

**INTERIM REPORT**  
**1 March –16 March 2021**

**19 March 2021**

**I. EXECUTIVE SUMMARY**

- On 14 January, President Rumen Radev called parliamentary elections for 4 April. The 240 members of the parliament will be elected in 31 multi-member constituencies under a proportional representation system, with a single preference option. Parties and coalitions are eligible for seats, if they surpass a four per cent threshold; independent candidates have to pass the constituency electoral quota. The pre-election environment is marked by disillusionment and public mistrust in the political establishment. Women are generally underrepresented in public office. In the outgoing parliament women hold only 24 per cent of seats, and 7 out of 17 ministerial posts in the outgoing government.
- Recent amendments to the electoral legal framework introduced parallel machine voting in all in-country polling stations with more than 300 voters, modified the appeal system of election related disputes, and simplified results protocols. These were adopted shortly before elections and without inclusive public consultations. A number of long-standing ODIHR recommendation remain unaddressed, including on the limitations to the suffrage rights, campaigning, conditions for out-of-country voting and measures to promote participation of women and minorities.
- To date, election administration complied with most legal deadlines and technical preparations are underway. The Central Election Commission (CEC) issued some 250 decisions related to technical preparations, candidate registration, campaign and election day procedures, including for voters in quarantine and those hospitalized due to COVID-19. The CEC sessions are open to accredited observers and are streamed online. All members of District Election Commissions and most Precinct Election Commissions were appointed within the legal deadlines. The Ministry of Health issued an instruction, outlining health protocols applicable during campaign and on election day.
- In some 9,400 polling stations, voters will be able to choose voting by paper ballot or through an electronic device equipped with a touchscreen. The CEC carried out a tender procedure to identify a private vendor responsible for delivery, servicing of the machines, and training of elections officials. The legally required certification of these devices is underway and is expected to be completed by 31 March.
- As of 12 February, the preliminary voter list contained 6,732,316 voters. Voters may verify the accuracy of their personal data in the voter lists online and in person, and may request corrections, including transfer to a polling station of their current address. A total of 88,038 citizens were added to out-of-country voter lists.
- Citizens over the age of 21 years, eligible to vote and not holding another citizenship have the right to stand as candidates. Political parties and coalitions were required to submit 2,500 supporting signatures and a deposit of BGN 2,500. Contrary to a previous ODIHR recommendation, citizens can sign in support of one contestant only. The CEC registered 30 candidate lists and rejected eight due to incomplete documentation. A total of 7,000 candidates were registered.

- The campaign, prominent mostly in the media and online, commenced on 5 March and is centered around issues of corruption, the judiciary, economy and COVID-19 pandemic. Following the call of elections, the government announced several extraordinary budgetary allocations which some ODIHR LEOM interlocutors perceived as financial incentives to the electorate. Several ODIHR LEOM interlocutors alleged that long-standing practices of vote-buying and ‘organized’ voting is still attempted in economically and socially vulnerable communities, particularly impacting Roma.
- The 2019 amendments to campaign finance legal framework reduced public funding for political parties, reintroduced the right of legal entities to donate to election campaigns, and removed the donation ceiling. The National Audit Office, mandated to oversee the campaign finance, publishes contestants’ interim donation reports but does not receive or publish expenditure reports prior to election day.
- The media environment is diverse, but many ODIHR LEOM interlocutors raised concerns about concentration of media ownership, political influence and pressure over investigative journalism. The Council for Electronic Media is mandated to monitor the campaign in the media but has no sanctioning powers. By law, only the public broadcaster and radio are required to offer objective and fair coverage of the campaign and allot free time to the contestants evenly. The election coverage by private broadcasters is largely unregulated.
- Complaints may be filed with election commissions and the courts. The law provides for an expedited review of most types of complaints. Stakeholders, including contestants, do not have the right to directly challenge the election results. To date, the CEC received 14 complaints and some 35 alerts, reviewed all of them in open sessions and rejected most of the complaints, while no decisions on alerts were published.
- The ODIHR Limited Election Observation Mission opened on 2 March, with an 11-member core team in Sofia, and 12 long-term observers deployed across the country.

## II. INTRODUCTION

Following an invitation from the Ministry of Foreign Affairs of Bulgaria, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed a Limited Election Observation Mission (LEOM) on 2 March.<sup>1</sup> The ODIHR LEOM, led by Corien Jonker, consists of a 11-member core team based in Sofia and 12 long-term observers deployed to six locations across the country from 10 March. Mission members are drawn from 20 OSCE participating States.<sup>2</sup>

## III. 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, in line with the Constitution, the president called parliamentary elections for 4 April.

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<sup>1</sup> See previous ODIHR election observation [reports](#) on Bulgaria.

<sup>2</sup> In its Needs Assessment Mission report, ODIHR recommended an Election Observation Mission (EOM) that would include, in addition to a core team of analysts, 14 long-term observers as well as 200 short-term observers (STOs) for observation of election day procedures. However, due to the extraordinary circumstances caused by the COVID-19 pandemic and existing travel restrictions throughout the OSCE region, ODIHR changed the format of the observation activity from EOM to LEOM. In line with ODIHR standard methodology for LEOMs, the mission will not carry out a comprehensive or systematic observation of election-day proceedings, but intends to visit a limited number of polling stations on election day.

The last parliamentary elections, held on 26 March 2017, led to five parties being represented in the parliament. The Citizens for European Development of Bulgaria (GERB) party won 95 seats and formed a government in coalition with the United Patriots (UP) with 27 seats. The leader of GERB Boyko Borisov was re-elected as prime minister, and is now serving a third term. The opposition was formed by the Bulgarian Socialist Party (BSP) with 80 seats, the Movement for Rights and Freedoms (DPS) with 26 seats, and the right-wing party Volya with 12 seats. The ruling party won most seats in the 2019 elections to the European Parliament (EP). Women are generally underrepresented in public office. In the outgoing parliament women hold only 24 per cent of seats, and 7 out of 17 ministerial posts in the outgoing government.

The political landscape, while being diverse, is dominated by the two major parties, GERB and BSP, alternating in the government for the past 15 years. A number of new parties and coalitions were established shortly before these elections.<sup>3</sup> The pre-election environment is marked by disillusionment and public mistrust in the political establishment.<sup>4</sup> Prolonged street protests started in July 2020 fuelled by allegations of corruption, lack of rule of law, and included requests for early parliamentary elections and the resignation of the prime minister and prosecutor general.<sup>5</sup>

#### IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The 240-member unicameral parliament is elected for a four-year term, under a proportional representation system, in 31 multi-member constituencies (MMCs). By law, twenty-six constituencies correspond to the administrative districts, while the remaining five in Sofia and Plovdiv are not regulated and their delineation is decided by the president prior to each election.<sup>6</sup> The Central Election Commission (CEC) is required to allocate seats among constituencies prior to each election based on the last population census. The last census was conducted in 2011.<sup>7</sup>

Parties and coalitions are eligible for seat allocation if they obtain at least four per cent of the valid votes cast nationwide; independent candidates must pass a constituency electoral quota.<sup>8</sup> The candidates are elected from open lists with a single-preference option. If a preference is not indicated, the vote goes to the list carrier. The rules for allocation of mandates to the winning lists do not define cases when lists win more mandates than the number of candidates and how mandates are allotted among parties.<sup>9</sup>

Elections are primarily regulated by the 1991 Constitution, the 2014 Election Code and the 2005 Law on Political Parties, and supplemented by decisions of the CEC.<sup>10</sup> Bulgaria is party to major international and regional instruments related to the holding of democratic elections.<sup>11</sup> The Election Code was amended 20

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<sup>3</sup> Political party There Is Such A People (ITN); coalitions - Democratic Bulgaria (Yes, Bulgaria!; Democrats for a Strong Bulgaria (DSB) and the Greens), Patriotic Coalition (NFSB and Volya), Stand Up! Get Out! (ISMV).

<sup>4</sup> 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. Transparency International Corruption Perception [Index](#) 2020 ranks Bulgaria last in the EU and 69 in the world.

<sup>5</sup> The protests led to the resignations of five ministers in July and September 2020.

<sup>6</sup> For these elections, the constituencies were defined by the presidential Decree of 28 January 2021.

<sup>7</sup> The seats were allocated based on the CEC decision of 3 February 2021. The new census due in January-February 2021 was postponed following the COVID-19 pandemic.

<sup>8</sup> The constituency electoral quota is the ratio between the number of valid votes cast and the number of mandates in the constituency.

<sup>9</sup> See the ODIHR and Venice Commission [Joint Opinion on the Draft Election Code of Bulgaria](#), 2014 and the ODIHR and Venice Commission [Joint Opinion on Amendments to the Election Code of Bulgaria](#), 2017.

<sup>10</sup> Provisions of the 2010 Law on Assemblies, the 1969 Administrative Violations and Sanctions Act, and the 1968 Criminal Code are also applicable.

<sup>11</sup> 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](#).

times since its adoption, most recently in 2019 and 2020. The amendments introduced parallel machine voting, modified the appeal system of election related disputes, and simplified results protocols by excluding the number of unused and invalid ballots from them.<sup>12</sup>

Recent amendments were adopted shortly before elections and without inclusive public consultations. Some ODIHR LEOM interlocutors underlined that such changes might undermine stakeholders' understanding of the law, in particular with regard to machine voting procedure and dispute resolution.<sup>13</sup> Number of long-standing ODIHR recommendation remain unaddressed. The law maintains undue limitations for suffrage rights, does not provide measures to promote participation of women, prohibits forming political parties on ethnic, racial or religious basis and campaigning in any language other than Bulgarian.

## V. ELECTION ADMINISTRATION

Elections are managed by a three-level election administration, comprising the CEC, 31 District Election Commissions (DECs) and 11,888 Precinct Election Commissions (PEC).<sup>14</sup> Political parties or coalitions represented in the National Assembly or in the European Parliament can nominate members to all levels of the election administration. No party or coalition may have a majority in any commission; the chairperson, the deputy chairperson and secretary cannot be from the same party or coalition.

The CEC has 20 members appointed for five-year terms, most recently in March 2019, and is the only permanent election administration body.<sup>15</sup> Of 20 CEC members, ten are women, including the deputy chairpersons and the secretary. Many ODIHR LEOM interlocutors raised concerns about the insufficient institutional capacity of the election administration to match its legally vested powers, which compels the CEC to outsource certain key activities, such as implementation of machine voting and computer processing of CEC and DEC level tabulation, to external actors.

To date, election administration has complied with most legal deadlines and technical preparations are underway. The CEC held regular sessions streamed online. The CEC passed some 250 decisions on electoral preparations, candidate registration, rules of campaigning, and election day procedures. Most of the technical decisions were taken unanimously and posted with the session minutes on the CEC website.<sup>16</sup> Following the recent amendments to the Law on the Measures and Actions During the Emergency Situations, the CEC took three decisions to provide mobile voting for citizens in mandatory quarantine and hospitals due to COVID-19 and to allow for voting with identification documents that expired after March 2020. On 18 February, the Ministry of Health (MoH) adopted an instruction outlining COVID-19 related health and safety protocols for election day.<sup>17</sup>

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<sup>12</sup> Moreover, a proposal to decrease the number of MPs from 240 to 120 was not adopted. The draft was critically [assessed](#) by Venice Commission.

<sup>13</sup> The standing parliamentary committee on co-operation with Civil Society Organizations (CSO)s and complaints from citizens is in charge of the revision of legislative proposals by the CSOs. Some CSOs informed the ODIHR LEOM that their legislative proposals were not taken into account. The CEC informed the ODIHR LEOM that it was not consulted on the Election Code amendments, including those modifying its operation.

<sup>14</sup> PECs will also be set up in social and healthcare institutions, pre-trial detention centres and for conducting mobile voting.

<sup>15</sup> The CEC chairperson resigned following the discussion on 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.

<sup>16</sup> Some decisions, including a proposed amendment of the format of the PEC results protocols were not adopted due to lack of required two-third majority of the votes.

<sup>17</sup> These provide for social distancing and prescribe mandatory use of personal protection equipment for anyone entering the polling station. The instruction also stipulates that PEC members and observers with an elevated body temperature or showing symptoms of respiratory disease may not remain at the polling station.

DECs and PECs were appointed by the upper-level commissions, following agreements between local branches of the political parties, facilitated by district governors and municipal mayors, respectively.<sup>18</sup> A total of 299 of the 502 DEC members and 18 of the 31 DEC chairpersons are women. According to the CEC most regular in-country PECs were appointed by the DECs prior to the legal deadline of 9 March. Out-of-country PECs should be appointed no later than 27 March. The health authorities provide for COVID-19 vaccination of all members of the election administration. However, many ODIHR LEOM interlocutors expressed concerns that the recruitment of PEC members conducting voting for voters in quarantine and hospitals can pose challenges, due to the increased health risk associated with these functions.

The CEC published short voter information videos on its website, and social network pages, and launched a campaign on the audio-visual media on preferential vote, machine voting and access for persons with disabilities. The training for PEC members, with a special focus on machine voting procedures and COVID-19 related measures, is yet to begin.

## VI. VOTING TECHNOLOGIES

The Election Code provides for the use of voting machines in polling stations with a minimum of 300 registered voters.<sup>19</sup> Voters will have a choice between voting on paper or through an electronic device equipped with a touchscreen. Many ODIHR LEOM interlocutors voiced concerns that parallel application of paper and electronic ballots might confuse voters, complicate completion of the result protocols and tabulation, and fail to enhance confidence in or provide operational benefits to the process.

The CEC is mandated by law with determining the arrangements for machine voting and supervising its implementation. The CEC launched a public procurement to purchase 9,600 voting devices, provide software and training for all levels of the election administration, and awarded the tender to a private vendor, *Ciela Norma*.<sup>20</sup> Many ODIHR LEOM interlocutors questioned if the CEC has the effective control over the machine voting process, as most of the activities are outsourced.

The Election Code prescribes that the compliance of the voting devices with the legal requirements and technical specificities is to be certified jointly by State Agency for Electronic Government, the Bulgarian Institute for Standardization, and the Bulgarian Institute of Metrology.<sup>21</sup> These institutions approved a certification methodology and on 19 February initiated the verification of the devices. The ODIHR LEOM was informed by the certifying institutions that, despite the tight timeline and the challenges posed by the COVID-19 pandemic, the process is expected to be finalised shortly before elections, by 31 March.

## VII. 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. All citizens having a permanent address in Bulgaria are automatically added to the voter list. Voter lists are compiled prior to each election, based on data extracted from the permanent National Population Register by the Directorate General of Civil Registration and

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<sup>18</sup> For these elections, DECs have 15 or 19 members, depending on the number of seats in the respective electoral constituency; PECs have 5 to 9 members, depending on the number of registered voters. In accordance with the recent legal amendments, PECs abroad will have a minimum 3 members each.

<sup>19</sup> No machine voting will take place in special polling stations set up in hospitals and other social institutions, pre-trial detention centres, mobile voting polling stations and out of the country. Some 9,378 polling stations are expected to be equipped with voting devices.

<sup>20</sup> On 9 March, the CEC confirmed the arrival of all devices.

<sup>21</sup> 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 and visual impairments.



Administrative Services at the Ministry of Regional Development (GRAO). According to the CEC, as of 12 February, the preliminary voter list contained 6,732,316 voters.

The preliminary voter lists should be available for public scrutiny 40 days prior to election day. Voters may check their entries online or in easily accessible public places in the vicinity of the respective polling stations, where the voter lists are displayed, and submit requests for corrections until seven days prior to election day. Voters can request transfer to a polling station in a different municipality until 14 days prior to election day, based on their current address.

Special voter lists are compiled for health care facilities, detention centres and social institutions, based on information provided by the heads of the respective facilities. Contestants, members of the CEC and DEC and observers may request absentee voting certificates to vote at any polling station of their choice. Mobile voting may be requested by voters with permanent disabilities and those in mandatory quarantine due to COVID-19. Citizens permanently living or temporarily staying abroad may request their addition to the voter list of a polling station abroad. According to the CEC, a total of 88,038 citizens were added to out-of-country voter lists. In addition, certain categories of voters may be added to the voter list on election day without the need to submit a prior request.<sup>22</sup>

## VIII. CANDIDATE REGISTRATION

Citizens over the age of 21 years, eligible to vote and not holding another citizenship have the right to stand as candidates. 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. A candidate can stand for a party or coalition in no more than two constituencies and in a single constituency as independent.

Candidate registration is a two-step process; first, the CEC registers political parties and pre-electoral coalitions, and DEC registers the “nomination committees” for independent candidates. DEC then registers candidate lists and independent candidates. Political parties and coalitions had to submit registration documents to the CEC, including a minimum of 2,500 support signatures, and pay a deposit of BGN 2,500.<sup>23</sup> Nomination committees are required to submit their supporting documentation completed with 1,000 support signatures and a deposit of BGN 100. Contrary to a previous ODIHR recommendation, citizens can sign in support of one contestant only. There is no gender or national minority requirement for the composition of the candidate lists.

The CEC received requests for registration from 31 political parties and eight coalitions. Six parties were denied registration due to incomplete documentation.<sup>24</sup> Following the verification of support signatures by the GRAO, the CEC deregistered further two parties.<sup>25</sup> One additional party withdrew to join a coalition.

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<sup>22</sup> PEC members and security officers are allowed to vote at the polling station of their duty; students are entitled to vote in the municipality where they study; and persons with disabilities may vote in any suitable polling station of their choice without submitting a prior request. Voters not found on the voter list of their permanent address may be added to the voter list on election day, provided they can present residency documentation issued by the respective municipality. Voters with Bulgarian ID documents may vote at any polling station set up abroad.

<sup>23</sup> 1 EUR is 1,96 Bulgarian Lev (BGN).

<sup>24</sup> The CEC provided a three-day time limit for contestants to correct omissions or deficiencies. However, the Election Code stipulates that corrections may not be submitted after the cut-off date for registrations (17 February). Applicants that submitted their requests close to the deadline had limited to no possibility for rectifications.

<sup>25</sup> These are “Freedom” and “Pure, United and Sovereign Fatherland” parties. CEC decision specifies that GRAO is to conduct a verification of all support signatures until it establishes whether the number of valid signatures reaches the legal threshold. Signatures are declared invalid if the data provided by voters is incomplete, the voter supported multiple lists, or the signatory is not a registered voter.

Overall, some 7,000 candidates were registered on 30 candidate lists, and one candidate is independent.<sup>26</sup> The order of the candidate lists on the ballot was determined by a lot drawn by the CEC on 2 March.

## IX. ELECTION CAMPAIGN

The official campaign period commenced on 5 March. There is a 48-hour campaign silence period. 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’. The law does not contain regulations preventing misuse of administrative resources and abuse of office during the campaign.<sup>27</sup>

The campaign is prominent mostly in the media and online, and many parties reduced door-to-door and in-person campaign activities given widespread COVID-19 related concerns.<sup>28</sup> The campaign is centered around the response to COVID-19 pandemic and public health, fight against corruption, judiciary and economy. Following the call of elections, the government announced several extraordinary budgetary allocations which some ODIHR LEOM interlocutors perceived as financial incentives to the electorate. Such allocations included vouchers for 2.1 million pensioners;<sup>29</sup> construction and repair work for Orthodox churches and mosques,<sup>30</sup> inauguration of public infrastructure projects across the country which usually take place at the end of the year,<sup>31</sup> and handouts.<sup>32</sup> Subsequently, the main opposition party BSP filed a complaint alleging misuse of state resources by the ruling party GERB.<sup>33</sup> Several ODIHR LEOM interlocutors alleged that long-standing practices of vote-buying and ‘organized’ voting are still attempted in economically and socially vulnerable communities, particularly impacting Roma.

## X. CAMPAIGN FINANCE

Campaign finance is regulated by the Election Code and the Law on Political Parties. The 2019 amendments to campaign finance legal framework reduced public funding for political parties, reintroduced the right of legal entities to donate to election campaigns, and removed the donation ceiling.<sup>34</sup> Additionally, these lowered the requirements for political parties to receive public funding and premises, recalculated the amount of public funds for the election years and provided for dissolution of a party in case of non-participation in European Parliament elections. Previous recommendations on shortening the

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<sup>26</sup> In addition, GRAO established that eight candidates on the lists have dual citizenship, and nine do not satisfy the age requirement. These, together with two independent candidates whose support signatures fell short of the quota, were deregistered by the CEC and DECs, respectively.

<sup>27</sup> In the period between candidate registration and the announcement of the results, the registered candidates enjoy immunity.

<sup>28</sup> Following the outbreak of the COVID-19 pandemic, conducting outdoors events is allowed but indoor events are capped at 30 per cent of the premises’ capacity. On 26 January, the Council of Ministers extended the emergency epidemic situation.

<sup>29</sup> The decision was published on National Social Security Institute web-site on 1 March. Since August 2020, the state has been providing vouchers worth BGN 50 to all pensioners, regardless of the amount of their pensions on a monthly basis. On 10 March, the Prime Minister promised one-time BGN 120 payment for food supplements for the pensioners to be provided in April for those with pensions between BGN 300 and 369.

<sup>30</sup> BGN 1.638 million was provided for the re-construction of two Orthodox churches in Sandanski and Zemen municipalities and for the Makbul Ibrahim Pasha mosque in Razgrad. On 10 March, another BGN 3 million was allocated for the reconstruction of the monastery complex "Nativity of Christ" – Shipka.

<sup>31</sup> On 4 March, BGN 10.5 million was allocated to the municipalities of Aksakovo, Vratsa, Slivnitsa, Velingrad, Dragichevo, Pordim, Tutrakan, Elin Pelin and Etropole. On 10 March, BGN 2 million was allocated for reconstruction of schools and kindergartens.

<sup>32</sup> On 10 March, the government announced the allocation BGN 3,300 for freelance musicians, due to the pandemic and BGN 35 million to the families of all first-graders and eighth-graders, as support for the new school year.

<sup>33</sup> The Minister of Justice declined the allegations stating that the Prime Minister fulfills his official duties.

<sup>34</sup> In 2019, the president challenged the constitutionality of the donations by legal entities. The matter is under review by Constitutional Court. [Transparency International Bulgaria](#) and the [Institute for Market Economics](#) criticised the amendments.

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.

Political parties and coalitions that respectively received at least one and four per cent of valid votes nationwide in the previous elections are entitled to annual public funding and free-of-charge office premises.<sup>35</sup> 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. Public funding for 2020 totaled BNG 15,341,300 and was allocated to four parties and two coalitions. Other contestants, including parties, coalitions and independent candidates, are entitled to indirect funding for media advertisement of BNG 40,000 and 5,000, respectively.

Campaign expenditures are limited to BGN 3,000,000 for a party or a coalition and BGN 200,000 for an independent candidate. 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. Some ODIHR LEOM interlocutors perceived removal of donation ceilings as legitimizing corporate influence on politics.

The National Audit Office (NAO) is mandated with campaign finance oversight. 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.<sup>36</sup> Contrary to a previous ODIHR recommendation, there is no obligation to disclose campaign expenditures prior to election day. Funds contributed by parties or coalitions and in-kind donations are exempt from disclosure. Following the 2019 amendments, donations exceeding one monthly salary have to be reported with a written confirmation by the donor.<sup>37</sup> The NAO is entitled to request access to the databases of the National Revenue Agency and other competent institutions, however, there is no requirement for expeditious response. Contestants are required to submit reports on campaign contributions and expenditures within 30 working days after the elections, to be published within 15 days after submission and audited within six months.

## XI. MEDIA

The diverse media landscape is dominated by two main television networks, *bTV* and *Nova*, that gather over 60 per cent of the total television viewership.<sup>38</sup> The public Bulgarian National Television (*BNT*) is the third most popular television network. The 2019 change of the end-owners of *bTV* and *Nova*, as well as the appointment of a new director of *BNT* was, in the opinion of some ODIHR LEOM interlocutors, followed by a negative shift in the editorial policy of all three broadcasters.<sup>39</sup> A number of senior editors and journalists left from all three television networks, citing pressure from the new management. Some ODIHR LEOM interlocutors raised concerns about the concentration of media ownership, political influence over

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<sup>35</sup> The amount of such subsidy is calculated based on a cost of one vote determined annually in the state budget and is adjusted for election year.

<sup>36</sup> As of 11 March, the registry contained information on donations and contractors for the following contestants: There is Such People - some BGN 20,000 from individuals and two candidates, Alternative for Bulgarian Renaissance - some BGN 32,000 from private donors and contracts with 24 advertising agencies, BSP for Bulgaria - private donations of BGN 9,000, BGN 32,000 from candidates, and contracts with 48 PR and advertising agencies; Revival - BGN 160 from candidates and 25 contracts with PR agencies; Democratic Bulgaria – the Union - BGN 10,000 from private donors, 7,000 from candidates and 12 advertisement contracts. Some contestants published only the list of contractors (PR agencies): GERB-SDS; Attack - 4 contracts; Patriotic coalition – Freedom and NFSB -65 contracts; DPS -38 contracts.

<sup>37</sup> The NAO is required to cross-check donations over BGN 1,000 against the income of the donor for the period since last parliamentary elections.

<sup>38</sup> According to the Nielsen Admosphere viewership [measurements](#), between 22-28 February the channels of the *bTV* network gathered a combined total of 29.72 per cent of the measured audience, while the channels of the *Nova* network gathered a combined total of 33.28 per cent of the measured audience. The programmes of Public BNT gather 6.82 per cent of the audience.

<sup>39</sup> In January 2021 the Nova Television has changed ownership once again and was acquired by United Group.



the media and judicial pressure over investigative journalists, including due to possible criminal conviction for defamation.<sup>40</sup> The OSCE Representative for Freedom of the Media (RFoM) raised concerns over a number of cases of intimidation and physical assaults against journalists, including by police officers, which have not been fully investigated by the authorities.<sup>41</sup>

The Election Code requires *BNT* and the Bulgarian National Radio (*BNR*) to provide objective and fair coverage of the campaign and equally distribute free time among all contestants. Coverage by other public or private media outlets is largely unregulated.<sup>42</sup> In line with the law, the *BNT* decided to organize 19 debates each 45-minute long, inviting all parties, coalitions and independent candidates. The total time allocated to these debates considerably exceeds the minimum duration required by law, however, these are aired outside of the prime-time, at 16.00 hrs, which was criticized by several political parties.<sup>43</sup> *BNT* will organize eight one-hour long debates in prime-time, limiting participation to these programmes only to 12 contestants, six most popular parties based on the opinion polls, and six parliamentary parties.

Public and private media can provide for paid political advertisement under equal conditions and prices, published not later than 40 days prior to election day. In addition to the political advertisement spots, the major media outlets are offering paid participation in talk-shows and interviews, as well as paid coverage of party activities. However, contrary to legal requirements, these are not always clearly labelled as such in some prime media outlets and broadcast and some of those not clearly labelled are even being broadcast within the newscasts. Parties which do not receive regular public funding are entitled to BGN 40,000 to be spent exclusively for paid advertisements in the media.<sup>44</sup> The CEC allotted these funds on the 8 March, four days into the campaign, depriving parties of these funds in the beginning of the campaign.<sup>45</sup>

The Council for Electronic Media (CEM) is the regulatory body for broadcast media. 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. During the campaign, CEM is systematically monitoring 16 television and 19 radio stations, while other broadcasters and audiovisual online content will be reviewed only in case of complaints. However, the CEM has no authority to sanction media for election-related violations and they must forward information on violations to the CEC, which has discretionary power to decide whether to review the issue and to impose sanctions.

On 8 March the ODIHR LEOM commenced the quantitative and qualitative media monitoring of five broadcasts (*BNT1*, *bTV*, *Nova*, *Nova News* and *Bulgaria On Air*) and six online media outlets (*24 Chasa*, *Blitz.bg*, *dir.bg*, *Dnevnik*, *OffNews*, *Vesti.bg*).

## XII. COMPLAINTS AND APPEALS

The Election Code prescribes timely consideration of different types of complaints that can be filed by voters, citizen observers, representatives of electoral contestants and party proxies. Complaints are admissible if the complainant proves that her/his right was directly affected.<sup>46</sup> Complaints and alerts about potential electoral violations can be submitted to the CEC and DEC's.<sup>47</sup> Decisions of election commissions

<sup>40</sup> See also the country [report](#) of the Council of Europe Commissioner for Human Rights issued on 31 March 2020.

<sup>41</sup> In particular, on 15 February 2021, the OSCE RFoM, [noted](#) the refusal by the Bulgarian prosecutor-general's office to fully investigate the reported beating of a freelance journalist by the police in September 2020. See other [statements](#) and [tweets](#) of the OSCE RFoM on Bulgaria.

<sup>42</sup> At least four television stations are owned by a party leader and foundations affiliated with political parties. Election contestants are not legally prohibited from serving as hosts of programmes.

<sup>43</sup> The Election Code requires the *BNT* to organize at least 240 minutes of debates.

<sup>44</sup> The CEC allotted funds for paid political advertisements to 18 political parties and 7 coalitions.

<sup>45</sup> On 23 February, the CEC set the deadline for 3 March.

<sup>46</sup> The CEC denied admissibility due to the lack of legal interest to complaints against candidate registration filed by other contestants and a complaint by a mayor who participated in determination of PEC party quotas against the formation of a PEC.

<sup>47</sup> A complaint can be filed against administrative acts/decisions. An alert can be submitted against any other violation.

can be appealed to the higher-level commissions, with the Supreme Administrative Court (SAC) as the final instance. Recent legal amendments exempted certain types of CEC decisions from a judicial review.<sup>48</sup> Stakeholders, including contestants, do not have the right to directly challenge the election results.<sup>49</sup>

The law provides for an expedited procedure, with deadlines varying from one hour to three days. Following the 2019 amendments, some CEC decisions including on upholding rejections of complaints by DEC's are now reviewed by local administrative courts without an expedited process. The CEC is required to decide on complaints with a two-thirds majority, otherwise the complaint is deemed rejected.

The CEC received 14 appeals and 35 alerts, mostly related to the decisions of the DEC's on candidate registration and PEC formation.<sup>50</sup> While the CEC reviewed all complaints and alerts in open sessions and published them in the CEC register, decisions on alerts were not always published. The CEC granted four complaints and overturned a DEC's decision on PECs formation, rejected five complaints on merits and denied admissibility to all others due to lack of legal interest of the complainant.<sup>51</sup> The CEC was unable to decide on a complaint filed by BSP alert alleging misuse of state resources by the incumbent PM and other state officials, due to the absence of the legally required two thirds majority.<sup>52</sup> The SAC received some 53 complaints against the CEC decisions.<sup>53</sup> Several appeals filed to the SAC against the DEC's and the CEC decisions were forwarded to lower-level administrative courts due to the recent transfer of jurisdiction.<sup>54</sup>

### XIII. CITIZEN AND INTERNATIONAL OBSERVERS

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). As of 16 March, 13 civil society organisations registered with the CEC a total of 227 observers.

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<sup>48</sup> Including CEC decisions on technical issues and rules for the implementation of the provisions of the Election Code. Since 2019, the CEC is required to determine the fines for breaches of opinion polls, campaign silence, marking paid campaign materials, and failure to report campaign advertisement contracts. The SAC dismissed several complaints due to lack of jurisdiction and forwarded them to lower-level courts.

<sup>49</sup> The Election Code and the Constitution stipulate that within 15 days of the announcement of the election results, the legitimacy of the elections can be challenged to the Constitutional Court by one-fifth of the MPs, the President, the Council of Ministers, the Supreme Court of Cassation, the Supreme Administrative Court, and the Prosecutor General, upon receipt of a request or on their own initiative.

<sup>50</sup> Complaints challenged the registration of parties and coalitions, deregistration of candidates and PEC formation. Alerts pertained to misuse of administrative resources, failure of candidates who are public officials to take leave during the campaign, campaign violations, accuracy of voter lists data that were submitted by other contestants and citizens.

<sup>51</sup> The CEC overturned decision by DEC Montana on PEC formation for distribution of quotas in the absence of an agreement between the contestants with the municipal authorities. The CEC registered the party "Right" following several complaints about protracted decision-making.

<sup>52</sup> The CEC informed ODIHR LEOM that it previously faced difficulties to reach the two-thirds majority required to decide on complaints, especially in politically sensitive cases.

<sup>53</sup> These referred to changes in coalition partnership, the status of a former coalition party participating in elections independently, and PEC quota distributions. The SAC examined on merits but rejected as unfounded eight identical complaints against mistakes in a CEC decision on coalition registration.

<sup>54</sup> The Democratic Bulgaria challenged several CEC instructions on protection of private data that prevented video-recording of counting at PS premises. The SAC forwarded the complaint to the Sofia City Administrative Court for reconsideration, which was upheld. The SAC also terminated review of several complaints against CEC decisions on IDs acceptable for out-of-country voting and ballot paper design and forwarded them to an administrative court.

#### XIV. PARTICIPATION OF NATIONAL MINORITIES

The Constitution guarantees the right for self-identification and prohibits discrimination on ethnic or religious basis.<sup>55</sup> However, it makes no reference to national minorities and prohibits the formation of political parties on “ethnic, racial or religious basis”. The Election Code stipulates that the election campaign is to be conducted only in Bulgarian language.

While DPS is perceived as representing the interests of the Turkish community, the party leadership noted to the ODIHR LEOM that they consider themselves a mainstream party. DPS will contest the upcoming elections with 395 candidates in 31 constituencies. The Roma community is mainly represented by the Movement for Equality Public Model, which will not participate in the elections. In the outgoing parliament, DPS was represented with 25 MPs and it also won in 19 municipalities in the last local elections.<sup>56</sup>

#### XV. ODIHR LEOM ACTIVITIES

The ODIHR LEOM formally opened in Sofia with a press conference on 2 March. The ODIHR LEOM established regular contacts with the CEC Chairperson, the Permanent Secretary of the Ministry of Foreign Affairs and other high-level state officials, political party representatives, media, civil society, and members of the diplomatic and international community.

The OSCE Parliamentary Assembly (OSCE PA), and the Parliamentary Assembly of the Council of Europe (PACE) intend to deploy delegations for election day observation. Artur Gerasymov (Ukraine) has been nominated to serve as Special Co-ordinator, and Pascal Allizard (France) has been appointed as Head of the OSCE PA delegation.

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

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<sup>55</sup> According to the 2011 census, ethnic Turks are the largest minority group with 8.8 per cent of the population, followed by Roma with 4.9 per cent. Other minorities include Armenians, Jews, Karakachani, Macedonians, Romanians, Russians, Vlach (Aromani), Ukrainians and others, all together below one per cent of the population.

<sup>56</sup> Namely, the municipalities of Blagoevgrad, Burgas, Varna, Vidin, Dobrich Kardzhali, Kardzhali, Lovech, Montana, Pazardhik, Plovdiv, Razgrad, Ruse, Silistra, Borino, Smolyan, Stara Zagora, Targovishte, Haskovo and Sumen.