

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 318 (2012)¹ Local elections in Bulgaria (23 October 2011)

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:

a. the Statutory Resolution CM/Res(2011)2 relating to the Congress of Local and Regional Authorities of the Council of Europe, adopted by the Committee of Ministers of the Council of Europe on 19 January 2011 and, in particular, its Article 2 paragraph 4 on the Congress' role in the observation of local and regional elections;

b. the principles laid down in the European Charter of Local Self-Government (STE No. 122) which was ratified by Bulgaria on 10 May 1995.

2. The Congress points to the importance of genuinely democratic elections and to its specific mandate and role in the observation of local and regional elections in Council of Europe member countries.

3. It stresses that the Congress observes elections only upon invitation by the countries. Similar to the monitoring process of the European Charter of Local Self-Government, election observation missions are conceived as co-operation activities.

4. It notes with satisfaction that the local elections of 23 October 2011 largely met European standards, were well organised and conducted in an overall calm, orderly, transparent and professional manner. The second round on 30 October 2011 was not observed by the Congress.

5. The Congress is pleased to note that there was a vibrant and competitive campaign, during which contestants behaved – mostly – in a responsible manner.

6. It welcomes the fact that the rules and procedures governing the conduct of elections were consolidated in one single Election Code which is a decisive step towards ensuring the consistency of electoral provisions and thus facilitating their uniform application.

7. It appreciates, in particular, the measures taken by the Bulgarian authorities to address the scourge of vote-buying and – selling, through their incorporation into the Criminal Code.

8. It also points to the fact that the Election Code provides detailed provisions on election campaign financing.

9. The Congress is also satisfied that, prior to the local elections, the Bulgarian authorities had amended the Election Code in response to recommendations made by the European

Commission (Venice Commission) and Organization for Security (OSCE/ODIHR) in their Joint Opinion of 21 June 2011 on the Election Code of Bulgaria (as requested by the Congress in December 2010).

10. It appreciates that awareness was raised of new regulations and of voting procedures through a public information campaign on television and on the internet.

11. At the same time, it stresses that in order to ensure continued forward progress, there is still room for improvement in respect of legal, administrative and regulatory issues.

12. More specifically, the Congress has identified several fields for improvement which include:

- the administration of elections;
- the voting process and practical arrangements;
- the vote count and related processes;
- the complaints and appeals procedures.

13. Taking into account the previous comments, the Congress invites the Bulgarian authorities to take all necessary steps:

a. to address the issue of a more balanced composition of election commissions at all levels; in line with the recommendations by the Council of Europe Venice Commission and OSCE/ODIHR a balance of political parties in the appointment of chairpersons and secretaries at all levels of election commission should be ensured; also, opposition parties should be included in these leadership positions at all levels of the election administration;

b. to reassess the provision according to which decisions in election commissions are made by a two-thirds majority and to follow the recommendation by the Council of Europe Venice Commission to take decisions by a qualified majority or by consensus;

c. to strengthen, on the basis of the sound provisions of the Election Code with regard to party and campaign financing, mechanisms to ensure effective enforcement in practice;

d. to reconsider or adjust the stamping procedure of the ballots foreseen by the Election Code, in order to ensure the principle of secrecy of the vote, one of the pillars of genuinely democratic suffrage;

e. to follow recommendations by international bodies, in order to improve public trust in counting processes – both through amendments allowing for recounting of the votes and mechanisms, for example counting commissions, which prevent fraudulent manipulations (for example, vote-buying) and intimidation and thus enhance the integrity of the entire process;

f. to amend the provisions concerning complaints and appeals procedures in a way that a final appeal to a court should be possible; rules and decisions by election commissions should be available in written form; in addition, there should be an effective judicial procedure in place for the challenging of election results, in line with good electoral practice; the same applies to the time-limits for lodging and deciding appeals.

14. In addition, the Congress suggests that the Bulgarian authorities reconsider the location of some polling stations due to difficult access, in particular for voters with physical disabilities.

15. Furthermore, it invites the authorities, in line with recommendations by OSCE/ODIHR, to provide persons belonging to minorities with election materials in their mother tongue, in order to enhance the understanding of the processes for all communities.

16. The Congress highlights the need to introduce legal provisions for the allocation of free airtime on public broadcasting channels for election candidates, and underlines the necessity for the legal framework related to media to guarantee editorial freedom and equitable coverage of the

election campaign for all media; thus ensuring a level playing-field for all candidates.

17. Overall, the Congress recommends that the Bulgarian authorities develop training programmes for polling staff, which should include not only electoral provisions and processes but also education on ethical behaviour and professional conduct, in particular in respect of local observers. Also, the Congress encourages the authorities to maintain public awareness campaigns for voters prior to elections.

1. Debated and adopted by the Congress on 20 March 2012, 1st Sitting (see document CG(22)5 explanatory memorandum), Rapporteur: M. Juhkami, Estonia (L, EPP/CD).