

# The Congress of Local and Regional Authorities



**22nd Session**  
**CG(22)5**  
18 February 2012

## Local elections in Bulgaria (23 October 2011)

The Bureau of the Congress  
Rapporteur : Mihkel JUHKAMI, Estonia (L, EPP/CD<sup>1</sup>)

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### *Summary*

The Congress appointed a delegation to observe the first round of the municipal elections in the Republic of Bulgaria (Bulgaria) on 23 October 2011.

Whilst it concluded that these elections largely met European standards and were conducted in an overall calm and professional manner, it nevertheless identified legal, administrative and regulatory issues that could benefit from further improvement. These include the administration of elections, the voting process and practical arrangements, the vote count and related processes and the complaints and appeals procedures.

In addition the delegation acknowledged the measures taken by the Bulgarian authorities to address the scourge of vote-buying and –selling, through its incorporation into the Criminal Code but noted that this issue remained a major obstacle to public confidence in free and fair elections.

The Congress insisted on the need to reinforce public confidence in the electoral processes by developing notably training programmes for members of the electoral commissions (on electoral procedures but also ethical behaviour) as well as public awareness campaigns for voters prior to elections, in particular among vulnerable groups.

The Congress stands ready to support the Bulgarian authorities in developing programmes and strategies in this matter and to help strengthen a cohesive and inclusive society.

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<sup>1</sup> L: Chamber of Local Authorities / R: Chamber of Regions  
ILDG: Independent and Liberal Democrat Group of the Congress  
EPP/CD: European People's Party – Christian Democrats of the Congress  
SOC: Socialist Group of the Congress  
NR: Members not belonging to a political group of the Congress



## A. DRAFT RESOLUTION<sup>2</sup>

1. Free and fair elections, at national but also at territorial level, constitute an integral part of democratic processes in Council of Europe member states.

2. The Congress of Local and Regional Authorities welcomes the fact that, since its accession to the Council of Europe in 1992, Bulgaria has steadily been strengthening local and regional democracy, showing “a marked improvement in the area of local democracy” over the last 20 years.<sup>3</sup>

3. The Congress also acknowledges the legislative reform undertaken by the Bulgarian authorities so that almost all aspects of public administration are now covered by legislation of high quality in terms of its clarity and of guaranteeing the fundamental rights of citizens and local authorities.<sup>4</sup>

4. The Congress takes note of Recommendation (2012) XX regarding the findings of the mission to observe the local elections in Bulgaria on 23 October 2011.

5. Given the above, and in conformity with its Resolution 306(2010) on strategy and rules for the observation of local and regional elections, the Congress:

a. asks, in particular, its Monitoring Committee to take note of the above-mentioned recommendation and to take it into account in the framework of their work programmes to assess the progress made by the country in matters of local democracy and the honouring of commitments to the European Charter of Local Self-Government;

b. invites its Monitoring Committee, notably, to follow the implementation of the decision by the Constitutional Court of Bulgaria released on 4 May 2011, with regard to the reduced number of municipal councillors and the question of direct election of mayors;

c. decides to examine, in co-ordination with the relevant Council of Europe bodies, ways of supporting Bulgaria in pursuing reforms for the further improvement of election administration and the strengthening of territorial democracy.

6. It expresses its will and availability to participate in activities aimed at strengthening local democracy as well as electoral processes in Bulgaria, through continued political dialogue with the authorities, in particular in respect of the ongoing decentralisation process, and through intensified co-operation with the local self-government associations.

7. The Congress, in partnership with other Council of Europe actors in this field, considers developing strategies and programmes to raise awareness for democratic electoral processes among vulnerable groups, in particular the Roma population, with the aim of strengthening a cohesive and inclusive society.

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<sup>2</sup> Preliminary draft resolution approved by the Bureau on 17 February 2012.

Members of the Bureau:

K. Whitmore (President), *H. van Staa, J-C. Frécon, W. Carey, H. Skard, N. Romanova, G. Doganoglu, L. Sfirloaga, B. Collin-Langen, J. Fischerova, A. Knape, H. Pihlajasaari, O. van Veldhuizen, S. Orlova, D. Suica, Fabio Pellegrini.*

N.B.: The names of members who took part in the vote are in italics.

Secretariat of the Bureau: D. Rios and L. Taesch

<sup>3</sup> [CG\(21\)14](#) of 21 September 2011 : Report on local and regional democracy in Bulgaria, §170.

<sup>4</sup> *Idem*, §171.

## **B. DRAFT RECOMMENDATION<sup>5</sup>**

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

a. the Statutory Resolution 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 (ECLSG) 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. The Congress 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. It 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 Venice Commission and 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:

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<sup>5</sup> See footnote 2.

*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 (eg 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.

## **C. EXPLANATORY MEMORANDUM**

### **I. Introduction**

1. Following an official invitation of 6 September 2011 from the authorities of the Republic of Bulgaria (Bulgaria) to observe the municipal elections on Sunday 23 October 2011, the Bureau of the Congress of Local and Regional Authorities responded positively and deployed an observation mission from 20 to 25 October 2011.<sup>6</sup>

2. As well as electing mayors and councils in 264 municipalities and mayors of settlements of over 350 inhabitants, elections were also held for president and vice-president - the first simultaneous elections in the country. A second round of elections was held on Sunday 30 October 2011 which, for logistical reasons, the Congress delegation was unable to observe.

3. The Congress delegation was headed by Mihkel Juhkami, Estonia (EPP/CD), who is also its Rapporteur, and was composed of ten members of the Congress as well as three members of the Congress secretariat.<sup>7</sup>

4. The delegation travelled to Sofia for meetings on 21 and 22 October, before being deployed throughout Bulgaria for the actual observation of elections on 23 October 2011. A press conference was held consecutively with the Council of Europe Parliamentary Assembly delegation,<sup>8</sup> in Sofia, on 24 October. The Head of Delegation and the Congress thematic Rapporteur for Bulgaria, Artur Torres Pereira (Portugal, EPP/CD), took part in this press event on behalf of the entire Congress delegation.

### **II. Election observation mission**

5. The election observation mission of the Congress of Local and Regional Authorities was carried out from 20 to 25 October 2011. The Congress delegation comprised 10 local elected representatives from 9 European countries.

6. Preceding the elections, the Congress delegation met with representatives of the Bulgarian election administration bodies, international observer organisations, NGOs, associations of local and regional authorities as well as candidates of different political parties in the deployment regions. A press conference concluded the programme on 24 October 2011. The full programme of this mission is provided in Appendix II.

7. On Sunday, 23 October 2011, the Congress delegation divided into six teams and deployed to six different regions in Bulgaria to observe the local elections (Sofia city and its environs including Ihtiman and Elin Pelin; to the South-East of Sofia - Plovdiv-Katunitsa-Asenovgrad; to the South-West of Sofia – Blagoevgrad including Pernik; to the North-East of Sofia – Lucovit, including Cerven Brjag and on the far eastern side on the Black Sea to Bourgas and its environs).

### **III. Political context**

8. Bulgaria has been a member of the Council of Europe since 7 May 1992. It joined the European Union (EU) on 1 January 2007. Since the country's accession to the EU, the European Commission established a Co-operation and Verification Mechanism to assess the commitments made by Bulgaria in the areas of judicial reform and the fight against corruption and organised crime that gave rise to several reports including, a progress report on 20 July 2011. It stressed the need for improvements in accountability and professional practices within the judiciary and the investigative authorities and regretted that the fight against corruption has not led to convincing results in the past years despite the political will and the ongoing reforms in this field.

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<sup>6</sup> Decision of 16 September 2011.

<sup>7</sup> See the list of delegation members at Appendix I.

<sup>8</sup> PACE deployed a delegation to Bulgaria to observe the 23 October presidential elections.

9. Following the latest recent parliamentary elections on 5 July 2009, the center-right party, Citizens for European Development of Bulgaria (GERB), formed a minority government with its leader, Boyko Borisov, becoming Prime Minister. The GERB minority government has remained in power since then, sometimes aligning itself with the Blue Coalition, the Order, Law and Justice party (RZS) or with the far-right Ataka party. The Coalition for Bulgaria – consisting of the Bulgarian Socialist Party (BSP) and several smaller parties, and the Movement for Rights and Freedoms (MRF) comprise the opposition.

10. The 2011 elections took place in the context of economic and political crises, with the Bulgarian Government surviving three no-confidence votes in parliament in the months preceding the elections.

#### **IV. Territorial organisation and local self-government**

11. The Republic of Bulgaria has a three-tier system of government composed of central government, 28 regional authorities (which are not autonomous), and local governments in 264 municipalities, each with a population of around 30 000 people organised, on average, in 26 settlements. Each municipality is governed by a mayor and a municipal council. Both are elected for a term of four years.

12. As part of its commitments to the Council of Europe, Bulgaria ratified the European Charter of Local Self-Government in 1995, which entered into force on 1 October the same year. Since then, the Congress has prepared several monitoring reports and recommendations<sup>9</sup> and these have been acted upon to introduce significant legislative improvements to local and regional democracy in Bulgaria.

#### **V. Legal framework, election administration and electoral rules**

13. The legal framework regulating the municipal elections includes the Constitution, the Election Code, the Law on Political Parties, the Local Self-Government and Local Administration Act, and other legal acts, as well as instructions and decisions of the Central Election Commission (CEC). The Election Code was adopted on 19 January 2011 and came into force in February 2011, providing for the first time a single regulatory framework for all types of election.

14. The election administration for municipal elections operates at three levels: the Central Election Commission (CEC), a permanent body composed of 21 members established for a five-year term, although it meets only when there are elections. Below this are 264 Municipal Election Commissions (MECs) and some 11,452 Precinct Election Commissions (PECs). Mayors of municipalities and of settlements over 350 residents are directly elected, going to a second round run-off if no candidate receives more than half the valid votes cast. Mayors of smaller settlements and of city districts are indirectly elected by municipal councils. Municipal Councils are elected by proportional-representation without a legal threshold.

15. The CEC appointment is made by the President upon nominations from political parties and coalitions. All levels of election administration are formed through political nomination, with the dominance of the ruling party in the leadership. This has given rise to criticisms of polarisation and fears of bias in decision-making, particularly in relation to the CEC. Parties with members only in the European Parliament may nominate one member. The CEC elects a secretary from amongst its members who should not be from the same party as the chairperson.

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<sup>9</sup>[Recommendation 310 \(2011\)](#) of 18 October 2011 Local and Regional Democracy in Bulgaria : [CG\(21\)14](#) of 21 September 2011 - Report on Local and Regional Democracy in Bulgaria (hereafter called :CG21(14): [CG/BUR \(6\) 89 E](#) / 17 December 1999 - Observation of the Mayor and Municipal elections held in Bulgaria on 16 and 23 October 1999 : [Recommendation 45 \(1998\)](#) adopted by the Congress on 28 May 1998: [Report CG5\(3\)](#) on the situation of local and regional self-government in the Republic of Bulgaria 28 May 1998 : [CG/Bur \(3\)48](#) - Preliminary Report on the situation of local and regional democracy in Bulgaria) of 29 November 1996: [CG\(21\)14](#) of 21 September 2011.

16. Election Commissions at all levels must take decisions by a majority of two-thirds of members present. The Venice Commission and OSCE/ODIHR predicted that this could lead to key decisions getting blocked<sup>10</sup> and this was borne out by experience (see complaints and appeals, section XI below). Decisions must be issued in writing.

17. The membership of MECs increases if 2 or more elections are conducted simultaneously. For the 2011 elections this led to comments about membership of ECs being, in some cases, too large with resulting concerns about the ability for them to reach decisions quickly, as well as the difficulties of training.

18. The lists of voters are compiled by municipal administrations based on the data from the population register, which is maintained by the Ministry of Regional Development and Public Works.<sup>11</sup> The accuracy of voter lists has been called into question given that for the 2011 elections 95 percent of the population was registered for the presidential election and 89 percent for municipal elections. (The Ministry claimed that the difference arises from the residency requirement for municipal elections, as well as overseas voters registered for the presidential elections - but this still does not explain the high quota).

19. Voter lists can be consulted at polling stations but also through the internet, by telephone and SMS. Requests to correct the lists can be made for up to seven days before election day. Requests to vote at the temporary rather than the permanent address can be made up to 14 days before election day, in compliance with the four-month residency rule.

20. In addition to voting at polling stations Bulgarian legislation also provides for voting in the home as well as voting by absentee certificate. Homebound voting is available to voters up to 30 days before election day, upon proof of a permanent disability. From the number of requests, MECs determine how many mobile PECs (mobile ballot boxes) are required. In addition, 7 days before the election, MECs should announce, through the media, measures taken to enable voters with disabilities to access polling stations in their area.

21. A supplementary voters list is available to certain categories of voters including students (to vote in the community where they study); the armed forces on duty, and those deemed, by mistake, to be out of the country.<sup>12</sup>

22. The Election Code defines who can be accredited to observe elections but does not specify the full scope of observers' rights and responsibilities, these are still left to the discretion of the CEC. By law, observers can access all election day proceedings at MECs and PECs although access before and after election day to CEC and MEC sessions is not stipulated. The CEC, in principle, closes all of its sessions but, upon request, will decide whether to grant access.

23. A new provision for these elections concerned the ballot paper which, to be considered valid, must be marked by the voter with a cross (X) in blue ink. The aim is to increase security against vote-buying and intimidation, but there were fears that it might be confusing to voters and cause a higher incidence of invalid ballot papers by a too-strict application of the rule by election commissions.

24. As concerns ethnic minorities – 8.8 percent of the population of Bulgaria is made up of ethnic Turks, and 4.9 percent are of Roma origin.<sup>13</sup> Whilst the Constitution recognises ethnic, religious and linguistic diversity, national minorities are not recognised and political parties of a single racial, ethnic or religious group are prohibited. The Election Code allows only the use of the Bulgarian language during the election campaign,<sup>14</sup> a provision which the Venice Commission and the OSCE,<sup>15</sup> as well as the PACE Monitoring report of 2010,<sup>16</sup> recommends amending to allow voter information and other official election materials be available in minority languages.

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<sup>10</sup> JO 607/2011, §30 and NAM page 6.

<sup>11</sup> Except for prohibited voter lists which are compiled and maintained by the CEC.

<sup>12</sup> upon identification and written declaration.

<sup>13</sup> Census 2011, IR 17/10/2011, section XI.

<sup>14</sup> Article 133(2)n.

<sup>15</sup> JO607/2011§65.

<sup>16</sup> Doc 12187 of 29 March 2010 - Post-monitoring dialogue with Bulgaria.

## VI. Election environment, campaign financing and media coverage

25. The simultaneous presidential-municipal election lent a mixed atmosphere to the campaigns: the media carried more reports of the president / vice-president elections (see below), whilst the municipal elections were regarded by all Congress interlocutors as more pertinent, generating higher interest and debate. Indeed some 88 political parties and more than 50,000 candidates contested the municipal elections, with the smaller municipalities curiously generating higher numbers of candidates. The Congress delegation learned that there were, on average, 7 candidates to each post of mayor and, in one extreme case, there were 24.

26. Whilst the campaign, which began on 23 September and ended on 22 October at midnight, was in general calm, several day-long anti-Roma protests took place following the death of a young man in Katunitsa near Plovdiv – a criminal act exploited by certain political parties, mainly the far-right, *Ataka*, as an “ethnic issue”.

27. A further controversial incident occurred when Ahmed Dogan, long time leader of the ethnic Turkish “Movement for Rights and Freedoms” party gave a speech in Turkish – not permitted by the Election Code.<sup>17</sup>

### Vote-buying

28. Vote-buying has been a persistent theme of Bulgarian elections.<sup>18</sup> From the experience of the Congress observers to the 2011 municipal elections, both in meeting candidates prior to polling day and from interviews in the polling stations visited on election day, vote-buying, control voting and intimidation were the foremost concerns of candidates as well as electors.

29. Whilst evidence of vote-buying is difficult to trace – it is by nature a secret activity, transactions are in cash or in kind - and Congress observers found nobody who admitted personal experience of it, there was widespread belief that the problem is a real one. The OSCE, although being unable to substantiate reports of vote-buying, has assessed several as credible.<sup>19</sup> In addition, a survey conducted by Transparency International Bulgaria (TI) dated 21 October 2011<sup>20</sup> found that 10 percent of the respondents declared that they, or a friend of theirs, was offered money to vote for a particular party or candidate in the elections. In addition, 12 percent of voters said they were to be ready to sell their vote.

30. The Congress delegation learned that the going rate to buy a vote is currently estimated at around 20 lev (10 Euro). This represents a day's wage to an average Bulgarian monthly salary of 600 lev (300 Euro), and considerably more to the poorer off. The TI survey mentioned above found that 58 percent of respondents thought poverty the reason why people sell their vote. The Congress interlocutors pointed out that vote-buying is more of a problem for municipal elections than for the presidential elections as, in many cases, perhaps only 200 votes need to be bought to make a difference in the result.

31. All Congress teams witnessed, in their local meetings with candidates, that accusations and counter-accusations of pressure, undue influence and selling/buying of votes are issues in Bulgaria that divide and fragment communities. These accusations were particularly aimed at the most vulnerable in those communities - often the Roma - who, through political campaigns intolerant to minorities, may also be presented as the source of the problem. The mistrust generated by such allegations extends through the election campaign to the whole voting process, affecting public confidence in the outcomes. The TI survey mentioned above found a transparency index of only 3 for the public perception of these 2011 elections – where 1 is lack of transparency and 10 is close to full transparency.

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<sup>17</sup> Article 133(2).

<sup>18</sup> JO607/2011 § 48 and Parliamentary Assembly of the Council of Europe (PACE) Doc.12008 of 16 September 2009 : Observation of the parliamentary elections in Bulgaria (5 July 2009).

<sup>19</sup> OSCE/ODIHR LEOM Statement of Preliminary Findings and Conclusions 31 October 2011 (LEOM 31/10/2011).

<sup>20</sup> <http://blog.transparency.org/2011/10/21/why-do-citizens-sell-their-vote/>.

32. After the first round of the elections, 106 investigations were launched into vote-buying,<sup>21</sup> resulting in 3 people, including a municipal councillor, being detained. According to media reports, by second-round voting, the Supreme Prosecutor's Office of Cassations announced that two-thirds of all pre-trial proceedings in prosecutor's offices across Bulgaria concerned alleged vote buying, including 4 in Sofia and 3 in Plovdiv.

33. Efforts have been made by the Bulgarian authorities to address the problem: vote-buying is now classed as a criminal offence<sup>22</sup> and before this year's elections, penalties were increased. Also, the 2011 Election Code requires that warnings against vote-buying should cover at least 10 percent of campaign materials.<sup>23</sup> In addition, the Ministry of Interior signed an agreement on 11 October 2011 committed to co-operating with civil society in immediately addressing their reports of vote-buying and other election crimes.<sup>24</sup>

### **Controlled voting and intimidation**

34. Other forms of vote-distortion pervading the Bulgarian election climate included controlled votes (corporate-pressure vote) and intimidation. In the above-mentioned survey TI found that 10 percent of respondents would vote for a particular candidate out of fear for losing their job. The OSCE reported concerns about possible vote-buying and intimidation especially in minority communities where businesses have significant interests.<sup>25</sup> This may be a particular issue where businesses have specifically formed parties to provide direct representation for them or where the main incentive for candidates is to access significant EU funds for distribution through municipalities.

35. Whereas vote-buying and control voting are generally a problem before polling day, intimidation may also take place on polling day and around the polling station and may even occur through the agency of observers (see "Observations on Election Day" below).

### **Campaign financing**

36. The Election Code provides detailed provisions on election campaign financing including expenditure limits upon political parties and independent candidates, and obligations to keep records of all kinds of contributions with reporting requirements and time-limits for financial reports and sanctions for non-compliance.<sup>26</sup> While the the Venice Commission and the OSCE conclude that this "forms a sound basis for a transparent election campaign financing system",<sup>27</sup> nevertheless they recommend to follow-up whether the sanctions are dissuasive enough as well as how the provisions are enforced – particularly in the light of investigation powers assigned to the National Audit Body. The issue of campaign financing was raised also during Congress meetings with different stakeholders who pointed to the difficult situation, notably for small parties.

37. The Political Party Act also contains a new provision governing rules on donations for the purpose of election campaigning which the Joint Opinion mentioned above proposes should be assessed based on the experience of these elections.

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<sup>21</sup> OSCE/ODIHR press release, 31/10/2011.

<sup>22</sup> Criminal Code, Article 167.

<sup>23</sup> Article 134(2).

<sup>24</sup> <http://blog.transparency.org/2011/10/21/why-do-citizens-sell-their-vote/>.

<sup>25</sup> Needs Assessment Mission (NAM) : 18-21 July 2011.

<sup>26</sup> Section VI of Chapter VIII of the Code.

<sup>27</sup> JO 607/2011 § 37.

## **Media coverage**

38. Bulgaria has a pluralist media environment although the transparency of media ownership as well as the independence of the media from political and economic interference has been called into question by the OSCE. While freedom of speech is guaranteed by the Constitution, Bulgaria's Criminal Code has been amended to allow for prison sentences for journalists convicted of hate speech, violating good practice on freedom of expression.

39. The Election Code sets a common tariff to be paid for all campaign broadcasts on public TV and radio. However, the legal framework doesn't provide for the allocation of free airtime, which limits the ability of candidates with fewer funds to convey their message and therefore doesn't guarantee a level playing-field for all contestants in the elections.

In addition, private stations must also publish their airtime rates and conditions ahead of the elections. In their exchanges with the Congress observers, candidates and political party representatives complained of the high costs of media coverage – prohibitive for candidates with fewer funds, leading to a predominance of paid campaign coverage, the source of which is not identified to readers or spectators and therefore limits public access to information.

40. Added to this, they regretted that there was no clear distinction between news items and editorial comment, while news coverage of the ruling party conferred an added advantage. The overall result was an absence of informed news and debate to the detriment of a public understanding of election issues.

## **VII. Congress deployment on Election Day**

41. The Congress delegation was divided into six teams which covered six regions observing 94 polling stations in different constituencies. The teams were deployed as follows:

### **Team 1. Sofia (centre)**

Mihkel JUHKAMI Head of delegation. Estonia (EPP/CD)  
Renate ZIKMUND Congress secretariat.

### **Team 2. Sofia and environs**

Jon HERMANS-VLOEDBELD the Netherlands (ILDG)  
Jane DUTTON-EARLY Congress secretariat

### **Team 3. Plovdiv – Katunitsa - Asenovgrad**

Artur TORRES PEREIRA Portugal (EPP/CD)  
Raymond TABONE Malta (SOC)

### **Team 4. Cerven Brjag – Lucovit**

Dusica DAVIDOVIC Serbia (NR)  
David KATAMADZE Georgia (EPP/CD)

### **Team 5. Blagoevgrad**

Fleur BUTLER United Kingdom (NR)  
Vincent MCHUGH Ireland (ILDG)

### **Team 6. Bourgas**

Jean-Pierre LIOUVILLE France (SOC)  
Xavier CADORET France (SOC)  
Pauline CADEAC Congress secretariat

42. The polling stations were open from 6am until 8pm. The Congress teams also observed opening procedures as well as closing and counting sessions in several polling stations.

### **VIII. Observations on Election Day**

#### **a) Congress observations**

43. For the most part, both voters and the elections commissions understood voting procedures although the double vote and the three, sometimes four, ballot papers to fill in, was complex: voters first had to check their ID with the PEC and receive the ballot papers which were stamped once by the PEC; proceed to the voting booth to mark their choice; fold them so that the choice could not be seen; return to the PEC to have the ballots stamped for the second time; drop them in the respective ballot boxes then return to the PEC to sign the voters' list and receive back their ID. In line with comments made by experts and interlocutors, Congress members were of the opinion that this procedure may risk infringing the principle of secrecy of the vote.

44. Given these procedures, and with so many ballot papers to fill in, the processing of voters was slow. Congress observers found queues at almost all of the 94 polling stations visited although all found that the situation throughout polling day was calm and orderly. By early afternoon it was clear that some polling stations, particularly in Sofia Centre, were becoming overcrowded and. Twenty minutes before the scheduled close of the vote, the CEC took a decision to extend the opening hours of polling stations all around the country by one hour, to allow all of those queuing to vote (from 7:00 to 8:00 pm.) Congress delegation also noted in several cases that the polling stations visited opened late in the morning.

45. At all polling stations visited by the Congress teams, accredited observers were present. All were observers either of political parties or candidates while none were representative of independent observer organisations. Although the Election Code stipulates that only one observer may be present for each political party, coalition, candidate or organisation<sup>28</sup> in most polling stations there were several per party or candidate, placed not only in the polling station itself but often also stationed at the entrances leading to the polling station room. Congress delegation members also noticed that mobile phones were in constant use by domestic observers, (including during the count). In certain polling stations Congress observers witnessed situations creating an atmosphere of watchfulness, not conducive to casting votes in confidence and secrecy. In some of these stations the relationship between election commission members and political observers was unclear

#### **b) Observations by other institutions**

46. Twelve Bulgarian NGOs accredited 5,136 observers to monitor both rounds of the elections<sup>29</sup> Transparency International and the Civil Initiative for Free and Democratic Elections were active in the observation of the elections and made complaints about the processes but discovered that they have no standing to appeal directly to the CEC.

47. Transparency International (Bulgaria) mobilised and trained 615 volunteers to monitor the presidential and the local election all over the country. They provided a legal advice centre with a hotline to report any infringements and attempts to manipulate the vote. As they had no standing to appeal to the CEC, they came to an agreement with the Minister of the Interior who, in line with an accord signed with civil society on 11 October 2011, made a commitment to address the issues immediately.

48. On a general note it can be added that the situation concerning access for the handicapped has improved greatly, though the situation throughout the country remains patchy. The public awareness campaign informing the permanently disabled of the possibilities for voting at home began too late<sup>30</sup>.

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<sup>28</sup> Election Code, supplementary provisions, Article 18.

<sup>29</sup> LEOM 24/10/2011, page 9.

<sup>30</sup> <http://www.cik.bg/?page=4>.

## IX. Counting process

49. In general, in the experience of all Congress teams, the quality of the counting procedure did not mirror the calm familiarity with the rest of the voting process, the smaller election commissions in particular having difficulties following the protocol. By the second round some of these issues seem to have been resolved and procedures at MECs were reported by the OSCE to be more orderly and efficient<sup>31</sup>.

50. There were a number of new features to be assimilated at this election: the double election – required at least three ballot papers to be counted and, where the village mayor also had to be elected, there were four. For the first time, the choice of candidate had to be marked with a blue cross (X). The new Election Code also limited the number of observers per candidate, political party, coalition or organisation (to one only) as with the plethora of candidates and parties participating, many polling stations were too small to accommodate more. However, in several polling stations Congress teams noted that domestic observers (from parties, coalitions or candidates) placed collective pressure on PECs not to apply this rule and they ceded to the pressure.

51. Although the number of invalid ballots had been considered low after the first round of elections,<sup>32</sup> the final figure reached 5.3 percent for the municipal mayoral elections and 6.4 percent for the presidential election.<sup>33</sup> This was markedly higher than for the 2006 presidential election when on average only 2.4 percent of ballots were spoiled. One explanation for the increase could be the introduction of new requirements for voters.<sup>34</sup> The Congress deployment team in the Plovdiv-Katunitsa area also noted that illiteracy may have been a factor, with one polling station estimating spoiled ballots at about 20 percent.

52. The processing of PEC protocols for Sofia City at first round was slow and disorganised – some protocols were not delivered to the MEC, many contained mistakes, and bags containing sensitive election material were left unattended and were handled by unauthorised people, according to different sources including media reports. This gave rise to many criticisms and complaints as well as negative media coverage lasting many days. By the second round many of the logistical problems seem to have been resolved; there were fewer delays and mistakes and results were published earlier.

53. In Beboshevo a pilot test was carried out whereby all ballots cast for the municipal elections were counted in a regional counting centre. The Congress looks forward to hearing the conclusions of the test.

## X. Election results

54. There were long delays in tabulating the presidential election results at first round, the first announcement being made by the CEC on 26 October, one day after the legal deadline.<sup>35</sup> This was mainly due to problems of protocol compilation at the Sofia MEC.

55. As for the results of the municipal elections, the processing of PEC protocols for Sofia city was particularly slow and disorganised, with the Sofia MEC unusually issuing a press release that most of the protocols it received, contained mistakes. The Sofia MEC declared election results for the city on 27 October, but did not publish the protocols. It wasn't until 29 October, one day before the second round of elections, that results protocols were finally posted on the CEC website. There were many complaints and some appeals concerning tabulation and results, these are explored below.

56. For the first round on 23 October, voter turnout was 51.56 percent (compared to 48.53 percent for the presidential election). For the second round on 30 October it was slightly higher at 54.29 percent (compared to 48.04 percent for the presidential election).<sup>36</sup>

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<sup>31</sup> LEOM: 31/10/2011, page 1.

<sup>32</sup> LEOM :24/10/ 2011, page 10.

<sup>33</sup>LEOM 31/10/2011, page 3.

<sup>34</sup> Election Code 2011 e.g. to mark their choice with an "X" in blue ballpoint pen.

<sup>35</sup> 48 hours after the closing of the polls (Election Code).

<sup>36</sup> CEC website: <http://results.cik.bg/tur1/aktivnost/index.html>.

57. Ninety-one municipalities (out of 264) elected mayors at the first round as they attained over 50 percent of the vote. Bulgaria's ruling center-right Citizens for European Development of Bulgaria, GERB, won mayoral seats at the first round in four regional centers including the capital Sofia where Yordanka Fandakova was re-elected with 51.5 percent of the votes against 22.2 percent for the BSP.

58. A second round run-off took place for mayor in 173 municipalities (including Plovdiv – Bulgaria's second largest city) as well as in 831 villages.

59. The CEC announced the official results on 1 November with GERB controlling the majority of municipal councils and having 1,583 municipal councillors elected (almost doubling its previous score); the main opposition BSP gained 1,038. The ethnic Turkish Movement for Rights and Freedoms (DPS) 688, for the conservative Order, Law and Justice (RZS) 123, for the right-wing Blue Coalition 97, and 63 for the far-right, nationalist Ataka (with a loss from 244 councillors in 2007 to 63 in 2011).

## **XI. Complaints and appeals<sup>37</sup>**

60. As detailed in the Joint Opinion by the Venice Commission and the OSCE on the Bulgarian Electoral Code<sup>38</sup>, there is a dual system of complaints and appeals: decisions and actions of election commissions may be challenged in the higher election commissions, whereas all other complaints are adjudicated by courts. The joint opinion on the Electoral Code raised concerns about the limited right to appeal in all elections.<sup>39</sup>

61. For the municipal elections, challenges for election results are brought to administrative courts for the relevant district. The district court decision can be further appealed to the Supreme Administrative Court. The entire process according to the electoral code must be completed within three months. This issue was highlighted in the joint opinion,<sup>40</sup> the time limit was considered too long as it could lead to the questioning of the elections' legitimacy.

62. Delays in declaring the results at first round led to complaints being filed against the CEC, causing it to fall behind further. After the first round of voting the CEC was still taking decisions after the three-day deadline, and was still considering complaints and appeals on 29 October, the day before the second round of voting. In some cases they failed to take first round decisions at all before the second round took place.<sup>41</sup>

63. This in turn highlighted further issues about the complaints process already highlighted in the Joint Opinion: the CEC will consider complaints only from registered political parties, coalitions and candidates, therefore complaints from NGOs or voters are not admissible and no formal decisions are taken on them; in addition, the lack of transparency in the process makes it impossible to know when complaints have been received or what they concern.

64. Furthermore the requirement that a draft decision should be adopted by a two-thirds majority of the CEC, essentially leads to stalemate, leaving critical issues unresolved. In one draft decision by the CEC on 28 October it was established that two members of Parliament from GERB, who were not authorised to do so, were at the Sofia MEC handling sensitive election material. However, the CEC were unable to obtain the two-thirds majority necessary to establish a violation.<sup>42</sup>

65. The Ombudsman's office has been used by individuals to file complaints. Two voters were unable to vote in the first round as they were erroneously included on the "prohibited voter lists". A recommendation to the CEC by the Ombudsman to publish these lists thus allowing citizens to check their details, correct the mistake and vote at second round, failed in the CEC for want of a two-thirds majority.

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<sup>37</sup> JO607/2011 Section XIII.

<sup>38</sup> JO 607/2011, §55.

<sup>39</sup> JO 607/2011, §55.

<sup>40</sup> JO 607/2011, §60.

<sup>41</sup> OSCE/ODIHR press release 31/10/2011.

<sup>42</sup> LEOM 31/10/2011.

## **XII. Conclusions**

66. The Congress welcomes the codification of election legislation in Bulgaria, passed in 2011 bringing together and harmonising under one Election Code the various laws previously in place for all types of election. The establishment of the Central Election Commission as a permanent body with a 5 year mandate and responsible for all types of elections also constitutes a major improvement. In addition, progress has been made in respect of legislation for campaign financing and with regard to addressing the problem of vote-buying by including the latter as an offence in the Criminal Code.

67. Although, enforcement of legal provisions needs a consistent approach to sanctions, and the issue should be further raised, in particular, through training for poll workers and awareness raising for the public - including vulnerable groups.

68. The political imbalance of the election commissions and in particular the Central Election Commission must be addressed, and a wider membership introduced. This, together with re-assessment of the two-thirds majority rule, will help decision-making on critical issues within the timeframe permitted.

69. In order to foster trust and confidence in the outcome of municipal elections, so that the results can be taken as a truly democratic basis for local decision-making, the Congress feels it essential also to address the following :

70. The question of practical organisation of the vote needs to be re-assessed in the light of these elections, particularly when there is simultaneous voting taking place. In addition, to have the ballot paper fingered and stamped by others before being placed in the ballot box, introduced an element of interference with the vote and raised questions about the secrecy of the vote.

71. The question of domestic observers, their conduct and self-conception, their rights and obligations - including the relationship with election commissions - as well as their standing to complain about election procedures, requires further clarification.

72. The organisation of polling stations accessible to the handicapped needs further reflection.

73. Last but not least, voter information and other official election materials should be made available in minority languages so that the electoral process can be understood in all communities.

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**Appendix I – Members of the Congress observation delegation – deployment**

**ELECTION OBSERVATION MISSION  
BULGARIA 20 – 25 OCTOBER 2011**

**MEMBERS OF THE CONGRESS DELEGATION**

**Mihkel JUHKAMI** (Head of delegation and Rapporteur) Estonia (EPP/CD)/ Chair, Rakvere City Council

**Artur TORRES PEREIRA** (Country Rapporteur) Portugal (EPP/CD)/ President, Sousel Municipal Assembly

**Fleur BUTLER** United Kingdom (NR) / Richmondshire District Council

**Xavier CADORET** France (SOC) / Mayor of Saint Gerand le Puy

**Dusica DAVIDOVIC** Serbia (NR) / Nis City Assembly

**Jon HERMANS-VLOEDBELD** the Netherlands (ILDG) / Mayor of Almelo

**David KATAMADZE** Georgia (EPP/CD) / Chair of Tkibuli Municipal Council

**Jean-Pierre LIOUVILLE** France (SOC) / Vice-President, Lorraine Regional Council

**Vincent MC HUGH** Ireland (ILDG) / Trim Town Council

**Raymond TABONE** Malta / St Paul's Bay Council

**CONGRESS SECRETARIAT**

Renate **ZIKMUND** – Head of the Division of Communication and Election Observation

Jane **DUTTON-EARLY** – Assistant

Pauline **CADEAC** – Assistant

**Appendix II - Programmes**

**CONGRESS OBSERVATION MISSION TO BULGARIA  
(20-25 October 2011)**

**Programme**

**20 October 2011**

Arrival of the Delegation.

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**Friday, 21 October 2011**

Meetings in Sofia:

- |               |   |
|---------------|---|
| 8:30          | <b>Briefing of the delegation</b>   |
| 09:30         | ODIHR Limited Election Observation Mission in Bulgaria. Participants: Head of Mission: Vadim Zhdanovich; Deputy Head of Mission: Stefan Krause; Election Analyst: Francine Barry; Legal Analyst: Richard Bainter; National Minority Analyst: Salome Hirvaskoski, Election Advisor: Lusine Badalyan. |
| 11:00         | Meeting with Mrs Tanya Mileva, Head of the Political Cabinet and other representatives of the Ministry of Local & Regional Development and Public Works   |
| 12:30         | lunch   |
| 14:00         | Central Election Commission<br>Meeting with Ms Krassimira Medarova, CEC Chairperson and members of the CEC  |
| 15:30-17:00   | Members of the Bulgarian delegation to Congress + national associations<br>Including with NAMRB* Executive Director: Ginka Tchavdarova.   |
| 18:30 – 20:30 | Dinner with Head of Bulgarian Delegation to the Congress of the Council of Europe, Mrs Rositsa Yanakieva, Executive Director, Mrs Ginka Tchavdarova and Team Leader, Mrs Maria Kumanova   |
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**Saturday, 22 October 2011**

- |       |  |
|-------|--|
| 09.30 | Diana Kovatcheva, Executive Director,<br>Transparency International Bulgaria,–<br>International & domestic observers |
|-------|--|

**Sunday, 23 October 2011 - LOCAL ELECTION DAY**

05:45 Visit of polling stations for the deployment teams and for a few, visit of  
acentralisation of results office in their areas after the counting .

**Monday, 24 October 2011**

12:00 - 13:00 Press conference CoE Congress: Local elections (MJ, ATP, DD, RZ,JDE,PC)  
Followed by  
13:00 - 14:00 Press Conference CoE PACE: Presidential elections

**Deployment teams' programmes for Saturday 22 October 2011**

**Deployment Team 1. Sofia (centre)**

Mihkel JUHKAMI Head of delegation. Estonia (EPP/CD)  
Renate ZIKMUND Congress secretariat.

**Deployment Team 2. Sofia and environs**

Jon HERMANS-VLOEDBELD the Netherlands (ILDG)  
Jane DUTTON-EARLY Congress secretariat

**22 October 2011**

15:00 Meeting with local candidates, Ihtiman Municipality

**Deployment Team 3. Plovdiv – Katunitsa - Asenovgrad**

Artur TORRES PEREIRA Portugal (EPP/CD)  
Raymond TABONE Malta (SOC)

**22 October 2011**

15:00 Meeting with Mayor, Sadovo Municipality (Katunitsa)

15:00 Meeting with local candidates, Plovdiv

17:00 Meeting with local candidates, Asenovgrad

**Team 4 Cerven Brjag – Lucovit**

Dusica DAVIDOVIC Serbia (NR)  
David KATAMADZE Georgia (EPP/CD)

**22 October 2011**

15:00 Meeting with local candidates, Lucovit Municipality

17:00 Meeting with local candidates, Cerven Brjag

**Team 5. Blagoevgrad**

Fleur BUTLER United Kingdom (NR)  
Vincent MCHUGH Ireland (ILDG)

**22 October 2011**

15:00 Meeting with local candidates, Blagoevgrad

**Team 6. Bourgas**

Jean-Pierre LIOUVILLE France (SOC)  
Xavier CADORET France (SOC)  
Pauline CADEAC Congress secretariat

**22 October 2011**

15:00 Meeting with local candidates , Bourgas  
16:00 Meeting with the Municipal Election Commission  
Visit of a Center to centralise results

**Participants at the meeting on 21 October 2011 of the Head of the Political Cabinet and representatives of the Ministry of Local & Regional Development and Public Works .**

**Ministry of Regional Development and Public Works**

Mrs Tanya Mileva:	Head of the Political Cabinet
Mr Ivan Getov:	Director General of Directorate General for Civil Registration and Administrative Services
Mr Ventsislav Hristov:	Head of Department of Electronic Processing of Information within Directorate General for Civil Registration and Administrative Services
Mrs Elisaveta Kisyova:	Head of Department of Legal Regulations within Directorate for Legal Affairs
Mrs Irina Zaharieva:	Director General of Directorate General for Strategic Planning of Regional Development and Administrative-Territorial Structure
Mrs Penka Yordanova:	Deputy Director General of Directorate General for Strategic Planning of Regional Development and Administrative-Territorial Structure
- - -	Representative of the Ministry of Foreign Affairs, Human Rights Directorate

### **Appendix III – Press releases**

Press release - CG030(2011)

#### **Council of Europe Congress to observe local elections in Bulgaria**

Strasbourg, 17.10.2011 - A delegation from the Congress of Local and Regional Authorities of the Council of Europe will observe the local elections in Bulgaria on 23 October 2011.

On 21 and 22 October, the delegation will hold meetings in Sofia with representatives of the government, including representatives of the Ministry of Local and Regional Development and Public Works, the Central Election Commission as well as representatives of the Bulgarian delegation to the Congress and associations of local and regional authorities. Views will also be exchanged with representatives of the OSCE-ODIHR Limited Election Observation Mission.

On 22 October six Congress delegations will be deployed to several regions of the country to meet with candidates and observe the vote on Election Day.

The Congress delegation will present its preliminary findings to the media on Monday 24 October 2011 at 11:30 (local time), at the Radisson Blu Grand Hotel, (4, Narodno Sabranie Sq., 1000 Sofia).

#### **Congress delegation**

Fleur BUTLER United Kingdom (NR)  
Xavier CADORET, France (SOC)  
Dusica DAVIDOVIC, Serbia (NR)  
Jon HERMANS-VLOEDBELD, the Netherlands (ILDG)  
Mihkel JUHKAMI, Estonia (EPP/CD) (Head of delegation)  
David KATAMADZE, Georgia (EPP/CD)  
Jean-Pierre LIOUVILLE, France (SOC)  
Vincent MCHUGH, Ireland (ILDG)  
Raymond TABONE, Malta (SOC)  
Artur TORRES PEREIRA, Portugal (EPP/CD)

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Press release - CG038(2011)

**Municipal vote in Bulgaria: Congress praises solid legal framework, but calls for improved integrity of elections at grassroots level**

Sofia, 24 October 2011. – A delegation from the Congress of Local and Regional Authorities - including 13 members from 10 Council of Europe member countries – carried out an election observation mission to assess the local elections in Bulgaria on 23 October 2011, held simultaneously with the presidential vote in the country.

“As a preliminary conclusion we can say that the local part of these elections was carried out - largely - in a calm and orderly manner and on the basis of a solid legal framework for democratic elections. In general, electoral staff were well aware of the regulations and voters understood the procedures. Competition between political contestants was vivid and – with the exception of some incidents – marked by democratic conduct”, said Congress Head of Delegation and Rapporteur, Mihkel Juhkami (Estonia), at a press conference in Sofia today.

However, the Congress Rapporteur referred to administrative problems which were raised during the meetings with different Congress interlocutors in Sofia, not least, in respect of an unbalanced composition of election commissions at all levels. Also, huge crowds of voters in front of the polling stations just before the closing time urged the Central Election Commission, at the end of Election Day, to extend the opening hours of the polling stations.

In addition, Juhkami referred to information received about vote-buying, in particular among the vulnerable Roma population, and in respect of controlled vote (collective pressure vote) and attempts to manipulate the vote. “The Congress stands ready to assist the Bulgarian authorities, in particular at local and regional level, in order to improve the integrity of local elections”, he stated.

With regard to the media coverage of the local campaign in Bulgaria, the Congress Rapporteur called for a more equal access for local actors. “According to our interlocutors, local themes generated more interest among the population than the presidential vote. At the same time, in the media, the local elections were clearly overshadowed by the presidential competition. As representatives of local and regional politicians in Europe, we do regret this situation”, Juhkami stressed.

A report on the observation of the municipal elections of 23 October –carried out in approximately 120 polling stations throughout Bulgaria - will be on the agenda of the Congress Plenary Session in March 2011.

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**Press Conference on Monday, 24 October 2011**

**Congress Election Observation Mission to Bulgaria**

20 to 24 October 2011

**Statement by the Head of Delegation/Rapporteur, Mihkel JUHKAMI, Estonia**

Dear ladies and gentlemen,

Welcome to this Press Conference of the Congress of Local and Regional Authorities of the Council of Europe. You may know, the Congress is the European institution in charge for local democracy, decentralisation and territorial self-government in the 47 Council of Europe member states. In this capacity, we were invited by the Bulgarian authorities to observe yesterday's elections of the mayors and councils of municipalities as well as the mayors of settlements with over 350 inhabitants. The elections of the Bulgarian President and Vice-President – taking place on the same day – were monitored by our colleagues from the Parliamentary Assembly and you will hear their report immediately after this briefing.

Before I speak about our preliminary conclusions in respect of the local part of the Election Day, please allow me some remarks on the composition, programme and mandate of the Congress delegation. This delegation – which included 13 members of 10 European countries – arrived on 20 October and held meetings on Friday with representatives of the Ministry of Regional Development and Public Works, the Central Election Commission and members of the National Association of Municipalities of the Republic of Bulgaria. We also exchanged views with members of the Limited Election Observation Mission of OSCE/ODIHR.

Saturday morning was dedicated to an extensive briefing with the expert from Transparency International and afterwards the six teams of the Congress were deployed to different regions of Bulgaria – Sofia; the environs of Sofia including the municipality of Ihtiman; Plovdiv/Katunitsa/Asenovgrad; Cerven Brjag/Lukovit; Blagoevgrad and Bourgas. In these regions, the members of the Congress delegation continued with information meetings with candidates from a variety of parties and lists. Between five and fifty contestants took part in these meetings – and I can say that this was an occasion to be informed in a comprehensive and direct manner on the situation and real problems at the grassroots.

As we are all elected representatives in the municipalities of our home countries – mayors, councillors, members of regional parliaments – we appreciated very much this frank and direct exchange of views with Bulgaria's local politicians. This is exactly the added value of Congress election observation missions which are done on a pragmatic peer-to-peer basis, between local politicians.

On Election Day itself, the members of the Congress delegation observed the vote in their respective regions and visited as from 6 am in the morning approximately 100 polling stations throughout the country.

As a first preliminary conclusion we can say that these elections were carried out - largely - in a calm and orderly manner and on the basis of a solid legal framework for democratic elections. In general, electoral staff were well aware of the regulations and voters understood the procedures. Competition between political contestants was vivid and – with the exception of some few incidents – marked by democratic conduct.

The new Election Code for Bulgaria which was adopted earlier this year and qualified by the Council of Europe's Venice Commission as providing a sound legal basis for the conduct of democratic elections brought some new regulations and so the electoral staff needed some time to adapt. The Congress delegation, in agreement with OSCE/ODIHR, believes that there is still room for improvement – for example, to allow minorities to use their mother tongue during the campaign or in respect of short deadlines for appeals of election commission decisions. Also, there was the administrative problem of the unbalanced composition of election commissions at all levels and the dominance of the ruling party in the leadership.

It is a long time since two important elections were held simultaneously in Bulgaria. The way in which the conduct of these elections was affected by this situation, has to be examined by the Bulgarian authorities. Whatever the cause, the Congress delegation members observed some organisational shortcomings which need to be addressed – first and foremost, the huge crowds in front of the polling stations in urban areas, in fact, as from midday on. This urged the Central Election Commission, at the end of Election Day, to extend the opening hours of the polling stations.

Another organisational issue is the equipment in polling stations for handicapped people. Yes, there were some efforts undertaken by the authorities – but the situation is still unsatisfactory throughout the country.

According to our interlocutors, local themes generated more interest among the population than the presidential vote and we as local politicians are very pleased. At the same time, in the media, the local elections were clearly overshadowed by the presidential competition.

As representatives of local and regional authorities, we do regret this situation. And we are also not happy that all campaign coverage in the media was – de facto – paid for, at least in the private sector. This created an unequal playing field for candidates without substantial financial means and had negative consequences for many local actors.

Another matter of concern for the members of the Congress delegation are reports we received in respect of vote buying and controlled vote - which concerns mostly vulnerable groups, notably the Roma people, in small communities and rural areas.

The fact that vote buying and selling, according to the law, is now a criminal offence in Bulgaria, is highly appreciated by the Congress.

We also welcome the pilot test to count the ballots in a regional counting center - which was carried out in Beboshevo. We can only encourage the Bulgarian authorities to further implement such models in order to improve the situation. According to a recent survey carried out by Transparency International, 12 % of the population in Bulgaria is ready to be paid for the vote – by money or tangible goods. But I think society in Bulgaria cannot be satisfied with this deplorable state of political awareness!

The members of the Congress delegation therefore strongly believe that concrete programmes, in particular at grassroots level, are necessary to ensure the integrity of the election process and to increase public confidence in local authorities and in election processes. These programmes have to include vulnerable groups who may sell their votes for different economic and societal reasons, as well as those who may buy these votes.

There is also room for improvement to avoid manipulation, exertion of pressure and an underlying climate of intimidation, in particular in small rural communities.

We from the Congress of Local and Regional Authorities have a specific responsibility for the local and regional elected representatives. Together with our European partners, the Congress stands ready to continue to help the Bulgarian authorities to tackle these problems in order to further strengthen local self-government, decentralisation and democracy – which start from the grassroots.

Thank you very much for your attention.