

## **Report by the CLRAE observer delegation of the Mayor and Municipal elections held in Bulgaria on 16 and 23 October 1999**

Report adopted by the Standing Committee  
on 24 November 1999

### **1. INTRODUCTION**

By letter of 1<sup>st</sup> October the Permanent Representation of the Republic of Bulgaria to the Council of Europe informed the President of the CLRAE that the Government of Bulgaria saw no objection to a visit of a CLRAE delegation to observe the forthcoming elections for Mayors and municipal councils in the country foreseen for 16 October 1999 (second round 23 October 1999), as decided by Presidential decree on 6 August 1999.

In his reply of 4 October, the President of the CLRAE indicated his wish to respond positively to this overture. On 6 October, a letter was received from the Bulgarian Permanent Representation describing the practical and detailed arrangements for the CLRAE visit and on 8 October, the Central Election Commission accredited members of the CLRAE delegation.

### **2. COMPOSITION OF THE DELEGATION**

**Mr Claude Casagrande** (France), Head of the delegation; **Mr Louis Roppe** (Belgium), **Mr Keith Whitmore** (United Kingdom); **Mr Horst Lässig** (Germany); **Mrs Irma Pellinen** (Finland); and **Mr Ulrich Mentz** (Consultant).

The delegation was accompanied by the CLRAE Secretariat, **Mr Richard Hartley** and **Ms Liri Kopaci**.

### **3. PROGRAMME IN SOFIA**

The delegation arrived in Sofia on 14 October.

The day of 15 October was taken up by meetings in Sofia with the Central Election Committee and representatives of the principal political groups represented in the Parliament., ie. the Parliamentary Group of the Democratic Left (Socialist party); the Euroleft Group; the Union for National Salvation; the People's Union; and the Union of Democratic Forces (UDF) and the Movement for Rights and Freedom.

Later in the day, there was a meeting with the Bulgarian National Association of Municipalities.

### **4. VISITS IN BULGARIA**

The delegation of eight was divided in to four groups of two persons, each with car, interpreter and for three of the groups a representative from the government, as follows:

#### **a. Varna and Dobric**

Mr Roppe and Ms Kopaci

#### **b. Veliko-Turnovo – Rousse – Razgrad**

Mr Casagrande and Mr Mentz.

#### **c. Sliven and Plovdiv**

Mr Lässig and Mrs Pellinen

#### **d. Sofia and Blagoevgrad**

Mr Whitmore and Mr Hartley.

Logistics, transport, hotel and interpretation was arranged by the Secretariat of the Council of Ministers of Bulgaria, with assistance from respective regional Governors offices in the areas visited.

At all destinations, the delegations met the local and sectoral electoral commission and representatives of the political parties involved, as well as visiting polling stations in the towns and surrounding areas – approximately 80 in total for the delegation as a whole.

## 5. POLITICAL BACKGROUND

The last municipal elections had been held in 1995, on which occasion the Bulgarian Socialist Party had won 194 seats, ie. considerably more than all other parties including the principal opposition party, the Union of Democratic Forces (UDF).

Shortly afterwards, Bulgaria entered into a profound social and economic crisis with a spiralling inflation, severe economic hardship, collapse of banks and widespread civic unrest.

The Presidential elections of 1996 swung in favour of the former opposition group, the UDF, as did the 1997 Parliamentary elections, giving the UDF a comfortable Parliamentary majority.

Painful but necessary economic reforms since have brought about a degree of stability in the country.

For the municipal elections in 1999, the stage was therefore set for a contest characterised by a UDF wishing to extend its Parliamentary majority into the municipal domain; a Socialist party wishing to maintain the ground it had won at the 1995 municipal elections; and a number of independent candidates, some of whom had been former members of the Socialist party and elected as such in 1995, determined to remain in office.

As a consequence, the political climate was likely to be energetic and controversial. Indeed, beforehand, the CLRAE Secretariat had received a number of complaints about alleged inequalities and malpractice, as had the Central Electoral Committee in Sofia. Part of the explanation may have been the existence of many parties – 95 as against 64 in the previous election.

## 6. BULGARIA AND THE CLRAE

In 1991, the CLRAE had observed the municipal elections, the first in the country after the political changes of the early Nineties.

A delegation was also present in the country for the 1995 elections.

In 1998, the CLRAE had produced a report for the Plenary Session on the situation of local and regional government in Bulgaria, accompanied by Recommendation 45 (1998) which made a number of proposals, including one of the establishment of elected regional councils, parallel to the existing system of governors appointed by central authorities. This question was further explored by a CLRAE Seminar on regionalisation, held in Rouse in 1998.

More recently, the CLRAE was asked to give an opinion on Amendments to the law on local elections and to local government legislation. These concerned principally a change whereby communities with less than 500 persons would not elect their own councils or mayors but that such Mayors and Councils would be appointed by a larger, neighbouring district elected municipal Council and mayor.

A second proposal, equally controversial, was that in the 24 districts of Sofia, the 6 of Plovdiv and the 4 of Varna, there would no longer be directly elected district councils and mayors, but rather persons appointed by the elected town municipal council and mayor.

An appeal was made by a number of Bulgarian parliamentarians to the Supreme Administrative Court, objecting to such amendments. Asked for its opinion, the CLRAE considered that such changes were not in contradiction to the European Charter of Local Self-Government.

They were adopted at the end of July 1999.

## 7. COMPLAINTS HEARD BY THE DELEGATION

The CLRAE delegation heard a wide range when in Bulgaria:-

- alleged campaign expenditure in excess of the ceiling stipulated in the electoral law; use of public funds for electoral purposes;
- unequal access to media, periodic censorship, bias in the National Radio and TV Council;
- misuse of official positions, material and vehicles for campaign purposes;
- excessive involvement of the Government, Ministers and Regional Governors in the campaign;
- examination of local government accounts by the State Audit Office, the timing of which was considered to be politically motivated;
- threats of loss of employment or subsidies unless votes were cast appropriately, pressure on candidates to withdraw, on citizens to display campaign posters, threats or actual cases of physical assault;

- imbalance in membership of Electoral Commissions, lack of registration of candidates by commissions.

The reaction of the CLRAE delegation to such allegations was that:

- first and foremost, the delegation was not present in Bulgaria to conduct a judicial investigation and that the responsibility for examining such allegations lay with domestic procedures and electoral and judicial institutions;

- whilst there may have been some excesses arising out of passion and the natural desire to win, that they were unlikely to significantly affect the outcome and, with few exceptions, were not beyond what would normally be expected to take place in an electoral campaign;

- that nonetheless there may be a requirement to clarify certain articles of the Electoral law in order to avoid contradictions and misinterpretation

- that in many cases, the allegations were countered by opposition parties and that some were manifestly exaggerated or unsubstantiated.

## 8. POSITIVE ASPECTS

The delegation was satisfied that the membership of Commissions, which the Electoral law stipulated should be in proportion to the strength of parties represented at the Parliament, was politically balanced; and that such composition had been the subject of consensus between political parties beforehand

The system of appeal against alleged infringements was satisfactory, passing through the local Electoral Commissions to the Central Electoral Commission and, if necessary, to the Supreme Administrative Court.

The delegation was particularly impressed by the professionalism and efficiency of the organisation of the campaign and the day of voting. The electoral lists were generally in order. In cases where voters were not registered there were sufficient procedures to enable them to do so. There were adequate guarantees against multiple voting. In all cases observers from political parties and the two NGO's in Bulgaria for observing elections could be and were present throughout in all voting stations and the counting.

Even the controversial question about communities of less than 500 population, not being able to vote for their **own** municipal council and mayor, was not an objective concern amongst the voters and local electoral commissions in such communities where members of the delegation had the opportunity of discussion.

However, the delegation noted that some improvements could be made, details of which appear below in the chapter "Recommendations".

## 9. PRESS AND PUBLICITY

There was a considerable exposure of the delegation to the media both in Sofia and at the different destinations. In some cases, this was inappropriate. For example, at one meeting in Sofia with representatives of one of the main parties, the delegation had to ask for the media to leave the room in order to ensure free discussion.

On 17 October, upon return by the different delegates to Sofia, a CLRAE Press Conference was organised, lasting for nearly an hour, in the presence of 50 or more journalists.

On 18 October, the delegation issued a Press Communiqué (see attached).

## 10. RESULTS

At approximately 50 per cent, voter turnout was lower than on earlier occasions.

Run offs were held in 200 municipalities on the occasion of the second round, 23 October.

The results of the major political parties and groups are as follows:

### Municipal councils Mayors

Union of Democratic 30.26% 38.78%

Forces

Democratic Left coalition

(Bulgarian Socialist Party

and Political Club "Ecoglasnost") 25.01% 24.06%

People's Union 24.39% 29.85%

(Bulgarian Agrarian National

Union and Democratic Party)

Turkish movement for rights 6.11% 4.71%

and freedoms

Bulgarian Euro-Left 6.58% 6.29%

## 11. RECOMMENDATIONS

Following its visit the CLRAE delegation would wish to formulate a number of recommendations for the attention of the Bulgarian authorities.

### **a. Voting for handicapped, ill or illiterate persons.**

Current legislation obliges persons, irrespective of their state of health, to be present at the polling station if they wish to exercise their democratic right of voting. Ill or handicapped or illiterate persons may be assisted in such attendance but clearly this is not always practicable or desirable.

Some alternative arrangements such as voting by procuration or by an ambulatory ballot box could be considered.

### **b. Postal voting**

For a variety of perfectly valid reasons, a voter may be absent from his/her constituency on the day of polling.

A system of vote by correspondence, beforehand, could solve this problem.

### **c. Exclusion of voting by prisoners**

Current legislation prevents persons in custody, other than those awaiting trial, from voting. In cases where prisoners have lost civic rights, such exclusion is justifiable. In other cases, there is no reason to exclude this category of voter.

### **d. Ballot papers**

The ballot papers, in the interests of objectivity, are colourless and make no distinction between parties.

However, for voters who have difficulty in reading or in comprehension, the recognisable party symbols could be printed next to the names of the parties or persons in question.

### **e. Electoral commissions**

Whilst the delegation was completely satisfied that the composition of electoral commissions was politically balanced (composition of the CEC was the same as in previous elections) they are naturally at the forefront of criticism, given their pivotal and crucial position in the electoral process.

There may be therefore a case for giving such commissions a more permanent and institutionalised structure to ensure that they are above party considerations and like Caesar's wife, above suspicion.

### **f. Clarification of the electoral law**

In order to avoid disputes in the future, it may be advisable to amend certain aspects of the electoral law which caused controversy on this occasion:-

### **(i) The involvement of government ministers in the electoral campaign**

It is unreasonable to expect a government and its ministers, in their political rather than their governmental capacity, to refrain from being involved in the campaign, yet the current electoral legislation denies this.

It would be useful to modify the relevant Article of the electoral law, in order to permit Ministers and members of the Government in question, in their role as leaders or members of political parties, to express their support for candidates if they so wish, without of course infringing other Articles of the electoral law restricting use of public funds or positions.

### **(ii) Campaign finance**

It would be advisable to improve mechanisms for control of campaign expenditure irrespective of the origin of finance, to ensure balance and equity between parties and candidates.

### **(iii) Access to media**

As with campaign finance, it would be advisable to stipulate more clearly in the electoral law, the limits and scope of access to media, in order to ensure that political parties and candidates have equal access to the media.

### **g. Regional councils**

Some of the concerns expressed to the delegation related to the excessive role of the regional governmental authorities in the campaign.

The dividing line between involvement for necessary organisational and assistance purposes on the one hand and exertion of influence, on the other, is a fine one.

There may be a case for a clearer definition, within the electoral law, of the role of regional governmental administrations.

The question, however, has a wider political significance. There are no elected regional councils in Bulgaria. The CLRAE delegation therefore would repeat the recommendation already made by the CLRAE at the 1998 Plenary Session that a system of elected regional councils be established, as democratic bodies parallel to the appointed Governors representing the interests of the State in respective regions.

### **h. Political parties**

In order to reduce the proliferation of political parties contesting the elections (96) it would be advisable to enact appropriate legislation, already the subject of Parliamentary discussion, aimed at more closely defining the conditions for the establishment of parties.

## **12. CONCLUSION**

The delegation was satisfied that the day of polling and the prior electoral Campaign had been conducted in an acceptable manner, despite a cluster of accusations and counter-accusations, most of which were concerned with access to media and finance.

It is up to the relevant domestic judicial and electoral authorities to examine outstanding alleged irregular incidents and practice. Whilst the delegation would expect to be fully informed of the outcome of such enquiries, it does not consider that such incidents affected significantly the climate or the results of an election and campaign characterised above all by efficiency and professionalism.

As is the case with any member country, the Bureau of the CLRAE is free at any time to ask its Rapporteur Group for a country in question to make a fact-finding mission to examine wider issues relevant to local and regional government. It is likely that this will happen in the not too distant future for Bulgaria, in relation to the follow-up in the country given to proposals contained in CLRAE Recommendation 45 (1998).

As far as the municipal elections of 17 and 23 October are concerned, however, the CLRAE would confine its recommendations to those made above in the current report.

Bulgarian elections "well organised and satisfactory" says CLRAE delegation

**STRASBOURG, 18.10.99 - Well-organised and satisfactory was the verdict of a delegation of the Council of Europe's Congress of Local and Regional Authorities of Europe (CLRAE), present in Bulgaria from 14 to 17 October, in order to observe the first round of the elections for Mayors and municipal councils, held throughout the country on 16 October.**

In reaching this conclusion, the delegation had held discussions with the central, municipal and sectoral electoral commissions; representatives of political parties and candidates; domestic political observers from parties and specialist NGO's; and voters.

On the day of polling the delegation freely visited approximately 80 polling stations in the towns and outlying regions of Sofia, Blagoevgrad, Sliven, Plovdiv, Rousse, Veliko Turnovo, Razgrad, Varna and Dobric.

At the end of their visits on 17 October, the delegation gave a Press Conference in Sofia.

The delegation was satisfied that the occasionally impassioned nature of the electoral campaign had remained within acceptable limits and that the mechanisms for examining a range of allegations, mostly relating to unequal access to finance and the media, had functioned properly.

The delegation will nonetheless be making a number of recommendations for improvements and clarifications in electoral law and practice, to be contained in a report to be presented to its Bureau on 25 October.

Members of the delegation were Claude Casagrande (France), Head of the delegation; Louis Roppe (Belgium); Keith Whitmore (United Kingdom); Horst Lässig (Germany); Irma Pellinen (Finland); and Ulrich Mentz (Consultant).

Further details can be obtained from **Richard Hartley** or **Liri Kopaci**

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