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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

RUSSIAN FEDERATION

FEDERAL LAW¹

**AMENDING THE FEDERAL LAW
ON FUNDAMENTAL GUARANTEES OF ELECTORAL RIGHTS
AND THE RIGHT TO PARTICIPATE IN REFERENDUMS
OF RUSSIAN FEDERATION CITIZENS
(No. 1057892-7)**

¹ *Unofficial translation*

No. 1057892-7

FEDERAL LAW "Amending the Federal Law "On fundamental guarantees of electoral rights and the right to participate in referendums of Russian Federation citizens""

Article 1

The following amendments shall be made to the Federal Law "On fundamental guarantees of electoral rights and the right to participate in referendums of Russian Federation citizens" (Compendium of legislation of the Russian Federation, 2002, no. 24, art. 2253):

1) in Article 2

a) insert a sub-paragraph 35.1 worded as follows:

"35.1). a candidate affiliated with a person performing the functions of a foreign agent - a candidate who, during the two-year period prior to the official promulgation/publication of the decision to hold elections and/or during the period of electoral campaigning for the corresponding elections,:

a) *["a" in the original Cyrillic text]* is/was a member of an organ of a non-profit organisation performing the functions of a foreign agent and/or is/was a founder, member, participant, leader or staff member thereof;

b) *["б" in the original Cyrillic text]* is/was a member of an organ of an unregistered public association performing the functions of a foreign agent and/or is/was a founder, member, participant or leader thereof;

c) *["в" in the original Cyrillic text]* is/was a founder, manager or staff member of a foreign media outlet, performing the functions of a foreign agent or a founder, manager or staff member of a Russian legal entity (or is/was a member of its governing bodies) set up by a foreign media outlet performing the functions of a foreign agent;

d) *["г" in the original Cyrillic text]* carries out/has carried out political activities and receives/has received monetary funding and/or other property-related assistance from a non-profit organisation, unregistered public association or physical individual performing the functions of a foreign agent, including via intermediaries, for the carrying out of political activities.

"Political activities" shall be taken as meaning the activities indicated and carried out in the forms established by paragraph 6 of Article 2 of the Federal Law "On non-profit organisations";"; b) *["б" in the original Cyrillic text]* insert a sub-paragraph 35.2 worded as follows:

"35.2) a candidate who is a physical individual performing the functions of a foreign agent - a candidate entered on the list of physical individuals performing the functions of a foreign agent by the federal executive authority exercising functions in the devising and implementation of state policy and legal/statutory regulation in the sphere of the registration of non-profit organisations";";

2) reword paragraph 6 of Article 3 as follows:

"6. Foreign citizens, except in the case stipulated in paragraph 10 of Article 4 of the present Federal Law, stateless persons, foreign organisations, international organisations and international civil society movements, non-profit organisations and unregistered public associations and foreign media outlets performing the functions of a foreign agent and Russian legal entities set up by foreign media outlets performing the functions of a foreign agent may not carry out activities militating for or against the nomination of candidates or lists of candidates, the election of registered candidates, the promotion of an initiative for a referendum and the holding of a referendum or the achievement of a certain result in elections or a referendum, nor may they participate in other forms in electoral campaigns or referendum campaigns. The participation of those individuals and representatives of the aforementioned

organisations in the capacity of foreign/international observers shall be regulated in accordance with federal law.";

3) in Article 33:

a) [*"a" in the original Cyrillic text*] in paragraph 2.1, insert a second indent worded as follows: "If a candidate is a physical individual performing the functions of a foreign agent or a candidate affiliated with a person performing the functions of a foreign agent, this information shall be stated in the declaration, provided for in paragraph 2 of the present article."; b) [*"б" in the original Cyrillic text*] reword paragraph 7 as follows:

"7. The electoral commission shall provide voters with information on the candidates submitted for nomination, to the extent established by the electoral commission organising the elections, including information that the candidate is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent.";

4) in paragraph 9 of Article 37, insert a second indent worded as follows:

"If a candidate is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent, information to that effect must be stated on the signature list. In the event of signatures being collected in support of the nomination of a list of candidates, which includes a candidate who is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent, information must be stated on the signature list that the electoral association concerned is nominating a candidate/candidates performing the functions of a foreign agent or a candidate/candidates affiliated with a person performing the functions of a foreign agent.";

5) in Article 45, insert a paragraph 5.1 worded as follows:

"5.1. Voter information on a candidate who is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent shall be accompanied by an indication that the candidate holds such a status.";

6) supplement Article 48 with a paragraph 9.4 worded as follows:

"9.4. The campaign material of a candidate who is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent and of the electoral association having nominated such a candidate shall contain a reference to the fact that the candidate concerned is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent.";

7) in paragraph 4.1 of Article 51, insert a new second sentence worded as follows:

"In the event of participation in a joint campaigning event by a candidate who is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent, their statement shall be preceded/accompanied by a reference to the fact that the candidate concerned is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent.";

8) in paragraph 6 of Article 52, after the words "who placed this publication.", insert a sentence worded as follows:

"The publication of campaign material of a candidate who is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent and of the electoral association having nominated that candidate shall be accompanied by a reference to the fact that the candidate concerned is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent or that the electoral association has nominated a candidate who

performs the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent.";

9) in paragraph 2 of Article 54, insert new second and third sentences worded as follows: "The campaign material of a candidate who is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent or of the electoral association having nominated that candidate shall contain information on this. Such information shall be clearly visible and take up no less than 15 percent of the surface area/volume of the campaign material.";

10) in paragraph 4 of Article 61, insert a new second sentence worded as follows: "If a registered candidate, including one from a list of candidates, is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent, information on this shall be displayed on the information stand.";

11) in Article 63, insert a paragraph 7.1 worded as follows: "7.1. If a candidate is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent, that information shall be stated on the voting slip, including in the event of an electoral association nominating on their voting list such a candidate, for whom it would not be required to post information under paragraph 6 of the present Article.";

12) in appendix 4.1, supplement the note, after the words "previous criminal convictions of the candidate." with a sentence worded as follows: "If a candidate on whom information is contained in the signature list is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent, it shall be stated in the signature list, after their surname, first name and patronymic, that the candidate is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent. If the electoral association has nominated a candidate/candidates performing the functions of a foreign agent or a candidate/candidates affiliated with a person performing the functions of a foreign agent, on whom information is not given in the signature list, the signature list shall be accompanied by a reference to the fact that the electoral association has nominated a candidate/candidates performing the functions of a foreign agent or a candidate/candidates affiliated with a person performing the functions of a foreign agent. Such a reference shall be placed after the candidate information contained in the signature list.";

13) in appendix 5, supplement the note, after the words "previous criminal convictions of the candidate." with a sentence worded as follows: "If a candidate is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent, it shall be stated in the signature list, after their surname, first name and patronymic (before the date of birth) that the candidate is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent.";

14) in appendix 6, supplement the note, after the words "previous criminal convictions of the candidate." with a sentence worded as follows: "If a candidate is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent, it shall be stated in the signature list, after their surname, first name and patronymic (before the date of birth) that the candidate is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent.";

15) in appendix 7.1, supplement the note, after the words "previous criminal convictions of the candidate." with a sentence worded as follows: "If a candidate is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent, it shall be stated in the signature list, after their surname, first name and patronymic (before the date of birth) that the candidate is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent. If the electoral association has nominated a candidate/candidates performing the functions of a foreign agent or a candidate/candidates affiliated with a person performing the functions of a foreign agent, on whom information is not given in the signature list, the signature list shall be accompanied by a reference to the fact that the electoral association has nominated a candidate/candidates performing the functions of a foreign agent or a candidate/candidates affiliated with a person performing the functions of a foreign agent. Such a reference shall be placed after the candidate information contained in the signature list";

16) in appendix 8, supplement the note, after the words "previous criminal convictions of the candidate." with a sentence worded as follows: "If a candidate is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent, it shall be stated in the signature list, after their surname, first name and patronymic (before the date of birth) that the candidate is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent.";

17) in appendix 10, supplement the note, after the words "previous criminal convictions of the candidate." with a sentence worded as follows: "If a candidate is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent, it shall be stated in the signature list, after their surname, first name and patronymic (before the date of birth) that the candidate is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent."

President of the Russian Federation
[signatures]

EXPLANATORY MEMORANDUM to the draft Federal Law "Amending the Federal Law "On fundamental guarantees of electoral rights and the right to participate in referendums of Russian Federation citizens""

The bill further specifies the provisions of paragraph 6 of Article 3 of the Federal Law "On fundamental guarantees of electoral rights and the right to participate in referendums of Russian Federation citizens" (hereinafter – "the Federal Law"), whereby foreign citizens, stateless persons, foreign organisations, international organisations and international civil society movements and non-profit organisations performing the functions of a foreign agent may not carry out activities militating for or against the nomination of candidates or lists of candidates, the election of registered candidates, the promotion of an initiative for a referendum and the holding of a referendum or the achievement of a certain result in elections or a referendum, or participate in other forms in electoral campaigns or referendum campaigns.

It is proposed that the scope of that prohibition be extended to unregistered public associations and foreign media outlets performing the functions of a foreign agent as well as Russian legal entities set up by foreign media outlets performing the functions of a foreign agent.

The bill stipulates that a candidate who is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent shall be under obligation to state information on this in the declaration in which they agree to stand for election, in signature lists and in the campaign material produced. It establishes requirements to place that information in campaign material.

Under the draft legislation, information that a candidate is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent is to be both displayed on information stands on the premises of the precinct electoral commissions and stated on voting slips.

The grounds for determining that a candidate is a physical individual performing the functions of a foreign agent or is affiliated with a person performing the functions of a foreign agent are established by the bill.

[signatures]

FINANCIAL AND ECONOMIC JUSTIFICATION for the draft Federal Law "Amending the Federal Law "On fundamental guarantees of electoral rights and the right to participate in referendums of Russian Federation citizens""

The adoption of the Federal Law "Amending the Federal Law "On fundamental guarantees of electoral rights and the right to participate in referendums of Russian Federation citizens" will not require any additional expenditure from the federal budget.

[signatures]

LIST of federal laws that will have to be declared void, suspended, amended or adopted in connection with the draft Federal Law "Amending the Federal Law "On fundamental guarantees of electoral rights and the right to participate in referendums of Russian Federation citizens""

The adoption of the Federal Law "Amending the Federal Law "On fundamental guarantees of electoral rights and the right to participate in referendums of Russian Federation citizens"" will not require any federal laws to be declared void, suspended, amended or adopted.

[signatures]

LIST of legal and regulatory acts of the Russian Federation President, the Russian Federation Government and federal executive authorities that will have to be declared void, suspended, amended or adopted in connection with the draft Federal Law "Amending the Federal Law "On fundamental guarantees of electoral rights and the right to participate in referendums of Russian Federation citizens""

The adoption of the Federal Law "Amending the Federal Law "On fundamental guarantees of electoral rights and the right to participate in referendums of Russian Federation citizens"" will not require any acts of the Russian Federation President, the Russian Federation Government or federal executive authorities to be declared void, suspended, amended or adopted.

[signatures]