



Office for Democratic Institutions and Human Rights

REPUBLIC OF BULGARIA

EARLY PARLIAMENTARY ELECTIONS

12 May 2013

OSCE/ODIHR Election Observation Mission
Final Report



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I. EXECUTIVE SUMMARY

Following an invitation from the Ministry of Foreign Affairs of the Republic of Bulgaria, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) on 16 April 2013 deployed an Election Observation Mission (EOM) for the 12 May 2013 early parliamentary elections. The OSCE/ODIHR EOM assessed compliance of the election process with OSCE commitments and Council of Europe's standards for democratic elections, as well as with Bulgaria's international obligations and domestic legislation. For election day, the OSCE/ODIHR EOM joined efforts with delegations from the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE).

The Statement of Preliminary Findings and Conclusions issued by the OSCE/ODIHR, the OSCE PA and PACE on 13 May 2013 concluded that the elections were held in a competitive environment and fundamental freedoms of expression, association and assembly were respected. The administration of the elections by commissions was well managed and the Central Election Commission (CEC) generally worked in an open manner. However, cases of pre-election wiretapping and concerns over last-minute incidents related to ballot security weakened public confidence in the process. The electoral process was further negatively affected by pervasive allegations of vote-buying. Media provided voters with a variety of information. Nevertheless, a significant share of the campaign information had to be paid for, creating an unequal playing field for candidates. Election day took place in a calm and orderly manner and, overall, observers evaluated the process in polling stations positively.

The elections were regulated by a legal framework that generally provides a sound basis for the conduct of democratic elections, if implemented properly. Some of the recommendations previously offered by the OSCE/ODIHR were adopted in the most recent amendments of the Electoral Code in February 2013, while others remain unaddressed. Legal provisions pertaining to campaign financing, if effectively implemented, could ensure a transparent campaign finance system. However, the lack of concrete oversight mechanisms leaves room for circumventing these regulations.

The elections were well administered by the CEC and District Election Commissions (DECs), despite some shortcomings. The CEC approved the main procedural rules within the legal deadlines and generally worked in an open manner, although not always announcing the times of its sessions, and not always providing all relevant information in its written decisions, which could have improved transparency. Concerns were expressed about the lack of independence of DECs and PECs, as 30 out of 31 of DEC chairpeople were nominees of the former ruling party. Logistical support provided by the government, regional and municipal administrations to the election commissions was timely and adequate. The transparency of the electoral process was improved through live broadcasts of election commission sessions, a welcome confidence-building measure, as well as through guaranteeing the right of observers to follow the entire electoral process.

Registration of candidate lists was inclusive with 63 political parties contesting the elections; of these, 29 ran individually with 6,089 candidates and 25 parties formed 7 coalitions with 2,010 candidates on their lists. However, the high number of support signatures required for the nomination of independent

¹ The English version of this report is the only official document. An unofficial translation is available in Bulgarian.

candidates compared to those required for parties, as previously noted by the OSCE/ODIHR and the European Commission for Democracy through Law (Venice Commission) of the Council of Europe, raised concern regarding the equality of the right of different categories of candidates to stand. Only two independent candidates were registered.

Voter lists were available for public scrutiny prior to election day and voters could verify and correct their data. The Electoral Code stipulates that voters should be included in only one voter list. However, five categories of voters could vote at a polling station different from the one assigned to their permanent address without being removed from the voter list of their permanent address. Despite a number of security mechanisms provided by the Electoral Code, the possibility to register voters on election day and the inclusion of some categories of voters in additional voter lists without removing them from the main voter list could give rise to potential misuse.

The campaign was competitive and, in general, non-violent. The caretaker government undertook several confidence-building measures including the establishment of a Civil Board for Free and Transparent Elections in which representatives of civil society met with government and CEC officials. The initial focus of the campaign was on social and economic issues such as poverty and unemployment. Revelations of wiretapping of politicians, allegedly conducted by the Ministry of Interior (MoI) under the previous government, overshadowed socio-economic policy issues and programmes. The undue involvement of the MoI in the election process contributed to a lack of public trust in some state institutions. Pervasive and widespread allegations of vote-buying also negatively affected the campaign environment; the Prosecutor General opened 70 investigations on the matter.

Provisions that the campaign should be conducted only in the Bulgarian language were disadvantageous to minority groups and are at odds with OSCE commitments and other international standards. Some parties used inflammatory and xenophobic rhetoric, which has been noted in previous OSCE/ODIHR reports and is at odds with the principles enshrined in the OSCE Copenhagen Document as well as other international instruments.

Although the information in the media during the campaign was pluralistic, media ownership lacks transparency and has become increasingly concentrated. The Electoral Code provides that virtually all campaign information on public broadcasters must be paid for. The existing legal framework therefore limited the role of the public media to comprehensively inform voters on political options and created an uneven playing field for candidates. Despite the public service broadcasters and some private media granting contestants free airtime on popular election-related programmes, OSCE/ODIHR media monitoring results showed that, on average, more than 45 per cent of the overall airtime during prime-time coverage on monitored public television and radio was paid for. Paid campaign coverage was not always clearly labelled as such, potentially misleading voters about the source of election-related messages.

Election commissions established a digital public registry of complaints, appeals and decisions, enhancing the transparency of the adjudication process. Election commissions and the Supreme Administrative Court examined all complaints and appeals within the prescribed deadlines. Electoral contestants made use of the legal means available to address their complaints. The concerns previously raised by the OSCE/ODIHR and the Council of Europe's Venice Commission about the limited categories of people and bodies permitted to challenge election results remain.

Women were politically active and were well represented in the election administration. More than half of CEC and DEC members were female, while some three-quarters of DEC chairpeople were women. Thirty three per cent of all candidates were women. In total, 60 out of the 240 newly-elected members of parliament are women.

Election day took place in a calm and orderly manner. The CEC announced the final voter turnout of 51.3 per cent. The opening and voting were mostly assessed positively, while the count was more problematic in a number of cases. With some exceptions, due to DEC's being overcrowded and police called in to undertake crowd control, the tabulation overall was assessed positively. The large number of proxies and observers present enhanced the transparency. The CEC started posting preliminary results around midnight on election night, but not by polling station, which is not in line with good practice. On 22 May, the former ruling party filed three complaints with the Constitutional Court calling for the annulment of the election results. On 9 July, the Constitutional Court ruled in one of the complaints that irregularities were not of a serious nature and did not affect the outcome of elections.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the Ministry of Foreign Affairs of the Republic of Bulgaria and based on the recommendations of a Needs Assessment Mission conducted from 18 to 20 March 2013, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) on 16 April 2013 deployed an Election Observation Mission (EOM) for the 12 May 2013 early parliamentary elections. The OSCE/ODIHR was headed by Miklos Haraszti and consisted of 10 experts and 12 long-term observers (LTOs), who were based in Sofia and 5 locations throughout the country. The EOM's members were drawn from 19 OSCE participating States.

For election day, the OSCE/ODIHR EOM joined efforts with delegations from the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE). Overall, 158 observers from 39 OSCE participating States were deployed on election day, including 105 long-term and short-term observers deployed by the OSCE/ODIHR, 29 parliamentarians and staff from the OSCE PA, and 24 from the PACE.

The OSCE/ODIHR EOM assessed compliance of the election process with OSCE commitments and Council of Europe's standards for democratic elections, as well as with Bulgaria's other international obligations and domestic legislation. This final report follows a Statement of Preliminary Findings and Conclusions, which was released in Sofia at a press conference on 13 May 2013.²

The OSCE/ODIHR wishes to thank the Ministry of Foreign Affairs for the invitation to observe the elections and for its assistance, and the Central Election Commission (CEC) for its co-operation and for providing accreditation documents. The OSCE/ODIHR EOM also wishes to express appreciation to other national and local state institutions, election authorities, candidates, political parties and civil society organizations for their co-operation and embassies of OSCE participating States and international organizations accredited in Bulgaria for their support.

² All previous OSCE/ODIHR reports on elections in Bulgaria can be found at: <http://www.osce.org/odihr/elections/bulgaria>.

III. BACKGROUND AND POLITICAL CONTEXT

The Constitution stipulates that the National Assembly (parliament) is elected for a term of four years. Following large-scale protests over poverty and socio-economic conditions and, in particular, increased household electricity expenses, the government headed by Citizens for European Development of Bulgaria (GERB) resigned on 20 February. The protests led to the self-immolation of seven people and to a number of injured civilians and policemen. On 12 March, President Rosen Plevneliev dissolved the parliament, appointed an interim caretaker government and set the date for early parliamentary elections. The elections took place against the background of an economic and political crisis and in the environment of public disappointment with politics and political parties.

The last parliamentary elections were held in July 2009, when GERB won 116 of the 240 seats. The opposition consisted of the Coalition for Bulgaria, headed by the Bulgarian Socialist Party (BSP), and the Movement for Rights and Freedoms (MRF) with 40 and 38 mandates respectively. Other political forces represented in the parliament were: the *Ataka* party with 21 seats, the Blue Coalition with 15 seats and the Order, Law and Justice Party (RZS) with 10 seats.

IV. THE LEGAL FRAMEWORK AND ELECTION SYSTEM

Parliamentary elections are regulated by a legal framework that generally provides a sound basis for the conduct of democratic elections if implemented properly. It primarily comprises the Constitution, the Electoral Code, the Law on Political Parties, the Criminal Code and other laws, as well as CEC decisions and instructions.

Some of the recommendations previously offered by the OSCE/ODIHR were addressed in the recent amendments of the Electoral Code in February 2013, including enhancing the transparency of the electoral process by providing live broadcasting of election commissions' sessions, as well as guaranteeing the right of observers to follow the entire electoral process. However, a number of previous recommendations were not addressed such as those regarding the legal framework for media coverage of the campaign, the right of minorities to use their mother tongue during campaigning, and the system of electoral dispute resolution.

The Constitution, adopted in 1991 and last amended in 2007, guarantees the fundamental rights and freedoms necessary for democratic elections. However, the disenfranchisement of citizens serving a prison sentence, regardless of the severity of the crime committed, weakens the guarantee of universal suffrage and candidacy rights, and is inconsistent with OSCE commitments and international standards.³

The restriction of suffrage rights for citizens serving prison terms, regardless of the severity of the crime committed should be reconsidered to ensure proportionality between the limitation imposed and the severity of the offense.

The Criminal Code includes vote-buying among other election-related offenses.⁴ The Electoral Code also stipulates that all campaign materials should include a statement that vote-buying and selling is a

³ Paragraph 24 of the 1990 OSCE Copenhagen Document provides that "participating States will ensure that the exercise of all the human rights and fundamental freedoms will not be subject to any restrictions except those which are provided by law and are consistent with their obligations under international law". See also judgments of the European Court of Human Rights in *Scoppola v. Italy (No. 3)* [GC], no. 126/05, 22 May 2012 and *Hirst v. The United Kingdom (No.2)* [GC], no. 74025/01, 6 October 2005;

⁴ Section III, Crimes against Political Rights of Citizens, articles 167 – 169d of the Criminal Code.

criminal offense. In an effort to address widespread allegations of vote-buying the Prosecutor General issued guidelines on 21 March 2013 to guide the work of the regional prosecutor's offices during the elections.⁵

The National Assembly is a unicameral body consisting of 240 members elected under a proportional list system from 31 multi-mandate constituencies. The number of mandates in each constituency is between 4 and 16, and is decided by the CEC according to the population size in the respective constituency.⁶ Political parties and coalitions that receive a minimum of four per cent of valid votes at the national level and independent candidates who receive valid votes not less than the constituency electoral quota can participate in the allocation of mandates.⁷

The allocation of mandates resulted in significant variations in number of voters per parliamentary seat in a number of districts.⁸ An OSCE/ODIHR EOM analysis shows that the number of registered voters per one mandate ranged from 24,638 voters in Vidin district to 44,768 voters in Kardzhali district; 14 per cent less and 56 per cent more, respectively, than the national average. A significant deviation was also noted in district 23 in Sofia city (14 per cent less than the national average), in Razgrad and Kyustendil districts (19 and 20 per cent more, respectively, than the national average). These disparities impacted the equality of the vote guaranteed by the Constitution in certain districts.⁹

Consideration should be given to reviewing the legal provisions regarding the criteria to be considered in the delineation of constituencies and allocation of mandates through a public and inclusive discussion to ensure compliance with the principle of equal suffrage.

V. THE ELECTION ADMINISTRATION

The responsibility for the administration and organization of the elections was shared between the caretaker government, several ministries, regional and municipal administrations and the three-level system of election commissions: the CEC, 31 District Election Commissions (DECs), one in each of the 31 multi-mandate constituencies, and 11,902 Precinct Election Commissions (PECs).¹⁰ All election commission members are nominated by parliamentary groups proportionally to their seats in

⁵ The prosecutors' offices received 622 reports from institutions, citizens and non-governmental organizations and 70 investigations were officially opened. As of 19 June 2013, regional courts handed down ten convictions for vote-buying: one decision carried a sentence of a five-month imprisonment and a fine of 10,000 Bulgarian Leva (BGN: around Euro 5,100), five decisions included suspended prison sentences and four probation sentences.

⁶ The decision defining the number of mandates per constituency was adopted on 15 March 2013.

⁷ The electoral quota is the ratio of the total number of valid votes in the constituency divided by the number of mandates in the relevant constituency.

⁸ According to article 67.3 of the Electoral Code, the number of seats for each constituency is defined on the basis of a uniform ratio of representation for the entire country based on the results of the latest population census.

⁹ The Code of Good Practice in Electoral Matters of the European Commission for Democracy through Law (Venice Commission) of the Council of Europe (2.2.iv) sets that the permissible departure from the norm is not more than 10 per cent, and certainly not exceeding 15 per cent.

¹⁰ The Ministry of Foreign Affairs was responsible for co-ordinating out-of-country voting at 227 polling stations in 56 countries; the Ministry of Interior (MoI) was in charge of maintaining public order at polling stations; the Ministry of Regional Development was responsible for preparing the voter lists and was in charge of verification of voters' personal data in cases specified in the Electoral Code; the local administrations established the polling stations, provided logistical support of election commissions' activities and were in charge of amendments of the voter lists.

parliament.¹¹ No party or coalition may have a majority in a commission, and the chairperson and the secretary cannot be from the same party or coalition.

The CEC is the only permanent election commission. The current CEC was appointed in April 2011 by the president and consists of 21 members. Recent amendments to the Electoral Code entitled the CEC to establish and hire permanent staff. Some CEC members expressed an opinion that not enough staff was hired to effectively support the CEC as prescribed by the law. CEC members are only remunerated during election periods and therefore in practice do not carry out their duties on a permanent basis.

The 31 DEC members were appointed by the CEC on 26 and 27 March within the legal deadlines.¹² Coalition for Bulgaria, MRF and Movement Bulgaria for the Citizens appealed CEC decisions on filling managerial positions in some DEC members.¹³ In addition, representatives of the former Blue Coalition¹⁴ challenged CEC decisions on the composition of all 31 DEC members.¹⁵ None of these complaints were upheld by the Supreme Administrative Court (SAC). The decisions of the CEC on the composition of DEC members did not provide information on the party affiliation of the appointed members, which did not contribute to transparency.

According to the data collected by OSCE/ODIHR EOM long-term observers (LTOs), 30 out of 31 DEC chairpeople were nominated by GERB, while positions of deputies and secretaries were evenly distributed among the remaining parliamentary groups.¹⁶ Coalition for Bulgaria, MRF and *Ataka*, as well as several non-governmental organizations (NGOs) expressed concerns about the lack of independence of DEC members and PECs due to the alleged domination by GERB.¹⁷

In order to reduce perceptions of political bias, the CEC should ensure the implementation of legal provisions on the proportionality of representation of parliamentary groups in all leadership positions at all levels of the election administration.

The DEC members formed 11,675 PECs for administering voting and counting within the country.¹⁸ Most of the PECs were formed within the legal deadline.¹⁹ The CEC formed 227 PECs for the conduct of voting abroad. The OSCE/ODIHR EOM was not able to assess whether managerial positions in PECs

¹¹ Political parties and coalitions of parties that have a faction in the parliament are entitled to be represented in all election commissions. The National Movement for Stability and Prosperity (NDSV), which has members in the European Parliament, but was not represented in the national parliament, is also entitled to nominate one member to the CEC and to each DEC, as well as two per cent of PEC members within each constituency.

¹² A DEC comprised 13 members (in constituencies with less than 10 mandates) or 17 members (for constituencies with 10 or more mandates).

¹³ Articles 28.3 of the Electoral Code provides for the proportional filling of leading positions in DEC members according to representation of parliamentary groups in the parliament.

¹⁴ The Blue Coalition was formed for the previous parliamentary elections but was later dissolved. However, its parliamentary group remained functional and was entitled to propose DEC and PEC members.

¹⁵ The complainants challenged the right of some representatives to submit nomination documents for DEC members on behalf of the former Blue Coalition.

¹⁶ DEC 1 (Blagoevgrad) and DEC 24 (Sofia city) were not forthcoming in providing the information, which is to be public, on the party affiliation of DEC members referring to personal data protection.

¹⁷ The Council of Europe's Venice Commission and the OSCE/ODIHR noted in their Joint Opinion that the Electoral Code should ensure a better balance of political parties in the appointment of chairpeople at all levels of election commissions.

¹⁸ The number of PEC members varied from five to nine, depending on the number of voters.

¹⁹ A few PECs in DEC members 9 (Kardzhali), 19 (Ruse), 25 (Sofia city) and 31 (Yambol) were appointed later than the legal deadline either due to the failure of some political parties to present correct data on nominated PEC members or due to the late submission of nomination documents by the heads of corresponding institutions for polling stations in hospitals and prisons.

were allocated in line with the rule of proportionality; essential data was also not available in CEC and some DEC decisions.²⁰

Thirteen out of 21 CEC members were female as were some 54 per cent of all DEC members and 74 per cent of DEC chairpeople. Women represented 71 per cent of PEC members, and chaired 68 per cent of polling stations visited by international observers, reflecting a high level of women's participation in the election administration.

The CEC administered the elections in an effective manner, despite some shortcomings, approving the main procedural rules and templates of official documents within legal deadlines. It worked in an open manner, though not always announcing the time of its sessions and the draft agenda in advance.²¹ All CEC members were able to voice their opinions during the sessions. The CEC and DEC members posted their decisions on their websites in a timely manner. The media is not entitled to be present at CEC and DEC sessions, but according to new provisions of the Electoral Code, CEC and DEC sessions were streamed online in real time. Posting and archiving of records of commissions' sessions could further enhance the openness of their activities.

The logistical support provided by the government, regional and municipal administrations to the election commissions was timely and adequate. At times, the decisions of authorities were not taken strictly in line with the requirements of the law. For example the government ordered and printed 8,343,000 ballot papers, including 700,000 for voting abroad; this exceeded the declared number of voters by 21 per cent.²² In addition, no rules were defined on how to distribute, store and destroy reserve ballots.

The CEC should adopt key decisions and clarifications to ensure uniform and proper implementation of election-related legislation in a timely manner, including on essential logistical issues. The CEC should also define the rules for the production and distribution of ballots and be able to check compliance with those rules.

The CEC organized training sessions for DEC members, who in turn trained PEC members. Sessions attended by the OSCE/ODIHR LTOs were mostly positively assessed. However, numerous oversights in the implementation of counting procedures and in completing the PEC results protocols noted by the OSCE/ODIHR EOM on election day indicate that further targeted training is required.

Training for election commission members could be strengthened with particular emphasis on counting procedures and the completion of results protocols. The CEC conducted a nationwide voter education campaign on public radio and television, focusing on voter list verification and voting procedures. However, the CEC as well as other authorities refrained from addressing the issue of vote-buying through official voter education information.²³ OSCE/ODIHR EOM LTOs reported a lack of voter education materials in the regions.

²⁰ Article 35.3 of the Electoral Code provides for proportional filling of leading positions in PECs according to representation of parliamentary groups in the parliament.

²¹ The Electoral Code obliges the CEC to announce beforehand a draft of the session agenda.

²² According to article 162.4 of the Electoral Code the number of ballots to be printed for parliamentary elections can be 10 per cent higher than the number of voters. While the number of ballots printed for the majority of constituencies varied between 109 and 114 per cent of the corresponding number of voters, the number of ballots printed for Kardzhali district reached 125 per cent above the number of voters. No public explanation for such a variation was provided by the government.

²³ Transparency International conducted a voter education campaign against vote-buying through several media outlets, including public television and radio, as well on the Internet.

VI. VOTER REGISTRATION

Voter lists are extracted from the national population register maintained by the Civil Registration and Administration Services Department of the Ministry of Regional Development (GRAO), which is also responsible for printing voter lists for each precinct.²⁴ The OSCE/ODIHR EOM observed voter lists posted for public scrutiny both in hard copy outside of polling stations and on websites of municipalities in all districts; voters could verify and correct their data if needed.

The GRAO informed the OSCE/ODIHR EOM that the voter lists, before election day, contained 6,868,455 people. Regrettably, although the information was available, the GRAO did not provide the public or the OSCE/ODIHR EOM with disaggregated data on the number of voters per electoral constituency, thereby diminishing transparency. The number of registered voters seems high when compared to the estimated 6.2 million population over the age of 18 years old.²⁵ Both the National Statistics Institute (NSI) and the GRAO referred to the different approaches in counting the population and the number of voters. While the NSI bases its calculations on the population that is present on the territory of the country or has left it for a period not exceeding one year, the GRAO calculates the number of voters by encompassing all Bulgarian citizens possessing voting rights, including those citizens residing abroad. The provision of the Electoral Code, which states that citizens who had left Bulgaria more than two months prior to election day should be removed from in-country voter lists for the parliamentary elections was not implemented.²⁶

In order to increase public trust in the integrity of the voter registration process, the GRAO could provide the public with data on voter registration disaggregated by districts, by municipalities and by categories of voters.

To be able to vote abroad, citizens should apply personally, by post to a diplomatic mission, or electronically to the CEC 30 days before election day. 81,661 voters were included in the voter lists of polling stations formed abroad; those names were to be removed from the voter lists in Bulgaria based on information provided by the MFA to the GRAO.

The law stipulates that voters should be included in only one voter list and should therefore be removed from the voter list of their permanent address if the place of voting is changed. Voters are entitled to vote at their place of stay provided a written request was submitted no later than 14 days before election day. The CEC and DEC members, candidates and observers can vote at any polling station with an absentee voting certificate and some 930 voters exercised this right. Special voter lists are compiled for voters in health care and detention centers. All these voters were to be removed by the GRAO from the voter list of their permanent address.

However, five other categories of voter could vote outside the area of their permanent address without being removed from the primary voter lists.²⁷ According to the CEC final results, some 59,000 voters from these categories voted in this manner.

²⁴ Voter lists are compiled on the basis of voters' permanent address.

²⁵ The data of the National Statistics Institute is available at: <http://www.nsi.bg/otrasalen.php?otr=53>.

²⁶ The MoI informed the GRAO and the CEC that it could not provide information on the voters who left the country, since it did not have data on those travelling to European Union member states.

²⁷ Fulltime students or voters with disabilities are entitled to vote at a polling station of their choice, while PEC members and police officers may vote at the polling station that they are assigned to.

Any voter who was omitted from the voter list could be added to the voter list by a PEC on election day on the basis of the voter's permanent address upon presentation of an identity document.²⁸ Moreover, voters who presented themselves at a polling station abroad were also included in the voter lists on election day and not removed from the voter lists in country. According to CEC data, 82,246 voters were included in voter lists abroad on election day and some 6,000 voters in-country.²⁹

Despite a number of security mechanisms provided by the Electoral Code,³⁰ the possibility to register voters on election day and the inclusion of some categories of voters in additional voter lists without removing them from the main voter lists could give rise to potential misuse, as previously stated by the OSCE/ODIHR and Venice Commission's Joint Opinion.

To diminish any chance of misuse of supplementary voter registration, consideration could be given to introducing reasonable deadlines for all categories of voters to apply for changes of voting location prior to election day. Judicial oversight for election day voter registration could be foreseen.

VII. CANDIDATE REGISTRATION

Candidate lists can be submitted by political parties and coalitions registered with the CEC.³¹ Independent candidates can be put forward by nominating committees.³²

The Electoral Code stipulates that the nomination of independent candidates must be supported by signatures of no less than 3 per cent of voters but not more than 5,000 voters in the relevant constituency and a deposit of 10,000 BGN. The high number of supporting signatures required for independent candidates compared to those required for parties, as previously noted by the OSCE/ODIHR and the Council of Europe's Venice Commission, raises concern regarding the equality of the right of different categories of candidates to stand.³³ Only two independent candidates were registered as compared to 8,099 candidates who were registered by parties and coalitions. Registration of political parties, coalitions, and the candidates was inclusive. A total of 71 political parties applied to the CEC for registration from 19 to 27 March. The CEC rejected the registration of four political parties for not having paid the deposit and not having presented the required number of supporting signatures. Following the registration of 67 political parties, 4 of them were deregistered by the CEC based on a statement of the GRAO that an insufficient number of valid signatures has been presented. In sum, 63 political parties were registered for the elections of which 29 contested the

²⁸ A PEC refusal to include a voter in a voter list on election day is appealable to the DEC or in the case of out of country voting to the CEC. The Code of Good Practice in Electoral Matters of the Venice Commission (1.2.iv, paragraph 7 of Explanatory report), sets that "there should be an administrative procedure - subject to judicial control - or a judicial procedure, allowing for the registration of a voter who was not registered; [...] in any event PECs should not be permitted to register voters on election day itself".

²⁹ 81,661 voters applied for inclusion in the voter list abroad during the registration process that finished 30 days before election day. In total, 115,737 voters voted abroad.

³⁰ Voters are to sign a written oath stating that they have not voted and will not do so a second time. Students have their grade books stamped after voting. The GRAO is in charge of identifying cases of illegal voting according to procedures established by the CEC.

³¹ At least 7,000 supporting signatures and a deposit of 10,000 BGN (around Euro 5,100) are required for a party to be registered. A party that received at least one per cent of all valid votes individually or within a coalition is entitled to a refund of the deposit.

³² An independent candidate could stand in only one constituency, while those nominated by parties and coalitions could stand in no more than two constituencies. Twenty candidates were elected from two constituencies and therefore were replaced in one of those with candidates from the same list.

³³ According to the Code of Good Practice in Electoral Matters of the Venice Commission (1.3.ii) the law should not require collection of signatures of more than one per cent of voters in the constituency concerned for an individual candidate or a party list of candidates.

elections individually with 6,089 candidates and 25 parties formed 7 coalitions with 2,010 candidates in their lists.³⁴ Thirty-three per cent of all candidates were women.

The rules for the verification of signatures were established by the CEC. The GRAO, in charge of checking the signatories' personal data, invalidated more than 147,000 of some 670,000 (22 per cent) signatures presented by all parties. The main reasons for invalidation were incorrect personal identification numbers of people indicated, duplicate signatures, or signatures of voters who had signed in favour of another party.³⁵

The process of registration of candidate lists and independent candidates could be simplified with a view to creating equal opportunities for them to stand for elections. In addition, the number of signatures required for the registration of independent candidates should be reduced.

According to the Electoral Code, political parties have three days for correcting inaccuracies in their registration documents but must do so no later than the registration deadline. Because of the early elections and the therefore shortened timeframes, the CEC interpreted the law strictly and did not provide political parties with the possibility to correct documents after 27 March. This approach was approved by the SAC.³⁶

VIII. THE ELECTION CAMPAIGN

The official campaign started on 12 April and ended on 10 May at midnight, when the silence period began. The campaign environment was competitive and, in general, non-violent. The caretaker government undertook measures aimed at fostering public trust in the electoral process. These included the rotation of 3,500 police officers for election day with a view to preventing potential established links between the police and authorities locally from influencing the electoral process. In addition, the president established a Civil Board for Free and Transparent Elections, convened regularly, in which civil society representatives had the opportunity to meet with government and CEC officials.

Freedoms of expression, association and assembly were generally respected. Campaign activities were mainly conducted through media and door-to-door canvassing, although some parties held larger rallies. Regrettably, the use of inflammatory, intolerant and xenophobic rhetoric by several political parties that based their platforms on nationalistic issues was noted during the campaign.³⁷ A number of human rights activists, including representatives of Roma NGOs, sent an open letter to the president and other state institutions calling for a stand against hate speech directed towards ethnic groups during the campaign. The use of xenophobic rhetoric is at odds with the principles enshrined in

³⁴ The remaining nine parties did not register candidate lists at DEC's.

³⁵ Each voter can sign in support of only one political party. If the same signature on the applications of two or more political parties is identified, it is considered valid only for the application that was signed for earlier.

³⁶ The Party of Bulgarian Communists, the Bulgarian National-Patriotic Party and the Green Party challenged the CEC decisions on their deregistration because the CEC had not granted them three additional days to present new supporting signatures to replace those invalidated by the GRAO. The SAC rejected the complaints, ruling that correction of documents could be exercised only before the registration deadline.

³⁷ The National Front for Salvation of Bulgaria (NFSB) proposed the creation of isolated villages for the Roma population in its political platform. The Internal Macedonian Revolutionary Organization (VMRO-BND) party blamed the Roma community for the misuse of the social benefits system due to the demographic increase among Roma families. *Ataka* continued to use the term "gypsy crime" which suggests the link between ethnicity and criminality.

the OSCE Copenhagen Document,³⁸ the Framework Convention for the Protection of National Minorities, the International Convention on the Elimination of All Forms of Racial Discrimination and the OSCE Ministerial Council Decision No.8/09.

While the initial focus of the campaign was on social and economic issues such as poverty, unemployment, the fight against corruption and organised crime, two separate wiretapping revelations overshadowed policy issues and programmes as prime campaign topics. Furthermore, the campaign at times became negative and populist. The leader of the BSP Sergei Stanishev submitted documents to the Prosecutor General alleging that, under the previous government, the MoI had conducted an unlawful scheme for wiretapping journalists and state officials. Several political parties placed the responsibility on the former Minister of Interior Tsvetan Tsvetanov and demanded his resignation as the head of GERB's campaign headquarters.³⁹ The Prosecutor General announced that there was evidence to charge Mr. Tsvetanov and several other MoI officials.⁴⁰ Concurrently, several media outlets published a conversation, between GERB's leader and former Prime Minister Boyko Borisov and the Sofia City Prosecutor, which disclosed methods for pressuring the media and revealed confidential details about on-going investigations. The authenticity of the conversation was not denied by anyone and the Sofia City Prosecutor resigned.

The undue involvement of the MoI in the electoral process contributed to a lack of public trust in some state institutions.⁴¹ On election day, the OSCE/ODIHR EOM observed and was informed of a large presence of police patrolling in several Roma neighbourhoods.⁴² According to some interlocutors, the large police presence aimed to prevent vote-buying had a potentially intimidating effect among the local population. In addition, in several cities the police issued warning protocols and requested voters and candidates to sign those.⁴³ In doing so, voters and candidates committed to not disrupt public order, to not engage in vote-buying and to campaign only in the Bulgarian language. According to OSCE/ODIHR EOM interlocutors, the warning protocols were issued by the heads of police based on previous police records or on so-called "operative information". The subjective interpretation of article 56 of the MoI Act led to a selective and arbitrary approach by the local police resulting in cases of intimidation and pressure on voters or electoral contestants.⁴⁴

³⁸ Paragraph 40 of the OSCE Copenhagen Document states that "the participating States clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds".

³⁹ BSP, MRF, *Ataka*, and Movement Bulgaria for Citizens called for the resignation of Mr. Tsvetanov.

⁴⁰ The Electoral Code grants immunity to candidates and therefore the procedure of bringing charges had been postponed. On 21 May, following the first session of the new parliament, Mr. Tsvetanov announced that he would revoke his immunity as member of parliament.

⁴¹ On 10 April, the MoI requested data of registered candidates and members of the DEC and PECs from the CEC. The CEC rejected the request on the grounds that the Electoral Code does not contain such provisions and stated that it could not disclose personal data. In Elhovo municipality, OSCE/ODIHR EOM LTOs were having a meeting with BSP representatives at the party office when uniformed police officers interrupted the meeting to inquire about the party's forthcoming rally.

⁴² The OSCE/ODIHR EOM received such information for cities of Blagoevgrad, Pleven, Petrich and Stara Zagora.

⁴³ Article 56 of the Ministry of Interior Act stipulates that the police can issue warning protocols to people against whom there is enough operative information and to potential suspects.

⁴⁴ The OSCE/ODIHR EOM received complaints from candidates and voters for the cities of Kazanlk, Lom, Plovdiv, Ruse, Sofia and Stara Zagora.

Voters and electoral contestants should not be subject to pressure or intimidation. Any instances and allegations of pressure and intimidation should be thoroughly and effectively investigated and prosecuted by relevant authorities.

Pervasive and widespread allegations of vote-buying contributed to a general lack of trust in the integrity of the electoral process. Interlocutors claimed that an explicit and genuine commitment from the political parties to tackle the issue of vote-buying was lacking and almost all parties were involved. While the Roma population is considered to be the most vulnerable group regarding potential electoral malfeasance, interlocutors noted that the issue of vote-buying extended across ethnic groups and was increasingly tolerated by the society. Some political parties were campaigning through charitable activities by distributing money and goods.⁴⁵ The Prosecutor General informed the OSCE/ODIHR EOM that out of 622 reports received, 98 cases needed additional information, 70 investigations of vote-buying had been opened, and 8 people had been convicted.

Additional efforts are needed to address the persistent issue of vote-buying, both through voter education and prosecutions, in order to restore confidence in the electoral process. A concrete and genuine commitment from political parties to condemn vote-buying practices could be made.

On 11 May, one day before election day, following inspections by the National Agency for State Security at an official printing house, 350,000 ballots were reported to have been seized.⁴⁶ The Prosecutor General stated that the printing house had already sent out all required ballots to the electoral districts by 8 May and declined to make any further comments in order to avoid interfering in the electoral process. An investigation was opened and at the time of writing this report, was still on-going. BSP, MRF and *Ataka* held press conferences during the silence period, claiming that the ballots were intended for electoral fraud. GERB leaders, in response, refuted such claims. The CEC issued a statement reassuring voters that the confiscated ballots would not be misused and were under police guard. This incident further damaged confidence in the process.

In order to restore public trust in the electoral process, investigation into the case of the overprint of ballots should be conducted in a transparent manner and those responsible be held liable.

IX. CAMPAIGN FINANCE

The Electoral Code regulates campaign finance and provides a solid base for transparent financing, if implemented properly.⁴⁷ Political parties are funded from public and private sources. Parties represented in parliament, as well as those gaining more than one per cent of valid votes in previous elections receive public funding in proportion to the number of votes received. Parties can take donations from individuals, while those from legal entities and anonymous donations are prohibited.⁴⁸

The Electoral Code establishes the authority of the National Audit Office (NAO) to enforce provisions related to campaign financing. All contributions, names of the sociological, advertising and public

⁴⁵ *Ataka* party was distributing money and goods to socially deprived families, while GERB, BSP and other smaller parties and coalitions were making in kind donations to hospitals, libraries, schools and churches.

⁴⁶ On 6 June 2013, the Prosecutor's Office completed the count of the found additional ballots, which amounted to 480,000.

⁴⁷ In January 2013, the Group of States against Corruption of the Council of Europe (GRECO) published a compliance report of the third evaluation round on transparency of party funding, commending Bulgaria for substantial reforms with regard to transparency of political financing. See the GRECO compliance report at: [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3\(2012\)14_Bulgaria_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2012)14_Bulgaria_EN.pdf).

⁴⁸ Donations are limited to BGN 10,000 (approximately 5,100 EUR) per individual within one year.

relations agencies hired by parties, coalitions and nominating committees, as well as other information stipulated by the Electoral Code must be reported within three days of contracts being signed or receipt of donations. Submitted reports are published in a single, public register established by the NAO. However, only 19 political parties and coalitions submitted reports, of which 13 contained information on donations.⁴⁹ The NAO informed the OSCE/ODIHR EOM that its role is to publish reports received and not to cross-check the information contained within them or to interfere in any other way prior to the final reports being submitted.

All contestants must submit final reports on their campaign expenditures within 30 days of election day and the NAO is to publish the reports within 15 days after their receipt. The NAO informed the OSCE/ODIHR EOM that it would audit final reports on campaign incomes and expenditures in September 2013. The NAO does not have the mandate to verify the authenticity of the information submitted and, as such, transparency of campaign finances depends on the good will of the parties and coalitions to fully disclose the funds raised and spent during campaign.

It should be ensured that all political parties and nomination committees submit information to the public register maintained by the NAO as required by the law on an ongoing basis. The NAO could have the authority to request this information if failure to submit it is suspected and to sanction the respective party for failure to comply with the law. The authority of the NAO could be strengthened and additional resources granted thereby enabling it to crosscheck and verify the authenticity of reported expenditures of electoral contestants against actual expenditures.

X. THE MEDIA

A. LEGAL FRAMEWORK

The rules for election campaign coverage are contained primarily in the Electoral Code. It strictly defines the formats for campaign coverage on the public service broadcasters, the Bulgarian National Television (BNT) and the Bulgarian National Radio (BNR), which should be equitable and paid for according to rates determined by the Council of Ministers.⁵⁰ Although the Electoral Code does not explicitly provide for free airtime, the public service broadcasters granted electoral contestants free airtime on popular election-related programmes, thus allowing voters to have access to non-sponsored coverage.⁵¹ Overall, the current regulatory framework for campaign coverage limits to a great extent the possibility for public radio and television to fulfil their public service remit to comprehensively inform voters on political options.

The legal framework regulating media coverage of the election campaign should be comprehensively reviewed to guarantee the public service media broader autonomy in their editorial choices for electoral campaign coverage and to reduce the share of paid advertising.

Private broadcasters and print media are largely unregulated in their editorial coverage of electoral campaigns. Broadcast media are bound by general principles set forth in the Radio and Television Act, namely those related to the guarantee of the right to freedom of expression, of opinion, and the

⁴⁹ All 38 parties and 7 coalitions registered by the CEC to contest the elections were registered in the NAO's single public register. However, nine political parties did not register candidates and did not participate in the campaign. Out of the remaining 36 parties and coalitions, 17 did not submit any pre-election report.

⁵⁰ In March 2013, the Council of Ministers adopted a decision introducing higher rates than those used during the 2011 presidential election.

⁵¹ Both public radio and public television signed agreements with political parties and coalitions concerning the principles, the rules as well as the formats to be used for covering election campaign activities.

right to information. The Electoral Code establishes equality and transparency requirements for paid campaign information by obliging all media houses to offer campaign information under non-discriminatory contractual conditions to all contestants. The contracts and rates had to be published on the Internet page of each media outlet. However, several private media houses did not post their contracts within the established deadlines.⁵²

Consideration could be given to amending the Radio and Television Act to introduce general provisions for election campaign coverage in private broadcast media such as an obligation for balanced coverage, while preserving the balance between the principle of equal opportunities among contestants, pluralism of views and journalistic freedom. The rules regulating the publishing of contracts between the media and electoral contestants could include a requirement that information be provided in a systematic and standardised format within the required deadlines.

The Electoral Code does not require paid advertising to be labelled explicitly as promotional material, potentially misleading voters about the source of election-related messages. In a positive effort to foster transparency, the Council for Electronic Media (CEM), the CEC and the Association of Bulgarian Broadcasters (ABBRO) signed an agreement whereby ABBRO members committed to label paid electoral advertising. The agreement also required that private media providers would guarantee unpaid, comprehensive and diverse election coverage to fully inform the public. Nevertheless, sponsored content was often not clearly recognizable as such on some TV and radio channels.⁵³ In addition, some newspaper articles were clearly of a promotional nature but were not labelled as such.

The legislation should be amended to redefine the permissible formats of paid advertising and prohibit blurring the paid content with newscasts. Regulations requiring that paid content be clearly labelled and prohibiting hidden advertising should be introduced.⁵⁴ The CEM could be tasked with supervising overall compliance with regulations concerning paid and editorial content based on media monitoring, and with power to provide remedy during the campaign period in a timely manner.

B. THE MEDIA ENVIRONMENT



Although Bulgaria has a pluralistic media system, several elements of the overall media environment may have exerted a limiting effect on the transparency and accountability of information flow during the election campaign.

The lack of comprehensive media ownership rules combined with the withdrawal of foreign investors from the media market has led to a growing concentration of media ownership in the hands of a restricted circle of businesspeople.⁵⁵ In this respect, many interlocutors raised concerns about the lack

⁵² There is a legal loophole in the Electoral Code as it fails to specify how media outlets that do not have a web page are to make publicly available their contracts and rates. In addition, the CEC acts only upon a complaint being filed, as it does not have the administrative resources to monitor compliance with the relevant provisions.

⁵³ A format for paid coverage was systematized under one programme for all television outlets - *Parlamentarni Izbori 2013*. Nevertheless, this was sometimes not clearly labeled as paid coverage.

⁵⁴ Hidden advertising refers to disguising paid election or political coverage as editorial content.

⁵⁵ There are no rules against excessive concentration of media ownership. When determining media ownership eligibility, Bulgaria relies primarily on general competition law rather than on specific rules on competition and pluralism of media markets. The Law on Protection of Competition only prohibits the abuse of dominant position and does not address monopoly or excessive concentration *per se*. The law does not specify pre-determined thresholds to assess whether there is abuse of dominant position thereby leaving ample margin of interpretation to the Commission on Protection of Competition (CPC), the body in charge of assessing the matter. The CPC has full discretion to adjudicate cases without applying any specific, objective criteria. Furthermore, there are no strictly defined limits to market share, share of circulation/audience, or share of advertising.

of independence of the media from undue economic and political pressure.⁵⁶

Consideration could be given to adopting specific provisions concerning media markets and pluralism in order to assess concentration of media ownership. Application of special media pluralism tests could be considered to protect the public interest from excessive ownership concentration and ensure that dominance in ownership is addressed in a consistent manner.

Media ownership and funding lacks transparency.⁵⁷ OSCE/ODIHR EOM interlocutors stressed that the existing mechanisms to ensure transparency of media ownership are ineffective because of the weak enforcement system and the presence of off-shore companies in the media market. Although the Compulsory Deposition of Printed and Other Publications Act mandates disclosure of the actual owners of print media before the Ministry of Culture, several publications do not comply with this requirement. Likewise, the Radio and Television Act requires that information on media ownership be submitted to the CEM. However, off-shore companies, whose owners and funding can be concealed, are allowed to hold interests in domestic media.

Measures should be taken to ensure full transparency of media ownership by requiring and enabling the CEM and the Ministry of Culture to clearly identify the ultimate and benefiting owners of media houses. More stringent controls and sanctions could be imposed, including the interdiction of off-shore media ownership so as to ensure that media outlets provide the required ownership and funding information in a comprehensive and timely manner to the competent bodies. The information on media ownership and funding sources should be available to the public.

OSCE/ODIHR EOM interlocutors raised concerns regarding the ineffectiveness of the current self-regulatory mechanism and on-going breaches of professional journalistic standards. Interlocutors also stressed a progressive loss of content diversity as well as reduced space for quality and investigative journalism.

Consideration could be given to fostering media self-regulation and to its enforcement through a monitoring mechanism with a possibility to sanction and address breaches of ethical standards. Rewards for compliance with journalistic professional norms may be established and could serve as an incentive.

C. COVERAGE OF THE ELECTION CAMPAIGN

The OSCE/ODIHR EOM media monitoring results showed that, on average, more than 45 per cent of the overall airtime during prime-time coverage on monitored public television and radio was paid for.⁵⁸ This regime was detrimental to parties not disposing of large financial resources and which did not benefit from state funding, as well as to the editorial freedom of the public media.⁵⁹

⁵⁶ For instance, see the Council of Europe guidelines on media concentration and its assessment as a tool to promote freedom of expression and freedom of the media, including Recommendation CM/Rec(2007)2 of the Committee of Ministers to member states on media pluralism and diversity of media content, and Recommendation No. R(99)1 on measures to promote media pluralism.

⁵⁷ Insufficient transparency of media ownership is a key problem in most European countries, as shown in the report Transparency of Media Ownership in Europe issued by Access Info Europe, available at: http://www.opensocietyfoundations.org/sites/default/files/Transparency_Media_Ownership_Europe_20121217_0.pdf.

⁵⁸ On 19 April 2013, the OSCE/ODIHR EOM started a quantitative and qualitative monitoring of the prime-time broadcasts of four television stations (BNT 1, bTV, Nova TV and TV7), two radio stations (Horizon and *Darik Radio*) as well as of the content of three newspapers (*Telegraf*, *24 Chasa* and *Standart*).

⁵⁹ More than 70 per cent of the total prime-time broadcast was purchased by parties receiving state funds.

Consideration could be given to introducing measures fostering equality of opportunities among election contestants to buy airtime. One such possible measure could be the use of the lowest unit charge mechanism. According to this mechanism, during the official campaign period, radio or television should be limited in what they may charge a candidate for airtime.

The wiretapping scandal dominated media electoral campaign coverage (27 per cent of the overall prime time editorial coverage on radio and television) at the expense of discussion of parties' platforms. GERB was the party receiving the largest coverage, albeit in a negative context driven by the scandal (31 per cent of airtime nearly half of which was negative). There was virtually no coverage of parties' campaign activities in newscasts on the main public and private broadcast media.⁶⁰

Although the Electoral Code does not provide for free airtime, the public service broadcasters granted electoral contestants free airtime on popular election-related programmes. To a certain extent, non-paid election-related programmes allowed voters to have access to editorial-driven campaign coverage. This was dominated by the two main political forces, GERB and Coalition for Bulgaria, which respectively received an average of 27 and 17 per cent of the overall prime-time broadcast. However, both public and private media undertook an effort to provide free access to a broad range of parties. The main party leaders decided not to participate in any televised debates, with a consequent lack of joint discussion on issues of public interest.⁶¹

The CEC sanctioned one television station for breaching the Electoral Code provision that prohibits canvassing during the silence period and on election day.⁶² The same television station aired three separate press conferences on 11 May held by *Ataka*, BSP and MRF following the seizure of ballots at the official printing house. However, no complaint was filed and the CEC was not required to adjudicate the possible breach of the campaign silence period in this case. A number of websites published opinion polls during the campaign silence period, in breach of the existing regulations.⁶³

Consideration should be given to introducing a clear definition of what constitutes canvassing. To enforce the campaign silence provisions efficiently, the definition could include not only direct propaganda, but also indirect forms of canvassing. Regulations could also specify who should be held responsible for breaches of provisions concerning the campaign silence period.

XI. PARTICIPATION OF MINORITIES

According to the last census conducted in 2011, 84.8 per cent of the population is ethnic Bulgarian, while 8.8 and 4.9 per cent are ethnic Turks and Roma, respectively.⁶⁴ Other ethnic groups fall below one per cent of the population. Article 54.1 of the Constitution provides for the right of individuals to self-identification, however, it does not make a clear reference to national minorities. In addition,

⁶⁰ Although there were often news reports on projected election results and experts' analysis on election scenarios.

⁶¹ The only major party leader who attended a multi-party debate was Volen Siderov on the 'Referendum' programme on BNT on 7 May.

⁶² On 12 May, the CEC recognized that article 133.6 of the Electoral Code had been violated and upheld GERB's complaint against TV7 for re-broadcasting an interview with the leader of BSP on 11 May.

⁶³ According to the Electoral Code, results of public opinion polls should not be made public during a period commencing 24 hours before election day and ending with the closing of the polls.

⁶⁴ Unofficial estimates on the actual number of Roma approximate 800,000, some 10 per cent of the overall population.

article 11.4 prohibits the formation of political parties on “ethnic, racial or religious basis”.⁶⁵ According to the opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities, the legislation that prohibits the formation of political parties on ethnic basis can lead to unwarranted limitations on the rights of national minorities.⁶⁶

The Electoral Code stipulates that the election campaign is to be conducted in the Bulgarian language.⁶⁷ This provision is at odds with the OSCE commitments and other international standards that refer to the right to use minority languages in the electoral process and the right to have access to election-related information in minority languages.⁶⁸

Individuals that identify themselves as belonging to minorities should be allowed to use their mother tongue in an election campaign in order to promote their effective participation in public affairs. Consideration could also be given to providing voters with information and other official election materials in minority languages, which would enhance their understanding of the electoral process.

Two political parties representing the interests of the Turkish community contested the elections, the MRF and People’s Party Freedom and Dignity (PPFD). The Roma minority remains evidently marginalized from social and political life.⁶⁹ On 8 April, 15 Roma organizations withdrew their membership from the National Council for Co-operation on Ethnic and Integration Issues, protesting their marginalization and calling for the establishment of a new institutional structure for the effective implementation of the National Roma Integration Strategy. Most political parties and coalitions did not include policies for Roma integration in their electoral programmes and did not field Roma candidates. According to OSCE/ODIHR EOM interlocutors, the composition of the newly elected parliament is the first one without any Roma representative since 1991.

OSCE Ministerial Council Decisions No. 6/08 on “Enhancing OSCE Efforts to Implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area” and No. 8/09 on “Enhancing OSCE Efforts to Ensure Roma and Sinti Sustainable Integration” should be fully implemented in order to ensure full participation of Roma in public and political life. Furthermore, political parties could make greater efforts to explain their policies and reach out to voters of different ethnic communities.

XII. CITIZEN AND INTERNATIONAL OBSERVERS

The Electoral Code provides for citizen and international election observation. The February 2013 amendments to the Electoral Code introduced detailed provisions on the scope of rights and

⁶⁵ In its Decision No. 4 of 1992 on the registration of the DPS, the Constitutional Court 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.

⁶⁶ Advisory Committee on Framework Convention, Opinion on Bulgaria, article 7, adopted on 27 May 2004. Bulgaria ratified the Council of Europe Framework Convention for Protection of National Minorities in 1999.

⁶⁷ On 17 May, the Regional Governor, upon the decision of the DEC 21 (Sliven), sanctioned the leader of MRF, Lutvi Mestan, for campaigning in the Turkish language with a fine of 2,000 BGN (around Euro 1,000).

⁶⁸ General Comment 25 adopted by the United Nations Human Rights 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 “people belonging to national minorities have the right [...] to disseminate, to have access to and exchange information in their mother tongue” and paragraph 35 which states that “the participating States will respect the right of people belonging to national minorities to effective participation in public affairs (...)” See also the Council of Europe Framework Convention for Protection of National Minorities ratified by Bulgaria in 1999.

⁶⁹ In March 2012, the parliament adopted a National Roma Integration Strategy and an Action Plan, with a broad approach encompassing issues such as: non-discrimination, education, housing, media coverage and healthcare.

responsibilities of observers and party proxies, which was a long-standing OSCE/ODIHR and Council of Europe's Venice Commission recommendation. Observers are granted access to all stages of the electoral process and may attend sessions of election commissions at all levels. Observers and proxies are also entitled to receive copies of results protocols at polling stations.

The Electoral Code entitles PECs to expel observers or party proxies from polling stations on election day if they wear insignia other than those officially established by the CEC. The CEC passed a regulation on accreditation of observers and the scope of their rights, but did not draw a distinction between insignia that have a campaign element and those that do not. This leaves space for the arbitrary implementation of the provision, although it was not an issue on election day.

Nineteen citizen organizations with some 14,000 observers and six international organizations with 284 observers were registered in an inclusive manner.⁷⁰ The Electoral Code does not set a deadline for submitting an application for the accreditation of citizen and international observers nor for the registration of the proxies of contestants. The impact of this surfaced the day before election day when the DEC received some tens of thousands of requests for the registration of proxies and did not manage to process all the data and issue certificates for each proxy in time for election day.

In order to ensure the rights of observers and proxies and avoid delays in DECs, reasonable deadlines for submitting requests for the registration of observers and proxies could be introduced in the law.

XIII. COMPLAINTS AND APPEALS

The Electoral Code generally provides for one level of appeal on election commission decisions. DEC decisions are appealable to the CEC, with no possibility of further appeal.⁷¹ The Electoral Code specifies which CEC decisions can be appealed to the SAC and also determines deadlines for the submission of appeals. CEC decisions related to the registration and deregistration of political parties and to the denial to register a political party can be appealed within 24 hours. All other decisions are appealable within three days. The OSCE/ODIHR and the Council of Europe's Venice Commission Joint Opinion emphasized the short deadlines for appeals of decisions on registration of parties.⁷²

Consideration could be given to extending the deadline for appealing decisions on registration, denial of registration and deregistration of electoral contestants.

The concern about the limited right to appeal CEC decisions, which was also raised by the OSCE/ODIHR and the Venice Commission, was partially addressed by a Constitutional Court ruling in May 2011.⁷³ The Court clarified that, where rights to appeal were not specifically defined in the Electoral Code, the general right to judicial review guaranteed by the Constitution would apply and could be exercised through the application of the Administrative Procedure Code. However, an appeal handled through the general administrative procedure may not provide effective remedy due to the

⁷⁰ The OSCE/ODIHR EOM is aware of only four citizen observation groups that published reports on their observation findings.

⁷¹ DEC decisions related to the registration of nominating committees and registration of candidate lists, appealed before the CEC, can be further appealed before the SAC within three days from the CEC decision.

⁷² See also Code of Good Practice in Electoral Matters of the Venice Commission, (3.3.g), which states that time limits must be short, but long enough to make an appeal possible, to guarantee the exercise of rights of defense and reflected decision, with a reasonable time limit of three to five days.

⁷³ Constitutional Court Decision No.4, 4 May 2011.

lengthy time limits involved.⁷⁴ In four cases on the issue of the electoral deposit, the SAC ruled that the CEC decisions were not appealable and transferred appeals to the Administrative Court of Sofia, which upheld the CEC decisions.⁷⁵ Additional eight cases were dismissed by the SAC on the same grounds, namely that the CEC decisions were not appealable, but were not transferred to the Administrative Court. This left aggrieved parties without effective remedy at times, contrary to paragraph 5.10 of the OSCE Copenhagen Document.

Consideration could be given to reviewing the legal framework to explicitly provide the legal right to appeal all election-related decisions to a competent body, in line with OSCE commitments and international good practice.

Throughout the campaign, on election day and in the post-election period, electoral contestants made use of the legal means available to file complaints. The election commissions as well as the SAC addressed pre-election complaints and appeals in a timely manner.⁷⁶ On election day, DEC's received a total of 286 complaints: 216 were related to the voting process, 45 to campaign materials posted outside designated areas and 25 to vote-buying and other crimes (these complaints were redirected to the police). Due to a lack of time and resources, a number of complaints submitted on election day were not resolved within the prescribed deadline.⁷⁷ Election commissions in a number of cases did not issue written decisions on complaints and appeals.⁷⁸

The lack of written rules for handling complaints resulted in an inconsistent approach in considering complaints and in divergence in the decisions adopted.⁷⁹ The CEC tried to ensure consistency in the procedure followed by DEC's by annulling those DEC decisions that were not in line with the CEC practice.

Consideration could be given to adopting and unifying rules of procedure for complaints and appeals.

The results of parliamentary elections can be challenged before the Constitutional Court by political parties, coalitions and candidates, including those running independently, but only through the institutions stipulated in the Constitution.⁸⁰ In addition, these institutions are not obliged to respond to such initiatives by submitting the complaint to the Constitutional Court. Furthermore, once the procedure is initiated, the Constitution does not provide a deadline for the Constitutional Court to pass the

⁷⁴ See OSCE Copenhagen Document paragraph 5.10 and Code of Good Practice in Electoral Matters of the Venice Commission paragraph 3.3.g.

⁷⁵ Four political parties, which were not registered on the grounds that they did not produce 7,000 valid signatures requested a refund of their deposit. The CEC denied the request reasoning that only parties receiving more than one per cent of valid votes nationwide were entitled to a refund.

⁷⁶ The CEC handled 43 complaints on the DEC decisions, mostly related to the registration of candidates and the composition of PECs. The DEC's handled 180 complaints, mostly related to the violation of campaign rules.

⁷⁷ The Electoral Code prescribes that all complaints on election day must be examined forthwith and before the closing of the polls (articles 26.1.8 and 29.1.15) and a decision must be made public within the same deadline.

⁷⁸ In some cases complainants were only orally informed about decisions on complaints and appeals while in some other cases they were not informed at all.

⁷⁹ On a complaint regarding campaign material posted in areas not designated by the local administration, DEC's followed different procedures in considering the same matter. DEC 27 (Stara Zagora) repealed the complaint, reasoning that the evidence submitted by the complainant was not conclusive (pictures were not clear enough), while DEC 2 (Burgas) and DEC 5 (Vidin) examined the photos submitted, in addition to telephoning officials or going to the site themselves. After collecting evidence, both DEC's ruled in favour of the complainant and ordered the removal of the material.

⁸⁰ These include one-fifth of the members of the parliament, the President, the Council of Ministers, the Supreme Court of Cassation, the SAC and the Prosecutor General.

decision on the complaint. The OSCE/ODIHR and the Council of Europe's Venice Commission Joint Opinion raised concerns about the limited right to appeal election results.⁸¹

An effective mechanism for challenging election results should be granted to all electoral contestants, as well as individual citizens on the grounds of irregularities in the voting procedures. A deadline for the Constitutional Court to adopt a decision should be established.

XIV. ELECTION DAY

Election day took place in a calm and orderly manner. The CEC announced final voter turnout of 51.3 per cent, with regional variations from 36 per cent in DEC 9 (Kardzhali) to 57 per cent in DEC 23 (Sofia city). On election day, international observers followed opening procedures in 59 polling stations, voting in 643 polling stations (international observers paid a total of 657 visits to polling stations, visiting some of them more than once), and the vote count in 57 polling stations. The tabulation of results was observed in all 31 DECes. Proxies of the contestants and citizen observers were present in the majority of observed polling stations throughout election day.

A. OPENING AND VOTING

International observers assessed opening procedures positively in 50 out of the 59 observed polling stations, but noted some procedural problems. For instance, in three cases the PEC registry was not stamped, and in two cases the ballot boxes were not shown to be empty and sealed securely before the start of voting. Most stations were not open for voters at 7:00, but in only one case was the voting delayed by more than 15 minutes. Three observer teams witnessed unauthorized people present in polling stations; in one instance, the person was interfering in the process. In four polling stations, observers and party proxies had no clear view, and in a further three polling stations, international observers were restricted in their observations during the opening process.

The voting process was orderly and well organized in the majority of cases observed. It was assessed positively in 97 per cent of observations. In three per cent of cases, international observers assessed the voting process negatively, mainly because the ballot boxes were not properly sealed and large groups of voters were waiting outside of polling stations to vote. International observers were limited in their observations in four per cent of polling stations visited.

In almost all observations, the necessary election and information materials were present, and polling stations were reported to be adequate for voting purposes. Some 340 polling stations observed (53 per cent of observed polling stations) were not readily accessible for people with disabilities, while the interior layout of some 195 stations was also found not suitable for such voters. According to the Electoral Code, people with disabilities should be able to vote at any polling station.

In the vicinity of 11 polling stations, campaign activities were taking place, while inside 12 polling stations campaign materials were observed. International observers reported overcrowding inside 16 stations observed (2 per cent), and tension or unrest at 11 stations (2 per cent). They also reported 18 cases (3 per cent of observations) where unauthorized people were present at polling stations.

⁸¹ The Code of Good Practice in Electoral Matters of the Venice Commission, (3.3.f) states that the appeal body in electoral matters should be either an electoral commission or a court. All candidates and all voters registered in the constituency must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections.

Observers reported 3 cases of pressure on or intimidation of voters during voting and 9 cases of attempts to influence voters.

B. COUNTING AND TABULATION

The count was observed in 56 polling stations, 10 of which were assessed negatively. In 23 counts observed, the sequence of counting procedures was not followed as prescribed by the law with safeguards being circumvented, such as packing of unused and spoiled ballots before opening the ballot boxes. In seven cases, ballot boxes were not shown to be securely sealed before they were opened while in 15 counts PEC members did not show all the ballots to those present. In addition, in 10 cases the determination of the validity of the ballot was unreasonable or inconsistent. This potentially called into question the impartiality of some election commissions.

Transparency of the counting process was at times undermined. In ten cases international observers were restricted in their observations. Extended breaks during the counting process occurred in four cases, while in three of those cases the election materials did not remain in full view of those present. Citizen observers were expelled from two polling stations and international observers were not given copies of PEC results protocols in seven cases, although this is stipulated in the law. In 17 instances, a copy of the results protocol was not posted for public scrutiny immediately after it was signed, which is an important security measure to promote confidence.

Difficulties in completing the results protocol were observed in 14 polling stations and 5 PECs did not do the control check of protocol figures. In four cases the PEC results protocol had been pre-signed. Unauthorised people participated in or directed the counting process in seven cases. Undue involvement of such people is of concern as it might undermine the principle of independence of the election administration.

The tabulation of election results was observed in all 31 DEC. The overall assessment was positive in 27 out of 31 DEC. Problems were observed in DEC 21 (Sliven), 24 and 25 (Sofia city) and 29 (Haskovo). In three of these four cases, transparency was undermined due to the intentional restriction of observers following the tabulation procedures. Observers were not able to fully follow the data entry in 13 cases. Overcrowding in some DEC also limited the ability of those present to observe the process. In 12 DEC, the facilities for reception and tabulation of the PEC protocols were not adequate. In Sliven, the atmosphere became tense due to the slow processing of protocols and police were called in to re-establish order. Unauthorized people were present in six DEC, although not interfering in the process.

International observers reported that not all PEC protocols had been completely filled in upon arrival at the DEC (10 reports). They also noted cases where DEC had to correct arithmetical errors (6 reports), although the Electoral Code does not allow for such amendments. The PECs made numerous technical mistakes and omissions while completing the protocols, although not related to the actual election results. The mistakes, which had to be corrected by PEC members, significantly slowed down the tabulation process.

C. ANNOUNCEMENT OF RESULTS

The CEC announced and published the preliminary data on turnout on its website as of 10:30, 13:30 and 17:30 on election day, while data on the final turnout was published only in the afternoon of the following day. Preliminary, nationwide results were posted starting after midnight on election night, but not by polling station, which is not in line with good practice. Scanned copies of PEC results protocols were posted by the DEC on their websites on the afternoon of the following day.

In order to enhance transparency and public confidence in the electoral process, the CEC and DEC's should provide expedient publication of detailed and disaggregated results by polling station as well as the DEC's' aggregation tables on their websites to increase transparency and to raise confidence that the votes are being honestly counted and reported, as per OSCE commitments.

The CEC established a working group comprising CEC members nominated by different parliamentary groups for tabulating the DEC results and voting results from polling stations abroad. The CEC provided a second entry of all data from PEC results protocols into the computer system in order to verify the correctness of the data tabulated in the DEC's. Numerous technical and data entry mistakes were discussed and addressed by the CEC in an open collegial manner. The final election results were declared by the CEC on 15 May followed by the allocation of parliamentary mandates between the political parties and coalitions. In total, 60 of 240 (25 per cent) newly-elected members of parliament are women. In the 2009 parliamentary elections, 46 women (19 per cent) initially succeeded in entering parliament; as of 3 August 2009, after the formation of the government this number increased to 52 women (21 per cent).⁸² The decision on the results of the elections was passed by the CEC unanimously and nationwide results disaggregated by polling station were posted on the CEC website.

According to the final results as published by the CEC, 90,047 ballots were declared invalid (2.5 per cent of all votes cast). This number varied from 4.3 per cent in DEC 9 (Kardzhali) and 3.8 per cent of all ballots cast abroad, to some 1.8 per cent in all DEC's of Sofia city. In some 50 polling stations throughout the country the number of ballots declared invalid exceeded 20 per cent of all ballots cast and raises concern about the efficiency of voter education.

Voter education could be more timely and thorough, conducted through diverse channels, including by DEC's, regional authorities, and possibly in collaboration with relevant NGOs.

The OSCE/ODIHR EOM was able to compare 50 certified PEC protocols obtained by international observers against the official results posted on the CEC website. No serious discrepancies were found in the second part of the protocol that covers actual voting results. However, numerous mistakes were detected in the first part of the protocol in 35 of 50 protocols verified. In particular, there were cases where not all the fields of the protocol were filled in as prescribed by the law, technical mistakes and omissions were found, and control sums were not respected. Many copies of the protocols were not certified in the manner prescribed by law.

Such a large number of technical mistakes in the protocols, as well as multiple corrections of protocols observed during the tabulation process in DEC's raised serious concerns about the overly complicated format of the PEC results protocol. In addition to the fields in which the distribution of votes among the contestants should be reflected, the PEC results protocol contains fields for a variety of additional data, most of which is of a technical nature and is not related to the election results as such.⁸³

⁸² Additional women gained seats in the parliament following the nomination of some elected members of the parliament to the cabinet.

⁸³ The form of the results protocol contains, among other, indicator items such as the number of people who assisted disabled voters, in breakdown of those whose data were recorded in the PEC registry and in the voter list; the number of people present in the polling station during voting and counting, in breakdown of proxies and observers.

Consideration could be given to reviewing the format of PEC results protocol with a view to limiting the amount of data to be included to cover different categories of voters included in the voter lists, the use of the ballots and the actual distribution of the votes. The intermediate control formulas and the data on the number of complaints should remain. Other technical data could be gathered or reported after election day.

XV. POST-ELECTION DAY DEVELOPMENTS AND POST-ELECTION DISPUTES

According to official election results, GERB won 30.54 per cent of the votes and gained 97 seats. Coalition for Bulgaria was the second political force with 84 seats, having won 26.61 per cent of the votes. The other two political parties represented in parliament are MRF with 36 seats and *Ataka* with 23 seats, winning 11.31 and 7.30 per cent of the votes, respectively. On 29 May, the Coalition for Bulgaria, backed by the MRF, formed a government, following GERB's unsuccessful attempt to do so a week earlier.

GERB, as well as several other political parties not in parliament, publicly disputed the election results, reasoning that the statements issued by the Prosecutor General, the parties and the CEC during the campaign silence period damaged GERB's electoral chances. GERB's parliamentary group submitted three official complaints to the Constitutional Court on 22 May calling for the annulment of the election results. The complaints were based on, among others, the violation of the campaign silence, irregularities in the voting process in Turkey, the CEC not handling the appeals process in accordance with the law, significant discrepancies between PEC protocols and those published by the CEC on its website, and the issue of the additional ballots found in the official printing house on the eve of the elections. On 29 May, 11 and 13 June, the Constitutional Court found that all three complaints had been filed in line with procedural requirements and decided to examine the complaints in substance. In addition, some smaller parties also challenged the election results positing various alleged malpractices.⁸⁴ On 9 July, the Constitutional Court ruled in one of the complaints that irregularities were not of a serious nature and did not affect the outcome of elections.

The Prosecutor's Office completed its count of the additional ballots on 6 June 2013. They amounted to 480,000 as opposed to the 350,000 that had been reported on the eve of the election. These additional ballots, of which 170,000 were damaged, were for all the constituencies. At the time of writing, the investigation was still on-going.

XVI. RECOMMENDATIONS

The following recommendations are offered for consideration by the authorities, political parties and civil society of the Republic of Bulgaria, in further support of their efforts to conduct elections fully in line with OSCE commitments and other standards for democratic elections. These recommendations should be read in conjunction with past OSCE/ODIHR recommendations that remain to be addressed. The OSCE/ODIHR stands ready to assist the authorities of the Republic of Bulgaria to further improve the electoral process and in following up on the recommendations contained in this and previous reports.

⁸⁴ The Christian Democratic Party, the Other Bulgaria, Liberal Alliance, Social Christian Union, Bulgarian Spring and several other political parties held a press conference disputing the election results on 16 May.

A. PRIORITY RECOMMENDATIONS

1. Additional efforts are needed to address the persistent issue of vote-buying, both through voter education and prosecutions, in order to restore confidence in the electoral process. A concrete and genuine commitment from political parties to condemn vote-buying practices could be made.
2. Voters and electoral contestants should not be subject to pressure or intimidation. Any instances and allegations of pressure and intimidation should be thoroughly and effectively investigated and prosecuted by relevant authorities.
3. The CEC should adopt key decisions and clarifications to ensure uniform and proper implementation of election-related legislation in a timely manner, including on essential logistical issues. The CEC should also define the rules for the production and distribution of ballots and be able to check compliance with those rules.
4. Consideration should be given to reviewing the legal provisions regarding the criteria to be considered in the delineation of constituencies and allocation of mandates through a public and inclusive discussion to ensure compliance with the principle of equal suffrage.
5. Consideration could be given to reviewing the legal framework to explicitly provide the legal right to appeal all election-related decisions to a competent body, in line with OSCE commitments and international good practice.
6. Consideration could be given to adopting and unifying rules of procedure for complaints and appeals.
7. An effective mechanism for challenging election results should be granted to all electoral contestants, as well as individual citizens on the grounds of irregularities in the voting procedures. A deadline for the Constitutional Court to adopt a decision should be established.
8. The legal framework regulating media coverage of the election campaign should be comprehensively reviewed to guarantee the public service media broader autonomy in their editorial choices for electoral campaign coverage and to reduce the share of paid advertising.
9. Consideration could be given to amending the Radio and Television Act to introduce general provisions for election campaign coverage in private broadcast media such as an obligation for balanced coverage, while preserving the balance between the principle of equal opportunities among contestants, pluralism of views and journalistic freedom. The rules regulating the publishing of contracts between the media and electoral contestants could include a requirement that information be provided in a systematic and standardised format within the required deadlines.
10. Individuals that identify themselves as belonging to minorities should be allowed to use their mother tongue in an election campaign in order to promote their effective participation in public affairs. Consideration could also be given to providing voters with information and other official election materials in minority languages, which would enhance their understanding of the electoral process.
11. The legislation should be amended to redefine the permissible formats of paid advertising and prohibit blurring the paid content with newscasts. Regulations to require that paid content be

clearly labelled and to prohibit hidden advertising should be introduced.⁸⁵ The CEM could be tasked with supervising overall compliance with regulations concerning paid and editorial content based on media monitoring, and with power to provide remedy during the campaign period in a timely manner.

12. Measures should be taken to ensure full transparency of media ownership by requiring and enabling the CEM and the Ministry of Culture to clearly identify the ultimate and benefiting owners of media houses. More stringent controls and sanctions could be imposed, including the interdiction of off-shore media ownership so as to ensure that media outlets provide the required ownership and funding information in a comprehensive and timely manner to the competent bodies. The information on media ownership and funding sources should be available to the public.

B. OTHER RECOMMENDATIONS

LEGAL FRAMEWORK

13. Consideration could be given to extending the deadline for appealing decisions on registration, denial of registration and deregistration of electoral contestants.
14. The restriction of suffrage rights for citizens serving prison terms, regardless of the severity of the crime committed should be reconsidered to ensure proportionality between the limitation imposed and the severity of the offense.
15. Consideration should be given to introducing a clear definition of what constitutes canvassing. To enforce the campaign silence provisions efficiently, the definition could include not only direct propaganda, but also indirect forms of canvassing. Regulations could also specify who should be held responsible for breaches of provisions concerning the campaign silence period.

ELECTION ADMINISTRATION

16. Training for election commission members could be strengthened with particular emphasis on counting procedures and the completion of results protocols.
17. Voter education could be more timely and thoroughly conducted through diverse channels, including by DEC's, regional authorities, and possibly in collaboration with relevant NGOs.
18. In order to reduce perceptions of political bias, the CEC should ensure the implementation of legal provisions on the proportionality of representation of parliamentary groups in all leadership positions at all levels of the election administration.

VOTER REGISTRATION

19. To diminish any chance of misuse of supplementary voter registration, consideration could be given to introducing reasonable deadlines for all categories of voters to apply for changes of voting location prior to election day. Judicial oversight for election day voter registration could be foreseen.

⁸⁵ Hidden advertising refers to disguising paid election or political coverage as editorial content.

20. In order to increase public trust in the integrity of the voter registration process, the GRAO could provide the public with data on voter registration disaggregated by districts, by municipalities and by categories of voters.

REGISTRATION OF CANDIDATES

21. The process of registration of candidate lists and independent candidates could be simplified with a view to creating equal opportunities for them to stand for elections. In addition, the number of signatures required for the registration of independent candidates should be reduced.

CAMPAIGN AND CAMPAIGN FINANCING

22. It should be ensured that all political parties and nomination committees submit information to the public register maintained by the NAO as required by the law on an ongoing basis. The NAO could have the authority to request this information if failure to submit it is suspected and to sanction the respective party for failure to comply with the law. The authority of the NAO could be strengthened and additional resources granted thereby enabling it to crosscheck and verify the authenticity of reported expenditures of electoral contestants against actual expenditures.
23. In order to restore public trust in the electoral process, investigation into the case of the overprint of ballots should be conducted in a transparent manner and those responsible be held liable.

MEDIA

24. Consideration could be given to adopting specific provisions concerning media markets and pluralism in order to assess concentration of media ownership. Application of special media pluralism tests could be considered to protect the public interest from excessive ownership concentration and ensure that dominance in ownership is addressed in a consistent manner.
25. Consideration could be given to fostering media self-regulation and to its enforcement through a monitoring mechanism with a possibility to sanction and address breaches of ethical standards. Rewards for compliance with journalistic professional norms may be established and could serve as an incentive.
26. Consideration could be given to introducing measures fostering equality of opportunities among election contestants to buy airtime. One such possible measure could be the use of the lowest unit charge mechanism. According to this mechanism, during the official campaign period, radio or television should be limited in what they may charge a candidate for airtime.

PARTICIPATION OF MINORITIES

27. OSCE Ministerial Council Decisions No. 6/08 on “Enhancing OSCE Efforts to Implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area” and No. 8/09 on “Enhancing OSCE Efforts to Ensure Roma and Sinti Sustainable Integration” should be fully implemented in order to ensure full participation of Roma in public and political life. Furthermore, political parties could make greater efforts to explain their policies and reach out to voters of different ethnic communities.

CITIZEN AND INTERNATIONAL OBSERVERS

28. In order to ensure the rights of observers and proxies and avoid delays in DEC's, reasonable deadlines for submitting requests for the registration of observers and proxies could be introduced in the law.

ELECTION DAY

29. Consideration could be given to reviewing the format of PEC results protocol with a view to limiting the amount of data to be included to cover different categories of voters included in the voter lists, the use of the ballots and the actual distribution of the votes. The intermediate control formulas and the data on the number of complaints should remain. Other technical data could be gathered or reported after election day.
30. In order to enhance transparency and public confidence in the electoral process, the CEC and DEC's should provide expedient publication of detailed and disaggregated results by polling station as well as the DEC's' aggregation tables on their websites to increase transparency and to raise confidence that the votes are being honestly counted and reported, as per OSCE commitments.

ANNEX A: FINAL RESULTS OF THE EARLY PARLIAMENTARY ELECTIONS

Name of party / coalition / independent candidate	Votes received	Share of votes	Seats in Parliament	Name of party / coalition / independent candidate	Votes received	Share of votes
GERB	1,081,605	30.54%	97	Bulgarian Agrarian Union	7,715	0.22%
Coalition for Bulgaria	942,541	26.61%	84	Party of Bulgarian Women	6,545	0.19%
MRF	400,466	11.31%	36	Union of Communists in Bulgaria	6,168	0.17%
ATAKA	258,481	7.30%	23	United People's Party	6,143	0.17%
NFSB	131,169	3.70%		Bulgarian Left	5,924	0.17%
Movement Bulgaria to the Citizens	115,190	3.25%		Coalition: Bulgarian Spring	4,097	0.12%
Coalition: DSB-BDF	103,638	2.93%		Christian-democratic Party	3,722	0.11%
VMRO - Bulgarian National Movement	66,803	1.89%		Middle European Class	3,539	0.10%
LIDER	61,482	1.74%		National-democratic Party	3,445	0.10%
Order, Law and Justice	59,145	1.67%		<i>DANO</i>	3,414	0.10%
Coalition: Center - Freedom and Dignity	57,611	1.63%		National Patriotic Alliance	3,239	0.09%
Coalition: Union of Democratic Forces	48,681	1.37%		Democratic Party	3,160	0.09%
People's Voice	47,419	1.34%		The Other Bulgaria	2,497	0.07%
The Greens	26,520	0.75%		Cause Bulgaria	2,234	0.06%
New Alternative	18,267	0.52%		National Movement United	1,786	0.05%
Coalition: <i>Gorda Bulgaria</i>	16,126	0.46%		Christian-social Union	1,687	0.05%
Democratic Citizens' Initiative	15,482	0.44%		Social-democratic Party	1,300	0.04%
Coalition: Modern Bulgaria	14,352	0.41%		Independent: Ivan Slavkov	990	
Liberal Alliance	8,873	0.25%		Independent: Joro Nichev	739	

Aggregated Data from the PEC Results Protocols

Number of voters in the main voter list included before the election day	6,919,260	Number of ballots, not cast into a ballot box	3,301,252
Number of voters added to the main voter list on election day	129,016	<i>including</i>	
<i>Including</i>		unused or damaged	3,277,213
PEC members and police officers	40,758	invalidated due to compromising the secrecy of the vote	11,096
voters abroad	82,246	spoiled by voters and returned to PEC	12,943
Number of voters in the supplementary voter lists	19,227	Total number of ballots found in the ballot box	3,632,174
<i>Including</i>		Invalid votes	90,047
disabled people	3,435	<i>including</i>	
pupils and students	14,817	ballots of unofficial form or not stamped	16,993
voters who voted with absentee voting certificates	926		
Total number of citizens who voted	3,632,953		
Turnout (voters in the country only)	51.33%		

Source: Central Election Commission,
<http://results.cik.bg/pi2013/rezultati/index.html>

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance and non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).