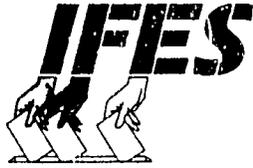


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International Foundation for Electoral Systems

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**Report of the IFES Delegation Studying
the Evolution of the Electoral
Process in the Russian Federation**

March 25-26, 1992

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FOREWORD

This document is based on a report by the IFES delegation studying the evolution of the electoral process in the Russian Federation. The period of the visit was 25-26 March 1992 following a visit to Belarus. The members of the delegation included: Mr. Hoyt Clifton, Director Bureau of Elections New Mexico; Mr. William C. Kimberling Deputy Director Office of Election Administration, U.S. Federal Election Commission; Dr. Richard Smolka Professor of Political Science at American University Washington, D.C. and Editor of Election Administration Reports.

Statement of the Delegation:

As members of the delegation, we would like to express our deep gratitude to the Charles Stewart Mott Foundation and to the International Foundation for Electoral Systems (IFES) for their funding of this mission. We are also grateful to Vadim Razumovsky and other staff of the Russian Embassy in Washington for facilitating our visit. But most especially, we are grateful to Mr. Vasilii Kazakov, Chairman of the Central Election Commission of the Russian Federation, for his invitation, for making our lodging and transportation arrangements, for the two and one half hours of his valuable time that he set aside for our interview, for his hospitality, and for providing us an interpreter and host.

It is Chairman Kazakov who made our visit particularly valuable. And it is with best wishes for the Russian Central Election Commission and for the people of the Russian Federation that we submit this report.

*Washington, D.C.
April 1992*

Introduction

Much has changed since the last IFES delegation visited the former Soviet Union in September of 1991. The Union of the fifteen Soviet Republics has been completely dissolved and a tenuous commonwealth formed. The Communist Party has been routed from its positions of power and privilege. And steps are underway in each of the republics to fashion a new economic order, a new constitutional structure, and new election laws. The largest of these republics, the Russian Federation, is no exception.

The Russian Federation extends from the Baltic Sea in the west to the Pacific Ocean in the east and from the Arctic Ocean in the north to the Black Sea, the Caucasus, the Altai and Sayan mountains, and the Amur and Ussuri rivers in the south. It is bounded by Norway and Finland to the northwest; by Estonia, Latvia, Belarus, and Ukraine to the west; by Georgia and Azerbaijan to the southwest; and by Kazakhstan, Mongolia, and China along the southern land border.

Currently, the Russian Federation comprises about 150,000,000 diverse people and is divided into 20 republics (up from the former 16 republics by the recent inclusion of four previously autonomous regions), one autonomous region, 55 districts, 10 autonomous

districts, and two major cities (St. Petersburg and the capital of Moscow).

One need hardly retell the astonishing developments over the past year -- the attempted coup of August 1991, the rise of Boris Yeltsin as President of the Russian Federation, the dissolution of the Soviet Union -- that have led to the current state of affairs in Russia. Suffice it to say that the Russian Federation is now debating a new constitution and has begun drafting a new election law. And in the interim, they have made some changes to the former election law that are likely to be retained in the new one.

This account of these developments must, however, be viewed as snapshot which is somewhat blurred by the many things that are still in motion. This report should therefore be considered an interim update to the Report of the IFES Delegation Studying the Evolution of the Electoral Process in the Soviet Union, March 17-27, 1990, which is available from IFES.

THE CONSTITUTIONAL SYSTEM OF THE RUSSIAN FEDERATION

The legislative function of the Russian Federation is currently vested in both a Congress of People's Deputies and in a Supreme Soviet. The Congress of People's Deputies is a chamber of 1,068 members elected for a five-year term. Of the total number of seats, 900 represent single member geographic districts while 168

represent the republics, the nationalities, and the autonomous regions and districts. The 1990 report indicated that the Russian Federation had altered this arrangement by making all 1,068 seats single-member-district seats. However, such a change was at that time in the proposal stage and has not subsequently been adopted.

The role of the Congress of People's Deputies has no equivalent in the United States. It meets only periodically and serves as a kind of national town meeting or convention -- selecting members of the Supreme Soviet, confirming major policy decisions, and, importantly, approving or disapproving any proposed constitutional changes.

The Supreme Soviet is a two-chambered body with 126 members in each chamber chosen for five-year terms by and from the Congress of People's Deputies. One chamber represents the geographical district (or "territorial") seats while the second co-equal chamber represents the republics and nationalities.

The executive function of the Russian Federation is carried out by an executive president popularly elected for a term of five years as well as by an appointed prime minister and cabinet of ministers. [President Yeltsin, in a somewhat controversial move, has at the time of writing assumed the powers of the prime minister along with the powers he holds as President. Such an arrangement drew unfavorable comment from some the delegation spoke to during

the March visit.]

Regional and local levels of the Russian Federation continue to be governed by elected councils which vary in size and which elect a chairman as the executive.

The proposed new constitution for the Russian Federation, currently being debated by the Supreme Soviet prior to its submission to the Congress of People's Deputies, would eliminate the Congress of People's Deputies altogether in favor of a two-chambered parliament popularly elected for four years. One chamber would contain 300 seats each representing a geographic or "territorial" district. The second chamber would contain 244 seats representing the various nationalities.

The executive function under the proposed new constitution would continue to be vested in an executive president popularly elected for a term of five years (with a two-term limitation) as well as in a "Head of Government" (our hosts made a point of discouraging the expression "Prime Minister") and a cabinet.

As a final note on the proposed new constitution, it should be said that most of the debate and attention was focused on the proposed political, property, and human rights of the citizens. Indeed, the delegation was privileged to witness some of the debate and voting in the Supreme Soviet on these very issues. Future

delegations may want to record what set of rights was finally agreed upon. For the new constitution is expected to be in place by the end of 1992 with a new election law to be adopted subsequently. It is not clear, however, whether the adoption of a new constitution will necessitate new elections before the expiration of current terms of office in 1995.

THE POLITICAL PARTY SYSTEM OF THE RUSSIAN FEDERATION

As in the 1990 visit, the delegation did not have the opportunity to meet with opposition political party leaders. It was apparent in meetings with Soviet and Russian officials that the concept of formation of competitive political parties is not fully accepted or understood.

It was the team's impression that the Russians intend to fashion a new political model specific to Russia and adapted to their own unique culture and history, rather than adopting a western political model. In this respect, as well as in several others, they resemble the early American Republic -- eschewing political parties, attempting to harness executive power, and seeking to secure certain important rights for their citizens.

In any event, future delegations should explore the issue of political party development and the role that political parties are expected to play in the future governance.

THE ELECTION SYSTEM IN THE RUSSIAN FEDERATION

As noted previously, the Russian Federation has just begun the process of drafting a new election law in accordance with the proposed new constitution. But at the same time, they are making changes to the current election law (changes that will also, presumably, be reflected in the new one). The changes recorded here are presented in accordance with the model originally used in the 1990 report. Unless otherwise noted, all other procedures outlined in the 1990 report remain the same.

LEGISLATING THE ELECTION SYSTEM

Although it is certain that the Russian legislature will enact a new election law after adopting a new constitution, the sequence of events is not at all clear. On the one hand, it could be that the passage of a new constitution would necessitate new elections in 1993 conducted under the old election law as amended. On the other hand, it could be that the sitting legislative bodies will adopt a new constitution and a new election law with new elections to follow either immediately thereafter or else in 1995 as scheduled under the old constitution.

Whichever the case, it is the Central Election Commission and the current Legislative Committee of the Supreme Soviet that are

now beginning to draft the new election law.

ADMINISTERING THE ELECTION SYSTEM

The administration of the Russian election system is tiered such that there are election commissions at each level of government (appointed by the legislative bodies thereof) who administer the elections at their respective levels. Virtually all of these commissions are part-time bodies with few, if any, permanent staff.

The Central Election Commission is composed of 29 members appointed by the Supreme Soviet for a term of five years. Appointees are selected so as to reflect a diversity of nationalities and professions rather than political party affiliations (see remarks under the Political Party System above). Only the chairman and a six-member staff are full-time and paid. The powers of the Central Election Commission are limited to elections for national offices and include:

- o drawing the district lines for the "territorial" seats in the Congress of People's Deputies (a function that will, presumably, carry over to the new parliamentary body);
- o approving the forms used in the election process;
- o financing the campaigns

- o registering the candidates;
- o declaring the results of the elections; and
- o resolving complaints that arise in the campaign or election process.

DRAWING BOUNDARIES

There appear to be no legal guidelines for the drawing of district lines (population size, compactness, contiguity, etc.) nor are any currently being contemplated. According to Vasiliy Kazakov, Chairman of the Russian Central Electoral Commission, parliamentary districts are designed primarily on the basis of administrative districts and precincts which are, in turn, designed by local authorities. Chairman Kazakov felt that the prospects for gerrymandering were negligible (although Chairman Mitzukov of the Legislative Committee of the Supreme Soviet took the opposite view). This is an issue that will likely arise again, especially after there is enough electoral experience to suggest the political predispositions of different districts and neighborhoods. Still, it does not yet appear to be a matter of major concern.

PROVIDING BALLOT ACCESS

There have been three important developments in the area of ballot access since 1990. And, as in the 1990 report, it is useful to distinguish between the nominating process and the election

process.

With regard to the nominating process, there has been one significant change. Prior to 1990, nominations were possible from any one of three sources: any group of 300 or so residents of the district, any group of 300 or so members of a worker cooperative, or any group of 300 or so members of a recognized interest group (women, academics, scientists, etc.).

In 1990, the nominating rights of the worker cooperatives and recognized interest groups were eliminated and nomination by petition (at least for the presidency) was introduced -- presumably as a means of accommodating a multi-party system. This, according to Chairman Kazakov, did not sit well with the worker cooperatives who complained that it resulted in a legislative body containing very few workers. As a consequence, nomination by worker cooperatives has been reintroduced.

Although this may at first seem like a subtle change, it has a direct bearing on the notion of party nominations as known and practiced in the West. For the ability of non-party groups to nominate candidates makes it probable that more than one member of a single political party will be nominated for the same office -- a prospect that seems peculiar to Western eyes. Still, this sort of nominating procedure is consistent with previous speculation about the perceived role of political parties in the future

governance of Russia (see the Political Party System above).

A second development in the area of ballot access is that the Central Election Commission is considering the possibility of acquiring, under the new election law, some role in ensuring the qualifications of candidates -- including some indication of their financial status (akin to U.S. financial disclosure requirements).

Finally, the Central Election Commission is considering an important change with regard to the election process. As described in detail in the 1990 report, Russian elections have traditionally entailed a forced majority. That is to say, in order to be elected, a candidate needed not only 50% plus one of the votes cast, but also a 50%-plus-one turnout of eligible voters in the district. Failure to meet either one of these conditions, meant that new elections had to be held -- usually a month or so later.

It is obvious that, as noted in the 1990 report, such a procedure could lead to an endless series of elections in at least some districts. And Russian experience seems to have confirmed this possibility inasmuch as they report a steadily declining turnout in all elections subsequent to the first round so that it is increasingly difficult to meet the 50%-plus-one turnout condition.

The Central Election Commission is therefore considering a new

rule that would require either over half the votes with over half the eligible voters voting or else a number of votes exceeding 25% of the total number of eligible voters in the district. Such a change would diminish, though not totally eliminate, the prospect of an endless series of elections in some districts. Further refinements on this philosophical attachment to forced majorities seem likely and warrant the attention of future delegations.

REGISTERING VOTERS

There have been no changes in voter registration procedures since 1990. But with the advent of privately owned housing and freedom of movement for the population, housing records (the traditional basis for drawing up voter lists) will prove less and less timely and accurate. It may therefore become necessary for the Russian Federation to rethink the manner in which they draw up their voter lists. This problem will almost certainly emerge over the next decade or so -- though not in the immediate future.

CAMPAIGN FINANCING

Although in 1990 contributions were permitted to candidates seeking Union offices (i.e. for seats in the Supreme Soviet of the USSR), no such contributions were permitted in the Russian Republic's elections. Nor are contributions permitted in the Russian Federation today. Campaigns are all publicly financed.

The only development in this area is the possibility advanced by the Central Election Commission of "decentralizing" the financial burden of campaign financing to lower levels of government.

PROVIDING VOTER INFORMATION

There were no reported changes from the procedures described in the 1990 report for providing voter information regarding the election and the candidates.

BALLOTING

There are three noteworthy developments in the area of balloting. The first is a change in balloting procedures at the polls (credited by Chairman Kazakov to a suggestion in 1990 from IFES delegation member, Commissioner Danny McDonald, of the U.S. Federal Election Commission). Previously, persons offering to vote were required only to show their national identity card before receiving their ballot. They are now required to sign a document acknowledging their receipt of the ballot. The reason for this change was simply to prevent fraud either by voters appearing more than once or by election officials casting ballots in the name of voters who never appeared at the polls. There were reportedly three of the latter instances in the 1990 elections.

The second development in balloting is a possible change in the method whereby voters indicate the candidate of their choice on the ballot. Traditionally, Russian voters have indicated their choice by marking out all other names listed on the ballot (a procedure convenient to single-party, non-competitive elections requiring a forced majority). Apart from its slightly negative undertone, such a procedure is burdensome on voters who face a choice of, say, ten or more candidates. Moreover, there is some evidence that it leads to an abnormal number of spoiled ballots. For these reasons, the Central Election Commission is considering a change that would have voters indicate a single positive choice -- a procedure that is virtually universal outside the former East bloc.

The third development in balloting is a growing concern about the illegal printing of ballots (which reportedly occurred in some places in 1990). Although the delegation did not have the opportunity to discuss this matter in any detail, future delegations may want to carry with them examples of ballot control and audit procedures found effective in the United States and elsewhere -- numbered ballot stub systems, the Voting Authority Card, etc.

TABULATING THE VOTES

There have been no changes in these procedures since 1990.

CERTIFYING THE ELECTION RESULTS

As previously noted, the Central Election Commission is responsible for declaring the results of the elections. And up until 1990 there had never been a reported case of the results of an election being subsequently questioned. The 1990 report predicted, however, that such a case would inevitably arise and that it would be necessary for Russia to develop procedures for resolving such cases -- most likely through the courts. As it happened, three district elections in 1990 were clouded by allegations and evidence of fraud. Accordingly, the Central Election Commission is investigating these elections to determine whether crimes were committed. If so, the matters may well go to trial. Given this unhappy experience, it now seems probable that the new election law will, for the first time, specify the procedures to be followed in resolving challenges to election results. Future delegations may therefore want to share with the delegation's Russian colleagues extensive U.S. experience in such matters.

CONCLUDING OBSERVATIONS

This is a very dynamic and critical period in Russian history. The decisions they make in the coming months regarding their constitutional structure, their election law, and the guaranteed rights of their citizens will have to serve them through the foreseeable future. And while it is clear that they do not intend to model themselves solely along Western lines, they nevertheless acknowledge and value U.S. experience in legal and electoral technicalities. It is therefore incumbent upon the Foundation to continue an exchange of information, for instance, by means of election internships, to include:

- o on the Russian side, members and staff of the Legislative Committee of the Supreme Soviet (who must vet all election legislation), members and staff of the major metropolitan election commissions, members and staff of the election commissions in the 20 Russian Federation republics, as well as the members and staff of the Central Election Commission.

- o on the American side, local as well as State and federal election officials, election lawyers or legal experts, and Congressional staff involved in election matters.

Finally, it should be said that this ongoing exchange is as valuable to the American side as to the Russian side. For in the delegation's experience, all democratic election systems encounter common problems. And it is both professionally and intellectually beneficial to exchange views, ideas, and alternative solutions.