



Office for Democratic Institutions and Human Rights

# REPUBLIC OF BULGARIA

**EARLY PARLIAMENTARY ELECTIONS**  
**26 March 2017**

**OSCE/ODIHR Limited Election Observation Mission**  
**Final Report**



Warsaw  
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**REPUBLIC OF BULGARIA**  
**EARLY PARLIAMENTARY ELECTIONS**  
**26 March 2017**

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

**I. EXECUTIVE SUMMARY**

Following an invitation from the authorities of the Republic of Bulgaria, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed a Limited Election Observation Mission (LEOM) to observe the 26 March early parliamentary elections. The OSCE/ODIHR LEOM assessed the compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. For election day proceedings, the OSCE/ODIHR LEOM was joined by a delegation from the Parliamentary Assembly of the Council of Europe (PACE) to form an International Election Observation Mission (IEOM). Both institutions involved in this IEOM have endorsed the 2005 Declaration of Principles for International Election Observation.

The Statement of Preliminary Findings and Conclusions issued by the IEOM on 27 March concluded that “Electoral contestants reached out to the voters freely, in a low-key campaign characterized by the public’s disillusionment with politics and weariness of holding elections. The legal framework was amended several times since the 2014 elections, but limitations remain to the suffrage rights, use of languages other than Bulgarian, campaign finance reporting, complaints and appeals system and voting abroad. The election administration worked professionally and transparently overall, however their decision-making was not always consistent. The voting process was transparent, but procedural shortcomings were noted during counting in the limited number of polling stations observed.”

The legal framework is generally conducive to holding democratic elections. The 2014 Electoral Code was amended several times, most recently in March 2017. Amendments addressed some previous OSCE/ODIHR and European Commission for Democracy through Law (Venice Commission) recommendations, but others remain unaddressed, including, among others, long-standing limitations of the right to vote and right to stand. The limitation of the number of polling stations in non-European Union countries has a discriminatory effect. Despite previous recommendations, the delineation of constituencies and allocation of mandates do not fully ensure the principle of equal suffrage.

In general, the election administration conducted its work in a professional and transparent manner and met most legal deadlines. Sessions of the Central and District Election Commissions (CEC and DEC)s were live-streamed and open to the public and media. The CEC did not reach the required qualified majority to approve several decisions leaving certain aspects of the election process unaddressed. CEC voter education materials were exclusively in the Bulgarian language, contrary to international commitments and standards.

The Electoral Code provides for the use of new voting technologies in polling stations. Based on the practice from the previous election, the CEC set a limit of 500 voting machines to be used for these elections. Following a complaint, the limitation was cancelled and machines were to be required for use in all polling stations. The CEC carried out a tender procedure for procuring some 12,500 machines and extensive associated support with a short deadline. No vendor was able to meet these requirements and, as a result, no voting machines were used for these elections. Furthermore, the

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

division of labour and co-ordination mechanisms with regard to electronic voting among the institutions were not sufficiently defined by law.

Voter registration is passive and preliminary voter lists are compiled based on data from the population register. A total of 6,810,235 citizens were registered to vote. A number of opportunities were available for voters to verify and correct their data. Stakeholders expressed confidence in the accuracy of the voter lists. Voters abroad could vote without prior registration, based on a self-declaration, while remaining on an in-country voter list. The lack of mandatory prior registration for voters abroad could potentially enable multiple voting.

Candidate registration was inclusive with 11 political parties, 9 coalitions and 9 independent candidates registered to compete for 240 seats in 31 multi-member constituencies. Deadlines for candidate registration were not always respected or aligned with other aspects of the electoral process. This impacted the equality of opportunities to campaign and voters' ability to make a fully informed choice.

There are no special legislative measures to promote women's participation and only a few political parties made efforts to encourage women candidates. The percentage of women members of parliament increased to 24 per cent, compared to 20 per cent in the outgoing parliament. Women were well represented in the election administration bodies, including in a leadership positions.

Contestants campaigned freely and fundamental rights and freedoms were respected. A low-key campaign was characterized by the public's disillusionment with politics and weariness of holding elections. The campaign was somewhat affected by unclear or restrictive legal provisions regarding the use of campaign materials. Contrary to international standards, the Electoral Code restricts campaigning to the Bulgarian language only. This affected the ability of some contestants to communicate with the electorate. Some parties used inflammatory and xenophobic rhetoric, mainly targeting Roma and Turkish communities. The authorities and some political parties claimed that the Turkish authorities interfered in the electoral process. Long-standing issues of vote-buying and 'organized' voting were raised as issues of concern; the OSCE/ODIHR LEOM was informed of 20 investigations that resulted in several sentences.

The 2016 amendments to the Electoral Code strengthened the campaign finance oversight role of the National Audit Office and shortened the reporting deadlines. However, the amendments were insufficient to fully ensure the transparency of campaign finances. Only 16 contestants reported income prior to the elections as required by law. Any sanctions for violations are only imposed after the elections. The substantive state subsidies to the major parties tilted the playing field during the campaign.

The media provided contestants with a platform to present their views through debates, talk-shows and paid advertisement, and contestants actively used free time provided by the public broadcasters. However, information available to voters was significantly limited by the sparse coverage of the campaign in the broadcast news, limited editorial content in the print media, lack of political investigative and analytical reporting, and the decision of the broadcasters to focus on the main electoral contestants. Paid advertisements in print and, to a lesser extent, broadcast media, were often not marked as such, and were nearly indistinguishable from the editorial coverage, thus misleading voters on the nature of the content. The CEC displayed a lack of consistency when dealing with media related complaints and alerts, at times reacting differently to similar violations. While broadcast media were monitored by the regulator, print and online media were not.

The CEC accredited 20 citizen observer organizations with 5,386 observers, and 5 international organizations. DEC's accredited over 35,000 agents and proxies of contestants. According to the 2016 amendments, only "organizations registered for the public interest and with objectives in the field of

protection of citizen's political rights" could nominate citizen observers, and a person can participate in the elections in one capacity only. Interpreting broadly these requirements, the CEC denied the accreditation to three organizations for having board members in the election administration or registered as candidates.

The Electoral Code establishes a timely dispute resolution process for complaints, but does not ensure the right of the complainant to be informed about the place and time, to be present during the hearing, or to receive a copy of the decision. By election day, the CEC received 152 complaints and alerts, which were discussed at public sessions, but some similar matters were decided inconsistently. In 73 cases, complaints were just announced and noted in the minutes of the session without any decision. DEC's handled complaints in a similar manner. Contrary to international standards, the law does not provide contestants with an effective mechanism to appeal election results. The system of administrative sanctions for electoral violations is ineffective.

In the limited number of polling stations visited by international observers on election day, the voting process was observed as transparent with procedures generally followed. Most polling stations visited lacked adequate access for voters with disabilities including some of those to which these voters were assigned. Procedural shortcomings were noted during the counting of preferential votes and completing the results protocol. The transparency of tabulation was lacking as the OSCE/ODIHR LEOM observers had limited access to some stages of the tabulation process. In a positive step, observers had access to the data input area at the CEC.

On election day, the CEC published results protocols by polling station and aggregated preliminary results, which enhanced the transparency of the process. However, a delay in announcing the final voter turnout until three days after election day along with preliminary results limited transparency and the possibility of public scrutiny during the results aggregation.

## II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the authorities of the Republic of Bulgaria, 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. The OSCE/ODIHR LEOM was headed by Roman Jakič and consisted of 11 core team experts based in Sofia and 8 long-term observers deployed throughout the country. Mission members were drawn from 16 OSCE participating States.

In line with the OSCE/ODIHR's standard methodology for LEOMs, the mission focused on the long-term electoral process and did not carry out comprehensive or systematic observation of election-day proceedings. However, mission members visited a limited number of polling stations and followed tabulation in select locations. The OSCE/ODIHR LEOM followed election day procedures jointly with a delegation from the Parliamentary Assembly of the Council of Europe (PACE). The OSCE/ODIHR LEOM remained in Bulgaria until 6 April to follow post-election developments.

The OSCE/ODIHR LEOM assessed compliance of the electoral process with OSCE commitments and other international obligations and standards for democratic elections and with national legislation. This final report follows a Statement of Preliminary Findings and Conclusions that was released at a press conference in Sofia on 27 March.<sup>2</sup>

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<sup>2</sup> See previous [OSCE/ODIHR reports on Bulgaria](#).

The OSCE/ODIHR LEOM wishes to thank the authorities for the invitation to observe the elections, as well as the Central Election Commission (CEC), the Ministry of Foreign Affairs and other state and local authorities for their support and co-operation. The OSCE/ODIHR LEOM also wishes to express its appreciation to political parties, civil society organizations, media representatives, and to embassies of OSCE participating States accredited in the country for their co-operation.

### III. BACKGROUND AND POLITICAL CONTEXT

The last parliamentary elections, held on 5 October 2014, led to eight parties represented in the parliament. A minority government was formed by the Citizens for European Development of Bulgaria (GERB, 84 seats), the Reformist Bloc (RB, 23 seats) and the Alternative for Bulgarian Revival (ABV, 11 seats), which was supported by the Patriotic Front (19 seats). The opposition included the Bulgarian Socialist Party (BSP, 39 seats), the Movement for Rights and Freedoms (DPS, 38 seats), the Bulgarian Democratic Centre (15 seats), and *Ataka* (11 seats).

The last presidential election, held on 6 November 2016, resulted in the resignation of the cabinet led by Prime Minister Boyko Borisov, after the defeat of the GERB candidate by BSP-backed Rumen Radev. Parliamentary parties were unsuccessful in forming a new government and on 24 January 2017, President Radev dissolved the National Assembly (Parliament), appointed a caretaker government, and called early parliamentary elections for 26 March. These were the third consecutive early parliamentary elections since 2009.

### IV. ELECTORAL SYSTEM

The 240 members of parliament (MPs) are elected for four-year terms under a proportional system with a single-preference option in 31 multi-member constituencies.<sup>3</sup> If a voter does not use the preferential option, the preference is counted for the first candidate on the list. To win a preferential seat, a candidate must be marked by at least seven per cent of the voters who voted for his or her candidate list. The threshold to enter the parliament for parties and coalitions is four per cent of the valid votes at the national level, while independent candidates have to pass the constituency electoral quota.<sup>4</sup>

The CEC is responsible for constituency delimitation and allocated the number of mandates per constituency according to the population size as established by the 2011 census, with a minimum of four seats per constituency. Despite previous OSCE/ODIHR and Council of Europe's Commission for Democracy through Law (Venice Commission) recommendations, the delineation of constituencies and allocation of mandates does not fully ensure the principle of equal suffrage guaranteed by the article 10 of the Constitution, and provided for by paragraph 7.3 of the 1990 OSCE Copenhagen Document and international good practice.<sup>5</sup>

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<sup>3</sup> In the November 2016 referendum, 72 per cent of votes were in favour of changing the electoral system to a majoritarian system. However, the referendum did not reach the necessary turnout to be mandatory.

<sup>4</sup> The electoral quota in a constituency is the ratio of the number of the valid votes cast divided by the number of mandates in the constituency.

<sup>5</sup> The number of citizens per seat varies from the national average by 18 per cent in Vidin and 11 per cent in Kyustendil. Section 2.2 of the 2002 [Venice Commission Code of Good Practice in Electoral Matters](#) (Code of Good Practice) states that seats be evenly distributed among constituencies with the permissible departure of not more than 10 to 15 per cent, except in special circumstances.

*In line with previous recommendations, constituency boundaries should be reviewed in accordance with OSCE commitments and international good practice to uphold the principle of equality of the vote.*

Out-of-country voters can vote for any party or coalition but not for independent candidates. Such a restriction is at odds with paragraph 7.5 of the 1990 OSCE Copenhagen Document.<sup>6</sup>

*The principle of equality of opportunities for all electoral contestants, including independent candidates, should be respected.*

## V. LEGAL FRAMEWORK

The legal framework primarily comprises the 1991 Constitution and the 2014 Electoral Code as well as other laws, including the 2005 Law on Political Parties, the 2010 Law on Assemblies, the 1969 Administrative Violations and Sanctions Act, and the 1968 Criminal Code. Legislative provisions are supplemented by decisions of the CEC.

The legal framework is generally conducive to holding democratic elections, although some areas would benefit from review, such as permitting campaigning and voter education in languages other than Bulgarian, enhancing campaign finance regulations, increasing the transparency of media ownership, expanding opportunities to challenge election results as well as long-standing OSCE/ODIHR and Venice Commission recommendations on suffrage rights.

The current Electoral Code has been amended eight times, including in 2017.<sup>7</sup> While some changes were introduced less than a year prior to the early elections, electoral stakeholders appeared to be well aware of the legal framework. However, concerns have been raised previously regarding the lack of consensus on certain provisions and the process of adoption.<sup>8</sup>

The amendments to the electoral legal framework are numerous – most are considered minor and some are more substantial. Significant changes include restricting the number of polling stations abroad, and the introduction of compulsory voting and of the ‘against all’ voting option. In addition, some amendments address some previous OSCE/ODIHR recommendations, such as ensuring sufficient resources for the CEC to conduct voter education, and introducing criteria for the accreditation of citizen observer organizations. In addition, the Law on Political Parties was amended in May 2016 to prohibit the free use of administrative resources by political parties.<sup>9</sup>

Positively, amendments require the CEC to live-stream its sessions and all meetings, and give the CEC a right to adopt rules on the application of the Electoral Code. They also prescribe that when reviewing an appeal of a CEC decision to reject complaints, the Supreme Administrative Court (SAC) should decide on the matter of the complaint or give binding recommendations to the CEC. The amendments also provide the right to complain to party proxies, introduce administrative penalties for election officials violating the Electoral Code, and clarify some media regulations.

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<sup>6</sup> Paragraph 7.5 of the [1990 OSCE Copenhagen Document](#) provides that participating States “respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination”.

<sup>7</sup> Since its adoption in March 2014, the Code was amended in April, June and November 2014; October 2015; May, July and October 2016; and March 2017.

<sup>8</sup> See paragraph 20 of the [2017 Venice Commission and OSCE/ODIHR Joint Opinion on Amendments to the Electoral Code of Bulgaria](#).

<sup>9</sup> The amendment defines administrative resources as premises, transport, equipment and other (un)movable assets of state and municipal ownership as well as work of employees.

Two of the 2016 amendments were challenged by the Ombudsman to the Constitutional Court. Firstly, on 17 October, the Ombudsman complained against limiting the number of polling stations abroad to 35 per country. On 28 October, a subsequent amendment cancelled this limit for European Union (EU) countries. On 14 December, the complaint was withdrawn. The remaining limitation on polling stations for non-EU countries has a discriminatory effect, as citizens should be able to vote under the same conditions of rights and access, according to international jurisprudence and good practice.<sup>10</sup>

*Decisions on the locations for polling stations abroad should be taken transparently and based on consistent criteria, which may include the number of citizens eligible to vote in a given country or location.*

Secondly, on 23 February, the Court ruled that sanctioning persons who have not exercised their right to vote in two successive elections of the same type is unconstitutional. Thus, voting remains compulsory, but there is no sanction for not voting.

There is a lack of a barrier-free environment for voters with disabilities. The Electoral Code provides these voters with the possibility to vote in the mobile polling station of their choice, allows those with limited mobility or visual disabilities to vote at any polling station, and permits assisted voting. However, these measures are insufficient to ensure participation on an equal basis, especially for persons with visual impairments who cannot vote independently.<sup>11</sup>

*Further measures could be taken to facilitate voting for persons with visual disabilities. The general barrier-free environment for voters with disabilities should be improved.*

## VI. ELECTION ADMINISTRATION

The elections were administered by the CEC, 31 District Election Commissions (DEC) and 12,441 Precinct Election Commissions (PEC), including 371 PECs abroad.<sup>12</sup>

The CEC has 22 members and is the only permanent election administration body. Its current composition was appointed in March 2014 for a five-year term. Women were well represented at all levels of the election administration, including in leading positions. The CEC chairperson, deputy, secretary and eight other members are women. DEC members had 57 per cent female members, including 48 per cent of chairpersons, 57 per cent of deputies and 81 per cent of secretaries.

Political parties represented in the national and European parliaments could nominate members to the election administration. No party or coalition can have a majority in a commission, and the chairperson, deputy chairperson and secretary cannot be from the same party or coalition.

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<sup>10</sup> See section I.1.1 of the 2002 Venice Commission [Code of Good Practice](#) and the [Court of Justice of the European Union M.G. Eman and O.B. Sevinger v Mayor and Councillors of The Hague](#), 2006.

<sup>11</sup> [Article 29 of the Convention of the Rights of Persons with Disabilities](#) prescribes that states should ensure that persons with disabilities would have the right to participate in political life on equal base and voting procedures, facilities and materials are appropriate, accessible and easy to understand and use.

<sup>12</sup> Polling stations for voting abroad were created in 70 countries, most in the United Kingdom (58), Spain (38), Turkey (35), United States (35), and Greece (21). Their total number decreased from 428 in 2014, mainly due to 101 stations cut in Turkey. Polling stations abroad are established at diplomatic missions or consulates. In the EU member states, a polling station outside a diplomatic mission or consulate is established if not less than 60 voters declare in writing that they wish to vote. The same principle applies in the non-EU countries, by CEC decision based on the proposal of the head of diplomatic mission and consulate. A second polling station is established if the number of registered voters exceeds 500, but the maximum number of stations per country is 35.



The CEC generally conducted its work in a professional and transparent manner and met most legal deadlines, except for the registration of candidate lists and for the formation of PECs abroad. It held regular sessions open to the public and media and broadcasted them live on its website. Sessions were generally conducted in a collegial manner, and all members could express their views. Draft agendas were published shortly in advance.

The CEC adopted some 410 decisions and a similar number of ‘protocol decisions’.<sup>13</sup> Decisions were posted on the CEC website, as required by law, overall in a timely manner. Protocol decisions were published only as a part of the session’s minutes and did not indicate that they were appealable. This limited their accessibility and the possibility of appeals.

*Consideration could be given to publish all CEC decisions, including protocol decisions, in a manner that provides the opportunity for effective redress.*

The CEC did not always take consistent decisions on similar issues, and in some instances its decision-making process lacked comprehensiveness. In one instance, it refused to register a citizen observer organization for unsubstantiated reasons. In another, the CEC changed its instruction for PECs abroad two days before election day.<sup>14</sup> A number of decisions were not approved as they were not supported by the required two-thirds majority, and the *de facto* rejections were not legally reasoned or motivated.<sup>15</sup>

*As previously recommended, all CEC and DEC decisions, including de facto rejections, should be reasoned to enable effective legal redress.*

The CEC professionally conducted voter education using banners, print materials, and video and audio clips, but voters would have benefited from more comprehensive and complete information<sup>16</sup> Material contained general and specific information about preferential voting, homebound voting, and criminal sanctions for vote-buying and selling. The videos included sign language. Contrary to international standards and a long-standing OSCE/ODIHR recommendation, the CEC only produced voter information and education materials in the Bulgarian language.<sup>17</sup>

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<sup>13</sup> Decisions included, among others, technical details of candidate registration, DEC and PEC guidelines, procedures for voting abroad, regulations on election observation, and voter education materials. ‘Protocol’ decisions included publishing the addresses of polling stations abroad, approval of forms for handing over election materials and results data from PECs abroad.

<sup>14</sup> This instruction appears to be discriminatory as it requires voters to fill in self-declaration forms that they did not vote and will not vote a second time inside the polling station, while voters in the country can do this also outside the station. On the same day, one party appealed this decision, but the complaint was not heard before election day and was left without consideration afterwards.

<sup>15</sup> CEC and DEC decisions not supported by a two-third majority are presumed to be ‘rejected’. Among these *de facto* decisions included rejecting the registration of the Alliance Bulgaria to the Citizens as a citizen observer organization, the proposal to turn off any cameras in polling stations on election day, an alert for campaign materials in a chain of pharmacies and a proposal to demand from the political party the consent of these pharmacies, and the proposal to demand information from the DEC on a similar issue.

<sup>16</sup> The general video does not inform that abstention from voting is not sanctioned and the video on homebound voting does not mention that persons with permanent disabilities can vote at any polling station in the district. This information was printed separately.

<sup>17</sup> Paragraph 12 of the [1996 United Nations Committee on Human Rights General Comment 25](#) to Article 25 of the [International Covenant on Civil and Political Rights \(ICCPR\)](#) states that “Information and materials about voting should be available in minority languages.” Paragraph 32.5 of the [1990 OSCE Copenhagen Document](#) states that “persons belonging to national minorities have the right [...] to disseminate, have access to and exchange information in their mother tongue”; paragraph 35 states that “The participating States will respect the right of persons belonging to national minorities to effective participation in public affairs (...).”

*Voter education could be enhanced in scope and duration and consideration should be given to producing materials other than in the Bulgarian language as necessary.*

For parliamentary elections, the number of DEC members is either 13 or 17, depending on the number of mandates allocated to the constituency. Following consultations among political parties, the CEC appointed DEC members. Members of 14 DECs were partially selected by the CEC because political parties could not reach a consensus.

PECs are composed of five to nine members, depending on the number of voters. DECs appointed the PEC members by the legal deadline. However, the composition of numerous PECs was changed after their training, as late as the day prior to election day.<sup>18</sup> Changes were due to some parties having nominated members without their knowledge and consent, a lack of experienced members, and insufficient remuneration. The late changes impacted PEC preparations for election day, and replacement members were not trained.<sup>19</sup>

*Consideration could be given to introducing a reasonable deadline for changes in the composition of PECs to allow sufficient time for training and preparations.*

The CEC conducted online training for members of DECs and PECs abroad and posted online training materials for polling staff. CEC training sessions observed by the OSCE/ODIHR LEOM were well attended and generally conducted professionally, but the topics were covered inconsistently between sessions and lacked interaction. DECs trained PEC members in-person and sessions observed by the OSCE/ODIHR LEOM were generally informative and sufficient though varied by duration, training methods and materials used. While required by law, the CEC is responsible to ensure the uniform implementation of the Electoral Code, although it provided inconsistent clarification for some polling procedures.<sup>20</sup>

*Consideration could be given to strengthen the CEC capacity to develop standardized curricula for DEC and PEC trainings and to deliver user-friendly and consistent information.*

## VII. NEW VOTING TECHNOLOGIES

The Electoral Code provides for the use of new voting technologies in a controlled environment, specifically for direct recording electronic voting machines.<sup>21</sup> The 2016 amendments required the CEC to pilot remote electronic (Internet) voting from 2018, and transferred all responsibilities related to electronic voting to the CEC, including procurement, testing, audit, and certification.

On 27 January, based on the practice from the previous election, the CEC decided a limit of 500 touch-screen voting machines to be used for these elections. The CEC based its decision on the Electoral Code provision that it can establish the terms and procedures for machine voting, in

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<sup>18</sup> For example, in Razgrad and Pleven regions – up to 30 per cent and in Plovdiv region – up to 35 per cent.

<sup>19</sup> Section II.3.1.g of the Code of Good Practice states that “members of electoral commissions must receive standard training”.

<sup>20</sup> For example, the Electoral Code provides that the ballots should be taken out of the ballot box one by one, while the training video shows PEC members emptying the entire ballot box on the table. The Code provides that one PEC member reads the voting preferences and two members record them simultaneously, while the video instructs that a second person recording the preference is just recommended.

<sup>21</sup> Machine voting was piloted during the May 2014 European Parliament elections (100 voting machines), 2014 early parliamentary elections (300 machines) and 2015 local elections (50 machines). The results generated by the machines were unofficial. For the 2016 presidential election, machine voting was conducted in 500 polling stations and the results were binding. On that occasion, experimental machine vote count was conducted in five polling stations.

consultation with the Council of Ministers. On 1 February, following a complaint from the New Republic coalition, the SAC overturned the CEC decision and ruled that voting machines were to be used in all polling stations.

On 3 February, the CEC amended its decision. Between 14 and 22 February, it carried out a tender procedure to procure some 12,500 voting machines under a short deadline. Only one vendor submitted a bid, which did not meet the extensive requirements.<sup>22</sup> As a result, on 27 February, the CEC decided that no voting machines would be used for the 2017 elections.

*To allow for preparation and implementation of electronic voting in a timely manner, the legal framework should be amended and the procurement of all necessary equipment and support should be completed well in advance of elections. Provisions and time should also be considered for sufficient testing, certification and verification as well as voter education to ensure integrity and security of the system.*

The CEC noted that due to its limited resources and technical expertise, the future implementation of electronic voting would largely rely on the vendor. Furthermore, the division of labour and coordination mechanisms among the institutions with regard to electronic voting were not sufficiently defined by law.

*The technical expertise and capacity of the CEC to manage the implementation of new voting technologies should be enhanced. A clear division of responsibilities among the vendor, regulatory agencies and the election administration is required to enhance accountability and effectiveness, with the overall responsibility vested with the electoral authorities.*

## VIII. VOTER REGISTRATION

Citizens over the age of 18 years have the right to vote, except prisoners and those deprived of legal capacity by a court decision. The European Court of Human Rights (ECtHR) found that the blanket prohibition of voting rights for prisoners is in violation of the European Convention on Human Rights.<sup>23</sup> The prohibition, along with the disenfranchisement of citizens deprived of legal capacity, are against OSCE commitments and other international standards.<sup>24</sup>

*As previously recommended, restrictions on voting rights for prisoners and persons with mental disabilities should be reviewed.*

Voter registration is passive. The law does not provide for a permanent voter register, which is contrary to international good practice.<sup>25</sup> 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.

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<sup>22</sup> The vendor could not meet the 10 March deadline to provide all voting machines and software, and was not able to provide the required training and technical support to all commissions prior to and on election day.

<sup>23</sup> In its judgement in [Kulinski and Sabev v. Bulgaria](#), the ECtHR found in prohibiting prisoners to vote violates Article 3 of [Protocol No.1 to the European Convention on Human Rights and Fundamental Freedoms](#).

<sup>24</sup> Paragraph 7.3 of the 1990 OSCE Copenhagen Document provides that participating States will “guarantee universal and equal suffrage to adult citizens”; paragraph 24 provides that restrictions on rights and freedoms must be “strictly proportionate to the aim of the law.” Paragraph 14 of the [1996 United Nations Committee on Human Rights General Comment 25](#) to Article 25 of the [International Covenant on Civil and Political Rights \(ICCPR\)](#) provides that grounds for deprivation of voting rights should be “objective and reasonable.” [Article 12 of the Convention on the Rights of Persons with Disabilities](#) obliges states to “recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life”.

<sup>25</sup> Section I.1.2.i of the Code of Good Practice states that electoral registers must be permanent.

The GRAO is responsible for printing voter lists by municipality on the basis of a voter's permanent address 40 days prior to the elections. The preliminary list included 6,857,229 voters. A number of opportunities to scrutinise the lists were provided; lists were displayed for verification online and at local administrations and election commissions, and voters could request corrections of their records until seven days prior to election day. They could also change their voting address according to their temporary residence until two weeks prior to the elections. Special lists were compiled for voters in health care facilities, detention and pre-trial centres, nursing homes, and other social institutions based on information provided by the heads these facilities.

The records of 143,537 voters who changed their place of voting, those declared incapable by court or serving prison terms were removed by the GRAO from the voter list of their permanent address and compiled on a 'removed persons list'. The list was published for public scrutiny on municipal websites 10 days prior to election day.<sup>26</sup> CEC and DEC members, candidates, and citizen observers could apply for absentee voting certificates and vote at any polling station on election day within the respective constituency.

The final list of voters included 6,810,235 voters. Citizens could register to vote abroad, but this requirement was not mandatory. Such an arrangement creates the risk for multiple voting, as those who voted abroad without pre-registration were also included on an in-country voter list.<sup>27</sup> Of the 117,668 persons who voted abroad, 45,017 registered before election day.<sup>28</sup>

On election day, PECs could add voters not included on the list (such as students and voters with disabilities and voters not found on the lists, but proving residence in the district) to a supplementary voter list. This, however, is not subject to judicial oversight, contrary to international good practice.<sup>29</sup>

*If the practice of voter registration on election day remains, consideration could be given to introducing judicial oversight.*

While stakeholders expressed general confidence in the accuracy of voter lists, the law provides limited mechanisms against multiple inclusions in voter lists. The GRAO must verify voter lists, self-declarations as well as the list of removed persons and lists of assisted voters for any violations, including multiple voting. There is no legal deadline for the check.

*Consideration could be given to introduce a reasonable deadline for checking election materials for any violations, including multiple voting. The timely publication of the result of this verification would increase public confidence and trust in the process.*

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<sup>26</sup> Certain categories of voters could vote outside their precinct without being removed from the regular voter lists: PEC members and police officers could vote at the polling station to which they were assigned; students and persons with disabilities could vote at any station within their constituency.

<sup>27</sup> See the [2015 Venice Commission Report on Electoral Lists and Voters Abroad in Bulgaria, Moldova and Tunisia](#).

<sup>28</sup> Most requests came from Turkey (19,014), the United Kingdom (5,259) and Spain (3,009). This number represents an 86 per cent increase compared to 2014 parliamentary elections.

<sup>29</sup> Section 1.2.iv of the [Code of Good Practice](#) provides that the registration on election should not take place at the polling station on election day without an administrative procedure subject to judicial control or a judicial procedure. On election day 72,305 (or 1.1 per cent) voters were added to supplementary voter lists.

## IX. CANDIDATE REGISTRATION

Citizens over the age of 21 years, eligible to vote and not holding another citizenship have the right to stand as candidates.<sup>30</sup> Restrictions on suffrage rights for candidates holding dual citizenship is at odds with the jurisprudence of the ECtHR.<sup>31</sup>

*Candidates holding dual citizenship should not be prevented from standing for office.*

The registration of candidates is a two-stage process. Firstly, the CEC registers political parties or coalitions, and DEC's register nominating committees for independent candidates. Secondly, DEC's register candidate lists and independent candidates. A candidate can stand for a party or coalition in no more than two constituencies and in one as an independent.

To participate in the elections, parties and coalitions had to submit to the CEC registration documents, a deposit of BGN 2,500 and supporting signatures of at least 2,500 voters.<sup>32</sup> A committee nominating an independent candidate had to 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.<sup>33</sup>

Contrary to international good practice and previous OSCE/ODIHR and Venice Commission recommendations, voters can sign in support of only one prospective contestant. This may limit political pluralism and also affect voters' privacy as authorities have the possibility to check their political affiliation.<sup>34</sup>

*As previously recommended, the restriction that a voter may support only one candidate could be reconsidered.*

Candidate registration took place from 8 to 26 February.<sup>35</sup> Deadlines for registration are not aligned with other stages of the electoral process. Registration concluded two days after the start of the campaign, which is contrary to international good practice.<sup>36</sup> The deadlines were also not respected by state institutions involved in the verification of candidate lists.<sup>37</sup> On 27 February, the CEC deregistered four candidates for dual citizenship and seven for not meeting the age requirement. Parties and coalitions could not replace candidates considered ineligible after the registration deadline. This impacted the equality of opportunities to campaign.

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<sup>30</sup> Individuals prohibited from being members of a political party (such as military, intelligence service and police personnel, diplomats, judges and prosecutors) may contest the elections as independent candidates.

<sup>31</sup> See judgment [Tanase v. Moldova](#), 27 April 2010, where the ECtHR held that restrictions on suffrage rights of dual citizens were a disproportionate measure and, thus, contrary to Article 3 of Protocol 1 of the ECHR

<sup>32</sup> 1 Bulgarian Lev (BGN) is 0.51 EUR.

<sup>33</sup> Parties and candidates that receive more than one per cent of the valid votes nationwide and nominating committees whose independent candidate receives at least one-quarter of the constituency electoral quota are entitled to a refund of their electoral deposits.

<sup>34</sup> Paragraph 3 of the 1990 OSCE Copenhagen Document provides that participating States "recognise the importance of pluralism with regard to political organisations". Paragraph 77 of the [2011 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation](#) state that "in order to enhance pluralism and freedom of association, legislation should not limit a citizen to signing ... for only one party."

<sup>35</sup> Parties and coalitions registered with the CEC by 8 February. Contestants registered their candidate lists and independent candidates with DEC's by 21 February. The verification of candidate lists was due by 26 February.

<sup>36</sup> Section 1.3.v of the Code of Good Practice provides that the candidatures must be validated by the start of the campaign, as late validation places such parties and candidates in disadvantage.

<sup>37</sup> The CEC received most reports on candidate eligibility due to any current prison convictions from the Ministry of Justice only on 1 March, and one report on 13 March. On 9 March, according to the legal deadline, authorities published a list of 78 candidates affiliated with the former state security.

*Deadlines for candidate registration should be aligned with other stages of the electoral process to ensure equality of campaign opportunities.*

The CEC registered 11 parties and 9 coalitions in an inclusive manner. DEC registered some 4,700 candidates, including 9 independents, on 614 lists (an average of 20 contestants per seat). Contestants could correct their applications within three days after submission, but not later than the registration deadline.

The CEC rejected the application of five parties after the verification of their supporting signatures.<sup>38</sup> Four rejections were challenged to the SAC, which upheld the CEC decisions.

The Electoral Code does not provide a deadline for candidates to withdraw. At odds with paragraph 7.9 of the 1990 OSCE Copenhagen Document, parties can withdraw a candidate from their lists at any stage of the process, including after election day, by submitting to DEC a request from the respective candidate. In addition, the Electoral Code lacks procedures for the withdrawal of candidates. On 11 March, the CEC adopted a 'protocol decision' stating that DEC should inform district governors (in charge of printing candidate lists that contained information on candidates and allocated specific numbers to them to be used for casting preferential votes) about any candidate withdrawal. After the printing of these lists, DEC were to inform PECs of any withdrawal, and PECs were to manually cross out the names of any candidates who withdrew.

*Consideration could be given to introducing a deadline for candidate withdrawal, which could be synchronized with the deadline for the printing of candidate lists.*

There are no special legislative measures to promote women's participation and few parties had internal policies to enhance balanced representation.<sup>39</sup> Some 31 per cent of candidates were women, including two independents. Two of 20 contestants (or 5 out of 43 contesting parties) were led by women. Women topped 132 (22 per cent) of the candidate lists.

*As previously recommended, consideration could be given to introducing temporary special legislative measures to promote women candidates. Political parties could consider nominating a balanced number of candidates of either gender.*

## **X. CAMPAIGN**

The official campaign period commenced on 24 February and ended at midnight on 24 March. Contestants were able to campaign freely without major restrictions and fundamental rights and freedoms were generally respected.

The Electoral Code prohibits the use of campaign materials that are 'contrary to good morals', but does not define this term, which may interfere with the freedom of expression. In addition, the CEC

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<sup>38</sup> The GRAO checked the supporting signatures and reported to the CEC. The Union of Bulgarian Nationalists, the National Movement Unity and the Bulgarian National Union - New Democracy were not registered due to, among others, the lists of signatures were not provided in an electronic form or in proper format, pages of signatures not numbered. The Bulgarian Union for Direct Democracy and the Union of Free Democrats were initially registered, but were rejected after GRAO verification indicated an insufficient number of valid signatures.

<sup>39</sup> Paragraph 40.4 of the [1991 OSCE Moscow Document](#) committed participating States "to achieve not only de jure but de facto equality of opportunity between men and women and to promote effective measures to that end." See also Article 4 of the [1979 Convention on the Elimination of All Forms of Discrimination against Women \(CEDAW\)](#), which states that the adoption "of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination."

and SAC at times broadly interpreted the meaning of this term.<sup>40</sup> The May 2016 amendments prohibit the use of religious symbols, coat of arms and flags of Bulgaria or of a foreign country, and campaigning by clergy. Such disproportionate restrictions challenge the freedom of expression and are at odds with OSCE commitment and international standards.<sup>41</sup>

*The legal framework should be reviewed to prevent interference with freedom of expression and subjective interpretations by authorities during the campaign.*

The campaign was generally low-key. Many stakeholders noted to the OSCE/ODIHR LEOM that the election environment and the campaign atmosphere were influenced by voters' disillusionment with politics and the political establishment, and weariness of holding repeated elections. Contestants conducted their activities in a reserved manner, with only 10 running an active campaign, using mainly social and traditional media, Internet, posters, leaflets and face-to-face meetings.<sup>42</sup> Campaign messages focused on education, social welfare, national identity, and, to a lesser extent, anti-corruption and economy. With some notable exceptions, the visibility of female candidates was low.

The campaign tone was marred by cases of using racist, xenophobic and anti-Roma and anti-Turkish rhetoric.<sup>43</sup> Such practices are contrary to OSCE commitments and international standards.<sup>44</sup> The Commission for Protection Against Discrimination, a specialized body responsible for the prevention of discrimination, informed the OSCE/ODIHR LEOM that it did not receive complaints related to the campaign and did not take any measures on its own initiative.

*The relevant specialized state institutions should undertake all necessary measures to combat any manifestation of racism and intolerant rhetoric during the election campaign.*

The OSCE/ODIHR LEOM was aware of 178 complaints received by DEC's regarding the breach of campaign regulations; 5 on the use of the flag and 19 on the use of the Turkish language.

The long-standing issues of vote-buying and 'organized' voting in economically and socially vulnerable communities, particularly Roma, were raised by all OSCE/ODIHR LEOM interlocutors.

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<sup>40</sup> Article 183.4 of the Electoral Code prohibits the use of "campaign materials ... which are contrary to good morals and damaging the honour and reputation of the candidates." The CEC interpreted this article and decided that the Electoral Code was violated in several instances: by the presence of the Turkish ambassador in a campaign video; by showing on television censored nude photos of a candidate during the campaign (the photos were initially published years ago); by allegations on the sexual orientation of a candidate; and by distribution of books about alleged involvement of candidates in financial crimes. The CEC used this term to prohibit the distribution of two DOST advertisements.

<sup>41</sup> See paragraph 9.1 of 1990 OSCE Copenhagen Document. See also article 19.2 of the ICCPR, which states that "everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice", and Article 10 of ECHR. The OSCE/ODIHR LEOM noted the use of the national flag in two campaign events: on 3 March, in Sofia, the national and foreign flags appeared on the United Patriots (UP) campaign event. On 13 March, in Plevna, national flags were distributed during a BSP rally.

<sup>42</sup> This included the BSP, GERB, UP, RB, DPS, *Volya*, ABV- Movement 21 (ABV), Yes, Bulgaria (YB), New Republic (NR), and Union Democracy for Responsibility, Freedom and Tolerance (DOST).

<sup>43</sup> On 3 March, in Sofia, UP representatives used highly inflammatory language to describe actions of the Turkish minority and DPS and DOST. On 5 and 12 March, on Channel 3 during a paid GERB interview, the Roma community was portrayed in a negative way. On 13 March, a BNT *Volya* paid advert called on Bulgarian citizens to eliminate Roma votes. On 16 March, the UP used highly inflammatory language against Roma in a BNT debate.

<sup>44</sup> Paragraph 40 of 1990 OSCE Copenhagen Document states that "The participating States clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-Semitism, xenophobia and discrimination against anyone... in this context, they also recognize the particular problems of Roma... they declare their firm intention to intensify the efforts to combat these phenomena in all their forms." See also Article 6 of the [Framework Convention for the Protection of National Minorities \(FCNM\)](#) and Article 7 of the [International Convention on the Elimination of All Forms of Racial Discrimination \(ICERD\)](#).

On 5 March, the Prime Minister stated that the government was informed about cases of illegal campaigning and that he instructed state institutions to counter these cases. During the election period, 865 investigations were opened by the Prosecutor's Office. Of these, at the time of drafting of this report 691 were rejected, 92 were in pre-trial procedures, including 85 on vote-buying allegations. Proceedings led to several arrests, charges, and sentences, including of one PEC chairperson.<sup>45</sup>

*As previously recommended, consistent efforts should be made by law enforcement agencies to hold accountable those involved in vote-buying. Citizens should be encouraged to report and provide evidence of any vote-buying or pressure.*

The influence and role of the Turkish authorities in the elections was widely discussed during the campaign. The Bulgarian authorities claimed that the Turkish authorities interfered in the electoral process. Statements from both the Bulgarian and Turkish authorities became more confrontational as election day approached.<sup>46</sup> On 6 March, the Bulgarian media reported that the Minister of Labour and Social Security of Turkey endorsed DOST. On 9 March, the CEC banned a DOST television spot where the Turkish ambassador appears briefly. On 14 March, the UP, RB and NR called for closing polling stations in Turkey. The government stated that it "took actions to prevent Turkey's interference", and against alleged bussing of voters. On 21 and 24 March, the UP blocked the main roads at the border to prevent any incoming voters from Turkey. On 30 March, the Prosecutor's Office started an investigation of the blockade.

## XI. CAMPAIGN FINANCE

Contestants funded their campaigns from public, private and own sources. Parties and coalitions that received more than one per cent of votes in previous parliamentary elections are entitled to annual public funding proportionally to the votes received.<sup>47</sup> Parties not entitled to state funding and running in all constituencies receive BGN 40,000 and independent candidates receive BGN 5,000 for paid political advertising.<sup>48</sup> Some OSCE/ODIHR LEOM interlocutors expressed concerns that the amount of state funding to parties is too high and distorts the level playing field during the campaign.<sup>49</sup>

*The adjustment of state subsidies could be considered to provide a more level playing field during the campaign. In addition, the funding for paid political advertising provided for non-parliamentary parties and independent candidates could be reviewed to ensure equality of opportunity.*

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<sup>45</sup> On 26 March, five persons were sentenced to imprisonment for vote-buying, including a PEC chairperson and a municipal councillor to five and seven months, respectively.

<sup>46</sup> On 17 March, President Radev stated that "Bulgaria wants to develop strong neighbourly relations with Turkey, but its interference in our elections is a fact and it is absolutely unacceptable". On the same day, the prime minister stated that "Turkey is interfering in the election process in Bulgaria". On 23 March, the President of Turkey stated that putting pressure on Turks in Bulgaria is unacceptable. The President of Bulgaria responded he "refuses lessons in democracy from Turkey".

<sup>47</sup> As of 2014, one vote received was equal to BGN 11. The GERB receives annually BGN 12,145,950, followed by BSP – 5,730,286; DPS – 5,513,486; RB – 3,304,152; PF – 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.

<sup>48</sup> Paragraph 179 of the [OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulations](#) state that state support, both financial and in-kind must be provided on the basis of equality of opportunity to all parties and candidates.

<sup>49</sup> Contestants reported the following campaign expenses on media: GERB – BGN 688,894; RB – 569,889; BSP – 495,462; NR – 269,479; ABV – 210,884; UP – 186,592; DPS – 184,454; DOST – 66,991; YB – 48,070; *Volya* – 36,912; Movement Forward Bulgaria – 32,550; Movement for Radical Change – Bulgarian Spring – 12,060; and independent Georgi Kadiev – 4,100. Paragraph 130 of the [Guidelines on Political Party Regulation states that](#) "Where registered political parties are provided state support, such as the provision of public media airtime, there should be a system of support for independent candidates to ensure they are awarded equitable treatment in the allocation of state resources."



The Electoral Code sets an annual ceiling of BGN 10,000 for personal donations and prohibits funding from legal entities, non-residents, anonymous persons, religious institutions as well as foreign states. The campaign expenditures are limited to BGN 3,000,000 for a party or a coalition and to BGN 200,000 for an independent candidate.

Contestants must report to the NAO the origin of donations five days after the start of the campaign. Contestants also have to report received donations on a weekly basis. According to the NAO registry, only 16 of 29 contestants complied with this requirement.<sup>50</sup> The NAO informed the OSCE/ODIHR LEOM that any violations of reporting requirements would be sanctioned after its audit.

The May 2016 amendments introduced the deadline for contestants to report their campaign expenditures within 30 working days after election day and for the National Audit Office (NAO), which is mandated to oversee the campaign finance and to audit reports within six months after election day if more than BGN 1,000 was donated and spent.<sup>51</sup> The transparency and accountability of campaign finance were limited as there are no requirements for contestants to submit, and for the NAO to audit or publish reports on expenditures before election day. This also negatively impacted voters' access to information.<sup>52</sup>

*To improve transparency and accountability, the law could be amended to require contestants to report on interim campaign expenditures during election campaign and enable the NAO to crosscheck campaign income and expenditures, publish conclusions and issue any sanctions on financial reports in a timely manner, including in interim reports prior to election day.*

## **XII. MEDIA**

### **A. MEDIA ENVIRONMENT**

The pluralistic media environment operates in a shrinking advertisement market and is influenced by commercial and corporate interests. The editorial policy of the private media outlets is defined by short-term marketing goals, with media avoiding controversial subjects to keep good relations with potential public and private advertisers.

OSCE/ODIHR LEOM interlocutors raised concerns regarding a lack of transparency of the allocations of public funds for advertisements, which were perceived as rewards for favourable editorial policies. The absence of effective self-regulation and lack of investigative and analytical reporting limits the sustainability of independent media.

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<sup>50</sup> As of 4 March, only 16 contestants declared a total of BGN 1,951,322 from 2,101 donors and own funds: BSP – 608,344; RB – 517,371; ABV – 369,222; *Volya* – 169,692; YB – 156,527; DOST – 52,580; UP – 42,000; NR – 30,281; Georgi Kadiev – 12,765; The Green Party – 10,242; DRP BP – 5,932; Movement Forward Bulgaria – 1,050; Dimiter Ignatov – 750; and Zlatko Zdravkov – 200. GERB and DPS declared only in-kind donations. A total of 809 in-kind donations were declared.

<sup>51</sup> Paragraph 200 of the [Guidelines on Political Party Regulation](#) states that “...in an effort to support transparency, it is good practice for such financial reports to be made available on the Internet in a timely manner”.

<sup>52</sup> Paragraph 194 of [Guidelines on Political Party Regulation](#) states that “Transparency is also important because the public has the right to be informed. Voters must have relevant information as to the financial support given to political parties in order to hold parties accountable”.

The legal framework requires the disclosure of broadcast and print media ownership, but the published information usually covers only an intermediary company, and not the final owner.<sup>53</sup> The lack of transparency results in allegations of media and distribution networks concentration and control by prominent businesspersons.

*Measures should be taken to ensure the full transparency of media ownership by requiring and enabling the responsible institutions to clearly identify the ultimate owners of media outlets. Information on media ownership and their funding sources should be publicly available.*

The media market is dominated by television, with bTV and *Nova* playing primary roles.<sup>54</sup> According to the broadcast media regulator, Council for Electronic Media (CEM), as of 11 January, there were 35 public and 160 private broadcasters registered. The public broadcasters, the Bulgarian National Television (BNT) and Bulgarian National Radio (BNR), are legally required to provide a plurality of viewpoints in the news and current affairs programmes. Other public broadcasters, including *VTK*, owned by the Ministry of Defence, and *Alfa*, owned by *Ataka*, are legally required to ensure the protection of national interest and universal human values for all citizens. Print media are gradually losing their market share, but the rapidly developing online media remains unsustainable due to the underdeveloped online advertisement market.

## B. LEGAL FRAMEWORK

The Constitution protects the freedom of speech and of the press. Although imprisonment for defamation and libel was lifted in 1999, both remain criminal offences and can be fined by up to BGN 15,000.<sup>55</sup> The practice of the Financial Supervision Commission (FSC) to heavily fine media on the grounds of market manipulation and refusal to disclose sources was criticized by the OSCE RFoM as not being in line with the EU Market Abuse Directive.<sup>56</sup>

The Electoral Code requires only the *BNT* and *BNR* to cover the campaign based on principles of equality and objectivity. There are no specific requirements for campaign coverage by other public and private media, but a contestant who considers his/her rights to have been encroached or reputation harmed is entitled to have a response published without any edits or comments. However, it should be requested within 24 hours – too short a timeframe according to several parties that the OSCE/ODIHR LEOM met with.

Any media may offer space for paid political advertisements under equal conditions. Such advertisements should comply with the requirements for campaigning materials, be separated from regular commercials, and be clearly identified as paid.<sup>57</sup> The prices for paid advertisements are to be equal, published not later than 40 days before the elections, and to not exceed the average market rates for the 6 months prior to the campaign start. According to the SAO, 241 media outlets published their

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<sup>53</sup> In the 2009 [joint statement](#) on media and elections made among others by United Nations Special Rapporteur on Freedom of Opinion and Expression and OSCE Representative on Freedom of the Media (RFoM) the transparency of media ownership was defined as one of the principle for the development of a pluralistic media sector.

<sup>54</sup> In 2015, bTV and Nova received over 85 per cent of all television advertisements spending.

<sup>55</sup> The 2002 joint [declaration](#) on Freedom of Expression by United Nations Special Rapporteur on Freedom of Opinion and Expression and RFoM called for replacement of criminal defamation laws with appropriate civil defamation laws.

<sup>56</sup> In January 2015, the FSC fined *Economedia* group BGN 160,000 and *Alpico* group BGN 100,000 for reports in *Capital* and *Dnevnik* newspapers and zovnews.com portal about the 2014 banking crisis. An additional BGN 10,000 in fines were imposed on the media for not disclosing their sources. In 2014, the FSC requested two other online media, *Mediapool* and *Bivol*, to disclose their sources. See the OSCE RFoM [press-release](#) from 4 February 2015.

<sup>57</sup> It requires that at least 10 per cent of every campaign material contains an indication that buying and selling votes is a crime.

political advertisement prices. Of those, 139 did so after the legal deadline, but this did not result in any reaction or sanction. Neither the SAO nor the CEC verified the prices for paid political advertisements against the average market rates.

*Considerations could be given to establish a verification mechanism for the timely publication of the pricelists and their compliance with the legal requirements.*

To ensure compliance with election legislation, the CEM was tasked by the CEC to conduct media monitoring of 22 television and 19 radio stations during the campaign. The CEM has no authority to sanction media for election-related violations, but is to report its findings to the CEC. It reported 25 alerts, based on which CEC initiated administrative violations procedures in 10 cases. The monitoring of print and online media was not conducted by any official institution.

The Electoral Code requires that media publishing the results of public opinion polls to indicate who commissioned, financed, and conducted the poll. However, there was no requirement to describe the polling methodology (sample, margin of error, and polling period), as recommended by the Council of Europe.<sup>58</sup>

*To provide sufficient details of an opinion poll to the public, consideration could be given to expand the legally required accompanying information, such as sample, margin of error, polling period and methodology applied.*

The CEC displayed a lack of consistency when reacting to violations related to the publication of opinion polls. It acknowledged a number of violations from alerts filed by the citizen observers group Civil Initiative for Free and Democratic Elections (GISDI), but did not issue any sanction.<sup>59</sup> At the same time, it initiated administrative penalty procedures against *Nova* and *Alfa* based on CEM alerts. GISDI also filed seven alerts to DEC, five of which resulted in the initiation of misdemeanour procedures. Four DEC decisions were appealed to the CEC, which dismissed the alerts stating that GISDI was not a legitimate party to file alerts. The CEC initiated misdemeanour procedures based on 12 alerts from citizens on the publication of opinion polls during the campaign silence period in online media, but decided not to react to 5 alerts from the CEM on similar violations by broadcast media.



### C. MEDIA MONITORING FINDINGS

The OSCE/ODIHR LEOM conducted media monitoring of four television channels and five newspapers.<sup>60</sup> The media provided contestants with a platform to present their views through debates, talk-shows and paid advertisement, and contestants actively used the free time provided by public broadcasters. However, the information available to voters was significantly limited by sparse coverage of the campaign in the broadcast news, limited editorial content of the print media, and a lack of political investigative and analytical reporting. Paid advertisements in the print and, to a lesser extent, broadcast media, were often nearly indistinguishable from editorial coverage, thus misleading voters on the nature of content.

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<sup>58</sup> The Council of Europe [Recommendation CM/Rec\(2007\) 15](#) requires states to ensure that media presenting results of a public opinion poll should also provide the public with sufficient information to make a judgement of the value of the poll, including methodology, sample, margin of error and polling date/period.

<sup>59</sup> The CEC reacted to 4 of 37 alerts from citizen observer organization, GISDI, by sending letters informing bTV (twice), PolitikaPlovdiv.com and ClubZ.bg about the occurred violations and potential sanctions.

<sup>60</sup> During the official campaign period the OSCE/ODIHR LEOM conducted quantitative and qualitative monitoring of the primetime of BNT1, bTV, *Nova* and Channel 3 television stations, and of 24 *Chasa*, *Kapital-Daily*, *Telegraf*, *Trud* and *Standart* daily newspapers.

The BNT and BNR largely complied with their legal obligation.<sup>61</sup> The allocation of time on the majority of their programmes was based on the equality principle. However, they refrained from editorial coverage of the campaign. The OSCE/ODIHR LEOM media monitoring results indicate that in total during monitored period the primetime news of the BNT devoted less than four minutes to all contestants combined. Instead, the BNT created a primetime programme “Bulgaria Votes 2017” on elections and campaign, but broadcasted only materials paid for by contestants.

*Consideration should be given to review the legal framework to encourage public media to provide objective editorial coverage of the campaign as such information would assist voters to make a more informed choice.*

The private bTV, *Nova* and Channel 3 displayed a similar approach by devoting only between 3 and 5 per cent of their primetime news to the campaign. In the limited political and election-related coverage, bTV and *Nova* devoted most time to the GERB (20 and 26 per cent), BSP (17 and 23 per cent), DOST (12 and 11 per cent) and, to a lesser extent, the DPS, UP and RB (between 8 and 11 per cent each). Most contestants were covered in a neutral manner, except DOST, which was covered more negatively. Channel 3 devoted most of its election-related news coverage to the RB (22 per cent), GERB (20 per cent), BSP (19 per cent), and UP (15 per cent). While largely positive or neutral, this coverage was more critical of the BSP, RB and YB. *BNT1* provided all contestants with space for debates and talk-shows, while private broadcasters invited only the main contestants, with most time provided to the GERB, BSP and UP.

During the period covered the media monitoring indicated some 90 minutes of combined paid political advertisements on bTV and *Nova* due to the high prices, up to BGN 10,635 for a 30 second spot. In contrast, Channel 3 broadcasted over 36 hours of paid advertisements.

The editorial coverage in print media was more diverse. *Telegraf* and, to lesser extent, *Trud* newspapers strongly criticized the YB. *24 Chasa* favoured the GERB. *Standart* provided comparable amounts of mainly neutral coverage to the GERB and BSP, and mainly critical of DOST. *Kapital-Daily* provided the GERB and BSP with equal amounts of balanced or critical coverage.

On 13 and 20 March, the edition of *Telegraph* was distributed with free books alleging connections between candidates of the New Republic and YB with organized crime. Responding to two complaints, the CEC concluded that the books are not campaign material as they do not call to support or are against any candidate or party. However, the CEC prohibited further distribution of the books concluding that they damage the ‘good name of the candidates’. Upon appeal, the SAC upheld the first CEC decision and revoked the second, while agreeing in both cases that the books were ‘damaging the good name’ of contestants.

The OSCE/ODIHR LEOM media monitoring indicated that the majority of paid advertisements in print media were almost indistinguishable from regular articles, thus potentially confusing voters on the nature of the content. It noted 8 national and 20 regional print media outlets that did not clearly identify paid campaign content. The CEC only initiated administrative procedures against Channel 3 and *Bulgaria 24* and newspapers *Trud* and *24 Chasa* for not properly identifying paid content; the two newspapers only partially improved such identification. While the CEC reacted to some instances of

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<sup>61</sup> The BNT and BNR were to allocate to each party and coalition 40 seconds at the beginning and at the end of the campaign, and allocate at least four hours for debates. Regional public television and radio stations were obliged to organize at least one hour of debates. The decision of the BNT to have one debate with only parliamentary parties, and a decision of the BNR to host one debate only with political parties that on previous elections receive more than 0.5 per cent of votes, were challenged by two parties to the SAC. The SAC did not consider the complaints on merits, stating that CEC approval of media agreements is unappealable.

reported violations, comprehensive monitoring of print and online media was not conducted by any official institution.

*The CEC could take an active approach and react to reported violations by print and online media.*

The Electoral Code obliges all media outlets to publish on their websites general information (party name and value of the contract) about paid advertisement purchased by contestants, but not the media schedule detailing time and duration (for broadcast media) or the publication date and publishing position (for print media) of all paid campaign advertisement. The OSCE/ODIHR LEOM monitoring showed that national media respected this requirement, although some not in a timely manner. This limited transparency of campaign expenditure.

*To assist the regulatory body and civil society to identify paid political advertisements and conduct comprehensive monitoring of campaign expenditure on media expenses, media could provide detailed information on contracts with electoral contestants, including scheduled detailing time and duration (for broadcast media) or the publication date and publishing position (for print media) of all paid campaign advertisements.*

### **XIII. 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.<sup>62</sup> Unofficial estimates produced by local civil society and international non-governmental organisations place the number of Roma at some 10 per cent. The Constitution prohibits discrimination on ethnic or religious basis and provides for the right of self-identification. The law forbids the creation of political parties along “ethnic, racial or religious lines”, which is contrary to international obligations and international good practice.<sup>63</sup>

The DPS and DOST are seen as representing the interests of the Turkish community. Both parties nominated ethnic Turks as candidates. In contrast, the Roma community remains largely excluded from political life, and was mainly represented by the Movement for Equality Public Model (DROM) for these elections. The OSCE/ODIHR LEOM was informed of some 120 Roma candidates in on DROM, DPS, DOST, BSP and GERB candidate lists.

OSCE/ODIHR LEOM interlocutors representing Roma expressed concern that their communities are affected by high illiteracy and economic and social exclusion. They also noted that the main political forces are not interested in Roma issues and that populist campaigns portray Roma negatively.

The Electoral Code restricts campaigning to the Bulgarian language only, at odds with international standards.<sup>64</sup> The DPS and DOST stressed that this affected their ability to communicate with

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<sup>62</sup> Other minorities include Russians, Armenians, Vlach (Aromani), Karakachani, Macedonians, Jews, Romanians, Ukrainians and others, all together below one per cent of the population.

<sup>63</sup> Paragraph 2. 2.4 of the Code of Good Practice states that the national minorities must be allowed to set up political parties. Freedom of association includes the freedom to establish political parties based on communal identities – see article 7 of the [FCNM](#); Article 2 of the [UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities](#) states “persons belonging to minorities have the right to establish and maintain their own associations”.

<sup>64</sup> Paragraph 32.5 of the [1999 OSCE Istanbul Document](#) states that persons belonging to national minorities have the right “to disseminate, have access to and exchange information in their mother tongue”. See also article 9.1 of [FCNM](#), article 27 of the [ICCPR](#), and paragraph 12 of the [1996 United Nations Committee on Human Rights General Comment 25](#) to Article 25 of the [ICCPR](#).

electorate. The OSCE/ODIHR LEOM was informed of at least 19 complaints against using the Turkish language in campaign events.<sup>65</sup>

*As previously recommended, to promote effective participation in public affairs, individuals who identify themselves as belonging to national minorities should be allowed to campaign in their mother tongue.*

#### **XIV. CITIZEN AND INTERNATIONAL OBSERVERS**

The Electoral Code provides for citizen and international election observation. In addition, contestants have the right to nominate representatives (agents) and proxies to election commissions. Observers, agents, and proxies are entitled to follow all stages of the electoral process.

The CEC accredited 20 citizen observer organizations with 5,386 observers, and 5 international organizations. DEC's accredited over 35,000 agents and proxies of contestants. GISDI conducted long-term observation and deployed some 900 short-term observers on election day.

According to the 2016 amendments, “non-governmental organizations, which can only be associations registered for the public interest and with objectives in the field of protection of citizen’s political rights” can nominate citizen observers. The amendments also stipulate that a person could participate in the elections in only one capacity (as candidate, proxy, observer, or election official). The accreditation of observers was negatively affected when the CEC denied registration to four organizations: three based on a broad interpretation of the limitation that a person could participate in the elections in only one capacity, and one by CEC not reaching the two-third majority.<sup>66</sup> The CEC also shortened the deadline for submission of applications by two days.<sup>67</sup>

*The CEC should reconsider its restrictive interpretation and inconsistent implementation of the rules for the registration of citizen observers. The law should be reviewed to establish clear criteria, procedures, and timeframe for accreditation of citizen observers, including by allowing sufficient time to the CEC to process the applications.*

#### **XV. COMPLAINTS AND APPEALS**

The Electoral Code prescribes timely consideration of different types of complaints that can be filed by citizen observers, representatives of electoral contestants and party proxies. Complaints from other persons are admissible if the complainant proves that his/her right was directly affected. Complaints and alerts about potential electoral violations can be submitted to the CEC and DEC's.<sup>68</sup> Decisions of an election commission can be appealed to the higher-level commission, and to the SAC as final instance, except for acts on administrative violations, which are sent to the regional governor.

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<sup>65</sup> For example, on 9 March, the RB filed a complaint to the DEC that the DPS conducted a campaign event in Dobrich in Turkish. On 9 March, in Varna, Regional Police Department filed an alert to the DEC against DOST campaigning in Turkish in village Asparukhovo. The CEC banned one campaign advertisement as it contained subtitles in Turkish.

<sup>66</sup> For example, a board member of the Alliance for the Rights of Women was also a DEC member. The Alliance Agricultural Youth Union required to be deregistered as a board member was also candidate. Two board members of the Civic Council for Justice were candidate and PEC member, respectively.

<sup>67</sup> While the Electoral Code provides for the registration of observers until the day before the elections, the CEC decided to accept applications until three days before election day.

<sup>68</sup> A complaint can be filed against administrative acts/decisions. An alert can be submitted against any other violation.

Contrary to international standards and ECtHR jurisprudence, the law does not provide contestants with an effective mechanism to appeal election results.<sup>69</sup>

*As previously recommended, the law should provide contestants with an effective mechanism to appeal election results, both at the national and constituency levels.*

At odds with international good practice, the law does not ensure the right of the complainant to be informed about the place and time or to be present during the hearing or to receive a copy of the decision, except for court hearings.<sup>70</sup>

*Consideration could be given to review the law to guarantee a complainant's and respondent's right to be informed about the time of consideration, to be heard before an election commission and to receive a copy of the decision, including 'protocol decisions'.*

The Electoral Code prescribes the electoral commissions' obligation to maintain an electronic public registers of complaints and alerts, and to review them. However, the CEC issued an instruction that allowed the commissions not to decide on some alerts.<sup>71</sup>

The law does not define the deadline for publishing alerts and complaints. The CEC published alerts on the public register with some delay during the pre-campaign period and in a timely manner during the campaign period. According to the Electoral Code, CEC decisions should be published immediately, and in practice, most decisions were published on the day of approval.

Sessions of the commissions were live-streamed. The transparency of the complaint consideration process and the right to effective remedy were affected as the agendas of the sessions did not indicate which complaints would be heard when. In addition, many alerts were recorded in the minutes of the sessions, without publishing a separate document in the registers of complaints. As such, complainants had difficulties to follow their complaint considerations or to be aware of any adopted decision.

By election day, the CEC received 152 complaints and alerts, most on violations of the rules of publishing public opinion polls, media not indicating paid content, languages used in the campaign and other violations of campaign rules. The CEC found violations in 25 cases, rejected 9, revoked 9 DEC decisions, left 11 without consideration on procedural grounds and took 13 'rejection decisions'. The other complaints were announced in the session without taking any decision, and noted in the minutes of the session.

The CEC's consideration of complaints was not consistent: it decided on complaints related to media coming from state media regulator, but not on others from the GISDI; decisions on the responsibility for media violations (i.e. the editor, programme host or chairperson of the television station) varied

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<sup>69</sup> Election results can be appealed to the Constitutional Court only by the president, the Council of Ministers, the Supreme Court of Cassation, the SAC, the Prosecutor General or at least one-fifth of MPs. The ECtHR found this remedy to be ineffective within the meaning of Article 13 of the European Convention on Human Rights in [Petkov and others v. Bulgaria](#). 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".

<sup>70</sup> Paragraph II.3.3.h of the Code of Good Practice provides that the applicant's right to a hearing involving both parties must be protected.

<sup>71</sup> According to CEC Decision 3526 on Complaints Review, a commission may not decide on a complaint/alert if it does not involve a violation of the Electoral Code, or the violation does not require the commission to take any action.

and had no specific motivation; on some factual violations, the CEC did not reach the two-third majority or returned the complaint to DEC.

*To improve election dispute resolution, the Electoral Code could clearly stipulate that election commissions must rule on all complaints, in public session, and provide written, fully reasoned decisions. Election commissions should consider all complaints in the manner prescribed by law and apply the law in a consistent manner; the CEC could establish standard operating procedures for the complaints and appeals process for all levels of election administration.*

The SAC received 49 appeals, including 18 on CEC decisions on complaints and 31 on other CEC decisions. It reviewed all appeals in public hearings, and applicants were able to present their positions and additional evidence. It upheld 22 and partially or fully revoked 8 CEC decisions. It left 19 appeals without consideration for procedural reasons. Two complaints submitted on Friday, 24 March, were left without consideration by election day – as the Court does not work on weekends, and after election day – when the SAC stated the absence of legal interest of complainants as the elections were over. As such, these complainants were left without effective redress.<sup>72</sup>

As of 4 April, DEC registers showed 425 complaints and alerts, most related to violations of campaign provision, such as placement of campaign materials, campaigning rules on language, and use of flags, and some on PEC composition. DEC decided on some 400 cases, in a manner similar to the CEC.

The system of administrative sanctions for election violations is not efficient. It is regulated by the Electoral Code and the Administrative Violations and Sanctions Act, which are not always harmonized, and not all involved parties were aware about the legal differences.<sup>73</sup>

The CEC issued 47 decisions followed by acts on administrative violations that should be handed over first to the violator and then submitted to the Sofia City Governor. Some OSCE/ODIHR LEOM interlocutors raised concerns that a representative of executive authority decides on election-related violations.<sup>74</sup> Eight acts reached the governor before election day.<sup>75</sup> The Governor had three days to issue a penalty decree, which could be appealed to the regional court under criminal procedures and further to administrative court; a final decision must be taken within 21 days. The Governor, however, did not issue any decree within the deadline or by election day. The lack of timely review leaves violations or irregularities unaddressed in an expeditious and timely manner, which can compromise the protection of electoral rights.<sup>76</sup>

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<sup>72</sup> DOST submitted complaint on late changes to PEC guidelines on self-declarations that needed to be filed inside only in the polling stations abroad. *Ataka* appealed DEC Plovdiv and CEC decisions on alleged violation of flags rules on their billboards.

<sup>73</sup> The Administrative Violations and Sanctions Act (Act) prescribes that an act on violation is made and handed over to the violator at the moment of violation, while election commissions have three days to decide and adopt a decision on administrative violation. The Code prescribes three days for the Governor to issue a penalty decree, while the Act prescribes one month. The Act also provides that appeals to decisions on administrative violations should be processed according to criminal and not administrative law.

<sup>74</sup> Paragraph 7.7 of the 1990 OSCE Copenhagen Document states that the participating States will “ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution”.

<sup>75</sup> The hand over in practice takes several months. At the time of this report, the Sofia Governor’s office was yet to receive the acts on administrative violations from the 2016 presidential election.

<sup>76</sup> 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 Section II.3.3 of the Code of Good Practice.



Eight CEC decisions on administrative violations were appealed to the SAC. In three instances, the SAC upheld the right of the CEC to prohibit distribution of campaign materials and in two cases, they were revoked. At the same time, the SAC did not decide on all eight appeals on the grounds that no penalty decree has been issued by the governor to date.

*To guarantee an effective and timely redress of election violations, the legal framework should clearly envisage and guarantee that all complaints are reviewed and decisions made public by election day.*

## **XVI. ELECTION DAY**

In line with the standard OSCE/ODIHR methodology for LEOMs, the mission did not undertake comprehensive and systematic observation of election day proceedings. However, mission members followed opening, voting and counting in a limited number of polling stations as well as tabulation in some constituencies.

In the polling stations visited by international observers, the voting process was transparent and PEC members generally followed voting procedures, except with regard to folding the ballots, which could have affected vote secrecy. The requirement for the PEC to stamp the ballot a second time, after the voter has voted, may endanger the secrecy of the vote and is against international good practice.<sup>77</sup>

*Consideration could be given to remove the procedure for the PEC to handle the ballot after it was issued to the voter to eliminate the potential for infringement on the secrecy of the vote.*

The design of the ballot does not include the names of the candidates for the single-preference vote, and candidate lists were not posted inside voting booths in all polling stations visited. This limited voters' awareness of available preference voting options.

*Consideration could be given to change the format and design of a ballot paper so that it includes the names of the candidates for the single preference vote.*

During the limited counts observed, some procedural shortcomings were noted, particularly in relation to counting preferential votes and completing the results protocol, often due to PECs aiming to speed up the process. These shortcomings did not appear to have an impact on the delivery of results.

The tabulation, where observed, was well organized, but slow due to numerous errors in PEC counting protocols, most related to preferential voting. OSCE/ODIHR LEOM observers were asked to remain in designated places for observers, which did not allow for a clear view and meaningful observation of all stages of the tabulation.

*As previously recommended, to contribute to transparency, additional efforts should be made to enable observers to follow the tabulation process full.*

The CEC worked efficiently on election day. It reported receiving and promptly considered 134 complaints and alerts on violations of campaign rules, publication of opinion polls, filling in self-declarations inside polling stations and usage of languages other than Bulgarian by PEC members abroad. Most complaints filed to DEC on election day were about allegations of vote-buying and attempts to influence voters, violations of campaign silence rules, and discrepancies in protocols. DEC generally reviewed election day complaints promptly and efficiently.

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<sup>77</sup> Paragraph 3.2.2 point 35 of the [Code of Good Practice](#) recommends that "The voter should collect his or her ballot paper and no one else should touch it from that point on".

As required by the Electoral Code, the CEC published on its website copies of result protocols by polling station, which enhanced the transparency of the process. Preliminary results were aggregated as entered in the electronic system by DEC and published on the CEC website. In a positive step, observers had access to the data input area at the CEC. However, a delay in announcing the final voter turnout until three days after election day along with preliminary results limited transparency and the possibility of public scrutiny during the results aggregation.

## **XVII. ANNOUNCEMENT OF RESULTS AND POST ELECTION DAY DEVELOPMENTS**

The CEC determined the official election results after it tabulated PEC results protocols. These results were compared with the data from the DEC tabulation protocols, and inconsistencies and factual errors were decided on case-by-case basis.<sup>78</sup> Official election results were determined according to the updated information in the database and published by polling stations.

According to official results, 3,682,151 voters participated in the elections, including 117,668 voters who cast their ballots abroad. The number of invalid ballots was 169,009, or 4.6 per cent of ballots cast.<sup>79</sup>

*As previously recommended, the CEC should analyse and address the cause of the high number of invalid ballots.*

A total of 1,238,402 preferential votes cast were considered valid, and 56 out of 240 MPs were elected based on preferential votes. The number of invalid preferential options on ballots was not collected nor made public by the election administration.

The representation of women in parliament increased to 24 per cent, compared to 20 per cent in the outgoing parliament. The new parliament includes MPs representing various ethnic groups.<sup>80</sup>

Prior to the announcement of official results, three candidates requested the CEC to be removed from the candidate lists and seven elected candidates informed they would not take their seats. On 29 and 31 March, the CEC approved these requests based on previous practice, without a clear legal basis (see *Candidate Registration* section).

DOST challenged the election results to the Prosecutor's Office and grounded its complaint on different violations, including the blockade at the Turkish border, and the late requirement to fill in self-declarations inside the polling stations abroad. The Prosecutor decided not to forward the complaint to the Constitutional Court.

## **XVIII. RECOMMENDATIONS**

These recommendations, as contained throughout the text, are offered with a view to enhance the conduct of elections in the Republic of Bulgaria and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These

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<sup>78</sup> The errors in the protocols were related mainly to ballots not found in the box, invalid votes, total valid votes, and total valid votes for lists.

<sup>79</sup> The highest percentages of invalid ballots were 6.8 in DEC 13 (Pazarchik), 6.4 in DEC 17 (Plovdiv region) and 6.3 in DEC 21 (Sliven).

<sup>80</sup> For example, DPS had 14 Turks and 4 Pomaks elected as MPs.

recommendations should be read in conjunction with past OSCE/ODIHR recommendations, in particular from the final report on 2014 early parliamentary elections, which remain to be addressed. The OSCE/ODIHR stands ready to assist the authorities to further improve the electoral process and to address the recommendations contained in this and previous reports.<sup>81</sup>

#### **A. PRIORITY RECOMMENDATIONS**

1. As previously recommended, restrictions on voting rights for prisoners and persons with mental disabilities should be reviewed.
2. The principle of equality of opportunities for all electoral contestants, including independent candidates, should be respected.
3. Candidates holding dual citizenship should not be prevented from standing for office.
4. Voter education could be enhanced in scope and duration and consideration should be given to producing materials other than in the Bulgarian language as necessary.
5. The legal framework should be reviewed to prevent interference with freedom of expression and subjective interpretations by authorities during the campaign.
6. As previously recommended, to promote effective participation in public affairs, individuals who identify themselves as belonging to national minorities should be allowed to campaign in their mother tongue.
7. To improve election dispute resolution, the Electoral Code could clearly stipulate that election commissions must rule on all complaints, in public session, and provide written, fully reasoned decisions. Election commissions should consider all complaints in the manner prescribed by law and apply the law in a consistent manner; the CEC could establish standard operating procedures for the complaints and appeals process for all levels of election administration.

#### **B. OTHER RECOMMENDATIONS**

##### **Legal Framework**

8. Decisions on the locations for polling stations abroad should be taken transparently and based on consistent criteria, which may include the number of citizens eligible to vote in a given country or location.
9. Further measures could be taken to facilitate voting for persons with visual disabilities. The general barrier-free environment for voters with disabilities should be improved.

##### **Electoral System**

10. In line with previous recommendations, constituency boundaries should be reviewed in accordance with OSCE commitments and international good practice to uphold the principle of equality of the vote.

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<sup>81</sup> According to the paragraph 24 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”.

### **Election Administration**

11. Considerations could be given that all protocol decisions are clearly published, with an indication that they are appealable.
12. As previously recommended, all CEC and DEC decisions, including de facto rejections, should be reasoned to enable effective legal redress.
13. Consideration could be given to introducing a reasonable deadline for changes in the composition of PECs to allow sufficient time for training and preparations.
14. Consideration could be given to strengthen the CEC capacity to develop standardized curricula for DEC and PEC trainings and to deliver user-friendly and consistent information.

### **New Voting Technologies**

15. To allow for preparation and implementation of electronic voting in a timely manner, the legal framework should be amended and the procurement of all necessary equipment and support should be completed well in advance of elections. Provisions and time should also be considered for sufficient testing, certification and verification as well as voter education to ensure integrity and security of the system.
16. The technical expertise and capacity of the CEC to manage the implementation of new voting technologies should be enhanced. A clear division of responsibilities among the vendor, regulatory agencies and the election administration is required to enhance accountability and effectiveness, with the overall responsibility vested with the electoral authorities.

### **Voter Registration**

17. If the practice of voter registration on election day remains, consideration could be given to introducing judicial oversight.
18. Consideration could be given to introduce a reasonable deadline for checking election materials for any violations, including multiple voting. The timely publication of the result of this verification would increase public confidence and trust in the process.

### **Candidate Registration**

19. As previously recommended, the restriction that a voter may support only one candidate could be reconsidered.
20. Deadlines for candidate registration should be aligned with other stages of the electoral process to ensure equality of campaign opportunities.
21. Consideration could be given to introducing a deadline for candidate withdrawal, which could be synchronized with the deadline for the printing of candidate lists.
22. As previously recommended, consideration could be given to introducing temporary special legislative measures to promote women candidates. Political parties could consider nominating a balanced number of candidates of either gender.

## **Campaign**

23. The relevant specialized state institutions should undertake all necessary measures to combat any manifestation of racism and intolerant rhetoric during the election campaign.
24. As previously recommended, consistent efforts should be made by law enforcement agencies to hold accountable those involved in vote-buying. Citizens should be encouraged to report and provide evidence of any vote-buying or pressure.

## **Campaign Finance**

25. The adjustment of state subsidies could be considered to provide a more level playing field during the campaign. In addition, the funding for paid political advertising provided for non-parliamentary parties and independent candidates could be reviewed to ensure equality of opportunity.
26. To improve transparency and accountability, the law could be amended to require contestants to report on interim campaign expenditures during election campaign and enable the NAO to crosscheck campaign income and expenditures, publish conclusions and issue any sanctions on financial reports in a timely manner, including in interim reports prior to election day.

## **Media**

27. Measures should be taken to ensure the full transparency of media ownership by requiring and enabling the responsible institutions to clearly identify the ultimate owners of media outlets. Information on media ownership and their funding sources should be publicly available.
28. Considerations could be given to establish a verification mechanism for the timely publication of the pricelists and their compliance with the legal requirements.
29. The CEC should take an active approach and react to reported violations by print and online media.
30. To provide sufficient details of an opinion poll to the public, consideration could be given to expand the legally required accompanying information, such as sample, margin of error, polling period and methodology applied.
31. Consideration should be given to review the legal framework to encourage public media to provide objective editorial coverage of the campaign as such information would assist voters to make a more informed choice.
32. To assist the regulatory body and civil society to identify paid political advertisements and conduct comprehensive monitoring of campaign expenditure on media expenses, media could provide detailed information on contracts with electoral contestants, including scheduled detailing time and duration (for broadcast media) or the publication date and publishing position (for print media) of all paid campaign advertisements.

## **Citizen and International Observers**

33. The CEC should reconsider its restrictive interpretation and inconsistent implementation of the rules for the accreditation of citizen observers. The law should be reviewed to establish clear criteria, procedures, and timeframe for registration of citizen observers, including by allowing sufficient time to the CEC to process the applications.

## **Complaints and appeals**

34. As previously recommended, the law should provide contestants with an effective mechanism to appeal election results, both at the national and constituency levels.
35. Consideration could be given to review the law to guarantee a complainant's and respondent's right to be informed about the time of consideration, to be heard before an election commission and to receive a copy of the decision, including 'protocol decisions'.
36. To guarantee an effective and timely redress of election violations, the legal framework should clearly envisage and guarantee that all complaints are reviewed and decisions made public by election day.

## **Election Day**

37. Consideration could be given to remove the procedure for the PEC to handle the ballot after it was issued to the voter to eliminate the potential for infringement on the secrecy of the vote.
38. Consideration could be given to change the format and design of a ballot paper so that it includes the names of the candidates for the single preference vote.
39. As previously recommended, to contribute to transparency, additional efforts should be made to enable observers to follow the tabulation process full.
40. As previously recommended, the CEC should analyse and address the cause of the high number of invalid ballots.

**ANNEX 1: FINAL RESULTS**

<b>Party/ Coalition</b>	<b>Valid Votes</b>	<b>Percentage of Votes</b>	<b>Seats</b>	<b>Percentage of Seats</b>
Citizens for European Development of Bulgaria (GERB)	1,147,292	33.54	95	39.58
Bulgarian Socialist Party for Bulgaria (BSP)	955,490	27.93	80	33.33
United Patriots - National Front for Salvation of Bulgaria (NFSB), <i>Ataka</i> , Union of Patriotic Forces for Protection Bulgarian National Movement (VMRO)	318,513	9.31	27	11.25
Movement for Rights and Freedoms (DPS)	315,976	9.24	26	10.83
<i>Volya</i>	145,637	4.26	12	5
Reformist Bloc - People's Voice (RB)	107,407	3.14	0	0
Movement Yes Bulgaria - Greens, Movement for European Unity and Solidarity (DEOS)	101,177	2.96	0	0
Union Democracy for Responsibility, Freedom and Tolerance - DOST Unity	100,479	2.94	0	0
New Republic - Bulgarian Democratic Community (BDC), Democrats For Strong Bulgaria (DSB), Unity for Plovdiv	86,984	2.54	0	0
Coalition ABV - Movement 21	54,412	1.59	0	0
Renaissance	37,896	1.11	0	0
Party of the Greens (PG)	10,159	0.30	0	0
Movement for Radical Change - Bulgarian Spring (DRP BP)	9,232	0.27	0	0
Movement 'Forward' Bulgaria (DNP)	6,644	0.19	0	0
Coalition of the dissatisfied (BDS-Euroleft, BSDP)	5,945	0.17	0	0
Movement for Equality Public Model (DROM)	4,989	0.15	0	0
Bulgarian National Union (BNU)	3,921	0.11	0	0
Bulgarian Democratic Centre (BDC)	3,130	0.09	0	0

Bulgarian Left and Green Party (KOI)	2,916	0.09	0	0
National Republican Party (NRP)	2,325	0.07	0	0
<b>Total</b>	<b>3,420,524</b>	<b>100.00</b>	<b>240</b>	<b>100.00</b>

<i>Independent candidates</i>		<i>Percentage in constituency</i>
Sonya Spasova Markova (DEC 1)	292	0.19
Krasimir Ivanchev Zhejnov (DEC 3)	374	0.18
Rositsa Pencheva Jordanova (DEC 3)	295	0.14
Zlatko Spasov Zdravkov (DEC 11)	85	0.12
Dimityr Ognyanov Ignatov (DEC 15)	537	0.43
Rumen Zhelyazkov Dombashov (DEC 22)	227	0.38
Georgi Stoyanov Kadiev (DEC 23)	2,270	1
Dimityr Kirilov Bajraktarov (DEC 25)	463	0.25
Ivan Stoyanov Matev (DEC 27)	573	0.36
I do not support anyone	87,850	2.5
<b>Total valid votes cast</b>	<b>3,513,490</b>	

<b>Number of voters in the voter lists</b>	<b>6,838,235</b>
<b>Number of voters, added to the lists</b>	<b>166,123</b>
<b>Number of voters who voted, according to signatures</b>	<b>3,682,151</b>
<b>Number of ballots found in the ballot boxes</b>	<b>3,682,493</b>
<b>Number of invalid votes</b>	<b>169,009</b>

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



## ANNEX 2: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION

### Parliamentary Assembly of the Council of Europe

Marie-Christine	DALLOZ	France
Nicole	DURANTON	France
Ronan	MULLEN	Ireland
Jose	CEPEDA	Spain
Anne-Yvonne	LE DAIN	France
Idalia	SERRAO	Portugal
Gordan	MARAS	Croatia
Dimitri	TSKITISHVILI	Georgia
Renata	DESKOSKA	the former Yugoslav Republic of Macedonia
Nino	GOGUADZE	Georgia
John	HOWELL	Great Britain
Olena	SOTNYK	Ukraine
Mart	VAN DE VEN	Netherlands
Alfred	HEER	Switzerland
Matjaz	HANZEK	Slovenia
Eirik	HOLMØYVIK	Norway
Chemavon	CHAHBAZIAN	France
Daniele	GASTL	France
Gael	MARTIN-MICALLEF	France

### OSCE/ODIHR LEOM Core Team

Roman	JAKI Č	Slovenia	Head of Mission
Raul	MUREȘAN	Romania	Deputy Head of Mission
Dimash	ALZHANOV	Kazakhstan	Political Analyst
Enira	BRONITSKAYA	Belarus	Legal Analyst
Angela	GHILASCU	Moldova	Finance Officer
Maša	JANJUŠEVIĆ	Serbia	Election Analyst
Jurga	LUKŠAITĖ-ROEHLING	Lithuania	Long-term Observers Coordinator

Ruslan	OVEZDURDYEV	Turkmenistan	Operations Expert
Yury	OZEROV	Russian Federation	Procurement and Contracting Officer
William	ROMANS	United Kingdom	National Minorities Expert
Ivana	STANOJEV	Serbia	Parliamentary Liaison
Egor	TILPUNOV	Ukraine	Media Analyst

#### OSCE/ODIHR LEOM Long-term Observers

Gazmend	AGAJ	Albania
Anne-Leonor	BENOIST	France
Hanna	EFREMENKO	Belarus
Barbara Silva	EGGER MALDONADO	Switzerland
Zoran	ILIEVSKI	the former Yugoslav Republic of Macedonia
Gabriele	KOETSCHAU	Germany
Andrea	MOCANU	Romania
Michael	WIERSING	Germany

## ABOUT THE OSCE/ODIHR

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

The OSCE/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 130 staff.

The OSCE/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 with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/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. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/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 persons, 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**, the OSCE/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. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/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](http://www.osce.org/odihr)).