



Doc. 15774
18 May 2023

Observation of the early parliamentary elections in Bulgaria (2 April 2023)

Election observation report

Ad hoc Committee of the Bureau

Rapporteur: Mr Andrej HUNKO, Germany, Group of the Unified European Left

1. Introduction

1. Following the failure of the parliament elected in October 2022 to form a government, the Bulgarian Parliament was dissolved on 3 February 2023 and new early parliamentary elections – the fourth since April 2021 – were announced for 2 April 2023.

2. At its meeting on 30 January 2023, the Bureau of the Parliamentary Assembly decided to observe the elections, as the country is engaged in a post-monitoring dialog with the Assembly. It set up an ad hoc committee composed of 20 members (SOC-6; EPP/CD-6; ALDE-4; EC/DA-3; UEL-1) as well as the two co-rapporteurs of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee). On 2 March 2023, the Bureau approved the composition of the ad hoc committee and appointed me as its chairperson. 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 ad hoc committee operated as part of an International Election Observation Mission (IEOM) together with the electoral observation mission of the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE). Like in October 2022, the Assembly was the only parliamentary organisation observing these elections.

5. On 31 March and 1 April 2023, the Assembly's ad hoc committee ("PACE delegation") met with leaders and representatives of political parties and coalitions, members of the ODIHR Election Observation Mission (EOM), members of the Central Election Commission (CEC) and representatives of NGOs and the media, before observing the ballot on 2 April 2023. The programme of the delegation's meetings is set out in Appendix 2.

6. On polling day, the PACE delegation split into 12 teams, which observed the vote in Sofia and its surroundings, as well as in the Plovdiv, Pazardzhik, Vratsa, Blagoevgrad, Kustendil and Montana regions. The following day, the IEOM held a press conference and issued a press release (Appendix 3).

7. The IEOM concluded that Bulgaria's 2 April 2023 early parliamentary elections were competitive with fundamental freedoms respected, and well managed by the election administration. However frequent changes erode trust, undercut efficiency and pose challenges to timely preparations. In particular, controversial legal amendments, reducing the use of voting machines, had reignited concerns about the secrecy and integrity of the ballot and undue influence on voters in socially vulnerable communities. While the



numerous contestants were able to campaign freely, the overall campaign environment was marked by voters' fatigue, and persisting allegations of vote-buying and controlled voting. The IEOM published its Preliminary Findings and Conclusions, which were fully endorsed by the PACE delegation.¹

8. The PACE delegation wishes to express its gratitude to the secretariat of the Bulgarian delegation to the Assembly 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

2.1. Developments leading to the 5th round of elections

9. The 2 October 2022 early parliamentary elections brought back former Prime Minister Boyko Borissov's conservative GERB party as the largest party in parliament. The winner of the November 2021 early elections, the liberal Continue the Change (PP) lost 14 seats. The former coalition partners Bulgarian Socialist Party (BSP) and There is Such A People (ITN) paid the price of having participated in the coalition government. The BSP reached its lowest result ever. ITN, which triggered the collapse of the government in June 2022, even failed to reach the electoral threshold to enter parliament. The predominantly Turkish MRF (Movement for Rights and Freedoms) and the far-right pro-Kremlin Revival, on the other hand, both saw a relatively high degree of mobilisation of their voters; Revival doubled its electoral potential and became the fourth political force in parliament. Democratic Bulgaria (DB) has also successfully attracted new votes, but it is considered rather a niche party representing the progressive pro-EU urban middle class. Former Prime Minister Yanev's Bulgarian Rise entered into parliament.

10. The Assembly has observed all parliamentary and presidential elections in Bulgaria since 1990. In the report on the 2 October 2022 early parliamentary elections, the PACE delegation had concluded that, technically speaking, the elections had lived up to the standards of free and democratic elections, being competitive and respectful of fundamental freedoms. However, it had noted allegations of vote-buying (in particular in economically fragile communities) and pressure on voters, growing mistrust in the political system which had resulted in voter apathy and disillusionment and some technical problems linked to the functioning of the voting machines.²

11. The fragmented parliament failed, once again, to form a government. The gridlock persisted throughout October and November 2022. On 5 December, President Radev granted the first mandate to GERB's nominee, Nikolay Gabrovski, who proposed a new government a week later. His premiership was however rejected by the parliament (113 "for", 125 "against", 2 abstentions); only MPs from the DPS and BV voting in favour alongside GERB. President Radev later gave the mandate to the BSP leader Ms Ninova, although she rejected to form a government in a deadlocked parliament. New early elections were announced for 2 April 2023 and the parliament was dissolved on 3 February.

12. During 15 of the last 24 months of the election period, Bulgaria has been governed by caretaker governments.

13. The present report will recall the main features of the electoral environment, which have been detailed in previous reports, and focus on the latest legal and political developments which were significant for these elections.

2.2. Internal and external factors influencing the early elections

14. One of the first decisions of the new parliament elected in October 2022 was to amend the Electoral Code. On 4 November 2022, at the initiative of GERB, BSP and DPS (so-called "paper coalition"), the parliament voted, with 125 deputies "for" and 121 "against", in favour of the reintroduction of paper ballots in parallel to machine voting. President Radev vetoed the amendments on 14 December 2022 as posing challenges to the secrecy of the vote and effectively denying voters the benefits of voting machines, but his veto was overturned by the parliament.

1. See: Bulgaria Early Parliamentary Elections, 2 April 2023: Statement of Preliminary Findings and Conclusions, www.osce.org/files/f/documents/1/d/540674.pdf.

2. Observation of the early parliamentary elections in Bulgaria (2 October 2022), Rapporteur: Mr Alfred Heer, Switzerland, ALDE, Doc. 15656.

15. The PACE delegation was informed about the arguments brought forward by the “paper coalition” which included the lack of trust in the private company running the voting system, unpreparedness of the voters, especially elderly people, to vote with machines, security issues and vulnerability of the voting system to possible cyberattacks. However, other interlocutors pointed out that there were no such evidence and noted that no legal challenge had been raised during the last elections.

16. On the contrary, many interlocutors voiced criticism of these changes, including their potential negative impact on the counting process, and resulting loss of benefits associated with the use of voting machines, including greater accuracy of the vote count and a reduced number of invalid votes. Civil society representatives were also concerned about the extra burden put on the electoral administration and the insufficient training of electoral officers.

17. The PACE delegation noted that the amendments were adopted without political consensus and just three months before the elections, in contradiction with Venice Commission recommendations.

18. Some interlocutors regretted the lack of transparency of political processes which could further contribute to erode trust in the political players. They cited the semi-secret negotiations undertaken by “We Continue the Change” and “Democratic Bulgaria” to draft a coalition agreement for their joint participation in the elections as one centre-right coalition, which was signed on 11 February 2023.

19. There were also notable changes in the political scene: while the BSP excluded, during its party congress, 14 party functionaries who had demanded the resignation of its leader Ms Ninova, a new coalition called “The Left” was registered, uniting left-oriented political movements and parties led by former influential persons and members of the BSP leadership such as Maya Manolova (National Ombudsperson) or Kostadin Paskalev

20. Furthermore, there were some important developments at international level in the past months that triggered differing reactions from political parties and politicians in Bulgaria. In relation to Russia’s war against Ukraine, the adoption of a law authorising the provision of arms to Ukraine was among the most debated decisions of the outgoing parliament. On 10 February 2023, the United States decided to apply a new group of sanctions based on the Magnitsky Act targeting several former officials of previous governments³ accused of corruption, financial mismanagement and increasing Russian influence. These sanctions added to those taken by the Government of the United Kingdom against 35 individuals and entities under the global anti-corruption act since its introduction in April 2021, handing them travel bans and asset freezes.

21. The 2022 report published on 1 March 2023 by the European Public Prosecutor's Office (EPPO) reported that Bulgaria ranked second among 22 countries for the number of criminal investigations opened for crimes affecting the European Union's financial interests (a total of 143 cases, of which 101 were opened last 2022, and €492 millions worth of investigations are ongoing). These developments drew attention to the issues of corruption and the long overdue judicial reform.

22. The PACE delegation noted that concurring polls predicted that the results of the elections would be very close. Red lines set by the political parties about their participation in future coalitions led many to believe that this new round of elections would result again in a fragmented parliament unable to solve the current political deadlock. Political stakeholders met by the delegation therefore did not rule out that there might be a sixth round of elections, that would be combined with the local elections foreseen in the fall 2023 which could mobilise more voters.

23. The PACE delegation noted concerns expressed by several interlocutors that the deadlocked parliament had not been in a capacity to address important challenges faced by the country or to adopt its ordinary budget. They also underscored that this situation led to the *de facto* strengthening of the powers of the President of the Republic and his interference in political affairs, which could cause a serious distortion in the functioning of Bulgaria’s democratic institutions.

3. These include former Finance minister in the Second and Third Borissov Government, Vladislav Goranov, former Energy minister in the Stanishev Government, Rumen Ovcharov, the leader of Russophiles for the Revival of the Fatherland, Nikolay Malinov, as well as two former heads of the Kozloduy Nuclear Power Plant.

3. Legal framework

3.1. Overall legal framework

24. The overall legal framework remained unchanged since the previous elections, as described in previous reports. It provides an overall adequate basis for the conduct of democratic elections. The main piece of legislation governing parliamentary elections is the Electoral Code of 2014 which has been amended many times since then. 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 Protocol No. 1), freedom of expression, freedom of assembly and association, as well as the prohibition of discrimination (Articles 10, 11 and 14 of the Convention).

25. 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. Voters can therefore express preferences within a list. A candidate benefits from the preference vote if the number of received votes is at least 7% of the votes cast for the candidate list.

26. A provision enacted in April 2021 stipulates that the current proportional system will apply until the next regular parliamentary elections.

27. In addition to the 1991 Constitution of Bulgaria and the 2014 Electoral 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.

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

29. 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. There is a Venice Commission recommendation that this restriction on voting by prisoners should be limited to most serious crimes.⁴ In 2016 the European Court of Human Rights decided that this blanket restriction is disproportionate and in breach of Article 3 of Protocol No. 1.⁵ Excessive restrictions on suffrage rights also concern those deprived of legal capacity by a final court decision, including those with intellectual or psychosocial disabilities. On 18 October 2022, the Constitutional Court ruled that implementing the judgements of the European Court of Human Rights on prisoners' voting rights and persons with mental disabilities required constitutional amendments. No such amendments have been tabled so far.

30. Any citizen aged at least 21 can stand for elections to the National Assembly, providing that he or she is not sentenced, whatever the severity of the crime. Moreover, "a candidate for a National Assembly seat holding a state post shall resign upon the registration of his candidacy".

31. 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.

32. Concerning out-of-country voting, a previous cap of 35 Bulgarian polling stations per country was found by the Constitutional Court to be unconstitutional and was removed, initially for other EU States and now since the April 2021 amendments, for all States. Bulgarians wishing to vote outside Bulgaria could submit, until 7 March 2023, an [electronic form for voting abroad](#) with their personal data, and the country and the place where they want to exercise their right to vote.

3.2. Recent amendments to the Electoral Code: the reintroduction of paper ballots

33. Amendments to the Electoral Code were adopted in December 2022:

- The amendments re-introduced the option of using either touchscreen voting machines or paper ballots in all polling stations with at least 300 registered voters, in the country and abroad, reducing the use of voting machines to printing of "machine ballots" to be cast and counted in the same manner as paper

4. Venice Commission and OSCE/ODIHR, Joint opinion on amendments to the Electoral Code of Bulgaria (CDL-AD(2017)016), in particular paragraph 62.

5. See *Kulinski and Sabev v. Bulgaria*, 21 July 2015, application no. 63849/09.

ballots. Voting machines were not available in polling stations with less than 300 voters, mobile polling stations, hospitals and social institutions polling stations, ships as well as polling stations abroad with fewer than 300 applications or fewer than 300 voters during the last elections, as well as in cases when the CEC has not managed to find a technical support person for machine voting who knows Bulgarian.

- Machine voting is optional and paper voting is possible in all polling stations. When voting via a machine, the voter makes a choice on a ballot similar to a paper one, the machine prints a machine ballot (former “control receipt”), which the voter folds and then the precinct election commission stamps and which the voter deposits in the box for machine ballots. Counting is done manually by the respective precinct election commission.
- The December 2022 amendments provided that voters do not vote in booths but behind screens when voting by machine or by paper ballot in order to protect the secrecy of the vote.
- They also introduced video monitoring of the counting of the vote in all polling stations.

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

4.1. Election administration

34. The parliamentary elections are administered by a three-level structure of electoral management bodies, namely the Central Election Commission (CEC), consisting of 15 members, including a chairperson, vice-chairpersons and a secretary, nominated by the parties and coalitions represented in parliament and appointed by a decree of the President of the Republic after public consultations, 31 District Election Commissions (DECs) and 13 000 Precinct Election Commissions (PECs).

35. Significant numbers of PEC members resigned or were replaced shortly before election day, which diminished the value and impact of the training provided

36. 11 845 polling stations were opened in the country. In addition, 737 polling stations were opened in 62 countries.⁶

37. The Central Election Commission is responsible for constituency delimitation. The number of mandates in each constituency is based on the last census⁷ but must comprise at least four mandates. The Venice Commission and the ODIHR expressed concern that this minimum may affect the equality of the suffrage.⁸

38. The caretaker government allocated BGN 87.7 million for the organisation of these early elections. The cabinet had declared itself ready to provide additional necessary funds when concluding contracts for logistics and technical support of the specialised devices for electronic machine voting, as well as for other materials and accompanying activities to ensure the electoral process, including machine voting and video surveillance/video recording.

39. According to the last amendment of the Electoral Code, the CEC has to draft and publish a plan for the conduct of elections, including voting machine's security measures, management of cryptographic keys, instalment of systemic and applied software; loading data for respective type of elections to the machine devices; storage and transportation of the devices. 24 hours prior to election day, the CEC organises sample verification of the cryptographic identities of the electoral system for machine voting in the presence of observers and verifies data from machine voting.

4.2. Voters lists

40. The voters lists are compiled by the municipal administrations. Each voter shall be entered on a single list and registered according to his/her permanent address. A separate voters list shall be compiled for each voting section. The final voter lists contained 6 594 593 voters.

6. In October 2022 755 PECs were opened in 65 countries (for example 160 in Türkiye, 115 in the United Kingdom, 74 in Germany, 64 in Spain and 56 in the United States), <https://glasuvam.org/cik-parl23>.

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

8. Venice Commission and OSCE/ODIHR, Joint opinion on amendments to the electoral code of Bulgaria (CDL-AD(2017)016), in particular paragraph 24.

41. Several concerns related to excessive restrictions on suffrage rights, contrary to international standards, the case law of the European Court of Human Rights and previous ODIHR and Venice Commission recommendations, already raised in previous election observation reports. They were also some questions about the list of voters, including outdated records of voters who *de facto* reside abroad and disenfranchisement of eligible voters who reside in housing which is deemed illegal, particularly in Roma communities, and face administrative challenges in obtaining or renewing their identity cards.

42. Special voters lists are established for the purpose of voting outside polling stations, namely in medical-treatment facilities, specialised institutions, prisons and navigation vessels. Students can vote in the place where they are studying.

43. There are also specific voters lists established for voting abroad based on applications filled in by Bulgarians living abroad and applying to exercise the voting right through diplomatic and consular missions. 47 389 voters in 77 countries submitted their applications to cast ballots outside of Bulgaria. Compared to previous early elections, this is 10% less than in October 2022 and 40% less than in April 2021.

4.3. Registration of candidates

44. The parties, coalitions and nomination committees shall rank the candidates on candidate lists by multi-member constituency. The candidates of the parties and coalitions shall be entered in the register of candidate lists and shall be registered by the number under which they are ranked on the candidate list. The coalitions shall contest the elections on a single candidate list in each separate multi-member constituency. The number of candidates on one list may not exceed the double number of seats in the multi-member constituency.

45. Citizens holding dual citizenship were not eligible to stand, which is not in line with the case law of the European Court of Human Rights and the Venice Commission previous recommendation.⁹

46. The CEC is responsible for registering candidates. In case of registration denied by the CEC, the decision of the Commission can be challenged before the Supreme Administrative Court.

47. 14 parties and 7 coalitions registered for participation (compared to 22 political parties and 6 coalitions at the 2 October 2022 elections). For these elections, there were 4 566 candidates registered on 652 registered candidate lists, of which one third were women.

5. Election campaign environment and financing

5.1. Campaign environment

48. The election campaign started on 3 March 2023. The PACE delegation was informed that the campaign started quietly and without significant opening events. There was a low-level campaign, with considerable presence on social media. The campaign was overall competitive, with fundamental freedoms of assembly and expression generally well respected.

49. The PACE delegation was informed that issues raised during the campaign related to the rising prices (with a record inflation of 16%), fiscal and social policies, prospective membership in the Eurozone, gender issues, and politics of memory related to a monument of the Soviet Army.

50. Three parties had made calls for referendums and were gathering signatures and public support for referendums against the "introduction of gender ideology in schools" and the Istanbul Convention¹⁰ (BSP), against the adoption of the Euro (Revival) or for the establishment of a presidential republic (ITN).

51. There were again allegation of vote buying and controlled voting (alleging ties between enterprises and local authorities to put pressure on voters). The PACE delegation was informed that some efforts had been undertaken by the authorities, which established a hotline for reporting election-related irregularities or investigate allegations.

9. *Ibid.*, in particular paragraph 48.

10. Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210).

5.2. Campaign financing

52. Campaign finance is mainly regulated by the 2014 Electoral Code, the 2005 Political Parties Act and the 2015 National Audit Office Act. Funding of political parties, coalitions and candidates is based on public funds 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.

53. The National Audit Office has the authority to oversee political party and campaign expenses. The National Audit Office audits the reported data for prohibited donations or other irregularities but does not have the mandate and resources to investigate unreported expenses, limiting effectiveness of the oversight. The law does not address third-party spending on behalf of eligible contestants. These shortcomings undermine the transparency of campaign financing and the effectiveness of spending limits. The PACE delegation was also informed that the president of the National Audit Office had been dismissed on 20 January 2023 by the parliament, with the votes of GERB-SDS, DPS, BSP and BV. This decision was challenged by 71 MPs, who argued that it was contrary to the rule of law and independence of the National Audit Office. The case is still pending at the Constitutional Court, which declared it admissible on 7 March 2023.

54. Anonymous contributions, contributions by legal persons, donations from companies,¹¹ contributions from abroad (by natural persons as well as States, state-owned companies and foreign non-profit organisations), and contributions from religious institutions are banned.

55. 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, which may be used in election campaigns. 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 media advertising costs, while independent candidates receive BGN 5 000.

56. The campaign may be financed by the party's or candidate's own funds, monetary and in-kind donations from private individuals. Donations over one minimum monthly wage (BGN 780) must be accompanied by the donor's declaration of the source of donated funds. The law does not provide a limit for individual donations, heightening the risks of dependence on wealthy private interests

57. 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.

58. While most recommendations contained in the third and fourth evaluation rounds of the Council of Europe's Group of States against Corruption (GRECO) have been largely addressed in relation to transparency of political party funding and corruption prevention amongst officials, including MPs, a number of prior ODIHR recommendations remain unaddressed, including the lack of reporting on expenditures before election day and the scope of oversight by the National Audit Office.

6. Media landscape and coverage

59. The media landscape remains vibrant and partly polarised. Long-standing concerns challenging the media environment include insufficient transparency of media ownership and of allocation of state advertising, media concentration, and lack of safeguards to protect media from political interference.

60. The Electoral Code regulates broadcast media during the election campaign. 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. Public funding is provided for media advertisement to the parties, coalitions and nomination committees that have registered a candidate.¹²

61. The public service media Bulgarian National Television (BNT) and Bulgarian National Radio (BNR) are among the most trusted news outlets. The PACE delegation noted that their funding mechanism, based on outdated criteria such as the hours of broadcasting, expose the amount of funding to uncertainty and discretion of the parliament, which, according to several ODIHR EOM interlocutors, does not guarantee sufficient resources to accomplish the public remit properly, nor to fence off government and political influence.

11. See the decision of the Constitutional Court of 27 April 2021, see paragraph 60 of the previous election observation report (Doc. 15656).

12. Article 178 of the Electoral Code. The May 2021 amendments reinforced the "equal participation" principle for the political contestants on the public service media.

62. As required by law, agreements on the election broadcasts were signed by BNT and BNR with political parties and approved by the CEC on 1 March 2023. BNT and BNR granted all contestants free and paid airtime, in line with the election regulations, and organised 42 debates, but major parties scarcely attended. Furthermore, main political leaders mostly refused to face each other, depriving the voters of an opportunity to see them debating. BNT and BNR did not cover any election campaign activities in their news bulletins, which mainly focused on members of government and the president in their official capacities. This time again, journalists were engaged in the preparation of campaign material for political parties, interviews and reports appearing in paid content of BNT and BNR (clearly marked as such), which is a debasement of the journalistic profession discouraged by international professional norms

63. Two media groups (bTV and Nova) largely dominate the media market and lead the audience shares. According to the media monitoring made by ODIHR, these two groups provided wide coverage of political contestants, including debates with representatives of parliamentary parties and leading competitors, as well as interviews with party representatives. The newscasts of Nova TV, bTV and Darik scarcely covered election campaign events, yet reported impartially on political issues, mainly hearing from parliamentary parties. All monitored broadcasters extensively reported on election preparation and voter information.

64. Defamation is still a criminal offence, at odds with the international standards and recommendations, such as Recommendation CM/Rec(2016) of the Committee of Ministers of the Council of Europe on the Protection of journalism and safety of journalists and other media actors, the Assembly [Resolution 1577 \(2007\)](#) "Towards decriminalisation of defamation". Charges against media leading to disproportionate fines – as highlighted by media reports about a private online media outlet which had been sued for BGN 1 million (that is 500 000€) by an insurance company on defamation claims¹³ – create a climate of fear, weaken the media freedom, favour self-censorship and were characterised as legal harassment against critical media coverage with potential negative effects on investigative reporting on issues of public interests.

7. Participation of women and minorities

65. No progress was achieved since the last elections. The main concerns remain regarding the under-representation of women in political life. There are no provisions related to gender equality in the Electoral Code. There were 23.94% women candidates in these elections. In April 2023, women represent 24,17% of the members of parliament (compared to 22.5% in October 2022).

66. Concerning the participation of minorities, the PACE delegation reiterates previous issues raised and regrets that the Electoral Code prescribes that the election campaign is conducted in Bulgarian language only. The Venice Commission and OSCE/ODIHR repeatedly recommended this provision to be revised¹⁴. The delegation was informed that the issues of minorities were not included in parties and coalitions' programs; only few Roma candidates were in electable positions; police operations against vote buying were being conducted predominantly in Roma communities and were often perceived as intimidating by members of these communities. These concerns should be evaluated in light of the [2019 Report of the Commissioner for Human Rights of the Council of Europe](#) (noting that hate speech and hostility against Roma persist at all levels of society, with little if any response from the authorities to counter this long-standing phenomenon) and the [2022 Report on Bulgaria](#) of the European Commission against Racism and Intolerance (ECRI) that mentions mixed response of the Bulgarian authorities against hate speech in recent years.

8. Complaints and appeals

67. 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 district election commissions, including election commissions abroad. The CEC shall pronounce a decision on any such complaints within 24 hours after the complaint is submitted, or within an hour after the arrival of any such complaint on election day and in any case before the closing of the poll. The Supreme Administrative Court is the relevant body for appeals of CEC's decisions, including the decisions taken following election disputes appealed before the CEC.

13. "Mediapool Sued for Record €500 000 by Bulgarian Insurance Company", Council of Europe safety of journalist platform [alert of 10 March 2023](#).

14. Venice Commission and OSCE/ODIHR, Joint Opinion on the Amendments to the Electoral Code of Bulgaria, [CDL-AD\(2014\)001](#), paragraph 78.

68. Nevertheless, 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 Electoral Code of Bulgaria, voters registered in the constituency concerned should be entitled to contest the election results.¹⁵

69. Some 132 complaints and alerts were registered with DEC's, primarily related to illegal campaigning and the composition of PEC's. The CEC published decisions on 24 complaints, alerts and appeals against DEC's decisions, mainly related to illegal campaigning, mobile voting and the composition of PEC's. The CEC deliberated on complaints and appeals in public sessions within the established deadlines, and decisions were promptly published on the CEC website. The CEC also received four alerts from the Council on Electronic Media on hate speech, and administrative penalty procedures were initiated. CEC applied the law consistently and within the legally prescribed deadlines. The CEC and the DEC's maintained online complaints and appeal registers, contributing to transparency in electoral dispute resolution.

70. The Supreme Administrative Court (SAC) ruled on 12 appeals before election day, most of which were filed by the political party PP against the composition of DEC's. The SAC upheld CEC decisions in all cases. Upon appeal by the Left coalition, PP and DB, the Sofia Administrative Court annulled the decision of the CEC, which provided for PEC voting results protocols to record the counts of paper ballots and machine ballots together, not separately. The CEC amended its decision accordingly. The SAC provided an effective remedy and issued reasoned decisions, also referring to its own case law.

71. An Inter-Institutional Unit, including the Prosecutor's Office and the State Agency for National Security, was created to co-ordinate the efforts of both institutions to ensure quick response to criminal offences during the election period.¹⁶ In 2022, 83 cases of vote buying were prosecuted, in which 23 people were convicted (20 offenders received suspended sentences, and three were sentenced to imprisonment). The law enforcement agencies informed the ODIHR EOM that obtaining evidence of vote buying remained challenging and most cases do not go beyond the pre-trial phase. However, these efforts to tackle notably vote buying was seen as a positive step by NGOs met by the PACE delegation.

72. 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 also with complaints against decisions and actions of precinct election commissions within the same deadlines than the CEC. The CEC is the appeal authority for election dispute resolution before constituency election commissions.

73. On e-day, information about over 185 complaints received by the DEC's was published on their websites, often related to PEC members not following the voting procedures. The CEC published information about some 70 complaints and appeals, many related to the lack of availability of machine voting, insufficient clarity in machine ballot procedures, and breach of campaigning rules.

74. Disputes relating to media during electoral campaigns can be filed before either the CEC for national broadcast providers and before the constituency election commission of the territory where the challenged medium is broadcasted. The CEC is the appeal authority for election dispute resolution before constituency election commissions relating to media during electoral campaigns. The decisions of the CEC are appealable before the Supreme Administrative Court.

9. Election observers

75. The CEC is responsible for registering domestic and international election observers. Accreditation of domestic observers is only open to non-governmental organisations which are registered with the object related to the protection of citizens' political rights,¹⁷ which has been subject to criticism by civil society in Bulgaria.

76. From 22 February to 1 April 2023, the CEC registered 1 231 observers from 19 non-governmental organisations, including 15 of them for out-of-country polling stations, and some 204 international observers.

15. *Ibid.*, paragraph 72.

16. According to the Prosecutor General's Office, 122 pre-trial proceedings were initiated. The Ministry of Interior initiated 127 criminal proceedings, made 91 arrests, and also issued 1185 warnings, mostly related to vote-buying.

17. New provision, Article 112 (1) 1 of the Electoral Code.

77. The PACE delegation of the Parliamentary Assembly was composed of 21 observers, including 17 MPs representing all 5 political groups within the Assembly and coming from 12 different European member States. Our 10 different teams visited 98 polling stations into observing in and around Sofia as well as Plovdiv, Pazardshik, Vratsa, Blagoevgrad, Kustendil and Montana.

10. Election Day

78. Election day was orderly, and polling was generally well-organised. The voting process was positively assessed in 97% of observations and was overall calm and smooth. Delays in opening of several polling stations were noted due to PECs' insufficient knowledge of the procedures, including the set-up of the voting machines.

79. Partisan observers were present in 35% of polling stations visited by the IEOM, while citizen observers only in 5%. Procedures such as identification of voters, signing of the voter list, and stamping of the ballots were nearly always followed, and voters who opted for voting machines were familiar with them. In 4% of observations the IEOM observers noted that the required voting machine was not functional, and in isolated cases the PEC members encouraged voters to use a particular voting method; several complaints on such conduct have also been filed with DEC's.

80. The layout of polling stations was assessed to be suitable for voters with reduced mobility in 71% of the IEOM observations, but less than half of the polling stations visited (39%) were assessed as suitable for independent access by such voters.

81. The secrecy of the ballot was compromised in 7% of the IEOM observations. This was due to inadequate layout of polling stations (6% of observations) or voters not marking their ballot in secrecy or properly folding machine ballots, in particular. Moreover, the IEOM observers noted instances of people keeping track of voters (2% of observations) and the presence of unauthorised persons in polling stations (some 3% of observations), which are often indicative of undue influence on voters. In 5 cases, indications of vote-buying were noted by the IEOM observers outside polling stations.

82. All 64 polling stations where the IEOM observed the counting process closed on time or with a short delay. The vote count was assessed largely positively. However, in some polling stations the IEOM observers noted that important procedures were omitted or not followed in the prescribed order. In nearly a third of the polling stations observed (20), PEC members had difficulties with reconciling data in the results protocols, and some of these difficulties were due to the PECs' procedural errors, as well as the use of both the machine and paper ballots. Copies of the PEC results protocols were not posted for public display at polling stations, as required by law, in more than half of the observations.

83. The initial tabulation of voting results, followed by the IEOM observers in 26 DEC's, was generally assessed as orderly and well-organised. In 21 observations the DEC's encountered some discrepancies in the PEC results protocols that needed to be resolved before the data entry. The DEC began posting preliminary results at 23:00 on election night, contributing to transparency of voting results.

84. The PACE delegation observed that the elections were run smoothly, without major incidents. Some members noted that there were some problems with the functioning of the voting machines (due to lack of paper, or paper being stuck) which required the intervention of a technician. Machines in a few polling stations visited by PACE observers did not work at all. The question of the secrecy of the vote was noticed by several teams as it was possible to look through the printed paper in the ballot box. The setting of the voting booths but also the reintroduction of the paper ballot was seen by some observers as possibly enabling voters to take a picture of their ballot paper. One team noted that in some polling stations, the choice of the voting method, either by ballot paper or with the voting machine, could be influenced by the chair of the precinct election commission. In the Roma areas, the presence of a candidate in front and within the polling station triggered some tensions with one team and discussions with the police. Some voters in the Roma community not acquainted with technology would show their ballot paper after casting their vote on the machine.

85. There were also some procedural difficulties, or sometimes uncertainties, noted by the members of the PACE delegation during the counting, when filling of the protocols after the counting. Some members noted issues with the internet connection that prevented the recorded counting to be followed online. The delegation noted a high proportion of women represented in the electoral boards of the polling stations visited, in contrast to the under-representation of women in political life.

11. Results and post-election environment.

86. On 7 April, the CEC announced the seat distribution in the 49th National Assembly:

Party	Votes	%	Mandates
Citizens for the European Development of Bulgaria – Union of Democratic Forces (GERB – UDF)	669 924	26.49%	69
We Continue the Change (PP) – Democratic Bulgaria (DB)	621 069	24.56%	64
Movement for Rights and Freedoms (MRF)	347 700	13.75%	36
Revival	358 174	14.16%	37
Bulgarian Socialist Party (BSP)	225 914	8.93%	23
There is Such A People (ITN)	103 971	4.11%	11

87. The final turnout was 40,69% voters registered on the voters list and additional lists on the election day.¹⁸ 108 842 voters chose the option “I do not support anyone”. The so-called “protest vote” represents 4% of the voters – and would be the sixth largest group of voters. These votes are included in the turnout but not in the final result.

88. The GERB–UDF coalition led by former Prime Minister Boyko Borissov remained the largest force in the new legislature. It won 69 seats, two more than in the 2022 elections. The coalition formed by “We Continue the Change” and with Democratic Bulgaria came second, winning 64 seats altogether. The MRF remained stable, while Revival confirmed its steady progression since November 2021 (and won 100 000 additional votes).

Party	April 2021	July 2021	Nov 2021	Oct 2022	April 2023
GERB – UDF	75	63	59	67	69
We Continue the Change (PP)	-	-	67	53	64
Revival	-	-	13	27	37
MRF	30	29	34	36	36
BSP for Bulgaria	43	36	26	25	23
Democratic Bulgaria	27	34	16	20	[with PP]
Bulgarian Rise			-	12	-
There is Such A People (ITN)	51	65	25	-	11

89. Some figures could be of interest when assessing the mixed voting system established by the December 2022 amendments:

- A large share of the voters (59.12%) used the voting machines. Unsurprisingly 80% of the supporters of ITN voted by machine, followed by those of the PP coalition (79.13%), and Revival (69.51%).¹⁹
- During the day, the CEC reported that 95 out of 9 611 voting machines (0,98%) went out of order during voting.
- Some videorecording of vote counting faced technical problems (it was either not working or not broadcasting in real time).
- 22% of all protocols (one in five) were erroneous, crossed out and corrected: 2 757 protocols were erroneous and there were 1 714 errors and discrepancies between the CEC protocol and the data entered by the DEC.²⁰

90. On 10 April 2023, President Rumen Radev convened the new legislature for 12 April. On 18 April, after the failed attempts, the two largest parties reached agreement on the Speaker. On 19 April, the National Assembly elected Mr Rosen Zhelyazkov (GERB–UDF) as its new Speaker.

18. Data published on the website of the CEC.

19. www.gallup-international.bg/47109/demographic-structure-of-the-vote-2-april/.

20. CEC Decision No 1895-NC – Sofia, 6 April 2023, www.cik.bg/bg/decisions/1895/2023-04-06.

91. Following preliminary discussions and proposals (by PP) on a possible government, the GERB-UDF coalition leader Boyko Borissov announced on 10 May 2023 that European Commissioner Maria Gabriel would be the coalition's candidate Prime Minister. At the time of the writing of the report, discussions were still going on, including with PP which had, during the campaign, excluded to be part of the coalition.

12. Conclusions and recommendations

92. Bulgaria held its fifth election in two years, only six months after the previous poll in October 2022. As with the four previous elections held in 2021 and 2022, no party won a majority in the 240-member National Assembly.

93. We would like to praise the Bulgarian citizens who voted for the 5th time in two years. Despite an obvious electoral fatigue and disillusionment over the politicians being unable to form a viable government, the turnout was slightly higher than in October 2022 – but still low. It is therefore important to value the political will expressed by these citizens.

94. The PACE delegation welcomes the fact that the elections were well-organised and proceeded in a calm manner. However, the late and frequent changes of the electoral law, contrary to Venice Commission recommendations, are of concerns. The decision to reintroduce the ballot papers was adopted without broad political consensus or large consultations. The introduction of "printing" voting machines was an additional challenge for the electoral administration. It is regrettable that the choice of the voting system was instrumentalised for political purposes, sometimes based on arguments of bad faith or lacking evidence. The delegation therefore would suggest that the Bulgarian authorities undertake an evaluation of the different voting methods experience in the elections held since 2021, in particular e-voting procedures, making use on the expertise that the Council of Europe could provide in this area.

95. One of the most serious concerns raised by the PACE delegation in these elections is the inadequate protection of vote secrecy, as described above. This aspect should be seriously considered for the organisation of future elections.

96. The PACE delegation welcomes the continued efforts to tackle vote-buying and allegations of control voting. It recalls that the introduction of voting machines in October 2022 aimed precisely at tackling this problem. In this respect the delegation wishes to reiterate previous concerns and recommendations issued by PACE observers to strengthen the anti-corruption framework, implement the remaining recommendations of GRECO, and strengthen the independence, competences and oversight capacity of the National Audit Office, notably to reinforce the transparency of campaign financing and the effectiveness of spending limits.

97. The PACE delegation deplores that the long-standing problematic issues such as the continuing low participation of women in politics, the lack of legal provisions to foster the participation of minorities and the limitations on people placed under judicial interdiction or serving a prison sentence to vote, have not been attended to.

98. However, our major concern relates to the issue of trust. The repetition of early elections, due to the inability of political forces in parliament to find compromises and form a functional government, clearly undermines people's trust in the political and democratic institutions and damages the ability of the country to address people's urgent and essential needs and reinforces, *de facto*, the political role of the President of the Republic.

99. We therefore hope that the newly elected representatives will show responsibility, overcome the polarisation and find the necessary political compromises to make the democratic institutions fully functional. That would help re-establish trust in the political institutions at all levels, which is essential for the proper functioning of any democratic society.

100. These recommendations should be addressed by the authorities in the framework of the post-monitoring dialogue. In particular we call on the authorities 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 the electoral management practices.

101. The PACE delegation wishes to thank the Bulgarian authorities for the support received in organising the election observation mission. The Assembly and the Venice Commission stand ready to assist the authorities in addressing the deficiencies and challenges raised in the previous election observation reports and suggest to the authorities to organise a post-electoral seminar to look into these issues.

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 Andrej HUNKO, Germany

Socialists, Democrats and Greens Group (SOC)

- Mr Constantinos EFSTATHIOU, Cyprus
- Mr Pedro CEGONHO, Portugal
- Mr Gerardo GIOVAGNOLI, San Marino
- Mr Didier MARIE, France
- Ms Jelena MILOŠEVIĆ, Serbia
- Mr Andrzej SZEJNA, Poland

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

- Ms Sylvie GOY-CHAVENT, France
- Mr Cristian-Augustin NICULESCU-ȚĂGÂRLAȘ, Romania
- Mr Jacek PROTASIEWICZ, Poland

Alliance of Liberals and Democrats for Europe (ALDE)

- Mr Iulian BULAI, Romania
- Ms Mireille CLAPOT, France
- Mr Alfred HEER, Switzerland
- Ms Oleksandra USTINOVA, Ukraine

European Conservatives Group and Democratic Alliance (EC/DA)

- Lord David BLENCATHRA, United Kingdom
- Mr Harald WEYEL, Germany

Group of the Unified European Left (UEL)

- Mr Andrej HUNKO, Germany

Co-rapporteur.e.s AS/Mon (ex officio)

- Ms Valentina MARTINEZ FERRO – EPP/CD, Spain

Venice Commission

- Ms Katharina PABEL, Austria, representative (substitute member) of the Venice Commission
- Mr Michael JANSSEN, Legal Advisor, Secretariat of the Venice Commission

Secretariat

- Ms Sylvie AFFHOLDER, Head of the Election Observation and Support Division, Secretary of the ad hoc committee
- Ms Carine ROLLER-KAUFMAN, Assistant, Election Observation and Support Division

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

Friday, 31 March 2023

- 14:00-15:00 PACE delegation meeting
- welcome remarks by Mr Andrej Hunko, Head of the delegation
 - presentation on the political environment by Ms Teodora Kaleynska, consultant, former Director of the Council of Europe Office in Bulgaria
 - presentation on legal aspects by Ms Katharina Pabel, substitute member of the Venice Commission
 - briefing on practicalities by the Secretariat
- 15:00-17:00 Presentation by the ODIHR Election Observation Mission (EOM)
- Welcome message by Ms Tana de Zulueta, Head of Mission
 - Electoral System, Legal Framework, Campaign Finance, Complaints and Appeals - Ms Roza Mora, Legal Analyst
 - Political Background and Campaign - Ms Jelena Stefanović, Political Analyst
 - Election Administration, Voter and Candidate Registration - Mr Xavier Noc, Election Analyst
 - Media landscape and Campaign on the Media - Mr Giuseppe Milazzo, Media Analyst
 - Presentation on the security situation - Mr Mauno Rantanen, Security Expert
- 17:15-18:15 Exchange of views with representatives of NGOs active in the field of election observation
- Dr Daniel Smilov, Centre for Liberal Strategies, Sofia
 - Dr Vanya Nusheva, Transparency International, Sofia
 - Ms Lilian Nikiforova, Institute for Public Environment Development
 - Ms Romyana Dacheva, European association on protection of human rights
 - Ms Ivelina Aleksieva, Institute for Modern Politics

Saturday, 1 April 2023

- 08:15-09:00 Presentation of the E-day procedures by the ODIHR EOM by Mr Xavier Noc, Election Analyst, and Mr Andreas Roth, Statistics Analyst
- 09:00-11:50 Consecutive meetings with leaders and representatives of political parties and coalitions:
- 09:00-09:20 **Citizens for European Development of Bulgaria (GERB) – UDF**
- Denitsa Sacheva
 - Radomir Cholakov
 - Georg Georgiev
- 09:20-09:40 **PP “We continue the change” – Democratic Bulgaria**
- Nadezhda Yordanova, DB
 - Krasimira Velichkova
 - Iva Ruycheva
 - Martin Bubarov
 - Elena Dimitrova
- 09:40-10:00 **Movement for Rights and Freedoms (MRF)**
- Stanislav Anastasov
 - Hamid Hamid
 - Tanzer Useinov
- 10:00-10:20 **Bulgarian Socialist Party (BSP)**
- Georgi Svilenski
 - Hristo Prodanov

- Philip Bokov
- 10:30-10:50 **PP “Bulgarian Rise”**
 - Stefan Yanev
 - Angela Nikolova
 - Ivan Stanev
 - Adriana Toteva
- 10:50-11:10 **PP “There is such a people”**
 - Dimitar Gardev
- 11:10-11:30 **Coalition The Lefts**
 - Danail Georgiev, Movement 21
 - Hristo Kolev, ABV
- 11:30-11:50 **PP “Revival”**
 - Alexander Arangelov
 - Ivaylo Chorbov
- 12:00-12:45 Exchange of views with a media representative
 - Assen Yordanov, Director, bivol.bg
- 13:00-14:00 Meeting with the Chairperson and members of the Central Election Commission
- 14:15-15:00 Meeting with drivers and interpreters

Sunday, 2 April 2023

- 07:00-20:00 Election Day – observation in polling stations

Monday, 3 April 2023

- 08:00-09:00 Debriefing meeting of the delegation and statistical overview of the observations
- 09:15-10:45 Final discussion of the joint ODIHR-PACE joint statement and the preliminary conclusions and findings by the heads of delegation
- 14:30 Joint press conference of the IEOM (ODIHR and PACE)

Appendix 3 – Press release of the International Election Observation Mission

Bulgaria's parliamentary elections competitive and well-managed, but frequent changes to legal framework created challenges, international observers say

SOFIA, 03 April 2023 – Bulgaria's 2 April early parliamentary elections were competitive and well-managed but, while the legal framework is adequate for holding democratic elections, frequent changes erode trust, undercut efficiency and create challenges to making timely preparations, international observers said in a statement today.

In particular, controversial amendments that reduced the use of voting machines reignited concerns about the secrecy and integrity of the ballot and undue influence on voters in socially vulnerable communities, the statement says.

"By casting their vote for the fifth time in two years, Bulgaria's citizens have, despite electoral fatigue, expressed their political will", said Andrej Hunko, Head of the delegation from the Parliamentary Assembly of the Council of Europe. "They now expect their elected representatives to find the necessary political compromises to form a government and address people's needs. This would be a first step towards re-establishing trust in political institutions and society, at all levels, which is essential in a democratic society."

The numerous contestants were able to campaign freely and fundamental freedoms were respected, although the fact that five parliamentary elections had been held over such a short time contributed to voter fatigue. Despite diverse and extensive coverage by the media that presented voters with a plurality of views, media remained vulnerable to political and corporate influences that reduced critical reporting, the observers said.

"The free campaign and respect for fundamental freedoms generally provided voters with the ability to make their political choice, but previous recommendations related to the media, including to decriminalize defamation and stronger guarantees for journalists' independence, remain unaddressed," said Tana de Zulueta, Head of the election observation mission from the OSCE Office for Democratic Institutions and Human Rights. "The frequent and, in particular, late changes to the laws, regulations and procedures created concerns and uncertainty that appear to have led to the difficulties we saw on election day, particularly when it came to ensuring the secrecy of voters' ballots."

The campaign was moderate, with considerable presence on social media, and generally perceived as the continuation of almost two years of campaigning. Along with the allegations of vote-buying and controlled voting, instances of mayors' involvement in the campaign negatively affected the level playing field and voters' ability to cast their ballot freely. With some notable exceptions, the visibility of female candidates remained low. Election day was orderly, and the observers generally assessed the process positively, although they noted inadequate protection of the secrecy of the vote.

December 2022 amendments to the Election Code re-introduced the option of casting a paper ballot, reducing the role of touchscreen voting machines to the printing of "machine ballots", to be cast and counted in the same manner as paper ballots. This change, along with the introduction of video monitoring of vote counting, did not enjoy broad political consensus and was adopted with little consultation among stakeholders. Representatives of government institutions, political parties and civil society organizations voiced criticism of these late changes, including their potential negative impact on the voting process.

Many prior recommendations by the international observers remain unaddressed, including those related to the blanket disenfranchisement of prisoners and persons under guardianship, the barring of those with dual citizenship from participating as candidates, the lack of measures to promote the participation of women and minorities, including in party platforms, and the limited possibility to challenge election results.

The diverse media environment operates in a constrained advertising market, and challenges to their viability expose media outlets to political and financial influence, which may result in self-censorship and a resulting lack of critical coverage. Defamation remains a criminal offence and, coupled with disproportionate fines, has potentially negative effects on investigative reporting on issues of public interest. The election campaign had an extensive presence on the public broadcasters, who granted direct access to all political competitors. Nevertheless, strict rules on the equal participation of contestants on these broadcasters reduced editorial content and their journalistic role, and they were used by political parties as vehicles to disseminate their electoral messages. With a greater degree of editorial freedom, private media provided more diverse coverage, although this was mainly broadcast outside of prime time. Women candidates were underrepresented in televised debates, reflecting gender inequality in political life.