



Office for Democratic Institutions and Human Rights

REPUBLIC OF BULGARIA

PRESIDENTIAL AND MUNICIPAL ELECTIONS
23 October 2011

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

18-21 July 2011



Warsaw
19 August 2011

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I. INTRODUCTION

On 20 June, 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 23 October presidential and municipal elections. OSCE/ODIHR undertook a Needs Assessment Mission (NAM) to the Republic of Bulgaria from 18 to 21 July 2011. The OSCE/ODIHR NAM included Armin Rabitsch, OSCE/ODIHR Senior Election Adviser, and Lusine Badalyan, OSCE/ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and the preparations for the presidential and municipal elections. Based on this assessment, the NAM was to recommend whether to deploy an OSCE/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, the election administration, and the judiciary, as well as with representatives of political parties, media, and civil society. A list of meetings is annexed to this report.

OSCE/ODIHR would like to thank the Ministry of Foreign Affairs for the assistance and co-operation in organizing the visit. OSCE/ODIHR would also like to thank all of its interlocutors for having taken the time to meet with the mission and sharing their views.

II. EXECUTIVE SUMMARY

On 23 October, simultaneous presidential and municipal elections will be held in Bulgaria. The president is elected for a five-year term. More than half of registered voters should vote for the election to be valid. Municipal council members and mayors are to be elected in 264 municipalities on the same day. The official campaign starts 30 days ahead of election day.

Elections are taking place against the background of an economic and political impasse in the country. In recent months, the government has survived three no-confidence votes in parliament. Many participants in the electoral process expressed concerns about the prospect of possible vote-buying and intimidation of voters, especially in minority communities and municipalities where businesses have significant interests. Concerns with regard to the possible misuse of administrative resources were also raised with the OSCE/ODIHR NAM.

In 2010, the government initiated electoral reform to codify the electoral legal framework. Consequently, the upcoming elections are regulated by a new electoral code. Recently, the Constitutional Court declared certain provisions unconstitutional. OSCE/ODIHR and Council of Europe's Venice Commission jointly reviewed the electoral code and concluded that it provides a sound legal basis for the conduct of democratic elections, but that further

improvements could be made, specifically with regard to the remedies available for challenging decisions and actions of election commissions, and the results of elections.

The election administration for presidential and municipal elections operates at three levels: the Central Election Commission (CEC), 264 municipal election commissions (MECs) and some 13,000 precinct election commissions (PECs). A permanent CEC is composed of 21 members and is established for a five-year term. All levels of election administration are formed based on political nominations. Some OSCE/ODIHR interlocutors opined that this may incentivize commission members to act along political lines rather than implementing duties impartially. Concerns were also expressed that the large membership of election commissions may hamper both the training of commissioners and their effectiveness.

Voter lists are compiled by municipal administrations based on the data from the population register. Some political parties expressed concerns with regard to the accuracy of voter lists. They noted that the CEC does not have any role in the maintenance and compilation of voter lists. Voters are provided with a range of possibilities for voting, including homebound voting, out-of-country voting and voting with absentee certificates for election workers and candidates.

The OSCE/ODIHR and Venice Commission joint opinion on the electoral code underlined that it provides a sound basis for a transparent election campaign financing system. However, it noted that sanctions stipulated may not be proportionate to violations of the campaign finance rules. Most OSCE/ODIHR NAM interlocutors believed that the National Audit Office does not have sufficient enforcement mechanisms for thorough oversight of campaign financing.

Freedom of speech is guaranteed by the Constitution. Recent amendments to Bulgaria's criminal code, however, have introduced the possibility of prison sentences for journalists convicted of hate speech. The OSCE Representative on Freedom of the Media has commented that this violates international good practice on freedom of expression.

Bulgarian public television has the obligation to cover the campaign on equal terms for all candidates. Private broadcasters and print media are largely unregulated. The electoral code stipulates that paid broadcast time and newspaper space for campaigning must be provided to all contestants on identical terms. There is no provision for free airtime on public media and some OSCE/ODIHR NAM interlocutors complained about the high costs of media access.

By law, observers have access to all stages of election day proceedings at PECs and MECs. However, the legislation does not allow for observation of the entire election process, and the scope of observer's rights and responsibilities is left to the discretion of the CEC.

All interlocutors met with by the OSCE/ODIHR NAM encouraged the deployment of an OSCE/ODIHR election observation activity for both presidential and municipal elections. They particularly noted the need for a long-term presence in the regions of the country to ensure comprehensive observation of the pre-electoral campaign of both municipal and presidential elections, the work of the election administration in the regions, and media coverage of the campaign.

Based on the findings outlined in this report, the OSCE/ODIHR NAM recommends the deployment of a Limited Election Observation Mission (LEOM) to observe the 23 October

presidential and municipal elections, with a core team of experts and 14 long-term observers to be seconded by OSCE participating States. In line with OSCE/ODIHR standard methodology, the LEOM would also contain a media monitoring element. The OSCE/ODIHR LEOM would focus on the issues identified during the NAM, including the new legal framework, campaign finance provisions, and media. On the basis of concerns expressed by all interlocutors, particular attention would be paid to assessing the electoral campaign and environment in regions with minority populations. While the mission would visit a limited number of polling stations on election day, systematic observation of electoral proceedings is not envisaged.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

On 15 July, the Bulgarian parliament set the date of the presidential election for 23 October. The president issued a decree calling municipal elections for the same day in line with transitional provisions of the electoral code, which provide for simultaneous presidential and municipal elections.

According to the Constitution the president is elected for a five-year term. Natural born Bulgarian citizens over 40 who have resided in the country for five years before the election, are eligible to stand. The Constitution sets a participation threshold of fifty per cent of the registered voters for the election to be considered valid. A candidate is considered elected if s/he gets the support of more than half of the valid votes cast. If a run-off is required, a second round is held between the two candidates who obtained the most votes, one week after election day. The incumbent President, Georgi Parvanov, who is serving his second term, is not eligible to stand due to the two-term limitation. Municipal elections of mayors and municipal council members are concurrently held in 264 Bulgarian municipalities.

Following the 2009 parliamentary elections, the center-right party, Citizens for European Development of Bulgaria (*GERB*), formed a minority government with its leader, Boyko Borisov, becoming Prime Minister. The *GERB* minority government has remained in power since then, sometimes aligning itself with the Blue Coalition,¹ the Order, Law and Justice party (*RZS*) or with the far-right *Ataka* party. The Coalition for Bulgaria – consisting of the Bulgarian Socialist Party (BSP) and several smaller parties, and the Movement for Rights and Freedoms (MRF) comprise the opposition. The current elections are taking place against the background of economic and political crises; in recent months, Prime Minister Borisov's government has survived three no-confidence votes in parliament.

The *GERB* government has initiated a number of reforms in different fields, most prominently judicial and electoral reform, as well as the fight against corruption and organized crime. Since Bulgaria's accession to the European Union in 2007, the European Commission established a Co-operation and Verification Mechanism to assess the commitments made by Bulgaria in the areas of judicial reform and the fight against corruption and organized crime. On 20 July 2011, the European Commission published a progress report under the mechanism which praises the political will to continue reforms, but which underlines that the fight against

¹ The Blue Coalition consists of the Union of Democratic Forces (UDF), Democrats for Stronger Bulgaria (DSB), and three smaller parties.

high-level corruption has not led to convincing results during the last twelve months.² The report underscores the need for improvements in accountability and professional practices within the judiciary and the investigative authorities.

All interlocutors met by the OSCE/ODIHR NAM expressed concerns over possible vote-buying and voter intimidation, particularly in the municipal elections, which are considered crucial by most interlocutors. Minority groups, especially Roma, are perceived as most vulnerable in terms of such possible electoral irregularities and interlocutors commented that particular attention should be paid to this issue. OSCE/ODIHR NAM interlocutors also pointed to wealthy municipalities with business interests at stake as potential areas where electoral manipulations are anticipated, especially in the municipal elections. Further, it was noted that schemes for vote-buying are becoming more sophisticated; particular concerns were expressed as to some contestants bribing election commissioners. Concerns regarding potential misuse of administrative resources were also raised, especially given that the current Minister of Interior is officially heading the election campaign for *GERB*.

OSCE/ODIHR has observed five elections in Bulgaria since 1997. The Limited Election Observation Mission (LEOM) of the 2009 parliamentary elections concluded that the elections “were generally conducted in accordance with OSCE commitments and Council of Europe standards. While effective checks and balances proved to be in place, concrete measures are required to address persistent problems so as to ensure the integrity of the election process and increase public confidence in future elections.”³

B. LEGISLATIVE FRAMEWORK

The legal framework regulating the presidential and municipal elections includes the Constitution, the electoral code, the law on political parties, the local self-government and local administration act, and other legal acts, as well as instructions and decisions of the Central Election Commission (CEC). Following the 2009 LEOM, OSCE/ODIHR recommended in its final report that consideration be given to reviewing the electoral legislation to eliminate inconsistencies in different legal acts. In 2010, the government initiated electoral reform to codify the legal framework. The President vetoed the electoral code adopted by the National Assembly (parliament) in January 2011. Parliament overturned the veto and enacted the law.

Provisions of concern raised by the President and by opposition political parties were the 12-month residency requirement to stand and to vote in municipal elections, limitations on voting rights of citizens holding dual citizenship, the change to indirect elections of district mayors,⁴ an increased population threshold for the election of village mayors,⁵ and a reduction in the number of municipal councilors.

² See the Report from the Commission to the European Parliament and the Council, On Progress in Bulgaria under the Co-operation and Verification Mechanism, Brussels, 20 June 2011, at: http://ec.europa.eu/dgs/secretariat_general/cvm/docs/com_2011_459_en.pdf.

³ All OSCE/ODIHR election observation and assessment mission reports can be found at: <http://www.osce.org/odihr/elections/bulgaria>.

⁴ Big cities, such as Sofia, Varna and Plovdiv are divided into districts. Previously, heads of those districts were elected directly. According to the changes, they are now elected indirectly by municipal councils.

⁵ Only mayors of villages with population of more than 350 inhabitants are directly elected. Before the population threshold was 150 inhabitants.

Fifty-three members of parliament challenged certain provisions of the electoral code in the Constitutional Court, which declared some elements unconstitutional.⁶ Consequently, parliament amended the electoral code to address the court's decision. Among others, provisions on the possibility to recall election commission members by nominating parties, internet voting, and a reduction in the number of municipal councilors were repealed. The residency requirement to vote in municipal elections was also reduced from 12 to 6 months.⁷

OSCE/ODIHR and the Council of Europe's Venice Commission jointly reviewed the electoral code and concluded that it provides a sound legal basis for the conduct of democratic elections with room for improvement, specifically with regard to the remedies available for challenging decisions and actions of election commissions, and the results of elections.⁸ Additionally, the electoral code provides for short time-limits for appeals in most cases.⁹ Some of OSCE/ODIHR's previous recommendations are still to be addressed, such as the possibility for recounts of ballots, defining the rights and responsibilities of observers, the possibility for ethnic minorities to use their mother tongue during campaigning, and provisions regulating campaigning in the mass media.

According to the 2011 census, ethnic Turks comprise 8.8 per cent of the population and Roma comprise 4.9 per cent. Experts estimate that the Roma population may be twice as large. The Constitution recognizes the existence of ethnic, religious and linguistic diversity in the country. However, the legal framework does not recognize the existence of national minorities. The Constitution prohibits the formation of "political parties on ethnic, racial or religious lines".¹⁰ The Constitutional Court has decided that the prohibition only refers to cases where the membership is expressly limited to those belonging to a single racial, ethnic or religious group, irrespective of whether it is in a majority or in a minority.¹¹

C. ELECTION ADMINISTRATION

The election administration for presidential and municipal elections operates at three levels: the CEC, 264 municipal election commissions (MECs) and some 13,000 precinct election commissions (PECs).¹² In compliance with a long-standing OSCE/ODIHR recommendation, the electoral code envisages the establishment of a permanent CEC serving a five-year term.¹³ The current CEC is composed of 21 members. The CEC appointment is made by the

⁶ Decision of the Constitutional Court of Bulgaria no. 4/2011, 4 May 2011.

⁷ For the 2011 municipal elections, an exceptional reduction to four months has been provided for by the legislation.

⁸ OSCE/ODIHR and Venice Commission Joint Opinion on the Electoral Code of Bulgaria, CDL-AD(2011)013, adopted by the Council for Democratic Elections at its 37th meeting on 16 June 2011. See <http://www.osce.org/odihr/80841>.

⁹ For instance, appeals concerning registration of parties and coalitions should be filed to the court no later than 24 hours after a CEC decision.

¹⁰ According to the Advisory Committee on the Framework Convention for the Protection of National Minorities, legislation prohibiting the formation of political parties on ethnic or religious basis can lead to unwarranted limitations on the rights of freedom of peaceful association and freedom of association as enshrined in Article 7 of the Framework Convention.

¹¹ See Constitutional Court Decision No.4 of 1992 on the registration of Movement of Rights and Freedoms as a political party

¹² These are referred to as section election commissions in the electoral code.

¹³ See OSCE/ODIHR Election Observation Mission report on the 2009 parliamentary elections and the OSCE/ODIHR Election Assessment Mission report on the 2006 presidential election.

president, upon nominations from political parties and coalitions.¹⁴ Parties and coalitions that have members in the European Parliament, but are not represented in the national parliament can nominate one CEC member.¹⁵ The chairperson of the CEC is appointed by the largest party or coalition in parliament and each party in parliament appoints one deputy chairperson. The CEC elects the secretary from amongst its members, who should not be from the same party or coalition as the chairperson.

The CEC appoints one MEC for each of the 264 municipalities, which in turn appoint the PECs of their respective municipalities. The same parties and coalitions that form the CEC also nominate members to MECs and PECs. MECs should be composed of at least 15 and up to 31 members, depending on the number of PECs they are responsible for. The number of PEC members varies from five to nine, depending on the number of registered voters. For the presidential election, polling stations will be opened at Bulgarian diplomatic representations.¹⁶

According to the electoral code, decisions of election commissions require a two-thirds majority of members present. OSCE/ODIHR and the Venice Commission noted that the two-thirds majority rule may polarize and politicize discussions in election commissions and that key decisions could end up blocked.¹⁷ Concerns were also expressed that the large size of election commissions could hamper both the training of commissioners and their effectiveness.

D. VOTER REGISTRATION

Voter lists are extracted from the population register by the municipal administrations. The Civil Registration and Administrative Services Department of the Ministry of the Regional Development (GRAO) is in charge of maintaining a national population register. According to the latest census from February 2011, Bulgaria's population is 7,351,234.¹⁸ The OSCE/ODIHR NAM was informed that the number of voters is approximately 6.8 million.¹⁹

Voter lists should be posted in polling stations for public scrutiny no later than 40 days before election day. Voter lists should also be published on the website of the relevant municipality to allow voters to check their details online.

¹⁴ The code stipulates that 19 members are to be nominated by political parties and coalitions that form a parliamentary group in proportion to their representation in parliament. In the current CEC, 10 members are *GERB* nominees, 4 are from *BSP*, 3 from *DPS*, 2 from *Ataka* and 1 from the Blue Coalition. Although *RZS* is represented in parliament, it lost its parliamentary group status due to the defection of five members.

¹⁵ The National Movement for Stability and Prosperity (*NDSV*) is the only party not elected to national parliament, but represented in the European Parliament; it nominates one CEC member.

¹⁶ Polling stations can be opened outside of diplomatic representations only where the legislation of the host state permits.

¹⁷ See OSCE/ODIHR and Venice Commission Joint Opinion CDL-AD(2011)013, paragraph 30.

¹⁸ See the 2011 census results on the website of the Bulgarian National Statistics Institute, at: http://www.nsi.bg/census2011/PDOCS2/Census2011final_en.pdf. According to the census data the share of persons under 15 decreased to 13.2 per cent of the population, compared with 15.3 per cent in 2001.

¹⁹ The official number should be announced at a later stage. The OSCE/ODIHR LEOM in its final report of the 2009 parliamentary elections indicated that the number of voters was high in comparison with an estimated population, which seemed to point to an evident need to review the voter lists.

Voters whose permanent and current addresses differ can request to be added to the voter list based on their current address no later than 14 days before election day and checks are envisaged to control for possible multiple entries. A voter can be added to a voter list on election day by the PEC chairperson based on his/her permanent address, as noted above. For the 23 October municipal elections, only those voters who have permanently resided in the relevant municipality for the last four months are eligible to vote.

Some OSCE/ODIHR interlocutors, especially political party representatives, expressed concerns with regard to the accuracy of the voter lists. They also noted that the CEC does not have any role in the compilation and maintenance of voter lists.

E. METHODS OF VOTING

Bulgarian legislation provides voters with a range of possibilities for exercising their suffrage, including homebound voting, out-of-country voting, and voting with absentee certificates for certain categories of voters.

Voters with permanent disabilities who present documentation certifying their disability no later than 30 days before election day may request to vote at home. To organize mobile voting, MECs determine the number of mobile PECs based on the number of requests for homebound voting. Additionally, seven days before election day, MECs should announce measures undertaken to enable voters with disabilities to vote in polling stations via the mass media.

Bulgarian citizens wishing to vote abroad should apply to a diplomatic mission or consulate to be included in the voter list no later than 25 days before election day. The Ministry of Foreign Affairs is to publish out-of-country voter lists no later than 18 days before election day.

In 2009, OSCE/ODIHR reported serious problems with absentee voting certificates and recommended in its final report that additional safeguards be introduced. The new electoral code restricts this avenue to voters who are engaged in the organization and conduct of elections. A number of additional safeguards have been introduced, such as the uniform numbering and control of certificates.

Legislators attempted to introduce provisions that would allow for the piloting of internet voting during the presidential election. The Constitutional Court, however, declared the provisions on internet voting unconstitutional.

The electoral code also introduced new provisions according to which voters must mark the ballot with an X-mark in blue ink; otherwise, ballots are to be considered invalid. The purpose of the introduced measure is to eliminate instances of vote-buying and intimidation, but stakeholders expressed mixed views on this provision. Most interlocutors noted that this measure may increase the number of invalid votes, especially if the CEC does not conduct a proper voter education campaign to inform voters of this.

The transitional provisions of the electoral code provide for an experimental conduct of the count of the municipal elections' votes in a counting center. The CEC is to specify the municipality that will be involved and decide on detailed provisions.

F. REGISTRATION OF CANDIDATES

Political parties and committees to nominate independent candidates should first be registered with the CEC in order to put forward candidates.²⁰ Candidates can also be nominated by party coalitions, if also registered. Candidate nominations should be accompanied by both a collection of support signatures and a monetary deposit. In the new electoral code, the required number of signatures and the amount of the deposit has decreased considerably compared with previous provisions.²¹

Presidential nominees should submit 7,000 signatures. For municipal elections, the number of required signatures depends on the number of residents in the respective municipality and is generally some one per cent. Each eligible voter can support only one candidate with his/her signature.²² Supporting signatures are checked by GRAO. Presidential candidates must also pay an electoral deposit of 10,000 BGN (about 5,000 EUR). Candidates who received more than two per cent of valid votes cast are entitled to a refund.

G. CAMPAIGN FINANCING

The political party law and the electoral code provide the regulatory framework for political party and campaign financing. Political parties and coalitions represented in parliament are entitled to state funding in proportion to the number of valid votes received.²³ Parties not represented in parliament that have received at least one per cent of valid votes in the previous parliamentary elections are also entitled to state funding on the same basis.

Parties and nomination committees that register candidates are entitled to receive private donations, but there is a limit on private contributions.²⁴ Any donations exceeding 1,000 BGN (about 500 EUR) should be made by bank transfer. Individuals can also provide in-kind donations. Anonymous donations are prohibited. The electoral code provides for spending caps of 2,000,000 BGN (about one million EUR) for presidential elections and 8,000,000 BGN (about 4 million EUR) for municipal elections.²⁵

Reports on incomes and expenditures must be submitted to the National Audit Office by political parties and nomination committees within 30 days after the elections. The audit office is required to publish the reports within 15 days of that deadline. During municipal

²⁰ Nomination committees for municipal elections should be composed of no less than three and no more than seven voters. For the presidential election, nomination committees should be composed of no less than 21 voters.

²¹ See OSCE/ODIHR and Venice Commission Joint Opinion CDL-AD(2011)013, paragraphs 32, 33 and 34.

²² In the case that a voter signs for more than one candidate, the signature in the first submitted list is considered valid.

²³ Each valid vote is valued at 5 per cent of the minimum wage, which is approximately 12 BGN (about 6 EUR) per vote, per year.

²⁴ Individuals can donate no more than 10,000 BGN (about 5,000 EUR) to a political party or a candidate during one calendar year.

²⁵ For municipal elections the ceiling for parties and nomination committees are different. Spending limits for nomination committees during municipal elections depend on the number of population in relevant municipalities.

elections, each municipal councilor and mayor has to declare campaign expenditures to the relevant municipal council, which transmits the reports to the National Audit Office. The legislation does not require any financial reporting during the course of the election campaign. The electoral code requires the audit office to verify the income and expenditure reports. However, it is not clear whether the scope of the audit office's power is sufficient to implement these requirements. According to the Group of States against Corruption of the Council of Europe (GRECO), the audit office should be provided with additional support to enable it to fulfill its control function in an effective manner.²⁶ Most OSCE/ODIHR NAM interlocutors opined that the audit office does not have sufficient enforcement mechanisms to thoroughly monitor political party incomes/expenditures, especially for campaign purposes. The OSCE/ODIHR and Venice Commission joint opinion also underscored that while the electoral code provides a sound basis for a transparent election campaign financing system, the sanctions prescribed (from 1,000 EUR to 5,000 EUR) may not be proportionate to the violations of campaign finance rules.

H. CAMPAIGN AND MEDIA

The official election campaign starts 30 days ahead of election day. The electoral code stipulates that all campaign materials should contain a warning against vote-buying, covering at least ten per cent of the surface space. The election campaign should be conducted only in the Bulgarian language.²⁷ In 2009, the OSCE/ODIHR LEOM recommended that those belonging to minorities be allowed to use their mother tongue in the electoral campaign.

Freedom of speech is guaranteed by the Constitution. However, recent amendments to the criminal code adopted in April 2011 introduced the possibility of prison sentences for journalists convicted of hate speech. The OSCE Representative on Freedom of the Media has commented that imprisoning journalists for their reports is excessive and violates international good practice on freedom of expression; this can lead to self-censorship and hinder media pluralism.²⁸ Following a bomb blast at the weekly newspaper *Galeria* in February 2011, the OSCE Representative called on the government to protect media freedom and ensure the safety of journalists by promptly investigating any attempt to silence critical voices.²⁹

Bulgaria has a pluralistic media environment, but some OSCE/ODIHR NAM interlocutors raised questions about the transparency of media ownership, as well as the independence of media from undue economic and political influence. Bulgarian private broadcasters and print media are largely unregulated. The electoral code stipulates that paid broadcast time and newspaper space for campaigning purposes must be provided to all contestants on identical

²⁶ See Evaluation Report on Bulgaria on Transparency of Party Funding of GRECO, Third Evaluation Round, paragraph 114. The report is available at: http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3%282009%297_Bulgaria_Two_EN.pdf.

²⁷ General Comment 25 adopted by the United Nations Human Right Committee in 1996 states that "information and materials about voting should be available in minority languages." Paragraph 32.5 of the 1990 OSCE Copenhagen Document states that "persons belonging to national minorities have the right [...] to disseminate, have access to and exchange information in their mother tongue".

²⁸ See the statement of the OSCE Representative on Freedom of the Media at: <http://www.osce.org/fom/77125>.

²⁹ See the statement of the OSCE Representative on Freedom of the Media at: <http://www.osce.org/fom/75568>. During the OSCE/ODIHR NAM, bombs exploded outside the offices of the Order, Law and Justice (RZS) party and one party of the Blue Coalition.

terms. Private media have to publish their rates and conditions and forward the information to the National Audit Office and the CEC 40 days ahead of elections.

The public Bulgarian National Television (BNT1) and Bulgarian National Radio (BNR) must allot time to candidates and political parties on identical terms³⁰ in the format of spots, chronicles (reports after the news) and debates. The exact campaign coverage schedule is determined by an agreement between the public broadcaster and representatives of electoral contestants. The order of appearance is determined by lottery. There is no provision for free airtime on public media. OSCE/ODIHR previously recommended that the practice of requiring candidates to pay for almost all campaign-related appearances on public media should be reviewed. Some OSCE/ODIHR NAM interlocutors complained about the high costs of media access.

The regulatory body for the broadcast media is the Council for Electronic Media. The OSCE/ODIHR LEOM for the 2009 parliamentary elections recommended that the Council, in co-operation with the CEC, monitor the implementation of media-related provisions of the election and broadcasting laws. It further emphasized that prompt and effective action should be taken on identifying inequitable and preferential news coverage.

I. ELECTION OBSERVATION

The electoral code defines who can be accredited as an observer.³¹ The electoral code does not provide details on the scope of rights and responsibilities of observers, leaving it to the discretion of the CEC to decide on the conditions. By law, observers have access to all stages of election day proceedings at PECs and MECs. The law, however, does not stipulate access to the CEC and MEC sessions before and after election day. OSCE/ODIHR previously recommended that observers should be allowed to observe the entire electoral process. The CEC informed the OSCE/ODIHR NAM that its sessions are closed, but that in case of a request the CEC would decide whether to grant such permission.

There are active civil society groups in Bulgaria that have significant experience in election monitoring. Some civic groups informed the OSCE/ODIHR NAM of their intentions to observe the forthcoming elections.

IV. CONCLUSION AND RECOMMENDATION

All interlocutors met with by the OSCE/ODIHR NAM encouraged the deployment of an OSCE/ODIHR election observation activity for both presidential and municipal elections. They expressed the view that the presence of international observers would add value to the process. Particularly emphasized was the need for a long-term presence in the regions of the country to ensure comprehensive observation of the pre-electoral campaign of both municipal and presidential elections, the work of the election administration in the regions, and the media coverage of the campaign.

³⁰ The Council of Ministers determines the rates no later than 40 days in advance of election day.

³¹ Observers can be representatives of the European Parliament, of foreign parliaments, of the OSCE, of foreign parties and movements, as well as persons designated by the parties and coalitions running in the elections, persons invited through the Ministry of Foreign Affairs, and authorized representatives of Bulgarian non-governmental organizations.

Based on the findings outlined in this NAM report, the OSCE/ODIHR NAM recommends the deployment of a Limited Election Observation Mission (LEOM) to observe the 23 October presidential and municipal elections, with a core team of experts and 14 long-term observers to be seconded by OSCE participating States. In line with OSCE/ODIHR standard methodology, the LEOM would also contain a media monitoring element. The OSCE/ODIHR LEOM would focus on the issues identified during the NAM, including the new legal framework, campaign finance provisions, and media. On the basis of concerns expressed by all interlocutors, particular attention would be paid to assessing the electoral campaign and environment in regions with minority population. While the mission would visit a limited number of polling stations on election day, systematic observation of electoral proceedings is not envisaged.

ANNEX: LIST OF MEETINGS

State and Electoral Authorities

Ministry of Foreign Affairs

Ambassador Radi Naidenov, Permanent Secretary of the Ministry
Ambassador Ivan Petkov, Head of Human Rights Directorate
Genka Georgieva, Counsellor, Head of Human Rights Department
Ambassador Krassimir Bojanov, Head of Legal Department
Dessislava Parusheva, First Secretary, Human Rights Directorate

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

Ivan Getov, Chief Director
Ventsislav Hristov, Head of IT Department

Central Election Commission

Krassimira Medarova, Chairperson
19 members of the CEC

Parliamentary Legal Affairs Committee

Iskra Fidosova, Chairperson
Dimitar Lazarov, Member of Committee
Michail Michov, Member of Committee

National Audit Office

Plamen Kostov, Director of “International Activities and European Integration” Directorate
Boryana Ivanova, Head of Specific Audits Directorate
Rada Paskova, Chief Auditor of Specific Audits Directorate
Viktoria Lazarova, Head of Public Relations Department

Supreme Administrative Court

Maria Radeva, Secretary General
Ana Metodieva, Legal Assistant

Political Parties

Coalition for Bulgaria

Katya Nikolova Dimitrova, Member of Executive Committee, Secretary of the Supreme Council
Michail Michov, Member of Parliament, Secretary of the Parliamentary Group
Deniza Slateva, International Secretary
Tsvetanka Kyosseva, Head of Campaign
Nevena Alexieva, Political Adviser, Foreign Policy Department
Ventsislav Karadjov, Member of the CEC

Citizens for European Development of Bulgaria (GERB)

Iskra Fidosova, Member of Parliament, Chairperson of Parliamentary Group, Chairperson of the Parliamentary Legal Affairs Committee
Dimitar Lazarov, Member of Parliament, Member of the Legal Affairs Committee

Krasimir Tsipov, Member of Parliament, Member of the Legal Affairs Committee
Tsveta Karayancheva, Member of Parliament, Member of the Legal Affairs Committee
Juliana Koleva, Member of Parliament, Member of the Legal Affairs Committee
Tsvetomir Paunov, Administrative Secretary and Deputy Election Campaign Manager

Democrats for Stronger Bulgaria (DSB) - part of Blue Coalition

Ekaterina Michailova, Deputy Chair

Movement for Rights and Freedoms (MRF)

Chetin Kazak, Member of Parliament
Yanko Yankov, Member of Parliament
Yunal Lyutffi, Member of Parliament, Deputy Chairperson of the Parliamentary Group
Mustafa Karadaiyu, Secretary of Central Operation Bureau

Order Law Justice (RZS)

Yane Yanev, Chairperson
Atanas Semov, Vice Chairperson, Presidential Candidate

Party Ataka

Volen Siderov, Chairperson, Presidential Candidate
Desislav Chukalov, Deputy Chairperson

Media

Bulgarian National Television

Boyko Vassilev, Journalist
Dobrina Cheshmedjieva, Journalist

Council for Electronic Media (CEM)

Georgi Lozanov, Chairperson
Gueorgui Stoimenov, Member
Anna Khadjieva, Member
Anuta Asenova, Member
Sofia Vladimiorva, Member

TRUD Newspaper

Dimitrana Alexandrova, Editor-In-Chief

National Council for Journalistic Ethics

Ognian Zlatev, Managing Director of Media Development Center

Civil Society

Transparency International

Diana Kovatcheva, Executive Director
Katya Christova, Program Director
Vanya Kashukeeva-Nusheva, Senior Project Co-ordinator

Open Society Institute

Georgi Stoytchev, Executive Director

Maria Metodieva, Program Director, Roma

Michail Konstantinov, Election Expert

International Community

Representation of the European Commission in Bulgaria

Zinaida Zlatanova, Head of Representation

Dora Krumova, Political Reporter