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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT FEDERAL LAW^{1 2}
AMENDING THE FEDERAL LAW
"ON GENERAL PRINCIPLES GOVERNING THE ORGANISATION
OF LEGISLATIVE (REPRESENTATIVE) AND EXECUTIVE
STATE AUTHORITIES OF CONSTITUENT ENTITIES
OF THE RUSSIAN FEDERATION"

AND THE FEDERAL LAW
"ON FUNDAMENTAL GUARANTEES
OF RUSSIAN FEDERATION CITIZENS' ELECTORAL RIGHTS
AND RIGHT TO PARTICIPATE IN A REFERENDUM"

¹ Translation from Russian.

² Introduced by the President of the Russian Federation.

Article 1. Amend Federal Law no. 184-FZ of 6 October 1999 "On general principles governing the organisation of legislative (representative) and executive state authorities of constituent entities of the Russian Federation" (Compendium of legislation of the Russian Federation, 1999, no. 42, p. 5005; 2000, no. 31, p. 3205; 2001, no. 7, p. 608; 2002, no. 19, p. 1792; no. 50, p. 4930; 2003, no. 27, p. 2709) as follows:

1) in Article 5:

a) in paragraph 2:

- word sub-paragraph (a) as follows:

"a) establishment of the budget of a constituent entity of the Russian Federation and the report of its implementation, presented by the highest official of the Russian Federation constituent entity (head of the highest executive state authority of the Russian Federation constituent entity);";

- in sub-paragraph (j) [*к.* in the Russian text], delete the words "and also for the election of the highest official of the Russian Federation constituent entity (head of the highest executive state authority of the Russian Federation constituent entity)";

- in sub-paragraph (l) [*м.* in the Russian text] replace the word "structure" with the word "system";

b) in paragraph 3:

- insert a new sub-paragraph (a.1) worded as follows:

"a.1) formulation of a decision to vest a citizen of the Russian Federation, at the proposal of the President of the Russian Federation, with the powers of the highest official of the Russian Federation constituent entity (head of the highest executive state authority of the Russian Federation constituent entity);";

- in sub-paragraph c. [*в.* in the Russian text] delete the words ", and also the date of elections for the post of highest official of the Russian Federation constituent entity (head of the highest executive state authority of the Russian Federation constituent entity)";

c) - word paragraph 5 as follows:

"5. In the event of the constitution/statute of a constituent entity of the Russian Federation providing for a bicameral legislative (representative) state authority, the laws of the Russian Federation constituent entity shall be passed by the house formed in accordance with Article 4.4 of the present Federal Law, and a decision to vest a citizen of the Russian Federation, at the proposal of the President of the Russian Federation, with the powers of the highest official of the Russian Federation constituent entity (head of the highest executive state authority of the Russian Federation constituent entity) shall be taken at a joint sitting of the two houses. Other prerogatives of the respective houses shall be exercised on the basis of the present Federal Law, the constitution/statute and laws of the Russian Federation constituent entity.";

2) in Article 9:

a) in sub-paragraph (d) [*г.* in the Russian text] of paragraph 1, replace the words "provided for in paragraph 4" with the words "which are provided for in paragraphs 4 and 4.1";

b) word the third, fourth and fifth sentences of paragraph 4 as follows: "If, within three months of the serving of notice by the President of the Russian Federation on the legislative (representative) state authority of a Russian Federation constituent entity, that authority has not taken measures within the limits of its prerogatives to execute a court decision, the President of the Russian Federation shall be entitled to dissolve the legislative (representative) state authority of the Russian Federation constituent entity.

The prerogatives of the legislative (representative) state authority of a Russian Federation constituent entity shall cease from the date of entry into force of a decision of the President of the Russian Federation to dissolve that authority.

The period in which the President of the Russian Federation is entitled to serve notice on a legislative (representative) state authority of a Russian Federation constituent entity or take a decision to dissolve that authority may not exceed one year from the date of entry into force of the court decision.";

c) insert a new paragraph 4.1i worded as follows:

"4.1 In the event of a legislative (representative) state authority of a Russian Federation constituent entity, in respect of a candidature proposed by the President of the Russian Federation for the post of the highest official of that Russian Federation constituent entity (head of the highest executive state authority of that Russian Federation constituent entity) not having taken a decision within the period established by the present Federal Law to reject that candidature or to vest the candidate with the prerogatives of the highest official of the Russian Federation constituent entity (head of the highest executive state authority of the Russian Federation constituent entity), the President of the Russian Federation shall appoint an *ad interim* highest official of the Russian Federation constituent entity (head of the highest executive state authority of the Russian Federation constituent entity) until the taking of office by an individual vested with the powers of the highest official of the Russian Federation constituent entity (head of the highest executive state authority of the Russian Federation constituent entity). In the event of a legislative (representative) state authority of a Russian Federation constituent entity twice rejecting the candidate(s) proposed for the post of the highest official of the Russian Federation constituent entity (head of the highest executive state authority of the Russian Federation constituent entity), the President of the Russian Federation shall appoint an *ad interim* highest official of the Russian Federation constituent entity (head of the highest executive state authority of the Russian Federation constituent entity) and may dissolve the legislative (representative) state authority of that Russian Federation constituent entity.

The decision of the President of the Russian Federation to appoint an *ad interim* highest official of a Russian Federation constituent entity (head of the highest executive state authority of the Russian Federation constituent entity) shall be taken in the form of a decree.

The decision of the President of the Russian Federation to dissolve a legislative (representative) state authority of a Russian Federation constituent entity shall be taken in the form of a decree.

In the event of the early termination of the prerogatives of a legislative (representative) state authority of a Russian Federation constituent entity on grounds provided for in the present paragraph, extraordinary elections for the legislative (representative) state authority of the Russian Federation constituent entity shall be called following the procedure provided for in paragraph 5 of the present Article.";

d) word paragraph 5 as follows:

"5. In the event of a decision being taken on the early termination of the prerogatives of a legislative (representative) state authority of a Russian Federation constituent entity, extraordinary elections for the legislative (representative) state authority of the Russian Federation constituent entity shall be called in accordance with federal law, the constitution/statute and/or the law of the Russian Federation constituent entity. Those elections shall be held no later than 120 days from the date of entry into force of the decision on early termination of the prerogatives of the legislative (representative) state authority of the Russian Federation constituent entity.";

3) in Article 17:

a) in paragraph 1, delete the words ", led by the head of the highest executive state authority of the Russian Federation constituent entity";

b) declare paragraph 2 void;

c) in paragraph 4, replace the word "List" with the word "Structure";

4) in Article 18:

a) word paragraphs 1-3 as follows:

"1. A citizen of the Russian Federation shall be vested with the powers of the highest official of a Russian Federation constituent entity (head of the highest executive state authority of the Russian Federation constituent entity) at the proposal of the President of the Russian Federation by the legislative (representative) state authority of that Russian Federation constituent entity following the procedure provided for by the present Federal Law and the constitution/statute of the Russian Federation constituent entity. In the event of the constitution/statute of a constituent entity of the Russian Federation providing for a bicameral legislative (representative) state authority, the decision to vest a citizen of the Russian Federation with the powers of the highest official of the Russian Federation constituent entity (head of the highest executive state authority of the Russian Federation constituent entity) shall be taken at a joint sitting of the two houses.

2. A proposal of candidature for the post of highest official of a Russian Federation constituent entity (head of the highest executive state authority of a Russian Federation constituent entity) shall be made by the President of the Russian Federation no later than 35 days before the expiry of the powers of the highest official of that Russian Federation constituent entity (head of the highest executive state authority of that Russian Federation constituent entity).

The legislative (representative) state authority of a Russian Federation constituent entity shall examine the candidature proposed by the President of the Russian Federation for the post of the highest official of that Russian Federation constituent entity (head of the highest executive state authority of that Russian Federation constituent entity) for a period of 14 days dating from the lodging of the proposal.

The decision of a legislative (representative) state authority of a Russian Federation constituent entity to vest a citizen of the Russian Federation with the powers of the highest official of that Russian Federation constituent entity (head of the highest executive state authority of that Russian Federation constituent entity) shall be deemed adopted if it receives the vote of over

half the established number of deputies of the legislative (representative) state authority of the Russian Federation constituent entity.

In the event of the constitution/statute of a constituent entity of the Russian Federation providing for a bicameral legislative (representative) state authority, the decision of the legislative (representative) state authority of that Russian Federation constituent entity to vest a citizen of the Russian Federation with the powers of the highest official of that Russian Federation constituent entity (head of the highest executive state authority of that Russian Federation constituent entity) shall be deemed adopted if it receives the vote of over half the established number of deputies (members) of each of the houses of the legislative (representative) state authority of the Russian Federation constituent entity.

In the event of a rejection by a legislative (representative) state authority of a Russian Federation constituent entity of a proposed candidature for the post of the highest official of that Russian Federation constituent entity (head of the highest executive state authority of that Russian Federation constituent entity), the President of the Russian Federation shall renew the proposal of candidature no later than seven days after the date of the rejection.

In the event of a legislative (representative) state authority of a Russian Federation constituent entity twice rejecting a candidate/candidates for the post of the highest official of the Russian Federation constituent entity (head of the highest executive state authority of the Russian Federation constituent entity), the President of the Russian Federation shall appoint an *ad interim* highest official of the Russian Federation constituent entity (head of the highest executive state authority of the Russian Federation constituent entity) until the taking of office by an individual vested with the powers of the highest official of the Russian Federation constituent entity (head of the highest executive state authority of the Russian Federation constituent entity).

3. Any citizen of the Russian Federation having reached the age of 30 years may hold the post of highest official of the Russian Federation constituent entity (head of the highest executive state authority of the Russian Federation constituent entity).";

b) word paragraph 5 as follows:

"5. A citizen of the Russian Federation may be vested with the powers of the highest official of a Russian Federation constituent entity (head of the highest executive state authority of a Russian Federation constituent entity) for a period of no more than five years.";

c) in paragraph 7:

- supplement sub-paragraph c) [ø. in the Russian text] with the words "and take a decision on the dismissal of the highest executive state authority of a Russian Federation constituent entity";

- insert a new sub-paragraph (d.1) worded as follows:

"d.1) shall ensure coordination of the activity of state authorities of a Russian Federation constituent entity and may organise, by decision of the President of the Russian Federation or the Government of the Russian Federation, cooperation between them and federal executive authorities and their territorial branches, local self-governing bodies and public associations";

d) insert a new paragraph 7.1 worded as follows:

"7.1. In the event of the highest official of a Russian Federation constituent entity (head of the highest executive state authority of a Russian Federation constituent entity) being temporarily

unable (as a result of illness or leave) to fulfil their duties, these shall be fulfilled by an official provided for in the constitution/statute of the Russian Federation constituent entity.";

5) in Article 19:

a) in paragraph 1:

- in sub-paragraph (b) replace the words "their dismissal" with the words "their discharge from office by the President of the Russian Federation";

- word sub-paragraph (d) [z. in the Russian text] as follows:

"d) their discharge from office by the President of the Russian Federation in connection with a loss of confidence from the President of the Russian Federation owing to improper fulfilment of duties and also in other cases provided for in the present Federal Law;"

- declare paragraph j [κ. in the Russian text] void;

b) insert a new paragraph 11 worded as follows:

"11. The decision on early termination of the powers of the highest official of a Russian Federation constituent entity (head of the highest executive state authority of a Russian Federation constituent entity) shall be taken by the legislative (representative) state authority of that Russian Federation constituent entity at the proposal of the President of the Russian Federation, except in those cases provided for in sub-paragraphs (b) and (d) of paragraph 1 of the present Article.";

c) supplement paragraph 2 with an indent worded as follows:

"improper fulfilment of duties by the highest official of a Russian Federation constituent entity (head of the highest executive state authority of a Russian Federation constituent entity).";

d) word paragraph 5 as follows:

"5. The decision of the legislative (representative) state authority of a Russian Federation constituent entity expressing no-confidence in the highest official of that Russian Federation constituent entity (head of the highest executive state authority of that Russian Federation constituent entity) shall be sent to the President of the Russian Federation for examination and subsequent decision on whether to discharge from office the highest official of that Russian Federation constituent entity (head of the highest executive state authority of that Russian Federation constituent entity).";

e) in paragraph 7 replace the words "provided for in paragraphs 5 and 6" with the words "provided for in paragraph 6";

f) declare paragraph 8 void;

g) word paragraph 9 as follows:

"9. The President of the Russian Federation shall appoint an *ad interim* highest official of the Russian Federation constituent entity (head of the highest executive state authority of the Russian Federation constituent entity) until the taking of office by an individual vested with the powers of the highest official of the Russian Federation constituent entity (head of the highest executive state authority of the Russian Federation constituent entity) in the event of:

- a) early termination of the powers of the highest official of that Russian Federation constituent entity (head of the highest executive state authority of that Russian Federation constituent entity);
- b) suspension from office of the highest official of that Russian Federation constituent entity (head of the highest executive state authority of that Russian Federation constituent entity) including on grounds provided for in Article 29.1 paragraph 4 of the present Federal Law;
- c) the absence of a legislative (representative) state authority of that Russian Federation constituent entity or the self-dissolution thereof;
- d) failure by the legislative (representative) state authority of that Russian Federation constituent entity to take a decision following the procedure established by the present Federal Law to reject the candidate proposed by the President of the Russian Federation for the post of highest official of that Russian Federation constituent entity (head of the highest executive state authority of that Russian Federation constituent entity) or to vest the candidate with the powers of the highest official of that Russian Federation constituent entity (head of the highest executive state authority of that Russian Federation constituent entity);
- e) two rejections by the legislative (representative) state authority of the Russian Federation constituent entity of a candidate/candidates proposed for the post of the highest official of that Russian Federation constituent entity (head of the highest executive state authority of that Russian Federation constituent entity).

The *ad interim* highest official of a Russian Federation constituent entity (head of the highest executive state authority of a Russian Federation constituent entity) shall not be entitled to dissolve the legislative (representative) state authority of that Russian Federation constituent entity or introduce proposals for amendments to the constitution/statute of the Russian Federation constituent entity.

h) word paragraph 11 as follows:

"11. In the event of early termination of the powers of the highest official of that Russian Federation constituent entity (head of the highest executive state authority of that Russian Federation constituent entity) a proposal of candidature to the post of the highest official of a Russian Federation constituent entity (head of the highest executive state authority of a Russian Federation constituent entity) shall be made by the President of the Russian Federation no later than 14 days after the early termination.";

6) in Article 29.1:

a) insert a new paragraph 3.1 worded as follows:

"3.1. The President of the Russian Federation shall be entitled to discharge the highest official of a Russian Federation constituent entity (head of the highest executive state authority of a Russian Federation constituent entity) from office as a result of an expression of no-confidence expressed to him by the legislative (representative) state authority of that Russian Federation constituent entity, a loss of confidence from the President of the Russian Federation, improper fulfilment of duties and also in other cases provided for in the present Federal Law.";

b) word paragraph 4 as follows:

"4. The President of the Russian Federation shall be entitled, under the procedure provided for in the Russian Federation Code of Criminal Procedure and at the proposal of the Prosecutor General of the Russian Federation, to suspend the highest official of a Russian Federation constituent entity (head of the highest executive state authority of a Russian Federation constituent entity) from the exercise of their duties in the event of that individual being accused of a crime. The decision to suspend the highest official of a Russian Federation constituent entity (head of the highest executive state authority of a Russian Federation constituent entity) from their duties shall be taken in the form of a decree.";

c) word the first and second sentences of paragraph 6 as follows:

"6. The decision to discharge or suspend the highest official of a Russian Federation constituent entity (head of the highest executive state authority of a Russian Federation constituent entity) from their duties shall be notified to the legislative (representative) state authority of the Russian Federation constituent entity.

The highest official of that Russian Federation constituent entity (head of the highest executive state authority of that Russian Federation constituent entity) shall be entitled to lodge a complaint with the Supreme Court of the Russian Federation concerning the corresponding decree of the President of the Russian Federation for a period of 10 days following its official publication.";

7) declare paragraph 30.1 void;

Article 2. Amend Federal Law no. 67-FZ of 12 June 2002 "On fundamental guarantees of Russian Federation citizens' electoral rights and right to participate in a referendum" (Compendium of legislation of the Russian Federation, 2002, no. 24, p. 2253; 2003, no. 27, p. 2711) as follows:

1) in Article 2:

a) in sub-paragraph 8, delete the words "the highest official of a Russian Federation constituent entity (head of the highest executive state authority of a Russian Federation constituent entity)";

b) word sub-paragraph 47 as follows:

"47) state authorities of Russian Federation constituent entities - legislative (representative) state authorities of Russian Federation constituent entities and other organs of state authority of Russian Federation constituent entities provided for in the constitutions/statutes of Russian Federation constituent entities and directly elected by citizens of the Russian Federation in accordance with the Russian Federation Constitution, the present Federal Law, other federal laws, the constitutions/statutes of Russian Federation constituent entities, and also the highest officials of Russian Federation constituent entities (heads of the highest executive state authorities of Russian Federation constituent entities);";

2) word paragraph 8 of Article 4 as follows:

"8. Additional conditions may be established under the constitution/statute of a Russian Federation constituent entity for the exercise by Russian Federation citizens of the right to stand for election relating to the attaining by citizens of a predetermined age. The minimum age established for candidates may not exceed 21 years on the day of elections to the legislative (representative) state authority of a Russian Federation constituent entity or to local self-governing authorities. Establishment of a maximum age is prohibited.";

- 3) declare paragraph 32 of Article 5 void;
- 4) declare the second sentence of paragraph 1 of Article 71 void.

Article 3. From the date of entry into force of the present Federal Law, declare the following texts void:

- 1) Federal Law no. 3-FZ of 8 February 2001 "Supplementing the Federal Law "On general principles governing the organisation of legislative (representative) and executive state authorities of constituent entities of the Russian Federation"" (Compendium of legislation of the Russian Federation, 2001, no. 7, p. 608);
- 2) the second, third and fifth–twelfth indents of paragraph 15 and paragraph 18 of Article 1 of Federal Law no. 95-FZ of 6 October 1999 "Amending and supplementing the Federal Law "On general principles governing the organisation of legislative (representative) and executive state authorities of constituent entities of the Russian Federation"" (Compendium of legislation of the Russian Federation, 2003, no. 27, p. 2709).

Article 4.

1. The present Federal Law shall enter into force on the day of its official publication.
2. The highest officials of Russian Federation constituent entities (heads of the highest executive state authorities of Russian Federation constituent entities) elected before the entry into force of the present Federal Law shall exercise their powers until the expiry of those powers established by the constitution/statute of the Russian Federation constituent entity in accordance with federal law.
3. The provisions of the present Federal Law concerning the procedure for vesting a citizen of the Russian Federation with the powers of the highest official of a Russian Federation constituent entity (head of the highest executive state authority of a Russian Federation constituent entity) shall not apply in the event of elections for that post which were called prior to the entry into force of the present Federal Law.

President of the Russian Federation