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Dementyev Vladislav Aleksandrovich

**PROPORTIONAL ELECTORAL SYSTEM
IN THE MECHANISM OF MUNICIPAL ELECTIONS**

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academic degree Doctor of Philosophy in Law

Academic supervisor:
Ovchinnikov Ivan Ivanovich,
Doctor of Science, professor

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General Characteristic of the Research

The relevance of research

The proportional electoral system has been used in municipal elections in the Russian Federation since the mid-1990s. However, only since the middle of the first decade of the 21st century, at the level of the legislation of the Russian Federation and the constituent entities of the Russian Federation, attempts have been made to systematize the use of this type of electoral system and expand the scope of its use at the local level.

The transition to the formation of local self-government bodies according to a proportional electoral system required significant changes, both in the electoral legislation and the legislation regulating the sphere of local self-government in general, led to the emergence of a number of new legal institutions, and intensified lawmaking at the level of constituent entities of the Russian Federation and municipalities.

Based on the results of municipal elections using a proportional electoral system in the 2000s - the first half of 2010s, a significant amount of information has been accumulated characterizing the features of the use of the relevant electoral legislation, the gaps in it, as well as the specifics of holding local elections under the proportional system in particular historical conditions of the Russian Federation. For a full understanding of the problems of using the proportional electoral system in municipal elections, as well as in order to eliminate gaps in legislation, an analysis and generalization of existing practice is necessary.

Conducting municipal elections according to a proportional electoral system revealed a number of problems that were not previously characteristic of the institution of municipal elections, and therefore insufficiently developed by the science of municipal law.

In addition, the very issue of using a proportional electoral system in municipal elections, determining its place among other electoral systems used at the local level, causes heated debate in the scientific community.

At the same time, the degree of scientific elaboration of the indicated problematics remains rather low, which determines the high relevance of the research topic.

A study of the use of a proportional electoral system at the local government level will make it possible to determine the conditions for the implementation and provision of electoral rights of citizens, the nature of the legitimacy of public authorities at the local level, as well as identify trends in the development of the relevant institutions of public authority.

The relevance of the topic is also due to the need for scientific development of the problems of forming elected bodies of municipalities in the light of the reform of local self-government carried out in the Russian Federation, development of recommendations and proposals for improving electoral legislation.

The degree of elaboration of the topic

The proportional electoral system has been the subject of scientific analysis for many Russian and foreign lawyers. At various times it was investigated by V.M. Hesse, G. Jellinek, A.V. Ivanchenko, N.M. Korkunov, A.V. Kynev, A.E. Lyubarev, E. Lakeman, D. Lambert, M.V. Matasov, V.V. Platonov, K. Popper, M.A. Reisner, R. Taagepera, M.S. Shugart.

The proportional electoral system as an institution of Russian electoral law was the subject of the works of S.A. Avakyan, A.S. Avtonomov, F.T. Aleskerov, G.V. Barabashev, N.S. Bondar, I.B. Borisov, A. Yu. Buzin, V.I. Vasiliev, A.A. Veshnyakov, A.A. Dzhagaryan, N.V. Dzhagaryan, G.A. Gadzhiev, A.G. Golovin, V.M. Gribovsky, Yu.A. Dmitriev, I.V. Zakharov, A.V. Ivanchenko, A.V. Ignatov, E.I. Kolyushin, S.D. Knyazev, O.E. Kutafin, E.I. Kozlov, Yu.Yu. Komissarov, M.A. Krasnov, V.I. Krivtsov, L.V. Kudryavtsev, E.F. Kuzminsky, J.I. Linnik, A.E. Lyubarev, V.I. Lysenko, V.D. Mazaev, M.V. Maslovskaya, S.V. Maslennikova, M.S. Mateykovich, I.B. Mikhailovskaya, V.V. Platonov, A.E. Pomazansky, A.E. Postnikova, V.A. Samsonova, V.A. Sivitsky, I.G. Shablinsky, V.L. Sheinis, K.F. Sheremet, Yu.A. Yudin.

The status of political parties as subjects of the electoral process, necessary for holding elections under a proportional electoral system, was the subject of scientific interest and analysis by A.N. Averyanova, N.A. Vasetsky, E.P. Dubrovina, M. Duverger, Z. M. Zotova, A.G. Zhafyarova, S.E. Zaslavsky, A.V. Ivanchenko, V.V. Lapaeva, V.A. Lebedeva, A.E. Lyubarev, E.A. Lukyanova, P.M. Kandalova, N.N. Nerovnaya, L.A. Nudnenko.

It should be noted that in domestic science there are quite a few studies devoted to a comprehensive analysis of a directly proportional electoral system. Among the available studies, the monographs by A.V. Ivanchenko, A.V. Kynev and A.E. Lyubarev "The proportional electoral system in Russia: history, current state, prospects" and A.V. Kynev and A.E. Lyubarev "Parties and elections in modern Russia". These works today are actually the only fundamental studies of the proportional electoral system in Russia. An analysis of regional legislation and practice of applying the proportional electoral system at elections of various levels gives them special value. The analysis of elections in the constituent entities of the Russian Federation is also presented in detail in the annual reports of the Committee for Civil Initiatives.

An analysis of the works of the named authors allows us to conclude that in constitutional law as a whole, a number of important aspects of the proportional electoral system have been investigated: its definition has been formulated, the methods used in the process of distributing mandates, both between lists of candidates and between candidates within one list, are highlighted.

At the same time, the issues of application of the proportional electoral system at the regional and especially at the municipal levels have not yet been investigated enough, especially taking into account the latest changes in legislation, the implementation of decisions of the Constitutional Court of the Russian Federation on issues related to the holding of municipal elections under the proportional electoral system, the need to develop proposals to improve the electoral legislation. All this actualizes the need for a comprehensive and systematic study of the proportional electoral system at the municipal level.

Object of study

The object of the research is the complex of public relations that are developing in connection with the holding of municipal elections under the proportional electoral system in the Russian Federation.

Subject of study

The subject of the research is the norms of law governing public relations that develop when the proportional electoral system is applied at the level of local government in the Russian Federation.

Purpose of the study

The aim of the study is to conduct a comprehensive analysis of the place and role of the proportional electoral system in the mechanism of municipal elections, conduct a comparative legal study of the proportional electoral system and other electoral systems used at the local level, identify patterns and development trends, as well as problems arising in connection with the use of the proportional system for local elections, and the development of recommendations on how to solve them.

Research objectives

To achieve the research goal, the following tasks are solved:

- to study scientific approaches to the classification of electoral systems, the definition of a proportional electoral system as a phenomenon of legal reality;
- to analyze the process of formation and development of a proportional electoral system in the Russian Federation and foreign countries within the framework of its application in the elections of public authorities at various levels;
- to investigate the constitutional and legal framework for the application of the proportional electoral system in municipal elections in the Russian Federation;
- to assess the place of the proportional electoral system in the mechanism of municipal elections, to generalize the existing criteria for the representativeness of elected bodies of local self-government and to analyze the change in the nature of representation in such bodies during elections under the proportional system;

- to identify the reasons promoting the use of the proportional electoral system in municipal elections, as well as the reasons preventing this;
- to identify trends and patterns of development of legislation regulating the sphere of municipal elections in the Russian Federation;
- to identify and reveal gaps in the electoral legislation in order to eliminate conditions that could lead to violations of the electoral rights of citizens and their associations during municipal elections under a proportional electoral system.

The methodological basis of the research was formed by both general scientific methods of cognition (dialectical method, methods of analysis and synthesis, induction and deduction, analogy, etc.), and special methods (historical and legal, formal legal, systemic and structural, comparative legal). The historical and legal method was used to study the process of formation and development of a proportional electoral system, its gradual recognition and legalization as a way of forming representative bodies of local self-government in the Russian Federation and abroad. The formal legal method was used to analyze legal acts regulating the application of the proportional electoral system at the local level, judicial practice (including the legal positions of the Constitutional Court of the Russian Federation) on the protection of the rights of citizens, political parties in connection with the use of local authorities in elections. self-government proportional electoral system. The systemic-structural method made it possible to establish the significance of the institution of a proportional electoral system, its value for the formation of local self-government bodies, made it possible to comprehend the logically structured content of the institution in question, other related institutions and phenomena, to identify their place in the system of social relations. The comparative legal method made it possible to compare the legal regulation of the proportional electoral system in terms of its application at the local level in the Russian Federation, foreign countries, as well as at the international level, and to correlate approaches to the problems of applying the proportional electoral system in municipal elections in various legal orders. The

use of the specified methodological tools made it possible to identify the main problems associated with the object of research and outline ways to resolve them.

The normative basis for the study was the Constitution of the Russian Federation, international treaties of the Russian Federation, federal constitutional and federal laws, decrees of the President of the Russian Federation, regulatory legal acts of the Central Election Commission of the Russian Federation, constitutions (charters) of the constituent entities of the Russian Federation, legislation of constituent entities of the Russian Federation and regulatory legal acts of municipal entities, as well as decisions of the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, the European Court of Human Rights.

The empirical basis of the study was the information about the elections contained in the State Automated System "Vybory" (GAS Vybory), statistical data and generalizations and conclusions made on their basis.

The scientific novelty of the dissertation research lies in a comprehensive and systematic analysis of the experience of using the proportional electoral system at the local level in the Russian Federation, in the theoretical comprehension of the modern form of application of the proportional electoral system in municipal elections, in identifying and systematizing problems arising in the exercise of citizens' electoral rights in the conditions of application proportional electoral system in municipal elections, and the development of proposals for their solution.

Scientific positions submitted for defense

The following provisions are submitted for defense, which have signs of scientific novelty:

1. The definition of a proportional electoral system as a method for determining election results based on the distribution of mandates between lists of candidates nominated in a multi-member constituency (or in multi-member constituencies) by political parties or other associations of citizens is proposed, in accordance with the number of votes cast for each of the lists admitted to the

distribution of mandates, and on the basis of mathematical methods and distribution of mandates.

2. Formulated and classified the principles underlying the proportional electoral system. It is proposed to highlight the following general principles: the principle of legality; the principle of justice; the principle of objectivity. Special principles: the principle of the electoral meter; the principle of the eventual vote; the principle of voting for lists of candidates; the principle of multi-member constituencies; the principle of using methods of distribution of mandates.

3. The periodization of the formation and development of a proportional electoral system in municipal elections in the Russian Federation has been worked out. The identification of the following stages has been substantiated: 1st stage (1993 - 2005): the formation of a proportional electoral system as a way to ensure party representation in public authorities at the local government level; 2nd stage (2006 - 2010): systematization and unification of the procedure for applying the proportional electoral system at the local level; 3rd stage (2011 - 2013): expanding the scope of application of the proportional electoral system at the local government level through the mandatory use of the proportional electoral system in elections to representative bodies of urban districts and municipal districts; Stage 4 (2014 - present): reducing the use of the proportional electoral system at the local government level: refusal of the mandatory use of the proportional electoral system in elections to representative bodies of urban districts and municipal districts, reducing the proportion of deputies elected by lists, we nominate the electoral associations.

4. It has been substantiated that the duality of the nature of local self-government, expressed on the one hand in the fact that it is public power exercised on the territory of the state within the framework of national policy, and on the other hand, is an instrument of independent organization of citizens in order to resolve issues of local importance, does not prevent the use of municipal elections of a proportional electoral system both as an independent type of electoral system and as an element of a mixed electoral system. At the same time, the requirements

that the proportional electoral system must comply with in order to ensure the observance of the rights of citizens and their associations in the conditions of its independent application in municipal elections have been determined. The indicated requirements are proposed to include: 1) the presence at the local level of party organizations and other associations of citizens empowered to nominate lists of candidates; 2) the presence of guarantees of passive suffrage by citizens or groups of citizens, who are not members of political parties, and do not wish to be nominated within their lists of candidates; 3) the distribution of such a number of deputy mandates according to the proportional electoral system, which does not allow distortion of the principle of proportionality, as well as the emergence of a situation when the distribution of mandates is completed before the last list of candidates that overcome the barrier receives at least one mandate.

5. Based on the analysis of the practice of municipal elections, it is substantiated that the use of a proportional electoral system, as a rule, contributes to the formation of multi-party representative bodies of municipalities. However, with a small number of deputy mandates, the method of their distribution becomes important, since the choice of one or another method of distributing mandates can have a significant impact on the balance of political forces in the elected body. It was established that the transition from the use of the Hare quota to the use of the Imperiali method in determining the results of municipal elections held using a proportional electoral system, which occurred in the constituent entities of the Russian Federation in 2008-2014, revealed cases of distortion of the principle of proportionality in the distribution of mandates.

6. It has been determined that the use of the municipal elections unrelated mixed electoral system leads to the production of the majority in the composition of representative bodies of deputies from the political parties whose candidates have won elections in the majority of single-member districts, even if the party on the basis of voting for party lists did not receive such a significant majority of votes. This leads to a distortion of the proportional nature of representation, since in such a situation there is a significant gap between the number of votes received

by a political party and the number of mandates in a representative body that its representatives receive as a result of elections. It is substantiated that the widespread use of the proportional electoral system in municipal elections in 2011-2013 mainly led to the imitation of political competition while maintaining the dominance of deputies from one party in the representative bodies. Nevertheless, the formation of multiparty representative bodies at the local level, as a result of the application of the proportional electoral system, helped to eliminate the most striking political imbalances associated with the loss of votes, which occurs when using the majority electoral system of relative majority.

7. It has been determined that a proportional electoral system with open lists of candidates is preferable for use in municipal elections, since it provides an opportunity for voters to influence directly the personal composition of the elected representative body. However, the effectiveness of the application of this system largely depends on the preparedness of voters for its use, as well as their awareness. In other cases, the use of open lists may either have no effect on the subsequent distribution of mandates, or lead to distortion of the voters' will. It was revealed that the experience of using the open-list system in the Russian Federation indicates the need for high-quality information and explanatory work with voters before its implementation, which can become an important educational and educational task for the legal community.

8. A proposal has been formulated to use a mixed, linked electoral system in municipal elections, including a proportional electoral system as one of the elements. It has been substantiated that the use of a mixed, interconnected electoral system will ensure a more equitable distribution of deputy mandates and prevent political forces from receiving the majority in the representative body of the municipality at the expense of single-mandate deputies that do not directly receive the support of the corresponding number of voters. Also, the use of a mixed electoral system will preserve for citizens who cannot or do not want to be nominated as candidates from political parties, the possibility of independent exercise of passive suffrage.

9. The necessity of making the following changes to the legislation has been substantiated:

- to amend paragraph 3 of the Article 23 of the Federal Law of October 6, 2003 No. 131-FZ "On the General Principles of Organization of Local Self-Government in the Russian Federation", providing for the mandatory use of a proportional or mixed electoral system in elections of deputies of representative bodies of city districts, as well as establishing that in the case of a mixed electoral system, at least half of the total number of deputy mandates should be subject to distribution according to the proportional system in order to prevent distortion of the principle of proportionality and granting unfounded voting results to the political force whose candidates won victories in the majority of single-mandate constituencies;

- to amend part 3 of Article 32 of the Federal Law of June 12, 2002 No. 67-FZ "On the Basic Guarantees of Electoral Rights and the Right to Participate in a Referendum of Citizens of the Russian Federation", as well as to the legislation of the constituent entities of the Russian Federation aimed at providing the right to nominate lists candidates in municipal elections to public associations, in the charter of which, in accordance with Article 27 of the Federal Law of May 19, 1995 No. 82-FZ "On Public Associations", the possibility of participation in elections is enshrined in order to create an opportunity to reflect the entire spectrum of interests of local community. Also, in order to ensure the implementation of passive electoral rights by citizens who are not members of political parties, public associations and do not want to be nominated as part of their lists of candidates, it is proposed to consider the possibility of giving the right to nominate lists of candidates for municipal elections to groups of citizens unorganized in public associations. To do this, establish requirements for such groups, provide them with the opportunity to register as electoral associations and nominate a list of candidates, subject to receiving the support of a certain number of voters with the extension to them of the rights, obligations and restrictions established for other electoral associations;

- to make clarifying amendments to Articles 3 and 36 of the Federal Law of July 11, 2001 No. 95-FZ "On Political Parties", Article 35 of the Federal Law of June 12, 2002 No. 67-FZ "On Basic Guarantees of Electoral Rights and the Right to Participate in referendum of citizens of the Russian Federation ", as well as in the legislation of the constituent entities of the Russian Federation, aimed at regulating the legal status of local branches of political parties, in respect of which there is no obligation to undergo state registration, as part of their participation in municipal elections as electoral associations, and the consolidation of a formally defined the procedure for confirming the fact of the creation of such electoral associations, delegating their rights and powers to authorized representatives and an authorized representative for financial issues, participating in the financing of the election campaign, conducting election campaigns and in other electoral procedures provided for by law.

The theoretical significance of the work lies in the fact that it comprehensively and systematically analyzes the theoretical, normative and practical aspects of using the proportional electoral system in municipal elections in the Russian Federation, identifies gaps in electoral legislation that create conditions for violating the political rights of citizens and their associations, and elaborates mechanisms overcoming them.

The practical significance of the dissertation research is that its provisions can be used in teaching general courses on constitutional law, as well as special courses on electoral law and the electoral process.

The author's proposals for improving the electoral legislation can be used in the lawmaking process, both at the federal and regional levels, as well as in the lawmaking activities of municipalities.

Approbation of research results.

The results of the dissertation research were tested within the framework of the IV international scientific conference "Legal sciences: problems and prospects" in Kazan in May 2016 and the III international scientific and practical conference

"Modern jurisprudence: topical issues and development prospects" in Ufa in September 2016 year.

Based on the results of the dissertation research, the following articles in periodicals included in the list of HSE recommended journals:

Dementyev V.A. Voting Returns and Election Returns Under Mixed Electoral System: Local Government Elections in Russia // Legislation (Zakonodatelstvo). 2016. No. 11. P. 48-54.

Dementyev V.A. Primary Elections as a Means of the Local Electoral Process Legitimization // Journal of Russian Law. 2019. No. 9. P. 48-59.

Dementyev V.A. Ensuring Proportionality of Political Representation at The Local Level: Features and Problems // Journal of Russian Law. 2020. No. 3. P. 45-57.

Also, based on the results of the dissertation research, a monograph was published:

Dementyev V.A. Proportional Electoral System in the Mechanism of Municipal Elections. Dimitrovgrad: "UNIPress Publishing Center", 2019. - 160 p.

The structure of the thesis is determined by the purpose, objectives and logic of the research. The work consists of an introduction, two chapters, including six paragraphs, a conclusion, a list of sources used.

Dissertation Content

The **introduction** substantiates the relevance of the topic, identifies the goals and origins of the research, characterizes its theoretical foundations, scientific novelty, practical and theoretical significance, forms of approbation of research results, formulates the scientific provisions for defense, provides the structure of the work.

The first chapter "Theoretical and legal nature of the proportional electoral system" consists of three paragraphs.

The first paragraph "The concept and essence of a proportional electoral system" examines scientific approaches to the classification of electoral systems, identifies the main features of a proportional electoral system, gives the author's classification of the principles of a proportional electoral system and the author's definition of this constitutional and legal institution.

The idea is given that elections, as an institution of constitutional law and an element of political and legal reality, determine the main parameters of the legal and organizational structure of representative democracy operating in the state, ways of identifying and implementing the will of the people in relation to the elected public authorities and officials. At the same time, the definition of a specific mechanism for the implementation of elections as a constitutional and legal institution is inextricably linked with the concept of an electoral system.

Various approaches to defining the electoral system in “broad” and “narrow” senses are analyzed.

It is noted that the characteristics of the electoral system in a broad sense cannot be exhausted solely by analyzing its legal component. This approach impoverishes the understanding of the electoral system, since it excludes the integration of various areas of scientific knowledge.

Characterizing the scientific approach to defining the electoral system in a narrow sense, the author notes that the concept of an electoral system in a narrow sense, as a rule, boils down to its characterization as a way of holding elections and

determining the results of voting or the procedure for distributing mandates based on voting results.

Summing up the analysis of scientific approaches to the characterization of electoral systems, the author notes that their traditional division does not cover the entire variety of models used in world practice, and therefore it is more correct to speak not about two systems, but about two principles - majority and proportional, which can be implemented through various electoral procedures. In this regard, it is proposed that within each electoral system there are three components, namely: 1) the content of the vote; 2) the size of the constituency; 3) the rule for translating the votes received into mandates.

Based on the results of the analysis of the distinctive features of the proportional electoral system, the principles underlying it are formulated, regardless of the specific type of this electoral system. It is proposed to highlight general and special principles of a proportional electoral system: the principle of legality; the principle of justice; the principle of objectivity; the principle of the electoral meter; the principle of the eventual vote; the principle of voting for lists of candidates; the principle of multi-member constituencies; the principle of using the methods of distribution of mandates.

On the basis of this classification and the selected principles, the author formulates the following definition of a proportional electoral system. A proportional electoral system is a method for determining election results based on the distribution of deputy mandates in a representative body of public authority among the lists of candidates nominated in a single multi-mandate constituency by political parties or other eligible associations of citizens, based on the number of votes cast for each of the lists admitted to the distribution of mandates, and in accordance with the normatively established mathematical methodology for the distribution of mandates.

At the end of the paragraph, the author examines the issue of choosing one or another electoral system for holding elections to various public authorities. It is noted that the absence of an ideal election procedure is considered mathematically

proven, and therefore the issue of its choice for the formation of a certain public authority is, in fact, a search for a balance between various constitutionally significant values expressed in each of the principles underlying electoral systems. At the same time, the choice of the electoral system is also significantly influenced by many external factors, such as the balance of political forces in society, the level of its development, the traditions prevailing in it.

The second paragraph "Formation and development of a proportional electoral system in the formation of public authorities" discusses the genesis of the proportional electoral system as a channel for the formation of public power, analyzes the views of public and political thinkers, as well as legal scholars on the proportional electoral system and its role in reflecting preferences of different population groups. It is noted that among the reasons that led to the emergence of a proportional electoral system are the need to overcome the loss of a large number of votes, low representativeness of representative bodies, a low level of legitimacy of the deputy corps, as well as a one-sided reflection of the political spectrum of society, characteristic of elections under the majority system.

The article analyzes the practice of using the proportional electoral system in Russia. It is noted that for the first time on a national scale, the proportional electoral system was applied in 1917 in the elections to the Constituent Assembly, and in the elections to local governments only in 1996.

The stages through which the application of the proportional electoral system in elections to local self-government bodies went from the beginning of the 1990s to the present are highlighted.

It is noted that the introduction of a proportional electoral system, which ensures the maximum possible account of the results of the will of voters, makes it possible to overcome the loss of voters' votes, providing an opportunity for various political forces to delegate their deputies to the representative bodies of municipalities, and gives a chance to parties other than the conditional "party of power" form full-fledged factions at the local level.

At the same time, the author draws attention to the fact that the active introduction of a proportional electoral system in municipal elections in 2011-2013 only led to an imitation of political competition, while fully preserving the dominance of deputies from the “majority party” in the representative bodies. However, the formation of multiparty representative bodies at the local level as a result of the use of a proportional electoral system helped to eliminate the most striking political imbalances associated with the loss of votes when using the majority system of relative majority.

The third paragraph "The constitutional and legal framework for the use of a proportional electoral system in municipal elections in the Russian Federation" discusses the legal framework for the application of a proportional electoral system in municipal elections in the Russian Federation, analyzes the state of the legislation of the constituent entities of the Russian Federation in this area, formulates a legal model for the application of a proportional electoral system in municipal elections in the Russian Federation.

Separately, including in the light of the legal positions of the Constitutional Court of the Russian Federation, the issue of the admissibility of the use of a proportional electoral system in municipal elections is considered, which is a subject of discussion in the scientific community.

Based on the analysis of doctrinal sources and legal positions of the Constitutional Court of the Russian Federation, it is substantiated that the duality of the nature of local self-government does not prevent the use of a proportional electoral system in municipal elections, both as an independent type of electoral system, and as an element of a mixed electoral system.

The author draws attention to the fact that opponents of the use of a proportional electoral system at the local government level, rightly point to a number of shortcomings characteristic of the Russian model of using a proportional electoral system at the local level. Thus, with the almost widespread use of the closed-list system, the ways of voters' influence on the personal composition of the representative body are very limited. The proportional system

really excludes the possibility of recalling deputies elected on a party list, by virtue of the very essence of a proportional mandate, given to a collective entity, and not to a specific candidate. Conducting municipal elections exclusively in accordance with a proportional system under the current model of legal regulation also creates quite certain obstacles to the participation in elections of citizens who are not members of political parties.

In this regard, on the basis of an analysis of the doctrinal sources and legal positions of the Constitutional Court of the Russian Federation, expressed in the Decree of July 7, 2011 No. 15-P, the conditions are determined to which the proportional electoral system must meet to ensure the possibility of its application in municipal elections. As such conditions are distinguished: 1) the presence at the local level of party organizations and other associations of citizens entitled to nominate lists of candidates; 2) the availability of guarantees for the exercise of passive electoral rights by citizens or groups of citizens who are not members of political parties and do not want to be nominated as part of their lists of candidates; 3) the distribution of such a number of deputy mandates according to the proportional electoral system, which does not allow distortion of the principle of proportionality, as well as the emergence of a situation when the distribution of mandates is completed before the last list of candidates that overcome the barrier receives at least one mandate.

In order to take into account, the above legal positions of the Constitutional Court of the Russian Federation, the author proposes to grant the right to nominate lists of candidates for municipal elections to public associations in order to create an opportunity to reflect the entire spectrum of interests of the local community during elections and guarantees the exercise of passive suffrage by citizens who are not members of political parties.

Also, the author proposes to use a mixed connected electoral system in municipal elections. It is substantiated that the use of a mixed interconnected electoral system will ensure a more equitable distribution of deputy mandates and prevent those political forces that do not receive the support of the corresponding

number of voters from obtaining a majority in the representative body of the municipality at the expense of single-mandate deputies. Also, the use of a mixed connected electoral system will preserve for citizens who cannot or do not want to be nominated as candidates from political parties, the possibility of independent exercise of passive suffrage.

At the end of the paragraph, the author notes that the urgency of the issues of improving the institution of municipal elections, including the need for further fruitful understanding of the grounds, conditions and limits of application at the level of local self-government of types of electoral systems, including proportional, seems quite obvious. In turn, the changes taking place at the level of the regulatory framework of municipal elections demonstrate the absence of conceptually defined approaches on the part of the legislator, situational, inconsistent and multi-vector decisions made, which do not always have the necessary doctrinal and expert justification.

Nevertheless, the introduction of a proportional electoral system at the local level, according to the author, is a necessity, since in the political conditions prevailing in the Russian Federation, the use of a proportional electoral system can create conditions for the development of political competition at the level of local self-government and overcoming political monopoly. However, one cannot but take into account the fact that the Russian model of a proportional electoral system requires adaptation for its application at the local level, necessary to take into account the legal positions of the Constitutional Court of the Russian Federation, and is expressed mainly in the expansion of the number of subjects entitled to nominate lists of candidates.

The second chapter "Organizational and legal mechanism for using the proportional electoral system in municipal elections in the Russian Federation" consists of three paragraphs.

The first paragraph "Features of the legal status of electoral associations - subjects of a proportional electoral system" examines the features of participation in municipal elections of certain categories of electoral

associations and, mainly, local branches of political parties that do not have state registration.

In the author's opinion, the fundamental factor that distinguishes the status of an electoral association when nominating a list of candidates from its status when nominating candidates under the majoritarian electoral system is the legal personality acquired in this case by the electoral association, and full participation in the election campaign not as a subject of nomination, but as "Collective candidate".

Through a comprehensive analysis of legislation and law enforcement practice, the author proves that the right of local branches of political parties to take part in municipal elections follows from the fact of registration of a given political party as a whole, and therefore, to participate in elections from a local branch of a political party, it is not required to undergo state registration.

At the same time, the author comes to the conclusion that the current Russian legislation is focused on the participation in the electoral process of those electoral associations that have the status of a legal entity (for example, political parties and their regional branches), and therefore there are gaps in the practice of applying electoral legislation regarding the participation in elections of local branches of political parties, which at the same time are the main participants in municipal elections held under the proportional electoral system.

However, the vast majority of local branches of political parties do not have state registration. The lack of state registration at the local branch of a political party means that its status, rights and obligations of the governing bodies are fully and completely determined by the charter of the political party, that it cannot independently enter into economic relations, including concluding agreements on a bank deposit and a bank account, that nowhere is it officially recorded which person and on what basis has the right to represent his interests and act on his behalf. However, the local branch of a political party, which does not have state registration, which nominates a list of candidates for municipal elections, is actually forced to exercise the rights of a legal entity.

Like any electoral association, a local branch of a political party that is not a legal entity is required to appoint an authorized representative for financial affairs and open a special electoral account. The performance of these actions does not raise questions if they are carried out by an electoral association - a legal entity, but in relation to the electoral association in question, this means that it thus de facto acquires the rights of a legal entity, although it cannot do this due to the nature of its status.

In this regard, the author proposes to regulate the legal status of local branches of political parties, in respect of which there is no obligation to undergo state registration, within the framework of their participation in municipal elections as electoral associations in order to overcome the inconsistency of the legislation and adapt the electoral procedures enshrined in the legislation for this kind electoral associations.

In the second paragraph "Features of the application of the proportional electoral system in municipal elections" the author analyzes the features, problems and risks associated with the participation of electoral associations in municipal elections held under the proportional electoral system.

In this regard, certain features of the legal regulation of the municipal electoral process in the legislation of a number of subjects of the Russian Federation are considered.

Particular attention is paid to the issues of determining the election results. The author carried out a practical analysis of the influence of the method of distributing mandates on the election results, on the basis of which it was concluded that in the conditions of the distribution of a small number of deputy mandates, the choice of the method can have a significant impact on the nature of the distribution, provide unjustified by the actual result of voting, advantages to certain election participants.

The author also considered the features of the unrelated application of the proportional electoral system and the majoritarian electoral system of the relative majority in municipal elections, which in the modern conditions of the Russian

Federation actually leads to distortion of voting results and the provision of a significant advantage to the political party, the majority of whose candidates won the elections in single-mandate constituencies.

The third paragraph "Problems of the development of a proportional electoral system at the local government level" discusses various ways to increase the degree of legitimacy of municipal elections held under the proportional electoral system, expanding the ability of voters to influence the personal composition of the elected representative body of local government.

One of such methods, according to the author, is the use of an open list system. However, despite the seemingly democratic nature of the open list system, it is not without its drawbacks. In particular, the use of an open-list system complicates the counting of votes. But one of the most significant obstacles to its implementation in the practice of municipal elections is that it requires a high level of awareness and literacy of voters. At the same time, as the practice of holding elections using the open list system shows, a significant part of voters do not use the right to vote for specific candidates on the list, which significantly reduces the effectiveness of its use.

The author concludes that the experience of using the open-list system in the Russian Federation indicates the need for high-quality information and explanatory work with voters before its implementation, which can become an important educational and educational task for the legal community. But at the same time, the positive effect of using open lists in municipal elections should not be divorced from the problem of increasing the role of representative bodies in the implementation of local self-government and, as a consequence, increasing citizens' interest in elections of this level.

The author also considered the problem of decreasing the legitimacy of municipal elections due to the low level of voter turnout and analyzed the possibility of using the institution of preliminary voting in order to increase voter turnout.

It is noted that in conditions of a low level of political activity of voters, when the holding or not holding of preliminary voting by the parties does not influence the legitimization in the public consciousness of the nomination of certain candidates and does not give any electoral effect, except for the early start of the election campaign, which not everyone can afford. political forces, one should not expect an increase in the interest of parties in these procedures.

The **conclusion** summarizes the results of the dissertation research, and also formulates some recommendations for improving the legal regulation of the institution of municipal elections in the Russian Federation.

Articles in periodicals included in the list of HSE recommended journals:

1. Dementyev V.A. Voting Returns and Election Returns Under Mixed Electoral System: Local Government Elections in Russia // Legislation (Zakonodatelstvo). 2016. No. 11. P. 48-54.
2. Dementyev V.A. Primary Elections as a Means of the Local Electoral Process Legitimization // Journal of Russian Law. 2019. No. 9. P. 48-59.
3. Dementyev V.A. Ensuring Proportionality of Political Representation at The Local Level: Features and Problems // Journal of Russian Law. 2020. No. 3. P. 45-57.

Also, based on the results of the dissertation research, a monograph was published:

Dementyev V.A. Proportional Electoral System in the Mechanism of Municipal Elections. Dimitrovgrad: "UNIPress Publishing Center", 2019. 160 p.