

By the Judgement of 30 May 2024 No.27-II, the Constitutional Court assessed constitutionality of Article 2 (sub-item 57) and Article 38 (sub-items “B” “B¹” of item 24) of the Federal Law “On Basic Guarantees of Electoral Rights and the Right to Participate in Referendums of Citizens of the Russian Federation”

These legal provisions have been examined in so far as they serve as a basis for deciding whether a candidate who has indicated in the documents submitted for registration that he or she is self-employed may be registered if, according to a certificate from the tax authority, such a candidate is registered as a payer of professional income tax.

The challenged legal provisions were found to be inconsistent with the Constitution of the Russian Federation because, according to the meaning given to them by judicial practice, they serve as a ground for refusing to register such a candidate in the specified circumstances (except when duly registered as an individual entrepreneur).

Until the necessary legislative changes are made, a candidate may not be refused registration (registration cannot be cancelled) if he or she declares self-employment as his or her occupation, if such a candidate is registered as a taxpayer of professional income tax according to a certificate from the tax authority (except when duly registered as an individual entrepreneur).

The Constitutional Court concluded that there were also no grounds for reviewing the cases in which the applicant was involved. The applicant is entitled to compensatory mechanisms the amount and form of which should be determined by the court of first instance.