



**GREEN ALLIANCE**  
People's Party, Russia

## **An overview of the political system of Russian Federation in terms of the electoral law**

One of the most important institutions of the political system of the Russian Federation is the legislative power. One of its main functions is to implement the electoral law which directly influences development of the diversity of political processes in the country. The subject of this review is the existing political system of the Russian Federation.

The political system of modern Russia provides for the formation of bodies of public authorities and bodies of local (communal) self-governmental authorities through elections. According to the Constitution in force, the Russian Federation is a federal state recognizing the independence of local (communal) self-government. Thus, the authority in this country has three levels: **federal level** - federal public authorities, **regional level** - public authorities of the constituent entities of the Russian Federation (republics, territories, regions, federal cities) **and local level** - local (communal) self-governmental authorities. According to the Russian Constitution, the operation of public authorities is based on the principle of separation between its three branches - legislative, executive and judicial power. Of the three powers, only the legislature is directly elected. The executive power can be formed by electing its highest executive officials.

The legislative power **at the federal level** is the Russian Federal Assembly (Parliament) made up of two chambers: the lower house - the State Duma and the upper house - the Federation Council.

The **Federation Council** is formed on the principle "one representative from the legislative and executive authorities of each constituent entity of the Russian Federation". Only once in 1993 Federation Council members were elected for two years term. Subsequently, no direct elections to the said body were conducted. Changes in the order of formation of the Upper House of Parliament - the Federation Council - are not the subject of our study since this body, except for the first convocation, is not elected.

**The State Duma** was always formed through elections. The State Duma consists of 450 deputies directly elected by the popular vote. Initially, the Lower House was elected on the principle: 225 deputies elected on the federal lists of party candidates and the remaining 225 deputies in the single-mandate constituencies. According to this principle the State Duma was elected in 1993, 1995, 1999 and 2003. In 2007 and 2011 all 450 deputies were elected only on the federal lists of party candidates. The current 6<sup>th</sup> State

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Duma was elected solely on the federal lists of party candidates (fully proportional system of mandatedistribution).

Transition to the elections on the federal lists of party candidates was made on the initiative of President Vladimir Putin in connection with the terrorist attack on school in the city of Beslan. As a result, the path to election to the State Duma of the self-nominated candidates was closed which severely disrupted eligibility of Russian citizens to vote. At the same time, it was determined that only one party may draw up federal list candidate. Previously it was allowed that blocks of several political parties may nominate candidates into a common federal list.

To date, the State Duma considers a new draft law on elections to the State Duma providing again for election of 225 deputies on the federal lists of party candidates and 225 deputies from the single-mandate constituencies. In the absence of a specific Federal Constitutional Law on the Federal Assembly, the procedure of formation of this body is fully integrated in the electoral legislation. Legislation on elections of deputies to the State Duma is highly unstable due to the fact that each State Duma was elected according to its own electoral legislation.

In 2011, the year of the last national parliamentary elections there were only seven political parties in this country. Consequently, only persons mentioned in one of the seven federal party lists had the right to be nominated as parliamentary candidates. The Parties already represented in the State Duma were granted preference and were allowed not to collect signatures for the registration of their federal lists of candidates. The novice parties were obliged to collect signatures from voters for registration of their federal lists of candidates.

**The President of the Russian Federation** shall be elected by the popular vote. According to the current Constitution the President does not belong to any of the branches of power being the guarantor of the Constitution. There is no specific Federal Constitutional Law governing the activities of the President of the Russian Federation. The procedure for election of the President of the Russian Federation shall be determined by a separate federal law of the Russian Federation, and the status of the President is subject to the other one. Also, for every election of the President of the Russian Federation in 1996, 2000, 2004 a new law was adopted or the existing law was significantly changed for new elections as it happened in 2008 and 2012.

The number of signatures required for registration as candidate for the President of the Russian Federation changed several times, as well as the requirements for their verification became more stringent. The current legislation, on the contrary, drastically reduces the number of signatures required for registration as candidate for the President of the Russian Federation.

As one can see there is no stability in the electoral law. One of the main factors of such instability are existing preferences for political parties represented in the State Duma to nominate a candidate for President of the Russian Federation without collection of signatures. This was especially obvious during the 2008 elections when in order to

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register as a presidential candidate one must collect two million signatures (in the previous elections in 2004 the limit was only one million). The rigorous provisions of electoral legislation, preferences in nominating candidates by the individual political parties, made it possible, in fact, to simulate the competition in the last elections and made it impossible to register any independent candidate for the presidential post.

Therefore, the possibility for independent candidates to be elected to the State Duma or the office of the President of the Russian Federation was zero.

Not better, and even worse is the situation on the regional level where elections of the public authorities of **constituent entities of the Russian Federation** and election of senior executive officials of constituent entities of the Russian Federation take place.

In each constituent entity of the Russian Federation a legislative (representative) body shall be elected. The procedure for election of the said body is determined by regional law of a constituent entity of the Russian Federation within the Federal Law. Starting in 2002, it was determined that at least half of the members of this body should be elected from the lists of candidates nominated by political parties. Due to the constant changes of the federal electoral law in order to tighten election procedures, the electoral law on the regional level often changed subsequently. In fact, nearly every regional election was usually held, as a rule, according to the new adjusted electoral law of constituent entity of the Russian Federation often adopted shortly before the elections.

After the existing regulations allowing to form the State Duma exclusively according to lists of party candidates were adopted, many constituent entities of Russian Federation adopted a similar procedure for election of their legislative (representative) bodies. Although election of regional legislative (representative) body exclusively according to the lists of party candidates and abolition of single-mandate districts does not contradict the federal law, however, it significantly limits the eligibility of citizens to vote and makes impossible for self-nominated independent candidates to be elected.

A separate topic of election of regional legislative (representative) body is the use of different techniques of distribution of seats among the lists of political parties. Many techniques are clearly roguish and contrary to common sense allowing the party winning the maximum number of votes to get additional parliamentary seats.

Any changes enhancing possible participation of self-nominated individuals in the elections of regional legislative (representative) body and restricting distribution of seats only on the basis of party candidates lists (fully proportional system) are not currently envisaged. All restrictions and imperfection of the federal electoral law are also reflected in the electoral system of legislative (representative) bodies of the constituent entities of the Russian Federation.

**At the regional executive level**, the highest executive official of constituent entity of the Russian Federation (Governor of region, Governor of province, President or Head of the Republic, Mayor of the City of the federal level) shall be elected. Prior to 2005, it was

determined that all highest executive officials of the constituent entities of the Russian Federation must be elected by direct popular vote. But, in connection with the terrorist attack in Beslan, President Vladimir Putin proposed to abandon rule of the people at the regional level as well and the legislative (representative) body of the constituent entity of the Russian Federation was authorized to elect the highest regional executive official.

This procedure was adjusted several times. In 2012 the federal law was changed again, restoring election of the highest regional executive official by direct popular vote but with some restrictions.

On one hand the constituent entity received the right to decide whether or not to take the opportunity of nominating a candidate who does not belong to a political party, and use the so called self-nomination procedure. On the other hand the so-called 'municipal filter' was introduced. It means that an independent candidate must collect signatures (5% to 10%) of municipal deputies and heads of municipal administration on the territory of relevant constituent entity. This is nothing more than an attempt to hinder the procedure of nominating candidates who are not supported by the regional authorities.

In fact, the self-nominated candidate must receive a double support in the region, unlike the candidates nominated by the parties. Actually, the process of nominating for the Principal Officer will be possible only for the candidates and their stand-ins (candidates nominated in order to create the illusion of choice) with support in the form of administrative resources. It is practically impossible for the independent candidate or candidate from the opposition party to register using these rules. At this point, the State Duma adopted a law providing for the right of the Russian Federation subject to choose the former way of empowering the senior officer (i.e. as advised by the President) or abandon the above procedure of elections. Thus, whether or not to hold an election is up to the region to decide as the law has already been passed in two readings.

Next is the lowest level: local self-government. In the municipality a representative body of the municipality (board of deputies, city council, and city assembly) is elected. The election procedure: both as for single-seat constituencies and with the list of candidates. A specific electoral system shall be established by the Municipality Charter. There appeared municipalities in which all MPs were elected on the party lists. This possibility has been challenged in the Constitutional Court of the Russian Federation, and at the end of 2012 the federal law was amended with a view to restricting the use of election of a representative body of the municipality. The election of members of the representative bodies of settlements (except for urban districts) with a population of less than 3,000 people, as well as representative bodies of the settlements (including representative bodies of urban districts) with less than 15 members shall be held in single- and (or) multi-member constituencies. At the same time, at least half the seats in the representative body of the municipal district, urban district with a number of 20 or more members are distributed between the lists of candidates nominated by political parties. However, provision may be made for establishing in the Municipality Charter of election of all members of the representative body solely on party lists. Consequently, it is possible to block the nomination of self-promoted

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candidates at the local level, effectively limiting eligibility. The direct election of deputies of the representative body of the municipality is not an absolute thing either. There exist the following types of municipalities: municipal districts, urban and rural settlements, urban districts, intra-municipal entities of federal importance. The municipal area includes urban and rural settlements. The representative body of municipal district may consist of the heads of urban and rural settlements - within the municipal district - and the members of representative bodies of urban and rural settlements elected by the representative bodies of urban and rural settlements out of the number of their members.

The head of municipality is an elected official of local self-government. The head of municipality may be elected either at the municipal elections or by the representative body of municipal entity out of its members. That is, election of the head of municipality is not an absolute thing - he may and may not be elected by direct popular vote and be elected out the members of representative body. And it may be possible to provide for a stipulation in the Municipality Charter for election of the Head out of deputies of the representative body who, in their turn, are elected on party lists.

Until the spring of 2012 there were only seven political parties in Russia. Increased requirements for minimum numerical strength of parties from 10 000 to 50 000 and strict verification of compliance with this requirement reduced, in its time, the number of parties in Russia to only seven. As described above, in some cases, only nomination on the lists of candidates of one of the seven parties made it possible to be a candidate for membership of the State Duma or a candidate for some of the legislative (representative) bodies of the regions, some representative bodies of local self-governmental authorities (elected only on lists of political parties). And in this case, only four parties represented in the State Duma, could register the lists of nominated candidates or candidates without having to collect signatures in their support, the others had to go through this process with non-guaranteed results. Tough legal requirement for signatures of voters and appropriate verification procedure often made it possible to decline registration on formal grounds. In 2012, a reform of the party legislation was held; and the electoral law was changed to some extent. The minimum number of members of a political party was reduced by 100 times, the requirements for the number of party members in a particular region were eliminated altogether. Formally, there can be just one member of the party in the region, against the old rule on the minimum number of members of the party in the region of 500 people. Another step was removing of the requirement for collecting signatures for a political party in all elections except for the election of the President of the Russian Federation (fear persisted...). This gave rise to the creation of many political parties with all sorts of names. Currently, there are 185 organizing committees for establishment of political parties, 59 political parties have been registered with the Ministry of Justice of the Russian Federation, and 36 of them have completed registration of required number of regional branches and, therefore, may participate in the election. This pattern does not tie up the current authorities since the voters have traditionally voted for one of the known pre-existing seven parties. The newly created parties just fragmentize popular vote. In reality, they can achieve success

in the elections only by somehow distinguishing themselves from the many lesser-known parties, often with similar names, which is not an easy task.

As we can see, the electoral legislation is far from being perfect, it is unstable and not conducive to healthy competition and the election of a truly representative authorities.

Distortions in the current political system of election of authorities lead to the adoption of low-quality, self-contradictory regulations (federal laws, the laws of the federation subjects and so on) and to the inability to correct their own mistakes. The only chance for new political parties to develop in this new situation is to win the confidence of voters and successfully place high enough in the elected bodies of power and through them to try to change the current electoral law. Today, it is the only legitimate chance to rectify the situation relating to the political system of the Russian Federation and its elected institutions.

Party Executive Office

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