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## **INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Bulgaria, Early Parliamentary Elections, 2 April 2023**

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### **STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

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#### **PRELIMINARY CONCLUSIONS**

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The 2 April early parliamentary elections were competitive with fundamental freedoms respected, and well managed by the election administration. While the legal framework is adequate for the conduct of democratic elections, frequent changes erode trust, undercut efficiency and pose challenges to timely preparations. In particular, controversial legal amendments, reducing the use of voting machines, reignited concerns about the secrecy and integrity of the ballot and undue influence on voters in socially vulnerable communities. The numerous contestants were able to campaign freely, though overall campaign environment was marked by voters' fatigue, and persisting allegations of vote-buying and controlled voting. The media offered diverse and extensive coverage which allowed voters to hear a plurality of views, however, it remained susceptible to political and corporate influences that reduced critical reporting. The underrepresentation of women in political office and the campaign demonstrates a need for greater commitment to ensure gender equality in politics. Election day was orderly and generally positively assessed by the IEOM observers, however, inadequate protection of ballot secrecy was noted, and machine ballots presented challenges for the election administration.

The legal framework provides an overall adequate foundation for the conduct of democratic elections. The December 2022 amendments to the Election Code, which re-introduced the option of voting by paper ballot, did not enjoy broad political consensus and were adopted with little consultation with stakeholders, at odds with international good practice. Many prior ODIHR and the Council of Europe's Commission for Democracy through Law (Venice Commission) recommendations remain unaddressed, including those related to the blanket disenfranchisement of prisoners and persons under guardianship, lack of measures to promote the participation of women and minorities, and limited possibility to challenge election results.

The administrative and technical aspects of the electoral preparations were adequately managed by election administration, which complied with all legal deadlines, despite the compressed timeframe and changes to the polling process. However, confidence in the Central Election Commission (CEC) varied among stakeholders, weakened by controversies surrounding some of its decisions. Some International Election Observation Mission (IEOM) interlocutors expressed concerns over the Commission's limited capacity to duly supervise the implementation of all election preparations. The CEC held regular sessions, open to observers and live-streamed online, contributing to transparency. Most lower-level commissions were appointed within the legal deadlines, but significant numbers of precinct election commissions (PECs) members resigned or were replaced shortly before election day, which diminished the value and impact of the training provided.

The December 2022 amendments re-introduced the option of using either touchscreen voting machines or paper ballots in all polling stations with at least 300 registered voters, in country and abroad, reducing the use of voting machines to printing of "machine ballots" to be cast and counted in the same manner as paper ballots. Moreover, they introduced video monitoring of the counting of the vote count in all polling stations. Many IEOM interlocutors from government institutions, political parties, and civil society organisations voiced criticism of these changes, including their potential negative impact on the counting process, and resulting loss of benefits associated with the use of voting machines, including greater accuracy of the vote count and a reduced number of invalid votes. The law does not foresee independent verification and certification of the results management system, contrary to international good practice.

The final voter lists contained 6,594,593 registered voters. The voter registration system is decentralised and municipal administrations compile voter lists based on the data extracted from the permanent population register. The law maintains excessive restrictions on suffrage rights, contrary to international standards, the case law of the European Court of Human Rights (ECtHR) and previous ODIHR and Venice Commission recommendations. While most IEOM interlocutors expressed confidence in the accuracy of voter lists, outdated records of voters who *de facto* reside abroad and disenfranchisement of eligible voters who reside in housing which is deemed illegal was of concern.

Candidate registration process was generally inclusive. Citizens holding dual citizenship were not eligible to stand, not in line with the case law of ECtHR, contrary to a previous ODIHR recommendation and international good practice. These elections were contested by 4,566 candidates, on 652 registered candidate lists.

Women are generally underrepresented in elected and appointed office. There are no legislative or other measures to promote women's participation and most political parties did not include any policies for the promotion of women in their platforms. The representation of women in the outgoing parliament was 58 out of 240 members of parliament (24 per cent). Out of 20-member interim government, only three are women. Only a third of candidates were women and they led only one fifth of candidate lists.

Contestants were able to conduct their campaigns freely and without hindrance, and fundamental freedoms of assembly and expression were generally respected. The campaign was moderate, with considerable presence on social media, and generally perceived as a continuation of almost two-year-long campaign activities. Persistent allegations of vote-buying and controlled voting, as well as instances of mayors' involvement in the campaign negatively affected the level playing field and the voters' ability to cast their ballot freely, at odds with OSCE commitments and other international standards. Several IEOM interlocutors pointed to harmful narratives spread by political actors in relation to the use of the term "gender", and with some notable exceptions, the visibility of female candidates remained low.

The third and fourth evaluation rounds of the Council of Europe's Group of States against Corruption (GRECO) related to transparency of political party funding and corruption prevention amongst officials, including MPs, underlined that most recommendations have been largely addressed. However, several prior ODIHR recommendations related to campaign finance remain outstanding, including the lack of reporting on expenditures before election day and the scope of oversight by the National Audit Office (NAO). Moreover, the law does not address third-party spending on behalf of eligible contestants. During the campaign, contestants reported donations and information on contracts concluded with media and public relations agencies, and the latter published all contracts with contestants online, increasing transparency. The NAO audits the reported data for irregularities but does not have the mandate and resources to investigate unreported expenses. These shortcomings undermined the transparency of campaign financing and the effectiveness of spending limits.

The diverse media environment operates in a constrained advertising market, and challenges to its viability expose media outlets to political and financial influence, which may result in self-censorship of critical coverage. Defamation remains a criminal offence, and coupled with disproportionate fines has potentially negative effects on investigative reporting on issues of public interest. Election campaign was extensively covered by the media, granting direct access to all political competitors, mostly abiding by the law, and allowing voters to hear a plurality of views. Nevertheless, strict rules on the equal participation of contestants reduced editorial content and journalistic intermediary role of the public broadcasters, used by political parties as vehicles to disseminate their electoral messages. Under a higher degree of editorial freedom, private media provided a more diverse coverage, albeit mainly positioned in non-prime time hours. Women candidates were underrepresented in televised debates, reflecting gender inequality in political life.

The law provides an expedited procedure for election-related complaints, in line with good electoral practice. Petitions challenging the outcomes of parliamentary elections are only admissible indirectly, through designated institutions, restricting access to an effective legal remedy, contrary to OSCE commitments, Council of Europe and other international standards. Before election day, the CEC decided on 24 complaints in public sessions within the established deadlines, and decisions were promptly published on the CEC website. The Supreme Administrative Court ruled on 12 appeals before election day, providing an effective remedy, and issued reasoned decisions. While the law-enforcement agencies undertook efforts to tackle illegal practices, they noted to the ODIHR EOM that obtaining evidence of vote buying remains challenging and most cases do not go beyond the pre-trial phase.

Election day was orderly and the voting process was positively assessed in 97 per cent of the IEOM observations. The IEOM observers noted that the required machine voting was not available in some of the polling stations visited, and during the day additional guidance needed to be issued by the CEC related to the printed machine ballots. Negatively, secrecy of the ballot was compromised in a substantial number of the IEOM observations, both due to the inadequate layout and voters' choice being revealed. The vote count was assessed largely positively. However, the IEOM observers noted that important procedures were often omitted, and PECs had difficulties with filling the results protocols. The initial tabulation of voting results was generally well-organized and the CEC began posting preliminary results at 23:00 on election night, contributing to transparency.

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## PRELIMINARY FINDINGS

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### Background

On 2 February, after several months of post-election negotiations and following three returned mandates to form a government by the Coalition of Citizens for the European Development of Bulgaria and Union of Democratic Forces (GERB-SDS), We Continue the Change (PP), and the Bulgarian Socialist Party (BSP) for Bulgaria, President Rumen Radev dissolved the parliament and set early parliamentary elections for 2 April. These were the fourth early parliamentary elections in the last two years. Repeated inability of elected parliaments to form a stable government has resulted in prolonged periods of interim governments appointed by the president.

As a result of 2 October 2022 early parliamentary elections, six previously represented political parties and one new party gained representation. Of these, GERB-SDS won 67 seats and PP received 53 seats.<sup>1</sup> Adoption of amendments to the Election Code, reverting to the use of voting both by paper and voting machines, and the law authorizing the provision of arms to Ukraine were among the most debated decisions of the outgoing parliament. These elections took place against a backdrop of inflation and rising prices, upcoming 2023 local elections, and international attention to the issues of corruption and judicial reform.<sup>2</sup> The election environment was affected by voters' disenchantment with the political establishment and weariness of repeated elections, and lack of confidence that these elections will resolve the protracted political crisis.

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<sup>1</sup> In addition, Movement for Rights and Freedoms (DPS) received 36, *Vazrazhdane* (Revival) 27, BSP for Bulgaria 25, Democratic Bulgaria (DB) 20, and the newcomer Bulgarian Rise (BV) 12 mandates.

<sup>2</sup> The [European Union](#) and the [United States](#) officials made public statements encouraging Bulgaria to strengthen its judicial system and the accountability of its Prosecutor General. On 10 February, the US government imposed sanctions on five prominent Bulgarian former public officials and businesspersons for acts of significant corruption, also targeting associated legal entities. See the US Department of the Treasury [press release](#). On 27 February, the European Public Prosecutor's Office carried out searches and seizures in cooperation with Bulgarian authorities in 11 cities, probing possible fraud in Bulgarian thermal power plants related to the EU Emissions Trading System.

The law does not contain any special measures to promote women's participation and most political parties did not have internal policies for the promotion of women. Representation of women did not substantially increase in the outgoing parliament, with 58 women elected out of 240 members (24 per cent). Out of 20-member interim government, only three are women. Two out of 28 governors appointed by the two interim governments and 37 of 228 elected mayors are women. Some 30 per cent of the candidates that stood for these elections were women.<sup>3</sup>

## Electoral System and Legal Framework

The 240 members of the National Assembly are elected for a four-year term, under a proportional representation system in 31 multi-member constituencies (MMCs), with 26 MMCs corresponding to the administrative districts and the remaining five MMCs, in Sofia and Plovdiv, defined before each parliamentary election.<sup>4</sup> The number of seats in each MMC is based on the last census but must comprise at least four seats. For these elections, the seats were reallocated between constituencies based on the most recent census, improving equality of the vote and addressing a prior ODIHR recommendation.<sup>5</sup> Parties and coalitions are eligible for seat allocation if they obtain at least four per cent of the valid votes cast nationwide and abroad, while independent candidates must surpass the constituency quota.<sup>6</sup>

Parliamentary elections are primarily governed by the 1991 Constitution, the 2014 Election Code and the 2005 Political Parties Act, supplemented by other relevant laws and the Central Election Commission (CEC) decisions. Bulgaria is also party to major international and regional instruments related to the holding of democratic elections.

The 2 December 2022 amendments to the Election Code reversed mandatory machine voting, re-introduced voting by paper ballot and reduced the use of voting machines to printing of "machine ballots" to be cast and counted in the same way as paper ballots. Other amendments introduced voting screens instead of polling booths, and video monitoring and streaming during the counting process. These amendments did not enjoy broad political consensus and were adopted with little consultation with relevant stakeholders.<sup>7</sup> The debates highlighted partisan divisions based on perceived advantages of the different voting methods.<sup>8</sup> President Radev vetoed the amendments on 14 December 2022 as posing challenges to the secrecy of the vote and effectively denying voters the benefits of voting machines, but his veto was overturned by the parliament. Adoption of the changes close to the elections is detrimental to the stability of electoral law and is at odds with the ODIHR's and the Venice Commission's long-standing position that electoral legislation should be adopted through a public,

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<sup>3</sup> Women led 20 per cent of candidate lists. Among the parliamentary parties and coalitions, women were included in the top three positions in 30 per cent of DPS candidate lists, in 27 per cent of GERB-SDS lists, in 26 per cent of each BSP and BV lists, in 19 per cent of Revival lists, and in 18 per cent of PP-DB coalition candidate lists.

<sup>4</sup> In line with the law, constituencies for these elections were defined by a presidential decree on 31 January 2023.

<sup>5</sup> On 2 February, the CEC determined the new allocation of seats based on the 3 October 2021 census. The number of seats in Sofia increased from 16 to 19, Varna from 15 to 16, and Plovdiv from 11 to 12, while it decreased in Ruse from 8 to 7, Montana from 5 to 4 and Pleven from 9 to 8. Creation of a separate constituency for out-of-country voters, envisioned in the Election Code, was postponed by the December 2022 amendments until 1 January 2025.

<sup>6</sup> The constituency electoral quota is defined as the number of valid votes cast divided by the number of seats in a given MMC. The candidates are elected from open lists with a single preferred option. Where no preference is indicated, the vote goes to the listed carrier. To get a preferential seat, a candidate must receive at least seven per cent of the votes by their party lists in an MMC.

<sup>7</sup> The amendments were adopted by 125 votes in favour and 101 against. Views of the relevant government ministries and other stakeholders were not requested during the legislative process, as the draft was initiated by members of parliament. PP and DB submitted an appeal to the Constitutional Court, arguing against the return to the paper ballot. The Constitutional Court found the appeal partially admissible on 14 March, but the case remains pending.

<sup>8</sup> While GERB, DPS and BSP stood against machine voting citing security risks and the effect on the turnout, PP, DB and Revival objected to the reintroduction of the paper ballot due to the risk of manipulations.

inclusive and effective consultative process, facilitating consensus-building among the key stakeholders.<sup>9</sup>

The legal framework provides an overall adequate foundation for the conduct of democratic elections. However, despite frequent revisions of the electoral legal framework, a number of provisions inconsistent with international standards and related to longstanding recommendations by ODIHR and the Venice Commission remain to be addressed, including the blanket disenfranchisement of prisoners and persons under guardianship, restrictions on the right to stand for those holding dual citizenship, lack of measures to promote the participation of women and minorities, and limited possibility to challenge election results.<sup>10</sup>

## Election Administration

The elections are jointly administered by the election commissions, which oversee electoral preparations, as well as state ministries, local authorities, and technical providers.<sup>11</sup> The election administration bodies comprise the Central Election Commission (CEC), 31 District Election Commissions (DECs) and some 13,000 Precinct Election Commissions (PECs). The CEC is a permanent body comprising 15 members appointed for a five-year term, with its current composition established in May 2021.<sup>12</sup> Members of DECs and PECs, including leadership positions, are appointed upon nominations by political entities, in proportion to their representation in the outgoing parliament. While the CEC did not publish any gender-disaggregated data on the commission membership, the ODIHR EOM noted that women were well-represented among the commission members and leadership.<sup>13</sup>

Overall, the election administration managed administrative and technical aspects of the electoral preparations adequately and complied with all legal deadlines, despite the compressed timeframe and changes to the polling process.<sup>14</sup> Delays in decision making in relation to the new features of voting machines and the newly introduced video recording of the count, adversely affected the preparations.<sup>15</sup> The CEC enjoyed varied levels of confidence among stakeholders, weakened by controversies

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<sup>9</sup> See [Compilation of Venice Commission Opinion and Reports concerning the Stability of the Electoral Law, CDL-PI\(2020\)020](#).

<sup>10</sup> See [2017 ODIHR and Venice Commission Joint Opinion on Amendments to the Election Code](#) and previous ODIHR election [reports](#) on Bulgaria.

<sup>11</sup> The Council of Ministers delegated to the Ministry of Interior the co-ordination of electoral preparations with others ministries, including the Ministry of Justice, the Ministry of Foreign Affairs (MFA), and the Ministry of Electronic Government (MEG). Local authorities provided administrative and technical support for DECs and PECs and arranged for the compilation of the voter lists; Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development (GRAO) verified the signatures and the eligibility of individual candidates; state-controlled company “*Information Services*” partly verified the eligibility of candidates, processed the tabulation results, and provided the CEC with other technical and IT support; *Ciela Norma*, a private company, supported the operation of voting machines.

<sup>12</sup> The CEC composition reflects the political representation after the April 2021 parliamentary elections. Prior to these elections, one political party, Revival, voiced dissatisfaction over their lack of representation in the CEC.

<sup>13</sup> Eight out of 15 CEC members are women, including the chairperson. A total of 257 of the 439 DEC members were women (57,4 per cent), out of which 16 chaired the DECs (51,6 per cent). Women comprised some 70 per cent of the PEC members in the polling stations visited by the EOM observers on election day.

<sup>14</sup> Lack of proper co-ordination between the Ministry of Interior and the CEC over the deployment of the voting screens, which replaced the polling booths, left the local administrations responsible for their procurement with little notice (about 15 days prior to elections) and without specific centralised technical guidance.

<sup>15</sup> Installation of the final software version on voting machines for the in-country polling stations started less than a week before election day, with limited time for testing. Guidelines for election personnel for the polling and counting procedures were adopted on 16 and 18 March, respectively, allowing limited time for training. On 31 March, the CEC amended voting procedures asking PECs to ensure that voters fold machine ballots twice, in order to preserve the secrecy of the vote.

surrounding some of its decisions.<sup>16</sup> Some IEOM interlocutors expressed concerns over the limited capacity of the CEC to duly supervise the implementation of all election preparations. The CEC acknowledged to the ODIHR EOM that many responsibilities assigned to it under the law, such as the printing of ballots, machine voting, and public procurement, are not matched by the provision of the requisite administrative and technical capacities. The CEC held regular sessions, open to observers and live-streamed online, with recordings also made publicly available, contributing to transparency. Contrary to a previous ODIHR recommendation, the sound of livestream was often muted without prior announcement of the reason, or such discussions were held during non-public meetings, which limited the access to information of public interest and diminished transparency.<sup>17</sup>

The DEC and PECs are appointed for each election by the respective upper-level commissions, following consultations among the nominating parties and coalitions within the constituency or municipality.<sup>18</sup> All DEC and most PECs were appointed within the legal deadlines.<sup>19</sup> Consensus among local political representatives on the commission composition was not reached for 24 of the 31 DEC, and the CEC decided on these. While the law sets a deadline for the replacement of PEC members abroad, nominating parties and coalitions are permitted to substitute their PEC members for in-country polling stations at any time before and on election day, contrary to prior ODIHR recommendations.<sup>20</sup> Significant numbers of PEC members resigned or were replaced shortly before election day, which diminished the value and impact of the training provided. DEC and PECs were supplied with appropriate resources and logistical support by the local authorities.

While the law mandates DEC to train the lower-level commissioners, DEC members did not receive any standardized training and were only briefed by the CEC late in the process.<sup>21</sup> The first training programme for PEC members took place in the last week of March with in-person and online sessions. These were complemented by online training on the operation of voting devices delivered by *Ciela Norma*, and on the functioning of the video monitoring devices by Information Services.<sup>22</sup> The training sessions for PECs observed by the ODIHR EOM were mostly well-organized, encompassing essential aspects of the election day, including filling of the result protocols.

Voter information campaign was carried out by the CEC mostly in broadcast media and online, with sign language interpretation, enhancing access for people with hearing impairments.<sup>23</sup> The CEC launched an online touchscreen voting machine simulator. A handful of machines were provided to some contestants upon request within ten days prior to election day. By law, several polling stations within each

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<sup>16</sup> On 20 February, the CEC Deputy Chairperson Tomov resigned as a spokesperson in protest of the CEC decision to not include separate reporting lines for the voting results from machine voting and paper ballot. This decision was later overturned by the Sofia Administrative Court based on the appeal brought by PP, DB, and The Left. On 4 March, the CEC adopted a new results protocol template, disaggregating voting results according to the voting method.

<sup>17</sup> The CEC Rules of Procedure allow for partially closed sessions only for data protection and require public announcement of the reasons.

<sup>18</sup> DEC have either 13 or 17 members, depending on the number of parliamentary mandates in the constituency; PECs have 5 to 9 members, depending on the number of registered voters. DEC were appointed by 10 February, with some 30.5 per cent members without recent election experience. Appointment deadlines for PECs varied according to the type of the polling stations, with in-country PECs appointed by 7 March.

<sup>19</sup> The respective commissions were therefore appointed directly by the CEC. Five CEC decisions on DEC appointment were appealed by the political party PP, asserting that the distribution of the leadership positions had not respected the required ratio. All five appeals were dismissed by the Supreme Administrative Court.

<sup>20</sup> For out-of-country PECs, the parties and coalitions nominated only 1,900 from some 4,000 PEC members required; the remaining members were appointed by the MFA from among its employees and resident Bulgarian citizens. December 2022 amendments required the MFA to ensure one state employee in each polling station, requiring some 500 civil servants to travel abroad.

<sup>21</sup> See Paragraph 84 of the Venice Commission's [Code of Good Practice in Electoral Matters](#) (Explanatory Report).

<sup>22</sup> In some localities, political parties provided additional training to the PEC members they nominated.

<sup>23</sup> It covered voter registration options, out-of-country voter registration, use of voting machines and ballot papers, and accessibility of polls for voters with disabilities.

constituency should be accessible for voters with visual impairments and reduced mobility. Most voter education and election materials, including ballot papers and voting machines, were not adapted for voters with visual or cognitive impairments, at odds with international standards and good practice.<sup>24</sup>

## Election Technologies

The December 2022 amendments re-introduced an opportunity to choose voting using either touchscreen voting machines or paper ballots in all polling stations with at least 300 registered voters, in country and abroad. The use of the voting machines was reduced to the printing of “machine ballots” to be cast and counted in the same way as paper ballots.<sup>25</sup> Many IEOM interlocutors from government institutions, political parties, and civil society criticized these changes, including their negative impact on the counting process, and resulting loss of the benefits associated with the use of voting machines, including greater accuracy of the vote count and a reduced number of invalid votes.

The CEC is mandated to supervise machine voting, and recent amendments provided for creation of a machine voting unit within the CEC, in line with a prior ODIHR recommendation. However, due to limited preparation time, this unit was not established. The CEC used the machines purchased for previous elections and contracted the same private company, *Ciela Norma*, to provide the software, IT support, logistics and training for the election personnel.

The certification process for six randomly selected voting machines, performed by the Ministry of Electronic Government (MEG) took place from 21 to 24 March.<sup>26</sup> This process was carried out in accordance with an updated methodology, following consultations with experts and stakeholders. The MEG arranged the opportunity for registered party representatives and citizen observers to review the source code of the voting machine software, as required by law.<sup>27</sup> The final certification report, establishing full compliance of the devices with the required technical specifications, was published on 29 March, allowing limited time for the assessment of its findings prior to election day.

As specified by law, processing of voting results was assigned to the state-controlled company Information Services (IS).<sup>28</sup> On 17 March, a brief demonstration of the results management system was conducted at the CEC, in the presence of several party representatives, observers and the media. The IS and the CEC opined to the ODIHR EOM that a certification mechanism for this system is not needed as the software processes open data and security is ensured through a closed network. The law does not foresee an independent verification and certification of the system, contrary to international good practice.<sup>29</sup> As required by the 2022 amendments, the count at in-country regular polling stations was to be conducted under video monitoring. The MEG was instructed to implement the video monitoring and signed a contract with the IS on 1 March to develop a mobile application and create online platform to host the videos.<sup>30</sup>

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<sup>24</sup> See Articles 9 and 29 of the 2006 [UN Convention of the Rights of Persons with Disabilities](#) (CRPD).

<sup>25</sup> Voting machines, only one per polling station, were planned to be used in some 9,400 polling stations in the country and about 250 polling stations abroad. Paper ballots were used in all polling stations.

<sup>26</sup> The installation of the EVD software took place from 24 March until 30 March with the support of some 200 IT technicians from *Ciela Norma*.

<sup>27</sup> The CEC has removed the professional and educational requirements for accessing the certification process.

<sup>28</sup> This process included, data entry, adjusting and scanning the results protocols, downloading results data and results protocols, correcting any errors under elections officials, as well as managing publication of the results.

<sup>29</sup> See paragraphs 4, 7 and 8 of [the 2022 Council of Europe’s Guidelines on the use of information and communication technology \(ICT\) in the electoral processes](#) which require transparency and evaluation of the ICT systems.

<sup>30</sup> On 8 March, the MEG revealed that this process will be implemented using mobile devices. The IS had to contract all three existing mobile phone internet providers in Bulgaria to provide mobile devices with the stands, and the mobile phone network for nearly 12,000 devices. The implementation of such system represented a significant increase of election costs for no evident benefit. The deployment of the video monitoring system – hardware and software – was announced at 6.6 million BGN (some 3.3 million EUR).

## Voter Registration

Citizens over the age of 18 are allowed to vote. The law maintains excessive restrictions on suffrage rights for those deprived of legal capacity by a final court decision, including those with intellectual or psychosocial disabilities or those serving a prison sentence, regardless of the gravity of the crime, contrary to international standards, the case law of ECtHR and previous ODIHR and Venice Commission recommendations.<sup>31</sup> The Constitutional Court pointed to the need to amend the Constitution to comply with international obligations.<sup>32</sup>

The voter registration system is decentralised and passive. Before each election, municipal administrations compile voter lists based on the data extracted from the permanent population register maintained by the Directorate General of Civil Registration and Administrative Services (GRAO) of the Ministry of Regional Development and Public Works. All eligible voters with a permanent address in Bulgaria are automatically added to the voter list. On 16 February, before public scrutiny of the preliminary voter lists, the CEC announced the number of eligible voters at 6,651,182, a figure that exceeds the recent census figures of voting age citizens living in Bulgaria.<sup>33</sup> The final voter lists submitted to the in-country PECs included 6,594,593 voters. Several IEOM interlocutors expressed concerns about the disenfranchisement of eligible voters who reside in housing, which is deemed illegal, particularly in Roma communities, and face administrative challenges in obtaining or renewing their identity cards.<sup>34</sup>

The preliminary voter lists were made available for public inspection online and at polling stations from 20 February, and were displayed at the polling stations visited by the ODIHR EOM.<sup>35</sup> Until 18 March, voters could request inclusion on the voter lists at their current registered address, and certain voters could apply for absentee voting certificates (AVC) to vote at any polling station of their choice. Municipalities were required to publish lists of all citizens removed from the voter list and the reasons for their removal by 23 March. Voters abroad may register in advance for their preferred polling station or vote without prior registration.<sup>36</sup> While most IEOM interlocutors expressed confidence in the accuracy of voter lists, outdated records of voters who *de facto* reside abroad pose a risk of an inflated voter register.

## Candidate Registration

Eligible voters of at least 21 years of age have the right to stand as candidates. Citizens holding dual citizenship were not eligible to stand, at odds with the case law of the ECtHR and voters could sign in support of only one contestant in the elections, contrary to a previous ODIHR recommendation and

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<sup>31</sup> See Articles 12 and 29 of the [CRPD](#). See also the European Court of Human Rights (ECtHR) judgements in [Kulinski and Sabev v. Bulgaria](#), [Marinov v. Bulgaria](#) and [Dimov and others v. Bulgaria](#).

<sup>32</sup> In response to the government's request to interpret Article 42(1) of the Constitution, the Court ruled on 18 October 2022 that implementing ECtHR judgements on prisoners' voting rights and persons with mental disabilities requires constitutional amendments. No such amendments have been tabled so far.

<sup>33</sup> The National Statistical Institute informed the ODIHR EOM that the Bulgarian population over 18 was 5,367,708 as of 7 September 2021. The ODIHR EOM interlocutors explained the disparity between the number of registered voters and the estimated number of eligible resident citizens by the migration of Bulgarians who do not notify local administrations before leaving.

<sup>34</sup> Changes to the Civil Registration Act in 2011 and 2012, including the requirement to present documents demonstrating the ownership or use of the property, have resulted in inability for those not meeting these requirements to renew their expired IDs. According to research by the Bulgarian Helsinki Committee, over 110,000 Bulgarian citizens over 14 years of age in-country do not have identity cards. See paragraph 11 of the [1996 UN Human Rights Committee \(HRC\) General Comment No. 25](#) and the [Action Plan on Improving the Situation of Roma and Sinti within the OSCE area](#).

<sup>35</sup> Voters could also check their data online via municipal administrations' or the GRAO websites.

<sup>36</sup> By 9 March, 47,389 voters in 77 countries had submitted their applications to cast ballots outside of Bulgaria, according to the MFA and the CEC. On March 11, the CEC decided that out-of-country voting would be conducted in 737 polling stations in 62 countries. Voters with Bulgarian ID documents may vote at any polling station abroad.

international good practice.<sup>37</sup> Candidates may be nominated on the lists of registered political parties or coalitions, or run independently in a constituency, supported by nomination committees.<sup>38</sup> Registration of election contestants took place in two stages.<sup>39</sup> In the first stage, between 9 and 20 February, the CEC received requests to register political parties, coalitions, and nomination committees. The CEC had first registered 16 political parties and seven coalitions.<sup>40</sup> In the second stage, candidate lists were registered by the DEC until 28 February and verified on the central level by the GRAO.<sup>41</sup> Several candidates were de-registered for not meeting the legal criteria.<sup>42</sup> On 1 March, the CEC held a draw to determine place on the ballot for 21 contestants: 14 parties and seven coalitions. In a generally inclusive process, 4,566 candidates on 652 candidate lists were registered to contest these elections.<sup>43</sup> Some 30 per cent of candidates were women.

## Campaign Environment

Official campaign started on 3 March and ended 24 hours prior to election day.<sup>44</sup> Contestants were able to conduct their campaigns freely and without hindrance, and fundamental freedoms of assembly and expression were generally respected. The campaign was moderate, with considerable presence on social media, and generally perceived as a continuation of almost two-year-long campaign activities. The campaign tone was calm overall, but instances of racist, xenophobic and anti-Roma rhetoric were noted and reacted to by the authorities.<sup>45</sup> A number of interlocutors pointed to misleading and harmful narratives spread by political actors in relation to the use of the term “gender”, which delayed or blocked the adoption of improved legislation to combat domestic violence. With some notable exceptions, the visibility of female candidates remained low.

In an overall competitive campaign, parties mainly relied on small gatherings, face-to-face meetings, and social media, with the exception of several large-scale events organized by GERB. Campaign centered around topics of the rising prices, fiscal and social policies, prospective membership in the Eurozone, gender issues, and politics of memory related to a monument of the Soviet Army. Three

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<sup>37</sup> The candidacy restriction based on dual citizenship is at odds with the jurisprudence of the ECtHR (see [Tănase v. Moldova](#)). Bulgaria reserved the right not to apply Article 17 of the [1997 European Convention on Nationality](#), which guarantees equal rights to nationals with dual citizenship. See paragraph 196 of the 2020 ODIHR and Venice Commission Guidelines on Political Party Regulation.

<sup>38</sup> A nomination committee is established by three to seven voters in order to nominate an independent candidate.

<sup>39</sup> To register, political parties and coalitions had to submit a minimum of 2,500 supporting signatures from voters and a deposit of BGN 2,500, while nomination committees were required to hand in supporting signatures of at least one per cent of registered voters in the constituency, but not more than 1,000 signatures, and a deposit of BGN 100. 1 EUR equals 1.95 Bulgarian Lev (BGN). Deposits are refunded to political parties and coalitions which obtained at least one per cent of valid votes, and to independent candidates who obtained valid votes of at least one quarter of the constituency electoral quota

<sup>40</sup> The CEC denied registration to two political parties and one coalition, due to deficiencies in the supporting signatures. Subsequently, one registered party withdrew and another one had not registered candidate lists in any electoral constituency.

<sup>41</sup> In case of withdrawal or rejection of registration of candidates, political entities could submit replacements to the DEC until 2 March.

<sup>42</sup> One candidate was de-registered due to holding another citizenship and four for not complying with the age requirement. In two cases, candidates were nominated in more than two constituencies, hence, their registration was cancelled in the constituencies following the second registration.

<sup>43</sup> Candidates could be nominated in up to two constituencies, and 1,036 candidates stood on two candidate lists.

<sup>44</sup> The silence period applies the day before and on election day, and extends to the publication of opinion polls related to election results.

<sup>45</sup> The CEC established several breaches of the law relating to “violation against the good morals” in cases of anti-Semitic and anti-Roma messages and calls for violence against certain politicians and groups of people by a candidate of the People’s Party of the Truth and Only the Truth and a candidate of the Bulgarian National Union – New Democracy. In his Facebook post, the Revival leader accused a PP candidate and a director of a non-government organization, both of Jewish origin, for being anti-Bulgarian. LGBTI organization informed the ODIHR EOM that it had to cancel a seminar, organized together with the Bulgarian Judges Association, after the Revival leader shared the agenda of the event in a Facebook post making a comment about being disgusted.

parties integrated calls for referendums in their campaign.<sup>46</sup> The legal framework contains some regulations aiming to prevent the misuse of administrative resources during the campaign but does not address campaigning by high-level public officials who are not candidates. There were several instances of mayors' involvement in the campaign observed by the ODIHR EOM.<sup>47</sup>

A number of interlocutors, including representatives of government bodies, voiced their concerns over vote-buying and controlled voting, alleging ties between certain enterprises and local authorities which entice or pressure voters, affecting the level playing field and the voters' ability to cast their votes freely, at odds with OSCE commitments and international standards.<sup>48</sup> The MoI introduced a hotline for reporting election-related irregularities.

Out of 21 parties and coalitions contesting in the elections, 19 established official Facebook accounts.<sup>49</sup> In general, party leader pages had more followers than those of their respective parties and coalitions. Online and offline campaign focused on the same issues. Specific issues that generated most interactions related to gender issues, the potential removal of a Soviet army monument in Sofia, as well as Eurozone. According to published data, PP-DB spent the most on Facebook advertising, accounting for nearly half of all expenditures by political parties.<sup>50</sup> The campaign tone was often accusatory and at times aggressive.

## Campaign Finance

Campaign finance is mainly regulated by the 2014 Election Code, the 2005 Political Parties Act and the 2015 National Audit Office Act. The third and fourth evaluation rounds of the Council of Europe's Group of States against Corruption (GRECO) related to transparency of political party funding and corruption prevention amongst officials, including MPs, underlined that most recommendations have been largely addressed.<sup>51</sup> At the same time, a number of prior ODIHR recommendations remain unaddressed, including the lack of reporting on expenditures before election day and the scope of oversight by the National Audit Office (NAO). On 20 January, the president of the NAO was dismissed by the parliament, with the votes of GERB-SDS, DPS, BSP and BV. This decision was challenged in

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<sup>46</sup> BSP was gathering public support for a referendum against the "introduction of gender ideology in schools", while Revival was collecting signatures for the preservation of the Bulgarian lev instead of the adoption of the Euro. ITN made a call for a referendum for a change of the form of government into a presidential republic.

<sup>47</sup> The ODIHR EOM interlocutors alleged that the mayor of Kostenets organized GERB campaign meetings with directors and schoolteachers, pensioner clubs, and women forums. In Vidin, a BSP interlocutor alleged that in GERB-run municipalities in the region, the municipal administration pressures its employees and villagers that benefit from the "Warm Lunch" and "Personal Assistance" programmes to vote for GERB. In Blagoevgrad, a complaint was made to the DEC regarding alleged pressure on voters exerted by the DPS mayor of Yakoruda, claiming that he used mobile voting and the social programme "Warm Lunch" to influence voters. The mayor of Kardzhali held campaign meetings with DPS voters.

<sup>48</sup> Interlocutors from BSP in Vidin alleged that a company that won a public tender to install air conditioners and a security company were involved in vote-buying schemes. In Montana, ODIHR EOM interlocutors raised concerns that an influential businessperson established networks for "corporate voting". In Kyustendil, interlocutors from PP and Revival claimed that an influential local businessperson directs his employees to vote for GERB. PP interlocutors in Vratsa alleged that owners of small businesses who operate in GERB-run municipalities do not want to attend PP campaign events, since they are afraid to lose contracts with their municipality. See Paragraph 7.7 of the [1990 OSCE Copenhagen Document](#).

<sup>49</sup> ODIHR EOM selected a sample of 21 official Facebook accounts of the political parties and coalitions with prospects of entering the parliament according to the polls, their respective leaders, as well as the President and the Council of Ministers.

<sup>50</sup> Meta Ad Library data disclosed the total spending by political parties during the third week of campaigning at some EUR 93,000.

<sup>51</sup> GRECO's final compliance report related to the Third Evaluation Round published in February 2016 concluded that out of the 16 recommendations, 13 have been implemented, and three partially implemented. In the [Fourth Evaluation Round](#) on corruption prevention in respect of members of parliament, judges and prosecutors (December 2019), the Bulgarian authorities had satisfactorily implemented 16 and partially - 3 recommendations out of 19. The initial report from the [Fifth Evaluation Round](#) was published on 19 January 2023.

the Constitutional Court by 71 MPs, who argued that it was contrary to the rule of law and independence of the NAO.<sup>52</sup> On 7 March, the Constitutional Court declared the petition admissible, and the case is pending.

Political parties and coalitions that received, respectively, at least one and four per cent of valid votes nationwide in the previous elections are entitled to annual public funding, which may be used in election campaigns.<sup>53</sup> Parties and coalitions that are not entitled to public funding and have registered candidate lists in all electoral districts receive BGN 40,000 for covering media advertising costs, while independent candidates receive BGN 5,000.<sup>54</sup> The campaign may be financed by the party's or candidate's own funds, monetary and in-kind donations from private individuals. Donations over one minimum monthly wage (BGN 780) must be accompanied by the donor's declaration of the source of donated funds.<sup>55</sup> The law does not provide a limit for individual donations, heightening the risks of dependence on wealthy private interests.<sup>56</sup> Campaign expenditures are limited to BGN three million for parties and coalitions and BGN 200,000 for independent candidates.

During the campaign, contestants were required to report to the NAO all donations within seven days from receipt and information on contracts concluded with media and public relations agencies.<sup>57</sup> Media outlets were required to publish all contracts with contestants online, increasing transparency, and to submit such information to the NAO within 30 working days after election day. The NAO cross-checks the information submitted by the media outlets with the contestants' reports.<sup>58</sup>

The NAO is mandated with supervising party and campaign financing. Contestants are not required to report expenditures during the campaign but submit a report on campaign income and expenses within 30 working days after the elections, to be published within 15 days and audited by the NAO within six months from the submission. The NAO audits the reported data for prohibited donations or other irregularities but does not have the mandate and resources to investigate unreported expenses, limiting effectiveness of the oversight. The law does not address third-party spending on behalf of eligible contestants. These shortcomings undermine the transparency of campaign financing and the effectiveness of spending limits.

## **Media**

The media environment is diverse and offers content plurality, partly reflecting political polarization. A wide range of media operate in a limited advertising market, many are financially fragile and rely on

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<sup>52</sup> While the NAO's president's seven-year term expired in March 2022, the parliament did not initiate the procedure for his replacement and the acting deputy president's term of office had also expired.

<sup>53</sup> According to the State Budget Act, in 2023, the amount of the state subsidy for each vote received is BGN 8. According to the Ministry of Justice, in 2022, four political parties and five coalitions were entitled to BGN 9,245,558 in total.

<sup>54</sup> For these elections, ten political parties, four coalitions and two independent candidates were entitled to these "media packages". Contestants choose where to be advertised, but the contracts are approved by the CEC, which transfers the funds directly to the respective media.

<sup>55</sup> Donations from non-residents, religious institutions, anonymous and foreign sources, and legal entities are prohibited.

<sup>56</sup> In April 2021, the possibility for legal entities to donate to election campaigns introduced in 2019 was declared unconstitutional by the Constitutional Court.

<sup>57</sup> According to the NAO public registry, as of 31 March 2023, nine parties and coalitions and two independent candidates declared donations, with a total of some BGN 670,500, with the larger amounts declared by PP (over BGN 451,445), followed by the Left (some BGN 89,600) and Revival (some BGN 50,500). The highest number of contracts concluded with media and public relations agencies were declared by GERB-SDS (294), followed by the Left (97), BSP (96), and Bulgarian Rise (64). Based on published information, NGO Institute for Public Environment Development estimated the value of contracts signed between the political parties and the media by 27 March 2023 at around BGN 1,309,062.

<sup>58</sup> However, as the contract reporting requirement does not extend to social networking and internet search platforms, advertising on these platforms, even if reported, cannot be cross-checked.

subsidies and state advertising, exposing them to political and economic influences. Limits to media sustainability, according to IEOM interlocutors, may induce self-censorship of critical coverage of businesses and political parties. Television dominates the media market and remains the primary source of news, while online media has overtaken print media and social networks provide a digital public sphere for political parties and candidates to engage voters.<sup>59</sup> Long-standing concerns challenging the media environment include insufficient transparency of media ownership and of allocation of state advertising, media concentration, and lack of safeguards to protect media from political interference.<sup>60</sup>

Whilst not punished with imprisonment, defamation is still a criminal offence, which might give rise to concerns, in light of international standards.<sup>61</sup> On 8 March, various media reported that a private online media outlet was sued for BGN 1 million by an insurance company on defamation claims. National and international associations of journalists characterised this as legal harassment against critical media coverage, with potential negative effects on investigative reporting on issues of public interest. Charges against media leading to disproportionate fines create a climate of fear and weaken the media freedom.<sup>62</sup>

The public service media Bulgarian National Television (*BNT*) and Bulgarian National Radio (*BNR*) are among the most trusted news outlets. Their funding mechanism, based on outdated criteria such as the hours of broadcasting, expose the amount of funding to uncertainty and discretion of the parliament, which, according to several ODIHR EOM interlocutors, does not guarantee sufficient resources to accomplish the public remit properly, nor to fence off government and political influence. Two media groups (*bTV* and *Nova*) largely dominate the media market and lead the audience shares.<sup>63</sup>

The legislation provides safeguards to protect freedoms of expression and the media and generally complies with international standards. The Election Code regulates broadcast media during the election campaign. The May 2021 amendments reinforced the ‘equal participation’ principle for the political contestants on the public service media.<sup>64</sup> As required by law, agreements on the election broadcasts were signed by *BNT* and *BNR* with political parties, and approved by the CEC on 1 March. These agreements whilst in line with the law strictly define all possible formats of election broadcasts, including timing, schedule, order of appearances, presenters and topics, which limited the editorial freedom of *BNT* and *BNR* in their election campaign coverage. Private broadcasters and online media, on the contrary, have a higher degree of editorial freedom.

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<sup>59</sup> According to the 2022 [Flash Eurobarometer](#), TV is the most used media to access news in Bulgaria. By [Internet World Stats](#) of 2022, Bulgaria had 67.9 per cent Internet and 67 per cent Facebook penetration.

<sup>60</sup> The 2022 [EU Report](#) on the rule of law situation in Bulgaria states that “The lack of a clear regulatory framework to ensure transparency in the allocation of state advertising remains a concern, despite some measures having been taken to improve transparency. As regards media ownership transparency, reflections are ongoing about a more effective enforcement of media ownership obligations”.

<sup>61</sup> See the Council of Europe’s [CM/Rec\(2016\) on the Protection of journalism and safety of journalists and other media actors](#), the [PACE Resolution 1577 \(2007\) Towards decriminalisation of defamation](#) and its [Recommendation 1814 \(2007\)](#), as well as paragraph 47 of the 2011 UN Human Rights Committee (CCPR) [General Comment 34](#) on Article 19 of the ICCPR and the [2003 OSCE Bishkek Declaration](#).

<sup>62</sup> The [CoE safety of journalist platform](#) recorded two alerts in 2023: on 8 March, it reported the civil lawsuit filed by the insurance company *Lev Ins* against the online media *Mediapool* for an article about the international car insurance certificate system. On 7 February, police forced a *Deutsche Welle* journalist to delete photos she took while reporting about party activists of Revival party collecting signatures for an anti-Eurozone referendum. The [Association of European Journalists-Bulgaria](#) (AEJ) promptly denounced the case of *Mediapool* as a classic example of SLAPP (strategic lawsuits against public participation). In April 2022, the European Commission issued a proposal of [anti-SLAPP Directive](#) aimed at providing “safeguards against manifestly unfounded or abusive court proceedings in civil matters with cross-border implications brought against natural and legal persons, in particular journalists and human rights defenders, on account of their engagement in public participation”.

<sup>63</sup> According to the 2022 [Reuters Institute Digital News Report](#), public broadcasters (*BNR* and *BNT*) are the most trusted news sources, followed by *Darik*, *Nova TV News*, and *bTV News*. A [survey](#) on media preferences during election campaigns conducted for the Council for Electronic Media (CEM) found in 2022 an increasing decline of interest in news about the elections, pointing to an alleged election fatigue.

<sup>64</sup> In particular, the right of registered parties and candidates to equal participation added to Article 189.3.

*BNT* and *BNR* granted all contestants free and paid airtime, in line with the election regulations.<sup>65</sup> In the monitored hours, *BNT* aired over 20 hours broadcasts of candidates in free (73 per cent) and paid airtime (27 per cent). *BNT* and *BNR* organised 42 debates, which featured 159 candidates, but major parties scarcely attended. Furthermore, main political leaders mostly refused to face each other, depriving the voters of an opportunity to see them debating. *BNT* and *BNR* did not cover any election campaign activities in their news bulletins, which mainly focused on members of government and the president in their official capacities.<sup>66</sup> The regular information programmes and talk shows of *BNT* and *BNR* fell under the same strict rules set by the agreements with the parties, which reduced their editorial independence.<sup>67</sup> While clearly marked as such, the paid content of *BNT* and *BNR* included interviews and campaign reports, engaging journalists in the preparation of campaign material for political parties, which is a debasement of the journalistic profession discouraged by international professional norms.<sup>68</sup>

The monitored private broadcasters exhibited greater fluidity in their election coverage. *Nova TV* and *bTV* provided wide coverage of political contestants in a variety of formats, which included debates with representatives of parliamentary parties and leading competitors, as well as interviews with party representatives, though mostly aired outside of prime time.<sup>69</sup> The newscasts of *Nova TV*, *bTV* and *Darik* scarcely covered election campaign events, yet reported impartially on political issues, mainly hearing from parliamentary parties.<sup>70</sup> All monitored broadcasters extensively reported on election preparation and voter information. With political parties deciding on their representatives in the debates, women candidates were overall underrepresented, accentuating gender inequality in political life.<sup>71</sup>

In June 2022, the Council for Electronic Media (CEM) failed to appoint a new general director of *BNT*; a new appointment procedure is still pending due to a court appeal.<sup>72</sup> During the election campaign, the CEM monitored 27 broadcasters and sent 16 alerts of potential violations to the CEC, mainly on the grounds of improper publication of opinion polls, incomplete information on paid advertisements, and harmful speeches by candidates. The CEC established violations by candidates in 5 cases and none by media outlets.

## Participation of minorities

The Constitution guarantees the right of self-identification but does not refer to national minorities.<sup>73</sup> There are no legal provisions fostering the participation of minorities in elections. The law prohibits campaigning in languages other than Bulgarian, at odds with international standards and prior ODIHR

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<sup>65</sup> Between 3 March and 2 April, the ODIHR EOM monitored political coverage of three television stations (*BNT*, *bTV* and *Nova TV*), daily between 16:00 and 23:00), two radio stations (*BNR* and *Darik*), daily between 07:00-09:00 and 17:00-19:00. In addition, it reviewed the election debates in the morning and afternoon blocks.

<sup>66</sup> *BNT* and *BNR* devoted most of their prime-time news coverage to government (respectively 56 and 59 per cent) and president (26 and 10 per cent).

<sup>67</sup> The talk shows *Panorama* and *Referendum* were included in the agreements between *BNT* and the political parties.

<sup>68</sup> See paragraph 13 of the International Federation of Journalist (IFJ)'s [Global Charter of Ethics for Journalists](#) and paragraph 3.4 of the [Code of Ethics](#) of the Bulgarian media.

<sup>69</sup> *Nova TV* aired some 8 debates and 29 interviews, *bTV* some 9 debates and 61 interviews. However, only one of these programmes was in prime-time hours.

<sup>70</sup> *bTV*, *Nova TV* and *Darik* devoted respectively 86 per cent, 77 per cent and 91 per cent of their news coverage to the seven parliamentary parties.

<sup>71</sup> Out of all participants in the debates aired by *BNT* and *BNR*, only 9 per cent were women. On the other hand, women candidates enjoyed slightly broader coverage in the monitored private television channels (*bTV*, 21 per cent; *Nova TV*, 17 per cent).

<sup>72</sup> The CEM is responsible for licensing, registering and supervising the media service providers. Out of five CEM members, two are appointed by the president and three by the parliament for a six-year term. The media regulator is funded by the state budget. It informed the ODIHR EOM of insufficient resources to fully accomplish its duties.

<sup>73</sup> Persons belonging to minorities represent some 15 per cent of the country's population, with ethnic Turks and Roma being the most numerous groups, comprising some 8.4 per cent and 4.4 per cent of the population, respectively, according to the 2021 census.

and Venice Commission's recommendations.<sup>74</sup> Platforms of the political parties and coalitions generally did not include any policy proposals specifically related to minorities.<sup>75</sup> The political parties informed ODIHR EOM that they fielded few Roma candidates in electable positions. Additionally, the ODIHR EOM was made aware of frequent prejudice that exists against Roma.<sup>76</sup> Several interlocutors pointed out that police operations against vote buying were being conducted predominantly in Roma communities and were often perceived as intimidating by members of these communities.

## Election Dispute Resolution

Complaints against administrative acts or decisions may only be lodged with the electoral commissions by those applicants who can justify their legal interest. Any person may alert commissions about election-related violations.<sup>77</sup> The law provides an expedited procedure for election-related complaints, with deadlines from three days to one hour on election day, in line with good electoral practice.<sup>78</sup> However, there is a collision in the various provisions regulating the CEC's ruling on complaints and appeals related to time limits.<sup>79</sup> Petitions challenging the outcomes of parliamentary elections are only admissible indirectly, through designated institutions, at the Constitutional Court, which restricts access to an effective legal remedy contrary to OSCE commitments and other international standards.<sup>80</sup>

During the campaign, the CEC deliberated on complaints and appeals in public sessions within the established deadlines, and decisions were promptly published on the CEC website. The CEC and the DEC's maintained online complaints and appeals registers, contributing to transparency in electoral dispute resolution. Some 132 complaints and alerts were registered with DEC's, primarily related to illegal campaigning and the composition of PEC's. The CEC published decisions on 24 complaints, alerts and appeals against DEC decisions, mainly related to illegal campaigning, mobile voting and the composition of PEC's.<sup>81</sup> The CEC also received four alerts from the Council on Electronic Media on hate speech, and administrative penalty procedures were initiated.<sup>82</sup> CEC applied the law consistently and within the legally prescribed deadlines.

The Supreme Administrative Court (SAC) ruled on 12 appeals before election day, most of which were filed by the political party PP against the composition of DEC's. The SAC upheld CEC decisions in all cases. Upon appeal by the Left coalition, PP and DB, the Sofia Administrative Court annulled the decision of the CEC, which provided for PEC voting results protocols to record the counts of paper ballots and machine ballots together, not separately. The CEC amended its decision accordingly. The SAC provided an effective remedy and issued reasoned decisions, also referring to its own case law.

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<sup>74</sup> See also Article 9.1 of the 1995 [Council of Europe's Framework Convention for the Protection of National Minorities](#).

<sup>75</sup> The Bulgarian National Union-New Democracy made discriminatory remarks against Roma, and Revival and the Conservative Union of the Right stated that they are against policies based on minority or ethnic principles.

<sup>76</sup> See also 2019 [Report of the Commissioner for Human Rights of the Council of Europe](#). The 2022 [ECRI Report on Bulgaria](#) mentions mixed response of the Bulgarian authorities against hate speech in recent years.

<sup>77</sup> Complaints and alerts may be filed to the CEC and DEC's. DEC decisions can be appealed to the CEC and local administrative courts or the Supreme Administrative Court as the final instance. DEC decisions upheld on appeal to the CEC can be challenged in district administrative courts under the general administrative procedure.

<sup>78</sup> See paragraph II.3.3.g (Guidelines) of the 2002 [Venice Commission's Code of Good Practice in Electoral Matters](#).

<sup>79</sup> Article 57.1.26 of the Election Code gives the CEC 24 hours to consider complaints and alerts. However, Article 73, which refers to appeals against decisions of election commissions, establishes that the CEC has three days.

<sup>80</sup> Article 2.3 of the [ICCPR](#) provides that "All persons whose rights or freedoms are violated shall have an effective remedy [...]; see also paragraph 5.10 of the [1990 OSCE Copenhagen Document](#).

<sup>81</sup> Out of the 13 appeals against DEC decisions, the CEC repealed five DEC decisions, upheld two, and six were not considered on merits due to lack of legal standing. Some complaints and alerts discussed during sessions were not considered for failing to meet formal requirements or when no violation could be established or referred to the competent DEC.

<sup>82</sup> These were initiated for the use of demeaning language and calls for violence against minorities.

An Inter-institutional Unit, including the Prosecutor's Office and the State Agency for National Security, was created to co-ordinate the efforts of both institutions to ensure quick response to criminal offences during the election period.<sup>83</sup> According to the Prosecutor General's Office, 122 pre-trial proceedings were initiated. The Ministry of Interior initiated 127 criminal proceedings, made 91 arrests, and also issued 1185 warnings, mostly related to vote-buying. The annual statistics from the Prosecutor General's Office show that in 2022, 83 cases of vote buying were prosecuted, in which 23 people were convicted. Of these, 20 offenders received suspended sentences, and three were sentenced to imprisonment. The law enforcement agencies noted to the ODIHR EOM that obtaining evidence of vote buying remains challenging and most cases do not go beyond the pre-trial phase.

### **Citizen and International Observers**

The Election Code provides for citizen and international observation of the entire election process. Registered contestants are entitled to appoint their agents to follow the electoral process at all levels of the election administration and proxies to observe at polling stations.<sup>84</sup> From 22 February to 1 April, the CEC registered 1,231 observers from 19 non-governmental organizations, including 15 of them for out-of-country polling stations, and some 204 international observers.

### **Election Day**

Election day was orderly and polling was generally well-organized. The IEOM observers positively assessed the opening of nearly all 69 polling stations observed. Most of the polling stations observed opened on time or shortly after. Delays in opening of several polling stations were noted due to PECs' insufficient knowledge of the procedures, including the set-up of the voting machines.

The voting process was positively assessed in 97 per cent of observations and was overall calm and smooth. Partisan observers were present in 35 per cent of polling stations visited by the IEOM, while citizen observers only in 5 per cent. Procedures such as identification of voters, signing of the voter list, and stamping of the ballots were nearly always followed, and voters who opted for voting machines were familiar with them. In 4 per cent of observations the IEOM observers noted that the required voting machine was not functional, and in isolated cases the PEC members encouraged voters to use a particular voting method; several complaints on such conduct have also been filed with DEC's.<sup>85</sup>

The layout of polling stations was assessed to be suitable for voters with reduced mobility in 71 per cent of the IEOM observations, but less than half of the polling stations visited (39 per cent) were assessed as suitable for independent access by such voters.

Negatively, secrecy of the ballot was compromised in 7 per cent of the IEOM observations. This was due to inadequate layout of polling stations (6 per cent of observations) or voters not marking their ballot in secrecy or properly folding machine ballots, in particular. Moreover, the IEOM observers noted instances of people keeping track of voters (2 per cent of observations) and the presence of unauthorized persons in polling stations (some 3 per cent of observations), which are often indicative of undue influence on voters. In 5 cases, indications of vote-buying were noted by the IEOM observers outside polling stations.<sup>86</sup>

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<sup>83</sup> The MoI did not take part in this unit as it considers that the Election Code does not explicitly provide such an obligation and created its own coordination unit. The MoI and the Prosecutor General co-operated at the regional and municipal levels.

<sup>84</sup> Regrettably, the ODIHR EOM was denied observation of some election preparations, in particular the printing of the voter lists at the GRAO and the certification of the voting machines software at the MEG, on the grounds that international observers were not explicitly listed in the respective provisions of the law.

<sup>85</sup> During the day, the CEC reported that 95 out of 9,611 voting machines went out of order during voting.

<sup>86</sup> Based on the information published by the Ministry of the Interior, during the election day it received some 193 alerts and initiated 15 of new pre-trial proceedings related to electoral offences.

All 64 polling stations where the IEOM observed the counting process closed on time or with a short delay. The vote count was assessed largely positively. However, in some polling stations the IEOM observers noted that important procedures were omitted or not followed in the prescribed order. In particular, in 11 observations the number of voters who voted was not established before the ballot boxes were opened and in 9 observations unused and spoiled ballots were not packed before the vote count began. In 20 observations IEOM noted that PEC members had difficulties with reconciling data in the results protocols, and some of these difficulties were due to the PECs' procedural errors, as well as the use of both the machine and paper ballots. Copies of the PEC results protocols were not posted for public display at polling stations, as required by law, in more than half of the observations.

The initial tabulation of voting results, followed by the IEOM observers in 26 DEC, was generally assessed as orderly and well-organized. Overcrowding, which negatively affected the process was reported in two observations, while in one DEC the IEOM observers were not allowed to closely follow the process. In 21 observations the DEC encountered some discrepancies in the PEC results protocols that needed to be resolved before the data entry.<sup>87</sup> The CEC began posting preliminary results at 23:00 on election night, contributing to transparency of voting results. Voter turnout was last announced by the CEC at 16:00 on election day, at 27.3 per cent.

Information about over 185 complaints received by the DEC on election day was published on their websites, often related to PEC members not following the voting procedures. The CEC published information about some 70 complaints and appeals, many related to the lack of availability of machine voting, insufficient clarity in machine ballot procedures, and breach of campaigning rules.

***The English version of this report is the only official document.  
Unofficial translation is available in Bulgarian.***

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<sup>87</sup> Earlier in the day the CEC issued guidance on handling machine ballots which did not print properly or were not stamped by the PEC.

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## MISSION INFORMATION & ACKNOWLEDGEMENTS

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Sofia, 3 April 2022 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Parliamentary Assembly of Council of Europe (PACE). The assessment was made to determine whether the election complied with OSCE commitments, Council of Europe and other international obligations and standards, and with national legislation.

Mr. Andrej Hunko headed the PACE delegation. Ms. Tana de Zulueta is the Head of the ODIHR EOM, deployed from 1 March.

Both institutions involved in this International Election Observation Mission have endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the election process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some two months after the completion of the electoral process. PACE will present its report at its Standing Committee meeting on 26 May 2023 in Riga, Latvia.

The ODIHR EOM includes 11 experts in the capital and 14 long-term observers deployed throughout the country. On election day, 179 observers from 34 countries were deployed, including 33 long-term and 125 short-term observers deployed by ODIHR, as well as a 21-member delegation from the PACE. Opening was observed in 69 polling stations and voting was observed in 699 polling stations across the country. Counting was observed in 64 polling stations, and the tabulation in 26 DEC's.

The IEOM wishes to thank the authorities for their invitation to observe the elections. The also expresses its appreciation to the Central Election Commission and other institutions, political parties, media and civil society organizations, and international community representatives for their co-operation.

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