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Legislative Elections for DUMA in Russian Federation (september 19, 2021)

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A. Russian Federation: the country and its economic, social and political evolution.

Russia, led by Vladimir Putin, has consolidated itself throughout the centuries as one of the biggest and powerful nations of our globe. It is characterized by its riches and natural resources such as oil, natural gas and minerals, as well as by its vast geographic dimension, extended until the Arctic. This position has been reached through its military force, mainly after the numerous battles and exploits during the Sixteenth Century⁵. Thus, to look into the Russian society, one must look into its history, deeply connected to the History of Mankind, which has witnessed its diverse times of ascent, hegemony and fall, where we may highlight the collapse of the Russian Empire with the end of USSR in 1991. This has naturally led to a profound transformation of the geopolitical strategy in all Eurasia.

In any case, since its great ascent to become an Empire with Ivan IV – named by many the founder of modern Russia and traditionally by a political power personalized and imposed by fear⁶ - until the present day, we may find in Russian Federation a very large set of social, economic and political transformations, from the emerging imperialism of the Czarism to the implementation of a com-

munist dictatorship with the Russian Revolution in February 1917 until the consolidation of one allegedly multiparty democracy and a capitalist economy based on the economic markets and private property.⁷

This country is today amongst the ten most populated nations in the world, alongside China, India, United States of America and Brazil with approximately 146 million inhabitants, throughout 17 075 400 Km, occupying a ninth of the terrestrial area across three continents⁸. On an economic level, we will focus on one of the greatest restructures ever lived in the country, still during the extinct Soviet Union. This restructure took place during a post-industrial phase, led by the then President of the USSR, Mikhail Gorbachov, who has initiated the social opening of the country, reducing the economic costs in military programs and starting the process of a small liberalization of the economic system, abolishing the restrictions to the external market, thus implementing the first elements of an economy of market, pointing to an acceleration of the industrial production in the country. However, notice that before the turning of the century, the Russian public debt corresponded to 90% of its Gross National Product, being already under Putin's administration, focused on a larger bet on the commercialization and export of energy resources such as gas and oil. The Russian economic index has so started to show signs of a higher vitality and prosperity, having the public debt retracted around 90% in a matter of two decades, this being in 2008 only 9% of the Gross National Product⁹.

However, with the arrival of Vladimir Putin to the Russian Federation, the economy's liberal and privatization politics have been reverted, namely in the energy sector, with the recovering of government capital in strategic companies such as Gazprom, that belonging to the Government, has assured the production control and commercialization of the Russian energy, becoming the largest exporter of natural gas around the globe¹⁰. With that so, through

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5 Marr, A. *História do Mundo*. Vol. IV. Leya. 2012. P. 16.

6 Marr, A. *Op. Cit.* p. 24.

7 Schleifer, A., Treisman, D. A Normal Country: Rethinking Russia. [Em Linha]. Available in: <http://www.foreignaffairs.com/articles/59707/andrei-shleifer-and-daniel-treisman/a-normal-country>. Accessed on 5 de December of 2021. P. 93.

8 United Nations, Department of Economic and Social Affairs, Population Division. *World Population Prospects 2019: Highlights*. ST/ESA/SER.A/423. Available in <https://population.un.org/wpp/Publications/>. Accessed on 5 December of 2021.

9 CIDOM - Barcelona Centre for International Affairs. *Economic and Social indicators of the Russian Federation*. CIDOB International Yearbook. 2010. P. 243-252.

10 Hoffman, D.E. *The Oligarchs: Wealth and Power in the New Russia*. Vancouver. Pub-

the reinforcement of the State's power in the economy, in particular through the nationalization of the strategic resources, Russia emerges in the international outlook with a new role and a stronger influence in the definition of the most important international policies, being these in the economic, social, security or environment fields. We highlight the fact that Russia is then a permanent member of the Security Board of the United Nations or a member of the G20 and the constant cooperation with international entities, such as the World Bank, the IMF or the OECD.

In fact, though the pandemic resulting from the SARS-COV2 virus and the Covid-19 disease has slowed down the Russian economic growth in the second trimester of 2020 and with a substantial economic fall of the Gross National Product, a year later, the most recent economic reports show a positive recovery in the fourth trimester of the present year – higher than the one observed in the Euro zone¹¹, very much due to its privileged position as leaders of exportation of gas and other raw materials like oil, iron, coal and diamonds¹². On the other hand, in political and social terms, the international community has got used to an unpredictable Russia, meaning that with the leadership of Vladimir Putin either as President or Prime-Minister, there were several unexpected decisions such as the invasion of Georgia, during the summer of 2008 or the most recent Ukraine's annexation of Crimea in 2014. This has led to a deterioration of the diplomatic relations with other States, in particular with the United States of America, whose relationship is still very strict as of today with the administration of Joe Biden¹³. These actions truly show the aggressiveness and strength that Russia always pretended to show before the nations, even willing to fight for new geographic reconfigurations in their journey of maintenance and reinforcement of its economic and military power¹⁴. To sum up, we can say that we have seen a growing erosion of the Russian democratic model, with reinforcement of the presidential powers and the intelligence and security services alongside with the confrontations with the West, the political persecution and the recurring attacks on the press and expression liberties¹⁵. This is the reason why that when have a look into the country's demographic rates, we verify that the Russian Federation presents a political model classified by *The Economist Intelligence Unit* as an authoritarian regime alongside countries like Belorussia, Iraq or Ethiopia,

occupying to the 124th place in the *Democracy Index 2020* report¹⁶. Nevertheless, we cannot fail to highlight the opening of Russia to the international community after the separation of the Soviet Union to consolidate as an important lead role in the international scene, contributing and cooperating in the definition of community policies on an economic, insuring, environmental and technological level, despite all the questions that might be raised on a social and democratic level.

B. Legal-Constitutional Framework

i) Preliminarily

On the June 17th and under the terms of the Constitution article 84, the President of the Russian Federation¹⁷, Vladimir Putin, has called elections to the DUMA, which took place between September 17 and September 19, 2021.

The DUMA of the Russian Federation, also known as The Lower House, is one of the two Houses that make the Federal Assembly (the bicameral body that holds the legislative power). The other one is the Federation Board (The Higher House), composed by around 170 members, a number that may vary. The DUMA is always composed by 450 Members of Parliament, that are elected for a five-year exclusive term with a few exceptions only like teaching and scientific work¹⁸.

The President of the DUMA is elected, just like in Portugal, by his peers and is responsible for the work in that particular House.

The DUMA of the Russian Federation may be dissolved¹⁹ by the President of the Russian Federation in the cases provided in the articles 111 and 117 of the Constitution. In case of the DUMA dissolution, the President of the Russian Federation is responsible for scheduling the DUMA elections within four months. It is up to the Ministry of Justice to compile and publish a list of the political parties that are eligible to go to the elections.

The number of registered political parties, and therefore eligible to run for elections, has diminished since 2016. Besides that, these elections were the first ones since the great changes in the Constitution that occur in 2020 and already in the present year.

ii) Legislative amendments

Some of the legislative changes that marked these elections was the introduction of the electronic vote, that for now is limited to 7 regions, reaching to more than 15 million voters.

It has also been given the possibility for the elections to take place

16 The Economist Intelligence Unit. *Democracy Index 2020. In sickness and in health?* The Economist. 2021. Available on: <https://www.eiu.com/n/campaigns/democracy-index-2020-download-success>. Accessed in 5 December of 2021.

17 The Russian Federation Constitution was adopted in the year of 1993.

18 Article 30 of the Constitution.

19 Article 109 of the Constitution.

lic Affairs.

11 OECD, Real GDP forecast (indicator). 2021. doi: 10.1787/1f84150b-en (Accessed on 5 December of 2021).

12 OECD, OECD Economic Outlook, Volume 2021 Issue 2: Preliminary version, OECD Publishing, Paris, 2021. Available in: <https://doi.org/10.1787/66c5ac2c-en>

13 Let's see Pengelly, Martin. *Ukraine could be 'next Afghanistan' for Russia if it invades, US senator warns.* *The Guardian*. 5 December of 2021. Available on: <https://www.theguardian.com/world/2021/dec/04/biden-putin-call-ukraine-russia-white-house>.

14 Sagramoso, D. *Russian Imperialism Revisited. From Disengagement to Hegemony.* Routledge. 2020.

15 McFaul, Michael. *Russia's Road to Autocracy.* *Journal of Democracy*. Vol. 32. N.º 4. 2021. P. 11-26.

during a maximum period of 3 consecutive days²⁰, instead of one day only, with the purpose of avoiding the attendance of too many voters in the urns and thus decrease the risk of Covid-19 transmission. This was a decision of the Central Election Committee, that had 10 days to decide.

Some changes in the campaign activities have also been introduced, that started to oblige some organizations, national and international, to use the definition of “Foreign Agent” in their actions.

iii) Electoral Capacity

- a) Active: in the terms of the nr 2 of the article 4 of the Election Law of the Russian Federation, the right to vote is given to the Russian Federation citizens, that are at least 18 years of age on the election day that have not been declared incapable or are serving a prison sentence.
- b) Passive: in accordance with article 97 of the Constitution and the nr.4 of the article 4 of the Election Law, any citizen that is more than 21 years of age might be elected member of the DUMA, except citizens of the Russian Federation that are serving a prison sentence or that might have committed certain crimes under article 4 of that Election Law. We highlight the impossibility to run for election citizens that might have been named members of organizations declared extremists or terrorists by the Courts of Law.

Nationals of the Russian Federation, who are resident or are outside of the territory of the Federation have the same voting rights in the election of deputies for the DUMA.

C. The Electoral Law

The electoral system that regulates elections for the DUMA is ruled by essentially 3 laws: the Constitution of the Russian Federation, the Law of Basic Guarantees²¹ and the Federal Law on DUMA elections of the Federal Assembly.

In accordance with article 3 of the Electoral Law, from the 450 deputies, 225 seats are elected directly, by simple majority, through 225 uninominal constituencies²² – circles that, by rule, elect only the candidate with the majority of votes. These circles are created by the Central Committee of Elections and in accordance with the Electoral Law, these must be used by ten-year periods. The electoral constituencies of 2015-2025 have been used in these elections and were defined according to 109.902.583 voters in the Russian Federation.

The Central Committee of Elections of the Russian Federation is composed by 15 members. The President of the Russian Federation selects 5, the DUMA selects other 5 and the Board of the Rus-

sian Federations points out the last 5 members. The members of the Central Committee of Elections will nominate amongst them the president, the vice-president and the secretary²³.

The number of single-member constituencies that fit into each administrative region is determined by means of a Quota²⁴. By dividing the total number of voters in the Russian Federation (109.902.583) by 225 (number of available seats), the result would be 488.455.924, which corresponds to desired average number of voters in each electoral circle and to which we define as quota. The next step is to divide the number of voters in each administrative region by that quota. Regardless the result, there will always have to be at least one electoral circle, this means one elected deputy by each administrative region.

Let's see some examples:

| Administrative Region | Number of voters | Quota application | Electoral circles |
|-----------------------|------------------|-------------------|-------------------|
| Karelia | 540,436 | 1.106 | 1 |
| Tomsk Oblask | 767,847 | 1.572 | 2 |
| Daghestan | 1,626, 829 | 3.331 | 3 |
| Altai Krai | 1,899,225 | 3.888 | 4 |
| Moscow | 7,318,019 | 14,982 | 15 |

The denomination of “Gerrymandering”²⁵ is given to the process of definition of these electoral circles. This process may be used to distort the voter representation. The way that this is done is by dividing big cities, where they are associated with more populated rural areas with different political tendencies, i.e., tending to be more *conservative*.

In single-nominee regional constituencies, the candidates can run through a political party nomination, that might indicate just one, or independently. The political parties must provide their list of candidates to the Central Committee of Elections and that list must include the names and the identification of the constituencies for which each candidate is standing.

The independent candidates, unlike party candidates, must submit their candidacy to the regional Electoral Committees. For them to be included in the voting lists, independent candidates must provide a vast set of personal and proprietary information²⁶. They must also gather a number of at least 3% of the elected representatives residing in that constituency or at least 3,000 signatures,

23 Article 21 of the Electoral Law 67-FZ

24 The exact or simple quota or quotient is applied, as first defined by Alexander Hamilton and later sustained by Thomas Hare in the context of English parliamentary elections. Cf. in this regard Colomer, Josep M. *Cómo votamos - Los sistemas electorales del mundo: pasado, presente y futuro*, Barcelona, Editorial Gedisa, 2004, pp. 85-87

25 Name given to a process of creating electoral constituencies, invented by Elbridge Gerry, governor at the beginning of the 19th century in the state of Massachusetts, by which one intends to divide the opposing electorate. Cf. on this issue, Pierre Martin, *Les systèmes électoraux*, Paris, Montchrestien, 1997, pp. 47

26 Article 41 of the Electoral Law.

20 Article 80 of the Electoral Law.

21 Federal Law 67-FZ, December 6 of 2002 and changed in April 6 of 2021.

22 Article 12 of the Electoral Law.

should that constituency has less than 100,000 voters²⁷.

The other 225 deputies are elected through a system of proportional representation, a single multi-nominal circle within party lists²⁸. It happens that in this situation of a single-nominal list, the election depends on getting a minimum percentage of 5% of the votes²⁹. This 5% threshold is equivalent to a minimum value that each party must obtain, in order to secure their representation in the DUMA of the state. This option focus on hindering the representation of small parties or forcing them to alliances, with the single purpose of toning the party system more stable.

The distribution of the 225 seats is done in accordance with article 89 of the electoral law. Firstly, all the votes from the parties that have overcome that barrier of 5% are added up. In these elections there were 5 parties that overcame that barrier, having gathered a total of 50.176.344 votes. This value must be divided by the number of mandates that are to be distributed (225). To the result of this operation (223.006) we will name it as ratio. The next operation is to divide the number of votes from each party by the ratio. In the case of *United Russia* party (UR), that obtained 28.064.258 votes, the result of it is of 125,8, equivalent to the 126 seats obtained in the DUMA. In case there are any spare seats after this distribution, a new partition will take place, where all the vacant seats are transferred to the parties with the biggest fraction remaining from the last operation.

In these 225 deputies' elections, elected through a single multi-nominal circle, the candidates may only be nominated by a political party. The lists of the parties must include between 200 and 400 candidates³⁰ and this list mustn't be predominantly composed by candidates that are not affiliated in the party.

The same candidate may run for the federal circle through a list of a particular party and to the regional single-nominal. In case the candidate is elected by these two ways, one must be left vacant. Usually, the seat that is refused is the one that has been won by the list of the party, since the party does not lose that seat in this situation and can simply select the next candidate on the list.

D. The electoral results of September 2021 - A brief comment

the results were gathered, the Lower House got its composition to the mandate of 5 years, something that meets the results of the elections for the same parliamentary institution in 2016. Once again, there were 5 the parties that got the seat, given the minimum of 5% of proportional representation³¹. One must highlight the *United Russia* party (UR), supportive of President Vladimir

Putin and with a nature of *big tent*, with a line of thought more conservative, statesmanlike and nationalist, reaching close to the half of the votes - 49.82%.

On the other hand, the *Communist Party of the Russian Federation* (KPRF) got 18.93% and the *Liberal Democratic Party of Russia* (LDPR) 7.55%, being the latest a party connected to the extreme right. The socialist and democratic party *A Just Russia - For Truth* got 7.46% and the new joiner *New People*, right center, got 5.32%, close to the required minimum. Regardless a seat, the *Party of Pensioners* got 2.45%, the *Yabloko* got 1.34%, the *Communists of Russia* got 1.27%, *Os Verdes* got 0.91%, the *Rodina* got 0.8%, the *Russian Party of Freedom and Justice* got 0.77% and the *Green Alternative* got 0.64%, being these last two parties new to this election. At last, the *Party of Growth* got 0.52%. However, the mandates that were secured through direct election, meaning the last 225 seats, were more diverse and distinguished of those secured by proportional representation. Thus, the winning party secured 198 direct seats, the KPRF secured 9 seats in the DUMA and *A Just Russia* secured 8 seats, followed by LDPR with 2 seats. Both the *Rodina* and the *Party of Growth* secured 1 seat each. We're pointing to a total of, by party³², 324 seats for the *United Russia*, 57 for the KPRF, 27 for the *Just Russia*, the liberals-democrats securing 23 seats and the recent *New People* securing 14 seats.

In this new composition, we highlight a big difference comparing to the elections of 2016³³, where the majority party and the government, the UR, lost 19 seats. On the other hand, the KPRF had a noticeable growth, occupying more 15 seats of the Russian Lower House. We may also refer to the *New People* party, a political that has for first time in their history of parliamentary representation secured 13 seats.

Despite the fall of the government party and the growth of the *Communist Party of the Russian Federation*, it was still not possible for this second place to recover the huge fall of 2016, still too far from the representation of 2011, when it was holding on to 92 parliamentary seats. Simultaneously, the *United Russia* from Medvedev has gone up from 238 seats in 2011 to 343.

The LDR lost 16 seats in this election, while *Just Russia* that had up until now 7 seats, was able to secure now a remarkable 20 seats, surpassing the LDPR. There was then an inversion of the political spectrum, being this fixated as the third political force in the DUMA.

At last, we must refer to the *Rodina*, that kept his seat and the *Civic Platform*, that didn't run for this election and had its seat being migrated to the *Party of Growth*. This party had reached only 1,29% in 2016. This is something curious to look into, because although it had a smaller percentage of votes, it was able to secure a seat by direct representation regardless.

27 Article 44 of the Electoral Law.

28 Article 6 and 13 of the Electoral Law.

29 Article 88 of the Electoral Law.

30 Article 39 of the Electoral Law.

31 *Statista* (September, 2021); «Distribution of votes in the election to the State Duma and number of single-mandate constituencies in Russia from September 17 to September 19, 2021, by party»; Accessed in 23.11.2021 on <https://www.statista.com/statistics/1264445/russia-parliamentary-election-results/>

32 *The Duma State* (2021); «About: Factions»; Accessed in 23/11/2021 on <http://duma.gov.ru/en/duma/factions/>

33 *ElectionGuide* (2016); «Election for Russian Federal Duma»; Accessed in 23/11/2021 on <https://www.electionguide.org/elections/id/2694/>.

We also highlight the loss of the absolute majority of the party the supports the Russian president Vladimir Putin, yet still the results were very close to 50%. This is a tendency that has been shown when the UR obtained a great result in 2007 by getting 64,30% of the votes, opposing to the 49,32% in 2011, due to the change of roles between Putin and Medvedev.

In this election there was a rising of participation comparing to 2016, when the participation rate was of 47,8%. Opposite to it, in September 2021, there was a participation rate of 51,7%, that although it has risen, this is far from the participation rates of 2011, more specifically of 60,2%.

Let's see the election results for the DUMA in 2021:

| Partys | % | | | Seats for uninominal circle | | Total | |
|---------------------|------------|-------------------|-------|-----------------------------|-------|-------|-------------------|
| | % | +pp ³⁴ | Seats | % | Seats | Seats | +/- ³⁵ |
| United Russia | 49.82 | -4.38 | 126 | 45.86 | 198 | 324 | -19 |
| KPRF | 18.93 | +5.59 | 48 | 16.35 | 9 | 57 | +15 |
| LDPR | 7.55 | -5.59 | 19 | 5.89 | 2 | 21 | -18 |
| A Just Russia | 7.46 | +1.24 | 19 | 8.78 | 8 | 27 | +4 |
| New People | 5.32 | N/A ³⁶ | 13 | 4.88 | 0 | 13 | N/A |
| | 5% barrier | | | | | | |
| Party of Pensioners | 2.45 | +0.73 | 0 | 3.58 | 0 | 0 | = |
| Yabloko | 1.34 | -0.65 | 0 | 1.99 | 0 | 0 | = |
| Communists | 1.27 | -1.00 | 0 | 2.98 | 0 | 0 | = |
| The Greens | 0.91 | +0.15 | 0 | 0.98 | 0 | 0 | = |
| Rodina | 0.80 | -0.71 | 0 | 1.41 | 1 | 1 | = |
| Freedom & Justice | 0.77 | N/A | 0 | 0.68 | 0 | 0 | N/A |
| Green Alternative | 0.64 | N/A | 0 | 0.22 | 0 | 0 | N/A |
| Growth | 0.52 | -0.77 | 0 | 0.94 | 1 | 1 | +1 |
| Civic Platform | 0.15 | -0.07 | 0 | 0.70 | 1 | 1 | = |
| Independentes | N/A | N/A | N/A | 1.18 | 5 | 5 | +4 |
| Total | | | 225 | | 225 | 450 | |

34 Difference in percentage points compared to 2016.

35 Difference in the number of mandates with those elected in 2016.

36 Not applicable.

