

By the Judgement of 15 November 2018 No. 42-II/2018 the Constitutional Court appraised constitutionality of Section 15 of Article 239 of the Code of Administrative Judicial Proceedings of the Russian Federation.

The contested provision was a subject-matter of consideration insofar as it serves as ground for the decision on the right of an electoral association, having proposed a candidate or a list of candidates to elective posts, to appeal to court with administrative statement of claim on abrogation of the decision of an electoral commission on results of election in the event when this electoral association and (or) citizens proposed by it as candidates were deprived of the possibility to submit to the electoral commission documents necessary for the registration of a candidate or a list of candidates as a result of hindering of an official of the electoral commission, criminal persecution in whose respect for this fact has been discontinued on non-rehabilitative ground.

The Constitutional Court has recognised the contested provision as not conforming to the Constitution of the Russian Federation to the extent to which it does not allow a respective electoral association to appeal to court with administrative statement of claim on abrogation of the decision of an electoral commission on results of election in the said event.

The Constitutional Court has emphasised that an electoral association must be granted the right to appeal – even after the expiry of the term envisaged by Section 3 of Article 240 of the Code of Administrative Judicial Proceedings – with administrative statement of claim on abrogation of the decision of an electoral commission on results of election, so that court appraisal of possible influence of breaches of electoral legislation, having served as ground for criminal persecution of a respective official, on free will of voters and trustworthy estimation of voting results is carried out, as well as the question of the need to use compensatory mechanisms in order to restore violated rights of electoral associations is solved.