

Russia: Parliamentary Elections Legal Issues

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RUSSIAN FEDERATION

PARLIAMENTARY ELECTIONS: LEGAL ISSUES

Executive Summary

On December 2, 2007, elections for the State Duma (lower house of the legislature) will be held in Russia. For the first time in Russian history, all 450 parliamentary seats will be divided between representatives of political parties elected by federal and regional party lists under a proportional electoral system. The threshold for a political party being represented in the Duma is seven percent of the popular vote. All campaign issues are regulated by Federal Laws on Basic Guarantees of the Russian Citizens' Right to Participate in Elections and in State Duma Elections; this campaign, however, is characterized by disputes regarding campaign financing, illegal use of official positions of major candidates running for the ruling party, and use of budget funds for campaign purposes. The Russian authorities refused access to foreign observers to monitor elections, and restricted the participation of domestic observers. Because the previous Duma had adopted the federal budget for the next three years and passed several populist legal acts, the legislative agenda of the next Duma will be focused on implementation of the entitlements.

I. Status of the State Duma

The Russian legislature – the Federal Assembly – is a permanent working body and consists of two separate chambers, the State Duma (*Duma*) and the Federation Council. The primary legal act that regulates the activities of the legislature is Section 5 of the Russian Federation Constitution. Although the *Duma* is formally the lower chamber of the legislature, it is the only chamber popularly elected. All legislation originates in the *Duma*, whose main duty is to pass laws which are then sent to the Federation Council for confirmation. Even if the Federation Council does not adopt a specific law, it could be nonetheless passed by a two-thirds majority of the *Duma*. In addition to its legislative activity, the *Duma* confirms the President's appointment of the Prime Minister, who is not required to represent the leading political party, although it does not have the power to confirm the members of the Cabinet of Ministers. The *Duma* can be dissolved if it rejects the candidate for the Prime Minister's office three times. The *Duma's* power to force the resignation of the Government is limited to expressing a non-binding vote of no confidence, which can be disregarded by the President. The declaration of amnesty and appointment of the Human Rights Commissioner, the Central Bank Chairman, and the Chairman and Auditors of the Accounting Chamber are among other duties of the *Duma*.

The State *Duma* consists of 450 members who are elected for a term of four years under a proportional electoral system. Any Russian citizen older than twenty-one years of age and whose legal capacity has not been limited by a court is eligible to run for the *Duma*. A member of the *Duma* shall not be a member of any other representative body of state authority or local self-government. Members of the *Duma* work on a professional basis for the length of the *Duma* term. Members of the *Duma* are organized into committees, the leadership of which is divided between the parties upon agreement between the faction leaders, depending on the number of seats a party has in the *Duma*. The *Duma* is headed by its Chairman who appears to be one of the major political players in Russia due to his relative independence, which can be claimed, if necessary, because there is no Constitutional limit to the legislation that the *Duma* may adopt. The Chairman of the *Duma* occupies the third position in Russia's state protocol hierarchy (approved by the Decree of the Russian Federation President of May 6, 1994, SOBRANIE

ZAKONODATELSTVA ROSSIISKOI FEDERATSII (official gazette, thereafter, SZ RF) 1994, No. 3, Item 156).

II. Basic Principles of Electoral Legislation

According to the Constitution (article 81), elections in Russia shall be general, direct, free, equal, and secret. Each Russian citizen who is eighteen years old is allowed to vote for one of the political parties registered for federal elections. Voting against all parties is not allowed, and invalidated ballots are not counted. The procedure for election of the State *Duma* members is defined by the Russian Federation Federal Law No. 51 on Election of Deputies of the State Duma of the Russian Federal Assembly (the *Duma* Election Law), adopted on May 18, 2005. (SZ RF 2005, No. 21, Item 1919). It provides for a proportional system of representation in which voters cast their ballots for the federal list of up to three candidates nominated by a political party registered for participation in the *Duma* elections. The election shall be scheduled and proclaimed by the Russian Federation President no later than three months prior to the election day, which is the first Sunday of the month in which the *Duma's* term expires. There is no minimum requirement for voters' participation and no matter how many people take part in the elections, the election results shall be recognized as valid.

The Federal list of candidates is supplemented by eighty-two regional (groups of regions) party lists, which will be elected depending on the number of votes received by an individual party in each of eighty-two regions. This system makes regional administrators vitally interested in securing the victory of the party with which they are associated in their regions in order to extend the list of party candidates elected from a particular region. Sixty-two out of eighty-two provincial Governors lead regional lists of the United Russia Party. Political blocs and unions of smaller political parties are not allowed. No less than fifty percent of the candidates on the party lists will be registered members of a political party. The seats are allocated among the parties proportionally to the total number of votes they received. Each party is eligible for registration if it is represented in the State Duma; it may collect at least 200 thousand signatures in support of the registration (no more than 10,000 from each region); or deposit an amount equal approximately to U.S. \$3 million, refundable in case the party receives more than four percent of the popular vote. In order to be elected, the electoral threshold is established at seven percent of the total popular vote. Votes received by an individual party at precincts located outside the Russian Federation can be distributed nationwide at the party leadership's discretion in order to improve election results where needed. After elections, a candidate who has been elected to the *Duma* may refuse to accept the mandate, and his or her seat will be transferred to the candidate next in the list who did not get a seat; if the initially elected candidate, however, changes his mind, he may reclaim his seat at any time during the four-year term (The Duma Election Law, article 83).

The Law prohibits using an individual's official position for campaigning and imposes relatively strict restrictions, violations of which can be a reason for cancellation of a party's election registration (The Duma Election Law, article 91). Among other reasons for cancellation of registration are campaign financing violations and fraudulent income declaration by the candidates. The Law obligates the Central Election Commission (CEC), the main government body in charge of conducting the elections, to verify that the registered candidates have no dual citizenship or permanent residency rights in a foreign state. Pre-term elections can be allowed no earlier than fifteen days prior to the day of election outside Russia, in areas which are difficult to access, on board ships that are at sea, and at polar stations. Russian citizens abroad usually vote on election day in the embassies or consular offices of the Russian Federation. Voting is voluntary. Foreign citizens, stateless persons, and foreign legal entities are barred from the elections.

III. Campaign Financing

Campaign financing in Russia is regulated principally by a number of laws, including the Federal Law on Basic Guarantees of the Electoral Rights of Citizens (SZ RF 2002, No. 24, Item 2253 (Federal

Law on Basic Guarantees of Electoral Rights)), and the Duma Election Law. Technical details are laid out in the instructions of the Central Election Commission, which establish the procedure for the formation and spending of cash resources.

In seeking to regulate campaign financing, Russia's current election laws focus on the creation of official campaign accounts. Under the law, each political party registered for national elections must set up a bank account for its campaign funds immediately after the registration. Regional branches of a party may have individual campaign accounts if their regional lists of candidates are registered. All accounts shall be opened in a designated state bank, and all expenditures shall be paid from these accounts. The Duma Election Law allows contributions to election funds from the party resources (no more than fifty percent of the maximum permitted amount of the election fund) and from individual donations by both individuals and by legal entities. Interest is not calculated or paid on election accounts. All financial activities within the election accounts are closed on election day.

The Duma Election Law permits individual and corporate contributions. Individual contributions may be made by Russian citizens age eighteen and older within the established upper limits. These limits are established as a percentage of the maximum election spending amount defined by the Election Law. These limits are 0.07 and 3.5 percent for individuals and legal entities respectively, which, during the upcoming election on December 2, is approximately U.S. \$11,620 and \$581,000 respectively). The law does not specify that the affiliation of a donor must be with a certain party and does not restrict the number of parties to whom an individual may make donations. The law forbids contributing to election funds by Russian companies that have been established for less than one year prior to the elections, or by charities and religious institutions. Foreign contributions, as well as contributions from Russian legal entities with at least thirty percent foreign capitalization, are prohibited. If the contribution was made by a foreign state, entity, or a citizen, the money must be returned to the donor. The law also prohibits the acceptance of contributions from state and local authorities, enterprises, and organizations established by state or local authorities, stateless individuals, and international organizations. Candidates included in the party lists cannot use their own funds outside the established contribution limits.

The Election Law establishes that the maximum amount of all spending made out of the party's election fund cannot exceed the amount of Rubles 400 million (approximately U.S. \$16.6 million). This amount does not include the spending made from the election funds of the party's regional branches. Each regional branch of a party may establish election funds in an amount which varies from U.S. \$250,000 to U.S. \$1.25 million, depending on the number of registered voters residing in the region. Reportedly, regional branches of the United Russia party requested support in an amount equal to U.S. \$50,000 from local companies, including those not allowed to contribute to political campaigns because of a large share of foreign investment, threatening companies that the party would complain to the Governor and President Putin if the money were not provided (an example of the letter sent to corporations is *available at* <http://www.newtimes.ru/news/2007-11-20/2007-11-20-11> (in Russian)).

According to expert analysis, the budget of all parties participating in the 2007 *Duma* elections is in the range between U.S. \$750 million and \$1.25 billion, with the value of each electoral vote equal to U.S. \$4. Compared to the previous elections, the price of a candidate's placement in the party list that relatively guarantees election increased from U.S. \$1-3 million in 2003 to U.S. \$10 million paid by a candidate to the party leaders in 2007 (Mila Kuzina, *Vybory Za Milliard* (Elections for a Billion), MOSKOVSKII KOMSOMOLETS (Russian daily newspaper), Sept. 11, 2007, at 3, *available at* www.mk.ru/blogs?MK/2007/09/11/politic/311408 (in Russian)). Because of the almost guaranteed constitutional majority of the United Russia party in the *Duma*, the lobbying opportunities of each individual candidate became significantly lower; the status of a legislator, associated administrative resources, and the ability to communicate with the highest state officials, however, remain considerable and worth the investment.

The issue of campaign financing is directly related to the number of votes received by each individual political party. Although the threshold to be admitted to the *Duma* is seven percent, it is very

important for the party to receive at least three or four percent of votes in order to secure the financial status of a party. Parties which get three percent of votes nationally will be eligible for state financing in the amount equal to U.S. \$0.27 per each vote received, paid annually during the four years following the election. Parties supported by less than three percent of voters are obligated to reimburse the Central Election Commission for the free airtime and mass media publications guaranteed to all political forces during the campaign. Receiving at least four percent of the popular vote is important for the refund of the security deposit required for the party's electoral registration (The Duma Election Law, Section 6).

IV. Independent Monitoring and Observer Status

The legal status of election observers is established by the Federal Law on Basic Guarantees of Electoral Rights. The specific details of monitoring particular elections are determined by the Federal Law on Election of the Russian Federation President (Law on Presidential Election, SZ RF 2003, No. 2, Item 71), and the Federal Law on Election of the Russian Federation State *Duma* Members (Elections Law). The 2002 Law on Basic Guarantees of Electoral Rights provides for two types of observers - those who can be present at meetings of the election commissions (a candidate, his representatives, the candidate's trusted persons, or a representative of the electoral bloc or political party that has registered its list with this commission or a higher election commission, art. 30.1) and observers who have the right to be present at polling stations (an observer can be appointed by the registered candidate, political party, electoral bloc, or public organization registered at the level that coincides with the level of elections or referendum, e.g., during national elections, the all-Russian organization registered with the RF Ministry of Justice can appoint the observers, art. 30.4)

The 2005 Elections Law, however, which appears to be applicable in the current situation (more recent and specific for this election) allows the appointment of observers only by political parties that have registered federal lists of candidates (art. 30.1). This law has stricter rules about the confirmation of observers' status and specifies where and how observers can be present during the elections. This law does not allow Russian public organizations to delegate observers to monitor elections. Elected officials, heads of state and local administrations, judges, prosecutors, and members of election commissions cannot serve as election observers. Observers may not be allowed to be present at the polling station created in a military unit, hospital, resort, jail, or closed administrative territorial unit.

The observer's authority shall be confirmed by a written statement on the observer's appointment issued by the candidate, his representative, political party, or the public organization the observer will represent. The observer's appointment statement shall include the observer's name, permanent home address, the name of the election commission and number of the polling station where he or she will be placed, and must note that he is not subject to the restrictions mentioned in article 30.4. An observer's internal passport shall be produced to verify his or her identity at any time on the election day. The presence of more than one observer representing the same candidate, political party, or public organization at the polling station is not allowed.

Article 30.9 of the Law on Basic Guarantees of Electoral Rights lists what an observer is allowed to do. These include: reviewing the voters' list; monitoring the distribution of ballots; monitoring voting outside the polling station; observing the ballot count; providing suggestions and objections regarding the organization of voting to the chairman of the local election commission; reviewing an election commission's protocols; and submitting complaints to the higher election commission or the court. Observers are not allowed to distribute ballots; vote for candidates even if asked; undertake actions which violate the secrecy of voting; agitate voters; participate in the ballot count; disturb the election commission's work; or participate in the commission's decision-making.

Article 30.6 regulates the status of foreign observers. They are allowed to attend meetings of election commissions of all levels, and to be present at different stages of the electoral process – preliminary voting, vote count, defining election results, preparation of protocols, and control vote recount. More details about the status of foreign observers is provided in article 31 of the Duma Election

Law and article 24 of the Law on Presidential Election. Both provisions are nearly identical and establish that foreign observers shall be accredited with the Central Election Commission of the Russian Federation. Invitations to foreign observers can be sent out by the President of Russia, chambers of the Federal Assembly (legislature), Federal Government, Central Election Commission, and by the Human Rights Commissioner (Ombudsman) for presidential elections. Observers' credentials shall be issued by the Russian Central Election Commission, and they are valid during the period between the observer's accreditation and the official announcement of final election results.

Both laws provide for the observers' independence and emphasize that they shall be paid by the organization or country they represent. As a rule, the observers are allowed to meet with the candidates and representatives of candidates, political parties, and other public organizations. They cannot express their opinion regarding the election process until the end of the election period. In case of a violation, their accreditation may be recalled by the Central Election Commission. Other activities unrelated to the performance of their observer's duties are prohibited. Additionally, during parliamentary and presidential elections observers are allowed to monitor the input of data into the federal automated system "Elections" (Art. 87 of the State Duma Election Law and art. 80 of the Law on Presidential Elections).

During the 2007 *Duma* election cycle, harassment and prosecution of public organizations aimed at the monitoring of the electoral process were reported nationwide, and the number of invitations to foreign observers issued by the Russian Central Election Commission was decreased almost six times. The Chairman of the Central Election Commission stated that all foreign observers who would come to monitor Russian elections would be restricted in expressing their opinion until the final certification of the election results by the Central Election Commission. This requirement, if implemented, would contradict Russian election laws, which do not provide for such restrictions and allow the observers to express their opinion as soon as polling stations are closed. Delays with the issuance of entry visas to foreign observers prevented them from monitoring the electoral process in its entirety, leaving the observation of voting procedure at voting booths as the only available monitoring option (*See Peter Finn, Election Watchdog Group: Russia Not Cooperating*, WASHINGTON POST, Nov. 16, 2007, at A8). This policy of the Russian authorities forced the Organization for Security and Cooperation in Europe (OSCE), the most authoritative election monitoring institution, to refuse to monitor Russian elections, an occurrence that has happened before only once, during the 1996 Albanian elections (ODIHR Unable to Observe Russian *Duma* Election, OSCE Press Release, Nov. 16, 2007, available at http://www.osce.org/odihr-elections/item_1_27967.html).

V. Election-related Legal Disputes

Several issues related to the conduct of the campaign and voting procedures established by the Central Election Commission were subject to legal disputes; the Supreme Court of the Russian Federation, however, did not find violations in the methods used. Among the issues in question, which in the opinion of observers and human rights activists may bring potential election abuses in favor of the dominant party, are problems related to the financing of electoral activities from sources outside campaign funds, submission of incorrect income declarations by the candidates, absentee voting, voting by homeless people, creation of incentives to attract people to vote, and participation of law enforcement authorities in pushing people to vote (Novovvedeniia TsIK (Novelties by CEC), May 18, 2007, available at <http://www.hro.org/editions/voit/2007/05/18.php> (in Russian)).

Although the Law requires that all candidates included in the party lists submit their income declarations and declarations on possession of property to the Central Election Commission, the Commission stated that this requirement appears to be obsolete and refused to enforce it. The declarations submitted were often incorrect, omitted substantial amounts of income or did not mention real estate owned by the candidates. The CEC did not request the correction of the submitted information, although this might be a valid reason for cancellation of a candidate's registration (Elina Bilevskaia, Kandidaty Prokololis (Candidates' Errors), GAZETA.RU, Nov. 15, 2007, at <http://www.gazeta.ru/politics/elections2007/articles/2314503.shtml>).

In regard to absentee voting, incidents of purchasing absentee ballots were reported in the Leningrad Province (V Leningradskoi Oblasti Torguyut Otkrepitelnyimi Udistorovereniiami (Absentee Ballots are on Sale), Newsru.com Information Agency, Nov. 26, 2007, *available at* www.newsru.com/russia/26nov/2007/kcrime_print.html (in Russian)). This crime is being investigated as obstruction of the effectuation of electoral rights because it is expected that purchased ballots can be used for voting in favor of one of the parties. On May 17, 2007, the CEC ordered that people jailed for preliminary investigations and patients of hospitals or rehabilitation centers will have the opportunity to participate in federal elections even if they have no passport or did not receive an absentee ballot at the place of their permanent residence (Regulation No. 11/82-5, *available at* <http://www.cikrf.ru/postancik/Zp070082.jsp> (official source)). The CEC instruction charged the heads of the institutions where individuals without passports are located to create lists of potential voters upon their individual statements. These lists will be reported to the CEC, which shall ensure that these people are excluded from the voters' lists at the place of their permanent abode. As long as an individual can prove his identity, he is not obligated to produce a passport, although according to the Election Law, ballots can be issued only in cases when a member of the precinct election commission verifies the validity of one's passport. An individual may submit a request, no later than three days in advance of the election, to be included in the voters' list at the place of his or her temporary location.

About 150 polling stations will be created nationwide for homeless people to give them the opportunity to vote. Three of them will be open in Moscow, one in St. Petersburg, and the rest will be evenly divided among Russia's regions, including all major train stations. As well as serving homeless people, these polling stations will serve those Russian citizens who have no residence registration, for example those who have recently moved into newly-built apartment complexes with no registered postal address yet, or Russian citizens permanently residing abroad who on the election day happen to be in Russia. There is no precise information on how many people may appear at these polling stations to vote; the CEC, however, estimates that between four and five million people without residence registrations may exercise their voting rights on December 2. Reportedly, police officers are assigned to collect homeless people on the election day at their traditional gathering places, and transport them to the designated polling stations. (Polling Stations for Bums, GAZETA.RU, Oct. 30, 2007, *available at* www.gazeta.ru (in Russian)).

With the purpose of increasing the number of people participating in voting, polling stations will be opened at enterprises with a continuous cycle of production, and in major shopping centers, where local voters with absentee ballots will be able to vote. Local administrations arranged special sales and other trade promotions with the merchants in order to attract individuals to visit these election sites. Regional courts in Ekaterinburg and Nizhnii Novgorod have ruled that these measures do not contradict electoral legislation. In the Bashkir Republic (one of Russia's constituent components), the flyers of the Republic's Election Commission were printed on the backside of telephone bills and warned the voters that they could be held liable for not voting. The flyers informed the voters that they are being watched and their telephone service could be discontinued if they do not appear at the polling station. The Supreme Court of the Bashkir Republic upheld these warnings, stating that they are legal because "participation in elections is a civil duty of everyone" (V Regionah Vybory Budut Provodit v Magazinah (Elections Will Be Held in the Shops), GRANI.RU NEWS PORTAL, Nov. 12, 2007, *available at* <http://grani.ru/Politics/Russia/Regions/p.129857.html> (in Russian)). Six cases of illegal campaigning were resolved by the courts during this election cycle. They included illegal placement of campaign materials on buildings without the owner's permission, and the involvement of minors in the distribution of campaign materials (V Leningradskoi Oblasti Torguyut Otkrepitelnyimi Udistorovereniiami (Absentee Ballots are on Sale), NEWSRU.COM INFORMATION AGENCY, Nov. 26, 2007, *available at* www.newsru.com/russia/26nov/2007/kcrime_print.html (in Russian)).

VI. Judicial Defense of Electoral Rights

The Russian Constitution, which was adopted on December 12, 1993, provides for the right of Russian citizens to defend their rights and freedom in court. In the field of elections this right was implemented by the now repealed 1994 Law on Basic Guarantees of Electoral Rights of Russian Citizens. This Law included the electoral rights of Russian individuals within the jurisdiction of Russian courts, and secured the right of Russian citizens to apply to the court in case their electoral rights are violated. Later, this provision was included in all major election-related acts of legislation, including more than 300 regional laws and Constitutional Court rulings. The declared independence of the judiciary and formation procedures, different from the formation rules established for other branches of government will guarantee the judicial defense of electoral rights. Unlike the election commissions, whose members were delegated by executive and legislative branches and include representatives of all parties registered for elections, the courts appear to be more autonomous in the electoral process, although in politically sensitive cases they try to issue decisions which do not contradict the policies of the Governors.

The courts cannot defend individuals' rights on their own initiative. Judicial control is fragmented because the judicial mechanism of legal defense starts to work only when an individual reports about the alleged violation of one's rights and requests judicial intervention. Decisions and acts of the Central Election Commission can be argued at the Supreme Court of Russia, and the decisions of lower level commission can be adjudicated at the Supreme Court of the republics comprising Russia or courts of Russia's constituent components. Court rulings on electoral issues are mandatory and shall be enforced immediately by the relevant election commission. Courts can cancel the registration of a candidate, cancel the election commission's decision on refusal to register a candidate or to recognize election results as invalid, or cancel other decisions of the election commission. Article 75.1 of the 2002 Law on Basic Guarantees of Electoral Rights lists those who can submit claims to the court. These are voters, candidates, and their representatives. All decisions shall be accepted by the court for expedited proceedings in order to secure the continuity of the electoral process.

The ongoing electoral campaign has been characterized by a number of legal disputes. The campaign started with the request of a group of *Duma* members to the Constitutional Court to reconsider its previous decision regarding the constitutionality of the amendment to the Election Law that established the increased number of voters' signatures required for the registration, which as the applicants argued created unjust preferences for the large and leading parties, especially those supported by state administrators (Constitutional Court Ruling No. 26-P, SZ RF 1998, No. 5, Item 68). The Court confirmed the constitutionality of this legislative provision stating that a norm established by the leading faction of the Parliament will be in force because "legislators are working in voters' interest" (Constitutional Court Opinion No. 26-O, SZ RF 2007, No. 16, Item 2117). On November 15, 2007, the Supreme Court declined the petition from the Union of Right Forces Party to cancel the registration of Vladimir Putin as a leading candidate of the United Russia Party, who used his official position as the nation's President to promote the party, and organizing administrative and legal pressure against the opposition parties. Similarly, the opposition's statement that the televised online press conferences of the President, his communication with the voters, and agitation for the United Russia Party two days before the official start of the election campaign constituted a violation of the election laws was not accepted by the Supreme Court (Ilya Azar, *President Ne Mozhet Zamolchat* (President Cannot be Silenced), GAZETA.RU, Nov. 20, 2007, available at <http://www.gazeta.ru/politics/elections2007/articles/2326795.shtml>).

Refusal to accept complaints brought by the parties appears to be a general policy of the Russian Supreme Court. As long as the case does not affect the interests of the ruling party supported by the President, the Court attempts to stay out of the electoral discussion. Similarly, the court did not accept the request of one of the parties to review the legality of using the old Soviet symbols by the Communist party regardless of the fact that this party did not have the author's rights to use them, or to explain whether news reports by mass media on activities of highest government officials who are leaders of one of the parties is a violation of the rules providing for the equality in campaign coverage (Alexei Levchenko, *Zhaloba No. 1* (Complaint No. 1), GAZETA.RU, Nov. 14, 2007, available at <http://www.gazeta.ru/politics/elections2007/articles/2311759.shtml>).

In November 2007, several Legislative assemblies of Russia's constituent components (e.g., St. Petersburg, Dagestan) issued statements in support of President Putin for the *Duma's* elections on December 2, 2007. Because Vladimir Putin is the leading candidate of one of the parties running for reelection, such appeals appear to be a form of campaigning, which is prohibited for state government institutions, although the Assemblies' leaders call that a clarification of the institution's political position. Although the federal prosecution issued warnings to the Chairmen of the Assemblies, no sanctions against those who passed these resolutions were approved. (Natalya Gladysheva, Protivozakonnii Zakonodatelnyi Organ (Legislature Against the Law), GAZETA.RU, Nov. 21, 2007, available at <http://www.gazeta.ru/politics/elections2007/articles/2329374.shtml>).

VII. Legislative Agenda of the New *Duma*

The *Duma* of the previous session, which opened with the Speaker's statement that the "Parliament is not for political discussions," has passed 1,026 federal laws and twenty-four federal constitutional laws, all of which were proposed by the President, Cabinet of Ministers, or leadership of the United Russia Party. Having just marginal representation, the opposition could not influence the decisions adopted by the *Duma*. Being controlled by the ruling party, the *Duma* did not permit the opposition to include populist bills in the legislative agenda, although almost all laws adopted since last Spring were focused on public welfare and extension of government-sponsored benefit programs. Among the most important laws adopted at the end of the *Duma's* term were laws aimed at the increase of a minimum monthly labor wage, welfare benefits, gradual growth of retirement benefits, and guarantees for local communal services that during the next three years they will be paid from the federal budget for repair or elimination of old housing projects. In order to secure the implementation of these laws, the federal budget, which was approved for the next three years, was amended six times, and laws on amending the budget are proposed for consideration by the next *Duma* (Dmitrii Kamyshev, Tri Zakona Predvybornogo Zakonotvorchestva (Rules of Pre-election Legislation) Kommersant-Vlast, 2007, No. 45, at 32).

Among the first bills that the next *Duma* will consider are proposals to simplify rules regarding the inheritance of land plots; amendments to the Civil Liability Insurance act, which provide for better protection of insured individuals and legal entities; restrictions on foreign investments in industries of strategic importance, new rules for taxation of innovation activities, and a bill on simplified access to information on work of government authorities. Proposals on increase of the amount of alimony, which would be equal to the amount required to secure the standard level of child's consumption, and restrictions on alcohol and tobacco advertisement ought to be passed by the newly elected legislators. Among the bills of political significance, which wait for their adoption, are amendments to the Consumer Protection Law, which, if passed, will obligate food producers to disclose the country of production, in order to let the Russians consumers to "express their patriotism in the form of supporting domestic food producers through showing their preference in consuming domestically produced food." The list of all proposed legislation can be found at the *Duma's* website at <http://www.duma.gov.ru/> (official source, in Russian)(last visited Nov. 26, 2007).

Another problem is associated with the amendments to the Federal Law on Referendum. On March 21, 2007, the Constitutional Court ordered the *Duma* to expand the right on initiating a referendum (Constitutional Court Ruling No. 3-P, SZ RF 2007, No. 14, Item 1741). If the *Duma* would follow this order exactly, the new law would give the opposition parties the right to initiate in 2008, just after the elections, a referendum on social issues with questions very unpleasant for the current administration. Amendments prepared by the United Russia Party aimed at neutralizing the opposition's proposal were intended to prohibit a referendum on issues which are within the exclusive competence of federal and state authorities. Because the State *Duma* has the exclusive competence to pass laws which can affect almost all issues, the amendments created a factual ban on conduct of referendums. These amendments were not passed because the leadership of the Constitutional Court reminded the *Duma* that the *Duma's*

interpretation of this amendment contradicts those of the Justices and recommended that the *Duma* take this into consideration (*Id.*).

Prepared by Peter Roudik
Senior Foreign Law Specialist
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