

[RU] Constitutional Court Amends Election Law

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On 30 October 2003, the Constitutional Court of the Russian Federation declared unconstitutional one part of the law that restricts media coverage of election campaigns. The ruling cancels an umbrella clause in the 2002 Federal Statute "On the Basic Guarantees of Voting Rights and the Right to Participate in a Referendum of Citizens of the Russian Federation", which defined campaigning so broadly that any reporting on a candidate tentially capable of swaying voters. Previously, any detail characterizing a candidate within the pre-election period (of about 3 months prior to the voting day) could be seen as helping or hurting a politician's image; and to guarantee voters' rights it could be disseminated in the mass media only as part of the allocated free time and space or paid for out of the election fund.

In particular, the Constitutional Court struck from the statute the seventh sub-clause ("zh") of Article 42, clause 2, which defined as pre-election campaigning "any action, inducing or trying to induce voters to vote for candidates, lists of candidates or against them". This is "incompatible with judicial equality, limits the freedom of public information and the rights of citizens to receive information necessary for the formation of their free opinion as to whom they wish to vote for", the court wrote."

Resolution of the Constitutional Court of the Russian Federation of 30 October 2003 N 15-P on the matter of constitutionality of certain provisions of the Federal Statute "On the Basic Guarantees of the Voting Rights and the Right to Participate in a Referendum of Citizens of the Russian Federation" regarding an inquiry by a group of deputies of the State Duma and complaints from citizens S.A.Buntman, K.A.Katanyan and K.S.Rozhkov. Published in Rossiyskaya gazeta official daily, 31 October 2003

