEC ruled that the previous decisions on registration of Mr. Khvatkov and Mr. Listkov as candidates for the State Duma remain unaltered, Mr. Latsev's grievance be declined.
12/4/99	55/689-3	Yu.V. Utkin vs. Sterlitamak election district #7	Mr. Utkin was denied registration for failure to comply with the federal law in the part related to formation and expenditure of election funds as well as for taking advantage of his official position and status.	The CEC ruled that the previous decision of Sterlitamak election district #7 be overruled, Mr. Utkin be registered as candidate to the State Duma, election district #7 issue a candidate's certificate to Mr. Utkin.
12/4/99	55/690-3	S.N. Shishkaryov & V.A. Savchenko vs. Novorossiysk election district #41 on cancellation of	Ms. Zatsepina's registration was canceled for failure to comply with the federal law in the part related to campaigning activities.	The CEC ruled that Novorossiysk election district #41 immediately re-consider complaints of Mr. Shishkaryov and Mr. Savchenko and make an essential decision.

		registration of N.A. Zatsepina		
12/6/99	56/699-3	O.A. Beklemischeva vs. Kanavinsky election district #120, on the warning received from the district election commission.	Ms. Beklemischeva insisted that the warning that she received from the district election commission in view of her alleged violation of the federal law in part related to campaigning activities was issued groundlessly.	The CEC ruled that the previous decision of Kanavinsky election district #120 be overruled, the warning be considered unlawful and invalid.
12/6/99	56/700-3	V.I. Kirillov vs. Levoberezhny election district #75, repeat complaint	Mr. Kirillov was denied registration for the second time for failure to comply with the federal law in the part related to submission of sufficient number of valid signatures on voters' petitions.	The CEC ruled that the previous decision of Levoberezhny election district #75 remain unaltered, Mr. Kirillov's grievance be declined.
12/6/99	56/701-3	V.F. Perebeinos vs. Prikubansky election district #42	Mr. Perebeinos' registration was canceled for failure to comply with the federal law in the part related to submission of sufficient and adequate information.	The CEC ruled that the previous decision of Prikubansky election district #42 on cancellation of Mr. Perebeinos' registration be overruled.
12/6/99	56/702-3	A.F. Potapenko vs. Lgov election district #97	Mr. Potapenko's registration was canceled for failure to comply with the federal law in the part related to campaigning activities.	The CEC ruled that the previous decision of Lgov election district #97 be overruled, a warning to Mr. Potapenko be issued.
12/6/99	56/703-3	A.A. Nemov vs. Chertanovo election district #204, on registration of A.V. Ulyukayev as candidate for the State Duma	Mr. Nemov insisted, that for his registration as candidate for the State Duma Mr. Ulyukayev submitted inadequate information.	The CEC ruled that the previous decision on registration of Mr. Ulyukayev as candidate for the State Duma remain unaltered, Mr. Nemov's grievance be declined.
12/6/99	56/704-3	E.A. Vorobyov vs. Avtozavodsky election district #191, on the warning received from the district	Mr. Vorobyov insisted that the warning he received from the district election commission for his alleged violation of the federal law in the part related to campaigning materials and their	The CEC ruled that the previous decision of Avtozavodsky election district #191 on issuing a warning to Mr. Vorobyov for violation of the federal law in the part related to campaigning materials and their distribution be overruled, the warning be considered unlawful and invalid.

		election commission	distribution was issued unlawfully.	
12/6/99	56/705-3	A.S. Milekhina vs. Ryazan election district #149. on the warning received by the claimant from the district election commission	A.S. Milekhina insisted that the warning she received from the district election commission on violation of campaigning rules was issued groundlessly.	The CEC ruled that the previous decision of Ryazan election district #149 be overruled, the warning issued to Ms. Milekhina be considered unlawful and invalid.
12/8/99	57/712-3	S.B. Zangeyeva vs. Buryatsky election district #9, repeat complaint	Ms. Zangeyeva's registration was canceled twice for failure to comply with the federal law in the part related to financial reporting, campaigning, and expenditure of election funds.	The CEC ruled that the previous decision on registration cancellation of Ms. Zangeyeva as candidate for the State Duma be overruled, Ms. Zangeyeva be reinstated as a registered candidate.
12/10/99	59/721-3	B.I. Zamay vs. Novooskolsky election district #63	Mr. Zamay's registration was canceled for failure to comply with the federal law in the part related to election deposits.	The CEC ruled that the previous decision of Novooskolsky election district #63 on cancellation of registration of Mr. Zamay be overruled, Mr. Zamay be reinstated as a registered candidate.
12/11/99	43/555-3	S.I. Kuchеров vs. Yeletsk election district #101	Mr. Kuchеров was denied registration for failure to comply with the federal law in the part related to submission of sufficient number of valid signatures on voters' petitions.	The CEC ruled that the previous decision of Yeletsk election district #101 remain unaltered, Mr. Kuchеров's grievance be declined.
12/11/99	43/556-3	V.I. Kirillov vs. Levoberezhny election district #75	Mr. Kirillov was denied registration for failure to comply with the federal law in the part related to submission of sufficient number of valid signatures on voters' petitions.	The CEC ruled that the previous decision of Levoberezhny election district #75 be overruled, Mr. Kirillov's registration application be re-considered.
12/13/99	60/728-3	C.N. Shishkaryov & V.A. Savchenko vs. Novorossiysk	The claimants insisted that registration of Ms. Zatsepina be canceled for failure to comply with the federal law in the part	The CEC ruled that Novorossiysk election district #41 cancel registration of Ms. Zatsepina as candidate for the State Duma.

		election district #41 on refusal to cancel registration of candidate N.A. Zatsepina	related to campaigning activities.	
12/13/99	60/729-3	I.I. Podberyozkin vs. Novorossiysk election district #41, on denying P.T. Tukabayev registration	Mr. Podberyozkin claimed that Mr. Tukabayev was denied registration groundlessly.	The CEC ruled that the previous decision of Novorossiysk election district #41 on denying Mr. Tukabayev registration remain unaltered, Mr. Podberyozkin's grievance be declined.
12/13/99	60/730-3	G.G. Firsov vs. Tikhoretsk election district #43 on the registration of A.N. Tkachyov	The claimant insisted that registration of Mr. Tkachyov be canceled for failure to comply with the federal law in the part related to campaigning activities, financial reporting, and bribery of voters.	The CEC ruled that the previous decision of Tikhoretsk election district #43 on registration of Mr. Tkachyov remain unaltered, Mr. Firsov's grievance be declined.
12/13/99	60/731-3	A.V. Sergeyev vs. E.G. Zyablitseva, candidate registered in Verkh-Isetsk election district #162	The claimant insisted that registration of Mr. Zyablitsev be canceled for failure to comply with the federal law in the part related to campaigning activities and expenditure of election funds.	The CEC ruled that the previous decision of Verkh-Isetsk election district #162 on registration of Mr. Zyablitsev as candidate for the State Duma be overruled, his registration be canceled.
12/16/99	61/744-3	O.D. Filatova vs. Schyokino election district #177, on upholding the decision of the district election commission to register N.P. Maltsev as candidate for the State Duma	Ms. Filatova claimed that the district election commission upheld its decision to register Mr. Maltsev as candidate for the State Duma unlawfully.	The CEC ruled that the previous decision of Schyokino election district #177 to register Mr. Maltsev as candidate for the State Duma remain unaltered.
12/16/99	61/745-3	D.A. Mitina vs. Tuapse election district #44	Ms. Mitina's registration was canceled for failure to comply with the federal law in the part related to timely submission of financial reports.	The CEC ruled that registration cancellation decision of Tuapse election district #44 be canceled, Ms. Mitina be reinstalled as a registered candidate.

12/16/99	61/746-3	Yu.N. Moskvich vs. Kansk election district #47	Mr. Moskvich's registration was canceled for failure to comply with the federal law in the parts related to timely submission of financial reports and expenditure of election funds.	The CEC ruled that the previous decision of Kansk election district #47 remain unaltered, Mr. Moskvich's grievance be declined.
12/17/99	62/753-3	A.V. Mitrofanov vs. Moscow City Election Commission on registration of Yu.M. Luzhkov as candidate for Mayor of Moscow	The claimant insisted Luzhkov's registration be canceled for failure to comply with the federal law in the part related to submission of sufficient number of valid signatures on voters' petitions.	The CEC ruled that the previous decision of the Moscow City Election Commission on registration of Mr. Luzhkov as candidate for Mayor of Moscow remain unaltered, Mr. Mitrofanov's grievance be declined.
12/17/99	62/754-3	E.A. Khoroshevtsev vs. Noginsk election district #109	Mr. Khoroshevtsev's registration was canceled for failure to comply with the federal law in the part related to timely submission of financial reports.	The CEC ruled that the previous decision of Noginsk election district #109 remain unaltered, Mr. Khoroshevtsev's grievance be declined.
12/17/99	62/755-3	N.N. Ozerov vs. Noginsk election district #109	Mr. Ozerov's registration was canceled for failure to comply with the federal law in the part related to timely submission of financial reports.	The CEC ruled that the registration cancellation decision of Noginsk election district #109 be canceled, Mr. Ozerov be reinstated as a registered candidate.
12/17/99	62/756-3	A.L. Burkov vs. Serov election district #167	Mr. Burkov's registration was canceled for failure to comply with the federal law in the part related to formation and expenditure of election funds.	The CEC ruled that the previous decision of Serov election district #167 be overruled.
12/17/99	62/757-3	A.M. Ponomaryov vs. Cherepovets election district #73	Mr. Ponomaryov's claimed that his registration was canceled groundlessly.	The CEC ruled that the previous decision of Cherepovets election district be overruled, Mr. Ponomaryov be reinstated as a registered candidate.
12/17/99	62/758-3	N.V. Babkin vs. Odintsovo election district #110	Mr. Babkin was denied registration for failure to comply with the federal law in the part related to timely opening of election fund bank accounts.	The CEC ruled that the previous decision of Odintsovo election district #110 on Mr. Babkin's registration cancellation be canceled.

12/18/99	63/760-3	A.G. Stankov vs. Cheryomushki election district #203	Mr. Stankov's registration was canceled for failure to comply with the federal law in the part related to timely submission of financial reports.	The CEC ruled that the previous decision of Cheryomushki election district #203 remain unaltered, Mr. Stankov's grievance be declined.
12/18/99	63/761-3	V.M. Kokorin vs. Omsk election district #129 on the court decision of the Omsk regional court of December 10, 1999	Mr. Kokorin claimed he was groundlessly denied registration.	The CEC ruled that the previous decision of Omsk election district #129 as well as that of the Omsk regional court be overruled, Mr. Kokorin's registration application be immediately re-considered.
1/28/00	75/855-3	V.I. Lebedev vs. Chertanovo election district #204, on violation of the Federal law "On election of deputies to the State Duma of the Russian Federation"	Mr. Levedev claimed that Chertanovo election district #204 repeatedly violated the federal law while preparing and conducting elections of deputies to the State Duma of the Russian Federation.	The CEC ruled that the grievance of Mr. Lebedev be declined.
1/28/00	75/856-3	A.L. Kruglikov & O.V. Kazarov vs. CEC, on violation of the Federal law "On election of deputies to the State Duma of the Russian Federation" in Ulyanovsk region.	Mr. Kruglikov & Mr. Kazarov claimed that the Federal law "On election of deputies to the State Duma of the Russian Federation" was repeatedly violated in Ulyanovsk region.	The CEC ruled that the grievance of Mr. Kruglikov and Mr. Kazarov be declined.
1/28/00	75/857-3	S.B. Zangeyeva vs. Buryatsky election district #9, on determination of election results	Ms. Zangeyeva, a State Duma candidate, insisted that election results in election district #9, Republic of Buryatia, be rendered invalid since her name was not included in the ballots distributed for early voting.	The CEC ruled that the previous decision of election district #9 on determination of election results remain unaltered, Ms. Zangeyeva's grievance be declined.

2/28/00	88/1035-3	N.P. Trusov vs. Ordzhonikidze election district #165	Mr. Trusov was denied registration for failure to comply with the federal law in the parts related to submission of sufficient and adequate income and property declaration and timely submission of financial reports.	The CEC ruled that the previous decision of Ordzhonikidze election district #165 remain unaltered, Mr. Trusov's grievance be declined.
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Complaints Adjudicated by the Supreme Court of RF for the State Duma Elections

Complaints Adjudicated by Supreme Court, State Duma Elections

Date	Case Number	Parties	Case Issue	Resolution
8/19/99	GKPI99-687	The "Party of People's Capital" vs. Central Election Commission of the Russian Federation	The claimant demanded that violations of election right committed by the CEC RF with regard to the "Party of People's Capital" be amended within a two-day term, the party be included in an election bloc and allowed to participate in the State Duma elections.	The Supreme Court ruled that the grievance of the "Party of People's Capital" be declined. Decision may be appealed within ten days.
3/31/99	GKPI99-637	The "Party of People's Capital" vs. RF Ministry of Justice	The claimant demanded that the RF Ministry of Justice change the date of party's registration from 01/15/99 to 12/18/99 and present the party to the CEC RF as member of an election bloc participating in the State Duma elections.	The Supreme Court ruled that the "Party of People's Capital's" grievance be declined. Decision may be appealed within ten days.
9/21/99	GKPI99-742	V.V. Lunin vs. Central Election Commission of the Russian Federation	The claimant demanded that CEC resolution of 09/04/99 on registration of the "Fatherland - All Russia" bloc be canceled due to the fact that one of the bloc's components - public political organization "Fatherland" - is not authorized to form election blocs and participate in the election of deputies of the State Duma.	The Supreme Court of the Russian Federation ruled that Mr. Lunin's grievance be declined. The decision can be re-appealed at the Appeals Board of the Supreme Court within 10 days.
10/4/99	GKPI99-773	F.F. Stepanenko vs. Central Election Commission of the Russian Federation	The claimant demanded that he be accredited with the CEC as an international (foreign) observer to have access to information on election of deputies of the State Duma. His initial request for accreditation was declined by the CEC.	The Supreme Court of the Russian Federation ruled that Mr. Stepanenko's grievance be declined, the claimant be relieved of the court duty payment. The decision can be re-appealed at the Appeals Board of the Supreme Court within 10 days.
10/7/99	KAS99-266	"Party of People's Capital" vs. Central Election Commission of the Russian Federation	The claimant demanded that CEC include the party on the ballot for the State Duma elections. The claim was declined, appealed in the Supreme Court, declined again, and re-appealed with the Supreme Court Appeals Board.	The Appeals Board of the Supreme Court ruled that the previous decision of the Supreme Court of the Russian Federation of 09/10/99 remain unaltered, appeal of the "Party of People's Capital" be declined.
10/13/99	GKPI99-807	The organized public movement "Russian House" vs. Central Election Commission	The claimant demanded that CEC resolution #18/189-3 of 10/4/99 denying the "Russian House" registration of its federal list of	The Supreme Court ruled that the "Russian House" grievance be declined. Decision may be appealed within ten days.

		of the Russian Federation	candidates be canceled as unlawful.	
10/15/99	GKPI99-819	Yu.A. Rogatin vs. Central Election Commission of the Russian Federation	The claimant demanded that his election right to elect deputies to the State Duma in December of 1999 be terminated, his name be removed from the voters' list of the Moscow election district #195, his moral damage be compensated.	The Supreme Court ruled that Mr Rogatin's grievance be declined. Decision may be appealed within ten days.
10/22/99	GKPI99-692	The organized public movement "Public Consent" vs. Central Election Commission of the Russian Federation	The claimant demanded that CEC resolution #9/70-3 of 08/18/99 granting registration to the "Voice of Russia" election bloc be canceled as unlawful.	The Supreme Court ruled that the "Public Consent's" grievance be declined. Decision may be appealed within ten days.
10/26/99	KAS99-297	F.F. Stepanenko vs. Central Election Commission of the Russian Federation	The claimant demanded that he be registered by the Central Election Commission as a foreign (international) observer to access information pertaining to the State Duma elections. His initial request was declined by the CEC. His appeal was declined by the Supreme Court.	The Supreme Court Appeals Board ruled that the previous decision of the Supreme Court of 10/04/99 remain unaltered, Mr. Stepanenko's grievance be declined.
10/29/99	GKPI99-855	RF Ministry of Justice vs. Central Election Commission of the Russian Federation	The RF Ministry of Justice demanded that registration of the all-Russian public organized movement "Spas" as a legal entity be rendered invalid.	The Supreme Court ruled that the RF Ministry of Justice' grievance be declined. Decision may be appealed within ten days.
11/2/99	GKPI99-870	V.I. Novikov vs. Central Election Commission of the Russian Federation	The claimant demanded that CEC resolution #24/285-3 of 10/15/99 excluding him from the federal list of candidates for the State Duma be canceled as unlawful.	The Supreme Court ruled that Mr Novikov's grievance be declined. Decision may be appealed within ten days.
11/3/99	GKPI99-869	B.N. Lebedev vs. Central Election Commission of the Russian Federation	The claimant demanded that CEC resolution #21/225-3 of 10/09/99 granting registration to the "Fatherland-All Russia" election bloc be canceled as unlawful.	The Supreme Court ruled that Mr Lebedev's grievance be declined. Decision may be appealed within ten days.
11/5/99	GKPI99-885	"National Salvation Front" vs. Central Election Commission of the Russian Federation	The claimant demanded that CEC resolution #36/445-3 of 11/02/99 on denying the "National Salvation Front" registration of its federal list for participation in the State Duma elections be overruled.	The Supreme Court ruled that the previous decision of the Central Election Commission on denying the "National Salvation Front" registration of its federal list for participation in the State Duma election remain unaltered, the grievance of the "National

				Salvation Front" be declined. Decision may be appealed with the Appeals Board of the Supreme Court within ten days.
11/5/99	GKPI99-873	"NUR Movement" election bloc vs. Central Election Commission of the Russian Federation	The claimant demanded that CEC resolution #31/402-3 of 10/27/99 denying the "NUR Movement" election bloc registration for participation in the State Duma elections be canceled as unlawful.	The Supreme Court ruled that the previous decision of the CEC remain unaltered, "NUR Movement's" grievance be declined. Decision may be appealed within ten days.
11/9/99	GKPI99-884	M.N. Kuznetsov vs. Central Election Commission of the Russian Federation	The claimant demanded that clause 1 of CEC resolution #36/441-3 of 11/02/99 excluding him from the federal list of candidates for the State Duma be canceled as unlawful.	The Supreme Court ruled that Mr. Kuznetsov's grievance be declined. Decision may be appealed within ten days.
11/10/99	GKPI99-901	P.G. Svyatashev vs. Central Election Commission of the Russian Federation	The claimant demanded that CEC resolution # 36/442-3 of 11/02/99 denying Mr. Svyatashev registration as member of the federal list of candidates for the State Duma nominated by "Nikolayev-Fyodorov" bloc be canceled as unlawful.	The Supreme Court ruled that Mr. Svyatashev's grievance be declined. Decision may be appealed within ten days.
11/12/99	GKPI99-890	N.P. Volnenko vs. Central Election Commission of the Russian Federation	The claimant demanded that clause 7 and paragraph 1 of clause 9 of the CEC resolution #8/52-3 of 08/13/99 "Explanation of some issues of pre-election campaigning during the State Duma election campaign" be canceled as unlawful.	The Supreme Court ruled that Mr. Volnenko's grievance be declined. Decision may be appealed within ten days.
11/15/99	79-G99-6	A.V. Novopashin vs. District Election Commission of the Ust-Orda single mandate election district of Buryatia autonomous district	The claimant demanded that resolution of the election commission of the Ust-Orda single mandate election district denying Mr. Novopashin registration as candidate for the State Duma be canceled as unlawful.	The Supreme Court ruled that Mr. Novopashin's case be forwarded for consideration in the court of nisi prius to the Irkutsk regional court. Decision may be appealed within ten days.
11/15/99	GKPI99-910	A.A. Zinovyev vs. Central Election Commission of the Russian Federation	The claimant demanded that CEC resolution # 34/425-3 of 10/31/99 in its edition #43/550-3 of 11/12/99 excluding Mr. Zinovyev from the federal list of candidates for the State Duma nominated by	The Supreme Court ruled that Mr. Zinovyev's grievance be declined. Decision may be appealed within ten days.

			the "Russian All-People Union" election bloc be canceled as unlawful.	
11/17/99	GKPI99-920	"Derzhava" Social Patriotic Movement vs. Central Election Commission of the Russian Federation	The claimant demanded that CEC resolution #21/225-3 of 10/09/99 granting registration to the "Fatherland-All Russia" election bloc and including Mr. K.F. Zatulin into the federal list of candidates of the above bloc be canceled as unlawful.	The Supreme Court ruled that the grievance of the "Derzhava" Social Patriotic Movement be declined. Decision may be appealed within ten days.
11/18/99	GKPI99-928	L.Kh. Bakhtiyarova vs. Central Election Commission of the Russian Federation	The claimant demanded that CEC resolution #34/425-3 of 10/31/99 excluding her from the federal list of candidates to the State Duma nominated by the "Russian All-People Union" be canceled as unlawful.	The Supreme Court ruled that Ms Bakhtiyarova's grievance be declined. Decision may be appealed within ten days.
11/19/99	GKPI99-934	A.V. Minkin vs. Central Election Commission of the Russian Federation	The claimant demanded that clauses 2, 4, 7, 8, & 9 of CEC resolution #8/52-3 of 08/13/99 "Explanation of some issues of pre-election campaigning during the State Duma election campaign" be canceled as unlawful.	The Supreme Court ruled that the grievance of Mr. Minkin be declined. Decision may be appealed with the Appeals Board within ten days.
11/22/99	KAS99-326	Russian Conservative Party of Entrepreneurs vs. Central Election Commission of the Russian Federation	The claimant demanded that Russian Conservative Party of Entrepreneurs' federal list of candidates be registered by the Central Election Commission of the Russian Federation and included in the election ballot. appeal.	The Appeals Board of the Supreme Court of the Russian Federation ruled that the previous decision of the Supreme Court of 11/10/99 remain unaltered, appeals of Mr. Antonov be declined.
11/23/99	KAS99-325	"NUR Movement" election bloc vs. Central Election Commission of the Russian Federation	The claimant demanded that CEC resolution #31/402-3 of 10/27/99 denying the "NUR Movement" election bloc registration for participation in the State Duma elections, as well as Supreme Court decision of 11/05/99 upholding the decision of the CEC be canceled as unlawful.	The Supreme Court Appeals Board ruled that the previous decision of the Supreme Court of 11/05/99 remain unaltered, "NUR Movement's" appeal be declined.
11/23/99	GKPI99-966	A.B. Kuznetsov vs. Central Election Commission of the Russian Federation	The claimant demanded that CEC resolution #24/285-3 of 10/15/99 granting registration to the "Yabloko" election association for participation in the State Duma	The Supreme Court ruled that Mr. Kuznetsov's grievance be declined. Decision may be appealed within ten days.

			election be canceled.	
11/29/99	GKPI99-984	V.P. Savinykh vs. Central Election Commission of the Russian Federation	The claimant demanded that CEC resolution #45/584-3 of 11/18/99 excluding him from the federal list of candidates nominated by the "Russia - Our Home" election bloc be canceled as lacking grounds.	The Supreme Court ruled that Mr. Savinykh's grievance be declined. Decision may be appealed within ten days.
12/1/99	GKPI99-1018	L.A. Munayev vs. Central Election Commission of the Russian Federation	The claimant demanded that CEC resolution #46/584-3 of 11/18/99 excluding him from a federal list of candidates to the State Duma be canceled as unlawful.	The Supreme Court ruled that Mr. Munayev's grievance be declined. Decision may be appealed within ten days.
12/1/99	GKPI99-1007	S.G. Nigkoyev vs. Central Election Commission of the Russian Federation	The claimant demanded that CEC resolution # 23/253-3 of 10/14/99 excluding Mr. Nigkoyev from the federal list of the "Communist Party of the Russian Federation" election bloc be canceled as unlawful, Mr. Nigkoyev be reinstated as member of the above federal list of candidates.	The Supreme Court ruled that Mr. Nigkoyev's grievance be accepted and satisfied, Mr. Nigkoyev be reinstated by the CEC as member of the federal list of candidates for the State Duma. Decision may be appealed within ten days.
2/1/99	GKPI99-1011	V.F. Toporkov vs. Central Election Commission of the Russian Federation	The claimant demanded that CEC resolution #45/575-3 of 11/16/99 excluding him from the federal list of candidates to the State Duma nominated by the "Communist Party of the Russian Federation" election association be canceled as invalid.	The Supreme Court ruled that Mr. Toporkov's grievance be accepted and satisfied, CEC resolution #45/575-3 of 11/16/99 be rendered invalid, Mr. Toporkov be reinstated by the CEC as member of the federal list of candidates nominated by the "Communist Party of the Russian Federation" election association. Decision may be appealed within ten days.
2/8/99	GKPI99-772	B.P. Puzanov vs. Central Election Commission of the Russian Federation	The claimant demanded that he be registered by the Central Election Commission as a candidate for the State Duma, his moral damage be compensated.	The Supreme Court ruled that Mr. Puzanov's grievance be declined, the claimant be relieved of the court duty payment. Decision may be appealed within ten days.
2/13/99	GKPI99-1049	N.N. Kokhanyuk vs. Central Election Commission of the Russian Federation	The claimant demanded that CEC resolution #34/424-3 of 10/31/99 excluding him from the federal list of candidates to the State Duma nominated by the "Party of Peace and Unity" be canceled as unlawful.	The Supreme Court ruled that Mr. Kokhanyuk's grievance be accepted and satisfied, he be reinstated by the CEC as member of the federal list of candidates for the State Duma nominated by the "Party of Peace and Unity". Decision may be appealed within ten days.

12/14/99	GKPI99-1050	V.V. Zhirinovsky vs. Central Election Commission of the Russian Federation	The claimant demanded that CEC resolution #22/242-3 of 10/11/99 denying the Liberal Democratic Party of Russia registration of its federal list of candidates be canceled, 125 million rubles of moral damage compensation be paid.	The Supreme Court ruled that Mr. Zhirinovsky's grievance be declined. Decision may be appealed within ten days.
12/15/99	GKPI99-1056	V.Z. Gvozdaryov vs. Central Election Commission of the Russian Federation	The claimant demanded that he be reinstated by the CEC as member of the federal list of candidates to the State Duma nominated by the Liberal Democratic Party of Russia.	The Supreme Court ruled that Mr. Gvozdaryov's grievance be declined. Decision may be appealed within ten days.
12/16/99	KAS99-352	S.A. Khodakov on behalf of A.V. Minkin vs. Central Election Commission of the Russian Federation	The claimant demanded that clauses 2, 4, 7, 8, & 9 of CEC resolution #8/52-3 of 08/13/99 "Explanation of some issues of pre-election campaigning during the State Duma election campaign" be canceled as unlawful. The claim was considered by the Supreme Court and was declined. The case was re-appealed with the Supreme Court Appeals Board.	The Supreme Court ruled that the grievance of Mr. Khodakov be declined.
12/16/99	GKPI-1055	V.A. Pylnev vs. Central Election Commission of the Russian Federation	The claimant demanded that CEC resolution #46/584-3 of 11/18/99 excluding Mr. Pylnev from the federal list of candidates for the State Duma nominated by the "Russia-Our Home" election bloc be canceled as unlawful.	The Supreme Court ruled that Mr. Pylnev's grievance be declined. Decision may be appealed within ten days.
12/17/99	GKPI99-1094	N.A. Zatsepina vs. Central Election Commission of the Russian Federation	The claimant demanded that CEC resolution #60/728-3 of 12/13/99 that upheld the decision of Novorossiysk election district #41 of 12/06/99 that canceled the claimant's registration as State Duma deputy candidate be overruled as unlawful.	The Supreme Court ruled that the previous decision of the Central Election Commission on upholding decision of Novorossiysk election district #41 of 12/06/99 that canceled registration of Ms. Zatsepina remain unaltered, Ms. Zatsepina's grievance be declined. Decision may be appealed with the Appeals Board of the Supreme Court within ten days.

2/17/99	GKPI99-1081	V.V. Zubarev vs. Central Election Commission of the Russian Federation	The claimant demanded that part of the CEC resolution #21/225-3 of 10/09/99 on registration of the "Fatherland-All Russia" election bloc excluding Mr. Zubarev from the federal list of candidates to the State Duma be canceled as unlawful.	The Supreme Court ruled that Mr. Zubarev's grievance be accepted and satisfied, Mr. Zubarev be reinstated as member of the "Fatherland-All Russia" federal list of candidates. Decision is to be complied with immediately. Decision may be appealed within ten days.
2/17/99	GKPI99-1087	E.G. Zyablitsev vs. Central Election Commission of the Russian Federation	The claimant demanded that CEC resolution #60/731-3 of 12/13/99 overruling the decision of Verkh-Isetsk single mandate election district election commission granting registration to Mr. Zyablitsev as candidate to the State Duma be canceled as unlawful.	The Supreme Court ruled that Mr. Zyablitsev's grievance be declined. Decision may be appealed within ten days.
3/31/00	41-G00-3	Prosecutor of the Rostov-on-Don region vs. S.A. Mikhailov	The claimant demanded that Taganrog election district resolution #5/2 of 11/03/99 on registration of S.A. Mikhailov as candidate for the State Duma be overruled as contradicting the federal law. The Rostov regional court accepted the claim and invalidated the decision of the election district.	The Supreme Court ruled that decision of the Rostov regional court of 12/16/99 remain unaltered, Mr. Mikhailov appeal be declined.

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Sample Protocols for the State Duma Elections

SAMPLE OF PROTOCOL NO. 1

Copy No. _____

**THE ELECTION OF DEPUTIES OF THE STATE DUMA (3rd CONVOCATION) OF THE
FEDERAL ASSEMBLY OF THE RUSSIAN FEDERATION**

December 19, 1999

PROTOCOL No. 1
of vote returns of the Precinct election commission
of the _____ single-mandate election district no. _____

ELECTION PRECINCT No. _____

*(the PEC address, including the names of the Subject of the Russian Federation, district,
city, city district, village, street, house no.)*

The Precinct election commission has determined the following:

1	The number of voters that are on the voters' list as of the end of voting and have the right to vote in the single-mandate election district.	
2	The number of ballots received by the PEC.	
3	The number of ballots issued to voters for early voting.	
4	The number of cancelled (spoiled) ballots.	
5	The number of ballots issued to voters at the precinct on election day.	
6	The number of ballots issued to voters for voting outside the voting premises.	
7	The number of ballots found in the mobile ballot boxes.	
8	The number of ballots found in the stationary ballot boxes.	
9	The number of valid ballots.	
10	The total number of invalid ballots.	
11	The number of ballots declared invalid based on Clause 14, Article 77 of the Federal Law "On the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation."	
12	The number of invalid ballots showing no marks in any boxes.	
12a	The number of invalid ballots cast in the course of early voting for a registered candidate who has since withdrawn.	
13	The number of absentee voting certificates received by the PEC.	
14	The number of absentee voting certificates issued by the PEC to voters at the precinct prior to the election day.	
14a	The number of absentee voting certificates issued to voters by the territorial election commission.	
15	The number of voters that voted at the precinct using absentee voting certificates.	
16	The number of cancelled unused absentee voting certificates.	
17	The number of absentee voting certificates cancelled based on Clause 6, Article 73 of the Federal Law "On the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation."	

Full names of the registered candidates included on the ballots		The number of votes cast for each of the registered candidates
18		
19		
20		
21		
22		
23-		
-37		
38		
39		
40		
41		
42	The number of votes cast against all candidates	

List of complaints (applications), acts, and other documents attached to the Protocol:

Chairman of the PEC _____
name

signature, notes of dissenting opinions,
or the reason for the absence of a PEC
member

Deputy Chairman of
The PEC _____

Secretary _____

Members of the PEC _____

Seal

The Protocol signed on <date, time>

SAMPLE OF PROTOCOL NO. 2

Copy No. _____

**THE ELECTION OF DEPUTIES OF THE STATE DUMA (3rd CONVOCATION) OF THE
FEDERAL ASSEMBLY OF THE RUSSIAN FEDERATION**

December 19, 1999

**PROTOCOL No. 2
of vote returns of the Precinct election commission
of the federal election district****ELECTION PRECINCT No. _____***the PEC address, including the names of the Subject of the Russian Federation, district, city,
city district, village, street, house no.*

The Precinct election commission has determined the following:

1	The number of voters that are on the voter list as of the end of voting and have the right to vote in the federal election district	
2	The number of ballots received by the PEC	
3	The number of ballots issued to voters for early voting	
4	The number of cancelled ballots	
5	The number of ballots issued to voters at the precinct on election day	
6	The number of ballots issued to voters for voting outside the voting premises	
7	The number of ballots found in the mobile ballot boxes	
8	The number of ballots found in the stationary ballot boxes	
9	The number of valid ballots	
10	The total number of invalid ballots	
11	The number of ballots declared invalid based on Paragraph 14, Article 77 of the Federal Law "On the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation"	
12	The number of invalid ballots showing no marks in any boxes	
12a	The number of invalid ballots cast in the course of early voting for the federal list of candidates of an electoral association, electoral bloc which has subsequently withdrawn	
13	The number of absentee voting certificates received by the PEC	
14	The number of absentee voting certificates issued by the PEC to voters at the precinct prior to election day	
14a	The number of absentee voting certificates issued to voters by the territorial election commission	
15	The number of voters that voted at the precinct using absentee voting certificates	
16	The number of cancelled unused absentee voting certificates	
17	The number of absentee voting certificates cancelled based on Paragraph 6, Article 73 of the Federal Law "On the Election of Deputies	

of the State Duma of the Federal Assembly of the Russian Federation"		
The names of electoral associations, electoral blocs that have submitted federal lists of candidates		The number of votes cast for each of the federal lists of candidates
18	1. CONSERVATIVE MOVEMENT OF RUSSIA	
19	2. RUSSIAN NATIONAL UNION	
20	3. WOMEN OF RUSSIA	
21	5. STALINIST BLOC—FOR THE SOVIET UNION	
22	6. ASSOCIATION YABLOKO	
23	7. COMMUNISTS, WORKERS OF RUSSIA, FOR THE SOVIET UNION	
24	8. "PEACE, LABOR, MAY"	
25	9. BLOC OF GENERAL ANDREI NIKOLAEV AND ACADEMICIAN SVYATOSLAV FEDOROV	
26	10. ALL-RUSSIAN PUBLIC POLITICAL MOVEMENT "SPIRITUAL HERITAGE"	
27	11. CONGRESS OF RUSSIAN COMMUNITIES AND THE YURII BOLDYREV MOVEMENT	
28	12. PARTY OF PEACE AND UNITY	
29	13. RUSSIAN PARTY FOR THE DEFENSE OF WOMEN	
30	14. INTER-REGIONAL MOVEMENT "UNITY" ("MEDVED")	
31	15. SOCIAL DEMOCRATS	
32	16. ALL-RUSSIAN POLITICAL MOVEMENT IN SUPPORT OF THE ARMY	
33	17. ZHIRINOVSKY BLOC	
34	18. FOR CITIZENS' DIGNITY	
35	19. FATHERLAND—ALL RUSSIA	
36	20. COMMUNIST PARTY OF THE RUSSIAN FEDERATION	
37	21. RUSSIAN CAUSE	
38	22. ALL-RUSSIAN POLITICAL PARTY OF THE PEOPLE	
39	23. UNION OF RIGHT FORCES	
40	24. ECOLOGIST PARTY OF RUSSIA "KEDR" (THE GREEN)	
41	25. VOPD "OUR HOME IS RUSSIA"	
42	26. SOCIALIST PARTY OF RUSSIA	
43	27. PARTY OF PENSIONERS	
44	28. RUSSIAN SOCIALIST PARTY	
45	29. RUSSIAN CONSERVATIVE PARTY OF ENTREPRENEURS (RKPP)	
	30. LIBERAL DEMOCRATIC PARTY OF RUSSIA (LDPR) [added to the list by the CEC Decision no. 55/688—3 from 04.12.99]	
46	The number of votes cast against all federal lists of candidates	

List of complaints (applications), acts, and other documents attached to the Protocol:

Chairman of the PEC	<div><name></div>	<div><signature, notes of dissenting opinions, or the reason for the absence of a PEC member></div>
Deputy Chairman of The PEC		
Secretary		
Members of the PEC		

Seal

The Protocol signed on <date, time>

эмплар № _____

**ВЫБОРЫ ДЕПУТАТОВ ГОСУДАРСТВЕННОЙ ДУМЫ
ФЕДЕРАЛЬНОГО СОБРАНИЯ РОССИЙСКОЙ ФЕДЕРАЦИИ ТРЕТЬЕГО СОЗЫВА**

19 декабря 1999 года

ПРОТОКОЛ № 1

**участковой избирательной комиссии об итогах голосования
по Нижнетагильскому одномандатному избирательному округу № 164**

ИЗБИРАТЕЛЬНЫЙ УЧАСТОК № _____

(адрес участковой избирательной комиссии - наименование субъекта Российской Федерации, район, город, район в городе, поселок, село, улица, дом)

Участковая избирательная комиссия у с т а н о в и л а :

Число избирателей, включенных в список избирателей на момент окончания голосования и обладающих активным избирательным правом в одномандатном избирательном округе	<table><tr><td></td><td></td><td></td><td></td><td></td></tr></table>						
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а	Число признанных недействительными избирательных бюллетеней, в которых голоса избирателей поданы в ходе досрочного голосования за выбывшего впоследствии зарегистрированного кандидата	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Число открепительных удостоверений, полученных участковой избирательной комиссией	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Число открепительных удостоверений, выданных участковой избирательной комиссией избирателям на избирательном участке до дня голосования	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
а	Число открепительных удостоверений, выданных избирателям в территориальной избирательной комиссии	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Число избирателей, проголосовавших по открепительным удостоверениям на избирательном участке	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Число погашенных неиспользованных открепительных удостоверений	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Число открепительных удостоверений, погашенных в соответствии с пунктом 6 статьи 73 Федерального закона "О выборах депутатов Государственной Думы Федерального Собрания Российской Федерации"	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Фамилии, имена, отчества зарегистрированных кандидатов, внесенных в избирательный бюллетень		Число голосов избирателей, поданных за каждого зарегистрированного кандидата				
Белоусов Сергей Орестович		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Веер Артур Павлович		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Казаков Геннадий Семенович		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Котков Анатолий Степанович		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Потапов Сергей Алексеевич		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Титова Нина Александровна		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Язев Валерий Афонасьевич		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Число голосов избирателей, поданных против всех кандидатов		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Председатель участковой
избирательной комиссии

Заместитель председателя
комиссии

Секретарь комиссии

Члены комиссии :

(фамилия, инициалы)

(подпись, отметка об особом мнении либо
причина отсутствия члена комиссии)

М.П. Протокол подписан « ____ » ____ 1999 года в ____ часов ____ минут

G

**Sample Ballot for the State Duma
Elections**

19 December 1999 - The Election of Deputies of the State Duma

BALLOT PAPER

Passport;
serviceman's card

Ballots shall be given to voters included in the voter lists upon production of a passport or an equivalent identity paper (a serviceman's card or an officer's identity card for people who undergo military service, a certificate of a standard form issued by internal-affairs bodies, a foreign passport of the Russian Federation citizen for persons who reside permanently or stay outside the territory of the Russian Federation, a seaman's passport). Each voter shall be entitled to receive two ballots, including one ballot for voting in the federal electoral district and one ballot for voting in the given single-mandate electoral district. If a voter votes on the basis of an absentee certificate for voting in the election of deputies of the State Duma at the place where he/she temporarily stays outside the single-mandate electoral district where the voter resides permanently or currently, he/she shall be entitled to receive only the ballot for voting in the federal electoral district.

A voter who is not able to mark the ballots by himself/herself may be assisted by another voter who is not a member of the election commission, registered candidate, agent or authorized representative of a registered candidate, an electoral association, electoral bloc, an observer, foreign (international) observer. In this case, the voter shall orally inform the election commission of his/her intention to ask another person for assistance in marking the ballots. The first, middle and last name, series and number of the passport or an equivalent identity paper of the person assisting the voter shall be entered in the appropriate column (columns) of the voter list.

Ballot

If a voter thinks that he/she has made a mistake when marking a ballot, he/she may ask the election commission member who had issued him/her a ballot to give him/her a new ballot in place of the spoiled one. The election commission member shall issue a new ballot to the voter, make a corresponding note in the voter list against the name of this voter and sign the note. The spoiled ballot shall be immediately canceled and an act shall be drawn up to this effect.

A voter shall drop marked ballots into a sealed stationary ballot box.

On the ballot for voting in the federal electoral district a voter shall put any mark in the blank box to the right of the name of the electoral association, electoral bloc for whose federal list of candidates he/she votes, or in the box placed to the right of the words "Against all federal lists of candidates". On the ballot for voting in a single-mandate electoral district, a voter shall put any mark in the blank box to the right of the name of the registered candidate for whom he/she votes, or in the box to the right of the words "Against all candidates."

BALLOT
for the election of deputies of the State Duma
of the Federal Assembly of the Russian Federation
of the third convocation
in the federal electoral district
19 December 1999

name of the Subject of the Russian Federation

(Signatures of two members
of the precinct election
commission and seal of the
precinct election commission)






Any mark

BALLOT MARKING INSTRUCTIONS

Put any mark in the blank box to the right of the name of only one electoral association, electoral bloc for whose federal list of candidates you vote or in the box to the right of the words "AGAINST ALL FEDERAL LISTS OF CANDIDATES"

A ballot on which marks are put in more boxes than one or in none of the boxes shall be deemed invalid.

A ballot which is not certified by the signatures of members of the precinct election commission and the seal of the precinct election commission shall be regarded as a ballot of non-standard form and shall not be reckoned in the count of votes.

	Scorpius Data of the electoral association, electoral bloc	<input type="checkbox"/>
	Capricorn Data of the electoral association, electoral bloc	<input type="checkbox"/>
	Gemini Data of the electoral association, electoral bloc	<input type="checkbox"/>
	Leo Data of the electoral association, electoral bloc	<input type="checkbox"/>
	Libra Data of the electoral association, electoral bloc	<input type="checkbox"/>
AGAINST ALL FEDERAL LISTS OF CANDIDATES		<input type="checkbox"/>

BALLOT
for the election of deputies of the State Duma
of the Federal Assembly of the Russian Federation
of the third convocation
19 December 1999

name and number of the single-mandate electoral district,
name of the Subject of the Russian Federation

(Signatures of two members
of the precinct election
commission and seal of the
precinct election commission)

BALLOT MARKING INSTRUCTIONS

Put any mark in the blank box to the right of the name of only one registered candidate for whom you vote or in the box to the right of the line "AGAINST ALL CANDIDATES"

A ballot on which marks are put in more boxes than one or in none of the boxes shall be deemed invalid.

A ballot which is not certified by the signatures of members of the precinct election commission and the seal of the precinct election commission shall be regarded as a ballot of non-standard form and shall not be reckoned in the count of votes.

ANDREEV Andrei Andreevich	Data of the candidate	<input type="checkbox"/>
VASILJEV Vasilii Vasiljevich	Data of the candidate	<input type="checkbox"/>
IVANOV Ivan Ivanovich	Data of the candidate	<input type="checkbox"/>
MAMEDOV Mamed Mamedovich	Data of the candidate	<input type="checkbox"/>
PETROV Petr Petrovich	Data of the candidate	<input type="checkbox"/>
AGAINST ALL CANDIDATES		<input type="checkbox"/>

ИЗБИРАТЕЛЬНЫЙ БЮЛЛЕТЕНЬ

для голосования по федеральному избирательному округу на выборах депутатов Государственной Думы Федерального Собрания Российской Федерации третьего созыва

19 декабря 1999 года

Свердловская область













(Подписи двух членов
участковой избирательной
комиссии и печать
участковой избирательной
комиссии)
















РАЗЪЯСНЕНИЯ ПОРЯДКА ЗАПОЛНЕНИЯ ИЗБИРАТЕЛЬНОГО БЮЛЛЕТЕНЯ

Поставьте любой знак в пустом квадрате справа от наименования только одного избирательного объединения, избирательного блока, федерального списка кандидатов которого Вы голосуете, либо в квадрате, расположенном справа от строки "Против всех федеральных списков кандидатов".

Избирательный бюллетень, в котором любой знак проставлен более чем в одном квадрате либо не проставлен ни в одном из них, считается недействительным.

Избирательный бюллетень, не заверенный подписями членов участковой избирательной комиссии и печатью участковой избирательной комиссии, признается бюллетенем неустановленной формы и при подсчете голосов не учитывается.

1		"КОНСЕРВАТИВНОЕ ДВИЖЕНИЕ РОССИИ" УБОЖКО Лев Григорьевич, БУРЕНИН Владимир Арсеньевич, ТИШКОВ Андрей Николаевич региональная группа "Урал": КУЦЕНКО Николай Антонович, РЫБАКОВ Сергей Владимирович, БАРАНОВ Александр Филимонович	<input type="checkbox"/>
2		"РОССИЙСКИЙ ОБЩЕНАРОДНЫЙ СОЮЗ" БАБУРИН Сергей Николаевич, ЛЕОПОВ Николай Сергеевич, ПАВЛОВ Николай Александрович региональная группа "Свердловская область": ДМИТРИЕВ Владимир Анатольевич, ШАРДЫКО Сергей Кириллович	<input type="checkbox"/>
3		"ЖЕНЩИНЫ РОССИИ" ФЕДУЛОВА Алевтина Васильевна, КАРЕЛОВА Галина Николаевна, ВЕСЕЛОВА Нина Григорьевна региональная группа "Свердловская область": ДОКУЧАЕВА Лариса Николаевна, БРУСПИЦЫНА Юлия Валерьевна, ОВСЯННИКОВА Татьяна Александровна	<input type="checkbox"/>
		"ДВИЖЕНИЕ "СПАС" БАРКАШЕВ Александр Петрович, ДАВИДЕНКО Владимир Иванович, БЕЛИК Дмитрий Васильевич региональная группа "Уральско-Сибирская": НОСКОВ Владимир Валерьевич, ДАВИДЕНКО Антон Владимирович, ВЕСЕЛИЦКИЙ Дмитрий Вячеславович	<input type="checkbox"/>
5		"СТАЛИНСКИЙ БЛОК - ЗА СССР" ("ООПД "Трудовая Россия", "ОПО "Союз офицеров", "Народно-патриотический союз молодежи", "ООПД "Союз") АНПИЛОВ Виктор Иванович, ТЕРЕХОВ Станислав Николаевич, ДЖУГАШВИЛИ Евгений Яковлевич региональная группа "Уральский регион": МЕНДЕЛЕЕВ Сергей Владимирович, КОРОВИН Павел Семенович, ВЕРХОВЦЕВ Алексей Владимирович	<input type="checkbox"/>
6		"ОБЪЕДИНЕНИЕ "ЯБЛОКО" ЯВЛИНСКИЙ Григорий Алексеевич, СТЕПАШИН Сергей Вадимович, ЛУКИН Владимир Петрович региональная группа "Сибирско-Уральская": МИШИН Игорь Николаевич, ДОН Сергей Эдуардович, ДОБРОВОЛЬСКАЯ Елена Владимировна	<input type="checkbox"/>
7		"КОММУНИСТЫ, ТРУДЯЩИЕСЯ РОССИИ - ЗА СОВЕТСКИЙ СОЮЗ" ("Коммунисты, трудовая Россия - за Советский Союз", "Советская Родина", "Российская коммунистическая рабочая партия") ТЮЛЬКИН Виктор Аркадьевич, КРЮЧКОВ Анатолий Викторович, АСЕЕВ Владислав Игнатьевич региональная группа "Уральский район": САРВАРОВ Нязип Назифович, СМЕРНОВ Александр Викторович, МАТОРИН Владимир Борисович	<input type="checkbox"/>
8		"МИР, ТРУД, МАЙ" ("Движение "Промышленный союз", "Движение "Родное Отечество") БУРКОВ Александр Леонидович, ТРУШНИКОВ Валерий Георгиевич, ТАТАРКИН Александр Иванович региональная группа "Свердловская область": БЕЛЯЕВ Сергей Иванович, ФРАНЦ Андрей Бенценович, ПОТАПОВ Сергей Алексеевич	<input type="checkbox"/>
		"БЛОК ГЕНЕРАЛА АНДРЕЯ НИКОЛАЕВА, АКАДЕМИКА СВЯТОСЛАВА ФЕДОРОВА" ("Союз народовластия и труда", "Партия самоуправления трудящихся", "Союз реалистов", "Социалистическая партия трудящихся", "Надежда России", "Инженерный прогресс России") НИКОЛАЕВ Андрей Иванович, ФЕДОРОВ Святослав Николаевич, МАЛЮТИНА Татьяна Григорьевна региональная группа "Свердловская область": ЧАЩИН Геннадий Викторович, ВОРОНИН Борис Викторович, КАЩЕНКО Михаил Петрович	<input type="checkbox"/>
10		"ВСЕРОССИЙСКОЕ ОБЩЕСТВЕННО-ПОЛИТИЧЕСКОЕ ДВИЖЕНИЕ "ДУХОВНОЕ НАСЛЕДИЕ" ПОДБЕРЕЗКИН Алексей Иванович, ПРОСКУРИН Петр Лукич, ВОРОТНИКОВ Валерий Павлович региональная группа "Уральская": СИНИЦЫНА Ирина Евгеньевна, МУХИНА Ольга Владимировна, ТЮЛЕНЕВ Игорь Николаевич	<input type="checkbox"/>
11		"КОНГРЕСС РУССКИХ ОБЩИН И ДВИЖЕНИЕ ЮРИЯ БОЛДЫРЕВА" ("Конгресс Русских Общин", "Межнациональный союз") БОЛДЫРЕВ Юрий Юрьевич, РОГОЗИН Дмитрий Олегович, ГЛУХИХ Виктор Константинович региональная группа "Свердловская область": ТОКАРЕВА Тамара Петровна, ГОНЧАРЕНКО Алексей Николаевич, КИРИЛЛОВ Анатолий Викторович	<input type="checkbox"/>
12		"ПАРТИЯ МИРА И ЕДИНСТВА" УМАТАТОВА Сажы Зайдиновна, СТЕПАНОВ Виктор Федорович, АНТОНКИН Николай Тимофеевич региональная группа "Западно-Сибирский регион": ВОЛЫХ Юрий Львович, ГОРЬНИН Глеб Леонидович, ДРОБЫШНЕВА Елена Александровна	<input type="checkbox"/>
13		"РОССИЙСКАЯ ПАРТИЯ ЗАЩИТЫ ЖЕНЩИН" РОЩИНА Татьяна Николаевна, МАХОВА Жанна Мухажидовна, КРЕМЕНЕЦ Ирина Васильевна	<input type="checkbox"/>
14		"МЕЖРЕГИОНАЛЬНОЕ ДВИЖЕНИЕ "ЕДИНСТВО" ("МЕДВЕДЬ")" ("РХДП", "Общероссийская общественно-политическая организация - Народно-патриотическая партия", "ОПОД "Рефак" ("Благодетствие"), "Движение "Моя семья", "Общероссийское политическое движение "В поддержку независимых депутатов", "Всероссийский союз поддержки малого и среднего бизнеса", "Российское движение "Поколение свободы") ШОЙГУ Сергей Кужугетович, КАРЕЛИН Александр Александрович, ГУРОВ Александр Иванович региональная группа "Свердловская область": ЧУЕВ Александр Викторович, ГВОЗДЦЕВА Светлана Николаевна, КАРЕТНИКОВ Владимир Владимирович	<input type="checkbox"/>

15		"СОЦИАЛ-ДЕМОКРАТЫ" региональная группа "Уральско-Сибирская": ПАВЛОВА Альмира Рафаэльевна, КОЗЫРЕВА Наталья Михайловна, НАСОНОВ Андрей Львович	<input type="checkbox"/>
16		"ОБЩЕРОССИЙСКОЕ ПОЛИТИЧЕСКОЕ ДВИЖЕНИЕ "В ПОДДЕРЖКУ АРМИИ" ИЛЮХИН Виктор Иванович, МАКАШОВ Альберт Михайлович, САВЕЛЬЕВ Юрий Петрович региональная группа "Свердловская": ТИЗЯКОВ Александр Иванович, КРУГЛОВ Константин Петрович	<input type="checkbox"/>
17		"БЛОК ЖИРИНОВСКОГО" ("Партия духовного возрождения России", "Российский союз свободной молодежи") ЖИРИНОВСКИЙ Владимир Вольфович, ФИНЬКО Олег Александрович, СОЛОМАТИН Егор Юрьевич региональная группа "Уральский регион": АСТАФЬЕВ Николай Павлович, ДУНЕЦ Михаил Иванович, ЗУЕВ Алексей Алексеевич	<input type="checkbox"/>
18		"ЗА ГРАЖДАНСКОЕ ДОСТОИНСТВО" ПАМФИЛОВА Элла Александровна, ДОНДУКОВ Александр Николаевич, ШКИРКО Анатолий Афанасьевич региональная группа "Российский Восток": СОЛЯНИК Галина Васильевна, ШУХЛИН Павел Валентинович, ГРИГОРИАДИ Владимир Станиславович	<input type="checkbox"/>
19		"ОТЕЧЕСТВО - ВСЯ РОССИЯ" ("Отечество", "Регионы России", "За равенство и справедливость", "Аграрная партия России", "Союз христианских демократов России") ПРИМАКОВ Евгений Максимович, ЛУЖКОВ Юрий Михайлович, ЯКОВЛЕВ Владимир Анатольевич региональная группа "Свердловская": ВЛАДИСЛАВЛЕВ Александр Павлович, ЧЕРНЕЦКИЙ Аркадий Михайлович, СИЛИН Яков Петрович	<input type="checkbox"/>
20		"КОММУНИСТИЧЕСКАЯ ПАРТИЯ РОССИЙСКОЙ ФЕДЕРАЦИИ" ЗЮГАНОВ Геннадий Андреевич, СЕЛЕЗНЕВ Геннадий Николаевич, СТАРОДУБЦЕВ Василий Александрович региональная группа "Уральская": ШАБАНОВ Александр Александрович, НИКИФОРЕНКО Юрий Васильевич, КАДОЧНИКОВ Владимир Дмитриевич	<input type="checkbox"/>
21		"РУССКОЕ ДЕЛО" ("Российское общенародное движение" (РОД), "Союз соотечественников "Отчизна", "Союз Христианское Возрождение") ИВАНОВ Олег Анатольевич, ПЕТРОВ Юрий Николаевич, СИДОРОВ Михаил Викторович региональная группа "Уральский регион": МЕНЩИКОВ Владимир Михайлович, КАЙДАШ Сергей Васильевич, ТЕРЕХОВ Виктор Игорьевич	<input type="checkbox"/>
22		"ВСЕРОССИЙСКАЯ ПОЛИТИЧЕСКАЯ ПАРТИЯ НАРОДА" АКСЕНТЬЕВ-КИКАЛИШВИЛИ Анзори Иосифович, БУРЕ Татьяна Львовна, ШАИНСКИЙ Владимир Яковлевич	<input type="checkbox"/>
23		"СОЮЗ ПРАВЫХ СИЛ" ("Партия "Демократический выбор России", "Движение "Новая сила", "ОПОД "Россия Молодая", "Юристы за права и достойную жизнь человека") КИРИЕНКО Сергей Владимирович, НЕМЦОВ Борис Ефимович, ХАКАМАДА Ирина Муцуовна региональная группа "Урал-2": СЕЛИВАНОВ Андрей Владимирович, КИСЕЛЕВ Анатолий Михайлович, НУРИДЖАНОВ Арсен Эдвиневич	<input type="checkbox"/>
24		"ЭКОЛОГИЧЕСКАЯ ПАРТИЯ РОССИИ "КЕДР" (ЗЕЛЕНЫЕ)" ПАНФИЛОВ Анатолий Алексеевич, ПЕТРОВ Владимир Анатольевич, ОХЛОБЫСТИН Иван Иванович региональная группа "Урал": АЛЕКСЕЕВ Владимир Александрович, ЯЧМЕНЕВ Владислав Анатольевич, КОРЕПАНОВ-КАМСКИЙ Геннадий Михайлович	<input type="checkbox"/>
25		"ВОПД "НАШ ДОМ - РОССИЯ" ЧЕРНОМЫРДИН Виктор Степанович, РЫЖКОВ Владимир Александрович, АЯЦКОВ Дмитрий Федорович региональная группа "Урал-3": ЯЗЕВ Валерий Афонасьевич, ЕЛЬШИН Александр Митрофанович, ТЕРЕХОВ Александр Сергеевич	<input type="checkbox"/>
26		"СОЦИАЛИСТИЧЕСКАЯ ПАРТИЯ РОССИИ" РЫБКИН Иван Петрович, МАЙОРОВ Леонид Сергеевич, БЕЛИШКО Андрей Дмитриевич региональная группа "Свердловская область": КОСТИЦЫН Евгений Германович, ДОЛЬНИК Николай Рафаэльевич	<input type="checkbox"/>
27		"ПАРТИЯ ПЕНСИОНЕРОВ" РЯБОВ Яков Петрович, КОНТАШОВ Анатолий Павлович, МАРКОВА Римма Васильевна региональная группа "Уральская": КЛИМЕНКО Николай Иванович, АГАФОНОВ Валерий Алексеевич, ЗЕМЕЛЕВ Александр Борисович	<input type="checkbox"/>
28		"РУССКАЯ СОЦИАЛИСТИЧЕСКАЯ ПАРТИЯ" БРЫНЦАЛОВ Владимир Алексеевич, БРЫНЦАЛОВ Игорь Юрьевич, БРЫНЦАЛОВ Юрий Григорьевич региональная группа "Урал": ВЛАСОВА Анна Петровна, ГОЛОВАНОВ Дмитрий Сергеевич, СЕМАКОВА Наталья Юрьевна	<input type="checkbox"/>
29		"РОССИЙСКАЯ КОНСЕРВАТИВНАЯ ПАРТИЯ ПРЕДПРИНИМАТЕЛЕЙ (РКПП)" ТОЛЮРКОВ Михаил Николаевич, ГОКИНАЕВ Виктор Александрович, ПАШКОВСКИЙ Владимир Игоревич региональная группа "Свердловская область": СУШКОВА Елена Петровна, МИТЯКОВ Юрий Александрович	<input type="checkbox"/>

ПРОТИВ ВСЕХ ФЕДЕРАЛЬНЫХ СПИСКОВ КАНДИДАТОВ

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H

Main Administrative Resolutions of the CEC for the Presidential Elections

Main Administrative Resolutions of the CEC for the Presidential Elections

1) CEC Resolution on the calendar plan with regard to preparation for and conduct of early elections of the President of the RF.

Moscow, January 6, 2000

2) Instructions on the working group for supervision over observance of the procedures and rules of election campaigning by participants of the electoral process during the election of the President of the RF.

Moscow, January 21, 2000

3) Material for the report of the chairman of the CEC at the meeting of chairpersons and secretaries of the election commissions of the subjects of the RF on the questions of preparation and administration of the elections of the President of RF.

Moscow, January 27, 2000

4) CEC Resolution on the list of data on income earned and property (including common property) owned in 1998-1999 to be disclosed by registered candidate for the office of the President of the Russian Federation and his/her spouse and children.

Moscow, January 28, 2000

5) CEC Resolution on temporary provision of the election commission of the Chechen Republic.

Moscow, February 1, 2000

6) CEC Resolution on the instruction for organization of a uniform procedure for tabulation of voting returns, completion of protocols of election commissions, receipt, transmission and processing of information by means of the State Automated System of the Russian Federation "Vybery" in the election of the President of the Russian Federation. Moscow, February 11, 2000

7) CEC Memo for foreign (international) observers.

Moscow, February 11, 2000

8) CEC Resolution on the format and degree of protection of the ballot for voting in the election of the President of the RF on March 26, 2000.

Moscow, February 13, 2000

9) CEC Resolution on violation of election campaigning rules and procedures during preparation for the election of the President of the RF in the year 2000.

Moscow, February 17, 2000

10) Excerpt from the minutes of the meeting of the CEC on the recommendations on the question of ensuring the electoral rights of Russian Federation citizens at places of their temporary stay on voting day during preparation and administration of the election of the president of the RF.

Moscow, February 17, 2000

11) CEC *Working Manual* of Precinct Election Commission Member

I

Resolution of the CEC of RF on Violation of Election Campaigning Rules and Procedures During Preparation for the Election of the President of the Russian Federation in the Year 2000. February 17, 2000

**CENTRAL ELECTION COMMISSION
OF THE RUSSIAN FEDERATION**

R E S O L U T I O N

February 17, 2000

No. 84/992-3

Moscow

**On Violation of Election Campaigning Rules and Procedures during
Preparation for the Election of the President of the Russian Federation in the
Year 2000**

Having considered the issues of election campaigning in the course of the election campaign for the election of the President of the Russian Federation in the year 2000, the Central Election Commission of the Russian Federation notes that from the day of official publication of the decision to call the election of the President of the Russian Federation, a number of organizations engaged in TV and/or radio broadcasting (hereafter "TV and radio broadcasting organizations") and editorial offices of periodicals, as well as certain candidates running for President of the Russian Federation (hereafter "registered candidates") violate election campaigning rules and procedures established by the Federal Law "On the Election of the President of the Russian Federation" (hereafter "the Federal Law"). The Central Election Commission of the Russian Federation receives statements from voters and other participants in the electoral process, expressing concern about violations of the time limits for election campaigning established by the Federal Law and about the fact that TV news casts and periodicals show preference for certain candidates.

In accordance with Clause 6, Article 5 and Clause 5, Article 48 of the Federal Law, election campaigning of registered candidates in periodicals in the election of the President of the Russian Federation in the year 2000 may start on February 25, 2000. In violation of this Federal Law regulation, election propaganda materials of the registered candidate G.A.Zyuganov were published in the newspaper *Sovetskaya Rossiya* on February 10, 2000, and in the newspaper *Pravda* on February 10 and February 15-16, 2000. In connection with this, measures are taken to bring the editors-in-chief of the said newspapers to administrative responsibility in a procedures established by law.

In violation of the time limits for election campaigning established by Article 45 and Clause 5, Article 48, as well as Articles 8, 44, 48, 50 and 57 of the Federal Law, on February 4, 2000, the newspaper *Rossiyskaya Gazeta* published election propaganda materials under the title "How Many People Are Ready to Give Their Votes for

Vladimir Putin Right Away?" The Ministry of the Press, TV and Broadcasting and Mass Media Communications of the Russian Federation issued a warning to Anatoly Yurkov, Editor-in-Chief of the newspaper *Rossiyskaya Gazeta*, about inadmissibility of violation of the Federal Law. The warning was duly taken into account by the newspaper *Rossiyskaya Gazeta* which has not published any materials of this kind after February 4, 2000.

On February 7 and February 8, 2000, the ORT company (TV and broadcasting organization) broadcast an interview with the acting President of the Russian Federation V.V. Putin in which he outlined his political views and spoke about certain aspects of his biography and private life. Since at that time V.V. Putin was also a candidate running for President of the Russian Federation, voters and other participants in the electoral process express doubts about the legality of using a state-run TV and radio broadcasting organization during an election campaign, because according to Clauses 3 and 4, Article 35 of the Federal Law, candidates holding government and municipal offices are not allowed to take advantage of their official position, including privileged access to state-run mass media, for the purpose of election campaigning.

The newspaper *Komsomolskaya Pravda* No.26 dated February 11, 2000 published an article entitled "Vladimir Putin Answered Questions of "KP" Readers." Vladimir Putin: "I will not be telling fables. We don't need them". Moreover, a number of articles appearing in the newspaper *Komsomolskaya Pravda* (for example, the newspaper issues dated January 6 and January 21, 2000) consistently suggested that candidate V.V. Putin does not have any worthy rivals in the early election, and he is an obvious favorite of the election campaign. Such materials were published systematically and they showed a marked preference for one of the candidates.

Along with this, such newspapers as *Sovetskaya Rossiya* and *Segodnya* systematically published materials that contained negative information about candidate V.V. Putin.

A number of documents received by the CEC of RF testify to a negative reaction of voters to public statements made by government officials in support of certain candidates, and other similar actions which violate Clause 3, Article 44 of the Federal Law according to which bodies of state power, persons holding government and municipal offices, and municipal employees are not allowed to conduct election campaigning.

Guided by Articles 8, 17, 44, 45, 48, 49 and 50 of the Federal Law "On the Election of the President of the Russian Federation", the Central Election Commission of the Russian Federation hereby resolves:

1. To draw attention of the heads of TV and radio broadcasting organizations and editorial offices of periodicals to the fact that the law obliges them to take the necessary measures to prevent violation of the time limits established for election campaigning and to prevent election campaigning being conducted by persons who do not have the right to conduct it on the channels of TV and radio broadcasting organizations and in periodicals without payment out of the electoral funds of the registered candidates. Otherwise, in accordance with Clause 7, Article

53 of the Federal Law, TV and radio broadcasting organizations, editorial offices of periodicals and their staff members may be held liable under the Federal Law.

2. To draw attention of the registered candidate G.A. Zuganov to the necessity of observing the rules and time limits of election campaigning on the channels of TV and radio broadcasting organizations and in periodicals.
3. To draw attention of the registered candidate V.V. Putin to the necessity of taking into account the requirements of the Federal Law “On the Election of the President of the Russian Federation” in his activities carried on by him as a person who holds a government office.
4. To publish this resolution in the newspaper *Parlamentskaya Gazeta*, newspaper *Rossiyskaya Gazeta* and *Bulletin of the Central Election Commission of the Russian Federation*.

A.A.Veshnyakov
Chairman
Central Election Commission
of the Russian Federation

O.K.Zastrozhnaya
Secretary
Central Election Commission
of the Russian Federation

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Election Schedule – A Quick Reference Guide for the Election of the President of the Russian Federation on March 26, 2000



Election Schedule - A Quick Reference Guide

For the prescheduled election of the President of the Russian Federation
26 March 2000

This Election Calendar is intended to serve only as a quick reference guide. The information and descriptions of the deadlines and election activities provided in this calendar have been abbreviated and are not intended to represent the full text or requirements of the relevant laws. To gain a thorough and accurate understanding of the legal requirements, readers should refer to the actual laws and to the regulations and instructions issued by the Central Election Commission of the Russian Federation.

Deadline: # of Days: Before/After Election Day (date relative to 26 March 2000)	Activity	Responsible Entity	Authority		COMMENTS
			"On the Election of the President of the Russian Federation" ¹	"On Basic Guarantees of Electoral Rights" ²	
Not later than 14 days after the retirement of the President (31 December 2000 - 14 January 2000)	The Federation Council of the Federal Assembly of the Russian Federation issues a decree calling for prescheduled election of the President within this period with official publication not later than 5 days after the decision.	Federation Council of the Federal Assembly of the Russian Federation	Article 5.4, 5.5	Article 10.1	

¹ Federal Law "On the Election of the President of the Russian Federation", dated xxx

² Federal Law "On Basic Guarantees of Electoral Rights and Right of Citizens of the RF to Participate in a Referendum", dated September 19, 1997 and as amended March 30, 1999.

Deadline: # of Days: Before/After Election Day (date relative to 26 March 2000)	Activity	Responsible Entity	Authority		COMMENTS
			"On the Election of the President of the Russian Federation" ¹	"On Basic Guarantees of Electoral Rights" ²	
10 days after the official publication of the decree calling for election (February 2000)	Provide funds to CEC for preparation and conduct of election.	Federal Budget	Article 54.2		
Not later than 14 January 2000	Publish list of all media to be used in the presidential campaign.	The CEC & SEC	Article 47.3, 4	Article 28.3 Article 29	
	The period of nomination of candidates begins.		Article 34		
	The nomination of candidate directly by voters submits an application for registration of an initiative voters group.		Article 33		
	The CEC has 5 days to register the initiative voters group. If the application is refused, an appeal to the Supreme Court shall adjudicate within 3 days.		Article 34	Article 30	
	Nomination of candidate by electoral association/block shall submit the decisions of the congress of the association/bloc on the nomination of a person for candidacy. The CEC has 7 days to register the nomination. If refused, an appeal to the court shall adjudicate within 3 days.				

Deadline: # of Days: Before/After Election Day (date relative to 26 March 2000)	Activity	Responsible Entity	Authority		COMMENTS
			"On the Election of the President of the Russian Federation" ¹	"On Basic Guarantees of Electoral Rights" ²	
No later than 29 January 2000)	Public mass media organizations must reserve space paid air time and space for campaigning and make public their tariffs: they must be the same and available for everyone.	Mass Media	Article 48.4	Article 40.3	
No later than 72 days prior (March 2000)	CEC to remit funds to SEC for preparation and conduct of election.	CEC	Article 54.5		
Not earlier than 18 January not later than 13 February 2000	Documents required for registration and the first financial report shall be submitted to the CEC.	Candidates/Election associations, blocs	Article 37.1	Article 32	
Not later than 22 February 2000	Upon acceptance of application the CEC has 8 days to register or reject the candidate.	CEC	Article 38.2		
	Within 24 hours after a decision was taken to refuse registration of a candidate the CEC shall issue a copy of the decision.	CEC	Article 39.3	Article 32.9	
	Appeal of a decision to register a candidate must be heard within five days of the decision.	Supreme Court	Article 39.6		
Not later than 60 days prior (25 January 2000)	The list of Territorial Election Commissions approved.	SEC with approval of CEC	Article 14.1		
Not later than 27 January 2000	Within 3 days of approval, submit list to local government and publish in the mass media.	SEC			

Deadline: # of Days: Before/After Election Day (date relative to 26 March 2000)	Activity	Responsible Entity	Authority		COMMENTS
			"On the Election of the President of the Russian Federation" ¹	"On Basic Guarantees of Electoral Rights" ²	
Not earlier than 2 February 2000 and not later than 9 February 2000	Formation of Territorial Electoral Commission (TEC) consisting of 5 to 9 members appointed by the representative bodies of local self-government, in part on the basis of recommendations by electoral commissions/bloc, public associations and others.	Representative bodies of local government	Article 14.1	Article 23.2	
	First meeting of TEC within 3 days of formation.	TEC	Article 23.3		
No later than 9 February 2000	Voter data compiled and updated and submitted to TEC	Local Administration	Article 25.7, 25.8		
	Approval of form of Absentee Certificates and requirements of printing.	CEC	Article 64.1		
30 days prior and ends 1 day prior (25 February 2000 - 24 March 1999)	Campaigning in state and municipal publications commences.	Candidates	Article 48.5		
From 21 February 2000 till 7 March 2000	Voters can apply for absentee certificate at the TEC.	Voters	Article 64.2		
Not later than 30 days prior (26 February 2000)	SEC remit funds to TEC for the conduct of election.	SEC	Article 54.5		
	Money allocated to registered candidates.	CEC	Article 55.2 (d)		
Not later than 28 February 2000	Procedure for printing of ballots approved.	CEC	Article 63.1		
3 March 2000 24 March 2000	Campaigning on state and municipal TV and Radio during workdays.	Candidates	Article 48.5		
Not later than 24 days prior (1 March 2000)	Form and text of ballots approved.	CEC	Article 63.2	Article 51.3	

Deadline: # of Days: Before/After Election Day (date relative to 26 March 2000)	Activity	Responsible Entity	Authority		COMMENTS
			"On the Election of the President of the Russian Federation" ¹	"On Basic Guarantees of Electoral Rights" ²	
Not later than 24 days prior (2 March 2000)	Electoral precincts formed.	Head of municipal unit, Head of Diplomatic Missions Bodies of local government	Article 24.2 Article 24.6	Article 20.7	
	Designate and equip special places to display printed election material within the territory of each precinct.	Local self- government	Article 52.6		
	3 days after the formation of electoral precinct. Precinct election commissions (PEC) shall be formed consisting of 3 to 15 members appointed by the representative bodies of local self- government, in part on the basis of recommendations by electoral commissions/bloc, public associations and others.		Article 14.2-4 Article 14.10	Article 23.7	
From 3 March till 24 March 2000 during workdays	Provide free air time and to publish information to communicate information to the voters.	Mass media	Article 12.7,8		
Not later than 21 days prior (5 March 2000)	Voter lists compiled based on voter data furnished by head of municipal unit.	TEC/municipal units	Article 25.2		

Deadline: # of Days: Before/After Election Day (date relative to 26 March 2000)	Activity	Responsible Entity	Authority		COMMENTS
			“On the Election of the President of the Russian Federation” ¹	“On Basic Guarantees of Electoral Rights” ²	
Not later than 20 days prior (6 March 2000)	PEC forms voter lists in remote regions, territory of military unit, outside territory of the Russian Federation.	PEC	Article 25.3-6	Article 18.11	
	Voter lists published with boundaries and numbers of voters.	Head of municipal unit	Article 24.7		
	Voter lists furnished to PEC along list of issued Absentee Certificates.	TEC	Article 64.4		
	Last day for voters to obtain Absentee Certificates from TEC.		Article 64.2		
18 days prior to 1 day prior (8 March 2000 - 25 March 2000)	Absentee Certificates available at PEC.	PEC	Article 64.2		
Not later than 18 days prior (8 March 2000)	Ballots shall be printed by decision of CEC.	CEC	Article 63.7	Article 51.2	
Not later than 15 days prior (10 March 2000)	Voter lists made public for examination and corrections.	PEC	Article 27.1	Article 18.13	
	CEC informed about Electoral Precincts formed outside the Russian federation.	Heads of diplomatic missions	Article 24.6	Article 51.13	
	Ballots transferred to TEC.	SEC	Article 63.9		
Not later than 12 days prior (18 May 2000)	Annulment of registration of candidates for inaccuracy of essential information from 11 days prior to day prior courts annuls registration of candidates.	CEC	Article 39.5		

Deadline: # of Days: Before/After Election Day (date relative to 26 March 2000)	Activity	Responsible Entity	Authority		COMMENTS
			"On the Election of the President of the Russian Federation" ¹	"On Basic Guarantees of Electoral Rights" ²	
Not earlier than 11 days prior (15 March 2000)	Early voting may be allowed in one of several electoral precincts in ships at sea on voting day, at polar stations, in other remote and hard to reach areas.	SEC	Article 66.1	Article 53	
Not later than 11 days prior (15 March 2000)	Information displayed on registered candidates.	TEC	Article 39.7		
Not earlier than 14 and not later than 9 days prior (11 March 2000 - 17 March 2000)	Second campaign finances report due. Made available to mass media within 36 hours upon receipt.	Candidates CEC	Articles 58.2 (b), 58.4		
During 5 days prior to end on Voting Day (21 March 2000)	Provide necessary equipment and materials to election commissions.	State bodies, institutions, and their officials	Article 12.7,8		
Not later than 5 days prior (21 March 2000)	A registered candidate may at any time but not later than 5 days prior to voting day , withdraw his candidature by submitting written application to CEC. Within 24 hours the CEC shall annul registration of candidate.	Candidate CEC	Article 43.2		
Not later than 5 days prior (21 March 2000)	Last day to form precinct in hard to reach or remote regions and where voters reside temporarily.	Head of municipal unit or by a person authorized	Article 24.4 Article 24.5	Article 20.5	
Not later than 4 days prior (22 March 2000)	Ballots transferred to PEC.	TEC	Article 63.9	Article 51.13	

Deadline: # of Days: Before/After Election Day (date relative to 26 March 2000)	Activity	Responsible Entity	Authority		COMMENTS
			"On the Election of the President of the Russian Federation" ¹	"On Basic Guarantees of Electoral Rights" ²	
Not later than 3 days prior (23 March 2000)	Mass media shall not publish any information about the results of public opinion polls and forecasts concerning results of the election.	Mass media	Article 46.3	Article 38.5	
2 days prior (24 March 2000)	Free mass media access ends for all registered candidates.	Electronic and print media	Article 48.5		
	Not later than 3 days after formation of precincts in remote regions and hard to reach locations, numbers and boundaries shall be published.	Officials authorized to do so	Article 24.7		
1 day prior (25 March 2000)	00.0 Hours local time the election campaign ends.	Candidates	Article 45.1	Article 38.1	
	Last day a voter can apply for use of an absentee certificate.	Voter	Article 64.2		
Voting day (26 March 2000)	Voting open from 8:00 to 21:00 local time.	PEC	Article 65.1		
	Voters who do not appear on voter's list may apply in writing to PEC to be added to list and obtain a decision within 2 hours; the decision may be appealed to a higher election commission or to a court.	Voters, PEC	Article 27.3		
Not later than 2 days after (29 March 2000)	A TEC shall determine the election results for the given territory by adding up all data contained in the protocols.	TEC	Article 70.1		
Not later than 4 days after (31 March 2000)	A SEC shall determine the election Results for the given subject by adding up all protocols from the territories.	SEC	Article 71.1		

Deadline: # of Days: Before/After Election Day (date relative to 26 March 2000)	Activity	Responsible Entity	Authority		COMMENTS
			"On the Election of the President of the Russian Federation" ¹	"On Basic Guarantees of Electoral Rights" ²	
Within 24 hours after election results are determined	Mass media notified of official results. A registered candidate shall be elected. If he received more than a half of the votes cast by the voters who took place in the election.	CEC	Article 72.9, 75.2 Article 72.3		
Within 2 weeks of voting day (9 April 2000)	Publish the data contained in the protocols of voting returns of all TEC and PEC in regional state run periodicals.	SEC	Article 75.3		
Not later than 3 weeks after voting day (16 April 2000)	Publish results of election providing number of votes for each candidate The number of votes cast against all candidates.	CEC	Article 75.4		
Within 30 days after voting day (26 April 2000)	Registered candidate who meets 3% requirement returns unspent money to CEC and registered candidates who do not meet 3% requirement return full amount of money received to CREC.	Candidates	Article 59.4		
Within 2 months after voting day (26 May 2000)	Publish in its official bulletin the information about voting returns and results of all election commissions.	CEC	Article 75.5		
Not later than 15 days after results issued	Repeat voting shall be held between the two candidates receiving the most votes. The campaign may begin.	CEC	Article 73.1,2 Article 45.4		
Not later than 2 days after	Publish in mass media that repeat voting will take place.	CEC	Article 73.2		
8 days prior to repeat voting day ends 1 day prior to repeat voting day	In the event of repeat voting campaigning on TV, Radio, and in periodicals commences.	Mass media	Article 48.6		

Deadline: # of Days: Before/After Election Day (date relative to 26 March 2000)	Activity	Responsible Entity	Authority		COMMENTS
			"On the Election of the President of the Russian Federation" ¹	"On Basic Guarantees of Electoral Rights" ²	
Not later than 4 months after initial election (26 July 2000)	Repeat election, if needed.	CEC	Article 74.2		
Not later than 3 months after initial election (4 June 2000)	Repeat election, if election was declared to have not taken place or null and void.				
Within 3 days after official publication of results	Notify registered candidates who do not meet 3% requirement to return funds to CEC.	CEC	Article 59.5		
Not later than 5 days after decision declaring election not to have taken place	Announcement about repeat election published in mass media.	CEC	Article 74.3		
General results 10 days after official results published	Termination of powers of PEC after official publication of the election results if no protests or statement have been received by a higher commission.		Article 20.2	Article 23.13	
15 days after official results published	The terms and powers of a TEC expire if no complaints and protests have been received by a higher commission.		Article 19.2	Article 23.12	

Deadline: # of Days: Before/After Election Day (date relative to 26 March 2000)	Activity	Responsible Entity	Authority		COMMENTS
			"On the Election of the President of the Russian Federation" ¹	"On Basic Guarantees of Electoral Rights" ²	
30 days after official results published	Powers of non-voting members of a parliament election commission shall terminate except for members appointed by the winning candidate who serve until next presidential election.	Candidates	Article 16.14		
	The final financial campaign finance report is due.		Article 58.2		
	Inauguration of President.		Article 78		

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**Sample Ballot
for the Presidential Elections**

BALLOT for the election of President the Russian Federation 26 March 2000 <i>name of the Subject of the Russian Federation</i>	(Signatures of two members of the precinct election commission and seal of the precinct election commission)
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• **BALLOT MARKING INSTRUCTIONS**

Put any mark in the blank box to the right of the name of only one registered candidate for whom you vote or in the box to the right of the line "AGAINST ALL CANDIDATES."

A ballot on which marks are put in more boxes than one or in none of the boxes shall be deemed invalid.

A ballot which is not certified by the signatures of members of the precinct election commission and the seal of the precinct election commission shall be regarded as a ballot of non-standard form and shall not be reckoned in the count of votes.

ANDREEV <i>Andrei Andreevich</i>	<i>Data of the candidate</i>	<input type="checkbox"/>
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VASILJEV <i>Vasilii Vasiljevich</i>	<i>Data of the candidate</i>	<input type="checkbox"/>
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IVANOV <i>Ivan Ivanovich</i>	<i>Data of the candidate</i>	<input type="checkbox"/>
--	------------------------------	--------------------------

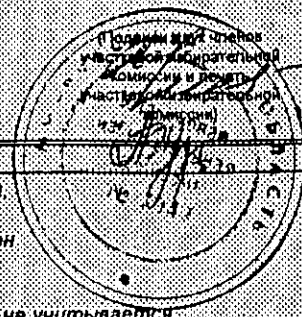
MAMEDOV <i>Mamed Mamedovich</i>	<i>Data of the candidate</i>	<input type="checkbox"/>
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PETROV <i>Petr Petrovich</i>	<i>Data of the candidate</i>	<input type="checkbox"/>
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AGAINST ALL CANDIDATES		<input type="checkbox"/>
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ИЗБИРАТЕЛЬНЫЙ БЮЛЛЕТЕНЬ

для голосования на выборах Президента Российской Федерации
26 марта 2000 года



РАЗЪЯСНЕНИЕ ПОРЯДКА ЗАПОЛНЕНИЯ ИЗБИРАТЕЛЬНОГО БЮЛЛЕТЕНЯ

Поставьте любой знак в пустом квадрате справа от фамилии только одного зарегистрированного кандидата, за которого Вы голосуете, либо в квадрате, расположенном справа от строки "Против всех кандидатов".
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Избирательный бюллетень, не заверенный подписями членов участковой избирательной комиссии и печатью участковой избирательной комиссии, признается бюллетенем неустановленной формы и при подсчете голосов не учитывается.

ГОВОРУХИН Станислав Сергеевич	1936 года рождения, место жительства г. Москва, Государственная Дума Федерального Собрания Российской Федерации, депутат, заместитель председателя Комитета по культуре и туризму, выдвинут инициативной группой избирателей	<input type="checkbox"/>
ДЖАБРАИЛОВ Умар Алиевич	1958 года рождения, место жительства г. Москва, ООО "Совместное предприятие "Интурист-РадАмер Гостиница и Деловой Центр", советник генерального директора, выдвинут инициативной группой избирателей	<input type="checkbox"/>
ЖИРИНОВСКИЙ Владимир Вольфович	1946 года рождения, место жительства г. Москва, Государственная Дума Федерального Собрания Российской Федерации, депутат, заместитель Председателя Государственной Думы, выдвинут избирательным объединением "Либерально-демократическая партия России" (ЛДПР), Либерально-демократическая партия России (ЛДПР), Председатель	<input type="checkbox"/>
ЗЮГАНОВ Геннадий Андреевич	1944 года рождения, место жительства г. Москва, Государственная Дума Федерального Собрания Российской Федерации, депутат, руководитель фракции Коммунистической партии Российской Федерации, выдвинут инициативной группой избирателей, Коммунистическая партия Российской Федерации, Председатель Центрального Комитета	<input type="checkbox"/>
ПАМФИЛОВА Элла Александровна	1953 года рождения, место жительства г. Москва, Общероссийское общественное политическое движение "За гражданское достоинство", Председатель Президиума, выдвинута избирательным объединением "За гражданское достоинство"	<input type="checkbox"/>
ПОДБЕРЕЗКИН Алексей Иванович	1953 года рождения, место жительства г. Москва, Всероссийское общественно-политическое движение "Духовное наследие", Председатель Центрального Совета, выдвинут инициативной группой избирателей	<input type="checkbox"/>
ПУТИН Владимир Владимирович	1952 года рождения, место жительства г. Москва, исполняющий обязанности Президента Российской Федерации, Председатель Правительства Российской Федерации, выдвинут инициативной группой избирателей	<input type="checkbox"/>
САВОСТЬЯНОВ Евгений Вадимович	1952 года рождения, место жительства г. Москва, Московский фонд президентских программ, Председатель Правления, выдвинут инициативной группой избирателей	<input type="checkbox"/>
СКУРАТОВ Юрий Ильич	1952 года рождения, место жительства г. Москва, Генеральный прокурор Российской Федерации (временно отстранен от должности Указом Президента Российской Федерации от 2 апреля 1999 года № 415), выдвинут инициативной группой избирателей	<input type="checkbox"/>
ТИТОВ Константин Алексеевич	1944 года рождения, место жительства г. Самара, Администрация Самарской области, Губернатор (Глава Администрации), член Совета Федерации Федерального Собрания Российской Федерации, выдвинут инициативной группой избирателей	<input type="checkbox"/>
ТУЛЕЕВ Аман-Гельды Молдагазыевич	1944 года рождения, место жительства г. Кемерово, Администрация Кемеровской области, Губернатор, член Совета Федерации Федерального Собрания Российской Федерации, выдвинут инициативной группой избирателей	<input type="checkbox"/>
ЯВЛИНСКИЙ Григорий Алексеевич	1952 года рождения, место жительства г. Москва, Государственная Дума Федерального Собрания Российской Федерации, депутат, руководитель фракции "ЯБЛОКО", выдвинут инициативной группой избирателей, Объединение "ЯБЛОКО", Председатель	<input type="checkbox"/>
ПРОТИВ ВСЕХ КАНДИДАТОВ		<input type="checkbox"/>

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Alternative Methods of Voter Registration: Pros and Cons

Alternative Methods of Voter Registration: Pros and Cons

Three Methods of Voter Registration

The three general methods of voter registration are the following:

- a. **Periodic list**
- b. **Continuous list**
- c. **Civil registry**

Each of these methods has strengths and weaknesses, and therefore there is not a single best method for all countries and circumstances. Instead, it is important to recognize which method has the greatest utility given the context in which it is being administered.

To a certain extent there is a developmental logic underlying the transition from one method to another. The periodic list is, in many respects, the simplest, because it does not require ongoing administration in the period between elections. The continuous list builds on previous registration efforts in an attempt to maintain a continuously updated list. Accomplishing this objective, though, requires a significant ongoing administrative effort. And a civil registry requires an even higher order of administrative functioning, using the registration database on citizens for a variety of purposes, one of which is voter registration.

However, it is important to note that a given electoral system will not necessarily work the same way in different countries. Although there are some common experiences in different regions of the world, the effects of a certain electoral system type depends to a large extent upon the socio-political context in which it is used. Electoral system consequences depend upon factors such as how a society is structured in terms of ideological, religious, ethnic, racial, regional, linguistic, or class divisions; whether the country is an established democracy, a transitional democracy, or a new democracy; whether there is an established party system, whether parties are embryonic and unformed, and how many "serious" parties there are; and whether a particular party's supporters are geographically concentrated together, or dispersed over a wide area.

Periodic list: General Issues

Characteristics of the Periodic List

A periodic list is a voter's list that is produced anew for each election. Thus, it is a voter's list that is developed for occasional use, rather than an ongoing list. There is no attempt between elections to update or otherwise adjust the list. It is produced in the period immediately preceding the election, normally within a relatively short time frame.

The closer to the election, that the list is produced, the greater its currency, at least with respect to the eligibility and residence of voters.

When the periodic list is used for elections in Westminster-style parliamentary elections (such as Canada up to the early 1990s), the list is devised during the election campaign (i.e., after parliament has been dissolved and the writs for the elections had been issued). On the other hand, Britain has a Westminster-style system but does not wait until the campaign begins to create the voters list. Instead, there is an annual update campaign and then the list is effectively closed until the next annual update. Some have called this a permanent list with periodic updates.

In non-Westminster systems, in which elections occur on predetermined dates, the list can be developed before the official start of the campaign. The latter scenario provides a longer time frame for the development of the preliminary list and the final list.

Because a periodic list requires the registration of all voters in a relatively short period of time, it requires substantial resources in terms of both time and money clustered at the time at which registration occurs. With a continuous list, the costs are spread out over a longer period of time. In the language of election administrators, the development of a periodic list has significant cost spikes. In Ghana, for example, the construction of a periodic list required a supply of twenty thousand registration centers staffed by sixty thousand trained workers.

Advantages of Periodic list

The advantages of the periodic list include the following:

1. There is no need for a large election administrative apparatus to maintain an ongoing list.
2. There is no need to track changes in voter's personal information (including their address changes) in the period between elections.
3. The voter registration period is a discrete event, with clearly identifiable beginning and end points.
4. The voter registration process can be a highly salient and focused event, maximizing the interest of voters and serving to heighten interest in the election.
5. The registration drive provides for a limited time period for a voter education campaign.
6. The periodic list can be developed without necessarily resorting to high-tech computer hardware and software.
7. The periodic list, because it does not require the maintenance of ongoing voter registration information, need not be highly computer based. The rationale for computerizing the voter registration process is less compelling for the periodic list than for the continuous list or the civil registry.
8. Of the three performance measures of completeness, currency, and accuracy, the periodic list performs particularly well on currency.

Disadvantages of Periodic list

The disadvantages of the periodic list include:

1. The periodic list has a significant cost spike. The costs of registering voters are highly focused during the registration period, rather than being spread throughout the electoral cycle (that is, in the full period between elections).
2. With the entire voter registration process focused on a relatively short time frame, the risk to disruption due to unpredictable weather events or political events is increased.
3. The periodic list, particularly when used in Westminster-style parliamentary elections, provides a short time frame for gathering information and making necessary changes. It is often the case that a rushed job, dictated by the imperative of completing the preliminary and final voters list in preparation for the election campaign, and the election itself, leads to a compromise on the quality of the information and the list.
4. The periodic list may require a longer campaign period, if the list is being constructed during the campaign.
5. The spikes in developing a periodic list can be difficult for some governments to absorb. Governments can often handle modest increases in budgets. However, the funds and resources needed to properly carry out a periodic registration can severely strain an already overstretched government budget.
6. The processing of all voter registration data, collected over a short time frame, places heavy burdens on other support areas, such as data entry, or information processing. The period of time it takes to perform data entry sometimes requires that the registration take place well in advance of the election. This may result in persons who turn 18 after registration takes place and before the election to be disenfranchised unless corrective steps are taken to include them in the voter register.

Continuous Register: General Issues

Characteristics of a Continuous Register

A continuous list of voters is a list of all currently eligible voters, or all citizens who will come of voting age before the next election. Election administration officials maintain the list.

This list is updated on a regular basis to include those who have achieved voting age, who have gained citizenship, who otherwise have become newly eligible (e.g., been released from prison) or who moved from one precinct to another. In addition, updating is also required to exclude formerly eligible voters who have died or who cease to meet citizenship or voting eligibility requirements.

By using a continuous list, a complete list of eligible voters can be produced on an annual basis (as in the United Kingdom), on a monthly basis (as in the Dominican Republic), in the period immediately preceding an election (see Definition of methods of voter registration, Introduction to and definition of a continuous register of voters), or on an as-needed basis. In the latter case, the requirement can be a request from a political party for a snapshot copy, or could be for internal administrative purposes, such as duplicate registration detection and removal.

Advantages of Continuous Register

The advantages of a continuous list of voters include the following:

1. The voter's list is kept current, because it is updated on a regular basis.
2. It allows the list to be open for public inspection at all times during the year, not only during a specified period.
3. *The cost of registering voters is spread across the entire period between elections, allowing for consistent budget planning. Despite this distribution of costs, there is still likely to be a cost spike at the time of the election or registration drive.*
4. Because work is spread out throughout the year, funding does not require a steep rise in any one year or during any one period.
5. Partial elections create no particular election administration problem, as the list is always ready.
6. The continuous list allows for a shorter time frame for the completion of the final voters list. For example, the adoption of a continuous list in 1997 enabled the campaign period for Canadian federal elections to be reduced by two weeks (from forty-eight to thirty-five days).
7. *There is a relatively long time frame for making changes and corrections to the voters list when using the continuous list, because changes can be made throughout the year, not only during specific registration drives.*
8. The continuous list can provide opportunities for developing efficiencies in the creation of a voters list. For example, when Elections Canada decided to adopt a continuous list of voters, one of the strongest arguments offered was the cost savings achieved by sharing data between federal and provincial election authorities.
9. This information sharing is facilitated by the existence of a continuous list. This is not to suggest that a continuous list is necessarily and on its own a less costly method of registration compared to the periodic list. *It does suggest, however, that efficiencies are possible with this method.*
10. A continuous list enables the government to use the voter's list for other elections, such as industrial elections in Australia, or jury lists in the United States.
11. In federal states, continuous lists enable the sharing of registration information across levels of government, thereby minimizing duplication.

Disadvantages of a Continuous Register

The disadvantages of a continuous list of voters include the following:

1. The need for technical sophistication, particularly with computing hardware and software, to maintain and continually update information.
2. Citizens must comply with requests to provide updated information. Their failure to do so may result in disproportionately large numbers of revisions in the final stage of list preparation. However, one response to this possibility is to allow access to other data for list maintenance. For example, motor voter registration in the United States and taxation records in Canada allow passive updates to occur with minimal or no activity on the part of the voter.
3. It requires the electoral authority to be diligent in maintaining the accuracy of the list. Serious problems have developed in countries when maintenance of the voter register has lagged or been sloppy.
4. To complete the updating of the list on an ongoing basis, there often is a need for considerable cooperation among several branches of government. An appropriate administrative structure, and administrative culture must be in place to respond to this requirement.

Civil registry: General Issues

Characteristics of a Civil Registry

A civil registry is a list of basic information, such as name, gender, nationality, age, marital status, and address, on all citizens, which is maintained by the state. Inclusion on the list is mandatory and citizens are required to provide updated information as appropriate to the officials who maintain the list (typically the Ministry of the Interior or the Election Highest Authority).

Normally, states that maintain a civil registry use it to generate a voter's list, so that inclusion on the civil registry ensures inclusion on the electoral registry. This is true, of course, for citizens who meet the eligibility requirements for voting.

The Ministry of the Interior in Denmark describes the Danish experience of linking the national civil registry with the voters list:

It is a prerequisite for voting that the prospective voter is registered in the electoral register (the voters' list). The computerized electoral register is based on information already available in the national civil registration system (also administered by the Ministry of the Interior), to which the municipal authorities continuously convey basic, administratively relevant information about citizens, including the acquisition of voting rights, changes of address, and death. Thus, inclusion on the electoral register and changes due to change of residence, etc. take place automatically and continuously. As a result, the register is permanently updated, and only people living abroad, ... have to take the initiative. They have to send a request to be on the register to the municipality where they were permanent residents before going abroad.

A printout of the permanently updated, computerized electoral register is made, with eighteen days prior to an election as the reference day. Prospective voters, who move to the country after this date, cannot be included in the register before Election Day and are therefore not allowed to vote. Persons who move to another municipality less than eighteen days before a general election remain on the electoral register of the initial municipality until after Election Day.

Changes in the electoral register because of (1) emigration, (2) death, (3) issue (or withdrawal) of declarations of legal incompetence, and (4) people losing or obtaining Danish citizenship, which are reported to the local authorities less than eighteen days before an election, are entered manually in the electoral register printout.

The use of a civil registry to produce the voter's list as described above requires a great deal of effort to maintain the data needed for elections as well as the vital statistics data normally kept in a civil registry.

In some countries, or jurisdictions, that use a civil registry, such as Sweden, the voter is not required to do anything in order to be registered to vote. The local taxation office maintains up-to-date files on voter eligibility, and voter registration is an automatic implication of being listed on the civil registry (see Swedish Taxation Office - The Population Register). In other cases, such as in the United States, Senegal, Dominican Republic, Perú, Honduras, within others, voters must apply to register to vote even though the state also maintains a civil registry. When a separate register is compiled, the compilation can take place much closer to an election. Because information such as date of birth, sex, name, and the like are taken from the civil list itself, this information need not be collected separately for the voters list. This considerably cuts time needed to perform data entry and compile the list.

Advantages of a Civil Registry

The advantages of a civil registry include the following:

1. Information collection for the voter registration process is relatively inexpensive because the key voter registration information already has been collected and compiled for the civil registry. To a considerable extent, this is simply a matter of another department of government carrying the costs that otherwise would be borne by the election administration.
2. Similar to a continuous list, the data in a civil registry normally is updated regularly, thereby enabling the generation of a current voters list on short notice.
3. Again similar to a continuous list, the costs of maintaining a civil registry are spread across the life of the government.
4. Governments that use civil registry typically place a very high priority on ensuring that it provides reliable, up-to-date information. Voters lists produced from such registries are similarly characterized by high accuracy and reliability.
5. Because the civil registry is updated regularly, it provides significant lead-time in confirming the accuracy of the information included in the registry.
6. The contents of the civil registry can be used as the client list for any and all government services. With appropriate privacy protections (e.g., as used in Sweden), even private sector organizations can have access to the data and avoid the costs of maintaining client lists of their own.
7. Overall efficiencies in governance can be achieved.

Disadvantages of Civil Registry

The disadvantages of a civil registry include the following:

1. It is a costly system to establish and maintain. Although the voters list itself is readily generated from the registry, considerable resources need to be expended to maintain this registry. However, if the government has decided, for reasons that typically have little to do with elections, to maintain a civil registry, then it is a logical application of its efforts to use the information in the compilation of a voters list.
2. Care must be exercised in maintaining the data needed for the management of elections and the production of the voters list in civil registry databases. A system must be in place to ensure that when a name is added to the database, the database assigns the person to the correct administrative division.
3. In some countries, the maintenance of a civil registry is associated with notions of an Orwellian "big brother." Thus, there is an aversion to the creation of such a registry. However, transparency measures can be implemented to eliminate such notions.
4. Similarly, there is a fear in some instances of the inappropriate use of centralized databases, such as a civil registry. The fear is that the data could be used for unauthorized commercial purposes, or that there are insufficient limits on the exchange of the data across governmental units. However, security measures can be implemented to eliminate such notions.
5. A civil registry makes the election authority dependent on the government for the voter list. If the electorate is skeptical of the government, then that skepticism will be transferred to the voters list. If the ministry responsible for maintaining the civil registry is either unwilling or unable to keep it accurate, current, or complete to acceptable, pre-determined standards, then the election authority is forced to start with poor data in creating the voters list. However, in many countries the Election Authority is the agency responsible for the Civil Register, thus eliminating such situations.

If a civil registry is used for a voters list, there is a need to have these lists maintained either in the same government department (the system used in Colombia, Dominican Republic, Honduras and Costa Rica), or in separate departments with considerable communication between them.

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Managing Elections with the Civil/Population Register

Managing Elections with the Civil/Population Register

The civil register, or population register, has a variety of uses, only one of which is as a voters list. Election administrators should consider how the electoral uses of the civil registry are managed, and how this relates to the other uses of the population register.

A Separate Voters List (Register)

Countries using the civil registry have a variety of administrative arrangements for the electoral use of the registry. In Argentina, the civil register is used to create a separate voters list, with the latter maintained by a separate authority, the electoral judge. The National Register of Persons, an agency of the Interior Ministry, processes changes to the population register. The National Register checks, classifies, and processes the information. This, in turn, is forwarded to the electoral secretariat for inclusion in the voters list.

In the Argentinean case, a physical voters list is printed, both a provisional list and a final or definitive list, which reflects the state of the register at any given time. This is referred to as the master list. The voter's list, in contrast, is defined in a strict sense as the file that contains the totality of data on voters.

No Separate Voters List

In other contexts in which the civil registry is used, there is no separate department or agency that is responsible for the voters list as distinct from the civil register, and possibly no separate, physical voters list at all. Sweden provides an interesting example. The local taxation office is responsible for maintaining accurate records for the civil register for all residents in the local area. There are population specialists within the local tax offices, but no separate election unit per se. Furthermore, there is no printing of a definitive voters list. Instead, the voter's list is a subset of the records that exist in the population register. This list never closes, and it plays an essential role in providing civic information to government departments and agencies, as well as to private sector companies, such as banks and insurance companies.

Civil Registry Does Not Close

The periodic list and the continuous voter list typically have a closing date, for both the preliminary voters list and the final or definitive voters list. In contrast, the civil registry never closes. The civil registry is simply too important to the administration of government services to allow closure.

There can be a cut-off point for changing information in the civil registry, to take effect before an election. For example, there can be a cut-off date for changes to one's primary residence. If the cut-off date is missed, an individual can be entitled to vote only in the precinct or voting division where he or she resided on the cut-off date for changes to the registry. Individuals not listed on the register at the time of cut-off can be excluded from voting. But because registration is generally mandatory for civil registers, this latter scenario is not a common occurrence.

Continuous Updating

One of the obvious advantages of the civil registry and the continuous list of voters over the periodic list is the increased opportunities they present for voters to ensure they are included on the register. Because citizen registration occurs throughout the period between elections and because data from the civil registry are used for a variety of purposes, there are far fewer reasons to be missed, passed over, or inadvertently excluded from the register using the civil register.

Principles of a Civil Registry

In planning to use a civil registry for the collection of data to be used for electoral purposes, it is important to consider that the electoral function is only one of the purposes for which the data will be used. For example, data from a list that is used for taxation may be used for providing social services, such as health care insurance; for identifying citizens who are eligible for compulsory military service; or as a basic register that records data on birth, marriage, and death for census purposes. The key feature of the civil registry is that it is multifunctional. A number of principles characterize the civil registry:

1. It is typical that more than one department or agency is involved in the development, collection, maintenance and use of data in the civil registry.
2. Normally there is not cut-off date for the finalization of a civil registry, as there is for a periodic voters list, and as there sometimes is for a continuous voters list.
3. Because the civil registry performs a number of functions for a number of agencies, it is imperative that it functions continuously.
4. The management of the civil registry has an important, and at times decisive, bearing on its ability to provide election officials with a list of voters that is viewed as comprehensive. For example, the control of the civil registry in partisan (i.e., government-appointed) hands in the Dominican Republic in 1998 has seriously diminished the errors in the quality of data available for the voters list.
5. A common instrument associated with the civil registry is the unique citizen's identification number. When a number is linked to each citizen, there is a vastly increased capacity to join a variety of otherwise disparate databases. Civil registries often include the assignment of such identification numbers at birth.

Using Civil Registry Data for Electoral Purposes

The key challenge for the election authority in using the civil registry for other registration purposes is to find an appropriate method for mapping the needs of the electoral authority onto the civil registry database, or as is often the case, databases. To accomplish this, it is useful to determine the unique functions of the election authority with regard to managing a voter registration exercise. Such functions include the following:

1. Acquiring a list of citizens from the civil registry
2. Applying exclusion criteria (based on age, citizenship, criminal conviction) to develop a preliminary list of voters
3. Making known to voters their status on the preliminary list of voters, either by publicizing the list, as in Argentina, or sending registered citizens a voter registration card, as in Sweden.
4. Providing an opportunity for objections and claims to be filed on the basis of the preliminary list.
5. Finalizing the list of voters and certify its accuracy

Election authorities in a systems using the civil registry

The key role of the election authority in a system using the civil registry is in publicizing, amending and certifying data gathered for other sources, rather than gathering the data independently. But the manner in which the voter's list is overseen and managed varies widely from one setting to another.

In Sweden, for example, the National Tax Board and the Local Tax Officers are responsible for both the population registration and the voter's list. The National Tax Board maintains a separate election unit and a unit for population registration. The tax offices have employees who are specialized on population registration. The voter's list is compiled from the population register.

In Denmark, the Ministry of the Interior is responsible for the maintenance of the civil registry, and within the Ministry of the Interior, the government maintains a separate election unit, headed by the election consultant.

In Panama, Honduras and the Dominican Republic, the civil register is an agency of the Electoral Court, suggesting a blurring of distinction between the civil and electoral registries. The Electoral Court offices have employees who are specialized on population registration and the voter's list is compiled from the population register.

Inter-agency Collaboration is Key

In view of the web of interdependence required when using the civil registry for electoral purposes, it is useful to find mechanisms that assist in ensuring that the needs of the electoral authority are being met by the agencies charged with gathering the data that ultimately will be used for electoral purposes. One way of facilitating this is through assigning the electoral and non-electoral functions to a single agency or department.

With the construction of the Swedish Population Register, the data gathering may be centralized in a single unit. The population register serves many different departments and institutions, a process facilitated by the tax authority. Similarly, in Finland, the population register may be under the jurisdiction of a special authority dedicated entirely to this purpose. In Sweden, only the central authority for elections is connected with taxation, through the National Tax Board. The regional election authorities, in contrast, are responsible for only certain parts of the voters list.

While appropriate in some settings, especially when there is a history of democratic practice, widespread sharing of data through a civil register would not be suitable when there are concerns about voter registration. In the latter case, it may be more useful to have the electoral authority that is responsible for auditing for the department do the gathering of the data, as is done through the office of the Electoral Auditor in Costa Rica.

The form that this inter-agency collaboration takes varies depending on the past history and institutional structure of a country. What does not vary is the fact of the overarching importance of such collaboration.

Continuous update of Voters List

A continuous list of voters is one in which the electoral register is maintained and continually updated by the election administration. This system requires an appropriate infrastructure to maintain the list, adding the names and other relevant information for those who satisfy eligibility requirements (attaining citizenship, satisfying residency requirements, attaining voting age) and deleting the names of those who no longer meet the eligibility requirements (through death, change of residency, etc.). Because the continuous registry is regularly updated, there is no need to conduct a final registration effort immediately preceding an election, as is often the case with the periodic list. In addition, the continuous list may be maintained either locally, as is done in the United Kingdom, or nationally, as in Australia and Canada.

The requirement to maintain and update voter information on the continuous list represents a substantial increase in effort compared to the periodic list. The election authority must devise adequate mechanisms to track voter mobility and mortality. On the other hand, the election authority is able to do so throughout the period between elections, and thus does not face the same magnitude of spending spikes, as is the case with periodic lists.

In contrast when using the civil registry, there is considerable integration of information sources across agencies and departments, whereas a continuous list of voters can remain within the purview of a single department or agency, or of an electoral commission. An advantage of the continuous list when used with the Civil Register is the greater opportunity to ensure the integrity of the data.

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Linking Existing Data Sets

Linking Existing Datasets

The linking of existing datasets presents Population/Civil Registry officials with significant challenges in establishing the operational infrastructure. This is because the datasets that are used in the population registry exercise have been collected for distinct purposes by several departments or agencies.

Thus, it is necessary to find or develop a common thread whereby these datasets can be linked and rationalized. A number of challenges can be anticipated, which must be addressed if the development of the civil registry is to be successful. These include the following:

1. Identifying the completeness of the lists. It should be expected that all such existing lists would suffer from some incompleteness. For example, taxation rolls can exclude those who are not in the paid workforce and thus have no taxable income. Homemakers, students, and retirees all can be excluded disproportionately from taxation rolls. So too might the chronically unemployed or those who through disability are effectively unemployable. Other databases may be able to complement the taxation data, such as records on eligibility for various social services, or the issuance of Marriage or drivers licenses. Similarly, immigration and naturalization records can provide another useful data source, and basic records on births and deaths are typically a key component of any civil registry.
2. Assigning a unique identification number. Linking across databases requires a system of unique identifiers that can be used in each database. By far the most efficient way of doing this is to provide a unique identification number to each citizen, which would be incorporated into each of the separate databases, and form the cornerstone of the civil registry database. This can require adjusting and updating all of the various databases that are components of the civil registry system to ensure that the records on each individual include the common identification number. This number may be assigned at birth, or at the registration of the birth, and stays with the individual throughout his or her life. In implementing such a registration system, a phase-in period is likely to be necessary so that those born before the implementation of this system can obtain their identification numbers and have their records adjusted accordingly.

Using an identification card. When the civil registry is based initially on the registration at birth, it is not uncommon to require an updating of the registry record at several points in time. Confirmation of civil registration data can be required at the time of initial registration at school and, as in Argentina, at the time of reaching sixteen years of age. This registration can also require the citizen to obtain and carry an identification card, which has an expiration date and obliges the citizen to re-confirm his or her registration at expiration.

O

**On the Legal Regime of the State of
Emergency: Possible Effect on the
Holding of National Elections**

ON THE LEGAL REGIME OF THE STATE OF EMERGENCY: POSSIBLE EFFECT ON THE HOLDING OF NATIONAL ELECTIONS

by Christian Nadeau and Alexander Postnikov

At present, the legal regime of the state of emergency in the Russian Federation is regulated by the Constitution of the Russian Federation and RSFSR Law No. 1253-1 of May 17, 1991 "On the State of Emergency." Under Articles 56 and 87 of the Constitution of the Russian Federation, the procedure for declaring a state of emergency and its regime is established by a Federal Constitutional Law. A Federal Constitutional Law has a particular status in the Russian legal system as they are mandated by the Constitution and require a qualified majority of the State Duma and the Federation Council for approval. Such laws supersede any legal provisions which are not compatible. At this time, there is no Federal Constitutional Law adopted on the state of emergency. In such cases, the transitional provisions of the Constitution stipulate that laws in existence under the Russian Soviet Federation of Socialist Republics (RSFSR) are applied in so far as they do not contradict the Constitution.¹ Therefore, the regime of the state of emergency and the procedure for its declaration are regulated by the RSFSR Law of May 17, 1991. In view of this, the procedure for declaration of a state of emergency evokes a particularly large number of questions.

Constitutional Right of Approval by the Federation Council

Under Article 88 of the Constitution of the Russian Federation, under the circumstances to be defined in the federal constitutional law, the President of the Russian Federation proclaims a state of emergency in the territory of the Russian Federation or in some of its areas in a procedure established by this Federal Constitutional Law; he immediately informs the Federation Council and the State Duma to this effect. At that moment, the Federation Council has an unambiguous right of approval: according to Article 102 of the Constitution of the Russian Federation (Para. "c" of Part 1) the Decree of the President of the Russian Federation declaring a state of emergency must be approved by the Federation Council. There arises a question as to what will happen if the Federation Council does not approve the presidential decree. Under Article 12 of the RSFSR Law of May 17, 1991 a decree declaring a state of emergency, which has not been approved by a resolution of the Supreme Soviet of the RSFSR in a procedure and within time limits established by the Law, becomes null and void and the population of the corresponding territory must be informed of this fact through the mass media. However, the Constitution designates another body which approves the presidential decree (now it is the Federation Council and not the Supreme Soviet) and it is not clear whether the former legal consequences of non-approval of the presidential decree remain in force.

In the juridical literature this legal situation is characterized as follows. "Politically the situation where a state of emergency has been declared, presupposes a common stand of the President and Parliament and, therefore, approval of the presidential decree on this matter by the Federation Council is not a formal act. From the legal standpoint the refusal of this chamber to approve the decree means the refusal to confirm the legal force of the decree, which makes it incumbent on the President to reconsider his stand. According to the Regulations of the

¹ See Part 2 of Section II of the Constitution of the Russian Federation "Concluding and Transitional Provisions").

Federation Council of February 6, 1996 in such cases the Federation Council may, in its resolution, suggest to the President that a joint conciliatory commission be set up to resolve the differences. At the same time, the consequences of non-approval of such decrees are formulated quite unambiguously: these decrees become null and void after the Federation Council takes an appropriate resolution (Article 160 of the Regulations)."¹ It must be pointed out, however, that here the author is referring to the Regulations of the Federation Council and not to a federal law.

Circumstances - State of Emergency

Under Article 56 (Part 2) of the Constitution of the Russian Federation a state of emergency may be declared in the presence of circumstances established by the federal constitutional law. These circumstances are specified in the RSFSR Law of May 17, 1991. Article 3 of this law provides that a state of emergency may be declared only in a situation where circumstances which serve as a reason for proclamation of a state of emergency pose a real, extraordinary and imminent threat to the safety of people or to the constitutional system of the republic, which cannot be averted without resorting to extraordinary measures. According to Article 4 of this Law, given the situation described above, the reasons for declaration of a state of emergency may be as follows:

a) attempts to change the constitutional system by violent means, mass disorders with acts of violence, ethnic conflicts, blockade of certain localities, which jeopardize the life of people or normal functioning of state institutions;

b) natural disasters, epidemics, apizootic diseases, major accidents, which imperil the life and health of people and require urgent salvage and restoration measures to be taken.

As examples, based on the RSFSR Law of May 17, 1991 the President of the Russian Federation declared a state of emergency in the territory of the Mozdok and the Prigorodny Districts and the adjoining areas of North Osetia and in the Malgobek and the Nazran Districts of the Ingush Republic (May 29, 1993), in Moscow (October 4, 1993).

Electoral Consequences – State of Emergency

Part 1 Article 56 of the Constitution of the Russian Federation provides that certain restrictions may be imposed for definite periods on the rights and freedoms under the federal constitutional law to ensure the safety of people and protect the constitutional system. Not all rights are suspended under a state of emergency; for example the freedom of conscience, the right to life, the right of access to the courts remain². Electoral rights of citizens are not covered by this provision.³ Consequently, under certain "crisis" conditions these electoral rights may be restricted. As for a referendum, the federal legislation is even more categorical. According to Clause 1 Article 14 of the Federal Law "On Basic Guarantees of Electoral Rights and the Right of Citizens of the Russian Federation to Participate in a Referendum" a referendum shall not be

¹ Okunkov, L.A. President of the Russian Federation. The Constitution and the Political Practice. Moscow, 1996, p. 57

² According to Part 3 of article 56 the rights and freedoms laid down by Articles 20, 21, 23 (Part 1), 24, 28, 34 (Part 1), 40 (Part 1), 46 - 54 of the Constitution of the Russian Federation are not subject to any restrictions under any circumstances.

³ Electoral rights are guaranteed in the Constitution – See Part 2 of Article 32

held under a state of emergency declared in the territory of the Russian Federation, or in the territory where the referendum is to be held or in a part of this territory, and also within three months after a state of emergency has been lifted.

What are the conditions under which the elections to the State Duma may be postponed because of declaration of a state of emergency? In our opinion, this may be done if there is a real threat that free, democratic elections will be thwarted in a part of the territory of the Russian Federation large enough to make it impossible reliably to establish a general election result. This is important primarily for the 225 State Duma deputies which are elected through a proportional system. A state of emergency proclaimed in a territory which comprises several electoral districts is not in itself a sufficient reason to cancel elections in the whole Russian Federation. The exercise of the electoral rights of citizens may be restricted only where there is a real threat to the free expression of their will.

International Experience

The international experience with natural and social crisis in times of elections shows that basic conditions of infrastructure, social cohesion, and the ability of electoral and governmental authorities to carry out elections are essential for elections to take place. As in Russia, a special law establishes criteria for the declaration of a “state of emergency”, its approval and legal consequences. In terms of elections, Caribbean nations, for example, have faced extraordinary situations in times of elections due to cyclones, hurricanes, floods, or other such natural disasters. Their main remedy is to either postpone elections in part or a whole of the country, depending on the magnitude of the crisis. The coastal states in the United States, such as North Carolina or Florida for example, have emergency provisions in their state election law that allows the election commission to suspend or adjourn an election in whole or in part due to “acts of god” according to specific criteria. In the Philippines in May 1998, national congressional elections were suspended in a small part of the country due to a local rebel insurgency. In the majority of cases, the privileged approach is to limit the suspension of basic rights, such as electoral rights, to a geographically limited area within a country in times of crisis.

P

Geographical Areas where IFES Carried out Programs in Support of the State Duma and Presidential Elections

**Geographical Areas where IFES Carried out Programs in Support of
the State Duma and Presidential Elections
1999 -2000**

1. Arkhangelsk Oblast
2. Belgorod Oblast
3. Bryansk
4. Sverdlovsk Oblast *
5. Kaliningrad *
6. Kaluga
7. Republic of Tatarstan *
8. Kemerovo Oblast
9. Krasnodarsky Krai
10. Krasnoyarsky Krai
11. Kursk Oblast
12. Leningrad Oblast
13. Lipetsk Oblast
14. Moscow *
15. Moscow Oblast
16. Murmansk Oblast
17. Novgorod Oblast
18. Novosibirsk
19. Omsk *
20. Perm Oblast
21. Petrozavodsk
22. Pskov Oblast
23. Republic of Bashkortostan
24. Republic of Kalmykia
25. Republic of Khakassiya
26. Republic of Mariy El
27. Republic of Mordovia
28. Republic of Tatarstan
29. Republic of Tuva
30. Rostov-on-Don *
31. S.-Petersburg *
32. Samara
33. Saratov Oblast
34. Smolensk Oblast
35. Sochi
36. Stavropol Krai
37. Sverdlovsk *
38. Tomsk Oblast
39. Tver Oblast *
40. Ulyanovsk Oblast
41. Vladimir Oblast *

42. Vladivostok
43. Volgograd *
44. Vologda Oblast
45. Voronezh Oblast
46. Yaroslavl Oblast

* IFES conducted observation of voting on the Election Day in these locations

International Observation of Voting Abroad

1. Armenia, Erevan
2. Azerbaidjan, Baku
4. Georgia, Tbilisi
5. Kazakhstan, Astana
6. Moldova, Kishinev
7. Tajikistan, Dushanbe
8. USA
 - Houston, Texas
 - San Francisco, California
 - Chicago, Illinois
 - Washington, DC
 - New York city, N.Y.
9. Uzbekistan, Tashkent
10. Yemen

Q

Useful Web Sites

Useful Web Sites

Official Sites

- Central Election Commission of the Russian Federation
<http://www.fci.ru/>
- Federal Information Center under the Central Election Commission of the RF
<<http://www.izbircom.ru/1911/index.shtml>>
- Government of the Russian Federation
<http://www.pravitelstvo.gov.ru/>
- RF Ministry of External Affairs
<http://www.mid.ru>
- Russian Government
<http://gosorgan.amursk.ru/>
- State Duma of the Russian Federation
<http://www.duma.ru>
- Supreme Court of the Russian Federation
<http://www.supcourt.ru/>

Political Parties and Movements in Russia

- Communist Party of the Russian Federation: <http://www.kprf.ru/>
- Democratic Union party: <http://ds.ru/>
- Fatherland: <http://www.Fatherland.org/>
- Liberal Democratic Party of Russia: <http://www.ldpr.ru>
- National Socialist Workers' Party of Russia: <http://www.chat.ru/~nsrp/>
- Democratic Choice of Russia: <http://www.dvr.ru/>
- Russian National Unity: <http://www.rne.org/>
- Union of the Rightwing Forces, State Duma Faction Official Site: <http://www.sps.ru/>
- Union of Rightwing Forces: <http://www.prav.ru/>
- Women of Russia party: <http://women.centro.ru/>
- Yabloko party: <http://www.yabloko.ru/>

International and Domestic Resources

- Carnegie Moscow Center : <http://www.carnegie.ru>
- Institute for Election Systems Development: <http://www.democracy.ru/rus/index.html>
- International Foundation for Election Systems: <http://www.ifes.ru>
- Organization for Security and Cooperation in Europe – Office for Democratic Institutions and Human Rights: <http://www.osce.org/odihr/>
- Project "Ace" (election administration): <http://www.aceproject.org>
- Russian and Former Soviet Union Studies Journals
<http://dizzy.library.arizona.edu/users/kollen/geo409jl.htm>

R

Organizations and Parties IFES Met during the State Duma and Presidential Elections

List of Organizations and Parties IFES Met with during the State Duma Elections and Presidential Elections

I. Political Parties Representatives, Presidential Candidates, Members of the State Duma

Communist Party of the RF (Victor Peshkov, CPRF faction of the State Duma)
LDPR (Vladimir Zhirinovskiy, Leader, Presidential Candidate)
Presidential Candidate V. Putin Electoral Headquarters (Mikhail Markelov, campaign manager, Dmitry Medvedev, key campaign official – at Carnegie Center)
Presidential Candidate Yu. Skuratov
Presidential Candidate K. Titov (at Carnegie Center)
Presidential Candidate O. Tuleev (at Carnegie Center)
SPS (Vadim Prokhorov, representative at CEC)
Yabloko Duma Election Headquarters
Yabloko Presidential Election Headquarters (Igrunov)

II. Election Administration & Other Executive Agencies

1) Central (Federal)

Central Election Commission of the Russian Federation (Chairman A.A. Veshnyakov, Commissioners)
CEC Information Center (I. Gorshkov, Director)
Committee for CIS Affairs & Connections with Compatriots
Constitutional Legislation Committee of the Duma of RF
Ministry of Press of the RF
Presidential Department of Internal Politics

2) Regional

Election Commission of Leningrad Oblast (V.V. Pylin, Chairman)
Election Commission of Moscow
Election Commission of Rostov-on-Don
Election Commission of St.-Petersburg (Rita Malova, Secretary)
Election Commission of Tver Oblast (M.V. Titov, Chairman)
Election Commission of Volgograd Oblast
TEC-Zamoskvorechye/Moscow (V. Ozerov, System Administrator)

3) Foreign

Central Election Commission of Ukraine

III. NGOs, Political Studies&Research organizations, etc.

1) In Moscow

Center for Information and Analysis

Center for Political Technologies

Civic Education Center (Tatiana Bolotina)

Glasnost Defense Foundation

High School of Economics

INDEM ("Politika" seminar, presentations by Satarov, Pavlovsky, Nikonov, etc.)

Institute for Election Systems Development

Institute for the US and Canadian Studies, Russian Academy of Sciences

Institute of Political Research

International Institute for Humanitarian & Political Research

Law and Media Center

MERCATOR Group (D. Oreshkin)

"Mezhregion" Collegiate of Lawyers

Moscow State University

National Association of Broadcasters

National Press Institute

New Law Institute

New Perspectives Foundation (Nadezhda Seryakova, President)

Nikkolo M, Center of Political Consulting

Political Research Foundation

Public Information Center "Elections-2000"

Russian Association of Regional TV Companies

Russian Institute of Social Sciences

Russian Institute of Electoral Right

STRINCO Group

TerraLink (A. Popov)

2) In the Regions

League of Women Voters, St.Petersburg (T.S.Dorutina, Director)

League of Women Voters, Kaliningrad Oblast

Nevsky Research Fund

Regional Fund for Resurrection of Historical, Cultural & Spiritual Traditions
“Symbol”

Rostov Regional Public Organization “Civil Consent”

IV. Mass Media Representatives

“Ekonomicheskaya Gazeta”

GRK “Radio Russia”

Internews

ITAR-TASS

“Kommersant” Publishers

Leningrad Regional TV company

“Moscow News”

“Nezavisimaya Gazeta”

“Novaya Gazeta”

“Rostov Courier” Weekly

“Sreda” Magazine

TV-Center

VGTRK (All-Russian State Television and Radio Company)

“Video International”

“Volgograd-TRV” state TV station

V. International Organizations & Projects

Carnegie Center

Embassy of Austria

Embassy of Canada

Embassy of Finland

Embassy of Mexico

Embassy of Portugal

Embassy of Tajikistan

Embassy of the USA

EU Project for Capacity Development in Election Monitoring

International Republican Institute (Lee Peterson, Director)

Jamestown Foundation

OSCE/ODIHR Election Observation Mission to RF (Linda Edgeworth, Lyam Birn, others)

National Democratic Institute

USAID

