



Office for Democratic Institutions and Human Rights

RUSSIAN FEDERATION

STATE DUMA ELECTIONS

18 September 2016

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

27 June – 1 July 2016



**Warsaw
8 July 2016**

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OSCE/ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Following an invitation from the authorities of the Russian Federation to observe the 18 September 2016 parliamentary elections and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) from 27 June to 1 July. The NAM included Alexander Shlyk, OSCE/ODIHR Acting Head of Election Department, Lusine Badalyan, OSCE/ODIHR Senior Election Adviser, and Vladimir Misev, OSCE/ODIHR Election Adviser. The NAM was joined by Andreas Baker, Chief of the Executive Office of the OSCE Parliamentary Assembly.

The purpose of the mission was to assess the pre-election environment and preparations for the State Duma elections. Based on this assessment, the NAM should recommend whether to deploy an OSCE/ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions and the election administration, as well as with representatives of political parties, potential candidates, media, civil society and the resident international community in Moscow and St. Petersburg. A list of meetings is annexed to this report.

The OSCE/ODIHR would like to thank the Ministry of Foreign Affairs and the Central Election Commission (CEC) for its assistance and co-operation in organizing the NAM. The OSCE/ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and to share their views.

II. EXECUTIVE SUMMARY

The forthcoming parliamentary elections will take place on 18 September. The 450-seat State Duma (lower-house of parliament) will be elected for a 5-year term under a mixed representation system: 225 deputies proportionally from federal lists of candidates and 225 from single-mandate constituencies. Parties must surpass a national threshold of 5 per cent of valid votes cast to participate in the seat allocation in the proportional contest. Candidates in a single-mandate constituency will be elected under the first-past-the-post system.

The electoral system and the election legislation have changed considerably since the last parliamentary elections, and, positively, a number of previous OSCE/ODIHR recommendations were addressed. Key changes to the electoral legislation include transition from a proportional to a mixed electoral system, easing the requirements for registration of political parties, reducing the threshold for seat allocation from 7 to 5 per cent, and introducing a new layer of election commissions in single-mandate constituencies. Most OSCE/ODIHR NAM interlocutors positively assessed changes in the legal framework, however, some expressed concerns regarding its implementation by the authorities and election commissions. Particular concerns were raised about restrictions for citizens who would like to conduct non-partisan election observation (citizen observers).

The elections are administered by five levels of election commissions: the CEC, Subject Election Commissions, Constituency Election Commissions (ConECs), Territorial Election Commissions (TECs), and Precinct Election Commissions. All OSCE/ODIHR NAM interlocutors noted the high level of public confidence in the new composition of the CEC and expressed hope that it will contribute towards a more transparent conduct of the elections. However, a number of them expressed concerns about the independence and impartiality of the lower level commissions. Many OSCE/ODIHR NAM interlocutors linked the new composition of the CEC to a declared intention of the authorities to organize the upcoming elections in closer compliance with international standards and obligations for democratic elections.

Citizens over the age of 18 have the right to vote, with the exception of those serving a prison term and those recognized as incapacitated by the court. Voter lists are prepared by TECs on the basis of data provided by the local administration. Voters can be included in the voter list up to and on election day upon a decision by a court or a higher election commission. Overall, the OSCE/ODIHR NAM interlocutors expressed general confidence in the voter registration process.

Citizens over the age of 21 are eligible to contest the elections. Elections can be contested by registered parties, and by self-nominated candidates in single-mandate constituencies. Although the number of political parties eligible to contest the elections increased significantly compared to the previous elections, some OSCE/ODIHR NAM interlocutors expressed concerns with the candidate registration process and highlighted that it will be important to ensure equal opportunities for all candidates to collect supporting signatures in an unobstructed manner and have them verified transparently.

The election campaign starts from the day of nomination of candidates. Most OSCE/ODIHR NAM interlocutors anticipate the campaign to focus on social and economic issues, democratic governance and human rights, corruption, infrastructure development, as well as foreign policy issues. A number of OSCE/ODIHR NAM interlocutors raised concerns over a potential misuse of administrative resources, but noted that it may play a lesser role than in the past. In addition, some concerns were noted regarding the freedom of assembly and the possibility to campaign freely throughout the country.

The laws do not contain comprehensive regulations for party and campaign financing, while there is a number of CEC regulations on the matter. Parties and candidates can use their own funds and donations from citizens and legal entities. Political parties with federal lists are obliged to submit financial reports to the CEC and candidates in single-mandate constituencies to ConECs. Transparency of campaign financing is provided for by publication of all reports submitted to the election commissions.

The media landscape comprises numerous broadcast and print outlets, and increased significance is placed on online media. The coverage of the election campaign in the media begins 28 days before the election day. The CEC established a working group to oversee the compliance of the media with the campaign regulations and to deal with media-related disputes. The legislation provides for equal opportunities to all election contestants, however some OSCE/ODIHR NAM interlocutors complained about the practice of unequal coverage by the state-owned media.

The legislation provides for observation of an electoral process by representatives of political parties and candidates, as well as media and international observers. Observation by citizen observer organizations is not envisaged by law. Recent legal amendments provide that party and candidate observers can be expelled from polling stations only upon court decision, however some restrictive provisions for political party and candidates' observers and media representatives on

election day were introduced and are now under review by the Constitutional Court. The CEC representatives assured the OSCE/ODIHR NAM that, if deployed, the OSCE/ODIHR observers would be granted all necessary access.

All OSCE/ODIHR NAM interlocutors mentioned that they would welcome an OSCE/ODIHR election observation activity. Many viewed the OSCE/ODIHR observation activity as a means to enhance confidence in the electoral process. Many OSCE/ODIHR NAM interlocutors stressed the need to deploy an election observation mission with a long-term and regional presence to cover all aspects of the process, including different levels of election administration. In considering an observation activity, the OSCE/ODIHR NAM has taken into account the various findings outlined in this report and the concerns expressed by stakeholders. These include issues related to the recently amended legal framework and its implementation, the process of candidate registration, potential issues in technical administration of the elections, concerns raised with regard to the conduct of the election campaign, and the role of the media.

Based on the findings of this report, the OSCE/ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) to observe the 18 September State Duma elections. In addition to a core team of analysts, the OSCE/ODIHR will request the secondment by OSCE participating States of 80 long-term observers to follow the electoral process countrywide, as well as 420 short-term observers for the observation of election day procedures. In line with OSCE/ODIHR's standard methodology, the EOM would include a media monitoring element.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

The Russian Federation is a federal presidential republic. Legislative power is exercised by the Federal Assembly, a bicameral body consisting of the Council of the Federation (upper house) and the State Duma (lower house).

Following the last State Duma elections held on 4 December 2011, four political parties are represented in the State Duma. The All-Russian Political Party "United Russia" (ER) obtained 238 mandates and subsequently formed a government. The remaining seats were split between the Communist Party of the Russian Federation (KPRF) with 92 seats, the Fair Russia (SR) with 64 seats and the Liberal Democratic Party of Russia (LDPR) with 56 seats.¹

The forthcoming elections were called for 18 September by a 17 June presidential decree.² Concurrently, elections for legislative bodies and governors, as well as mayoral and municipal elections, will take place in a number of federal subjects.³ A number of the OSCE/ODIHR NAM interlocutors referred to the public statements made by the authorities in support of "competitive, transparent and legitimate" elections held in accordance with the international standards for

¹ Abbreviations for political party names correspond to the Russian language abbreviations.

² Initially, the elections were scheduled for 4 December, however, amendments initiated by the leaders of three parliamentary factions (ER, LDPR and SR) in June 2015, brought the election date forward. The KPRF and non-parliamentary parties publicly complained about this change, referring to challenges for signature collection for registration of candidates and campaigning during the summer period. In July 2015, the Constitutional Court opined that the change was in line with the Constitution, as (i) reasonable periodicity of elections was respected, (ii) shortening the term of the deputies was insignificant, and (iii) moving the election date was announced in advance, so all contestants had sufficient time to prepare for the elections.

³ The federal subjects constitute the first level of administrative-territorial division of the country.

democratic elections. Furthermore, the conduct of the parliamentary elections is widely hoped to contribute to the relations with the country's OSCE partners.

The State Duma recently adopted amendments to different laws leading to restrictions to some constitutionally guaranteed political rights and fundamental freedoms that attracted international attention. In December 2014, amendments were introduced to the 1994 Law on the Constitutional Court "aimed at entitling the Constitutional Court to declare decisions of international courts as unenforceable."⁴ In May 2015, amendments to different laws gave the authorities a right to arbitrarily and without judicial procedure declare foreign or international organizations as undesirable.⁵ Most recently, in July 2016, the State Duma adopted the "Anti-terrorist Law" that gives wide powers to authorities to limit citizen's civil rights, withdraw citizenship, and access private telephone and email communications.⁶

The OSCE/ODIHR has most recently observed the 4 December 2011 State Duma and 4 March 2012 presidential elections. In its report on the last State Duma elections, the OSCE/ODIHR noted that the elections "were technically well administered, but ... were marked by the convergence of the state and the governing party. Although seven parties ran, the prior denial of registration to certain political parties narrowed political competition. The contest was also slanted in favour of the ruling party. This was evidenced by the lack of independence of the election administration, the partiality of most media, and the undue interference of state authorities at different levels. This did not provide the necessary conditions for fair electoral competition."⁷

B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The conduct of State Duma elections is primarily regulated by the 1993 Constitution, the 2002 Law on Basic Guarantees of Electoral Rights and the Right to Participate in a Referendum (the Law on Basic Guarantees), the 2014 Law on the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation (the Law on State Duma Elections), and the Central Election Commission (CEC) resolutions.⁸

The electoral system and the election legislation have changed considerably since the last parliamentary elections, and, positively, a number of previous OSCE/ODIHR recommendations were addressed. The newly adopted Law on State Duma Elections will be implemented for the first time.⁹ Key changes to the electoral legislation include: transition from a proportional to a mixed electoral system; easing the requirements for registration of political parties; reducing the

⁴ See the Council of Europe's Commission for Democracy through Law (Venice Commission) [Opinion on the Amendments to the Federal Constitutional Law on the Constitutional Court of the Russian Federation from 13 June 2016](#).

⁵ In addition, for participating in activities of an organization declared as undesirable, an administrative fine for citizens and legal entities is envisaged; repeated analogous administrative offences can result in a criminal case depriving individuals of liberty for up to six years. See the [Venice Commission Opinion on Federal Law No.129-FZ on Amending Certain Legislative Acts](#).

⁶ The Law "On Making Amendments to Different Legal Acts of the Russian Federation Introducing Additional Measures to Counter Terrorism and Ensuring Public Security" introduces amendments to a dozen of different laws.

⁷ See [all previous OSCE/ODIHR reports on the Russian Federation](#).

⁸ Several other laws are applicable to the State Duma elections: the 2001 Law on Political Parties, the 2015 Law on Determining the Scheme of Single-mandate Constituencies for the Conduct of the State Duma Elections of the Russian Federation (the Law on Single-mandate Constituencies), the 2002 Law on State Automated System of the Russian Federation "Elections", the 2009 Law on the Guarantees of Equality of Parliamentary Political Parties in Coverage of their Activities by State Publicly Available Television and Radio Channels, the 1991 Law on Mass Media, and the 2004 Law on Assemblies, Meetings, Rallies and Pickets.

⁹ The latest amendments to some of the laws pertinent to the elections were introduced in April 2016.

parliamentary threshold for seat allocation from 7 to 5 per cent of valid votes cast; providing a possibility for self-nominated candidates to stand for elections in single-mandate constituencies; and introducing a new layer of election commissions in single-mandate constituencies. Nevertheless, the legal reform introduced certain restrictions, in particular for citizens who would like to conduct non-partisan election observation (citizen observers) and representatives of the media (see Election Observation).

Most OSCE/ODIHR NAM interlocutors positively assessed changes in the legal framework. Some, however, expressed concerns regarding its implementation by the authorities and election commissions. Particular concerns were raised about the restrictions for citizen observers.¹⁰

The election-related complaints and appeals may be lodged with the election administration and courts. Most of the interlocutors that the OSCE/ODIHR NAM met with did not raise serious concerns about the role of the judiciary in the electoral process.

The State Duma consists of 450 deputies elected for a five-year term under a mixed representation system: 225 deputies will be elected proportionally from a federal list of candidates in one federal constituency, and 225 will be elected from single-mandate electoral constituencies. Political parties need to receive at least 5 per cent of the valid votes to qualify for the allocation of proportional mandates. Candidates in a single-mandate constituency are elected under the first-past-the-post system. Some OSCE/ODIHR NAM interlocutors criticized the method of drawing the boundaries of single-mandate constituencies, in particular the merging of urban and rural areas.

C. ELECTION ADMINISTRATION

These elections are administered by five levels of election commissions: the Central Election Commission (CEC), Subject Election Commissions (SECs), Constituency Election Commissions (ConECs), Territorial Election Commissions (TECs) and Precinct Election Commissions (PECs). The CEC, SECs, TECs and PECs are permanent bodies serving five-year terms, while ConECs are appointed in single-mandate constituencies ahead of each parliamentary election. Decisions of the higher-level election commissions are binding for the lower-level ones. Decisions of election commissions that are in breach of the law can be revoked by a higher-level election commission or a court.¹¹

The CEC in its current composition was appointed in March 2016. The State Duma, the upper house of the parliament, and the president each appointed five members to the CEC. The CEC informed the OSCE/ODIHR NAM that it adopted necessary resolutions, including the electoral calendar, organizes training sessions for the members of the lower-level election commissions and will conduct a voter awareness campaign. In addition, in 2015, the CEC adopted a recommendation for enhancing the participation of different categories of voters with disabilities. All OSCE/ODIHR NAM interlocutors noted the high level of public confidence in the new composition of the CEC and expressed hope that it will contribute towards a more transparent conduct of the elections. Many OSCE/ODIHR NAM interlocutors also linked the new composition of the CEC to a declared intention of the authorities to organize the upcoming elections in closer compliance with international standards and obligations for democratic elections.

¹⁰ On 24 June 2016, [the President's Council for Civil Society Development and Human Rights](#) published [recommendations](#) noting that changes to the electoral legislation on the one hand solve some existing problems, and on the other produce “undesirable conflicts” in practice, in particular with regard to the rules for observers and journalists.

¹¹ In addition, a higher-level election commission can take decisions on behalf of lower-election commissions.

The SECs are established in each of the federal subjects of the state. Half of their members are appointed by the subject's legislature and the other half by the subject's executive. The ConECs, TECs and PECs are appointed by the respective higher levels of the election administration.¹² By law, at least half of the members of SECs, ConEC, TECs and PECs should be appointed on the basis of nominations by eligible political parties, and state or municipal officials should not constitute more than half of the members.¹³ In addition, each electoral contestant is entitled to nominate a member with an advisory vote to commissions at all levels where they compete. A number of OSCE/ODIHR NAM interlocutors, referring to the previous elections, expressed concerns about the independence and impartiality of the lower level commissions.

Two types of new voting technologies (NVT) will be used during the upcoming elections: some 5.000 ballot scanners (KOIBs) and some 1.000 touch-screen voting machines (KEGs). Some OSCE/ODIHR NAM interlocutors raised concerns about the abolition of the mandatory video surveillance in the polling stations. Nevertheless, some SECs requested the regional authorities to ensure the installation of web-cameras in the polling stations of their regions.

The legislation provides for various voting methods, such as homebound voting, use of absentee voting certificates (AVCs), voting abroad and possibility for early voting.¹⁴ Some OSCE/ODIHR NAM interlocutors noted that these methods have the potential to undermine the integrity of the process if not implemented with sufficient safeguards. Citizens living abroad have the right to vote for federal lists and for candidates in single-mandate constituencies.¹⁵ The OSCE/ODIHR NAM interlocutors from state institutions expressed concerns about the possibility of organizing the out-of-country voting in certain countries.

D. VOTER REGISTRATION

Citizens over 18 years of age by election day, with the exception of those serving a prison term and those recognized as incapacitated by the court, are eligible to vote.¹⁶ Voter registration is passive and voter lists are compiled based on a registration system linked to the citizens' residence. Citizens

¹² ConECs are formed by the SECs not later than 80 days before the election day. If only one single-mandate electoral constituency is established on the territory of a subject, the SEC of the respective subject performs the functions of a ConEC.

¹³ Not more than one representative of each political party, electoral or other public association, may be appointed as a member of an election commission.

¹⁴ In cases where polling stations are located in inaccessible or remote areas, SECs can authorise PECs to conduct early voting during 20 days before the election day.

¹⁵ The Law on Single-mandate Constituencies assigns voters living in different foreign countries to specific single-mandate constituencies.

¹⁶ The European Court of Human Rights (ECtHR) in [*the case of Anchugov and Gladkov v. Russia \(application no. 11157/04\)*](#), found that the Russian Federation violated Article 3 of Protocol 1 of the European Convention on Human Rights (ECHR) by depriving applicants right to vote in parliamentary elections regardless of the length of their sentence, of the nature or gravity of their offence or of their individual circumstances. As regards the implementation of the judgment, the Court considered that it was up to the Government to explore all possible ways to ensure compliance with the Convention, including through some form of political process or by interpreting the Constitution in harmony with the Convention. In its judgment from 19 April 2016, the Constitutional Court examined the question of the possibility of executing the judgment and stated that the Russian constitutional legal order is not subordinate to the European conventional system and, the ECtHR should respect the national constitutional identities. The Constitutional Court stated that resolving the question of the possibility to execute judgments of the ECtHR must find "a reasonable balance in carrying out this power, so that the decision taken by it should on the one hand answer the letter and spirit of the judgment of the ECtHR, and on the other not come into conflict with the fundamental principles of the constitutional order of the Russian Federation and the legal regulation of human and civil rights and freedoms established by the Constitution".

are included in a voter list for a certain precinct if they are registered as residing within its territory. Some 112 million voters are registered to vote, including about 1.9 million residing abroad.

Voter lists are prepared by TECs not later than 11 days before election day, based on the data provided by the heads of local administrations or other relevant administrative bodies. Voter lists should be delivered to PECs 10 days before election day and, in the case of early voting, no later than 21 days. Voters can be included in the voter list up to and on election day upon a court or a higher election commission decision. Overall, the OSCE/ODIHR NAM interlocutors expressed confidence in the voter registration process.

E. PARTY AND CANDIDATE REGISTRATION

The Ministry of Justice (MoJ) compiles and publishes a list of eligible political parties to participate in the elections. The 2012 amendments to the Law on Political Parties eased the procedure and lowered the requirements for registration of political parties.¹⁷ As of February 2016, 77 political parties are registered, of which 74 have the right to participate in the elections.¹⁸ In the period from 2012 to 2015, the MoJ denied registration to 15 prospective political parties.¹⁹

Citizens over the age of 21 have the right to stand in State Duma elections. Certain restrictions apply to citizens who have citizenship or residence of another state, and those serving a prison sentence are not permitted to stand.²⁰ Elections can be contested by registered parties and by self-nominated candidates in single-mandate constituencies. The formation of electoral blocs is not permitted. Political parties can nominate candidates through a federal list of candidates for the proportional component of elections and a list of candidates for the majoritarian component in single-mandate constituencies. Self-nominated candidates can only run in single-mandate constituencies.

Parties that hold at least one seat in the State Duma or in at least one of the legislative bodies in the subjects of the Russian Federation, or have received at least 3 per cent of the votes at the previous State Duma elections, can nominate candidates without collection of supporting signatures. Fourteen parties are eligible to contest these elections without signature collection. All other parties should collect at least 200,000 supporting signatures nationwide to contest the elections. A party should submit up to 7,000 signatures from each of the subject of the Russian Federation. Parties with registered federal list of candidates can nominate candidates in single-mandate constituencies without signature collection. Other prospective candidates in single-mandate constituencies should collect signatures of at least 3 per cent of voters registered in a respective constituency. A sample of collected signatures is subject to verification. The ConECs can request verification of the signatures by the members of lower election commissions or experts from the state institutions.²¹

¹⁷ The amendments reduced the requirements for the numbers of regional branches and members, namely a political party should have regional branches in at least half of the subjects of the Russian Federation and at least 500 members.

¹⁸ According to the MoJ, three parties that cannot run are still in the establishment process.

¹⁹ According to the MoJ, the main reasons for not registering political parties were non-compliance with residence requirements or insufficient number of required regional branches.

²⁰ As an example, the ECtHR in its judgment in the case of [Tanase and Chirtoaca v. Moldova \(application no.7/08\)](#) considered that the exclusion of citizens holding dual citizenship from eligibility to vote and to be elected is a disproportionate measure and, thus, contrary to Article 3 of the First Protocol of the ECHR.

²¹ If the constituency comprises fewer than 100,000 voters, at least 3,000 signatures are required. [The Venice Commission Code of Good Practice in Electoral Matters](#) recommends that the law does not require more than one per cent of the signatures within a constituency and that the verification covers all signatures.

The nomination of party candidates, on a federal list and in single-mandate constituencies, is carried out at a congress of the party, and submitted to the CEC within 25 days after the official announcement of elections. The same candidate can be registered on the federal list and in one single-mandate electoral constituency. The CEC certifies or refuses the lists within seven days. Not later than 45 days before the elections, and, when required, following a signature collection period, parties submit the final (federal and candidates in single-mandate constituencies) lists to the CEC together with other supporting documents; the CEC registers them within 10 days. The CEC decision may be appealed by a party or a candidate to the Supreme Court within 10 days.

Self-nominated candidates submit their nominations to the corresponding ConECs within 25 days after the official announcement of elections. Together with the other nomination documents, a self-nominated candidate submits assets and financial declaration. A candidate nominated by a party in a single-mandate constituency submits to the corresponding ConEC financial declaration of his/her assets within 35 days after the official announcement of the elections. Following the signature collection process and not later than 45 days before the elections, self-nominated candidates submit the necessary documents to the corresponding ConEC; the ConECs register the candidates within 10 days. Decision of the ConEC on refusal to register a candidate can be appealed to the CEC, the Supreme Court, district, regional, or city court within 10 days.

Prior to the upcoming elections, three political parties carried out primaries to identify potential candidates for subsequent approval by the parties' congresses.²² Although the number of parties eligible to contest the elections increased significantly compared to the previous elections, some OSCE/ODIHR NAM interlocutors expressed concerns about the candidate registration process. They highlighted the importance to ensure equal opportunities for all candidates concerned to collect supporting signatures in an unobstructed manner in all constituencies throughout the country and have them verified transparently.

F. CAMPAIGN AND CAMPAIGN FINANCING

The election campaign starts from the day of nomination of candidates and ends one day before the election day. By law, all candidates are granted equal campaign opportunities and the use of administrative resources is prohibited. Nevertheless, a number of OSCE/ODIHR NAM interlocutors raised concerns over a potential misuse of administrative resources, but noted that it may play a lesser role than in the past. The CEC informed the OSCE/ODIHR NAM that it is undertaking measures to prevent misuse of administrative resources.²³ In addition, some concerns were noted regarding the freedom of assembly and the possibility to campaign freely throughout the country.

Most OSCE/ODIHR NAM interlocutors anticipate the campaign to focus on social and economic issues, democratic governance and human rights, corruption, infrastructure development, as well as foreign policy issues. It is expected to be conducted through advertisements in the media and direct meetings with voters, as well as on the Internet and social media.

Political parties that received more than 3 per cent of votes during previous State Duma elections are eligible for state funding. The laws do not contain comprehensive regulations for party and campaign financing, while there is a number of CEC regulations on the matter. However, it obliges electoral contestants to cover all campaign expenses from dedicated campaign accounts. Parties and candidates can use their own funds, as well as donations from citizens and legal entities. The

²² The ER, the People's Freedom Party – PARNAS, and the Green Alliance.

²³ Other OSCE/ODIHR NAM interlocutors opined that a fall in the number of governors in the ER federal list of candidates from 64 during previous elections to 19 for the upcoming elections is significant.

spending limit for a party is 700 million RUB and for a candidate 40 million RUB.²⁴ Political parties with federal lists are obliged to submit financial reports to the CEC and candidates in single-mandate constituencies to ConECs, which have the authority to review the submitted reports for compliance with legal requirements. Contestants are de-registered in case they fail to open a dedicated election account or if they exceed the spending limit by 5 per cent. The election results of a contestant are annulled if the 5 per cent excess limit is surpassed. The legislation does not envisage interim reporting. Transparency of campaign financing is provided for through the publication of all reports submitted to the election commissions.

G. MEDIA

The Constitution guarantees the freedom of expression and prohibits censorship. The media landscape comprises numerous broadcast and print outlets, and an ever-increasing significance is placed on online and social media. Television remains the primary source of political information.

The coverage of the election campaign in the media begins 28 days before the election day and is mainly regulated by the Law on State Duma Elections and the Law on Basic Guarantees. The laws oblige the media to provide equal opportunities to all election contestants. Parties and candidates are entitled to free airtime on state-owned media, and can purchase airtime on state-owned and private media. State-owned media can allocate in total one hour per day in national and half an hour per day in regional media to all contestants on working days during the 28-days period. According to the legislation, the free-of-charge airtime should be allocated during the time when the broadcasters attract the largest audience. By law, print media and the news of all broadcast media must not give any preferences to any contestants. Some OSCE/ODIHR NAM interlocutors complained about the practice of unequal coverage by the state-owned media.

On 1 July, the CEC established a working group to oversee the compliance of the media with the campaign regulations and to deal with media-related disputes. According to the CEC, the working group will be chaired by the CEC Secretary and will include representatives of state-owned broadcasters and other non-state media organizations.

The OSCE Representative on Freedom of the Media (RFoM) expressed concerns regarding the recent amendments to the Law on Information, Information Technologies and Protection of Information and to the Administrative Code, which might negatively affect freedom of information on Internet.²⁵ Furthermore, in January 2016, the Law on Mass Media was amended to restrict foreign entities and individuals to hold no more than 20 per cent of the ownership structure of the media outlets.

H. ELECTION OBSERVATION

The legislation provides for observation of an electoral process by representatives of political parties and candidates, as well as media and international observers. Observation by citizen observer organizations is not envisaged by law. Currently, there is a pending case before the

²⁴ One EUR equals approximately 73 RUB. Regional branches of a political party in the subjects of the Russian Federation are separate legal entities and, therefore, their campaign expenditures are not included in the total amount for a federal campaign.

²⁵ According to the amendments, owners of search engines (news aggregators) with more than one million daily users can be held accountable for the disseminated information, except when the information is a verbatim reproduction, and that the violation of the law carries administrative penalties. In addition, the amendments envisage that search engines in Russian and other languages of the Russian Federation, and those advertising for Russian audiences, can be owned only by Russian companies or citizens.

Constitutional Court regarding the constitutionality of the electoral legislation that does not allow voters and representatives of public associations to be present at all sessions of election commissions, as well as during the vote count.²⁶

Electoral contestants have the right to appoint a wide range of representatives and observers to all levels of election commissions. In addition to the observers, a political party with federal list of candidates can appoint up to 1,000 proxies and up to 500 authorized representatives, and a candidate in a single-mandate constituency can appoint up to 20 proxies and one authorized representative per constituency.

Recent amendments to the legal framework provide for no more than two observers for a political party and a majoritarian candidate, with only one observer having the right to be present at the polling station at a time. In addition, the same person can be appointed as an observer only to one election commission. Amendments also provide that party and candidate observers can be expelled from polling stations only upon court decision. Further, the April 2016 amendments to the electoral legislation introduced additional accreditation rules for the mass media representatives on election day, which stipulate that only those who have had an employment contract with a media outlet at least two months before the official announcement of elections can be accredited.²⁷

Provisions of the Law on State Duma Elections, as well as the CEC Instruction on activities of international observers contain detailed provisions outlining the rights and duties of international observers. The Law on State Duma Elections and the CEC instruction prohibit any public statements by international observers on the electoral legislation or on the preparation and conduct of elections before the voting is completed on the entire territory of the country. The CEC representatives assured the OSCE/ODIHR NAM that, if deployed, the OSCE/ODIHR observers would be granted all necessary access and the mission will be able to publish its fact-based interim reports.

All OSCE/ODIHR NAM interlocutors saw added value in the OSCE/ODIHR observation of the upcoming parliamentary elections. The OSCE/ODIHR interlocutors highlighted the importance of observation of not only election day proceedings, but also of the pre-electoral period, including candidate registration, campaign and its coverage by the media.

IV. CONCLUSIONS AND RECOMMENDATION

All OSCE/ODIHR NAM interlocutors mentioned that they would welcome an OSCE/ODIHR election observation activity. Many viewed the OSCE/ODIHR observation activity as a means to enhance confidence in the electoral process. Many OSCE/ODIHR NAM interlocutors stressed the need to deploy an election observation mission with a long-term and regional presence to cover all aspects of the process, including different levels of election administration. In considering an observation activity, the OSCE/ODIHR NAM has taken into account the various findings outlined in this report and the concerns expressed by stakeholders. These include issues related to the

²⁶ The appeal to the Constitutional Court makes references to the paragraph 7.4 of the 1990 OSCE Copenhagen Document, paragraph 25 of the OSCE Istanbul Document, the UN Human Rights Committee General Comment No. 25 to Article 25 of the International Covenant on Civil and Political Rights (ICCPR), as well as point 5 of Article 7 of the CIS Convention on Standards of Democratic Elections, Electoral Rights and Freedoms. In addition, reference is made to the 22 April 2013 Constitutional Court decision N 8-II that defines an active suffrage right as not limited only to the casting of a ballot.

²⁷ One fifth of the members of the parliament applied to the Constitution Court with a request to check the constitutionality of the amendments on media representatives' accreditation.

recently amended legal framework and its implementation, the process of candidate registration, potential issues in technical administration of the elections, concerns raised with regard to the conduct of election campaign, and the role of the media.

Based on the findings of this report, the OSCE/ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) to observe the 18 September State Duma elections. In addition to a core team of analysts, the OSCE/ODIHR will request the secondment by OSCE participating States of 80 long-term observers to follow the electoral process countrywide, as well as 420 short-term observers for the observation of election day procedures. In line with OSCE/ODIHR's standard methodology, the EOM would include a media monitoring element.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Andrey Nesterenko, Ambassador-at-Large

Vladimir Lebedenko, Deputy Director of the Department for Liaisons with the Subjects of the Federation, the Parliament and Public Associations

Ministry of Justice

Vladimir Titov, Director of the Department of Non-profit Organizations

Maria Guseva, Deputy Director

Constitutional Court

Sergei Sergevnin, Head of the Department of International Relations and Research of Constitutional Review Practice

Evgeny Taribo, Head of the Department of Public Law

Mikhail Kozlenko, Leading Counsellor of the Department of Public Law

Dmitry Kuznetsov, Counsellor of the Department of International Relations and Research of Constitutional Review Practice

Central Election Commission

Vasily Likhachev, Member of the Central Election Commission

Siyabshakh Shapiey, Member of the Central Election Commission

Vladimir Grachev, Deputy Chief of Staff of the Central Election Commission

Boris Diakonov, Head of the Department for International Co-operation

Subject Election Commission in St. Petersburg

Viktor Pankevich, Chairperson of the Subject Election Commission

Natalia Kondartenko, Deputy Chairperson of the Subject Election Commission

Political Parties and Potential Candidates

Sergey Zheleznyak, Deputy Chairperson of the State Duma, United Russia Party

Alexander Burkov, Secretary of the Presidium of the Central Council for Organizing and Conducting Election Campaign, Fair Russia

Sergey Obukhov, Member of the State Duma, Communist Party of the Russian Federation

Vadim Solovyev, Member of the State Duma, Communist Party of the Russian Federation

Vladimir Zhirinovskiy, Member of the State Duma and Chairperson of the Liberal Democratic Party of Russia

Kirill Strakhov, Member of the St. Petersburg City Council, 'Yabloko' Party

Irina Laskateleva, Assistant Member of the St. Petersburg City Council, 'Yabloko' Party

Mikhail Kasyanov, Chairperson, RPR-PARNAS

Dmitry Gudkov, Member of the State Duma

Ilya Lvov, Chairperson of Democratic Choice Party branch in St. Petersburg

Media

Piotr Fedorov, Russian Television and Radio Broadcasting Company

Zoya Matveevskaya, Russian Television and Radio Broadcasting Company

Alexey Venediktov, Editor-in-Chief, 'Echo of Moscow'

Maxim Vasjukov, Editor-in-Chief, 'Delovoi Peterburg'

Civil Society Organizations

Grigory Melkonyants, Co-chair, GOLOS Movement

Arkadii Lyubarev, Electoral Expert, GOLOS Movement
Lev Gudkov, Director, Levada Center
Mikhail Roskin, St. Petersburg branch of the United Democratic Movement ‘Solidarity’

Diplomatic Missions

Robert Meade, Deputy Head of Mission, Embassy of Ireland
Norlov Steen, Deputy Head of Mission, Embassy of Denmark
Andreas Meitzner, Deputy Head of Mission, Embassy of Germany
Paulo Santos, Deputy Head of Mission, Embassy of Portugal
Elisabeth Bösch Malinen, Counsellor, Embassy of Switzerland
Albert Jerasi, Minister Counsellor, Embassy of Albania
Otto Rona, Minister Plenipotentiary, Embassy of Hungary
Sergei Panasyuk, Counsellor, Embassy of Belarus
Bradford Bell, First Secretary, Embassy of United States of America
Amund Johansen, First Secretary, Embassy of Norway
Vladimir Kadlec, First Secretary, Embassy of Czech Republic
Reinis Brusbardis, Third Secretary, Embassy of Latvia
Tobias Lorentzson, Head of Political Department, Embassy of Sweden
Hubert Knirsch, Head of Political Department, Embassy of Germany
Henning Simon, Deputy Head of Political Department, Embassy of Germany
Yann Rivoal, Embassy of France