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Legal regulation and system of remote electronic voting in the Russian Federation

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5.1.2. Public Law (State Law) Sciences

GENERAL OVERVIEW OF THE RESEARCH

Relevance of the Research Topic. Significant growth in the use of digital technologies has been reflected both in the technological modernization of public administration and in the emergence of new legal forms of democratic expression of the will of citizens. One of such forms is remote electronic voting (hereinafter - REV). Taking into account the peculiarities of the technical, legal and organizational elements used in the organization of the REV, state and public institutions in any country have their own individual way of applying this form of voting. The multipolarity of electoral systems manifests itself in the differentiation of approaches to conducting the REV, which are of academic interest. It should be noted that there is no universally recognized model for conducting an REV in the world. In most countries of the "old democracies", the REV is not widely used because it cannot yet overcome the barrier of public mistrust.

The standard of the electoral process is the organization of voting that ensures the observance of the principles of free, universal, equal, direct and secret voting, openness and publicity of the electoral process. In states where the people are the main source of power, the institution of elections is given special importance as a mechanism for forming representative authorities. The importance of legal guarantees of electoral rights and procedures is due to the maintenance of legal order and ensuring the legitimacy of democratic procedures that directly affect the interests of civil society. Accordingly, one of the main tasks of the system of public administration is to observe the constitutional foundations in the organization and conduct of elections, as well as to create and ensure the electoral rights of citizens.

Since 2019, the REV has become part of the Russian electoral system. If in 2019 several thousand people became participants in the REV, then in 2020 more than a million people took part in the REV¹. At the moment, the REV can be held at all levels of elections: federal, regional and local. Meanwhile, every year changes are made to the administrative, legal and technological components of the REV. Accordingly, the

¹ See: Remote electronic voting in Russia. History and features. URL: <https://tass.ru/info/13533535.html> (date of application: 10.05.2024).

approaches to the organization of voting change. An illustrative example is the absence of any court decisions cancelling the results of the DEG. At the same time, it should be taken into account that the implemented REV system did not have a long period of preliminary testing with public participation. However, the results of the REV had legal force actually from the moment of implementation of new technologies in the electoral process. This does not indicate the perfection of this procedure. On the contrary, this status quo indicates, among other things, the insufficiency of theoretical provisions and empirical research in the knowledge system, which cannot support the arguments about significant violations in the conduct of the REV.

It is impossible not to mention the absence of a significant part of legal regulation of the software and hardware complex of the REV, which is one of the main elements of the REV. Political parties, public associations have to look for new ways to control the electoral process in order to levelling the existing gaps. The existence of a legal gap in administrative legal relations can become one of the conditions for abuse by individuals and mass violations of the rights of bona fide subjects, which is unacceptable, especially in the context of elections. Meanwhile, the organization of voting in conditions of even temporary vulnerabilities of its main components creates a threat of undermining public confidence in the existing state institutions. Identification of the shortcomings of the REV system and the development of constructive proposals will ensure a consistent movement towards the creation of sustainable guarantees that fully meet the constitutional basis of elections. The provisions and conclusions set out in this work regarding the REV apply both to the organization and conduct of elections using the REV and to the organization and conduct of referendums using the REV, the legal status of referendum participants, unless otherwise provided by the normative legal acts on referendum. The peculiarities of exercising the rights of traditional election participants in the context of digitalization of the electoral process are also of scientific interest.

The research object is public relations in the sphere of organizing and conducting elections with the use of a software and hardware complex that provides an opportunity for voters to exercise active voting right regardless of their location using special software.

The subject of the study includes constitutional and legal principles of elections, Russian legislation regulating electoral relations in the field of electronic voting, by-laws of the Central Election Commission of the Russian Federation and other election commissions, decisions of the Constitutional Court of the Russian Federation, substantive and procedural norms set out in the sources of law of foreign countries.

The degree of scientific development of the issue. The basis for the sources of the research are the works of leading domestic and foreign scientists constitutionalists, experts in the field of elections, members of election commissions and electoral lawyers.

Application of the REV in the world practice started from the late 1990s - early 2000s. In Russia, REV has been officially applied since 2019. During this time, the REV was predominantly considered as an institution of the electronic voting system. Thus, in the dissertations of Y.V. Antonov, K.Y. Matrenina, A.V. Grigoriev, the essential features of the REV and its peculiarities in the context of voting with the use of information and computer technologies are noted.

The actual risks and advantages of the use of the REV are pointed out in the works of A.V. Abramov, G.M. Aznagulova, R.A. Alekseev, A.R. Akchurin, I.S. Buravov, L.N. Vasilieva, O.A. Gasnikov, S.G. Gontar, P.A. Ershova, D.V. Kotikova, A.S. Koshel, M.M. Kuryacha, A.A. Larichev, A.N. Mamaev, E.P. Marmilova, , M.A. Potuzhnya, R. V. Pugachev, Yu. V. Pugachev, Y.A. Romanov, S.N. Slobodchikova, G.V. Tumanyan, N.Y. Turishcheva, V.I. Fedorov, S.N. Khorunzhevoy, O.V. Tsvetkova, A.Yu. Tsaplin, A.F. Chupilkina.

Constitutional aspects and problems of legal regulation of the REV are described in the works of A.V. Pavlushkin, A.E. Postnikov, A.G. Golovin, E.V. Gritsenko, M.A. Lipchanskaya, N.E. Taeva, A.O. Filatova, A.A. Leiba, Sh.S. Shushania. The importance of constitutional foundations in the functioning of public and social institutions is presented in the works of N.A. Antonova, S.A. Benyaminova, V.A. Vinogradov, N. N. Kovaleva, V.A. Kryazhkov, V.D. Mazaev, S.V. Maslennikova, S.A. Mosin, I.I. Ovchinnikov, G.D. Sadovnikova, V.V. Tabolin and E.V. Titova.

The works of I.B. Borisov, A.O. Gadzhieva, A.V. Ignatov, E.I. Kolyushin, A.I. Lopatin, D.A. Reut have particular importance for the dissertation. In-depth analyses and

practical orientation in the works of these authors make a significant contribution to the enhancing of the knowledge system of REV.

Some issues of functioning of the REV software and hardware complex have been the subject of study by O.N. Artamonov, E.V. Bylinkina, D.L. Kuteinikova, S.E. Libanova, R.V. Pugachev, A.V. Rybin. The study of cryptographic means of information protection is also facilitated by articles published on the Internet resource "habr.com".

Among foreign researchers it is necessary to single out S. Castello, R. Krimmer, who most substantially studied the REV institute.

Scientific novelty. The author's definitions of "remote electronic voting" and "remote electronic voting observer" are proposed in the research. The development of REV is analyzed in Russia. It is noticed that the specific features of its historical path led to the determination of two stages: preparatory (2008-2019) and implementation (2019-present).

Author proposed a definition of the REV system and identified its main elements (software and hardware complex of the REV, REV participants (voters), election commissions, and REV observers). The research of these elements allowed to identify the presence of significant gaps in the legal regulation of the institution of the REV, including the absence of a normatively approved description of the software and hardware complex of the REV. Author made conclusions about the need for legal regulation of the possibility to verify the electronic ballot record in the information system; the need to implement a new administrative structure of the REV organization; the need for legal regulation of the rules for the functioning of the REV software and hardware complex and the activities of the operators of the said complex (persons who develop and directly control the functioning of the REV software and hardware complex).

The purpose of this dissertation research is to form a scientific understanding of the legal nature of remote electronic voting as a systemic phenomenon, to determine the legal status of its main elements and to highlight the peculiarities of legal relations within this form of voting.

Research tasks:

1. to formulate the conceptual issues of the REV, to identify the stages of REV development in Russia.
2. to determine the constitutional and legal basis for the organization and conduct of the REV in the Russian Federation.
3. to identify the basic organisational and technical aspects of the REV, to analyse the system of interrelated elements that determine its essence and content.
4. to classify the REV systems and the components of the REV system.
5. to identify the peculiarities of the exercise of rights by the main subjects of the electoral process in the context of the REV (voters, election commissions, observers).
6. to develop proposals to optimise the legal regulation of the organisation and conduct of the REV in Russia.
7. to identify the peculiarities in the practice of foreign REV systems, to determine the advantages and disadvantages of these systems, as well as the reasons why the REV was not applied in certain countries.

Methodological framework of the research was formed by general scientific and special legal methods.

The author used the *method of analysis* to identify significant aspects of the activities of voters and observers in the framework of the REV, as well as algorithms of the software and hardware complex used in the REV. *The synthesis method* made it possible to generalize the characteristics of the REV, risks and advantages in the organization of REV. *The method of systematization* made it possible to determine the powers of special REV election commissions, the actual abilities of voters and observers in the process of participation in the REV.

Among the special-legal methods we can single out the *formal-legal method*, which made it possible to identify the areas of the REV, where there is a lack of legal regulation. *The historical-legal method* made it possible to identify two stages in the development of the REV in Russia, to determine the features characterizing them, as well as to track changes in legal regulation from 2019 to 2024. *The method of comparative jurisprudence* made it possible to analyze the mechanisms of implementation of the REV in foreign

countries and relevant legal regulation in foreign countries. The comparison of the application of some REV organization model in foreign and domestic electoral systems was carried out. *The modelling method* allowed us to propose an option of the REV organization at the level of election commissions, and to make recommendations on improving the structure of election commissions and their functions.

Key research findings and points submitted for defense:

1. It is proposed to clarify the definition of remote electronic voting stated in paragraph 62.1 of Article 2 of Federal Law No. 67-FZ dated 12.06.2002 "On Basic Guarantees of Electoral Rights and the Right to Participate in the Referendum of Citizens of the Russian Federation" (hereinafter - Federal Law No. 67-FZ), stating it as follows: "remote electronic voting - voting with the use of an electronic ballot and the use of a software and hardware complex that provides the possibility for voting at the voter's location and the voter's choice of voting method". The definition of REV, currently stated in Federal Law No. 67-FZ does not highlight some distinctive features of REV. Firstly, it is an opportunity to vote at the actual location of the voter (at home, in the street, at the polling station, if there is access to the relevant technical means for voting and communication channels). Secondly, the REV is not provided solely by special software, as stated in the actual definition of the REV in Federal Law No. 67-FZ. The technical core of the REV is based on a software and hardware complex, which is a set of elements of technical infrastructure and software that allows a voter in the federal REV to choose the method of REV (using a smartphone or computer). Clarifying features of the REV as a software and hardware complex, the possibility of voting at the voter's location, and the choice of voting method allows to reveal the essence of this form of voting more fully.

2. The division of the evolution of REV development in Russia into two stages is proposed: the first stage - from 2008 to 2019 (preparatory), the second stage - from 2019 to the present (2024) (implementation). During the first stage there was an accumulation of practical experience and theoretical knowledge about REV. The peculiarities of the first stage have been identified, which include: the development of the technical foundations of electronic voting; the lack of legal force of the results of the REV; the determination of voters' attitudes towards electronic forms of voting; the assessment of

the risks of introducing electronic voting into the electoral system; the use of various technical solutions for the organization of electronic polls (CDs, social payment cards, mobile applications). Among the peculiarities of the second stage we can highlight: successful application of the REV technologies during elections in some federal subjects of the Russian Federation; legal establishment of the REV basics in the federal legislation; legal regulation of the REV mainly at the subordinate legislation level; creation of some conditions for the REV observation; creation of the federal and regional (Moscow) information systems of the REV. Despite the fact that the REV has become an official part of the election system in Russia since 2019, at the moment there are still problems with the legal regulation of certain relations in the field of the REV, which does not allow us to suppose the transition from the second stage of implementation, in which the parameters of the organization and conduct of the REV continue to be adjusted, to a qualitatively new stage. The third stage in the development of the REV is expected to provide for organizational, technical and legal completion of this voting procedure as a whole.

3. A definition of the REV system as a set of interacting elements of legal, organizational, technological and social-institutional nature that ensure the organization and conduct of REV is proposed. The introduction of this concept contributes to revealing the links between the processes and components of the REV system and to the study of REV as a complex systemic phenomenon.

4. The classification of the REV systems was developed: 1) by the territory of of the REV systems - federal, regional and local; 2) by the degree of concentration of powers - centralized and decentralized; 3) by the degree of openness - closed and open; 4) by the degree of system security - secured and unsecured. Based on the presented classification of REV systems, the REV system in Russia is federal, except for Moscow, centralized, closed and secured.

5. A classification of the REV system elements has been developed: 1) by the degree of significance - main and auxiliary elements. The main elements include the software and hardware complex of the REV (hereinafter - SHC of the REV), election commissions, participants of the REV, as well as observers. Auxiliary elements are local

government bodies, registration bodies, enforcement agencies; 2) by activity - organizational-technical, supervisory and subject elements. Organizational-technical elements include SHC of REV, local government bodies and registration bodies, election commissions. Supervisory elements are observers, courts, enforcement agencies. Subjective elements are separately distinguished, which include REV participants and voters who are not included in the list of REV participants.

6. The necessity of legal regulation of the status of SHC REV operators - persons who actually control the functioning of the SHC REV, as well as the basic rules and algorithms of the SHC REV was substantiated. The technical basis for conducting the REV is the SHC REV, the functionality of which is used, including by voters, election commissions and observers. The realization of rights by the main subjects of the electoral process depends on the quality of the SHC REV and the algorithms of the SHC REV operation set by the SHC REV operators, since their activities during the REV are mainly digital in nature. In addition, the normative consolidation of the algorithms and rules of the SHC REV is a necessary condition for compliance with the principles of legality and openness during elections.

7. The tendency has been determined, according to which the wide scope of discretionary powers of election commissions in the sphere of subordinate regulation of the REV procedure will not be limited until relevant legislative norms regulating the process of organization and conduct of the REV are adopted. In the absence of legislative regulation, the procedure of the REV will be regulated by legal acts of election commissions, which indicates the lack of a unified approach to the legal regulation of the activities of REV subjects and the instability of the REV procedure.

8. In the conditions of expanding the use of the REV on the territory of the Russian Federation, it is necessary to determine the legal status of the REV territorial election commission as a special election commission, which would be the responsible commission for the use of the REV regardless of the level of elections. The creation of a professional authority represented by the REV territorial election commission would help to strengthen the organizational structure of election commissions; to improve the quality

of relations with persons ensuring the functioning of the REV software and computer infrastructure; to create conditions for expanding the area of the use of the REV.

9. The legal regulation of the actual guarantee for voters, which consists in the possibility to check the accounting of the electronic ballot in the information system, as well as its invariability, is proposed. It is noted that the technological capabilities of electronic voting system ensure the accounting of each ballot and the possibility of its verification for the absence of distortions, but these relations are not regulated.

10. The definition of "remote electronic voting observer" is formulated, which means a citizen of the Russian Federation, authorized to control the functioning of the components of the SCH of the REV that ensure the conduct of voting, counting of the electronic ballots, using software tools that provide the ability to verify cryptographic evidence of the correctness of ballots. It is proposed in the paper to ensure legal establishment of the status of observers of the REV.

11. The analysis of foreign practices of REV application has revealed the prevalence of decentralized REV systems. The lack of a unified approach to the organization of REV at the national level leads to the fact that authorized regional and municipal authorities independently determine the administrative and technical basis of REV within the broad discretion granted. The lack of state regulation of REV at the federal level in countries such as the USA and Canada, including the absence of uniform standards and requirements for conducting REV, has a negative impact on the development of this institution. The genesis of the REV systems in foreign countries made it possible to identify positive approaches to the implementation of the REV and legal regulation of the functioning of information systems and their elements (Switzerland), which could be used in Russian practice. In addition, it is possible to highlight the main reasons why the use of the REV was stopped in some countries: the high cost of technical means providing for the REV; public criticism of the REV; lack of sufficient guarantees ensuring compliance with the basic principles of elections

Theoretical significance of the work is related to the fact that the conclusions set out in this research allow to refine the definition of "remote electronic voting", as well as to formulate the definition of "remote electronic voting system", "remote electronic

voting observer"; to contribute to the formation of a scientific understanding of the REV as a complex systemic phenomenon, which is revealed in the functional relationship of its elements. The research of the content of the REV system contributes to the theoretical understanding of the totality of elements that are integral parts of this system. The analysis of the main elements of the REV system contributes to developing appropriate guarantees to ensure their legal status within the framework of the REV system. Classification of the REV system allows streamlining the variety of existing models of the REV implementation. Definition of the REV territorial election commission in the structure of election commissions allows to refine the mechanism of the REV organization. The formulated proposals allow to work out the rules of a sustainable model of the REV development in Russia. The obtained results can be used in subsequent scientific research in the field of electoral law.

Practical significance of the work

The conclusions formulated in this dissertation can be used for the purpose of amending the election legislation, as well as for the adoption of new by-laws by the Central Election Commission of the Russian Federation (hereinafter - CEC of the Russian Federation) on the regulation of the REV. The provisions outlined in the research can be used in the adoption of legal acts on the legal status of the SCH of the REV operators, rules for the functioning of SCH of the REV, competence of the REV election commissions and REV observers. Some proposals can be used in order to optimize the current system of state administration for the organization of the REV in the Russian Federation.

List of publications relevant to the thesis

The work has been prepared and performed based on the Department of Public Law of the National Research University Higher School of Economics. The author has published 4 scientific articles on the dissertation topic (using its provisions and conclusions) in journals from the list of journals whose publications are counted by the Higher School of Economics when evaluating publication activity: (lists B и D):

1. *Larichev A.A., Rzhanovskii V.A.* Development of Remote Electronic Voting in Russia: Constitutional and Legal Aspect // Journal of Russian Law. 2022. No. 9. P. 35-52.

2. *Rzhanovskii V.A.* Remote Electronic Voting: Historical Experience of Russia // Statute. 2023. No 2. P. 181-196.

3. *Rzhanovskii V.A.* system and legal regulation of some elements of remote electronic voting in Russia // Siberian Law Herald. 2023. No 1. P. 20-27.

4. *Rzhanovskii V.A.* Legal Status of Voters and Observers in the Remote Electronic Voting System in Russia // Theoretical and Applied Law. 2024. No 1. P. 51-59.

The structure of the work. The dissertation consists of an introduction, two chapters with five paragraphs, a conclusion and a list of references

MAIN POINTS OF THE RESEARCH

The **introduction** contains proves the relevance of the chosen topic, analyzes its scientific development level; determines the object and subject of the research; sets the purpose and tasks of the study, describes its methodology and source base; identifies the scientific novelty and practical significance of the research, describes the forms of evaluation, as well as theoretical and practical significance of the obtained results. Formulates the key provisions submitted for defense.

The first chapter "Historical and Theoretical Aspects of Remote Electronic Voting in Russia" consists of two paragraphs and is dedicated to analyzing the place of the REV in the system of electronic democracy, as well as considering the definition of REV contained in the current legislation and doctrine, determining the peculiarities of REV development in Russia.

The first paragraph, "The Concept of Remote Electronic Voting", discusses various approaches to the definition of REV, identifies the main forms of e-democracy, which include REV. The author cites the main advantages and disadvantages of REV formulated by scientists. In particular, the application of REV in some cases can solve the problem of absenteeism, but this may be a short-term effect. The author outlines the main

approaches to the application of e-voting in countries with strong and weak democratic institutions.

The author proposes to refine the definition of the REV contained in the legislation. It is proposed to understand by the REV "voting with the use of an electronic ballot and the use of a software and hardware complex that provides the possibility of voting at the voter's location and the voter's choice of voting method". The determination of such signs of the REV as the functioning of a software and hardware complex, the possibility for the voter to vote at the voter's location: both outside the polling station and on its territory, the possibility for the voter to choose the method of voting (smartphone, personal computer) contributes to a fuller disclosure of the essence of the REV as a form of voting. In this regard, it is recommended to make appropriate amendments to the Federal Law of 12.06.2002 No. 67-FZ "On Basic Guarantees of Electoral Rights and the Right to Participate in Referendums of Citizens of the Russian Federation" in the part concerning the definition of the REV².

The second paragraph "Stages of Remote Electronic Voting Development" identifies two main stages of the REV development in Russia: the preparatory stage (from 2008 to 2018) and the implementation stage (from 2019 to the present). The beginning of the first stage of REV development, according to the author, was the use of various technologies in the course of social surveys in 2008-2009. It is noted that by this time some foreign countries had already had considerable experience in the use of REV technologies, which had different consequences that affected the development of this institution in the electoral system. It has been concluded that in the conditions of imperfect primary decisions on the organization of REV in Russia the implementation of a fundamentally new form of voting in the electoral process was postponed until the creation of appropriate organizational and technological conditions. The features of the first stage of the REV development are formulated: the development of the technical foundations of electronic voting ; the lack of legal force of the REV results; the determination of voters' attitudes

² Federal Law No. 67-FZ of June 12, 2002 "On Basic Guarantees of Electoral Rights and the Right of Citizens of the Russian Federation to Participate in a Referendum" // Rossiyskaya gazeta. 2002. № 106.

to electronic forms of voting; the assessment of risks of introducing electronic voting in the election system; the use of various technical solutions for the organization of electronic polls (CDs, social payment cards, mobile applications). It is concluded that the beginning of a new stage of the REV development is the application of the REV in 2019 in Moscow, which is characterized by a limited scale of voting; a fundamentally new technological infrastructure that ensures the conduct of voting; and the existence of the legal force of the REV results. It is substantiated that in Russia there has been a rapid leap in the development of the REV in just six years. In 2019 the REV was used during elections in three electoral districts in Moscow, then in 2024, voters of twenty-nine regions of the Russian Federation voted online in the election of the President of Russia. The features of the second stage of the REV development are formulated: successful application of REV technologies during elections in some regions of the Russian Federation; consolidation of the REV framework in the federal legislation; legal regulation of the REV at the subordinate level; creation of conditions for monitoring the REV; creation of federal and regional (Moscow) information systems of the REV. It is concluded that the presence of some significant problems does not allow us to assert that the development of the REV is currently moving to a new stage. Thus, there is a significant legal gap in regulating the activities of the SCH of the REV operators; defining the rules of SCH of the REV functioning, and fixing the objective rights of the REV observers. In addition, the issue of the system of election commissions ensuring the conduct of the REV throughout Russia remains open.

The second chapter "**Legal regulation of relations related to the creation of the system of remote electronic voting, organization and conduct of the REV**" is devoted to the consideration of the REV as a system, analysis of the legal status of the main elements of the REV system, identification of the peculiarities of legal relations between the elements and classification of systems and elements of the REV system.

In the first paragraph "Constitutional and Legal Basis of Remote Electronic Voting" the constitutional principles and basic legislative provisions regulating the REV are considered. It is substantiated that the principles of elections are the guideline for the creation of the system of remote electronic voting. Violation of any constitutional

principle of elections is inadmissible. It is noted that the respect of constitutional principles in the organization and conduct of the REV has a positive impact on the development of the REV: voters get more opportunities and protection.

The main legal provisions regulating the REV are analyzed: the procedure for making a decision on conducting REV by different election commissions; requirements to the REV procedure approved by the authorized election commission; the procedure for voter participation in the REV and basic technical aspects (federal and regional information systems, anonymization, encryption, etc.). It is concluded that the wide scope of powers of election commissions in the sphere of bylaw regulation of the REV will remain until relevant legislative norms regulating the process of organization and conduct of the REV are adopted. The adoption of relevant legislative norms will ensure the formation of a unified approach to the legal regulation of the activities of the subjects of the REV and the stability of the REV procedure.

In the second paragraph "The definition of remote electronic voting system, classification of systems and elements of the REV system" the REV is considered as a systemic phenomenon. The definition of the REV system as a set of interacting elements of legal, organizational, technological and civil nature that ensure the organization and conduct of REV is formulated. The introduction of this concept contributes to the disclosure of links between the processes, phenomena and components of the REV and the complex study of the REV. It is substantiated that the REV system consists of components, which have their own specific features that determine the content and properties of the system. The analysis of the REV is primarily focused on identifying the components inherent in the system, their functional interaction. The synthetic type of structural features between the components characterizes the system as a whole.

Using the comparative legal method in the analysis of the mechanisms of the REV organization; responsible for the organization of REV subjects; normative acts in the field of electronic voting in foreign countries, different approaches to the regulation of REV and the presence of different REV systems were identified. It has been substantiated that the existence of different systems of REV is conditioned by the different level of technical development in different countries, the actual practice of REV application (within a

municipality, region), and the lack of generally legal standards in this area. The classification of the REV systems was developed: 1) by the territory of the REV systems - federal, regional and local; 2) by the degree of concentration of powers - centralized and decentralized; 3) by the degree of openness - closed and open; 4) by the degree of system security - secured and unsecured. Based on the presented classification of REV systems, the REV system in Russia is federal, except for Moscow, centralized, closed and secured. It is concluded that the set of components determines the functioning of the REV system. The peculiarities of the status and functions of the elements in the REV system allow classifying the elements according to certain criteria. A classification of the REV system elements has been developed: 1) by the degree of significance - main and auxiliary elements. The main elements include the software and hardware complex of the REV (hereinafter - SHC of the REV), election commissions, participants of the REV, as well as observers. Auxiliary elements are local government bodies, registration bodies, enforcement agencies; 2) by activity - organizational-technical, supervisory and subject elements. Organizational-technical elements include SHC of REV, local government bodies and registration bodies, election commissions. Supervisory elements are observers, courts, enforcement agencies. Subjective elements are separately distinguished, which include REV participants and voters who are not included in the list of REV participants. Classification of systems and elements of the REV system allows to systematize knowledge about these legal institutions. Further progress in the theoretical study of the division of systems and elements of the REV system according to the relevant signs will contribute to the determination of multiple links between the elements and the development of practical recommendations on their interaction.

In the third paragraph "Legal status of the main elements of the remote electronic voting system" the legal regulation of the activity (functioning) of election commissions, voters, REV observers, SHC of the REV is considered. It is substantiated that the technological aspect of the REV is one of the central ones. The functionality of the SHC of the REV allows voting at different levels of elections regardless of the location of voters. It has been noted that the security of SHC of REV and other information systems used during elections is still an actual problem. At the same time, there are so little

normatively adopted rules for the operation of SHC of REV, encryption and cryptography algorithms, as well as other processes used in REV, which does not comply with the principle of legal certainty, as well as the guarantees of electoral law.

In addition to technical means, the SHC of REV as an element of the REV system includes the activities of special authorized bodies, organizations and officials. While there is a certain legal regulation in the Russian legislation and bylaws regarding the functioning of the software and hardware part, the legal status of the developers and persons responsible for the maintenance of the components of the technical part of the REV (operators of the SHC of REV) is not regulated. SHC of REV operators are direct participants of the electoral process, developing and ensuring the operability of the SHC of the REV, the functionality of which is used by the participants of the REV, election commissions and REV observers. Accordingly, the SHC of REV operators should have rights, duties and responsibilities. In addition, the legislation on elections and referendums should be supplemented with provisions on the necessity for SHC of REV operators to develop SHC of REV rules, which should be approved by the Central Election Commission of the Russian Federation; requirements for the SHC of REV operator to ensure the continuity of SHC of REV operations, the reliability of records contained in the SHC of REV information system, and the correctness of the implementation of SHC of REV algorithms.

It is noted that voting by means of an REV is carried out with the help of special software, which is part of the technical infrastructure that determines the correctness of vote counting, preservation of the secrecy of the vote and compliance with other principles of elections. The legal regulation of the actual guarantee for voters is proposed, which consists in the possibility to check the accounting of the electronic ballot in the information system, as well as its invariability. It is concluded that in Russia, unlike in some other countries that actively use the REV, on the basis of the principle of universality, the right to vote by means of the REV is granted to all voters of the relevant constituency where the REV is used.

The definition of "remote electronic voting observer" is formulated, which means a citizen of the Russian Federation, authorized to control the functioning of the

components of the SCH of the REV that ensure the conduct of voting, counting of the electronic ballots, using software tools that provide the ability to verify cryptographic evidence of the correctness of ballots. It has been noted that the activities of an REV observer are predominantly digital in nature and are expressed in analysing the information received from the SHC of the REV using special technical means and software. The actual capabilities of the REV observer to receive and verify information depend on the SHC of the REV operators providing access to the observation portal to observers. Any restriction of observers' access rights to the system may affect the volume and correctness of information received by observers. Accordingly, the scope of information to be provided to the REV observer, the ways of verifying such information, as well as the responsibility of relevant officials for failure to provide this information, should be established by law in order to prevent restrictions on the rights of REV observers to receive relevant information and to comply with the guarantees to control the legitimacy of the REV procedure.

In the conditions of expanding the use of the REV on the territory of the Russian Federation, it is necessary to determine the legal status of the REV territorial election commission as a special election commission (REV TEC), which would be the responsible commission for the use of the REV regardless of the level of elections. The creation of a professional authority represented by the REV TEC would help to strengthen the organizational structure of election commissions. It is recommended that REV TEC should be legally empowered to control the SHC of the REV, for example, to request documentation from the developers of the SCH of the REV, to check the functioning of software, servers, data processing centres and other elements of the SHC of the REV. Meanwhile, the right to approve the rules for the REV at elections using the Federal state information system (FSIS) should be retained by the Central Election Commission of the Russian Federation, since the normative regulation of relations by REV TEC, which performs the functions of an organizer (executor) in the sphere it regulates, would contradict the system of law³. Accordingly, it is possible to maintain the current trend

³ See: Kolyushin E. I. Legal problems of remote electronic voting of voters // Constitutional and municipal law. 2020. No. 2. pp. 25-30.

whereby the Central Election Commission of the Russian Federation approves the rules for the REV, and the REV TEC ensure the organization and conduct of the REV. It seems unlikely that when elections of different levels are held simultaneously in all regions of the Russian Federation, there will be one election commission (Central Election Commission or REV TEC) organising the REV. Consequently, election commissions of the subjects of the Russian Federation should be empowered to organize the REV in the regions of the Russian Federation. In the conditions of expanding the geography of the use of the REV in Russia, the functions of coordinating the actions of election commissions of the subjects of the Russian Federation in terms of the organization of the REV, as well as informational and methodological training of members of election commissions, observers, can be entrusted to the REV TEC. As justifiably pointed out by researchers, lack of professionalism in the work of election commissions is one of the problematic issues noted by the results of election cycles even before the use of the REV. Determination of the system of election commissions responsible for conducting the REV using the FSIS and legislative consolidation of their legal status will allow to create a stable administrative basis for the REV at all levels of elections in Russia.

In conclusion, the author summarizes the main conclusions of the research and its key results.