

Parliamentary Assembly Assemblée parlementaire



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Observation of the Parliamentary Elections in Bulgaria (25 June 2005)

Joint report by the members of the Ad hoc Committee of the Bureau

Introduction

1. In response to an invitation from the Minister of Foreign Affairs of Bulgaria, the Bureau of the Parliamentary Assembly set up an ad-hoc committee at its meeting on 29 April 2005 to observe the elections to the National Assembly of Bulgaria on 25 June 2005.

2. Based on the proposals of the Assembly's Political Groups, the ad-hoc committee was composed as follows:

Socialist Group (SOC)
Mrs Gülsün BILGEHAN Turkey

European Democrat Group (EDG)
Mr Igor CHERNYSHENKO Russia

Group of United European Left (UEL)
Mr Alexander FOMENKO Russia

Secretariat:
Ms Ivi-Triin ODRATS, Secretary to the Committee

3. The three-member, cross-party delegation visited Bulgaria from 24 to 26 June to make an assessment of the elections, without carrying out a full-scale election observation mission. The ad-hoc committee met from 25 to 26 June in Sofia. Because of its small size it decided not to elect a spokesperson or Rapporteur, instead, the members agreed to present a joint report to the Bureau.

4. On the Election Day, the Assembly's observers visited polling stations in Sofia and its outskirts as well as in Pleven, Plovdiv, Pazardzhik, Assenovgrad, Dolni Voda and other places. In addition to observing the elections, the delegation held talks with representatives of different political parties represented in parliament as well as electoral authorities, the media and the civil society. In carrying out its duties the ad hoc Committee focused on the legal framework of these elections, the election campaign and election administration, as well as on the participation of national minorities in the election process.

5. The Assembly's observers performed their task in close co-operation with the Election Assessment Mission of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), which consisted of 12 international experts from 11 OSCE participating States. The ad-hoc committee wishes to thank their team for excellent co-operation and useful briefings.

6. The delegation also extends its gratitude to the Bulgarian national delegation secretariat for the efficient preparation of meetings and for organising logistical support throughout the duration of the mission.

The Pre-Election Period

a) Improvements to the legislative framework

7. The 2005 parliamentary elections to the National Assembly of the Republic of Bulgaria, a 240-seat unicameral body elected for a four year term according to a proportional election system, were the sixth held since the establishment of a multiparty system in 1991. Bulgaria has continuously made significant progress in carrying out democratic elections ever since. Its cross-party election administration today permits overall transparency and accountability at all levels, which ensures sound basis for complying with general democratic standards.

8. The Law for Election of National Representatives, which governs legislative elections in the country, was amended in April – May 2005 with a view to rationalising the electoral procedure. Despite the last-minute modifications, which created some confusion till the end of the Election Day as regards their application, several changes to the previous electoral law can be regarded as genuine improvements.

9. The most noteworthy modifications are the introduction of an integrated ballot paper replacing the old system of multi-coloured ballot sheets for different parties and a new system of party registration aimed at avoiding the creation of political parties with the sole purpose of confusing voters and/or taking away votes from adversary parties, a reality that had characterised the previous elections in 2001.

10. According to the amended election law, voters both inside Bulgaria and abroad voted with similar white integrated ballots with all names of the 22 parties and coalitions running for parliamentary seats printed on it in the same order and with the names of the first three candidates on the list marked underneath the party or coalition name. Voters in Bulgaria used a ballot (sizes 52x19 cm) with the names of independent candidates appearing beneath the 22 parties and coalitions, in the same sequence as per registration at the regional election commissions. Bulgarians abroad did not vote for any independent candidates and therefore used a shorter ballot (sizes 48x13 cm) with the names of parties and coalitions only printed on it. This seems to be discriminatory against independent candidates, and reduced, contrary to democratic principles, the choice for a considerable group of Bulgarian citizens.

11. The law requires that on the polling day the polling station election commissions seal the ballot twice - before the voter enters the polling booth and afterwards. The requirement of the vote being sealed again after voters have cast their ballot should be reviewed as the procedure created unnecessary confusion for voters undermined the secrecy of the vote, and increased the number of unintentionally invalidated ballots. The size of the ballot paper should also be reviewed as they seemed unnecessarily big and difficult to fold, with polling station committee members having to invent various methods on the spot for pre-folding the ballots while ensuring their visibility.

12. Another modification to the electoral law concerns the voting and distribution of votes cast abroad. While in previous elections the votes cast abroad were distributed over the regions, the new system adds them to the national tally of parties and coalitions. The Law requires all citizens abroad to vote with an "external" Bulgarian passport and not with the national identity card required for voting inside the country. The press reported many cases whereby Bulgarian expatriates were denied their right to vote on the grounds that they held national identity cards only, for their passports were expired and the law does not allow the renewal of these passports for persons living permanently abroad. The current legislation needs therefore to be further improved in terms of identification of voters, whereby all citizens – whether at home or abroad – could use their national identity cards.

13. The new legislation also allowed students to vote in their place of study instead of the place of residence of their parents, a fact that raised some concern over possible double voting.

b) Registration of voters and parties

14. In total, 6.720.941 voters were registered on the voters list, including Bulgarians living abroad. In order to facilitate voting for the expatriate community, a four times greater number of polling stations than in 2001 was opened abroad, totalling 345 stations in 72 countries. This was made possible due to the government allocating four million leva (two million euros) of the total election budget of 15 million leva (slightly more than 7 million euros) for this purpose, a substantial increase compared to the previous election in 2001.

15. While the effort by the Bulgarian authorities to facilitate voting abroad should be highly welcomed, the last minute adoption of the legislative framework as well as the late submission of the election budget in this regard hampered to a great extent the proper organisation of polling stations abroad, causing many concerns to be raised by political forces and the media over issues such as an excessive authority exercised by the Ministry of Foreign Affairs in the preparation process, inadequate information concerning the location of polling stations¹, limited training for election committees or possibilities for parties to send their observers, possible misuse of additional voters' lists and the use of personal identification documents to vote.

16. Numerous complaints were filed with the Central Election Committee (CEC) by contender parties and NGO representatives over the alleged increase of use of absentee voting certificates which can easily be reproduced on a colour printer thus clearly lacking adequate safeguards to prevent fraud.

17. The CEC registered a total of 22 parties and coalitions for the 2005 parliamentary elections, compared to 65 in 2001. This is a positive consequence of the amendment of election legislation which had introduced a general requirement for parties to present a support list of at least 5000 voters and to pay a caution of 20,000 leva (10,000 euros) per party or 40,000 leva (20,000 euros) per coalition in order to enter the race. The law foresees the reimbursement of the latter sum if the political party or coalition receives at least 1% of the votes at national level².

18. However, similarly to the precedent at the previous elections where the National Movement Simeon II party headed by Mr Simeon Saxe-Coburg-Gotha was allowed to enter the election campaign without the party having been officially registered by the court, this time the CEC allowed a nationalist coalition Ataka ("Attack")³ to run without a prior registration by the Sofia City Court. This coalition was only formally registered on 12 July 2005, after the coalition had unexpectedly won more than 8% of votes or 21 seats. In this respect, the ad hoc committee wishes to underscore the importance of the legitimate status of all political formations before they are allowed to run for elections.

c) Outstanding issues in the election campaign process

19. The election campaign was conducted in a generally calm and civilised environment although the introduction by one party of hate speech in Bulgaria's political dialogue is an unwelcome development in this election.

20. The campaigning itself was more energetic and colourful than ever. Entertainment marked a vital part of the election campaign, largely overshadowing popular debate on political platforms. Though the mixture of politicians and celebrities has long ago proved a winning combination in electoral campaigns throughout the world, the scope of the rally-concert used in this electoral process raised many concerns over the possibility that voters, especially in the younger generation, cast their vote in favour of a political party not because of its agenda and constituents but because of those who were paid to sing at its rally-concerts.

21. Ambiguity between the role of the electoral and governmental authorities in organising these elections, combined with the introduction of some government-imposed methods of boosting voter turnout raises concerns about the fairness of the election campaign. The Chair and members of the CEC expressed their annoyance with the fact that the Cabinet of Ministers had virtually pushed the CEC from their decision-making position to a merely executive body, having set aside 17 million leva from the state budget for organising and conducting the elections without consulting the CEC (in fact, the budget was submitted to the CEC on the eve of its adoption, thus not permitting their adequate input).

22. Four political groups appealed against the Cabinet decision concerning the budget for the elections which included substantial increases for voting abroad and voter turnout initiatives such as the election lottery, which was meant to encourage people to turn out to vote by offering them valuable prizes such as a car, computer equipment and mobile phones. This Cabinet decision also gave the sole authority to the Foreign Minister to decide where and how many polling stations were to be set up for Bulgarians living abroad. As the responsibilities between the governmental authorities and the election administration are not sufficiently well defined in the electoral legislation, the disagreements over the above aspects were finally resolved by the Supreme Administrative Court upholding the governmental view and denying the appeal brought by political parties.

¹ The number of polling stations abroad was confirmed by law only on 21 June, i.e. four days prior to the elections.

² The threshold for entering the parliament is 4% of votes at national level.

³ Its coalition partners include National Movement for Homeland Rescue, the Bulgarian National-Patriotic Party, Attack political party, the Zora political circle, the Patriotic Forces and Military Reserves Union.

23. The post-election lottery, organised in order to boost voter turnout, faced sharp criticism from several political parties, as well as from the President of Bulgaria and many international organisations. *"There is a fine line between encouraging voters to participate in an election and what may be perceived as subtle electoral campaigning in favour of one party. This line must not be crossed, and it must be seen by all concerned to be respected"*, wrote Mr Terry Davis, Secretary General of the Council of Europe in his letter of 14 June 2005 addressed to Mr Passy, Bulgarian Minister of Foreign Affairs. Indeed, the authors of this report agree that while enhancing voter turnout is a worthwhile objective *per se*, the introduction of such innovative measures should enjoy the consensus of all political forces concerned, be equally accessible to all voters and be organised by a neutral body such as the CEC. The way the issue was tackled proved not only ineffective (only about 20% of the Bulgarian voters entered the lottery) but clearly implied a departure from best election practice.

Election Day

24. Although the ad hoc Committee, having visited altogether about 25 polling stations, was clearly not in a position to undertake a systematic full scale observation of polling stations, the elections seemed to be carried out in a calm and efficient manner in compliance with the election law. The members of polling station election committees carried out their tasks in a professional and competent manner and seemed to be well informed of the provisions of the amended election law.

25. Apart from the Assembly's delegation and the six teams of OSCE/ODIHR Election Assessment Mission, few international observers seemed to be deployed in these elections. Members of our delegation met informally with representatives of observer NGOs from Belarus, Moldova and Kazakhstan. A number of domestic NGOs - the Bulgarian Association for Fair Elections and Civil Rights (BAFERC), the Civil Initiative for Free and Democratic Elections (CIFDE), The Centre for the Study of Democracy (CSD) as well as representatives of political parties and candidates were accredited to observe the elections. The domestic observers, being present in about half of the polling stations visited by our two teams, did not report any significant problems or disturbances during the voting.

26. A few minor individual cases of irregularities, mostly concerning family voting or attempts to influence votes by the presence of candidates of one party were noted in "difficult" neighbourhoods where the level of voter education is low, notably in the Roma and Turkish communities in Plovdiv and the Roma "Fakulteit"-quarter in Sofia. In Plovdiv, voters admitted being offered vote-buying by representatives of the same party.

27. The CEC received a number of complaints on the Election Day with regard to multiple voting or organised transport of voters by bus in some parts of the country, notably across the Turkish border. The authenticity of and the extent to which absentee vote certificates were used should be clarified during the national review of voters lists to be undertaken by the civil registry authorities.

28. Although we appreciate the efforts undertaken to facilitate access by disabled people to polling stations, the delegation regrets that the election law makes no provision for mobile ballot boxes which would have allowed all disabled and home bound voters to cast their ballot, who were now effectively disenfranchised.

Results of the Ballot

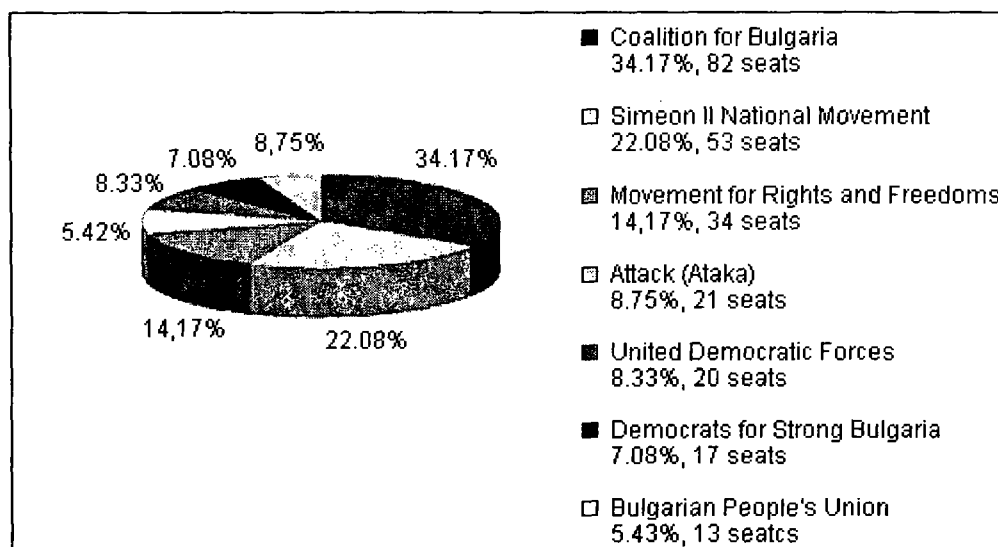
29. The 2005 parliamentary elections witnessed the lowest voter turnout in Bulgaria's post-communist history - 55.76 % -, i.e. about ten percent lower than pollsters had forecast. According to the official data altogether 3.747.793 people came to the ballot boxes, which is about 1.2 million fewer people exercising their right to vote in the country of 8 million than during the last general elections in 2001.

30. A record number of seven parties will be represented in the new parliament. The Socialist-led Coalition for Bulgaria won the ballot with 34.17% of votes (82 seats in the 40th national assembly), followed by Simeon Saxe-Coburg's ruling centrists (SIINM) that was backed by 22.08% (53 mandates), yet fell short of enough votes to form a convincing majority.

31. The ethnic Movement for Rights and Freedoms (MRF), which was the junior partner in the SIINM government, ranked third with the support of 14.17% thus winning 34 MPs in the next assembly.

32. After voting Mr Saxe Coburg Gotha to power in 2001, Bulgarians again showed their liking for outsider parties, casting enough votes - 8.75% - for the radical nationalist coalition Ataka, to allow the new party to enter parliament as the fourth-largest power with 21 mandates.

33. The United Democratic Forces (UDF), which were supported by 8.33% of the voters, won 20 seats in the next Parliament. The other rightist party, Democrats for Strong Bulgaria (DSB), - headed by ex Prime Minister Ivan Kostov, will have 17 seats and were backed by 7.08% of the Bulgarians. The Bulgarian People's Union (BPU) will be presented by 13 MPs in the next Bulgarian Parliament. It received 5.42% of the votes in the June 25 general elections in the country.



Source: Sofia News Agency

34. To the date of writing this report, no government coalition has been formed yet, prompting anger and fear from the population that the protracted horse-trading will undermine an already tight timetable for carrying out constitutional changes and other judicial reforms and eventually ruin the chances for the country to join the European Union in 2007 as planned.

35. On 18 July Bulgaria's President Georgi Parvanov handed the mandate for new government formation to the socialist leader Sergey Stanishev, who has a seven-day term to submit a cabinet structure proposal for approval by the parliament.

Conclusions

36. The Bulgarian parliamentary election on 25 June demonstrated the credibility and stability of the election process in general, though some politico-administrative issues added a note of uncertainty and decreased voter confidence in the election system.

37. Some loopholes still remain in the election legislation, which needs to be further improved. These include defining the competence of the Central Election Committee vis-à-vis the Cabinet of Ministers, notably in budget matters and polling station management abroad; but also a better administration of voters' lists, absentee certificates and means of identification of voters as means of avoiding multiple voting.

38. The ad hoc Committee regrets the low voter turnout, especially in the context of the country's aspirations to join the European Union. It is aware that the latter was a form of manifestation of pessimism and protest against the current socio-economic conditions, the lack of security and the malfunctioning of legal justice in the country; the same way as the unexpected victory of the Ataka coalition was a mirror of growing scepticism and nationalism all over Europe, and especially in the wake of the recent French and Dutch rejections of the EU constitution.

39. Europe should be vigilant against any sign of propaganda for xenophobia, racism or intolerance, notably when this happens among the young generation. On the other hand, members of the ad hoc committee remain convinced that Bulgarian voters have shown their mature choice for a pluralist, multi-party system, which will not deflect the country from the path it has undertaken towards EU integration.

APPENDIX

OBSERVATION OF THE
PARLIAMENTARY ELECTIONS IN BULGARIA

Draft Programme

24-26 June 2005

23 June

Arrival. Accommodation at the Best Western City Hotel

6, Stara planina Str., 1000 Sofia

Tel.: +359 2/915 1500

24 June

Meetings with political parties and election administration

9:45 Depart from hotel

10:00 Meetings with representatives of the political parties represented in parliament
(individually), "Zapad" Hall, Bulgarian National Assembly

10:00-10:30 Parliamentary Group of Simeon the Second National Movement

10:30-11:00 Parliamentary Group of Coalition for Bulgaria

11:00-11:30 Parliamentary Union of Democrats for Strong Bulgaria

11:30-12:00 Parliamentary Group of the Movement for Rights and Freedoms

12:00-12:30 Parliamentary Group of the Union of the Democratic Forces

12:30-13:00 "Novoto Vreme" Parliamentary Group

13:00-13:30 Parliamentary Group of the People's Union

13:30 Lunch break

14:30 Meeting with NGOs, National Assembly, Hall 232, 1 Alexander Sq. Battenberg

15:00 Briefing by the Central Election Commission on the upcoming Parliamentary Elections (Procedures, legal aspects etc) National Assembly,
Hall 232, 1 Alexander Battenberg Sq.

16:30 Meeting with CEC and the Chairperson of CEC, National Assembly, Hall 232, 1 Alexander Battenberg Sq.

17:30 Meeting with ODIHR Election Assessment Mission – Hotel Crystal Palace

25 June

Observation of elections. Election Day starts at 6 am.

5:30 Departure from hotel

6:00-19:00 Election observation at different polling stations in and around Sofia

19:00- 22:00 Vote-counting and visits to regional election committees and the Central Election Committee

22:30 De-briefing meeting with the OSCE/ODIHR delegation at the Parliamentary Election 2005 Press Centre - Palace of Culture and Sport

23:30- ca 2:00 Press conference/Proclamation of provisional results at the Election Press Centre - Palace of Culture and Sport

26 June

De-briefing. Press conference. Departure

9:00 De-briefing meeting with the delegation
10:00-11:30 Press meeting
11:45 Departure of Mr Chernyshenko, Mr Fomenko and Ms Odrats
18:00 Departure of Ms Bilgehan (no official car needed)

List of members

SOCIALIST GROUP (SOC)

MS GÜLSÜN BILGEHAN

TURKEY / TURQUIE

EUROPEAN DEMOCRAT GROUP (EDG)

MR IGOR CHERNYSHENKO

RUSSIA / RUSSIE

GROUP OF THE UNIFIED EUROPEAN LEFT (UEL)

MR ALEXANDER FOMENKO

RUSSIA / RUSSIE

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