

INTERIM REPORT
8 – 29 August 2016

2 September 2016

I. EXECUTIVE SUMMARY

- In the 18 September State Duma elections voters will elect 450 deputies under a new electoral system. Half of the deputies will be elected from federal lists of candidates in one nationwide constituency, based on a threshold which was lowered from seven to five per cent. The remaining 225 deputies will be elected in single-mandate constituencies under the first-past-the-post system.
- The electoral legal framework was considerably amended after the 2011 State Duma elections. Some amendments addressed previous OSCE/ODIHR recommendations, such as allowing for independent candidates to stand and simplifying the requirements for registration of political parties. Others, concerning candidate rights, citizen observation, and the guarantees for the freedom of assembly and expression, have not been addressed.
- A new composition of the Central Election Commission (CEC) was appointed in March 2016. Two members are women, including, for the first time, the chairperson. Among other issues, the commissioners openly discussed reported irregularities in the regions, and criticized attempts of interference of local authorities in the electoral process.
- All OSCE/ODIHR Election Observation Mission (EOM) interlocutors welcome the new leadership of the CEC and its work. Some opposition and civil society representatives yet doubted that this will have an impact on the performance of lower-level commissions who they often perceived as lacking impartiality and independence from regional and local officials. The election administration met the operational deadlines to date and almost all commissions visited to date welcomed the OSCE/ODIHR EOM and provided the required information.
- Of the 74 political parties with the right to participate in the elections, the 14 that did not need to collect supporting signatures submitted federal lists. Four other parties failed to collect the required number of valid signatures. The requirements for candidate registration proved difficult to meet, particularly for self-nominated candidates who needed to collect signatures in single mandate constituencies. Several complaints were filed by rejected nominees.
- The campaign is generally low-key. The main topics include the socio-economic situation, political stability, patriotism and foreign policy issues. A number of OSCE/ODIHR EOM interlocutors expressed concerns about cases of misuse of administrative resources and campaign events not being permitted by local authorities at the locations and times requested.
- The campaign in media began on 20 August. Libel and insulting state officials are criminal offences. A number of OSCE/ODIHR interlocutors stated that certain legal provisions may limit freedom of expression during the campaign. On 12 August the OSCE/ODIHR began qualitative and quantitative media monitoring.
- As of 18 August, the CEC received 651 applications concerning alleged violations of electoral legislation. The OSCE/ODIHR EOM is informed of a number of complains submitted with lower-level election commissions or courts. Most are related to candidate registration, while others concern distribution of campaign materials or campaign activities of the parties and candidates.

- Parties, candidates, media representatives and international observers can follow the electoral process, but the legislation does not provide for non-partisan citizen observation. Representatives of citizen observer groups stated that they intend to register as media or party/candidate observers.

II. INTRODUCTION

Following an official invitation from the Russian Federation authorities, and based on the recommendation of a Needs Assessment Mission conducted from 27 June to 1 July, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 8 August to observe the 18 September State Duma elections.¹ The EOM, headed by Ambassador Jan Petersen, consists of a 13-member core team based in Moscow and 64 long-term observers (LTOs) deployed throughout the country on 17 August. Mission members are drawn from 31 OSCE participating States. Participating States have been requested to second 420 short-term observers to observe election day procedures.

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

III. BACKGROUND AND POLITICAL CONTEXT

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.² 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).

On 17 June 2016 a presidential decree calling the election for 18 September instead of 4 December was signed following amendments adopted to the election legislation initiated by ER, LDPR and SR. The KPRF and some non-parliamentary parties complained about this rescheduling, as it would impact the process of signature collection for registration of candidates and the campaign which would take place in the summer.³

IV. ELECTORAL SYSTEM

The State Duma consists of 450 deputies elected for five-year terms. The electoral system was changed after the 2011 elections from proportional to mixed. Half of the deputies will be elected from federal lists of candidates in one nationwide constituency. Each eligible party was entitled to register between 200 and 400 candidates on its federal list.⁴ The threshold for allocation of seats for the lists was lowered from seven to five per cent of the valid votes cast nationwide.

The remaining 225 deputies will be elected in single-mandate constituencies (SMC) under the first-past-the-post system. By law, each Subject of the Russian Federation should contain at least one SMC.

¹ See previous [OSCE/ODIHR reports on the Russian Federation](#).

² Abbreviations for political party names correspond to the Russian language abbreviations.

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 in advance, so all contestants had sufficient time to prepare for the elections.

⁴ The federal list of candidates is divided into a national group and at least 35 regional groups. A regional group can cover several subjects of the Russian Federation. The seats will be allocated first to the national and then to the regional candidates proportionally to the number of votes received.

However, as the population in the subjects varies greatly, the equality of the citizens' voting power is thus affected.⁵ The law permits a deviation of up to 10 or 15 per cent of voters per constituency within a specific Subject, a requirement which is respected.

V. LEGAL FRAMEWORK

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) resolutions regulate specific aspects of the elections. The resolutions of electoral commissions are binding on state bodies, candidates, voters and other participants of the electoral process.

The legal framework for elections has been subject to considerable changes since the 2011 State Duma elections.⁶ Some of these changes addressed previous OSCE/ODIHR recommendations, such as allowing for independent candidates and simplifying requirements for registration of political parties. However, other OSCE/ODIHR recommendations pertaining to the legal framework, in particular those concerning candidate rights, citizen observation, and the guarantees for the freedom of assembly and expression, have not been addressed.

Other laws that could impact on the electoral process were also recently amended. In May 2015, amendments to different laws gave the authorities the right to declare foreign or international organizations as "undesirable". Moreover, the so-called "foreign agents legislation" introduced restrictions on the activities of civil society organizations receiving out-of-country funding, including those involved in election observation.

VI. 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). All commissions except ConECs are permanent bodies appointed for five-year terms.

The current CEC was appointed in March 2016 and consists of 15 members nominated by the State Duma, the Federation Council and the President. Two CEC members are women, including, for the first time, the chairperson.

During the reporting period, the CEC met in public sessions regularly and much of its work was dedicated to adjudicating complaints regarding State Duma and regional elections. The relevant CEC decisions are published on its website in a timely manner.⁷ The CEC reversed several decisions of lower-level election commissions and called for the resignation of one SEC chairperson for infringements of the regulatory framework. The commissioners openly discussed reported irregularities

⁵ The number of voters in the Subjects with one SMC varies from approximately 100,000 to 750,000; in two SMCs, the number is below 35,000. 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.

⁶ The latest amendments to the electoral legislation were made in April 2016.

⁷ The Law on Basic Guarantees provides that "decisions of commissions that are directly related to the preparation and conduct of an election shall be published in state or municipal print media or otherwise communicated to voters, and provided to other mass media in the scope and within the periods established by law."

in a number of locations and criticized attempts of interference of local authorities in the electoral process, including some instances of pressure on election officials.⁸

The CEC Chairperson made frequent public calls on lower-level election commissions to ensure credible elections and on regional and local officials not to interfere with the electoral process. The OSCE/ODIHR EOM interlocutors welcome the new leadership of the CEC and its work. Some opposition and civil society representatives yet doubted that this will have an impact on the performance of lower-level commissions who they often perceived as lacking impartiality and independence.

The election administration met the operational deadlines to date and election commissions appear to be well resourced. Almost all commissions visited welcomed the OSCE/ODIHR EOM and provided the required information. Meetings, although not announced in advance in most cases, are open to the media and observers. Women comprise almost half of the members and chair almost half of the commissions. Training sessions of PEC members are on-going. The CEC produced several voter education videos aired on various TV channels. In areas where national minorities comprise a significant proportion, campaign materials and ballots are available both in Russian and in other relevant languages.

The mandatory requirement for video cameras in polling stations was canceled, however these will be installed in the 13 cities with population of over one million and other locations based on the decisions of local authorities. As in the past elections, a number of polling stations across the country will be equipped with touch-screen voting machines and ballot counting scanners.

VII. VOTER REGISTRATION

The right to vote is held by citizens over the age of 18, except those serving a prison term, regardless of the gravity of their crime, or those recognized as incapable by a court. The right to vote for candidates in an SMC additionally requires either a registered permanent residency in that constituency or a temporary residence for at least three months before election day.

As of 1 July 2016, the number of registered voters was 111,624,248, including 1,886,947 residing abroad. The voter register is based on a passive system linked with the registration of citizens' residence maintained by local offices of the Ministry of Internal Affairs. Thus far, none of the OSCE/ODIHR EOM interlocutors raised concerns regarding the accuracy of the voter registration data.

The TECs will print the voter lists per precinct. PECs will make the voter lists available for voters to check their data at least ten days before election day. Separate lists will be compiled for voters abroad and those in hospitals, sanatoriums, detention centers and 'other places of temporary stay'. Voters can also check on-line whether they are registered and what is the location of their polling station. In case of an error, a voter can be added to the voter list on election day after presenting their national passport confirming his/her residence registration in the precinct. Voters who present absentee voting certificates will also be added to the voter lists on election day, without court decision.

⁸ For example, the CEC discussed a complaint by the KPRF branch of 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 jobs. In both cases, the CEC Chairperson noted that the CEC would inform the Prosecutor Office.

VIII. CANDIDATE REGISTRATION

Any citizen with voting rights who will have attained the age of 21 by election day is eligible to be elected, except those holding citizenship or residence permit of a foreign state. 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.⁹

Registered political parties can nominate candidates at federal and SMC level while eligible citizens can run independently in SMCs.¹⁰ Formation of electoral blocs is not permitted. The law stipulates numerous documents that nominees must submit, including various types of financial statements, as well as procedural requirements for collection of supporting signatures that proved difficult to meet.¹¹

The 14 parties which are either represented in the State Duma or in one of the legislative bodies in the Subjects, or which have received at least 3 per cent of the votes in the previous State Duma elections, could nominate federal lists and candidates for SMCs without collecting supporting signatures.

Four other parties attempted to register federal lists. Great Fatherland Party and Union of Labour each submitted in excess of 200,000 supporting signatures, but were not registered because the share of invalid signatures in the 20 per cent sample used for verification surpassed the 5 per cent legal threshold. The political party *Volya* submitted 40,687 signatures and *Rodnaya* party submitted no signatures at all. None of these parties submitted complaints against the rejection of their registration.

Self-nominating candidates had to collect support signatures of at least three per cent of voters registered in a constituency.¹² Each signature form must include detailed information such as the date handwritten by the supporter next to his or her signature, complete residence address and passport number of the supporter, and handwritten personal data and signature of the collector.

By law, a sample of at least 20 per cent of signatures is verified by local offices of the Ministry of Internal Affairs. As for political parties, a candidature is rejected if the share of invalid signatures in the sample exceeds five per cent. A signature can be invalidated due to missing data or spelling errors. In several instances, signature sheets were invalidated because they were collected by PEC members, which is forbidden by the law.

The CEC completed the candidate registration on 12 August.¹³ It informed that, as of 17 August, 4,468 candidates nominated by 14 political parties were registered for the federal lists and 2,059 candidates in SMC; 304 candidates tried to register through self-nomination and 23 of them have been registered. Several nominees submitted formal complaints to CEC and Supreme Court against the rejection of their registration.

⁹ Those who have 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.

¹⁰ As of February 2016, 77 political parties were registered, of which 74 had the right to participate in the elections.

¹¹ [On 12 August](#), the CEC Chairperson “urged colleagues in the regions to provide all necessary methodological assistance to candidates in SMCs” with their registration.

¹² 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.”

¹³ The appeal process for candidate registration can last until 12 September.

IX. CAMPAIGN

The election campaign started from the day of nomination of candidates and will end one day before election day. The campaign is generally low-key. Contestants focus on door-to-door campaigning, distribution of leaflets and some printed material in public places, as well as small-scale meetings. Campaigns are also conducted through advertisements in the media, Internet, and social media. The main topics are the socio-economic situation, political stability, patriotism and foreign policy issues.

Opposition political parties and civil society representatives expressed concerns about the misuse of administrative resources in some locations. The CEC also sent a letter to SECs highlighting the need to follow-up on any misuse of administrative resources at the local level. In few instances, the OSCE/ODIHR EOM observed campaigning by ER representatives at odds with campaign regulations.¹⁴

The organization of public events requires advance notification of local authorities. Some parties raised concerns regarding the freedom of assembly and informed the OSCE/ODIHR EOM of cases where campaign events were not permitted by local authorities at the locations and times requested, or local advertising companies were reluctant to display their campaign material.¹⁵ On 24 August, four PARNAS members, including one candidate, were detained in St. Petersburg while campaigning and police confiscated their campaign material on the grounds that the event was not authorized.

X. POLITICAL FINANCE

Political parties that received more than three per cent of votes during the previous State Duma elections are eligible for state funding. Citizens and legal entities, including political parties, can donate to electoral contestants. The spending limit is 700 million RUB for a party and 40 million RUB for a candidate, although these limits exclude expenditures made by party's regional branches from their own electoral funds.¹⁶

The 14 political parties that registered federal lists of candidates opened dedicated campaign accounts for all campaign incomes and expenses, as required by the law. These parties must submit two financial reports to the CEC: the first one at the time of submitting their registration documents and the second one no later than 30 days after the publication of the election results. The CEC reviews the reports and submits them to the media for publication. The same framework applies for candidates in SMCs where ConECs are responsible for oversight.

XI. MEDIA

The legal framework for media is comprised of the Constitution, a plethora of laws, as well as statutory instruments. Libel and insulting state officials are criminal offenses. A number of OSCE/ODIHR EOM

¹⁴ For example, on 26 August, the OSCE/ODIHR EOM observed ER distributing gifts in Asowo *rayon* (Omsk *oblast*). In Divnogorsk (Krasnoyarska *kray*), the ER office is located in the administrative building free of charge, with ER campaign materials available. In addition, the OSCE/ODIHR EOM is informed of several political parties filing complaints on this matter: KPRF in Penza complained to the SEC of health care workers and *rayon* administrators allegedly campaigning for ER; Yabloko in Sverdlovskaya *oblast* complained to the CEC of ER allegedly financing campaign events not from the dedicated campaign account.

¹⁵ OSCE/ODIHR EOM received documented reports of People's Freedom Party (PARNAS) campaign events not permitted as requested in Krasnodar (26 July, 13 and 14 August) and St. Petersburg (24, 25 and 30 August), and rejection to publish campaign material of the same party in Volgograd (25 and 26 August).

¹⁶ The law provides for de-registration or annulment of elections 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.

interlocutors stated that the recent legal provisions induce self-censorship and may limit the freedom of expression during the campaign, referring to the 2015 and 2016 amendments to anti-terrorism legislation.¹⁷ Television is the key source of information, followed by online media. The broadcast media with the highest audience are funded or co-funded by the state or its affiliated enterprises.

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. They grant twice as much free airtime to party candidates as compared to the ones running independently. By law, half of the free airtime is used for pre-recorded spots; the other half is devoted to broadcasting *live* candidates' statements that are delivered in presence of a moderator and in programmes marked as 'debates'. These formats do not provide for the exchange of opinions. Free airtime in regional media is similarly tailored.¹⁸

Privately owned media also have to adhere to the principle of equality of opportunity in both editorial and paid-for programmes. Some national commercial broadcasters decided to limit the election coverage to the news segments and to not accept any political advertisement, due to commercial reasons and convoluted legal requirements, as stated to the OSCE/ODIHR EOM.

The Federal Service for Supervision of Communications, Information Technology and Mass Media (RosKomNadzor) monitors the media (including online), including during the campaign. Its sanctioning powers are broad, as the *RosKomNadzor* can issue warnings, impose fines, request removal of publications deemed inconsistent with the legislation, block websites without a prior court ruling, and initiate media's closure.

The CEC is to oversee media's compliance with campaign regulations. A CEC working group for media-related issues has been established. On 12 August the OSCE/ODHIR EOM began qualitative and quantitative media monitoring.¹⁹

XII. COMPLAINTS AND APPEALS

Most of the complaints that the OSCE/ODIHR EOM is aware of relate to candidate registration. Others concern campaign activities and materials, i.e. distribution of campaign materials before the official start of the campaign, campaign materials missing legally required information or which had not been submitted to election commissions as required by law.

As of 18 August, the CEC received 651 applications concerning alleged violations of electoral legislation.²⁰ According to the CEC website, as of 26 August the CEC reviewed during its sessions 12 complaints related to State Duma elections. The CEC stated that the other applications were reviewed

¹⁷ OSCE/ODIHR EOM interlocutors expressed concerns that the legislation does not clearly define what constitutes 'separatism, extremism and incitement to violence.' They noted that this lack of clarity primarily concerns the anti-terrorism legislation, comprising amendments to 14 different laws, as well as amendments to the Criminal Code that increased penalties for 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 media. On 18 August the editor-in-chief of a *Nizhny Tagil's* on-line news website was questioned by the police on charges based on provisions of the Criminal Code, reportedly because of the song posted on social media.

¹⁸ Furthermore, the Law on Coverage of Activities of State Institutions in State-funded Media demands mandatory reporting on national and regional executive and legislative bodies within the news which provide give additional coverage to the incumbents and the ruling party during the campaign.

¹⁹ The media monitoring covers nine television stations (Channel 1, Channel 5, NTV, Russia 1, RBK, Don TV (Rostov-na-Donu), Kazan TV (Kazan), Life 78 (St. Petersburg), and OTC (Novosibirsk), two radio stations (*Eho Mosky* and *Radio Rossia*), and four dailies (*Komersant*, *Moskovsky Komsomolets*, *Rosijskaya Gazeta* and RBK).

²⁰ Application includes complaints, reports on violations and suggestions for improvements of the electoral process.

by individual CEC members.²¹ As of 18 August, 5 CEC decisions on candidate registration were appealed to the Supreme Court, which upheld the CEC decisions in all cases.

The Office of the Prosecutor General has created a working group dealing with the implementation of electoral legislation, and a hot line for reporting electoral violations. On 23 August, the Office informed that it received 170 reports related to State Duma elections and that it took action on 135 violations.²² The Commissioner for Human Rights (Ombudsperson) informed the OSCE/ODIHR EOM that her office received 23 complaints on their hot line for election-related violations. The Ombudsperson office forwarded these complaints to relevant law-enforcement agencies and follows up on their review.

XIII. ELECTION OBSERVATION

Party and candidate representatives, media and international observers can follow the electoral process, but the legislation does not provide for non-partisan citizen observation. Representatives of citizen observer groups, such as *Golos*, Citizen Observer, SONAR and others, informed the OSCE/ODIHR EOM that they intend to register as media and/or party observers.²³ The April 2016 legal amendments introduced additional accreditation rules for media representatives, which some OSCE/ODIHR EOM interlocutors assessed as unduly restrictive.²⁴ By law, at least three days before election day the contestants must submit to the respective TEC the list of their observers. Each observer can only be present in a polling station specified in that document. Another recent change in the law provides that observers cannot be expelled from a polling station without a court decision.

XIV. MISSION ACTIVITIES

The OSCE/ODIHR EOM commenced its work in Moscow on 8 August. The Head of Mission met with the Ministry of Foreign Affairs, the CEC, and with representatives of political parties, media and the resident diplomatic community. The OSCE/ODIHR EOM established contacts with electoral stakeholders at all levels. The OSCE Parliamentary Assembly has announced that it will deploy an observer delegation for election day observation. The OSCE Chairperson-in-Office has appointed Ilkka Kanerva as Special Co-ordinator and leader of the short-term OSCE observer mission for these elections.

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

²¹ In 2013, a complaint was brought to the Supreme Court against CEC's practice of not addressing complaints during its sessions. The Court decided that this practice did not violate the law.

²² Most common violations reported concerned composition of electoral commissions, inaccuracies in the voter lists, campaign finance irregularities, and violations of campaign regulations.

²³ 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 alleged 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.

²⁴ 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.