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## **ELECTORAL “VERTICAL” AND POLITICAL PROCESS IN MODERN RUSSIA**

The article presents results of a political study of leadership in the Central Election Commission of the Russian Federation (CEC of the RF) and election commissions of the Russian Federation's subjects (EC of the RF's subjects). It is noted that resumption of “leading troikas” of the CEC and EC of the RF's subjects is carried out within the framework of a centralization trend. A key role in the appointment of a member of a “leading troika” of the CEC belongs to Russia's head of state; at the regional level, there is a correlation between a position of a member of the “leading troika”, subjects of its nomination and appointment.

The functioning and strengthening of the electoral “vertical” is a tool for preserving monocentrism of Russian state architecture and an obstacle to its democratic development, leading to a reduction in the legitimacy of representative principles in Russian politics and the preservation of super-presidency.

The study applied a dialectical-materialistic, formal-legal, sociological, logical, and system methods and approaches of research.

**Keywords:** electoral vertical, centralization, authoritarianism, monocentrism, bureaucracy, political loyalty, declarative democracy.

Over the past decade, Russia has developed a rigid monocentric pyramidal system of government headed by the federal president. The process of Putin's re-centralization strengthened the vertical integration of the “sovereign institutions” and led to the strengthening of executive, legislative (party-legislative), judicial and prosecutorial “verticals”<sup>1</sup>. One of the tools to monitor the functioning of a monocentric government (or, according to N. M. Kazantsev<sup>2</sup>, “governor`s”) system was an electoral “vertical”, built on a hierarchical basis from election commissions of various levels and other “institutions” under the President of the Russian Federation.

Formation of the electoral “vertical” is carried out in accordance with articles 21-27 of the Federal Law “On fundamental guarantees of electoral rights and the right to participate in referendums of citizens of the Russian Federation”<sup>3</sup>, which establishes a mechanism reproducing EC of federal and regional levels.

In accordance with paragraph 4 of art. 21 of the Federal Law “On fundamental guarantees...” the CEC of the Russian Federation consists of 15 members and is equally formed by the 1) lower chamber of the Russian parliament from candidates nominated by fractions, other deputy associations in the State Duma, deputies of the lower chamber of the Russian parliament; 2) members of the Federation Council from candidates proposed by regional parliaments and heads of constituent entities of the Russian Federation; 3) President of the Russian Federation. In accordance with par. 4-6 of art. 23 of the Law, EC of the RF's subjects consist of 10-14 members and are equally formed by a regional parliament and a head

<sup>1</sup> Трофимов, Е.А. (2011). «Партизация» политической системы и российский конституционализм: политико-правовой очерк. *Социально-гуманитарные и юридические науки: современные тренды в изменяющемся мире*: сб. материалов II Международной заочной научно-практической конференция (6 июня 2011 г.). Краснодар. 143-148; Трофимов, Е.А. (2014). Судебная «вертикаль» в политической системе России: политологический дискурс. *Электронный журнал «Вестник МГОУ»*. [www. vestnik-mgou.ru](http://vestnik-mgou.ru), 3. <<http://vestnik-mgou.ru/Articles/Doc/584>>. (2017, September, 21); Трофимов, Е.А. (2015). Порядок формирования Совета Федерации РФ и его влияние на российский федерализм. *Научное мнение. Исторические, социологические и экономические науки: научный журнал*, 8, 112-117.

<sup>2</sup> Казанцев, Н.М. (2010). Государствообразующим институтом у нас является коррупция. *Проблемы современного государственного управления в России*. Материалы научного семинара, вып. 9 (30). *Европейская и российская модели государственного управления: сравнительный анализ*. Москва: Научный эксперт, 75-80.

<sup>3</sup> Закон об основных гарантиях избирательных прав и права на участие в референдуме граждан Российской Федерации: Федеральный 2002 (ред. от 03.02.2015). <[http://base.consultant.ru/cons/cgi/online.cgi?req=doc; base=LAW;n=174896](http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=174896)>. (2017, September, 24).

of a federal subject based on proposals made by: a) political parties that nominated candidates admitted to distribution of deputy seats in the lower chamber of the Russian parliament and regional parliament of the relevant federal subject of the Russian Federation; b) political parties that have received one seat in the regional parliament, proposals of other political parties and other public associations; as well as proposals of municipal representative bodies; c) previous members of an election commission of federal subject; d) Central Election Commission of the Russian Federation. In accordance with par. 9 of the Federal Law “On fundamental guarantees...” a regional parliament and a head of a federal subject are required to appoint at least one member of an election commission of a federal subject on the basis of proposals from the CEC of the Russian Federation.

Established by Russian legislation mechanism of EC’s formation gives to Russian head of state and heads of federal subjects a possibility (both directly and through the party “vertical”, local bodies and public associations) to influence the staff composition and activities of the EC. This conclusion is confirmed by an analysis of the CEC leadership and EC of RF federal subjects. (*Table. The subject of appointment of the Chairman, Deputy Chairman, Secretary of the CEC of the RF. Diagram 1. The subject of appointment of a member for EC of the RF’s federal subject, which became part of the “leading troika”. Diagram 2. Subject of nomination of a member for EC of the RF’s federal subject, which became part of the “leading troika”<sup>1</sup>*).

Table 1

**The subject of appointment of the Chairman, Deputy Chairman, Secretary  
of the CEC of the Russian Federation**

The CEC member position	Period of activity of the CEC and the subject of appointment	
	2011-2016	2016-2021
Chairman of the CEC of the RF	President of the RF	President of the RF
Deputy Chairman of the CEC of the RF	President of the RF	The Federation Council of the RF
Deputy Chairman of the CEC of the RF	President of the RF	the post is liquidated
Secretary of the CEC of the RF	The Federation Council of the RF	The Federation Council of the RF

These research results reveal the political dependence of the Chairman of the CEC of the Russian Federation on the “head of state”, Chairman’s subordination to *Regis voluntas*. The preservation of the Federation Council’s possibility to influence the activities of the CEC of the RF through the Deputy Chairman and the Secretary of the CEC of the Russian Federation (2016-2021) is conditional and creates visibility of political decentralization and external control over the activities of the CEC of the Russian Federation, since in the process of “verticalization” of the Russian policy, the upper chamber of the Federal Assembly of the Russian Federation *de facto* lost its institutional character<sup>2</sup>.

Similarly, the analysis of EC leadership in 81 constituent entities of the Russian Federation looks as following: the higher an official in the leading “troika” is, the greater his\her relationship with the CEC of the RF and a head of a federal subject; and vice versa, the lower an official in the electoral “troika” is, the greater his\her relationship with local self-government bodies, political parties and public organizations. Thus, the leaders of the CEC of the RF and EC of the federal subjects are in direct or indirect dependence on the sovereign and “institutions” close to him.

<sup>1</sup> The information is provided for 81 constituent entities of the Russian Federation, with the exception of the Karachaevo-Cherkess Republic, the Republic of North Ossetia-Alania, the Yamalo-Nenets Autonomous District (no responses to official requests or replies contain the requested information), the Republic of Crimea and the city of Sevastopol. At the time of the study, the Chairman of the Electoral Commission of Vologda Oblast, the Secretary of the election commission of the Kurgan region were not appointed. When nominating one candidate by different subjects, the calculation was made with the fixation of all subjects.

<sup>2</sup> Трофимов, Е.А. (2015). Порядок формирования Совета Федерации РФ и его влияние на российский федерализм. *Научное мнение. Исторические, социологические и экономические науки: научный журнал. Санкт-Петербургский университетский консорциум*, 8, 112-117.

Diagram 1

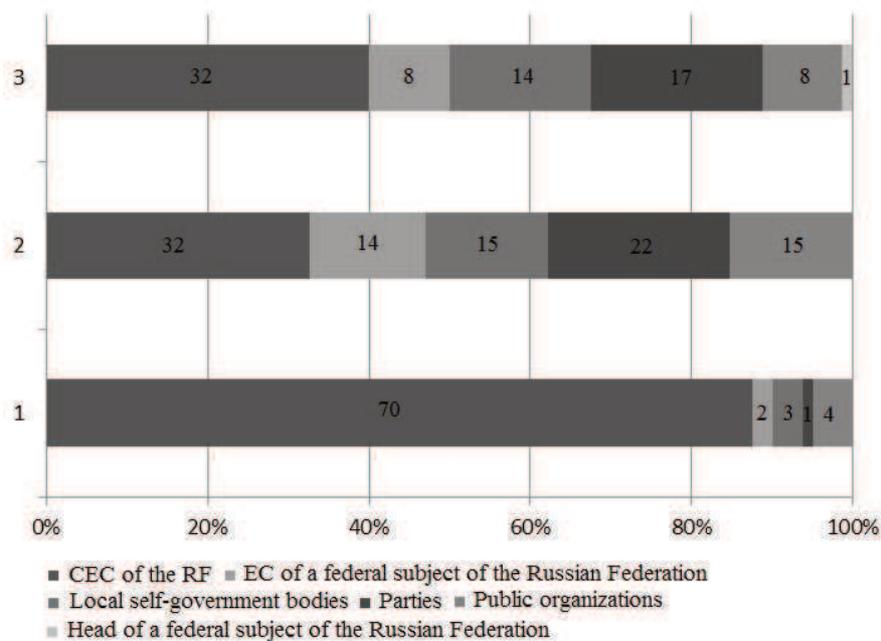
**The subject of appointment of a member for EC of the RF's federal subject, which became part of the "leading troika"**



*The numbers indicate: 1. Chairman of the EC of a federal subject. 2. Deputy Chairman of the EC of a federal subject. 3. Secretary of the EC of a federal subject.*

Diagram 2

**Subject of nomination of a member for EC of the RF's federal subject, which became part of the "leading troika"**



*The numbers indicate: 1. Chairman of the EC of a federal subject. 2. Deputy Chairman of the EC of a federal subject. 3. Secretary of the EC of a federal subject.*

The sub-institutional nature of the EC contributes to violations of electoral legislation and

undermines the principle of legality, which is confirmed by materials on the websites of a range of political parties, public organizations, electoral process researchers and politicians<sup>1</sup>. Violations of electoral legislation are observed everywhere regardless of the level of “elections”, but administrative control over EC blocks the possibility to bring EC members, violating electoral rights of Russians, to responsibility, since the political strategies of election commissions, as well as the qualifications of violations, are determined “at the highest levels of power”<sup>2</sup>.

At the same time, civil activists who undermine the legitimacy of the “elections”, as well as members of the EC, who “forfeit confidence” of the higher political actors are in disenfranchised position: the first can be brought to criminal or administrative responsibility for delegitimizing a formed representative body, destabilizing the political situation and undermining the authority of the EC, as demonstrated by political actions "For Fair Elections" and statements by the Chairman of the CEC of the Russian Federation E. Pamfilova<sup>3</sup>; the second – for “unscrupulous work” and falsification of voting results<sup>4</sup>.

The mechanism of formation of the EC and evaluation of their activities allow us to agree with Yu. S. Pivovarov that Russian polity has traditionally been non-institutionalized: “Russian Power can not allow the formation of a “correct” institutional system. Such a system would be a challenge to the Power, limited it, put into question its dominant position. We may say that Russian Power and the system of institutions are mutually exclusive phenomena<sup>5</sup>.

*Nam propter iustitiam punit* it should be noted that the mechanism for the formation of election commissions in the US although has shortcomings, e.g., excessive politicization of election commissions<sup>6</sup>, but can be considered more democratic, since only representatives of competing political parties participate in this process, and the state is distanced from political decision-making in the electoral sphere, except for cases related to violation of the electoral legislation. In accordance with par. 437 of the Law on Federal Election Campaigns<sup>7</sup>, the US Federal Electoral Commission includes 6 members appointed by the President on the advice and with the consent of the Senate. Three of them may belong to the same political party, as

<sup>1</sup> Бузин, Ю.А. (2014). Эволюция электоральных показателей российских выборов в 1996-2012 году. *ПОЛИС: политические исследования*, 6, 62-70; «Голос»: 10 сентября в России прошли административно контролируемые выборы. Заявление по итогам наблюдения за выборами единого дня голосования 10 сентября 2017 года. <<https://www.golosinfo.org/ru/articles/142182>>. (2017, September, 22); Гражданин Наблюдатель. Карта нарушений. <<http://nabludatel.org>>. (2017, September, 25); <<https://www.kartanarusheniy.org>>; (2017, September, 25); Илларионов, А.Н. Индекс фальсификаций голосований в России на президентских выборах 1996-1 – 2012 года. <<http://www.iea.ru/2/vote.htm>>. (2017, September, 25); ЛДПР и КПРФ взбунтовались против итогов выборов 13 сентября. <<http://newsbabr.com/msk/?IDE=138829>>. (2017, September, 25); Тарнаев, А.П. Махинаторы из Нижегородского Кремля «выиграли» выборы. <<http://kprf.ru/activity/elections/134900.html>>. (2017, September, 25).

<sup>2</sup> «Голос»: Власть продолжает недооценивать безнаказанность преступлений на выборах. <<https://www.golosinfo.org/ru/articles/142143>>. (2017, September, 25); За фальсификацию выборов-2015 не сел никто. <[https://kompromat1.info/articles/49598-za\\_falsifikatsiju\\_vyborov-2015\\_ne\\_sel\\_nikto](https://kompromat1.info/articles/49598-za_falsifikatsiju_vyborov-2015_ne_sel_nikto)>. (2017, September, 27); Исследование: за фальсификацию итогов выборов наказывают редко и мягко. <<http://www.cis-emo.net/ru/news/issledovanie-za-falsifikaciju-itogov-vyborov-nakazyvayut-redko-i-myagko>>. (2017, сентябрь, 25).

<sup>3</sup> Памфилова готова подавать в суд за клевету о выборах. <<https://ria.ru/politics/20161206/1482935466.html>>. (2017, September, 27); Памфилова обвинила в паразитизме авторов жалоб о нарушениях на выборах. <<https://lenta.ru/news/2016/11/30/vubor/>>. (2017, September, 27).

<sup>4</sup> Бузин, Ю.А. (2014). Эволюция электоральных показателей российских выборов в 1996-2012 году. *ПОЛИС: политические исследования*, 6, 62-70; Илларионов, А.Н. Индекс фальсификаций голосований в России на президентских выборах 1996-1 – 2012 года. <<http://www.iea.ru/2/vote.htm>>. (2017, September, 25); Итоги голосования: власти Москвы провалили выборы. <<https://newizv.ru/news/society/11-09-2017/glavu-mosizbirkoma-trebuyut-otpraviv-v-otstavku-za-plohuyu-organizatsiyu-vyborov>>. (2017, September, 25); Облизбирком принял решение об увольнении 10 председателей ТИК. <<https://news.sarbc.ru/main/2017/09/26/205797.html>>. (2017, September, 25).

<sup>5</sup> Пивоваров, Ю.С. (2006). *Русская политика в ее историческом и культурном отношении*. Москва: РОССПЭН.

<sup>6</sup> Итоговый отчет о результатах дистанционного мониторинга выборов президента США 6 ноября 2012 года (2012). Москва: РОИИП, 9-12.

<sup>7</sup> Federal Election Campaign Laws. Compiled by The Federal Election Commission. Federal Election Campaign Laws: The text of the «Federal Election Campaign Act (FECA) of 1971», as amended, the «Presidential Election Campaign Fund Act», as amended, and the «Presidential Primary Matching Payment Account Act», as amended, contained in titles 2 and 26 of the United States Code. (2005) – Washington.

well as the secretary of the Senate and the clerk of the House of Representatives, but the latter do not have the right to vote at the meetings of the commission and, if necessary, can appoint persons who will replace them. Wherein, the Law establishes: a) the frequency of replacement of a part of the members of election commissions – 1/3 of the composition changes every 2 years; b) the inadmissibility for a candidate and the deputy of a commission to belong to one political party; c) the limitation of the term of office by the chairperson of the commission is 1 year with the subsequent ban on this activity during the term of election. These requirements in conditions of fierce competition in the American party system can be considered as a positive factor contributing to the impartiality of the members of the election commission. A similar mechanism is used in the formation of election commissions of states, counties, precinct election commissions.

Administrative pressure of “executive bodies” on EC of various levels and, often, voters<sup>1</sup>, the inability of EC to protect human rights make “elections” a phantom institution of Russian polity that legitimizes decisions taken by the sovereign. It should be assumed that “elections” in Russia are played out by administrations in order to imitate the constitutional principle of the selectivity of government bodies. In Russia, ECs carry out legitimizing and organizational functions, but not law enforcement and control, contribute to violations of the rights of citizens, often cover crimes in the electoral sphere<sup>2</sup> and undermine the confidence of Russians to elections<sup>3</sup>.

The solution of institutional problems of Russian ECs is in the transformation (deconstruction) of monocentric polity, implementation of separation of powers and the system of “checks and balances”, change of the constitutional status of the federal president acting as the state itself and the only institution of Russian polity that hinders its evolutionary transformation<sup>4</sup>; development of civil society institutions and rationalization of political space.

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<sup>1</sup> Как московских стариков заставляют голосовать за «Единую Россию». <<https://echo.msk.ru/blog/corruption/2053044-echo/>>. (2017, September, 27); Студентов угрозами заставляют идти на выборы. <<https://newsland.com/user/4296690207/content/studentov-ugrozami-zastavliaut-iditi-na-vybory/3805534>>. (2017, September, 29); Эксперты ЦИКа предложили уголовное наказание за принуждение к голосованию. <<http://www.rbc.ru/politics/27/04/2017/5901b2b29a79474eef6eb842>>. (2017, September, 29).

<sup>2</sup> Бузин, А. Ю. Избирательные комиссии как декорации выборов. <<http://www.votas.ru/ik-decor.html>>. (2017, сентябрь, 25); Памфилова готова подавать в суд за клевету о выборах. <<https://ria.ru/politics/20161206/1482935466.html>>. (2017, сентябрь, 29).

<sup>3</sup> Россияне о честности прошедших выборов и акциях протеста <<http://www.levada.ru/01-02-2012/rossiyane-o-chestnosti-proshedshikh-vyborov-i-aktsiyakh-protesta>>. (2017, September, 29).

<sup>4</sup> Трофимов, Е.А. (2015). Президентализм и устойчивость развития политий: российская политическая практика и опыт зарубежных стран. *Известия Иркутского государственного университета. Серия «Политология. Религиоведение»*. Издательство Иркутского государственного университета. Т. 12. 41-49.

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