

### ELECTORAL QUALIFICATIONS AND RESTRICTIONS ON PASSIVE SUFFRAGE IN ELECTIONS IN RUSSIA

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The subject of the article is electoral qualifications and voting restrictions in the Russian Federation legislation.

The purpose of the article is to determine the permissible boundaries of electoral restrictions, to define the grounds for acknowledgment of such qualifications (restrictions) as unconstitutional (excessive, disproportionate, breaching the principle of legal equality) as well as to formulate legal arguments that will contribute to advancing electoral qualification system in Russia.

The authors' hypothesis is as follows: in comparison with electoral qualifications that are already enshrined in the Constitution, the rise in the number of new electoral qualifications fails to comply with the Constitution's provisions and is inconsistent with the Russian Federation's international commitments. The authors meticulously analyse the process of eligibility imposition, draws the line between "electoral qualifications" and "restrictions" in electoral right and compares the Russian system of electoral qualifications (restrictions) with the system of electoral restrictions and limitations in foreign countries.

The main results and the scope of application. The analysis of the given issues has shown that electoral qualifications are specific requirements (conditions). Thus if a state is a democratic one and acts in compliance with the electoral requirements(conditions), the citizens of such state are eligible to run for public office. At the same time electoral restrictions (filters) can be considered as supplementary actions that the citizens have to com-

plete in order to be registered as candidates for the elections. Such actions also diminish the legal chances of the citizens to take part in ongoing elections. The authors prove that guided by political rather than legal criteria, Russian law-makers are prone to impose new eligibility restrictions that in turn impede the process of constitutional values balance search.

A significant number of electoral qualifications is inconsistent with the purposes which legislators pursue imposing new restrictions and limitations on citizens' rights as well as with fundamental principles of possible restrictions on citizens' rights set forth by numerous ECHR's decisions (proportionality, necessity in democratic society, legitimate goal and sufficient reasons). Since dozens of electoral qualifications exist in the Russian legislation, millions of Russian citizens are deprived of their right to vote. Electoral qualifications do not satisfy the RF Constitution requirements stated in articles 17, 18, 19, 32, 54 as well as the principles of universal suffrage (universality, equal suffrage and free elections).

The authors conclude that the legal regulation of voting right restrictions such as a signature threshold and a municipal filter are to be altered radically. In the short term, the signature threshold preservation is quite feasible provided a substantial decrease in the number of signatures and the simplification of the signature collection procedure. In reference to the municipal filter, undoubtedly, it should be repealed in the near future since there are no opportunities to exclude an administrative pressure on municipal councils' deputies with the purpose to force them to vote for "suitable" candidates for federal and regional authorities.

**1. Introduction.** The composition of the forming authority bodies and, accordingly, the attitude of officials to the supremacy of the [Constitution](#) and laws and respect for the rights and freedoms of citizens depend on the organization of the electoral process. The introduction of excessive electoral barriers (electoral qualifications and filter restrictions) allows the current political regime to bar a significant number of candidates who are really oppositional and represent various social groups of Russian society from elections. As a result of such "non-representation" in society, the distrust in the authorities and elections is growing and a public demand for "political protest" is generated. The lack of interaction and dialogue with the authorities, the impossibility of channeling political protest and its legality (for example, in the form of regular bans on public events), in its turn generate other forms of protest that are extremely dangerous for the society and the state. We are talking about the growth of so-called "direct action" acts - from mass blockings of highways and streets and public buildings blockading to self-immolations and street violence.

The electoral legislation of our country has undergone large-scale transformations over the past 15-20 years, when, along with the existence of constitutional qualifications (lack of legal capacity and confinement in places of deprivation of liberty), and a fairly traditional nomination signatures barrier<sup>1</sup>, alternative mechanisms for the admission of candidates and electoral associations to the elections (election deposit) were established<sup>2</sup> and subsequently, the federal legislator began establishing numerous qualifications and restrictions for the exercise of passive suffrage by citizens.

We fully share the hypothesis of E.A. Lukyanova and E.N. Poroshina [1, p. 31], that over the past 29 years we can observe two multidirectional trends. So, while the legislator granted participants of the process additional rights of admission to the elections from 1993 to 2002, during subsequent "innovations" some of these provisions were repealed or hampered with additional conditions. After the adoption of Federal [Law No. 124-FZ](#) in 1997<sup>3</sup> the so-called residence qualification, which was actively used by national republics to restrict the registration of candidates of "non-titular" nationality, was excluded. With the introduction of the electoral deposit into legislation in 1999, the registration of candidates and electoral associations was significantly simplified, since the deposit was introduced as an alternative to the expensive and time-consuming procedure for collecting signatures.

And since the 2000s, the electoral legislation started getting filled with new electoral qualifications, mainly depriving citizens of the country of passive suffrage (additional criminal qualifications instead of the universal qualification for persons serving sentences in places of deprivation of liberty, the qualification of administrative punishment, the qualification of punishment for electoral fraud, etc.).

At the end of the 2000s, the only ground for obtaining the status of a candidate, both within the framework of the majority and proportional systems, was the collection of signatures (with the exception of candidates nominated by so-called "parliamentary parties" or parties with at least one deputy in one regional legislative body)<sup>4</sup>. Moreover, federal legislation established additional conditions for admission to certain categories of elections: a so-called municipal filter was introduced for the

<sup>1</sup> For example, the collection of signatures of voters is used in 26 EU countries only (out of 47). Moreover, a relatively small number of signatures is required. In Austria - from 100 to 500, in Hungary – at least 500 (for the country's parliament elections), and in Germany – 200 signatures for the nomination of a candidate for parliament.

<sup>2</sup> The election deposit is normal for many European countries (Armenia, Great Britain, Ireland, Kazakhstan, Kyrgyzstan, Ukraine, France).

<sup>3</sup> Federal Law No. 124-FZ of 19.09.1997 "On Basic Guarantees of Electoral Rights and the Right of Citizens of the Russian Federation to Participate in a Referendum"// Collection of Legislation of the Russian Federation. 1997. N 38. p. 4339.

<sup>4</sup> Federal Law No. 3-FZ of 09.02.2009 (as amended on 22.02.2014) "On Amending Certain Legislative Acts of the Russian Federation in Connection with the Abolition of the Election Deposit during Elections"// Collection of Legislation of the Russian Federation. 2009. N 7. p. 771.

election of heads of subjects, requiring the collection of 5-10% of signatures of deputies and elected officials of municipalities in the region<sup>5</sup>, moreover, the people's representative must give their signature to the one candidate only. In the legislation of vast majority of subjects of the Russian Federation there is no possibility of self-nomination of candidates for the head of the subject office, which discriminates and deprives candidates who are not members of political parties of the right to be elected.

## **2. Electoral qualifications and restrictions (barriers, filters): the concept and legal forms.**

Traditionally, in the constitutional doctrine, the restriction of the principle of universal suffrage is established using two methods: the application of electoral qualifications (general conditions of admission for registration of citizens as candidates) and the introduction of so-called barriers or filters (restrictions of suffrage) for participating in elections as candidates (when candidates or parties are required to hold certain additional electoral actions – collecting signatures of citizens, deputies, notarization, as well as the impossibility of nominating a candidate in several electoral districts, etc.).

In general, the scientific doctrine commonly uses the approach according to which electoral qualifications should be classified as the limitations of subjective suffrage. Thus, V.V. Ignatenko and A.E. Shturnev consider electoral qualifications restrictions of citizens' electoral rights established by legal acts [2, pp. 325 – 326]. At the same time, Yu.A. Dmitriev and V.B. Israelyan, cite a more detailed formulation of the concept of "electoral qualifications", defining them as restrictions of active and passive suffrage due to certain circumstances [3, p.16].

Electoral qualification can be considered as a set of legally provided conditions and restrictions

for the exercise of active or passive suffrage according to N.M. Dobrynin [4, p.176]. At the same time, according to V.V. Maklakov, instead of the concepts of "qualification" and "qualifying requirement" (and he considers them identical), the term "conditions" should be used [5, p. 416].

S.D. Knyazev refers electoral qualifications to one of the forms of restriction of the right. He believes that electoral capacity is determined by the electoral law and "a whole number of electoral restrictions that may be featured in the form of various qualifications, conditions or clauses" [6, p. 205]. In fact, G.N. Mitin adheres to a similar position, when he uses a range of terminology - "restrictions and qualifications of the electoral right" [7, p. 73]. And some authors are simply trying to "mix" the terms "qualification" and "restriction of right", using a "qualification restrictions" concept [8, pp. 161-184].

However, we tend to agree with the hypothesis of I.A. Starodubtseva on the need to distinguish between the terms "electoral qualifications" and "restrictions of electoral rights". The author correctly defines the grounds for such a distinction, pointing out that restrictions "constitute an exclusion of the possibility (prohibition) to elect and be elected, special conditions that restrict citizens in exercising the right to be elected to certain positions," and qualifications are only general grounds for citizens' access to the use of electoral rights [9, p. 25-28].

Indeed, the content of the qualification is a determined by legal norms basis for the admission of a citizen to the use of electoral rights [10, p. 22], and can as such be considered as a kind of mechanism for the formation of the electoral capacity of a citizen.

We believe that the qualifications are the conditions (requirements) compliance with which, when belonging to a democratic state, formalizes the electoral law legal personality of citizens to take part in elections to public authorities.

The essential attributes of electoral qualifications, in our opinion, are two complementary elements:

1. Electoral qualifications cannot be overcome solely by the will of the individual: their satisfaction or dissatisfaction depends a lot on

<sup>5</sup> Federal Law No. 40-FZ of 02.05.2012 "On Amendments to the Federal Law 'On General Principles of the Organization of Legislative (Representative) and Executive Bodies of State Powers of Constituent Entities of the Russian Federation' and to the Federal Law 'On Basic Guarantees of Voting Rights and the Right to Participate in Referendums of Citizens of the Russian Federation'"// Collection of Legislation of the Russian Federation. 2012. N 19. p. 2274.

objective circumstances (age, conviction, number of consecutive terms, the fact of early termination of powers, etc.),

2. Electoral qualifications presuppose that the political and legal status of an individual remains in a relatively stable, unshakable state (i.e., such conditions are established as qualifications, which, taking into account that, as a general rule, they cannot be overcome, preserve and do not change the political and legal status of an individual). However, if an individual has the opportunity to influence their political and legal status (in particular, in the case of foreign citizenship), then, in order to meet electoral qualifications, they radically change it (by renouncing foreign citizenship), taking into account the importance of citizenship as a stable legal connection with the state.

Thus, electoral qualifications automatically cancel the participation of certain categories of Russian citizens in governing of state affairs.

Unlike electoral qualifications, restrictions on subjective suffrage (filters) are additional actions that must be performed before registering as a candidate for elections. This means that restrictions should be considered as a narrowing of specific legal possibilities for citizens to exercise their electoral rights during participation in elections in the Russian Federation.

To illustrate this statement, it is possible to point out that electoral qualifications are static, restrictions on subjective suffrage are dynamic. The restrictions include nomination signature barrier, prohibition on having foreign accounts and storing funds in foreign banks, a municipal filter, and the inability to nominate in two electoral districts at once.

**3. Classifications and types of electoral qualifications.** The electoral legislation of most foreign countries contains such qualifications as the citizenship qualification<sup>6</sup>, age qualification<sup>7</sup>,

residence qualification<sup>8</sup>, incompatibility qualification<sup>9</sup>. Earlier, especially in the XIX and the beginning of the XX century, other qualifications were legally established that are now present only in rare cases: gender qualification (Saudi Arabia)<sup>10</sup>, property qualification<sup>11</sup>, profession qualification, educational qualification<sup>12</sup> (Brazil), tax qualification (France), class qualification (USSR), literacy qualification (Kenya), political loyalty qualification (Indonesia), language qualification<sup>13</sup> (Guyana), religious qualification requiring the profession of a

similar requirements: in Argentina, those who have received citizenship by naturalization receive the right to take part in elections 3 years after obtaining citizenship, in Tunisia – after 5 years.

<sup>7</sup> Currently, the reduction of the age qualification for active suffrage is recognized as a global trend: Iran, Brazil, Cuba, Nicaragua – 16 years; North Korea – 17 years.

<sup>8</sup> The residency qualification is most often applied to passive suffrage. For example, a candidate for deputies of the chambers of the US Congress must reside in the territory of the state from which they are running.

<sup>9</sup> The incompatibility qualification implies the impossibility of holding an elected or other public position. Incompatibility also implies an obligation for an elected deputy to resign from the previous position. Moreover, in this case, this requirement by its nature is not a qualification, since it does not prevent from taking part in elections. But the existing requirement in a number of states to resign before running for an elected position falls under the criteria of the electoral qualification.

<sup>10</sup> In the nineteenth century, the right to vote belonged only to men. For the first time, women received the right to vote in the US elections in 1869 (in Wyoming), at the federal level – in 1919. In Europe, women were allowed to vote in elections in 1919 (Great Britain), and only from the age of 30, in 1928 - from the age of 21. In other European countries, women began to receive voting rights only after World War II: in Italy and Japan – since 1945, in France – since 1944, and in Switzerland – only since 1971.

<sup>11</sup> Thus, in England, before the electoral reform of 1932, 4.4% of British citizens had active suffrage, as a result of its implementation – 7.5%.

<sup>12</sup> The educational qualification presupposes the existence of a certain level of education for a candidate for an elected position. Moreover, such qualifications are often applied in countries with authoritarian regimes (Turkey, Azerbaijan, Tajikistan, Bhutan).

<sup>13</sup> Thus, in Guyana, a person who is able to speak and read English at a level sufficient for active and professional participation in the work of parliament can be a deputy of the National Assembly.

<sup>6</sup> For example, in the USA there is such a condition of access to nomination for an elected position (to Congress) as a period of citizenship (for naturalized citizens). It is 7 years for elections to the House of Representatives of Congress and 9 years for the Senate. At the same time, to run for president of the USA, a candidate must have citizenship by birth, and not acquired by naturalization. In some countries, there are

certain religion (Maldives), moral qualification providing for an unblemished reputation (Iceland), social qualifications, for example, non-participation in elections of malicious bankrupts (Italy), regular military personnel (Turkey), racial qualification - disenfranchisement of "colored" and other national minorities (in South Africa until 1994); and others. Moreover, it should be noted that even in democratic countries, certain qualifications (for example, the property qualification) have existed for centuries and in the USA the abolishment process took 75 years. [11, p. 7]

Traditionally, in the Russian constitutional doctrine, there is a division of electoral qualifications into three varieties: technical, protective and discriminatory [12, p.24-25]. Technical qualifications are certain conditions that do not allow persons who cannot vote due to a kind of "defect of expression of will" to participate in elections. These restrictive conditions include: age, the requirement of residence, citizenship, legal capacity, knowledge of the language, belonging to a particular religion, etc. Protective qualifications are aimed at preventing from taking part in elections of those citizens who are "dangerous" to the state system (convicts who have received administrative penalties for election violations) or whose influence on state policy is potentially undesirable (military personnel, civil servants, bankrupts)<sup>14</sup>. And discriminatory qualifications exist in order to disenfranchise entire categories of persons on the grounds of their political or civil "immaturity", using discriminatory grounds (gender, race, nationality, etc.) [13, p. 31].

It seems that electoral qualifications can also be classified depending on the legal consequences of the exercise of the right to vote:

**1. Excluding.** Such qualifications completely exclude the possibility of using subjective suffrage (both active and passive) in the long term. These include lack of legal capacity qualification, age qualification, moral qualification.

**2. Alternative.** The exercise of passive suffrage is possible within the framework of active actions on the part of a citizen (for example, renouncing a "second" citizenship or residence permit, or obtaining an education to "meet" the educational qualification).

**3. Suspending.** Such qualifications include the "criminal" qualification, the qualification of administrative punishment, when the electoral right is "suspended" for a certain period of time in the implementation.

**4. Terminating.** An example of such is the incompatibility qualification, when non-compliance with the restrictions for holding an elective position by a candidate entails the recognition of the election of the relevant person at the elections as invalid.

#### **4. Electoral qualifications in modern Russia**

Russian electoral legislation includes 2 universal categories of constitutional qualifications that make it legally impossible to exercise subjective suffrage: 1) the qualification of incapacity declared by the court; 2) the qualification of serving a criminal sentence in places of deprivation of liberty (the so-called constitutional qualifications of passive and active rights provided for in Article 32 of the Constitution of Russia). A separate residence qualification was provided for a candidate for Presidential office – it was 10 years of residence in Russia until July 4, 2020, and now it is 25 years (Part 2 of Article 81 of the Constitution of the Russian Federation). It should be noted that such a significant residence qualification does not exist in most countries of the world, since 10-year period of residence is usually used [14, p. 531].

Also, the Constitution (Articles 81, 97) and federal legislation establish the qualification of the absence of dual citizenship or residence permit<sup>15</sup> of

<sup>14</sup> The so-called occupational qualification serves the purpose of excluding the right to vote and (or) nominate a candidate for election on the basis of belonging to a certain profession (service). It is believed that persons carrying out a certain service or having a particular profession should not be able to participate in the political life of the state, as they can be potentially dangerous. We are talking about military personnel, priests, law enforcement officers. These qualifications are widely used in the countries of South and Central America (Brazil, Argentina, Peru, Ecuador, Costa Rica, etc.).

Law Enforcement Review  
2022, vol. 6, no. 4, pp. 59–74

<sup>15</sup> For example, the Constitutional Court has previously considered the constitutionality of the ban on electing of persons who have a foreign citizenship (nationality) in addition to Russian to public office. The Court, without making a final decision, in the Definition (that has so-called "positive" content) indicated that the norm of the

a foreign country too for the president and a number of elected officials (heads of subjects, deputies, senators).

In addition, the Federal Law "On Basic Guarantees..." of 12.06.2002 No. 67-FZ<sup>16</sup> provides for additional universal "criminal" qualifications implemented "inside" passive suffrage: 1) a conviction to imprisonment, if a citizen has an unexpunged and unspent conviction for committing grave (especially grave) crimes, or within a period determined by law after the expungement (expiry) of a conviction for these crimes – 10 or 15 years (sub-paragraphs "a", "a1" and "a2" of paragraph 3.2 Article 4<sup>17</sup>); 2) conviction by court verdict for crimes of the so-called "extremist orientation" provided for in the articles of the Special Part of the Criminal Code of the Russian Federation (subparagraph "b" of paragraph

electoral legislation could not be considered as violating constitutional rights and freedoms of a citizen, and refused to accept this complaint for consideration. See: The ruling of the Constitutional Court of Russian Federation of 04.12.2007 No. 797-O-O "On the refusal to accept for consideration a complaint of a citizen Kara-Murza Vladimir Vladimirovich against a violation of his constitutional rights by the provision of paragraph 3.1 of Article 4 of the Federal Law "On Basic Guarantees of Voting Rights and the Right to Participate in Referendums of Citizens of the Russian Federation" // Collection of Legislation of the Russian Federation. 2007. N 52. p. 6533.

<sup>16</sup> Collection of Legislation of the Russian Federation. 2002. N 24. Article 2253.

<sup>17</sup> It is worth noting that this list of grounds for the ban on nomination was seriously supplemented in May 2020, namely: citizens who were sentenced to imprisonment for committing 55 crimes provided for in the Criminal Code of the Russian Federation lost the right to be nominated. Moreover, the "deprivation of the right" is applied to both those persons who have a conviction on election day, and those whose conviction was expunged or expired within the last 5 years. At the same time, most of the crimes specified in the law are not grave crimes, but crimes of average gravity (for example, Article 212.1, Article 230, Article 239, Article 273 of the Criminal Code of the Russian Federation, etc.), which raises questions about the proportionality of such a restriction, given that the person has already served a term of imprisonment and their conviction has been expired. See: Federal Law of 23.05.2020 No. 153-FZ "On Amending Certain Legislative Acts of the Russian Federation" // Collection of Legislation of the Russian Federation. 2020. N 21. p. 3232.

3.2 of Article 4 of the Law); 3) the "special" qualification is also provided for by the Criminal Code of the Russian Federation (Article 47) for committing a number of crimes, featuring a prohibition to hold state (municipal) offices for a certain period determined by the court as basic or additional penalty, with a ban lasting from 1 to 5 years, if basic penalty is imposed (paragraph 7. of Article 4 of the Law).

It should be noted that such an expansion of the types of "criminal" qualifications introduced by federal law has caused quite sharp criticism<sup>18</sup>. And indeed, one may ask – why is it necessary to restrict the passive suffrage of persons who have already served their sentence, and for such a long time period? Not to mention the fact that the problem of "double" responsibility for the same criminal act is plain to see: a citizen has served a sentence imposed by the court and receives a "disenfranchisement" involving a constitutional right for such a long period! What is even more strange is this additional restriction being introduced in 2020 regarding citizens who have committed crimes of average gravity (even those sentenced conditionally!). And these are millions of ordinary citizens who are deprived of opportunities of being elected also for a long period.

Moreover, it is necessary to agree with S.G. Nikolaev that the norm of Article 4 of Federal Law No. 67-FZ is clearly controversial from the

<sup>18</sup>A generally right and correct legal position was expressed in the Dissenting opinion of Judge A.L. Kononov to the ruling of the Constitutional Court of the Russian Federation of 04.12.2007 No. 797-O-O, quote "the Constitution of the Russian Federation stipulates only two cases in which the right to vote and to be elected may be restricted in accordance with paragraph 3 of Article 32." It is necessary to agree with the author that the constitutional norm in question does not provide for and does not allow any other or additional restrictions on subjective voting right, and the list of grounds for restriction is an exhaustive one // see: "On the refusal to accept for consideration a complaint of a citizen Kara-Murza Vladimir Vladimirovich against a violation of his constitutional rights by the provision of paragraph 3.1 of Article 4 of the Federal Law "On Basic Guarantees of Voting Rights and the Right to Participate in Referendums of Citizens of the Russian Federation": Dissenting opinion of Judge A.L. Kononov // Collection of Legislation of the Russian Federation. 2007. N 52. p. 6533.

perspective of constitutionality in terms of the existence of those numerous types of restrictions that it currently includes [15, p. 78]. It is impossible not to recall in this regard the legal position formulated by the judge of the Constitutional Court of the Russian Federation K.V. Aranovsky, who directly pointed out the inadmissibility of restricting the rights of citizens to nominate and elect any candidates, and not just "impeccable" citizens<sup>19</sup>.

The most recent expansion in the number of qualifications occurred in June 2021, when "citizens of the Russian Federation involved in the activities of a public or religious association or other organization, in regard of which a court decision on liquidation or banning of the activities on the grounds provided for by the Federal Law of July 25 2002 No. 114-FZ "On Countering Extremist Activity" or Federal Law of March 6, 2006 No. 35-FZ "On Countering Terrorism" entered into force, were deprived of passive suffrage at the elections (paragraph 3.6 of Federal Law No. 67-FZ<sup>20</sup>). Moreover, for the first time in history, when introducing this qualification, and in fact – a special additional punishment, non-retroactivity principle, enshrined in Article 54 of the Constitution of the Russian Federation, was not applied. Founders, CEOs, members of the collegial executive body, shareholders, employees of an extremist or terrorist organization or other persons involved in

the activities of an extremist or terrorist organization can no longer participate in elections, and, furthermore, within a period beginning three years before the date of entry into force of a court decision on the liquidation or banning of the activities of an extremist or terrorist organization (for CEOs and founders) or for one year (for shareholders, employees and "other persons"). It is obvious that the introduction of such restrictions into the legislation had a so-called "personal nature" and was associated with a ban on the participation in political activities of persons associated with structures that were created by A. Navalny, and subsequently designated as extremist organizations and liquidated by the Moscow City Court.

The number of natural qualifications, varying depending on the level of elections and the territory of its holding in any country, can also include: 1) age qualification<sup>21</sup> 2) residence qualification (it is preserved in our legislation only for a candidate for the office of President of the Russian Federation); 3) the qualification of citizenship and residence permit; 4) the qualification of the number of times of being elected to a particular office [16, p.44].

In the doctrine, it is proposed to consider the early termination of the powers of the governor as a special qualification [17, p. 135], namely the presence of a ban for:

- a governor removed from office by the President of the Russian Federation from office to nominate their candidacy for the appropriate office (Part 6 of Article 21 of Federal Law No. 414-FZ of 21.12.2021 "On General Principles of the Organization of Public Power in the Subjects of the

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The ruling of the Constitutional Court of Russian Federation of November 9, 2017 No. 2508-O "On the refusal to accept for consideration a complaint of a citizen Kazakov Sergey Viktorovich against a violation of his constitutional rights by sub-paragraphs "a", "a.1" of paragraph 3.2 of Article 4 of the Federal Law "On Basic Guarantees of Voting Rights and the Right to Participate in Referendums of Citizens of the Russian Federation". Dissenting opinion of Judge K.V. Aranovsky//LRS "Consultant Plus".

<sup>20</sup> See: Federal Law of 04.06.2021 No. 157-FZ "On Amendments to Article 4 of the Federal Law 'On General Principles of the Organization of Legislative (Representative) and Executive Bodies of State Powers of Constituent Entities of the Russian Federation' and to Article 4 of the Federal Law 'On Basic Guarantees of Voting Rights and the Right to Participate in Referendums of Citizens of the Russian Federation'"/ Collection of Legislation of the Russian Federation. 2021. N 23. p. 3916.

Law Enforcement Review  
2022, vol. 6, no. 4, pp. 59–74

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<sup>21</sup> Currently, Russian electoral law establishes the following types of age restrictions for candidates for the highest elected (appointed) offices. Candidate for the office of the President of the Russian Federation – 35 years; candidate for the office of Prime Minister, deputy chairman, federal minister, head of another federal executive authority – 30 years, for the office of governor – 30 years. The age qualification is lower for election to deputy offices: for a deputy of the State Duma – 21 years; for a deputy of the regional parliament and the head of local self-government - no more than 21 years; for a deputy of a representative body of a municipal formation, restrictions have not yet been established by the law, therefore, one can become a candidate after reaching the age of general legal capacity (18 years).

Russian Federation”<sup>22</sup>);

- a governor who prematurely terminated their powers early due to resignation at their own request or in case of expression of no-confidence to them by the regional parliament to announce their candidacy for early elections, with one exception<sup>23</sup> (Part 4 of Article 22 of Federal Law No. 414-FZ of December 21, 2021).

Quantitative qualification is also provided for in the Constitution of Russia and was previously established in federal legislation. Thus, on the grounds of the recently entered into force amendment to Part 3 of Article 81 of the Constitution of the Russian Federation (new version of this part)<sup>24</sup> one and the same person may not be elected President of the Russian Federation for more than two terms running (i.e., for no more than 12 years). Prior to the entry into force of Federal Law No. 414-FZ "On General Principles of the Organization of Public Power", the head of a subject of the Russian Federation could not hold their office for more than two consecutive terms, according to Part 5 of Article 18 of Federal Law No. 184-FZ<sup>25</sup>.

In addition, Russian legislation also establishes the so-called "administrative" qualification. According to the norms of the legislation, it is not allowed to nominate candidates who have been subjected to administrative penalties for offenses provided for by the Code of

the Russian Federation on Administrative Offenses (Articles 20.3. and 20.29). Moreover, this qualification is also accompanied by a kind of qualification of violations of the electoral law in relation to citizens in regard of whom a court decision has entered into force establishing the fact of distribution of propaganda materials that contained propaganda that violated the requirements of anti-extremist legislation or legislation on the protection of intellectual property, or a candidate's speech (also the one that took place before acquiring this status) or distribution of materials by him that violate the requirements of "anti-extremist" legislation (p. 1 and 1.1. art. 56, subp. "zh" p. 7 and subp. "zh" p. 8, Article 76 of Law No. 67-FZ).

What is our attitude to the system of electoral qualifications established in the electoral legislation of our country? Let us summarize.

**First.** The constitutionality of the establishment of an increasing number of qualifications by the federal legislator does not seem obvious, despite several similar decisions of the Constitutional Court of the Russian Federation. It should be noted that the Court in the Ruling of June 1, 2010 No. 757-O-O<sup>26</sup>, of February 7, 2012 [N 252-O-O, Judgment No. 20-P of October 10, 2013](#)<sup>27,28</sup>

<sup>22</sup> Collection of Legislation of the Russian Federation, 27.12.2021, N 52 (part I), p. 8973

<sup>23</sup> We are talking about the case when the current head of a subject resigns at their own request (provided that they have been acting as the highest official of the subject for at least one year), and they can put in nomination of themselves again in these elections with the consent of the President of the Russian Federation.

<sup>24</sup> The Law of the Russian Federation on the amendment to the Constitution of the Russian Federation of 14.03.2020 N 1-FKZ "On improving the regulation of certain issues of the organization and functioning of public power" // Collection of Legislation of the Russian Federation. 2020.N 11. p. 1416.

<sup>25</sup> Federal Law No. 184-FZ of 06.10.1999 (as amended on 30.12.2020) "On the general principles of the organization of legislative (representative) and executive bodies of state power of the subjects of the Russian Federation" // Collection of Legislation of the Russian Federation. 1999. N 42. p. 5005.

The ruling of the Constitutional Court of Russian Federation of 01.06.2010 No. 757-O-O "On the refusal to accept for consideration a complaint of a citizen Leonov Vladimir Nikolaevich against a violation of his constitutional rights by the provisions of subparagraph "g" of paragraph 3.2 of Article 4 and subparagraph "zh" of paragraph 7 of Article 76 of the Federal Law "On Basic Guarantees of Voting Rights and the Right to Participate in Referendums of Citizens of the Russian Federation". // LRS "Consultant Plus".

The ruling of the Constitutional Court of Russian Federation of 07.02.2012 No. 252-O-O "On the refusal to accept for consideration a complaint of a citizen Semeneva Larisa Aleksandrovna against a violation of her constitutional rights by the provisions of paragraph 6 of Article 37 of the Federal Law "On Basic Guarantees of Voting Rights and the Right to Participate in Referendums of Citizens of the Russian Federation". // LRS "Consultant Plus".

<sup>28</sup> Judgment of the Constitutional Court of the Russian Federation No. 20-P of 10.10.2013 "In the case on the review of constitutionality of subparagraph "a" of paragraph 32 of Article 4 of the Federal Law "On Basic Guarantees of Voting Rights and the Right to Participate

expresses a clear legal position on the justifiableness of the introduction of qualifications in such a source as federal law, taking into account the basic principles and norms of international law while respecting ... the balance of constitutionally protected values. But, precisely, finding the desired balance in the event of legislator establishing an increasing number of qualifications, guided primarily by political rather than legal criteria, turns out to be impossible in reality.

**Second.** In fact, the qualifications established by the federal legislator deprive several million Russians of passive suffrage (based on the calculation that about 280 -300 thousand people receive convictions in Russia for committing grave and especially grave crimes, and crimes of average gravity<sup>29</sup> every year<sup>30</sup>), which does not correspond with the goals of restrictions on rights and freedoms imposed by the federal legislator, as well as with the basic principles of possible restrictions of citizens' rights established in dozens of decisions of both the Constitutional Court of Russia and the ECHR<sup>31</sup> (adequacy, proportionality, necessity in a

democratic society, the presence of a legitimate aim and sufficient reasons)<sup>32</sup>.

**Third.** The deprivation of the right to run for elected office of persons who have committed administrative misdemeanor or violations of election legislation is also clearly redundant and excessive in a democratic society. As is well known, administrative offenses do not have the public danger that crimes have, and therefore the deprivation of the right to be elected for persons who have committed offenses actually equates their acts with crimes.

**Fourth.** The Russian legislator considered it fair to establish criminal liability under certain "specific articles of Criminal Code" as grounds for losing passive suffrage. Deprivation of passive suffrage is extended to persons convicted of crimes of the so-called "extremist orientation". Moreover, the wording used by the legislator to designate committed crimes does not meet the requirements of criminal law, because the special part of the Criminal Code of the Russian Federation does not even provide for a separate chapter. In other words, the criminal law accumulates a large list of grounds for administrative discretion when it comes to categories of persons subject to "deprivation" of passive suffrage.

**Fifth.** The existence of dual citizenship and residence permit qualifications seems even more unfair. For example, as of 2015, the FMS of the Russian Federation (now the Main Directorate for Migration Affairs of the Ministry of Internal Affairs of the Russian Federation) reported that approximately 5 million Russian citizens have foreign citizenship or a residence permit<sup>33</sup>, and

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in Referendums of Citizens of the Russian Federation", Section 1 of Article 10 and Section 6 of Article 86 of the Criminal Code of the Russian Federation in connection with complaints of citizens G.B. Egorov, A.L. Kazakov, I.Yu. Kravtsov, A.V. Kupriyanov, A.S. Latypov and V.Yu. Sinkov" // Collection of Legislation of the Russian Federation. 2013. № 43. p. 5622.

<sup>29</sup>Practically speaking, this means that citizens convicted of committing a grave crime are initially deprived of the active and passive right for a term of imprisonment (from 5 to 10 years), then the passive right is revoked for the period of conviction (8 years), and then for another 10 years - that is, in total, this period will be from 23 up to 28 years. Those convicted of especially grave crimes will receive a "disenfranchisement" of suffrage for a term of 35 to 50 years (from 10 to 25 years of imprisonment + 10 years of conviction + 15 years of additional restriction), which can practically be called life. It should be taken into account that since 2020 the number of "deprived" grows by another 100 - 120 thousand people, since persons convicted under 55 articles of the Criminal Code of the Russian Federation have also lost their passive suffrage.

<sup>30</sup> Judicial statistics data of the Judicial Department at the Supreme Court of the Russian Federation for 2017-2019. // [www.cdep.ru/index.php?id=79](http://www.cdep.ru/index.php?id=79) (date of page hit: 27.12.2020).

<sup>31</sup> It should be noted that Russia, after 26 years of membership, ceased to be a member of the Council of Law Enforcement Review 2022, vol. 6, no. 4, pp. 59–74

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Europe starting March 16 by the decision of PACE. After leaving the Council of Europe Russian authorities also denounce the European Convention on Human Rights. At the same time, Russian citizens will not be able to file complaints to the ECHR against violation of the European Convention starting September 16, 2022.

<sup>32</sup> See: Judgment of the European Court of Human Rights of 02.03.1987 in the case of Mathieu-Mohin and Clerfayt v. Belgium. P. 52 // European Court of Human Rights. Selected judgments. Vol. 1. M.: Norma, 2000. Pp. 532-540.

<sup>33</sup> After 2015, the Ministry of Internal Affairs of Russia no longer published statistics on persons who have citizenship or residence permit in foreign countries. See: Solopov M., Himshiashvili P. More than 5 million

about 1 million Russian citizens submitted due notices to the Ministry of Internal Affairs the same year.<sup>34</sup> In other words, from 2% to 4% of Russian citizens (according to the most conservative estimates) can be called "disenfranchised" of political rights. We believe that such "qualifications" contradict the principle of equality of citizens' rights before the law and the court (Article 19) and the impossibility of derogating rights depending on the presence of foreign citizenship (Part 2 of Article 62 of the Constitution).

**Sixth.** The disenfranchisement of thousands, and possibly tens of thousands of citizens, in violation of the non-retroactivity principle (Article 54 of the Constitution), and in a situation where the law includes vague and contradictory wordings, even for "supporting statements on the Internet (before organizations are designated as extremist) does not meet the requirements of the Constitution of the Russian Federation (Articles 17, 18, 19, 32, 54), and the principles of electoral law (universality, equal suffrage and freedom of elections).

#### **5. Limitations of the electoral right: redundancy of electoral barriers**

Federal [Law](#) No. 67-FZ establishes several special restrictive conditions that eliminate the possibility of using passive suffrage in relation to specific elections or related to individual candidates. These conditions are usually associated with the type of elections or with the need to restrict the admission to the elections of candidates whose actions led to the calling of relevant elections or those already holding the mandate of the deputy, or the possibility of nomination in several districts at once.

So, these restrictive measures (or "entry" barriers) can include: 1) a ban on the registration of a candidate in non-main (additional) elections due to holding mandate in the same legislative (representative) authority body; 2) ban on

registration of a candidate due to the method and subject of nomination (ban on nomination in several single-mandate constituencies; ban on nomination of a candidate from several subjects of nomination in the same election); 3) the requirement for voter support by collecting signatures (Articles 34, 37 of Law No. 67-FZ); 4) a condition of providing information beyond the scope of confirmation and (or) refutation of electoral qualifications (in particular, information about education (subparagraph "b" of paragraph 2 of Article 33 of Law No. 67-FZ), information on income, expenses, property-related obligations (paragraph 3, 3.1. of Article 33 of Law No. 67-FZ), information about a conviction that has ever existed (paragraph 2.1. of Article 32 of Law No. 67-FZ); 5) the condition of the impossibility of having accounts (deposits) in foreign banks, alienating foreign financial instruments (paragraph 3.3. of Article 33 of Law No. 67-FZ); 6) the "municipal" filter when nominating for the head of a subject of the Russian Federation elections (paragraphs 6-11 of Article 22 of Federal Law No. 414-FZ<sup>35</sup>).

We would like to focus particularly on the two most problematic restrictions of passive suffrage, namely: the nomination signatures filter and municipal filter.

**Nomination signatures filter.** As the Moscow City Duma deputies' elections held in September 2019 showed, it was this barrier that allowed almost all opposition candidates nominated by the so-called "non-systemic opposition" to not be admitted to the elections. Moreover, this so-called filter is clearly redundant even if we just take into account the figure of collected signatures necessary for registration - in Russia it is 3% of the number of registered voters (in federal and regional elections). And in almost half of the European countries (21 countries), this filter does not exist at all in any elections.

Moreover, in addition, within the framework

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Russians should notify of their second citizenship by the end of the year // RBC News Agency, 02.06.2015. URL: <https://www.rbc.ru/society/02/06/2015/556dc5c89a79472805721461> (date of page hit: 16.07.2020).

<sup>34</sup> 60 thousand Russians were fined for failure to notify of the second citizenship// more on RBC: <https://www.rbc.ru/rbcfreeneews/553904b19a7947af1c702d16> (date of page hit: 27.10.2020).

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<sup>35</sup> Federal Law No. 414-FZ of 21.12.2021 (as amended on 14.03.2022) "On General Principles of the Organization of Public Power in the Subjects of the Russian Federation"// Collection of Legislation of the Russian Federation. 2021, N 52 (part I). p. 8973.

of this filter, the legislator intentionally allows the potential possibility of falsification of the results of verification of signatures by election commissions. Thus, the amendments to Federal Law No. 67-FZ reduced the so-called percentage of "flawed" (invalid and unreliable) signatures identified by the commission as part of verifying of the signature sheets submitted by the candidate by two and a half times (from 25% to 10%) already in 2005. And at the same time, the maximum percentage of signatures that can be submitted to a candidate in excess of a sufficient for registration number was raised from 10% to 25%<sup>36</sup>. But in 2020, once again the rules for collecting signatures were tightened even more: the number of invalid and unreliable signatures required to refuse registration of a candidate was reduced from 10% to 5%. And among the special requirements addressed to the candidate a new rule has appeared for the voter to fill in their own hand their surname, first name and patronymic in the signature sheet, in addition to the previously entered signature and the date of its affixing.

The procedure for verifying the authenticity of collected signatures in European countries is carried out only by the members of election commissions and databases of authority bodies, without involving "handwriting experts" from Forensic Expertise Center of the Ministry of Internal Affairs. Moreover, even if "collection defects" (unreliable or invalid signatures) are detected - candidates are granted the right to deliver the required number of signatures within a certain time frame.

And in Russia the signature verification procedure always allows you to refuse registration not only of an unwelcome opposition candidate, but also of any candidate in general, since it is virtually impossible to collect "flawless signatures". There are two reasons for this that are plain to see.

Firstly, there is a large number of formal legal requirements for the registration of a

signature sheet and the casuistry of legal positions of the courts, which vary from campaign to campaign<sup>37</sup>.

Secondly, these are verification methods that make it possible to designate signatures as unreliable at any stage (rare updating of state databases, mismatch of data in the database compared to passport data of voters, lack of methods of forensic verification of signatures, etc.).

What kind of argumentation is usually presented to society when justifying the need to maintain a nomination signatures barrier (filter)? **The first point:** if you do not filter the candidates beforehand in any way, then there will be too many of them. But after all, if there is a democratic regime in the country (Article 1 of the Constitution of the Russian Federation), then it is the citizens themselves who must figure out and make a choice in favor of the candidate. Do not be afraid of "long" ballots – in the modern information society, any citizen can get information about any party or candidate.

**The second point:** filters are needed to toss out populists, demagogues, and other politics marginals. But, excuse me, if citizens agree to vote for these "populists" - you can't deprive them of the right to choose. After all, at the end of the "mandate" for election, citizens simply elect a new candidate if they are not satisfied with this "populist".

Our proposals are simple: either to completely abandon the institution of collecting signatures at elections by returning the election deposit, or to simplify the requirements for collecting signatures and radically reducing their number (for example, from 3% to 0.1 -0.3% and not from the number of

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<sup>36</sup> Federal Law No. 93-FZ of July 21, 2005 "On Amendments to Legislative Acts of the Russian Federation on Elections and Referendums and Other Legislative Acts of the Russian Federation" // Collection of Legislation of the Russian Federation. 2005. N 30 (part 1). p. 3104.

Law Enforcement Review  
2022, vol. 6, no. 4, pp. 59–74

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<sup>37</sup> As the analysis of legal recourse on the grounds of refusal to register candidates shows, the most common reasons for refusal of registration on the part of election commissions are: corrections or blots in signature sheets, placing the signature outside the field in the relevant table, errors in certification of the signature sheet, mismatch of the address of the signer's residence compared to the data of passport databases of the Ministry of Internal Affairs. Moreover, all these alleged "grounds" for refusing to register candidates certainly raise doubts from the point of view of compliance of this norm with the basic legal principles of legal certainty, equity and proportionality.

registered voters, but from the number of voters who came to the last election), if invalid or false signatures – the possibility of their replacement within up to 3 days); refusal to check signatures by "forensic specialist" working in the internal affairs bodies, elimination of the limit of 50 percent of the permissible number of signatures collected using the information system "The unified portal of state and municipal services" (Gosuslugi).

#### **Municipal filter.**

This invention of the Russian legislator of the 2012, after the return of the institute of electivity of Russian governors, allows the Russian political elite to control the admission of only "loyal" candidates to the governor elections. Moreover, from the point of view of the theory of electoral law, it is the "core" of passive right that is being withdrawn, since one party controls more than 70% of deputy mandates throughout the country in municipalities and it is allowed to sign only for one candidate, then admission to the elections of the governor of the subject depends on the whim of the functionaries of one party.

The essence of this filter is as follows. A citizen wishing to register as a candidate for governor must submit signatures from 5% to 10% of municipal deputies and heads of administrations to the electoral commission of the subject for verification (and this is in addition to signatures of citizens, if the candidate is not nominated by the so-called "parliamentary parties"). Moreover, signatures must be collected in 3/4 of the municipalities of the relevant subject of the Russian Federation. At the same time, each signature must be notarized, and the deputy can put their signature only for one candidate.

At the same time, in the countries of the European Union, in order to be nominated as a candidate for the posts of head of the region (for example, in the UK, Denmark, France), it is enough to submit only a personal application to register as a candidate for elections. Only in some countries is it required to support the nomination by collecting a relatively small number of signatures of ordinary voters (from 3 to 500 signatures). Only in France there is a similar municipal filter to the Russian

one<sup>38</sup>. But it should be clarified that in this country the municipal filter works only in the French presidential elections, and their deputies have the right to support several candidates. The authors of the Russian municipal filter claim that this measure is an effective barrier to eliminate incompetent managers seeking to get to the post of governor.<sup>39</sup>

Moreover, as it is known, any discrimination manifests itself primarily in the details. So, in practice, there have already been cases when deputies of municipal councils were subjected to threats and pressure in order to sign for specific candidates (such a case was in St. Petersburg, when exactly

like this, the municipal filter was not overcome by the popular candidate O. Dmitrieva<sup>40</sup>). In addition, the mechanism of "duplication" of signatures is also actively used, when municipal deputies are required

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<sup>38</sup> In France, the municipal filter was introduced in the presidential elections in 1965. Initially, the candidate had to collect signatures of only 100 municipal deputies, senators, prefects or mayors, but in 1976 an additional requirement was introduced to increase the number of required signatures to 500. It should be noted that the total number of persons who have the right to sign in support of the nomination of a presidential candidate is more than 47.000 people. Moreover, signatures need to be collected in more than 30 departments (and there are 101 of them in total). A candidate can collect no more than 50 signatures from one department.

<sup>39</sup> It is believed that the idea of introducing a "municipal filter" into Russian legislation was proposed by the head of the city of Samara, D.I. Azarov in 2012. He explained that at the stage of submitting documents for registration, candidates allegedly "unsuitable" for this position should be eliminated, municipal parliamentarians who had previously passed through the election mechanism and who had already received the support of the population should be used as "experts". See: Azarov D. Do not manipulate public opinion // Independent newspaper. 2012. N 068 (5553). 10 Apr.

<sup>40</sup> At the elections of the governor of St. Petersburg in 2014, according to a number of media outlets, Governor G.S. Poltavchenko instructed members of his administration to collect more than 70% of signatures of all municipal deputies, thereby blocking the collection of signatures for "undesirable" competitors. In addition, administrative pressure was exerted by city administration officials on municipal deputies to force them to sign for the "right" candidate.: Oksana Dmitrieva: "Mind-blowing election fraud in St. Petersburg." URL: <http://www.dmitrieva.org>. (date of page hit: 02.11.2020).

to sign for a pro-government candidate, and then they are persuaded to sign for an "opposition" candidate, knowing that later the election commission will invalidate the "second" signatures<sup>41</sup>.

In Russian science, there are also "active" supporters of the introduction of a municipal filter. Thus, A. Dzhangaryan and N. Dzhangaryan note that the filter design allows achieving a certain minimum level of trust on the part of the population and thereby, sort of, demonstrate real chances of success in the elections [18, p.148]. But such an argument is clearly incorrect: the candidate's credibility already exists and is confirmed by the results of collecting signatures of the population as part of the nomination, or is guaranteed by the fact that they are representatives of a party that has its own faction in the State Duma or the legislative body of the subject. Why do we need this additional "trust"?

The second argument, which the authors cite, is a copy of the argument used by the Constitutional Court, namely: the municipal filter is needed to recognize the candidate's ability to solve problems related to the powers of the governor of the subject, providing a kind of "integrated socio-economic development of the region" in case of winning the election<sup>42</sup>. This statement should also be called clearly unfit for one reason. 90% of the deputies of municipal councils in our country are

non-professional parliamentarians who work most of the time not in a municipal representative body. And in this sense, it is not clear at all about what kind of "real ability to solve socio-economic problems" they can competently declare, being deputies of the municipal assembly of a village council or a settlement?

The third argument, given by A. Dzhangaryan and N. Dzhangaryan, should also be treated quite critically. They emphasize that due to a certain constitutional polymorphism of democracy in our country, and as a result, the existence of many ways of forming public power, the alleged correlation of such forms as direct and representative democracy can change depending on the level of socio-state development. Moreover, in their opinion, there are always threats to certain "vital constitutional values" [18, p. 146]. All this cumbersome construction, translated from the confusing quasi-legal "language", boils down to a very simple thesis: the state (or rather the people in power) needed to limit direct democracy due to certain "threats" to constitutional values. Moreover, both the essence of these threats and the use of a mechanism that allows the authorities to prevent any independent candidate to run for governor are unclear.

That is why the municipal filter is considered by us as a clearly disproportionate restriction of the constitutional rights of Russian citizens, when the right of citizens to take part as candidates in elections depends not on the real support of voters, but on the support of previously elected deputies [19, p. 37]. As a result, an absurd situation arises of "triple verification of the will of the people – through the collection of signatures of the population, deputies and actually during the election itself [20, p. 94].

## 6. Conclusions

It should be noted that the establishment of a large number of electoral qualifications in the Russian electoral legislation, as well as additional restrictions on the right to vote, leads to the exclusion of millions of Russian citizens from participating in the implementation of the constitutional principle of democracy.

The list of constitutional qualifications established in Article 32 of the Constitution seems to be the fairest and legally correctly defined than

<sup>41</sup> At the same time, nominees of small parties who have much fewer municipal deputies than the parliamentary opposition often manage to "break through" the filter, apparently with the effective support of the governor and their administration. So, in 2020, the candidates of the Communist Party of Social Justice (CPSJ) somehow managed to collect signatures in five regions, and the candidates from the little-known "Russian Party of Pensioners for Justice" — in four.

<sup>42</sup> Judgement of the Constitutional Court of the Russian Federation of 24.12.2012 N 32-P "On the case of checking the constitutionality of Certain Provisions of Federal Laws "On General Principles of Organization of Legislative (Representative) and Executive bodies of State Power of the Subjects of the Russian Federation" and "On basic guarantees of electoral rights and the right to participate in a referendum of citizens of the Russian Federation" in connection with the request of the group deputies of the State Duma"// Collection of Legislation of the Russian Federation. 2012. N 53 (part 2), p. 8062.

the constant introduction of new qualifications and restrictions on passive suffrage by the Russian legislator.

In order to overcome the existing inconsistency in the system of legal regulation, it seems necessary to abolish the passive suffrage qualifications specified in the electoral legislation (excluding, of course, constitutional qualifications). At the same time, within the framework of criminal prosecution (1) introduce the possibility of imposing additional punishment in the form of deprivation for a certain period of the right to elect to authorities (active suffrage), (2) clarify the existing criminal sanction in the form of deprivation of the right to hold a certain position and engage in certain activities (Article 47 of the Criminal Code of the Russian Federation), indicating the possibility and features of deprivation of passive suffrage for a certain period, while without preserving the consequences of punishment after the conviction expiry, and (3) provide for specific crimes, in relation to which it is possible to impose punishments related to the deprivation of the subjective right to vote for a certain period of time.

The author also comes to the conclusion that the legal regulation of such restrictions of suffrage as the nomination signatures barrier and the municipal filter should undergo radical changes in our country. And while the preservation of the nomination signatures barrier in the near future is still possible, provided that both the number of signatures collected is significantly reduced and the simplification of the procedure for collecting them is significantly simplified, then the "municipal filter" should certainly be abolished in the very near future, since there is almost no possibility of excluding administrative influence on deputies of municipal councils in order to force them to vote for the candidates that are "necessary" to the federal and regional authorities.

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