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ACCESS TO ELECTORAL RIGHTS *BULGARIA*

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European University Institute, Florence
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Access to Electoral Rights

Bulgaria

Alina Dobрева

1. Introduction

The re-establishment of free elections in Bulgaria in 1990 was welcomed with vigorous enthusiasm and very high electoral turnout. However, as time passed, enthusiasm waned while media and public perception of elections became predominantly associated with questionable practices or even explicit fraud. Despite the effective functioning of free election procedures, public concerns about a lack of full guarantees that elections are carried out fairly still persist.

During the 1990s public concerns with electoral fraud were mostly related to the so-called ‘dead souls’, i.e. non-existent or deceased people included in the voters’ register. Greater multi-party control over voting registration and polling station protocols increased trust in that part of the electoral process. However, there are still serious concerns about different types of electoral malpractice. During recent elections, the most publicly discussed electoral practices with questionable legitimacy have been ‘buying votes’, i.e. paying voters in return for them to vote for a certain candidate, and ‘electoral tourism’, i.e. Bulgarian citizens living abroad being transported to polling stations in an organised manner. The latter issue is the focal point of general concerns about manipulated (coerced) voting and public debate regarding who should be enfranchised. That focal point influences the public perception of all issues covered in this report.

The issue of voting rights and procedures, especially with relation to voters who do not clearly fall within the category of citizen residents, is a recurrent theme in Bulgarian politics. It has featured in every election campaign for the last fifteen years or more. Despite this public attention, the issue has very rarely been discussed in the frame of civil rights, social inclusion, intensified involvement of all diaspora groups, or any other aspect related to sustainable and pluralistic civil society. Overwhelmingly, the franchise of resident non-citizens and citizens abroad is framed as an electoral malpractice. Moreover, it is often related to a particular party and a particular diaspora group. However, the issue is overshadowed and to a certain extent influenced by more generic concerns about electoral fraud. Therefore, public attitudes towards the voting rights of citizens abroad is only likely to change if the electoral process achieves higher levels of perceived legitimacy.

2. Eligibility: Who has electoral rights under national law?

Active electoral rights at the national level are accorded to all Bulgarian citizens, regardless of their residence status. National level elections, compared to local and European elections,

are perceived as the most important. National legislative elections are key both politically and institutionally, due to the constitutional arrangement of Bulgaria as a Parliamentary Republic. The presidential elections are important in a more symbolic way. Both types of election, together with the theoretically possible but never implemented national referendum, are perceived as mechanisms by which to express the voice and will of the people, i.e. the Bulgarian nation. Accordingly, citizenship is (and is perceived as) the criterion for enfranchisement.

However, there are much stricter criteria on candidacy than on voting rights, involving various limitations on the residence status of the candidates. On several occasions, these limitations have had major implications for Bulgarian political life, especially regarding potential presidential candidates, e.g. the cases of the socialist Georgi Pirinski and the former monarch Simeon Saxe-Cobourg-Gotha.

The principle of long-term effective residence in Bulgaria is key for all types of local elections. The difference between the residence criteria for national and local level elections is based on two major factors. First is the perception of local level elections as community based elections and, therefore, as being limited to the particular people living together (although resident non-citizens are still widely perceived as outsiders). Second is the small size of the municipalities and, therefore, the higher sensitivity towards the possibility of significantly influencing electoral outcomes by including more eligible voters in the particular municipality or electoral region.

2.1. Citizen residents

The political memory of Bulgarian society does not include campaigns and fights for the enfranchisement of different citizen categories. After the liberation of Bulgaria from Ottoman rule in 1878, voting rights were rather liberal, e.g. there were no property or education criteria, although women were not enfranchised for most of the period before the Second World War. Despite the fact that all Bulgarian citizens were enfranchised during the totalitarian period between 1944 and 1989, in practice there were only staged elections. The re-establishment of free elections in 1990 effectively enfranchised all Bulgarian citizens within the following limitations:

2.1.1. Age thresholds

The lawful (or legal maturity) age in Bulgaria is eighteen years old; this is also the age that grants a citizen voting rights for all types and levels of elections (Electoral Code, Article 3; 2011). In addition, this is the threshold age for local legislative and mayoral candidates. The general age of candidacy rights for national and European elected positions is higher. A candidate for the national or European Parliament needs to be at least 21 years of age and a presidential candidate needs to be at least 40 years of age (Electoral Code, Article 4).

These relatively low age barriers are in line with both the historical tradition of political involvement of the youth, and the general trend of post-communist Bulgaria to elect many young politicians in an attempt to build a new society without connections to the old regime. Recent Bulgarian political history includes a 35 year-old Prime Minister (Stefan Sofiyanski), a 36 year-old Prime Minister (Zhan Videnov), a 32-year old Deputy Prime Minister (Nikolay Vasilev), and a 44-year old President (Petar Stoyanov) to mention just a few. In addition, one of the most prominent Prime Ministers of the past, Stefan Stambolov, started his mandate in 1887 at the age of 33. The political involvement of youth, encouraged

by propaganda, was also typical during the communist regime (e.g. the compulsory Komsomol and Pioneer political organisations at schools). Despite all these examples of youth involvement in politics, the electoral turnout of young people in Bulgaria is not notably high.

2.1.2. Mental disabilities

The limitation of voting rights based on mental disability is the same for all types and levels of elections and referendum participation. Citizens are disenfranchised if they are under judicial disability, based on clinical interdiction (Electoral Code, Article 3).

2.1.3. Persons convicted of criminal offences

Citizens who are serving a prison sentence are disenfranchised for all levels and types of electoral participation (Electoral Code, Article 3). However, once the prison sentence is over, citizens' voting rights are restored automatically.

2.2. *Citizens abroad*

The first elections that allowed Bulgarian citizens abroad to cast their vote in their countries of residence took place in 1994. Since then there has been a steady increase in the number of votes cast abroad as well as in their electoral weight as a percentage of the total votes cast. The number of votes cast rose from 20,000 in 1994 to approximately 150,000 votes in 2009; as a percentage of the total votes cast, this was an increase from 0.39 per cent to 3.62 per cent (Rusev & Vladimirova 2010). Reflecting the changes over the last two decades, Bulgarian politicians and public opinion also show increased interest in voters abroad.

The political reasoning and regulations for enfranchising Bulgarian citizens abroad is rooted in the nature of the three major diaspora groups that have real or potential electoral weight. For simplicity, we can label them as follows: (1) the Bulgarian-Turkish diaspora; (2) the economic diaspora and (3) the historic diaspora. The first two constitute significant emigration waves from Bulgaria in the period after 1985. The third is the result of historical setting of boundaries in the region and not a result of emigration. The emigration waves before 1989 have insignificant electoral weight and relevance and therefore they are not covered here.

The period between 1944 and 1989 was characterised by firmly closed borders and very few Bulgarian citizens managed to flee from the totalitarian regime. By default, those who did flee lost their Bulgarian citizenship, and not all of them had it restored after 1989. This period also contributed enormously to breaking the bond between the Bulgarian state and the Bulgarian diaspora that left the country before 1944. Most of them neither hold Bulgarian citizenship nor have functional relations with Bulgaria. Therefore, the Bulgarian diaspora resulting from these emigration waves is not considered for the purpose of this paper. The third diaspora group is not the result of an emigration wave. It rather consists of ethnic Bulgarians living in neighbouring states for centuries and currently holding or eligible to hold Bulgarian citizenship.

The emigration of the **Bulgarian-Turkish diaspora** initially started in the second half of the 1980s. It was a result of the so-called 'Revival process' – a process during which the totalitarian government forcefully 'Bulgartised' Turkish patronyms. This policy never achieved its expected goal of increasing public support for the regime on nationalistic

grounds. However, it did lead to the emigration of many Bulgarian citizens of Turkish origin towards Turkey. It is estimated that 350,000 people left Bulgaria in the summer of 1989, but that approximately 120,000 of them returned at the end of the same year when the regime change took place (Baeva 2009). Despite these returns the emigration wave continued for several years, though less intensively after 1989. The later part of the exodus was largely motivated by economic considerations or cultural kin-state attraction. For example, the economic crisis of the mid 1990s in Bulgaria is estimated to have sent another 165,000 people of Turkish origin to Turkey (Todorov 2010).

The resulting diaspora consists almost exclusively of Turkish minority Bulgarian citizens; the hosting state is almost exclusively Turkey and the number of people is estimated to be in the hundreds of thousands (Yankov 2009). People from the Bulgarian-Turkish diaspora are permanently established in Turkey and normally have proper legal status and citizenship there. Those who left Bulgaria after 1990 kept or restored their Bulgarian citizenship and therefore their voting rights. Many of them keep a strong bond with their areas of origin (Todorov 2010), i.e. mostly two particular regions in Eastern Bulgaria. One of them in particular, Kurdzhali, is the place of origin of two thirds of this group, and also one of the less populated regions in Bulgaria (Rusev & Vladimirova 2007). These two regions, Kurdzhali and Razgrad, are home to many of the Turkish minority Bulgarian citizens, and they also accumulate around 60 per cent of the votes cast for one particular party, namely the Movement for Rights and Freedoms (MRF) (Todorov 2010).

The second group, the **economic diaspora**, is much more heterogeneous in all respects. Migration on economic grounds from the country has been ongoing since the early 1990s; emigrants' major motivation has been to look for better employment or educational prospects. People who are part of that wave originate from all parts of the country and from all social, political, ethnic, and religious groups. They are scattered around the world, but predominantly in North America and Western Europe. Their status in the hosting countries also varies from having acquired local citizenship and being fully integrated, through being temporarily in and outside Bulgaria, to residing and/or working illegally in the host country. Distinct from the other two major diaspora groups, many people in this group hold only Bulgarian citizenship, i.e. many do not hold citizenship in their country of residence. The members of the Bulgarian-Turkish and the historic diaspora, by contrast, are almost always citizens of their host country in addition to being citizens of Bulgaria. To a certain extent, the economic diaspora is perceived (or hoped to be) only a temporary phenomenon and at least part of its members are expected to return to Bulgaria. These specific characteristics of the economic diaspora create the perception of this group as a fully 'inner group' for Bulgaria (i.e. full members of the Bulgarian nation and society), compared to the perception of the other two groups as only partially 'inner groups'. The number of Bulgarian citizens who are part of the economic diaspora is estimated at over a million people.

The third major group of Bulgarian citizens abroad, the **historic diaspora**, consists of ethnic Bulgarians who historically lived beyond the borders of the current state of Bulgaria. Such citizens are mostly concentrated in Serbia (the eastern part neighbouring Bulgaria), the Republic of Macedonia, Moldova and Ukraine, and Northern Greece. Their official number has grown ever since the collapse of the communist regime and the launching of administrative procedures for the restoration or establishment of Bulgarian citizenship based on ethnic origin. The historic diaspora has rather weak functional ties with Bulgaria and there is no active state policy of intensifying these ties. Therefore, the number of people of Bulgarian ethnic origin and having Bulgarian citizenship is not very large. Their number is estimated to be within tens of thousands of people, i.e. a small percentage of those eligible for Bulgarian citizenship. The increased interest in acquiring citizenship amongst ethnic

Bulgarians, especially amongst those in the Republic of Macedonia, is not accompanied with notable interest in Bulgarian political life. The public perception of the historic diaspora in Bulgaria is based on more sentimental patriotic grounds rather than an actual closely bonded and functionally tied community.

Despite the unified legislative and policy rules that administer their voting rights, these three diaspora groups vary significantly in their electoral involvement. Each is perceived by general public opinion and approached by political parties in a radically different way. The political and public interest in voters abroad demonstrates two major and very distinct trends: the first is the attempt to scrutinise the voting rights and make more transparent the voting procedure of the Bulgarian-Turkish diaspora. The second one consists in encouraging the economic diaspora to vote. The historic diaspora is left largely untouched by electoral processes and campaigning in Bulgaria.

2.2.1. Residence in Bulgaria as a general condition for the franchise

Regulatory arrangements

Residence in Bulgaria is not a criterion for the franchise of Bulgarian citizens in national level elections. National legislative elections, presidential elections and national referenda are open to all Bulgarian citizens regardless of their residence status in Bulgaria (Electoral Code, Article 3).

The right to run as a candidate in national legislative elections is not related to residence status either (see section 4.1.3), but the rules for being a presidential candidate are more restrictive – effective residence in Bulgaria during the five years preceding the elections (Electoral Code, Article 4). It should be noted that residing abroad as part of working for and/or representing the state qualifies as living in the country (Electoral Code, Additional Provisions). This exception defines the status of diplomatic personnel as well as EU posts, e.g. the former Bulgarian EU Commissioner Meglena Kuneva was a presidential candidate shortly after the end of her mandate in Brussels.

Effective residence in Bulgaria is a key franchise criterion regarding voting and running as a candidate in all local level elections. Local legislative and mayoral elections, as well as local referenda are limited only to voters and candidates who had been effectively residing in the country (on the territory of the municipality in question) over the six months prior to Election Day (Electoral Code, Articles 3 and 4).

Application of the regulatory arrangements

The three above-mentioned diaspora groups exercise their electoral rights very differently. The Bulgarian-Turkish diaspora has clear political representation in Bulgarian political life, namely the Movement for Rights and Freedoms (MRF). MRF is a party that does not officially declare itself as an ethnic Turkish party (the Bulgarian Constitution forbids organising parties on ethnic grounds). Nevertheless, it has an overwhelming ethnic minority electoral base, leaderships and rhetoric, including performing official party events in the Turkish language (the only official language in Bulgaria is Bulgarian). Both the media and the general public normally referred to the MRF as “the Turkish minority party”. The establishment of the MRF was grounded in the politicisation of the Turkish minority in Bulgaria by the so-called ‘Revival process’ under the communist regime. However, the internal political processes of the 1990s and even early 2000s (until the establishment of the first nationalistic party Ataka) did not explicitly support the ethnic and/or religious based

politics or the necessity of such representation. During the early 1990s, the MRF was often labelled as the guarantor of ethnic peace in Bulgaria. However, in the following years, general public perception of the party changed and some even claim that its shortcomings (serious accusations of corruption and abuse of power) provoked the establishment and support for the nationalist party.

Since an overwhelming majority of Turkish minority Bulgarian citizens vote for the MRF, the waves of Turkish minority emigrants in the mid-1990s led to a certain decrease in the electoral results of the MRF. Following that, the party leadership pushed towards opening up to other voters within Bulgaria (predominantly the Roma minority), and to voters outside Bulgaria, namely the Bulgarian-Turkish diaspora (Todorov 2010). Despite the still clearly ethnic and religious representation of the MRF, these attempts at opening up showed results in the 2005 elections which registered almost fourteen per cent of the MRF votes as coming from ethnic Bulgarian Christians (Bulgarian Christians constitute around 85 per cent of the general population of the country) (Todorov 2010). Much more significant is the success of the MRF in its active electoral mobilisation of the Bulgarian-Turkish diaspora. Their proximity and high concentration as well as their clear relation to a particular party puts the Bulgaria-Turkish diaspora under the spotlight during elections.

Distribution of polling stations abroad

The high engagement of the MRF with these voters resulted in the opening of a disproportionate number of polling stations on the territory of Turkey compared to other countries with resident Bulgarian citizens. This was achieved by the mobilisation of potential voters to follow the proper procedures to request the opening of polling stations and by exercising political pressure to secure the opening of all requested polling stations. Public debate however has focused exclusively on the latter aspect.

Usually, there is only one polling station per country, located in the premises of the Embassy. In some instances, a second polling station is placed in a consulate. Additional polling stations are opened if (1) there is a significant number of Bulgarian citizens with an interest in voting; (2) establishing a polling station is allowed by local regulation and (3) Bulgarian authorities have the administrative capacity to organise it. The third factor is widely suspected to be a function of political will and priorities. The number of polling stations abroad clearly shows that the Bulgarian-Turkish diaspora has been a significant priority compared to the economic diaspora, which is at least three times larger than the Bulgarian-Turkish diaspora. For example, in the latest elections, countries like Germany and the UK hosted only three polling stations each despite the substantial number of Bulgarian citizens residing there. The Bulgarian student community in Germany has been amongst the most populous foreign student communities there for many years now. Comparably low numbers of polling stations per Bulgarian citizen can be found also in Spain and Greece – countries that used to host the highest number of economic emigrants from Bulgaria. In comparison, Turkey hosted polling stations in 24 cities, some of them with multiple polling stations. The observed trend is that the polling stations in Turkey account for approximately half of all the polling stations abroad, with their highest number in the 2009 elections – 123 (Yankov 2009).

The small number of polling stations in many countries with significant members of the economic diaspora raises doubts about the willingness of the state to involve all Bulgarian citizens living abroad in the electoral process, in particular those not living in Turkey. The significant discrepancy in the electoral opportunities created in Turkey and in other countries

creates popular suspicions of arbitrary criteria for opening polling stations, electoral procedures servicing particular political interests and not the electorate as a whole. This issue is actively discussed in the public space and the media. It creates not only nationalist rhetoric but also contributes to the general erosion of the perceived legitimacy and fairness of the electoral process.

Electoral freedom and fairness?

The most widespread concerns related to the voting of the Bulgarian-Turkish diaspora have to do with the lack of objective first-hand information about the political realities in Bulgaria (arguably the only information source for them is the MRF) and the suspicions of an ‘organised’ vote, i.e. forced/ordered vote (Popivanov 2007). The block voting typical of this diaspora gives weight to these concerns. In the latest parliamentary elections (2009) for example, 98.6 per cent of all votes cast in polling stations in Turkey (approximately 90,000 votes) were in favour of the MRF (Yankov 2009). This is considerably more homogeneous than the voting choices of the Turkish minority living in Bulgaria. Therefore, such an extraordinarily unified vote cannot be explained only on ethnic grounds. To most Bulgarians, this result reminds them of the purely propagandist and non-free ‘electoral results’ under the totalitarian communist regime and is therefore not perceived as a legitimate democratic exercise of electoral rights.

With the increasing electoral weight of the votes of the Bulgarian-Turkish diaspora, these suspicions intensified, attracting more attention and media coverage. In the parliamentary elections of 2001 and 2005, for example, the MRF gained respectively two and four seats from the votes cast abroad (Rusev & Vladimirova 2007). But any attempt to estimate the electoral weight of the Bulgarian-Turkish diaspora needs to consider not only votes cast in Turkey, but also the votes of Bulgarian-Turkish diaspora travelling to Bulgaria for the sole purpose of casting a vote. This phenomenon is popularly known as ‘electoral tourism’ and refers in particular to the organisation of buses that bring people directly to the polling stations. There are claims that the transportation is organised and paid for by the MRF. Regarding the 2001 and 2005 parliamentary elections, close to one-fifth of electoral support for the MRF comes from the Bulgarian-Turkish diaspora with approximately half of those votes cast within Bulgaria as part of the ‘electoral tourism’ (Todorov 2010).

The intensified electoral activity of the Bulgarian-Turkish diaspora had even more influence over the results of the 2003 and 2007 local elections (Rusev & Vladimirova 2010) when voting rights had not been restricted on the basis of residence status. As polling stations in local elections are located only in Bulgaria, the Bulgarian-Turkish diaspora influenced the results using ‘electoral tourism’. The three regions with most emigrants to Turkey (Kurdzhali, Razgrad and Haskovo) all have significantly more voters on the national electoral register than on the local electoral lists after residency criteria was introduced (Yankov 2009). In the first case, electoral registers include all citizens with civil registration, i.e. all Bulgarian citizens regardless of their residence status. In the second case, electoral registers include only the citizens who effectively reside in the country and hold effective residence status. This significant discrepancy between the registers is rarely the case in other regions in Bulgaria due to internal migration compensating for emigration from the regions.

The strong impact of the Bulgarian-Turkish diaspora on the local electoral outcomes provoked significant resentment in Bulgarian society and intense media coverage. The political relevance was even stronger than on national elections due to the concentration of Bulgarian-Turkish votes in particular municipalities, and therefore to the opportunity for just

a few hundred voters to influence the overall result substantially. Consequently, this led to the introduction of long-term effective residence as a franchise criterion for local elections. This legislative change enjoyed wide public support, for at least two reasons. First, as already discussed, there were widespread suspicions that the allegedly ‘organised’ vote influenced significantly the electoral outcome. Second, the perception that local elections should be a decision-making process for a community with common problems is pervasive. Bulgarian-Turkish diaspora were perceived as having lost their connection to and understanding of local issues (Popivanov 2007) and therefore their ability to influence decisions was seen as inappropriate. It can only be speculated what public opinion would have been (similarly resentful or not) if the economic or historic diaspora had influenced the electoral outcome to a similar extent. Initially, the introduction of residence-based criteria set the necessary long-term effective residence period to two years. However, after a Constitutional Court ruling against it, the period was reduced to six months.

Economic diaspora

Despite its huge numbers, the economic diaspora is not the target of any significant attempts for political and electoral involvement. There is no clear political representation of these citizens and there is hardly any political discussion involving their rights and interests. Nevertheless, there are a number of major political figures that are ‘recruited’ from the economic diaspora (e.g. the current Finance Minister, the Bulgarian Commissioner in Brussels, many ministers from the previous two governments). The heterogeneity of the economic diaspora makes their political stances very diverse and therefore no party has a clear vested interest in mobilising this group. Additionally, the logistical effort for their electoral participation is significant. These factors explain the lack of effort to involve them politically both on a party level (with hardly any campaigning directed to the economic diaspora) and on a state administration level (lack of pro-activeness and support in opening polling stations and promoting elections).

The only notable attempt for campaigning amongst the economic diaspora is the infamous Chicago visit of the current Bulgarian Prime Minister Boyko Borisov (then mayor of the capital Sofia and a party leader) before the parliamentary elections of 2009. Chicago hosts the largest Bulgarian community on the territory of the USA (comparable to the population of the 4th or 5th largest city in Bulgaria). During the meeting with Bulgarian citizens there, Borisov encouraged them to vote with the argument that their votes would counterbalance the votes of the ‘bad quality human material of those left in Bulgaria’. It is questionable what the impact of these words has been on the economic diaspora in Chicago, but the words had wide media coverage in Bulgaria and were often perceived as offensive.

Historic diaspora

The historic diaspora is relatively concentrated geographically and relates to Bulgarian political life in a somewhat homogeneous, but still very detached way. As a whole, their engagement with current events in the country is rather weak. Curiously, neither Bulgarian public opinion, nor major media or political parties, have shown interest in attracting potential voters from this group (Popivanov 2007).

To some extent, it could be claimed that this diaspora is represented and related to Bulgarian political life by the moderate nationalist party VMRO. This party is a descendant of the major national liberation organisation operating on the territory of the current Republic of Macedonia, Northern Greece and Turkey during Ottoman rule. Therefore, the party has

historic relations in particular with the historic diaspora in the Republic of Macedonia. However, the electoral support of the historic diaspora is largely insignificant for VMRO and even more so for the overall local and national electoral results. Probably the only time (or definitely one of the very few times), when this diaspora group surfaced in the media in relation to elections, was during the 2007 local elections. The party in power at the moment (Bulgarian Socialist Party – BSP) claimed that some 2,800 people with dual Bulgarian and Macedonian citizenship entered Bulgaria to vote. The media coverage of this claim was very limited and rather dismissive. It occurred in the context of the failure of the ruling party to deal with the significantly bigger problem of electoral tourism from Turkey (which favours their coalition partner MRF) (Bosev & S. Krusteva 2007).

2.2.2. Citizen residents who are temporarily abroad

Bulgarian citizens who are effectively residing in Bulgaria but happen to be abroad on Election Day can, in principle, cast their vote abroad for all types of elections on the national level (legislative, presidential and national referenda) (Electoral Code, Article 44). They cannot do so for any type of local elections since voting is organised only within the country on these occasions.

On the one hand, voting from abroad for national elections is rather easy in terms of registration. Voters who happen to be abroad do not need to register in advance in the out-of-the-country polling station. They can simply turn up at the polling station on Election Day and register on the spot (Electoral Code, Article 44). On the other hand, in many countries, including those with significant Bulgarian resident citizens, there is a rather limited number of polling stations and information about their existence and location is barely available (Electoral Code, Article 74).

2.2.3. Citizens who reside permanently abroad

Bulgarian citizens living abroad are allowed to vote either in their country of residence or in Bulgaria, in case they happen to be in the country on Election Day (Electoral Code, Articles 57, 60 and 61). However, this refers only to national legislative and presidential elections as well as national referenda. Bulgarian citizens residing abroad can run as candidates in national legislative elections, but not in any other type or level of elections (Electoral Code, Articles 4 and 112).

If they want to vote in their country of residence, they can do so in the polling stations set up in their country of residence (Electoral Code, Article 74). In that case their vote is assimilated into the national vote. Bulgarian citizens need to register to vote either prior to the elections or automatically in the polling station on election day (Electoral Code, Article 44).

If they want to vote in Bulgaria, they can also do that and their vote is counted as part of the electoral region in which they vote. Normally, Bulgarian citizens residing abroad are still part of the electoral register in the municipality in which they hold their civil registration (or what is called their ‘permanent address’). In cases where they were removed from the electoral register, there are two ways to register for in-country voting. They can either request to be included in the electoral register prior to the elections, or they can turn up on election day and request to be included in the electoral register in the polling station corresponding to their permanent Bulgarian address (Electoral Code, Article 57).

2.3. Foreign residents:

Foreign citizens are generally disenfranchised regardless of their residence status in Bulgaria (Electoral Code, Article 3). The extension of foreigners' rights in Bulgaria is often perceived as a threat. The exact question of voting rights for third-country nationals living in Bulgaria has never even produced intensive debate in the public sphere. However, the issue of foreigners' property rights, in particular their right to buy land, has been very actively discussed. The louder voices in this debate were against any rights for third-country nationals living in Bulgaria, implicitly or explicitly targeting Turkish citizens. This position was based on the fear that the Turkish state might attempt to re-establish some influence/rule in Bulgaria. No similar fears were expressed towards European Union Member States and their citizens. Therefore, the opening up of the national political scene to the EU, as a consequence of EU membership, is not likely to be followed by any form of opening towards third countries. The sharp difference in the political rights of EU and third country citizens is widely accepted and, currently, is neither politically, nor publicly questioned. There is no differentiation between categories of third-country nationals in relation to voting rights, despite the fact that political debate and public perception of threat are specifically directed to Turkish citizens resident in Bulgaria.

3. Electoral rights of EU citizens

Bulgaria became a member of the European Union in 2007 and, for subsequent local and EP elections, it transposed the EU Council Directives (94/80/EC and 93/109/EC) related to the rights of EU citizens residing in a Member State of which they are not nationals to vote and to stand as a candidate. The arrangements concerning the electoral rights of EU citizens residing in Bulgaria are included directly in the Electoral Code alongside and, in coordination with, the arrangements for Bulgarian nationals.

3.1. Local elections:

The introduction of voting rights for EU citizens residing in Bulgaria did not attract significant public attention. The lack of intensive public and political interest in the matter is mostly based on its perceived irrelevance. In the 2011 local elections, only 248 EU citizens residing in Bulgaria were registered to vote prior to the elections, a clear indication of the limited potential electoral weight and impact of this group of voters. Another reason for such lack of public attention is the gradual introduction of this regulation. The transposition of the EU Council Directive 94/80/EC was discussed and approved by the Bulgarian Parliament in 2005, i.e. prior to the country's actual entry into the Union. EU citizens enjoy the same rights as Bulgarian citizens in local elections, except the right to run as candidate for mayoral elections.

3.2. EP elections for EU citizens residing in the country

EU citizens qualifying for voting in Bulgaria on EP elections are those who hold the status of long-term or permanent residence in Bulgaria. The electoral procedures regulating participation of EU citizens at EP elections in Bulgaria is the same as the procedure for Bulgarian citizens. Unlike elections for the national parliament, elections for the European Parliament include residence status criteria. Residence requirements are identical for Bulgarian and other EU nationals – effective residence in Bulgaria or any other EU Member State during the three months prior to the elections (Electoral Code, Articles 2 and 3).

3.3. EP elections for national citizens abroad.

The electoral rights of Bulgarian citizens residing abroad in European Parliament elections are the same as in national parliament elections. The votes cast in the Bulgarian electoral sections abroad are directly added to the votes cast in Bulgaria as the whole country constitutes one electoral constituency.

4. Exercising electoral rights

Judging from relevant legal documents, the procedures for exercising electoral rights in Bulgaria seem rather straightforward. They also appear to be very inclusive and open to all voters, especially regarding the unified electoral register of all Bulgarian citizens regardless of their residential status and no need to register as a voter in almost all cases. Despite the very inclusive voting rights and the ease of registration for voting on national elections abroad, the difficult access to polling stations sometimes makes the exercise of these rights close to impossible.

There are also significant concerns of misusing the voting system in the country as well as abroad. Consequently, elections are increasingly seen as illegitimate in the eyes of many Bulgarian citizens.

The same procedures and rules for exercising voting rights apply to EU citizens in local and EP elections.

4.1. National and regional elections

4.1.1. Voter registration

All Bulgarian citizens have a so-called ‘civil registration’ and, as part of this civil registration, every Bulgarian citizen has a ‘permanent address’ registered in Bulgaria (Act on Civil Registration; National Assembly of the Republic of Bulgaria 2012). This permanent address is also mentioned in the person’s Identity Document and is used for all territory-relevant administrative regulations and for main correspondence address with the authorities. The electoral register for national elections (legislative, presidential and national referenda), just as many other national registries, is prepared on the basis of the permanent address registration. It is created and maintained by the Ministry of Regional Development in cooperation with municipal administrations. Since all Bulgarian citizens have civil registration, they are automatically included in the national electoral register, excluding those who have lost their rights (see 2.1.2. and 2.1.3. in this document). In addition, the national electoral register automatically allocates and registers citizens on the electoral roll of a particular polling station according to their permanent address registration. In case a citizen is not included in the electoral register as a consequence of a technical error or because the register has not been updated, he/she can request from the local authorities, prior to the elections, to be included in the register. Alternatively, the voter can go directly to the polling station corresponding to his/her address on Election Day and request to be included in the register on the spot. He/she will be included in the register if the civil registration address in his/her identity documents corresponds to the territorial coverage of the polling station (Electoral Code, Articles 26, 40 and 44).

Bulgarian citizens residing abroad are also part of the general electoral register. In case they want to vote in the country of their residence, they can either submit a request to be included in the electoral list of the polling station abroad or go directly to the polling station

in their country of residence on election day and request to be included in the electoral register on the spot. This system of registration in the electoral register is quite easy and convenient for the voters. However, it is also more prone to fraud and there is widespread mistrust of the proper application of the system. It needs to be acknowledged that in comparison with the very messy and ambiguously regulated registration procedures of the 2001 election (Koshlukov & Political Science Center 2001), and even the 2009 elections (Yordanov 2009), the current electoral regulations have streamlined the procedures and made them much less open to fraud.

Everyone voting abroad needs to sign a declaration that he/she is not going to vote at another place, i.e. not to use the same procedure of electoral ‘registration on the spot’ in another out-of-the-country polling station, and also not to go to Bulgaria and vote in the polling station according to his/her civil registration address. However, many people in Bulgaria are not convinced that a follow-up crosschecking the veracity of these declarations is performed thoroughly in order to guarantee that the liberal registration procedure is not misused. The media often talk of ‘electoral tourism’ which refers to documented cases of buses of Bulgarian citizens from Turkish origin, permanently residing in Turkey, that come to Bulgaria only to cast their vote on election day. Research on the topic claims that up to ten per cent of the votes cast for MRF on the 2005 parliamentary elections was the result of ‘electoral tourism’ (Todorov 2010). This represents several tens of thousands of people travelling from Turkey to Bulgaria despite the significant number of polling stations opened in Turkey itself. This phenomenon, which some researchers have an ‘openly corrupt practice that the state is not capable of stopping’ (Todorov & A. Krusteva 2008), was also strongly present in the 2007 local elections. Its impact then was only at the local level and it was considered as ‘the thing to remember the elections for’ by only ten per cent of the population in Bulgaria, compared to 62 per cent labelling the corrupt practice of ‘purchasing votes’ as most memorable (Todorov & A. Krusteva 2008).

The existing transportation does theoretically allow for voting both in Turkey and in Bulgaria. The media are not allowed to perform crosschecking of electoral registries in both countries, but the very fact of organised voting and the serious allegations that MRF party funds ‘electoral tourism’ raises significant suspicions among the population. This not only erodes the perception of legitimacy of the electoral process, but also feeds aggressive nationalist rhetoric.

4.1.2. Casting the vote

Bulgarian legislation provides relatively few options to cast the ballot. It maintains the traditional polling station voting system using ballot papers. There is an emerging discussion on how to make the methods of casting the vote more flexible and easy and consequently to increase turnout. The option which is most frequently mentioned as a possible solution to low turnout, especially amongst young voters, is e-voting. However, so far there are no real steps to introduce either e-voting or any other method, (e.g. mail ballot, proxy voting). The reasons are mostly related to the feared lack of administrative capacity to guarantee the proper execution of such voting methods and to the lack of capacity of some voters to deal with such voting methods. Amidst widespread allegations of electoral fraud, especially vote-buying, the fears of incapability to manage more flexible voting methods are higher than the public and political demand for introducing innovative solutions for low turnout. Therefore, the in-country and out-of-the-country voting are both limited to casting the vote in a polling station.

Normally, people vote in the polling station where the voter is registered. However, in all national level elections, voting in another polling station is allowed under certain circumstances:

- voters need to request, prior to the elections, a change of their polling station registration (i.e. from their civil registration address to the polling station relevant to their effective residence);
- voters can request a certificate allowing them to vote in any polling station (if they are involved in the electoral administration, they are removed from the electoral register and are manually added to the list of the polling station where they vote and the certificate is attached to the voter register list);
- in special cases, such as military stationed away from their residence.

In the past, there were some fears that these exceptions were open to falsification. For example, there are alleged cases of voters managing to acquire multiple certificates for voting away from their polling station. This phenomenon was related mostly to the MRF party and the organised ‘electoral tourism’, but lately the phenomenon has been connected with other parties as well. These allegations led to limiting the cases in, and the grounds on which, such certificates can be issued and the creation of a national register for such certificates.

4.1.3. Running as candidate

Unlike the rather simple and straightforward principle of residence and voting rights (whereby all citizens can vote on the national level and only citizens who have effective residence in Bulgaria can vote in local elections), the residence-based limitations on the right to run as candidate are regulated in a more diverse fashion. To run as a national legislative candidate, a person can have lived anywhere prior to the elections. To run as a local legislative or mayoral candidate, one needs to have resided effectively in Bulgaria for six months prior to Election Day, against five years for presidential elections.

Over the years, the limitations relevant to running for president have been brought to public attention by particular two particular cases. The first case took place in 1996, when the Bulgarian Socialist Party nominated Georgi Pirinski as presidential candidate. The Central Electoral Committee rejected his nomination, as the candidate did not have Bulgarian citizenship by birth. Born in the USA and an American citizen by birth, Pirinski did not fulfil Article 93 of the Bulgarian Constitution. However, it needs to be stressed that there is no limitation on the place of birth of presidential candidates in the Electoral Code. The limitation only refers to the birth mode of acquisition of citizenship.

The second case refers to Simeon Saxe-Cobourg-Gotha, the son of the last Bulgarian King. After the end of the monarchy in Bulgaria in 1946, Simeon Saxe-Cobourg-Gotha was in exile until 2001 when he returned to Bulgaria declaring his intentions to become politically involved. Although he had never explicitly declared his intention to run for president, there was wide-spread speculation that the only obstacle to him doing so was the Electoral Code’s limitation that a presidential candidate must have effective residence in Bulgaria for the five years preceding elections.

4.1.4. Assimilated or special representation of citizens residing abroad

If citizens residing abroad vote in the country, their votes are cast and automatically registered according to their permanent address registration in Bulgaria. If they vote from

abroad, then under the current system their vote is not associated to the votes to a particular geographical or administrative region in Bulgaria. This system has evolved over time and has changed from associating votes from abroad to a particular region in Bulgaria to adding such votes directly to the national overall vote count. The change largely took place under the influence of both public opinion and political pressure. In elections held between 1994 and 2001, ballots from abroad were added to the voting total of four regions with generally lower electoral weight (Rusev & Vladimirova 2010). Initially, the rationale behind this was based on a mathematical approach to representation in that it aimed to boost the number of voters/electoral mandate ratio comparable to other regions in the country. However, in the 2001 parliamentary elections, this system created a significant anomaly in one of the regions, namely Dobrich. Despite the fact that MRF had secured only nine per cent of the votes within the Dobrich region, it succeeded in securing four of the region's seven mandates, which was due to the result of votes coming from outside the country (Rusev & Vladimirova 2010). 25 per cent of votes in the Dobrich region were cast abroad and showed radically different party choice distribution compared to votes cast within the Dobrich region. This case provoked significant uproar across parties: since the Bulgarian-Turkish diaspora and the MRF party heavily dominate votes from abroad, the mainstream parties felt deprived of mandates from that region while the smaller and new-arrival parties felt deprived of a chance to contend in that region at all. Moreover, the citizens from Dobrich region felt that their vote was arbitrarily adjusted and the more general public belief in the legitimacy of elections was shaken. Consequently, the incorporation of votes coming from abroad has been changed. 'Abroad' constitutes a separate electoral region. However, there are no particular mandates allocated to it. The votes from the electoral region 'Abroad' are added directly to the overall results on national level in order to avoid a disproportionate influence in one or more regions.

Since the 2005 elections, votes from abroad are only used to fine-tune the results of parties on the national level and are not considered when the actual distribution of parliamentary places on the regional level is estimated. Considering the trend of increased electoral weight of votes coming from abroad, this system is likely to create problems, especially if the vote distribution from abroad diverges significantly from the vote distribution within the country. Such a trend is indeed visible and this is not only due to the ethnically capsulated vote of the Bulgarian-Turkish diaspora. Unlike the results in Bulgaria, within the votes from abroad, the anti-communist party UDF (Union of the Democratic Forces) won the parliamentary elections of 1994 and it did not do so in Bulgaria. The winner of the 2001 elections, NDSV (National Movement Simeon II) got only 20 per cent of the votes coming from abroad (Rusev & Vladimirova 2010). Discrepancies such as this (and potentially bigger) can mean the votes from 'Abroad' are not a fine-tuning instrument, but a mathematical distortion of the vote in the electoral regions in Bulgaria.

Also, the fact that the corresponding mandate weight of votes from abroad amounted to 8.2 out of 240 mandates in the 2009 elections (Rusev & Vladimirova 2010), militates in favour of the introduction of a (geographical or non-geographical) discrete representation of non-resident citizens in the national Parliament.

4.2. Local elections

Bulgarian citizens residing abroad are not enfranchised for any local level elections and, therefore, this section covers only those effectively residing in Bulgaria.

4.2.1. Voter registration

The electoral register for all types of local elections is different from the one for national elections. It is based not on the civil registration address but on the effective residence registration (or what is called the 'current address'). This registration acknowledges the actual residence status of the citizen, i.e. whether or not they reside within the country or abroad, and the actual municipality within the country. As only citizens residing in the municipality during the six months prior to the elections are eligible to vote, the electoral register for local elections is prepared according to this requirement. The national register should include also the second country nationals who are effectively residing and registered in the respective municipality. In case of mistakes in the electoral register, voters can submit a request to be included in the register no less than fourteen days prior to the elections.

4.2.2. Casting the vote

Casting the vote in local level elections happens in the same way as in national level elections.

4.2.3. Running as candidate

Just as it is a requirement to vote in local elections, candidates are eligible to run only if they had been effectively residing in Bulgaria during the six months prior to the elections.

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