

## **INTERNATIONAL ELECTION OBSERVATION MISSION Bulgaria – Parliamentary Elections, 4 April 2021**

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

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#### **PRELIMINARY CONCLUSIONS**

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In the 4 April parliamentary elections fundamental freedoms were respected. The elections were competitive, but massive use of state resources gave the ruling party a significant advantage. The campaign largely focused on personalities rather than platforms, and was marked by public disillusionment. Technical aspects of the elections were managed efficiently, despite challenges posed by the COVID-19 pandemic. The legal framework provides for an adequate conduct of democratic elections, however, longstanding concerns pertaining to key aspects of the process still remain to be addressed. In addition, shortcomings in its implementation undermined election-dispute resolution and campaign finance oversight. Media lacked analytical reporting and offered limited editorial and news coverage of the campaign, impacting the ability of voters to make an informed choice. In the limited number of polling stations visited, the voting process was transparent with procedures largely followed. Machine voting was overall implemented efficiently, however, it was discontinued or suspended in two constituencies due to technical errors.

The legal framework provides an adequate basis for the conduct of democratic elections. It was amended repeatedly, with recent amendments including the possibility for optional machine voting in most polling stations, abolition of some reconciliation safeguards in PEC results protocols, re-introduction of campaign donations, and exemption of some disputes from an expedited resolution. Recent amendment processes lacked meaningful consultations with relevant stakeholders. Moreover, long-standing ODIHR and the Council of Europe's Venice Commission recommendations to bring it further in line with international standards and good practice remain unaddressed, including related to undue restrictions of suffrage rights and campaigning, as well as conditions for out-of-country voting and measures to promote participation of women and minorities.

Overall, the election administration managed the technical aspects of the process efficiently and complied with most legal deadlines. The International Election Observation Mission (IEOM) interlocutors expressed varying degrees of confidence in the election administration and some raised concerns that the politicised nature of its composition hinders decision making, especially on handling of election related complaints. The Central Election Commission (CEC) sessions were streamed online and open to observers. The Ministry of Health issued an instruction, outlining COVID-19 related health protocols applicable during the campaign and on election day.

In some 9,400 polling stations, voters were able to choose voting by paper ballot or through an electronic device equipped with a touchscreen. Following a public tender, a private vendor was selected to deliver and service the machines, and ensure relevant training of election officials. The legally required certification of these devices was completed on 31 March.

Most ODIHR LEOM interlocutors expressed confidence in the accuracy of the voter lists, however, some expressed concerns if the data of deceased out-of-country voters is fully updated. The final voter lists contained 6,635,654 voters. Voters could verify the accuracy of their personal data in the voter lists posted in public places and on-line. Out-of-country voters lists included 88,038 citizens prior to election

day. The law is overly inclusive, allowing certain categories of voters both in-country and abroad to be added to the voter list on election day without sufficient safeguards against multiple voting.

Some 6,000 candidates were registered on lists of 30 political parties and coalitions, in a generally inclusive manner. Citizens holding dual citizenship were not eligible to stand, contrary to international standards. Eight candidate lists were denied registration, due to incomplete documentation. Some contestants who applied shortly before the deadline did not have a possibility to rectify their applications.

The campaign was overall subdued, and overshadowed by the discussions on handling of the COVID-19 pandemic, and largely focused on personalities rather than platforms. The tone was occasionally confrontational, including some instances of inflammatory speech against LGBTI and Roma communities. A number of extraordinary budgetary allocations related to COVID-19 pandemic and infrastructure projects inaugurated during the campaign gave the ruling party a significant advantage of incumbency. Also the president used his office to call on people to vote for a new leadership of the country. All ODIHR LEOM interlocutors noted that widespread practices of vote-buying and “controlled” voting are still attempted in economically and socially vulnerable communities.

The recent amendments reduced the public funding for political parties, reintroduced donations by legal entities and abolished the donation ceiling. Previous ODIHR and the Council of Europe’s Group of States against Corruption (GRECO) recommendations, including on disclosure of expenditures prior to election day, short deadlines for submission of the financial reports and their publication and dissuasive sanctions remain unaddressed. The National Audit Office, mandated to exercise party and campaign finance oversight, was challenged by its limited mandate and authority to investigate and sanction campaign finance infringements in a timely manner. Overall, legislative shortcomings and limited enforcement diminished the transparency and accountability of campaign finances.

Media ownership is highly concentrated and is subject to political influence, negatively impacting editorial diversity. Pressure on investigative journalists and lack of full investigation of attacks against journalists contributes to self-censorship. While the law requires public media to abide by the principles of equality and objectivity, the public television has mostly refrained from covering the contestants in the news, while offering significant and extensive coverage of senior government officials. The limited editorial and news coverage, and the virtual absence of investigative or analytical reporting, combined with paid-for political advertising portrayed as news, detracted from the ability of voters to make an informed choice.

Stakeholders may file complaints, only if they prove a direct legal interest. The law does not explicitly prescribe the right to file complaints against result protocols at all levels, and contestants may only challenge the nationwide election results indirectly. To date, the CEC received 47 complaints and 88 alerts, mostly related to PEC formation, candidate registration and campaign violations. Most of them were rejected on technical grounds. Overall, shortcomings in the legal framework and its implementation by the CEC and the courts often left stakeholders without effective legal redress, contrary to OSCE commitments and other international standards.

Women overall remain underrepresented in elected office, holding 24 per cent of seats in the outgoing parliament, but hold some 40 per cent of ministerial posts, including two of the four deputy prime ministers. Women led 23 per cent of the constituency candidate lists. Parties generally did not make targeted efforts to reach out to women voters and gender-related issues were addressed occasionally, only based on stereotypes. Women were well represented at all levels of the election administration, including in leadership positions.

The legislation does not permit political parties on ethnic, racial or religious basis. Campaigning in languages other than Bulgarian is prohibited, contrary to a longstanding ODIHR and Venice Commission recommendation. A number of ethnic Turkish and Roma candidates ran on several party lists, mainly in minority-populated areas. Ethnic Turks participated in the electoral process effectively with the Movement for Rights and Freedoms party (DPS), perceived as a “Turkish party”, contesting the elections with 395 candidates in all constituencies.

The IEOM did not observe election day proceedings in a systematic or comprehensive manner. In most polling stations visited, the voting process was transparent. PEC members largely followed the procedures with some inconsistencies noted during voting and counting. Machine voting was efficiently implemented, with technical problems resulting in discontinuation in one constituency and suspension for a few hours in another. Preventive measures against COVID-19 were in place but not followed consistently in most polling stations visited, and occasionally voters were identified without removing face masks. Over 310 complaints were filed alleging irregularities pertaining to polling stations abroad, voter lists, secrecy of the vote, controlled voting and pressure on voters. The CEC announced preliminary voter turnout at 40.18 per cent, as of 17:00 on election day.

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## PRELIMINARY FINDINGS

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### Background and Political Context

On 14 January, in line with the Constitution, president Rumen Radev called parliamentary elections for 4 April. The last 2017 parliamentary elections led to five parties in the parliament. The Citizens for European Development of Bulgaria (GERB) party won 95 seats and formed a government with the United Patriots coalition (UP) with 27 seats.<sup>1</sup> The leader of GERB Boyko Borisov was re-elected as a prime minister and is serving a third term. The opposition was represented by the Bulgarian Socialist Party (BSP) with 80 seats, the Movement for Rights and Freedoms (DPS) with 26 seats, and *Volya* with 12 seats. In July 2019, *Ataka* (with 6 MPs) left the UP coalition, and the government lost majority but was often supported by *Volya* and DPS.<sup>2</sup> Women overall were underrepresented in elected office, holding 24 per cent of seats in the outgoing parliament, but held some 40 per cent of ministerial posts, including two of the four deputy prime ministers.

The political landscape, while being diverse, is dominated by two major parties, GERB and BSP, alternating in government for the past 15 years. The tense relation between the prime minister and the president further demonstrated a polarized political environment.<sup>3</sup> Some new parties and coalitions were established, mainly by former high ranking public officials shortly before these elections.<sup>4</sup> The elections were marked by public disillusionment and mistrust in the political establishment, and held in the wake of prolonged street protests which included requests for early parliamentary elections and the resignation of the prosecutor general.<sup>5</sup> The protests were fueled by allegations of corruption, lack of rule of law, and

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<sup>1</sup> The ruling GERB also won most seats in the 2019 elections to the European Parliament (EP) and 111 out of the 266 municipalities in the 2019 local elections.

<sup>2</sup> Including voting on the adoption of the budget and overturning presidential vetoes.

<sup>3</sup> The president vetoed 28 draft laws of the government, frequently criticized the prime minister and supported the 2020 protests. The prime minister often accused the president of “sabotaging the work of the government” and playing an oppositional role.

<sup>4</sup> The political party There Is Such A People (ITN), coalitions - Democratic Bulgaria (Yes, Bulgaria!), Democrats for a Strong Bulgaria (DSB and the Greens), Patriotic Coalition (NFSB and *Volya*) and Stand Up! Get Out! (ISMV).

<sup>5</sup> The protests took place from July to October 2020 and led to the resignation of five ministers.

erosion of democracy.<sup>6</sup> Concerns were raised over the accountability of the executive to the parliament, independence of the prosecution from the executive, and narrowing of civic space.<sup>7</sup>

## Electoral System and Legal Framework

The 240-member unicameral parliament is elected for a four-year term, under a proportional representation system, in 31 multi-member constituencies (MMCs). The number of mandates per constituency is based on the population according to the 2011 census, but must be no less than four, which may affect the equality of suffrage.<sup>8</sup> The CEC allocates seats among constituencies prior to each election. The boundaries of the 26 constituencies correspond to the administrative districts, and are set by the law. While the remaining five constituencies in Sofia and Plovdiv are delineated by the president prior to each election, without any legal criteria, for these elections the seat allocation and delineation of the constituencies remained unchanged and largely ensured equality of the vote.<sup>9</sup> The rules on delineation of constituencies do not fully comply with international good practice and are contrary to previous ODIHR and the Council of Europe's Commission for Democracy through Law (Venice Commission) recommendations.<sup>10</sup>

Parties and coalitions are eligible for seat allocation if they obtain at least four per cent of the valid votes cast nationwide; independent candidates must pass a constituency electoral quota.<sup>11</sup> The candidates are elected from open lists with a single-preference option. If a preference is not indicated, the vote goes to the list carrier. Candidates need to pass a threshold to be elected; otherwise, the seats are allocated based on the ranking by the party.<sup>12</sup>

The elections are primarily regulated by the 1991 Constitution, the 2014 Election Code and the 2005 Law on Political Parties, and supplemented by the CEC decisions.<sup>13</sup> The legal framework lacks stability; the Election Code was amended 20 times since its adoption, most recently in 2019 and 2020. The recent amendments introduced optional machine voting at polling stations with at least 300 voters, abolished some reconciliation safeguards in the PEC result protocols, deprived some disputes from an expedited resolution, and re-introduced campaign donations by legal entities. Recent amendment processes lacked

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<sup>6</sup> See the European Parliament [Resolution](#), adopted on 8 October 2020, which voiced concerns on the “significant deterioration” of democracy, respect for the rule of law, an independent judiciary, the governing majority’s practice of hastily passing legislation, often without proper debate or stakeholder consultation. Transparency International Corruption Perception [Index](#) 2020 ranks Bulgaria last in the EU and 69 in the world.

<sup>7</sup> See the European Commission Rule of Law [Report](#), which raises concerns over independence, accountability and effectiveness of the prosecution, and adjudication of corruption cases in Bulgaria. In July 2020, several civil society organisations (CSOs) sent a [letter](#) to the European Union institutions, expressing their disagreement with the draft amendments to the law on Non-Profit Legal Entities, prescribing stricter financial regulation.

<sup>8</sup> See ODIHR and the Venice Commission [Joint Opinion on the Draft Election Code of Bulgaria](#), 2014 as well as ODIHR and the Venice Commission [Joint Opinion on Amendments to the Election Code of Bulgaria](#), 2017, paragraph 24.

<sup>9</sup> In average, 31,514 inhabitants correspond to a seat. In MMC 5 (Vidin), the cost of a seat is 16 per cent lower, and in MMC 10 (Kyustendil) 13 per cent above the average. Paragraph I.2.2.iv of the 2002 Venice Commission [Code of Good Practice](#) recommends that the permissible departure from the norm should not be more than 10%, and should certainly not exceed 15% except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity).

<sup>10</sup> Paragraph I.2.2.v of the [Code of Good Practice](#) recommends redistribution of seats at least every ten years “preferably outside election periods”.

<sup>11</sup> The constituency electoral quota is the ratio between the number of valid votes cast and the number of mandates.

<sup>12</sup> To get a preferential seat, a candidate must receive at least seven per cent of the votes by their party lists in an MMC. In 2017, 56 MPs were elected with preferential votes but ten withdrew prior to the announcement of election results.

<sup>13</sup> Provisions of the 1990 Law on Assemblies, Rallies and Demonstrations, the 1969 Administrative Violations and Sanctions Act, and the 1968 Criminal Code are also applicable.

meaningful consultations with relevant stakeholders, contrary to international commitments and good practice.<sup>14</sup>

The legal framework provides an adequate basis for the conduct of democratic elections. However, long-standing ODIHR and the Venice Commission recommendations to bring it further in line with international standards and good practice remain unaddressed. These mainly relate to voting by prisoners, candidate nomination, election day voter registration, campaign finance reporting, campaigning, conditions and consistent criteria for establishment of out-of-country polling stations and measures to promote participation of women and minorities, sanctions for electoral violations and challenges of the election results.<sup>15</sup> Moreover, the legislation contains gaps, repetitive and ambiguous provisions, and inconsistencies on crucial aspects of the electoral process.<sup>16</sup>

## Election Administration

The elections were managed by a three-level election administration, comprising the CEC, 31 District Election Commissions (DECs) and 12,630 Precinct Election Commissions (PEC).<sup>17</sup> Members of all election commissions were nominated by political parties and coalitions, in proportion of their representation in the National Assembly.<sup>18</sup> By law, no party or coalition could have a majority in any commission and the chairperson, the deputy chairperson and secretary could not be from the same party or coalition. Women were well represented at all levels of the election administration, including in leadership positions.<sup>19</sup> Overall, the election administration managed the technical preparations efficiently and met most legal deadlines. The ODIHR LEOM interlocutors expressed a varying degree of confidence in the work of the election administration and some raised concerns that the politicised nature of its composition hinders decision making, especially on handling of complaints.<sup>20</sup>

The CEC is the only permanent body, composed of 20 members nominated by seven parties and coalitions.<sup>21</sup> It held regular sessions open for observers and broadcast online. The agenda was not always published prior to the sessions, and the live stream was regularly muted for several minutes without a reason announced, impacting transparency.<sup>22</sup> The CEC passed some 400 decisions on electoral

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<sup>14</sup> The CEC informed the ODIHR LEOM that it was not consulted on the Election Code amendments, including those modifying its operation. Some CSOs informed the ODIHR LEOM that their legislative proposals were not taken into account. Protocols of the parliamentary Committee on Legal Affairs sessions reflect civil society and the media being excluded from discussion of the draft amendments to the Election Code prior to its second reading. Paragraph 5.8 of the [1990 OSCE Copenhagen Document](#) states that the legislation should be adopted at the end of a public procedure.

<sup>15</sup> See paragraph 71 of ODIHR and the Venice Commission [Joint Opinion on Amendments to the Election Code of Bulgaria](#), 2017.

<sup>16</sup> The Constitution provides that “electing central and local government authorities” is a right, while Article 3 of the Election Code defines it as a civil duty and prescribes mandatory voting. In 2016, the Constitutional Court ruled the disenfranchisement for repeated abstention from voting as unconstitutional.

<sup>17</sup> According to the CEC, 199 PECs were set up to conduct voting in healthcare institutions, 12 in pre-trial detention centres, 283 PECs conducted mobile voting for persons with disabilities and 46 for voters in quarantine. Out-of-country voting was held at 465 polling stations in 69 countries. The law defines that maximum 35 polling stations per country may be set up outside of the European Union.

<sup>18</sup> In addition, parties and coalitions in the European Parliament may nominate members at all levels.

<sup>19</sup> Ten CEC members, including the deputy chairpersons and the secretary, were women. A total of 308 of the 507 DEC members, comprising 19 of the 31 DEC chairpersons, were women. There is no disaggregated data available on the gender composition of PECs.

<sup>20</sup> The CEC did not reach an agreement on a number of technical proposals, including several amendments aiming to reduce the complexity of PEC protocols.

<sup>21</sup> Seven by GERB, six by BSP, two each by DPS and UP, and one each by *Volya*, Reformist Bloc and Bulgaria without Censorship.

<sup>22</sup> The CEC Rules of Procedure prescribe publishing the agenda online in advance of the sessions. While the rules allow for partially closed sessions due to data protection, they require the reasons to be publicly announced.

preparations, including COVID-19 related measures.<sup>23</sup> Most of the decisions on technical matters were taken unanimously, and timely posted on the CEC website.<sup>24</sup> A number of key electoral preparations were conducted by other actors.<sup>25</sup>

DECs and most PECs were appointed by upper-level election commissions within the deadlines, following consultations among local branches of political parties, facilitated by district governors and municipal mayors, respectively.<sup>26</sup> In most districts all eligible political parties nominated members to DECs and PECs.<sup>27</sup> While most (92 per cent) PECs were appointed by consensus between the parties, parties failed to reach an agreement on the appointment of 26 DECs.<sup>28</sup> Overall, DECs conducted their duties efficiently and published decisions, session minutes and other relevant documentation online, contributing to transparency.

Members of numerous PECs were replaced as late as one day prior to elections, a practice which undermined the stability of these bodies and impacted their performance on election day. Members of DECs and PECs were trained in person and on-line. The quality of the PEC training attended by ODIHR LEOM observers varied, with some DECs not using a standardized training material, and some not providing sufficient opportunity for questions and clarifications.

The CEC launched a voter education campaign on social networks, radio and television covering preferential and machine voting, voting for citizens in quarantine, and access for voters with disabilities. Voter education was conducted only in Bulgarian language. Some videos were provided with subtitles and sign language to facilitate access for persons with hearing impairment.

## Voting Technologies

The Election Code provides for the parallel use of voting machines at polling stations with a minimum of 300 registered voters.<sup>29</sup> Following a public tender procedure by the CEC, a vendor, *Ciela Norma* provided 9,600 voting devices, software, IT support and logistical services, and relevant training of the election commissions. The comprehensive nature of the tasks outsourced to the private vendor raised questions if the CEC has effectively remained in charge of the organisation, direction, control and data processing of machine voting, as required by the law and recommended by Council of Europe (CoE) guidelines.<sup>30</sup>

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<sup>23</sup> The CEC took three decisions to provide mobile voting for citizens in mandatory quarantine and hospitals due to COVID-19 and allow for voting with identification documents that expired after March 2020.

<sup>24</sup> A quorum of half of the members is required to hold a CEC session and decisions must be adopted by at least two-thirds of the members present.

<sup>25</sup> The Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development (GRAO) verified the signatures and partly the eligibility of individual candidates; Information Services partly verified the eligibility of candidates and processed the results tabulation; *Ciela Norma* implemented machine voting.

<sup>26</sup> Depending on the number of parliamentary seats in the electoral constituency, DECs have 15 or 17 members; and PECs, between five and nine members, according to the number of registered voters.

<sup>27</sup> Democratic Bulgaria did not nominate PEC members in some six per cent of the municipalities.

<sup>28</sup> In case of no consensus, PECs and DECs were appointed by upper-level election commissions based on the proposals submitted by the parties. Some ODIHR LEOM interlocutors alleged that agreements between local branches of political parties distorted the criterion of equal representation of parties in the PECs.

<sup>29</sup> Direct recording voting devices were used at 9,398 polling stations. No machine voting took place in special polling stations in hospitals and other social institutions, pre-trial detention centres, mobile voting PECs and out of the country.

<sup>30</sup> Explanatory [Memorandum to Recommendation CM/Rec\(2017\)5 of the Council of Europe's Committee of Ministers to member States on standards for e-voting](#) states that "statutory duties of the body responsible for the conduct of elections must never be outsourced, since this body is in charge of the election". The ODIHR [Handbook for the Observation of New Voting Technologies](#) states that "any indication that vendors, rather than election officials, control the process is a cause for concern, as this can compromise the impartiality and independence of the election administration".



Recent legislative amendments tasked the State Agency for Electronic Government (SAEG), the Bulgarian Institute for Standardization, and the Bulgarian Institute of Metrology to assess the compliance of the voting devices with the legal and technical requirements. Several ODIHR LEOM interlocutors criticized the lack of public consultations on the matter. Despite the short timeframe and challenges posed by the COVID-19 pandemic, the certification was conducted in a comprehensive and professional manner, based on a joint methodology adopted by the agencies, and was open for observers. The law does not define clear rules with regard to the disclosure of the outcome of the final certification.<sup>31</sup> The final certification report published on 31 March by the SAEG established full compliance of the devices with the required technical specificities.<sup>32</sup> Some stakeholders raised concerns that the late publication of the report did not allow for its comprehensive assessment prior to election day.

## Voter Registration

Citizens over the age of 18 years have the right to vote. Contrary to a previous ODIHR recommendation, prisoners, regardless of the gravity of the crime, and individuals deprived of legal capacity by a court decision are disenfranchised, at odds with international standards.<sup>33</sup>

Voter registration is passive. Voter lists are compiled prior to each election, based on data extracted from the permanent National Population Register (NPR) by the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development (GRAO). Citizens with a permanent address in Bulgaria are automatically added to a voter list. Voters abroad could register for out-of-country voting. Most ODIHR LEOM interlocutors expressed confidence in the accuracy of the voter lists, however, some expressed concerns that the data stored in the NPR may not be fully updated with the data of the deceased out-of-country voters.

Voter lists were publicly displayed, and could be verified online between 40 and seven days prior to elections.<sup>34</sup> According to the CEC, 93,580 voters submitted requests to vote in the municipality of their actual residence. Special voter lists were compiled for social institutions, detention centres and hospitals, based on information from the heads of these institutions. Voters with permanent disabilities and in self-isolation due to COVID-19 were added to mobile voting lists upon requests submitted prior to 29 and 31 March, respectively.<sup>35</sup>

Final voter lists contained 6,635,654 voters. Out-of-country voters lists included 88,038 citizens prior to election day. The law allows voters who are not found on the voter list of their permanent address and certain categories of voters to be added to the voter list on election day without the need to submit a prior

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<sup>31</sup> The CoE [Guidelines on the implementation of the provisions of Recommendation CM/Rec\(2017\)5 on standards for e-voting](#) state that “Member States should set and publish clear rules with regard to the disclosure of the final certification report and of all relevant documents, bearing in mind the importance of transparency” and that “the certification procedure needs to be finished ahead of the elections, giving enough time to review the conclusions”.

<sup>32</sup> Technical requirements for the machines included integrity and encryption of data and a voter-verified paper audit trail. The law prescribes that the machines facilitate access for voters with physical or sensory disabilities.

<sup>33</sup> Paragraph 7.3 of the [1990 OSCE Copenhagen Document](#) provides that participating States will “guarantee universal and equal suffrage to adult citizens”. The [2006 UN Convention on the Rights of Persons with Disabilities](#) (CRPD) obliges states to “recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life” and to ensure their “right and opportunity to vote and be elected”. In 2016 judgment on [Kulinski and Sabev v. Bulgaria](#), the European Court of Human Rights (ECtHR) found a blanket, automatic and indiscriminate disenfranchisement of prisoners, irrespective of the length of the sentence, the nature or gravity of the offences and individual circumstances, is a violation of Article 3 Protocol 1 of the ECHR. See also [Hirst v. the United Kingdom](#).

<sup>34</sup> Voters could check their individual entries on the GRAO and municipal websites. Voter lists were also displayed in public places not designated by the law. Political parties and observers had no access to the voter register as a whole.

<sup>35</sup> Mobile voting was only provided if at least ten citizens in a municipality requested it, if the voter was quarantined no later than 31 March, and if the voter stayed in quarantine in the municipality of residence.

request both in country and abroad.<sup>36</sup> The practice is overly inclusive and does not fully safeguard against multiple voting, and is at odds with international good practice.<sup>37</sup>

## Candidate and Party Registration

Voters over the age of 21 years may stand for elections.<sup>38</sup> Those who hold dual citizenship are disqualified.<sup>39</sup> Public office holders, such as military, intelligence service and police personnel, diplomats, judges and prosecutors, who are prohibited from being members of a political party, may not stand for elections on party lists unless they resign.<sup>40</sup> However, they may stand as independent candidates after taking a leave.

Candidate registration is a two-step process; first, the CEC registered political parties and coalitions as electoral subjects, and DEC registered “nomination committees” for independent candidates. Political parties and coalitions had to submit registration documents to the CEC, including a combination of support signatures and a financial deposit.<sup>41</sup> Citizens could sign in support of only one contestant, contrary to a previous ODIHR recommendation and at odds with international good practice.<sup>42</sup> Parties can withdraw a candidate from their lists at any stage of the process, including after election day, at odds with OSCE commitments.<sup>43</sup>

Candidate and party registration was generally inclusive. It concluded on 10 March, five days after the official start of the campaign.<sup>44</sup> In total, 5,911 candidates registered on lists of 30 parties and coalitions.<sup>45</sup> Women led 214 (23 per cent) of the constituency candidate lists. There were only two independent candidates.<sup>46</sup> The CEC received requests from 31 political parties and eight coalitions and denied registration to six parties, due to incomplete documentation.<sup>47</sup> Following the verification of support signatures by the GRAO, the CEC deregistered two parties.<sup>48</sup> Three rejections were challenged to the

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<sup>36</sup> The Election Code entitles PEC members and security officers to vote at the polling station of their duty; students are allowed to vote in the municipality where they study; and persons with disabilities may vote in any suitable polling station of their choice without submitting a prior request.

<sup>37</sup> Paragraph 1.2.iv of the [Code of Good Practice](#) does not recommend registration of voters in PECs on election day.

<sup>38</sup> A candidate may stand in no more than two constituencies and in a single constituency as independent.

<sup>39</sup> In [Tanase v. Moldova](#), the ECtHR recognised the restrictions on suffrage rights of dual citizens to be a disproportionate measure and, thus, contrary to Article 3 of Protocol 1 of the ECHR. Bulgaria reserved the right not to apply Article 17 of the [1997 European Convention on Nationality](#) that guarantees equal rights of nationals with dual citizenship.

<sup>40</sup> Following a 2015 Constitutional Court decision, the Election Code was amended to exempt the president, MPs, the prime minister and their deputies from the requirement to take a leave.

<sup>41</sup> Requirements included 2,500 support signatures and a deposit of BGN 2,500. Nomination committees were required to submit 1,000 support signatures, a deposit of BGN 100. 1 EUR is 1,96 Bulgarian Lev (BGN).

<sup>42</sup> Paragraph 96 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) recommends that “it should be possible to support the registration of more than one party, and legislation should not limit a citizen or other individual to signing a supporting list for only one party. Any limitation of this right can lead to the disqualification of parties that in good faith believed that they had fulfilled the requirements for sufficient signatures”.

<sup>43</sup> Paragraph 7.9 of the [1990 OSCE Copenhagen Document](#) requires participating states to “ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end”.

<sup>44</sup> Paragraph I.1.3.8. of the [Code of Good Practice](#) recommends “candidatures must be validated by the start of the election campaign, because late validation places some parties and candidates at a disadvantage in the campaign”.

<sup>45</sup> Some 1,785 (some 30 per cent) were women.

<sup>46</sup> Two nomination committees could not register candidates as they submitted incomplete documentation, and further two prospective independent candidates were deregistered by DEC for insufficient number of signatures. Following an appeal, the Administrative Court of Sofia (ACS) revoked the deregistration of one candidate.

<sup>47</sup> Reasons for rejection of registration included insufficient number of support signatures, signatures not presented in electronic form, missing certificate on the legal status of the party, and bank account information.

<sup>48</sup> On 9 March, CEC deregistered a total of 16 ineligible candidates as seven had dual citizenship, and nine did not satisfy the age requirement. One was registered by the CEC following the decision of the SAC.



Supreme Administrative Court (SAC), which upheld the CEC decisions. While the CEC provided contestants a three-day deadline to correct the documents, the law does not allow any correction after the registration deadline, and some applicants had limited or no opportunity to rectify their applications.<sup>49</sup>

## Campaign Environment

The official campaign period commenced on 5 March, 30 days before election day. All campaign materials must contain a statement that vote buying and selling is a criminal offence. While campaign materials “contrary to good morals” are prohibited, the provision is vague and may result in undue limitation of the freedom of expression. Political parties are not allowed to use state resources. However, the law does not contain regulations preventing misuse of administrative resources and abuse of office during the campaign.<sup>50</sup>

Fundamental freedoms were respected and contestants were able to reach out to the electorate. Most parties refrained from door-to-door and in-person campaign activities, and shifted campaign to traditional, online and social media due to public health concerns. No COVID-19 restrictions on public gatherings were in place until 22 March. Despite the subsequent ban on all outdoor campaigning, high level officials of the ruling party continued their public appearances, while performing their official functions, and these were extensively covered by the media.

The elections were largely competitive with a range of contestants representing different views. The campaign was subdued, and mostly focused on personalities rather than platforms. The campaign mainly centered around the handling of the COVID-19 pandemic, and also issues of corruption, the judiciary, economy, relations with North Macedonia and a “Russian espionage affair”.<sup>51</sup> The campaign tone was occasionally confrontational, including some instances of inflammatory speech against LGBTI and Roma.<sup>52</sup> Parties generally did not make targeted efforts to reach out to women voters, and gender-related issues were addressed occasionally, only based on stereotypes.<sup>53</sup>

During the campaign, the government announced several extraordinary budgetary allocations related to the COVID-19 pandemic, which some ODIHR LEOM interlocutors perceived as financial incentives to the electorate. Allocations included vouchers for 2.1 million pensioners and handouts to groups of

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<sup>49</sup> Eight political parties submitted their requests close to the deadline.

<sup>50</sup> Paragraph II. B. 1.1 of the [2016 ODIHR and Venice Commission's Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#) states that “the legal framework should provide effective mechanisms for prohibiting public authorities from taking unfair advantages of their positions by holding official public events for electoral campaigning purposes, including charitable events, or events that favour or disfavour any political party or candidate”.

<sup>51</sup> On 22 March, five employees of the Ministry of Defence were indicted for military espionage for the Russian Federation, while two Russian diplomats were declared persona non grata.

<sup>52</sup> The Minister of Defence and VMRO leader Krasimir Karakachanov, called on the Supreme Court of Cassation judges to reject a complaint of a transgender person denied name change; during the "120 minutes" show on *bTV*, VMRO candidates made statements against Roma and LGBTI.

<sup>53</sup> BSP and ITN referred to maternity insurance, DB to victims of domestic violence, VMRO to the traditional role of women in the family and Nation advocated prison for promoting gender values. Interlocutors stated that “women were not interested in politics because it was a harsh environment” that “the political culture is associated with power, hence with men”. In July 2018, the Constitutional Court ruled that the CoE [Convention on Violence Against Women](#) contravened the Constitution. BSP, VMRO, NFSD, *Ataka*, Volya, Revival and DNK publicly opposed the Convention.

citizens.<sup>54</sup> The government also announced the allocation of funds to municipalities.<sup>55</sup> A number of public infrastructure projects, including construction of motorways and reconstruction of public buildings, were announced, initiated or inaugurated during the campaign.<sup>56</sup> The prime minister was present at some inaugurations and received extensive coverage by the media.<sup>57</sup> This massive use of state resources gave the ruling party a significant advantage of incumbency.<sup>58</sup> The main opposition party, BSP, filed three complaints alleging misuse of state resources and abuse of office by the ruling party GERB and the prime minister.<sup>59</sup> On 1 April, while performing his official duties, the president publicly called to vote for a new leadership of the country.

The ODIHR LEOM received some credible allegations about pressure by parties and candidates on voters, including public and private sector employees and holders of small public business contracts.<sup>60</sup> All ODIHR LEOM interlocutors noted that widespread, practices of vote-buying and “controlled” voting are still attempted in economically and socially vulnerable communities, particularly impacting Roma.<sup>61</sup>

### Campaign Finance

The recent legal amendments reduced the public funding for political parties, reintroduced donations by legal entities, abolished the donation ceiling and prescribed a requirement for a written statement for donations over BGN 650. Most prior ODIHR and the Council of Europe’s Group of States against Corruption (GRECO) recommendations including those related to reporting on expenditures before election day, introducing shorter deadlines for submission of financial reports and their publication, and on audit certificates remain unaddressed. Overall, legislative shortcomings and limited enforcement diminished the transparency and effectiveness of campaign finances.

Parties and independent candidates are subject to the BGN 3 million and BGN 0.2 million expenditure limits, respectively. Eligible parties and coalitions receive annual public funding totaling some BGN 15

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<sup>54</sup> On 1, 8 and 10 March, the prime minister [announced](#) BGN 120 food vouchers in April for pensioners with pensions up to BGN 369; BGN 4.2 was allocated to freelance musicians and BGN 35 million to the families of all first-graders and eighth-graders, as support for the school year. On 24 March, BGN 40 million state guarantee for new loans to undergraduates and doctoral students in 2021 and BGN 52 million for monthly allowances to families with children under-14 who have to stay at home due to COVID-19 and BGN 83.5 million to fruit and vegetable producers.

<sup>55</sup> On 4 March, BGN 10.5 million was allocated to the municipalities of Aksakovo, Vratsa, Slivnitsa, Velingrad, Dragichevo, Pordim, Tutrakan, Elin Pelin and Etropole.

<sup>56</sup> On 10 March, BGN 2 million for reconstruction of schools and kindergartens, BGN 1.6 million for two Orthodox churches in Sandanski and Zemen and the Makbul Ibrahim Pasha mosque in Razgrad, BGN 3 million for the monastery complex Nativity of Christ-Shipka; on 17 March, BGN 5.13 million for overcoming the natural disasters in seven municipalities; and on 24 March BGN 20 million to Sofia Municipality for the Sofia Metro and BGN 1.68 million for kindergartens and schools.

<sup>57</sup> These included construction works on the Trakia motorway, the facilities of the Underground Gas Storage Chiren.

<sup>58</sup> Paragraph II. B. 1.3 of the [2016 ODIHR and Venice Commission's Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#) stipulates that ordinary work of government must continue during an election period. However, to prevent the misuse of administrative resources to imbalance the level playing field during electoral competitions, the legal framework should state that no major announcements linked to or aimed at creating a favourable perception towards a given party or candidate should occur during campaigns.

<sup>59</sup> Similar complaint was filed by the Fighter party.

<sup>60</sup> All LEOM LTOs have received credible allegations of pressure on voters, including teachers, employees of public cleaning companies. On 18 March, during an online meeting with regional education chiefs, the Deputy Education Minister Tanya Mihailova and GERB candidate, requested lists of the teachers who are PEC members. BSP in Stara Zagora reported to the authorities that Education and Science Minister Krassimir Vulchev and other GERB candidates had unlawfully canvassed for votes in an education establishment.

<sup>61</sup> As reported by the ODIHR LEOM interlocutors, this included cash, food supplies and hot meals. The Prosecutor General initiated a number of cases related to vote-buying.

million.<sup>62</sup> While there is no additional public funding for the campaign, new parties and independent candidates are entitled to BGN 40,000 and 5,000 respectively for media coverage.

Contestants may receive monetary and in-kind donations from individuals and legal entities. There are no limits on donations. Donations from non-residents, anonymous persons, religious institutions and foreign sources are prohibited. Donations from state-funded legal entities are allowed, contrary to international good practice.<sup>63</sup> A number of candidates informed the ODIHR LEOM that they primarily used their own funds, and printed materials supplied by their respective parties.

Donations over BGN 1,000 and payments had to be conducted via bank transfer to a campaign fund and contestants were required to report their donations on a weekly basis during the campaign. However, party funds were exempt from disclosure, allowing contestants to use them without revealing the donors in their campaign finance reports. Most parties disclosed very limited amount of donations while several, including GERB, stated that they mainly used party funds for campaigning.

The effectiveness of the National Audit Office (NAO), mandated to exercise party and campaign finance oversight, was challenged by its limited mandate and authority to investigate and sanction campaign finance infringements in a timely manner. Notably, the NAO is required to verify the correspondence of the reported information with the financial documentation and contract conditions.<sup>64</sup> However, it is not required to identify unreported transactions. Contestants are required to submit reports on campaign incomes and expenditures within 30 working days after the elections, to be published within 15 days after submission and audited within six months.<sup>65</sup> Sanctions, including fines up to BGN 10,000 provided by the law for failure to comply with the disclosure and reporting requirements are not dissuasive.

## Media

Media ownership is highly concentrated and is subject to political influence, negatively impacting editorial diversity. Television remained the main source of political information, followed by the online media. Two television networks, *bTV* and *Nova* have a combined viewership of over 64 per cent and in January-October 2020 received some 87 per cent of all television advertisement revenue.<sup>66</sup> The latter also operate the largest digital media company, including over ten major news-websites. The public Bulgarian National Television (*BNT*) is the third most popular television network. At least four national television stations are owned by a party leader or foundations affiliated with political parties. Many ODIHR LEOM interlocutors opined that the recent changes of the end-owners of *bTV* and *Nova*, as well as the appointment of a former politician as a new director of *BNT*, compromised the editorial

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<sup>62</sup> Parties and coalitions that obtained over 1 and 4 per cent of the votes respectively are entitled to EUR 8 per vote. In 2020, BGN 15 million was allocated to four parties and two coalitions; of which almost half was received by GERB.

<sup>63</sup> See Council of Europe Committee of Ministers [Recommendation \(2003\)4](#) which requires that “States should prohibit legal entities under the control of the state or of other public authorities from making donations to political parties”. See also paragraph 214 of the [2020 Guidelines on Political Party Regulation](#).

<sup>64</sup> Including submission of donors’ declarations on income and donations, income and assets declarations of contestants, compliance of the reported costs with those reported by service providers, identifying impermissible donations and correspondence of the reported donations to transferred funds. The NAO is entitled to request access to the databases of the National Revenue Service and other competent institutions.

<sup>65</sup> Political parties also report on their annual financing. Prior to submission to the NAO, the reports undergo an independent financial audit contracted by the parties, if the annual revenue or expenditure exceeded BGN 50,000.

<sup>66</sup> According to the Nielsen Admosphere viewership measurements, between 15-21 March, the channels of the *bTV* network had jointly 29.86 per cent of the measured audience, while the channels of the *Nova* network gathered a combined total of 34.3 per cent of the measured audience. The programmes of Public BNT gather 6.07 per cent of the audience.

independence of all three broadcasters.<sup>67</sup> Shortly afterwards, a number of senior editors and journalists were fired or resigned from all three television networks, some citing pressure by the new management.

Many ODIHR LEOM interlocutors raised concerns about the concentration of media ownership, political influence over the media and judicial pressure over investigative journalists, including due to possible criminal conviction for defamation.<sup>68</sup> The OSCE Representative on Freedom of the Media (RFoM) raised concerns over a number of cases of intimidation and physical assaults against journalists, including by police officers, which have not been fully investigated by the authorities contributing to the atmosphere of impunity.<sup>69</sup> Most ODIHR LEOM interlocutors agreed that the majority of media outlets adjust their editorial policies to accommodate the interests of their private and public advertisers, resulting in a widespread application of self-censorship.

The law requires *BNT* and the Bulgarian National Radio (*BNR*) to provide objective and fair coverage of the campaign, and to agree all formats of coverage with the contestants. As the news coverage was not among the formats agreed by the contestants, both *BNT* and *BNR* refrained from editorial coverage of the campaign in the news programmes. However, according to the ODIHR LEOM media monitoring of *BNT*, the parliamentary parties received some seven minutes of coverage in the news, during the last parliamentary session on 25 March.<sup>70</sup> Instead, the *BNTI* created the daily current affairs programme “*Glasovete na Bulgaria*” that offered contestants paid-for coverage, prepared by journalists of *BNTI*.

In line with the law, the *BNT* provided 40 seconds of free direct time in the beginning and at the end of the campaign and organized 15 debates, inviting all contestants. However, some political parties criticized these debates for being aired outside of primetime, at 16.00 hrs, which significantly limited their viewership. *BNT* organized eight debates in primetime, limiting participation to these programmes only to 12 contestants: six parliamentary parties and six most popular non-parliamentary parties based on the opinion polls. The monitored private broadcasters organized a number of debates with participation limited to the up to ten most popular contestants.

The ODIHR LEOM media monitoring concluded, that all monitored private televisions *bTV*, *Nova* and *Bulgaria On Air* limited the coverage of the campaign in their news, by allotting all contestants combined between 31 and 55 minutes in the prime-time news. While not labelled as paid advertising, this coverage was often in presentation and narration style similar to the paid reports. Both *BNTI* and all private broadcasters monitored by the ODIHR LEOM devoted extensive news coverage, between 61 and 188 minutes, to the activities of the Prime Minister and the Minister of Health, both GERB candidates.<sup>71</sup>

The law requires that all paid-for political advertisement is clearly labelled as such. The ODIHR LEOM monitoring of the online media identified two websites, which devoted considerable space to the favourable coverage of the activities of major contestants and did not label any reports as paid. Namely, *Offnews* published numerous positive reports on the activities of GERB, BSP, DB and RP, while *Blitz* reported positively on GERB, BSP, PK VMRO and DPS, and strongly criticized ITN and DB. Moreover,

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<sup>67</sup> In 2019, the parent owner of *bTV*, Central European Media Enterprises, was acquired by the PPF Group N.V., while Nova Group was acquired by the prominent Bulgarian businessman Kiril Domuschiev. In January 2021 the Nova Group was acquired by United Group.

<sup>68</sup> See also the country [report](#) of the Council of Europe Commissioner for Human Rights issued on 31 March 2020.

<sup>69</sup> On 15 February 2021, the OSCE RFoM [noted](#) the refusal of the prosecutor-general to fully investigate the reported beating of a freelance journalist by the police in September 2020. See other [statements](#) and [tweets](#) of the OSCE RFoM.

<sup>70</sup> Starting from 8 March until the end of the official campaign period on 2 April ODIHR LEOM conducted media monitoring of the prime-time coverage of five Televisions (*BNTI*, *bTV*, *Nova*, *Nova News* and *Bulgaria On Air*) and six online (24 Chasa, *Blitz.bg*, *dir.bg*, *Dnevnik*, *Offnews*, *Vesti.bg*) media outlets.

<sup>71</sup> Such coverage was largely focused on the government’s efforts to curb the pandemic, including prime minister announcing extraordinary financial support and allocation of funds for public infrastructure projects.



24 *Chasa* labelled some reports as paid and their editorial coverage was at times clearly promoting GERB, BSP and RP. The two websites *Vesti* and *dir.bg* clearly labelled political advertising and limited coverage of the campaign, with the majority of their politically relevant reports covering the government extensively, including the prime minister and the Minister of Health. *Dnevnik* largely refrained from paid reports, and was the only website to offer analytical and critical coverage of the Government and GERB, DPS, VMRO, RB while it was supportive of DB. The limited editorial and news coverage, and the virtual absence of the investigative or analytical reporting, combined with paid-for political advertising portrayed as news, detracted from the ability of voters to make an informed choice.

On 2 March, Agence France-Presse (AFP) partnered with Facebook, the main social network in the country, as third-party fact checker for Bulgaria and enlisted one expert to identify and limit the distribution of questionable, incorrect or misleading content and supplement such posts with links to the fact checking articles. However, the statements and publications by politicians were not the subject to the factual verification.<sup>72</sup> The contestants actively used the Facebook platform to promote their posts, spending over EUR 180,000 on the advertisement. The ODIHR LEOM analysis of the Facebook advertisements identified at over 51 Facebook pages running paid advertisements in support or against political parties, although not formally affiliated with any contestant.

The Council for Electronic Media (CEM), the regulatory body for broadcast media, is tasked by the CEC to monitor the media broadcast during the campaign, however, sanctions are imposed by the CEC. During the campaign the CEC reviewed 22 notifications from CEM, including eight on the violations of the requirements for publishing paid political advertisements, four on displaying a national flag in the political advertisements and four on not publishing the data on the public opinion polls.<sup>73</sup> The CEC has agreed to send a formal warning to *TV+* only on one such case, and did not establish violations in the others.

## Complaints and Appeals

Contestants, political parties and observers may file complaints against administrative acts and decisions and alerts against any other violation. Complaints are only admissible if the complainant has a legal interest, which was narrowly interpreted and often resulted in inadmissibility.<sup>74</sup> In practice, voters may file complaints only on their own voter registration. The law does not explicitly prescribe the right to file complaints against result protocols at all levels, and contestants may only challenge the nationwide election results indirectly, contrary to a previous ODIHR recommendation and international standards.<sup>75</sup> The law gives wide discretionary power to the election commissions to impose sanctions ranging from

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<sup>72</sup> AFP published five fact-checking articles on the newly created platform, all focused on COVID-19 disinformation.

<sup>73</sup> These included a paid advertisement not labelled as such, failure of a TV station to publish on their website information on a contract with a contestant, as required by law, and an advertisement harming the honour and dignity of other contestants.

<sup>74</sup> Complaints filed by contestants on candidate registration and campaign violations were deemed inadmissible in a high number of cases reviewed by the CEC and 29 SAC cases. In several instances, the CEC admitted for examination on merits the complaints on campaign violations from contestants against other contestants. Guideline II.3.3.3.f of the [Code of Good Practice](#) provides that “all candidates and all voters registered in the constituency concerned must be entitled to appeal”.

<sup>75</sup> The law stipulates that within 15 days of the announcement of the election results, the legitimacy of the elections can be challenged to the Constitutional Court by one-fifth of the MPs, the President, the Council of Ministers, the Supreme Court of Cassation, the Supreme Administrative Court, and the Prosecutor General, upon request or on their initiative. The ECtHR found this remedy to be ineffective within the meaning of Article 13 of the European Convention on Human Rights in [Petkov and others v. Bulgaria](#). In 2017, the Prosecutor General rejected to initiate a constitutional petition against the election results based on a political party’s request. See Paragraph 79 of the ODIHR and Venice Commission [Joint Opinion on Amendments to the Election Code of Bulgaria](#), 2017.



BNG 200 to BNG 2,000.<sup>76</sup> Overall, shortcomings in the legal framework and its implementation by the CEC and the courts often left stakeholders without effective legal redress, contrary to OSCE commitments and other international standards.<sup>77</sup>

Complaints and alerts may be filed to the CEC and DEC. Decisions of election commissions can be appealed to higher-level commissions, with the SAC as the final instance. The law provides for an expedited procedure, with deadlines from one hour to three days. Following the 2019 amendments, some CEC decisions, including those upholding rejections of complaints by DEC are reviewed by local administrative courts without an expedited process.<sup>78</sup> The expedited deadlines for investigation and initiation of criminal cases are open to multiple extensions, decreasing the efficiency of the procedures.<sup>79</sup>

The CEC received 35 appeals against DEC decisions mostly related to candidate registration, PEC formation and campaigning, 12 complaints and 88 alerts, primarily alleging violation of campaign rules, misuse of office and administrative resources by high-ranking government officials.<sup>80</sup> Out of 47 complaints, the CEC rejected 24 complaints on merits and denied admissibility to six on the grounds that the complainants did not have a legal interest.<sup>81</sup> The CEC is required by law to decide on complaints with a two thirds majority, otherwise the complaint is considered rejected. Most complaints alleging misuse of administrative resources were left unaddressed, partially because the CEC was unable to achieve the required majority.<sup>82</sup> The CEC noted that the required majority often cannot be achieved in politically sensitive cases.

The CEC addressed some complaints and most alerts with “protocol decisions” and not individual acts, which were often not published. The courts did not always accept appeals against “protocol decisions”, thus effectively depriving applicants of a legal redress.<sup>83</sup> Most complaints substantiated with social media

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<sup>76</sup> Chapter 3 of the Election Code lists electoral violations and respective sanctions. Article 496 provides additional sanctions but does not list exact violations. It lacks criteria of determination the amount of the fines which vary from EUR 100 to EUR 1,000.

<sup>77</sup> Paragraph 5.10 of the [1990 OSCE Copenhagen Document](#) states “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity.” Article 8 of the [Universal Declaration of Human Rights](#) states that “everybody has the right to an effective remedy...”.

<sup>78</sup> Including CEC decisions on technical issues and rules for the implementation of the provisions of the Election Code. The SAC dismissed several complaints due to lack of jurisdiction and forwarded them to lower-level courts.

<sup>79</sup> Under the 2019 Prosecutor General’s instruction, all election-related cases are to be processed in a seven-day procedure, which can be extended by two weeks, and to ordinary extendable two-month procedure. On 15 March 2021, the Prosecutor’s office protested against the Sofia City Court acquittal of an individual of vote-buying during the 2014 election campaign.

<sup>80</sup> Complaints challenged the registration of parties and coalitions, deregistration of candidates and PEC formation.

<sup>81</sup> The CEC overturned decision by DEC Montana on PEC formation for distribution of quotas in the absence of an agreement between the contestants with the municipal authorities. The CEC registered the party “Right” following several complaints about protracted decision-making.

<sup>82</sup> Including six complaints by BSP, the Republicans for Bulgaria and the Fighter party alleging misuse of state resources and abuse of office by the ruling party and at least five alerts against Volya posters promising gas stations in exchange for votes.

<sup>83</sup> In its review of the appeal by the Democratic Bulgaria Coalition, the SAC stated that the CEC instructions on personal data protection adopted with a protocol decision could not be reviewed due to its procedural character, while a CEC protocol decision to leave the Fighter party’s complaint without consideration was reviewed by the SAC as an automatic rejection due to lack of majority. In the latter case, the SAC could not reference a particular CEC act, as protocol decision were not drafted by the CEC as individual administrative acts.

content were rejected due to inadmissibility of evidence.<sup>84</sup> The decisions on complaints were published in a timely manner.<sup>85</sup>

The SAC received some 65 appeals against the CEC decisions.<sup>86</sup> Most appeals were either inadmissible due to lack of legal interest of the complainants or they had to be forwarded to lower-level administrative courts due to the recent transfer of jurisdiction.<sup>87</sup> In the cases reviewed on merits, the SAC upheld most of the CEC decisions.<sup>88</sup> While the Administrative Court in Sofia (ACS) initially overturned the decision of the CEC and the Commission on Personal Data Protection not to allow observers to video-stream counting procedures, the subsequent appeal by the CEC was not reviewed by election day.

### Citizen and International Observers

The legislation provides for observation by citizen and international observers, and by agents and proxies of contestants. Civil society organizations which are registered as holding objectives related to the protection of political rights can also nominate observers.<sup>89</sup> The Election Code contains detailed provisions on the rights and responsibilities of observers and grants them unhindered access to all stages of the electoral process.

In total, 30 civil society organisations registered with the CEC a total of 3,372 observers. The CEC also registered 129 international observers representing six organisations. Most citizen observer groups claimed that the COVID-19 situation has limited their activities in terms of geographical scope and the number of observers.

### Participation of Minorities

The Constitution makes no reference to national minorities but guarantees the right for self-identification.<sup>90</sup> While it prohibits discrimination on ethnic or religious basis, it also does not allow for political parties on “ethnic, racial or religious basis”.<sup>91</sup> By law, the election campaign can be conducted

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<sup>84</sup> Following the 2019 amendments to the transitional provisions of the Election Code, personal media accounts were generally excluded from the scope of media regulation. Several complaints alleging violations of media campaign rules on such accounts were examined on merits by election commissions.

<sup>85</sup> Examination of alerts’ were not easily accessible, as they were published within session protocols, reducing transparency.

<sup>86</sup> Of these, 23 were repetitive and referred to changes in coalition partnership, the status of a former coalition party participating in elections independently, and PEC quota distributions. The SAC examined on merits but rejected as unfounded eight identical complaints against mistakes in a CEC decision on coalition registration.

<sup>87</sup> DB challenged several CEC instructions on protection of private data that prevented video-recording of counting at PS premises. The SAC forwarded to the SAC for reconsideration the complaint, which was upheld. The SAC also terminated review of several complaints against CEC decisions on IDs acceptable for out-of-country voting and ballot paper design, and forwarded them to an administrative court.

<sup>88</sup> All complaints challenging formation of out-of-country polling stations were rejected as the matter had been previously reviewed by the Constitutional Court. The CEC rejections to register parties were upheld.

<sup>89</sup> By law, a person may participate in the elections in only one capacity (as candidate, proxy, observer, or election official).

<sup>90</sup> According to the 2011 census, ethnic Turks are 8.8 per cent of the population, followed by Roma with 4.9 per cent. Persons belonging to other ethnic groups are below one per cent of the population. The new census due in January-February 2021 was postponed following the COVID-19 pandemic.

<sup>91</sup> Article 2 of the [UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities](#), states: “persons belonging to minorities may exercise their rights...individually as well as in community with other members of their group, without any discrimination”. See also paragraph 2.4.a of the [Code of Good Practice](#). In its [Fourth Opinion on Bulgaria](#) published on 26 May 2020, the Advisory Committee on the Framework Convention for the Protection of National Minorities of Council of Europe underlined that legal framework related to political participation rights of persons belonging to national minorities, including registration of both associations and of political parties, remains underdeveloped.

only in Bulgarian language, contrary to a long-standing ODIHR and Venice Commission recommendations.

The majority of the larger political parties informed the ODIHR LEOM that they have ethnic Turkish and a few Roma candidates.<sup>92</sup> While DPS is often perceived as a “Turkish party”, the party leadership noted to the ODIHR LEOM that they consider themselves as a mainstream party. In the outgoing parliament, DPS was represented with 25 MPs, mostly ethnic Turkish. It contested the upcoming elections with 395 candidates in all 31 constituencies.

The Movement for Equality Public Model (DROM) aims to represent the Roma community. In past elections, DROM failed to gain support among the Roma population and did not participate in these elections.<sup>93</sup> Several ODIHR LEOM interlocutors opined that Roma voters traditionally vote for other parties such as GERB, BSP, DPS and that they are socially and financially vulnerable and therefore subject to vote buying attempts.

## Election Day

The IEOM did not observe election day proceedings in a systematic or comprehensive manner. In most polling stations visited, the voting process was transparent, and PEC members largely followed the procedures. Preventive measures against COVID-19 were in place but not followed consistently, and occasionally voters were identified without removing face masks. The large number of voters inside and outside the polling stations contributed to overcrowding in some cases. Most voting premises visited were not fully accessible for persons with physical disabilities. Inadequate positioning of the voting machines and some procedural deficiencies at times did not guarantee secrecy of the vote. The CEC announced preliminary voter turnout at 40.18 per cent, as of 17:00 on election day.

While machine voting was generally implemented efficiently, the preferential voting interface had errors in two constituencies, and was either discontinued or suspended.<sup>94</sup> In an additional 20 polling stations, machine voting was suspended due to technical problems. In some polling stations visited, voters were not systematically informed about the possibility to choose between a paper ballot and a touchscreen device.

In the limited number of counts observed, the process was overall transparent. PEC members largely followed the procedures. The initial stages of DEC tabulation, when observed, were generally conducted in an orderly and efficient manner. The ODIHR LEOM will continue observing the tabulation process in the coming days.

On election day, the CEC received over 310 complaints and alerts. Alleged irregularities pertained to polling stations abroad, issues with machine voting, voter lists discrepancies, violations of the secrecy of vote; controlled voting; violation of campaign silence; pressure on voters.<sup>95</sup> The CEC reviewed most of the complaints and alerts in largely muted sessions and issued protocol decisions, which were not

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<sup>92</sup> According to their statements, GERB, DPS and RB have ethnic Turkish candidates while GERB, DPS, BSP, DB and RB have Roma candidates.

<sup>93</sup> In the 2017 elections, DROM obtained 0.15 per cent of the votes.

<sup>94</sup> The candidates' numbers on the screen did not correspond to the names of the candidates on the list. In Veliko Tarnovo, the CEC discontinued machine voting in all 313 polling stations. In Dobrich constituency, it was suspended for a few hours in all 247 polling stations, but resumed following an instruction of the CEC to count preferential machine votes based on the candidates' number, not their names on the control receipts.

<sup>95</sup> The “Stand Up! Get out!” coalition alleged violations of secrecy of the vote in Pernik and Razgrad region, controlled voting, voting machines not operational in Sofia city, Ihtiman, Chepelare and Yambol municipalities. GERB alleged abuse of office by DPS to pressure voters in the Kardzhali and Silistra and illegal campaigning in Sliven and Vidin.

published. The CEC referred complaints on alleged vote-buying and controlled voting to the police and the Prosecutor.<sup>96</sup>

The ODIHR LEOM Media Monitoring identified instances of violations of campaign silence in a number of media outlets. Twelve websites were systematically publishing disguised results of exit-polls before the closing of polling stations, contrary to the law.<sup>97</sup>

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

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#### MISSION INFORMATION & ACKNOWLEDGEMENTS

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Sofia, 5 April 2021 – 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), the OSCE Parliamentary Assembly (OSCE PA), and the Parliamentary Assembly of the Council of Europe (PACE). The assessment was made to determine whether the elections complied with OSCE commitments, Council of Europe standards, other international obligations and standards for democratic elections and with national legislation.

Mr. Artur Gerasymov was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the short-term OSCE observer mission. The OSCE PA delegation was led by Mr. Pascal Allizard, and the PACE delegation was led by Mr. Alfred Heer. Ms. Corien Jonker is the Head of the ODIHR Limited Election Observation Mission, deployed from 1 March.

Each of the institutions involved in this International Election Observation Mission (IEOM) has 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 electoral process. The final assessment of the election will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible postelection day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The OSCE PA will present its report at its next Standing Committee meeting. The PACE will present its report at its Standing Committee meeting on 28 May 2021.

The ODIHR LEOM includes 11 experts in the capital and 12 long-term observers deployed throughout the country. On election day, 92 observers were deployed, including 27 observers deployed by the ODIHR, as well as a 44-member delegation from the OSCE PA, and 21-member delegation from PACE. Observers were drawn from 32 OSCE participating States. The observers wish to thank the Ministry of Foreign Affairs for the invitation and assistance. They also express their appreciation to other state institutions, candidates, civil society organizations and the international community representatives for their views and cooperation.

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<sup>96</sup> The CEC received allegations of vote-buying in the Sofia municipality, Vratsa and Montana.

<sup>97</sup> The CEC issued formal decisions establishing violations by *pik.bg*, *dnevnik.bg*, *24 chasa.bg*, *Blitz.bg* for publishing opinion polls, and violation of the campaign silence by *budnavarna.com*.

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