

# **ELECTION CODE**

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## **Chapter One**

### **GENERAL DISPOSITIONS**

#### **Section I**

##### **Subject Matter**

##### **Scope**

**Article 1.** (1) This Code establishes the arrangements and procedure for conduct of elections of National Representatives, President and Vice President of the Republic, Members of the European Parliament for the Republic of Bulgaria, municipal councillors, municipality mayors and mayoralty mayors, as well as the terms for electing National Representatives, a President and Vice President of the Republic, Members of the European Parliament for the Republic of Bulgaria, municipal councillors, municipality mayors and mayoralty mayors.

(2) The Code furthermore establishes the terms and procedure for filling pre-term vacancies of a National Representative, a Member of the European Parliament for the Republic of Bulgaria, a municipal councillor, a municipality mayor and a mayoralty mayor.

#### **Section II**

##### **Electoral Franchise**

##### **Fundamental Principles**

**Article 2.** (1) Elections shall be held on the basis of universal, equal and direct suffrage in a secret ballot.

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

##### **Right to Elect**

**Article 3.** (1) The right to elect National Representatives, a President and Vice President of the Republic shall vest in the Bulgarian citizens who have attained the age of 18 years by polling day, are not interdicted and do not serve a custodial sentence.

(2) 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 polling day, 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.

(3) Each national of a Member State of the European Union, who is not a Bulgarian citizen, shall have the right to elect Members of the European Parliament for the Republic of Bulgaria if the said person has attained the age of 18 years by polling 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 Republic of Bulgaria or in another Member State of the European Union at least during the last three months, is not deprived of the right to elect in the Member State of which the person is a national, and has stated in advance, by a declaration in writing, the desire thereof to exercise his or her right to vote within the territory of the Republic of Bulgaria.

(4) The right to elect municipal councillors and mayors shall vest in the Bulgarian citizens, who have attained 18 years by polling day, are not interdicted, do not serve a custodial sentence, and have resided in the respective nucleated settlement at least during the last twelve months.

(5) Each national of a Member State of the European Union, who is not a Bulgarian citizen, shall have the right to elect municipal councillors and mayors, if the said person has attained the age of 18 years by polling 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 at least during the last twelve months, is not deprived of the right to elect in the Member State of which the person is a national, 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 4.** (1) The right to be elected National Representative shall vest in any Bulgarian citizens who have attained the age of 21 years by polling day, do not hold another citizenship, are not interdicted and do not serve a custodial sentence.

(2) Eligibility for President and Vice President of the Republic shall be limited to natural-born Bulgarian citizens who have attained the age of 40 years, who does not hold another citizenship, is not interdicted, does not serve a custodial sentence, and has resided in Bulgaria during the last five years.

(3) The right to be elected Member of the European Parliament for the Republic of Bulgaria shall vest in any Bulgarian citizen who has attained the age of 21 years by polling day, does not hold the citizenship of any State which is not a Member State of the European Union, 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 two years.

(4) The right to be elected Member of the European Parliament for the Republic of Bulgaria shall furthermore vest in any national of a Member State of the European Union, who is not a Bulgarian citizen, has attained the age of 21 years by polling day, does not hold the citizenship of any State which is not a Member State of the European

Union, 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 national, 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 two years, and has stated, by a declaration in writing, the desire thereof to be elected.

(5) The right to be elected municipal councillor and mayor shall vest in any Bulgarian citizens who do not hold the citizenship of any State which is not a Member State of the European Union, have attained the age of 18 years by polling day, are not interdicted, do not serve a custodial sentence, and have resided in the respective nucleated settlement at least during the last twelve months.

(6) The right to be elected municipal councillor shall furthermore vest in any national 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 polling 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 at least during the last twelve months, is not deprived of the right to be elected in the Member State of which the person is a national, and has stated, by a declaration in writing, the desire thereof to be elected.

### **Section III Election Systems**

#### **System upon Election of National Representatives**

**Article 5.** (1) National Representatives shall be elected according to a proportional representation election system from candidate lists of the following registered in multi-member constituencies:

1. parties and coalitions of parties: with preferential voting;
2. independent candidates.

(2) The allocation of seats at the national level shall be limited to the parties and coalitions of parties which have gained not less than four per cent of the valid votes within Bulgaria and abroad, as well as to the independent candidates who have gained valid votes not less than the constituency electoral quota.

#### **System upon Election of President and Vice President of the Republic**

**Article 6.** (1) A President and Vice President of the Republic shall be elected simultaneously according to a majoritarian election system from national candidate lists of parties and coalitions of parties and independent candidates.

(2) The President and the Vice President shall be elected from the same candidate list.

## **System upon Election of Members of the European Parliament**

**Article 7.** (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. parties and coalitions of parties: with preferential voting;
2. independent candidates.

(2) The allocation of seats at the national level shall be limited to the parties, coalitions of parties and independent candidates which and who have gained valid votes not less than the national electoral quota.

## **Systems upon Elections of Municipal Councillors and Mayors**

**Article 8.** (1) Municipal councillors shall be elected according to a proportional representation election system from candidate lists of parties and coalitions of parties and independent candidates registered in multi-member constituencies.

(2) Mayors shall be elected according to a majority election system from candidate lists of parties and coalitions of parties and independent candidates registered in single-member constituencies.

(3) The allocation of seats at the national level shall be limited to the parties, coalitions of parties and independent candidates which and who have gained valid votes not less than the municipal electoral quota.

## **Method for Allocation of Seats**

**Article 9.** The seats shall be allocated to candidate lists according to the methodology referred to in Item 27 of Article 26 (1) herein.

## **Section IV**

### **Scheduling and Conduct of Elections. Election Stationery**

#### **Scheduling of Elections**

**Article 10.** (1) Elections of National Representatives and of Members of the European Parliament for the Republic of Bulgaria shall be scheduled by the President of the Republic not later than 75 days in advance of polling day.

(2) Elections of President and Vice President of the Republic shall be scheduled by the National Assembly not later than 75 days before elections day.

(3) Elections of municipal councillors and mayors shall be scheduled by the President of the Republic not later than 90 days in advance of polling day.

## **Conduct of Elections**

**Article 11.** (1) Elections shall be conducted on a single day, which is a Sunday.

(2) Elections of Members of the European Parliament for the Republic of Bulgaria shall be conducted in accordance with the election period determined by the Council of the European Union and under the terms established by Paragraph (1).

## **Election Stationery**

**Article 12.** (1) The Central Election Commission shall 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) The Central Election Commission shall endorse the standard forms of the election stationery not later than three days after the scheduling of the respective type of elections.

(3) 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 55 days in advance of polling day and shall promulgate the said correction in the *State Gazette*.

## **Section V**

### **Administrative and Logistical Preparation for Elections**

#### **Preparation for Elections**

**Article 13.** (1) The administrative and logistical preparation for the elections shall be implemented by the Council of Ministers and by the regional and municipal administrations in interaction with the election commissions.

(2) The expenditures on the preparation and conduct of the elections shall be for the account of the State budget according to an estimate adopted by the Council of Ministers in consultation with the Central Election Commission. Within seven days after the date of scheduling of the elections the Council of Ministers may assign the coordination and implementation of the activities comprehended in the administrative and logistical preparation for the elections to a particular minister.

(3) Any applications, complaints, certificates and other papers under this Code shall be exempt from stamp duty.

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

## **Chapter Two**

### **ELECTION COMMISSIONS**

#### **Section I**

#### **Types of Election Commissions. Common Provisions**

##### **Types of Commissions**

**Article 14.** The following election commissions shall be appointed for conduct of the elections:

1. a Central Election Commission: for the entire country, upon conduct of all types of elections, including for the voting 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;

2. constituency election commissions: for each single-member constituency upon conduct of elections of National Representatives, as well as for each district according to the districting of the territory of Bulgaria for the last elections of National Representatives upon conduct of elections of President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria;

3. municipal election commissions: for each municipality upon conduct of elections of municipal councillors and mayors;

4. section election commissions: for each voting section in all types of elections, including mobile section election commissions upon voting by means of mobile ballot boxes.

##### **Composition**

**Article 15.** (1) The election commissions shall consist of a chairperson, deputy chairpersons, secretary and members.

(2) The election commissions shall be represented by the chairperson thereof, and in specified cases shall be represented by a deputy chairperson, secretary or member designated by decision of the commission concerned.

(3) The representatives of any single party or coalition of parties may not have a majority in one and the same election commission. The chairperson and the secretary may not be of one and the same party or coalition of parties.

##### **Members' Eligibility Qualifications**

**Article 16.** (1) Eligibility for appointment to the Central Election Commission shall be limited to persons who have graduated from higher educational establishments, who satisfy the conditions covered under Article 4 (1) herein, and who have a command of

the Bulgarian language.

(2) Eligibility for appointment to the constituency and the municipal election commissions shall be limited to persons who have graduated from higher educational establishments, who satisfy the conditions referred to in Article 3 (1) herein, and who have a command of the Bulgarian language.

(3) Eligibility for appointment to the section election commissions shall be limited to persons who satisfy the conditions referred to in Article 3 (1) herein and who have a command of the Bulgarian language.

(4) It is recommended that the members of the Central Election Commission, of the constituency and municipal election commissions be qualified lawyers.

### **Incompatibility**

**Article 17.** (1) For the duration of occupation of office, a member of an election commission may not be a candidate for the respective type of election, a National Representative, a Member of the European Parliament, a minister or a deputy minister, a chief secretary to the President of the Republic, the National Assembly of the Council of Ministers, a chief secretary of a ministry of a regional administration, a secretary of a municipality or a mayoralty, a judge in the Constitutional Court, a judge in an administrative court or a prosecutor in an administrative prosecution office, a judge in the Supreme Administrative Court or a prosecutor in the Supreme Administrative Prosecution Office, a regional governor or a regional vice governor, a mayor or a deputy mayor, a service member of the Armed Forces, or an employee of the Ministry of Interior.

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

### **Members' Remuneration, Social Insurance and Leave**

**Article 18.** (1) The members of election commissions shall be remunerated for working on the respective commission.

(2) The remunerations of the members of constituency, municipal and section election commissions shall be exempt from taxes under the Income Taxes on Natural Persons Act.

(3) 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, municipal and section election commissions shall be for the account of the executive budget.

(4) The persons included in the composition of election commissions shall be excused from the official duties thereof for the time necessary for working on the respective 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.

### **Members' Status**

**Article 19.** (1) 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.

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

### **Holding Meetings and Quorum**

**Article 20.** (1) For the valid transaction of business at the meetings of election commissions, more than one-half of the members thereof shall have to be present thereat.

(2) Election commissions shall pronounce by decisions, which shall be adopted by a majority of two-thirds of the members present 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.

(3) Minutes of proceedings shall be taken for the meetings of election commissions, and the said minutes shall be signed by the chairperson and the secretary.

(4) 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.

(5) The certificates issued by the Central Election Commission, the constituency and the municipal election commissions and the current correspondence thereof shall be signed by the chairperson and the secretary.

(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 the chairperson or, respectively, the secretary, and the deputy chairperson have been nominated by one and the same party or coalition of parties, the decisions shall be signed by the chairperson or, respectively, the secretary and a member designated by decision of the commission, who have been nominated by different parties and coalitions of parties. 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, nominated by different parties and coalitions of parties.

(7) One election agent of each party, coalition of parties or nomination committee may be present at the meetings of the constituency and municipal election commissions. The views, opinions and objections expressed by any such election agent shall be recorded in the minutes.



## **Commissions' Seal**

**Article 21.** (1) The Central Election Commission and the constituency and municipal election commissions in all types of elections, as well as the section election commissions upon elections of President and Vice President of the Republic and of municipal councillors and mayors, shall have a seal.

(2) The seal of the section election commissions and of the mobile section election commission shall differ in shape.

## **Assistance to Commissions**

**Article 22.** (1) Expert working groups may be formed with the Central Election Commission and with the constituency and municipal election commissions. The remunerations of the experts shall be fixed by the Central Election Commission within the limits of the financial resources allocated for conduct of the elections.

(2) The Central Election Commission may conclude contracts with experts, technical, auxiliary and service staff within the limits of the financial resources allocated for conduct of the elections.

## **Section II**

### **Central Election Commission**

#### **Appointment and Composition**

**Article 23.** (1) The Central Election Commission shall be appointed by decree of the President of the Republic for a term of five years after consultations and on a proposal by the parties and coalitions of parties represented in Parliament and by the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament.

(2) The Chairperson of the Central Election Commission shall be appointed on nomination by the largest party or coalition of parties represented in Parliament. Each party or coalition of parties represented in Parliament shall have one deputy chairperson in the Central Election Commission.

(3) Upon conduct of the consultations referred to in Paragraph (1), the parties and coalitions of parties represented in Parliament and the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament shall present to the President of the Republic:

1. a proposal in writing for a complement of the Central Election Commission, which states the names of the persons nominated, Standard Public Registry Personal Number, position in the commission, educational attainment, specialist qualifications and nominating party or coalition of parties;

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

3. an authorization from the person representing the respective party or from the persons representing the coalition of parties, in the cases where authorized persons participate in the consultations.

(4) 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.

(5) In the cases where no consensus is reached between the representatives of the parties and coalitions of parties represented in Parliament and of the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament, the President of the Republic shall appoint the members of the Central Election Commission on the basis of the nominations submitted by the parties and coalitions of parties represented in Parliament and of the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament.

(6) The total number of members of the Central Election Commission shall be determined according to the procedure established by Paragraphs (7) to (10).

(7) The parties and coalitions of parties represented in Parliament shall nominate a total of 19 members of the Central Election Commission, including those referred to in Paragraph (2). Upon appointment of the complement of the Central Election Commission, the proportion of the parties and coalitions of parties represented in Parliament shall be retained, using the greatest remainder method.

(8) The parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament shall be entitled to have one member each in the Central Election Commission, besides the number of members referred to in Paragraph (7).

(9) In case the total number of members of the Central Election Commission, as determined according to the procedure established by Paragraphs (7) and (8), is an even number, the party or coalition of parties represented in Parliament with the greatest unused remainder shall nominate one more member of the Central Election Commission. If the remainders are equal, the parties and coalition of parties with equal remainders shall draw lots.

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

(11) The secretary of the Central Election Commission shall be elected from among the complement of the commission appointed according to the procedure

established by Paragraphs (1) to (10), complying with the requirement referred to in sentence two of Article 15 (3) herein.

(12) Not later than 60 days prior to the expiry of the term of office of the Central Election Commission, the President of the Republic shall appoint by decree the new members of the Commission complying with the requirements covered under Paragraphs (1) to (10).

(13) The members of the Central Election Commission shall continue to execute the functions thereof until the successors thereof assume office.

### **Remuneration**

**Article 24.** (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 members of the Central Election Commission shall receive a monthly remuneration for a period commencing 75 days in advance of polling day and ending 45 days after the date of the elections.

(2) Upon conduct of elections of municipal councillors and mayors, the members of the Central Election Commission shall receive a monthly remuneration for a period commencing 90 days in advance of polling day and ending 45 days after the date of the elections.

(3) The remuneration of the chairperson of the Central Election Commission shall be of an amount equal to the basic monthly salary for the position of minister, the remuneration of the deputy chairpersons and the secretary shall amount to 90 per cent, and of the members to 85 per cent of the remuneration of the chairperson of the Central Election Commission.

(4) In the cases referred to in Paragraph (1), for the period commencing 45 days after the date of the elections and ending 75 days before the date of the next elections, the members of the Central Election Commission shall receive remunerations for attending meetings and for duty service at the rate of 70 per cent of the rate per working day of the remuneration referred to in Paragraph (3).

(5) In the cases referred to in Paragraph (2), for the period commencing 45 days after the date of the elections and ending 90 days before the date of the next elections, the members of the Central Election Commission shall receive remunerations for attending meetings and for duty service at the rate of 70 per cent of the rate per working day of the remuneration referred to in Paragraph (3).

(6) Upon absence from a meeting without a valid excuse, a member of the Commission shall not be paid remuneration for that meeting.

### **Pre-term Termination of Credentials**

**Article 25.** (1) The credentials of a member of the Central Election Commission shall be terminated prior to the expiry of the term of office thereof:

1. at his or her own request;

2. when a sentence whereby a penal sanction of deprivation of liberty has been imposed becomes enforceable;

3. upon interdiction;

4. upon sustained actual inability to perform the duties thereof for a period exceeding six months;

5. upon incompatibility;

6. at the request of the nominating party or coalition of parties;

7. if the said member fails, without a valid excuse, to attend three successive meetings or a total of five meetings during the year;

8. upon death.

(2) By decision, the Central Election Commission shall terminate the credentials of a member thereof prior to the expiry of the term of office after familiarization with and consideration of the documents and other evidence establishing the occurrence of the circumstance referred to in Paragraph (1). Any decision under Items 4, 5, 6 and 7 of Paragraph (1) shall be appealable before the Supreme Administrative Court within three days after the communication thereof.

(3) The Supreme Administrative Court shall pronounce within three days after receipt of the appeal by a judgment which shall be unappealable.

(4) Within three days after the entry into effect of the judgment referred to in Paragraph (2), the Chairperson of the Central Election Commission shall notify the President of the Republic and the nominating party or coalition of parties.

(5) Any member of the Commission, who does not attend the meetings for more than 30 days, may be replaced temporarily for the period of non-execution of the powers thereof by a member nominated by the respective party or coalition of parties.

(6) In the cases referred to in Paragraphs (4) and (5), the President of the Republic shall appoint a member of the Central Election Commission within three days on a nomination by the respective party or coalition of parties.

## **Powers and Appeal**

**Article 26.** (1) The Central Election Commission shall:

1. see to the application of this Code within the territory of Bulgaria and in the voting sections abroad;

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

3. give methodological directions for the work of the election commissions on application of this Code and provide training to the members of the constituency and municipal election commissions and of the section election commissions abroad;

4. 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, determine the terms, procedure and arrangements for voting of Bulgarian citizens abroad not later than 70 days in advance of polling day; the said decision shall be transmitted to the Ministry of Foreign Affairs not later than 69 days in advance of polling day;

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 25 (1) herein;

7. fix the remunerations of the members of election commissions;

8. examine complaints against decisions and actions of constituency election commissions, municipal election commissions and section election commissions abroad, pronounce on any such complaints within 24 hours after receipt and, on polling day, forthwith, by decision which shall be unappealable; any such decision shall be made public forthwith;

9. keep registers of the parties and coalitions of parties for all types of elections, registers of 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, as well as registers of the candidates for President and Vice President of the Republic and for Member of the European Parliament for the Republic of Bulgaria;

10. register and make public parties and coalitions of parties for entry in all types of elections, as well as register nomination committees for participation in the elections of President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria, and issue certificates thereto;

11. strike the registration of parties which do not satisfy the requirements referred to in Item 7 of Article 82 (3) herein;

12. refuse registration of a party where establishing that the said party has not hold the meetings of the supreme body thereof as provided for in the statute more than two successive times but not less frequently than once in five years, and has not submitted the complement of the new leadership to the court for recording;

13. register and make public the candidate lists of the parties, the coalitions of 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;

14. determine the structure and the content of the uniform numbering of the voting sections;

15. generate and endorse the uniform numbers of the voting sections abroad;

16. endorse the standard technical design and the security features of the ballot papers, establish, jointly with the Council of Ministers the terms and procedure for the printing of the ballot papers not later than 33 days in advance of polling day; endorse a specimen of a book of ballot papers upon elections of President and Vice President of the Republic and of municipal councillors and mayors; exercise control over compliance with the endorsed requirements;

17. determine by lot the numbers assigned to the ballot papers of the parties and coalitions of parties upon elections of National Representatives and make public the said numbers not later than 31 days in advance of polling day;

18. determine by lot the numbers of the ballot papers upon elections of Members of the European Parliament for the Republic of Bulgaria and the order of appearance of the candidate lists on the ballot paper upon elections of President and Vice President of the Republic and make public the said numbers not later than 31 days in advance of polling day;

19. establish the terms and procedure for conduct of the election campaign in accordance with this Code;

20. control the handling of the election campaign by the media service providers within a national range;

21. establish the terms and procedure for conduct of public opinion surveys on polling day not later than 20 days in advance of polling day;

22. host an Internet site and publish thereon the decisions thereof, the methodological directions, the early and final election results and other documents and data;

23. 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;

24. provide the results of the check referred to in Item 23 to the persons concerned and, upon detection of voting in breach of the rules of the Code, apprise the prosecuting magistracy;

25. organize and conduct, through the mass communication media, an awareness campaign regarding citizens' rights and duties in the preparation and conduct of the elections;

26. establish the terms and procedure for participation of observers not later than 50 days in advance of polling day and issue certificates to the said observers;

27. adopt and promulgate in the *State Gazette* a methodology for determination of the voting results not later than 65 days in advance of polling day 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 and not later than 80 days in advance of polling day upon elections of municipal councillors and mayors;

28. determine the conditions and timeframe for commissioning, by contest, of the computer processing of the voting data not later than 54 days in advance of polling day;

29. commission, by contest, the computer processing of the voting data and the publication of the election results in a bulletin;

30. 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;

31. establish the procedure for a check of the lists of names, Standard Public Registry Personal Numbers and signatures of voters supporting the registration of the 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;

32. determine the uniform numbering and the security features of non-resident voting certificates before each election;

33. publish the voting results disaggregated by voting section on the Internet site thereof and, upon request, make the said results available to parties, coalitions of parties and nomination committees stored on a machine-readable data medium;

34. publish the election results disaggregated by voting section in the bulletin referred to in Item 29, including a machine-readable data medium as well, not later than 40 days after polling day;

35. endorse a standard design of a seal of the constituency and municipal election commissions, as well as of the section election commissions and of the mobile section election commissions upon elections of President and Vice President of the Republic and of municipal councillors and mayors;

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

37. deliver to the National Archival Collections the copy of the tally sheets of the section, constituency and municipal election commissions;

38. endorse the specimens of the direction signs and panels, as well as the specimens of the distinguishing signs of election agents, not later than 55 days in advance of polling day;

39. 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;

40. determine the nucleated settlements where voting sections abroad shall be established;

41. commission the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works to conduct a check according to the electoral roll and the roll for additional entry of attendants as to whether one and the same person acted accompanied more than two voters in one and the same or in different voting sections, and establish the procedure and time limit for performance of the check;

42. endorse the standard forms of declarations under this Code.

(2) Upon conduct of elections of National Representatives, the Central Election Commission shall:

1. determine the number of seats in the multi-member constituencies on the basis of a uniform ratio of representation for the entire country depending on the size of the population according to updated forecasts provided by the National Statistical Institute on the basis of the results of the latest population census;

2. declare the election results and issue certificates to the elected National Representatives;

3. promulgate the election results in the *State Gazette* forthwith after the declaration of the said results;

4. upon pre-term termination of the credentials of a National Representative, pronounce the candidate ranked next on the respective list [elected as] National Representative;

5. ascertain and declare invalid the registration of candidates who do not satisfy the requirements covered under Article 107 (1) and (4) herein;

6. strike the registration, where it is established that the candidate does not satisfy the conditions referred to in Article 4 (1) herein, as well as where the collection of signatures in support of an independent candidate does not conform to the requirements of Article 109 (1) herein.

(3) Upon conduct of elections of President and Vice President of the Republic, the Central Election Commission shall:

1. declare the election results and the date for conduct of a new election if no candidate is elected according to Article 93 (3) of the Constitution of the Republic of Bulgaria;

2. declare the names of the candidates between whom the new election is to be conducted, not later than 48 hours after the declaration of the closing of the polls;

3. declare the election results and the names of the President and Vice President of the Republic elect, promulgate the said results and names in the *State Gazette* forthwith after the declaration of the said results, and issue certificates to the elected President and Vice President of the Republic;

4. strike the registration, where it is established that the candidate does not satisfy the conditions referred to in Article 4 (2) herein, as well as where the collection of signatures in support of an independent candidate does not conform to the requirements of Item 2 of Article 112 (2) herein;

5. ascertain and declare invalid the registration of candidates who do not satisfy the requirements covered under Article 112 (1) herein.

(4) Upon conduct of elections of Members of the European Parliament for the Republic of Bulgaria, the Central Election Commission shall:

1. transmit to the competent authorities of the Member States of the European



Union a list of the nationals of those States who are entered on Part II of the electoral roll, as well as an abstract of the register referred to in Article 118 (3) herein for the nationals who have registered as candidates;

2. organize and conduct, through the mass communication media or in another appropriate manner, an awareness raising regarding the conditions whereunder the nationals of another Member State of the European Union may elect and be elected Members of the European Parliament for the Republic of Bulgaria;

3. declare the election results and issue certificates to the elected Members of the European Parliament for the Republic of Bulgaria;

4. promulgate the election results in the *State Gazette* forthwith after the declaration of the said results;

5. provide information on the election results to the President of the Republic, to the Chairperson of the National Assembly and to the Prime Minister;

6. strike the registration, where it is established that the candidate does not satisfy the conditions referred to in Article 4 (3) or (4) herein, as well as where the collection of signatures in support of an independent candidate does not conform to the requirements of Article 119 (1) herein;

7. ascertain and declare invalid the registration of candidates who do not satisfy the requirements covered under Article 116 (1) and Article 117 (1) herein.

(5) Upon conduct of elections of municipal councillors and mayors, the Central Election Commission shall:

1. exercise control over the registration of the parties, the coalitions of parties, the nomination committees and the candidates at the municipal election commission;

2. ascertain and declare invalid the registration of candidates who do not satisfy the requirements covered under Article 122 (1) to (4) herein;

3. organize and conduct, through the mass communication media or in another appropriate manner, an awareness raising regarding the conditions whereunder the nationals of another Member State of the European Union may elect municipal councillors and mayors and be elected municipal councillors;

4. propose to the President of the Republic to schedule elections of municipal councillors 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 281 herein;

(b) upon pre-term termination of the credentials of a mayor.

(6) The decisions of the Central Election Commission shall be made public by means of publication on the Internet site of the Commission and in the bulletin of the Bulgarian News Agency.

(7) The decisions referred to in Items 5, 6, 21, 26 and 29 of Paragraph (1) shall be appealable before the Supreme Administrative Court care of the Central Election Commission within three days after the communication thereof. The Central Election Commission shall transmit the appeal to the Court forthwith. The Supreme

Administrative Court shall examine the complaint and shall pronounce by a judgment within three days after receipt of the said appeal, sitting in public session with the appellant, the Central Election Commission and the persons concerned being summoned. The judgment of the court shall be made public forthwith and shall be unappealable.

(8) The decisions referred to in Items 10, 11, 12 and 13 of Paragraph (1), Items 5 and 6 of Paragraph (2), Items 4 and 5 of Paragraph (3), Items 6 and 7 of Paragraph (4) and Items 2 of Paragraph (5), including the refusals of registration, shall be appealable before the Supreme Administrative Court care of the Central Election Commission within 24 hours after the communication thereof. The Central Election Commission shall transmit the appeal to the Court forthwith. The Supreme Administrative Court shall examine the complaint and shall pronounce by a judgment within 24 hours after the receipt of the said appeal, sitting in public session with the appellant, the Central Election Commission and the persons concerned being summoned. The judgment of the court shall be made public forthwith and shall be unappealable.

(9) The time limits under the Administrative Procedure Code shall not apply upon appeal of the decisions of the Central Election Commission.

(10) The appeal shall state the decision appealed, the grounds, the names and the address of the appellant and telephone number, telefax number or electronic mail address for summoning.

### **Section III**

## **Constituency Election Commissions**

### **Appointment**

**Article 27.** (1) The Central Election Commission shall appoint constituency election commissions not later than 60 days in advance of polling day, as follows:

1. upon elections of National Representatives: for each multi-member constituency;
2. upon elections of Members of the European Parliament for the Republic of Bulgaria, of President and Vice President of the Republic: for each district according to the districting of the territory of Bulgaria for the last elections of National Representatives.

(2) Consultations shall be held at the regional governor, with the parties and coalitions of parties represented in Parliament and the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament presenting:

1. a proposal in writing for a complement of the constituency election commission, which states the names of the persons nominated, Standard Public Registry Personal Number, position in the commission, educational attainment, specialist qualifications and nominating party or coalition of parties;

2. a certificate of legal status of the party current at the date of conduct of the

consultations or a decision on the formation of the coalition of parties, which certifies the credentials of the person representing the respective party or the persons representing the coalition of parties;

3. an authorization from the person representing the respective party or from the persons representing the coalition of parties, in the cases where authorized persons participate in the consultations.

(3) The parties and coalitions of parties shall present, attached to the proposal thereof referred to in Paragraph (2), a list of the alternate members who will replace the persons nominated thereby in the cases referred to in Article 25 (1) or (5) herein. Any such replacement shall require a decision of the Central Election Commission.

(4) 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 parties and coalitions or parties, if any, shall be attached as well.

(5) In the cases where no consensus is reached between the representatives of the parties and coalitions of parties represented in Parliament and of the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament, not later than 65 days in advance of polling day the regional governor shall transmit to the Central Election Commission the proposals made by the parties and coalitions of parties represented in Parliament and by the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament.

(6) 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 states the names of the persons nominated, Standard Public Registry Personal Number, position in the commission, educational attainment, specialist qualifications and nominating party or coalition of parties;

2. the documents covered under Paragraphs (2) and (3), as presented by the parties and coalitions of parties;

3. the memorandums on the consultations conducted with the representatives of the parties and coalitions of 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.

(7) The proposal of the regional governor referred to in Paragraph (6) shall be made not later than 65 days in advance of polling day.

(8) Where the regional governor has failed to make a proposal within the time limit referred to in Paragraph (7), the said governor shall forthwith transmit the documents referred to in Paragraphs (2), (3) and (4) to the Central Election Commission.

(9) 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 (6).

(10) 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), the Central Election Commission shall appoint the constituency election commission on the basis of the proposals made by the parties and coalitions of parties represented in Parliament and by the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament.

### **Composition**

**Article 28.** (1) The total number of members of the constituency election commission shall be determined according to the procedure established by Paragraphs (2) to (6).

(2) The parties and coalitions of parties represented in Parliament shall nominate 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.

(3) Upon appointment of the members referred to in Paragraph (2), the proportion of the parties and coalitions of parties represented in Parliament shall be retained, using the greatest remainder method.

(4) The parties and coalitions of 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 (2).

(5) In case the total number of members of the constituency election commission, determined according to the procedure established by Paragraphs (2), (3) and (4), is an even number, the party or coalition of 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 parties and coalition of parties with equal remainders shall draw lots.

(6) In case the party or coalition of parties, which should nominate a member under the terms established by Paragraph (5), forms a majority in the constituency election commission, this right shall pass to the party or coalition of parties with the next greatest unused remainder. If the remainders are equal, the parties and coalition of parties with equal remainders shall draw lots.

## **Powers**

**Article 29.** (1) The constituency election commission shall:

1. see to the application of this Code, exercise control over the operation of the section election commissions within the territory of the constituency or of the district according to the districting of the territory of Bulgaria for the last elections of National Representatives and provide training to the members of the section election commissions within Bulgaria;

2. appoint the section election commissions in the respective constituency (district) within Bulgaria and endorse the lists of alternate members;

3. dismiss members of section election commissions in the respective constituency (district) within 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 25 (1) herein;

4. see to the timely and proper establishment of voting sections and generate the uniform numbers thereof;

5. exercise control as to the timely preparation and making public of the electoral rolls, as to the printing of the ballot papers and as to the issuing of non-resident voting certificates;

6. see to ensuring conditions for voting by persons with locomotor or sight impairment;

7. register and make public nomination committees to run in the elections of National Representatives and issue certificates thereto;

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

9. strike the registration, where it is established that the candidate does not satisfy the conditions referred to in Article 4 (1) herein, as well as where the collection of signatures in support of an independent candidate does not conform to the requirements of Article 109 (1) herein;

10. register election agents of the candidates and issue certificates thereto;

11. make public the numbers assigned to the ballot papers of the independent candidates upon elections of National Representatives;

12. control the handling of the election campaign by the media service providers within a regional and local range, pronounce on complaints and irregularities in the election campaign within 24 hours after the receipt of any such complaints;

13. jointly with the municipal administration furnish the section election commissions with ballot boxes, modular boxes for the ballot papers upon elections of National Representatives and of Members of the European Parliament for the Republic of Bulgaria, voting ballot papers, electoral rolls, seals (upon elections of President and Vice President of the Republic), blank forms of tally sheets, lists, abstracts and drafts and control the safekeeping, distribution among voting sections and transportation thereof;

14. exercise control as to fulfilment of the obligation referred to in Article 54 (3) herein;

15. examine complaints against decisions and actions of section election commissions and pronounce by decision within one hour after receipt of the complaint and before the closing of the polls; any such decision shall be made public forthwith and shall be unappealable;

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

17. issue an abstract of the tally sheet showing the voting results in the constituency to the contestants in the elections or to the representatives and election agents thereof and to the observers;

18. 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;

19. 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.

(2) The constituency election commission shall make public the decisions thereof on the day of adoption of the said decisions by means of displaying the said decisions in a generally accessible place in the building where the said commission is housed. 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.

(3) The decisions of the constituency election commission referred to in Items 2, 3, 7, 8, 9 and 10 of Paragraph (1) shall be appealable within three days after being made public before the Central Election Commission, which shall pronounce within three days by decision, which shall be made public forthwith and shall be unappealable.

## **Section IV**

### **Municipal Election Commissions**

#### **Appointment**

**Article 30.** (1) Upon conduct of elections of municipal councillors and mayors, the Central Election Commission shall appoint municipal election commissions for each municipality not later than 65 days in advance of polling day. The municipal election commissions shall be appointed for the term of credentials of the Municipal Council.

(2) Consultations shall be held at the competent municipality mayor, with the parties and coalitions of parties represented in Parliament and the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament presenting:

1. a proposal in writing for a complement of the municipal election commission, which states the names of the persons nominated, Standard Public Registry Personal Number, position in the commission, educational attainment, specialist qualifications and nominating party or coalition of parties;

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

3. an authorization from the person representing the respective party or from the persons representing the coalition of parties, in the cases where authorized persons participate in the consultations.

(3) 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 parties and coalitions or parties, if any, shall be attached as well.

(4) In the cases where no consensus is reached between the representatives of the parties and coalitions of parties represented in Parliament and of the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament, not later than 70 days in advance of polling day the municipality mayor shall transmit to the Central Election Commission the proposals made by the parties and coalitions of parties represented in Parliament and by the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament.

(5) In the cases where consensus is reached, the municipality mayor shall present to the Central Election Commission:

1. a proposal in writing for a complement of the municipal election commission, which states the names of the persons nominated, Standard Public Registry Personal Number, position in the commission, educational attainment, specialist qualifications and

nominating party or coalition of parties;

2. the documents covered under Paragraph (2), as presented by the parties and coalitions of parties;

3. the memorandums on the consultations conducted with the representatives of the parties and coalitions of 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.

(6) The proposal of the mayor referred to in Paragraph (5) shall be made not later than 70 days in advance of polling day. Upon creation of a new municipality, the proposal shall be made by the appointed interim mayor under the same terms.

(7) Where the municipality mayor or the interim mayor of the newly created municipality has failed to make a proposal within the time limit referred to in Paragraph (6), the regional governor shall make a proposal on the basis of the proposals referred to in Paragraph (2) not later than 67 days in advance of polling day.

(8) 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 municipality mayor made according to the procedure established by Paragraph (5) or of the proposal of the regional governor made according to the procedure established by Paragraph (7).

(9) In the cases where no consensus is reached, the Central Election Commission shall appoint the municipal election commission on the basis of the proposals made by the parties and coalitions of parties represented in Parliament and by the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament.

(10) Within three days after the entry into effect of a decision on termination of the credentials of a member of the municipal election commission by reason of occurrence of a circumstance covered under Article 25 (1) herein, the Chairperson of the Central Election Commission shall notify the nominating party or coalition of parties. Within three days, the Central Election Commission shall appoint a member of the municipal election commission on a nomination by the respective party or coalition of parties.

(11) Any member of the municipal election commission, who does not attend the meetings for more than 30 days, may be replaced temporarily for the period of non-execution of the powers thereof by a member nominated by the respective party or coalition of parties. Within three days, the Central Election Commission shall appoint a member of the municipal election commission on a nomination by the respective party or coalition of parties.

## **Composition**

**Article 31.** (1) The total number of members of the municipal election commission shall be determined according to the procedure established by Paragraphs (2) to (6).

(2) The parties and coalitions of parties represented in Parliament shall nominate



members of the municipal election commission, including a chairperson, deputy chairperson and secretary, depending on the number of voting sections within the territory of the municipality as follows:

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

(3) Upon appointment of the members referred to in Paragraph (2), the proportion of the parties and coalitions of parties represented in Parliament shall be retained, using the greatest remainder method.

(4) The parties and coalitions of 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 (2).

(5) In case the total number of members of the municipal election commission, determined according to the procedure established by Paragraphs (2), (3) and (4), is an even number, the party or coalition of 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 parties and coalition of parties with equal remainders shall draw lots.

(6) In case the party or coalition of parties, which should nominate a member under the terms established by Paragraph (5), forms a majority in the municipal election commission, this right shall pass to the party or coalition of parties with the next greatest unused remainder. If the remainders are equal, the parties and coalition of parties with equal remainders shall draw lots.

## **Remuneration**

**Article 32.** (1) 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.

(2) For the period commencing seven days after the declaration of the election results and ending upon the next elections of municipal councillors and mayors, the members of the municipal election commission shall receive remunerations for attending meetings and for duty service according to a procedure established by the Central Election Commission.

## **Powers**

**Article 33.** (1) The municipal election commission shall:

1. see to the application of this Code, exercise control over the operation of the section election commissions within the territory of the constituency and provide training

to the members of the section election commissions;

2. determine and make public the numbers assigned to the constituencies within the municipality; upon the numbering of the said constituencies, the municipal election commission shall reckon with the Uniform Classifier of Political and Territorial Units in Bulgaria;

3. appoint the section election commissions and endorse the lists of alternate members;

4. dismiss members of section election commissions in the cases of violations of this 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 25 (1) herein;

5. see to the timely and proper establishment of voting sections and generate the uniform numbers thereof;

6. exercise control as to the timely preparation and making public of the electoral rolls;

7. see to ensuring conditions for voting by persons with locomotor or sight impairment;

8. endorse the specimens of the ballot papers for municipal councillors and mayors for printing in the respective municipality;

9. determine by lot the sequential numbers assigned to the parties, coalitions of parties and independent candidates on the ballot paper and make public the said numbers not later than 31 days in advance of polling day;

10. safe-keep the ballot papers, the rolls, the seals and the tally sheets on a premise allocated thereto in the building of the municipal administration;

11. jointly with the municipal administration furnish 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 voting sections and transportation thereof;

12. exercise control as to fulfilment of the obligation referred to in Article 54 (3) herein;

13. examine complaints against decisions and actions of section election commissions and pronounce on any such complaints by decision forthwith, within one hour after receipt of the complaint and before the closing of the polls; any such decision shall be made public forthwith and shall be unappealable;

14. register and make public parties and coalitions of parties and nomination committees which are to participate in the elections of municipal councillors and mayors in the respective municipality;

15. register and make public the candidate lists for election of municipal councillors and the candidates for mayor;

16. strike the registration, where it is established that the candidate does not satisfy

the conditions referred to in Article 4 (5) of (6) herein, as well as where the collection of signatures in support of an independent candidate does not conform to the requirements of Article 109 (1) herein;

17. control the handling of the election campaign by the media service providers within a regional and local range, pronounce on complaints and irregularities in the election campaign within 24 hours after the receipt of any such complaints;

18. upon pre-term termination of the credentials of a municipal councillor, pronounce the candidate ranked on the relevant list elected;

19. register election agents of the candidates for municipal councillor and mayor and issue certificates thereto;

20. declare the polls closed after completion of the voting in the voting sections within the territory of the municipality not later than 20:00 hours;

21. determine and declare the voting results within 48 hours after the completion of the voting and issue certificates to the elected municipal councillors and mayors;

22. issue an abstract of the tally sheet showing the voting results in the constituency to the contestants in the elections or to the representatives and election agents thereof and to the observers;

23. schedule a second round for mayor, where no candidate is elected;

24. in the cases where there is no elected mayor in the second round or where the election of municipal councillors or mayor is declared invalid, or upon pre-term termination of the credentials of a mayor, within seven days notify the Central Election Commission to propose the scheduling of a new election;

25. make public the date of the election as scheduled by the President in a conspicuous place in the municipality (mayoralty) and through the mass communication media;

26. deliver to the Central Election Commission the tally sheets and the decisions of the municipal election commission on each type of election, the copies of the tally sheets of the section election commissions, 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 municipal election commission on each type of election, as provided by the computation centre, two machine-readable data mediums storing the numerical data generated by the processing of the tally sheets of the section election commissions;

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

(2) The municipal election commission shall make public the decisions thereof on the day of adoption of the said decisions by means of displaying the said decisions in a generally accessible place in the building where the said commission is housed. 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.

(3) The decisions of the municipal election commission shall be appealable within three days after being made public before the Central Election Commission, which shall pronounce within three days by decision, which shall be made public forthwith and shall be unappealable.

## **Section V**

### **Section Election Commissions within Bulgaria**

#### **Appointment**

**Article 34.** (1) The constituency or municipal election commission shall appoint the section election commissions for each voting sections, including the mobile section election commissions upon voting by means of mobile ballot boxes, not later than 25 days in advance of polling day.

(2) Consultations shall be held at the competent municipality mayor, with the parties and coalitions of parties represented in Parliament and the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament presenting:

1. a proposal in writing for a complement of the section election commissions, which states the names of the persons nominated, Standard Public Registry Personal Number, position in the commission, educational attainment, specialist qualifications and nominating party or coalition of parties;

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

3. an authorization from the person representing the respective party or from the persons representing the coalition of parties, in the cases where authorized persons participate in the consultations.

(3) The parties and coalitions of parties shall present, attached to the proposal thereof referred to in Paragraph (2), a list of the alternate members who will replace the persons nominated thereby in the cases referred to in Article 25 (1) herein. Any such replacement shall require a decision of the constituency or municipal election commission.

(4) 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 parties and coalitions or parties, if any, shall be attached as well.

(5) In the cases where no consensus is reached between the representatives of the parties and coalitions of parties represented in Parliament and of the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament, not later than 30 days in advance of polling day the municipality mayor shall transmit to the constituency or municipal election commission the proposals made by the parties and coalitions of parties represented in Parliament and by the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament.

(6) In the cases where consensus is reached, the municipality mayor shall present to the constituency or to the municipal election commission:

1. a proposal in writing for a complement of the section election commissions together with a list of the alternate members, which states the names of the persons nominated, Standard Public Registry Personal Number, position in the commission, educational attainment, specialist qualifications and nominating party or coalition of parties;

2. the documents covered under Paragraphs (2) and (3), as presented by the parties and coalitions of parties;

3. the memorandums on the consultations conducted with the representatives of the parties and coalitions of 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.

(7) The proposal of the mayor referred to in Paragraph (5) shall be made not later than 30 days in advance of polling day.

(8) Where the municipality mayor has failed to make a proposal within the time limit referred to in Paragraph (7), the said mayor shall forthwith transmit all documents on the consultations conducted to the constituency or the municipal election commission.

(9) In the cases where consensus is reached, the constituency or the municipal election commission shall appoint the section election commissions on the basis of the proposal of the municipality mayor made according to the procedure established by Paragraph (6).

(10) In the cases where no consensus is reached or the municipality mayor has failed to make a proposal within the time limit referred to in Paragraph (7), the constituency or the municipal election commission shall appoint the section election commissions on the basis of the proposals made by the parties and coalitions of parties represented in Parliament and by the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament.

(11) Where the constituency or the municipal election commission fails to appoint the section election commissions within the time limit referred to in Paragraph (1), the said commission shall forthwith transmit the complete documentation to the Central Election Commission, which shall appoint the section election commissions.

## **Composition**

**Article 35.** (1) The number of members of section election commissions, including a chairperson, a deputy chairperson and a secretary, shall be:

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

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

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

(3) The proportion of the parties and coalitions of parties represented in the Central Election Commission shall be retained upon determination of the complements and leaderships of the section election commissions within the constituency referred to in Article 67 (1) herein, of the district referred to in Article 68 (2) and Article 69 (2) herein, and of the constituency referred to in Article 70 herein.

(4) Upon elections of National Representatives, President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria, the parties and coalitions of 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 constituency referred to in Article 67 (1) herein, or of the district referred to in Article 68 (2) or in Article 69 (2) herein.

(5) Upon elections of municipal councillors and mayors, the parties and coalitions of 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 constituency referred to in Article 70 herein.

## **Powers**

**Article 36.** (1) The section election commission within Bulgaria:

1. see to the application of this Code in the polling site and in the area of the voting section;

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 locomotor or sight impairment;

3. ensure the free and peaceful conduct of the voting in the voting section;

4. count the votes for the candidate lists upon all types of elections; count the preferences for the candidates of parties and coalitions of parties upon elections of National Representatives and of Members of the European Parliament for the Republic

of Bulgaria; prepare a tally sheet on the voting result in the voting section and deliver the said tally sheet to the constituency or to the municipal election commission, as the case may be, within 24 hours after completion of the voting;

5. deliver the rest of the papers and materials to the municipal or to the regional administration, as the case may be, within the time limit referred to in Item 4;

6. examine complaints, pronouncing thereon forthwith, and communicating the decision to the complainant forthwith;

7. declare the voting results in a generally accessible place in front of the voting section;

8. issue an abstract of the tally sheet showing the voting results in the voting section to the contestants in the elections or to the representatives and election agents thereof and to the observers;

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

(3) The directions of the chairperson of the section election commission shall be binding upon all citizens in 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.

## **Section VI**

### **Section Election Commissions Abroad**

#### **Appointment**

**Article 37.** (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 Central Election Commission shall appoint section election commissions abroad for each voting sections not later than twelve days in advance of polling day, except in the cases referred to in Paragraph (13).

(2) Consultations shall be held at the Minister of Foreign Affairs or a deputy minister empowered thereby, with the parties and coalitions of parties represented in Parliament and the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament presenting not later than 16 days in advance of polling day:

1. a proposal in writing for a complement of the section election commissions abroad, which states the names of the persons nominated, Standard Public Registry Personal Number, position in the commission, educational attainment, specialist qualifications and nominating party or coalition of parties;

2. a certificate of legal status of the party current at the date of conduct of the

consultations or a decision on the formation of the coalition of parties, which certifies the credentials of the person representing the respective party or the persons representing the coalition of parties;

3. an authorization from the person representing the respective party or from the persons representing the coalition of parties, in the cases where authorized persons participate in the consultations.

(3) The parties and coalitions of parties shall present, attached to the proposal thereof referred to in Paragraph (2), a list of the alternate members who will replace the persons nominated thereby in the cases referred to in Article 25 (1) herein. Any such replacement shall require a decision of the Central Election Commission.

(4) The Minister of Foreign Affairs or a deputy minister empowered thereby shall nominate one member of each section election commission abroad not later than 16 days in advance of polling day. A list of the alternate members who will replace the persons nominated thereby in the cases referred to in Article 25 (1) herein shall be presented attached to the proposal. 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 parties and coalitions or parties, if any, shall be attached as well.

(6) In the cases where no consensus is reached between the representatives of the parties and coalitions of parties represented in Parliament and of the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament, not later than 15 days in advance of polling day the Minister of Foreign Affairs or a deputy minister empowered thereby shall transmit to the Central Election Commission the proposals made by the parties and coalitions of parties represented in Parliament and by the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament.

(7) In the cases where consensus is reached, the Minister of Foreign Affairs or a deputy minister empowered thereby shall present to the Central Election Commission:

1. a proposal in writing for a complement of the section election commissions abroad, including one representative nominated by the Minister of Foreign Affairs or the deputy minister empowered thereby; the proposal shall state names of the persons nominated, Standard Public Registry Personal Number, position in the commission, educational attainment, specialist qualifications and who nominates them;

2. . the documents covered under Paragraphs (2), (3) and (4);

3. the memorandums on the consultations conducted with the representatives of the parties and coalitions of 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 Minister of Foreign Affairs or a deputy minister empowered



thereby referred to in Paragraph (7) shall be made not later than 15 days in advance of polling day.

(9) In the cases where consensus is reached, the Central Election Commission shall appoint the section election commissions abroad on the basis of the proposal of the Minister of Foreign Affairs or the deputy minister empowered thereby made according to the procedure established by Paragraph (7).

(10) In the cases where no consensus is reached, the Central Election Commission shall appoint the section election commissions abroad on the basis of the proposals made by the parties and coalitions of parties represented in Parliament and by the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament.

(11) The Central Election Commission shall appoint in each section election commission abroad one member nominated by the Minister of Foreign Affairs or the deputy minister empowered thereby.

(12) The parties and coalitions of parties may make changes in the complements of the section election commissions abroad proposed thereby. Any such proposal shall be presented to the Central Election Commission not later than seven days in advance of polling day. The Central Election Commission shall effect the changes not later than five days in advance of polling day.

(13) Where a party or a coalition of parties has not made a proposal under Paragraph (2), not later than five days in advance of polling day the Central Election Commission shall appoint as members of the section election commissions abroad persons nominated by the heads of the relevant diplomatic missions or consular posts or by the Minister of Foreign Affairs or a deputy minister empowered thereby.

(14) The expenditures on sending the persons nominated by parties and coalitions of parties to the section election commissions abroad shall be for the account of the party and coalition of parties concerned.

(15) The members nominated by the Minister of Foreign Affairs or the deputy minister empowered thereby, who are included in the complements of the section election commissions abroad, shall be posted by the Minister of Foreign Affairs.

(16) If a member of a section election commission does not appear on polling day, an alternate member, nominated by the relevant party or coalition of parties or by the Minister of Foreign Affairs or a deputy minister empowered thereby, shall be appointed in the place thereof.

## **Composition**

**Article 38.** (1) The number of members of section election commissions abroad, including a chairperson, a deputy chairperson and a secretary, shall be:

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

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

five.

(2) The proportion of the parties and coalitions of parties represented in the Central Election Commission shall be retained upon determination of the complements and leaderships of the section election commissions abroad. The said proportion shall be determined by excluding the member nominated by the Minister of Foreign Affairs or the deputy minister from the number of members referred to in Paragraph (1).

### **Powers**

**Article 39.** (1) The section election commission abroad shall:

1. see to the application of this Code in the polling site and in the area of the voting section;

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 locomotor or sight impairment;

3. ensure the free and peaceful conduct of the voting in the voting section;

4. count the votes cast for the candidate lists upon all types of elections; as well as the preferences for the candidates of parties and coalitions of parties upon elections of Members of the European Parliament for the Republic of Bulgaria and prepare a tally sheet;

5. forthwith but not later than 24 hours local time on polling day, dispatch 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 complaints, pronouncing thereon forthwith, and communicating the decision to the complainant forthwith;

8. declare the voting results in a generally accessible place in front of the voting section;

9. issue an abstract of the tally sheet showing the voting results in the voting section to the contestants in the elections or to the representatives and election agents thereof and to the observers.

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

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

of the section election commission.

(4) 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 forthwith and shall be unappealable.

## **Chapter Three ELECTORAL ROLLS**

### **Section I General Dispositions**

#### **Authority Competent to Compile Rolls**

**Article 40.** (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 Rolls**

**Article 41.** (1) A separate electoral roll shall be compiled for each voting section.

(2) Electoral rolls shall be compiled according to the permanent address.

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

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

**Article 42.** (1) Electoral rolls at medical-treatment and health-care facilities, holiday homes, nursing homes and other social institutions shall be compiled and signed by the manager of the facility or home.

(2) Upon conduct of elections of municipal councillors and mayors, the citizens present at medical-treatment and health-care facilities, holiday homes, nursing homes

and other social institutions shall be entered on the roll if the relevant facility or institution is located in the nucleated settlement where the said citizens have resided at least during the last twelve months, according to Article 3 (4) or (5) herein.

(3) Not later than 48 hours before the opening of the polls, the manager of the facility or home shall notify the authorities referred to in Article 40 (1) herein of the persons entered on the roll so that the said persons could be removal from the electoral rolls according to the permanent address thereof before delivery of the electoral rolls to the section election commissions.

### **Electoral Rolls on Board Navigation Vessels**

**Article 43.** (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 shall notify the authorities referred to in Article 40 (1) herein of the persons included in 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.

### **Rolls upon Voting Abroad**

**Article 44.** (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 rolls of the persons who have declared a wish to vote abroad shall be compiled and signed by the heads of the diplomatic missions and consular posts of the Republic of Bulgaria.

(2) A Bulgarian citizen who wishes to vote shall declare this in writing not later than 25 days in advance of polling day by means of an application completed in a standard form, signed manually and submitted in person, by letter or in an electronic form to the diplomatic mission or consular post of the Republic of Bulgaria in the relevant State. In the application the voter shall state the names thereof as they appear in the passport, identity card or military card, the residence address in the relevant State, the address of residence in the relevant State, the permanent address thereof in the Republic of Bulgaria, and the nucleated settlement where the applicant wishes to vote. Only one person may be entered in one application. Upon conduct of elections of Members of the European Parliament for the Republic of Bulgaria, the voter shall present a declaration completed in a standard form, to the effect that the said voter satisfies the conditions referred to in Article 3 (2) herein.

(3) A voter, who is not included in the roll referred to in Paragraph (1), shall be entered on the roll by the section election commission upon presentation of an identity document and a declaration completed in a standard form, to the effect that the said voter satisfies the conditions referred to in Article 3 (1) or (2) herein. Upon conduct of elections of Members of the European Parliament for the Republic of Bulgaria, the voter

shall furthermore present a declaration completed in a standard form, to the effect that the said voter has not voted and will not vote elsewhere in the same elections of Members of the European Parliament. All particulars of the voter according to the identity document thereof shall be entered on the roll.

(4) The heads referred to in Paragraph (1) shall transmit information to the Ministry of Foreign Affairs, stating the names, the Standard Public Registry Personal Number and the permanent address in the Republic of Bulgaria of the Bulgarian citizens who have expressed a wish to vote. The Ministry of Foreign Affairs shall transmit the consolidated data from all States to the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works not later than 15 days in advance of polling day, so that the applicants could be removed from the electoral rolls for voting within the Republic of Bulgaria.

(5) The Minister of Foreign Affairs and the heads of diplomatic missions and consular posts of the Republic of Bulgaria shall publish the terms and procedure for voting abroad on the Internet site of the Ministry of Foreign Affairs and of the diplomatic mission and consular post not later than 67 days in advance of polling day.

(6) The rolls of the persons who have declared a wish to vote abroad 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 polling day 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 voting section. The heads of diplomatic missions and consular posts of the Republic of Bulgaria shall ensure to each voter searchability of the roll by Standard Public Registry Personal Number. Any applications received additionally and any intervening changes in the rolls shall be published forthwith.

(7) The heads of diplomatic missions and consular posts shall render administrative and logistical assistance to the representatives of the parties, the coalitions of parties and the nomination committees which have registered candidates upon the holding of meetings with the voters.

### **Electoral Rolls at Places of Deprivation of Liberty**

**Article 45.** (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 twelve months, according to Article 3 (4) or (5) 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 40 (1) herein 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.

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

**Article 46.** (1) The names of any citizens, who have become disfranchised or who are deceased by polling day, 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 polling day, respectively.

(3) The names of any citizens, who have the right to vote in the relevant voting section but have been omitted, shall be added to the electoral rolls.

(4) Additional entries under Paragraph (3) shall be made at the request of the voter by the authorities referred to in Article 40 (1) herein until delivery of the rolls to the section election commissions, or on polling day by the section election commission upon presentation of an identity document and of a residence certificate, applicable to a national of another Member State of the European Union, who has submitted a declaration under Article 59 (1) herein or under Article 63 (1) herein.

(5) 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.

### **Authority Competent to Make Entries on Polling day**

**Article 47.** Any voter, who is not included in the electoral roll until polling day but has the right to vote, shall be entered on the roll by the chairperson of the section election commission according to the permanent address of the said voter or, if a national of another Member State of the European Union, who has in due time submitted a declaration under Article 59 (1) herein or under Article 63 (1) herein, according to the residence address declared thereby.

### **Refusal and Appeal**

**Article 48.** (1) Any refusal to remove from, enter on or add to the electoral roll shall be communicated to the applicant forthwith and shall be appealable before the regional court within two days after the communication. 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 authorities referred to in Article 40 (1) herein being summoned, and shall render judgment which shall be made public forthwith and shall be unappealable.

(2) Any refusal by a section election commission to make an additional entry shall be appealable before the constituency election commission or the municipal election commission, as the case may be, which shall pronounce on the appeal forthwith. The decision shall be unappealable.

(3) Any refusal by a section election commission abroad to admit to voting and to add a vote to the roll on polling day shall be appealable before the Central Election Commission by electronic means. The Central Election Commission shall pronounce forthwith by decision which shall be made public forthwith on the Internet site of the Commission.

### **Non-resident Voting Certificates**

**Article 49.** (1) Non-resident voting certificates shall not be issued upon conduct of elections of municipal councillors and mayors.

(2) 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 solely to the persons engaged as officers in the conduct of the elections, upon submission of an application completed in a standard form. Any such application shall be accompanied by a declaration by the persons, completed in a standard form, to the effect that:

1. they will not vote in the voting section according to the permanent address thereof or according to the residence address in the Republic of Bulgaria, applicable to nationals of another Member State of the European Union;

2. they will vote only once.

(3) Non-resident voting certificates shall be issued by the authorities referred to in Article 40 (1) herein in a single copy.

(4) Non-resident voting certificates shall be issued not later than 14 days in advance of polling day.

(5) The authority referred to in Article 40 (1) herein exercising jurisdiction over the permanent address shall transmit information on the certificates issued under Paragraph (4) to the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works not later than twelve days in advance of polling day for the automated removal of the person from the electoral rolls according to the permanent address.

(6) The certificates shall have a uniform numbering for the entire country, including the number of the constituency (district) within the territory whereof the said certificates are issued, the number of the relevant voting section 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.

(7) 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 Standard Public Registry Personal Number (the 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.

(8) Non-resident voting certificates shall be received in person upon signed acknowledgement or through an authorized representative holding a notarized authorization.

(9) Non-resident voting certificates shall not be issued to any persons residing abroad.

(10) 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 twelve days in advance of polling day.

(11) 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".

### **Elimination of Omissions and Errors**

**Article 50.** (1) Each voter may request elimination of any omissions and errors in the electoral roll by an application in writing to the municipality mayor, borough mayor or mayoralty 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.

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

(3) The municipality mayor, borough mayor or mayoralty 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 referred to in Paragraph (3) 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 be unappealable.



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

**Article 51.** (1) Any corrections in the electoral rolls shall be made public forthwith.

(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.

### **Manner of Compilation and Printing Out**

**Article 52.** (1) 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 forming a separate column designated "Notes".

(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 compiled on the basis of the declarations under Article 59 (1) herein or under Article 63 (1) herein by nationals of another Member State of the European Union.

(3) 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.

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

(5) 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 polling day.

### **Entry in Roll according to Present Address**

**Article 53.** (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 polling day. Any such request shall be submitted in writing to the authorities referred to in Article 40 (1) herein exercising jurisdiction over the present address of the person and shall state the Standard Public Registry Personal 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) shall be submitted subject to the condition that the voter has had a present address in the relevant nucleated settlement during the last twelve months in advance of polling day. The request referred to in Paragraph (1) shall furthermore state the date of the present-address registration.

(3) The authority referred to in Article 40 (1) herein exercising jurisdiction over the present address shall transmit information on the requests referred to in Paragraph (1) 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 polling 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) A non-resident voting certificate may not be issued to a voter after the said voter is entered on the electoral roll according to the present address.

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

**Article 54.** (1) The electoral rolls, including Part I of the electoral rolls, shall be made public by the authorities referred to in Article 40 (1) herein not later than 40 days in advance of polling day in a conspicuous place in the area of the relevant voting section.

(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 made public according to the procedure established by Paragraph (1) not later than 25 days in advance of polling 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 55 days in advance of polling day, the competent municipality mayor shall designate the places referred to in Paragraph (1) and shall notify the constituency or the municipal election commission of this.

(4) The electoral rolls, including Part I and Part II of the electoral rolls, 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 voting section. The electoral rolls shall be published not later than 40 days in advance of polling day in the cases referred to in Paragraph (1) and not later than 25 days in advance of polling day in the cases referred to in Paragraph (2). The Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works and the competent municipality mayor shall ensure to each voter who is a Bulgarian citizen searchability of the electoral roll by Standard Public Registry Personal 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 II

### Electoral Rolls upon Elections of National Representatives and of President and Vice President of the Republic

#### Compilation

**Article 55.** (1) The electoral rolls shall be compiled according to the procedure established by Article 52 (1) and (3).

(2) All Bulgarian citizens who satisfy the conditions referred to in Article 3 (1) herein shall be included in the rolls.

#### Removal

**Article 56.** (1) The names of citizens, who left the Republic of Bulgaria at least two months in advance of polling day and did not return until delivery of the rolls to the section election commissions, shall be removed from the electoral rolls. The removal shall be effected on the basis of an application by the persons who have left Bulgaria or *ex officio* on the basis of data provided by the Ministry of Interior. The Ministry of Interior shall provide to the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works data for the automated removal of the persons from the electoral rolls 55 days and 15 days in advance of polling day.

(2) Where any persons referred to in Paragraph (1) return to Bulgaria after the preparation of the electoral roll, the said persons shall be re-entered thereon according to the procedure established by Article 46 (3) and (4) herein.

#### Entry

**Article 57.** The Bulgarian citizens residing outside the Republic of Bulgaria, who are present in Bulgaria on polling day, may vote according to the permanent address thereof. Where any such persons have been removed from the electoral rolls, they shall be entered on the rolls at their request by the authorities referred to in Article 40 (1) herein until delivery of the rolls to the section election commissions or, on polling day, by the section election commission, upon presentation of an identity document and of a declaration completed in a standard form, to the effect that the said citizens have not voted and will not vote elsewhere.

## Section III

## **Election Rolls upon Elections of Members of the European Parliament for the Republic of Bulgaria**

### **Parts of Roll**

**Article 58.** (1) The electoral roll shall consist of two parts: Part I and Part II. Part I of the electoral roll shall be compiled according to the permanent address of the citizens of the Republic of Bulgaria, and Part II shall be compiled on the basis of the residence addresses in the Republic of Bulgaria as declared by the nationals of another Member State of the European Union.

(2) Part I of the roll shall be compiled according to the procedure established by Article 52 (1) and (3) herein.

(3) Part I of the roll shall include all Bulgarian citizens who satisfy the conditions referred to in Article 3 (2) herein.

(4) On the basis of the declarations submitted under Article 59 (1) herein, voters shall be entered on Part II of the roll in alphabetical order, stating the names of the voter, the particulars of the nationality thereof of another Member State of the European Union, the number of the residence certificate and the date of registration stated therein, and the residence address in the Republic of Bulgaria, with the columns for entry of the Personal Number and the type and number of the identity card or the passport remaining empty and not being completed, and forming a separate column designated "Notes".

(5) Not later than 30 days in advance of polling day, the authorities referred to in Article 40 (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 the nationals thereof 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.

(6) A check of the circumstances referred to in Article 3 (2) and (3) herein shall be conducted by the Ministry of Interior and the Ministry of Justice at the request of the authorities referred to in Article 40 (1) herein. In respect of the nationals of another Member State of the European Union, any such request shall be accompanied by a copy of the declarations under Article 59 (1) herein.

### **Entry of Nationals of Other Member States**

**Article 59.** (1) Any national of another Member State of the European Union, who satisfies the conditions referred to in Article 3 (3) herein and wishes to be entered on an electoral roll, shall present a declaration completed in a standard form to the municipal administration exercising jurisdiction over the residence address in the Republic of Bulgaria not later than 40 days in advance of polling day, declaring thereby:

1. nationality and residence address in the Republic of Bulgaria;
2. the nucleated 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 declarant will exercise his or her right to vote in the Republic of Bulgaria only;

4. that the declarant is not deprived of the right to elect in the Member State of which the person is a national;

5. the number of the residence certificate and the date of registration stated therein;

6. the particulars according to the identity card or the passport and Personal Number.

(2) Upon succeeding elections of Members of the European Parliament for the Republic of Bulgaria, a national of another Member State of the European Union, who has once submitted a declaration under Paragraph (1) and has been included in the electoral roll Part II, shall be entered automatically on Part II of the electoral roll, without submitting a new declaration. A new declaration under Paragraph (1) shall be submitted solely upon change of any of the circumstances declared.

(3) The declarations under Paragraph (1) shall be safe-kept for the next elections of Members of the European Parliament for the Republic of Bulgaria by the competent municipal administration.

### **Removal and Entry of Citizens Having Address in Non-Member State of the European Union**

**Article 60.** (1) The names of any citizens, who at the date of compilation of the electoral rolls have a present address (residence address) in any State which is not a Member State of the European Union, shall be removed from the electoral rolls.

(2) The persons referred to in Paragraph (1) shall be re-entered on the electoral roll at the request thereof by the authorities referred to in Article 40 (1) herein until delivery of the rolls to the section election commissions or, on polling day, by the section election commission, upon presentation of an identity document and of a declaration completed in a standard form, to the effect that:

1. they have resided at least during 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 of Member of the European Parliament: in the cases where the request is submitted after commencement of the election period determined by the Council of the European Union;

3. they will not vote elsewhere in the same elections of members of the European Parliament.

## **Entry of Citizens Residing in Another Member State of the European Union who Have Been Removed from Roll**

**Article 61.** Any Bulgarian citizens residing in another Member State of the European Union, who are present in Bulgaria on polling day, may vote according to the permanent address thereof. Where any such persons have been removed from the electoral rolls, they shall be re-entered on the electoral rolls at the request thereof by the authorities referred to in Article 40 (1) herein until delivery of the rolls to the section election commissions or, on polling day, by the section election commission, upon presentation of an identity document and of a declaration completed in a standard form, to the effect that:

1. they have resided permanently at least during the last three months in another Member State of the European Union;
2. they have not voted in the same elections of Member of the European Parliament: in the cases where the request is submitted after commencement of the election period determined by the Council of the European Union;
3. they will not vote elsewhere in the same elections of members of the European Parliament.

### **Section IV**

#### **Electoral Rolls upon Elections of Municipal Councillors and Mayors**

##### **Parts of Roll**

**Article 62.** (1) The electoral roll shall consist of two parts: Part I and Part II. Part I of the electoral roll shall be compiled according to the permanent address of the citizens of the Republic of Bulgaria, and Part II shall be compiled on the basis of the residence addresses within the territory of the respective nucleated settlement as declared by the nationals of another Member State of the European Union.

(2) Part I of the roll shall be compiled according to the procedure established by Article 52 (1) and (3) herein, and the date of the present-address registration by a date twelve months in advance of polling day shall furthermore be entered on the electoral roll.

(3) Part I of the roll shall include all Bulgarian citizens who satisfy the conditions referred to in Article 3 (4) herein and have resided in the respective nucleated settlement at least during the last twelve months.

(4) On the basis of the declarations submitted under Article 63 (1) herein, voters shall be entered on Part II of the roll in alphabetical order, stating the names of the voter, the particulars of the nationality thereof of another Member State of the European Union, the number of the residence certificate and the date of registration stated therein, and the residence address within the territory of the respective nucleated settlement, with the columns for entry of the Personal Number and the type and number of the identity card or the passport remaining empty and not being completed, and forming a separate

column designated “Notes”.

(5) The authorities referred to in Article 40 (1) herein shall conduct a check of the residence addresses declared by the nationals of another Member State of the European Union through the Ministry of Interior.

(6) A check of the circumstances referred to in Article 3 (4) and (5) herein shall be conducted by the Ministry of Interior and the Ministry of Justice at the request of the authorities referred to in Article 40 (1) herein. In respect of the nationals of another Member State of the European Union, any such request shall be accompanied by a copy of the declarations under Article 63 (1) herein.

(7) The authorities referred to in Article 40 (1) herein shall transmit forthwith a copy of Part II of the electoral rolls to the Central Election Commission.

### **Entry of Nationals of Other Member States**

**Article 63.** (1) Any national of another Member State of the European Union, who satisfies the conditions referred to in Article 3 (5) herein and wishes to be entered on an electoral roll, shall present a declaration completed in a standard form to the municipal administration exercising jurisdiction over the residence address within the territory of the respective nucleated settlement not later than 40 days in advance of polling day, declaring thereby:

1. nationality;
2. residence address during the last twelve months in advance of polling day within the territory of the respective municipality or mayoralty;
3. the number of the residence certificate and the date of registration stated therein;
4. the particulars according to the identity card or the passport and Personal Number.

(2) Upon succeeding elections of municipal councillors and mayors, a national of another Member State of the European Union, who has once submitted a declaration under Paragraph (1) and has been included in the electoral roll Part II, shall be entered automatically on Part II of the electoral roll, without submitting a new declaration. A new declaration under Paragraph (1) shall be submitted solely upon change of any of the circumstances declared.

(3) The declarations under Paragraph (1) shall be safe-kept for the next elections of municipal councillors and mayors by the competent municipal administration.

### **Removal**

**Article 64.** The names of any citizens, who have had a present address (residence address) outside the Republic of Bulgaria during the last twelve months before the date of conduct of the elections, shall be removed from the electoral rolls.

## **Entry on Roll upon Second Round**

**Article 65.** Upon conduct of a second round in the elections for mayors, the names of any citizens, who have acquired a right to elect during the period between the two rounds of voting, shall furthermore be entered on the electoral rolls.

## **Chapter Four CONSTITUENCIES**

### **Section I General Dispositions**

#### **Constituency Types**

**Article 66.** (1) For the purposes of conducting elections, the territory of Bulgaria shall be divided into constituency.

(2) A constituency shall be a totality of voting sections within a particular territory and may be single-member or multi-member.

(3) A constituency shall be single-member, where a single candidate or a single pair of candidates on one and the same candidate list is elected therein.

(4) A constituency shall be multi-member where two or more candidates are elected therein.

### **Section II Constituencies upon Elections of National Representatives**

#### **Delimitation of Constituencies and Determination of Number of Seats**

**Article 67.** (1) For the purposes of conducting elections of National Representatives, the territory of Bulgaria shall be divided into 31 multi-member constituencies, of which three in the Administrative Region of Sofia City and two in the Administrative Region of Plovdiv. The rest of the constituencies shall be coextensive with the administrative regions.

(2) The names, boundaries and numbering of the constituencies shall be determined by the President of the Republic not later than 71 days in advance of polling day.

(3) Not later than 70 days in advance of polling day, the Central Election Commission shall determine the number of seats for each multi-member constituency on the basis of a uniform ratio of representation for the entire country depending on the size of the population according to updated forecasts provided by the National Statistical



Institute on the basis of the results of the latest population census Not later than 70 days in advance of polling day, using the greatest remainder method. The number of seats in a multi-member constituency may not be less than four.

### **Section III**

#### **Constituency and Districts upon Elections of President and Vice President of the Republic**

##### **Delimitation of Constituencies**

**Article 68.** (1) For the purposes of conducting elections of President and Vice President of the Republic, 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 31 districts, which shall be coextensive with the constituencies referred to in Article 67 (1) herein upon the last parliamentary elections.

### **Section IV**

#### **Constituency and Districts upon Elections of Members of the European Parliament for the Republic of Bulgaria**

##### **Delimitation of Constituencies**

**Article 69.** (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 multi-member constituency.

(2) For the purposes of the administrative and logistical preparation for the elections, the territory of Bulgaria shall be divided into 31 districts, which shall be coextensive with the constituencies referred to in Article 67 (1) herein upon the last parliamentary elections.

### **Section V**

#### **Constituencies upon Elections of Municipal Councillors and Mayors**

##### **Delimitation of Constituencies**

**Article 70.** (1) For the purposes of conducting elections of municipal councillors, the territory of the municipality shall constitute one multi-member constituency.

(2) For the purposes of conducting elections of a municipality mayor or a mayoralty

mayor, the territory of the municipality or the mayoralty shall constitute one single-member constituency.

## **Chapter Five VOTING SECTIONS**

### **Section I Voting Sections inside Bulgaria**

#### **Authority Competent to Establish Voting Sections**

**Article 71.** (1) Voting and vote counting shall be conducted in voting sections.

(2) The municipality mayor shall issue an order establishing the voting sections within the territory of the municipality not later than 55 days in advance of polling day and shall endorse the numbering and address of the said sections. The municipality mayor shall be obligated to provide suitable premises for the voting sections. The said premises must ensure a normal balloting process on polling day.

(3) The order of the mayor referred to in Paragraph (2) shall be made public. The said order shall be appealable within seven days before the regional governor, who shall pronounce within three days by decision which shall be unappealable.

(4) Not later than 53 days in advance of polling day, the municipality mayors shall transmit to the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works a list of the addresses of the voting sections and shall notify the constituency or municipal election commission.

(5) Upon creation of a new municipality, the voting sections shall be established by the interim mayor as appointed by the regional governor according to Article 4 (2) of the Local Self-government and Local Administration Act after consultations with representatives of the parties and coalitions of parties represented in the Central Election Commission, who are authorized by the central leaderships competent to do so according to the statute of the party or the decision on the formation of the coalition of parties. The said order shall be made public and shall be appealable within the time limit referred to in Paragraph (3).

(6) The constituency or municipal election commission shall generate the uniform numbers of the voting sections in the constituency or the municipality in accordance with the uniform numbering of the voting sections determined by decision of the Central Election Commission, not later than 30 days in advance of polling day.

#### **Criteria for Establishment of Sections**

**Article 72.** (1) A voting section shall include up to 1,000 voters.

(2) In the nucleated settlements there shall be established as many voting sections

as the times the number 1,000 is contained in the number of voters. If there is a remainder, an additional voting section may be established.

(3) In spatially self-contained nucleated settlements, the municipality mayor may establish voting sections 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 voting sections 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 voting section shall be established, and if there is a remainder of less than 500, the voters shall be distributed amongst the neighbouring voting sections and, as an exception, on a proposal of the election commission a separate voting section may be established as well, but any such section may not include fewer than 30 voters. In nucleated settlements with fewer than 500 voters, there shall be established a single voting section.

(5) The voting sections 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, there shall be established voting sections at medical-treatment and health-care facilities, holiday homes, nursing homes and other social institutions and on board navigation vessels flying the Bulgarian flag while on international voyage provided that there are not fewer than 20 voters.

(7) Upon conduct of elections of municipal councillors and mayors, there shall be established voting sections at medical-treatment and health-care facilities, holiday homes, nursing homes and other social institutions provided that there are not fewer than 20 voters who have resided in the respective nucleated settlement within the territory whereof the respective facility is located during the last 12 months in advance of polling day.

(8) The voting sections referred to in Paragraphs (6) and (7) shall be established by the managers of the facilities and homes and by the masters of the navigation vessels, of which they shall notify the mayor of the municipality within the territory whereof the facilities and homes are located, as well as 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 voting section there according to the procedure established by Paragraph (6) or (7).

### **Sections for Voters with Disabilities**

**Article 73.** (1) Where in a multi-storey building there are voting sections on floors above ground level as well, the constituency or the municipal election commissions shall adopt a decision designating a voting section on the first floor (ground floor) which has the smallest number of voters according to the 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 voting section referred to in Paragraph (1), shall be placed in front of the said voting section.

## **Section II**

### **Voting Sections Abroad**

#### **Establishment of Sections**

**Article 74.** (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 voting sections abroad observing the legislation of the receiving State.

(2) Forthwith but not later than 70 days in advance of polling day, the heads of diplomatic missions and consular posts of the Republic of Bulgaria must approach the receiving State for consent to:

1. the conduct of the elections;
2. the opening of voting sections at the diplomatic missions and consular posts;
3. the opening of voting sections outside the diplomatic missions and consular posts: solely where the legislation of the receiving State expressly admits this;
4. the opening of voting sections in a State where the Republic of Bulgaria does not have a diplomatic mission or consular post but has diplomatic relations and has appointed an accredited ambassador: solely where the legislation of the receiving State expressly admits this.

(3) The heads of diplomatic missions and consular posts shall forthwith notify the Ministry of Foreign Affairs of the answers received from the receiving State. The Ministry of Foreign Affairs shall forthwith notify the Central Election Commission.

(4) The voting sections referred to in Paragraph (1) shall be established:

1. in the nucleated settlements where there is a diplomatic mission or consular post: provided there are not fewer than 20 voters who have declared a wish to vote not later than 25 days in advance of polling day;
2. in nucleated settlements other than those referred to in Item 1: provided that the receiving State has given consent and provided that there are not fewer than 100 voters who have declared a wish to vote not later than 25 days in advance of polling day; upon conduct of elections of Members of the European Parliament for the Republic of Bulgaria, such sections shall be established solely in Member States of the European Union.

(5) Not later than 23 days in advance of polling day, the heads of diplomatic missions and consular posts of the Republic of Bulgaria shall provide to the Central Election Commission information on the applications received under Item 2 of Paragraph

(4). Not later than 21 days in advance of polling day, the Central Election Commission shall designate the nucleated settlements wherein voting sections are to be established.

### **Establishment of New Sections**

**Article 75.** Where the number of voters who have declared the desire thereof to vote under Article 74 (4) herein exceeds 1,000, a new voting section shall be established.

## **Chapter Six**

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

#### **Section I**

#### **Participation in Elections**

##### **Common Requirements**

**Article 76.** (1) Each party may participate in each separate type of elections either independently or in a coalition of parties with other parties.

(2) For each separate type of elections, each party may participate in only one coalition of parties.

(3) Each party or coalition of parties, which is registered at the Central Election Commission, may participate in the elections of municipal councillors, municipality mayors and mayoralty mayors either as part of different local coalitions for each particular type of elections or independently.

(4) Independent candidate nomination committees may be established and run in each separate type of elections.

##### **Rules for Names**

**Article 77.** (1) The full or abbreviated name of any coalition of parties may not replicate the full or abbreviated name of a party registered under the Political Parties Act before the date of promulgation in the *State Gazette* of the decree of the President scheduling the elections, including by means of adding any words, letters, numbers or other signs to any such name.

(2) The prohibition referred to in Paragraph (1) shall not apply where the full or abbreviated name of the coalition of parties replicates the full or abbreviated name of any of the parties participating in the said coalition.

(3) The full or abbreviated name of the parties participating in a coalition of parties may be added in parentheses to the full or abbreviated name of the coalition of parties.

(4) The Central Election Commission upon all types of elections and the competent municipal election commission upon elections of municipal councillors and mayors shall check the compliance with the requirements of Paragraphs (1) and (2). Upon ascertainment of any omissions, directions shall be given forthwith for the elimination of the said omissions within three days but not later than the closing date for registration.

(5) In case the directions referred to in Paragraph (4) are not followed in due time, registration shall be refused.

(6) The refusal of registration by the Central Election Commission shall be appealable before the Supreme Administrative Court according to the procedure established by Article 26 (8) herein.

(7) The refusal of registration by the municipal election commission shall be appealable before the Central Election Commission according to the procedure established by Article 33 (3) herein.

## **Section II**

### **Election Deposit**

#### **Remittance of Deposits**

**Article 78.** For participation in each one of the elections of National Representatives, of President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria, parties and nomination committees shall remit an interest-free deposit to an account with the Bulgarian National Bank.

#### **Amount of Deposit and Refund**

**Article 79.** (1) For the 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 deposit referred to in Article 78 herein for parties and nomination committees shall amount to BGN 10,000.

(2) Within seven days after declaration of the final election results, the deposit shall be refunded by decision of the Central Election Commission to:

1. the parties:

(a) which have independently gained not less than two per cent of the valid votes at the national level;

(b) if the coalitions of parties in which the said parties participated have gained not less than two per cent of the valid votes at the national level;

2. the nomination committees whose candidates have gained:

(a) votes that are not less than one-quarter of the constituency electoral quota in the elections of National Representatives;

(b) not less than two per cent of the valid votes in the elections of President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria.

### **Forfeited Amounts. Accounting for Amounts**

**Article 80.** (1) Any forfeited amounts from deposits under Article 79 (2) herein shall be credited to the Fund for Medical Treatment of Children Centre with the Minister of Health.

(2) The amounts of deposits under Article 79 herein shall not be treated as financial resources spent by the parties and nomination committees in connection with the financing of the election campaign.

## **Section III**

### **Registration of Parties and Coalitions of Parties 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**

#### **Participation in Elections**

**Article 81.** Parties and coalitions of parties which are registered at the Central Election Commission shall participate in elections.

#### **Registration of Parties**

**Article 82.** (1) Not later than 60 days in advance of polling day, by decision of the central leaderships of the parties competent to do so according to the statute, an application for registration shall be presented to the Central Election Commission. Any such application shall be signed by the person representing the party according to the current court registration thereof. The application may alternatively be signed by persons expressly authorized by the person representing the party.

(2) The application referred to in Paragraph (1) shall state:

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

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

3. a request for registration to run in the elections;

4. address and telephone at which the party can be contacted.

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

1. an authenticated duplicate copy of the judgment of the Sofia City Court on entry of the party into the register of political parties;

2. a certificate of legal status current at the date of scheduling of the elections;
3. a copy of the *State Gazette* issue in which the judgment on registration of the party is promulgated, authenticated by the party, or other documents according to the requirements of the legislation effective at the time of the registration thereof;
4. a specimen of the signature of the person representing the party;
5. a specimen of the [impression of the] seal of the party;
6. documentary proof from a bank of remittance of a deposit under Article 79 (1) herein;
7. a list containing the names, the Standard Public Registry Personal Number and manual signature of not fewer than 7,000 voters supporting the registration; upon elections of Members of the European Parliament for the Republic of Bulgaria, the registration of the 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;
8. a certificate issued by the Bulgarian National Audit Office under Article 37 (1) of the Political Parties Act on financial statements submitted by the party for each of the last three years and, applicable to newly registered parties, since the date of the court registration thereof;
9. a duplicate copy of the statute, authenticated by the Sofia City Court;
10. a certificate issued by the court on the submission of representations on compliance with the requirements of Article 19a of the Political Parties Act;
11. a certificate of an active bank account to be used to service the election campaign;
12. an authorization from the person representing the respective party, in the cases where the documents are submitted by authorized persons.

(4) The personal data referred to in Item 7 of Paragraph (3) shall be processed and provided in compliance with the requirements of the Personal Data Protection Act.

### **Check of Documents and Refusal of Registration**

**Article 83.** (1) The Central Election Commission shall conduct a check of the documents covered under Article 82 herein, and the lists referred to in Item 7 of Article 82 (3) herein shall be delivered forthwith to the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works for a check. Upon ascertainment of any omissions, the Central Election Commission shall forthwith give directions for the elimination thereof within three days but not later than the closing date for registration.

(2) In case the directions referred to in Paragraph (1) are not followed in due time, the Central Election Commission shall refuse registration.

(3) The refusal of registration shall be appealable before the Supreme



Administrative Court according to the procedure established by Article 26 (8) herein. If the court revokes the decision appealed, the Central Election Commission shall forthwith register the party for participation in the elections, regardless of whether the time limit referred to in Article 82 (1) herein has expired, but not later than 50 days in advance of polling day.

(4) The Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works shall perform the check referred to in Paragraph (1) not later than 57 days in advance of polling day.

(5) Where after the closing date for registration it is established that the party does not satisfy the requirements of Item 7 of Article 82 (3) herein, the registration of the said party shall be stricken by decision which shall be communicated forthwith to the party and shall be appealable according to the procedure established by Article 26 (8) herein.

### **Registration of Coalitions of Parties**

**Article 84.** (1) Solely parties registered at the Central Election Commission according to the procedure established by Article 82 herein may form coalitions of parties for participation in the elections.

(2) The coalition of parties referred to in Paragraph (1) shall be registered on the basis of an application for registration, presented to the Central Election Commission not later than 50 days in advance of polling day. Any such application shall be signed by the persons representing the coalition of parties according to the decision on the formation thereof. The application may alternatively be signed by persons expressly authorized by the person representing the coalition.

(3) The application referred to in Paragraph (1) shall state:

1. the full or abbreviated name of the coalition of parties according to the decision on the formation thereof;

2. the full or abbreviated name of the coalition of parties as declared for printing on the ballot papers (ballot paper);

3. a request for registration to run in the elections;

4. address and telephone at which the coalition can be contacted.

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

1. a certificate of registration referred to in Item 10 of Article 26 (1) herein for each of the parties participating in the coalition;

2. a decision on the formation of the coalition of parties, signed by the persons representing the parties;

3. a specimen of the signatures of the persons representing the coalition of parties;

4. a specimen of the [impression of the] seal of the coalition of parties, if any;

5. a certificate of a bank account newly opened in the name of one of the parties participating in the coalition, to be used only to service the election campaign;

6. an authorization from the persons representing the coalition of parties, in the cases where the documents are submitted by authorized persons.

(5) The Central Election Commission shall conduct a check of the application and the documents attached thereto. Upon ascertainment of any omissions, the Central Election Commission shall forthwith give directions for the elimination thereof within three days but not later than the closing date for registration.

(6) In case the directions referred to in Paragraph (5) are not followed in due time, the Central Election Commission shall refuse registration.

(7) The refusal of registration shall be appealable before the Supreme Administrative Court according to the procedure established by Article 26 (8) herein.

### **Changes in Set of Partners Forming Coalition of Parties**

**Article 85.** (1) Any changes in the set of partners forming a coalition of parties, which have occurred after the registration of the said coalition at the Central Election Commission, shall be effected after submission of an application and presentation of a decision on changes, which must satisfy the conditions for formation of the coalition of parties, not later than 50 days in advance of polling day.

(2) In case new parties join the coalition of parties, the said parties shall present the documents referred to in Item 1 of Article 84 (4) herein not later than 50 days in advance of polling day.

(3) In case one or more parties leave the coalition of parties, the registration of the said coalition shall subsist if at least two parties remain therein.

(4) The changes which have occurred in the set of partners forming the coalition of parties shall be noted in the register of the Central Election Commission after submission of an application by the person representing the party or by the persons representing the coalition of parties not later than 32 days in advance of polling day.

(5) Not later than 32 days in advance of polling day, the Central Election Commission shall remove the parties which have left the coalition of parties from the name of the said coalition.

### **Conditions for Participation in Elections**

**Article 86.** (1) Any party which is included in a set of partners forming a coalition of parties may not run in elections independently.

(2) Any party, which is included in a set of partners forming a coalition of parties and which leaves the said coalition after the registration of the said coalition but not later than 32 days in advance of polling day, may participate in the elections independently on the registration thereof under Article 82 herein.

## **Lists after Registration**

**Article 87.** The Central Election Commission shall transmit to the constituency election commissions a list of the registered parties and coalitions of parties forthwith after completion of the registration of the coalitions of parties, as well as information on the changes effected in the set of partners and in the names of the coalitions of parties according to the procedure established by Article 85 (4) and (5) herein.

## **Section IV**

### **Registration of Parties and Coalitions of Parties upon Elections of Municipal Councillors and Mayors**

#### **Participation in Elections**

**Article 88.** (1) Parties and coalitions of parties which are registered at the Central Election Commission and at the competent municipal election commission shall participate in elections.

(2) In elections shall furthermore participate local coalitions of parties, registered at the competent municipal election commission, composed solely by parties or coalitions of parties registered at the Central Election Commission.

#### **Registration of Parties**

**Article 89.** (1) Not later than 75 days in advance of polling day, by decision of the central leaderships of the parties competent to do so according to the statute, an application for registration shall be presented to the Central Election Commission. Any such application shall be signed by the person representing the party according to the current court registration thereof. The application may alternatively be signed by persons expressly authorized by the person representing the party.

(2) The application referred to in Paragraph (1) shall state:

1. the full or abbreviated name of the party according to the court registration thereof;
2. a request for registration to run in the elections;
3. address and telephone at which the party can be contacted.

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

1. an authenticated duplicate copy of the judgment of the Sofia City Court on entry of the party into the register of political parties;
2. a certificate of legal status current at the date of scheduling of the elections;
3. a copy of the *State Gazette* issue in which the judgment on registration of the party is promulgated, authenticated by the party, or other documents according to the requirements of the legislation effective at the time of the registration thereof;

4. a specimen of the signature of the person representing the party;
5. a specimen of the [impression of the] seal of the party;
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 party for each of the last three years and, applicable to newly registered parties, since the date of the court registration thereof;
7. a duplicate copy of the statute, authenticated by the Sofia City Court;
8. a certificate issued by the court on the submission of representations on compliance with the requirements of Article 19a of the Political Parties Act;
9. a certificate of an active bank account to be used to service the election campaign;
10. an authorization from the person representing the respective party, in the cases where the documents are submitted by authorized persons;
11. a list containing the names, the Standard Public Registry Personal Number and manual signature of not fewer than 7,000 voters supporting the registration; the registration of the 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;

### **Check of Documents and Refusal of Registration**

**Article 90.** (1) The Central Election Commission shall conduct a check of the documents covered under Article 89 herein, and the lists referred to in Item 11 of Article 89 (3) herein shall be delivered forthwith to the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works for a check. Upon ascertainment of any omissions, the Central Election Commission shall forthwith give directions for the elimination thereof within three days but not later than the closing date for registration.

(2) In case the directions referred to in Paragraph (1) are not followed in due time, the Central Election Commission shall refuse registration.

(3) The refusal of registration shall be appealable before the Supreme Administrative Court according to the procedure established by Article 26 (8) herein. If the court revokes the decision appealed, the Central Election Commission shall forthwith register the party to run in the elections, regardless of whether the time limit referred to in Article 89 (1) herein has expired, but not later than 65 days in advance of polling day.

(4) The Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works shall perform the check referred to in Paragraph (1) not later than 72 days in advance of polling day.

(5) Where after the closing date for registration it is established that the party does not satisfy the requirements of Item 11 of Article 89 (3) herein, the registration of the said party shall be stricken by decision which shall be communicated forthwith to the party

and shall be appealable according to the procedure established by Article 26 (8) herein.

### **Registration of Coalitions of Parties**

**Article 91.** (1) Solely coalitions of parties formed by parties registered at the Central Election Commission according to the procedure established by Article 89 herein may be registered at the Central Election Commission.

(2) The coalition of parties referred to in Paragraph (1) shall be registered on the basis of an application for registration, presented to the Central Election Commission not later than 65 days in advance of polling day. Any such application shall be signed by the persons representing the coalition of parties according to the decision on the formation thereof. The application may alternatively be signed by persons expressly authorized by the person representing the coalition.

(3) The application referred to in Paragraph (1) shall state:

1. the full or abbreviated name of the coalition of parties according to the decision on the formation thereof;

2. a request for registration to run in the elections

3. address and telephone at which the coalition can be contacted.

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

1. a certificate of registration referred to in Item 10 of Article 26 (1) herein for each of the parties participating in the coalition;

2. a decision on the formation of the coalition of parties, signed by the persons representing the parties;

3. a specimen of the signatures of the persons representing the coalition of parties;

4. a specimen of the [impression of the] seal of the coalition of parties, if any;

5. a certificate of a bank account newly opened in the name of one of the parties participating in the coalition, to be used only to service the election campaign;

6. an authorization from the persons representing the coalition of parties, in the cases where the documents are submitted by authorized persons.

(5) The Central Election Commission shall conduct a check of the application and the documents attached thereto. Upon ascertainment of any omissions, the Central Election Commission shall forthwith give directions for the elimination thereof within three days but not later than the closing date for registration.

(6) In case the directions referred to in Paragraph (5) are not followed in due time, the Central Election Commission shall refuse registration.

(7) The refusal of registration shall be appealable before the Supreme Administrative Court according to the procedure established by Article 26 (8) herein.

### **Changes in Set of Partners Forming Coalition of Parties**

**Article 92.** (1) Any changes in the set of partners forming a coalition of parties, which have occurred after the registration of the said coalition at the Central Election Commission, shall be effected after submission of an application and presentation of a decision on changes, which must satisfy the conditions for formation of the coalition of parties, not later than 65 days in advance of polling day.

(2) In case new parties join the coalition of parties, the said parties shall present the documents referred to in Item 1 of Article 91 (4) herein not later than 65 days in advance of polling day.

(3) In case one or more parties leaves the coalition of parties, the registration of the said coalition shall subsist if at least two parties remain therein.

(4) The changes which have occurred in the set of partners forming the coalition of parties shall be noted in the register of the Central Election Commission after submission of an application by the person representing the party or by the persons representing the coalition of parties not later than 55 days in advance of polling day.

(5) Not later than 55 days in advance of polling day, the Central Election Commission shall remove the parties which have left the coalition of parties from the name of the said coalition.

(6) Any party, which is included in a set of partners forming a coalition of parties and which leaves the said coalition after the registration of the said coalition but not later than 55 days in advance of polling day, may run in the elections independently if it registered at the municipal election commission within the time limit referred to in Article 94 (1) herein.

### **Transmittal of List**

**Article 93.** The Central Election Commission shall transmit to the municipal election commissions a list of the registered parties and coalitions of parties forthwith after completion of the registration, as well as information on the changes effected in the set of partners and in the names of the coalitions of parties according to the procedure established by Article 92 (4) and (5) herein.

### **Common Rules for Registration at Municipal Election Commission**

**Article 94.** (1) The parties and coalitions of parties registered at the Central Election Commission, as well as the formed local coalitions of parties, which will participate in the elections of municipal councillors and mayors in the respective municipality, shall be registered at the competent municipal election commission not later than 55 days in advance of polling day.

(2) The parties participating in a coalition of parties registered at the Central Election Commission may not be registered independently at a municipal election commission nor join independently, that is to say not as part of the coalition wherein they are registered at the Central Election Commission, other coalitions of parties within the territory of the municipality.

## **Registration at Municipal Election Commission**

**Article 95.** (1) The parties and coalitions of parties registered at the Central Election Commission, as well as the formed local coalitions of parties, shall be registered to participate in the elections of municipal councillors and mayors on the basis of an application for registration, presented to the competent municipal election commission not later than 55 days in advance of polling day. The application shall state the type of election for which registration is sought. A separate application shall be submitted for each separate type of elections.

(2) The application referred to in Paragraph (1) shall be presented by decision of the central leadership of the party competent to do so according to the statute, or the leadership of the coalition of parties competent to do so according to the decision on the formation of the coalition. Any such application shall be signed by the person representing the party or by the persons representing the coalition of parties, or by persons expressly authorized thereby.

(3) The application referred to in Paragraph (1) shall state:

1. the full or abbreviated name of the party or the coalition of parties as it will appear on the ballot paper;
2. a request for registration for participation in the elections, specifying the type of elections for which an effecting of the registration is sought;
3. address and telephone at which the party or coalition can be contacted.

(4) The following shall be attached to the application:

1. a copy of the certificate of registration of the party or coalition of parties at the Central Election Commission;
2. a decision on the formation of the coalition of parties, signed by the persons representing the parties;
3. an authorization of the persons authorized to represent the party or the coalition of parties in dealings with the municipal election commission, in the cases where the documents are submitted by authorized persons.

(5) The following shall be attached to the application of a local coalition of parties other than the coalition registered at the Central Election Commission:

1. a decision on the formation of the coalition of parties, specifying the person authorized to represent the said coalition and the type of elections for which the said coalition is established; the decision must be signed by authorized representatives of the constituent parties and coalitions of parties; where the decision is for participation in more than one type of elections, only one original for the respective municipality shall be presented to the municipal election commission;
2. a specimen of the signatures of the persons representing the coalition of parties;
3. a specimen of the [impression of the] seal of the coalition of parties, if any;
4. authorizations of the persons who signed the decision on the formation of the

coalition of parties;

5. a certificate of registration referred to in Item 10 of Article 26 (1) herein for each of the parties or coalitions of parties participating in the coalition;

6. a certificate of a bank account newly opened in the name of one of the parties participating in the coalition, to be used only to service the election campaign.

(6) The municipal election commission shall conduct a check of the application and the documents attached thereto. Upon ascertainment of any omissions, the municipal election commission shall forthwith give directions for the elimination thereof within three days but not later than the closing date for registration.

(7) In case the directions referred to in Paragraph (6) are not followed in due time, 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 established by Article 33 (3) herein.

## **Section V**

### **Registration of Nomination Committees**

#### **Participation in Elections**

**Article 96.** Nomination committees shall participate in the elections if registered at:

1. the Central Election Commission: upon elections of President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria;

2. the constituency election commissions: upon elections of National Representatives;

3. the municipal election commissions: upon elections of municipal councillors and mayors.

#### **Establishment, Representativeness and Procedure for Registration**

**Article 97.** (1) For the nomination of an independent candidate, there shall be established a nomination committee by not fewer than three and not more than seven voters with a permanent address or a residence address, applicable to the nationals of another Member State of the European Union, within:

1. the territory of the constituency: upon elections of National Representatives and of municipal councillors and mayors;

2. the territory of Bulgaria: upon elections of Members of the European Parliament for the Republic of Bulgaria.

(2) For the nomination of candidates for President and Vice President of the



Republic, there shall be established a nomination committee of not fewer than 21 voters with a permanent address within the territory of Bulgaria.

(3) Each voter may participate in only one nomination committee.

(4) The members of the nomination committee shall designate, by decision, the person who shall represent the said committee.

(5) The nomination committee shall present an application for registration, signed by all members of the nomination committee, not later than:

1. 60 days in advance of polling day upon elections of President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria;

2. 50 days in advance of polling day upon elections of National Representatives;

3. 55 days in advance of polling day upon elections of municipal councillors and mayors.

(6) The application referred to in Paragraph (5) shall be submitted by the person representing the nomination committee.

(7) The application referred to in Paragraph (5) shall state:

1. the names and the Standard Public Registry Personal Number of the voters referred to in Item 1 of Paragraph (1) upon elections of National Representatives and referred to in Paragraph (2); the names and the Standard Public Registry Personal Number (Personal Number) of the voters referred to in Item 1 of Paragraph (1) upon elections of municipal councillors and mayors and referred to in Item 2;

2. the citizen for whose nomination as an independent candidate the nomination committee is established;

3. a request for registration of the nomination committee to participate in the elections;

4. address and telephone at which the party can be contacted.

(8) The following shall be attached to the application referred to in Paragraph (5):

1. a decision on the establishment of the nomination committee and a decision designating the person who shall represent the said committee;

2. notarized specimens of the signatures of the persons participating in the nomination committee;

3. a declaration completed in a standard form, signed by each member of the nomination committee, to the effect that the said member satisfies the conditions referred to in Article 3 herein;

4. a declaration completed in a standard form, signed by each member of the nomination committee, to the effect that the said member will not process and provide the personal data of the persons included in the collection of signatures in support of the independent candidate for purposes other than those provided for in this Code;

5. a certificate of a bank account newly opened by the person representing the

nomination committee, to be used only to service the election campaign.

(9) The competent election commission shall conduct a check of the application and the documents attached thereto. Upon ascertainment of any omissions, the competent election commission shall forthwith give directions for the elimination thereof within three days but not later than the closing date for registration.

(10) In case the directions referred to in Paragraph (9) are not followed in due time, the competent election commission shall refuse registration.

(11) The refusal of the Central Election Commission shall be appealable before the Supreme Administrative Court according to the procedure established by Article 26 (8).

(12) The refusal by the constituency or the municipal election commission shall be appealable before the Central Election Commission according to the procedure established by Article 29 (3) herein or, respectively, according to the procedure established by Article 33 (3) herein.

## **Chapter Seven**

### **CANDIDATES**

#### **Section I**

#### **General Dispositions**

##### **Nomination of Candidates**

**Article 98.** (1) Parties, coalitions of parties and nomination committees of voters may nominate candidates for each type of election.

(2) The parties and coalitions of parties which nominate candidates must satisfy the requirements of the Political Parties Act and the requirements of this Code.

##### **Candidate Lists**

**Article 99.** (1) The candidates nominated by parties and coalitions of parties shall be ranked on candidate lists.

(2) The coalitions of parties shall run in the elections on a single candidate list. The parties participating in coalitions may not run in the elections on separate lists.

(3) Each independent candidate, as well as the candidates for mayor, shall form a separate candidate list.

(4) An independent candidate may not be included in a candidate list of a party or coalition of parties.

## **Persons Ineligible for Registration**

**Article 100.** Service members of the Armed Forces, members of the Diplomatic Service, employees of the Ministry of Interior, civil servants of the State Agency for National Security, judges, prosecutors and investigating magistrates, as well as other persons in respect of whom membership of a political party is prohibited by law, may not be named and registered as candidates on behalf of parties and coalitions of parties. Such citizens may run in the elections as independent candidates.

## **Election Agents**

**Article 101.** (1) Each candidate may have election agents, who shall assist the candidate and shall represent the interests thereof in dealings with the state bodies, public organizations and election commissions.

(2) Candidates included in any given candidate list may be represented by not more than two election agents in any given voting section on polling day.

(3) Upon conduct of elections of municipal councillors and mayors, the candidates included on any given candidate list, including the candidates for mayor, nominated by one and the same party or coalition of parties, may be represented jointly by two election agents in any given voting section on polling day for all types of elections.

## **Candidates' Status**

**Article 102.** (1) During the period commencing upon the registration of the candidate lists and ending upon the declaration of the election results, the candidates and the election agents shall qualify as officials within the meaning given by the Criminal Code.

(2) Where the registration of a candidate is stricken, the rights and obligations referred to in Paragraph (1) shall be terminated as from the day of the striking. The effect of the termination shall extend to the election candidates of the said candidate.

## **Inviolability**

**Article 103.** (1) As from the date of registration, the registered candidates may not be detained or constituted as accused parties except in the cases of detention in the act of committing a serious criminal offence.

(2) Where the registration of a candidate is stricken, the rights referred to in Paragraph (1) shall be terminated as from the day of the striking.

(3) The provision of Paragraph (1) shall not apply where the registered candidates were detained or constituted as accused parties before the date of registration.

## **Leave**

**Article 104.** (1) Any candidates who occupy a civil servant position shall discontinue the performance of civil service and shall use unpaid service leave or paid annual leave, whichever they choose, for the period commencing upon the registration and ending up the declaration of the election results.

(2) Any such leave shall be assimilated to the length of employment-service or civil-service seniority and to the length of contributory service.

(3) Where the registration is stricken, the leave referred to in Paragraph (1) shall be interrupted as from the day of the striking. Where the striking is revoked, the leave shall be presumed uninterrupted.

(4) The provisions of Paragraph (1) shall not apply to the Prime Minister, the deputy prime ministers, the ministers, the President and the Vice President of the Republic. The credentials thereof shall subsist even after the registration thereof as candidates.

(5) The provisions of Paragraphs (1) to (3) shall furthermore apply to the candidates for Member of the European Parliament for the Republic of Bulgaria, who occupy any of the positions covered under Article 121 herein.

## **Reoccupation of Previous Position**

**Article 105.** (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 Paragraphs (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.

## **Section II**

### **Candidates for National Representative**

#### **Ranking and Number of Candidates**

**Article 106.** (1) The candidates for National Representative shall be ranked by the parties and coalitions of parties on candidate lists by multi-member constituencies.

(2) The coalitions of parties shall participate in the elections on a single candidate list in each separate multi-member constituency.

(3) The number of candidates on one candidate list may not exceed the double number of seats in the multi-member constituency.

#### **Validity of Registration**

**Article 107.** (1) A candidate for National Representative may be proposed for registration by only one party or coalition of parties in not more than two multi-member constituencies.

(2) Where a candidate is registered by more than one party, coalition of parties or nomination committee, the earliest registration shall be valid.

(3) Where a candidate referred to in Paragraph (1) be registered in more than two constituencies, the earliest two registrations shall be valid.

(4) An independent candidate may be proposed for registration by only one nomination committee and in only one multi-member constituency.

(5) Where an independent candidate is registered in more than one 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.

(7) The Central Election Commission shall ascertain and shall declare invalid any registrations effected in violation of Paragraphs (1) and (4). The decision shall be made public forthwith, and the constituency election commission and the candidates, parties, coalitions of parties and nomination committees concerned shall be notified.

(8) The decision of the Central Election Commission declaring the invalidity of the registration of the candidates under Paragraph (7) shall be appealable before the Supreme Administrative Court according to the procedure established by Article 26 (8) herein.

## **Registration of Lists**

**Article 108.** (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 party concerned, competent to do so according to the statute, or the leadership of the coalition of parties concerned, competent to do so according to the decision on the formation of the coalition of parties, stating the names, the Standard Public Registry Personal Number and the permanent address of the candidates; any such proposal shall be signed by the person representing the party or by the persons representing the coalition of parties, or by persons expressly authorized thereby; the decision of the party or the coalition of parties, adopted by the body competent to do so according 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 Standard Public Registry Personal Number and the permanent address of the candidate; any such proposal shall be signed by the person representing the nomination committee;

3. representations by the candidates of the consent thereof to be registered by the proposing parties, coalitions of parties or nomination committees;

4. declarations by the candidates completed in a standard form, to the effect that the candidates satisfy the conditions referred to in Article 4 (1) herein, wherein the said candidates shall state the permanent address and Standard Public Registry Personal Number thereof;

5. a declaration by the candidates completed in a standard form, to the effect that the candidates satisfy the conditions referred to in Article 107 (1) and (4) herein;

6. a decision on the formation of the coalition of parties, signed by the persons representing the parties;

7. an authorization of the persons authorized to represent the 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 polling day.

(3) The documents covered under Paragraph (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.

## **Collection of Signatures for Independent Candidate**

**Article 109.** (1) An independent candidate for National Representative may be registered in only one multi-member constituency. The registration of the independent candidate shall require that the candidature thereof be supported by not less than 3 per cent but not more than 5,000 voters with a permanent address within the territory of the

constituency.

(2) Any voter, who supports the participation in the elections of an independent candidate, shall certify this by affixing the signature thereof before a member of the nomination committee. Any such voter shall furthermore state the names, Standard Public Registry Personal Number and permanent address thereof. Each voter may participate in only one collection of signatures.

(3) The member of the nomination committee referred to in Paragraph (2) shall process and provide the personal data in compliance with the requirements of the Personal Data Protection Act and shall bear responsibility as controller within the meaning given by Article 3 (2) of the Personal Data Protection Act.

(4) The signature list shall be delivered to the constituency election commission, together with documentary proof from a bank of remittance of a deposit under Article 79 (1) herein and the documents referred to in Items 2, 3, 4 and 5 of Article 108 (1) herein, not later than 32 days in advance of polling day. The constituency election commission shall forthwith deliver the signature list to the competent territorial unit of the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works, which shall conduct a check not later than 29 days in advance of polling day.

### **Determination of Result of Collection of Signatures**

**Article 110.** (1) Not later than 29 days in advance of polling day, the constituency election commission shall determine the result of the collections of signatures under Article 109 herein and shall forthwith notify the Central Election Commission.

(2) Where the constituency election commission or the Central Election Commission ascertains that an independent candidate is not supported by the required number of voters, the registration of the said candidate shall be stricken by decision which shall be transmitted forthwith to the nomination committee. Where any such decision has been adopted by the Central Election Commission, the said commission shall transmit the said decision forthwith to the constituency election commission, which shall transmit the said decision forthwith to the nomination committee.

(3) The decision of the constituency election commission under Paragraph (2) shall be appealable before the Central Election Commission within 24 hours after the communication thereof. The Central Election Commission shall pronounce within 24 hours after receipt of the appeal by decision which shall be unappealable. The decision of the Central Election Commission under Paragraph (2) shall be appealable before the Supreme Administrative Court according to the procedure established by Article 26 (8) herein.

### **Refusal of Registration**

**Article 111.** (1) The constituency election commission shall conduct a check as to whether the requirements of this Section are satisfied and upon ascertainment of any omissions shall give directions and a time limit for the elimination thereof.

(2) In case the directions referred to in Paragraph (1) are not followed in due time, the constituency election commission shall refuse to register the candidates concerned to run in the elections.

(3) The refusal referred to in Paragraph (2) shall be appealable before the Central Election Commission according to the procedure established by Article 29 (3) herein.

(4) Upon refusal of registration or upon declaration of invalidity of the registration of a candidate on a list of a party or coalition of parties, the party or coalition of parties may propose another candidate for registration not later than 20 days in advance of polling day.

(5) Should any of the candidates on a registered candidate list of a party or coalition of parties die or lapse into a sustained inability to participate in the elections, the party or coalition of parties may propose a new candidate according to the procedure established by Paragraph (4).

### **Section III**

#### **Candidates for President and Vice President of the Republic**

##### **Registration of Lists and Validity**

**Article 112.** (1) The candidates for President and Vice President of the Republic may be proposed for registration by only one party, coalition of parties or nomination committee.

(2) The candidates for President and Vice President of the Republic shall be registered on a single candidate list by the Central Election Commission upon presentation of:

1. a proposal by the central leadership of the party concerned, competent to do so according to the statute, or the leadership of the coalition of parties concerned, competent to do so according to the decision on the formation of the coalition of parties, stating the names, the Standard Public Registry Personal Number and the permanent address of the candidates; any such proposal shall be signed by the person representing the party or by the persons representing the coalition of parties, or by persons expressly authorized thereby; the decision of the party or the coalition of parties, adopted by the body competent to do so according 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 Standard Public Registry Personal Number and the permanent address of the candidate; any such proposal shall be signed by the person representing the nomination committee; the proposal of the nomination committee shall be accompanied by documentary proof from a bank of remittance of a deposit under Article 79 (1) herein and a list of the names, the Standard Public Registry Personal Number and the signatures of at least 7,000 voters supporting the nomination of the candidates, affixed before a member of the nomination



committee; each voter may participate in only one signature list;

3. a declaration by each one of the candidates, completed in a standard form, to the effect that the candidate has resided in Bulgaria during the last five years and satisfies the conditions covered under Article 4 (2) and Article 95 (1) of the Constitution of the Republic of Bulgaria;

4. a declaration by the candidates completed in a standard form, to the effect that the candidates satisfy the conditions referred to in Paragraph (1);

5. a representation by the candidates of the consent thereof to be registered;

6. an authorization of the persons authorized to represent the party or the coalition of parties in dealings with the Central Election Commission in the cases where the documents are submitted by authorized persons.

(3) The candidates for President and Vice President of the Republic shall be registered by the Central Election Commission not later than 35 days in advance of polling day.

(4) The documents covered under Paragraph (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.

(5) The Central Election Commission shall ascertain and shall declare invalid any registrations effected in violation of Paragraph (1). The decision shall be made public forthwith, and the candidates, parties, coalitions of parties and nomination committees concerned shall be notified.

(6) The decision of the Central Election Commission declaring the invalidity of the registration of the candidates under Paragraph (5) shall be appealable before the Supreme Administrative Court according to the procedure established by Article 26 (8) herein.

### **Processing of Signature List and Check**

**Article 113.** (1) The member of the nomination committee referred to in Item 2 of Article 112 (2) herein shall process and provide the personal data in compliance with the requirements of the Personal Data Protection Act and shall bear responsibility as controller within the meaning given by Article 3 (2) of the Personal Data Protection Act.

(2) The Central Election Commission shall forthwith deliver the signature list referred to in Item 2 of Article 112 (2) herein to the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works, which shall conduct a check not later than 32 days in advance of polling day.

(3) Not later than 32 days in advance of polling day, the Central Election Commission shall determine the result of the collection of signatures.

(4) Where the Central Election Commission ascertains that the candidates proposed by the nomination committee are not supported by the required number of

voters, the registration of the said candidates shall be stricken by decision which shall be transmitted forthwith to the nomination committee.

(5) The decision of the Central Election Commission under Paragraph (4) shall be appealable before the Supreme Administrative Court according to the procedure established by Article 26 (8) herein.

### **Promulgation of Lists**

**Article 114.** Not later than 30 days in advance of polling day, the Central Election Commission shall promulgate the candidate lists in the State Gazette, stating the names of the candidates, date of birth, and the proposing parties, coalitions of parties or nomination committees.

### **Refusal of Registration**

**Article 115.** (1) The Central Election Commission shall conduct a check as to whether the requirements of this Section are satisfied and upon ascertainment of any omissions shall give directions and a time limit for the elimination thereof.

(2) In case the directions referred to in Paragraph (1) are not followed in due time, the Central Election Commission shall refuse to register the candidates concerned to run in the elections.

(3) The refusal referred to in Paragraph (2) shall be appealable before the Supreme Administrative Court according to the procedure established by Article 26 (8) herein.

(4) Upon refusal of registration or upon declaration of invalidity of the registration of a candidate on a list of a party or coalition of parties, the party or coalition of parties may propose another candidate for registration not later than 20 days in advance of polling day.

(5) Should any of the candidates on a registered candidate list of a party or coalition of parties die or lapse into a sustained inability to participate in the elections, the party or coalition of parties may propose a new candidate according to the procedure established by Paragraph (4).

## **Section IV**

### **Candidates for Member of the European Parliament for the Republic of Bulgaria**

#### **Common Requirements**

**Article 116.** (1) Each candidate shall have the right to stand in only one Member State of the European Union.

(2) The candidates for Member of the European Parliament for the Republic of Bulgaria, nominated by a party or coalition of parties, shall be ranked on a single

national candidate list. Each independent candidate shall form a separate candidate list.

(3) The number of candidates on one candidate list may not exceed the number of Members of the European Parliament for the Republic of Bulgaria.

### **Validity of Registration**

**Article 117.** (1) 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.

(2) Where a candidate for Member of the European Parliament for the Republic of Bulgaria is registered by more than one party, coalition of parties or nomination committee, the earliest registration shall be valid.

(3) The Central Election Commission shall ascertain and shall declare invalid any registrations effected in violation of Paragraph (1) and of Article 116 (1) herein. The decision shall be made public forthwith, and the candidates, parties, coalitions of parties and nomination committees concerned shall be notified.

(4) The decision of the Central Election Commission declaring the invalidity of the registration of the candidates under Paragraph (3) shall be appealable before the Supreme Administrative Court according to the procedure established by Article 26 (8) herein.

### **Registration of Lists**

**Article 118.** (1) The candidate lists shall be registered by the Central Election Commission upon presentation of:

1. a proposal by the central leadership of the party concerned, competent to do so according to the statute, or the leadership of the coalition of parties concerned, competent to do so according to the decision on the formation of the coalition of parties, stating the names, the Standard Public Registry Personal Number and the permanent address (residence address) of the candidates; any such proposal shall be signed by the person representing the party or by the persons representing the coalition of parties, or by persons expressly authorized thereby; the decision of the party or the coalition of parties, adopted by the body competent to do so according 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 Standard Public Registry Personal Number and the permanent address (residence address) of the candidate; any such proposal shall be signed by the person representing the nomination committee;

3. a representation by the candidates of the consent thereof to be registered by the proposing party, coalition of parties or nomination committee;

4. a declaration by the candidates completed in a standard form, to the effect that the candidates satisfy the conditions referred to in Article 4 (3) or (4) herein;

5. a declaration by the candidates completed in a standard form, to the effect that the candidates satisfy the conditions referred to in Article 116 (1) and Article 117 (1) herein;

6. any candidate, who is a national of a Member State of the European Union and is not a Bulgarian citizen, shall present a declaration completed in a standard form, declaring thereby:

(a) nationality and residence address in the Republic of Bulgaria;

(b) that the person is not interdicted;

(c) 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;

(d) the constituency in the Member State of which the person is a national on the electoral roll of which the name thereof was last entered;

(e) the number of the residence certificate and the date of registration stated therein;

(f) the particulars according to the identity card or the passport 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 national, 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 national;

8. an authorization of the persons authorized to represent the 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 polling day.

(3) The documents covered under Paragraph (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 Paragraph (3) of candidates for Member of the European Parliament for the Republic of Bulgaria who are nationals 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.

(5) A check of the circumstances referred to in Article 4 (4) herein shall be conducted by the Ministry of Interior and the Ministry of Justice at the request of the Central Election Commission.

## **Collection of Signatures for Independent Candidate**

**Article 119.** (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 7,000 voters.

(2) Any voter, who supports the participation in the elections of an independent candidate, shall certify this by affixing the signature thereof before a member of the nomination committee. The voters who are Bulgarian citizens shall state the names and the Standard Public Registry Personal Number thereof, and the nationals 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 signature list.

(3) The member of the nomination committee referred to in Paragraph (2) shall process and provide the personal data in compliance with the requirements of the Personal Data Protection Act and shall bear responsibility as controller within the meaning given by Article 3 (2) of the Personal Data Protection Act.

(4) The signature list shall be delivered to the Central Election Commission together with the documentary proof from a bank of remittance of a deposit under Article 79 (1) herein and the documents referred to in Items 2, 3, 4, 5 and 6 of Article 118 (1) herein not later than 32 days in advance of polling day.

(5) The Central Election Commission shall forthwith deliver the signature list referred to in Paragraph (2) to the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works, which shall conduct a check not later than 29 days in advance of polling day.

(6) Not later than 29 days in advance of polling day, the Central Election Commission shall determine the result of the collection of signatures.

(7) Where the Central Election Commission ascertains that an independent candidate is not supported by the required number of voters, the registration of the said candidate shall be stricken by decision which shall be transmitted forthwith to the nomination committee.

(8) The decision of the Central Election Commission under Paragraph (7) shall be appealable before the Supreme Administrative Court according to the procedure established by Article 26 (8) herein.

## **Refusal of Registration**

**Article 120.** (1) The Central Election Commission shall conduct a check as to whether the requirements of this Section are satisfied and upon ascertainment of any omissions shall give directions and a time limit for the elimination thereof.

(2) In case the directions referred to in Paragraph (1) are not followed in due time, the Central Election Commission shall refuse to register the candidates concerned to participate in the elections.

(3) The refusal referred to in Paragraph (2) shall be appealable before the Supreme Administrative Court according to the procedure established by Article 26 (8) herein.

(4) Upon refusal of registration or upon declaration of invalidity of the registration of a candidate on a list of a party or coalition of parties, the party or coalition of parties may propose another candidate for registration not later than 20 days in advance of polling day.

(5) Should any of the candidates on a registered candidate list of a party or coalition of parties die or lapse into a sustained inability to participate in the elections, the party or coalition of parties may propose a new candidate according to the procedure established by Paragraph (4).

### **Incompatibility**

**Article 121.** The status of Member of the European Parliament shall be incompatible with:

1. the status of member of a National Parliament;
2. the status of member of the Government of a Member State of the European Union;
3. the status of member of the European Commission;
4. the status of Judge, Advocate-General or Registrar of the Court of Justice of the European Union;
5. the status of member of the Executive Board of the European Central Bank;
6. the status of member of the Court of Auditors of the European Union;
7. the status of European Ombudsman;
8. the status of member of the Economic and Social Committee of the European Union and of the European Atomic Energy Community;
9. the status of member of the Committee of the Regions;
10. the status of 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. the status of member of the Board of Directors, Management Committee or staff of the European Investment Bank;
12. the status of active 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.

**Section V**  
**Candidates for Municipal Councillor and Mayor**

**Validity of Registration**

**Article 122.** (1) Each candidate for municipal councillor may be proposed for registration on a candidate list by only one party, coalition of parties or nomination committee and in only one constituency.

(2) Each candidate for mayor may be proposed for registration on a candidate list by only one party, coalition of parties or nomination committee and in only one constituency. A candidate for municipality mayor may not be concurrently a candidate for mayoralty mayor.

(3) A candidate for mayor of a nomination committee may not be a candidate for municipal councillor of a party or coalition of parties, and a candidate for municipal councillor 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 concurrently a candidate for municipal councillor 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 councillors.

(5) Where a candidate referred to in Paragraph (1) or (2) 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 Paragraph (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 Paragraphs (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 shall declare invalid any registrations effected in violation of Paragraph (1), (2), (3) or (4). The decision shall be made public forthwith, and the municipal election commission and the candidates, parties, coalitions of parties and nomination committees concerned shall be notified.

(9) The decision of the Central Election Commission declaring the invalidity of the registration of the candidates under Paragraph (8) shall be appealable before the Supreme Administrative Court according to the procedure established by Article 26 (8) herein.

## **Registration of Lists**

**Article 123.** The parties or coalitions of parties participating in local coalitions of parties for a particular type of elections may not register independently candidate lists or candidates thereof for the same type of elections.

## **Ranking of Candidates**

**Article 124.** (1) The candidates for municipal councillor shall be ranked on the candidate list by the respective party or coalition of parties.

(2) The number of candidates for municipal councillor of parties or coalitions of parties may not exceed the number of members of the Municipal Council.

## **Collection of Signatures for Independent Candidate**

**Article 125.** (1) The right to name and register an independent candidate for municipal councillor 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) exceeding 100,000 residents: not fewer than 1,000 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 1,000 voters of the municipality;
  - (e) exceeding 100,000 residents: not fewer than 2,000 voters of the municipality;
3. for mayoralty mayor: one-fifth of the voters of the mayoralty but not more than 500.

(2) Any voter, who supports the participation in the elections of an independent candidate for municipal councillor or mayor, shall certify this by affixing the signature thereof before a member of the nomination committee. The voters who are Bulgarian citizens shall state the names, the permanent address thereof in the municipality or mayoralty, as the case may be, the Standard Public Registry Personal Number thereof, and the nationals 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 or mayoralty. Each voter may participate in only one collection of signatures.

(3) The member of the nomination committee referred to in Paragraph (2) shall process and provide the personal data in compliance with the requirements of the Personal Data Protection Act and shall bear responsibility as controller within the meaning given by Article 3 (2) of the Personal Data Protection Act.

(4) The signature list shall be delivered to the municipal election commission together with the documents referred to in Item 1 (b), Items 2, 3, 4, 5 and 6 of Article 126 (1) herein not later than 32 days in advance of polling day. The municipal election commission shall forthwith deliver the signature list to the competent territorial unit of the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works, which shall conduct a check not later than 29 days in advance of polling day.

(5) Not later than 29 days in advance of polling day, the municipal election commission shall determine the result of the collection of signatures.

(6) Where the municipal election commission ascertains that an independent candidate is not supported by the required number of voters, the registration of the said candidate shall be stricken by decision which shall be transmitted forthwith to the nomination committee.

(7) The decision of the municipal election commission under Paragraph (6) shall be appealable before the Central Election Commission according to the procedure established by Article 26 (8) herein.

### **Registration of Lists**

**Article 126.** (1) The registration of the candidate lists for municipal councillors and of the candidates for mayor shall be effected by the municipal election commission upon presentation of:

1. a proposal by:

(a) the central leadership of the party concerned, competent to do so according to the statute, or the leadership of the coalition of parties concerned, competent to do so according to the decision on the formation of the coalition of parties, stating the names, the Standard Public Registry Personal Number and the permanent address (present address or residence address) of the candidates; any such proposal shall be signed by the person representing the party or by the persons representing the coalition of parties, or by persons expressly authorized thereby; the decision of the party or the coalition of parties, adopted by the body competent to do so according 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 councillors and on the nomination of the candidates for mayor, shall be attached to the proposal;

(b) the nomination committee, stating the names, the Standard Public Registry Personal Number and the permanent address (present address or residence address) of

the candidate; any such proposal shall be signed by the person representing the nomination committee;

2. a representation of each candidate of the consent thereof to be registered by the naming party, coalition of parties or nomination committee;

3. a declaration by the candidate for mayor or municipal councillor, completed in a standard form, to the effect that the candidate satisfies the conditions referred to in Article 4 (5) or (6) herein;

4. a declaration by the candidate, completed in a standard form, to the effect that the candidate satisfies the conditions referred to in Article 122 (1), (2), (3) and (4) herein;

5. any candidate for municipal councillor, who is a national of a Member State of the European Union and is not a Bulgarian citizen, shall furthermore present a declaration completed in a standard form, declaring thereby:

(a) nationality and residence address in the respective nucleated settlement;

(b) that the person is not interdicted;

(c) the number of the residence certificate and the date of registration stated therein;

(d) the particulars according to the identity card or the passport and Personal Number;

7. the candidate referred to in Item 5 shall produce an attestation from the competent authorities of the Member State of which the person is a national, 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 5 that the said candidate has not been deprived of the right to be elected in the Member State of which the person is a national;

7. an authorization of the persons authorized to represent the party or the coalition of parties in dealings with the municipal election commission, in the cases where the documents are submitted by authorized persons.

(2) 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 Standard Public Registry Personal Number (Personal Number), the permanent and the present address (residence address) and the date of the address registration.

(3) The registration shall be effected not later than 32 days in advance of polling day.

(4) The documents covered under Paragraph (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 national of another Member State of the European Union through the Ministry of Interior.

(6) A check of the circumstances referred to in Article 4 (6) herein shall be conducted by the Ministry of Interior and the Ministry of Justice at the request of the 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 councillor who are nationals of a Member State of the European Union but are not Bulgarian citizens.

### **Refusal of Registration**

**Article 127.** (1) The municipal election commission shall conduct a check as to whether the requirements of this Section are satisfied and upon ascertainment of any omissions shall give directions and a time limit for the elimination thereof.

(2) In case the directions referred to in Paragraph (1) are not followed in due time, the municipal election commission shall refuse to register the candidates concerned to run in the elections.

(3) The refusal referred to in Paragraph (2) of the municipal election commission shall be appealable before the Central Election Commission according to the procedure established by Article 33 (3) herein.

(4) Upon refusal of registration or upon declaration of invalidity of the registration of a candidate, the party or coalition of parties may propose another candidate for registration not later than 20 days in advance of polling day.

(5) Should any of the candidates die or lapse into a sustained inability to participate in the elections, the party or coalition of parties may propose a new candidate according to the procedure established by Paragraph (4).

## **Chapter Eight**

### **ELECTION CAMPAIGN**

#### **Section I**

#### **Election Campaign Opening**

#### **Election Campaign Start**

**Article 128.** The election campaign shall be opened 30 days in advance of polling day.

## **Section II**

### **Access to Information**

#### **Access to Information Sources**

**Article 129.** The candidates and the parties, the coalition of parties and the nomination committees which have registered candidates shall be entitled to equal access to the sources of any information as may be needed thereby for the purposes of the election campaign.

#### **Unsigned Items Prohibited**

**Article 130.** The publication and broadcasting of unsigned items related to the election campaign shall be prohibited.

#### **Publication of Reply**

**Article 131.** (1) Any media service provider other than the electronic media, which has published an item encroaching on the rights and damaging the reputation of any candidate or of any person who represents the party, the coalition of parties or the nomination committee, shall be obligated to publish a reply forthwith after the receipt thereof. The reply shall be laid out in the same position and in the same typeface as the item whereto it is reacting and shall appear unaccompanied by any comment.

(2) A reply which does not exceed in size the item whereto it is reacting shall be published at no charge.

#### **Right to Reply**

**Article 132.** Where a transmitted broadcast has encroached on the rights and has damaged the reputation of any candidate or of any person who represents the party, the coalition of parties or the nomination committee, the said candidate or person shall enjoy the right of reply under the terms established by Article 18 of the Radio and Television Act. The relevant radio or television broadcaster may be approached with a request [for a reply] within 24 hours after transmission of the broadcast. The reply shall be transmitted unaccompanied by any comment.

## **Section III**

### **Canvassing**

#### **Canvassing Procedure**

**Article 133.** (1) The citizens, the parties, the coalitions of parties, the nomination committees, the candidates and the election agents thereof , shall be free to canvass,

whether orally and in writing at campaign meetings, as well as through the media service providers.

(2) The election campaign shall be conducted in the Bulgarian language.

(3) Campaign meetings shall be open to the public. Maintenance of order at any such meetings shall be the responsibility of the organizers of thereof and of the authorities of the Ministry of the Interior. The meetings shall be organized according to the Meetings, Rallies and Demonstrations Act.

(4) Persons holding elective office in the trade-union and the employer organizations may not canvass at the places of work thereof.

(5) No canvassing shall be admissible during a period commencing 24 hours in advance of polling day and on polling day.

### **Campaign Materials**

**Article 134.** (1) During the election campaign, the candidates, the parties, the coalitions of parties and the nomination committees may prepare and circulate posters, advertisements, messages and other campaign materials. Each item of campaign material shall mandatorily identify the issuer.

(2) Each item of campaign material shall contain a statement that vote buying and selling is a criminal offence, and the said statement shall occupy not less than 10 per cent of the face space of the campaign material and shall be boxed. In the audio and audiovisual materials, this statement shall be contained as an unambiguous and understandable message.

(3) Campaign materials may be displayed in places designated by the mayor, and display on buildings, fences and shop windows shall require permission from the owner or manager of the property.

(4) It shall be prohibited to use state-owned or municipal-owned public transport vehicles for canvassing.

(5) It shall be prohibited to use any campaign materials which jeopardize human life and health, private, municipal and state property, and the safety of road traffic, as well any such materials which are contrary to good morals and damaging to the honour and reputation of the candidates.

(6) It shall be prohibited to destroy and deface any campaign materials displayed according to the procedure established by this Code before the closing of the polls.

(7) The municipality mayor, borough mayor or mayoralty mayor or the lieutenant mayor, acting on a decision of the constituency or the municipal election commission, and, where necessary, with the assistance of the authorities of the Ministry of Interior, shall remove or seize any campaign materials displayed or circulated in violation of this Code. Removal of any such materials on election day may furthermore be done by decision of the section election commissions.

(8) Any campaign materials displayed or circulated in violation of this Code in the territory of more than one constituency (district) or such concerning more than one

constituency (district) shall be removed or seized by the regional governor, acting on a decision of the Central Election Commission.

(9) The parties, the coalition of parties and the nomination committees shall remove the materials displayed thereby under Paragraph (1) within three days after polling day.

### **Prohibited Display of Canvassing Materials**

**Article 135.** (1) It shall be prohibited to display canvassing materials of any parties, coalitions of parties and nomination committees in the polling sites as well as within less than 50 metres from the entrance to the building where the polling site is located on polling day and until the end of the voting.

(2) Should the section election commission ascertain presence of any materials referred to in Paragraph (1), the said commission shall remove the said materials forthwith, where necessary with the assistance of the mayor or the lieutenant mayor and of the authorities of the Ministry of Interior.

## **Section IV**

### **Public Opinion Poll Results. Sociological Surveys**

#### **Public Opinion Poll Results**

**Article 136.** Results of public opinion polls in connection with the elections may not be made public in any form whatsoever during a period commencing 24 hours in advance of polling day and ending upon the declaration of the closing of the polls within the territory of Bulgaria.

#### **Sociological Surveys**

**Article 137.** (1) Authorizations for conduct of sociological surveys on polling day shall be granted by the Central Election Commission at least seven days in advance of polling day.

(2) Sociological surveys on polling day shall be conducted outside the voting sections by means of interviewing voters who have voted, where this does not pose difficulties to the election process.

(3) The results of the sociological surveys may be announced after 19:00 hours on polling day.

## **Section V**

### **Election Campaign**

#### **Media Services Terms and Rates**

**Article 138.** The media service providers other than the electronic media shall offer identical terms and rates to all parties, coalitions of parties and nomination committees registered to participate in the elections, which shall be published on the Internet site of the said providers not later than 40 days in advance of polling day and shall be transmitted forthwith to the Bulgarian National Audit Office and to the Central Election Commission. The media services shall be prepaid.

#### **Election Campaign Coverage**

**Article 139.** (1) The election campaign shall be covered in the programme services of the Bulgarian National Television and the Bulgarian National Radio in the format of spots, news briefs, debates and in other formats agreed under the terms referred to in Paragraph (4), during a time appointed for this purpose.

(2) It shall be impermissible to use the programme services of the Bulgarian National Television and the Bulgarian National Radio for the purposes of the election campaign outside the time appointed to the formats specified in Paragraph (1).

(3) The Bulgarian National Television and The Bulgarian National Radio shall be obligated to respect the principles of equality and objectivity in covering the campaign appearances of the candidates registered by the parties, the coalitions of parties and the nomination committees in the newscasts thereof. The agreement may provide that coverage of the campaign events be limited to news briefs and spots.

(4) The production crews, the formats of appearance and the topics of the debates shall be determined by agreement by the Directors General of the Bulgarian National Television and the Bulgarian National Radio jointly with authorized representatives of the parties, coalitions of parties and nomination committees. The said agreement shall be approved by the Central Election Commission jointly with authorized representatives of the parties not later than 31 days in advance of polling day and shall be transmitted forthwith to the Bulgarian National Audit Office.

#### **Commercial Advertising Prohibited**

**Article 140.** Using elements of commercial advertising, as well as participation of candidates and representatives of the parties, coalitions and nomination committees in the commercial advertisements transmitted, shall be prohibited in the election campaign transmitted in the programme services of the Bulgarian National Television and the Bulgarian National Radio. It shall be prohibited to make political insinuations in commercial advertising to the benefit or to the detriment of any contestant in the elections.

### **Order of Presentation of Candidates**

**Article 141.** (1) The order of presentation of the candidates registered by the parties, the coalitions of parties and the nomination committees in the various formats of the election campaign shall be determined by the Central Election Commission for each format separately by lot drawn in the presence of the candidates of authorized representatives of the parties, the coalitions of parties and the nomination committees and of representatives of the Bulgarian National Television and the Bulgarian National Radio.

(2) The order as determined by lot shall be made public by the Central Election Commission according to the procedure for making public the decisions thereof not later than 31 days in advance of polling day.

### **Opening and Closing Campaign Messages**

**Article 142.** (1) The election campaign in the programme services of the Bulgarian National Television and the Bulgarian National Radio shall open and close with spots of the parties, coalitions of parties and nomination committees of a length not exceeding one minute.

(2) Upon conduct of elections of President and Vice President of the Republic, election campaign in the programme services of the Bulgarian National Television and the Bulgarian National Radio shall open and close with messages by the pairs of candidates of a length not exceeding three minutes for each of the said pairs.

(3) Upon conduct of a second round in elections of President and Vice President of the Republic, the candidates shall have the right to broadcast messages not longer than 10 minutes in the programme services of the Bulgarian National Television and the Bulgarian National Radio on the last day of the election campaign between the two rounds of voting, in an order determined by lot according to a procedure established by the Central Election Commission.

(4) The time slot to be assigned for broadcasting of the spots shall be determined by agreement between the Directors General of the Bulgarian National Television and the Bulgarian National Radio and authorized representatives of the parties, the coalitions of parties and the nomination committees.

### **Other Spots**

**Article 143.** (1) In the time slot assigned for the election campaign, other spots of parties, coalitions of parties and nomination committees may be broadcast as well for the purpose of making them popular and soliciting voter support for the candidates thereof.

(2) The length of the spots, the time slot and the number of broadcasts thereof shall be determined by agreement between the Directors General of the Bulgarian National Television and the Bulgarian National Radio and authorized representatives of the parties, the coalitions of parties and the nomination committees.



(3) The spots referred to in Paragraph (1) shall be provided by authorized representatives of the parties, coalitions of parties and nomination committees registered to run in the elections or shall be produced by crews of the Bulgarian National Television and the Bulgarian National Radio on identical terms and at identical rates determined by the managements thereof. The terms and the rates shall be transmitted forthwith to the Bulgarian National Audit Office and to the Central Election Commission.

### **News Briefs**

**Article 144.** (1) News briefs covering the campaign appearances of the candidates registered by the parties, the coalitions of parties and the nomination committees shall be broadcast daily. Any such news briefs shall be grouped into blocks for the parties and coalitions of parties represented in Parliament, for the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament, and for the non-parliamentary parties and coalitions of parties and the nomination committees which have registered candidates, respecting the principle of non-discrimination. The length of transmission for each separate party and coalition of parties shall not exceed one minute.

(2) The time slot to be assigned for the broadcast of the news briefs shall be determined by agreement between the Directors General of the Bulgarian National Television and the Bulgarian National Radio and authorized representatives of the parties, the coalitions of parties and the nomination committees.

### **Debates**

**Article 145.** (1) The Bulgarian National Television and the Bulgarian National Radio shall allot air time to the parties, the coalitions of parties and the nomination committees which have registered candidates for not fewer than three debates on topics coordinated in advance of a length aggregating not less than 180 minutes.

(2) At least half of the time referred to in Paragraph (1) shall be allotted to the parties and coalitions of parties represented in Parliament, as well as to the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament, which have registered candidates, and the remainder of the time shall be allotted to the non-parliamentary parties and coalitions of parties and the nomination committees which have registered candidates, by agreement between the Directors General of the Bulgarian National Television and the Bulgarian National Radio and authorized representatives of the parties, the coalitions of parties and the nomination committees. The time shall be distributed evenly among the participants.

(3) In a dispute the time provided for participation to a non-parliamentary party or coalition of parties or to a nomination committee may not exceed the time for participation of a party or coalition of parties represented in Parliament.

(4) The disputes may alternatively take place with the simultaneous participation of candidates and representatives of all parties, coalitions of parties and nomination

committees.

(5) Upon conduct of a second round in elections of President and Vice President of the Republic, in the period between the two rounds of voting, by mutual agreement the candidates may hold a dispute of a length not exceeding 60 minutes within the appointed transmission time on the Bulgarian National Television and the Bulgarian National Radio. The dispute shall take place according to the procedure established by this Section.

### **Regional Radio and Television Centres**

**Article 146.** (1) The programme services of the regional radio and television centres shall be used by the nomination committees and by the parties and coalitions of parties within the period of the campaign broadcasts according to the procedure provided for the Bulgarian National Television and the Bulgarian National Radio.

(2) The regional radio and television centres shall allot air time aggregating a length of not less than 60 minutes for debates among the representatives of the parties, the coalitions of parties and the nomination committees which have registered candidates.

(3) The order for participation in the disputes shall be determined by the constituency or the municipal election commissions by lot not later than 31 days in advance of polling day. The production crews, the formats and the conditions for realization of the broadcasts, as well as the topics of the debates, shall be determined jointly by the heads of the regional radio and television centres and representatives of the parties, the coalitions of parties and the nomination committees which have registered candidates.

### **Payment for Campaign Broadcasts on Bulgarian National Television, Bulgarian National Radio and Regional Centres Thereof**

**Article 147.** (1) The campaign broadcasts on the Bulgarian National Television and the Bulgarian National Radio and the regional centres thereof shall be paid for by the parties, the coalitions of parties and the nomination committees according to a rate schedule determined by the Council of Ministers not later than 40 days in advance of polling day, which shall be transmitted forthwith to the Bulgarian National Audit Office and to the Central Election Commission. Payment shall be effected before transmission of the broadcast.

(2) The appearances referred to in Article 142 (3) herein and in Article 145 (5) herein shall not be paid for by the candidates.

### **Allotment of Time by Other Electronic Media**

**Article 148.** (1) Electronic media other than the Bulgarian National Television and the Bulgarian National Radio and the regional centres thereof may allot time for coverage of the election campaign of the parties, the coalitions of parties and the

nomination committees which have registered candidates on identical terms and at identical rates.

(2) The terms and procedure for the allotment of time for coverage of the election campaign, as well as the rate scheduled, shall be made public on the Internet site of the respective medium referred to in Paragraph (1) not later than 40 days in advance of polling day. Payment shall be effected in advance.

(3) The terms, procedure and rate schedules referred to in Paragraph (2) shall be transmitted to the Bulgarian National Audit Office and shall be provided to the Central Election Commission in respect of an electronic medium within a national range and, to the constituency election commissions or, respectively to the municipal election commissions in respect of an electronic medium within a regional or a local range, not later than ten days before the start of the campaign transmissions.

### **Breach of Procedure upon Conduct of Campaign**

**Article 149.** (1) Upon breach of the procedure for conduct of the election campaign by the media service providers, the parties, the coalitions of parties and the nomination committees, acting through the persons who represent the said parties, coalitions and committees or through persons authorized thereby, may lodge complaints within 24 hours after transmission of the broadcast concerned.

(2) The complaints shall be lodged with:

1. the Central Election Commission, in respect of a provider holding a licence or a registration within a national range, as well as where the breach was committed in multiple constituencies;

2. the constituency election commission or, respectively, the municipal election commission exercising jurisdiction over the registered office of the provider, where the provider holds a licence or a registration within a regional or local range.

(3) Should any complaint be lodged with a commission which is not competent to examine it, the said commission shall forthwith forward the said complaint to the competent commission and shall notify the complainant.

(4) The competent election commission shall examine the complaint within 24 hours after the receipt thereof, and forthwith on polling day, and shall render a decision which shall be unappealable.

## **Section VI**

### **Election Campaign Financing**

#### **Financing by Parties, Coalitions of Parties and Nomination Committees**

**Article 150.** (1) The parties and the nomination committees which have registered candidates may finance the election campaigns thereof by:

1. own financial resources of the parties;
2. financial resources of the members of the nomination committees;
3. financial resources of the candidates;
4. contributions by natural persons.

(2) The coalitions of parties which have registered candidates may finance the election campaigns thereof by:

1. own financial resources of the parties which participate in the said coalitions;
2. financial resources of the candidates;
3. contributions by natural persons.

### **Financing and Facilitation of Election Campaigns by Natural Persons**

**Article 151.** (1) The contribution by one natural person to one party or coalition of parties may not exceed BGN 10,000 for one calendar year.

(2) The contribution by one natural person to one nomination committee and the candidate registered thereby may not exceed BGN 10,000.

(3) Natural persons may provide only own movable and immovable things to parties, coalitions of parties and nomination committees for gratuitous use in election campaigns.

(4) Natural persons may provide gratuitous services in election campaigns to parties, coalitions of parties and nomination committees only performed through work done in person.

### **Prohibited Financing and Facilitation of Election Campaigns**

**Article 152.** (1) It shall be prohibited to finance the election campaigns:

1. by anonymous contributions in any form whatsoever;
2. by financial resources of legal persons and of sole traders;
3. by financial resources of non-resident natural persons, with the exception of the persons who are nationals of another Member State of the European Union, who are enfranchised under this Code;
4. by financial resources of religious institutions;
5. by financial resources of foreign governments or of foreign state-owned enterprises, foreign commercial corporations or foreign non-profit organizations.

(2) The entities referred to in Items 2 to 5 of Paragraph (1) may not provide any movable and immovable things for gratuitous use in election campaigns, nor any gratuitous services in any form whatsoever.

## **Financial Resources of Candidate or Nomination Committee Member**

**Article 153.** All requirements to the financing of election campaigns under this Section shall furthermore apply where the campaigns are financed by financial resources of a candidate or a member of a nomination committee.

## **Election Campaign Financing Obligations**

**Article 154.** (1) Where the aggregate amount of the contribution by any natural person exceeds BGN 1,000, the said person shall present a declaration, completed in a standard form, on the origin of the financial resources contributed.

(2) The rule under Paragraph (1) shall furthermore apply where the campaigns are financed by financial resources of the candidates and the members of nomination committees.

(3) Where any natural person provides own movable or immovable things for gratuitous use in election campaigns, the said person shall present a declaration, completed in a standard form, on the ownership of the said things.

(4) Any financial resources related to election campaign in an amount exceeding BGN 1,000 shall be raised and spent by bank transfer.

## **Aggregate Amount of Financing**

**Article 155.** (1) Upon conduct of elections, the aggregate amount of financing of each election campaign of the parties, coalitions of parties and nomination committees may not exceed:

1. upon elections of National Representatives:

(a) BGN 4,000,000 for parties and coalitions of parties;

(b) BGN 200,000 for a nomination committee;

2. upon elections of President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria:

(a) BGN 2,000,000 for parties, coalitions of parties and nomination committees for elections of President and Vice President of the Republic, as well as for parties and coalitions of parties for elections of Members of the European Parliament for the Republic of Bulgaria;

(b) BGN 100,000 for a nomination committee for elections of Members of the European Parliament for the Republic of Bulgaria;

3. upon elections of municipal councillors and mayors:

(a) BGN 8,000,000 for parties and coalitions of parties;

(b) the amounts referred to in Paragraph (5) for nomination committees.

(2) Within the aggregate amount of the financing referred to in Item 3 of Paragraph (1), upon conduct of elections of municipal councillors not more than BGN 5,000 may be

spent per candidate for municipal councillor.

(3) Within the aggregate amount of the financing referred to in Item 3 of Paragraph (1), upon conduct of elections of municipality mayors the following amounts may be spent per candidate for municipality mayor:

1. for a municipality with a population not exceeding 30,000 residents: not more than BGN 25,000;

2. for a municipality with a population not exceeding 60,000 residents: not more than BGN 50,000;

3. for a municipality with a population not exceeding 100,000 residents: not more than BGN 100,000;

4. for a municipality with a population not exceeding 200,000 residents: not more than BGN 250,000;

5. for a municipality with a population not exceeding 500,000 residents: not more than BGN 500,000;

6. for a municipality with a population exceeding 500,000 residents: not more than BGN 1,000,000.

(4) Within the aggregate amount of the financing referred to in Item 3 of Paragraph (1), upon conduct of elections of mayoralty mayors the following amounts may be spent per candidate for mayoralty mayor:

1. for a mayoralty with a population not exceeding 1,000 residents: not more than BGN 2,000;

2. for a mayoralty with a population not exceeding 3,000 residents: not more than BGN 6,000;

3. for a mayoralty with a population exceeding 3,000 residents: not more than BGN 10,000.

(5) The maximum amount of the financial resources which the nomination committees may spend on candidates for municipal councillor, municipality mayor and mayoralty mayor may not exceed the amount referred to in Paragraphs (2), (3) and (4). The financial resources of the candidate and the financial resources of the nomination committee shall be included in the aggregate amount of the financial resources which the nomination committees have the right to spend on each election campaign.

(6) All financial resources permitted by this Code under Article 150 herein shall be included in the aggregate amount of the financial resources which the parties, the coalitions of parties and the nomination committees have the right to spend on each election campaign.

### **Financing Elections within Same Calendar Year**

**Article 156.** Upon conduct of different types of elections within the same calendar year, the requirements of Article 155 herein shall apply separately to each type of elections.

## **Presentation of Bank Account Particulars**

**Article 157.** Within five days after the registration thereof to run in the respective type of election, the parties, the coalitions of parties and the nomination committees shall present to the Bulgarian National Audit Office particulars of the bank account used to service the election campaign thereof, as presented under Item 11 of Article 82 (3), Item 5 of Article 84 (4), Item 9 of Article 89 (3), Item 5 of Article 91 (4), Item 6 of Article 95 (5) and Item 5 of Article 97 (8) herein.

## **Single Public Register**

**Article 158.** (1) A single public register of the parties, coalitions of parties and nomination committees participating in the respective types of elections shall be established at the Bulgarian National Audit Office and shall be maintained until the next elections of the same type.

(2) The following shall be published in the register referred to in Paragraph (1) while the election campaign is in progress:

1. the circumstances covered under Article 17 of the Political Parties Act;
2. the name of the coalition of parties and the name of the nomination committee and the names of the persons who represent the said coalition and committee;
3. the names of the contributors, the type, purpose, amount or value of the contributions made;
4. the names of the natural persons who provided gratuitous use or services in the election campaign, the period of use, the type and the description of the things provided for use, the type of the services;
5. the declarations on the origin of the financial resources contributed, the declarations on the origin of the financial resources of the candidates and of the members of the nomination committees and the declarations by the natural persons on ownership of the things provided for gratuitous use;
6. the names of the sociological and advertising agencies, as well as the names of the public relations agencies hired by the parties, coalitions of parties and nomination committees.

(3) After conduct of the elections, the reports referred to in Article 159 (1) herein shall be published in the register.

(4) While the election campaign is in progress, the parties, the coalitions of parties and the nomination committees shall transmit the newly received information covered under Paragraph (2) in hard copy and in soft copy to the Bulgarian National Audit Office for inclusion in the register.

## **Financing Report**

**Article 159.** (1) Within 30 days after polling day, the parties, the coalitions of parties and the nomination committees shall present a report in hard copy and in soft copy to the Bulgarian National Audit Office on the financial resources raised and spent and the payment obligations assumed thereby in connection with the election campaign, accompanied by a statement of the bank account thereof.

(2) The financial resources of the candidate and/or a member of the nomination committee for the election campaign shall be accounted for in the reports referred to in Paragraph (1). A declaration on origin of the financial resources shall be attached to the reports where the said resources are in an amount exceeding BGN 1,000.

(3) The reports referred to in Paragraph (1) shall be prepared and presented in a standard form for each type of election, endorsed by the Bulgarian National Audit Office.

(4) The Bulgarian National Audit Office shall publish the reports of the parties, coalitions of parties and nomination committees referred to in Paragraph (1) within 15 days after the expiry of the time limit for the presentation of the said reports.

(5) The Bulgarian National Audit Office shall verify the correspondence of the financial resources raised as declared to the financial resources actually spent in connection with the election campaign.

## **Declaration of Financing by Municipal Councillor or Mayor**

**Article 160.** (1) Within 30 days after the election thereof, each municipal councillor or mayor shall be obligated to declare to the competent Municipal Council the sources of financing and the financial resources which the said councillor or mayor spent during the election campaign.

(2) Within 14 days after the expiry of the time limit referred to in Paragraph (1), the competent Municipal Council shall transmit the declarations to the Bulgarian National Audit Office.

## **Unregulated Matters**

**Article 161.** The Political Parties Act shall apply to any matters which are not regulated in this Section.



## **Chapter Nine**

### **VOTING**

#### **Section I**

##### **Ballot Papers. General Provisions**

###### **Common Requirements**

**Article 162.** (1) Ballot papers conforming to a standard design, endorsed by the Central Election Commission, shall be used for voting in all types of elections.

(2) The ballot papers referred to in Paragraph (1) shall be white, manufactured of non-transparent paper, of weight not less than 120 g/sq m, and protected by print security features.

(3) The ballot papers referred to in Paragraph (1) may not contain any essential elements other than those recited in this Code.

(4) The number of ballot papers printed upon elections of President and Vice President of the Republic and of municipal councillors and mayors shall equal the number of voters increased by 10 per cent.

###### **Ballot Boxes**

**Article 163.** Ballot boxes shall be transparent and shall be sealed.

###### **Type of Election Noted on Ballot Paper**

**Article 164.** Upon simultaneous conduct of different types of elections, the particular type of elections for which the ballot papers apply shall be noted thereon.

#### **Section II**

##### **Ballot Papers for Voting for National Representatives**

###### **Ballot Papers and Envelopes**

**Article 165.** Ballot papers and envelopes of a standard design, endorsed by the Central Election Commission, shall be used for voting for National Representatives.

###### **Ballot Paper Content and Numbering**

**Article 166.** (1) The ballot papers shall contain:

1. the name and number of the constituency;

2. the full and/or abbreviated name of the 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 party being written as “ПП” [abbreviation for “political party” in Bulgarian], for a coalition of parties as “КП” [abbreviation for “coalition of parties” in Bulgaria], and for a nomination committee as “ИК” [abbreviation for “nomination committee” in Bulgarian];

3. the names of the candidates on the relevant candidate list of a party or coalition of parties or the name of the independent candidate;

4. a square at the left of the name of each candidate to be marked with an “X”, showing the preference of the voter for a particular candidate; the sequential number of the candidate on the list shall also be written in the said square;

5. an empty line between the names of the candidates.

(2) The number assigned to the ballot paper of the relevant party, coalition of parties or independent candidates shall be printed top left on a separate line, boxed and set in large point size and bold font style.

(3) The number referred to in Paragraph (2) shall be assigned by the Central Election Commission by lot drawn in the presence of representatives of the parties and coalitions of parties not later than 31 days in advance of polling day. The lot shall be drawn publicly and the registered candidates and representatives of the mass communication media may also be present thereat. The assigned number shall be the same for the entire country and for the voting abroad. The result of the drawing of lots shall be made public by the Central Election Commission by decision according to the procedure established by Article 26 (6) herein.

(4) The numbers assigned to the independent candidates shall follow the numbers assigned to the ballot papers of the parties and coalitions of parties according to the sequence of the registration of the independent candidate by the constituency election commission.

(5) The name and number of the constituency shall be written on the top line of the ballot paper. The essential elements referred to in Items 2, 3 and 4 of Paragraph (1) shall be written from left to right on a separate horizontal line. 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].

(6) Only ballot papers for parties or coalitions of parties which do not contain the essential elements referred to in Items 3 and 4 of Paragraph (1) shall be used for voting abroad.

(7) The printing of ballot papers shall commence not earlier than 18 days in advance of polling day.

## Section III

### Ballot Paper for Voting for President and Vice President of the Republic

#### Ballot Paper Type and Content

**Article 167.** (1) A combined ballot paper shall be used for voting.

(2) The face of the ballot paper shall contain:

1. the name and number of the district referred to in Article 68 (2) herein; in the ballot papers for voting abroad, the name and number of the district shall be replaced by the text “Бюлетина за гласуване извън страната” [Ballot Paper for Voting Abroad];

2. a square to be marked with an “X”, showing the choice of the voter, with the sequential number of the relevant candidate list being written in the said square;

3. the names of the candidate for President and the names of the candidate for Vice President, written on separate lines in the relevant candidate list;

4. the full or abbreviated name of the 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 party being written as “ПП” [abbreviation for “political party” in Bulgarian], for a coalition of parties as “КП” [abbreviation for “coalition of parties” in Bulgaria], and for a nomination committee as “ИК” [abbreviation for “nomination committee” in Bulgarian];

(3) The essential elements referred to in Items 2, 3 and 4 of Paragraph (2) shall be written sequentially from left to right on a separate horizontal line for each candidate lists. The designation “независим” [independent] shall be written at the right of the names of the independent candidates.

(4) The lines of the separate candidate lists shall be separated from one another by an empty line and a solid black horizontal line.

(5) The reverse side of the ballot paper shall be marked with two areas where the seal of the competent section election commission is to be affixed.

(6) Ballot papers for parties, coalitions of parties and nomination committees, which contain the essential elements referred to in Item 3 of Paragraph (2), shall be used for voting abroad.

#### Sequential Numbering of Candidate Lists

**Article 168.** (1) The sequential number of the candidate lists shall be determined by the Central Election Commission by lot drawn in the presence of representatives of the parties, the coalitions of parties and the nomination committees not later than 31 days in advance of polling day. The lot shall be drawn publicly and the registered candidates and representatives of the mass communication media may also be present thereat.

(2) The assigned number shall be the same for the entire country and for the voting

abroad.

(3) The result of the drawing of lots under Paragraph (1) shall be made public by decision by the Central Election Commission according to the procedure established by Article 26 (6) herein.

(4) Where a party or a coalition of parties has not registered a candidate list, the number thereof shall not be written on the ballot paper and an empty line shall not be left for any such list.

(5) The printing of the ballot paper shall commence not earlier than 18 days in advance of polling day.

## **Section IV**

### **Ballot Papers for Voting for Members of the European Parliament for the Republic of Bulgaria**

#### **Ballot Papers and Envelopes**

**Article 169.** Ballot papers and envelopes of a standard design, endorsed by the Central Election Commission, shall be used for voting for Members of the European Parliament for the Republic of Bulgaria.

#### **Ballot Paper Content and Numbering**

**Article 170.** (1) The ballot papers shall contain:

1. the name and number of the district referred to in Article 69 (2) herein;
2. the full or abbreviated name of the 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 party being written as “ПП” [abbreviation for “political party” in Bulgarian], for a coalition of parties as “КП” [abbreviation for “coalition of parties” in Bulgaria], and for a nomination committee as “ИК” [abbreviation for “nomination committee” in Bulgarian];
3. the names of the candidates on the relevant candidate list of a party or coalition of parties or the name of the independent candidate; the names of the nationals of a Member State of the European Union, who are not Bulgarian citizens but are registered as candidates for Member 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;
4. a square at the left of the name of each candidate to be marked with an “X”, showing the preference of the voter for a particular candidate; the sequential number of the candidate on the list shall also be written in the said square;
5. an empty line between the names of the candidates.

(2) The number assigned to the ballot paper of the relevant party, coalition of

parties or independent candidates shall be printed top left on a separate line, boxed and set in large point size and bold font style.

(3) The number referred to in Paragraph (2) shall be assigned by the Central Election Commission by lot drawn in the presence of representatives of the parties and coalitions of parties not later than 31 days in advance of polling day. The lot shall be drawn publicly and the registered candidates and representatives of the mass communication media may also be present thereat. The assigned number shall be the same for the entire country and for the voting abroad. The result of the drawing of lots shall be made public by the Central Election Commission by decision according to the procedure established by Article 26 (6) herein.

(4) The name and number of the district referred to in Article 69 (2) herein shall be written on the top line of the ballot paper. The essential elements referred to in Items 2, 3 and 4 of Paragraph (1) shall be written from left to right on a separate horizontal line. In the ballot papers for voting abroad, the name and number of the district shall be replaced by the text “Бюлетина за гласуване извън страната” [Ballot Paper for Voting Abroad].

(5) Ballot papers for parties, coalitions of parties and nomination committees which do not contain the essential elements referred to in Items 3 and 4 of Paragraph (1) shall be used for voting abroad.

(6) The printing of ballot papers shall commence not earlier than 18 days in advance of polling day.

## **Section V**

### **Ballot Papers for Voting for Municipal Councillors, Municipality Mayors and Mayoralty Mayors**

#### **Types of Ballot Papers**

**Article 171.** (1) Combined ballot papers shall be used for voting for:

1. municipal councillors;
2. municipality mayor;
3. mayoralty mayor, if any such election is conducted.

(2) The separate types of ballot papers shall differ in size.

#### **Content of Ballot Paper for Municipal Councillors and for Mayors**

**Article 172.** (1) The face of the ballot paper for municipal councillors shall contain:

1. the name of the municipality and the number of the constituency;
2. the title “Бюлетина за общински съветници” [Ballot Paper for Municipal Councillors];

3. a square to be marked with an “X”, showing the choice of the voter, with the sequential number of the party, coalition of parties or independent candidate being written in the said square;

4. the full or abbreviated name of the 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 party being written as “ПП” [abbreviation for “political party” in Bulgarian], for a coalition of parties as “КП” [abbreviation for “coalition of parties” in Bulgaria], and for a nomination committee as “ИК” [abbreviation for “nomination committee” in Bulgarian];

5. the names of the candidates ranked first, second and third on the candidate list of the party or coalition of parties.

(2) The face of the ballot paper for mayor shall contain:

1. the number of the municipality or mayoralty and the number of the respective constituency;

2. the title “Бюлетина за кмет на община” [Ballot Paper for Municipality Mayor] or “Бюлетина за кмет на кметство” [Ballot Paper for Mayoralty Mayor];

3. a square to be marked with an “X”, showing the choice of the voter, with the sequential number of the party, coalition of parties or independent candidate being written in the said square;

4. the full or abbreviated name of the 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 party being written as “ПП” [abbreviation for “political party” in Bulgarian], for a coalition of parties as “КП” [abbreviation for “coalition of parties” in Bulgaria], and for a nomination committee as “ИК” [abbreviation for “nomination committee” in Bulgarian];

5. the names of the candidate for mayor.

(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] “Бюлетина за кмет на община” [Ballot Paper for Municipality Mayor] or “Бюлетина за кмет на кметство” [Ballot Paper for Mayoralty Mayor].

(4) The essential elements referred to in Items 3, 4 and 5 of Paragraph (1) and in Items 3, 4 and 5 of Paragraph (2) shall be written sequentially from left to right on a separate horizontal line for each party, coalition of parties or independent candidate. The designation “независим” [independent] shall be written at the right of the names of the independent candidates.

(5) The lines of the separate candidate lists shall be separated from one another by an empty line and a solid black horizontal line.

(6) The reverse side of the ballot paper referred to in Paragraphs (1) and (2) shall be marked with two areas where the seal of the competent section election commission is to be affixed.

## **Sequential Numbering**

**Article 173.** (1) The sequential number of the parties, coalitions of parties and independent candidates shall be determined by the Central Election Commission by lot drawn in the presence of representatives of the parties, the coalitions of parties and the nomination committees not later than 31 days in advance of polling day. The lot shall be drawn publicly and the registered candidates and representatives of the mass communication media may also be present thereat. In case of identity of the parties and coalitions of parties which have registered candidates for municipal councillor or mayor 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 Paragraph (1) shall be made public by decision by the municipal election commission according to the procedure established by Article 33 (2) herein.

(3) Where a party or a coalition of parties has not registered a candidate list in any of the constituencies within the territory of the municipality, the number thereof shall not be written on the ballot paper for this type of elections and an empty line shall not be left for any such list.

(4) The printing of the ballot paper shall commence not earlier than 18 days in advance of polling day.

## **Section VI**

### **Common Rules for Voting**

#### **Conduct of Voting**

**Article 174.** Voting shall be conducted in voting sections in polling sites intended for this purpose, wherein there shall be polling booths.

#### **Announcement of Measures for Voters with Impairment**

**Article 175.** (1) Not later than 7 days in advance of polling day, the constituency election commission or the municipal election commission shall announce, in an appropriate manner through the mass communication media, the measures enabling voters with locomotor or sight impairment to travel and to vote on polling day.

(2) The announcement referred to in Paragraph (1) shall state a telephone and an address at which assistance can be requested on polling day.

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

**Article 176.** (1) Voters with permanent disabilities which prevent them from exercising their franchise in the polling site, who wish to vote by means of a mobile ballot box, shall state the desire thereof not later than 30 days in advance of polling 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 40 (1) herein exercising jurisdiction over the permanent address or the present address, where a request under Article 53 (1) herein has been submitted. Any such statement shall state the names of the voter, the Standard Public Registry Personal Number (Personal Number) thereof, the permanent address (residence address) or the present address, where a request under Article 53 (1) herein has been submitted, and a copy of a document issued by the Territorial Medical Expert Board (National Medical Expert Board).

(2) The names of the voter who has submitted a request under Paragraph (1) shall be removed from the electoral roll and shall be entered by the authority referred to in Article 40 (1) herein on a roll for voting by means of a mobile ballot box.

(3) Upon voting by means of mobile ballot boxes, mobile section election commissions shall be appointed. The constituency or the municipal election commission shall determine the number of mobile section election commissions in the constituency (district) on the basis of the number of statements submitted under Paragraph (1). Within the territory of each municipality (or borough, applicable to cities subdivided into boroughs), there shall be appointed at least one mobile section election commission provided that there are not fewer than ten voters referred to in Paragraph (1). Mobile section election commissions shall be appointed under the terms and according to the procedure established by Section V of Chapter Two herein. Mobile section election commissions shall be vested with the powers referred to in Items 1, 3 to 8 of Article 36 (1) and Article 36 (2) herein.

(4) The municipality mayor shall be obligated to provide suitable premises and transport for the mobile section election commissions.

(5) The provisions of the Code regarding section election commissions shall apply, *mutatis mutandis*, to mobile section election commissions.

## **Distribution of Stationery and Materials Prohibited**

**Article 177.** The advance distribution of election stationery and materials shall be prohibited.

## **Removal of Stationery and Materials Prohibited**

**Article 178.** (1) The removal of the ballot boxes, the electoral rolls, the ballot papers and the envelopes from the polling site after the acceptance of the said stationery and materials by the section election commission on the day before polling day, while the voting and the counting of the votes and the preferences are in progress, shall be prohibited.



(2) Mobile section election commissions may remove the stationery and materials from the premise referred to in Article 176 (4) herein for voting by means of mobile ballot boxes.

(3) The removal of ballot papers by voters from the polling site shall be prohibited.

### **Voting outside Polling Site Prohibited**

**Article 179.** Voting outside the polling site shall be prohibited, except in the cases referred to in Article 176 herein.

### **Displaying Voting Choice Prohibited**

**Article 180.** (1) Upon conduct of elections of National Representatives and of Members of the European Parliament for the Republic of Bulgaria, voters shall be prohibited from displaying the voting choice after completing the ballot paper and before depositing the envelope in the ballot box.

(2) Upon conduct of elections of President and Vice President of the Republic and of municipal councillors and mayors, voters shall be prohibited from unfolding the ballot paper in a manner making visible the marked choice of a party, a coalition of parties or a nomination committee after completing the ballot paper and before depositing the envelope in the ballot box.

(3) Upon violation of the prohibition referred to in Paragraphs (1) and (2), the commission shall forthwith declare the ballot paper invalid and shall note this circumstance on the ballot paper and in the column designated "Notes" of the electoral roll. The voter shall not be readmitted to voting.

(4) The ballot paper referred to in Paragraph (3) shall be counted as invalid, shall be cancelled by means of an inscription "Invalid under Article 180", and shall be entered on a separate line in the tally sheet of the section election commission.

### **Use of Image Reproducing Devices Prohibited**

**Article 181.** (1) The use of mobile telephones, still cameras or other image reproducing equipment for the purpose of recording the voting choice shall be prohibited.

(2) Upon violation of the prohibition referred to in Paragraph (1), the commission shall forthwith declare the ballot paper invalid and shall note this circumstance on the ballot paper and in the column designated "Notes" of the electoral roll. The voter shall not be readmitted to voting.

(3) The ballot paper referred to in Paragraph (2) shall be counted as invalid, shall be cancelled by means of an inscription "Invalid under Article 181", and shall be entered on a separate line in the tally sheet of the section election commission.

### **Presence Prohibited**

**Article 182.** The presence of any persons other than voters in the process of balloting within less than 3 metres from the polling booth, where occupied by a voter, shall be impermissible.

### **Ballot Box Filled. Opening**

**Article 183.** (1) When the ballot box is filled with envelopes or ballot papers, depending on the type of elections, a paper tape bearing the signatures of the members of the commission shall be pasted on the slot thereof, thus precluding further use of the said ballot box. The full ballot box shall remain on the voting table.

(2) The chairperson shall check whether the second ballot box is serviceable and empty. The ballot box shall be closed and sealed with paper tapes signed by the members of the commission, and voting shall proceed. This circumstance shall be entered in the tally sheet of the section election commission.

(3) The two ballot boxes shall be opened simultaneously after completion of the voting, and the envelopes and ballot papers upon elections of National Representatives or of Members of the European Parliament for the Republic of Bulgaria of ballot papers upon elections of President and Vice President of the Republic of municipal councillors and mayors, found therein, shall be counted together.

### **Beginning and End of Voting**

**Article 184.** (1) Votes shall vote from 6:00 hours until 19:00 hours. The polls abroad shall open at 6:00 hours local time and shall close at 19:00 hours local time. Should any voters who have not voted be outside the polling site at 19:00 hours, the chairperson and the secretary of the section election commission shall establish the number and identity of the said voters.

(2) The voters who have not voted shall deliver the identity documents thereof to the commission, and the voters who are nationals of another Member State of the European Union shall deliver the residence certificate thereof as well. Only these voters shall be admitted to voting after 19:00 hours, but not later than 20:00 hours.

### **Irregularities Affecting Election Process**

**Article 185.** (1) The section election commission may suspend voting in the event of serious irregularities affecting the election process. Voting shall be resumed after elimination of the said irregularities.

(2) The decision to suspend the voting shall be communicated forthwith to the Central Election Commission care off the constituency or the municipal election commission.

(3) The circumstances referred to in Paragraphs (1) and (2) shall be recorded in the tally sheet of the section election commission.

(4) Should it be necessary to restore order and by decision of the section election commission, the chairperson may seek assistance from the mayor or the lieutenant mayor and from the authorities of the Ministry of Interior. These circumstances shall be recorded in the tally sheet of the section election commission.

### **Persons Barred from Polling Site**

**Article 186.** (1) Persons behaving in a manner offensive to good morals, as well as persons carrying any objects endangering human life and 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 185 (4) herein.

## **Section VII**

### **Day before Polling Day**

#### **Taking Delivery of Stationery and Materials**

**Article 187.** (1) On the day before polling day, the section election commission shall take delivery from the municipal administration and from the constituency or the municipal election commission of:

1. ballot boxes;
2. voting ballot papers, sealed in a manner determined by the Central Election Commission;
3. voting envelopes upon elections of National Representatives and of Members of the European Parliament for the Republic of Bulgaria;
4. an electoral roll;
5. a blank form of a supplementary electoral roll;
6. a blank form for additional entry of attendants;
7. a list of the removed persons who are not entitled to be added to the electoral roll on polling day;
8. two blank forms of the tally sheet (tally sheets) of the section election commission; the serial numbers of the tally sheet shall be entered in the memorandum of delivery and acceptance of the election stationery and materials referred to in Paragraph (3); if there is any discrepancy in the serial numbers of the separate sheets of the tally sheets, this circumstance shall be described; the blank forms of the tally sheets shall be delivered sealed in an envelope in a manner leaving visible only the serial numbers thereof; the said envelope shall be stamped and signed by the members of the constituency or the municipal election commission; after the closing of the polls, the counting of the votes and the completion of the draft, one of the blank forms shall be unsealed and only in case of miscompletion the other blank form shall be unsealed as

well;

9. blank forms for drafts for recording the results of the counting of the preferences for the candidates of the parties and coalitions of parties upon elections of National Representatives and of Members of the European Parliament for the Republic of Bulgaria;

10. blank forms for abstracts and drafts of the tally sheets of the section election commission;

11. a seal of the section election commission upon elections of President and Vice President of the Republic and upon elections of municipal councillors and mayors;

12. a memorandum on marking of the seal of the section election commission;

13. specimens of the declarations which are submitted for the relevant type of elections according to this Code;

14. a modular box for the ballot papers upon elections of National Representatives and of Members of the European Parliament for the Republic of Bulgaria;

15. other auxiliary and technical materials.

(2) On the day before polling day, the mobile section election commission shall take delivery from the municipal administration and from the constituency or the municipal election commission of the election stationery and materials referred to in Items 1, 2, 3, 6, 8, 9, 10, 13, 14 and 15 of Paragraph (1), as well as:

1. a roll for voting by means of a mobile ballot box;

2. a seal of the mobile section election commission upon elections of President and Vice President of the Republic and upon elections of municipal councillors and mayors;

3. a memorandum on marking of the seal of the mobile section election commission.

(3) The chairperson of the section election commission or of the mobile section election commission, as the case may be, a member of the said commission designated by the constituency or municipal elections commission, and the municipality mayor, borough mayor or mayoralty mayor or an official of the municipal administration designed thereby by order shall sign a memorandum of delivery and acceptance of the electoral roll or the roll for voting by means of a mobile ballot box, as the case may be, and a memorandum of delivery and acceptance of the election stationery and materials referred to in Items 1, 2, 3, 5 to 15 of Paragraph (1) or, respectively, in Items 1, 2, 3, 6, 8, 9, 10, 13, 14 and 15 of Paragraph (1) and Items 2 and 3 of Paragraph (2). In case of non-appearance of the chairperson of the section election commission or of the mobile section election commission, as the case may be, the deputy chairperson of the commission shall take delivery of the election stationery and materials and shall sign the memorandums. The memorandums shall be drawn up in three identical copies: one copy each for the section election commission, for the constituency or the municipal election commission, and for the municipality (or borough, applicable to cities subdivided into boroughs).

(4) The seal of the section election commission referred to in Item 11 of Paragraph

(1) or, respectively, the seal of the mobile section election commission referred to in Item 2 of Paragraph (2), shall be delivered in a sealed envelope, which shall be signed by the persons referred to in Paragraph (3) upon delivery and shall be opened upon the opening of the polls at the voting section. After 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.

(5) After the memorandums are signed, the responsibility for safe-keeping of the election stationery and materials shall pass to the chairperson of the section election commission or of the mobile section election commission, as the case may be.

### **Stationery and Materials Delivered to Navigation Vessel Masters**

**Article 188.** The masters of any navigation vessels flying the Bulgarian flag, which leave Bulgaria before the opening of the polls, shall take delivery of the election stationery and materials covered under Article 187 (1) herein from the constituency election commission exercising jurisdiction over the location of the ship not later than 19:00 hours on the day before polling day.

### **Taking Delivery of Stationery and Materials**

**Article 189.** The chairperson and the secretary of a section election commission abroad shall take delivery of the election stationery and materials covered under Article 187 (1) herein from the head of the Bulgarian diplomatic mission or consular post or from a representative empowered thereby.

### **Polling Site and Polling Booths**

**Article 190.** (1) Specimens of the voting ballot papers shall be displayed in front of the polling site, and upon elections of municipal councillors and mayors the full candidate lists for municipal councillors of the parties and coalitions of parties shall be displayed as well.

(2) Polling booths shall be placed in the polling site in a manner such as to ensure the secrecy of the ballot. The booths must accommodate the voting by voters with locomotor or sight impairment.

(3) Upon elections of National Representatives and of Members of the European Parliament for the Republic of Bulgaria, the ballot papers in the polling booths shall be arranged in a modular box. The Central Election Commission shall determine the type, size and capacity of the modular box not later than 55 days in advance of polling day.

(4) A panel shall be placed in front of the polling site and in the polling booths, directing voters by a text in capital letters that they may express the vote thereof only by marking the ballot paper with an "X" placed by means of a ballpoint pen writing in blue ink. The size and type of the said panel shall be determined by the Central Election Commission.

(5) Upon completion of the preparation for voting, the site shall be locked and

sealed with paper tape bearing the signature of the members of the section election commission who are present.

(6) The polling sites shall be guarded on the outside by employees of the Ministry of Interior.

## **Section VIII**

### **Polling Day. Voting**

#### **Opening of the Polls**

**Article 191.** (1) The polling site shall be unsealed and the polls shall be declared open by the chairperson of the section election commission at 6:00 hours provided that more than one-half of the members of the commission are present. If a quorum is not present, the constituency or the municipal election commission shall be notified. Should more than one-half of the members of the commission presented themselves at 6:00 hours but the chairperson did not present himself or herself, the polling site shall be unsealed and the polls shall be declared open by the deputy chairperson, and this circumstance shall be entered in the tally sheet of the section election commission.

(2) Should a sufficient number of members of the section election commission fail to present themselves within one hour, the constituency or the municipal election commission shall appoint the requisite number of members from amongst the alternate members in lieu of the absent members.

(3) Should the chairperson of the section election commission be absent, the deputy chairperson shall be appointed chairperson and a member of the section election commission shall be appointed deputy chairperson by the constituency or the municipal election commission. Should the deputy chairperson or the secretary of the section election commission be absent, a member of the section election commission shall be appointed deputy chairperson or secretary by the constituency or the municipal election commission.

(4) Should the chairperson, the deputy chairperson and the secretary of the section election commission be absent, a chairperson, a deputy chairperson and a secretary shall be appointed by the constituency or the municipal election commission from amongst the members and the alternate members.

(5) In the cases referred to in Paragraphs (3) and (4), the constituency or the municipal election commission shall observe the requirement of sentence two of Article 15 (3) herein.

(6) The Central Election Commission, acting on a proposal by the constituency or the municipal election commission, may allow commencement of the voting in certain voting sections at 5:00 hours.

## **Steps at Opening**

**Article 192.** (1) Immediately before the opening of the polls, the ballot papers shall be unsealed and upon elections of National Representatives and of Members of the European Parliament for the Republic of Bulgaria shall be placed in the modular box.

(2) Candidates, one of the election agents referred to in Article 101 (2) herein, one representative per party, coalition of parties and nomination committee, observers, journalists and voters may be present in the polling sites upon the opening of the polls.

(3) The chairperson of the section election commission shall verify the availability of the stationery and materials covered under Article 187 (1) herein and shall check whether the ballot box is serviceable and empty. After the check, the box shall be closed and sealed with paper tapes signed by the members of the commission present.

(4) Upon conduct of elections of President and Vice President of the Republic and of municipal councillors and mayors, upon the opening of the polls the chairperson of the section election commission shall mark in a unique manner the seal of the section election commission which is used to stamp the election stationery. A memorandum signed by the members of the commission shall be drawn up on the marking, and the said memorandum shall contain at least three impressions of the marked seal.

(5) After performance of the steps referred to in Paragraphs (1) and (3) and, upon elections of President and Vice President of the Republic and of municipal councillors and mayors, in Paragraph (4) as well, the chairperson of the section election commission shall declare the polls open.

## **Election Agents' Rights and Duties**

**Article 193.** (1) On polling day, election agents may wear only distinguishing signs of a standard design endorsed by the Central Election Commission. Any election agents who wear any distinguishing signs other than those approved by the Central Election Commission shall be excluded from participation in the polls by decision of the section election commission. The decision shall be appealable before the constituency or the municipal election commission, which shall pronounce forthwith.

(2) While voting is in progress, only one of the of the election agents referred to in Article 101 (2) herein, one representative per party, coalition of parties and nomination committee, observers and journalists may be present in the polling site without interfering with the voting.

## **Voting by Persons Engaged in Conduct of Elections**

**Article 194.** The persons engaged in the conduct of the elections of National Representatives, of President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria as members of a section election commission or as security guards of the relevant voting section may exercise the franchise thereof after entry on a supplementary page of the electoral roll if they satisfy the conditions referred to in Article 3 herein and upon presentation of a declaration,

completed in a standard form, to the effect that they have not voted and will not vote elsewhere. The said declaration shall constitute an integral part of the roll.

### **Establishment of Voter's Identity**

**Article 195.** (1) Voters shall establish the identity thereof to the chairperson or a member of the commission designated by decision thereof before the opening of the polls by producing an identity card or, applicable only to voters availing themselves of the provision of § 9a of the Transitional and Final Provisions of the Bulgarian Personal Documents Act, an internal (green) passport.

(2) Upon conduct of elections of Members of the European Parliament for the Republic of Bulgaria and of municipal councillors and mayors, voters who are nationals of another Member State of the European Union shall establish the identity thereof by producing an identity card or passport and a residence certificate.

(3) Voters who vote abroad shall establish the identity thereof by producing a passport, identity card or military identity card according to Items 1 and 2 of Article 13 (1) of the Bulgarian Personal Documents Act. In case the validity of the passport or identity card has expired, the holder thereof 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 extension of the validity or for the issuance of a new passport or identity card.

(4) Voters voting on board ships flying the Bulgarian flag shall establish the identity thereof:

1. the passengers: by producing a passport or identity card;
2. the members of the crew: by producing a seafarer's passport.

(5) 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, pupils and students referred to in Article 207 herein shall present to the section election commission, in addition to the identity document thereof, a pupil's or student's card.

### **Declaration by Bulgarian Citizens Residing in Another Member State of the European Union**

**Article 196.** The Bulgarian citizens residing in another Member State of the European Union, who vote at the diplomatic missions and consular posts of the Republic of Bulgaria or in the settlements referred to in Item 2 of Article 74 (4) herein, shall present a declaration, completed in a standard form, to the effect that they have not voted and will not vote elsewhere in the same elections of Members of the European Parliament.



## **Check and Entry of Voter's Particulars**

**Article 197.** (1) The chairperson or a member designated by decision of the commission shall check the particulars of the identity document produced by the voter against those on the electoral roll (the roll) and shall enter the Standard Public Registry Personal Number and the type and number of the identity document on the electoral roll (the roll) and shall admit the voter to voting.

(2) Upon conduct of elections of Members of the European Parliament for the Republic of Bulgaria and of municipal councillors and mayors, any voter who is a national of another Member State of the European Union shall be admitted to voting after entry on the electoral roll of the Personal Number thereof and of the number of the identity card or passport thereof. Any such voter shall present a declaration, completed in a standard form, to the effect that the person has not voted in the same elections of members of the European Parliament.

(3) Should any discrepancy be detected in any of the names of a voter who is a citizen of the Republic of Bulgaria between the roll and the identity document, if the permanent address is identical, the names of the voter according to the identity card shall be recorded in the column designated "Notes" of the electoral roll.

(4) Should, upon conduct of elections of Members of the European Parliament for the Republic of Bulgaria and of municipal councillors and mayors, any discrepancy be detected in any of the names of a voter who is a national of another Member State of the European Union between the particulars of the residence certificates as entered on the roll and the identity card or the passport or, respectively, the residence certificate, if the residence address is identical, the particulars of the identity card or the passport or, respectively, of the residence certificate shall be recorded in the column designated "Notes" of the electoral roll.

(5) The identity document and, respectively, the residence certificate of a national of another Member State of the European Union, shall be left with the chairperson or, respectively, the member of the section election commission until the voter signs the electoral roll (the roll).

(6) If the voter is not entered on the electoral roll (the roll) but is entitled to vote, all particulars thereof shall be entered on the supplementary page of the electoral roll, whereupon the voter shall be admitted to voting.

## **Rules for Voting upon Elections of National Representatives and of Members of the European Parliament for the Republic of Bulgaria**

**Article 198.** (1) Upon conduct of elections of National Representatives and of Members of the European Parliament for the Republic of Bulgaria, the voter shall receive an empty voting envelope from a member of the section election commission, whereupon the voter shall proceed 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 take the ballot paper of the party or coalition of parties or for an independent candidate of his or her choice from the modular box;

2. if he or she so wishes, the voter shall mark one of the squares to the left of the names of a candidate of a party or a coalition of parties of his or her choice with an "X", using a ballpoint pen writing in blue ink, thereby showing unequivocally the preference thereof for the relevant candidate;

3. the voter shall insert the ballot paper for the candidate list of his or her choice in the envelope and shall close the said envelope;

4. the voter shall exit the booth and shall deposit the envelope in the ballot box;

5. the voter shall sign the electoral roll opposite the name thereof.

(4) Writing any special symbols such as letters, numbers or other signs in the ballot paper, as well as inserting any other objects in addition to the ballot paper in the envelope, shall render the vote invalid.

(5) After the voting, the voter shall be given the documents thereof back and shall leave the site.

(6) The members of the section election commission and representatives of the parties, coalitions of parties and nomination committees shall periodically check the availability of ballot papers for each candidate list when a voter is not present in the polling booth.

(7) Upon request, the chairperson of the section election commission shall allow the election agents of the candidates and the observers to check the availability of ballot papers in the polling booth.

### **Rules for Voting upon Elections of President and Vice President of the Republic**

**Article 199.** (1) Upon conduct of elections of President and Vice President of the Republic, the voter shall receive a ballot paper from the book of ballot papers from a member of the section election commission, the said ballot paper shall be stamped with the seal of the commission upon delivery, whereupon the voter shall proceed 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 with the number of the candidate list of his or her choice with an "X", using a ballpoint pen writing in blue ink, 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, who shall restamp the said ballot paper with the seal of the commission;

4. the voter shall deposit the folded ballot paper in the ballot box;
5. the voter shall sign the electoral roll.

(4) After the voting, the voter shall be given the identity document thereof back and shall leave the site.

(5) Writing any special symbols such as letters, numbers or other signs in the ballot paper shall render the vote invalid.

### **Rules for Voting upon Elections of Municipal Councillors and Mayors**

**Article 200.** (1) Upon conduct of elections of municipal councillors and mayors, the voter shall receive ballot papers from the books of ballot papers for each type of election from a member of the section election commission, the said ballot papers shall be stamped with the seal of the commission upon delivery, whereupon the voter shall proceed 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 to the left of the name of the party, coalition of parties or nomination committee of his or her choice with an "X", using a ballpoint pen writing in blue ink, which expresses unequivocally the vote thereof;

2. the voter shall fold the ballot papers 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 papers to a member of the commission, who shall restamp the said ballot papers with the seal of the commission;

4. the voter shall deposit the folded ballot papers in the ballot box;

5. the voter shall sign the electoral roll.

(4) After the voting, the voter shall be given the documents thereof back and shall leave the site.

(5) Writing any special symbols such as letters, numbers or other signs in the ballot paper shall render the vote invalid.

### **Rules upon Miscompletion of Ballot Papers**

**Article 201.** (1) Upon conduct of elections of President and Vice President of the Republic and of municipal councillors and mayors, should the voter misplaces the sign expressing the vote thereof, the voter may return the folded miscompleted ballot paper to the section 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 Paragraph (1), without being unfolded, shall be cancelled by means of an inscription "Miscompleted" and shall be stamped with the seal

of the section election commission. The miscompleted ballot papers shall be inventoried in the tally sheet of the section election commission.

### **Voting Principles**

**Article 202.** Balloting shall be personal and secret.

### **Section IX**

### **Voting by Voters with Locomotor or Sight Impairment**

#### **Rules for Voting**

**Article 203.** (1) A voter with locomotor or sight impairment shall establish the identity thereof to the section election commission referred to in Article 73 (1) herein by producing an identity document.

(2) A voter with locomotor or sight impairment may alternatively vote in a suitable voting section of his or her choice.

(3) A voter with locomotor or sight impairment shall be entered on the supplementary electoral roll in the voting section after the said voter presents a declaration completed in a standard form, to the effect that the said voter has not voted and will not vote elsewhere. The said declaration shall be attached to the supplementary electoral roll and shall constitute an integral part thereof. All particulars of the voter shall be entered on the supplementary electoral roll, and the roll shall be signed by the chairperson and the secretary.

#### **Rules for Voting with Attendant's Assistance**

**Article 204.** (1) Where the voter is with a locomotor or sight impairment which prevents him or her from performing on his or her own the requisite steps upon voting, the chairperson of the commission, on the grounds of a document issued by the Territorial Medical Expert Board (National Medical Expert Board) attesting the impairment, may allow the voting to be done with the assistance of an attendant named by the voter. If the decision of the chairman is disputed by a member of the commission, the dispute shall be resolved finally by the section election commission. A copy of the document issued by the Territorial Medical Expert Board (National Medical Expert Board) shall be attached to the supplementary electoral roll and shall constitute an integral part thereof.

(2) Where the voter is with a locomotor or sight impairment which prevents him or her from performing on his or her own the requisite steps upon voting but does not hold a document issued by the Territorial Medical Expert Board (National Medical Expert Board), the said voter may be admitted to voting with the assistance of an attendant as an exception by decision of the commission.

(3) The names and the Standard Public Registry Personal Number of the attendant

shall be entered in the column designated "Notes" of the electoral roll opposite the name of the voter by a member of the commission. The particulars of the attendant shall furthermore be entered on the roll for additional entry of attendants, whereupon the attendant shall sign. The said roll shall furthermore be signed by the chairperson and the secretary.

(4) Where the impairment referred to in Paragraph (1) or (2) prevents the voter from signing, a member of the commission shall note "voted" and shall sign in the signature space. This circumstance shall be noted in the column designated "Notes" and in the tally sheet of the section election commission.

(5) Illiteracy shall be no grounds for voting with the assistance of an attendant.

(6) One person may not act as an attendant to more than two voters.

(7) A member of the commission, a representative of a party, a coalition of parties or a nomination committee, an election agent or an observer may not act as an attendant.

## **Section X**

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

#### **Rules for Voting**

**Article 205.** (1) A list for the voting by means of a mobile ballot box shall be prepared according to the procedure established by Article 176 (2) herein.

(2) The members of the mobile section election commission who service the mobile ballot box, but not fewer than four, shall take delivery from the chairperson of the commission of the roll referred to in Article 176 (2) herein, an empty sealed ballot box with a text directing voters in capital letters that they may express the vote thereof only by marking the ballot paper with an "X" placed by means of a ballpoint pen writing in blue ink, a modular box containing the ballot papers upon elections of National Representatives and of Members of the European Parliament for the Republic of Bulgaria, a book of ballot papers upon elections of President and Vice President of the Republic and of municipal councillors and mayors and a seal, where a combined ballot paper is used for voting. The number of the ballot papers shall equal the number of 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, on which a memorandum shall be drawn up, and the said memorandum shall contain at least three impressions of the marked seal and shall be signed by all members of the mobile section election commission.

(4) The members of the mobile section election commission shall place the mobile ballot box in an accessible and conspicuous place at the home of the voter. The particulars of the identity document produced by the voter shall be checked against those on the roll, and the Standard Public Registry Personal Number (Personal Number)

and the type and number of the identity document shall be entered on the roll. The identity document and, respectively, the residence certificate of a national of another Member State of the European Union, shall be left with the members of the commission until the voter signs the roll.

(5) Upon voting by means of a mobile ballot box, other persons, including the members of the section election commission who service the mobile ballot box, may not be present in the room with the voter is unable to perform on his or her own the requisite steps and has to vote with the assistance of an attendant. The names and the Standard Public Registry Personal Number (Personal Number) of the attendant, as well as the reason for voting with the assistance of an attendant, shall be entered in the column designated "Notes" of the roll opposite the name of the voter by the member of the commission. The particulars of the attendant shall furthermore be entered on the roll for additional entry of attendants, whereupon the attendant shall sign. The said roll shall be signed by the members of the mobile section election commission who service the mobile ballot box. The requirements of Article 204 (4), (5), (6) and (7) herein shall apply, *mutatis mutandis*, to voting by means of a mobile ballot box.

(6) After the particulars are entered on the roll, upon elections of National Representatives and of Members of the European Parliament for the Republic of Bulgaria, the members of the commission shall give the voter a ballpoint pen writing in blue ink and an empty voting envelope. The voter shall vote and, to this end, shall take the ballot paper of the party or coalition of parties or for an independent candidate of his or her choice from the modular box, then the voter, if he or she so wishes, the voter shall mark one of the squares to the left of the names of a candidate of a party or a coalition of parties of his or her choice with an "X", using a ballpoint pen writing in blue ink, which shows unequivocally the preference thereof for the relevant candidate, and then the voter shall insert the ballot paper for the candidate list of his or her choice in the envelope and shall close the said envelope. The voter shall deposit the envelope in the ballot box in the presence of the members of the commission, shall sign the electoral roll opposite the name thereof, and shall be given the documents thereof back. The members of the commission shall enter the time of the voting in the column designated "Notes".

(7) After the particulars are entered on the roll, upon elections of President and Vice President of the Republic, 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 stamped with the seal of the commission upon delivery. The voter shall vote and, to this end, shall mark the square containing the number of the candidate list of his or her choice with an "X", using a ballpoint pen writing in blue ink, which expresses unequivocally the vote thereof, and then 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. The folded ballot paper shall be handed to the members of the commission, who shall restamp the said ballot paper with the seal of the commission, whereupon the voter shall deposit the folded ballot paper in the ballot box, shall sign the electoral roll, and shall be given the documents thereof back. The members of the commission shall enter the time of the voting in the column designated "Notes".

(8) After the particulars are entered on the roll, upon elections of municipal

councillors and mayors, the members of the commission shall give the voter a ballpoint pen writing in blue ink and a ballot paper from the books of ballot papers for each type of election, which shall be stamped with the seal of the commission upon delivery. The voter shall vote and, to this end, shall mark the square to the left of the name of the party, coalition of parties or nomination committee of his or her choice, using a ballpoint pen writing in blue ink, which expresses unequivocally the vote thereof, and then the voter shall fold the ballot papers in a manner making invisible the marked choice of a party, a coalition of parties or a nomination committee. The folded ballot papers shall be handed to the members of the commission, who shall restamp the said ballot papers with the seal of the commission, whereupon the voter shall deposit the folded ballot papers in the ballot box, shall sign the electoral roll and shall be given the documents thereof back. The members of the commission shall enter the time of the voting in the column designated "Notes".

(9) The members of the mobile section election commission who service the mobile ballot box shall visit the voters on the list at the homes thereof until exhaustion of the said list but not later than 19 hours, and shall be provided with transport and security. If the voter is not found at the named address, this circumstance shall be noted in the column designated "Notes" opposite the name of the voter and the members of the mobile section election commission who service the mobile ballot box shall sign.

(10) After completion of the voting by means of the mobile ballot box, a paper tape shall be pasted on the slot thereof and the time of the last voting, which may not be later than 20 hours, shall be noted on the said tape which shall be signed by the members of the mobile section election commission who service the mobile ballot box. The mobile ballot box shall be returned to the premise referred to in Article 176 (4) herein.

(11) Section VIII of this Chapter shall apply to any unregulated matters.

## **Section XI**

### **Voting on Non-resident Voting Certificate**

#### **Rules for Voting**

**Article 206.** (1) Voters holding a non-resident voting certificate shall be entered on the supplementary electoral roll by the section election commission exercising jurisdiction over the whreabouts thereof on the day of the elections. The non-resident voting certificate shall be delivered to the commission, which shall check the particulars therein and shall attach the said certificate to the supplementary electoral roll. The certificate shall constitute an integral part of the supplementary electoral roll.

(2) A voter holding a non-resident voting certificate may alternatively vote in the voting section where the permanent address (residence address) thereof is located. The commission shall enter any such voter on the supplementary electoral roll, whereto the non-resident voting certificate shall be attached.

(3) All particulars of the voter shall be entered on the supplementary electoral roll referred to in Paragraphs (1) and (2) and the roll shall be signed by the chairperson and

the secretary.

## **Section XII**

### **Voting by Pupils and Students**

#### **Rules for Voting**

**Article 207.** (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, any voter who is a full-time pupil or student may vote in a voting section of his or her choice in the nucleated settlement where the said voter pursues his or her studies where the said settlement is other than the nucleated settlement of the permanent address thereof, upon presentation of:

1. an identity document;

2. a pupil's card, duly certified for the relevant school year by the educational establishment with a head office in the nucleated settlement, or a student's card, duly certified for the relevant term;

3. a declaration completed in a standard form, to the effect that the voter has not voted and will not vote elsewhere.

(2) The voter who is a pupil or a student shall be entered on the supplementary electoral roll. All particulars of the voter shall be entered on the supplementary electoral roll, and the roll shall be signed by the chairperson and the secretary.

(3) The declaration referred to in Item 3 of Paragraph (1) shall be attached to the supplementary electoral roll and shall constitute an integral part thereof.

(4) While voting is in progress, the pupil's card or student's card shall be left with the section election commission together with the identity document of the voter who is a pupil or a student.

(5) After the voter signs the electoral roll, the date of the elections shall be entered in the pupil's card or student's card with a note that the pupil or student has voted. The card shall be signed by the chairperson or the secretary and by one member of the section election commission, who have been nominated by different parties and coalitions of parties, whereupon the said card shall be returned to the voter together with the identity document thereof.

#### **Rights of Pupils and Students upon Voting**

**Article 208.** Voters who are pupils and students, upon conduct of elections of municipal councillors and mayors in the nucleated settlement where the said voters have the right to vote according to Article 3 (4) or (5) herein, shall be excused from classes one day before, on polling day and one day thereafter.



## **Chapter Ten**

### **VOTE COUNTING**

#### **Section I**

#### **General Provisions**

#### **Completion of Voting**

**Article 209.** (1) Upon the lapse of polling day, the chairperson of the section election commission shall declare the completion of voting.

(2) The unused ballot papers upon all types of elections and the unused envelopes upon elections of National Representatives and of Members of the European Parliament for the Republic of Bulgaria, as well as the miscompleted ballot papers upon elections of President and Vice President of the Republic and of municipal councillors and mayors, shall be packed separately, shall be sealed, and shall be removed from the counting site.

#### **Right to Attend**

**Article 210.** Candidates, one of the election agents referred to in Article 101 (2) herein, one representative per party, coalition of parties and nomination committee, observers and journalists may be present in the polling sites present at the opening of the ballot boxes and at the determination of the voting results and shall be ensured direct visibility upon the counting of the votes.

#### **Determining and Recording Election Results**

**Article 211.** (1) The section election commission shall determine the voting results for the relevant type of election and shall record the said results in a tally sheet.

(2) The tally sheet of the section 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.

(3) In case one of the blank forms of the tally sheet is miscompleted, the section election commission shall cancel the miscompleted form by means of an inscription "Miscompleted" and the signatures of the chairperson and secretary and a member of the section election commission, who have been nominated by different parties and coalitions of parties. The section election commission shall return the miscompleted form of a tally sheet to the constituency or 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 Article 187 (3) herein. In case both forms of the tally sheet are miscompleted, the cancelled tally sheets shall be returned to the constituency or 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 Article 187 (3) herein.

(4) In the cases referred to in Paragraph (3), the section 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 section election commission and by a member of the constituency of the municipal election commission, designated thereby, who have been nominated by different parties and coalitions of parties.

### **Signing and Correcting Section Election Commission Tally Sheet**

**Article 212.** (1) Once prepared, the tally sheet of the section election commission shall be signed by all members of the commission. After the signing the chairperson shall declare the voting results disaggregated by party, coalition of parties and independent candidate for all types of elections, as well as the number of preferences for each candidate of a party or coalition of parties upon elections of National Representatives and of Members of the European Parliament for the Republic of Bulgaria.

(2) Once signed, the tally sheet may be corrected prior to the declaration of the voting results. Any such correction shall be signed by all members of the commission, with a marginal note reading "Correction". Any apparent error of fact may be corrected even after the declaration of the result.

(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) An abstract of the tally sheet shall be displayed in a conspicuous place in front of the voting section.

(7) Upon request, the candidates, the election agents, the representatives of the parties, coalitions of parties and nomination committee shall receive an abstract of the tally sheet.

### **Entries in Tally Sheet before Opening of Ballot Box**

**Article 213.** (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 voting section, including the forename, patronymic and

surname of each member 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, including Parts I and II of the electoral roll, and the supplementary electoral roll;

4. the number of voters according to the electoral roll; upon elections of Members of the European Parliament for the Republic of Bulgaria and of municipal councillors and mayors, the number of voters according to Parts I and II of the electoral roll shall be entered in the tally sheet;

5. the number of voters entered on the additional page of the electoral roll;

6. the number of voters on the supplementary electoral roll;

7. the number of registered candidate lists upon all types of elections or, respectively, candidates for mayor upon elections of municipal councillors and mayors;

8. the number of voters who have voted according to the signatures affixed to the electoral roll and to the supplementary electoral roll;

9. the number of invalid ballot papers under Article 180 herein;

10. the number of invalid ballot papers under Article 181 herein;

11. the number of miscompleted ballot papers;

12. the number of non-resident voting certificate and of declarations referred to in Item 3 of Article 207 (1) herein;

13. the number of declarations submitted for the respective type of election according to this Code; the number of each type of declaration submitted shall be specified;

14. the number of attendants entered in the column designated "Notes" of the electoral roll, and the number of attendants on the roll for additional entry of attendants.

(2) The data referred to in Items 3 to 14 of Paragraph (1) shall be entered in the tally sheet in words and figures.

### **Preparation for Opening of Ballot Box**

**Article 214.** (1) Before opening of the ballot box, all objects with the exception of the drafts shall be removed from the table.

(2) Only Solely one member, by decision of the commission, shall have access to the ballot papers upon elections of President and Vice President of the Republic and of municipal councillors and mayors and to the enveloped ballot papers upon elections of National Representatives and of Members of the European Parliament for the Republic of Bulgaria under the observation and control of the rest of the members.

## **Counting Votes from Mobile Ballot Box**

**Article 215.** The mobile ballot box shall be emptied on the table on the premise referred to in Article 176 (4) herein, and the counting of the votes, including the drawing up of the tally sheet (tally sheets), shall proceed according to the procedure established by this Chapter.

### **Section II**

## **Counting Votes upon Elections of National Representatives and of Members of the European Parliament for the Republic of Bulgaria**

### **Determining Validity and Invalidity of Vote**

**Article 216.** (1) Upon determination of the voting results, each envelope 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;
2. no special symbols, such as letters, numbers or other signs, are written in the ballot paper, no preferences are marked with any signs other than an "X", and a ballpoint pen which does not write in blue ink has not been used for this purpose, nor any other objects in addition to the ballot paper are inserted in the envelope;
3. the envelope contains one or more ballot papers conforming to the established standard design for one and the same candidate list and identical preferences marked with an "X" and a ballpoint pen writing in blue ink has been used for this purpose: any such envelope shall correspond to one valid vote;
4. the envelope contains more than one ballot paper for one and the same candidate list but with different preferences marked with an "X" and a ballpoint pen writing in blue ink has been used for this purpose, or more than one preference marked with an "X" and a ballpoint pen writing in blue ink has been used for this purpose: this shall be treated as a vote cast only for the chosen candidate list;
5. the envelope contains one ballot paper conforming to the established standard design but with more than one preference marked with an "X" and a ballpoint pen writing in blue ink has been used for this purpose: this shall be treated as a vote cast only for the chosen candidate list;
6. the envelope contains one ballot paper conforming to the established standard design without a preference: this shall be treated as a vote cast only for the chosen candidate list;
7. the envelope contains more than one ballot paper conforming to the established standard design without a preference: this shall be treated as a vote cast only for the chosen candidate list.

(3) A vote covered under Paragraph (2) shall be valid even where there are deviations in the ballot due to defects and manufacturing errors, or where the ballot

paper is mechanically damaged or stained.

(4) A vote shall be invalid where:

1. the envelope is empty;

2. the envelope does not contain ballot papers conforming to the established standard design or contains ballot papers conforming to the established standard design for different candidate lists;

3. the envelope contains one or more ballot papers with special symbols, such as letters, numbers or other signs, written therein or with preferences marked with a sign other than an "X", and a ballpoint pen which does not write in blue ink has been used for this purpose;

4. other objects in addition to the ballot paper are inserted in the envelope.

(5) The number of voters who have voted shall equal the number of envelopes found in the ballot boxes.

(6) Any ballot papers found inside the ballot box uninserted in envelopes shall be ignored upon determination of the election results. Any such ballot papers shall be inscribed with the words "Off Envelope" and shall be packed separately.

(7) A ballot paper may contain one preference for a candidate indicated by the voter. The preference shall be allowed only where marked with an "X" placed by means of a ballpoint pen writing in blue ink, as well as where the "X" in the square at the left of the name of the candidate leaves the contour of the said square without running into the other squares. Where the ballot paper contains two or more preferences marked with an "X" and a ballpoint pen writing in blue ink has been used for this purpose, it shall be presumed that the ballot paper does not contain any preferences, and the vote shall be treated as cast only for the chosen candidate list.

### **Opening and Counting**

**Article 217.** (1) The ballot box shall be opened, the envelopes shall be extracted one by one, shall be placed with the face down, and shall be counted.

(2) Where a spare ballot box has been used in the balloting, the said ballot box shall be opened together with the first ballot box.

(3) Once counted, the envelopes shall be opened successively and the contents thereof shall be extracted.

(4) The envelopes and the ballot papers shall be arranged in piles as follows:

1. a pile of the envelopes which do not contain ballot papers conforming to the established standard design, including the empty envelopes;

2. a pile of the envelopes which contain ballot papers with special symbols, such as letters, numbers or other signs, written therein, with preferences marked with a sign other than an "X", and a ballpoint pen which does not write in blue ink has been used for this purpose, as well as envelopes wherein other objects in addition to the ballot paper are inserted;

3. a pile of the envelopes which contain ballot papers conforming to the established standard design for different candidate lists; any such ballot papers shall be cancelled by means of an inscription "Cancelled" and shall be reinserted in the envelope;

4. piles of bulletins for candidate lists from the envelopes referred to in Items 3, 4, 5, 6 and 7 of Article 216 (2) herein; where the envelope contains two or more ballot papers conforming to the established standard design for one and the same candidate list, one of the said ballot papers shall be distributed to the pile for the relevant list; the rest of the ballot papers shall be cancelled by means of an inscription "Cancelled" and shall be reinserted in the envelope;

5. a pile of the envelopes referred to in Items 3, 4, 5, 6 and 7 of Article 216 (2) herein.

(5) 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 section election commission, and the number of the decision shall be noted on the reverse side of the ballot paper.

(6) After the counting of the votes, the ballot papers for the parties and coalitions of parties shall be re-examined one by one to count the preferences for the individual candidates.

### **Counting of Votes and Preferences Cast**

**Article 218.** The section election commission shall count the votes and preferences cast, whereby:

1. the number of invalid votes shall equal the number of envelopes referred to in Items 1, 2 and 3 of Article 217 (4) herein;

2. the number of valid votes shall equal the number of envelopes referred to in Item 5 of Article 217 (4) herein;

3. the number of votes for each candidate list shall equal the number of ballot papers in the relevant pile referred to in Item 4 of Article 217 (4) herein;

4. the number of preferences for a candidate of a party or a coalition of parties shall equal the total number of the squares marked with a sign opposite the name of the candidate.

### **Form of Tally Sheet and Entry of Data**

**Article 219.** (1) Each copy of the tally sheet of the section election commission shall consist of two sheets with separate pages.

(2) The general data about the voting in the voting section and the votes for the parties, coalitions of parties and independent candidates shall be entered on the first sheet.

(3) The preferences for the candidates of the 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.

### **Entry of Data in Tally Sheet after Opening of Ballot Box**

**Article 220.** (1) After the opening of the ballot box and the counting of the votes, the following shall be entered on the first sheet of the tally sheet of the section election commission in this order:

1. the number of envelopes 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 ballot papers referred to in Article 216 (6) herein;
6. the number of applications, objections and complaints lodged and the decisions adopted thereon.

(2) The total number of preferences for each of the candidates shall be entered on the second sheet of the tally sheet.

(3) The data referred to in Paragraphs (1) and (2) shall be entered in the tally sheet in words and figures.

## **Section III**

### **Counting of Votes upon Elections of President and Vice President of the Republic**

#### **Determining Validity and Invalidity of Vote**

**Article 221.** (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;
2. the ballot paper contains two impressions of the seal of the competent section election commission, and
3. only one of the voting squares is marked with an "X" placed by means of a ballpoint pen writing in blue ink, which expresses unequivocally the vote of the voter.

(3) A vote covered under Paragraph (2) shall be valid even where:

1. there are deviations in the ballot paper due to defects and manufacturing errors, or where the ballot paper is mechanically damaged or stained;
2. the "X" placed by the voter by means of a ballpoint pen writing in blue ink leaves the square of the relevant candidate list but does not run into the square of another list;

3. any special symbols such as letters, numbers or other signs are not written in the ballot paper.

(4) A vote shall be invalid where:

1. none of the voting squares is marked with an "X" placed by means of a ballpoint pen writing in blue ink;

2. more than one voting square are marked with an "X" placed by means of a ballpoint pen writing in blue ink;

3. the "X" placed by means a ballpoint pen writing in blue ink runs into more than one voting squares and it is impossible to determine unequivocally the choice of the voter;

4. the ballot paper does not contain two impressions of the seal of the competent section election commission;

5. the ballot paper does not conform to the established standard design;

6. any special symbols such as letters, numbers or other signs, are written on the ballot paper.

(5) The number of voters who have voted shall equal the number of ballot papers found in the ballot boxes.

### **Rules for Opening of Ballot Box**

**Article 222.** (1) The ballot box shall be opened, the ballot papers shall be extracted one by one, shall be placed with the face down, and shall be counted.

(2) Where a spare ballot box has been used in the balloting, the said ballot box shall be opened together with the first ballot box.

(3) The ballot papers 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" and a ballpoint pen writing in blue ink has not been used for this purpose;

4. a pile of ballot papers conforming to the established standard design:

(a) wherein a vote for two or more candidate lists is marked with an "X" or with another sign and a ballpoint pen writing in blue ink or in ink of another colour has been used for this purpose, or

(b) which do not contain two impressions of the seal of the competent section election commission; any such ballot papers shall be cancelled by means of an inscription "Cancelled" on each ballot paper;

5. piles of ballot papers conforming to the established standard design, wherein a



vote for one candidate list is marked with an “X” and a ballpoint pen writing in blue ink has been used for this purpose, and which contain two impressions of the seal of the competent section election commission.

(4) 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 section election commission, and the number of the decision shall be noted on the reverse side of the ballot paper.

### **Counting of Votes Cast**

**Article 223.** (1) The section election commission shall count the votes cast in the voting section.

(2) The number of invalid votes shall equal the number of ballot papers referred to in Items 1, 2, 3 and 4 of Article 222 (3) herein.

(3) The number of valid votes shall equal the number of ballot papers to in Item 5 of Article 222 (3) herein.

### **Entry of Data after Opening of Ballot Box**

**Article 224.** (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 section election commission 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 party, coalition of parties or independent candidate;
5. the number of applications, objections and complaints lodged and the decisions adopted thereon.

(2) The data referred to in Paragraph (1) shall be entered in the tally sheet in words and figures.

(3) Each copy of the tally sheet shall consist of one sheet with separate pages. Before completing the tally sheet, a draft shall be prepared, whereof the form and content shall be identical with the tally sheet.

## **Section IV**

### **Counting of Votes upon Elections of Municipal Councillors and Mayors**

#### **Determining Validity and Invalidity of Vote**

**Article 225.** (1) Upon determination of the voting results for each type of election, 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;
2. the ballot paper contains two impressions of the seal of the competent section election commission, and
3. only one of the voting squares is marked with an "X" placed by means of a ballpoint pen writing in blue ink, which expresses unequivocally the vote of the voter.

(3) A vote covered under Paragraph (2) shall be valid even where:

1. there are deviations in the ballot due to defects and manufacturing errors, or where the ballot paper is mechanically damaged or stained;
2. the "X" placed by the voter by means of a ballpoint pen writing in blue ink leaves the square of the relevant candidate list but does not run into the square of another list;
3. any special symbols such as letters, numbers or other signs are not written in the ballot paper.

(4) A vote shall be invalid where:

1. none of the voting squares is marked with an "X" placed by means of a ballpoint pen writing in blue ink;
2. more than one voting square are marked with an "X" placed by means of a ballpoint pen writing in blue ink;
3. the "X" placed by means of a ballpoint pen writing in blue ink runs into more than one voting squares and it is impossible to determine unequivocally the choice of the voter;
4. the ballot paper does not contain two impressions of the seal of the competent section election commission;
5. the ballot paper does not conform to the established standard design;
6. any special symbols such as letters, numbers or other signs, are written on the ballot paper.

(5) The number of voters who have voted in each type of election shall equal the number of ballot papers for the relevant type of election found in the ballot boxes.

#### **Rules for Opening of Ballot Box**

**Article 226.** (1) The ballot box shall be opened, the ballot papers shall be extracted

one by one, shall be placed with the face down, and shall be counted.

(2) Where a spare ballot box has been used in the balloting, the said ballot box shall be opened together with the first ballot box.

(3) The ballot papers for each type of election shall be segregated in piles as follows:

1. a pile of ballot papers for each type of election which do not conform to the established standard design;

2. a pile of ballot papers for each type of election with special symbols, such as letters, numbers or other signs, written therein;

3. a pile of ballot papers for each type of election conforming to the established standard design wherein the vote of the voter is not marked by an "X" and a ballpoint pen writing in blue ink has not been used for this purpose;

4. a pile of ballot papers for each type of election conforming to the established standard design:

(a) wherein a vote for two or more candidate lists or for two or more candidates for mayor is marked with an "X" or another sign and a ballpoint pen writing in blue ink or in ink of another colour has been used for this purpose, or

(b) which do not contain two impressions of the seal of the competent section election commission; any such ballot papers shall be cancelled by means of an inscription "Cancelled" on each ballot paper;

5. piles of ballot papers conforming to the established standard design, wherein a vote for one candidate list or for one candidate for mayor is marked with an "X" and a ballpoint pen writing in blue ink has been used for this purpose, and which contain two impressions of the seal of the competent section election commission.

(4) 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 section election commission, and the number of the decision shall be noted on the reverse side of the ballot paper.

### **Counting of Votes Cast**

**Article 227.** (1) The section election commission shall count the votes cast in the voting section for each type of election.

(2) The number of invalid votes for each type of election shall equal the number of ballot papers referred to in Items 1, 2, 3 and 4 of Article 226 (3) herein.

(3) The number of valid votes for each type of election shall equal the number of ballot papers to in Item 5 of Article 226 (3) herein.

## **Tally Sheets Reporting Voting Results**

**Article 228.** (1) The section election commission shall prepare the following tally sheets reporting the voting results:

1. on election of municipal councillors;
2. on election of a municipality mayor;
3. on election of a mayoralty mayor, if any such election is conducted.

(2) Each copy of the tally sheets referred to in Paragraph (1) shall consist of one sheet with separate pages. Before completing the tally sheets, a draft shall be prepared, whereof the form and content shall be identical with the tally sheet.

## **Entry of Data after Opening of Ballot Box**

**Article 229.** (1) After the opening of the ballot box and the counting of the votes, the following shall be entered in the tally sheets of the section election commission in this order:

1. the number of ballot papers for each type of election found in the ballot boxes;
2. the number of invalid votes for each type of election;
3. the number of valid votes for each type of election;
4. the number of votes cast in each type of election for each party, coalition of parties or independent candidate;
5. the number of applications, objections and complaints lodged and the decisions adopted thereon.

(2) The data referred to in Paragraph (1) shall be entered in the tally sheet in words and figures.

## **Section V**

### **Delivery of Tally Sheets by Section Election Commissions**

#### **Delivery of Tally Sheets to Constituency Election Commission**

**Article 230.** (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 chairperson or the deputy chairperson, the secretary and a member of the section election commission, nominated by different parties and coalitions of parties, shall deliver to the constituency election commission the copies of the tally sheet destined for the constituency election commission and for the Central Election Commission. The second blank form of the tally sheet of the section election commission, received according to the procedure established by Item 8 of Article 187 (1) herein, 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 section election commission shall be delivered at the constituency election commission with unseparated sheets.

### **Delivery of Tally Sheets to Municipal Election Commission**

**Article 231.** (1) Upon conduct of elections of municipal councillors and mayors, the chairperson or the deputy chairperson, the secretary and a member of the section election commission, nominated by different parties and coalitions of parties, shall deliver to the municipal election commission the copies of the tally sheets on election of municipal councillors, municipality mayors or mayoralty mayor [destined] for the municipal election commission and for the Central Election Commission. The second blank form of the tally sheets of the section election commission, received according to the procedure established by Item 8 of Article 187 (1) herein, shall be delivered as well, with the serial number thereof being checked against the number of the tally sheets as entered in the memorandum of delivery and acceptance of the election stationery and materials.

(2) The tally sheets of the section election commission shall be delivered at the municipal election commission with unseparated sheets.

### **Dispatch of Results of Voting Abroad**

**Article 232.** (1) The chairperson of the section 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 section 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 section election commissions abroad care of the diplomatic mission or the consular post by the next Diplomatic Bag 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 competent constituency election commission. The said results must contain all numerical data as described in the tally sheet of the section election commission.

(4) Upon conduct of elections of President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria, the election stationery and materials used for the voting on board navigation vessels flying the Bulgarian flag shall be dispatched to the Central Election Commission, and upon elections of National Representatives the said 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.

## **Chapter Eleven**

### **DETERMINATION OF ELECTION RESULTS**

#### **Section I**

#### **Determination of Election Results by Constituency Election Commission**

#### **Acceptance and Verification of Tally Sheets. Delivery of Rest of Papers and Materials**

**Article 233.** (1) The constituency election commission shall accept and check the tally sheets of the section election commissions.

(2) Upon acceptance of the tally sheet of the section 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 Article 187 (3) herein or in the memorandum referred to in Article 211 (4) herein.

(3) Where the constituency election commission detects any discrepancy between the serial numbers of the tally sheet received and delivered by the section election commission, the section election commission together with the constituency election commission shall count the votes after acceptance of the tally sheets of all section election commissions.

(4) The members of the section election commission referred to in Article 230 (1) herein shall trace the accuracy of 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 section election commission referred to in Article 230 (1) herein.

(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 voting section, the members of the section election commission referred to in Article 230 (1) herein shall display the said receipt next to the abstracts of the tally sheet.

(7) After acceptance of the tally sheet by the constituency election commission, the ballot papers, the copy of the tally sheet destined for the regional administration and the rest of the papers and materials shall be delivered by the members of the section election commission referred to in Article 230 (1) herein at the regional administration to a commission whereof the composition shall be determined according to the procedure established by Article 35 herein. The complement of the said commission shall include a representative of the regional administration.

(8) The ballot papers, the copy of the tally sheet destined for the regional administration and the rest of the papers and materials shall be safe-kept until the next elections. The premises whereon the said papers and materials are safe-kept shall be designated by the regional governor and shall be sealed with paper tapes secured by a wax 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 regional 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.

### **Recording Voting Data**

**Article 234.** (1) The voting data shall be recorded in a tally sheet of the constituency election commission disaggregated by party, coalition of parties and independent candidate.

(2) The constituency election commission shall transmit the tally sheet referred to in Paragraph (1) in the form of an electronic image, signed with an electronic signature, forthwith after the signing of the said tally sheet.

### **Reporting Voting Results**

**Article 235.** (1) On the basis of the data from the tally sheets of the section election commissions, the constituency election commission shall report the results of the voting in the constituency referred to in Article 67 (1) herein or in the district referred to in Article 68 (2) herein or in Article 69 (2) herein 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 voting section has been established shall be added to the votes for the candidate lists of constituency referred to in Article 67 (1) herein or of the district referred to in Article 68 (2) herein or in Article 69 (2) herein.

(3) 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.

(4) Upon conduct of elections of National Representatives, 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 236.** (1) 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.

(2) Upon conduct of elections of National Representatives and of Members of the European Parliament for the Republic of Bulgaria, each copy of the tally sheet shall consist of two sheets with separate pages, and upon elections of President and Vice President of the Republic and upon elections of municipal councillors and mayors, each copy of the tally sheet shall consist of one sheet with separate pages.

### **Entry of Combined Voting Data in Tally Sheet**

**Article 237.** (1) The following data shall be entered in the tally sheet of the constituency election commission in this order: number of section election commissions in the constituency, number of section election commissions which have presented tally sheets on the voting, as well as the data covered under Article 213 (1) and under Article 220 (1) herein upon elections of National Representatives and of Members of the European Parliament for the Republic of Bulgaria of under Article 224 (1) herein upon elections of President and Vice President of the Republic.

(2) The data referred to in Paragraph (1) shall be entered in the tally sheet in words and figures.

### **Signing of Tally Sheet**

**Article 238.** (1) The tally sheet of the constituency election commission shall be signed by all members of the commission.

(2) 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".

(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.

### **Abstract of Tally Sheet**

**Article 239.** (1) An abstract of the tally sheet referred to in Article 235 (1) herein shall be displayed in a conspicuous place in front of the building where the respective constituency election commission is housed.

(2) Upon request, the candidates, the election agents, the representatives of the parties, coalitions of parties and nomination committees shall receive an abstract of the tally sheet.



## **Database**

**Article 240.** The constituency election commission shall create a database by means of computer processing of the tally sheets of the section election commissions in the constituency referred to in Article 67 (1) herein or in the district referred to in Article 68 (2) herein or in Article 69 (2) herein and of the tally sheet cables from the navigation vessels flying the Bulgarian flag.

### **Delivery of Tally Sheet and Rest of Papers to Central Election Commission**

**Article 241.** (1) The chairperson or the deputy chairperson, the secretary and a member of the section 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 section election commissions destined for the Central Election Commission, and copies of the receipts referred to in Article 233 (6) herein not later than 48 hours after receipt of the last tally sheet of a section 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) With the tally sheets and the papers referred to in Paragraph (1), 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 section 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), provided by the computation centre;

2. two machine-readable data mediums storing the numerical data generated by the processing of the tally sheets of the section election commissions.

(3) After a check of the papers covered under Paragraphs (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 section 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 II**

### **Determination of Election Results by Municipal Election Commission**

#### **Acceptance and Verification of Tally Sheets. Delivery of Rest of Papers and Materials**

**Article 242.** (1) The municipal election commission shall accept and check the tally sheets of the section election commissions.

(2) Upon acceptance of the tally sheet of the section election commission on the respective type of election, 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 Article 187 (3) herein or in the memorandum referred to in Article 211 (4) herein.

(3) Where the municipal election commission detects any discrepancy between the serial numbers of the tally sheet on the respective type of election received and delivered by the section election commission, the section election commission together with the municipal election commission shall count the votes after acceptance of the tally sheets of all section election commissions.

(4) The members of the section election commission referred to in Article 231 (1) herein shall trace the accuracy of entry of the data from the tally sheets at the computation centre of the municipal election commission.

(5) Where the municipal election commission detects any apparent errors of fact in the tally sheets, the said errors shall be noted therein and shall be signed by the members of the section election commission referred to in Article 231 (1) herein.

(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 voting section, the members of the section election commission referred to in Article 231 (1) herein shall display the said receipt next to the abstracts of the tally sheets.

(7) After acceptance of the tally sheets by the municipal election commission, the ballot papers, the copies of the tally sheets destined for the municipal administration and the rest of the papers and materials shall be delivered by the members of the section election commission referred to in Article 231 (1) herein at the municipal administration to a commission whereof the composition shall be determined according to the procedure established by Article 35 herein. The complement of the said commission shall include a representative of the municipal administration.

(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 whereon the said papers and materials are safe-kept shall be designated by the municipality mayor and shall be sealed with paper tapes secured by a wax 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.

### **Municipal Election Commission Tally Sheets**

**Article 243.** (1) On the basis of the tally sheets of the section election commissions, the municipal election commission shall prepare tally sheets:

1. on election of municipal councillors;
2. on election of a municipality mayor;
3. 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) On the basis of the data received, the competent municipal election commission shall determine the election result, which shall be recorded in the tally sheets of the municipal election commission.

(3) The tally sheets 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. Each copy shall consist of one sheet with separate pages. The first copy shall be delivered at the Central Election Commission. The second copy together with the election stationery shall be delivered at the municipality.

(4) Before completing the tally sheets, a draft on two sheets shall be prepared, whereof the form and content shall be identical with the tally sheets.

### **Entry of Data in Tally Sheets**

**Article 244.** (1) The following data shall be entered in the tally sheets of the municipal election commission in this order:

1. the number of section election commissions in the municipality;
2. the number of section election commissions which have presented tally sheets on voting;
3. the number of voters according to Parts I and II of the electoral roll and the supplementary electoral roll;
4. the number of voters according to Parts I and II of the electoral roll;
5. the number of voters entered on the additional page of the electoral roll;
6. the number of voters on the supplementary electoral roll;
7. the registered candidate lists and, respectively, candidates for mayor;
8. the number of voters who have voted according to the signatures affixed to Parts I and II of the electoral roll and to the supplementary electoral roll;

9. the ballot papers found in the ballot boxes;
  10. the total number of valid ballot papers cast in the election of a mayor;
  11. the valid ballot papers cast for each candidate for mayor;
  12. the valid ballot papers cast for the respective candidate list for municipal councillors;
  13. the invalid ballot papers;
  14. the number of invalid ballot papers under Article 180 herein;
  15. the number of invalid ballot papers under Article 181 herein;
  16. the number of miscompleted ballot papers under Article 201 herein;
  17. the number of attendants entered in the column designated "Notes" of the electoral roll, and the number of attendants on the roll for additional entry of attendants;
  18. the number of declarations submitted according to this Code; the number of each type of declaration submitted shall be specified;
  19. the applications, objections and complaints lodged and the decisions adopted thereon.
- (2) The data shall be entered in the tally sheets in words and figures.

### **Signing of Tally Sheets**

**Article 245.** (1) The tally sheets of the municipal election commission shall be signed by all members of the commission.

(2) Upon detection of an apparent error of fact, corrections may be made in a tally sheet. Any such correction shall be signed by all members of the commission, with a marginal note reading "Correction".

(3) No member of the commission may refuse to sign the tally sheets of the municipal election commission. A member who disagrees with what a 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 a tally sheet by a member of the commission shall not render the said tally sheet invalid.

### **Determining Results of Voting for Mayor**

**Article 246.** (1) The results of the voting for mayors shall be determined according to the methodology referred to in Item 27 of Article 26 (1) herein.

(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 Sunday 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.

### **Determining Results of Voting for Municipal Councillor**

**Article 247.** (1) The results of the voting for municipal councillors shall be determined according to the methodology referred to in Item 27 of Article 26 (1) herein.

(2) The results of the voting for municipal councillors 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 parties, the coalitions of parties and the independent candidates which and who have gained votes 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 Paragraph (3) shall equal the number of the 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.

## **Abstract of Tally Sheets**

**Article 248.** (1) An abstract of the tally sheets referred to in Article 243 (1) herein shall be displayed in a conspicuous place in front of the building where the municipal election commission is housed.

(2) Upon request, the candidates, the election agents, the representatives of the parties, coalitions of parties and nomination committees shall receive an abstract of the tally sheet.

## **Database**

**Article 249.** The municipal election commission shall create a database by means of computer processing of the tally sheets of the section election commissions the constituency referred to in Article 70 herein.

## **Delivery of Tally Sheets and Rest of Papers to Central Election Commission**

**Article 250.** (1) The municipal election commission shall deliver the following to the Central Election Commission not later than 48 hours after receipt of the tally sheets of the section election commission:

1. the tally sheets and the decisions of the municipal election commission on each type of election (with unseparated sheets);
2. the copies of the tally sheets of the section election commissions destined for the Central Election Commission;
3. copies of the receipts referred to in Article 242 (6) herein;
4. a copy of the computer print-out of the data on the tally sheet and the decision of the municipal election commission on each type of election (list of the tally sheets of the section election commission received with the codes of the receipts thereof and the computer proposal for a tally sheet and a decision of the municipal election commission), provided by the computation centre;
5. two machine-readable data mediums storing the numerical data generated by the processing of the tally sheets of the section election commissions.

(2) After a check of the papers covered under Paragraph (1), 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.

(3) The data from the tally sheets of the section election commissions shall be re-entered at the Central Election Commission. A computer comparison shall be performed between the data from the tally sheets of the section election commissions as entered at the municipal election commission and at the Central Election Commission, and the differences shall be printed out.

(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 any such adjustments shall be incorporated upon the publication of the election results in the bulletin of the Central Election Commission and in the database of the municipal election commission referred to in Article 249 herein.

(5) A check re-allocation of the seats for municipal councillors for each municipality shall be performed at the computation centre of the Central Election Commission using the Hare-Niemeyer Method, which shall be compared to the decision of the municipal election commission. Furthermore, a comparison between the results obtained from the re-entry of the tally sheets on election of mayors and the relevant decision of the municipal election commission shall be performed at the computation centre of the Central Election Commission.

### **Section III**

#### **Determination of Election Results by Central Election Commission**

##### **Determining Results upon Elections of National Representatives**

**Article 251.** (1) Upon conduct of elections of National Representatives, 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 Item 27 of Article 26 (1) herein.

(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 Paragraph (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 Item 27 of Article 26 (1) herein.

##### **Determining Candidates Elected on Each Constituency Candidate List**

**Article 252.** (1) Upon conduct of elections of National Representatives, the candidates who are elected on each constituency candidate list shall be determined according to the number of valid preferences received and the ranking of the candidates on the list according to the methodology referred to in Item 27 of Article 26 (1) herein.

(2) The preferences for the individual candidates shall be valid if the number of votes received for the candidate is not lower than 9 per cent of the votes cast for the candidate list.

(3) The candidates referred to in Paragraph (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 lot drawn in the presence of the candidates concerned and representatives of the party or the coalitions of parties.

(5) Where there are no candidates with valid preferences, the elected candidates shall be determined according to the rank assigned thereto on the candidate list.

(6) Where the number of candidates with valid preferences is lower than the number of the seats allocated to the party or coalition of parties, all candidates on List A shall be elected. The rest of the seats allocated to the 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 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 Candidate for National Representative in Two Multimember Constituencies**

**Article 253.** (1) Where a candidate for National Representative nominated by a party or coalition of parties is elected in two multimember constituencies, the said candidate shall be obligated 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 Paragraph (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 Paragraph (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.

### **Declaring Results of Elections of President and Vice President of the Republic**

**Article 254.** (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 Article 93 (4) of the Constitution of the Republic of Bulgaria.

(3) The election campaign under Paragraph (2) shall commence as from the determination of the candidates and shall proceed until 24 hours before polling day.

### **Withdrawal from New Election**

**Article 255.** (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 election within 24 hours after the declaration 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 election and shall schedule a new election not later than 14 days after the date of the second election. Within three days after the date of the decision of the Central Election Commission, the central leadership of the party competent to do so according to the statute, or the leadership of the coalition of parties competent to do so according to the decision on the formation of the coalition may register a new candidate according to the procedure established by Article 112 herein.

### **Declaring Final Results**

**Article 256.** (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 polling day and shall be promulgated in the *State Gazette* not later than seven days after polling day.

(2) The results shall be declared disaggregated by list for all candidates. Where a new election has been conducted, the results of the first election shall be declared as well.

### **Taking Oath of Office**

**Article 257.** The newly elected President and Vice President shall take the oath of office referred to in Article 76 (2) of the Constitution of the Republic of Bulgaria 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.

### **Determining Number of Seats upon Elections of Members of the European**

## **Parliament for the Republic of Bulgaria**

**Article 258.** (1) The number of members of the European Parliament for the Republic of Bulgaria shall be determined according to the procedure provided for in Article 14, paragraph 2 of the Treaty on European Union.

(2) Upon conduct of elections of Members of the European Parliament for the Republic of Bulgaria, 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 Item 27 of Article 26 (1) herein.

(3) The right to share in the allocation of seats shall be limited to the parties and the coalitions of parties which have gained valid votes 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 Paragraph (3) shall equal the number of the Members of the European Parliament for the Republic of Bulgaria less the number of the elected independent candidates.

## **Determining Elected Candidates**

**Article 259.** (1) Upon conduct of elections of Members of the European Parliament for the Republic of Bulgaria, the candidates who are elected on each candidate list shall be determined according to the number of valid preferences received and the ranking of the candidates on the list according to the methodology referred to in Item 27 of Article 26 (1) herein.

(2) The preferences for the individual candidates shall be valid if the number of votes received for the candidate is not lower than 6 per cent of the votes cast for the candidate list.

(3) The candidates referred to in Paragraph (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 lot drawn in the presence of the candidates concerned and representatives of the party or the coalitions of parties.

(5) Where there are no candidates with valid preferences, the elected candidates shall be determined according to the rank assigned thereto on the candidate list.

(6) Where the number of candidates with valid preferences is lower than the number of the seats allocated to the party or coalition of parties, all candidates on List A shall be elected. The rest of the seats allocated to the 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 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 260.** (1) The Central Election Commission shall declare the voting results as follows:

1. the votes received and the allocation of seats to the parties and coalitions of parties upon elections of National Representatives: not later than four days after polling day;

2. the names of the elected National Representatives: not later than seven days after polling day;

3. the votes received and the allocation of seats to the parties and coalitions of parties upon elections of Members of the European Parliament for the Republic of Bulgaria: not later than three days after polling day;

4. the names of the elected Members of the European Parliament for the Republic of Bulgaria: not later than five days after polling day.

(2) Upon conduct of elections of Members of the European Parliament for the Republic of Bulgaria, the voting results shall be declared after the polls are declared closed in all member states of the European Union, within the election period determined by the Council of the European Union.

### **Notifying President of the European Parliament**

**Article 261.** 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.

### **Database**

**Article 262.** (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 Central Election Commission shall create a database by means of computer processing of the tally sheets of the section election commissions within Bulgaria, the tally sheet cables and the scanned copies of the tally sheets of the section election commissions abroad.

(2) The data from the tally sheets of the section election commissions referred to in Paragraph (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 section election commissions 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 upon all types of elections and the preferences for the candidates from each list upon elections of Members of the European Parliament for the Republic of Bulgaria shall be added to the votes received for 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 Paragraph (4) are of a nature to alter the election result, the Central Election Commission shall communicate the said differences or errors to the candidates, parties and coalitions of parties 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 parties, coalitions of parties and nomination committees which participated in the elections, to sociological agencies, to libraries, to universities, to the Bulgarian Academy of Sciences and to other organizations.

(9) The database referred to in Paragraph (8) may not be modified and circulated without permission of the Central Election Commission.

## **Chapter Twelve**

### **DISPUTING ELECTION RESULTS**

#### **Section I**

#### **Disputing Results 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**

## **Resolution of Disputes by Constitutional Court**

**Article 263.** Any disputes regarding the legitimacy of the election of National Representatives, of a President and Vice President of the Republic and of Members of the European Parliament for the Republic of Bulgaria shall be resolved by the Constitutional Court.

### **Disputing upon Elections of National Representatives of Members of the European Parliament for the Republic of Bulgaria**

**Article 264.** (1) The candidates for National Representatives or, respectively, for Members of the European Parliament for the Republic of Bulgaria, the central leaderships of the parties competent to do so according to the statute, and the leaderships of the coalitions of parties competent to do so according to the decision on the formation of the coalition, who and which have participated in the elections, may dispute the legitimacy of the elections of National Representatives or the election of a National Representative or, respectively, of a Member of the European Parliament for the Republic of Bulgaria, before the authorities referred to in Article 150 (1) of the Constitution of the Republic of Bulgaria within seven days 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 Article 150 (1) of the Constitution of the Republic of Bulgaria 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 or, respectively, of a Member of the European Parliament for the Republic of Bulgaria.

(3) Any such petition shall be examined under the terms and according to the procedure established by the Constitutional Court Act and the Regulations on the Organization of the Activities of the Constitutional Court.

(4) A judgment of the Constitutional Court establishing illegitimacy of the elections of National Representatives or of the election of a National Representative or, respectively, of a Member of the European Parliament for the Republic of Bulgaria, shall be transmitted to the National Assembly, the Central Election Commission and to the persons concerned.

(5) If the elections of National Representatives are pronounced illegitimate, a new election of a National Assembly shall be conducted not later than two months after rendition of the judgment referred to in Paragraph (4).

(6) If the election of a National Representative or, respectively, of a Member of the European Parliament for the Republic of Bulgaria, is pronounced illegitimate, the Central Election Commission shall determine by decision the election results according to the methodology referred to in Item 27 of Article 26 (1) herein, declaring the allocation of seats and the names of the elected National Representatives or, respectively, Members of the European Parliament for the Republic of Bulgaria. Any such decision of the Central Election Commission shall be unappealable.

## **Disputing Legitimacy of Election of President and Vice President of the Republic**

**Article 265.** (1) The candidates for President and Vice President of the Republic, the central leaderships of the parties competent to do so according to the statute, and the leaderships of the coalitions of parties competent to do so according to the decision on the formation of the coalition, who and which have participated in the elections, may dispute the legitimacy of the election of a President and Vice President before the authorities referred to in Article 150 (1) of the Constitution of the Republic of Bulgaria within seven days 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 Article 150 (1) of the Constitution of the Republic of Bulgaria may approach the Constitutional Court with a reasoned petition to pronounce on the legitimacy of the election of a President and Vice President of the Republic.

(3) Any such petition shall be examined under the terms and according to the procedure established by the Constitutional Court Act and the Regulations on the Organization of the Activities of the Constitutional Court.

(4) The Constitutional Court shall examine the petition and shall pronounce within one month after the declaration of the election results.

(5) A 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.

(6) 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 (5).

## **Effect of Appeal**

**Article 266.** An appeal shall not stay the enforcement of the decision of the Central Election Commission.

## **Section II**

### **Disputing Results of Elections of Municipal Councillors and Mayors**

#### **Disputing before Administrative Court**

**Article 267.** (1) Each candidate for [municipal] councillor and mayor, the central leaderships of the parties competent to do so according to the statute, and the leaderships of the coalitions of parties competent to do so according to the decision on the formation of the coalition, who and which have participated in the elections of municipal councillors and mayors, 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 care of 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 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 stay the enforcement of the decision, unless the court decrees otherwise.

(5) The court shall schedule a hearing of the case in public session 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 Paragraph (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 leave standing 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 competent 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 three months after the lodgement of the appeal.

### **Effect of Enforceable Judgments**

**Article 268.** The enforceable judgments of the competent administrative court and of the Supreme Administrative Court shall be irreversible.

### **Competent Authority where Enforcement of Decision Is Stayed or Result Is Declared Invalid**

**Article 269.** Where the court has stayed 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 270.** (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 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.

## **Chapter Thirteen**

### **PRE-TERM TERMINATION OF CREDENTIALS**

#### **Pre-term Termination of Credentials of National Representative**

**Article 271.** The credentials of a National Representative shall be terminated prior to the expiry of the term of office thereof under the terms established by Article 72 of the Constitution of the Republic of Bulgaria.

#### **Steps by Central Election Commission after Pre-term Termination of Credentials**

**Article 272.** (1) Upon pre-term termination of the credentials of a National Representative, the Central Election Commission shall pronounce the candidate ranked next on the respective list [elected as] National Representative.

(2) In the cases where a National Representative, elected on a candidate list of a 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 Article 252 (2) herein but the said candidate has not been pronounced elected, in the cases referred to in Paragraph (1) the said candidate shall replace the National Representative whose credentials are terminated.

(5) Upon pre-term termination of the credential of a National Representative elected as an independent candidate, the seat thereof shall remain vacant until the expiry of the credentials of the National Assembly.



## **Pre-term Termination of Credentials of President and of Vice President of the Republic**

**Article 273.** The credentials of the President and of the Vice President of the Republic shall be terminated prior to the expiry of the term of office thereof under the terms established by Article 97 of the Constitution of the Republic of Bulgaria.

## **Pre-term Termination of Member of the European Parliament**

**Article 274.** 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 Article 121 herein.

## **Steps by Central Election Commission after Pre-term Termination of Credentials**

**Article 275.** (1) 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 Article 259 (2) herein but the said candidate has not been pronounced elected, in the cases referred to in Paragraph (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 credential 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.

## **Pre-term Termination of Credentials of Municipal Councillor**

**Article 276.** The credentials of a municipal councillor shall be terminated prior to the expiry of the term of office thereof under the terms established by Article 30 (4) of the Local Self-government and Local Administration Act.

## **Steps by Municipal Election Commission**

**Article 277.** (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 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 Paragraph (1) and (2) shall furthermore apply in the cases where the credentials of the Municipal Council 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.

### **Pre-term Termination of Credentials of Mayor**

**Article 278.** The credentials of mayors shall be terminated prior to the expiry of the term of office thereof under the terms established by Article 42 of the Local Self-government and Local Administration Act.

## **Chapter Fourteen**

### **BY-ELECTIONS AND NEW ELECTIONS**

#### **Section I**

#### **Scheduling and Conduct of By-elections**

##### **Scheduling**

**Article 279.** (1) Upon pre-term termination of the credentials of a mayor, by-elections shall be scheduled.

(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 50 days in advance of polling day.

(6) In the cases referred to in Paragraph (1), when less than one year remains until

the end of the term of office, by-elections shall not be conducted.

### **Conduct**

**Article 280.** 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 45 days in advance of polling day; a certificate issued by the Bulgarian National Audit Office, referred to in Item 6 of Article 89 (3) herein, or a certificate of current legal status of the parties issued by the Sofia City Court, referred to in Item 2 of Article 89 (3) 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 Article 89 (3) or Article 91 (4) herein within the time limit referred to in Item 1;

3. the parties 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 45 days in advance of polling day, and the coalitions of parties shall register not later than 40 days in advance of polling day; the documents covered under Article 89 (3) or Article 91 (4) herein shall be attached to the application;

4. the parties and the coalitions of parties which will run in the by-elections shall register at the municipal election commission not later than 35 days in advance of polling day;

5. the candidates shall register at the municipal election commission not later than 30 days in advance of polling day and shall be made public not later than 27 days in advance of polling day;

6. the voting sections shall be established not later than 35 days in advance of polling day;

7. the electoral rolls shall be made public not later than 25 days in advance of polling day;

8. the municipal election commission shall appoint the section election commissions not later than 25 days in advance of polling day on a proposal by the municipality mayor made after consultations and on a proposal by the parties and coalitions of parties represented in Parliament and by the parties and coalitions of parties which have Members of the European Parliament but are not represented in

Parliament, not later than 28 days in advance of polling day;

9. the election campaign shall be opened 30 days in advance of polling day;

10. the expenditures on the administrative and logistical preparation of the by-elections shall be for the account of the municipal budget;

11. the remunerations of the members of the municipal election commission and of the members of the section election commissions shall be fixed by decision of the Central Election Commission.

## **Section II**

### **Scheduling and Conduct of New Elections**

#### **Grounds**

**Article 281.** 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 referred to in Article 246 (7) herein;

3. upon creation of a new municipality;

4. upon creation of a new mayoralty;

5. where the election of municipal councillors or mayors is declared invalid;

6. where the effecting of changes in territorial administration results 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**

**Article 282.** (1) Within 14 days after learning of the circumstances referred to in Items 1, 2, 4, 5 and 6 of Article 281 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 Paragraph (1), the President of the Republic shall schedule new elections of municipal councillors or mayors.

#### **Elections in Respect of New Municipalities and Mayoralties**

**Article 283.** (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 political 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 nationals of another Member State of the European Union who satisfy the conditions referred to in Article 3 (4) or (5) herein 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 12 months in advance of polling day.

(4) The right to be elected upon creation of a new municipality or mayoralty shall vest with the Bulgarian citizens and, upon elections of municipal councillors, the nationals of another Member State of the European Union, who satisfy the conditions referred to in Article 4 (5) or (6) herein 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 12 months in advance of polling day.

### **Common Rules**

**Article 284.** The new elections shall be conducted according to the standard procedure, observing the provisions of this Code.

### **Registration upon New Elections**

**Article 285.** (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.

(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 Item 6 of Article 89 (3) herein, or a certificate of current legal status of the parties issued by the Sofia City Court, referred to in Item 2 of Article 89 (3) 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 Article 89 (3) or Article 91 (4) herein within the time limit referred to in Item 2.

(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 parties and coalitions of parties which will run in the new elections shall register at the competent municipal election commission.

## **Remuneration**

**Article 286.** The remunerations of the members of the municipal election commission and of the members of the section election commissions shall be fixed by decision of the Central Election Commission.

## **Expenditures**

**Article 287.** The expenditures on the administrative and logistical preparation of the new elections shall be for the account of the State budget.

## **Chapter Fifteen**

### **ADMINISTRATIVE PENALTY PROVISIONS**

#### **Non-fulfilment of Obligation to Publish Terms and Procedure for Voting Abroad and Rolls**

**Article 288.** (1) Any official, who fails to fulfil an obligation referred to in Article 44 (5) or (6) herein, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000.

(2) Any official, who fails to fulfil an obligation referred to in Article 54 (3) or (4) herein, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000.

#### **Breach of Requirements to Campaign Financing**

**Article 289.** (1) Upon breach of the requirements to financing of the election campaign under Section VI of Chapter Eight herein, the person who represents the party or the nomination committee, or the persons who represent the coalition of parties, shall be liable to a fine of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000.

(2) Any candidate for municipal councillor or mayor, who has breached the requirements for raising financial resources under Section VI of Chapter Eight herein, shall be liable to a fine of BGN 5,000

#### **Violation of Prohibition to Remove Stationery and Materials**

**Article 290.** (1) Any person, who removes ballot boxes, electoral rolls, ballot papers and envelopes from the polling site after the section 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 of BGN 500 or exceeding this amount but not exceeding BGN 2,000.

(2) Where the violation referred to in Paragraph (1) has been committed by an

official, the fine shall be BGN 1,000 or exceeding this amount but not exceeding BGN 5,000.

#### **Violation of Ineligibility to Act as Attendant**

**Article 291.** Any person, who violates the provision of Article 204 (7) herein, shall be liable to a fine of BGN 1,000.

#### **Violation of Attendant Limit by Official**

**Article 292.** Any person, who suffers one person to act as an attendant to more than two voters, shall be liable to a fine of BGN 1,000.

#### **Abuse of Right by Attendant**

**Article 293.** Any person, who has acted as an attendant to more than two voters in one and the same or in different voting sections, shall be liable to a fine of BGN 2,000.

#### **Violation of Prohibition to Display Voting Choice and to Use Image Reproducing Devices**

**Article 294.** Any person, who violates the provision of Articles 180 and 181 herein, shall be liable to a fine of BGN 1,000.

#### **Non-conformity of Serial Numbers in Tally Sheets**

**Article 295.** 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 referred to in Article 187 (3) herein or in the memorandum referred to in Article 211 (4) herein, shall be liable to a fine of BGN 2,000.

#### **Non-signing of Tally Sheet**

**Article 296.** (1) Any member of a section election commission, who refuses to sign the tally sheet of the commission under Article 212 herein, shall be liable to a fine of BGN 1,000.

(2) Any member of a constituency or a municipal election commission, who refuses to sign the tally sheet of the commission under Article 238 or 245 herein, shall be liable to a fine of BGN 2,000.

### **Non-dispatch of Scanned Copy of Tally Sheet**

**Article 297.** Any official referred to in Article 232 (1) herein, who fails to dispatch a scanned copy of the tally sheet of the section election commission and of the roll for voting abroad, shall be liable to a fine of BGN 1,000.

### **Breach of Requirement to Remove Campaign Material**

**Article 298.** (1) Upon non-fulfilment of the obligation referred to in Article 134 (9) herein, the person who represents the party or the nomination committee, or the persons who represent the coalition of parties, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000.

(2) The written statements ascertaining the violation referred to in Paragraph (1) shall be drawn up by officials empowered by the municipality mayor.

(3) The penalty decrees shall be issued by the municipality mayor.

### **Other Violations**

**Article 299.** Any person who or which violates any provision of this Code in cases other than those covered under Articles 288 to 298 herein, shall be liable to a fine or to a pecuniary penalty, as the case may be, of BGN 200 or exceeding this amount but not exceeding BGN 2,000.

### **Ascertainment of Violations and Imposition of Sanctions by Regional Governor**

**Article 300.** (1) The written statements ascertaining the violations covered under Article 288, Articles 290 to 297 and Article 299 herein shall be drawn up by decision of the competent election commission in accordance with the powers vested therein within three days after receipt of the alert or complaint about the violation.

(2) The written statements ascertaining the violations referred to in Paragraph (1) shall be drawn up by the chairpersons of:

1. the Central Election Commission in respect of any violations referred to: in Article 299 herein: in the cases where the said Commission exercises control according to this Code; in Article 288 (1), Article 288 (2) herein: where the violation has been committed by an official of the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works; in Article 296 (2) and Article 297 herein;

2. the constituency or the municipal election commissions in respect of any violations referred to: in Article 299 herein: in the cases where the said commissions exercise control according to this Code; in Article 288 (2): where the violation has been committed by the municipality mayor; in Articles 290 to 295 and Article 296 (1) herein.

(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 President of Bulgarian National Audit Office**

**Article 301.** (1) The written statements establishing the violations referred to in Article 289 herein 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 302.** 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 during 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 election.

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 at least during 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 a residence address in another Member State of the European Union;

(b) any national of a Member State of the European Union who had 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 during the last three months preceding 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 two years” 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 a residence address in another Member State of the European Union;

(b) any national of a Member State of the European Union who had a residence address within the territory of the Republic of Bulgaria or another Member State of the European Union, for at least one year and four months preceding 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 at least during the last twelve months”, within the meaning given by Article 3 (4) and (5) 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 had a residence address within the territory of respective municipality or mayoralty, at a date preceding the date of conduct of the elections by 12 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 at least during the last twelve months”, within the meaning given by Article 4 (5) and (6) 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 had a residence address within the territory of respective municipality or mayoralty, at a date preceding the date of conduct of the elections by 12 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. "Local coalition of parties" shall be a coalition of parties and/or coalitions referred to in Item 9 of parties or coalitions of parties, which are registered at the Central Election Commission, formed for the purpose of participating in elections of municipal councillors or mayors in the respective municipality.

11. 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 relevant type of elections or, respectively, at the date of conduct of the consultations upon the appointment of the Central Election Commission.

12. "Conspicuous place" shall be a place within the territory of the voting section, 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.

13. "Engaged as officers" shall be the candidates for National Representatives, President and Vice President of the Republic and Members of the European Parliament for the Republic of Bulgaria, the members of the Central Election Commission, of the constituency election commissions, of the municipal election commissions, as well as the observers.

14. "Preferential voting" shall be voting whereupon the voter may express a preference thereof regarding the ranking of the candidates on the candidate list for which the voter voters.

15. "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.

16. "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.

17. "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.

18. "Observers" shall be:

(a) representatives of the European Parliament, of foreign parliaments, of the Organization for Security and Cooperation in Europe, of foreign parties and movements, as well as persons designated by parties and coalitions of parties participating in the elections, and invited through the Ministry of Foreign Affairs;

(b) authorized members of Bulgarian non-governmental organizations.

19. "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 delivery 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) broadcast media (licensed or registered 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.

20. "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.

**§ 2.** The provisions 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 commissioning of a contest for 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 Article 76 (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 Article 40 (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 polling day; the authority referred to in Article 40 (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 Article 40 (1) herein shall deliver information on the certificates issued to the Directorate General of Civil Registration and Administrative Services not later than 12 days in advance of polling day for the automated removal of the voter from the electoral roll according to the permanent address (residence address); Article 49 and Article 206 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 Article 30 herein shall exercise the powers of authorities referred to in Article 27 herein and, to this end:

(a) 15 members shall be appointed if there are up to 150 voting sections within the territory of the municipality, 23 members shall be appointed if there are more than 150 voting sections, 31 members shall be appointed, for the cities subdivided into boroughs, and 39 members shall be appointed for Sofia Municipality;

6) the Central Election Commission shall fix the remunerations of the members of the section election commissions within Bulgaria in a double amount;

4. the voter shall receive the voting ballot paper thereof upon elections of President and Vice President of the Republic and upon elections of municipal councillors and mayors and an empty voting envelope upon elections of National Representatives and

upon elections of Members of the European Parliament for the Republic of Bulgaria 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 Standard Public Registry 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 [simultaneously] 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 Litterae (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 Litterae (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 Litterae (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 Littera (b);

6) 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 Littera (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 candidates included in one candidate list, including the candidates for mayor nominated by one and the same party or coalition of parties, may be represented jointly by two election agents in any given voting section on polling day for all types of elections conducted; only one election agent may be present in the polling site;

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 section 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;

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 election stationery and materials shall be safe-kept by the municipal administrations according to the procedure established by Article 242 (7) and (8) herein.

**§ 6.** If the elections of National Representatives are pronounced illegitimate or upon dissolution of the National Assembly, as well as if the election of a President and Vice President of the Republic is pronounced illegitimate or upon pre-term termination of the credentials of the President and of the Vice President of the Republic, the provisions of this Code shall apply with the following exceptions:

1. the elections of National Representatives shall be scheduled by the President of the Republic not later than 60 days in advance of polling day;

2. the elections of President and Vice President of the Republic shall be scheduled by the National Assembly not later than 60 days in advance of polling day;

3. the members of the Central Election Commission shall receive a monthly remuneration for the period commencing 60 days in advance of polling day and ending 45 days after the date of the elections;

4. the Central Election Commission shall appoint the constituency election commissions not later than 45 days in advance of polling day;

5. the methodology for determination of the voting results shall be adopted and promulgated in the *State Gazette* not later than 55 days in advance of polling day;

6. the terms, procedure and arrangements for voting of Bulgarian citizens abroad shall be determined not later than 55 days in advance of polling day; the said decision shall be transmitted to the Ministry of Foreign Affairs not later than 54 days in advance of polling day;

7. the terms and procedure for voting abroad shall be published on the Internet site of the Ministry of Foreign Affairs and of the diplomatic mission and consular post by the Minister of Foreign Affairs and the heads of the diplomatic missions and consular posts of the Republic of Bulgaria not later than 52 days in advance of polling day;

8. 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 polling day, with the number of seats for each multi-member constituency being determined not later than 55 days in advance of polling day;

9. the applications for registration of the parties shall be presented at the Central Election Commission not later than 45 days in advance of polling day, and the applications for registration of the coalitions of parties shall be presented not later than 40 days in advance of polling day; the Directorate General of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works shall conduct a check of the lists referred to in Item 7 of Article 82 (3) herein not later than 42 days in advance of polling day;



10. any changes in the set of partners forming a coalition of parties, which have occurred after the registration of the said coalition at the Central Election Commission, shall be effected not later than 40 days in advance of polling day;

11. the nomination committees shall present an application for registration not later than 45 days in advance of polling day upon elections of President and Vice President of the Republic and not later than 40 days in advance of polling day upon elections of National Representatives.

**§ 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.

(3) The Members of the European Parliament for the Republic of Bulgaria shall declare the financial interests, income and expenditures thereof in Bulgaria and abroad according to the procedure established by the Public Disclosure of Senior Public Officials' Financial Interests Act.

**§ 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 nationals.

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 nationals.

## **TRANSITIONAL AND FINAL PROVISIONS**

**§ 9.** This Code shall supersede:

1. the Election of Members of Parliament Act (promulgated in the *State Gazette* No. 37 of 2001; [modified by] Judgment of the Constitutional Court No. 8 of 2001 - [promulgated in] No. 44 of 2001; amended in No. 45 of 2002, Nos. 28, 32 and 38 of 2005, Nos. 24, 30, 63 and 95 of 2006, No. 57 of 2007, No. 31 of 2009; Constitutional Court Judgment No. 1 of 2009 - No. 36 of 2009; amended in No. 82 of 2009).

2. the Election of President and Vice President of the Republic Act (promulgated in the *State Gazette* No. 82 of 1991; amended in No. 98 of 1991, No. 44 of 1996, No. 59 of

1998, Nos. 24, 80 and 90 of 2001, No. 45 of 2002, No. 28 of 2005, Nos. 24, 63 and 95 of 2006 and No. 85 of 2007).

3. the Election of Members of the European Parliament from the Republic of Bulgaria Act (promulgated in the *State Gazette* No. 20 of 2007; amended in No. 19 of 2008, Nos. 25, 31, 47 and 82 of 2009).

4. the Local Elections Act (promulgated in the *State Gazette* No. 66 of 1995; corrected in No. 68 of 1995; amended in No. 85 of 1995, No. 33 of 1996, No. 22 of 1997, Nos. 11 and 59 of 1998, Nos. 69 and 85 of 1999, No. 29 of 2000, No. 24 of 2001, No. 45 of 2002, Nos. 69 and 93 of 2003, No. 28 of 2005, Nos. 17, 24, 30, 69 and 95 of 2006, Nos. 49, 63 and 78 of 2007 and No. 82 of 2009).

**§ 10.** (1) The elections of President and Vice President of the Republic and the elections of municipal councillors and mayors in 2011 shall be conducted on one and the same date.

(2) Upon conduct of the elections referred to in Paragraph (1), the members of the Central Election Commission shall receive a monthly remuneration for the period commencing 90 days in advance of polling day and ending 45 days after the date of the elections. The members of the Central Election Commission shall receive the remuneration referred to in Article 24 (3) herein increased by 50 per cent.

(3) Upon conduct of the elections referred to in Paragraph (1), the right to elect municipal councillors and mayors shall vest in the Bulgarian citizens and in the nationals of another Member State of the European Union who have resided in the respective nucleated settlement at least during the last ten months. The provisions of Article 3 (4) and (5), Article 42 (2), Article 45 (2), Article 53 (2), Article 62 (2) and (3), Item 2 of Article 63 (1), Article 64, Article 72 (7) and of Item 4 of § 1 herein shall apply, *mutatis mutandis*, at a date [preceding the date of conduct of the elections] by ten months.

(4) Upon conduct of the elections referred to in Paragraph (1), the right to be elected municipal councillors and mayors shall vest in the Bulgarian citizens, and the right to be elected municipal councillors shall vest in the nationals of another Member State of the European Union, who have resided in the respective nucleated settlement at least during the last six months. The provisions of Article 4 (5) and (6), Item 3 of Article 126 (1) and of Item 5 of § 1 herein shall apply, *mutatis mutandis*, at a date [preceding the date of conduct of the elections] by six months.

**§ 11.** (1) Electronic voting via the Internet shall be introduced on an experimental basis upon conduct of the elections of President and Vice President of the Republic in 2011.

(2) The experimental electronic voting via the Internet shall be conducted in up to five voting sections established within Bulgaria and in up to five voting sections established abroad. The Central Election Commission shall designate the voting sections for the electronic voting via the Internet.

(3) The Central Election Commission shall determine the conditions and timeframe

for commissioning, by contest, of the software and hardware for the electronic voting via the Internet not later than 60 days in advance of polling day. The provisions of the Public Procurement Act regarding the time limits of the procedures shall not apply upon the commissioning of the contest.

(4) The Central Election Commission shall commission the software and hardware for the electronic voting via the Internet by contest. The decision of the Central Election Commission shall be appealable according to the procedure established by Article 26 (7) herein.

(5) The electronic voting via the Internet shall use remote locations. "Electronic vote" shall be the vote of a voter cast electronically via the Internet. "Electronic ballot box" shall be an electronic means for storing the electronic votes. "Password" shall be an individual code for access and identification upon electronic voting via the Internet.

(6) The right to vote electronically via the Internet shall vest in all voters who satisfy the conditions referred to in Article 3 (1) herein and are included in the electoral roll (the roll) of the voting sections referred to in Paragraph (2). The voting shall be conducted on an expressly designed Internet site of the Central Election Commission, and only the voters who have declared a wish in advance and have registered shall be able to vote electronically via the Internet.

(7) Not later than five days after the date of scheduling of the elections, the Central Election Commission shall open an Internet site for provision of information in connection with the elections and the electronic voting via the Internet. Not later than five days after the establishment of the voting sections, the Central Election Commission shall open an Internet site for registration of those wishing to vote electronically via the Internet.

(8) Any voter who wishes to vote electronically via the Internet shall declare this wish on the site referred to in sentence two of Paragraph (7) not later than twelve days in advance of polling day, stating the names thereof as they appear in an identity document, the Standard Public Registry Personal Number thereof, the permanent address (residence address abroad) thereof, the voting section within Bulgaria or abroad in whose electoral roll the said voter is included, address for correspondence if other than the permanent address (residence address abroad), electronic mail address and telephone at which the voter can be contacted. The personal data shall be processed and provided in compliance with the requirements of the Personal Data Protection Act.

(9) Not later than ten days in advance of polling day, the Central Election Commission shall notify the authorities referred to in Article 40 (1) herein and the heads of the diplomatic missions and consular posts of the effected registration for electronic voting via the Internet, so that "voting electronically via the Internet" could be noted on the electoral roll (the roll) opposite the name of the person.

(10) After the registration of the voter for electronic voting via the Internet, the voter shall receive a password for voting from the Central Election Commission not later than seven days in advance of polling day. The electronic voting via the Internet shall be personal and shall commence not later than five days in advance of polling day and shall be completed 48 hours in advance of polling day.

(11) Upon the electronic voting via the Internet, the voter shall identify himself or herself in a manner making it possible to establish the unique identity of the person. After the voter identifies himself or herself, an electronic ballot shall appear on the screen.

(12) The voter shall indicate unequivocally the vote thereof for the candidate list of his or her choice. The voter may change the vote thereof by means of second voting within the period referred to in Paragraph (10). In such case, the first voting conducted shall be cancelled.

(13) After performance of the voting, the electronic vote shall be stored in an electronic ballot box. The votes stored in the electronic ballot box shall not contain any information making it possible to disclose the identity of the voter.

(14) Any voter who has declared that he or she will vote electronically via the Internet may vote in the voting section according to the permanent address (residence address) thereof on polling day upon presentation of an identity document and of the password received. The voting section must be equipped with a computer linked to the Central Election Commission. The section election commission shall conduct a check through the Central Election Commission as to whether the voter has voted electronically via the Internet. In case the voter has voted electronically via the Internet, the said voter shall be admitted to voting in the section after cancellation of the electronic voting thereof. The section election commission in a voting section referred to in Item 2 of Article 74 (4) herein shall conduct a check as to whether the voter has voted electronically via the Internet through the section election commission at the relevant diplomatic mission or consular post.

(15) Upon the lapse of the period for electronic voting via the Internet referred to in Paragraph (10), the Central Election Commission shall close the Internet site for voting. The voting data within Bulgaria shall be summed for the entire country and shall be transmitted in the form of an electronic image, signed with an electronic signature, to the Central Election Commission. The voting data abroad shall be summed, disaggregated by voting list, and the voting data abroad are summed by candidate lists and transmitted in the form of an electronic image, signed with an electronic signature, to the Central Election Commission.

(16) Upon conduct of electronic voting via the Internet, the voting results for the entire country shall be arrived at by adding the data on the electronic voting via the Internet to the data on the voting by means of ballot papers.

(17) On the basis of the data on the electronic voting via the Internet, the Central Election Commission shall report the voting results and shall prepare a tally sheet. The number of voters who registered for electronic voting via the Internet, the number of voters who voted electronically via the Internet, the number of valid votes cast by means of electronic voting via the Internet and the total number of valid votes cast by means of electronic voting via the Internet shall be entered in the said tally sheet. The data shall be entered in the tally sheet in words and figures.

(18) The results of the electronic voting via the Internet shall be added to the respective numerical data on the conventional voting in the existing database.

(19) Upon breach of the secrecy of the ballot of the electronic votes cast in the electronic ballot box, all votes in the electronic ballot box shall be declared invalid.

(20) The expenditures on the preparation and implementation of the electronic voting via the Internet shall be for the account of the state budget.

(21) A working group on conduct of the electronic voting via the Internet shall be formed with the Central Election Commission.

**§ 12.** (1) Upon conduct of the elections of municipal councillors and mayors in 2011, there shall be established, on an experimental basis, a counting commission to perform the counting of the votes cast in the respective type of elections within the territory of one municipality with a population not exceeding 20,000 voters. The municipality where the counting of the votes is to be performed by a counting commission shall be designated by the Central Election Commission not later than 60 days in advance of polling day.

(2) The Central Election Commission shall appoint the counting commission on a proposal by the regional governor, made not later than 30 days in advance of polling day, after consultations and on a proposal by the parties and coalitions of parties represented in Parliament and by the parties and coalitions of parties coalitions of parties and of the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament. The counting commission shall be appointed not later than 25 days in advance of polling day under the terms and according to the procedure established by Articles 30 and 31 herein. The number of members of the counting commission shall equal the number of members of the municipal election commission. The provisions of the Code regarding municipal election commissions shall apply to the counting commission as well.

(3) The Central Election Commission shall:

1. exercise methodological guidance and control over the activity of the counting commission and shall adopt decisions on the application of this Clause;

2. establish the procedure for counting of the vote and for organizing the work of the counting commission, including for the appointment of counting officials to the counting commission, as well as endorse the standard forms of the documents of the counting commission not later than 20 days in advance of polling day; the persons referred to in Article 210 herein may be present at the counting of the votes;

3. make the voting results for the respective types of voting available to the contestants in the elections on a machine-readable data medium and publish the said results on the Internet; publish the results from the tally sheets of the counting commission in a special bulletin and on a machine-readable data medium not later than 40 days after polling day;

4. deliver to the National Archival Collections one copy of the tally sheets of the counting commission.

(4) The municipal election commission shall:

1. provide training to the counting officials at the counting commission;

2. furnish the counting commission with blank forms of tally sheets for the voting results; the serial numbers of the said tally sheets shall be entered in a memorandum on delivery and acceptance; if there is any discrepancy in the serial numbers of the separate sheets of the tally sheets, this circumstance shall be described;

3. deliver the tally sheets of the counting commission to the Central Election Commission.

(5) Before polling day the section election commission shall take delivery from the municipal administration and from the municipal election commission the election stationery and materials referred to in Items 1, 2, 4, 5, 6, 7, 11, 12, 13 and 15 of Article 187 (1) herein, as well as;

1. blank forms of reports on the progress of the polls; the serial numbers of the said reports shall be entered in a memorandum on delivery and acceptance; if there is any discrepancy in the serial numbers of the separate sheets of the reports, this circumstance shall be described;

2. blank forms of abstracts and drafts of reports on the progress of the polls;

3. non-reusable seals.

(6) Upon the opening of the polls, the chairperson of the section election commission shall verify the availability of the stationery and materials covered under Paragraph (5) and shall check whether the ballot box is serviceable and empty. After the check the ballot box shall be closed by means of non-reusable seals and shall be sealed with paper tapes stamped and signed by the members of the commission. Upon use of a spare ballot box, the said ballot box shall be closed by means of non-reusable seals and shall be sealed with paper tapes stamped and signed by the members of the commission, and voting shall proceed. This circumstance shall be entered in the report on the progress of the polls.

(7) The data covered under Article 213 herein shall be entered in the tally sheets of the section election commission.

(8) The ballot boxes sealed by means of non-reusable seals, as well as the copies of the reports on the progress of the polls destined for the municipal and the Central Election Commission, shall be delivered by the chairperson or the deputy chairperson, the secretary of a member of the section election commission, nominated by different parties and coalitions of parties, to the counting commission. The tally sheets of the section election commission shall be delivered at the municipal election commission with unseparated sheets. Upon transportation to the counting commission, the ballot boxes shall be guarded by employees of the Ministry of Interior.

(9) Upon receipt of the reports on the progress of the polls and the ballot boxes from the section election commission, the counting commission shall check the serial numbers of the reports against the numbers of the reports as entered in the memorandum on delivery and acceptance of the election stationery and materials, and shall also check the integrity of the non-reusable seals, stamps and signatures affixed to the ballot boxes.

(10) The counting commission shall open the ballot boxes of the respective section election commission and shall check whether the contents of the said ballot boxes correspond to the data entered in the reports on the progress of the polls of the section election commission.

(11) Where the counting commission detects any apparent errors of fact in the reports, the said errors shall be noted therein and shall be signed by the members of the section election commission referred to in Paragraph (8).

(12) Upon receipt of the reports, the counting commission shall issue a signed receipt which shall contain the numerical data from the reports. Upon return to the area of the voting section, the members of the section election commission referred to in Paragraph (8) shall display the said receipt next to the abstracts of the tally sheet.

(13) After acceptance of the reports by the counting commission, the copies of the reports destined for the municipal administration and the rest of the stationery and materials shall be delivered by the members of the section election commission referred to in Paragraph (8) at the municipal administration according to the procedure established by Article 242 (7) and (8) herein.

(14) After opening all ballot boxes delivered by the section election commissions and conduct of the check referred to in Paragraph (10), the counting commission shall extract the ballot papers from all ballot boxes, shall commingle the said ballot papers and shall count the votes cast in each type of election.

(15) The counting commission shall determine the voting results and shall prepare a tally sheet on each type of election according to the procedure established by Section IV of Chapter Ten herein.

(16) The counting commission shall deliver the tally sheets according to the procedure established by Articles 231 and 242 herein.

(17) On the basis of the data from the tally sheets of the counting commission, the municipal election commission shall determine the election results and shall prepare a tally sheet on each type of election according to the procedure established by Section II of Chapter Eleven herein.

(18) Where the data entered in the tally sheets of the section election commission do not correspond to the contents of the ballot box, as well as where the counting commission detects any discrepancy between the serial numbers of the reports received and delivered by the section election commission, a fine of BGN 200 shall be imposed on the officials who have committed the violation. Where the integrity of the non-reusable seals, stamps and signatures affixed to the ballot boxes has been compromised, a fine of BGN 5,000 shall be imposed on the officials who have committed the violation. The counting commission shall forthwith notify the municipal election commission of the violation. The written statements ascertaining the violation shall be drawn up by the municipal election commission, and the penalty decrees shall be issued by the regional governor according to the procedure established by Article 300 herein.

(19) The provisions of the Code shall apply to any matters which are not regulated in this Clause.

**§ 13.** (1) Not later than three months after the entry into force of this Code, the President of the Republic shall appoint the members of the Central Election Commission after consultations and on a proposal by the parties and coalitions of parties represented in Parliament and by the parties and coalitions of parties which have Members of the European Parliament but are not represented in Parliament.

(2) Until appointing of the members of the Central Election Commission, the hitherto incumbent members of the Central Election Commission under the Election of Members of Parliament Act as superseded, of the Central Election Commission under the Election of Members of the European Parliament from the Republic of Bulgaria Act as superseded and of the Central Election Commission for Local Elections shall continue to implement the powers thereof.

**§ 14.** Within three months after the appointment thereof, the Central Election Commission shall adopt and shall promulgate in the State Gazette:

1. the methodologies for determination of the voting results upon conduct of the elections of President and Vice President of the Republic and of municipal councillors and mayors in 2011;

2. a methodology for the terms and the procedure for the experimental electronic voting via the Internet upon conduct of the elections of President and Vice President of the Republic in 2011.

**§ 15.** Upon pre-term termination of the credentials of a majoritarian National Representative elected to the Forty-First National Assembly, nominated in a single-member constituency by a party or a coalition of parties, the Central Election Commission shall pronounce the candidate ranked next on the list of the same party or coalition of parties in the respective multi-member constituency [elected as] National Representative.

**§ 16.** Elections of mayoralty mayors shall be conducted only in those mayoralties which satisfy the requirements of Item 1 of Article 16 of the Territorial Administration of the Republic of Bulgaria Act at a date preceding the date of conduct of the elections of municipal councillors and mayors in 2011 by ten months.

**§ 17.** Any borough mayors elected according to the procedure established by the Local Elections Act as superseded shall continue to implement the powers thereof until election of borough mayors by the newly elected Municipal Council.

**§ 18.** The Territorial Administration of the Republic of Bulgaria Act (promulgated in the *State Gazette* No. 63 of 1995; [modified by] Judgment No. 8 of 1996 of the Constitutional Court of the Republic of Bulgaria – [promulgated in] 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 and supplemented as follows;

1. In Item 1 of Article 16, the words “150 persons” shall be replaced by “350 persons”.

2. In Article 17, there shall be added a Paragraph (3):

“(3) Within seven days after the entry into force of the decision referred to in Item 5 of Paragraph (1), the regional governor shall transmit the said decision to the Central Election Commission.”

3. In the Supplementary Provisions, sentence one of § 4 (1) shall be amended to read as follows: “Upon creation of a new municipality or mayoralty, the elections of municipal councillors and mayors shall be conducted within four months after the promulgation in the *State Gazette* of the decree of the President of the Republic on the creation of the new municipality or, respectively, of the Municipal Council resolution on the creation of the new mayoralty.”

**§ 19.** The Local Self-government and Local Administration Act (promulgated in the *State Gazette* No. 77 of 1991; amended in No. 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 Article 4 (1), the words “three months” shall be replaced by “four months”.

2. In Article 19 (1):

(a) in Item 5, the words “29 councillors” shall be replaced by “23 councillors”;

(b) in Item 6, the words “33 councillors” shall be replaced by “27 councillors”;

(c) in Item 7, the words “37 councillors” shall be replaced by “29 councillors”;

(d) in Item 8, the words “41 councillors” shall be replaced by “33 councillors”;

(e) in Item 9, the words “51 councillors” shall be replaced by “41 councillors”;

(f) in Item 10, the words “61 councillors” shall be replaced by “49 councillors”.

3. In Article 30:

(a) in Paragraph (4) there shall be added an Item 12:

“12. upon ascertainment of illegibility.”;

(b) in Paragraph (6), the words “Article 104 of the Local Elections Act” shall be replaced by “Article 267 of the Election Code”.

4. There shall be inserted new Articles 37a and 37b:

“Article 37b. (1) Upon withdrawal or expulsion from a group, the municipal

councillor shall forfeit the seat thereof on the committees as a representative of the respective group and other elective office in the Municipal Council.

(2) Any municipal councillor, who has withdrawn or has been expelled from a group, shall become an independent municipal councillor and may not be admitted as a member of another group.

**Article 37b.** Groups may not be formed by independent municipal councillors, nor can existing groups be merged or divided.”

5. The exiting Article 37b shall be renumbered to become Article 37c.

6. In Article 38:

(a) in Paragraph (2), the words “boroughs and” shall be deleted;

(c) in Paragraph (5), the words “for borough mayor” shall be deleted.

7. In Article 39, Paragraph (1) shall be amended to read as follows:

“(1) The municipality or, respectively, the borough mayor shall appoint deputy mayors and shall specify their functions as follows:

1. where the population has a population of up to 10,000 persons: up to two deputy mayors;

2. where the municipality has a population of up to 100,000 persons: up to three deputy mayors;

3. where the municipality has a population of up to 160,000 people: up to four deputy mayors;

4. where the municipality has a population of over 160,000 persons: up to five deputy mayors;

5. in Sofia Municipality: up to seven deputy mayors.”

8. There shall be inserted a new Article 39a:

“Article 39a. (1) Borough mayors in Sofia Municipality and in the cities subdivided into boroughs shall be elected in secret ballot by the Municipal Council on a nomination by the municipality mayor for the term of credentials of the Municipal Council. Borough mayors must satisfy the conditions referred to in Article 4 (5) of the Election Code by the date of the election.

(2) The meeting for election of the borough mayors shall be held within 14 days after the first meeting of the newly elected Municipal Council.

(3) To be elected, a candidate must get the votes of more than one half of the total number of municipal councillors. If none of the candidates is elected, the chairperson of the Municipal Council shall convene a new meeting within 14 days.

(4) The municipality mayor may propose a new nomination not later than seven days before the meeting. The new nomination may be for a candidate who was not elected at the first meeting. To be elected, a candidate must get the votes of more than one half of the councillors present.

(5) Where none of the candidates nominated by the municipality mayor is elected at the second meeting, either, or the mayor has not proposed a nomination within the time limit referred to in paragraph 4, a mayor of the respective borough shall be elected on a nomination by a municipal councillor proposed during the meeting.

(6) In the cases referred to in paragraph 5, the election shall be conducted at the same meeting or at succeeding meetings of the Municipal Council, if any of the candidates nominated by a municipal councillor is not elected yet again. New nominations for candidates for a borough mayor may be proposed by a municipal councillor within the time limit referred to in paragraph 4. To be elected, a candidate must get the votes of more than one-half of the councillors present.

(7) Borough mayors shall take the oath under Article 32 (1) at the meeting of the Municipal Council at which they are elected.”

9. In Article 42:

(a) in Paragraph (1):

(aa) in the text before Item 1, after the word “mayors” there shall be inserted “of municipalities or mayoralties”;

(bb) in Item 6, the words “the borough” shall be deleted;

(cc) there shall be added an Item 11:

“11. upon ascertainment of ineligibility.”;

(b) in Paragraph (3):

(aa) in sentence two, the words “the powers” shall be replaced by “the credentials”;

(bb) in sentence three, the words “Article 104 of the Local Elections Act” shall be replaced by “Article 267 of the Election Code”;

(cc) in sentence four, the words “for Local Elections” shall be deleted;

(c) in Paragraph (4):

(aa) in sentence one, after the words “of a mayor” there shall be inserted “of a municipality or of a mayoralty”, and after the words “acting mayor” there shall be inserted “or the municipality or, respectively, an acting mayor of the mayoralty”;

(bb) in sentence two, the words “or mayor of the borough” and the words “of the municipality or the borough, respectively” shall be deleted;

(cc) in sentence three, the words “or mayor of the borough” shall be deleted;

(d) in Paragraph (5):

(aa) in sentence one, after the words “of a mayor” there shall be inserted “of a municipality or of a mayor of a mayoralty”;

(bb) in sentence two, the words “mayor of the borough” shall be deleted;

(e) in Paragraph (6):

(aa) in sentence on, the words “a mayor of borough” and “mayor of the borough”

shall be deleted, and the words “local elections” shall be replaced by “municipal councillor or mayor”;

(bb) in sentence two, the words “or mayor of the borough” shall be deleted;

(f) in Paragraph (7), the words “mayor of borough” shall be deleted, and the words “local elections” shall be replaced by “municipal councillor or mayor”;

(g) in Paragraph (8), the words “mayor of borough” shall be deleted.

10. There shall be inserted a new Article 42a:

“Article 42a. (1) The credentials of borough mayors shall be terminated prior to the expiry of the term of office thereof:

1. upon tendering of a resignation to the Municipal Council;

2. upon effecting of changes in territorial administration leading to a dissolution of the borough;

3. when a sentence whereby a penal sanction of deprivation of liberty has been imposed for a publicly indictable offence becomes enforceable;

4. upon death;

5. upon non-fulfilment of the obligation referred to in Article 41 (3);

6. upon violation of the prohibition referred to in Article 41 (1);

7. where it is ascertained that the borough mayor does not satisfy the conditions referred to in Article 4 (5) of the Election Code;

8. on a motion by the municipality mayor or by one-half of the total number of municipal councillors.

(2) The pre-term termination of the credentials under Items 1 to 4 and Item 7 of Paragraph (1) shall be announced by the chairperson of the Municipal Council at the first meeting of the Council after the occurrence or the learning of the relevant circumstances, and under Items 5, 6 and 8 of Paragraph (1), by a resolution of the Municipal Council adopted:

1. under Items 5 and 6 of Paragraph (1): by a majority of more than one half of the municipal councillors present;

2. under Item 8 of Paragraph (1): by a majority of more than one half of the total number of municipal councillors.

(3) Where the credentials of a borough mayor have been terminated prior to the expiry of the term of office thereof, as well as for the period after the expiry of the term of office of the Municipal Council, the municipality mayor shall designate one of the deputy mayors of the borough as an a locum tenens until the newly elected borough mayor takes the oath. Within one month after the pre-term termination of the credentials of a borough mayor, the Municipal Council shall elect a new mayor of the borough according to the procedure established by Article 39a.”

11. In Article 46a (1), there shall be added a sentence two: “The lieutenant mayor must satisfy the conditions referred to in Article 4 (5) of the Election Code by the date of

the appointment.”

**§ 20.** The Political Parties Act (promulgated in the *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 and Nos. 54 and 99 of 2010) shall be amended and supplemented as follows:

1. In Article 24:

(a) the existing text shall be redesignated Paragraph (1) and in Item 1 therein at the end there shall be added “in any form whatsoever”;

(b) there shall be added Paragraphs (2) and (3);

“(2) Political parties may not receive any movable and immovable things for gratuitous use, nor any gratuitous services in any form whatsoever, from the entities referred to in Items 2, 3 and 4 of Paragraph (1).

(3) Natural persons may provide political parties with movable and immovable things for gratuitous use only if the said things are owned by the said persons, as well as gratuitous services only performed through work done in person.”

2. In Article 29 (2):

(a) in Item 2, the words “BGN 5,000” shall be replaced by “BGN 1,000”;

(b) in Item 6, the words “BGN 5,000” shall be replaced by “BGN 1,000”;

(c) there shall be inserted a new Item 7:

“7. things provided for gratuitous use, and gratuitous services performed through work done in person by natural persons, the names thereof, the period of use, the type and the description of the things provided for use, the type of the services and a declaration on ownership of the things”;

(d) the existing Item 7 shall be renumbered to become Item 8.

3. Article 37a shall be repealed.

**§ 21.** The Citizens’ Direct Participation in Central Government and Local Self-government Act (promulgated in the *State Gazette* No. 44 of 2009; amended in No. 100 of 2010) shall be amended as follows:

1. In Article 7:

(a) in Paragraph (1), sentence one, the words “for conduct of elections of National Representatives” shall be deleted;

(b) in Paragraph (2):

(aa) in sentence one, the words “the Central Commission for Local Elections” shall be replaced by “the Central Election Commission”;

(bb) in sentence two, the words “local elections” shall be replaced by “elections of municipal councillors and mayors”.

2. In Article 8:

(a) in Paragraph (1), the words “the parliamentary, respectively, the local elections” shall be replaced by “the elections of National Representatives, respectively, of municipal councillors and mayors”;

(b) in Paragraph (2), the words “respectively the Election of Members of Parliament Act and the Local Elections Act” shall be replaced by “the respective requirements of the Election Code”.

3. In Article 16 (1), the words “the Election of Members of Parliament Act” shall be replaced by “the Election Code”.

4. In Article 18 (1), the word “кутия” shall be replaced by “урна”. ***[this amendment does not apply to the English version – Translator’s Note]***

5. In Article 35:

(a) in Item 2, the word “кутии” shall be replaced by “урни”; ***[this amendment does not apply to the English version – Translator’s Note]***

(b) in Item 3, the words “the Local Elections Act” shall be replaced by “the Election Code”.

6. In Article 37 (1), the word “кутия” shall be replaced by “урна”. ***[this amendment does not apply to the English version – Translator’s Note]***

7. In Item 1 of Article 38 (1) and in Item 6 of Article 39 (1), the word “кутията” shall be replaced by “урната”. ***[this amendment does not apply to the English version – Translator’s Note]***

8. In § 2 of the Transitional and Final Provisions, the words “referendum, the provisions of the Election of Members of Parliament Act shall apply, and regarding the matters concerning the conduct of a local referendum, the provisions of the Local Elections Act shall apply” shall be replaced by “a local referendum, the respective provisions of the Election Code shall apply”.

**§ 22.** In the Ministry of Interior Act (promulgated in the *State Gazette* No. 17 of 2006; amended in Nos. 30, 102 and 105 of 2006, Nos. 11, 31, 41, 46, 57, 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 Item 9 of Article 212 (1), the words “Article 52 (1) to (3) of the Election of Members of Parliament Act and Article 47 of the Local Elections Act” shall be replaced by “Article 105 (1) to (3) of the Election Code”.

**§ 23.** The Civil Registration Act (promulgated in the *State Gazette* No. 67 of 1999; amended in Nos. 28 and 37 of 2001, No. 54 of 2002, No. 63 of 2003, Nos. 70 and 96 of 2004, No. 30 of 2006, Nos. 48 and 59 of 2007, No. 105 of 2008, Nos. 6, 19, 47, 74 and 82 of 2009 and No. 33 of 2010), Article 92 shall be amended and supplemented as follows:

1. The existing text shall be redesignated Paragraph (1).

2. There shall be added Paragraphs (2) and (3):

“(2) For effecting an address registration, persons shall present one of the following documents:

1. documentary proof of ownership;
2. contract for use of the immovable for residential needs.

(3) A written consent from the owner in the form of a declaration completed in a standard form, submitted in person to the authority referred to in Paragraph (1) or with a notarized signature, shall also be presented for effecting of an address registration.”

**§ 24.** Until the 31st day of December 2011, the right to be elected borough mayors by the Municipal Council or, respectively, to be appointed lieutenant mayors, shall vest in the Bulgarian citizens who, according to Article 4 (5) herein, have resided in the respective nucleated settlement at least during the last six months preceding the date of the election or, respectively, appointment.

**§ 25.** Item 8, Item 9 (a) (aa) and (bb), (c), (d), (e), (f) and (g), Items 10 and 11 of § 8 and § 24 herein shall enter into force as from the date next succeeding the date of conduct of the elections of municipal councillors and mayors in 2011

This Act was passed by the 41st National Assembly on the 22nd day of December 2010 and on the 19th day of January 2011 and the Official Seal of the National Assembly has been affixed thereto.