[RU] New Statute on Referenda Adopted

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On 11 June 2004 the State Duma of the Federal Assembly (Parliament) of the Russian Federation adopted the new Federal Constitutional Statute "On Referendum of the Russian Federation". President Vladimir Putin signed it into law on 28 June 2004. The Statute, which aims to make the system of electoral and referendum legislation uniform, repealed the Act with the same name of 10 October 1995.

The Statute provides for the procedure of initiating a nationwide referendum, formation of referendum commissions, balloting and vote tabulation. It guarantees access by observers to the voting process, sets up the list of questions that may not be brought in referendum, establishes the procedure for funding referenda campaigns. Along with general provisions, the Statute contains specific ones regulating media coverage of a referendum campaign; the relationship between the mass media entities, referendum commissions, and initiative groups; and the use of the new media technologies in referenda campaigns.

Chapter 9 of the Statute is devoted to the informational coverage of a referendum. Coverage shall include information and campaigning.

The term "information" had not been used in the previous Statute on Referendum. Information includes both equal and impartial coverage of the activities of referendum groups and political parties without any comments by the mass media, and publication of opinion polls. According to paragraph 1 Article 55 of the Statute the mass media are free to inform the public about referendum campaigns. At the same time journalists or other members of staff of mass media entities are not allowed to campaign for or against any referendum issues (subpara.7 para.5 Art.60). The only exemption from the above-mentioned rules is in reference to those mass media entities established by political parties or referendum initiative groups (para.3 Art.55).

For the purposes of the Statute, campaigning shall be considered as "activities that are performed in the course of a referendum campaign and are aimed at inducing or prompting participants of a referendum, either to support an initiative of carrying out a referendum by means of signing the subscription list, by other means, or to refuse to support such initiative, either to vote or refuse to vote,

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either to sustain or refuse to sustain a question(s) related to a referendum" (sub-para.1 para.2 Art.4). The only admissible means of participation of the mass media in the campaign process shall be by offering airtime or printed space for referendum groups. All state broadcasters shall be obliged to provide a certain amount of airtime free of charge for referendum campaigns. According to paragraph 2 Article 59 a broadcasting company shall be considered as a "state broadcaster" if it fulfils any of the following conditions: it has a state body as a founder or a co-founder; or it has state share in its capital stock; or it had received any funding from the federal or regional budgets in the course of the year prior to registration of the group that initiated a referendum. Both state and non-state mass-media companies are allowed to provide "initiative campaign groups" with paid airtime or printed space provided that such companies publish in advance the tariffs and the conditions of placement of the campaign on an equal basis for all participants of the campaign process (para.9, 10 Art. 59).

The relations between the mass media and referendum commissions shall be based on the principle of openness. Persons representing mass media shall be allowed to attend all sessions of the referendum commissions. The Statute establishes the duty of the Central Election Commission and the referendum commissions to impart to the mass media information concerning the polling date, the funding of the campaign, and the results of polling. The state mass media shall be obliged to publish a number of acts in regard to referendum commissions. Moreover, nationwide state broadcasters shall provide the Central Election Commission with at least 15 minutes of airtime per week free of charge in order for the Commission to inform the public about the rights of voters and the voting procedure. Regional state broadcasters shall be provided by regional referendum commissions with at least 10 minutes of free airtime per week for the same purposes.

One of the innovations of the Statute is the establishment of the duty of a governmental body to disseminate information via the Internet. The Central Election Commission of the Russian Federation shall be obliged to place well-defined information in the World Wide Web (for instance, texts of laws that shall be submitted for referendum, the ballot results, etc.).

Federal Constitutional Statute "On Referendum of the Russian Federation", Official Journal, 30 July 2004, N 137-d

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