

**By the Judgement of 12 March 2021 No. 6-II the Constitutional Court of the Russian Federation appraised constitutionality of Article 38, Para. 1.1 and Article 39, Para. 1 of the Federal Law “On the Basic Guarantees of Electoral Rights and the Right to Participate in a Referendum of Citizens of the Russian Federation”.**

The challenged legal provision was the subject of consideration to the extent that on its basis the issue of the compulsory notification of the candidate for deputy of the representative body of public authority (for an elective position) by the electoral commission is decided, when the commission finds incomplete information about the candidate, the absence of required documents, the submission of which to the electoral commission for notification on the nomination and registration of a candidate is provided for by law, or non-compliance with the requirements of the law for the preparation of documents, as well as the issue of the consequences of the absence of such notification when the court is considering an administrative claim filed with the aim of cancelling the decision of the electoral commission in connection with the above-mentioned shortcomings in the documents on the registration of the candidate is decided.

The challenged legal provision was found not to contradict the Constitution of the Russian Federation to the extent that it obliges the electoral commission to carry out, in the same manner as all candidates, the verification of the documents submitted by them within the time limit established by the law and, in these cases, to notify the candidates about the established shortcomings.

The challenged provision was also found to be inconsistent with the Constitution of the Russian Federation to the extent that it does not provide for the court considering the case on cancelling the decision of the electoral commission on registration of a candidate in connection with the submission of documents to the electoral commission for notification of his nomination and registration, containing incomplete information about the candidate or those that do not meet the formal requirements of the law for the documents, the need to take into account the fact of failure to notify (untimely notification) of the candidate by the electoral commission of these violations as a circumstance precluding the cancellation of the decision of the electoral commission on registration of the candidate, if these violations should have been obvious to the electoral commission with proper performance of its duties and do not constitute an intentional presentation by the candidate of false information about himself.

Until the relevant legislative amendments come into force, the courts, when considering relevant cases, are guided directly by this Judgement. This does not

exclude their taking measures to eliminate such shortcomings in the documents submitted to the electoral commission, which create irreparable doubts about the candidate's compliance with other requirements, with the failure to comply with which the law links the refusal to register.

The Constitutional Court concluded that there were no grounds for reconsidering the Applicant's case, which, however, does not exclude the possibility for him to use compensatory mechanisms provided for by the current legislation to protect his rights, in accordance with Article 53 of the Constitution of the Russian Federation and Article 100, Section 4 of the Federal Constitutional Law "On the Constitutional Court of the Russian Federation".