



Office for Democratic Institutions and Human Rights

RUSSIAN FEDERATION

STATE DUMA ELECTIONS

19 September 2021

ODIHR NEEDS ASSESSMENT MISSION REPORT

31 May-4 June 2021



**Warsaw
25 June 2021**

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ODIHR Needs Assessment Mission Report

I. INTRODUCTION

In anticipation of an official invitation from the authorities of the Russian Federation to observe the State Duma elections planned to be held on 19 September 2021, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 31 May to 4 June. The ODIHR NAM included Ulvi Akhundlu, Deputy Head of Election Department, Vladimir Misev, ODIHR Senior Adviser on New Voting Technologies, and Kseniya Dashutsina, ODIHR Election Adviser. The NAM was joined by Andreas Baker, Head of Elections of the OSCE Parliamentary Assembly.

The purpose of the mission was to assess the pre-election environment and the preparations for the parliamentary elections. Based on this assessment, the NAM should recommend whether to deploy an ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions, as well as with representatives of political parties, media, civil society, and international organizations. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs (MFA) and the Central Election Commission (CEC) for their assistance and co-operation in organizing the NAM. ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and share their views.

II. EXECUTIVE SUMMARY

On 17 June, in line with the Constitution, the president called the State Duma elections for 19 September 2021. Voters will elect 450 deputies through a mixed electoral system with half of them elected in single-mandate constituencies under the first-past-the-post system, and the other half from lists of candidates of political parties in one federal constituency.

The upcoming elections will be the first held after last year's nationwide vote on broad changes to the Constitution, which covered the powers of the president, the judiciary, social policies amongst 200 other proposals. The approved amendments included those enabling the incumbent president to run for two more terms, and extending presidential powers to remove judges of the Constitutional and Supreme Courts. Recent changes introduced within the overall legal framework include additional limitations on holding public assemblies and increased criminal liability for related violations, expanded the status of 'foreign agents' to private individuals, and further tightened media and Internet regulation.

The electoral legal framework has been repeatedly amended, with the most recent changes introduced in 2020 and 2021. Some of these amendments further limited the right to stand, introduced the possibility of extension of the voting to three days, provided for electronic voting and voting by mail, empowered the CEC and Subject Election Commissions (SECs) to ban online campaign material and activities, and required contestants declared as 'foreign agents' to include this designation in their campaigning. These also shortened deadlines for appealing non-registration of candidates, and introduced certain safeguards into the candidate registration process. Earlier changes were mostly related to voting at the place of temporary residence, the selection of election commissioners, and observer rights. ODIHR NAM interlocutors from state institutions expressed confidence in the legal

framework, while others, including some of the opposition political parties, expressed general dissatisfaction with it and pointed to the lack of public and inclusive consultations prior to the adoption of the amendments, and opined that they were tailored to limit competition in the upcoming elections.

The elections are administered by five levels of election commissions: the CEC, SECs, Constituency Election Commissions (ConECs), Territorial Election Commissions and Precinct Election Commissions. The CEC in its current composition was appointed in March 2021. Four out of fifteen CEC members are women, including the secretary and the chairperson. The CEC is carrying out necessary preparations and expressed its commitment to administer elections in a professional and transparent manner, in line with the national legislation. Some ODIHR NAM interlocutors expressed concerns about the independence and impartiality of the election administration, especially at the lower levels.

Following the 2020 amendments, within ten days after the announcement of elections, the CEC can decide to extend the voting to a maximum of three days. On 18 June, the CEC decided to extend the voting to three days. While some ODIHR NAM interlocutors see this as a positive measure to prevent overcrowding at polling stations and decrease the risk of COVID-19 transmission, other interlocutors expressed concerns related to the secure storage of the election material at night, and opined that it might affect the integrity and transparency of the process, and be used to exert pressure on voters in order to increase the turnout. Most of the political parties met by the ODIHR NAM stated that it poses additional challenges in recruiting observers for the extended period.

The 2020 amendments to the Law on Basic Guarantees introduced electronic voting (Internet voting). In the upcoming elections, seven regions will have this opportunity, in which, according to the CEC data, some 15,4 million voters reside. The system was tested in May 2021 by some 1,2 million citizens. Some ODIHR NAM interlocutors raised numerous concerns related to the overall confidence in the electronic voting system and its transparency, as well as the lack of voter verification safeguards and clarity on the possibility to submit related complaints.

Citizens over 18 years of age by election day, with the exception of those serving a prison term or recognized by a court as incapacitated, are eligible to vote. Voter registration is passive and voter lists are compiled based on a registration system linked to citizens' place of residence. Most ODIHR NAM interlocutors expressed confidence in the integrity of the voter registration process and general trust in the accuracy of the voter lists.

Citizens over the age of 21 have the right to stand. The legal framework, as recently amended, continues to pose a number of restrictions on the right to stand, including related to those with citizenship or residence of another state, those serving a prison sentence or with a non-expunged or cancelled criminal record, and leaders, founders or employees of organizations declared extremist or terrorist by the courts. The number of registered political parties decreased by half since 2016, and as of 17 June, 34 political parties are registered, of which 32 have the right to participate in the elections. Of these, fourteen parties are eligible to contest these elections without signature collection. Signature lists of candidates or parties affiliated with 'foreign agents' have to contain information about their affiliation. Recent amendments provided the possibility to collect half of the supporting signatures electronically. There are no special legislative measures to promote women's participation and most parties met by the ODIHR NAM stated they do not have specific internal policies to promote women candidates.

The election campaign starts from the day of nomination of candidates. By law, all candidates are granted equal campaign opportunities and the use of administrative resources in the campaign is prohibited, however, a number of the ODIHR NAM interlocutors expressed concerns about potential pressure on voters, particularly civil servants, misuse of administrative resources and abuse of office.

Recent amendments empower the CEC and relevant SECs to ban on-line campaign activities or materials which are contrary to the law, without a court decision. Parties met by the ODIHR NAM intend to use a mix of traditional methods of campaigning, including small scale rallies, door-to-door canvassing and different printed materials, and on-line campaigning tools. According to the NAM interlocutors, the campaign is expected to be primarily focused on topics of public health, economy, pension reform, and the situation with human rights and fundamental freedoms. Some ODIHR NAM interlocutors raised concerns regarding the legal restrictions on the freedom of assembly and the possibility to campaign freely throughout the country, and that the COVID-19 pandemic might be used to further limit these rights.

The law obliges contestants to cover all campaign expenses from dedicated campaign accounts. Political parties with federal lists and candidates in single-mandate constituencies are obliged to submit financial reports for review to the CEC, and ConECs, respectively. The legislation does not envisage interim reporting.

There are numerous media operating in the country, however, according to a number of ODIHR NAM interlocutors, the majority of the media with nationwide reach are founded and financially supported by the state, and largely promote policies of the current government. Several ODIHR NAM interlocutors noted recent cases of alleged intimidation and violence against journalists, and opined that the restrictive regulatory framework limits media pluralism, leads to self-censorship, and disproportionately interferes with the freedom of expression. The media coverage of the election campaign commences 28 days prior to election day. By law, all contestants should be provided with equal opportunities. Parties and candidates are entitled to free airtime on state-owned media, and can purchase airtime on state-owned and private media. Some ODIHR NAM interlocutors stated that contestants representing non-parliamentary parties might face challenges accessing the state media.

Voters and electoral contestants, as well as civil society organizations, observers and election commission members may challenge the actions, inactions and decisions of the election administration with the higher-level election commissions and the courts. The recent constitutional amendments did not address some of Council of Europe's Group of States against Corruption GRECO recommendations related to the separation of powers and the independence of the judiciary. Some ODIHR NAM interlocutors expressed limited trust in the independence and impartiality of the judiciary, including in electoral dispute resolution, and voiced concerns about the conduct of law enforcement.

Representatives of electoral contestants, media, and observers appointed by civic chambers can observe elections. Citizen observers not associated or nominated by these, are, by law, not allowed to conduct election observation, contrary to previous ODIHR recommendations. International observation is allowed.

Most of the ODIHR NAM interlocutors emphasized the value of an ODIHR election observation activity for the State Duma elections. A number of them also stressed the importance of a long-term and country-wide presence to cover all aspects of the process. The representatives of state institutions stressed the intention to conduct the electoral process in line with the law, to ensure genuine competition, and respect of the rule of law, and welcomed observation by the ODIHR.

In considering an observation activity, the ODIHR NAM has taken into account the various findings outlined in this report and the concerns expressed by stakeholders. These include issues related to the recently amended legal framework and its implementation, the process of candidate registration, administration of the elections at different levels, including internet voting and possible multiple day voting, the conduct of the election campaign and potential campaign violations, the roles of the media and election observers. Based on the findings of this report, the ODIHR NAM recommends the

deployment of an Election Observation Mission (EOM) to observe the upcoming State Duma elections. In addition to a core team of analysts, ODIHR will request the secondment by OSCE participating States of 80 long-term observers to follow the electoral process countrywide, as well as 420 short-term observers for the observation of election day procedures. In line with ODIHR's standard methodology, the EOM would include a media monitoring element.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

The Russian Federation is a federal presidential republic. Legislative power is exercised by the Federal Assembly, a bicameral body consisting of the Council of the Federation (upper house) and the State Duma (lower house).

On 17 June, in line with the Constitution, the president called the State Duma elections for 19 September 2021.¹ Concurrently, elections for legislative bodies and governors, as well as mayoral and municipal elections, will take place in a number of federal subjects. The last parliamentary elections, held on 18 September 2016, resulted in six political parties represented in the State Duma.² President Vladimir Putin was re-elected in 2018, and is now serving his fourth term.

The upcoming elections will be the first held after last year's nationwide vote on broad changes to the Constitution, held from 25 June to 1 July 2020, which covered the powers of the president, the judiciary, social policies amongst 200 other proposals. These included the right of the incumbent president to run for two more terms, powers of the president to remove judges of the Constitutional and Supreme Courts.³

The Constitution guarantees direct and universal suffrage and freedoms of assembly and expression. The existing legal framework contains restrictions on the exercise of fundamental freedoms.⁴ The 2016 amendments to a number of laws granted wide powers to authorities to limit citizen's civil rights, withdraw citizenship, and access private telephone and email communications.⁵ The legislation requiring domestic non-profit organizations that receive foreign funding to register as 'foreign agents' was amended in 2019 expanding the status of 'foreign agents' to private individuals.⁶ Amendments in

¹ According to the Constitution, parliamentary elections are called by the president between 110 and 90 days from the day of the voting. Election day should fall on the third Sunday of the month after expiration of the mandate of the State Duma.

² United Russia obtained 343 mandates and subsequently formed a government. The remaining seats were split between the Communist Party of the Russian Federation with 42 seats, the Liberal Democratic Party of Russia with 39 seats, the Fair Russia with 23 seats, and the Civic Platform, Rodina and a self-nominated candidate hold one seat each. In February 2021, Fair Russia merged with For Truth and Patriots of Russia in one party Fair Russia-For Truth.

³ The 2021 Council of Europe's Commission for Democracy through Law (Venice Commission) [Interim Opinion](#) noted that the 2020 constitutional amendments brought several positive changes, but underlined serious flaws in the substance of the amendments to the Constitution and in the procedure of their adoption.

⁴ The United Nations High Commissioner for Human Rights [expressed](#) concerns that the Federal Law on Combatting Extremist Activity might have been arbitrarily used to curb freedom of expression, including political dissent due to a vague and open-ended definition of extremist activity.

⁵ See ODIHR Final [Report](#) on the 2018 presidential election in the Russian Federation (*Legal Framework and Electoral System* section).

⁶ As of 2 June, [34 foreign or international organizations](#) have been declared undesirable. The law sets requirements for registration, accounting, and labelling of publications, and criminalizes non-compliance. The Council of Europe Commissioner for Human Rights in the [statement](#) issued on 7 December 2020 called on the Russian authorities to refrain from adopting legislation which limits freedoms of expression, assembly and association. See also the 2016 Venice Commission [Opinion](#) on Federal Law No.129-FZ on Amending Certain Legislative Acts.

2020 to the Law on Assemblies placed certain restrictions on holding public assemblies, and increased criminal liability for related violations which, according to some ODIHR NAM interlocutors, manifested themselves in the context of street protests across the country in response to the arrest and imprisonment of the opposition figure Alexei Navalny, at the beginning of the year.⁷

ODIHR has previously observed nine elections in the Russian Federation.⁸ Most recently, ODIHR deployed an Election Observation Mission for the 18 March 2018 presidential election. The final report, issued in June 2018, contains 18 recommendations, including 9 priority ones, for the authorities to improve the electoral process and bring it closer in line with OSCE commitments.⁹

B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

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 (the Law on State Duma Elections). It is further supplemented by CEC instructions. The Russian Federation is party to major international and regional instruments related to the holding of democratic elections.¹⁰

Election-related legislation has been repeatedly amended, with the most recent changes introduced in 2020 and 2021. Recent amendments vested the Central Election Commission (CEC) with the right to decide on the extension of voting up to three days, further restricted the right to stand, empowered the CEC and the Subject Election Commissions (SECs) to ban on-line campaign materials that violate the law, and abolished the campaign silence period in case voting is extended. These amendments also introduced certain safeguards into the candidate registration process. Earlier changes were mostly related to voting at the place of temporary residence and the need to reside in the single mandate constituency (SMC) three months prior to the voting to vote for the SMC candidates, the possibility to verify previous criminal or administrative records prior to the recruitment of members of election commissions, and the rights of observers to only observe in the SMC where they can vote. ODIHR NAM interlocutors from state institutions expressed confidence in the legal framework, while others, including some of the opposition political parties, expressed general dissatisfaction with it and the lack of public and inclusive debate in which the amendments were adopted, and opined that they were tailored to limit competition in the upcoming elections.

The State Duma consists of 450 deputies elected for five-year terms under a mixed electoral system. Half of the deputies are elected in single-mandate constituencies (SMC) under the first-past-the-post system, and the other half from lists of candidates of political parties in one federal constituency. The threshold for the allocation of federal seats is five per cent of the valid votes. By law, each federal list should include between 200 and 400 candidates, with no less than 35 regional groups of candidates. The unified part of the federal list should have no less than 15 candidates. There are no gender requirements for candidate lists. The mandates are first allocated to the candidates in the federal part and then distributed among the regional groups, according to the results of these groups in the respective federal

⁷ Recent amendments extended the time for authorities to respond to the notifications of holding events, required organizers of the events to agree with the proposed alternative venues, prohibited holding assemblies next to certain state buildings, including Ministry of Interior and Federal Security Service, introduced mandatory press accreditation for journalists during the protests, and prohibited anonymous and foreign funding of the events.

⁸ See previous ODIHR election [reports](#) on the Russian Federation.

⁹ In paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”.

¹⁰ Including the [1966 International Covenant on Civil and Political Rights](#), [1979 Convention on the Elimination of All Forms of Discrimination Against Women](#), [1965 International Convention on the Elimination of All Forms of Racial Discrimination](#), [2003 Convention against Corruption](#), [2006 Convention on the Rights of Persons with Disabilities](#), and the [1950 European Convention on Human Rights](#).

subjects for that region. Each subject contains at least one SMC. The law requires the limit of deviation in constituency of not more than 10 to 15 per cent of voters only for constituencies established within the same subject. By law, constituency boundary delimitation takes place every ten years, and the current delimitation process was carried out in 2015.

C. ELECTION ADMINISTRATION

The State Duma elections are administered by five levels of election commissions: the CEC, SECs, Constituency Election Commissions (ConECs), Territorial Election Commissions (TECs) and Precinct Election Commissions (PECs). The CEC, SECs, TECs and PECs are permanent bodies serving five-year terms, while ConECs are appointed in each SMC ahead of parliamentary elections.

The CEC consists of 15 members, with the State Duma, the Council of the Federation and the president appointing five each. The CEC in its current composition was appointed in March 2021. Four CEC members are women, including the secretary and the chairperson.¹¹ Preparations for elections are ongoing, the CEC is holding sessions, streamed live, and has issued a number of decisions related to the upcoming elections. It plans to conduct voter information activities, and training for members of lower-level commissions.

The SECs are established in each of the federal subjects. The ConECs, TECs and PECs are appointed by the respective higher levels of the election administration.¹² By law, at least half of the members of SECs, ConEC, TECs and PECs should be appointed on the basis of nominations by eligible political parties, and state or municipal officials should not constitute more than half of the members.¹³ In addition, each electoral contestant is entitled to nominate a member with an advisory vote to commissions at all levels where they compete. Some ODIHR NAM interlocutors expressed concerns about the independence and impartiality of election administration, especially at the lower levels, due to re-appointment of commissioners previously involved in the work of commissions where electoral violations were established, and/or with close ties to the local administration.

The legislation provides for various voting methods, such as homebound voting, voting abroad and a possibility for early voting. Recent amendments allow electronic voting and voting by mail.¹⁴ Following the amendments in 2020, within ten days after the announcement of elections, the CEC can decide to extend the voting to a maximum three days. On 18 June, the CEC decided to extend the voting to three days. The CEC and other NAM interlocutors voiced concerns that the COVID-19 pandemic poses additional challenges in organizing elections, however, they see the possibility of the extended voting period as a positive measure to decrease overcrowding at polling stations and decrease the risk of COVID-19 transmission. Some other ODIHR NAM interlocutors expressed concerns related to the secure storage of the election material at night during multi-day voting, and opined that it might affect the integrity and limit transparency of the process, and be used to mobilize voters to increase turnout.¹⁵ Some political parties stated that it poses additional challenges for recruiting observers. The law allows

¹¹ Recent amendments require that the CEC Chairperson to be above 30 years old.

¹² ConECs are formed by the SECs not later than 80 days before election day. If only one SMC is established on the territory of a subject, the SEC of the respective subject performs the functions of a ConEC.

¹³ Not more than one representative of each political party, or public association, may be appointed as a member of an election commission. The amendments in 2019 to the Law on Basic Guarantees gave the right to the federal executive body or its territorial body, on advice of the commission and upon the request of the body that appoints members of the commissions, to conduct a verification of the persons to be appointed members of commissions and provide a report on their criminal record and administrative record for breaching legislation on elections and referenda.

¹⁴ According to the CEC, voting by mail will not be used in the upcoming elections.

¹⁵ Some political parties informed ODIHR NAM of their plans to observe polling stations during the night to ensure the security of election materials.

installation of video surveillance cameras in polling stations, and the CEC will additionally regulate procedures for their use.

The CEC jointly with the Federal Service for Surveillance on Consumer Rights Protection and Human Wellbeing (*Rospotrebnadzor*) is developing COVID-19 safety and health protocols for election day. The Ministry of Foreign Affairs (MFA) is responsible for organization of the out-of-country voting and plans to organize it in some 360 polling stations abroad, depending on the COVID-19 epidemiologic situation in the countries abroad.

D. VOTING TECHNOLOGIES

The 23 May 2020 amendments to the Law on Basic Guarantees introduced the option of electronic voting (Internet voting).¹⁶ Voters will have a choice either to vote electronically or use paper ballot papers. In order to vote via the Internet, voters have to register through their profile in the portal of state and municipal services - *Gosuslugi*. The Internet voting operates on a private blockchain platform and to cast a vote electronically, voters are required to conduct a two-step voter identification.¹⁷

In the upcoming elections, voters of seven regions will have such an option. According to the CEC data, this will potentially affect some 15,4 million voters. The system was tested in May 2021 by some 1,2 million citizens.¹⁸ The CEC set up an Expert Group on Evaluation of the internet voting. While the authorities expressed confidence, other ODIHR NAM interlocutors raised concerns about the secrecy and transparency of the process, lack of possibility to observe electronic voting, to audit and verify its functioning, and for voters to verify the vote, and the lack of clarity on the body to submit related complaints.¹⁹

E. VOTER REGISTRATION

Citizens over 18 years of age by election day, with the exception of those serving a prison term or recognized by a court as incapacitated, are eligible to vote. Voter registration is passive and voter lists are compiled based on a registration system linked to citizens' place of residence. Data on the number of registered voters is generated using the *GAS Vybory* system and is made public twice a year. Most of the ODIHR NAM interlocutors expressed confidence in the integrity of the voter registration process and general trust in the accuracy of the voter lists.

Voter lists are prepared by TECs no later than 11 days before election day, based on the data provided by the heads of local administrations or other relevant administrative bodies. Voter lists should be delivered to PECs 10 days before election day. Voters can be included in the voter list up to and on election day based on a court or a higher election commission decision. Voters with temporary residence

¹⁶ Some interlocutors from the election administration informed ODIHR NAM on their intention to use additional electronic equipment, such as ballot scanners (KOIB).

¹⁷ The Internet voting system was developed by the Moscow Department of Information Technology and has been firstly used for the 2019 Moscow City Duma elections and subsequently for the 2020 June nationwide vote on the amendments to the Constitution. According to the [experts responsible for development of the Internet voting](#), efforts for improving the vulnerability of the system have been undertaken since then, and include: extending the testing period, design of the electronic ballot, encryption of the vote and voter identification. Nevertheless, important challenges inherent to Internet voting in general, including those related to the secrecy and verifiability of the vote and lack of transparency and possibility for observers to have full access to the system remain. During the past voting processes when Internet voting was used, numerous reports of pressure on voters to use this method of voting and in some instances allegations of voter coercion were reported by the [media](#).

¹⁸ To take part in the testing any citizen could submit an application through portal of state and municipal services.

¹⁹ The 2020 [annual report](#) of the Ombudsperson underlined the need for further efforts to verify transparency of the functioning of internet voting, and voiced concerns about the security of the electronic ballot.

can submit an application to the election commission for inclusion in the list of voters at their location starting from 45 days before the election day until 14:00 on the day preceding the election day.²⁰ In order to vote for the candidates in the SMC of the place of voters' temporary residence, they have to provide proof of being registered in this SMC at least three months prior to election day.

F. CANDIDATE AND PARTY REGISTRATION

Citizens over the age of 21 have the right to stand. The legal framework, as amended recently, continues to place a number of restrictions on the right to stand. These relate to citizens who have citizenship or residence of another state, those serving a prison sentence or those with a non-expunged or not cancelled criminal record.²¹ Recent amendments additionally require candidates to permanently reside on the territory of the Russian Federation. Candidates who received funding or other resources from an organization or person registered as a 'foreign agent' have to label themselves as such, and display this information on all campaign materials.²² Positively, the recent changes shortened deadlines for appealing non-registration of candidates, and introduced certain safeguards into the candidate registration process, providing that the court cannot cancel the registration of a candidate if the election commission did not notify the candidate about any omissions in the registration documents in due time.²³

The 4 June 2021 amendments to the Law on State Duma Elections ban leaders and founders of organizations declared extremist or terrorist by courts from running for elected posts for a period of five years, and their employees or supporters for three years.²⁴ According to several ODIHR NAM interlocutors, these changes might deprive potential candidates of a right to stand.

The Ministry of Justice compiles and publishes a list of political parties eligible to participate in the elections.²⁵ The number of registered political parties decreased by half since 2016, and as of 17 June, 34 political parties are registered, of which 32 have the right to participate in the elections.²⁶

Political parties can nominate candidates through a federal list of candidates for the proportional component of elections and a list of candidates for the majoritarian component in SMCs. Self-nominated candidates can only run in SMCs. Parties that hold at least one seat in the State Duma or in at least one

²⁰ The law requires that a voter be removed from the voter list at their place of residence for these elections, either through the *GAS Vybory* system or manually. On 25 May 2021, the CEC adopted a decision further regulating and providing guidance for implementation of these provisions.

²¹ Citizens with expunged records for moderate offences are still not eligible to stand for an additional period of 5 years. Citizens with expunged records for grave or especially grave offences are not eligible to stand for an additional period 10 or 15 years, respectively. Recent amendments listed some 50 various offences of the Criminal Code, including inciting extremism, using violence against members of law enforcement, and repeatedly attending demonstrations held without prior permission as a basis of losing passive voting rights.

²² The Ministry of Justice verifies candidacies to provide data on their 'foreign agent' status.

²³ The latter change was prompted by the 12 March 2021 decision of the Constitutional Court, which considered Article 381 and Article 391 unconstitutional.

²⁴ These restrictions have a retroactive nature and apply to those who have been leaders of such organizations at any time in the three years prior to elections, and employees one year prior to elections. On 9 June, the Anti-Corruption Foundation founded by the opposition figure Alexey Navalny, that often publicly criticised the ruling party, was declared an extremist organization by the Moscow City Court.

²⁵ Amendments in 2012 to the Law on Political Parties eased the procedure and lowered the requirements for registration of political parties. The amendments reduced the requirements for the number of regional branches and members, namely a political party should have regional branches in at least half of the subjects of the Russian Federation and at least 500 members.

²⁶ According to the Ministry of Justice, some 30 parties were de-registered due to lack of offices in half of the Subjects of the Russian Federation, or inactivity in the elections in the past seven years. In May 2021, Supreme Court upheld the request of Ministry of Justice to deregister two political parties due to inactivity in the elections in the past seven years. The decision is pending an appeal.

of the legislative bodies in the subjects of the Russian Federation, or have received at least 3 per cent of the votes in the previous State Duma elections, can nominate candidates without collecting supporting signatures.

Fourteen parties are eligible to contest these elections without signature collection. All other parties should collect at least 200,000 supporting signatures nationwide. A party should submit up to 7,000 signatures from each of the subjects of the Russian Federation. Parties with a registered federal list of candidates can nominate candidates in SMCs without signature collection. Recent changes introduced a safeguard in the signature verification process through which the signatures cannot be deemed invalid if there are minor technical errors in filling in the signature list. A sample of collected signatures for both federal and SMC registration is subject to verification. Recent amendments provided the possibility to collect half of the supporting signatures electronically by the portal of state and municipal services.²⁷ Signature lists of candidates or parties affiliated with 'foreign agents' have to contain this information in the documents used for signature collection.

There are no special legislative measures to promote women's participation and most parties met by the ODIHR NAM stated they do not have specific internal policies to promote women candidates. In the outgoing parliament women hold only some 16 per cent of seats, and 1 out of 21 ministerial posts.

G. ELECTION CAMPAIGN

The election campaign starts from the day of nomination of candidates. Recent amendments eliminated the campaign silence period in case of voting being extended to more than one day. By law, all candidates are granted equal campaign opportunities and the use of administrative resources is prohibited. Some ODIHR NAM interlocutors expressed concerns about potential campaign violations including pressure on voters, particularly civil servants, misuse of administrative resources and abuse of office. Recent amendments introduce a requirement to indicate whether a candidate is affiliated with a 'foreign agent' or performs the functions of a 'foreign agent' in all campaign materials, and oblige election administration to provide information about the candidate's affiliation with a 'foreign agent'.²⁸

The 9 March 2021 amendments to the State Duma Law and the Law on Information and Technologies and Protection of Information enable the CEC and relevant SECs to request the Federal Service for Supervision of Communications, Information Technology, and Mass Media (*Roskomnadzor*) to ban on-line campaign activities or materials which are against the law, without a court decision.²⁹ According to the CEC, systematic monitoring of campaign activities on social networks will not be conducted, and the CEC will mostly react to complaints in considering online campaign related content.

Parties intend to use traditional methods of campaigning, including small scale rallies, door-to-door canvassing and various printed materials, but will also increasingly rely on campaigning online due to the COVID-19 pandemic and ensuing health related concerns. According to the NAM interlocutors, the campaign is expected to be primarily focused on topics of public health, economy, pension reform, violations of human rights and restrictions on fundamental freedoms. Some ODIHR NAM interlocutors raised concerns regarding the freedom of assembly and the possibility to campaign freely throughout

²⁷ On 28 April, the CEC set the format of the signature lists.

²⁸ According to the 20 April 2021 amendment to the Law on Basic Guarantees, those non-profit organizations and media identified as 'foreign agents' are prohibited to campaign.

²⁹ Amendments to the Code of Administrative Offences introduce further administrative sanctions for hosting providers and owners of the online resources who fail to comply with legal requirements on limiting access to certain information online.

the country, and that COVID-19 pandemic related measures might be used to limit freedom of assembly.³⁰

H. PARTY AND CAMPAIGN FINANCE

Party and campaign finance are mainly regulated by the the Law on Political Parties, the Law on Basic Guarantees, and the Law on State Duma Elections, and further supplemented by CEC decisions. The recent amendments to the Law on Political Parties and the Law on Basic Guarantees partly addressed some of the Council of Europe’s Group of States against Corruption (GRECO) recommendations related to transparency of campaign finances, however, several issues remain to be addressed in order to ensure that the transparency of campaign finances is not undermined by the misuse of public office.³¹ Political parties that received more than 3 per cent of votes during previous State Duma elections are eligible for state funding. The law obliges contestants to cover all campaign expenses from dedicated campaign accounts. Parties and candidates can use their own funds, as well as donations from citizens and legal entities.³² Non-profit organizations labeled as ‘foreign agents’ are prohibited to donate. Individuals declared ‘foreign agents’ have to disclose this information with the submission of the donation. The spending limit is RUB 700 million for a party and RUB 40 million for a candidate.

Political parties with federal lists are obliged to submit financial reports to the CEC and candidates in SMC to ConECs, which have the authority to review the submitted reports for compliance with legal requirements. Contestants are de-registered in case they fail to open a dedicated election account or if they exceed the spending limit by 5 per cent. The election results of a contestant are annulled if the 5 per cent excess limit is surpassed. The legislation does not envisage interim reporting. The CEC and lower-level commissions are required to publish on their respective websites information on the total income and expenses reported by candidates. The law does not require the publication of disaggregated data on expenditures.

I. MEDIA

Many media outlets operate in the country, and television remains the primary source of information.³³ Defamation and libel is a criminal offence. The 2019 amendments to the Law on Information and Technologies and Protection of Information and the Code of Administrative Offences expanded the regulation of social networks and enhanced administrative responsibility for non-compliance with

³⁰ On 11 February 2021, the Council of Europe Commissioner for Human Rights in a letter addressed to the Minister of Interior [stated](#) that “the Russian authorities failed to uphold their obligation to ensure freedom of assembly and that restrictions applied on the grounds of the COVID-19 pandemic did not respond to public health considerations in a manner compatible with the principles of absolute necessity and proportionality established by international human rights standards”.

³¹ In its [Second Addendum to the Second Compliance Report](#) on the Russian Federation of June 2019, GRECO noted that “further should be done to detect and establish misuse of public office in the framework of campaigning and measures be taken accordingly”. While GRECO welcomed certain measures taken to ensure that the regulation of party and election campaign financing is not undermined by the misuse of public office, it nevertheless maintained that, “there was not enough evidence that systematic inquiries were being made into the widespread allegations of violations amid the recognition of “the lacunae in the regime for preventing the misuse of public office in election campaigning, including campaigning in the media, [...]by the CEC itself”. See also GRECO Third Round Evaluation [Addendum to the Second Compliance Report](#) on the Russian Federation of March 2018.

³² Citizens and legal entities can donate up to RUB 490,000 and 24,500,000, respectively. One EUR equals 87 Russian rubles (RUB).

³³ According to *Roskomnadzor* that regulates the media, including online media, as of 9 June 2021 its register-maintained data on more than 149,554 outlets.

online blocking requests.³⁴ According to a number of ODIHR NAM interlocutors, the majority of the media with nationwide reach are founded and financially supported by the state, and largely promote policies of the current government. Several ODIHR NAM interlocutors noted cases of alleged intimidation and violence against journalists, and noted that the restrictive regulatory framework limits media pluralism, and leads to self-censorship.³⁵

The OSCE Representative on Freedom of the Media (RFoM) has condemned physical attacks against journalists and media outlets, and criticized cases of restrictions on media publications and amendments to media legislation as disproportionate interference in the freedom of expression.³⁶ By law, foreign media organizations labelled as ‘foreign agents’ have to label all their publications with a warning that the media content has been produced by a foreign media outlet “performing the functions of a foreign agent.”

The media coverage is primarily regulated by the Law on State Duma Elections and the Law on Basic Guarantees, and commences 28 days prior to election day. By law, all contestants should be provided with equal opportunities. Parties and candidates are entitled to free airtime on state-owned media. During the official campaign period, state-owned media can allocate in total one hour per day in national and half an hour per day in regional media to all contestants on working days. By law, print media and the news of all broadcast media must not give any preferences to any contestants.

Paid political advertisement is allowed on public and private media. By law, print media and the news of all broadcast media should treat all contestants equally. All candidates can buy paid political advertisements. The Russian Television and Radio Broadcasting Company (*VGTRK*) has four federal and 90 regional channels. In addition to the pre-recorded political advertising by the candidates, the public broadcaster intends to organize different campaign programmes, including interviews and debates with candidates. *VGTRK* informed the ODIHR NAM that it intends to meet political parties to discuss plans for coverage of the campaign, and to conduct a voter information campaign, as required by law. Some ODIHR NAM interlocutors stated that contestants representing non-parliamentary parties will face challenges accessing the public media.

J. COMPLAINTS AND APPEALS

Voters and electoral contestants, as well as civil society organizations, observers and election commissions may challenge the actions, inactions and decisions of the election administration with the higher-level election commissions and the courts. The law provides that if an appeal is filed simultaneously with the court and a relevant election commission, the commission suspends consideration of the complaint until the court reaches a decision. The recent constitutional amendments did not address some of GRECO’s recommendations related to the separation of powers and the

³⁴ Authorities can block or decrease internet traffic of foreign and domestic web-sites that are violating the legislation, including censoring Russian state-media content. Online defamation is punishable by up to two-years imprisonment. The European Court of Human Rights held that there had been a violation of right to freedom of expression, and, a violation of the right to an effective remedy in cases [Vladimir Kharitonov v. Russia](#), [OOO Flavius and Others v. Russia](#), [Bulgakov v. Russia](#), and [Engels v. Russia](#) which concerned the blocking of websites. The Court highlighted the importance of the Internet as a vital tool in exercising the right to freedom of expression. Among other things, it found that the provisions of Russia’s Information Act used to block the websites had produced excessive and arbitrary effects and had not provided proper safeguards against abuse.

³⁵ According to the 2020 [annual report](#) of the Ombudsperson, complaints amongst others were related to the illegal criminal prosecution of journalists, detentions when covering street protests, and threats to personal safety.

³⁶ See OSCE RFoM [statements](#) on Russian Federation, which include concerns over legal safety and attacks and detentions of journalists, restrictions on media publications, and the impact of the COVID-19 response on media law.

independence of the judiciary.³⁷ Some ODIHR NAM interlocutors expressed limited trust in the independence and impartiality of the judiciary, including in the electoral dispute resolution, and voiced concerns about the conduct of law enforcement.

K. ELECTION OBSERVATION

The legislation provides for election observation by representatives of electoral contestants, media, and observers appointed by civic chambers. Citizen observers not associated or nominated by these, are, by law, not allowed to conduct election observation, contrary to previous ODIHR recommendations. International observation is allowed. Media representatives can only be accredited as observers if they held an employment contract with a media outlet at least two months prior to the official announcement of the elections. Representatives of civil society informed the ODIHR NAM that they plan to deploy observers through electoral contestants or media. Observing multi-day voting was noted as a potential challenge by groups expecting to deploy observers.

Federal and regional civic chambers informed the ODIHR NAM that they plan to recruit over 520,000 observers from some 2,500 public associations and cover every polling station in the country. They are developing their election monitoring methodology, including on the observation of Internet voting, and started conducting trainings for their observers.

IV. CONCLUSIONS AND RECOMMENDATION

Most of the ODIHR NAM interlocutors emphasized the value of an ODIHR election observation activity for the State Duma elections. A number of them also stressed the importance of a long-term and country-wide presence to cover all aspects of the process. The representatives of state institutions stressed the intention to conduct the electoral process in line with the law, to ensure genuine competition, and respect of the rule of law, and welcomed observation by the ODIHR.

In considering an observation activity, the ODIHR NAM has taken into account the various findings outlined in this report and the concerns expressed by stakeholders. These include issues related to the recently amended legal framework and its implementation, the process of candidate registration, administration of the elections at different levels, including internet voting and possible multiple day voting, the conduct of the election campaign and potential campaign violations, the roles of the media and election observers. Based on the findings of this report, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) to observe the upcoming State Duma elections. In addition to a core team of analysts, ODIHR will request the secondment by OSCE participating States of 80 long-term observers to follow the electoral process countrywide, as well as 420 short-term observers for the observation of election day procedures. In line with ODIHR's standard methodology, the EOM would include a media monitoring element.

³⁷ See GRECO [Compliance Report](#) on Corruption prevention in respect of members of parliament, judges and prosecutors, Fourth Evaluation Round on the Russian Federation of December 2019.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Gennady Askaldovich, Ambassador-at-Large
Vasily Tsyganov, Deputy Director of the Department of European Cooperation
Alexey Golub, Deputy Director of the Department for Liaisons with the Constituent Entities of the Federation, the Parliament, and the Public Associations
Vladimir Ivanov, First Secretary, Department of European Cooperation
Djamilya Alushkina, Ambassadors-at-Large Group, Attaché

Central Election Commission

Pavel Andreev, Member
Vladimir Grachev, Deputy Chief of Staff
Vsevolod Perevozchikov, Advisor of the International Co-operation Department

Ministry of Justice

Maxim Vorobyev, Deputy of the International Law and Co-operation
Dmitriy Ermak, Deputy Director of the Non-Profit Organizations Department
Madina Albegova, Department of Constitutional Law, Development of Federation Relations and Local Self-Government
Svetlana Markova, Department of International Law and Co-operation

Constitutional Court

Ekaterina Akimova, Department of International Relations and Research of Constitutional Review Practice
Evgeny Taribo, Head of the Department of Public Law
Mikhail Kozlenko, Counsellor of the Department of Public Law
Vladimir Gyulumyan, Counsellor of the Department of International Relations and Research of Constitutional Review Practice

Supreme Court

Tatyana Petrova, Deputy Chairperson
Igor Zinchenko, Judge
Mikhail Baskakov, Department of the International Co-operation

State Structure and Legislation Committee of the State Duma

Daniil Bessarabov, First Deputy Chairperson
Sergei Karseka, Department of International Relations

Subject Election Commission in Saint Petersburg

Natalya Chechina, Chairperson of the Subject Election Commission
Oleg Zacepa, Member
Yuriy Kuzmin, Member

Political Parties

Petr Tolstoy, Deputy Chairperson of the State Duma, United Russia Party
Gennadiy Zyuganov, Communist Party
Nikolay Kolomytzev, Communist Party
Alexey Kornienko, Communist Party
Yuriy Afonin, Communist Party
Dmitriy Novikov, Communist Party
Yuriy Sinelshikov, Communist Party
Kazbeg Taysaev, Communist Party
Anton Morozov, Liberal Democratic Party

Mikhail Emelyanov, Fair Russia
Dmitriy Gusev, Fair Russia
Alexksander Romanovich, Fair Russia
Nikolay Rybakov, Chairperson of the Yabloko party
Stanislav Myasnikov, Yabloko party
Ivan Bolshakov, Yabloko Party
Yelena Dubrovina, Yabloko Party

Media

Evgeniy Bekasov, Editor-in-Chief, *Rossiya 24*
Roman Badanin, Editor-in-Chief, Proekt Media
Piotr Fedorov, Director of the International Relations Department, Russian Television and Radio Broadcasting Company
Zoya Matveevskaya, Lawyer, Russian Television and Radio Broadcasting Company
Maxim Nikishkin, Head of the Information-Analytical Unit, Russian Television and Radio Broadcasting Company
Aleksander Polivanchuk, Head of the Service of the Correspondence Network

Office of Ombudsperson of Saint Petersburg

Alexander Shishlov, Ombudsperson of Saint Petersburg
Olga Shtannikova, Chief of Staff
Olga Pokrovskaya, Analytical Department
Viktoria Razina, Analytical Department
Yulia Volkova, Head of the Communications Department

Civic Chamber

Maksim Grigoryev, Chairperson of the Coordination Council
Aleksander Brod, Member of the Presidential Council for Civil Society Development and Human Rights
Alena Bulgakova, Member
Vladimir Zhuravlev, Member

Civil Society Organizations

Grigory Melkonyants, Co-chairperson, GOLOS Movement
Stanislav Andreychuk, Member of Council, GOLOS Movement
Galina Arapova, Media Defense Center
Dmitriy Naumov, Saint Petersburg Observers
Olga Dmitrieva, Saint Petersburg Observers,
Konstantin Korolev, Saint Petersburg Observers
Lev Gudkov, Director, Levada Center

International Community³⁸

Representatives of diplomatic missions of the diplomatic missions of Belgium, Bulgaria, Canada, Czechia, Denmark, Estonia, European Union Delegation, Finland, France, Greece, Latvia, Lithuania, Netherlands, Norway, Poland, Slovenia, Spain, Switzerland, Turkey, Ukraine, United Kingdom, United States of America.

³⁸ The ODIHR NAM extended an invitation to representations of all OSCE participating States resident in the Russian Federation.