

**NEWSLETTER OF  
TRANSPARENCY INTERNATIONAL - BULGARIA  
(June 2015)**

**MUNICIPALITIES ON TARGET**



In recent years, the civil monitoring of the election process has become one of the factors for detection and deterrence of electoral violations and abuse of the voting rights of the Bulgarian citizens. Transparency International – Bulgaria will conduct its consecutive monitoring of the election process in the period between June and October 2015, when the forthcoming local elections will be held. The monitoring will focus on the following:

- The work of the institutions with associated with the preparation and conduct of the local elections;
- Pre-election campaigns of the registered parties, coalitions and nomination committees with candidates for mayors and municipal councilors;
- Election Day on 25 October 2015 and conduct of the election process.

On the basis of its accrued expertise and experience of Transparency International – Bulgaria, the monitoring will also focus on two problematic areas:

- Election campaign financing of the registered participants in the elections;
- Democratic standards of the electoral process.

In response to the public expectations for latest information, expert commentaries and proposals for overcoming the deficits of the electoral process, Transparency International – Bulgaria will start issuing a newsletter for the forthcoming local elections.

The topic of the first newsletter is devoted to the problem with the address registrations of the citizens and its potential impact on the election results.

**VOTING TOURISM AGAIN?**

One of the most striking examples of election fraud that triggered a wave of public discontent in 2009 was the so called “voting tourism”. The mass scale of this occurrence was made possible by the abuse of a right, provisioned in the Electoral Code – the issuing of a certificate for voting on a new address. Several news reports showed numerous buses with voters, mobilized to vote in places different from their permanent address. In the meantime, the attempts for statistical assessment of the magnitude of the problem confirmed that even state institutions were having difficulties to determine the exact number of this particular type of violation.

For example, the report of the Temporary Committee for elaboration of Electoral Code in the 41<sup>st</sup> National Assembly from October 2010 stated: “Representatives of the Central Electoral Commission provided information that during last elections 40 000 certificates for voting elsewhere have been issued, and there have been previous elections when this number has been significantly higher.”

The results of the monitoring conducted by Transparency International – Bulgaria showed that 7.2% of all organizational violations (their

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share constitutes half of all identified irregularities in the 2009 elections) is associated to the use of a large number of certificates for voting on a new address. For some of these documents there was a reasonable doubt of their validity (photocopies, certificates that do not match the original or many certificates with the same serial number).

**TYPOLOGY OF ELECTORAL VIOLATIONS – 2009**

<b>Organizational violations on the election day</b> (Share of "voting tourism" – 7.2%)	<b>50.2 %</b>
<b>Illegal advertising and campaigning on the election day</b>	<b>34.9 %</b>
<b>Vote buying</b>	<b>7.3 %</b>
<b>Other forms of controlled voting</b>	<b>7.6 %</b>

In an attempt to stop this negative practice, TI – Bulgaria, TI – Bulgaria proposed that the possibility for uncontrolled issuing of such certificates should cease. In its report from the monitoring of the two elections for European Parliament and National Assembly, the organization formulated the following recommendation: "2.8 Limitation or complete removal of the voting with certificate for new address. This legal loophole recently has been ingeniously exploited for shifting large groups of voters to voting sections where it is necessary to change the outcome of the voting".

In response to this problem, in the Electoral Code were introduced restrictions aimed at reducing the magnitude of the issue. Requirements for voter settling down were introduced saying that those who "have current address for the last 6 months before the election date outside the Republic of Bulgaria – regarding elections for municipal councilors and mayors" (Art. 38, paragraph 2, item 8 of the

Electoral Code) cannot vote on their permanent address.

In 2009, 2012 and 2014 the Civil Registration Act was amended, introducing requirements aimed against potential violations with voting on the current address – documents for ownership or contractual arrangement for rented housing (Art. 92); - criteria for correspondence between the housing capacity and number of persons who can live there (3 times above the regular capacity according to Art. 99a, last amended 2012); - controlling responsibilities vested upon public officials by the Ministry of Regional Development and Public Works, Ministry of Interior, regional governors, or municipal mayors (Art. 117).

Despite the existence of legal provisions, it appears that 6 months before the elections the violations regarding registration of fictitious residents in a number of communities are taking serious proportions. In practice no control has been enforced over this period of time.

In compliance to the public interests, on 27 May 2015, Transparency International – Bulgaria turned to the Ministry of Regional Development and Public Works, office of Civil Registration and Administrative Service (GRAO) with formal request for access to information under the Access to Public Information Act (APIA). It was important for the experts of the organization to receive official data from the institutions, which would allow assessment of the current state of the problem, analysis of the trends and formulation of recommendations to institutions and political parties. In this regard, information was asked on the following factors:

-  Data on the number of changes of registration on current and permanent address, as reflected in the records of all

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municipalities in the period between January and May 2014;

- 🌐 Data on the number of changes of registration on current and permanent address, as reflected in the records of all municipalities in the period between January and May 2015;
- 🌐 Data on the number of applications for change of address, submitted by authorized persons (not in person by the applicant);
- 🌐 Measures for control for compliance with the rules of the Civil Registration Act.

**WHAT IS THE MAGNITUDE OF THE  
“ELECTORAL MIGRATION?”**

The official data<sup>1</sup> show that in the period between January and May 2015 nearly 131 000 citizens have changed their current address, while for the same period last year their number had been 96 000.

1.1.2014 – 31.05.2014		1.1.2015 – 1.05.2015	
Permanent address	Current address	Permanent address	Current address
<b>77410</b>	<b>96075</b>	<b>74697</b>	<b>130838</b>

The numbers reflect an increase totaling 1.35 times throughout the country and show seemingly inexplicable trend for “return to the villages”. The number of changes of current address is twice the number of changes of permanent address.

**WHICH REGIONS ARE MOST ATTRACTIVE FOR  
“VOTING TOURISM”**

The data shows that most changes of current address registrations were made in Sofia region, Vidin, Montana, Haskovo, Varna, Burgas, Kyustendil, Blagoevgrad, Pazardzhik. While for some areas such as Sofia region, Varna and Burgas can be found formal economic incentives for such movement (temporary seasonal employment), the data for regions such as Vidin, Montana, Haskovo, Kyustendil lead to the conclusion that the real incentives for the migration are political – change of the election results in the respective municipalities.

Region	Общини, в които са извършени 2 пъти повече промени в адресните регистрации
Sofia region	11 municipalities
Varna Vidin Montana Haskovo	8 municipalities
Burgas	7 municipalities
Kyustendil	6 municipalities
Blagoevgrad Pazardzhik Plovdiv Stara Zagora	5 municipalities

The regional level data analysis shows that the motivations for change of address registrations is polarized in the two extremes:

✚ In economically promising regions with concentration of economic interest (for example, tourism on the coastal regions, trade and logistics in the capital region)

Or

✚ In economically disadvantageous regions where the only incentive for economic activity is the access to natural resources such as forests,

<sup>1</sup> Decision of MRDPW to allow access to information on the basis of Art. 28, Paragraph. 2 of APIA (РД-02-14-729/10.06.2015 г.).

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agricultural lands, etc. (mainly in the northwestern part of the country).

**TOP 100 OF THE MUNICIPALITIES WITH  
BIGGEST NUMBER OF NEWLY REGISTERED  
RESIDENTS**

**(Statistical data on indicator “current address”; periods of comparison January – May 2015 and January – May 2014)**

Closer analysis of the data on local scale highlights alarming trends showing high degree of organization of the process of address registration change in some areas. In 98 of 265 municipalities in total, significant changes in the registrations of permanent address have been made. For the separate municipalities the increase compared to last year ranges from 2 to 23 times.

“Leaders” in this negative ranking are the municipalities of Gramada (Vidin region) and Treklyano (Kyustendil region), where the number of newly registered residents exceed more than 20 times the number of registered residents for 2014. Between 10 and 15 times has increased the number of new registrations in municipalities Borovan (Vratsa), Boboshevo (Kyustendil), Makresh (Vidin), Kresna (Blagoevgrad), and Gorna Malina (Sofia region). Eight times more citizens were registered in the municipalities of Boynitsa (Vidin), Kovachevtsi (Pernik) and Ruzhintsi (Vidin).

This data clearly shows the trend for mobilization of voters aiming to change the election results and take over the institutions of the local governance through the exploitation of seemingly legitimate mechanisms.

Region	Municipality	Increase in times (2015 compared to 2014)
VIDIN	GRAMADA	22,90
KYUSTENDIL	TREKLYANO	21,24
VRATSA	BOROVAN	15,85
KYUSTENDIL	BOBOSHEVO	14,13
VIDIN	MAKRESH	13,37
BLAGOEVGRAD	KRESNA	11,67
SOFIA	GORNA MALINA	11,32
VIDIN	BOYNITSA	8,23
PERNIK	KOVACHEVTSI	8,05
VIDIN	RUZHINTSI	8,00
V. TARNOVO	SUHINDOL	7,55
TARGOVISHTE	OPAKA	6,91
MONTATA	CHIPROVTSI	6,62
VIDIN	NOVO SELO	6,47
SOFIA	MIRKOVO	6,45
HASKOVO	IVAYLOVGRAD	6,44
KYUSTENDIL	KOCHERINOVO	6,14
VRATSA	MEZDRA	5,95
KYUSTENDIL	NEVESTINO	5,90
SHUMEN	VARBITSA	5,77
SILISTRA	SITOVO	5,56
HASKOVO	TOPOLOVGRAD	5,55
VARNA	VALTCHI DOL	5,38
BLAGOEVGRAD	BANSKO	5,24
RUSE	SLIVO POLE	4,80
VRATSA	ROMAN	4,74
STARAZAGORA	BR. DASKALOVI	4,62
PAZARDZHIK	LESICHOVO	4,59
DOBRICH	BALCHIK	4,55
PERNIK	ZEMEN	4,55
HASKOVO	SIMEONOVGRAD	4,47

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SOFIA	SAMOKOV	4,21
PERNIK	TRAN	4,19
VRATSA	KRIVODOL	3,92
VARNA	VETRINO	3,90
MONTANA	MEDKOVEC	3,79
MONTANA	G. DAMYANOVO	3,78
RUSE	IVANOVO	3,71
VIDIN	BELOGRADCHIK	3,67
PLEVEN	PORDIM	3,66
YAMBOL	TUNDZHA	3,64
VIDIN	DIMOVO	3,51
PLOVDIV	PARVOMAY	3,39
LOVECH	YABLANITSA	3,29
SOFIA	KOSTINBROD	3,24
V. TARNOVO	LYASKOVETS	3,21
MONTANA	BOYCHINOVTSI	3,20
BURGAS	PRIMORSKO	3,18
VARNA	DEVNYA	3,17
DOBRICH	DOBRICHKA	3,16
SHUMEN	N. KOZLEVO	3,16
HASKOVO	MADZHAROVO	3,15
TARGOVISHTTE	ANTONOVO	3,09
BURGAS	KARNOBAT	3,06
VARNA	BYALA	3,04
SOFIA	CHELOPECH	3,03
SOFIA	DRAGOMAN	3,00
PLOVDIV	SAEDINENIE	2,92
BURGAS	SUNGURLARE	2,91
SMOLYAN	NEDELINO	2,89
PLEVEN	GULYANTSI	2,89
BLAGOEVGRAD	PETRICH	2,87
SOFIA	CHAVDAR	2,86
VIDIN	BREGOVO	2,77
VARNA	PROVADIA	2,77
PAZARDZHNIK	STRELCHA	2,75
PLOVDIV	KUKLEN	2,74
HASKOVO	DIMITROVGRAD	2,73

MONTANA	VARSHETS	2,73
HASKOVO	HARMANLI	2,72
VRATSA	BYALA SLATINA	2,70
BURGAS	KAMENO	2,64
PLEVEN	DOLNI DABNIK	2,64
SMOLYAN	BANITE	2,59
STARA ZAGORA	RADNEVO	2,57
RUSE	TSENOVO	2,56
KYUSTENDIL	SAPAREVA BANYA	2,55
PAZARDZHNIK	BRATSIGOVO	2,55
HASKOVO	LYUBIMETS	2,53
PLEVEN	NIKOPOL	2,53
PAZARDZHNIK	SARNITSA	2,50
KYUSTENDIL	RILA	2,48
YAMBOL	STRALDZHA	2,48
SOFIA	SLIVNITSA	2,46
GABROVO	SEVLIEVO	2,45
SOFIA	PRAVETS	2,37
PAZARDZHNIK	BELOVO	2,37
PLOVDIV	HISARYA	2,36
VARNA	DALGOPOL	2,33
V. TARNOVO	ZLATARITSA	2,32
BURGAS	SREDETS	2,32
SHUMEN	KASPICHAN	2,31
BURGAS	NESEBAR	2,29
V. TARNOVO	P. TRAMBESH	2,27
STARA ZAGORA	NIKOLAEVO	2,27
SOFIA	KOPRIVSHTITSA	2,25
MONTANA	MONTANA	2,21
PLOVDIV	KALOYANOVO	2,20
VARNA	SUVOROVO	2,18
VARNA	AKSAKOVO	2,16
BURGAS	MALKO TARNOVO	2,13
STARA ZAGORA	OPAN	2,11
MONTANA	YAKIMOVO	2,06
SMOLYAN	CHEPELARE	2,03
GABROVO	TRYAVNA	2,03

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BLAGOEVGRAD	STRUMYANI	2,01
MONTANA	BRUSARTSI	2,00
SOFIA	ANTON	2,00
TARGOVISHTE	OMURTAG	1,98
DOBRICH	KRUSHARI	1,98
STARA ZAGORA	MAGLIZH	1,96
HASKOVO	MINERALNI BANI	1,88
BLAGOEVGRAD	SANDANSKI	1,87
SMOLYAN	RUDOZEM	1,84
DOBRICH	TERVEL	1,82

results exists for the municipalities of Boboshevo, Topolovgrad, Krivodol, Harmanli, Mineralni Bani, Borovan, Chelopech, Ruzhintsi, Medkovets, Primorsko and Boynitsa.

### MUNICIPALITIES ON TARGET?

The comparative analysis of the data of the Registry of civil registration maintained by GRAO, and the data of the latest census of the National Statistical Institute (2011) shows that in some municipalities the number of newly registered people exceeds by more than 50% the eligible voters there.

The situation in these municipalities poses risks for significant distortion of the election results, potentially predetermining the election of mayors and municipal councilors and even leading to "take over of the local self-governance" by candidates without any true support from the local people.

Indicative to support this claim is the data for Treklyano municipality (in which the newly registered represent 64.7% of all eligible voters) and Gramada municipality (39.84%). These figures indicate extremely high level of organized influence over the electoral process, which effectively renders void the citizens' participation in the elections and infringes upon basic democratic principles.

Similarly can be seen the data for Gorna Malina, Kovachevtsi and Makresh, where the new residents represent between 15 and 20% of all eligible voters. High risk of distorted election

Region	Municipality	Proportion of newly registered residents by current address in 2015 out of the total number of voters (in %)
KYUSTENDIL	TREKLYANO	64,70
VIDIN	GRAMADA	39,84
SOFIA	GORNA MALINA	21,43
PERNIK	KOVACHEVTSI	20,00
VIDIN	MAKRESH	16,93
KYUSTENDIL	BOBOSHEVO	12,71
HASKOVO	TOPOLOVGRAD	12,27
VRATSA	KRIVODOL	12,26
HASKOVO	HARMANLI	11,57
HASKOVO	MINERALNI BANI	9,94
VRATSA	BOROVAN	9,64
SOFIA	CHELOPECH	9,63
VIDIN	RUZHINTSI	9,57
MONTANA	MEDKOVETS	9,08
BURGAS	PRIMORSKO	8,42
VIDIN	BOYNITSA	8,37
VIDIN	NOVO SELO	7,86
STARA ZAGORA	BR. DASKALLOVI	7,83
VARNA	DEVNYA	7,74
VRATSA	ROMAN	7,52
HASKOVO	IVAYLOVGRAD	7,28
V. TARNOVO	SUHINDOL	7,24
VIDIN	DIMOVO	7,07
BURGAS	NESEBAR	6,94

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BLAGOEVGRAD	KRESNA	6,89
KYUSTENDIL	KOCHERINOVO	6,81
SOFIA	MIRKOVO	6,53
PERNIK	TRAN	6,44
VARNA	SUVOROVO	6,28
MONTANA	BOYCHINOVTSI	6,26
PAZARDZHIK	LESICHOVO	6,18
VARNA	VALCHI DOL	6,17
MONTANA	YAKIMOVO	6,03
VARNA	AKSAKOVO	5,49
SHUMEN	N. KOZLEVO	5,44
SHUMEN	VARBITSA	5,40
VRATSA	MEZDRA	5,13
MONTANA	CHIPROVTSI	5,10
BURGAS	SREDETS	4,95
VARNA	VETRINO	4,88
DOBRICH	BALCHIK	4,64
SILISTRA	SITOVO	4,55
DOBRICH	DOBRICHKA	4,45
PLEVEN	PORDIM	4,42
STARA ZAGORA	OPAN	4,40
HASKOVO	MADZHAROVO	4,38
YAMBOL	TUNDZHA	4,22
STARA ZAGORA	NIKOLAEVO	4,16
TARGOVISHTA	OPAKA	4,11
PERNIK	ZEMEN	4,02
LOVECH	YABLANITSA	3,98
SOFIA	DRAGOMAN	3,94
YAMBOL	STRALDZHA	3,83

#### **WHAT TYPE OF CONTROL HAS BEEN IMPLEMENTED SO FAR?**

In the context of the alarming data, it is evident that by mid-May 2015 the issue with the abuse of address registration is not in the attention of the institutions required to oversee law enforcement.

As abovementioned, the latest amendments in the Civil Registration Act provide basis for prevention of violations and identify the institutions that can exercise control over the observance of established norms. In this regard, it is important to point out that according to Art. 117 "offences under this law shall be established with acts of officials appointed by the minister of regional development and public works, or the minister of interior, or regional governors, or municipal mayors".

The officially provided information indicates that in 2014 GRAO conducted 336 inspections in all 264 municipalities, "whereas for serious omissions identified in the implementation of Civil Registration Act, 2 punitive decrees were issued. From the beginning of 2015 the issued punitive decrees are 5." The quoted finding is in stark contrast with the number of irregularities, uncovered by investigative media reports and also supported by the data in the present newsletter.

The data makes clear that the national level institutions do not have details regarding how these address registrations were carried out – in person (by the individuals) or by authorized representative (indicating involvement of unknown participants in the process). This constitutes yet another example demonstrating the need of a different approach in the fight against corruption in the electoral process, and in particular – of complex issues, such as vote buying, controlled voting, and exerting pressure on voters.

On the basis of the data can be made the conclusion that at present the control over law implementation is formal and ineffective, and does not serve as a tool for prevention of election fraud. Despite the fact that the amendments in the legislation introduced in the last 2 years were targeted towards limiting the violations, the institutions have not developed and implemented in their practice efficient mechanisms to de facto utilize these legal provisions.

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Presently it is necessary that efforts are focused in several key aspects:

- 🌐 Launching a thorough investigation of the current address registration that would cover all municipalities for the period from January 2015 to April 2015. This process should include the institutions with vested legal responsibilities;
- 🌐 Cancellation of the registrations conducted in violation of the Civil Registration Act – on the basis of the results from the inspections and recommendations by the officials authorized to carry out such checks, including inspections on the basis of judicial acts.
- 🌐 Imposing sanctions on officials that have allowed registrations in violation of the law (entries without necessary documents, on nonexistent addresses in building, in retail outlets, or in violation of the set minimal requirements for space in the housing, etc.)
- 🌐 Establishing of mechanism for exchange of information and cooperation between all institutions with control functions regarding the implementation of the Civil Registration Act – with the aim to build a system for prevention of this type of violations in the future;
- 🌐 Amendment of the Civil Registration Act that provision default cancelation of all registrations conducted in violation of the law. This amendment is necessary with regard to the concrete circumstances, and with the aim to minimize the risk of possible judicial decisions that overturn registrations after the deadline for preparation of the complete voting lists.