



Office for Democratic Institutions and Human Rights

REPUBLIC OF BULGARIA

EARLY PARLIAMENTARY ELECTIONS

12 May 2013

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

18-20 March 2013



Warsaw
26 March 2013

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I. INTRODUCTION

Following an invitation from the Ministry of Foreign Affairs of the Republic of Bulgaria to observe the upcoming 12 May 2013 early parliamentary elections, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) to the Republic of Bulgaria from 18 to 20 March 2013. The NAM included Tatyana Bogussevich, OSCE/ODIHR Senior Election Adviser, and Lusine Badalyan, OSCE/ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and the preparations for the early parliamentary elections. Based on this assessment, the NAM was to recommend whether to deploy an OSCE/ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions, the election administration, as well as with representatives of political parties, media, and civil society. A list of meetings is annexed to this report.

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

II. EXECUTIVE SUMMARY

On 12 May early parliamentary elections in Bulgaria will be held after the resignation of the government and consequent dissolution of the parliament, following country-wide protests against poverty and high electricity bills. The 240-member parliament is elected through a proportional list system from 31 multi-mandate constituencies. Following recent legal amendments, the possibility of a preferential vote for candidate lists was removed, with a close list system now being used.

These elections are taking place against the background of an economic and political crisis and in an environment of ongoing protests and public disappointment with politics and political parties. All interlocutors met with by the OSCE/ODIHR NAM expressed concerns over possible vote-buying, so-called controlled voting and voter intimidation. They also noted that schemes for vote-buying were becoming more sophisticated and deeply-rooted, without any proper actions from the authorities, including the police. Many OSCE/ODIHR interlocutors mentioned that the issue of vote-buying is a practice that expands across all parties. Minority groups, especially Roma, are perceived as the most vulnerable in terms of such possible electoral irregularities.

In February 2013, after politicized and heated discussions in the parliament, amendments were introduced to the Electoral Code. Many OSCE/ODIHR NAM interlocutors acknowledged that the amendments introduced improvements of a technical nature, but did not address some of the important issues. The amendments address a number of OSCE/ODIHR recommendations, among others, those regarding the transparency of the work of the Central Election Commission (CEC) and observers' rights to follow all stages of the electoral process. However, many

important recommendations remain to be addressed, in particular on media coverage of the campaign, electoral dispute resolution, and the participation of national minorities in the electoral processes.

The election administration for parliamentary elections operates at three levels: the CEC, 31 District Election Commissions (DECs), one in each of the 31 multi-mandate constituencies, and some 12,000 Precinct Election Commissions (PECs). The permanent CEC is composed of 21 members with a five-year mandate. All levels of the election administration are formed based on political nominations. A number of new provisions of the Electoral Code create additional tasks and responsibilities for the CEC, mostly of a technical nature, which together with short timeframes for the conduct of early elections, may constitute a challenge for the CEC. Most OSCE/ODIHR NAM interlocutors expressed a lack of trust in the impartiality of the election administration and other institutions responsible for the conduct of elections; many were particularly concerned about the counting and the tabulation of votes. Concerns were also expressed about some contestants allegedly bribing election commissioners.

Voter lists are compiled based on data from the population register and are available for public scrutiny in polling stations 40 days before election day. Voter lists should also be published on the website of the relevant municipality. Voters can be added to a voter list on election day based on their permanent address. The CEC expressed concerns about some of their new responsibilities related to voter registration, claiming that the respective legal provisions lack clarity.

Candidates can be nominated by political parties, coalitions and nominating committees. Candidate lists are put forward by political parties and coalitions registered with the CEC. Such registration should be supported by both a collection of 7,000 signatures and a monetary deposit of 10,000 BGN (approximately EUR 5,000). Nominating committees registered with the DECs can nominate independent candidates. The nomination of independent candidates shall be supported by signatures of not less than 3 per cent but no more than 5,000 voters from within the relevant constituency and a deposit of 10,000 BGN.

Political parties and coalitions are entitled to state funding. Electoral contestants may also receive private donations from individuals. The National Audit Office (NAO) is responsible for monitoring political party and campaign finances. Parties contesting the elections should submit reports on incomes and expenditures to the NAO within 30 days after election day, which are published by the NAO. The Electoral Code stipulates that parties should continuously disclose information on donations in the public register of political parties, coalitions and nominating committees maintained by the NAO. However, according to the OSCE/ODIHR NAM interlocutors not all parties send such information for publication in the register in the required continuous manner. Most OSCE/ODIHR NAM interlocutors expressed the opinion that the transparency of political party and campaign financing was considerably improved and did not raise any particular concerns in this regard.

The official election campaign starts 30 days ahead of election day. The Electoral Code stipulates that the election campaign should be conducted only in the Bulgarian language. All campaign coverage on public broadcasters should be paid for by contestants, according to predetermined rates. There is no provision for free airtime on public broadcasters. The Electoral Code does not require identifying paid coverage as such. Private broadcasters and print media are largely unregulated. Most OSCE/ODIHR NAM interlocutors raised questions about the transparency of media ownership, as well as the independence of media from undue economic

and political influence. Concerns were also raised that practically all media coverage must be paid for.

In accordance with a long-standing OSCE/ODIHR recommendation, amendments to the Electoral Code provide access for observers to all stages of the electoral process and the possibility to attend sessions of election commissions at all levels. Observers and proxies are also entitled to receive copies of results protocols at polling stations.

All interlocutors met with during the OSCE/ODIHR NAM underscored the need for the deployment of an OSCE/ODIHR election observation activity for the early parliamentary elections. Most interlocutors encouraged the deployment of a full-scale election observation mission. On 28 February, the outgoing parliament adopted a decision suggesting that the Ministry of Foreign Affairs invite an 'expanded' OSCE/ODIHR observation mission. In considering an observation activity, the OSCE/ODIHR NAM has taken into account the various findings outlined in this report and the concerns expressed by stakeholders. These include issues related to the implementation of the legal framework, the role of the media, potential issues in administering the election, and voting, counting and tabulation of results.

On this basis, the OSCE/ODIHR NAM recommends the deployment of a standard Election Observation Mission (EOM) to the Republic of Bulgaria to assess the 12 May 2013 early parliamentary elections for its compliance with OSCE commitments, other international standards, and domestic legislation. This recommendation also takes into account OSCE/ODIHR's previous engagement with Bulgaria on electoral issues. In addition to a core team of experts, the OSCE/ODIHR NAM recommends that 22 long-term observers be seconded by participating States. Furthermore, the secondment of 220 short-term observers will be requested from participating States to ensure a wide and balanced geographic coverage of the country for the observation of election day proceedings.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

On 21 February 2013, the parliament of the Republic of Bulgaria (National Assembly) approved the resignation of Prime Minister Boyko Borisov and his government, following country-wide protests against poverty and high electricity bills. After three unsuccessful attempts of forming a new government, on 12 March, President Rosen Plevneliev dissolved the parliament, appointed an interim government, and set the date of early parliamentary elections for 12 May.¹

Following the 2009 parliamentary elections, the center-right party, Citizens for European Development of Bulgaria (*GERB*) obtained 116 of 240 seats in the parliament and formed a minority government. The Coalition for Bulgaria, consisting of the Bulgarian Socialist Party (BSP) and several smaller parties, and the Movement for Rights and Freedoms (MRF), got 40 and 38 mandates respectively. The far-right *Ataka* party won 21 seats, the Blue Coalition² received 15 seats and the Order, Law and Justice Party (*RZS*) 10 seats. The *GERB* minority government has remained in power since then, having endured several no-confidence votes,

¹ On 13 March, the interim Prime Minister Marin Raykov stated that the goal of his government would be the organization of free and fair elections and ensuring financial stability.

² The Blue Coalition consisted of the Union of Democratic Forces (UDF), Democrats for Stronger Bulgaria (DSB), and three smaller parties.

sometimes aligning itself with the Blue Coalition, the Order, Law and Justice Party (*RZS*) or with the *Ataka* party.

Since Bulgaria's accession to the European Union in 2007, the European Commission established a Co-operation and Verification Mechanism to assess the progress in implementation of the commitments made by Bulgaria in the areas of judicial reform, fight against corruption and organized crime. On 18 July 2012, the European Commission published a progress report under the mechanism, which acknowledges the political will of the government to continue reforms. At the same time, the report mentions the Eurobarometer polling results, according to which 96 per cent of Bulgarians consider corruption and organized crime to be an important issue for the country and 92 per cent highlight shortcomings in the judicial system as an issue.³

The OSCE/ODIHR has observed six elections in Bulgaria since 1997, most recently in 2011, when the OSCE/ODIHR deployed a Limited Election Observation Mission (LEOM) for the presidential and municipal elections. The LEOM concluded that the elections "provided voters with the wide choice of political options, and were generally characterized by a respect for fundamental right and freedoms. Pervasive allegations of vote-buying and the fact that virtually all campaign coverage in the media had to be purchased underscored the need for continued reform. Certain challenges remained, exemplified in the processing and tabulation of results after the first round of voting."⁴

B. LEGISLATIVE FRAMEWORK AND ELECTORAL SYSTEM

The legal framework regulating the parliamentary elections includes the Constitution, the Electoral Code, the Law on Political Parties, and other legal acts, as well as instructions and decisions of the Central Election Commission (CEC).

Following the 2011 OSCE/ODIHR LEOM to the presidential and municipal elections, the OSCE/ODIHR provided a set of recommendations aiming at further improving the electoral legal framework and practices. On 3 February 2012, the parliament held a discussion on the OSCE/ODIHR's final report and recommendations, and adopted a decision tasking the Parliamentary Legal Affairs Committee to prepare an analysis and responses to OSCE/ODIHR's recommendations. Further discussions on amendments to the Electoral Code were initiated in December 2012. On 14 February 2013, the parliament adopted amendments to the Electoral Code, which entered into force on 21 February 2013, just over two months ahead of the planned elections. All OSCE/ODIHR NAM interlocutors described these discussions as politicized and heated. The opposition parties expressed dissatisfaction with the attitude of the then governing party and assessed the adopted amendments as insufficiently comprehensive. Many acknowledged that the amendments introduced improvements of a technical nature, but did not address some of the important issues.

The amendments address a number of OSCE/ODIHR recommendations, among others, those regarding the transparency of the CEC's work and observers' rights to follow all stages of the electoral process. However, many important recommendations remain to be addressed, in particular on media coverage of the campaign, electoral dispute resolution, and participation of

³ See the Report from the Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism, Brussels, 18 July 2012, at: http://ec.europa.eu/cvm/docs/com_2012_411_en.pdf.

⁴ All OSCE/ODIHR election observation and assessment mission reports on Bulgaria can be found at: <http://www.osce.org/odihr/elections/bulgaria>.

national minorities in the electoral processes. One of the amendments introduced provisions that would allow for the piloting of voting via the internet during the 2014 elections to the European Parliament.

The Electoral Code provides in general for one level of appeal of election commission decisions; with DEC decisions appealed to the CEC and CEC decisions to the Supreme Administrative Court. Parliamentary election results can be challenged at the Constitutional Court by candidates, political parties and coalitions participating in the election through an institution entitled to address the Constitutional Court.⁵

The Constitution grants the right to ethnic self-identification and guarantees equality of citizens regardless of ethnicity, race or national origin. However, the legal framework does not recognize the existence of national minorities. The Constitution prohibits the formation of “political parties on ethnic, racial or religious lines”.⁶ The Constitutional Court has decided that the prohibition only refers to cases where the membership is expressly limited to those belonging to a single racial, ethnic or religious group, irrespective of whether it is in a majority or in a minority.⁷

The parliament is a unicameral body consisting of 240 members. The parliament is elected through a proportional list system from 31 multi-mandate constituencies. The number of mandates in each constituency is decided by the CEC according to the population size, with a minimum of four mandates per constituency.⁸ With the recent amendments to the Electoral Code, the legislators removed the possibility of preferential vote. Political parties and coalitions that receive at least four per cent of the 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.⁹

C. ELECTION ADMINISTRATION

Parliamentary elections are administered by a three-level system: the CEC, 31 District Election Commissions (DECs), one in each of the 31 multi-mandate constituencies, and some 12,000 Precinct Election Commissions (PECs). The CEC composition has not changed since the last national elections. It comprises 21 members appointed for five years by the president upon nominations from political parties and coalitions.¹⁰ In compliance with an OSCE/ODIHR

⁵ The Constitution stipulates, “The Constitutional Court shall act on an initiative from not fewer than one-fifth of the parliament, the President, the Council of Ministers, the Supreme Court of Cassation, the Supreme Administrative Court or the Prosecutor General.”

⁶ Bulgaria ratified the Council of Europe Framework Convention for Protection of National Minorities (Framework Convention) in May 1999. According to the Advisory Committee on the Framework Convention, legislation prohibiting the formation of political parties on ethnic or religious basis can lead to unwarranted limitations on the rights of freedom of peaceful assembly and freedom of association as enshrined in Article 7 of the Framework Convention.

⁷ See Constitutional Court Decision No.4 of 1992 on the registration of the Movement of Rights and Freedoms as a political party.

⁸ On 15 March 2013, the CEC adopted a decision defining the number of mandates per constituency.

⁹ The electoral quota is the ratio of the total number of the valid votes divided by the number of mandates in the relevant constituency.

¹⁰ The code stipulates that 19 members are to be nominated by political parties and coalitions with parliamentary groups in proportion to their representation in parliament. In case after all members are appointed the total number of the CEC is an even number, one more member is appointed. In the current CEC, 10 members are *GERB* nominees, 4 are from *BSP*, 3 from *MRF*, 2 from *Ataka* and 1 from the Blue Coalition. Although *RZS* is represented in the parliament, it lost its parliamentary group status due to the defection of five members. Parties and coalitions that have members in the European Parliament, but are not represented in the national parliament can nominate one CEC member. The National Movement for

recommendation, the February 2013 amendments to the Electoral Code granted to the CEC the status of a legal entity with an independent budget and permanent administrative staff. According to the CEC, permanent staff has not yet been established.

The CEC appoints DEC members and DECs in turn appoint PECs. The same parties and coalitions that form the CEC nominate members to DECs and PECs. DECs are composed of 11 members in constituencies with up to 9 mandates and 15 members in constituencies with 10 and more mandates. The number of PEC members varies from 5 to 9, depending on the number of registered voters. According to the Ministry of Foreign Affairs, some 250 polling stations will be opened at Bulgarian diplomatic representations abroad.

A number of new provisions of the Electoral Code create additional tasks and responsibilities for the CEC, mostly of a technical nature, which together with short timeframes for the preparation and organization of early elections were assessed by OSCE/ODIHR NAM interlocutors as likely to constitute a challenge for the CEC. The commission should broadcast its and all of the 31 DECs' sessions in real time on the CEC website, and should also establish a publicly accessible database of complaints and appeals. The CEC informed the OSCE/ODIHR NAM that its sessions are not streamed yet, but it is planning to start this soon. In addition, all polling stations in the country should be equipped with copy machines to ensure the implementation of a new provision of the Electoral Code that all those present in PECs can get a copy of the results protocol. DECs should be equipped with scanning machines for implementing an amendment according to which all PEC protocols should be scanned at the district level and immediately posted on the CEC website. Many OSCE/ODIHR NAM interlocutors doubted that it would be possible to equip polling stations with the necessary number of copy machines. According to the CEC, the responsibility for this rests with the Council of Ministers, which has committed to provide all the equipment to PECs and DECs.

According to the Electoral Code, decisions of election commissions require a two-thirds majority of members present. In line with an OSCE/ODIHR recommendation from 2011 the Electoral Code now stipulates that in cases when an election commission fails to adopt a decision because it could not garner the required majority, such rejections can be appealed.

Most OSCE/ODIHR NAM interlocutors expressed a lack of trust in the impartiality of the election administration and other institutions responsible for the conduct of elections; many mentioned the counting and the tabulation of votes as a particular concern. Many also claimed that the head of the company "Information Services", which is anticipated to be selected to handle the electronic processing and tabulation of election results, is politically biased due to his public statements.¹¹ Concerns were also expressed about the alleged bribing of election commissioners by some contestants.

D. VOTER REGISTRATION

Voter lists are extracted from the national population register maintained by the Civil Registration and Administrative Services Department of the Ministry of Regional Development (GRAO). The number of voters is estimated at 6.8 million. Voter lists should be posted in polling

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

¹¹ The CEC organizes a tender to determine the company for electronic processing of the results. During the past several elections the company "Information Services" was selected. The majority shareholder of the company is the Ministry of Transport.

stations for public scrutiny no later than 40 days before election day. Voter lists should also be published on the website of the relevant municipality to allow voters to check their details online. Voters can be added to a voter list on election day based on their permanent address.

To be able to vote abroad, Bulgarian citizens should apply to a diplomatic mission or consulate to be included in the voter list. In addition, according to the recent amendments, voters abroad should have a possibility to apply through the CEC website. The CEC considers this provision as a challenge to implement, since the law lacks clarity and details.

The CEC also expressed concerns with regard to other new responsibilities vested with it after amendments to the Electoral Code, claiming that the respective legal provisions are vague. In particular, the CEC should permanently maintain an updated voter list and ten days before election day should publish on its web-site the list of voters who cannot be entered on the voter lists on election day (this phenomenon was called ‘prohibited lists’ in 2011).¹² The Code is not clear on who creates and maintains the so-called ‘prohibited voter lists’.

E. REGISTRATION OF CANDIDATE LISTS AND INDEPENDENT CANDIDATES

Candidate lists can be put forward by political parties and coalitions registered with the CEC.¹³ Independent candidates can be nominated by nominating committees in the constituencies. Political party nomination should be accompanied by both a collection of 7,000 supporting signatures and a monetary deposit of 10,000 BGN.¹⁴ According to the recent amendments to the Electoral Code, each voter can sign in support of only one political party. Supporting signatures are checked by the GRAO. 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 submitted first. According to the Electoral Code, political parties should be given three days for the elimination of inaccuracies in their nomination documents. The CEC informed the OSCE/ODIHR NAM that due to early elections and the shorter timeframe, the commission interpreted the law strictly and adopted a decision according to which it would not be possible to introduce any changes and corrections in the nomination documents after the registration deadline, which is 27 March. The CEC sent this decision to the Supreme Administrative Court for approval.

Political parties and coalitions registered with the CEC present their candidate lists to the DEC. The sequence of candidates on the list is set by the parties, and the candidate list must contain no more than double the number of candidates as there are mandates in the relevant constituency. The same candidate can be included in candidate lists of no more than two constituencies.

Nominating committees registered with DEC can nominate independent candidates in the constituencies.¹⁵ The nomination of independent candidates shall be supported by signatures of not less than 3 per cent but no more than 5,000 voters from within the relevant constituency and

¹² According to Article 56.1 of the Electoral Code, names of voters who left Bulgaria at least two months before election day should be removed from the voter lists. The Ministry of Interior should provide the GRAO with the names of voters to be removed. The OSCE/ODIHR recommended in 2011 that if the so-called ‘prohibited voter list’ is maintained, voters included in it should be informed of this in due time and should have the opportunity to challenge the decision.

¹³ The nomination of political parties started on 19 March. The deadline for registration of political parties with the CEC is on 27 March. Only parties registered with the CEC can form coalitions.

¹⁴ At the moment of writing of this report the exchange rate was 1 EUR : 1.95 BGN.

¹⁵ The nominating committees should consist of at least three and no more than seven voters from the relevant constituency.

a deposit of 10,000 BGN. As in the case of political parties, the voter can sign in support of only one candidate.

Political parties and candidates that receive more than two per cent of the valid votes nationwide and nomination committees whose independent candidate received at least one-quarter of the constituency electoral quota are entitled to the refund of the electoral deposit.

F. POLITICAL PARTY AND CAMPAIGN FINANCE

The Law on Political Parties and the Electoral Code provide the regulatory framework for political party and campaign finance. 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.¹⁶ However, the report indicates as a weakness the lack of effective, proportionate and dissuasive sanctions for violations of party and campaign financing rules.

Political parties and coalitions represented in parliament are entitled to state funding in proportion to the number of valid votes received during the last parliamentary elections. Parties not represented in parliament, which have received at least one per cent of valid votes in the previous parliamentary elections, are also entitled to state funding on the same basis. Political parties, coalitions and nomination committees contesting the elections may also receive private donations, which are limited to 10,000 BGN per individual donor per calendar year. Anonymous donations and donations from legal entities are prohibited. The Electoral Code provides for a spending limit of 4 million BGN for political parties and coalitions, and 200,000 BGN for nomination committees. Following the recent amendments to the Electoral Code, the amount of donations that must be accompanied by a statement of origin was decreased from 1,000 BGN to 310 BGN. In addition, the National Audit Office (NAO) is given the authority to check the statements of origin of individual donations exceeding 1,000 BGN, in line with the OSCE/ODIHR recommendation provided in 2011. The recent amendments to the Electoral Code banned the use of public administrative resources free of charge and introduced fees for violations.¹⁷

The NAO is responsible for monitoring political party and campaign finances. Parties contesting the elections should submit reports on incomes and expenditures to the NAO within 30 days after election day. The NAO publishes these reports within 15 days. According to the Electoral Code, the NAO maintains a public register, which should include detailed information on incomes and expenditures incurred by political parties and nomination committees. The Code also stipulates that parties should continuously disclose information on donations and expenditures. However, according to OSCE/ODIHR NAM interlocutors not all parties systematically send such information for publication in the register. The OSCE/ODIHR previously recommended that parties should submit information on their donors and contractual partners to this public register on an on-going basis and that the NAO should have the authority to fine them for failure to comply with this requirement

¹⁶ 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).

¹⁷ A fine for using administrative resources ranges from 300 BGN to 1,000 BGN. In case such a violation is committed for the second time, the fine can be up to 3,000 BGN. Public administrative resources are defined in the Code as financial means, premises, vehicles, equipment and other movable or immovable items, which are the property of the state or the municipality.

Most OSCE/ODIHR NAM interlocutors expressed the opinion that the transparency of political party and campaign financing was considerably improved and did not raise any particular concerns in this regard.

G. CAMPAIGN AND MEDIA

The official election campaign starts 30 days before election day, i.e. on 12 April for the upcoming elections. The recent amendments to the Electoral Code provide a definition of what constitutes election campaigning.¹⁸ The Electoral Code stipulates that the election campaign should be conducted only in Bulgarian language. It is a long-standing OSCE/ODIHR recommendation that individuals identifying themselves as belonging to national minorities should be allowed to use their mother tongue in the election campaign. According to the Electoral Code, all campaign materials should contain a warning against vote-buying, covering at least ten per cent of the surface space for printed materials and being unambiguous and clear for audiovisual materials.

These elections are taking place against the background of an economic and political crisis and in the environment of ongoing protests in the country and public disappointment with politics and political parties. All interlocutors met with by the OSCE/ODIHR NAM expressed concerns over possible vote-buying, so-called controlled voting and voter intimidation.¹⁹ Further, they noted that schemes for vote-buying are becoming more sophisticated and deeply-rooted, without any proper actions from the authorities, including the police. Many OSCE/ODIHR interlocutors mentioned that the issue of vote-buying is a cross-party practice. Minority groups, especially Roma, are perceived as the most vulnerable in terms of such possible electoral irregularities.

After the 2011 presidential and municipal elections, the OSCE/ODIHR concluded that the dominance of paid campaign coverage in electronic and print media, and in particular on the public broadcasters, resulted in the *de facto* absence of a critical debate in the media. The OSCE/ODIHR recommended that the legal framework should provide for free airtime for contestants on public broadcasters. However, the media coverage rules remain unchanged and all campaign coverage on public broadcasters should be paid for by the contestants, according to predetermined rates. The Electoral Code defines the formats of campaign coverage on public broadcaster as spots, chronicles (news briefs) and debates. Other formats of coverage are determined by agreements between public broadcasters and political parties. In addition, the Code does not require identifying the paid coverage as such. Private broadcasters and print media are largely unregulated. The Electoral Code stipulates that paid broadcast time for campaign purposes on private media should be provided to all contestants on equal terms.

The regulatory body for the broadcast media is the Council for Electronic Media (CEM). The OSCE/ODIHR LEOM for the 2011 presidential and municipal elections recommended that the CEM could be tasked with quantitative and qualitative media monitoring and vested with power to provide remedies during the campaign period in a timely manner. The CEM informed the OSCE/ODIHR NAM that the fact that paid airtime is not identified makes effective monitoring of the electoral campaign difficult. For the upcoming elections, CEM plans to initiate a

¹⁸ The OSCE/ODIHR recommended in 2011 to provide a definition of what activities constitute campaigning. According to the new definition included in the amended Electoral Code, campaigning is an appeal for support of a concrete person, party or coalition during the elections. If the name and symbol of a party is placed on campaign materials without an appeal for support, it is not considered as campaigning.

¹⁹ OSCE/ODIHR NAM interlocutors described one form of controlled voting as pressure exerted on employees by owners of enterprises to vote for certain parties.

memorandum on fair and impartial campaign coverage to be signed by commercial broadcasters.²⁰

Bulgaria has a pluralistic media environment, but most OSCE/ODIHR NAM interlocutors raised concerns about the transparency of media ownership, as well as the independence of media from undue economic and political influence. Concerns were also raised that practically all media coverage should be paid for.

H. ELECTION OBSERVATION

The February 2013 amendments to the Electoral Code introduced detailed provisions on the scope of rights and responsibilities of observers and party proxies. In accordance with a long-standing OSCE/ODIHR 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 protocols at polling stations.

The Electoral Code defines who can be accredited as an observer.²¹ The CEC is registering both domestic and international observers. The number of observers registered by any one non-governmental organization should not exceed the number of polling stations. Political parties, coalitions and nominating committees may appoint proxies, which are registered by DEC. The number of proxies registered by each electoral subject should not exceed the number of polling stations in the relevant constituency. Each proxy should be assigned to a particular polling station, which should not be changed. The CEC and DEC should publish the list of registered observers and proxies on their webpages.

There are active civil society groups in Bulgaria that have significant experience in election monitoring and actively participated in the recent electoral reform process. Several civic groups informed the OSCE/ODIHR NAM of their intentions to observe the forthcoming elections.

IV. CONCLUSION AND RECOMMENDATION

All interlocutors met with during the OSCE/ODIHR NAM underscored the need for the deployment of an OSCE/ODIHR election observation activity for the early parliamentary elections. Most interlocutors encouraged the deployment of a full-scale observation mission. On 28 February, the outgoing parliament adopted a decision suggesting that the Ministry of Foreign Affairs invite an 'expanded' OSCE/ODIHR observation mission. In considering an observation activity, the OSCE/ODIHR NAM has taken into account the various findings outlined in this report and the concerns expressed by stakeholders. These include issues related to the implementation of the legal framework, the role of the media, potential issues in administering the election, and voting, counting and tabulation of results.

²⁰ A similar initiative of the CEM failed during the 2011 presidential and municipal elections, when broadcasters argued that those obligations were part of their internal self-regulation.

²¹ Observers can be representatives of the European Parliament, the Parliamentary Assembly of the Council of Europe, foreign parliaments, the OSCE, foreign parties and movements, as well as persons designated by the parties and coalitions running in the elections, persons invited through the Ministry of Foreign Affairs, and members and authorized representatives of Bulgarian non-governmental organizations.

On this basis, the OSCE/ODIHR NAM recommends the deployment of a standard Election Observation Mission (EOM) to the Republic of Bulgaria to assess the 12 May 2013 early parliamentary elections for its compliance with OSCE commitments, other international standards, and domestic legislation. This recommendation also takes into account OSCE/ODIHR's previous engagement with Bulgaria on electoral issues. In addition to a core team of experts, the OSCE/ODIHR NAM recommends that 22 long-term observers be seconded by participating States. Furthermore, the secondment of 220 short-term observers will be requested from participating States to ensure a wide and balanced geographic coverage of the country for the observation of election day proceedings.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Dimitar Philipov, Director of Human Rights Directorate
Krassimir Bojanov, Head of Legal Department
Krassimira Beshakova, Head of Human Rights Department
Nadia Krasteva, First Secretary, Human Rights Directorate
Dimitar Yaprakov, Spokesperson
Elitsa Milusheva, Intern

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

Ivan Getov, Chief Director
Ventsislav Hristov, Head of IT Department
Nina Simeonova, Head of Methodology and Control Department

Central Election Commission

Krassimira Medarova, Chairperson
Maya Andreeva, Deputy Chairperson
Rumyana Siderova, Deputy Chairperson
Maria Musorlieva, Deputy Chairperson
Sevich Solakova, Secretary
Ventsislav Karadjov, Member
Erhan Chaushev, Member
Pascal Boyadjiski, Member

National Audit Office

Boryana Ivanova, Head of Specific Audits Directorate
Rada Paskova, Chief Auditor of Specific Audits Directorate
Viktoria Lazarova, Head of Public Relations Department
Maya Todorova, International Activity and International Projects Expert

Information Services

Mihail Konstantinov, Chairperson of the Board of Directors
Ivaylo Filipov, Executive Director
Alexander Stanev, Director of Strategic Technologies Research

Bulgarian Socialist Party

Maya Manolova, Chairperson of Control Commission of the Party
Deniza Slateva, Executive Bureau Member
Angel Naydenov, Executive Bureau Member
Mladen Chervenjakov, Executive Bureau Member
Nevena Aleksieva, Head of Foreign Policy Department

Citizens for European Development of Bulgaria (GERB)

Dimiter Lazarov, Former Member of Parliament, Member of the Legal Affairs Committee
Krasimir Tshipov, Former Member of Parliament, Member of the Legal Affairs Committee
Tsveta Karayancheva, Former Member of Parliament, Member of the Legal Affairs Committee

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

Ekaterina Michailova, Deputy Chair, Former Member of Parliament

Veselin Metodiev, Head of Election Campaign

Movement Bulgaria for Citizens (MBC)

Nayden Zelenogorski, Member of Party National Council

Dessislava Dimitrova, Member of Party National Council

Yonko Grozev, Member of Party National Council, Chief Secretary

Hristo Angelichin, Member of Party National Council

Proshko Proshkov, Member of Party National Council

Movement for Rights and Freedoms (MRF)

Lyutvi Mestan, Chairperson

Rushen Riza, Deputy Chairperson

Philiz Hiusmenova, Deputy Chairperson

Hristo Biserov, Deputy Chairperson

Mustafa Karadaiyu, Organizational Secretary of Central Operational Bureau

Velislava Krusteva, Spokesperson

Stanislav Anastasov, Central Operational Bureau of the Youth Organization

Order Law Justice (RZS)

Emil Vasilev, Former Member of Parliament

Jhivko Temelkov, International Secretary

Bulgarian National Television

Boyko Vassilev, Journalist

Council for Electronic Media (CEM)

Sofia Dimitrova, Member

Maria Stoyanova, Member

Anna Hadjieva, Member

Anyuta Assenova, Member

Rumyan Petrov, Director of General Administration Department

Antoaneta Todorova, Director of Specialized Administration Department

Borislav Shabanski, Chief Secretary

Transparency International

Vanya Kashukeeva-Nusheva, Program Director

Kalin Slavov, Executive Director

Galab Baldzhiev, Program Co-ordinator

Institute for Public Environment Development

Iva Lazarova, Program Director

Institute for Social Integration

Katya Koleva, Chairperson

Civil Initiative for Free and Democratic Elections

Tanya Tsaneva, Chief Secretary

Daniel Stoyanov, Legal Expert