



Office for Democratic Institutions and Human Rights

REPUBLIC OF BULGARIA

PARLIAMENTARY ELECTIONS 4 APRIL 2021

ODIHR Limited Election Observation Mission Final Report



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ODIHR Limited Election Observation Mission Final Report¹

I. EXECUTIVE SUMMARY

Following an invitation from the government of the Republic of Bulgaria, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed a Limited Election Observation Mission (LEOM) for the 4 April 2021 parliamentary elections. For election day, the ODIHR EOM was joined by delegations of the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe, to form an International Election Observation Mission (IEOM). The IEOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections, as well as national legislation.

The Statement of Preliminary Findings and Conclusions issued by the IEOM on 5 April concluded that “In the 4 April parliamentary elections fundamental freedoms were respected. The elections were competitive, but massive use of state resources gave the ruling party a significant advantage. The campaign largely focused on personalities rather than platforms, and was marked by public disillusionment. Technical aspects of the elections were managed efficiently, despite challenges posed by the COVID-19 pandemic. The legal framework provides for an adequate conduct of democratic elections, however, longstanding concerns pertaining to key aspects of the process still remain to be addressed. In addition, shortcomings in its implementation undermined election-dispute resolution and campaign finance oversight. Media lacked analytical reporting and offered limited editorial and news coverage of the campaign, impacting the ability of voters to make an informed choice. In the limited number of polling stations visited, the voting process was transparent with procedures largely followed. Machine voting was overall implemented efficiently, however, it was discontinued or suspended in two constituencies due to technical errors.”

The legal framework overall provides an adequate basis for the conduct of democratic elections. However, long-standing ODIHR and the Council of Europe’s Venice Commission recommendations to bring it further in line with international standards and good practice remain unaddressed, including related to undue restrictions of suffrage rights and campaigning, and measures to promote participation of women and minorities. Since its adoption, the Election Code was amended 20 times. Recent amendments in 2019 and 2020 included optional machine voting in most polling stations, abolished some reconciliation safeguards in PEC results protocols, re-introduced campaign donations from legal entities, and exempted some disputes from an expedited resolution. The amendment processes lacked meaningful consultations with relevant stakeholders.

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

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

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

Most ODIHR LEOM interlocutors expressed confidence in the accuracy of the voter lists, however, some expressed concerns over the update of deceased out-of-country voters. The final voter lists contained 6,588,372 voters. Voters could verify the accuracy of their data in the voter lists which were posted in public places and on-line. Out-of-country voters lists included 88,038 citizens prior to election day. The law allows certain categories of voters both in-country and abroad to be added to the voter list on election day without sufficient safeguards against multiple voting.

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

The campaign was overall subdued, the discourse mainly centered around the handling of the COVID-19 pandemic, and largely focused on personalities rather than platforms. The tone was occasionally confrontational, including some instances of inflammatory speech against the LGBTI and Roma communities. The law does not contain regulations effectively preventing misuse of administrative resources and abuse of office during the campaign. A number of extraordinary budgetary allocations related to COVID-19 pandemic and infrastructure projects during the campaign gave the ruling party a significant advantage of incumbency. The president publicly called on people to vote for a new leadership of the country. All ODIHR LEOM interlocutors noted that widespread practices of vote-buying and ‘controlled’ voting were still attempted in economically and socially vulnerable communities.

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

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

Stakeholders could file complaints, only if they prove a direct legal interest which was narrowly interpreted by election commissions and courts. The law does not explicitly prescribe the right to file complaints against result protocols at all levels, and contestants may challenge the nationwide election results only upon consent of certain state institutions. The CEC received some 500

complaints and alerts, mostly related to election day irregularities, out-of-country voting, voter registration, and pressure on voters and campaign violations. Most of them were rejected on technical grounds. Overall, shortcomings in the legal framework and its implementation by the CEC and the courts often left stakeholders without effective legal redress, contrary to OSCE commitments and other international standards.

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

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

The IEOM did not observe election day proceedings in a systematic or comprehensive manner. In most polling stations visited, the voting process was transparent. PEC members largely followed the procedures with some inconsistencies noted during voting and counting. Machine voting was efficiently implemented, with technical problems resulting in discontinuation in one constituency and suspension for a few hours in another. Preventive measures against COVID-19 were in place but not followed consistently in most polling stations visited. The CEC announced voter turnout at 50.61 per cent.

This report offers a number of recommendations to support efforts to bring elections in Bulgaria closer in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to a need for a comprehensive electoral reform following public consultations, reviewing the possibility to register at the polling station on election day, prohibiting major government announcements after the call of elections, disclosing the sources of donations to the party funds as well as campaign expenditure prior to election day, enhancing the independence of the public broadcasters by basing their funding on clear and objective legal criteria and applying the procedural safeguards against vote-buying and ‘controlled’ voting consistently.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the authorities of the Republic of Bulgaria and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established a Limited Election Observation Mission (LEOM) on 1 March to observe the 4 April 2021 parliamentary elections.² The ODIHR LEOM consisted of an 11-member core team based in Sofia and 12 long-term observers (LTOs) deployed on 10 March to six locations across the country. Mission members

² In its Needs Assessment Mission [report](#) in relation to these elections, ODIHR had recommended the deployment of an Election Observation Mission (EOM), that would include, in addition to a core team of analysts, 14 long-term observers to follow the process countrywide, as well as 200 short-term observers (STOs) for the observation of election day procedures. However, the deployment of STOs was considered not feasible due to the extraordinary circumstances caused by the COVID-19 pandemic and subsequent travel restrictions across the OSCE region. Therefore, ODIHR changed the format of the observation activity from an EOM to a LEOM.

were drawn from 10 OSCE participating States. The LEOM members remained in country until 14 April to follow post-election day developments.

On election day, an International Election Observation Mission (IEOM) was formed as a common endeavor of the ODIHR LEOM and delegations of the OSCE Parliamentary Assembly (OSCE PA), and the Council of Europe Parliamentary Assembly (PACE). Mr. Artur Gerasymov (Ukraine) was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the short-term OSCE observer mission. The OSCE PA delegation was led by Mr. Pascal Allizard (France), and the PACE delegation was led by Mr. Alfred Heer (Switzerland). Ms. Corien Jonker (the Netherlands) was the Head of the ODIHR LEOM. All institutions involved in this IEOM have endorsed the 2005 Declaration of Principles for International Election Observation.

The ODIHR LEOM assessed the compliance of the election process with OSCE commitments, other international obligations and standards for democratic elections, as well as with national legislation. The IEOM did not carry out systematic or comprehensive observation of the voting, counting and tabulation proceedings on election day, in line with ODIHR's methodology for limited election observation missions. Mission members did, however, visit a limited number of polling stations on election day.³ This final report follows a Statement of Preliminary Findings and Conclusions released on 5 April 2021.⁴

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

III. BACKGROUND AND POLITICAL CONTEXT

Bulgaria is a parliamentary republic. The political landscape, while being diverse, was long dominated by two major parties, the Citizens for European Development of Bulgaria party (GERB) and the Bulgarian Socialist Party (BSP), alternating in government for the past 15 years. The 2017 parliamentary elections led to five parties represented in the outgoing parliament. GERB won 95 seats and formed a government with the United Patriots coalition (UP) with 27 seats.⁵ The leader of GERB Boyko Borisov served three terms as a prime minister. The opposition was represented by the BSP with 80 seats, the Movement for Rights and Freedoms (DPS) with 26 seats, and *Volya* with 12 seats.

In July 2019, after *Ataka* (with 6 Members of Parliament) left the UP coalition, the government lost majority but was often supported by *Volya* and DPS.⁶ Shortly before elections, several new parties and coalitions were established, including by former high ranking public officials and the *Ima Takav Narod* (ITN), as an alternative to the established political elite.⁷ Women overall were

³ On election day, 93 observers were deployed, including 27 observers deployed by ODIHR, as well as a 44-member delegation from the OSCE PA, and 21-member delegation from PACE. Observers were drawn from 32 OSCE participating States.

⁴ See previous ODIHR election [reports](#) on Bulgaria.

⁵ The ruling GERB also won six of the 17 seats in the 2019 elections to the European Parliament (EP) and 111 out of the 266 municipalities in the 2019 local elections.

⁶ Including voting on the adoption of the budget and overturning presidential vetoes.

⁷ Others included Democrats for a Strong Bulgaria (DSB and the Greens), Democratic Bulgaria (Yes, Bulgaria!), Patriotic Coalition (NFSB and *Volya*) and Rise Up, Thugs Out! (ISMV).

underrepresented in elected office, holding 24 per cent of seats in the outgoing parliament, but held some 40 per cent of ministerial posts, including two of the four deputy prime ministers.

On 14 January, in line with the Constitution, president Rumen Radev called parliamentary elections for 4 April. The period before the elections was marked by public disillusionment and prolonged street protests which included requests for early parliamentary elections and the resignation of the prosecutor general.⁸ The protests were fueled by allegations of corruption, lack of rule of law, and erosion of democracy.⁹ Concerns were raised over the accountability of the executive to the parliament, independence of the prosecution from the executive, and narrowing of civic space.¹⁰ The tense relation between the prime minister and the president further demonstrated a polarized political environment.¹¹ In July 2020, in response to the protests, the ruling coalition proposed a new Constitution which was rejected by the parliament.¹²

IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The 240-member unicameral parliament is elected for a four-year term, under a proportional representation system, in 31 multi-member constituencies (MMCs). The seats are distributed to constituencies proportionally to their population, according to the last census. Each constituency must have no less than four seats, negatively affecting the equality of suffrage due to variance in the cost of mandates among constituencies. The boundaries of 26 constituencies correspond to the administrative districts. The remaining five constituencies in Sofia and Plovdiv are delineated by the president prior to each election, without any legal criteria. The CEC is required to allocate seats among constituencies. Delineation of constituencies and seat allocation prior to elections is contrary to international good practice.¹³ For these elections, the seat allocation and delineation of the constituencies remained unchanged and largely ensured the equality of the vote.¹⁴

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

⁸ The protests took place from July to October 2020 and led to the resignation of five ministers.

⁹ The European Parliament [Resolution](#) on 8 October 2020 voiced concerns on the “significant deterioration” of democracy, respect for rule of law, an independent judiciary, the governing majority’s practice of hastily passing legislation, often without proper debate or stakeholder consultation.

¹⁰ The European Commission Rule of Law [Report](#) raised concerns over independence, accountability and effectiveness of the prosecution, and adjudication of corruption cases in Bulgaria. In July 2020, several civil society organisations (CSOs) sent a [letter](#) to the European Union institutions, expressing their disagreement with the draft amendments to the law on Non-Profit Legal Entities, prescribing stricter financial regulation.

¹¹ The president vetoed 28 draft laws of the government, frequently criticized the prime minister and supported the 2020 protests. The prime minister often accused the president of “sabotaging the work of the government” and playing an oppositional role.

¹² The ruling coalition requested the convention of the Grand National Assembly (GNA), which requires one half of the MPs and the president. In line with the Constitution, the GNA adopts constitutional amendments altering the state organisation, governance and territory, or adopts a new constitution, pre-approved by two thirds of the MPs.

¹³ Paragraph I.2.2.v of the 2002 Venice Commission Code of Good Practice in Electoral Matters ([Code of Good Practice](#)) recommends redistribution of seats at least every ten years “preferably outside election periods”.

¹⁴ The seat distribution was based on the 2011 census. In average, 31,514 inhabitants correspond to a seat. In MMC 5 (Vidin), the cost of a seat is 16 per cent lower, and in MMC 10 (Kyustendil) 13 per cent above the average. Paragraph I.2.2.iv of the [Code of Good Practice](#) recommends that the permissible departure from the norm should not be more than 10 per cent, and should certainly not exceed 15 per cent except in special circumstances.

Parties and coalitions are eligible for seat allocation if they obtain at least four per cent of the valid votes cast nationwide; independent candidates must pass a constituency electoral quota.¹⁵ The candidates are elected from open lists with a single-preference option. If a preference is not indicated, the vote goes to the list carrier. Candidates need to pass a threshold to be elected; otherwise, the seats are allocated based on the ranking by the party.¹⁶ The seats are allocated under the *Hare-Niemeyer* method of proportional representation of the largest remainder.¹⁷ Votes cast abroad are counted to parties' results nationwide. Constituency outcomes are apportioned to correspond to the nation-wide results, at times resulting in election of candidates with incompatibly low constituency results.¹⁸ Some ODIHR LEOM interlocutors criticized this method for failing to adequately reflect the will of voters locally and noted the need for voter education.¹⁹

The parliamentary elections are primarily regulated by the 1991 Constitution, the 2014 Election Code, the 2005 Law on Political Parties, and supplemented with the CEC decisions.²⁰ The legal framework lacks stability; the Election Code was repeatedly amended since its adoption, most recently in 2019 and 2020. The recent amendments prescribed optional machine voting at polling stations with at least 300 voters, abolished some reconciliation safeguards in the PEC result protocols, deprived some disputes from an expedited resolution, abolished donation ceiling and re-introduced campaign donations by legal entities. The amendments lacked inclusive consultations processes with relevant stakeholders, contrary to international commitments and good practice.²¹ Additional proposals for amendments to the Election Code submitted by opposition parties were not approved by the parliament.²²

¹⁵ The constituency electoral quota is the ratio between the number of valid votes cast and the number of seats. According to the CEC data, the quota differed considerably among constituencies, the lowest was 9,931 in MMC 5 while the highest were over 14,000 in MMCs 1, 9, 10, 14. In all constituencies, the quota were higher than the cost of a seat for parties. No independent candidate reached the quota.

¹⁶ To get a preferential seat, a candidate must obtain at least seven per cent of the votes obtained by their party lists in an MMC. In the outgoing parliament, 56 MPs were elected by preferential votes.

¹⁷ The Hare-Niemeyer quota is determined by dividing the total number of valid votes cast by the number of seats at the constituency. The Election Code determines the methodology for the distribution of seats received by political parties on the national and constituency levels conducted in several stages under mathematical calculations performed by the CEC to reflect the largest remainders of the result at every stage of redistribution, and to ensure that the sum of the seats allocated on the constituency level in all 31 MMCs correspond to the total nation-wide results, comprising votes received abroad, for each party. The discrepancy between the votes received nationwide and on constituency level appears because the votes received abroad are calculated for national party results but drawn from constituency candidates lists.

¹⁸ See ODIHR and the Venice Commission 2014 [Joint Opinion on the Draft Election Code of Bulgaria, paragraph 22](#), as well as ODIHR and the Venice Commission 2017 [Joint Opinion on Amendments to the Election Code of Bulgaria](#), paragraph 24.

¹⁹ The adjustment of constituency results to the nationwide outcome led to RU!MO! with 10,115 and GERB-SDS 24,555 votes winning two seats each in MMC 2; in MMC 6, BSP with 12,753, DPS with 8,107 and RU!MO! with 3,080 won one seat each; in MMC 8, BSP with 13,769 and DP with 3,929 votes won one seat each; in MMC 9, RU!MO! won a mandate with 778 votes, while BSP received none with 5,754; in MMC 31, BSP with 13,091 votes, GERB-SDS with 11,703 and RU!MO! with 2,879 won one seat each.

²⁰ Other applicable legislation includes the 1990 Law on Assemblies, Rallies and Demonstrations, the 1969 Administrative Violations and Sanctions Act, the 2006 Code of Administrative Procedure, the 1968 Criminal Code, the 2015 Law on State Audit Office.

²¹ The CEC informed the ODIHR LEOM that it was not consulted on the recent amendments to the Election Code, including those modifying its operation, and some CSOs noted that their proposals were not taken into account. Protocols of the sessions of the parliamentary Committee on Legal Affairs indicate that the civil society and media were excluded from the discussion of the draft amendments prior to the second reading. Paragraph 5.8 of the [1990 OSCE Copenhagen Document](#) states that the legislation should be adopted at the end of a public procedure.

²² Draft amendments tabled by BPS, jointly by UP and Volya, and DPS were discussed at the standing committee.

The legal framework provides an adequate basis for the conduct of democratic elections. However, long-standing ODIHR and the Venice Commission recommendations to bring it further in line with international standards and good practice remain unaddressed. These mainly relate to voting by prisoners and persons with disabilities, candidate nomination, campaigning, conditions and consistent criteria for establishment of out-of-country polling stations, election day voter registration, campaign finance reporting and oversight, and measures to promote participation of women and minorities, sanctions for electoral violations and challenges of the election results.²³ Moreover, the legislation contains gaps, repetitive provisions, and inconsistencies on crucial aspects of the electoral process, including the campaign, campaign finance, voter registration abroad, dispute resolution and sanctions for irregularities.²⁴

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

V. ELECTION ADMINISTRATION

The election administration comprised the CEC, 31 District Election Commissions (DECs) and 12,941 Precinct Election Commissions (PEC).²⁵ Members of all election commissions were nominated by political parties and coalitions, in proportion of their representation in the parliament.²⁶ By law, no party or coalition could have a majority in any commission; the chairperson, the deputy chairperson and secretary could not be from the same party or coalition. Women were well-represented at all levels, also in senior positions.²⁷

The CEC is the only permanent election administration body; its 20 members, nominated by seven parties and coalitions, are appointed for five-year terms.²⁸ The parliament elects the chairperson, the deputies and the secretary, and the president appoints the remaining members, based on party nominations.²⁹ The CEC is mandated to oversee electoral preparations and implement them jointly

²³ See the 2017 ODIHR and the Venice Commission [Joint Opinion on Amendments to the Election Code of Bulgaria](#), paragraph 71. See paragraph 7.3 and 7.5 of the [1990 OSCE Copenhagen Document](#), Article 25 in conjunction with Article 2 of the [ICCPR](#), Article 3 Protocol 1 in conjunction with Article 14 of the [ECHR](#), and Articles 12 and 29 of the Convention on the Rights of Persons with Disabilities ([CRPD](#)).

²⁴ The Constitution provides that “electing central and local government authorities” is a right, while article 3 of the Election Code defines it as a civil duty and prescribes mandatory voting. In 2016, the Constitutional Court ruled the disenfranchisement for repeated abstention from voting as unconstitutional. ODIHR LEOM interlocutors, including CEC members, acknowledged that there are gaps and ambiguities impacting implementation of the legislation.

²⁵ According to the CEC, this includes 464 PECs abroad, 237 in healthcare institutions, 20 in detention centres and 484 mobile PECs for homebased voting of persons with disabilities and in mandatory quarantine due to COVID-19.

²⁶ Five political parties and coalitions (GERB, BSP, DPS, UP, and *Volya*) could nominate members to all commissions in proportion to their representation in the National Assembly. In addition, parties and coalitions in the European Parliament were entitled to nominate election commission members; in 2019 Reformist Bloc (RB) and Bulgaria without Censorship to the CEC, in 2021 DB to DECs and PECs.

²⁷ Ten CEC members, including the deputy chairpersons and the secretary, were women. According to the ODIHR LEOM’s count, a total of 308 of the 506 DEC members, comprising 19 of the 31 DEC chairpersons, were women. The CEC did not gather or publish gender-disaggregated statistics pertaining to the electoral process.

²⁸ Seven by GERB, six by BSP, two each by DPS and UP and one each by *Volya*, RB and Bulgaria without Censorship.

²⁹ The term of the CEC began in March 2019. The previous CEC chairperson resigned following the discussion on the amendments related to the machine voting, stating her dissatisfaction with the timing of the amendments and the lack of clarity on the machines’ certification and storage. A new chairperson was appointed in October 2020.

with the government, local authorities and other actors.³⁰ The CEC held regular sessions, open to observers, and took some 400 decisions on electoral preparations. The Ministry of Health issued an instruction, outlining COVID-19 related health protocols applicable during the campaign and on election day.

DECs and most PECs were constituted by upper-level election commissions within the legal deadlines, following consultations among local branches of political parties, facilitated by governors and mayors, as required by law.³¹ Most of the eligible political parties nominated members to all DECs and PECs.³² Parties reached an agreement on the appointment of only five of the 31 DECs but some 92 per cent of the PECs.³³ A high number of PEC members were replaced by the nominating parties as late as on election day.³⁴ DEC and PEC members were provided with training by the respective upper-level election commissions before election day. The PEC training was not fully based on a standardized curriculum and sometimes lacked an interactive component. Due to their late appointment, many replacement PEC members did not participate in the training, at odds with international good practice.³⁵

To ensure stability and comprehensive training of the PECs, the tenure of their members could be better protected against arbitrary replacement by their nominating parties in a reasonably long period prior to election day.

The CEC conducted a wide-ranging voter education campaign on social networks, radio and television about preferential and machine voting, access for voters with disabilities and voting for citizens in quarantine due to COVID-19. Voter education was conducted in Bulgarian language only. Some videos were provided with subtitles and sign language.

Out-of-country voting took place at 464 polling stations in 69 countries. The law limited the number of polling stations at 35 in countries outside the EU, irrespective of the number of citizens eligible to vote. The lack of consistent criteria for determining the number and locations of polling stations abroad contributed to the perception of several stakeholders that this limitation has a discriminatory effect and aims to discourage voting in Turkey.³⁶

³⁰ In line with the Election Code, a government decision tasked a deputy prime minister with the coordination of the organisational preparations of the elections. The Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development (GRAO) verified the signatures and partly the eligibility of individual candidates, Information Services partly verified the eligibility of candidates and processed the results tabulation and, following a public procurement, *Ciela Norma*, a private company, implemented machine voting.

³¹ By law, DECs are to be appointed no later than 50 days before election day, and regular PECs no later than 25 days before election day. Depending on the number of parliamentary seats in the electoral constituency, DECs had 15 or 17 members, and PECs had between five and nine members, according to the number of registered voters.

³² DB did not nominate PEC members in some six per cent of the municipalities.

³³ In case of no consensus, upper-level election commissions appointed PECs and DECs on the parties' proposals. No official data was published by the CEC on agreements on the appointment of PEC and DEC members.

³⁴ Based on DEC decisions published online, in many constituencies more than ten per cent of the PEC members were replaced between the end of training (31 March) and election day. In this period, some 27 per cent of the PEC members were replaced in DEC 25, Sofia; 26 per cent in DEC 24, Sofia; and 21 per cent in DEC 21, Blagoevgrad. ODIHR LEOM political party interlocutors alleged that the replacements were triggered by the high number of resignations due to the pandemic and the insufficient remuneration, adding that some parties proactively reshuffled their PEC members close to election day to prevent them from being bribed.

³⁵ See paragraph II.3.1.g of the [Code of Good Practice](#) which states that "Members of electoral commissions must receive standard training."

³⁶ The PACE Resolution 1459 (2005) on the [Abolition of restrictions on the right to vote](#) states that "Given the importance of the right to vote in a democratic society, the member countries of the CoE should enable their citizens living abroad to vote during national elections [...]. They should take appropriate measures to facilitate the exercise of such voting rights as much as possible, in particular by considering absentee (postal), consular or e-voting."

The election administration generally met legal deadlines and managed technical aspects of the elections efficiently amid adjustments in response to the COVID-19 pandemic. However, many ODIHR LEOM interlocutors lacked trust in the election administration's work, raising concerns about the insufficient preparation of PEC members and the politicized nature of the CEC, which sometimes hindered decision-making and especially the adjudication of complaints related to campaign violations.³⁷ Moreover, while the CEC and DEC's timely posted decisions and other relevant documents online, the CEC regularly muted the live-stream of sessions for several minutes without justification and did not always publish the agenda well before the sessions started, limiting transparency.³⁸

VI. VOTING TECHNOLOGIES

The Election Code provided for the combined use of touchscreen voting machines (direct-recording electronic equipment) and paper ballots, depending on the voter's choice, at in-country polling stations with a minimum of 300 registered voters. The legal framework comprehensively defined the technical specificities of the voting machines but left some aspects, such as the certification of devices and the verification of results, partly unaddressed. The technical requirement included secure data storage and processing, and easy access for voters with physical or sensory disabilities. Many ODIHR interlocutors criticized that large-scale machine voting was introduced in the absence of public consensus on the matter.³⁹ While the stated purpose of the introduction of the voting machines was to reduce the number of invalid votes and eliminate human errors during vote count and tabulation, these objectives were reached only to a limited extent due to the parallel use of paper ballots and voting machines.⁴⁰

Following a public procurement tender, a vendor, *Ciela Norma* provided 9,600 voting devices, software, IT support and logistical services, and the relevant training to election commissions. Machine voting was implemented at 9,397 polling stations, and was eventually suspended or discontinued at some six per cent of these due to discrepancies on the preferential candidate lists or other technical problems (see *Election Day* section).⁴¹ The comprehensive tasks outsourced to the vendor and the malfunction on election day suggested that the election administration did not

³⁷ At all levels of the election administration, a quorum of half of the members is required to hold a session, and two-thirds of the members present may adopt decisions. The CEC did not reach an agreement on a number of proposals, including several amendments aiming to reduce the complexity of PEC protocols.

³⁸ The CEC Rules of Procedure prescribe publishing the agenda online prior to sessions. The rules allow for partially closed sessions only due to data protection and require public announcement of the reasons. The CEC stated that muting is occasionally necessary to allow members to familiarise with the discussion items.

³⁹ Machine voting was introduced at a limited number of polling stations during the 2014 European Parliament and early parliamentary elections, the 2015 municipal and 2016 presidential elections and the 2019 European Parliamentary and local elections. The planned public discussion on the large-scale introduction of the voting machines did not complete due to the COVID-19 pandemic.

⁴⁰ Through the voting machine, there is no technical possibility to cast an invalid vote. However, due to the parallel use of paper ballots, the proportion of invalid ballots remained 2.6 per cent (compared to 4.6 per cent in 2017 when only paper ballots were used.) The complexity of the results reconciliation at PECs led to a high number of protocols with arithmetic mistakes or omissions. The IS informed the ODIHR LEOM that 60.5 per cent of the PEC result protocols were ineligible for inclusion in the preliminary results without correction (see *Election Day* section).

⁴¹ No machine voting took place in special polling stations set up in hospitals and other social institutions, pre-trial detention centres, mobile voting PECs and out of the country.

effectively oversee the organisation of machine voting, as required by law and recommended by the Council of Europe (CoE) guidelines.⁴²

To guarantee efficiency of the machine voting process, the role of election administration in overseeing its implementation, including verifying the reliability of the relevant software and the accuracy of all components, could be strengthened.

After a vote is cast, the voting machine prints a control receipt, allowing for a subsequent verification of the results. In the absence of legal provisions, the CEC took an instruction to count the receipts in each constituency from three randomly selected polling stations. However, the CEC instruction did not set any deadline for the verification of the counts nor did it clarify the procedure if discrepancies are established. The CEC informed the ODIHR LEOM that the verification would take place after the announcement of the final results, as part of the voting machine audit process.⁴³

To ensure the accountability of voting with direct recording equipment, the law should provide clear rules and deadlines to carry out a count of the machine voting control receipts in a statistically significant number of randomly selected polling stations.

The 2020 Election Code amendments tasked the State Agency for Electronic Government (SAEG), the Bulgarian Institute for Standardization, and the Bulgarian Institute of Metrology to assess the DRE's compliance with the legal and technical requirements. Some ODIHR LEOM interlocutors criticized the lack of public consultation on the matter. The agencies adopted a joint methodology and conducted the certification in a comprehensive manner, open for observers. The law did not define clear rules about disclosing the certification report nor clarified the procedure if it establishes non-compliance. A final report, establishing full compliance with the legally required specificities, was published by the SAEG as late as four days prior to the elections.⁴⁴

⁴² See the [Explanatory Memorandum to Recommendation CM/Rec\(2017\)5 of the Council of Europe's Committee of Ministers to member States on standards for e-voting](#), which states that "statutory duties of the body responsible for the conduct of elections must never be outsourced, since this body is in charge of the election". The ODIHR [Handbook for the Observation of New Voting Technologies](#) specifies that: "any indication that vendors, rather than election officials, control the process is a cause for concern, as this can compromise the impartiality and independence of the election administration".

⁴³ The CoE [Recommendation CM/REC\(2017\)5 on standards for e-voting](#) stipulate that "The e-voting system shall provide sound evidence [...] verifiable by means that are independent from the e-voting system.", and the [Guidelines](#) add that "The validity of this second medium is to be assessed by national regulations that will also decide what to do in case of discrepancies between electronic results and those produced by the second medium. [...] A mandatory count of votes in the second medium in a statistically significant number of randomly selected polling stations should be carried out."

⁴⁴ The CoE [Guidelines on the implementation of the provisions of Recommendation CM/Rec\(2017\)5 on standards for e-voting](#) state that "Member States should set and publish clear rules with regard to the disclosure of the final certification report and of all relevant documents, bearing in mind the importance of transparency" and that "the certification procedure needs to be finished ahead of the elections, giving enough time to review the conclusions".

VII. VOTER REGISTRATION

Citizens over the age of 18 years have the right to vote. Contrary to previous ODIHR recommendations and international standards, prisoners, regardless of the gravity of the crime, and individuals deprived of legal capacity by a court decision are disenfranchised.⁴⁵

Voter registration is passive. Voter lists are compiled prior to each election, based on data extracted from the permanent National Population Register (NPR) by the GRAO. Citizens with a permanent address in Bulgaria are automatically added to the voter list. While ODIHR LEOM interlocutors generally expressed trust in the inclusiveness of the voter lists, some raised concerns about their accuracy, citing numerous entries of voters deceased abroad.

Preliminary voter lists were publicly displayed and could be verified online between 40 and seven days prior to elections.⁴⁶ Special voter lists were compiled for social institutions, detention centres and hospitals, based on information from these institutions' heads. According to the Information Services (IS), a total of 15,334 voters with permanent disabilities or in self-isolation due to COVID-19 were added to mobile voting lists.⁴⁷ The CEC informed the ODIHR LEOM that 93,580 voters were registered to vote in the municipality of their actual residence, following their requests.

The GRAO removed or moved to other lists the records of 95,777 voters who were declared incapable by a court, serving prison terms or changed their voting place. By law, the “lists of removed persons” were published for public scrutiny on municipal websites and also made available at polling stations on election day. Prior to election day, the CEC published the number of voters at the final voter lists as 6,588,372.⁴⁸

Voters who are not found on the voter list of their permanent address and certain categories of citizens can be added to the voter list on election day.⁴⁹ For out-of-country voting, registration prior to election day is optional; voters could register on election day at any polling station abroad, without being removed from the in-country voter lists. 88,038 citizens registered prior to election day, and a total of 180,566 citizens voted abroad. The possibility to register at the polling station on election day is at odds with the international good practice.⁵⁰

To avoid the possibility of multiple registration, consideration could be given to removing the possibility for voters to register on election day. There should be an administrative procedure, subject to judicial control, allowing for the registration of a voter who was not registered.

⁴⁵ The [2006 UN Convention on the Rights of Persons with Disabilities](#) (CRPD) obliges states to “recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life” and to ensure their “right and opportunity [...] to vote and be elected”. The 2016 ECHR judgment on [Kulinski and Sabev v. Bulgaria](#) found that a blanket, automatic and indiscriminate disenfranchisement of prisoners, irrespective of the length of the sentence, the nature or gravity of the offences and individual circumstances, constituted a violation of Article 3 Protocol 1 of the ECHR. See also [Hirst v. the United Kingdom](#).

⁴⁶ Voters could check their individual entries on the GRAO and municipal websites. Voter lists were also displayed in public places not designated by the law. Political parties and observers had no access to the voter register as a whole.

⁴⁷ Voters had a possibility for mobile voting provided that they quarantined no later than 31 March, stayed in the municipality of residence and there were at least ten similar requests in the same municipality.

⁴⁸ The final CEC result protocol indicates a total of 6,789,605 voters, including 201,233 voters added on election day, of which 117,707 added on out-of-country voter lists.

⁴⁹ The Election Code entitles PEC members and security officers to vote at the polling station of their duty, students are allowed to vote in the municipality where they study, and persons with disabilities may vote in any suitable polling station of their choice without submitting a prior request.

⁵⁰ Paragraph 1.2.iv of the [Explanatory Report to the Venice Commission Code of Good Practice in Electoral Matters](#) recommends that “In any event polling stations should not be permitted to register voters on election day itself”.

As required by law, the CEC requested GRAO to examine all voter lists for multiple voting after election day. However, neither the law nor a CEC decision set a deadline for such examination.

VIII. CANDIDATE REGISTRATION

Voters over the age of 21 years may stand for elections.⁵¹ Public office holders who are barred from being members of a political party, may not stand for elections on party lists unless they resign.⁵² However, they may stand as independent candidates after taking leave. Citizens holding dual citizenship are ineligible to stand, at odds with jurisprudence of the European Court of Human Rights.⁵³

Bulgarian citizens that hold dual citizenship should not be prevented from standing for office.

Candidate registration is a two-step process; first, the CEC registered political parties and coalitions, which had to submit registration documents to the CEC, including a combination of 2,500 support signatures and a financial deposit of BGN 2,500.⁵⁴ DEC's were mandated to register 'nomination committees' for independent candidates, which had to submit signatures of no less than one per cent but no more than 1,000 support signatures from voters with permanent address in the respective constituency and a deposit of BGN 100.⁵⁵ Citizens could sign in support of only one contestant, at odds with an ODIHR recommendation and international good practice.⁵⁶

The GRAO was required to check support signatures until it established whether the number of valid signatures reached the legal threshold.⁵⁷ Voters could verify on the CEC website whether their name featured on any of the support signature lists. The CEC informed the ODIHR LEOM that 3,297 checks have been conducted by voters, and it referred three alerts about misuse of personal data to the Commission on Personal Data Protection.

Candidate and party registration were generally inclusive. The CEC received requests from 31 political parties and eight coalitions and denied registration to six parties due to incomplete documentation.⁵⁸ Following the verification of support signatures by the GRAO, the CEC deregistered two parties. Three rejections were challenged to the Supreme Administrative Court (SAC), which upheld the CEC decisions. One additional party withdrew to join a coalition. In total,

⁵¹ A party-nominated candidate may stand in no more than two constituencies and an independent candidate in a single constituency.

⁵² These include military, intelligence service and police personnel, diplomats, judges and prosecutors.

⁵³ In [Tănase v. Moldova](#), the ECtHR recognised the restrictions on dual citizens' suffrage rights to be a disproportionate measure and, thus, contrary to Article 3 of Protocol 1 of the ECHR. Bulgaria reserved the right not to apply Article 17 of the [1997 European Convention on Nationality](#), which guarantees equal rights to nationals with dual citizenship.

⁵⁴ 1 EUR is 1.96 Bulgarian Lev (BGN).

⁵⁵ Political 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.

⁵⁶ Paragraph 96 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) recommends that "it should be possible to support the registration of more than one party, and legislation should not limit a citizen or other individual to signing a supporting list for only one party."

⁵⁷ Signatures were declared invalid if the signatory was not a registered voter, if voters' data was incomplete or the voter supported multiple lists.

⁵⁸ Reasons for rejection of registration included insufficient support signatures, signatures not presented in electronic form, missing certificate on the party's legal status, and bank account information.

5,911 candidates registered on lists of 30 parties and coalitions.⁵⁹ There were only two independent candidates.⁶⁰ The candidate registration process concluded on 10 March, five days after the official start of the campaign.⁶¹ While the CEC provided contestants with a three-day deadline to correct the registration documents, the law did not allow any correction after the registration deadline. As a result, some applicants had limited or no opportunity to rectify their applications.⁶²

Deadlines for party and candidate registration could be adjusted to provide all contestants equal opportunities to rectify their applications and prevent overlapping with the election campaign period.

There are no special legislative measures to promote women's participation, and few parties had internal policies to enhance balanced representation. A total of 1,785 (approximately 30 per cent) of the candidates were women. Women led 214 (23 per cent) of the constituency candidate lists.⁶³

IX. ELECTORAL CAMPAIGN

The official campaign period commenced on 5 March, 30 days before election day followed by a 48 hour silence period. The campaign was largely competitive and pluralistic. Fundamental freedoms were generally respected and contestants were able to reach out to the electorate. However, by law campaign materials that harm public decency, the honour and reputation of the candidates are prohibited, which may result in undue limitation of the freedom of expression.⁶⁴

To fully guarantee freedom of expression, legal provisions prohibiting campaign materials that harm public decency, the honour and reputation of the candidates should be reviewed.

The campaign was subdued and mostly focused on personalities rather than platforms. Campaign topics included corruption, the judiciary, economy, foreign and neighbourhood policy issues but the discourse mainly centered around the handling of the COVID-19 pandemic. The tone was occasionally confrontational, including some instances of inflammatory speech against LGBTI and Roma.⁶⁵ No measures or action were taken to contain such instances, at odds with international

⁵⁹ On 9 March, CEC deregistered 16 ineligible candidates as seven had dual citizenship, and nine did not satisfy the age requirement. The CEC re-registered one candidate following the decision of the SAC.

⁶⁰ Two nomination committees could not register candidates as they submitted incomplete documentation, and DEC's deregistered two prospective independent candidates for an insufficient number of signatures. Following an appeal, the Administrative Court of Sofia revoked the deregistration of one candidate.

⁶¹ Paragraph I.1.3.8. of the [Code of Good Practice](#) recommends: "In all cases candidatures must be validated by the start of the election campaign, because late validation places some parties and candidates at a disadvantage in the campaign".

⁶² Eight political parties submitted their requests close to the deadline. The [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) state that "in case of technical omissions or minor infringements of registration requirements, the political party should be given reasonable time in which to rectify the failure."

⁶³ According to the ODIHR LEOM's count, women held the first place in 23 per cent and the second place in 29 per cent of the candidate lists. The Bulgarian Union for Direct Democracy had the highest percentage of women on their lists (48 per cent); GERB had 31 per cent, BSP and ITN 30 per cent each.

⁶⁴ The 2017 ECHR decision on [OrlovskayaIskra v. Russia](#) reiterates that free speech is essential in ensuring the free expression of the opinion of the people in the choice of the legislature. For this reason, it is particularly important in the period preceding an election that opinions and information of all kinds be permitted to circulate freely.

⁶⁵ For instance, the Minister of Defence and VMRO leader Krasimir Karakachanov, called on the Supreme Court of Cassation judges to reject a complaint of a transgender person denied name change; during the "120 minutes" show on *bTV*, VMRO candidates made statements against Roma and LGBTI.

standards⁶⁶The parties generally did not make targeted efforts to reach out to women voters, and gender-related issues were addressed occasionally, and only based on stereotypes.⁶⁷

Additional incentives could be considered for providing more favourable conditions for candidates of both genders to stand for elections. Political parties could consider ways to further increase gender balance and place women in electable positions on the candidate lists.

Political parties are not allowed to use state resources free of charge, including state-owned and municipality-owned vehicles for campaigning while election canvassing in state and municipal premises and companies is prohibited.⁶⁸ Whereas some public office holders are required by law to take a leave upon their registration as candidates, high rank government officials and MPs were exempt from this requirement since 2015.⁶⁹

After the call of elections, several extraordinary budgetary allocations totaling BGN 3.3 billion were approved and announced by government decisions, explicitly citing the aim to curb the COVID-19 pandemic, including handouts to groups of citizens;⁷⁰ and additional funding of the health sector.⁷¹ Moreover, government decisions not citing COVID as a justification allocated additional extraordinary funding totaling BGN 120 million, to schools;⁷² churches and mosques;⁷³

⁶⁶ The Council of Europe European Commission against Racism and Intolerance ([ECRI General Policy Recommendation N°15 on Combating Hate Speech, adopted on 8 December 2015](#), *inter alia*, calls for speedy reactions by public figures to hate speech; self-regulation of media; withdrawing financial and other support from political parties that actively use hate speech; and criminalising its most extreme manifestations, while respecting freedom of expression. Anti-hate speech measures must be well-founded, proportionate, non-discriminatory, and not be misused to curb freedom of expression or assembly nor to suppress criticism of official policies, political opposition and religious beliefs.

⁶⁷ BSP and ITN referred to maternity insurance, DB to victims of domestic violence, VMRO to the traditional role of women in the family and Nation advocated prison for those who promote gender values. ODIHR LEOM interlocutors stated that “women were not interested in politics because it was a harsh environment” that “the political culture is associated with power, hence with men”. In July 2018, the Constitutional Court ruled that the CoE [Convention on Violence Against Women](#) contravened the Constitution. BSP, VMRO, NFSD, *Ataka*, *Volya*, *Revival* and *DNK* publicly opposed the Convention.

⁶⁸ According to the Political Parties Act (PPA), “Public administrative resources” refers to “funds from the state budget, premises, vehicles, aircraft and other transport vehicles, equipment and other movable and immovable assets - in state and municipal ownership, made available to the administration, to state and local bodies and to state and local enterprises, as well as the labour of the administration employees.”

⁶⁹ Pursuant to a 2015 Constitutional Court decision, the Election Code was amended to exempt the prime minister, deputy prime-ministers, MPs, the president and vice president of the Republic from the requirement to take a leave.

⁷⁰ On 1, 8 and 10 March, BGN 1 billion for pensioners and BGN 120 million for food vouchers to be provided in April to pensioners with pensions up to BGN 369; BGN 4.2 million for freelance musicians and BGN 35 million for families of all first-graders and eighth-graders; on 24 March BGN 52 million for monthly allowances to families with children under-14 who have to stay at home due to COVID-19 and BGN 40 million state guarantee for student loans; on 26 March BGN 2 billion for businesses and BGN 83.5 million to fruit and vegetable producers.

⁷¹ On 13 January BGN 1.8 million for the hospital in Gotse Delcev, Blagoevgrad; on 24 February BGN 500,000 for the Bulgarian Red Cross, on 17 March BGN 24 million for the drug Remdesivir, BGN 96 million for patients’ treatment; on 29 March BGN 80 million for drug funding.

⁷² On 20 January BGN 2.4 million for schools in Blagoevgrad; on 27 January BGN 600,000 for reconstruction of nurseries, kindergardens and schools; on 3 February BGN 20 million for schools; on 10 February BGN 4 million for religious schools; on 10 March BGN 2 million for reconstruction of schools and kindergardens.

⁷³ On 17 February BGN 3.5 million for reconstruction of churches and monasteries and BGN 140,088 for the Fatih Mehmed Mosque in Kyustendil; on 10 March BGN 1.6 million for two Orthodox churches in Sandanski and Zemen and the Makbul Ibrahim Pasha mosque in Razgrad and BGN 3 million for the monastery complex Nativity of Christ-Shipka; on 24 March a building and BGN 879,000 to a religious center in Lovech.

municipalities,⁷⁴ and infrastructure projects.⁷⁵ A number of complaints were filed by political parties alleging misuse of state resources and abuse of office by the ruling party. This was perceived by several interlocutors as financial incentives to voters and gave the ruling party a significant advantage of incumbency.⁷⁶ Overall, the law does not effectively prevent misuse of administrative resources and abuse of office during the campaign, at odds with paragraph 7.6 of the 1990 OSCE Copenhagen Document.⁷⁷

To ensure a level playing field, consideration could be given to prohibiting major government announcements linked to or aimed at creating a favourable perception towards a given party or candidate during campaign periods.

Due to public health concerns, most parties refrained from door-to-door and in-person campaign activities, and shifted campaign to traditional, online and social networks. Public gatherings were allowed until 22 March and a subsequent ban on all indoors and outdoors public gatherings due to COVID 19 related restrictions prevented contestants from holding in-person campaigning. At the same time, the prime minister and other ruling party officials visited public infrastructure construction sites in some 50 municipalities and received extensive coverage by the media.⁷⁸ The Minister of Sports and other GERB MPs and candidates also visited construction sites across the country.⁷⁹ On 1 April the president publicly called the citizens to vote for a new leadership of the country, thus effectively abusing his office to campaign against the ruling party.

⁷⁴ On 19 January BGN 3.7 million for the municipalities of Gotse Delchev, Kostinbrod, Lucky and Sofia; on 17 February BGN 30 million for 17 municipalities; on 24 February BGN 9 million for the municipalities of Pernik, Razgrad and Aksakovo; on 27 February BGN 1.16 million to the Municipality of Targovishte for modernization of street lighting; on 4 March, BGN 10.5 million to the municipalities of Aksakovo, Vratsa, Slivnitsa, Velingrad, Dragichevo, Pordim, Tutrakan, Elin Pelin and Etropole.

⁷⁵ On 15 January BGN 220,000 for cleaning the Iskar river; on 17 March BGN 5.13 million for overcoming the natural disasters in seven municipalities; BGN 20 million for the Sofia Metro and on 28 March, BGN 1.9 million for renovation of the main boulevards in Razgrad.

⁷⁶ Paragraph II. B. 1.3 of the [2016 ODIHR and Venice Commission's Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#) stipulates that ordinary work of government must continue during an election period. However, in order to prevent the misuse of administrative resources to imbalance the level playing field during electoral competitions, the legal framework should state that no major announcements linked to or aimed at creating a favourable perception towards a given party or candidate should occur during campaigns.

⁷⁷ Paragraph II. B. 1.1 of the [2016 ODIHR and Venice Commission's Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#) states that “the legal framework should provide effective mechanisms for prohibiting public authorities from taking unfair advantages of their positions by holding official public events for electoral campaigning purposes, including charitable events, or events that favour or disfavour any political party or candidate.

⁷⁸ The prime ministers’ visits included construction works on the Trakia and Hemus motorway, roads and bridges in Razgrad, Sveta Retka, Plovdiv, Asenovgrad, Sofia, Veliko Tarnovo, Targovishte, Moslinovo, Yakoruda, Petrich, Belovo, Dospat, Dapnitsa-Satovcha, Synchronica, Ablanica, Botevgrad, Devin, Kresna and Sapareva Bania; schools and kindergardens in Kazanlak, Birkova, Malko Tarnovo, Dobrich, Botevgrad, Gotse Delchev, Svilengrad, Stara Zagora, Burgas, Dulovo and Kostinbrod; hospitals in Kardzhali and Sofia; churches and mosques in Shipka, Kuystendil, Razgrad and Lovech; river infrastructure in Burgas, Razgrad and Vratsa; pipeline facility in Chiren, Pirdop, Plovdiv and Vetrino; and a new vaccine factory in Razgrad.

⁷⁹ The Minister of Sports visits included road reconstruction in Dzhulyunitsa, Krivina, inauguration of a sports hall and sport facilities in Rusev and Slivo Pole. GERB candidates Stanislav Stoyanov and Detelina Borisova inspected the reconstruction road works in Strazhitsa, Polski Trumbesh and Karantsi; Mayor of Byala and GERB candidate Plamen Nunev inspected infrastructure works in Byala - the foundation of the new medical emergency center and the reconstruction of the old age home, financed by a cross-border project with the municipality of Gradinari, Romania; the mayor of Yasenovets Sali Saliev and GERB candidates Desislava Atanasova, Galina Georgieva, Vladimir Dimitrov and Lyudmil Yanev inspected the road works Razgrad – Isperih; GERB Varna Mayor Ivan Portnih announced building a light railway (metro) connecting the city centre with the airport.

The ODIHR LEOM observers received credible allegations about pressure by several parties and candidates on voters. All campaign materials had to contain a statement that vote buying and selling is a criminal offence. Nevertheless, the majority of ODIHR LEOM interlocutors noted that widespread practices of vote-buying and ‘controlled’ voting were still attempted mainly in economically and socially vulnerable communities, particularly impacting Roma.⁸⁰ During the campaign and on election day, the prosecutor received 84 alerts for alleged criminal offences, including 27 vote buying cases. Two vote buying pre-trial proceedings were initiated and four individuals were arrested, including one PEC member on election day.⁸¹ After election day, the prosecutor confiscated over BGN 800,000 allegedly intended for vote buying.⁸²

X. CAMPAIGN FINANCE

Campaign finance is regulated by the Election Code, the Law on Political Parties (PPA) and the Law on State Budget. The 2019 and 2020 amendments reduced the public funding for political parties, lowered the eligibility requirements and provided gratuitous premises for party offices, abolished the donation ceiling and reintroduced donations by legal entities.⁸³ The latter was criticized for disadvantaging new parties prior to elections and allowing undue corporate influence on political parties.⁸⁴

Most prior ODIHR and some Council of Europe’s Group of States against Corruption (GRECO) recommendations including related to reporting on expenditures before election day, and shortening deadlines for submission and disclosure of financial reports remain unaddressed. Some amendments are contrary to previous ODIHR and GRECO recommendations.⁸⁵ Overall, legislative shortcomings and limited enforcement diminished the transparency and effectiveness of campaign finances.

Eligible parties and coalitions were entitled to annual public funding totaling some BGN 15 million.⁸⁶ While there was no additional public funding for the campaign, new parties and independent

⁸⁰ As reported by the ODIHR LEOM interlocutors, this included cash, food supplies and hot meals. The Prosecutor General initiated a number of cases related to vote-buying. The 2003 OSCE Maastricht Document calls on participating States, to organize election-awareness campaigns to increase participation of the Roma electorate, ensure that Roma voters can make free and informed choices in elections.

⁸¹ A PEC member in Slavyanovo, Pleven region, was arrested, pleading guilty of vote trading, and was convicted to 6-month probation with an agreement. Other vote buying allegations were reported in Kyuestndil, Stara Zagora, Ruse, Devnya, Ihtiman and Asenovgrad with vote value between BGN 30 and BGN 50.

⁸² On 6 April, the prosecutor office reported the money was confiscated under the money laundering act.

⁸³ The 2019 amendments to the Law on Political Parties, including those on party funding, were introduced indirectly, through the amendments to the Law on State Budget under expeditious legislative procedure excluding opposition or expert community from the discussion. See paragraphs 18.1 of the [1991 OSCE Moscow Document](#) that requires that “[l]egislation will be formulated and adopted as the result of an open process reflecting the will of the people, either directly or through their elected representative”. See also 5.8 of the [1990 OSCE Copenhagen Document](#). And paragraph 8 of the [1996 UNHRC General Comment no 25](#) on Article 25 of the ICCPR.

⁸⁴ The president challenged constitutionality of the provisions allowing for unlimited donations from legal entities as granting political rights to legal entities, allowing corporate influence on parties, and endangering pluralism and national sovereignty. Transparency International Bulgaria, the Institute for Market Economics, the Supreme Bar Association and the NAO supported the complaint’s arguments, criticising the adoption shortly prior to elections, without public consultations.

⁸⁵ See the 2012 GRECO Third Evaluation Round Compliance [Report](#) on Bulgaria. The 2019 OSCE/ODIHR [Opinion](#) on the Act on Amendment of the Law on the 2019 State Budget of the Republic of Bulgaria criticised the changes for placing political parties without substantial budgetary savings in disadvantaged position prior to elections due to abrupt adoption of the bill.

⁸⁶ Parties and coalitions that obtained over 1 and 4 per cent of the votes respectively are entitled to BGN 16 per vote. In 2020, BGN 15 million was allocated to four parties and two coalitions; GERB received almost half of the amount.

candidates were entitled to BGN 40,000 and 5,000 respectively for media coverage.⁸⁷ Contestants could receive unlimited monetary and in-kind donations from individuals and legal entities. Donations from non-residents, anonymous persons, religious institutions and foreign sources were prohibited. While donations from legal entities with current outstanding public liabilities are prohibited, the lack of effective regulatory safeguards or temporary limitations for service providers to engage in political financing does not prevent from circumvention, at odds with international standards.⁸⁸

Donations over BGN 1,000 and all payments had to be conducted via bank transfer to a campaign fund. The 2019 amendments prescribed a requirement for a written statement for donations exceeding BGN 650. Contestants were required to report donations on a weekly basis during the campaign, but compliance was not uniform. The sources of party funds were exempt from disclosure, allowing contestants to use them without revealing the donors in their campaign finance reports. Most parties reported considerable donations from individuals, while several stated that they mainly used party funds for campaigning.⁸⁹ In some instances, it was reported that candidates' contributions were mandatory.

In line with the international standards and good practice, consideration could be given to introducing reasonable limitations on the permissible amount of donations and effective safeguards against circumvention of prohibitions on the sources of donations.

Parties and independent candidates were subject to the BGN 3 million and BGN 0.2 million expenditure limits, respectively. Media was the primary campaign expenditure for the majority of contestants.⁹⁰ Despite the legal requirement for upfront payment for campaign-related services, some ODIHR LEOM interlocutors stated that contracts with protracted payment were a common circumvention practice.⁹¹ Despite previous ODIHR recommendation, the law does not require reporting on expenditures prior to elections. Contestants were required to submit reports on campaign revenue and expenditure within 30 working days after the elections, to be published within 15 days after submission and audited within six months, detracting from transparency.

To enhance transparency of campaign finance, consideration could be given to disclosing the sources of donations to the party funds as well as campaign expenditures prior to election day.

The National Audit Office (NAO) is mandated to exercise party and campaign finance oversight. Its effectiveness was challenged by its limited mandate and authority to investigate and sanction

⁸⁷ According to the media pricelists, one minute advertisement within or near the primetime news costs BGN 37,181 on bTV; BGN 27,6245 on *Nova TV*, 5,412 on *BTN1* and BGN 1,645 on *Nova News*. The funds were allocated by the CEC on 10 March, five days into the campaign.

⁸⁸ Article 5b of the Council of Europe Committee of Ministers [Recommendation \(2003\)4](#) requires “[...]measures aimed at limiting, prohibiting or otherwise strictly regulating donations from legal entities which provide goods or services for any public administration”. See also Article 8 of the [2004 UN Convention against Corruption](#).

⁸⁹ Prior to election day, 16 contestants reported donations by individuals and candidates. VMRO reported BGN 551,672 from individuals and BGN 365,236 from candidates; *Volya*-NFSB -BGN 281,288 from one individual and BGN 235,347 by a single candidate, both board members of the SKAT media group; BSP -BGN 130,220 from individuals and BGN 182,717 from candidates; RU!MO! -BGN 96,145 from individuals and BGN 16,976 from legal entities, of which half were in-kind; ABV -BGN 72,355 from individuals and BGN 60,748 from candidates. Donations from legal entities were reported by five parties, mostly in-kind.

⁹⁰ The campaign expenditure on the main 12 broadcasters monitored by the LEOM amounted to some BGN 1,058,467 by the *Will*-NFSB; VMRO - BGN 587,681; RB – BGN 389,376; GERB-SDS – BGN 243,431; BSP – BGN 239,458; *Vazrazhdane* – BGN 99,516.

⁹¹ These included indirect campaign-related contracts with agencies, including on social network profiles and publications presented as editorial coverage.

campaign finance infringements in a timely manner. Notably, prior to elections, NAO was only required to publish the information reported by the contestants without verifying it. Moreover, after the submission of final campaign finance reports, NAO has a six month for auditing and is required only to verify the correspondence of the reported information with the financial documentation and contract conditions but not to identify unreported transactions.⁹² The law prescribes fines up to BGN 10,000 for the failure to comply with the disclosure and reporting requirements, which are not dissuasive.

To ensure effective oversight of campaign finances, NAO mandate and resources should be strengthened to effectively monitor, investigate campaign finance irregularities, identify unreported income and expenditure and impose dissuasive sanctions.

XI. MEDIA

A. MEDIA ENVIRONMENT

The media environment was defined by corporate and commercial interests and lacked editorial independence and effective self-regulation. Television remained the main source of political information, followed by online media, while print media lost their influence after the largest private distribution network *Lafka* closed in 2020. Two television networks, *bTV* and *Nova*, had a combined viewership of over 64 per cent and, from January until October 2020, received over 87 per cent of all television advertisement revenue, raising concerns about media concentration.⁹³ The parent company of *Nova* operated the largest digital media company, with over ten major news-websites. At least four national television stations are owned by a party leader or legal entities affiliated with political parties.⁹⁴

The government has wide discretion over the amount and timing of public funding for the public broadcasters, the Bulgarian National Television (*BNT*) and Bulgarian National Radio (*BNR*), which undermines their editorial independence.⁹⁵ Some ODIHR LEOM interlocutors perceived allocation of some funds to the *BNT* as a reward for an editorial policy favourable to the government.⁹⁶

⁹² Including submission of donors' declarations on income and donations, income and assets declarations of contestants, compliance of the reported costs with those reported by service providers, identifying impermissible donations and correspondence of the reported donations to transferred funds. The NAO is entitled to request access to the databases of the National Revenue Service and other competent institutions.

⁹³ According to the Nielsen Admosphere viewership measurements, between 15-21 March, the channels of the *bTV* network had jointly 29.86 per cent of the measured audience, while the channels of the *Nova* network gathered a combined total of 34.3 per cent of the measured audience. The programmes of Public BNT gathered 6.07 per cent of the audience. Paragraph 8.18 of the PACE [Resolution 1636](#) states that "Legislation must be enforced against media monopolies and dominant market positions among the media. In addition, concrete positive action should be taken to promote media pluralism."

⁹⁴ According to the public registry, the direct owner of *Alfa* Television was Volen Siderov, the leader of the *Ataka*. *Skat* Television was owned by Valeri Simeonov, the leader of NFSB. The leader of ITM Slavi Trifonov owned the TV 7/8. The public media Bulgarian Free Television, *BSTV* was owned by Duma foundation, affiliated with the BSP. The *Bulgaria 24* was linked to the VMRO party. Furthermore, during the campaign Mr. Trifonov and Mr. Siderov continued to serve as hosts of regular programs.

⁹⁵ Paragraph 16 of the [2011 CCPR General Comment No. 34 to the ICCPR](#) states that "State parties should ensure that public broadcasting services operate in an independent manner. In this regard, States parties should guarantee their independence and editorial freedom. They should provide funding in a manner that does not undermine their independence." See also the PACE [Recommendation 1878](#).

⁹⁶ In December 2020, the government allocated BGN 82,332,700 for *BNT* and BGN 54,070,900 for *BNR*. Shortly after election day, an additional BGN 20,000,000 was allocated to the *BNT*, which during the campaign was promoting the government's achievements but no funds to the *BNR*, which was seen as critical to the government.

The impartiality of the public broadcasters should be strengthened by providing funding, based on a clear and objective criteria.

In 2019, the end-owners of *bTV* and *Nova* changed and a former politician was appointed as a new director of *BNT*.⁹⁷ Many ODIHR LEOM interlocutors opined that these changes compromised the editorial independence of all three broadcasters. Shortly afterwards, a number of senior editors and journalists were fired or resigned from all three television networks, some citing pressure by the new management. In October 2019, the media regulator dismissed the director of *BNR*, after an investigative journalist was suspended in the middle of a live-broadcast, reportedly due to her criticism of the single candidate for the office of prosecutor-general.

Many ODIHR LEOM interlocutors raised concerns about widespread self-censorship, including due to judicial pressure and intimidation of investigative journalists.⁹⁸ A number of cases of intimidation and physical assaults against journalists, including by police officers, were not fully investigated by the authorities, thus contributing to the atmosphere of fear and impunity.⁹⁹ Moreover, most ODIHR LEOM interlocutors noted that media outlets adjust their editorial policies to accommodate the interests of their private and public advertisers.

B. LEGAL FRAMEWORK

The Constitution protects freedom of speech and the press but some legal provisions contain limitations, which are at odds with international standards and previous ODIHR recommendations. Namely, defamation and libel remain criminal offences.¹⁰⁰ Activities by broadcasting media outside of the electoral period are mainly regulated by the Law on Audio-visual Media, while print media are mostly self-regulated.

To enhance freedom of expression, defamation and libel should be decriminalized.

During the campaign, only the public broadcasters, *BNT* and *BNR*, were required by law to provide a plurality of views in the news and current affairs programmes, and to abide by the principles of equality and objectivity when covering the candidates but not the parties. In addition, *BNT* and *BNR* were required to cover the campaign in the format of clips, debates and other forms agreed with the contestants.¹⁰¹ The latter was restrictively interpreted by *BNT* and *BNR* as a prohibition to cover the campaign in the news and other analytical programs, unless agreed upon with the parties.¹⁰²

⁹⁷ In 2019, the parent owner of *bTV*, Central European Media Enterprises, was acquired by the PPF Group N.V., while *Nova* Group was acquired by the prominent Bulgarian businessman Kiril Domuschiev. In January 2021, the *Nova* Group was acquired by United Group.

⁹⁸ See also the Council of Europe Commissioner for Human Rights country [report](#) of 31 March 2020.

⁹⁹ On 15 February 2021, the OSCE RFoM [noted](#) the refusal of the prosecutor-general to fully investigate the reported beating of a freelance journalist by the police in September 2020. See other [statements](#) and [tweets](#) of the OSCE RFoM. Paragraph 23 of the [2011 CCPR General Comment No. 34 to the ICCPR](#) calls all attacks on the journalists to be “vigorously investigated in a timely fashion and the perpetrators prosecuted”. See also the Paragraph 8.14 of the PACE [Resolution 1636](#) and the [CM/Rec\(2016\)4](#).

¹⁰⁰ Paragraph 47 of the [2011 CCPR General Comment No. 34 to the ICCPR](#) calls states to “consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases”. Fines for defamation and libel are up to BGN 15,000

¹⁰¹ The *BNT* has signed the agreement with 27 out of 30 election contestants, while *BNR* signed the agreement with 20 out of 30 election contestants.

¹⁰² See the paragraph II.1 of the CoE Recommendation [CM/Rec\(2007\)15](#).

The law required any paid-for content in media to be clearly labeled, the prices to be equal for all contestants, published in advance and not exceeding the prices for commercial advertisements in the last six months. However, despite a previous ODIHR recommendation, media were obliged to provide only general information on concluded contracts, which limited the opportunities for verifying compliance with the legal requirement. Media regulations were also applicable to profiles and pages of media outlets in the social networks. Other profiles and pages, including official pages of political parties and candidates, were considered private accounts and were exempt from the regulation, including campaign silence requirement.

The Council for Electronic Media (CEM), the regulatory body for broadcast media, monitored 16 television and 19 radio stations during the campaign. Despite a legal requirement introduced in December 2020, the CEM did not conduct any systematic monitoring of online streamed audio-visual content. Lacking sanctioning powers, the CEM was required to notify the CEC of possible media violations. Of the 29 cases referred by the CEM, the CEC initiated sanctioning procedures only in one case and issued warnings in two cases.¹⁰³ The CEC did not establish a violation in 16 cases and did not formally react to 10 cases.¹⁰⁴ Thus, despite the active media monitoring by CEM, the CEC did not ensure effective remedy for identified media violations.

To enable effective media oversight, the regulatory body for broadcast media could be vested with sanctioning powers, with a judicial review of its decisions.



C. MEDIA MONITORING FINDINGS

[Click Here to Read Media Monitoring Results](#)

The ODIHR LEOM Media monitoring concluded that the broadcast media offered contestants a variety of paid formats including interviews, debates and reports of their activities.¹⁰⁵ However, such coverage was not always clearly labelled as paid, as required by law, was often prepared by journalists of the respective media and was indistinguishable from editorial coverage, blurring the line between editorial content and political advertising, at odds with international standards.¹⁰⁶ Limited news coverage of the contestants combined with virtual absence of investigative or analytical reports and extensive institutional coverage of government officials significantly impaired the ability of voters to make an informed choice.

Based on a restrictive interpretation of the law, the *BNT1* refrained from editorial coverage of the campaign in the news and current affairs programs. As an exception, coverage of the last parliament session on 25 March offered parliamentary parties some seven combined minutes of news coverage. At the same time, the *BNT1* offered extensive news coverage, some 129 minutes, of the activities of the government, including 52 minutes of the prime minister and 33 minutes of the Minister of Health,

¹⁰³ The CEC initiated sanctioning procedures against a VMRO candidate for usage of religious symbols in an advertisement and issued warnings to *TV+* for publishing an opinion poll without the legally required information and to the municipality of Burgas for airing on the municipal radio *Voice of Burgas* the advertisement of GERB without publishing information on the contract.

¹⁰⁴ Such cases include ten violations of the requirements of publishing paid advertisements, four cases of usage of the national flag in the advertisements and four cases of violations of the rules for publishing the opinion polls.

¹⁰⁵ From 8 March until the end of the campaign on 2 April, the ODIHR LEOM conducted quantitative and qualitative monitoring of the primetime political coverage of five Televisions (*BNT1*, *bTV*, *Nova*, *Nova News* and *Bulgaria On Air*) and six online media outlets (*24 Chasa*, *Blitz*, *dir.bg*, *Dnevnik*, *Offnews*, *Vesti*).

¹⁰⁶ In the online media, the LEOM monitoring identified identical reports labeled as paid on one website while presented as editorial coverage on other websites. Paragraph I.8 of the CoE Recommendation [CM/Rec\(2007\)15](#) states that “If the media accept paid political advertising, the regulatory or self-regulatory frameworks should ensure that such advertising is readily recognisable as such.”

both GERB candidates.¹⁰⁷ Paid reports about the contestants, prepared by *BNTI* journalists, were aired in the daily current affairs programme “*Glasovete na Bulgaria*”.

The private televisions also had limited coverage of the campaign in their primetime news, allotting all contestants combined between 31 and 55 minutes during the monitored period. While not labeled as paid advertising, this news coverage was often in presentation and narration style similar to the paid reports on public television. All monitored private broadcasters also devoted extensive news coverage, between 103 and 281 minutes, to the activities of the government, including between 61 and 188 minutes to the prime minister and the Minister of Health.

In line with the law, the *BNT* provided 40 seconds of free air time in the beginning and end of the campaign and organized 15 debates, which was the only free platform available to all contestants. However, such debates were aired at 16.00 hrs, outside of primetime, significantly limiting their viewership. *BNT* organized eight debates in primetime, to which it invited six parliamentary parties and six most popular non-parliamentary parties based on the opinion polls. The monitored private broadcasters organized a number of debates with participation limited to up to ten most popular contestants.¹⁰⁸

Monitoring of online media indicated that the news websites covered the contestants more actively, compared to the traditional media. Namely, *Offnews* published numerous positive reports on the activities of GERB, BSP, DB and RP, while *Blitz* reported positively on GERB, BSP, PK, VMRO and DPS, and strongly criticized ITN and DB. Neither *Offnews* nor *Blitz* labeled any of their content as paid. The *24 Chasa* labeled some reports as paid while their editorial coverage was at times clearly promoting GERB, BSP and RP. *Vesti* and *dir.bg* clearly labeled political advertising and provided limited coverage of the campaign, with the majority of their politically relevant reports covering the government extensively, including the prime minister and the Minister of Health. *Dnevnik* largely refrained from paid reports, and was the only website to offer analytical and critical coverage of the government and GERB, DPS, VMRO, RB while it was supportive of DB.

The media largely complied with a legal requirement to indicate who commissioned, financed, and conducted the poll in 84 per cent of the published opinion polls. At odds with a previous ODIHR recommendation, the law did not require the publication of the polling methodology.¹⁰⁹ The ODIHR LEOM identified 12 media outlets which published “disguised” exit poll results on election day, despite a legal prohibition.¹¹⁰

The contestants actively used Facebook platform to promote their posts, spending over EUR 270,000 during campaign.¹¹¹ They continued advertising on the social networks during the silence period, spending a total of over EUR 60,000 of advertisements on Facebook on 3 and 4 April. The ODIHR

¹⁰⁷ Such coverage was largely focused on the government’s efforts to curb the pandemic, including the Prime Minister announcing allocation of funds for groups of citizens and public infrastructure projects.

¹⁰⁸ The ITN refused all invitations for the free debates and interviews, did not purchase any advertisements on any television station except 7/8 TV, owned by the leader of the party.

¹⁰⁹ Paragraph I.8 of the CoE Recommendation [CM/Rec\(2007\)15](#) requires states to ensure that media, when 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. The margin of error was not published in 91 per cent of cases while the polling period in 9 per cent and the sample in 12 per cent of polls.

¹¹⁰ Upon complaints by BSP and ISMV, the CEC sanctioned *Pik*, *Dnevnik*, *24 chasa*, *Blitz* and *dir.bg* for publishing opinion polls on election day.

¹¹¹ According to the data published for Bulgaria at [Facebook Ad Library](#) for the period from 5 March until 3 April. The ODIHR LEOM analysis of profiles identified either affiliated with the parties or their candidates.

LEOM identified over 60 Facebook pages running paid advertisements in support or against political parties, although not formally affiliated with any contestant.¹¹²

XII. PARTICIPATION OF MINORITIES

The Constitution makes no reference to national, religious or ethnic minorities but guarantees the right for self-identification.¹¹³ While it prohibits discrimination on ethnic or religious basis, it does not allow for political parties on “ethnic, racial or religious basis”.¹¹⁴ By law, the election campaign can be conducted only in Bulgarian language, contrary to a long-standing ODIHR and Venice Commission recommendation. DPS received ten fines up to BGN 2,000 each for using the Turkish language in its campaign.

Most mainstream political parties informed the ODIHR LEOM that they have ethnic Turkish and a few Roma candidates.¹¹⁵ In the outgoing parliament, DPS was represented with 25 MPs, mostly ethnic Turkish.¹¹⁶ It contested these elections with 395 candidates in all 31 constituencies.

To promote effective political participation and representation of the individuals belonging to minorities, consideration should be given to introducing legislative measures providing voter information and other election material in minority languages which would improve the understanding of the electoral process.

The Movement for Equality Public Model (DROM) aimed to represent the Roma community. In the 2017 elections it failed to gain support among the Roma population and did not participate in these elections.¹¹⁷ Most political parties and coalitions did not include policies for Roma integration in their electoral programmes. Several ODIHR LEOM interlocutors opined that Roma voters are socially and financially vulnerable and therefore subject to vote buying attempts.

¹¹² In March 2021, Facebook initiated a fact-checking program for Bulgaria, which during campaign focused exclusively on the COVID-19 disinformation.

¹¹³ Article 54.1 of the Constitution stipulates “Everyone shall have the right to avail himself of the national and universal human cultural values and to develop his own culture in accordance with his ethnic self-identification, which shall be recognized and guaranteed by the law.” According to the 2011 census, ethnic Turks are 8.8 per cent of the population, followed by Roma with 4.9 per cent. Persons belonging to other ethnic groups are below one per cent of the population. Due to the COVID-19 pandemic, the 2021 census was postponed to September and October 2021.

¹¹⁴ Article 2 of the [UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities](#), states: “persons belonging to minorities may exercise their rights...individually as well as in community with other members of their group, without any discrimination”. See also paragraph 2.4.a of the [Code of Good Practice](#). In its [Fourth Opinion on Bulgaria](#) published on 26 May 2020, the Advisory Committee on the Framework Convention for the Protection of National Minorities of CoE underlined that legal framework related to political participation rights of persons belonging to national minorities, including registration of both associations and of political parties, remains underdeveloped.

¹¹⁵ According to their statements, GERB, DPS and RB have ethnic Turkish candidates while GERB, DPS, BSP, DB and RB have Roma candidates.

¹¹⁶ In the 2019 local elections, DPS won 40 of the 265 Municipalities.

¹¹⁷ In the 2017 elections, DROM obtained 0.15 per cent of the votes.

XIII. COMPLAINTS AND APPEALS

Contestants, political parties and observers could file complaints against administrative acts, while voters can only file voter list related complaints.¹¹⁸ Complaints were admissible only if the complainant had a legal interest, which was narrowly interpreted and often resulted in inadmissibility.¹¹⁹ While campaign violations could be reported as alerts, the CEC decisions on them were not appealable, contrary to international good practice.¹²⁰ The law does not prescribe a right to challenge PEC and DEC election results, while contestants could only challenge the nationwide election results indirectly.¹²¹ This does not ensure effective remedy, at odds with a previous ODIHR recommendation and international good practice.¹²² Overall, according to the ODIHR LEOM interlocutors, the dispute resolution system lacks public trust, while shortcomings in the legal framework and its implementation by the CEC and the courts often leave stakeholders without effective legal redress.¹²³

The electoral dispute resolution framework should be reviewed to broaden legal standing to ensure that voters whose rights are violated are entitled to lodge a complaint to seek legal remedy. The law should be amended to allow for directly challenging election results.

Decisions of election commissions could be appealed to higher-level commissions, with the SAC as the final instance. The law provided for an expedited procedure, with deadlines from one hour to three days, which were mostly observed by courts and election commissions during the campaign. Following the 2019 amendments, some CEC decisions and actions, including regulation of some electoral procedures and those upholding rejections of complaints by DEC, are reviewed by local administrative courts, which did not provide for timely remedy.¹²⁴ By law, the chairpersons of election commissions and regional governors have wide discretionary power to decide on the amounts

¹¹⁸ Paragraph 5.10 of the [1990 OSCE Copenhagen Document](#) states “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity.” See also Article 2.3(a) of the 1966 [ICCPR](#).

¹¹⁹ Guideline II.3.3.3.b of the [Code of Good Practice](#) provides that “[t]he procedure must be simple and devoid of formalism, in particular concerning the admissibility of appeals.” Guideline II.3.3.3.f of the [Code of Good Practice](#) provides that “all candidates and all voters registered in the constituency concerned must be entitled to appeal”.

¹²⁰ Guideline II. 3.3 of the [Code of Good Practice](#) provides that “the appeal body in electoral matters should be either an electoral commission or a court... In any case, final appeal to a court must be possible”. Article 124 of the Administrative Procedure Code withdraws decisions on alerts from judicial review.

¹²¹ The law stipulates that, within 15 days of the announcement of the election results, the legitimacy of the elections can be challenged to the Constitutional Court by one-fifth of the MPs, the President, the Council of Ministers, the Supreme Court of Cassation, the Supreme Administrative Court, and the Prosecutor General, upon request or on their initiative. The ECtHR found this remedy to be ineffective within the meaning of Article 13 of the European Convention on Human Rights in [Petkov and others v. Bulgaria](#). In 2017, the Prosecutor General declined to initiate a constitutional petition against the election results based on a political party’s request. See Paragraph 79 of the ODIHR and Venice Commission 2017 [Joint Opinion on Amendments to the Election Code of Bulgaria](#).

¹²² Paragraph II.3.3.e of the [Code of Good Practice](#) states that “the appeal body must have authority to annul elections where irregularities may have affected the outcome. It must be possible to annul the entire election or merely the results for one constituency or one polling station.”

¹²³ Of five recommendations on independence of the judiciary in the [2019 GRECO Second Compliance Report](#), one remains unaddressed and three remain partially implemented. The [2020 European Commission Rule of Law Report on Bulgaria](#) acknowledged a low level of perceived judicial independence based on the 2020 EU Justice Scoreboard (the justice system was assessed as ‘fairly or very good’ by 37% among the general public) (page 6).

¹²⁴ Under the Administrative Procedure Code, individual or general administrative acts can be contested from two weeks to one month through the body that adopted the act that has three days to transfer the complaint to the courts that shall schedule a hearing within two months, and the decision is subject to further appeal; there are no limits to contest secondary legal acts and complaints shall be considered “within reasonable time”.

of fines ranging from BNG 200 to BNG 2,000 for some violations.¹²⁵ Moreover, the CEC only decided whether violations occurred, while the sanctions were not determined collegially by the CEC, but unilaterally by the chairperson without publication, undermining transparency and collegiality of the decision-making by the CEC.¹²⁶

Prior to election day, the CEC received 88 alerts and 47 complaints. Of them, 24 complaints were rejected on merits and six were denied admissibility on the grounds that the complainants did not have a legal interest.¹²⁷ Several complaints, including on misuse of administrative resources, were left unaddressed, due to lack of quorum at the CEC.¹²⁸ The CEC addressed some complaints and most alerts with so-called ‘protocol decisions’, which were difficult to locate among lengthy session notes and were often not published in the CEC complaints register. The courts did not always accept appeals against ‘protocol decisions’ on various grounds, including their procedural character and lack of possibility to challenge procedural acts.¹²⁹ Most complaints substantiated with social networks content were rejected due to inadmissibility of evidence.¹³⁰

On election day, the CEC received 410 complaints.¹³¹ Of them, 297 remained unresolved after the closing of the polls. The CEC issued formal decisions on five complaints, sanctioning five media outlets for publishing opinion polls and violation of campaign silence on election day.¹³² The CEC formally considered over 100 complaints alleging election day violations along with announcement of the final results, and left most of them for information or analysis. The election day complaints filed to the CEC were not examined coherently, as the majority of complaints and alerts remained without effective consideration. Similar complaints were not decided consistently, the majority of decisions were not published, while the limited published decisions lacked developed substantiation.¹³³ Complaints were predominantly reviewed in muted discussions and the decisions were not published. Overall, the CEC did not meet its obligation to provide an effective and timely legal remedy in most cases.

¹²⁵ Besides the clearly defined list of electoral violations and the respective sanctions, the Election Code contains a broadly formulated Article 495 that stipulates sanctions for undefined violations, and does not establish criteria allowing to determine the concrete amounts of fines.

¹²⁶ Under Article 496 of the Election Code, for violations of election campaigning, penalties can also be determined by regional governors.

¹²⁷ Numerous complaints filed by contestants on candidate registration and campaign violations were deemed inadmissible by the CEC and at least 29 appeals the SAC, due to lack of legal interest, while some similar complaints were reviewed on merits by the CEC.

¹²⁸ Including six complaints by BSP, RB and the civic organisation Fighter alleging misuse of state resources and abuse of office by the ruling party and five notifications against Volya posters promising gas stations in exchange for votes.

¹²⁹ For instance, the SAC denied admissibility to an appeal by DB against the CEC instructions on personal data protection adopted with a protocol decision, due to its procedural character, and a CEC tacit decision rejecting an alert against VMRO. On the other hand, the SAC reviewed an appeal by the Fighter against a CEC protocol decision leaving the complaint without consideration, which was treated by the SAC as an automatic rejection of the complaint due to lack of quorum at the CEC. In the latter case, the SAC could not reference a particular CEC act, as protocol decisions were not drafted by the CEC as individual administrative acts.

¹³⁰ Following the 2019 amendment of the transitional provisions of the Election Code, personal social networks accounts were excluded from the scope of media regulation. Several complaints alleging violations of media campaign rules on such accounts were examined on merits by election commissions.

¹³¹ Including 231 complaints on procedural irregularities, 66 on violation of campaign silence, 42 on violation of suffrage rights, five on publication of opinion polls, four on alleged vote buying and one on secrecy of the vote.

¹³² The CEC issued formal decisions establishing violations by *pik.bg*, *dnevnik.bg*, *24 chasa.bg*, *Blitz.bg* for publishing opinion polls, and violation of the campaign silence by *budnavarna.com*.

¹³³ The CEC left 189 complaints for information, forwarded 41 to the competent DEC, left 42 without consideration as unsubstantiated due to inadmissibility of evidence (social media content), 4 were reported for inspection with no outcome of inspections published. The CEC adopted 53 protocol decisions, 29 responses and instructions were given via e-mail or by phone.

To ensure effective and timely legal remedy by an independent and impartial tribunal, consideration could be given to extending the jurisdiction of the courts in resolving election-related disputes in an expedited manner.

Prior to election day, the SAC received 65 appeals against CEC decisions.¹³⁴ Most appeals were either inadmissible due to lack of legal interest of the complainants or they were forwarded to lower-level administrative courts due to the recent transfer of jurisdiction, resulting in delays and leaving cases undecided until after the election day.¹³⁵ In the cases reviewed on merits, the SAC upheld most of the CEC decisions.¹³⁶

As of 4 April, of the 445 cases initiated by the law enforcement, of which only 33 reached the pre-trial stage.¹³⁷ On election day, two cases were initiated for attempted voting with false IDs, one for hooliganism by a party's deputy chairperson, and one for vote-buying. The expedited deadlines for investigation and initiation of criminal cases are open to multiple extensions, decreasing the efficiency of the procedures.¹³⁸ A number of complaints were also filed to the Ombudsperson including on violation of voting rights of those quarantined due to COVID-19 and out-of-country voters, as well as complaints from PEC members alleging improper organization of the tabulation process and transferring of election materials.

XIV. CITIZEN AND INTERNATIONAL OBSERVERS

The legislation provides for observation by citizen and international observers and agents and proxies of contestants. Civil society organizations can nominate observers, provided that they are registered as holding objectives related to the protection of political rights. The Election Code contains detailed provisions on the rights and responsibilities of observers and grants them unhindered access to all stages of the electoral process. This right, however, was not fully granted during the result tabulation process at DEC and especially CEC level (see *Election day* section).

The CEC, in line with the law, accepted requests for registration until the day before election day. In an inclusive process, the CEC registered 30 civil society organisations with a total of 3,372 observers. Based on a verification conducted by the IS, the CEC established that 310 citizens did not satisfy the criteria for registration as observers, as they participated in the elections in more than one capacity (either as candidate, proxy or election official). Most citizen observer groups claimed that the

¹³⁴ Of these, 23 were repetitive and referred to changes in coalition partnership, the status of a former coalition party participating in elections independently, and PEC quota distributions. The SAC examined on merits but rejected as unfounded eight identical complaints against mistakes in a CEC decision on coalition registration.

¹³⁵ The SAC terminated review of several appeals against CEC decisions on IDs acceptable for out-of-country voting and ballot paper design, and forwarded them to local administrative courts. On 9 April, the SAC returned to the Plovdiv Administrative Court an appeal against a 14 March decision by the DEC Plovdiv. The complaint contesting the CEC and the Commission on Personal Data Protection joint guidelines prohibiting video-streaming of the counting by observers and party proxies remained unresolved on 16 April.

¹³⁶ All complaints challenging formation of out-of-country polling stations were rejected as the matter had been previously reviewed by the Constitutional Court. The CEC rejections to register parties were upheld.

¹³⁷ Those cases concerned suspected vote-buying, damage of campaign materials, threats and hooliganism. In Sofia region 15 cases were initiated; in Plovdiv - 8; in Varna - 2; in Burgas - 1; in Veliko Tarnovo – 7.

¹³⁸ Under the 2019 Prosecutor General's instruction, all election-related cases are to be processed in a seven-day procedure, which can be extended by two weeks, and to ordinary extendable two-month procedure. On 15 March 2021, the Prosecutor's office protested against the Sofia City Court acquittal of an individual of vote-buying during the 2014 election campaign.

COVID-19 situation limited their activities in terms of geographical scope and the number of observers.¹³⁹ The CEC also registered 129 international observers representing six organisations.

XV. ELECTION DAY

In accordance with the ODIHR standard methodology, the IEOM did not observe election day proceedings in a systematic or comprehensive manner. Mission members visited a limited number of polling stations in 16 of the 31 constituencies.

A. OPENING, VOTING AND COUNTING

Voting procedures were followed at most polling stations visited. However, some shortcomings were observed. Namely, PECs did not consistently apply safeguards against carousel voting: at some polling stations, PEC members did not check the serial number of ballots against the stub. In some cases, PECs applied the second stamp on the ballot before handing it over to the voter. Voters often went through identification while wearing masks. Inadequate positioning of the voting machines did not always guarantee the secrecy of the vote. Preventive measures against COVID-19 were in place but not followed consistently, and the high number of voters at some polling stations led to overcrowding both in-country and abroad.¹⁴⁰

While machine voting was generally implemented efficiently, the ballot definitions used for preferential voting had errors in some constituencies.¹⁴¹ In Veliko Tarnovo, where issues were first identified, machine voting was discontinued at all 313 polling stations equipped with voting machines. In Dobrich, machine voting was suspended at all 247 polling stations but resumed some hours later. The DEC 26 in Sofia reported similar errors to the CEC but voting in this district was not suspended. While the CEC adopted guidelines to count preferential votes based on the candidates' ordinal number in all such cases, it did not issue any announcement or decision explaining the different treatment of the three constituencies.¹⁴² According to the CEC, machine voting was suspended or halted at some additional 20 polling stations countrywide due to technical malfunction.

The few counts observed were overall transparent. PEC members largely followed the procedures with some inconsistencies, mainly due to PECs aiming to speed up the process. ODIHR observers noted that the compilation of the result protocol created difficulties at some polling stations, due to its extent and complexity.

¹³⁹ The number of registered citizen observers decreased by some 37 per cent compared to the 2017 elections.

¹⁴⁰ Citizen observers and media reported that long queues prevented some voters in Germany and the United Kingdom from casting their votes. The CEC informed the ODIHR LEOM that two polling stations in Austria run out of ballot papers and were instructed to print additional ballots on the spot.

¹⁴¹ In these constituencies, the ordinal number of some candidates appearing on the screen did not correspond to the candidates' names on the list. In Veliko Tarnovo, the first three candidates on the DB list were wrongly placed. In Dobrich, one *Stand Up! Get Out* candidate was not in a correct position; another name had spelling mistakes, and an additional empty preferential position appeared on the list of the Citizens of the Protest. The respective DEC informed the ODIHR LEOM that on Sofia's MMC 26 some candidates on the list of the *Movement for Change* were mismatched.

¹⁴² In addition, some relevant parts of the CEC session on election day were muted.

Most voting premises visited were not fully accessible for persons with physical disabilities, including some specifically designed for such voters.¹⁴³ Voters with disabilities also had the possibility to request assisted and homebound voting.

B. TABULATION AND ANNOUNCEMENT OF RESULTS

The district-level tabulation was jointly conducted by the DEC and the IS in an overall well organised manner. According to the IS, some 7,553 PEC protocols (60.5 per cent of the total) had to be reconciled at the DEC level, as they contained errors, mainly in the preference vote results. The scanned PEC protocols were published on the CEC website promptly after their processing. In some tabulation centres, observers were assigned to designated areas without a full view on the data entry, limiting transparency.

Upon completing the district-level tabulation, the CEC, in co-operation with the IS, conducted a second data entry based on the PEC results protocols and compared this data with the DEC tabulation entry. The CEC published a list of 14,934 inconsistencies identified on 3,568 PEC protocols (27.6 per cent of the total) shortly before the announcement of results. The CEC informed the ODIHR LEOM that the discrepancies were caused by the misplacement of preferential results and did not affect the seat distribution. At odds with the Election Code and good practice, the CEC denied the access of observers to its tabulation centre.¹⁴⁴

To enhance transparency of the process, the Central Election Commission should ensure unrestricted access of observers to all aspects of the electoral process, including the data entry at the DEC and CEC.

The CEC announced the final results on its session of 8 April. The voter turnout was 50.61 per cent. Some 24 per cent of the voters cast their votes through the voting machines. The number of invalid ballots equaled 2.6 per cent of all votes or 3.4 per cent of the paper ballots cast. The Election Code stipulates that paper ballots only marked with “X” or “V” with a blue pen are valid. The overly strict criteria may lead to the invalidation of votes where the voter’s intention is clear, at odds with international good practice.¹⁴⁵

XVI. POST-ELECTION DAY DEVELOPMENTS

The elections resulted in six parties and coalitions gaining representation in the parliament. GERB obtained the highest number of seats without having the majority to form a government. Immediately after election day, GERB, BSP and DPS extended offers to form a coalition government which were

¹⁴³ Paragraph 41.5 of the [1991 OSCE Moscow Document](#) calls on participating States “to encourage favorable conditions for the access of persons with disabilities to public buildings and services”. [CRPD](#) Article 29 requires state parties to ensure that “voting procedures, facilities and materials are appropriate, accessible and easy to understand and use.” See also the 2018 Committee on the Rights of Persons with Disabilities [Concluding Observations on the Initial Report](#) of Bulgaria.

¹⁴⁴ Paragraph II.3.2 of the [Code of Good Practice](#) states that “Both national and international observers should be given the widest possible opportunity to participate in an election observation exercise. [...] The places where observers are not entitled to be present should be clearly specified by law.”

¹⁴⁵ Paragraph I.3.2.2.4 of the [Code of Good Practice](#) recommends that: “It is best to avoid treating too many ballot papers as invalid or spoiled. In case of doubt, an attempt should be made to ascertain the voter’s intention.” In its [overview report](#) following the 2019 elections, the CEC established five main reasons for ballot invalidation; two were connected to the overly strict criteria of ballot validity.

declined by ITN, DB and ISMV. A total 21 MPs were elected by preferential vote.¹⁴⁶ The representation of women in parliament decreased to 22.9 per cent, compared to 24 per cent in the outgoing parliament.¹⁴⁷

On 9 April, prior to the seat allocation, 14 candidates entitled to seats, including the prime minister, withdrew from the candidate lists.¹⁴⁸ The withdrawal of candidates is not prohibited by law, at any time prior to election day and even after the elections, while the CEC noted that it accepts withdrawals as long as these are submitted before the final seat allocation.¹⁴⁹ However, a number of ODIHR interlocutors alleged that some withdrawals were initiated by the nominating political parties, raising concerns about the genuine intention of these candidates to obtain seats in parliament.¹⁵⁰ Two challenges of the withdrawals filed to the SAC, alleging abuse of passive suffrage rights by the withdrawing MPs and disregard of the will of voters were denied admissibility due to lack of legal interest.¹⁵¹

To ensure respect for the will of voters candidates who obtain the necessary number of votes required by law should be duly installed in office and withdrawal of elected candidates from their mandate after elections should be reviewed.

In addition, several requests for review of the constitutionality of the elections were rejected by the SAC.¹⁵² Deciding on the video-streaming case, the SAC forwarded a request to the Court of Justice of the European Union to issue a preliminary decision on the applicability of the European data protection law to the national elections context.

On 7 April, the prime minister invited the parliamentary parties to hold new parliamentary elections for a Grand National Assembly mandated with the amendment of the Constitution, in case the parliament fails to form a government. Nevertheless, this call did not include any concrete proposal for constitutional amendment and was declined by the leaders of all parliamentary parties as well as the president. After election day, the government continued to allocate extraordinary funds for

¹⁴⁶ Out of 19 MPs elected by preferential vote, 12 were from GERB, 5 from BSP and 2 from DB. GERB had the highest number of preferential vote (54 per cent) while ITN and DPS had the lowest leading to 157 position changes within six party lists. For the first time since preferential voting was introduced, the top three ranked candidates on a list (GERB) were not elected.

¹⁴⁷ A total of 55 women were elected, including 25 from GERB, 10 ITN, 6 BSP, 3 DPS, 7 DB and 4 ISMV. Of the 19 MPs elected by preferential vote, 4 were women (GERB 3 and DB 1).

¹⁴⁸ Of the 14 elected candidates who withdrew, nine were from DPS, including two mayors and one MEP, three from GERB and two from ITN; five were women, including four from DPS and one from ITN.

¹⁴⁹ In the absence of a legal provision, in 2001, the Constitutional Court [decided](#) that the mandate of MPs starts on election day. Articles 68 and 72 limit early mandate termination to governmental appointment, self-withdrawal, crime, ineligibility, incompatibility and death. Although [confirmed](#) a formality by the Constitutional Court based on the nonbinding parliamentary mandate and prohibition of forced labour (Articles 48 and 67), the parliamentary confirmation for early self-withdrawal of MPs is required by Article 72 of the Constitution. Article 302 of the Election Code determines the methodology for the CEC to determine new candidates eligible for seats in case of withdrawal of candidates, but does not specify the CEC's role in accepting MP's withdrawals.

¹⁵⁰ Paragraph 7.9 of the [1990 OSCE Copenhagen Document](#) requires states to “ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures.”

¹⁵¹ The complaints were filed to the SAC by the civic organization Fighter and an MP from DB.

¹⁵² The request for constitutional review was filed by the Fighter and a MP from the DPS, VMRO, and BSP to all the subjects of constitutional petition, namely the president, the parliament, the SAC, the Supreme Court of Cassation, and the prosecutor general. On April 19, the SAC rejected to initiate the constitutional review proceedings.

municipalities, schools and infrastructure projects and hand-outs to groups of citizens;¹⁵³ as well as additional funding to curb the pandemic.¹⁵⁴

In the first session of the new parliament on 15 April, the president made a call for unity and electoral reform. In the week following the elections, some political parties and the administration of the president initiated discussions on an electoral reform, including changes to the electoral system and election administration, introduction of postal voting in- and out-of-country, extended use of machine voting, changes to the voter registration abroad, further decrease of public funding to political parties, as well as constitutional amendments aimed at ensuring independence of the judiciary and the prosecutor.¹⁵⁵

XVII. RECOMMENDATIONS

These recommendations as contained throughout the text are offered with a view to further enhance the conduct of elections in Bulgaria and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that have not yet been addressed. ODIHR stands ready to assist the authorities of Bulgaria to further improve the electoral process and to address the recommendations contained in this and previous reports.¹⁵⁶

A. PRIORITY RECOMMENDATIONS

1. To ensure a coherent and stable electoral framework, the legislation should be reviewed to bring it further in line with OSCE commitments, international standards and good practices, well in advance of the next election period and within an inclusive and transparent consultation process.
2. To ensure a level playing field, consideration could be given to prohibiting major government announcements linked to or aimed at creating a favourable perception towards a given party or candidate during campaign periods.
3. Bulgarian citizens that hold dual citizenship should not be prevented from standing for office.

¹⁵³ Including BGN 6.6 million for the municipalities of Gurmen, Velingrad and Pernik; BGN 16 million for public schools; BGN 240,000 for the Rila Monastery; BGN 204,200 for road infrastructure safety management; BGN 20 million for the Public Broadcaster; BGN 2.4 million for scholarships to 72 municipal schools and a one-off BGN 195 and BGN 135 per month for one-year grants for gifted children.

¹⁵⁴ Including BGN 46.4 million for vaccines and BGN 1,000 per month to medical staff directly involved in COVID-19 treatment; BGN 39 million for hot meals supporting 60,000 vulnerable persons.

¹⁵⁵ Of the 25 draft laws tabled at the first session of the new parliament, seven were election-related. Proposals by [GERB-SDS](#) included conducting parliamentary elections under a majoritarian system in two rounds in 234 single-mandate constituencies in-country and 6 SMC abroad; [proposals](#) by MPs from ITN reducing public funding to BGN 1 per vote and prescribing it into the Law on Political Parties; [DB-U](#) tabled amendments to the [Constitution](#), including direct access of citizens to the Constitutional Court and changes to the judicial appointment mechanism, as well as amendments to the Law on Registration of Citizens proposing the registration of some citizens living abroad in a Sofia city district; additional packages of amendments to the Election Code were also submitted by MPs from the Rise Up, Thugs Out!, [ITN](#), and two by [MPs](#) from ITN.

¹⁵⁶ In paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. The follow-up of prior recommendations is assessed by the ODIHR LEOM as follows: recommendation 27 from the final report on the 2014 parliamentary elections and 33 from the final report for the 2017 parliamentary elections are fully implemented. Recommendations 1, 5, 11, 15, 21 from the final report on the 2014 parliamentary elections and recommendations 7, 15, 25, 27, 28, 35, 40 from the final report on 2017 parliamentary elections are partially implemented. See also the [ODIHR Electoral Recommendations Database](#).

4. To enhance transparency of campaign finance, consideration could be given to disclosing the sources of donations to the party funds as well as campaign expenditures prior to election day.
5. The impartiality of the public broadcasters should be strengthened by providing funding, based on a clear and objective criteria.
6. The electoral dispute resolution framework should be reviewed to broaden legal standing to ensure that voters whose rights are violated are entitled to lodge a complaint to seek legal remedy. The law should be amended to allow for directly challenging election results.

B. OTHER RECOMMENDATIONS

Electoral System and Legal Framework

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

Election Administration

8. To ensure stability and comprehensive training of the Precinct Election Comissions, the tenure of their members could be better protected against arbitrary replacement by their nominating parties in a reasonably long period prior to election day.

Voting Technologies

9. To guarantee efficiency of the machine voting process, the role of election administration in overseeing its implementation, including verifying the reliability of the relevant software and the accuracy of all components, could be strengthened.
10. To ensure the accountability of voting with direct recording equipment, the law should provide clear rules and deadlines to carry out a count of the machine voting control receipts in a statistically significant number of randomly selected polling stations.

Voter Registration

11. To avoid the possibility of multiple registration, consideration could be given to removing the possibility for voters to register on election day. There should be an administrative procedure, subject to judicial control, allowing for the registration of a voter who was not registered.

Candidate Registration

12. Deadlines for party and candidate registration could be adjusted to provide all contestants equal opportunities to rectify their applications and prevent overlapping with the election campaign period.

Electoral Campaign

13. To fully guarantee freedom of expression, legal provisions prohibiting campaign materials that harm public decency, the honour and reputation of the candidates should be reviewed.

14. Additional incentives could be considered for providing more favourable conditions for candidates of both genders to stand for elections. Political parties could consider ways to further increase gender balance and place women in electable positions on the candidate lists.

Campaign Finance

15. In line with the international standards and good practice, consideration could be given to introducing reasonable limitations on the permissible amount of donations and effective safeguards against circumvention of prohibitions on the sources of donation.
16. To ensure effective oversight of campaign finances, National Audit Office mandate and resources should be strengthened to effectively monitor, investigate campaign finance irregularities, identify unreported income and expenditure and impose dissuasive sanctions.

Media

17. To enhance freedom of expression, defamation and libel should be decriminalized.
18. To enable effective media oversight, the regulatory body for broadcast media could be vested with sanctioning powers, with a judicial review of its decisions.

Participation of Minorities

19. To promote effective political participation and representation of the individuals belonging to minorities, consideration should be given to introducing legislative measures providing voter information and other election material in minority languages which would improve the understanding of the electoral process.

Complaints and Appeals

20. To ensure effective and timely legal remedy by an independent and impartial tribunal, consideration could be given to extending the jurisdiction of the courts in resolving election-related disputes in an expedited manner.

Election day

21. To enhance transparency of the process, the Central Election Commission should ensure unrestricted access of observers to all aspects of the electoral process, including the data entry at the District Election Commissions and Central Election Commission.
22. To ensure respect for the will of voters candidates who obtain the necessary number of votes required by law should be duly installed in office and withdrawal of elected candidates from their mandate after elections should be reviewed.

ANNEX I: FINAL ELECTION RESULTS¹⁵⁷

Party/Coalition	Valid votes	Percentage of Votes	Seats	Percentage of Seats
GERB-SDS	837,707	26.18	75	31.25
Ima Takav Narod	565,014	17.66	51	21.25
BSP (Bulgarian Socialist Party) for Bulgaria	480,146	15.01	43	17.92
Movement for Rights and Freedoms	336,306	10.51	30	12.5
Democratic Bulgaria – Alliance (Yes, Bulgaria; Democrats for Strong Bulgaria, Green Movement)	302,280	9.45	27	11.25
Rise Up, Thugs out	150,940	4.72	14	5.83
VMRO – Bulgarian National Movement	116,434	3.64	0	0
BNO	94,515	2.95	0	0
Revival	78,414	2.45	0	0
Patriotic Coalition – Volya and NFSB	75,926	2.37	0	0
Republicans for Bulgaria	42,057	1.31	0	0
Movement of the Non-Party Candidates	16,868	0.53	0	0
Attack	15,659	0.49	0	0
Alternative for Bulgarian Revival	14,798	0.46	0	0
Revival of the Fatherland	13,182	0.41	0	0
Conservative Association of the Right	9,415	0.29	0	0
People’s Voice	8,308	0.26	0	0
Green Party	5,554	0.17	0	0
Us, the Citizens (Coalition for you Bulgaria, Bulgarian Democratic Community)	4,788	0.15	0	0
Bulgarian Progressive Line	3,751	0.12	0	0
Peace	3,653	0.11	0	0
Movement Together for Change (Bulgarian Social Democracy – Euroleft, European Security and Integration, Patriotism 2000)	3,485	0.11	0	0
Community for New Bulgaria	3,438	0.11	0	0
Direct Democracy	3,408	0.11	0	0
Bulgarian Union for Direct Democracy (BSDD)	3,342	0.10	0	0
Bulgarian National Unification	2,901	0.09	0	0
Citizens from the Protest	2,356	0.07	0	0
Law	2,165	0.07	0	0

¹⁵⁷ Data according to the final results [published by the CEC](#).

Prosperity, Union, Constructiveness	1,586	0.05	0	0
Nation	897	0.03	0	0
TOTAL	3,199,293		240	100

<i>Independent candidates</i>		<i>Percentage of constituency</i>
David Leon Levy (DEC 24)	259	0.16
Plamen Vladimirov Masarliev (DEC 1)	169	0.07
I do not support anyone	47,749	1.49
Total valid votes cast	3,247,470	

Number of voters on the voter lists	6,789,605
Number of voters added to the lists on election day <i>(counted as the difference between the number of voters on the voter lists after and before election day)</i>	201,233
Number of voters who voted, according to signatures	3,334,283
Number of ballots found in the ballot boxes and cast through machine voting	3,334,233
Number of invalid votes	86,527
Number of votes cast through machine voting	789,923
Number of votes found in the ballot boxes	2,544,270

ANNEX II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION

OSCE Parliamentary Assembly

Artur Gerasymov	Special Co-ordinator	Ukraine
Pascal Allizard	Head of PA Delegation	France
Henrike Brandstoeter		Austria
Andreas Minnich		Austria
Harald Troch		Austria
Hubert Fuchs		Austria
Karla Marikova		Czech Republic
Zdenek Ondracek		Czech Republic
Jan Hornik		Czech Republic
Jan Zaloudik		Czech Republic
Katherina Kosarikova		Czech Republic
Pavel Plzak		Czech Republic
Silvia Andrisova		Czech Republic
Andreas Baker		Denmark
Lærke Hulsroj		Denmark
Andre Gattolin		France
Alexandra Toussaint		France
Fabrice Hugot		France
Stephanie Koltchanov		France
Nikoloz Samkharadze		Georgia
Paolo Grimoldi		Italy
Massimiliano Ferrari		Italy
Francesco Mollame		Italy
Igor Janushev		North Macedonia
Biljana Ognenovska		North Macedonia
Monika Zajkova		North Macedonia
Halil Snopce		North Macedonia
Anzhelika Ivanishcheva		Russian Federation
Daria Boyarskaya		Russian Federation
Vesna Markovic		Serbia
Dusica Stojkovic		Serbia
Veljko Rackovic		Serbia
Dimitrije Todoric		Serbia
Jose Asensi		Spain
Marta Rosique i Saltor		Spain
Margareta Cederfelt		Sweden
Yasmine Posio		Sweden
Gursel Tekin		Turkey
Selami Altinok		Turkey
Hatice Er As		Turkey
Ecem Danik Gokce		Turkey
Pavlo Frolov		Ukraine
Vadym Halaichuk		Ukraine
Yaroslav Yurchyshyn		Ukraine

Parliamentary Assembly of the Council of Europe

Alfred Heer	Head of Delegation	Switzerland
Vladimir Vardanyan		Armenia
Mikayel Melkumyan		Armenia

Reinhold Lopatka	Austria
Chemavon Chajhbazian	France
Gael Martin-Micallef	France
Fabien Gouttefarde	France
Laurence Trastour-Isnart	France
Ulrich Oehme	Germany
Christian Petry	Germany
Richard Barrett	Ireland
Roberto Rampi	Italy
Alberto Ribolla	Italy
Aleksander Stokkebø	Norway
Jacek Protasiewicz	Poland
Aleksander Pociąg	Poland
Damien Cottier	Switzerland
Pierre-Alain Fridez	Switzerland
Yunus Emre	Turkey
Yevhenia Kravchuk	Ukraine

Long-Term Observers

ODIHR LEOM Core Team

Corien Jonker	Head of Mission	Netherlands
Yelena Kovalyova		Belarus
Dragan Zelić		Croatia
Elissavet Karagiannidou		Greece
Marcell Nagy		Hungary
Valeriu Mija		Moldova
Jane Kareski		North Macedonia
Roman Railean		Romania
Ranko Vukčević		Serbia
Kyle Bowers		United States of America
Egor Tilpunov		Ukraine
Chris Taylor		United Kingdom

ODIHR LEOM Long-term Observers

Dhimiter Gjodede	Albania
Aleš Jakubec	Czech Republic
Patrik Taufar	Czech Republic
Benedicte Contamin	France
Irmeli Vieno	Finland
Valerie Adams	Germany
Kerstin Bröring	Germany
Máté Matheisz	Hungary
Roman Russu	Moldova
Jelena Kilibarda	Montenegro
Miloš Stojadinovic	Serbia
Mehmet Ugur Ekinci	Turkey

ABOUT ODIHR

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

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

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

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

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

Within the field of **tolerance and non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).