

Defects of Russian Elections and Ways to Overcome Them

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Abstract

The article discusses defects of Russian elections, with emphasis on the fact that the electoral systems being used favour the regime. The system used for registration of candidates and party lists allows the state to deny access to strong candidates whose election would inconvenience the state bureaucracy. Pro-government candidates are advantaged during election campaigns, as segments of the population that are dependent upon the state find themselves pressured to participate, sometimes including outright control of their vote. Furthermore, many regions experience large-scale electoral fraud. The article suggests means to overcome these defects, including a comprehensive revision of electoral legislation.

Keywords

elections – electoral legislation – candidate registration – election campaign – electoral fraud

Russian elections demonstrate a significant gap between law and practice. According to the Constitution of the Russian Federation, free elections stand alongside referendums as the ultimate direct expression of the people's will. In practice, what we consistently find is a political landscape best described by then-president Dmitry Medvedev: the state bureaucracy “intervenes in the electoral process to make sure the wrong person doesn't get elected”.¹ This ar-

¹ “Poslanie Prezidenta Rossiiskoi Federatsii Federal'nomu Sobraniyu”, 5 November 2008, *Konsul'tantPlyus*, <http://www.consultant.ru/cons/cgi/online.cgi?req=doc&cacheid=DA8101>

ticle discusses how intervention by the state bureaucracy into electoral legislation and the electoral process leads to distortion of the very nature of elections. In the conclusion, we offer our suggestions on how to improve this situation.

1 Electoral Systems

Russian electoral legislation is unstable in nature. A single decade, 2009–2018, saw the adoption of 80 laws amending election and referendum legislation.² The key element of these changes was that a significant proportion was guided by self-serving interests, aiming to establish the conditions needed to make it impossible to replace representatives of the political regime through elections.³

One of the areas in which the adaption of electoral legislation in the interests of the state was most conspicuous was the effort to alter the electoral system. Over the course of the 1993–2003 State Duma elections, there was a mixed disconnected (parallel) election system, where half of the deputies (255) were elected within single electoral districts with a proportional system, while the other half were elected in single-mandate districts with a first-past-the-post system. Between 2003 and 2005, this plurality system came to be universally applied to regional elections as well (although the law demanded that at least half of deputies come from party lists). In 2011, the government adopted a law which required elections in large municipal formations (city districts and municipal regions with at least 20 deputies) to use the mixed system.

This system made it possible to combine certain benefits of both the proportional and the plurality systems, but by the same token it combined their limitations. We believe that it is possible to improve it by applying a number of models currently in use in Europe, such as various forms of mixed connected system (as in Germany and Estonia), proportional system elections

1C946C4FC5E6E51F005D46C212&SORTTYPE=0&BASENODE=1&ts=85878994505326756769397701&base=LAW&n=81294&rnd=238AC66ECA7B53E97FD6A15FB58D8E4C#2f791qy18wt (accessed 20 October 2019).

2 Arkadii E. Lyubarev, "Khronologiya Izmenenii Rossiiskogo Izbiratel'nogo Zakonodatel'stva", *Website of NIV*, <http://vibory.ru/analyt/chron.htm> (accessed 20 October 2019).

3 A. E. Lyubarev, Yu. G. Korgunyk, G. M. Mikhaleva, "Zakonodatel'stvo o Vyborakh i Partiyakh: Chetvert' Veka Metanii", *Politicheskaya Kontseptologiya*, no. 3 (2018): 218–225. DOI: 10.23683/2218-5518.2018.3.218225; A. E. Lyubarev, "How Russian Electoral Legislation has Changed", *Russian Politics* 3, no. 3 (2018): 359–371. DOI: 10.1163/2451-8921-00303003; E. A. Lukyanova, E. N. Poroshin, "Klassifikatsiya Popravok v Izbiratel'noe Zakonodatel'stvo Kak Marker Tselei i Zadach Vlasti", *Konstitutsionnoe i Munitsipal'noe Pravo*, no. 3 (2019): 29–37.

in several districts with a relatively small number of mandates and open lists, etc.⁴

However, in 2005, the decision was made to conduct Duma elections exclusively with the proportional system, i.e. to elect all 450 deputies within a single nationwide electoral district. A number of experts believe that this was intended to increase the presidential administration's control over deputies, since deputies elected in single-mandate districts tend to be more independent from federal power (though less so when it comes to regional powers). In addition, this reduced the influence of strong regional leaders on the Duma. There was also the consideration that when Putin was due to temporarily leave office in 2008, it was imperative for him to inherit a fully loyal Duma.⁵

Two Duma elections were conducted using a fully proportional system, in 2007 and 2011. After the first of these, elections in eleven Russian regions, as well as a considerable number of municipal formations, were also transferred to a fully proportional system between 2007 and 2010.⁶ However, with the weakening of United Russia's position, the trend soon reversed itself. From 2011, Russian-language regions began to return to a mixed disconnected system, and by 2016, the fully proportional system was maintained only in a few republics of the North Caucasus, where elections were under the complete control of the republic's administration. The law that retuned Duma elections to the mixed disconnected system was passed in 2014, and, accordingly, it was the one used for the 2016 elections.⁷

In 2013, the so-called "Klishas's Law" removed the requirement for party lists to be used in large municipal formations, as well as in Moscow and St Petersburg. The law also reduced the required number of deputies to be elected using the proportional system from 50% to 25% in the rest of the regions. However, in 2014, in light of the events in Crimea, the regime's popularity increased, and at first, Klishas's Law was applied only to a very limited extent. Moscow was the only region where it was applied in full measure, as

4 Arkadii E. Lyubarev, *Izbiratel'nye Sistemy: Rossiiskii i Mirovoi Opyt* (Moscow: Fond Liberal'naya Missiya; Novoe Literaturnoe Obozrenie, 2016): 203–213, 586–591; Arkadii E. Lyubarev, "Izbiratel'naya Sistema Dlya Vyborov v Gosudarstvennyu Dumu: Vozmozhnosti Sovershenstvovaniya", *Kommunikologiya* 4, no. 5 (2016): 61–68.

5 A. Yu. Buzin, A. E. Lyubarev, *Prestuplenie bez Nakazaniya: Administrativnye Tekhnologii Federal'nykh Vyborov 2007–2008 Godov* (Moscow: NikkoloM; Panorama, 2008): 30–31; A. Kynev, A. Lyubarev, A. Maksimov, *Kak vybirala Rossiya—2016. Rezul'taty Monitoringa Izbiratel'nogo Protsessa* (Moscow: Fond Liberal'naya Missiya, 2017): 45–46.

6 Arkadii Lyubarev, "Electoral Legislation in Russian Regions", *Europe-Asia Studies* 63, no. 3 (2011): 415–427. DOI: 10.1080/09668136.2011.557534; Aleksandr Kynev, *Vybory Regional'nykh Parlamentov v Rossii 2009–2013: Ot Partizatsii K Personalizatsii* (Moscow: Panorama, 2014): 13.

7 A. Kynev, A. Lyubarev, A. Maksimov, *Kak Vybiral Rossiya—2016. Rezul'taty Monitoringa Izbiratel'nogo Protsessa* (Moscow: Fond Liberal'naya Missiya, 2017): 17–18, 44–46, 73.

the 2014 City Duma elections were conducted entirely using a plurality system. In the same year, many regional centres used this system in municipal elections. On the other hand, in 2015–2018, these took place only using a mixed or fully proportional system. Meanwhile, many other large cities abandoned the mixed system in favour of first-past-the-post.⁸

However, after another of many falls in support for the government representatives in the run-up to the 2019 elections, the relative numbers of deputies elected using proportional and plurality systems changed in four regions (Altai and Mari El Republics, Khabarovsk Krai, and Tula Oblast), with the share of the first-past-the-post deputies being increased to 67–75%. Elections to the Moscow City Duma and the majority of regional centres took place entirely using a plurality system.⁹

This change is related to the fact that for as long as United Russia enjoys at least 35–40% support among the electorate, its results in single-mandate districts are almost universally better than with a proportional system. Thus, in the 2016 State Duma elections, United Russia received 54.2% of votes and 140 single-district mandates, but at the same time, its candidates won in 203 of 225 single-mandate districts, with only three losses. The remainder were districts where it did not have a candidate—the districts were “cleared” for representatives of other parties, and independent candidates.¹⁰

As a consequence of the use of the mixed unconnected system, regional and municipal elections often involve a “manufactured majority”, where the leading party (i.e. United Russia) gains less than half of votes, yet more than half of mandates.¹¹ Between 2012 and 2019, 50 out of 119 regional elections featured manufactured majorities, and 56 out of 97 in municipal elections in regional centres. See Table 1 for examples.

8 A. Kynev, A. Lyubarev, A. Maksimov, *Regional'nye i Mestnye Vyборы 2014 Goda v Rossii v Usloviyakh Novykh Ogranichenii Konkurentsii* (Moscow: Fond Liberal'naya Missiya, 2015): 8, 39, 48–53; A. Kynev, A. Lyubarev, A. Maksimov, *Regional'nye i Mestnye Vyборы v Rossii Oseni 2018 Goda: Elektoral'nye Peremeny na Fone Sotsial'nykh Reform* (Moscow: Fond Liberal'naya Missiya, 2019): 46, 55–58.

9 A. V. Kynev, A. E. Lyubarev, A. N. Maksimov, “Pravovye i Politicheskie Osobennosti Vyborov 8 Sentyabrya 2019 Goda: Rost Departizatsii i Personalizatsii Vyborov”. Analiticheskii Doklad po Dolgosrochnomu Nablyudeniyu Vyborov 08.09.2019 g., http://www.liberal.ru/upload/files/Vybory_2019.Analiticheskiy_Doklad_1.pdf (accessed 20 October 2019).

10 A. Kynev, A. Lyubarev, A. Maksimov, *Kak Vybirala Rossiya—2016. Resultaty Monitoringa Izbiratel'nogo Protsessa* (Moscow: Fond Liberal'naya Missiya, 2017): 1090–1101, 1120.

11 Douglas W. Rae, *The Political Consequences of Electoral Laws* (New Haven: Yale University Press, 1971): 74–77, 92, 179; Arkadii E. Lyubarev, “Proportsional'naya i Smeshannaya Izbiratel'nye Sistemy na Regional'nykh i Munitsipal'nykh Vyborakh v Rossiiskoi Federatsii: Problemy 'Sfabrikovannogo Bol'shinstva'”, *Yuridicheskie Issledovaniya*, no. 8 (2013): 65–118. DOI: 10.7256/2305-9699.2013.8.9212.

TABLE 1 Differences between number of votes for United Russia and share of mandates received at regional and municipal elections, 2012–2019

Region or city	Year	Share of votes	Share of mandates
Tver	2012	41.3%	75.8%
Arkhangelsk Oblast	2013	40.7%	71.0%
Vladimir Oblast	2013	44.3%	84.2%
Smolensk Oblast	2013	41.2%	75.0%
Yaroslavl Oblast	2013	42.3%	78.0%
Volgograd	2013	37.5%	70.8%
Yekaterinburg	2013	28.1%	58.3%
Blagoveshchensk	2014	40.1%	76.7%
Murmansk	2014	44.4%	81.3%
Syktvykar	2015	47.7%	80.0%
Voronezh	2015	44.7%	80.6%
Kaluga	2015	42.3%	82.9%
Kostroma	2015	40.1%	71.1%
Lipetsk	2015	40.2%	83.3%
Oryol	2015	41.0%	78.9%
Smolensk	2015	38.9%	80.0%
Karelia Republic	2016	33.2%	66.7%
Krasnoyarsk Krai	2016	38.6%	71.2%
Amur Oblast	2016	35.9%	69.4%
Vologda Oblast	2016	37.3%	73.5%
Kaliningrad Oblast	2016	41.2%	72.5%
Kirov Oblast	2016	35.9%	68.5%
Moscow Oblast	2016	43.2%	76.0%
Murmansk Oblast	2016	39.2%	78.1%
Orenburg Oblast	2016	41.1%	72.3%
Pskov Oblast	2016	44.1%	75.0%
Tver Oblast	2016	46.5%	77.5%
Tomsk Oblast	2016	41.2%	73.8%
St Petersburg	2016	41.3%	72.0%
Petrozavodsk	2016	33.1%	67.9%
Perm	2016	39.6%	75.0%
Kaliningrad	2016	34.6%	71.4%
Petropavlovsk-Kamchatsky	2017	49.0%	81.3%
Tver	2017	44.1%	75.8%

TABLE 1 Differences between number of votes for United Russia ... (*cont.*)

Region or city	Year	Share of votes	Share of mandates
Vladimir Oblast	2018	29.6%	60.5%
Belgorod	2018	35.6%	74.4%
Kurgan	2019	33.0%	65.4%
Tula	2019	37.6%	74.3%

2 Registration of Candidates and Party Lists

The most serious problems with Russian elections relate to the registration of candidates and candidate lists. This is another case where the root of the problem lies in the defects of electoral legislation, but here they are aggravated by its biased application. Different kinds of election have different registration rules, with no clear rationale behind the combinations.¹² Thus, in presidential elections, candidates from parliamentary parties may register without gathering signatures, while candidates from the rest must gather 100,000 (in other words, roughly 0.1% of the electorate), and independents must gather 300,000 (0.3%). Meanwhile, during State Duma elections, the signature requirement is waived not only for parliamentary parties, but also for parties with regional deputies elected from lists; in 2016, there were 14 such parties, and there are 13 at time of writing. But the rest of the parties have to gather 200,000 signatures (0.2%) in order to register their lists, and their candidates from single-mandate districts, as well as independents, must gather 3% of the district electorate.

The regional parliament elections in each region have their own list of parties exempt from signature collection, depending on the results of the elections in the region. Almost everywhere it is smaller than the list for elections to the State Duma; in many regions it comprises only four parliamentary parties, in others, most often between five and nine. The remaining parties must collect the signatures of 0.5% of the electorate in the region to register their list, while their candidates in single-member districts and self-nominated candidates must collect 3% of the constituency's electorate.

12 Arkadii Lyubarev, "Is There Logic in the Legislative Regulation of the Candidate Registration Based on Electoral Signatures", *SENTENTIA. European Journal of Humanities and Social Sciences*, no. 2 (2016): 27–34. DOI: 10.7256/1339-3057.2016.2.19395.

No gathering of signatures is required of any party during elections for heads of municipal. However, independent candidates must gather votes from 0.5% of the electorate within the municipal unit. During municipal deputy elections, each unit has its own list of parties which do not require signatures to participate, based on election results in the relevant region and relevant unit. Such lists are almost universally shorter than that for elections to the State Duma; in many municipal, a list contains only four parliamentary parties. The rest must gather signatures from 0.5% of the regional electorate; and their candidates from single-mandate districts, as well as independents, must gather 0.5% from the district electorate.

A special system known as the municipal filter applies to regional leader elections, and applies to all candidates equally. The filter presents three separate barriers to candidacy.

First, every candidate's signatures must include signatures from 5–10% of the municipal deputies and directly elected heads of municipal formations, the exact number being determined by regional law.

Second, in regions with two tiers of municipal unit (which is to say, the overwhelming majority), these signatures must include signatures from 5–10% municipal deputies and directly elected heads of municipal formations of the higher tier (in municipal regions and city districts), the exact number being determined by regional law.

Third, the total of signatures from deputies and heads of higher-tier municipal formations must include signatures from no less than 75% of such formations.

In addition to all this, the deputies and heads are forbidden to offer their signatures in support of more than one candidate. If one signs for multiple candidates, then only the first applicable one counts.

It is also worth noting that elections of regional leaders are the only majoritarian elections in Russia where the right to self-nomination is not guaranteed. The matter is left to the discretion of regional legislatures, which mostly do not allow for self-nomination. Until autumn 2018, only five regions were exceptions to this, with eight more added in late 2018–early 2019. Even then, self-nominated candidates must not only pass the municipal filter, but additionally gather 0.5–2% of signatures of the regional electorate, the exact number being determined by regional law. In effect, only sitting regional leaders can make use of the right to self-nomination (in the event that they do not want to be nominated by their party for one reason or another), with only a single exception within the last eight years.

While the claim is that these barriers (the electorate signature requirement and the municipal filter) exist to filter out weak candidates who lack support

from their voters, in practice they regularly do the opposite, permitting the weak and filtering out the strong.

Thus, every campaign in 2012–2018 featured a candidate from the CPRF, the second strongest party in the country, who was refused registration for a regional leadership election. The only exception was Oleg Denisenko, who was refused registration for Omsk Oblast gubernatorial elections in 2015, but successfully appealed to a court of law. Even that halved the length of his election campaign. Then, in 2019, three CPRF candidates, two LDPR candidates, and one Just Russia candidate were refused registration in one fell swoop.¹³

It is worth commenting separately on the repeat gubernatorial elections in Primorsky Krai in December 2018, when Andrey Ishchenko, a CPRF nominee, was refused registration after gathering 48.1% of votes in the earlier September elections, according to official data (the results of those first elections had been declared invalid, though a number of experts agree that Ishchenko won unambiguously). During the second elections, Ishchenko applied as an independent candidate, and was refused upon confirmation of signatures both from deputies and from voters.¹⁴

Such refusals for regional leadership elections were also faced by former leaders and members of government of those regions, acting and former State Duma deputies, mayors of the regional centres, etc.

On the other hand, there were instances of clearly weak candidates passing the municipal filter. Thus, between 2012 and 2017, over half of the “opposition” candidates who passed the municipal filter ultimately gained less than 5% of votes. This comes as no surprise. Experience has shown that no candidate (apart from isolated cases with CPRF candidates in certain specific regions) can pass the filter without support from United Russia deputies. In other words, the party of power itself decides which of its competitors may stand for election. Typically, this means blocking stronger rivals, while simultaneously offering blatant assistance to those it does not see as threats.¹⁵ That said, where the state loses enough popularity, even those candidates are capable of victory,

13 A. V. Kynev, A. E. Lyubarev, A. N. Maksimov, “Politicheskaya Konkurentsia, Itogi Registratsii Kandidatov i Partiinykh Spiskov na Rossiiskikh Vyborakh 2019 Goda”. Analiticheskii Doklad No. 4 Po Monitoringu Vyborov 08.09.2019, http://www.liberal.ru/upload/files/Vibory.Doklad_4.pdf (accessed 20 October 2019).

14 A. Kynev, A. Lyubarev, A. Maksimov, *Regional'nye i Mestnye Vybory v Rossii Oseni 2018 Goda: Elektoral'nye Peremeny na Fone Sotsial'nykh Reform* (Moscow: Fond Liberal'naya Missiya, 2019): 536–545.

15 A. Kynev, A. Lyubarev, A. Maksimov, *Rossiiskie Vybory–2017: Preemstvennost' i Izmenenie Praktik Mezhdru Dvumya Federal'nyimi Kampaniyami* (Moscow: Fond Liberal'naya Missiya, 2018): 483–497.

as was the case with Vladimir Sipagin, an LDPR candidate, at the Vladimir Oblast gubernatorial elections in 2018.¹⁶

Much the same can be said about signature-based registration. It is likewise the weak candidates, those without support from the electorate, that pass the filter, while strong candidates with potential for victory or second place are refused.

Thus, a number of well-known candidates were refused registration at the 2016 State Duma elections, whereas of the 19 registered based on voter signatures, the majority had no past experience of elections, and 14 gained fewer votes than they had signatures.¹⁷ Meanwhile, at the Moscow City Duma elections, those refused registration included former State Duma deputies Gennady Gudkov and Dmitry Gudkov (and initially also Sergey Mitrokhin, but he was able to gain registration via court appeal), and municipal unit heads Yekaterina Ignatova, Yelena Rusakova, and Ilya Yashin, among other prominent political figures. Yet of the 99 candidates who did achieve registration based on electorate signatures, 50 received fewer votes than their supposed number of signing voters.

The law has harsh requirements when it comes to the quality of signature lists. For federal elections, a candidate is refused registration if the share of illegitimate signatures exceeds 5% of those examined, and 10% for regional and municipal elections.

One of the central problems with signature-based registration lies in the examination process. The law features over 20 reasons to rule a signature illegitimate. In fact, some are based on the opinion of a signature specialist, who is not required to provide justification and is not accountable for the result. More signatures are ruled illegitimate based on reports from internal affairs agencies on inconsistencies between the signer's details on the signature list and the database. In both of these cases, there is room for human error or biased action. In the end, false signatures are often overlooked, while legitimate ones are dismissed.

Registration is made more difficult still by the fact that the candidate must provide a vast array of different documents, and the absence or inaccuracy of even one is basis to refuse or cancel registration. There is any number of known cases when a candidate or entire candidate list was denied access to elections

16 A. Kynev, A. Lyubarev, A. Maksimov, *Regional'nye i Mestnye Vybory v Rossii Oseni 2018 Goda: Elektoral'nye Peremeny na Fone Sotsial'nykh Reform* (Moscow: Fond Liberal'naya Missiya, 2019): 529–532.

17 A. Kynev, A. Lyubarev, A. Maksimov, *Kak Vybiral Rossiya—2016. Resul'taty Monitoringa Izbirate'l'nogo Protsessa* (Moscow: Fond Liberal'naya Missiya, 2017): 823–864.

because a single box was left blank or crossed out, rather than filled with a “No”. The law is not explicit on whether candidates have the right to supply missing documents, and in practice they are not permitted to. Furthermore, while the electoral commission is legally bound to make the candidate aware of issues with the documents, failure to do so does not protect the candidate from being refused registration. The law also specifies that registration of a candidate list is to be refused or cancelled if more than half of its candidates cease to participate, and if a large number of candidates are refused due to issues with their documents, this is often used to remove the entire list from the elections.¹⁸

3 The Election Campaign

One of the key methods used by the administration during campaigns is forceful promotion of pro-government candidates presented as providing information about their professional activity. This is particularly true for those in positions of authority, such as the president, governors, mayors, etc. In some cases, this promotion is intensive and constant, but more commonly, it visibly rises in intensity at the beginning of a campaign or throughout it.

The people in question usually increase their public activities before or during a campaign, actively travelling across their territories, meeting with citizens, and taking part in various events (the majority of which they themselves organised). At the same time, the 2005 law does not oblige them to take leave of office for the duration of the campaign, and they find themselves free to exploit the benefits of their position. Furthermore, all this is paid for not out of the campaign fund, but out of the relevant government or municipal budget.

Much the same applies to the promotion of other pro-government candidates. For example, articles are published in praise of directors of medical institutions who are running for deputy, and they begin to regularly offer medical advice to the population. The same is true for the directors of educational, social and other organisations.

What makes this possible in the first place is that the majority of media depend on state agencies to one extent or another. Some were simply established by those agencies, while others receive subsidies, grants, orders for specific programmes, etc. Thus, the media present unequal opportunities to

18 Aleksandr Kynev, *Vybory Regional'nykh Parlamentov v Rossii 2009–2013: Ot Partizatsii k Personalizatsii* (Moscow: Panorama. 2014): 81–88; A. Kynev, A. Lyubarev, A. Maksimov, *Kak vybirala Rossiya—2016. Rezul'taty Monitoringa Izbiratel'nogo Protsessa* (Moscow: Fond Liberal'naya Missiya, 2017): 778–780, 795–808, 864–880.

candidates and parties, and cannot be challenged on this due to the biased nature of the electoral commissions and courts.

Electoral campaigns often take advantage of aid from highly-placed officials. Although in recent years the officials have been less involved in direct promotion of pro-government candidates, they still provide indirect support. State agencies oversee the creation of headquarters for support of specific candidates and parties. Usually, these are kept secret, but on occasion some information about them reaches the public.

Another regularly used administrative technique is obstruction of oppositional candidates' campaign activity. Their promotional materials are discarded and destroyed, typically by communal services staff whose livelihoods depend on the government. The authorities frequently refuse to permit their campaign events. Their pickets, canvassers, and signature collectors come under attack from hooligans, but the police do nothing to pursue them. At the same time, there are more than a few cases of the police seizing opposition promotional materials under the pretext of combating extremism.

Likewise, there are instances where, shortly before an electoral campaign, or during its course, criminal cases are opened against candidates or potential candidates. Sometimes these cases end in a conviction, but it is also common for them to be later closed, or to extend endlessly with no progress in sight.¹⁹

4 Administrative Mobilisation of Voters

The administrative mobilisation of voters is an important political technique for the Russian political regime. This is primarily a matter of forcing citizens with pro-government attitudes, and those dependent on the state, to participate in elections. Specifically, these are workers in the public sector, or enterprises and organisations entirely dependent on government and municipal orders (such as defence companies, communal services, etc.). The group most vulnerable to pressure are serving members of the armed forces, virtually all of whom typically participate in elections. Students are also frequently forced to

19 Andrei Buzin, *Administrativnye Izbiratel'nye Tekhnologii I Bor'ba s Nimi* (Moscow: Panorama, 2007): 183–202; A. Kynev, A. Lyubarev, A. Maksimov, *Kak Vybirala Rossiya—2016. Rezul'taty Monitoringa Izbiratel'nogo Protsessa* (Moscow: Fond Liberal'naya Missiya, 2017): 933–967; A. Kynev, A. Lyubarev, A. Maksimov, *Rossiiskie Vyборы—2017: Preemstvennost' i Izmenenie Praktik Mezhdru Dvumya Federal'nymi Kampaniyami* (Moscow: Fond Liberal'naya Missiya, 2018): 340–368; A. Kynev, A. Lyubarev, A. Maksimov, *Regional'nye I Mestnye Vyборы V Rossii Oseni 2018 Goda: Elektoral'nye Peremeny Na Fone Sotsial'nykh Reform* (Moscow: Fond Liberal'naya Missiya, 2019): 376–385.

take part. The influence of the administration is particularly high in rural areas and depressive national regions.²⁰

The purpose of this compulsion is to raise the turnout. This is particularly important for presidential elections, since high turnout increases the legitimacy of the elected president, which the state considers more important than the legitimacy of any other state organ. Presidential elections display the most blatant expressions of administrative mobilisation.²¹ In other elections, the state is frequently not interested in high turnout, and may even take action to reduce it. Even then, administrative mobilisation takes place, aiming at preventing turnout from being excessively low.

Compulsory participation in elections also has a second goal: improving the results for United Russia or a pro-government candidate. This is achieved via three mechanisms. Firstly, in forcing dependent and conformist voters to participate, the regime can count on them to vote for the candidates it recommends.

Secondly, the compulsion is often strongest at elections where the government's chosen candidate has no strong rivals (often at presidential and gubernatorial elections), and so it can be confidently assumed that the administratively-mobilised voters will almost universally vote for them.

Thirdly, the political regime is often either able to exert control over citizens' vote, or simply to intimidate them with the potentiality of such control. Often, voters are required to photograph their ballot, with their mark next to the name of the desired candidate or party. In other cases, control may be collective rather than individual: the administration demands that a given voting district or territory have sufficiently good results for the candidate or party, or the entire territory will be denied certain benefits. This kind of extortion has a genuine effect in rural areas, and in regard to students, inhabitants of single-industry towns, and voters in hospitals or detention centres.

Special forms of voting are particularly effective for forcing voters to participate. Thus, social workers often send applications to vote from home on behalf of the elderly and the disabled, without their knowledge. When members of the regional commission come to their door with a mobile ballot box, these voters find it difficult to refuse.

20 Inga A.-L. Saikkonen, "Electoral Mobilization and Authoritarian Elections: Evidence from Post-Soviet Russia", *Government and Opposition* 52, No. 1 (October 2015): 1–24. DOI: 10.1017/gov.2015.20.

21 A. Yu. Buzin, A. E. Lyubarev, *Prestuplenie bez Nakazaniya: Administrativnye Tekhnologii Federal'nykh Vyborov 2007–2008 Godov* (Moscow: NikkoloM; Panorama, 2008): 83–116.

Likewise, there is distinct coercion during early voting, currently used mostly in municipal elections, but also widespread in regional ones between 2014 and 2015. Previously, coercion exploited the existence of absentee voting certificates, which allowed voters to vote anywhere outside their registered region. The system has now been replaced with permissions to vote in a specified other region, but voters continue to be forced to vote in specific electoral regions where their presence (and often their vote) can come under control.

Aside from direct coercion, there are softer forms of influence for mobilising voters. Throughout the campaign, every effort is made to instil in them the belief that it is their duty to vote. There is an enormous amount of funding dedicated to this task, with omnipresent posters calling for people to attend elections, and promotional activities by high-ranking officials and influential figures. Thus, during the 2018 presidential elections, every regional leader participated in the campaign to persuade citizens to vote.²² Voters are often lured to polling places with offers of cut-price sales and free services, and on occasion more distinctive means such as lotteries.²³

These methods have two objectives. Firstly, they raise both participation and voting results. These promotions increase participation from the pro-government and apolitical citizens who vote as needed by the party of power (especially where pro-state candidates have no strong opponents able to draw the attention of the apolitical). Secondly, they repel oppositional voters, who come to believe that non-participation is a way to express dissent.

5 Electoral Fraud

Multiple instances of fraud have been discovered during Russian elections. However, until 2007, they were limited in scale. Observers identified them only in individual campaigns and regions, while statistical analysis detected anomalies primarily in rural areas, and also in individual regions.

At the 2007 State Duma elections, both observers at polling stations and statistical analysis showed that the scale of electoral fraud had risen significantly. This rise was observed through to the 2011 State Duma elections, where

22 Vitalii S. Kovin, "Regional'naya Politika Upravleniya Elektoral'nykh Uchastiem i Prezidentskaya Kampaniya 2018 Goda: Publichnaya Aktivnost' i Elektoral'naya Ritorika Glav Rossiiskikh Regionov", *Politicheskaya Nauka*, no. 1 (2019): 109–129. DOI: 10.31249/poln/2019.01.06.

23 A. Kynev, A. Lyubarev, A. Maksimov, *Rossiiskie vybory–2017: Preemstvennost' i Izmenenie Praktik Mezhdru Dvumya Federal'nyimi Kampaniyami* (Moscow: Fond Liberal'naya Missiya, 2018): 301–303, 409–414.

TABLE 2 Number of anomalous votes at federal elections, 2007–2018

Elections	Year	Anomalous votes (mil)
State Duma	2007	13.8
Presidential	2008	14.8
State Duma	2011	15.3
Presidential	2012	11.0
State Duma	2016	12.1
Presidential	2018	10.4 (8.6)

it provoked mass protests, with especially strong ones in Moscow.²⁴ After this, the level of fraud began to decrease, and there were no further large-scale falsifications in Moscow. However, it has remained high in many regions, and even visibly increased in some (Moscow Oblast, Primorsky Krai).

The installation of CCTV at polling stations in 2012, and again in 2018, allowed the detection of fraud in places where such detection had previously been impossible, including in a number of problem regions. In addition, the fact of scrutiny itself had a visible effect in several regions—polling sites with competent and independent observers showed results for United Russia or pro-party candidates well below the average.

We assessed the number of anomalous votes at elections between 2007 and 2018 based on Shpilkin’s method (on the assumption that these were extra votes, though some of them may have been the result of coerced voting). We present the results in Table 2.

We must qualify this with the fact that, while the 2007–2016 calculations were performed according to one method,²⁵ which also gave 10.4 million anomalous votes for 2018, Shpilkin subsequently corrected it to distinguish extra votes from transferred votes. He found that roughly 6.5 million votes were added for Putin, and 1.05 more transferred from other candidates. Thus, Putin’s added advantage over other candidates through administrative interference with the voting process amounted to $6.5 + 2 \cdot 1.05 = 8.6$ million votes.²⁶

24 A. Yu. Buzin, A. E. Lyubarev, *Prestuplenie bez Nakazaniya: Administrativnye Tekhnologii Federal'nykh Vyborov 2007–2008 Godov* (Moscow: NikkoloM; Panorama, 2008): 176–256.
25 A. Kynev, A. Lyubarev, A. Maksimov, *Kak vybiral Rossiya—2016. Resul'taty Monitoringa Izbiratel'nogo Protsessa* (Moscow: Fond Liberal'naya Missiya, 2017): 1013.
26 Sergei Shpilkin, “Vibory 2018 goda: faktor X i ‘pila Churova’”, *Troitskii Variant—Nauka*, no. 252 (24 April 2018): 8–10, <https://trv-science.ru/2018/04/24/vybory-2018-faktor-x-i-pila-churova/> (accessed 20 October 2019).

Shpilkin also assessed the level of fraud in a variety of regions for the 2016 and 2018 federal elections. Regions with no large-scale fraud formed one group. There were 60 such regions in 2016, but Shpilkin also subdivided them into “clean” and “relatively clean,” with 30 falling in each category. In 2018, there were 49 “clean” and “relatively clean” regions in total. Regions with noticeable fraud formed a second group, with nine in 2016 and 28 in 2018. A third group comprised regions with completely fabricated results: 15 in 2016 and 9 in 2018.²⁷

The impact of such significant fraud varied by election. It made no difference to the results of any of the three presidential elections. Meanwhile, in 2007, United Russia would have received the majority of mandates without these anomalies, but not a supermajority. In 2011, it would not have received a majority. In 2016, it would likely have preserved a majority through victory in single-mandate districts.

6 What Needs to Change

In order for Russian elections to serve the role ascribed to them by the Constitution, they must undergo a comprehensive reform involving virtually every element of electoral legislation. Most vitally, there must be a revision of the section of the electoral laws on nomination and registration of candidates and party lists. This is a matter of paradigm shift: the registration system must be reoriented around the protection of citizens' passive rights to election, not efforts to deny a candidate access to elections for the most trivial of reasons.

It is also important to change the approach to the formation of electoral commissions, so that they become competent and truly independent authorities in their own right. This, too, requires certain amendments to the legislation, and simultaneous changes to their composition, which at present greatly deviates from legal declarations.²⁸

When it comes to combating fraud, the key facet is change in the attitudes of the police, investigative bodies, the public prosecutor's office and the courts to violations of electoral law. At present, the prevailing attitude is lenience.

27 A. Kynev, A. Lyubarev, A. Maksimov, *Kak Vybirala Rossiya—2016. Resul'taty Monitoringa Izbiratel'nogo Protsessa* (Moscow: Fond Liberal'naya Missiya, 2017): 1018–1019; Sergei Shpilkin, “Vibory 2018 Goda: Faktor X i ‘Pila Churova’”, *Troitskii Variant—Nauka*, no. 252 (24 April 2018): 8–10, <https://trv-science.ru/2018/04/24/vybory-2018-faktor-x-i-pila-churova/> (accessed 20 October 2019).

28 Andrei Yu. Buzin, “Sostavy Uchastkovykh Izbiratel'nykh Komissii Kak Zerkalo Rossiiskikh Vyborov”, *Konstitutsionnoe i Munitsipal'noe Pravo*, no. 12 (2006): 9–13; Andrei Buzin, *Administrativnye Izbiratel'nye Tekhnologii i Bor'ba s Nimi* (Moscow: Panorama, 2007): 56–61.

To date, not one fraudster has been sentenced to actual imprisonment. Despite the presence of this option in the legal code, they are invariably released with a fine or a suspended sentence.²⁹ Furthermore, this applies only to those who directly committed the fraud. Neither organisers nor clients are held responsible. Some believe that this is a flaw in criminal and criminal-judicial law, but in either case, there must be a change in approach.

The issue of comprehensive reform of electoral law has long been on the agenda. In 2011, the present author led a project of reforms, having prepared the draft Russian Federation Electoral Code.³⁰ In 2016, Ella Pamfilova, on becoming head of the Central Election Commission, began to speak of the need to change electoral law.³¹ However, there has yet to be genuine progress in this area. Staff of the Moscow State University prepared a new Election and Referendum Code in 2019, but, for the main part, it suggests a change in form, while being little different to current legislation in content.³²

At the same time, some experts comment that the Russian political regime has no interest in genuine reform. There is no benefit to it in competitive elections. Rather, it is far more convenient when victory goes to candidates it selected in advance, while the rest are unable to offer a serious challenge.³³

Nevertheless, we believe that there is a number of factors capable of spurring the state to change its methods. The absence of genuine competition allows for the election of unskilled managers to governorship, resulting in leaders incapable of fulfilling the tasks they are assigned. Fraud makes it impossible for the state to learn the true attitudes of the citizens in the regions. Electoral corruption (fraud, manipulation of candidate registration, etc.) encourages the development of other forms of corruption as well. Ultimately, we can see that society is growing discontent with the absence of free and fair elections, and there is no way to appease that discontent other than with serious reform of electoral law and its enforcement.

29 Denis Shadrin, "Praktika Privlecheniya k Otvetstvennosti Chlenov Izbiratel'nykh Komissii v 2018 Godu", *Website of movement "Golos"*, 5 September 2019, <http://www.golosinfo.org/articles/143687> (accessed 20 October 2019).

30 Arkadii E. Lyubarev, ed., *Izbiratel'nyi kodeks Rossiiskoi Federatsii—Osnova Modernizatsii Politicheskoi Sistemy Rossii* (Moscow: GOLOS, 2011).

31 Ella Pamfilova, "Glavnaya Zadacha Organizatorov Vyborov—Dobit'sya Doveriya Izbiratelei", *Grazhdanin. Vybory. Vlast'*, no. 4 (2016): 6–13.

32 Arkadii Lyubarev, "Snimaet Li Novyi Izbiratel'nyi Kodeks Klyuchevye Problemy", *Website of movement "Golos"*, 2 September 2019, <http://www.golosinfo.org/articles/143675> (accessed 20 October 2019).

33 Oleg Reut, "Razrushit' Bashni", *Website of movement "Golos"*, 24 January 2019, <http://www.golosinfo.org/articles/143162> (accessed 20 October 2019).