



Office for Democratic Institutions and Human Rights

REPUBLIC OF BULGARIA

PRESIDENTIAL AND EARLY PARLIAMENTARY ELECTIONS 14 AND 21 NOVEMBER 2021

ODIHR Election Assessment Mission
Final Report



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I. EXECUTIVE SUMMARY

Following an invitation from the government of the Republic of Bulgaria, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) for the 14 November 2021 presidential and early parliamentary elections. The EAM assessed the compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections, and national legislation.

On 3 September 2021, the parliament called the presidential election for 14 November. Following three attempts to form a government that ended without finding a supporting majority after the 11 July early parliamentary elections, the president dissolved the parliament on 14 September and set early parliamentary elections simultaneously with the due presidential election. The elections took place in an atmosphere of disillusionment towards the political establishment, voter fatigue by two elections within the same year and a new wave of the COVID-19 pandemic.

The president and vice-president are elected for five-year terms in a single constituency and the members of parliament are elected for four-year terms under a proportional system in 31 multi-member constituencies. The legal framework provides a sound basis for the conduct of democratic elections; however, some longstanding ODIHR and Council of Europe's Venice Commission recommendations remain to be addressed. These include the right to vote for prisoners and those deprived of legal capacity, the right to stand for those having dual citizenship, campaigning in languages other than Bulgarian, measures to promote inclusive participation, and mechanisms to challenge the election results.

The election administration, led by the Central Election Commission (CEC), efficiently administered the elections and respected the legal deadlines. Due to its partisan composition and limited technical and administrative capacity, some CEC decisions, mostly on complaints and contentious issues, such as the implementation of machine voting, were adopted late or lacked consistency. Overall, the CEC held regular sessions with substantive discussions that were open to observers and broadcast online, but the transparency was negatively impacted by the late publication of session minutes and the regular muting of the session broadcasts.

The use of electronic voting machines as the sole voting method in most polling stations reduced the number of invalid ballots and led to an efficient counting and tabulation of votes. The implementation was successful despite logistical and technical challenges. During the campaign period, representatives of the Citizens for the European Development of Bulgaria (GERB) alleged that the machines were manipulated, but without providing supporting evidence. Before election day, the existence of 427 voting machines in the vendor's inventory but not accounted for by the CEC was made public, without any further information on their purpose, decreasing public trust and fuelling the allegations of malfeasance. To verify the electronic tally, the CEC ordered a hand count of the machine printed control slips containing the voters' choices at all polling stations, but the outcome of this verification was not made public before the final results were announced.

Voter registration was inclusive for most voters. However, a significant number of citizens who reside in informal settlements, predominantly Roma, do not have a permanent address and are effectively

¹ The English version of this report is the only official document. An unofficial translation is available in Bulgarian.

disenfranchised, contrary to OSCE commitments and international standards. At odds with previous ODIHR recommendations and international good practice, some categories of voters, including citizens abroad, can be added to the voter list on election day without submitting a prior request; more than 10 per cent of all voters who voted on 14 November were registered this way, regardless of their existing registration where they maintain a permanent residence.

Women remain underrepresented in all elected offices and held only 3 of the 19 ministerial posts in the provisional government formed in September 2021. Out of 23, 4 presidential and 14 vice-presidential candidates and some 30 per cent of the candidates for the parliament were women, heading 23 per cent of the constituency candidate lists. Only a few parties had policies to enhance women's representation and there are no legislative measures to promote women's participation, at odds with international standards. In the newly elected parliament, women obtained 23.8 per cent of the mandates, a one per cent decrease compared to July 2021 early parliamentary elections. Women were well represented in most election commissions, including in leadership positions.

In a largely inclusive process, 20 parties and 7 coalitions registered with the CEC to participate in the elections. The CEC registered 23 presidential candidates, and the District Election Commissions (DECs) registered 836 candidate lists with 5,069 individual candidates for the parliamentary race. The legal framework restricts citizens with dual citizenship from standing in any election and stipulates residency requirements for presidential candidates, contrary to international standards and good practice.

The campaign was competitive but low-key. The parliamentary campaign overshadowed the presidential race. In general, contestants could campaign freely, despite restrictions on public gatherings imposed by the public health measures related to COVID-19 pandemic. As part of its effort against vote buying, the Ministry of Interior (MoI) launched a nationwide police operation and issued 9,032 written 'warning protocols' to individual citizens seen as potential perpetrators, requesting them to sign these protocols. While some parties commended the operation as effective against electoral malfeasance, others claimed that the police actions aimed to intimidate their supporters, mayors and candidates. The absence of formal criteria used to issue such warnings, the fact that copies were not provided to the signatories, and the heavy-handed methods used in some operations raised concerns about the arbitrary approach for citizens' right to be presumed innocent.

Some legislative shortcomings and the limited control mechanism negatively affected the transparency and accountability of campaign finance. Some previous ODIHR recommendations regarding campaign finance remain unaddressed, including on the lack of disclosure of expenditures prior to election day, the deadline for publication of the audit report, and dissuasive sanctions. The National Audit Office, responsible for party and campaign finance oversight, was challenged by its limited mandate and authority to investigate and sanction campaign finance infringements in a timely manner.

The media environment is diverse and pluralistic. The legislation provides a sound basis to protect the freedom of the media, but a limited advertising market and economic challenges expose many media outlets to political interests. According to some ODIHR EAM interlocutors, despite legal guarantees of independence, funding and governance of the public service media are not exempt from political influence. Candidates benefitted from access to special election programmes, free airtime or paid slots. However, the strict rules related to equal election coverage, combined with a large number of contestants, resulted in marginal editorial content. Major candidates did not attend the debates organized prior to the first round; voters could watch a televised debate between the two presidential candidates only before the run-off.

The Constitution does not define national minorities and bans political parties founded on religious, racial or ethnic grounds. The law allows campaigning only in Bulgarian, contrary to previous ODIHR

and Venice Commission recommendations and international standards. Election material and voter information was provided only in Bulgarian. Several parties fielded candidates belonging to ethnic or religious minorities, but rarely on the top of the candidate lists. Messages targeted to minority communities in the campaign were scarce. For the first time, there was a presidential candidate of ethnic Turkish origin among the leading contestants. Many ODIHR EAM interlocutors described a long-lasting discrimination affecting Roma. Turnout among Roma voters remained low, attributed to various factors, such as the potentially dissuasive impact of voting machines, insufficient voter education, a lack of Roma candidates and police actions against vote buying appearing to target Roma communities.

Contestants, political parties and observers may file complaints against administrative acts including decisions of election commissions, which are considered in an expedited manner. Voters can only file complaints about their entries in the voter list. Contrary to previous ODIHR and Venice Commission recommendations and at odds with OSCE commitments and other international standards, the law does not provide the possibility for contestants and observers to directly challenge the election results. The CEC received 21 complaints and 18 alerts on potential violations prior to the first round and 4 complaints and 1 alert before the run-off; these were not always addressed consistently and within legal deadlines. The Supreme Administrative Court received 20 appeals against CEC decisions which were considered timely and during public hearings. Many ODIHR EAM interlocutors expressed concerns that, following the recent elections, only a few election-related crimes reached the courts and resulted in convictions, arguing that this indicated a limited efficiency of the complaint adjudication system.

The ODIHR EAM did not observe election day proceedings systematically or comprehensively. In the polling stations visited, the process was well-organized and in accordance with the legal provisions. Voters could select to vote for parliamentary, presidential or both elections. However, the voting machine interface did not make it sufficiently clear that once the participation in only one election is confirmed, the voter may not vote in the other contest, which may have led to cases of confusion and resulted in denied voting. At odds with OSCE commitments, the election material, the voting machines and most polling stations visited were not adapted for persons with disabilities.

On 16 November, the CEC announced that no candidate was elected in the presidential election and scheduled a second round for 21 November. The results of the parliamentary elections were announced on 18 November; three parties and four coalitions entered the parliament. In the second round, a record-low turnout of 34.84 per cent was widely attributed to voter fatigue in the fourth election of the year. One party attempted to appeal the results of both elections through three different institutions legally authorised to challenge the election results, but following their review, these respective authorities decided not to forward the appeal to the Constitutional Court.

This report offers a number of recommendations to support efforts to bring elections in the Republic of Bulgaria closer in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to a need for an inclusive and transparent electoral reform, legislating a meaningful verification of machine vote count, addressing the issue of citizens without permanent address and ID documents, removing the prohibition on dual citizenship in order to stand, publicizing the criteria, methodology and grounds on which warning protocols against vote buying are issued, abandoning the practice of the public broadcasters of directly engaging journalists in preparing paid campaign material, and allowing for a possibility to directly contest election results. ODIHR stands ready to assist the authorities to address the recommendations contained in this and previous reports.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the authorities of the Republic of Bulgaria and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) on 25 October to observe the 14 November 2021 presidential and early parliamentary elections.² The ODIHR EAM was headed by Ambassador Jan Petersen and consisted of nine experts drawn from nine OSCE participating states. The ODIHR EAM was based in Sofia and remained in the country until 24 November to follow the second round of the presidential election.

The ODIHR EAM assessed the compliance of the election process with OSCE commitments, other international obligations and standards for democratic elections, as well as with national legislation. The EAM did not carry out systematic or comprehensive observation of the voting, counting and tabulation proceedings on election day, in line with ODIHR's methodology for EAMs. Mission members did, however, visit a limited number of polling stations on election day.

The EAM wishes to thank the authorities of the Republic of Bulgaria for their invitation to observe the elections and the Central Election Commission (CEC) and the Ministry of Foreign Affairs (MFA) for their assistance. It also expresses appreciation to other state institutions, the judiciary, political parties, media, civil society organizations, international community representatives, and other interlocutors for their co-operation and sharing their views.

III. BACKGROUND AND POLITICAL CONTEXT

On 3 September 2021, the parliament adopted a decision to hold the presidential election on 14 November. Following three returned mandates to form a government in the wake of the 11 July early parliamentary elections, and in line with the Constitution, the president dissolved the parliament on 14 September and set early parliamentary elections simultaneously with the regularly scheduled presidential election. The elections took place in an atmosphere of disillusionment towards the political establishment, voter fatigue caused by two parliamentary elections that had already taken place in 2021 without forming a government, and the growing socio-economic impacts stemming from the new wave of the COVID-19 pandemic.

The 11 July early parliamentary elections confirmed the changes brought by the April vote. Six parties and coalitions won mandates; *There is Such a People* (ITN) became the biggest parliamentary group, moving the Citizens for the European Development of Bulgaria (GERB) to second place for the first time since 2009. BSP for Bulgaria (BSP), the Movement for Rights and Freedoms (DPS), and *Rise Up! Thugs Out!* (ISMV) lost mandates, while Democratic Bulgaria (DB) strengthened its representation.³

Contestants for these early parliamentary elections included a new coalition, *We Continue the Change* (PP), founded some two months before the elections by two ministers of the May 2021 provisional government, Kiril Petkov and Asen Vasilev. The incumbent president, Rumen Radev, elected in 2016, stood for a second term, supported by the BSP, *Rise Up, BG! We are Coming!* (ISBNI), ITN and PP.

² ODIHR determined the mission format by considering that it deployed Limited Election Observation Missions twice in the course of 2021 to the parliamentary elections in April and early parliamentary elections in July, that no substantial changes were introduced in the electoral framework following the early elections in July as well as taking into account its own budgetary constraints. See [previous ODIHR election reports on Bulgaria](#).

³ ITN won 65 seats (14 more than previously), and GERB won 63 seats (12 less than previously). With 36 seats, Bulgarian Socialist Party (BSP) lost 7 mandates, while DB obtained 34 (7 more than previously). DPS won 29 seats and ISMV 13, each losing one.

His main challengers were Anastas Gerdzhikov (supported by GERB), Lozan Panov (supported by DB), and Mustafa Karadayi, whose party, the DPS, nominated a presidential candidate for the first time.

Women continue to be underrepresented in elected and governmental offices. In the outgoing parliament, women held 24.6 per cent of the parliamentary seats.⁴ In the provisional government appointed in September 2021, women held only 3 of the 19 ministerial posts. Several ODIHR EAM interlocutors pointed out that the main obstacles to women's political participation are the general reticence of political parties to nominate women as candidates and the longstanding stereotypes related to gender roles in Bulgaria.⁵

IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The president and vice-president are jointly elected for five-year terms in a single nationwide constituency. If no more than half of the registered voters participate in the election or no candidate receives more than half of the valid votes, a second round is held one week later, in which the candidate receiving the highest number of votes shall be deemed elected. The period between the two rounds could be insufficient for the election administration, campaigners, and other stakeholders to prepare adequately and effectively prevents the possibility to challenge election results of the first round.⁶

Consideration could be given to expanding the period between the first and the potential second round of presidential election to allow sufficient time for electoral preparations for all stakeholders and to provide a possibility for timely and effective remedy in case of complaints.

The unicameral parliament's 240-members are elected for four-year terms under a proportional system in 31 multi-member constituencies (MMCs). By law, 26 MMCs correspond to the administrative districts, and the remaining five MMCs, in Sofia and Plovdiv, are delineated by the president before each parliamentary elections, without any legally established criteria. The seat allocation is based on data from the last population census, but each MMC should comprise at least four mandates.⁷ The seat allocation remained unchanged for these elections and largely ensured equal voting power. However, constituency delineation close to the elections is contrary to international good practice.⁸

The constituency delineation process should guarantee the equality of the vote, be based on clear and objective criteria prescribed by the law and be conducted in line with international standards and good practice.

⁴ According to the Global data on national parliaments by the Inter-Parliamentary Union (IPU), in 2021, Bulgaria [ranked](#) 89 of the 192 countries listed.

⁵ Bulgaria signed but is yet to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence, as the Constitutional Court deemed the treaty anti-constitutional for using the term "gender". On 26 October 2021, the Constitutional Court judged that the word "sex" in the Constitution refers only to the traditional definition of biological sex, which differentiates men and women, and does not contemplate a social definition of gender.

⁶ Paragraph 26 of the 2014 Venice Commission's [Joint Opinion on the Draft Election Code](#) and Paragraph 26 of the 2017 [Joint Opinion on Amendments to the Election Code](#) recommend expanding the period before the second round to leave a reasonable timeframe for the election administration and other stakeholders to prepare adequately.

⁷ Paragraph 2.2 of the Venice Commission Code of Good Practice in Electoral Matters ([Code of Good Practice](#)) recommends seats to be evenly distributed among constituencies with a permissible departure of no more than 10 to 15 per cent, except in particular circumstances. According to the 2011 population census, the number of citizens per seat deviates from the national average by 18 per cent in Vidin and 11 per cent in Kyustendil MMC. Data from the population census conducted in 2021 was not published before these elections.

⁸ The delineation of constituencies was defined by a [presidential decree](#) of 16 September 2021. Paragraph I.2.2.v of the [Code of Good Practice](#) recommends redistributing the seats at least every ten years, "preferably outside election periods".

Parties and coalitions that obtain at least four per cent of the valid votes are eligible for seat allocation. Within each MMC, the seats are allocated to the eligible lists under the largest remainder method of proportional representation. The candidates are elected from open lists; voters may mark a single preference option after choosing a candidate list.⁹ If the voter does not indicate a preference, the vote goes to the list carrier. To win a preferential seat, candidates need to pass a seven per cent threshold of the votes cast for the list in the given MMC; otherwise, the seats are allocated based on the initial list order. Independent candidates must surpass a constituency quota to be elected, which equals the number of valid votes cast, divided by the number of seats in a given MMC.

The elections are primarily governed by the 1991 Constitution, the 2014 Election Code and the 2005 Political Parties Act, which are supplemented by other laws and CEC decisions.¹⁰ The Election Code has undergone numerous amendments since its adoption in 2014, including most recently in May 2021 which included substantial changes to the electoral procedures only six weeks prior to the July 2021 elections and five months before these elections.¹¹ As previously noted by ODIHR, amending fundamental elements of the electoral legislation close to the elections is contrary to international good practice.¹²

Overall, the legal framework provides a sound basis for the conduct of democratic elections. However, some longstanding ODIHR and the Venice Commission recommendations pertaining to key aspects of the electoral process remain to be addressed. These relate, *inter alia*, to the right to vote for prisoners and those under guardianship, the right to stand for those having dual citizenship, campaigning in languages other than Bulgarian, measures to promote the inclusive participation, and mechanisms to challenge the election results. Moreover, the legislation contains a number of inconsistencies and ambiguous provisions.¹³

To ensure a coherent and stable electoral framework, the legislation should be reviewed to bring it further in line with OSCE commitments, international standards and good practices. This should be done well in advance of the next election period as a result of an inclusive and transparent consultation process.

⁹ Voters abroad may vote for candidate lists only. These votes are added to the nationwide tally for political parties and coalitions. The Election Code was amended in 2021 to create a separate MMC for out-of-country voting, but the respective provisions will take effect only after the official announcement of the results of the 2021 population census.

¹⁰ Other applicable legislation includes the 1969 Administrative Violations and Sanctions Act, the 1968 Criminal Code, and the 2006 Administrative Procedure Code.

¹¹ The May 2021 amendments introduced electronic voting as the sole option for polling stations with at least 300 voters and numerous adjustments to the voting, counting, and tabulation procedures; altered the method of nomination for all levels of election commissions, removed limitations of the number of polling stations formed abroad and clarified the method of appealing certain CEC decisions.

¹² Paragraph II.2.b of the Venice Commission's [Code of Good Practice](#) states that "the fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election".

¹³ The Constitution provides that "electing central and local government authorities" is a right, while the Election Code defines it as a civic duty and prescribes mandatory voting. In 2016, the disenfranchisement of voters for repeated abstention from voting was declared unconstitutional by the Constitutional Court. The Election Code stipulates the creation of an inter-ministerial joint task force to tackle election-related criminal offences without clarifying its mandate. The Election Code prohibits the use of campaign materials "contrary to good morals" but does not define this term.

V. ELECTION ADMINISTRATION

The elections were administered by a three-tiered election administration comprising the Central Election Commission (CEC), 31 District Election Commissions (DECs) and 13,219 Precinct Election Commissions (PECs).¹⁴ Voting abroad was conducted by 750 PECs established in 68 countries.

Members of the election commissions were nominated by political parties and coalitions in proportion to their representation in the previous parliament.¹⁵ By law, no party or coalition can have a majority in any commission; the chairperson, the deputy chairperson and the secretary may not be nominated by the same entity. Women were well-represented in most election commissions, including in leadership positions. Eight of the 15 CEC members (including the chairperson) and 256 of the 441 DEC members (including 20 of the 31 chairpersons) were women.¹⁶ Overall, the election administration met the legally prescribed deadlines and efficiently administered the elections, despite the compressed timeframe for holding early parliamentary elections, as well as holding two electoral contests in parallel.

The CEC is a permanent body; it is mandated to oversee the electoral preparations, with assistance from the government, local authorities and contracted private entities.¹⁷ It held regular sessions with substantive discussions that were open to observers and broadcast online.¹⁸ However, the agenda was not made public beforehand in most cases and, contrary to the law, the CEC often muted the live stream of its sessions without providing a reason, thus reducing transparency.¹⁹ While the CEC published its decisions on time, most session minutes were not made available within the legally prescribed 24 hour-deadline. This made it challenging for stakeholders to get acquainted with the ‘protocol decisions’, adopted on technical and administrative matters, which were available as part of the session minutes, but not as separate decisions.

To further increase its transparency and accountability, the Central Election Commission should publish its session minutes and protocol decisions in a timely manner. The practice of muting the broadcast of its sessions should be limited to specific circumstances based on justified reasons.

By law, election commissions make decisions by a two-thirds majority, provided that more than half of the members are present. Due to its partisan composition, some CEC decisions, especially on contentious issues and complaints, were adopted following protracted discussions or did not meet the required majority and were therefore automatically considered rejected. In some cases, this led to inconsistent decisions of the CEC on the same or similar issues.²⁰ Many ODIHR EAM interlocutors

¹⁴ These included 339 mobile PECs for people with permanent disabilities, 175 mobile PECs for COVID-19 patients, 167 PECs in healthcare and social institutions, 12 in detention centres and 1 established on a ship.

¹⁵ By law, DECs and PECs were appointed following consultations among local branches of political parties, aimed to allocate membership to DECs and PECs, facilitated by district governors and municipal mayors, respectively. Other parties and coalitions could nominate members to DECs and PECs if the eligible parties did not use their full quota. Vacant positions were distributed by drawing lots among the parliamentary and non-parliamentary parties participating in the consultations.

¹⁶ The CEC did not compile any gender-disaggregated data regarding the composition of the PECs.

¹⁷ The current composition of the CEC was appointed by the president for a five-year term in May 2021. Of its 15 members, four were nominated by GERB, three by ITN and BSP each, two by DB and DPS each and one by ISMV.

¹⁸ From 20 October to 4 November, CEC session videos and broadcasts were not available from abroad. *Information Services* (IS) attributed the unavailability to the need of preventing cyberattacks against governmental servers.

¹⁹ The CEC informed the ODIHR EAM that the occasional muting of the sessions was necessary because of a need for internal discussions and the protection of personal data and contractual information.

²⁰ Following repeated rejections, the CEC adopted the methodological guidelines for out-of-country voting only five days before election day. The CEC adopted three conflicting decisions to mandate PECs to recount the voting machine control slips (see *Voting Technologies* section). On election day, the CEC stated a violation of the campaign rules by PP’s Mr. Petkov; on the second-round election day, in a similar situation, the commission did not reach the majority to establish a campaign silence violation by GERB’s Boyko Borisov.

raised concerns that the CEC's administrative and technical capacity remains insufficient to effectively oversee the implementation of machine voting, at odds with international standards.²¹

To ensure the stability and professionalism of the election administration, the Central Election Commission should be granted sufficient administrative and technical capacity.

DECs and PECs were formed by the upper-level election commissions within the legal deadlines. DECs had 13 or 17 members, depending on the number of seats elected in the respective constituency; most PECs had 5 to 9 members, depending on the number of registered voters. While all eligible parties nominated DEC members, some parties, such as DB and ISBNI, failed to propose commissioners to PECs in some municipalities. Parties reached a consensus on the appointment of only 16 per cent of the DECs but 92 per cent of the PECs. The disagreements mainly affected the distribution of leadership positions; in accordance with the law, the disputes were resolved by a decision of the respective upper-level election commissions.

The CEC and DECs provided training for the lower-level commissions. Due to the COVID-19 pandemic, the training was conducted exclusively online in 28 of the 31 MMCs.²² No uniform curriculum was applied for the PEC training. As the training concluded before the CEC adopted the methodological guidelines for election day, some instructions on the verification of the machine vote count were not explained to the PECs (*see Voting Technologies* section). At odds with international good practice, the law permits political parties to withdraw their PEC members at any time.²³ Nominating parties replaced a high number of PEC members as late as on election day or before the second round, resulting in more than 20 per cent of the PEC members not being trained in some MMCs.²⁴ The CEC did not provide any training for the PECs abroad.²⁵

To ensure a consistent application of election procedures, comprehensive and standardized training should be provided for all PEC members, including on recently adopted measures, such as the use of new voting technologies. To enhance stability of the election administration, the tenure of the PEC members could be better protected against arbitrary replacement during a reasonable period of time prior to election day.

The CEC maintained a comprehensive website and developed a voter education programme, primarily broadcast on radio and television, focusing on voters with disabilities, COVID-19 related measures and the use of voting machines. Voter education material was available only in Bulgarian. The video spots

²¹ Paragraph 29 of the 2017 Council of Europe (CoE) [Recommendations on E-voting](#) stipulates that “[t]he relevant legislation shall regulate the responsibilities for the functioning of e-voting systems and ensure that the electoral management body has control over them.” Its [Explanatory Memorandum](#) adds that statutory duties of the body responsible for the conduct of elections should never be outsourced. See also the Council of Europe Committee of Ministers’ Guidelines on the use of ICT in electoral processes which, *inter alia*, states that the “[m]ember States should build and retain the necessary capacity to assess, introduce and manage the use of ICT solutions in the electoral process” and further stipulates that “[t]he ultimate goal of having the necessary capacities is to avoid outsourcing essential election administration tasks to third, for-profit parties and thus to enable the relevant authorities to effectively oversee the election in accordance with legal requirements, without being dependent on private parties.”

²² In the three remaining MMCs, the training comprised both online and in-person events.

²³ Paragraph II.3.1.f of the Code of Good Practice states that “the bodies appointing members of electoral commissions must not be free to dismiss them at will”.

²⁴ For example, between the end of the training and election day, in the Studentski district of Sofia (DEC 23), 20 per cent of the PEC members were replaced. In Triaditsa district of Sofia (DEC 23), 22 per cent of the PEC members were replaced on 13 and 14 November. Political parties explained to the ODIHR EAM that most replacements occurred due to personal reasons.

²⁵ Paragraph II.3.1.g of the Code of Good Practice states that “members of electoral commissions must receive standard training.”

were accompanied by subtitles and sign language interpretation.²⁶ In addition, the CEC provided 280 voting machines to DECAs for demonstration purposes used in several public places and maintained an online machine voting simulator. However, many ODIHR EAM interlocutors raised concerns that voter education did not reach all citizens who needed it most, including voters with limited computer literacy, which is at odds with international good practice.²⁷

VI. VOTING TECHNOLOGIES

In most polling stations, voters cast their votes through electronic touchscreen voting machines.²⁸ In October 2021, the CEC contracted the previous vendor, *Ciela Norma*, to procure additional 1,600 machines to increase the voting flow at bigger polling stations and provide the requisite software, IT, logistics and implementing support. Machine voting was overall well implemented, despite the technical challenges posed by the simultaneous conduct of two elections and the compressed timeframe for software updates and logistics prior to the second round. Voting technologies contributed to the efficiency of the vote count and tabulation and reduced the percentage of invalid ballots, as it is not possible to invalidate or cast a blank ballot through machine voting.²⁹

In the campaign period, GERB representatives made several allegations that machine voting was manipulated. While not supported by any evidence, the claims were fuelled by the fact that some 427 voting machines, not ordered and accounted for by the CEC, were found in various locations in Sofia shortly before election day.³⁰ GERB representatives stated that the devices were part of an attempt to influence the election results. According to the vendor, the machines were required to ensure the timely repair or replacement of faulty devices.³¹ Following an alert from the CEC, the police confiscated the unaccounted machines to prevent their use in the elections. Most ODIHR EAM interlocutors stated that the lack of timely information on the purpose of these machines negatively impacted public trust in the machine voting process.

On 8 October, the CEC took a decision to allow the user interface to support participating in both or only one election by first selecting to vote for either the early parliamentary, the presidential or both elections. Several ODIHR EAM interlocutors, including civil society and political party representatives, criticized the interface design, arguing that it may be confusing, especially for voters with limited computer literacy, who may mistakenly choose to vote in only one election and therefore being denied from voting in the other contest (see *Election Day* section).

²⁶ The total number of the broadcasts of the four educational videos on the Bulgarian National Television (BNT) channels in the campaign period was 444, including 92 in primetime.

²⁷ Paragraph 32 of the 2017 CoE [Recommendations on standards for e-voting states](#) that “the public, in particular voters, shall be informed, well in advance of the start of voting, in clear and simple language, about any steps a voter may have to take in order to participate and vote; the correct use and functioning of an e-voting system; the e-voting timetable, including all stages”.

²⁸ Pursuant to the May 2021 amendments, paper ballots remained in use only in polling stations with no more than 300 registered voters, special polling stations and in case of machine malfunction. According to the CEC data, while some 20 per cent of the regular in-country polling stations used paper ballots, only approximately 3 per cent of the electorate was registered at these polling stations.

²⁹ The ratio of invalid ballots cast in polling stations using paper ballots was 3.57 per cent in the early parliamentary elections, 2.99 per cent in the first and 1.57 per cent in the second round of the presidential election.

³⁰ Statements of GERB included allegations that CEC regulations provide a loophole for multiple voting and that, in addition to the unaccounted voting machines, 600 smartcards and 16,000 flash drives would be used to manipulate the results.

³¹ The contracts signed between the CEC and the vendor included a warranty clause, according to which faulty machines were to be repaired or replaced within three working days.

Voting machines provide a voter-verifiable paper audit trail in the form of control slips printed after a vote is cast, deposited by the voter in a designated box. However, as the law does not prescribe any verification of the electronic vote count, several political parties urged the CEC to introduce a hand count of all control slips at every polling station. The CEC adopted the final instruction on the matter only two days before election day, following heavily politicized disputes, the partial invalidation of the initial CEC decision by the Supreme Administrative Court (SAC) and another subsequent alteration of the respective CEC decision.³² The CEC instruction did not set any deadline for verifying the counts nor clarify the procedure if any discrepancies are established, at odds with international good practice.³³ While most PEC minutes on the control slip verification were published online shortly after the polls closed, the CEC did not publish a report to account for any discrepancies before announcing the election results.³⁴

To ensure the accountability of electronic voting, the law should provide clear rules and deadlines to carry out a count of the control slips produced by the voting machines in a statistically significant sample of randomly selected polling stations, before the final election results are established.

By law, the compliance of voting machines with the legal requirements was established through a certification process jointly conducted by the State Agency for Electronic Government, the Bulgarian Institute for Standardization and the Bulgarian Institute for Metrology. At odds with the legal provisions and international good practice, the process was, for the most part, not accessible for observers and the source code of the voting machines was not available for public review. The final certification report was published six days before election day, despite the absence of legal provisions setting a deadline for publication.³⁵

To allow for independent evaluation of the electronic voting system, the authorities should publish detailed technical documentation or make it accessible for inspection to observers and independent auditors. The source code of the software running on the machines should be made available for public scrutiny.

VII. VOTER REGISTRATION

Bulgarian citizens who reached 18 years of age by election day are entitled to vote. Contrary to previous ODIHR and Venice Commission recommendations and international standards, there is a blanket ban on voting rights of persons serving a prison sentence, irrespective of the gravity of the crime, and those

³² Initially, on 29 October, the CEC mandated all PECs to recount the slips and record the outcome in the PEC results protocol. This decision was contested by ISBNI, DB and PP at the SAC. On 4 November, the SAC ruled that control slip hand count reports may not constitute an integral part of the PEC results protocols. On 9 November, the CEC amended its initial decision and ordered a recount in 30 per cent randomly selected polling stations; on 12 November, it extended the instruction to hand count the slips in all polling stations.

³³ The CoE [Guidelines on the implementation of the provisions of Recommendation CM/Rec\(2017\)5 on standards for e-voting](#) (Guidelines) recommend that the evidence provided by the e-voting system “is to be assessed by national regulations that will also decide what to do in case of discrepancies between electronic results and those produced by the second medium. [...] A mandatory count of votes in the second medium in a statistically significant number of randomly selected polling stations should be carried out”.

³⁴ For the 11 July early parliamentary elections, the CEC took a decision to recount the slips in 1,343 in-county and 39 out-of-country polling stations but released the recount results only from 30 out-of-country polling stations. These showed generally minor discrepancies attributable to human error.

³⁵ The CoE [Guidelines](#) specify that “documentation, source code and non-disclosure agreements, should be disclosed to the stakeholders and the public at large, well in advance of the election period”. The guidelines also recommend that the Member States set clear rules concerning the disclosure of the final certification report, bearing in mind the importance of transparency.

deprived of legal capacity by a court decision.³⁶ According to the CEC, in these elections, 8,450 legally incapacitated citizens and 4,965 persons in prison were disenfranchised.

Disenfranchisement of prisoners should be proportionate to the crime committed. Restrictions of voting rights for persons with mental disabilities should be removed.

Voter registration was inclusive for most voters. Voter lists are newly compiled prior to each election by the Directorate General of Civil Registration and Administrative Services (GRAO) at the Ministry of Regional Development and Public Works, based on data from the permanent National Population Register (NPR). Only citizens with a permanent address in Bulgaria are automatically included in the voter list. According to the CEC, in accordance with the law, some 64,000 citizens who acquired Bulgarian citizenship without having a permanent address in the country were added to the voter list in Sofia municipality, regardless of their place of actual residence. However, according to some civil society organizations, a number of citizens residing in informal settlements, predominantly Roma, did not have a legal permanent address, could not obtain ID documents and were, therefore, unable to vote.³⁷ The disenfranchisement of citizens due to a lack of permanent address is at odds with OSCE commitments and international standards.³⁸

To guarantee universal suffrage, the authorities should implement a strategy for reducing the number of citizens without a permanent address and conducting a nationwide campaign to issue identification documents to voters belonging to vulnerable groups.

Voters could verify their entries in person or electronically and request corrections between 40 to 7 days prior to the first-round election day. The CEC informed the ODIHR EAM that 94,360 voters requested to vote according to their current address, and 238 requested absentee voting certificates. Special voter lists were compiled for medical and social institutions and detention centres. Voters with physical disabilities and those in mandatory isolation due to a COVID-19 infection could request voting through a mobile ballot (see *Election Day* section).

Some categories of voters, including citizens staying abroad, can be added to the voter list on election day without submitting a prior request and regardless of their registration status elsewhere.³⁹ Some 10.5 per cent of all voters who voted were added to a voter list on election day; in the second round, this

³⁶ The June 2021 ECtHR judgement on [Dimov and others v. Bulgaria](#) reaffirmed the previous judgement on [Kulinski and Sabev v. Bulgaria](#) and found that a general, automatic and indiscriminate restriction to the right to vote of prisoners effectively serving their sentences constitutes a violation of Article 3 of the Protocol 1 of the [European Convention on Human Rights](#) (ECHR). The 2006 UN [Convention on the Rights of Persons with Disabilities](#) (CRPD) obliges the States to ensure that persons with disabilities have the “right and opportunity [...] to vote and be elected”.

³⁷ According to the Bulgarian Helsinki Committee, in March 2020, the GRAO informed that 75,406 citizens are included in the NPR without a permanent address. The law gives mayors discretionary power to decide which dwellings on the territory of their municipalities are valid for permanent address registration. The GRAO informed the ODIHR EAM that it is an obligation of individual citizens to ensure they have a permanent address and ID documents.

³⁸ Article 25(b) of the 1966 International Covenant on Civil and Political Rights ([ICCPR](#)) states that “every citizen shall have the right and the opportunity [...] to vote and to be elected...”. Paragraph 7.3 of the [1990 OSCE Copenhagen Document](#) requires participating States to provide universal and equal suffrage. The Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, adopted by the 2003 [Maastricht Ministerial Council Decision](#), states that “Participating States must be proactive in ensuring that Roma and Sinti people [...] have all the necessary documents, including birth certificates, identity documents and health insurance certificates”.

³⁹ Voters abroad may vote at any polling station of their choice, by registering in advance or on election day; prior to elections, 55,845 citizens registered to vote abroad. PEC members, security and technical staff can vote at the PEC where they work on election day. Students can vote at the PEC in the municipality of their educational institution. Persons with disabilities can vote in any adapted PEC in the municipality where they reside.

figure was 8 per cent.⁴⁰ The GRAO is mandated by law to check for multiple voting; however, verification takes place after the election process, and the results are not publicly available.⁴¹ Election-day registration does not safeguard against multiple voting and is contrary to previous ODIHR recommendations and international good practice.⁴²

In line with the international good practice, the possibility to register at the polling station on election day could be reconsidered.

Based on data from GRAO, in the first round, the final number of registered in-country voters was 6,635,305. In the absence of comprehensive legal provisions, the CEC determined the turnout percentage for the presidential election taking as the basis the sum of in-country and out-of-country voters registered before election day (a total of 6,691,150). For the parliamentary elections, the CEC applied a different method, establishing the number of registered voters on the basis of the voter lists submitted to the PECs (6,665,534), adding the number of voters registered on election day (281,318). No explanation was provided to the public on the apparent discrepancies in the voter registration figures originating from the different approaches. While not regulated by the Election Code, the CEC took a decision to update the voter lists for the second round of the presidential election, thus including voters who reached 18 between the two rounds. The CEC published the number of registered voters as 6,672,935.

To avoid legal uncertainty in establishing results of the presidential election, the law should clearly stipulate the manner of calculating the voter turnout. The law should also specify which voters are eligible to vote in a potential run-off.

VIII. CANDIDATE REGISTRATION

Voters aged 40 or older who are Bulgarian citizens at birth and have resided permanently in the country for at least five years before election day, are eligible to stand for president and vice-president. The residency requirement is contrary to international standards and good practice.⁴³ Voters over the age of 21 years have the right to be elected to parliament. Citizens holding dual citizenship are not allowed to stand in the presidential and parliamentary elections, at odds with the jurisprudence of the European Court of Human Rights (ECtHR).⁴⁴ Individuals prohibited by law to be political party members may only run as independent candidates.⁴⁵

Citizens with dual citizenship should not be prevented from standing for office. In line with international standards and good practice, the residency requirement for presidential candidates should be removed.

⁴⁰ In the first round of the presidential election, 282,043 citizens were added to a voter list on election day; the respective figure was 195,802 in the second round and 281,318 in the early parliamentary elections.

⁴¹ According to the GRAO, for the 11 July 2021 early parliamentary elections, 48 voters voted twice.

⁴² Paragraph 1.2.iv of the 2002 Venice Commission's [Explanatory Report to the Code of Good Practice](#) recommends that "polling stations should not be permitted to register voters on election day itself".

⁴³ Paragraph 15 of the [CCPR General Comment No. 25](#) states that "persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation". According to Paragraph I.1.1.c.iii of the 2002 Venice Commission's [Code of Good Practice](#), "length of residence requirement may be imposed on nationals solely for local or regional elections".

⁴⁴ In [Tănase v. Moldova](#), the ECtHR recognized the restrictions on dual citizens' suffrage rights as a disproportionate measure and, thus, contrary to Article 3 of Protocol 1 of the [European Convention on Human Rights](#). Bulgaria reserved the right not to apply Article 17 of the [1997 European Convention on Nationality](#), which guarantees equal rights to nationals with dual citizenship.

⁴⁵ These include military personnel, diplomatic, national intelligence or national security services, judges, prosecutors and investigators.

Party and candidate registration is a two-step process. First, the CEC registers parties and coalitions as electoral contestants. Registration requirements for parties and coalitions include submitting support signatures from at least 2,500 voters nationwide and a financial deposit of BGN 2,500.⁴⁶ The CEC then registers presidential candidates nominated by parties and coalitions, and DEC registers candidate lists for the parliamentary elections. *Ad hoc* citizen ‘nomination committees’ may put forward independent candidates in both types of elections.⁴⁷ Contrary to international good practice and a previous ODIHR recommendation, voters can sign in support of only one contestant in each election.⁴⁸

By law, support signatures were submitted to the GRAO to verify if the number of valid signatures reached the legal threshold.⁴⁹ In case of omissions or discrepancies in the registration documentation, the CEC informed the contestant and set a deadline of three days to eliminate the shortcomings. However, at odds with international good practice, the law does not allow corrections in the documentation after the deadline for candidate registration has passed.⁵⁰ The CEC maintained a web application allowing voters to check if their signatures appear in the database of submitted support signatures. According to the CEC, a total of 4,887 voters checked their data and 3 alleged that their signatures were forged in support of some lists.

Candidate registration was largely inclusive; 20 parties and 7 coalitions registered with the CEC to participate in the elections; one party subsequently withdrew. In line with the law, the CEC denied registration to one party, Citizen Platform Bulgarian Summer (GPBL), as it could not provide a separate bank account to service its election campaign.⁵¹ The CEC registered 23 pairs of candidates running for president and vice-president, including 9 running independently, and denied registration to one due to an insufficient number of valid support signatures. Four presidential and 14 vice-presidential candidates were women. Thirteen presidential and 11 vice-presidential candidates, all supported by parties and coalitions, also ran for parliamentary mandates. A total of 836 lists, including 5,069 individual candidates, contested the parliamentary elections. As permitted by the law, 1,228 of them ran in two MMCs.⁵² Only two candidates in parliamentary contests were independent. Only a few parties had internal policies to enhance women representation and there are no legislative measures to promote

⁴⁶ 1 EUR is approximately 1,96 Bulgarian Lev (BGN).

⁴⁷ Independent presidential candidates must provide 2,500 support signatures and pay a financial deposit of BGN 100; candidates to the parliamentary elections must provide one per cent or 1,000 signatures of the registered voters in a given constituency, whichever is lower, and pay a deposit of BGN 100.

⁴⁸ Paragraph 96 of the 2020 [ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that “legislation should not limit a citizen or other individual to signing a supporting list for only one party.”

⁴⁹ Signatures were invalid if the signatory was not a registered voter, if the voter’s data was erroneous, or incomplete, or the voter supported multiple contestants.

⁵⁰ The 2020 [ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that “in case of technical omissions or minor infringements of registration requirements, the political party should be given reasonable time in which to rectify the failure”.

⁵¹ On 2 June 2021, the United States government [imposed sanctions](#) on six prominent Bulgarian public officials and business persons for acts of significant corruption, also targeting associated legal entities. Based on the Bulgarian government’s decision in support of these sanctions, the National Bank of Bulgaria issued an internal instruction to apply restrictive measures against persons on the list, which led to the GPBL being unable to open a campaign bank account for at any bank (see the [press release](#) of the National Bank). The GPBL appealed the CEC decision to reject its registration. On 5 October, the SAC upheld the CEC decision. The GPBL also appealed the legality of the government decision; the hearing did not take place by the time of finalization of election results.

⁵² Following the verification of candidatures by the GRAO, three candidates were removed from the lists due to violations of the dual citizenship and age requirements. One independent candidate was deregistered due to a lack of support signatures; despite an appeal, the Sofia Administrative Court upheld the decision. Initially, DB’s candidate list was rejected by Stara Zagora DEC, as the list was accompanied by qualified electronic signatures. While the CEC upheld the DEC decision, the Stara Zagora Administrative Court ruled to register the list on 19 October.

women's participation, at odds with international standards.⁵³ Thirty per cent of parliamentary candidates were women, and women led 23 per cent of the candidate lists.⁵⁴

Additional incentives should be considered to enhance electoral participation and conditions for women standing as candidates. Parties could introduce internal mechanisms for increasing the number of women candidates and placing women in higher positions on candidate lists.

IX. ELECTORAL CAMPAIGN

The Election Code sets a 30-day period for the electoral campaign. A silence period applies on election day and the day before, extending to the publication of opinion polls related to the election results, including online. The campaign lasted from 15 October until 12 November for the early parliamentary elections and the first round of the presidential election and from 17 to 19 November for the second round.

Overall, the campaign was competitive but low-key, characterized by limited opportunities for in-person interactions between candidates and voters. In general, the parliamentary campaign appeared to overshadow the presidential race. Topics in both elections included the COVID-19 pandemic, energy prices, inflation, the fight against corruption, the reform of the judiciary, intentions to replace the Prosecutor General and Bulgaria's relationship with North Macedonia. The GERB representatives often referred to alleged violations of the Constitution by the president.⁵⁵ Several party leaders evoked the necessity to form a government and proposed possible alliances. Efforts to mobilize women voters were scarce and gender-related issues were rarely featured in the campaign, except in the messages of a few parliamentary and vice-presidential women candidates.⁵⁶

The COVID-19 pandemic related regulations did not impose any unreasonable restrictions on campaigning. While the health protocol introduced by the Ministry of Health (MoH) and the 'green certificate' requirement instituted in the campaign period imposed limitations on public gatherings, most contestants adapted by increased use of social and traditional media, posters and billboards, and outdoors meetings with voters.⁵⁷ Various political parties publicly objected to the public health measures and the campaign period saw frequent street protests and sit-ins organized by parties and other organizations.

⁵³ Article 7 of the 1979 [Convention on the Elimination of All Forms of Discrimination against Women](#) (CEDAW) stipulates that States Parties take appropriate measures to eliminate discrimination against women in political and public life.

⁵⁴ Women held first place in 23 per cent and second place in 30 per cent of the candidate lists. The *Volya* party had the highest percentage of women on their lists (62 per cent); PP had 32 per cent, GERB had 29 per cent, BSP 32 and ITN 29 per cent each.

⁵⁵ On 16 August 2021, 55 GERB MPs filed a complaint with the Constitutional Court against Mr. Petkov, citing a breach of the legal ban for those with dual citizenship to hold ministerial posts. Mr. Petkov was appointed Minister of Economy in the May provisional government. He had reportedly renounced his Canadian citizenship in April, but received the official notification from the Canadian authorities only in August, while already in office. In October 2021, the Court ruled that his appointment as minister by the president was unconstitutional; these proceedings did not have any impact on his status as a candidate.

⁵⁶ Women candidates to the vice-presidency, including Mariya Kasimova-Moisset (Mr. Panov's running mate) and Nevyana Miteva (Mr. Gerdzhikov's running mate), as well as two women running for parliament, nominated by DB, addressed in their campaigns the need to amend the legislation on domestic violence.

⁵⁷ The MoH protocol of 6 October recommended campaigning online, through the media or outdoors. The decision introducing the 'green certificate' entered in force on 21 October and required for in-person gatherings the presentation of certificates proving vaccination or recovery from COVID-19, or a negative test result.

As part of its effort against vote buying, the Ministry of Interior (MoI) launched a nationwide police operation and issued a total of 9,032 written 'warning protocols' against vote buying from 15 October until the 21 November run-off election day.⁵⁸ While some parties, including the BSP, DB, ITN and ISBNI commended the operation, GERB and DPS representatives claimed that the police actions aimed to intimidate their supporters, mayors and candidates.⁵⁹ The absence of publicly available, formal criteria used to issue such protocols to those seen by the police as potential perpetrators and the fact that no copies of the protocols have been handed to the signatories, coupled with the credible allegations of heavy-handed methods used in some operations, raised concerns about the arbitrary approach to citizens' right to be presumed innocent.⁶⁰ During the campaign, some Roma and human rights associations publicly condemned the unnecessary use of force shown in the police operations against vote buying targeting Roma settlements, mainly in Burgas, Plovdiv, Ruse and Varna, as they may have led to further stigmatization of the community and discouraged Roma from participating in the process.⁶¹

In order to avoid discriminatory practices and to ensure the presumption of innocence, the Ministry of Interior should publicize the criteria, the methodology and the grounds on which warning protocols are issued. A copy of the issued warning protocol should be provided to the signatories.

During the campaign, isolated instances of intolerant rhetoric occurred, including a violent, sexist statement against a vice-presidential candidate and a xenophobic comment against a parliamentary candidate.⁶² The CEC established a violation in both cases but did not apply any sanctions. On 30 October, a presidential candidate committed a violent anti-LGBTI attack, condemned by four political parties and some presidential candidates.⁶³

While the law contains limited regulations effectively preventing the misuse of administrative resources, most ODIHR EAM interlocutors did not raise any major concerns in this respect. However, the recurrent MoI briefings to the media on police operations against vote buying, in occasions incriminating specific political parties, in addition to the frequent appearances of the president in the news broadcasts, was perceived by some ODIHR EAM interlocutors as an undue advantage to the incumbent president and the political parties supporting him.

⁵⁸ The MoI also informed the ODIHR EAM that, between 3 and 14 November, it carried out a total of 4,516 inspections.

⁵⁹ According to GERB and DPS representatives, the police operations included searches without a warrant, temporary detentions, questionings, instances of excessive use of force against candidates, and the obligation to sign 'warning protocols' without being provided with a copy, mainly in Haskovo, Plovdiv, Varna and Vratsa. Representatives of the parties alleged that the police, in some cases, required their activists, mayors and municipal councillors not to participate in campaigning activities.

⁶⁰ By law, 'warning protocols' do not create rights and obligations and serve only for information purposes; therefore, they cannot be appealed. The law does not require the police to provide a copy of the 'warning protocol' to the signatory, but it requires police to have grounds for it.

⁶¹ The ODIHR EAM received a credible report from a Roma parliamentary candidate in Montana that on 5 November, the police harassed his parents and searched their house without a warrant, based on an alert submitted by his political opponents. [A statement](#) on the matter was issued on 9 November by the civil society organisation Amalipe, addressed to the Bulgarian Commission for Protection against Discrimination, the Ombudsman's office, as well as ODIHR and several EU commissioners.

⁶² On a TV news show on 19 October, vice-presidential candidate Ms. Kasimova-Moisset was compared to an insect that "should be chased away or destroyed" by Angel Dzhabazki, member of the European Parliament and vice-chair of the VMRO – Bulgarian National Movement. On 18 October, Elena Guncheva, *Vazrazhdane's* vice-presidential candidate posted a comment questioning a PP parliamentary candidate's right to stand as he is a Jew.

⁶³ Boyan Stankov Rasate, leader of the far-right nationalist Bulgarian National Union and independent presidential candidate, raided an LGBTI office in Sofia with a group of supporters vandalizing the premises and assaulting an activist. Upon the Prosecutor General's request, the CEC lifted the candidate's immunity, but shortly after his arrest, he was released by the Sofia City Court and permitted to continue campaigning.

X. CAMPAIGN FINANCE

Campaign finance is regulated by the Election Code, the 2005 Political Parties Act and the 2015 National Audit Office Act. Some previous ODIHR recommendations on campaign finance remain unaddressed, including on the lack of disclosure of expenditures prior to election day, deadline for publication of the audit report, and dissuasive sanctions, or partially addressed, including those related to the introduction of donation limits and sanctions.

Political parties and coalitions that received at least one and four per cent of the valid votes nationwide in the previous parliamentary elections, respectively, are entitled to annual public funding. In 2021, the state subsidy equalled BGN 8 for each vote received in the 2017 parliamentary elections. Presidential candidates running independently and parties and coalitions not eligible for annual public funding are entitled to receive BGN 40,000 for media coverage during the campaign; independent parliamentary candidates receive BGN 5,000.

The campaign may be financed by the funds of the party or candidate and monetary and in-kind donations from natural persons. Donations from legal entities, religious organizations, and foreign and anonymous sources are not allowed. It is prohibited to use administrative resources for election campaigns free of charge.⁶⁴ Third-party financing of the campaign is not regulated, at odds with international good practice.⁶⁵ Despite a previous ODIHR recommendation, the law does not provide a ceiling for donations.⁶⁶ Presidential candidates' expenditures are capped at BGN 2,000,000. For the parliamentary elections, campaign expenditure is limited to BGN 3,000,000 per party or coalition and BGN 200,000 per independent candidate.

Contestants are obliged to report to the National Audit Office (NAO) within seven days all donations they received from natural persons and candidates. This data was published timely by the NAO. Some parties and presidential candidates reported considerable donations from individuals; others mainly relied on contributions from parties.⁶⁷ Transactions over BGN 1,000 have to be done via bank transfer. Donations or contestants' funds exceeding one minimum monthly salary (BGN 650) had to be supported by a declaration on the funds' origin.⁶⁸ To increase transparency, media outlets are required to publish all contracts with contestants online, besides the legal obligation to submit them to the NAO within 30 working days after election day.⁶⁹ At odds with international good practice, the law does not require

⁶⁴ The law defines "public administrative resources" as "funds from the state budget, premises, vehicles, aircraft and other transport vehicles, equipment and other movable and immovable assets - in state and municipal ownership, made available to the administration, to state and local bodies and to state and local enterprises, as well as the labour of the administration employees".

⁶⁵ The 2020 [ODIHR and Venice Commission Guidelines on Political Party Regulation](#) recommends the extension of regulations to third parties involved in the campaign to ensure transparency and accountability, and it states that "Third parties should be subjected to similar rules on donations and spending as political parties to avoid situations [...] to circumvent campaign finance regulations".

⁶⁶ The 2019 ODIHR [Opinion on the Act on Amendment of the Law on the 2019 State Budget of the Republic of Bulgaria](#) recommends the reintroduction of limits on private donations.

⁶⁷ Seven presidential candidates received donations from individuals. Mr. Radev raised the highest amount (BGN 447,757), followed by Mr. Gerdzhikov (BGN 237,335) and Milen Mihov (BGN 66,090). Among parliamentary contestants, PP raised the highest amount (BGN 1,221,870), followed by DB (BGN 216,388) and BSP (BGN 54,910).

⁶⁸ By law, the sources of donations exceeding BGN 1,000 are jointly checked against the personal income of donors by the NAO and the National Revenue Agency (NRA). The NAO informed the ODIHR EAM that the NRA had faced challenges to fulfil this obligation in 2021, as three elections took place while certain categories of citizens were only obliged to report their income once per year.

⁶⁹ [Monitoring](#) of the Institute for Public Environment Development (IPED) established that, before the first round, presidential candidates allocated a total of BGN 746,247 to media contracts, including BGN 303,883 by Mr. Radev, BGN 64,233 by Mr. Gerdzhikov and BGN 60,300 by Mr. Karadayi. Parliamentary contestants spent BGN 1,759,585 on media contracts, including BGN 342,934 by DB, BGN 321,718 by GERB and BGN 259,796 by PP.

contestants to disclose their expenditures before the elections.⁷⁰ The contributions from the political parties' own funds allocated to the campaign are disclosed only after the elections, potentially reducing the transparency of campaigning financing.

In line with international good practice, consideration could be given to require the contestants to report their expenditures and the amount of parties' contributions to the campaign prior to election day.

Contestants must submit a report on campaign income and expenditures within 30 working days after the elections. The reports are to be published within 15 days and audited by the NAO within 6 months.⁷¹ The NAO may identify impermissible donations but is not required to identify unreported transactions. Despite a previous ODIHR recommendation, there is no deadline for publication of the audit report. Further, the NAO decisions on establishing campaign finance violations are not public, limiting transparency.⁷² There are no expedited deadlines for imposing sanctions, and many ODIHR EAM interlocutors raised concerns that the maximum possible sanction of BGN 10,000 for violations is not sufficiently dissuasive.⁷³ Overall, some legislative shortcomings and the limited control mechanism negatively affected the transparency and accountability of campaign finance.

To ensure effective oversight of campaign finances, the National Audit Office should have the mandate and be equipped with sufficient financial and human resources to pro-actively monitor campaign finances of electoral contestants, identify unreported income and expenditures and impose timely dissuasive and effective sanctions.

XI. MEDIA

A. MEDIA ENVIRONMENT

The media environment is diverse and pluralistic. However, due to a limited advertising market and the additional economic challenges caused by the COVID-19 pandemic, many media outlets are financially vulnerable and exposed to political and economic influences. State advertising in private media and subsidies administered by the government according to its discretion lack transparent allocation, which

⁷⁰ Article 7.3 of the 2003 [United Nations Convention against Corruption](#) recommends states take measures “to enhance transparency in the funding of candidatures for elected public office”. Paragraph 247 of the 2020 [ODIHR and Venice Commission Joint Guidelines on Political Party Regulation](#) (2nd edition) states that “Voters must have relevant information as to the financial support given to political parties, as this influences decision making and is a means of holding parties accountable”.

⁷¹ The NAO is required to audit the compliance of the reported funds against the contracts provided by the media and the documentation provided by contestants, the correspondence of the donation amounts to the transferred funds and, for bigger donations, the sources of the income. Between 2011 and 2021, the period of publication of the reports varied between 8 and 21 months after elections.

⁷² The NAO informed the ODIHR EAM that, for the April 2021 elections, it detected 15 violations: nine cases of untimely disclosure of donations, three cases of late submissions of final reports and three violations of the rule to use of bank transfer for donations exceeding BGN 1,000. Further, it issued five warnings. The NAO has not yet taken a decision on nine established cases in connection to the July 2021 elections, as it has a six-month deadline to apply sanctions from the time a violation is established.

⁷³ Article 16 of the CoE [Recommendation Rec\(2003\)4 of the Committee of Ministers to the Member States on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns](#) stipulates that “States should require the infringement of rules concerning the funding of political parties and electoral campaigns to be subject to effective, proportionate and dissuasive sanctions”.

is contrary to international good practice.⁷⁴ According to several ODIHR EAM interlocutors, the fragile economic situation impacting the media landscape results in self-censorship, as any critical reporting may lead to the withdrawal of advertising, including from businesses and political parties.

To enhance pluralism in the private media, the law should be amended to require transparent and non-discriminatory allocation of state advertising and subsidies, based on clear and objective criteria and administered by an independent body.

Television is the primary source of information and maintains the most significant advertising market share. The internet provides an open sphere for public debate, and social networks give candidates effective means to directly address voters.⁷⁵ However, the insufficient transparency of media ownership, the significant concentration of news media that took place since 2020 and the political interference in media were mentioned as challenges to media environment by ODIHR EAM interlocutors.

The public broadcasters Bulgarian National Television (*BNT*) and Bulgarian National Radio (*BNR*) are primarily funded from the annual state budget, based on out-of-date criteria and broad discretion of the government when proposing the amount of funding.⁷⁶ According to ODIHR EAM interlocutors, despite legal guarantees of independence, funding and management of the public service media are vulnerable to governmental and political influence.

The Council for Electronic Media (*CEM*) is the media regulator responsible for licensing, registering and supervising the media service providers. Of its five members, two are appointed by the president and three by the parliament for six-year terms, in a staggered manner. Within its mandate, the *CEM* nominated the new general director of the *BNR* on 27 October, after the former director's resignation. The *CEM* is funded from the state budget; however, it informed the ODIHR EAM that it does not have sufficient financial and human resources to fully carry out its duties.

To foster the independence of the public service media and media regulator, a sustainable funding model with adequate resources to meet their public service remit should be considered.

⁷⁴ The 2021 [EU Report](#) on the rule of law situation in Bulgaria states that “the lack of regulatory safeguards for fair and transparent allocation of state advertising continues to raise concerns. Furthermore, stakeholders have highlighted that transparency in the allocation of public funding to media outlets remains problematic”. The 2018 CoE [Recommendation CM/Rec\(2018\)1](#) of the Committee of Ministers on media pluralism and transparency of media ownership the recommends that the support measures by the states “should be administered in a non-discriminatory and transparent manner by a body enjoying functional and operational autonomy, such as an independent media regulatory authority.”

⁷⁵ According to the 2021 [Eurobarometer](#) on media use, 89 per cent of Bulgarian respondents watch television almost every day, 65 per cent use the internet, 56 per cent use social networks. According to a 2021 [survey](#) by Exacta Research Group, television was the primary news source for 75 per cent of respondents, followed by news websites and social networks. A [survey](#) on the role of media in the elections by Alpha Research in April 2021 found that the most often used media to receive information about the elections were private televisions (59 per cent of respondents), public television (44 per cent), social media (34 per cent), and online media (17 per cent). By the [Internet World Stats country statistics](#), as of December 2020, Bulgaria had 67.6 per cent Internet and 62.3 per cent Facebook penetration. According to the 2021 [Reuters Institute Digital News Report](#), public broadcasters (*BNR* and *BNT*) are the top four trusted news sources, followed by *bTV* and *Nova TV*.

⁷⁶ The financing of the public broadcasters is based on the hours of broadcasting, whereas the government reserves discretion to set the amount per hour and it does not take into account other services, such as online news portals and videos on demand.

No attacks on journalists occurred during the election period. However, some cases of intimidation and assaults in recent years have not yet been thoroughly investigated.⁷⁷

B. LEGAL FRAMEWORK

The legislation generally provides a sound basis to enable and protect the freedom of the media. The Constitution guarantees freedom of opinion and expression, including the right to seek, obtain and disseminate information, and explicitly prohibits censorship. The 1998 Radio and Television Act was amended in December 2020 to comply with the EU Audio-visual Media Services Directive; the law regulates media services and defines the duties and responsibilities of the CEM, including mandating it to act in cases of incitement to hatred or discrimination. While imprisonment as punishment for defamation, was abolished, defamation is still a criminal offence, at odds with international standards and previous ODIHR recommendations.⁷⁸

The Election Code defines the rules for the media coverage of the elections, providing for free and paid airtime in the public service media. The May 2021 amendments reinforced the principle of equal treatment for the parliamentary contestants by the *BNT* and *BNR*.

By law, the print and online media must offer equal treatment for contestants in paid advertising. Seven media outlets did not fulfil the legal obligation to publish online their contracts concluded with political parties, but this was not considered by the CEC.⁷⁹ The Election Code allows contestants to sign contracts for both free-of-charge and paid-for campaign coverage, which in effect results in discounts that circumvents the legally prescribed principle of equal rates for all contestants.

The CEC approved the agreements on the media coverage between *BNT*, *BNR* and the contestants on 12 and 13 October, respectively. While these agreements should be based on CEC regulations governing the *BNT* and *BNR* election media coverage, the respective regulation was adopted only on 17 October, two days after the campaign started. The agreements strictly defined the available formats of the election coverage, including details about timing and schedules of free airtime slots, interviews, debates, and paid airtime. Although not required by the law or CEC regulations, *BNT* and *BNR* adopted additional formats, including paid campaign reports and paid interviews, engaging *BNT* and *BNR* journalists in preparing such campaign material. This practice blurred the line between campaign material and editorial content, at odds with international professional norms also endorsed by the Code of Ethics of the Bulgarian media.⁸⁰

To protect editorial independence and professional standards, the public broadcasters should abandon the practice of directly engaging journalists in preparing paid campaign material such as paid interviews or paid campaign reports.

⁷⁷ On 15 February 2021, the OSCE Representative on Freedom of the Media [noted](#) the refusal by the Prosecutor General's Office to fully investigate the reported beating of the freelance journalist Dimiter Kenarov by the police in September 2020. The journalist appealed the lack of prosecution activity with the ECtHR. Paragraph 23 of the 2011 [General Comment 34 to the ICCPR](#) calls all attacks on the journalists to be "vigorously investigated in a timely fashion and the perpetrators prosecuted".

⁷⁸ Paragraph 47 of the 2011 UN Human Rights Committee (CCPR) [General Comment 34](#) on Article 19 of the [ICCPR](#) states that "States parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty."

⁷⁹ According to [IPED](#), as of 10 November, five newspapers (*Standard*, *Monitor*, *Telegraph*, *We* and *Arda News*) and two online news agencies (*BG-NES* and *Frog News*) failed to publish the contracts with parties for the election coverage, even though the campaign material was published.

⁸⁰ Paragraph 13 of the 2019 [International Federation of Journalist \(IFJ\)'s Global Charter of Ethics for Journalists](#) states that the journalists should not use the freedom of the press to serve any other interests, avoid situations that can lead them to conflict of interest and avoid confusion between their activities and advertising.

The CEC is the only body in charge to verify the media's compliance with the election regulations and establish violations and sanctions. The CEM is tasked to monitor the media and inform the CEC of potential violations. In agreement with the CEC, the CEM monitored 15 public electronic media, 16 private electronic media, and 6 online private media. The CEM referred 22 'signals of possible violations' to the CEC during the campaign, mainly related to the improper publication of opinion polls. The CEC dismissed 2 cases and established a violation in 8 cases but did not react to 12 'signals' from CEM, which appeared to hinder timely and effective remedies.

C. MEDIA COVERAGE OF THE CAMPAIGN

All candidates benefitted from broad opportunities to access the media in special election programmes, free airtime or paid slots. However, the strict rules on equal media coverage, combined with a large number of candidates, resulted in marginal editorial content. In addition, the absence of limits on paid political advertising led to an overwhelming amount of paid content.

In accordance with the CEC regulations and signed agreements, *BNT* and *BNR* granted extensive equal airtime to all contestants. However, major candidates and party leaders scarcely appeared in the free airtime and did not attend the debates organized prior to the first round.⁸¹ In an effort not to infringe the equal participation principle set by the law and in an established practice, *BNT* and *BNR* did not report on any election campaign activities in their news bulletins. This benefitted the incumbent president, who was frequently covered by the newscasts in his official capacity.

To ensure high quality journalism and independent reporting, consideration could be given to limiting the principle of strict airtime equality only to free airtime and enabling the public service media to exercise editorial freedom in its news and current affairs programmes.

Candidates engaged voters on social networks, mainly Facebook, with posts on their campaign events and paid advertisements.⁸² While there was no evidence of co-ordinated inauthentic behaviour by political forces or foreign entities, some candidates actively engaged in misinformation campaigns about the COVID-19 pandemic and the ongoing vaccination efforts. Seven online media failed to respect the campaign silence period ahead of the 14 and 21 November elections, publicizing exit polls before polls closed.⁸³

XII. PARTICIPATION OF MINORITIES

The Constitution does not define national minorities, but it guarantees the right to self-identification. Minorities represent some 15 per cent of the country's population, with ethnic Turks and Roma being the most prominent groups, comprising some 8.8 per cent and 4.9 per cent of the population,

⁸¹ Of its broadcast election programmes between 15 October and 12 November, the *BNT 1* aired over 65 hours of free and paid airtime devoted to candidates, parties and coalitions contesting presidential and early parliamentary elections. Only 15 of the 23 presidential candidates attended the debates organized by *BNT* before the first round. Before the run-off, the two presidential candidates faced each other in a 90-minute debate aired by *BNT* on 18 November.

⁸² According to data from the [Facebook Ad Library for Bulgaria](#), the highest amount on advertisements was spent by PP (EUR 131,644), followed by DB (EUR 102,527) and an entity within the DB coalition, *Yes, Bulgaria!* (EUR 86,671).

⁸³ The CEC established a violation for the news websites *Blitz.bg*, *Club Z*, and *Dir.bg* prior to 14 November and for the news websites *24 Chasa.bg*, *Dnevnik.bg*, *Blitz*, *Dir.bg*, *Frognews.bg*, and *Pik.bg*, the latter also for the publication of an article considered campaigning during silence period.

respectively.⁸⁴ While the law prohibits discrimination on an ethnic, racial and religious basis, various ODIHR EAM interlocutors pointed out long-lasting discrimination against minorities, primarily affecting the Roma.⁸⁵ The Constitution bans political parties founded on religious, racial or ethnic grounds.⁸⁶

There are no legal provisions fostering the participation of minorities in the elections. The law allows campaigning in only Bulgarian, contrary to previous ODIHR and Venice Commission recommendations and international standards.⁸⁷ The CEC provided election material and voter information in Bulgarian only. This hindered access to election information and limited the possibility of an informed choice for certain voters, such as those of Turkish and Roma communities, who are not proficient in the state language.⁸⁸

Citizens belonging to minorities should be allowed to use their mother tongue during the election campaign and promote its use in civil and political affairs. Consideration should also be given by the Central Election Commission and candidates to providing voters with information and other election material in minority languages.

Several political parties reported to the ODIHR EAM that they nominated ethnic and religious minority candidates; however, few were placed in higher positions in the lists. DPS defines itself as a party with a rights-based and inclusive approach to all ethnic and religious components of Bulgaria but it is widely perceived as a party representing the interests of the Turkish and Muslim communities. A candidate of Turkish descent, nominated by the DPS, contested the presidential race for the first time. Most parties did not address minority issues in the campaign. The Bulgarian National Movement (VMRO), featured discriminatory proposals against Roma in their party programme. No Roma was elected in these or any previous parliamentary elections since 2009.

Vote buying was perceived as prevalent in many areas inhabited by Roma, usually linked to their economically and socially vulnerable status. According to Roma associations, the large-scale police operations against vote buying in Roma-populated areas were perceived as intimidating by members of the community.⁸⁹ Several Roma interlocutors pointed out that the lack of Roma candidates and the scarce interest of mainstream political parties in reaching out to these communities contributed to

⁸⁴ Other ethnic groups include Russians, Armenians, Vlachs, Karakachani, Ukrainians, Macedonians, Greeks, Jews and Romanians, amounting to less than one per cent of the population.

⁸⁵ The 2020 CoE's Commissioner on Human Rights [country report](#) highlighted "rampant intolerance manifested towards minority groups in Bulgaria, affecting especially Roma; Muslims; migrants and asylum-seekers; persons identifying as ethnic Macedonians; and lesbian, gay, bisexual, transgender and intersex (LGBTI) people."

⁸⁶ In its 2020 [Fourth Opinion on Bulgaria](#), the CoE's Advisory Committee on the Framework Convention for the Protection of National Minorities underlined that these restrictions could potentially be incompatible with the freedoms of assembly, association and expression.

⁸⁷ According to the law, campaigning in languages other than Bulgarian is subject to a fine between 200 and 2,000 BGN. The 1995 CoE [Framework Convention for the Protection of National Minorities](#) stipulates that "the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities". According to the [Constitutional Judgement 2/1998](#), international conventions do not have to be implemented if they contradict the Constitution.

⁸⁸ The 2021 [report](#) submitted by Bulgaria to the CoE's Advisory Committee on the Framework Convention for the Protection of National Minorities states that "the insufficient command of the Bulgarian language significantly hinders [...] the achievement of wider opportunities for the realization of children and students from vulnerable groups."

⁸⁹ A 2017 Bulgarian Helsinki Committee [report](#) established that Roma rank high among the victims of police ill-treatment. A 2020 Bulgarian Helsinki Committee [report](#) concluded that Roma are often discriminated against in the judiciary.

voters' disaffection. These factors, combined with insufficient voter education and low literacy rates, resulted in a substantially lower turnout in Roma areas than the national average.⁹⁰

The relevant authorities should consider conducting longer-term election-awareness campaigns among Roma communities to encourage meaningful and inclusive political participation. Political parties could consider adopting internal policies for promotion of minority representatives within the party leadership and as candidates and include issues of minority interests in their campaign programmes and activities.

No party featured LGBTI issues on its platform; only one vice-presidential candidate openly advocated for LGBTI rights and the introduction of same-sex marriage. The leader of the BSP and some nationalist parties and candidates openly positioned themselves as opposing LGBTI rights in the name of traditional family values. Civil society organizations informed the ODIHR EAM that LGBTI persons ran as candidates on various lists, mainly in Sofia; however, without referring to their sexual orientation in the campaign for fear of adverse public reactions or their safety.

XIII. COMPLAINTS AND APPEALS

Contestants, political parties and observers may file complaints against administrative acts, while voters can only file complaints about their inclusion in the voter list. Complaints submitted by subjects who cannot substantiate their legal interest are left without consideration, leading to a lack of effective remedy in case of narrow interpretation, at odds with international good practice.⁹¹ Alerts against violations can be submitted to election commissions by anyone.

Election-related complaints and alerts may be filed with the CEC and DEC. DEC decisions can be appealed to the CEC; CEC decisions may be further appealed to local administrative courts or the SAC as the final instance, depending on the nature of the complaint.⁹² The law provides an expedited procedure for election-related complaints, with deadlines varying from three days to one hour on election day. Contrary to previous ODIHR and Venice Commission recommendations, the law does not prescribe the right for most election stakeholders to file complaints against result protocols at all levels. Contestants can only challenge the election results indirectly. These provisions are not in line with the OSCE commitments and other international standards.⁹³

⁹⁰ The ODIHR EAM's comparison of a sample of polling stations located in Roma communities across 14 MMCs shows turnouts in the early parliamentary elections ranging from 10 to 15 per cent, compared to the national turnout of 40 per cent.

⁹¹ Paragraph II.3.3.3.b of the 2002 Venice Commission's [Code of Good Practice](#) stipulates that the procedure "must be simple and devoid of formalism, in particular concerning the admissibility of appeals." Paragraph II.3.3.3.f adds that "all candidates and all voters registered in the constituency concerned must be entitled to appeal".

⁹² Following the 2019 amendments, appeals on some CEC decisions and actions, including the regulation of some electoral procedures and those upholding rejections of complaints by the DECs, are reviewed by local administrative courts.

⁹³ 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 government, the Supreme Court of Cassation, the SAC and the Prosecutor General. In the April 2021 elections, the Plenary of the SAC unanimously decided not to refer to the Constitutional Court the complaints against election results received from various political parties and candidates. Similarly, in July, the SAC refused to refer a complaint by a political party to the Constitutional Court. Paragraph 5.10 of the 1990 OSCE [Copenhagen Document](#) states that "everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity". See also Paragraph 79 of the 2017 ODIHR and Venice Commission [Joint Opinion on Amendments to the Election Code](#).

The electoral dispute resolution framework should be reviewed to broaden legal standing to ensure that voters whose rights are violated are entitled to lodge a complaint. In line with international standards, the law should be amended to allow for directly challenging election results at all levels.

The Election Code provides for the adjudication of administrative offences and imposing penalties for electoral violations by election commissions. The commissions only decide whether violations occurred; fines are to be determined unilaterally by the CEC chairperson or the regional governors.⁹⁴ The CEC established five violations in the campaign period, four on the first-round election day and seven on the second-round election day.⁹⁵ However, the CEC chairperson did not issue any penalty decrees before the announcement of the final results.⁹⁶ The delayed finalization of sanctions on election violations reduced their efficiency and undermines accountability.

To guarantee effective redress, sanctions on those who violate election legislation should be imposed in a timely manner.

Prior to the 14 November election day, the CEC received 21 complaints and 18 alerts.⁹⁷ It decided 23 cases on merits, left 2 complaints without consideration due to the complainants' lack of legal interest and addressed 11 alerts and 3 complaints by issuing protocol decisions.⁹⁸ Between the two rounds, the CEC received four complaints and one alert, primarily against DEC decisions adopted on election day; it decided two cases on merits and addressed three by protocol decisions. Overall, in five cases, the CEC adopted decisions regarding complaints and alerts after the legal deadline. While the CEC and DECs maintained a public registry on complaints, the registry was not always updated in a timely manner. In addition, the CEC session agendas did not contain any information on the complaints to be discussed, and the protocol decisions related to complaints and alerts were not published separately, which negatively impacted transparency of the dispute resolution process.

The SAC received 20 appeals against CEC decisions.⁹⁹ Of them, it upheld nine and left without consideration nine due to procedural reasons, including the absence of legal standing, late submission or the lack of legal grounds to appeal some CEC decisions. The SAC partially satisfied one appeal related to election day procedures and referred one to a lower-level administrative court. The SAC acted within legal deadlines, considered the appeals on merits in public hearings and published its decisions in a timely manner.

The MoI received some 1,200 reports on election-related violations during the first and second-round campaign periods and issued 9,032 warning protocols, including in potential cases of vote buying and controlled voting (see *Electoral Campaign* section). A total of 188 pre-trial proceedings were initiated by the MoI; of them, 156 related to various election related violations, including vote buying and selling. The Prosecutor General's Office informed the ODIHR EAM that, between the beginning of the

⁹⁴ By law, the CEC chairperson is responsible for issuing penalties regarding violations related to the rules for campaigning or the use of media. The regional governors are authorized to issue decrees setting the penalties in all other cases.

⁹⁵ Of these, 12 cases related to violations of publishing opinion polls, 4 to violations of campaign rules and 1 to a failure by a media to provide information on a contract between a contestant and the media.

⁹⁶ The CEC argued that there is a contradiction between the Election Code and the Administrative Procedure Code. The CEC, as per established practice, applies a six-month deadline determined by the latter.

⁹⁷ Of these, 16 complaints and alerts were related to violations of election procedures, 17 to campaign violations, 4 to the registration of parliamentary candidates and 2 to the registration of presidential candidates.

⁹⁸ According to a 2019 CEC regulation on complaints review, the commission may not decide on a complaint or alert if it does not involve a violation of the Election Code or if the nature of the violation does not require the CEC to take any action.

⁹⁹ The SAC received 7 appeals against CEC decisions related to voting machines, 4 against different procedural decisions, 4 on candidate registration for the presidential election, 2 on candidate registration for the parliamentary elections and 3 on campaign and media issues.

campaign and 22 November, it opened 1,052 case files, initiated 142 pre-trial investigations and indicted seven individuals. Most of these cases related to the early parliamentary elections. Many ODIHR EAM interlocutors expressed concerns that, following the recent elections, only a few election-related crimes reached the courts and resulted in convictions, arguing that this indicated a limited efficacy of the complaint adjudication system.¹⁰⁰

XIV. CITIZEN AND INTERNATIONAL OBSERVERS

The Election Code grants unrestricted access to accredited citizen and international observers as well as agents and proxies of contestants to all stages of the electoral process, including on election day. In line with the law, the CEC accepted accreditation requests from observers by the day before elections and allowed additional requests prior to the second round of the presidential election. The registration of observers and proxies of the two presidential candidates contesting in the run-off was automatically extended for the second round. Only the organizations with a declared goal that relates to the political rights of citizens were eligible to apply as domestic observers. In an inclusive process, the CEC registered 5,169 observers from 20 civil society organizations and 43 international observers from 4 organizations prior to the 14 November election day. The CEC registered additional 492 citizen observers from two organizations for the second round.

By law, observers may also scrutinize the certification of voting machines, accredited through a procedure defined by the CEC. The CEC issued a decision limiting this right to observers with educational and professional qualifications related to informatics or computer science.¹⁰¹

XV. ELECTION DAY

In accordance with the ODIHR methodology for EAMs, the mission did not observe election day proceedings in a systematic or comprehensive manner. Mission members visited a limited number of polling stations on both election days in 4 out of 31 districts.

In the polling stations visited, the process was well-organized, and PEC members generally followed the procedures. In most cases, the secrecy of the vote was respected. At odds with international standards and OSCE commitments, the election material, including the voting machines, was not adapted for voters with hearing, vision or cognitive impairments. Most polling stations visited by ODIHR EAM were inaccessible for persons with physical disabilities.¹⁰²

Authorities should undertake measures to facilitate the participation of voters with physical disabilities by ensuring that the premises and layout of polling stations are suitable for independent access. Accessibility features in voting machines and election material for voters with visual and hearing impairments should be made available.

¹⁰⁰ The Prosecutor's Office initiated 76 pre-trial proceedings after the April 2021 parliamentary elections; as of 26 November, 12 cases reached the court, and 33 proceedings were ongoing; the other cases had either terminated or suspended. After the July elections, 125 pre-trial proceedings were initiated, out of which 10 cases reached the court and 71 proceedings were ongoing.

¹⁰¹ One party representative and one international observer from the ODIHR EAM registered to monitor this process. One citizen observer group informed the ODIHR EAM that the CEC did not consider their registration request.

¹⁰² Article 9 of the 2006 [Convention on the Rights of People with Disabilities](#) stipulates that States take appropriate measures to ensure access to persons with disabilities "on an equal basis with others", while article 29 calls on ensuring that "voting procedures, facilities and materials are appropriate, accessible and easy to understand and use".

In the first round, 9,399 in-country and 208 out-of-country polling stations were equipped with voting machines. The CEC ordered installing two devices in bigger polling stations with potentially higher turnout.¹⁰³ In some polling stations, voters casting their votes electronically appeared to be confused about their choices, as the voting machine interface did not make it sufficiently clear that once the participation in only one election is confirmed, the voter may not vote in the other contest. According to the CEC, machine voting was suspended in 54 polling stations in the first and 32 in the second round due to technical problems with the machines.¹⁰⁴

Out-of-country voting was administered by the CEC and the Ministry of Foreign Affairs (MFA), in cooperation with organizations of Bulgarians living abroad. The first-round election day saw a record high participation, with 228,503 citizens casting their votes abroad. Despite logistical challenges and a compressed timeframe, the CEC and the MFA managed to deliver the electoral material, including the voting machines, to most out-of-country PECs in time for the second round.¹⁰⁵

The few vote counts observed by ODIHR EAM were overall transparent. According to some DEC's, in the first round, machine voting control slips were not counted at some polling stations, as the respective CEC decision did not reach all PECs due to its late adoption.

The CEC received 231 complaints and alerts on the first and 94 on the second-round election day. Most alleged irregularities pertained to violations of the election procedures or campaign silence.¹⁰⁶ The CEC adopted decisions in only four cases on 14 November election day and seven in the second round, establishing violations of the campaign rules and publishing opinion polls during the campaign silence period.¹⁰⁷ The other cases were forwarded to DEC's, were left with no violations established or without consideration due to insufficient information. While the CEC maintained a database for election day complaints and alerts, its decisions on some of them were published with a significant delay.

The district-level tabulation was jointly conducted by DEC's and the state-owned *Information Services* (IS) company, operating under contract. The PEC result protocols were published on the CEC website following their processing, ensuring the transparency of the election results. The CEC and IS conducted a second-level data entry and discrepancy analysis based on the PEC result protocols and established and addressed some discrepancies which did not have an impact on election results.

¹⁰³ To mitigate the voting time increased by the conduct of two elections, before the first round, the CEC decided to install two machines in 2,121 in-country and 208 out-of-country polling stations where at least 320 voters had voted in the July early parliamentary elections. In the second round, the number of in-country PECs with two machines decreased to 1,981 and those at PECs abroad to 128; allocations were based on the voter turnout in the first round.

¹⁰⁴ These included machines not starting, failure of printers or smart cards and damage to touchscreens. By law, in the polling stations where machine voting was suspended, the PECs reverted to paper ballots.

¹⁰⁵ For the second round, ballots were not delivered to two PECs in Australia, one in New Zealand and one in the USA. The CEC authorized the respective PECs to print ballots locally.

¹⁰⁶ On the first election day, 63 complaints and alerts related to violations of the voting procedures, 60 to violations of the campaign silence, 41 to violations of voting rights, 20 to machine voting and 47 to other issues, such as publication of opinion polls during the campaign silence period, voting abroad, COVID-19 pandemic measures and voting of persons with disabilities. On the second-round election day, 49 complaints and appeals related to violations of the campaign silence period, 22 to violations of voting procedures, 10 to violations of voting rights, 10 to publication of opinion polls in the campaign silence period and three to other issues.

¹⁰⁷ As some complaints were submitted by various subjects, a total of 17 complaints and alerts were satisfied by CEC on the first-round election day and 43 on the second-round election day.

XVI. POST-ELECTION DAY DEVELOPMENTS

On 16 November, the CEC announced that no candidate was elected in the presidential election and, in line with the law, scheduled a second round for 21 November.¹⁰⁸ The results of the parliamentary elections were announced on 18 November. Between the 14 November election day and the announcement of the results, eight parliamentary candidates submitted requests to the CEC not to be declared elected MPs; the CEC approved all the withdrawal requests.

The CEC announced the turnout as 40.50 per cent for the first-round presidential election and 40.23 per cent for the parliamentary elections. Three parties and four coalitions entered the parliament. Women's representation decreased by approximately one per cent to 23.8 per cent. Eleven MPs were elected by preferential vote; two were women.

After the parliamentary elections, several party leaders announced their resignation, including from DB and BSP, acknowledging the significant loss of seats. During the second-round campaign period, various parties announced support to Mr. Radev or Mr. Gerdzhikov.¹⁰⁹

Following the second round of the presidential election, on 23 November, the CEC announced that Mr. Radev won his second presidential term. The low turnout of 34.84 per cent, some six points below that of the first round, was widely attributed to voter fatigue in the fourth election of the year.

On 24 November, VMRO attempted to challenge the results of the first-round presidential election and early parliamentary elections by submitting separate appeals to the General Prosecutor, the Supreme Court of Cassation and the SAC, claiming that violations occurred at polling stations in Turkey and Sofia. All three institutions reviewed the complaints within the legal deadline and refused to forward it to the Constitutional Court.

XVII. RECOMMENDATIONS

These recommendations as contained throughout the text are offered with a view to further enhance the conduct of elections in Bulgaria and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that have not yet been addressed. ODIHR stands ready to assist the authorities of Bulgaria to further improve the electoral process and to address the recommendations contained in this and previous reports.¹¹⁰

¹⁰⁸ With a voter turnout below the 50 per cent threshold and 49.42 per cent of the votes cast for Mr. Radev, 22.85 per cent for Mr. Gerdzhikov and 11.57 per cent for Mr. Karadayi, no candidate met the requirements to be elected in the first round.

¹⁰⁹ Among the supporters of President Radev's candidacy, the leaders of PP, ISBNI, ITN and the Green Movement (part of the DB coalition) called to vote for him in the second round. Other entities of the DB coalition did not call to vote for any of the two runners. On 17 November, the BSP chairperson publicly criticized the incumbent but avoided divulging her choice, while other party figures explicitly called to vote for Mr. Radev. GERB's Mr. Borisov asked voters to choose Mr. Gerdzhikov. With his leverage as third in the race, Mr. Karadayi called his supporters to vote for the "unifier of the nation", indirectly referring to Mr. Gerdzhikov.

¹¹⁰ In paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations". The follow-up of prior recommendations is assessed by the ODIHR LEOM as follows: recommendation 8 and 33 from the final report for the 2017 parliamentary elections are fully implemented. Recommendations 1, 11, 23 and 27 from the final report on the 2014 parliamentary elections and recommendations 24, 37 and 40 from the final report on 2017 parliamentary elections are mostly implemented. Recommendations 4, 5, 10, 12, 13, 15 and 21 from the 2014 final report and recommendations 12, 15, 17, 25, 27, 28, 29, 38 and 39 from the 2017 final report are partially implemented. See also the [ODIHR Electoral Recommendations Database](#).

A. PRIORITY RECOMMENDATIONS

1. To ensure a coherent and stable electoral framework, the legislation should be reviewed to bring it further in line with OSCE commitments, international standards and good practices. This should be done well in advance of the next election period as a result of an inclusive and transparent consultation process.
2. To ensure the accountability of electronic voting, the law should provide clear rules and deadlines to carry out a count of the control slips produced by the voting machines in a statistically significant sample of randomly selected polling stations, before the final election results are established.
3. To guarantee universal suffrage, the authorities should implement a strategy for reducing the number of citizens without a permanent address and conducting a nationwide campaign to issue identification documents to voters belonging to vulnerable groups.
4. Citizens with dual citizenship should not be prevented from standing for office. In line with international standards and good practice, the residency requirement for presidential candidates should be removed.
5. In order to avoid discriminatory practices and to ensure the presumption of innocence, the Ministry of Interior should publicize the criteria, the methodology and the grounds on which warning protocols are issued. A copy of the issued warning protocol should be provided to the signatories.
6. To protect editorial independence and professional standards, the public broadcasters should abandon the practice of directly engaging journalists in preparing paid campaign material such as paid interviews or paid campaign reports.
7. The electoral dispute resolution framework should be reviewed to broaden legal standing to ensure that voters whose rights are violated are entitled to lodge a complaint. In line with international standards, the law should be amended to allow for directly challenging election results at all levels.

B. OTHER RECOMMENDATIONS

Electoral System and Legal Framework

8. Consideration could be given to expanding the period between the first and the potential second round of presidential election to allow sufficient time for electoral preparations for all stakeholders and to provide a possibility for timely and effective remedy in case of complaints.
9. The constituency delineation process should guarantee the equality of the vote, be based on clear and objective criteria prescribed by the law and be conducted in line with international standards and good practice.

Election Administration

10. To further increase its transparency and accountability, the Central Election Commission should publish its session minutes and protocol decisions in a timely manner. The practice of muting the broadcast of its sessions should be limited to specific circumstances based on justified reasons.

11. To ensure the stability and professionalism of the election administration, the Central Election Commission should be granted sufficient administrative and technical capacity.
12. To ensure a consistent application of election procedures, comprehensive and standardized training should be provided for all PEC members, including on recently adopted measures, such as the use of new voting technologies. To enhance stability of the election administration, the tenure of the PEC members could be better protected against arbitrary replacement during a reasonable period of time prior to election day.

Voting Technologies

13. To allow for independent evaluation of the electronic voting system, the authorities should publish detailed technical documentation or make it accessible for inspection to observers and independent auditors. The source code of the software running on the machines should be made available for public scrutiny.

Voter Registration

14. Disenfranchisement of prisoners should be proportionate to the crime committed. Restrictions of voting rights for persons with mental disabilities should be removed.
15. In line with the international good practice, the possibility to register at the polling station on election day could be reconsidered.
16. To avoid legal uncertainty in establishing results of the presidential election, the law should clearly stipulate the manner of calculating the voter turnout. The law should also specify which voters are eligible to vote in a potential run-off.

Candidate Registration

17. Additional incentives should be considered to enhance electoral participation and conditions for women standing as candidates. Parties could introduce internal mechanisms for increasing the number of women candidates and placing women in higher positions on candidate lists.

Campaign Finance

18. *In line with international good practice*, consideration could be given to require the contestants to report their expenditures and the amount of parties' contributions to the campaign prior to election day.
19. To ensure effective oversight of campaign finances, the National Audit Office should have the mandate and be equipped with sufficient financial and human resources to pro-actively monitor campaign finances of electoral contestants, identify unreported income and expenditures and impose timely dissuasive and effective sanctions.

Media

20. To enhance pluralism in the private media, the law should be amended to require transparent and non-discriminatory allocation of state advertising and subsidies, based on clear and objective criteria and administered by an independent body.

21. To foster the independence of the public service media and media regulator, a sustainable funding model with adequate resources to meet their public service remit should be considered.
22. To ensure high quality journalism and independent reporting, consideration could be given to limiting the principle of strict airtime equality only to free airtime and enabling the public service media to exercise editorial freedom in its news and current affairs programmes.

Participation of Minorities

23. Citizens belonging to minorities should be allowed to use their mother tongue during the election campaign and promote its use in civil and political affairs. Consideration should also be given by the Central Election Commission and candidates to providing voters with information and other election material in minority languages.
24. The relevant authorities should consider conducting longer-term election-awareness campaigns among Roma communities to encourage meaningful and inclusive political participation. Political parties could consider adopting internal policies for promotion of minority representatives within the party leadership and as candidates and include issues of minority interests in their campaign programmes and activities.

Complaints and Appeals

25. To guarantee effective redress, penalties on those who violate election legislation should be imposed in a timely manner.

Election day

26. Authorities should undertake measures to facilitate the participation of voters with physical disabilities by ensuring that the premises and layout of polling stations are suitable for independent access. Accessibility features in voting machines and election material for voters with visual and hearing impairments should be made available.

ANNEX: FINAL ELECTION RESULTS¹¹¹

Presidential and Vice-Presidential Candidates	Nominating Organization	Valid votes cast	Percentage of valid votes cast
First Round of the Presidential Election, 14 November 2021			
Rumen Georgiev Radev Iliana Malinova Yotova	<i>independent</i>	1,322,385	49.42%
Anastas Georgiev Gerdzhirov Nevyana Mihailova Miteva-Mateeva	<i>independent</i>	610,862	22.83%
Mustafa Sali Karadayi Iskra Dimitrova Mihailova-Koparova	Movement for Rights and Freedoms (DPS)	309,681	11.57%
Kostadin Todorov Kostadinov Elena Tsoneva Guncheva	<i>Vazrazhdane</i> (Revival)	104,832	3.92%
Lozan Yordanov Panov Maria Hindova Kasimova-Moisset	<i>independent</i>	98,488	3.68%
Luna Yordanova Yordanova Iglena Dimitrova Ilieva	<i>independent</i>	21,733	0.81%
Volen Nikolov Siderov Magdalena Lambova Tasheva	<i>Ataka</i> (Attack)	14,792	0.55%
Svetoslav Emilov Vitkov Veselin Assenov Belokonski	People's Voice	13,972	0.52%
Milen Vassilev Mihov Maria Yordanova Tsvetkova	VMRO – Bulgarian National Movement	13,376	0.50%
Rosen Plamenov Milenov Ivan Stefanov Ivanov	<i>independent</i>	12,644	0.47%
Goran Tasev Blagoev Ivelina Koleva Georgieva-Stoyanova	National Union of the Right Parties	12,323	0.46%
Veselin Naidenov Mareshki Polina Tsvetoslavova Tsankova-Hristova	<i>Volya</i> (Will)	10,536	0.39%
Valeri Simeonov Simeonov	Patriotic Front	8,568	0.32%

¹¹¹ Data according to the final results [published by the CEC](#).

Tsvetan Venstislavov Manchev			
Nikolay Simeonov Malinov Svetlana Petrova Koseva	Russophiles for the Revival of the Fatherland	8,213	0.31%
Tsveta Kirilova Kirilova George Atanasov Tutanov	<i>independent</i>	7,706	0.29%
Alexander Trifonov Tomov Lanchezar Asparuhov Avramov	Bulgarian Social Democracy - Euroleft	7,235	0.27%
Boyan Boyanov Stankov-Rasate Elena Kirilova Vatashka	<i>independent</i>	6,798	0.25%
Marina Orfey Malcheva Savina Veselinova Lukanova	<i>independent</i>	6,315	0.24%
Zhelyo Nikolov Zhelev Kalin Dimitrov Krulev	Society for New Bulgaria	6,154	0.23%
Blagoy Boyanov Petrevski Sevina Krasnodarova Hadjiyska	Bulgarian Union for Direct Democracy	5,518	0.21%
Yolo Dimitrov Denev Mario Tsankov Filev	<i>independent</i>	5,394	0.20%
Maria Petrova Koleva Gancho Ivanov Popov	Justice	4,666	0.17%
Georgi Venelinov Georgiev Stoyan Andreev Tsvetkov	Bulgarian National Union	2,958	0.11%
<i>I do not support anyone</i>		60,786	2.27%
Data regarding the voting process			
Number of voters on the voter lists			6,667,895
Number of voters added to the lists on election day			282,043
Number of voters who voted according to signatures			2,687,307
Turnout			40.50%
Number of ballots found in the ballot boxes and cast through machine voting			2,689,487
Number of votes found in the ballot boxes (including invalid votes)			327,690
Number of invalid votes (cast with ballot papers)			9,487
Number of votes cast through machine voting			2,361,797
Second Round of the Presidential Election, 21 November 2021			
Rumen Georgiev Radev Iliana Malinova Yotova	<i>independent</i>	1,539,650	66.72%
Anastas Georgiev Gerdjikov Nevyana Mihailova Miteva- Mateeva	<i>independent</i>	733,791	31.80%

<i>I do not support anyone</i>		34,169	1.48%
Data regarding the voting process			
Number of voters on the voter lists		6,672,935	
Number of voters added to the lists on election day		195,802	
Number of voters who voted, according to signatures		2,310,903	
Turnout/ percentage of voting participation		34.84%	
Number of ballots found in the ballot boxes and cast through machine voting		2,311,528	
Number of votes found in the ballot boxes (including invalid votes)		252,465	
Number of invalid votes (cast with ballot papers)		3,909	
Number of votes cast through machine voting		2,059,063	

Early Parliamentary Elections, 14 November 2021				
Party/Coalition	Valid votes	Percentage of Votes	Seats	Percentage of Seats
We Continue the Change (PP)	673,170	25.67%	67	27.92%
Citizens for the European Development of Bulgaria (GERB-SDS)	596,456	22.74%	59	24.58%
Movement for Rights and Freedoms (DPS)	341,000	13.00%	34	14.17%
BSP for Bulgaria (BSP)	267,817	10.21%	26	10.83%
There is Such a People (ITN)	249,743	9.52%	25	10.42%
Democratic Bulgaria (DB)	166,968	6.37%	16	6.67%
<i>Vazrazhdane</i> (Revival)	127,568	4.86%	13	5.42%
Rise Up, BG! We are Coming! (ISBNI)	60,055	2.29%		
VMRO - Bulgarian National Movement (VMRO)	28,322	1.08%		
Bulgarian Social Democracy - Euroleft	13,710	0.52%		
<i>Ataka</i> (Attack)	12,153	0.46%		
Society for New Bulgaria	11,627	0.44%		
People's Voice	11,546	0.44%		
National Union of the Right Parties	11,239	0.43%		
Patriotic Front	8,584	0.33%		
<i>Volya</i> (Will)	7,067	0.27%		
Russophiles for the Revival of the Fatherland	6,803	0.26%		
Justice	6,712	0.26%		
Bulgarian Union for Direct Democracy	5,894	0.22%		
MIR	3,939	0.15%		
Party of the Greens	2,968	0.11%		
Bulgarian National Unification-BNO	2,468	0.09%		
Prosperity - Unity - Constructiveness	1,723	0.07%		
Bulgarian Progressive Line	1,498	0.06%		
Direct Democracy	1,341	0.05%		
<i>Brigada</i> (Brigade)	1,151	0.04%		
Bulgarian National Union-New Democracy	1,099	0.04%		
<i>I do not support anyone</i>	35,745	1.34%		
TOTAL	2,658,366		240	100

Independent candidates	
David Leon Levy (DEC 24)	53
Petar Konstantinov Nizamov (DEC 2)	129
Total valid votes cast	2,658,503

Number of voters on the voter lists	6,665,534
Number of voters added to the lists on election day	281,318
Number of voters who voted, according to signatures	2,669,260
Number of ballots found in the ballot boxes and cast through machine voting	2,670,923
Number of invalid votes (cast with ballot papers)	11,315
Number of votes cast through machine voting	2,343,055
Number of votes found in the ballot boxes (including invalid votes)	327,869

ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is 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 Summit Document). This is referred to as the OSCE human dimension.

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 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas, including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance and non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. 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.

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.

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/odihr).