

Federal law dated 09.03.2021 № 43-FZ "On modification of some legislative acts of the Russian Federation"

Article 2

The Federal Law No. 149-FZ of July 27, 2006 On Information, Information Technologies and on Protection of Information (Legislation Bulletin of the Russian Federation, 2006, N 31, Article 3448; 2010, № 31, Article 4196; 2011, № 15, Article 2038; № 30, Article 4600; 2012, № 31, Article 4328; 2013, № 14, Article 1658; № 23, Article 2870; № 27, Article 3479; № 52, Article 6961, 6963; 2014, № 19, Article 2302; № 30, Article 4223, 4243; № 48, Article 6645; 2015, № 1, Article 84; № 27, Article 3979; № 29, Article 4389, 4390; 2016, № 26, Article 3877; № 28, Article 4558; № 52, Article 7491; 2017, № 18, Article 2664; № 24, Article 3478; № 25, Article 3596; № 27, Article 3953; № 31, Article 4790, 4825, 4827; № 48, Article 7051; 2018, № 1, Article 66; № 18, Article 2572; № 27, Article 3956; № 30, Article 4546; № 49, Article 7523; № 52, Article 8101; 2019, № 12, Article 1220, 1221; № 18, Article 2214; № 49, Article 6985, 6986; № 52, Article 7798; 2020, № 14, Article 2035; № 24, Article 3751; 2021, № 1, Article 18, 69) to be complemented with article 15³⁻¹ of the following content:

"Article 15³⁻¹. Order of restricting access to the information disseminated with infringement of Russian Federation legislation on elections and referendums, and (or) agitation materials produced and (or) developed with infringement of Russian Federation legislation on elections and referendums.

1. In case of detection in the information and telecommunication networks including the "Internet" network of information disseminated with infringement of Russian Federation legislation on elections and referendums, and (or) agitation materials produced and (or) developed with infringement of Russian Federation legislation on elections and referendums, the Central election commission of the Russian Federation – in case of elections to the federal public authorities, or election commission of Russian Federation subject - in case of elections to the government and local government bodies, referendum of Russian Federation subject, local referendums; the election commission organizing elections to the federal public body (during elections) has a right to address the federal executive authority performing control and supervision functions in the sphere of mass media, mass communications, information technologies and telecommunications with an appeal on taking measures to restrict the access to information resources disseminating such information and (or) agitation materials.

2. The federal executive authority performing control and supervision functions in the sphere of mass media, mass communications, information technologies and

telecommunications, on the basis of the appeal indicated in part 1 of the current Article should immediately:

1) send over the interaction system to communications service providers the demand to take measures on restricting access to the information resource, including the Internet site on which the information or agitation materials indicated in part 1 of the current Article are placed. Such demand should include the Internet site domain name, the network address, indexes of the Internet site pages making it possible to identify such information and (or) agitation materials;

2) identify the hosting provider or the other person which conducts placement of information within telecommunication network including the "Internet" network, of the indicated information resource used by the owner of the Internet site on which the information and (or) agitation materials indicated in part 1 of the current Article are placed;

3) send to the hosting provider or the other person specified in clause 2 of this part of the Article the notice in electronic form in Russian and English languages about the infringement of the Russian Federation legislation on elections and referendums, comprising domain name and network address allowing to identify site within the "Internet" network on which the information or agitation materials indicated in part 1 of the current Article are placed, as well as "Internet" network URLs allowing to identify such information and (or) agitation materials with a demand to take measures to remove such information and (or) agitation materials;

4) record the date and time of sending the notice to the hosting provider or to the other person specified in clause 2 of current part of the Article in the corresponding information system.

3. Upon receipt over the interaction system of the demand of the federal executive authority performing control and supervision functions in the sphere of mass media, mass communications, information technologies and telecommunications about taking actions on restricting access the communications service provider rendering services of granting access to the "Internet" network should immediately restrict access to the information resource including the "Internet" network site on which the information or agitation materials indicated in part 1 of the current Article are placed, with the exception of the case provided by the paragraph 3 of clause 5¹ of article 46 of the Federal law dated 07.07.2003 № 126-FZ "On communications".

4. Upon the receipt of the notice indicated in clause 3 of part 2 of the current Article the hosting provider or the other person specified in clause 2 of part 2 of the current Article is obliged to immediately inform about it the owner of information resource which uses services provided by them, about the necessity to

immediately remove the information and (or) agitation materials indicated in part 1 of the current Article.

5. Within 24 hours from the time of receipt from the hosting provider or the other person specified in clause 2 of part 2 of the current Article of the notice about the necessity to immediately remove the information or agitation materials indicated in part 1 of the current Article, the owner of information resource is obliged to remove such information and (or) agitation materials. In case of refusal or inaction of the owner of the information resource the hosting provider or the other person specified in clause 2 of part 2 of the current Article are obliged to restrict the access to the corresponding information resource immediately after the expiration of 24 hours from the receipt of the notification indicated in clause 3 of part 2 of the current Article.

6. Once the owner of informational source deletes the information and (or) agitation materials specified in Part 1 of this Article, he/she notifies the federal executive authority performing control and supervision functions in the sphere of mass media, mass communications, information technologies and telecommunications. Such notification can be send in digital form.

7. Upon the receipt of the notification specified in Part 6 of this Article and its validation and in case specified in Part 10 of this Article, the federal executive authority performing control and supervision functions in the sphere of mass media, mass communications, information technologies and telecommunications should immediately notify the telecom operator responsible for the access to the Internet informational telecom network via the interaction mechanism about the restoration of the access to the informational sources including those in the Internet network.

8. Upon the receipt of the notification specified in Part 7 of this Article, telecom operator restores the access to the informational sources including those in the Internet network except in the case specified in Part 9 of this Article.

9. If the access to the information sources including those in the Internet network was restricted by the federal executive authority performing control and supervision functions in the sphere of mass media, mass communications, information technologies and telecommunications, in accordance with the Section 3 of Clause 5¹ of Part 46 of The Russian Federal Law No. 126-FZ of Jul. 7, 2003 «On Communications», the access to the informational sources including those in the Internet network is restored by this authority upon the receipt of the notification specified in Part 6 of this Article and its validation and in case specified in Part 10 of this Article.

10. The restriction of access to the informational sources with the information and (or) agitation materials specified in Part 1 of this Article shouldn't be established before the official publication (announcement) of the decision about the elections or referendum and should be lifted after five days upon the identification of the results of corresponding elections or referendum.

11. The mechanism of interaction between the Central Election Commission of the Russian Federation, election commissions of the subjects of the Russian Federation, election commissions that organize the elections of the public authorities of federal territories and the federal executive authority performing control and supervision functions in the sphere of mass media, mass communications, information technologies and telecommunications is established by the agreement between the Central Election Commission of the Russian Federation and mentioned federal executive authority.

Article 3.

To introduce the following amendments to The Russian Federal Law No. 20-FZ of Feb. 22, 2012 «On The Elections of The Deputies of The State Duma of The Federal Assembly» (Assembly of the RF legislation, 2014, N 8, Article 740; 2016, N 11, Article. 1493; N 15, Article 2054):

1) in Article 62:

a) in clause 3 of part 3 the words "release and distribution" shall be replaced by the words "production and distribution, including in the information and telecommunication networks, including the "Internet" network";

b) to supplement with part 3¹ to read as follows:

"3¹. The specifics of the production and (or) distribution of campaign materials may be established by the Central Election Commission of the Russian Federation, taking into account the requirements of this Federal Law.";

2) in Article 68:

a) in the title the word "release" shall be replaced by the word "production";

b) in part 1 the words "to release and distribute" shall be replaced by the words "to produce and distribute, including in information and telecommunication networks, including the "Internet" network";

c) in part 4 the word "release" shall be replaced by the word "production";

d) in the first paragraph of part 5 after the word ", copies" it shall be supplemented with the words "or copies", the words "or copies" shall be replaced with the words ", examples or copies";

e) part 12 shall be stated as follows:

"12. The provisions of this article apply to the production and distribution of printed, audiovisual and other election campaign materials, including those produced for distribution and distributed in information and telecommunication networks, including the "Internet" network, with the exception of election campaign materials distributed in accordance with Articles 65 and 66 of this Federal Law.";

3) part 9 of Article 69 shall be stated as follows:

"9. Election commissions monitor compliance with the established procedure for conducting election campaigns and take measures to eliminate the violations. In case of distribution of fraudulent printed, audiovisual and other election campaign materials, distribution of election campaign materials in violation of requirements of this Federal Law, violation by broadcasting organization, editors of periodical print publication, editors of online publication of the established by this Federal Law procedure for conducting the election campaign, the relevant election commission is obliged to apply to law enforcement agencies, the court, the federal body for control and supervision in the field of mass media, mass communications and information technology, on the seizure of illegal pre-election campaign materials and on the prosecution of broadcasting organization, editors of periodical print publication, editors of online publication and its officials in accordance with the legislation of the Russian Federation."

Article 4

1. This Federal Law shall enter into force on the day of its official publication.
2. The provisions of Articles 21, 23, 26, 48, 54, 56 of the Federal Law of June 12, 2002 № 67-FZ "On basic guarantees of electoral rights and the right of citizens of the Russian Federation to participate in a referendum" (in the version of this Federal Law), Articles 62, 68, 69 of the Federal Law of February 22, 2014 № 20-FZ "On elections of deputies of the State Duma of the Federal Assembly of the Russian Federation" (in the version of this Federal Law) apply to legal relations arising in connection with elections, referenda appointed after the date of entry into force of this Federal Law.