

By the Judgement of 23 November 2021 No. 50-II the Constitutional Court of the Russian Federation assessed constitutionality of Article 44, part 1, item 6 of the Federal Law “On General Principles of organisation of local self-government in the Russian Federation” (Local Self-Government Act).

This norm was subject to consideration insofar as within the current legal regulatory framework it defined the powers of the representative bodies of municipalities to establish under the charter of municipality the voting rate of two-third of the total (established) number of deputies for election of head of municipality by representative body of municipality.

The challenged norm was recognised as conformant to the Constitution of the Russian Federation since it is one of the grounds for demonstrating the autonomy of population in determining the structure of local self-government bodies in accordance with general principles of organisation of local self-government in the Russian Federation established by federal law.

Also the challenged norm was recognised as not conformant to the Constitution of the Russian Federation to the extent that, without excluding the presence in the charter of the municipality of a provision on the election of head of the municipality from the composition of the representative body of the municipality by a qualified majority of votes (two-thirds), it is not accompanied in the system of current legal framework by rules allowing to determine the person exercising powers of the head of municipality through initiative of the current composition of representative body of municipality, if it is impossible to elect the head of municipality on the basis of such a voting norm within a reasonable time, and (or) by provisions providing for the law-making powers of representative bodies of municipalities to resolve such situation.

The Constitutional Court concluded that the applicants’ case shall be subject to review after the appropriate legislative changes have been made.