

By the Judgement of 24 March 2020 No. 12-II the Constitutional Court of the Russian Federation appraised constitutionality of Article 19; Article 20, Section 1, para. 7; Article 21, para. 7 and Article 240, Section 4 of the Administrative Judicial Proceedings Code of the Russian Federation and Article 2, Section 4, para. 7 of the Federal Constitutional Law on the Supreme Court of the Russian Federation

The provisions of Article 19; Article 20, Section 1, para. 7; Article 21, para. 7 of the Administrative Judicial Proceedings Code of the Russian Federation and Article 2, Section 4, para. 7 of the Federal Constitutional Law on the Supreme Court of the Russian Federation were subject to consideration to the extent that the issue of justiciability of an administrative case on challenging the decision of a higher election commission, which upheld the decision of the district election commission for election to the legislative (representative) state authority of the constituent entity of the Russian Federation of refusal to register a candidate for deputy – is resolved.

These interrelated provisions were recognised as not contradicting the Constitution of the Russian Federation as regards their determination of the jurisdiction of the indicated administrative cases.

Moreover, Article 240, Section 4 of the Administrative Judicial Proceedings Code of the Russian Federation was also the subject of consideration to the extent that it serves as the basis for refusal to consider (in satisfaction) by the court an administrative claim regarding the decision of the election commission to refuse to register the candidate in connection with the pass by the applicant (candidate) of a ten-day period of going to court in the event of such a person's preliminary appeal of the decision to refuse to register with a higher election commission within the time period established by law.

This norm was found to be inconsistent with the Constitution of the Russian Federation to the extent that it provides for a refusal to consider (in satisfaction) a court of an administrative claim regarding a decision of an election commission to refuse to register a candidate in these circumstances.

Until the relevant legislative changes are introduced, an administrative claim regarding the decision of the election commission to refuse to register the candidate, after the expiry of the deadline set forth in Article 240, Section 4 of the Administrative Judicial Proceedings Code of the Russian Federation, may be filed with the applicant (candidate) in the event of a preliminary appeal of such a decision in the manner prescribed by law to a higher election commission in accordance with Article 78, para. 2 of the Federal Law “On Fundamental Guarantees of Electoral

Rights and the Right to Participate in a referendum of citizens of the Russian Federation” within a five-day period from the date of the adoption of a decision by the higher election commission to dismiss the complaint.

The recognition of Article 240, Section 4 of the Administrative Judicial Proceedings Code of the Russian Federation as not conforming the Constitution of the Russian Federation does not affect the results of the elections to the Moscow City Duma on 8 September 2019, and cannot serve as a basis for their revision.