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## **AMENDMENTS TO THE CONSTITUTION OF THE RUSSIAN FEDERATION 2020 ON ZEROING OF THE PRESIDENTIAL TERMS**

The question of zeroing out presidential terms may seem strange. Even the discussion in the professional circle showed that it is not so easy to read it correctly and assess its legal consequences. We must pay tribute to Vladimir Medvedev who paid attention to the following. Imagine that a change is made to Part 3 of Article 81 of the Constitution and the word "consecutive" is removed. And no more special reservations are made—the Amendment Law comes into force after its publication. It turns out that if at this moment the position of the President is occupied by a person who previously held this position more than twice (with a break) then his stay in office becomes contrary to the Constitution.



This interpretation is supported by the very wording: "... a person may not hold office...". If we were talking about non-selectivity it would be more logical to write that "a person cannot be elected to office". Vladimir Putin as a result of the amendments initiated by him and despite of the fact that he was elected for the term until 2024 should immediately resign and the Federation Council should call new presidential elections.

In order to ensure the equality and make the amendment not an individual decision for a particular person but a norm a person previously filling the Presidential position is added. After all, the right to nominate a candidate is a passive electoral right limited by the Decision No. 12-P of 09.07.2002 of the Constitutional Court on the maximum number of terms. Russian Constitutional Court considered such a restriction of the right to vote by the laws of the constituent entities of the Russian Federation permissible.



If we look at the amendments soberly and calmly, without seeing behind them a demonic desire to usurp power, they have a reasonable basis, which is not limited only by the fact that the amendments open up additional opportunities for the nomination of the current president in the elections in 2024. This is what the Constitutional Court wrote in its Opinion about the "toughening" of the requirements. We consider and propose that this requires an amendment that the new version of the norm does not apply to the current President.

Perhaps all these arguments would look unconvincing if the numerous friends of the Constitutional Court (*amicus curia*) had contributed to the development of the doctrine of public law by giving detailed concrete justifications with a logically constructed argument and explaining from which constitutional principle (a republican form of government, a legal or democratic state, or the separation of powers) the categorical unacceptability of the absence of restrictions on the number of terms as a *lex specialis*, while preserving the prohibition as a general norm.

Without this, only a specific provision of Part 3 of Article 81 of the Constitution remains. Of course, it is extremely desirable for democracy in any country, but it remains within the limits of the legislator's discretion, including the conditions for its application, as the Constitutional Court concluded.

