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**LOCAL ELECTIONS
AND NATIONAL
REFERENDUM
BULGARIA**

25TH OF OCTOBER AND
1ST OF NOVEMBER 2015

ELECTION OBSERVATION MISSION ON BEHALF OF THE EUROPEAN FOUNDATION FOR FREEDOM

LOCAL ELECTIONS & NATIONAL REFERENDUM BULGARIA

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I. BACKGROUND

Local elections in Bulgaria serve to elect the personal composition of the institutions of the local self-government. The territory of the country is divided into 265 municipalities. Each municipality is governed by a municipal mayor and a municipal council. Every populated place on the territory of a municipality usually forms a „mayordom“ where a mayor of the mayordom is elected. There're more than 3.000 mayordoms in total. The 3 biggest cities: the Capital of Sofia, Varna and Plovdiv, are also divided into districts. Those districts also elect district mayors. There're 24 districts in the Capital Municipality of Sofia; 5 districts in the Municipality of Plovdiv and 6 districts in the Municipality of Varna. The 26 largest cities are also administrative centers of the 27 Regions (Bulgarian - oblast; plural – oblasti; Sofia is administrative center of both the Capital Oblast and the Region of Sofia Oblast) so those municipalities are considered to have a higher importance.

The size of each municipal council is determined by the population of the municipality. It's shown in the table below:

Table 1: Size of the municipal councils on 2015 elections

Population of the municipality	Number of municipal councilors	Number of municipalities	Total number of councilors
Under 5.000	11	42	462
Under 10.000	13	64	832
Under 20.000	17	68	1156
Under 30.000	21	34	714
Under 50.000	29	25	725
Under 75.000	33	13	429
Under 100.000	37	5	185
Under 160.000	41	8	328
Over 160.000	51	5	255
The Capital Municipality of Sofia	61	1	61

The total number of elected municipal councilors on 2015 election is 5.147.

The Constitution of Bulgaria stipulates that the municipal councils are elected for a term of 4 years under a direct suffrage. The same term of office is envisioned also for the mayors, but it's provided that the mayors could be elected either directly or by their respective municipal councils. While since the adoption of the Constitution municipal mayors and mayors of the mayordoms have always been elected directly, the law several times was changed regarding the district mayors. For example in 2011 local elections it was not provided for the district mayors to be elected directly so they were elected by the municipal councils, for which a qualified majority of 2/3 out of the full composition of the council was required

Legal basis

The elections in Bulgaria are organized under the provisions of the *Electoral Code*. The first Electoral Code was adopted in 2011. Before that the rules for every type of election (presidential, parliamentary, local and European) were written in separate laws. In 2014 a new Electoral Code was adopted, repealing the old one. Although many imperfections of this second Electoral Code were discussed beforehand, with less than 1 year since the last Parliamentary elections, the political forces sitting in Parliament has decided, at least for once, not to tweak the fundamental electoral legislation. That decision was in complete accordance to the recommendations in the Venice Committee's *Code of the Good Electoral Practices*; however some important problematic provisions were left unchecked and this choice created problems later during elections, as we shall see in the concrete part of this report.

The *Law on the Local Self-Government and Local Administration* has a subsidiary role to the local elections too, providing for the sizes of the councils, the minimum number of inhabitants, required for a direct election of mayor of a mayordom to take place, etc.

As it was decided that a national referendum will be held together with the local elections, the provisions of the *Law on the Direct Participation of the Citizens in the State Government and in the Local Self-Government* were also relevant to the overall organization process.

Electoral system

Mayors

All types of mayors are elected under a simple majority system. The candidate that received more than 50% of the votes cast is elected. If none of the candidates has achieved absolute majority, a run-off round is held one week later. The two candidates, receiving the most votes on the 1st round participate in the run-off. If there are more candidates with equal number of votes, they all go to the 2nd round election. The candidate receiving more votes is elected. Usually with 2 candidates standing that means majority, but if the candidates are more, under the "equal number of votes" qualification rule, than a plurality suffices.

The turn-out is irrelevant both on the 1st round and on the run-off.

Councils

The distribution of the seats in the municipal councils is done under a proportional representation, each municipality being one multi-seat constituency. Although the Electoral Code stipulates the method of Hare-Niemeyer is used to determine the distribution, in fact the method practically used is a simple system of the largest remainders using an unmodified Hare quota.

There's a qualification requirement that a party (or coalition, or an independent) has to receive a certain threshold of votes to gain the right to participate in the distribution of the seats. The threshold is different for the different municipalities and depends on the size of each municipal council; it could be calculated in percentages, as shown in Table 2. The legal definition is that the electoral subject (party, coalition, etc.) has to achieve the "municipal electoral quota", the latter being calculated by dividing the number of valid votes cast to the number of seats in the council. If the result of the division is not a real number, it's rounded up to the closest larger real number.

Table 2: Effective thresholds for the participation in the distributions of seats in the municipal councils shown as percentages

Size of the Municipal Council	Effective threshold
11	9,10 %
13	7,70 %
17	5,89 %
21	4,77 %
29	3,45 %
33	3,04 %
37	2,71 %
41	2,44 %
51	1,97 %
61	1,64 %

The parties and the coalitions make lists of their candidates. Each candidate receives a standing in the list. For the first time a preferential voting system was in force for the municipal council lists. Each voter has the possibility to vote for a concrete candidate he/she likes in the list which the elector is voting for. The preferences are considered in the line-up of the list if their number is at least equal to 7% of the municipal electoral quota.

Example: if the municipal quota is 1.000 votes, than at least 70 preferences are required to change the standing of a candidate in the list.

The preference voting virtually makes the lists open – they could be rearranged by the voters. The candidates that meet the 7% requirement are arranged in order of the number of preferences received on top of the list. In case of a tie, the latter is overcome by a lot. Because the preferential qualification is rather low, as the above example shows, most of the lists that participated in the distribution of seats were rearranged, sometimes even the last candidate in the original arrangement made by the party was at the end elected.

Election administration

The elections are administered mainly by the electoral committees. There are three tiers of committees:

- 1) The Central Electoral Committee (CEC) – it organizes the electoral process in general and oversees the activities of the lower-tier committees.
- 2) Municipal electoral committees – one for each municipality. MEC registers the candidates and applies the electoral legislation on the territory of the municipality. MECs also determine the results of the vote and declare the election of the candidates.
- 3) Polling station electoral committees – one for each polling station. PSECs prepare the polling stations for the vote; they manage the actual voting process on election day; after the voting is over they count the votes, fill protocols with the results for the polling stations and hand over all the electoral documents to their respective MECs.

The electoral committees are collective organs and exercise their powers by adopting resolutions. A qualified majority of 2/3 of the members present is required for a resolution to be passed.

The central government has an auxiliary role in the organization of the elections. Support is provided mostly by the Ministry of Interior and the Ministry of Regional Development through their concerned agencies. One example is the Civil Registration and Administrative Services Agency of the MRD that provide information for the preparation of the electoral registers.

Central Electoral Committee

It's a permanent authority. Its President, Vice Presidents and Secretary (Bureau Members) are elected by the National Assembly and the remaining ordinary Members are appointed by the President of the Republic. All Members serve for 5 years term. They are representatives proposed by the parties that have Groups in Parliament or have elected MEPs. All Members have to have a higher education with a Master degree and at least 7 years of professional experience.

With the Electoral Code of 2014 the judicial review over CEC was extended to include all its acts. The resolutions of CEC can be challenged in front of the Supreme Administrative Court. The legal proceeding is fast and streamlined with SAC usually delivering final decision in 3 to 5 days from the tabling of the challenge.

Municipal Electoral Committees

MECs are appointed by the CEC 50 days before the General Local Elections (GLE) and serve until the next GEL, which fixes their term of office effectively to 4 years. As CEC they are formed by representatives of the Parliamentary parties or those parties represented in the EP. A higher education without prejudice towards the degree is a prerequisite.

MECs are arguably the most important electoral authority as they register candidates, oversee the actual voting and declare the results. MECs' resolutions could be challenged in front of CEC. The CEC decision than could be brought in front of SAC. However the MECs' resolutions with which the election result is declared are challenged directly to the respective administrative court. The administrative court's decision could be appealed in front of SAC.

Polling station electoral committees

PSEC's are appointed by the MECs. It's PSEC's responsibility to receive the ballots, the registers and the other materials, required for the conduct of the elections and to prepare the polling station itself. That usually happens the day before the election day. On the election day PSECs manage the actual process of the voting and after the end of the election day PSECs count the votes than they transmit the electoral documents to MECs.

Although PSECs also adopt resolutions, as this usually happens on election day and under some organizational pressure, the decisions are practically informal. Yet MEC and sometimes even CEC intervene to correct transgressions committed by a certain PSECs.

As PSECs have to do all their very important and sometimes quite eventful work in the span of a single day, a high competence of their Members is a basic prerequisite for a lawful and fair electoral process.

Registration procedure

Parties and nationwide coalitions

Parties have to table a request for registration to the CEC. To the request the parties have to attach: 1) a certificate from the National Audit Office as proof that the party has deposited in due time its yearly financial reports for the previous 3 years, as required by the Law on Political Parties; 2) a list of 2.500 signatories (citizens with voting rights) that support the registration of the party. For the local elections no monetary deposit is required.

Two or more parties could form a nationwide coalition for participation in the GLE. The requirements are the same as for parties – all composing parties have to have fulfilled their obligation for financial reports; the number of signatories required is still the same though – 2.500.

When a party registers separately, it could form different local coalitions in each municipality, while the parties in a nationwide coalition have to run everywhere together. That's the reason nationwide coalitions to be very uncommon.

As there's no requirement for a monetary deposit, local elections see the most number of parties, registering for participation. Also there're about half a dozen of parties that are regional and register only for local elections. One such party is called "More" – Bulgarian for Sea, and run candidates only in the seaside Oblast of Burgas.

Candidates

Every Bulgarian citizen that has attained the age of 18, is not incarcerated and has not been legally incapacitated can be candidate for mayor and for councilor as well. The citizens of EU that also meet those criteria and reside permanently in Bulgaria could also run. Six months of residence in the respective municipality (mayorship and district for those that run for mayor of mayorship or of district) is an additional prerequisite.

Initiative committees and Independent candidates

Besides the parties and the coalitions, candidatures could be put forward also by initiative committees (IC). An IC registers in the respective MEC and has to table a list of signatories that support the nomination of the non-party candidate. The number of signatories varies, depending on the type of election the candidate is put forward for and the number of the local population.

Table 3: Support needed for registration of an independent candidate

For municipal councilor		For municipal mayor		For mayor of mayordom or of a district
Population of the Municipality	Minimum signatures needed	Population of the Municipality	Minimum signatures needed	At least 1/5 out of the total number of citizens eligible to vote in the mayordom (district) but not more than 500
up to 10.000	100	up to 10.000	200	
up to 20.000	200	up to 20.000	400	
up to 50.000	250	up to 50.000	500	
up to 100.000	500	up to 100.000	1.000	
more than 100.000	1.000	more than 100.000	2.000	

The local elections are the only type of elections since the adoption of the Constitution of 1991 that saw independent candidates to actually be elected. Elected independents are not many but even some municipal mayors sometimes run under the nomination of an IC. In the latter case however those usually are incumbents that want to play it more neutral, to avoid party polarization and to appeal to larger portion of the citizens because they seek to avoid a run-off and aim to achieve election directly from the 1st round.

Ballots and voting

Ballot for councilors

A single integral ballot is used for each type of vote. In the vote for councilors the names of the parties are written in the left part one under another, each divided by a black strip. All the names have to be written in black and using same and equally large font. In front of the names there're squares, containing the number of each party. The electors cast their votes by checking the respective square of the preferred party. The check has to be done by blue-inked pen only and using only the signs "X" or "V". Any other way of marking makes the ballot immediately invalid. Checking more than one square also makes the ballot invalid.

At the right side is a field of circles, as many as the seats in the respective council. Each circle contains a number that corresponds to a candidate in the list. By checking one circle the voter cast a preference for the respective candidate. The rule for the blue-inked pen and the marks N and V also apply, making the ballot invalid if it's marked in the preference filed in any other way. The voter could decide not to check any circle and then the vote is valid but counts only towards the party. The same also applies if more than one circle is marked.

Ballot for mayors

There're separate ballots for electing mayor of municipality, mayor of mayordom and mayor of district, whichever applies. For example, the voters living in the municipality's main city and different than the district-divided cities, vote only for mayor of the municipality. A voter that lives in a village in a district-divided municipality votes for all the tree type of mayors.

The design of the ballot is more or less the same as the one for councilors, with the difference that the

names of the candidates are written in larger font and the name of their respective parties are written under each name with a font smaller than the names of the candidates. In front of each name there's a square containing the number of the party. The rules for the color of the ink and the marks allowed also apply here.

Party numbering

The numbers, which the parties, the coalitions and the ICs are written under, are different for each municipality. They are determined by a lot, drawn by each MEC. One party or one coalition runs for all type of elections in one municipality under the same number.

Example: Party A runs a list of councilors, a candidate for mayor of the municipality and 3 candidates for mayors of mayordoms. The party gets the number 7 in the lot. All it's candidates and it's list for councilors will be put under the number 7 in the different ballots.

Electoral campaign

Timespan of the campaign

The official campaign runs for 30 days and ends two days before election day. Only in the span of the official campaign the participants have the right to advertise their cause and to show their number on the ballot. The last day before the election day is called "consideration day" and any kind of propaganda on it is strictly forbidden. It's intended so the voters could be given the opportunity to consider their choice without outside interference.

Limitations on campaign financing

The Electoral Code put in place limitations on how much money each party/coalition could spend for each of its candidates. Those limits are shown in the table below. There's an overall national limit too and it's set at 8 million Bulgarian leva or about 4.09 million euro.

The donations from legal persons are forbidden. One person can contribute no more than 10.000 leva (5.113 euro). It remains unclear if candidates themselves fall under this limitation on contributions.

Electoral subsidy

In Bulgaria all parties that has received at least 1% of the votes on the last parliamentary elections receive a state subsidy. The state subsidy is 11 leva (5.62 euro) for each vote the party has received. With an average turn-out of about 3 million, the minimum state subsidy is about 160.000 euro per year. In order to equate the opportunities, all those parties that don't qualify for state subsidy are entitled to an electoral subsidy of 40.000 leva (20.450 euro). Those funds could be used only for radio and TV media coverage. Here we should mention that the price for the coverage by the public state-owned Bulgarian National Television and Bulgarian National Radio are determined with an act of the Council of Ministers. For 2015 GLE the price for broadcasting 30 seconds clip in the prime-time of BNTV was set at 2.700 leva (1.380) euro, VAT included. Usually in the private media the price is even higher. We leave to the judgment of the reader if the electoral subsidy is just and if its amount is sufficient to promote equality between the different parties.

Table 3: Limitations on campaign expenditures for GLE in leva (euro)

For mayor of municipality		For mayor of a district		For mayor of mayordom		For municipal councilor
Population	Limit	Population	Limit	Population	Limit	
up to 30.000	25.000 (12.782)	up to 25.000	20.000 (10.255)	up to 1.000	2.000 (1.022)	5.000 (2.556) for each candidate in the list
up to 60.000	50.000 (25.564)	up to 50.000	40.000 (20.451)	up to 3.000	6.000 (3.067)	
up to 100.000	100.000 (51.129)	up to 100.000	60.000 (30.677)	more than 3.000	10.000 (5.112)	
up to 200.000	250.000 (127.822)	more than 100.000	60.000 (30.677)	–	–	
up to 500.000	500.000 (255.645)	–	–	–	–	
more than 500.000	1.000.000 0 (511.291)	–	–	–	–	

II. THE CONDUCT OF THE GENERAL LOCAL ELECTIONS 2015

Preliminary matters

The 2015 GLE were called by the President of the Republic under the conditions and in the timeframe, envisaged in the law. It's worth mentioning that for the first time CEC has adopted and promulgated the forms of the necessary electoral documents way ahead of the deadlines. Thus CEC has contributed to the openness and fairness of the elections. There were no big issues in the preliminary phase (the one preceding the official campaign). 81 parties and 3 nationwide coalitions applied for registration. Out of these 70 parties and 3 coalitions were registered. The applications of 11 parties were rejected. All the rejections that got appealed, were confirmed by the Supreme Administrative Court.

One of the biggest issues that repeats itself every GLE is the inconsistency in the composition of the MECs. Once more it was observed that after the initial appointment, almost in all MECs there were personal changes made up until election day. Being virtually the most important type of electoral committee to our opinion such turnover in the personal composition is inadmissible. It creates a reasonable doubt that the parties and candidates create pressures over the MECs, the latter being supposedly independent, which causes some of MECs members to resign. In the massive scale of 265 MECs those changes usually go unnoticed. It's important to point out that most of the municipalities in Bulgaria have populations under 20.000. There're tents of municipalities with population of 5.000 or less, the smallest one having only 600 inhabitants. In those places virtually everybody is somehow connected to everyone. The local dependencies run deep and constant changes in the composition of the MECs is not a good testimonial for the fairness of the election. Due to lack of sufficient time we didn't prepare a statistics on the turnover in the MECs composition. It's Sovereign Foundation's goal however to address this outstanding issue in a future paper.

Electoral campaign

The electoral campaign went smoothly without too much fuss. There were discussions in the Bulgarian society that there's even too much of calm. That the campaign is apathetic and the feeling is that there's no real electoral contest taking place. In the last 10 days of the campaign there were isolated outbreaks of tension, even violence. The most severe case was in the Gurmen – a municipality with a mixed population by Bulgarian Christians and Muslims. The candidate of GERB Party (which is the largest party in Parliament), an ethnic Bulgarian, was severely beaten and got hospitalized. No further information was provided however if the beating was related to his candidacy.

The purchase of votes and pressure over employees (the so called “corporative-controlled vote”) remain greatest problem in Bulgarian elections. Virtually all the main parties resort to purchasing votes and local businessman use the high unemployment rate in the smaller municipalities to force their workers to elect them in the councils and as mayors. There're some municipalities where the mainstream parties virtually didn't exist. It's only small parties totally under the control of these local feudal-like lords. Although there were several investigations and even few people got sentenced and imprisoned for vote trade, the effort against that malpractice is quite insufficient. No individual was ever charged or sentenced for controlled vote practices. The reason for this can partially be found in the fact that such offence is notoriously difficult to be established beyond reasonable doubt in the court of law. However the lack of sufficient fervor in the investigation authorities is quite obvious. As said above, the situation in which all the main parties dabble in vote purchase and corporative-controlled vote means only that those malpractices not only aren't persecuted, but more likely enjoy protection from political elite.



Brussels Head Office:
Rue de la Croix de Fer 23, 1000 Brussels, Belgium;
Tel. +32 2 830 7141
email: europeanfoundationforfreedom@gmail.com
www.eurfreedom.org