

Beyond United Russia

THE KREMLIN'S EFFORTS TO ENGINEER RULING MAJORITIES

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Since Russia's 2011-2012 post-election protests, the Kremlin has introduced wide-ranging changes to the legal-administrative structures governing elections. This authoritarian version of electoral institutional engineering is designed to sustain a core component of regime stability – the need to maintain an aura of invincibility around the Kremlin and build a governing majority. This focus on a simple majority marks a change in the Kremlin's electoral strategy. Between 2003 and 2011, this invincibility rested on manufactured legislative supermajorities of the hegemonic party, United Russia (UR), maintained by a host of legal and illegal mechanisms to manufacture votes. In the wake of post-election protest and signs of rebellion in the regions, the Kremlin's reliance on illegal actions (such as the use of politicized justice) and "grey zone" activities (creating biased institutions) has increased while outright electoral fraud seems to have declined.

Without question, UR was the greatest victim of post-election protest. Its moniker as the "party of crooks and thieves" was so prominent on the streets and in the blogosphere that it damaged the party's capacity to secure overwhelming majorities. To counter this threat, the Kremlin has shifted strategies. No longer able to maintain its hegemonic position, the party will remain a cornerstone of a new majority coalition built in concert with independents and friendly opposition parties providing the illusion of competitive elections and a degree of political pluralism.

A series of new laws and regulations underpin this strategy. The new system will strengthen the efficacy of federal campaign resources and limit the power of regional forces to rebuild the powerful political machines that undermined the Kremlin in the 1990s. In addition, the new majority strategy will create within-system opportunities for the "right" opposition to secure representation. Such opportunities will be severely circumscribed, but they will have the effect of draining incentives for voters to take to the streets in the face of election fraud or loss. In the short-to-medium term, these changes should continue to manufacture majority support for the Kremlin while diminishing impending threats from the streets, opposition groups, and ambitious

regional actors. The new system will also undermine the accountability mechanisms that have threatened UR due to its position as the only viable party in both national and regional legislatures.

The Competitive Playing Field: Registering Political Parties

In April 2012, Russian President Dmitry Medvedev signed a new law on political parties that simplified the bureaucratic registration process. New regulations decrease the number of members required to launch a party from 40,000 to 500. They also require that parties establish regional offices in only half (42) of Russia's regions (as opposed to all of them). Campaign finance provisions restrict individual donations to approximately 100 dollars and limit foreign entanglements with party organizations. Finally, the law provides an opportunity for party organizations to revise their supporting documentation if it is deemed to be inadequate rather than being simply disqualified. Prior to this change, any small mistake or omission would disqualify a party—a clause the Kremlin has used to eliminate potential political rivals.

These revisions led to an amazing array of organizations petitioning for registration. Of these, about 37 have been successful while another 200 are still being considered. The Pirate Party of Russia has been rejected three times. In contrast, opposition leader Aleksei Navalny's party, People's Alliance, was registered.¹ Despite this show of pluralism in the political system, it is important to note that party registration is just the first step on a party's path to accessing the ballot. The rules governing registration for particular elections, under revision in evolving election laws, still provide significant obstacles for new organizations and advantages to incumbent parties. In addition, new registration procedures preclude the formation of electoral blocs, an important mechanism for bolstering the influence of small parties in the electoral process.

Following adoption of the new registration procedures, twenty parties competed in regional elections in October 2012. Despite the range of choice, UR carried the day, winning all five gubernatorial contests and a number of high-profile mayoral contests. There were, however, significant signs of trouble for the ruling party in these elections. Turnout was startlingly low in many regions and averaged only 25 percent across all elections. In addition, there were substantial reports of falsification and manipulation, both before election day and at the polls. Despite these problems, many observers declared the contests to be a victory for UR and a successful demonstration of the Kremlin's power to shape electoral outcomes. The first significant post-protest elections bore out the invincibility myth. Subsequent regional elections in May and September 2013 afforded the opposition some notable victories but largely confirmed the electoral strength of UR and its candidates. Moreover, this success, coupled with public dislike

¹ In May 2013, the People's Alliance's registration was suspended because its name overlapped with another party, Alliance of the Greens–People's Party, which had gone to court to contest the registration of the similarly named organization. In September 2013, Navalny announced that he would serve as the head of the party despite the lack of resolution of its legal status.

for President Vladimir Putin's organization, the All-Russian People's Front, increased popular support for UR in national opinion polls in fall 2013.

Gubernatorial Election Rules

In the early days of protest, the Kremlin announced a new law paving the way for the return of gubernatorial elections for the first time since 2004. While the Kremlin largely managed to stave off opposition in the 2012 regional elections, the threat of gubernatorial autonomy and the loss of control of regional electoral politics has led to a revision of the legal process. A new act signed in April 2013 backtracked on the promise of direct elections. This law provides a mechanism that allows regional councils—all currently controlled by UR—to vote to forego gubernatorial elections in favor of a complex appointment process whereby each party represented in the region can present up to three candidates to the Russian president for consideration. The president will then return three nominees to the regional council for final selection. While the Kremlin argued that the new rules would protect ethnic minorities within regions, the clear intent is to protect the Kremlin's interest and limit opposition.

The Kremlin's control of governors is essential to the stability of the electoral authoritarian system at both the elite and mass levels. Vocal opposition in service of electioneering—as we saw in Yaroslavl, Kirov, Smolensk, Ekaterinburg, and Astrakhan over the past few years—can make the whole system appear unstable. Policy contestation among governors makes the Kremlin appear weak and vulnerable to challenge. In contrast, loyal governors can deliver rosters of committed candidates and voters in both regional and national elections. Central control of political careers remains a crucial element of this system. The appointment of governors precludes the possibility that an ambitious governor might build a national reputation that could serve as a foundation to launch a presidential bid.

The National Parliamentary Election Law

Prior to 2007, the national parliament, the State Duma, was elected under a mixed electoral system. One-half was elected in single member districts while the other half was elected via proportional representation with a five percent threshold. When UR consolidated its power in 2003, the rules were changed to a pure proportional representation system with a high seven percent electoral threshold. This electoral system was meant to safeguard the party's hegemonic grip. Together with the elimination of gubernatorial elections, this system eliminated the vestiges of regional machines that had played a significant role in the parliament until that point. The new rules ensured that all regime candidates would run on the party list under the control of party leaders. Administrative resources could be channeled through the party providing it with an unfair political advantage. The high electoral threshold complemented new laws on party entry and precluded the formation of a viable opposition as few opposition organizations had the resources or organization to mount a national campaign.

Between 2004 and 2013, UR consolidated its national organization and built strong ties in the regions. The Kremlin-directed party became a critical mechanism linking different levels of government. However, its dominance in parliament conveyed a strong “brand label” and a clear path to accountability for voters who had become disenchanted. Moreover, the brand extended broadly to the entire political elite, widely perceived as corrupt and self-interested. This clarity proved to be a liability in a period of economic crisis, persistent corruption, and declining support for the regime. In the face of the moniker, “the party of crooks and thieves,” conveyed by Aleksey Navalny, the party could not sustain the high levels of support it secured in 2003 and 2007. As the 2011 parliamentary election demonstrated, UR was in danger of losing its legislative majority, creating the potential that the next president could face an obstructionist parliament.

In March 2013, President Vladimir Putin introduced a new national election law reverting back to the mixed system and lower threshold that governed elections between 1993 and 2003. This law allows the Kremlin to recruit “independent” candidates to run with its financial support in districts where a party candidate might not win. Such candidates can be expected to support government policy initiatives once in office while forming an independent deputies faction that will reinforce the Kremlin’s control over the committee system and leadership structure. The construction of a “friendly” opposition will provide opportunities for a majority coalition without making UR entirely responsible for policy outcomes. Moreover, in districts where UR is unpopular, opposition candidates will be allowed to run and even may win, diffusing the demand for national protest. The lower threshold means greater minority party representation in the parliament, but UR is likely to remain an outsized player while providing support for the Kremlin’s initiatives.

Regional machine politics, once dominated by independently elected and autonomous governors, will now be administered from the Kremlin through UR’s party apparatus. This capacity to administer elections may well be the most compelling reason to believe that the Kremlin will continue to invest in the party while hedging its bets. In the event that the party has some sort of catastrophic failure, those responsibilities could shift to a new organization, such as the All-Russian People’s Front, which is building its national structure. Alternatively, UR could just change its name and reinvent itself. However, as noted above, the recent trend of rising popular support for UR may obviate the need for these drastic measures.

The Law on Electoral Administration

Increased capacity to monitor vote fraud has led the Kremlin to change the administrative structure that guides voting. Federal Law 157, passed in November 2012, introduced a series of changes widely believed to strengthen the Kremlin’s control over voting processes. Chief among these changes was the creation of a new level of structure—precinct election commissions—which will organize actual voting processes and the establishment of a single election day for national and regional elections. These

changes will have subtle effects on the Kremlin's capacity to influence elections through the next national election cycle.

As in the United States, Russians usually vote in precincts located in schools, hospitals, and other social organizations. Under the previous law, precinct workers representing all competing parties staffed the voting booths. In reality, many of these workers remained under the influence of the regime—chosen because of their loyalty or dependence on the state—but there were a number of prominent cases where poll workers refused to condone fraud. The new PEC staff will consist of trained election workers who are appointed by the territorial election commissions that are also widely believed to be under the influence of the Kremlin. In addition, the law mandated that PEC members will keep their positions through 2018, the year of the next presidential elections, providing an opportunity for the party to assess the loyalty of members over a series of regional elections and to exert pressure on them to resign.

However, the large numbers of precincts across Russia demand enormous manpower, and governing party stalwarts are reluctant to take these “no win” positions. In response to the new law, the opposition, from the Communist Party to the Opposition Coordinating Committee that formed in the wake of the 2011-2012 protests, organized to contest appointments to the PECs and urge their supporters to nominate themselves to serve in them. The watchdog organization *Golos* formed a program called “Honestpec” to stimulate participation in the PECs.² A number of political parties have coordinated efforts to influence PEC membership. In the longer term, this new appointment system may well provide an opposition presence in the electoral process to complement the election monitoring movement that has developed in the wake of post-election protest.

The same law instituted a single election day for national and regional elections. In years when there is not a national election, regional elections will be held on the second Sunday of September. When parliamentary and presidential elections are held, elections will be scheduled for early March. While seemingly minor, the unification of electoral rules has far reaching implications. First, the timing links national and regional politics and connects the contests in important ways, creating a subtle advantage for the Kremlin at a time when the hegemonic party is weakened. The unified ballot creates the possibility of a “coattails effect” that gives national parties an advantage. It also creates horizontal linkages among regional contests that will allow the Kremlin to concentrate the value of administrative resources in campaigns. Opposition observers also feel that the timing of elections, forcing campaigns to be conducted just after summer holidays in most years, will provide advantages to established parties with significant media access, chief among them UR.

United Russia: From Hegemon to Anchor

Since the winter of 2012, the electoral environment has continued to evolve to create new advantages for the Kremlin. Many of these changes encourage openness, but in the

² The “honestpec” website can be found at: <https://uik.golos.org/>. This drive to influence PEC membership is one of a series of actions that led the Kremlin to target *Golos* under the new “Law on Foreign Agents” in 2013.

context of Russia's controlled political environment such openness will not translate into democracy. The Kremlin has access to unlimited resources, including media resources, administrative resources, manpower, and information. All these factors give the incumbent regime tremendous advantage in electoral competition.

The new institutional context looks well suited to prop up UR by building a ruling coalition of state-sponsored independents, friendly opposition parties, and other partners. While it is unlikely that the party can entirely shake the moniker of "crooks and thieves," it remains the most well-established party in the political landscape. Discounting official vote totals that had been inflated by falsification, UR still garnered an impressive 35-40 percent of the vote. Moreover, it is a valuable institutional structure that can tie regional leaders to the center, distribute resources, and train politicians.

Despite these controls, elections remain fraught for the Kremlin. Even well engineered electoral competition can produce unexpected outcomes. Opposition has sprung up in seemingly unlikely places, and opposition candidates have even won some local elections. Protest sentiment has grown marginally over the year making outright fraud risky and provocative. The degree to which the institutional engineering strategy works to shore up regime stability—and how long it can do so—remains an open question that rests on conditions outside the Kremlin's control.