

By the Judgement of 7 June 2023 No.31-II, the Constitutional Court of the Russian Federation assessed constitutionality of Article 35, item 14² of the Federal Law “On the basic guarantees of electoral rights and the right to participate in the referendum of citizens of the Russian Federation”

The above-mentioned legal provision has been considered to the extent that it serves as a basis for the Electoral Commission organising the elections to adopt a decision on refusal to approve a list of candidates nominated by an electoral association in single-mandate (multi-mandate) constituencies in elections to the legislative bodies of the constituent entities of the Russian Federation or representative bodies of local self-government in case of violation of the established procedure for their nomination, if such violation is due to errors (mistakes) in the documents submitted to the Electoral Commission in respect of individual candidates.

The challenged legal provision was found to be inconsistent with the Constitution of the Russian Federation to the extent that it obliged the Electoral Commission organizing the elections to consider these errors (mistakes) which do not allow to reliably identify the citizens nominated in the respective electoral districts as a violation of the established procedure for the nomination by an electoral association of a list of candidates in single-mandate (multi-mandate) constituencies for elections to the legislative bodies of the constituent entities of the Russian Federation or representative bodies of local self-government, and to refuse to approve it in cases where such errors (mistakes) do not prevent identification of other candidates included in such a list.

Until the appropriate legislative changes are made, the Electoral Commission organizing the elections, when approving the list of candidates nominated by an electoral association in single-mandate (multi-mandate) constituencies for elections to a legislative (representative) body of state power of the Russian Federation or to a municipal representative body, and the relevant court, when challenging the refusal to approve such a list, shall be guided by the legal positions expressed by the Constitutional Court in this Judgement.

The Judgement of the Constitutional Court did not affect the results of the by-election for the Orsk City Council of the VI convocation, which took place on 11 September 2022 and therefore could not serve as a basis for a review of the applicant's case.

The applicant is entitled to compensation mechanisms, the form and amount of which, if requested, will be determined by the Sovetskiy District Court of Orsk, which heard the case in the first instance.