

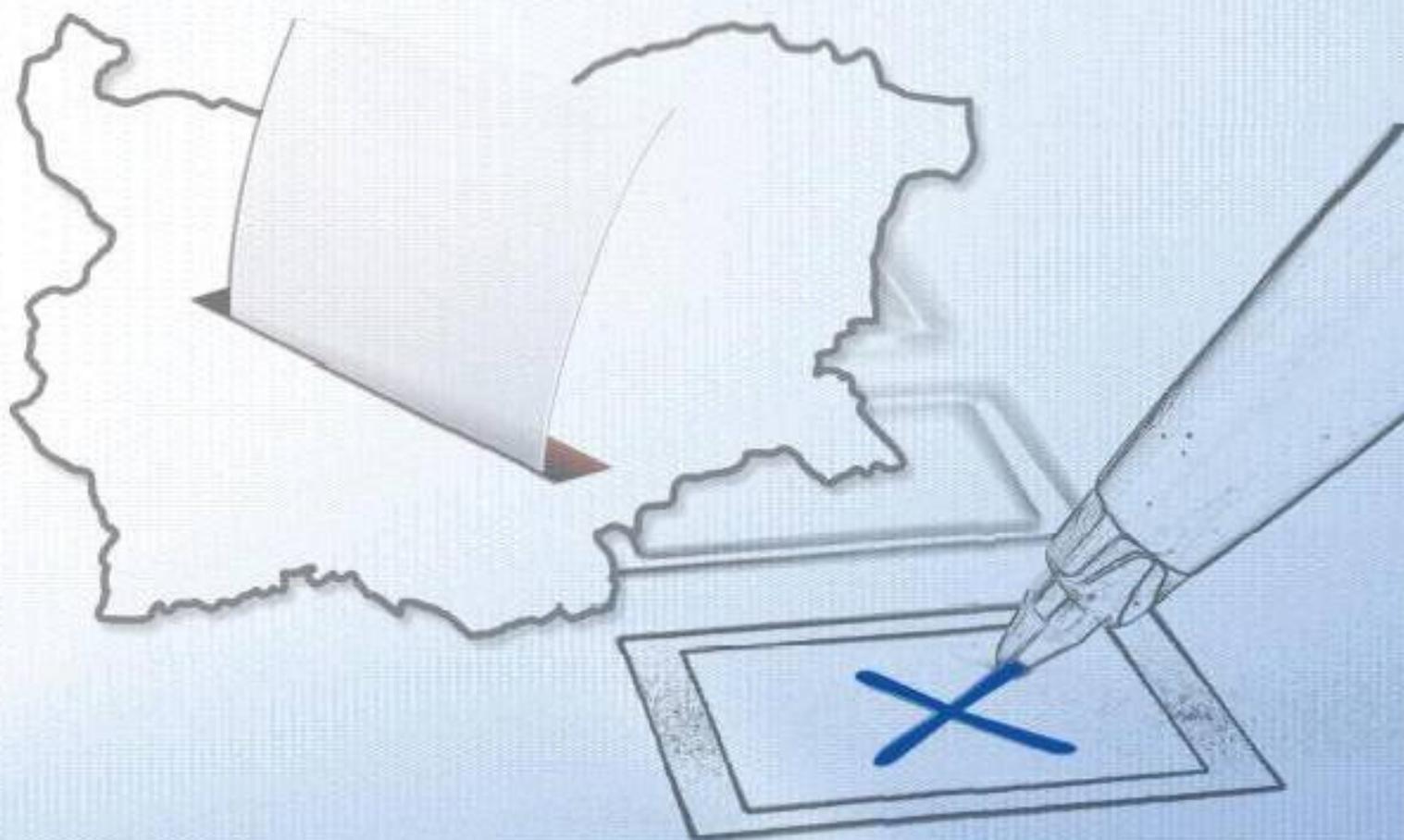
TRANSPARENCY INTERNATIONAL – BULGARIA

TRANSPARENCY AND INTEGRITY OF THE ELECTORAL PROCESS

REPORT

ON

THE MONITORING OF THE PARTIAL LOCAL ELECTIONS
HELD IN MAY 2012



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TRANSPARENCY INTERNATIONAL – BULGARIA

TRANSPARENCY AND INTEGRITY OF THE ELECTIORAL PROCESS: REPORT ON THE MONITORING OF THE PARTIAL MAYORAL ELECTIONS IN THE MUNICIPALITY OF SAEDINENIE AND THE ELECTIONS FOR MUNICIPAL COUNCILORS IN THE MUNICIPALITY OF KYUSTENDIL

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INTRODUCTION

As a national representation of the global anti-corruption organization Transparency International, Transparency International – Bulgaria has been working for more than ten years in the area of prevention and combating political corruption in Bulgaria. In October 2011 the organization carried out its most extensive and comprehensive initiative for monitoring the electoral process. In the framework of the project aimed at increasing the integrity and transparency of the electoral process, Transparency International – Bulgaria extended its efforts to conduct Election Day monitoring of the partial local elections held on May 13 and May 20, 2012. For this purpose the association selected two municipalities, in which it monitored the elections for municipal councilors (Kyustendil municipality) and the mayoral elections (in Saedinenie municipality).

The partial local elections monitoring enabled Transparency International – Bulgaria to undertake in-depth analysis of the issues associated with the preparation and conduct of elections, observe the processes related to the formation and expression of the voters' will, as well as formulate proposals for amendments of the electoral legislation.

Particularly worrisome is the fact that, similar to the previous elections in October 2011, more than half of the identified violations are directly attributable to the inefficient administrative preparation and conduct of the electoral process. The analysis once again confirmed TI Bulgaria's position that it is highly necessary to formulate and implement a set of strategic priorities and measures as a means for addressing the main factors, which reduce the transparency and integrity of the electoral process and undermine public trust in the democratically elected institutions.

CIVIL MONITORING OF THE ELECTORAL PROCESS: METHODOLOGY AND SCOPE

Transparency International – Bulgaria conducted the monitoring of the partial local elections in the municipalities of Kyustendil and Saedinenie on the basis of a confirmation, obtained on April 27, 2012, of its official registration with the Central Election Commission (CEC) as per CEC Decision no. 1088-ПБП/МИ/06.10.2011.

The partial local elections in May 2012 were monitored in partnership with three local non-government organizations and 36 observers altogether, including representatives of public organizations, the academic community, university students and independent experts.

The participating observers in the informal Civil Society Coalition for Free and Democratic Vote were united by the overarching goal to augment the transparency and integrity of the electoral process, provide information to the Bulgarian citizens with regard to their voting rights, influence public attitudes and assist institutions in curtailing the abuse of voters' rights and the vitiation of the electoral process.

The scope of the initiative was defined in accordance with the electoral monitoring methodology. The observation targets included the Municipal Election Commissions (MECs) and more than 15 Precinct Election Commissions (PECs) selected by assessing the risk for electoral violations. The observers had a specific mandate with clearly defined responsibilities and monitored locations. The representatives of the partner non-government organizations and the officially registered observers were trained to apply the monitoring methodology as developed by Transparency International – Bulgaria. They were provided with the statutory documents, certifying their statute of officially registered observers, as well as the relevant methodological guidelines and forms for registration of Election Day violations. Before undertaking their monitoring tasks, the observers received training by experts and representatives of Transparency International – Bulgaria in early May 2012.

Transparency International – Bulgaria organized the Election Day monitoring via its central coordination team based in Sofia.

ADVOCACY CAMPAIGN FOR FAIR AND TRANSPARENT ELECTIONS

In early May 2012, Transparency International – Bulgaria launched an advocacy campaign informing the Bulgarian citizens about their voter rights and responsibilities. As part of an initiative called “Sam Izbiram” (“I elect on my own”), the organization distributed awareness materials and presented the functioning of the website www.samizbiram.bg, as well as the toll free telephone number to which citizens could report Election Day violations.

Along with the information campaign, on May 3, 2012 Transparency International – Bulgaria organized a discussion in Kyustendil municipality where it presented the results of monitoring conducted during the local and presidential elections in October 2011. Participants in the forum were TI Bulgaria experts, local non-governmental organizations, political representatives and local media, which were given the opportunity to express their evaluations of the past elections, as well as their expectations about the upcoming elections for municipal councilors in Kyustendil municipality.

Similar to previous initiatives, the main emphasis of this advocacy campaign was laid on the cooperation with the institutions responsible for the organization, conduct and control over the legality of the electoral process. This was based on the fundamental understanding that neither effective implementation of the electoral legislation, nor any combat against abuse of citizens' voting rights would be possible without the active work of the institutions towards these two goals.

In this regard, in May 2012, TI Bulgaria renewed its registration with CEC (Decision № 1088-ПБП/МИ/06.10.2011) as an observer of the partial local elections for municipal councilors and municipal mayors. The framework for cooperation with the Ministry of Interior was also refined by defining the procedures through which the organization would seek assistance in relation to reports of electoral violations received from citizens.

SUMMARY OF MONITORING RESULTS

The total number of violation reports received during the first and second round of the partial local elections in May was 52. These violations were captured through direct observation at polling stations and MECs. In accordance with the monitoring methodology, the violations were categorized in four main types:

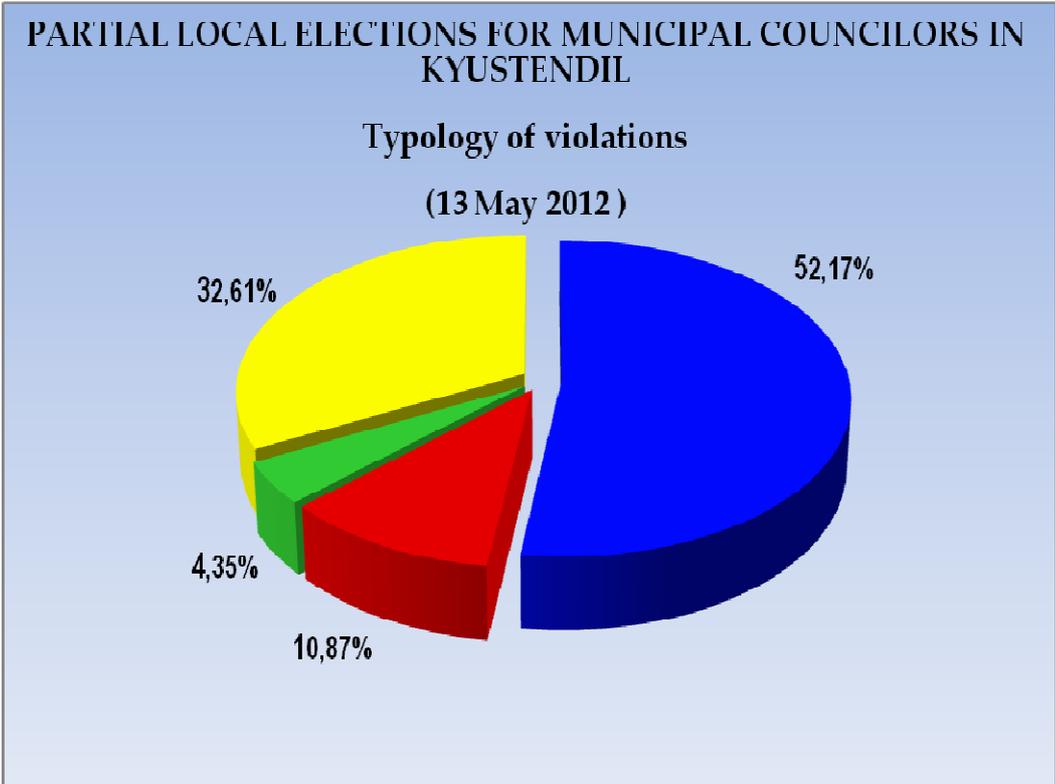
- Organizational violations;
- Various forms of controlled vote;
- Illegal advertising and campaigning;
- Vote buying.

In summary, the monitoring statistics demonstrate that currently, similar to the previous elections in October 2011, the most significant types of electoral violations

remain the **organizational violations**, which account for 52.17% of all irregularities. The second group of most frequently observed violations includes **various forms of controlled vote** (32.61%), which is an indicator of the attempted illegitimate influence over the will of the voters. The share of **illegal advertising and campaigning** remains relatively high at 10.87%. The fourth group of violations comprises cases of outright **vote buying** – 4.35%.

TYPOLOGY OF VIOLATIONS

Partial local elections for municipal councilors in Kyustendil, held on May 13, 2012



Legend:

- Organizational violations
- Illegal advertising and campaigning
- Vote buying
- Controlled vote

Partial local elections for mayor of Saedinenie municipality held on May 13 (May 20), 2012

Municipality Saedinenie	
Typology of violations	number
Organizational violations	1
Illegal advertising	2
Vote buying	1
Controlled vote	2

ORGANIZATIONAL VIOLATIONS

Similar to the elections held in October 2011, organizational violations persisted as the most frequent type of registered violations in the partial local elections of May 2012 as well. It should be stressed that by their nature part of these violations could have a direct impact on the election results, which in turn is an extremely alarming indicator concerning the performance of the electoral administration and the quality of the conducted elections.

One of the most serious organizational violations during the elections for municipal councilors in Kyustendil was the misspelled name on the ballots of two participating political formations – on part of the additionally printed ballots, the acronym for Political Party GERB (PP GERB) was misspelled as CP GERB, which is an acronym for Coalition of Parties. Another example is the wrong surname of the municipal councilor candidate Maya Yordanova Shishkova, written as Maya Ivanova Shishkova. Despite being purely technical typos, based on expert opinions, these violations could be used as grounds for new challenges against the election results, which would make the subsequent vote seem more of a farce than an expression of civic right.

Another serious case was the presence of uncovered or not removed CCTV cameras mounted opposite to school buildings used as polling stations. With somewhat slow response after the matter was brought to the attention of CEC, the Municipal Election Commission decided that the cameras must be removed or hooded.

The monitoring on the work of MEC and the Precinct Election Commissions in Kyustendil and Saedinenie established the following main forms of organizational violations:

- Issues with the accuracy of the prohibitive lists: there was a citizen's complaint about her name appearing on the prohibitive list without a valid reason;
- Issues with the accuracy of the voter lists: a person whose name appeared on the prohibitive list was entered in the additional voter list;
- Announcement of an incorrect polling station address;
- Inaccurate printing on ballots in part of the polling stations;
- Proxy representatives without distinctive badges;
- Late distribution of information materials explaining the correct voting mark (by using the symbol "X" on the ballot);
- Presence of party candidates at polling stations;
- One voter with expired ID card was allowed to vote;
- Ballots without a second stamp;
- Arrogant behavior and verbal clashes between party representatives and members of the PEC;
- Announcement of citizens' personal data (ID card number, Personal ID Number) aloud.

CONTROLLED VOTE

Extremely worrisome is the fact that the proportion of these violations rose to 32.61% of all irregularities (from 18.75% in October 2011). This could partially be explained with the extensive measures undertaken by the law enforcing institutions in 2011, which in turn led to the application of new and more sophisticated techniques for exerting pressure and controlled impact on the free will of voters rather than using outright vote buying.

Some of the most frequent forms of controlled vote in these elections included:

- Presence of a large number of party proxies inside or in front of polling stations;

- Presence of party proxies and persons without distinctive badges and observing the voters' behavior;
- Some citizens were repeatedly escorting groups of voters to the polling stations;
- Voting in groups of persons who obviously were not relatives or close friends, or even transportation of groups of voters to and from polling stations.

ILLEGAL ADVERTISING AND CAMPAIGNING

The third group of identified violations included instances of illegal advertising and political campaigning. This group accounted for 10.87% of all irregularities. The most frequent violations of this type observed during the partial local elections were:

- Deployment of campaigning materials in close proximity to polling stations;
- Presence of party representatives wearing distinctive badges;
- Sending of short text messages (SMS) urging the recipient to vote for a certain party;
- Verbal campaigning in front of polling stations;
- Refusal by a local media organization (in Kyustendil) to allow response by a political party's candidate for municipal councilor.

VOTE BUYING

The fourth group of violations comprises outright buying of votes. Compared to the other forms of electoral violations, this group was the smallest. As already mentioned, the October 2011 elections attracted much public attention precisely on the issue of vote buying, but to a certain extent detracted attention from other methods of influencing the free will of voters (Transparency International Bulgaria was the first to introduce the term "controlled vote" in 2009).

The most frequent manifestation observed during these elections was the announcement of a voting "tariff".

This is the place to also mention the widening usage of a relatively new practice: officialized buying of voters by paying remuneration to voters who register as party proxy representatives. More than 1,500 party proxies were registered in Kyustendil municipality alone, provided that the official voter turnout rate at these elections was 33-34%. Such a

practice requires additional analysis of the possible reasons which have led to this phenomenon, including in the context of the rules for accountability of legally allowed funding of electoral campaigns. Currently, the parties, coalitions and nominating committees do not declare their spending for party proxy payments.

CONCLUSION

The results of the monitoring of the partial local elections in May 2012 generally depict the same tendencies and manifestations of violations which were also identified during the October 2012 elections.

Yet again the highest share belongs to administrative violations, which reiterates the unresolved issue with the insufficient capacity of the electoral administration and its implications on the entire electoral process. In this context and on the basis of the conducted monitoring, Transparency International – Bulgaria has formulated recommendations for amending the Election Code aimed at providing sufficient guarantees for the functioning of a politically independent and professionally trained administration.

Another problem which became the main focus of the monitoring during the partial local elections relates to the variety of methods for controlling the votes of the electorate (the second largest type of violations, accounting for 32.61%). In 2009 Transparency International for the first time introduced the term “controlled vote” and applied it as an important indicator in the assessment of the electoral process integrity. It should be noted that this category is becoming increasingly important in view of the fact that during 2011 a wider range of measures were undertaken by law enforcing institutions, and the media together with a number of civil society organizations contributed to the creation of an environment of intolerance towards vote buying practices. This in turn has led to persistent tendency for searching and implementation of newer and increasingly sophisticated schemes for exerting pressure and controlled influence over the voters’ will. This practice was particularly evident during the past elections.

On the basis of the conducted monitoring and analysis of the results, Transparency International Bulgaria reaffirms its position that there is a crucial need for formulation and implementation of a set of strategic priorities and measures for addressing the main factors which detract from the transparency and integrity of the electoral process and undermine the trust in the democratically elected institutions. This process should continue the discussion that started at the beginning of 2009, and ensure the inclusion and taking into consideration of the views and assessments expressed by the widest range of

stakeholders – political parties, non-government organizations, experts, academic representatives, international organizations and the media.

RECOMMENDATIONS

Based on the monitoring of the presidential and municipal elections held on October 23 and 30, 2012 (and accordingly the partial municipal elections on 13 and 20 May 2012), TI Bulgaria issued an analytical report containing summaries, conclusions and recommendations, which was provided to the attention of state institutions, political parties, mass media and a wide range of civil society organizations.

Following this most recent monitoring exercise and having on its radar the forthcoming parliamentary elections in 2013, Transparency International – Bulgaria has formulated recommendations for amending the electoral legislation. TI Bulgaria believes that these amendments will help maintain the democratic standards, improve the electoral process transparency and increase public confidence in the legitimacy of the institutions involved in the election process.

1. MODIFICATION OF THE STRUCTURAL AND FUNCTIONAL MODELS OF THE ELECTORAL ADMINISTRATION

Transparency International – Bulgaria believes that the functioning of a **permanent electoral administration based on the principles of professionalism, political impartiality, transparency and accountability** is a major priority.

Currently, the electoral administration across the country (from central level to the lowest level of Precinct Election Commissions) is built on the principle of political representation. Given the huge importance which almost all political parties attribute to this principle, on one side, and the detected serious flaws in the performance of the electoral administration at all levels, on the other side, we recommend the following:

1) Supplement the political appointments rule with professional and expert appointments in the electoral administration.

This could be implemented at several levels:

- Establish an expert unit (team) with the Central Election Commission (CEC) responsible for the preparation and implementation of the electoral process on permanent basis. These experts should support the operations of CEC through: drafting and elaboration of election rolls; liaison and cooperation with other

institutions involved in the election process; elaboration and conduct of wide range of training programmes for all levels of the electoral administration; initiation and conduct of awareness campaigns for voters.

- At regional level there are two possible approaches: 1) Appoint professionally trained experts at the Regional Election Commissions (RECs) as a part of the regional electoral administration. To properly carry out their functions, they should be provided with statutory powers to operate at regional level in the preparation and conduct of the electoral process, including powers to interact with other administrations engaged with this process; or 2) Embed experts in the regional or municipal administrations with clearly defined authority and responsibilities for cooperation with the institutions involved in the preparation and conduct of the electoral process.
- At Precinct Election Commissions (PEC) level: 1) Introduce the principle of professionalism by urging the political parties to give priority to professionally trained experts when nominating their PEC members¹; and 2) provide more extensive and in-depth training for PEC members².
- Ensure there is clear distinction between the competences of the various electoral structures, supervision over their activities and effective cooperation between them.

2) Capacity building of the electoral administration at all levels based on budget independence and sufficient financial resources.

CEC became the target of extensive criticism in the aftermath of the elections held in 2011. One of the main criticisms related to their lack of budget independence. Sufficient financial resources and budget independence of the electoral administration would guarantee more effective performance of its duties and would significantly strengthen its capacity.

¹ In this regard, it is very advisable to study, among other things, the models of certain South European countries, such as Spain and Greece, which have had historical periods of accumulation of deficiencies in the performance of their electoral administrations.

² Accordingly it should be borne in mind that at the forthcoming parliamentary elections PEC members will be required to write error-free counting reports reflecting the preferential votes for the candidates included in each separate ballot.

In this relation, we propose that the new Election Code should explicitly constitute CEC as a first line spending authority. Thus, already with the 2013 Law on the State Budget the electoral administration would obtain its own budget and would be able to plan its costs.

3) Introduce supplementary legal guarantees for transparency and accountability in the electoral administration and its performance.

In this relation we have the following recommendations:

- Introduce provisions allowing for publicity of the CEC sessions. This could be made by various means and methods, including webcasts or installation of monitors enabling observation of CEC meetings on its premises.
- Introduce explicit rules for posting the minutes of CEC meetings on their official website. Although CEC is already doing this, the new Election Code should explicitly provide for this duty of CEC to exclude any discretion as to whether, when and for how long would the minutes be published.
- Introduce the possibility for direct observation of the proceedings of CEC, PECs and MECs, not only on the Election Day but also during the whole pre- and post-election campaign, in line with international election monitoring standards.

2. ESTABLISH A PUBLICLY ACCESSIBLE ELECTRONIC VOTER REGISTRY

In order to organize fair elections and regain voters trust, the electoral administration should adopt a new approach in the preparation and updating of the election rolls. It is extremely important to remove the so called “dead souls” and all kinds of other errors, discrepancies and other technical flaws.

Accordingly, we recommend the **establishment of a permanent and publicly accessible voter registry with the following functionality:**

- Online check of voters status;
- Report any detected errors or discrepancies to the competent institutions;
- Enable each voter to verify the accuracy of his or her individual data.

For the avoidance of doubt it should be stated that this recommendation is about the establishment of a permanent publicly accessible database of all citizens that have the right to vote and does not seek to introduce any registration requirements for exercising the right to vote.

An important element of these proposals is **ensuring transparency of and public access to elections rolls**. Thus all voters, including those living abroad, would be able to check online if their status is correct and if not – apply to the competent institutions for having their data corrected³.

There are two possible approaches to the creation of a publicly accessible voter registry:

- 1) Based on voters permanent address data (permanent place of residence);
- 2) Based on voters current address (current place of residence);

With the first approach the rolls would be based on the voters' permanent residence.

The second approach – a registry based on the voters' current address allows:

- Citizens to exercise their voting rights at the place they are currently residing – given the increasing mobility of voters, this option enables the citizens temporarily living elsewhere to more fully exercise their voting rights;
- To overcome the inaccuracies in the election lists containing Bulgarian citizens who currently do not live in Bulgaria and thus contribute to the establishment of a more reliable and accurate list of the Bulgarian citizens living abroad;
- To publicly tracking the dynamics in the voters movements between different electoral locations (in case of requirement for regular updating of these data, for example on a monthly or quarterly basis);
- The existence of final voters lists which are not subject to corrections on Election Day and thus ensures predictability and sustainability of the information contained in them (this explicitly excludes the technical errors

³ In order to be complete in this respect, the legal provisions should include a procedure for submission of applications for correction, including online, as well as time-limits within which the Civil Registration Directorate (GRAO) should decide the applications and make the necessary corrections. This mechanism will facilitate citizens as they will deal directly with the administrator of the general roll and will avoid the transfer of responsibilities among various government agencies.

made in the lists during the Election Day; it should be also noted that this is one of the recommendations given by foreign observers).

When discussing the changes of the arrangements for compiling the electoral lists, it is important to also focus on the institutions with authority to select the electoral locations abroad. This requires legislative action in the following directions:

- Develop criteria for opening of polling sections abroad;
- Introduce symmetrical rules for establishment of polling stations in the country and abroad;
- Bulgarian citizens who are willing to exercise their vote abroad should be allowed to register themselves in a reasonably long term prior to Election Day;
- Only these citizens should be included in the election rolls which would lead to the general rule that the rolls can not be adjusted by PECs on Election Day.

As part of the proposal for establishing a voter registry, consideration should be given to an approach which would enable CEC to supervise and provide methodological guidance for the initial building and subsequent updating of the registry.

3. UPDATE THE ALLOCATION OF SEATS AMONG CONSTITUENCIES IN ACCORDANCE WITH THE LATEST STATISTICS FROM THE MOST RECENT OFFICIAL CENSUS

Over the past 20 years the demographic picture in almost all regions of the country has changed significantly. However, this was not reflected in the distribution of the number of seats, which distorts the constitutional principles of vote equality and equal “weight” of the seats across constituencies. In order to eliminate this, we recommend to adjust the allocation of seats in accordance with the current statistics from the 2011 Census.

In this respect, measures which guarantee equal voters rights should be discussed and included in the legislation. This relates not only to the flat rate of representation. During the next parliamentary elections there will necessarily be more constituencies with allocated four seats, while in larger cities and in Sofia in particular there will be precincts allocating 14, 15 or 16 seats. The MP constituencies established by the Election Code (Art. 67(1), EC) will allocate different numbers of seats as some of them will elect 3 or 4

times more MPs than others. This introduces a very strong personified component in the MP elections and should find its adequate solution.

4. METHODOLOGY FOR CALCULATING BALLOT RESULTS

Setting up clear rules for the ballot calculation in the new Election Code could provide additional assurances against last minute decisions and overriding spot-calls within CEC.

Adopting a certain methodology for calculating the election results involves important political considerations. Therefore this matter should be set in the legislation rather than be left at the mercy of certain political majorities in the CEC. All political actors should be aware and have clear understanding of the results calculating methodology long before the beginning of the election process.

Accordingly, we recommend that the calculation methodology should be set in stone by the Election Code. This will ensure the necessary transparency and predictability of the rules for such a crucial component of the electoral process. It would lead to stability, openness and recognition of the rules of the electoral race by all participants.

5. EXTENDING THE APPLICATION OF THE REGIONAL BALLOT COUNTING MODEL

The Election Code experimentally introduced a new model for ballot counting, proposed by Transparency International – Bulgaria in 2009. This model was applied during the local elections in Boboshevo municipality and was closely monitored and assessed by a team of TI Bulgaria experts.

As a result of the monitoring conducted on the work of the Experimental Ballot-Counting Commission it should be concluded that the proposed model is functional and offers a number of advantages in terms of:

- Ensuring the right to secret voting and combating attempts at exercising pressure and control over citizens, particularly in small settlements and isolated communities;

- Transparent establishment of election results by removing the possibility for intentional manipulation and/or technical glitches in the work of the PECs;
- Introduction of new and efficient mechanism for control over the work of PEC members by emphasizing the personal responsibility of PEC members;
- New image of the electoral process and maintaining or increasing the confidence in the democratic elective procedures and institutions in a representative democracy;
- The model has had a strong disciplining effect on the work of precinct commissions.

Based on its monitoring and evaluation, Transparency International – Bulgaria recommends an extensive implementation of the regional ballot counting centres.

The model could be successfully implemented throughout electoral constituencies up to 20,000 voters and TI Bulgaria could offer expert solutions in the following areas: 1) more effective organization of the ballot counting commission with clear functional allocation of the tasks among its members; 2) more detailed and accurate rules and procedures in the decision making process.

6. PROVIDING FREE PUBLIC MEDIA ACCESS TO REGISTERED CANDIDATES

Access to mass media in the pre-election campaign must be guided by two main principles: 1) political pluralism and equal chances for the various runners in the political race; 2) fulfillment of the fundamental role, which public media has – enable citizens to make informed choices and encourage their participation in social and political life.

The practice ensuing from the local and presidential election campaigns in 2011 does not contribute to giving full effect of these principles.

To ensure the efficient implementation of these fundamental principles we suggest:

- 1) Ensure that candidates enjoy free access to the various formats of public media (Bulgarian National Television, Bulgarian National Radio and their regional

programs), including news bulletins, dedicated pre-election discussions, talk shows.

Therefore it is important to provide information and accordingly enable voters make informed choices by knowing main aspects of the candidates' election campaigns, visions, priorities, policies, messages, etc. regarding the governance of the country, region or municipality, as the case may be.

2) The paid election materials should be distinguished from the other news and commentary programmes, and there must also be a distinction between the editorial policy of the media and the paid appearances of candidates.

These suggestions certainly require amendments of media legislation.

7. REQUIREMENTS FOR THE REGISTRATION OF CANDIDATES

The requirement for a minimum number of citizens to support a candidate by subscribing to a petition list (5000 signatures and not less than 3% of the voters for national MPs and 7000 signatures for MEPs) is not only a hurdle to potential candidates but also is a prerequisite for abuse of personal data. By way of example, during the 2011 local elections more than 1 million citizens subscribed to petition lists supporting various candidates (according to unofficial information).

Accordingly we suggest to ease requirements for registration of candidates both in terms of the minimum number of subscribers to petition lists and the amount of deposits required for guaranteeing the candidates' participation in the election. Moreover, the rules for nomination and registration of political parties' candidates and independent candidates should be aligned, which would be in accordance with the principle of equal voting rights.

8. INTRODUCTION OF CLEARER RULES AND PUBLICITY FOR PROXY REGISTRATION

Being a monitoring organization, TI Bulgaria believes that proxies have a very important role, especially in majority elections and preferential selection of candidates from common ballots. However, the monitoring of the elections in 2009 and in 2011 brought to light circumstances which suggest that proxies may also play a negative role on

Election Day. In some municipalities, the number of the political parties' proxies exceeded the total number of its candidates for councilors and / or represented a significant percentage of the total number of voters. The scale of the problem raises serious concerns because the concept of proxies can be used: (1) as a form of exercising control on the voters (especially in smaller settlements or isolated areas) or (2) as a legalized form of vote buying.

In this respect, attempts must be made to **limit the number of proxies** (including trade-off with their important role as representatives of candidates on Election Day), and introducing **additional rules for their registration**.

To limit the negative aspects of the identified irregularities we recommend to:

1) Limit the number of proxies to one (1) in each polling station.

2) Include explicit provisions in the Election Code, which establish a **register of proxies**, *mutatis mutandis* to the register of political parties, coalitions and initiative committees. Essential features of such a register should be:

- **Public (Internet) access** to the information therein;
- **Standardized contents** (that could be responsibility of CEC), which includes information regarding: 1) the total number of registered proxies, 2) their allocation among electoral districts/settlements, and 3) the candidate who they represent;
- The administration of the register should be assigned to the Regional and accordingly Municipal Election Commissions.

3) Introduce a **time-limit for the registration of proxies** – not later than three days before Election Day, similar to the time-limit for registration of observers.

9. REGULATING THE STATUS OF OBSERVERS

Independent monitoring of the election process by observers is a manifestation of civil control over elections without interfering in the process. Although this practice has long been known and recognized in our country, it is noteworthy that the legislation has created a very narrow scope for monitoring – during Election Day, at polling premises,

during counting and verification of ballot results. Thus the regulatory framework limits the monitoring activity only to the frame of Precinct Election Commissions.

Combined with some organizational hurdles, such as CEC setting up rules for participation of observers only in the last minute, the failure of MECs to act on complaints for preventing observer's access to the polling premises, the above limitations create serious obstacles to independent observation. To overcome the deficiencies in this area, we propose the Election Code **to explicitly provide that:**

- 1) **The proceedings of PECs, MECs and CEC are open to monitoring throughout the period leading up to Election Day** and not just on Election Day, which is commensurate with international standards for monitoring the electoral process;
- 2) **The proceedings of RECs, respectively MEC on Election Day are open to monitoring.** Implementing this would allow the monitoring process to encompass the mechanisms for interaction with PEC and CEC and the performance by election commissions of their duties for responding to reports and complaints of irregularities;
- 3) **The wording of paragraph 1, sub-paragraph 18 of the Additional Provisions to the Election Code, according to which “... observers are authorized members of Bulgarian non-government organizations”, should be refined.** A better wording is “authorized representatives of Bulgarian non-government organizations.”
- 4) **The decisions of CEC by which it lays down the rules for participation of observers should be taken and published prior to the opening dates for registration of political parties, coalitions and initiative committees** in the elections concerned. This would allow NGOs that intend to act as observers make the necessary arrangements in order to satisfy the conditions for participation established by CEC.

- 5) The opening date for registration of monitoring NGOs from Bulgaria should precede or coincide with the opening date for registration of political parties, coalitions and initiative committees. This would enable observers monitor the whole process of organizing the elections, including campaign funding, communicate with the pre-election headquarters of the runners and monitor the activities of the electoral administration throughout the whole pre-election campaign.

Sofia, June 2012

TRANSPARENCY INTERNATIONAL – BULGARIA

APPENDIX

DESCRIPTION OF VIOLATIONS IDENTIFIED AS A RESULT OF THE CONDUCTED MONITORING ON THE ELECTORAL PROCESS AT PRECINCT ELECTION COMMISSIONS; COMPLAINTS AND IRREGULARITY REPORTS RECEIVED BY THE MUNICIPAL ELECTION COMMISSIONS

I. ORGANIZATIONAL VIOLATIONS

- Misspelled ballots (CP GERB instead of PP GERB): MEC Kyustendil;
- Misspelled ballots showing wrong surname of BSP candidate (Maya Ivanova Shishkova instead of Maya Yordanova Shishkova): MEC Kyustendil;
- CCTV cameras mounted in front of school buildings used as polling stations 1, 23, 19, 20, 14, 15, 16, 17, 50, 58, 59 and 60: MEC Kyustendil;
- CCTV cameras mounted in front of school buildings used as polling stations 51, 54, 55, 56 and 57: MEC Kyustendil;
- Absence or late arrival of PEC chairman, secretary or member/members: Kyustendil, PEC 8, PEC 19, PEC 23;
- Misspelled ballots: Kyustendil, PEC 8, PEC 10, PEC 12, PEC 016, PEC 19, PEC 23, PEC 46;
- Arrogant behavior and clashes between political party representatives and PEC members: Kyustendil, PEC 10;
- Announcement of an incorrect polling station address: Kyustendil, PEC 19
- Problems with the accuracy of the prohibitive lists: inclusion in the additional voter list of a person already included in the prohibitive list: Kyustendil, PEC 19;
- Admission to the polling station of visibly intoxicated, drugged or armed persons: Kyustendil PEC 19;
- Late distribution of information materials explaining the correct voting mark (by using the symbol “X” on the ballot): Kyustendil, PEC 23;
- Incorrect inclusion of voters in the voters lists: Kyustendil, PEC 23;
- Member of the PEC using a mobile phone and giving aloud information to third persons regarding the presence of certain persons on the electoral list: Kyustendil, PEC 23;

- Irregularities related to the use of the stamp of the polling station: Kyustendil, PEC 23, MEC Saedinenie;
- Presence of party candidates inside polling stations: MEC Kyustendil;
- Proxy representatives without distinctive badges: Kyustendil, PEC 23;
- Problems with the accuracy of the prohibitive lists: a citizen's complaint that she had been entered in the prohibitive list without a valid reason: MEC Kyustendil;
- Voter with expired ID card had been allowed to vote: Kyustendil, MEC 23.

II. VARIOUS FORMS OF CONTROLLED VOTE

- Presence of a large number of party proxies inside/outside the polling stations: Kyustendil, PEC 23;
- Citizens repeatedly escorting groups of voters to the polling stations: MEC Kyustendil, PEC 23;
- Group voting of persons who obviously are not relatives or close friends: MEC Kyustendil, PEC 016;
- Transportation of voters to and from polling stations: MEC Kyustendil, PEC 016; MEC Saedinenie;
- Presence of party proxies and persons without distinctive badges, observing the voters' behavior: Kyustendil, PEC 8, PEC 10, PEC 016, PEC 19, PEC 23, PEC 46; MEC Saedinenie;
- Breaching voters' secrecy: Kyustendil, PEC 016;
- Massive presence of vehicles with license plates different from the local ones in certain neighbourhoods or outside polling stations: MEC Saedinenie.

III. ILLEGAL ADVERTISING AND CAMPAIGNING

- Deployment of campaigning materials in close proximity to polling stations: MEC Kyustendil; MEC Saedinenie;
- Political party representatives wearing distinctive badges: MEC Kyustendil;
- Sending of short text messages (SMS) urging the recipient to vote for certain party: MEC Kyustendil;

- Verbal campaigning in front of polling stations: Kyustendil, PEC 1; MEC Saedinenie;
- Refusal by a local media organization to allow response by a political party candidate for municipal councilor – Kyustendil.

IV. VOTE BUYING

- Announcement of voting “tariff”: MEC Kyustendil;
- Reports related to specific amounts of money offered for voting: MEC Kyustendil.

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