[RU] Electoral Campaigning Rules Modified

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On 17 November 2006 the *State Duma* (Parliament) adopted the Statute amending provisions of both the Statute “On basic guaranties of the electoral rights and the right to participate in a referendum of citizens of the Russian Federation” (hereinafter - the Elections Statute) and the Code of Civil Procedure. On 5 December 2006, President Vladimir Putin signed the act. It entered into force on 7 December 2006, the date of its official publication.

The leitmotif of the Statute is to enforce counter-extremist activities. However, some other important issues concerning electoral campaigning in the mass media are also dealt with.

The law bans candidates from calling upon or inducing to commit extremist activities (as defined in Art. 1 of the Statute “On counteraction to extremist activities”), or from justifying extremism in any media, including on the Internet, *while conducting an electoral campaign* . Dissemination of “hate speech” and propaganda of Nazi symbols shall also be prohibited (Art. 56 para 1 of the Elections Statute). Art. 56 para 1.1 of the Elections Statute bans any abuse of the freedom of mass information (as defined in Art. 4 of the Statute “On Mass Media”) as well as any intellectual property violation during the electoral campaign. A single breach of Art. 56 para 1, 1.1 of the Elections Statute shall lead to the cancellation by the judiciary of the registration of either the candidate responsible for the abuse or the violation, or the list of candidates proposed by an electoral association. The latter is possible if the fault is with the association or with one of its members (if the violation concerns Art. 56 para 1) except for the case when the association expels the member in question. In other words, any breach would result in a ban to take part in the electoral campaign (Art. 76 para 7 point “д”, and para 8 point “ж” of the Elections Statute). Moreover, in case of violation of Art. 56 para 1, a former candidate shall not have the right to canvass during the electoral campaign for or against any candidates (Art. 48 para 7 point “з” of the Elections Statute).

The right of a citizen to be elected was also restricted. A person shall not have the right to stand for elections if he (she) was penalized by court for calling upon or inducing to commit extremist activities, justifying extremism in any media, including on the Internet, disseminating “hate speech”, and propagandizing Nazi symbols during the preceding term of office of the governmental body to which

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the person seeks to be elected (Art. 4 para 3.2 point “г” of the Elections Statute). If a prohibited statement was made before the person registered as candidate, the court’s decision establishing the offense shall serve as ground for canceling the registration (Art. 76 para 7 point “ж” and para 8 point “ж” of the Elections Statute).

Agitation materials placed in any kind of mass media shall not include advertising (Art. 56 para 5.1 of the Elections Statute). Formerly this prohibition was applicable only to periodicals.

Art. 56 para 5.2 of the Elections Statute establishes special limitations for campaigning in broadcast mass media. Candidates and political parties must refrain from urging to vote against other candidates or electoral associations; describing possible negative consequences should another candidate (or list of candidates) win the elections; disseminating predominantly information about one candidate coupled with negative commentaries; disseminating information that contribute to a negative perception of candidates or electoral associations. Repeated violations of this norm shall allow the courts to cancel the registration of a candidate or a list of candidates proposed by an electoral association (Art. 76 para 7 point “e” and para 8 point “e” of the Elections Statute).

However, candidates shall retain the right to criticize their opponents in media differing from electronic ones, for instance in periodicals (Art. 48 para 1 of the Elections Statute).

Most likely, the reform of election legislation will continue. The acts regulating referenda, presidential and parliamentary elections will soon be synchronized with this new edition of the Elections Statute.

Федеральный закон Российской Федерации от 5 декабря 2006 г. N 225-ФЗ О внесении изменений в Федеральный закон "Об основных гарантиях избирательных прав и права на участие в референдуме граждан Российской Федерации" и Гражданский процессуальный кодекс Российской Федерации

http://www.rg.ru/2006/12/07/vybory-izm.html

Statute of 5 December 2006 N 225-ФЗ “On amending the Statute “On basic guaranties of electoral rights and the right to participate in referendum of citizens of the Russian Federation” and the Civil Procedure Code”

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