



Office for Democratic Institutions and Human Rights

**REPUBLIC OF BULGARIA**  
**PARLIAMENTARY ELECTIONS**  
**5 July 2009**

**OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT**

1-4 June 2009



Warsaw  
9 June 2009

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**I. INTRODUCTION**

On 29 April 2009, the Permanent Mission of the Republic of Bulgaria to the OSCE invited the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) to observe the parliamentary elections scheduled for 5 July 2009. The OSCE/ODIHR undertook a Needs Assessment Mission (NAM) to Sofia from 1 to 4 June 2009. It was composed of Ms. Lusine Badalyan and Mr. Drew Hyslop, both OSCE/ODIHR Election Advisers, and Ms. Holly Ruthrauff, External Election Expert.

The purpose of the OSCE/ODIHR NAM was to assess the pre-electoral environment and the preparations for the parliamentary elections, and to advise on a possible election observation activity. The OSCE/ODIHR NAM met with the Ministry of Foreign Affairs, the Ministry of State Administration and Administrative Reform, the Central Election Commission, representatives of political parties, civil society and media representatives. A full list of meetings is included as an annex to this report.

The OSCE/ODIHR is grateful to the Ministry of Foreign Affairs of the Republic of Bulgaria for its assistance and co-operation in organizing the NAM.

**II. EXECUTIVE SUMMARY**

On 5 July, Bulgaria will hold parliamentary elections, the first national election since the country joined the European Union in 2007. The elections will also be held four weeks after the elections to the European Parliament, with the two campaigns closely linked.

A number of parties, representing the full political spectrum, signaled their intention to run in these elections and should offer voters a broad choice. The Central Election Commission (CEC) initially rejected a major opposition party coalition's registration, a decision later overturned by the Supreme Administrative Court, thus exercising effective checks and balances. Although the decision of the CEC raised doubts about its impartiality, the OSCE/ODIHR NAM interlocutors expressed confidence in the way elections are administered.

The legal framework regulating the elections includes the Constitution, the Law on Election of Members of Parliament, Law on Political Parties, other legal acts and decisions of the CEC. At the initiative of the ruling coalition, the Election Law was amended two months before the parliamentary elections introducing major changes to the electoral system, which is in contradiction with international good practices.

The new Parliament will be elected by a mixed system: 31 deputies will be elected by majoritarian system in single-mandate constituencies by simple majority vote and 209 deputies by proportional system based on regional lists. The new majoritarian single mandate constituencies correspond with the multi-mandate constituencies, which leaves up to four times as many voters in some constituencies as in others.

The CEC and the Ministry of State Administration and Administrative Reform share the responsibility for administering and organizing the parliamentary elections. The Ministry of Administration is responsible for technical and logistical organization of the elections, while the CEC supervises the implementation of election legislation and interprets this legislation through decisions. No concerns were raised regarding the voter lists.

There is a diverse media landscape in Bulgaria, allowing for a broad range of political views. The Election Law, however, stipulates that the election campaign can be broadcast in only three types of programs - special election chronicles, campaign clips and election debates. Furthermore, electoral participants must pay for all the campaign programs aired, including debates and those on public broadcast channels.

Ethnic minorities are active in politics, and have their interests represented through political parties. There were concerns expressed about the possibility of intimidation and vote buying, especially in vulnerable communities such as Roma, mixed areas and small villages. Representatives of minority groups also raised concerns regarding statements made during the campaign for the European Parliament elections that they felt could be considered as bordering on hate speech.

Bulgaria has an active civil society which appears to be widely respected among political parties. A Civil Society Coalition was formed to observe the upcoming elections with a particular view to monitoring instances of vote buying. In addition a significant number of political party agents will observe election day proceedings. These initiatives will further enhance the level of transparency.

While all interlocutors expressed general trust in the conduct of democratic elections and in effective checks and balances in Bulgaria, some concerns regarding these elections were raised, related more to the pre-election period and the heated political environment than to possible election day irregularities. All interlocutors felt that the process could benefit from the presence of the OSCE/ODIHR. In this context, the OSCE/ODIHR recommends the deployment of a Limited Election Observation Mission (LEOM) with a core team in the capital and 12 long-term observers seconded by OSCE participating States. Particular attention will be paid to assessing the election campaign, new legal provisions and the electoral environment in the regions populated by national minorities. The OSCE/ODIHR LEOM will visit a limited number of polling stations on election day.

### **III. FINDINGS**

#### **A. POLITICAL CONTEXT**

On 5 July, Bulgaria will hold parliamentary elections, the first national election since the country joined the European Union in 2007. The elections will also be held four weeks after the elections to the European Parliament, with the two campaigns closely linked. Most parties and coalitions are waiting to see the results of the European vote before deciding upon party lists for the national elections. The Central Election Commission (CEC) has even decided to maintain the same ballot numbers for parties in both elections, which should allow them to use the same campaign materials.

Parties and coalitions must register by 10 June with the CEC for the parliamentary elections, with party lists and candidates for single mandate constituencies submitted to the District Election Commissions (DECs) by 13 June. As of 1 June, only four parties and coalitions had registered, and no party lists had been submitted. Independent candidates can only run for the single mandate seats. Different registration requirements exist for independent candidates, parties and coalitions – in terms of numbers of signatures required and deposits.

A number of parties, representing the full political spectrum, signaled their intention to run in these elections and should give voters a broad choice. The current Government is comprised of the leftist Bulgarian Socialist Party (BSP), in coalition with the liberal Movement for Rights and Freedoms (MRF) and the center-right National Movement for Stability and Progress (formerly National Movement Simeon II).

The most popular opposition party, according to opinion polls tracking the European Parliament elections,<sup>1</sup> is the center-right Citizens for European Development of Bulgaria (GERB), founded by the Mayor of Sofia after the 2005 elections. The main opposition parties represented in Parliament include the rightist Democrats for Strong Bulgaria (DSB), the center-right Union of Democratic Forces (UDF), and the extreme-right *Ataka* (Attack) party. Meanwhile, the new Order, Law and Justice (RZS) party is also competing for the center-right vote and portrays itself as anti-corruption.

The UDF and the DSB have joined forces with three smaller parties to form the Blue Coalition to contest the upcoming elections. However, this coalition encountered difficulties registering, extending from the failure of the Sofia City Court to register the UDF's new leadership late last year. Questions regarding the UDF's legal status caused the CEC to initially reject the coalition's registration, a move later overturned by the Supreme Administrative Court, thus demonstrating the existence of effective checks and balance in Bulgaria. Further appeals have kept the final status of registration in limbo, although it appears now that the process will be completed within legal deadlines.

A new mixed electoral system, which adds 31 seats allocated in single mandate constituencies according to the first-past-the-post system (elected by simple majority) to the previous proportional system, is also having an impact on the pre-election environment. Recognizing that competing for the single mandate seats as individual parties in a simple majority system increases the likelihood of their opponents to win, a number of smaller center-right parties have reportedly entered discussions regarding co-ordination of candidate nominations. A number of independent candidates have also been reported in the press to be registering to run in the single mandate constituencies, including four persons accused of crimes and currently in pre-trial detention who could gain immunity should they be elected into Parliament.

According to the 2001 census, ethnic Turks comprise 9.4 per cent of the population of Bulgaria, and Roma comprise 4.7 per cent. Ethnic minorities are active in politics and have their interests represented through political parties, although according to the Constitution political parties cannot be formed on an ethnic, racial, or religious basis. The junior ruling coalition partner, MRF, is widely seen as representing the interests of the Bulgarian Turkish minority. Parties representing Roma interests have traditionally been less successful, as Roma appear to vote instead for mainstream parties.

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<sup>1</sup> Market Links poll reported on June, Gallup poll reported 4 June, Skala poll reported 2 June.

All political parties with whom the NAM met expressed concerns about the possibility of intimidation and vote buying, especially in vulnerable communities such as Roma and mixed areas and small villages. Concern over the issue has led Transparency International and other civil society groups to launch an integrity pact against vote-buying, signed by a large number of political parties and non-governmental organizations. The group recommended amendments to the election legislation, several of which were adopted.

Representatives of minority groups also raised concerns regarding statements that they felt could be considered as bordering on hate speech by the extreme right party *Ataka* during the campaign for the European Parliament elections. They also expressed the opinion that such statements could become part of the platform of more mainstream political parties for these upcoming elections.

## **B. LEGISLATIVE FRAMEWORK AND ELECTORAL SYSTEM**

The legal framework regulating the parliamentary elections in Bulgaria includes the Constitution, adopted in July 1991 and last amended 2007, the Law on Election of Members of Parliament (hereafter Election Law) adopted in April 2001 and last amended in April 2009, the Law on Political Parties dating back to April 2005 and last amended in January 2009, and other legal acts, as well as instructions and decisions of the CEC.

According to the Constitution, the National Assembly of the Republic of Bulgaria consists of 240 members, elected for a four-year term. All citizens over 18 years old, with the exception of those under judicial interdiction or serving prison sentences, have the right to vote. Any Bulgarian citizen over the age of 21 who has the suffrage right and who does not possess dual citizenship may be elected as a Member of Parliament.<sup>2</sup>

At the initiative of the ruling coalition, the Election Law was amended two months before the parliamentary elections introducing major changes to the electoral system, which is in contradiction with international good practices. The outgoing Parliament was elected by a proportional system based on regional lists from 31 multi-mandate constituencies. After the amendments, the new Parliament will be elected by a mixed system: 31 deputies will be elected by majoritarian system in single-mandate constituencies by simple majority vote and 209 deputies by proportional system based on the regional lists.

The amendments also introduced different thresholds for political parties and coalitions – four and eight per cent respectively. The opposition parties challenged these changes in the Constitutional Court, which revoked the new threshold for coalitions, but left the newly introduced mixed system unchanged.

The electoral constituencies in Bulgaria correspond to the administrative division of the country, except for the cities of Sofia (where there are three electoral constituencies) and Plovdiv (where there are two electoral constituencies). The new majoritarian single mandate constituencies correspond with the multi-mandate constituencies, which leaves up to four times as many voters in some constituencies as in others. Many interlocutors with whom the OSCE/ODIHR NAM spoke expressed concern about the variance in the number of votes needed to win a mandate in the majoritarian contests.

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<sup>2</sup> Article 65 of the Constitution.

The campaign period was reduced from 30 days to 21 days, consequently changing many deadlines in the election law, and the day of silence before the election was abolished. As a measure to fight against vote-buying, raised as a concern by OSCE/ODIHR interlocutors, amendments were introduced to require that all campaign materials and advertising contain the information that vote-buying is a crime.

The legal framework for campaign and party finance was also amended. According to the Article 71 of the Election Law the election campaign can be financed through the own resources of independent candidates, parties, coalitions, as well as through donations of physical persons. While physical persons can make donations of up to BGL 10,000 (approximately EUR 5,000) each, donations by legal entities are not allowed. Each person who donates money should provide a declaration about the source of the money. The total amount of campaign spending cannot exceed BGL 1,000,000 (approximately EUR 500,000) for parties, BGL 2,000,000 (approximately EUR one million) for coalitions, and BGL 200,000 (approximately EUR 100,000) for initiative committees. One month after the elections the parties, coalitions and initiative committees should report the funds raised and spent during the election campaign to the National Accounts Office, which checks the accuracy of the provided declarations.

Other amendments to the Election Law relate to the composition of election commissions, the introduction of mobile and electronic voting,<sup>3</sup> an increase of the deposit required to run for office, and the data contained in voter lists.

### C. ELECTION ADMINISTRATION

The Election Law stipulates that the organization and technical preparation of the elections is carried out by the Council of the Ministers<sup>4</sup> and the regional and municipal administrations in cooperation with the election commissions (Article 7). The CEC and the Ministry of State Administration and Administrative Reform share the responsibility for administering and organizing the parliamentary elections. The Ministry of Administration (MoA) is responsible for technical and logistical organization of the elections, while the CEC supervises the implementation of election legislation and interprets this legislation through decisions.

The CEC is a temporary body appointed by the President of Bulgaria after the announcement of parliamentary elections. The President appoints the members after consultations with parties and coalitions represented in the National Assembly, as well as parties represented in the European Parliament, following an amendment of the election law. The CEC consists of 25 members and, according to the Election Law, none of the parties can have the majority in the commission.<sup>5</sup>

The 31 DECs mirror the composition of the CEC.<sup>6</sup> After consultations with the parties and coalitions represented in the National Assembly and European Parliament, the Regional

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<sup>3</sup> According to the CEC for July 5 elections, electronic voting will be introduced as a pilot in some ten polling stations, however the procedures remain to be clarified.

<sup>4</sup> Ministry of Administration is tasked by the Council of Ministers to deal with electoral preparations.

<sup>5</sup> OSCE/ODIHR NAM was informed that each party nominates members proportionally to their representation in the Parliament. However, the information on the party affiliation of the CEC members is not public.

<sup>6</sup> The Election law amendments increased the number of DEC members, which now correspond to the number of members at the CEC.

Governors submit the names for DEC members to the CEC for approval. 11,403 Precinct Election Commissions (PECs) are formed for the upcoming elections,<sup>7</sup> which are appointed by DEC members based on the proposals of the municipalities as consulted with parties and coalitions.

Despite general confidence in the ability of the election administration to organize and administer elections professionally, some OSCE/ODIHR NAM interlocutors expressed concerns regarding the impartiality of the CEC mostly due to the case of the registration of the Blue Coalition (see Political Context). Otherwise, preparations by the CEC and the MoA are well underway and deadlines have been respected so far.

The number of voters registered for the upcoming elections is 6,704,054, although this number may change before election day. The Civil Registration and Administrative Services Department of the Ministry of the Regional Development (GRAO) is in charge of maintaining a national population register based on the data provided by municipal authorities. GRAO is also responsible for printing voter lists for each precinct and the voter lists are compiled on the basis of permanent addresses. GRAO informed the OSCE/ODIHR that the voters have wide opportunities to check their names; besides posting the voter lists in polling stations for public scrutiny, the voters can check their names in the Internet, via SMS and by phone. One of the recent amendments to the Election Law provides that the personal and ID numbers of voters will not be printed in the lists but will be added by the PEC members on election day. This amendment was explained as the remedy against double voting, and GRAO is tasked to check the voter lists for double voting after the election day. OSCE/ODIHR interlocutors did not express concerns regarding the voter lists.

According to the Election Law the CEC organizes a tender to determine the company for the computer processing of the results of the elections. For the forthcoming elections the winner of the tender was a state-owned company "Information Services", the head of which is appointed by the Ministry of Finance. Some of the OSCE/ODIHR interlocutors expressed concerns claiming that the adviser of the Prime Minister serves on the board of the company, and Blue Coalition and GERB informed that they had officially requested the Minister of Finance to remove the person from the position.

#### **D. MEDIA**

There is a diverse media landscape in Bulgaria, which allows for a broad range of public and political views. Other than the public Bulgarian National Television (BNT) and Bulgarian National Radio (BNR), the most popular electronic media with nationwide coverage are private TV channels bTV and Nova. Several print media outlets with political content are available nationally; the two largest Trud and 24 Chasa, both owned by WAZ Media Group.

The Bulgarian Constitution guarantees freedom of speech and press, as well as citizens' rights to seek, disseminate and obtain information. Censorship is prohibited. The Election Law provides that private media are obliged to charge all contestants equal prices for the paid campaigning.

The Election Law stipulates that the election campaign can be broadcast in only three types of programs - special election chronicles, campaign clips and election debates. This means that

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<sup>7</sup> Bulgarian legislation provides the Bulgarian citizens with possibility to vote abroad. In 2006 presidential election, 144 polling stations were open in 49 countries.



news and current affairs programs cannot cover issues related to the election during the campaign period. However, coverage of the activities of government officials not directly campaigning appears to be permitted. Furthermore, electoral participants must pay for all the campaign programs aired, including debates and those on public broadcast channels. While no NAM interlocutors complained about their access to the media, some commented that media time is very expensive, and they expected other parties to overspend the campaign finance limits on media appearances.

The Council for Electronic Media (CEM) is responsible to register, license and oversee radio and television broadcasters.

#### **E. ELECTION OBSERVATION**

Bulgaria has an active civil society which appears to be widely respected among political parties. While not a regular election observation body, Transparency International – Bulgaria informed the OSCE/ODIHR NAM that along with eight other non-governmental organizations it has formed a Civil Society Coalition for the European Parliament and national parliamentary elections. The coalition has recruited 300 volunteers and intends to observe the upcoming election process with a particular view to monitoring instances of vote-buying. It has signed a Memorandum of Understanding with the authorities according to which it will pass on any observed instances officially, in addition to making public statements.

In addition to the presence of political parties in election administration, a significant number of political party agents will also to observe election day proceedings. These initiatives will further enhance the level of transparency.

A broad interest was expressed by state authorities, political parties and civil society representatives for the deployment of an OSCE/ODIHR observation activity. While there appeared to be general public confidence in the administrative process, concerns relating to vote-buying and the importance of having the pre-electoral period observed throughout the country was cited as being of particular importance.

#### **IV. CONCLUSION AND RECOMMENDATION**

As the first election since Bulgaria's entry in the EU, the July 5 parliamentary elections are viewed as important for the country. While all interlocutors expressed general trust in the conduct of democratic elections and in effective checks and balances in Bulgaria, some concerns regarding these elections were raised, related more to the pre-election period and the heated political environment than to possible election day irregularities. All interlocutors felt that the process could benefit from the presence of the OSCE/ODIHR. In this context, the OSCE/ODIHR recommends the deployment of a Limited Election Observation Mission (LEOM) with a core team in the capital and 12 long-term observers seconded by OSCE participating States. Particular attention will be paid to assessing the election campaign, new legal provisions and the electoral environment in the regions populated by national minorities. The OSCE/ODIHR LEOM will visit a limited number of polling stations on election day.

## **ANNEX: LIST OF MEETINGS**

### **Ministry of Foreign Affairs**

Mr. Lyubomir Kyuchukov, Deputy Foreign Minister/ Acting Minister  
Mr. Iliya Krustelnikov, International Department

### **Ministry of Administration**

Mr. Nikolai Vassilev, Minister  
Ms. Nina Todorova, Chief of Cabinet  
Ms. Veska Yaneva, Chief of Election Department

### **Civil Registration and Administrative Services Department of the Ministry of the Regional Development (GRAO)**

Mr. Ivan Getov, Director

### **National Assembly of Bulgaria**

Prof. Lyuben Kornezov, Deputy Speaker of the National Assembly

### **Central Election Commission**

Ms. Svetla Dimitrova, Chairperson  
Mr. Mustafa Sali Karadayu, Secretary  
Ms. Elena Markova, Deputy Chairperson  
Ms. Romyana Siderova, Member  
Ms. Sabrieh Sapundjieva, Member  
Ms. Assya Velkova, Member

### **Political Parties**

#### *Order Law Justice/ RZS*

Mr. Dimiter Abadjiev, Member of Parliament

#### *Blue Coalition*

Mr. Konstantin Dimitrov, MP for Democrats for Stronger Bulgaria (DSB)  
Mr. Vladimir Kisyov, Member of the National Council for the Union of Democratic Forces (UDF)  
Mr. Daniel Mitov, Deputy Chairperson for the DSB  
Ms. Lyubov Panayotova, Deputy Chairperson for the UDF  
Mr. Peter Slavov, Legal Secretary  
Mr. Dimo Gyaurov, lawyer/consultant for the coalition

#### *National Movement for Stability and Progress*

Mr. Iliya Lingorski, Vice-President  
Vladimir Daskalov, member of the party's Council and member of the Election Headquarters

#### *Citizens for European Development of Bulgaria (GERB)*

Mr. Tsvetan Tsvetanov, President  
Ms. Romyana Zheleva, candidate for European Parliament elections

Mr. Luchezar Ivanov, Member of Parliament

*Bulgarian Socialist Party*

Ms. Katya Dimitrova, Member of Executive Committee, Secretary of the Supreme Council of BSP, Member for the BSP City Council Bureau

*Movement for Rights and Freedoms*

Mr. Lyutvi Mestan, Vice-President of Parliamentary Group

Mr. Kasim Dal, Deputy Chairman

Mr. Vesselin Penev, PR Manager

**Civil Society**

*Transparency International*

Ms. Diyana Kovacheva, Executive Director

*Institute for Regional and International Studies*

Mr. Ognyan Minchev, Executive Director

*Open Society Institute*

Mrs. Maria Metodieva, Program Director, Roma

*Association "Diverse and Equal"*

Mr. Milen Milanov, member

Mr. Todor Tokin, Journalist