



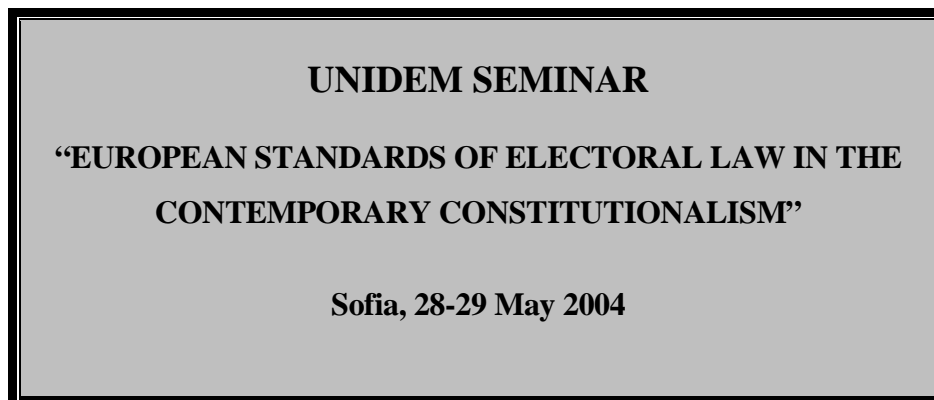
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**THE REFORM OF THE RUSSIAN ELECTORAL SYSTEM AND  
THE ELECTION COMMISSIONS: NEW TRENDS AND PERSPECTIVE**

**Report by**

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## **I. The Constitution of the Russian Federation and the free elections.**

The present stage of development of the Russian election legislation and electoral system takes the beginning from adoption of 12 December 1993 in a course of plebiscite of the new democratic Constitution and introduction on this basis of essentially new federative system of authorities and local self-government bodies, institute of free elections, and multi-party system. The Constitution stipulates that ultimate direct expression of authority of the people's power are referendum and free elections; and as integral components of free elections are fixed, in particular, the citizens right to elect and to be elected in public authorities and local self-governments bodies; general principles of the universal and equal and direct suffrage by secret ballot (though as applied only to elections of the President of Russian Federation); and establishment the procedures for the President and deputies of the lower chamber of federal parliament elections by the federal laws. Also in the Constitution the basic features of institute of early election are fixed. So, the President ceases execution of authorities ahead of schedule in case of his demission proof inability on the state of the health to realize the authorities, belonging to him, or dismissals from the position and early election should be held not later than three months from the moment of the advance cease of execution by the President (thus of his responsibility Prime-Minister temporarily executes). In case of dissolution of State Duma – lower chamber of the federal parliament – the President of the Russian Federation nominates date of early elections so that the newly elected Duma was going on not later than in four months from the moment of dissolution.

In modern conditions the constitutional institute of free elections and new election laws are provided the development of election process in a direction of giving to it of political variety, multiparty and competitiveness, with strengthening of system of the warranties of the election rights and freedom of the person and citizen and on this basis – more active participation of the voters in accomplishment of the basic actions on preparation and conducting of democratic elections, transparency both verification of voting returns and election results, use of the new technological achievement and means of voting, compliance with the international electoral standards. Thus the interrelation of free elections and state building-up, influence of the voters on formation, organization both the activity of state authorities and body of local self-government, the need for confidence by the electorate in the entire election process is highlighted in various directions. It is important because elections cannot be separated from general societal conditions, such as, for example, the political system, the media and the constitution.

### **1. Prospect for penetrating of the elective basis into the state mechanism.**

Within the framework of possible constitutional reform it is offered in addition to strengthen the constitutional binding and simultaneously to extend sphere of application of the elective basics at formation of a number of the state bodies enumerated in the Constitution and playing under defined circumstances an essential role in ensuring of democratic development of Russia as of a federative democratic state. So, according to the Constitution of Russian Federation and international electoral standards for free and democratic elections the lower chamber of federal parliament – the State Duma – is elected in a course of direct general election, while the upper chamber of parliament – Council of Federation, as chamber of representation of interests of the subjects of Russian Federation – is formed on the basis of entry in its composition on one representative from regional legislative (representative) and executive authorities. Thus for over the last 10 years the mechanism of formation of upper chamber three times underwent changes

in a direction of transition from elections of the deputies of chamber directly by voters to formation of chamber on the basis of entry in its composition originally on an official, and then – a representation principle. So, if in the Council of Federation of the first convocation (1993–1995) on the basis of the universal and equal and direct suffrage by secret ballot by the voters residing on the territory of the subject of Russian Federation (region) were elected two deputies from each region, subsequently the Council was formed on the basis of entry (co-optation) in its composition of the heads of regional legislative and executive authorities (1995-2000), and since 2001 – assignment by these authorities of the plenipotentiaries. The proposals are now persistently put forward, including by the chief of the chamber, about necessity of transition to the formation of the Council on the basis of popular election of its members by the voters, that is in a course of direct elections, but at conservation of the right of nominating of candidates by regional authorities. As a whole the Constitution does not interfere with return to the mechanism of formation of Council on the basis of conducting direct elections, at the same time, definitive saying in the constitutional lawfulness such (mixed) order – when the state bodies put forward of the candidates, and the voters has the right to elect them – only can the Constitutional Court of the Russian Federation deliver (however, under condition of the reference to it with inquiry on the given question).

Alongside with the above–stated issue it requires the legal registration and order of formation (or election) participants of the Constitutional Assembly, which is vested with the constitutional authorities to confirm an invariance of the federal Constitution, or develop a draft and accept it with two thirds of general number of its members or to pass on plebiscite in case the chambers of federal parliament insist on modification and supplements in the appropriate chapters of the Constitution. Now proposals on introduction of the mixed system of a composition of the participants of the Constitutional Assembly are also debated, though not especially intensively: it is offered, that the part of its members should be elected at a direct elections by voters, and other part – on the basis of assignments provided by state authorities, political parties, other institutes of the civil society. According to the Constitution the order of formation of a composition of the Constitutional Assembly should be fixed in the federal constitutional law, however, till now law is not accepted. Besides there are offers to switch the special chapter into the Constitution of Russian Federation or the changes and supplements connected to regulation of election process, that will allow essentially strengthen effect of the constitutional principles of organization and conducting of free elections on democratic essence of modern election process.

## **2. Guarantees of realisation of the election rights of the national minorities.**

The mechanism of ensuring of realization of the election rights and freedom of the national minorities, including native born small peoples, renders the defined influence on democratization of election process. Lately the adequate legal basis was forming in the Russian Federation providing genuine participation of the minorities in the governance of the region and local community, guaranteed representation of their legal interests in legislative (representative) regional authorities and bodies of a local self–government.

So, the Constitution guarantees the rights of the small nationalities according to the generally accepted principles and norms of the international law and international treaties of Russian Federation. With the purposes of definition of the status of such nationalities the federal in 2000 the Federal Government affirmed the Uniform list of the native born small peoples including some 45 national minorities. The Federal Law "On the Basic Guarantees of the Election Rights and Right on Participation in Referendum of the Citizens of Russian Federation" provides that the allowable dismissal from the average electoral quotient of the voters should not constitute

more than 30 percents in forming of election districts on territories of compact residence of the native born small nationalities. Thus, the Federal Law "On the Guarantees of the Rights of the Native Born Small Nationalities of the Russian Federation" goes further away, providing, in particular, a system of quotas of deputy mandates. So, the regional laws can establish the quotas of representation of the small nationalities in regional legislative (representative) bodies and representative bodies of local self-government. On this basis, for example, in the Charter the Khanty-Mancy autonomy district there are made changes and supplements providing as follows: out of 26 deputies of Duma of an autonomy district 13 are elected under the party lists, 10 – on one-mandated districts and 3 deputy mandates are selected as the quota for the native born small nationalities of Russian North.

### **3. Elections and prevention of political and administrative monopoly on authority.**

The development of the election legislation and connected branches of the legislation bases on the constitutional provisions and decisions of the Constitutional Court of the Russian Federation and is directed none admission of formation of political monopoly on authority by results of elections (by a proportional part of the election system). In this connection special significance has a question on the term of power of commission and about quantity of terms, on which can be elected of the deputy or elective official. The Constitution directly does not fix maximum quantity of terms of displacing by the same person of the deputy mandate or elective office (except for occupation of the position of the President of Russian Federation no more than two terms). On this basis the Federal Law "On General Principles of Organization Legislative (Representative) and Executive Bodies of State Power of the Subjects of the Russian Federation" has fixed the provision about two terms (one after the other) with the reference to the elected top officials as one of conditions preventing formation of a political monopoly regime. Thus the Federal Law "On the Basic Guaranties of the Election Rights and Right on Participation in Referendum of the Citizens of Russian Federation" refers regulation of a question about the term of commission and about their calculation with reference to municipal elections at the discretion of local self-governments. So, in the charter of municipal unit the additional which are not allowing the same person to hold position of the head of municipal unit more established quantity of terms one after the other.

As a whole, if with reference to federal and regional authorities the possibility of election of the same person no more than on two terms one after the other is established, thus term of his state legislature can not constitute more than five years, whereas at a municipal level the decision of a question on maximum number of terms of displacing by the same person of the deputy mandate or elective position, and also about definition of reoccupation or recurrence of terms is referred to exclusive competency of a local self-government and should be fixed in the charter of a municipal unit. As a whole, in conditions, when the local self-government is separated from system of public authorities in accordance with the Constitution, it allows the population of local community to independently define the mechanism, adequate to developing conditions, of functioning of municipal authorities.

## **II. System and status of the election commissions.**

In the Russian Federation there are the following election commissions: a) the Central Election Commission of the Russian Federation (the CEC of Russia); b) election commissions of Subjects of the Russian Federation (regional election commissions); c) election commissions of municipal units; d) district (constituency) election commissions; e) territorial (regional, urban and other) commissions; f) precinct election commissions. The commissions provide realization

and protection of the election rights of the citizens, realize preparation and holding elections, informing the voters about terms and proceedings, about a course of campaign, and also about the candidates, consignments, election blocs put forward candidates, lists of the candidates.

The trend is to increase the accountability on the part of the authorities conducting elections. In the federal election laws the order of formation and functioning of election administration – election commissions – is essentially updated. The main purpose of conversions is to make commissions independent from public authorities and officials to strengthen role of the political parties, including parliamentary, in their formation to provide efficient coordination of activities of all commissions at holding elections. Thus it amplifies simultaneously responsibility of commissions and their members. So, the possibility of disbandment of a composition of commissions for failure to comply of adjudgements, and also decisions of higher commissions is provided. It is important that the measures of the responsibility concern also the CEC of Russia. Thus the engaging to the administrative responsibility of an election commission member for infringement of the election legislation inevitably attracts the cease of his authorities and impossibility of purpose to assign him in a composition any of commissions.

It can be assigned no more than one representative from each consignment, other public association, election bloc in a commission. Besides the state and municipal employees can not constitute more than one thirds of a commission members of its general number. The hierarchical rule acts in system of election commissions – the decisions of a higher commission accepted within its competency, are obligatory for inferior commissions, and the decision contradicting to the laws or accepted with excess of established competency, is a subject for cancellation by a higher commission or court. Thus the higher commission has the right to accept the judgment on the merits of a question or to direct the appropriate materials on re-examination by a commission, whose decision was cancelled.

The commissions within their competency are independent of public authorities and bodies of a local self-government. At the same time, the decisions of commissions accepted within their competency, though are not subject to state registration, are obligatory for federal executive bodies, regional executive bodies, official bodies, bodies of a local government, candidates, political parties, election blocs, public associations, officials, voters. The above-mentioned bodies, their official are obliged to render to commissions assistance in fulfilling their authorities, in particular, to provide necessary rooms gratuitously, including rooms for the elective documentation storage, to provide protection for provided rooms and indicated documentation, also to provide gratuitously transport, communication facility, technical equipment. Thus state and municipal organizations conducting TV and broadcasting, editorships of the periodic printed issuing are obliged to provide the commissions for free broadcasting time to inform voters in the order established by the laws, and also free printed space for publication of their decisions, placing other printed information.

The CEC of Russia is a federal state body organizing preparation and holding elections in the Russian Federation. The CEC of Russia acts on a constant basis and is the legal entity. Term of its authorities constitutes four years. It consists of 15 members. Five members are nominated by the State Duma from among the candidatures offered by factions, other deputy associations, and also deputies of the State Duma; thus from one deputy association can be assigned no more than one representative. Five members of the Commission are nominated by the Council of Federation from among the candidatures offered by the regional legislative and executive bodies of power. Five members of the Commission are nominated by the President of Russian

Federation. The CEC members should have higher juridical education or law scientific degree. They elect among themselves Chairman by secret vote, as well as Vice-President and Secretary.

The regional election commissions, municipal election commissions, district election commissions, territorial, precinct (polling) commissions are formed on the basis of the political parties offers, election blocs which have put forward the lists of the candidates, admitted to distribution of the deputy mandates in the State Duma, representative body of state power of the appropriate subject of Russian Federation, in a representative body of a local self-government, and also public associations, assemblies of the voters on a place of job, study, service and habitation. The regional election commissions are the state bodies of the subjects of Russian Federation. They act on a constant basis and are the legal persons. Term of their authorities is 4 years and the number of members with the decisive right is established by the regional constitution (chapter), the laws and can not be less than 10 and more than 14 members.

The election commission organizing preparation and holding elections to bodies of a local self-government, is election commission of municipal unit. The statute of this commission in the system of local self-government is defined by the regional laws, charter of municipal unit, thus the commission can be considered as legal object. Term of the authorities is 4 years, and number of the members with the right to vote is established by the law, charter of municipal unit.

The district election commissions are formed in cases statutory, at holding election on one-mandated and (or) multy-mandated constituencies. Term of their authorities terminates per day of official publication of the decision about assignment of the following appropriate elections. For federal elections the number of the members of commissions is established by the federal acts; for regional and local elections by the regional laws.

The provision of territorial election commissions in the system of regional state bodies is defined by the regional laws. They act on a constant basis\$ term of their authorities is 4 years. The regional law can give them the status of the legal entity. The commissions are formed in quantity of from 5 to 9 members.

The local commissions are formed during campaigning in terms statutory, for ensuring voting process and tabulation of the votes. Their power cease in 10 days from the date of election results official publication, if to address a higher commission the petitions, protests on actions (inactivity) of the given commission have not received, as a result of which the order of voting and tabulation of the votes was outraged, and if on the given facts the trial is not conducted. In case of the appeal or the protest of voting returns the power of a commission ceases after rendition of final judgment in essence petitions, protest by a higher commission or court.

### **III. Election laws and participation of the political parties in election process.**

The federal act "On the basic guarantees of the election rights and right on participation in referendum of the citizens of the Russian Federation" has essentially strengthen the legal base guarantees of the constitutional institute of free elections, has provided reasonable unification in regulation of elections in Russian Federation, which is directed to ensure the equal status of the voters and other elections participants, organization of democratic elective process. So, if on the basis of the universal and equal and direct suffrage by secret ballot the federal Constitution stipulates election only of federal President, the federal law has fixed in addition, that the indicated constitutional principles of presidential elections organization as concrete kind of elective process are also applied on all other kinds of elections, that has found support from the

Constitutional Court of Russian Federation. The election legislation bases on the provisions of the Federal Law "On the Political Parties", which has introduced basic changes to elections participants subject composition. On this basis there is an efficient tandem of the election laws and the law concerning parties, first of all presented in the federal parliament, on formation of representative character of public institutes, development of public character of the state and civil society. So, a number of the federal election laws concerns a general tendency to raise a role of parties in election process, namely:

- a) At conducting federal and regional elections the political public associations recognize only parties, instead of public associations, as before;
- b) The registration of the candidates, lists of the candidates put forward by parties, election blocs, is realized without petition of the voters and entering of the monetary deposit under the following condition: by returns of the nearest previous elections of the State Duma the federal party lists of their candidates were admitted to distribute the deputy mandates;
- c) The proportional part of the election system is entered at holding elections into the regional representative bodies, within the framework of which not less than halves of mandates in the whole body or in one of its chambers are distributed between the candidates list put forward by parties, election blocs, is proportional to number of the votes received by each of the candidates lists; thus the law can provide necessary for the admission to such distribution of the mandates minimum percent of the votes, received by the list of the candidates, however it should be established so that to distribution of the mandates was admitted not less than two lists of the candidates who have received in aggregate more then 50 percents of the votes, taken part in voting. The given provision means, that now at a regional level the mixed election system obligatory is entered, which before was applied facultatively.

One of new elements of organization of regional election process is strengthening a role of the voters in choosing the candidates from the party list, and the system of the open candidates list is answered these purposes, which is applied in Austria, Latvia, Lithuania, Poland, Czech, in some other countries. One more component of an elective process openness is the further raise of parties role at formation of election commissions. So, in a composition of election commissions obligatory should be assigned not less than half (before – one third) commissions members in accordance with parties offers presented in State Duma or in the regional legislative body.

#### **IV. Organization of elections at reasonable intervals as one of the guarantees of free elections.**

Mandatory and periodic conducting of free elections in reasonable intervals is one of the public and legislative responsibilities of a democratic legal state. The state should guarantee periodic character of elections, free declaration of intent of the citizens during elections, protection of democratic principles and standards of the election rights in interrelation with the generally accepted principles and norms of international law. Article 3 of the Protocol № 1 of the European Convention on Human Rights Protection and Fundamental Freedoms contains the obligation of the states "to conduct free elections with reasonable periodicity...". The institute of setting elections as the mechanism providing a possibility of democratic and open public influence of the voters on process of elected bodies formation, bases on the following constitutional and legal statuses.

First, in the Russian Federation the elections are obligatory, periodic and conducted in terms established by the Constitution, federal acts, and other laws;

Secondly, the federal legislation provides some organization and legal patterns of calling an election:

- a) The elections are nominated by the body, authorized to that, or an official according to terms established by the constitution and the laws; in case they do not set elections, the elections are called and conducted by the appropriate election commissions in time, indicated in the appropriate normative legal act;
- b) In cases listed in the laws, the elections are nominated by court. It occurs, when the authorized body, either official, or the appropriate election commission will not nominate elections in time, or the commission appropriate to the level of elections is absent, and can not be formed in the order stipulated by the laws (in a case, for example, advance cease of a body authorities of or deputies attracting behind self incompetence of a body). In the indicated cases on applications of the voters, parties, public authorities, bodies of local self-government, public prosecutor, the elections are nominated by court. Such order of calling elections is in practice, certainly, exclusive, however indicated authority of court, being "sleeping", is one of the effective guaranties of compulsion principle and periodicity of elections, protection of the election rights and freedom of the citizens;

Thirdly, the mechanism of assignment both conducting of regional and municipal elections can be involved by the federal state on the basis of the appropriate provisions of the federal election laws. So, if the term of office of regional power, body of a local self-government has expired or their authorities were ahead of schedule terminated, and the appropriate regional law on elections is absent or its provisions can not be applied owing to confession by court being invalid and not a subject to application, the elections are conducted by election commission on the basis of the federal laws providing realization of the citizens right to elect and to be elected, and in case the available legal basis is inadequate, in the part which has been not arranged by the laws, also on the basis of the decrees of the federal President.

#### **V. Nomination and registration of the candidates.**

The new federal election laws provide a number of provisions concerning conditions and procedure of nomination, and also registration of the candidates. So, paying the elective deposit as alternatives to petition of the candidate registration is provided. The standard is established, according to which the candidates are obliged to declare the incomes and asset, contributions in banks, financial credit instruments. Thus the lawmaker does not provide, as it was earlier, possibility of the refusal in registration of the candidate or cancellation of his registration for submission of the doubtful items of information about the incomes and asset, that is if at check of the appropriate items of information will be made out, that they are doubtful, this information obligatory is provided to the voters, who should make conclusion, for whom from the candidates it is possible to vote or to vote against all candidates; at the same time concealment of the information items about not removed, being in force previous conviction, citizenship of a foreign state are still considered as the basis to remove the candidate from registration.

The federal laws erect additional barriers on ways of abuse by an administrative resource. So, it is provided, that not only state and municipal employees, but also person displacing defined state positions in bodies executive either judicial authority or the elective municipal positions (except for the President, Chairman of Government in case of temporary execution by him of the President responsibilities, deputies of the representative bodies of state power and representative bodies of a local self-government), in case of their registration as the candidates, should be released from executing their functions on time of voting. Besides the persons who are not being the candidates and displacing state and municipal positions, have no right to take advantages of



official position or statues with the purposes to nominate and has the candidate elected, list of the candidates. Thus by the close confidants of the candidates, political parties, the election blocs can not be persons displacing defined state or municipal positions; they also not have the right to conduct campaigning in the mass-media.

With the purposes to raise elections legitimacy of the regional chief executives, a number of the federal law provisions are directed to reform the regional election system. For example, repeated voting (second round or run-off) on elections of the regional chief executives (top officials) is entered in case any of the candidates originally has not collected more than 50 percents of votes, who have taken part in voting (earlier such rule was not provided). In the Federal Law the extremely legal process to cancel registration of the candidate is fixed. Thus the court can accept the appropriate decision not later than five days prior to ballot day. At the same time list of the reasons for registration cancellation of the candidate under the decree in the new election laws essentially are reduced.

## **VI. Open counting of voting returns and establishment of the election results as a necessary condition for the population trust to election institutes and voting.**

The modern approaches to organization of democratic election process are based on necessity of expansion of voting patterns list, taking into account achievement of high technologies, and also further perfecting of existing voting systems. In this connection federal election laws provide, that by the regional law the possibility of voting by mail can be stipulated. Thus the votes entered a commission not later termination of voting time should be taken into account. The order of a postal vote at conducting regional and municipal elections, before settlement of this question by the federal act, is defined by the CEC.

In the Federal Law the concept "falsification of voting returns" is clarified, and for this particular law the lawmaker has provided severe measures of the criminal responsibility. So, falsification is understood as including not counted reports in number of the reports used at voting; obviously wrong constituting of the list of the voters, including persons without a election rights, or assumed persons; substitute of the valid reports; illegal destruction of the official ballot-paper; obviously wrong tabulation of the votes; signing by commission members a protocol of voting returns before tabulation or summarizing of returns, obviously incorrect (not appropriate to the valid voting returns) executing a record about voting returns; modification in the protocol of voting returns after its filling.

If established, that on elections, including establishment of voting returns, the State atomised system "Elections" can be applied only. The Federal Law of January 10, 2003 "On the State Atomized System of Russian Federation "Elections" has fixed its use as one of the technological guarantees of realization of the citizen rights for legal receiving the authentic, operative and complete information about elections and outcomes. One of the basic provisions is also regulation of an issue about legal meaning to the documents prepared with use of this system. The possibilities of application on election districts of vote means tabulation are extended, and the returns, which are received through means, will not require manual recalculation of the reports. On the basis of the data received with application of means, the protocol of a local commission will be constituted and signed in due order while the commission members and observers have no doubts. Thus a possibility of selective conducting of control recalculation of the reports on a part of election district, however, is stipulated, where the means were applied. The election districts will be defined on a toss-up according to a procedure registered in the law, and under the control of the CEC. If the data of manual recalculation will differ from results of

automatic machine counting, traditionally (manually) calculated votes will be accepted as a legal basis. On all other election district of the given territory manual recalculation also will be carried out. As a result of realization of these and other legislative provisions the election rights of the voters will be more reliably defended. From the moment of a local commission work beginning in election day, and also per days of early voting and before receiving the message about adoption the protocol of voting returns by a higher commission, and also at repeated vote tabulation of the voters the observers have the right to be present on election districts. At holding election the observer can be assigned by the registered candidate, political party, election bloc, and political public association. The election officials, persons finding in their direct subordination, judge, procurators can not be assigned as the observers.

## **VII. Constitution and legal responsibility for infringement of the election laws as one of the new guarantees of efficient functioning of the election mechanism.**

The juridical responsibility represents itself as one of the legal guarantees of free democratic elections. Legal responsibility is understood as application of state affect (compulsion) to the offender of the defined legal measures by the bodies, authorized to that, or officials assigning on the offender defined legal limitations (retaliation) of a personal or property character. Measures of the public law responsibility are the compulsory approbation (punishment), regulated by the laws. For infringement of the election legislation the legal responsibility of some kind are stipulated: administrative, criminal and constitutional and legal responsibility.

Thus the constitutional and legal responsibility consists of application to the guilty election participants the defined constitutional and legal sanctions transferred in the Federal Law "On the Basic Guarantees of the Election Rights and the Right to Participate in Referendum the Citizens of the Russian Federation", other federal laws, namely: the warning, refusal in registration of the candidate (list of the candidates), cancellation of registration of the candidate (list of the candidates), declaration of voting returns or election results invalid, cancellation of the decision about confession the candidate elected, disbandment of election commission. So, the election commission can be disbanded by court in the cases: a) Infringement by a commission the citizens election rights of entailed confession by the CEC of Russia, regional commission in the order statutory (including on the basis of the court decree), ineffective voting returns or election results on the appropriate territory; б) non-execution by a commission a decree of court or the higher commission decision, decisions of the CEC, regional election commission accepted according to the federal law. Thus, election laws, and also connected branches of law create and develop necessary for formation of the open state and efficient civil society, first of all on behalf of the political parties and other public associations adequate democratic mechanisms of people government, expression and realization of voters declaration of intent . In the defined measure their efficient functioning is connected with legal culture of the voters and organizers of elections, active and realized voting, in management of business of the state and society.

## **VIII. Russian election laws and international electoral standards.**

The Russian election laws should correspond to the generally accepted principles and norms of international law for free and democratic elections, which provide interaction of the civil society, first of all of political parties and voters, with election institutes of the state. In the federal Constitution the provision is fixed that the principles and norms of international law and international treaties of Russian Federation are the constituent of its legal system and if the international treaty establishes other rules, than statutory, the rules of the international treaty are applied. On this basis, and also with the purposes to strengthen legal mechanisms of ensuring the

election rights and freedom within the framework of Commonwealth of the Independent States (CIS) is developed, and on October 7, 2002 the heads of seven states the Convention on the Standards of Democratic Elections, the Election Rights and Freedoms in the States-Participants of the Commonwealth of the Independent States was signed (came into effect in November, 2003 after the ratification by three states). In the Convention the democratic electoral standards, election rights and freedoms in the CIS are defined. In its frameworks are codified and strengthened such standards, as: a) democratic, periodic, obligatory, free, genius, fair, competitive, open and vocal elections; б) conducted on the basis of the universal and equal and direct suffrage by secret ballot; в) ensuring judicial protection of the election rights and freedom of all participants; г) accomplishment of public and international supervision of elections, guarantees of their realization. Thus the mechanisms of their realization, including connected with ensuring efficient realization of an openness principle and publicity of elections, activity of election commissions, raise of voters trust level to voting returns and election results are fixed also; by realization of the provisions concerning organization of supervising elections by the observers assigned by the candidates, political parties, election blocs, public associations. As a whole the Convention as obligatory for its participants international act is one more confirmation of aspiration of the CIS, including the Russian Federation, to further democratization of election process, creation of a system of new international election guaranties and freedom of the elections participants, new approaches to formation of modern democratic elections basis, namely, international electoral standards.

Potential of the international legal sources is used by the Constitutional Court of the Russian Federation (CCRF) for the substantiation of the legal items at development of the decisions on wide range. So, on December, 2003, these items contained in the reasoning more than 180 decisions, including protection of the election rights and freedom, have affected conclusions of the CCRF about conformity to the Constitution of the disputed legal acts. Thus the indicated decisions contain more than 200 references to the international documents of a various level. Actually each third decree was motivated, including with the help of the envois to the international norms as well as decisions of the European Court on Human Rights. As the list of the guaranteed election rights and freedom in Russian legislation and international laws are actually identical, the CCRF protects them, being guided on the constitutional provisions, and also standard of the international norms for free and faire elections.

The development by the CCRF of international universal and European legal space is perceived and continued in juridical practice of Russian courts of the general jurisdiction. The confession of the ratified international treaties priority by Russia over the laws of country becomes the standard of the judicial practice.

Now there is an active process of the further formation and development of the international electoral standards in the field of democratic elections as support for perfecting the national election legislation. In particular, the ODIHR OSCE efforts on realization of the draft which has received the name "Existing Commitments for Democratic Elections in OSCE Participating States", providing engineering law of the certificate on the further development of the Copenhagen international commitments of 1990 in the frameworks of OSCE testify in the field of organization and conducting democratic elections.

With allowance for of global political changes which have occurred in Europe, experience of conducting democratic elections accrued worldwide, more and more urgent there is a problem of the international electoral standards codification. The international electoral standards codification in a format of the European Convention would promote to distribute influence of

elective democracy principles, guarantees of the elective election rights and freedom on all European continent, would provide protection against ungrounded interference in internal affairs of the state in the decision of questions kept by the international certificate at the discretion of the state, any modeling of such electoral standards with reference to momentary geopolitical interests. The Association of Central and Eastern European Elections Officials (ACEEEO) is directed on it, initiated at a defining role of the CEC engineering of the draft of the European Convention on the Standards of Democratic Elections (the draft Convention was maintained by the Venice Commission). In the same line the recommendations of Parliamentary Assembly of Council of Europe (PACE) are also found, in which it is recommended to prepare the international document in a format of the European convention, having taken into account the above-stated draft of the Convention, and also materials of Office for Democratic Institutions and Human Rights (ODIHR) OSCE.