

INTERNATIONAL ELECTION OBSERVATION MISSION Russian Federation – State Duma Elections, 18 September 2016

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

The 18 September State Duma elections were transparently administered by the Central Election Commission, while the performance of lower level commissions was uneven. The legal framework can serve as an adequate basis for the conduct of elections, but democratic commitments continue to be challenged and the electoral environment was negatively affected by restrictions to fundamental freedoms and political rights, firmly controlled media and a tightening grip on civil society. The liberalized party registration process has yet to result in distinct political alternatives, and the campaign was low-key. Local authorities did not always treat the contestants equally, and instances of misuse of administrative resources were noted. The election day generally proceeded in an orderly manner, but numerous procedural irregularities were noted during counting. Preliminary voter turnout reported by the CEC was 48 per cent.

The legal framework is comprehensive and can serve as an adequate basis for the conduct of elections. Since the 2011 State Duma elections, the electoral system was modified from proportional to mixed, the parliamentary threshold was reduced, and independent candidates are now allowed to stand. The legal framework remains overly complex and micro-regulates the electoral process, including through unnecessary restrictions on candidate registration, formation of party blocks, campaigning, media and citizen observation.

The election commissions efficiently administered the operational aspects of the elections and met legal deadlines. The Central Election Commission (CEC), under the new leadership, worked in a transparent and professional manner earning widespread confidence among election stakeholders. A number of lower-level commissions lacked impartiality and independence, and their performance was criticized, including by the CEC.

Most OSCE/ODIHR EOM interlocutors expressed confidence in the accuracy of voter registration. Restrictions of the right to vote of all prisoners are not in line with paragraph 7.3 of the 1990 OSCE Copenhagen Document and other international obligations and standards.

The number of registered parties considerably increased after the 2011 elections when the party registration process was liberalized, but some opposition initiatives were not registered. While 14 political parties ran countrywide and more than 6,500 candidates were registered, the inclusiveness of the candidate registration process was diminished by legal limitations on the right to stand and by excessive registration requirements, particularly for independent candidates, that are contrary to international obligations and standards.

The campaign was low-key overall with the activities of the ruling party generally being the most visible and prevalent. Patriotism was a notable feature of the campaign discourse. The major topics of the campaign were the socio-economic situation, political stability and foreign policy issues. The four parliamentary parties continue to dominate the political landscape and most contestants did not offer clear political alternatives, which limited voters' choice.

In several regions, administrative resources were misused for campaign purposes and the notification procedure of campaign events was selectively applied by local authorities to effectively

deny or condition permission to contestants to hold rallies. There were also attempts by local state structures to influence voter choice and to pressure them into voting for the governing party. The CEC publicly highlighted such violations reported from nearly half of the federal subjects.

Legal requirements prescribing equal coverage of contestants by the media and allotment of free time in state-funded media applied to 30 days before the election. The free airtime programmes provided voters with access to views of contesting parties and offered some interactive discussions. OSCE/ODIHR EOM media monitoring results show that media failed to grant contestants with equitable coverage, with the ruling party receiving more editorial coverage than other contestants. The vast majority of editorial coverage on national channels – 63 to 91 per cent – was dedicated to government officials, detracting from election-related discussions. Coupled with legal restrictions on campaigning in the media and self-censorship encouraged by the restrictive legal and regulatory framework, this gave undue advantage to the ruling party and limited voters' ability to make a fully informed choice.

The CEC received 1,896 so called 'applications' concerning alleged violations of electoral legislation and reviewed 12 complaints in its sessions, in a transparent and collegial manner and in observance of due process guarantees. All other complaints were considered by individual commission members in a process lacking transparency. Most complaints lodged with lower level commissions and district courts related to candidate registration, campaign activities and media-related issues. In most of the cases observed by the OSCE/ODIHR EOM, the adjudication of complaints was in line with the required procedures and established deadlines.

OSCE/ODIHR and OSCE Parliamentary Assembly observers could observe without restrictions. The April 2016 amendments introduced unduly restrictive accreditation rules for party and media representatives. Contrary to international standards and commitments, the legislation still does not provide for non-party citizen observation.

Election day generally proceeded in an orderly manner, but numerous procedural irregularities were noted during the counting processes. Voting was generally assessed positively by IEOM, despite significant problems with secrecy of the vote. Transparency of the process was negatively affected by Precinct Election Commissions and Territorial Election Commissions at times not providing IEOM observers the possibility for meaningful observation, especially during counting and tabulation. Contrary to the law, PEC results protocols were not posted for public scrutiny in about a third of counts observed. The CEC reacted to publicly reported irregularities, including ballot box stuffing and carousel voting, and announced preliminary voter turnout at 48 per cent.

PRELIMINARY FINDINGS

Background

Following the 2011 parliamentary elections, four political parties are represented in the State Duma. The governing All-Russian Political Party 'United Russia' (ER) won 238 out of 450 seats.¹ The remaining seats were won by the Communist Party of the Russian Federation (KPRF; 92 seats), Fair Russia (SR; 64 seats), and the Liberal Democratic Party of Russia (LDPR; 56 seats). The 2011 elections were followed by demonstrations across the country calling for, among other things, investigation of alleged violations, dismissal of the Central Election Commission (CEC) chairperson and repeat elections.

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

The 2012 legal amendments liberalized party registration and led to a considerable increase in the number of registered parties.² Notwithstanding, the four parliamentary parties continue to dominate the political landscape. Some opposition initiatives, such as the Party of Progress, remain unregistered.

On 17 June, President Vladimir Putin called the election for 18 September on the basis of the legislation amended on the initiative of ER, LDPR and SR to move the election date from 4 December. KPRF and some non-parliamentary parties complained about this rescheduling, noting that it would impact collection of signatures for registration of candidates and that the campaign would take place in the summer.³

Elections for legislative bodies and governors, as well as mayoral and municipal elections were held in a number of federal subjects (Subjects) concurrently with the State Duma elections. They were observed only to the extent that they impacted on the conduct of the latter.

Electoral System and Legal Framework

The State Duma consists of 450 deputies elected for five-year terms under a new electoral system that was changed from proportional to mixed.⁴ Half of the deputies were elected in single-mandate constituencies (SMC) under the first-past-the-post system. The other half of deputies were elected from the federal lists of candidates of political parties in one nationwide constituency, with a threshold that was lowered from seven to five per cent of valid votes.⁵

By law, each subject of the Russian Federation should contain at least one SMC. As the subjects' population varies greatly, the equality of the citizens' voting power is significantly affected. The smallest constituency has some 33,000 voters while the biggest comprises nearly 750,000.⁶ While contradicting the principle of equality of suffrage, such a disbalance could in some instances be justified by ensuring representation of minorities and sparsely populated regions.⁷ The law limits any deviation to 10 – 15 per cent of voters only among SMCs established within a specific subject, a requirement which is respected.

The State Duma elections are primarily regulated by the Constitution, the Law on Basic Guarantees of Electoral Rights and the Right to Participate in a Referendum (the Law on Basic Guarantees), and the Law on the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation (the Law on State Duma Elections). Several other laws and Central Election Commission (CEC) instructions also regulate the elections.

² The number of parties increased from 7 in 2011 to 77 in 2016. A total of 74 political parties had the right to participate in the elections.

³ 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 sufficiently in advance to enable all contestants to prepare for the elections.

⁴ This includes four deputies elected from the constituencies formed on the territory of the Crimean Peninsula where OSCE/ODIHR EOM did not observe.

⁵ All parliamentary parties but KPRF supported the change of the electoral system. Some non-parliamentary opposition parties argued that while SMCs might bring some novelty into the composition of the State Duma, the change generally benefits the ruling party.

⁶ Among the 225 SMCs, 67 deviate by more than 15 per cent, and 19 by between 10 and 15 per cent from the average number of voters per SMC.

⁷ Section 2.2 of the 2002 [Council of Europe's Commission for Democracy through Law Code of Good Practice in Electoral Matters \(Code of Good Practice\)](#) provides that seats be evenly distributed among constituencies with the permissible departure of not more than 10 to 15 per cent except in special circumstances such as protection of a concentrated minority, sparsely populated administrative entity, etc.

The legal framework is comprehensive and can serve as an adequate basis for the conduct of elections. However, it is often overly complex and micro-regulates the conduct of the electoral process, including through unnecessary restrictions on electoral rights, especially with respect to candidate registration, campaigning, and media.

The electoral legal framework has been considerably changed since the 2011 State Duma elections, addressing some OSCE/ODIHR recommendations.⁸ The amendments, among others, changed the electoral system and the parliamentary threshold, allowed for independent candidates, and simplified the requirements for political party registration.

At the same time, the legal changes did not address a number of concerns noted previously by the OSCE/ODIHR. Candidate rights remain restricted due to candidacy limitations and disproportionate registration requirements (see Candidate Registration). Citizens serving prison sentences cannot vote irrespective of the gravity of the crime committed,⁹ and a blanket denial of voting rights of those declared incapable by a court on grounds of mental disability.¹⁰ Other concerns include restrictions on forming party blocks and citizen observation.

Recently adopted amendments to different laws further restricted several constitutionally guaranteed fundamental freedoms and political rights. Legal changes from May 2015 gave the authorities the right to ban the activities of foreign or international organizations deemed “undesirable”.¹¹ Moreover, the “foreign agent legislation” introduced further restrictions on the activities of civil society organizations receiving out-of-country funding, including those involved in election observation.¹² Restrictive implementation of legislation related to the freedoms of association, assembly and expression poses a significant hurdle for the conduct of democratic elections.

Based on the April 2016 legislative changes, mandate of a deputy can be terminated by the State Duma upon the request of the respective faction or the standing committee that the deputy is affiliated with, if she or he fails to implement responsibilities as prescribed by the law.

⁸ See previous [OSCE/ODIHR reports on the Russian Federation](#). The latest amendments to the electoral legislation were made in April 2016.

⁹ In [Anchugov and Gladkov v. Russia \(2013\)](#), the European Court on Human Rights (ECtHR) ruled that the automatic and indiscriminate denial of voting rights of prisoners violates Article 3 of Protocol 1 of the European Convention of Human Rights (ECHR). On 19 April, the Constitutional Court found ECtHR’s ruling incompatible with the Constitution and hence unenforceable (in December 2014, the 1994 Law on the Constitutional Court was amended to give the Court a right to declare decisions of international courts unenforceable).

¹⁰ The evolving case law of the ECtHR calls for proportionality of the restrictions on voting rights of persons with mental disabilities; see [Alajos Kiss v. Hungary \(2010\)](#). The Russian Federation has signed and ratified the [2006 UN Convention on the Rights of Persons with Disabilities](#).

¹¹ On 18 August, the Prosecutor General made a [decision](#) recognizing, the [International Republican Institute](#) as undesirable organization. Currently there are seven organizations [listed](#) as undesirable by the Ministry of Justice (MoJ). By the law, undesirable organizations are those “posing a threat to the country’s constitutional order, defence potential and state security” and therefore are banned.

¹² Following a petition by the Ombudsperson *et al* against the changes to several laws related with the legal status and reporting by civil society organizations funded from international and/or foreign sources (foreign agent legislation), the Constitutional Court found on 8 April 2014 the main legislation on “foreign agents” to be in line with the Constitution, but the provision specifying the lowest threshold for administrative fines for breach of the respective requirements to be unconstitutional. On 5 September, LEVADA, research and polling agency, was declared a ‘foreign agent’ by the MoJ. Currently, 141 organisations are [listed](#) as ‘foreign agents’.

Election Administration

The election administration consists of five levels of commissions: CEC, Subject Election Commissions (SEC), Constituency Election Commissions (ConEC), Territorial (*rayon*, city and other) Election Commissions (TEC), and Precinct Election Commissions (PEC).¹³ The law also provides for a broad access of non-voting members from competing political parties as well as observers representing parties and candidates.¹⁴ The election management bodies efficiently administered the operational aspects of elections and met all legal deadlines.

The current composition of the CEC was appointed six months before the elections. Two out of 15 CEC members are women, including the Chairperson. The CEC, under the new leadership, worked in a transparent and professional manner earning widespread confidence among election stakeholders. The CEC held regular public sessions and its decisions were published on its website in a timely manner. The CEC was open to co-operation with an inclusive range of stakeholders. The contestants welcomed the increased CEC transparency and efforts to conduct credible elections.¹⁵

The main challenge for the CEC was the performance of lower-level commissions. The CEC openly discussed in its sessions irregularities reported from nearly half of the federal subjects, such as interference of local authorities and instances of pressure on election officials in favour of ER.¹⁶ The CEC made frequent public calls on lower-level commissions to ensure credible elections and on regional and local officials not to interfere with the electoral process.¹⁷ The CEC Chairperson sent letters to all governors warning them against illegal practices and interference, such as establishing of so-called “Coordination Headquarters” to support specific candidates or parties.¹⁸ The commissioners undertook a number of field visits together with representatives of Ministry of Internal Affairs and General Prosecutor’s Office to follow up on complaints.¹⁹ The CEC reversed several decisions of SECs and called for three SEC chairpersons to resign.²⁰

Almost all lower level commissions that were visited welcomed the OSCE/ODIHR EOM. Their meetings, although not announced in advance in most cases, were open to media and observers. Women comprised half of the members and chaired more than half of the commissions visited. Election administration conducted cascade training of respective lower level commissions, which

¹³ SECs and TEC exercised powers of ConECs (up to five ConECs in some cases), which the commissions found burdensome, especially closer to election day.

¹⁴ The voting members of the commissions are appointed for five-year terms by eligible political parties and various state and local government institutions. The law stipulates safeguards to ensure plurality of the commissions’ membership – one party cannot have more than one member per commission and state and municipal officials should not constitute majority of commission members.

¹⁵ LDPR leader stated, however, that he has no confidence in the election administration.

¹⁶ For example, the CEC discussed a complaint by the KPRF branch in Cherepovets (Vologda *oblast*) that the local administration pressures public employees to obtain specific voting results. In another case, a group of PEC members from Penza (Penza *oblast*) threatened not to take part in the elections because they are pressured to “deceive observers” at risk of losing their jobs.

¹⁷ Article 19.2 of the 2002 [Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the Commonwealth of Independent States](#) (CIS Convention) notes that the State parties undertook an obligation “to ensure creation of independent impartial election bodies, which organize the conduct of democratic, free, fair, genuine and periodic elections in accordance with laws and independent obligations of the state.”

¹⁸ The authorities of Pelym, Sverdlovsk *oblast*, established a “Coordination Headquarters” led by the head of Pelym municipality and including state employees and ER representatives. Its work plan included among others “evaluation of the electoral situation”, “identification of main opponents and topics of counter-propaganda, organization of voting of workers of the enterprises with a continuous work cycle” and mass celebrations near polling stations.

¹⁹ For example to Bashkortostan, Karachay-Cherkessia Republic, Samara *oblast* and Republic of Sakha (Yakutia).

²⁰ In Novgorod, Moscow *oblast* and St Petersburg.

commissioners found useful and comprehensive. The CEC produced several voter education videos aired on various TV channels. Various voter education materials were visible in the regions as well. Voter education materials and ballots were printed in minority languages.

Voter Registration

More than 111 million of voters, including some two million abroad, were registered in a passive voter registration system.²¹ The right to vote is held by citizens over the age of 18, except those serving a prison term, regardless of the gravity of crime committed, or those recognized as incapable by a court. These restrictions are contrary to paragraph 7.3 of the 1990 OSCE Copenhagen Document and other international obligations and standards.²² The right to vote for candidates in a SMC additionally requires either a registered permanent residency in that constituency or a temporary residence for at least three months before election day.

The voter lists are drawn from citizens' residence records maintained by local offices of the Ministry of Internal Affairs. Most of the OSCE/ODIHR EOM interlocutors expressed confidence in the accuracy of voter registration. Prior to the elections, the voter lists were made available for voters to check their registration either in person or online.

Separate lists are compiled for voters abroad and those in hospitals, sanatoriums, detention centers and "other places of temporary stay".²³ These enfranchisement provisions can potentially affect the integrity of the voter lists as these voters should be removed from the voter lists in their original PSs.

Candidate Registration

Any voter over the age of 21 by election day is eligible to be elected, except those holding citizenship or residence permit of a foreign state.²⁴ In addition, citizens convicted of 'grave' or 'very grave' crimes, as well as crimes and administrative offences of 'extremist' nature, cannot stand for elections for a number of years after their conviction has been expunged.²⁵

A total of 14 parties met the legal criteria for registering federal lists and candidates in SMCs without collecting supporting signatures. Four other parties attempted to register lists by collecting

²¹ Out-of-country voting was organized in all consulates and embassies of the Russian Federation (145 countries).

²² Paragraph 7.3 of the 1990 OSCE Copenhagen Document states that the participating States will "guarantee universal and equal suffrage to adult citizens," while paragraph 24 provides that restrictions on rights and freedoms must be "strictly proportionate to the aim of the law." Paragraph 14 of the 1996 UNHRC General Comment No. 25 to Article 25 of the ICCPR states that grounds for deprivation of voting rights should be "objective and reasonable." See also Section I.1.1d of the Code of Good Practice.

²³ Voters could also apply for absentee voting certificate (AVC) to vote outside of their place of registered residence.

²⁴ In [Tanase v. Moldova \(2010\)](#), the ECtHR held that restrictions on suffrage rights of dual citizens were disproportionate and, thus, contrary to Article 3 of Protocol 1 of the [ECHR](#); this restriction is also contrary to Article 17 of the [European Convention on Nationality](#) (signed but not ratified by the Russian Federation).

²⁵ In May 2012, changes were made in the Law on Basic Guarantees which provided for blanket restrictions on voting rights of those who were ever convicted for grave or very grave crimes, stipulating life-time bans on candidacy rights for those committing such crimes. Following several petitions, the Constitutional Court found that the concerned provision is unconstitutional to the extent that it stipulates restrictions which are indiscriminate and disproportional. The Law was amended so those who committed grave crimes cannot stand as candidates during 10, and those who have committed very grave crimes during 15 years from the time their conviction has been expunged. Restrictions on voting rights of those with an expunged criminal record are at odds with the principle of proportionality as provided by paragraph 24 of the [1990 OSCE Copenhagen Document](#) which states that "any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law."

the legally stipulated minimum of 200,000 signatures. Great Fatherland Party and Union of Labour each submitted in excess of the required number, but were not registered because the number of invalid signatures in the 20 per cent sample used for verification surpassed the 5 per cent legal threshold. The *Volya* party submitted 40,687 signatures and *Rodnaya* party submitted no signatures. None of these parties filed complaints against their rejection.

Over 6,500 candidates were placed by political parties on their federal lists and in SMCs. The inclusiveness of the candidate registration was affected by excessive registration requirements, particularly for individual candidates. A plurality of candidates represented political parties, but few independents were able to satisfy the cumbersome requirements for standing in SMCs. Only 23 out of 304 self-nominees were registered. The law stipulates a plethora of documentation required for registration, including financial statements on assets owned by candidates, their spouses and dependent minors, as well as bank accounts and properties abroad. In several cases, minor inaccuracies led to the non-registration of nominees, contrary to good practice.²⁶

Self-nominees had to collect supporting signatures of at least three per cent of voters registered in a constituency, a figure that is excessive in view of international good practice.²⁷ During verification of a 20 per cent sample, each signature form and individual signature had to meet strict formal requirements. For example, a signature would be invalidated if a date was not handwritten by the supporter (or was written by somebody else), if the supporter's address did not include *rayon* (even if identical to the name of the city), or if the signatures' collector did not handwrite his/her personal data and sign each form.²⁸ The OSCE/ODIHR EOM is aware of 15 nominees lodging appeals in the Supreme Court against the invalidation of their signatures; all cases were rejected.

Campaign Environment

The campaign was low-key overall with the ruling party generally being the most visible and prevalent. Activities intensified in the final days of the campaign, particularly in the regions that concurrently held local elections. The campaign rhetoric focused on personalities and was polarized between the ER and others. Contestants used their free media airtime and space, door-to-door campaigning, distribution of leaflets and other printed material, and small-scale meetings. Some contestants focused their campaigns almost exclusively on the Internet.

With some exceptions, the vast majority of parties repeatedly and openly expressed support for the president, and the ER portrayed itself as his party.²⁹ Focus on patriotism was a notable feature of the campaign discourse. The major topics of the campaign were the socio-economic situation,

²⁶ Article 9.6 of the 2002 CIS Convention states that "registration requirements should be clear, and should not include conditions that may become the grounds for limitations or privileges of a discriminatory nature."

²⁷ Paragraph I.1.3 (ii) of the [Code of Good Practice](#) states that "the law should not require collection of the signatures of more than 1 per cent of voters in the constituency concerned."

²⁸ On 3 July 2014, the Constitutional Court denied a petition which challenged Article 38 of the Law on Basic Guarantees which stipulates that (a) signature lists are considered invalid if the person collecting the signatures has omitted any of his personal information and (b) the candidate is denied registration if 10 or more per cent of signatures preliminary reviewed were considered invalid. The Court, however, reiterated that according to its interpretation and of Supreme Court's, the electoral commissions should not always insist on the presence of all listed information/details (of those persons collecting signatures) for the signature lists to be valid.

²⁹ The Law on State Duma Elections provides that the use of images of individuals other than candidates is not allowed. ER used the image of the President on campaign materials and in the paid-for advertisement clips it used the slogan 'for the president's party, for ER'. On 29 August, Yabloko filed a complaint against ER on this matter with the CEC which redirected it to the Moscow SEC. The SEC opened administrative proceeding against the editor-in-chief of the newspaper which published the image of the President; the decision will be published after the election day.

political stability and foreign policy. The main parties did not offer clear political alternatives, which limited the voters' choice.

OSCE/ODIHR EOM noted unequal treatment of contestants by the local authorities and limitations of the freedom of assembly of some opposition parties in certain regions, contrary to international standards and obligations.³⁰ The notification procedure of campaign events was selectively applied by local authorities to effectively deny permission to contestants to hold rallies or to make permission conditional, for example requiring a change of venue to another one less favourable to the contestant.³¹ As a result, contestants commonly used individual picketing,³² as it does not require prior notification of authorities. Denials to display campaign material were also reported.³³ A number of candidates informed the OSCE/ODIHR EOM that they refrained from filing complaints due to shortage of financial and time resources as well as lack of confidence in adequate legal remedy.

During the campaign, leaders and several members of PARNAS were physically attacked.³⁴ In St. Petersburg, on 24 August police detained four PARNAS activists, including one candidate, and confiscated campaign materials on the grounds that the respective event was not authorized.³⁵ On 3 September in Tyumen, police disrupted an authorized Yabloko event, briefly detained three participants and confiscated campaign material due to participation of minors. Destruction of campaign material was observed on several occasions.³⁶ Dissemination of false and libelous information about various contestants discrediting them was also noted.³⁷

In several regions, OSCE/ODIHR EOM witnessed misuse of administrative resources for campaign purposes contrary to international standards and obligations and national legislation.³⁸ The CEC publicly highlighted the problem and sent a letter to SECs requesting them to follow-up on any misuse of administrative resources. In several regions, the coverage by public media of local and regional officials who were ER candidates often did not distinguish between their functions and

³⁰ Paragraph 7.6 of the [1990 OSCE Copenhagen Document](#) requires that the state provides 'political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law.' See also [General Comment No. 25](#) to the 1966 [International Covenant on Civil and Political Rights \(ICCPR\)](#). See also Article 67.3-4 of the Law on State Duma elections.

³¹ Campaign events repeatedly not permitted at the requested locations were brought to the attention to the OSCE/ODIHR EOM by PARNAS in Krasnodar, St. Petersburg, Perm, Samara and Volgograd, by KPRF in Krasnodar, by Yabloko in Krasnoyarsk, Moscow, St. Petersburg and Tomsk, and by SR in Barnaul and by Party of Growth in Ulyanovsk.

³² Individual picketing refers to a person distributing campaign materials on behalf of contestants.

³³ Denial to display campaign material was reported by KPRF and Yabloko in Moscow; by PARNAS in Kazan, Volgograd und Ufa; by KPRF in Samara; by SR in Krasnoyarsk.

³⁴ Unidentified individuals attacked PARNAS Chairperson Mikhail Kasyanov on 10 August in Stavropol, and deputy chairperson Vladimir Kara-Murza on 2 September in Nizhny Novgorod.

³⁵ On 15 September in St. Petersburg, two PARNAS State Duma candidates were detained for distributing party newspaper containing an opinion poll. By law, publishing opinion polls starting with five days prior to the elections is prohibited; the law does not contain provisions about distribution of opinion polls published prior to the five-day period.

³⁶ OSCE/ODIHR EOM observations in: St. Petersburg, Volgograd, Krasnoyarsk, Lipetsk, Barnaul, Moscow, Novosibirsk, Ufa, Samara, Perm, Tyumen. Several complaints were lodged on this matter.

³⁷ Such cases include, among others, alleged falsification of a website of PARNAS candidates in Barnaul and Novosibirsk, and a negative billboard campaign against the Yabloko candidate in Ufa, who filed an official complaint. ER criticized opposition parties for slanderous rhetoric, including reference to ER as a 'party of crooks and thieves.' Article 69.7 of the Law on State Duma Elections prohibits negative campaigning.

³⁸ OSCE/ODIHR EOM observations in Chelyabinsk, Krasnoyarsk, Moscow, Perm, Samara, Saratov and Tatarstan. Paragraph [7.6 of the 1990 OSCE Copenhagen Document](#), [Article 3.6 of CIS Convention](#). See also [the OSCE/ODIHR and Venice Commission Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#). See also Article 53 of the Law of State Duma Elections.

campaigns.³⁹ OSCE/ODIHR EOM also observed and received allegations of attempts by local state structures to influence voter choice and to pressure them into voting for the governing party.⁴⁰ The start of the school year was also used as a campaign opportunity.⁴¹

Campaign Finance

The 14 political parties that registered federal lists of candidates opened dedicated campaign accounts for all campaign-related incomes and expenses as legally required.⁴² The information of incomes and expenditures was posted on the CEC website, but the level of detail varied as the law does not require reporting detailed breakdown. This negatively impacted on the transparency of campaign finance. At regional level, the picture varied greatly – some SECs published comprehensive data of contestants, while others published basic or no information.

Almost all contestants complained of lack of funds and some smaller parties and SMC candidates listed it as the biggest impediment to conducting their campaigns. A number of opposition parties alleged that ER financed some campaign events from outside its campaign account, citing examples of campaign materials not including imprint data as required by law or public events organized with administrative funds which the ER used as opportunities to promote their candidates.⁴³

Media

Thousands of media outlets operate in the country, but the diversity of views is limited. The traditional media represents the position of the political establishment, *de facto* unchallenged in the absence of a critical media with national coverage.⁴⁴ A strict legal and regulatory framework, with broad sanctioning powers against media outlets such as blocking websites without a prior court ruling, challenge the freedom of the media and encourage self-censorship.⁴⁵ Libel and insulting state officials are criminal offenses. Recent amendments to anti-extremism legislation further restrict freedom of expression, including on the Internet.⁴⁶

³⁹ OSCE/ODIHR EOM observations in Barnaul, Kazan, Saratov, Moscow, Novosibirsk and Volgograd.

⁴⁰ In Moscow on 31 August, OSCE/ODIHR EOM observers witnessed an ER campaign event held as a social event at a service center. In Penza, civil servants reported pressure exercised on them by the local administration to attend ER campaign meetings during working hours on 18, 19 and 24 August. The OSCE/ODIHR EOM is also informed of parties filing complaints on such matters: KPRF in Penza complained to the SEC of health care workers and *rayon* administrators allegedly campaigning for ER. Allegations of pressure on civil servants were also reported to the OSCE/ODIHR EOM in Barnaul, Kazan, Khabarovsk, Krasnoyarsk, Mari-El, Perm, Pskov, Samara, Tomsk.

⁴¹ OSCE/ODIHR EOM witnessed ER campaigning in schools in Moscow and Krasnodar. In Novosibirsk, children's school material (timetable) was distributed with the ER logo on it.

⁴² Citizens and legal entities, including political parties, may donate to contestants. The maximum spending limit is 700 million RUB for a party and 40 million RUB for a candidate, although these limits exclude expenditures made by a party's regional branches from their own electoral funds. The law provides for de-registration or annulment of election results of a contestant who surpasses the spending limit by at least five per cent. At time of writing, 1 EUR is approximately 72 RUB.

⁴³ OSCE/ODIHR EOM possesses examples of such campaign material in Krasnoyarsk, Lipetsk, Moscow and St. Petersburg; formal complaints were lodged on this matter, e.g. in Khabarovsk, Pskov, Volgograd, Yekaterinburg, and in several SMCs of Moscow. OSCE/ODIHR EOM observed some other contestants (SR and LDPR) using campaign material not containing imprint data.

⁴⁴ Critical channels like TV Dozht or TV-2 (Tomsk-based regional channel) are not available on cable networks since 2014 and currently are accessible only on Internet.

⁴⁵ The Federal Service for Supervision of Communications, Information Technology and Mass Media (*RosKomNadzor*) regulates the media (including online) and has broad sanctioning powers, including to initiate media's closure in case of two warnings in a calendar year.

⁴⁶ In July 2016 the new anti-extremism legislation package was enforced, comprising amendments to 14 different laws applicable for outlets and journalists, including online blogs. The legislation package gives state actors a wide range of tools to control the media. The amendments to the Criminal Code increased penalties for

The campaign in media began on 20 August. It is primarily governed by the Law on State Duma Elections and the Law on Basic Guarantees, which prescribe equal coverage of contestants and allotment of free coverage in state-funded media. While the legal framework included some undue restrictions on campaigning,⁴⁷ contestants used the free airtime/space available in the state media to present their platforms.⁴⁸ The free airtime was divided between round-table discussions and pre-recorded spots that could not be distinguished from the paid ones. In some state channels the round-table discussions allowed for interactions among parties, although the format of the discussions in general did not facilitate exchange of opinions between contestants. Contrary to the law, in some regional media the discussion programmes were aired outside of prime time. The paid airtime/space was in general utilized by the main political forces, in particular by ER and LDPR.

The OSCE/ODIHR EOM media monitoring indicates that the state and private national channels gave limited coverage to contestants – they received 9 to 37 per cent of the editorial coverage of all political actors.⁴⁹ The president and/or government officials received the remaining 91 to 63 percent of this coverage, mostly positive in tone.⁵⁰ The media failed to provide equitable coverage to contestants with the ER receiving the largest share on each of the five monitored national television channels; in four of these five it received more news and current affairs coverage than all other contesting parties combined. Regional TV channels predominantly focused on the activities of the regional governments.⁵¹

The state radio *Vesti FM* demonstrated a similar approach,⁵² while private *Eho Moskvyy* employed a somewhat critical approach towards authorities, while leaning towards opposition. All four monitored newspapers concentrated their coverage on the president, government and ER.

By law, the CEC is to oversee the media's compliance with campaign regulations. It established a working group for media-related issues that comprises 40 representatives from various state-funded and some commercial media outlets. The working group held one session during which it reviewed and dismissed one complaint.

incitement to “hatred or hostility” and “humiliation of human dignity” of a person “affiliated to any social group” if such actions are committed publicly or through media, including online. The OSCE Representative on Freedom of the Media (RfOM) [criticized](#) the inclusion of journalists in a publicly available list of “terrorists and extremists”. Previous [press statements](#) from RfOM criticize the amendments in the Criminal Code that increased criminal liability for online calls for extremist activity to up to five years in prison.

⁴⁷ Law on State Duma Elections limits the editorial content; candidates can feature only in person or surrounded by “unidentifiable persons”; landmark buildings or personalities cannot appear in campaign videos; dissemination of information which could facilitate a negative attitude to a political party is also prohibited.

⁴⁸ All parties were entitled to free airtime on national and regional state-funded media (SMC candidates on the state regional media) and to paid advertisement on broadcast and print media, under equal terms. The Law on State Duma Elections defines the minimum free airtime/space for campaigns; for instance, each state national TV or radio channel had to allocate not less the one hour of airtime in a working day.

⁴⁹ The OSCE/ODIHR EOM media monitoring started on 12 August and covered eight television stations (Channel 1, Channel 5, NTV, Russia 1, RBK, TNV Kazan, Life 78 St. Petersburg and OTC Novosibirsk); two radio stations: (*Eho Moskvyy* and *Vesti FM*); and four dailies (*Komersant*, *Moskovsky Komsomolets*, *Rosijjskaya Gazeta* and RBK).

⁵⁰ Starting from 20 August, president and government together received over 83 percent on national private TV channels NTV, RBK and Chanel 5, while Channel 1 and Russia 1 allocated 70 and 63 percent of such coverage, respectively.

⁵¹ OTC and Life gave over 95 and 70 percent of coverage to government, respectively while TNV allocated some 54 percent of airtime to government and over 20 percent to ER.

⁵² President and government received combined over 78 per cent, and ER more than 17 percent of coverage, mainly positive in tone.

Complaints and Appeals

Election-related complaints can be lodged with election commissions and with courts; if a complaint is lodged with both, the court has priority in the case review.

As of 15 September, the CEC received 1,896 applications concerning alleged violations of electoral legislation.⁵³ The CEC reviewed 12 complaints in its sessions, in a transparent and collegial manner and in observance of due process guarantees. However, all other complaints were considered by individual commission members, in a process lacking transparency.⁵⁴ The CEC, as most of the lower-level commissions, established advisory working groups composed of commission members, staff and experts to review complaints before the commission sessions.⁵⁵

As of 17 September, 10 CEC decisions were appealed to the Supreme Court, which upheld the CEC decisions in all cases. In total, the Supreme Court reviewed 69 cases concerning State Duma elections and vast majority were rejected.⁵⁶

Lower level commissions and district courts received a number of complaints, mostly concerning candidate registration, campaign activities and media-related disputes. In most of the cases observed by the OSCE/ODIHR EOM, the review of complaints met the required procedures and established deadlines. However, a number of candidates and parties expressed lack of trust in electoral dispute resolution in the lower levels and did not pursue appellate procedures.

Election Observation

Party and candidate representatives, media and international observers can observe the elections. Contrary to international standards and commitments, the legislation does not provide for non-partisan citizen observation.⁵⁷ Recent legal amendments introduced unduly restrictive accreditation rules for party and media representatives.⁵⁸ Party observers had to submit to the respective TEC the list of their observers at least three days before election day, and each observer could only be present in a certain polling station specified in that document. Positively, the law was amended to provide that observers cannot be expelled from a polling station without a court decision.

Representatives of citizen observer groups, such as *Golos*, Citizen Observer, SONAR and others registered as media or party observers to monitor elections. *Golos* had to operate under uncondusive

⁵³ Applications includes complaints, reports on violations and suggestions for improvements of the electoral process.

⁵⁴ Unlike the decisions on complaints taken in CEC sessions, those made by individual members are not posted online.

⁵⁵ The complainants were invited to the sessions of the CEC, as well as of its Working Group, in line with legal requirements. The OSCE/ODIHR EOM observed that lower-level commissions adopted the advisory opinions of the working groups usually without debating.

⁵⁶ On 5 September 2016, the Supreme Court reversed the decision of Yaroslavl Oblast Court, restoring Mr. Yevgeniy Tarlo as SMC candidate.

⁵⁷ Paragraph 8 of the [1990 OSCE Copenhagen Document](#) provides that participating States “consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place.” Paragraph 20 of the 1996 UN Human Rights Council (UNHRC) [General Comment No. 25](#) to the [ICCPR](#) requires that “There should be independent scrutiny of the voting and counting process [...]” Article 14.1 of the 2002 CIS Convention provides for election observation by “public formation (public organisation).” Section II.3.2.a of the [Code of Good Practice](#) states that “Both national and international observers should be given the widest possible opportunity to participate in an election observation exercise.” In response to petition brought by a group of State Duma deputies, the Constitutional Court decided that law provides for other channels through which the voters/citizens can follow the voting and tabulation process.

⁵⁸ The law allows for the accreditation of media representatives contingent on them having an employment contract with the media outlet at least two months before the official announcement of elections on 17 June.

conditions to the principle of participation of civil society in public affairs, especially after it was dissolved as an organization.⁵⁹

Early Voting⁶⁰ and Election Day

Election day generally proceeded in an orderly manner, but numerous procedural irregularities were noted during the counting processes. Voting was generally assessed positively by the IOM observers, despite significant problems with secrecy of the vote. Transparency of the process was negatively affected by PECs and TECs at times not providing IEOM observers the possibility for meaningful observation, especially during counting and tabulation. Contrary to the law, PEC results protocols were not posted for public scrutiny in about a third of counts observed.

Most polling stations observed opened on time. The opening process was assessed as good or very good in all but four observations. Some procedural problems were noted in 18 per cent of observations – PECs did not announce the numbers of voters registered, of ballots received and of voters who requested mobile voting. Unauthorized persons were present in 10 per cent of the polling stations observed during opening, and in 2 cases were interfering with or directing the work of PECs.

The voting process was assessed as good or very good in 97 per cent of observations. Secrecy of the vote was problematic in nearly half of the polling stations observed, with voters not always folding their ballots (60 per cent) or not always marking their ballot in secrecy (12 per cent). Instances of group voting were noted (12 per cent of polling stations observed). The layout of 3.6 per cent of polling stations observed was assessed as inadequate. This led to overcrowding in 12 per cent of polling stations observed.

Cases of serious irregularities were noted during voting, such as same person assisting different voters (1 per cent of observations), voters being pressured who to vote for (2 per cent), instances of series of seemingly identical signatures on the voter lists (1 per cent) and unauthorized persons directing the work of PECs (2 per cent). On one instance IEOM observers noted carousel voting. Measures against possible multiple voting were not always respected, specifically by allowing voters not residing in the precinct to vote without AVCs (3 per cent). Some 45 per cent of the polling stations observed were not accessible to voters with disabilities.

The counting process was markedly worse. It was assessed by the IEOM observers as bad or very bad in 23 per cent of the polling stations observed, which is a substantial figure. Counting procedures were not followed in many PECs observed: the commission members did not cancel the invalid ballots prior to counting (5 per cent); did not cross-check control equations in the results protocols prior to opening the ballot boxes or at all (30 and 13 per cent, respectively); did not mix the ballots from mobile and stationary ballot boxes prior to counting (29 per cent); did not determine the valid/invalid ballots in a consistent or reasonable manner (10 and 7 per cent, respectively); and did not cancel unused ballots (5 per cent).

⁵⁹ On 27 July 2016, the Presnensky Court in Moscow dissolved the non-profit association *Golos* on charges presented by the Ministry of Justice which included failure to change its charter in accordance with the new requirements of the civil law, as well as the association's involvement in "political activity" contrary to the requirements of "foreign agent legislation". *Golos* continues to function as a movement. Article 25 (a) of the [ICCPR](#) states "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) to take part in the conduct of public affairs [...]."

⁶⁰ Early voting was conducted for voters in remote areas, at polar stations and on vessels at sea on election day starting with 28 August. By law, voters residing abroad could also vote early from 2 September.

Importantly, PECs did not determine the number of voters based on signatures on the voter list (in 7 per cent of the observations), and pre-signed the protocols (in 12 per cent). Unauthorized persons were present during the counting (8 per cent) and were interfering with or directing the work of PECs. There were indications of ballot box stuffing in 2 PECs observed during counting.

Transparency was affected by PECs not announcing or showing to those present the choice on every ballot (34 per cent) or counting the ballots in a manner that not all those present could see the voter's mark (38 per cent); observers or PEC members not allowed to examine ballots upon request (16 per cent); the enlarged protocols not displayed publicly (29 per cent) or figures in the enlarged protocols not entered during the counting process (36 per cent); and observers not having a clear view of counting procedures (7 per cent).

The tabulation process was assessed negatively in 15 per cent of observations. The main problems noted were overcrowding (16 per cent), and transparency of the process (assessed negatively in 15 per cent).

Throughout the election day, the CEC reacted to publicly reported irregularities, including videos indicating cases of ballot box stuffing and carousel voting that were published online. The commission requested the relevant SECs to follow up on such allegations together with the law enforcement agencies.

The CEC announced preliminary voter turnout at 48 per cent. As required by law, preliminary results by polling station were published online, which contributed to the transparency of the process.

MISSION INFORMATION & ACKNOWLEDGEMENTS

Moscow, 19 September 2016 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the OSCE Parliamentary Assembly (OSCE PA). The assessment was made to determine whether the elections complied with OSCE commitments and other international obligations and standards for democratic elections and with national legislation.

Ilkka Kanerva was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and Leader of the OSCE short-term observer mission. Marietta Tidei headed the OSCE PA delegation. Ambassador Jan Petersen is the Head of the OSCE/ODIHR EOM, deployed from 8 August.

Each of the institutions involved in this International Election Observation Mission (IEOM) has endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The OSCE PA will present its report at its Standing Committee meeting in Skopje on 1 October.

The OSCE/ODIHR EOM includes 20 experts in the capital and 64 long-term observers deployed throughout the country. On election day, 482 observers from 44 countries were deployed, including 380 long-term and short-term observers deployed by the OSCE/ODIHR, as well as a 82-member delegation from the OSCE PA. Opening was observed in 165 polling stations and voting was

observed in 1,884 polling stations across the country. Counting was observed in 166 polling stations, and the tabulation in 120 TECs.

The observers wish to thank the authorities for their invitation to observe the elections, and the Central Election Commission and the Ministry of Foreign Affairs for the assistance. They also express their appreciation to other state institutions, political parties and civil society organizations and the international community representatives for their co-operation.

For further information, please contact:

- Jan Petersen, Head of the OSCE/ODIHR EOM, in Moscow (+7 499 9552890);
- Thomas Rymer, OSCE/ODIHR Spokesperson (+48 609 522266), or Vladimir Misev, OSCE/ODIHR Election Adviser, in Warsaw (+48 669 672290);
- Andreas Baker, OSCE PA Chief of the Executive Office (+45 601 08 126).

OSCE/ODIHR EOM Address:

Smolensky Passage Business Centre, 10th floor

Smolenskaya Square, 3, Moscow, 121099

Telephone: +74999552890

Email: office@odihr.ru

Website: <http://www.osce.org/odihr/elections/russia/252136>

***The English version of this report is the only official document.
Unofficial translation is available in Russian.***