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IFES *International Foundation for Electoral Systems*

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FINAL REPORT ON THE US-USSR ELECTION EXCHANGE

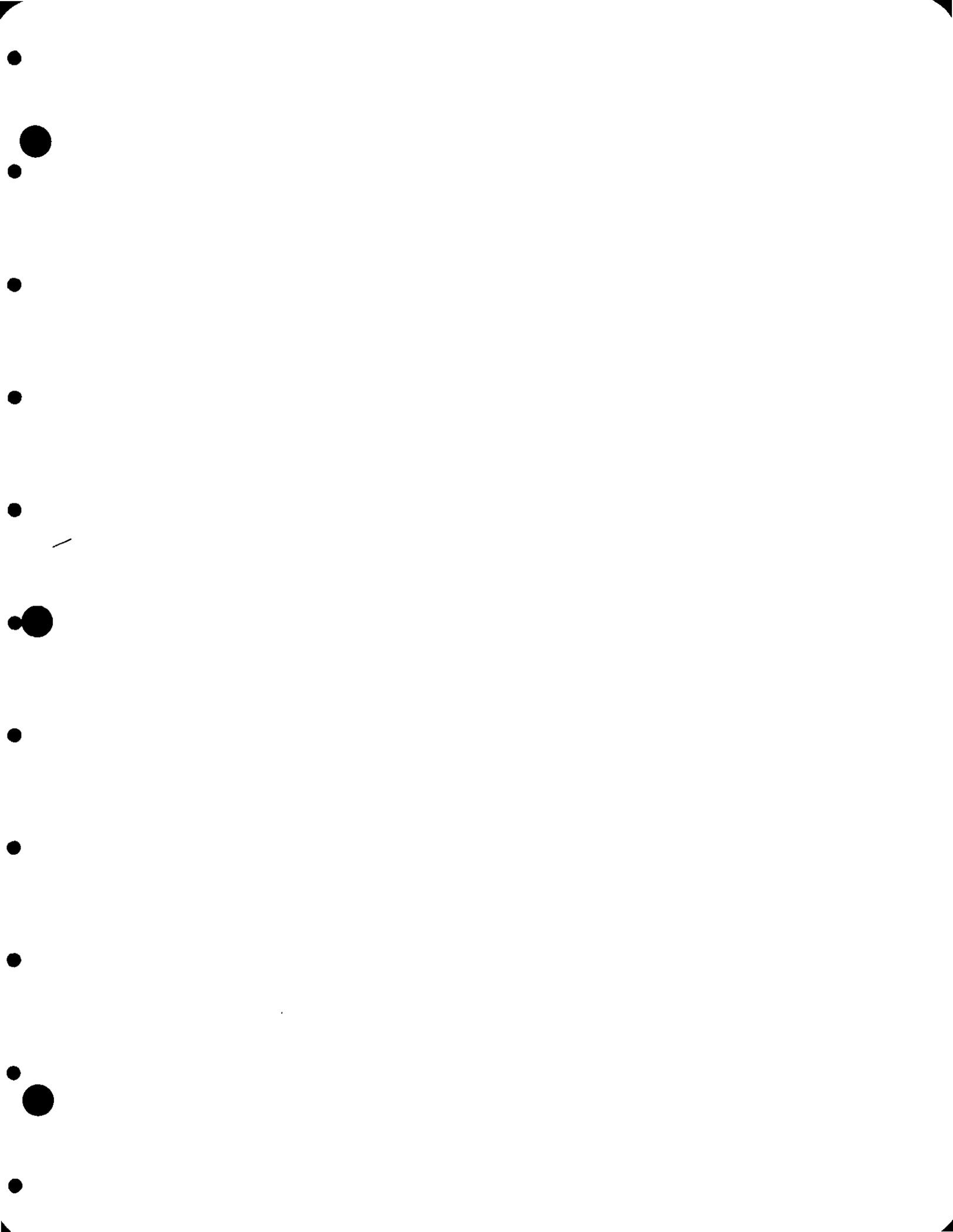
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FINAL REPORT TO THE CHARLES STEWART MOTT FOUNDATION
ON THE US/USSR ELECTION OFFICIAL EXCHANGE PROJECT
GRANT #89-122
SEPTEMBER 1989

THE INTERNATIONAL FOUNDATION FOR ELECTORAL SYSTEMS
1620 I STREET, NW, SUITE 611
WASHINGTON, D.C. 20006

TABLE OF CONTENTS

	Section
IFES EXECUTIVE SUMMARY	I.
FINANCIAL INFORMATION	II.
FEC REPORT ON VISIT TO SOVIET UNION	III.
ATTACHMENTS	IV.



IFES EXECUTIVE SUMMARY

Grant Objective and Project Overview

The International Foundation for Electoral Systems (IFES) received a grant in the amount of \$25,000 from the Charles Stewart Mott Foundation to:

"Provide travel costs-airfares for 14 U.S. election officials to the Soviet Union - June 1989."

The U.S. Federal Election Commission (FEC) was invited to come to the Soviet Union by the Central Electoral Commission (CEC) of the Soviet Union. A thirteen member delegation including the six FEC commissioners, six key FEC staff members and the Director of IFES traveled to the Soviet Union on June 4-14, 1989. The cost of the trip was paid for with the funds of the Mott Foundation.

This trip was very successful and resulted in laying the groundwork for continued dialogue. The FEC's trip represents the first of a three part exchange project between the United States FEC and the Soviet CEC. The second part will be the visit of the Soviet CEC to the United States to observe our election procedures, and the final part will be the establishment of an ongoing information exchange project.

Project Narrative

During the course of the ten day visit to the Soviet Union the FEC delegation participated in extensive meetings with the Soviet CEC. The primary purpose was to exchange information about the election process in the U.S. and the U.S.S.R. There was a great deal of discussion regarding the composition and authority of both the FEC and the CEC.

The topics discussed included election administration, campaign financing, candidate selection, campaign procedures, use of media, election procedures, election law, electoral reform, the role of parties, and the role of women in the political process.

The cities visited were Moscow, Leningrad and Kiev. The FEC delegation also held meetings with numerous members of the Supreme Soviet of the U.S.S.R. including Moscow Deputy, Boris Yeltsin. Meetings were also scheduled with the Supreme Soviet of the Ukrainian S.S.R. and the City Soviet's of Moscow, Leningrad, and Kiev.

Among the highlights of the trip was a meeting with the First Vice President of the Soviet Union, Anatoliy Lukyanov and visit to a session of the Congress of Peoples Deputies.

General Observations

The invitation to the FEC to visit the Soviet Union to discuss the topic of elections symbolizes the tremendous change now underway in the U.S.S.R. Soviet leader Mikhail Gorbachev's policies of glasnost and perestroika have had a profound impact on the structure of government in the Soviet Union. In 1989 the Soviet Union experienced its first semi-competitive elections since 1917.

The elections were conducted and supervised by the Central Electoral Commission. This 35 member commission, under the leadership of Chairman Vladimir Orlov, was in charge of overseeing the elections in all 15 republics of the U.S.S.R. On the whole, it appears that the Commission did a very good job considering the short time frame they were given in which to organize the elections. The CEC is studying election procedures in other countries in order to improve their system. They are especially interested in the electoral system of the United States, which is why they invited the FEC to come to the Soviet Union.

Although there appears to a genuine commitment to open up the electoral process and to permit a degree of pluralism, the changes in the Soviet Union should not be mis-interpreted. The increased competition and pluralism has basically taken place within the context of the ruling Communist Party. The Soviet decision makers that we met with all said that multi-party elections and the direct election of the President were not possible in the foreseeable future.

Nevertheless, the changes that have occurred under the policies of glasnost and perestroika are extremely important. The United States should do everything possible to encourage the trend towards democratization. One positive way to do this is to continue the dialogue between the U.S. Federal Election Commission and the Soviet Central Electoral Commission.

Implementation of Parts II & III

The second part of the exchange project is the visit of the Soviet CEC to the United States. This should take place either in November 1989 or 1990. The Soviets expressed their desire to come to the U.S. to observe an actual election. They would also like to talk to local state election officials who make the election process work in the United States.

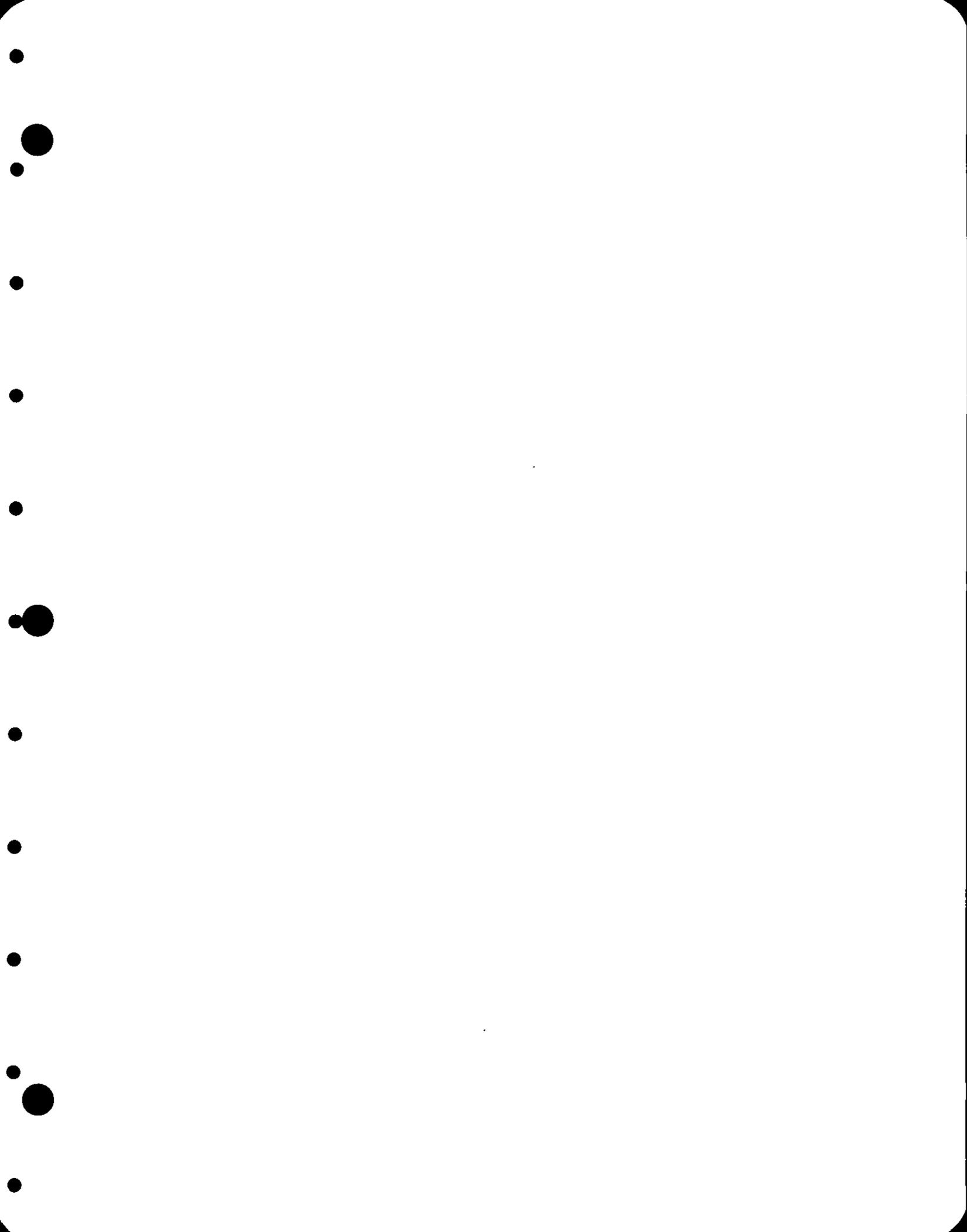
The third part is to develop an ongoing election information exchange project. One specific example would be to assist the Soviet CEC in establishing an election information clearinghouse in the Soviet Union. The FEC has such a clearinghouse that provides information to state and local election boards in the United States. One of the biggest problems that the Soviets encountered was a serious lack of information as to proper election procedures and knowledge of the electoral law by local election officials. This problem was especially acute in the more rural areas of the U.S.S.R. Such a clearinghouse would help promote fairness and make elections run smoother.

Conclusion

An important dialogue has begun between the U.S. Federal Election Commission and the Central Electoral Commission of the Soviet Union because of the generous financial support of the Charles Stewart Mott Foundation. The FEC's trip to the Soviet Union was very important both from the standpoint of sharing election information and because it contributed to increased understanding between our two countries.

The attached report from the FEC outlines in great detail all of the issues discussed as well as the Soviet officials who met with the FEC delegation. Also attached are copies of press reports that appeared in the Soviet press during the visit.

The International Foundation for Electoral Systems and the Federal Election Commission would like to express their sincere gratitude to the Charles Stewart Mott Foundation for making this important and historic trip possible.



FINANCIAL REPORT

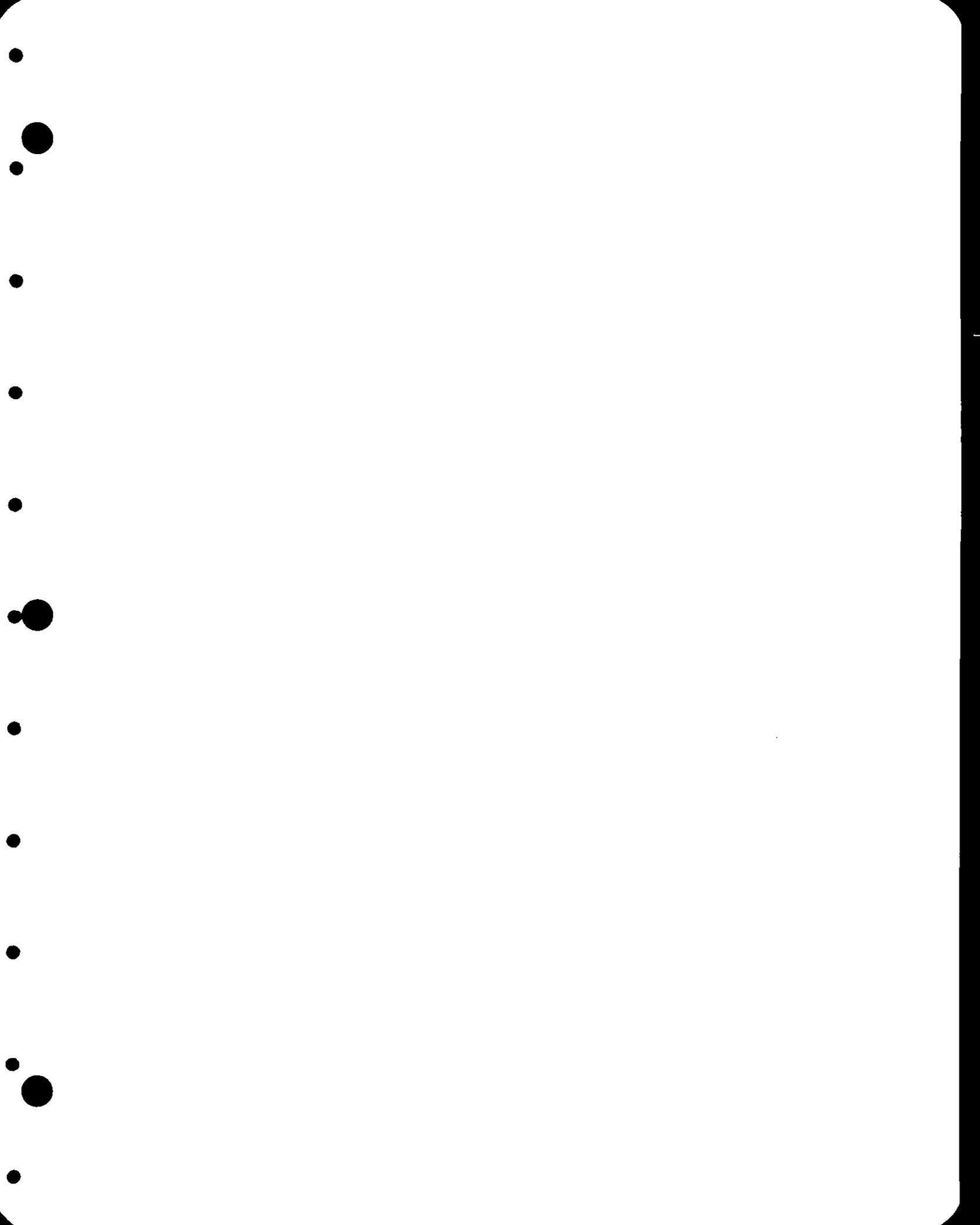
Grantee International Foundation for Electoral Systems

Program Title US/USSR Exchange of Election Officials Grant #89-122

Period 06/01/89 - 12/31/89 Months Ended _____
(number)

<u>Budget Description</u>	<u>A</u> <u>Original</u> <u>Budget</u> <u>Amount</u>	<u>B</u> <u>Line</u> <u>Item</u> <u>Transfers</u>	<u>C</u> <u>Adjusted</u> <u>Budget</u>	<u>D</u> <u>Cumulative</u> <u>Expenditures</u>	<u>E</u> <u>Payables</u> <u>(as defined in</u> <u>Commitment letter)</u>	<u>F</u> <u>Balance</u> <u>(Column C Less</u> <u>Columns D & E)</u>
Transportation for thirteen* election officials to USSR June 4 - 14, 1989: -Airfare -Hotel and meals -Three floral wreaths for official ceremonies	25,000		24,503	24,503	24,503	497
TOTALS	<u>\$ 25,000</u>	<u>\$</u>	<u>\$24,503</u>	<u>\$ 24,503</u>	<u>\$24,503</u>	<u>\$ 497</u>

*Fourteen election officials were originally scheduled to go to the USSR but one dropped out of the exchange trip.



FEDERAL ELECTION COMMISSION

**REPORT ON THE VISIT
BY THE
FEDERAL ELECTION COMMISSION
TO THE SOVIET UNION
JUNE 1989**



Washington, DC
September 1989

REPORT ON THE VISIT BY
THE FEDERAL ELECTION COMMISSION
TO THE SOVIET UNION
JUNE 1989

TABLE OF CONTENTS

	Page
OVERVIEW AND FINDINGS	1
REPORT	
I. Introduction	3
II. Election Issues.....	5
A. Congress of People's Deputies.....	5
1. Forum for Debate.....	5
2. Broad Representation and Quotas.....	7
B. Electoral Commissions.....	9
1. Central Electoral Commission.....	9
2. Local Electoral Commissions.....	12
C. Popular Elections: Nomination Process.....	13
1. Initial Nominations.....	14
2. Narrowing the List of Candidates.....	16
3. Registration.....	19
D. Elections by Public Organizations.....	19
E. Campaign Funding.....	21
F. Other Campaign Issues.....	23
1. Running the Campaign.....	23
2. Right of Assembly.....	24
3. Campaign Advertising.....	25
G. Conduct of Elections.....	26
1. Voter Registration.....	26
2. Vote Counting.....	27
3. Fairness at the Polls.....	27
H. Role of Communist Party.....	28
III. Other Political Issues.....	33
A. Direct Election of the President.....	33
B. Pluralism.....	33
C. Professionalism Among Deputies to Supreme Soviet.....	35
D. Role of Women.....	36
IV. Electoral Reform.....	39
A. The Process.....	39
B. Content.....	40
V. Conclusion.....	41

APPENDICES

Page

A. American Participants.....	43
B. Meetings in the Soviet Union.....	45
C. Summary of Meeting with Vice President Anatoliy Lukyanov....	47
D. Summary of Meeting with the Central Electoral Commission....	55
E. Summary of Meeting with Deputy Boris Yeltsin.....	65
F. Questions Asked by Soviet Officials and Professors.....	71

REPORT ON THE VISIT BY
THE FEDERAL ELECTION COMMISSION DELEGATION
TO THE SOVIET UNION

JUNE 1989

OVERVIEW AND FINDINGS

In response to an invitation from the Central Electoral Commission of the Soviet Union, a delegation from the Federal Election Commission (FEC) visited the Soviet Union on June 4-14, 1989. The delegation, headed by Chairman Danny L. McDonald, consisted of the Commission's six commissioners and six staff, plus Richard Soudriette, the Director of the International Foundation for Electoral Systems, the nonprofit organization that helped fund the trip. Ambassador Jack Matlock accompanied the delegation at its meeting with Soviet President Anatoliy Lukyanov, and the Second Secretary from the American Embassy joined the delegation at most meetings with Soviet officials.

The purpose of the trip was to exchange information and ideas concerning the electoral process with Soviet election officials, winning and losing candidates for the Congress of People's Deputies, and academicians.

After conferring with Soviet officials and election law experts in Moscow, Leningrad and Kiev, the FEC delegation reports the following general findings.

1. This is a time of major change in all spheres of life: economic, political, legal, spiritual and psychological. The Soviet leadership believes that change in these areas is necessarily intertwined and exceedingly complex. To accomplish economic reform, changes in the political and legal systems are necessary.

2. The recent elections (March 1989) establishing the Congress of People's Deputies can be seen as a significant move toward democratization, in that they:
 - a. Permitted multicandidate elections;
 - b. Used a secret ballot; and
 - c. Utilized a nomination procedure that was designed to permit people in all walks of life to participate in the initial selection of nominees.

3. Despite the stated goal of democratizing elections, however, many problems in the electoral system remain. Officials at the highest levels of government noted some of these problems and said they are committed to correcting them. They noted, for example, the need to:
 - o Equalize the campaign resources available to candidates;
 - o Facilitate grassroots participation in the nominating process;
 - o Encourage multicandidate slates;
 - o Evaluate the role of district election meetings in narrowing the list of candidates;
 - o Reexamine the representation of public organizations in the Congress;
 - o Provide adequate public forums for candidates wishing to address their constituents;
 - o Strengthen the enforcement powers of the Central Electoral Commission; and
 - o Eliminate ambiguous language in the election law.

4. In reforming their laws and institutions, officials stated that they wanted to draw on the experience of the recent national elections, the constitutional laws of other countries, and the experience of Western nations in conducting free, democratic elections. Changes in the election law are expected by the end of the year--in time to govern local elections scheduled for the spring.^{1/}

5. Soviet leaders believe the new forms of government that are emerging will be uniquely Soviet, reflecting the experience of other nations, but modified to fit the Soviet context.

This report summarizes the discussions conducted during the 8-day trip. The material is grouped topically, with references to comments made at specific meetings. A list of meetings, indicating place and participants, is found in Appendix B.

^{1/}Following Soviet strikes in July, President Mikhail Gorbachev said that the 15 republics are free to hold their elections as early as the Fall of 1989 to help speed the pace of reform. Washington Post, July 25, 1989, p. A1.

REPORT ON
FEDERAL ELECTION COMMISSION DELEGATION'S
TRIP TO THE SOVIET UNION
JUNE 1989

I. INTRODUCTION

During the 8-day visit, the Federal Election Commission (FEC) delegation conducted nine meetings in Moscow, Leningrad and Kiev. It met with Vice President of the Soviet Union Anatoliy Lukyanov, the Central Electoral Commission of the Soviet Union, deputies to the Congress of People's Deputies, Boris Yeltsin (newly elected deputy and member of the Supreme Soviet), the Presidium of the Soviet of the Ukrainian SSR, the executive committees of the Soviets of a district in Moscow and of the cities of Leningrad and Kiev, members of local electoral commissions, and law and political science professors. The meetings covered a broad range of election-related topics including:

- o the composition and role of the newly elected Congress of People's Deputies;
- o the structure and functions of the Central Electoral Commission and local election commissions;
- o the nomination process;
- o the funding of campaigns and other campaign issues;
- o ballot access, voting and vote counting;
- o the role of the Communist Party in elections;
- o the role of women under perestroika;
- o the role of the People's Deputies; and
- o election reforms under consideration in the Soviet Union.

Additionally, officials described new economic initiatives in Moscow and Kiev.

All of the meetings followed a similar format. Typically, the 13 members of the FEC delegation sat on one side of a table while Soviet officials sat on the other. Discussions, facilitated by skilled interpreters provided by the Soviet government, were unstructured, allowing each side to ask questions of the other. While this approach fostered openness and informality, it sometimes made it difficult to ask follow-up questions and to pursue inquiries in depth.

This report summarizes the issues discussed during the official sessions, referring to specific meetings when appropriate.

Several appendices located at the end of the report supplement and clarify the report. The attachments are:

- A. A list of American participants.
- B. A list of the meetings, with names and dates.
- C. A summary of the meeting with Vice President Lukyanov.
- D. A summary of the meeting with the Central Electoral Commission.
- E. A summary of the meeting with Deputy Boris Yeltsin.
- F. A list of questions asked by Soviet officials and professors.

II. ELECTION ISSUES

The meetings focused on the new Soviet election law. For additional background on that law, the FEC delegation also consulted a recent report prepared by the International Human Rights Law Group entitled Red Carnations: Report on Soviet Elections in March 1989.^{2/} Excerpts from that document are included in this report at appropriate points to provide the legal context for the election issues discussed.

A. Congress of People's Deputies

1. Forum for Debate. Under the new Soviet election law, adopted in December 1988, 2,250 deputies serve in the Congress of People's Deputies, which was in session at the time of our visit. While the Congress is not a parliamentary body in the Western European sense, it does have the power to elect 422 members to the Supreme Soviet and to elect the President of the USSR.

In some respects it appeared to serve as a loosely structured, representative national town meeting. The body deliberated for three weeks on virtually every issue confronting Soviet society, airing a broad range of views including those opposed by top Soviet leaders. Debate was open, frank, critical, and sometimes radical. While the Soviet Congress does not have the power to adopt any laws, this year's Congress did establish several ongoing commissions within the Supreme Soviet to study issues of importance to the

^{2/}Russell H. Carpenter, Jr., Red Carnations: A Report on the March 1989 Soviet Elections, Washington, DC: International Human Rights Law Group, July 1989 (hereinafter cited as Report on Soviet Elections).

deputies (e.g., the 1939 Russo-Nazi pact concerning the Baltic states; women's affairs; and constitutional reform including changes in the election laws).

The Congress captivated the attention of Soviet citizens. Nearly everyone encountered by the FEC delegation--the drivers, government workers, office workers--were glued to radios and TVs, listening to the live broadcast sessions of the Congress. As one Soviet citizen remarked, "We discovered that we have great leaders whom we never knew before." Another citizen commented that no regular work was getting done.

The FEC delegation attended a session of the Congress--a rare opportunity that few Americans enjoyed--where it listened to speeches delivered in Russian and translated simultaneously into English. One deputy, a professor of Agricultural Science at Moscow State University, called for reform of Soviet political institutions to ensure the permanence of recent political changes. These included the subordination of the Communist Party to the governmental structure and the direct election of the President. He also demanded better housing for pensioners and students--not just for the Party apparachiks. President Mikhail Gorbachev, who presided over the meeting, periodically applauded, for example, when the deputy spoke generally of the need for political reform. Following this speaker, a woman deputy from a Far Eastern region addressed the problems of her native people, the plundering of their forests and the need to preserve their culture and language.

During the American delegation's meeting with Vice President Lukyanov, he emphasized the importance of the Congress as a forum for airing the concerns and emotions of the people. He said it enabled the government and Party leadership to understand what Soviet citizens were thinking. Mr. Lukyanov distinguished this process from earlier years when, he said, the Communist Party apparachiks placed a straight-jacket on the emotions of the people. He added, "Only on this basis can we see what our society is like, where the government stands in that society, and how to consolidate it."3/

2. Broad Representation and Quotas. A number of Soviet officials emphasized that the Congress of Deputies reflected all strata of Russian society. This was accomplished, they said, through three different categories of representation. The first category (750 deputies) distributes deputies according to population (much like the U.S. House of Representatives). The second category of deputies (750) represents ethnic regions--the 15 union republics and minority regions within those republics. These two categories are elected by popular vote.

The third category (750 deputies) consists of deputies elected by specific "public organizations" (such as the Communist Party, trade unions, scientist organizations, etc.). In effect, selection of deputies from the public organizations

3/Meeting with Vice President Anatoliy Lukyanov, June 13, 1989.

is carried out on a quota system. One hundred seats are designated, for example, for the Communist Party; 75 seats for women's councils united within the Committee of Soviet Women; 10 deputies from the USSR Red Cross and Red Crescent Societies; etc.^{4/}

All three classes of deputies sit in a unicameral body where the distinctions between their respective constituencies vanish.

The concept of an electoral quota system, to ensure representation of all strata in society, was reflected in other contexts as well. The American delegation learned, for example, that the Central Electoral Commission itself consists of 35 members drawn from the 15 republics and different public organizations.

The Vice Chairman of the Central Electoral Commission, Ms. A. Fidulova, raised the quota issue in regard to the representation of women. Commenting on the difficulties that women in both the USA and the USSR have in getting elected to public office, she asked whether the United States had considered guaranteeing women a certain number of seats in its legislature.

4/Izvestiya, December 28, 1988; Foreign Broadcast Information Service (FBIS), December 29, 1988; reported in: Report on Soviet Elections, Appendix VI.

B. Electoral Commissions

The Congress of Deputies was elected in March and May 1989. The Central Electoral Commission, the host of the FEC delegation, was responsible for organizing and carrying out these elections throughout the Soviet Union. Subordinate structures--regional and local electoral commissions--were established in every electoral district, in workers collectives, and in public organizations. They were responsible for actually administering the nomination, campaign and balloting process.

1. Central Electoral Commission. The Central Electoral Commission, headed by Vladimir Orlov, consists of 35 members representing the 15 republics and various public organizations. Members are appointed for a 5-year term. If a member is nominated as a candidate, he or she must resign from the Commission. Only the chairman is paid a salary, while the other members are reimbursed for expenses. At the height of the elections, approximately 100 staff supported the Commission's activities.^{5/}

Soviet officials indicated that the Central Electoral Commission has no legal authority to interpret the election law; only the Supreme Soviet can do that.^{6/} In actual practice, however, the Central Electoral Commission was frequently called upon to explain or interpret the law--and did so.^{7/}

^{5/}Meeting with Central Electoral Commission of the USSR, June 6, 1989.

^{6/}Meeting with Soviet Professors of Law and Political Science, June 8, 1989.

^{7/}Meetings with Central Electoral Commission, with Moscow Deputies to the People's Congress (June 6, 1989) and with Executive Committee of Soviet of Kirovskiy district in Moscow. (June 7, 1989).

Interpretations were formulated in a variety of ways. Sometimes staff would give their interpretations; or Commissioners, acting independently, would provide explanations. In one case, where staff said one thing and Commissioners another, the staff person was "sent back to study more."^{8/} For more serious questions, a meeting of several commissioners or the full Commission would provide guidance.^{9/} The public, however, did not have access to the Commission's interpretive rulings; this in itself became a problem.^{10/}

The Commission received 8,000 complaints^{11/} concerning the implementation of the law and the conduct of campaigns.^{12/} Initially reviewed by local commissions, complaints could be appealed to the Central Electoral Commission, whose judgment was final.

8/Meeting with Soviet Professors.

^{9/}"According to the Chairman, the Commission endeavored to give district commissions the appropriate prompt explanations and recommendations through instructional letters and consultations via the mass media and also by replying directly to questions from election commissions, public organizations, and citizens." Pravda, Feb. 3, 1989 (Second Edition), and FBIS, February 6, 1989, at 62. The Report on Soviet Elections, Note 45, p. 41.

^{10/}Meeting with Executive Committee of Soviet Kirovskiy district, Moscow.

^{11/}"In this first election under the new Law, the Commission had received over 14,000 appeals or inquiries by election day, raising questions about the proper application of the Election Law and complaining about decisions of the electoral commissions or of local Soviets." Report on Soviet Elections, p. 14.

^{12/}Meeting with Central Electoral Commission.

The Central Electoral Commission said that many complaints stemmed from voters' lack of familiarity with the new law and from the lack of professionalism in the field; others arose from deficiencies in the law itself. All agreed that the election law would be modified on the basis of these complaints and the experience gained in conducting the first national elections.

Complaints dealt with a variety of issues related to nomination procedures and campaigning. For example, the Central Electoral Commission heard complaints that nomination meetings lacked quorums and that campaign advertising was unfair because some candidates used private or workplace resources, placing themselves at an unfair advantage over their opponents. (The law stipulates that all campaigns are to be paid for by the state.) A frequent complaint was that the nomination meetings selected candidates from outside their districts. (The law requires that, as a general rule, candidates reside or work within the district that nominates them.) Despite such complaints, the Central Electoral Commission confirmed the mandate of every candidate that had been elected.

When asked about its enforcement powers, the Central Electoral Commission observed that it could and did (in extreme cases) require local commissions to reverse their decisions on local complaints. Mostly, however, the Central Electoral Commission relied on persuasion. The Commission conceded it had limited power to enforce certain provisions of the law, such as the requirement that only the State could fund campaign advertising.

Deputy Boris Yeltsin asserted that the Commission had not acted on any of his complaints. As one example, he said he had complained that the official posters for his opponent, published by the Moscow Electoral Commission, had appeared 10 days before his own posters were displayed. He claimed the Commission never responded to his complaint, although a staff member of the Commission, present at the American meeting with Mr. Yeltsin, indicated there had not been enough time to publish Mr. Yeltsin's posters as scheduled.

By contrast, a Soviet professor told the FEC delegation that citizens had effectively brought election law violations to the public's attention by complaining to the press. He added that more legislation was needed concerning the enforcement of the election law.^{13/}

2. Local Electoral Commissions. In addition to administering the nomination process and the balloting, the local commissions ran the campaigns, renting public halls for meetings, publishing campaign literature, and ensuring access to TV.

The Central Electoral Commission was called upon to resolve complaints that some local electoral commissions were biased. The Central Commission told the FEC delegation that the local commissions lacked experience. They consisted of individuals who, after being nominated by public organizations,
13/Meeting with Soviet Professors.

groups of residents and workers collectives, were elected by local Soviets. Unlike the Central Electoral Commission, the local commissions did not appear to be permanent bodies.^{14/}

Popular Elections: Nomination Process

The Soviet election law provides that two-thirds of the deputies of the USSR "shall be elected in single-candidate districts on the basis of universal, equal and direct suffrage by secret ballot."^{15/} (The other one-third is nominated and chosen by the public organizations. See below, page 17.) The nominating process for candidates from the electoral districts involves three distinct steps:

1. Initial nominations by local meetings;
2. Narrowing the list of candidates by district election meetings; and
3. Registration of candidates by district electoral commissions.^{16/}

Discussions with Soviet officials and professors provided insight into how the Soviet nomination process worked in this year's election. (Descriptions of that process, taken from the Report on Soviet Elections published by the International Human Rights Law Group, have also been included.)

^{14/}Meeting with Central Electoral Commission.

^{15/}Report on Soviet Elections, p. 12.

^{16/}Ibid., p. 15.

1. Initial Nominations. The process begins with the nominating meeting:

Candidates may be nominated only by "work collectives, public organizations, neighborhood meetings and meetings of servicemen in military units..." (Art. 9) There is no provision for nomination by petition or by unorganized groups of voters. The inclusion of "neighborhood meetings" among the groups authorized to nominate--a new feature in the law--is a step in the direction of popular participation in the nominating process. But such neighborhood meetings must be called by a local Soviet [governing council] or by its presidium [executive committee] in conjunction with the district electoral commission, and at least 500 voters living in the territory of the electoral district must attend. (Art. 37.)^{17/}

Those attending the nominating meeting must first elect an executive committee to document its proceedings, certify its nominees, and attest to the fact that the requisite number of bona fide residents participated in the nomination.^{18/}

These neighborhood meetings proved problematic. Professors told the FEC delegation that sometimes the district soviets, charged with the responsibility of convening such meetings, failed to do so.^{19/}

^{17/}Ibid., p. 15.

^{18/}Comments by B. Yakoliv, Leningrad official, at meeting with Leningrad Electoral Commission and Executive Committee of Leningrad Soviet, June 9, 1989.

^{19/}Meeting with Soviet Professors.

In the meeting with the Presidium of the Supreme Soviet of the Ukrainian SSR, the FEC learned that some Soviet citizens had objected to the right of the local electoral commission to call neighborhood meetings to nominate candidates. Citizens believed the local commission had exercised too much authority over the selection process.^{20/} In fact, none of the three deputies present at this meeting had been nominated by neighborhood meetings; instead, collectives or public organizations had initially made their nominations.^{21/} The Ukrainian officials conceded that it was easier to organize meetings and conduct nominations in small enterprises, where five or 10 persons had the right to nominate a candidate^{22/}

The Federal Election Commission heard different views on the relative power of local authorities to control nominations.

20/Meeting with Presidium of the Supreme Soviet of the Ukrainian SSR, June 12, 1989.

21/"The great majority of nominations were made either by public organizations or work collectives. The delegation's [of the International Law Study Group] interviews identified three reasons for the relative infrequency of nominations by neighborhood meetings. First, the statutory requirements that a neighborhood meeting must be called by the local Soviets or their presidiums, and that at least 500 voters must attend, operated as deterrents or obstacles....Second, the neighborhood meeting mechanism was novel and unfamiliar...Third, during the nominating phase of the election process, many voters were uninterested in or skeptical about the elections." The Report on Soviet Elections, p. 27.

22/Meeting with Ukrainian Presidium.

Boris Yeltsin asserted that the neighborhood nominating meetings were manipulated by the authorities to get their own people nominated.^{23/} On the other hand, the Secretary of the Executive Committee of the Kirovskiy district in Moscow said she could never get nominated because, as part of the apparatus of a district Soviet, she was suspect. She said that citizens, recalling former days, held negative views of bureaucrats, even though she and many of her colleagues began working for the Soviet after perestroika and supported economic and political reforms.^{24/}

Members of the Central Electoral Commission also raised the issue of self nomination, stating that the right to nominate oneself had become a controversial matter. They sought American views on self nomination. The FEC delegation responded by explaining the American petition system, which guarantees some measure of broad public support.

2. Narrowing the List of Candidates. After the nominations have been made (by neighborhood meetings, work collectives, public organizations and military services), a district election meeting may be held to determine how many of the nominated candidates will be eligible for registration. (Art. 38.) These meetings are authorized by the district

^{23/}Meeting with Boris Yeltsin.

^{24/}Meeting with Executive Committee of the Soviet of the Kirovskiy District, Moscow.

electoral commission only if more than two candidates have been nominated in the same district.25/

Each body that has nominated a candidate is entitled to send representatives to the district election meeting in numbers (equal for all the nominating bodies) determined by the district electoral commission. The Law also provides that at least half the participants in the meeting must be voters from the district, representing work collectives, neighborhood meetings, or meetings of servicemen....26/

There was no uniformity in the results of these district election meetings: between one and 33 candidates for a single seat ended up on the ballot. Soviet officials said, for example, that in 9 districts between 8 and 13 candidates remained on the ballot. In 102 districts, between 2 and 7 candidates were on the ballot. In 50 districts, only 1 candidate was on the ballot.

By contrast, in the Kiev national territorial district, the committee refused to eliminate anyone, allowing all 33 nominees to remain on the ballot.27/ Kiev officials were generally critical of this situation, believing that it was impossible for voters to sift through 33 candidates on their own.28/ A professor criticized the entire process because he believed that a multicandidate ballot should have been mandatory.29/

25/Report on Soviet Elections, p. 16.

26/Ibid.

27/Meeting with Ukrainian Presidium.

28/Meeting with Executive Committee of the Kiev Soviet, June 12, 1989.

29/Meeting with Soviet Professors.

In sum, district election meetings reportedly eliminated two-thirds of the 6,811 nominations.^{30/} This reduction occurred, in part, because a number of candidates were nominated in several districts, but, under the law, each candidate could accept only one nomination. Once the candidate decided which district nomination he would accept, his or her name was removed from the ballot in the other districts.

Some district election meetings also eliminated candidates for failure to satisfy the residency requirement. Soviet officials believed the law on residency is not clear. It states, "Candidates for People's Deputies of the USSR shall, as a rule, be nominated from among citizens working or residing" within the district from which they are nominated. (Art. 37). Officials said the phrase "as a rule" was ambiguous, leading to inconsistent applications of the residency requirement. Local electoral commissions were asked to resolve such issues, and Soviet officials hoped the new law would clarify the residency requirement.

^{30/}"A total of 720 of the original nominees were not subject to elimination by district election meetings because they were contending for seats in districts in which only one or two candidates had been nominated. Of the remaining 6,811 original nominations, the district election meetings eliminated over two-thirds. This drastic reduction came about in a variety of ways. First...the Law entitles all bodies that nominate a candidate to send an equal number of representatives to the district meeting. In many districts, the Party's candidate was nominated by a number of different public organizations or other groups responsive to the Party's wishes, whereas candidates without the benefit of such political organizations were typically nominated only by the work collective at their place of work [and thus came to the meeting with little committed support]. Second...there were many complaints that

(continued)

3. Registration. At the conclusion of a district election meeting, the names of the candidates who receive a majority of the votes are sent to the district electoral commission. That body registers the candidates. Registration by the local commission appears to be automatic rather than discretionary.^{31/} After registration, the district electoral commission publishes a registration report containing the biographical information of the candidates.^{32/}

D. Elections by Public Organizations

One of the election topics under discussion in the Soviet Union is the provision allowing public organizations to elect one-third of the deputies in the People's Congress.

A separate election process is provided for choosing the 750 deputies elected by public organizations....The public organizations with a right to elect deputies are the Communist Party...the trade unions...cooperative organizations...the All-Union Leninist Young Communist League...women's councils...organizations of war and labor veterans...scientists' associations...and artistic unions. (Arts. 1, 18.) In addition, 75 deputies are allotted to unspecified "other public organizations that have been set up in accordance with the Law and have all-Union bodies." (Art. 18.)...Nominations

(continued from page 18)

district election meetings were packed by the Party....Third, some disfavored candidates had difficulties presenting their case at the meetings: There were complaints of denials of equal access to microphones....In most district election meetings, it was decided that the voting would be public rather than secret, and this may have deterred some participants from voting for disfavored candidates. Fourth, at some meetings it was agreed before the vote...that only a single candidate would be nominated....There were also nominees who appear to have been eliminated after an independent evaluation of their merits....In some districts the district election meetings decided not to perform a screening function, but instead to approve all the nominees and allow the voters to decide." Report on Soviet Elections, pp 28-29.

^{31/}Report on Soviet Elections, p. 16.

^{32/}Ibid., p. 17.

are to be made at a plenum, or full membership meeting, of an all-Union body. (Art. 39.).... Unlike the electoral districts, the public organizations do not hold an intervening meeting between the nominating meeting and the registration....The voting occurs at a congress, conference, or a plenum of the all-Union body of the public organization, or at joint sessions of such bodies of several public organizations. (Art. 51.)....Election by a plenum appears to allow the same body both to nominate the candidates and to elect the deputies. (Art. 51.) The election, however, is by secret ballot, whereas nominations may be by open or secret ballot at the option of the plenum. The voting is to take place no later than election day, but may be held up to 20 days before." Report on Soviet Elections, pp. 21-23.

This provision--an innovation of the 1988 law--was touted by many as ensuring broad representation of all strata within Soviet society. It was criticized by others, however, for a number of reasons. Some believe the new provision results in a disproportionately high representation of public organizations at the expense of territorial districts.^{33/} Each deputy has one vote. However, a deputy from a territorial district represents many more voters than does a deputy elected by a public organization.^{34/} Boris Yeltsin was highly critical of the system because the "public organizations don't have constituencies. They are not accountable to anyone. They

33/Meeting with Central Electoral Commission.

34/"The resolution of the Supreme Soviet calling for the March 26 election provides that each territorial district shall include 257,300 voters. In fact, the size of the...26 territorial districts in Moscow...showed an extremely broad range, from...139,326 voters...to...379,906 voters." Report on Soviet Elections, p. 13. By contrast, in the case of elections by public organizations, the deputy from the Academy of Sciences was elected by 1,108 members, and 641 votes were cast in the election conducted by the Communist Party's Central Committee. Report on Soviet Elections, Footnote 99, p. 88.

have no need to fight for the interest of voters."^{35/} Mr. Yeltsin was confident the provision would be modified. Vice President Lukyanov similarly remarked, "This system is sure to evolve in the future and be improved."^{36/}

E. Campaign Funding

Even in these first contested elections, the issue of campaign funding arose. The law stipulates that the state pay all campaign costs, but nongovernmental resources were used.

Under the law, the state provides campaign support on an equal basis to all candidates in the form of posters and biographical pamphlets, access to TV and the press, and the provision or rental of meeting halls. In Moscow alone, the state provided 3 million rubles to fund campaigns.^{37/}

Moreover, candidates' employers must continue to pay candidates' salaries even while they miss work for electioneering, and candidates are granted free passage on public transportation. The theory behind this approach, the FEC was told, was to ensure equal access to voters on the part of all candidates.

^{35/}Meeting with Boris Yeltsin.

Some observers have said that the provision ensures Communist control: "The inclusion in the Congress of Peoples' Deputies of 750 delegates chosen by public organizations rather than by popular election was apparently designed to enhance the ability of the Communist Party and the other public organizations, in which the Party has been dominant, to maintain control of the Congress." The Report on Soviet Elections, p. 34.

^{36/}Meeting with Vice President Lukyanov.

^{37/}Meeting with Moscow Deputies.

In fact, however, campaign resources were not equal. Some candidates benefitted from what Americans would call "in-kind" support from the party, from the enterprises or organizations that had nominated them, from candidate-support groups or from anonymous sources. For example, candidates who were journalists received support from their newspapers; and the director of a factory used the resources of his enterprise to print posters. Financial support was also available. In some cases, citizens actually contributed money to special funds to support the candidate.

Most officials who met with the FEC delegation criticized these private resources for unfairly advancing the interests of one candidate over those of another. The Soviets believed the law should be tougher on ensuring equal support for all candidates.

Boris Yeltsin held a different view. He maintained that outside support had enabled him to overcome the huge resources used by the Party to defeat him. He thought private sources should be allowed as long as they were not used for personal gain. Mr. Yeltsin indicated he had used them in his own campaign. He explained that prior to the election, after he had resigned from his job, individual members of the public sent him sums (from 10 to 20 rubles per donation). A publishing house in his hometown district sent posters to Moscow saying "Please don't vote him down."

Mr. Yeltsin added that he was not alone in using private resources. His opponent Mr. Brakov had benefitted from materials published by his industrial enterprise as well as from the support of the Party apparatus. Mr. Yeltsin explained that, once he was nominated, the official propaganda machine of the Communist Party worked to oppose him. "Ten thousand party people worked against me; I had only volunteers. The Central Electoral Commission gave me no money. But the volunteers gave up their vacations and worked for me."38/

Among others, Mr. Yeltsin believed it was unnecessary to disclose the sources of private funds. Soviets contended that the sums of money were so small that disclosure was not needed. Officials seemed unconcerned about the influence of any particular private group; rather, they were troubled by the unfairness of one candidate's having outside support while the opponent had none.

F. Other Campaign Issues

1. **Running the Campaign.** In addition to monitoring candidates' compliance with the laws on campaigning, the local electoral commission was responsible for conducting campaigns (e.g., arranging meetings and printing posters and biographical material about the candidate). Further, each candidate was permitted to appoint 10 trustees (Art. 46.)--usually friends familiar with his or her career and personal life--who spoke and campaigned on the candidate's behalf.

38/ Meeting with Boris Yeltsin.

2. Right of Assembly. All the campaign techniques familiar to Americans were used in the recent Soviet elections, but public meetings seemed to have been the most important. While candidates had equal access to TV to present their platforms and were publicized in posters and brochures, their attention focused most on public meetings. One candidate told the FEC delegation:

The voters are not interested in what you have done but in what you can do in the future....The most efficient method of communication is meeting with the public, in workers collectives and in neighborhoods. Here the candidate answers lots of questions about the past and the future. Personal contact is the major element. It was better not to meet at huge industrial enterprises, but rather in local neighborhoods, where questions were intense. We didn't use T.V. enough.^{39/}

Political gatherings were reportedly arranged by both the local commissions and the enterprises that had nominated candidates.^{40/} Yet Boris Yeltsin said none of the many campaign meetings held on his behalf had been organized by the electoral commission.^{41/}

When asked about the freedom of citizens to conduct public demonstrations on their own, Soviet professors said that civil laws restricting the right of assembly are not widely enforced.

^{39/}Meeting with Executive Committee of Kiev Soviet.

^{40/}Meeting with Moscow Deputies.

^{41/}Meeting with Boris Yeltsin.

Punishment consists of fines and short terms of detention.^{42/} Mr. Yeltsin recounted that during his 22 days of campaigning, 26 meetings were held for him, attended by anywhere between 300 and 30,000 people. A mass rally of 200,000 was also held. (During the FEC delegation's visit, he attended a rally of 300,000 people, which discussed the results of the People's Congress.)^{43/}

A Moscow deputy acknowledged there had been complaints that candidates had been denied the opportunity to address large rallies at the stadium.^{44/} Complaints came from both candidates and voters, he said. The deputy explained that sometimes candidates wanted to meet with voters, but the voters didn't want to meet with them; other times candidates wanted to limit their audience to voters living in their own district.^{45/}

3. Campaign Advertising. Officials and candidates also spoke about the content of ads. The Soviets generally agreed that third-party advertising should not be anonymous. Boris Yeltsin complained of anonymous charges against him, contained in leaflets and newspaper articles. He said that he had appealed to the Central Electoral Commission about this matter, but that the Commission had not reviewed it.

42/ Meeting with Soviet Professors.

43/ Meeting with Boris Yeltsin.

44/ Meeting with Moscow Deputies.

45/ "Public meetings with voters at which all competing candidates appeared were commonly organized by district electoral commissions, and candidates also organized their own campaign events....Most voters interviewed by the delegation believed that they had a sufficient opportunity to learn about the candidates and their views." Report on Soviet Elections, P. 31.

Mr. Yeltsin went even further. "The law should permit only positive campaigning," he said. "My opponent publicized personal parts of my past and trumped up charges. This was bad. I was positive in my campaign, not negative."46/

G. Conduct of Elections

1. **Voter Registration.** Voter registration is automatic in the Soviet Union. The local government prints lists of all voting-age residents, and citizens have the right to go to court if they believe the list is inaccurate. When a voter goes to the polls, he shows an ID or his internal passport. If a person moves, he or she is given a certificate which, when presented to election authorities in the new locality, entitles the citizen to vote there.47/

The Soviets were interested in how the United States handles absentee voting. Members of the FEC delegation explained, for example, that if military personnel reside in a state, they can vote by absentee ballot in the county where they normally reside or they can claim residence in the state where they are located. Overseas military personnel vote by mailing an absentee ballot. The FEC also mentioned that Congress was considering the adoption of a new law that would provide for near-universal voter registration by utilizing the systems that states now use for issuing drivers' licenses.

46/Meeting with Boris Yeltsin.

47/Meeting with Central Electoral Commission.

2. **Vote Counting.** Members of the Central Electoral Commission were interested in American views on the relative merits of counting votes by machine and by hand. The FEC delegation explained that machine counting was generally more accurate, faster and, in many cases, cost effective--especially when ballots were long.

3. **Fairness at the Polls.** Soviet officials explained that ballots were prepared five days before election day. Measures to ensure ballot security included counting the ballots before and after the election, sealing them, stamping unused ballots before the ballot box was opened, and allowing citizens to remain at polling stations to watch the process. Despite these efforts, they conceded, there had been some instances of forged ballots and extra ballots.^{48/}

48/Meeting with Central Electoral Commission.

"The delegation [from the International Human Rights Law Group] saw no evidence of vote fraud of any kind in the Moscow voting and has no cause to suspect that any occurred....It is noteworthy that the election results in Moscow tend to confirm the integrity of the process: in nearly every case where there was a clear choice between a Party member and non-Party member or a Party-backed candidate and an adversary, the candidate without Party backing prevailed. Nonetheless, in a few respects the voting process could have had stronger safeguards against tampering....There did not appear to be any rigorous accounting for the number of unmarked ballots available at the opening of the polls....In addition, at a number of polling places there were no outside observers present during much of the voting....Hardly any representatives of the candidates were present except for brief periods during the voting....The electoral commissions...welcomed observers...but they...interpreted the Election Law as giving a right to be present...only to the 10 campaign assistants authorized by Article 46 of the Election Law. Since there were many times 10 polling places in each district, that interpretation would...preclude candidate representatives from monitoring most polling places." The Report on Soviet Elections, pp. 40-41.

H. Role of Communist Party

The Soviets aired conflicting views on the role of the Communist Party in the elections. The official view was that the Party had not dominated or interfered with the elections. During one discussion, officials even lamented the fact that the Party had not played a more active role. In Kiev, one official said "Judging by experience, major parties in the United States do a lot of campaigning. In our recent elections, our party bodies were not active enough."49/ Insufficient activity by the executive committee and by the Party resulted, he believed, in 33 candidates' vying for Kiev's single seat.

A similar view was expressed by an official from a Moscow district Soviet. Comparing the past with the present, the Moscow official remarked, "This time there was no interference, not even a list of candidates from the Party."50/

Another official suggested that party affiliation had even become a liability. As noted earlier, the secretary of the Executive Committee of a Moscow district Soviet said she could not be nominated because, as an employee for the local soviet, she was tainted. She concluded, "We have to show the actual results of Perestroika. Only then will they [citizens] actually trust us and believe we can do something good."51/

49/ Meeting with Executive Committee of the Kiev Soviet.

50/ Meeting with Moscow Deputies.

51/ Meeting with Executive Committee of the Soviet of Kirovskiy district, Moscow.

Notwithstanding these observations and the relative opening up of the political system in the recent election, the Communist Party won a greater proportion of seats in the Congress than they had in previous elections. Moreover, most deputies were Communist Party members, even though some were not backed by the Party. There was evidence that the Party played a significant role, directly or indirectly, in the nomination process. First, as noted above, public organizations were guaranteed one-third of the seats (750) in the Congress of People's Deputies. Public organizations have been traditionally dominated by the Communist Party.^{52/} Even the 1,500 deputies elected by popular vote reflected the influence of the Party. Candidates nominated at the grass roots level--by workers' collectives, neighborhood meetings, public organizations or the army--were screened at district election meetings, which (as noted above) were often dominated by Party people.^{53/}

At the campaign stage, Boris Yeltsin explained, the Communist Party had done everything it could to block his election to office.^{54/} "The official propaganda machine worked to oppose me. Ten thousand party people worked against me; I had only volunteers." He added, however, "Despite the efforts of the Party apparatus, a few candidates pulled through due to

^{52/}See note 35 at page 21.

^{53/}See note 30 at page 18.

^{54/}The Report on the Soviet Elections corroborates the view that the Party worked against Yeltsin. The Report adds, however, that this was the only race in Mosow in which the Party tried to wield its weight. The Report on Soviet Elections, pp. 32-33.

public support. Still, the major part of the deputies were those who were recommended by the Party."55/

Mr. Yeltsin also pointed out that Article 6 of the new Constitution names the Communist Party as the ruling party of the USSR. He said, "It is the guiding and directing force, the nucleus in the USSR." He believed, however, that the Party should report to the Congress of People's Deputies.56/

Another way of measuring Party control is to determine whether the same individual who heads the Party also heads the executive committee of the soviet (governing body). In the past, this has generally been the case. But the old system is being questioned and, apparently in a few cases, being challenged.

In the Kirovskiy district of Moscow, for example, citizens forced the resignation of the chairman of the executive committee of the Soviet (an unusual occurrence), and elections were held to replace him. During the nomination process, the party chairman withdrew his name so "that the Communist Party couldn't pressure the staff of the executive committee."57/ The Moscow officials thought this was very unusual. As the Americans learned later, however, the district itself was

55/Meeting with Boris Yeltsin.

56/Ibid.

57/Meeting with Executive Committee of the Soviet of Kirovskiy district, Moscow.

unusual. "Our district was the first among 33 to initiate the perestroika process. We are the only district where we have a division of power between the Party and the Soviet."58/

Following up on this statement, the FEC delegation asked the Executive Committee whether its experience differed from the practice at the national level. The Committee responded by saying President Gorbachev had said that, at the local level, the First Secretary of the Communist Party could be elected chair of the executive committee of a soviet.

In a report by Mikhail Gorbachev at the 12th special session of the Supreme Soviet, the President made clear that the soviets were to be superior to the Party, but he did not specifically address the issue of whether the same individual could or should simultaneously serve as chairman of both the presidium and the Party.

In order for both the Party and the Soviets to perform their role in the political system effectively, it is essential that the functions of the Party and local government bodies be clearly separated....It is with good reason that we came forward with the demand for an end to the diktat of the [party] apparatus and for its absolute subordination to the people's representatives.59/

58/ Ibid.

59/"To Give Full Power to the Soviets and Create a Socialist State Based on the Rule of Law," Report by Mikhail Gorbachev at the 12th special session of the Supreme Soviet of the USSR of the 11th Convocation, November 29, 1988, Part V.

III. OTHER POLITICAL ISSUES

A. Direct Election of the President

During this period of restructuring and openness, there is virtually no limit on the topics being discussed in the Soviet Union. Deputy Boris Yeltsin recommended the direct election of the president, but Vice President Lukyanov believed that popular election of the President was contrary to the historical traditions of his country. The professors who met with the FEC split on this question. One applauded direct election, but another stressed the need to move slowly in reform. A third objected to popular election of the President because, under this system, it would be difficult to recall the leader. The professor said, "We don't need direct elections. We need to make the top official step down."60/ In several discussions, Soviets echoed this view, seeming to place more emphasis on the need to check negative behavior than on the importance of positively endorsing a particular candidate or program.

B. Pluralism

Vice President Lukyanov said, "We encourage controversy and pluralism because this is the way to arrive at good solutions."61/ The American delegation heard this view frequently, but virtually no one recommended multiparty elections. Mr. Lukyanov said, "We don't rule out change," but "the roots of this system will be what we have learned over the last 70 years."62/

60/Meeting with Soviet professors.

61/Meeting with Vice President Lukyanov.

62/Ibid.

Boris Yeltsin was the only official who specifically addressed the issue of a multiparty system. Acknowledging that pluralism existed within the Party in the sense that intraparty discussion was held on various issues, he said, "But it doesn't go beyond this." Mr. Yeltsin added:

We are not ready yet to introduce a multiparty system in the USSR. The party is not ready; the public is not ready....In the past we have tried to hide problems that exist....The same now. They say a multiparty problem doesn't exist, but if you bury a problem deep, that problem will explode in another place of huge dimensions.... Maybe in one or two years, when public opinion is ready, we should decide whether to embrace a multiparty system, though it is understood that the ruling party wouldn't easily give power away.^{63/}

For reform-minded deputies, the issue of pluralism seemed to focus more on the relationship between the government and the Party. During the FEC delegation's visit to the Congress of People's Deputies, A.M. Yemelyanov, a professor at Moscow State University, spoke on the need to temper the power of the Party with the strength of the soviets.

A one-party system already means monopolization of power, and if the leader of that one party is simultaneously also the president, that is monopolization of power squared. And if, at the moment, we temporarily need to combine these two posts (and I understand why, because transferring the power from the party to the people is a very difficult and protracted process), we must not present this temporary

^{63/}Meeting with Boris Yeltsin.

In August the "interregional group," headed by Boris Yeltsin, was formed as an independent bloc within the Supreme Soviet. The group wants to accelerate the pace of reform. Leaders of the group said that President Gorbachev has "generally satisfied their demand for more democratic voting procedures that they hope will enable independent candidates to take charge of local governments across the country." New York Times, August 6, 1989, p. 5.

solution as a principle of socialism....As for combining party and state power at lower levels, we must firmly enshrine in the congress decisions that this is impermissible because otherwise there will be an even greater unforeseen monopolization of power....Since we are moving toward people's power (and that is the main purpose of restructuring) it is necessary to redefine the place of the party in the social structures....The situation is radically changing now with the transfer of power to the soviet. The people rank above the party. Our congress ranks above the party congress. The Supreme Soviet ranks above the party's Central Committee. The Constitution ranks above the Party Statutes.... Each of us is first a deputy and then a party member.64/

C. Professionalism Among Deputies

Under the old system, deputies to the Supreme Soviet received limited compensation: While the legislature was in session (approximately 1 week per year), they received 15 rubles a day plus a subsistence allowance, free passage on public transportation, and 200 rubles for postal expenses. Under the new system, deputies are expected to spend from 5 to 6 months in Moscow, but the current law is silent on their remuneration. Recognizing the need to establish compensation, Soviet officials said that a bill on the status of the deputies was now being drafted.65/

64/Text of speech, A.M. Yemelyanov, June 8 morning sitting of USSR Congress of People's Deputies, FBIS, June 12, 1989, p. 27.

65/Meetings with Soviet Professors and with the Executive Committee of Kiev Soviet.

Moscow deputies were eager to know more about how American congressmen and women fulfill their roles. They were interested in administrative support in their capacity both as deputies to the Congress and as potential members of the Supreme Soviet. Members of the FEC delegation described constituent services provided by Congressional Members, the need for offices not only in Washington, D.C. but also in the Member's district, the typical size of a Member's staff and current allowances for staff and operating expenses.66/

D. Role of Women

In several meetings, the Americans and Soviets discussed the role of women in politics. The Soviets wanted to know whether women fared well in American politics. The FEC delegation responded that American women candidates had more difficulty in obtaining campaign money, but that the situation was improving, particularly because a growing number of groups have concentrated on fundraising for women.

The Soviets observed that women were having a more difficult time winning seats under perestroika than before. Under the old system when the Communist Party prepared a slate of candidates, a certain number of seats in the Supreme Soviet were delegated to women. Under the new system, where no such quotas have been established, Soviet women have won fewer seats in the Congress of Deputies. As mentioned earlier, one of the Soviet officials asked whether the United States had considered changing the American system to ensure that a certain number of seats in its legislature were reserved for women.67/

66/ Meeting with Moscow Deputies.

67/ Meeting with Central Electoral Commission.

Stating that women outnumber men by 1/10 of one percent in local soviets, Vice President Lukyanov nevertheless conceded that "we have a lot of work to do to promote women to higher positions in our society." In the People's Congress, a proposal for establishing a joint commission on women and war veterans' affairs was defeated. Instead, the women won a separate commission for themselves.68/

In a private follow-up discussion on the same topic, the Commission delegation learned that perestroika has presented difficulties for women. They have become more active in politics, yet remain burdened by domestic responsibilities, e.g., waiting in line to make purchases, washing clothes and dishes without machines, etc. The solution, according to one Soviet official, was to improve "consumer services."

68/Meeting with Vice President Lukyanov.

IV. ELECTORAL REFORM

A. The Process

In anticipation of the upcoming local elections, scheduled for Spring 1990,^{69/} Soviet officials were drafting changes to the election law. The amendments would reflect the overall experience of the March elections, including the complaints and questions received by the Central Electoral Commission. Vice President Lukyanov added that legislators would also study the constitutional laws of other countries and the experience of these nations. It was within this context that the Central Electoral Commission and the Vice President invited the FEC delegation's comments on their recent elections.

A roundtable headed by the First Deputy Chair of the Executive Committee of the Kiev Soviet was drafting two laws, one for the Supreme Soviet, and one governing local elections throughout the Soviet Union. The First Deputy Chair told the FEC delegation that the draft laws would be sent to all regional and city soviets and ministries for their comments. In August, the draft laws would be published in the press to permit Soviet citizens to discuss them openly. Then, in October, the regular session of the Supreme Soviet of the USSR would vote on them.^{70/}

^{69/}In July, Soviet President Mikhail Gorbachev again rescheduled the elections, stating that the 15 republics could move the election date up to the fall of 1989. See footnote 1, p.2.

^{70/}Meeting with the Executive Committee of the Kiev Soviet.

B. Content

The First Deputy Chair observed that the new laws would reflect the principles of pluralism, multicandidate contests, democratization and glasnost. He emphasized the importance of multicandidate races. In addition, he said the new law would ensure that electoral commissions function independently, i.e., without the interference of either the Party or local authorities.

During the course of the FEC delegation's visit, various Soviet officials suggested other areas that might undergo change in the new law:

1. Modification of the representational system that permits one-third of the Congress to be chosen by public organizations.
2. Modification of the nomination system whereby neighborhood gatherings nominate local citizens.
3. Strengthening of the prohibition against the use of private campaign resources.
4. Clarification of the existing language of the election law; elimination of vague language such as "as a rule."
5. Formalization of the Central Electoral Commission's authority to interpret the election law.
6. Strengthening of the enforcement powers of the Central Electoral Commission.

V. CONCLUSION

The list of possible reforms discussed above reveals the significance of the Soviet/American exchange on election law. The reforms suggest both Soviet progress toward democratization and the possible shape of future political change. Soviet officials appeared proud of the steps taken--particularly the efforts to promote grassroots participation in the nomination process, multicandidate contests, and a secret ballot. At the same time, they are the first to say that the national elections of March 1989 were merely a beginning. Given this frame of mind, Soviet officials were both eager to recount the details of their recent elections and curious about American solutions to political problems they are beginning to experience. They sought information on nomination procedures, campaign funding, vote counting and election law enforcement.

As the days passed, questions on both sides became more focused, and discussion shifted from procedural descriptions to an airing of problems. The stage was set for what the participants hoped would be a second round of discussions, conducted in the United States in 1990.

AMERICAN PARTICIPANTS

FEC DELEGATION

Commissioners

Danny L. McDonald, Chairman
Lee Ann Elliott, Vice Chairman
Joan D. Aikens
Thomas J. Josefiak
John Warren McGarry
Scott E. Thomas

Commission Staff

John Surina, Staff Director
Lawrence Noble, General Counsel
Penelope Bonsall, Director, National Clearinghouse
on Election Administration
Robert Dahl, Executive Assistant to Commissioner
Thomas Josefiak
Frances Glendening, Executive Assistant to Chairman
Danny L. McDonald
Louise Wides, Assistant Staff Director for
Information Services

International Foundation for Electoral Systems

Richard Soudriette, Director
Randy Teague, Counsel

STATE DEPARTMENT

Jack Matlock, Ambassador to the Soviet Union
Kenneth Hillas, Second Secretary, American Embassy
Eric Rubin, Russian Desk Officer, State Department

MEETINGS IN THE SOVIET UNION

Tuesday 6/6:

- A. Meeting with Central Electoral Commission -
- Vladimir Orlov - Chairman
 - Demetri Golovko - Vice Chairman (Dir. Inst. of Light Industry - Kiev)
 - Ms. A. Fidulova - Vice Chairman
 - George Barabashev - Member (Law Professor)
 - Vladimir Aksyonov - Member (Cosmonaut)
 - Inna Naumenko - Member (Director, Trade Union of Cultural Workers)
 - General _____ - Member (Reserve Officers Association)
 - General _____ - Member (Red Army)
- B. Meeting with Moscow deputies:
- Valintin Dikul or Yuri Vlasov (former weight lifter - handicap advocate)
 - Igor Orlov (Moscow Power Engineering Institute)
 - Alexander Samsonov (director Moscow watch factory & Chairman USSR Exporter's Association)
 - Viktor Tsyurupa (Chief of a hospital department)
 - Meeting chaired by Yuri Vinogradov - (Secretary of the Executive Committee of Moscow City Soviet)

Wednesday 6/7:

- C. Meeting with Kirovskiy Rayon (district) Soviet Executive Committee:
- Alexandr Podowski - Chairman of the Executive Committee
 - Vera Soloveva - Secretary of the Executive Committee

Thursday 6/8:

- D. Meeting at the CEC with Soviet Law and Political Science Professors chaired by Prof. Barabashev
- Professors Topornin, Pertsik, Pavlosky & Savitskiy?

Friday 6/9

- E. Reception/discussion with Executive Committee Leningrad City Soviet and members of the Leningrad Electoral Commission
- Ms. _____ - Secretary of the Executive Committee of the Leningrad Soviet
 - Ms. _____ - Member CEC and Leningrad Communist Party Official (works for Yakoliv)
 - Victor I. Rosov - Department Chief of the Leningrad Soviet Executive Committee
 - Boris Yakoliv - City Electoral Commission member and Leningrad Communist Party Central Committee Official
 - Ilena Kalinina - City Electoral Commission member and Secretary of the Leningrad Communist Party Central Committee

Monday 6/12

- F. Meeting with the Executive Committee of the Kiev Soviet
- Valentin Zgurskiy - Chairman (Mayor) - and a defeated candidate for people's deputy
 - Victor Salnikov - 1st Deputy Chairman (chaired most of meeting)
 - Anatoliy Kholodenko - Secretary of the Executive Committee
- G. Meeting with Presidium of the Supreme Soviet of the Ukrainian SSR and three Ukrainian people's deputies:
- Piotr Voloka - Deputy (Director of a state farm)
 - Piotr Talanchuk - Deputy (Director Kiev Polytechnical Inst.)
 - Svetlana Korneva - Deputy (Director of a sewing factory and representing all union Women's Organization)
 - Nikolai G. Khomenko - Secretary of the Presidium of the Ukrainian SSR (chaired meeting)
 - Leonid Gorevoy - General Manager of the Presidium
 - Valentin Kirnenko - Head of Dept. of the Presidium
 - Demetri Glocko - CEC Deputy Chairman - Dir. Institute of Light Industry

Tuesday 6/13

- H. Breakfast Meeting with Boris Yeltsin
- I. Meeting with First Vice President Anatoliy Lukyanov

MEETING WITH ANATOLIY LUKYANOV, FIRST VICE PRESIDENT
OF THE SUPREME SOVIET OF THE USSR, JUNE 13, 1989

OPENING REMARKS OF VICE PRESIDENT LUKYANOV

Since April 1985, we have had over 30 visits back and forth on the intraparliamentary level. These have not taken place by accident. They are a sign of the times, reflecting the general amelioration in relations between our countries.

Political Reform (Perestroika)

We are now going through a complex process of political reform. No one's experience can be dismissed. We are gaining a new understanding of comparative constitutional law and must take advantage of this sharing of experience. It is precisely this kind of sharing that has taken place with your delegation. This is particularly true because all of your commissioners have come. So, we can claim that our elections have been audited by the Federal Election Commission.

We aren't trying to conceal the fact that this is a hard time because we must attack reform on a very broad range of issues: economic, political, spiritual, legal--all aspects of our life. But we cannot deal otherwise. Everything is too closely intertwined with our economy. In particular, we can't deal separately with economic, political and legal matters. All are intertwined.

It is difficult for each social strata because perestroika requires taking a different view of their needs (e.g., needs of workers, peasants and intellectuals).

This is also difficult psychologically because we must restructure habits. No fortress is as impenetrable as man's mind.

Usually experienced politicians try to arrange that elections come at the apex of success, at an easy time. But this time we have had the opposite. Elections have occurred at a particularly difficult and controversial time in our history. The fact that the elections took place has reaffirmed our commitment.

The fact that the Communist Party received even more electoral votes than in the past (4/5) is proof of the fact that perestroika has become irreversible.

Election Law

Usually in other countries, election law is tested at the local level first, before being used at the national level. For example, many states in the United States had their laws, and afterwards the national law was made. But we have had the reverse. We started with a national election law, and a local election law will follow.

The federal code in the United States is actually a summary of experience of laws at the state level. But here we are starting from scratch.

By now, the Central Electoral Commission should have accumulated volumes of comments on the national elections that were held in March, and some may become recommendations for changes in the law itself. These comments will be very helpful in fashioning the law for local elections.

Interest in US Views

We would like your opinion on what you have seen and how it compares to the USA. While our elections are different (e.g., electoral caucus is not the same as a primary), there must be similarities. We have followed closely American reactions to our elections. While opinions varied, generally the attitude of the American public was favorable. The same positive reaction was expressed by the U.S. Congress in a resolution addressed to our Congress. Again, this was a sign of the times.

Last February, I met with President Bush in Tokyo. We discussed "constructive continuity" in our relations. He took great interest in the process of perestroika now and in the future.

We see perestroika as a long-term affair, but irreversible. The Congress of People's Deputies shows this. We hope this has been your impression too.

GENERAL COMMENTS BY COMMISSIONERS OF FEDERAL ELECTION COMMISSION

The American public was initially skeptical. But the elections had a dramatic impact on the view of the American public. Clearly, your election law has had some difficulties, but this is no different than what we encountered 15 years ago. Some say the biggest problem with our law is the 6 Commissioners. We say, "They are entitled to their wrong opinion."

We are encouraged by your view that this was the first stage of electoral reform and that there is much need to revise the law. Our discussions here have revolved around three basic themes. 1) The multicandidate issue; 2) Equal access by candidates to voters; and 3) The appeal process to the Central Electoral Commission.

You need to place more emphasis on the campaign finance issue. Who can and can't pay for the campaign? There appears to be considerable disparity in view on this topic among deputies and among members of the Electoral Commission.

The change here has been very real, not artificial. Still there will be recommendations for further change in your law. We say that "money is the mother's milk of politics." The major accomplishment of our law is that it has changed our system of financing elections from one based on secrecy to one that is open. This has been accomplished by two major changes: First, a campaign may not receive more than \$100 in cash. Beyond this amount, the contribution is documented by a written check or money order. Secondly, the sources of contributions and how money is spent are fully disclosed to the public.

QUESTIONS AND ANSWERS

Direct Election of President

USA: Do you see a time when there will be direct election of the President?

USSR: In my opinion, that would be contrary to the historical traditions of this country. We don't have a presidential system. The President of the Supreme Soviet now has expanded powers, but this does not mean we are moving toward a presidential system.

People's Congress

Our Congress is not exactly like a regular parliament. It is more like a broad congress of representatives of the people. We have invented it to get more trouble. But the body is not new. In early years of our revolution, we had this form. We have only restored this old form. It has fit perestroika beautifully.

This form enables us to see what is going on in our society. Before, bureaucrats put pressures on the Presidium, and put a straightjacket or cold shower on emotions. But with our new Congress, we let everyone express all their opinions, to get them off their chest. We gave the floor to both proponents and opponents. Only on this basis can we see what our society is like, where the government stands in that society, and how to consolidate it.

The lack of organization in the Congress was our desire not to place any constraints on democracy.

Supreme Soviet^{1/}

The Supreme Soviet is a parliament in the strict sense of the word. This is the body that will take charge of legislation, audit all functions. This a different body, a particular form of government, a Soviet one. We've been partly restoring it and building it anew. Our basic guiding principle is that we don't rule out change, learning and making some modifications. The roots of this system will be what we have learned over the last 70 years.

Public Organizations

USA: What is your view concerning the balance between representation of public organizations and direct representation of the territories.^{2/}

^{1/}Elected by the People's Congress of Deputies.

^{2/}Under the Soviet system, 1/3 of the 2250 deputies represent all union public organizations, such as the Communist Party, trade unions, scientist organizations. The other 2/3 directly represent the general population.

USSR: This system is sure to evolve in the future and to be improved. We should not approach this situation as 1 person 1 vote without taking account of the public organizations because they do represent masses of people. We needed to allow all these voices to be represented at the People's Congress. Giving representation to public organizations (which are social corporations) drew criticism from the outset, particularly from the scientific community, intellectuals, writers, but then we put the system into practice and saw the scientific community get involved. There was heavy political fighting--3 tiers of elections. They realized how important it was. If they hadn't thought this was important, they wouldn't have fought as hard as they did.^{3/}

We encourage controversy and pluralism because this is the way to arrive at good solutions. We need particularly to perfect the system of representing workers' collectives particularly since this (USSR) is a state of workers.

3/The Report on Soviet Elections in March 1989, prepared by the International Human Rights Law Group, explained the representation of public organizations, as follows:

"The inclusion in The Congress of Peoples' Deputies of 750 delegates chosen by public organizations rather than by popular election was apparently designed to enhance the ability of the Communist Party and the other public organizations, in which the Party has been dominant, to maintain control of the Congress (p. 34)...The nominating bodies [within these organizations] are also "to take into account" proposals for nominees from local and grassroots bodies of the organizations. In fact, although large numbers of candidates were proposed by such constituent groups, only a small number of candidates were nominated, and the electing bodies within the public organizations typically had little if any choice of candidates (p. 34)...The Soviet Academy of Sciences went even further in denying choice among nominees....The Academy initially nominated fewer candidates than the 25 seats it had been allocated (from the 75 deputies allotted to scientists' associations under the Law)...The Academy nominated only 23 candidates, and then relinquished five of its seats to other scientist organizations. At the same time, it denied nomination to prominent dissident Andrei Sakharov (as well as to other reform candidates), even though he had been proposed for

(continued)

Enforcement and Campaign Financing

USA: Our law evolved over nearly 100 years. We have been given civil power to enforce and interpret our law. You have been given broad authority to administer your law, but not much authority to enforce it. Do you think that enforcement powers will be included in the amendments to your law?

USSR: No doubt about this. Certainly we are going to make changes. We need changes in the following areas:

- financial support of campaigns
- campaign propaganda
- equal rights of candidates

A lot of your functions have to do with the funding of your elections. I would question whether you really know all about where the money is coming from, but you surely know a lot.

As a practical matter, there were incredible things in our Soviet elections. We would allocate a certain sum for a candidate and would learn that the opposition candidate had received \$3 million rubbles from the private sector, so he could hire a rock star and conduct a broad campaign.

We have learned something about how to haggle but not how to trade.

USA: Everything revolves around money: who does what. What is your view on this matter?

USSR: We need to make corrections for the differences between our systems. For us, "the policy and ideas of perestroika are the mother's milk of politics." This may change, but it is true now.

(Continued from p. 51)

nomination by far more institutes of the Academy than any other candidate. In the election, however, only eight of the 23 nominees received the required majority of the votes cast, and a new election with new nominees had to be held for the remaining seats. Twenty-eight candidates, including Sakharov, were then nominated for the 12 unfilled seats." Report on Soviet Elections, pp. 34-35.

Role of Women

USA: What is the role of women in perestroika?

USSR: We believe that too few women are in responsible offices, although they are accomplishing good things. Women face more hardship as a result of perestroika than men. In local soviets (local city councils), women outnumber men by 1/10 of one percent. But, basically, we have a lot of work to do to promote women to higher positions in our society. When I met with women on my campaign trail, it was most difficult. They were very demanding.

In the People's Congress, there was a proposal for establishing a joint commission on women and war veterans' affairs. The women won a separate commission for themselves. We need to look at the experience of other countries--Iceland, Pakistan and Norway. During the Congress, many women did not want a man for the Vice Chairman of the Supreme Soviet. But the women quarrelled, and thus far, no woman candidate has been elected.

MEETING WITH THE CENTRAL ELECTORAL COMMISSION
OF THE SOVIET UNION, JUNE 6, 1989

OPENING COMMENTS BY CHAIRMAN VLADIMIR ORLOV

Contacts between our two commissions will contribute to the development of relations between our peoples and our states.

Description of People's Congress of Deputies

The Central Electoral Commission carried out the election of deputies to the People's Congress of Deputies. Changes in our law last December allowed us to conduct these elections on a new democratic basis. The plan established 2250 seats in the new Congress, divided as follows:

- 750 seats representing "territorial districts" on the basis of population. Each territorial district has the same number of voters (in March, 257,300).
- 750 seats representing "national territorial districts," which provide equal representation to each of the 15 Union Republics of the USSR and lesser representation for the autonomous nationality-based territories within the Union Republics, as follows:
 - 32 districts in each republic
 - 11 districts in each autonomous republic
 - 5 districts in each autonomous region
 - 1 district in each autonomous area. (Art. 17.)^{1/}
- 750 seats representing all-union public organizations (e.g., the Communist Party, trade unions, etc.).

The first two categories (representatives from the territories) are elected by popular vote; the third category (representatives from the public organizations) are selected by the respective organizations.

^{1/}Report on Soviet Elections, p. 13.

Electoral Commissions

In each district and in each public organization (or group of organizations), an electoral commission conducted the election. Altogether, there were 170,000 local electoral commissions.

Nomination Process and Ballot Access

The deputies represented different strata in our society. They were nominated by the general public, workers' collectives, the army and public organizations. More than 8,000 candidates were initially nominated at meetings conducted in neighborhoods, workers' collectives and public organizations.^{2/}

In subsequent meetings, organized by the local electoral commissions, the nominations were discussed. The number of candidates was narrowed, with the result that, while in some districts only 1 candidate was nominated per seat, in many districts more than 1 was nominated.

Election Results

In 102 districts, no candidate was elected because no one received more than 50 percent of the vote. As a result, a second round of voting occurred. On the eve of our Congress, 2,249 candidates had been elected.

^{2/}"There was a total of 7,531 initial nominations for the 1,500 seats chosen by popular vote--an average of over five nominations per seat. (The total number of nominations somewhat overstates the number of different candidates, since some candidates were nominated in more than one district.)...But in 180 districts, or 12 percent of the total, only a single candidate was nominated." Report on Soviet Elections, p. 27.

COMMENTS BY CHAIRMAN OF FEDERAL ELECTION COMMISSION

- The FEC Chairman described the American electoral system, with emphasis on the following four areas:
- Definition of federal and local jurisdictions.
 - History of the Federal Election Campaign Act with an explanation of the circumstances leading up to the adoption of the 1974 law.
 - Explanation of the process of appointing the Commissioners.
 - Description of the role of the FEC in administering and enforcing the law.

QUESTION/ANSWER SESSION

Local Jurisdiction over Elections

USSR: Until now, only volunteers have conducted our elections. Now that has changed. How does it work in the United States?

USA: Local election jurisdictions conduct their own elections. We believe that local officials know best the needs of their districts. Thus, there are many differences among the 50 states. Volunteers and professionals help run these elections.

Complaints to the Commission

USSR: Who is the author of the complaints you receive and how many complaints have you received?

USA: Any individual--a member of the public, a political party, a political committee--can bring a complaint. We receive about 100 complaints a year. They must be valid, that is, they must be signed and sworn to. Many of our complaints deal with reporting violations. We don't deal with voter rights or ballot access questions. Since our beginning, we have received almost 3,000 complaints.

USSR: We handled complaints and appeals of decisions made by local election commissions. The complaints concerned the implementation of the law and campaigns. We received 8,000 like that. The complaints were reviewed by both local commissions and the Central Electoral Commission.

The Central Electoral Commission is the highest authority. Its decisions are final. In reviewing appeals, in serious cases, we sometimes recommend that local electoral commissions change their decision.

Our Central Electoral Commission established sub-groups to discuss different issues, for example, nomination procedures and meetings of local districts to screen candidates and make the final selection of nominees. We still receive complaints even though we have confirmed the mandate of all the candidates.

Many of the complaints we received stemmed from fact that voters were not familiar with the law. We had to clarify the law. One difficulty was due to the volunteer persons in the field. We felt that we lacked the professional experience in the field. Some of the complaints were due to deficiencies in the law. We will improve the law on the basis of our experience and these complaints. Voters requested changes, improvements.

People also have the right to go to court if their citizens' rights are violated.^{3/}

Examples of Complaints Received by Central Electoral Commission

1. Failure to have a quorum at meetings that nominated candidates.
2. Moral violations with regard to campaign advertising.
3. Unequal financial backing of candidates. Citizens do not have right to establish separate funds for financing campaigns. All campaign resources come from the state. Nevertheless, private financial support occurred in some cases.
4. Selection of candidates who live outside the district.
5. Complaints that local electoral commissioners were biased. We tried to resolve such cases.

^{3/}The only court review explicitly stipulated by the Law is an appeal of the omission or inclusion of a citizen on an electoral roll.

(Art. 34.) Report on Soviet Elections, p. 15.

Campaign Financing

USSR: We need to work more on campaign financing issues. My own view is that no private financing should be allowed. But we need more strict regulation in this area.

USSR: Is it true that a candidate must make an initial financial declaration? To what extent does this limit the number of candidates that can be placed on the ballot?

USA: Candidates are nominated by their party or, in the case of independents, candidates must obtain a requisite number of signatures of constituents to have their names placed on the ballot. Candidates do not have to raise money to qualify for the ballot. On the other hand, to be successful in the campaign, a candidate must raise and spend considerable sums.

Electoral Commissions

USSR: The Central Electoral Commission comprises 35 members. If a member is nominated as a candidate, that member must resign from the Commission. Members are neutral; they make no public speeches. But we can vote as regular voters.

USSR: Appointment procedures. Our members were nominated by different groups, e.g., trade union, army, etc. Then the Supreme Soviet elected us. Commission membership includes a representative from each of the 15 republics plus different organizations. We have generals, trade union leaders, etc.

Local commissions were nominated by public organizations and residents of the district, in neighborhood meetings and in the workers' collectives. Then the local Soviet confirmed the nominations.

USA: How many staff work for the Central Electoral Commission?

USSR: Now we have about 20 to 30 staff. Earlier we had up to 100 during the election period. Permanent staff includes 10 to 15 people.

USA: Is the Central Electoral Commission permanent?

USSR: The Commission is a permanent body elected every 5 years.

USA: Does the Commission have authority to refine the law based on its experience?

USSR: No. We have no right to introduce changes into the legislation, but we can make recommendations to the legislature.

Self-Nomination

USSR: Under our new law, it is possible for individuals to nominate themselves. Some of our citizens used this right. They nominated themselves during district meetings. One of the deputies even nominated himself as President of the Congress, a very serious act on his part. But it was not taken seriously. Are there mechanisms in the United States to nominate oneself for the Presidency?

USA: We have a process of petitions, whereby a person cannot qualify for the ballot unless he or she receives a specific number of signatures on a petition. This is a mechanism for demonstrating broad support.

Public Organizations

USSR: One of the new elements of our law is that public organizations have their own representatives to the People's Congress of Deputies. (Out of 2250 seats, 750 are set aside for representatives nominated and selected by all-union public organizations, such as the Communist Party, trade unions, scientist organizations, etc.). As a result of this mechanism, the equal status of all the deputies in the Congress is being questioned since some of the deputies have more votes behind them than others.^{4/}

^{4/}In the election conducted by the Communist Party's Central Committee, 641 votes were cast. A total of 1,108 members of the Academy of Sciences participated in the Academy's election. Report on Soviet Elections, Footnote 99, p. 88.

USA: What criteria has the Central Electoral Commission established to decide which public organizations can nominate and select representatives?

USSR: It is not decided by the Commission. The law defines the criteria. The organizations must be all union (nationwide).^{5/}

USA: What are the procedures used by public organizations during their nomination process?

USSR: At least half of a small public organization must participate. If the organization is large, then representatives form a conference. Nomination can be made by a show of hands or by secret ballot.

Voter Registration and Voter Turnout

USSR: Registration is automatic. There is a list of voters. A person can check whether he/she is on the list. If citizen is not on list, the citizen can go to court.

When a voter goes to the polls, he/she shows ID or internal passport. If a person moves, he or she is given a certificate and, when the citizen presents the certificate, he/she can vote wherever he goes.

USSR: How about votes by foreign-based military personnel? How do you handle this?

USA: There are several procedures. If military personnel reside in a state, they can vote by absentee ballot or they can claim residence where they are located. Military personnel overseas vote by mailing a ballot of the state and county

^{5/}The Central Electoral Commission declined to allocate any deputies to [four organizations]. Mandates were issued to a total of 38 organizations, some of which were combinations of other organizations, to elect the 75 deputies allotted to "other" organizations. Report on Soviet Elections, Footnote 56, p. 85.

of their most recent residence. This is handled by federal authority, using universal forms and procedures.

The United States Congress is considering the adoption of a new law providing for universal registration based on the individual's driver's license.

Currently there are residency requirements for voter registration.

Role of Women

USSR: The elections were difficult for our women candidates. Many failed to win. As a result, we have fewer women in the Congress than before. What is your opinion concerning women candidates?

USA: Women have had more difficulty in raising campaign funds in the United States than have men. But the situation is getting better, in part, because new organizations are concerned with this issue and are trying to raise funds for women candidates. The situation is getting better.

We have found that women need to start at lower levels of politics and work up to their highest levels.

USSR: Have you considered guaranteeing a certain number of seats for women in your Congress?

Vote Counting

USSR: Concerning vote counting, which system is preferable, hand counting or counting by machine?

USA: Machines are more accurate and faster. But there are many types of machines. Cost is an issue. It depends in part on what the local area can afford.

USSR: To what extent is the local election made more expensive by machine?

USA: Some people think computer counting is cheaper than hand tallying, considering the long ballots we have in some regions. In the USA, there may be actual savings in counting votes by machine.

Vote Fraud

USA: Did you have problems with vote fraud, with the security of ballots?

USSR: Ballots were prepared 5 days before election day. We used cards to protect the ballot. There were some problems, such as extra ballots and forged ballots. We considered these invalid ballots.

We had poll watchers at the polling stations to make sure the process was fair.

USA: We count all ballots before the election, number them and initial them to avoid voter fraud.

USSR: After the election, we count the ballots and seal them. The number of ballots cast and used must coincide. Remaining unused ballots are stamped before the ballot box is opened and the ballots are counted.

Nominations by Neighborhood Meetings

USA: Under what criteria can neighborhood meetings make nominations?

USSR: The meetings are set up by the local soviets. They must be registered by the local electoral commission. At the meeting, potential candidates respond to questions. The candidate must reside in the district where he/she is nominated, although this rule was questioned. Citizens must number at least 500 at these meetings. Outsiders are excluded.

MEETING WITH BORIS YELTSIN, DEPUTY TO THE PEOPLE'S
CONGRESS OF DEPUTIES AND MEMBER OF THE SUPREME SOVIET,
JUNE 13, 1989, MOSCOW

FEC: We hope you will come to the United States.

Y: I would like to. The Parliament of Finland invited me, but "they" wouldn't let me go. "They" were probably afraid I would stay there.

General Comments on Recent Soviet Elections

FEC: What things would you like changed in Soviet election law?

Y: Many. We've just taken the tiny first step in the process of democratizing elections so the people could really have right to elect.

Not without your help and the experience of other countries, we are moving in the direction of change, democratization. A major element of change has been introduced.

I suffer from the fact that I am too open with the people I talk to. I don't regard politics as the art for deceiving the opponent. That was true of feudal times.

Politics means you must always say the truth and win over the trust of people.

Now legislation and new amendments equal small but very important steps forward. You must understand these changes within the context of perestroika. Society has been awakened from political lethargy. It has become more politically active. The public was partly prepared for the campaign but not completely. The election served to further democracy and help awaken people from their long sleep.

Public Organizations

It is wrong to have two subdivisions in the nomination process: public organizations and territorial.^{1/} The public organizations

^{1/}Under Soviet law, all union public organizations (such as the Communist Party or the Academy of Science) select 1/3 of the seats in the People's Congress of Deputies.

don't have constituencies; they are not accountable to anyone. They have no need to fight for the interest of voters. For example, the minister of a petrol company, who is a deputy from a public organization, has no relationship with the people. I don't think this "invention" will be used in the next election---if we make efforts to change it.

District Election Meetings

The task of these meetings is to narrow the field of nominated candidates, but to allow at least 2 candidates. But these meetings allowed the authorities to get their deputies nominated. About 1,000 representatives of the constituency were at the meetings, but then the "headquarters" game began. After my district meeting, only 2 candidates were left, me and my opponent.

The Campaign

Officials decided not to let Yeltsin be elected as deputy. Because of that, the official propaganda machine worked to oppose me. Ten thousand party people worked against me; I had only volunteers. No one provided us with money, and we didn't have enough. The Central Electoral Commission didn't have to monitor me. They gave me no money. But the volunteers gave up their vacations and worked for me.

We had 22 days of campaigning, during which 26 meetings were held for me, attended by anywhere between 300 and 30,000 people. A mass rally of 200,000 was also held.

Despite the efforts of the party apparatus, a few candidates pulled through due to public support. Still, the major part of the deputies were those who were recommended by the party.

Direct Election of President

The president or chairman of the Supreme Soviet is elected by the Congress according to the Constitution. The deputies can always be influenced. My political platform recommended direct popular vote of the president. This was discussed at the Congress. We need to change the psychology of the people over the next 5 years. During the congress, we established a commission to deal with a new

draft constitution. Some wanted to adopt amendments at the Congress itself. We could have avoided negative elements that happened at the congress.

Gorbachev should have reported to the Congress and we should have discussed his report and only then have held elections for the president. But this idea was not supported by the majority, the "aggressively subservient majority," as described by someone.

We are trying to eliminate the basic absence of knowledge of democracy.

Role of Party

Basic issue was who has the power? The people's deputies do not have the power at this time. Because of Article 6 of the Constitution, the Communist Party is the ruling party in the USSR, the grinding and directing force, the nucleus of power in the USSR. The party should report to the Congress of Peoples' Deputies.

Perestroika and Gorbachev

We Russians turn too soon to euphoria because of a tiny achievement. We often do this.

We need to change society as a whole. I agree with Gorbachev on this, but not on his tactics for achieving it.

In the mass media, the USA personalizes a lot, giving credit to Gorbachev. Not correct. Sometimes, initiatives have been born at the grass roots level, rather than at the top. The United States contributes a lot to the cult of personality. The Americans confuse two notions: Cult of personality is one thing; popularity is another. The cult of personality is when power is personalized in one man, when one person has all the power. We have learned bitter lessons from this.

My popularity, after yesterday's rally (300,000) on the Congress, means a lot of litter had to be removed.

Gorbachev after all initiated perestroika and was courageous for doing this. I'm not the opposition force to Gorbachev.

My own views on perestroika differ from Gorbachev's, but this is in the spirit of pluralism.

Campaign Financing

FEC: Do you think there should be private sources of funds in a campaign?

Y: Yes. I think it is necessary, but on one condition, as long as it is not used for personal gain. The amount is so small that it is not necessary to disclose it.

Prior to the election, I resigned. I was unemployed and we have no unemployment benefits. As soon as people learned of this, I received money from the general public, but usually in the amount of 10 to 20 rubbles. Here we don't speak of \$100,000. Maybe the most is 50 rubbles. For the time being there is not a problem, and no need to disclose.

FEC: How did you overcome the fact that you had no money?

Y: I met with people on the street, at the square, at working enterprises, at the factory. I tried not to deal with the district electoral commission; thus my meetings with voters were not registered.

There are generally 3 possible sources for campaign posters and leaflets:

1. The Central Electoral Commission, through district commissions, distributes leaflets published by the Central Electoral Commission.
2. The enterprise that supports the candidate publishes materials. My opponent Brakov was the manager of a huge industrial enterprise. He had an opportunity to print leaflets at his enterprise.
3. The people provide support to their nominee. In my case, I was nominated in more than 100 territorial districts throughout the country, though I could only accept one nomination. Publishing houses in my home district published leaflets and sent them to Moscow. They read "Please don't vote him down." The posters were put in subway stations.

Yeltsin's Campaign

FEC: Were there posters against Yeltsin?

Y: Direct orders from high ranking officials said not to let Yeltsin win. Because of that, city party newspapers printed articles discrediting me, and there were anonymous complaints that I had broken the election law. The Electoral Commission should have done something about it. We appealed to the Commission, but our appeal was not reviewed.^{2/}

FEC: Do you think posters should be signed?

Y: Yes, posters, etc. should be signed, indicating who paid for them. A clause in our law says voters have the right to campaign for or against a candidate. I think it is morally wrong to allow candidates to campaign against their opponent. The law should only permit positive campaigning. My opponent publicized personal parts of my past and trumped up charges. This was bad. I was positive in my campaign, not negative.

Complaints to Central Electoral Commission

Is it true that, once, the Central Electoral Commission overruled a district commission, with regard to my campaign, but this was not my complaint. It had been brought by a third party. My complaints were ignored. I submitted many complaints concerning violations of the law. There were many such complaints, but I don't know how many. They are secret.

2/The Report on Soviet Elections in March 89, published by the International Human Rights Law Group, made the following observation about Mr. Yeltsin's campaign: "There were, however, significant efforts by the Moscow Party organization to undermine the effectiveness of the campaign of Boris Yeltsin for the Moscow national-territorial seat (p. 31)...Yeltsin was also the one candidate in Moscow who complained of unfair treatment by the press and media (p. 32)...In Moscow, however, candidates and other observers interviewed by the delegation agreed that, with the exception of Yeltsin, competing candidates were treated with reasonable impartiality by the Moscow press. And while Party workers did favor some candidates, the Party did not make overt attempts to skew Moscow races other than the Yeltsin race (pp. 32-33)."

For example, why did posters (produced by the Central Electoral Commission) for my opponent Brakov appear 10 days earlier than the posters for me? The complaint was never answered and was never reviewed. [A staff person from the Central Electoral Commission, present at our meeting, said they didn't have enough time to publish Yeltsin's posters on time.]

Multiparty System

FEC: Is it possible to have pluralism within the Communist Party itself. Would this be enough?

Y: Pluralism within a 1-party system does exist: Intraparty discussion of various issues. But it doesn't go beyond this. We are not ready yet to introduce a multiparty system in the USSR. The party is not ready; the public is not ready. I got knocked down for suggesting this idea. But 4 times I was knocked out in my career, but I was never on my knees.

In the past, we have tried to hide problems that exist. For example, for years, we said we had no nationality problem. The same now. They say a multiparty problem doesn't exist, but if you bury a problem deep, that problem will explode in another place of huge dimensions. We should discuss the experience of other countries. Maybe in 1-2 years, when public opinion is ready, we should decide whether to embrace a multiparty system, though it is understood that the ruling party wouldn't easily give power away.

Electoral Law Reform

I am a member of the new Constitution Commission (established by the Congress of Peoples' Deputies). There will be a section devoted to elections.

There are other deficiencies in our election law, but I haven't had a chance to discuss them. I tried to answer all your questions. What I said was only limited by your questions and by protocol.

QUESTIONS ASKED BY SOVIET OFFICIALS

Following each question is a letter that indicates the meeting in which the question was asked. (See Appendix B for a list of the meetings.)

Federal Election Commission

1. What happens when the Federal Election Commission splits 3/3 on a substantive vote? (F)
2. Who authors the complaints received by the FEC? (A)
3. How many complaints have you received? (A)
4. What is the nature of the complaints you receive? (A)
5. Does the Federal Election Commission discuss ways of reducing the amount of money spent on campaigns? (A)
6. What is the real purpose of the Federal Election Commission? (D)
7. Does the Commission have an artificial role or does it have a useful organic function in Presidential elections? (D)
8. Do Commissioners receive outside income? (D)
9. How much does the American public know about what the Federal Election Commission does? (D)
10. Why do you need a Federal Election Commission? Why don't the congressmen perform your function? They represent the people, so why do you need a body that oversees them? (D)

Election Financing

11. What happens if a Presidential candidate decides not to accept public funding? (F)
12. How are congressional elections financed in the United States? (B)
13. If a candidate has more potential voters behind him, will he receive more campaign money? (B)

Election Administration and Local Elections

14. What are your procedures for facilitating votes by foreign-based military personnel? (A)
15. Which is preferable, counting votes by hand or by machine? (A)
16. To what extent are local elections made more expensive by using machines to count ballots? (A)
17. What is the role of the local election board? (B)
18. How many voters reside in one district? (B)
19. How many candidates are there in one district? (B)

Nomination Procedures

20. Isn't it true that candidates in the United States must make an initial financial declaration to qualify for the ballot? To what extent does this limit the possible number of candidates that can qualify for the ballot? (A)
21. How many signatures are needed on a petition? (A)
22. Is there a mechanism in the United States whereby an individual can nominate him or herself for the Presidency? (A)
23. Do you think self nomination should be allowed? (A)

Television

24. How important is t.v. in election campaigns? (B)
25. Do candidates have equal access to t.v.? (B)

Role of Parties

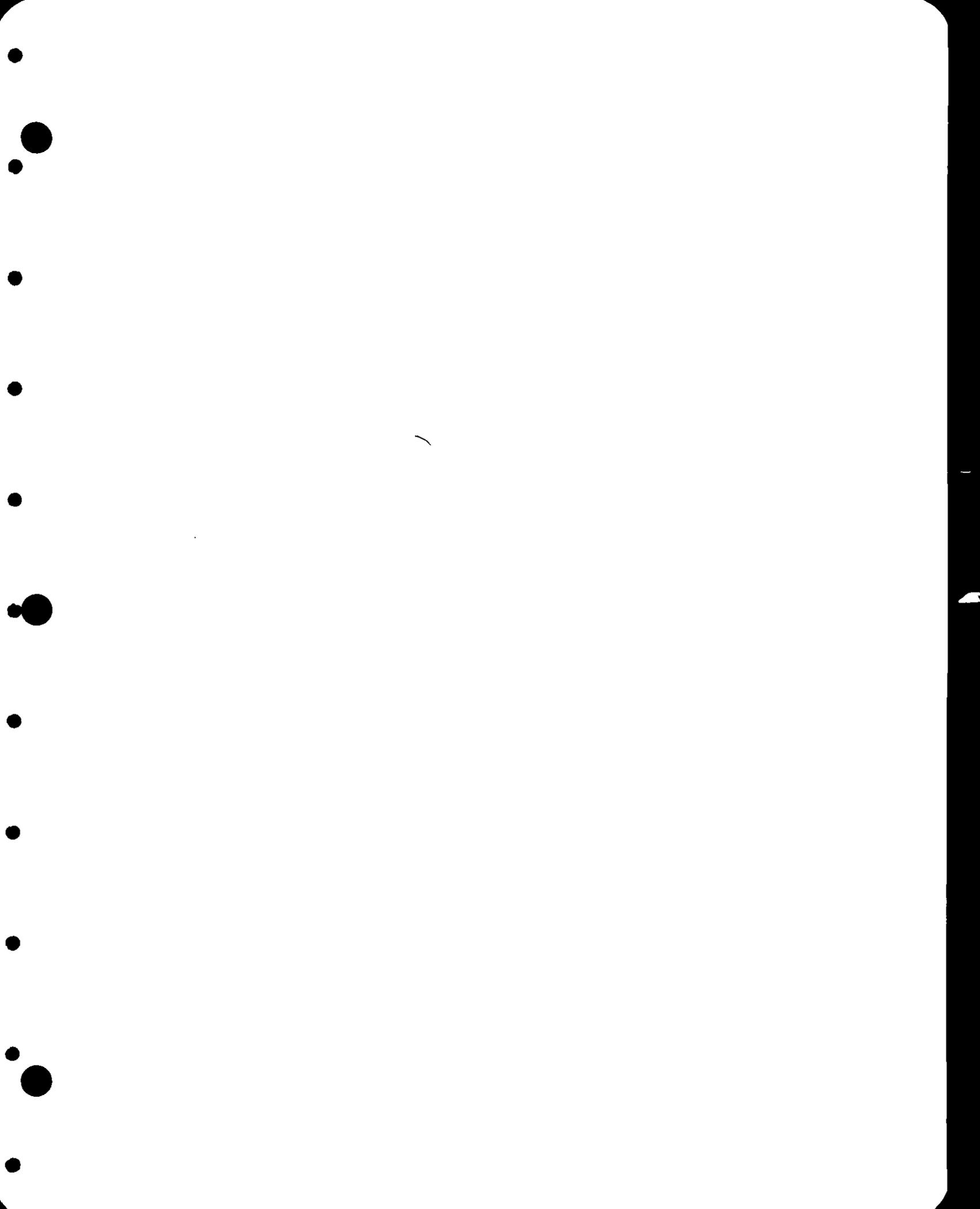
26. What kind of pressures do political parties put on candidates? (F)

Role of Women

27. What is the status of women in American elections? (A)
28. Do women candidates have any problems getting financial backing? (A)
29. Have you considered guaranteeing a certain number of seats in your Congress for women? (A)

Members of Congress

30. How does a member of the American Congress organize his or her work with his constituents? (B)
31. What kind of staff does he or she have? (B)
32. What does a member of Congress do after the Congress adjourns? (B)
33. Can you recall any situation where a member of Congress was recalled for anti-Constitutional behavior? (D)



LIST OF ATTACHMENTS - U.S./U.S.S.R. EXCHANGE OF ELECTION OFFICIALS

Attachment A: Invitation Letter to FEC to Visit U.S.S.R.

Attachment B: Response Letter from FEC Chairman

Attachment C: Copy of Izvestia Article on FEC Visit

Attachment D: Copy of Pravda Article on FEC Visit

Attachment E: Copy of TASS Report on FEC Visit

Attachment A
AMBASSADOR OF THE
UNION OF SOVIET SOCIALIST REPUBLICS
1125 SIXTEENTH STREET, N. W.
WASHINGTON, D. C. 20036

Mr. Danny L. McDONALD
Chairman
Federal Election Commission
999 E St., N.W.
Washington, D.C. 20463

March 24, 1989

Dear Mr. McDonald:

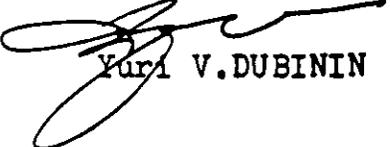
I have the pleasure to inform you that the proposal of the Federal Election Commission to establish official contacts has been accepted.

The Central Electoral Commission for Election of People's Deputies of the USSR invites the delegation of the FEC (10-12 people) to visit the Soviet Union this year after the March elections with a view to get acquainted with the results of those elections and their procedure.

It is suggested that the visit would take place in the second half of May. Specific dates could be coordinated later.

The Soviet side understands that the Central Electoral Commission for Election of People's Deputies of the USSR will, in compliance with the agreement with the FEC, be able to send in return a delegation to the United States during the 1990 elections to the US Congress and local elective bodies.

Sincerely,


Yuri V. DUBININ

Attachment B



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OFFICE OF THE CHAIRMAN

April 5, 1989

Mr. Yuri V. Dubinin
Ambassador of the Union
of Soviet Socialist Republics
1125 Sixteenth Street, N.W.
Washington, D.C. 20036

Dear Mr. Ambassador:

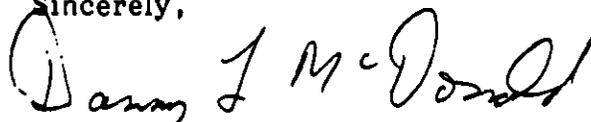
The Federal Election Commission (FEC) accepts, with pleasure, the invitation of the Central Electoral Commission for the Election of People's Deputies of the USSR to visit the Soviet Union in May. As provided in your letter of invitation the FEC will bring a delegation of twelve to include the six Commissioners and appropriate senior staff. Delegation members are identified in the attached list.

The broad purpose of our visit is to facilitate greater understanding of both political systems by reviewing the results of your recent elections within the context of your overall electoral process and procedures. To better understand the political system and the electoral process, we believe it is essential to meet with both successful and unsuccessful candidates. In addition, we hope to meet with the Supreme Soviet while in Moscow. In part, our discussions will be aimed at the candidate's or official's perspective about what occurred during the recent elections and their views and attitudes concerning changes for the future.

Inasmuch as the suggested time frame for the visit is the second half of May, we propose the specific dates to be May 12th through May 21st. The one day date change is to accommodate flight considerations. This time period would afford the most beneficial exchange because it provides eight full days within the Soviet Union itself with a day on each end for travel. While in the country we believe time in Moscow, Leningrad and Kiev are necessary and the optimum time periods are three days each in Moscow and Kiev and two days in Leningrad.

As indicated in your letter, the FEC will host the Central Electoral Commission for Election of People's Deputies of the USSR in a return delegation to the United States during the 1990 elections. The details of this trip will be coordinated later.

Sincerely,


DANNY L. McDONALD
Chairman

Attachment

Attachment C

U.S. Election Commission Experts Visit Moscow
PM1106133989 Moscow IZVESTIYA in Russian
9 Jun 89 Morning Edition p 12

[Unattributed report: "U.S. Delegation Flies to USSR"]

[Text] A delegation of senior representatives of the U.S. Federal Election Commission has gone to Moscow to study the experience of holding elections of USSR people's deputies. The delegation of U.S. experts will be in the Soviet Union at the invitation of the Central Electoral Commission for the Election of of USSR People's Deputies. Apart from Moscow, they plan to visit Leningrad and Kiev. In turn, a group of Soviet experts has been invited to visit the United States during the U.S. Congressional elections in 1990.

FBIS-SOV-89-117
20 June 1989

INTERNATIONAL AFFAIRS

10

United States & Canada

U.S. Federal Election Commission Visits USSR
PM1606093589 Moscow PRAVDA in Russian
15 Jun 89 Second Edition p 5

[Article by A. Lyuty: "But How Do They Do It?"]

[Text] The U.S. Federal Election Commission (FEC) has frequently given the U.S. press food for sensation. For instance, this control organ which monitors the observance of laws during campaigns for the election of the president, vice president, and members of Congress, recently fined Texan Republican Senator Phil Gramm \$30,000 for concealing information about election campaign donations. Not long before that there was a show-down with the religious preacher Pat Robertson, who was running for president.

In the past few days, however, it is not the FEC's inspectors but the FEC itself which has caused a sensation. For the first time in the 15 years it has existed, the entire commission traveled abroad. And not just anywhere, but to the Soviet Union. The Central Electoral Commission for the elections of USSR people's deputies was its host.

Although the competence of our organ is broader (the Central Electoral Commission basically deals with laws on financing elections), there were more than enough topics for dialogue. At the meeting with A.I. Lukyanov, first deputy chairman of the USSR Supreme Soviet, in talks with people's deputies, and in contacts with local organs of power there was talk about how mutually to enrich each other with experience and make the mechanism of voting in each country simpler, more accessible and effective while minimizing possible violations.

"Our talks," FEC Chairman Danny McDonald summed up, "were frank and very full. We believe that we can with benefit to both sides exchange information and opinions on questions like the registration of voters, access to polling stations, control over voting, and the prevention of cheating with the ballot papers."

Last year, at the height of the Congressional elections, a delegation from the Central Electoral Commission arrived in the United States at the invitation of the FEC. And the Americans visited us at the very height of the Congress of People's Deputies.

"Although we were only in the Kremlin's Palace of Congresses for a very short time, we nonetheless noted how active and frank the speakers were," D. McDonald confided. "We were pleasantly struck by the fact that the auditorium was filled to overflowing; that seldom happens in our country. Do U.S. legislators call each other 'demagogues'? It does happen, although I cannot say we like it. Are the speakers 'slow handclapped'? No, anyone who greatly dislikes a speech by his colleague simply leaves the auditorium."

Actually, McDonald believes, every country fine tunes the parliamentary mechanism in its own way. For instance, the Americans were surprised that our Central Electoral Commission manages with a very modest staff, while the FEC, which is engaged in a far narrower range of questions, has an apparatus of 250 people and does not regard this as a bureaucratic excess.

Since talk has turned to the FEC's structure, I shall report in conclusion that it was formed after the Water-gate scandal in 1974 and has been given independent status. It has a staff of six—three Democrats and three Republicans. They are appointed by the president for a 6-year term and are approved by the U.S. Senate. The budget is assigned from federal funds, and this year it was \$15.4 million. The FEC meets twice a week, and anyone who wants can attend its sittings. It regularly publishes press releases and information about the election expenses of any candidate for the country's high elected offices. Those who want to address a question, proposal, or complaint to the commission can telephone a "hotline" from anywhere in the United States. The FEC pays for international conversations.

Lukyanov Meets U.S. Elections Commission Group
*LD1306124489 Moscow TASS in English 1108 GMT
13 Jun 89*

[Text] Moscow June 13 TASS—Soviet first vice-president Anatoliy Lukyanov received in the Kremlin today a delegation from the U.S. Federal Elections Commission, headed by its chairman Danny McDonald, in the USSR at the invitation of the Central Commission for Election of People's Deputies of the USSR.

In a substantive, informal conversation, the Soviet official described specific features of the elections of people's deputies, conducted on the basis of a new electoral law in an atmosphere of competition and freedom of expression of views by all candidates.

Lukyanov also described the results of the Congress of People's Deputies and the work of the USSR Supreme Soviet.

Members of the U.S. delegation thanked him for the opportunity to familiarise themselves with the organisation of elections in the Soviet Union.

They observed that Americans are greatly interested in processes of perestroika in the Soviet Union.

The election campaign and the work of the congress of people's deputies are regarded in the United States as evidence of the inevitability of changes taking place in Soviet society.

In the course of the conversation the sides favoured continued contacts between the Soviet Central Electoral Commission and the U.S. Federal Election Commission in order to exchange experience in organising elections to state bodies.

The Soviet commission was invited to send a delegation to the United States on a return visit in 1990.

The conversation was attended by Vladimr Orlov, chairman of the Central Electoral Commission, and Jack Matlock, U.S. ambassador to the USSR.

Delegation Ends Moscow Visit
*LD1306213189 Moscow TASS in English 2038 GMT
13 Jun 89*

[Text] Moscow June 13 TASS—Chairman of the Federal Election Commission of the USA Danny McDonald told a news conference in Moscow today that talks with Soviet officials were constructive and useful. The delegation of the Federal Election Commission of the USA he heads arrived in the Soviet Union for the first time at the invitation of the Central Electoral Commission for the election of the USSR people's deputies.

Danny McDonald sees the most promising directions of further cooperation in the areas of electoral law, questions of holding election campaigns, working out measures to prevent falsification of election results. An agreement was reached on a reply visit to the USA of a delegation of the Central Electoral Commission for the election of USSR people's deputies. The visit will be timed for the election to the U.S. Congress next year.

The American delegation was received in the Kremlin by Anatoliy Lukyanov, first vice-president of the USSR Supreme Soviet. During the conversation he told the guests about the results of the Congress of USSR People's Deputies.

The delegation also had a meeting with Boris Yeltsin, people's deputy, chairman of the Committee of the USSR Supreme Soviet for Construction and Architecture. The guests were present at one of the meetings of the Congress of USSR People's Deputies. During a tour of the country, they were received in the Leningrad Soviet of People's Deputies, in the Supreme Soviet of the Ukraine.

The delegation of the Federal Election Commission of the USA left Moscow this evening.