

INTERIM REPORT

9 – 17 September 2014

22 September 2014

I. EXECUTIVE SUMMARY

- Following political and economic crises, the government led by Plamen Oresharski submitted its resignation on 23 July 2014. President Rosen Plevneliev dissolved the National Assembly (parliament), set the date for early elections for 5 October and appointed an interim government.
- The upcoming parliamentary elections will be the first under the new Electoral Code adopted in March 2014. The Code provides a sound basis for the conduct of democratic elections. It addresses a number of previous recommendations made by the OSCE/ODIHR. Others, however, remain unaddressed, including the blanket denial of voting rights for prisoners and the requirement that campaigning must be conducted only in the Bulgarian language.
- The 240 members of parliament will be elected under a proportional system from 31 multi-mandate constituencies. The new Code allows for preferential voting for one candidate from a list. According to the Central Election Commission (CEC), 6,062 candidates were registered to run on 18 party and 7 coalition lists, and 3 candidates are independent.
- The official campaign started on 5 September, in a climate of disappointment and mistrust of politics and political parties. Campaign activities are so far limited. The OSCE/ODIHR LEOM noted the use of nationalistic, at times inflammatory language and allegations of vote-buying and controlled voting. On 8 September, 16 of the 25 contestants signed an Integrity Pact for Free, Fair and Democratic Elections.
- All three levels of election administration are established and training activities are ongoing. The legal deadlines have so far been generally respected. The CEC meets regularly with its sessions being broadcast on the Internet. Following the May 2014 European Parliament elections, the CEC will carry out a second pilot project using voting machines in 300 polling stations.
- The preliminary voter list includes 6,931,855 voters. Voters can verify their data on-line and in designated display areas at the local administration, where they can request correction of omissions and errors. Total of 24,252 voters are registered to vote out-of-country.
- Complaints and appeals are primarily resolved by election commissions, with the Supreme Administrative Court (SAC) as the final appellate instance. The CEC maintains an on-line register of complaints and subsequent decisions. Over 20 appeals have reached the SAC so far.
- The public television and radio broadcasters are required to cover contestants equally and objectively. Coverage by commercial broadcasters remains largely unregulated. The public broadcasters are organizing a number of debates between contestants. So far these are broadcast outside the prime time period.

II. INTRODUCTION

Following an invitation from the Ministry of Foreign Affairs and based on the recommendation of a Needs Assessment Mission conducted from 18 to 20 August, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established a Limited Election Observation Mission (LEOM) on 9 September.¹ The LEOM, headed by Ambassador Audrey Glover, consists of a 12-member core team based in Sofia and 10 long-term observers (LTOs) who were deployed on 14 September throughout the country. Mission members are drawn from 16 OSCE participating States. In line with ODIHR's methodology, the LEOM will not carry out systematic or comprehensive observation of election day activities, yet its members will visit a limited number of polling stations.

III. BACKGROUND

The 5 October elections will be the fourth early parliamentary elections since 1990 and the eighth elections observed by OSCE/ODIHR since 1997. The elections are taking place in an environment of political and economic crises and in a climate of disappointment and mistrust of politics and political parties. On 23 July the government led by Plamen Oresharski submitted its resignation. President Rosen Plevneliev dissolved the National Assembly (parliament), set the date for early elections and appointed an interim government which set itself the "organization of free and fair elections" as the main task.

Following the early parliamentary elections in May 2013, the Bulgarian Socialist Party (BSP)-led Coalition for Bulgaria (84 seats in the parliament out of 240) and the Movement for Rights and Freedoms (MRF) with 36 seats formed a minority government which later underwent five no-confidence votes in the parliament. The center-right party Citizens for European Development of Bulgaria (GERB) won 97 seats, and the far-right *Ataka* party 23 seats. After the May 2014 European Parliament (EP) elections, MRF withdrew from the government.

IV. THE LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The legislative framework was reformed in March 2014, when a new Electoral Code was adopted.² The Code provides a sound basis for the conduct of democratic elections.³ It addresses a number of previous OSCE/ODIHR recommendations, including to expand the right to appeal election-related decisions, to reduce the number of support signatures for independent candidate registration, and to extend the deadline for appealing decisions regarding registration of electoral contestants. However, some recommendations remain unaddressed.⁴

The National Assembly is a unicameral body consisting of 240 members, elected through a proportional system from 31 multi-mandate constituencies. The CEC decides the number of mandates per constituency according to the population size, but no less than four per constituency.⁵

¹ Previous OSCE/ODIHR reports on Bulgaria are available at: <http://www.osce.org/odihr/elections/bulgaria>.

² The legal framework also includes the Law on Political Parties, the Law on Assemblies, the Criminal Code, and decisions of the Central Election Commission.

³ See the Council of Europe's Venice Commission and OSCE/ODIHR Joint Opinion on the Draft Election Code of Bulgaria at <http://www.osce.org/odihr/elections/116830>.

⁴ A mechanism for challenging election results by all electoral contestants has not been established, and the use of minority languages in election campaign is still not allowed.

⁵ The allocation of mandates is based on the 2011 census and is the same as for the 2013 parliamentary elections.

The threshold for entering the parliament is four per cent of valid votes at national level for parties and coalitions, while independent candidates have to pass the constituency electoral quota. The new Code allows for preferential voting for a candidate from a candidate list.⁶

The Constitution guarantees universal, equal suffrage by secret ballot. A citizen over the age of 18 has the right to vote, with the exception of prisoners and those deprived of their legal capacity by a court decision. A citizen over the age of 21, who is eligible to vote and does not hold another citizenship, has the right to stand as a candidate. Candidates employed in the civil service must suspend their duties upon their registration. Individuals prohibited by law to be members of a political party may contest elections only as independent candidates.⁷

V. THE ELECTION ADMINISTRATION

The elections are administered by a three-level election administration: Central Election Commission (CEC), 31 District Election Commissions (DEC) and 11,726 Precinct Election Commissions (PEC).⁸ Additional 426 PECs were established for voters abroad. Political parties represented in the parliament or EP can nominate members to all levels of the election administration.

The CEC is a permanent body whose members have 5-year terms. The parliament elects the chairperson, two deputy chairpersons and the secretary of the CEC, while the president, based on nominations submitted by the political parties, appoints the remaining members. The current CEC was appointed on 20 March 2014 and consists of 20 members. The chairperson, the deputies, the secretary and seven other members are women.

The CEC meets in regular sessions which are broadcast on the Internet. So far it has passed some 300 decisions for the upcoming elections, including the approval of the text of the ballot paper, procedural guidelines for the DECs and the PECs, and voter education materials.⁹

By the 15 August deadline, the CEC appointed the members of the DECs following consultations with political parties at the district level. According to the CEC, the DECs appointed the PEC members by the 9 September deadline, apart from the municipality of Stara Zagora where the CEC had to make the appointments itself after the political parties failed to agree on the composition of 202 PECs. CEC started training the DEC members on 16 September. The OSCE/ODIHR LEOM LTOs assessed positively several training sessions attended.

The CEC will carry out a second pilot project using voting machines.¹⁰ Apart from voting by paper ballot, voters in 300 polling stations from five constituencies will have the possibility to use touch screen devices.¹¹ The machine voting results will not be counted as official.

⁶ To be eligible for a preferential seat, a candidate must be endorsed on the ballot by at least seven per cent of the voters who voted for his/her list.

⁷ Such as military, intelligence service and police personnel, diplomats, judges and prosecutors.

⁸ A precinct can have up to 1,000 voters.

⁹ The voter education campaign includes messages emphasizing that vote buying and selling are criminal offences.

¹⁰ The first pilot with 100 voting machines took place for the May 2014 EP elections.

¹¹ The pilot project will take place in the districts of Kyustendil, Pernik, Pleven, Plovdiv and Sofia.

VI. VOTER REGISTRATION

Voter registration is passive. The CEC maintains an updated list of people with voting rights based on the data from the National Population Register maintained by the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development (GRAO). Voters are registered according to their permanent address and can verify their data, including online.

According to the GRAO, the preliminary voter list contains 6,931,855 voters as of 25 August. The local administration displays these lists for verification by voters, who can request corrections in their records until seven days prior to election day. The voters can change their voting address until 14 days prior to election day. A number of OSCE/ODIHR LEOM interlocutors expressed concern about the accuracy of the register maintained by the GRAO, as the number of voters is allegedly higher than the data on the adult population provided by the National Statistics Institute.

People with permanent disabilities which prevent them from voting at a polling station may request mobile voting. Special voter lists are compiled for health care facilities, detention centers, and social institutions. Out of 27,401 requests, 24,252 voters from abroad were added to out-of-country voter lists.¹²

VII. REGISTRATION OF CANDIDATES

Political parties and coalitions are required to register with the CEC by providing a set of documents, a deposit of BGN 2,500,¹³ and the supporting signatures of at least 2,500 voters.¹⁴ Registered contestants present their candidate lists to the DEC. The position of candidates on the list is set by the contestants. A candidate can stand for a party in no more than two constituencies. For a DEC to register an independent candidate, a nominating committee should submit a deposit of BGN 100, and supporting signatures from no less than one per cent but no more than 1,000 voters from the constituency.

The CEC registered 18 parties and 7 coalitions.¹⁵ Three political parties were denied registration after verification of supporting signatures and two of them appealed against the denial (see *Complaints and Appeals*). According to the CEC, 6,062 candidates on party lists and 3 independent candidates are running for 240 seats, representing an average of 25 per seat.¹⁶

VIII. CAMPAIGN ENVIRONMENT

The campaign officially started on 5 September and will end at midnight on 4 October. Mayors were required to designate places for posting campaign materials. Meetings and rallies should be notified by the contestants 48 hours in advance, and demonstrations 72 hours in advance. Campaigning is prohibited in state and municipal institutions and on public transport.

So far campaign activities are limited, and are mainly conducted through media, social networks, door-to-door-campaigning and rallies. Candidates focused on economic issues and the recent floods.

¹² Most requests came from Turkey (8,907), United Kingdom (3,178) and the United States (2,589).

¹³ The exchange rate for BGN 1 is EUR 0.51.

¹⁴ A voter can sign for supporting the registration of only one candidate or party/coalition. A party may participate in only one coalition; a coalition consists of a minimum of two parties.

¹⁵ Details about the contestants are available on the CEC website, at <http://www.cik.bg/623>.

¹⁶ The number of candidates per seat varies from 21 in Burgas to 30 in Kyustendil and Pernik.

Some parties used inflammatory and xenophobic rhetoric at times.¹⁷ The Prime Minister called for more tolerance during campaigning.

Concerns of vote-buying and controlled voting and insufficient law enforcement to counter such practices were raised by OSCE/ODIHR LEOM interlocutors. They stated that minority groups, especially Roma and low-income voters, are most vulnerable to such irregularities. On 8 September, 16 of the 25 contestants signed an Integrity Pact for Free, Fair and Democratic Elections.¹⁸

IX. CAMPAIGN FINANCE

Parliamentary parties and coalitions are entitled to public funding in proportion to the number of valid votes received during the last parliamentary elections.¹⁹ Parties not represented in the parliament, but which received at least one per cent of valid votes nationwide in the previous parliamentary elections, receive public funding on the same basis. Parties/coalitions not entitled to public funding receive funds for media advertisements if registered to compete in the elections.

Within five days from their registration, all contestants must submit to the National Audit Office (NAO) the details of their campaign bank account. Within five days from the start of campaign, they also must submit data about their campaign financing for entry into the public register and update this information regularly. A final report on campaign contributions and expenses is submitted within 30 days after election day. The NAO does not verify information contained in the public register until it performs an audit of the final reports.

A party, a coalition or an independent candidate cannot receive more than BGN 10,000 from one person within one calendar year.²⁰ Campaign spending by a party or a coalition may not exceed BGN 3 million, while for an independent candidate it may not exceed BGN 0.2 million.

X. THE MEDIA

The Electoral Code regulates in detail the coverage of the campaign by the Bulgarian National Television (BNT) and the Bulgarian National Radio (BNR), which are the Public Service Broadcasters, on both national and regional levels. They are required to cover the contestants equally and objectively. Each party and coalition running in the elections is provided with 40 seconds on the public broadcasters at the beginning and at the end of the campaign.

The Electoral Code obliges BNT and BNR to organize debates, on agreed topics and broadcasting time, for at least four hours on national and at least one hour on each regional channel. The contestants agreed with BNT and BNR on four national debates, with a combined duration of six and eight hours respectively, outside the prime time period. Coverage by commercial broadcasters

¹⁷ *Ataka* produced an anti-semitic poster. Bulgaria without Censorship (BWC) called for the closure of the border with Turkey one week before election day, “in order to stop the import of voters from Turkey”. Some other parties used ethnic stereotypes prior to the start of the campaign and continue to do so.

¹⁸ The political forces committed themselves not to register party members, proxies or ‘paid observers’ on behalf of civil society organizations, to initiate strong actions against vote-buying and controlled voting, to conduct additional trainings for their representatives at the PECs, and to provide accurate information on donations during the election campaign. See at <http://www.transparency.bg>.

¹⁹ For 2014, the subsidy is BGN 11 per valid vote.

²⁰ The law prohibits anonymous contributions, contributions from legal entities and sole entrepreneurs, from foreign individuals except European Union nationals who have electoral rights, from religious institutions, as well as from foreign governments, companies, and non-profit organizations.

remains largely unregulated. Both broadcast and print media outlets are entitled to sell their time/space for campaign advertisements. The prices for such advertisements are to be equal and published within 40 days before the campaign starts. The contracts between media outlets and contestants are to be published online within three days of signing.

While advertisements are to be separated from the editorial content and clearly marked as paid, the Electoral Code does not provide for penalties in case of violations. The OSCE/ODIHR LEOM noted that a number of private electronic and print media so far do not clearly label their paid coverage, thereby potentially misleading the audience about the nature of the reporting.

The Council for Electronic Media (CEM) is the regulatory body for broadcast media, and is tasked to observe the compliance of media outlets with the Electoral Code. It conducts media monitoring of 34 television and 12 radio stations. The CEM has no authority to sanction media in case of identified election-related violations. It has to report to the CEC if such violations are identified, and the CEC can decide on imposing any sanctions. The CEM has informed the OSCE/ODIHR LEOM that it has submitted a report on the publication of prices for campaign advertisements by media outlets; the CEC still has to review this report.

To assess the conduct and coverage of the campaign in the media, the OSCE/ODIHR LEOM started on 11 September quantitative and qualitative monitoring of the prime time broadcasts of four television stations (*BNT1*, *bTV*, *Nova TV* and *TV7*), two radio stations (*BNR-Horizont* and *Darik Radio*), and four daily newspapers (*24 chasa*, *Telegraf*, *Standart*, and *Kapital*).

XI. COMPLAINTS AND APPEALS

Complaints about electoral violations may be submitted to any election commission. Decisions of a local administration related to voter registration can be appealed to a district administrative court within two days. The court has two days to issue a final decision.

Appeals against election commission decisions are to be submitted to the higher level commission within three days. CEC decisions may be appealed as a final instance to the Supreme Administrative Court (SAC). Decisions on appeals by DEC's, CEC and SAC must be made within three days.²¹ The CEC maintains an online public register of complaints and subsequent decisions, which is regularly updated.

Over 20 election-related appeals have reached the SAC. These include two by political parties and two by independent candidates that were denied registration, and four on rejection of registration of observer organizations or individual observers.²² Several appeals result from disputes between the local administration and DEC's regarding the location of polling stations. So far the Court adhered to the procedural timelines.

²¹ Media related complaints and appeals should be filed within 24 hours, and the DEC's and the CEC have 24 hours to decide on them. The DEC's are obliged to pronounce decisions on election day complaints immediately, and the DEC's within one hour of receipt but before the close of polls.

²² The CEC denied the registration of two citizen observer organizations. The first was rejected on the grounds of political affiliation of its board members, and the second due to the lack of the required two-third majority in the CEC to take a decision. The latter case was appealed to the SAC, which ruled that the CEC should reconsider the application. When doing so, the CEC rejected the request on the grounds that some of the organization's board members hold managerial positions and appear on candidate lists of a political party. This decision was upheld by the SAC on appeal.

XII. PARTICIPATION OF NATIONAL MINORITIES

According to the 2011 census, ethnic Turks are the largest minority group with 8.8 per cent of the population, followed by Roma with 4.9 per cent.²³ Other minorities include Russians, Armenians, Vlach (Aromani), Karakachani, Macedonians, Jews, Romanians, Ukrainians and others, all together below one per cent of the population.

The Constitution provides for the right to self-identification, but it prohibits the formation of political parties along “ethnic, racial or religious lines”. The Electoral Code stipulates that the campaign must be conducted in the Bulgarian language, a fact previously criticized by OSCE/ODIHR and the Venice Commission.²⁴

The MRF has traditionally been perceived as representing the interests of the Turkish community. *Euroroma*, one of the parties representing interests of Roma communities, is running in the coalition with the BSP. There are ethnic Turkish and Roma candidates also on other parties’ lists.

Several OSCE/ODIHR LEOM interlocutors raised concern about electoral manipulations, particularly vote-buying. Members of the Roma communities are particularly vulnerable to such practices due to their being economically and socially excluded.

XIII. CITIZEN AND INTERNATIONAL OBSERVERS

The Electoral Code provides for citizen and international observation of the elections, as well as for the presence of the contestants’ proxies at polling stations. So far, the CEC registered 17 citizen observer organizations with 1,590 observers. It has also denied registration of two citizen observer organizations (see *Complaints and Appeals*). Several OSCE/ODIHR LEOM interlocutors criticized the registration of citizen observers by organizations related to political parties and coalitions.

XIV. MISSION ACTIVITIES

The OSCE/ODIHR LEOM opened in Sofia with a press conference on 9 September. The Head of Mission met with the Ministry of Foreign Affairs, the CEC, the Ministry of Interior, and with representatives of political parties, civil society and the international community. The LEOM has also established contacts with the election administration at all levels, political parties and candidates, media, civil society and other electoral stakeholders. The LEOM will co-operate with a delegation of the Parliamentary Assembly of the Council of Europe in its observation efforts.

²³ The census results reflect the answers of the 91 per cent of those who answered the optional question on ethnic group; see at http://www.nsi.bg/census2011/PDOCS2/Census2011final_en.pdf. Unofficial estimates put the number of Roma significantly higher, at some 800,000 or 10 per cent.

²⁴ See the Council of Europe’s Venice Commission and OSCE/ODIHR Joint Opinion on the Election Code of Bulgaria at <http://www.osce.org/odihr/80841>.