

SUMMARY

The topic of the final qualifying work: "Constitutional and legal foundations of the organization and conduct of municipal elections in the Russian Federation"

Author of the WRC: Mnatsakanyan Vadim Valerievich

Scientific supervisor of the FQP: Candidate of Legal Sciences, Associate Professor, I.A. Alekseev

Relevance of the research topic: the development of local self-government is directly dependent on the development of democratic institutions in society. Local self-government, as a form of democracy, directly depends on the direct involvement of the population in managing the affairs of the local community. One of the forms of direct democracy is municipal elections - the formation of local government bodies, as well as the election of local government officials. In view of what, this type of elections, as a form of direct democracy, develops into a representative democracy. Also, municipal elections remain one of the fundamental and frequently used forms of direct democracy in the exercise of the right to local self-government.

Purpose of the work: research of scientific achievements in the field of theoretical and legal study of the institution of municipal elections, as a fundamental form of implementation of local self-government, allowing to reveal the essence and specific features of municipal elections.

Tasks:

study of the place and role of the institution of municipal elections in the system of democracy;

study of foreign experience in regulating the preparation and conduct of local elections, with the subsequent possible borrowing of this experience;

study of the stages of preparation and conduct of municipal elections, based on an analysis of the existing regulatory legal framework of a federal and regional nature, existing problematic issues in this area, followed by a proposal for solutions;

study of the status and powers of election commissions participating in the preparation and conduct of municipal elections, identification of existing conflicts, as well as ways of solving these problems;

considering separately the stage of financing municipal elections, in particular financial control in the field of municipal elections;

the practice of implementing norms in the field of preparation and holding of municipal elections, as well as possible ways to improve certain stages of preparation and conduct of municipal elections.

The theoretical and practical significance of the research results lies in a comprehensive study of the institution of municipal elections. In the course of the research, we studied the historical experience of Russia in the field of holding local elections, analyzed the chain of development of this institution up to the present. The regulatory framework for regulating the institution of municipal elections not only at the federal but also at the regional level has been analyzed. The provisions put forward for defense in essence allow us to reveal the object of research, which made it possible to highlight the problematic issues in this area, the solution of which will contribute not only to the comprehensive realization of electoral rights and the right to local self-government of citizens, but will also increase the importance of the institution of municipal elections for the population.

Research results.

Based on the results of the study, we came to the following conclusions and conclusions:

1. Specific functions of the institution of municipal elections. In the course of the study, we have identified the specific functions of the institution of municipal elections, which define this institution as a fundamental form of local self-government, as well as a way of institutionalizing public authority at the local level. These features include:

- legitimization function. As noted above, the purpose of municipal elections is to legitimize public authority in the local community;
- control function. Municipal elections act as a means of control by the local community over the elected institutions of public authority;
- a representative function. The institution of municipal elections serves as a means of determining the composition of the representative body of local self-government, the election of specific officials, as a result of which, the main directions of the local community's activities for the near future are determined;
- guaranteeing function. The obligation and frequency of elections serves as a guarantor of the participation of the population in the management of the affairs of the local community.

2. The institution of municipal elections is a way of institutionalizing public authority at the local level. A democratic state in its essence presupposes an increase in the participation of the population in its governance of the state, an increase in the population's initiative in such governance, as well as in resolving issues of local importance, an increase in the share of participation of public associations in the life of the state, consideration of the opinion of such associations in the social sphere, the widespread use of direct institutions. democracy in government.

3. Municipal elections are a fundamental form of local self-government. The essence of local self-government is explained by its borderline state between society and state institutions, as well as by its specific properties due to its proximity to the population. The degree of development of local self-government in a particular state directly depends on the development of democratic institutions in society. One of these institutions is the institution of elections. With regard to local self-government, the institution of elections enters into a direct form of implementation of local self-government.

Elections at the municipal level are based on the following principles: compulsion, frequency of elections, alternativeness and voluntary participation in elections.

4. Borrowing the French experience of legal regulation of elections in the country through the adoption of a unified electoral code. The French experience of adopting a single normative act in the field of the electoral process will make it possible to structure the norms of electoral law in Russia due to their fragmentation. As it was possible to notice in the course of the study, the norms of electoral law in Russia can be contained in various acts, which contributes to the emergence of collisions that negatively affect the legal space. A unified normative act in the field of the electoral process will simplify the application of the norm in practice.

5. Abolition of the electoral commission of the municipal formation, as the subject of municipal elections. In view of the study of the role of election commissions in the conduct of municipal elections, we concluded that it is necessary to abolish such a subject of the electoral process as the election commission of a municipal formation. This kind of conclusion was made on the basis of the following reasons:

- a) the non-binding nature of the creation of a municipal electoral commission;
- b) the undefined status of the election commission of the municipality.

The formation procedure, powers, term of office are defined in the charter of the municipal formation. This principle does not apply to the election commission of the municipality;

- c) an open question about the subordination of election commissions of municipalities of different levels;

d) the possibility of transferring the powers of the election commission of a municipal formation to a territorial or precinct commission operating within the boundaries of the municipal formation;

e) saving budgetary funds of the municipal formation;

f) elimination of conflicts of federal legislation in the area under consideration.

6. The need for legislative regulation of election campaigning using the Internet. The population more and more often use the Internet as a means of obtaining operational and objective information, which is why this environment is increasingly used in the course of election campaigns. Such interest in the Internet cannot leave the state indifferent, especially since there is such a legislative vacuum in this area. Election campaigning via the Internet must be placed within the legal framework inherent in electoral legislation. In view of this, we offer a number of recommendations in this area:

a) development of terminology. So at the moment there is not even a legislative definition of the Internet media;

b) development of principles for election campaigning using the Internet;

c) determination of the legal status of the subjects of this type of pre-election campaign;

d) the possibility of conducting pre-election campaigning exclusively on the Internet media, registered in accordance with the procedure established by law on the territory of Russia;

e) the ability of election commissions to directly contact Roskomnadzor to block Internet sites.

7. Using remote electronic voting via the Internet. This type of voting fully complies with the principles of electoral law, allows you to save time, money, during elections. Summing up the voting results using this method will reduce the time for counting votes during elections, thus, the result of electronic voting can be known already on the voting day.

Recommendations:

It is proposed to use a mixed electoral system in municipal elections, where half of the deputies are elected according to the proportional system, and the other according to the majoritarian system. The exception will be urban and rural settlements. At the moment, a proportional electoral system is used, which can be used in urban and rural settlements. This measure is aimed at increasing party activity on the ground.

Taking into account the guarantees of the electoral rights of all subjects of municipal elections, it is proposed to provide an opportunity to nominate candidates from a political party under the proportional and majority system, and citizens and public associations exclusively on the majority system. Weak political activity of citizens and public associations cannot serve as a basis for limiting their free nomination of candidates. In view of this, it is proposed to consolidate the ability of public associations to freely nominate candidates for municipal elections.

It is also proposed to consolidate the possibility of automatic registration of citizens and public associations during municipal elections. For political parties, set the required number of signatures at 2% of the total number of voters. The author also proposes to increase the number of deputies of the representative bodies of municipalities, which will allow the interests of all subjects of municipal elections to be observed, to a greater extent to take into account the will of the population, and to increase the representation of interests at the local level.

We propose to exclude from the electoral legislation such a subject as the electoral commission of a municipal formation, due to the uncertainty of its status.

The fundamental method for improving municipal elections is electronic voting, which will allow to attract large segments of the population to municipal elections, and ultimately increase the authority of municipal elections as such. The most promising, according to the author, looks like electronic voting using the Internet, which will reduce the time for voting itself and summing up its results, when the result can be known on the same day.

Thus, it is more expedient to talk about the institution of municipal elections as the fundamental form of local self-government in the Russian Federation. This institution has deep roots in our country, serves as a method of institutionalizing public authority at the local level. However, due to the many legislative collisions, this institution has many difficulties in the course of implementation, which requires legislative improvement, which will not only improve the legislative framework for municipal elections, eliminate existing conflicts, but also guarantee the implementation of the electoral rights of the population at the local level in full. Also, the technical improvement of the voting process and summing up the results of municipal elections will increase the authority of the institution of municipal elections and attract large segments of the population to their participation.

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