

By the Judgement of 20 January 2021 No.2-II the Constitutional Court of the Russian Federation appraised constitutionality of Article 46, Section 1 and Article 240, Section 4 of the Code of Administrative Proceedings of the Russian Federation

The challenged provisions were the subject of consideration to the extent that on their basis the court, considering an administrative case on challenging the decision of an electoral commission to register a candidate for deputy of a representative body of public authority (candidate for an elective position), resolves the issue of regarding additional grounds for an administrative claim, declared by the administrative plaintiff after the expiration of the ten-day period for filing a claim.

The challenged provisions were found not to contradict the Constitution of the Russian Federation, since they cannot be regarded as excluding the right of an administrative plaintiff after the expiration of the period established by Section 4 of Article 240 of this Code to change (supplement) the grounds for an administrative claim before the adoption of a judicial act, which ends on the merits in court of the first instance of an administrative case on challenging the decision of the electoral commission on registration of a candidate for deputy of a representative body of public authority (candidate for an elective position), and as excluding the possibility of the court ruling in favour of an administrative claim on these amended (additional) grounds. At the same time, the court is not deprived of the opportunity, when the administrative plaintiff puts forward such additional grounds, to take into account their legal validity and confirmation by admissible and relevant evidence and, taking this into account, as well as the time frame of the electoral process and the need for a prompt resolution of the case, to decide on the need to obtain evidence.

The Constitutional Court concluded that there were no grounds for reconsideration of the applicant's case, as well as reasons for applying compensatory mechanisms in accordance with Section 4 of Article 100 of the Federal Constitutional Law on the Constitutional Court of the Russian Federation in connection with enforcement decisions based on the challenged provisions.