



LIMITED ELECTION OBSERVATION MISSION

Republic of Bulgaria — Presidential and Municipal Elections, Second Round, 30 October 2011

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Sofia, 31 October 2011 – Following an invitation from the Permanent Mission of the Republic of Bulgaria to the OSCE, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed a Limited Election Observation Mission (LEOM) for the 23 October presidential and municipal elections. The OSCE/ODIHR LEOM remained in the country to observe the second round of the presidential and municipal elections on 30 October.

The assessment was made to determine whether the second round of the elections complied with OSCE commitments and other international standards for democratic elections, as well as with legislation of the Republic of Bulgaria. This statement of preliminary findings and conclusions should be considered in conjunction with the statement of preliminary findings and conclusions issued on 24 October, after the first round.¹ The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, in particular the tabulation and announcement of second-round results and the handling of possible post-election day complaints and appeals. OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the election process.

The OSCE/ODIHR LEOM did not conduct a comprehensive and systematic observation of election-day proceedings, but visited a limited number of polling stations around the country.

PRELIMINARY FINDINGS AND CONCLUSIONS

The second round of the presidential and municipal elections in the Republic of Bulgaria, held on 30 October 2011, was generally characterized by respect for fundamental rights and freedoms. Certain challenges, however, remain, exemplified in the processing and tabulation of results after the first round of voting. A lack of transparency in the Central Election Commission's (CEC) decision-making and the inability of the CEC to take timely decisions, if at all, on critical issues is of particular concern.

Persistent allegations of vote-buying and pressure on voters underscored the need to address such practices to enhance public confidence.

Election day was generally calm, and, in the polling stations visited by the OSCE/ODIHR LEOM, voting appeared to proceed in an orderly manner overall. During the vote count, procedures were not always followed, resulting in protocol reconciliation problems. The process at the MECs visited by the OSCE/ODIHR LEOM appeared more orderly and efficient than in the first round.

Background

On 30 October, the second round of the presidential election was held between Rosen Plevneliev of the ruling Citizens for the European Development of Bulgaria (*GERB*) and Ivaylo Kalfin of the

¹ See Statement of Preliminary Findings and Conclusions on the first round of voting held on 23 October, available at: <http://www.osce.org/odihr/84280>.

Bulgarian Socialist Party (*BSP*), who had received 40.1 and 29 per cent of the vote in the first round, respectively.² The CEC announced that the final voter turnout for the first round of the presidential election was 51.8 per cent. In the municipal elections, a total of 91 mayors of municipalities and 1,149 mayors of settlements were elected in the first round; 173 and 831 runoffs were called, respectively. According to the CEC, the turnout in the first round of the municipal elections was 51.6 per cent at 20:00 on 23 October.³

Election Administration

For the first time since 1990, the CEC decided to extend voting by one hour, based on its general authority to implement the Electoral Code and oversee lower-level election commissions. The relevant decision was published 20 minutes before polling stations were due to close. There is no express legal authority for the CEC to extend voting hours. Likewise, there is no authority for the CEC or Municipal Election Commissions (MECs) to suspend voting or to reschedule a vote, as might be required by conditions in a specific polling station or municipality.⁴

The CEC declared the results for the first round of the presidential election in the evening of 26 October, one day after the legal deadline.⁵ This delay was mainly due to the fact that the tabulation process at the Sofia MEC only finished in the evening of 24 October and the CEC received the Sofia MEC protocol in the morning of 26 October, due to difficulties faced by the MEC in compiling its protocol. On 28 October, the CEC decided to post the key data from the consolidated CEC protocol and each MEC and Precinct Election Commission (PEC) protocol on its website.⁶

The preliminary results of the municipal elections were posted on the CEC website, as they were received. The transparency of the municipal elections tabulation process was affected by delays in the announcement of results and the publication of results protocols, which were only posted on the CEC website on 29 October. The Sofia MEC declared the municipal election results for the municipality and the 32 settlements within the city's territory on 27 October, but did not publish the respective protocols, reducing transparency.⁷ The processing of PEC protocols for Sofia city was particularly slow and disorganized; the Sofia MEC issued a press release stating that most protocols contained mistakes. Some protocols were not delivered to the MEC. Bags containing sensitive election materials were left unattended, and there were instances of people other than election commission members handling them. These included two members of parliament from *GERB*, one of whom was photographed carrying a bag with sensitive election material outside the hall where the Sofia MEC was receiving election material. The CEC in a draft decision on 28 October established that the two MPs were not authorized to be present at the MEC and had no right to handle election material.

² Among the other candidates, Meglena Kuneva (nomination committee) received 14 per cent, Volen Siderov (*Ataka*) 3.6 per cent, Stefan Solakov (National Front for the Salvation of Bulgaria) 2.5 per cent, Rumen Hristov (Union of Rightist Forces) 2 per cent, Atanas Semov (Order, Law and Justice, *RZS*) 1.8 per cent, Svetoslav Vitkov (nomination committee) 1.6 per cent, and Sali Shaban Ibrayam (National Movement Unity) 1.2 per cent. The remaining nine candidates received less than 1 per cent each.

³ For the municipal elections, the CEC did not publish the final turnout figure as of 21:00 on 23 October. In the first round of the presidential election, turnout increased from 48.3 to 51.3 per cent between 20:00 and 21:00.

⁴ There was a report of an electricity outage in one polling station in Vidin on 23 October, and voting was suspended in Gara Lakatnik village (Svoge municipality) because the ballots for mayor had a misprint. Voting resumed in Gara Lakatnik several hours later, after new ballots were printed.

⁵ CEC Decision 1359 of 26 October 2011, published on 27 October at 02:53. Under the Electoral Code, the CEC has to declare the results within 48 hours of the closing of the polls.

⁶ This included the number of voters on the voter lists, number of voters on supplementary voter lists, number of voters' signatures on voter lists, number of ballots cast, number of invalid and valid ballots and results by candidate.

⁷ The Sofia MEC informed the OSCE/ODIHR LEOM that the consolidated protocols for the city and the settlements were available upon request and that they would be posted on the CEC website.

However, the CEC could not garner the required two-thirds majority to adopt a formal decision establishing that the two MPs were guilty of an administrative violation.

Most OSCE/ODIHR LEOM interlocutors explained the difficulties PECs encountered in completing the results protocols as being the result of the simultaneous conduct of two elections, the implementation of new election legislation, as well as insufficient training and the late replacements of PEC members. All MECs whom the OSCE/ODIHR LEOM met after the first round informed that no additional training would be conducted, due to lack of time.

The number of invalid ballots was considerably higher than in previous elections; according to information from the CEC. It varied between 5.3 per cent for the municipal mayoral elections and 6.4 per cent for the presidential election.⁸

Concerns related to the accuracy of the voter lists persisted before the second round. The accuracy of data related to voters who were deleted and not allowed to vote for the municipal elections because they had a current address abroad was particularly questioned by OSCE/ODIHR LEOM interlocutors. Many cases were reported of such voters claiming they had never registered a current address abroad. On 28 October, the CEC discussed different ways to enable these voters to vote in the second round, but could not reach the required two-thirds majority to take a decision.

Many stakeholders expressed grievances to the OSCE/ODIHR LEOM about problems encountered during the first-round election day. Issues they raised included organizational flaws, problems with the voter lists and lists of the removed persons who are not entitled to be added to the voter list on election day (so-called ‘prohibited voter lists’),⁹ the presence of multiple party representatives from the same party in numerous polling stations, ballots printed on paper which made it possible to see a voter’s choice when the PEC stamped the folded ballot before it was deposited in the ballot box, voters queuing not permitted to vote, and a lack of adherence to procedures during the vote count.

The Election Campaign

Campaign activities between the two rounds were limited and took place in an environment that was overall calm and characterized by respect for fundamental human rights and freedoms. As before the first round, candidates were able to campaign freely and without undue restrictions. However, the late announcement of the first-round results shortened the official campaign period for the second-round presidential contest to only two days.¹⁰ Both remaining presidential candidates resumed their campaigns before that announcement.

Numerous and widespread allegations of vote-buying and pressure on voters were expressed, like before the first round. These, however, could not be substantiated. In connection with the first round, the authorities launched 106 investigations into suspected vote-buying. In Nesebar, three people, including a *GERB* candidate for municipal councilor, were detained on charges of vote-buying.

⁸ For the 2006 presidential election, the rates were 2.7 and 2.1 per cent for first and second round, respectively. New rules for marking ballots require that they are marked with an “x” written with a blue ballpoint pen for them to be valid.

⁹ These lists include voters who have been deleted from the voter lists and cannot be entered on the supplementary voter list on election day. They include ineligible voters and voters who have requested to vote at their current (rather than their permanent) address for both elections, as well as voters who requested to vote abroad (for the presidential election) and voters who have a current address abroad (for municipal elections only).

¹⁰ Under the Electoral Code, the official campaign period for the second round of the presidential election starts after the CEC determines the candidates participating in the runoff. There are no such rules for municipal runoffs.

The Media

The Electoral Code provides for a debate to be broadcast on public Bulgarian National Television and Bulgarian National Radio before the second round of a presidential election, upon agreement between the candidates. However, a debate did not take place as Mr. Plevneliev declined to participate.

OSCE/ODIHR LEOM media monitoring noted cases of paid political advertising on monitored TV stations, as well as coverage of the candidates' campaigns in the news, before the start of the official campaign period for the second round. OSCE/ODIHR LEOM media monitoring showed that paid campaign coverage between the two rounds was very limited. In the three monitored TV channels (public *BNT*, and private *bTV* and *Nova*) combined, it was 19:41 minutes for Mr. Kalfin and 8:38 minutes for Mr. Plevneliev.

Complaints and Appeals

The multitude of election-day responsibilities, combined with a lack of professional staff and resources, caused the CEC to fall behind in processing complaints and appeals. This resulted in a situation in which the CEC was taking decisions after the relevant three-day legal deadline had expired. Such cases occurred already before the first round of voting. Between midnight on 23 October and the late evening of 28 October, the CEC took only one decision on an appeal against an MEC decision related to the first-round election day. The CEC was still considering complaints and appeals related to the first round of voting on 29 October. As before the first-round election day, the lack of transparency in the complaints and appeals process makes it impossible to know how many complaints the CEC received, the date and time of receipt, or the subject matter of the complaints.

Bulgarian NGOs, which accredited over 5,000 observers to monitor both rounds of the elections, submitted complaints directly to the CEC based on their observations of the process,¹¹ but those complaints were judged to be inadmissible by the CEC.¹² The CEC considers that only registered political parties and candidates are “interested parties” for purposes of filing complaints with the election administration.

Three election-related complaints have been filed with the Ombudsman. Two of those complaints were filed by voters who were on the ‘prohibited voter lists’ and not allowed to vote in the first round. The Ombudsman had recommended that the CEC adopt rules which would inform the public of the ‘prohibited voter lists’ and allow citizens who believed themselves to be on this list to correct the mistake and vote on 30 October. The CEC did not act on the Ombudsman’s recommendation as it failed to get the required two-thirds majority to adopt the relevant draft decision.

As of 30 October, first-round municipal election results had been challenged in at least 21 municipalities.¹³

¹¹ For instance, Transparency International reported having sent 10 complaints by fax to the CEC on 23 October, and the NGO Civil Initiative for Free and Democratic Elections (GISDI) reported sending 10 by email.

¹² The CEC considers complaints from NGOs on an informal basis and takes no formal decisions on them. There is no requirement in the Electoral Code that such complaints be considered.

¹³ Balchik, Blagoevgrad, Botevgrad, Burgas, Dobrich, Etropole, Gabrovo, Kardzhali, Kyustendil, Lovech, Nova Zagora, Pavel banya, Plovdiv, Shumen, Silistra, Sofia, Targovishte, Varna, Veliko Tarnovo, Vidin, Zemen.

Election Day

The OSCE/ODIHR LEOM did not conduct comprehensive and systematic observation on election day, but mission members visited a limited number of polling stations and MECs in several municipalities.

Election day was generally calm, and, in the polling stations visited by the OSCE/ODIHR LEOM, voting appeared to proceed in an orderly manner overall. In the polling stations visited, voting procedures were largely followed and PECs managed the process professionally. OSCE/ODIHR LEOM members noted fewer and shorter queues than in the first round. Authorized representatives of the contestants were present in most polling stations visited. The CEC announced that voter turnout at the end of the voting day was 48 per cent for the presidential election, and 54.2 per cent for the municipal elections.

The vote count in most polling stations visited by the OSCE/ODIHR LEOM was assessed positively. However, PECs did not always follow established procedures, which at times led to problems with the reconciliation of results. The reconciliation and tabulation process at the MECs visited by the OSCE/ODIHR LEOM appeared more orderly and efficient than in the first round. The CEC started posting preliminary election results on its website shortly after 10:00 on 31 October, as in the first round down to municipality level but not by polling station.

As during the first round of voting, contestants alleged vote-buying and other irregularities and criticized the organization of the polls. The Ministry of Interior announced that it had followed up on 552 reports of possible election-related violations and had opened 10 criminal investigations. In the village of Bohot (Pleven municipality), a PEC member reportedly replaced voters' ballots with ballots pre-marked for one candidate. The district prosecutor informed the OSCE/ODIHR LEOM that an investigation will be opened. The losing mayoral candidate in Pleven challenged the results.

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

MISSION INFORMATION & ACKNOWLEDGEMENTS

The OSCE/ODIHR Limited Election Observation Mission (LEOM) was deployed on 28 September, consisting of 11 experts in the capital and 10 long-term observers deployed throughout Bulgaria. Mr. Vadim Zhdanovich is the Head of the OSCE/ODIHR Limited Election Observation Mission.

The OSCE/ODIHR LEOM wishes to thank the authorities of the Republic of Bulgaria for the invitation to observe the elections, the Central Election Commission for its co-operation and for providing accreditation documents, and the Ministry of Foreign Affairs and other authorities for their assistance and co-operation. The OSCE/ODIHR LEOM also wishes to express appreciation to the embassies and international organizations accredited in Bulgaria for their co-operation and support.

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