



Ballot rigging, bribery, beatings and elimination

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¹ As the 2018 Russian Presidential elections approach, the Putin regime may resort to time honored techniques for dealing with unwelcome candidates, observers and members of electoral commissions.

There were numerous reports of massive irregularities in the preliminary voting (“primaries”) to select candidates of the United Russia party for the State Duma elections which were held on 22 May, 2016. Analysts independent of the authorities report a significant evolution and expansion over the past decade of techniques of electoral fraud at all levels in Russia. There is effectively no democratic choice.

Yevgeny, a lead engineer at a flight research institute, decided that, in between testing new avionics equipment intended finally to get Russia up off her knees, he would fulfil his civic duty by acting as an election observer in his home town. He was no ordinary observer: he read the electoral legislation, considered it beneath his dignity to make any demands and avoided conflict. He could also count rapidly and had an excellent memory. After weighing up his strengths and weaknesses, it was decided to send him to the polling station where the count was expected to be most problematical.

At about five in the afternoon, Yevgeny arrived with his authorization and strict instructions to sit quietly and not interfere. As a good scientist, he followed the instructions meticulously. One observer, a woman Yevgeny had known for a long time, in the heat of one of her many conflicts with members of the electoral commission, came running to ask him to add his signature to a complaint. Against his better judgement, he said loudly, “I have no idea who you are. Please stop pestering me.” Yevgeny sat on his own, tormented by his conscience. He was roused from this state of inaction by the voice of the commission chairman loudly shouting his name. To his surprise, Yevgeny realized the commission was holding a meeting to discuss having him removed on the basis of a complaint from an observer he had not even noticed. Even more surprising was the accusation levelled at him: that he was drunk.

He tried to speak and explain rationally to these people how unfounded their suspicions were, but what he supposed to be his iron logic foundered on the hectoring of a group of jeering onlookers. A police officer informed him that the electoral commission had complained he was causing a breach of the peace and he would accordingly be removed from the polling station. At this point Yevgeny uttered a phrase from a well-known film, “Gentlemen, you are animals,” and stalked with dignity off their premises. He went straight to the emergency department of the city hospital. The duty doctor could not at first understand Yevgeny’s confused explanation of why he wanted to be tested for intoxication, but in the end provided him with a medical certificate stating that he was sober and Yevgeny filed a complaint in court. Three months after the election, after a court hearing which the doctor was asked to attend, and after humiliating questioning from the judge about the state of his health and his relations with alcohol, he obtained a ruling that he had been expelled illegally. As a result of the court’s decision, not one member of the commission, or the policeman, suffered any consequences. The falsified election results were recognized as valid. Yevgeny vowed

¹ This paper was written for the Russian Service of Radio Free Europe / Radio Liberty. It can be accessed at, Znamenskaia, E. ‘Vbrosili, podkupili, pobili, ottesnili’, *svoboda.org*, 22 May 2016, available at: <http://www.svoboda.org/content/article/27747620.html>

to eschew public service and concentrate on science, seemingly the only place where everything still happened in accordance with laws.

A huge number of observers assembled for the pre-term mayoral election in Zhukovsky in the Moscow oblast. In addition to observers for the polling stations, there were rapid response groups of lawyers and journalists. During the day, their hotline received numerous calls from the observers at one particular electoral commission. They reported that the chairman had four times in succession sent commission members out to collect home votes, but that each time the mobile ballot box had returned with only two or three voting slips, people at all the other addresses visited refusing to open the door and saying they had not asked the commission for a home vote. Towards 4.00 pm, members of Electoral Commission No. 649 once more, for a fifth time, set off with their mobile ballot box to a vegetable warehouse which supposedly worked round the clock. When the enterprise's security guards saw the commission members were not alone but accompanied by a whole crowd of observers, they closed the door in their faces and called the police. While the police were "responding promptly", there was a brawl and two members of the commission managed to sneak in to the warehouse with the ballot box, closing the door behind them.

Police Major Ishkin, when he arrived, tried, with the observers, to have the door opened. At first they were met with silence, but then someone inside shouted that the door had closed accidentally and they could not reopen it. The observers and journalists had just persuaded Major Ishkin to force it open when he was called by a superior officer and ordered to wait. Alexey Minyailo, one of the observers, then asked the major what penalty he would face if he broke the door down himself. Hearing that he would be charged with hooliganism and get fifteen days, Alexey politely asked the major to stand aside while he did so. As he was running towards it, the door opened of its own accord to reveal the two commission members and the director of this 'round-the-clock enterprise' all on their own. No workers were to be seen, despite the fact that the accompanying document listed seventy names. The ballot box, happily, was found to be empty. As a result, the commission had to return to base and all the "mobile" votes registered by this electoral commission were disqualified.

These sketches from life show up an important aspect of how Russian elections have been conducted in recent years, and that is the attitude of the state authorities and their representatives in the electoral commissions to the vital role played in democratic elections by independent observers. There are numerous similar, fully documented, incidents which illustrate other aspects of Russian election practices, but let us rather survey the most common violations of the law by those whose duty it is to ensure its observance. They aim to prevent candidates considered unamenable to manipulation by officialdom from standing, and to ensure that any who do slip through the net stand no chance of actually winning.

All are equal, but some ...

On 18 September 2016 elections were held for the State Duma, the heads of five of the Russian Federation's regions, and thirty-eight regional parliaments. The opposing sides drew up complex strategic plans for their respective campaigns: the opposition tried to unite in a coalition, while the authorities considered how best to manage a plummeting trust rating not only in the ruling party, but in the elections themselves. There were virtually no limits to the methods and tools the authorities would resort to but, even so, in the major cities they were trying to take no chances by

excluding candidates not to their liking at the first hurdle, the stage where signatures have to be collected before a person can be registered as a candidate.

The electoral laws can only be described as opportunistic, having for many years been rejigged and tailored to fit the exigencies of the current political situation in the Russian Federation. In the opinion of Ivan Zhdanov, head of the legal department of the Foundation for Combating Corruption, the electoral law as it now stands lays down detailed instructions on how elections are to be conducted, but violates the fundamental principle of equality of opportunity for those taking part.

“The crucial principle of equal treatment for participants in the electoral process is violated at every turn,” he points out. “Some parties have to pass local filtering procedures by collecting signatures, while others do not; some, moreover, have their activities funded out of the state budget.”

Electoral procedures are trimmed according to the attitude of voters to the party permanently in power. Many remember when there was a minimum turnout requirement of 20% of those qualified to vote for regional elections, 25% for federal elections, and 30% for presidential elections. As interest in elections declined, there were proposals to abolish these safeguards, on the pretext that rerunning elections would unduly strain the budget. In 2006, through the efforts of the United Russia party, the thresholds were indeed removed. The box on the ballot allowing voters to indicate “None of the Above” has disappeared and reappeared.

The most interesting issue is perhaps the collecting of signatures. Finding fault with the list of signatures is the standard technique for disqualifying unwelcome candidates. The reasons for refusing registration after ‘verification’ of signatures is limited only by the imagination of the electoral commissions. Another important player is the Migration Service, whose job is to check the passport details of signatories supporting a candidate’s nomination. In the Moscow City Duma elections of 2014, candidates were required to collect 5,000 signatures in just three weeks which, during the summer holidays, was all but impossible. Many opposition candidates lost out when they were unable to do so. Three, however, Olga Romanova, Maria Gaidar and Maxim Kats, did succeed in handing in their sheets of signatories to the constituency electoral commissions. The electoral commissions and Migration Service were jointly determined to prevent registration of Gaidar and Romanova. Handwriting experts claimed signatures were false and that there were various technical errors. Where that was not enough, the Federal Migration Service asserted that those living in Moscow were not present in their databases. Their officials and members of electoral commissions remained adamant that voters did not exist even when confronted with their passports containing their Moscow residence registration. The only opposition candidate allowed through was Maxim Kats. Meanwhile, candidates remote from the opposition, whom nobody had ever heard of, had no trouble in producing signatures in bundles. The fact that these candidates obtained far fewer votes in the election than they had obtained ‘signatures’ for their nomination, was blithely ignored when the election results were announced.

“Killer” Parties

Sometimes activists do manage to get approved. Where that happens, the favoured technique of the political fixers is to allow them to be registered, but then to bring a complaint against the candidate’s registration through the courts.

Typically, this highly praiseworthy activity is undertaken by such “killer” parties as the “Communists of Russia” whose own registration goes through speedily and without problems. They take out a writ against the registration against independent candidates. The grounds can be anything imaginable. In court, the electoral commission concerned agrees it made some technical mistake in the registration of the candidate or candidates, dons sackcloth and ashes, and the court cancels the registration. After this burst of activity, the killer party becomes dormant, engages in no campaigning and remains on the ballot paper only for the purpose of drawing votes away from the CPRF (Communist Party of the Russian Federation) by confusing voters nostalgic for communism. The opposition parties have learned to deal with this trick. The law requires any objection to registration to be lodged within ten days of the registration, so opposition parties and candidates hold their conferences and nominate their candidates much sooner than the others. The state’s administrative machinery is also, however, keeping up. In 2014, nobody in Zhukovsky got round to lodging an objection to the registration of the independent Yabloko party’s candidates in time, so the election commission brought an action against its own decision to register the list. The court found this entirely logical and ruled in favour of the electoral commission’s self-inculpation. The first rank-and-file members of the commission heard about “their” court case was when they read or heard about it in the media. There had been no discussion of the issue at any of their meetings.

A holiday in Turkey

In the 2013 elections to the Yaroslavl Oblast Duma, Mikhail Prokhorov’s Civic Platform party drew up its list of candidates, headed by the mayor of Yaroslavl, Yevgeny Urlashov. After he was arrested the list was subjected to a process of attrition as candidates were ordered by the authorities to withdraw from the elections. Many were successfully intimidated. At the conference of the Yaroslavl branch of the party they succeeded, nevertheless, in putting forward a full list, and appointed Natalia Semyonova as the party’s treasurer. One fine day, however, Natalia was taken off to the provincial police offices and not seen again until the elections were over. It later transpired she had been offered a simple choice: either to have a criminal case brought against her on the basis of her professional activity as an accountant, or to be sent for a “holiday” in Turkey until the campaign was over. Natalia chose Turkey, and in her absence the party was unable to open a bank account for the election. The electoral commission then refused to register Civic Platform.

The invisible ballot stuffers

There has always been ballot rigging in Russia, only the scale and methods have varied. The most common technique is for an electoral commission to deliver validated ballot slips to teams of ballot stuffers and appoint one of its members to receive their “votes” in due course. Observers frequently catch mobile squads in flagrante and hand them over to the police, whereupon those entrusted with upholding the law usually just let them go. Sometimes the ballot stuffing is undertaken by the electoral commission itself just before the count. In 2012, there were numerous reports of commission chairmen whose safes were found to be full of already filled in ballot papers. The most celebrated instance of this was in the elections in Kasimov in the Ryazan oblast. In 2013, many observers participated in the election of deputies in Uzlovaya in the Tula province. One after another they exposed attempted ballot stuffing at polling stations. In accordance with time honoured practice, the police let the perpetrators go and packed the observers off to the police station.

No observer means no problem

There is a considerable divide in the educational and vocational qualifications of members of the electoral commissions and observers, in favour of the latter. Since, therefore, in reasoned debate electoral commission members invariably come off worse, their favourite gambit is removal of the observers, heedless of their status. The reasons for removing observers can be wholly bizarre. In the 2014 municipal elections in Zhukovsky, after voting finished at 9.00 pm, Vladimir Semyonov, a member of a higher level electoral commission, was expelled from a polling station by the local electoral commission, who justified their decision by referring to Point 3, Article 49 of the electoral law which prohibits campaigning on election day. Since, in the absence of any voters, no campaigning was possible, Semyonov took the matter to court. Five months were required to consider the case, after which the judge ruled in Semyonov's favour, to the extent that he agreed the reference to the law should be removed from the electoral commission's decision, while deeming the decision itself entirely legitimate. The court of appeal upheld the lower court's decision. Before the count in high-profile elections, it is usual to try to remove all observers. In Balashikha in 2015, Irek Vildanov, chairman of the provincial electoral commission, went to all the polling stations before the count, instructing electoral commissions on how to remove overly meticulous observers.

During the 2012 presidential election in Balashikha, Ildar Dadin was abducted from the electoral commission premises by persons unknown, driven off and dumped in a wasteland. In 2014, in the same building, Andrey Skorokhod had his nose broken. No criminal charges were brought, and the guardians of the law suggested he should, if he wished, bring a private prosecution. In 2015, observers caught a woman engaged in ballot stuffing, took her falsified ballot papers from her, and waited near the polling station for the police to appear. Instead, they were approached by a group of young people who attempted to misappropriate the voting slips, and beat up Dmitry Nesterov and Stanislav Pozdnyakov. It was only a week later, after Pozdnyakov had had his spleen removed, that criminal proceedings were begun, but CCTV recordings had mysteriously disappeared. To date it has proved beyond the wit of the police to arrest the assailants, despite witnesses having identified one of them as a member of the local government staff who is also vice-chairman of the youth electoral commission of Moscow province. Dmitry Nesterov believes the main cause for the electoral lawlessness in Balashikha is the long-standing impunity of vote-riggers, who enjoy the protection of local authorities who are now deeply entrenched and closely resemble a mafia gang. "Nobody shows any sign of investigating some three dozen statements submitted to the police and investigating committee about instances of ballot stuffing and other irregularities," Dmitry notes.

It doesn't matter how people vote ...

If in Moscow, in the wake of the 2011-12 protests, civil society activists did manage to get on to electoral commissions, in St Petersburg large number of observers were debarred for sundry far-fetched reasons. This has led to a situation where electoral commissions, in most cases, are made up of state employees and employees of companies under government control who, without a twinge of conscience, negate the choices expressed by the electorate by replacing the actual vote with numbers handed down from the upper reaches of the state. Impunity leads to increasingly brazen decisions. If in 2012 the St Petersburg City Electoral Commission considered it entirely credible for the electorate to have increased in the course of three months by 204,000 voters (between the Duma elections of December 2011 and the presidential election in March 2012), then

by 2014 altering the number of voters and redrawing the boundaries of electoral wards had been adopted nationwide.

... or even who they elect

Elections in Russia today serve several functions, none having anything remotely to do with allowing citizens to make a political choice. On the one hand, they are a convenient smokescreen with which to bamboozle western countries, allowing the state authorities to speak loftily about democratic development; on the other, they provide yet another opportunity to raid the state budget. The election result is generally known in advance. No matter which party he chooses, the voter gets United Russia. The officially approved list is channeled through four parties, which creates a bogus simulacrum of political competition, and enables party functionaries to make money on the side by selling places on the party list.

Lawyer Olga Balabanova, who has followed the opposition's electoral campaigning for over ten years, believes the elections should be viewed realistically, without unwarrantably high expectations or groundless optimism. "The political process is not restricted to elections and does not end with them. The result of the voting and the mechanisms by which it is arrived at reflect the balance of forces in society. My personal experience of following the election campaigns of the opposition parties has been that it was only in the wake of the 2011-12 protests that electoral commissions paid any attention to demands that they should comply with the law. If the voters are not prepared to defend their right to choose, then even an elected candidate will be unable to fulfil their mandate. There have been numerous variations on this theme: the stripping of deputies of their status, murder in the case of Boris Nemtsov, arrest, as in the case of Urlashov and such purely technical solutions as the abolition of the election of mayors."

About the Author

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