



## INTERNATIONAL ELECTION OBSERVATION MISSION Bulgaria – Early Parliamentary Elections, 11 July 2021

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### STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

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#### PRELIMINARY CONCLUSIONS

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The 11 July early parliamentary elections were competitive with fundamental freedoms generally respected. The campaign environment was dominated by mutual accusations of corruption between the former ruling party and the provisional government, and underpinned by law-enforcement's actions to curb vote-buying. The elections were conducted under an adequate legal framework overall, which was substantially revised shortly before elections, straining electoral preparations and affecting legal certainty. The technical aspects of the elections were managed efficiently, despite the compressed timeframe, COVID-19 pandemic and late adoption of some important procedural regulations. The transparency and accountability of campaign finance were reduced by the deficiencies in oversight and limited reporting requirements. Media offered scant editorial and news coverage of the campaign, impacting voters' ability to make an informed choice. In the polling stations observed, the voting process was transparent with procedures largely followed. The implementation of machine voting as the only voting method for most voters was generally efficient, with minor malfunctions reported.

The legal framework overall provides an adequate basis for the conduct of democratic elections. The May 2021 amendments introduced mandatory machine voting for most voters, established a new Central Election Commission (CEC), removed limitations and changed the criteria for establishing polling stations abroad. While generally welcomed as an improvement, the amendments were introduced shortly before the elections, limiting the time for informing voters on the new procedures and affecting legal certainty, contrary to international good practice. Longstanding ODIHR and the Council of Europe's Venice Commission recommendations pertaining to key aspects of the electoral process remain to be addressed.

The election administration carried out its duties adequately and complied with most legal deadlines, despite the compressed timeframe. The International Election Observation Mission (IEOM) interlocutors expressed varying degrees of confidence in the work of the CEC and some noted that its partisan composition and insufficient institutional capacity to match its legally vested powers, affected efficient decision-making on contentious issues and complaints, straining electoral preparations. The CEC held regular sessions with substantive discussions which were broadcast online. Numerous Precinct Election Commission (PEC) members did not undergo sufficient training due to late replacements. According to many ODIHR LEOM interlocutors, the lack of timely and comprehensive voter education related to machine voting might have had a dissuasive effect on participation of elderly voters and those with limited computer literacy.

Following recent amendments, voters could only vote with voting machines in regular polling stations with at least 300 registered voters, both in-country and abroad. This was welcomed by many stakeholders as an effort to reduce opportunities for electoral malfeasance, including vote-buying. Some political contestants alleged that the machines were manipulated, without offering any evidence to support such claims. While machine-printed result sheets served as official results, the law foresees no mechanism to verify the machine tallies, affecting transparency of the results. The devices did not include sufficient accessibility features, contrary to the law and international good practice.

The final voter lists contained 6,578,716 registered voters. Most ODIHR LEOM interlocutors expressed confidence in their accuracy but some noted that voters without permanent addresses were excluded from the voter lists. Certain categories of voters, including citizens abroad, could register on election day at the polling station, contrary to international good practice. Prisoners, irrespective of the gravity of the crime, and those deprived of legal capacity by a court decision were disenfranchised, contrary to international standards and a previous ODIHR and Venice Commission recommendation.

In a generally inclusive process, the election administration registered some 5,079 candidates to run on 696 candidate lists of 23 parties and coalitions, and 29 per cent of candidates were women. Citizens holding dual citizenship were not eligible to stand, contrary to international standards. The law does not foresee a mechanism for rectifying registration documents if problems are identified after the deadline, at odds with international good practice.

Fundamental freedoms were generally respected and contestants were able to campaign freely, despite certain restrictions due to the COVID-19 pandemic. The campaign was conducted through in-person meetings and a few larger rallies, and was particularly visible online. Public discourse was dominated by mutual accusations between officials of the provisional government and the former ruling party. In May and June, the provisional government replaced the heads of regional police and governors in many districts as a part of their stated effort to curtail vote-buying and intimidation of voters.

In April 2021, the Constitutional Court reversed the recently introduced possibility of legal entities to donate to campaign funds. The law requires only weekly reporting on donations but not on expenditures during campaign, limiting transparency, and many ODIHR LEOM interlocutors voiced concerns about significant discrepancies between actual and reported spending. The National Audit Office, mandated with campaign finance oversight, is by law not required to identify any unreported spending. The lack of expedited deadlines to address campaign finance violations further weakened the effectiveness of the oversight process. Overall, the legislative shortcomings and limited enforcement undermined transparency and accountability of campaign finance.

The high concentration of media ownership, subject to political influence, had a negative effect on editorial policies and on media pluralism overall. The lack of full investigation of attacks against journalists coupled with criminalisation of defamation contribute to self-censorship. The news coverage of the campaign was overshadowed by extensive coverage of the activities of the provisional government and GERB, and other contestants received only a fraction of such coverage. Many IEOM interlocutors noted improved access of journalists to public information provided by the provisional government and its increased transparency. Lack of comprehensive journalistic reporting limited voters' ability to make an informed choice, at odds with international standards.

Contestants, political parties and observers may file complaints against administrative acts and decisions, which are considered in an expedited manner, in line with good electoral practice. These, however, can only be filed if they prove a direct legal interest, and the law does not explicitly prescribe the right to challenge results at all levels. The shortcomings in the legal framework limited access to effective legal redress, contrary to OSCE commitments and other international standards. During the campaign, the CEC received 40 complaints and 23 alerts, mostly related to PEC formation, candidate registration and campaign violations, and published most decisions on complaints in a timely manner.

The Constitution does not define national minorities but guarantees the right to self-identification. Formation of political parties on an “ethnic, racial or religious” basis is prohibited. The campaign activities in Roma communities were limited. The law only allows campaigning in the official language, Bulgarian, contrary to long-standing ODIHR and Venice Commission recommendations and international standards.

Women overall remain underrepresented in elected and appointed office. The representation of women in the outgoing parliament was 26 per cent. While women accounted for 40 per cent of ministers in the GERB-led government, only 2 of the 18 ministers of the provisional government are women. The law does not contain any special measures to promote women's participation and most political parties did not have internal policies for the promotion of women. Women were well represented at all levels of the election administration, including in leadership positions.

The IEOM did not observe election day proceedings in a systematic or comprehensive manner. Election day took place in a calm and orderly manner, and generally in line with prescribed procedures. Some polling stations opened with a delay, mainly due to voting machine start-up issues. Machine voting was generally uninterrupted, with malfunctions reported in 56 (0.5 per cent) polling stations, where voting continued with the use of paper ballots. Safety protocols against COVID-19 were in place, but not applied consistently. The design and setup of polling stations visited, including those designated by DECs for wheelchair users, were often not suitable for use by persons with disabilities. The process was generally transparent, but IEOM observers noted few instances where secrecy of the vote was compromised. The vote-count observed was efficient and in line with the procedures, though rushed at times.

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## **PRELIMINARY FINDINGS**

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### **Background and Political Context**

On 12 May 2021, following an unsuccessful attempt to form a government after the 4 April parliamentary elections, and in line with the Constitution, the president dissolved the parliament, appointed a provisional government and set early parliamentary elections for 11 July. The 4 April elections brought significant changes to political scene previously marked by the dominance of the ruling party Citizens for European Development of Bulgaria (GERB) and the opposition Bulgarian Socialist Party (BSP), with a new political party, There Is Such A People (ITN), and two new coalitions, Democratic Bulgaria (DB) and Rise Up! Thugs Out! (ISMV), entering the parliament and initiating several key amendments to the election legislation adopted shortly before the dissolution of the parliament.<sup>1</sup>

The elections took place amid a persistent mistrust in the political establishment and the provisional government's claims of prevalent corruption at the highest level of the previous government. Since its appointment, the provisional government replaced several high-level officials of key public institutions.<sup>2</sup> Prolonged public protests, including by members of the judiciary, demanding the dismissal of the Prosecutor General have taken place since July 2020 and continued during the election period.<sup>3</sup>

On 2 June, the United States government imposed sanctions on six prominent Bulgarian public officials and business persons for acts of significant corruption, also targeting associated legal entities.<sup>4</sup> In

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<sup>1</sup> GERB obtained 75 and BSP 43 seats, respectively 20 and 37 less than previously; Movement for Rights and Freedoms (DPS) won 30 mandates; ITN, DB and ISMV obtained 51, 27 and 14 seats, respectively. The United Patriots, *Volya* and *Ataka*, previously represented in the parliament, did not win any seats.

<sup>2</sup> Including the management of regional police, National Revenue and Customs Agencies, Registry Agency, Bulgarian Development Bank, Road Infrastructure Agency, and some public healthcare institutions invoking lack of transparency in the institutions' work or involvement in dubious or illegal practices.

<sup>3</sup> The 2020 protests also targeted the former prime minister. On 23 June 2021, the Union of Judges called on the Supreme Judicial Council to resign stating that its current composition lost legitimacy.

<sup>4</sup> See the U.S. Department of the Treasury [press release](#).

response to this action, the provisional government issued a decision to form an interagency working group to establish a list of persons and legal entities that fall under the scope of these sanctions, and to terminate any relation of state institutions with these persons and entities.<sup>5</sup> An extended list of these was published on 15 June.

Women are generally underrepresented in elected and appointed office. The representation of women in the outgoing parliament was 26 per cent. While women accounted for 40 per cent of ministers in the GERB-led government, only 2 of the 18 ministers of the provisional government are women. The law does not contain any special measures to promote women's participation and most political parties did not have internal policies for the promotion of women, and many ODIHR LEOM interlocutors stated that the patriarchal attitudes continued to limit political participation of women.<sup>6</sup>

## **Electoral System and Legal Framework**

The 240 members of the National Assembly are elected for four-year terms, under a proportional representation system in 31 multi-member constituencies (MMCs). The number of mandates in each MMC is based on the last census, but, by law, must comprise at least four mandates.<sup>7</sup> By law, 26 MMCs correspond to the administrative districts and the remaining five MMCs, in Sofia and Plovdiv, are delineated by the president before each parliamentary election.<sup>8</sup> Delineation of constituencies and seat allocation close to elections is contrary to international good practice.<sup>9</sup> In practice, the constituency delineation did not have a negative impact on the equality of the vote.

Parties and coalitions are eligible for seat allocation if they obtain at least four per cent of the valid votes cast nationwide.<sup>10</sup> The candidates are elected from open lists with a single preference option. If a preference is not indicated, the vote goes to the list carrier. Candidates need to pass a threshold to be elected; otherwise, the seats are allocated based on the ranking by the party.<sup>11</sup>

The elections are primarily governed by the 1991 Constitution, the 2014 Election Code and the 2005 Political Parties Act.<sup>12</sup> The Election Code has been frequently amended, with most recent changes in May 2021, which introduced mandatory machine voting in polling stations with at least 300 voters, reduced the CEC composition from 20 to 15 members, removed limitations on the total number of polling stations formed abroad and changed the criteria for their establishment, and altered the method

<sup>5</sup> The newly established Citizens 'Platform Bulgarian Summer (GPBL) party's bank account was frozen on 8 June, in response to a government decision.

<sup>6</sup> In 2020 Concluding observations on the eighth periodic [report](#) of Bulgaria, the UN Committee on the Elimination of Discrimination against Women noted with concern that women, in particular women with disabilities and Roma women, continue to be underrepresented in decision-making positions and recommended to provide capacity-building on campaigning and political leadership skills as well as awareness raising efforts among political leaders and the public.

<sup>7</sup> The last census was conducted in 2011, and a new census planned for early 2021 was postponed due to the COVID-19 pandemic.

<sup>8</sup> For these elections, the constituencies were defined by the Presidential decree on 12 May 2021.

<sup>9</sup> Paragraph I.2.2.v of the 2002 Venice Commission's Code of Good Practice in Electoral Matters ([Code of Good Practice](#)) recommends redistribution of seats at least every ten years "preferably outside election periods".

<sup>10</sup> Within each MMC, the seats are allocated to lists under a largest remainder method of proportional representation.

<sup>11</sup> To get a preferential seat, a candidate must receive at least seven per cent of the votes by their party lists in an MMC. Independent candidates must surpass a constituency electoral quota to be elected. This quota is defined as a number of valid votes cast divided by the number of seats in a given MMC.

<sup>12</sup> Provisions of the 1990 Assemblies, Rallies and Demonstrations Act, the 1969 Administrative Violations and Sanctions Act, the 2006 Code of Administrative Procedure, the 1968 Criminal Code and the 2020 Act on the Measures and Actions during the State of Emergency, and the CEC decisions are also applicable.

of nomination of all levels of election administration.<sup>13</sup> The amendments also clarified the appeal process of certain CEC decisions.<sup>14</sup> On 2 July, following an appeal from GERB, the Constitutional Court found most of the challenged amendments to be in line with the Constitution.<sup>15</sup>

The legal framework overall provides an adequate basis for the conduct of democratic elections; however, its frequent changes undermine the stability of the legislation. Most ODIHR LEOM interlocutors welcomed recent changes as an improvement, but some noted that the hasty adoption process lacked sufficient public consultations. This might undermine stakeholders' understanding of the newly introduced procedures, particularly related to the use of machine voting, and affect legal certainty, contrary to international good practice.<sup>16</sup>

Longstanding ODIHR and the Council of Europe's Commission for Democracy through Law (Venice Commission) recommendations pertaining to key aspects of the electoral process remain to be addressed. These mainly relate to voting by prisoners, candidate nomination, campaigning in languages other than Bulgarian, campaign finance, measures to promote participation of women and minorities, sanctions for electoral violations and challenges of the election results.<sup>17</sup> Moreover, the legislation contains inconsistencies and ambiguous provisions.<sup>18</sup>

## **Election Administration**

Elections were administered by the CEC, 31 District Election Commissions (DECs) and some 13,000 Precinct Election Commissions (PECs).<sup>19</sup> At all levels, commission members were nominated by political parties in proportion to their parliamentary representation. The election administration was assisted in the logistical preparations for the elections and results management by the government, local authorities, state institutions and other entities<sup>20</sup> Women were well-represented in the election management bodies, including in leadership positions.<sup>21</sup>

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<sup>13</sup> Political parties and coalitions represented in the European Parliament but not in the National Assembly lost the right to nominate members in any of the election commissions.

<sup>14</sup> A number of other amendments, notably related to creation of a dedicated constituency for the out-of-country voting and the powers of the CEC, will only take effect after the results of the next population census.

<sup>15</sup> The Constitutional Court declared unconstitutional the provision according to which the proportional electoral system will be applied only until the next regular parliamentary elections.

<sup>16</sup> Paragraph II.2.b of [Code of Good Practice](#) stipulates that the fundamental elements of electoral law should in principle not be amended less than a year before elections.

<sup>17</sup> See paragraph 71 of the 2017 ODIHR and Venice Commission [Joint Opinion](#) on Amendments to the Election Code. See also previous ODIHR election [reports](#) on Bulgaria.

<sup>18</sup> Article 42(1) of the Constitution provides that "electing central and local government authorities" is a right, while article 3 of the Election Code defines it as a civil duty and prescribes mandatory voting. In 2016, disenfranchisement of voters for repeated abstention from voting was declared unconstitutional by the Constitutional Court. Provisions on dispute resolution are scattered in various sections of the Election Code often supplemented by procedural rules under other Acts.

<sup>19</sup> According to the CEC, 115 PECs were set up to conduct voting in healthcare institutions, 15 in pre-trial detention centers; and two on vessels sailing under Bulgarian flag, 323 PECs conducted mobile voting for persons with disabilities and 6 for voters in quarantine.

<sup>20</sup> In line with the law, the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development (GRAO) verified the support signatures, and partly the eligibility of individual candidates, Information Services (IS) partly verified the eligibility of candidates and processed the results tabulation. *Cielo Norma*, a private company, implemented machine voting.

<sup>21</sup> Seven of the 15 CEC members, including the chairperson, were women. A total of 269 of the 439 DEC members and 19 of the 31 DEC chairpersons are women. The CEC does not have any gender-disaggregated data on PEC members.

The CEC is a permanent body. Its current composition was appointed for a five-year term in May 2021.<sup>22</sup> The CEC held regular sessions with substantive discussions, accessible for observers and broadcasted online. The live stream of sessions was often muted for several minutes without a reason announced, impacting transparency and undermining the public nature of CEC activities.<sup>23</sup> While most of the CEC decisions were published in a timely manner, the session minutes were often not made public within 24 hours, contrary to the law.<sup>24</sup>

Despite the compressed timeframe and the concurrent organisation of local by-elections, the election administration carried out its duties adequately and mostly within the legal deadlines.<sup>25</sup> However, the late adoption of some CEC decisions jeopardised the timely voter education, training for PEC members and certification of machine voting.<sup>26</sup> ODIHR LEOM interlocutors expressed varying degrees of confidence in the work of the CEC. Some noted that its partisan composition and insufficient institutional capacity to match its legally vested powers, affected efficient and timely decision-making, especially on contentious issues and handling complaints.<sup>27</sup>

DECs and PECs were appointed by the upper-level commissions within the legal deadlines, following co-ordination meetings between the local branches of political parties, and facilitated by district governors and municipal mayors.<sup>28</sup> Mainly due to disagreements on the distribution of head officer positions, consensus was only reached in 26 per cent of the DECs but some 88 per cent of the PEC nominations.<sup>29</sup> ODIHR LEOM observers generally assessed the work of DECs as transparent and efficient. Out-of-country voting was held at 782 polling stations in 68 countries. The May 2021 amendments lifted the limitation of a maximum of 35 polling stations in countries outside the European Union, significantly increasing the number of polling stations in Turkey, the United Kingdom and the United States to 112, 135 and 58, respectively.<sup>30</sup>

The training for PECs generally took place between nine and three days before election day. ODIHR LEOM observers assessed the training generally positively but noted lack of a fully standardised curriculum and limited time for interactive sessions, which may have reduced its effectiveness. The nominating parties are by law allowed to replace PEC members by election day. Due to a very high number of late replacements, numerous PEC members did not undergo sufficient training, which negatively impacted the quality of their work on election day and may have led to inconsistent application of election day procedures.<sup>31</sup>

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<sup>22</sup> Following the May 2021 amendments, the CEC is comprised of four members nominated by GERB , three by each BSP and ITN (including the chairperson), two by each DPS and Democratic Bulgaria, and one by ISMV. Eleven members have experience from previous compositions of the CEC.

<sup>23</sup> The CEC Rules of Procedure allow for muting following a prior announcement during the sessions. According to the CEC, the sessions were muted due to practical and operational reasons.

<sup>24</sup> By 30 June, the CEC did not publish the minutes from the period after 20 June.

<sup>25</sup> On 27 June, local by-elections were held in eight municipalities, with three run-offs held on 4 July.

<sup>26</sup> The CEC did not hand over the voting machines for certification by the 6 June deadline, as prescribed by the electoral calendar (the planned certification was eventually cancelled on 29 June, *see Voting Technologies*). The CEC provided 96 machines for training purposes to DECs on 28 June and took a decision on providing one voting machine to each contestant to conduct voter education on 29 June.

<sup>27</sup> All commissions make decisions only by a two-third majority, provided more than half of the members are present.

<sup>28</sup> DECs had 13 or 17 members, depending on the number of seats in the respective electoral constituency. Regular PECs had 5 to 9 members, depending on the number of registered voters.

<sup>29</sup> In case of no consensus, PECs and DECs were appointed by upper-level election commissions based on the proposals submitted by the parties.

<sup>30</sup> By law, PECs abroad were to be formed at diplomatic representations and additional locations where no fewer than 100 voters voted in any election of the past five years or places where at least 40 voters have requested to vote.

<sup>31</sup> Between the end of training and election day, some 31 per cent of the PEC members were replaced in Gotse Delchev and 29 per cent in Petrich (Blagoevgrad district); 26 per cent in Krasna Polyana and 24 per cent in Ovcha Kupel (Sofia

The CEC launched voter education campaign on social networks, television and radio some two weeks before the elections. Educational materials, available only in Bulgarian language, covered preferential and machine voting, voting for citizens in quarantine, and access for voters with disabilities. The video spots were provided with subtitles and sign language interpretation to facilitate access for persons with hearing impairments. According to some ODIHR LEOM interlocutors, the lack of timely and comprehensive voter education related to machine voting might have had a dissuasive effect on participation of elderly voters and those with limited computer literacy.<sup>32</sup>

The law requires several polling stations in each constituency to be accessible for voters with physical disabilities. Some 10 per cent of the polling stations were designated for wheelchair users throughout the country. Voting machines and election materials, including ballot papers and polling booths, were not specifically adapted for voters with hearing, vision or cognitive impairments.

## Voting Technologies

Following the May 2021 amendments, voters could only vote with voting machines in regular polling stations with at least 300 registered voters, both in-country and abroad.<sup>33</sup> Paper ballots were used in smaller and special polling stations, for mobile voting and as a backup in case of machine malfunction.<sup>34</sup> While many ODIHR LEOM interlocutors supported the extended use of machine voting underlining that it reduces opportunities for electoral malfeasance, including vote-buying, GERB representatives stated that the machines were manipulated, without offering any evidence to support such claims.<sup>35</sup>

Voters voted by marking their choices on a touchscreen. The devices did not include sufficient accessibility features, contrary to legal requirements and international good practice.<sup>36</sup> After a vote is cast, the machine prints a control receipt that can be verified by the voter, and allows for a manual vote-count in case of loss of the digitally-stored votes. Following the May amendments, the results sheet produced by the machine serves as part of the official PEC results protocol. The law does not provide for a mechanism to verify whether the results are accurately tallied by the machine, reducing

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MMC 25). Nominating parties justified the need for replacements with operational reasons, including low remuneration.

<sup>32</sup> Paragraph 32 of the 2017 [Council of Europe Recommendations on standards for e-voting](#) (CM/Rec(2017)5 states that the public, in particular voters, shall be informed, well in advance of the start of voting, in clear and simple language, about any steps a voter may have to take in order to participate and vote; the correct use and functioning of an e-voting system; the e-voting timetable, including all stages". Section VI. 32. C of the [Guidelines on the implementation of the provisions of CM/Rec\(2017\)5](#) states that "to promote understanding and confidence in any e-voting system, opportunities to practise using it should be provided before and separately from the moment of casting an electronic vote. Special attention should be paid to categories of voters liable to have greater difficulties and their specific needs".

<sup>33</sup> In the 4 April 2021 elections, in the polling stations where electronic voting was available, voter had a choice between electronic voting and traditional paper-based voting; a total of 23.6 per cent of all votes were submitted electronically.

<sup>34</sup> According to the CEC data, paper ballots were used in some 18.5 per cent in-country polling stations where less than 5 per cent of voters were registered. The Election Code foresees reverting to traditional voting on paper in case of contingency, with a possibility to do so to the full extent in all polling stations.

<sup>35</sup> Since 25 June, the GERB party leader made a series of widely reported claims that the machines would subtract three out of five votes from GERB. Other GERB officials stated that the machines are programmed to secure the victory of those parties who introduced the exclusive use of machine voting.

<sup>36</sup> To vote independently, the visually-impaired voters may require the use of a screen readers combined with headphones or content magnification features. The law stipulates that electronic system shall ensure an understandable access to the machine voting, including facilitated access for visually impaired voters or voters with ambulant difficulties. Paragraph I.2 of the 2017 [CoE Recommendations on E-voting](#) states that the e-voting system shall be designed, as far as is practicable, to enable persons with disabilities and special needs to vote independently.

the transparency of results.<sup>37</sup> Some stakeholders raised concerns about the lack of possibility to detect any errors before the results are determined at the PECs.

On 18 June, the CEC renewed its contract with *Cielo Norma* to provide the software, IT support, logistics and training for DECs and PECs. The outsourcing of most tasks related to machine voting raised concerns among some ODIHR LEOM interlocutors about whether the CEC retained effective supervision of the organization of machine voting, as required by the law and international standards.<sup>38</sup> The compressed timeframe for implementation of the machine-voting and prolonged negotiation process over purchasing and servicing of the machines delayed the associated training of election officials and voter education.

The CEC decided to include two machines in 1,115 in-country polling stations where at least 425 voters voted in the last elections, to reduce queuing. To meet this requirement and provide machines for voting abroad, the CEC purchased additional 1,637 machines. The list of abroad and in-country polling stations where extra voting machines were needed, was determined on 23 and 27 June, respectively, straining the timely preparation, certification and delivery of devices, especially for voting abroad.

The CEC has published a general technical specification of the voting machines, but this document omits many critical details about the functionality of the system.<sup>39</sup> The compliance of voting machines with legal requirements is established through a certification process conducted by the State Agency for Electronic Government, the Bulgarian Institute for Standardization, and the Bulgarian Institute for Metrology. The law does not clearly stipulate if machines certified for previous elections should undergo re-certification. While the CEC initially stated that the certifying bodies would conduct separate certification for these elections, on 1 July, it announced that the previous certification report remains valid. Some ODIHR LEOM interlocutors noted that lack of clarity in this regard decreased the confidence among election stakeholders in the machine voting process.<sup>40</sup>

## **Voter Registration**

The right to vote is granted to all citizens who have reached 18 years of age by election day. Prisoners, irrespective of the gravity of the crime, and those deprived of legal capacity by a court decision are disenfranchised, contrary to international standards and a previous ODIHR and Venice Commission recommendation.<sup>41</sup>

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<sup>37</sup> On 10 July, the CEC adopted a decision instructing 14.3 per cent of in -country polling stations to count and verify machine voting control receipts, following determination of the results.

<sup>38</sup> Paragraph 29 of the 2017 [CoE Recommendations on E-voting](#) stipulates that “[t]he relevant legislation shall regulate the responsibilities for the functioning of e-voting systems and ensure that the electoral management body has control over them”. The [Explanatory Memorandum](#) to the 2017 CoE Recommendations on E-voting states that statutory duties of the body responsible for the conduct of elections must never be outsourced, since this body is in charge of the election.

<sup>39</sup> Technical specification does not specify the cryptographic keys on the smartcards, nor the exact procedures related to their usage. The specification mandates that the order of votes storage on an external memory device should be impossible to determine, but it is not specified how to achieve this.

<sup>40</sup> Technical aspects requiring partial re-certification mentioned by ODIHR LEOM interlocutors include the use of two machines in some polling stations, introduction of machine voting abroad, and the purchase of additional machines that may have had some hardware revisions compared to the previously purchased devices.

<sup>41</sup> See articles 2, 12 and 29 of the [2006 UN Convention on the Rights of Persons with Disabilities \(CRPD\)](#). See also Paragraph 9.4 of the 2013 CRPD Committee’s [Communication No. 4/2011](#), which states that “[..] an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability, within the meaning of article 2 of the Convention”.

Voters with permanent residence are automatically included in voter lists. The lists are compiled prior to each election by the GRAO, based on data from the permanent National Population Register (NPR). Most ODIHR LEOM interlocutors expressed confidence in the accuracy of the voter lists. However, some voiced concerns that citizens without a permanent address might be unable to vote due to lack of identification documents.<sup>42</sup>

Municipalities should display voter lists for public scrutiny 40 days prior to election day.<sup>43</sup> Voter lists were updated by the municipalities and other state institutions up to seven days prior to the elections.<sup>44</sup> Voters could also check their entries online and request corrections or submit requests to vote in the municipality of their actual residence. The final number of registered voters was published by the CEC was 6,578,716. A total of 71,218 citizens were added to out-of-country voter lists.

Electoral contestants, CEC and DEC members and observers could request absentee voting certificates to vote at any polling station of their choice. Some voters with permanent disabilities and voters in quarantine due to COVID-19 could request to vote by mobile ballot box, and requested it by election day through a simplified procedure, introduced by the May 2021 amendments. Certain categories of voters, including citizens abroad, could register on election day at the polling station, at odds with international good practice.<sup>45</sup> The law mandates the GRAO to examine all voter lists after election day,<sup>46</sup> but such verification takes place only after the finalization of the election process.<sup>47</sup>

## **Candidate and Party Registration**

Voters over the age of 21 years may stand for elections. Citizens holding dual citizenship are ineligible to stand, at odds with jurisprudence of the European Court of Human Rights (ECtHR).<sup>48</sup> Individuals prohibited by law to be members of a political party may stand only as independent candidates, after taking a leave of absence.<sup>49</sup>

The CEC registers political parties and coalitions to contest elections and the DECs register committees of citizens that nominate independent candidates. Political parties and coalitions were required to submit a minimum of 2,500 support signatures, and a deposit of BGN 2,500.<sup>50</sup> Independent candidates needed support from one per cent of registered voters in a given constituency, or 1,000 signatures,

<sup>42</sup> In April 2020, the Bulgarian Helsinki Committee published information received from the Ministry of Regional Development that 75,406 Bulgarian citizens are included in the NPR without a permanent address.

<sup>43</sup> According to the reports from municipalities and ODIHR LEOM observers, the voter lists were not always publicly displayed in more than a half of the districts.

<sup>44</sup> Special voter lists were compiled for health care facilities, detention centres, social institutions, and vessels sailing under the Bulgarian flag, based on information provided by the heads of the respective facilities.

<sup>45</sup> PEC members, technicians and security personnel may vote at the polling station of their duty, students in the municipality where they study, persons with disabilities in any adapted polling station of their choice, without submitting a prior request. Voters not found on the voter list of their permanent address may be added to the voter list on election day, provided they can present residency documentation. Paragraph 1.2.iv of the 2002 [Code of Good Practice](#) recommends that “registration should not take place at the polling station on election day”.

<sup>46</sup> According to the report from GRAO, the verification of the voter lists following the 4 April 2021 parliamentary elections established that 37 voters voted twice and 80 persons not eligible to vote were added to the voter lists on election day (including those without legal capacity to vote, under-aged, or non-citizens).

<sup>47</sup> In [Tănase v. Moldova](#), the ECtHR recognised the restrictions on dual citizens' suffrage rights to be a disproportionate measure and, thus, contrary to Article 3 of Protocol 1 of the [European Convention on Human Rights](#). Bulgaria reserved the right not to apply Article 17 of the [1997 European Convention on Nationality](#), which guarantees equal rights to nationals with dual citizenship.

<sup>48</sup> These include military personnel, citizens in diplomatic, national intelligence or national security service, police officers, judges, prosecutors and investigators.

<sup>49</sup> 1 EUR is 1,96 Bulgarian Lev (BGN).

whichever is lower.<sup>50</sup> Citizens could sign in support of only one contestant, contrary to a previous ODIHR recommendation and at odds with international good practice.<sup>51</sup>

Candidate and party registration was generally inclusive. The CEC received applications from 19 political parties and 9 coalitions and initially registered all of them by the deadline of 26 May. The law does not foresee a mechanism for rectifying registration documents if problems are identified after the deadline, at odds with international good practice.<sup>52</sup> On 27 and 28 May, the GRAO informed the CEC that the number of support signatures of four political parties fell short of the quota and the CEC deregistered them.<sup>53</sup> Two parties appealed to the Supreme Administrative Court (SAC), which upheld the respective CEC decisions.

Following the registration of parties and coalitions by the CEC, the DECs registered some 5,079 candidates to run on 696 candidate lists of 23 parties and coalitions; 930 of these stood in two constituencies.<sup>54</sup> The proportion of women candidates stood at 29 per cent, and women lead 22 per cent of the lists.<sup>55</sup> One candidate was independent. The law does not prohibit the candidates to withdraw at any time prior to election day or after the elections.

## **Campaign Environment**

The official campaign started on 11 June and ended 24 hours prior to election day. The fundamental freedoms were generally respected and contestants were able to campaign without hindrance. Some limitations on in-person events, introduced by the government on 15 June in relation to the ongoing COVID-19 pandemic, were considered by ODIHR LEOM interlocutors as proportionate and did not negatively affect the possibility to campaign.<sup>56</sup> The law does not contain sufficient regulations aimed at preventing the misuse of administrative resources or office during the campaign.<sup>57</sup> Interlocutors reported limited concerns in this regard and the ODIHR LEOM observed few instances of misuse of resources.<sup>58</sup>

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<sup>50</sup> The May 2021 amendments introduced the possibility for citizens to submit a support declaration provided with qualified electronic signature. This possibility was used by 499 voters, all supporting Democratic Bulgaria.

<sup>51</sup> Paragraph 96 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) recommends that “it should be possible to support the registration of more than one party, and legislation should not limit a citizen or other individual to signing a supporting list for only one party”.

<sup>52</sup> The [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) state that “in case of technical omissions or minor infringements of registration requirements, the political party should be given reasonable time in which to rectify the failure”.

<sup>53</sup> Signatures were declared invalid if the signatory was not a registered voter, if voter’s data was incomplete or if the voter supported multiple lists.

<sup>54</sup> Candidates may stand on maximum two lists. Eleven candidates were removed from the lists following the verification by GRAO, due to the dual citizenship and the age requirement. IS concluded that three candidates appear on more than two lists. By law, these could only run on the first two constituencies where they registered.

<sup>55</sup> In second position there were 26, and in third 32 per cent of women.

<sup>56</sup> The Ministry of Health issued specific campaign instructions requiring that both indoor and outdoor events be organized with the compulsory use of face masks and respecting the distance of 1.5m between participants. Venues used for indoor campaign events could be filled up to a maximum 50 per cent of the seating capacity.

<sup>57</sup> The law prohibits the use of state and municipality-owned public transportation as well as campaigning in state and municipal agencies and institutions, as well as in companies with more than 50 per cent state or municipal ownership. The Political Parties Act prohibits parties to use state and municipal resources free of charge.

<sup>58</sup> The ODIHR LEOM observed a significant amount of GERB campaign materials in the mayor’s office in Kostinbrod; As a part of their campaign, Mayors of Vratsa and Sofia and several incumbent MPs in Plovdiv and Sofia districts advertised municipal projects financed by the local or European Union funds as party achievements on GERB Facebook accounts. On 9 July, Ministers of Interior and Culture participated in the event organized by several contestants, commemorating the anniversary of the start of the 2020 protests.

Parties used diverse means to engage in a competitive campaign, which intensified closer to election day. Contestants mostly met with small groups of voters and used campaign stands in public spaces, with larger rallies organized mainly at the start and end of the campaign.<sup>59</sup> ODIHR LEOM observers noted that women were well represented in the audience of rallies but to a lesser extent among speakers. The billboards and posters of numerous contestants were displayed across the country. Most campaign materials were not produced in formats designed for persons with disabilities. In addition, contestants actively campaigned on social networks, and to a lesser extent on traditional media.

At the national level, campaign predominantly focused on fighting corruption, post-pandemic economic recovery, judicial reform and unemployment. ODIHR LEOM observers noted isolated instances of intolerant rhetoric, including against LGBTI and denying the Holocaust.<sup>60</sup> Contestants offered voters a variety of election platforms but had limited opportunities to discuss and distinguish their views (see *Media*). Public discourse during the official campaign period was dominated by mutual accusations over corruption and wrongdoings between provisional government officials and GERB representatives.<sup>61</sup> On 18 June, GERB submitted a complaint to the CEC against the provisional government claiming its actions negatively influenced GERB's campaign; the complaint was dismissed. Personal attacks between some party leaders also featured in the campaign.<sup>62</sup> These aspects limited voters' access to meaningful information regarding political party programmes.

In May and June, the provisional government replaced the heads of regional police and governors in many districts, claiming that the conduct of some police officers in previous elections was conducive to vote-buying and the intimidation of voters.<sup>63</sup> The Minister of Interior provided public updates on the cases of vote-buying under investigation.<sup>64</sup> Numerous concerns over these practices among the election stakeholders persisted throughout the campaign.<sup>65</sup>

## **Campaign Finance**

Campaign finance is regulated by the Election Code and the Political Parties Act. Most prior ODIHR and the Council of Europe's Group of States against Corruption (GRECO) recommendations on

<sup>59</sup> Several contestants, including ITN, Rise Up!, Thugs Out! BSP, Democratic Bulgaria and GPBL, organized unconventional small scale campaign events such as yoga classes, cycling tours or book publishing.

<sup>60</sup> The beginning of the campaign coincided with holding of the Sofia Pride parade, organized on 12 June. On 15 June, the Facebook profile of Internal Macedonian Revolutionary Organisation featured a campaign video with anti-LGBTI rhetoric and negative references to the parade. The TV campaign advertisement of the Bulgarian Patriots featured anti-LGBTI symbols. In Ruse district, a candidate from Svoboda party widely advertised his grandfather's involvement in mass murders committed during the Second World War. Another candidate from the Bulgarian National Union during an interview praised Nazism and denied the Holocaust, which was ascertained by the CEC as a violation and sent to the relevant governor to fine the candidate.

<sup>61</sup> On 18 and 25 June, the Minister of Interior stated that several corruption cases that directly involve the former prime minister Mr. Borisov, needed to be thoroughly investigated. On 19 June, Mr. Borisov stated that the actions of the provisional government target him personally.

<sup>62</sup> ITN deputy chair compared GERB leaders to terrorists; Mr. Borisov called the founders of Rise Up!, Thugs Out! "malicious thugs" and a Bulgarian Patriot official compared the ITN leader to a member of the LGBTI community in a demeaning manner.

<sup>63</sup> Both vote-buying and -selling are criminal offences, punishable with imprisonment and fines, and all campaign materials must include this information.

<sup>64</sup> On 9 July, the Ministry of Interior informed the ODIHR LEOM that the police received over 500 alerts about vote-buying, investigations were initiated in 72 cases and 24 individuals have been arrested. The police also issued some 7,000 warning protocols to individuals suspected by the police for their past involvement in vote-buying schemes and the establishment of a hotline for reporting electoral crimes. Some ODIHR LEOM interlocutors alleged that police actions during the campaign were at times excessive.

<sup>65</sup> The Minister of Interior reported a case from Haskovo region involving some 28,000 individuals and other cases where tens of thousands BGN intended for vote-buying were seized. In Smolyan region, the ODIHR LEOM observers received consistent and credible reports that the Executive Forest Agency's representatives pressured citizens to vote for GERB in exchange of receiving permits to cut wood for heating.

campaign finance remain unaddressed, including those related to reporting on expenditures before election day, introducing shorter deadlines for submission and publication of financial reports. The possibility for legal entities to donate to election campaigns, which was introduced in 2019, was declared unconstitutional by the Constitutional Court in April 2021.<sup>66</sup>

Political parties and coalitions that received respectively at least one and four per cent of valid votes nationwide in the previous elections are entitled to annual public funding.<sup>67</sup> Parties and coalitions that are not entitled to public funding receive BGN 40,000 for media coverage as contestants, while independent candidates receive BGN 5,000. The campaign may be financed by the party's or candidate's own funds and monetary and in-kind donations from private individuals. The law does not provide a ceiling for donations but prohibits donations from non-residents, religious institutions, anonymous and foreign sources.<sup>68</sup>

Contestants were required to report donations on a weekly basis during the campaign. However, most parties disclosed they received limited donations and several stated that they either relied on state subsidies or party funds for campaigning.<sup>69</sup> Parties' and coalitions' expenditures are capped at BGN 3,000,000 and independent candidates' at BGN 200,000.

The National Audit Office (NAO) is mandated with oversight of party and campaign financing. Contestants are not required to report expenditures during the campaign but must submit a report on campaign income and expenditures within 30 working days after the elections, to be published within 15 days, and audited by the NAO within six months from the submission deadline. The NAO is required to check the reports against contestants' disclosed contracts and other financial data but is not required to identify any unreported transactions. According to a number of ODIHR LEOM interlocutors, many candidates used their own funds, which are often not included in the party or coalition financial reports.<sup>70</sup> Many ODIHR LEOM interlocutors voiced concerns about significant discrepancies between actual and reported spending.

The lack of expedited deadlines for the NAO to address campaign finance infringements further weakens the effectiveness of the oversight process.<sup>71</sup> Given the limited mandate of the NAO to establish violations and impose relevant fines in a timely manner, these sanctions are not deemed dissuasive by most election stakeholders. Overall, the legislative shortcomings and limited control mechanism detracted from the transparency and accountability of campaign finance.

## **Media**

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<sup>66</sup> In its judgment, the Court underlined the need to ensure political pluralism and equal opportunities for contestants.

<sup>67</sup> For 2021, the amount of the state subsidy for each vote received is BGN 8. The subsidy is paid in four instalments during a calendar year, on 30 April, 30 June, 30 September and 20 December. For the period 4 April to 30 June six parties and four coalitions were entitled to a total BGN 4,379,428.

<sup>68</sup> Campaign-related transactions over BGN 1,000 must be conducted via bank transfer. Donations or contestants' own funds exceeding one minimum monthly salary (BGN 650) needed to be supported by a declaration on the funds' origin.

<sup>69</sup> According to the data included in the public registry maintained by the NAO as of 10 July parties and coalitions declared a total of some BGN 390,000 from donations, both monetary and in-kind, with the largest amount declared by There is Such a People, followed by BSP and Coalition Left Union for a Bright Republic.

<sup>70</sup> The GPBL claimed that due to the freezing of the party's bank account following the U.S.-imposed sanctions, the party experienced obstacles in conducting its campaign, especially on social networks, where paid ads can only be purchased through a bank account. Subsequently, ads were purchased by individual candidates from GPBL lists. The party reported using cash payments to finance its activities, specifically print materials and billboards.

<sup>71</sup> The NAO may impose fines of up to BGN 15,000 for a breach of campaign finance regulations, such as exceeding the spending limit or failing to comply with the disclosure and reporting requirements.

The media market is dominated by two television networks, *Nova* and *bTV*.<sup>72</sup> Their ultimate ownership changed in the past year, followed by a number of senior editors and journalists being fired from or departing both networks, citing pressure from the new management.<sup>73</sup> At least four national television stations are officially owned by political parties or their leaders.<sup>74</sup> Overall, the high concentration of media ownership and political influence over editorial policies had a negative impact on media pluralism. Most ODIHR LEOM interlocutors noted that media adjust their editorial policies to accommodate the interests of advertisers, including political parties.

The public Bulgarian National Television (*BNT*) is the third most popular television network. Both *BNT* and Bulgarian National Radio (*BNR*) are funded from the state budget, with broad discretion of the government over their funding. Shortly after the 4 April 2021 elections, the outgoing government allotted *BNT* an additional BGN 20 million to cover accumulated debts for electronic communication services.<sup>75</sup> A number of ODIHR LEOM interlocutors perceived this allotment as a reward for favourable editorial policy.<sup>76</sup> The government's direct funding of public media, and its ability to allocate or cut their budgets, compromise their editorial independence, at odds with international standards.<sup>77</sup>

Many ODIHR LEOM interlocutors noted improved access to public information and openness of the provisional government to the media. However, they pointed to several cases of intimidation and physical assaults against journalists in recent years, including by police officers, which were not fully investigated and contributed to an atmosphere of impunity.<sup>78</sup> Defamation remains a criminal offence, contrary to international standards and previous ODIHR recommendations, and is punishable by fines. Most ODIHR LEOM interlocutors noted that the use of such provisions continues to foster self-censorship.<sup>79</sup>

While the broadcast and online media mostly provided contestants and government representatives with a platform to present their views, the journalistic coverage of the campaign was limited. The ODIHR LEOM media monitoring observed that three broadcasters focused mainly on entertainment content without comprehensive analytical or investigative reporting and organized only a few debates,

<sup>72</sup> According to the Nielsen Admosphere TV audience [measurements](#), in May 2021 channels of *bTV* and *Nova* networks had a combined viewership of 64.6 per cent. A TV advertisement revenue analysis [conducted](#) in January-March 2021 estimated that the *bTV* and *Nova* media groups received 93 per cent of the whole television advertisement revenue.

<sup>73</sup> Currently both networks are owned by prominent telecommunication companies, *United Group* and *PPF*, which also control major radio, online and print media outlets and cable and mobile operators.

<sup>74</sup> According to publicly available [data](#), the owner of *Alfa* Television is Volen Siderov, the leader of the Ataka Party. *Skat* Television is owned by Valeri Simeonov, the leader of NFSB. The leader of ITM, Slavi Trifonov, owns the TV 7/8. The *BSTV* is owned by Duma foundation, affiliated with the BSP.

<sup>75</sup> *BNR*, which was perceived critical to the previous government, with similar debts did not receive such allotment.

<sup>76</sup> After the *BNT* [aired](#) live the press conference of GERB in May 2021 within a morning programme, the Minister of Culture of the provisional government questioned such practice, inquiring if other parties will be covered in the same manner. The general director of *BNT*, a former politician and a member of parliament, accused the minister of interfering in the TV's editorial independence.

<sup>77</sup> Paragraph 16 of the [General Comment 34](#) to the 1966 International Covenant on Civil and Political Rights (ICCPR) stipulates that the states should "guarantee independence and editorial freedom" of public broadcasters and "provide funding in a manner that does not undermine their independence".

<sup>78</sup> On 15 February 2021, the OSCE RFoM [noted](#) the refusal of the prosecutor-general to fully investigate the reported beating of a freelance journalist by the police that occurred on 2 September 2020. The journalist appealed the lack of the prosecution activity with the ECtHR. Paragraph 23 of the [2011 General Comment 34 to the ICCPR](#) calls all attacks on the journalists to be "vigorously investigated in a timely fashion and the perpetrators prosecuted". See also the 31 March 2020 [report](#) of the Council of Europe's Commissioner for Human Rights.

<sup>79</sup> On February 2021, three criminal defamation cases were initiated against the editor of *Capital* weekly Nikolai Stoyanov, out of which two by a former GERB MP. In 2019, another journalist from *Capital*, was criminally convicted for defamation and is appealing the verdict with the ECtHR.

which significantly limited voters' opportunity to make an informed choice.<sup>80</sup> In addition, during the campaign, *BNT-1* and *Nova* further limited their editorial programming in order to provide extensive coverage of the European football championship, while *bTV* limited political coverage to its morning programmes.<sup>81</sup>

The Election Code requires the public *BNT* and *BNR* to provide objective and fair campaign coverage with the equal participation of contestants. The law also requires the public media to agree in advance on all types and timing of coverage with all electoral contestants, and prohibits campaign outside of the agreed times. In the absence of clarity if news content could be considered as election campaigning, both *BNT* and *BNR* generally refrained from campaign coverage in news programmes.<sup>82</sup> In particular, on *BNT-1*, during the morning and evening prime time news, all contestants received only a combined total of 28 minutes, which was largely focused on GERB (17 minutes), mainly positive in tone.

The government's regular activities were covered extensively, receiving between 48 and 72 per cent of coverage in monitored television networks. Extensive coverage and the exchange of accusations over corruption and wrongdoing between the provisional government officials and GERB representatives, dominated the news coverage of all monitored broadcast media. As a result, GERB received between 5 and 19 per cent of coverage, up to 4 per cent more than all other contestants combined. In all monitored broadcast media outlets, the coverage of government was mainly neutral in tone, while the coverage of GERB was mainly positive and neutral.

Among the monitored online media, *24 chasa*, *Blitz*, *dir.bg* and *Vesti.bg* were visibly supportive to GERB. *Dnevnik* was largely critical of GERB, and covered the government in a mainly neutral tone. *Offnews* supported the six parties that purchased paid content on its website, as well as BSP and Democratic Bulgaria. The public and private media offered extensive options for paid coverage programmes, including paid interviews and reports presented as editorial content, often authored by journalists of the respective media. The biased news coverage and lack of distinction between paid and editorial content compromised the editorial integrity of the media.

The law requires *BNT* to provide contestants with 40 seconds of free time on the first and last day of the campaign. In addition, *BNT* decided to provide each contestant with 10 minutes in format of a live interview during prime time. In line with the law, *BNT* organized 10 debates, each 45 minutes long; however, these were scheduled outside of prime-time, at 16:00 hrs. Some contestants pointed to the unsatisfactory format of these debates, with limited time for answers and frequent exchange of personal attacks.<sup>83</sup> In addition, *BNT* organized three prime-time debates, including one for representatives of the parliamentary parties. The monitored private broadcasters organized a number of debates but invited only the most popular contestants, according to opinion polls.

<sup>80</sup> During the official campaign period, the ODIHR LEOM monitored morning and evening prime-time programming on *BNT-1*, *bTV* and *Nova* and the evening prime-time of *Nova News*. The mission also monitored political coverage in six online media outlets: *24 Chasa*, *Blitz.bg*, *dir.bg*, *Dnevnik*, *OffNews* and *Vesti.bg*.

<sup>81</sup> According to BNT, this reduction is the result of the broadcasting rights contract requirement signed by the BNT prior to the elections.

<sup>82</sup> Paragraph II.1 of the [Recommendation CM/Rec\(2007\)15 of the CoE Committee of Ministers](#) states that the regulatory frameworks "should provide for the obligation to cover election campaigns in a fair, balanced and impartial manner in the overall programme services of broadcasters".

<sup>83</sup> The ITN refused to take part in public televised debates.

The Council for Electronic Media (CEM), the regulatory body for broadcast media, monitored 15 television and 15 radio stations during the campaign.<sup>84</sup> The CEM does not have any sanctioning powers and is required to notify the CEC of possible media violations. Of the eight cases referred by the CEM, the CEC rejected one, and dismissed another due to lack of majority. While the law provides for sanctions for the violations identified in four other cases, the CEC sent a formal letter reminding respective media of their legal obligations. Despite the active media monitoring by CEM, the CEC did not ensure an effective remedy for identified media violations. On 28 June, the CEM member nominated by the incumbent president resigned, citing pressure from other members and insufficient institutional activity.

## Complaints and Appeals

Contestants, political parties and observers may file complaints against administrative acts and decisions and alerts against any other violation. The law provides for an expedited procedure for election related complaints, with deadlines from three days to one hour on election day in line with good electoral practice.<sup>85</sup> While complaints are admissible only if the complainant can prove having a legal interest, alerts can be submitted without such proof. The law does not explicitly prescribe the right to file complaints against result protocols at all levels, and contestants can challenge election results only indirectly, contrary to a previous ODIHR and Venice Commission recommendation and international standards.<sup>86</sup> This limits access to effective legal redress, contrary to OSCE commitments and other international standards.<sup>87</sup>

The online registry maintained by the CEC enhanced the transparency of the dispute resolution process, however, some alerts were addressed by issuing “protocol decisions”, which were accessible only as part of the published minutes of the CEC sessions. The CEC reclassified some complaints as alerts and vice-versa, depriving the process of consistency.<sup>88</sup>

The CEC published decisions on 40 complaints, including 23 appeals against DEC decisions, and 40 alerts mostly related to candidate registration, PEC formation, DEC activities and campaign rules violations.<sup>89</sup> The CEC dismissed 17 complaints on merits and denied admissibility to 6 on the grounds that the complainants did not have a legal interest or for lack of representation power, upheld most DEC decisions, and granted three in favour of the complainant. The decisions on complaints and appeals were published on the CEC website overall in a timely manner.

<sup>84</sup> The CEM is composed of five members elected for six years. Three members are nominated by the parliament, and two by the president. Despite a legal requirement introduced in December 2020, the CEM did not conduct any systematic monitoring of online audio-visual content.

<sup>85</sup> Complaints and alerts may be filed to the CEC and DECs; DEC decisions can be appealed to the CEC. The DEC and CEC decisions may be appealed to local administrative courts and to the SAC as the final instance.

<sup>86</sup> The law stipulates that within 15 days of the announcement of the election results, the legitimacy of the elections can be challenged to the Constitutional Court by one-fifth of the MPs, the President, the Council of Ministers, the Supreme Court of Cassation, the Supreme Administrative Court, and the Prosecutor General, upon request or on their initiative. See Paragraph 79 of the 2017 ODIHR and Venice Commission [Joint Opinion on Amendments to the Election Code](#).

<sup>87</sup> Paragraph 5.10 of the [1990 OSCE Copenhagen Document](#) states “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity.” Article 8 of the [Universal Declaration of Human Rights](#) states that “everybody has the right to an effective remedy...”

<sup>88</sup> The DPS appealed a DEC Shumen decision on the formation of PEC Veliki Preslav to the CEC. The complaint, was treated by the CEC as an alert and a decision was issued, which was further appealed with the SAC.

<sup>89</sup> A complaint on misuse of office by government officials was filed by the GERB against statements delivered by the provisional government prime minister and two ministers that claimed breach of election campaign rules for calling voters to vote for particular political parties, was dismissed by the CEC.

As of 10 July, the SAC has ruled on some 15 appeals, 13 against CEC decisions. Six appeals were either inadmissible due to lack of legal interest of the complainants or late filing, and one was referred to a lower-level administrative court. In the cases reviewed on merits, the SAC upheld seven CEC decisions and dismissed one.<sup>90</sup> Appeals were considered within the legal deadlines and decisions were published online in a timely manner.

Some 1,060 alerts alleging campaign violations, including vote buying, were reported by the Ministry of Interior<sup>91</sup> During the campaign period, a lack of cooperation and tense relations between the prosecutor's office and the Ministry of Interior were acknowledged by both institutions. Many ODIHR LEOM interlocutors expressed concerns that cases are not promptly investigated and a general distrust to the criminal justice system.

## **Citizen and International Observers**

The Election Code provides for observation by citizen and international observers and by the agents and proxies of contestants, granting them access to all stages of the electoral process. Individual candidates on electoral lists may observe the opening of polling stations and the vote count and, following a May 2021 legal amendment, may monitor the results tabulation at the district level. In an overall inclusive process, the CEC accredited a total of 1,943 observers from 29 civil society organizations and 102 international observers from 6 organizations.<sup>92</sup>

## **Participation of Minorities**

The Constitution does not define national minorities but guarantees a right of self-identification. Bulgaria has a diverse population of which minorities represent some 15 per cent according to official data.<sup>93</sup> While the law prohibits discrimination on ethnic or religious grounds, several IEOM interlocutors noted instances of discrimination, hostility and segregation targeting some citizens, especially Roma, despite the government efforts for their integration.<sup>94</sup>

The Constitution does not allow the formation of political parties on an “ethnic, racial or religious” basis.<sup>95</sup> Furthermore, the election campaign may be conducted only in the Bulgarian language, contrary to long-standing ODIHR and Venice Commission recommendations and international standards.<sup>96</sup>

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<sup>90</sup> The SAC dismissed an appeal of the CEC decision on the formation of polling stations in Turkey filed by Bulgarian Patriots. Another appeal by Democratic Bulgaria on the formation of polling stations in the United Kingdom was dismissed as outdated. The SAC upheld an appeal of the CEC decision filed by There is Such a People and Democratic Bulgaria, and ruled that the CEC had no power to reclassify an outdated complaint to an alert. GERB's appeal of the CEC Decision on the methodological guidelines for the PECs on machine voting was dismissed by the SAC.

<sup>91</sup> According to the Prosecutors' General Office, 919 cases and 76 pre-trial proceedings were initiated for vote buying and other offences.

<sup>92</sup> Civil society organizations registered as holding objectives related to the protection of political rights could nominate observers. The CEC rejected the application of one organisation for not satisfying this requirement.

<sup>93</sup> According to the 2011 census, ethnic Turks are the largest minority group with 8.8 per cent of the population, followed by Roma with 4.9 per cent; other minorities include Armenians, Jews, Karakachani, Macedonians, Romanians, Russians, Vlach (Aromani), Ukrainians and others, all together below one per cent of the population.

<sup>94</sup> The May 2020 Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities in its [Fourth Opinion on Bulgaria](#) states that the protection against discrimination is “hampered by a lack of awareness of the rights and remedies, weak political support for and insufficient investigation and prosecution efforts”.

<sup>95</sup> In 1998 the Constitutional Court stated that this provision aims to prevent the establishment and functioning of political parties not open to individuals who do not bear the same ethnic, racial or religious characteristics, and to ensure the participation of all Bulgarian citizens in political life.

While DPS is widely perceived to represent the interests of the Turkish and Muslim communities, the party leadership informed the ODIHR LEOM that they consider themselves a mainstream party. According to various election stakeholders, many parties and coalitions fielded some Roma and other minorities candidates, generally placed lower on the candidate lists.<sup>97</sup>

Most political parties and coalitions did not include policies for Roma integration in their electoral platforms. Several ODIHR LEOM interlocutors stated that Roma voters are still subject to intimidation and attempted vote-buying. Some political party representatives reported that, due to fear of hostility, Roma candidates on their lists refrain from campaigning in Roma communities if their political affiliation differs from the interest of community leaders. The civil society and Roma representatives stated that campaign activities among Roma communities were rare.

## Election Day

The IEOM did not observe election-day proceedings in a systematic or comprehensive manner.<sup>98</sup> In most polling stations visited, the voting was transparent and orderly with procedures generally followed. Majority of polling stations opened on time, but in several cases PEC members experienced difficulties in starting the voting machines, causing delays of up to 30 minutes.<sup>99</sup> Safety protocols against COVID-19, prescribed jointly by the Ministry of Health and CEC, were in place, but not applied consistently.<sup>100</sup> The design and setup of polling stations visited, including those designated by DECs for wheelchair users, were often not suitable for use by persons with disabilities. While the CEC did not announce the preliminary voter turnout on election night, agencies conducting parallel vote count reported the turnout between 38.4 and 41 per cent.<sup>101</sup> Voting abroad took place in an increased number of polling stations.<sup>102</sup>

In general, both paper-based and machine voting were well implemented, and without significant delays. According to the CEC, 56 (0.5 per cent) of the voting machines malfunctioned, due to various technical problems.<sup>103</sup> In these cases, in line with the law, the PECs reverted to the use of paper ballots.<sup>104</sup> On several occasions, IEOM observers noted that the voting machines were positioned too close to PEC members or in front of reflective surfaces which may have compromised the secrecy of the vote. Polling stations mainly closed on time, and the results were generally efficiently determined with procedures followed, but rushed in a few polling stations.

The district-level results tabulation process, where observed, was in general well organised and orderly, without procedural omissions or violations reported. Following recent legislative changes, the observers had the right to video record the counting and tabulation procedures. In a few DECs, there

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<sup>96</sup> The [1995 Council of Europe's Framework Convention for the Protection of National Minorities](#) stipulates that “the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities”.

<sup>97</sup> No state or non-governmental organization collects statistical information on participation of minorities as candidates. According to their statements, GERB, ITN, BSP, DPS, Democratic Bulgaria or Rise Up! Thugs Out! have included both Turkish and Roma candidates.

<sup>98</sup> ODIHR IEOM visited a limited number of polling stations in 13 of 31 districts.

<sup>99</sup> Including due to issues with the smartcards used for machine initialization or confusion with procedures.

<sup>100</sup> In some places, voters were identified without removing their masks.

<sup>101</sup> The CEC reported the turnout by 16:00 to be 27.2 per cent.

<sup>102</sup> The number of out of country polling stations was increased by 68 per cent.

<sup>103</sup> Including the device incorrectly reporting that the printer does not contain paper and isolated issues with the software.

<sup>104</sup> By law, all PECs received sufficient number of ballot papers for backup. While the CEC in a letter sent to DECs on 8 July specified that PECs need a formal approval to revert to paper ballots in case of technical problems, on election day, the CEC authorised the DECs to approve such requests.

were some restrictions on observation of data entry and processing. The ODIHR LEOM will continue observing the ongoing results tabulation process.

On election day, the CEC received some 80 complaints and alerts.<sup>105</sup> The CEC imposed fines on six websites and ordered the removal of content related to results of exit-polls before the closing of the polls. Most contestants and their candidates continued to advertise on social media during election day but the CEC stated that it has no competence over contestants' use of social networks.

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

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<sup>105</sup> Alleged irregularities pertained to PECs operations, non-compliance with health measures, voters being deprived of the right to vote, machine voting, campaigning on election day and publishing opinion polls.

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## **MISSION INFORMATION & ACKNOWLEDGEMENTS**

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Sofia, 12 July 2021 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (OSCE PA), and the Parliamentary Assembly of the Council of Europe (PACE). The assessment was made to determine whether the elections complied with OSCE commitments, Council of Europe standards, other international obligations and standards for democratic elections and with national legislation.

Mr. Artur Gerasymov was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the short-term OSCE observer mission. The OSCE PA delegation was led by Ms. Elona Hoxha Gjebrea, and the PACE delegation was led by Mr. Alfred Heer. Ms. Tana de Zulueta is the Head of the ODIHR LEOM, deployed from 9 June.

Each of the institutions involved in this International Election Observation Mission (IEOM) has endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the election will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The OSCE PA will present its report at its next Standing Committee meeting. The PACE will present its report at the September 2021 part-session.

The ODIHR LEOM includes 14 experts in the capital and 14 long-term observers deployed throughout the country. On election day, 64 observers were deployed, including 31 observers deployed by the ODIHR, as well as a 17-member delegation from the OSCE PA, and 16-member delegation from PACE. Observers were drawn from 27 OSCE participating States. The observers wish to thank the Ministry of Foreign Affairs for the invitation and assistance. They also express their appreciation to other state institutions, candidates, civil society organizations and the international community representatives for their views and cooperation.

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