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Observation of the early parliamentary elections in Bulgaria (2 October 2022)

Election observation report

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1. Introduction

1. On 2 August 2022, following a no-confidence vote and three failed attempts to form a new government, the President of Bulgaria dissolved the 47th National Assembly and called early parliamentary elections to be held on 2 October 2022. These were consequently the third early parliamentary elections since the 4 April 2021 regular parliamentary elections, an unprecedented situation in Bulgarian history.

2. Having received an invitation by the President of the Bulgarian National Assembly to observe these early elections, the Bureau of the Parliamentary Assembly decided, at its meeting on 12 September 2022, to set up an ad hoc committee composed of 20 members (SOC – 6; EPP/CD – 6; EC/DA – 4; ALDE – 3; UEL – 1) and the two co-rapporteurs of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee). It also agreed to maintain the chairperson of the ad hoc committee, Mr Alfred Heer (Switzerland, ALDE), as for previous observations of elections in 2021 (parliamentary elections on 4 April and early parliamentary elections on 11 July and 14 November 2021). The list of members of the ad hoc committee is set out in Appendix 1.

3. In line with the co-operation agreement signed between the Assembly and the European Commission for Democracy through Law (Venice Commission) on 4 October 2004, a representative of the Venice Commission was invited to join the ad hoc committee as legal adviser.

4. The Assembly's ad hoc committee (hereafter "PACE delegation") operated in the framework of the International Election Observation Mission (IEOM), which also included the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE).

5. On 30 September and 1 October 2022, the Assembly's ad hoc committee (PACE delegation) met with leaders and representatives of political parties and coalitions, members of the Election Observation Mission of the Office for Democratic Institutions and Human Rights (ODIHR EOM), members of the Central Election Commission (CEC) and representatives of NGOs and the media, before observing the ballot on 2 October. The programme of the delegation's meetings is set out in Appendix 2.

6. On polling day, the PACE delegation split into 11 teams, which observed the vote in Sofia and its surroundings, as well as in the regions of Blagoevgrad, Kustendil, Pazardzhik, Pernik, Plovdiv, Velingrad and Vratsa. The following day, the IEOM held a press conference and issued a press release (Appendix 3).

7. The IEOM concluded that Bulgaria's 2 October early parliamentary elections were competitive and fundamental freedoms were generally respected, although allegations of vote-buying and pressure on voters negatively affected parts of the process. Despite the late start to the preparations and the limited technical and administrative capacity of the election administration, the elections were organised adequately.

8. The PACE delegation wishes to express its gratitude to the secretariat of the Bulgarian delegation to the PACE and the Human Rights Directorate of the Ministry of Foreign Affairs of Bulgaria for the valuable assistance given in the organisation of this election observation mission.



2. Political context

9. The Assembly has observed all parliamentary and presidential elections in Bulgaria since 1990. These early elections were held in an unprecedented situation in Bulgarian history, whereby they constituted the fourth round of parliamentary elections in 18 months.

10. Before 4 April 2021, the political landscape in Bulgaria was dominated by two major political parties: the European People's Party/EPP-affiliated Citizens for European Development of Bulgaria (GERB) and Bulgarian Socialist Party (BSP), alternating in government for the past 15 years. The 4 April 2021 elections brought significant changes to the political scene previously marked by these two parties' dominance, with new political parties – There Is Such A People (ITN), and two new coalitions, Democratic Bulgaria (DB) and Rise Up! Thugs Out! (ISMV), entering the parliament. Six parties and coalitions passed the 4% threshold and entered the 240-seat parliament: GERB – 75 seats (25.8%); ITN – 51 seats (17.4%); BSP – 43 seats (14.79%); Movement for Rights and Freedoms (MRF) – 30 seats (10.36%); DB – 27 seats (9.31%); ISMV – 14 seats (4.65%).

11. The PACE delegation observed these elections within the framework of an IEOM which concluded that they were competitive and efficiently run despite the difficult circumstances caused by the Covid-19 pandemic. However, the IEOM found that the massive use of State resources had given the ruling party a significant advantage. Some long-standing problems, such as allegations of vote-buying, “controlled” voting, and voter intimidation, attempted particularly among economically and socially vulnerable groups, unfortunately persisted. The PACE delegation requested the relevant Bulgarian authorities to undertake proper investigations regarding serious cases, before the next nationwide elections, to restore confidence in the election process.

12. However, the parliament failed to form a government and on 12 May 2021 the President of Bulgaria dissolved the National Assembly and called early parliamentary elections to be held on 11 July.

13. Once again, a PACE delegation observed these snap elections within the framework of an IEOM which concluded that the latter were competitive and fundamental freedoms were generally respected. However, they voiced criticism over the hasty introduction of the mandatory machine voting, without carrying out a proper study on its partial introduction in the April 2021 elections. PACE observers recalled that, whereas the use of new technologies in electoral processes was a positive development *per se*, nevertheless, new technologies alone could not restore wide-scale public trust in a truly democratic electoral process, nor exclude cases of political corruption, scandals, and other long-standing problems. The IEOM was also concerned about the lack of comprehensive journalistic reporting, limiting voters' ability to make informed choices, the lack of investigation of attacks on journalists and the criminalisation of defamation, both potentially contributing to self-censorship.

14. The 11 July 2021 parliamentary elections resulted in the same six parties and coalitions passing the 4% threshold, but with the populist ITN polling narrowly ahead of GERB: ITN – 65 seats (24.08%); GERB – 63 seats (23.51%); BSP – 36 seats (13.39%); DB – 34 seats (12.64%); MRF – 29 seats (10.71%); Coalition Rise Up! Thugs out!” (ISMV) – 13 seats (5.01%). The turnout was of 42,19%.

15. Hopes for a coalition (formed around opposition to GERB) were quickly dashed, as ITN declared that it would not take part in any coalition and would only rule by itself, with a “government of experts” consisting only of ITN party members. For the second time, the parliament failed to form a new government. On 14 September 2021 the parliament was dissolved again, and the next round of early parliamentary elections called on 14 November 2021, the date of the already scheduled regular presidential election.

16. A PACE delegation, observing alone this time, reiterated that these snap elections were competitive and fundamental freedoms were respected. However, the recurring problems of lack of public trust in the electoral process, vote control and vote-buying and the unusually extensive use of mobile ballot box voting, despite extensive efforts by law-enforcement to curb vote-buying practices, remained a serious concern.

17. The 14 November early elections resulted in seven parties and coalitions passing the 4% threshold, with a newcomer-in-the-race - We Continue the Change (PP) - achieving 25,67% of the vote (67 seats). PP was followed by GERB – 59 seats (22.74%), MRF – 34 seats (13%); BSP – 26 seats (10,21%); ITN – 25 seats (9.52%); DB – 16 seats (6.37%) and Vuzeajdane (Revival) – 13 seats (4,86%). The turnout declined to 40,23%.

18. These third elections managed to break the political deadlock. Led by Kiril Petkov, former Minister of Economy in the caretaker government of Stefan Yanev (May-December 2021), the PP formed a coalition government with BSP for Bulgaria (BSPzB), ITN and DB. Kiril Petkov was elected Prime Minister on 13 December 2021 and the government was formed on the same day.

19. The new government entered into power with promises to curb corruption but without an agreed coalition programme. Very soon the coalition resorted to mutual accusations of undermining governmental decisions, notably over the Russian aggression against Ukraine. In February 2022, Prime Minister Petkov called for the resignation of Stefan Yanev from his position as Minister of Defence, after the latter had downplayed the need for more North Atlantic Treaty Organization (NATO) troops in the country and declined to use the word “war” in reference to Russia’s aggression against Ukraine. The Prime Minister also faced the refusal from BSP to send more military aid to Ukraine. On 8 June, the coalition partner ITN, which had called for energy co-operation with Russia even after Gazprom cut off supplies to Bulgaria, withdrew from the coalition, citing disagreements with the State budget, rising debt and slow progress in fighting corruption.

20. On 22 June 2022, the government faced a [motion of no confidence](#), which it lost. Kiril Petkov formally resigned from his position as prime minister on 27 June. President Rumen Radev subsequently called for the next early elections to be held on 2 October. He appointed a caretaker government led by a former labour minister Galab Donev, an independent aligned with BSP, whose main task was to organise the elections and to govern the country until a new administration was formed. Thus for ten of the 18 months of elections, Bulgaria has been governed by caretaker governments.

21. For decades, the political elites in Bulgaria have been divided over their affinities to the European Union/ NATO and Russia. The war in Ukraine and its severe impact on energy, economy, employment and politics, and the ongoing Covid-19 pandemic, deepened these cleavages even further. Thus, this fourth consecutive election campaign commenced in a considerably altered political, social and economic environment compared to the previous three rounds of elections. It was also marked by a profound disappointment of the voters with the recently elected political actors who had failed to deliver on their promises, but also with the perception of a grave deficit of values, ideas and strategies for the future of the country.

22. Pre-election polls predicted that the next parliament would again be fragmented, with an estimated six to eight parties having a chance to cross the 4% barrier. In a public poll on 29 September, over 80% of the respondents expressed a degree of certainty that these elections would once again fail to produce a government. Disillusionment replaced the previous year’s hopes and, together with the lack of clear governing alternatives, made the electorate hesitant about whether to vote at all and for whom. Consequently, voter turnout became the key decisive factor in these early elections.

3. Legal framework

23. The PACE delegation recalls that Bulgaria signed and ratified the European Convention on Human Rights (ETS No. 5) and its Protocol (ETS No. 9), which enshrine a number of principles crucial for an effective and meaningful democracy, such as the right to free elections (Article 3 of the Protocol 1), freedom of expression, freedom of assembly and association, as well as the prohibition of discrimination (Articles 10, 11 and 14 of the Convention).

24. The National Assembly of Bulgaria is a unicameral body composed of 240 members. Members of parliament are elected through an open-list proportional system from 31 multi-mandate constituencies. 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.

25. The legal framework provides an overall adequate basis for the conduct of democratic elections. The main piece of legislation governing parliamentary elections is the Election Code of 2014 which has been amended many times since then.

26. In addition to the 1991 Constitution of Bulgaria and the 2014 Election Code, other pieces of legislation are relevant for elections in Bulgaria: Direct Citizen Participation in State and Local Government Act; Political Parties Act; Local Self-government and Local Administration Act; and Administrative Violations and Sanctions Act, supplemented by other laws and decisions of the CEC.

27. No changes have been made to electoral law since the previous early elections in November 2021. The most recent substantive changes to the Electoral Code were adopted in May 2021, which introduced, among other changes, mandatory machine voting in polling stations with at least 300 voters, reduced the CEC composition from 20 to 15 members, and removed limitations on the total number of polling stations abroad.

The change for mandatory machine voting was challenged before the Constitutional Court in 2021 without success. 290 polling stations outside Bulgaria were also equipped with the voting machines, with a second machine in 233 of these stations

28. Since 2016 voting is compulsory but there is no sanction for persons who do not vote.

29. There is provision on the ballot for a voter to indicate 'I do not support anyone'. Such votes count towards the turnout but not in the final result.

30. Every citizen above the age of 18, with the exception of those placed under judicial interdiction or serving a prison sentence, is free to elect State and local authorities and vote in referendums. A 2017 ODIHR and Venice Commission Joint Opinion on Amendments to the Election Code¹ recommended that this restriction on voting by prisoners should be limited to the most serious crimes. In 2016 the European Court of Human Rights decided that this blanket restriction was disproportionate and in breach of Article 3 of the Protocol to the European Convention on Human Rights.

31. Any citizen aged at least 21 can stand for election to the National Assembly, providing that he or she has not been sentenced, whatever the severity of the crime. There is also a ban on citizens with dual nationality from standing at parliamentary elections. Furthermore, campaigning is forbidden in languages other than Bulgarian; there is a lack of measures to promote the participation of women and minorities, and limited possibility for challenging election results. IEOM and PACE reports have throughout the years called on the relevant authorities to remove these inconsistencies and ambiguous provisions from electoral legislation.

4. Election administration, voters lists, registration of parties and coalitions

4.1. Election administration

32. Parliamentary elections in Bulgaria are administered by a three-level structure of electoral management bodies: the CEC; 31 district or constituency (regional) election commissions (DECs); and precinct election commissions (PECs).

33. According to Article 46 of the Election Code as amended in April 2021, the CEC consists of 15 members, including a chairperson, vice-chairpersons and a secretary, nominated by the parties and coalitions proportionally represented in parliament. The members are appointed by a decree of the President of the Republic after public consultations and a procedure determined by the President, on the basis of a proposal of the parties and coalitions represented in parliament. The current composition was appointed in May 2021 for a five-year term.

34. The CEC appoints regional election commissions. The representatives of any single party or coalition must not have a majority, and the chairperson, the deputy chairperson and the secretary must not be of one and the same party or coalition. The regional election commissions or the municipal election commissions appoint the PECs for each voting section within Bulgaria, not later than 25 days in advance of the polling day.

35. The PECs consist of a chairperson, a deputy chairperson, a secretary and members. The representatives of any single party or coalition must not have a majority in the section election commission. The chairperson, the deputy chairperson and the secretary must not be of one and the same party or coalition. The number of members of PECs is up to seven (not fewer than five) for voting sections with up to 500 voters inclusive, and up to nine members (but not fewer than five) for voting sections with more than 500 voters.

36. In total, 11 845 PECs were appointed for regular polling stations, 292 PECs to conduct mobile voting, 121 PECs for special polling stations in hospitals and social institutions, 15 in pre-trial detention centres, and 755 for polling stations in 62 countries abroad.

37. Although the system is not complicated *per se*, the PACE observers were puzzled that many chairpersons of PECs, when asked, did not seem to know how and by whom they had been appointed. The ODIHR EOM experts explained that consensus among local political representatives on the commission composition had not been reached for 26 of the 31 DECS and a number of PECs in eleven constituencies. The respective commission members had therefore been appointed directly by decisions of the upper-level election administration bodies.

1. Opinion No. 867/2016, CDL-1D(2017)016.

38. The PACE delegation was informed that, despite the compressed time frame, the election administration managed the administrative and technical aspects of the electoral preparations adequately and complied with most legal deadlines. The CEC held regular sessions, broadcast the sessions online and adopted most decisions on time. However, there was a lack of transparency in its activity, some sessions were muted, protocol decisions were not published on time. The CEC Rules of Procedure allow for partially closed sessions for reasons of data protection, but require public announcement of the reasons.

39. PACE interlocutors commended the CEC's voter information campaign on TV and online, which focused on the use of voting machines, in addition to the demonstration campaign carried out by regional and municipal administrations across the country. Other issues included voter registration options, accessibility of polls for voters with disabilities and voting abroad.

40. Nevertheless, the CEC has limited administrative and technical capacities, which affected its capacity to fulfil its mandate. This was perceived mainly in the handling of machine voting, over which the CEC does not as yet exercise effective control as required by law and the 2017 Council of Europe Recommendation on e-voting.

41. Despite the CEC having contracted external experts to participate in the transfer of knowledge from the producer of the Smartmatic voting machines to the CEC at the beginning of 2022, the process was delayed because of lack of internal technical capacities. Thus, the CEC used the voting machines purchased for the previous elections and the vendor, Ciela Norma, was contracted to provide the software, logistics and training for the election personnel. Due to the late delivery and preparation of the voting machines, the certification process for randomly selected voting machines was delayed to a few days before the elections, which did not allow sufficient time for a comprehensive assessment of the findings prior to the election day.

42. A number of legal issues still remain to be resolved regarding the use of voting machines. For example, the law stipulates that the results counted by these machines are official; however, it does not provide a mechanism to verify accuracy of the vote count. The CEC instructed all PECs to conduct a manual control count of receipts printed by the voting machines. However, the law does not address possible instances of discrepancies between the machine and manual count, which is at odds with the Council of Europe Guidelines on the implementation of the provisions of Recommendation CM/Rec (2017)5 on standards of e-voting.

43. Bulgaria's caretaker government allocated close to 71 million lev (36,4 million Euros) for the holding of these early elections.

4.2. Voters lists

44. The voters lists are compiled by the municipal administrations. Each voter is entered on a single list and registered according to his/her permanent address. If a voter is not registered on a list but is entitled to vote, he or she will have to justify this right by presenting to his/her PEC a declaration in a standard form to the effect that the said voter has not voted and will not vote elsewhere.

45. Special voters lists are established for the purpose of voting outside polling stations, namely in medical-treatment facilities, specialised institutions, prisons and navigation vessels. There are also specific voters lists established for voting abroad based on applications submitted by Bulgarians living abroad and applying to exercise their right to vote in diplomatic and consular missions.

46. Contrary to international standards and long-standing recommendations, the Bulgarian electoral legislation retains excessive restrictions on the voting rights of those deprived of legal capacity by a final court decision or serving a prison sentence, irrespective of the gravity of the crime.

47. Students can vote in the place they are studying. On 28 January 2021, the Law on the Measures and Actions During the Emergency Situations was amended to allow those in quarantine or hospitalised due to the Covid-19 pandemic to request a mobile ballot or to vote in special polling stations.

48. A total of 6 602 900 voters were registered to vote in these elections. While most PACE interlocutors expressed confidence in the accuracy of the voters' lists, some expressed concern over the lists containing outdated or multiple records. Allegedly, it was mainly Roma voters who were excluded due to a lack of a permanent address and/or ID cards. Additional registration on election day was possible.

4.3. Registration of candidates

49. The CEC is responsible for registering candidates. Altogether 22 political parties and 6 coalitions were registered to compete for the 240 seats in the National Assembly. Initially, the CEC registered 24 political parties and 7 coalitions. After verification of the nomination documents, one coalition was deregistered due to an insufficient number of supporting signatures. One political party withdrew and one failed to submit candidate lists in any of the constituencies, but remained officially registered.

50. The total number of registered candidates was 5 333, on 867 registered candidate lists, including two independent candidates. 1 576 of registered candidates were women. Candidates could be nominated in up to two constituencies; 1 927 candidates stood on two candidate lists.

5. Election campaign environment and financing

5.1. Campaign environment

51. The official election campaign started 30 days before election day, namely on 2 September 2022, and ended 24 hours prior to election day.

52. The IEOM concluded that contestants were able to conduct their campaigns freely and without hindrance, and fundamental freedoms of assembly and expression were largely respected.

53. The electoral legislation contains some regulations aimed at preventing the misuse of administrative resources or office during the campaign but allows for unrestricted campaigning by high-level public officials. ODIHR EOM experts informed the PACE observers of frequent campaigning by mayors on behalf of candidates representing their parties, which is legally prohibited. The President of the Republic and members of the caretaker government were also reported to have taken a prominent part in the pre-election campaign with critical statements towards previous governments' decisions.

54. Repeated allegations of vote-buying, pressure on public and private sector employees and voters' dependence on local employers in economically vulnerable communities raised some concerns about the voters' ability to make their choice free of fear of retribution. The legal framework does not sufficiently address campaigning by high-level public officials, and such instances raised concerns about ensuring a level playing field and over the misuse of public resources.

55. The campaign was nonetheless competitive, with a wide range of contestants representing different views, even if marked by voter fatigue and a certain sense that these elections would not resolve the impasse. The tone of the campaign remained predominantly negative, focusing on mutual accusations of corruption or wrongdoing among the parties. Both traditional and online means were used in campaigning, with social media platforms gaining ground. The campaign centred around the issues of energy policies, inflation, growing socio-economic concerns, corruption and the fear of growing international instability caused by the war in Ukraine.

56. Some interlocutors pointed to the fact that the election campaign was more geopolitical than political, and that the important decisions were not taken in the country but elsewhere. Observation of media publications (TV, radio, print) and on online platforms and social networks revealed that words such as "Russia", "Ukraine", "America (USA)" and "Europe (European Union)" were used between 8 to 10 times more than "Bulgaria" during the campaign.

57. On a different level, the campaign also revealed that the traditional left-right political division had been replaced by "parties for status quo" (GERB, MRF, Revival) and "parties for change" (PP, BSP, DB, ITN) in their attitudes towards governance.

5.2. Campaign financing

58. Campaign finance is mainly regulated by the 2014 Election Code, the 2005 Political Parties Act and the 2015 National Audit Office Act. Previous recommendations by the Council of Europe's Group of States against Corruption (GRECO) concerning the use of public facilities by parties and other long-standing recommendations remain unaddressed or only partially addressed, including the lack of reporting on expenditure prior to election day and the deadline for publication of the audit report.

59. Funding of political parties, coalitions and candidates is based on public funds² as well as on the financial resources of the party or of the coalition, on financial resources of the candidate(s) and of contributions by natural persons. Anonymous contributions, contributions by legal persons, contributions from abroad (by natural persons as well as States, State-owned companies and foreign non-profit organisations), and contributions from religious institutions are prohibited.

60. By decision of 27 April 2021, the Constitutional Court has declared unconstitutional all legal provisions that allow parties to receive donations from companies. It is not the funding by legal entities as such that contradicts the Constitution, but the way in which it is currently regulated by law, namely the absence of donation ceilings and the possibility for direct or indirect financing of political parties by the State and municipalities outside the budget funding defined in the law. The Constitutional Court held that such budget funding must not only be an option but is required by the Constitution: it is the constitutional duty of the State to create conditions for a democratic political life based on the principle of political pluralism.

61. The financial limit for campaign funding for parliamentary elections are BGN 3 000 000 for a party or coalition and BGN 200 000 for a nomination committee.

62. The National Audit Office (NAO) has the authority to oversee political party and campaign expenses. During the campaign, contestants were required to report for publication in the NAO's register all donations within seven days from receipt and information on contracts concluded with media and public relations agencies. Several interlocutors voiced concern, however, about discrepancies between the actual and reported spending.

63. Legislative shortcomings and limited capacities of oversight remain a problem, which negatively affect the transparency and accountability of campaign finance.

6. Media landscape and coverage

64. The media landscape in Bulgaria is vibrant. Television and internet-based outlets are the prime sources of news, followed by Facebook and TikTok. The bTV Group and Nova Broadcasting Group dominate the national media market. The third most popular media are public, Bulgarian National Radio (BNR) and Bulgarian National Television (BNT).

65. The media legal framework generally provides for a sound basis to protect the right to freedom of expression and freedom of the media. Detailed rules in the Election Code provide for free airtime and paid airtime with the public broadcasters.

66. However, in practice, the concentration of media ownership and the symbiotic relationship between some media and political parties reduce pluralism and decrease public trust in journalists' work, contrary to international standards. Furthermore, recent cases of protracted civil and criminal litigation against independent investigative media, with damages up to BGN 1 million being sought, highlight journalists' vulnerability to pressure through courts and prompt self-censorship at editorial level.

67. Public service broadcasters are required to cover elections in accordance with the principles of equitability and objectivity and allocate free airtime to each contestant. The election coverage by private broadcasters is largely unregulated.

68. The PACE delegation was told that, as result of the "equal participation" principle, all contestants were offered equal airtime on BNT and BNR. However, they were not covering the election campaign in their news bulletins, which raised the concern of some political parties. Widespread paid coverage marked the election campaign. Such coverage did not stimulate a pluralistic, issue-based debate. Several bogus media websites, linked with Facebook pages and Telegram channels, were spreading deceptive narratives primarily aimed to discredit PP and DB and to distort the information environment. On a more positive note, some national broadcasters, including public radio, have fact-checking teams, and investigative and data-driven journalism, which although reaching smaller audiences, upheld a pluralistic, issue-based debate and called for political accountability.

2. Political parties and coalitions that received respectively at least 1% and 4% of valid votes nationwide in the previous elections are entitled to annual public funding. Those parties and coalitions that are not entitled to public funding and have registered candidate lists in all electoral districts receive BGN 40 000 for covering costs of media advertising while independent candidates receive BGN 5 000.

69. The law requires balanced reporting and equal treatment of all candidates in broadcast, print and online news services and provides for free airtime in public media. In line with the law, BNT and BNR made detailed and prescriptive agreements with the CEC and political parties on various forms of campaign coverage, including free and paid-for debates. BNT broadcast 11 debates, BNR held 17, all were published online and offered voters the possibility to familiarise themselves with candidates. Out of seven of BNT's prime-time debates, five featured only candidates from parties with hardly any popular support and party leaders of GERB, BSP and DP refused to attend such shows. Neither public, nor private media could hold a prime ministerial debate, hence voters were deprived of the possibility to compare all lead contestants directly, undermining the relevance of an open political debate.

70. Broadcast media prime-time newscasts reportedly focused on government decisions and the president, while occasionally mentioning GERB, BSP, DPS and PP in relation to their performance in previous governments. Coverage of BSP and PP was primarily negative in tone.

71. During the prime-time hours BNR, Darik, NOVA and bTV had analytical editorial programmes, in which the electoral process and other pressing issues were examined. BNT did not air a single investigative programme during the campaign, and its daily analytical discussion show was aired outside the prime time. In line with the contract, BNT offered a daily 30-minute-long election segment composed of paid-for reports on party activities. Those reports were made by BNT journalists, in a manner that resembled news coverage, yet were always positive in tone. Paid-for interviews and promotional reports undermine the core principles of professional, non partisan journalism, confuse voters, and erode the public's confidence in the media's role as watchdog.

72. The Council for Electronic Media (CEM), the regulator for broadcast media, monitored the coverage of elections by public and private broadcasters. The CEM does not have any sanctioning powers and is required to notify the CEC of possible media violations. It alerted the CEC about 12 infringements of the law, primarily concerning rules on paid-for political advertising.

7. Participation of women

73. There are no legislative provisions or other measures related to gender equality or promoting women's participation in elections in Bulgaria. Women are generally under-represented in elected and appointed offices. In the outgoing parliament after the November 2021 elections, 57 of 240 MPs (23,8%) were women. Only three out of 21 ministers of the latest caretaker government are women. There are no legislative or other measures to promote women's participation and most political parties did not include any policies for the promotion of women in their platforms.

74. Some 30% of candidates for these early elections were women (867 registered candidates), and 208 of them led the candidate list. Among parliamentary parties, four parties or coalitions had at least three women among the top ten candidates in more than half of the party lists: PP – 19, BSP – 18, GERB – 17 and DB – 17 each of 31 party lists.

75. The promotion of women or gender equality issues were not included in any party-political platforms or policies and ODIHR long-term observers noted that women rarely appeared as speakers in campaign events observed.

8. Participation of minorities

76. The situation is similar with national minority groups, who represent some 15% of the country's population, with ethnic Turks (8,8%) and Roma (4,9%) being the most numerous groups. While the Constitution prohibits discrimination on ethnic or religious grounds, it does not allow the formation of political parties on an ethnic, racial or religious basis. There are no legal provisions fostering the participation of minorities in elections. The law allows campaigning only in Bulgarian, contrary to the international standards and the spirit of Article 9.1 of the Council of Europe's Framework Convention for the Protection of National Minorities (ETS No. 157). As online campaigning is still largely under-regulated, the PACE delegation could not receive any confirmed information on the use of minority languages in online and social media campaigning.

77. Issues related to minorities rarely featured in the campaign. Most political parties and coalitions did not include policies for persons belonging to minorities or for Roma integration in their electoral platforms. Several PACE interlocutors indicated that Roma voters were still vulnerable to intimidation and attempted vote-buying. The ODIHR long-term observers also reported instances of inflammatory rhetoric against Roma and other ethnic communities during the campaign.

9. Complaints and appeals

78. The CEC is the main relevant (but not exclusive) authority to examine complaints about irregularities affecting the electoral process, including against decisions and actions of constituency and section election commissions, including section election commissions abroad. The CEC must pronounce its decision on any such complaints within 24 hours after the complaint is submitted. On election day, the Commission must pronounce its decision within one hour after the arrival of any such complaint and in any case before the closing of the poll. The Supreme Administrative Court is the relevant body for appeals concerning the CEC's decisions, including the decisions taken following election disputes appealed before the CEC.

79. In addition, the constituency election commissions are competent to deal with complaints about irregularities affecting the election campaign and have to take a decision within 17 hours after the arrival of any such complaints and for complaints against decisions and actions of section election commissions within the same deadlines as the CEC. The latter is the appeal authority for election dispute resolution relating to constituency election commissions.

80. Disputes relating to registration of candidates are filed before the Supreme Administrative Court.

81. Disputes relating to media during electoral campaigns can be filed before either the CEC for national broadcast providers or before the constituency election commission of the territory where the challenged medium is broadcast. The decisions of the CEC can be appealed before the Supreme Administrative Court.

82. Citizens who are not included on the voters' lists can appeal such a decision or inaction before the Supreme Administrative Court. Domestic observers, party agents and representatives of parties, coalitions and nomination committees can also file complaints about irregularities affecting the electoral process.

83. Nevertheless, citizen voters are not authorised to file complaints about irregularities which would have affected their rights during the electoral process. As indicated in the 2014 Venice Commission-OSCE/ODIHR opinion on the draft Election Code of Bulgaria, voters registered in the constituency concerned should be entitled to contest the election results.

84. Prior to election day, the CEC published decisions on 17 complaints and the Supreme Administrative Court reviewed 21 appeals. The Ministry of the Interior registered 687 alerts, related to violations of electoral rights, including vote-buying, and launched 77 pre-trial proceedings.

10. Election observers

85. The Election Code provides for citizen and international observation of the entire election process, both in the country and abroad. Registered contestants are entitled to appoint their agents to follow the electoral process at all levels of the election administration and proxies to observe at polling stations.

86. Observers and candidates' agents had access to the sessions and activities of election management bodies at all levels, and on election day could document the counting and tabulations processes with video recordings or stream it online, which enhanced transparency of the process. The CEC registered 1 017 observers from civil society organisations, including for out-of-country polling stations, and some 200 international observers.

87. Fearing overcrowding in polling stations, the Chair of the CEC informed the PACE observers of the new interpretation of the CEC regulations according to which only one representative of any given organisation could enter a polling station. However, on election day, no PEC hindered access to the PACE binominal teams. With the exception of a few villages, PACE observers noted no citizen or party local observers in any polling stations.

11. Election Day

88. Election day was very calm and voting in the polling stations observed was well organised, the members of polling stations were co-operative with PACE observers, and the voting process was transparent. All in all, the IEOM observers assessed the voting process positively in all but 10 of the 653 observations. The PACE delegation noted a particularly low voter turnover in the morning.

89. Machine voting functioned well, with a few technical issues. The IEOM observers noted a much greater ease in using electronic voting among voters compared to the 2021 elections, even though some confusion persisted among the elderly and within the Roma communities. According to the CEC, due to malfunctioning of the electronic voting devices, 32 PECs had to switch to ballot voting during the day. However, this

constituted an insignificant proportion of 0,3% of the 9 60 PECs used for these elections. Some political forces nevertheless claimed that machine voting was a dissuasive factor for their electorate to participate in the elections.

90. The PACE observers highlighted, nevertheless, the positive effect of machine voting in the efficiency and accuracy of the vote count and as a means to reduce the opportunities of malfeasance. They felt that the reluctance among certain political groups to use machine voting was related to the general lack of trust in the electoral management system, a reluctance to modernise and a desire to maintain control over their electorate.

91. Despite the persistent allegations of vote buying, controlled voting or voter intimidation, PACE observers did not observe such practices first hand on election day. There were, however, some indications of such practices in voting patterns. In Plovdiv, for example, in certain areas previously infamous for the alleged practice of vote buying and voter intimidation, only around 4-5% of voters had cast their ballot by midday. PACE observers were told that many of the people registered in those polling stations worked as seasonal workers abroad during this period. In the same area, however, the closing time of the polling stations had to be extended by one hour because of long lines of voters queuing up to vote before the closing time.

92. The PACE delegation noted the efforts made to provide access to polling stations for persons with disabilities. In some areas, there were special polling stations on the ground floor available for people with mobility impairment. IEOM observers noted that some 57% of polling stations did not provide for independent access for people with disabilities. Much more needs to be done to live up to the right to vote for all. The PACE delegation regretted that the exercise of this right remains denied to several categories of people, such as undocumented residents or prisoners carrying out sentences for lighter offences. We urge the Bulgarian authorities to make further improvements to ensure the right to vote for all their citizens.

93. The counting process was well-organised in 49 of the 58 observations by the IEOM observers, but important steps were often omitted, and many PECs had difficulties with filling results protocols. Tabulation of results was efficient in all DEC observed.

94. The CEC received some 100 complaints and alerts and relative actions taken were published online in a dedicated database for elections. Alleged irregularities related mainly to campaigning on election day, the work of PECs or the publishing of opinion polls. The Ministry of the Interior received some 135 alerts of violations on election day, including vote-buying, and launched several pre-trial proceedings.

95. The CEC started posting initial voting results three hours after the closing of the polls, contributing to transparency of the process, but did not update the turnout in a timely manner.

12. Results and post-election environment

96. On 5 October, the CEC announced the seat distribution in the 48th National Assembly:

Party	votes	%	mandates
GERB – UDF	634 627	25,33	67
We Continue the Change (PP)	506 099	20,20	53
MRF	344 512	13,75	36
Revival	254 952	10,18	27
BSP	232 958	9,30	25
Democratic BG (DB)	186 528	7,45	20
Bulgarian Rise	115 872	4,63	12

97. The final turnout was 39,41% or 2 601 963 voters of the 6 602 990 voters registered on the voters list and additional lists on the election day.³

3. Data published on the website of the CEC, <https://results.cik.bg/ns2022/aktivnost/index.htm>.

98. In view of this record low turnout, these early parliamentary elections marked the comeback of former Prime Minister Boyko Borissov's GERB as the biggest party in Parliament.⁴ GERB won in April 2021 amidst widespread protests against Borissov's governance. "There Is Such a People" (ITN) took the popular vote in July 2021, only to make way for "We Continue the Change" (PP) in November 2021.

Party	April 2021	July 2021	November 2021	October 2022
GERB – UDF	75	63	59	67
We Continue the Change (PP)	-	-	67	53
MRF	30	29	34	36
Revival	-	-	13	27
BSP for Bulgaria	43	36	26	25
Democratic BG	27	34	16	20
Bulgarian Rise			-	12
There is Such A People (ITN)	51	65	25	-

99. The winner of the November 2021 early elections, the liberal PP lost 14 seats (even if it outperformed pre-election polls). The former coalition partners BSP for Bulgaria and ITN paid the price of having participated in the coalition government: the traditionally pro-Russian BSP's support has withered gradually with every new electoral cycle, reaching its lowest result ever. The populist ITN, which had triggered the collapse of the government in June 2022, failed even to cross the electoral 4% threshold to the parliament. The predominantly Turkish MRF and the far-right pro-Kremlin Revival, on the other hand, both saw a relatively high degree of mobilisation of their voters, with Revival more than doubling its electoral potential to finish fourth. DB has also successfully attracted new votes, but it is considered rather a niche party representing the progressive pro-EU urban middle class. The entry into the parliament of former Prime Minister Yanev's Bulgarian Rise can be said to follow the established tradition of small, short-lived upstarts in parliamentary politics.

100. On 25 October, after three days of political negotiations and four times of voting, the doyen of the parliament, Mr Vejdi Rashidov (GERB) was elected Speaker so as to allow the new parliament to adopt the 2023 budget and the needed (28) laws for the absorption of the European Union Recovery Plan. On the date of drafting this report, the President had not yet officially started procedures for a new Cabinet and there appears a limited sign of progress in government formation discussions among the elected political forces.

101. As the political stalemate continues, Boyko Borissov who appeared to lack viable partners with whom to govern, has surprised many by calling for a "pro-Euro-Atlantic coalition" to win over the support from PP and DP. It remains to be seen whether this is realistic, given their earlier refusal so far to co-operate with GERB. By coming out as strongly pro-EU and pro-NATO, Borissov can count again on broad international support.

102. Political analysts claim that even if a government is to be formed, it will be with limited horizon – the longest till the regular local elections in autumn 2023. The parties of opposition have already announced the date of next early elections to be on 4 March 2023.

103. The new parliament immediately tackled the Electoral Code with amendments to return to paper ballots and other changes. On 4 November, the new parliament on first reading, with 125 deputies "for" and 100 "against", voted to return to the vote with paper ballot in parallel to machine voting. It rejected Revival's suggestion for video surveillance in the polling stations but accepted DB's suggestion that parties should have unlimited time with the source code from the machine's software.

4. Although former PM Boyko Borissov was widely discredited by allegations of graft and corruption, prompting mass protests against his last government in 2020, GERB still managed to come first in the April 2021 elections. While admittedly having bled some of its former support, the party still consistently commands a core of devoted voters, representing about a fifth of the electorate. Moreover, GERB still governs most of the country's regions and, after nearly a decade in power, has ensured that the State administration is widely staffed with its political clientele.

13. Conclusions and recommendations

104. Elections in Bulgaria are “free and frequent”, and the 2 October 2022 parliamentary elections were not an exception. Technically speaking, they lived up to the standards of free and democratic elections. They were competitive and fundamental freedoms were respected. Allegations of vote-buying and pressure on voters nevertheless affected part of the process. The CEC and PECs administrations deserve to be recognised for the accomplishment of their huge task to manage 4 election processes in 18 months.

105. On the other hand, the growing mistrust in the political system has resulted in voter apathy and disillusionment, which led to a record low turnout. Bulgarians are tired of the lack of governance culture and the politicians being unable to form a viable government. For a large proportion of the population, these new elections were of much less concern than high inflation rates, energy shortages, job losses, health scares due to a new pandemic wave and poor health care, and fear of growing international instability, which could involve Bulgaria directly in a military conflict. The country needs a political compromise in order to obtain long-term stability. After the low turnout, it is clearly the responsibility of the newly elected parliamentarians to do their utmost to regain the electorate’s trust and re-engage them in democratic processes.

106. The PACE delegation is of the opinion that the low participation of women in politics remains a democratic concern for the country. The fact that half of the population does not even represent a quarter of the parliament and therefore remains to a large extent outside mainstream politics, does not constitute adequate democratic representation. It therefore recommends that the authorities take immediate legislative and policy action (for example, through raising the ratio of women in the political groups, the ratio of women candidates, their place on the list, etc) to achieve a greater representation of women in the parliament.

107. Furthermore, there are no legal provisions fostering the participation of minorities in elections. The law allows campaigning only in the Bulgarian language, contrary to the international standards and the spirit of Article 9.1 of the Council of Europe’s Framework Convention for the Protection of National Minorities (ETS No 157).

108. The legal electoral framework provides an adequate basis for the conduct of democratic elections, if it is applied in good faith. However, the limitations on people placed under judicial interdiction or serving a prison sentence should be reviewed in line with the European Court of Human Rights’ decision that the blanket restriction is disproportionate and in breach of Article 3 of the Protocol to the European Convention on Human Rights.

109. In addition, the restrictions on the right to become a candidate in parliamentary elections for people with dual nationality go against the principle of universal and equal suffrage and international standards for democratic elections and should be adapted to the modern world.

110. The legal framework also does not sufficiently address campaigning by high-level public officials, and which raises concerns over the misuse of public resources and ensuring a level playing field.

111. Electronic voting worked well, even if some confusion persisted among certain disadvantaged segments of the population. Instead of returning to paper ballots, which used to be a huge source of vote-rigging in the past, the Bulgarian authorities should invest in making greater efforts in educating the population, notably the more disadvantaged groups, on how to use these machines. This should also be accompanied by measures to increase transparency and by involving independent external (international) auditing to reinforce public confidence in the process.

112. There remain other legislative actions that need to be regulated to reinforce public confidence in machine voting, for example the introduction of a mechanism to verify accuracy of the vote count by the machines and also to address the issue of possible instances of discrepancies between the machine and manual count. All future amendments should take into account the Council of Europe Guidelines on the implementation of the provisions of Recommendation CM/Rec(2017)5 on standards of e-voting.

113. With regard to technical problems it observed, the PACE delegation considers that there is a need for further special trainings for the staff of polling stations to better familiarise them with new technologies.

114. The PACE delegation calls on the authorities concerned in Bulgaria, to continue their close co-operation with the PACE through its post-monitoring dialogue, to implement the Venice Commission’s and Committee of Ministers’ recommendations and the case law of the European Court of Human Rights, to improve the Electoral code and electoral management practices.

115. The PACE delegation wishes to thank the Bulgarian authorities for the support received in organising the election observation mission and assures them that the Assembly and the Venice Commission will continue to co-operate to bring further improvements to Bulgaria's electoral legislation and practices, taking into account of all the various issues identified in 2021-2022 elections. It hopes to organise a follow-up meeting with the new parliamentary delegation of Bulgaria during the January 2023 part-session.

Appendix 1 – Composition of the ad hoc committee

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

Chairperson, Mr Alfred HEER, Switzerland

Socialists, Democrats and Greens Group (SOC)

- Ms Heike ENGELHARDT, Germany
- Mr André VALLINI, France
- Mr Yunus EMRE, Türkiye
- Mr Givi MIKANADZE, Georgia
- Mr Pedro CEGONHO, Portugal
- Ms Susana SUMELZO, Spain
- Mr Antonio GUTIÉRREZ LIMONES, Spain

Group of the European People's Party (EPP/CD)

- Ms Mirosława NYKIEL, Poland
- Mr Joe O'REILLY, Ireland
- Ms Maria RIZZOTTI, Italy
- Mr Chris SAID, Malta

Alliance of Liberals and Democrats for Europe (ALDE)

- Mr Alfred HEER, Switzerland
- Ms Liliana TANGUY, France
- Ms Diana STOICA, Romania
- Mr Jean-Pierre GRIN, Switzerland

European Conservatives Group and Democratic Alliance (EC/DA)⁵

- Ms Emine Nur GÜNAY, Türkiye (NR)
- Mr Ahmet BÜYÜKGÜMÜŞ, Türkiye (NR)

Group of the Unified European Left (UEL)

- Mr Paul GAVAN, Ireland

Co-rapporteurs AS/Mon (ex officio)

- Ms Thórhildur Sunna ÆVARSDÓTTIR, Iceland
- Ms María Valentina MARTÍNEZ FERRO, Spain

5. In accordance with paragraph 14 of the Rules of Procedure for the observation of elections by the Parliamentary Assembly, and the Bureau decision of 12 September 2022, the EC/AD political group, unable to appoint members to the ad hoc committee, allocated its seats to members of the Assembly not belonging to any political group.

Venice Commission

- Professor Srđan DARMANOVIĆ, Montenegro (member of the Venice Commission)

Secretariat

- Ms Ivi-Triin ODRATS, Administrator, Secretary of the ad hoc committee, Election Observation and Interparliamentary Cooperation Division
- Ms Sevda GÜNDÜZ, Assistant, Election Observation and Interparliamentary Cooperation Division and Interparliamentary Cooperation Division

Appendix 2 – Programme of the meetings of the observation of the early parliamentary elections

Friday, 30 September 2022

- 14:00 – 15:00 PACE Delegation meeting
- Welcome remarks by Alfred Heer, Head of the delegation
 - Presentation on the political environment by Teodora Kaleynska, Consultant, former Director of the Council of Europe Office in Bulgaria
 - Presentation on legal aspects by Professeur Srđan Darmanović, member of the Venice Commission
- 15:00 – 17:15 Presentation by the ODIHR Election Observation Mission
- Welcome Message - Nina Suomalainen, Head of Mission
 - Electoral System, Legal Framework, Campaign Finance, Complaints and Appeals - Eirini Skouzou, Legal Analyst
 - Political Background and Campaign - Jelena Stefanović, Political Analyst
 - Election Administration, Voter and Candidate Registration - Marcela Mašková, Election Analyst
 - Media landscape and Campaign on the Media - Inta Lase, Media Analyst
 - Presentation on the security situation - Wayne Pilgrim, Security Expert
- 17:15 – 18:15 Exchange of views with representatives of NGOs active in the field of election observation
- Daniel Smilov, Centre for Liberal Strategies, Sofia
 - Kalin Slavov, Transparency International, Sofia
 - Vanya Nusheva, Transparency International, Sofia
 - Iva Lazarova, Institute for Public Environment Development
- 18:15 – 19:15 Exchange of views with representatives of the media
- Milen Mitev, general director, BNR

Saturday, 1 October 2022

- 09:00 – 11:50 Consecutive meetings with leaders and representatives of political parties and coalitions
- 09:00-09:30 – “We continue the change”
- 09:30-10:00 – Citizens for European Development of Bulgaria (GERB) – UDF
- 10:00-10:20 – Movement for Rights and Freedoms (MRF)
- Ekaterina Zaharieva
 - Radomir Cholakov
 - Georg Georgiev
- 10:20-10:40 – Bulgarian Socialist Party (BSP)
- Stanislav Anastasov
 - Hamid Hamid
- 10:40-11:15 – “There is such a people”
- Dimitar Gurdev
- 11:15-11:45 – Democratic Bulgaria
- Nadezhda Yordanova
- 12:00 – 12:45 Presentation of the E-day procedures by the ODIHR EOM
- Marcela Mašková, Election Analyst
 - Max Bader, Statistic Analyst
- 13:00 – 13:45 Meeting with the Central Election Commission

Sunday, 2 October 2022

- Observation of the elections all day
- Opening of polling stations: 07:00
- Closing of polling stations: 20:00

Monday, 3 October 2022

- 07:30 Debriefing of the PACE delegation
- 14:30 Joint Press Conference

Appendix 3 – Press release

Fundamental freedoms generally respected in competitive Bulgarian elections, but process marked by voter fatigue, international observers say

SOFIA, 3 October 2022 – Bulgaria's 2 October early parliamentary elections were competitive and fundamental freedoms were generally respected, although allegations of vote-buying and pressure on voters negatively affected parts of the process, international observers said in a statement today. Despite a late start to the preparations and the limited technical and administrative capacity of the election administration, the elections were organized adequately, the statement says.

Contestants were able to campaign freely in elections that took place amid voter fatigue from the holding of three early parliamentary elections in less than two years. The campaign was competitive, with a range of contestants representing different views. It was often negative in tone, however, and marked by mutual accusations among the parties of corruption or wrongdoing.

"It appears that political compromise is needed to ensure long-term stability in Bulgaria," said Thorhildur Sunna Aevardsdottir, Alternate Head of the delegation from the Parliamentary Assembly of the Council of Europe (PACE). "After the low turnout we saw yesterday, it is clearly now the responsibility of the newly elected parliamentarians to do their utmost to regain the electorate's trust."

The statement notes that the accuracy of the voter list for the elections was diminished by the exclusion of undocumented residents, and Roma in particular, and that limited reporting and oversight reduced the transparency of campaign finances. Contestants were provided substantial coverage in the mainstream media, but inadequate journalistic scrutiny of their policies and of their records in office limited voters' access to comprehensive information. Election day was generally calm, and voting proceeded smoothly.

Repeated allegations of vote-buying, pressure on public and private sector employees and voters' dependence on local employers in economically vulnerable communities raised concerns about voters' ability to make their choice free of fear of retribution. The legal framework for elections does not sufficiently address campaigning by high-level public officials, and such instances raised concerns over the misuse of public resources and ensuring a level playing field.

"While many aspects of the election were conducted smoothly, it is clear that improvements are needed to the election-related legislation and procedures," said Nina Suomalainen, Head of the election observation mission from the OSCE Office for Democratic Institutions and Human Rights (ODIHR). "ODIHR will provide recommendations in its final report on these elections, and we hope these will aid the government in introducing the needed improvements."

The media environment is vibrant, and freedom of expression is constitutionally guaranteed. The concentration of media ownership and close ties between some media and political parties reduce pluralism and decrease public trust in journalists' work. Recent cases of protracted civil and criminal litigation against independent investigative media highlight journalists' vulnerability to pressure through the courts and prompt self-censorship. Prime-time newscasts focused on the provisional government and the president, whose critical statements often disadvantaged parties they blamed for current socioeconomic problems, although some broadcasters provided additional journalistic scrutiny.

While many of those with whom the observers spoke expressed trust in the use of voting machines, citing the positive effect on the accuracy of the vote count and reduced opportunities for malfeasance, some noted that their use might dissuade some elderly voters or those who distrust the technology from voting. The voting machines were not equipped with accessibility functions to enable voters with certain disabilities to vote independently. Moreover, the law does not address possible instances of discrepancies between the machine and manual count.

The legal framework provides an overall adequate basis for the conduct of democratic elections but contains provisions inconsistent with a number of international standards, and ambiguous provisions and shortcomings that adversely affected several aspects of the electoral process.

Several longstanding concerns remain to be addressed, including those related to passive and active suffrage rights, the prohibition against campaigning in languages other than Bulgarian, and limitations on the opportunity to challenge election results.

Overall, the under-representation of women as candidates and in the campaign demonstrated the need for greater commitment to ensuring their adequate participation. There are no legislative or other measures to promote women's participation in elections, and most political parties did not include any policies for the promotion of women in their platforms. Some 30 per cent of candidates were women, and of the 867 candidate lists registered, only 208 were led by women.

The Constitution guarantees the right to self-identification but does not define national minorities. Issues related to minorities rarely featured in the campaign, and most political parties and coalitions did not include policies for persons belonging to minorities or for Roma integration in their electoral platforms. There were several instances of inflammatory rhetoric against Roma and other ethnic communities. The observers were told that Roma voters are still vulnerable to intimidation and attempted vote-buying.