



Office for Democratic Institutions and Human Rights

REPUBLIC OF BULGARIA

PARLIAMENTARY ELECTIONS

4 April 2021

ODIHR NEEDS ASSESSMENT MISSION REPORT

14-18 December 2020



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ODIHR Needs Assessment Mission Report

I. INTRODUCTION

In anticipation of an official invitation from the authorities of Bulgaria to observe the 4 April 2021 parliamentary elections and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) to Sofia from 14 to 18 December 2020.¹ The ODIHR NAM included Keara Castaldo and Kseniya Dashutsina, ODIHR Election Advisers.

The purpose of the mission was to assess the pre-election environment and the preparations for the parliamentary elections. Based on this assessment, the NAM should recommend whether to deploy an ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions, as well as with representatives of political parties, media, civil society, and international organizations. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs for its assistance and co-operation in organizing the NAM. ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and share their views.

II. EXECUTIVE SUMMARY

According to the Constitution, parliamentary elections should be called by the president and held within two months after the expiration of the term of the current parliament. The 240 members of parliament (MPs) are elected for a four-year term under a proportional system with a single-preference option in 31 multi-member constituencies.

The election-related legislation was most recently amended in September 2020, introducing a combination of machine and paper-ballot voting in the upcoming elections. Other changes included decreasing the amount of public funding to political parties, and modifying the appeal system for election related disputes. Several ODIHR NAM interlocutors expressed general dissatisfaction with the recent amendments, including the rushed manner and lack of public debate in which they were adopted. Some ODIHR NAM interlocutors noted that the legal framework would benefit from further improvements in a number of areas to adequately safeguard democratic conduct of the elections, including related to reconciliation of results protocols and audits of ballots cast electronically.

Elections are administered by the Central Election Commission (CEC), 31 District Election Commissions (DEC), and some 12,000 Precinct Election Commissions (PEC). The CEC is the only permanent election administration body and has 20 members, 10 are women. ODIHR NAM interlocutors expressed varying degrees of confidence in the impartiality and professionalism of the CEC, and many raised concerns about the ability of the CEC to implement additional responsibilities without a commensurate increase in its administrative capacity. Several raised concerns regarding the ability to recruit sufficiently experienced staff to fill lower-level commissions due to the COVID-19 pandemic. Many ODIHR NAM interlocutors underlined the need for robust voter information on election-day procedures, especially related to machine voting and COVID-19 adjustments.

¹ On 22 January 2021, ODIHR received an official invitation to observe the elections.

The 2020 amendments to the Election Code introduced a mix of voting with touch-screen voting machines and paper ballots, depending on the choice of the voter. The CEC carried out a tender procedure for procuring some 9,600 machines and extensive associated support, and identified a vendor, responsible for delivery, servicing of the machines, and training elections officials on how to operate them. Some ODIHR NAM interlocutors sharply criticized the amendments and voiced concerns that concurring voting methods would cause additional confusion for voters, detract from their confidence, and would potentially complicate the conduct of voting and counting.

Citizens over the age of 18 years have the right to vote, except prisoners and those deprived of legal capacity by a court decision. Voter registration is passive, and there is no permanent voter register. The Ministry of Regional Development (GRAO) provides the CEC with the list of eligible voters based on data from municipalities, and is responsible for printing voter lists by municipality on the basis of a voter's permanent address. The current number of eligible voters is estimated at 6.5 million. Most ODIHR interlocutors expressed confidence in the integrity of voter registration, though some questioned its accuracy due to the decentralized maintenance of population data.

Citizens over the age of 21 years eligible to vote and not holding another citizenship have the right to stand as candidates. The CEC registers political parties or coalitions seeking to contest the elections with candidate lists, and DEC registers nominating committees for independent candidates. Voters can sign in support of only one prospective contestant. There are no special legislative measures to promote women's participation and most political parties met by the ODIHR NAM stated they do not have specific internal policies to promote women candidates. All political parties met by the ODIHR NAM stated their intention to nominate candidates and expressed confidence in the inclusiveness of the candidate registration process.

The official election campaign starts 30 days before election day. The law prescribes that election campaigning can only be conducted in the Bulgarian language and prohibits the use of campaign materials that are 'contrary to good morals'. The campaign is expected to focus primarily on topics such as anti-corruption, judicial reform, public health, and the economy. The parties met by the ODIHR NAM stated that due to COVID-19 pandemic health concerns campaign will mostly shift to the media and online. Most ODIHR NAM interlocutors claimed that long-standing issues of vote-buying and 'organized' voting is still attempted in economically and socially vulnerable communities, particularly Roma.

The 2019 amendments to the campaign finance legal framework reduced public funding to political parties, reintroduced the ability of legal entities to donate to election campaigns, and removed donation limits. A number of ODIHR NAM interlocutors claimed that the amount of public funds available to parties during the campaign remains too high and could contribute to an unlevel playing field, particularly affecting newly formed parties or candidates running independently. The National Audit Office (NAO), mandated to oversee the campaign finance, publishes contestants' interim donation reports but does not receive or publish expenditure reports prior to election day. Overall, most ODIHR NAM interlocutors described a lack of transparency of party and campaign finance.

The pluralistic media environment is divided along political lines, operates in a shrinking advertisement market and is influenced by commercial and corporate interests, as perceived by most ODIHR NAM interlocutors. By law, the public service broadcasters, Bulgarian National Television and Bulgarian National Radio, are required to allocate free airtime to each contestant. The election coverage by private broadcasters is largely unregulated. Several ODIHR NAM interlocutors underlined increasing media polarization and noted cases of alleged intimidation and violence against journalists, particularly those critical of the government. ODIHR NAM interlocutors described

limited mechanisms for effective oversight of broadcast media, including by the media regulator, the Council for Electronic Media.

The Election Code provides for citizen and international election observation. Observers, agents, and proxies are entitled to follow all stages of the electoral process. Several civil society organizations informed the ODIHR NAM that they plan to conduct long-term and election day observation.

The law prescribes timely consideration of different types of complaints that can be filed by citizen observers, representatives of electoral contestants and party proxies. Decisions of an election commission can be appealed to the higher-level commission, and to the Supreme Administrative Court (SAC) as a final instance. Overall, ODIHR NAM interlocutors expressed confidence in the impartiality of the election administration and courts in resolving electoral disputes.

All ODIHR NAM interlocutors welcomed external scrutiny of the revised legal framework and its implementation, including with regard to the mixed machine and paper ballot voting, and stated that a large-scale election observation activity is needed. They underlined that the assessment by a potential ODIHR election observation mission would be of particular value due to high polarization and would enhance public confidence in the electoral process. Particular concerns were raised over the conduct of the campaign, especially with regard to alleged vote-buying and ‘organized’ voting. Specific aspects that could benefit from further assessment include the process of revision and implementation of the legal framework, the work and capacity of the election administration, conduct and financing of the election campaign, media coverage and oversight, and election day procedures, particularly the introduction of new technologies in the process and additional adjustments due to the COVID-19 pandemic.

Based on the findings of this report, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) for the upcoming parliamentary elections. In addition to a core team of experts, the ODIHR NAM recommends the secondment of 14 long-term observers from OSCE participating States to follow the electoral process countrywide, and 200 short-term observers to follow election day proceedings. In line with ODIHR’s standard methodology, the EOM would include a media monitoring component.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

According to the Constitution, parliamentary elections should be called by the president and held within two months after the expiration of the term of the current parliament. On 14 January, President Rumen Radev announced that the elections will take place on 4 April.

The last parliamentary elections, held on 26 March 2017, led to five parties being represented in the parliament. The center-right party Citizens for European Development of Bulgaria (GERB) party won 95 seats and formed a coalition with the United Patriots - National Front for Salvation of Bulgaria (NFSB) with 27 seats.² The incumbent prime minister Boyko Borisov, leader of GERB, was re-

² The Bulgarian Socialist Party (SP) won 80 seats, Movement for Rights and Freedoms (DPS) won 26, and the right-wing party *Volya* 12.

appointed after his party's win and is now serving a third consecutive term. The ruling party won most seats in the 2019 election to the European Parliament (EP).³

Preparations for the elections are currently taking place amid prolonged street protests which started in July 2020 and included requests for early parliamentary elections and the resignation of the prime minister and prosecutor general. These protests were fuelled by allegations of corruption, lack of rule of law, and disillusionment with politics and the political establishment.⁴ All ODIHR NAM interlocutors noted a tense and polarized atmosphere and attributed great importance to the upcoming parliamentary elections, characterizing them as an important test for the country's democracy.

ODIHR has previously observed nine elections in Bulgaria.⁵ Most recently, ODIHR deployed a Limited Election Observation Mission for the 26 March 2017 early parliamentary elections. The final report that was issued in June 2017 contains 40 recommendations, including 7 priority ones, for the authorities to improve the electoral process and bring it closer in line with OSCE commitments.⁶

B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Elections are primarily regulated by the 1991 Constitution, 2014 Election Code, the 2005 Law on Political Parties, the 2010 Law on Assemblies, the 1969 Administrative Violations and Sanctions Act, and the 1968 Criminal Code. The legal framework is supplemented by the decisions of the CEC. Bulgaria is party to major international and regional instruments related to the holding of democratic elections.⁷

The most recent amendments to election-related legislation were introduced in 2019 and September 2020 to the Election Code and the Law on Political Parties, and 1968 Criminal Code. The September 2020 changes to the Election Code introduced a combination of machine and paper-ballot voting in polling stations with more than 300 voters, vested the Central Election Commission (CEC) with the responsibility to procure the voting machines, and simplified reconciliation of results protocols by excluding number of unused and invalid ballots from them. These amendments were initially vetoed by the president but the parliament overturned the veto to enact the amendments. Several ODIHR NAM interlocutors expressed general dissatisfaction with the amendments, the rushed manner and lack of public debate in which they were adopted.⁸

Other changes included decreasing the amount of public funding to the political parties and modifying the appeal system of election related disputes. Several ODIHR NAM interlocutors noted that electoral legal framework would benefit from further improvements in a number of areas crucial for democratic

³ In the 2019 EP elections GERB received 31.7 per cent of votes, BSP 24.26 per cent, DPS 16.55 per cent, Union of Patriotic Forces for Protection Bulgarian National Movement (VMRO) 7.36 per cent. Voter turnout was 32.64 per cent.

⁴ A European Parliament [Resolution](#), adopted on 8 October 2020, underlined the need to respect values of the European Union fully and unconditionally, and regrets the "significant deterioration" of democracy, the rule of law and fundamental rights.

⁵ See previous ODIHR reports on [Bulgaria](#).

⁶ 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."

⁷ Including the 1966 [International Covenant on Civil and Political Rights](#), 1979 [Convention on the Elimination of All Forms of Discrimination Against Women](#), 1965 [International Convention on the Elimination of All Forms of Racial Discrimination](#), 2003 [Convention against Corruption](#), 2006 [Convention on the Rights of Persons with Disabilities](#), the 1950 [European Convention on Human Rights](#).

⁸ Several civil society organizations informed the ODIHR NAM that they were excluded from any consultations related to amending the Election Code. The 8 October 2020 EP [Resolution](#) called on the Bulgarian authorities to ensure full compliance of the electoral legislation with all the recommendations of ODIHR and the Venice Commission, in particular regarding stability of the fundamental elements of electoral law.

conduct of the elections including permitting campaigning and voter education in languages other than Bulgarian, enhancing campaign finance regulations, increasing the transparency of media ownership, expanding opportunities to challenge election results as well as long-standing ODIHR and Venice Commission recommendations on suffrage rights.

The 240 members of parliament (MPs) are elected for four-year terms under a proportional system with a single-preference option in 31 multi-member constituencies.⁹ If a voter does not use the preferential option, the preference is counted for the first candidate on the list. To win a preferential seat, a candidate must be marked by at least seven per cent of the voters who voted for his or her candidate list. The threshold to enter the parliament for parties and coalitions is four per cent of the valid votes at the national level, while independent candidates must pass the constituency electoral quota. The electoral quota in a constituency is the ratio of the number of valid votes cast divided by the number of mandates in the constituency.

C. ELECTION ADMINISTRATION

The elections are administered by the CEC, 31 District Election Commissions (DEC) and some 12,000 Precinct Election Commissions (PEC). The CEC has 20 members appointed for five-year terms, most recently in March 2019, and is the only permanent election administration body. The CEC chairperson, deputy chairpersons and the secretary are elected by the parliament, and the remaining CEC members are appointed by the president based on parliamentary party nominations. Ten CEC members are women. The former chairperson of the CEC resigned following adoption of the amendments related to the machine voting, stating her dissatisfaction with the timing of the amendments and the lack of clarity on the certification and storage of the machines, and a new chairperson was appointed in October 2020. The CEC broadcasts its regular sessions live on its website. The CEC plans to conduct voter information activities, and training for members of DEC and PECs.

The CEC appoints DEC members, and DEC members in turn appoint PECs. Political parties represented in the national and European parliaments can nominate members to the election administration.¹⁰ The same parties and coalitions that form the CEC may nominate members to DEC and PECs. DEC are composed of 13 to 17 members, depending on the size of the district. The number of PEC members varies from 5 to 9, depending on the number of registered voters. DEC are appointed not later than 50 days and PECs not later than 25 days before election day. The CEC voiced its concerns to the ODIHR NAM, repeated by several other interlocutors, that, due to the COVID-19 pandemic, it might face challenges in recruiting sufficient experienced staff to fill positions on lower commissions.

ODIHR NAM interlocutors expressed varying degrees of confidence in the impartiality and professionalism of the CEC, and many raised concerns about the ability of the CEC to implement additional responsibilities without a commensurate increase in its administrative capacity. Some mentioned the organization of tabulation of results as potentially problematic and highlighted the need for a comprehensive training of lower-level election commissions on election day procedures, especially on the use of voting machines and on completing results protocols. Several ODIHR NAM interlocutors raised concerns that the participation of voters with COVID-19, their family members

⁹ The CEC is responsible for constituency delimitation and allocated the number of mandates per constituency according to the population size as established by the 2011 census, with a minimum of four seats per constituency. ODIHR previously raised concern related to variation in the cost of mandates across constituencies.

¹⁰ No party or coalition can have a majority in a commission, and the chairperson, deputy chairperson and secretary cannot be from the same party or coalition.

and those in self-isolation is not regulated by law and would result in their disenfranchisement.¹¹ Many ODIHR NAM interlocutors underlined the need for robust voter information on election-day procedures and related COVID-19 regulations. The CEC informed the ODIHR NAM that additional amendments to the Election Code could be adopted prior to election day which would address the need for health-related adjustments to election procedures and the handling of election materials.

D. VOTING TECHNOLOGIES

The Election Code provides for the use of new voting technologies.¹² While amendments in 2019 introduced the full implementation of machine voting by the 2021 parliamentary elections, subsequent amendments in 2020 established a combination of voting with touch-screen machines (direct-recording equipment or DREs) and paper ballots, depending on the choice of the voter.¹³ Some ODIHR NAM interlocutors sharply criticized the amendments and expressed concerns about the CEC's ability to properly implement these procedures given the limited timeframe and resources available. Many also voiced concerns that the concurrent voting methods might cause additional confusion for voters, and fail to enhance confidence in or provide operational benefits to the process.

The Election Code contains technical requirements for the machines, including the integrity and encryption of data and that they produce a voter-verified paper audit trail. The Code also provides that the machines should facilitate the participation of voters with limited mobility or visual impairments.¹⁴ The Code does not require or explain in what circumstances an audit is conducted of the paper trail. The memory stick of each machine is to be delivered to the state-owned company Information Services, which has staff in every DEC, to process results data, and then subsequently returned to the election administration.

Oversight of the implementation of electronic voting is the responsibility of the CEC as well as the State Agency for Electronic Government, the Institute for Standardization, and the Institute for Metrology, which are responsible for certifying and auditing the machines. The CEC carried out a tender procedure for procuring some 9,600 machines and extensive associated support, and identified a private vendor, *Ciela Norma*, to be responsible for delivery, servicing of the machines, and training elections officials on how to operate them.¹⁵

According to the 2020 amendments, the PECs will add the results reported from the voting machines to the results of manually counted paper ballots. The results protocols were simplified to exclude information on the number of unused and invalid paper ballots. Several ODIHR NAM interlocutors described high numbers of edited or corrected results protocols during previous elections, generally related to human error; some ODIHR NAM interlocutors expressed concerns that the changes in counting and reconciliation procedures might contribute to a high number of errors during the vote count and detract from public confidence in the process.

¹¹ On 28 January 2021, the Law on the Measures and Actions During the Emergency Situations was amended to provide an opportunity for those in quarantine or hospitalized due to COVID-19 to request a mobile ballot boxes or vote in special polling stations.

¹² Electronic voting was introduced at a limited number of polling stations during the 2019 European Parliament elections and local elections.

¹³ Machine voting shall not take place in polling stations with fewer than 300 voters, for mobile voting, in polling stations in medical establishments, residential care facilities and other specialized institutions for providing social services, in polling stations on vessels under the Bulgarian flag, and in polling stations outside the country.

¹⁴ Despite this legal provision, the CEC informed the ODIHR NAM that such voters would continue to be assisted manually by another person of their choice.

¹⁵ According to the CEC, 9,300 machines will be dispatched to the polling stations, and 300 machines will be put in reserve. The cost is estimated at BGN 36 million (some EUR 18.4 million).

E. VOTER REGISTRATION

Citizens over the age of 18 years have the right to vote, except prisoners and those deprived of legal capacity by a court decision. Voter registration is passive, and the law does not provide for a permanent voter register. Based on data from the National Population Register, which is updated daily based on data supplied by municipal authorities, the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development (GRAO) provides the CEC with the list of citizens with voting rights. The GRAO is responsible for printing voter lists by municipality on the basis of a voter's permanent address 40 days prior to the elections and the lists are available for public scrutiny.¹⁶ The number of voters is currently estimated at some 6.5 million. Most ODIHR interlocutors expressed confidence in the integrity of voter registration, though some questioned its accuracy due to the decentralized maintenance of population data.

If a voter's residence address differs from the permanent address, s/he can apply to the respective municipality to update the address of registration not later than 14 days before election day. Special lists are compiled for voters in health care facilities, detention and pre-trial centres, nursing homes, and other social institutions based on information provided by the heads of these facilities. Eligible voters may also register at PECs on election day provided they can present the relevant residency documentation, although the GRAO informed the ODIHR NAM that such a procedure is conducted on an exceptional basis.¹⁷ Updates to voter lists by PECs on election day are not subject to judicial oversight.

F. CANDIDATE AND PARTY REGISTRATION

Citizens over the age of 21 years, eligible to vote and not holding another citizenship have the right to stand as candidates.¹⁸ The registration of candidates is a two-stage process. The CEC registers political parties or coalitions, and DEC's register nominating committees for independent candidates. DEC's then register candidate lists and independent candidates. A candidate may stand for a party or coalition in no more than two constituencies and in only one as an independent.

To participate in the elections, parties and coalitions must submit to the CEC registration documents, a deposit of BGN 2,500 and supporting signatures of at least 2,500 voters.¹⁹ A committee nominating an independent candidate must submit a deposit of BGN 100, and supporting signatures from no less than one per cent but no more than 1,000 voters of the respective constituency. Voters can sign in support of only one prospective contestant. The GRAO verifies the lists of signatures and audits samples of these lists in case of suspected irregularities. There are no special legislative measures to promote women's participation and most parties met by the ODIHR NAM stated they do not have specific internal policies to promote women candidates. In the outgoing parliament women hold only 25 per cent of seats. All political parties met by the ODIHR NAM stated their intention to nominate candidates and expected the registration process to be inclusive, but some expressed concern related to the ability to effectively collect signatures during the COVID-19 pandemic.

¹⁶ Voters can verify their information online and at local administrations and election commissions. A voter can file a complaint to municipal administration against any errors or omissions in the lists no later than seven days before election day. The decision of municipal administration can be appealed to the administrative court.

¹⁷ Including if a person is released from a prison or hospital, returns from abroad or from overseas military service, or if their legal capacity is restored.

¹⁸ Individuals prohibited from being members of a political party (such as military, intelligence service and police personnel, diplomats, judges and prosecutors) may contest the elections as independent candidates.

¹⁹ 1 Euro equals 1.94 Bulgarian Lev (BGN).

G. ELECTION CAMPAIGN

The official election campaign starts 30 days before election day. It is prohibited to display campaign materials outside this period. By law, all campaign materials should contain a statement that vote-buying and selling is a criminal offence. The law also prescribes that the election campaign is conducted only in the Bulgarian language and prohibits the use of campaign materials that are ‘contrary to good morals’.

Most parties met by the ODIHR NAM expected to be able to campaign without hindrance. The campaign is expected to be primarily focused on topics such as corruption, judiciary, public health, and economy. The parties met by the ODIHR NAM mentioned that they will shift campaigning to the broadcast, online and social media due to the ongoing COVID-19 pandemic. Campaigning on social networks and in online media is not regulated by the law. Some ODIHR NAM interlocutors noted concerns related to the use of inflammatory language and intolerant and xenophobic rhetoric.²⁰ Most interlocutors alleged that long-standing practices of vote-buying and ‘organized’ voting is still attempted in economically and socially vulnerable communities, particularly impacting Roma.

H. CAMPAIGN FINANCE

Party and campaign finance are regulated by the Election Code, the Political Parties Act, and the State Budget Act. The 2019 amendments to campaign finance legal framework reduced public funding for political parties, reintroduced the ability of legal entities to donate to election campaigns, and removed the donation ceiling.²¹ Previous recommendations on shortening the deadlines for submission of financial reports, submitting expenditure reports before election day, introducing a short deadline for their publication and introducing proportionate and dissuasive sanctions remain unaddressed.

Parties and coalitions that received more than one per cent of votes in previous parliamentary elections are entitled to annual public funding proportionally to the votes received. Parties not entitled to state funding and running in all constituencies receive BGN 40,000 and independent candidates receive BGN 5,000 for paid political advertising. The 2019 changes to the State Budget Act initially reduced the annual amount of the state subsidy per valid vote received from BGN 11 to BGN 1, but the amount was later increased to BGN 8.²² Some ODIHR NAM interlocutors noted that the significant amount of public funds available to the parties during the campaign can contribute to an unlevel playing field between the contestants, particularly affecting newly formed parties or candidates running independently; others also complained that the reduction in public subsidies coupled with new and increased donations from legal entities would benefit the ruling party.

The Election Code allows unlimited donations from individuals and legal entities, and prohibits donations from non-residents, anonymous persons, religious institutions as well as foreign states.

²⁰ The 2020 [report](#) of Commissioner for Human Rights of the Council of Europe underlined that stronger commitment is needed to combat racism, fight gender stereotypes and increase media freedom in Bulgaria. The report describes a number of incidents reported in recent years concerning the use of hate speech against minorities, including by government ministers, and that parliamentary immunity is systematically used to shield members of the Bulgarian National Assembly from accountability for hate speech.

²¹ Political parties may not receive donations from legal entities or sole traders who have overdue public liabilities and/or are registered in jurisdictions with a preferential tax regime, the MPs resolved.

²² A TV show revealed that financial miscalculations had led to parties receiving over BGN 13 per vote in state subsidy for the first half of 2019, instead of the BGN 11 they were legally entitled to. The revelations sparked outrage and forced political parties to return over BGN 14 million to the state. In response to the outcry, the government put forward a proposal to decrease the subsidy to just BGN 1 per vote.

Campaign expenditures are limited to BGN 3,000,000 for a party or a coalition and BGN 200,000 for an independent candidate.

The National Audit Office (NAO) is mandated to oversee campaign finance. Contestants must report to the NAO the origin of donations received during the official campaign period, on a weekly basis, with the first report due five days after the start of the campaign. Contestants must also report campaign expenditures within 30 working days after election day. There are no requirements for contestants to submit, and for the NAO to audit or publish, reports on expenditures before election day. The review of these reports is limited to verifying whether the declared income is reported and documented according to legal requirements and whether expenditures match the reported donations; no thorough auditing and investigation of donations or expenditures is undertaken. The NAO informed the ODIHR NAM that any violations of reporting requirements would be sanctioned after its audit following the elections. Overall, most ODIHR NAM interlocutors expressed low level of confidence in the transparency of the party and campaign finance and the effectiveness of its oversight.

I. MEDIA

The media environment is diverse with many outlets operating in the country. According to most ODIHR NAM interlocutors, the media is divided along political lines, operates in a shrinking advertisement market and is influenced by commercial and corporate interests. The public Bulgarian National Television (*BNT*) and private TV stations, including *bTV* and *Nova*, dominate the commercial media market.

Several ODIHR NAM interlocutors underlined increasing the media polarization and noted cases of alleged intimidation and violence against journalists, and noted instances of alleged pressure on prominent television hosts and journalists critical of the government.²³ The majority of ODIHR NAM interlocutors noted that these circumstances limit media pluralism and the independence of editorial policies. The OSCE Representative on Freedom of the Media (RFOM) on several occasions condemned violence, intimidation and other incidents, including death threats, directed at media professionals.²⁴ An October 2020 report of the Council of Europe Commissioner for Human Rights highlighted the “continuous deterioration of media freedom as a consequence of a series of aggregate factors, including non-transparent media ownership and financing, harassment of journalists, the use of defamation suits and political influence”.²⁵

The ownership and management of both the public TV and the two biggest private TV stations changed in 2019. Some ODIHR NAM interlocutors noted a negative shift in the editorial policy of *BNT*, and reported that a number of managers and journalists left *bTV* and *Nova*, citing pressure from the new management. One investigative journalist was removed during a live-broadcast on Bulgarian National Radio (*BNR*), suspending its programming for five hours, before it was reinstated. The incident was investigated by a special parliamentary commission, and the *BNR* director was dismissed in October 2019 by the decision of the Council for Electronic Media (CEM).

By law, only the public service broadcasters, *BNT* and *BNR*, are required to cover elections in accordance with the principles of equitability and objectivity and allocate free airtime to each contestant. The *BNT* mentioned plans to cover the elections extensively, including through organizing

²³ According to Freedom House’s 2020 Nations in Transit, the rating of independent media dropped by 1 point since 2019 and is 2 out of 4 in 2020. In Reporters Without Borders’s 2020 World Press Freedom Index, out of 180 countries Bulgaria dropped in its rating since 2013 by 24 points and is now ranked 111.

²⁴ See OSCE RFoM [statements](#) on Bulgaria.

²⁵ See country [report](#) of the Council of Europe Commissioner for Human Rights issued on 31 October 2020.

talk shows and debates between contestants and their representatives. Election coverage by private broadcasters is largely unregulated.²⁶ Any media may offer space for paid political advertisements under equal conditions. Such advertisements should comply with the requirements for campaigning materials, be separated from regular commercials, and be clearly identified as paid for. A broadcaster's prices for paid advertisements must be equally applied for all contestants, must be published not later than 40 days before the elections, and must not exceed the average market rates during the 6 months prior to the campaign.

The oversight of broadcast media, including during the election campaign, is exercised by the CEM. The CEM informed the ODIHR NAM that it plans to monitor a number of TV and radio channels on their compliance with election related media regulations but indicated that the results of this monitoring are generally published only after the election day. The CEM highlighted that it does not have the authority to provide remedy and only forwards information on violations to the CEC, which can decide whether to impose sanctions. The Radio and Television Act was amended in December 2020 to mandate CEM to monitor online streamed audiovisual content, as required by the EU Directive 2018/1808 on Audiovisual Media Services.²⁷ The CEM voiced concerns about insufficient financial and human resources, and a lack of methodology and training to monitor online content.

J. ELECTION OBSERVATION

The Election Code provides for citizen and international election observation. In addition, contestants have the right to nominate agents and proxies to election commissions. Observers, agents, and proxies are entitled to follow all stages of the electoral process. Non-governmental organizations which are registered as holding objectives related to the protection of political rights can nominate citizen observers. The law further stipulates that a person may participate in the elections in only one capacity (as candidate, proxy, observer, or election official). Several civil society organizations informed the ODIHR NAM of plans to conduct long-term and election day observation.

K. COMPLAINTS AND APPEALS

The Election Code prescribes timely consideration of different types of complaints that can be filed by citizen observers, representatives of electoral contestants and party proxies. Complaints from other persons are admissible if the complainant proves that his/her right was directly affected. Complaints and alerts about potential electoral violations can be submitted to the CEC and DECs.²⁸

Decisions of an election commission can be appealed to the higher-level commission, and to the Supreme Administrative Court (SAC) as a final instance, except for acts on administrative violations, which are sent to the regional governor. Following 2019 amendments to the Election Code, if the decision of the DEC is upheld by the CEC, it can be further appealed to the respective District Administrative Court. Election results can be appealed to the Constitutional Court only by the president, the Council of Ministers, the Supreme Court of Cassation, the SAC, the Prosecutor General or at least one-fifth of MPs.²⁹

²⁶ A special memorandum is to be agreed between contestants and the public broadcasters related to election coverage and the allocation of free airtime, which will be further promulgated by an ordinance of the Council of Ministers.

²⁷ See [EU Directive 2018/1808 on Audiovisual Media Services](#).

²⁸ A complaint can be filed against administrative acts/decisions. An alert can be submitted against any other violation.

²⁹ The European Court of Human Rights (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](#).

The Election Code prescribes the electoral commissions' obligation to maintain an electronic public register of complaints and alerts, and to review them, and to publish CEC decisions immediately. Overall, ODIHR NAM interlocutors expressed confidence in the impartiality of the election administration and courts in resolving electoral disputes.

IV. CONCLUSIONS AND RECOMMENDATION

All ODIHR NAM interlocutors welcomed external scrutiny of the revised legal framework and its implementation, including with regard to the mixed machine and paper ballot voting, and stated that a large-scale election observation activity is needed. They underlined that the assessment by the potential ODIHR election observation mission will be of particular value due to high polarization and would enhance public confidence in the electoral process. Particular concerns were raised over the conduct of the campaign, and especially with regard to alleged vote buying and 'organized' voting. Specific aspects that could benefit from further assessment include the process of revision and implementation of the legal framework, the work and capacity of the election administration, conduct and financing of the election campaign, media coverage and oversight, and election day procedures, particularly the introduction of new technologies in the process and additional adjustments due to the COVID-19 pandemic.

Based on the findings of this report, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) for the upcoming parliamentary elections. In addition to a core team of experts, the ODIHR NAM recommends the secondment of 14 long-term observers from OSCE participating States to follow the electoral process countrywide, and 200 short-term observers to follow election day proceedings. In line with ODIHR's standard methodology, the EOM would include a media monitoring element.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Georg Georgiev, Deputy Minister

Maria Spassova, Director of Human Rights Directorate

Nadia Krasteva, Head of International Humanitarian Organizations Department, Human Rights Directorate

Vassil Durev, Head of Legal Representation Department, Legal Directorate

Radi Ignatov, Second Secretary in Human Rights Directorate

National Assembly

Tsveta Karayancheva, President of the National Assembly

Legal Affairs Committee of National Assembly

Anna Aleksandrova, Chairperson

Desislava Atanasova, Deputy Chairperson

Hristian Mitev, Deputy Chairperson

Filip Popov, Member

Kristian Vigenin, Member

Yavor Bozhankov, Member

Central Election Commission

Kristina Stefanova, Deputy Chairperson

Silva Dyukendzhieva, Deputy Chairperson

Tanya Yosifova, Deputy Chairperson

Sevinch Solakova, Secretary

Boycho Arnaudov, Member

Georgi Bahanov, Member

Dimitar Dimitrov, Member

Emil Voinov, Member

Erhan Chaushev, Member

Ivaylo Ivkov, Member

Yordanka Gancheva, Member

Katya Ivanova, Member

Mariya Boykinova, Member

Miroslav Dzherov, Member

Nikolai Ivanov Nikolov, Member

Pascal Boyadzhyski, Member

Silvia Stoycheva, Member

Tania Tzaneva, Member

Tsvetanka Georgieva, Member

Civil Registration and Administrative Services Department of the Ministry of the Regional Development and Public Works

Ivan Getov, Chief Director

Ventsislav Hristov, Head of IT Department

National Audit Office

Toshko Todorov, Deputy Head

Malina Simeonova, Head of Political Parties Department

Supreme Administrative Court

Marinika Cherneva, Deputy Chairman of the Supreme Administrative Court
Tatyana Hinova, Judge
Diana Garbatova, Judge
Kremena Haralanova, Judge

Council for Electronic Media

Zornitsa Gurova, Acting Director of Monitoring and Analysis Directorate
Rayna Dormishkova, Chief Inspector

Information Services

Alex Stanev, Technical Director

Political Parties (in alphabetical order)

Filip Popov, Member of Parliament, Bulgarian Socialist Party
Kalina Panayotova, Bulgarian Socialist Party
Krum Zarkov, Deputy Chairperson of the Parliamentary Group of the Bulgarian Socialist Party, Member of Parliament
Yordan Tsonev, Deputy Chairperson, Parliamentary Group of Movement for Rights and Freedoms
Halil Letifov, Deputy Chairperson, Parliamentary Group of Movement for Rights and Freedoms
Nadezhda Yordanova, Secretary, *Da Bulgaria* Party
Aleksandar Nenkov, Member of Parliament, Deputy Chair of the Parliamentary Group of GERB
Daniela Daritkova, Member of Parliament, Chairperson of the Parliamentary Group of GERB
Krasimir Tsipov, Member of Parliament, Deputy Chair of the Parliamentary Group of GERB
Krasimir Velchev, Member of Parliament, Deputy Chair of the Parliamentary Group of GERB
Viktoria Vasileva, Chief Secretary, *Ima Takav Narod*
Toshko Yordanov, Deputy chairperson, *Ima Takav Narod*
Maya Manolova, Izpravi se.bg, Civil platform
Dimitar Delchev, Chairperson, Bulgaria To The Citizens Movement, Izpravise.bg
Nastimir Ananiev, Chairperson, VOLT Bulgaria, SEGA Movement, Izpravise.bg

Media

Sevda Gaydarova-Dimitrova, Head of International Communications, Bulgarian National Television
Daniel Chipev, Director of Information Department, Bulgarian National Television
Silvia Velikova, Bulgarian National Radio, Current Affairs Programme, Horizont
Rossen Bossey, Journalist, Member of the Board of the Association of European Journalists

Civil Society

Daniel Stefanov, Sofia Platform
Rositsa Mateva, Chairperson, New Alternative Association, Civil Society Advisory Council of the CEC
Rumiana Decheva, President, Bulgarian Chapter of the Association for the Defense of Human Rights
Kalin Slavov, Transparency International
Vanya Nusheva, Transparency International
Iva Lazarova, Institute for Public Environment Development

International Community³⁰

Representatives of diplomatic missions of OSCE participating States.

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The ODIHR NAM extended an invitation to representations of all OSCE participating States resident in Bulgaria.