



Office for Democratic Institutions and Human Rights

**REPUBLIC OF BULGARIA**  
**PARLIAMENTARY ELECTIONS**  
**25 JUNE 2005**

**OSCE/ODIHR ELECTION ASSESSMENT MISSION REPORT**



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**REPUBLIC OF BULGARIA**  
**PARLIAMENTARY ELECTIONS**  
**25 June 2005**

**OSCE/ODIHR Election Assessment Mission**  
**Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

In response to an invitation by the Minister of Foreign Affairs of Bulgaria, the OSCE/ODIHR deployed an Election Assessment Mission (EAM) for the 25 June parliamentary elections in Bulgaria. The OSCE/ODIHR assessed the overall election process in terms of its compliance with the 1990 Copenhagen Document and other election-related commitments, although the OSCE/ODIHR EAM did not undertake a systematic observation of election day proceedings.

The parliamentary election on 25 June demonstrated the credibility of the election process in Bulgaria, but some issues of both an administrative and political nature did introduce a measure of uncertainty and decreased confidence in the process, and in some instances represented a departure from best electoral practice. Some unique and unilateral government-led efforts to increase voter turnout were introduced, and in manner that was not fully transparent.

In general, cross-party election administration permits overall transparency and accountability at all levels of the election administration, and has established public confidence in the conduct of elections. However, during this electoral process, ambiguity between the role and responsibilities of the electoral authorities, in relation to the executive authorities, led to some disagreement and confusion on organisational aspects of the election.

The late submission of the election budget by the Council of Ministers to the Central Election Commission (CEC) did not permit adequate input and consultation with election officials. Disagreement on aspects of the budget, including substantial increases for voter turnout initiatives and voting abroad, were finally resolved by the Supreme Administrative Court upholding the government view and denying an appeal brought by several parties.

The legal framework generally provides a clear framework for the conduct of democratic elections. However, as evidenced during this election process, the responsibilities between the executive authorities and the election administration are not sufficiently detailed in the legislation.

An element of the voter turnout campaign was a decision by the Council of Ministers to apply public funds to the organisation of a pre- and post-election lottery, with participation of the latter contingent on having voted. While enhancing voter turnout is a worthwhile objective, the government's direct role in financing and organising the lottery against the opinion of most political parties and the majority of CEC members, led to the perception among many election participants that such an activity could be aimed at influencing voter choice.

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<sup>1</sup> This report is also available in Bulgarian, but the English version remains the only official one.

The election campaign was conducted in a generally calm environment, although the introduction by one party of hate speech in Bulgaria's political dialogue is an unwelcome development. Despite new campaign finance legislation, election participants remarked on the rise of campaign expenditures, and there were reports of the misuse of administrative resources to the benefit of the governing parties.

Media coverage of the campaign provided voters with a wide range of information, in particular of the major political parties. Paid campaign coverage was dominant in both private and state media. However, according to law, only special campaign-related programs are provided for in the state media, and participation in these programs must be paid for by the electoral contestants. This ultimately can disadvantage parties with limited financial resources.

Although the Assessment Mission did not undertake systematic observation of polling station procedures, the conduct of the election day appeared overall to be professionally and efficiently organized. However, the increased use of certificates to enable absentee voting formed the basis of numerous complaints to the CEC. The lack of adequate safeguards to prevent unauthorised duplication of such certificates, combined with complaints to the CEC on the organised transport of voters by bus in some parts of the country, compounded concern of the potential for multiple voting and vote-buying. The extent of this concern should have been clarified during the national review of the voter lists undertaken by the civil registry authorities.

OSCE/ODIHR observers directly confirmed widespread concerns related to organized attempts to influence the vote of Bulgaria's Roma communities, including vote buying.

The OSCE/ODIHR expresses its appreciation to the Ministry of Foreign Affairs, the Central Election Commission, and all authorities, civil society organisations and individuals for their assistance and cooperation during the EAM.

## **II. INTRODUCTION**

The OSCE/ODIHR Election Assessment Mission (EAM), led by the Head of the OSCE/ODIHR Election Department, Mr. Gerald Mitchell (UK / US), was deployed from 16 to 28 June 2005 and consisted of 12 election experts from 11 OSCE participating States. Based in Sofia, the EAM sent teams to Blagoevgrad, Bourgas, Kardjali, Plevna, Plovdiv, Razgrad, Shumen, Sliven, Stara Zagora, Varna and Vidin. The EAM met candidates and representatives of political parties, government officials, electoral authorities, the media and civil society at both the national and regional levels.

In line with standard OSCE/ODIHR practice, the deployment of an EAM does not envisage any systematic observation of election day procedures. Although polling stations were visited on election day by EAM members, this was on a limited basis, and therefore not sufficient to draw conclusions on the overall voting process throughout Bulgaria. Also, due to the limited duration of its stay in Bulgaria, the EAM undertook no systematic media monitoring.

The EAM issued a press statement on the election process on 26 June in Sofia.

The OSCE/ODIHR expresses its appreciation to the Ministry of Foreign Affairs for the assistance afforded to the mission throughout its stay, as well as to the Central Election Commission, and all authorities, political parties, civil society organizations and individuals for the cooperation and assistance offered to the EAM.

### III. BACKGROUND

The 25 June parliamentary elections were the sixth held since the establishment of a multi-party system in Bulgaria. Previous parliamentary elections were held in 1990 (Grand National Assembly to adopt a constitution), 1991, 1994, 1997 and 2001. The 2001 parliamentary elections notably had brought to power a new political force, the National Movement "Simeon II" (NMS), organized around the personality of Simeon Saxe-Coburg-Gotha<sup>2</sup>, who became the Prime Minister following the elections. In the 2001 elections, the NMS garnered 43 per cent of the vote, which gave it 120 mandates, half of the parliamentary seats. The NMS formed a coalition government with the Movement for Rights and Freedoms (MRF), which governed for four years.

The OSCE/ODIHR deployed election observation missions (EOMs) to the 1996 presidential, 1997 parliamentary and 2001 parliamentary elections in Bulgaria. The EOM to the 2001 parliamentary elections concluded that "while the elections met the OSCE commitments for democratic elections, there is room for further improvements in the electoral process." The voting and counting processes were rated positively by observers. Bulgaria also held a presidential election in 2001 and municipal elections in 2003, but these were not observed by the OSCE/ODIHR.

### IV. LEGAL FRAMEWORK

The 1991 Constitution, amended on 26 September 2003, establishes a unicameral parliament, the National Assembly, whose 240 members are elected for a four-year term by secret ballot.

Key legislation regulating parliamentary elections includes the Law on Election of Members of Parliament (hereafter "Election Law"; promulgated 12.04.2001, amended 12.04.2005), the Law on Political Parties (last amended 01.04.2005), the Law on the Supreme Administrative Court (promulgated in 1997), the Law on Access to the Documents of the Former State Security Service (promulgated in 1997), and the Law on Civil Population Registration (amended in 2003). Some technical aspects of elections are also regulated by numerous instructions and other decisions of the Central Election Commission (CEC).

Bulgarian citizens 18 years or older are entitled to vote, provided they have legal capacity and are not serving a prison sentence. However, Bulgarian citizens 21 years or older and not holding another citizenship have the right to be elected to the Parliament.

Parliamentary elections are held on the basis of a proportional representation system, with a four per cent national threshold for parties and coalitions. Bulgaria is divided into 31

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<sup>2</sup> Simeon Saxe-Coburg-Gotha was born as the Crown Prince and became the King of Bulgaria in 1943. Following a Constitutional Referendum in 1946, the monarchy was abolished.

constituencies and each is assigned between four and 14 seats in Parliament, depending on population data from the last census. Before this election, the CEC followed the legal obligation to calculate the number of mandates per constituency on the basis of data from the 2001 census. Parties register constituency lists of candidates. Seats are allocated according to the d'Hondt formula, applied at the national level, to determine which parties are eligible to participate in the seat allocation and how many seats are due to each such party. Further, for each eligible party, seats are being distributed, again according to the d'Hondt formula, based on the number of votes that an eligible party has received in each constituency. Independent candidates are elected directly in their constituency if they pass the constituency quota, which is the number of votes needed to elect one seat in a multi-seat constituency. However, no independent candidate has ever been elected under this system.

Candidate lists of parties or coalitions were compiled separately for each constituency and there were only a few independent candidates in each constituency. Candidates on party lists were entitled to run in up to two constituencies for the same party or coalition. Those who won a mandate in both (26 candidates) were obliged to decide which one they will keep and were to be replaced with the next person on the list in the other constituency. Independent candidates nominated by initiative committees could run in only one constituency.

The recently amended Election Law provides an overall adequate legal framework for democratic elections. Recent amendments to the parliamentary election law included:

- The introduction of an integral ballot for parliamentary elections;
- Financial deposits for electoral participants ranging from 5,000 BGN for initiative committees of independent candidates to 40,000 BGN for coalitions;
- New provisions to facilitate voting of persons with disabilities;
- Provisions allowing students away from their permanent address to vote in the community where they are studying using their student identifications;
- A different method for allocating votes abroad (to the national level, rather than to a constituency); and
- Increased signature requirements for parties and coalitions, thus bringing them closer in line with requirements for independent candidates.

At the same time, the new Law on Political Parties increases the number of members needed to register a party from 500 to 5,000, further elaborates the process for founding a party and outlines penalties for any violations of the law, including party finance provisions.

Several of these changes correspond to recommendations made in the OSCE/ODIHR Final Report on the 2001 Parliamentary Elections and appear to strengthen the legal framework for conducting elections. However, the late passage of these amendments, only 10 weeks prior to election day, could have caused confusion for electoral participants. In principle, amendments to electoral legislation in the period immediately preceding an election should be avoided.

The late clarification of some basic issues through CEC instruction could have caused confusion among Precinct Election Commissions (PECs), particularly since they came after the training of election officials. Specifically, CEC decision 296, regulating the validity of ballots, was issued only three days prior to election day, and decision 311, requiring PECs to make the

stamps “unique”, was issued two days prior to election day. The lateness of decision 311 meant that it had to be further clarified by decision 322, released on election day.

*Late instructions should be avoided and substantial issues related to the security and legality of the process should be regulated by the Election Law, rather than by instructions of an ad hoc administrative body. Regulations should clearly specify what constitutes a valid ballot and any identification of a voter on a ballot should be forbidden.*

In addition, CEC decision 251, containing both substantial and technical provisions regarding the election process, was adopted only 15 days prior to election day. Student voting and voting abroad is explained in detail only in this decision, while some organizational provisions are repeated from the Election Law. *Such substantial issues as voting abroad and student voting should be regulated by the Election Law, well in advance, to ensure that all participants and voters understand fully their rights and responsibilities.*

Certain aspects of the current legal framework could still be improved:

1. Article 7.1 of the Election Law assigns responsibility for carrying out the organizational and technical preparations of the elections to the Council of Ministers and regional and municipal administrations, “in cooperation with the election commissions”. This article does not specify which tasks should be carried out by the executive, and therefore leaves open room for a confusion of roles. Similarly, Article 7.2 specifies only that the state budget for elections should be drawn up “in consultation with the CEC”, failing to require CEC approval. *Both of these articles should be clarified or additional provisions should specify the division of responsibilities between executive authorities and the election administration. Submission of the budget to the CEC for approval should be specified by law.*
2. According to Articles 36.1 and 36.2, voters who plan to be away from their permanent address on election day can request a certificate up to 10 days prior to election day to vote in any other polling station. In the absence of further detailed safeguards, this mechanism may be open to abuse or could decrease public confidence. *Improvements should be considered in the legal framework to minimize possibilities for abuse of absentee certificates, including more stringent requirements, whereby a voter must submit more information and explain why absentee voting is necessary. Additional safeguards to prevent duplication of certificates should also be considered.*
3. Article 18 suggests that parliamentary parties have the right to have a representation in each PEC, but in some cases it was unclear whether this provision guaranteed representation. This was particularly evident concerning the formation of PECs outside of the country, which is not clearly provided for in the law. *Relevant provisions should be clarified to indicate whether parliamentary parties are guaranteed a seat on PECs, in particular for PECs outside of the country.*
4. The newly adopted Article 78a, regarding access of disabled voters to polling stations, is a welcome change that can facilitate the participation of these voters. However, the requirement that a polling station be available on the “ground floor” does not provide full accessibility, as many are in buildings with stairs leading to the ground floor. *Legal provisions should provide for suitable entry access to facilitate the voting of disabled*

*persons. Further mechanisms for enhancing participation of disabled voters could also be considered.*

5. Articles 71-73 set limits on donations, overall campaign spending and require parties to report on funds raised and campaign expenditures within one month after election day. *Campaign finance mechanisms should be further detailed to increase transparency and accountability, and sanctions for violating such provisions should be reviewed with a view to strengthening them. Campaign spending limits should be raised to more reasonable levels.*
6. Article 116 provides for fines for any violation of the Election Law, but does not specify particular violations, such as vote-buying and multiple voting. *The Election Law should make clear that irregularities such as vote-buying and multiple voting are illegal and assign appropriate sanctions for breaches of the law.*
7. Although the CEC instructions “On Rights of the Proxies and the Observers” list in detail access to observing the process and receiving protocols of election bodies on election day, they lack provisions regarding access to tabulation of election results in Constituency Election Commissions (ConECs). Moreover, the rights of proxies and observers should not be limited solely to election day procedures, but should include the whole election process in terms of being able to observe sessions of election commissions, as well as having access to all election-related material. *Provisions on observers should include access to the tabulation of election results in ConECs and at the CEC. Moreover, the rights of proxies and observers should not be limited solely to election day procedures, but should include the whole election process in terms of being able to observe sessions of election commissions, as well as having access to all election-related material.*
8. Article 3.1 of the Election Law prohibits voting by convicted prisoners. The European Court of Human Rights found that an absolute ban on voting by all such prisoners violated the European Convention for the Protection of Human Rights and Fundamental Freedoms.<sup>3</sup>

## V. ELECTION ADMINISTRATION

The Election Law establishes a three-tiered election administration, including the Central Election Commission, 31 Constituency Election Commissions and approximately 11,500 Precinct Election Commissions, one for each polling station.

The Election Law also establishes that The Council of Ministers and the regional and municipal administration, in cooperation with the election commissions, shall carry out the organizational and technical preparation for the elections (Article 7).

The CEC has up to 25 members, appointed by the President in consultation with political parties and coalitions. For the 25 June elections, 25 members were appointed, including the Chairman, Mr. Dimitar Kostov. The CEC administers and supervises the electoral process at the national level. In this capacity, the CEC issues instructions pertaining to the work of the ConECs and PECs, adjudicates complaints, and announces the results of elections. The CEC

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<sup>3</sup> See *Hirst v. The United Kingdom* (No. 2), Application No. 74025/01 (30 March 2004).

also registers parties and coalitions running in the elections and, if required, invalidates ConECs decisions on the registration of candidates.

For all election commissions, the Election Law stipulates that no party or coalition should hold the majority and that the Chairman and Secretary should be from different parties. Parliamentary parties and coalitions are entitled to representation on the CEC, ConECs and PECs, although it remained unclear whether this entitlement guaranteed representation. This reflected mostly on the formation of PECs outside of the country, which is not clearly provided for in the law (see also Section IV, “Legal Framework”). The law establishes that decisions of election commissions are taken with a two-thirds majority of members present, if a quorum consisting of at least one-half of the members is available.

Fourteen parties and eight coalitions were registered for participation in the elections. Eleven organizations were reportedly rejected due to irregular documents, of which seven appealed to the Supreme Administrative Court.

The newly amended Election Law introduced the use of an integral, white ballot for use in parliamentary elections. Previously, voters chose from different coloured party ballots, and placed the ballot of their choice in an envelope. Instead, the new ballot listed all parties and coalitions, along with the names of the first three candidates on the list, with independent candidates for that constituency listed below on the ballot for those voting in Bulgaria (voters abroad were not able to vote for independent candidates). The CEC was not able to approve the ballot layout by the original deadline of 27 May because of a dispute over the government decree on the election budget, but extended the deadline and approved the ballot layout one day later. Some interlocutors raised concerns that the late introduction of the new ballot might have caused confusion among voters.

On 20 May, the Council of Ministers presented the election budget, which allocated BGN 4 million for get-out-the-vote (GOTV) efforts and BGN 3 million for out-of-country voting, out of a total budget of BGN 17 million. This decree caused concern among electoral participants, who felt that the CEC had not been adequately consulted on the budget, and that the large amounts of state funds devoted to increasing turnout and the vote abroad were intended to favour the incumbents. According to the CEC, they received the draft budget outline one day before it was approved, and the version they received was different than what was ultimately presented. However, Article 7.2 of the Election Law specifies that the state budget for elections should be drawn up in consultation with the CEC, which does not require CEC approval. Three political parties and coalitions ultimately complained to the Supreme Administrative Court against this decree (see Section VII, “Complaints and Appeals”).

In addition to the lack of political consensus for the budget, two government initiatives outlined in the budget, the introduction of a “lottery” as part of a broader GOTV effort and a ten-fold increase in the budget for out-of-country voting, introduced an element of uncertainty into the process, among electoral participants and the broader public. Regarding the lottery, few understood how it would function and in particular, how the authorities would check whether the “winners” had voted in the election. This also raised concern among electoral participants about security of personal data.

Regarding out-of-country voting, the perception of many electoral participants was that the Ministry of Foreign Affairs (MFA) had overstepped its mandate by determining unilaterally to

expand the number of countries and polling stations where expatriates could vote. Although the Ministry of Foreign Affairs had organized this operation on previous occasions, there was the perception that previously it had been more closely coordinated with the election authorities.

Some electoral participants also expressed that they were not adequately represented on PECs in polling stations abroad, this was in part due to the late publication of the complete list of those polling stations. Political parties were required to submit nominations for PECs by 15 June, while the list was not finalized until 23 June. Furthermore, contradictory statements by the CEC and the MFA on who could be included in PECs and whose travel would be covered by the election budget caused confusion. *The list of polling stations outside of the country should be finalized prior to the deadline for political party nominees to the PECs and budget regulations related to this aspect of the election process should be clarified in an unambiguous manner.*

Several election officials suggested to the OSCE/ODIHR EAM that the CEC should be established as a permanent professional body, with an independent budget. Such a body would be responsible for carrying out all preparations for the elections, in cooperation with national, regional and municipal authorities. Although such a change would have resource implications, it could help to clarify the role of the election administration vis-à-vis the government, and would allow more time for preparing all technical and organizational details for elections well in advance. *Consideration should be given to increasing the independence of the election administration through the establishment of an independent budget.*

The voter lists are by law compiled by the municipal administration based on the civil registers and signed by the respective mayors. They are technically maintained, checked for errors and duplicates, and published by the Civil Registration and Administrative Services Department of the Ministry of Regional Development.

The ConECs have the legal task to supervise the process of compilation and updating of voter lists, however it remains unclear if they had the time and resources to do so in most of the cases. However, political party representatives and other election stakeholders did not raise any serious concerns over preparation of voter lists. Nevertheless, franchise of voters in minority communities is of some concern, particularly among Roma, as some appear to remain excluded from civil registers, as well as census data. Such potential omissions may result in systematic disenfranchisement.

The Election Law provides a mechanism for additions to voter lists after they are published, and also during election day. These names are added to a computer database by the regional civil registry offices following election day. The Election Law provides for the civil registry offices to check for multiple voting following the elections, in coordination with the CEC. Civil registry officials anticipated that a CEC decision would set the technical parameters for how such a check would be conducted. The CEC also confirmed that such a check would be conducted, with a particular focus on those persons who had voted away from their permanent address using certificates.

## VI. THE ELECTION CAMPAIGN

The campaign was generally calm and took place primarily in the media, with little focused discussion of issues. The decision by the government to organize a state-funded lottery to increase voter turnout dominated the political debate in the run-up to the elections.

The campaign for the parliamentary elections started on 25 May, and ended at midnight on 23 June. The CEC registered 14 parties and eight coalitions to participate in the elections, significantly fewer than in previous elections, as a result of stricter registration procedures (see Section IV: "Legal Framework").

The campaign climate was overall quiet; this was generally attributed to political parties leaving doors open given uncertainties about the post-election political landscape. The intensive media campaign was said to be more professional than in past elections, and therefore also more expensive. Overall, finances were the only obstacle to more rigorous campaigning for some election participants.

Prior to the elections, the ruling National Movement Simeon II (NMS) announced that it would not form an electoral coalition with other parties, but would run on its own. The NMS, which had adopted a centrist position during its time in government, faced challengers on both the right and the left.

The main challenger on the left was the Coalition for Bulgaria, led by the Bulgarian Socialist Party (BSP). The BSP and its Coalition for Bulgaria emerged as an early frontrunner in the campaign.

On the right, the Union of Democratic Forces (UDF) had dissolved since the 2001 elections, leaving behind the United Democratic Forces (UtDF), Democrats for Strong Bulgaria (DSB) and the Bulgarian People's Union (BPU). The junior governing coalition partners, Movement for Rights and Freedoms (MRF), traditionally viewed by many as the party representing the interests of the Bulgarian Turkish minority, and the New Time party, broke apart from the NMS and were also running their own lists.

A new political force, the nationalist coalition *Ataka* (Attack), was only formed in April, but quickly gained support, causing widespread concern because of the extremist views expressed towards segments of the Bulgarian population in its campaign. Its leader, Volen Siderov, had gained popularity as the host of a daily discussion program, also called *Ataka*, broadcast on private TV Skat. The Electronic Broadcasting Council told the OSCE/ODIHR EAM that it had issued 10 warnings for hate speech to TV Skat prior to the election campaign, but had not acted during the campaign because that would have drawn unwarranted attention to the station. Several other election participants complained that while TV Skat charged other parties for advertising, *Ataka* was able to campaign free of charge. On 22 June, TV Skat broadcast live the final *Ataka* rally in Bourgas, where the leader of the coalition spoke for 40 minutes, including content that could be defined as hate speech. At the same time, *Ataka* claimed that it did not have equal access to media.

The lottery was announced as part of the decree on the election budget presented by the Council of Ministers on 20 May, and was included in the BGN 4 million for get-out-the-vote (GOTV) efforts. Many interlocutors claimed that this was inappropriate use of state resources

and could be perceived as having been organized by the ruling party to influence the vote. Government officials informed the OSCE/ODIHR EAM that the objective of the lottery was to increase the youth vote, which was perceived to most likely benefit the NMS. The lottery prizes, which were procured at the regional level by the governors, included a car, mobile telephones and personal computers.

Although the campaign environment was generally calm, there were localized reports of intimidation, pressure and vote-buying. In Kardjali, a billboard was burned and a candidate and her staff were reportedly threatened. In the same municipality, several political parties replaced their PEC members because of intimidation. In Vidin, one party interrupted another party's campaign event and prevented it from taking place, and there were similar reports of some parties being effectively prevented from campaigning in certain communities. In some areas, for instance in Ruen village (Bourgas), political contestants other than the one favoured by community leaders were unable to post campaign materials. In Razgrad, voters were allegedly instructed how to vote and assigned numbers to write on the ballot so that their votes could be cross-checked afterwards. Vote-buying was also credibly alleged in many Roma communities visited (see Section X, "Issues related to National Minorities").

The mission received some reports of administrative resources used for electoral gain. These included ministers using their positions to attract media coverage, appointing ministry staff to their campaign, using official transportation for campaign travel and opening publicly funded infrastructure projects attributed to their political party or campaign.

Although the Election Law limits individual campaign donations and total campaign spending, most interlocutors agreed that the actual campaign spending of major political parties far exceeded established limits. New legal provisions require political parties, coalitions and initiative committees to use special bank accounts during the campaign and to file a report on funds raised and spent with the National Accounting Office within one month of election day. Despite this framework, enforcement mechanisms appear to be lacking and relatively minor financial sanctions are generally considered inadequate to prevent violations.

## VII. COMPLAINTS AND APPEALS

Following the 20 May decree by the Council of Ministers on the election budget, the Democrats for Strong Bulgaria, Coalition for Bulgaria and United Democratic Forces lodged complaints with the Supreme Administrative Court (SAC), alleging that the decree contradicted the Election Law in several respects. In particular, the complaints argued that the MFA had overstepped its role in organizing the vote abroad, that the CEC had not been adequately consulted regarding the election budget and consequently that the CEC should be the responsible body for voter awareness campaigns.

In Decision 5565 issued on 15 June, the SAC ruled the complaints against the Council of Ministers decree to be groundless. The SAC decision takes a formalistic approach, explaining that the decree was issued in compliance with Article 7.1 of the Election Law, which states that the organizational and technical preparation of elections shall be carried out by the Council of Ministers and by the regional and municipal administrations in coordination with the electoral commissions. It further argues that the activities of the MFA regarding out-of-country voting did not interfere with responsibilities of the CEC, and that the Election Law does not explicitly

and exhaustively regulate the activities of the Council of Ministers. At the same time, CEC responsibilities, such as voter awareness campaigns, are not defined as the exclusive competences of the CEC.

Regarding the election budget, the SAC decided that the Council of Ministers had met its obligation under Article 7.2 of the Election Law for the budget to be drawn up “in coordination with” the CEC, since “coordination” does not mean “consent” and it forwarded a draft of the decree to the CEC Chairman prior to its adoption. No time limit for when the budget should be submitted to the CEC is defined in the Law.

The Assessment Mission was also informed of numerous campaign-related complaints made by political parties at the ConEC level. Such complaints included destruction of campaign materials, misuse of administrative resources and composition of PECs. Several complaints were also made regarding use of unofficial languages in the campaign, which is against Article 55.2 of the Election Law. In Kardjali, the MRF complained against the Balkan Democratic League for distributing Turkish language campaign materials with the religious symbol of an Imam and the NMS also complained against the BSP for Turkish language campaign materials. At the same time, in Vidin the DSB complained against the MRF for campaign materials in Romany language.

On election day, the OSCE/ODIHR EAM was informed by the CEC that it had received several complaints regarding bussing of voters and numerous complaints regarding voting with certificates.

## VIII. MEDIA ENVIRONMENT

While the OSCE/ODIHR EAM did not undertake a systematic monitoring of the election-related media coverage, it did follow and review some general aspects of the pre-election media environment.

According to the Council for Electronic Media, a supervisory body for Bulgarian electronic media, there are 135 radio and 185 television program services registered in Bulgaria<sup>4</sup>. Several electronic media have nationwide coverage. Other than the public Bulgarian National Television (BNT) and Bulgarian National Radio (BNR), the most popular electronic media with nationwide coverage are private TV channels bTV and Nova, as well as private Radio Darik. Several print media outlets with political content are available nationally; the two most popular newspapers are *Trud* and *24 Chasa*.

The Bulgarian Constitution guarantees freedom of speech and press, as well as citizens' rights to seek, disseminate and obtain information. Censorship is prohibited. The Election Law stipulates that all contestants are entitled to equal access to the sources of information needed for the purposes of the election campaign.

The election campaign in the public media, as provided by the Election Law, was aired only in three types of programs - special election chronicles, campaign clips and election debates. Campaign coverage outside of the above-mentioned programs was not allowed, including on

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<sup>4</sup> Source: country report for EPRA (European Platform of Regulatory Authorities), May 2005.

regular news and current affairs programs. However, coverage of the activities of government officials, which were not directly conducting campaigns, was permitted.

The Election Law obliges electoral participants to pay for all the aforementioned campaign programs aired by the public broadcasters. The Election Law provides only a limited legal framework for coverage of the election campaign in the private media. Private media were, however, obliged to charge all contestants equal prices for the paid campaigning.

*The practice in the public broadcasting media of requiring parties and coalitions to pay for all campaign appearances should be reviewed. Charging relatively high fees for appearances in campaign programs limits the public's access to information, and is especially regrettable in the case of a public broadcaster financed by license fees from all households and with a special obligation to provide information to citizens.*

Electronic and print media coverage of the campaign provided voters with a wide range of information and political parties were generally able to use media for their campaign purposes. Voters were able to make an informed choice also due to the many political debates available in the electronic media. However, because of the lack of free airtime in the public media, the extent of the media coverage of the political parties was directly dependent on their financial capacities.

The election campaign in the media was assessed by media interlocutors as the most expensive in the history of Bulgarian elections. Some political parties and coalitions seemed to maximize possibilities to place paid campaign spots and ads in electronic as well as print media outlets. Other election participants complained to the EAM that the high cost of campaigning in the media disadvantaged those parties with fewer resources.

As specified in the Election Law, public BNT and BNR each organized eight debate programs, 50 per cent of the time was given to parties represented in parliament and 50 per cent to extra-parliamentary parties. There were also many discussion programs organized in the private media. While most of the campaign coverage in the private media, including participation in the discussion programs, was paid, some private media, for instance private TV bTV, did not charge political parties for their participation in the debates. However, the political parties with the best chances of being elected received more invitations to participate.

CEC voter education clips were aired, especially on the public channels. There was also a large-scale government-sponsored get-out-the-vote (GOTV) campaign, targeting primarily young voters, available in both electronic as well as print media. One of the GOTV spots, apparently portraying a Roma person in a negative manner, was stopped from being broadcast following complaints of several civil society organizations.

As pointed out by several media analysts, the large amounts of money spent for the media campaign could have had a negative impact on the freedom of media to report, since they might be less willing to reveal potential critical information about their clients competing in the elections. The OSCE/ODIHR EAM was also informed of cases where election contestants paid media not to report stories that would portray them negatively. Also, the ban for the state media to inform about campaign developments within their news and current affair programs contributes to a less pluralistic media environment. *Consideration should be given to allowing the public media to cover campaign developments during regular news programs.*

## IX. PARTICIPATION OF WOMEN

Women were generally well-represented in the election administration. Of 25 CEC members, nine were women. Representation on ConECs was reported to be better balanced.

In the 2001 elections, 63 women were elected to Parliament (26 per cent, up from 11 per cent in the previous parliament). Election results indicated that 50 women had been elected (21 per cent). While parties had a significant number of women on candidate lists, they were not consistently in “electable” positions. Among major parties, the NMS had the most women in electable positions (37.4 per cent in the top five positions), while the UDF, led by a woman, had the least (13.5 per cent in the top five positions).<sup>5</sup>

Analysts told the assessment mission that political parties in general do not incorporate issues of specific importance to women in their platforms.

## X. ISSUES RELATING TO MINORITIES IN THE ELECTORAL PROCESS

According to the 2001 census, ethnic Turks comprise 9.4 per cent of the population of Bulgaria, and Roma comprise 4.7 per cent<sup>6</sup>. Although the Constitution does not allow for ethnic-based political parties, there are some political parties that are widely perceived as representing the interests of certain minorities. The former junior ruling coalition partner, the MRF, is widely seen as representing the interests of the Bulgarian Turkish minority, and has been well represented in government.

Parties that have been seen to represent Roma interests have been less successful in past elections, as Roma have appeared to vote instead for mainstream parties.<sup>7</sup> For these elections, the Roma-dominated political party Euroroma Political Movement registered to participate with its own list, while several other Roma-dominated parties ran in coalition with mainstream parties.

The number of Roma participating as candidates was relatively high, with most of the mainstream parties appointing at least one Roma candidate in the constituencies with a significant concentration of Roma inhabitants. However, their position on the lists in most cases made them practically ineligible for entry into Parliament. While there were two Roma MPs in the previous parliament, only one Roma candidate succeeded to enter Parliament after these elections<sup>8</sup>.

All of the mainstream political parties appeared to be interested in attracting Roma votes. It was noted that some political parties, in their campaign, promised to the Roma voters special social services, such as free electricity or other utilities and social benefits. According to many

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<sup>5</sup> Statistics provided by Center for Women’s Studies and Policies.

<sup>6</sup> Experts believe that the actual number of Roma is significantly higher.

<sup>7</sup> See report of National Democratic Institute for International Affairs, “Roma Political Participation in Bulgaria.”

<sup>8</sup> Mr. Toma Tomov, “Coalition for Bulgaria” list from the Vraca constituency.

interlocutors, Roma in previous elections were the subject of influence, manipulation and vote-buying. During the assessment mission, OSCE/ODIHR experts directly observed the influencing of Roma voters before and during election day, including vote buying, in several communities. For some political parties, the appointment of a Roma candidate on their list seemed to be an indirect guarantee that the Roma community will vote for their party, based on the traditional, hierarchical structure of the Bulgarian Roma communities.

*Measures to eliminate vote-buying, as particularly observed in Roma communities, should be identified and implemented, including the conduct of targeted voter education campaigns. In addition, authorities should consider how to better ensure Roma participation in decision-making processes.*<sup>9</sup>

According to Article 55.2 of the Election Law, “the election campaign shall be conducted in the official language.” As mentioned above, several complaints were made against political parties and coalitions that campaigned in either Romany or Turkish languages (see Section VII, “Complaints and Appeals”). Such a restriction on the use of minority languages could be considered an obstacle to full political participation by persons belonging to minority communities.<sup>10</sup> *Consideration should be given to allow the use of minority languages during electoral campaigns, in line with international best practice.*

Some civil society and political party representatives cautioned that the new integral ballot, combined with Article 88, which prevents illiterates from receiving assistance in voting with an accompanied person, could disadvantage Roma, who according to unofficial statistics have a 42 per cent illiteracy rate. At the same time, others claimed that illiterate people could recognize the numerals on the ballot paper.

In a welcome development, two non-governmental organizations representing Roma, Human Rights Project and New Chance, participated in the election process as domestic observers, focusing their efforts on issues of particular concern in Roma communities.

In an unwelcome development, many interlocutors expressed concern to the OSCE/ODIHR EAM at the rapid rise in popularity and entry into parliament of a political force espousing radical nationalist views, which had not previously been present on any apparent scale in the political dialogue of Bulgaria. The *Ataka* party based its campaign largely on xenophobic views, including hate speech directed towards minority communities.

## **XI. DOMESTIC OBSERVERS**

While several organizations were formally accredited as domestic observers by the CEC, it was apparent that such efforts did not play a prominent role in the process, as they have in previous elections in Bulgaria. The Bulgarian Association for Free Elections and Civil Rights (BAFECR), formerly a countrywide network, deployed only some active regional election day efforts, for instance in Bourgas and Pleven. Civic Initiative for Free and Democratic Elections

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<sup>9</sup> See *OSCE Action Plan on Roma and Sinti*

<sup>10</sup> See Lund Recommendation No. 7, “there should be no restriction on campaigning in a particular language,” published in the “OSCE/ODIHR Guidelines to Assist National Minority Participation in the Electoral Process,” p.15.

(CIFDE/GISDI) claimed to deploy 8,000 observers on election day, and the Electoral College also claimed to field over 100 observers.

At the same time, a newly formed observer group “New Chance” and the NGO Human Rights Project targeted their observation efforts in Roma communities.

## **XII. ELECTION DAY**

The OSCE/ODIHR EAM did not make a systematic assessment of the election day proceedings, but experts did visit a number of polling stations during the voting and counting. In general, experts noted the professionalism and efficiency of the PECs and ConECs they visited, and did not witness any serious procedural problems during the voting and counting.

The introduction of new integral ballots did not appear to cause a disruption to the vote. At the same time, late instructions on the validity of ballot papers seemed to cause some confusion during the count regarding what constituted a valid ballot in case of any irregularity. In a few cases, party observers were seen to be overly active in the process, and in one case (Chernoochene in Kardjali region) an open party campaign office was only five metres from the polling station entrance.

*How to determine the validity of a ballot should be emphasized in trainings for election officials according to clear criteria.*

The majority of polling stations visited had made arrangements for disabled voters, in line with the new provisions in the Election Law. However, many of these polling stations were still not completely accessible, as the entry of the building was often not accessible. In some places, municipalities had arranged for the transport of disabled voters.

OSCE/ODIHR experts heard reports on election day of buses transporting groups of voters with certificates between constituencies. The CEC informed the EAM that they received reports of more than 1,000 voters bussed to several constituencies, including Blagojevgrad, Sofia (ConEC 24) and Silistra. In one such constituency, election officials explained that police had stopped busses of such voters, who claimed that their IDs had been collected to have certificates issued, and they would subsequently be told for whom to vote. While bussing voters is not against the law, the intended purpose of the certificates is to facilitate enfranchisement and not to shift votes between constituencies.

Such reports of organized voting also raise questions about the possibility of pressure on voters and generally decrease confidence in the process. The lack of adequate safeguards to prevent unauthorised duplication of such certificates had already been expressed as a concern prior to election day, compounding concerns of the potential for multiple voting. The extent of this concern should have been clarified during the national review of the voter lists that was undertaken by the civil registry authorities.

Reports of ethnic Turks coming to vote in Bulgaria at their permanent address and returning to vote in Turkey with their passports were received by the assessment mission, but could not be verified or confirmed.

Of particular concern, OSCE/ODIHR election experts directly observed undue influence on voters and vote-buying on election day, in several Roma communities. In Vidin, for instance, Romany-speaking political party observers were used to instruct Roma voters inside polling stations how to vote. In Varna, OSCE/ODIHR experts directly observed Roma voters being escorted by party activists into polling stations and then receiving food and envelopes outside of the polling station after voting. This confirmed widespread concerns related to organized attempts to influence the vote of Bulgaria's Roma communities, including vote buying.

### **XIII. CONCLUSION**

The OSCE/ODIHR expresses its appreciation to the Ministry of Foreign Affairs, the Central Election Commission, and all authorities, civil society organisations and individuals for their assistance and cooperation during the EAM. The OSCE/ODIHR stands ready to co-operate with the Bulgarian authorities, political parties and civil society, to address the issues raised in this report, and is willing to offer its support to the authorities in follow-up to the recommendations contained herein.

## ANNEX: RESULTS

Tabulation of results was conducted by a private company, Information Services AD, selected through a tender process, as provided for in the Election Law.

The electorate in Bulgaria consisted of 6,720,941 voters, a decrease of some 150,000 registered voters from the last parliamentary election in 2001. Of these, 3,747,793 or 55.76 per cent of voters cast ballots, with 1.47 per cent of them invalid. In 2001, turnout was reported to be 67.03 per cent, with 0.58 per cent invalid.

Seven political forces passed the 4 per cent threshold for parliamentary elections. The following final results were announced by the CEC and published on their official Elections 2005 website<sup>11</sup>:

<b>Party/Coalition</b>	<b>Percentage of Vote</b>	<b># of Mandates</b>
Coalition for Bulgaria	33.98	82
Simeon II National Movement	21.83	53
Movement for Rights and Freedoms	14.07	34
<i>Ataka</i>	8.93	21
United Democratic Forces	8.44	20
Democrats for Strong Bulgaria	7.07	17
Bulgarian People's Union	5.70	13

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<sup>11</sup> For full results see: [www.2005izbori.org](http://www.2005izbori.org).

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Document).

The ODIHR, based in Warsaw, Poland, was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 100 staff.

The ODIHR is the lead agency in Europe in the field of **election observation**. It co-ordinates and organizes the deployment of thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following thematic areas: rule of law, civil society, freedom of movement, and gender equality. The ODIHR implements a number of targeted assistance programmes annually, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR monitors participating States' compliance with OSCE human dimension commitments, and assists with improving the protection of **human rights**. It also organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States.

Within the field of **tolerance** and **non-discrimination**, the ODIHR provides support to the participating States in implementing their OSCE commitments and in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihhr](http://www.osce.org/odihhr)).