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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**DRAFT**  
**ELECTION CODE**  
**OF BULGARIA**

**PART ONE  
GENERAL RULES**

**Chapter One  
GENERAL DISPOSITIONS**

**Section I  
Subject Matter, scope and principles**

**Subject Matter**

**Article 1.** This Code establishes:

1. the arrangements and procedure for conduct of elections in the Republic of Bulgaria;
2. contestation over the election results;
3. the arrangements and procedure for filling elective offices.

**Scope**

**Article 2.** This Code shall be applied with elections for:

1. National Representatives for the National Assembly;
2. National Representatives for the Grand National Assembly;
3. President and Vice President of the Republic;
4. Members of the European Parliament for the Republic of Bulgaria;
5. Municipal councillors;
6. Municipality mayors, borough mayors and mayoralty mayors.

**Principles**

**Article 3.** (1) Elections shall be conducted on the basis of universal, equal and direct suffrage in a secret ballot and shall provide free expression of voters' will. Voting shall be personal.

(2) Each voter shall be entitled to a single vote.

(3) The right to elect shall vest in the Bulgarian citizens and the nationals of another Member State of the European Union according to the arrangements and procedure as laid down in the Constitution and in Part Two of this Code.

(4) The right to be elected shall vest in the Bulgarian citizens and the nationals of another Member State of the European Union according to the arrangements and procedure as laid down in the Constitution and in Part Two of this Code.

**Section II**

**Scheduling and Determining the Election Day. Election Stationery**

**Scheduling of Elections**

**Article 4.** (1) Elections of National Representatives to the National Assembly and of municipal councillors and mayors shall be scheduled by the President of the Republic not later than 60 days in advance of Election Day.

(2) Elections of Members of the European Parliament for the Republic of Bulgaria shall be conducted in conformity with the election period as may be determined by the Council of the European Union and shall be scheduled by the President of the Republic not later than 60 days in advance of Election Day.

(3) Elections of the Grand National Assembly shall be scheduled by the President of the Republic within the period under Article 160, paragraph (2) herein of the Constitution.

(4) Elections of President and Vice President of the Republic shall be scheduled by the National Assembly not later than 60 days in advance of Election Day.

**Determining the Election Day**

**Article 5.** Elections shall be conducted on a single day, which is a non-working day for the whole country.

### **Election Stationery**

**Article 6.** (1) The Central Election Commission shall endorse the standard forms of the election stationery for all types of elections and shall alter them if necessary. The standard forms of the election stationery and the amendments thereto shall be promulgated in the State Gazette.

(2) The election stationery endorsed for general elections of municipal councillors and mayors shall also be applied accordingly, when by-elections and new elections are conducted.

(3) The Central Election Commission, in co-ordination with the Council of Ministers, shall determine the arrangements and procedure for the printing, storage and dissemination of election stationery and materials, and including for the storage of the machine voting technical devices. The Central Election Commission shall exercise control on the printing, storage and dissemination of election stationery and materials, and including on the storage of the machine voting technical devices.

(4) In case of detection of an omission or technical error in the election stationery, the Central Election Commission shall make a correction not later than 5 days as of the day of its detection. The Central Election Commission shall without delay promulgate such correction in the State Gazette.

## **Chapter Two CONSTITUENCIES AND POLLING STATIONS**

### **Section I Constituencies**

#### **Types of constituencies**

**Article 7.** (1) For the purposes of conducting elections the territory of Bulgaria shall be divided into constituencies.

(2) A constituency shall be the territory, wherefrom National Representatives, President and Vice President of the Republic, Members of the European Parliament for the Republic of Bulgaria, municipal councillors and mayors shall be elected.

(3) A constituency shall be either single-member or multi-member.

(4) A constituency is single-member when one candidate or one candidate couple of the same candidate list is elected.

(5) A constituency is multi-member when two or more candidates are elected there.

### **Section II Polling Stations in Bulgaria**

#### **Establishment of Polling Stations in Bulgaria**

**Article 8.** (1) Voting and vote counting shall be conducted in polling stations.

(2) The municipality mayor shall issue an order establishing the polling stations within the territory of the municipality not later than 55 days in advance of Election Day and shall endorse the numbering, scope and address of the said polling stations. Within the period under sentence one the mayor shall transmit to the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works in the respective province a copy of the order of the territorial units.

(3) The municipality mayor shall be required to provide appropriate premises for the polling stations, and including for the polling stations for the mobile section election commissions to ensure the proper course of the Election Day.

(4) The mayor's order as referred to in paragraph (2) herein shall be made public. It shall be appealable by the persons concerned not later than 7 days as of its announcement before the regional governor, who shall, within a 3-day term, render a decision, which shall be made public. The decision of the regional governor shall be appealable within a 3-day term as of the day of its announcement before the respective administrative court. The Court shall examine the complaint sitting in public session within a 3-day term as of the day of its receipt,

subject to summoning of the persons concerned. The decision of the Court shall be made public without delay and shall not be subject to appeal.

(5) The amendments made to numbering, scope or address of polling stations shall be reflected in the electoral rolls.

(6) Within a period not later than 40 days in advance of Election Day municipality mayors shall notify the constituency or municipal election commission of the addresses of polling stations.

(7) Upon creation of a new municipality, the polling stations shall be established by the interim mayor as appointed by the regional governor according to [Article 4, paragraph \(2\) herein of the Local Self-government and Local Administration Act](#). The order shall be made public and shall be appealable within the period as referred to in paragraph (4) herein.

(8) The constituency or municipal election commission shall generate the uniform numbers of the polling stations in the constituency or the municipality in accordance with the uniform numbering of the polling stations determined by decision of the Central Election Commission, not later than 35 days in advance of Election Day.

### **Requirements to the Establishment of Polling Stations**

**Article 9.** (1) One polling station shall include up to 1000 voters, except in the cases under [Article 93, paragraph \(4\) herein of the Civil Registration Act](#).

(2) In the nucleated settlements there shall be established as many polling stations as the times the number 1,000 is contained in the number of voters. If there is a remainder, an additional polling station may be established.

(3) In spatially self-contained nucleated settlements, the municipality mayor may establish polling stations with not fewer than 20 voters.

(4) Upon conduct of elections of municipal councillors and mayors, in the nucleated settlements there shall be established as many polling stations as the times the number 1,000 is contained in the number of voters. If there is a remainder greater than or equal to 500, a separate polling station shall be established. If there is a remainder of less than 500 voters, two polling stations shall be established with less than 1000 voters each or one polling station with less than 1000, but any such section may not include fewer than 30 voters. In nucleated settlements with less than 1000 voters a separate polling station shall be established.

(5) The boundaries of polling stations shall reckon with the boundaries of the nucleated settlements. The boundaries of polling stations in cities subdivided into boroughs shall reckon with the borough boundaries.

(6) Upon conduct of elections of National Representatives, of Members of the European Parliament for the Republic of Bulgaria and of President and Vice President of the Republic, polling stations shall be established at medical-treatment and health-care facilities, assisted-living facilities and other specialised social service institutions and on board navigation vessels flying the Bulgarian flag while on international voyage provided that there are not fewer than 10 voters.

(7) Upon conduct of elections of municipal councillors and mayors, polling stations shall be established in medical-treatment and health-care facilities, assisted-living facilities and other specialised social service institutions provided that there are not fewer than 10 voters, who have lived during the last 6 months in advance of Election Day in the respective nucleated settlement, within the territory of which is located the respective facility, home or other specialised social institution.

(8) The polling stations as referred to in paragraphs (6) and (7) shall be established by the managers of the facilities, assisted-living facilities, other specialised social institutions and by the masters of the navigation vessels, not later than 48 hours in advance of Election Day, of which they shall notify the mayor of the municipality within the territory whereof the facilities, assisted-living facilities and the other specialised social institutions, and the competent constituency or municipal election commission.

(9) The detainees in respect of whom there is no enforceable sentence may vote at the detention centres, where it is possible to establish a polling station there according to the procedure established by Paragraph (6) herein or (7).

### **Polling Stations for Voters with Sight or Locomotor Impairment**

**Article 10.** (1) Where in a building with more than one storey there are polling stations on floors above ground level as well, the constituency or the municipal election commissions shall adopt a decision designating a polling station on the first floor (ground floor) which has the smallest number of voters according to electoral roll, for voting by voters with locomotor or sight impairment.

(2) A sign and other distinguishing marks, showing the additional assigned purpose of the polling station referred to in Paragraph (1) herein, shall be placed in front of the said polling station.

## **Section III Polling Stations Abroad**

### **Determining the Arrangements and Procedure for Establishment of Polling Stations**

**Article 11.** (1) The Central Election Commission shall determine the arrangements and procedure for establishment of polling stations abroad, including the terms, procedure and organisation for voting of Bulgarian citizens abroad, not later than 57 days in advance of Election Day.

(2) The Central Election Commission shall transmit without delay the decision as referred to in paragraph (1) herein to the Ministry of Foreign Affairs.

### **Determining the Voting Locations**

**Article 12.** The Central Election Commission shall, not later than 21 days in advance of Election Day, determine the places in the states where polling stations abroad will be established and the number of polling stations at each nucleated settlement on the basis of the summarised data under Article 14. The decision of the Central Election Commission shall be appealable according to the terms as referred to in Article 58 herein.

### **Competent Body in the Establishment of Polling Stations**

**Article 13.** (1) Upon conduct of elections of National Representatives, of President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria, the heads of diplomatic missions and consular posts of the Republic of Bulgaria shall establish polling stations abroad observing the legislation of the receiving State.

(2) The heads of diplomatic missions and consular posts shall determine the location of polling stations abroad on the basis of the territorial distribution of Bulgarian community in the respective place.

(3) The organisations of Bulgarian citizens in the respective nucleated settlement may make a proposal as to the location of polling stations abroad to the heads of diplomatic missions and consular posts. Such proposal shall be made not later than 25 days in advance of Election Day.

(4) The heads of diplomatic missions and consular posts may determine the location of polling stations abroad on the basis of the proposals as referred to in paragraph (3) herein.

(5) The polling stations shall be established by order of the heads of diplomatic missions and consular posts of the Republic of Bulgaria not later than 18 days in advance of Election Day on the basis of the decision of the Central Election Commission under Article 12. The order shall state the location of polling stations locally.

(6) The order as referred to in paragraph (5) herein shall be made public and shall be appealable within a 3-day term as of its announcement before the Central Election Commission, which shall, within a 3-day term, pronounce by a decision, which shall be made public. The decision of the Central Election Commission shall be appealable according to the terms as referred to in Article 58 herein.

### **Establishment of Polling Stations Abroad**

**Article 14.** The polling stations abroad shall be established:

1. where there is a diplomatic mission or consular post: provided there are not fewer than 20 voters who have submitted an application under Article 16, paragraph (1) herein;
2. other than Item 1: provided that there are not fewer than 40 voters who have submitted an application under Article 16, paragraph (1) herein; upon elections of Members of the European Parliament for the Republic of Bulgaria such polling stations shall be established solely in Member States of the European Union;
3. in places, where at elections conducted fewer than 5 years in advance of Election Day there had been at least one polling station established where not fewer than 250 voters had voted; the list of locations shall be made public by the Central Election Commission not later than 50 days in advance of Election Day;
4. in nucleated settlements other than those referred to in Items 1—3, at the discretion of the heads of diplomatic missions and consular posts and on the basis of the total number of applications submitted or of the total number of the persons who have voted at precedent elections, and including where the number of applications submitted for a certain location has been fewer than 40; the heads of diplomatic missions and consular posts of the Republic of Bulgaria shall transmit a reasoned proposal to the Central Election Commission not later than 22 days in advance of Election Day.

#### **Establishment of New Polling Stations**

**Article 15.** Where the number of the voters under Article 14 herein exceeds 500, as many polling stations shall be established, as the times the number 500 is contained in the number of voters. If there is a remainder an additional polling station may be established.

#### **Procedure for Submitting Requests for Establishment of Polling Stations Abroad**

**Article 16.** (1) A Bulgarian citizen, who meets the requirements for the respective type of election under Article 243, paragraph (1) herein, Article 307 or Article 350, paragraph (1) herein and expresses the desire to vote, shall declare this not later than 25 days in advance of Election Day by a declaration in writing signed in person and delivered in person or posted as a letter to the diplomatic mission or consular post of the Republic of Bulgaria in the receiving State or by an electronic declaration via the Internet site of the Central Election Commission. One letter may contain more than one declaration, and each declaration may contain the name of one person only.

(2) In the declaration as referred to in paragraph (1) herein, the voter shall write in Bulgarian his names according to his passport, military identity card or identity card, his Uniform Civil Number and his permanent address in the Republic of Bulgaria. The voter shall write in both in Cyrillic and Latin script the location abroad, where he expresses the desire to vote. The voter may specify an e-mail address or a contact phone number in his declaration, which will be used to notify him of the result of the check under Article 17, paragraph (3) herein.

(3) Upon conduct of elections of Members of the European Parliament for the Republic of Bulgaria, the voter shall present a declaration form that he meets the requirements as referred to in Article 359, paragraph (1) herein.

#### **Publication of Declarations and Data Check**

**Article 17.** (1) The heads of the diplomatic mission or consular post of the Republic of Bulgaria shall transmit without delay to the Central Election Commission the declarations received under Article 16, paragraph (1) herein by electronic means.

(2) The declarations received shall be published without delay at the Internet site of the Central Election Commission, subject to the requirements of the Personal Data Protection Act.

(3) The Central Election Commission shall check out the data under Article 16, paragraph (2) herein, not later than 22 days in advance of Election Day. The check of the electronic declarations received shall be made in an automated manner simultaneously with the submission thereof. The data in the declarations received in writing via the diplomatic missions and consular posts shall be checked upon their entering according to the procedure of paragraph (1) herein. A voter, whose declaration has not been confirmed, but who has stated

an e-mail address or contact telephone shall be notified without delay.

(4) The Central Election Commission shall check whether the persons under Article 16, paragraph (1) herein, meet the requirements under Article 243, paragraph (1) herein, Article 307 or Article 350, paragraph (1) herein, not later than 22 days in advance of Election Day.

(5) For the purposes of the check as referred to in paragraphs 3 and 4, the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works shall provide to the Central Election Commission access to the data in the National Population Register. On the basis of the results of the check, the Central Election Commission shall transmit without delay to the Ministry of Foreign Affairs the information under Article 16, paragraph (2) herein, solely on the persons who do not have the right to vote and solely on the locations where polling stations are established.

(6) The Ministry of Foreign Affairs shall, not later than 20 days in advance of Election Day, summarise the data by States and transmit it without delay to the heads of the respective diplomatic missions and consular posts to establish polling stations and to inscribe the persons in the lists referred to in Article 31, paragraph (1) herein.

### **Chapter Three ADMINISTRATIVE PREPARATION OF ELECTIONS**

#### **Section I Logistical Preparation for Elections**

##### **Competent body. Estimate for the Elections**

**Article 18.** (1) The administrative and logistical preparation of Elections, including the technical equipment and consumables thereto shall be implemented by the Council of Ministers and by the provincial and municipal administrations in interaction with the election commissions.

(2) The expenditures on the preparation and conduct of the elections shall be at the account of the State budget, according to an estimate adopted by the Council of Ministers, at the proposal of the Central Election Commission. The estimate for the elections shall be adopted not later than 55 days in advance of Election Day.

(4) The funds for the administrative preparation of the Elections shall be provided to the municipal, or to the provincial administrations, respectively, not later than 30 days in advance of Election Day.

(5) Not later than 7 days as of the date of scheduling of the Elections, the Council of Ministers may assign the coordination and implementation of the activities as referred to in paragraph (1) herein to a particular minister.

##### **Applications, Complaints, Certificates and Other Papers**

**Article 19.** (1) Any applications, complaints, certificates or other papers under this Code shall be exempt from stamp duty.

(2) Any documents under this Code, which are issued in a foreign language, shall be presented accompanied by a legalised translation into the Bulgarian language.

#### **Section II Preparation and Organisation of Elections Abroad**

##### **Publishing the Arrangements and Procedure for Conduct of Elections Abroad**

**Article 20.** The Minister of Foreign Affairs and the heads of diplomatic missions and consular posts of the Republic of Bulgaria shall publish without delay on the Internet site of the Ministry of Foreign Affairs and of the diplomatic missions and consular posts the terms and procedure for establishment of polling stations abroad, including the terms, procedure and organisation for voting of Bulgarian citizens abroad.

##### **Consent of the Receiving State**

**Article 21.** (1) The heads of diplomatic missions and consular posts of the Republic of Bulgaria must without delay, but not later than 45 days in advance of Election Day, request the consent of the receiving State for:

1. the conduct of Elections;
2. opening polling stations in the diplomatic missions and consular posts;
3. opening polling stations at places other than the diplomatic missions and consular posts;
4. opening polling stations in a State, where the Republic of Bulgaria has no diplomatic mission or consular post, but has diplomatic relations with and has appointed an accredited ambassador.

(2) The heads of diplomatic missions and consular posts shall notify without delay the Ministry of Foreign Affairs of the responses received from the receiving State. The Ministry of Foreign Affairs shall without delay notify the Central Election Commission.

### **Assistance**

**Article 22.** (1) The heads of diplomatic missions and consular posts of the Republic of Bulgaria shall render administrative and logistical assistance of the candidates and the representatives of the political parties, the coalitions of political parties and the nomination committees which have registered candidates upon the holding of sessions with the voters.

(2) The heads of diplomatic missions and consular posts of the Republic of Bulgaria shall call for assistance to organisations of Bulgarian citizens abroad. The organisations may assist the activity on the preparation and organisation of Elections abroad by making proposals on the locations of polling stations, provide contacts with the local administration, an appropriate hall for conduct of elections, ballot-boxes, a scanner, mobile Internet and other equipment.

## **Chapter Four ROLLS**

### **Section I Electoral Rolls**

#### **Competent Body**

**Article 23.** (1) The electoral rolls shall be compiled by the municipal administrations in the nucleated settlements where a population register is kept and shall be signed by the municipality mayor or, respectively, by the mayoralty mayor or by the lieutenant mayor, and by the municipal secretary. In the cities subdivided into boroughs, the electoral rolls shall be signed by the borough mayor and secretary.

(2) Each voter shall be entered on a single electoral roll.

#### **Manner of Compilation of Electoral Rolls**

**Article 24.** (1) The electoral rolls shall be compiled separately for each polling station. The preliminary electoral rolls shall be displayed in advance at a prominent place in the area of the polling station and shall be published on the Internet site of the relevant municipality. The electoral rolls shall be delivered by the section election commissions on the day before the Election Day.

(2) The electoral rolls shall be compiled by permanent address.

(3) If the name of the nucleated settlement, street, residential complex or the numbering of the residential building has been altered within the six months last preceding Election Day, the municipality shall prepare a list of the alterations, which shall be provided to the section commissions.

#### **Compilation of Electoral Rolls**

**Article 25.** (1) Upon conduct of elections of National Representatives and for President and Vice President of the Republic the electoral rolls shall be compiled in one part, where all



Bulgarian citizens, who are entitled to vote in the respective type of election, shall be entered.

(2) Upon conduct of elections of Members of the European Parliament for the Republic of Bulgaria and for municipal councillors and for mayors the electoral rolls shall be compiled in two parts: part I and part II. Part I shall enter all Bulgarian citizens, who are entitled to vote in the respective type of election, part II shall enter the nationals of another Member State of the European Union, who are entitled to vote in the respective type of election.

(3) Voters shall be entered on electoral rolls, including in Part I of the electoral rolls, in alphabetical order, stating the names of the voter, the permanent address or the present address, where the voter has submitted a request under Article 53 (1) herein, with the columns for entry of the Standard Public Registry Personal Number and the type and number of the identity document remaining empty and not being completed, and formatting a separate column designated "Notes".

(4) Upon conduct of elections of Members of the European Parliament for the Republic of Bulgaria and for municipal councillors and for mayors, part II of the electoral rolls shall be compiled on the basis of the declarations from the nationals of another Member State of the European Union submitted under Article 359, paragraph (1) herein or under Article 408, paragraph (1) herein.

(5) Voters availing themselves of the provision of § 9a of the Transitional and Final Provisions of the Bulgarian Personal Documents Act, who do not have a declared permanent address, shall be included in the electoral roll according to the address shown in the green passport thereof.

#### **Printing Out Electoral Rolls**

**Article 26.** (1) The electoral rolls, including part I of the electoral rolls, shall be printed out on the basis of the National Population Register of the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works.

(2) Upon conduct of elections of Members of the European Parliament for the Republic of Bulgaria and of municipal councillors and mayors, Part II of the electoral rolls shall be printed out by the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works. The data for the automated printing out of the electoral rolls Part II shall be delivered by the municipality mayor not later than 35 days in advance of Election Day.

#### **Removal, Entries and Additional Entries**

**Article 27.** (1) The names of any citizens, who have become disfranchised or who are deceased and the names of the persons whereof this is explicitly provided for in the Code shall be removed from the electoral rolls.

(2) The Directorate General of Implementation of Penal Sanctions at the Ministry of Justice shall provide the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works data about the persons serving custodial sentences for the automated removal of the said persons from the electoral rolls. The said information shall be provided 55 and 15 days in advance of Election Day, respectively.

(3) The names of any citizens, who have the right to vote in the relevant polling station but have been omitted and those, for whom the ground, on which it was removed has become irrelevant, shall be added to the electoral rolls. Any persons, who have completed the service of a custodial sentence or are no longer interdicted, or in respect of whom the grounds on which they have been deprived of the right to elect in a Member State of the European Union have lapsed, shall be entered on the electoral rolls upon presentation of a relevant document at the municipality or borough, or mayoralty.

(4) The entry as referred to in paragraph (3) herein shall be subject to voter's request by the authorities under Article 23, paragraph (1) herein until the delivery of the rolls to the section election commissions.

(5) The additional entry as referred to in paragraph (3) herein shall be made on the Election Day by the section election commission according to the permanent address

(residence address).

(6) The entry, respectively, the additional entry, shall be made subject to presentation of an identity document and of an abode certificate, in the case of a national of another Member State of the European Union who has within due term submitted a declaration under Article 359, paragraph (1) herein or under Article 408, paragraph (1) herein.

## **Section II**

### **Electoral rolls at medical-treatment and health-care facilities, specialised social institutions, Places of Deprivation of Liberty and Detention, on Board Navigation Vessels**

#### **Electoral Rolls at Medical-Treatment and Health-Care Facilities and Specialised Social Institutions**

**Article 28.** (1) The electoral rolls in medical-treatment and health-care facilities, assisted-living facilities and other specialised social institutions shall be compiled and signed by the manager of the facility, home or other specialised social institution.

(2) The manager of the facility, home or other specialised social institution not later than 48 hours in advance of Election Day shall notify the authorities under Article 23, paragraph (1) herein of the persons entered on the roll, so these might be removed from the electoral rolls according to their permanent address (residence address) prior to transmitting the electoral rolls to the section election commissions.

(3) A voter as referred to in paragraph (2) herein, who on the Election Day is outside of the medical-treatment and health-care facility, home or other specialised social institution, shall be added on the electoral roll by the section election commission according to the permanent address (residence address) subject to presentation of an identity document and of a model declaration that he has not voted and will not vote elsewhere.

#### **Electoral rolls in Places of Deprivation of Liberty and Detention**

**Article 29.** (1) Upon conduct of elections of National Representatives, of President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria, the chiefs of the places of service of custodial sentences and of the detention facilities shall compile and sign electoral rolls of the detainees in respect of whom there is no enforceable sentence.

(2) Upon conduct of elections of municipal councillors and mayors, the chiefs of the places of service of custodial sentences and of the detention facilities shall compile and sign electoral rolls of the detainees in respect of whom there is no enforceable sentence if the relevant place or facility is located in the nucleated settlement where the said persons have resided at least during the last 6 months, according to Article 396, paragraph (1) herein or (2) herein.

(3) The chiefs of the places of service of custodial sentences and of the detention facilities shall notify the authorities referred to in Article 23, paragraph (1) herein not later than 48 hours in advance of Election Day of the persons entered on the roll so that the said persons could be removed from the electoral rolls according to the permanent address (residence address) thereof before delivery of the electoral rolls to the section election commissions.

(4) A voter as referred to in paragraph (3) herein, who on the Election Day is outside of the of the detention facility, shall be added on the electoral roll by the section election commission according to the permanent address (residence address) subject to presentation of an identity document and of a model declaration that he has not voted and will not vote elsewhere.

#### **Electoral rolls of on Board Navigation Vessels**

**Article 30.** (1) Upon conduct of elections of National Representatives, of President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria, the electoral rolls on board navigation vessels flying the Bulgarian flag shall be compiled and signed by the master of the navigation vessel.

(2) The master of the navigation vessel not later than 48 hours in advance of Election Day shall notify the authorities referred to in Article 23, paragraph (1) herein not later than 48 hours in advance of Election Day of the persons entered on the roll so that the said persons could be removed from the electoral rolls according to the permanent address thereof before delivery of the electoral rolls to the section election commissions..

(3) A voter as referred to in paragraph (2) herein, who on the Election Day is outside of the navigation vessel flying the Bulgarian flag, shall be added on the electoral roll by the section election commission according to the permanent address (residence address) subject to presentation of an identity document and of a model declaration that he has not voted and will not vote elsewhere.

### **Section III**

#### **Rolls of Persons Who Have Declared They Would Vote Abroad**

##### **Compiling the rolls**

**Article 31.** (1) Upon conduct of elections of National Representatives, of President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria the heads of diplomatic missions and consular posts of the Republic of Bulgaria shall prepare and sign rolls where the persons as referred to in Article 17, paragraph (6) herein, shall be entered according to the relevant States and locations.

(2) The Ministry of Foreign Affairs shall transmit the summarised data from all States with the names, the Uniform Civil Number and the permanent address in the Republic of Bulgaria of the persons entered on the rolls as referred to in paragraph (1) herein, in a structured electronic fashion to the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works not later than 18 days in advance of Election Day, the said person would be removed from the electoral rolls in the Republic of Bulgaria.

##### **Publishing the Rolls**

**Article 32.** The rolls under Article 31, paragraph (1) herein shall be published by the Minister of Foreign Affairs and by the heads of diplomatic missions and consular posts of the Republic of Bulgaria not later than 18 days in advance of Election Day and, respectively, on the Internet site of the Ministry of Foreign Affairs and of the diplomatic mission and consular post and shall state the names of the voter and the number and address of the polling station. The heads of diplomatic missions and consular posts of the Republic of Bulgaria shall ensure to each voter searchability of the roll by Uniform Civil Number, including by means of a free of charge phone number. Any applications received additionally and any intervening changes in the rolls shall be published without delay.

##### **Appeal and Entry**

**Article 33.** (1) Any persons who have not been entered on a roll under Article 31, paragraph (1) herein, may appeal such non-entry within a 3-day term as of the date of publishing of the list before the Central Election Commission, which shall, within a 3-day term, render a decision, which shall be appealable before the Supreme Administrative Court according to the procedure of Article 58.

(2) Any voter who has not been entered on the roll under Article 31, paragraph (1) herein, but has the right to vote, shall be added on the roll by the section election commission subject to presentation of an identity document and of a model declaration that meets the terms for the respective type of election under Article 243, paragraph (1) herein, Article 307 or Article 350, paragraph (1) herein. Upon conduct of elections of Members of the European Parliament for the Republic of Bulgaria the voter shall furthermore present a model declaration that he has not voted and will not vote elsewhere at the same elections for Members of the European Parliament. All details of the voter stated in his identity document shall be entered on the roll.

(3) Any refusal by a section election commission abroad to admit to voting and to add a vote to the roll on Election Day shall be appealable before the Central Election Commission by electronic means. The Central Election Commission shall pronounce without delay by decision, which shall be made public forthwith on the Internet site of the Commission. The decision shall not be subject to appeal.

## **Section IV Non-Resident Voting Certificates**

### **Issue of Certificates**

**Article 34.** (1) Upon conduct of elections of National Representatives, of President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria Non-Resident Voting Certificates shall be issued only by:

1. the candidates for the respective type of election;
2. the members of the Central Election Commission;
3. the members of the constituency and municipal election commissions;
4. the observers.

(2) Non-Resident Voting Certificates shall be issued upon submission of an application completed in a standard form. The person shall declare in the application that will vote once only.

(3) Non-Resident Voting Certificates shall be issued by the authorities referred to in Article 23, paragraph (1) herein in a single copy not later than 14 days in advance of Election Day.

(4) The authority referred to in Article 23, paragraph (1) herein exercising jurisdiction over the permanent address shall transmit information on the Non-Resident Voting Certificates issued to the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works not later than 12 days in advance of Election Day for the automated removal of the person from the electoral rolls according to the permanent address.

(5) Upon conduct of elections of municipal councillors and for mayors Non-Resident Voting Certificates shall not be issued.

### **Public Register of the Non-Resident Voting Certificates**

**Article 35.** (1) Non-Resident Voting Certificates shall have a uniform numbering for the entire country, including the number of the constituency (borough) within the territory whereof the said certificates are issued, the number of the relevant polling station in which the person is supposed to vote according to the permanent address thereof, and the sequential number in the register for issuing Non-Resident Voting Certificates of the competent municipal administration.

(2) The municipal administration shall keep a public register of the Non-Resident Voting Certificates issued, entering therein the number of the certificate issued, the names and the Uniform Civil Number (Personal Number) of the person whereto the certificate has been issued, the date of issuing and the signature of the person who received the certificate, and noting whether the certificate was received in person or through an authorized representative. The personal data in the register shall be accessed in compliance with the requirements of the Personal Data Protection Act.

(3) Non-Resident Voting Certificates shall be received in person upon signed acknowledgement or through an authorised representative holding a notarised authorisation.

(4) The municipal administrations and the mayoralties shall present to the constituency election commissions a copy of the register of Non-Resident Voting Certificates issued not later than 10 days in advance of Election Day.

(5) Where after issuing of a Non-Resident Voting Certificate, the municipal administration exercising jurisdiction over the permanent address of the voter receives a notification of the entry of the said voter on the electoral roll according to the present address, the said administration shall forthwith notify the municipal administration exercising

jurisdiction over the present address of the Non-Resident Voting Certificate issued. In such case, the voter shall be removed from the electoral roll according to the present address by the municipal administration exercising jurisdiction over the present address, and the grounds for the removal shall be noted in the column designated "Notes" as "Non-Resident Voting Certificate issued".

## **Section V Entry on the Electoral Roll According to Present Address**

### **Entry on the roll**

**Article 36.** (1) Any voter, whereof the permanent and present addresses are located in different nucleated settlements, may request to be entered on the electoral roll according to the present address thereof not later than 14 days in advance of Election Day. Any such request shall be submitted in writing to the municipality mayor, the borough mayor, the mayoralty mayor or to the lieutenant mayor or by an electronic application via the Internet site of the relevant municipality exercising jurisdiction over the present address of the person shall state the Uniform Civil Number of the voter, the type and number of the identity document thereof and signature.

(2) Upon conduct of elections of municipal councillors and mayors, the request referred to in Paragraph (1) herein shall be submitted subject to the condition that the voter has had a present address in the relevant nucleated settlement during the last six months in advance of Election Day. The request referred to in Paragraph (1) herein shall furthermore state the date of the present-address registration.

(3) The authority referred to in Article 23, paragraph (1) herein exercising jurisdiction over the present address shall transmit information on the requests referred to in Paragraph (1) herein which have been submitted to the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works not later than 12 days in advance of Election Day for automated inclusion of the voter in the electoral rolls according to the present address and the removal from the electoral roll according to the permanent address.

(4) for automated inclusion of the voter in the electoral rolls according to the present address and the removal from the electoral roll according to the permanent address.

## **Section VI Voting by Means of Mobile Ballot Box**

### **Submission of an application and entry in mobile ballot-box voting roll**

**Article 37.** (1) Voters with permanent disabilities which prevent them from exercising their franchise at the polling site, who wish to vote by means of a mobile ballot box, shall state the desire thereof not later than 20 days in advance of Election Day in writing by a statement completed in a standard form, signed manually and submitted by means of a letter, a facsimile message or electronic form to the authorities referred to in Article 23, paragraph (1) herein exercising jurisdiction over the permanent address or the present address, where a request under Article 36 herein has been submitted.

(2) Any such statement shall state the names of the voter, his Uniform Civil Number (Personal Number), the permanent address (Personal Number) thereof, the permanent address (residence address) or the present address, where a request under Article 36, herein has been submitted, and a copy of a document issued by the Territorial Medical Expert Board (National Medical Expert Board).

(3) The names of the voter who has submitted a request under Paragraph (1) herein shall be removed from the electoral roll and shall be entered by the authority referred to in Article 23, paragraph (1) herein on a roll for voting by means of a mobile ballot box.

## **Section VII List of the Removed Persons**

**Content of the List**

**Article 38.** (1) The list of the removed persons shall be prepared by the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works.

(2) The list shall contain the names, the Uniform Civil Number and the reason for the removal of the persons who:

1. are under incapacity mandates;
2. are serving custodial sentences, for which there will be no release until the Election Day;
3. are entered on the electoral roll according to their present address;
4. have a Non-Resident Voting Certificate issued;
5. have a voting certificate issued at a defined location;
6. are entered on the rolls referred to in Article 31, paragraph (1) herein;
7. have present address as at the date of compilation of electoral rolls in a State, which is not a Member State of the European Union, upon conduct of elections of Members of the European Parliament for the Republic of Bulgaria;
8. have present address over the last 6 months in advance of the date of conduct of elections in a jurisdiction, which is other than the Republic of Bulgaria, upon conduct of elections of municipal councillors and for mayors.

**Exclusion from the List of the Removed Persons in Advance of Election Day**

**Article 39.** (1) The list of the removed persons shall be published on the Internet site of the relevant municipality not later than 10 days in advance of Election Day and shall state the names of the person, the number and the address of the polling station. Each person may consult the roll.

(2) Any person who is entered on the roll but has the right to vote, may request to be removed from the list by an application written in a standard form to the municipality mayor, the borough mayor, the mayoralty mayor or to the lieutenant mayor or by an electronic application via the Internet site of the relevant municipality, which shall be transmitted without delay by the municipal administration of the competent municipality mayor, borough mayor, mayoralty mayor or lieutenant mayor.

(3) The application shall state evidence and documents certifying the right of the person to vote.

(4) The mayor or the lieutenant mayor shall examine the application without delay and shall pronounce by a reasoned decision.

(5) A refusal of exclusion from the list as referred to in paragraph (1) herein shall be communicated by the applicant without delay and shall be appealable before the respective administrative court within 24 hours as of such communication. The Court shall examine the complaint sitting in public session within 24 hours as of the day of its receipt, subject to summoning of the appellant and of the mayor or the lieutenant mayor. The Court decision shall be made public without delay and shall not be subject to appeal.

(6) On the basis of the decision on exclusion from the list of the removed persons the respective voter shall be added on the electoral roll by the authorities under Article 23, paragraph (1) herein until the delivery of the list to the section election commission.

**Exclusion from the list of the removed persons on the Election Day**

**Article 40.** (1) A voter who on the Election Day establishes that he has been entered on the list of the removed persons, shall have the right to vote if he presents a certificate from the municipality that the reason has become irrelevant or that there is no reason for the entry thereof on the roll or if he shows up at the polling station, which has jurisdiction according to the permanent address in the cases as referred to in Article 38, paragraph (2) herein, Items. 4, 5 and 6 herein.

(2) Such certificate shall be issued by the municipality on the Election Day according to a standard form as approved by the Central Election Commission, subject to a verification

check of whether there is or there is not a reason for entry of the person on the roll. Any refusal to issue the certificate shall be reasoned.

(3) Upon presenting the certificate or of the identity document in the cases referred to in Article 38, paragraph (2) herein, Items. 4, 5 and 6 and of a model declaration that he has not voted and will not vote elsewhere the voter shall be excluded from the list of the removed persons and all his details shall be entered in the additional page of the electoral roll by the chairperson of the section election commission, which has jurisdiction on his permanent address. This certificate shall be attached to the electoral roll, in the column "Notes", the reason for entry shall be marked, "certificate issued by the municipal administration".

(4) Any refusal of the section election commission to make an additional entry shall be appealable before the constituency or municipal election commission, which shall pronounce on the complaint without delay. The decision shall not be subject to appeal.

## **Section VIII Making Public and Publishing Electoral Rolls**

### **Making Public Electoral Rolls**

**Article 41.** (1) The preliminary electoral rolls, including part I, shall be made public by the authorities under Article 23, paragraph (1) herein not later than 40 days in advance of Election Day at a prominent place in the area of the respective polling station.

(2) Upon conduct of elections of Members of the European Parliament for the Republic of Bulgaria and for municipal councillors and for mayors part II of the electoral rolls shall be made public according to the procedure of paragraph (1) herein not later than 25 days in advance of Election Day, and the numbers of the residence certificates and the date of registration stated therein shall be noted in the said part

(3) Not later than 45 in advance of Election Day, the competent municipality mayor shall designate the places referred to in Paragraph (1) herein and shall notify the constituency or the municipal election commission of this.

### **Publishing the electoral rolls**

**Article 42.** (1) The electoral rolls, including part I and part II, shall be published on the Internet site of the relevant municipality and shall state the names of the voter and the number and address of the polling station.

(2) The electoral rolls shall be published not later than 40 days in advance of Election Day in the cases under Article 41, paragraph (1) herein and not later than 25 days in advance of Election Day in the cases under Article 41, paragraph (2) herein.

(3) The competent municipality mayor shall ensure to each voter who is a Bulgarian citizen searchability of the electoral roll by Uniform Civil Number, including by means of a free of charge phone number. Upon conduct of elections of Members of the European Parliament for the Republic of Bulgaria and of municipal councillors and mayors, the competent municipality mayor shall ensure to each voter who is a national of another Member State of the European Union searchability of the electoral roll by Personal Number.

## **Section IX Elimination of Omissions and Errors. Corrections**

### **Omissions and errors in the electoral roll**

**Article 43.** (1) Each voter may request elimination of any omissions and errors in the electoral roll by an application in writing to the municipality mayor, the borough mayor, the mayoralty mayor or the lieutenant mayor. A national of another Member State of the European Union, who has been entered on an electoral roll, may be removed on the basis of an application in writing submitted to the municipality mayor or the lieutenant mayor.

(2) The applications shall be received by the competent administration not later than seven days in advance of Election Day.

(3) The mayor or the lieutenant mayor shall examine any such application within two

days and shall pronounce thereon by a reasoned decision, which shall be made public in a public place.

(4) The decision as referred to in paragraph (3) herein shall be appealable before the respective administrative court within two days as of the date of its announcement. The Court shall examine the complaint and shall pronounce thereon by a judgment within two days as of the date of its receipt sitting in public session, subject to summoning of the appellant and the mayor. The decision referred to in Paragraph (3) herein shall be appealable before the regional court within two days after being made public. The court shall examine the complaint and shall pronounce by a judgment within two days after receipt of the said appeal, sitting in public session with the appellant and the mayor being summoned. The judgment of the court shall be made public forthwith and shall not be subject to appeal.

#### **Corrections and Manner of Removal**

**Article 44.** (1) The corrections in the electoral rolls shall be made public without delay, and shall furthermore be reflected in the rolls published on the Internet site of the relevant municipality.

(2) Removal from the electoral rolls shall be effected in an automated manner prior to the printing out of the said rolls and, after the printing out thereof, by crossing the name with a horizontal line which leaves the removed name legible.

### **Section X**

#### **Appeal of Refusal for Removal, Entry or Additional Entry in the Electoral Roll**

##### **Appeal of Refusal**

**Article 45.** (1) The refusal for removal, entry or additional entry in the electoral roll shall be communicated by the applicant without delay and shall be appealable before the respective administrative court within two days as of the communication. The Court shall examine the complaint sitting in public session within two days as of the day of its receipt, subject to summoning of the appellant and of the authorities as referred to in Article 23, paragraph (1) herein and shall render a decision, which shall be made public without delay and shall not be subject to appeal.

(2) The refusal of the section election commission to make an additional entry of a voter on the Election Day shall be appealable before the constituency election commission, and, respectively, the municipal election commission, which pronounce on the complaint without delay. The decision shall not be subject to appeal.

### **Chapter Five ELECTION COMMISSIONS**

#### **Section I Central Election Commission**

##### **Constitution. Composition**

**Article 46.** (1) a Central Election Commission shall be constituted upon conduct of all types of elections, which is an independent State authority.

(2) The Commission shall be a legal entity, a first-grade budget spending agent, with its seat being situated in Sofia.

(3) The Commission shall be a College and shall consist of 15 members, including chairperson, two deputy chairpersons and secretary who shall be elected by the National Assembly.

(4) Nominations for election of members may be made by the National Representatives and parliamentary groups. The chairperson, the deputy chairpersons and the secretary may not be nominated by the National Representatives from one and the same parliamentary group or by the same parliamentary group.



### **Publicity in Constitution**

**Article 47.** (1) The members of the Central Election Commission shall be elected subject to a conducted public procedure adopted by the National Assembly.

(2) The procedure as referred to in paragraph (1) herein shall state the arrangements and procedure for nomination, presentation and hearing of the candidates. Hearing shall be public.

### **Status**

**Article 48.** (1) The Central Election Commission is a permanently acting authority, which shall be assisted by an administration. The administration of the Commission shall be governed by the applicable law, [the Administration Act](#), the Code does not provide for otherwise.

(2) The activity of the administration shall be implemented by civil servants and by persons employed under employment contracts. To the civil servants employed under employment contracts [Article 107a by the Labour Code](#) shall apply.

(3) The organisation of the activity of the Commission and of the administration shall be governed by Rules, which shall be adopted by the Commission and shall be promulgated in the State Gazette.

### **Seal**

**Article 49.** The Central Election Commission has a seal with its name and an image of the coat of arms of the Republic of Bulgaria.

### **Requirements to Members**

**Article 50.** (1) An eligible member of the Central Election Commission shall be person who:

1. is not interdicted;
2. has a university degree in Law, Informatics, Information Technology and Mathematics with a minimum degree: Master's;
3. has professional experience and length of service and/or period of service as a civil servant in his specialty not less than 10 years;
4. has a good professional reputation and enjoys authority and public confidence.

(2) The chairperson of the Commission must be a qualified lawyer with period of service in law not less than 12 years and must meet the requirements as referred to in paragraph (1) herein.

(3) A person may not be a member of the Commission if:

1. he has been convicted for a premeditated crime of general nature, irrespectively of his rehabilitation;
2. he occupies an elected office in a State authority or in an authority of the Local Self-Government;
3. he is employed under an employment contract or under a civil service contract;
4. he is a spouse or is in cohabitation, or is a relative in lineal consanguinity without limitations or in collateral consanguinity through to fourth grade and including affinity through to second grade, including with another member of the Commission;
5. he is a sole proprietor, a partner in a company, a manager, a business proxy, a business representative, a sales representative, a procurist, a business, a commercial intermediary, a liquidator or a syndic, a member of a management or control body of a company;
6. candidate for the relevant type of election;
7. he is in the management of an election headquarters of a party, of coalition of political parties or of a nomination committee.

(4) The members of the Commission may not perform any other paid activity except teaching or scientific or exercise of copyright and rights related to copyright.

(5) The members of the Commission shall vacate the offices occupied by them or shall terminate the activities incompatible with the requirements of paragraph (3) herein, Items 2, 3, 5 and 7, within one month as of the date of their election.

### **Term**

**Article 51.** (1) The mandate of the members of the Commission shall be 5 years. The elections of new members of the Commission shall be conducted not earlier than three months and not later than one month in advance of the lapse of the mandate of the effective members. The members of the Commission shall execute their powers furthermore upon the lapse of their term until the entry into office of the new members.

(2) The powers of a member of the Commission shall be terminated before time in the event of:

1. termination by resignation;
2. in the event of entry into force of a sentence whereby the imposed punishment is deprivation of liberty;
3. interdiction;
4. permanent virtual impossibility to execute his obligations for more than 6 months;
5. incompatibility;
6. lack of attendance at three consequent or a total of 5 sessions over the year;
7. an act has been enforced whereby a conflict of interests has been established under [The Avoidance and Establishment of Conflict of Interests](#);
8. death.

(3) In the event of a premature termination of the powers of a member of the Commission, another person shall be elected to finish the mandate.

### **Remuneration**

**Article 52.** (1) The chairperson of the Commission shall receive monthly remuneration equal to the monthly remuneration of a minister.

(2) The remuneration of the deputy chairpersons and the secretary shall be 90 per cent as of the remuneration of the chairperson of the Central Election Commission.

(3) The remuneration of the other members shall be 85 per cent of the remuneration of the chairperson of the Central Election Commission.

### **Sessions**

**Article 53.** (1) The Central Election Commission shall be convened on a session by its chairperson or at the request of at least one third of its members.

(2) The sessions of the Commission shall be chaired by the chairperson, and in his absence, by a deputy chairperson as may be appointed by him.

(3) The Central Election Commission shall hold a session when more than the half of its members are present.

(4) The Central Election Commission shall pronounce by decisions, which shall be adopted by a majority of two thirds of the present members and shall be signed by the chairperson and the secretary. Where the required majority has not voted in favour of a decision, a refusal shall be presumed, which shall be appealable according to the procedure of the Code.

(5) Minutes of proceedings shall be taken for the sessions of election commission, and the said minutes shall be signed by the chairperson and the secretary.

(6) The members of election commissions may sign minutes and vote on decisions with a dissenting opinion, expressly noting whether they vote in favour or against the particular decision and formulating the dissenting opinion.

(7) Where the chairperson or, respectively, the secretary is absent, the decisions, minutes and certificates shall be signed by the secretary or, respectively, by the chairperson, and by the deputy chairperson. Where both the chairperson and the secretary are absent, the decisions shall be signed by a deputy chairperson and a member designated by decision of the commission.

(8) Election agents, representatives of political parties, coalitions of political parties or nomination committees, observers, members of the Public Council and representatives of the mass media may be present at the sessions of the Commission. The views, opinions and objections expressed shall be recorded in the minutes.

(9) The members of election commissions may not wear distinguishing signs of any party, coalition of political parties and nomination committees and may not canvass.

### **Transparency**

**Article 54.** (1) The sessions of the Central Election Commission shall be broadcasted in real time online via the Internet site of the Commission, where to a public agenda draft shall be made in advance.

(2) The Central Election Commission shall maintain a Internet site, where it shall publish without delay its decisions, the full verbatim reports of proceedings of its sessions, the methodological guidelines, the preliminary and final election results, and furthermore the results of machine voting and of ballot paper voting upon the summarisation thereof by constituencies, the scanned and the received by electronic means copies of the tally sheets of the constituency and section election commissions, the constituency and municipal election commissions and other documents and data. Furthermore, the Commission shall publish on the Internet site thereof all public registers, subject to the requirements of the Personal Data Protection Act.

(3) The Central Election Commission shall publish on the Internet site thereof a video recording (archive) of the sessions of the commissions without delay upon the end of the relevant session.

### **Public Council**

**Article 55.** (1) The Central Election Commission shall establish a Public Council composed by representatives of civil organisations and movements, which is to assist the activity of the Commission.

(2) The Council's composition, method of constitution and functions shall be governed by rules adopted by the Commission. The rules shall be published on the Internet site of the Commission.

### **Training Unit**

**Article 56.** (1) The Central Election Commission shall establish a Training Unit, which is to organise and conduct the training of the members of election commissions.

(2) The Unit's composition, method of constitution and functions as well as the training curriculum shall be governed by rules adopted by the Commission. The rules shall be published on the Internet site of the Commission.

### **Powers of the Commission**

**Article 57.** (1) The Central Election Commission shall:

1. implement the activities and see to the application of this Code and the legal regulations thereto related;

2. implement methodological guidance and exercise control over the operation of the election commissions;

3. implement methodological guidance and exercise control over the operation of the election commissions related to the implementation of this Code;

4. provide and fund the establishment of websites of the constituency and municipal election commissions;

5. appoint the constituency election commissions, the municipal election commissions and the section election commissions abroad and endorse lists of alternate members; appoint the section election commissions within Bulgaria as well, in the cases where the constituency or the municipal election commission has failed to appoint the said commissions in due time;

6. dismiss members of constituency and municipal election commissions and of section election commissions abroad in the cases of violations of this Code and of the decisions of the Central Election Commission, as well as upon occurrence of any circumstance covered under Article 51, paragraph (2) herein;;

7. determine, using a methodology, the remunerations of the members of election commissions, of the specialists thereto and of the members of the commissions under Article 287, paragraph (7) herein and Article 445, paragraph (7) herein;

8. endorse a standard design of a seal of the election commissions and the method of protection thereof;
9. keep a public register of the voters; ensure to each voter searchability of the register by Uniform Civil Number (Personal Number);
10. register, make public and issue certificates to:
  - a) the political parties and the coalitions of political parties for entry in all types of elections;
  - b) the nomination committees for entry in elections of President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria;
11. strike the registration of political parties which do not satisfy the requirements referred to in Item 5 of Article 133, paragraph (3) herein and of coalition of political parties, which do not satisfy the requirements referred to in Item 6 of Article 140, paragraph (3) herein;
12. register and make public the candidate lists of the political parties, the coalitions of political parties and the nomination committees upon elections of President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria;
13. keep public registers of:
  - a) the political parties and coalitions of political parties upon all types of elections;
  - b) the nomination committees elections of President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria;
  - c) the candidate lists for President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria;
14. establish the terms and procedure for participation of observers not later than 50 days in advance of Election Day, register and issue certificates to the observers; keep a public register of the observers;
15. register until the Election Day the election agents of the candidate lists abroad and issue certificates thereto; keep a *public register* of the election agents by candidate lists;
16. determine the structure and the content of the uniform numbering of the polling stations;
17. determine the places where polling stations abroad will be established;
18. generate and endorse the uniform numbers of the polling stations abroad;
19. endorse the standard technical design and the security features of the ballot papers, not later than 30 days in advance of Election Day; endorse a specimen of a book of ballot papers;
20. determine by lot the numbers assigned to the ballot papers of the political parties and coalitions of political parties upon elections of National Representatives, the numbers assigned to the ballot papers of the political parties and coalitions of political parties upon elections of Members of the European Parliament for the Republic of Bulgaria and the sequence of entry of the candidate lists in upon elections of President and Vice President of the Republic and shall make them public not later than 31 days in advance of Election Day;
21. establish the terms and procedure for conduct of the election campaign;
22. control the handling of the election campaign by the media service providers within a national range;
23. for the purposes of the control as referred to in Item 21 and establishment of breaches by the media service providers, it shall require information from the Council for Electronic Media on the specialised monitoring performed, whose level and parameters shall be determined subject to an agreement between the Commission and the Council for Electronic Media entered into in prior to the opening of the election campaign, irrespectively of the territorial coverage of the channels; in the case where such monitoring refers to a media service provider, which has no national coverage, the Commission shall transmit the information from the said monitoring to the competent election commission;
24. determine the arrangements and procedure for conduct of sociological surveys on the Election Day not later than 20 days in advance of Election Day; keep a public register of the sociological agencies;
25. examine all complaints and signals for breaches in the election process in conformity with its powers, including against decisions and actions of constituency election commissions,

municipal election commissions and section election commissions abroad, pronounce on any such complaints and signals within 24 hours after receipt thereof; and, on Election Day, it shall pronounce within one hour after receipt of any such complaint or signal and by the end of the Election Day with decision, which shall not be subject to appeal;

26. determine the arrangements and procedure for examining the complaints and signal from the election commissions;

27. keep a public register of the complaints and signals filed with the Commission and of the decisions thereon;

28. determine the arrangements and procedure for machine voting;

29. establish the procedure for a check for voting in breach of the rules of the Code and assign the conduct of such check to the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works;

30. provide the results of the check referred to in Item 29 to the persons concerned and, upon detection of voting in breach of the rules of the Code, apprise the prosecuting magistracy;

31. organise and conduct, through the mass communication media, an awareness campaign regarding citizens' rights and duties in the preparation and conduct of the elections and furthermore on machine voting; such awareness campaign shall start not later than 15 days prior to the lapse of the respective deadline, wherefrom rights and obligations for the citizens in relation to the elections stem;

32. determine the conditions and timeframe for commissioning, by contest, of the computer processing of the voting data not later than 50 days in advance of Election Day;

33. commission, by contest, the computer processing of the voting data and the publication of the election results in a bulletin, including the results from the machine voting;

34. establish the procedure for a check of the collections of signatures for the entry of independent candidates and commission the execution of the said check to the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works;

35. establish the procedure for a check of the lists of voters supporting the registration of the political parties and the coalitions of political parties, as well as the procedure for a check of the candidate lists, and commission the execution of the said checks to the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works;

36. determine the uniform numbering and the security features of Non-Resident Voting Certificates before each election;

37. communicate data on the number of voters who have cast their votes within the deadline as referred to in Item 38.

38. declare the polls closed after completion of the voting within the territory of Bulgaria not later than 20,00 hours;

39. publish the voting results disaggregated by polling station, including the machine voting results, on the Internet site thereof, and, upon request, make the said results available to political parties, coalitions of political parties and nomination committees;

40. publish the voting results disaggregated by polling station, including the machine voting results, in the bulletin referred to in Item 33, including a machine-readable data medium, not later than 40 days after the Election Day;

41. deposit in the National Archive Fund the copy with the tally sheets of the section, constituency and municipal election commissions;

42. endorse the specimens of the direction signs and panels, as well as the specimens of the distinguishing signs of election agents, the observers and the representatives of political parties, coalitions of political parties and nomination committees not later than 55 days in advance of Election Day;

43. adopt a decision on the removal or seizure of canvassing materials placed or circulated in violation of this Code in an area spanning multiple constituencies or where affecting multiple constituencies;

44. make an analysis of the elections conducted and file with the National Assembly a report containing proposals for streamlining the electoral legislation .

(2) The decisions of the Central Election Commission shall be made public without delay by publishing them on the Internet site of the Commission and in the Bulletin of the Bulgarian Telegraph Agency.

(3) The Central Election Commission exercises further powers as laid down in the Code.

### **Appeal**

**Article 58.** (1) The decisions of the Central Election Commission, with the exception of the explicitly referred to in the Code, shall be appealable before the Supreme Administrative Court care the Central Election Commission within a 3-day term as of the date of their announcement. The Central Election Commission shall transmit the appeal to the Court forthwith.

(2) The complaint shall state the decision which is appealed, the reason, the names and the address of the appellant and a telephone, fax or e-mail address for summoning.

(3) The Supreme Administrative Court shall examine the complaint and shall pronounce by decision within a 3-day term as of its receipt sitting in public session, subject to summoning of the appellant, the Central Election Commission and the persons concerned. The decision of the Court shall be made public without delay and shall not be subject to appeal.

(4) Upon appeal of the decisions of the Central Election Commission, the deadlines as referred to in the Administrative Procedure Core shall not apply.

## **Section II Constituency Election Commissions**

### **Appointment**

**Article 59.** (1) The Central Election Commission shall appoint constituency election commissions upon conduct of elections of:

1. National Representatives: for each multi-member constituency;

2. Members of the European Parliament for the Republic of Bulgaria and for President and Vice President of the Republic: for each borough according to the administrative division of the territory of Bulgaria for the last elections of National Representatives for the National Assembly.

(2) Constituency Election Commissions shall be appointed not later than 45 days in advance of Election Day.

### **Holding Consultations**

**Article 60.** (1) Consultations shall be held at the regional governor, which shall be public. The day, the hour and the place of the conduct thereof shall be publicly communicated and shall be published on the Internet site of the provincial administration not later than three days in advance of their conduct.

(2) The consultations shall be attended by the political parties and coalitions of political parties represented in Parliament and the political parties and coalitions of political parties which have Members of the European Parliament but are not represented in Parliament. Other political parties and coalitions of political parties may also participate in consultations.

(3) At the consultations, the political parties and the coalitions of political parties as referred to in paragraph (2) herein shall present:

1. a proposal in writing for a complement of the constituency election commission, which shall state the names of the nominees, Uniform Civil Number, position in the commission, educational attainment, specialist qualifications and nominating party or coalition of political parties;

2. a copy of a certificate of legal status of the political party current at the date of conduct of the consultations or a decision on the formation of the coalition of political parties, which certifies the credentials of the persons representing the respective party or the coalition of political parties;

3. an authorisation from the persons representing the respective party or the coalition of political parties, in the cases where authorised persons participate in the consultations.

(4) The political parties and coalitions of political parties shall present, attached to the proposal thereof referred to in Paragraph (3) herein, a list of the alternate members who will

replace the nominees thereby in the cases referred to in Article 51, paragraph (2) herein or where a member of the constituency election commission fails to participate in its sessions for more than 10 days. Any such replacement shall require a decision of the Central Election Commission.

(5) A memorandum on the results of the consultations conducted shall be drawn up and shall be signed by the participants in the said consultations. Upon a refusal to sign the memorandum, as well as where the memorandum is signed with a dissenting opinion, the reasons of the participants shall be attached. The written objections of the political parties and coalitions or political parties, if any, shall be attached as well.

(6) In the cases where no consensus is reached between the political parties and the coalitions of political parties having taken part in the consultations, the regional governor shall, not later than 50 days in advance of Election Day, transmit the proposals made by them, together with the documents as referred to in paragraph (5) herein to the Central Election Commission.

(7) In the cases where consensus is reached, the regional governor shall present to the Central Election Commission:

1. a proposal in writing for a complement of the constituency election commission together with a list of the alternate members, which shall state the names of the nominees, Uniform Civil Number, position in the Commission, educational attainment, specialist qualifications and nominating party or coalition of political parties;

2. the documents as referred to in paragraphs (3) and 4, as presented by the political parties and coalitions of political parties;

3. the memorandums on the consultations conducted with the representatives of the political parties and coalitions of political parties, including the written objections thereof;

4. a copy of the notice of conduct of the consultations and the manner of announcement of the said notice.

(8) The proposal of the regional governor as referred to in paragraph (7) herein shall be made not later than 50 days in advance of Election Day.

(9) Where the regional governor has failed to make a proposal within the period as referred to in paragraph (8) herein, the said governor shall forthwith transmit the documents referred to in Paragraphs (3), 4 and 5 to the Central Election Commission.

(10) In the cases where consensus is reached, the Central Election Commission shall appoint the constituency election commission on the basis of the proposal of the regional governor made according to the procedure established by Paragraph (7) herein.

(11) In the cases where no consensus is reached or the regional governor has failed to make a proposal within the time limit referred to in Paragraph (7) herein, the Central Election Commission shall appoint the constituency election commission on the basis of the proposals made by the political parties and coalitions of political parties.

### **Composition**

**Article 61.** (1) The constituency election commission shall be composed of chairperson, deputy chairpersons, secretary and members.

(2) The constituency election commission shall be represented by its chairperson, and in specific cases, by a deputy chairperson, secretary or member as may be appointed by a decision of the Commission.

(3) The representatives of one party or coalition of political parties may not have majority in the constituency election commission. The chairperson, the deputy chairperson and the secretary may not be from the same party or coalition of political parties.

(4) The political parties represented in Parliament and coalitions of political parties shall propose members of the constituency election commission, including a chairperson, deputy chairperson and secretary as follows:

1. for up to nine-member constituencies: eleven members;

2. for ten-member and more-than-ten-member constituencies: 15 members.

(5) Upon appointment of the members as referred to in paragraph (4) herein, including chairperson, deputy chairperson and secretary, the proportion of the political parties and

coalitions of political parties represented in Parliament shall be retained, using the greatest remainder method.

(6) The political parties and coalitions of political parties, which have Members of the European Parliament but are not represented in Parliament, shall be entitled to have one member each in the constituency election commission, besides the number of members referred to in Paragraph (4) herein.

(7) IN case that the political parties represented in Parliament and coalitions of political parties and the political parties and the coalitions of political parties, which have Members of the European Parliament but are not represented in Parliament, have failed to make proposals for all members they are entitled to, and in the cases where they have made proposals for fewer members, the vacant positions shall be filled at the proposal of other political parties and coalitions of political parties, which have participated in the consultations under Article 60, paragraph (2) herein. Any such filling shall be made by drawing lots according to the arrangements and procedure as may be defined by the decision of the Central Election Commission.

(8) In case the total number of members of the constituency election commission is an even number, the political party or coalition of political parties represented in Parliament with the greatest unused remainder shall nominate one more member of the constituency election commission. If the remainders are equal, the political parties and coalition of political parties with equal remainders shall draw lots.

(9) In case the political party or coalition of political parties, which should nominate a member under the terms established by Paragraph (8) herein, forms a majority in the constituency election commission, this right shall pass to the political party or coalition of political parties with the next greatest unused remainder. If the remainders are equal, the political parties and coalition of political parties with equal remainders shall draw lots.

(10) The total number of members of the constituency election commission shall be determined according to the procedure of 4-9.

#### **Members' Status**

**Article 62.** (1) The constituency election commission shall implement its powers for a period starting as of the day of its appointment through to 14 days after the conduct of the relevant type of election.

(2) In the execution of the functions thereof, the members of election commissions shall be treated as officials for within the meaning given by the Criminal Code.

(3) The members of election commissions may not wear distinguishing signs of any party, coalition of political parties and nomination committees and may not canvass.

#### **Support to the Activity of the Commission**

**Article 63.** The constituency election commission may establish work groups of specialists. The remunerations of the specialists shall be determined by the Central Election Commission applying the methodology as referred to in Item 7 of Article 57, paragraph (1) herein.

#### **Seal**

**Article 64.** The constituency election commission shall have a seal. The seal shall state the name and the number of the relevant constituency election commission.

#### **Requirements to the Members**

**Article 65.** (1) For members of constituency election commission shall be appointed persons with higher educational attainment, who are entitled to vote in the respective type of election and have a good command of Bulgarian language.

(2) It is recommended that the members of the constituency election commission be qualified lawyers.

#### **Incompatibility**



**Article 66.** (1) For the duration of occupation of office, a member of constituency election commission may not be:

1. candidate for the respective type of election;
2. a National Representative or a Member of the European Parliament for the Republic of Bulgaria;
3. in elected office;
4. an authority of the executive branch;
5. a deputy minister, a chief secretary to the President of the Republic, the National Assembly or the Council of Ministers, a chief secretary of a ministry or provincial administration, secretary of a municipality, a borough or a mayoralty;
6. a judge in the Constitutional Court, a judge in the Supreme Administrative Court or in an Administrative Court, a prosecutor or an Investigator;
7. a deputy regional governor or a deputy mayor;
8. a service member of the Armed Forces, or an employee of the Ministry of Interior or in the State Agency „National Security”.

(2) The members of the constituency election commission may not be one another's spouses, lineal relatives or siblings.

#### **Actions upon Early Terminations of Powers**

**Article 67.** (1) The Central Election Commission shall within two days as of the enforcement of the decision on terminations of powers of a member of the constituency election commission due to the occurrence of a circumstance as referred to in Article 51, paragraph (2) herein, shall appoint a member of the Commission from the list of alternate members as referred to in Article 60, paragraph (4) herein of the respective political party or coalition of political parties. The Central Election Commission shall without delay notify thereof the respective political party or coalition of political parties.

(2) Any member of the constituency election commission who fails to attend the sessions of the Commission for more than 10 days, may be replaced temporarily for the period of non-execution of the powers thereof by a member nominated by the respective political party or coalition of political parties. Within two days as of the proposal, the Central Election Commission shall appoint a member of the constituency election commission.

#### **Remuneration and Social Insurance**

**Article 68.** (1) The members of the constituency election commission shall be remunerated for working on the Commission.

(2) The remuneration of the members of the constituency election commission shall be determined by the Central Election Commission. The amounts of the remunerations by positions shall be determined applying the methodology as referred to in Item 7 of Article 57, paragraph (1) herein.

(3) The remunerations of the members of the constituency election commission shall be exempt from taxes under the Income Taxes on Natural Persons Act.

(4) For the time necessary for working on the respective commission, the members of election commissions shall be provided with social and health insurance as persons performing work in elective office. The social and health insurance contributions under the Social Insurance Code and the Health Insurance Act of the members of the constituency election commission shall be at the account of the executive budget.

#### **Leave**

**Article 69.** The members of the constituency election commission shall be excused from the official duties thereof for the time necessary for working on the Commission. During that time the said persons shall use an unpaid service leave which shall count as relevant experience or, at their request, the paid annual leave to which they are entitled..

#### **Sessions**

**Article 70.** (1) The constituency election commission shall be convened of session by its

chairperson or at the request of at least of one third of its members.

(2) The sessions of the Commission shall be chaired by the chairperson, and in his absence - by a deputy chairperson as may be appointed by him.

(3) The constituency election commission shall hold a session when more than the half of its members are present.

(4) The constituency election commission shall pronounce by decisions, which shall be adopted by a majority of two thirds of the present members and shall be signed by the chairperson and the secretary. Where the required majority has not voted in favour of a decision, a refusal shall be presumed, which shall be appealable according to the procedure of the Code.

(5) Minutes of proceedings shall be taken for the sessions of election commission, and the said minutes shall be signed by the chairperson and the secretary.

(6) The members of election commissions may sign minutes and vote on decisions with a dissenting opinion, expressly noting whether they vote in favour or against the particular decision and formulating the dissenting opinion.

(7) Where the chairperson or, respectively, the secretary is absent, the decisions, minutes and certificates shall be signed by the secretary or, respectively, by the chairperson, and by the deputy chairperson. Where both the chairperson and the secretary are absent, the decisions shall be signed by a deputy chairperson and a member designated by decision of the commission proposed by different political parties and coalitions of political parties.

(8) Election agents, representatives of political parties, coalitions of political parties or nomination committees, observers and representatives of the mass media may be present at the sessions of the Commission. The views, opinions and objections expressed shall be recorded in the minutes.

### **Transparency in the Work of the Commission**

**Article 71.** (1) The sessions of the constituency election commission shall be broadcasted in real time online via the Internet site of the Commission, whereto a public agenda draft shall be made in advance.

(2) The constituency election commission shall maintain a Internet site, where it shall publish without delay its decisions, the full minutes of its sessions, the preliminary and final election results in the respective constituency (borough), and furthermore the results of machine voting, the scanned tally sheets of the section election commissions and other documents and data. Furthermore, the Commission shall publish on the Internet site thereof all public registers, subject to the requirements of the Personal Data Protection Act.

(3) The constituency election commission shall publish on the Internet site thereof a video recording (archive) from the sessions of the Commission without delay upon the end of the relevant session.

### **Powers of the Commission**

**Article 72.** (1) The constituency election commission:

1. implement the activities and see to the application of this Code and the legal regulations thereto related;

2. exercise control on the activity of the section election commissions within the territory of the constituency or of the borough according to the administrative division of Bulgaria of the last elections for National Representatives for the National Assembly;

3. conduct a training of the members of the section election commissions in the constituency (borough), jointly with the training unit under Article 56, paragraph (1) herein;

4. appoint the section election commissions in the respective constituency (borough) in Bulgaria and endorse the lists of alternate members;

5. dismiss members of the section election commissions in the respective constituency (borough) in Bulgaria in the cases of violations of this Code, of the decisions of the Central Election Commission and of the constituency election commission, as well as upon occurrence of any circumstance covered under Article 51, paragraph (2) herein;

6. see to the timely and correct establishment of polling stations in the constituency

(borough) and generate and endorse their uniform numbers;

7. register and make public the nomination committees for participation in elections of National Representatives, issue certificates thereto and keep a public register thereof;

8. register and make public the candidate lists of the political parties, the coalitions of political parties and the nomination committees upon elections of National Representatives and keep a public register;

9. strike the registration where it is established that the candidate for a National Representative fails to meet the requirements under Article 42, paragraph (1) herein of the Constitution, as well as in the cases referred to in Article 258, paragraph (5) herein;

10. strike the registration when the independent candidate is not supported by the needed number of voters according to Article 257, paragraph (1) herein;

11. strike the registration of a nomination committee in the cases as referred to in Item 10.

12. make public the numbers in the ballot paper of the independent candidates upon elections of National Representatives not later than 31 days in advance of Election Day;

13. exercise control on the timely preparation and announcing of the electoral rolls, for the printing, storage and dissemination of the ballot papers and on the issue of Non-Resident Voting Certificates;

14. see to provision of conditions for voting to persons with disabilities as referred to in Sections VIII and IX of Chapter Fourteen;

15. register until the Election Day the election agents of the candidate lists and issue certificates thereto;

16. keep a public register of the election agents by candidate lists upon elections of National Representatives, of President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria, which shall publish on the Internet site thereof;

17. control the handling of the election campaign by the media service providers within a regional and local range, pronounce on complaints and signals for violations of the election campaign within 24 hours after receipt thereof;

18. jointly with the municipal administration supply the section election commissions with ballot-boxes, voting ballot papers, electoral rolls, seals, blank forms of tally sheets, lists, abstracts and drafts and control the safekeeping, distribution among polling stations and transportation thereof;

19. exercise control as to fulfilment of the obligation referred to in Article 62, paragraph (3) herein;

20. examine all complaints and signals for breaches in the election process in conformity with its powers, including against decisions and actions of section election commissions and pronounce by decision within one hour after receipt of the complaint or the signal and before the closing of the polls; any such decision shall be made public forthwith and shall not be subject to appeal;

21. establish and maintain a public register of complaints and signals submitted to the Commission and the decisions thereon.

22. determine and declare the voting results in the constituency (borough) within 48 hours after the completion of the voting and prepare a tally sheet;

23. within the deadline as referred to in Item 22 scan and transmit to the Central Election Commission its tally sheet with the voting data in the constituency (borough) and publish it on the Internet site thereof;

24. make public the independent candidates and issue certificates thereto;

25. provide against signature of the members of the Commission, the candidates, the election agents, the representatives of the political parties, the coalitions of political parties and the nomination committees and the observers a photocopy of the signed abstract of the tally sheet with the voting results in the constituency (borough), sealed each page with the seal of the Commission and signed by the chairperson, the deputy chairperson and the secretary;

26. deliver to the Central Election Commission the copy of the tally sheet of the constituency election commission, the copies of the tally sheets of the section election commissions destined for the Central Election Commission, the receipts on the computer

processing of the tally sheets of the section election commissions, a copy of the computer print-out of the data on the tally sheet and the decision of the constituency election commission provided by the computation centre, and two machine-readable data mediums storing the numerical data generated by the processing of the tally sheets of the section election commissions, as well as the machine voting recording devices;

27. deliver the rest of the papers and materials to the regional administration with the exception of those destined for the Central Election Commission within seven days after the declaration of the election results;

28. scan the tally sheets of the section election commissions not later than 48 hours as of the end of the Election Day and transmit thereof to the Central Election Commission;

29. exercise any other powers as provided for in the Code.

(2) The constituency election commission shall make public the decisions thereof without delay by means of displaying the said decisions in a generally accessible place in the building where the said commission is housed and by means of publishing on the Internet site thereof. The place for making the decisions public shall be determined by decision of the commission forthwith after the appointment thereof and shall be arranged in a manner indicating the assigned use thereof. The copies of the decisions which are made public shall be marked with the date and hour of the display thereof in the generally accessible place. The copies of the decisions made public shall be removed not earlier than three days after the display thereof in the generally accessible place and shall be preserved in the archives of the commission.

### **Appeal of the decisions of the Commission**

**Article 73.** (1) The decisions of the constituency election commission, with the exception of those explicitly specified, shall be appealable within a 3-day term as of the date of their announcement before the Central Election Commission, which shall, within a 3-day term, render a decision, which shall be appealable before the Supreme Administrative Court.

(2) Upon appeal of the decisions of the constituency election commission before the Supreme Administrative Court Article 58 herein shall apply.

## **Section III Municipal election commissions**

### **Appointment**

**Article 74.** The Central Election Commission shall appoint municipal election commissions for each municipality upon elections of municipal councillors and for mayors not later than 45 days in advance of Election Day.

### **Holding Consultations**

**Article 75.** (1) Consultations shall be held at the mayor of the relevant municipality, which shall be public. The day, the hour and the place of the conduct thereof shall be publicly communicated and shall be published on the Internet site of the municipality not later than three days in advance of their conduct.

(2) The consultations shall be attended by the political parties and coalitions of political parties represented in Parliament and the political parties and coalitions of political parties which have Members of the European Parliament but are not represented in Parliament. Other political parties and coalitions of political parties may also participate in consultations.

(3) At the consultations, the political parties and the coalitions of political parties as referred to in paragraph (2) herein shall present:

1. a proposal in writing for a complement of the municipal election commission, which shall state the names of the nominees, Uniform Civil Number, position in the Commission, educational attainment, specialist qualifications and nominating party or coalition of political parties;

2. a copy of the certificate of current legal status of the political party as at the date of scheduling of Elections or of the decision on the establishment of the coalition of political parties whereby the powers of the persons representing the political party or the coalition of political

parties are certified;

3. an authorisation from the persons representing the respective party or the coalition of political parties, in the cases where authorised persons participate in the consultations.

(4) The political parties and coalitions of political parties shall present, attached to the proposal thereof referred to in Item 1 of Paragraph (3) herein, a list of the alternate members who will replace the nominees thereby in the cases referred to in Article 51, paragraph (2) herein or where a member of the municipal election commission fails to participate in its sessions for more than 10/20 days. Any such replacement shall require a decision of the Central Election Commission.

(5) A memorandum on the results of the consultations conducted shall be drawn up and shall be signed by the participants in the said consultations. Upon a refusal to sign the memorandum, as well as where the memorandum is signed with a dissenting opinion, the reasons of the participants shall be attached. The written objections of the political parties and coalitions or political parties, if any, shall be attached as well.

(6) In the cases where no consensus is reached between the political parties and the coalitions of political parties having taken part in the consultations, the regional governor shall, not later than 50 days in advance of Election Day, transmit the proposals made by them, together with the documents as referred to in paragraph (5) herein to the Central Election Commission.

(7) In the cases where consensus is reached, the regional governor shall present to the Central Election Commission:

1. a proposal in writing for a complement of the municipal election commission together with a list of the alternate members, which shall state the names of the nominees, Uniform Civil Number, position in the Commission, educational attainment, specialist qualifications and nominating party or coalition of political parties;

2. the documents as referred to in paragraphs (3) and 4, as presented by the political parties and coalitions of political parties;

3. the memorandums on the consultations conducted with the representatives of the political parties and coalitions of political parties, including the written objections thereof;

4. a copy of the notice of conduct of the consultations and the manner of announcement of the said notice.

(8) The proposal of the mayor as referred to in paragraph (7) herein shall be made not later than 50 days in advance of Election Day. In the case where a new municipality is established the proposal shall be made by the appointed interim mayor subject to the same conditions.

(9) Where the municipality mayor or the interim mayor of the newly established municipality has failed to make a proposal within the period as referred to in paragraph (8) herein, the regional governor shall make a proposal on the basis of the proposals as referred to in paragraph (3) herein not later than 47 days in advance of Election Day.

(10) In the cases where consensus is reached, the Central Election Commission shall appoint the municipal election commission on the basis of the proposal of the mayor of the municipality made according to the procedure of paragraph (7) herein, or of the regional governor made according to the procedure of paragraph (9) herein.

(11) In the cases where no consensus is reached or the regional governor has failed to make proposal within the period as referred to in paragraph (9) herein, the Central Election Commission shall appoint the municipal election commission on the basis of the proposals made by the political parties and the coalitions of political parties.

### **Composition**

**Article 76.** (1) The municipal election commission shall be composed of a chairperson, deputy chairpersons, secretary and members.

(2) The municipal election commission shall be represented by its chairperson, and in specific cases, by a deputy chairperson, secretary or member as may be appointed by a decision of the Commission.

(3) The representatives of one party or coalition of political parties may not have

majority in the municipal election commission. The chairperson, the deputy chairperson and the secretary may not be from the same party or coalition of political parties.

(4) The political parties represented in Parliament and coalitions of political parties shall propose members of the municipal election commission, including chairperson, deputy chairpersons and secretary, according to the number of polling stations within the territory of the municipality as follows:

1. for municipalities with up to 150 polling stations: up to nine members;
2. for municipalities with more than 150 polling stations: eleven members;
3. for boroughs in the cities subdivided into boroughs: 15 members;
4. for Sofia Municipality: 19 members.

(5) Upon appointment of the members as referred to in paragraph (4) herein, including chairperson, deputy chairperson and secretary, the proportion of the political parties and coalitions of political parties represented in Parliament shall be retained, using the greatest remainder method.

(6) The political parties and the coalitions of political parties, which have Members of the European Parliament but are not represented in Parliament, shall be entitled to have one member each in the municipal election commission, besides the number of the members as referred to in paragraph (4) herein.

(7) In case that the political parties represented in Parliament and coalitions of political parties and the political parties and the coalitions of political parties, which have Members of the European Parliament but are not represented in Parliament, have failed to make proposals for all members they are entitled to, and in the cases where they have made proposals for fewer members, the vacant positions shall be filled at the proposal of other political parties and coalitions of political parties, which have participated in the consultations as referred to in Article 75, paragraph (2) herein. Any such filling shall be made by drawing lots according to the arrangements and procedure as may be determined by a decision of the Central Election Commission.

(8) In case the total number of members of the municipal election commission is an even number, the political party or coalition of political parties represented in Parliament with the greatest unused remainder shall nominate one more member of the municipal election commission. If the remainders are equal, the political parties and coalition of political parties with equal remainders shall draw lots.

(9) In case the political party or coalition of political parties, which should nominate a member under the terms established by Paragraph (8) herein, forms a majority in the municipal election commission, right shall pass to the political party or coalition of political parties with the next greatest unused remainder. If the remainders are equal, the political parties and coalition of political parties with equal remainders shall draw lots.

(10) The total number of members of the municipal election commission shall be determined according to the procedure of paragraph (4) herein-9.

### **Members' Status**

**Article 77.** (1) The municipal election commission shall be appointed for the duration of powers of the municipal council.

(2) In the execution of the functions thereof, the members of the municipal election commission shall be treated as officials for within the meaning given by the Criminal Code.

(3) The members of municipal election commission may not wear distinguishing signs of any party, coalition of political parties and nomination committees and may not canvass.

### **Support to the Activity of the Commission**

**Article 78.** The municipal election commission may establish work groups of specialists. The remunerations of the specialists shall be determined by the Central Election Commission applying the methodology as referred to in Item 7 of Article 57, paragraph (1) herein.

### **Seal**

**Article 79.** The municipal election commission shall have seal. The seal shall state the name and the number of the relevant municipal election commission.

#### **Requirements to the members**

**Article 80.** (1) For members of the municipal election commission shall be appointed persons with higher educational attainment, who are entitled to vote in the respective type of election and have a good command of Bulgarian language.

(2) It is recommended that the members of the municipal election commission be qualified lawyers.

#### **Incompatibility**

**Article 81.** Regarding the members of the municipal election commission the restrictions as referred to in Article 66 shall apply. A member of a municipal election commission may not be a candidate for municipal councillor or mayor at the same time.

#### **Actions upon Early Terminations of Powers**

**Article 82.** (1) The Central Election Commission within two days as of the enforcement of the decision on terminations of powers of a member of the municipal election commission due to the occurrence of a circumstance as referred to in Article 51, paragraph (2) herein, shall appoint a member of the Commission from the list of alternate members as referred to in Article 75, paragraph (4) herein of the respective political party or coalition of political parties. The Central Election Commission shall without delay notify the respective political party or coalition of political parties.

(2) Any member of the municipal election commission who fails to attend the sessions of the Commission for more than 10 days, may be replaced temporarily for the period of non-execution of the powers thereof by a member nominated by the respective political party or coalition of political parties. Within two days as of the proposal, the Central Election Commission shall appoint a member of the municipal election commission.

#### **Remuneration and Social Insurance**

**Article 83.** (1) The members of the municipal election commission shall receive remuneration for their work in the respective commission.

(2) The remuneration of the members of the municipal election commission shall be determined by the Central Election Commission. The amounts of the remunerations by positions shall be determined applying the methodology as referred to in Item 7 of Article 57, paragraph (1) herein.

(3) The members of the municipal election commission shall receive a monthly remuneration for a period commencing upon the appointment thereof and ending seven days after the declaration of the election results.

(4) For the duration of the period elapsed as of the date of the expiration of the deadline as referred to in paragraph (3) herein and ending upon the next elections of municipal councillors and mayors, the members of the municipal election commission shall receive remunerations for attending sessions and for duty service according to a procedure established by the Central Election Commission applying the methodology as referred to in Item 7 of Article 57, paragraph (1) herein.

(5) The remuneration of the members of the municipal election commissions shall not be taxable under the Income Taxes on Natural Persons Act.

(6) For the time necessary for working on the respective commission, the members of election commissions shall be provided with social and health insurance as persons performing work in elective office. The social and health insurance contributions under the Social Insurance Code and the Health Insurance Act of the members of the constituency election commission shall be at the account of the executive budget.

#### **Leave**

**Article 84.** The members of the municipal election commission shall be excused from

the official duties thereof for the time necessary for working on the Commission. During that time the said persons shall use an unpaid service leave which shall count as relevant experience or, at their request, the paid annual leave to which they are entitled..

### **Sessions**

**Article 85.** (1) The municipal election commission shall be convened of session by its chairperson or at the request of at least of one third of its members.

(2) The sessions of the Commission shall be chaired by the chairperson, and in his absence - by a deputy chairperson as may be appointed by him.

(3) The municipal election commission shall hold a session when more than the half of its members are present.

(4) The municipal election commission shall pronounce by decisions, which shall be adopted by a majority of two thirds of the present members and shall be signed by the chairperson and the secretary. Where the required majority has not voted in favour of a decision, a refusal shall be presumed, which shall be appealable according to the procedure of the Code.

(5) Minutes of proceedings shall be taken for the sessions of election commission, and the said minutes shall be signed by the chairperson and the secretary.

(6) The members of election commissions may sign minutes and vote on decisions with a dissenting opinion, expressly noting whether they vote in favour or against the particular decision and formulating the dissenting opinion.

(7) Where the chairperson or, respectively, the secretary is absent, the decisions, minutes and certificates shall be signed by the secretary or, respectively, by the chairperson, and by the deputy chairperson. Where both the chairperson and the secretary are absent, the decisions shall be signed by a deputy chairperson and a member designated by decision of the commission proposed by different political parties and coalitions of political parties.

(8) Election agents, representatives of political parties, coalitions of political parties or nomination committees, observers and representatives of the mass media may be present at the sessions of the Commission. The views, opinions and objections expressed shall be recorded in the minutes.

### **Transparency in the Work of the Commission**

**Article 86.** The municipal election commission shall maintain a Internet site, where it shall publish without delay its decisions, the full minutes of its sessions, the preliminary and final election results in the respective constituency, and furthermore the results of machine voting, the scanned tally sheets of the section election commissions and other documents and data. Furthermore, the Commission shall publish on the Internet site thereof all public registers, subject to the requirements of the Personal Data Protection Act.

### **Powers of the Commission**

**Article 87.** (1) The municipal election commission:

1. implement the activities and see to the application of this Code and the legal regulations thereto related;

2. exercise control on the activity of the section election commissions within the territory of the constituency;

3. shall determine and make public the numbers of the constituencies in the municipality; upon numbering thereof, the municipal election commission shall reckon the Common Classifier of the Administrative-Territorial and Territorial Units in Bulgaria;

4. conduct a training of the members of the section election commissions in the constituency, jointly with the training unit under Article 56, paragraph (1) herein;

5. appoint the section election commissions in the respective constituency and endorse the lists of alternate members;

6. dismiss members of the section election commissions in the respective constituency in the cases of violations of the Code, of the decisions of the Central Election Commission and of the municipal election commission, as well as upon occurrence of any circumstance covered



under Article 51, paragraph (2) herein;

7. see to the timely and correct establishment of polling stations in the constituency and generate and endorse their uniform numbers;

8. exercise control on the timely preparation and announcing of the electoral rolls;

9. endorse the standard forms of the ballot papers for municipal councillors and for mayors in the relevant municipality and exercise control on the printing, the storage and the dissemination thereof;

10. determine by drawing lots the sequential numbers of political parties, coalitions of political parties and independent candidates in the ballot paper and make them public not later than 31 days in advance of Election Day;

11. see to provision of conditions for voting to persons with disabilities as referred to in Section VIII and IX of Chapter Fourteen;

12. register and make public political parties and coalitions of political parties for participation in elections of municipal councillors and for mayors in the relevant municipality;

13. register and make public the nomination committees and the local coalitions of political parties for participation in elections of municipal councillors and for mayors in the relevant municipality and issue certificates thereto; keep a public register;

14. register and make public the candidate lists of the political parties, coalitions of political parties and nomination committees for election of municipal councillors and candidates for mayors and keep a public register;

15. strike the registration where it is established that the candidate does not meet the requirements under Article 397, paragraph (1) herein or 2, and in the cases under Article 471, paragraph (5) herein;

16. strike the registration where the independent candidate is not supported by the needed number of voters according to Article 416, paragraph (1) herein;

17. strike the registration of nomination committee in the cases as referred to in Item 16;

18. shall register until the Election Day the election agents of the candidate lists and issue certificates thereto; keep a public register of the election agents by candidate lists;

19. control the handling of the election campaign by the media service providers within a regional and local range;

20. jointly with the municipal administration supply the section election commissions with ballot-boxes, voting ballots, electoral rolls, seals, blank forms of tally sheets, lists, abstracts and drafts and control the safekeeping, distribution among polling stations and transportation thereof;

21. exercise control as to fulfilment of the obligation referred to in Article 77, paragraph (3) herein;

22. examine all complaints and signals for breaches in the election process in conformity with its powers, including against decisions and actions of section election commissions and pronounce by decision within one hour after receipt of the complaint or the signal and before the closing of the polls, with decision; any such decision shall not be subject to appeal;

23. establish and maintain a public register of complaints and signals submitted to the Commission and the decisions thereon.

24. in the case of early termination of powers of a municipal councillor, announce the next candidate in the respective list as elected;

25. declare the end of the Election Day upon the end of voting in the polling stations within the territory of the municipality not later than 20,00 hours;

26. establish and make public the voting results in the constituency within 48 hours as of its termination, draw up a tally sheet and issue certificates to the elected municipal councillors and mayors;

27. within the period as referred to in Item 26, scan and transmit to the Central Election Commission its tally sheets on the election of municipal councillors, municipality mayor, borough mayor or the mayoralty mayor and publish them on the Internet site thereof;

28. provide against signature of the members of the Commission, candidates, election agents, representatives of the political parties, coalitions of political parties and nomination

committees and observers a photocopy of the signed abstract of the tally sheet for the respective type of election with the voting results in the constituency, sealed each page with the seal of the Commission and signed by the chairperson, the deputy chairperson and the secretary;

29. schedule a second round for mayor where no candidate has been elected;

30. in the cases where no candidate has been elected mayor at the second round or where the election of municipal councillors or mayor has been announced as ineffective or in the case of early termination of powers of a mayor, within 7 days shall notify the Central Election Commission thereof and propose scheduling of new election;

31. display at a prominent place in the municipality (the mayoralty, the borough) and via the local mass media the date of the election as scheduled by the President;

32. deliver to the Central Election Commission the copies of the tally sheets and the decisions of the municipal election commission for all types of elections, the copies of the tally sheets of the section election commissions intended for the Central Election Commission, the print-outs from the computer processing of the tally sheets of the section election commissions, a copy of the computer print-out of the data on the tally sheet and the decision of the municipal election commission for all types of elections provided by the computation centre, and two machine-readable data mediums storing the numerical data generated by the processing of the tally sheets of the section election commissions, as well as the machine voting recording devices;

33. deliver the rest of the papers and materials to the municipal administration with the exception of those destined for the Central Election Commission not later than 7 days as of the declaration of the election results;

34. exercise any other powers as provided for in the Code.

(2) The municipal election commission shall make public the decisions thereof without delay by means of displaying the said decisions in a generally accessible place in the building where the said commission is housed and by means of publishing on the Internet site thereof. The place for making the decisions public shall be determined by decision of the commission forthwith after the appointment thereof and shall be arranged in a manner indicating the assigned use thereof. The copies of the decisions which are made public shall be marked with the date and hour of the display thereof in the generally accessible place. The copies of the decisions made public shall be removed not earlier than three days after the display thereof in the generally accessible place and shall be preserved in the archives of the commission.

### **Appeal of the decisions**

**Article 88.** (1) The decisions of the municipal election commission, with the exception of those explicitly specified, shall be appealable within a 3-day term as of the date of their announcement before the Central Election Commission, which shall, within a 3-day term, render a decision, which shall be appealable before the Supreme Administrative Court.

(2) Upon appeal of the decisions of the constituency election commission before the Supreme Administrative Court Article 58 herein shall apply.

## **Section IV**

### **Section election commissions in Bulgaria**

#### **Appointment**

**Article 89.** (1) Constituency or municipal election commissions shall appoint section election commissions for each polling station in Bulgaria not later than 25 days in advance of Election Day.

(2) The constituency or municipal election commissions shall appoint the mobile section election commissions upon voting with mobile ballot-boxes not later than 10 days in advance of Election Day.

#### **Requirements as to the Appointment of Mobile Election Commissions**

**Article 90.** (1) Within the territory of each nucleated settlement shall be appointed at

least one mobile section election commission provided that there are not fewer than 10 voters who have submitted applications as referred to in Article 37. The constituency or municipal election commission shall determine the number of the mobile section election commissions in the constituency (borough) on the basis of the number of applications submitted.

(3) The consultations under Article 91 shall be conducted not later than 18 days in advance of Election Day. The proposal of the mayor shall be made not later than 15 days in advance of Election Day.

(2) The municipality mayor shall be required to provide transport means to the mobile section election commissions.

(3) The provisions of this Code concerning the section election commissions in Bulgaria shall be furthermore applied to the mobile section election commissions.

### **Holding Consultations**

**Article 91.** (1) Consultations shall be held at the mayor of the relevant municipality, which shall be public. The day, the hour and the place of the conduct thereof shall be publicly communicated and shall be published on the Internet site of the municipal administration not later than three days in advance of their conduct.

(2) The consultations shall be attended by the political parties represented in Parliament and coalitions of political parties and the political parties and the coalitions of political parties, which have Members of the European Parliament but are not represented in Parliament. The consultations may furthermore be attended by other political parties and coalitions of political parties.

(3) The consultations shall be conducted not later than 35 days in advance of Election Day.

(4) At the consultations, the political parties and the coalitions of political parties as referred to in paragraph (2) herein shall present:

1. a proposal in writing for a complement of the section election commissions, which shall state the names of the nominees, Uniform Civil Number, position in the commission, educational attainment, specialist qualifications and nominating party or coalition of political parties;

2. a copy of the certificate of current legal status of the political party as at the date of scheduling of Elections or of the decision on the establishment of the coalition of political parties, whereby are certified the powers of the persons representing the political party or the coalition of political parties;

3. an authorisation from the persons representing the respective party or the coalition of political parties, in the cases where authorised persons participate in the consultations.

(5) The political parties and coalitions of political parties shall present, attached to the proposal thereof referred to in Item 1 of Paragraph (4) a list of the alternate members who will replace the nominees thereby in the cases referred to in Article 51, paragraph (2) herein or where a member of the section election commission fails to show up on the Election Day. Any such replacement shall require a decision of the Central Election Commission.

(6) A memorandum on the results of the consultations conducted shall be drawn up and shall be signed by the participants in the said consultations. Upon a refusal to sign the memorandum, as well as where the memorandum is signed with a dissenting opinion, the reasons of the participants shall be attached. The written objections of the political parties and coalitions or political parties, if any, shall be attached as well.

(7) In the cases where no consensus is reached between the political parties and the coalitions of political parties having taken part in the consultations, the municipality mayor shall, not later than 30 days in advance of Election Day transmit the proposals made by them, together with the documents as referred to in paragraph (6) herein to the constituency or municipal election commission.

(8) In the cases where consensus is reached, the mayor shall present in the constituency or in the municipal election commission:

1. a proposal in writing for a complement of the section election commissions together with a list of alternate members containing the names of the nominees, Uniform Civil Number,

position in the Commission, educational attainment, specialist qualifications and nominating party or coalition of political parties;

2. the documents as referred to in paragraph (4) herein and 5, as presented by the political parties and the coalitions of political parties;

3. the memorandums from the consultations with the representatives of the political parties and the coalitions of political parties, and including their objections in writing;

4. a copy of the notice of conduct of the consultations and the manner of announcement of the said notice.

(9) The proposal of the mayor as referred to in paragraph (8) herein shall be made not later than 30 days in advance of Election Day. In the case where a new municipality is established the proposal shall be made by the appointed interim mayor subject to the same conditions.

(10) Where the municipality mayor or the interim mayor of the newly established municipality has failed to make proposal within the period as referred to in paragraph (9) herein, the said mayor or the interim mayor shall transmit without delay the documents as referred to in paragraphs (4), 5 and 6 in the constituency or municipal election commission.

(11) In the cases where consensus is reached, the constituency or municipal election commission shall appoint the section election commissions on the basis of the proposal of the mayor of the municipality made according to the procedure of paragraph (8) herein.

(12) In the cases where no consensus is reached or the municipality mayor has failed to make proposal within the period as referred to in paragraph (9) herein, the constituency or municipal election commission shall appoint the section election commissions on the basis of the proposals made by the political parties and the coalitions of political parties.

(13) In the cases where the constituency or municipal election commission fails to appoint the section election commissions within the period as referred to in Article 89, it shall transmit without delay the whole documentation to the Central Election Commission, which shall appoint the section election commissions.

### **Composition**

**Article 92.** (1) The section election commission shall be composed of chairperson, deputy chairperson, secretary and members.

(2) The section election commission shall be represented by its chairperson, and in specific cases, by a deputy chairperson, secretary or a member as may be appointed by a decision of the Commission.

(3) The representatives of one party or coalition of political parties may not have majority in the section election commission. The chairperson, the deputy chairperson and the secretary may not be from the same party or coalition of political parties.

(4) The number of the members of the section election commission, including chairperson, deputy chairperson and secretary, shall be:

1. for polling stations with under 500 voters inclusive: up to seven members, but not fewer than five;

2. for polling stations with more than 500 voters: up to nine members, but not fewer than five.

(5) The number of the members of the mobile section election commission, including chairperson, deputy chairperson and secretary, shall be up to seven members, but not fewer than five.

(6) Upon determining the composition and the managements of the section election commissions in the framework of the municipality for the respective constituency (borough) the proportion of the political parties and coalitions of political parties represented in the constituency or municipal election commission.

(7) Upon conduct of elections of National Representatives, President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria the political parties and the coalitions of political parties, which have Members of the European Parliament but are not represented in Parliament, shall be entitled to not more than two per cent of the members of the section election commissions within the framework of the

municipality for the respective constituency (borough).

(8) Upon conduct of elections of municipal councillors and for mayors the political parties and the coalitions of political parties, which have Members of the European Parliament but are not represented in Parliament, shall be entitled to not more than two per cent of the members of the section election commissions, but not fewer than one member within the framework of the municipality for the constituency (borough).

(9) In case that the political parties represented in Parliament and coalitions of political parties and the political parties and the coalitions of political parties, which have Members of the European Parliament but are not represented in Parliament, have failed to make proposals on all members they are entitled to, and in the cases where they have made proposals for fewer members, the vacant positions shall be filled at the proposal of other political parties and coalitions of political parties, which have participated in the consultations under Article 91, paragraph (2) herein. Any such filling shall be made by drawing lots according to the arrangements and procedure as may be defined by the decision of the Central Election Commission.

### **Status**

**Article 93.** (1) The section election commission shall implement its powers as of the day of appointment thereof of the respective type of election, the handover of the election stationery and materials in the constituency or municipal election commission and the municipal administration and displaying a copy of the tally sheet at a prominent place before the polling station of the copy of the tally sheet.

(2) In the execution of the functions thereof, the members of election commissions shall be treated as officials for within the meaning given by the Criminal Code.

(3) The members of election commissions may not wear distinguishing signs of any party, coalition of political parties and nomination committees and may not canvass.

### **Seal**

**Article 94.** (1) The section election commission has a seal. The seal shall state the name and the number of the relevant section election commission.

(2) The seal of the section election commission and of the mobile section election commission shall be shaped in different manners.

### **Requirements to the members**

**Article 95.** For members of the section election commission shall be appointed persons, who are entitled to vote in the respective type of election and have a good command of Bulgarian language.

### **Incompatibility**

**Article 96.** For the members of the section election commission shall be the limitations of Article 66. Upon conduct of elections of municipal councillors and mayors a member of section election commission may not be and candidate for municipal councillor or mayor.

### **Remuneration and social insurance**

**Article 97.** (1) The members of the section election commissions shall also receive remuneration for their work on the Election Day for the next day inclusive.

(2) The remuneration of the members shall be determined by the Central Election Commission. The amounts of the remunerations by positions shall be determined applying the methodology as referred to in Item 7 of Article 57, paragraph (1) herein.

(3) The remuneration of the members of the section election commission shall not be taxable under the Income Taxes on Natural Persons Act.

(4) For the time necessary for working on the respective commission, the members of election commissions shall be provided with social and health insurance as persons performing work in elective office. The social and health insurance contributions under the Social Insurance Code and the Health Insurance Act of the members of the constituency election commission

shall be at the account of the executive budget.

### **Leave**

**Article 98.** The members of the section election commission shall be excused from the official duties thereof for the day prior to the elections, for the Election Day and for the subsequent day. During that time the said persons shall use an unpaid service leave which shall count as relevant experience or, at their request, the paid annual leave to which they are entitled..

### **Sessions**

**Article 99.** (1) The sessions of the section election commission shall be chaired by the chairperson, and in his absence by the deputy chairperson.

(2) The section election commission shall hold a session when more than the half of its members are present.

(3) The section election commission shall pronounce by decisions, which shall be adopted by a majority of two thirds of the present members and shall be signed by the chairperson and the secretary. Where the required majority has not voted in favour of a decision, a refusal shall be presumed, which shall be appealable according to the procedure of the Code.

(4) Minutes of proceedings shall be taken for the sessions of election commission, and the said minutes shall be signed by the chairperson and the secretary.

(5) The members of election commissions may sign minutes and vote on decisions with a dissenting opinion, expressly noting whether they vote in favour or against the particular decision and formulating the dissenting opinion.

(6) Where the chairperson or, respectively, the secretary is absent, the decisions, minutes and certificates shall be signed by the secretary or, respectively, by the chairperson, and by the deputy chairperson. Where both the chairperson and the secretary are absent, the decisions shall be signed by a deputy chairperson and a member designated by decision of the commission proposed by different political parties and coalitions of political parties.

### **Powers of the Commission**

**Article 100.** (1) The section election commission in Bulgaria:

1. implement the activities and see to the application of this Code and the legal regulations thereto related at the polling site and in the area of the polling station;

2. assist to the arrangement of the polling site according to the requirements of this Code and with a view to ensuring access to voting for persons with sight or locomotor impairment;

3. provide free and undisturbed conduct of voting in the polling station;

4. count the votes cast in favour of the candidate lists upon all types of elections; count the preferences for the candidates of political parties and coalitions of political parties upon elections of National Representatives, Members of the European Parliament for the Republic of Bulgaria and municipal councillors; issue an abstract of the tally sheet showing the voting results in the polling station and deliver it to the constituency or municipal election commission within 24 hours upon the end of voting;

5. deliver the remaining papers and materials to the municipal administration within the period as referred to in Item 4;

6. examine all complaints and signals for breaches in the election process in conformity with its powers, pronouncing thereon without delay and prior to the end of the Election Day; and communicating the decision to the complainant forthwith and communicating the decision to the complainant forthwith;

7. declare the voting results in a generally accessible place in front of the polling station by placing a copy of the abstract for the respective type of election;

8. provide against signature of the members of the Commission, the candidates, the election agents, the representatives of the political parties, the coalitions of political parties and the nomination committees and the observers a photocopy of the signed abstract of the tally

sheet for the respective type of election with the voting results in the polling station, sealed each page with the seal of the Commission and signed by the chairperson, the deputy chairperson and the secretary.

(2) The activities shall be distributed among the members of the section election commission shall be made by a decision in writing upon the opening of the polls.

(3) The directions of the chairperson of the section election commission shall be binding upon all citizens at the polling site. Such directions may be revoked by decision of the section election commission.

(4) Any decision of the section election commission, related to barring a voter from voting, shall be appealable before the constituency or the municipal election commission, which shall pronounce forthwith. The decision of the constituency or municipal election commission shall not be subject to appeal.

## **Section V**

### **Section election commissions abroad**

#### **Appointment**

**Article 101.** Upon conduct of elections of National Representatives, for Members of the European Parliament for the Republic of Bulgaria and for President and Vice President of the Republic, the Central Election Commission shall appoint section election commissions for each polling station abroad not later than 12 days in advance of Election Day, except in the cases under Article 104.

#### **Holding Consultations**

**Article 102.** (1) Consultations shall be held at the Central Election Commission. The day, the hour and the place of the conduct thereof shall be publicly communicated and shall be published on the Internet site of the Central Election Commission not later than three days in advance of their conduct.

(2) The consultations shall be attended by the political parties represented in Parliament and coalitions of political parties and the political parties and the coalitions of political parties, which have Members of the European Parliament but are not represented in Parliament. The consultations may furthermore be attended by other political parties and coalitions of political parties which have registered candidates.

(3) At the consultations, the political parties and the coalitions of political parties as referred to in paragraph (2) herein shall present not later than 16 days in advance of Election Day:

1. a proposal in writing for a complement of the section election commissions, which shall state the names of the nominees, Uniform Civil Number, position in the commission, educational attainment, specialist qualifications and nominating party or coalition of political parties;

2. a copy of the certificate of current legal status of the political party as at the date of scheduling of Elections or of the decision on the establishment of the coalition of political parties, whereby are certified the powers of the persons representing the political party or the coalition of political parties;

3. an authorisation from the persons representing the respective party or the coalition of political parties, in the cases where authorised persons participate in the consultations.

(4) The political parties and coalitions of political parties shall present, attached to the proposal thereof referred to in Item 1 of Paragraph (3) herein, a list of the alternate members who will replace the nominees thereby in the cases referred to in Article 51, paragraph (2) herein or where a member of the section election commission fails to show up on the Election Day. Any such replacement shall require a decision of the Central Election Commission.

(5) A memorandum on the results of the consultations conducted shall be drawn up and shall be signed by the participants in the said consultations. Upon a refusal to sign the memorandum, as well as where the memorandum is signed with a dissenting opinion, the reasons of the participants shall be attached. The written objections of the political parties and

coalitions or political parties, if any, shall be attached as well.

(6) The Central Election Commission shall appoint the section election commissions on the basis of the proposals of the political parties represented in Parliament and coalitions of political parties and of the political parties and the coalitions of political parties, which have Members of the European Parliament but are not represented in Parliament,.

(7) In case that the political parties represented in Parliament and coalitions of political parties and the political parties and the coalitions of political parties, which have Members of the European Parliament but are not represented in Parliament, have failed to make proposals for all members they are entitled to, and in the cases where they have made proposals for fewer members, the vacant positions shall be filled at the proposal of other political parties and coalitions of political parties, which have participated in the consultations as referred to in paragraph (2) herein. Any such filling shall be made by drawing lots according to the arrangements and procedure as may be defined by the decision of the Central Election Commission.

### **Proposal by the Minister of Foreign Affairs**

**Article 103.** (1) The Central Election Commission shall appoint in each section election commission one member each as nominated by the Minister of Foreign Affairs or by a deputy minister authorised by him.

(2) The Minister of Foreign Affairs or the deputy minister authorised by him may make the proposal as referred to in paragraph (1) herein on the basis of proposals by organisations of Bulgarian citizens in the respective country.

(3) The Minister of Foreign Affairs or the deputy minister authorised by him shall make the proposal as referred to in paragraph (1) herein not later than 16 days in advance of Election Day. The proposal shall be accompanied by a list of alternate members who would replace the nominees in the cases as referred to in Article 51, paragraph (2) herein or where a member of the section election commission fails to turn up on the Election Day. Any such replacement shall be subject to decision by the Central Election Commission.

### **Filling Vacancies**

**Article 104.** (1) Where party or coalition of political parties under Article 102, paragraph (6) herein or 7 has failed to make a proposal, the Central Election Commission not later than 5 days in advance of Election Day shall appoint for members of the section election commissions persons proposed by the heads of the respective diplomatic missions or consular posts or by the Minister of Foreign Affairs or a deputy minister authorised by him.

(2) The heads of the respective diplomatic missions or consular posts or the Minister of Foreign Affairs or the deputy minister authorised by him may make the proposals on the basis of proposals by organisations of Bulgarian citizens in the respective country.

### **Replacements to the Members Proposed**

**Article 105.** The political parties and the coalitions of political parties, and the Minister of Foreign Affairs or a deputy minister authorised by him may make proposals of replacements to of a member of section election commission nominated by them. The proposal shall be presented in the Central Election Commission not later than 7 days in advance of Election Day. The Commission shall make the replacements not later than 5 days in advance of Election Day.

### **Expenditure Bearing**

**Article 106.** (1) The expenditures made in relation to dispatching the members included in the section election commissions and suggested by political parties and coalitions of political parties, shall be at the account of the respective party and coalition of political parties.

(2) The members included in the section election commissions and suggested by the Minister of Foreign Affairs or by a deputy minister authorised by him shall be seconded by the Minister of Foreign Affairs.

### **Composition**



**Article 107.** (1) The section election commission abroad shall be composed of chairperson, deputy chairperson, secretary and members.

(2) The section election commission shall be represented by its chairperson, and in specific cases, by a deputy chairperson, secretary or a member as may be appointed by a decision of the Commission.

(3) The representatives of one party or coalition of political parties may not have majority in the section election commission. The chairperson, the deputy chairperson and the secretary may not be from the same party or coalition of political parties.

(4) The number of the members of the section election commission, including chairperson, deputy chairperson and secretary, shall be:

1. for polling stations with under 500 voters inclusive: up to seven members, but not fewer than five;

2. for polling stations with more than 500 voters: up to nine members, but not fewer than five.

(5) Upon determining the composition and the managements of the section election commissions the ratio of the political parties represented in Parliament and coalitions of political parties shall be retained. The proportion shall be determined, after from the number of the members as referred to in paragraph (4) herein the members have been excluded proposed by the Minister of Foreign Affairs or by a deputy minister authorised by him under Article 103.

#### **Powers of the Commission**

**Article 108.** (1) The section election commission abroad:

1. implement the activities and see to the application of this Code and the legal regulations thereto related at the polling site and in the area of the polling station;

2. assist to the arrangement of the polling site according to the requirements of this Code and with a view to ensuring access to voting for persons with sight or locomotor impairment;

3. provide free and undisturbed conduct of voting in the polling station;

4. count the votes cast in favour of the candidate lists upon all types of elections; count the preferences for the candidates of political parties and coalitions of political parties upon elections of Members of the European Parliament for the Republic of Bulgaria and issue an abstract of the tally sheet;

5. without delay, but not later than 24 hours local time on the Election Day, transmit to the Central Election Commission a tally sheet cable showing the election results in a standard form endorsed by the Central Election Commission and a scanned copy of the tally sheet of the section election commission and of the roll for voting abroad;

6. deliver, care of the diplomatic mission or the consular post, the election stationery and materials, as well as the tally sheet of the section election commission by the next Diplomatic Bag to the Ministry of Foreign Affairs for delivery to the Central Election Commission; within seven days after receipt of the tally sheet and the rest of the election stationery and materials, the Ministry of Foreign Affairs shall transmit them to the Central Election Commission;

7. examine all complaints and signals for breaches in the election process, pronouncing thereon without delay and prior to the end of the Election Day; and communicating the decision to the complainant forthwith and communicating the decision to the complainant forthwith;

8. declare the voting results in a generally accessible place in front of the polling station by placing a copy of the abstract for the respective type of election;

9. provide against signature of the members of the Commission, the candidates, the election agents, the representatives of the political parties, the coalitions of political parties and the nomination committees and the observers a photocopy of the signed abstract of the tally sheet for the respective type of election with the voting results in the polling station, sealed each page with the seal of the Commission and signed by the chairperson, the deputy chairperson and the secretary.

(2) The activities shall be distributed among the members of the section election commission shall be made by a decision in writing upon the opening of the polls.

(3) The directions of the chairperson of the section election commission shall be binding upon all citizens at the polling site. Such directions may be revoked by decision of the section election commission.

### **Appeal**

**Article 109.** The actions of the section election commissions abroad shall be appealable before the Central Election Commission. Any such appeal may be lodged with the Central Election Commission directly by electronic means or care of the head of the diplomatic mission or consular post, who shall dispatch the said complaint forthwith to the Central Election Commission. The Central Election Commission shall pronounce forthwith, within one hour after receipt of the appeal and before the closing of the polls. The decision shall be made public without delay and shall not be subject to appeal.

### **Unsettled Issues**

**Article 110.** Any issues unsettled by this Section shall be governed by the rules applicable to the section election commissions in Bulgaria.

## **Chapter Six OBSERVERS**

### **Scope of Activity. Total Number of Observers**

**Article 111.** (1) The observers shall implement their activities as of their registration and through to the announcement of the election results.

(2) Upon conduct of elections of municipal councillors and mayors, the observers shall implement their activities as of their registration and through to the scheduling of the next general elections, with the registration of organisations and observers referred to in Article 112 shall retain its force. The organisation may make changes to the list of registered observers.

(3) The total number of observers registered by one non-governmental organisation may not exceed the number of polling stations in Bulgaria.

(4) The total number of observers abroad registered by one non-governmental organisation upon elections of National Representatives, President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria, may not exceed the number of polling stations abroad.

### **Registration of the observers**

**Article 112.** (1) Until the Election Day, the Central Election Commission shall register the observers:

1. expressly authorised representatives of registered Bulgarian non-governmental organisations;

2. international representatives of the European Parliament, of international Parliaments, of the Organisation for Security and Co-operation in Europe, of the Parliamentary Assembly of the Council of Europe and other Parliamentary Assemblies, of international political parties and movements, as well as persons who are not Bulgarian citizens as appointed by political parties, coalitions of political parties and nomination committees which have registered candidates.

(2) The Central Election Commission shall register the Bulgarian non-governmental organisations, which would wish to participate with expressly authorised representatives as observers in the elections.

(3) The registration of the organisations as referred to in paragraph (2) herein shall be made on the basis of an application signed by the person representing the organisation according to its current judicial registration or by a person expressly authorised by him.

(4) The following shall be attached to the application as referred to in paragraph (3) herein:

1. current legal status certificate;

2. express authorisation from the person representing the organisation in the cases

where the documents are submitted by the authorised person;

3. a list signed by the person representing the respective organisation or by the person expressly authorised by him, containing the names and the Uniform Civil Number, and, respectively, another identifying number for the persons who are not Bulgarian citizens, of expressly authorised representatives of the organisation to be registered as observers;

4. authorisations of expressly authorised representatives of the organisation to be registered as observers; the representatives of the non-governmental organisation may be authorised by a general authorisation.

(5) the Ministry of Foreign Affairs shall extend an invitation to the organisations as referred to in Item 2 of paragraph (1) herein, and to the persons specified by the political parties, coalitions of political parties and nomination committees, which have registered candidates or by international political parties and movements.

(6) The Central Election Commission shall register the observers as referred to in Item 2 of paragraph (1) herein, on the basis of a request by the Ministry of Foreign Affairs, whereto a list shall be attached containing the names, the sending organisation, party or movement and the State of origin of the observers suggested for registration.

(7) The Central Election Commission shall register the observers on the basis of the list as referred to in Item 3 of paragraph (4) herein, subject to the requirement of Article 111, paragraphs (3) and 4.

(8) The Central Election Commission shall issue certificates to the registered observers within a 3-day term as of the submission of the application or request.

#### **Register of Observers. Publicity**

**Article 113.** The Central Election Commission shall publish on the Internet site thereof a Register of Observers containing the organisations and authorised representatives registered as observers in the respective type of election. The access to the personal data in the register shall be subject to the requirements of [the Personal Data Protection Act](#)

#### **Rights of Observers**

**Article 114.** (1) The observers shall be entitled to:

1. be present at the sessions of the election commissions;
2. be present at the printing and the dissemination of the paper ballots;
3. be present at receiving of the election stationery and materials and the preparation of the polling sites;
4. be present at the polling site at the opening and closing the Election Day;
5. be present at the polling site during voting;
6. be present at the polling site at the opening of the ballot-boxes and at the establishment of the voting results, wherefor direct visibility shall be provided to them;
7. be present at the delivery of the ballot papers, the other papers and materials to the commissions under Article 287, paragraph (7) herein and Article 445, paragraph (7) herein;
8. be present at the entry and re-entry in the election commissions and the computation centres of the data from the tally sheets with the voting results of the section election commissions; only one observer may be present at the entry of the data from the same organisation;
9. receive against signature a photocopy of the tally sheet for the respective type of election with the voting results in the polling station, and with the voting results in the respective constituency (borough);
10. lodge complaints and signals for breaches in the election process;
11. be present of all the other stages of the election process.

(2) not more than two observers from the same organisation may be present at one polling station, with only one of them being allowed to be present at the polling site. The observers shall not be bound to a specific polling station

(3) The observers are entitled to vote with Non-Resident Voting Certificate issued according to the procedure of Article 34.

(4) The State and the local authorities and their administrations and the election

commissions shall be required to co-operate with the observers and, at their request, provide them with information and documents relevant to the execution of their powers.

### **Identity Support and Distinguishing Signs**

**Article 115.** (1) Throughout all the stage of the election process the observer shall support his identity by showing his certificate as issued thereto. Any such certificate shall be issued in a single copy.

(2) On the Election Day, the observers shall be required to wear only distinguishing signs according to a standard form as approved by the Central Election Commission. The observers who wear distinguishing signs other than those allowed by the Central Election Commission, shall be removed from the polling station by a decision of the section election commission. The decision shall be appealable before the constituency or municipal election commission, which shall pronounce without delay. The decision shall not be subject to appeal.

### **Obligations of the observers**

**Article 116.** (1) One person may not be simultaneously an observer and a pollster.

(2) The observer may not be a companion.

(3) For their activities, the observers may not receive remuneration from political parties, coalitions of political parties, nomination committees and their candidates.

## **Chapter Seven ELECTION AGENTS**

### **Scope of Activity. Total number of election agents**

**Article 117.** (1) The election agents shall render support and represent the interests of the candidates in the candidate lists of the political parties, the coalitions of political parties and the nomination committees before the State authorities, the public organisations and the election commissions.

(2) The election agent shall have freedom of expression and canvassing and in both oral and written form at election meetings, and care the media service providers.

(3) Election agent may be person who has attained the age of 18 years, is not interdicted and is not serving a custodial sentence.

(4) The total number of the election agents of each candidate list of a party, coalition of political parties and a nomination committee may not exceed the number of polling stations in the respective constituency (borough).

(5) The total number of the election agents abroad of each candidate list of a party and coalition of political parties and of nomination committee upon elections of National Representatives, President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria may not exceed the number of polling stations abroad.

(6) One candidate list may be represented by one election agent per one polling station on the Election Day. Upon conduct of elections of municipal councillors and for mayors the candidate lists for municipal councillors and for mayors of the same party or coalition of political parties may only be represented by a total of one election agent per one polling station on the Election Day. The election agents shall not be bound to a specific polling station.

(7) One person may only be an election agent of one candidate list.

### **Registration of Election Agents**

**Article 118.** (1) The election agents shall be registered prior to the Election Day on the basis of an application signed the person representing the political party or by the persons representing the coalition of political parties or expressly authorised by them. The application of the nomination committee shall be signed by the person representing the nomination committee. In the cases where the application is submitted by authorised persons, the relevant authorisation shall also be presented. The application shall be accompanied by a list signed by the persons as referred to in sentence one or two, containing the names and the Uniform Civil

Number, and, respectively, another identifying number for the persons who are not Bulgarian citizens, of the persons to be registered as election agents.

(2) The registration of the election agents shall be made by the constituency or municipal election commission subject to the requirement of Article 117, paragraph (4) herein.

(3) The registration of the election agents abroad shall be made by the Central Election Commission subject to the requirement of Article 117, paragraph (5) herein.

(4) Election agent may be replaced by an additionally registered election agent in the cases where the election agent may not exercise his rights or where a proposal has been made by the respective party, coalition of political parties or nomination committee. The total number of such additional election agents per each candidate list of a party, coalition of political parties and a nomination committee may be up to one third from the number of polling stations in the respective constituency (borough). The constituency or municipal election commission shall register the election agent according to the procedure of paragraph (1) herein and shall issue a certificate thereto. The certificate of the replaced election agent shall be annulled. Any such replacement shall be added on the public register of the election agents without delay.

### **Quality of the Election Agent**

**Article 119.** The election agents shall be regarded as having the quality of officials within the meaning of Letter 'b' of Item 1 of Article 93 of the Criminal Code as of the registration of the candidate lists and through to the announcement of the election results. Where the registration of an independent candidate has been removed, the removal shall furthermore be enforced as to his election agents.

### **Rights and Obligations of the Election Agent**

**Article 120.** (1) The election agent shall be entitled to:

1. render support to the candidates from the candidate list of a party, coalition of political parties or a nomination committee in the constituency (borough) and to represent their interests;

2. be present at the sessions of the election commissions;

3. be present at receiving of the election stationery and materials and the preparation of the polling sites;

5. be present at the polling site at the opening and closing the Election Day;

6. be present at the polling site during voting;

7. be present at the polling site at the opening of the ballot-boxes and at the establishment of the voting results, wherefor direct visibility shall be provided to them;

8. be present at the entry and re-entry in the election commissions and in the computation centres of the data from the tally sheets with the voting results of the section election commissions;

9. receive against signature a photocopy of the tally sheet for the respective type of election with the voting results in the polling station, and with the voting results in the respective constituency (borough).

(2) At the sessions of the commissions may only be present one election agent of candidate list from each political party, coalition of political parties or nomination committee, and upon elections of municipal councillors and for mayors the candidate lists for municipal councillors and for mayors of the same party or coalition of political parties may only be represented by a total of one election agent.

(3) The election agent may not be companion.

### **Distinguishing signs**

**Article 121.** (1) On the Election Day, the election agents shall be required to wear only distinguishing signs according to a standard form as approved by the Central Election Commission. The election agents who wear distinguishing signs other than those allowed by the Central Election Commission, shall be removed from participation on the Election Day with decision of the section election commission. The decision shall be appealable before the constituency or municipal election commission, which shall pronounce without delay. The

decision shall not be subject to appeal.

(2) As of their registration and through to the announcement of the election results the election agents shall support their identity by showing their certificates issued thereto. Any such certificate shall be issued in a single copy.

#### **Register of Election Agents. Publicity**

**Article 122.** (1) The constituency or municipal election commission shall publish on the Internet site thereof register of the election agents by candidate lists. The access to the personal data in the register shall be implemented, subject to the requirements of [the Personal Data Protection Act](#).

(2) The Central Election Commission shall publish on the Internet site thereof register of the election agents abroad of candidate lists.

#### **Election Agents Abroad**

**Article 123.** This Chapter shall furthermore be applied to the election agents abroad.

### **Chapter Eight**

## **REPRESENTATIVES OF POLITICAL PARTIES, COALITIONS OF POLITICAL PARTIES AND NOMINATION COMMITTEES**

#### **Total Number of Representatives. Identity support**

**Article 124.** (1) At a polling station on the Election Day may only be present one representative of a party, coalition of political parties or a nomination committee which have registered candidates.

(2) The total number of representatives of a party, coalition of political parties or a nomination committee may not exceed the number of polling stations in the respective constituency (borough).

(3) The total number of the representatives of a party, coalition of political parties or a nomination committee abroad upon elections of National Representatives, President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria may not exceed the number of polling stations abroad.

(4) Each political party, coalition of political parties or nomination committee shall prepare a list containing the names, the Uniform Civil Number, the number and the date of the authorisation of the persons, which are authorised to represent them on the Election Day. Any such list shall be signed and delivered prior to the Election Day to the constituency, and, respectively, to the municipal election commissions in the relevant constituency (borough) by the person representing the political party or the persons representing the coalition of political parties or by persons expressly authorised by them. The constituency, and, respectively, the municipal election commissions shall publish the list on the Internet site thereof, subject to the requirements of the Personal Data Protection Act.

(5) The representative of party, coalition of political parties and a nomination committee shall support his identity by showing an authorisation issued by the person representing the respective party, coalition of political parties or nomination committee or by a person expressly authorised by him.

#### **Distinguishing Signs**

**Article 125.** The representatives of the political parties, coalitions of political parties and nomination committees shall be required to wear on the Election Day only distinguishing signs according to a standard form as approved by the Central Election Commission. The representatives, which wear distinguishing signs other than those allowed by the Central Election Commission, shall be removed from the polling station by a decision of the section election commission. The decision shall be appealable before the constituency or municipal election commission, which shall pronounce without delay. The decision shall not be subject to appeal.

### **Rights and Obligations**

**Article 126.** (1) The representatives of the political parties, coalitions of political parties and nomination committees shall be entitled to:

1. be present at the polling site at the opening and closing the Election Day;
2. be present at the polling site during voting;
3. be present at the polling site at the opening of the ballot-boxes and at the establishment of the voting results, wherefor direct visibility shall be provided to them;
4. be present at the entry and re-entry in the election commissions and in the computation centres of the data from the tally sheets with the voting results of the section election commissions;
5. receive against signature a photocopy of the tally sheet for the respective type of election with the voting results in the polling station, and with the voting results in the respective constituency (borough);
6. lodge complaints and signals for breaches in the election process.

(2) At the sessions of the commissions may only be present one representative of each political party, coalition of political parties or nomination committee.

(3) The representatives of political parties, coalitions of political parties and nomination committees may not be companions.

## **Chapter Nine REGISTRATION OF POLITICAL PARTIES, COALITIONS OF POLITICAL PARTIES AND NOMINATION COMMITTEES**

### **Section I Participation in the Elections**

#### **Method of Participation in the Elections**

**Article 127.** (1) Each political party may participate in each single type of election either independently or in coalition of political parties with other political parties.

(2) Each political party may participate in each single type of election only in one coalition of political parties.

(3) Each political party or coalition of political parties registered with the Central Election Commission may participate in elections of municipal councillors, municipality mayors, borough mayors and mayoralty mayors either independently or in various local coalitions of political parties for each single type of election.

(4) Nomination committees for nomination of independent candidates may be established and participate in each single type of election.

#### **Name or abbreviation**

**Article 128.** (1) The name or the abbreviation of coalition of political parties, including of local coalition of political parties, may not repeat the name or the abbreviation of party registered under the Political Parties Act prior to the date of the promulgation in the State Gazette of the Decree of the President on the scheduling of Elections, including by adding thereto words, letters, digits or other symbols.

(2) The prohibition as referred to in paragraph (1) herein shall be inapplicable where the name or the abbreviation of the coalition of political parties repeats the name or the abbreviation of any of the coalition member parties.

(3) The name or the abbreviation of the coalition member parties may be added in brackets to the name or the abbreviation of the coalition of political parties.

(4) The Central Election Commission shall, upon all types of elections and the respective municipal election commission upon elections of municipal councillors and of mayors, make a check of the implementation of the requirements as laid down in paragraphs (1) and (2) herein. In case any deficiencies or discrepancies are established, the Central Election Commission and, respectively, the municipal election commission shall without delay give instructions as to the reconciling thereof within a 3-day term, but not later than the

registration deadline.

(5) Where within the period as referred to in paragraph (4) herein the deficiencies or discrepancies have not been reconciled, the respective election commission shall refuse registration.

(6) Such registration refusal by the Central Election Commission shall be appealable before the Supreme Administrative Court according to the procedure of Article 58.

(7) Such registration refusal by the municipal election commission shall be appealable before the Central Election Commission according to the procedure of Article 88.

### **Deposit**

**Article 129.** (1) For participation in elections for National Representatives, for President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria the political parties, the coalitions of political parties and the nomination committees shall pay in a non-interest-bearing deposit to an account with the Bulgarian National Bank. The deposit as referred to herein shall be:

1. for political parties: 2 500 BGN;
2. for coalitions of political parties: 5 000 BGN;
3. for nomination committees: 100 BGN

(2) The political parties, the coalitions of political parties and the nomination committees pay no deposit for participation in elections for municipal councillors and for mayors.

### **Refunds**

**Article 130.** The Central Election Commission shall refund not later than 7 days as of the announcement of the final election results with decision the deposit to:

1. the political parties and the coalitions of political parties, which have gained not less than one per cent of the valid votes at a national level;
2. the nomination committees, whose candidates have gained:
  - a) valid votes equal to not less than a quarter of the constituency voter quota, upon elections of National Representatives;
  - b) not less than one per cent of the valid votes, upon elections of President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria.

### **Unreimbursed sums. Accounting**

**Article 131.** (1) The unreimbursed sums of deposits as referred to in Article 129, paragraph (1) herein shall be transferred in favour of the *Children Treatment Fund* Centre at the Minister of Health.

(2) The deposit sums under Article 129, paragraph (1) herein shall not be considered as expenditure of the political parties, coalitions of political parties or nomination committees related to the financing of the election campaign.

## **Section II Registration of Political Parties**

### **Competent body**

**Article 132.** (1) The political parties shall be registered for participation in the elections with the Central Election Commission.

(2) Upon conduct of elections of municipal councillors and for mayors the political parties registered with the Central Election Commission shall furthermore be registered for participation in the respective municipal election commission.

### **Documents for Registration of Political Parties**

**Article 133.** (1) the central managements of the political parties, which are competent according to the charter thereof, on the basis of a decision, shall present at the Central Election Commission a declaration of registration not later than 45 days in advance of Election Day. The



application shall be signed by the person representing the political party according to its current judicial registration. The application may furthermore be signed by the person expressly authorised by the person representing the political party.

(2) The application as referred to in paragraph (1) herein shall state:

1. the full or abbreviated name of the political party according to the court registration thereof;

2. the full or abbreviated name of the political party as declared for printing on the ballot papers;

3. an application for registration to run in the elections;

4. address and telephone at which the political party can be contacted and a contact person.

(3) The political party shall present, attached to the application for registration:

1. a certificate of legal status current as at the date of scheduling of Elections;

2. a specimen of the signature of the person representing the political party;

3. a specimen of the seal of the political party;

4. a bank document proving a deposit has been paid in as referred to in Article 129, paragraph (1) herein: solely upon elections of National Representatives, of President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria;

5. a list containing the names, the Uniform Civil Number and manual signatures of not fewer than 2500 voters supporting the registration; upon elections of Members of the European Parliament for the Republic of Bulgaria, the registration of the political party may furthermore be supported by voters who are nationals of another Member State of the European Union, and the lists shall contain the names, the number of the residence certificate and the date of registration stated therein, and signature; each voter may only participate in one list; the list shall be furthermore delivered in a structured electronic form, containing the names and the Uniform Civil Numbers (Personal Numbers) of the voters who have affixed their signatures in the sequence, in which they are entered in the list;

6. a certificate issued by the Bulgarian National Audit Office under Article 37 (1) of the Political parties Act on financial statements submitted by the political party for each of the last three years and, applicable to newly registered political parties, since the date of the court registration thereof;

7. a certificate of an active bank account to be used to service the election campaign only;

8. the names and the offices of the persons to be responsible for the proceeds, expenditure, and accountability of the political party related to the election campaign;

9. an authorisation from the person representing the respective party, in the cases where the documents are submitted by authorised persons.

(4) The personal data referred to in Item 5 of paragraph (3) herein shall be processed and provided in compliance with the requirements of the Personal Data Protection Act.

### **Requirements for Registration. Refusal of Registration**

**Article 134.** (1) The Central Election Commission shall conduct a check of the documents covered under Article 133 and take a decision on the registration of the political party.

(2) In case any deficiencies or discrepancies are established, the Central Election Commission shall, without delay, give instructions as to the reconciling thereof within a 3-day term, but not later than the registration deadline. In case the deficiencies or discrepancies have not been reconciled within the period as referred to in sentence one, the Central Election Commission shall refuse registration.

(3) The refusal of registration shall be appealable before the Supreme Administrative Court according to the procedure of Article 58. If the court revokes the decision appealed, the Central Election Commission shall forthwith register the political party for participation in the elections, regardless of whether the time limit referred to in Article 133, paragraph (1) herein has expired, but not later than 32 days in advance of Election Day.

**Check of the lists. Default Removal of Registration**

**Article 135.** (1) The lists as referred to in Item 5 of Article 133, paragraph (3) herein, shall be delivered electronically to the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works for check without delay.

(2) The Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works shall perform the check not later than 42 days in advance of Election Day.

(3) As to the results of the check, the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works shall draw up an inspection sheet in two copies, one of which shall be presented to the Central Election Commission. The data from the check shall be safeguarded within 6 months as of the conduct of elections.

(4) The Central Election Commission shall establish the results of the lists as referred to Item 5, Article 133, paragraph (3) herein, on the basis of the check carried out by the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works. Upon request by the political party registered for participation, the Central Election Commission shall provide to it in writing the data on the inspection sheet as referred to in paragraph (3) herein and the result established as per the political party rolls presented as referred to in Item 5, Article 133, paragraph (3) herein.

(5) Where, as a result of the check carried out by the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works and upon the expiration of the registration deadline it is established that the political party fails to meet the requirements as referred to in Item 5 of Article 133, paragraph (3) herein, its registration shall be removed with decision, which shall be communicated forthwith to the political party and shall be appealable according to the procedure of Article 58.

**Verification on the roll**

**Article 136.** The Central Election Commission shall enable each voter who is a Bulgarian citizen due search ability on the roll as referred to in Item 5 of Article 133, paragraph (3) herein, by Uniform Civil Number, and, respectively, by Personal Number for each voter who is a national of another Member State of the European Union, upon elections of Members of the European Parliament for the Republic of Bulgaria and for municipal councillors and mayors, including by means of a free of charge phone number.

**Removal of the Registration**

**Article 137.** (1) A political party may request the removal of its registration to run in the elections not later than 32 days in advance of Election Day. The removal shall be made subject to a declaration in writing of the political party to the Central Election Commission signed by the person representing the political party or by the person expressly authorised by him. The political party shall furthermore attach the decision on removal to any such application.

(2) By its registration removal decision, the Central Election Commission shall refund the deposit under Article 129, paragraph (1) herein paid in by the respective party or coalition of political parties.

(3) The deposit under Article 129, paragraph (1) herein shall be refunded not later than 7 days as of the enforcement of the decision of the Central Election Commission as referred to in paragraph (2) herein.

(4) Paragraphs 2 and 3 shall furthermore apply in the case of removal the registration of party under Article 135, paragraph (5) herein.

**Dispatch of the Lists to the Constituency or Municipal Election Commissions upon the End of Registration**

**Article 138.** Upon the end of registration, the Central Election Commission shall transmit to the political parties of the constituency or municipal election commissions without

delay:

1. a list of registered political parties;
2. information on the removed political parties.

### **Section III Registration of Coalitions of Political Parties**

#### **Competent body for registration of coalitions of political parties**

**Article 139.** (1) The coalitions of political parties shall be registered for participation in the elections with the Central Election Commission.

(2) Upon conduct of elections of municipal councillors and for mayors the coalitions of political parties registered with the Central Election Commission shall be registered for participation and in the respective municipal election commission.

#### **Documents for registration of Coalitions of Political Parties**

**Article 140.** (1) The political parties, which have formed coalition of political parties for participation in elections, on the basis of common decision, shall present to the Central Election Commission declaration of registration not later than 45 days in advance of Election Day. The application shall be signed by the persons representing the coalition of political parties according to the decision on the formation thereof. The application may furthermore be signed by the persons, expressly authorised by the persons representing the coalition of political parties.

(2) The application as referred to in paragraph (1) herein shall state:

1. the full or abbreviated name of the coalition of political parties according to the decision on the formation thereof;
2. the full or abbreviated name of the coalition of political parties as declared for printing on the ballot papers;
3. an application for registration to run in the elections;
4. address, telephone and a contact person.

(3) The coalition of political parties shall present, attached to the application for registration:

1. for each of the political parties participating in the coalition:
  - a) a certificate of legal status current as at the date of scheduling of Elections;
  - b) a specimen of the signature of the person representing the political party;
  - c) a specimen of the seal of the political party;
  - d) a certificate issued by the Bulgarian National Audit Office under Article 37, paragraph (1) of the Political Parties Act proving the required financial statements of the political party for each of the last three years have been submitted, and as regards to newly registered political parties: as of the date of their Court registration;
2. decision on the establishment of the coalition of political parties signed by the persons representing the political parties and sealed with the seals of the participating political parties;
3. specimens of the signatures of the persons representing the coalition of political parties;
4. a specimen of the seal of the coalition of political parties, if any;
5. a bank document proving a deposit has been paid in as referred to in Article 129, paragraph (1) herein - solely upon elections of National Representatives, of President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria;
6. a list, containing the names, the Uniform Civil Number and handwritten signature of not fewer than 5000 voters supporting the registration; upon elections of Members of the European Parliament for the Republic of Bulgaria the registration of the political party may furthermore be supported by voters who are nationals of another Member State of the European Union, and the lists shall contain the names, the number of the residence certificate and the date of registration stated therein, and signature; each voter may only participate in one

list; the list shall be furthermore delivered in a structured electronic form, containing the names and the Uniform Civil Numbers (Personal Numbers) of the voters who have affixed their signatures in the sequence, in which they are entered in the list;

7. a certificate of an active bank account, the account holder of which should be the political party under Article 164, paragraph (2) herein, to be used to service the election campaign only;

8. the names and the offices of the persons to be responsible for the proceeds, expenditure, and accountability of the coalition of political parties related to the election campaign;

9. an authorisation from the persons representing the coalition of political parties, in the cases where the documents are submitted by authorised persons.

(4) The personal data as referred to in Item 6 of paragraph (3) herein shall be processed and provided, subject to the requirements of the Personal Data Protection Act.

### **Requirements for Registration. Refusal of Registration**

**Article 141.** (1) The Central Election Commission shall conduct a check of the documents covered under Article 140 and take a decision on the registration of the coalition of political parties.

(2) In case any deficiencies or discrepancies are established, the Central Election Commission shall, without delay, give instructions as to the reconciling thereof within a 3-day term, but not later than the registration deadline. In case the deficiencies or discrepancies have not been reconciled within the period as referred to in sentence one, the Central Election Commission shall refuse registration.

(3) Such registration refusal shall be appealable before the Supreme Administrative Court according to the procedure of Article 58. Where the Court reverses the judgement appealed, the Central Election Commission shall without delay register the coalition of political parties for participation in the elections, irrespectively of whether the period under Article 140, paragraph (1) herein has expired or not, but not later than 32 days in advance of Election Day.

### **Check of the lists. Default Removal of Registration**

**Article 142.** (1) The lists as referred to in Item 6 Article 140, paragraph (3) herein, shall be delivered electronically and without delay to the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works for check.

(2) The Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works shall perform the check not later than 42 days in advance of Election Day.

(3) As to the results of the check, the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works shall draw up an inspection sheet in two copies, one of which shall be presented to the Central Election Commission. The data from the check shall be safeguarded within 6 months as of the conduct of elections.

(4) The Central Election Commission shall establish the results of the lists as referred to in Item 6 Article 140, paragraph (3) herein on the basis on the basis of the check carried out by the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works. Upon request by coalition of political parties registered for participation, the Central Election Commission shall provide to it in writing the data on the inspection sheet as referred to in paragraph (3) herein, and the result established as per the political party rolls presented as referred to in Item 6 Article 140, paragraph (3) herein.

(5) Where, as a result of the check carried out by the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works and upon the expiration of the registration deadline it is established that the political party fails to meet the requirements as referred to in Item 6 Article 140, paragraph (3) herein, its registration shall be removed with decision, which shall be communicated forthwith to the coalition of political parties and shall be appealable according to the procedure of Article 58.

**Verification on the roll as referred to in Item 6 Article 140, paragraph (3) herein**

**Article 143.** The Central Election Commission shall enable each voter who is a Bulgarian citizen due searchability on the roll as referred to in Item 6 Article 140, paragraph (3) herein, by Uniform Civil Number, and, respectively, by Personal Number for each voter who is a national of another Member State of the European Union, upon elections of Members of the European Parliament for the Republic of Bulgaria and for municipal councillors and mayors, including by means of a free of charge phone number.

**Changes to the Composition of coalition of political parties**

**Article 144.** (1) Changes to the composition of coalition of political parties having occurred upon its registration with the Central Election Commission, shall be made subject to submission of an application and presentation of a decision concerning the changes, which needs to meet the requirements for establishment of the coalition of political parties, not later than 32 days in advance of Election Day.

(2) In case the coalition of political parties includes new political parties, these new political parties shall, not later than 32 days in advance of Election Day, present the documents as referred to in Item 1 Article 140, paragraph (3) herein.

(3) In case one or more political parties leave the coalition of political parties, its registration shall be retained if at least two political parties have remained in that coalition.

(4) In case where a political party, whose name or abbreviation is included in the name of the coalition of political parties, leaves the coalition of political parties, the Central Election Commission shall, by the decision whereby institutes the change to the composition of the coalition of political parties, furthermore set a three-day term for a change of the name of the coalition of political parties. The coalition of political parties shall retain its registration for participation in the elections if, within the term set, changes its name by a decision on such change and lodges an application thereto with the Central Election Commission. The Central Election Commission shall remove the name or the abbreviation of the political party, which has left the coalition, from the name of the coalition of political parties.

(5) Any changes having occurred in the composition of coalition of political parties shall be furthermore registered in the register of the Central Election Commission subject to the submission of an application by the persons representing the political party or the coalition of political parties not later than 32 days in advance of Election Day.

(6) The Central Election Commission shall remove the political parties, which have left the coalition, from the name of the coalition of political parties not later than 32 days in advance of Election Day.

(7) A party included in the composition of coalition of political parties may not participate in the Elections as an independent political party.

(8) A party included in the composition of coalition of political parties, which leaves the coalition upon the registration of the coalition of political parties, but not later than 45 days in advance of Election Day, may participate of Elections as an independent political party, subject to registration according to the procedure of Section II of this Chapter.

**Removal of the registration**

**Article 145.** (1) Coalition of political parties may request the removal of its registration to run in the elections not later than 32 days in advance of Election Day. The removal shall be made subject to a declaration in writing of the coalition of political parties to the Central Election Commission signed by the persons representing the coalition of political parties persons. The application the coalition of political parties shall furthermore be accompanied by an attached decision on removal signed by the persons representing the political parties included in the coalition of political parties or by persons expressly authorised by them.

(2) By its registration removal decision, the Central Election Commission shall refund the deposit under Article 129, paragraph (1) herein paid in by the respective coalition of political parties.

(3) The deposit under Article 129, paragraph (1) herein shall be refunded not later than

7 days as of the enforcement of the decision of the Central Election Commission as referred to in paragraph (2) herein.

(4) Paragraphs (2) and (3) shall furthermore apply in the case of removal the registration of coalition of political parties under Article 142, paragraph (5) herein.

#### **Dispatch of the Lists to the Constituency or Municipal Election Commissions upon the End of Registration**

**Article 146.** Upon the end of registration, the Central Election Commission shall transmit to the coalitions of political parties of the constituency or municipal election commissions without delay:

1. a list of registered coalitions of political parties;
2. information on the changes made to the composition and name of the coalitions of political parties according to the procedure of Article 144, paragraphs (4), (5), (6) and (8) herein;
3. information on the removed coalitions of political parties.

### **Section IV**

#### **Registration of Political Parties, Coalitions of Political Parties and Local Coalitions of Political Parties in the Municipal Election Commissions**

##### **Registration of the Political Parties and the Coalitions of Political Parties Registered with the Central Election Commission**

**Article 147.** (1) The political parties and the coalitions of political parties registered with the Central Election Commission shall be registered for participation in elections of municipal councillors and for mayors on the basis of declaration of registration presented in the respective municipal election commission not later than 40 days in advance of Election Day. The application shall state what type of election the registration is requested for. A separate application shall be lodged for each single type of election.

(2) The political parties from one coalition of political parties registered with the Central Election Commission may not be registered as independent parties with a municipal election commission, nor may they enter individually, outside the coalition of political parties where they are registered with the Central Election Commission, nor may they enter other coalitions of political parties within the territory of the municipality.

(3) The application shall be presented by a decision of the central management of the political party which is competent according to the charter thereof, or the management of the coalition of political parties, which is competent according to the charter thereof according to the decision on the establishment of the coalition of political parties. The application shall be signed by the persons representing the political party or the coalition of political parties or by persons expressly authorised by them.

(4) The application shall state:

1. the full or abbreviated name of the political party or the coalition of political parties to be printed in the ballot paper;
2. an application for registration to run in the elections, which should state the type of election the registration is to be made for;
3. address, telephone and contact person.

(5) The following items shall be attached to the application:

1. a copy of the party registration certificate of the political party or of the coalition of political parties with the Central Election Commission;
2. decision on the establishment of the coalition of political parties signed by the persons representing the political parties, and sealed with the seals of the participating political parties.

3. an authorisation of the persons authorised to represent the political party or the coalition of political parties before the municipal election commission, in the cases where the documents are submitted by authorised persons.

(6) The municipal election commission shall perform a check of the documents presented and take a decision on the registration of the political party or coalition of political

parties.

(7) In case any deficiencies or discrepancies are established, the municipal election commission shall, without delay, give instructions as to the reconciling thereof within a 3-day term, but not later than the registration deadline. In case the deficiencies or discrepancies have not been reconciled within the period as referred to in sentence one, the municipal election commission shall refuse registration.

(8) A refusal of the municipal election commission shall be appealable before the Central Election Commission according to the procedure of Article 88.

#### **Registration of local coalitions of political parties**

**Article 148.** (1) The local coalitions of political parties shall be established for participation in elections of municipal councillors and for mayors only by political parties and coalitions of political parties registered with the Central Election Commission.

(2) The local coalitions of political parties shall be registered on the basis of declaration of registration presented in the respective municipal election commission not later than 40 days in advance of Election Day. The application shall state what type of election the registration is requested for. A separate application shall be lodged for each single type of election.

(3) The application shall be presented by a decision of the management of the local coalition of political parties, which is competent according to the decision on the establishment of the coalition of political parties. The application shall be signed by the persons representing the local coalition of political parties or by persons expressly authorised by them.

(4) The application shall state:

1. the full or abbreviated name of the local coalition of political parties to be printed in the ballot paper;

2. an application for registration to run in the elections, which should state the type of election the registration is to be made for;

3. address, telephone and contact person.

(5) The following items shall be attached to the application of local coalition of political parties:

1. a decision on the establishment of the local coalition of political parties, which shall state who is the person authorised to represent it and for what type of election the coalition is established for; the decision must be signed by the authorised representatives of the member political parties and coalitions of political parties and sealed with the seals of the member political parties and the coalitions of political parties; where the decision is on participation in more than one type of election in the municipal election commission, only one original shall be presented for the relevant municipality;

2. specimens of the signatures of the persons representing the local coalition of political parties;

3. a specimen of the seal of the local coalition of political parties, if any;

4. authorisations of the persons who have signed the decision on the establishment of the local coalition of political parties;

5. a copy of the party registration certificate with the Central Election Commission for each political party and coalition of political parties participating in the local coalition of political parties;

6. a certificate of an active bank account, the account holder of which should be the political party under Article 164, paragraph (2) herein, to be used to service the election campaign only;

7. the names and the offices of the persons to be responsible for the proceeds, expenditure, and accountability of the local coalition of political parties related to the election campaign.

(6) The municipal election commission shall perform a verification check of the documents presented and take a decision on the registration of the local coalition of political parties.

(7) In case any deficiencies or discrepancies are established, the municipal election commission shall, without delay, give instructions as to the reconciling thereof within a 3-day

term, but not later than the registration deadline. In case the deficiencies or discrepancies have not been reconciled within the period as referred to in sentence one, the municipal election commission shall refuse registration.

(8) The refusal of the municipal election commission shall be appealable before the Central Election Commission according to the procedure of Article 88.

### **Changes to the Composition of Local Coalition of Political Parties**

**Article 149.** (1) Changes to the composition of local coalition of political parties having occurred upon its registration with the municipal election commission, shall be made subject to submission of an application and presentation of a decision concerning the changes, which needs to meet the requirements for establishment of the local coalition of political parties not later than 32 days in advance of Election Day.

(2) In case the local coalition of political parties includes new political parties, these new political parties shall, not later than 32 days in advance of Election Day, present the documents as referred to in Item 5 of Article 148, paragraph (5) herein.

(3) In case one or more political parties or coalitions of political parties leave the local coalition of political parties, its registration shall be retained if at least two political parties or coalitions of political parties have remained in that coalition.

(4) In case where a political party or coalition of political parties, whose name or abbreviation is included in the name of the local coalition of political parties, leaves the local coalition of political parties, the municipal election commission shall, by the decision whereby institutes the change to the composition of the local coalition of political parties, furthermore set a three-day term for a change of the name of the local coalition of political parties. The local coalition of political parties shall retain its registration for participation in the elections if, within the term set, changes its name by a decision on such change and lodges an application thereto with the Central Election Commission. The Central Election Commission shall remove the name or the abbreviation of the political party, which has left the local coalition, from the name of the local coalition of political parties.

(5) Any changes having occurred in the composition of a local coalition of political parties shall be registered in the register of the municipal election commission subject to the submission of an application by the persons representing the coalition of political parties, not later than 32 days in advance of Election Day.

(6) The municipal election commission shall remove the political parties and the coalitions of political parties, which have left the local coalition from the name of the local coalition of political parties not later than 32 days in advance of Election Day.

(7) A party or coalition of political parties included in the composition of local coalition of political parties, which leaves the local coalition upon the registration of the local coalition of political parties, but not later than 32 days in advance of Election Day, may participate of Elections independently, may participate of Elections as an independent political party, subject to registration according to the procedure of Article 147.

### **Removal of the registration of the political parties, coalitions of political parties and local coalitions of political parties registered in the municipal election commission**

**Article 150.** The political parties, coalitions of political parties and local coalitions of political parties registered in the municipal election commission, may request the removal of their registration for participation in the elections not later than 32 days in advance of Election Day. The removal shall be made subject to a declaration in writing of the respective party, coalition of political parties or local coalition of political parties signed by the persons who represent them or by persons expressly authorised by them thereto. The application the coalition of political parties, and, respectively, the local coalition of political parties shall furthermore be accompanied by an attached decision on removal signed by the persons representing the political parties, and, respectively, the member coalitions of political parties or by persons expressly authorised by them thereto.



## **Section V**

### **Registration of Nomination Committee**

#### **Establishment of Nomination Committee**

**Article 151.** (1) A nomination committee shall be established for nomination of an independent candidate.

(2) A nomination committee shall be established by three to seven voters with permanent address or residence address (for nationals of another Member State of the European Union), in:

1. the territory of the constituency: upon elections of National Representatives, of municipal councillors and of mayors;

2. the territory of Bulgaria: upon elections of Members of the European Parliament for the Republic of Bulgaria.

(3) For nomination of candidates for President and Vice President of the Republic shall be established nomination committee with not fewer than 21 voters with permanent address within the territory of Bulgaria.

(4) Each voter may participate only in one nomination committee.

(5) The members of the nomination committee shall determine by a decision the person who will represent them.

#### **Competent Body for Registration**

**Article 152.** The nomination committees shall be registered with:

1. The Central Election Commission upon elections of:

a) President and Vice President of the Republic;

b) Members of the European Parliament for the Republic of Bulgaria;

2. Constituency Election Commissions: upon elections of National Representatives;

3. the municipal election commissions: upon elections of municipal councillors and for mayors.

#### **Requirement for Registration**

**Article 153.** (1) The nomination committee shall present a declaration of registration signed by all members of the committee, not later than 40 days in advance of Election Day.

(2) The application shall be submitted by the person representing the nomination committee.

(3) The application shall state:

1. the names, the Uniform Civil Number (Personal Number) and permanent address (residence address) of the voters under Article 151, paragraph (2) herein or 3.

2. the names, the Uniform Civil Number (Personal Number) and address of the candidate, whom the nomination committee is established for;

3. an application for registration of the nomination committee for participation in the elections;

3. address, telephone and a contact person.

(4) Here are the items to be attached to the application:

1. decision on the establishment of the nomination committee and a decision on the appointment of the person who will represent thereof;

2. specimens of the signatures of the persons participating in the nomination committee, authenticated by a notary;

3. a model declaration signed by each member of the nomination committee that shall be entitled to vote in the respective type of election;

4. a model declaration signed by each member of the nomination committee that he will not process or provide the personal data of the persons included in the independent candidate support list for purposes other than the purposes under this Code;

5. a bank document proving a deposit has been paid in as referred to in Article 129, paragraph (1) herein: solely upon elections of National Representatives, of President and Vice President of the Republic and of Members of the European Parliament for the Republic of

Bulgaria;

6. a certificate of an active bank account the account holder whereof is the person representing the nomination committee, to be used to service the election campaign only;

7. the names and the offices of the persons to be responsible for the proceeds, expenditure, and accountability of the nomination committee related to the election campaign.

### **Check and Registration**

**Article 154.** (1) The respective election commission shall conduct a check of the documents covered under Article 153 and take a decision on the registration of the nomination committee. In case any deficiencies or discrepancies are established, the Commission shall, without delay, give instructions as to the reconciling thereof within a 3-day term, but not later than the registration deadline.

(2) In case the deficiencies or discrepancies have not been reconciled within the period as referred to in paragraph (1) herein, the respective election commission shall refuse registration.

(3) The refusal of the Central Election Commission shall be appealable before the Supreme Administrative Court according to the procedure of Article 58.

(4) The refusal of the constituency or municipal election commission shall be appealable before the Central Election Commission according to the procedure of Article 73, and, respectively, according to the procedure of Article 88.

### **Removal Registration of Nomination Committee**

**Article 155.** (1) Nomination committee may request its registration for participation in the elections to be removed not later than 32 days in advance of Election Day. The removal shall be made subject to a declaration in writing of the nomination committee to the respective election commission signed by the person representing the nomination committee.

(2) By its registration removal decision, the election commission shall refund the deposit paid in by the respective nomination committee under Article 129, paragraph (1) herein.

(3) The deposit under Article 129, paragraph (1) herein shall be refunded not later than 7 days as of the enforcement of the decision of the election commission as referred to in paragraph (2) herein.

## **Chapter Ten CANDIDATES**

### **Section I Requirements**

#### **Nomination of Candidates**

**Article 156.** (1) Candidates may be nominated by political parties, coalitions and nomination committees registered for the respective type of elections.

(2) Candidates, nominated by parties, coalitions and nomination committees shall be ranked on candidate lists.

#### **Formation of Candidate Lists**

**Article 157.** (1) Each independent candidate, as well as each candidate for a mayor shall form a separate candidate list.

(2) Coalitions shall run in the elections with a common candidate list. Political parties participating in coalitions cannot run in the elections with independent candidate lists of their own.

(3) Political parties and coalitions participating in local coalitions shall not register their own lists or candidates other than those of the local coalitions.

(4) An independent candidate shall not be included in a candidate list of a political party or a coalition.

### **Banning Parties and Coalitions from Nominating Candidates**

**Article 158.** Servicemen in the armed forces, officers in the Diplomatic Service, officers with the Ministry of Interior, civil servants with the State Agency for National Security, judges, prosecutors and investigators, as well as other persons, whose membership in political parties is prohibited by law, shall not be nominated or registered as candidates on behalf of political parties or coalitions. Such citizens can participate in elections as independent candidates.

## **Section II Rights and Obligations of Candidates**

### **Status**

**Article 159.** (1) Candidates shall have the capacity of officials within the meaning of the Criminal Code in the period between the registration of the candidate lists and the announcement of the results of the elections.

(2) Where the registration of a candidate is deleted, the rights and obligations referred to in Paragraph 1 shall be terminated as from the day of the deletion.

### **Inviolability of Candidates**

**Article 160.** (1) In the period between registration day and the announcement of the results of the elections the registered candidates shall not be detained or constituted as accused parties except in case of a committed indictable offense and following an authorization by the Central Election Commission based on a reasoned request on the part of the Prosecutor General.

(2) Authorization for detention shall not be required in case of flagrante delicto and in such a case the Central Election Commission shall immediately be notified thereof.

(3) Where a candidate's registration has been deleted, the rights referred to in Paragraph 1 shall be terminated as from the day of the deletion.

(4) The provision of Paragraph 1 shall not apply where the registered candidates were detained or constituted as accused parties before the date of registration.

(5) The Central Election Commission shall determine the procedure for issuing the authorization referred to in Paragraph 1.

*Article 160 is to be deleted.*

### **Leave of Absence of the Candidates**

**Article 161.** (1) A candidate who holds a government office, except for a candidate for a municipal councilor, shall use either unpaid service leave of absence or paid annual leave, whichever they choose, in the period from the registration to the announcement of the election results.

(2) A candidate for a municipal councilor, who holds government office, shall use a leave of absence for the days on which he or she participates in election campaign events.

(3) The leave of absence shall be recognized as length of employment or civil service and as a contribution period for retirement purposes.

(4) If a registration is deleted, the leave of absence shall be terminated as from the day of the deletion. Where a deletion is revoked, the leave of absence shall be regarded as uninterrupted.

(5) The provisions under Paragraph 1 shall not apply to the prime minister, the deputy prime-ministers, the members of parliament, the president and the vice president of the republic. Their powers shall be sustained even after their registration as candidates.

(6) The provisions under paragraphs 1, 3, 4 and 5 shall also apply to candidates for members of the European Parliament from the Republic of Bulgaria, who hold one of the positions referred to in Article 389.

## **Chapter Eleven ELECTION CAMPAIGN FINANCING**

### **Sources of Funding**

**Article 162.** (1) A political party that has registered candidates may finance its election campaign from:

1. own financial resources of the party;
2. financial resources of the candidates;
3. donations by natural persons.

(2) A coalition that has registered candidates may finance its election campaign from:

1. own financial resources of the parties, which participate in it;
2. financial resources of the candidates;
3. donations made by natural persons to the person or persons identified in compliance with Article 164(2).

(3) A nomination committee that has registered a candidate may fund its election campaign from:

1. financial resources of the members of the nomination committee;
2. financial resources of the candidates;
3. donations made by natural persons to the person identified in compliance with Article 164(1).

### **Submission of Bank Account Details**

**Article 163.** (1) Within five days after the registration of the parties and coalitions for participation in all types of elections and of the nomination committees for participation in elections for a president and vice president of the republic and for members of the European Parliament from the Republic of Bulgaria the Central Election Commission shall submit to the Bulgarian National Audit Office the details of their bank account, intended to service their election campaign and the names and positions of the persons referred to in Article 164. In case of replacement of the persons, the political party, coalition or nomination committee shall submit to the Bulgarian National Audit Office the names and positions of the new persons within three days after the replacement.

(2) Within five days after the registration of nomination committees for participation in parliamentary elections the constituency election commission shall submit to the Bulgarian National Audit Office the details of their bank accounts intended to service their election campaigns and the names and positions of the persons referred to in Article 164. In case of replacement of the persons, the nomination committee shall submit to the Bulgarian National Audit Office the names and positions of the new persons within three days after the replacement.

(3) Within five days after the registration of local coalitions and nomination committees for participation in elections for municipal councilors and mayors, municipal election commissions shall submit to the Bulgarian National Audit Office the details of their bank accounts intended to service their election campaigns and the names and positions of the persons referred to in Article 164. In case of replacement of the persons, the coalition or nomination committee shall submit to the Bulgarian National Audit Office the names and positions of the new persons within three days after the replacement.

### **Persons responsible for revenues, expenditures and accounting reports**

**Article 164.** (1) Each party and nomination committee shall designate a person or persons that shall be responsible for their revenues, expenditures and their accounting reports related to the election campaign.

(2) Each coalition shall designate one of the parties participating in it in charge of the revenues and expenditures and of the accounting reports of the coalition related to its election campaign, as well as a person or persons as per Paragraph 1.

### **Total Amount of the Financing**

**Article 165.** (1) The total amount of the financing of each election campaign of the parties, coalitions and nomination committees shall not exceed:

1. in case of elections for members for the National Assembly:

*Option I*

(a) BGN 4 000 000 per party and per coalition;

(b) BGN 200 000 per nomination committee.

*Option II*

(a) BGN 1 000 000 per party;

(b) BGN 2 000 000 per coalition;

(c) BGN 200 000 per nomination committee.

2. in case of elections for members of a Grand National Assembly:

(a) BGN 2 000 000 per party;

(b) BGN 3 000 000 per coalition;

(c) BGN 200 000 per nomination committee.

3. in case of elections for a president and vice-president of the Republic of Bulgaria and for members of the European Parliament from the Republic of Bulgaria:

(a) BGN 2 000 000 per political party, coalition or nomination committee in case of elections for a president and a vice-president of the Republic of Bulgaria, as well as per party and coalition in the case of elections for members of the European Parliament from the Republic of Bulgaria;

(b) BGN 100 000 per nomination committee in case of elections for members of the European Parliament from the Republic of Bulgaria;

4. in case of elections for municipal councilors and mayors:

(a) BGN 8 000 000 per party and coalition;

(b) the maximum amount of the funds under Paragraphs 2, 3, 4 and 5 per nomination committee.

(2) A maximum amount of BGN 5000 may be spent per one candidate for a municipal councilor as part of the total amount of the funding referred to in Paragraph 1, Item 4.

(3) The following amounts can be spent on a candidate for a mayor of a municipality as part of the total amount of the funding referred to in Paragraph 1, Item 4:

1. Up to BGN 25 000 for a municipality with population of up to 30 000 inhabitants;

2. Up to BGN 50 000 for a municipality with population of up to 60 000 inhabitants;

3. Up to BGN 100 000 for a municipality with population of up to 100 000 inhabitants;

4. Up to BGN 250 000 for a municipality with population of up to 200 000 inhabitants;

5. Up to BGN 500 000 for a municipality with population of up to 500 000 inhabitants;

6. Up to BGN 1 000 000 for a municipality with population of up to 500 000 inhabitants.

(4) The following amounts can be spent on a candidate for a mayor of a borough as part of the total amount of the funding referred to under Paragraph 1, Item 4:

1. Up to BGN 20 000 for a borough with population of up to 25 000 inhabitants;

2. Up to BGN 40 000 for a borough with population of up to 50 000 inhabitants;

3. Up to BGN 60 000 for a borough with population of up to 100 000 inhabitants;

4. Up to BGN 60 000 for a borough with population of up to 100 000 inhabitants.

(5) The following amounts can be spent on a candidate for a mayor of a mayoralty as part of the total amount of the funding referred to in Paragraph 1, Item 4:

1. Up to BGN 2000 for a mayoralty with population of up to 1000 inhabitants;

2. Up to BGN 6000 for a mayoralty with population of up to 3000 inhabitants;

3. Up to BGN 10 000 for a mayoralty with population of up to 3000 inhabitants.

(6) The total amount of the funds that parties, coalitions and nomination committees shall be entitled to spend for each election campaign shall include all the sources of funding referred to in Article 162.

### **Financing of Elections within One Calendar Year**

**Article 166.** In case of performance of different types of elections in one calendar year, the requirements set out in Article 165 shall apply to each type of elections separately.

### **Financing and Supporting of an Election Campaign**

**Article 167.** (1) The donation made by one natural person to one party or coalition shall not exceed BGN 10 000 per one calendar year.

(2) The donation made by one natural person to one nomination committee and the candidate or candidates registered by it shall not exceed BGN 10 000.

(3) Natural persons may provide to a party, a coalition or a nomination committee only their own real estate and chattels for gratuitous use in relation to election campaigns.

(4) Natural persons may provide to a party, a coalition or a nomination committee only such gratuitous services in relation to election campaigns that are performed by rendering personal labour.

### **Bans Related to the Funding and Support of an Election Campaign**

**Article 168.** (1) A party, a coalition or a nomination committee shall not receive the following in relation to an election campaign:

1. anonymous donations in any form;
2. funds from legal entities and sole traders;
3. funds from foreign legal entities, except for individuals, who are nationals of another Member State of the European Union and who have electoral rights under the Code;
4. funds from religious institutions;
5. funds from foreign governments or foreign state-owned enterprises, foreign trade companies or foreign non-profit organizations.

(2) The entities referred to in Paragraph 1, Items 2 – 5 shall not provide real estate and chattels for gratuitous use or gratuitous services in any form in relation to an election campaign.

(3) Public administrative resources shall not be used free-of-charge in relation to an election campaign.

### **Declaration Obligations**

**Article 169.** (1) Where the total amount of a donation made by a single natural person exceeds one minimum monthly salary, the donor shall submit a standard declaration on the origin of the donated funds.

(2) Where the total amount of the funds provided by a candidate or a member of a nomination committee exceeds one minimum monthly salary, they shall submit a standard declaration on the origin of the funds.

(3) Where, in relation to an election campaign, a natural person provides real estate or chattels of theirs for gratuitous use in the election campaign, they shall submit a standard declaration regarding the ownership of that real estate or those chattels.

### **Bank Transfer and Checking**

**Article 170.** (1) The financing of revenues and expenditures related to an election campaign and exceeding BGN 1000 shall be performed via bank transfer.

(2) Where the amount of the funds donated or provided for use tops BGN 1000, the Bulgarian National Audit Office shall check the correspondence between the amount of the funds donated or provided for the respective election campaign and the amount of the person's income. The check shall cover the period from the performance of the previous elections of the same type to the day of submission of the respective declaration referred to in Article 169, Paragraph 1 or 2.

(3) In order to conduct the check, the President of the Bulgarian National Audit Office shall require information from the National Revenue Agency and other competent bodies and institutions.

(4) The bodies and institutions referred to in Paragraph 3 shall provide the required information to the Bulgarian National Audit Office within one month after receiving the request.

(5) The officials carrying out the check shall be entitled to direct access to the electronic database of the bodies and institutions referred to in Paragraph 3. The granting of access shall not relieve the bodies and institutions referred to in paragraph 3 from the obligation to submit the information requested by the Bulgarian National Audit Office in writing.

(6) The Bulgarian National Audit Office shall announce the results of the check via the register referred to in Art. 171(1).

### **Single Public Register**

**Article 171.** (1) A single public register of the parties, coalitions and nomination committees registered for participation in the respective type of elections shall be created at the Bulgarian National Audit Office and it shall be maintained from the launching of an election campaign until the next elections of the same type.

(2) The following shall be published in the register referred to in Paragraph 1:

1. the circumstances referred to in Article 17 of the Political Parties Act;
2. the name of the coalition and the name of the nomination committee and the names of the persons, who represent them;
3. the name of the party that has been designated by the coalition as an entity responsible for the revenues, expenditures and its accounting reports;
4. the names of the person or persons, who is/are responsible for the revenues, expenditures and its accounting reports;
5. the names of the donors, the type, purpose, amount or value of the donations made;
6. the names of the candidates and the members of the nomination committees that have provided funds and the amount of the funds;
7. the names of the natural persons, who have provided property or services for gratuitous use in the election campaign, the period of their use, the type and description of the property provided for use and the type of the services;
8. the declarations on the origin of the donated funds, the declarations on the origin of the funds of the candidates and of the members of the nomination committees and the declaration by the natural persons on the ownership of the property provided for gratuitous use;
9. the names of the sociological agencies and of the advertising agencies, as well as of the public relations agencies with which the political parties, coalitions and nomination committees work.

(3) Within five days after the launching of the election campaign the parties, coalitions and nomination committees shall submit to the Bulgarian National Audit Office the information referred to in paragraph 2, in hard copy and electronically, for entering it in the register.

(4) In the course of the election campaign the parties, coalitions and nomination committees shall submit to the Bulgarian National Audit Office, within a period of three days, the newly received information referred to in paragraph 2, in hard copy or electronically, for entering it in the register.

(5) After the completion of the elections, the reports referred to in Article 172(1) shall be published in the register.

(6) The Bulgarian National Audit Office shall determine the conditions and the procedure for entering the information referred to in Paragraph 2 into the register, as well as for remedying inaccuracies and omissions and shall announce them on its web site.

### **Report**

**Article 172.** (1) Within 30 days after election day the person representing the party or the nomination committee and the persons representing the coalition shall submit to the Bulgarian National Audit Office, in hard copy and electronically, a report on revenues, expenditures and payment commitments assumed in relation to the election campaign, along with a statement of their bank account. The declarations referred to in Article 169(1) and (3) shall be enclosed with the report.

(2) Within 30 days after election day the providers of media services, the sociological and advertising agencies, as well as the public relations agencies shall submit to the Bulgarian National Audit Office, in hard copy and electronically, information about the services provided to the parties, coalitions and nomination committees. The information shall be provided in a standard form approved by the Bulgarian National Audit Office and shall be published on its web site.

(3) The funds of the candidate or of a member of the nomination committee provided

for the election campaign shall be accounted for in the report of the party, coalition or nomination committee referred to in Paragraph 1. The declaration referred to in Article 169(1) shall be enclosed with the report.

(4) The report referred to in Paragraph 1 shall be prepared and submitted in a standard form for each type of elections, approved by the Bulgarian National Audit Office. A report that fails to meet the requirements in terms of format, content and manner of presentation shall be considered unsubmitted. The Bulgarian National Audit Office shall set out the conditions and order of correcting inaccuracies and omissions.

(5) The Bulgarian National Audit Office shall publish on its web site the reports of the parties, coalitions and nomination committees referred to in Paragraph 1 within 15 days following the deadline for their submission.

(6) When the declared revenues and the expenditures incurred in relation to the election campaign exceed BGN 1000, the Bulgarian National Audit Office shall perform a compliance check.

### **Samples of Declarations**

**Article 173.** The samples of the declarations referred to in this section shall be approved by the Bulgarian National Audit Office not later than 50 days prior to election day and shall be disclosed on its web site.

### **Unsettled Issues**

**Article 174.** The Political Parties Act shall apply to any issues unsettled in this section.

## **Chapter Twelve RULES FOR CONDUCTING AN ELECTION CAMPAIGN**

### **Section I General Rules**

#### **Launching of the Election Campaign**

**Article 175.** The election campaign shall be launched 30 days prior election day.

#### **Access to Sources of Information**

**Article 176.** The candidates and the parties, coalitions and nomination committees that have registered candidates shall be entitled to equal access to the sources of the information they need for the purposes of the election campaign.

#### **Ban on Anonymous Materials**

**Article 177.** Anonymous materials related to the election campaign shall not be published or broadcast.

#### **Media Packages**

**Article 178.** (1) The state shall provide media packages to the parties and coalitions that have registered candidates with the Central Election Commission, respectively with the constituency or municipal election commission, for the respective type of elections, which are not entitled to a state subsidy under the Political Parties Act.

(2) The state shall provide media packages to the nomination committees that have registered candidates with the Central Election Commission, respectively with the constituency or municipal election commission, for the respective type of elections.

(3) The media packages referred to in Paragraphs 1 and 2 shall be in the amount of BGN 40 000 for each party, coalition and nomination committee and shall be used to pay for the different paid forms of coverage of the election campaign by the providers of media services.



(4) The media packages shall be granted from the central budget not later than 31 days prior to election day and shall be transferred to the bank account of the respective party, coalition or nomination committee for servicing the election campaign.

(5) The conditions and procedure of disbursement, expenditure and reimbursement of the media packages shall be established by the Central Election Commission in coordination with the Minister of Finance.

(6) The unabsorbed funds, including those that have not been absorbed for the intended purpose until the conclusion of the election campaign, shall be reimbursed to the state by the parties, coalitions and nomination committees. The reimbursement shall take place within 10 days after the announcement of the election results.

(7) The received media packages shall be announced in the register referred to in Art. 171 and shall be accounted for in the report of the party, coalition or nomination committee referred to in Art. 172(1).

#### **Notification about Paid Content**

**Article 179.** When broadcasting, publishing and distributing paid forms of coverage of an election campaign, the providers of media services shall separate them through visual, sound or spatial means and shall indicate in an appropriate manner that the material is paid for.

#### **Information about the Contracts Concluded**

**Article 180.** (1) The providers of media services shall announce on their web sites information about the contracts concluded with the parties, coalitions and nomination committees that have registered candidates and/or with another contracting authority in connection with the election campaign, if the contract has been concluded with an intermediary.

(2) The information referred to in Paragraph 1 and announced by the electronic media shall contain details about:

1. the party, coalition or nomination committee;
2. the objects of the contract;
3. the period of validity of the contract;
4. the channel where the contracted forms will be broadcast;
5. the total value in BGN net of VAT.

(3) The information referred to in Paragraph 1 and announced by the print media (newspapers, magazines and other periodicals) and online news services (electronic editions of newspapers, magazines, information agencies and other electronic editions) shall contain details about:

1. the party, coalition or nomination committee;
2. the objects of the contract;
3. the period of validity of the contract;
4. the print media and the online news services where the contracted forms will be disseminated;
5. the total value in BGN net of VAT.

(4) The information referred to in Paragraphs 2 and 3 shall be uploaded on the web sites of the providers of media services within three days after the signing of the respective contract and shall not be removed before the announcement of the election results.

## **Section II Election Canvassing**

#### **Canvassing Procedure**

**Article 181.** (1) Citizens, parties, coalitions, nomination committees, candidates and election agents shall enjoy freedom of verbal and written expression and of canvassing at election meetings, as well as via the media service providers.

(2) The election campaign shall be conducted in Bulgarian language.

(3) Election meetings shall be public. The organizers of such meetings and the units of the Ministry of the Interior shall be responsible for the maintenance of order when they are held.

The meetings shall be organized in compliance with the Law on Gatherings, Meetings and Manifestations.

### **Prohibition of Canvassing**

**Article 182.** (1) Election canvassing shall not be allowed at state and municipal agencies and institutions.

(2) Persons holding elected positions in trade union and employer organizations shall not practice election canvassing at their place of work.

(3) State-owned and municipality-owned transportation vehicles shall not be used for election canvassing.

(4) Election canvassing shall not be allowed for 24 hours prior to election day and on election day.

### **Canvassing Materials**

**Article 183.** (1) In the course of an election campaign candidates, parties, coalitions and nomination committees may create and distribute posters, addresses and other canvassing materials. Each canvassing material shall contain an indication of the entity on whose behalf it has been issued.

(2) Each canvassing material shall contain a statement that vote buying and selling is a criminal offence and that statement shall take up not less than 10 per cent of the front-side area of the canvassing material and it shall be laid out in a separate field. In audio and audio-visual materials this information shall take the form of an unambiguous and easy to understand message.

(3) Canvassing materials shall be displayed at spots designated by the mayor, while their display on buildings and fences and in shop windows shall require the permission of the owner or manager of the property.

(4) It shall be prohibited to use canvassing materials that jeopardize human life and health, private, municipal and state-owned property and traffic safety, or materials that harm public decency, the honour and reputation of the candidates.

(5) It shall be prohibited to destroy and deface any canvassing materials, displayed according to the procedure established by this Code, before the closing of the polls.

### **Prohibition to Display Canvassing Materials on Polling Sites and Elsewhere**

**Article 184.** (1) It shall be prohibited to display canvassing materials of parties, coalitions and nomination committees on polling sites, as well as within less than 50 meters from the entrance of the building housing the polling site on election day and until the end of the voting.

(2) Should a precinct election commission establish the presence of materials referred to in Paragraph 1, it shall immediately remove them, where necessary, with the assistance of the mayor or the mayor's vicegerent and the units of the Ministry of the Interior.

### **Prohibition to Use Canvassing Materials Outside of the Election Campaign Period**

**Article 185.** (1) It shall be prohibited to display election canvassing materials across the national road network and along municipal roads outside of the election campaign period.

(2) Alerts on displayed election canvassing materials, referred to under Paragraph 1, shall be addressed to the regional governor, respectively to the mayor of the municipality.

(3) An order for removing the election canvassing materials shall be issued immediately by the mayor of the municipality, of the borough or of the mayoralty, or by the regional governor.

(4) The order shall be served to the person, in whose favour the material is.

(5) In case the person in whose favour the election canvassing materials is fails to remove it within three days after the issuing of the order, the material shall be removed by the regional governor, the mayor of the respective municipality, borough or mayoralty, and ,where necessary, assistance may be requested from the units of the Ministry of the Interior.

### **Removal and Seizure of Canvassing Materials**

**Article 186.** (1) The mayor of the municipality, borough or mayoralty, or the mayor's vicegerent, following a decision of the constituency or municipal election commission and, where necessary, with the assistance of the units of the Ministry of the Interior, shall remove or seize the canvassing materials displayed or distributed in violation of this Code. The removal and seizure of such materials on election day shall alternatively be performed on the basis of a decision of the precinct election commissions.

(2) Canvassing materials displayed or distributed in violation of this Code on the territory of more than one constituency (borough) or such that refer to more than one constituency (borough), shall be removed or seized by the regional governor following a decision of the Central Election Commission.

(3) The parties, coalitions and nomination committees shall remove the canvassing materials displayed by them within 7 days after election day.

## **Section III Print Media and Online News Services**

### **Conditions, Procedure and Prices**

**Article 187.** Print media and online news services shall offer the same conditions and prices to all parties, coalitions and nomination committees that have registered candidates, and these conditions and prices shall be announced on their web sites not later than 40 days prior to election day and shall be promptly submitted to the Bulgarian National Audit Office and to the Central Election Committee. Payment shall be made upfront.

### **Publishing a Response**

**Article 188.** (1) Print media and online news services, which have published a material that encroaches on the rights and harms the reputation of a candidate or a person representing the party, coalition or nomination committee, shall be obliged to publish a response immediately after they receive it. The response shall be laid out in the same position, dimensions, type and font size and shall be published without any comment.

(2) A response which does not exceed in size the item whereto it is reacting shall be published at no charge.

## **Section IV Coverage of an Election Campaign by Public Electronic Media**

### **Types of Coverage**

**Article 189.** (1) Election campaigns shall be covered by the services of the Bulgarian National Television and the Bulgarian National Radio in the format of spots, debates and other forms agreed under the terms referred to in paragraph 4, in time slots designated for that purpose.

(2) The services of the Bulgarian National Television and the Bulgarian National Radio shall not be used for the purposes of the election campaign in time slots other than those designated for the forms referred to in Paragraph 1.

(3) The Bulgarian National Television and the Bulgarian National Radio shall abide by the principles of equality and objectivity when covering the appearances of the candidates registered by the parties, coalitions and nomination committees in their newscasts.

(4) The crews, forms and topics of the debates shall be agreed upon by the Director General of the Bulgarian National Television, respectively of the Bulgarian National Radio and authorized representatives of the parties, coalitions or nomination committees that have registered candidates. The agreements shall be approved by the Central Election Commission not later than 31 days prior to election day and shall be immediately submitted to the Bulgarian National Audit Office.

**Right to Response**

**Article 190.** Where a programme has been broadcast and it has encroached on the rights and harmed the reputation of a candidate or of a person representing the party, coalition or nomination committee, they shall be entitled to a response under the terms established by Article 18 of the Radio and Television Act. The relevant radio or TV operator may be approached with a claim within 24 hours after the broadcasting of the programme. The response shall be broadcast without comments.

**Prohibition to Use Commercials**

**Article 191.** Commercials shall not be used to impart political suggestions to the advantage or disadvantage of one or another political party, coalition or nomination committees, or candidate.

**Presentation of Candidates**

**Article 192.** The order of presenting the candidates registered by the parties, coalitions and nomination committees in the different forms of the election campaign shall be agreed upon by the Director General of the Bulgarian National Television, respectively of the Bulgarian National Radio, and authorized representatives of the parties, coalitions and nomination committees not earlier than 31 days prior to election day. The agreements shall be immediately submitted to the Central Election Commission and announced on the web site of the respective medium.

**Free-of-Charge Spots and Addresses**

**Article 193.** (1) The election campaign on the channels of the Bulgarian National Television and the Bulgarian National Radio shall be launched and closed with spots of the parties, coalitions and the nomination committees with a duration of up to 40 seconds, which shall be broadcast free of charge.

(2) In case of elections for a president and a vice president of the republic, the election campaign on the channels of the Bulgarian National Television and the Bulgarian National Radio shall be launched and closed with addresses of the candidate pairs with a duration of up to three minutes per pair, which shall be broadcast free of charge.

(3) In the event of a runoff in presidential elections, the candidates shall have the right to make public addresses on the channels of the Bulgarian National Television and the Bulgarian National Radio on the last day of the election campaign between the two rounds with a duration of 10 minutes, where the order of appearance of the candidates shall be determined by drawing lots according to a procedure established by the Central Election Commission. The addresses shall be free of charge.

(4) The time slots for broadcasting the spots shall be agreed upon by the Director General of the Bulgarian National Television, respectively of the Bulgarian National Radio, and authorized representatives of the parties, coalitions and nomination committees.

**Paid Spots**

**Article 194.** (1) In the course of the election campaign spots, other than those referred to in Article 193, of political parties, coalitions and nomination committees with registered candidates, may also be broadcast for the purpose of promoting them and persuading the public to vote for their candidates.

(2) The duration of the spots, the time slots and the number of their broadcasts shall be agreed upon by the Director General of the Bulgarian National Television, respectively of the Bulgarian National Radio, and authorized representatives of the parties, coalitions and nomination committees.

(3) The spots referred to in paragraph 1 shall be provided by authorized representatives of the parties, coalitions or nomination committees that have registered candidates, or shall be created by crews of the Bulgarian National Television and the Bulgarian National Radio under the same conditions and prices, established by their governing bodies. The conditions and prices shall be promptly sent to the Bulgarian National Audit Office and to the Central Election

Commission.

### **Debates**

**Article 195.** (1) The Bulgarian National Television and the Bulgarian National Radio shall allot to the parties, coalitions and nomination committees that have registered candidates TV and radio time for free-of-charge debates on topics agreed upon in advance, with total duration of not less than 240 minutes.

(2) The conditions and order of participation in the debates shall be agreed upon between the Director General of the Bulgarian National Television, respectively by the Bulgarian National Radio, and authorized representatives of the parties, coalitions and nomination committees. The time shall be evenly allocated among the participants.

(3) In the event of conducting a second round in the elections for a president and a vice president, in the period between the two rounds the candidates may hold, on the basis of a mutual agreement, a free-of-charge debate for up to 60 minutes in preset broadcasting time slots on the Bulgarian National Television and the Bulgarian National Radio. The debate shall be carried out according to the procedure provided for in this section.

### **Regional Radio and Television Centers**

**Article 196.** (1) The programmes of the regional television centers and the services of the regional radio centers shall be used by the parties, coalitions and nomination committees that have registered candidates in the period of the election broadcasts following the procedure set for the Bulgarian National Television and the Bulgarian National Radio.

(2) The Bulgarian National Radio and the Bulgarian National Television shall allocate a total of at least 60 minutes of radio and television time on their channels, respectively in the shows of the regional radio and television centers for free-of-charge debates between the representatives of the parties, coalitions and nomination committees that have registered candidates.

(3) The order of participation in the debates shall be determined by the constituency election commissions and the municipal election commissions by drawing lots not later than 31 days before election day. The crews, forms and conditions for conducting the talk shows, as well as the topics of the debates shall be determined by the heads of the regional radio and television centers and authorized representatives of the parties, coalitions and nomination committees that have registered candidates, or they shall be set in the agreement referred to in Article 192.

### **Payment for Election Programmes**

**Article 197.** Election programmes on the Bulgarian National Television and the Bulgarian National Radio and their regional centers shall be paid for by the parties, coalitions and nomination committees according to a tariff approved by the Council of Ministers at least 40 days prior to election day, which shall be immediately submitted to the Bulgarian National Audit Office and the Central Election Commission. The payment shall be made before the broadcast of the programme.

## **Section V**

### **Coverage of the Election Campaign by Commercial Electronic Media**

#### **Commercial Electronic Media**

**Article 198.** (1) In respect of the election campaign, the electronic media other than the Bulgarian National Television and the Bulgarian National Radio and their regional centers, may use paid and free-of-charge forms of coverage of the election campaign of the parties, coalitions and nomination committees that have registered candidates.

(2) Commercials shall not convey political suggestions benefiting or harming one or another party, coalition or nomination committee, or a candidate.

(3) The commercial electronic media referred to in paragraph 1 may allot time for paid coverage of the election campaign of the parties, coalitions and nomination committees that

have registered candidates on the same terms and at the same rates.

(4) The terms and procedure of allotting time for coverage of the election campaign, as well as the rates shall be disclosed on the web site of the respective medium referred to in Paragraph 1 at least 40 days before election day. The payment shall be made upfront.

(5) The terms, procedure and rates referred to in Paragraph 4 shall be forwarded to the Bulgarian National Audit Office and submitted to the Central Election Commission – in the case of an electronic medium with national coverage, and to the constituency elections commissions, respectively to the municipal election commissions – in the case of an electronic medium with regional and local coverage, not later than at the time of launching the election campaign.

(6) The time allotted by the media referred to in Paragraph 1 for paid forms of coverage of the election campaign shall not be subject to the limitation referred to in Article 89(1) of the Radio and Television Act.

### **Right to Response**

**Article 199.** Where a programme has been broadcast and it has encroached on the rights and harmed the reputation of a candidate or of a person representing the party, coalition or nomination committee, they shall be entitled to a response under the terms established by Article 18 of the Radio and Television Act. The relevant radio or TV broadcaster may be approached with a claim within 24 hours after the broadcasting of the programme. The response shall be broadcast without comments.

## **Section VI**

### **Complaints in Case of Breach of the Procedure for Holding an Election Campaign**

#### **Competent Authority**

**Article 200.** (1) In case of breach of the procedure for holding an election campaign by media service providers, the parties, coalitions and nomination committees, acting via the persons who represent them or via persons, authorized by them, may submit a complaint within 24 hours after the broadcasting of the respective programme.

(2) The complaint shall be submitted to:

1. The Central Election Commission in case of a provider with a license or registration for national coverage, as well as in cases where the breach has taken place in more than one constituency;

2. The constituency election commission or the municipal election commission at the domicile of the provider, where the supplier has a license or registration for national or local coverage.

(3) Where the complaint is lodged with a commission, which is not competent, the said commission shall immediately forward it to the competent commission and shall notify the petitioner thereof.

(4) The competent election commission shall consider the complaint within 24 hours after its receipt, or immediately on election day, and shall render a decision.

(5) In case of breach of the procedure for holding an election campaign by media service providers the competent election commission may take action against the offenders on its own initiative.

#### **Appealing a Decision of the Constituency or Municipal Election Commission**

**Article 201.** A decision of the constituency or municipal election commission may be appealed before the Central Election Commission within 24 hours after its announcement. The Central Election Commission shall examine the appeal and within 24 hours after receiving it the commission shall render a decision, which shall be subject to appeal before the Supreme Administrative Court pursuant to the procedure under Article 58.

### **Registration of Sociological Agencies**

**Article 202.** (1) The Central Election Commission shall register the sociological agencies/*organizations* that shall conduct sociological surveys on election day.

(2) The agencies shall be registered at least 7 days before election day and shall be entered in a public register.

(3) The registration shall be carried out on the basis of an application signed by the representative of the respective agency or by an explicitly authorized person.

(4) The following shall be enclosed with the application referred to in paragraph 3:

1. A certificate of good standing;
2. An explicit power of attorney by the person representing the agency, where the documents are submitted by an authorized person;
3. A list containing the names, the Uniform Civil Numbers of the interviewers and the numbers of the polling stations, outside of which interviews shall take place;
4. A methodology for conducting the sociological surveys on election day.

### **Interviewers**

**Article 203.** (1) The Central Election Commission shall issue certificates to the registered interviewers. A certificate shall be issued in a single copy.

(2) On election day interviewers shall wear only the insignia following the model, approved by the Central Election Commission.

(3) Interviewers shall prove their legitimacy by presenting the certificate issued in their name.

### **Sociological Surveys on Election Day**

**Article 204.** (1) Sociological surveys on election day shall be carried out outside of the polling stations by interviewing people, who have already voted, provided that this does not hinder the election process.

(2) Interviewers shall not conduct sociological surveys right in front of the polling stations.

(3) The results of the sociological surveys shall be announced after 19:00 hours on election day.

### **Announcement of the Results of Public Opinion Polls or Sociological Surveys**

**Article 205.** (1) From the day of the promulgation, in the State Gazette, of the decree of the President, respectively of the decision of the National Assembly, for scheduling the respective type of elections until and including election day any announcement of results yielded by public opinion polls or sociological surveys in relation to the elections, conducted by means of a media service or in another way, shall contain information about the sponsor of the public opinion poll or survey, about the organization that has conducted the public opinion poll or the survey and about the sources of its funding.

(2) The information referred to in Paragraph 1 shall be presented in full and clearly: in the case of a printed or other types of text material it shall be laid out in a conspicuous separate field and shall take up at least 5% of the total area of the material, and in the case of audio and audio-visual materials, broadcast by electronic media or presented to an audience, the information shall be conveyed once at the beginning and once at the end of the material or presentation.

(3) The provisions of paragraphs 1 and 2 shall also apply to the cases, where canvassing materials of parties, coalitions, nomination committees and candidates contain or refer to results of public opinion polls or sociological surveys.

(4) The persons performing the public opinion polls or sociological surveys in relation to the elections and/or announcing results yielded by them shall not refer to official, trade or other secrets protected by law, so as to preclude presentation of the information referred to in Paragraph 1.

(5) No results from public opinion polls related to the elections shall be announced in any form in the period starting 24 hours before election day and ending with the announcement

of the closure of the polls on the territory of the country.

## **Chapter Fourteen VOTING**

### **Section I Method of Voting at the Polling Station**

#### **Types of Ballot Papers**

**Article 206.** (1) At the polling station the voter can choose to vote by a ballot paper or by a ballot for machine voting.

(2) Voting by a ballot for machine voting shall be equivalent to voting by a ballot paper.

(3) A voter, who has chosen to vote by a ballot for machine voting, shall not vote by a ballot paper.

(4) The relevant rules applicable to the voting by a ballot paper shall apply to the voting by a ballot for machine voting.

#### **Indicating the Type of Elections on the Ballot Paper**

**Article 207.** In case of simultaneous performance of different types of elections, the ballot papers shall be marked for the type of elections they refer to.

### **Section II Voting by Ballot Papers**

#### **Ballot Papers**

**Article 208.** (1) Voting shall be performed by uniform ballot papers consistent with a model approved by the Central Election Commission.

(2) The ballot papers referred to in paragraph 1 shall be white, made of thick opaque paper with serial numbers and security printing protection.

(3) The ballot papers referred to in paragraph 1 shall not contain elements other than those listed in this Code.

#### **Printing of Ballot Papers**

**Article 209.** (1) Ballot papers shall be printed in the printing house of the Bulgarian National Bank in compliance with the requirements of the Ordinance on the Conditions and Procedure for Printing and Control of Securities (promulgated in the *State Gazette*, No 101 of 1994; amended SG, No 38 of 1995, No 73 of 1998, No 8 of 2001, No 54 of 2008 and No 22 of 2011). Printing of ballot papers shall be carried out under the supervision of the Ministry of Finance and the Central Election Commission.

(2) Ballot papers shall be arranged in books containing 100 ballot papers each. When a ballot paper is torn off, the same number shall remain on the ballot paper and in the book, and they shall be compared by the election commission after the ballot paper has been completed and before it is deposited in the ballot box.

(3) The number of printed ballot papers referred to in Paragraph 1 for all types of elections shall be equal to the number of voters for the respective type of elections increased by 10%.

#### **Ballot Boxes**

**Article 210.** The ballot boxes, where ballot papers are to be deposited, shall be transparent and shall be sealed with strips of paper tape, stamped with the seal of the precinct election commission.

#### **Filling up of the Ballot Box. Opening**

**Article 211.** (1) When the ballot box is filled to capacity with ballot papers, its slot shall be sealed with strips of paper tape bearing the signatures of the members of the commission,



so that it cannot be used any more, which is then stamped with the seal of the precinct election commission. The full box shall remain on the voting table.

(2) The chairperson of the commission shall check the serviceability of the second box and whether it is empty. The box shall be closed and sealed with strips of paper tape signed by the attending members of the commission. The strips of paper tape shall be stamped with the seal of the precinct election commission and then the voting shall continue. This circumstance shall be recorded in the tally sheet of the precinct election commission.

(3) The two boxes shall be opened simultaneously when the voting comes to an end and the ballot papers found in them shall be counted together.

### **Section III Machine Voting**

**Article 212.** (1) A voter may cast a vote at a polling station by using special voting devices.

(2) A single ballot for the respective type of elections shall be created on a visual or tactile terminal, where the voters shall mark their vote in an unequivocal manner.

(3) The ballot shall be designed in the same way as the ballot paper and shall allow the voter to cast a vote for no political party, coalition or nomination committee. The Central Election Commission shall approve the ballot template.

(4) Upon completing the voting procedure the voter shall receive from the system a control receipt, which shall be deposited in a special machine voting box. A voter shall not be able to change their vote by casting a second ballot.

**Article 213.** (1) Machine voting shall take place by using electronic communication means and data processing included in a special technical system.

(2) The system referred to in Paragraph 1 shall be designed, implemented and maintained in a way that shall:

1. ensure easy and intelligible access to the mechanisms and methods of machine voting, including simplified access for voters with visual or motor impairments;

2. offer to voters "online" instructions about the required actions in case of machine voting;

3. guarantee that only voters with a valid right to vote, who have been identified by the system, shall be able to vote;

4. ensure reliable and quick establishment of the identity of the voters;

5. ensure information of equal volume and quality for each political party, coalition, nomination committee or candidate;

6. guarantee the secrecy of the vote and free expression of the will of the voters;

7. not allow manipulation of the votes or any other undue influence on the election process;

8. ensure a possibility for easy management of the user software and in particular of the ballot;

9. conform to the highest ISO standard for quality and stability of the hardware and software used;

10. not require from the voter any special skills other than those necessary to use computer terminals;

11. guarantee that each voter will cast only one vote for each type of elections and that each vote shall be stored and counted only once;

12. ensure maximum reliability against external disturbance and unauthorized access, also against hacker attacks;

13. in case of suspension of the election process due to the occurrence of compelling external circumstances, preserve the data regarding the voting and allow its continuation after the elimination of these circumstances;

14. allow aggregation of the results and their electronic transfer to the constituency or municipal election commissions and to the Central Election Commission during the voting and

immediately after the completion of the voting;

15. ensure the integrity and secrecy of the information transferred by means of data encryption and protection of communication links;

16. keep an electronic diary of the election process indicating all peculiarities and deviations from the statutory provisions;

17. guarantee easy maintenance of the hardware and quick elimination of any technical malfunctions;

18. allow observation of the election process by independent authorized bodies;

19. allow audit and inspection on the part of authorized bodies.

(3) The Central Election Commission shall set additional requirements to the hardware and software parts of the system as per Paragraph 1.

**Article 214.** (1) The Central Election Commission shall, not later than 7 days after the scheduling of the respective type of elections, open a page on its web site for providing information in cases of machine voting.

(2) The Central Election Commission shall organize, direct and control the machine voting and the processing of the data yielded by it. Constituency or municipal election commissions shall conduct and control the machine voting and the processing of the data yielded by it.

(3) No results of machine voting by political party, coalition or candidate shall be announced before the end of election day.

#### **Section IV Pre-election day**

##### **Taking Delivery of Electoral Papers and Materials**

**Article 215.** (1) On pre-election day a precinct election commission shall receive from the municipal administration and from the constituency or municipal election commission:

1. ballot boxes;

2. books of voting paper ballots sealed in a manner set by the Central Election Commission; the first and last serial numbers on the ballots in a book shall be entered in the protocol for handover of the electoral papers and materials referred to in Paragraph 3;

3. an electoral roll;

4. a blank form for additional entry of attendants;

5. a blank form of a roll of persons who have received a photocopy of the signed tally sheet for the relevant type of elections;

6. a list of persons removed from the electoral poll;

7. two blank forms of the tally sheet (tally sheets) of the precinct election commission; the serial numbers of the tally sheets shall be entered in the protocol for handover of the electoral papers and materials referred to in Paragraph 3; in case of discrepancy in the serial numbers of the separate pieces of the tally sheets, this circumstance shall be described; the blank forms of tally sheets shall be delivered sealed in an envelope in a manner leaving visible only the serial number thereof; the envelope shall be stamped and signed by the members of the constituency or municipal election commission; following the closure of the polls, the tally of the votes cast and the completion of the draft one of the blank forms shall be unsealed, while the second blank form shall be unsealed only if a mistake has been made;

8. blank forms of drafts for recording the results of the counting of the preferences for the candidates of the political parties and coalitions;

9. blank forms of drafts of the tally sheets of the precinct election commission;

10. a seal of the precinct election commission;

11. a memorandum for marking the seal of the precinct election commission;

12. samples of the declarations to be submitted for the respective type of elections pursuant to this Code;

13. the insignia of the members of the precinct election commissions referred to under Article 231;

14. equipment and consumables and other auxiliary technical materials.

(2) On pre-election day the precinct election commission shall take delivery of the technical devices and all other electoral papers and materials required for machine voting following a procedure set by the Central Election Commission.

(3) On pre-election day the mobile precinct election commission shall take delivery from the municipal administration and from the constituency or municipal election commission of the electoral papers and materials referred to in Paragraph 1, Items 1, 2, 4, 5, 7, 8, 9, 12, 13 and 14, as well as:

1. a roll for voting by means of a mobile voting box;
2. a seal of the mobile precinct election commission;
3. a memorandum for marking the seal of the mobile precinct election commission.

(4) The chairperson of the precinct election commission, respectively of the mobile precinct election commission, a member of the said commission designated by the constituency or municipal election commission and the municipality mayor, the borough mayor or the mayoralty mayor or an official of the municipal administration designated by them with an order shall sign a protocol for handover of the electoral roll or of the a roll for voting by means of a mobile voting box, as the case may be, and a protocol for handover of the electoral papers and materials referred to under Paragraph 1, Items 1, 2, 4 – 14, respectively under Paragraph 1, Items 1, 2, 4, 5, 7, 8, 9, 12, 13 and 14 and Paragraph 3, Items 2 and 3. In case of non-appearance of the chairperson of the precinct election commission, respectively of the mobile precinct election commission, the deputy chairperson of the commission shall take delivery of the electoral papers and the materials and shall sign the protocols. The protocols shall be drawn up and signed in three identical copies: one for each of the precinct election commission, the constituency or municipal election commission, and the municipality (or borough, applicable to cities subdivided into boroughs).

(5) The seal of the precinct election commission referred to under Paragraph 1, Item 10, respectively the seal of the mobile precinct election commission referred to under Paragraph 3, Item 2, shall be delivered in a sealed envelope, that shall be signed by the persons referred to in Paragraph 4 at the time of its receipt and shall be opened upon the opening of the polls at the polling stations. Upon the completion of the voting the seal shall be placed and closed in an envelope, which shall be signed by the chairperson and secretary of the commission.

(6) After the signing of the protocols the responsibility for safe-keeping the electoral papers and materials shall rest with the chairperson of the precinct election commission or of the mobile precinct election commission, as the case may be.

### **Taking Delivery of Electoral Papers and Materials by Skippers of Vessels**

**Article 216.** Skippers of vessels sailing under the Bulgarian flag, which leave Bulgaria before the opening of the polls, shall take delivery of the election papers and materials referred to under Art. 215 (1) from the constituency election commission at the location of the ship until 19:00 hours on pre-election day.

### **Taking Delivery of Electoral Papers and Materials**

**Article 217.** The chairperson and the secretary of the precinct election commission abroad shall take delivery of the electoral papers and materials referred to under Art. 215 (1) from the Head of the Bulgarian diplomatic mission or consular office or from an officer authorized thereby.

### **Polling Site and Polling Booths**

**Article 218.** (1) Samples of ballot papers shall be displayed in front of the polling site.

(2) Polling booths shall be placed in the polling sites in such a way as to ensure the secrecy of the ballot. The booths should ensure the ballot casting of voters with visual or motor impairments.

(3) A panel shall be placed in front of the polling site and in the polling booths stating in capital letters that the voter may express their vote only by marking the ballot paper with an "X" or "V" sign inscribed by using a ballpoint pen writing in blue ink. The dimensions and the type of

the panel shall be determined by the Central Election Commission.

(4) Upon completion of the preparation for the ballot the site shall be locked and sealed with a paper tape bearing the signatures of the attending members of the precinct election commission .

(5) The polling sites shall be guarded on the outside by officers of the Ministry of Interior.

## **Section V**

### **Polling Site. Opening and Closing of the Polls**

#### **Voting at Polling Stations**

**Article 219.** Voting shall take place at polling stations, on specially dedicated polling sites equipped with polling booths.

#### **Beginning and End of Vote Casting**

**Article 220.** (1) Voters shall cast their votes from 6:00 hours to 19:00 hours. Election day abroad shall start at 6:00 hours local time and shall end at 19:00 hours local time. In cases where at 19:00 hours there are voters in front of the polling site, who have not cast their vote, the chairperson and the secretary of the precinct election commission shall establish their number and identity.

(2) Voters, who have not cast their vote shall submit their identity documents to the commission, and voters who are nationals of another European Union Member State shall also submit their certificate of residence. These are the only voters that shall be allowed to vote after 19:00 hours, but not later than 20:00 hours.

#### **Persons Barred from Polling Sites**

**Article 221.** (1) Persons, whose behavior is outraging to public decency as well as well as persons carrying objects endangering human life or health shall not be admitted into the polling site.

(2) Armed persons shall not be admitted into the polling site, except in the cases referred to in Article 222, Paragraph 4.

#### **Irregularities in the Election Process**

**Article 222.** (1) A precinct election commission may suspend the ballot in the event of serious irregularities in the election process. After their elimination voting shall be resumed.

(2) The decision to suspend voting shall be immediately communicated to the Central Election Commission via the constituency or municipal election commission.

(3) The circumstances referred to in Paragraphs 1 and 2 shall be recorded in the tally sheet of the precinct election commission.

(4) In case there is a need to restore order and provided that the precinct election commission passes an order, the chairperson may seek assistance from the mayor or mayor's vicegerent and from the authorities of the Ministry of Interior. These circumstances shall be recorded in the tally sheet of the precinct election commission.

## **Section VI**

### **Prohibitions Related to Voting**

#### **Prohibition to Distribute Electoral Papers and Materials**

**Article 223.** Preliminary distribution of electoral papers and materials shall be prohibited.

#### **Prohibition to Take Out Electoral Papers or Materials**

**Article 224.** (1) Ballot boxes, electoral rolls and ballot papers shall not be taken out of the polling site after their acceptance by the precinct election commission on pre-election day, during the voting and the counting of the votes cast and of the preferences.

(2) Mobile precinct election commissions may take out of the site referred to in Article 8(3)

the papers and materials for voting by means of mobile voting boxes.

(3) Voters shall not take ballot papers out of the polling site.

**Prohibition to Vote Out of the Polling Site**

**Article 225.** No voting shall take place out of the polling site except in the cases referred to in Article 237.

**Prohibition to Attend**

**Article 226.** The presence of persons, other than voters currently casting their votes, at a distance of less than three meters from the polling booth, when there is a voter in it, shall be prohibited.

**Prohibition to Use Reproducing Equipment**

**Article 227.** (1) Mobile telephones, cameras or other reproducing equipment shall not be used to photograph the way of voting.

(2) In case of violation of the prohibition referred to in Paragraph 1, the commission shall immediately declare the ballot paper invalid and shall record this circumstance on the ballot paper and in the "Notes" section of the electoral roll. The voter shall not be allowed to cast a second vote.

(3) The ballot paper referred to in Paragraph 2 shall be tallied as invalid, eliminated with the inscription "Invalid as per Article 227" and registered on a separate row in the tally sheet of the precinct election commission.

**Prohibition to Display the Way of voting**

**Article 228.** (1) The voter shall not unfold the ballot paper, after completing it and before depositing it in the ballot box, in a manner allowing others to see the marking made with respect to a political party, coalition or nomination committee.

(2) In case of violation of the prohibition referred to in Paragraph 1, the commission shall immediately declare the ballot paper invalid and shall record this circumstance on the ballot paper and in the "Notes" section of the electoral roll. The voter shall not be allowed to cast a second vote.

(3) The ballot paper referred to in Paragraph 2 shall be tallied as invalid, eliminated with the inscription "Invalid as per Article 228" and registered on a separate row in the tally sheet of the precinct election commission.

**Section VII  
Election Day. Voting**

**Opening of the Polls**

**Article 229.** (1) The polling site shall be unsealed and the polls shall be declared open by the chairperson of the precinct election commission at 6:00 hours provided that over half of the members of the commission are present. In the absence of quorum the constituency or municipal election commission shall be notified. Should more than a half of the commission members turn up at 6:00 hours but the chairperson has not appeared, the polling site shall be unsealed and the polls shall be declared open by the deputy chairperson, and this circumstance shall be recorded in the tally sheet of the precinct election commission.

(2) Should a sufficient number of members of the precinct election commission fail to turn up, the constituency or municipal election commission shall appoint the required number of members from among the alternate members to replace the absent members.

(3) Should the chairperson of the precinct election commission be absent, the deputy chairperson shall be appointed chairperson and a member of the precinct election commission shall be appointed deputy chairperson by the constituency or municipal election commission. Should the deputy chairperson or the secretary of the precinct election commission be absent, a member of the precinct election commission shall be appointed deputy chairperson or secretary by the constituency or municipal election commission.

(4) Should the chairperson, the deputy chairperson and the secretary of the precinct election commission be absent, a chairperson, a deputy chairperson and a secretary shall be appointed by the constituency or municipal election commission from among the members and the alternate members.

(5) In the cases referred to in Paragraphs 3 and 4 the constituency or municipal election commission shall comply with the requirement of Article 61(3), respectively of Article 76(3).

(6) The Central Election Commission, acting on a proposal by the constituency or municipal election commission, may allow commencement of the voting in certain polling stations at 5:00 hours.

### **Steps at Opening**

**Article 230.** (1) Immediately before the opening of the polls ballot papers shall be unsealed.

(2) Candidates, election agents and representatives of political parties, coalitions and nomination committees pursuant to Article 117(6) and Article 124(1), observers complying with the requirements of Article 114(2), journalists and voters may attend the opening of the polls on the polling sites.

(3) The chairperson of the precinct election commission shall verify the existence of the electoral papers and materials referred to in Article 215(1), the serviceability of the ballot box, also in cases of machine voting, and whether it is empty. After the inspection the box shall be closed and sealed with paper tapes signed by the attending members of the commission and shall be stamped with the seal of the commission.

(4) The chairperson of the precinct election commission and a member of the commission designated with its decision upon the opening of the polls shall mark in a unique way the seal of the precinct election commission used to stamp the electoral papers. A protocol on the marking signed by the members of the commission shall be drawn up and it shall contain at least three impressions of the marked seal.

(5) After the performance of the steps referred to in Paragraphs 1, 3 and 4 the chairperson of the precinct election commission shall declare the polls open.

### **Insignia of the Members of the Precinct Election Commissions**

**Article 231.** On election day the members of the precinct election commissions shall wear insignia conforming to a model approved by the Central Election Commission. The insignia shall be unsealed by the Central Election Commission.

### **Persons that Have the Right to be Present on the Polling Site**

**Article 232.** (1) The voting on the polling site may be attended only by election agents and representatives of political parties, coalitions and nomination committees pursuant to Article 117(6) and Article 124(1), observers complying with the requirements of Article 114(2) and representatives of the mass media.

(2) The persons referred to in Paragraph 1 shall not impede the voting.

### **Voting by the Persons Engaged in the Performance of the Elections**

**Article 233.** The persons engaged in the performance of the elections as members of a precinct election commission or as security guards of the relevant polling station may exercise their right to vote after their registration on the supplementary page of the electoral roll, if they have the right to vote in the respective type of elections and upon submitting a standard declaration that they have not voted and will not vote elsewhere. The declaration shall be enclosed with the electoral roll and shall constitute an integral part of it.

## **Section VIII**

### **Voting by Voters with Visual and Motor Impairments**

#### **Announcement of Measures**

**Article 234.** (1) Not later than 7 days prior to election day the constituency or municipal

election commission shall announce, in an appropriate manner via the mass media, the measures enabling voters with visual or motor impairments to cast their votes on election day.

(2) The announcement referred to in Paragraph 1 shall state a telephone number and an address where assistance can be requested on election day.

### **Voting**

**Article 235.** (1) Voters with visual or motor impairments shall vote at a polling station specified pursuant to Article 10(1).

(2) A voter as per Paragraph 1 shall identify themselves to the precinct election commission by producing an identity document.

(3) A voter as per Paragraph 1 may alternatively vote in a suitable polling station of their choice.

(4) A voter as per Paragraph 1 shall be registered on the supplementary page of the electoral roll at the polling station after presenting a standard declaration that they have not voted and will not vote elsewhere. The declaration shall be enclosed with the electoral roll and shall constitute an integral part thereof. All details of the voter shall be entered on the supplementary page of the electoral roll.

### **Voting with the Assistance of an Attendant**

**Article 236.** (1) Where a voter has visual or motor impairment, which prevents him or her from performing, on their own, the required steps in voting, the chairperson of the commission may allow performance of the voting with the assistance of an attendant named by the voter. If the decision of the chairperson is challenged by a member of the commission, the dispute shall be ultimately settled by the precinct election commission.

(2) The full name and the Uniform Civil Number of the attendant shall be entered in the "Notes" section of the electoral roll opposite the name of the voter by a member of the commission. The details of the attendant shall also be entered on the roll for additional entry of attendants and then the attendant shall affix his or her signature. The said roll shall also be signed by the chairperson and the secretary.

(3) Where the impairment prevents the voter from signing, a member of the commission shall enter the note "voted" in the signature field and shall affix his or her signature. This circumstance shall be recorded in the "Notes" section and in the tally sheet of the precinct election commission.

(4) Illiteracy shall not be a reason for voting with the assistance of an attendant.

(5) A single person shall not act as an attendant to more than two voters.

(6) A member of the commission shall not act as an attendant.

## **Section IX**

### **Voting by Means of Mobile Ballot Box**

#### **Taking Delivery of the Papers. Marking of the Seal**

**Article 237.** (1) A voter with permanent disability that prevents them from exercising their voting right on the polling site, who has filed a request as per Article 37(1), shall be visited by a mobile precinct election commission on election day.

(2) The members of the mobile precinct election commission, who operate the mobile ballot box, *and who are not fewer than four*, shall take delivery from the chairperson of the commission of the roll referred to in Article 37 (3), of an empty sealed ballot box stating in capital letters that the voter may express their vote by marking the ballot paper with an "X" or „V" sign inscribed by using a ballpoint pen writing in blue ink, of a book of ballot papers and a seal. The number of the ballot papers shall be equal to the number of the voters entered on the roll for voting by means of a mobile ballot box increased by 10 per cent.

(3) The seal for voting by means of a mobile ballot box shall be marked and a protocol shall be drawn up thereof containing at least three impressions of the marked seal and it shall be signed by all members of the mobile precinct election commission.

### **Voting**

**Article 238.** (1) During the visit to the voter's home the members of the mobile precinct election commission shall place the mobile ballot box at an accessible and visible place in their home. The details of the voter's identity document shall be checked against those on the roll and entries shall be made on the roll of the Uniform Civil Number (Personal Number), the type and number of the identity document, respectively the number of the certificate of residence and the date of registration stated therein. The identity document, respectively the certificate of residence of a national of another European Union Member State, shall remain with the members of the commission until the voter signs the roll.

(2) In the case of voting by means of a mobile ballot box, other persons, including the members of the precinct election commission, who operate the mobile ballot box, shall not be present in the premise with the voter, unless the voter is unable to perform the required steps on his or her own and has to vote with the assistance of an attendant. The full name and the Uniform Civil Number (Personal Number) of the attendant, as well as the reason for voting with the assistance of an attendant shall be entered in the "Notes" section of the electoral roll opposite the name of the voter by a member of the commission. The details of the attendant shall also be entered on the roll for additional entry of attendants and then the attendant shall affix his or her signature. The roll shall be signed by the members of the mobile precinct election commission that operate the mobile ballot box. The requirements under Article 116(2), Article 120(3), Article 126(3) and Article 236, Paragraphs 3-6 shall also apply in cases of voting by means of a mobile ballot box.

(3) After the entry of the details in the roll, the members of the commission shall give the voter a ballpoint pen writing in blue ink and a ballot paper from the book of ballot papers, which shall be torn off the book at the time of handing it out. The ballot paper shall be stamped with the seal of the commission upon its submission by the voter. In cases of elections for municipal councilors and mayors, the voter shall receive a ballot paper for each type of elections.

(4) The voter shall vote by marking with an "X" or "V" sign the box with the number of the list of candidates of his choice, which expresses unequivocally his vote. In cases of elections of members of parliament, members of the European Parliament from the Republic of Bulgaria and of municipal councilors, the voter may, if they wish so, mark one of the small boxes before the name of a candidate of a political party, coalition or nomination committee of their choice with an "X" or "V" sign, which shall show unequivocally their preference for the respective candidate.

(5) The voter shall fold the ballot paper in a manner making the marking of a political party, coalition or nomination committee invisible. The folded ballot paper shall be handed to the members of the commission, who shall check if the number on the ballot paper corresponds to a stub number. If there is a match, the ballot paper shall be restamped with the seal of the commission. The voter shall deposit the folded ballot paper in the ballot box, sign the electoral roll and be given their documents back.

The members of the commission shall enter the time of voting in the "Notes" section.

### **Operation of the Mobile Ballot Box**

**Article 239.** (1) The members of the mobile precinct election commission, who operate the mobile ballot box, shall pay home visits to the voters on the roll until the roll is exhausted, but not later than 19:00 hours, and shall be provided with transportation and security guards. If a voter is not found at the specified address, this circumstance shall be described in the "Notes" section of the roll opposite the name of the voter and the members of the mobile precinct election commission, who operate the ballot box, shall affix their signatures.

(2) After the completion of the voting by means of the mobile ballot box, a paper tape shall be stuck across its slot, where the time of the last voting shall be specified and that shall not be later than 20:00 hours. The paper tape shall be signed by the members of the mobile precinct election commission that operate the ballot box and shall be stamped with the seal of the commission. The mobile ballot box shall be returned to the site referred to in Article 8(3).

(3) The rules for voting in the presence of a precinct election commission shall apply to any unregulated matters.



**Section X**  
**Voting on the Basis of a Non-Resident Voting Certificate**

**Voting**

**Article 240.** (1) Voters holding a non-resident voting certificate shall be entered on the supplementary page of the electoral roll by the precinct election commission at their place of stay on election day. The non-resident voting certificate shall be submitted to the commission, which shall check the details in it. The certificate shall be enclosed with the electoral roll and shall constitute an integral part of it.

(2) A voter holding a non-resident voting certificate may alternatively vote at the polling station relevant to their permanent address (residence address). The commission shall enter any such voter on the supplementary page of the electoral roll and the non-resident voting certificate shall be enclosed with it.

(3) All details of the voter shall be entered on the supplementary page of electoral roll referred to in Paragraphs 1 and 2.

**Section XI**  
**Voting by Pupils and University Students**

**Voting**

**Article 241.** (1) In cases of elections for members of parliament, for a president and vice president of the Republic of Bulgaria and for members of the European Parliament from the Republic of Bulgaria, a voter, who is a full-time pupil or university student, shall have the option to vote at the polling station of the community, where they study, when it is other than the community at their permanent address, after the presentation of:

1. an identity document;
2. a pupil's book duly certified for the relevant school year by the educational establishment with a head office in the relevant community or a student's book duly certified for the respective term;
3. a standard declaration that they have not voted and will not vote elsewhere.

(2) A voter, who is who is a pupil or a university student, shall be entered on the supplementary page of the electoral roll. All details of the voter shall also be entered on the supplementary page of the electoral roll.

(3) The declaration referred to in Paragraph 1, Item 3, shall be enclosed with the electoral roll and shall constitute an integral part thereof.

(4) While voting is in progress, the pupil's or student's book shall be left with the precinct election commission along with the identity document of the voter, who is a pupil or a university student.

(5) After the voter signs the electoral roll, the date of the elections shall be entered in the pupil's or student's book with a note that the pupil or student has voted. The book shall be signed by the chairperson or the secretary and by one member of the precinct election commission, who have been nominated by different parties and coalitions, and then it shall be returned to the voter along with their identity document.

**Exemption from Classes**

**Article 242.** Where elections for municipal councilors and for mayors are held in the community, where they are entitled to vote, voters who are pupils or university students shall be exempted from classes on pre-election day, on election day, and on the day following election day.

**PART TWO**  
**TYPES OF ELECTIONS**

**Chapter Fifteen**  
**ELECTION OF MEMBERS OF THE NATIONAL ASSEMBLY AND OF**

## THE GRAND NATIONAL ASSEMBLY

### Section I Suffrage. Principles

#### Right to Elect

**Article 243.** The right to elect National Representatives shall vest in the Bulgarian citizens who meet the conditions of Art. 42, para. 1 of the Constitution.

#### Right to be elected

**Article 244.** The right to be elected National Representative shall vest in the Bulgarian citizens who meet the conditions of Art. 65, para. 1 of the Constitution.

#### Applicable provisions

**Article 245.** The provisions of the present Chapter and the respective provisions of Part One shall be applied to the elections of National Representatives.

### Section II Electoral System. Powers of the Central Election Commission Allocation of Seats

#### Proportional Electoral System

**Article 246.** (1) The elections for National Representatives shall be held based on the proportional electoral system with registered candidate lists in multi-member constituencies of:

1. Political parties and coalitions;
2. nomination committees.

(2) In voting for a candidate list of a political party or coalition, the voter may mark a preference for a candidate in the candidate list thus expressing his/her preference on the order of arrangement of the candidates on the candidate list he/she is voting for.

#### Powers of the Central Election Commission under this Chapter

##### Article 247. Central Election Commission shall:

1. Determine the number of seats in the multi-member constituencies based on a single standard representation for the entire country depending on the size of population provided by the National Statistical Institute, based on the results of the last population census;
2. Ascertain and declare invalid the registration of candidates who do not satisfy the requirements covered under Art. 254, para. 1 or 4 therein;
3. Delete the registration, where it is established that the candidate do not satisfy the conditions of Art. 65, para. 1 of the Constitution as well as where the collection of signatures in support of an independent candidate does not conform to the requirements of Art. 257, para. 1;
4. Declare the election results and issue certificates to the elected National Representatives;
5. Promulgate in the State Gazette the results of the elections immediately after their announcement;
6. upon pre-term termination of the credentials of a National Representative, shall pronounce the candidate ranked next on the respective list;

#### Allocation of Seats

**Article 248.** (1) Determination of election results upon election of National Representatives of the National Assembly and of the Grand National Assembly and the allocation of seats on candidate lists shall be done using the methodology referred to in Annex No. 1 herein.

(2) The right to share in the allocation of seats at the national level shall be limited to the political parties and the coalitions of parties which have gained at least four per cent of the valid votes within Bulgaria and abroad as well as the independent candidates who have received

valid votes of not less than the constituency electoral quota.

### **Section III Constituencies Number of Seats**

#### **Delimitation of Constituencies**

**Article 249.** (1) For the purposes of conducting the elections, the territory of the country shall be divided into 32 multi-member constituencies, of which three in the Administrative Region of Sofia City, two in the Administrative Region of Plovdiv and two in Administrative Region of Varna. The rest of the constituencies shall correspond to the administrative regions.

(2) The names, boundaries and numbering of the constituencies shall be determined by the President of the Republic not later than 56 days in advance of election day.

#### **Determination of Number of Seats**

**Article 250.** (1) The Central Election Commission shall determine the number of seats for each multi-member constituency in conformity with Art. 247, para. 1 not later than 55 days before election day based on the greatest-remainder method.

(2) The number of seats in a multi-member constituency may not be less than 4.

### **Section IV Electoral Rolls**

#### **Inclusion in the Roll**

**Article 251.** All Bulgarian citizens who satisfy the conditions of Art. 42, para. 1 of the Constitution shall be included in the rolls.

#### **Electoral Roll Entry Request**

**Article 252.** (1) A Bulgarian citizen residing outside the Republic of Bulgaria, who is present in Bulgaria on election day, may vote according to the permanent address thereof.

(2) Where the person under para. 1 has been removed from the electoral roll, the latter shall be entered on the rolls by the authorities referred to in Art. 23 para. 1 upon request, before delivery of the rolls to the precinct election commissions, and upon presentation of an identity document and of a completed model declaration to the effect that the person shall not vote elsewhere.

(3) When the request is made on election day, it is entered on the roll by the precinct election commission upon presentation of an identity document and of a completed model declaration to the effect that the person shall not vote elsewhere.

### **Section V Registration of Candidate Lists**

#### **Candidate Lists**

**Article 253.** (1) Political parties, coalitions of parties and nomination committees rank candidates in candidate lists per multi-member constituencies.

(2) Coalitions run in the elections by a common list of candidates in each separate multi-member constituency.

(3) The number of candidates in each list of candidates may not exceed the double number of seats in the multi-member constituency.

#### **Registration Rules**

##### **Article 254.**

##### *Option 1*

(1) A candidate for National Representative may be proposed for registration by only one political party or coalition of parties in only one multi-member constituency.

*Option II*

(1) A candidate for National Representative may be proposed for registration by only one political party or coalition of parties in not more than two multi-member constituencies.

(2) Where a candidate for National Representative is registered by more than one political party, coalition of parties or nomination committee, the earliest registration shall be valid.

*Option 1*

(3) Where a candidate for National Representative is registered in more than one multi-member constituency, the earliest registration shall be valid.

*Option II*

(3) Where a candidate for National Representative is registered in more than two multi-member constituencies, the earliest two registrations shall be valid.

(4) Except as provided for in para. 1, an independent candidate for National Representative may be proposed for registration by only one nomination committee and in only one multi-member constituency.

(5) Except as provided for in para. 1, where an independent candidate for National Representative is registered in more than one multi-member constituency, the earliest registration shall be valid.

(6) The constituency election commissions shall notify the Central Election Commission of the registered candidates not later than 24 hours after the closing date for registration.

**Documents and Registration Term**

**Article 255.** (1) The registration of the candidate lists shall be effected by the constituency election commissions upon presentation of:

1. a proposal by the central leadership of the political party concerned, competent pursuant to the statute, or the leadership of the coalition of parties concerned, competent pursuant to the decision on the formation of the coalition of parties, stating the names, the Uniform Civil Number and the permanent address of the candidates; any such proposal shall be signed by the persons representing the political party or the coalition of parties, or by persons expressly authorized thereby; the decision of the political party or the coalition of parties, adopted by the body competent pursuant to the statute of the party or to the decision on the formation of the coalition, on the nomination and ranking of the candidates on the candidate list, shall be attached to the proposal;

2. a proposal by the nomination committee, stating the names, the Uniform Civil Number and the permanent address of the candidate (candidates); any such proposal shall be signed by the person representing the nomination committee;

3. representations by the candidates of their consent to be registered by the proposing political parties, coalitions of parties or nomination committee;

4. a completed model declaration by each candidate, to the effect that the candidate satisfies the conditions referred to in Art. 65, para. 1 of the Constitution.

5. a completed model declaration by each candidate, to the effect that the candidate satisfies the conditions referred to in Art. 254, para. 1 and 4;

6. authorization of the persons authorized to represent the political party or the coalition of parties in dealings with the constituency election commission, in the cases where the documents are submitted by authorized persons.

(2) The registration of the candidate lists at the constituency election commissions shall be effected not later than 32 days in advance of election day.

(3) The documents covered under para. 1 shall be recorded in a separate register with a sequential number assigned thereto. The order of arrival of the documents shall determine the order of entry in the register of the constituency election commission.

### **Validity of the Registration**

**Article 256.** (1) The Central Election Commission shall ascertain and declare invalid registrations in violation of Art. 254, para.1 or 4. The decisions shall be immediately declared and the constituency election commission and the respective candidates, political parties, coalition of parties and nomination committees shall be notified.

(2) The decisions under para. 7 of the Central Election Commission to declare invalidity of the registered candidates may be appealed before the Supreme Administrative Court under Art. 58.

### **List of Voters Supporting the Registration of an Independent Candidate**

**Article 257.** (1) An independent candidate shall be registered when the candidature is supported by at least one percent, but not more than 1000 of the voters with permanent address on the territory of the constituency.

(2) Any voter, who supports the participation in the elections of an independent candidate, shall certify this by signature affixed before a member of the nomination committee. Any such voter shall state full name, Uniform Civil Number and permanent address thereof. Each voter may participate in only one collection of signatures. The list shall be delivered as a structured e-list as well containing full name, Uniform Civil Number and permanent address of the voters who have affixed their signatures in the order in which they have been entered into the list.

(3) The member of the nomination committee referred to in para. 2 shall process and provide the personal data in compliance with the requirements of the Personal Data Protection Act and shall bear responsibility as data controller within the meaning of Art. 3, para.2 of the Personal Data Protection Act.

(4) The signature list shall be delivered to the constituency election commission, together with the documents under Art. 255, para. 1, items 2, 3, 4 and 5 not later than 32 days before election day.

### **Conditions for Registration. Refusal of Registration**

**Article 258.** (1) The constituency election commission shall check whether the requirements of the present Section are met and shall decide on the registration of the candidate lists.

(2) Upon ascertainment of any omissions or discrepancies, the constituency election commissions shall give immediate directions and a deadline for their elimination. In the event that the omissions or discrepancies are not eliminated by the deadline set, the constituency election commission shall refuse registration.

(3) The refusal under para. 2 may be appealed before the Central Election Commission under Art. 73.

(4) Upon refusal of registration or upon declaration of invalidity of the registration of a candidate on a list of a political party or coalition of parties, the political party or coalition of parties may propose another candidate for registration not later than 20 days before election day.

(5) Should any of the candidates on a registered candidate list of a political party or coalition of parties die or lapse into a sustained inability to participate in the elections, or withdraw from the elections, the political party or coalition of parties may propose a new candidate within the term set by para.4 herein. The new candidate shall be listed last in the candidate list, while the remaining candidates shall be rearranged one place forward.

### **Verification of the Lists. Official Cancellation of Registration**

**Article 259.** (1) The lists in electronic format under Art. 257, para. 2 shall be submitted immediately by the constituency election commission to the respective territorial unit of the Directorate General Civil Registration and Administrative Services at the Ministry of Regional Development for verification.

(2) The territorial unit of the Directorate General Civil Registration and Administrative Services at the Ministry of Regional Development shall conduct the verification not later than 27

days before election day.

(3) The territorial unit of the Directorate General Civil Registration and Administrative Services at the Ministry of Regional Development shall draw up a memorandum of the verification results in two copies where one of the copies shall be submitted to the constituency election commission. The verification data shall be preserved for six months following the elections.

(4) The constituency election commission shall ascertain the result of the verification of the lists under Art. 257, para. 2 based on the verification conducted by the territorial unit of the Directorate General Civil Registration and Administrative Services at the Ministry of Regional Development. Upon request of the nomination committee, the constituency election commission shall present in writing the data from the memorandum under para. 3 and the results ascertained for the lists under Art. 257, para. 2 submitted by the nomination committee.

(5) In cases where the constituency election commission or the Central Election Commission finds out that the independent candidate is not supported by the required number of voters, the registration of the independent candidate shall be deleted by decision that shall be sent forthwith to the nomination committee. When the decision is made by the Central Election Commission, it shall be sent forthwith to the constituency election commission and the latter shall send it forthwith to the nomination committee.

(6) The decision of the constituency election commission under para. 5 may be appealed before the Central Election Commission pursuant to Art. 73.

(7) The decision of the Central Election Commission under para. 5 may be appealed before the Supreme Administrative Court pursuant to Art. 58.

### **Inquiries about the List under Article 257 paragraph 2**

**Article 260.** The constituency election commission shall provide for each voter - Bulgarian citizen to make inquiries with reference to the list under Art. 257, para. 2 stating Uniform Civil Number including using a toll-free number.

## **Section VI Ballot Paper**

### **Content**

**Article 261.** (1) The ballot paper shall be combined and shall contain on its face:

1. the name and number of the constituency;
2. the full and/or abbreviated name of the political party or the coalition of parties as stated in the application for registration thereof, or the name of the nomination committee, with the abbreviation for a political party being written as "ПП" [abbreviation for "political party" in Bulgarian], for a coalition of parties as "КП" [abbreviation for "coalition of parties" in Bulgarian], and for a nomination committee as "ИК" [abbreviation for "nomination committee" in Bulgarian];
3. a square to be marked with an "X" or "V" showing the preference of the voter where the sequential number of the political party, coalition of parties or nomination committee is written;
4. the names of the candidates on the relevant candidate list of a political party or coalition of parties or the name of the independent candidate;
5. a square before the name of each candidate to place an "X" or "V" sign, reflecting the preference of the voter for a particular candidate on the respective candidate list where the sequential number of the candidate on the list is written;
6. an empty line between the names of the candidates.

(2) Lines of different parties, coalitions and initiative committees shall be separated from each other by an empty line and solid black horizontal line.

(3) The name and number of the constituency shall be written on the top line of the ballot paper. Details under par. 1, items 2, 3, 4 and 5 shall be written sequentially from left to right on a single horizontal line for each political party, coalition or nomination committee. The word "независим" [independent] shall be written following the names of the independent candidates. In the ballot papers for voting abroad, the name and number of the constituency

shall be replaced by the text “Бюлетина за гласуване извън страната” [Ballot Paper for Voting Abroad].

(4) Two places shall be marked on the back of the ballot paper for the seal of the respective precinct election commission.

(5) Ballot papers for political parties and coalitions of parties, which do not contain the essential elements referred to in para. 1, items 4 and 5 shall be used for voting abroad.

#### **Drawing Lots for Ballot Paper. Number Determination**

**Article 262.** (1) The sequential number in the ballot paper shall be determined by the Central Election Commission by a lot drawn in the presence of representatives of the political parties and the coalitions of parties not later than 31 days before election day. The lot shall be drawn publicly and the registered candidates and representatives of the mass media may also be present. The assigned sequential number shall be the same for the whole country and for the vote abroad. The result of the drawing of the lots shall be publicly announced by decision of the Central Election Commission pursuant to Art. 57, para. 1.

(2) The numbers of the nomination committees follow the numbers in the ballot papers of the political parties and coalitions of parties according to the order of registration of independent candidates by the constituency election commission.

(3) The ballot paper shall not provide for a number and an empty line for a political party or a coalition of parties that has not registered a candidate list in the respective constituency.

(4) Political parties, coalitions of parties and nomination committees that have not registered candidate lists shall not participate in the drawing of the lots and shall not be allocated a number and an empty line shall not be left in the ballot paper.

(5) The printing of the ballot papers shall commence not earlier than 18 days before the election day.

### **Section VII Conduct of Voting**

#### **Identification of Voters**

**Article 263.** Voters who declare voting with a paper ballot shall identify themselves to the chairperson or a member of the commission, designated by a decision, before the opening of the polls by producing an identity card or an internal (green) passport, applicable only to voters availing themselves of the provision of § 9a of the Transitional and Final Provisions of the Bulgarian Personal Documents Act. Where the internal (green) passport or identity card has expired, has been damaged, destroyed, lost or stolen or is in the process of issuing, the voter shall be allowed to vote if presenting a certificate for the issuance of personal identity documents.

(2) Voter who declares voting by a voting machine ballot shall be identified by identity card data reader. Data of voters born before 31st of December 1931 wishing to vote by a voting machine ballot, as well as of voters holders of certificates under para. 1, second sentence, shall be entered into the system by a member of the precinct election commission via a special terminal.

(3) A voter who votes abroad shall establish his/her identity by producing a passport, identity card or military identity card according to Art. 13, para. 1, items 1 and 2 of the Bulgarian Personal Documents Act. In case the validity of the ID document of the voter has expired, the voter shall be admitted to voting if he or she presents a certificate issued by the diplomatic mission or consular post of the Republic of Bulgaria to the effect that the said person has submitted an application for the issuance of a new ID document.

(4) Voters voting on board of ships flying the Bulgarian flag shall establish their identity as follows:

1. the passengers: by producing a passport or identity card;
2. the members of the crew: by producing a seafarer's passport.

(5) Pupils and students, in addition to the identity document in the cases referred to in Article 241 herein, shall present to the precinct election commission a pupil's or student's card.

### **Entry of Voter`s Data in the Electoral Rolls**

**Article 264.** The chairperson or a member designated by decision of the commission shall verify data on the identity document of the voter, respectively on the certificate under Art. 263, para.1, second sentence or para. 3, against the electoral roll (the roll) and shall enter the Uniform Civil Number and the type and number of the identity document, respectively the certificate number under Art. 263, para.1, second sentence or para. 3, and shall admit the voter to voting.

(2) Should any discrepancy be detected in any of the names of a voter between the roll and the identity document, respectively the certificate number under Art. 263, para.1, second sentence or para. 3, and if the permanent address is identical, the name of the voter according to the identity card, respectively the certificate number under Art. 263, para.1, second sentence or para. 3, shall be recorded in the column designated "Notes" of the electoral roll.

(3) The identity document or the certificate number under Art. 263, para.1, second sentence or para. 3, shall be left with the chairperson or, respectively, the member of the precinct election commission until the voter signs the electoral roll (the roll).

(4) If the voter is not entered on the electoral roll (the roll) but is entitled to vote, all his/her data thereof shall be entered on the supplementary page of the electoral roll, whereupon the voter shall be admitted to voting.

(5) In the cases of a certificate under Art. 263, para.1, second sentence or para. 3, the chairperson, respectively, the member of the precinct election commission notes on the certificate that the person has voted, enters the date and the number of the polling station.

### **Voting by a Paper Ballot**

**Article 265.** (1) After being admitted to vote, the voter shall receive a paper ballot from a member of the precinct election commission who tears it out of the ballot book just before its handing over and stamps it with the seal of the commission. The voter shall proceed with the received ballot paper to the booth to vote,

(2) Only one voter may be present in the booth.

(3) The voter shall vote as follows:

1. the voter shall mark the square bearing the number of the selected candidate list with an "X" on "V", which expresses unequivocally the vote thereof

2. if the voter wishes so, he or she may place the mark "X" or "V" in one of the small squares before the name of the candidate of the selected candidate list of a political party or coalition of parties thus showing unequivocally his or her preference as to the respective candidate;

3. the voter shall fold the ballot paper in a manner making invisible the marked choice of a party, a coalition of parties or a nomination committee;

4. the voter shall exit the booth and shall hand the folded ballot paper to a member of the commission.

(4) The member of the commission shall check whether the number of the ballot paper corresponds to the number on the book of ballot papers and if so, shall restamp the ballot paper with the seal of the commission and shall tear the piece with the ballot number depositing it in a separate box.

(5) In case of discrepancy, the ballot papers shall be declared invalid and this circumstance shall be noted on the ballot paper and in the column designated "Notes" of the electoral roll. The voter shall not be allowed a second voting.

(6) Following the restamping of the ballot paper, the voter shall deposit it in the ballot box, shall sign the electoral roll, shall be given the identity documents back, including the certificate under Art. 263, para.1, second sentence or para. 3, and shall leave the site.

### **Prohibitions of Entry of Special Symbols into the Ballot**

**Article 266.** (1) Writing any special symbols such as letters, numbers or other signs in the ballot paper shall render the vote invalid.

(2) Writing any special symbols such as letters, numbers or other signs in the book of



ballot papers is prohibited.

#### **Steps upon Miscompletion of Ballot Papers**

**Article 267.** (1) Should the voter misplaces the sign expressing the vote thereof, the voter may return the folded miscompleted ballot paper to the precinct election commission and may receive a new ballot paper for voting of the same type. This right shall be granted to the voter on a single occasion.

(2) The ballot paper referred to in para.1, without being unfolded, shall be destroyed by an inscription "miscompleted" and shall be stamped with the seal of the precinct election commission. The miscompleted ballot papers shall be described in the tally sheet of the precinct election commission.

#### **Voting by Voting Machine Ballot**

**Article 268.** (1) With voting machines, after being admitted to voting, the voter shall be given access to the voting device.

(2) The voter shall enter the Uniform Civil Number as an user name and then the device shall display a ballot identical to the paper ballot. The voter may not vote for any political party, coalition of parties or nomination committee.

(3) The voter shall mark unequivocally his or her vote for a candidate list and if the voter wishes so shall express his or her preference for a candidate from the selected candidate list of a political party or coalition. The voter may change his or her choice once before confirmation.

(4) Following the confirmation, the vote, without any data for the voter, shall be recorded and kept in an electronic ballot box which shall prevent disclosure of the identity of the voter and the voting itself. The voter shall receive a notification for the end of the voting and a control receipt that shall be dropped by the voter in a special machine voting box.

(5) After putting the receipt in the box, the voter shall place his or her signature on the electoral roll, shall be given the documents back and shall leave the polling site. In the column of the electoral roll designated "Notes" shall be written that the voter has cast his or her vote by the machine.

(6) After ending the voting, the information for the choice made shall be inaccessible for the next voter, and the information about the identity of the voter, the voting and the user name shall be removed.

(7) After ending the voting, the voter shall place his or her signature on the electoral roll, shall be given the documents back and shall leave the polling site. In the column of the electoral roll designated "Notes" shall be written that the voter has cast his or her vote by the machine.

#### **Overwhelming External Circumstances with Machine Voting**

**Article 269.** Where, due to the occurrence of overwhelming external circumstances, the machine voting appeared to be compromised, the precinct election commission shall notify immediately the constituency election commission and the Central Election Commission. The voting shall continue by paper ballots.

### **Section VIII Vote Counting**

#### **Before Opening the Ballot Box**

**Article 270.** (1) Upon the lapse of election day, the chairperson of the precinct election commission shall declare the end of voting.

(2) The unused and miscompleted ballot papers shall be counted before opening the ballot box, shall be packed separately, shall be sealed up and shall be removed from the counting table.

#### **Reporting Results of Machine Voting**

**Article 271.** (1) After completion of the voting, the precinct election commission shall

report the results of the machine voting in the polling station meeting the provisions of the current Section and under the procedure established by the Central Election Commission under Art. 57, para. 1, item 28.

(2) In establishing the machine voting results, the number of the voters that have cast their vote by the machine shall be equal to the number of the control receipts found in the special machine voting box.

#### **Persons Having Right to be Present at the Polling Site**

**Article 272.** Candidates, election agents and representatives of political parties, coalition of parties and nomination committees, according to Art. 117, para. 6 and Art. 124, para. 1, observers - subject to the provisions of Art. 114, para. 2 and mass media representatives may be present at the polling site and shall be ensured direct visibility upon the counting of the votes.

#### **Tally Sheet of the Precinct Election Commission**

**Article 273.** (1) The precinct election commission shall determine the voting results both from the paper ballots and the machine voting and shall record the said results in a tally sheet.

(2) The tally sheet of the precinct election commission shall be prepared in three identical copies on three-sheet carbonless copy paper. The tally sheet shall be protected by print security features determined by decision of the Central Election Commission. The tally sheet shall contain the names of the political parties, coalitions of parties and the nomination committees as registered for the elections. Names shall be printed in the tally sheet by the sequential number on the ballot of the political party, coalition of parties and nomination committee.

(3) Each copy of the tally sheet shall consist of two sheets with separate pages. The general data about the voting in the polling station and the votes for the political parties, coalitions of parties and nomination committees shall be entered on the first sheet. The preferences for the candidates of the political parties and coalitions of parties shall be entered on the second sheet.

(4) Before completing the tally sheet, a draft on two sheets shall be prepared, whereof the form and content shall be identical with the tally sheet.

#### **Miscompleted Tally Sheet**

**Article 274.** (1) In case one of the blank forms of the tally sheet is miscompleted, the precinct election commission shall cancel the miscompleted tally sheet by writing "Miscompleted" on it and the tally sheet shall be signed by the chairperson and secretary and a member of the precinct election commission, who have been nominated by different parties and coalitions of parties. The precinct election commission shall return the miscompleted form of a tally sheet to the constituency election commission when delivering the tally sheet showing the voting results, and the serial number of the miscompleted tally sheet shall be checked against the number of the tally sheet as entered in the memorandum on delivery and acceptance of the election stationery referred to in Art. 215, para. 4 herein. In case both forms of the tally sheet are miscompleted, the cancelled tally sheets shall be returned to the constituency election commission after checking the serial numbers of the said tally sheets against the numbers of the tally sheets as entered in the memorandum on delivery and acceptance of the election stationery referred to in Art. 215, para. 4 herein.

(2) In the cases referred to in para. 1, the precinct election commission shall receive a new tally sheet. This circumstance shall be described in a memorandum of delivery and acceptance, wherein the serial number of the new tally sheet shall be entered. The memorandum of delivery and acceptance shall be signed by the chairperson of the precinct election commission and by a member of the constituency election commission, designated thereby, who have been nominated by different parties and coalitions of parties.

#### **Entries in Tally Sheet before Opening of Ballot Box**

**Article 275.** (1) Before the opening of the ballot box, the following shall be entered in the tally sheet in this order:

1. the particulars of the polling station, including the names of the members of the commission and of the other persons present;
  2. the time of opening of the polls and of the completion of voting;
  3. the number of voters according to the electoral roll;
  4. the number of voters according to the additional page of the electoral roll;
  5. the number of registered candidate lists;
  6. the number of voters who have voted according to the signatures affixed to the electoral roll;
  7. the number of voters who have voted by the machine voting device according to the notice in the column "Notes" of the electoral roll;
  8. the number of invalid ballot papers under Art. 227;
  9. the number of invalid ballot papers under Art. 228;
  10. the number of invalid ballot papers under Art. 266, para. 5;
  11. the number of miscompleted ballot papers;
  12. the number of unused ballot papers;
  13. the number of ballot papers received as provided by Art. 215;
  14. the number of the canceled by the precinct election commission ballot papers on other occasions.
  15. the number of non-resident voting certificate and of declarations referred to in Art. 241, para. 1, item 3;
  16. the number of certificates under Art. 40;
- (2) The data referred to in para. 1, items 3 to 16 shall be entered in the tally sheet in words and figures.

#### **Removal of Objects Before Opening the Ballot Box**

**Article 276.** (1) Before opening of the ballot box, all objects with the exception of the drafts shall be removed from the table;

(2) Solely one member, by decision of the commission, shall have access to the ballot papers under the observation and control of the rest of the members.

#### **Opening of the Ballot Box**

**Article 277.** (1) The ballot box shall be opened, the ballot papers shall be extracted one by one, shall be placed face down, and shall be counted.

(2) Where a spare ballot box has been used for the voting, the said ballot box shall be opened together with the first ballot box.

(3) The ballot papers from the mobile ballot box are placed on the table on the site under Art. 8, para. 3 and the counting of the votes, including the drawing up of the tally sheet shall be effected as provided for in the present Section.

#### **Valid and Invalid Vote**

**Article 278.** (1) Upon determination of the voting results, each ballot paper shall correspond to one vote, which may be either valid or invalid.

(2) A vote shall be valid where:

1. the ballot paper conforms to the established standard design for the respective constituency;
2. any special symbols such as letters, numbers or other signs are not written in the ballot paper;
3. the ballot paper contains two seals of the competent precinct election commission, and
4. only one of the voting squares is marked with an "X" or "V" placed by a ballpoint pen, writing in blue ink, for one candidate list, without preference, which expresses unequivocally the vote of the voter;
5. only one of the voting squares is marked with an "X" or "V" placed by a ballpoint pen,

writing in blue ink, for one candidate list, with more than one preference, marked with an "X" or "V" by a ballpoint pen, writing in blue ink, for candidates from the same candidate list - it shall be assumed that the ballot paper does not contain preferences and the vote shall be considered cast for the selected candidate list;

6. only one of the voting squares is marked with an "X" or "V" placed by a ballpoint pen, writing in blue ink, for one candidate list, with one preference, marked with an "X" or "V" placed by a ballpoint pen, writing in blue ink, for a candidate from the selected candidate list;

7. The sign "X" or "V" placed by the voter by a ballpoint pen, writing in blue ink, goes beyond the square of the respective candidate list, but does not run into the square of another candidate list;

8. there are deviations in the ballot paper due to defects and manufacturing errors, or where the ballot paper is mechanically damaged or stained;

(3) A vote shall be invalid where:

1. the ballot paper does not conform to the established standard design for the respective constituency;

2. any special symbols such as letters, numbers or other signs, are written on the ballot paper;

3. the ballot paper does not contain two stamps placed by the seal of the respective precinct election commission;

4. none of the voting squares is marked with an "X" or "V" by means of a ballpoint pen writing in blue ink;

5. the ballot paper does not reflect the vote of the voter;

6. The sign "X" or "V" or another sign is placed by a ballpoint pen writing in blue or a another color ink, for two or more candidate lists or by placed "X" or "V" that runs into more than one voting squares and the unequivocal choice of the voter could not be determined;

7. the preferences are marked in the ballot paper with a sign different from "X" or "V" and by a ballpoint pen not writing in blue ink or preferences of candidates from different candidate lists are marked;

8. in the ballot paper the vote is marked by an "X" or "V" or by another sign by a ballpoint pen writing in blue ink for one candidate list and a preference of a candidate from another candidate list.

(4) The voter shall be entitled to one preference of a candidate from the chosen candidate list of a political party or coalition of parties. The preference shall be respected only if marked by sign "X" or "V" by a ballpoint pen writing in blue ink as well as when the sign "X" or "V" is running out of the outlines of the small square to the name of the candidate without touching the other small squares.

(5) The number of voters who have voted with paper ballots shall be equal to the number of ballot papers found in the ballot boxes.

### **Segregation of the Ballot Papers**

**Article 279.** (1) After opening of the ballot box and extraction of the ballot papers, the latter shall be segregated in piles as follows:

1. a pile of ballot papers which do not conform to the established standard design;

2. a pile of ballot papers with special symbols, such as letters, numbers or other signs, written therein;

3. a pile of ballot papers conforming to the established standard design wherein the vote of the voter is not marked by an "X" or "V": and by a ballpoint pen writing in blue ink;

4. a pile of ballot papers conforming to the established standard design wherein the vote of the voter is not marked;

5. a pile of ballot papers conforming to the established standard design:

a) wherein the sign "X" or "V" or another sign is placed by means of a ballpoint pen writing in blue or in another color, for two or more candidate lists or by placed "X" or "V" that runs into more than one voting square and the unequivocal choice of the voter could not be determined;

b) wherein the preferences are marked in the ballot paper with a sign different from "X"

or "V" and by means of a ballpoint pen not writing in blue ink or preferences of candidates from different candidate lists are marked;

c) wherein the vote is marked by an "X" or "V" or other sign by a ballpoint pen writing in blue ink or in another color, for one candidate list and a preference of a candidate from another candidate list, or

d) which do not contain two stamps of the seal of the respective precinct election commission; any such ballot papers shall be cancelled by means of an inscription "Cancelled" on each ballot paper;

6. a pile of ballot papers conforming to the established standard design:

a) wherein the vote is marked with an "X" or "V" sign by a ballpoint pen, writing in blue ink, for one candidate list with no preference or with one or more than one preference for a candidate from the same candidate list;

b) wherein the ballot paper contains two stamps placed with the seal of the respective precinct election commission,

(2) The ballot papers shall be reviewed one by one to count the preferences for the candidates of the political parties and coalition of parties.

(3) Where the validity of any vote is contested, after a decision of the commission, the case shall be described in a memorandum. The said memorandum shall be attached to the tally sheet of the precinct election commission, and the number of the decision shall be noted on the reverse side of the ballot paper.

#### **Total Number of Valid and Invalid Votes**

**Article 280.** (1) The precinct election commission shall count the votes and preferences cast with paper ballots in the voting section.

(2) The number of invalid votes shall be equal to the number of ballot papers under Art. 279, para. 1, items 1 to 5.

(3) The number of valid votes shall be equal to the number of ballot papers under Art. 279, para. 1, item 6.

(4) The number of the preferences for a candidate of a political party or coalition of parties shall be equal to the total number of the signs "X" or "V" placed by a ballpoint pen, writing in blue ink in the small squares to the name of the candidate in the candidate list.

#### **Tally Sheet Data Entry**

**Article 281.** (1) After the opening of the ballot box and the counting of the votes, on the first sheet of the tally sheet of the precinct election commission the following shall be entered in this order:

1. the number of ballot papers found in the ballot boxes;

2. the number of invalid votes;

3. the number of valid votes;

4. the number of votes cast for each candidate list;

5. the number of applications, objections and complaints lodged and the decisions adopted thereon.

(2) The total number of the preferences for a candidate of a political party or coalition of parties shall be entered on the second sheet of the tally sheet.

(3) The numbers from the machine voting shall be added separately to the data of the tally sheet of the precinct election commission under para. 1 and 2.

(4) The data from the voting with paper ballots and from the machine voting shall be summed up and the total number of the votes cast by paper ballots and those cast by machine voting shall be equal to the total number of the ballot papers found in the ballot boxes and of the control receipts found in the special machine voting box.

(5) The data under para. 1 shall be entered into the tally sheet in words and figures.

#### **Signing of Tally Sheet Correction**

**Article 282.** The tally sheet of the constituency election commission shall be signed by all members of the commission. After signing the tally sheet, the chairperson shall announce

the voting results per political parties, coalition of parties and independent candidates as well as the number of preferences for each candidate of a political party or coalition of parties.

(2) After signing the tally sheet, corrections may be made before announcing the voting results. Any such correction shall be signed by all members of the commission, with a marginal note reading "Correction". Apparent errors of fact may be corrected after announcement of the voting results as well.

(3) No member of the commission may refuse to sign the tally sheet. A member who disagrees with what the tally sheet records shall sign the said tally sheet with a dissenting opinion, formulating the dissenting opinion. The reasons shall be set forth in writing on a separate sheet and shall be attached as an integral part of the tally sheet.

(4) Should a member of the commission be objectively prevented from signing the tally sheet, this shall be noted, specifying the reasons.

(5) Non-signing of the tally sheet by a member of the commission shall not render the said tally sheet invalid.

(6) A photocopy of the signed tally sheet shall be displayed in a conspicuous place in front of the building where the respective precinct election commission is housed, stamped on each page with the seal of the commission and signed by the chairperson, deputy chairperson and the secretary.

#### **Receiving Photocopy of Tally Sheet**

**Article 283.** Upon request, the members of the precinct election commission, the candidates, the election agents, the representatives of the political parties, coalitions of parties and nomination committee and the observers, shall receive a photocopy of the signed tally sheet, stamped on each page with the seal of the commission and signed by the chairperson, deputy chairperson and the secretary before delivery to the constituency election commission. Photocopies of the signed tally sheet shall be made in the polling station. The names and the Uniform Civil Number of the person who has received the photocopy shall be entered by the precinct election commission into a list of persons who have received a photocopy of the signed tally sheet and after that the person shall put his signature on the list. The list shall be signed by the chairperson and the secretary.

#### **Packing of Election Papers and Materials**

**Article 284.** After counting the votes the election papers and materials shall be packed and sealed with a paper tape. The paper tape shall be stamped with the seal of the commission and signed by the members of the commission.

#### **Delivery of the Tally Sheet to the Constituency Election Commissions and the Recording Technical Device to the Constituency Election Commissions**

**Article 285.** (1) The chairperson or the deputy chairperson, the secretary and a member of the precinct election commission, nominated by different political parties and coalitions of parties, shall deliver the copies of the tally sheet to the constituency election commission destined for the constituency election commission and for the Central Election Commission and the recording technical device from the machine voting. The second blank form of the tally sheet of the precinct election commission, received according to the procedure established by Art. 215, para. 1, item 7, shall be delivered as well, with the serial number thereof being checked against the number of the tally sheet as entered in the memorandum of delivery and acceptance of the election stationery and materials.

(2) The tally sheet of the precinct election commission shall be delivered at the constituency election commission with unseparated sheets.

#### **Results of Voting Abroad**

**Article 286.** (1) The chairperson of the precinct election commission abroad, or where the said chairperson is absent, the secretary, or where both the chairperson and the secretary are absent, a person designated by decision of the commission, shall forthwith dispatch the voting results to the Central Election Commission by means of a tally sheet cable and a

scanned copy of the tally sheet of the precinct election commission and of the roll for voting abroad.

(2) The election stationery and materials used for the voting abroad shall be dispatched by the precinct election commissions abroad to the accredited head of the Bulgarian diplomatic mission or consular post or to a duly authorized representative. The election stationery and materials shall be sent by the first Diplomatic Bag, but not later than 14 days after the election day, to the Ministry of Foreign Affairs for the delivery of the said stationery and materials to the Central Election Commission, where they shall be safe-kept until the next elections.

(3) The results of the voting on board navigation vessels flying the Bulgarian flag shall be communicated forthwith by radio to the shipping companies (tally sheet cables) and, care of the said companies, to the respective constituency election commission. The said results must contain all numerical data as described in the tally sheet of the precinct election commission. Election stationery and materials shall be dispatched to the regional administration exercising jurisdiction over the location of the ship, and shall be safe-kept until the next elections.

## **Section IX**

### **Determination of the Election Results by the Constituency Election Commission**

#### **Acceptance and Verification of the Tally Sheets of the Precinct Election Commission and the Rest of the Election Stationery and Materials**

**Article 287.** (1) The constituency election commission shall accept and check the tally sheets of the precinct election commissions.

(2) Upon acceptance of the tally sheet of the precinct election commission, the constituency election commission shall check the serial number of the said tally sheet against the number of the tally sheet as entered in the memorandum of delivery and acceptance of the election stationery and materials referred to in Art. 215, para.4 herein or in the memorandum referred to in Art. 274, para. 2.

(3) Where the constituency election commission detects any discrepancy between the serial numbers of the tally sheet received and delivered by the precinct election commission, the precinct election commission together with the constituency election commission shall count the votes after acceptance of the tally sheets of all precinct election commissions.

(4) The members of the precinct election commission referred to in Art. 285, para. 1 shall trace the accuracy of the entry of the data from the tally sheet at the computation centre of the constituency election commission.

(5) Where the constituency election commission detects any apparent errors of fact in the tally sheet, the said errors shall be noted therein and shall be signed by the members of the precinct election commission referred to in Art. 285, para. 1.

(6) Upon receipt of the tally sheet, the constituency election commission shall issue a signed receipt which shall contain the numerical data from the tally sheet. Upon return to the area of the polling section, the members of the precinct election commission referred to in Art. 285, para. 1 herein shall display the said receipt next to the photocopy of the tally sheet referred to in Art. 282, para. 6.

(7) After acceptance of the tally sheet by the constituency election commission, the ballot papers, the stub with the serial numbers, the copy of the tally sheet destined for the municipal administration and the rest of the papers and materials shall be delivered by the members of the precinct election commission, referred to in Art. 285, para. 1, at the municipal administration to a commission which composition shall be determined as provided for by Art. 92 herein. A representative of the municipal administration shall be included in the composition of the said commission.

(8) The ballot papers, the copy of the tally sheet destined for the municipal administration and the rest of the papers and materials shall be safe-kept until the next elections. The premises where the said papers and materials are safe-kept shall be designated by the Regional Governor and shall be sealed with paper tapes, stamped by a seal with a unique sign placed thereon and signed by the members of the commission. The standard design of the said seal, the safe-keeping of the ballot papers, the copy of the tally sheet

destined for the municipal administration and the rest of the papers and materials and the access to the premises shall be determined by decision of the Central Election Commission.

#### **Data Transfer from the Recording Technical Device**

**Article 288.** (1) The members of the precinct election commission referred to in Art. 285, para. 1 shall trace the accuracy of the data transfer from the technical recording device at the computation center of the constituency election commission.

(2) The data from the recording technical device shall be checked against the data from the machine voting entered in the tally sheet of the precinct election commission.

#### **Reporting Voting Results in the Constituency**

**Article 289.** (1) On the basis of the data from the tally sheets of the precinct election commissions, the constituency election commission shall report the results of the voting in the constituency and shall prepare a tally sheet.

(2) By decision of the constituency election commission, the votes from the navigation vessels on board of which a polling stations has been established shall be added to the votes for the candidate lists of the constituency.

#### **Determining Elected Independent Candidates**

**Article 290.** (1) The constituency election commission shall determine the elected independent candidates in the constituency using a constituency electoral quota on the basis of the valid votes cast there.

(2) An independent candidate shall be considered elected if he or she has gained the constituency electoral quota from the votes in the constituency. The votes of the independent candidates shall be excluded from the subsequent allocation of seats.

#### **Constituency Election Commission Tally Sheet**

**Article 291.** (1) The voting results shall be entered in the tally sheet of the constituency election commissions per political parties, coalitions of parties and nomination committees.

(2) The tally sheet of the constituency election commission shall be prepared in two identical copies on two-sheet carbonless copy paper. The tally sheet shall be protected by print security features determined by decision of the Central Election Commission. Before completing the tally sheet, a draft shall be prepared, whereof the form and content shall be identical with the tally sheet.

(3) Each copy of the tally sheet shall consist of two sheets with separate pages.

(4) The constituency election commissions tally sheet shall contain the names of the political parties, coalitions of parties and the nomination committees as registered for the elections. The names shall be printed in the tally sheet according to the sequential number in the ballot paper.

#### **Tally Sheet Data Entry**

**Article 292.** (1) The following data shall be entered in the tally sheet of the constituency election commission in this order: number of precinct election commissions in the constituency, number of precinct election commissions which have presented tally sheets on the voting, as well as the data covered under Art. 275, para. 1 and under Art. 281.

(2) The data under para. 1 shall be entered into the tally sheet in words and figures.

#### **Signing of Tally Sheet**

**Article 293.** The tally sheet of the constituency election commission shall be signed by all members of the commission. After signing the tally sheet, the chairperson shall announce the voting results per candidate lists, as well as the number of preferences for each candidate of a political party or coalition of parties.

(2) No member of the commission may refuse to sign the tally sheet. A member who disagrees with what the tally sheet records shall sign the said tally sheet with a dissenting opinion, formulating the dissenting opinion. The reasons shall be set forth in writing on a



separate sheet and shall be attached as an integral part of the tally sheet.

(3) Should a member of the commission be objectively prevented from signing the tally sheet, this shall be noted, specifying the reasons.

(4) Non-signing of the tally sheet by a member of the commission shall not render the said tally sheet invalid.

(5) Upon detection of an apparent error of fact, corrections may be made in the tally sheet. Any such correction shall be signed by all members of the commission, with a marginal note reading "Correction".

(6) After signing the tally sheet, the constituency election commissions shall immediately send the tally sheet to the Central Election Commission in an electronic format, signed by an electronic signature.

(7) A photocopy of the signed tally sheet shall be displayed in a conspicuous place in front of the building where the respective constituency election commission is housed, stamped on each page with the seal of the commission and signed by the chairperson, deputy chairperson and the secretary.

### **Receiving a Tally Sheet Photocopy**

**Article 294.** Upon request, the members of the constituency election commission, the candidates, the election agents, the representatives of the political parties, coalitions of parties and nomination committee and the observers, shall receive a photocopy of the signed tally sheet referred to in Art. 291, stamped on each page with the seal of the commission and signed by the chairperson, deputy chairperson and the secretary before delivery to the Central Election Commission. Photocopies of the signed tally sheet shall be made in the premises of the constituency election commission. The names and the Uniform Civil Number of the person who has received the photocopy shall be entered by the constituency election commissions into a list of persons who have received a photocopy of the signed tally sheet, the model of which has been approved by the Central Election Commission, and the person shall affix his signature on the list. The list shall be signed by the chairperson and the secretary.

### **Database**

**Article 295.** The constituency election commission shall create a database by means of computer processing of the tally sheets of the precinct election commissions in the constituency and of the tally sheet cables from the navigation vessels flying the Bulgarian flag.

### **Delivery of the Precinct Election Commission Tally Sheet, Recording Technical Device and the Rest of the Papers to the Central Election Commission**

**Article 296.** The chairperson or the deputy chairperson, the secretary and a member of the constituency election commission, nominated by different parties and coalitions of parties, shall deliver to the Central Election Commission the copy of the tally sheet of the constituency election commission, the copies of the tally sheets of the precinct election commissions destined for the Central Election Commission, and copies of the receipts referred to in Art. 287, para. 6 and the recording technical devices from the machine voting. not later than 48 hours after receipt of the last tally sheet of a precinct election commission in the constituency. The tally sheets of the constituency election commissions shall be delivered to the Central Election Commission with unseparated sheets.

(2) The constituency election commission shall also deliver to the Central Election Commission:

1. a copy of the computer print-out of the data on the tally sheet and the decision of the constituency election commission, (list of the tally sheets of the precinct election commissions received with the codes of the receipts thereof and the computer proposal for a tally sheet and a decision of the constituency election commission, and the machine voting data, provided by the computation center;

2. two machine-readable data mediums storing the numerical data generated by the processing of the tally sheets of the precinct election commissions.

(3) After a check of the papers covered under para. 1 and 2, the Central Election

Commission shall issue a receipt to the constituency election commission and a memorandum of delivery and acceptance shall be signed in two identical copies by the representatives of the Central Election Commission and the constituency election commission.

(4) The election stationery and materials of the constituency election commission, with the exception of those destined for the Central Election Commission, and the copies of the tally sheets of the precinct election commissions, destined for the constituency election commission, shall be delivered to the regional administration within whose territory the said commission is located.

(5) The election stationery and materials shall be safe-kept by the regional administrations until the next elections

## **Section X**

### **Determination of the Election Results by the Central Election Commission**

#### **Allocation of Number of Seats**

**Article 297.** (1) The total number of seats for each party and coalition of parties shall be allocated by the Central Election Commission on the basis of the valid votes cast for the said party or coalition of parties within Bulgaria and abroad using the Hare-Niemeyer Method according to the methodology referred to in Annex No. 1.

(2) The right to share in the allocation of seats at the national level shall be limited to the parties and the coalitions of parties which have gained not less than four per cent of the valid votes within Bulgaria and abroad.

(3) The number of seats which are allocated to the parties and coalitions of parties referred to in para. 2 shall equal the number of National Representatives in the National Assembly less the number of the elected independent candidates.

(4) The number of seats of the parties and coalitions of parties in the multi-member constituencies shall be determined using the Hare-Niemeyer Method according to the methodology referred to in Annex No. 1.

#### **Determining the Elected Candidates according to the Received Valid Preferences and the Ranking on the List**

**Article 298.** (1) The candidates who are elected on each candidate list of a political party or coalition of parties, shall be determined according to the number of valid preferences received and the ranking of the candidates on the list shall be done according to the methodology referred to in Annex No. 1.

(2) The preferences for the individual candidates shall be valid if the number of votes received for the candidate is not less than per cent of the votes cast for the candidate list.

(3) The candidates referred to in para. 2 shall be ranked according to the number of preferences received, starting from the candidate who has received the highest number of valid preferences. These candidates shall be excluded from the candidate list of the respective party or coalition of parties and shall comprise List A. The rest of the candidates on the candidate list shall retain the initial ranking thereof on the list and shall comprise List B.

(4) Where there are two or more candidates with an equal number of preferences on List A, the rank thereof on the list shall be determined by the Central Election Commission on the basis of a lot drawn in the presence of the candidates concerned and representatives of the political party or the coalition of parties.

(5) Where there are no candidates with valid preferences, the elected candidates shall be determined according to the rank assigned on the candidate list.

(6) Where the number of candidates with valid preferences is lower than the number of the seats allocated to the political party or coalition of parties, all candidates on List A shall be elected. The rest of the seats allocated to the political party or coalition of parties shall be filled by candidates on List B in the order of ranking thereof.

(7) Where the number of candidates with valid preferences is higher than the number of the seats allocated to the political party or coalition of parties, the first candidates on List A shall be elected in the order of ranking thereof until all seats are filled.

(8) Where the number of candidates with valid preferences equals the number of the seats allocated to the party or coalition of parties, all candidates on List A shall be elected.

#### **Consequences upon Election of a Candidate in Two Multimember Constituencies**

**Article 299.** (1) Where a candidate is elected in two multimember constituencies, the said candidate shall be obliged to declare to the Central Election Commission in writing, within one day after learning, the list on which the said candidate wishes to remain elected.

(2) In case the candidate fails to submit a representation in writing within the time limit referred to in para. 1, the Central Election Commission shall pronounce the said candidate elected as National Representative for the constituency wherein the said candidate was first registered as a National Representative.

(3) In the cases referred to in para. 1, the Central Election Commission shall pronounce elected the non-elected candidate who ranks first on the list which the candidate for National Representative has relinquished.

*The provision shall remain, only if a limitation for nomination of the candidate in one constituency is not adopted.*

#### **Declaring Voting Results**

**Article 300.** (1) The Central Election Commission shall declare the votes received and the allocation of seats to the political parties and coalitions of parties not later than four days after election day;

(2) The Central Election Commission shall declare the names of the elected National Representatives: not later than seven days after election day.

#### **Database**

**Article 301.** (1) The Central Election Commission shall create a database by means of computer processing of the tally sheets of the precinct election commissions within Bulgaria, the machine voting data, the tally sheet cables and the scanned copies of the tally sheets of the precinct election commissions abroad.

(2) The data from the tally sheets of the precinct election commissions referred to in para. 1 shall be re-entered at the Central Election Commission. A computer comparison shall be performed between the data from the tally sheets of the precinct election commissions and the machine voting data as entered at the constituency election commissions and at the Central Election Commission, and the differences shall be printed out.

(3) The scanned copies of the tally sheets and the tally sheet cables with the results of the voting abroad as received shall be entered and re-entered at the Central Election Commission. The votes received for the separate candidate lists shall be added to the votes received for the respective list within Bulgaria.

(4) If there are differences, as well as upon detection of apparent errors of fact, the Central Election Commission shall pronounce by decision on the final numerical data on each of the cases and shall update the database.

(5) The election results shall be determined according to the updated database.

(6) Where the differences or the errors referred to in para. 4 are of a nature to alter the election result, the Central Election Commission shall communicate the said differences or errors to the political parties, coalitions of parties and nomination committees concerned.

(7) The Central Election Commission bulletin is published according to the updated database.

(8) The updated database of the Central Election Commission on a machine-readable data medium shall be provided to the President of the Republic, to the Chairperson of the National Assembly, to the Council of Ministers, to the political parties, coalitions of parties and nomination committees with registered candidates, to sociological agencies, to libraries, to universities, to the Bulgarian Academy of Sciences and to other organizations.

(9) The database referred to in para. 8 may not be modified and circulated without permission of the Central Election Commission.

## **Section XI Pre-Term Termination of Credentials**

### **Declaring Elected Candidate upon Pre-Term Termination of Credentials. Vacancy**

**Article 302.** (1) Upon pre-term termination of the credentials of a National Representative, the Central Election Commission shall pronounce National Representative the candidate ranked next on the respective list.

(2) In the cases where a National Representative, elected on a candidate list of a political party or coalition of parties, is elected minister, the said National Representative shall be replaced by the candidate ranked next on the list for the duration of execution of the functions of a minister.

(3) Where there are no more candidates on the list, the seat shall remain vacant until the expiry of the credentials of the National Assembly.

(4) Where there is a candidate who has received valid preferences under the terms established by art. 298, para. 2, but the said candidate has not been pronounced elected, in the cases referred to in para. 1 and 2, the said candidate shall replace the National Representative whose credentials are terminated.

(5) Upon pre-term termination of the credentials of a National Representative elected as an independent candidate, except as provided in para. 2, the seat thereof shall remain vacant until the expiry of the credentials of the National Assembly.

### **Pre-term Termination of Credentials of a National Representative on the Grand National Assembly**

**Article 303.** (1) The credentials of a National Representative in the Grand National Assembly shall be pre-terminated as follows:

1. resignation addressed to the Grand National Assembly;
2. enforcement of imposed custodian sentence for intentionally committed crime, or the execution of the sentence of imprisonment is not suspended;
3. establishment of ineligibility or incompatibility;
4. death.

(2) In the case of items 1 and 2, the decision shall be taken by the Grand National Assembly, and in the case of item 3 - by the Constitutional Court.

## **Section XII Disputing Election Results**

### **Competent Authority**

**Article 304.** Any disputes regarding the legitimacy of the elections of National Representatives, and the election of a National Representative shall be resolved by the Constitutional Court.

### **Right to Dispute**

**Article 305.** (1) The candidates for National Representatives, the central leaderships of the parties competent pursuant to the statute, and the leaderships of the coalitions of parties competent pursuant to the decision on the formation of the coalition, and the representatives of the nomination committees who have registered candidates in the elections, may dispute the legitimacy of the elections of National Representatives or the election of a National Representative before the authorities referred to in Article 150 para. 1 of the Constitution within seven days after the public announcement of the election results by the Central Election Commission.

(2) Within 15 days after the public announcement of the election results by the Central Election Commission, the authorities referred to in Art. 150 para. 1 of the Constitution, acting on the received claim under para. 1 or on its own initiative, may approach the Constitutional Court with a reasoned petition to pronounce on the legitimacy of the elections of National Representatives or the election of a National Representative.

### **Examination of the Petition**

**Article 306.** (1) Any such petition shall be examined under the provisions and according to the procedure established by the Constitutional Court Act and the Regulations on the Organization of the Activities of the Constitutional Court.

(2) The Constitutional Court shall consider the petition and shall rule within a month of its receipt. The petition shall not suspend the decision of the Central Election Commission.

(3) The judgment of the Constitutional Court establishing illegitimacy of the elections of National Representatives or of the election of a National Representative shall be delivered to the National Assembly, the Central Election Commission and to the persons concerned.

(4) If the elections of National Representatives are declared illegitimate, a new election of a National Assembly shall be conducted not later than two months after judgment delivery referred to in para. 3.

(5) If the election of a National Representative is pronounced illegitimate, the Central Election Commission shall determine by decision the election results according to the methodology referred to in Annex 1 herein, declaring the allocation of seats and the names of the elected National Representatives. Any such decision of the Central Election Commission shall not be subject to appeal.

## **Chapter Sixteen**

### **ELECTIONS OF PRESIDENT AND VICE PRESIDENT OF THE REPUBLIC**

#### **Section I**

#### **Suffrage. Principles**

##### **Right to Elect**

**Article 307.** The right to elect President and Vice President shall vest in the Bulgarian citizens who meet the conditions of Art. 42, para. 1 of the Constitution.

##### **Right to be elected**

**Article 308.** The right to be elect President and Vice President shall vest in the Bulgarian citizens who meet the conditions of Art. 93, para. 2 of the Constitution.

##### **Applicable provisions**

**Article 309.** The provisions of the present Chapter and the respective provisions of Part One and Sections VII, VIII and IX of Chapter Fifteen shall apply in the elections of a President and Vice President of the Republic of Bulgaria.

#### **Section II**

#### **Electoral System. Powers of the Central Election Commission. Methodology**

##### **Electoral System**

**Article 310.** (1) A President and Vice President of the Republic shall be elected simultaneously according to a majoritarian electoral system from registered national candidate lists:

1. Political parties and coalitions;
2. Nomination committees.

(2) The President and the Vice President shall be elected from the same candidate list.

##### **Powers of the Central Election Commission under this Chapter**

**Article 311.** Central Election Commission shall:

1. ascertain and declare invalid the registration of candidates who do not satisfy the requirements covered under Art. 317, para. 1;
2. strike the registration, where it is established that the candidate do not satisfy the conditions of Art. 93, para. 2 of the Constitution as well as where the collection of signatures in support of an independent candidate does not conform to the requirements of Art. 320, para. 1;

3. declare the election results and the date for conduct of new elections if no candidate is elected according to Art. 93 para. 3 of the Constitution;

4. declare the names of the candidates between whom the new election will be conducted, not later than 48 hours after the announcing of the closing of the polls;

5. declare the election results and the names of the elected President and Vice President of the Republic, promulgate the said results and names in the State Gazette forthwith after the announcement of the said results, and issue certificates to the elected President and Vice President of the Republic;

### **Methodology**

**Article 312.** The results of the elections for President and Vice President of the Republic are determined based on the methodology referred to in Annex No. 2 herein.

## **Section III Constituencies**

### **Delimitation of Constituencies**

**Article 313.** (1) For the purposes of conducting elections of President and Vice President of the Republic, the territory of Bulgaria, including the polling stations abroad, shall constitute one single-member constituency/

(2) For the purposes of the administrative and logistical preparation for the elections, the territory of Bulgaria shall be divided into districts, which shall correspond to the constituencies referred to in Art. 249 para. 1, upon the last parliamentary elections.

## **Section IV Electoral rolls**

### **Inclusion in the roll**

**Article 314.** All Bulgarian citizens who satisfy the conditions of Art. 42, para. 1 of the Constitution shall be included in the electoral rolls.

### **Electoral Roll Entry Request**

**Article 315.** (1) A Bulgarian citizen residing outside the Republic of Bulgaria, who is present in Bulgaria on election day, may vote according to the permanent address thereof.

(2) Where the person under para. 1 has been removed from the electoral roll, the latter shall be entered on the rolls by the authorities referred to in Art. 23 para. 1 upon request, before delivery of the rolls to the precinct election commissions, and upon presentation of an identity document and of a completed model declaration, to the effect that the person shall not vote elsewhere.

(3) When the request is made on election day, it is entered on the roll by the precinct election commissions upon presentation of an identity document and of a completed model declaration, to the effect that the person has not voted and shall not vote elsewhere.

## **Section V Registration of Candidate Lists**

### **Candidate Lists**

**Article 316.** The political parties, the coalitions of parties and the nomination committees register the candidates in a joint national candidate list.

### **Registration Rules**

**Article 317.** (1) The candidates for President and Vice President of the Republic may be nominated for registration only by one political party, coalition of parties or nomination committee.

(2) Where a candidate is registered by more than one political party, coalition of parties

or nomination committee, the earliest registration shall be valid.

### **Documents and Registration Term**

**Article 318.** (1) The registration of the candidate lists shall be effected by the Central Election Commission upon presentation of:

1. a proposal by the central leadership of the political party concerned, competent pursuant to the statute, or the leadership of the coalition of parties concerned, competent pursuant to the decision on the formation of the coalition of parties, stating the names, the Uniform Civil Number and the permanent address (residential address) of the candidates; any such proposal shall be signed by the persons representing the political party or the coalition of parties, or by persons expressly authorized thereby; the decision of the political party or the coalition of parties, adopted by the body competent pursuant to the statute of the party or the decision on the formation of the coalition, on the nomination and ranking of the candidates on the candidate list, shall be attached to the proposal;

2. a proposal by the nomination committee, stating the names, the Uniform Civil Number and the permanent address of the candidates; any such proposal shall be signed by the person representing the nomination committee;

3. a completed model declaration by each one of the candidates, to the effect that the candidate has resided in Bulgaria during the last five years and satisfies the conditions covered under Art. 93 para. 3 and Art. 95, para. 1 of the Constitution;

4. a completed model declaration by each candidate, to the effect that the candidate satisfies the conditions referred to in Art. 317, para. 1;

5. representations by the candidates of their consent to be registered by the proposing political party, coalition of parties or nomination committee;

6. an authorization of the persons authorized to represent the political party or the coalition of parties in dealings with the Central Election Commission, in the cases where the documents are submitted by authorized persons.

(2) The candidates for President and Vice President of the Republic shall be registered by the Central Election Commission not later than 32 days in advance of election day.

(4) The documents covered under para. 1 shall be recorded in a separate register with a sequential number assigned thereto. The order of arrival of the documents shall determine the order of entry in the register of the Central Election Commission.

### **Validity of the Registration**

**Article 319.** (1) The Central Election Commission shall ascertain and declare invalid registrations in violation of Art. 317, para.1. The decisions shall be immediately declared and the respective candidates, political parties, coalition of parties and nomination committees shall be notified.

(2) The decisions under para. 1 of the Central Election Commission to declare invalidity of the registered candidates may be appealed before the Supreme Administrative Court under Art. 58.

### **List of Voters Supporting the Registration of an Independent Candidate**

**Article 320.** (1) Independent candidates for President and Vice President of the Republic shall be registered when supported by at least 2500 voters.

(2) Any voter, who supports the participation in the elections of an independent candidate, shall certify this by signature affixed before a member of the nomination committee. The voter shall state his/her name and the Uniform Civil Number. Each voter may participate in only one collection of signatures. The list shall be delivered as a structured e-list as well containing the names and Uniform Civil Numbers of the voters who have affixed their signatures in the order in which they have been entered into the list.

(3) The member of the nomination committee referred to in para. 2 shall process and provide the personal data in compliance with the requirements of the Personal Data Protection Act and shall bear responsibility as data controller within the meaning of Art. 3, para.2 of the Personal Data Protection Act.

(4) The signature list shall be delivered to the Central Election Commission, together with the documents under Art. 318, para. 1, items 2, 3, 4 and 5 not later than 32 days in advance of election day.

#### **Conditions for Registration. Refusal of Registration**

**Article 321.** (1) The Central Election Commission shall check whether the requirements of the present Section are met and shall decide on the registration of the candidate lists.

(2) Upon ascertainment of any omissions or discrepancies, the Central Election Commission shall give immediate directions and a deadline for their elimination. In the event that the omissions or discrepancies are not eliminated by the deadline set, the Central Election Commission shall refuse registration.

(3) The refusal under para. 2 may be appealed before the Supreme Administrative Court as provided for in Art. 58.

(4) Upon refusal of registration or upon declaration of invalidity of the registration of a candidate on a list of a political party or coalition of parties, the political party or coalition of parties may propose another candidate for registration not later than 20 days in advance of election day.

(5) Should any of the candidates on a registered candidate list of a political party or coalition of parties die or lapse into a sustained inability to participate in the elections or refuses participation, the political party or coalition of parties may propose a new candidate within the term set by para.4 herein.

(6) Where the political party or coalition of parties in the cases under para. 4 or 5 fails to nominate another candidate, the Central Election Commission shall refuse registration, respectively shall strike the registration of the candidate list.

#### **Verification of the Lists. Official Cancellation of Registration**

**Article 322.** (1) The lists under Art. 320, para. 2 shall be submitted immediately by the Central Election Commission to the Directorate General Civil Registration and Administrative Services at the Ministry of Regional Development for verification.

(2) The Directorate General Civil Registration and Administrative Services at the Ministry of Regional Development shall conduct the verification not later than 27 days in advance of election day.

(3) The Directorate General Civil Registration and Administrative Services at the Ministry of Regional Development shall draw up a Protocol of the verification results in two copies where one of the copies shall be submitted to the Central Election Commission. The verification data shall be kept for six months following the elections.

(4) The Central Election Commission shall ascertain the result of the verification of the lists under Art. 320, para. 2 based on the verification conducted by the Directorate General Civil Registration and Administrative Services at the Ministry of Regional Development. Upon request of the nomination committee, the Central Election Commission shall present in writing the data from the Protocol under para. 3 and the results ascertained for the lists under Art. 320, para. 2 submitted by the nomination committee.

(5) In cases where the Central Election Commission finds out that the independent candidate is not supported by the required number of voters, the registration of the independent candidate shall be deleted by decision that shall be sent forthwith to the nomination committee.

(6) The decision of the Central Election Commission under para. 5 may be appealed before the Supreme Administrative Court pursuant to Art. 58.

#### **Inquiries under Article 320, paragraph 2**

**Article 323.** The Central Election Commission shall provide for each voter to make inquiries with reference to the list under Art. 320, para. 2 stating Uniform Civil Number including by using a toll-free number.

#### **Promulgation of the Lists**

**Article 324.** The Central Election Commission shall promulgate in the State Gazette,



not later than 30 days in advance of election day, the candidate lists, stating the names, date of birth, the political parties, coalitions of parties or nomination committees that have nominated the candidates.

## **Section VI Ballot Paper**

### **Content**

**Article 325.** (1) The ballot paper shall be joint and shall contain on its face:

1. name and number of the constituency as per the provisions of Art, 313, para. 2;
2. the full and/or abbreviated name of the political party or the coalition of parties as stated in the application for registration thereof, or the name of the nomination committee, with the abbreviation for a political party being written as "ПП" [abbreviation for "political party" in Bulgarian], for a coalition of parties as "КП" [abbreviation for "coalition of parties" in Bulgarian], and for a nomination committee as "ИК" [abbreviation for "nomination committee" in Bulgarian];
3. a square to be marked with an "X" or "V" sign showing the preference of the voter, where the sequential number of the political party, coalition of parties or nomination committee is written;

4. the name of the candidate for President and the name of the candidate for Vice President, written on separate lines in the respective candidate list;

(2) Lines of different political parties, coalitions of parties and nomination committees shall be separated from each other by an empty line and solid black horizontal line.

(3) The name and number of the constituency under Art. 312, para. 2, shall be written on the top line of the ballot paper. Details under par. 1, items 2, 3 and 4 shall be written sequentially from left to right on a single horizontal line for each political party, coalition of parties or nomination committee. The word "независим" [independent] shall be written following the names of the independent candidates. In the ballot papers for voting abroad, the name and number of the constituency shall be replaced by the text "Бюлетина за гласуване извън страната" [Ballot Paper for Voting Abroad].

(4) Two places shall be marked on the back of the ballot paper for the seal of the respective precinct election commission.

(5) Ballot papers for political parties, coalitions of parties and nomination committees, which contain the essential elements referred to in para. 1, items 2, 3 and 4 shall be used for voting abroad.

### **Drawing Lots for Determining the Number in the Ballot Paper**

**Article 326.** (1) The sequential number of political parties, coalitions of parties and nomination committees in the ballot paper shall be determined by the Central Election Commission by a lot drawn in the presence of representatives of the political parties, the coalitions of parties and the nomination committees not later than 31 days before election day. The lot shall be drawn publicly and the registered candidates, observers and representatives of the mass media may also be present. The assigned sequential number shall be the same for the whole country and for the vote abroad. The result of the drawing of lots shall be publicly announced by decision of the Central Election Commission pursuant to Art. 57, para. 1.

(2) Political parties, coalitions of parties and nomination committees that have not registered candidate lists shall not participate in the drawing of the lot and shall not be allocated a number and an empty line shall not be left in the ballot paper.

(3) The printing of the ballot papers shall commence not earlier than 18 days before the election day.

## **Section VII Voting**

### **Section VII of Chapter Fifteen shall Apply**

**Article 327.** The provisions of Section VII of Chapter Fifteen and the provisions of this

Section shall apply in the voting process on election day

### **Voting by Paper Ballots**

**Article 328.** (1) After being admitted to vote, the voter shall receive a paper ballot from a member of the precinct election commission who takes it away from the ballot book just before its handing over and stamps it with the seal of the commission. The voter shall proceed with the received paper ballot to the booth to vote,

(2) Only one voter may be present in the booth.

(3) The voter shall vote by performing the following steps:

1. the voter shall mark the square bearing the number of the chosen candidate list with an "X" or "V", which expresses unequivocally the vote thereof

2. the voter shall fold the ballot paper in a manner making invisible the marked choice of a party, a coalition of parties or a nomination committee;

3. the voter shall exit the booth and shall hand the folded ballot to a member of the commission.

(4) The member of the commission checks whether the number of the ballot corresponds to the number on the book of ballot papers and if so, restamps the ballot papers with the seal of the commission and tears out the piece with the ballot number depositing it in a separate box.

(5) In case of discrepancy, the ballot papers shall be declared invalid and this circumstance shall be noted on the ballot paper and in the column designated "Notes" of the electoral roll. The voter shall not be allowed a second voting.

(6) Following the restamping of the ballot papers, the voter shall deposit it in the ballot box, shall sign the electoral roll, shall be given the documents back, including the certificate under Art. 263, para.1, second sentence or para. 3, and shall leave the site.

(7) Writing any special symbols such as letters, numbers or other signs in the ballot paper shall render the vote invalid.

(8) Writing any special symbols such as letters, numbers or other signs on the ballot book is prohibited.

### **Machine Voting**

**Article 329.** With machine voting, the voter shall vote marking unequivocally his or her vote for a candidate list.

## **Section VIII Vote Counting**

### **Section VIII of Chapter Fifteen shall Apply**

**Article 330.** The provisions of Section VIII of Chapter Fifteen and the provisions of this Section shall apply in the vote counting.

### **Tally Sheet of the Precinct Election Commission**

**Article 331.** Each copy of the tally sheet shall consist of one sheet with separate pages.

### **Valid and Invalid Vote**

**Article 332.** (1) Upon determination of the voting results, each ballot paper shall correspond to one vote, which may be either valid or invalid.

(2) A vote shall be valid where:

1. the ballot paper conforms to the established standard design for the respective constituency in accordance with Art. 313, para. 2;

2. any special symbols such as letters, numbers or other signs are not written in the ballot paper;

3. the ballot paper contains two seals of the respective precinct election commission, and

4. only one of the voting squares is marked with an "X" or "V" placed by means of a

ballpoint pen, writing in blue ink, which expresses unequivocally the vote of the voter;

5. The sign "X" or "V" placed by the voter by a ballpoint pen, writing in blue ink, goes beyond the square of the respective candidate list, but does not run into the square of another candidate list;

6. there are deviations in the ballot paper due to defects and manufacturing errors, or where the ballot paper is mechanically damaged or stained;

(3) A vote shall be invalid where:

1. the ballot paper does not conform to the established standard design for the respective constituency in accordance with Art. 313, para. 2;

2. any special symbols such as letters, numbers or other signs, are written on the ballot paper;

3. the ballot paper does not contain two seals of the respective precinct election commission;

4. none of the squares in the ballot is marked with an "X" or "V" and by means of a ballpoint pen writing in blue ink;

5. the ballot paper does not reflect the vote of the voter;

6. The sign "X" or "V" or another sign is placed by a ballpoint pen writing in blue or in another color, for two or more candidate lists or by placed "X" or "V" that runs into more than one voting squares and the unequivocal choice of the voter could not be determined;

### **Segregation of the Ballot Papers**

**Article 333.** After opening of the ballot box and extraction of the ballot papers, the latter shall be segregated in piles as follows:

1. a pile of ballot papers which do not conform to the established standard design for the respective constituency in accordance with Art. 313, para. 2;

2. a pile of ballot papers with special symbols, such as letters, numbers or other signs, written therein;

3. a pile of ballot papers conforming to the established standard design wherein the vote of the voter is not marked by an "X" or "V": and by a ballpoint pen writing in blue ink;

4. a pile of ballot papers conforming to the established standard design wherein the vote of the voter is not marked;

5. a pile of ballot papers conforming to the established standard design:

a) wherein the sign "X" or "V" or another sign is placed by means of a ballpoint pen writing in blue or in another color, for two or more candidate lists or by placed "X" or "V" that runs into more than one voting square and the unequivocal choice of the voter could not be determined;

d) which do not contain two seals of the respective precinct election commission; any such ballot papers shall be cancelled by means of an inscription "Cancelled" on each ballot paper;

6. a pile of ballot papers conforming to the established standard design:

a) which contain an "X" or "V" placed by means of a ballpoint pen, writing in blue ink for one candidate list;

b) wherein the ballot paper contains two seals of the respective precinct election commission,

### **Total Number of Valid and Invalid Votes**

**Article 334.** (1) The precinct election commission shall count the votes cast with paper ballots in the voting section.

(2) The number of invalid votes shall be equal to the number of ballot papers under Art. 333, para. 1, items 1 to 5.

(3) The number of valid votes shall be equal to the number of ballot papers under Art. 333, para. 1, item 6.

### **Tally Sheet Data Entry**

**Article 335.** (1) After the opening of the ballot box and the counting of the votes, the

following shall be entered in the tally sheet of the precinct election commission:

1. the number of ballot papers found in the ballot boxes;
2. the number of invalid votes;
3. the number of valid votes;
4. the number of votes cast for each candidate list;
5. the number of applications, objections and complaints lodged and the decisions adopted thereon.

(2) The numbers from the machine voting shall be added separately to the data in the tally sheet of the precinct election commission under para. 1.

(3) The data from the voting with paper ballots and from the machine voting shall be summed up and the total number of the votes cast by paper ballots and those cast by machine voting shall be equal to the total number of the ballot papers found in the ballot boxes and of the control receipts found in the special machine voting box.

(4) The data under para. 1 shall be entered into the tally sheet in words and figures.

### **Signing of Tally Sheet**

**Article 336.** The tally sheet of the precinct election commission, following its preparation, shall be signed by all members of the commission. After signing the tally sheet, the chairperson shall announce the voting results per political parties, coalition of parties and independent candidates.

### **Delivery of Results of Voting Abroad**

**Art. 337.** The election stationery and materials from the voting on board navigation vessels flying the Bulgarian flag shall be sent immediately to the Central Election Commission and shall be safe-kept until the next elections.

## **Section IX**

### **Determination of Election Results by Constituency Election Commission**

#### **Section IX of Chapter Fifteen shall Apply**

**Article 338.** The provisions of Section IX of Chapter Fifteen and the provisions of this Section shall apply in determination of election results by the constituency election commission.

#### **Reporting Voting Results**

**Article 339.** (1) On the basis of the data from the tally sheets of the precinct election commissions, the constituency election commission shall report the results of the voting in the constituency under Art. 313, para. 2 and shall prepare a tally sheet.

(2) By decision of the constituency election commission, the votes from the navigation vessels on board of which a polling station has been established shall be added to the votes for the candidate lists of the constituency under Art. 313, para.2.

#### **Tally Sheet Data Entry**

**Article 340.** (1) The tally sheet of the constituency election commission the following data shall be included in this order: number of precinct election commissions in the constituency as per Art. 313, para.2, number of precinct election commissions which have presented tally sheets on the voting, as well as the data covered under Art. 275, para. 1 and under Art. 281.

(2) The data under para. 1 shall be entered into the tally sheet in words and figures.

#### **Database**

**Article 341.** The constituency election commission shall create a database by means of computer processing of the tally sheets of the precinct election commissions in the constituency under Art. 313, para. 2, and of the tally sheet cables from the navigation vessels flying the Bulgarian flag.

## **Section X**

### **Determination of the Election Results by the Central Election Commission**

#### **Declaring the Results of the Elections**

**Article 342.** (1) The Central Election Commission shall declare the results of the elections of President and Vice President of the Republic forthwith after the determination of the said results but not later than 48 hours after the polls are declared closed.

(2) Where none of the candidates has been elected, the Central Election Commission shall determine the first two candidates on lists who have gained the most valid votes and shall conduct a new election within the time limit referred to in Art. 93 para. 4 of the Constitution.

(3) The election campaign under para. 2 shall commence as from the determination of the candidates and shall proceed until 24 hours before election day

#### **Withdrawal from New Election**

**Article 343.** (1) Where one of the candidates for President and Vice President of the Republic, who have gained the most valid votes, declines to run in the new elections within 24 hours after the announcement of the election results, the candidates on the list with the next highest number of valid votes who shall be determined by the Central Election Commission, shall run in the elections.

(2) In the event of death or severe illness of any of the candidates on the lists who have gained the most valid votes, the Central Election Commission shall postpone the elections and shall schedule new elections not later than 14 days after the date of the second elections. Within three days after the date of the decision of the Central Election Commission, the central leadership of the party competent pursuant to the statute, or the leadership of the coalition of parties competent pursuant to the decision on the formation of the coalition may register a new candidate as provided for in Section V of the present Chapter.

#### **Announcement of Final Results**

**Article 344.** (1) The final results of the elections of President and Vice President of the Republic shall be declared by the Central Election Commission within three days after election day and shall be promulgated in the State Gazette not later than seven days after election day.

(2) The results shall be declared disaggregated by list for all candidates. Where new elections has been conducted, the results of the first elections shall be declared as well.

#### **Taking Oath of Office**

**Article 345.** The newly elected President and Vice President shall take the oath of office referred to in Art. 76, para. 2 of the Constitution three days prior to the expiry of the credentials of the incumbent President and Vice President. The newly elected President and Vice President shall assume office as from the day of expiry of the credentials of the incumbent President and Vice President.

#### **Database**

**Article 346.** (1) The Central Election Commission shall create a database by means of computer processing of the tally sheets of the precinct election commissions within Bulgaria, the machine voting data, the tally sheet cables and the scanned copies of the tally sheets of the precinct election commissions abroad.

(2) The data from the tally sheets of the precinct election commissions referred to in para. 1 shall be re-entered at the Central Election Commission. A computer comparison shall be performed between the data from the tally sheets of the precinct election commissions and the machine voting data as entered at the constituency election commissions and at the Central Election Commission, and the differences shall be printed out.

(3) The scanned copies of the tally sheets and the tally sheet cables with the results of the voting abroad as received shall be entered and re-entered at the Central Election Commission. The votes received for the separate candidate lists shall be added to the votes received for the respective list within Bulgaria.

(4) If there are differences, as well as upon detection of apparent errors of fact, the Central Election Commission shall pronounce by decision on the final numerical data on each of the cases and shall update the database.

(5) The election results shall be determined according to the updated database.

(6) Where the differences or the errors referred to in para. 4 are of a nature to alter the election result, the Central Election Commission shall communicate the said differences or errors to the political parties, coalitions of parties and nomination committees concerned.

(7) The Central Election Commission bulletin is published according to the updated database.

(8) The updated database of the Central Election Commission on a machine-readable data medium shall be provided to the President of the Republic, to the Speaker of the National Assembly, to the Council of Ministers, to the political parties, coalitions of parties and nomination committees with registered candidates, to sociological agencies, to libraries, to universities, to the Bulgarian Academy of Sciences and to other organizations.

(9) The database referred to in para. 8 may not be modified and circulated without permission of the Central Election Commission.

## **Section XI Disputing Election Results**

### **Competent Authority**

**Article 347.** Any disputes regarding the legitimacy of the elections of President and Vice President of the Republic shall be resolved by the Constitutional Court.

### **Right to Dispute**

**Article 348.** The candidates for President and Vice President of the Republic, the central leaderships of the parties competent pursuant to the statute, and the leaderships of the coalitions of parties competent pursuant to the decision on the formation of the coalition, and the person representing the nomination committee who have registered candidates in the elections, may dispute the legitimacy of the elections of President and Vice President of the Republic before the authorities referred to in Article 150 para. 1 of the Constitution, within seven days after the decision declaring the election results is made public by the Central Election Commission.

(2) Within 15 days after the public announcement of the election results by the Central Election Commission, the authorities referred to in Art. 150 para. 1 of the Constitution, acting on the received claim under para. 1 or on its own initiative, may approach the Constitutional Court with a reasoned petition to pronounce on the legitimacy of the elections of a President and Vice President of the Republic.

### **Examination of the Petition**

**Article 349.** (1) Any such petition shall be examined under the provisions and according to the procedure established by the Constitutional Court Act and the Regulations on the Organization of the Activities of the Constitutional Court.

(2) The petition shall not suspend the decision of the Central Election Commission.

(3) The judgment establishing illegitimacy of the election of a President and Vice President of the Republic shall be transmitted to the National Assembly, the Central Election Commission and the persons concerned.

(4) If the election of a President and Vice President of the Republic is pronounced illegitimate, a new election after rendition of the judgment referred to in Paragraph in para. 3.

## **Chapter Seventeen ELECTIONS OF MEMBERS OF THE EUROPEAN PARLIAMENT FOR THE REPUBLIC OF BULGARIA**

### **Section I**

## **Suffrage. Principles**

### **Right to Elect**

**Article 350.** (1) The right to elect Members of the European Parliament for the Republic of Bulgaria shall vest in the Bulgarian citizens who have attained the age of 18 years by election day inclusive, have resided in the Republic of Bulgaria or in another Member State of the European Union at least during the last three months, are not interdicted and do not serve a custodial sentence.

(2) All citizens of a Member State of the European Union, who are not Bulgarian citizen, shall have the right to elect Members of the European Parliament for the Republic of Bulgaria if they attained the age of 18 years by election day inclusive, are not interdicted, do not serve a custodial sentence, enjoy a durable or permanent residence status for the Republic of Bulgaria, have resided in the Republic of Bulgaria or in another Member State of the European Union at least during the last three months, are not deprived of the right to elect in the Member State of which they are citizens, and have stated in advance, by a declaration in writing, the desire thereof to exercise their right to vote within the territory of the Republic of Bulgaria

### **Right to be elected**

**Article 351.** (1) The right to be elected Members of the European Parliament for the Republic of Bulgaria shall vest in any Bulgarian citizen who has attained the age of 21 years by election day inclusive, is not interdicted, does not serve a custodial sentence, has a permanent address in the Republic of Bulgaria, and has resided in the Republic of Bulgaria or in another Member State of the European Union at least during the last six months.

(2) The right to be elected Member of the European Parliament for the Republic of Bulgaria shall furthermore vest in any citizen of a Member State of the European Union, who has attained the age of 21 years by election day inclusive, is not interdicted, does not serve a custodial sentence, is not deprived of the right to be elected in the Member State of which the person is a citizen, enjoys a durable or permanent residence status for the Republic of Bulgaria, has resided in the Republic of Bulgaria or in another Member State of the European Union at least during the last six months and has stated, by a declaration in writing, the desire thereof to be elected.

### **Applicable provisions**

**Article 352.** The provisions of the present Chapter and the respective provisions of Part One and Sections VII, VIII and IX of Chapter Fifteen shall apply in the elections of Members of the European Parliament for the Republic of Bulgaria.

## **Section II**

### **Electoral System. Powers of the Central Election Commission. Allocation of Seats**

#### **Proportional Electoral System**

**Article 353.** (1) Members of the European Parliament for the Republic of Bulgaria shall be elected according to a proportional representation election system from national candidate lists of:

1. Political parties and coalitions;
2. Nomination committees.

(2) In voting for a candidate list of a political party or coalition, the voter may mark a preference for a candidate in the candidate list thus expressing his/her preference on the order of arrangement of the candidates on the candidate list he/she is voting for.

#### **Powers of the Central Election Commission beyond Article 57**

**Article 354.** Central Election Commission shall:

1. transmit forthwith to the competent authorities of the Member States of the European Union a list of the citizens of those Member States who are entered on Part II of the electoral roll, as well as an abstract of the register referred to in Art. 365 para. 3 herein for the citizens

who have registered as candidates;

2. check the circumstances, stated in the declarations of the Bulgarian citizens, submitted in the respective Member State and shall send information within 5 days following receipt of the request for information of the competent authorities of the Member State, of the European Union;

3. Ascertain and declare invalid the registration of candidates who do not satisfy the requirements covered under Art. 364, para. 1 or 3 therein;

4. strike the registration where:

a) it is established that the candidate does not satisfy the conditions referred to in Art. 351, para. 1 or 2 herein;

b) the collection of signatures in support of an independent candidate does not conform to the requirements of Art. 367, para. 1 herein;

c) in the cases provided for by Art. 368, para. 5;

5. organize and conduct, through the mass communication media or in another appropriate manner, an awareness raising campaign regarding the conditions under which the citizens of another Member State of the European Union may elect and be elected Members of the European Parliament for the Republic of Bulgaria; the awareness raising campaign may commence not later than 15 days before expiry of the respective term from which the rights and obligations of the citizens of another Member State of the European Union arise in connection to the elections;

6. declare the election results and issue certificates to the elected Members of the European Parliament for the Republic of Bulgaria;

7. Promulgate in the State Gazette the results of the elections immediately after their announcement;

8. provide information on the election results to the President of the Republic, to the Chairperson of the National Assembly and to the Prime Minister;

### **Allocation of Seats**

**Article 355.** (1) The results of the elections and the allocation of seats are determined based on the methodology referred to in Annex No. 3 herein.

(2) The right to share in the allocation of seats shall be limited to the political parties and the coalitions of parties which have received valid votes of not less than the national electoral quota.

## **Section III Constituencies**

### **Delimitation of Constituencies**

**Article 356.** (1) For the purposes of conducting elections of Members of the European Parliament for the Republic of Bulgaria, the territory of Bulgaria, including the voting sections abroad, shall constitute one single-member constituency.

(2) For the purposes of the administrative and logistical preparation for the elections, the territory of Bulgaria shall be divided into regions, which shall correspond to the constituencies referred to in Art. 249 para. 1, upon the last parliamentary elections.

## **Section IV Electoral rolls**

### **Compilation of Rolls**

**Article 357.** (1) Part I of the electoral rolls shall be compiled according to the permanent address of the citizens of the Republic of Bulgaria.

(2) Part II of the electoral rolls shall be compiled on the basis of the residing addresses in the Republic of Bulgaria declared by the citizens of another Member State of the European Union.



### **Manner of Compilation of Part I and Part II of the Electoral Rolls**

**Article 358.** (1) All Bulgarian citizens who satisfy the conditions of Art. 350, para. 1 shall be included in Part I of the electoral rolls.

(2) Part II of the electoral rolls shall be compiled on the basis of the submitted declarations under Art. 359 herein by citizens of another Member State of the European Union. Part II of the electoral rolls shall include alphabetically the names of the voters, citizenship and the residence address in the Republic of Bulgaria. The columns for the entry of the personal number, the number of the identity card or passport and the number of the residence certificate and the date of registration therein shall remain empty and not being completed, and forming a separate column designated "Notes"

### **Declaration from a Citizen of another Member State**

**Article 359.** (1) Any citizen of another Member State of the European Union, who satisfies the conditions referred to in Art. 350, para. 2 herein and wishes to be entered on an electoral roll, shall present a completed model declaration to the municipal administration exercising jurisdiction over the residence address in the Republic of Bulgaria not later than 40 days in advance of election day, declaring thereby

1. citizenship and residence address in the Republic of Bulgaria;
2. the settlement or the constituency in a Member State of the European Union on the electoral roll of which the name thereof was last entered;
3. that the right of vote shall be exercised only in the Republic of Bulgaria
4. that he/she is not deprived of the right to elect in the Member State of citizenship;
5. identity card or passport data and personal number;
6. the date since which he or she resides in the Republic of Bulgaria or in another Member State of the European Union.

(2) Citizen of another Member State of the European Union who has once filed a declaration under para. 1 and has been included in the electoral roll Part II, in subsequent elections for Members of the European Parliament for the Republic of Bulgaria shall be entered automatically in Part II of the electoral roll without filing a new declaration. New declaration under para.1 shall be filed only in case of changes in any the declared circumstances.

(3) The declarations under para. 1 shall be safe-kept till next elections of Members of the European Parliament for the Republic of Bulgaria with the respective municipal administration.

### **Removal from Electoral Rolls. Re-entry into the Electoral Rolls**

**Article 360.** (1) The names of citizens with present address, at the time of preparation of the electoral rolls, in a country which is not a member of the European Union shall be removed from the electoral rolls.

(2) The persons under para. 1 shall be re-entered into the electoral rolls upon their request by the authorities pursuant to Art. 23, para. 1 until delivery of the electoral rolls to the precinct election commission, or on election day - by the precinct election commission upon presentation of an identification document and of a completed model declaration to the effect that:

1. they have resided for at least the last three months in the Republic of Bulgaria or in another Member State of the European Union ;
2. they have not voted in the same elections for Members of the European Parliament - in cases where the request is made after the election period determined by the Council of the European Union has commenced;
3. they shall not vote elsewhere for the same elections for Members of the European Parliament.

### **Entry into the Election Rolls of Bulgarian Citizens Residing in another Member-State of the European Union**

**Article 361.** (1) A Bulgarian citizen residing in another Member-State of the European Union, who is present in Bulgaria on election day, may vote according to his or her permanent

address.

(2) Where the person under para. 1 has been removed from the electoral roll, the latter shall be entered on the rolls by the authorities referred to in Art. 23 para. 1 upon request, before delivery of the rolls to the precinct election commissions, and upon presentation of an identity document and of a completed model declaration to the effect that:

1. the person has resided for at least the last three months in another Member State of the European Union ;

2. the person has not voted in the same elections for Members of the European Parliament - in cases where the request is made after the election period determined by the Council of the European Union has commenced;

3. the person shall not vote elsewhere for the same elections for Members of the European Parliament.

### **Transmission of a Copy of Part II Verification**

**Article 362.** (1) The authorities referred to in Art. 23, para. 1 herein, shall transmit a copy of Part II of the electoral rolls to the Central Election Commission, which shall notify the competent authorities of the relevant Member States of their citizens who have been included in the electoral rolls. A list of the names of the voters in the respective language, as they appear in the identity card or the passport, shall be attached as well.

(2) A check of the circumstances referred to in Art. 350 herein shall be conducted by the Ministry of Interior and the Ministry of Justice at the request of the authorities referred to in Art. 23, para. 1 herein. In respect of the citizens of another Member State of the European Union, any such request shall be accompanied by a copy of the declarations under Art. 359 herein.

## **Section V Registration of Candidate Lists**

### **Candidate Lists**

**Article 363.** The political parties, the coalitions of parties and the nomination committees shall rank the candidates on a single national candidate list.

### **Registration Rules**

**Article 364.** (1) Each candidate shall have the right to stand in only one Member State of the European Union.

(2) The number of candidates on one candidate list may not exceed the number of Members of the European Parliament for the Republic of Bulgaria..

(3) A candidate for Member of the European Parliament for the Republic of Bulgaria may be proposed for registration by only one party, coalition of parties or nomination committee.

(4) Where a candidate is registered by more than one political party, coalition of parties or nomination committee, the earliest registration shall be valid.

### **Documents and Registration Term**

**Article 365.** (1) The registration of the candidate lists shall be effected by the Central Election Commission upon presentation of:

1. a proposal by the central leadership of the political party concerned, competent pursuant to the statute, or the leadership of the coalition of parties concerned, competent pursuant to the decision on the formation of the coalition of parties, stating the names, the Uniform Civil Number and the permanent address (residence address) of the candidates; any such proposal shall be signed by the persons representing the political party or the coalition of parties, or by persons expressly authorized thereby; the decision of the political party or the coalition of parties, adopted by the body competent pursuant to the statute of the party or the decision on the formation of the coalition, on the nomination and ranking of the candidates on the candidate list, shall be attached to the proposal;

2. a proposal by the nomination committee, stating the names, the Uniform Civil

Number and the permanent address (residence address) of the candidate; any such proposal shall be signed by the person representing the nomination committee;

3. representations by the candidates of their consent to be registered by the nominating political party, coalitions of parties or nomination committee;

4. a completed model declaration by the candidates, to the effect that the candidates satisfy the conditions referred to in Art. 351, para. 1 or 2 herein, stating permanent address and Uniform Civil Number;

5. declaration by each candidate completed in a standard form, to the effect that the candidate satisfies the conditions referred to in Art. 364, para. 1 and 3;

6. any candidate, who is a citizen of a Member State of the European Union and is not a Bulgarian citizen, shall present a completed model declaration, declaring thereby:

a) citizenship, date and place of birth;

b) residence address in the Republic of Bulgaria;

c) that the person is not interdicted;

d) that the person is not standing as a candidate in the same election to the European Parliament in any other Member State of the European Union;

e) the settlement or the constituency in the Member State of which the person is a citizen, on the electoral roll of which the name thereof was last entered;

f) the address in the Member State of citizenship, where last registered;

g) identity card or passport data and personal number;

h) that the person has not been deprived of the right to be elected in the Member State of citizenship by an act that have been subject to judicial review;

7. an authorization of the persons authorized to represent the political party or the coalition of parties in dealings with the Central Election Commission, in the cases where the documents are submitted by authorized persons.

(2) The registration of the candidate lists shall be effected not later than 32 days in advance of election day.

(3) The documents covered under para. 1 shall be recorded in a separate register with a sequential number assigned thereto. The order of arrival of the documents shall determine the order of entry in the register of the Central Election Commission.

(4) The Central Election Commission shall transmit an abstract of the register referred to in para. 3 of candidates for Members of the European Parliament for the Republic of Bulgaria who are citizens of a Member State of the European Union but are not Bulgarian citizens to the competent authorities of the Member States of the European Union. In case the competent authority of the respective Member State of the European Union does not send a reply within 5 business days following the receipt of the abstract of the register referred to in para. 3, the Central Election Commission shall register the candidate if in conformity with the provisions of Art. 351, para. 2 and if the respective documents referred to in para. 1 have been presented.

(5) At the request of the Central Election Commission, a check of the circumstances referred to in Art. 351 herein, shall be conducted by the Ministry of Interior and the Ministry of Justice.

### **Validity of the Registration**

**Article 366.** (1) The Central Election Commission shall ascertain and declare invalid registrations in violation of Art. 364, para.1 or 3. The decision shall be immediately declared and the respective candidates, political parties, coalition of parties and nomination committees shall be notified.

(2) The decisions under para. 1 of the Central Election Commission to declare invalidity of the registered candidates may be appealed before the Supreme Administrative Court as provided for by Art. 58.

### **List of Voters Supporting the Registration of an Independent Candidate**

**Article 367.** (1) An independent candidate for Member of the European Parliament for the Republic of Bulgaria shall be registered where the candidature thereof is supported by not fewer than 2500 voters.

(2) Any voter, who supports the participation in the elections of an independent candidate, shall certify this by signature affixed before a member of the nomination committee. The voter who is a Bulgarian citizens shall state his/her name and the Uniform Civil Number thereof, and the citizens of another Member State of the European Union enjoying a durable or permanent residence status for Bulgaria shall state the names, the Personal Number, the number of the identity card or passport, the number of the residence certificate and the date of registration stated therein. Each voter may participate in only one collection of signatures. The list shall be delivered as a structured e-list as well, containing full name and Uniform Civil Number (personal number) of the voters who have affixed their signatures in the order in which they have been entered into the list.

(3) The member of the nomination committee referred to in para. 2 shall process and provide the personal data in compliance with the requirements of the Personal Data Protection Act and shall bear responsibility as data controller within the meaning of Art. 3, para.2 of the Personal Data Protection Act.

(4) The signature list shall be delivered to the Central Election Commission, together with the documents under Art. 365, para. 1, items 2, 3, 4, 5 and 6 not later than 32 days in advance of election day.

### **Conditions for Refusal of Registration**

**Article 368.** (1) The Central Election Commission shall check whether the requirements of the present Section are met and shall decide on the registration of the candidate lists.

(2) Upon ascertainment of any omissions or discrepancies, the Central Election Commission shall give immediate directions and a deadline for their elimination. In the event that the omissions or discrepancies are not eliminated by the deadline set, the Central Election Commission shall refuse registration.

(3) The refusal under para. 2 may be appealed before the Supreme Administrative Court as provided for in Art. 58.

(4) Upon refusal of registration or upon declaration of invalidity of the registration of a candidate on a list of a political party or coalition of parties, the political party or coalition of parties may propose another candidate for registration not later than 20 days in advance of election day.

(5) Should any of the candidates on a registered candidate list of a political party or coalition of parties die or lapse into a sustained inability to participate in the elections or refuses participation, the political party or coalition of parties may propose a new candidate within the term set by para.4 herein. The new candidate shall be listed last in the candidate list, while the remaining candidates shall be rearranged one place forward.

### **Verification of the Lists. Official Cancellation of Registration**

**Article 369.** (1) The lists under Art. 367, para. 2 shall be immediately submitted in an electronic format by the Central Election Commission to the Directorate General Civil Registration and Administrative Services at the Ministry of Regional Development for verification.

(2) The Directorate General Civil Registration and Administrative Services at the Ministry of Regional Development shall conduct the verification not later than 27 days in advance of election day.

(3) The Directorate General Civil Registration and Administrative Services at the Ministry of Regional Development shall draw up a Protocol of the verification results in two copies where one of the copies shall be submitted to the Central Election Commission. The verification data shall be kept for six months following the elections.

(4) The Central Election Commission shall ascertain the result of the verification of the lists under Art. 367, para. 2 based on the verification conducted by the Directorate General Civil Registration and Administrative Services at the Ministry of Regional Development. Upon request of the nomination committee, the Central Election Commission shall present in writing the data from the Protocol under para. 3 and the results ascertained for the lists under Art. 367, para. 2 submitted by the nomination committee.

(5) Where the Central Election Commission ascertains that the independent candidate is not supported by the required number of voters, the registration of the independent candidate shall be deleted by decision that shall be sent forthwith to the nomination committee.

(6) The decision of the Central Election Commission under para. 5 may be appealed before the Supreme Administrative Court pursuant to Art. 58.

### **Inquiries under Article 367, paragraph 2**

**Article 370.** The Central Election Commission shall provide for each voter - Bulgarian citizen or citizen of another Member State of the European Union, enjoying a durable or permanent residence status for Bulgaria. to make inquiries with reference to the list under Art. 367, para. 2 stating Uniform Civil Number or Personal Number, including using a toll-free number.

## **Section VI Ballot Paper**

### **Content**

**Article 371.** (1) The ballot paper shall be joint and shall contain on its face:

1. name and number of the constituency as per the provisions of Art. 356, para. 2;
2. the full and/or abbreviated name of the political party or the coalition of parties as stated in the application for registration thereof, or the name of the nomination committee, with the abbreviation for a political party being written as "ПП" [abbreviation for "political party" in Bulgarian], for a coalition of parties as "КП" [abbreviation for "coalition of parties" in Bulgarian], and for a nomination committee as "ИК" [abbreviation for "nomination committee" in Bulgarian];
3. a square to be marked with an "X" or "V" sign showing the preference of the voter, where the sequential number of the political party, coalition of parties or nomination committee is written;
4. the names of the candidates on the relevant candidate list of a political party, coalition of parties or nomination committee; the names of the citizens of a Member State of the European Union, who are not Bulgarian citizens but are registered as candidates for Members of the European Parliament for the Republic of Bulgaria, shall be transliterated in Cyrillic as they appear on the application for participation in the elections according to the identity card or passport;
5. a square in front of the name of each candidate to place an "X" or "V" sign, reflecting the preference of the voter for a particular candidate; the sequential number of the candidate in the list shall be written therein;
6. an empty line between the names of the candidates.

(2) Lines of different political parties, coalitions of parties and nomination committees shall be separated from each other by an empty line and solid black horizontal line.

(3) The name and number of the constituency as provided for by Art. 356, para. 2, shall be written on the top line of the ballot paper. Details under para. 1, items 2, 3, 4 and 5 shall be written sequentially from left to right on a single horizontal line for each political party, coalition or nomination committee. The word "независим" [independent] shall be written following the names of the independent candidates. In the ballot papers for voting abroad, the name and number of the constituency shall be replaced by the text "Бюлетина за гласуване извън страната" [Ballot Paper for Voting Abroad].

(4) Two places shall be marked on the back of the ballot paper for the seal of the respective precinct election commission.

(5) Ballot papers for political parties, coalitions of parties and nomination committees, which contain the essential elements referred to in para. 1, items 2, 3 4 and 5 shall be used for voting abroad.

### **Drawing Lots for Number Determination in the Ballot Paper**

**Article 372.** (1) The sequential number of political parties, coalitions of parties and nomination committees in the ballot paper shall be determined by the Central Election

Commission by a lot drawn in the presence of representatives of the political parties, the coalitions of parties and the nomination committees not later than 31 days before election day. The lot shall be drawn publicly and the registered candidates, observers and representatives of the mass media may also be present. The assigned sequential number shall be the same for the whole country and for the vote abroad. The result of the drawing of lots shall be publicly announced by decision of the Central Election Commission pursuant to Art. 57, para. 2.

(2) Political parties, coalitions of parties and nomination committees that have not registered candidate lists shall not participate in the drawing of the lot and shall not be allocated a number and an empty line shall not be left in the ballot paper.

(3) The printing of the ballot papers shall commence not earlier than 18 days before the election day.

## **Section VII Voting**

### **Section VII of Chapter Fifteen shall Apply**

**Article 373.** The provisions of Section VII of Chapter Fifteen and the provisions of this Section shall apply in the voting process on election day

### **Establishing the Identity of a Voter - Citizen of another Member State of the European Union**

**Article 374.** Voters who are citizens of another Member State of the European Union shall establish their identity by producing an identity card or passport and a residence certificate.

### **Declaration by a Bulgarian Citizens Residing in another Member-State of the European Union**

**Article 375.** A Bulgarian citizen, who resides in another Member-State of the European Union, who votes at a diplomatic mission or a consular office of the Republic of Bulgaria or in a settlement referred to in Art. 13, para. 1, item 2 to 4, shall present a completed model declaration to the effect that the said person has not voted and will not vote elsewhere in the same elections for Members of the European Parliament.

### **Entry of the Personal Data of a Voter - Citizen of another Member-State of the European Union in the Election Roll**

**Article 376.** (1) Any voter who is a citizen of another Member State of the European Union shall be admitted to voting after entry on the electoral roll of the Personal Number and of the number of the identity card or passport thereof and the number of the residence certificate and the date registration therein. Any such voter shall present a completed model declaration, to the effect that the person has not voted in the same elections for members of the European Parliament.

(2) Should any discrepancy be detected in any of the names of a voter, who is a citizen of another Member State of the European Union, and according to the identity card or passport, respectively residence certificate, if the permanent address is identical, the names of the voter according to the identity card or passport, respectively residence certificate shall be recorded in the column designated "Notes" of the electoral roll.

(3) The residence certificate of a citizen of another Member State of the European Union, shall be left with the chairperson or, respectively, the member of the precinct election commission until the voter signs the electoral roll (the roll).

(4) After signing the electoral roll, the voter shall receive back the residence certificate.

### **Entering an User Name by a Voter - Citizen of another Member State of the European Union**

**Article 377.** In the case of machine voting, after being given access to the voting device, the voter, citizen of another Member State of the European Union, shall enter the

Personal Number as an user name and then the device shall display a ballot identical to the paper ballot. The voter may not vote for any political party, coalition of parties or nomination committee.

## **Section VIII Vote Counting**

### **Section VIII of Chapter Fifteen shall Apply**

**Article 378.** The provisions of Section VIII of Chapter Fifteen and the provisions of this Section shall apply in the vote counting.

### **Entries in Tally Sheet pursuant to Part I and Part II of the Electoral Roll before Opening of Ballot Box**

**Article 379.** Before opening the ballot box, the number of voters according to Part I and Part II of the electoral roll shall be entered into the tally sheet. The data shall be entered in the tally sheet in words and figures.

### **Delivery of Results of Voting Abroad**

**Article 380.** The election stationery and materials from the voting on board navigation vessels flying the Bulgarian flag shall be sent immediately to the Central Election Commission and shall be safe-kept until the next elections.

## **Section IX Determination of Election Results by the Constituency Election Commission**

### **Section IX of Chapter Fifteen shall apply**

**Article 381.** The provisions of Section IX of Chapter Fifteen and the provisions of this Section shall apply in determination of election results by the constituency election commission.

### **Reporting Voting Results**

**Article 382.** (1) On the basis of the data from the tally sheets of the precinct election commissions, the constituency election commission shall report the results of the voting in the constituency under Art. 356, para. 2 and shall prepare a tally sheet.

(2) By decision of the constituency election commission, the votes from the navigation vessels on board of which a polling station has been established shall be added to the votes for the candidate lists of the constituency under Art. 356, para.2.

### **Tally Sheet Data Entry**

**Article 383.** (1) In the tally sheet of the constituency election commission shall be include consecutively the number of precinct election commissions in the constituency as per Art. 356, para.2, number of precinct election commissions which have presented tally sheets on the voting, as well as the data covered under Art. 275, para. 1, Art. 281 and Art. 379.

(2) The data under para. 1 shall be entered into the tally sheet in words and figures.

### **Database**

**Article 384.** The constituency election commission shall create a database by means of computer processing of the tally sheets of the precinct election commissions in the constituency under Art. 356, para. 2, and of the tally sheet cables from the navigation vessels flying the Bulgarian flag.

## **Section X Determination of Election Results by the Central Election Commission**

### **Allocation of Number of Seats**

**Article 385.** (1) The number of Members of the European Parliament for the Republic of

Bulgaria shall be determined as per the procedure provided for in Art. 14, para. 2 of the Treaty on European Union.

(2) The total number of seats for each party and coalition of parties shall be allocated by the Central Election Commission on the basis of the valid votes cast for the said party or coalition of parties within Bulgaria and abroad using the Hare-Niemeyer Method according to the methodology referred to in Annex No. 3.

(3) The right to share in the allocation of seats shall be limited to the political parties and the coalitions of parties which have received valid votes of not less than the national electoral quota.

(4) The number of seats which are allocated to the parties and coalitions of parties referred to in para. 3 shall equal the number of Members of the European Parliament for the Republic of Bulgaria less the number of the elected independent candidates.

### **Determination of the Elected Candidates According to Valid Preferences Received and Ranking on the List**

**Article 386.** (1) The candidates who are elected on each candidate list of a political party or coalition of parties shall be determined according to the number of valid preferences received. (2) The preferences for the individual candidates shall be valid if the number of votes received for the candidate is not less than per cent of the votes cast for the candidate list pursuant to the methodology provided for in Annex No. 3.

(3) The candidates referred to in para. 2 shall be ranked according to the number of preferences received, starting from the candidate who has received the highest number of valid preferences. These candidates shall be excluded from the candidate list of the respective party or coalition of parties and shall comprise List A. The rest of the candidates on the candidate list shall retain the initial ranking thereof on the list and shall comprise List B.

(4) Where there are two or more candidates with an equal number of preferences on List A, the rank thereof on the list shall be determined by the Central Election Commission on the basis of a lot drawn in the presence of the candidates concerned and representatives of the political party or the coalition of parties.

(5) Where there are no candidates with valid preferences, the elected candidates shall be determined according to the rank assigned on the candidate list.

(6) Where the number of candidates with valid preferences is lower than the number of the seats allocated to the political party or coalition of parties, all candidates on List A shall be elected. The rest of the seats allocated to the political party or coalition of parties shall be filled by candidates on List B in the order of ranking thereof.

(7) Where the number of candidates with valid preferences is higher than the number of the seats allocated to the political party or coalition of parties, the first candidates on List A shall be elected in the order of ranking thereof until all seats are filled.

(8) Where the number of candidates with valid preferences equals the number of the seats allocated to the party or coalition of parties, all candidates on List A shall be elected.

### **Declaring Voting Results**

**Article 387.** (1) The Central Election Commission shall declare the votes received and the allocation of seats to the political parties and coalitions of parties on the elections of Members of the European Parliament for the Republic of Bulgaria, not later than three days after election day;

(2) The Central Election Commission shall declare the names of the elected Members of the European Parliament for the Republic of Bulgaria not later than 5 (five) days after election day.

(3) The results of the voting shall be declared after announcing the closing of the polls in all the Member State of the European Union within election period determined by the Council of the European Union;

### **Notifying the President of the European Parliament**

**Article 388.** After the reporting and the formal declaration of the election results, the Chairperson of the National Assembly shall notify the President of the European Parliament of



the elected Members of the European Parliament for the Republic of Bulgaria.

### **Incompatibility**

**Article 389.** Member of the European Parliament may not be a person who is:

1. a member of a National Parliament;
2. a member of the Government of a Member State of the European Union;
3. a member of the European Commission;
4. a Judge, Advocate-General or Registrar of the Court of Justice of the European Union;
5. a member of the Executive Board of the European Central Bank;
6. a member of the Court of Auditors of the European Union;
7. an European Ombudsman;
8. a member of the Economic and Social Committee of the European Union and of the European Atomic Energy Community;
9. a member of the Committee of the Regions;
10. a member of committees or other bodies set up pursuant to the Treaties establishing the European Union and the European Atomic Energy Community for the purpose of managing the funds of the European Union or carrying out a permanent direct administrative task;
11. a member of the Board of Directors, Management Committee or staff of the European Investment Bank;
12. an official or servant of the institutions of the European Union or of the specialised bodies attached to them or of the European Central Bank;
13. the performance of any other service or the carrying out of any activity which is incompatible with the status of National Representative;

### **Database**

**Article 390.** (1) The Central Election Commission shall create a database by means of computer processing of the tally sheets of the precinct election commissions within Bulgaria, the machine voting data, the tally sheet cables and the scanned copies of the tally sheets of the precinct election commissions abroad.

(2) The data from the tally sheets of the precinct election commissions referred to in para. 1 shall be re-entered at the Central Election Commission. A computer comparison shall be performed between the data from the tally sheets of the precinct election commissions and the machine voting data as entered at the constituency election commissions and at the Central Election Commission, and the differences shall be printed out.

(3) The scanned copies of the tally sheets and the tally sheet cables with the results of the voting abroad as received shall be entered and re-entered at the Central Election Commission. The votes received for the separate candidate lists and the preferences for the candidates on each list shall be added to the votes received by the respective list and the preferences for individual candidates within Bulgaria.

(4) If there are differences, as well as upon detection of apparent errors of fact, the Central Election Commission shall pronounce by decision on the final numerical data on each of the cases and shall update the database.

(5) The election results shall be determined according to the updated database.

(6) Where the differences or the errors referred to in para. 4 are of a nature to alter the election result, the Central Election Commission shall communicate the said differences or errors to the political parties, coalitions of parties and nomination committees concerned.

(7) The Central Election Commission bulletin is published according to the updated database.

(8) The updated database of the Central Election Commission on a machine-readable data medium shall be provided to the President of the Republic, to the Chairperson of the National Assembly, to the Council of Ministers, to the political parties, coalitions of parties and nomination committees with registered candidates, to sociological agencies, to libraries, to universities, to the Bulgarian Academy of Sciences and to other organizations.

(9) The database referred to in para. 8 may not be modified and circulated without permission of the Central Election Commission.

## **Section XI Pre-term Termination of Credentials**

### **Pre-term Termination of Credentials of a Member of the European Parliament**

**Article 391.** The credentials of a Member of the European Parliament for the Republic of Bulgaria shall be terminated prior to the expiry of the term of office thereof upon tendering resignation to the European Parliament, upon death, or upon incompatibility under Art. 389 herein.

### **Steps of the Central Election Commission**

**Article 392.** Upon pre-term termination of the credentials of a Member of the European Parliament for the Republic of Bulgaria elected on the list of a party or a coalition of parties, the Central Election Commission shall pronounce the candidate ranked next on the respective list [elected as] Member.

(2) Where there are no more candidates on the list, the seat shall remain vacant until the end of the term of office of the European Parliament.

(3) Where there is a candidate who has received valid preferences under the terms established by art. 386, para. 2, but the said candidate has not been pronounced elected, in the cases referred to in para. 1, the said candidate shall replace the Member of the European Parliament for the Republic of Bulgaria whose credentials are terminated.

(4) Upon pre-term termination of the credentials of a Member of the European Parliament for the Republic of Bulgaria elected as an independent candidate, the said Member shall be replaced by a candidate of the party or coalition of parties represented in the European Parliament with the greatest unused remainder. If the remainders are equal, the candidate shall be determined by lot.

## **Section XII Disputing Election Results**

### **Competent Authority**

**Article 393.** Any disputes regarding the legitimacy of the elections of a Member of the European Parliament for the Republic of Bulgaria shall be resolved by the Constitutional Court.

### **Right to Appeal**

**Article 394.** The candidates for Members of the European Parliament for the Republic of Bulgaria, the central leaderships of the parties competent pursuant to the statute, and the leaderships of the coalitions of parties competent pursuant to the decision on the formation of the coalition, and the person representing the nomination committee who have registered candidates in the elections, may dispute the legitimacy of the election of a Member of the European Parliament for the Republic of Bulgaria before the authorities referred to in Article 150 para. 1 of the Constitution, within after the decision declaring the election results is made public by the Central Election Commission.

(2) Within 15 days after the decision declaring the election results is made public by the Central Election Commission, the authorities referred to in Art. 150 para. 1 of the Constitution, acting on the received claim under para. 1 or on its own initiative, may approach the Constitutional Court with a reasoned petition to pronounce on the legitimacy of the elections of a Member of the European Parliament for the Republic of Bulgaria..

### **Examination of the Claim**

**Article 395.** (1) Any such Claim shall be examined under the provisions and according to the procedure established by the Constitutional Court Act and the Regulations on the Organization of the Activities of the Constitutional Court.

(2) The Constitutional Court shall consider the claim and shall rule within a month of its receipt. The claim shall not suspend the decision of the Central Election Commission.

(3) The judgment ruling illegitimacy of the election of a member of the European Parliament for the Republic of Bulgaria shall be send to the National Assembly, the Central Election Commission and the persons concerned.

(4) In case the election of a Member of the European Parliament for the Republic of Bulgaria is declared illegitimate. the Central Election Commission shall determine, by decision, the election results according to the methodology referred to in Annex 3 herein, declaring the allocation of seats and the names of the elected Members of the European Parliament for the Republic of Bulgaria. The decision of the Central Election Commission shall not be subject to appeal.

## **Chapter Eighteen**

### **ELECTIONS OF MUNICIPAL COUNCILORS AND MAYORS**

#### **Section I**

#### **Suffrage**

##### **Right to Elect**

**Article 396.** (1)The right to elect municipal councilors and mayors shall vest in the Bulgarian citizens who have attained the age of 18 years by election day inclusive, are not interdicted and do not serve a custodial sentence and have resided in the respective nucleated settlement for at least the last **6 months**.

(2) Each citizen of a Member State of the European Union, who is not a Bulgarian citizen, shall have the right to elect municipal councilors and mayors, if the said person has attained the age of 18 years by election day, is not interdicted, does not serve a custodial sentence, enjoys a durable or permanent residence status for the Republic of Bulgaria, has resided in the respective nucleated settlement for at least the last **6 months**, is not deprived of the right to elect in the Member State of citizenship, and has stated in advance, by a declaration in writing, the desire thereof to exercise his or her right to vote in the respective nucleated settlement.

##### **Right to be elected**

**Article 397.** (1)The right to be elected municipal councilors and mayors shall vest in the Bulgarian citizens who have attained the age of 18 years by election day inclusive, are not interdicted and do not serve a custodial sentence and and have resided in the respective nucleated settlement for at least the last **6 months**.

(2) The right to be elected municipal councilor shall furthermore vest in any citizen of a Member State of the European Union, who is not a Bulgarian citizen, does not hold the citizenship of any State which is not a Member State of the European Union, has attained the age of 18 years by election day, is not interdicted, does not serve a custodial sentence, enjoys a durable or permanent residence status for the Republic of Bulgaria, has resided in the respective nucleated settlement for at least the last six months, is not deprived of the right to be elected in the Member State of citizenship, and has stated, by a declaration in writing, the desire thereof to be elected.

##### **Applicable provisions**

**Article 398.** The provisions of the present Chapter and the respective provisions of Part One and Section VII of Chapter Fifteen shall apply for the elections of municipal councilors and mayors.

#### **Section II**

#### **Election Systems. Powers of the Central Election Commission. Methodology**

##### **Proportional Representation Election System for Municipal Councilors**

**Article 399.** (1) The elections for municipal councilors shall be held based on the proportional representation election system with registered candidate lists in multi-member constituencies of:

1. political parties and coalitions;
2. nomination committees.

(2) In voting for a candidate list of a political party or coalition, the voter may mark a preference for a candidate in the candidate list thus expressing his/her preference on the order of arrangement of the candidates on the candidate list he/she is voting for.

(3) The right to share in the allocation of seats shall be limited to the political parties, the coalitions of parties and independent candidates that have received valid votes of not less than the municipal electoral quota.

#### **Election System for Mayors**

**Article 400.** Mayors shall be elected according to a majoritarian electoral system from candidate lists registered in single- member constituencies by:

1. political parties and coalitions;
2. nomination committees.

#### **Right of Vote**

**Article 401.** Each voter is entitled to one vote for a mayor of a municipality and to one vote for a candidate list for municipal councilors.

(2) In cities subdivided into boroughs, each voter is entitled to one vote for a borough mayor as well.

(3) Each voter is entitled to one vote for a mayoralty mayor in a mayoralty if such elections are conducted.

#### **Powers of the Central Election Commission under this Chapter**

**Article 402. Central Election Commission shall:**

1. conduct control on the registration of political parties, coalition of parties, nomination committees and on the candidates in the municipal election commission;

2. ascertain and declare invalid the registration of candidates who do not satisfy the requirements covered under Art. 413, para. 1 to 4 therein;

3. organize and conduct, through the mass communication media or in another appropriate manner, an awareness raising campaign regarding the conditions under which the citizens of another Member State of the European Union may elect and be elected municipal councilors and mayors; the awareness raising campaign may commence not later than 15 days before expiry of the respective term from which the rights and obligations of the citizens of another Member State of the European Union arise in connection to the elections;

4. check the circumstances, stated in the declarations of the Bulgarian citizens, submitted in the respective Member State and send information within 5 days following receipt of the request for information of the competent authorities of the Member State, of the European Union;

5. propose to the President of the Republic to schedule elections of municipal councilors or mayors within 14 days after receipt of the proposal:

- a) in the cases referred to in items 1, 2, 4, 5 and 6 of Article 265 herein;
- b) upon pre-term termination of the credentials of a mayor.

#### **Methodology**

**Article 403.** The results of the elections and the allocation of seats on candidate lists are determined based on the methodology referred to in Annex No. 4 herein.

### **Section III Constituencies Number of Seats**

#### **Delimitation of Constituencies**

**Article 404.** (1) For the purposes of conducting elections of municipal councilors, the territory of the municipality shall constitute one multi-member constituency.

(2) For the purposes of conducting elections of a municipality, borough or mayoralty mayor, the territory of the municipality or the mayoralty shall constitute one single-member constituency.

#### **Determination of Number of Seats**

**Article 405.** Number of seats allocated on the proportional representation election system between parties and coalitions of parties that have received votes not less than the municipal electoral quota shall be equal to the number of the members of the municipal council less the number of the elected independent candidates.

### **Section IV Electoral rolls**

#### **Compilation of Rolls**

**Article 406.** (1) Part I of the electoral rolls shall be compiled according to the permanent address of the citizens of the Republic of Bulgaria.

(2) Part II of the electoral rolls shall be compiled on the basis of the residence addresses in the Republic of Bulgaria declared by the citizens of another Member State of the European Union.

#### **Manner of Compilation of Part I and Part II of the Electoral Rolls**

**Article 407.** (1) All Bulgarian citizens who satisfy the conditions of Art. 396, para. 1 shall be included in Part I of the electoral rolls.

(2) Part II of the electoral rolls shall be compiled on the basis of the submitted declarations under Art. 408 herein by citizens of another Member State of the European Union. Part II of the electoral rolls shall include alphabetically the names of the voters, the details on their citizenship of another Member-State of the European Union and the residence address on the territory of the respective nucleated settlement. The columns for the entry of the personal number, the number of the identity card or passport and the number of the residence certificate and the date of registration therein shall remain empty and not being completed, and a separate column designated "Notes" shall be formatted.

#### **Declaration from a Citizen of another Member State**

**Article 408.** (1) Any citizen of another Member State of the European Union, who satisfies the conditions referred to in Art. 396, para. 2 herein and wishes to be entered on an electoral roll, shall present a completed model declaration to the municipal administration exercising jurisdiction over the residence address in the Republic of Bulgaria not later than 40 days in advance of election day, declaring thereby:

1. citizenship;
2. residence address in the last 6 months before election day on the territory of the respective municipality or mayoralty;
3. identity card or passport data and personal number;

(2) Citizen of another Member State of the European Union who has once filed a declaration under para. 1 and has been included in the electoral roll Part II, in subsequent elections for municipal councilors and mayors shall be entered automatically in Part II of the electoral roll without filing a new declaration. New declaration under para.1 shall be filed only in case of changes in any of the declared circumstances.

(3) The declarations under para. 1 shall be safe-kept till next elections for municipal councilors and mayors with the respective municipal administration.

#### **Removal from Electoral rolls**

**Article 409.** Citizens with present address in the last six months before the election day outside the Republic of Bulgaria shall be removed from the electoral rolls.

### **Transmission of a Copy of Part II Verification**

**Article 410.** (1) The authorities under Art. 23, para. 1 not later than 30 days before election day shall send a copy of Part II of the election rolls to the Central Election Commission.

(2) A check of the circumstances referred to in Art. 396 herein shall be conducted by the Ministry of Interior and the Ministry of Justice at the request of the authorities referred to in Art. 23, para. 1 herein. In respect of the citizens of another Member State of the European Union, any such request shall be accompanied by a copy of the declarations under Art. 408 herein.

### **Entry in the Electoral Roll in case of Second Round**

**Article 411.** In case of conducting a second round of the elections for mayors, the names of the citizens who have gained right to vote in the period between the two rounds shall be entered into the electoral rolls.

## **Section V Registration of Candidate Lists**

### **Candidate Lists**

**Article 412.** (1) Political parties, coalitions of parties and nomination committees rank candidates in candidate lists per single- member and multi-member constituencies.

(2) Coalitions run in the elections by a common list of candidates in each separate single-member and multi-member constituency.

(3) The number of candidates in one candidate list for municipal councilors of parties or coalitions may not exceed the number of the members of the municipal council.

### **Validity of the Registration**

**Article 413.** (1) A candidate for a municipal councilor may be proposed for registration by only one political party, coalition of parties or nomination committee in only one constituency.

(2) A candidate for a mayor may be proposed for registration by only one political party, coalition of parties or nomination committee in only one constituency. A candidate for a municipality mayor may not be a candidate for a mayoralty or borough mayor.

(5) A candidate for mayor of a nomination committee may not be a candidate for municipal councilor of a party or coalition of parties, while a candidate for municipal councilor of a nomination committee may not be a candidate for mayor of a party or coalition of parties

(4) A candidate for mayor of a party or coalition of parties may be a candidate for a municipal councilor only of the same party or coalition of parties. In case any such candidate is elected mayor, the said candidate shall be excluded from the candidate list for municipal councilors.

(5) Where a candidate for a municipal councilor or mayor is registered by more than one party, coalition of parties or nomination committee or in more than one constituency, or in breach of the requirements of para. 3 or 4, the earliest registration shall be valid.

(6) A National Representative may be a candidate for mayor. In case any such candidate is elected, the credentials thereof as a National Representative shall be terminated.

(7) A breach of the requirements referred to in para. 1 to 4 and 6 shall result in invalidity of the registration, and where any such breach is detected after the conduct of the election it shall result in invalidity of the election, if the candidate has been elected.

(8) The Central Election Commission shall ascertain and declare invalid registrations in violation of para. 1, 2, 3 and 4. The decisions shall be immediately declared and the municipal election commission and the respective candidates, political parties, coalition of parties and nomination committees shall be notified.

(9) The decisions under para. 8 of the Central Election Commission to declare invalidity of the registered candidates may be appealed before the Supreme Administrative Court as provided for by Art. 58.

### **Documents and Registration Term**

**Article 414.** (1) The registration of the candidate lists shall be effected by the municipal election commission upon presentation of:

1. a proposal by the central leadership of the political party concerned, competent pursuant to the statute, or the leadership of the coalition of parties concerned, competent pursuant to the decision on the formation of the coalition of parties, stating the names, the Uniform Civil Number and the permanent address (present address or residence address) of the candidates; any such proposal shall be signed by the persons representing the political party or the coalition of parties, or by persons expressly authorized thereby; the decision of the political party or the coalition of parties, adopted by the body competent pursuant to the statute of the party or the decision on the formation of the coalition, on the nomination and ranking of the candidates on the candidate list for municipal councilors, and for the nomination of the candidates for mayors shall be attached to the proposal;

2. a proposal by the nomination committee, stating the names, the Uniform Civil Number and the permanent address (present address and residence address) of the candidate; any such proposal shall be signed by the person representing the nomination committee;

3. representations by the candidates of their consent to be registered by the proposing political party, coalition of parties or nomination committee;

4. declaration by each candidate for mayor or municipal councilor completed in a standard form, to the effect that the candidate satisfies the conditions referred to in Art. 397, para. 1 and 2;

5. a completed model declaration by each candidate, to the effect that the candidate satisfies the conditions referred to in Art. 413, para. 1, 2, 3 and 4;

6. any candidate for municipal councilor, who is a citizen of a Member State of the European Union and is not a Bulgarian citizen, shall present a completed model declaration, declaring thereby:

a) citizenship and residence address in the respective nucleated settlement

c) that the person is not interdicted;

g) identity card or passport data and personal number;

7. the candidate referred to in item 6 shall produce an attestation from the competent authorities of the Member State of which the person is a citizen, certifying that the said person has not been deprived of the right to be elected and that no such disqualification is known to those authorities; in case the candidate is unable to produce such attestation, the said candidate shall declare in the declaration referred to in item 6 that the said candidate has not been deprived of the right to be elected in the Member State of which the person is a citizen;

8. authorization of the persons authorized to represent the political party or the coalition of parties in dealings with the municipal election commission, in the cases where the documents are submitted by authorized persons.

(3) The municipal election commission shall check ex officio and shall note the particulars according to the identity card or the internal passport of the candidate, the Uniform Civil Number (Personal Number), the permanent and the present address (residence address) and the date of the address registration.

(3) The registration of the candidate lists at the municipal election commissions shall be effected not later than 32 days in advance of election day.

(4) The documents covered under para. 1 shall be recorded in a separate register with a sequential number assigned thereto. The order of arrival of the documents shall determine the order of entry in the register of the municipal election commission.

(5) The municipal election commission shall conduct a check of the residence address declared by any candidate who is a citizen of another Member State of the European Union through the Ministry of Interior.

(6) A check of the circumstances referred to in Art. 397, para. 2 herein shall be conducted by the Ministry of Interior and the Ministry of Justice at the request of Central Election Commission.

(7) The municipal election commission shall transmit forthwith to the Central Election Commission an abstract of the register referred to in Paragraph (4) of candidates for municipal councilors who are citizens of a Member State of the European Union but are

not Bulgarian citizens.

### **Limitations in the Registration of Lists and Candidates**

**Article 415.** Political parties and coalitions of parties that are part of local coalitions for a particular type of elections may not register their own separate candidate lists or candidates for the same type of elections.

### **List of Voters Supporting the Registration of an Independent Candidate**

**Article 416.** (1) The right to nominate and register an independent candidate for municipal councilor or mayor shall vest in:

1. for municipal councillor in municipalities with a population:
  - a) not exceeding 10,000 residents: not fewer than 100 voters of the municipality;
  - b) not exceeding 20,000 residents: not fewer than 200 voters of the municipality;
  - c) not exceeding 50,000 residents: not fewer than 250 voters of the municipality;
  - d) not exceeding 100,000 residents: not fewer than 500 voters of the municipality;
  - e) not exceeding 100,000 residents: not fewer than 1000 voters of the municipality;
- 2) for municipality mayor in municipalities with a population:
  - a) not exceeding 10,000 residents: not fewer than 200 voters of the municipality;
  - b) not exceeding 20,000 residents: not fewer than 400 voters of the municipality;
  - c) not exceeding 50,000 residents: not fewer than 500 voters of the municipality;
  - d) not exceeding 100,000 residents: not fewer than 1000 voters of the municipality;
  - e) not exceeding 100,000 residents: not fewer than 2000 voters of the municipality;
- 3) for mayoralty mayor: one-fifth of the voters of the mayoralty but not more than 500.
4. for borough mayor: one-fifth of the voters of the constituency but not more than 500.

(2) Any voter, who supports the participation in the elections of an independent candidate for a municipal councilor or mayor, shall certify this by signature affixed before a member of the nomination committee. The voters who are Bulgarian citizens shall state the names, the permanent address thereof in the municipality, mayoralty or district (constituency), as the case may be, the Uniform Civil Number thereof, and the citizens of another Member State of the European Union enjoying a durable or permanent residence status for Bulgaria shall state the names, the Personal Number, the number of the identity card or passport, the number of the residence certificate and the date of registration stated therein, and the residence address in the respective municipality, mayoralty or district (constituency). Each voter may participate in only one collection of signatures. The list shall be delivered as a structured e-list as well containing full name, Uniform Civil Number (Personal Number) and permanent address (residence address) of the voters who have affixed their signatures in the order in which they have been entered into the list.

(3) The member of the nomination committee referred to in para. 2 shall process and provide the personal data in compliance with the requirements of the Personal Data Protection Act and shall bear responsibility as data controller within the meaning of Art. 3, para.2 of the Personal Data Protection Act.

(4) The signature list shall be delivered to the municipal election commission, together with the documents under Art. 414, para. 1, items 2, 3, 4, 5, 6 and 7 not later than 32 days in advance of election day.

### **Conditions for Registration Refusal of Registration**

**Article 417.** (1) The municipal election commission shall check whether the requirements of the present Section are met and shall decide on the registration of the candidate lists.

(2) Upon ascertainment of any omissions or discrepancies, the municipal election commission shall give immediate directions and a deadline for their elimination. In the event that the omissions or discrepancies are not eliminated by the deadline set, the municipal election commission shall refuse registration.

(3) The refusal under para. 2 may be appealed before the Central Election Commission under Art. 88.



(4) Upon refusal of registration or upon declaration of invalidity of the registration of a candidate on a list of a political party or coalition of parties, the political party or coalition of parties may propose another candidate for registration not later than 20 days in advance of election day.

(5) Should any of the candidates on a registered candidate list of a political party or coalition of parties die or lapse into a sustained inability to participate in the elections or refuses participation, the political party or coalition of parties may propose a new candidate within the term set by para.4 herein. The new candidate for a municipal councilor shall be listed last in the candidate list, while the remaining candidates shall be rearranged one place forward.

#### **Verification of the Lists Official Cancellation of Registration**

**Article 418.** (1) The lists in electronic format under Art. 416, para. 2 shall be submitted immediately by the municipal election commission to the respective territorial unit of the Directorate General Civil Registration and Administrative Services at the Ministry of Regional Development for verification.

(2) The territorial unit of the Directorate General Civil Registration and Administrative Services at the Ministry of Regional Development shall conduct the verification not later than 27 days before election day.

(3) The territorial unit of the Directorate General Civil Registration and Administrative Services at the Ministry of Regional Development shall draw up a memorandum of the verification results in two copies where one of the copies shall be submitted to the municipal election commission. The verification data shall be preserved for six months following the elections.

(4) The municipal election commission shall ascertain the result of the verification of the lists under Art. 416, para. 2 based on the verification conducted by the territorial unit of the Directorate General Civil Registration and Administrative Services at the Ministry of Regional Development. Upon request of the nomination committee, the municipal election commission shall present in writing the data from the memorandum under para. 3 and the results ascertained for the lists under Art. 416, para. 2 submitted by the nomination committee.

(5) Where the municipal election commission ascertains that the independent candidate is not supported by the required number of voters, the registration of the independent candidate shall be deleted by decision that shall be sent forthwith to the nomination committee.

(6) The decision of the municipal election commission under para. 5 may be appealed before the Central Election Commission pursuant to Art. 88.

#### **Inquiries under Article 416, paragraph 2**

**Article 419.** The municipal election commission shall provide for each voter - Bulgarian citizen or citizen of another Member State of the European Union, enjoying a durable or permanent residence status for Bulgaria. to make inquiries with reference to the list under Art. 416, para. 2 stating Uniform Civil Number or Personal Number, including using a toll-free number.

### **Section VI Ballot Paper**

#### **Types of Ballot Papers**

**Article 420.** (1) The voting shall be conducted by combined ballot papers for:

1. municipal councilors;
  2. municipality mayor;
  3. borough mayor;
  4. mayoralty mayor, if any such election is conducted.
- (2) The separate types of ballot papers shall differ in size.

#### **Ballot Paper for Municipal Councillors**

**Article 421.** (1) The ballot paper shall be combined and shall contain on its face:

1. the name and number of the constituency;

2. the title “Бюлетина за общински съветници” [Ballot Paper for Municipal Councillors];

3. the full and/or abbreviated name of the political party or the coalition of parties as stated in the application for registration thereof, or the name of the nomination committee, with the abbreviation for a political party being written as “ПП” [abbreviation for “political party” in Bulgarian], for a coalition of parties as “КП” [abbreviation for “coalition of parties” in Bulgarian], and for a nomination committee as “ИК” [abbreviation for “nomination committee” in Bulgarian];

4. a square to be marked with an “X” or “V” sign showing the preference of the voter, where the sequential number of the political party, coalition of parties or nomination committee is written;

5. the names of the candidates on the relevant candidate list of a political party, coalition of parties or nomination committee; the names of the citizens of a Member State of the European Union, who are not Bulgarian citizens but are registered as candidates for municipal councilors and mayors, shall be transliterated in Cyrillic as they appear on the application for participation in the elections according to the identity card or passport;

6. a square in front of the name of each candidate to place an “X” or “V” sign, reflecting the preference of the voter for a particular candidate; the sequential number of the candidate in the list shall be written therein;

7. an empty line between the names of the candidates.

(2) Lines of different parties, coalitions and initiative committees shall be separated from each other by an empty line and solid black horizontal line.

(3) The name of the municipality and the number of the constituency shall be written on top of the ballot paper, above the title “Бюлетина за общински съветници”, [Ballot Paper for Municipality Councillors] Details under para. 1, items 3, 4, 5 and 6 shall be written sequentially from left to right on a single horizontal line for each political party, coalition or nomination committee. The word “независим” [independent] shall be written following the names of the independent candidates.

(4) Two places shall be marked on the back of the ballot paper for the seal of the respective precinct election commission.

### **Ballot Paper for Mayor**

**Article 422.** (1) The face of the ballot paper for mayor shall contain:

1. the name and the number of the municipality, district or mayoralty and the number of the respective constituency;

2. the title “Бюлетина за кмет на община” [Ballot Paper for Municipality Mayor], “Бюлетина за кмет на кметство” [Ballot Paper for Mayoralty Mayor] or “Бюлетина за кмет на район” [Ballot Paper for Borough Mayor];

3. the full and/or abbreviated name of the political party or the coalition of parties as stated in the application for registration thereof, or the name of the nomination committee, with the abbreviation for a political party being written as “ПП” [abbreviation for “political party” in Bulgarian], for a coalition of parties as “КП” [abbreviation for “coalition of parties” in Bulgarian], and for a nomination committee as “ИК” [abbreviation for “nomination committee” in Bulgarian];

4. a square to be marked with an “X” or “V” sign showing the preference of the voter, where the sequential number of the political party, coalition of parties or nomination committee is written;

5. the names of the candidate for mayor;

6. an empty line between the names of the candidates.

(2) Lines of different parties, coalitions and nomination committees shall be separated from each other by an empty line and solid black horizontal line.

(3) The name of the municipality and the number of the constituency shall be written on top of the ballot paper, above the title “Бюлетина за кмет на община” [Ballot Paper for Municipality Mayor], “Бюлетина за кмет на кметство” [Ballot Paper for Mayoralty Mayor] or “Бюлетина за кмет на район” [Ballot Paper for Borough Mayor]. Details under para. 1, items 3, 4 and 5 shall be written sequentially from left to right on a single horizontal line for each political party, coalition or nomination committee. The word “независим” [independent] shall be written

following the names of the independent candidates.

(4) Two places shall be marked on the back of the ballot paper for the seal of the respective precinct election commission.

#### **Drawing Lots for Determining the Number in the Ballot Paper**

**Article 423.** (1) The sequential number of political parties, coalitions of parties and nomination committees in the ballot paper shall be determined by the municipal election commission by a lot drawn in the presence of representatives of the political parties, the coalitions of parties and the nomination committees not later than 31 days before election day. The lot shall be drawn publicly and the registered candidates, observers and representatives of the mass media may also be present. In case of identity of the parties and coalitions of parties which have registered candidates for municipal councilor or mayors at the municipal election commission, the said parties and coalitions shall be entitled to an identical number of the ballot papers for each type of elections for which they have registered candidates within the territory of the municipality.

(2) The result of the drawing of lots under para. 1 shall be made public by decision by the municipal election commission according to the procedure established by Art, 87, para. 2 herein.

(3) The ballot paper shall not provide for a number and an empty line for a political party or a coalition of parties that has not registered a candidate list in the respective constituency.

(4) Political parties, coalitions of parties and nomination committees that have not registered candidate lists for all types of elections on the territory of the municipality shall not participate in the drawing of the lot and shall not be allocated a number and an empty line shall not be left in the ballot paper.

(5) The printing of the ballot papers shall commence not earlier than 18 days before the election day.

### **Section VII Voting**

#### **Section VII of Chapter Fifteen shall Apply**

**Article 424.** The provisions of Section VII of Chapter Fifteen and the provisions of this Section shall apply in the voting process on election day

#### **Establishing the Identity of a Voter Citizen of another Member State of the European Union**

**Article 425.** Voters who are citizens of another Member State of the European Union shall establish their identity by producing an identity card or passport and a residence certificate.

#### **Entry of the Personal Data of the Voter - Citizen of another Member-State of the European Union in the Electoral Roll**

**Article 426.** (1) Any voter who is a citizen of another Member State of the European Union shall be admitted to voting after entry on the electoral roll of the Personal Number and of the number of the identity card or passport thereof and the number of the residence certificate and the date registration therein.

(2) Should any discrepancy be detected in any of the names of a voter, who is a citizen of another Member State of the European Union, and according to the identity card or passport, respectively residence certificate, if the resident address is identical, the data from the identity card or passport, respectively residence certificate shall be recorded in the column designated "Notes" of the electoral roll.

(3) The residence certificate of a citizen of another Member State of the European Union, shall be left with the chairperson or, respectively, the member of the precinct election commission until the voter signs the electoral roll (the roll).

### **Voting by a Paper Ballot**

**Article 427.** (1) After being admitted to vote, the voter shall receive a paper ballot for each type of elections from a member of the precinct election commission who takes it away from the ballot book just before its handing over and stamps it with the seal of the commission. The voter shall proceed with the received ballot paper to the booth to vote,

(2) Only one voter may be present in the booth.

(3) The voter shall vote for municipal councilors by performing the following steps:

1. the voter shall mark the square bearing the number of the selected candidate list with an "X" or "V", which expresses unequivocally the vote thereof;

2. if the voter wishes so, he or she may place the mark "X" or "V" in one of the small squares before the name of the candidate of the selected candidate list of a political party or coalition of parties thus showing unequivocally his or her preference as to the respective candidate;

3. the voter shall fold the ballot paper in a manner making invisible the marked choice of a party, a coalition of parties or a nomination committee;

4. the voter shall exit the booth and shall hand the folded ballot paper to a member of the commission.

(4) The voter shall vote for a mayor by performing the following steps:

1. the voter shall mark the square bearing the number of the selected candidate list with an "X" or "V", which expresses unequivocally the vote thereof;

2. the voter shall fold the ballot paper in a manner making invisible the marked choice of a party, a coalition of parties or a nomination committee;

3. the voter shall exit the booth and shall hand the folded ballot paper to a member of the commission.

(5) The member of the commission shall check whether the number of the ballot paper corresponds to the number on the book of ballot papers and if so, shall re-stamp the ballot paper with the seal of the commission and shall tear the piece with the ballot number depositing it in a separate box.

(6) In case of discrepancy, the ballot papers shall be declared invalid and this circumstance shall be noted on the ballot paper and in the column designated "Notes" of the electoral roll. The voter shall not be allowed a second voting.

(7) Following the restamping of the ballot paper, the voter shall deposit it in the ballot box, shall sign the electoral roll, shall be given the identity documents back, including the certificate under Art. 263, para.1, second sentence or para. 3 and the residence certificate of a citizen of another Member State of the European Union and shall leave the site.

(8) Writing any special symbols such as letters, numbers or other signs in the ballot paper shall render the vote invalid.

(9) Writing any special symbols such as letters, numbers or other signs in the book of ballot papers is prohibited.

### **Entering an User Name by a Voter Citizen of another Member State of the European Union**

**Article 428.** In the case of machine voting, after being given access to the voting device, the voter, citizen of another Member State of the European Union, shall enter the Personal Number as an user name and then the device shall display a ballot identical to the paper ballot. The voter may not vote for any political party, coalition of parties or nomination committee.

## **Section VIII Vote Counting**

### **Before Opening the Ballot Box**

**Article 429.** (1) Upon the lapse of election day, the chairperson of the precinct election commission shall declare the end of the voting.

(2) The unused and miscompleted ballot papers shall be counted before opening the

ballot box, shall be packed separately, shall be sealed up and shall be removed from the counting table.

#### **Reporting Results of Machine Voting**

**Article 430.** (1) After completion of the voting, the precinct election commission shall report the results of the machine voting in the polling station meeting the provisions of the current Section and under the procedure established by the Central Election Commission under Art. 57, para. 1, item 28.

(2) In establishing the machine voting results, the number of the voters that have cast their vote by the machine shall be equal to the number of the control receipts found in the special machine voting box.

#### **Persons Having Right to be Present at the Polling Site**

**Article 431.** Candidates, election agents and representatives of political parties, coalition of parties and nomination committees, according to Art. 117, para. 6 and Art. 124, para. 1, observers - subject to the provisions of Art. 114, para. 2 and mass media representatives may be present at the polling site and shall be ensured direct visibility upon the counting of the votes.

#### **Tally Sheet of the Precinct Election Commission**

**Article 432.** (1) The precinct election commission shall determine the voting results both from the paper ballots and the machine voting and shall record the said results in a tally sheet.

(2) The precinct election commission for recording the voting results shall prepare the following tally sheets:

1. election of municipal councilors;
2. election of a municipal mayor;
3. election of a borough mayor;
4. mayoralty mayor, if any such election is conducted.

(3) Each tally sheet of the precinct election commission shall be prepared in three identical copies on three-sheet carbonless copy paper. The tally sheet shall be protected by print security features determined by decision of the Central Election Commission. The tally sheet shall contain the names of the political parties, coalitions of parties and the nomination committees as registered for the elections. Names shall be printed in the tally sheet by the sequential number of the political party, coalition of parties and nomination committee on the ballot paper.

(4) Each copy of the tally sheets under para. 2 items 2, 3 and 4 shall be on one sheet with separate pages.

(5) Each copy of the tally sheets under para. 2 item 1 shall be on one sheet with separate pages. The general data about the voting in the polling station and the votes for the political parties, coalitions of parties and nomination committees shall be entered on the first sheet. The preferences for the candidates of the political parties and coalitions of parties shall be entered on the second sheet.

Before completing the tally sheets under para. 2, a draft shall be prepared, whereof the form and content shall be identical with the tally sheet.

#### **Miscompleted Tally Sheet**

**Article 433.** (1) In case one of the blank forms of the tally sheet is miscompleted, the precinct election commission shall cancel the miscompleted tally sheet by writing "Miscompleted" on it and the tally sheet shall be signed by the chairperson and secretary and a member of the precinct election commission, who have been nominated by different parties and coalitions of parties. The precinct election commission shall return the miscompleted form of a tally sheet to the municipal election commission when delivering the tally sheet showing the voting results, and the serial number of the miscompleted tally sheet shall be checked against the number of the tally sheet as entered in the memorandum on delivery and acceptance of the

election stationery referred to in Art. 215, para. 4 herein. In case both forms of the tally sheet are miscompleted, the cancelled tally sheets shall be returned to the municipal election commission after checking the serial numbers of the said tally sheets against the numbers of the tally sheets as entered in the memorandum on delivery and acceptance of the election stationery referred to in Art. 215, para. 4 herein.

(2) In the cases referred to in para. 1, the precinct election commission shall receive a new tally sheet. This circumstance shall be described in a memorandum of delivery and acceptance, wherein the serial number of the new tally sheet shall be entered. The memorandum of delivery and acceptance shall be signed by the chairperson of the precinct election commission and by a member of the municipal election commission, designated thereby, who have been nominated by different parties and coalitions of parties.

### **Entries in Tally Sheet before Opening of Ballot Box**

**Article 434.** (1) Before the opening of the ballot box, the following shall be entered in the tally sheet in this order:

1. the particulars of the polling station, including the names of the members of the commission and of the other persons present;
2. the time of opening of the polls and of the completion of voting;
3. the number of voters according to the electoral roll;
4. the number of voters according to the additional page of the electoral roll;
5. the number of registered candidate lists;
6. the number of voters who have voted according to the signatures affixed to the electoral roll;
7. the number of voters who have voted by the machine voting device according to the notice in the column "Notes" of the electoral roll;
8. the number of invalid ballot papers under Art. 227;
9. the number of invalid ballot papers under Art. 228;
10. the number of invalid ballot papers under Art. 427, para. 6;
11. the number of miscompleted ballot papers;
12. the number of unused ballot papers;
13. the number of ballot papers received as provided by Art. 215;
14. the number of the canceled by the precinct election commission ballot papers on other occasions.
15. the number of certificates under Art. 40;

(2) The data referred to in para. 1, items 3 to 15 shall be entered in the tally sheet in words and figures.

### **Removal of Objects Before Opening the Ballot Box**

**Article 435.** (1) Before opening of the ballot box, all objects with the exception of the drafts shall be removed from the table;

(2) Solely one member, by decision of the commission, shall have access to the ballot papers under the observation and control of the rest of the members.

### **Opening of the Ballot Box**

**Article 436.** (1) The ballot box shall be opened, the ballot papers shall be extracted one by one, shall be placed face down, and shall be counted.

(2) Where a spare ballot box has been used for the voting, the said ballot box shall be opened together with the first ballot box.

(3) The ballot papers from the mobile ballot box are placed on the table on the site under Art. 8, para. 3 and the counting of the votes, including the drawing up of the tally sheet shall be effected as provided for in the present Section.

### **Valid and Invalid Vote**

**Article 437.** (1) Upon determination of the voting results, each ballot paper shall correspond to one vote, which may be either valid or invalid.

(2) A vote shall be valid where:

1. the ballot paper conforms to the established standard design for the respective constituency;
2. any special symbols such as letters, numbers or other signs are not written in the ballot paper;
3. the ballot paper contains two seals of the respective precinct election commission, and
4. in the ballot paper for municipal councilors only one of the voting squares is marked with an "X" or "V" placed by a ballpoint pen, writing in blue ink, for one candidate list, without preference, which expresses unequivocally the vote of the voter;
5. in the ballot paper for municipal councillors only one of the voting squares is marked with an "X" or "V" placed by a ballpoint pen, writing in blue ink, for one candidate list, with more than one preference, marked with an "X" or "V" by a ballpoint pen, writing in blue ink, for candidates from the same candidate list - it shall be assumed that the ballot paper does not contain preferences and the vote shall be considered cast for the selected candidate list;
6. in the ballot paper for municipal councillors only one of the voting squares is marked with an "X" or "V" placed by a ballpoint pen, writing in blue ink, for one candidate list, with one preference, marked with an "X" or "V" placed by a ballpoint pen, writing in blue ink, for a candidate from the selected candidate list;
7. The sign "X" or "V" placed by the voter by a ballpoint pen, writing in blue ink, goes beyond the square of the respective candidate list, but does not run into the square of another candidate list;
8. there are deviations in the ballot paper due to defects and manufacturing errors, or where the ballot paper is mechanically damaged or stained;

(3) A vote shall be invalid where:

1. the ballot paper does not conform to the established standard design for the respective constituency;
2. any special symbols such as letters, numbers or other signs, are written on the ballot paper;
3. the ballot paper does not contain two stamps placed by the seal of the respective precinct election commission;
4. none of the voting squares is marked with an "X" or "V" by means of a ballpoint pen writing in blue ink;
5. the ballot paper does not reflect the vote of the voter;
6. The sign "X" or "V" or another sign is placed by a ballpoint pen writing in blue or a another color ink, for two or more candidate lists or by placed "X" or "V" that runs into more than one voting squares and the unequivocal choice of the voter could not be determined;
7. in the ballot paper for municipal councilors, the preferences are marked in the ballot paper with a sign different from "X" or "V" and by a ballpoint pen not writing in blue ink or preferences of candidates from different candidate lists are marked;
8. in the ballot paper for municipal councilors the vote is marked by an "X" or "V" or by another sign by a ballpoint pen writing in blue ink for one candidate list and a preference of a candidate from another candidate list.

(4) The voter shall be entitled to one preference of a candidate for municipal councilor from the chosen candidate list of a political party or coalition of parties. The preference shall be respected only if marked by sign "X" or "V" by a ballpoint pen writing in blue ink as well as when the sign "X" or "V" is running out of the outlines of the small square to the name of the candidate without touching the other small squares.

(5) The number of voters who have voted with paper ballots shall be equal to the number of ballot papers found in the ballot boxes.

### **Segregation of the Ballot Papers**

**Article 438.** (1) After opening of the ballot box and extraction of the ballot papers for each type of elections the latter shall be segregated in piles as follows:

1. a pile of ballot papers which do not conform to the established standard design;

2, a pile of ballot papers with special symbols, such as letters, numbers or other signs, written therein for the election of municipal councilors and with preferences marked with a sign different from "X" or "V" and by a ballpoint pen not writing in blue ink;

3. a pile of ballot papers conforming to the established standard design wherein the vote of the voter is not marked by an "X" or "V": and by a ballpoint pen writing in blue ink;

4. a pile of ballot papers conforming to the established standard design wherein the vote of the voter is not marked;

5. a pile of ballot papers conforming to the established standard design:

a) wherein the sign "X" or "V" or another sign is placed by means of a ballpoint pen writing in blue or in another color, for two or more candidate lists or by placed "X" or "V" that runs into more than one voting squares and the unequivocal choice of the voter could not be determined;

b) wherein the preferences for a candidate for a municipal councilor are marked in the ballot paper with a sign different from "X" or "V" and by means of a ballpoint pen not writing in blue ink or preferences of candidates from different candidate lists are marked;

c) wherein the vote is marked by an "X" or "V" or other sign by a ballpoint pen writing in blue ink or in another color, for one candidate list and a preference for a candidate for a municipal councillor from another candidate list, or

d) which do not contain two stamps of the seal of the respective precinct election commission; any such ballot papers shall be canceled by means of an inscription "Canceled" on each ballot paper;

6. a pile of ballot papers conforming to the established standard design:

a) wherein the vote is marked with an "X" or "V" sign by a ballpoint pen, writing in blue ink, for one candidate list of municipal councilors with no preference or with one or more than one preferences for a candidate for a municipal councilor from the same candidate list;

a) which contain an "X" or "V" placed by means of a ballpoint pen, writing in blue ink for one candidate list for a mayor;

b) wherein the ballot paper contains two seals of the respective precinct election commission,

(2) The ballot papers shall be reviewed one by one to count the preferences for the candidates for municipal councilors of the political parties and coalition of parties.

(3) Where the validity of any vote is contested, after a decision of the commission, the case shall be described in a memorandum. The said memorandum shall be attached to the tally sheet of the precinct election commission, and the number of the decision shall be noted on the reverse side of the ballot paper.

### **Total Number of Valid and Invalid Votes**

**Article 439.** (1) The precinct election commission shall count the votes cast with paper ballots for each type of election and the preferences for candidates for municipal councilors of the political parties and coalition of parties.

(2) The number of invalid votes for municipal councilors shall be equal to the number of ballot papers under Art. 438, para. 1, items 1 to 5.

(3) The number of invalid votes for a mayor shall be equal to the number of ballot papers under Art. 438, para. 1, items 1 to 4 and item 5 "a" and "b".

(4) The number of valid votes for municipal councilors shall be equal to the number of ballot papers under Art. 438, para. 1, item 6 "a" and "c".

(5) The number of valid votes for a mayor shall be equal to the number of ballot papers under Art. 438, para. 1, item 6 "a" and "c".

(6) The number of the preferences for a candidate for a municipal councilor of a political party or coalition of parties shall be equal to the total number of the signs "X" or "V" placed by a ballpoint pen, writing in blue ink in the small squares to the name of the candidate in the candidate list.

### **Tally Sheet Data Entry**

**Article 440.** (1) After the opening of the ballot box and the counting of the votes on the



first sheet of the tally sheet for each election of the precinct election commission, the following shall be entered in this order:

1. the number of ballot papers found in the ballot boxes;
2. the number of invalid votes;
3. the number of valid votes;
4. the number of votes cast for each candidate list;
5. the number of applications, objections and complaints lodged and the decisions adopted thereon.

(2) The total number of the preferences for a candidate for municipal council of a political party or coalition of parties shall be entered on the second sheet of the tally sheet for election of municipal councillors.

(3) The numbers from the machine voting shall be added separately to the data of the tally sheet of the precinct election commission under para. 1 and 2.

(4) The data from the voting with paper ballots and from the machine voting shall be summed up and the total number of the votes cast by paper ballots and those cast by machine voting shall be equal to the total number of the ballot papers found in the ballot boxes and of the control receipts found in the special machine voting box.

(5) The data under para. 1 shall be entered into the tally sheet in words and figures.

#### **Signing of Tally Sheet. Correction**

**Article 441.** The tally sheet of the precinct election commission for each type of election, following its preparation, shall be signed by all members of the commission. After signing the tally sheet, the chairperson shall announce the voting results per political parties, coalition of parties and independent candidates as well as the number of preferences for each candidate for a municipal councillor of a political party or coalition of parties.

(2) After signing the tally sheet, corrections may be made before announcing the voting results. Any such correction shall be signed by all members of the commission, with a marginal note reading "Correction". Apparent errors of fact may be corrected after announcement of the voting results as well.

(3) No member of the commission may refuse to sign the tally sheet. A member who disagrees with what the tally sheet records shall sign the said tally sheet with a dissenting opinion, formulating the dissenting opinion. The reasons shall be set forth in writing on a separate sheet and shall be attached as an integral part of the tally sheet.

(4) Should a member of the commission be objectively prevented from signing the tally sheet, this shall be noted, specifying the reasons.

(5) Non-signing of the tally sheet by a member of the commission shall not render the said tally sheet invalid.

(6) A photocopy of the signed tally sheet for each type of election shall be displayed in a conspicuous place in front of the building where the respective precinct election commission is housed, stamped on each page with the seal of the commission and signed by the chairperson, deputy chairperson and the secretary.

#### **Receiving a Photocopy from the Tally Sheet**

**Article 442.** Upon request, the members of the precinct election commission, the candidates, the election agents, the representatives of the political parties, coalitions of parties and nomination committee and the observers, shall receive a photocopy of the signed tally sheet for each type of election, stamped on each page with the seal of the commission and signed by the chairperson, deputy chairperson and the secretary before delivery to the municipal election commission. Photocopies of the signed tally sheets shall be made in the polling station. The names and the Uniform Civil Number of the person who has received the photocopies shall be entered by the precinct election commission into a list of persons who have received photocopies of the signed tally sheets and after that the person shall put his signature on the list. The list shall be signed by the chairperson and the secretary.

#### **Packing of Election Papers and Materials**

**Article 443.** After counting the votes the election papers and materials shall be packed and sealed with a paper tape. The paper tape shall be stamped with the seal of the commission and signed by the members of the commission.

**Delivery of the Tally Sheet of the Precinct Election Commissions and the Recording Technical Device to the Municipal Election Commission**

**Article 444.** (1) The chairperson or the deputy chairperson, the secretary and a member of the precinct election commission, nominated by different political parties and coalitions of parties, shall deliver the copies of the tally sheets for all types of elections to the municipal election commission destined for the municipal election commission and for the Central Election Commission and the recording technical device from the machine voting. The second blank form of the tally sheet of the precinct election commission, received according to the procedure established by Art. 215, para. 1, item 7, shall be delivered as well, with the serial number thereof being checked against the number of the tally sheet as entered in the memorandum of delivery and acceptance of the election stationery and materials.

(2) The tally sheets for each type of election of the precinct election commission shall be delivered at the municipal election commission with unseparated sheets.

**Section IX**

**Determination of the Election Results by the Municipal Election Commission**

**Acceptance and Verification of the Tally Sheets of the Precinct Election Commission and the Rest of the Election Stationery and Materials**

**Article 445.** (1) The municipal election commission shall accept and check the tally sheets for each type of elections of the precinct election commissions.

(2) Upon acceptance of the tally sheet of the precinct election commission, the municipal election commission shall check the serial number of the said tally sheet against the number of the tally sheet as entered in the memorandum of delivery and acceptance of the election stationery and materials referred to in Art. 215, para.4 herein or in the memorandum referred to in Art. 433, para. 2.

(3) Where the municipal election commission detects any discrepancy between the serial numbers of the tally sheet received and delivered by the precinct election commission for the respective type of election, the precinct election commission together with the municipal election commission shall count the votes after acceptance of the tally sheets of all precinct election commissions.

(4) The members of the precinct election commission referred to in Art. 444, para. 1 shall trace the accuracy of the entry of the data from the tally sheet at the computation center of the municipal election commission.

(5) Where the municipal election commission detects any apparent errors of fact in the tally sheet, the said errors shall be noted therein and shall be signed by the members of the precinct election commission referred to in Art. 444, para. 1.

(6) Upon receipt of the tally sheets, the municipal election commission shall issue a signed receipt which shall contain the numerical data from the tally sheets. Upon return to the area of the polling section, the members of the precinct election commission referred to in Art. 444, para. 1 herein shall display the said receipt next to the photocopies of the tally sheets referred to in Art. 441, para. 6.

(7) After acceptance of the tally sheets by the municipal election commission, the ballot papers, the stub with the serial numbers, the copy of the tally sheet destined for the municipal administration and the rest of the papers and materials shall be delivered by the members of the precinct election commission, referred to in Art. 444, para. 1, at the municipal administration to a commission which composition shall be determined as provided for by Art. 92 herein. A representative of the municipal administration shall be included in the composition of the said commission.

(8) The ballot papers, the copies of the tally sheets destined for the municipal administration and the rest of the papers and materials shall be safe-kept until the next

elections. The premises where the said papers and materials are safe-kept shall be designated by the mayor of the municipality and shall be sealed with paper tapes, stamped by a seal with a unique sign placed thereon and signed by the members of the commission. The standard design of the said seal, the safe-keeping of the ballot papers, the copies of the tally sheets destined for the municipal administration and the rest of the papers and materials and the access to the premises shall be determined by decision of the Central Election Commission.

#### **Data Transfer from the Recording Technical Device**

**Article 446.** (1) The members of the precinct election commission referred to in Art. 444, para. 1 shall trace the accuracy of the data transfer from the technical recording device at the computation center of the municipal election commission.

(4) The data from the recording technical device shall be checked against the data from the machine voting entered in the tally sheets of the precinct election commission.

#### **Reporting Voting Results in the Constituency**

**Article 447.** (1) On the basis of the data from the tally sheets of the precinct election commissions, the municipal election commission shall report the results of the voting in the constituency and shall prepare a tally sheet for each type of election.

#### **Determination of the Elected Independent Candidates**

**Article 448.** (1) The municipal election commission shall determine the elected independent candidates in the constituency using a municipal electoral quota on the basis of the valid votes cast there.

(2) An independent candidate shall be considered elected if he or she has gained the municipal electoral quota from the votes in the constituency. The votes of the independent candidates shall be excluded from the subsequent allocation of seats.

#### **Tally Sheets of the Municipal Election Commission**

**Article 449.** (1) The voting results shall be recorded in the tally sheets of the municipal elections commission:

1. on election of municipal councilors;
2. on election of a municipal mayor;
3. on election of a district mayor;
4. on election of a mayoralty mayor; if there are more than one mayoralties, a separate tally sheet shall be prepared on the election in each mayoralty

(2) The tally sheet of the municipal election commission shall be prepared in two identical copies on two-sheet carbonless copy paper. The tally sheets shall be protected by print security features determined by decision of the Central Election Commission. Before completing the tally sheets, a draft shall be prepared, whereof the form and content shall be identical with the tally sheets.

(3) Each copy of the tally sheets under para. 2, item 2, 3 and 4 shall be on one sheet, while the copy of the tally sheet under para. 1, item 1 shall be on two sheets with separate pages. The first copy is handed over to the Central Election Commission. The second copy together with the election papers are delivered to the municipality and are safe-kept till the next elections.

(4) The municipal election commissions tally sheet shall contain the names of the political parties, coalitions of parties and the nomination committees as registered for the elections. The names shall be printed in the tally sheets according to the sequential number in the ballot paper.

#### **Tally Sheet Data Entry**

**Article 450.** (1) The following data shall be entered in the tally sheets of the municipal election commission for each type of election in this order:

1. the number of precinct election commissions in the municipality;
2. the number of precinct election commissions which have presented tally sheets on

voting;

3. the number of voters according to Part I and Part II of the electoral roll;
4. the number of voters according to the additional page of the electoral roll;
5. the number of voters on the supplementary electoral roll;
6. the number of voters who have voted according to the signatures affixed to Parts I and II of the electoral roll;
7. the number of ballot papers found in the ballot boxes;
8. the total number of valid ballot papers cast in the election of a mayor;
9. the valid ballot papers cast for each candidate for mayor;
10. the valid ballot papers cast for the respective candidate list for municipal councillors;
11. invalid ballot papers;
12. the number of invalid ballot papers under Art. 227;
13. the number of invalid ballot papers under Art. 228;
14. the number of invalid ballot papers under Art. 427, para. 6;
15. the number of miscompleted ballot papers;
16. the number of certificates under Art. 40;
17. the number of applications, objections and complaints lodged and the decisions adopted thereon.
18. the date from the machine voting entered in the tally sheets of the precinct election commissions.

(2) The total number of the preferences for a candidate for municipal council of a political party or coalition of parties shall be entered on the second sheet of the tally sheet for election of municipal councilors.

(3) The data from the voting with paper ballots and from the machine voting shall be summed up and the total number of the votes cast by paper ballots and those cast by machine voting shall be equal to the total number of the ballot papers found in the ballot boxes and of the control receipts found in the special machine voting box.

(4) The data shall be entered in the tally sheet in words and figures.

### **Signing of Tally Sheets**

**Article 451.** (1) The tally sheets of the municipal election commission shall be signed by all members of the commission.

(2) No member of the commission may refuse to sign the tally sheets of the municipal election commission. A member who disagrees with what the tally sheet records shall sign the said tally sheet with a dissenting opinion, formulating the dissenting opinion. The reasons shall be set forth in writing on a separate sheet and shall be attached as an integral part of the tally sheet.

(3) Should a member of the commission be objectively prevented from signing the tally sheet, this shall be noted, specifying the reasons.

(4) Non-signing of a tally sheet by a member of the commission shall not render the said tally sheet invalid.

(5) Upon detection of an apparent error of fact, corrections may be made in the tally sheet. Any such correction shall be signed by all members of the commission, with a marginal note reading "Correction".

### **Determination of the Results of Voting for Mayor**

**Article 452.** (1) The results of the voting for mayors shall be determined according to the methodology referred to in Annex No. 4.

(2) The municipal election commission shall declare the results of the voting for mayors disaggregated by party, coalition of parties and independent candidate and shall issue certificates to the elected mayors.

(3) The candidate who has gained more than one-half of the valid votes shall be elected mayor.

(4) Should none of the candidates for mayor be elected in the first round, a second round shall be conducted on a non-working day not later than seven days after the date of

conduct of the first round.

(5) If more than two candidates have been registered in the constituency and none is elected, the second round of the election shall be limited to the first two candidates who have gained the most valid votes. If three or more candidates have gained the highest but equal number of votes, they shall all be admitted to participate in the second round. If one candidate has gained the most votes and two or more candidates have gained the next highest equal number of votes, they shall all be admitted to participate in the second round.

(6) In the second round of the elections, a candidate who has gained the most valid votes shall be considered elected. If the number of votes gained is equal, there shall be no elected mayor and the President of the Republic, acting on a proposal by the Central Election Commission, shall schedule a new election of a mayor.

(7) Where two candidates have been admitted to participate in a second round and one of the said candidates dies between the two rounds, a new election shall be conducted.

(8) Where two candidates have been admitted to run in a second round and one of the said candidates withdraws within 24 hours after the declaration of the results of the first round, the candidate who has gained the next highest number of valid votes shall run in the second round.

### **Determination of the Results of Voting for Municipal Councilor**

**Article 453.** (1) The results of the voting for municipal councilors shall be determined according to the methodology referred to in Annex No. 5.

(2) The results of the voting for municipal councilors in the elections according to the proportional representation system shall be determined using the Hare-Niemeyer Method.

(3) The right to share in the allocation of seats shall be limited to the political parties and the coalitions of parties which have received valid votes of not less than the municipal electoral quota.

(4) The number of seats which are allocated to the parties and coalitions of parties referred to in para. 3 shall equal the number of members of the municipal council less the number of the elected independent candidates.

(5) The municipal election commission shall declare the results of the voting for municipal councillors disaggregated by party, coalition of parties and independent candidate and shall issue certificates to the elected municipal councillors candidates as well as the number of preferences for each candidate for a municipal councillor of a political party or coalition of parties.

### **Determining the Elected Candidates for Municipal Councillors According to Valid Preferences Received and the Ranking on the List**

**Article 454.** (1) The candidates municipal councillors who are elected on each candidate list of a political party or coalition of parties, shall be determined according to the number of valid preferences received and the ranking of the candidates on the list shall be done according to the methodology referred to in Annex No. 5.

(2) The preferences for the individual candidates shall be valid if the number of votes received for the candidate is not less than per cent of the municipal electoral quota.

(3) The candidates referred to in para. 2 shall be ranked according to the number of preferences received, starting from the candidate who has received the highest number of valid preferences. These candidates shall be excluded from the candidate list of the respective party or coalition of parties and shall comprise List A. The rest of the candidates on the candidate list shall retain the initial ranking thereof on the list and shall comprise List B.

(4) Where there are two or more candidates with an equal number of preferences on List A, the rank thereof on the list shall be determined by the municipal election commission on the basis of a lot drawn in the presence of the candidates concerned and representatives of the political party or the coalition of parties.

(5) Where there are no candidates with valid preferences, the elected candidates shall be determined according to the rank assigned on the candidate list.

(6) Where the number of candidates with valid preferences is lower than the number of

the seats allocated to the political party or coalition of parties, all candidates on List A shall be elected. The rest of the seats allocated to the political party or coalition of parties shall be filled by candidates on List B in the order of ranking thereof.

(7) Where the number of candidates with valid preferences is higher than the number of the seats allocated to the political party or coalition of parties, the first candidates on List A shall be elected in the order of ranking thereof until all seats are filled.

(8) Where the number of candidates with valid preferences equals the number of the seats allocated to the party or coalition of parties, all candidates on List A shall be elected.

#### **Receiving a Photocopy from the Tally Sheet**

**Article 455.** (1) A photocopy of the signed tally sheets under Art. 499, para. 1, shall be displayed in a conspicuous place in front of the building where the municipal election commission is housed, stamped on each page with the seal of the commission and signed by the chairperson, deputy chairperson and the secretary.

(2) Upon request, the members of the constituency election commission, the candidates, the election agents, the representatives of the political parties, coalitions of parties and nomination committee and the observers, shall receive a photocopy of the signed tally sheets referred to in Art. 499, para. 1, stamped on each page with the seal of the commission and signed by the chairperson, deputy chairperson and the secretary before delivery to the Central Election Commission. The photocopies of the signed tally sheets shall be made in the premises of the municipal election commission. The names and the Uniform Civil Number of the person who has received the photocopy shall be entered by the municipal election commissions into a list of persons who have received a photocopy of the signed tally sheet for the respective type of elections, the model of which has been approved by the Central Election Commission, and the person shall affix his signature on the list. The list shall be signed by the chairperson and the secretary.

#### **Database**

**Article 456.** The municipal election commission shall create a database by means of computer processing of the tally sheets of the precinct election commissions in the constituency.

#### **Delivery of Tally Sheet, the Recording Technical Devices and the Rest of the Papers to the Central Election Commission**

**Article 457.** The chairperson or the deputy chairperson, the secretary and a member of the municipal election commission, nominated by different parties and coalitions of parties, shall deliver to the Central Election Commission the copies of the tally sheets of the municipal election commission, the copies of the tally sheets of the precinct election commissions destined for the Central Election Commission, and copies of the receipts referred to in Art. 445, para. 6 and the recording technical devices from the machine voting. not later than 48 hours after receipt of the last tally sheet of a precinct election commission in the constituency. The tally sheets of the municipal election commissions shall be delivered to the Central Election Commission with unseparated sheets.

(2) The municipal election commission shall also deliver to the Central Election Commission:

1. a copy of the computer print-out of the data on the tally sheets and the decision of the constituency election commission, (list of the tally sheets of the precinct election commissions received with the codes of the receipts thereof and the computer proposal for a tally sheet and a decision of the constituency election commission for each type of election, and the machine voting data, provided by the computation center;

2. two machine-readable data mediums storing the numerical data generated by the processing of the tally sheets of the precinct election commissions.

(3) After a check of the papers covered under para. 1 and 2, the Central Election Commission shall issue a receipt to the municipal election commission and a memorandum of delivery and acceptance shall be signed in two identical copies by the representatives of the

Central Election Commission and the municipal election commission.

(4) The election stationery and materials of the municipal election commission, with the exception of those destined for the Central Election Commission, and the copies of the tally sheets of the precinct election commissions, destined for the municipal election commission, shall be delivered to the municipal administration within whose territory the said commission is located.

(5) The election stationery and materials shall be safe-kept by the municipal administrations until the next elections

## **Section X Pre-Term Termination of Credentials**

### **Announcing of an Elected Candidate in Pre-Term Termination of Credentials Vacancy**

**Article 458.** (1) Where the credentials of a municipal councillor have been terminated prior to the expiry of the term of office thereof, the municipal election commission shall pronounce municipal councillor the candidate ranked next on the respective list [elected as municipal] councillor.

(2) Where the number of candidates is exhausted, the seat shall remain vacant until the end of the term of office.

(3) The provisions of para.1 and 2 shall furthermore apply in the cases where the credentials of the municipal councillor have been terminated prior to the expiry of the term of office thereof when less than one year remains until the end of the term of office.

(4) Upon pre-term termination \of the credentials of a municipal councillor elected as an independent candidate, the seat thereof shall remain vacant until the expiry of the credentials of the Municipal Council.

(5) Where there is a candidate who has received valid preferences under the terms established by art. 454, para. 2, but the said candidate has not been pronounced elected, in the cases referred to in para. 1 and 2, the said candidate shall replace the municipal councillor whose credentials are terminated.

## **Section XI Disputing Election Results**

### **Disputing before Administrative Court**

**Article 459.** (1) Each candidate for a municipal councillor or mayor, the central leaderships of the parties competent under the statute, and the leaderships of the coalitions of parties competent under the decision on the formation of the coalition, and the person representing the nomination committee who and which have registered candidates for the respective type of elections , may dispute the decision of the municipal election commission determining the election results before the competent administrative court within seven days after the said decision is made public.

(2) Any such appeal shall be lodged in duplicate by the municipal election commission. Any such appeal must be written in Bulgaria and must state the names and the address, telephone number, telefax number or electronic mail address.

(3) The municipal election commission shall transmit the appeal and the correspondence thereon to the competent administrative court within three days after the receipt of the said appeal together with the decision which is disputed.

(4) The appeal shall not stop the enforcement of the decision, unless the court rules otherwise.

(5) The court shall schedule an open hearing of the case within seven days after the receipt of the appeal.

(6) The time limits for summoning under the Administrative Procedure Code shall not apply.

(7) The court shall pronounce on the legal conformity of the decision of the municipal

election commission within 14 days after the receipt of the appeal at the court.

(8) The judgment of the court referred to in para. 7 may be contested by a cassation appeal within seven days after the said judgment is made public.

(9) The Supreme Administrative Court shall pronounce on the appeal within 14 days after the receipt of the said appeal at the court.

(10) The court may confirm the decision of the municipal election commission or may declare the election invalid. If the court establishes a result diverging from the result recorded in the tally sheet of the municipal election commission by reason of a technical error or a computation error, the court shall revoke the decision and shall return the papers to the respective municipal election commission for declaration of the correct results.

(11) The proceeding before the competent administrative court and the Supreme Administrative Court shall be concluded within two months after the lodgement of the appeal.

#### **Effect of Enforceable Judgments**

**Article 460.** The enforceable judgments of the competent administrative court and of the Supreme Administrative Court shall be irreversible.

#### **Competent Authority where Enforcement of Decision is Stopped or Result is Declared Invalid**

**Article 461.** Where the court has stopped the enforcement of the decision or has declared the election result invalid, the mayor whose term of credentials has expired, provided the said mayor was not registered as a candidate, and in the rest of the cases, the acting mayor shall continue to execute the functions thereof until the newly elected mayor takes the oath of office.

#### **Consequences upon Invalidity**

**Article 462.** (1) Where the court has declared the election result invalid in respect of a mayor, a new election shall be conducted.

(2) Where the court has declared the election result invalid in respect of a candidate for municipal councillor nominated by a party or a coalition of parties, the said candidate shall be replaced by the candidate ranked next on the list. Where there are no more candidates on the list, the seat shall remain vacant until the end of the term of office.

(3) Where the court has declared the election result invalid in respect of an independent candidate for municipal councillor, the seat shall remain vacant until the end of the term of office.

### **Section XII**

#### **By-elections and New Elections**

##### **Grounds for Scheduling By-elections**

**Article 463.** (1) Upon pre-term termination of the credentials of a mayor, by-elections shall be scheduled. By-elections for a mayoralty mayor shall be scheduled only in nucleated settlements which as of the date of the termination of the credentials of the mayor conform with the requirements under Art. 16, para. 1 of the Administrative and Territorial Division of the Republic of Bulgaria Act.

(2) Within seven days after the pre-term termination of the credentials of a mayor, the municipal election commission shall adopt a decision whereby the said commission shall notify the Central Election Commission of this circumstance.

(3) The decision of the municipal election commission shall be transmitted to the Central Election Commission within three days after the adoption of the said decision together with the document establishing the grounds for termination of the credentials of a mayor.

(4) Within seven days after receipt of the decision of the municipal election commission, the Central Election Commission shall propose to the President of the Republic to schedule by-elections of a mayor.

(5) Within 14 days after the proposal of the Central Election Commission, the President



of the Republic shall schedule by-elections of a mayor not later than 40 days in advance of election day.

(6) In the cases referred to in para. 1, when less than one year remains until the end of the term of office, by-elections shall not be conducted.

### **Rules for Conduct of By-elections**

**Article 464.** Upon conduct of by-elections of a mayor, the provisions of this Code shall apply with the following exceptions::

1. the registration of parties and coalitions of parties to run in the general elections of municipal councillors and mayors, effected at the Central Election Commission, shall subsist; to be able to run in the by-elections, the parties and coalitions of parties shall submit an application to the Central Election Commission not later than 35 days in advance of election day; a certificate issued by the Bulgarian National Audit Office, referred to in Art. 133, para. 3 item 1 and Art. 140, para. 3, item 1 "d" herein, and a certificate of current legal status of the parties issued by the Sofia City Court under Art. 133, para.3 item 1 and Art. 140, para. 3 item 1 "a" herein shall be attached to the application; where one or more parties leave the coalition of parties, the said coalition shall retain the registration thereof if at least two parties remain therein; the parties which have left the coalition of parties may run in the elections independently;

2. the parties and coalitions of parties which have changed the persons empowered to represent them or which have registered any other amendments to the statute thereof or the decision on the formation of the coalition of parties relevant to the elections, shall notify the Central Election Commission of these changes and shall present the documents provided for in Art. 133, para. 3, items. 1, 2, 3, 4, 6 -10 or Art. 140, para. 3, items. 1, 2, 3, 4, 5, 7 -9 within the time limit referred to under item. 1;

3. the parties and coalitions which are not registered to run in the general elections of municipal councillors and mayors shall register at the Central Election Commission not later than 35 days in advance of election day; the documents covered under Art. 133 para. 3 or Art. 140 para. 3 herein shall be attached to the application;

4. the registration of political parties and coalitions of parties under item 3 or Art. 496, para. 4 for participation in by-elections or new elections conducted after the general elections for municipal councillors and mayors shall retain its effect for each next by-election or new election; the provisions of items 1, 2 and items 5 to 13 shall apply for the admission to participation in each next by-election.

5. the parties and the coalitions of parties which will run in the by-elections shall register at the municipal election commission not later than 30 days in advance of election day;

6. the candidates shall register at the municipal election commission not later than 25 days before election day and shall be made public not later than 20 days in before election day;

7. the polling stations shall be established not later than 35 days in advance of election day;.

8. the electoral rolls shall be made public not later than 20 days in advance of election day;

9. the municipal election commission shall appoint the precinct election commissions not later than 25 days before election day on a proposal by the municipality mayor as provided for in Art. 89 - 92, not later than 24 days before election day;

10. the election campaign shall be opened 30 days in advance of election day;

11. the expenditures on the administrative and logistical preparation of the by- elections, including the provisions of technical devices and consumables shall be for the account of the municipal budget;

12. the remunerations of the members of the municipal election commission and of the members of the precinct election commissions shall be determined by the methodology referred to under Art. 57, para. 1 item 7.

13. The time limits set in items 1 to 12. shall apply in the preparation and the conduct of the elections;

**Grounds for Scheduling New Elections**

**Article 465.** New elections shall be conducted:

1. where, upon conduct of elections of a mayor, a mayor is not elected in the second round;
2. in the cases provided for by Art. 452, para. 7;
3. upon creation of a new municipality;
4. upon creation of a new mayoralty;
5. where the election of municipal councilors or mayors is declared invalid;
6. where the effecting of territorial and administrative changes of a relevant type lead to a change in the municipalities or the mayoralties, under the terms established by the Territorial Administration of the Republic of Bulgaria Act.

**Scheduling of New Elections**

**Article 466.** (1) Within 14 days after learning of the circumstances referred to in items 1, 2, 4, 5 and 6 of Art. 465 herein, the Central Election Commission shall propose to the President of the Republic to schedule new elections.

(2) Within 14 days after the proposal referred to in para. 1, the President of the Republic shall schedule new elections of municipal councillors or mayors.

**Elections in Respect of New Municipalities and Mayoralties**

**Article 467.** (1) Upon creation of a new municipality, the President of the Republic shall schedule new elections of municipal councillors and a municipality mayor within 14 days after the promulgation in the State Gazette of the decree on the creation of the new municipality.

(2) The municipalities or mayoralties from the territories whereof new territorial administrative units of the respective type are created shall continue to exist. No new elections of municipal councillors or mayors shall be held in the said municipalities or mayoralties until the end of the current term of office.

(3) The right to elect upon the creation of a new municipality or mayoralty shall vest in the Bulgarian citizens and the citizens of another Member State of the European Union who satisfy the conditions referred to in Article 396, 1 or 2 and have a permanent-address or present-address (residence-address) registration within the territory included in the newly created municipality or mayoralty at a date which is 6 months in advance of election day.

(4) The right to be elected upon the creation of a new municipality or mayoralty shall vest in the Bulgarian citizens and the citizens of another Member State of the European Union who satisfy the conditions referred to in Article 397, 1 or 2 and have a permanent-address or present-address (residence-address) registration within the territory included in the newly created municipality or mayoralty at a date which is 6 months in advance of election day.

**Conduct of new elections**

**Article 468.** The new elections shall be conducted according to the standard procedure, observing the provisions of this Code.

**Registration upon New Elections**

**Article 469.** (1) The registration of parties and coalitions of parties to participate in the general elections of municipal councillors and mayors, effected at the Central Election Commission shall remain in effect.

(2) To be able to participate in the new elections, the parties and coalitions of parties shall submit an application to the Central Election Commission. A certificate issued by the Bulgarian National Audit Office, referred to in Art. 133, para. 3 item 6 herein, or a certificate of current legal status of the parties issued by the Sofia City Court, referred to in Art. 133, para. 3 item 1 herein shall be attached to the application.

(3) The parties and coalitions of parties which have changed the persons empowered to represent them or which have registered any other amendments to the statute thereof or the decision on the formation of the coalition of parties relevant to the elections, shall notify the Central Election Commission of these changes and shall present the documents provided for in

Art. 133, para. 3 or Art. 140, para. 3 herein.

(4) The parties and coalitions of parties which are not registered to run in the general elections of municipal councillors and mayors shall register at the Central Election Commission within the time limits, under the terms and according to the procedure applicable to registration for participation in the general elections.

(5) The registration of political parties and coalitions of parties under Art. 464, item 3 or para. 4 for participation in by-elections or new elections conducted after the general elections for municipal councillors and mayors shall retain its effect for each next by-election or new election. The provisions of items 1 to 5 and item 6 shall apply for the admission to participation in each next by-election.

(6) The parties and coalitions of parties which will run in the new elections shall register at the competent municipal election commission.

### **PART THREE ADMINISTRATIVE PENALTY PROVISIONS**

#### **Non-fulfilment of Obligation to Publish Terms and Procedures for Conduct of Elections outside Bulgaria**

**Article 470.** Any official, who fails to fulfill an obligation referred to in **Art. 20** herein, shall be liable to a fine within the range of BGN 1,000 to BGN 5,000.

#### **Non-publication of the Electoral Rolls of the Persons who have Declared Voting Abroad and Non-publication of Electoral Rolls**

**Article 471.** Any official, who fails to fulfill an obligation referred to in **Art. 32** herein, shall be liable to a fine within the range of BGN 1,000 to BGN 5,000.

Any official, who fails to fulfill an obligation referred to in **Art. 42** herein, shall be liable to a fine of BGN 1,000 to BGN 5,000.

#### **Breach of Requirement to Remove Campaign Materials**

**Article 472.** (1) In non-fulfillment of the obligations under Art. 186, para. 3, the person who represents the political party or the nomination committee, or the persons who represent the coalition of parties shall be liable to a fine within the range of BGN 1000 to BGN 5000.

(2) The written statements ascertaining the violation referred to in para. 1 shall be drawn up by officials empowered by the municipality mayor.

(3) The penalty decrees shall be issued by the municipality mayor.

#### **Violation of the Prohibition to Place Campaign Materials outside the Election Campaign**

**Article 473.** (1) A person who violates the prohibition under Art. 185 shall be liable to a fine or a penalty payment within the range of BGN 1000 to BGN 3000.

(2) Where the violation under para. 1 is repeated, the fine or the penalty payment shall be within the range of BGN 3 000 to BGN 10 000.

(3) The written statements ascertaining the violation referred to in para. 1 shall be drawn up by officials empowered by the Regional Governor or the municipality mayor.

(4) The penalty decrees shall be issued by the Regional Governor or by the municipal mayor.

#### **Violation of the Prohibition of the Free Use of Public Administrative Resources**

**Article 474.** (1) A person who violates the prohibition under Art. 168, para. 3 shall be liable to a fine within the range of of BGN 300 to BGN 1000.

(2) Where the violation under para. 1 is repeated, the fine or the penalty payment shall be within the range of BGN 1 000 to BGN 3 000.

#### **Violations related to Opinion Polls and Sociological Surveys**

**Article 475.** (1) A person who violates the provisions of Art. 204, para. 3 or Art. 205, shall be liable to a fine or a penalty payment within the range of BGN 2000 to BGN 5000.

(2) Where the violation under para. 1 is repeated, the fine or the penalty payment shall be within the range of BGN 3 000 to BGN 10 000.

**Breach of the Aggregate Amount of Financing, of the Bans Related to Financing and of the Requirement the Financing to be Effected by a Bank Transfer**

**Article 476.** Upon breach of the aggregate amount of financing under Art.165 upon violation of the prohibitions under Art.168 and upon breach of the requirement under Art.170, para. 1 herein, the person or persons referred to Art. 164 shall be liable to a fine within the range of BGN 3000 to BGN 10 000.

**Breach of the Requirements for Financing and Supporting the Election Campaign**

**Article 477.** Upon receipt of a donation by a natural person over the permissible amount under Art.167, para. 1 or 2 or upon receipt of goods or services in violation of Art.167, para. 3 or 4, the person or persons referred to Art. 164 shall be liable to a fine within the range of BGN 2000 to BGN 5000.

**Breach of the Requirements for Submission of Information to the Single Public Register**

**Article 478.** (1) Upon non-submission of the information under Art.171, para. 2 and 4 for the purpose of entering into the single public register of the person who represents the political party or the nomination committee, or the persons who represent the coalition of parties shall be liable to a fine within the range of BGN 1000 to BGN 3000.

**Violation of the Requirement to Present a Report on the Financial Resources Raised and Spent and the Payment Obligations Assumed in Connection with the Election Campaign**

**Article 479.** (1) Upon non-fulfillment of the obligations under Art.172, para. 1 and 3, the person who represents the political party or the the nomination committee, or the persons who represent the coalition of parties shall be liable to a fine within the range of BGN 2000 to BGN 5000.

**Violation of the Prohibition on Campaigning**

**Article 480.** (1) Any person who violates the prohibitions under Art.182, para. 1-3 shall be liable to a fine within the range of of BGN 300 to BGN 1000.(2) Any person who carries out campaigning on election day in violation of Art.182, para. 4 shall be liable to a fine within the range of BGN 500 to BGN 2000. (3) Where the violation under para. 1 is repeated, the fine shall be within the range of BGN 1000 to BGN 3000.

(4) Where the violation under para. 2 is repeated, the fine shall be within the range of BGN 2000 to BGN 4000.

**Violation of Prohibition to Remove Stationery and Materials**

**Article 481.** (1) Any person, who removes ballot boxes, electoral rolls, ballot papers from the polling site after the precinct election commission has taken delivery of the said materials and stationery and until the counting of the votes and the preferences, shall be liable to a fine within the range of BGN 500 to BGN 2000.

(2) Where the violation under para. 1 is repeated, the fine shall be within the range of BGN 1000 to BGN 5000.

**Violation of Attendant Limit**

**Article 482.** (1) Any person who violates the provisions of Art. 116, para. 2, Art. 120, para. 3, Art. 126, para. 3 or of Art. 236, para. 6 shall be liable to fine of BGN 1000.

(2) Any official who allows one person to act as an attendant to more than two voters shall be liable to a fine of BGN 1000.

**Election Agent Activities on Invalidated Certificate**

**Article 483.** Any person who identifies on an invalidated certificate as an election agent shall be liable to a fine of BGN 1000.

**Violation of the Requirement for Announcing the Concluded Contracts with Media Service Providers**

**Article 484.** (1) Any media service provider who does not fulfill its obligation under Art. 180 shall be liable to a penalty payment within the range of BGN 2000 to BGN 5000.

(2) Where the violation under para. 1 is repeated, the penalty payment shall be within the range of BGN 5000 to BGN 10 000.

**Breach of Publication of Reply**

**Article 485.** (1) Any person who does not fulfill its obligation under Art. 188 shall be liable to a penalty payment within the range of BGN 2000 to BGN 5000.

(2) Where the violation under para. 1 is repeated, the penalty payment shall be within the range of BGN 5000 to BGN 10 000.

**Abuse of the Right of Attendant**

**Article 486.** Any person who has act as an attendant to more than two voters shall be liable to a fine of BGN 2000.

**Violation of Prohibition to Display Voting Choice and to Use Image Reproducing Devices**

**Article 487.** Any person who violates the provisions of Art. 227 or Art. 228 shall be liable to a fine of BGN 1000.

**Violation of the Requirement to Wear Distinguishing Signs by the Members of the Precinct Election Commissions**

**Article 488.** Any member of the precinct election commission who violates the requirement under Art. 231 shall be liable to a fine of BGN 100.

**Non-conformity of Serial Numbers in Tally Sheets**

**Article 489.** Any official, who delivers at the constituency or the municipal election commission any tally sheet whereof the serial number does not conform to the number entered in the memorandum on delivery and acceptance of the election stationery and materials referred to in Art. 215, para. 4 herein or in the memorandum referred to in Art. 274, para. 2 or Art. 432, para 2 herein, shall be liable to a fine of BGN 2000.

**Non-Signing of Tally Sheet**

**Article 490.** (1) Any member of a precinct election commission, who refuses to sign the tally sheet of the commission under Art. 282, para. 3 or Art. 441, para. 3 herein, shall be liable to a fine of BGN 1000.

(2) Any member of a precinct or municipal election commission, who refuses to sign the tally sheet of the commission under Art. 293, para. 3 or Art. 451, para. 2 herein, shall be liable to a fine of BGN 2000.

**Refusal to Submit Tally Sheet Photocopy**

**Article 491.** (1) Chairperson, deputy chairperson, or secretary of a precinct election commission who refuses to submit a photocopy of the signed tally sheet referred to in Art. 283 or Art. 442 or refuses to sign the photocopy shall be liable to a fine within the range of BGN 500 to BGN 2000.

(2) Chairperson, deputy chairperson, or secretary of a constituency, respectively municipal election commission who refuses to submit a photocopy of the signed tally sheet referred to in Art. 294 or Art. 455, para. 2 or refuses to sign the photocopy shall be liable to a fine within the

range of BGN 800 to BGN 3000.

#### **Breach of Publication of Tally Sheets**

**Article 492.** Chairperson of a constituency or municipal election commission who fails to publish on the Internet site of the commission the scanned tally sheets of the precinct election commissions as well as the scanned tally sheets of the constituency or municipal election commissions shall be liable to a fine within the range of BGN 800 to BGN 3000.

#### **Non-dispatch of Scanned Copy of Tally Sheet**

**Article 493.** Any official referred to in Article 286, para.1 herein, who fails to dispatch a scanned copy of the tally sheet of the precinct election commission and of the roll for voting abroad, shall be liable to a fine of BGN 1000.

#### **Breach of the Requirement to Tear out the Ballot Sheet from the Book of Ballot Sheets Immediately before Handing it over**

**Article 494.** Any member of a precinct election commission, who breaches the requirement under Art. 266, para. 1, Art. 328, para. 1 or Art. 427, para. 1 herein shall be liable to a fine of BGN 200.

#### **Other Violations**

**Article 495.** Any person who violates any provision of this Code in cases other than those covered under Articles 470 to 494 herein, shall be liable to a fine or to a penalty payment, as the case may be, within the range of BGN 200 to BGN 2,000.

#### **Ascertainment of Violations and Imposition of Sanctions by Regional Governor**

**Article 496.** (1) The written statements ascertaining the violations covered under Articles 470, 471, 474, 475, Articles 280 to 495 herein shall be drawn up by decision of the respective election commission in accordance with the powers vested therein within three days after receipt of the alert or complaint about the violation. The respective election commission in accordance with the powers vested may draw up written statements ascertaining violations under the first sentence herein and on its own initiative.

(2) The written statements ascertaining the violation referred to in para. 1 shall be drawn up by the chairpersons of.

1. Central Election Commission for violations under Art. 495 and Art. 480 - in the cases where the said commission exercises control according to this Code, under Articles. 470, 484, 485, Art. 490, para. 2, Art. 491, para. 2, Art. 492 and Art. 493;

2. the constituency or the municipal election commissions in respect of any violations referred to in Art. 495 and Art. 480 - in the cases where the said commission exercises control according to this Code, Articles 481 to 483, Articles 486 to 489, Art. 490, para. 1, Art. 491, para. 1 and Art. 494.

(3) The penalty decrees shall be issued by the regional governors exercising jurisdiction over the place of commission of the violation within three days after receipt of the case file. If the written statement is against the regional governor, the penalty decree shall be issued by a minister designated by the Council of Ministers.

#### **Ascertainment of Violations and Imposition of Sanctions by the President of Bulgarian National Audit Office**

**Article 497.** (1) The written statements ascertaining the violation referred to in Articles 476 to 479 shall be drawn up by officials empowered by the President of the Bulgarian National Audit Office.(2) The penalty decrees shall be issued by the President of the Bulgarian National Audit Office.

**Application of Administrative Violations and Sanctions Act Article 498.** The ascertainment of violations, the drawing up of the written statements, the issuing and appeal of the penalty decrees shall follow the procedure established by the Administrative Violations and

Sanctions Act.

**SUPPLEMENTARY PROVISIONS**

**§ 1.** Within the meaning given by this Code:

1. A Bulgarian citizen who “has resided in Bulgaria in the last five years” shall be any such citizen who had actual residence and permanent abode within the territory of Bulgaria during more than half of the time of each of the five years preceding the date of the elections.

The stay outside the Republic of Bulgaria shall also qualify as residing in Bulgaria for the time during which a Bulgarian citizen was sent there by the Bulgarian State.

2. A person who “has resided in the Republic of Bulgaria or in another Member State of the European Union for at least in the last three months” shall be:

a) any Bulgarian citizen who had a permanent-address or a present-address registration within the territory of the Republic of Bulgaria or in another Member State of the European Union;

b) any citizen of a Member State of the European Union who has a residence address within the territory of the Republic of Bulgaria or of another Member State of the European Union, for at least 60 days in the last three months as of the date of conduct of the elections.

The stay outside the Republic of Bulgaria shall also qualify as residing in Bulgaria for the time during which a Bulgarian citizen was sent there by the Bulgarian State.

3. A person who “has resided in the Republic of Bulgaria or in another Member State of the European Union at least during the last six months” shall be:

a) any Bulgarian citizen who had a permanent-address or a present-address registration within the territory of the Republic of Bulgaria or in another Member State of the European Union;

b) any citizen of a Member State of the European Union who has a residence address within the territory of the Republic of Bulgaria or of another Member State of the European Union, for at least 6 months as of the date of conduct of the elections. The stay outside the Republic of Bulgaria shall also qualify as residing in Bulgaria for the time during which a Bulgarian citizen was sent there by the Bulgarian State.

4. A person who “has resided in the respective nucleated settlement for at least in the last six months”, within the meaning given by Article 396 herein, shall be:

a) any Bulgarian citizen who had a permanent-address or a present-address registration within the territory of the respective municipality or mayoralty;

b) any Bulgarian citizen who had a permanent-address or a present-address registration in different municipalities and mayoralties within the territory of the Republic of Bulgaria;

c) any national of a Member State of the European Union who has a residence address within the territory of respective municipality or mayoralty, at a date preceding the date of conduct of the elections by 6 months, and the persons who have changed the address registration thereof shall have the right to vote according to the previous address registration thereof, where the said persons are included in the electoral rolls.

5. A person who “has resided in the respective nucleated settlement for at least in the last six months”, within the meaning given by Article 397 herein, shall be:

a) any Bulgarian citizen who had a permanent-address or a present-address registration within the territory of the respective municipality or mayoralty;

b) any Bulgarian citizen who had a permanent-address or a present-address registration in different municipalities and mayoralties within the territory of the Republic of Bulgaria;

c) any national of a Member State of the European Union who has a residence address within the territory of respective municipality or mayoralty, at a date preceding the date of conduct of the elections by 6 months.

6. “Residence address” shall be the address whereat a person is registered upon the stay thereof in the Republic of Bulgaria or in another Member State of the European Union.

7. “Durable and permanent residence status” shall be a status acquired under the terms and according to the procedure established by the Act on Entry into, Residence in, and Exit from, the Republic of Bulgaria by European Union Citizens [and Family Members Thereof](#).

8. "Identity document" shall be:
- a) personal identity card;
  - b) internal (green) passport: applicable only to citizens availing themselves of the provision of § 9a of the Transitional and Final Provisions of the Bulgarian Personal Documents Act;
  - c) passport (foreign travel) of a citizen present outside the Republic of Bulgaria on the day of the elections;
  - d) seafarer's passport of a citizen present on board a navigation vessel flying the Bulgarian flag on the day of the elections;
  - e) military card of a professional service person present outside the Republic of Bulgaria on the day of the elections;
9. "Coalition of parties" shall be a pre-election alliance of political parties, which are registered at the Central Election Commission, formed for the purpose of participation in a particular type of elections;
10. Parties and coalitions of parties "represented in Parliament" shall be the parties and coalitions of parties which participated in the last elections of National Representatives and had a parliamentary group at the National Assembly at the date of scheduling of the respective type of elections.
11. "Conspicuous place" shall be a place within the territory of the polling station, outside the premises of the municipal administration, which is accessible to the general public and is protected against atmospheric impact and trespasses for the purpose of the physical preservation thereof.
12. "National electoral quota" shall be the quotient resulting from the division of the total number of valid votes at the national level by the number of the Members of the European Parliament for the Republic of Bulgaria; where the quotient is not an integer, the national electoral quota shall be the nearest integer greater than the said quotient.
13. "Constituency electoral quota" shall be the quotient resulting from the division of the total number of valid votes cast in the multi-member constituency by the number of seats allocated for the said constituency; where the quota is not an integer, the constituency electoral quota shall be the nearest integer greater than the said quotient.
14. "Municipal electoral quota" shall be the quotient resulting from the division of the total number of valid votes cast for municipal councillors in the municipality by the number of members of the Municipal Council; where the quota is not an integer, the municipal electoral quota shall be the nearest integer greater than the said quotient.
15. "Media service" shall be the creation and dissemination of information and content which are intended for reception by, and which could have a clear impact on, a significant proportion of the general public, irrespective of the means and technology used for transmission of the said information and content. The following shall be media services:
- a) the print media (newspapers, magazines and other periodical publications);
  - b) media disseminated over electronic communications networks, such as:
    - aa) public and commercial broadcasters (registered or licensed public or commercial providers of audiovisual media services or radio services);
    - bb) online news-services (online editions of newspapers, magazines, news agencies and other electronic publications). The social networks (Facebook, Twitter and other such) and the personal blogs shall not be media services.
16. "Media service provider" shall be a sole-trader natural person or a legal person who or which has editorial responsibility for the choice of the content of the media service and determines the manner in which the said service is organized. "Editorial responsibility" shall be the exercise of effective control over the content, the programme schedules and the catalogue of the services provided.
17. "Campaigning" shall be the call for support or non-support of a candidate, political party, coalition of parties or nomination committee upon participation in elections. Names and symbols of a political party or coalition of parties, placed on objects which does not contain calls for support shall not be considered campaigning within the meaning of this Code. Participation of candidates in entertainment shows, movies, series, as well as their broadcasting during the



election campaign, including self-promotion of such shows, movies, series, shall not be considered campaigning unless containing calls for support or for non-support.

18. "Public administrative resources" shall be budget funds, premises, automobiles, aircrafts and other means of transportation, equipment and other movable and immovable property - owned by the state or the municipality, provided to the administration, state and local authorities and the state and municipal enterprises.

19. "Repeated violation" shall be the violation, conducted within three months following the enforcement of a penalty decree by which a penalty has been imposed for the same violation.

§ 2. The provisions of this Code applicable to coalitions of parties shall furthermore apply to local coalitions of parties upon conduct of elections of municipal councillors and mayors.

§ 3. The provisions of the [Public Procurement Act](#) regarding the time limits of the procedures shall not apply upon the award of a contest for the voting machines, the computer processing of the voting data and the publication of the election results in a bulletin, as well as in respect of the manufacture and printing of the election stationery and materials.

§ 4. Upon conduct of all types of elections, the provision of [Art. 76, para. 3 of the Ministry of Interior Act](#) shall not apply.

§ 5. Upon simultaneous conduct of two or more types of elections, in cases other than when only elections of municipal councillors and mayors are conducted, the provisions of this Code shall apply with the following exceptions:

1. upon conduct of elections of municipal councillors and mayors simultaneously with elections of National Representatives, of President and Vice President of the Republic or of Members of the European Parliament for the Republic of Bulgaria, a voter, who is included in the electoral rolls for the separate types of elections in different nucleated settlements and cannot vote in all types of elections in one and the same nucleated settlement on a request for voting according to the present address, shall submit an application, completed in a standard form, to the authority referred to in Art. 23 para. 1 herein exercising jurisdiction over the permanent address (residence address) thereof, to the effect that the said voter wishes to vote in the nucleated settlement where the said voter is included in the electoral rolls for the elections of municipal councillors and mayors; any such application shall be submitted not later than 14 days in advance of election day; the authority referred to in Art. 23 para. 1 herein shall issue a voting certificate for a specified nucleated settlement in a single copy; the said certificate shall specify the nucleated settlement for which the said certificate is issued; the authority referred to in Art. 23 para. 1 herein shall deliver information on the certificates issued to the Directorate General Civil Registration and Administrative Services at the Ministry of Regional Development not later than 12 days in advance of election day for the automated removal of the voter from the electoral roll according to the permanent address (residence address); Articles 34, 35 and 240 herein shall apply to any unregulated matters;

2. upon simultaneous conduct of elections of National Representatives or of President and Vice President of the Republic or of Members of the European Parliament for the Republic of Bulgaria, a joint constituency election commission shall be appointed for each constituency (district);

3. upon conduct of elections of municipal councillors and mayors simultaneously with elections of President and Vice President of the Republic or of Members of the European Parliament for the Republic of Bulgaria, the authorities referred to in Art. 74 herein shall exercise the powers of authorities referred to in Art. 59 herein and, to this end:

a) 15 members shall be appointed if there are up to 150 polling stations within the territory of the municipality, 23 members shall be appointed if there are more than 150 polling stations, 31 members shall be appointed, for the cities subdivided into boroughs, and 39 members shall be appointed for Sofia Municipality;

b) the Central Election Commission shall fix the remunerations of the members of the

precinct election commissions within Bulgaria in doubling the amount of the remuneration under Art. 97, para. 2;

4. the voter shall receive the voting ballot paper and shall be admitted to voting only after the particulars according to the identity document thereof are checked against the particulars on the electoral rolls for each type of election which is conducted and after the Uniform Civil Number (Personal Number) and the type and number of the identity document (the number of the identity card or passport) of the voter are entered on each one of the electoral rolls;

5. upon simultaneous conduct of elections of President and Vice President of the Republic or of National Representatives or of Members of the European Parliament for the Republic of Bulgaria:

a) where elections of President and Vice President of the Republic are conducted [simultaneously] with elections of National Representatives or of Members of the European Parliament for the Republic of Bulgaria, lots shall be drawn first at the Central Election Commission to determine the numbers of the parties, coalitions of parties and nomination committees on the ballot paper for the elections of President and Vice President of the Republic; the parties and coalitions of parties, which are registered under an identical name and with identical complement for the elections of President and Vice President of the Republic and of National Representatives or of Members of the European Parliament for the Republic of Bulgaria, shall be assigned the same ballot paper number for the elections of National Representatives or of Members of the European Parliament for the Republic of Bulgaria as the one determined by lot for the elections of President and Vice President of the Republic;

b) where elections of Members of the European Parliament for the Republic of Bulgaria are conducted with elections of National Representatives, lots shall be drawn first at the Central Election Commission to determine the ballot paper numbers for the elections of Members of the European Parliament for the Republic of Bulgaria; the parties and coalitions of parties, under an identical name and with identical complement for the elections of Members of the European Parliament for the Republic of Bulgaria and for the elections of National Representatives, shall be assigned the same ballot paper number for the elections of National Representatives as the one determined by lot for the elections of Members of the European Parliament for the Republic of Bulgaria;

c) in the cases other than those referred to in "a" and "b", lots shall be drawn to determine the ballot paper numbers for the elections of Members of the European Parliament for the Republic of Bulgaria or of National Representatives among the parties and coalitions of parties which have not participated in the drawing of lots referred to in "a" or "b"; the ballot paper numbers of the parties, coalitions of parties and nomination committees shall follow the numbers on the ballot paper or, respectively, of the ballot papers of the parties, coalitions of parties and nomination committees as determined by the drawing of lots under "a" or "b";

6. in the cases where elections of municipal councillors and mayors are conducted simultaneously with elections of President and Vice President of the Republic:

a) the parties and coalitions of parties, which are registered under an identical name and with identical complement at the Central Election Commission and at the municipal election commissions, shall be assigned the same ballot paper number for the elections of municipal councillors and mayors as the one determined by the lots drawn at the Central Election Commission for the elections of President and Vice President of the Republic, and the said parties and coalitions of parties shall not participate in the drawing of lots at the municipal election commissions under "b";

b) the number on the ballot paper of the parties and coalitions of parties, which are registered under different names and in different complements at the Central Election Commission and at the municipal election commissions, for the elections of municipal councillors and mayors shall be determined by lot drawn at the municipal election commissions; the numbers on the ballot paper of the parties, coalitions of parties and nomination committees shall follow the numbers on the ballot paper of the parties, coalitions of parties and nomination committees as determined by the lot drawn at the Central Election Commission under "a";

7. where elections of municipal councillors and mayors are conducted simultaneously

with elections of National Representatives or of Members of the European Parliament for the Republic of Bulgaria, the numbers on the ballot papers for the elections conducted shall be determined according to the procedure established by item 6;

8. the reverse side of the ballot papers for the separate types of elections shall have print security features of a different colour determined by the Central Election Commission;

9. the ballot papers for the respective types of elections shall be deposited in separate ballot boxes;

10. the candidate lists for municipal councilors and mayors of one and the same party or coalition of parties, may be represented jointly by one election agent in one polling station on election day for all types of elections conducted;

11. after preparing the draft for the one type of election, it shall be proceeded with the opening of the ballot boxes for the other type of election; the tally sheet for which the draft has been prepared shall be completed after the ballot boxes for the other type of election are checked as to whether any ballot papers for the first type of election have not been dropped there as well; upon simultaneous conduct of elections of municipal councillors and mayors with elections of President and Vice President of the Republic or of Members of the European Parliament for the Republic of Bulgaria, the first step shall be to open the ballot boxes and to determine the result of the voting for President and Vice President of the Republic or, respectively, for Members of the European Parliament for the Republic of Bulgaria;

12. the constituency or the municipal election commission shall establish a schedule for the acceptance of the election stationery and materials from the precinct election commissions;

13. the packed election stationery and materials shall be placed in bags which will differ in colour for each type of election; the type and size of the said bags shall be determined by decision of the Central Election Commission; the election stationery and materials for the separate types of elections shall be safe-kept on different premises;

**§ 6.** (1) The elected candidates for National Representative, President of the Republic, Vice President of the Republic, Member of the European Parliament for the Republic of Bulgaria or mayor, who work at state or municipal institutions or enterprises, commercial corporations wherein the State or a municipality holds an interest in the capital exceeding 50 per cent, or public-financed organizations, shall have the right, upon termination of the credentials thereof, to reoccupy the previous position thereof or, in the cases where the said position has been eliminated, to occupy another equivalent position in the same or, with their consent, in another state or municipal institution or enterprise, commercial corporation wherein the State or a municipality holds an interest in the capital exceeding 50 per cent, or public-financed organization.

(2) Where the previous position of the elected candidate is occupied by another person, the legal relationship with the said person shall be terminated without notice.

(3) The provisions of para. 1 and 2 shall not apply where the elected candidates have held another elective or fixed-term office.

(4) The term of office of the elected candidates for Member of the European Parliament for the Republic of Bulgaria, who hold another elective office, shall be terminated seven days in advance of the date of opening of the first session of the European Parliament.

**§ 7.** (1) In the execution of the powers thereof, the Members of the European Parliament for the Republic of Bulgaria shall have a right of access to the state and municipal bodies and organizations.

(2) The state and municipal bodies and the administrations thereof shall be obligated to render assistance to the Members of the European Parliament for the Republic of Bulgaria and to provide them, upon request, with information and documents in connection with the execution of the powers thereof

**§ 8.** This Code transposes the requirements of:

1. [Council Directive 93/109/EC](#) of 6 December 1993 laying down detailed

arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not citizens.

2. [Council Directive 94/80/EC](#) of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not citizens.

3. Council Directive 2013/1/EC of 20 December 2012, amending Council Directive 93/109/EC as regards certain detailed arrangements for the exercise of the right to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals ( (OJ, L 26/27 of 26 January 2013).

## TRANSITIONAL AND FINAL PROVISIONS

**§ 9.** This Code shall supersede:

1. Election Code (promulgated in the State Gazette No. 9 of 2011; Constitutional Court Judgement No. 4 of 2011 - [promulgated in] No. 36 of 2011; amended in No. 45 of 2011, Nos. 17 and 66 of 2013).

2. Election of the Grand National Assembly Act (promulgated in the State Gazette No. 28 of 1990; amended in No. 24 of 2001)

**§ 10.** (1) After the conduct of the first elections following the coming into force of this Code and after carrying out a check with regard to violations of the voting provisions of this Code, the Directorate General Civil Registration and Administrative Services at the Ministry of Regional Development through its territorial units shall submit the electoral rolls of the conducted elections to the regional administrations for their further delivery to the Central Election Commission, while the rolls from the voting abroad shall be submitted to the Central Election Commission.

(2) On the basis of the received electoral rolls, the Central Election Commission shall create a register of the persons who have voted in the elections.

(3) Until scheduling the next elections, all persons with voting rights, except for those entered into the register under para. 2, may declare before the Central Election Commission their wish to vote.

(4) The Central Election Commission shall submit, within 55 days before election day, to the Directorate General Civil Registration and Administrative Services at the Ministry of Regional Development, in a structured electronic format, the Uniform Civil Number of the voters who have cast their vote on the elections, conducted after the coming into effect of this Code and of the voters under para. 3, for printing out the electoral rolls of the elections to be conducted following the first elections under para. 1.

(5) The names of the citizens, who have lost their right to vote or who are deceased by election day, shall be removed from the electoral rolls.

(6) the names of the citizens who have gained right to vote in the period between the two elections shall be entered into the electoral rolls.

(7) The names of the citizens who have the right to vote but have not been entered in the electoral rolls as per the provisions of para. 4, shall be entered in, respectively supplemented to the electoral rolls.

(8) The entry under para. 6 shall be effected upon request of the voter submitted to the authorities under Art. 23, para. 1 before delivery of the electoral rolls to the precinct election commissions. Supplementing under para. 6 shall be done on the election day by the chairperson of the precinct election commission on the basis of the permanent address (the residence address). The entry, respectively the supplementing shall be effected upon presentation of an identity document and a residence certificate for a citizen of another Member State of the European Union, who has submitted within the time limit a declaration under Art. 359, para. 1 or under Art. 408, para. 1.

(9) The Central Election Commission shall maintain an electronic register of the persons who have voted, including those under para. 2, providing opportunity for each voter to make

references in the register by entering the Uniform Civil Number, including using a toll-free number. The access to the personal data in the register shall be in conformity with the requirements of the Personal Data Protection Act.

**§ 11.** Upon conduct of the elections of Members of the European Parliament for the Republic of Bulgaria in 2014, the machine voting shall be carried out in the administrative centers of the regions.

**§ 12.** Upon conduct of the elections for Members of the European Parliament for the Republic of Bulgaria in 2014 simultaneously with the elections for President and Vice President of the Republic and of National Representatives, the constituencies for the organizational and logistic preparation of the elections of Members of the European Parliament for the Republic of Bulgaria and of President and Vice President of the Republic shall correspond to the constituencies for the elections of National Representatives.

**§ 13.** Not later than three months after the entry into force of this Code, the National Assembly shall elect new members of the Central Election Commission. The term of office of the incumbent members of the Central Election Commission as of the date of the coming into effect of this Code, shall be terminated upon assuming office of the new members.

**§ 14.** (1) New members shall be added to the composition of the Central Election Commission during the first term of office by drawing a lot. The chairperson shall not participate in the lot.

(2) After expiration of two and a half years since the election of the members of the Central Election Commission, its composition shall be increased by.....members.

**§ 15.** The Central Election Commission within one month following its election shall:

1. adopt the rules and regulations under Art. 48, para. 3;
2. create the Public Council under Art. 55;;
3. determine the terms and the procedures for the machine voting.

**§ 16.** The Central Election Commission within two months of its election shall:

1. endorse the standard forms of the election stationery for all types of elections and shall promulgate the said standard forms in the State Gazette.

2. in coordination with the Council of Ministers, determine the terms and procedures for printing out, safe-keeping and distribution of the election stationery and materials, including for the safe-keeping of the technical devices for the machine voting.

**§ 17.** By-elections scheduled by a promulgated decree of the President of the Republic as of the date of the coming into force of this Code shall be conducted as per the provisions of the supersede Election Code.

**§ 18.** The Territorial Administration of the Republic of Bulgaria Act (promulgated in State Gazette, No. 63 of 1995; Constitutional Court Judgment No. 8 of 1996 - No. 51 of 1996; amended in Nos, 27, 33 and 154 of 1998, Nos, 10 and 69 of 1999, No. 57 of 2000, Nos, 67 and 80 of 2003, No. 46 of 2005, No. 63 of 2007 and No. 36 of 2008) shall be amended as follows:

1. In Art. 16, item 1 the words "350 persons" shall be replaced by "100 persons".
2. In § 4 of the Supplementary Provisions, the words "4 months" shall be replaced by "three months".

**§ 19.** (1) The nucleated settlements which at the date of the promulgation of the decree of the President of the Republic for scheduling of general elections for municipal councillors and mayors are in conformity with Art. 16, para. 1 of the Territorial Administration of the Republic of Bulgaria Act., shall acquire the status of a mayoralty and elections shall be conducted on their territories simultaneously with the conduct of the general elections for municipal councillors and mayors.

(2) The mayoral lieutenants in nucleated settlements, who at the date of the coming into effect of this Code are in conformity with the requirements of Art. 16, para. 1 of the Territorial Administration of the Republic of Bulgaria Act., shall continue to exercise their powers until the newly elected mayoralty mayor takes the oath of office.

(3) In case of pre-term termination of the credentials of a mayoral lieutenant under para. 2, the municipality mayor may appoint a new mayoral lieutenant.

**§ 20.** The Local Self-government and the Local Administration Act (promulgated in State Gazette, No. 77 of 1991; amended in Nos, 24, 49 and 65 of 1995, No. 90 of 1996, No. 122 of 1997, Nos, 33, 130 and 154 of 1998, Nos, 67 and 69 of 1999, Nos, 26 and 85 of 2000, No. 1 of 2001, Nos, 28, 45 and 119 of 2002, No. 69 of 2003, Nos, 19 and 34 of 2005, Nos, 30 and 69 of 2006, Nos, 61 and 63 of 2007, Nos, 54 and 108 of 2008, Nos, 6, 14, 35, 42 and 44 of 2009, and Nos. 15 and 97 of 2010) shall be amended and supplemented as follows:

1. In Art. 4, para. 1 the words "4 months" are replaced by "three months".

2. In Art. 30, para. 8, the words "of parties" are deleted and the words "Art. 267" are replaced by "Art. 459"

3. In Art. 38:

a) in para. 2 after the words "the mayors of" the words "constituencies and" shall be added while the words "by law" are replaced by "Election Code";

b) in Art. 5, after the word "municipality" the words "for a borough mayor" shall be added.

4. Article 39a shall be revoked.

5. In Art. 42:

a) in para. 1:

aa) in the text before item 1, the words "of municipalities or mayoralties" shall be deleted;

bb) in item 6, after the word "municipality" the word "district" shall be added;

b) in Art. 3 the words "Art. 267" are replaced by "Art. 459";

a) in para. 4:

aa) in the first sentence, the words "of a municipality or mayoralty" and the words "of the municipality and the acting mayoralty mayor" shall be deleted;

bb) in the second sentence after the word "municipality" shall be added "or a borough mayor", and at the end shall be added "of the municipality, respectively the borough";

cc) in the third sentence, after the word "municipality" the phrase "or a borough mayor" shall be added;

d) in para. 5:

aa) in the first sentence, the words "of municipality or a mayoralty mayor" shall be deleted;

bb) in the second sentence, before the words "or mayor" the words "borough mayor" shall be added.;

d) in para. 6:

aa) in the first sentence, after the word "municipality", the words "borough mayor" shall be added, while before the words "or mayor" the words "borough mayor" shall be added.

cc) in the third sentence, after the word "municipality" the words "or a borough mayor" shall be added;

f) in para. 7, after the word "municipality" the words " borough mayor" shall be added.

g) in para. 8, after the word "municipality" the words " borough mayor" shall be added.

6. Article 42a shall be revoked.

7. In Art. 46a the words „Art. 4, para. 5“ shall be replaced by „Art. 397, para. 1“.

**§ 21.** (1) The borough mayors, elected by the Municipal Councils, shall continue to exercise their powers until the conduct of general elections of municipal councilors and mayors.

(2) Upon pre-term termination of the credentials of a borough mayor, until the conduct of general elections for municipal councilors and mayors and until the taking the oath of office of the newly elected borough mayor, the provisions of the revoked Art. 39a and Art. 42a of the

Local Self-government and the Local Administration Act shall apply.

**§ 22.** The Radio and Television Act (promulgated in State Gazette, No. 138 of 1998; Constitutional Court Judgment No. 10 of 1999 - No. 60 of 1999; amended in No. 81 of 1999, No. 79 of 2000, Nos, 96 and 112 of 2001, Nos, 77 and 120 of 2002, Nos, 99 and 114 of 2003, Nos, 99 and 115 of 2004, Nos, 88, 93 and 105 of 2005, Nos, 21, 34, 70, 80, 105 and 108 of 2006, Nos, 10, 41, 53 and 113 of 2007, No. 110 of 2008, Nos, 14, 37, 42 and 99 of 2009, Nos. 12, 47, 97, 99 and 101 of 2010) shall be amended and supplemented as follows:

1. In Art. 13, para. 4 shall be repealed

2. In Art. 32, para. 1, item 22 is added:

"22. shall work out specific monitoring procedures of the activities of the providers of media services at the time of conducting an election campaign, which shall be delivered to the Central Election Commission; the volume and the parameters of the specific monitoring procedures shall be determined on the basis of an Agreement between the Council for Electronic Media and the Central Election Commission concluded before the opening of the election campaign irrespective of the coverage of the programs."

**§ 23.** The Political Parties Act (promulgated in State Gazette, No. 28 of 2005; amended in No. 102 of 2005, Nos, 17 and 73 of 2006, Nos, 59 and 78 of 2007, No. 6 of 2009 Nos, 54 and 99 of 2010, Nos, 9 and 99 of 2011, Nos. 30, 68 and 71 of 2013) shall be amended and supplemented as follows:

1. In Art. 29, para. 2, item 2, the words "BGN 1000" shall be replaced by "one minimum wage".

2. Article 43 shall be amended as follows:

"Art. 43. (1) A payment penalty shall be imposed on a political party which does not present within the time limit the financial report under Art. 34, para. 1 and a declaration under Art. 34, para. 4 to the amount within the range of BGN 5000 to BGN 10 000.

(2) A payment penalty shall be imposed on a political party which does not create a public register or which does not enter into the public register the circumstances under Art. 29, para. 2 to the amount within the range of BGN 1000 to BGN 5 000.

3. A new Art. 43a is created:

"Art. 43a. (1) Upon violation of the requirements of Art. 22, Art. 23, para. 2, Art.. 24 and Art. 29, para. 1, the person under Art. 30, para. 1, and if such a person is not determined, the person representing the political party, shall be liable to a fine within the range of BGN 1000 to BGN 5000.

(2) Upon breach of the obligations under Art. 28a, the person under Art. 30, para. 1, and if such a person is not determined, the person representing the political party, shall be liable to a fine within the range of BGN 100 to BGN 500.

(3) Upon breach of the obligations under Art. 30, para. 1 and 2, the person representing the political party, shall be liable to a fine within the range of BGN 200 to BGN 500.

(4) In case of repeated violation under para. 1 and 2 the fine shall be doubled.

4. Article 44, para. 1 shall be amended as follows:

"(1) The written statements ascertaining the violation referred to in Articles 43 to 43a shall be drawn up by officials empowered by the President of the Bulgarian National Audit Office."

5. In § 1 of the Supplementary Provisions a new item 6 shall be created.

"6. "Repeated violation" shall be the violation, conducted within a period of one year following the enforcement of a penalty decree by which a penalty has been imposed for the same violation.

**§ 24.** The Direct Participation of Citizens in the State Government and the Local Self-government Act (promulgated in State Gazette, No. 44 of 2009; amended in No. 100 of 2010, No. 9 of 2011, No. 42 of 2012, Nos, 20 and 66 of 2013). shall be amended and supplemented as follows:

## 1. In Art. 13:

a) in para. 1, after the word "list of signatures" the words "hard copy and in a structured electronic format" shall be added;

b) in para. 2, the first sentence, after the word "collection of signatures" the words "in electronic format" shall be added.

## 2. In Art. 29:

a) in para. 1, after the word "collection of signatures" the words "in hard copy and in a structured electronic format" shall be added;

b) on para. 2, first sentence, after the word "collection of signatures" the words "in electronic format to the territorial unit" shall be added, after the word "development" the words "in the respective region" shall be added, and the word "which" shall be replaced by "that".

## 3. In Art. 51:

a) in para. 1, after the word "collection of signatures" the words "in hard copy and in a structured electronic format" shall be added;

b) in para. 3, first sentence, after the word "collection of signatures" the words "in electronic format to the territorial unit" shall be added, after the word "development" the words "or on the territorial unit in the respective region" shall be added, and the word "which carry out" shall be replaced by "that carry out".

## 4. In Art. 57, para. 5:

a) in the first sentence, after the word "collection of signatures" the words "in hard copy and in a structured electronic format" shall be added;

b) in the second sentence, after the word "collection of signatures" the words "in electronic format to the territorial unit" shall be added, after the word "development" the words "in the respective region" shall be added, and the word "which" shall be replaced by "that".

5. The words "ballot box", "ballot boxes". "the ballot box" shall be replaced by "box", "boxes". "the box"

**§ 25.** In the Ministry of Interior Act (promulgated in State Gazette, No. 17 of 2006; amended in Nos. 30, 102 and 105 of 2006, Nos. 11, 31, 41, 46, 64 and 109 of 2007, and Nos. 28, 43, 94 and 98 of 2008, Nos. 27, 42, 74, 82 and 93 of 2009, No. 88 of 2010) in Art. 212, para. 1, item 9, the words "Art. 104, para. 1-3" shall be replaced by "Art. 161, para. 1-3".

**§ 26.** In the Administration Act (promulgated in State Gazette, No. 130 of 1998; Constitutional Court Judgment No. 2 of 1999 - No. 8 of 1999; amended in No. 67 of 1999, Nos. 64 and 81 of 2000, No. 99 of 2001; amended in No. 101 of 2001; amended in No. 95 of 2003, No. 19 of 2005, Nos. 24, 30, 69 and 102 of 2006, Nos. 46 and 78 of 2007, Nos. 43 and 94 of 2008, Nos. 35 and 42 of 2009, Nos. 24 and 97 of 2010, No. 69 of 2011, Nos. 15 and 82 of 2012, No. 15 of 2013) in Art. 19, para. 6, item 6 is repealed.

**§ 27.** In the Judicial System Act (promulgated in State Gazette, No. 64 of 2007; amended in Nos. 69 and 109 of 2008, Nos. 25, 33, 42, 102 and 103 of 2009, No. 59 of 2010, Nos. 1, 23, 32, 45, 81 and 82 of 2011; Constitutional Court Judgment No. 10 of 2011 - No. 93 of 2011; amended in Nos. 20, 50 and 81 of 2012, Nos. 15, 17, 30, 52, 66, 70 and 71 of 2013) the following amendments shall be made in Art. 195.

1. In Art. 1, item 2, the words "except for a member of the Central Election Commission" are deleted.

## 2. Paragraph 2 shall be amended as follows:

"(2) The magistrates of the administrative courts, the magistrates of the Supreme Administrative Court, the prosecutors and investigators may not be members of constituency, municipal and precinct election commissions in the conduct of elections of National Representatives, Members of the European Parliament for the Republic of Bulgaria, of President and Vice President of the Republic and of municipal councilors and mayors."

**§ 28.** In [Bulgarian News Agency Act](#) (promulgated in State Gazette, . No. 99 of 2011; Constitutional Court Judgment No. 11 of 2012 - No. 78 of 2012; amended in No. 15 of 2013 r.)



in Art. 5, par. 2, item. 3 the words „respectively of the Election of Grand National Assembly Act“ are deleted.

**§ 29.** In the Penalty Code (promulgated in State Gazette No. 26 of 1968; amended in No. 29 of 1968; No. 92 of 1969, Nos. 26 and 27 of 1973, No. 89 of 1974; No. 95 of 1975; No. 3 of 1977, No. 54 of 1978, No. 89 of 1979, Nos. 28 and 31 of 1982, No. 44 of 1984, Nos. 41, 79 and 80 of 1985, Nos. 89 and 90 of 1986, Nos. 37, 91 and 99 of 1989, Nos. 10, 31 and 81 of 1990, Nos. 1. 86, 90 and 105 of 1991, No. 54 of 1992, No. 10 of 1993; No. 50 of 1995, Constitution Court Judgment No. 19 of 1995 - No. 97 of 1995, No. 102 of 1995, No. 107 of 1996, Nos. 62 and 85 of 1997; Constitutional Court Judgment No. 19 of 1997 - No. 120 of 1997 issue Nos. 83, 85, 132, 133 and 153 of 1998, Nos. 7, 5, 1 and 81 of 1999, Nos. 21 and 51 of 2000; Constitutional Court Judgment No. 14 of 2000 - No. 98 of 2000, Nos. 41 and 101 of 2001, Nos. 45 and 92 of 2002, Nos. 26 and 103 of 2004, Nos. 24, 43, 76, 86 and 88 of 2005, Nos. 59, 75 and 102 of 2006, Nos. 38, 57, 64, 85, 89 and 94 of 2007, Nos. 19, 67 and 102 of 2008, Nos. 12, 23, 27, 32, 47. Nos. 80, 93 and 102 of 2009, Nos. 26 and 32 of 2010, Nos. 33 and 60 of 2011, Nos. 19, 20 and 60 of 2012, Nos. 17 and 61 of 2013) shall be amended and supplemented as follows:

1. In Art. 167:

a) in para. 1 after the word „elected“ shall be added „or to vote on a referendum or to participate in a collection of signatures for a referendum“;

b) in para. 2 after the word „coalition“ shall be added „or to vote on a referendum in a particular way“;

c) in para. 3 after the word „coalition“ shall be added „or to vote on a referendum in a particular way“;

d) in para. 4 after the word „coalition“ shall be added „or to vote on a referendum in a particular way“;

e) A new para. 5 is created:

"(5) Where the act under par. 1-4 is committed by an official during or in connection with the performance of his duties, the punishment is imprisonment from one to six years."

e) the current para. 5 shall be para. 6 and the words "para. 2, 3 and 4" shall be replaced by "para. 2, 3, 4 and 5

g) the current para. 6 shall become 7,

2. In Art. 167a after the word „candidate“ shall be added „or to vote on a referendum in a particular way“;

3. In Art. 168:

a) in para. 1, after the word "right" the words "or to vote on a referendum" shall be added.

b) in para. 2. after the word "choice" shall be added "or to vote two or more times in one referendum".

4. In Art. 169, after the word "elections" the word "or referendum" shall be added.

**§ 30.** The Constitutional Court Act (promulgated in State Gazette, No. 67 of 1991; amended in No. 25 of 2001, No. 45 of 2002, No. 114 of 2003; Constitutional Court Judgment No. 1 of 2006 - No. 23 of 2006; amended in No. 50 of 2012) shall be amended and supplemented as follows:

1. Article 12 para. 1 shall be amended and supplemented as follows:

e) A new item 10 is created:

"10. Rule on disputes to the legality of the election of a Member of the European Parliament for the Republic of Bulgaria."

b) the current items 10 and 11 shall become items 11 and 12.

2. In Art. 17, para. 4, the words "and a National Representative" shall be replaced by "National Representative and a Member of the European Parliament for the Republic of Bulgaria".

3. In Art. 21:

e) A new para. 5 is created:

"(5) Constitutional Court shall rule on the legality of the elections of National Representatives and of the election of a National Representative and of the election of a

Member of the European Parliament for the Republic of Bulgaria within a month of receiving the petition."

b) the current para. 5 shall become para. 6.

4. In Art. 22, para. 5, the words "and a National Representative" shall be replaced by "National Representative and a Member of the European Parliament for the Republic of Bulgaria".

**ANNEX № 1  
TO ARTICLE 248, PARA. 1**

**METHODOLOGY FOR THE RESULTS OF THE VOTE AND THE ALLOCATION OF SEATS  
DURING ELECTIONS FOR MEMBERS OF PARLIAMENT**

I. General

1.1. The methodology used is the Hare - Niemeyer method for the distribution of seats by electoral regions (constituencies) for elections for Members of the National Assembly and the Grand National Assembly.

1.2. Voting takes place in the country's multi-electoral regions (MER) and abroad.

1.3. Seats are distributed between parties, coalitions and independent candidates.

1.4. Seats for parties and coalitions are personalised by the candidate lists and preferential voting.

II. Number of seats in MERs based on population numbers

2.1. In the elections for Members of the National Assembly, a total of 240 seats are assigned. In elections for Members of the Grand National Assembly, a total of 400 seats are assigned. In any MER the number of seats assigned is in proportion to the population data provided by the National Statistical Institute (NSI) based on the results of the latest census by the Hare - Niemeyer method. The procedure is closed if all MERs are assigned 4 seats or more in elections for a National Assembly and 6 seats or more in elections for a Grand National Assembly.

2.2. If in a MER the number of seats under Section 2.1. is smaller than 4, or respectively 6, further seats are assigned to this MER so that the region has 4 and 6 seats respectively. This MER is excluded from consideration along with other MERs where 4 or 6 seats have been assigned as per Section 2.1. If the number of excluded areas is N, then 4N seats, respectively 6N seats are assigned (when elections for a Grand National Assembly take place).

2.3. The remaining 240-4N, 400-6N seats (when elections for a Grand National Assembly take place) are distributed, using the Hare-Niemeyer method, between the MERs which as per Section 2.1 were assigned 5, respectively 7 seats (in elections for a Grand National Assembly), or more seats.

III. Independent Candidates

3.1. An Independent candidate is elected in a MER provided he/she receives a vote of no less than the number of valid votes in the region, divided by the number of seats, specified for this region under Section II.

IV. Participation of Parties and Coalitions

4.1. The number of votes for a party or coalition is equal to the sum of the valid votes cast for the party or coalition in all MERs and abroad.

4.2. The distribution of seats is made among parties and coalitions that hold at least 4 percent of the sum of all valid votes in all MERs and outside the country, as per Section 4.1.

## V. Allocation of seats by parties and coalitions

5.1 M number of seats are distributed between the parties under Section 4.2, where M is equal to 240, (respectively 400 - in elections for a Grand National Assembly) reduced by the number of independent candidates elected under Section 3.1.

5.2. Each party or coalition receives a number of seats at national level by the Hare - Niemeyer method.

5.3. Seats under Section 5.2. are personalised with the candidate lists in the MER.

5.4. In any MER seats are distributed between candidates on lists of parties and coalitions whose number is equal to the number specified in section II, reduced by the number of independent candidates elected in this region under Section 3.1.

## VI. Assignment of seats to candidate lists

6.1. The assignment of seats to candidate lists is done in steps.

6.2. Under Section 7.1. candidate lists and respectively parties and coalitions receive a current number of seats.

6.3. Any party or coalition whose current number of seats equals the number under Section 5.2. is excluded.

6.4. Any party or coalition whose current number of seats is greater than the number under Section 5.2. has a surplus. In subsequent steps this number is reduced or maintained.

6.5. Any party or coalition whose current number of seats is less than the number under Section 5.2. has a shortage. In subsequent steps this number is increased or maintained.

## VII. Balance in whole parts

7.1. Each candidate list is assigned a number of seats equal to the integer portion of a number equal to the number of votes for the list, divided by the number of votes for all the lists in the MER, multiplied by the number as per Section 5.4.

7.2. If the number of seats of a party or coalition is equal to the number under Section 5.2. this party is excluded. If all parties and coalitions are excluded, the procedure is closed.

7.3. If there is a party or coalition with a surplus (there is an imbalance by whole parts), there are parties and coalitions with shortages. The list of a party or coalition with a surplus with the lowest value (the number of votes divided by the number of current seats for the list) has one seat removed. If values are equal, a lot is drawn. The value of a seat for a list is updated. If the number of seats for a party or coalition is equal to the number under Section 5.2. it is excluded. If all parties and coalitions are excluded, the procedure is closed.

7.4. The procedure under Section 7.3. is repeated until only parties and coalitions with shortages are left.

## VIII. Assignment of seats by the Hare - Niemeyer method

8.1. In the MERs there are seats left for assignment whose number is the number under Section 5.4 less the sum of seats for the candidate lists in the region of the excluded parties and coalitions. If this number is zero, the region is excluded.

8.2. Seats as per Section 8.1 are distributed between candidate lists in the MER by the Hare - Niemeyer method.

8.3. Subject to Section 8.2., each candidate list is assigned a fractional seat, equal to the number of votes for the list divided by the number of votes for all candidate lists in the MER (without lists of parties and coalitions excluded under Section 7.3) and multiplied by the number as per Section 8.1. The fractional seat consists of a whole part (non-negative integer) and residual (non-negative number smaller than 1). The residual is utilised if the candidate list has received an additional seat by the Hare - Niemeyer method. If the candidate list has not received an additional seat, the residual is not utilised.

8.4. If the number of seats of a party or coalition is equal to the number as per Section 5.2, it is excluded. If all parties or coalitions are excluded, the procedure is closed.

#### IX. Allocation of seats by residuals

9.1. If there is a party or coalition with a surplus, there are parties or coalitions with shortages. From all the candidate lists of parties or coalitions with surplus and the lowest unutilised residual, one seat is taken and assigned to the list of a party or coalition with a shortage in the same electoral region, with the largest unutilised residual. If residuals are equal, a lot is drawn. If the number of seats of a party or coalition is equal to the number as per Section 5.2. the party or coalition is excluded. If all parties and coalitions are excluded, the procedure is closed.

#### X. Allocation of seats by value

10.1. If the procedure under Section 9.1. cannot be closed because there is no list of candidates of a party or coalition with a surplus and/or shortage with the corresponding residual, then it is proceeded to the assignment of seats by value. One seat from a candidate list of a party or coalition with a surplus with the lowest value is taken and given to the candidate list of the party or coalition with a shortage in the same electoral region with the highest future value (the number of votes for the list, divided by the sum of one and the number of seats for the list). If values are equal, a lot is drawn. The value of a seat for the lists is updated. If the number of seats of a party or coalition is equal to the number as per Section 5.2. the party or coalition is excluded. If all parties and coalitions are excluded, the procedure is closed.

10.2. The procedure under Section 10.1. is repeated until all parties or coalitions are excluded.

#### XI. Personalising seats in candidate lists

11.1. When the number of seats of a party or coalition is greater than the number of candidates in the candidate list, the number of seats assigned is equal to the number of candidates on the list.

11.2. Selected candidates from each list of candidates of the party or coalition with a number of seats X is determined by the number of received valid preferences and the ranking of candidates on the list.

11.3. Preferences for a candidate from the candidate list are valid if the number of votes received is not less than 7 per cent of the votes cast for the candidate list.

11.4. When there are no candidates according to the provisions of Section 11.3, the ranking in the candidate list is preserved.

11.5. When there are candidates according to Section 11.3, they are ranked according to the number of received preferences, starting with the candidate receiving the highest number of valid preferences. These candidates are removed from the candidate list of the party or coalition list and included in an A-list. When there is equal number of preferences, the ranking is determined by drawing lots. The remaining candidates in the candidate list retain their original ranking in the list and form a B- list.

11.6. The first candidates according to Section 11.4. or 11.5 are elected.

11.7. Lists under sections 11.4. or 11.5 are maintained in case of substitution due to suspension or termination of office of an elected candidate.

## **ANNEX № 2 TO ART. 312**

### **METHODOLOGY FOR DETERMINING THE RESULTS OF THE VOTE IN THE ELECTION OF PRESIDENT AND VICE-PRESIDENT OF THE REPUBLIC**

1. For each list of candidates for President and Vice President of the Republic, raised by a party or coalition or an Initiative Committee, the sum of the votes cast in the country and abroad is calculated.
2. The duo of candidates to have received more than half of the valid votes is elected, provided more than half of voters cast their votes.
3. If no candidate duo is elected, the Central Election Commission (CEC) calls new elections within 7 days from the date of the first round.
  - 3.1. The new selection involves the two candidate lists receiving the most votes.
  - 3.2. If more than two candidate lists have received maximum votes and there is a tie, they are all eligible to participate in the new election round.
  - 3.3. If a list of candidates received the most votes, followed by two or more lists with a tie, they are all eligible to participate in the new election round.
  - 3.4. If two candidate lists are selected for a new round and before the round a candidate for president or vice president on the list passes away or is taken seriously ill, the CEC postpones the election round and schedules a new election date not later than 14 days from the date of the postponed election round. Within three days from the date of the decision of the CEC, the respective party or initiative can register a new candidate.
  - 3.5. If two candidate lists are selected for a new election round and before the new round a candidate from one of them withdraws within 24 hours after the announcement of the results of the election, the CEC appoints by a decision the candidate list which ranks next in terms of number of votes. If there is no next list, the National Assembly calls new elections for President and Vice President of the Republic.
4. In the new election the candidate duo receiving the most votes is elected.
5. If in the new vote two or more candidate lists receive the most votes and there is a tie, no pair of candidates is elected.

**ANNEX № 3  
TO ART. 355, PARA. 1**

**METHODOLOGY  
FOR DETERMINING THE RESULTS OF THE VOTE AND THE ASSIGNMENT OF SEATS IN  
THE ELECTION OF MEMBERS OF EUROPEAN PARLIAMENT OF THE REPUBLIC OF  
BULGARIA**

I. General

1.1. The methodology used is the method of Hare - Niemeyer for the assignment of seats in elections for Members of the European Parliament of the Republic of Bulgaria.

1.2. Voting takes place in the country, in appointed regions with the same territory as the multi-mandate electoral regions (MERs) in the latest elections for MPs, including abroad.

1.3. Seats are assigned between the candidate lists of parties and coalitions and independent candidates.

1.4. Seats for candidate lists are personalised by preferential voting

II. Conditions for the election of an independent candidate

2.1. An independent candidate is elected after having received votes not less than the number of all valid votes divided by the number E of Members of the European Parliament of the Republic of Bulgaria as of the election date. For the year 2014 the number E is 17.

III. Condition for the participation of a party

3.1. In the assignment of seats candidate lists participate that have received votes not less than the number as per Section 2.1.

IV. Assignment of seats by lists

4.1. Among candidate lists as per Section 3.1 an M number of proposals is assigned by the Hare - Niemeier method, wherein M is equal to E, reduced by the number of the independent candidates elected as per Section 2.1. A candidate list is full when the number of seats assigned to it equals the number of candidates in it.

4.2. Each candidate list is assigned fractional seats equal to the M number multiplied by the number of votes in the list and divided by the sum of the votes of all lists as per Section 3.1. Fractional seat is the sum of a whole unit (non-negative integer) and the residual (non-negative number smaller than 1).

4.3. Each candidate list is assigned a number of seats equal to all of the fractional seats plus up to an additional seat depending on the size of the residual.

4.4. If in all candidate lists the number of assigned seats as per Section 4.1 is smaller or equal to the number of candidates, the procedure is closed.

4.5. If a candidate list according to Section 4.1. has been assigned more seats than the number of candidates in it, it will finally be assigned as many seats as the number of candidates, and then is excluded. Full lists are also excluded. If all the lists are excluded, the procedure is closed.

4.6. From each list of candidates a number of unutilised seats remains, equal to the balance between seats assigned to it as per Section 4.1 and the number of candidates on the list. Unutilised seats shall be distributed among the remaining lists according to residuals. Lists that have not received additional seats shall be arranged in order of decreasing residuals, for those with equal residuals lots are drawn.

The first list to be assigned a seat is the one with the largest residual, the second - the one with the second largest residual etc. until the unutilised seats are distributed. If all unutilised seats are utilised or if all lists are full, the procedure is closed.

4.7. If, after following the procedure as per Section 4.6. there are unutilised seats, they will be assigned to the remaining unfilled lists with highest future values. One seat is assigned to the list with the highest future value (the number of votes divided by the sum of one and the number of seats on the list). The value of a seat for the lists is updated. If all unutilised seats are utilised or if all lists are full, the procedure is closed.

4.8. The procedure under Section 4.7. is repeated until all unutilised seats are utilised or until all candidate lists are full.

#### V. Personalising seats in candidate lists

5.1. Seats as per Section IV are personalised by preferential voting.

5.2. Elected candidates from each list of candidates of the party or coalition with a number of seats X won in the election are determined by the number of received valid preferences and ranking of candidates on the list.

5.3. Preferences for a candidate from a candidate list are valid if the number of votes received is not less than 7 per cent of the votes cast for the candidate list.

5.4. When there are no candidates as per the provisions of Section 5.3., the ranking in the candidate list is maintained.

5.5. When there are candidates as per Section 5.3, they are ranked according to the number of received preferences, starting with the candidate receiving the highest number of valid preferences. These candidates are removed from the candidate list of the party or coalition list and included in an A-list. When there is equal number of preference, the order is determined by drawing lots. The remaining candidates in the candidate list retain their original arrangement in the list and are included in list B.

5.6. The elected candidates are the first X candidates from the lists as per Sections 5.4 or 5.5.

5.7. Lists as per Sections 5.4. or 5.5 are maintained in case of substitution due to suspension or termination of office of an elected candidate.



**ANNEX № 4  
TO ART. 452, PARA. 1**

**METHODOLOGY  
TO DETERMINE THE RESULTS  
FROM VOTING FOR MAYORS**

1. The methodology determines the outcome of elections for mayor of a municipality, region or town/village council.
2. For each candidate for mayor the sum of the votes cast in the electoral region is calculated.
3. The candidate receiving more than half of the valid votes cast in the region is elected.
4. If there is no chosen candidate, the Municipal Election Commission (MEC) schedules a second round within 7 days from the date of the first round.
  - 4.1. In the second round the two candidates who received the most votes take part.
  - 4.2. If more than two candidates received the most votes and there is a tie, they are all eligible to participate in the second round.
  - 4.3. If a candidate has received the most votes, and next to him there are two or more candidates in a tie, they are all eligible to participate in the second round.
5. In the second round the candidate receiving the most votes is elected.
6. If in the second round two or more candidates receive the most votes and there is a tie, there is no elected candidate.

**ANNEX № 5  
TO ART. 453, PARA 1**

**METHODOLOGY  
FOR DETERMINING THE RESULTS OF THE VOTE AND THE ASSIGNMENT OF SEATS IN  
ELECTIONS FOR MUNICIPAL COUNCILLORS**

I. General

- 1.1. The methodology used is the Hare - Niemeyer method for the assignment of seats in elections for municipal councillors.
- 1.2. Voting takes place in the municipalities .
- 1.3. Seats are assigned between the candidate lists of parties and coalitions and independent candidates.
- 1.4 Seats in candidate lists are personalised by preferential voting.

II. Independent candidates

- 2.1. An independent candidate is elected if he/she received a number of votes not less than the number of valid votes cast in the municipality divided by the number of councillors in the municipal council.

### III. Participation of parties and coalitions

3.1. In the assignment of seats parties and coalitions take part that received votes not less than the votes necessary for the election of an independent candidate as per Section II

### IV. Assignment of seats to parties and coalitions

4.1. In the assignment of seats candidate lists participate that received votes not less than the votes required for the election of an independent candidate as per Section 2.1.

4.2. Between candidate lists as per Section 4.1. M number of seats are distributed, where M is the number of councillors reduced by the number of the elected independent candidates as per Section 2.1 .

4.3. Each candidate list is assigned a number of seats by the Hare - Niemeyer method .

4.4. When the number of seats for a candidate list under item 4.3. is greater than the number of candidates on the list, the list is assigned as many seats as the number of candidates in it.

4.5. Seats under the provisions of Sections 4.3. and 4.4. are personalised by preferential voting.

### V. Personalising seats

5.1. The elected candidates from each list of candidates of a party or coalition with an X number of seats won are determined by the number of received valid preferences and ranking of candidates on the list.

5.2. Preferences for a candidate from a candidate list are valid if the number of votes received is not less than 7 per cent of the municipal electoral quota.

5.3. When there are no candidates as per the provisions of Section 5.2., ranking in the candidate list is preserved.

5.4. When there are candidates as per Section 5.2, they are ranked according to the number of received preferences, starting with the candidate receiving the highest number of valid preferences. These candidates are removed from the candidate list of the party or coalition list and included in an A-list. If there is equal number of preferences, order is determined by drawing lots. The remaining candidates in the candidate list retain their original arrangement in the list and are included in a list B.

5.5. Elected candidates are the first X from the lists as per Section 5.3 or 5.4.

5.6. Lists under section 5.3. or 5.4. are maintained in case of substitution due to suspension or termination of office of an elected candidate.