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Observation of the early parliamentary elections in Bulgaria (5 October 2014)

Election observation report
Ad hoc Committee of the Bureau
Rapporteur: Ms Doris FIALA, Switzerland, Alliance of Liberals and Democrats for Europe

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1. Introduction

1. The early parliamentary elections of 5 October 2014 in Bulgaria were held only seventeen months after the similar elections of 12 May 2013, which had brought a change in the government but did not help to solve the political and economic crisis in the country.

2. Already before the official resignation of Plamen Oresharski's government on 23 July 2014, the Bureau of the Assembly decided, at its meeting on 23 June 2014, to observe the forthcoming elections, subject to the receipt of an invitation from the caretaker government. It formed an ad hoc committee to this end, comprising 21 members and the rapporteur of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee). The Bureau also authorised a pre-electoral mission. At its meeting on 27 June, the Bureau approved the composition of the ad hoc committee and authorised the President of the Assembly to appoint the chairperson of this ad hoc committee.

3. On 5 August, President Rosen Plevneliev dissolved the National Assembly and called for early parliamentary elections to be held on 5 October. On 6 August, a caretaker government led by Mr Georgi Bliznashki was sworn in. On 11 August, the President of the Parliamentary Assembly received an invitation for the Assembly to observe these early elections.

4. At its meetings on 2 and 29 September, the Assembly's Bureau approved the final composition of the ad hoc committee. The date of these elections coinciding with the October part-session of the Assembly, only ten members of the ad hoc committee could finally participate in this mission (see Appendix 1).

5. In pursuance of Article 15 of the Agreement signed in 2004 between the Parliamentary Assembly and the European Commission for Democracy through Law (the Venice Commission), the Bureau invited a member of the Venice Commission to join the ad hoc committee as an adviser. The Venice Commission was represented by Mr Oliver Kask (Estonia).

6. In order to assess the organisation of the election campaign and the political climate during that campaign, the Bureau sent a pre-electoral mission to Bulgaria on 18 and 19 September. The pre-electoral delegation, representing three of the Assembly's five political groups, comprised Ms Doris Fiala (Switzerland, ALDE), Chairperson, Mr Zbigniew Girsyinski (Poland, EPP/CD) and Ms Olga-Nantia Valavani (Greece, UEL). The statement issued by the pre-electoral delegation at the end of its mission is reproduced in Appendix 2.

7. The ad hoc committee observed the elections as part of the International Election Observation Mission (IEOM), which also comprised a Limited Election Observation Mission (LEOM) conducted by the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR), led by Ambassador Audrey Glover.

8. The ad hoc committee met in Sofia from 2 to 6 October 2014 and held meetings with the leaders and representatives of the main parties taking part in the elections, the head of the OSCE/ODIHR mission and members of its staff, the chair and members of the Central Election Commission, and representatives of civil society and the media. The programme of the ad hoc committee's meetings appears in Appendix 3.

9. On election day, the ad hoc committee split up into seven teams to observe the elections in the following cities: Sofia and the surrounding area, Blagoevgrad, Kiustendil, Montana, Pazardzshik and Plovdiv.

10. The International Election Observation Mission stated that the early parliamentary elections of 5 October 2014 "were well administered technically and fundamental freedoms were respected, but allegations from all sides of vote buying and selling and other election irregularities, as well as a campaign that lacked substance continued to negatively affect public confidence in the integrity of the process". The IEOM press release published following the elections is reproduced in Appendix 4.

2. Political context

11. The previous early parliamentary elections of 12 May 2013 were brought forward following nationwide protests over high energy prices, low standards of living and corruption. Despite popular discontent, the former governing party Citizens for European Development of Bulgaria (GERB), led by Mr Boyko Borisov, gained over 30% of the votes cast and 97 seats of the 240-seat National Assembly. Nevertheless, it fell short of a majority and consequently the Bulgarian Socialist Party (BSP)-led minority government took office with Mr Plamen Oresharski at the head.

12. The new government had only half the seats in parliament and the fragile minority coalition became rapidly dependent on the ultranationalist Ataka party. This dependency, as well as numerous controversial decisions and political scandals, five no confidence votes and the meagre result of 18.94% of the BSP at the European elections in May 2014, prompted the early collapse of the Oresharski government.

13. Among the key decisions for which the government was criticised was the attachment of the new Directorate General to combat organised crime to the State Agency for National Security (DANS), modification of the regulations on the nomination of the Agency's director without the recommendation from the President and the subsequent appointment to this post, on 14 June 2013, of Mr Deljuan Peevski, owner of the New Bulgarian media group and a controversial MP (accused of corruption in the past). This heralded the longest popular protests in Bulgaria's contemporary history, lasting for 340 days. Nevertheless, the almost year-long street protests did not generate new political parties, nor did any existing political party take the lead.

14. In June 2014, Bulgaria lived through a financial crisis, after information had leaked of the imminent bankruptcy of several banks, notably the Corporate Commercial Bank (CTB) and the First Investment Bank, respectively 4th and 3rd in the country. The CTB, initially a small bank which had in a very short time become

a bank holding large stakes of public funds and most of the country's politicians' deposits at unsustainably high interest rates, was provisionally closed on 20 June 2014 and placed under the supervision of the Central Bank. Complex negotiations among the institutions and the intervention of the European Union calmed the situation, even if there is no lasting solution yet and the money of over half a million citizens and companies is blocked in the bank.

15. The lack of an effective social and health policy was arguably the main reason for the 2013 early elections. The Cabinet of Oresharski took an extra 3 billion BGN of national debt, yet it failed to use even part of this sum for supporting the health system, with a number of hospitals expected to close down this autumn.

16. The government's announcement of the re-launching of the construction of a nuclear power plant in Belene, as well as that of the South Stream gas pipeline to be financed by Russia, further fuelled public discontent. The European Union reacted to this by questioning the legality of this decision. Opposing views and reactions towards Bulgaria's energy independence – between Russia and the European Union – thus became one of the key issues in the election campaign.

17. The above, mixed with a more general perception of political corruption, pressure and "trade with influence" within the judicial system contributed to the further deepening of public mistrust towards State institutions. Of the over 500 cases of investigation of vote buying reported before the May 2013 early elections, only eight cases have been taken to court and only one person has been given a prison sentence. Investigations into the recent devastating floods have stalled and there are still no clear messages to the public as regards their deposits in the CTB bank. The recent case of tax cheating of a vice-speaker of the parliament further brought the issue of the ethics of the Bulgarian political elite into electoral campaign debate.

3. Legal framework

18. The 5 October 2014 early parliamentary elections were the first under the new Election Code adopted in March 2014 and amended in April 2014.

19. On 26 November 2013, the Bulgarian National Assembly asked the Venice Commission to prepare an opinion on a draft new Election Code of Bulgaria. The Venice Commission and the OSCE/ODIHR decided to provide a joint legal opinion on the draft Code, which was assessed as providing "a sound legal basis for the conduct of democratic elections".[1] Prior to its adoption, however, the draft new Election Code was vetoed by President Plevneliev within the parliamentary procedure. He was concerned about the procedure for the formation of the CEC, the voter registration system, the introduction of the machine voting system and the rules for preference vote in different types of elections. The veto was overridden by the parliament on 4 March, which enacted the new Election Code some two months ahead of the European Parliament elections.

20. The OSCE/ODIHR and the Venice Commission underlined positive changes in the draft Code, which included *inter alia*: balanced appointment and composition of election administration as a whole; balanced leadership positions in election commissions; reduced electoral deposits and signature requirements for registering independent candidates and political parties; clarified deadlines for appealing denials of candidate registration; and the possibility to appeal Central Election Commission decisions to the Supreme Administrative Court.

21. The electoral system was also to some extent modified. The National Assembly is a unicameral body consisting of 240 members elected through a proportional system from 31 multi-mandate constituencies. The new Code introduced single preference voting for candidates on a list (open list voting). A candidate may benefit from the preference vote if the number of votes received is at least 7% of the votes cast for the candidate's list. The electoral threshold is 4% of valid votes at national level, while independent candidates have to pass the electoral quota calculated on the basis of the Hare-Niemeyer method.

22. Nonetheless, some outstanding issues remain, which were already pointed out in the 2013 election observation report as well as in the Joint Opinion of the Venice Commission and the OSCE/ODIHR. These recommendations concerned:

– improving the method of allocation of seats for MPs at parliamentary elections;

– improving the voter registration procedure and reinforcing the accuracy of voter lists;

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1. Joint Opinion on the draft Election Code of Bulgaria, adopted by the Council for Democratic Elections at its 47th meeting (Venice, 20 March 2014) and by the Venice Commission at its 98th plenary session (Venice, 21-22 March 2014; (CDL-AD(2014)001), paragraph 82:
www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2014)001-e.

– reducing restrictions on voting rights of prisoners;

– removing restrictions on voting for people with dual citizenship;

– improving the procedure of complaints/appeals and the effectiveness of this mechanism;

– strengthening the authority of the National Audit Office to check the accuracy of campaign finance reports;

– allowing the use of minority languages in electoral campaigns.

23. There also continues to be a significant disparity between the number of voters in the various constituencies, which is contrary to the constitutional principle of equal votes and the provisions of the Venice Commission's Code of Good Practice in Electoral Matters which states that the maximum admissible departure from the distribution criterion adopted should never exceed 15%.[2] This matter was challenged before the Constitutional Court by 70 members of parliament, but was rejected. The pre-electoral delegation raised this issue with the President of the Constitutional Court but did not receive any clarification on the matter. The new preference vote has not met with the approval of all political forces. Representatives of GERB indicated at the meeting with the ad hoc committee that if they were to come back to power, they would introduce further amendments to the Election Code in order to return to the closed list system.

4. Administration of the elections, drawing up of electoral rolls and registration of political parties

24. Upon taking office on 6 August, the caretaker government set as its priority the carrying out of free and fair elections and the easing of social tension. In order to help boost citizen confidence in the electoral process, the government set up a Consultative Board, with the participation of non-governmental organisations active in electoral matters. The existence of this consultative body was much appreciated by most interlocutors of the ad hoc committee.

4.1. Election administration

25. The election administration in Bulgaria operates at three levels: the Central Election Commission (CEC), 31 district election commissions (DECs) and 11 726 precinct election commissions (PECs). An additional 428 PECs were established for voters abroad and 96 for mobile voting.

26. The CEC, which is a permanent body, is composed of 18 members nominated by the parliamentary parties and coalitions as well as one member proposed by each of the parties and coalitions that have members of the European Parliament elected from their candidate lists but are not represented in the national parliament. It leads to a total of 20 members for the current CEC. The CEC members have a five-year mandate. All election administration levels are formed based on political nominations. The organisational and technical preparation and security of the elections, including for equipment, consumables and voting machines are implemented by the Council of Ministers and the CEC.

27. Out of 20 members of the CEC appointed for these elections, the chairperson, the two deputies, the secretary and seven other members were women.

28. Both the pre-electoral and main mission delegations considered that the CEC worked in an efficient and professional manner, which was also confirmed by the OSCE/ODIHR LEOM. Its meetings were streamed online on its website in a timely manner, contributing to the transparency of the way it operates. Some complaints were nevertheless voiced by non-governmental organisations (NGOs) and candidate parties that their complaints were not dealt with at the required speed or forwarded in the prescribed time frame to the Supreme Administrative Court.

29. The CEC launched a nationwide voter education campaign comprising explanations on voting procedures on the new preference vote system. Some NGOs voiced concern over the limited information available. The video clip produced to explain the new voting bulletins was broadcast at least 176 times on national television, but it was deemed too fast and complicated to follow by part of the population.

2. Venice Commission, Code of Good Practice in Electoral Matters, adopted by the Venice Commission at its 52nd session (Venice, 18-19 October 2002, CDL-AD(2002)023rev), I.2.2:
www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2002)023rev-e.

4.2. Voter registration

30. All Bulgarian citizens aged 18 years or older on election day have the right to vote, except those serving a prison sentence, regardless of the severity of their crime.[3] Voter registration is passive. Voter lists are compiled based on data from the national population register[4] and are available for public scrutiny 40 days before election day. Voters could verify their data online and in designated display areas at the local administration, and they could amend their registration records between 25 August and 27 September.

31. The accuracy of the voter list has been a source of polemic for decades now. According to the CEC, the voter register included 6 901 072 voters, which is an inexplicably high number for a population of 7.4 million. Several parties drew the delegation's attention to possible "dead souls" in the voter lists. Some questioned the accuracy of the 2011 census as well.

32. Voters abroad were able to register for out-of-country voting. Based on these requests, 167 out-of-country PECs were established; in addition, 261 PECs were established in locations where there were over 100 voters in any election during previous five years. Voters abroad could also vote without prior registration, which several interlocutors raised concern over, for this system does not establish sufficient safeguards against possible multiple voting.

4.3. New voting technologies

33. The new Election Code provides for the use of new voting technologies in a controlled environment. The first pilot project with 100 voting machines took place in the May 2014 European Parliament elections. For the October elections, the CEC carried out a second pilot project whereby voters in 300 polling stations from five constituencies (Kyustendil, Pernik, Pleven, Plovdiv and Sofia) had the possibility to use touch screen devices. The test was restricted to voting and counting, without direct transmission of results to the tabulation centres. The PECs concerned had to print the results from each machine and fill in the results by hand on a paper results protocol. The machine voting results were not counted as official.

34. The provider was responsible for the implementation of the test. The OSCE/ODIHR and several interlocutors pointed out that no audit of hardware or software had been requested by the caretaker government, CEC or any third party authorised entity. In the general atmosphere of mistrust, there seemed to be little trust towards new technologies in the voting process.

4.4. Candidate registration

35. According to the new Election Code, political parties and coalitions are required to register with the CEC by providing a set of documents, a deposit of BGN 2 500, and the supporting signatures of at least 2 500 voters. Registered contestants present their candidate lists to the DECs.

36. The CEC registered 18 political parties, 7 coalitions and 3 independent candidates (way down from the 63 parties – of which 25 formed seven coalitions – and 2 independent candidates at the May 2013 elections). A total of 6 034 candidates ran for the 240-seat parliament, an average of 25 contestants per seat.

37. The members of the ad hoc committee were not informed of any difficulties with candidate registration.

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3. The blanket denial of voting rights for prisoners has been a source of long-standing concern; the OSCE/ODIHR and the Venice Commission have noted that "[t]he disenfranchisement of citizens serving a prison sentence, regardless of the severity of the crime committed, weakens the guarantee of universal suffrage, and is inconsistent with OSCE commitments and international standards". See paragraph 29 of the 2014 Venice Commission and OSCE/ODIHR joint opinion.

See also judgments of the European Court of Human Rights: *Hirst (2) v. the United Kingdom*, Application No. 74025/01, judgment of 6 October 2005; *Frodl v. Austria*, Application No. 20201/04, judgment of 8 April 2010, paragraph 25; *Greens and M.T. v. the United Kingdom*, Applications Nos. 60041/08 and 60054/08, judgment of 23 November 2010; *Scoppola v. Italy (No. 3)* [Grand Chamber], No. 126/05, judgment of 22 May 2012; see also the Code of Good Practice in Electoral Matters, I.1.1.*d*.

4. Maintained by the Civil Registration and Administration Services Department of the Ministry of Regional Development (GRAO), per Article 26 of the Election Code.

5. The election campaign and the media environment

5.1. Campaign environment and funding

38. The official electoral campaign for these early elections started on 5 September and developed in a climate of voter fatigue after two successive elections and mistrust towards politics and political parties at all levels: by the public towards parties and politicians, between parties and within the parties, generated in particular by the newly introduced preference vote.

39. The electoral campaign remained low-key and lacked substance or concrete proposals for the country to exit from the crisis. The campaign seemed to concentrate more on allegations of vote buying and controlled voting by adversaries than on political programmes. The winner (GERB) appeared obvious; what was left open in the campaign was mainly the question of whom the winner would form a coalition with.

40. As was reported by the OSCE/ODIHR long-term observers, at times the campaign of some parties used inflammatory language, especially against the Turkish and Roma minorities and the setting-up of polling stations in Turkey (136 in total). The coalition Patriotic Front filed a complaint to the Supreme Administrative Court against opening polling stations in Turkey and other countries, while Bulgaria without Censorship reportedly blocked three check-points at the Bulgarian border to Turkey in order to "stop the import of voters from Turkey". The CEC banned one racist campaign poster of the Bulgarian National Union – New Democracy (BNS-ND) and four campaign videos of BNS-ND, MRF, Ataka and the Greens.[5]

41. On 8 September, 16 of the 25 contestants signed an "Integrity Pact for Free, Fair and Democratic Elections", by which they committed themselves not to register party members, proxies or "paid observers" on behalf of civil society organisations, to initiate strong actions against vote buying and controlled voting, to provide additional training for their representatives at precinct election commissions (PECs) and to provide accurate information on donations during the election campaign. However, the delegation noted that this document had by and large only a symbolic value. The delegation was informed, for example, of numerous dubious cases of registered observer NGOs either bearing the same or a clearly indicative name as a political party, for example "Bulgaria without Censorship" or "Protection for Rights and Freedoms", or having in principle nothing in common with elections, for example the "Club of Sommeliers" or the "Speed-racing Club".

42. The Assembly delegation heard statements from various people on instances of vote buying and controlled voting which had taken on unacceptable proportions. According to some, most if not all political parties were involved in this form of election fraud. It was claimed that vote buying and especially controlled voting were primarily carried out in ethnically mixed areas, although some admitted that vote buying was transcending the more traditional ethnic lines and was becoming widespread among poorer strata of the population.

43. The delegation's attention was also drawn to the fact that parties did not adequately inform their voters about the preference vote or encourage them to use this option. Representatives of GERB campaigned openly against the new system, promising to change it if they came back to power.

44. Some parties/coalitions and NGOs voiced their concern that their complaints had not been treated in time, which the delegation could not verify. According to OSCE/ODIHR, despite some 300 reported irregularities, there were only two criminal prosecutions prior to election day. This contributed to a climate of impunity, mistrust and a lack of accountability.

45. The latter is further enhanced by opaque campaign financing. According to election legislation, donations are limited to BGN 10 000 per person and campaign expenditure by a political party or a coalition is limited to BGN 3 million; for an independent candidate to BGN 0.2 million. Final reports on campaign funding and expenses are submitted to the National Audit Office (NAO) within 30 days after election day. However, the NAO has no deadline for completing their audits and sanctions for non-compliance with campaign finance regulations remain low and thus insufficiently discouraging.

46. Parties and coalitions in parliament are entitled to public funding in proportion to the number of valid votes received previously. Also all those parties which received at least 1% of valid votes nationwide in the last parliamentary elections receive some public funding. Contestants not entitled to public funding receive funds for media advertisements, amounting to BGN 40 000 for parties/coalitions and BGN 5 000 for independent candidates.

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5. International Election Observation Mission, Republic of Bulgaria – Early Parliamentary Elections, 5 October 2014: Statement of Preliminary Findings and Conclusions, p. 7.

5.2. Media environment

47. Overall, Bulgaria has a pluralist media landscape offering freedom of expression. However, the role of the media in the election campaign remains of concern. There is a clear lack of equality between parties, not least because parties in parliament benefit from State subsidies, which is regarded as an indirect subsidy to media access. OSCE/ODIHR IEOM media monitoring showed that 80% of the political advertisements on broadcast media and 87% in print media were purchased by the eight parties that receive public funding.

48. Unpaid campaign time was limited to public television and radio, while in private media almost everything had to be paid for. Bulgarian National Television (BNT) and Bulgarian National Radio (BNR) devoted only 21 minutes in their prime time newscasts to all contestants. Political parties had to pay large sums of money – the same for all – for almost all broadcasts relating to their campaign, including debates on public broadcasting channels.

49. There are some reservations about the independence of the media from undue political and economic influence. Furthermore, media ownership is opaque, mostly in the hands of party-affiliated oligarchs. Paid campaign broadcasts were not always clearly identified as such and certain voters may in this way have been misled about their source.

50. Current legislation stipulates that the election campaign must be conducted only in Bulgarian, a fact criticised in previous Assembly reports as well as in the Venice Committee and OSCE/ODIHR opinions. According to the 2011 census, 8.8% of the population are of Turkish origin and approximately 4.9% are Roma. Minorities are seen as being among the most vulnerable to electoral irregularities. Bulgaria has ratified the Council of Europe Framework Convention for the Protection of National Minorities (ETS No. 157). It is not Party to the European Charter for Regional or Minority Languages (ETS No. 148). Despite explicit calls by the Council of Europe, national minorities are not allowed to campaign in their own language and this is a matter of serious concern. This affects primarily the Turkish minority, and, most of all, media and printed materials

51. The Assembly delegation, while acknowledging the right of national minorities to conduct election campaigns in their mother tongue, would nevertheless reiterate the point made in several previous reports that the political parties representing the interests of the national minorities and their leaders also have a heavy responsibility to combat effectively all forms of electoral corruption, which, according to various credible sources, is a worrying phenomenon in ethnically mixed areas. Poverty is a fertile breeding ground for buying and controlling votes, and so is the lack of education and knowledge of the language of the country, which keeps the population dependent on the grey economy and the influence of those who manipulate them.

6. Polling day and election results

52. The seven teams of the Assembly delegation observed in 67 polling stations in six regions (Blagoevgrad, Kyustendil, Montana, Pazardzshik, Plovdiv and Sofia), mostly in urban but also in rural areas, many teams concentrating on ethnically mixed areas. They found the election day calm and generally well run. In all but two PECs, the overall assessment of the functioning of polling stations was very good or good. Nonetheless, the delegation identified a number of irregularities and minor technical problems in the polling stations they visited.

53. First, as regards the voting process, because of the rather cumbersome procedure of the ballot needing to be stamped for the second time after voting in the booth – it was often interpreted that only one voter could vote at a time. Some members of the delegation calculated that, on average, two minutes were needed to pass all the stages, which is too much considering the average number of voters registered per PEC (between 800 and 1 000). Moreover, the small size of several polling stations and only having one polling booth per polling station did not contribute to speeding up the process.

54. Although the PEC members appeared well trained, many had difficulties understanding the procedure of clipping the serial number of ballots, sometimes cutting them before voters entered the polling booth. Voters did not always fold their ballots enough to guarantee the secrecy of the vote. The system of PEC commissioners touching the ballots after the vote done in the polling booth may need to be revised in the future.

55. In several predominantly Roma-populated areas, unauthorised persons were present in the polling station.

56. The delegation was surprised by the absence of non-partisan election observer NGOs in polling stations. Only one team reported back having seen two NGOs observing the procedures. The “unified” system of badges introduced for these elections, whereby it was impossible to visually distinguish between party

representatives and proxies, independent observers or international observers, created some confusion as well as commotion, as many party observers moved in and out of the PECs as they pleased. In the Stolipinovo area in Plovdiv, some party observers were not able to say for which party they were observing.

57. The counting process turned out to be problematic in some PECs. Rules were not strictly followed but a "pragmatic" approach was usually taken as counting preference votes was expected to be long. The team observing vote counting in the Lulin area (PECs Nos. 71 and 74) reported that the leadership of the counting process had been taken over by an unauthorised person, who turned out to be the mayor of a neighbouring municipality. In Plovdiv (PEC No. 47) the commissioners asked a person from a neighbouring PEC to help with filling in protocols.

58. The results protocols were long and complicated. Most teams observed that PEC members took more time filling in the protocol than for the counting itself.

59. All in all, the delegation was concerned about the high proportion of invalid ballots due to confusion with the "mixed" ballots presenting a list of parties/coalitions in one column and the numbers of preference votes in another. Marking both on one side automatically invalidated the ballot. In polling stations observed, the amount of invalid ballots varied from 8% to 30% of the votes cast. This indicates that more should have been done for voter education.

60. Most teams heard of possible vote buying as an "open secret"; some indicated that up to 100 000 votes could have been traded, but this is impossible to prove. NOVA TV station broadcast a hidden camera recording vote buying. In two predominantly Roma-populated quarters in Sofia (Lulin) and Plovdiv (Stolipovo), observing teams suspected controlled voting. In the latter, in the ten polling stations in one schoolhouse, the vast majority of votes went to one preference candidate who is a well-known local Roma leader. On election day, the CEC received 190 "alerts" and 31 complaints (published before the close of the vote). At the time of writing, the Assembly's delegation was not aware whether these concerned also vote buying.

61. On 9 October, the CEC announced the official results of the early parliamentary elections. Eight parties and coalitions passed the threshold of 4% (131 327 votes).

– GERB – 84 MPs (32.67%),1 072 491 votes
– BSP – 39 MPs(15.40%), 505 527 votes
– Movement for Rights and Freedoms (MRF) – 38 MPs (14.84%), 487 134 votes (receiving around 60 090 votes from Turkey of a total of around 135 000 votes from abroad)
– Reformists block – 23 MPs (8.89%), 291 806 votes
– Patriotic Front – 19 MPs (7.28%), 239 101 votes
– Bulgaria without censorship – 15 MPs (5.69%), 186 938 votes
– Ataka – 11 MPs (4.52%), 148 262 votes
– Alternative for Bulgarian Revival (ABV) – 11 MPs – (4.15%), 136 223 votes

62. Voter turnout was 48.66%, the lowest since the collapse of the totalitarian system of governance in 1989. The total number of voters' signatures in the voter register was 3 500 585 and the number of ballots cast was 3 501 269. The number of valid ballots was 3 283 192 and the number of invalid ones was 218 125 (6.6%).

63. Although these elections doubled the number of parties in the National Assembly, it did not bring much freshness to the political scene; rather it confirmed certain trends: the capacity of GERB and MRF parties to draw on loyal electorates and the inability of civil society members to propose a viable alternative to the traditional parties. Despite the prevailing cynicism when it comes to political figures, most Bulgarian citizens were not yet prepared to reward civil society actors with a high level of trust. Furthermore, despite the politicisation of everyday discourses due to the 2013 anti-Borisov and 2013-2014 anti-Oresharski protests, the demonstrations did not encourage a substantial proportion of the population to go to the voting booths.

64. Notwithstanding the above trends, the election results indicated a degree of polarisation of the society. Two nationalistic parties Patriotic Front and Ataka, as well as a populist Bulgaria without Censorship garnered 45 seats in the new composition of the National Assembly.

65. All in all, the early elections have so far failed to achieve a breakthrough in the political deadlock. At the moment of finalising this report, a month after these early elections, the political forces are still in difficult coalition negotiations, with a most likely scenario of a new minority government being formed between GERB

and the Reformist Bloc. The date for new early elections is already being discussed. It is regrettable that the various pleas by President Plevneliev, European partners or our own delegation to the political forces in the country to set aside their differences and put the national interests above party-political power considerations have gone unheeded.

66. The 43rd composition of the National Assembly held its opening session on 27 October.

7. Conclusions and recommendations

67. The International Election Observation Mission stated on 6 October that, although Bulgaria's early parliamentary elections on 5 October 2014 were well administered technically and fundamental freedoms were respected, allegations from all sides of vote buying and selling and other election irregularities, as well as a campaign that lacked substance continued to negatively affect public confidence in the integrity of the process.

68. The low voter turnout combined with the relative success of extreme right-wing parties is a worrying sign of growing mistrust towards the political system. Civil society must be encouraged to participate in the democratic process. The Bulgarian people need to be aware that a lack of participation is equivalent to reduced democratic control over political power.

69. The ad hoc committee finds that as a European Union member State and one of the first countries of central and eastern Europe to have entered the Council of Europe in 1992, Bulgaria should strive for excellence in electoral practices. "Trust" is the key word that the country needs to build on, and this can only be achieved through eradication of corrupt practices, including in electoral matters. Any new government would need to be extra attentive to the mood of ordinary citizens and formulate a clear programme for the governance of the country in co-operation with the rest of the parties, if it is to fulfil its full mandate.

70. In order to restore and strengthen citizen trust in the democratic process, the Parliamentary Assembly ad hoc committee encourages the Bulgarian authorities, in close co-operation with the Venice Commission and as part of the Assembly's post-monitoring dialogue, to adopt a number of measures:

71. First, as regards the legal framework, the Assembly delegation considers that while the current legal framework for elections provides a sound basis for the holding of democratic elections, the new authorities will have to take further steps to review a number of outstanding concerns, among them:

– the disenfranchisement of prisoners, regardless of the severity of their crime, which is contrary to international legal documents and the case law of the European Court of Human Rights;

– the restrictions on voting for persons with dual citizenship;

– the requirement that campaigning must be conducted only in the Bulgarian language, which may deprive minorities of the opportunity to promote their effective participation in public affairs through election processes;

– the impossibility for ordinary citizens to challenge the results of parliamentary elections (this right only being available to political parties and contestants and only through the institutions stipulated in the Constitution).

72. Second, as regards the numerous alleged instances of vote buying and controlled voting, the Assembly delegation calls on the competent Bulgarian authorities to investigate all allegations as thoroughly as possible and, if they are substantiated, to bring those responsible to account, including those who ordered this type of electoral fraud, and to inform both the public and the Parliamentary Assembly of the results as soon as possible.

73. Third, as regards access to media for campaign purposes, the Assembly delegation considers that if media puts politics on their agenda only when it is paid to do so, people cannot be fully informed about how to make independent choices. It therefore urges the newly elected lawmakers to improve legislation in view of ensuring the principle of equal access to the media for political parties.

74. Fourth, the Assembly delegation urges the Central Election Committee and other relevant authorities to simplify certain procedures, including counting and tabulation operations, which do not require major changes in the existing legislation. It invites the CEC to concentrate on educating voters on the preference vote system through a more pedagogical awareness campaign.

75. Finally, the delegation underscores that poverty and lack of education are key factors in falling prey to power pressures and corruption. It therefore knocks on the conscience of the future government to adopt and implement new social, educational and public health policies, alongside the long overdue reform of the judiciary, as matters of utmost priority.

Appendix 1 – Composition of the ad hoc committee

Based on proposals by the political groups of the Assembly, the ad hoc committee was composed as follows:

– Doris FIALA* (Switzerland, ALDE), Chairperson of the ad hoc committee

– **Socialist Group (SOC)**
  - Andreas GROSS, Switzerland
  - Fatma PEHLIVAN, Belgium

– **Group of the European People's Party (EPP/CD)**
  - Thomas FEIST, Germany
  - Aleksandar NIKOLOSKI, "The former Yugoslav Republic of Macedonia"

– **European Conservatives Group (EC)**
  - Lukasz ZBONIKOWSKI Poland

– **Alliance of Liberals and Democrats for Europe (ALDE)**
  - Tudor-Alexandru CHIUARIU, Romania
  - Doris FIALA,* Switzerland
  - Luis Alberto ORELLANA, Italy
  - Andrea RIGONI, Italy

– **Group of the Unified European Left (UEL)**
  - Olga-Nantia VALAVANI,* Greece

– **Venice Commission**
  - Oliver KASK, Estonia

– **Secretariat**
  - Ivi-Triin ODRATS, Administrator, Secretary to the ad hoc committee
  - Danièle GASTL, Assistant, Interparliamentary Co-operation and Election Observation Division
  - Anne GODFREY, Assistant, Interparliamentary Co-operation and Election Observation Division
  - Gaël MARTIN-MICALLEF, Administrator, Secretariat of the Venice Commission

* members of the pre-election delegation (18-19 September 2014)

Appendix 2 – Statement by the pre-electoral delegation

Strasbourg, 19.09.2014 – A three-member, cross-party delegation of the Parliamentary Assembly of the Council of Europe (PACE) was in Sofia on 18 and 19 September 2014, at the invitation of the Ministry of Foreign Affairs of the Republic of Bulgaria, for a pre-electoral visit ahead of the 5 October 2014 early parliamentary elections.

“The best possibility to improve democracy is when people take part in the democratic process. The Bulgarian civil society should show its strength by participating in the elections in large numbers and not stay at home out of resignation”, said Doris Fiala (Switzerland, ALDE) at the close of a two-day pre-electoral visit to Sofia. “Polls should never lead to the conclusion that one’s vote does not make a difference. Even votes that fall below electoral thresholds are important, for they reflect the wishes of the people. The free and fair conduct of the forthcoming snap elections is not only important for Bulgaria but for the whole of Europe and for everybody who believes in the same values of democracy”.

The pre-electoral delegation noted with satisfaction the recent improvements to the electoral legislation, including the introduction of the proportional vote, the efficient application of which still remained to be tested. It also commended the competent work of the Central Election Commission under newly adopted rules and tight time schedules.

On the other hand, the delegation expressed grave concern over the total lack of trust in the democratic processes. “The last two years of political instability and successive revelation of corrupt practices at various levels has led the country to an impasse, from which the only way out would be through a show of great maturity by the political class and by placing national interests ahead of short-sighted party political ambitions. In order to regain public trust, it is time to forget the language of hatred and to start campaigning with rational arguments and clearly defined political programmes”.

The pre-electoral delegation was also informed of numerous allegations of potential vote-buying and controlled voting ahead of the elections. “We call upon the State authorities to pool all their efforts to eradicate this criminal practice and to seriously investigate all allegations that could arise over the next weeks. We appeal to all political forces in this country to trust citizens to make their own free choices, and to adhere to the principles of fair play. It is the only way to stop the spiral of political crisis and to have, at the end of the day, a legitimate result that everybody could respect.”

The delegation also echoed concern over the role of the media in the election campaign, which appeared to favour large established parties and corporate interest rather than offering a fair playing field to all players. The opaque media ownership and lack of transparency, both in the funding and the money spent by political parties, further aggravated the picture.

“The way a country treats its minorities is a sign of the quality of democracy in the country”, added Doris Fiala. “In this respect, we regret that national minorities are still not able to campaign in their own language in minority-predominant regions. In the 21st century it is not the use of a minority’s mother tongue that would snatch the votes; credible assurances to the citizens at large that their concerns are being catered for is a more valid guarantee for winning voters’ support”.

The delegation held meetings in Sofia with the President of Bulgaria, the Prime Minister of the caretaker government, the President of the Constitutional Court, the Chair and members of the Central Electoral Committee, representatives of parliamentary groups and representatives of registered parties and coalitions, as well as the OSCE/ODIHR Limited Election Observation Mission, NGOs, the media and members of the diplomatic corps.

A fully-fledged delegation of about 22 PACE observers will return to the country to observe the early parliamentary elections of 5 October 2014.

Members of the delegation: Doris Fiala (Switzerland, ALDE), head of the delegation; Zbigniew Girsyiński (Poland, EPP/CD); Olga-Nantia Valavani (Greece, UEL)

Appendix 3 – Programme of the ad hoc committee (3-6 October 2014)

Friday, 3 October 2014

9:00-10:30 PACE ad hoc committee meeting:

- Briefing on the pre-electoral mission by Ms Doris Fiala, Head of the Delegation
- Recent political developments by Ms Teodora Kaleynska, local expert, Associate Professor of political science, VelikoTurnovo University, former Head of the Council of Europe Information Office in Bulgaria
- Recent developments in the field of election legislation in Bulgaria by Mr Oliver Kask, Member of the Venice Commission (Estonia), and Mr Gaël Martin-Micallef, Administrator, Venice Commission
- Practical and logistical arrangements, Secretariat

11:00-12:30 Briefing by the OSCE/ODIHR Limited Election Observation Mission:

- Introduction and overview of findings to date, Ambassador Audrey Glover, Head of the OSCE/ODIHR LEOM
- Political overview, Ms Marina Schuster, Political Analyst
- Election day procedures, Mr Bartosz Lech, Election Analyst
- Media landscape, preliminary media monitoring and findings, Mr Egor Tilpunov, Media Analyst

14:00-15:30 Meeting with NGOs involved in election observation:

- Transparency International – Mr Kalin Savov and Ms Vanya Nusheva
- Institute for Development of Public Sphere – Ms Iva Lazarova
- Institute for Social Integration – Ms Katya Koleva
- Centre for Liberal Strategies – Mr Daniel Smilov

15:45-17:45 Meeting with the leaders and representatives of main political parties and coalitions:

Citizens for the European Development of Bulgaria (GERB) – Mr Krasimir Tsipov and Mr Danail Kirilov

BSP–Left Bulgaria – Mr Yanaki Stoilov, Ms Deniza Karadjova, Mr Valeri Jablianov, Mr Boris Ivanov and Mr Nikola Mitov

Movement for Rights and Freedoms (MRF) – Mr Ljubomir Nikov

18:00-19:30 Meeting with Ms Ivilina Aleksieva, Chairperson of the Central Election Committee, and members of the CEC

Saturday, 4 October 2014

09:00-10:00 Meeting with the leaders and representatives of main political parties and coalitions (continued):

Reformist Block – Mr Nastimir Ananiev and Mr Stamen Yanev

10:45-11:15 Briefing for deployment and last-minute issues

11:30-12:30 Meeting with drivers and interpreters for deployment

14:00-18:00 Preliminary discussion on the findings of the OSCE/ODIHR LEOM mission

Sunday, 5 October 2014

From 06:00 Observation of voting

From 19:00 Observation of counting at polling stations

From 22:00 Observation of tabulation at the district tabulation centres

Monday, 6 October 2014

08:00-09:00	Ad hoc committee debriefing meeting
09:30-12:00	Discussion of the joint statement with ODIHR
14:00-15:00	Press conference

Appendix 4 – Statement by the International Election Observation Mission (IEOM)

Sofia, 6.10.2014 – Although Bulgaria's early parliamentary elections on 5 October were well administered technically and fundamental freedoms were respected, allegations from all sides of vote buying and selling and other election irregularities, as well as a campaign that lacked substance continued to negatively affect public confidence in the integrity of the process, international observers said in a statement issued today.

"Yesterday's elections reflected disillusionment and further polarization in Bulgarian society. Despite the goodwill of thousands of citizens in the election administration doing their best to ensure a successful election day, numerous corruption scandals and allegations of vote-buying, combined with a lack of substance in the electoral campaign, undermined public trust in the process and in politics in general" said Doris Fiala, Head of the Delegation from the Parliamentary Assembly of the Council of Europe (PACE). "I encourage the newly-elected political forces to set aside their differences and to tackle together society's pressing demands."

Against the backdrop of political crisis, the election environment was characterized by electoral and political fatigue, the observers said. The campaign occasionally became negative and populist, with several parties using racist, xenophobic and inflammatory rhetoric, especially targeting national minorities.

Allegations of vote buying and selling persisted despite a pledge by the authorities to fully enforce existing laws against the practice, and the establishment of an inter-agency task force set up by the Ministry of Internal Affairs, the Prosecutor's Office and the National Security Agency. Despite more than 300 reports of irregularities prior to election day, only two of these had resulted in prosecutions.

"There were a number of positive changes to the legal framework, and election bodies administered the technical aspects of the process well. At the same time, there was little campaigning on issues and the media showed no interest in reporting on the elections except for in paid coverage," said Ambassador Audrey Glover, Head of the limited election observation mission sent by the OSCE Office for Democratic Institutions and Human Rights (ODIHR). "Unless these problems, along with the persistent allegations of election irregularities, are effectively addressed, there will continue to be a serious lack of confidence in elections and in current politics in general."

The new Electoral Code generally provides a sound basis for the conduct of democratic elections. At the same time, it contains certain gaps and ambiguities that hamper the consistent application of the law. A number of recommendations in past reports by ODIHR and the Council of Europe remain unaddressed. One element of the new Code is the introduction of the single-preference vote, which gives voters the opportunity to choose individual candidates from the party lists.

The election administration conducted its work overall in a professional and transparent manner, contributing positively to the openness of the electoral process.

Candidate registration was inclusive, giving voters a wide choice among 18 parties and 7 coalitions with 6 031 candidates competing for 240 seats in the parliament. The national figures for the percentage of women candidates was not made public, and only limited efforts were made to encourage equal opportunity for full participation by women in elections.

The media provided the contestants with a platform to present their views through debates and interviews, as well as in paid advertising. Smaller parties and independent candidates said, however, that the playing field was uneven when it came to access to the media. There was only limited coverage of the campaign in the news, and a lack of investigative and analytical reporting limited the amount of information available to voters.

In the limited number of polling stations and District Tabulation Centres visited by international observers, election day was generally organized in a professional and efficient manner. Several Precinct Election Commissions had difficulties in counting the preference votes and filling out the machine voting protocols. The transparency of the process was limited by the fact that the Central Election Commission and several Tabulation Centres denied access for observers to the input of results data. Preliminary voter turnout was reported as 48.1%.

The international observation mission consists of 41 observers from 25 countries, including 27 long-term observers and experts from ODIHR and 14 parliamentarians and staff from PACE.