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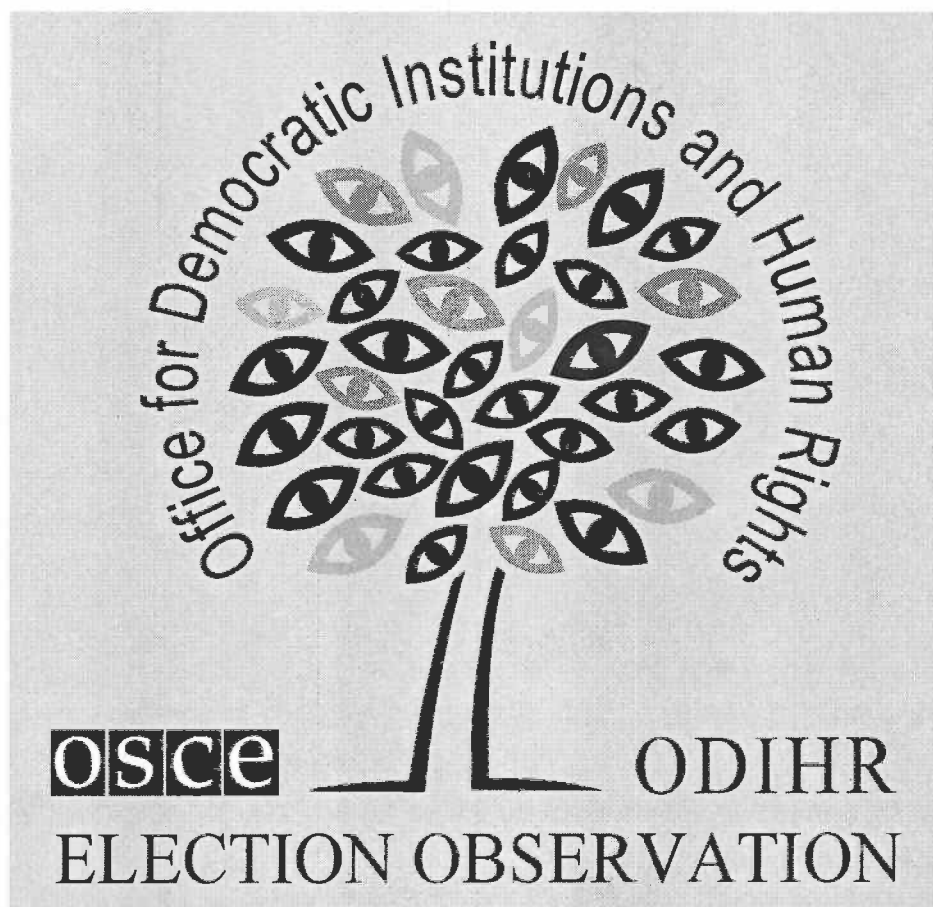
**Office for Democratic Institutions and Human Rights**

## **RUSSIAN FEDERATION**

**Presidential Election**

**26 March 2000**

### **FINAL REPORT**



**Warsaw  
19 May 2000**



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# **RUSSIAN FEDERATION**

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#### **I. INTRODUCTION**

Three months after observing the elections to the State Duma, the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) deployed an election Observation Mission (EOM) to the Russian Federation for the presidential elections on 26 March 2000. The EOM started in early February from a central office in Moscow and 13 field offices throughout the Federation. The EOM included 34 long-term observers and core staff members.

Shortly before election day, jointly with the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE), the OSCE/ODIHR formed the International election Observation Mission (IEOM).

Ms. Helle Degn, the OSCE Chairperson-in-Office's Special Representative for the presidential election in the Russian Federation and President of the OSCE Parliamentary Assembly, led the OSCE election Observation Mission. At a press conference in Moscow on 27 March, Ms. Degn delivered the IEOM's Preliminary Statement of Findings and Conclusions (annexed).

With the support of 32 OSCE participating States, shortly before election day the IEOM deployed 380 short-term observers, including 75 parliamentarians mostly from the OSCE Parliamentary Assembly, who visited approximately 1,724 polling stations to observe voting and counting procedures. The parliamentarians also held consultations with representatives of the Government, State Duma, political parties, think-tanks, and the media. In addition, IEOM teams were designated to observe procedures at the Territorial Election Commissions (TEC) over an extended period of time during election night and on the morning after the election. Eighty-one selected TECs were observed in some 20 regions of the country. Moreover, protocols were collected from other Territorial Commissions as well so that a sampling of polling results could be tracked through the tabulation process.

The OSCE/ODIHR wishes to express appreciation to the Russian Federation's Presidential Administration, the Ministry of Foreign Affairs, the Central Election Commission, the Embassies of OSCE participating States, and the European Commission in Moscow for their assistance, cooperation and support during the course of the observation. The OSCE/ODIHR also thanks Ambassador Edouard Brunner, Head of the OSCE/ODIHR long-term EOM, and Linda Edgeworth, Deputy Head, for their leadership of the observation effort.

*This report is also available in Russian. However, the English text remains the only official version.*

## II. EXECUTIVE SUMMARY

The 2000 presidential election represented a benchmark in the ongoing evolution of the Russian Federation's emergence as a representative democracy. This election, the second for the President of the Russian Federation since the dissolution of the Soviet Union, was particularly significant in that it marked the conclusion of a transitional period forged by President Yeltsin since 1991.

The election was held approximately three months earlier than would normally have been expected due to President Yeltsin's premature resignation from office on 31 December 1999. Under the Constitution, the Prime Minister assumes the duties of the President until a new President is elected. The resignation came less than two weeks after the election of Deputies to the State Duma had taken place during which the pro-Kremlin Unity Bloc (Medved) surpassed early projections and took control over the legislative body. It is a tribute to Russia's political development that the elections took place in a politically stable environment, in spite of a major shift in the political make-up of the State Duma, and the sudden resignation of a long-standing President.

The significance of this election cannot be understated. The Constitution of the Russian Federation gives extraordinary powers to the presidency. Elected by direct, popular vote for a four-year term, the President is in charge of foreign and defense policy, and is Commander-in-Chief of the Armed Forces. The most important ministries, including Defense, Interior and Foreign Affairs, report directly to the President. The President can propose draft laws to the Parliament, but can also issue decrees through which he can directly control areas or issues not regulated by formal laws. Indeed, the first President of the Russian Federation made extensive use of such power, carrying out most important government programs through presidential decrees.

The President heads an apparatus that has no constitutional recognition and as a consequence, no constitutional limits. In the existing constitutional framework, the Duma is limited in its capacity to exert control over the President's actions. This limitation is exemplified by the fact that the Duma has no budget of its own, and depends for all its expenses on the presidential Administration. Likewise, the Federal Courts depend on the presidential Administration for their budget.

The President also appoints the Prime Minister, and if the Duma should not vote its confidence to the Prime Minister, the President can disband it and call for new elections. The only limitation on this authority is during the last six months of the presidential mandate, and the first year after the elections of the new Duma. In the course of 1998/99, the President appointed six different Prime Ministers, and in more than one case, he dismissed them when they still had the confidence of the Duma and were performing adequately according to public opinion ratings. Yeltsin's final appointment of Vladimir Putin as Prime Minister ultimately signaled his choice of a likely successor to the office of the President. Indeed, as Prime Minister and Acting President, Putin, who was a relatively unknown personality less than a year earlier, lead the country and the government during the pre-election period, and *de facto*, became a seemingly unbeatable incumbent against whom all other candidates competed.

For these elections, more than 94,000 polling stations were established requiring the recruitment and training of over 1,000,000 election officials. Elections were conducted in all 89 of the Federation's Subjects, including in 12 of the 15 districts of the Chechen Republic, where polling was suspended for the Duma elections the previous December. Polling stations were also established in approximately 130 countries, providing citizens living abroad the opportunity to vote.

With the Duma elections only a few months earlier, the pre-election period for the presidential race was in some ways molded by the residual political influences and fall-out. It also benefited from an administrative springboard already primed to ensure delivery of a smooth, well-organized and accountable election.

In general, and in spite of episodic events that sometimes tested the system's capacity to uphold principles of fairness and a level playing field, the presidential election was conducted under a constitutional and legislative framework that is consistent with internationally recognized democratic standards, including those formulated in the OSCE Copenhagen Document of 1990. This election also demonstrated Russia's continuing commitment to strengthen its democratic electoral institutions, which appear to have the public's confidence and acceptance as demonstrated by the 69% turnout.

The Central Election Commission performed effectively as an independent and professional body that endeavored to fully implement the electoral legislation on an equal basis. The competence and expertise of election administrators to carry out well-organized and accountable elections is fully institutionalized.

- The Law on the election of the President, which was signed into effect by President Yeltsin just prior to his resignation in December of 1999, incorporates improvements that have continued to evolve with each successive election. It provides the framework for candidates to enter the political arena on an equal basis and provides a foundation for maintaining a level playing field for political participants. Equal opportunities are afforded candidates nominated by political parties and blocs, and candidates nominated independently by citizens. Ultimately for these elections, 11 candidates competed for Russia's highest post.
- Provisions establish a basis for equal access to free media time to all candidates, and institute rigid parameters for limiting campaign financing and enforcing accountability measures for documenting and controlling the use of funds. Key to controlling strict spending limits are requirements that all campaign funds be deposited and spent from a monitored "electoral fund" established by each candidate at an approved financial institution.
- A sophisticated election system also upholds a high level of transparency for all political participants in all phases of the process. Through their rights to have non-voting representatives on all election commissions and observers at all polling stations, parties, blocs and independent candidates had generous access and opportunity to see to their interests throughout the process. In fact, at least some party, bloc and candidate observers were on hand at over 94% of the polling stations visited by IEOM observers on election day.
- Polling station commissions demonstrated a notable commitment in carrying out their duties in compliance with the law and with adherence to procedural requirements. In over 98% of the reports submitted by IEOM observers, polling station commissions were rated highly for their performance during the conduct of the poll.
- Although complex and time-consuming, procedures instituted by the Central Election Commission for conducting the count and reporting results provided a solid basis for transparency, accountability and accuracy that fully met accepted international standards. Where compliance with the complex and labor-intensive procedures defined for the counting process was less strictly adhered to, circumventions were generally perceived as attempts to speed up the process rather than to obstruct accurate counting of votes.

With less than a decade of democratic development, Russia's achievements in the electoral area are notable. Notwithstanding the significant enhancements that have evolved and sophistication of the electoral system, over the course of the long-term observation, several key issues drew the attention of observers that suggest that certain elements of the socio-political environment surrounding elections have yet to fully mature.

In spite of a legal framework that provides liberal rules for the formation of political parties and blocs, a strong "party system" has yet to develop in the Russian Federation. With few exceptions, parties still tend to center on individual personalities rather than platforms and ideologies. Blocs form as strategic alliances to run in a specific election with little view to the longer term. Under these circumstances and as demonstrated in the aftermath of the 1999 Duma elections, parties and blocs are often unable to sustain themselves, and tend to fracture as members shift their allegiances after the election is over. These trends leave in question the level of credible political party pluralism that actually exists in the political life of the Russian Federation at this stage of its transition to a representative democracy.

Having been elected rather than appointed, the new "political muscle" of governors and regional leaders became a key factor in the Duma elections, during which many of them aligned themselves with opposition forces. Attending to local agendas and maintaining their local support, has led to greater autonomy among regional heads, often putting them at odds with the center in Moscow. In the face of strong, pre-election rhetoric regarding reinstatement of "vertical chains of authority" and proposals to revert to a system whereby regional heads were appointed rather than elected, there emerged a rapid shift of allegiances among regional leaders in support of Putin. Such patterns may be evidence that allegiance to the "party of power" is perceived as critical to political and administrative survival and that sufficient pressure can be exerted to limit dissention or political opposition within governing structures.

The media in the Russian Federation strives to remain pluralistic and diverse. However, print and electronic media experienced renewed pressure from State and regional authorities. Much of the media is still subsidized and dependent on State and regional authorities for its fiscal and operational survival. In addition, evidence suggests that administrative pressures can be exerted to control independent or opposition media when it strays too far from the center's official line. Recent events and newly espoused policies could threaten the diversity of a free press struggling to institutionalize journalistic freedom.

The advantages of incumbency are universally recognized in virtually all electoral contexts. The laws of the Russian Federation incorporate well-intended provisions to limit abuses of office and resources of the State in the campaign environment. In general, efforts were made to confine campaign activities within the technical parameters of the law. While the letter of the law was adhered to, however, evidence suggests that the spirit of the law was circumvented in a number of instances, and that the advantages of incumbency were fully exploited.

The IEOM declined to observe polling day activities in the Chechen Republic, though the CEC had offered to assist in the effort. Polling was held in 12 of the 15 districts of the Republic. Although technical preparations were well organized, standard conditions for pre-election activities, candidate campaigning, opportunities for domestic observation and full transparency of polling and counting processes did not exist.

These issues reflect the complexity of the election environment in the Russian Federation and are symptomatic of an established democracy incomplete in its transition. The evolution of the legal and technical attributes of a democratic election system that meets international standards has indeed progressed dramatically. However, where lingering weaknesses exist, they tend to reflect an environment in which the vestiges of Soviet style thinking remain, where the incumbent power structure continues to command and control the political environment, and where tolerance for legitimate opposition is still being tested.

### **Conclusions and recommendations**

Notwithstanding the complexities of the election environment and a constitutional and legislative framework that is consistent with international democratic standards, this report identifies shortcomings that could be addressed, including:

- The dependence of much of the media on subsidies from State and regional authorities as well as the vulnerability of the opposition and independent media to administrative pressures;
- The decline of credible political party pluralism;
- The opportunities to exploit the advantages of incumbency;
- The blurred distinctions between the roles of regional and local administrations and election commissions; and
- Three main shortcomings in the election law: (1) insufficient clarity for the requirements of candidate registration and the risk of subjective interpretations; (2) insufficient safeguards for ballot papers printing, accounting and storing; and (3) complex requirements for the preparation of vote count protocols often inducing circumventions of the law.

### **III. POLITICAL ENVIRONMENT**

The OSCE/ODIHR observation of the presidential elections, by necessity had to take into consideration its findings during the Duma elections only three months earlier. The Duma elections had been characterized by the promise of pluralism. Ultimately 26 parties and blocs had succeeded in gaining a place on the Federal list ballot whereby 225 seats in the Duma were awarded on the basis of proportional representation. Indeed, the outcome not only resulted in greater pluralism than had existed before in the State Duma, it also produced a result that increased the level of actual representation of the electorate in the legislative body. Only four of 43 parties and blocs (9.3%) had succeeded in passing the 5% threshold to win seats in the Duma in 1995. In 1999, however, six had succeeded representing 23% of the parties and blocs competing on the ballot. In addition, in the 1999 elections the winning parties and blocs cumulatively received 81% of the popular votes cast on the Federal list ballot, dramatically outdistancing the parties and blocs gaining seats in the Duma race in 1995 that together had only earned 51% of the actual votes cast. These outcomes had prompted OSCE/ODIHR to state in its final report on the 1999 Duma elections that “the elections mark significant progress in consolidating representative democracy in the Russian Federation.”<sup>1</sup>

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<sup>1</sup> OSCE/ODIHR Election Observation Mission, *Russian Federation Elections to the State Duma, 19 December 1999, Final Report*, Warsaw, 13 February 2000.



#### **A. Duma Elections: A “Primary” for the Presidential Race in 2000**

To most analysts, the Duma elections were expected to be a “primary” for the presidential election. The slate showed signs of serious competition vying for position within the legislative body with well-known, former runners as well as energetic newcomers showing growing strength in the early polls. In addition, major personalities could be found in key positions on many of the federal lists, giving voters a broad spectrum of options from which to choose.

Among the top three contenders were the Communist Party which had won the most seats in 1995 and retained its long standing leader, and Zyuganov, who had forced Yeltsin to a second round in the presidential elections in 1996. The Fatherland-All Russia Bloc, the newly formed alliance of two key personalities, former Prime Minister Primakov and Luzhkov, the powerful Mayor of Moscow, showed 20+% ratings in the early polls, threatening a head-to-head confrontation with the Communists for first place. The formation of the Unity Bloc representing the Kremlin power base rode to prominence rapidly on the coattails of Prime Minister Putin, whose popular support continued to escalate stimulated by his handling of the crisis in the Chechen Republic. Putin with Shoigu, the Unity Bloc’s leader who simultaneously held the post of Minister of Emergency Services, were promoted in the public consciousness as men of action, solidifying Unity’s image as a change from the stagnant leadership that had failed to overcome the country’s problems.

On the second tier were the Zhirinovski Bloc (representing a reorganization of Zhirinovski’s party when LDPR’s registration was rejected by the Central Election Commission) lead by its outspoken and recognized leader, and Yabloko lead by Yavlinski who had also competed for the Presidency in 1996. Yabloko also attracted former Prime Minister Stephashin to join its slate, raising the party’s stature as well as speculation about the emergence of another potential contender for the presidential race scheduled for June 2000. In addition, the newly formed Union of Right Forces was joined by former Prime Minister Kirienko, bringing to the fore another prominent leader with broad public name recognition.

The slate appeared promising and as the Duma campaign got underway, it was fully expected that from this substantial roster would emerge the short list of strong and viable contenders for the presidency. Additionally, it was expected that such a contest would offer voters a substantive campaign, reflective of alternative ideologies from which to choose. Whatever expectations had existed, they faded almost immediately in the aftermath of the Duma elections.

#### **B. Erosion of Political Pluralism**

Several factors contributed to what was to become a race dominated by a single, seemingly undefeatable candidate, in a campaign short on issues, and a political environment in which the pluralism achieved in the Duma elections seemed to erode in a matter of weeks.

Almost immediately following the Duma elections, blocs that had been formed as strategic conveniences specifically for the purposes of participating in that competition, proved as quick to dissipate as they were to arise. The Fatherland-All Russia Bloc, facing disappointing results that belied their early ratings in the opinion polls, split apart. Ultimately, approximately 40% of their members abandoned the bloc to join other factions in the Duma. The Agrarian Party members who had split from their party to shift their alliance to the Communist Party during the Duma election campaign, abandoned the KPRF to realign themselves once again to their former party. In addition, except for the Unity Bloc, other parties and blocs were generally unable to attract to their ranks Deputies elected in the single-mandate races as factions were formed in the State Duma.

In spite of the prominence of candidates, such as the former Prime Ministers, none were ultimately nominated by their parties or blocs for the presidential election. Even Primakov, the leading contender expected to enter the race, abandoned the contest altogether in the face of disappointing results for Fatherland-All Russia and the constant attacks against him personally in the State-controlled media during the Duma pre-election campaign.

The premature resignation of the President Yeltsin and the call for early elections diminished the opportunity for opposition forces to organize, create a campaign strategy, and advance a single and commonly supported presidential candidate of their own.

In addition, beginning in the early weeks of the presidential campaign and throughout the lead-up to election day, even the strongest opponents of pro-Kremlin forces and the administration during the Duma elections began to capitulate in favor of the Acting President's candidacy. In a cautious step, initially the Political Council of the Fatherland movement declared that it would not indicate its support for any particular candidate, but urged its regional branches to "formulate their position for themselves."<sup>2</sup> A similar position was expressed by the Union of Right Forces, in spite of the fact that Titov was nominated by an initiative group affiliated with the bloc.<sup>3</sup> Ultimately, it became clear that both blocs would formally fall in line behind Putin. By mid-March, Fatherland gave its full support to Putin at its conference, with former arch-rival Luzhkov proclaiming that the program proposed by Putin "literally coincides with that of Fatherland."<sup>4</sup> Luzhkov's visibility as partner in the Putin camp became more apparent as he accompanied the Acting President on a number of pre-election visits.

Ultimately, the Union of Right Forces formally pledged its support for Putin as well, in spite of a division among its leadership on the question, and the candidacy of Titov, one of its own leaders. By mid-March, two of its key leaders and member movements, including Kirienko, on behalf of Novaia Sila Movement, and Brusnikin, leader of the Novoe Pokolenie Movement, gave their endorsements to Putin. These pledges of support followed on the heels of those made by the Rossiia Molodaia Movement lead by Nemstov, and Anatolii Chubais, Chief Executive of the United Energy Systems electricity utility. By the time of the Union of Right Force's formal declaration of support for Putin, nearly 2/3 of its member associations had already shifted their alliances behind the Acting President. As Luzhkov had done previously, Kirienko explained the bloc's decision in terms of the similarity of its program to that proposed by Putin. One week before the election, the Political Council of the bloc dissolved itself altogether removing any continuing necessity to publicly support the campaign. This compromise also helped avoid a formal split in the bloc pending its declared plans to hold a founding Congress to re-establish itself as a political party after the elections were over.

### C. Shifting Alliances of Regional Leaders

In spite of significant changes in the status of regional Governors since 1996, when they were appointed and could be dismissed by the President, their role in the pre-election presidential campaign network appears to have changed little, if indicators during the 2000 election can be considered an accurate measure. In the interim since the 1996 presidential elections, Governors and the Presidents of the Republics have all become elected officials. As popularly elected leaders, they have gained greater independence and have increasingly pursued their own local agendas in order to maintain their support base. During the Duma elections, many aligned themselves with opposition

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<sup>2</sup> "On Fragments of the Fatherland", *Moskovsky Komsomolets*, 12 February 2000, p. 1.

<sup>3</sup> "SPS Split Over Candidate", *Moscow Times*, 21 February 2000, p. 3.

<sup>4</sup> "Luzhkov Has Extended His Hand", *Moskovsky Komsomolets*, 16 March 2000.

parties and blocs, and some actually appeared on their federal lists as candidates for the elections. However, in the lead up to the Duma elections, just as blocs and candidates were abandoning their stances as opposition forces, a dramatic shift in the allegiances of governors and Presidents of various Republics also unfolded. Yakovlev of St. Petersburg, whose own contest for re-election has been scheduled for May of 2000, was one of the first in spite of his candidacy on the Fatherland-All Russia bloc's list only three months earlier. Indeed, his conversion was also more than likely influenced by Putin's personal backing for Deputy Prime Minister Matvienko as his chosen candidate in the St. Petersburg election.<sup>5</sup> Other regional leaders aligned with Fatherland-All Russia followed suit, most notably the generally autonomous Presidents of Bashkortostan and Tartarstan.

The domino affect also diminished long-standing allegiances to the Communist Party. Along the traditional "red belt," overt and public declarations of support by governors for Zyuganov either failed to materialize, or were publicly withdrawn in favor of the Acting President. Even Kemerovo Governor Tuleev, a Communist Party member running as a candidate, publicly declared that, should there be a second round, he would back Putin over Zyuganov. Only Tula Governor Starodubtsev maintained his open pledge of support for the Communist candidate resolutely throughout the campaign.

#### **D. Factors Contributing to Political Shifts**

The shifts in alliances of candidates, parties and blocs, and regional leaders are reflective of concerns regarding the embryonic development of political parties in the Russian Federation raised by the OSCE/ODIHR in its Final Report on the Duma elections, and in IEOM's Preliminary Statement immediately following the presidential election. In spite of a sophisticated election law that provides liberal access for parties and blocs to enter political contests, party politics still tend to center on individual personalities rather than formal programs. In addition, with the exception of the Communist Party and Yabloko, most of major contenders remain those coalitions of associations that come together as strategic alliances for a specific election rather than on the basis of common platforms or ideologies. Therefore, they are unable to sustain themselves as constructive opposition or minority parties in the aftermath of the election or during the interim between elections.

Even Unity, the pro-Kremlin bloc, has a far road to travel if it is to succeed in consolidating its membership into a formal political party as its leadership proposed during its first post-election Congress. It was formulated for a strategic purpose, to provide a new name and identity to the existing Kremlin power structure wanting to secure its position through the Duma elections. It did not emerge as a "grass roots" political organization centered on ideological themes. Neither did it represent a new regime, but the incumbent administration under a new mantle.

The embryonic state of party politics in Russia exacerbates a tendency to fall back on traditional practice whereby demonstrations of loyalty to the "party of power" is deemed necessary to political and administrative survival. This reluctance to "get on the wrong side" of existing power structures was equally evident among the regional heads as the inevitability of a Putin victory became obvious.

Notwithstanding the increased autonomy regional heads enjoyed under Yeltsin, throughout the campaign period Acting President Putin made it clear that if elected, he would pursue a much

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<sup>5</sup> With recent polls showing Deputy Prime Minister Matvienko unable to draw any popular support, and following her recall from vacation for a meeting with President Putin, Matvienko withdrew from the St. Petersburg contest.

tougher line. Even before the official campaign period began, he alluded to the “threat of legal separatism” and called the current order of State authority “neglected, slack and lacking discipline.”<sup>6</sup>

At the same time, proposals were being presented calling for a return to the system whereby regional leaders would once again be appointed rather than elected. In their proposal published in *Nezavisimaia Gazeta* in an “open letter” to Putin, the Governors of Novgorod, Belgorod, and Krugan Oblasts espoused increasing the president’s term from four to seven years. Tuleev of Kemerovo also endorsed the appointment of governors, and further suggested that the number of Subjects be reduced from 89 to about 35. Both steps, he suggested, would make the country more “manageable.”

Proposals calling for the appointment of governors or the extension of the president’s term, however, would require constitutional amendments that can only be adopted with the support of a 2/3 majority in both the Duma and the Federation Council, and approval by at least 2/3 of the 89 regional legislatures. Putin has never expressed his overt support for the proposals; nor would his pursuit of such amendments seem rational since they would require support from the very regional heads whose own positions would potentially be jeopardized under the alternative scenario. In addition, his powers under the current constitutional framework provide the President with sufficient tools to keep regional leaders in check, when and if he chooses to invoke them.

His leverage has been strengthened further by legislation adopted in June of 1999 that calls for a review of the bilateral treaties entered into with 46 of the Federation’s 89 regions between 1994 and 1998, to ensure their conformity with the Constitution.<sup>7</sup> The new legislation requires that uniform compliance be achieved by 2002. With only two years to achieve results, Republics such as Tartarstan and Bashkortostan are likely to be priorities as they exercise significant autonomy, and have used jurisdiction arguments to contravene central authority and decisions of the Supreme Court on a number of occasions. The review of treaties between the region and the center will provide fresh opportunities to rein in regions demonstrating resistance to controls imposed from the center, and provide the newly elected President significant leverage in reinstating “the vertical executive chain of command” he had emphasized in his pre-election rhetoric.

Notwithstanding the jeopardy suggested by these global policies, there are practical levers that may have also led to the almost universal efforts of regional leaders to hop on the Putin bandwagon in rapid succession. A few examples that follow serve to illustrate some factors that discourage dissention.

Only about 10% of the Federation’s Subjects are considered “donor” regions that transfer higher revenues to the federal budget than they receive from it. “Recipient” regions are particularly dependent on the center and its goodwill. However, all Subjects must maintain favor with the center, as they compete for regional budgets, subsidies, grants, favorable tax remittance strategies and loans and repayment negotiations.

The appointment of presidential representatives to each region, can be used as a valuable tool in ensuring that the President’s interests are effectively looked after. The role of these representatives is to monitor regional government activities. Since Yeltsin’s resignation, the Acting President has replaced approximately 20 of the representatives, and apparently many of them from the ranks of the KGB/FSB. As a strategic step to strengthen vertical command structures, a paper was developed by

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<sup>6</sup> President Putin’s Speech to the Ministry of Justice, late January.

<sup>7</sup> Law on the Principles and Procedure for Delimitation of Competencies and Powers between Federal and Regional Authorities of the Russian Federation.

the Center for Strategy, Putin's "think-tank" which would enhance the role of these representatives by giving them direct responsibility for the oversight and coordination of the activities of all departments of federal bodies operating in the regions.

Governors recognize that support from the center can be crucial to their own survival, especially as they seek reelection. Circumstances surrounding the presidential race suggest that the administration and incumbent power structures have long memories and stand ready to apply lingering pressure on recalcitrant leaders. Yakovlev of St. Petersburg, for example, a re-converted opponent from the Duma elections found himself faced with a contender promoted by the Acting President. Luzhkov, who suffered slanderous attacks from State media in the previous campaign and found his Chief of Police and personal ally dismissed by Yeltsin, continued to feel the onslaught of administrative scrutiny in the weeks preceding the presidential election. In the wake of his stand as an outspoken opponent of the administration in the Duma elections, another blow was struck in March when the Ministry of Interior's Investigation Committee demanded all documents relating to housing construction in Moscow in 1999.<sup>8</sup>

Denial of support can also be leveled against wayward leaders who fall out of favor. Strategic delays in budget transfers from the center, for example, can damage an incumbent's campaign if wages and pensions, already stressed by severe economic downturns, are interrupted during the pre-election period. Unleashed criticism in State-controlled media can also disadvantage incumbents in their bid for reelection.

It must be acknowledged that there are extraordinary challenges facing elected officials at all levels if the social and economic problems facing the Russian Federation are to be resolved. Citizens are looking for prudent and rational measures that will address the often obstructive status of existing center/peripheral relations, limit the unfettered influence of oligarchs, make inroads in investigating and curtailing corruption, eradicate crime, and provide for a sound and rational tax and budgeting structure. However, there are valid concerns when such issues are manipulated solely for political purposes rather than for the best interests of the citizens and the well being of the Federation as a whole.

The erosion of political pluralism since the Duma elections, is reflective of an election environment that has yet to fully develop a solid "party system." Patterns that emerged in the weeks leading to the presidential election also tend to substantiate the views of some analysts who suggest that, regardless of who may actually hold the reins, it will be some time before there can be any serious contention strong enough to overtake an existing power structure that continues to wield extraordinary influence over the political environment. However, effective democratic election systems generally rely on credible, sustainable and constructive political diversity. Given the fluid state of political activity in the Russian Federation, there is no way to anticipate what new shifts and what new alignments of political forces will emerge once the dust of the presidential elections settles. President Putin has suggested that the party system of the Russian Federation needs an overhaul. In particular, he has suggested his preference for a system with no more than three to four political parties including Unity as a fully registered party, capable of rallying mainstream popular support. He also acknowledged the Communist Party as the one sustainable party that already exists. It is not clear whether affirmative steps will be taken to achieve the type of party system he envisions through legislative reform or other means, or whether he expects political consolidation to occur spontaneously.

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<sup>8</sup> "Next-The Mayor's Office," *Izvestia*, March 10, 2000, p. 3.

#### IV. ELECTION ADMINISTRATION

Presidential elections, referenda and elections to the State Duma, are supervised by the Central Election Commission (CEC). The CEC is an independent body that acts on a permanent basis and serves for a term of four years. The members of the CEC must have law degrees or higher juridical education. Five of its 15 members are appointed by the President, five by the State Duma, and five by the Federation Council. The structure of Commissions subordinated to the Central Election Commission includes Subject Election Commissions that are established in each of the Federations 89 Subjects, and Territorial Commissions that serve each of the 2,700 subdivisions into which the Subjects are divided.<sup>9</sup> The Subject Commissions also serve on a permanent basis, while lower level commissions are established for each specific election, except where under the law of a Subject or a charter of a municipal unit calls for its Territorial Commissions to serve for set terms. Precinct Election Commissions serve voters at the polling stations on election day. The presidential election involved over 94,000 polling stations and nearly one million election commission members. Throughout the EOM deployment, it was obvious that election commissions at all levels were competent, generally well trained and committed to doing a good job.

Fundamental to the law are provisions dictating that decisions of higher-level commissions are binding on subordinate commissions and that decisions or actions can be overruled by the next superior commission.

The Central Election Commission is supported by its own secretariat, while Subject and Territorial Commissions are supported by local administrative bodies. Members of Subject Commissions are appointed by legislative and executive bodies of State power of the Subject, based on suggestions from public organizations and elected bodies of government. One third of the members are chosen from proposals of political parties having factions in the State Duma. Indeed, there appeared to be a cross-section of parties and blocs represented on many of the commissions. Likewise, Territorial Commissions are appointed by the “elective bodies of local self government,” on the basis of proposals from civic associations.

##### A. Transparency Mechanisms: Non-voting Members and Domestic Observers

One of the most positive aspects of the legal framework for elections in the Russian Federation is the requirement that all election commissions must conduct their activities “publicly and openly.”<sup>10</sup> The level of transparency has been significantly enhanced by provisions that offer opportunities for representatives of registered presidential candidates to participate on the commissions as “non-voting” members. One representative of each candidate can be appointed to each election commission at every level, including Precinct Election Commissions. In addition, a registered candidate may ask his or her authorized representative to appoint a non-voting member to Territorial and Precinct Commissions. As non-voting members, these candidate representatives have the right to participate in the debate and discussion of issues and policy questions that may arise, but they may not vote when formal decisions are being taken. In addition, non-voting members may not participate in certain activities, such as issuing absentee certificates, the sorting, counting or canceling of ballots, the drawing up of the protocols of election results or signing decisions of the commissions on which they serve. However, they are entitled to:

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<sup>9</sup> During elections to the State Duma, District Election Commissions are also established for each of the 225 electoral districts from which candidates are elected on the basis of single-mandate constituencies. District Commissions are not utilized in presidential elections where the entire Federation is a single constituency.

<sup>10</sup> Article 21, *Openness in the Activities of Election Commissions*, Law on the election of the President of the Russian Federation.



- receive notice of meetings of their various commissions;
- speak at meetings, make proposals on matters within the competence of the given commission, and request that issues be put to a vote;
- put questions to other participants in meetings and receive meaningful answers;
- inspect documents and materials and receive certified copies; and
- appeal decisions, action (or inaction) of the commission in a court of law.

The representatives of the winning candidate who serve as non-voting members of the Central Election Commission or Subject Election Commissions may continue to serve on the commission until the end of the registration of the winning candidate or the next election to the Presidency. The terms of all other non-voting members of commissions expire 30 days after the official publication of the results. The EOM found that candidates took advantage of this opportunity, with Putin and Zyuganov being the most widely represented.

## **B. Rights of Observers**

In addition to the participation of non-voting members on the election commissions, the law is also very liberal particularly regarding the presence of observers. Registered candidates, their agents or authorized representatives on financial matters, as well as representatives of higher level commissions are entitled to be present at all sessions of election commissions at every level. Notice is also to be given to these participants regarding the time when regular meetings will take place, as well as times when commissions will be working specifically on voter lists, absentee certificates, counting, tabulation or reporting of results. These persons are also entitled to be present at the meetings of election commissions during the consideration of complaints.

Domestic observers are accredited by the registered candidate or his/her agents, or the organizations they represent. International observers are accredited by the Central Election Commission. The law provides that once registered, observers need not acquire any additional permission to be present when actual work is being completed relative to the tasks mentioned above. In addition, on election day observers are entitled to be present at polling stations from the time the polling station commission begins its work, until “receipt of a message that a higher election commission has adopted protocols of voting returns.” They may gain access to the work of any commission throughout the counting process, tabulation, and preparation of the formal protocols of results.

The law is also quite specific in defining the extent to which observers may have access to documents, view activities, present concerns and appeal decisions or actions of election officials. These privileges include inspection of voter lists, observation during the issuance of ballots to voters, presence when voters cast ballots outside the polling station, observing votes being counted “from a distance and under conditions which allow them to observe the contents of the ballots,” inspecting any marked or unmarked ballots when votes are being counted, inspecting the protocols as they are prepared by any commission at any level, and asking for certified copies. As results are tabulated at successively higher commissions, observers are also entitled to receive copies of the summary of consolidated returns against which they can compare their original copies of individual polling station protocols. Domestic observers may also appeal actions or omissions of polling station election commissions to higher election commissions or to the courts.

On polling day, observers representing a number of candidates and public associations were encountered in 94% of the polling stations visited by IEOM observers. The rights of observers provided for by law demonstrate an extraordinary level of transparency afforded election participants

in the workings of the commissions, and to the decision making process as the election unfolds. Opportunities for a cross-section of candidates to be represented as non-voting members of commissions provide a level of self-monitoring that contributes significantly to the credibility of the process. However, in some areas, commissions advised IEOM observers that although non-voting members had been registered, they often failed to show up at meetings or demonstrate an active interest in the proceedings. IEOM observers also noted that domestic observers were often very passive over the course of voting often disassociating themselves from the polling activities.

### C. Independence of Election Commissions

Another key feature of the electoral administrative structure is legal mandate that they be “independent of State bodies and bodies of local self government.” This principle is established in the Law on Basic Guarantees of the Electoral Rights of Citizens and the Rights of Citizens of the Russian Federation to Participate in a Referendum (hereinafter, the Law on Basic Guarantees) that defines the hierarchical structure of commissions and the appointment of their members.<sup>11</sup> Originally enacted in 1994, the Law on Basic Guarantees was intended to establish the standards and principles that would govern all elections.<sup>12</sup> However, the close association between election commissions and local administrative authorities sometimes blurred the distinction between the role of the commissions and the administration itself. In fact, the Law on Basic Guarantees provides that officials and employees of bodies of local self government can be appointed to Subject, Territorial and Precinct Commissions so long as they do not make up more than 1/3 of the total membership.<sup>13</sup> There are no restrictions as to what posts they may hold, and it was noted by IEOM observers that, in many instances, they chaired the commissions or served as secretaries and/or deputy chairpersons. In addition, commissions are usually provided workspace within the offices of the local administration as well as equipment, supplies and transportation resources from administrative authorities. Observers also noted that at training sessions for election commission members, sessions were often led by representatives of the administration. IEOM observers also reported that administrative officials were often on hand at polling stations, and in some instances were actually directing the work of the Precinct Election Commissions.

One circumstance arose which was particularly troubling. EOM long-term observers in different regions encountered incidents where campaign materials for the Acting President were found in offices of Territorial Election Commissions. In addition, some Territorial Commissions acknowledged that they were instructed by the administration to pick up Putin campaign materials for distribution in their areas. Corroborating reports were submitted from Territorial Commissions as far distant from one another as Primorski Krai and Kazan. In one instance, the Chairwoman of a Territorial Commission acknowledged that one day earlier, she had received her first specific order regarding promoting the Acting President’s campaign. At that time she had been instructed to pick up campaign literature promoting his candidacy at the same time as she picked up the ballots for her territory.

<sup>11</sup> Law on Basic Guarantees, Article 21(13) Although not a “constitutional law” for adoption, which requires ¾ majority in the Federation Council and 2/3 majority in the State Duma, the Law on Basic Guarantees stipulates that, if another Federal law should conflict with its principles, its provisions are to prevail. The Law on Basic Guarantees was amended in March of 1999 to incorporate procedures for conduct of Referendum elections, somewhat diluting its original intent to serve as a “voters’ bill of rights,” but it still retains its “superiority” over other federal laws, laws of the Subjects and normative legal acts on elections. However, it also provides that “constitutional laws” and other federal laws can supplement the guarantees set forth in the Law on Basic Guarantees.”

<sup>12</sup> Supra., Article 1(3) and (7).

<sup>13</sup> Supra., Article 23(1) and (9).



It was not clear as to whether these initiatives were introduced from the center, or generated by the regional authorities. However, it is clear that use of the network of election commissions for the distribution of any candidate's campaign materials is improper. In addition, involvement of the administration or election commissions in the production or distribution of campaign materials is a violation of Federal law. In particular, Article 44(3) dictates that election propaganda materials shall not be produced and distributed by (a) "federal bodies of State power, bodies of State power of the Subjects of the Russian Federation, other State bodies, or bodies of local self government," and (b) "election commissions, and voting members of election commissions."

This blurred distinction between the roles of regional and local administrations and the election commissions that continues to exist will require serious attention in the future. Although cooperation between the two bodies is a fundamental requirement for meeting operational and technical needs in the conduct of elections, a clear and inviolable barrier needs to be built regarding where responsibility lies related to decision making on implementing the law, determining the fate of candidates, the rights of candidates and other election related matters. Most importantly, neither the administration nor the election commission has any legitimate role in campaigning for or against any candidate or to the advantage of one candidate over the others.

## V. POLLING IN CHECHNYA

The Chechen conflict was notable for its absence as a campaign issue during the Duma elections, although it was probably the singular most important theme upon which Unity and Putin rose in the public's recognition and popularity. The Chechen conflict and its subtext as an anti-terrorism and anti-crime campaign, retained its resonance with a population yearning for stability and relief from declining social and economic conditions as the presidential election approached. Reports of stunning losses and casualties such as those befalling the Special Task Unit of Moscow OMON just five km from Grozny and the 85 paratroopers lost in the Argun Gorge in the first week of March, did not appear to dampen general support for the war being waged in the break-away Republic.<sup>14</sup> Nor did escalating international criticism regarding human rights violations and emerging stories about alleged atrocities perpetrated by Russian soldiers. The confusing and convoluted saga of Babitskii, a Radio Liberty reporter who had been critical of the war, and who found himself exchanged for Russian prisoners, held in Northern Caucasus, then released only to be arrested in Dagestan bearing a false passport, failed to stimulate public concern.<sup>15</sup> Admissions that a damning video purported by a German journalist to be proof of atrocities perpetrated by Russian soldiers against Chechens was falsified, dulled the edge of the international community's criticism in the public consciousness.<sup>16</sup> Bolstered by well-timed reports of advances and faith in immanent victory continued to engender unity behind a commonly held cause, and to rejuvenate Russian self-esteem and national will.

Polling was held in the Chechen Republic for the Duma elections in 1995 and the presidential elections in 1996. However, the Central Election Commission cancelled polling in the Chechen Republic for the 1999 Duma elections in view of the extremely untenable conditions existing at the

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<sup>14</sup> NTV, 2 March 2000, Newscast at 22:00; "Soldiers are Weeping," *Izvestia*, 6 March 2000, p. 1; ORT, 10 March, 2000, Newscast at 21:00.

<sup>15</sup> *Moscow Times*, 26 February 2000, p.1; ORT, 26 February, Newscast at 20:00.

<sup>16</sup> "Herr Hoeffling, You Are a Liar," *Investia*, 26 February 2000, p. 1; "Hard Truth of the Chechen War," *Investia*, 28 February, p. 1; NTV, 29 February 2000, Newscast at 22:00.

time.<sup>17</sup> As the presidential election in 2000 approached, the government was eager to organise and hold voting in the Chechen Republic.

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<sup>17</sup> Although the suspension of elections in the Chechen Republic for the Duma was recognized as necessary, a controversy arose relative to the lack of any legal authority of the Commission to take the decision independent of any declaration of a State of Emergency by the President and confirmed through a vote of the Federation Council.

## **A. Administrative Preparations for Election Day**

Ultimately elections were held in 12 of the 15 districts of the Republic. In early February, Gudermes was established as the Chechen Republic's "capital" and a Republic Election Commission was appointed to oversee preparations for the elections. In addition, 12 Territorial Election Commissions were put in place as were approximately 330 Precinct Election Commissions. Military voting stations were also established in 37 locations. Because of the obvious instability in the region, it was decided that the State automated system GAS Vybori, would only be functional in Gudermes and Mosdok. Therefore returns were processed manually and submitted to these sites with some delays. The consolidated returns were then forwarded electronically from these stations to the Central Election Commission. Two days after the election, only about 1% of the electorate's votes had been entered into the system and it was several days later that results from the Chechen Republic were available.

The election operations in the Republic involved approximately 1,300 volunteers. Preparations were undertaken with close cooperation with military and administrative authorities. In addition to providing general security support, the military assisted with logistics arrangements such as transportation, communications and provision of auxiliary generators in case of power outages.

One of the major challenges related to compilation of voter lists. According to data on the last lists prepared for the Chechen Republic under President Maskhadov there were 380,000 voters. According to the Central Election Commission, however, the voter lists for the presidential election included closer to 460,000 voters. This number included federal forces in the military units serving in the region. A major concern expressed by critics of the move to hold elections in the Chechen Republic was that the data on the resident population was seriously outdated. In addition, much of the population had been displaced by the conflict. In practical terms, it would probably have been impossible to accurately remove those who had left the area given the stressed and time constricted situation. In addition, the CEC decided that refugees should remain on the lists because many were "returning every day." Their refuge in neighboring areas was considered temporary and most voters, it was believed, had full intentions to return. Plans called for internally displaced persons to be added back on the lists as they returned.

Another concern was that many citizens of the Republic had lost their passports and other forms of identification. A joint OSCE/ODIHR and CEC assessment mission to the Chechen Republic on 20 March established that special efforts were made by the Ministry of Interior to provide passports or special certificates that indicated that persons had officially applied for replacements. The mission also established that these certificates would be acceptable as ID on election day. Polling officials would be flexible on documentation requirements, and voters would be permitted to cast ballots on the basis of almost any form of identity, including even pension books so long as the document reflected residence in the Republic.

In spite of thousands of refugees displaced in neighboring regions, no arrangements were made to establish special polling stations at the camps where they were housed. Rather, residents of the camps were given status as residents which was noted by a stamp in their passports (*propiska*) or their residency certificates. Displaced voters cast ballots at regular polling stations. Many of those who had registered as internally displaced persons had already been added to the voter lists of the polling stations in the regions where they had relocated. Anyone else with a stamp in their passport or certificate indicating their being domiciled in a camp located in the area served by the polling

station but whose name did not appear on the voter list was added to the “additional” voters register on election day.

## **B. Suitable Conditions for Elections in the Chechen Republic Found Lacking**

The decision to hold elections in the Chechen Republic met with criticism, not only from the international community, but also from at least some political quarters within the Russian Federation. A Deputy of the Yabloko faction argued that elections should not be held in the Chechen Republic on the basis that part of the population of the Republic still refused to recognise the region’s participation in the Russian Federation, meaning that voting in the region would not accurately reflect the electoral will of the people as a whole.

Some non-voting members of the Central Election Commission were also critical of the decision, including representatives of Zyuganov, Govorukhin, and Zhirinovskiy. Among their concerns were the lack of opportunities for candidates to establish regional campaign offices, conduct meaningful campaigns, or organize observers. Grave concerns were also expressed about the inflated voter rolls, and the fact that the printing of 510,000 ballots was unreasonably excessive and vulnerable to abuse. The Communist Party was also concerned about the possibility of falsification of results.

The OSCE/ODIHR was invited to observe the polling in the Chechen Republic and sent the 20 March joint mission with the CEC to assess the pre-election situation there. The mission found that, in spite of the extraordinary efforts made by authorities to prepare for safe and orderly elections in the Chechen Republic, many of the conditions associated with democratic elections simply could not be met. In its preliminary statement, the IEOM acknowledged the challenging circumstances under which the Central Election Commission had prepared the technical arrangements for holding elections in the Republic. However, the IEOM also concluded that: “standard conditions for elections and pre-electoral activities do not exist in the territory as a whole due to the ongoing military campaign in some areas and security conditions in others. In particular, election campaign activities in the territory did not take place, although the Acting President visited there. Moreover, the population in the Chechen Republic had very limited access to electronic and print media, had limited freedom of movement, and the potential for intimidation and fear could not be ruled out.”<sup>18</sup>

Ultimately, the IEOM declined to deploy observers to the Chechen Republic.

## **VI. REGISTRATION OF CANDIDATES**

Candidature for President of the Russian Federation involves a three-step process: nomination; collection of signatures in support of the candidate; and registration.

The nomination process may only start after the publication of the decision to call elections. Under the law, candidates may be nominated by electoral associations (parties) or blocs, or by citizens forming “initiative voters’ groups.” An electoral association or bloc takes a formal decision to nominate a candidate at a “congress” of the association by secret ballot. If the nomination is supported by a bloc, congresses must be held by each member association of the bloc. The application submitted by the association or bloc must be accompanied by a list of its official representatives, a notarised copy of the current statute of the association, and a notarised copy of the

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“Statement of Preliminary Findings and Conclusions,” *International Election Observation Mission, Russian Federation – Presidential Election, 26 March 2000*, Joint Statement of the OSCE/ODIHR, OSCE Parliamentary Assembly and Parliamentary Assembly of the Council of Europe (annexed).

certificate proving that the association (or those associated with the bloc) were registered with the Ministry of Justice at least one year prior to the date of the election in which the candidate will stand. The application must also include the candidate's statement regarding his or her willingness to run, and all relevant data about the candidate required by law.

An "initiative voters' group" must include not less than 100 voters, must submit an application to the Central Election Commission containing the names and personal details about its members a protocol of the group's registration, and minutes of the meeting in which the group chose to nominate a candidate. A notarised power of attorney must be appended for the representatives of the group, as must the statement of the candidate expressing his or her willingness to run. In the statement the candidate may also indicate his membership in a public association that could be an electoral association, as long as the association was registered at least one year prior to voting day. If he or she chooses to disclose such an affiliation, it must be confirmed by a certified document that the association agrees.

The application, regardless of whether it is submitted by a party or bloc, or by an initiative voters' group, must also include detailed information about the candidate being nominated. In addition to the basic information, the candidate is also required to disclose any outstanding conviction which has not yet been satisfied and, if relevant, his or her citizenship in another country. Both of these elements will be disclosed on the petition circulated on behalf of the candidate, and on the ballot.

Perhaps it is another symptom of the relatively weak state of party and bloc organisational structures that only two candidates were actually nominated by their political organisations: Zhirinovski by the LDPR and Panfilova by "Citizens for Dignity." All others, including Putin, Zyuganov and Yavlinski, were nominated by citizens initiative groups, rather than by their parties or blocs. One distinction setting Putin apart, is that although strongly supported by Unity, he is not a member, whereas Zyuganov and Yavlinski are the actual leaders of their parties.

When the Central Election Commission has confirmed that all the required documentation has been filed properly, they issue a registration certificate to the representatives of the group so that they can start the second phase of the process, the gathering of signatures in support of the candidate.

#### **A. Collection of Signatures in Support of Candidates**

The second step in becoming a candidate is the gathering of signatures of eligible voters who support the candidate's bid for office. The initiative group, electoral association or bloc must normally gather not less than 1,000,000 signatures, with no more than 70,000 signers residing in the same Subject.<sup>19</sup> The same 70,000 maximum also applies to signatures gathered among citizens living outside the Russian Federation. The law also includes a provision that cuts the signature requirements in half in the event of an "early or repeated election."<sup>20</sup> Therefore, each candidate had to be supported by only 500,000 signatures.

Under the law, signatures may not be collected by the governing bodies of organisations or institutions. The law is also very specific regarding restrictions against any type of coercion or remuneration to the voters signing petitions. Nor can signatures be collected where wages are paid or charity given. However, the law allows payment to circulators of the petition and does not restrict petitioners from gathering signatures at work or places of service, study or residence.

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<sup>19</sup> Article 36(1), Law on the Election of President of the Russian Federation.

<sup>20</sup> Supra., Article 36(13).

At least 20% of the signatures collected undergo a verification review based on a random sampling drawn by lot. The sample size must be equal for all candidates. If 15% or more of the signatures are found to be invalid during the verification process, an additional 10% can be checked. If the number of invalid signatures still exceeds 15% of the total number selected for verification, the process is discontinued and the candidate is rejected. The candidate is also not registered if the number of submitted voter signatures minus the invalid signatures is insufficient for registration.

Upon verification that the petition has satisfied the legal requirements, the candidate is registered. Only after the candidate is registered may he or she begin campaigning. However, even after the candidate has been registered, he or she can still lose the right to compete in the election if additional evidence is discovered showing that the candidate has provided inaccurate information, or engaged in an offence that entails criminal or administrative liability. Under the latter circumstances, the offending electoral documents are turned over to law enforcement bodies.

## **B. Financial Disclosure**

A key element of the application for candidacy is the financial disclosure statement, submitted by the initiative voters' group or by the nominating electoral association or bloc. The financial disclosure requirement was introduced into law as a means of inhibiting the likelihood that persons associated criminal elements could enter into the political arena thereby gaining immunity and legitimacy. The disclosure statement must include detailed information about the amount and sources of income, property, and liabilities. Not only must the candidate report this information about him/herself, the same information must be reported for his or her spouse and children.

Disclosure statements are sent to a number of relevant agencies including the Ministry of Interior, Tax Police, property offices, automobile record offices, etc., for confirmation regarding the accuracy of the candidate's statement. If it is learned that something has been omitted from the application according to official records or an investigation discloses misrepresentation or false information, the candidate is rejected.

## **C. Controversies and Court Cases: Property Disclosure**

For the 2000 presidential elections, a total of 33 candidates were nominated. However, only 15 were able to submit their signatures to the Central Election Commission by the 15 February deadline. Initially only 11, or 1/3 of those who were nominated, were actually registered, although a 12<sup>th</sup> was added to the ballot based on a successful court challenge.

The process was subject to controversy as the applications of some candidates underwent investigations for omissions of property details on their financial disclosure statements, while others became subject to an intense review when allegations emerged regarding the potential falsification of signatures in their supporter lists. As in the Duma elections, the rejection of candidates and the resulting court cases that followed illuminated some basic deficiencies in the laws, and inconsistencies in the manner in which they are interpreted and applied. They also brought into question the basis on which some decisions were taken by the Central Election Commission. Once again, even the Supreme Court had to reverse itself in the election's most notable case.

Zhirinovsky, the LDPR candidate for the Presidency, had been rejected by the Central Election Commission on the basis of the incomplete financial disclosure statement provided by his son. According to the CEC, the son had failed to disclose a flat that he purportedly owned. Zhirinovsky

appealed the CEC decision to the Supreme Court but lost. His legal argument centred on Article 39(3) of the presidential election Law that indicates that the CEC may refuse to register a candidate if the information submitted in the application is “essentially” inaccurate. He had argued that since the flat represented less than 1% of the total area (4,000 m<sup>2</sup>) of the premises registered by him and his LDPR party his documents could not be considered “essentially” inaccurate. However, the Supreme Court upheld the decision of the CEC and Zhirinovski was denied access to the ballot.<sup>21</sup>

Shortly thereafter, stories emerged that Putin may have failed to disclose a country house owned by his wife. The CEC indicated that the report was being fully investigated. A nuance in the Putin case was that he had disclosed ownership of the land, but not the house built on the property. Under property ownership laws, as long as a house has not been completed, it need not be registered. However, the law is vague as to what constitutes “completion.”

In a separate case, Governor Tuleev of Kemerovo, also underwent investigation regarding omissions on his property declaration. His situation was resolved in his favour when it was determined that the flat in Moscow was not in his ownership but State-owned and, therefore, not subject to disclosure.

As these cases were being investigated by the CEC under the spotlight of media and public interest, Zhirinovsky appealed to the Cassation Court (the appellate chamber of the Supreme Court) to have the original court’s decision overturned. This time, the Cassation Court found in favor of the candidate, and Zhirinovsky found himself back on the ballot.<sup>22</sup>

Although he succeeded in his appeal, valuable campaign time was lost. In addition, the Central Election Commission announced the intention to file its own appeal to the Prosecutor General to “protest” the Cassation Court’s decision.<sup>23</sup> The Prosecutor General has the authority to file a “protest” against a court’s decision, and had done so successfully during the Duma elections, in another case involving Zhirinovski.

The circumstances surrounding the contradictory court rulings in this case led some critics to speculate as to whether the Cassation Court’s ruling in favor of Zhirinovski may have been coincidental to investigations regarding Putin’s omission on his property disclosure statement. In addition, the CEC’s continuing interest in pursuing Zhirinovski in spite of his success in the appellate court fueled speculations that had arisen earlier, that his rejection could be useful in eliminating an opponent whose votes could put Putin under the 50% threshold required to win in the first round.<sup>24</sup>

In these cases, much of the speculation arose as a result of the subjectivity allowed in interpreting key provisions of the relevant laws. For example, Zhirinovski’s case centered on what constitutes an “essential” inaccuracy in the information provided by a candidate. Even the two separate courts gave contradictory rulings on the matter. The law should be amended to remove such crucial ambiguities that place the Central Election Commission in the undesirable position having to make subjective decisions without sufficient legal guidance. Additionally, the lack of clarity regarding what constitutes “incomplete” construction also contributed to negative perceptions related to the reversal of the court rulings in relation to Zhirinovsk’s case *vis a vis* the investigation of Putin’s property disclosure statement.

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<sup>21</sup> “The Court of Drama and Comedy,” *Izvestia*, 26 February 2000, p. 3; and *Moscow Times*, p. 1.

<sup>22</sup> “The Secret of the Fatal House,” *Moskovsky Komsomolets*, 6 March 2000, p. 1-3.

<sup>23</sup> “Zhirinovski Again Has Reason to Worry,” *Izvestia*, 11 March 2000, p. 2.

<sup>24</sup> “Fight for %,” *Nezavisimaia*, 29 February 2000.



The major objective of the law should be to provide sufficient clarity in defining requirements so that decisions regarding the fate of candidates are not left to subjective interpretation. In any election environment such ambiguities leave the door open for politically motivated decision-making and selective application of the law. Whether real or perceived, either of these scenarios seriously jeopardizes the integrity, credibility and public confidence required to sustain a fair election process.

#### **D. Investigations Regarding Allegations of Falsified Signatures**

Property disclosure was not the only controversial issue surrounding the registration of candidates. Three candidates were embroiled in an investigation conducted by the Prosecutor General into the operations of the commercial company hired and paid to gather signatures on their behalf. The three candidates involved were Konstantin Titov, Regional Governor of Samara, Umar Dzhabrailov, a prominent businessman, and Yevgeny Savostyanov, a former security official. Allegations were made that many of the signatures provided by the company were falsified. In a move that would not be acceptable in long-standing democracies, the Prosecutor General indicated that it was unlikely that the investigations would be completed before election day.<sup>25</sup> In addition, he indicated that it is not clear who would be prosecuted should the allegations prove to be correct the company, the campaign organization or the candidate. Under Russian election law, grounds for rejecting a candidate or canceling a mandate won by a candidate can happen well after election day.

It should be noted that a delayed ruling on the case until after election day may have reflected a presumption that none of these candidates was likely to win the election. However, it could have had a direct bearing on whether or not a second round was required if they remained on the ballot, and the winning candidate received only a small margin over the 50% + 1 vote requirement. The legal question would then have been whether or not the votes cast for any candidates ultimately “rejected” after election day could have been sufficient to alter a favorable 1<sup>st</sup> round win, had they not been included on the ballot and those votes been given to different candidates. Except under the most extraordinary circumstances, investigations and decisions regarding the eligibility of candidates to run for office should be completed before election day.

The Supreme Court also upheld the CEC decision to reject Tagi-zade’s candidacy on the basis that his application had included only 482,929 signatures instead of the 500,000 required. Tagi-zade appealed the Commission’s decision to the Supreme Court arguing that he had come to the CEC to register his documents about 40 minutes before the deadline. He claimed that the CEC stopped processing his documents exactly at 18:00, failing to accept the last 80,000 signatures in the submission. The Supreme Court agreed with the CEC that only documents submitted before 18:00 could be considered. This very restrictive interpretation is inconsistent with rules, for example, that allow voters appearing at the polling station but who have not yet voted by the 8 p.m. poll closing hour, to vote after that time.

### **VII. THE CAMPAIGN AND ADVANTAGE OF INCUMBENCY**

One concern was the degree to which the Acting President would use the advantages of his office for the purposes of advancing his campaign. It became obvious that the personnel resources would be fully exploited. In particular was the fact that among his agents and registered representatives facilitating his campaign were an extraordinary number of senior officials of federal and regional administrative offices, including representatives of the presidential Administration, Heads and Deputy Heads of various Ministries, the tax police, the FSB, deputy heads of regional

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<sup>25</sup> Zerkalo Program, *ORT*, 27 February 2000; and “Criminal Quartet,” *Izvestia*, 1 March 2000, p. 3.



administrations, the military and the country's major commercial enterprises. The table that follows reflects the labor pool and sources from which registered agents and representatives of this campaign were drawn, as submitted to the Central Election Commission.

	Federal Level	Subject Level	Local Level	Total
presidential Administration	5	1		6
Regional Administration	-	16	22	38
Duma Deputies	74	4	-	78
Interior Ministry Officials	5	4	-	9
Railway Ministry Officials	10	8	2	20
Other Ministries Officials	4	6	1	11
Top Bank Managers	-	6	1	7
Top Company Managers	49	58	31	138
NGO Managers	46	21	-	67
University Rectors	5	50	2	57
Military Officers & Generals	14	11	-	25
Media & TV	4	-	1	5
Others	12	26	14	52
Hospital & Clinics	2	11	-	13
Sport	5	4	1	10
Total	235	226	75	536

A more detailed review of participants leading the Acting President's campaign effort reveals that among the senior officials of the administration and major agencies and enterprises are the following:

- Three Deputy Heads of the presidential administration and two Heads of Departments.
- Ministry of Interior officials include the First Deputy Minister, the Deputy Commander-in-Chief of Internal Troops Kuvan, and several Heads and Deputy Heads of the MVD in key Subjects.
- Top officials representing all major railroad routes across the country, from the Railway Ministry.
- Officials from the Ministry of Agriculture and the Ministry for Taxes and Duties.

Throughout the campaign period, the Acting President and his campaign organizers, took overt measure to proclaim that their campaign would stay within the strict parameters of the election law. In keeping with this proclamation, campaign workers were required to sign codes of conduct, and employees of the administration were announced to have taken leaves of absences from their jobs for the duration of the pre-election campaign.

Nonetheless, legitimate questions arise as to whether abuses may have actually occurred. First, it is unlikely that any other candidate could have taken advantage of this pool of personnel for their campaigns. In addition, Article 44 specifically prohibits campaigning among certain bodies. For example, subsection (c) specifies that campaigning shall not be conducted and any election propaganda materials shall not be produced or distributed by "military units, military establishments and organizations." It is difficult to rationalize the recruitment of military generals and officers as campaign representatives under such provisions. The defensive argument might be that this provision does not specifically identify military personnel or officers within the prohibition. However their use contradicts the intention of such a law, to remove the military from campaign activities. Indeed, in most democratic contexts, the military are summarily removed from any involvement in the campaign environment.

Subsection (b) of the same Article makes similar prohibitions for “persons holding government and municipal offices, government and municipal employees, servicemen – when they are discharging their official duties or if they are to use their official position or status for the purpose....” Placing such “volunteers” on a leave of absence may address the technical aspects of the law; nonetheless, such practices bring into question potential abuses where subordinate State employees may feel compelled to “volunteer.” Inevitably, the spirit of the laws may have been violated through the intermingling of campaign activities and improper influence that these officials on leave may continue to exercise on staff subordinated to them.

This point can be concretely illustrated in relation to one campaign strategy which was employed in the lead up to the elections. The IEOM obtained a copy of a letter of the Head of one city’s Putin Campaign Headquarters addressed to Ministries, Agencies and Enterprises. The letter names and “assigns” a polling station to their responsibility, and instructs recipients among other things, to: “Organize a voter’s corner at your working place for an information board, posters, leaflets, etc.” and “Assign agitators from your staff members....”

The letter then indicated that the recipients were to inform the city headquarters for the Putin campaign about their “operations in connection with the preparations and conduct of the election and propaganda campaign.”

The letter was signed by the Head of the City Headquarters, who coincidentally is the Deputy Head of the Local Administration. Upon receipt of such instructions by Ministries or Agencies of the local government, it seems unlikely that staff would distinguish between their superior’s role as Deputy Head of the Administration and Head of the campaign headquarters and decide that they were under no obligation to act on the instructions provided. The fact that the superior was absent would not be sufficient to overcome the influence such persons would continue to exert over their subordinates. This would certainly be true in cases where military generals and officers forwarded such instructions within military installations.

The formulation in Article 44 creates a very fine line between legitimate campaign activities and abuses of office and the resources of the administration for campaign purposes. It would be difficult to argue that these ambiguities were not fully exploited during the presidential campaign.

## **VIII. MEDIA ENVIRONMENT**

The media environment for the presidential election differed in many ways from that surrounding the Duma elections only a few months earlier. Whereas the Duma elections were clouded by vitriolic media wars and a battering of blocs and candidates with often irresponsibly slanderous reporting, the tone of the presidential campaigns was subdued. Whereas the administration backed away from interventions in the “black” campaigning perpetrated by some media during the Duma elections, enforcement agencies were vested with greater responsibility in halting improper campaign activity in the presidential election. The pressures facing the main opposition media during the Duma elections threatened to embrace the State’s number one television channel and others as well. The pre-election period left questions as to whether the future would see a return to a more restrictive policy regarding press critical of the government. In addition, in a matter of months, it appeared that the fundamental structure of Russia’s main television media could undergo a major change.

The freedom and independence of media in the Russian Federation is still an unfinished bi-product of a complex evolutionary process that has had less than a decade to unfold. It would be difficult to

understand the media environment surrounding the presidential election without appreciating the broader issues that have underpinned the evolution to this point in time.

#### **A. Background and Development of the Media Since 1991**

After the breakup of the Soviet Union, the media laws of the Russian Federation were rewritten allowing for more liberal freedom of speech. However, due to transition of the economy and the economic hardships that this imposed on the population, financial problems and the reduction of State subsidies, many publications were threatened with closure. An increase in production and distribution costs hit the printed media hardest, especially in the regions where there was insufficient commercial enterprise to sustain independent newspapers through advertising. Print media also declined with the increased offerings of television that became more popular and more affordable as a form of entertainment.

In most regions, the media relied upon the sponsorship or subsidies of local authorities to survive. The media in the regions is also less free than at national level. A new term, “municipalisation” has been invented to best describe the status in the regional media outlets. This term refers to the unhealthy relationship between the regional media and the fact that over 80% of it is financed by local authorities due to a lack of independent businesses able to fund newspapers and broadcasters through advertising. Local television is almost exclusively owned or subsidized by local authorities.

The role of television has grown in importance as a medium of communication. As the circulation of national newspapers declined, 98% of households still own and watch television. ORT, the main State channel with 98% coverage of the Federation is still the most important channel in terms of viewer statistics. The commercial channel NTV emerged as ORT’s main competitor in terms of viewer popularity and covers about 70% of the Federation. RTR, which is fully State owned and less popular, is also significant in that it broadcasts across 90% of the Federation. A fourth, but less significant channel is TVCentre. It was initially set up for the city of Moscow and then extended its frequency to the regions by joining up with a number of regional channels. It reaches just over 50% of the Federation.

The financial squeeze and changes in popular attitudes made an obvious impact on the development of the media in the post-soviet period. However, it was the 1996 presidential campaign that marked a genuine turning point not only in the structure of media as it exists today, but also in retaining a very unpopular President in his post. The dramatic decline in the standard of living, the unsuccessful engagement in the Chechen Republic and the end of a period of euphoria of democratic transition had seriously damaged Yeltsin’s popularity. But, the potential return of a Communist Party candidate as President alarmed many journalists who interpreted this possibility as the end of a period of short lived freedom of expression. As a consequence, an understanding was reached between the presidential administration and the leading commercial channel, NTV, with the tacit approval of the State channels. The aim was to provide positive coverage of Yeltsin while exposing Communists as a genuine threat to the future of Russia as a democratic State. Candidates such as Yavlinsky were marginalised to focus the electorate toward an anti-Communist vote.

Government support and favoritism aided the creation of the so-called oligarchs, who took advantage of the privatization process to buy large sectors of different industries. They also started to invest heavily in the media, purchasing publications which best served their specific business interests. Although initially the business groups were united in their support for Yeltsin during his re-election process in 1996, competition between the groups became fierce and competition for power and influence over Yeltsin resulted in the formation of a number of highly influential competing business

groups. This laid the foundation for the emergence of the oligarchs in the “Media War” which reflected their conflicting business interests and reached full fury as they aligned themselves behind their favored parties and blocs during the Duma election campaign in 1999.

## **B. Media in the Duma Election Campaign**

In response to concerns about the role played by the media in the 1996 elections, the new election law and regulations promulgated by the Central Election Commission aimed to control the influence of business conglomerates and oligarchs in elections, by strictly defining those eligible to take part in the election campaign, and by providing clear guidelines for controlling the use of campaign funds. Notwithstanding the good intentions of the Central Election Commission that attempted to intervene but failed to gain support from enforcement authorities, the media rather than the parties and candidates themselves, drove the campaign with unprecedented “black” propaganda. Although the role of journalists in coverage of the campaigns and political commentary was severely limited by the restrictive interpretation of the election law, a vicious battle ensued between pro-government media on one hand, and by the main opposition media and those supporting Fatherland-All Russia on the other. The so-called ‘Media War’ was unprincipled and showed little in the way of journalistic ethics. The election campaign was dominated by highly sophisticated and costly PR tactics on the part of the government-backed bloc that often fell only narrowly within the bounds of the election law. This was in contrast to the other political parties that had substantially fewer resources to retaliate.

All channels were biased but the worst offender was ORT, the most dominant medium throughout the Federation. And, the focus of unbridled, slanderous attacks by the station’s notorious commentator on the *Vremya* show was the Kremlin bloc’s main opponent, Fatherland-All Russia. In spite of the CEC resolutions requesting prosecution by the Ministry of Communications, Press and Mass Media, the State’s primary watchdog on media affairs declined to intervene, claiming concerns about intrusions on constitutional guarantees of free speech.

At the same time, the main commercial channel NTV, sympathetic to the main opposition bloc, found itself under increasing pressure and faced with a financial squeeze from the administration. Following investigations by the Tax Department, Media Most, the holding company of NTV, was forced to pay back a soft loan granted by a government bank, as well as a large tax arrears payment to the government. Moreover, Video International, NTV’s advertising company, announced that it intended to sever its long-time relationship with the channel, and that as of 1 January 2000, it would be working for the State’s number one channel ORT and TV6. Administrative pressure encountered by NTV was only a prelude to new pressures that targeted media would experience in the aftermath of the Duma elections and the lead-up to the presidential contest.

## **C. Shift in the Administrative Policy**

Analysts have suggested that the venomous campaign wars, especially those waged by Kremlin-controlled media outlets, had accomplished their task: to filter out the most serious competition that might emerge from Fatherland-All Russia in contention for the presidency. The administration’s stance regarding mass media during the presidential campaign seemed to focus on new objectives, although sometimes it was unclear as to which took priority and whether some measures were merely threats or signals of definitive changes that would mark the end of the Yeltsin/media honeymoon once and for all. Measures introduced in the pre-election period seemed bent on:

- limiting any criticism against the candidate, or the government and its policies regarding important issues such as the conflict in the Chechen Republic;
- distancing oligarchs from the administration while strengthening the State's control over its media holdings;
- delivering a strong message to all media that the administration was prepared to take extraordinary measures to reinstate elements of control over "disloyal" or wayward media that deviated too far from the official line.

During the lead-up to the presidential election, the financial squeeze on NTV and Media Most continued. In this instance, the Federal court cancelled a 1996 decision that granted NTV discounts on State broadcasting services, that once again might result in significant back payments, giving the government further financial leverage over the channel. In addition, ORT joined the fray frequently reporting on NTV's financial problems and other instabilities within the company.

Moreover, an announcement was made that certain tax subsidies granted by Yeltsin for the development of the media industry would be discontinued which will further limit the number of new entries into the market. New taxes, such as taxes on paper purchases could also threaten the survival of an already strapped press.<sup>26</sup>

On 29 February, Minister for the Press, Information and Mass Media, Lesin announced that TVCentre and ORT would not automatically have their licenses renewed when they expire in May 2000, purportedly because of two "warnings" issued to each channel during the State Duma election campaign. ORT was rightly accused for producing slanderous reports about Luzkov and Primakov on the channel's analytical program "Vremya", while TVCentre was accused of giving Luzkov too much coverage. According to the announced plan, the licenses would come up for auction on 24 May 2000. The move was surprising in that the auctioning of licenses usually relates only to the issuance of new licenses.

#### **D. Threat of "Asymmetrical Measures" and the Role of the Ministry of Interior**

Although there had been little intervention by authorities during the unprecedented mud-slinging during the Duma elections, Putin's headquarters signaled a change in policy might be on the horizon if such tactics were used against their candidate. On 4 March, Putin's campaign team threatened "an asymmetrical response to acts of provocation" if the media dared to lie about the candidate or attempted to damage his character. This threat made immediately following an article in *Segodnya* that hinted that the CEC was biased towards Putin since no further action had been taken after he had been warned for early campaigning by giving an interview with a newspaper prior to the start of the campaign period. The article also suggested that he was not making use of his free airtime, because he would be gaining substantial free coverage by virtue of his position of power.

Another significant shift in the administration's policy related specifically to monitoring the media editorial content and commentary during the campaign. Sidestepping the Ministry of Press, Information and Mass Media's role, expanded authority was given to the Ministry of Interior Department of Regional and Public Relations. According to the Head of the Department, their expanded mandate was to "monitor cases of 'ideological' campaign tactics...which include attempts to discredit the opponent not only as a candidate but as a citizen."<sup>27</sup> Special working groups within the Ministry for the Interior were established to assist local police in maintaining order during

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<sup>26</sup> "Press Is About to Lose It's Privileges," *Kommersant*, 18 March 2000.

<sup>27</sup> "Dirty Campaigning Targeted by Ministry," *St. Petersburg Times*, 29 February 2000, p. 4.

demonstrations, and getting rid of “unacceptable [campaign] flyers”, and to prevent a repeat of the “dirty PR” which characterized the State Duma elections. The expanded role was defined in Resolution No. 32 of the Government of the Russian Federation “On Assisting Election Commissions in the Preparations and Carrying Out of the Election of the President of the Russian Federation”, put into effect on 13 January 2000. Asserting that they would never be involved in any political activity, the Ministry and its Department of Regional and Public Affairs was to “preserve tranquility and public order in the country or region, supervision over activities of parties and individuals during the preparation and conduct of the elections” and to take all measures “to ensure fair elections and to prevent criminal elements and extremists from getting to power in the country.”<sup>28</sup>

The apparent shift in the administration’s policies and the bureaucratic and financial measures imposed on major media conglomerates are not promising for a free and independent press. However, it may be premature to make global assumptions about the future of media in the Russian Federation. Nonetheless, the promise of pluralism and journalistic freedoms may be compromised. State and regional media will remain vulnerable as long as there is not a sufficient economic base that can support independent media with advertising revenues and release them from dependence on State subsidies for their survival. Unfortunately, over the course of the last two elections, much of the media failed to provide unbiased and balanced reporting of the campaigns and demonstrated a lack of journalistic ethics. In particular, State-controlled media failed to uphold the public trust by engaging in slanderous reporting, geared to preserving the advantage of the existing power structure and promoting a specific outcome. These are serious issues that will continue to warrant full attention of lawmakers, the administration and courts, if a free press is to be fully institutionalized.

## IX. ELECTION DAY

On election day, with the support of 32 OSCE participating States, the IEOM deployed 380 short term observers, including 75 parliamentarians, who visited approximately 1,724 polling stations throughout the day to observe polling and counting procedures.

Throughout the regions observed by the IEOM, precinct officials appeared to be well informed about their duties, and knowledgeable about the legal and technical requirements. Polling procedures provide extensive accommodation of voters regardless of their individual circumstances, from mobile voting for those unable to come to the polling station because of age, illness or disability, or other good reason, to absentee voting, and the election day registration of voters not found on the voters list. In addition, counting of votes and preparation of protocols is completed by each polling station immediately upon closure of the polls. Throughout the process, both international and domestic observers are allowed to be present, and each observer is entitled to receive a copy of the election result.

Almost universally, observers commended the performance of Precinct Election Commissions on election day. Although some infractions were noted, they were generally categorized as minor, and not symptomatic of deliberate attempts to compromise the integrity of the process.

In 98.5% of the polling sites visited, observers gave PEC officials high marks for their performance, and their compliance with the rules for processing voters on election day. Observers of candidates were present in 94% of the polling stations visited. The most prominent number of observers

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<sup>28</sup>

Letter from the Department of Regional and Public Relations, Ministry of Interior, to the OSCE/ODIHR Election Observation Mission, 24 March 2000.



represented Putin, with observers in 81% of the stations, followed by Zyuganov with representatives at 69% of the stations observed. "Family voting," or voting together in groups, was noted in 82% of the polling stations, although observers rated these occurrences as "minor" violations in view of the fact that booths were provided and that often the voters themselves seemed not to be concerned about the secrecy of their votes. "Proxy voting" or voting on behalf of a person who is not present at the polling station, was observed in 34% of the stations visited. Once again, observers rated these instances as "minor" violations in terms of the frequency with which it occurred at any one station during the time of visits. In 9% of the polling stations, observers reported not having a clear view of certain elements of the voting process. In most instances, the layout of the polling station was such that certain aspects were blocked from view. For example, in some stations the ballot box could not be seen from the place where observers were seated. At others sites, mobile ballot boxes were not in view when not in use.

The conduct of vote count generally received lower ratings. For the most part, observers found a less strict compliance with the complex rules for counting and for guiding the sequence in which tasks were to take place.

In 19% of the polling stations observed, the unused ballots were not cancelled before ballot boxes were opened. In 27% of the stations observed, the voter register was not "certified" before the first ballot box was opened. The protocol was not initiated before vote counting began as is required, in 48% of the sites observed. Some 57% of the PECs did not display and announce the voter choice as ballots were sorted by candidate, invalid or against all candidates.

Observers generally reported that these technical violations appeared to be in the interests of speeding up the process rather than as purposeful steps to undermine the integrity of the result. However, these variances with the legal requirements suggest that aspects of the process should be revisited to determine where they can be streamlined, or where simpler techniques can be put into affect to ensure that strict compliance can be achieved without losing the accountability and transparency safeguards envisioned by the current legal requirements.

The completion of protocols often took an inordinate amount of time, primarily because officials had difficulty in correctly entering the data required for the accountability of ballot usage. The section of the protocol in which the votes received by various candidates is recorded rarely caused difficulty.

The protocol is designed to allow officials to fully account for the number of ballots received, and the number of ballots actually issued to voters. Incorporated in the program is a set of mathematical "control" links between various entries. The purpose of the "controls" is to assist officials in ensuring their protocol is correct, and that the data provided on the original protocol can be entered properly into the State Automated System (GAS Vybori) for the preliminary aggregation of returns. An example of a "control" relationship would be the requirement that the number of ballots received by the polling station (line 1), must equal the number of ballots issued in early voting (line 3) plus the number of cancelled (unused) ballots (line 4) plus the number of ballots issued to voters voting at the polling station (line 5), plus the number of ballots issued to voters voting by the mobile ballot box (line 6).

The area that seemed to be the most time consuming was reconciling the number of voters who signed the register acknowledging the receipt of ballots, with the number the valid and invalid ballots found in the ballot boxes. Often, discrepancies caused recounting of the signatures and review of number of used and unused ballots. However, it would be rare that these figures would balance

perfectly because of simple human errors such as a voter forgetting to sign the register or a voter deciding not to vote, and taking the ballot away upon leaving the polling station.

One important element that has been omitted in the “control” relationships is the comparison of the number of total ballots issued with the total number of valid and invalid ballots found in the ballot boxes. In addition, although officials are required to count the number of ballot papers in the mobile ballot boxes and compare that number to the number of voters who were issued ballots outside the polling station, no such step is required for the stationary ballot boxes. Before any votes are counted, the number of ballot papers in the stationary box should be reconciled against the number of signatures of voters in the voter register representing the number of ballots issued.

Often, Precinct Election Commissions completed a draft protocol in pencil and then called the Territorial Commission to have them verify if they had done the entries correctly so that GAS Vybori would accept the data. Only when they received confirmation that their calculations were acceptable did they complete the protocol in final form.

Another issue that should be addressed is the manner in which ballots are printed. In both the Duma elections and the presidential election, criticism was voiced over concerns that an excessive number of ballots were printed and distributed, and that there was a potential for fraudulent use of ballot papers as a result. However, the system is also vulnerable because the ballot papers do not have sufficient security features to safeguard them against abuse. Ballots are loose papers that are not padded or otherwise packaged in uniform quantities. The major security provision is that in order to be considered valid for the purposes of being included in the count, each ballot paper must be stamped with the seal of the polling station commission and signed by two commission members. This requirement is often undermined by ballots being pre-signed in the interest of efficiency. In one instance, observers noted that ballots had been signed and stamped well before election day in spite of the fact they were still under the control of the Territorial Election Commission. If this procedure is retained, there should be clear guidance that at least one of the signatures must be affixed at the time the ballot is issued. More importantly, on two occasions observers were shown signed and marked ballots in the day or two after the election that should not have been accessible to anyone. It was not possible to ascertain whether the ballots in question were official ballots or counterfeits. Regardless, this demonstrates the vulnerability of the ballots as currently printed, accounted for and stored.

At some point, the manner of ballot printing should be enhanced to provide better safeguards for accountability and manageability. Ballots should be printed on a uniform quality paper. They should also be produced in uniform blocks of 50, 100 or 200, and should be attached to a counterfoil. As each ballot is issued, the counterfoil should be retained in the block. Serial numbering of the counterfoil should be required. Such packaging and numbering would allow Territorial Election Commissions to maintain a better record of the quantities and range numbers of ballots provided to each polling station. This method would also greatly ease the burden and speed the process for PECs after the polls close.

#### **A. Processing at Territorial Election Commissions**

Co-operation and transparency at the Territorial Election Commissions varied from region to region. In a few locations, observers were not allowed full access to the process. Of the TECs visited, 66.7% had domestic observers present which is a significant improvement over the Duma elections. At 91.7% of the TECs observed, protocols were entered in the computer system in the presence of relevant PEC members. In 93.4%, international observers were allowed to observe the work of the



TECs while results were tabulated. At locations where input of protocols to the GAS Vybori system was observed, the data entered accurately reflected the results from protocols. However, in many TECs the process of data entry in the computers was in a separate room, making it impossible to observe different aspects of the procedure simultaneously.

Procedures require that, if the TEC finds errors in a protocol prepared at the polling station, the errors must be corrected, and a new protocol be prepared. During the Duma elections, the IEOM noted that the preparation of a new protocol obliterated the audit trail because the original in most cases was simply destroyed. A significant improvement in the Law on the Election of the President is a provision that requires the new protocol to be attached to the original protocol so that the audit trail is not lost.

## **B. Technical Assessment of Protocols and Consolidated Summaries**

Designated teams of IEOM observers were assigned to focus on procedures at Territorial Election Commissions. Part of the strategy was to acquire as many precinct protocols, and protocols and consolidated summaries from Territorial Commissions as possible. Random samplings of protocols and summaries were acquired from 81 TECs from 22 Subjects. In the days following the elections, Mission staff members reviewed the documents and compared original protocols against the summaries prepared at the Territorial and Subject levels and against summaries printed from GAS Vybori. Because of the deployment limitations of the IEOM, the sampling of protocols reviewed was too small to draw broad-sweeping conclusions about the results for the Federation at large. However, the tracking of protocols involving  $\frac{3}{4}$  million votes demonstrated that the transmission of precinct protocols through the summarisation of results was accurate with only minor discrepancies noted, primarily between the number of ballots issued, and the number of ballots found in ballot boxes. In no case reviewed did the number of ballots in the ballot boxes exceed the number of ballots issued as reflected in the voter registers. Rather, the number of ballots found in the ballot boxes was sometimes slightly lower, while the cumulative difference in all protocols reviewed in the sampling being 0.15%.

## **C. Challenges and Complaints Filed by the Communist Party**

The presence of observers takes on special significance when allegations of impropriety are made, especially related to the counting and reporting of votes. Access to documentation and opportunities to be present as election commissions carry out their tasks and take decisions, give concerned participants full opportunity to not only discover where violations may be occurring, but also gather credible evidence that supports their contention. This is especially true regarding the audit trail of documents related to the counting and reporting of results. The Communist Party, in particular, made full use of these opportunities and instructed their observers to maintain a full record of all exceptional events observed at each polling station. In the aftermath of the election, the Communist Party was able to file a number of comprehensive complaints about alleged violations and infractions that occurred at polling stations and at Territorial Election Commissions across the Federation.

Documentation recorded by their observers covered episodic violations that, in and of themselves, would not appear to be sufficient to alter the outcome. These included, for example, sporadic instances of family voting, inclusion of deceased persons on voter lists, occasional denial of requests to receive copies of protocols, various abuses of administrative resources, improper influence of administrative authorities seen to be directing the work of polling station commissions, expulsion of individual observers from some sites, incidents of inequities regarding access to the mass media, distribution of campaign material during the “silent period,” etc. Among the allegations submitted to

the Central Election Commission for review were also circumventions of procedural rules noted by IEOM observers as well.

Other allegations were more serious and deserve the full weight of investigation.<sup>29</sup> They involved charges that protocols were falsified, in some instances by reversing or increasing the vote totals recorded for Putin over Zyuganov. The complaint cited alleged occurrences in Dagestan, Kabardino-Balkariya, Karachayevo-Cherkessiya, Severnaya Osetiya and others. They also cited incidents of ballot stuffing in Tartarstan.<sup>30</sup>

The IEOM or the OSCE/ODIHR are not in a position to judge the validity of the complaints raised by the Communist Party and can draw no conclusions as to the proficiency and seriousness with which they were reviewed by competent election commissions or the courts. However, such serious allegations deserve full attention and fair, judicious and transparent handling if the integrity of the election process is to be sustained. To the maximum extent possible, evidence in these cases should be made available to competent authorities, such as copies of original PEC protocols and summaries acquired at polling stations and higher-level commission to substantiate such serious allegations and claims.

In the days immediately following the election, IEOM staff met on two occasions with the Communist Party to discuss their serious complaints regarding “Direct Falsification of Results.” One of the strategies of the IEOM was to acquire copies of protocols from a random sampling of polling stations and Territorial Commissions in order to assess the accuracy of reporting by comparing original protocols completed by PECs, with consolidated summaries recorded by TECs, and the GAS Vybori electronic reporting system. No IEOM observers had been deployed to Dagestan, however, the IEOM’s sample documents from Tartarstan were representative. Communist Party representatives agreed to provide copies of protocols accumulated by their observers to the IEOM for review. Unfortunately, due to the limited time before the official closure of the IEOM, they did not arrive.

Within the limited capacity of its manpower and deployment, the IEOM did perform an assessment of protocols and consolidated returns acquired by observers and generally found them to be in proper order, although minor discrepancies were noted. However, it must be noted that the IEOM’s review could not substantiate or refute the allegations made by the Communist Party.

It would be most difficult to fully investigate and prove each of the allegations filed by the Communist Party, or to determine the appropriate sanctions that should be applied in the post-election period. In addition, it is important to recognize that not all mistakes or infractions should be taken as deliberate attempts to compromise the integrity of the process or deliberate cheating. Nonetheless, it is the role of all observers to take note of violations that occur. At the very least, they expose trends that should be taken seriously and should not be dismissed out of hand. The courts, the Central Election Commission, and Subject Election Commissions should review the complaints to determine where trends and patterns suggest that additional training or clarifications are needed, where a disregard for fundamental rules suggest that commission members should be replaced, or where prosecutions under the Civil Code or laws governing conduct of officials should be pursued.

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<sup>29</sup> Letters to the Central Election Commission, and to Ms. Helle Degn, President of the OSCE Parliamentary Assembly and the OSCE Chairperson-in-Office's Special Representative for the election, from G. Zyuganov, Moscow, 4 April 2000.

<sup>30</sup> IEOM observers reported instances in polling stations 263 and 265 resulting in interventions by local police and at least one arrest.

## X. RESULTS

From the beginning of the pre-election campaign, there seemed little doubt as to which candidate would be the ultimate winner of the election. Rather, the paramount question was whether the victory would go to Putin in the first round or whether a second round run-off would be required. Nor was there doubt that if a second round was necessary, the contest would be between Putin and Zyuganov.

Under Russian law, in order to win in the first round, at least 50% of the registered voters have to participate, and a candidate has to win “more than ½ of the votes of voters who took part in the election.”<sup>31</sup> The calculation is based on the total number of “standard ballots” found in the ballot boxes. (Non-standard ballots are counterfeit ballots and ballots not stamped and signed by the Precinct Election Commission.) The number of votes received must also exceed the number of votes cast “against all candidates.” The failure of any candidate to win a sufficient number of votes requires the top two candidates to go to a run-off in a second round.

Early in the campaign period, Putin was showing seemingly unbeatable ratings with only a slight dip to his numbers by the final week before the election. Nonetheless, concerns about a low turnout and promotion of the “Nyet” and “Against All” campaigns, the re-entry of Zhirinovskii onto the ballot, and small surges in Yavlinskii’s ratings left the door slightly ajar for no victory in the 1<sup>st</sup> round.

Ultimately, however, the overall turnout for the election reached a healthy 68.7%, and concerns about the potential “Against All” vote proved unwarranted. In eight regions, the “Against All” vote had exceeded the number of votes for the leading candidates in the Duma elections, causing the results of the single-mandate races in those districts to be nullified. Speculation that the voters in those regions and others might repeat the pattern in the presidential election failed to materialize and the “Against All” vote represented only 1.8% of the total votes Federation-wide.

The first round victory was achieved and in the final result, Putin cleared the threshold with 52.94% of the vote. As had been anticipated, Zyuganov came in second with 29.2%.

Grigory Yavlinskii, the most important personality representing liberal forces, came in 3<sup>rd</sup> in the election and received 5.8% of the vote. While Yavlinskii’s third place finish was considered a somewhat of a defeat in terms of his 7.3% showing in the 1996 elections, it can be argued that the Yabloko leader managed to maintain his position on the political scene. However, most analysts agree that Russian liberals gave up another real chance to consolidate their forces in support of a single candidate to promote a better showing. However, Yavlinskii confirmed his role as a third political force in the country.

Vladimir Zhirinovskii’s declining performance at the election in which he garnered just 2.72% of the votes, may indicate that his charisma and ability to attract popular support has already peaked and is now in eclipse. In previous contests, Zhirinovskii and the Zhirinovskii Bloc/LDPR maintained shares near 6%. The decision of CEC and the initial ruling of the Supreme Court to refuse Zhirinovskii’s registration as a candidate and his subsequent reinstatement did not get the press coverage his similar circumstances in the Duma elections attracted. Nor did these events appear to

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<sup>31</sup> Article 72(3), Law on the Election of the President of the Russian Federation, Law # 228-F3, 31 December 1999.

have helped him rally a core support from his voters. However, his faction is still active in the Duma.

In 1996, the top two candidates (Yeltsin and Zyuganov) received 67% of the vote. In the 2000 presidential election, the top two candidates (Putin and Zyuganov) received almost 82%. This increase in votes cast for the leading candidates may be partly attributed to Putin's popularity. In 1996, Yeltsin may have lead the race in the first round, but his share of votes against the full slate of candidates was only 35.28%.

One of the most important trends reflected in the results relates to Zyuganov whose overall share of votes bettered all projections in pre-election polls. In fact, rather than hovering in the 19% to 22% predicted, his share neared 30%, only slightly less than his 32% share in 1996 against the full slate of candidates in the 1<sup>st</sup> round. He even fared better than the 24.3% share the Communist Party was able to achieve in the Duma elections last December.

The better-than-predicted results for Zyuganov in the presidential race bears the mark of a tactical anti-Putin vote. Zyuganov's relative success is also significant with respect to the overall dissipation of the traditional "red belt." In spite of regional losses in several former strongholds, the Communist Party leader was able to maintain a relatively stable total share over a broader spectrum of the electorate. The question is whether or not the Communist Party will be able to capitalise on this trend.