The Moscow Times
30 YEARS
INDEPENDENT NEWS FROM RUSSIA

Why Presidential Filters Are No Longer Needed

By Georgy Bovt

April 25, 2012



In the wake of protests in December and February, the authorities made concessions to the opposition by announcing a host of political reforms before the March presidential election. The law to ease the registration of new political parties, intended to liberalize the political process, was passed quickly. But every other amendment proposed by the opposition was ignored, including the two most important: the ability for parties to form coalitions prior to elections and the demand to lower the barrier for parties to gain seats in the State Duma. At present, that barrier stands at 5 percent, and voters who support the smaller parties risk not only having no representation in parliament, but also seeing their votes effectively awarded to the winning party. The result will be a major "Balkanization" process in which dozens of new parties are formed but are rendered useless.

Then there is the bill to return direct gubernatorial elections. The bill was slapped together quickly after President Dmitry Medvedev expressed the need for a law on direct gubernatorial elections and President-elect Vladimir Putin remarked that it should include some form of presidential "filter" for culling out undesirable candidates. Then, the Kremlin came up with

even more stringent filters — this time at the municipal level. Authorities have introduced a requirement that gubernatorial candidates from registered parties must collect signatures from 5 percent to 10 percent of municipal lawmakers and elected officials from municipal bodies.

But independent candidates have a tougher task. They must collect the signatures of 0.5 percent to 2 percent of the voters in their region. What's more, those signatures cannot be collected from a single municipality where an opposition candidate might have a strong base, but from three-fourths of the municipalities in the region.

Lawmakers in the regions' legislatures have the authority to decide which requirement to use — signatures of from 5 percent to 10 percent of municipal lawmakers or the signatures of from 0.5 percent to 2 percent of the region's voters. The regional authorities know which approach will best eliminate undesirable candidates.

Regional legislatures also have the authority to rule on the validity of signatures. This is an old trick. It is very simple for the authorities to disqualify an unwanted candidate by refusing to recognize the legitimacy of individual signatures.

In contrast to their European and U.S. counterparts, Russian municipalities have practically no rights at all. They have almost no independent budget or tax base for funding municipal programs, and their authority is so severely limited that they remain completely at the mercy of governors and Moscow. If, for example, a mayor is elected who does not belong to the ruling party, his access to funding from the regional level can be easily shut off. Voters who are aware of this will be faced with the tough decision: Is it worth it to cross paths with United Russia and vote for an opposition candidate?

There are other ways to eliminate undesirable candidates. The authorities could suddenly "discover" that a candidate has a false college diploma or a mistake on his tax return. Thanks to strong ties between local politicians and a region's powerful local businesspeople, the authorities have a wide variety of shady ways to bring pressure on undesirable candidates. For example, the regional prosecutor can threaten an opposition candidate or one of his relatives with criminal proceedings on trumped-up charges.

Given these strict municipal filters for gubernatorial elections, presidential filters are now largely unnecessary, although they remain in place just in case. For example, the president can call a meeting with any party or independent candidate and can voice his approval or disapproval at his own discretion. Formally, the president's recommendations are not binding, but every self-seeking politician understands the benefits of pleasing the Kremlin.

There are, however, a few positive features in the bill. For example, the people can unseat unpopular governors through a referendum. But this requires a court ruling proving that the governor violated the law, signatures from 25 percent of the region's population to initiate a referendum, and a vote of more than 50 percent in a referendum to remove a governor from office — a near impossible task in today's Russia.

The bill also provides for gubernatorial elections in two rounds, although the initial plan was to make a relative majority of votes sufficient for election. In addition, no governor can be elected to more than two consecutive terms, although this rule does not apply to incumbent

governors who can be elected to two more consecutive terms. But even here the Kremlin took no chances. Before the bill was passed, Medvedev quickly replaced more than a dozen governors in regions where United Russia fared poorly in the Duma and presidential elections.

The new legislation will prompt opposition parties to be more active at the municipal level. In the long term, this could be a positive development if political competition appears at the level that is most important for any democracy to develop — the grassroots. But to make this work, municipal bodies need to have more authority to form and control local spending budgets. That will require a prolonged struggle, the results of which will be evident only several years from now. The ruling elite are counting on those years to remain in power without having to rush into making any political reforms.

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The views expressed in opinion pieces do not necessarily reflect the position of The Moscow Times.

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