

**Presentation
of the Deputy Chairman of the Central Election
Commission of the Russian Federation
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**The role of the law enforcement bodies in the
elections security assurance**

Dear conference organizers and participants, colleagues,
Ladies and Sirs!

Experience of the elections conduct in the Russian Federation has shown that high priority is given to the matter of the role of the law enforcement bodies in elections security assurance.

What is understood under the assurance of elections security?

The assurance of the elections security implies the package of legal, organizational, informational, technical and other measures exercised by election commissions, law enforcement and other bodies purposed to reveal, anticipate and suppress the actions, which prevent free expression of the citizens' will and implementation of election procedures in compliance with the rules and regulations specified by the electoral legislation.

According to the tradition formed in the course of the election history the following bodies are referred to the law enforcement authorities: prosecution authorities, security authorities, internal affairs agencies, fire protection agencies, customs service, penal enforcement system institutions and authorities. These are the authorities and intuitions which render assistance to the election commissions in exercising their power during preparation and holding of the elections. This is also fixed in the documents of the Central Election Commission of the Russian Federation.

Pursuant to the existing legislation the law enforcement bodies take organizational and practical measures on solution of the tasks which they face considering the situation developed in the course of the election campaign. If necessary,

these measures are coordinated with the election commissions. Moreover, joint cooperation of the election commissions and law enforcement bodies is executed in the course of such interaction.

We consider interaction of the election commissions and law enforcement bodies as joint cooperation agreed in respect of goals, forms and methods and focused on creation of conditions favourable for preparation and conduct of fair and honest elections for the purpose of execution of the Russian Federation citizens' electoral rights guaranteed by the Constitution of the Russian Federation, applicable law and international law rules.

In the Russian Federation organizational and legal groundwork of the election commissions and law enforcement bodies interaction has been applied in practice. For this purpose the Government of the Russian Federation issues the respective resolutions prior to the federal elections. For example, in 2007 the resolution "On the measures on rendering assistance to the election commissions in exercising their powers during preparation and conduct of the election of the deputies to State Duma of the Federal Assembly of Russian Federation and the President of the Russian Federation" was issued. It establishes the guidelines of law enforcement bodies and election commissions interaction. During preparation and conduct of the elections to the bodies of state power and bodies of local self-government the similar resolutions are adopted by the Russian Federation entities.

A number of international legal acts and domestic legal acts comprise the legal platform of the law enforcement authorities' participation in the election process of the Russian Federation.

The federal laws on elections hold a prominent place: On basic guarantees of electoral rights and the right of the citizens of the Russian Federation to participate in the referendum", "On the election of the deputies of State Duma of the Federal Assembly of Russian Federation", "On the election of the President of the Russian Federation", as well as the federal laws covering the respective law enforcement bodies, security, combating extremist activity and others.

These acts define general and specific tasks of the law enforcement bodies during the election campaigns, establish functions and powers of the law enforcement bodies, establish the procedure of the use of powers and means by the law enforcement bodies, their interaction with the other state bodies, and the instruments of control over their activity.

Moreover, the law enforcement bodies activity on assurance of the electoral rights of the citizens of the Russia Federation is governed by the extensive number of the normative acts of subordinate law issued by the bodies of the state power of the Russian Federation and the Central Election Commission of the Russian Federation, as well as by the respective law enforcement bodies. Based on these documents, for example in 2007 and 2008 the Central Election Commission of the Russian Federation concluded a number of agreements with the law enforcement bodies. In particular, these were the agreements covering the procedure of interaction of the Central Election Commission of the Russian Federation with the customs bodies and migration service in respect of verification of the information submitted by the candidates. Also there were the agreements for interaction with the Federal Financial Monitoring Service, the Federal Registration Service in respect of revealing and preventing the facts of sponsoring the election campaigns performed with participation of the candidates and political parties of the legal entities who are prohibited by the election legislation to render financial support to the candidates and political parties.

Thus, the legal basis regulating the issues of the law enforcement bodies participation in the election security assurance.

In all stages of election process the law enforcement authorities solve large variety of tasks relating to the election security assurance in conformance with their ascertained competence, namely:

- 1) revelation, prevention and suppression of the calls to the forced change of the constitutional system, to the violation of the integrity of Russia, to the committment of the mass disorders, to the actions violating equality of citizens or exciting social, race, national, religious hatred;

2) combating the possible attempts of representatives of the organized criminal groups to promote their candidates to the bodies of the state power of the Russian Federation, to the bodies of the state power of the entities of the Russian Federation and to the bodies of local self-government;

3) revelation, prevention and suppression of the unlawful acts directed on bribery of voters, campaigning activity and other actions (inaction) violating the citizens' electoral rights;

4) revelation, prevention and suppression of "black" PR technologies intended to manipulating public opinion;

5) revelation, prevention and suppression of financial irregularities during formation and spending of the election funds means, attraction of the unlawful foreign investments to the election campaigns of candidates, political parties;

6) security assurance of socio-political and other mass campaigning events;

7) security assurance of the election commissions operation, protection of the election commissions members, as well as of the candidates or other election procedure participants in the course of performance of their lawful activity if some resistance is exhibited against them or danger overhangs them;

8) security assurance of operation of the state automated system of the Russian Federation "Vybory".

The following tasks aimed at rendering assistance to the elective bodies in accordance with the procedure established by law are also decided:

verification of the information about the candidates, such as: unexpunged and outstanding conviction, property beneficially owned by the candidate (including joint property) and other information submitted by the candidate in compliance with the requirements specified by the law of the Russian Federation on the elections;

verification of the information relating to the electors and their signatures contained in the subscription lists;

verification of the financial statements of the candidates, political parties;

control over the return of the budgetary funds allocated to the elective funds of the registered candidates or political parties, which registered the candidates lists;

control over the intended expenditure of the monetary funds allocated to the commissions for conducting elections.

The consideration of the election commission's offers on carrying out of relevant verifications and law violation suppression could be distinguished as an individual task.

At the federal level the issues of elections security assurance are considered at the sessions of the government of the Russian Federation, at the coordination and operative meetings in the presence of the heads of the law enforcement bodies, where the specific measures on assurance of the coordinated actions of the federal bodies of executive power and their territorial departments with the election commissions are elaborated.

For these purposes the joint working groups are created during preparation and conduct of the elections. Thus, during the federal election campaigns on election of the deputies of the State Duma and the President of the Russian Federation in 2007 – 2008, the working groups were composed not only of the members of the Central Election Commission of the Russian Federation and its staff but also of the leading experts of the law enforcement bodies, representatives of the ministries, executive departments, public organizations and prominent scientists. It concerns the Control-review service under the Central Election Commission of the Russian Federation, the Working group on reception and verification of the electoral documents, the Working group on preliminary review of the complaints (applications) relating to decisions and actions (inaction) of the election commissions, referendum commissions and their authorized persons violating the electoral rights and rights to participation in the referendum of the citizens of the Russian Federation, the Working group on informational disputes and other issues of the information support of the elections.

Establishment of the Inter-Agency Working group on coordination of work connected with voting arrangement on the electoral precincts established outside the territory of the Russian Federation became the new form of cooperation of the election commissions and law enforcement bodies.

I wish to emphasize that representative character and high proficiency of the working groups and their activity has substantively contributed to publicity and

transparency of the election campaigns, compliance with the international election standards and applicable election legislation.

In December 2007 the Coordination Center on maintenance of law order and public security, assistance to election commissions during preparation and conduct of elections of the President of the Russian Federation was established under the Ministry of the Interior of the Russian Federation. The center's operation featured a number of directions, namely: enforcement of law and public security, interaction with the Central Election Commission of the Russian Federation, public associations and mass media. The similar coordination centers were established in the entities of the Russian Federation as well.

The prosecution bodies also play significant part in assurance of legitimacy and security of the elections. They draw special attention to the preventive measures against extremist and terrorist manifestations, preventing and suppression of the other unlawful activity impeding conduct of the elections. The analysis of procuratorial-judicial practice and study of the materials of the past election campaigns demonstrate that the effective prosecutors' supervision over lawfulness of initiation and investigation of the criminal cases connected with the elections is the most important instrument of strengthening of trust to the elections.

Moreover, the subject of the enhanced responsibility of the law enforcement bodies is public security in the crowds during campaign meetings and gatherings with the electorate, public campaign debates and discussions, meetings, processions and demonstrations. During such events the law enforcement bodies have to decide the following tasks: assurance of the citizens' personal security, prevention and suppression of the crimes and administrative offences, rendering assistance to the events organizers, supervision over the compliance with the election legislation and others.

Special attention and evaluation is given to the operation of the internal affairs agencies on maintaining of public order in the electoral precincts, in the election commissions premises, protection of the automated system of the Russian Federation "Vybory", voting places, as well as providing escort of the vehicles transporting electoral documents. We have elaborated the consistent sequence of actions in case of

messages delivery (to the election commissions as well) relating to the preparing diversionary terrorist acts and the other terrorism manifestations. In 2007 and 2008 we held exercises with the law enforcement officials and election commissions members in the training objects (election commissions premises, places for voting) and prepared two methodological training videos relating to guaranteeing the citizens' electoral rights and legal order during the elections, which are to be used in the process of training of the election commissions staff and law enforcement bodies officials.

All election precincts and adjacent territories are under the special control of the law enforcement bodies' staff on the day of voting. For example, during the elections on May 02, 2008 about 450 thousand and over 50 thousand of firemen and rescuers were engaged for electoral precincts protection in all country.

It should be noted that the law enforcement bodies activity relating to the issues of the election process security assurance shall not be contrary to law. Particularly, the law enforcement bodies are prohibited to intervene into the election commissions activity, and the law enforcement bodies officials shall not participate in agitation campaign on the part of any political party or candidate. Activity of such kind is unlawful and entails legal responsibility.

The Central Election Commission of the Russian Federation jointly with the Ministry of the Interior of the Russian Federation prepared the "Manual on the internal affairs agencies' assistance to the election commissions in their power implementation during preparation and conduct of the elections to the bodies of state power and local self-government" specifying interaction organization during the elections.

The law enforcement practice analysis during the past election campaigns allows defining a number of directions relating to further elaboration of the issues connected with election security assurance. Below please find examples of some of them:

The mechanism of verifications of the candidate's double citizenship or the foreign state's residence permit is to be improved. There is a paradoxical situation when the state agency is aware of the passport number, date of its issue, the issuing authority as well as the place of permanent registration of the candidate in the territory of the foreign state but the official confirmation of this information is often unobtainable. It is

connected with the fact that the Russian Federation does not have any international agreements with the foreign states including the countries of the Commonwealth of the Independent States of submission of the information of such kind.

At present the institute of responsibility for violation of the election campaigns financing order and rules of spending the means of the election funds shall be improved. Thus, the problem of contributions to the election funds by the counterfeiters is unsolved. There is no direct prohibition of this in the election legislation of the Russian Federation, when such activity is one of the most punishable in the global practice.

Dear conference participants!

I believe that considering this report it becomes quite apparent the significance of the role played by the law enforcement bodies in assurance of law order, security and peace of the citizens during the election in Russia. This work is maintained due to constructive interaction of the election commissions and law enforcement bodies for the purpose of strengthening lawfulness and assurance of the elective rights of the citizens.

My colleague Siyabshakh Magometovich Shapiev will continue discussion of the topic opened by me specifying participation of the law enforcement bodies in the separate stages of the election process stated in his report "Assurance of security and authenticity of the electoral documents".

Thank you for your attention.