

INTERIM REPORT
26 October – 14 November 2011

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I. EXECUTIVE SUMMARY

- The 4 December elections to the Russian State Duma, the lower house of the bicameral parliament, will select 450 deputies under a proportional representation system in a single nationwide constituency. Elections can be contested only by registered political parties. Independent candidacies and the formation of electoral blocs are not permitted.
- The legal framework for elections has undergone considerable revision since the last parliamentary elections. Among significant changes, political parties gaining fewer votes than the seven per cent threshold, but more than five per cent are now granted ‘compensatory’ mandates and the right to appoint election commission members. Other electoral changes include constitutional amendments in 2008 increasing the State Duma’s term from four to five years.
- The State Duma elections will be administered by a four-tier structure of election commissions. The Central Election Commission (CEC) registered the candidate lists of seven political parties, four of which are represented in the outgoing State Duma. CEC sessions are public. During sessions attended by the OSCE/ODIHR, CEC members worked collegially, taking most decisions unanimously and without debate. Some political party representatives in a number of regions expressed lack of confidence in the impartiality of territorial and polling station election commissions and their independence from regional and local administrations.
- The level of campaigning throughout the country was low until the first bigger rallies conducted on 4 November. Not all parties participating in the elections plan to conduct countrywide campaigns. Apart from classical campaigning with posters, billboards, electoral events, and leaflets, the internet has become more widely used for reaching out to voters, particularly in urban centres.
- Most political parties have expressed a lack of trust in the fairness of the electoral process. Some parties are concerned about the alleged use of administrative resources by the governing party. They also highlighted difficult procedures for non-parliamentary parties to register candidate lists with the CEC and slow complaints mechanisms.
- The OSCE/ODIHR Election Observation Mission (EOM) has been conducting quantitative and qualitative media monitoring of campaign coverage every day during since 31 October during prime time for seven national coverage TV channels and seven newspapers.

- The OSCE/ODIHR EOM commenced its work on 26 October 2011 with a core team of experts in Moscow and 40 long-term observers, drawn from 24 OSCE participating States. The LTOs are deployed throughout the country.

II. INTRODUCTION

Elections to the State Duma, the lower house of the bicameral parliament of the Russian Federation (RF), will be conducted on 4 December 2011. In line with constitutional requirements, elections were called on 29 August by presidential decree. On 7 October, the Central Election Commission (CEC) of the Russian Federation invited the OSCE/ODIHR to observe the parliamentary elections. Based on the recommendation of the Pre-Election Assessment Visit conducted from 17 to 22 August, the OSCE/ODIHR deployed an election observation mission (EOM) led by Ambassador Heidi Tagliavini. The mission comprises a core team of 14 experts based in Moscow and 40 long-term observers deployed throughout the country, drawn from 24 participating States. As a result of the position taken by the Russian Federation, the number of long-term observers requested for secondment was less than the number recommended in the Pre-Election Assessment Report. In many regions of the country, regional and local elections will be held concurrently with the parliamentary elections and will be observed by the OSCE/ODIHR only to the extent that they may have an impact on the conduct of the latter. The CEC chairperson has assured the OSCE/ODIHR EOM that it will have unrestricted access to all aspects of the electoral process.

III. BACKGROUND

The upcoming parliamentary elections will be contested by all seven political parties registered with the Ministry of Justice (MoJ), four of which are represented in the outgoing State Duma. In the last parliamentary elections held in 2007, the governing United Russia (ER)¹ won 315 out of 450 seats and held a constitutional majority. The remaining 135 seats were won by the Communist Party of the Russian Federation (KPRF; 57 seats), the Liberal Democratic Party of Russia (LDPR; 40 seats) and Fair Russia (SR; 38 seats). Apart from parliamentary parties, other contestants include the Russian United Democratic Party “Yabloko” (YA), the “Patriots of Russia” (PR) and the “Right Cause” (PD). The seven contesting political parties represent a diverse spectrum of party platforms.

To register with the MoJ, a political party is required to have 45,000 members, including 450 members in more than half of the 83 federal subjects,² as well as at least 200 members in the other half of the federal subjects. The last party registered by the MoJ was PD in 2009. Since the last parliamentary elections, several parties have been denied registration by the MoJ.³

IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The legislative body of the Russian Federation, the Federal Assembly, has two chambers: the Federation Council (upper house) with 166 members and the State Duma (lower house) with 450 deputies.⁴

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

² Federal ‘subjects’ constitute the first level of administrative-territorial division in the Russian Federation.

³ People’s Freedom Party (PARNAS), ROT-Front, Other Russia; see also, OSCE/ODIHR Pre-Election Assessment Report www.osce.org/odihr/elections/Russia/82440.

⁴ The upper chamber is comprised of two representatives from each of the 83 federal subjects, including 21 republics, 9 krais, 46 oblasts, 2 cities of federal importance - Moscow and St. Petersburg - as well as 4 autonomous okrugs and 1 autonomous oblast.

All 450 members of the State Duma are elected under a proportional representation system in a single nation-wide constituency.⁵ Elections can only be contested by registered political parties. Independent candidacies and the formation of electoral blocs are not permitted. The threshold for the allocation of mandates is seven per cent of valid votes. In addition, political parties receiving between five and six per cent of votes are granted one seat and those between six and seven per cent of votes, two seats.

The conduct of State Duma elections is regulated by a complex legal framework. Key legislation includes the Constitution, the Law on Basic Guarantees of Electoral Rights and the Right to Participate in a Referendum, and the Law on the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation. Other relevant laws include the Law on Political Parties, the Law on Rallies, Meetings, Demonstrations, Marches and Picketing and the Code of Administrative Offenses. Rulings, regulations, instructions and resolutions of election commissions are also binding.

The legal framework has undergone considerable revision since the last parliamentary elections. Some of the significant changes include: political parties gaining less votes than the seven per cent threshold, but more than five per cent are granted ‘compensatory’ mandates and the right to appoint election commission members; provisions for payment of electoral deposits by parties to register for elections are removed; the number of support signatures to be collected by non-parliamentary parties to register for elections with the CEC is reduced; campaign spending ceilings are increased; and provisions on Absentee Vote Certificates (AVCs), early and mobile voting have been revised.⁶ Other changes related to elections include constitutional amendments introduced in 2008, which increased the presidential term from four to six years and the State Duma’s term from four to five years.

V. ELECTION ADMINISTRATION

The elections are administered by a four-tier structure of election commissions – the CEC, 83 Election Commissions of the Subjects of the Russian Federation (SECs), 2,745 Territorial (rayon, city and other) Election Commissions (TECs), and some 95,000 Precinct (polling station) Election Commissions (PECs). In addition, two special TECs – one under the Ministry of Foreign Affairs to oversee the conduct of elections in diplomatic representations abroad and one in Baikonur, Kazakhstan⁷ – as well as 376 PECs were established to administer voting abroad in 145 countries. Some 100 special polling stations will be established in train stations and airports across the country. Voters can vote at any polling station with an AVC. These are issued by TECs and PECs to voters who declare that they will be away from their registered residence on election day.⁸

The fifteen members of the CEC are appointed by the State Duma, the Federation Council and the President of the Russian Federation, each selecting five members. The CEC meets regularly, two to three times a week; its sessions are open to media and also broadcast live on the CEC website. During sessions attended by the OSCE/ODIHR, CEC members worked collegially, taking most decisions unanimously and without debate.

⁵ Prior to the 2005 amendments to the election legislation, half of the Duma members were elected in single-seat constituencies and the other half from party lists under a proportional representation system.

⁶ For example, the application for these types of voting must now be in writing and state the specific reason.

⁷ An area in Kazakhstan administered by the Russian Federation in connection with the Russian space program.

⁸ The CEC printed 2.6 million AVCs, which were distributed to TECs across the country in proportion to the numbers of voters.

Lower-level election commissions are composed of representatives of registered political parties as well as other members appointed by various state, regional, and local government institutions. In line with legal requirements, state and municipal officials should not constitute more than half of the total number of members of election commissions. All seven parties that registered lists of candidates for the elections are entitled to appoint one non-voting member to each level of election commissions. The CEC, SECs and TECs are permanent bodies appointed for five years. PECs are formed anew before each election.

According to OSCE/ODIHR observers, administrative preparations for the elections are on track in the regions and most SEC and TEC members met appeared to be experienced. Some political party representatives in a number of regions expressed lack of confidence in the impartiality of territorial and polling station election commissions and their independence from regional and local administrations.

A voter information campaign conducted by the CEC has begun in most areas observed. In Moscow, posters printed by the city election commission for voter information purposes are almost identical to the posters displayed by the governing party in its campaign. A Moscow city election commission representative stated that the use of identical graphic symbols does not constitute a breach of election legislation.⁹

During the upcoming elections, two different types of new voting technologies will be used. These will be a ballot scanning system called “KOIB”, to be used at 4,800 polling stations, and an electronic voting system “KEG”, based on touch-screen machines, to be used at 326 polling stations across the country.¹⁰ While the ballot scanner system was used for the first time on a small scale during the 2004 presidential election, the touch screen system was initially used in 2006 in five polling stations. Training for PEC staff in the use of the electronic voting systems has started or is expected to start in the coming weeks. While the election administration, in general, expressed confidence in electronic voting systems, representatives of some political parties had reservations.

VI. VOTER REGISTRATION

The right to vote is granted to citizens who are 18 years of age or older. A citizen who has been found incompetent by a court of law or imprisoned under the sentence of a court is not eligible to vote, stand for elections, or participate in campaigning. According to the data published by the CEC, as of 1 July 2011 the number of registered voters in the Russian Federation was 109,983,274, including 1,813,522 voters residing abroad as well as 16,137 voters in Baikonur.

Voter lists are compiled by TECs based on citizens’ permanent or temporary residence registration, which is maintained by the local government administration. Most OSCE/ODIHR EOM interlocutors expressed overall confidence in the accuracy of voter registration data. Starting from 13 November, voter lists were made available at polling station premises for public review; voters will be able to verify the accuracy of their data and to request corrections up until election day, if required. Voter lists will also be compiled in some 1,600 special polling stations including in hospitals, detention centers, and military units in remote areas.¹¹

⁹ A complaint on this matter is currently pending with the CEC.

¹⁰ According to information provided by the CEC, touch screen voting equipment will also be used in some polling stations that will be opened for Russian citizens in Kazakhstan, Germany, Latvia and Poland.

¹¹ Military personnel, in general, vote in regular polling stations.

VII. CANDIDATE REGISTRATION

To stand for the State Duma elections, a citizen must be at least 21 years of age. Those who have been convicted of committing ‘serious, very serious or extremism-related offences’ (as defined by Russian law), and have served their sentence of imprisonment are not permitted to stand for election unless the conviction has been expunged. Citizens who have dual citizenship or reside permanently in another state are also not allowed to run in State Duma elections. While only political parties can submit lists of candidates for State Duma elections, parties can include individuals who are not members of any political party in their lists.¹² A non-affiliated candidate can only stand on one party list.

The CEC registered the candidate lists of all seven contesting political parties between 5 and 27 October.¹³ Prior to the submission of candidate lists, non-parliamentary political parties were obliged to collect and submit 150,000 support signatures to the CEC. Candidate lists submitted for registration by political parties had to contain up to 600 names divided into one federal group of up to 10 candidates and not less than 70 regional groups of candidates. There will be 134 different combinations of ballots across the country. Each ballot will feature all seven party lists, each containing a list of all federal candidates of the party and the first three names of candidates from the respective regional groups of candidates.

VIII. CAMPAIGN ENVIRONMENT

The election campaign officially commenced with the submission by political parties of candidate lists to the CEC for registration. Before 4 November, the level of campaigning was low throughout the country. On 4 November, National Unity Day,¹⁴ the OSCE/ODIHR EOM observed larger rallies organised by ER and LDPR in Moscow and St. Petersburg, as well as smaller rallies of these and other parties in the regions. Similarly, KPRF held a large rally in Moscow and smaller rallies in the regions on 7 November, the anniversary of the 1917 October Revolution. So far, ER, LDPR, and KPRF have been most active in campaigning. Political parties use a variety of campaign tools, such as posters and billboards, leafleting, party newspapers, interactive websites,¹⁵ door-to-door campaigning, and rallies. While ER, KPRF and LDPR stated that they would campaign nationwide, other parties informed the OSCE/ODIHR EOM that because of limited funds they would concentrate their campaign efforts on certain regions, where they nominated candidates.

The organization of public events requires advance notification of local authorities, who can only suggest changes based on concerns related to public safety and order. Some parties informed OSCE/ODIHR observers of cases where campaign events were not permitted by local authorities at the locations and times requested, or not at all. Also, instances of seizure of campaign material by police were noted by OSCE/ODIHR observers.¹⁶

Most political parties have expressed a lack of trust in the fairness of the electoral process. Some parties voiced concern about the governing party making use of administrative resources. They also highlighted difficult procedures for non-parliamentary parties to register to contest the elections and the slow complaints mechanisms.

¹² A party list can include up to a maximum of 50 per cent of non-affiliated candidates.

¹³ The ballots will contain the parties in the following order: SR, LDPR, PR, KPRF, YA, ER, PD. This order was established on 27 October through the drawing of lots at the CEC.

¹⁴ National Unity Day is a Russian national holiday that is celebrated on 4 November since 2005.

¹⁵ Most political parties have interactive websites and use social networks to reach out to their electorate.

¹⁶ Several complaints have been filed with election commissions by political parties on both issues.

Videos, photos and reports about alleged campaign violations have been posted on the websites of some civil society groups that are following the election campaign. One such video drew broad public attention. It showed an attempt to influence voter choices by the Head of the Izhevsk city administration (Republic of Udmurtia), who promised veterans bonuses on top of their regular pensions if they voted for the governing party.¹⁷

IX. CAMPAIGN FINANCING

All campaign-related incomes and expenditures by political parties and their regional branches must be documented and reported to the CEC. An electoral fund must be established at a specific bank to cover all election-related expenses. The CEC has the right to monitor these accounts on a permanent basis. Donations to the electoral fund can only be made by Russian citizens and legal entities, including the political party itself. Campaign contributions are limited to 350 million rubles (approximately 8.34 million Euro) from parties' own funds; 24.5 million rubles (approximately 583,950 Euro) from legal entities; and 490,000 rubles (approximately 11,680 Euro) from any citizen. A political party cannot spend more than 700 million rubles (approximately 16.68 million Euro) from its electoral fund. Finances of regional branches are accounted for separately. A political party must submit two financial reports to the CEC, one at the time of submitting federal list of candidates and the second not more than 30 days following the publication of results. Once every two weeks, the CEC and SECs are to submit information on political party incomes and expenditures to media outlets for publication.

X. MEDIA

The media landscape is characterized by a large number of media outlets at the national, regional and local levels. Television is the primary source of political information. Most of the national television channels are state-owned or state-controlled.¹⁸ While print media play an important role, the internet is increasingly becoming a source of information, especially in urban centres.

The Law on the Election of Deputies of the State Duma of the Federal Assembly provides for equal coverage of contestants in informative programmes in broadcast and print media from the time of their registration with the CEC. While the CEC regularly monitors the national broadcast media to evaluate whether the coverage of parliamentary parties is balanced during non-election periods, it does not conduct such monitoring during election campaigns. According to the CEC, it will examine complaints regarding media access.

The campaign period in the media lasts from 5 November to 2 December. Contestants are entitled to at least one hour of free airtime during primetime, as defined by the respective broadcaster, for presentations in each state-owned national broadcaster for the entire campaign period. At least half of the allotted time should be devoted to debates among contestants, with the remaining time is dedicated to campaign spots. The order of appearances in debates and debating partners were determined by lottery organized by the CEC on 31 October. Debates started on 7 November on radio stations and on 9 November on TV stations at the national level. For the first time, the governing ER decided to take part in the debates.

¹⁷ A complaint on the matter has been filed with the courts and the case is currently pending.

¹⁸ This includes media outlets, which are not directly owned by the state, but belong to institutions in which the state holds over 50 per cent of shares.

Starting from 31 October, the OSCE/ODIHR EOM has been conducting a quantitative and qualitative media monitoring of campaign coverage daily from 18:00 to 24:00 for seven TV channels with national coverage¹⁹ and seven newspapers.²⁰

XI. COMPLAINTS AND APPEALS

Voters, candidates and their representatives, public associations, parties, observers and election commissions can file electoral complaints. The CEC is authorized to decide upon complaints on decisions, actions and omissions of lower-level election commissions. Appeals of electoral commission decisions can be filed with higher-level commissions or with the court.

Election commissions are required to investigate the complaint and answer in writing within five days. If a complaint is filed on election day or the day after, the relevant election commission must respond immediately. The defendant must be notified and given an opportunity to respond to the allegations made. Election commissions can issue warnings to political parties or candidates who are found to have violated the law; the warning must be publicized through mass media or other channels. Complaints can also be referred to relevant law enforcement agencies for investigation or to courts for consideration of administrative penalties.

Two working groups have been established by the CEC to hold hearings on complaints and to provide the CEC with an advisory opinion. One working group deals with complaints related to the media and campaign material, and the other hears complaints concerning decisions and actions (inactions) of election commissions allegedly violating electoral rights.²¹

As of 4 November, the CEC had received approximately 490 applications concerning the State Duma elections.²² The majority were requests for information or citizens expressing grievances about the electoral system, mainly concerning the lack of the “against all” choice on the ballot and the lack of option to vote for a single candidate. Only eight applications concerned violations of the electoral law and the CEC has made decisions on six of them. All decisions are public and have to be published on the CEC website. According to OSCE/ODIHR observers, the vast majority of complaints filed with SECs and TECs concern the regional and local elections taking place concurrently with the Duma elections.

XII. PARTICIPATION OF WOMEN AND NATIONAL MINORITIES

At present, there are 93 female deputies in the outgoing State Duma (21 per cent). None of the seven contesting parties has an internal quota system, yet women are represented at various levels in party structures. Women have also been active in the election campaign and have been represented at all rallies observed by OSCE/ODIHR observers. Of the 15 CEC members, 4 are women.

The preamble to the Constitution refers to “the multinational people of the Russian Federation” and the Constitution provides for the protection of the rights of national minorities and indigenous peoples. Political parties may not be formed on a professional, racial, national or religious basis.

¹⁹ First Channel, Russia 1, Russia 24, TV Center, NTV, Channel 5 and Ren-TV.

²⁰ *Rossiyskaya Gazeta*, *Parlamentskaya Gazeta*, *Kommersant*, *Komsomolskaya Pravda*, *Zhizn*, *Novaya Gazeta* and *Argumenti i Fakti*.

²¹ As composite bodies or as individual members.

²² Such applications include any form of written communication with the CEC.

According to the 2002 census, national minorities make up approximately 20 per cent of the population, including over 190 minority groups. In areas populated by a significant proportion of national minorities, election commissions plan to print ballots both in Russian and in other relevant languages, such as Bashkir or Tatar.

XIII. DOMESTIC AND INTERNATIONAL OBSERVERS

The election legislation stipulates that each political party contesting parliamentary elections may appoint observers to all PECs. Domestic civil society groups are not entitled to observe parliamentary elections. Nevertheless, certain domestic civil society groups appear to be actively involved in monitoring the preparations for elections, including establishing hotlines and informational internet sites.

In addition to the OSCE/ODIHR EOM, the CEC has started accrediting international observers, including from the Commonwealth of Independent States (CIS). The CEC has also invited observers from various countries, including from other Central Election Commissions.

XIV. OSCE/ODIHR EOM ACTIVITIES

The OSCE/ODIHR EOM commenced its work on 26 October 2011. The Head of the OSCE/ODIHR EOM met with the CEC chairperson, representatives of the Ministry of Foreign Affairs, the presidential administration, and other high-level state officials. The EOM is grateful to the CEC for facilitating contacts with all levels of the election administration. The EOM has also established contacts with all political parties contesting these elections, representatives of the media, and other electoral stakeholders. The Head of the OSCE/ODIHR EOM also met with the Parliamentary Assembly of the Council of Europe (PACE) delegation, led by Tiny Kox, during their pre-electoral mission to Moscow.

The OSCE participating States have been requested to second 160 short-term observers to follow election day procedures. The OSCE Chairperson-in-Office has appointed Petros Efthymiou, President of the OSCE Parliamentary Assembly (OSCE PA), as Special Co-ordinator to lead the short-term OSCE observer mission. Election day observation will be the result of a common endeavour involving the OSCE/ODIHR, OSCE PA and PACE.