CHAPTER 5

Legal Approaches to Migration and Electoral Rights

The Experience of Russia

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Abstract

This chapter investigates the impact of global migration on approaches towards electoral rights in Russia. Specifically, it focuses on the implications of the reactionary attitudes towards migration of labour and capital ('othering') for the legal regulation of elections and perceptions of electoral behaviour in Russia. The chapter addresses the existing gap in the legal and political science scholarship by applying an interdisciplinary approach and taking regional context into the account.

Keywords: migration, Russia, electoral rights, illiberal regimes, internal migration, dual citizenship, electoral legislation

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Introduction

This chapter investigates the impact of global migration on approaches towards electoral rights in post-Soviet societies. Specifically, it will focus on the implications of reactionary attitudes towards migration of labour and capital ('othering') for the legal regulation of elections and perceptions of electoral behaviour in Russia. The chapter will address the existing gap in the legal and political science scholarship by applying an interdisciplinary approach and taking into account the regional context. This context is fundamentally shaped by the illiberal regimes in Russia (on both federal and sub-national levels) and many of its neighbouring states. The illiberal character of a regime is particularly visible in its practical approaches to electoral democracy. As Steven Levitsky and Lucan Way argue in their seminal work (Levitsky and Way 2012, 5), '[s]uch regimes are competitive in that opposition parties use democratic institutions to contest seriously for power, but they are not democratic because the playing field is heavily skewed in favor of incumbents'. The unevenness of the political arena is thus one of the key determinants for illiberal regimes. Therefore, viewing them through the lens of electoral rights is important for understanding these regimes' functioning.

In this chapter, mobility is understood as encompassing both internal (i.e. between different regions of the country) and external (i.e. between different countries) migration. International human rights regimes do not provide definitive guidance in terms of the territorial locus of democratic entitlement. While migrants cannot be excluded from most civic rights, the rights to vote and to be elected remain firmly rooted in nationality and residence. This universal contradiction becomes especially pronounced in places like North Eurasia that have experienced political upheaval and mass labour migration. At the same time, such places often witness significant capital flight, with political and financial elites becoming firmly rooted in foreign jurisdictions.

I argue that in the case of Russia, these processes result in the twin othering of migration by an illiberal regime. While migrants

from poorer countries and areas within the state are seen as potential 'objects' of manipulation, members of the political elite are suspected of 'dual loyalty'. The othering is reflected in the legislation, which shapes the participation of the respective categories in the electoral procedures. Thus, the state enables the electoral participation of groups that it deems loyal while restricting that of those it views as unreliable. For instance, the state facilitates voting by military personnel with tenable connections to local politics while disenfranchizing other categories of internal migrants. Migration also shapes the contours of the political elite itself. Dual citizens and, in some cases, also long-term residents of foreign countries are excluded from elected office. This removes those with suspected dual loyalty from the political system, which emphasizes state sovereignty. The instrumental role of migration status in electoral legislation is arguably in tune with the perceptions of the public. Therefore, some measures to facilitate voting by migrants (e.g. expanded early voting) may also be seen as tools to undermine election integrity. This is due to the public being used to electoral law being shaped for partisan ends. This suspicion is sometimes shared even by independent-minded judges at the apex courts.

The chapter will study the effects of this othering by analysing the two key determinants of electoral rights—the 'active' right to vote and the 'passive' right to be elected. It will map the restrictions on those rights due to dual citizenship, residence, and other factors incidental to migration. It will then locate them in the legal framework produced through the case law of the European Court of Human Rights (ECtHR). The study will also deal with how othering shapes popular perceptions of election integrity, limiting even the existing legal channels of democratic empowerment for migrants.

Migration and the 'Active' Element of Electoral Rights

External Migration

The traumatic Russian history of the twentieth century produced several waves of emigration from the country. Post-1991 Russia also became a major destination country for immigrants. In the 1990s and early 2000s, most of them were ethnic Russians leaving other former Soviet republics. That wave of immigration allowed Russia to largely offset the negative demographic trends of the decade. From the mid-2000s the patterns of immigration changed. Following the rebound of the Russian economy, workers from former Soviet republics would increasingly seek temporary employment in the country. According to United Nations Population Division data (UN 2024), Russia maintained a positive migration balance of several hundred thousand from 1990 onwards, before registering its first ever negative migration rate in 2023 (UN 2024).

ECtHR case law accepts a variety of approaches towards diaspora voting rights. There is no universal entitlement to vote for those outside their country of citizenship. Some countries may altogether deny an opportunity to vote abroad (*Sitaropoulos and Giakoumopoulos v. Greece*, 2012, 70–80) while others can disenfranchise expatriates after a certain period (*Shindler v. the United Kingdom*, 2013, 107–118). Yet once a state does decide to hold elections abroad, it cannot use logistical hurdles as a pretext for restricting electoral rights (*Riza and Others v. Bulgaria*, 2015).

Often it is those countries with large and politically influential diasporas that disenfranchise their expatriates. Examples include Greece and Ireland. Others, in contrast, acknowledge the diaspora's clout and develop intricate mechanisms not only to enfranchise expatriates but also to ensure their representation in the legislature. Examples of this approach include France and Italy, both of which have constituencies designed to represent expatriate voters. Russia, despite the significant number of expatriate citizens, fits neither model. This may be a consequence of historical experiences.

During the Soviet era, emigration without state permission was treated as a form of treason.[1] Emigration with state permission would usually result in withdrawal of citizenship. Thus, the diaspora and the state were separate from each other. In the 1990s the relationship between the two dramatically thawed. Yet rather than an independent force, the diaspora was viewed by the state as a source of human resources and as an instrument of the projection of 'soft power'. This approach was spelled out in the Federal Law on State Policy towards Compatriots, adopted in 1999. The goals of the policy were stipulated as protecting compatriots' interests abroad and encouraging them to return to Russia (Federal Law of 24 May 1999, No. 99-FZ, Article 5). Therefore, the diaspora had no recognized political interests within the country. Indeed, its interaction with state institutions mostly happened through advisory councils of federal executive bodies, where members of the diaspora were incorporated (Federal Law of 24 May 1999, No. 99-FZ, Preamble). This kind of interaction presupposed a non-political orientation. The passive role of the diaspora was further entrenched with a shift towards a more aggressive foreign policy in the late 2000s and 2010s. In 2003, Vladimir Putin famously referred to the breakup of the Soviet Union as 'the greatest geopolitical disaster in history'. This statement signified a shift towards challenging the post-Soviet territorial arrangements. Such a challenge effectively blurred the distinction between citizens and non-citizens within a diaspora. Cultural characteristics (e.g. speaking the Russian language) often became no less important than citizenship. Thus, the political participation of the diaspora became secondary to other policy goals.

The manner of holding elections abroad reflects this general policy. Both electoral law and the practical policies of Russian diplomatic missions facilitate expatriate voting. However, laws are framed in such a way as to dilute the effects of the foreign votes, giving them little effect on election outcomes. The federal electoral laws adopted in 1994–1995 (the framework law and the laws on presidential and parliamentary elections) stipulated that expatriates had full electoral rights. The framework law further

obliged Russian diplomatic and consular representations to facilitate their voting (Federal Law of 6 December 1994, No. 56-FZ, Article 3). Yet in practice, expatriate electoral rights were limited to federal elections. Regional and local elections were tied to residency registration (see the section on internal migration below) while expatriates abroad were obliged to deregister themselves in Russia. Thus, the relevant authorities made no effort to allow expatriates to vote in local and regional elections. The subsequent federal framework law adopted in 1997 recognized this reality. The provision of the law clarified that expatriates had full electoral rights only in federal elections. The relevant practices remained in force until 2011 when the new consular rules entered into force. The situation changed only in 2019. With the introduction of online voting in some regions, voters registered there were now able to cast their votes from abroad. However, the integrity of online voting is highly questionable (see the section on internal migration below).

Between 1993 and 2003 and again from 2016, the State Duma (the lower house of the federal parliament) was constituted on the basis of the parallel voting system. This meant that half of its members were elected in single-member majoritarian districts. The 1995 federal law on the State Duma specified that expatriate voters were to be assigned to districts by a decision of the Central Election Commission (Federal Law of 21 June 1995, No. 90-FZ, Article 12). The number of expatriates in any given district could not exceed 10 per cent. Thus, legislators were keen to dilute the potential influence of voters abroad. The provision was reproduced in the subsequent laws adopted in 1999 (Federal Law of 24 June 1999, No. 121-FZ, Article 12) and 2014 (Federal Law of 22 February 2014, No. 20-FZ, Article 12). However, this limitation is somewhat mitigated by the procedure of expatriate count, which is based on consular registries. Since 2011, such registries have been mostly voluntary (Federal Law of 5 July 2010, No. 154-FZ, Article 17; Ministry of Foreign Affairs of the Russian Federation 17 August 2011, Order No. 15114). Therefore, the actual percentage of expatriate voters could be higher.

Human rights standards and international documents that pertain to immigrants avoid granting them electoral rights (Thym 2014, 137). Indeed, the International Covenant for Civil and Political Rights firmly roots these rights in citizenship. Therefore, allowing foreign citizens to vote in elections is within the state's discretion. Since 1999, Russian legislation (Federal Law of 30 March 1999, No. 55-FZ, Article 1) has envisaged the possibility of enfranchising certain categories of foreigners in local elections based on international treaties. The legislative amendments reflected treaties that Russia signed with Belarus, Kazakhstan, Kyrgyzstan, and Turkmenistan, which granted the respective countries' citizens reciprocal political rights. The treaty with Kazakhstan has since lapsed, and there is a debate (Belousova 2019) in the Russian academic legal literature on whether the treaty with Kyrgyzstan still gives political rights to its citizens. Currently, citizens of Belarus can vote for local councils and in local referenda while Turkmenistan citizens are enfranchised in all local elections and referenda (Vestnik Migranta 2021). However, actual participation in elections has several caveats. Foreign citizens must possess a permanent residence permit and be registered in the relevant locality (Vestnik Migranta 2021). Even then, voter registration is not automatic but has to be applied for at the local election commission. These limitations, compounded by the lack of interest in local elections, result in negligible foreign participation in local elections. The most current data available is for 2009, when less than three dozen foreigners took part (Belousova 2019, 66).

This fact did not prevent commentators from speculating about the potential impact of migrant voting. They emphasized the potential for electoral malpractice and even the 'dominance of ethnic minority communities' (Newsland 2013). There is little impetus in Russian society to grant immigrants effective political representation at any level of the government. Such an approach reflects the general attitudes within the framework of an illiberal regime. External migrants are seen primarily through an economic lens, rather than from a political or human rights perspective. Of

course, the granting of electoral rights to non-citizens is rather rare (except in the European Union states, where it is stipulated by primary law). However, the peculiarity of the Russian case is the fact that the existing channels of non-citizen political participation seem underused.

The electoral rights of Russian expatriates largely reflect the state policy towards the diaspora. For a long time, the diaspora was seen as a large pool of potential immigrants and as a means of projecting soft power. Beyond that, however, it lacked any independent political role. Therefore, electoral law grants expatriates the almost unconditional right to vote in federal elections but dilutes their votes by mixing them with those from within Russia. International treaties and Russian legislation grant franchise in local elections to nationals of Kyrgyzstan and Turkmenistan with permanent residence in Russia. However, in practice this right is little advertised and rarely exercised. This situation aligns with the general othering of immigrants in Russian political life, which is characteristic across the political spectrum.

Internal Migration

In contrast to the situation in many other countries, access to voting in Russia is often more difficult for internal migrants than for expatriates. The reason behind this is a cumbersome practice of residency registration, still referred to as 'propiska'. This was a Soviet practice whereby internal migration could be restricted by administrative discretion.[2] It was introduced in 1932 to regulate peasants moving into large cities and to expel undesirable elements. Despite the rapid post-1945 urbanization, propiska was maintained until the collapse of the Soviet Union. The system allowed the exclusion of former convicts from living in major population centres. It also imposed additional restrictions on taking up residency in select areas, including Moscow, Leningrad, Kyiv, Crimea, and Caucasian resorts. The Soviet 'proto-constitutional court' (Committee of Constitutional Oversight) in 1990 noted serious deficiencies in propiska regulations before ruling

them unconstitutional a year later. The Committee had explicitly proposed changing the discretion-based system into one based on notification. The decision of the Committee was pronounced mere months before the Soviet Union ceased its existence. Thus, propiska remained an influential concept, both in legal and in political terms. Suffice it to say that in nearly all the former Soviet republics, citizenship was determined based on propiska at the time of the Soviet Union's dissolution. Russia was no exception, granting citizenship to every Soviet citizen with propiska on the Russian territory on 8 February 1992. Therefore, propiska retained an outsized presence in the popular conscience as a device for regulating migration. Even though it was abolished over 30 years ago, the term is still used as a synonym for the 'citizen registration' currently in place.

The current registration regime in Russia was introduced on 1 October 1993 by the Law on the Freedom of Movement. On paper, the new registration policy was not very different from those in many Western countries (including, for example, Finland). In a crucial difference from the Soviet propiska, the new policy left local officials with no administrative discretion to deny registration. Nor did it oblige those lacking registration to leave the locality.[3] Some regions and cities chose, however, to institute more stringent registration requirements than the federal ones. For instance, Stavropol territory instituted a limit on how many internal migrants could be registered in certain localities. In effect, this reproduced the propiska regime abolished in 1991. The territory, along with the city of Moscow and the Moscow region, obliged internal migrants to pay hefty dues as a precondition for obtaining registration. In the city of Moscow that due equalled five thousand times the minimum wage.

In April 1996, the federal Constitutional Court found these regional norms unconstitutional (Constitutional Court of the Russian Federation 1997, Judgement No. 9-P). Specifically, the Court noted that the regions acted *ultra vires* in restricting constitutionally protected rights, including the right to vote and to be elected. In 1998, the Court simplified the registration regime

by finding unconstitutional a six-month limitation on temporary registration and removing administrative discretion in denying registration (Constitutional Court of the Russian Federation 1998, Judgement No. 4-P).[4] The requirements were further relaxed in 2004 when the federal government removed the obligation to register temporary stays of under 90 days (unless staying in organized accommodation). Despite these liberalizations (and even, to some extent, due to them), the registration regime is not particularly effective in regulating internal migration. Its principal weakness lies in a mismatch with an unregulated rental housing market. The registration policy is largely dependent on the cooperation of landlords. However, they have little incentive to comply, as doing so would expose them to tax liability. Nonetheless, despite its practical inefficiency, registration retains an important place in the government discourse. Sometimes it is used as a synonym for the Soviet propiska, as in the popular conscience. For instance, then-prime minister Vladimir Putin explicitly referred to the norms of the Soviet Criminal Code concerning propiska when proposing the criminalization of irregular internal migration and even the expulsion of irregular migrants (President of Russia 2010). Eventually, these ideas were realized by making landlords criminally liable for fictitious registration of both internal migrants and foreign immigrants (Federal Law of 21 December 2013, No. 376-FZ).[5] Notably, the penalties were identical, regardless of whether the impugned actions concerned foreigners or Russian citizens. Therefore, the legislator considered external and internal migrations similar 'threats'.

The law regulating resident registration directly stipulated that lack of registration was not permissible grounds for restricting electoral rights. That said, both the state structure and electoral system meant that this could not be completely true. The federal law setting the basic guarantees of electoral rights (Federal Law of 6 December 1994, No. 56-FZ, Article 8) stipulated that a citizen was to be assigned to an electoral precinct based on resident registration. It provided no alternatives for proving de facto residency. The same pattern was reproduced in federal electoral laws

adopted in 1997 (Federal Law of 19 September 1997, No. 124-FZ, Article 17) and 2002 (Federal Law of 12 June 2002, No. 67-FZ, Article 16). In this way, resident registration became a proxy for realizing the active element of electoral rights. The issues connected with the functioning of the resident registration system therefore had a direct bearing on the ability of individuals to vote.

In some cases, the residency registration helped voters who would otherwise be disenfranchised. For instance, in February 1995 the electoral commission of the Republic of North Ossetia made a ruling which excluded military personnel and internally displaced persons from voter rolls. This ruling has to be read in the context of the Ossetia–Ingush conflict, which led to the displacement of nearly 50 thousand people (Human Rights Watch 1996). The situation made it to the federal Constitutional Court, which established a violation of the Constitution. The Court ruled that residency registration was sufficient for inclusion on voter rolls, regardless of where the person was. The Court even held that election results in districts affected by the disenfranchisement could be overruled (Constitutional Court of the Russian Federation 1995, Judgement No. 14-P).

Both the 1997 and the 2002 laws stipulated that citizens were entitled to vote anywhere in the constituent entity where they resided. In the federal elections (to the presidency and the State Duma) a similar opportunity exists throughout the national territory. However, the procedure for exercising this opportunity remained for a long time cumbersome. A person wishing to vote in another electoral precinct had to notify their electoral commission in advance and obtain a special slip. That slip then could be used in another precinct. The procedure was better suited to the needs of short-term travellers than those of internal migrants. For the latter group, the hassle of going back to their formal residence to obtain a slip could have been excessive. Furthermore, the procedure would be unavailable for regional and local elections if an internal migrant resided outside of their region of registration. One group which benefited from the procedure was unscrupulous politicians, who used it to boost the numbers of (often pressured)

loyal voters. For instance, during the 2007 legislative elections in the Pskov region over 1,500 voters were given slips to boost a specific slate of candidates within a party list (Nacionalnyi Centr Monitoringa Demokraticheskikh Procedur 2007). Furthermore, there were multiple instances where slips were not returned by voters (Kynev 2011). This allowed for repeat voting, which meant even greater possibilities for manipulating election outcomes. Civic election observers noted cases where employers pressured their subordinates into obtaining slips so that they would vote at a selected polling place (presumably to pressure them into voting for a particular candidate). Observers also noted an ever-growing number of slips received by electoral commissions in federal elections in the 2000s. Their number grew from 1.6 million in the 2003 State Duma election to 2.6 million in the 2008 presidential election. Of those, 600,000 were given in 2003, compared with 2 million in 2008 (Golos 2016).

The procedure was dramatically improved in 2018 when the slips became virtual. Citizens were now able to obtain them through the government electronic services portal, Gosuslugi. At least in the federal elections, this removed the primary obstacle for internal migrants to exercise the right to vote. Given the relative ease of the new rules, they proved unsurprisingly popular. In the 2018 presidential election, over 5.5 million Russian citizens applied to vote outside their place of residence.[6] A further expansion of opportunities for internal migrants came with the introduction of online voting in 2019–2021. The option was first introduced in the Moscow City Duma (regional legislature) election in September 2019. Then its use expanded to the federal level—in two regions during the 2020 constitutional referendum, and in seven during the 2021 State Duma elections. Since its introduction in the 2019 Moscow elections, many election watchers have raised concerns over the conduct of online voting. These concerns grew after the 2021 State Duma vote, when online votes reversed the victories of several opposition candidates in the city of Moscow. Election watchers believed that the online votes had been manipulated. There are further claims that employees at state-owned

enterprises and organizations were pressured to vote online and report to their bosses on how they had voted.

These claims underscore the deep tension between accommodating the electoral rights of internal migrants and protecting election integrity. Measures that facilitate the ability to vote without residency registration can also enable electoral fraud. The tension is present in most aspects of the relevant regulation. In the long run, this leads to the othering of certain groups seen as easy prey by those manipulating elections. These groups can include employees of public institutions and state-owned companies, military personnel, and industrial workers. The othering is helped by the actions of government figures. For instance, in the wake of the 2011–2012 post-election protests, pro-government forces mobilized industrial workers against protesters, portrayed as urban elites. This divide was largely artificial. In Russia, opposition support was not limited to urban centres. Moreover, opposition supporters in large cities were often internal migrants. Thus, accommodating their electoral rights would not result in facilitating electoral malpractice. However, the artificial political divide prevents a genuine discussion of internal migrants' electoral rights. No attempt has ever been made to consider if there are other ways to confirm substantial links with a particular locality beyond residency registration. For instance, the eligibility to vote in a particular locality (constituent entity and unit of self-government) could have been determined based on employment or taxation. Using such determinants would have aligned legislative requirements with the de facto situation. Furthermore, taxation and employment are objective criteria for establishing the sufficiency of connection with a particular locality. Yet instead, discussions over accommodating internal migration in election law have a mostly formalistic character. While authorities tend to interpret residency registration requirements liberally when it suits their interests, election integrity advocates argue for stricter scrutiny. None of them, however, question the validity of using residency registration as a basis for electoral rights. Two cases seem instructive in this regard.

The first case concerns military voters. The 1997 and 2002 federal laws stipulated that soldiers and officers were to be registered in their respective military units by their commanders. They were entitled to vote in all elections, except for conscript soldiers in local elections. Given the size of some military units, they could have had an outsized weight in local elections. One could question, however, if military voters (given the extraterritorial nature of their service) have a sufficient connection to a self-government unit. Precisely this argument led the Constitutional Court to uphold the exclusion of conscripts from local elections. The Court argued that voters needed to establish a sufficient connection with the municipality, which conscripts lacked (Decision No. 151-O, Constitutional Court of the Russian Federation 1998). The issue of military voters next came before the Constitutional Court in 2016, following a dispute over the validity of a municipal election in St Petersburg. It concerned one of the smallest municipalities within the city, with a population of just under 7,000. At the same time, the municipality housed the headquarters of the Western Military District and the regional command of the National Guard. This gave military voters a very significant weight in the municipality. Two individual voters challenged the inclusion of their military counterparts. They claimed that although military voters were registered in their military unit, they did not reside in the municipality. Therefore, they should not have been entitled to vote in the election. Unlike in 1998, the Court displayed a more formalist reading of the law. The judges affirmed that the federal law was meant to enfranchise military voters and thus did not violate the constitutional rights of other voters (Constitutional Court of the Russian Federation 2016, Decision No. 337-O). At the same time, federal legislators were not precluded from changing the manner of participation of military voters in local elections (Constitutional Court of the Russian Federation 2016, Decision No. 337-O). Thus, in effect, the Constitutional Court avoided considering the merits of the case.

Another instance when the voting rights of internal migrants came before the Constitutional Court concerned early voting. The

1994 federal law provided for this in cases where a voter expects to be outside of their place of residence on election day (Federal Law of 6 December 1994, No. 56-FZ, Article 30). The 1997 federal law allowed early voting in cases where no provisions existed for slips allowing a person to vote in another precinct (Federal Law 19 September 1997, No. 124-FZ, of Article 53). The 1999 amendments obliged voters to give a specific reason to an electoral commission when wishing to vote early (Federal Law of 30 March 1999, No. 55-FZ). The 2002 federal law further limited early voting to local elections (Federal Law of 12 June 2002, No. 67-FZ, Article 65). Election integrity advocates have long noted irregularities in the conduct of early voting. They were concerned about the lack of observation during the process, allowing unscrupulous election commission members to engage in machinations. In 2010, early voting was effectively abolished by amendments introduced by then-president Dmitry Medvedev. Citing the experience of electoral malpractice, he left in place only the provisions relating to early voting in remote areas (Federal Law of 31 May 2010, No. 112-FZ; see also Pravo.ru 2010). Postal voting was offered as a possible alternative, but only a few regions introduced it, and even there it proved unpopular among voters. (Rambler 2020) Already in 2014, the legislative assembly of Vladimir region challenged the constitutionality of the law abolishing early voting. Their argumentation centred on the plight of internal migrants. During the hearings in the Constitutional Court, the counsel for the legislative assembly noted that over 35,000 of the region's inhabitants were working daily in Moscow. The ban on early voting was, in his opinion, unfair as it provided no exceptions in situations of work-related or holiday trips, illness, and other life circumstances (Vladimir-SMI 2014). The Constitutional Court agreed, determining that alternatives such as absentee slips or postal voting were not sufficient. It cited 'internal labour migration' among the factors necessitating early voting. To decide otherwise, went the judgment, was to force citizens to choose between the right to work and the right to vote. The abolition of early voting was thus found unconstitutional (Constitutional Court of the Russian

Federation 2014, Judgement No. 11-P). One cannot help but note the formalistic approach of the Constitutional Court. If a person works in another region, it may be the centre of their life interests, regardless of residency registration in another region. Furthermore, by working in a particular region, a person has a vested interest in the regulation adopted at the regional level. Rather than argue for early voting, the Court could have used this opportunity to question the state of the residency registration and to propose ways of aligning the right to work with the right to vote. Even the two dissenting judges (Sergey Kazantsev and Yury Danilov) did not use this opportunity, rather underscoring the legitimacy of abolishing early voting to safeguard election integrity. Interestingly, one of the judges (Kazantsev) claimed that early voting had been abused to facilitate votes by the military, civil servants, pensioners, and employees of state-owned enterprises. Again, certain groups of the population seemed suspicious from the standpoint of election integrity.

The suspicions, however, were not without merit. In the wake of the coronavirus pandemic, early voting was massively expanded, leading to substantial deterioration in the quality of the electoral process. Voting in the 2020 constitutional referendum (officially billed as the 'All-Russia vote') stretched for a week and the 2021 State Duma election lasted for three days. In both cases, election observers encountered significant difficulties in monitoring the activities of election commissions, especially in the periods between the days of voting. Against this background, it is hardly surprising that there are estimates of significant electoral fraud during both votes. In the 2021 election, the number of bogus votes may have been as high as 17 million (Safonova 2022). Despite the official end of the pandemic as designated by the WHO, multi-day voting remained an option to be used at the discretion of the relevant electoral commission. In the 2022 regional elections, some regions opted for it while others did not.

Just like online voting, early voting schemes underscore the tension between accommodating the interests of internal migrants and safeguarding election integrity. Unfortunately, there is little

in the way of movement beyond formalism. Residence registration remains the key element in determining who gets to vote and where. The introduction of online absentee slips improved the situation of internal migrants in federal elections, but no such option exists in regional elections. Such a situation is problematic because residency registration in its current form has fallen behind the dynamic of internal economic migration. This tendency is especially pronounced in economically developed regions, such as the city of Moscow, which are aware of the limitations of the residency registration system. This can be illustrated by the fact that when imposing a lockdown in the early days of the pandemic, city officials made it clear that they would not be relying on residency registration. The debate over the electoral rights of internal migrants may be moot today, but one can expect it to reignite if Russia moves towards more democratic politics. Considering the increased role of regions during both the coronavirus pandemic and the war in Ukraine, it is conceivable that democratic reforms would empower regional authorities even further.[7]

Overall, the accommodation of migrants in the Russian electoral law is somewhat paradoxical. Unlike in the case of many other states, great effort is made to enable Russian citizens abroad to vote. There are no legal obstacles to expatriates exercising their right to vote in federal elections, and sometimes authorities make extra efforts to accommodate their situation. In contrast, the situation of immigrants and internal migrants within Russia is much less favourable. Immigrants, bar a few exceptional cases, are disenfranchised until they receive Russian citizenship. The disproportional treatment of migrants in electoral law may stem from the different attitudes towards different types of migration. Russian speakers outside Russia were a steady source of immigration to the country throughout the 1990s, helping to offset the negative demographic trends of the decade. Buoyed by this tendency, legislators and the Foreign Ministry were keen to keep expatriate Russians within the orbit of the state by projecting 'soft power'. In the 2000s and 2010s, the attitude remained the same, although more menacing overtones of the 'Russian world' projected by force

began to appear. It remains to be seen if electoral laws that favour expatriate Russians will survive the war in Ukraine. If disparaging and aggressive statements by Russian officials towards recent emigrants translate into policy, voting abroad might become more difficult. This would also take into account recent opposition successes among expatriate Russians.

Once migrants (even the same Russian speakers from abroad) are in Russia, however, the attitude towards them changes. Rather than a resource, they are seen as a burden and a security risk. Accordingly, they are dealt with by police and regional authorities. Similarly to other ethnically and economically diverse countries, the negative attitudes extend to internal migrants who are Russian citizens. In the context of the rapid dissolution of the Soviet Union, the boundaries between external and internal migration were blurred. Regional administrations thus instituted restrictive rules that were akin to immigration regimes. In an attempt to streamline the process, a federal law on the freedom of movement was adopted. It instituted a residency registration system which became the basis for assigning citizens to electoral precincts. Despite significant liberalization, the system is not attuned to the scale of internal economic migration and the state of the housing market. Russian electoral legislation contains several mechanisms which could help to accommodate the situation of internal migrants lacking residency registration in the place where they live. Yet these mechanisms fail to enfranchise such people in regional elections. Furthermore, they have consequences that are problematic from the standpoint of electoral integrity. Logically, the link between residency registration and electoral franchise needs to be reassessed. However, currently, the electoral rights of internal migrants are viewed mostly through a formalist lens. This approach extends to electoral integrity advocates, who are focused on the potential for abuse. An unfortunate consequence of this focus is the othering of some social groups, which further exacerbates the situation of internal migrants.

Migration and the 'Passive' Element of Electoral Rights

The Russian legislation puts relatively few impediments in the way of the active element of the expatriate right to vote. The same cannot be said of the passive element. This was restricted early on in the case of the federal presidency. Only the first Russian presidential election, held in 1991, saw no restrictions on expatriate candidates.[8] However, one has to keep in mind that at the time Russia was still formally a constituent republic of the Soviet Union, blurring the distinction between expatriates and 'home citizens'. Yet in 1993, the new Russian Constitution specified that a presidential candidate had to have resided in the Russian Federation for ten consecutive years (Constitution of the Russian Federation, Version of 12 December 1993, Article 81, Part 2). This wording was introduced already in the first draft proposed to the Constitutional Assembly convened by President Yeltsin in April 1993 (Filatov et al. 1995, 23). In contrast, the rival draft (Rumyantsev 1993) prepared by the constitutional commission of the parliament (Supreme Council) contained no residency requirement for presidential candidates but merely excluded those with foreign citizenship. The draft developed by the Constitutional Assembly was ultimately adopted following the self-coup by President Yeltsin. The residency requirement for presidential candidates saw little debate, although some wanted it to be more restrictive. The Lipetsk regional legislature proposed extending the residency requirement from 10 to 15 years and explicitly excluding dual citizens (Filatov et al. 1995, 235). Somewhat tellingly, the same proposal saw presidential candidates being vetted by a 'state independent medical commission' (Filatov et al. 1995, 236). Thus, in a true Foucauldian manner, the 'other' was a confluence of 'sick' and 'foreign'. However, in the turbulent 1990s such forms of othering were not yet high on the political agenda.

The constitutional residency requirement was tested in the 1996 presidential election. The relevant federal law contained no additional requirements for presidential candidates beyond those

set out in the Constitution. Furthermore, the law stated that a Russian citizen outside Russia has 'the full spectrum of electoral rights' (see Federal Law of 17 May 1995, No. 76-FZ, Article 1). One of the candidates, army general Aleksandr Lebed, was formally non-compliant with the provision. He resided outside Russia when commanding troops in Transnistria, including during the brief conflict between the territory and central authorities of Moldova in 1992. However, this fact seemed to cause no debate and the Central Electoral Commission duly registered Lebed as a presidential candidate (Central Electoral Commission of the Russian Federation 1996, Ruling No. 89/728-II). Such an interpretation avoided excessive formalism by accepting military service abroad as an exception to the general residency requirement. A rather intriguing legal question was averted when the Central Election Commission deemed that prospective presidential candidate Artyom Tarasov had failed to collect enough voter signatures.[9] A self-proclaimed 'first Soviet millionaire', Tarasov lived in London exile between 1991 and 1994, thus falling short of the residency requirement.[10]

Inspired by the federal residency requirement, constituent entities of the Russian Federation moved to introduce their own. The federal law adopted in 1994 (Federal Law of 6 December 1994, No. 56-FZ, Article 4) stipulated that regional residency requirements should not extend beyond one year. However, some of the 21 constituent republics introduced far more stringent restrictions for candidates vying for executive leadership. For instance, in Khakassia the residency requirement was seven years, while Sakha (Yakutia) set the bar at 15 years (Zhukov 1997). Another federal law, adopted in 1997, attempted to preclude such developments. It stipulated that the right to be elected could be limited by residency requirements only on the basis of the federal Constitution (Federal Law of 19 September 1997, No. 124-FZ, Article 4, Part 5). Simultaneously, the Constitutional Court struck down a residency requirement for legislators and the chief executive of the Khakassia Republic (Constitutional Court of the Russian Federation 1997, Judgment No. 9-P). The judges subsequently further

clarified that any qualifications for regional elected offices could be established only by federal legislation (Constitutional Court of the Russian Federation 1998, Judgment No. 12-P). Consequently, outsiders were able to be elected to executive positions in the constituent republics. For instance, in 2002 a gold mining millionaire won a presidential election in Adygea by a landslide, despite have previously resided in Siberia for several decades.

Several constituent republics instituted further roadblocks for outsiders by requiring them to sit an exam in an official regional language. This practice was brought to the purview of the federal Constitutional Court in 1998. The Court effectively avoided the issue by pointing out that in the instant case, the legal status of the regional language was not established; two judges of the Court issued dissenting opinions, with one arguing that the language requirement was unconstitutional and the other the opposite (Constitutional Court of the Russian Federation 1998, Judgment No. 12-P). However, three years later the Court claimed that its 1998 judgment had found the language requirement to be unconstitutional (Constitutional Court of the Russian Federation, 2001, Decision No. 260-O). In the jurisprudence of the ECtHR, the language requirement for parliamentary candidates was found to be in line with the European Convention (*Podkolzina v. Latvia* 2002, 34) provided that procedural fairness had been achieved (*Podkolzina v. Latvia* 2002, 36). Interestingly, a language requirement was resurrected in the 2007 treaty between the federal authorities and the Republic of Tatarstan. At this point, direct elections of regional chief executives were abolished. Thus, the language requirement concerned only candidates nominated by the federal president to the regional legislature.

Therefore, the migration-related restrictions on the passive element of voting rights remained relatively light during the 1990s and early 2000s. The few active restrictions concerned the federal presidency and regional chief executives, whose positions were modelled after the former.[11] In practice, the exclusion of current and former expatriates from contesting presidential elections had little practical effect. In contrast to the situation in many Central

and Eastern European countries (Estonia, Lithuania, Poland, and Serbia, to name a few), no members of the Russian diaspora were able to launch a successful political career. This was the case even though there were no residency requirements to be elected, for instance, to the parliament. Unlike at the federal level, residency requirements were a pertinent topic in the constituent republics of the Russian Federation. The bid to close executive positions to 'outsiders' was met with stiff resistance from both the federal legislature and the judiciary. Ultimately this forced republics to drop residency requirements. Language proficiency requirements, which could also be seen as a tool against outsiders in electoral politics, had a longer lifespan. Although they were discarded by the Constitutional Court in 2001, the requirements reappeared in Tatarstan when the regional presidency ceased to be a directly elected position.[12]

As noted in the first part of the chapter, the 1990s and early 2000s in Russia saw the unprecedented opening of emigration channels. While for many this was a permanent solution, some used the opening of channels as an opportunity to enhance their status. Prominent businesspeople and some politicians obtained foreign citizenship or residency. For many years these steps were viewed with little suspicion. The Russian Constitution and nationality law do not recognize multiple citizenship unless a special treaty is adopted with a foreign state. Only two such treaties were ever concluded—with Turkmenistan in 1993 (cancelled in 2015) (Consular Department 2022) and with Tajikistan in 1995 (Federal Law of 15 December 1996, No. 152-FZ). Outside the bounds of these treaties, the Russian federal legislation would treat Russian citizens equally regardless of other citizenships.

The situation began to change in the mid-2000s. The Russian political leadership became increasingly disillusioned with cooperation with the West, particularly in the wake of the crisis surrounding the 2004 Ukrainian presidential election. Against this background, authorities began to move against foreign influence in internal politics. The ideological basis for these moves was provided by the concept of 'sovereign democracy', expounded by

chief Kremlin spin doctor Vladislav Surkov and pro-government analysts (Lipman 2006). One of the moves was a 2006 law (Federal Law of 25 July 2006, No. 128-FZ) which amended electoral legislation to bar people affiliated with foreign states from standing in elections and serving on electoral commissions. The bar extended to dual nationals, holders of foreign residence permits, and those otherwise entitled to permanently reside in another state. Exceptions from the bar could extend to local elections only on the basis of an international treaty (Federal Law of 25 July 2006, No. 128-FZ, Article 6).

Already in 2007, the law was challenged in the Constitutional Court. The Court decided to resolve the issue without public hearings, issuing a decision on constitutionality. The judges held that although the federal Constitution did not envisage restrictions on Russians holding other nationalities, it did not preclude federal laws from instituting such restrictions (Constitutional Court of the Russian Federation, 2007, Decision No. 797-O-O). The Court also alleged the double loyalty of people holding multiple nationalities. In its opinion, 'formal-legal or factual subordination of a legislator … to the sovereign will not only of the Russian Federation but also of a foreign people do not correspond with constitutional principles of legislator's independence, state sovereignty and puts in question the supremacy of the Constitution of the Russian Federation' (Constitutional Court of the Russian Federation, 2007, Decision No. 797-O-O). In effect, the Constitutional Court gave a legal basis to the sovereigntist ideology expounded by the Kremlin. Within this framework, Russians with multiple nationalities are viewed as suspicious and need to be excluded from the political life of the country.

The Constitutional Court somewhat corrected itself in 2010 when it heard a case about a bar on election commission membership for Russians with foreign residence permits. The Court noted that there were no specific qualifications for election commission members. It further distinguished residence permits from citizenship, as the former did not establish a permanent and overarching legal-political connection. Thus, there were no reasons to

believe that such citizens threatened state sovereignty. The Court further recalled the freedom of emigration from Russia and obligation of state support for expatriates characteristic of the 1990s approaches (Constitutional Court of the Russian Federation 2010, Judgement No. 14-P; see Part 1). Such an approach aligned with the position of the Ministry of Foreign Affairs voiced during the hearings (Pushkarskaya 2010). However, this judgment has not been implemented for over ten years. This fact seems to suggest that it was an outlier.

The debate over the ability of dual nationals to run in Russian elections happened just as the ECtHR found similar legislation in Moldova to violate the European Convention. In the *Tanase* case, the European judges, unlike their Russian counterparts, were not convinced of abstract allegations of dual loyalty. Instead, they looked for factual proof of them and found none (*Tănase v. Moldova* 2010, 168–169). Vladimir Kara-Murza, a Russian opposition politician with dual nationality, saw his registration as a candidate in a regional election as proof of Russian authorities intending to comply with the *Tănase* judgment (*Kara-Murza v. Russia* 2022, 10). However, the regional prosecutor had a different opinion, successfully challenging Kara-Murza's registration in court (*Kara-Murza v. Russia* 2022, 11–16). This denial of registration ultimately became the subject of proceedings in the ECtHR. The Strasbourg Court flatly rejected the sovereigntist rationale, pointing to the lack of a real external threat to Russian institutions (*Kara-Murza v. Russia* 2022, 47). The Court confirmed the existence of a European consensus over the electoral rights of dual nationals, established in *Tanase*, and argued that individualized measures would have been sufficient to protect legitimate state interests (e.g. through denial of security clearance) (*Kara-Murza v. Russia* 2022, 49). The blanket ban on dual nationals being elected did not provide such individualization (*Kara-Murza v. Russia* 2022, 50). Mikhail Lobov, the ECtHR judge in respect of Russia, put forward a dissenting opinion which attempted to couch the sovereigntist approach of the domestic legislator and the Constitutional Court in the language of citizenship (*Kara-Murza v. Russia*

2022, dissenting opinion of Judge Lobov, 7–8). In his opinion, dual nationals had effectively chosen to be considered second-class citizens when it comes to the passive element of electoral rights. This position is not necessarily without merit, as in other contexts the Strasbourg Court went to great lengths to emphasize the element of personal choice in deciding on one's citizenship status (*Savickis and Others v. Latvia* 2022, 215). With Russia's exit from the Convention system, however, the point is moot.

The electoral ban for dual nationals introduced in 2006 had one significant flaw. Citizens were not required to disclose their other nationality or a residence permit. Nor was such information routinely shared by states granting the relevant status. Thus, such information would only be revealed voluntarily or obtained by authorities through investigative techniques. The applicant in the Constitutional Court case concerning the ban remarked that it represented 'a trap for an honest man'. The situation changed in 2014. An amendment to the citizenship law (Federal Law of 4 June 2014, No. 142-FZ, Article 1) required Russians henceforth to self-report upon obtaining another nationality or a foreign residence permit. The amendment did not apply to those naturalizing as Russian citizens or permanently residing abroad. Failure to comply with the obligation to self-report could entail criminal liability and a hefty fine (Federal Law of 4 June 2014, No. 142-FZ, Article 2). The practice of actual criminal persecution turned out to be quite spotty. For instance, in 2023 only seven individuals were charged with failure to self-report foreign citizenship or residence permit (Keffer 2024). Thus, criminal prosecution was not something replicated on a mass scale. However, it did not need to be, if the goal was to deter individuals from attempting to shirk the prohibitions for dual citizens. The fear of criminal prosecution could cause a chilling effect on potential candidates for elected office and/or civil servants.

The practices of enforcing electoral legislation since 2006 have displayed an increasing tendency to rely on the prohibitions in federal law, even when the constitutional restrictions would suffice. In 2007, the Supreme Court of Russia (Supreme Court of the

Russian Federation 2007, Decision No. GKPI07–1720) upheld the decision of the Central Electoral Commission (2007, Ruling No. 80/644–5) that barred former Soviet dissident Vladimir Bukovskiy from collecting signatures to run for president. The Supreme Court based its decision both on the constitutional requirement obliging presidential hopefuls to reside in Russia for ten consecutive years and the federal law barring citizens with foreign residence permits (Central Electoral Commission of the Russian Federation 2007, Ruling No. 80/644–5). Bukovskiy's lawyers challenged these arguments. In their opinion, a ten-year residence requirement could be fulfilled at any time during the candidate's lifetime, especially considering the registration of Alexander Lebed in the 1996 election (see above; Anticompromat n.d.). As for the possession of the foreign residence permit, it could not be reliably verified by the Russian authorities (as this happened before the introduction of the self-reporting requirement) (Supreme Court of Russian Federation 2008, Ruling of the Cassation Panel No. KAS08–5). The cassation panel of the Supreme Court dismissed these arguments. In particular, it found no reasons for an expansive interpretation of the ten-year residence requirement.

Given the fact that the ten-year residence requirement had a constitutional character, the Supreme Court could have used the Bukovskiy case as an opportunity to refer the question to the Constitutional Court.[13] The resolution of that question would have likely involved clarifying possible exceptions from the residence requirement, including military and diplomatic service abroad. A more intricate issue would be if asylum abroad qualified as an exception. The ECtHR in *Melnychenko* interpreted internal law expansively to find that denying an asylee an opportunity to stand for legislative election violated their Convention rights. It is doubtful, however, that an interpretation could be so expansive as to cover Bukovskiy. Although he was expelled from the Soviet Union against his will, he decided to remain in the United Kingdom upon the restoration of his Russian citizenship.

The 2018 presidential campaign showed the potential of the self-reporting law to achieve the intended chilling effect. One of

the prospective candidates initially had his campaign committee registered, but the Central Election Commission later sought the annulment of its decision. The Commission learned that in 2014 the future candidate self-reported that he had had a Finnish residence permit. On this basis, the Commission decided that the candidate ran afoul both of the constitutional residency requirement and of the ban on foreign residents. The Supreme Court dismissed the first argument but agreed with the second (Supreme Court of the Russian Federation 2018, Decision No. AKPI 18–1). The candidate appealed, claiming that he had had the residence permit voided before the beginning of the campaign. The appellate panel of the Supreme Court, however, was not convinced by the supporting documents and let the decision to exclude the candidate stand (Supreme Court of the Russian Federation 2018, Appellate Ruling of the Appellate Panel No. APL 18–12). The proceedings highlighted the potential of self-reporting requirements to stymie potential candidates with foreign affiliations. Yet they also underscored the formalist approach of the Supreme Court. Just like ten years previously, instead of trying to contextualize the residency requirement, judges opted for the narrow reading of the law.

The 2020 constitutional amendments further solidified the exclusionary tendencies towards citizens with foreign connections. The amendments extended the residency requirements for presidential candidates from 10 to 25 years. They further excluded anyone who had ever held foreign citizenship or residence permits. In a sign of times, this exclusion did not apply to former citizens of a country which joined the Russian Federation or a part of which did so. At the time of its adoption, the provision applied to the annexed Crimea. The amendments also gave constitutional character to the 2006 ban on elected positions for Russians with foreign citizenship or residence permits.[14]

The exclusion of dual nationals from positions of political power is not wholly unprecedented. A significant number of the Council of Europe states, including several post-Soviet countries, either prohibit their citizens from holding other nationality or bar

dual citizens from the offices of power (*Tănase v. Moldova* 2010, 87–93). Some countries go further by forbidding e.g. 'allegiance to a foreign power' (Thwaites and Irving 2020). Yet the restrictions on citizens with foreign residence permits appear unprecedented. Mere residence abroad is not sufficient to establish a close connection with a foreign state. The Constitutional Court shared this opinion in its judgment. However, the general tendency of othering anybody with a foreign connection prevented the judgment from being implemented.

The shift towards othering would have been out of place in the 1990s, when Russia was actively opening to the world. Even then, however, former emigrants did not enter the country's political life. Therefore, the introduction of a residency requirement for presidential candidates caused little debate. In contrast, when similar requirements were introduced by constituent republics of the Russian Federation, they caused significant backlash from legislators and the Constitutional Court. Ultimately these regional requirements were rescinded. The pronounced authoritarian trend in Russia in the 2000s produced the notion of 'sovereign democracy'. One of the practical effects of this concept was the ban on dual nationals and holders of foreign residence permit running for elected office. The ban was strengthened in 2014 by a general self-reporting requirement for Russians holding foreign citizenship or residence permits. The 2020 constitutional amendments turned the ban into a lifetime exclusion from presidential campaigns for anyone who had ever held foreign citizenship or lived abroad with a residence permit. The amendments also entrenched the other aspects of the ban at the constitutional level.

Conclusion

Throughout the past century, mass migration has been a consequence of tumultuous Russian history. It has often been an extension of ethnic, religious, social, and political division. Post-Soviet Russia has been no exception, although that period brought certain specifics. The establishment of newly independent states

blurred the lines between internal and external migration. This led to somewhat paradoxical results. The citizenship policy was open towards compatriots abroad who were seen as a potential demographic pool and a means of projecting soft power. Internal migrants, on the other hand, were often viewed with suspicion, as a drain on resources and a security risk. Election laws reflected general state policy. They accommodated expatriate citizens, enfranchising them in federal elections and facilitating the vote. Inside Russia, however, the right to vote was tied to residency registration. This system, a successor to the repressive Soviet one, was abused by regional authorities and failed to reflect the economic realities. In practice it was unnecessarily cumbersome for individuals, leading to their disenfranchisement. By the end of the 2010s, the situation of internal migrants was remedied through the extension of early voting, easier access to absentee slips, and online voting. However, these remedies often facilitated election malpractice.

Unlike many other Central and Eastern European countries, Russia has lacked a politically active diaspora. This situation was solidified with the introduction of a ten-year residency requirement for prospective presidential candidates in the 1993 Constitution. The requirement was enforced unevenly. Military officers serving abroad were not subject to it, while former dissidents had it applied to them. The pronounced authoritarian trends during the presidency of Vladimir Putin from the mid-2000s have had a distinct focus on state sovereignty. This resulted in the adoption of the law which barred Russians holding other citizenships and residence permits from running for elected office. Such restrictions are not unprecedented, as many democracies limit dual nationals from holding elected office. However, the Russian restrictions are notable for their breadth. They were also significant as an early indicator of isolationist trends in the country. Subsequently, the restrictions were strengthened further. In 2014 they were beefed up by a general obligation to self-report foreign citizenships and residence permits. In 2020 the restrictions were given constitutional status, while former foreign citizens and holders of foreign

residence permits became forever excluded from standing for presidency.

Electoral rules concerning migration reflect attitudes towards the different categories of individuals affected by migration. The rules are used to reward some categories and to discriminate against others. The general policy reflected by these rules is directed at the twin goals of expanding the population and insulating the political elites. These goals are especially visible in the light of the invasion of Ukraine, where electoral procedures (referenda) may become a tool for territorial annexation while emigration and foreign connections are becoming even more suspicious.

If Russia ever restored democratic governance, its society would have to reconsider the relationship between migration and electoral rights. New electoral rules are likely to be discussed to balance the interests of election integrity with the effective exercise of electoral rights.

Notes

1 The relevant provision of the Criminal Code was struck down as unconstitutional only in December 1995. See Judgment 17-P (Constitutional Court of the Russian Federation, 1995).
2 That practice, in turn, to a large extent copied earlier imperial approaches to regulating internal migration.
3 Residing without a registration, however, constituted an administrative (minor) offence.
4 A popular quality newspaper, *Kommersant*, at the time described the situation as a tug-of-war between the liberal approach of the Constitutional Court and hardline regional policies. See Zhukov and Shilov (1998).
5 See also *Kotlyar v. Russia*, 2022, 5–10.
6 According to Ella Pamfilova, the Chair of the Central Electoral Commission (Izvestia 2018).
7 This would actually signify a return to the system envisaged in the 1992 Federal Treaty and the 1993 Constitution but undermined by Putin's centralizing drive.
8 This section deals mostly with restrictions concerning external migration. Restrictions for internal migrants are relatively rare and are dealt with when the need arises.

9 In the 1996 Russian presidential election, candidates were required to submit one million signatures. See Constitutional Court of the Russian Federation (1997, Decision No. 31-O).
10 The European Court of Human Rights in *Melnychenko v. Ukraine* (2004) proposed a creative solution for political exiles denied passive voting rights due to a residency requirement. It deemed that formal administrative registration was sufficient regardless of actual presence in the country. Arguably such an approach could have been applied in Tarasov's circumstances.
11 This tendency was reflected in the jurisprudence of the federal Constitutional Court. See Constitutional Court of the Russian Federation (1996, Judgment No. 2-P).
12 Thus, in line with the position of the Constitutional Court, electoral rights were no longer violated. See Constitutional Court of the Russian Federation (2005, Judgment No. 13-P).
13 The federal Constitution entrusts the Constitutional Court with 'interpreting' it. See Constitution of the Russian Federation, Article 125.
14 Except regional legislative assemblies and bodies of local self-government, where the ban remains rooted in the federal law.

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