A NEW ELECTORAL LAW IN THE SOVIET UNION

Subsequent to the adoption of the new Soviet Constitution of 1977, the Supreme Soviet of the USSR enacted a new Law on Elections to the Supreme Soviet of the USSR on 6 July 1978. I did not expect that this law would differ significantly from its Stalinist predecessor of 1950, but the text of the pertinent articles of the new Constitution meant that the lawmakers could change at least something in the rules and practices governing the secrecy of the voting. The 1936 Constitution stated simply: “The voting in elections of deputies is secret” (Art. 140), but the new Constitution added something of a promise to this: “The voting in elections of deputies is secret; checking on the expression of the will of the voter is not allowed” (Art. 99).

Therefore, one could expect something from the new constitutional language. In this article, I will give an overview of the election procedures in the Soviet Union in the last 40 years and, analyzing the new Electoral Law, I will discuss the question of whether the new law introduces any substantial differences. The central theme of this article is whether the secrecy of voting is guaranteed by law and by voting proceedings established in the new document.

Principle of Secret Voting

As a rule, the electoral statutes adopted by the soviets emerging during the February (1917) revolution provided for secret voting. In the first year after the October (1917) revolution, the voting remained secret; in practice, the secrecy of the voting was then also guaranteed in cases in which different political parties competed. Drafts of the RSFSR Constitution of 1918 contained the principle of secret voting, or considered the voting procedure as an aspect of the local soviets’ own autonomy. The 1918 RSFSR Constitution left the question unresolved and ruled that the local soviets should establish the voting procedure “according to the instruction of the All-Russian Central Executive Committee” (Art. 70). Other Constitutions adopted later either did not contain any rules with regard to the voting proceedings or repeated the provisions of the RSFSR Fundamental Law. According to Davidovich and Malyshev, elections were held with secret voting for the majority of local soviets until the so-called “counter-revolutionary uprising” of the Left Socialist Revolutionary Party in July 1918, in the same month in which the 1918 RSFSR Constitution was enacted.

Under the 1918 RSFSR Constitution, “open” voting became the practice on the basis of the initiative at the grassroots. Only in 1924 (Ukraine) and 1925 (RSFSR) did public voting become the official rule laid down by the supreme authorities of the union republics which, in those times, decided over the voting proceedings. So, Mikhailov remarked already in 1922: “the secrecy of the voting right withers away with bourgeois society”.

The arguments for the withering away and abolishment of the rule of secret voting were not only derived from the nature of proletarian democracy but also from specific historical circumstances. The voters (only “workers” had the right to vote) could be influenced by “anti-Soviet elements”, by the former exploiters, and open voting was to protect them from these anti-proletarian, anti-revolutionary “elements”. The fundamental point was not that the workers’ state would execute the will of the workers as expressed by the workers in free elections; the
state would rather be guided by the "real interests" of the workers, and those interests do not depend on the free expression of will.

With the enactment of the 1936 USSR Constitution, the principle of the secrecy of voting was proclaimed with the desire of the political leadership (Stalin) to make that Constitution as democratic as possible. This was made possible by the "victory of socialism in the USSR, the liquidation of the exploiting classes, the establishment of the moral and political unity of society, and the significant rising of the level of culture and political conscience of the people".

Elections under the Stalin Constitution (1936)

The 1936 Constitution emerged from proposals to change the electoral law. In a report, the Secretary of the Central Executive Committee, A. S. Enukidze, proposed that it would be expedient to introduce direct and equal elections for all organs of Soviet power maintaining the principle of public voting in electoral meetings organized at the place of work.

The Politbureau and the Plenum of the Central Committee of the Communist Party decided that it was necessary to introduce "some amendments to the Constitution of the USSR directed towards:

a) the further democratization of the electoral system in the sense that the not fully equal elections are replaced by equal, the multi-staged by direct, open by secret;
b) making the social-economic basis of the Constitution more precise [...]."

The decision was taken over by the VIIth All-Union Congress of Soviets. Instead of amending the Constitution, a completely new document was drafted and adopted in 1936. According to this new Constitution, elections became universal and direct by secret ballot. The deputies were elected on the basis of electoral districts in such a way that each district would elect one deputy.

Some expected that the new constitutional provisions would be a guarantee for real and free elections. Bukharin, one of the drafters of the new Constitution, regarded this as an important step and he expected that, further on, the electorate could make a real choice among several candidates.

However, in the first elections after the enactment of the Constitution and in all latter elections, each electoral district had only one candidate. Legally, it was possible to vote against that candidate by going into "a special room or booth to fill out the ballot" and by crossing out the name of the one candidate. Whoever did not feel any need to vote "against" could drop the ballot into the ballot box without even looking at it and without going into "the special room or booth".

The electoral laws were drafted with the condition that there were some competing candidates in each electoral district. But the practice and the electoral customs were so directed that only one candidate could compete for the voters' favors. These practices were:

a) only social (or public) organizations, and not individual citizens or groups of citizens, had the right to nominate candidates. This meant that this right was "guaranteed" only to the local Communist Party organizations, the trade unions, youth organizations, etc. In practice, candidates were proposed by enterprises and institutions (e.g. a large factory, a university);
b) during the election campaign, several (normally or always two) candidates were proposed