

INTERIM REPORT
22 February – 8 March
14 March 2017

I. EXECUTIVE SUMMARY

- Following the November 2016 presidential election, Prime Minister Boyko Borisov announced the resignation of his cabinet. After parliamentary parties were not successful at forming a government, 26 March was set for the third consecutive early parliamentary elections.
- The 2014 Electoral Code was amended several times, most recently in October 2016. The changes address a few previous OSCE/ODIHR recommendations, such as ensuring resources for the CEC to conduct voter education campaign, and introducing criteria for accreditation of citizen observer organizations, while numerous other recommendations remain unaddressed. Other amendments to the Electoral Code, among others, introduce an ‘against all’ voting option; prohibit the use of the coat of arms and the flag of Bulgaria or of a foreign country as well as religious symbols for campaigning; and limit the number of polling stations for out-of-country voting in non-EU countries to 35.
- The Central Election Commission (CEC) meets in regular sessions that are generally conducted in a collegial manner and are open to public and media. Lower level commissions were appointed following consultations among political parties. Almost all electoral deadlines were respected to date.
- The law provides for the use of new voting technologies in elections and tasks the CEC with all responsibilities related to the use of machine and future introduction of remote electronic voting, including public procurement, testing, audit and certification. Due to the lack of qualified bids, no voting machines will be used for these elections.
- The preliminary voter lists include 6,857,229 voters. The lists were displayed for public verification, including online. A total of 45,017 citizens were registered to vote out-of-country.
- Candidates can be nominated by political parties, their coalitions, and nominating committees for independents. A total of some 4,700 candidates from 11 parties and 9 coalitions, as well as 9 independent candidates, are running for 240 seats in 31 multi-member constituencies. The 26 February deadline for the approval of candidate lists was not respected.
- The elections are taking place in an environment characterized by electoral and political fatigue. Campaign messages are focused on anti-corruption, economic growth, national identity and, to a certain extent, foreign affairs. The Electoral Code stipulates that the campaign must be conducted only in the Bulgarian language. Vote buying and ‘organized’ voting in economically and socially vulnerable communities, mainly those populated by Roma, were raised as issues of concern.
- The latest amendments to the Electoral Code extend the campaign finance reporting deadlines. The National Audit Office is mandated to exercise campaign finance oversight. There is no requirement for reporting on campaign finances prior to election day.
- The Electoral Code requires only the public broadcaster to cover the campaign objectively and fairly, while the coverage by private media outlets is largely unregulated. The Council for

Electronic Media is the regulatory body for broadcast media and is tasked by the CEC to conduct media monitoring of 22 television and 19 radio stations during this campaign.

- According to the CEC, as of 7 March, it received 5 complaints and 22 of its decisions were appealed. It also received seven alerts, which were published in the CEC register with a delay. The alerts were either forwarded to relevant authorities or noted without taking decisions on those matters.
- According to a 2016 legal amendment, only “organizations registered for the public interest and with objectives in the field of protection of citizen’s political rights” can nominate citizen observers. As of 7 March, the CEC accredited 10 citizen observer organizations with 324 observers.

II. INTRODUCTION

Following an official invitation, on 22 February the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established a Limited Election Observation Mission (LEOM) to observe the 26 March early parliamentary elections.¹ The LEOM, headed by Roman Jakic, consists of an 11-member core team based in Sofia and 8 long-term observers (LTOs) deployed throughout the country on 1 March. Mission members are drawn from 16 OSCE participating States. In line with the OSCE/ODIHR’s methodology, the LEOM will not carry out systematic or comprehensive observation of election day activities when mission members will visit only a limited number of polling stations.

III. BACKGROUND AND POLITICAL CONTEXT

Following the October 2014 early parliamentary elections, a minority government was formed by the Citizens for European Development of Bulgaria (GERB), the Reformist Bloc (RB) and the Alternative for Bulgarian Revival (ABV), and was supported by the Patriotic Front. The opposition was constituted by the Bulgarian Socialist Party (BSP), the Movement for Rights and Freedoms (MRF), Bulgarian Democratic Centre (BDC), and *Ataka*.

Prime Minister Boyko Borisov announced the resignation of his cabinet after the defeat of the GERB candidate by BSP-backed Rumen Radev in the November 2016 presidential election. Parliamentary parties were not successful at forming a government and on 24 January 2017, President Radev dissolved the National Assembly (Parliament), appointed a caretaker government and set 26 March for early parliamentary elections. These will be the third consecutive early parliamentary elections since 2009 and the ninth elections observed by the OSCE/ODIHR in Bulgaria since 1997.

IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The 240 members of parliament (MPs) are elected for four-year terms under a proportional system with preferential option in 31 multi-member constituencies.² Parties and coalitions must surpass a four per cent threshold of valid votes cast at the national level to qualify for seat allocation. Preferential voting, introduced in 2014, will be used for the second time.³

The elections are primarily regulated by the 1991 Constitution, the 2014 Electoral Code, the 2005 Law on Political Parties, 2010 Law on Assemblies, and Central Election Commission (CEC) decisions.

¹ See previous [OSCE/ODIHR reports on Bulgaria](#).

² The Central Election Commission decided the number of mandates per constituency according to the population size based on the 2011 census, but no less than four per constituency. The number of registered voters per seat varies from the national average by more than 15 per cent in Vidin and by more than 10 per cent in Kyustendil.

³ To be eligible for a preferential seat, a candidate must be endorsed by at least seven per cent of the voters who voted for his/her list. If a voter did not use the preferential option on the ballot, the vote is counted for the top candidate.

Citizens over the age of 18 have the right to vote, with the exception of prisoners and those deprived of their legal capacity by a court decision.

The 2014 Electoral Code was amended several times.⁴ The changes address a few previous OSCE/ODIHR recommendations such as ensuring resources for the CEC to conduct a voter education campaign, and introducing criteria for accreditation of citizen observer organizations. In addition, the Law on Political Parties was amended in May 2016 to prohibit the free use by political parties of administrative resources (premises, transport, equipment and other (un)movable assets of state and municipal ownership, as well as work of employees). A number of other recommendations remain unaddressed.

Other amendments to the Electoral Code introduce an ‘against all’ voting option; require the CEC to livestream all their sessions and meetings; prescribe the right of the CEC to adopt rules on Electoral Code application; oblige the Supreme Administrative Court (SAC) when reviewing an appeal of any CEC decision to reject a complaint - to decide on the matter of the complaint or to give binding recommendations to the CEC; prohibit the use of religious signs in the campaign and ban the clergy from campaigning; limit the number of polling stations for out-of-country voting in non-EU countries to 35; define a six-month deadline for the National Audit Office (NAO) to audit the campaign finance reports of electoral contestants; provide the right to complain to party proxies; introduce administrative penalties for election administration members violating the Electoral Code; and clarify some media regulations.

Two of the 2016 amendments were challenged by the Ombudsman in front of the Constitutional Court. On 23 February 2017, the Court ruled that Article 242a of the Electoral Code providing a sanction to persons who have not exercised their right to vote in two successive elections is unconstitutional. Thus, voting remains compulsory but there is no sanction for not voting. On 17 October 2016, the Ombudsman complained against the limit of 35 polling stations per country for out-of-country voting. The Electoral Code was amended on 28 October by lifting this limit, but only for EU countries. On 14 December, the complaint was withdrawn.

V. ELECTION ADMINISTRATION

The elections are administered by the CEC, 31 District Election Commissions (DEC) and some 12,500 Precinct Election Commissions (PEC), including 371 in 70 countries for voters abroad.⁵ Political parties represented in the national and European parliaments can nominate members to all levels of the election administration.

The current CEC was appointed on 20 March 2014 for a five-year term. Of the 22 members, the chairperson, the deputy, the secretary and eight members are women. There is no gender or national minority requirement for appointments in the election administration.

The CEC meets in regular sessions that are open to the public and media and are broadcasted live on its website. The sessions are generally conducted in a collegial manner. The CEC publishes its session agendas shortly in advance of the sessions. So far, it has passed some 200 decisions including on the procedures for out-of-country voting, guidelines for the DEC and the PECs.⁶ Other decisions

⁴ The March 2014 Electoral Code was amended in October 2014, November 2015 and May, July and October 2016.

⁵ Most polling stations abroad are in the United Kingdom (58), followed by Spain (38), Turkey and United States (35 each), Greece (21) and France (15).

⁶ The Rules of Procedure of the CEC provide that the CEC can adopt decisions and “protocol decisions”. First are adopted on substantial matters defined in the Article 57 of the Electoral Code, are made public and are appealable. According to the CEC, protocol decisions are adopted on un-substantial or internal matters, are published as a part of the CEC session protocol and are also appealable.

concerned conditions and procedures for election observation, and voter education materials.⁷ The decisions are posted on the CEC website, as required by law, overall in a timely manner. Almost all electoral deadlines were respected to date.

The CEC appointed the DEC members following consultations among political parties. According to the CEC, the DECs appointed the PEC members by the legal deadline. The CEC will organize online training for DEC members, who, according to the CEC, will train the PEC members in-person.

VI. NEW VOTING TECHNOLOGIES

The Electoral Code provides for the use of new voting technologies in a controlled environment, specifically and only by using direct recording electronic voting machines.⁸ The 2016 amendments to the Electoral Code transfer to the CEC all responsibilities related to machine and remote electronic voting (Internet voting), including public procurement, testing, audit and certification and for pilot remote electronic voting from 2018.

On 27 January, the CEC set a limit of 500 touch-screen voting machines to be used for these elections. The New Republic coalition appealed this CEC decision to the SAC. On 1 February, the SAC overturned this CEC decision, and ruled that voting machines were to be used at all polling stations, in-country and abroad.

As required by law, the CEC carried out the tender procedure for the procurement of some 12,500 voting machines. Only one vendor submitted a bid, which was evaluated by the CEC as not meeting the requirements.⁹ As a result, no voting machines will be used for these elections.¹⁰

VII. VOTER REGISTRATION

Voter registration is passive. Based on data from the National Population Register, the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development (GRAO) provides the CEC with the list of citizens with voting rights.

As of 6 February, the preliminary voter list included 6,857,229 voters. The lists were displayed for public verification online and at local administrations and election commissions 40 days prior to the elections. Voters can request corrections of their records until seven days prior to election day. They can also change their voting address according to their temporary residence until two weeks prior to the elections. A total of 49,763 citizens requested to be added to the out-of-country voter list, of which 45,017 were approved.¹¹

Special voter lists are compiled for health care facilities, detention centres, and social institutions. Persons with disabilities may vote at any polling station within a constituency or by mobile voting.

⁷ The voter education campaign includes banners, video and audio clips, and posters and brochures with general information and also specific information about the preferential voting option and criminal responsibility for vote buying and selling. The videos include sign language. The materials are in the Bulgarian language only, as decided by the CEC.

⁸ Machine voting was piloted during the May 2014 European Parliament elections (100 voting machines), 2014 early parliamentary elections (500 machines) and 2015 local elections (50 machines); the results generated by machines were not counted as official. For the 2016 presidential election, machine voting was conducted at 500 polling stations and the results were official. In addition, an experimental machine vote count was conducted in five polling stations.

⁹ The vendor could not meet the 10 March deadline to provide all voting machines with software, and was not able to provide training and technical support to all commissions prior to and on election day.

¹⁰ One contestant publicly called the President to convene the parliament which should remove the machine voting provisions from the law in order to prevent possible challenges of the elections' legality.

¹¹ This represents an 86 per cent increase compared to 2014. Most requests came from Turkey (19,014), the United Kingdom (5,259) and Spain (3,009).

VIII. CANDIDATE REGISTRATION

A citizen over the age of 21, who is eligible to vote and does not hold another citizenship, has the right to stand as candidate. Individuals prohibited by law to be members of a political party may contest the elections as independent candidates.¹² Candidates can be nominated by political parties, coalitions of parties and nominating committees for independents.¹³ To participate in the elections, parties and coalitions had to register with the CEC until 8 February by providing a set of documents and a deposit of BGN 2,500.¹⁴ In addition such contestants have to be endorsed by at least 2,500 voter supporting signatures. A voter can sign to support registration of one contestant only. Applicants could correct their applications within three days but no later than the registration deadline.

The CEC rejected application of five parties after the verification of their supporting signatures.¹⁵ Four rejections were challenged to the SAC, which upheld the CEC decisions. The CEC eventually registered 11 parties and 9 coalitions as electoral contestants.

Registered contestants presented their candidate lists to the DEC's by 21 February. There is no gender or national minority requirement for the lists' composition. To register an independent candidate with a DEC, 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 of the respective constituency.

The 26 February deadline for the approval of candidate lists falls after the 24 February start of the campaign, which, according to some OSCE/ODIHR LEOM interlocutors, can impact the campaign activities of contestants.

The 26 February deadline for the approval of candidate lists was not respected. On 27 February, the CEC deregistered four candidates for possessing dual citizenship and seven for not meeting the age requirement. The CEC received the report on candidates' eligibility due to any current prison convictions from the Ministry of Justice on 1 March only.

A total of some 4,700 candidates, including 9 independent, on 614 lists will run for the parliament seats.¹⁶ Although not required by law, information and statistics on the participation of women as candidates was not publicized at the time of reporting.

IX. CAMPAIGN

The official campaign period started on 24 February and ends at midnight on 24 March. Mayors are obliged to designate locations for placing campaign materials. Campaigning in state institutions, state-owned enterprises and public transport is prohibited. According to the May 2016 amendments to the Electoral Code, campaigning by clergy is prohibited, as is the use of the coat of arms, flag of Bulgaria or of a foreign country, and religious symbols.

The elections are taking place in an environment characterized by electoral and political fatigue and public disillusionment with the political establishment. The campaign environment is calm and campaign activities are limited thus far. Only a few contestants published their campaign programmes

¹² Such as military, intelligence service, police personnel, diplomats, judges and prosecutors.

¹³ A candidate can stand for a party in no more than two constituencies and in one as independent.

¹⁴ EUR 1 is 1,96 Bulgarian Lev (BGN).

¹⁵ The Union of Bulgarian Nationalists, the National Movement Unity and the Bulgarian National Union - New Democracy were not registered due to list of signatures not provided in an electronic form or in improper format, pages of signatures not numbered, etc. The Bulgarian Union for Direct Democracy and the Union of Free Democrats were initially registered but were rejected after GRAO verification indicated insufficient number of valid signatures.

¹⁶ The average is 20 contestants per seat, and varies from 16 in Burgas and Plovdiv region to 26 in Pernik.

and platforms. To date, the campaign is mainly conducted through social media and the Internet as well as traditional media outlets. Campaign messages are focused on issues of anti-corruption, economic growth, national identity and, to a certain extent, foreign affairs.

Vote-buying and ‘organized’ voting in economically and socially vulnerable communities, mainly those populated by Roma, were raised as issues of concern by some OSCE/ODIHR LEOM interlocutors. On 5 March, the Prime Minister stated that the government is informed about cases of illegal campaigning and that he instructed the state institutions to act accordingly to counter these cases.¹⁷

X. CAMPAIGN FINANCE

Political parties, coalitions and nomination committees can finance their campaign activities by their own financial resources and by donations. Parties and coalitions that received more than one per cent of votes in previous parliamentary elections are entitled to public funding proportionally to the number of votes received.¹⁸ Parties not entitled to state funding and running in all constituencies receive BGN 40,000 for paid political advertising in media. Some OSCE/ODIHR LEOM interlocutors expressed concerns that amount of state funds parties receive is too high.¹⁹

The Electoral Code sets ceilings on donations and expenses. Private donations should not exceed BGN 10,000 per person annually. Donations from legal entities, non-residents, anonymous persons and religious institutions are not permitted. The campaign spending limit is BGN 3,000,000 for a party or a coalition and BGN 200,000 for an independent candidate. The May 2016 amendments to the Electoral Code extend the reporting deadlines.

The NAO is mandated to exercise campaign finance oversight. As required by law, all contestants submitted the details of their campaign bank account within five days of registration. There is no requirement for reporting on campaign finances prior to election day. Final reports on campaign funding and expenses should be submitted within 30 days after the elections. The NAO is to publish this data on its website within 15 days, and to audit a report within 6 months if more than BGN 1,000 was spent by the contestant during the campaign.

XI. MEDIA

The diverse media environment is dominated by television.²⁰ Although the imprisonment for defamation and libel was lifted in 1999, both remain criminal offences penalized by fines of up to BGN 20,000. The practice of the Financial Supervision Commission to heavily fine media on the grounds of market manipulation and refusal to disclose sources was criticized by the OSCE Representative on Freedom of the Media as being not in line with the EU Market Abuse Directive.²¹

¹⁷ According to media, on 5 March, in Kardzhali, police confiscated food packages of the Democracy for Responsibility, Freedom and Tolerance (DOST). The DOST stated that the packages were for after elections.

¹⁸ The subsidy is voted by the parliament in the yearly state budget. Starting with 2014, one vote received is equal to BNG 11. GERB receives annually BGN 12,145,950, followed by: BSP – 5,730,286; DPS – 5,513,486; RB – 3,304,152; Patriotic Front – 2,709,515; Bulgaria without Censorship – 2,118,226; *Ataka* – 1,679,778; ABV – 1,543,298; Movement 21 – 444,398; and People’s Voice – 422,831.

¹⁹ In a referendum held together with the 6 November 2016 presidential election, voters were asked whether the subsidy should be reduced to BGN 1. The referendum failed due to an insufficient turnout.

²⁰ According to the [Eurobarometer survey](#), 93 per cent of Bulgarians watch television daily.

²¹ In January 2015, the Financial Supervision Commission (FSC) fined *Economedia* group EUR 80,000 and *Alpico* group EUR 50,000 for reports in *Capital* and *Dnevnik* newspapers and *zovnews.com* portal about the 2014 banking crisis. Additional EUR 5,000 fines were imposed on the first two for refusing to disclose their sources. In 2014, FSC requested two other online media, *Mediapool* and *Bivol*, to disclose their sources. See the OSCE RFOM [Press-release](#) from 4 February 2015 and the [Report to the OSCE Permanent Council](#) from 18 June 2015.

The Electoral Code requires the public Bulgarian National Television (BNT) and Bulgarian National Radio (BNR) to cover the campaign objectively and fairly, while the coverage by private media outlets is largely unregulated.²² On 1 March, three main stations (BNT and private bTV and *Nova*) attempted to organize debates between the GERB and BSP, but the parties could not agree on the format.

On 23 February, the *Volya* party complained to the SAC against the CEC approving the format of some BNR legally required and some BNT non-legally required debates. The debates were to feature only parties that obtained more than 0.5 per cent of votes in the previous parliamentary elections or just the parliamentary parties, respectively. The SAC did not consider the complaint on merits.

The Electoral Code requires the prices for paid political advertisement to be equal and published no later than 40 days before elections. The 2016 amendments require them not to exceed the average market rates during six months before the start of the campaign. The amendments also allow print and online media to publish advertisements for free and stipulate that paid advertisements have to be clearly identified. Violation of the latter provision is sanctioned financially. On 2 March, the CEC initiated administrative penalty procedures against the newspapers *Trud* and *24 Chasa* for not properly identifying paid content; in reaction, the newspapers improved such identification.

The Council for Electronic Media (CEM) is the regulatory body for broadcast media and is tasked by the CEC to conduct media monitoring of 22 television and 19 radio stations during this campaign.²³ The CEM has no authority to sanction media for election-related violations, but is to report to the CEC. On 24 February, the CEM reported that four broadcasters did not publish the pricelists on paid advertisement within legal deadlines. The CEC informed the OSCE/ODIHR LEOM that it is not responsible to react to such violations.

On 24 February, the OSCE/ODIHR LEOM started quantitative and qualitative monitoring of the primetime broadcasts of four television stations (BNT1, bTV, *Nova* and Channel 3), and five daily newspapers (*24 chasa*, *Kapital-Daily*, *Telegraf*, *Trud* and *Standart*).

XII. COMPLAINTS AND APPEALS

The Electoral Code prescribes for different types of complaints that can be filed by citizen observers, representatives of electoral contestants and party proxies. Other complaints are admissible if the complainant proves that his or her right was directly affected. Complaints and alerts about potential electoral violations can be submitted to the CEC and DECs.²⁴ The Electoral Code prescribes these commissions' obligation to maintain electronic public registers of the complaints and alerts, and to examine and decide on all of them. Decisions of an election commission can be appealed to the higher-level commission, and with the SAC as the final instance.

The law does not provide for the right of complainant to be present during their complaint consideration, and for the obligation of the commission to inform about place and time of complaint consideration, or to provide the complainant with a written decision.

²² BNT and BNR are to provide every contestant 40 seconds of free time on the first and last day of the campaign and at least 4 hours of combined debate time on national and 60 minutes on regional level. BNT has allotted six, and BNR some eight hours for debates. In addition, BNT provides free and paid additional prime-time for contestants and intends to organize free debates.

²³ On 7 March, the CEM adopted the monitoring results for the first week of the campaign. It identified two cases of published public opinion polls missing legally required information. It also submitted for review to the CEC and the Ministry of Foreign Affairs one DOST advertisement where the Turkish ambassador appears next to DOST leaders. On 8 March the CEC stopped the broadcast of the video on the grounds that it violates the morals and constitutes a breach of the Electoral Code.

²⁴ A complaint can be filed against administrative acts/decisions. An alert can be submitted against any other violation.

According to the CEC public register of complaints, as of 7 March it received 5 complaints on DEC's and other bodies' decisions, and 22 of its own decisions were appealed to SAC, including three on voting machine usage, four on PEC composition and eight on political parties' registration). The SAC left 10 appeals without consideration for procedural reasons, partially or fully revoked three CEC decisions and upheld seven; two cases are pending. The CEC received seven alerts, which were published in CEC register with a delay. The alerts were announced and discussed at the CEC sessions and were either sent to relevant authorities or just noted in the protocol of the CEC session without taking separate decisions on those matters.

XIII. PARTICIPATION OF NATIONAL MINORITIES

The Constitution provides for the right to self-identification, but it prohibits the formation of political parties along "ethnic, racial or religious lines".²⁵ The Electoral Code stipulates that the campaign must be conducted in the Bulgarian language only.

The MRF, traditionally seen as the largest party representing the interests of the Turkish community, nominated ethnic Turks, Roma and Bulgarian as candidates. DOST, created by former MRF members, competes for the Turkish community electorate. The Movement for Equality Public Model (DROM) and *Euroroma* are seen as forces representing the interests of the Roma community. The Bulgarian National Movement (VMRO) has engaged in negative campaigning in relation to the Roma and Turkish minorities, and adopted an anti-immigrant stance. No consolidated information on candidates representing national minorities was publicly available to date.

XIV. CITIZEN AND INTERNATIONAL OBSERVERS

The Electoral Code provides for citizen, party and international observation. According to 2016 amendments, only "organizations registered for the public interest and with objectives in the field of protection of citizen's political rights" can nominate citizen observers. As of 7 March, the CEC accredited 10 citizen observer organizations with 324 observers. The amendments also stipulate that a person may participate in elections in only one capacity (either as candidate, proxy, observer or election official). One organization was deregistered upon its own request, as a member of its board is a candidate. The CEC denied the registration of one organization as a member of its board is a DEC member.

XV. MISSION ACTIVITIES

The OSCE/ODIHR LEOM commenced its work in Sofia on 22 February. The Head of Mission met with the Ministry of Foreign Affairs, Ministry of Internal Affairs, the CEC, and representatives of political parties, media, civil society organizations, and the international community. The LEOM established contacts with electoral stakeholders at all levels. The Parliamentary Assembly of the Council of Europe (PACE) intends to deploy an observer delegation for election day observation.

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

²⁵ 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. Unofficial estimates put the number of Roma significantly higher, at some 10 per cent. Other minorities include Russians, Armenians, Vlach (Aromani), Karakachani, Macedonians, Jews, Romanians, Ukrainians and others, all together below one per cent of the population.