

Regional elections 10 September 2017 Russian Federation

ANALYTICAL REPORT ON THE ADMINISTRATIVE CONTROL OVER THE PROCEDURE OF COLLECTING SIGNATURES OF DEPUTIES AND HEADS OF MUNICIPAL ENTITIES IN SUPPORT OF CANDIDATES (“MUNICIPAL FILTER”)

Conclusions

On Single Election Day (hereafter referred to as “SED”) on September 10, 2017, direct elections of senior officials of the subjects of the Russian Federation (hereinafter “governors” or “heads”) will be held in 16 regions of the country: the Republic of Buryatia, Republic of Karelia, Republic of Mordovia, Republic of Mari El, Udmurtia Republic, Perm Krai, Belgorod region, Kaliningrad region, Kirov region, Novgorod region, Ryazan region, Saratov region, Sverdlovsk region, Tomsk region, Yaroslavl region, and Sevastopol.

As in previous years, the most acute problems in the election of the heads of regions are linked to candidates overcoming the so-called “municipal filter.”

The informally called “municipal filter” means that in Russia candidates for the post of governor (or head of a region) are required to collect signatures of a certain percentage of deputies of municipalities and heads of municipal entities in order to be eligible. The mandatory percentage varies from region to region, from 5% to 10%. There are further requirements as to how the signatures have to be distributed throughout the territorial entities and institutions of the region.

In 8 out of 16 regions, non-systemic candidates failed to overcome the “municipal filter” because of obstruction by local and regional authorities. Almost universally in Russia, independent candidates failed to collect the required number of signatures of municipal deputies because of severe “administrative pressure.”

The “Golos” movement consistently opposes the use of this method of screening candidates as one that restricts the electoral rights of citizens (both the right to be elected and the right to elect) and hampers political competition. The existing “municipal filter” practice is accompanied by widespread “administrative pressure” on municipal deputies and by the use of public resources (organizational, logistic, information, and other) to ensure collection of signatures in favor of certain administrative candidates (current heads or deputies), as well as in favor of so-called “technical” candidates who are running to ensure the appearance of competition in elections.

The “municipal filter” apparatus is entirely controlled by the current administration. Instead of being a mechanism of electoral support for candidates for the post of head of region, it is actually a means of political filtration of rivals who are, for one reason or another, unacceptable to regional authorities. The situation is made more dire by the fact that election commissions, judicial and law enforcement bodies, local communities, political parties, the media, public organizations, and the candidates themselves have no effective legal instruments at their disposal with which to oppose this de facto administrative lawlessness.

It is impossible to hold free and competitive elections of heads of the subjects of the Russian Federation while the “municipal filter” is in place. We invite all parties interested in the political process to continue discussing this problem and to initiate a thorough reform of the electoral legislation with the goal of abolishing the existing procedure for collecting signatures of municipal deputies in support of candidates for the elections of heads of regions.

1. Nomination of candidates for the elections of the heads of regions

The final part of the nomination process (i.e. nomination at election commissions) took place without significant problems. There were no reports of obstruction of candidate nomination by election commissions. During this part of the nomination process, candidates did not encounter any major difficulties in preparing the necessary documents, and no complaints were issued about the behavior of election commissions.

However, various data show that the nomination of some candidates from certain political parties (i.e. the initial part of the process) was monitored and aided by the regional authorities and the presidential administration. Local authorities influenced the nomination process in the Republic of Buryatia (in the [nomination of a candidate](#) from the Communist Party and, possibly, the Liberal Democratic Party of Russia (LDPR)), the Ryazan region (nomination of a candidate from the Communist Party), the Sverdlovsk region (the “Roizman case”), and possibly in other regions as well.

Moreover, the rule that head of region candidates must belong to a political party is, from our point of view, a significant restriction of passive electoral rights (the right to be elected). The lack of a self-nomination option in the SED 2017 elections (with the exception of the Kirov region, which has a different election law) forces independent regional politicians and public figures to seek formal support from political parties and their regional branches. These politicians, as a rule, enjoy considerable popularity and approval among voters, but are often in conflict with regional authorities or with parts of the regional elite. Because of this, the so-called “systemic” or “parliamentary” parties are extremely reluctant to support such politicians, for fear of spoiling their relations with the regional administrations, and because of the direct reliance of their regional party organizations on state administration bodies and local elite groups. “Small” second and third tier parties, with which local independent opposition figures are forced to negotiate, have no resources to provide effective support for overcoming the “municipal filter.” This additional obstacle – a “party filter” – significantly restricts competition in the gubernatorial elections, and artificially forces local politicians and public figures, who might otherwise successfully run as self-nominees, to seek the endorsement of political parties.

In the 2017 election of the heads of regions, these obstacles led to the failed nominations of the following candidates:

- Konstantin Okunev, businessman and ex-deputy of the legislative assembly, from the party “Cities of Russia”; and Oleg Kharaskin, ex-Minister of Agriculture, from the “Party of the Great Fatherland” in the Perm region;
- Svyatoslav Golubyatnikov, former Deputy Chief of the State Inspectorate, lieutenant colonel of the Airborne Forces, Hero of Russia, from the “Renaissance Party of Russia” in the Ryazan region;
- Yevgeny Roizman, Mayor of Yekaterinburg, from the Yabloko party; and Konstantin Kiselyov, political scientist, deputy of the municipal дума, from “The Greens” in the Sverdlovsk region;
- Oleg Ovchinnikov, participant in the primaries of the “United Russia” party in 2016 and 2017, self-nominee for Izhevsk single-mandate constituency No. 34 in the elections to the State Duma, from the PARNAS Party in the Udmurt Republic;
- Vadim Kolesnichenko, from the “Party of the Great Fatherland” in Sevastopol.

The case of the nomination of Andrei Smyshlyaev, from the Civic Platform party, to the post of the Head of the Republic of Mari El, is an exception to this practice; he is a well-known human rights defender and head of the regional branch of the party. Another exception is the nomination of Sergei Balabaev, also from the Civic Platform party, to the post of regional deputy in the Yaroslavl region. Balabaev, who joined PARNAS at the start of the election campaign, has already successfully overcome the “municipal filter.”

The “Golos” movement believes that the nomination of candidates for regional heads from political parties only (and thus the absence of self-nomination opportunities) significantly restricts passive electoral rights and political competition, and contradicts the Constitution.

2. Collecting signatures of heads and deputies of municipalities in support of the nomination of heads of regions

The main problem with the current procedure for electing heads of subjects of the Russian Federation is the so-called “municipal filter.” This mechanism has questionable political usefulness, and is unlikely to benefit the growth of the party and electoral system in the country. As various experts have already vocally expressed, it is unclear how this mechanism of filtering or screening out candidates is at all legitimate from the viewpoint of the Constitution. The politico-administrative techniques of implementing the “municipal filter” rely on coercive “administrative” procedures, abuses, and violations of a criminal nature, which neither the current law, nor the police, nor the electoral system or the legal practice in general, can oppose. [1]

A comparison of the composition of this year’s candidates and the results of the election with those of previous years clearly shows that the “municipal filter” does not serve to screen out candidates and parties who lacked voter support in previous elections. Nor does the mechanism help filter out candidates who are virtually unknown, both to the general public and political experts – unless, that is, the regional administrators have an interest in blocking their nomination. Lastly, in none of this year’s 16 regional election campaigns did the “municipal filter” serve to exclude “technical” candidates, who create artificial competition and have no interest in assuming the duties of the post. At the same time, candidates who could seriously compete with incumbent heads have encountered numerous obstacles. Politicians who did not manage to pass the 2017 “municipal filter” include the previously mentioned Evgeniy Roiyman in the Sverdlovsk region, Svyatoslav Golubyatnikov in the Ryazan region, Konstantin Okunev and Oleg Haraskin in the Perm region, Vadim Kolesnichenko in Sevastopol, Andrew Smyshlyaev in the Republic of Mari El, as well as Vyacheslav Marhaev in the Republic of Buryatia, Anna Cherepanova in the Novgorod region, and Oleg Vinogradov in the Yaroslavl region.

These and many other candidates and parties have cited as the main reason for the failure of the “municipal filter” the problem of administrative pressure placed on municipal deputies. The goal of that pressure is to obstruct the delivery of signatures in favor of problematic government candidates, as well as to enforce the collection of signatures in favor of incumbent heads of the regions or their “technical” opponents. What is more, this collection of deputies’ signatures often occurred in advance (i.e. before the competitors started collecting signatures) and happened extremely quickly (2-3 days). According to many candidates, members of their campaign staff, and the media and observers, such administrative pressure could have taken place in Buryatia, Kirov, Novgorod, Ryazan, Sverdlovsk, Perm, and Sevastopol.

2.1 Mass collection of signatures in support of administrative candidates and their “technical” rivals

As indicated in a previous [statement](#) by “Golos,” the procedure for collecting signatures of municipal deputies in support of candidates for the post of the highest official of the subject of the Russian Federation (i.e. the “municipal filter”) has occasioned diverse, often sharp criticism since the time of its introduction. The election campaign of 2017 further exacerbated this problem due to upgrades in administrative and non-legal manipulation technologies. Certain candidates, for example, abused their right to collect more signatures of municipal deputies than they need, thus making it virtually impossible for other candidates to participate in the election campaign, regardless of the real support they have among voters and political parties.

Based on statements of candidates and reports in the media, we have found that an excessive number of signatures of municipal deputies were collected in the interests of the acting heads and their “technical” rivals in the Republic of Buryatia, the Republic of Karelia, Perm Kirov, Novgorod, Ryazan, and Sverdlovsk regions, and in Sevastopol. These signatures were collected by “administrative candidates” and certified by notaries or heads of settlements, but not presented by candidates when they filed registration documents. Legislation does not place a limit on the number of signatures that candidates are permitted to collect and notarize; it only establishes a 5 percent limit on exceeding the minimum threshold when presenting already collected signatures. Given that certain candidates are able to certify signatures earlier than their competitors, the collection of so-called “secondary” signatures is virtually meaningless. The candidate who decides to pursue the route of “secondary” signatures is entirely dependent on the “goodwill” of candidates who collected the “primary” signatures, that is to say on whether or not they choose to present these signatures (from their huge reserves) to the election commission. This is exactly what happened in the Perm region, the Republic of Buryatia, and the Novgorod region.

Moreover, en masse collection of signatures in the interest of some candidates, especially signatures of deputies of municipal and city districts (“top level” officials), creates insurmountable obstacles for fulfilling the “territorial quota,” the obligation to submit signatures from at least 3/4 of upper-level municipalities. To grasp the full consequences of this arrangement, it is necessary to take into account the fact that there are no other municipalities (settlements) on the territories of urban districts. This means that if one candidate promptly collects the signatures of all or most deputies in just over ¼ of the region’s territories, a stalemate ensues in which none of the remaining candidates can fulfill the territorial quota.

A typical example of creating artificial barriers to signature collection by oppositional candidates are the events that took place in the Perm Region. There, the stage of nominating candidates and collecting signatures began on June 10. The provincial governor Maxim Reshetnikov, from the United Russia party, and candidate Andrei Stepanov, from the Patriots of Russia party, were nominated on June 14. On June 15-16, in all districts of the Perm Region there was a simultaneous and en masse collection of signatures in their favor, as evidenced by the signature lists of support for these candidates. According to preliminary estimates made by the headquarters of other candidates, signatures were collected from about 600 top-level deputies out of approximately 800.

Mass collection of signatures of municipal deputies in the Novgorod region took place on July 5-6. By the time the collection of signatures in favor of some candidates had been [completed](#), four of the seven candidates had not yet been nominated.

In the Yaroslavl region, Yabloko party candidate Oleg Vinogradov reported that signatures were [collected centrally](#) (i.e. organized and enforced by authorities) in support of four candidates, including the provisional Governor Dmitry Mironov.

In the Republic of Buryatia, the team of candidate Alexei Markhaev (Communist Party of the Russian Federation) declared that the electoral headquarters of the deputy head of the region, Aleksey Tydenov (United Russia), also collected signatures of municipal deputies of the district level in support of the nomination of candidates from the LDPR and the “Communists of Russia” party. Thus, in nine districts (Bountov, Bichursk, Eravninsky, Zaigraevsky, Kizhinginsky, Kurumkansky, Muysk, Mukhorshibirsky, and Tarbagataysk), [not a single deputy](#) of the district council could offer his or her signature in support of another candidate.

Statements in which candidates are advised to try to outrun their competitors distort the very idea of the “municipal filter.” Collecting deputy signatures should not be a competition or a speed race, but rather a means by which local deputies identify individuals they consider worthy candidates to the post of head of the region. **The “municipal filter” was conceived as an instrument that would check the amount of actual political support (or lack thereof) behind a candidate, but in reality merely leads to competition for “administrative resources”.**

A candidate collecting signatures does not have the opportunity to verify statements made by deputies about whether or not they already signed for his or her competitors, and so must take them at face value. For example, according to the candidate for governor Anna Cherepanova (Novgorod region), “in the Moshen district, several deputies who insisted that they did not give anyone a signature, agreed to give them in support of my candidacy. Then it turned out that the head of the rural settlement had already [certified](#) their signatures in favor of another candidate.” Moreover, after the signature lists had been checked and published, some of the deputies denied they had given their signatures in support of certain candidates, or stated that they had been deceived and made to sign for other candidates, or even that they had signed “blank sheets” without a date on them. In addition, there are confirmed cases of mistakes made by notaries or heads of settlement administrations in personal data certification (for example, incorrect indication of the certification date, errors in the full name and date of birth, etc.).

There are also reports that some candidates started collecting signatures before receiving the official permission to begin. As in previous years, MPs were threatened with dismissal, groundless business checks, cancellation of municipal orders, and other punitive measures in the event they fail to sign in support of a particular candidate. In addition, it appears that information about deputies who have signed in favor of a particular candidate is quickly becoming available to the administrations and headquarters of some of the other candidates.

Unfortunately, the current legislation does not allow participants of the political process either to confirm or deny these statements, nor to evaluate reports on the mass collection of deputies’ signatures in favor of one or more candidates.

A key factor that could help ascertain the validity of allegations of mass collection of signatures, as well as establish the reliability of the procedure itself, is the publicity and completeness of notarial documentation. Notaries keep a register and a journal in which they record their actions, including facts of certification of deputies’ signatures. Each record receives a unique registration number. However, this information is not public. Receipts issued by notaries after payment of their services contain the name of the deputy who used the notary service, the date of its implementation, and the number in the notarial register, but not information about the identity of the candidate in favor of whom the signature was delivered.

It is only when we are able to correlate information from notarial registers, journals, receipts, and signature lists, that we will be in the position to assess the full scale of collecting signatures in favor

of particular candidates, verify the authenticity of this procedure and the accuracy of notarial acts and statements made by deputies, and verify allegations by candidates about the difficulties they faced in collecting signatures. **Publication of all this information, and not just of the signature lists submitted to the election commission, will allow us to verify allegations of abuse and violation of candidates' rights.**

In view of the circumstances described above, the “Golos” movement has issued an [open statement to the CEC of Russia and the election commissions of the constituent entities of the Russian Federation in which the election of senior officials of the constituent entities of the Russian Federation takes place. We ask that measures be taken to publish the complete lists of heads and deputies of local government who gave notarial support to candidates for governors.](#)

2.2. Use of “administrative resources” for mass collection of signatures; pressure on heads and deputies of municipalities

Mass-scale collection of signatures of municipal deputies would be impossible without using for this purpose considerable organizational, administrative, logistic, informational and other resources of regional and local administrations, and for which there exists much oral and some documented evidence ([see the case regarding the Gainsky district of the Perm region](#)). Often, the organizers of mass-scale signature collections were the heads and employees of local administrations, who were acting according to a pre-compiled schedule, and who delivered deputies to notary offices using official state transport.

According to Anna Cherepanova, a Yabloko party candidate for the governor of the Novgorod region, collection of signatures of municipal deputies took place with grave violations of electoral legislation, including the use of “administrative resources” of the provisional governor Andrei Nik foritin and the government of the Novgorod region. Municipal deputies were pressured by officials of the Government of the Novgorod region, administrations of municipal districts and rural settlements, and members of the party “United Russia” to give signatures for Nikitin and his candidates.

According to the regional branch of the movement, in the first ten days of July, employees of the Government of the Novgorod region, through the heads of rural settlements and employees of district administrations, collected 70-80% of signatures of municipal deputies in support of the nomination of candidates from the parties “United Russia,” the Communist Party, LDPR, “Fair Russia,” and “Patriots of Russia.” Deputies were forbidden to support the candidate from the Yabloko party, Anna Cherepanova.

In the territories of the region, local administration employees directly supervise signature collection. Signatures were collected simultaneously for candidates from several parties. Some deputies have stated that they had supported other candidates than those for whom they had supposedly given signatures.

Candidates and party organizations in other regions ([Permsky Krai, Sverdlovsk Oblast \[3\]](#)) made similar appeals, including to the Russian president and to law enforcement agencies. The main leitmotif of these statements is that regional and local administrations exerted pressure on municipal deputies and indicated to them who they can and cannot sign for, organized mass collections of signatures in favor of current governors, and assisted in the collection of signatures by candidates from parliamentary parties.

2.3. Other significant problems related to overcoming the “municipal filter”

The situation in the Novgorod region highlighted another problem: the lack of open and public official channels of communication with each of the deputies, especially with the deputies of the settlements. Candidates often lack opportunities to officially and directly address the deputies of settlements and inform them about their nominations. To remedy this situation, they are forced to turn to the heads of settlements. [4]

Another technical problem is that the notary system is not equipped to work in such intense and short time intervals. Signature collection and certification often happens over a period of just a few days.

In the Novgorod region, another obstacle to collecting signatures was the failure to certify signatures of municipal deputies by the heads of the rural settlements of the Demyan and Marevsky municipal districts. In the Marevsky district there is no notary; a notary from the Kholmshy municipal district comes once a week. In some areas of Permsky Krai, notaries suspended reception of citizens and certification of deputies' signatures for a few days in favor of other candidates, that is until the process of collecting signatures in favor of the head of the region and his technical candidate was completed, and which was accompanied by an organized influx of “signatories” (i.e. deputies).

As a rule, mass collection of signatures of deputies in the interest of the acting heads and their technical rivals ends with helping to collect the remaining signatures for the “parliamentary parties” (specifically the Communist Party, LDPR, and “Fair Russia”). In some cases, either the heads of the regions themselves or the regional leaders of “United Russia” made proposals to provide such assistance (Tomsk region, [Saratov region](#)), or candidates from parliamentary and other parties addressed such requests (Mari El Republic [5], Udmurt Republic [6], Kaliningrad region).

Expert group that authored the report:

Vitaly Kovin, leading expert of the “Golosh” movement (team leader);

Vitaly Averin, coordinator of the regional network of the “Golosh” movement;

The 2017 “Golosh” program for long-term monitoring of elections in support of voters' rights includes selective monitoring of regional and municipal election campaigns on observation of principles and standards of free and equal democratic elections. Preparing this analytical report, we used information received from long-term observers in 30 regions where “Golosh” conducts systematic public observation of the 34 most significant election campaigns. Analysis also included information from other regions, received by the information resource “Map of Violations,” as well as information from the mass media.

“Golosh” is guided by internationally accepted election monitoring standards and strictly observes political neutrality, one of the main conditions for independent and objective election observation.

NOTES:

1. In the election of the heads of subjects of the Russian Federation in 2016, such candidates were also not eliminated. For example, in the Komi Republic, Andrei Pyatkov (“Patriots of Russia”) received 2.5% of the votes; in Chechnya, none of the three opponents of the incumbent governor could score even 1%; and the representative of the “Greens,” Lev Levitas, gathered less than 1% in the election of the governor of the Ulyanovsk region. Almost in all other regions where elections were held, there were candidates who did not receive more than 2-3% of the votes.
2. For more information, see the [statement](#) by Anna Cherepanova, the Yabloko party candidate for the Novgorod region governor, “On violations of electoral legislation during collection of signatures of municipal deputies in the election of the governor of the Novgorod Region.”
3. Lawyer Ivan Volkov (“Russian National Union”), candidate for the governor of the Sverdlovsk region, wrote a statement to the Investigation Committee about provisional governor Yevgeny Kuyvashev. According to Volkov, Kuyvashev personally prevented him from passing the municipal filter. Volkov published a fragment of his statement to the Committee on Facebook. “In my opinion,” he writes there, “there are grounds to believe that Evgeny Vladimirovich Kuyvashev, candidate for governor of the Sverdlovsk region, probably deliberately committed actions aimed at hindering the free exercise of electoral rights by other candidates for the governor of the Sverdlovsk region.”
4. [Anton Morozov](#) (LDPR, Novgorod Region): “Of course, in a certain way, we do use “administrative resources” – in the sense that they [heads of districts] simply help us find these deputies; it's just physically difficult to find them without help from the heads of districts – [we do not know the deputies’] phone numbers, their addresses, we do not know where they live. [Heads of districts] help us find the deputies and we then explain the essence of our election program to them.”
5. Candidate Nikolai Semyonov from the Green Party reported that they [sent](#) a letter to the “United Russian” party signed by the leader of the Green party, Anatoly Panfilov, asking for support.
6. “Kommersant Udmurtia” [reported](#) that Timur Yagafarov (LDPR) asked the administration of the head and government of the republic for help collecting signatures.

August 10, 2017, 10:06