



Office for Democratic Institutions and Human Rights

**REPUBLIC OF BULGARIA**

**PARLIAMENTARY ELECTIONS**  
**17 June 2001**

**FINAL REPORT**



Warsaw

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**REPUBLIC OF BULGARIA**  
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**FINAL REPORT<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

The 17 June parliamentary elections in the Republic of Bulgaria met the country's OSCE commitments for democratic elections, as outlined in the 1990 Copenhagen Document.

These parliamentary elections were the fifth held since the establishment of a multi-party system, while the outgoing Parliament was the first to complete its full four-year term after the adoption of the current Constitution in 1991. Over the past four years, Bulgaria has achieved marked progress in a number of fields, including the stabilization of its currency and some economic growth. Nonetheless, popular discontent with the hardships of social reforms led to the governing coalition suffering heavy losses. In its stead, the two-month-old Coalition National Movement "Simeon II", headed by Simeon Saxe-Coburg-Gotha, former Tsar of Bulgaria, won nearly 43 percent of the vote and exactly half the mandates in the 240-seat Assembly.

The legislative framework for these elections includes an adequate and clear Election Law. Election commissions at all levels performed their duties in a professional, unbiased, and transparent manner.

The election campaign was generally low key. Although public interest in the campaign appeared to be rather limited, there was a voter turnout of 67%.

A large number of broadcasting media, both public and private, and print media gave the public broad access to information and a variety of opinions. However, provisions in the Election Law regulating campaign coverage in the public media proved overly restrictive. In addition, election contestants had to pay for all appearances in the public broadcasting media, including debates. These features effectively limited campaign coverage in the media.

Voting took place in a calm and orderly atmosphere, and was carried out according to the Election Law. However, observers reported from a relatively high number of polling stations that some voters did not find their names on the voter lists or failed to provide proper identification. During the vote count and the aggregation of results at the regional level observers reported few problems, among which the presence of unauthorized personnel.

As a result of these elections, the number of women in Parliament rose sharply, from 27 deputies (11%) to 63 deputies (26%). National minorities, however, were underrepresented on the lists of most parties.

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<sup>1</sup> This report is also available in Bulgarian. However, the English version remains the only official document.

While these elections met the OSCE commitments for democratic elections, there is room for further improvements in the electoral process. The election legislation contains provisions that raise concerns, including the lack of reference to the right of accredited domestic and international observers to monitor the aggregation of results. Also, the media regulations are overly restrictive. Both these aspects are further detailed in the Recommendations of this report.

The OSCE/ODIHR stands ready to continue its cooperation with the authorities and civil society of Bulgaria.

## **II. INTRODUCTION AND ACKNOWLEDGEMENTS**

Following an invitation from the Bulgarian authorities, the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) in the Republic of Bulgaria on 19 May 2001 for the 17 June parliamentary elections. Ambassador Charles Magee (USA) was appointed as Head of the EOM.

This report consolidates the findings of six international experts based in Sofia, and four long-term observers deployed in Plovdiv, Varna, and Pleven, together with 132 short-term observers from 23 OSCE participating States, including a delegation of four parliamentarians from the Parliamentary Assembly of the Council of Europe (PACE) led by Mr. Henning Gjellerod, as well as representatives from Sofia-based diplomatic missions, international governmental and international non-governmental organizations. The limited number of long-term observers seconded to the EOM restricted its regional coverage. On election day, observers reported from 752 polling stations in all 31 election regions. On 18 June, the OSCE/ODIHR and the PACE delegation, constituted as an International Election Observation Mission (IEOM), issued a joint statement of preliminary findings and conclusions.

The OSCE/ODIHR wishes to express appreciation to the Ministry of Foreign Affairs, the Central Election Commission, and other national and local authorities of the Republic of Bulgaria for their assistance and co-operation during the course of the observation. The OSCE/ODIHR also wishes to thank the embassies and international organizations based in Bulgaria for their support on election day, and especially the U.S. Agency for International Development for providing financial support that made possible the deployment of 18 short-term observers from neighbouring and nearby countries.

## **III. POLITICAL BACKGROUND**

The 17 June parliamentary elections were the fifth held since the establishment of a multi-party system, and the fourth held on the basis of proportional representation with a four-percent threshold. Previously, multi-party parliamentary elections were held in 1990 (for a Grand National Assembly tasked with adopting a new constitution), 1991, 1994, and 1997. The Parliament elected on 19 April 1997 was the first to complete its full four-year term since the current Constitution was adopted in 1991.

The last Government assumed office at a very difficult time, following the sharp deterioration of Bulgaria's economy in the winter of 1996-97. Over the past four years, Bulgaria has achieved marked progress in a number of fields. The currency has been stabilized, the economy has grown, although it remains weak, and privatization and land restitution processes were stepped up. Furthermore, the country has made some progress toward European and Transatlantic integration. Bulgaria started membership negotiations with the European Union, and has drawn closer to NATO. However, high unemployment and a relatively low standard of living continue to be problems for Bulgarian society. In addition, several alleged corruption scandals had a negative impact on public perception of politics and politicians. In these circumstances, the arrival on the political scene of a new movement, which capitalized on the popular discontent with the cost of economic and social reforms, radically and abruptly altered the balance among the key political players.

Unlike in previous elections, the main contestants in the 17 June elections all stated publicly that they were in favor of EU and NATO membership. There was also general consensus that economic and social reforms must be continued, although there were noticeable differences with regard to the speed and extent of reforms, and also as to how much the State should get involved in economic issues and try to limit the social cost of transition.

A group of parliamentary deputies requested the Constitutional Court to clarify whether the outgoing parliament's term expired on 19 April, i.e. four years after the last elections, or on 7 May, four years after the deputies were sworn in. The Court on 22 March ruled that the outgoing parliament's term would end on 19 April, and that under the Constitution, elections had to be held by 19 June at the latest. Consequently, on 29 March President Petar Stoyanov set 17 June as the date for parliamentary elections.

The most significant parties and coalitions contesting the 17 June elections included:

- The ruling United Democratic Forces (ODS) coalition, which comprised the Union of Democratic Forces (SDS), the People's Union, the Bulgarian Social Democratic Party, and the National Movement for Rights and Freedoms (the latter decided to pull out of the coalition shortly before the elections, but technically it remained part of the ODS and its candidates remained on the ODS ballot);
- the Coalition for Bulgaria, uniting the Bulgarian Socialist Party (BSP) and a number of smaller leftist formations;
- the newly-established (Coalition) National Movement "Simeon II";
- the Coalition Movement for Rights and Freedoms (DPS), which included the party of the same name (which represents mainly the country's ethnic Turkish minority), the Liberal Union, and "Euroroma", a formation representing the Roma population;
- the Bulgarian Euro-Left and its two coalition partners, the Bulgarian Unified Social Democratic Party and the Bulgarian Agrarian National Union (one of over a dozen formations using different variations of that name); and
- the Gergyovden-Internal Macedonian Revolutionary Organization (VMRO) coalition.

Of these, the ODS, the BSP, the DPS, and the Euro-Left had passed the four-percent threshold in the previous parliamentary elections. The fifth party that entered Parliament as a result of the 1997 election, the Bulgarian Business Bloc (BBB), had split in the meantime.

One part, under former party leader Georges Ganchev, contested the election under the name “Bloc for Georges Ganchev”. The other fraction, which retained the legal rights to the name Bulgarian Business Bloc, also participated in the 17 June elections but fielded just one candidate.

Among other formations running in the 17 June elections, two were particularly controversial and were accused of participating mainly in order to take votes away from the Coalition National Movement “Simeon II”, an allegation both groups denied. These were the Coalition “Simeon II” and the Coalition “National Alliance for Tsar Simeon II”. These two coalitions, as well as some other small formations of monarchist orientation, also used the former Tsar’s portrait in their campaign. In the end, the Coalition “Simeon II” received 3.44% of the valid votes, while the Coalition “National Alliance for Tsar Simeon II” gained another 1.70%.

#### **IV. LEGISLATIVE FRAMEWORK**

The Constitution of Bulgaria, adopted on 12 July 1991, establishes a unicameral parliament, the National Assembly, with 240 members elected for a four-year term by secret ballot in direct elections.

In addition to the Constitution, a body of legislation regulates the elections. The most important are: the Law on Election of Members of Parliament (adopted in April 2001), the Law on Political Parties (adopted in March 2001), the Law on the Supreme Administrative Court (adopted in 1997), and the Law on Access to the Documents of the Former State Security Service (adopted in 1997). Additionally, numerous instructions and decisions of the Central Election Commission (CEC) regulated these elections.

For parliamentary elections, Bulgaria is divided into 31 election regions. Each election region is assigned between four and 14 seats in Parliament, depending on population. For these elections, the CEC calculated the number of mandates per election region on the basis of preliminary data from the March 2001 census.

The election regions are divided into election sections, which are established by municipal Mayors and contain a minimum of 20 and a maximum of 1,000 voters. During the 2001 elections, sections on average included 400–500 voters, with variations between sections located in urban areas (frequently more than 500 voters) and those situated in rural areas (often less than 200 voters). There were a total of 12,379 election sections, of which 157 were located abroad.

Contesting the 240 seats in Parliament, most candidates ran on tickets of parties or coalitions, which are compiled separately for each election region. Individual candidates are entitled to run in up to two election units for the same party or coalition. In case they win a mandate in both election regions, they decide which one they will keep and are replaced with the next person on the list in the other election region. Independent candidates nominated by initiative committees can run in only one election region.

These elections were held on the basis of a proportional system. In order to participate in the distribution of seats, parties and coalitions had to overcome a 4% threshold. To allocate

seats, the d'Hondt system is applied twice. First, the total number of mandates per party is determined at the national level, then the d'Hondt system is used a second time to allocate the seats by election region. Independent candidates are elected if they receive no less than the election region quota, which is determined by dividing the valid votes cast in the respective election region by the number of mandates allocated to the region.

While Bulgarians aged 21 years or above and not holding another citizenship have the right to be elected, Bulgarian citizens from age 18 are entitled to vote, provided they have legal capacity and are not serving a prison sentence.

The recently adopted Law on Election of Members of Parliament (April 2001) provides an adequate and clear legal framework for democratic elections. Various provisions of the new law mark progress over the previous legislation:

- The new provisions on voting provide a detailed and clear set of requirements.
- Equally, the new provisions for the count and the aggregation of results introduce clear and workable rules.
- The new law regulates adequately voting of persons needing assistance.
- The requirements for the registration of independent candidates are less burdensome. While the new law staggers the number of required signatures according to the number of mandates of the election region in which the candidate wants to run, the previous legislation obliged candidates to submit 2,000 signatures, regardless of the number of seats in the respective election region.

These innovations, in particular those provisions regulating election-day procedures, raised confidence in the integrity of the electoral process. However, some aspects of the current Election Law are of concern. While some of these stem from the previous law, others pertain to newly introduced provisions.

1. Under Articles 48.4 and 48.5, candidate lists may be changed if candidates are “permanently incapable to run in the elections” or if “data” is discovered indicating that they collaborated with the former State security agencies. Parties and coalitions may make these changes up to seven days before election day. The possibility of such eleventh-hour changes to the lists posed problems not only for election administrators and courts, but also for parties and voters whose understanding of candidates running in the elections was undoubtedly affected.
2. The newly adopted Article 48.5 provides that parties and coalitions may withdraw candidates in case “data” on the candidates is found in the files of the Commission on the Documents of the Former State Security Service. A clear definition of the term “data” is needed to provide guidance. There is a particular need to define clearly whether these data constitute full evidence for collaboration with the former State security services. The current legal provisions in the Election Law as well as in the Law on Access to the Documents of the Former State Security

Service led to controversial withdrawals of candidates and a number of court cases.

3. Under the current law, parties and coalitions as well as candidates may withdraw at any time, including on election day. The lack of an earlier cutoff date for resignations and withdrawals caused confusion, as ballots were not amended in time, and ballots of parties which had withdrawn could reportedly still be found in some polling stations. Some voters cast their ballots for these parties, only to have their votes declared invalid.
4. While political parties have to be supported by 500 citizens in order to be registered by the Sofia City Court, independent candidates have to collect a minimum of 1,100 signatures of supporters in order to participate in parliamentary elections. The considerable difference in the numbers of required signatures for political parties and for independent candidates makes it more difficult for citizens to run as independent candidates, and could have the effect of inflating the number of parties.
5. The Election Law does not contain provisions specifying the required majority for adopting decisions of election commissions. In the absence of provisions in the Election Law, the CEC determined that decisions would be adopted by a simple majority.
6. The Election Law makes no provision for a system that would allow all disabled voters to cast their ballots.
7. The OSCE/ODIHR Election Observation Mission for the 1997 parliamentary elections recommended to examine alternative systems that might replace separate, color-coded ballots for each party or coalition running in the elections. This system is considered expensive and lacking the confidence of political parties, in particular smaller ones that felt disadvantaged by the use of the color-coded ballots. The new Election Law, however, maintains this practice.

## **V. ELECTION ADMINISTRATION**

The law establishes a three-tier election administration system, with the Central Election Commission (CEC) located in Sofia, 31 Regional Election Commissions (RECs), and Sectional Election Commissions (SECs).

The CEC has up to 25 members, including the chairperson, deputy chairpersons, and secretary. For the 17 June elections, the commission consisted of 24 members; according to the transitional provisions of the Election Law, the CEC did not alter its composition from the 1999 municipal elections. The President of the Republic appoints the CEC members in consultation with the parties represented in Parliament. The CEC administers and supervises the electoral process at the national level. In this capacity, the CEC, among others, issues instructions pertaining to the work of the RECs and SECs, adjudicates complaints, and



announces the results of elections. The CEC also registers parties and coalitions running in the elections and, if required, invalidates REC decisions on the registration of candidates.

The RECs consist of 11–17 members, depending on the number of mandates allocated to the respective election region. The CEC appoints REC members following proposals of the Regional Governors, which are submitted in consultation with the parties represented in Parliament. Other parties may join in these consultations. Within their geographical area of responsibility, RECs ensure that elections are carried out in compliance with the law. Accordingly, RECs are responsible for supervising the compiling of voter lists and the creation of election sections. RECs also register election tickets of parties and coalitions, and provide election materials to the SECs. In addition, RECs rule on complaints and announce the results for their election region.

The SECs consist of up to 7 members, including the chairperson, the deputy and the secretary, if up to 300 voters are registered in the election section. SECs have up to 9 members if the section includes more than 300 voters. The RECs appoint SECs following a proposal submitted by municipal Mayors in consultation with political parties represented in parliament. Other parties may participate in these consultations. The SECs conduct the voting and count process on election day.

The Election Law stipulates some general features applicable to all commissions. To prevent domination of election commissions by a single party, the law states that the commission's chairperson and secretary must belong to different parties, and prohibits parties or coalitions from having a majority of members on a commission. All parties represented in Parliament are entitled to have representatives in the CEC and in every REC and SEC. Election commissions adopt decisions by a simple majority of members present, provided at least half of its members attend the session. Members may not abstain.

The CEC administered these elections in an unbiased and transparent manner, showing a high level of professionalism and non-partisanship. In most cases, the CEC acted in compliance with the law, and the majority of its decisions were taken unanimously.

Observers noted that about 30% of RECs and 10% of SECs visited on election day included members nominated by non-parliamentary parties.

The EOM has enjoyed excellent working relations with the CEC. Information was provided without impediment and promptly, although the CEC maintained its practice of not allowing observers to attend its regular sessions. Cooperation with the RECs was also good.

#### **A. VOTER REGISTERS**

Under the supervision of the RECs, the municipal administrative authorities in each election section compile voter lists according to the permanent residence of the eligible voters. As an exception, voters in hospitals, in prisons, or on board ships are included in special voter lists, and conscripts are included in the voter list of the election section nearest to their duty station. Citizens living abroad are deleted from the list at their permanent residence and vote

generally in the respective embassy or consular office. They remain, however, entitled to vote at their permanent address of residence.

In the absence of postal or mobile voting, municipalities issue voter licenses upon request to any voter. These licenses entitle voters to vote anywhere in the country. Voters who received a voter license are deleted from the voter list in their home municipality. As an additional safeguard against multiple voting, voter licenses are retained by the SEC of the polling station in which they were used, and are attached to the supplemental voter list in which the respective voter was entered.

A total of 6,845,875 voters were registered in the voter lists, including those living abroad but still maintaining a permanent residence in the country. This number contradicts preliminary figures of the 2001 census, according to which 6,417,869 persons over 18 years of age live in Bulgaria, including non-citizens. In fact, an estimated 540,000 voters living abroad have not de-registered with the municipalities, which maintain the voter registers. Thus, the number of registered voters actually living in the country is estimated at around 6.3 million. The high number of inaccuracies, mostly due to failure of citizens to notify the authorities of address changes, could reduce the confidence of voters in the credibility of the electoral process.

## **B. REGISTRATION OF CANDIDATES AND PARTIES**

While the Sofia City Court registers political parties as such, the CEC registers parties or coalitions that wish to participate in elections. The RECs register election tickets (candidate lists) of parties and coalitions, as well as independent candidates.

Under the new Law on Political Parties, parties and coalitions have to submit to the Sofia City Court 500 signatures in support of their registration as a party. For registration as a contestant in elections, parties and coalitions have to provide documentation to the CEC, including proof that they have been registered by the Sofia City Court as political parties. Unlike parties and coalitions, independent candidates have to be supported by a certain number of voters residing in the election region where they plan to run. Independent candidates must provide between 1,100 and 2,000 support signatures, depending on the number of mandates in the respective election region.

Parties and coalitions may withdraw nominated candidates and nominate substitutes up to 30 days before the elections without having to abide by additional legal requirements. After that deadline, parties may withdraw a candidate from the ticket only if he or she is “permanently incapable to run in the elections” or if “data” exists that the candidate had collaborated with the former State security agencies. In these cases, parties may nominate a new candidate up to seven days before election day.

The CEC registered a total of 65 parties for the 17 June parliamentary elections. Nine parties were denied registration, in most cases, because the parties failed to provide all required documents or because the documents were not submitted by an authorized person. Of the 65 registered parties, 15 withdrew before election day, while another 14 did not submit any candidate lists. Thus, 36 parties effectively participated in the elections. However, only 12 of these parties ran in all 31 election regions.

In addition, 11 independent candidates ran in the elections, out of a total of 20 who had sought registration. Ten of the 20 persons seeking registration as independent candidates were denied registration by the RECs because they failed to provide a sufficient number of signatures supporting their candidacy. Of these, six appealed to the CEC. Five appeals were rejected, while the sixth candidate was reinstated. The EOM was not informed of any significant problems with the verification of support signatures.

Registration of parties and coalitions raised some controversy. From the denied parties and coalitions, some challenged the decision of the CEC to deny them registration. One of these parties was reinstated by the Supreme Administrative Court. In addition, some parties filed complaints against the registration of other parties, none of which was successful.

The participation of Simeon Saxe-Coburg-Gotha, the former Tsar of Bulgaria, in this election was particularly controversial. On 23 April, the Sofia City Court denied registration as a political party to the former Tsar's National Movement "Simeon II", arguing that the movement failed to meet several criteria laid down in the Law on Political Parties and in the Law on Legal Entities with Non-Profit Aims.

Among the formal reasons for denying the movement's registration, the Sofia City Court listed the failure to state when and where the movement's founding congress took place, and the fact that not all founding members had submitted their full names or stated that they were Bulgarian citizens eligible to vote, as laid down in the Law on Political Parties. The Court also noted that the movement's name did not include the word "party", which it deemed also contravened the law. On more substantive points, the Sofia City Court objected to the provision that members of the movement under its statute only have the right to vote at a general assembly after one year of uninterrupted membership, and that there is no elected collective administrative body of the movement. Finally, the Court pointed to the fact that while the movement's leader names and dismisses the secretary, the secretary in turn sets the rules for the election of the leader. In addition, it was underlined that the secretary also sets the rules for voting within the movement's Control Council, which is the only body controlling the actions of the movement's leader.

On 28 April, the Supreme Court upheld the Sofia City Court's decision in essence, following the lower-level court's arguments on almost all points, in particular those referring to the substance of the movement's statute.

On 2 May, the CEC registered the National Movement "Simeon II" as a contestant in the elections after the former Tsar entered into an agreement with two smaller parties – the Party of Bulgarian Women and the Movement for National Revival "Oborishte" – to register under the name Coalition National Movement "Simeon II". Vesela Draganova, Chairwoman of the Party of Bulgarian Women, was nominated as the official representative of the coalition after the CEC ruled that only a member of one of the two parties which registered the coalition could act as its legal representative. In addition to Draganova, the Council of the Coalition includes the chairman of the Movement for National Revival "Oborishte", Tosho Peykov, as well as the secretary of the National Movement "Simeon II", Plamen Panayotov, and the three members of the Movement's Control Council. The members of the Council of the Coalition

were not directly elected; instead, they entered the Council by virtue of the positions they held in their respective parties or movements. It could be noted that the appointment or election to positions within the National Movement "Simeon II" (as opposed to the Coalition of the same name which ran in the elections) has no legal bearing since the courts denied to register the Movement. Simeon Saxe-Coburg-Gotha acts as Chairman of the Council of the Coalition.

The unusual way in which the Coalition National Movement "Simeon II" was set up, as well as the grounds on which the Sofia City Court denied it registration as a political party, raised questions among other political parties about the Coalition's internal decision-making process. The former Tsar himself did not run as a candidate in the elections and did not disclose his own future plans before election day. He campaigned actively, however, on behalf of the Coalition National Movement "Simeon II". On 12 July he was mandated by the President to form the government and act as Bulgaria's next Prime Minister, thus becoming the first Eastern European monarch to return from exile and attain a top political position.

### **C. COMPLAINTS AND APPEALS**

As a general rule, each higher-level election commission rules on complaints pertaining to decisions of the lower-level election commission. Accordingly, the RECs rule on complaints lodged against decisions and actions of the SECs, and the CEC adjudicates complaints on REC decisions and actions. However, Article 24.3 of the Election Law provides that REC decisions are only contestable if they pertain to the appointment of SEC members, registration of candidates, registration of party observers, and verification of signatures of independent candidates. Decisions of the CEC can be appealed with the Supreme Administrative Court if they concern the appointment of REC and/or SEC members, awarding of the bidding for computer processing, registration of parties or coalitions, participation of observers, and the conducting of opinion polls.

With regard to the post- election period, Article 112 of the Election Law states that candidates and the central leaderships of political parties and coalitions may challenge the results of the elections with the Constitutional Court within 14 days after the announcement of the results by the CEC.

In the period leading to the June elections, the CEC adjudicated most complaints in accordance with the law. Some complaints, however, caused extended controversies and were not adjudicated in full compliance with the law. The EOM is also concerned that lawyers are not admitted to present the case of complainants in the CEC, notwithstanding the fact that various rulings of the CEC cannot be appealed. The Supreme Administrative Court rejected the great majority of about 100 appeals contesting the legality of CEC decisions, and upheld only a few.

A particular, extended controversy related to changes to the candidate lists. Under the Election Law, candidate lists may be changed if "data" is discovered indicating that candidates collaborated with the former State security agencies. In this case, parties and coalitions can request the RECs to withdraw a name from their candidate lists. Accordingly, the RECs withdrew several candidates from various lists, eight of whom appealed the REC decisions to the CEC. The CEC rejected the appeals, arguing that parties and coalitions have

the exclusive right to evaluate the available data on collaboration with the State security agencies and to withdraw candidates. Furthermore, the CEC argued that candidates do not have the right to appeal the RECs decisions taken in accordance to Art. 48, par. 5 of the Election Law, since this article does not establish the right of appeal for a candidate whose registration is annulled upon request of his/her party or coalition based on the existence of the above mentioned data on collaboration with the former State security agencies.

Some candidates appealed to the Supreme Administrative Court, which reversed the CEC decision two days before the election and reinstated these candidates on their original lists. The Supreme Administrative Court recognized the right of candidates to appeal their withdrawals, stating that they have a legal interest because their personal rights as candidates are affected by such measures. Furthermore, the Supreme Administrative Court argued that in such cases, RECs are obligated to examine the available data on collaboration with the former State security agencies and decide accordingly. However, the CEC instructed the respective RECs not to amend the candidate lists in question, stating that the decision of the Supreme Administrative Court was not in force, as it could be appealed within the next 14 days.

Following this CEC instruction, the candidates appealed to the Supreme Administrative Court again and were reinstated once more on 18 and 19 June, just after the elections had been held. The controversy looks set to continue, as the CEC has filed additional appeals, notwithstanding Article 23.3 of the Election Law, which states that decisions of the Supreme Administrative Court are final in the context of election disputes. At any rate, CEC Decision No. 348 of 20 June proclaimed the names of elected candidates according to the candidate lists that did not contain the withdrawn candidates.

The later CEC decisions are of particular concern. These decisions disregard the rulings of the Court by postponing the settlement of the dispute until after election day. As a consequence, the candidates at issue could not participate in the elections. Furthermore, CEC Decision 348 disregarded the court ruling again, as it proclaimed the names of elected candidates regardless of the fact that some candidates were still seeking legal redress.

Additionally, the CEC stated that the rulings of the Supreme Administrative Court were not in compliance with the law and thus were not binding. The CEC argued in particular that the court did not have jurisdiction over the case at issue. While the jurisdiction of the court was controversial to some extent, this line of argument of the CEC is of great concern. It is not within the competence of the parties to determine whether the decision of the court is binding or not. This conflict between two senior State institutions raises serious questions regarding the application of the rule of law in Bulgaria in this instance and should be resolved by the Constitutional Court.

Another important legal proceeding was raised in connection with a newly introduced stipulation in the Election Law obliging parties to cover the expenses for the printing of their ballot papers. On 3 May, the Constitutional Court ruled that this controversial provision was unconstitutional; accordingly, printing costs were covered from the State budget, as in previous elections. The EOM welcomes this decision, as it removed a serious impediment for smaller parties to participate in elections.

## **D. ELECTION ENVIRONMENT AND CAMPAIGN**

The campaign for the 17 June parliamentary elections was low key for most of the official 30-day campaign period. Unlike previous elections, this campaign was not marked by sharp political divisions into left and right, which had dominated political life in Bulgaria since 1989-90.

The campaign was generally carried out in a calm atmosphere. Only during the last week, some contestants adopted a more aggressive approach, mounting verbal attacks against their political opponents. On the whole, though, the campaign did not go beyond acceptable limits.

The EOM received information on only a small number of minor incidents possibly related to the election campaign. In none of these cases, however, could it be established that the incidents were directly linked to the elections or the campaign.

Unlike over the past ten years, most parties appeared to favor door-to-door campaigning rather than large public rallies. Some major parties held such big rallies only at the beginning or end of their campaign, while others avoided them altogether. The use of posters, billboards, and flyers was rather limited and became more noticeable only toward the latter stage of the campaign.

Even though public interest in the election campaign appeared to be rather limited, there was a relatively high voter turnout of 67%, some 8% higher than in the 1997 parliamentary elections.

## **VI. MEDIA**

Over the last decade, a pluralistic media environment has developed in Bulgaria. Besides the two public broadcasters – Bulgarian National Television (BNT) and Bulgarian National Radio (BNR) – a fairly high number of competing private electronic media outlets have appeared.

In addition, the last ten years have seen a proliferation of print media, all of which are privately owned. Although many private print media have faltered over the past decade, a considerable number of daily newspapers compete for their share of the Bulgarian market, providing the public with broad access to information and a wide range of opinions.

The 1991 Constitution provides for freedom of speech and the press, and forbids censorship. The election campaign in the media is regulated by the Election Law adopted in April 2001, by decisions of the CEC, and by the Position on Electoral Behavior of the Media, which was voluntarily adopted by radio and television operators and is therefore not legally binding.

The Election Law sets detailed rules for campaign coverage in the public electronic media – BNT and BNR – regulating formats, topics, and time of the campaign. Political advertising, whether free or paid, is prohibited in the public electronic media.

With regard to private broadcasting media, the Election Law stipulates that private media operators have to provide access to all election contestants at the same rates and under equal conditions. Both public and private electronic media have to respect the principles of fairness, balanced coverage and impartiality and to respect campaign silence on the day before the elections and on election day up to the closing of the polls.

There is no regulatory framework for the press, other than a stipulation in the Election Law regulating the right of reply to articles considered offensive or untrue.

According to the Election Law, the election campaign was reflected in the public media by introductory and final addresses, chronicles, and debates. The “chronicles” included news about election activities of a particular party or coalition, or any other public events organized or sponsored by, or concerning, the party or coalition.

All election broadcasts on BNT and BNR had to be paid for by parties, candidates, and coalitions. The rates for all campaign coverage were previously set by the Council of Ministers. No free airtime was provided to cover the electoral campaign on the public electronic media.

Addresses and chronicles proved to be not particularly effective ways of campaigning. Moreover, the limited amount of airtime provided to each party or coalition during chronicles and addresses, and the relatively high fees for appearances in these campaign broadcasts, discouraged many political figures from campaigning in the public media. Thus, only a small number of parties used these formats to get their message across to the electorate.

By law, BNT and BNR were obliged to broadcast three debates, with a total time of 180 minutes. The rates for participating in these debates were 105 leva per minute on BNT and 12 leva per minute on BNR. Under the Election Law, at least half of that time had to be allotted to parties and coalitions represented in the outgoing Parliament.

As in the previous elections, participants in the debates were divided into two groups – one group including parties represented in Parliament, and the other consisting of non-parliamentary parties. The five parties or coalitions represented in the last Parliament were given a total of 90 minutes for three debates. The other 90 minutes were used for debates among the non-parliamentary parties. In the first days of the campaign, the Bulgarian Business Bloc – one of the five parties represented in the last Parliament – announced that it would not participate in the media campaign. No other party or coalition could use its airtime, therefore the debates in question were shortened by the amount of time originally allocated to the Bulgarian Business Bloc.

The debates in the public electronic media proved to have a very restrictive format. The equal division of time among the various participants in the debates is a marked improvement over previous regulations that allocated the time among parliamentary parties according to their strength in the Parliament. The non-parliamentary parties received very limited amounts of airtime due to their large number, and thus were unable to conduct effective discussions.

Moreover, one of the main contestants in these elections, the Coalition National Movement “Simeon II”, could not engage in debates with the other major parties or coalitions since it was not represented in the outgoing Parliament. While the decision to include the movement among the non-parliamentary parties is clearly in keeping with the law, it is worth noting that the CEC in the 1997 elections decided to include the Euro-Left in the group with the parliamentary parties, although at the time it was not represented in the National Assembly. The reasoning in 1997 had been that the Euro-Left was receiving 2.5–4% in all opinion polls and thus stood a realistic chance to surpass the 4% threshold.

The election campaign on the public television was carried out in accordance with the law.

The private television broadcaster bTV offered election contestants paid and free airtime in various broadcasting formats during the campaign. Paid announcements were broadcast before the late-night news and marked as paid time. Their rate was half of that for commercial advertising for the same time slots, while the price for campaign spots was the same as for regular, commercial advertising. Free airtime was only provided in the case of debates. Seven of these debates, with varying topics and lasting 90 minutes each, were broadcast during the election campaign. They included the six most popular parties according to the opinion polls released before the elections – the Coalition National Movement “Simeon II”, the ODS, the Coalition for Bulgaria, the DPS, the Bulgarian Euro-Left, and the Coalition Gergyovden-VMRO. Unlike on BNT, the time for each participant was not regulated by stopwatch.

Both BNT and bTV included some voter education in their news broadcasts, but neither channel provided voters with special programs devoted to the subject.

## VII. MEDIA MONITORING

The EOM monitored two television stations, public BNT and private bTV, as well as four national daily newspapers (*Trud*, *24 chasa*, *Monitor*, and *Standart*). Monitoring was carried out between 22 May and 15 June.

### A. TELEVISION

A total of 400 hours was monitored and analyzed on BNT and on bTV. Both channels devoted a limited amount of time to election campaign coverage.

On BNT, coverage of political issues amounted to 7% of the total monitored time. Of this time devoted to politics, the Government received 32%, followed by the Coalition National Movement “Simeon II” (15%), the Coalition for Bulgaria (10%), and the DPS (9%). The ODS, the Euro-Left, and President Stoyanov each received 8% of the time. The Government enjoyed a certain quantitative and qualitative advantage over other participants in the elections, especially in the news broadcasts. In the daily news on the national channel, the Government was given 44% of the political time, of which 48% was positive.

On bTV, 9% of the monitored time was dedicated to political issues. Of this time, 16% was devoted to the Coalition National Movement “Simeon II”, and another 16% to the



Government. The ODS received 15%, followed by the Coalition for Bulgaria (14%), the Gergyovden-VMRO coalition (12%), and the Euro-Left (11%). The incumbents enjoyed a quantitative advantage in the daily news on bTV as well, while the quantitative coverage of the main political subjects in the programs outside the news broadcasts was reasonably balanced.

## **B. PRINT MEDIA**

Election coverage in the press was more extensive than in the electronic media. The newspapers showed a certain inclination to describe political events in a sensationalist style rather than providing political analysis. Many political articles focused more on personalities than on descriptions of party platforms and electoral programs. One of the most covered “political” issues was the former State security informers’ files.

In the four monitored newspapers, the overall quantitative trend was very similar. All four dailies focused their attention mainly on the Coalition National Movement “Simeon II”, which received an average of 43% of the space devoted to political subjects. The second political subject with a high level of attention in the print media was the Government, with an average of 18%, followed by the ODS (16%), the Coalition for Bulgaria (10%), and the DPS coalition (6%).

One of the four monitored newspapers, *Standart*, was clearly pro-Simeon in its orientation, devoting 55% of its space to the Coalition National Movement “Simeon II”, 67% of which was positive. The other three newspapers monitored were generally more balanced.

In the last days before the elections, the newspapers provided readers with voter education, publishing in color samples of the ballots of all the parties participating in the election.

## **VIII. PARTICIPATION OF NATIONAL MINORITIES AND WOMEN**

Since the first multi-party elections in 1990, national minorities, in particular the ethnic Turks, have been represented in the Bulgarian Parliament. In the 17 June elections, the coalition centered around the Movement for Rights and Freedoms (DPS) included a majority of national minority representatives in its candidate lists. Apart from ethnic Turkish candidates, the DPS coalition also contained representatives of the Roma community nominated by the “Euroroma” organization, which was part of the coalition. In contrast, the lists of the Coalition National Movement “Simeon II”, the Coalition for Bulgaria, the Euro-Left, and the Gergyovden-VMRO coalition included very few members of national minorities. The ODS had a higher number of candidates from national minorities, but often in lower places on the lists. Ultimately, over 20 members of national minorities were elected into the new Parliament, mainly from the DPS coalition.

In the outgoing Parliament, 27 deputies (11%) were women. In these elections, the six main parties and coalitions fielded a total of 526 women as candidates, or 24% of the total number of candidates. Around half of them were in the top half of the respective candidate lists, and 29 women headed regional lists of the six major parties and coalitions. These percentages in the candidate lists were determined by the political parties and coalitions which freely decided

how many women they would introduce in their election tickets, without being bound by a quota system to promote women's participation.

The 17 June elections featured a sharp rise in the number of women elected to Parliament. A total of 63 women gained seats, accounting for 26% of all deputies in the newly elected National Assembly. Of these, 48 were elected on the tickets of the Coalition National Movement "Simeon II" (40% of all deputies for that formation), nine will represent the United Democratic Forces (18%), five are from the Coalition for Bulgaria (10%), and one from the Coalition Movement for Rights and Freedoms (5%). These figures could vary slightly, depending on the final settlement of the disputes concerning those candidates who appealed their removal from the lists for alleged collaboration with the former State security services. Furthermore, the composition of the Parliament may change, since members of Government may not be members of Parliament during their term in office.

## **IX. DOMESTIC OBSERVATION**

Domestic and international observers are explicitly entitled to observe the opening and closing of polling stations, as well as the opening of the ballot box and the count. They have the right to be present at polling stations at any time during the voting process. However, neither the law nor subsequent CEC instructions provide for observation of the aggregation of results at the regional or national level.

On 10 May, three Bulgarian NGOs were accredited as domestic observers: the Civic Initiative for Free and Democratic Elections (CIFDE), the Association of Young Lawyers (AYL), and the Bulgarian Association for Free Elections and Civil Rights (BAFECR). Two of these, BAFECR and AYL, had registered board members who also stood as candidates in the elections. On 30 May, CEC Decision No. 243 determined that NGOs would be barred from observing elections if any of their board members ran as candidates for Parliament. While the Association of Young Lawyers notified the CEC that it would not observe the elections, BAFECR defended its case in the CEC, arguing that the respective board member had resigned from the board in April 2001. However, the CEC revoked BAFECR's registration, arguing that the change to BAFECR's board had not been registered with the competent court and therefore had no legal relevance. BAFECR appealed the CEC decision with the Supreme Administrative Court, which reinstated BAFECR's registration. The Court held that the introduction of additional legal requirements *ex post facto* and after the legal deadline had expired did not comply with the law. Article 23, paragraph 1.8 of the Election Law states explicitly that the CEC may introduce new conditions for election observation only up to 50 days before election day.

In addition to BAFECR, which claimed to have several thousand observers, the Civic Initiative for Free and Democratic Elections also observed the elections, claiming to have fielded around 9,000 observers on election day.

## **X. ELECTION DAY (POLLING AND COUNTING)**

The EOM deployed 132 short-term observers, who reported from 752 polling stations in all 31 election regions on election day. International observers followed the opening of the polls

in 68 polling stations, the voting process in 634 polling stations, and the vote count in 50 polling stations. In addition, they visited 19 RECs.

Observers generally noted a high proportion of women in the election administration. At SEC level, more than half of the members in polling stations visited were women. Also, women accounted for more than half of the SEC chairpersons of polling stations visited. At the REC level, the number of men and women on commissions was almost equal, as was that of the chairpersons.

## **A. VOTING**

Overall, voting took place in a calm and orderly atmosphere, and was carried out according to the Election Law. Observers did not report any significant problems. In 92% of all cases observed, international observers characterized the conduct of the poll as good or excellent, as fair in 4%, and as poor in 0.5%. There were few differences between polling stations in urban and rural areas.

Around 95% of all reports indicated no tensions or disturbances in the polling stations visited. In 0.84% of the cases, observers noted tensions related to national minorities. One case of undue influence on voters, and one case of pressure on board members were reported. One other report indicated that observers were restricted in carrying out their duties. In 6% of polling stations visited, unauthorized persons were assisting or directing the work of the Sectional Election Commissions; only in a few cases did observers indicate that these were members of police or security forces.

Group and proxy voting was very low, at 1.7% and 0.8%, respectively. In only four cases did international observers note voters not using the booth, equaling 0.6% of all observations. In the majority of cases, disabled voters were assisted according to the rules. However, observers reported from a relatively high number of polling stations that some voters did not find their names on the voter lists or failed to provide proper identification (18% and 11%, respectively).

International observers noted many instances in which the number of ballots received by polling station officials was lower than stipulated in the law, and also that the number of ballots for individual candidate lists varied, in some cases considerably.

International observers identified domestic observers in around one quarter of all polling stations visited. The vast majority of domestic observers interviewed indicated that they had noticed no problems during the vote.

## **B. VOTE COUNT**

Generally, the SECs conducted the count in a professional manner. Observers reported few problems during the vote count. Out of 50 reports on the count, some 92% rated the conduct of the count as good or excellent, and none of them characterized it as poor. However, 20% indicated that the polling board had only a fair understanding of the counting procedures. Both the conduct of the count and the SECs' understanding of procedures were judged to be

slightly better in urban than in rural areas. In 8% of all counts observed, observers noted that persons who were not board members participated in the count. All such reports came from polling stations in urban areas.

### **C. TABULATION OF RESULTS**

For the aggregation of results, each REC compiles a protocol on the basis of the SEC protocols. This is then used by the CEC to establish the results at the national level. Additionally, the CEC enters the data from a copy of each SEC protocol into a database in order to compare these two different sets of data. In case of discrepancies, the CEC rules on these and compiles the final results. Under the Election Law, the CEC has to announce the number of votes and mandates obtained by parties, coalitions, and independent candidates within four days after election day. Within one week after election day, the names of elected candidates must be published.

The Election Law does not contain provisions specifying the right of observers to follow the aggregation of results. The subsequent CEC decision on the conditions for the participation of observers did not mention this right either. Nevertheless, election authorities showed a certain degree of flexibility and gave observers the opportunity to be present during this process on a case by case basis. Therefore, observers were able to monitor the aggregation of results in 19 RECs. In a few instances, RECs applied a narrow interpretation of the CEC instruction on the rights of observers and did not permit them to observe the aggregation of results.

In 80% of RECs observed, international observers characterized the aggregation of results as good or excellent, as fair in 13%, and as poor in 7%. In six cases observers noted that RECs were assisted or even directed by one or more unauthorized persons, namely staff from the local administration (five cases), police (three cases), representatives of parties or coalitions (one case), and others.

The CEC aggregated the results in a transparent and undisputed manner, meeting the legal deadline. The CEC published the final results and the names of elected candidates on 20 June, within three days of the elections. Only in a very limited number of cases did the CEC have to make corrections to the results submitted by lower-level commissions, usually because figures had been swapped inadvertently during data entry at the REC level or because there were discrepancies in the figures entered in the protocols. During the pre-election phase, allegations were raised that the software used to aggregate the results would not introduce sufficient safeguards against fraud. These allegations were never substantiated and were not proven during the actual aggregation of results.

## **XI. FINAL RESULTS**

According to CEC Decision No. 348 of 20 June 2001, the final results of the 17 June parliamentary elections for parties and coalitions that received the highest number of votes were as follows:

<b>Political Party or Coalition</b>	<b>Votes in percent</b>	<b>Number of mandates</b>	<b>Percentage of mandates</b>
Coalition National Movement "Simeon II"	42.74%	120	50%
United Democratic Forces	18.18%	51	21.25%
Coalition for Bulgaria	17.15%	48	20%
Coalition Movement for Rights and Freedoms	7.45%	21	8.75%
Coalition Gergyovden-VMRO	3.63%	0	0%
Coalition "Simeon II"	3.44%	0	0%
Coalition "National Association for Tsar Simeon II"	1.70%	0	0%
Bulgarian Euro-Left	0.98%	0	0%

No other party or coalition received more than 0.75% of valid votes. The 11 independent candidates received a combined total of 0.21% of the vote. Since no independent candidate met the regional election quota in his or her election region, none was elected to Parliament.

## **XII. RECOMMENDATIONS**

While the 17 June parliamentary elections were held in compliance with commitments for democratic elections, each election provides the opportunity for lawmakers and election officials to evaluate its successes and weaknesses. With this in mind, the OSCE/ODIHR offers the following recommendations for consideration:

### **A. LEGAL FRAMEWORK**

1. The deadline for parties and coalitions to change candidate lists should be set further in advance of election day.
2. A clear definition of the term "data" under Article 48.5 of the Election Law would provide much needed guidance.
3. A cutoff date for resignation of candidates and withdrawal of parties and coalitions well in advance of election day would prevent last-minute changes to the ballot or the use of ballots that have not been updated.
4. The large differences between the number of required signatures to be submitted by political parties seeking registration on the one hand and by independent candidates

wanting to run in the elections on the other hand should be examined, with a view to more nearly equalizing the required numbers.

5. The Election Law should contain a provision specifying the required majority for the adoption of decisions by election commissions.
6. Accredited observers should be admitted to the regular sessions of the CEC. A limited number of observers would further enhance the transparency of the CEC's work, without impeding the proceedings.
7. Legal provisions should be introduced to allow accredited domestic and international observers to monitor the aggregation of voting results at the regional and national level.
8. Lawyers should be admitted to present the case of complainants in the CEC, especially in cases where a CEC ruling is final.
9. Procedures that would allow all disabled voters to cast their ballots should be considered.
10. There is a clear need to consider replacing the present system of multi-colored individual ballots for each candidate list with an alternative system that is less expensive and can command the confidence of all political parties and coalitions.

## **B. VOTER REGISTER**

11. Recognizing the difficulties involved in keeping the voter register up to date, the authorities should nevertheless examine methods for reducing the large number of inaccuracies, including public information campaigns to raise citizens' awareness on the voter registration system.

## **C. MEDIA**

12. The practice in the public broadcasting media of requiring parties and coalitions to pay for all campaign appearances should be reviewed. Charging relatively high fees for appearances in campaign programs limits the public's access to information, and is especially regrettable in the case of a public broadcaster financed by license fees from all households and with a special obligation to provide information to citizens.
13. The legal provisions regulating coverage of the election campaign in the public broadcasting media are overly restrictive. They should be reviewed with the aim of promoting more meaningful discussions and debates among the participants.
14. The system of dividing the parties into two groups for their participation in the debates in the public broadcasting media should be reconsidered. This practice gave a quantitative advantage to the parties represented in the previous Parliament, and disadvantaged the new movement that led in all opinion polls. The large number of non-parliamentary parties were given too little time to conduct effective discussions.