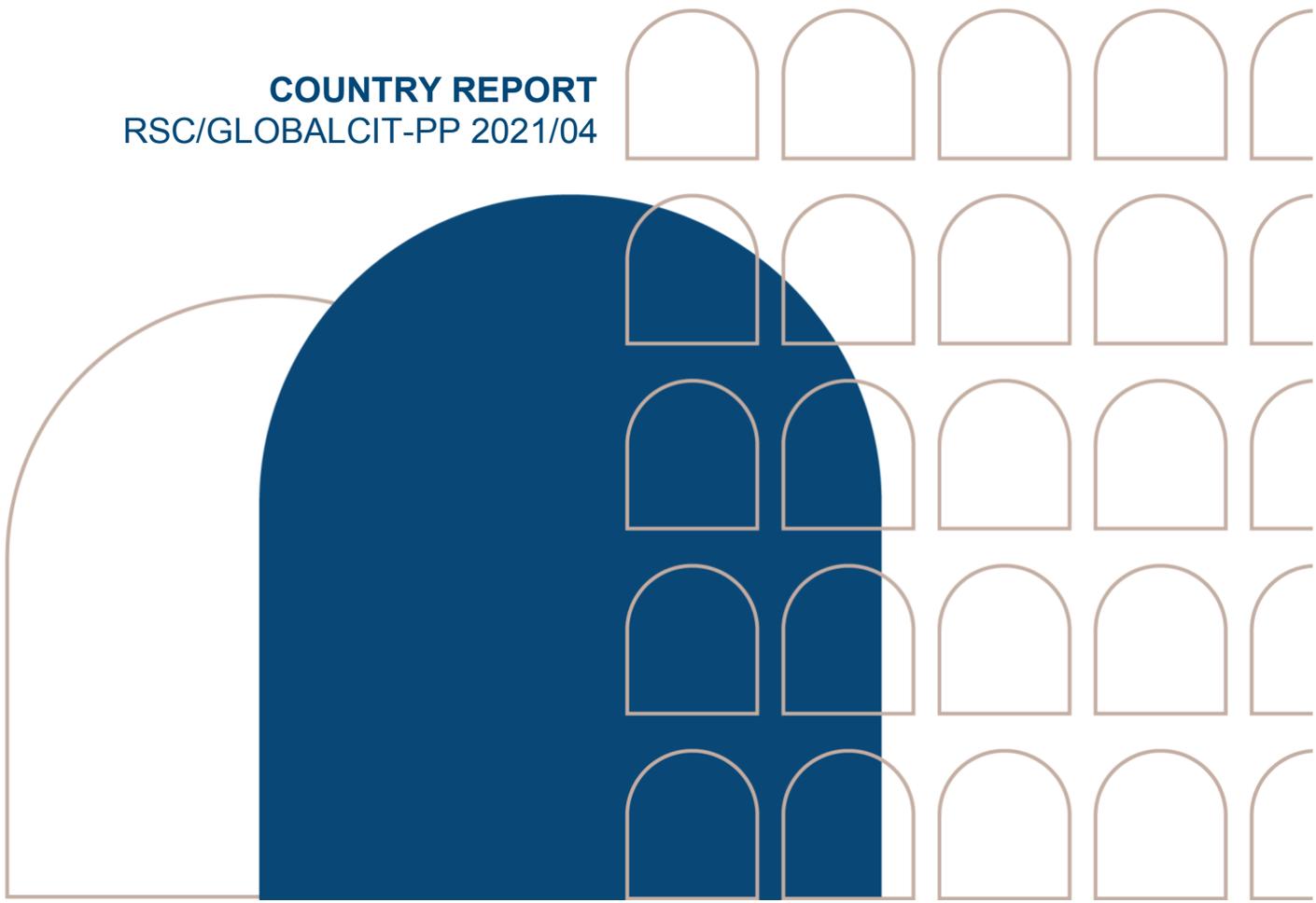


Report on Political Participation of Mobile EU Citizens: Bulgaria

Alina Dobreva

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RSC/GLOBALCIT-PP 2021/04



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Global Citizenship Observatory (GLOBALCIT)
Robert Schuman Centre for Advanced Studies
in collaboration with Edinburgh University Law School

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Report on Political Participation of Mobile EU Citizens

Bulgaria

Alina Dobрева *

Abstract:

Non-resident Bulgarian citizens have the right to vote and stand as candidates in national legislative elections. They may only vote in EP elections if they have resided in Bulgaria or another EU Member State for at least three months prior to election day. Non-citizen residents who are EU citizens must have resided in Bulgaria for at least six months prior to election day before they can enjoy electoral rights. EU citizens generally have the right to vote and stand as candidates in EP and local legislative elections held in Bulgaria. The key challenge for participation is the lack of voting methods other than in-person voting on election day. Voting is facilitated by grassroots coordination from the non-resident citizens diaspora, and automatic registration and renewal in elections for non-citizen residents. Proposals that could further facilitate participation would be the systematic distribution of information for EU citizens in commonly used European languages and the implementation of voting options beyond the traditional polling station, e.g. postal or e-voting.

Резюме:

Българските граждани, които не пребивават в страната, имат право да гласуват и да се кандидират на национални парламентарни избори. Те могат да гласуват на избори за ЕП само ако са пребивавали в България или друга държава-членка на ЕС най-малко три месеца преди изборния ден. Българите в чужбина, които са граждани на ЕС, трябва да са пребивавали в България най-малко шест месеца преди изборния ден, преди да могат да се ползват с изборителни права. Гражданите на ЕС като цяло имат правото да гласуват и да се кандидират в ЕП и местните законодателни избори, провеждани в България. Основно предизвикателство пред участието в избори е липсата на алтернативни методи за гласуване освен гласуването лично, присъствено в изборния ден. Участието в избори се подпомага чрез координационни дейности

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на местната диаспора и автоматичната регистрация за участие в избори и нейното подновяване за българските граждани в чужбина. Предложения, които биха могли допълнително да улеснят участието в избори, биха били систематичното разпространение на информация за гражданите на ЕС на често използваните европейски езици; и въвеждането на допълнителни възможности за гласуване извън традиционната избирателна секция, например пощенско или електронно гласуване.

1. Introduction

Non-resident Bulgarian citizens have the right to vote and stand as candidates in national legislative elections held in Bulgaria (see Table 9 below). However, the right to stand in elections for Members of the National Parliament is reserved only for those with sole Bulgarian nationality. In-country voting remains de facto possible for non-resident citizens, as citizenship registration includes also a permanent address registration, which does not expire. As for EP elections, non-resident citizens retain the right to vote only if they have resided in another EU Member State (or Bulgaria) for at least three months immediately prior to the Election Day. To stand as an EP candidate, the non-resident citizen must have resided in another EU Member State (or Bulgaria) for at least six months immediately prior to the elections. Non-resident Bulgarian citizens are required to register if they wish to vote from abroad for both national legislative and EP elections held in Bulgaria. However, such a registration does not need to be done prior to the election; it can also be done on the spot during the actual casting of the vote, which is the wide-spread practice. Non-resident citizens are automatically registered for in-country voting, if they retain a permanent residence in Bulgaria (which is the standard practice).

Non-citizen residents who are EU citizens must have resided in Bulgaria for at least six months prior to the election before they can enjoy some electoral rights. EU citizens generally have the right to vote and stand as candidates in EP and local legislative elections held in Bulgaria. In mayoral elections, EU citizens also have the right to vote, but not to stand as candidates. The resident EU citizens need to register in the electoral roll. Any EU citizens who have registered their residence in Bulgaria can be included on the electoral roll for EP and local elections.

Table 1. Conditions for electoral rights of non-resident citizens and non-citizen residents

Type of voter	Election type	Voting Right	Candidacy Right	Automatic registration	Remote voting
Non-resident citizens	National Legislative	YES	YES	YES/NO	YES
Non-resident citizens	European Parliament	YES	YES	YES/NO	YES
Non-citizen residents	Local Legislative	YES	YES	NO	NA
Non-citizen residents	Local Mayoral	YES	NO	NO	NA
Non-citizen residents	European Parliament	YES	YES	NO	NA

1.1. Demographic Characteristics of Non-citizen Residents and Non-resident Citizens

Non-citizen residents

According to data from the Eurostat¹, in 2020 there were approximately 106,000 non-citizen residents in Bulgaria. Although this is just above 1,5% of the overall population, there is a stable and significant trend of an increase in the number of non-citizen residents at least over the last 15 years.² It has more than quadrupled from 25,500 people in 2007 to 106,000 in 2020. The increase, however, does not overlap with the peak of the migration crisis and therefore, it cannot be attributed to it. Also, the steady increase of non-citizen residents does not correspond to any similar trend in citizenship acquisitions, which does not show a clear trend.

Precise statistics of the regional concentration and demographic characteristics of the non-citizen residents in Bulgaria are not publicly available. Bulgarian citizenship, however, is acquired overwhelmingly by people coming from outside of the EU.³ Judging by Bulgarian media coverage, several core groups can be identified, although exact data on their sizes are not available.

The real estate owners: in relation to its EU accession, Bulgaria relaxed its property laws regarding ownership by foreign citizens.⁴ As a consequence, EU citizens started acquiring real estate properties in the country, usually as summerhouses or accommodation after retirement. Thus, this group is assumed to consist mainly of people of retirement age, who have acquired property in Bulgaria and have moved to live there. Such residents normally come from economically affluent countries, they tend to settle in touristic or semi-touristic towns and villages around the mountains and the seaside.

The Russians: currently, this is the largest single nationality group of non-citizens residing in Bulgaria. It accounts for approximately a quarter of all non-citizens residing in Bulgaria. Russian citizens initially acquire a visa and long-term residence status following requirements such as establishing a company or buying relatively expensive real estate in Bulgaria. There are places with concentration of Russian owned properties such as the northern Black Sea coast of Bulgaria. There are indications that the pandemic related crisis may have led to a significant withdrawal of Russian citizens from the Bulgarian property market.⁵

The temporarily employed or expats: this group of residents is concentrated either in Sofia and the big towns for those who work for international companies, or in the touristic areas, especially on the seaside for those who are employed seasonally. For some time, the tourist industry had reported a shortage of employees and increased interest in temporarily employed non-citizens both during the summer on the seaside and during the winter on the ski resorts. In 2018, there were almost 8000 non-citizens from third countries employed in this sector and 90% of them originated from Moldova and the Ukraine (countries with sizeable Bulgarian minority communities).⁶ The pandemic-related decline of tourism had also influenced the influx of seasonal workers.

¹ [Eurostat](#), Population data (only provisional).

² The publicly available data only goes back to 2006.

³ [Eurostat](#), Population data.

⁴ Further information is available on the [webpage](#) of the Invest Bulgaria Agency

⁵ [Руснаците продават имоти по Черноморието ни, купуват ги българи със спестявания](#) (The Russians sell real estate on our Black sea coast, wealthy Bulgarians buy them), Bulgaria On Air, 04.05.2021

⁶ [Преди зимния сезон: пак недостиг на кадри в туризма](#) (Before the winter season: again shortage of personnel in tourist industry), bTV, 12.11.2018

The people with Bulgarian ethnic origin: this group consists mainly of people from the historical diaspora (see more on that below). Non-citizens from the diaspora come to Bulgaria to study, work or with the intention to resettle permanently. Most of these non-citizen residents come from outside the EU, where the sizeable historical diaspora communities are located. In June 2018, the Bulgarian government introduced some changes in the rules for application of the law for non-citizens,⁷ which has eased the procedures for acquiring a residence permit by non-citizens of Bulgarian origin. There are also procedures for non-citizens with Bulgarian origin to acquire Bulgarian citizenship. These procedures are characterized by long waiting times due to significant backlogs of applications. According to Iliyana Yotova, Vice-President of Bulgaria, responsible for Bulgarians abroad, at the beginning of her mandate in early 2017, there were 17,000 citizenship applications awaiting decision.⁸ For many years, there had been persistent rumours of corrupt practices in granting Bulgarian citizenship to this category of non-citizens. In late October 2018, a case was started against state officials after uncovering a long-running scheme providing Bulgarian passports for cash.⁹ The scheme was targeting ethnic Bulgarian non-citizens, who wanted to speed up the process of acquiring citizenship, and third country citizens, who wanted to acquire EU citizenship using a false claim of Bulgarian ethnic origin. The scandal discredited further the Agency for Bulgarians abroad, which is supposed to be responsible for both non-citizen ethnic Bulgarians and non-resident Bulgarian citizens. Following a request from non-resident Bulgarian citizens, noting the lack of actual beneficial functions and activities of the Agency, the Prime Minister declared a decision to shut it down completely. However, the future institutional set-up regarding Bulgarians abroad is not clear, including non-citizen Bulgarians.¹⁰

Non-resident citizens

The size and characteristics of the Bulgarian diaspora is highly contested and available information is often speculative. The data available at Eurostat is only provisional and it is not based on a unified system of registration of Bulgarian citizens abroad, as such a system does not exist. According to Eurostat, the emigration of Bulgarians has increased from 16,615 people in 2012 to almost 40,000 in 2019.¹¹ According to research quoted by Vice-President Yotova, one million of the Bulgarian citizens of working age and currently residing in Bulgaria declare readiness to emigrate. Over two million Bulgarian citizens have left Bulgaria over the last 30 years and 1 to 1.5 million Bulgarians are employed abroad.¹² The Eurostat data states that there were 777,401 Bulgarian citizens living in other EU or EFTA countries in 2017. This number is considerably lower than the one quoted by Yotova, even if we consider the additional non-resident Bulgarian citizens living outside of the EU and EFTA. The official Bulgarian institutions often quote numbers of “Bulgarians abroad” which do not distinguish between Bulgarian citizens and ethnic Bulgarians without Bulgarian citizenship living outside of Bulgaria. According to the statements of various officials or representatives, under the badly

⁷ [Чужденци от български произход ще си уреждат статута по-лесно](#) (Foreigners with Bulgarian origin will settle their citizenship status easier), Dnevnik, 20 June 2018

⁸ Trencheva, K., Илияна Йотова: [Легитимността на Държавната агенция за българите в чужбина е под въпрос](#) (Iliyana Yotova: The legitimacy of the State Agency for Bulgarians abroad is under question), Bulgarian National radio, 14 November 2018

⁹ Gotev, G., [Thousands obtained EU citizenship for €5000 in Bulgarian scam](#), Euractiv.com, 30 October 2018

¹⁰ Staridolska, E., [Агенцията за българите в чужбина най-вероятно ще стане министерство](#) (The Agency for Bulgarians abroad is most likely to be transformed into a ministry), Capital, 6 December 2018

¹¹ Eurostat [data](#) on emigration from Bulgaria

¹² Nemenski, N., [Йотова: Над 2 млн. души са напуснали страната за 30 години](#) (Yotova: Over 2 million people left the country during the last 30 years), Vesti.bg, 8 November 2018

defined label “Bulgarians abroad” there could be “8-9 million” people (Peter Haralampiev, former chairman of the State agency for Bulgarians abroad) or even 22 million people.¹³ Such statements are as a rule not substantiated with statistical data and highly dependent on the actual definition of “Bulgarians abroad”.¹⁴ A proportion of the Bulgarian citizens abroad are not ethnic Bulgarians, and if we consider some of the higher estimated numbers of Bulgarians abroad to be authentic, then the majority of the ethnic Bulgarians abroad would not have Bulgarian citizenship.

There are four major categories of the Bulgarian diaspora: (1) the historic diaspora; (2) pre-1989 emigration; (3) the Bulgarian-Turkish diaspora and (4) the economic diaspora.¹⁵

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, but also in Eastern Turkey, Albania, Romania, and the Russian Federation. There is no detailed analysis of the socio-demographic profile of each of these communities, but it can be said that most of them reside in areas which are not characterized by affluence and high economic standards. Ever since the collapse of the communist regime, administrative procedures for the restoration or establishment of Bulgarian citizenship based on ethnic origin have been launched. The number of people who have acquired citizenship under this scheme is constantly increasing and the demand for such has overwhelmed the responsible authorities since the EU accession of Bulgaria. The number of people of Bulgarian ethnic origin who have been granted citizenship is estimated to be tens of thousands of people,¹⁶ i.e. a small percentage of those eligible for Bulgarian citizenship. The increased interest in acquiring citizenship amongst ethnic Bulgarians is not accompanied with notable interest in Bulgarian political life and therefore, only a small proportion of those who have citizenship and are eligible to vote actually exercise this right. 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.

The **pre-1989 emigration** is split into two subgroups: (a) those who left Bulgaria before the end of the World War II and (b) those who escaped during the totalitarian times. In the overwhelming majority of cases, the former group, “old emigration”, had lost their citizenship during the totalitarian regime in Bulgaria. The totalitarian regime broke 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. The latter group consists of the so-called “non-returnees”. The period between 1944 and 1989 was characterised by firmly closed borders and very few Bulgarian citizens managed to flee from the totalitarian regime. According to the law of that time, those who escaped were stripped of their citizenship and not allowed to return in the country. There was not a significant flow of requests for citizenship restoration after 1989 from any of these groups. The pre-1989 emigration is mostly located in Central and Western Europe, USA, Canada, Australia, and Latin America. Due to

¹³ Nikolov, A., [Могат ли българите в чужбина да са „8-9 милиона“?](#) (Could there be “8-9 million” Bulgarians abroad?), Institute for Market Economy, 14 July 2017

¹⁴ Yurukov, B., [6-7 млн. българи в чужбина и защо никой не задава въпроси за това](#) (6-7 million Bulgarians abroad and why nobody asks questions about that), 6 July 2017

¹⁵ The classification is an analysis of various data sources with the main one being “[НАЦИОНАЛНА СТРАТЕГИЯ ЗА БЪЛГАРСКИТЕ ГРАЖДАНИ И ИСТОРИЧЕСКИТЕ БЪЛГАРСКИ ОБЩНОСТИ ПО СВЕТА](#)” (National strategy for Bulgarian citizens and historic Bulgarian communities around the world”

¹⁶ Andonova, Z., [More than 30 thousand Macedonians became Bulgaria citizens during the last six years](#) (За шест години близо 30 хиляди македонци са станали български граждани), Dnevnik, 26 June 2018.

the break of administrative relations with this category of Bulgarians abroad, there is no systematic data about their social-demographic profile.

The representatives of historic diaspora and the pre-1989 emigration have been recognized as national minorities in eight countries – Czech Republic, Slovakia, Romania, Croatia, Hungary, Serbia, Moldova and the Ukraine.

The **Bulgarian-Turkish diaspora** is a result of a significant emigration wave from Bulgaria in the period after 1985. It was a result of the so-called 'Revival process – 'a process during which the totalitarian government forcefully 'Bulgaricised' 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.¹⁷ 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.¹⁸

The resulting diaspora consists almost exclusively of Turkish minority Bulgarian citizens; the hosting state is almost exclusively Turkey. Currently, it is estimated to amount to around 300,000 people. 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,¹⁹ 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.²⁰ Citizens from this group consistently and overwhelmingly vote for one particular party, namely the Movement for Rights and Freedoms (MRF).

The last group, the **economic diaspora**, is the most numerous non-resident group holding Bulgarian citizenship. It is also the most heterogeneous in all respects. Migration on economic grounds from the country has been ongoing since the early 1990s and continues to this day. The emigrants' major motivation has been to look for better employment or educational prospects.²¹ People who are part of that wave originate from all parts of the country and from all social, gender, political, ethnic, and religious groups. Those who leave Bulgaria to study are normally recent high school or bachelor degree graduates at the moment of departure. Those who leave to work are somewhat older at the moment of departure. However, since this process is spread over 30 years, by now this group would have representatives of all

¹⁷ Baeva, I., 2009. Bulgarian Turks during the Transition Years (Българските турци в годините на прехода). In *The Tolerant Nationalist*. Sofia: Парадигма.

¹⁸ Todorov, A., 2010. *Citizens, Parties, Elections: Bulgaria 1879-2009 (Граждани, партии, избори: България 1879-2009)*, Sofia: Изток – Запад.

¹⁹ Todorov, A., 2010. *Citizens, Parties, Elections: Bulgaria 1879-2009 (Граждани, партии, избори: България 1879-2009)*, Sofia: Изток – Запад.

²⁰ Rusev, M. & Vladimirova, P., 2007. Internal Geopolitics of Mixed Regions in Bulgaria and Electoral Weight of Kurdzhali Municipalities (Вътрешната геополитика на смесените региони в България и електоралната тежест на кърджалийските общини). *Military Journal (Военен журнал)*, 3, pp.91–98.

²¹ Nemenski, N., [Йотова: Над 2 млн. души са напуснали страната за 30 години](#) (Yotova: Over 2 million people left the country during the last 30 years), Vesti.bg, 8 November 2018

ages – from people who already reached old age while being abroad, to the very young children who are second (or even third) generation immigrants in the respective countries.

The economic diaspora is 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 (the last option was much more widespread in the 1990s than today). Distinct from the other diaspora groups, many people in this group hold only Bulgarian citizenship, i.e. many do not hold citizenship in their country of residence, especially if they reside in the European Union. To a certain extent, the economic diaspora is perceived as or hoped to be only a temporary phenomenon and at least part of its members are expected to return to Bulgaria. Although the speed of leaving the country has decreased, a clear trend of returning to Bulgaria is not present. These specific characteristics of the economic diaspora create the perception of this group, which is much closer to full members of the Bulgarian nation and society compared to the perception of the other groups. The number of Bulgarian citizens who are part of the economic diaspora is estimated at up to a million people.²² During the Covid pandemic, there have been indications of many people belonging to this group returning to Bulgaria. Although there is not reliable data on the exact magnitude of this returning wave, studies estimate that it could be hundreds of thousands.²³ The main reasons for returning are “desire to be with close ones” during the pandemic and “loss of job”. Only 10% of the interviewed returnees declare a desire to stay in Bulgaria after the end of the pandemic. Judging by that and the reasons for returning, one can expect that the shrinking of the economic diaspora is only a temporary effect of the pandemic.

Despite the relatively unified legislative and policy rules that administer the voting rights of non-resident citizens, the 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 have been shifting between encouragement to vote (targeting the economic diaspora) and attempts to limit the voting possibilities for non-resident citizens (due to suspicions of voting fraud amongst the Bulgarian-Turkish diaspora). The historic and pre-1989 diasporas are left largely untouched by electoral processes and campaigning in Bulgaria.

1.2. Summary of the Electoral Rights of Non-citizen Residents and Non-resident Citizens

Electoral rights of citizens and residents of Bulgaria are arranged under the [Election Code](#), which was adopted in 2014. The Election Code in Bulgaria is often amended; it underwent amendments in 2015, 2016, 2017, 2018, 2019, 2020 and the latest in May 2021. Although lawmakers often claim that the amendments aim to increase turnout, the frequency and the content of many of the amendments are actually confusing and create obstacles for many potential voters. The latest amendments of the Election Code were one of the very few acts of the National Parliament elected on 4 April 2021, which functioned only until 7 May 2021, and

²² Yurukov, B., [6-7 млн. българи в чужбина и защо никой не задава въпроси за това](#) (6-7 million Bulgarians abroad and why nobody asks questions about that), 6 July 2017

²³ Georgiev, O., [Голямото завръщане. COVID-19 и обратната миграция към България](#) (The big return. COVID-19 and the reverse migration towards Bulgaria), November 2020

one of the very few amendments in the recent years that ease the procedure of voting for non-resident Bulgarian citizens.

Non-citizen residents

Non-citizen residents in Bulgaria have the right to vote or to be elected only if they are EU citizens and have residence in Bulgaria. In addition, they have to have resided in the country or another EU Member State for at least the last three months immediately prior to the elections in order to have the right to vote (Art 350) and six months to have the right to be elected (Art 351). This same residence period criterion is applicable to Bulgarian citizens too. These rights apply only for the local legislative and the European Parliament elections. Non-citizen residents can vote for mayors, but cannot be elected as such.

Non-citizen residents can be part of the initiative committees registering parties, coalitions and independent candidates running in the elections (Art. 133, 140 and 151). Once registered on the election rolls and therefore enfranchised, non-citizen residents are also allowed to provide campaign donations within the rules established by the law (Art 168). Campaigning and voting can be executed only in the Bulgarian language by law. This could create an obstacle to many non-citizen residents who are not of Bulgarian origin.

Non-resident citizens

Over the years, a number of limitations had been imposed on the actual exercise of voting rights by non-resident citizens. They have been discussed mostly in the context of accusations of electoral fraud by the Bulgarian-Turkish diaspora. Currently, non-resident citizens have full voting rights for national parliamentary and presidential elections. As for European Parliament, mayoral and local legislative elections, non-resident citizens can vote only if they have been residents of Bulgaria or another EU country for at least three months preceding the elections (Art 350).

The rights of candidacy of non-resident citizens are considerably more limited than the resident citizens. There are no rights of candidacy for mayoral or local legislative position. Candidacy for the national parliament is allowed only for those who exclusively have Bulgarian citizenship, and for presidency to those who have been born in Bulgaria and have lived in Bulgaria for at least five years preceding the elections. Candidacy for the European Parliament is allowed for those who have resided in Bulgaria or another EU country for at least six months prior the elections (Art 351).

2. Non-national EU Citizens' Franchise in EP and Local Elections

The potential for voting rights for foreigners has often been perceived as a threat and until recently non-nationals were disenfranchised regardless of their residence status in Bulgaria. There is no long-term tradition of involving non-citizen residents in Bulgaria in the electoral process. The electoral rights of this group have been introduced as a transposition of the European legislation and therefore they are limited to its requirements. Consequently, only EU citizens enjoy electoral rights and there are no electoral rights granted to non-EU nationals.

The question of voting rights for third-country nationals living in Bulgaria has never even produced intensive debate in the public sphere. In the context of the intensive debate on the non-resident citizens voting rights, the louder voices 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. As a result, the opening up of the national political scene to the EU and the introduction of voting rights for EU citizens residing in Bulgaria has been largely unnoticed. The sharp difference in the political rights of EU and third country citizens is widely accepted and, currently, is neither politically, nor publicly questioned.

1.1. Overview of Relevant Administrative Regulations

Bulgaria became a member of the European Union in 2007 and, for subsequent local and EP elections, it transposed the EU Council Directives 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. The Electoral code covers regulations concerning European, national, local and presidential elections, as well as referenda. The non-national EU citizens are only referred to in relation to the European and local elections.

EP elections

The non-national EU citizens' rights to vote or to be elected to the European Parliament are included in the Electoral code.²⁴ They have the right to vote in the elections for the European Parliament as long as they are EU citizens and have registered permanent residence in Bulgaria. Just as for Bulgarian citizens, there are also additional requirements regarding the length of effective residence that limit the eligibility to vote in the European elections. In order to have the right to vote in the elections for the European Parliament, a non-national EU citizen must have resided in Bulgaria or another EU Member State for at least the last three months immediately prior to the elections (Art 350).

The non-nationals can be elected as Members of the European Parliament from Bulgaria, but in addition to the above-mentioned requirements, the requirement for a period of effective residence is extended to six months immediately prior the elections (Art 351).

²⁴ Electoral Code of Bulgaria adopted on 5 March 2014 <https://lex.bg/bg/laws/ldoc/2136112596>.

Local elections

The non-national EU citizens' rights to vote or to be elected in the local elections are included in the Electoral code. They have the right to vote in the local elections as long as they are EU citizens and have registered permanent residence in Bulgaria. Just as for Bulgarian citizens, there are also additional requirements regarding the length of effective residence that limit the eligibility to vote in the local elections. In order to have the right to vote on the elections for the local elections, a non-national EU citizen must have had an effective residence of six months within the particular municipality in which the non-national would vote (Art 396).

Non-national EU citizens residents in Bulgaria cannot be elected as mayors, but only as local councilors. In order to be eligible for that, they also need to have had effective residence of six months immediately prior the elections (Art 396).

1.2. Voter Registration

The electoral rolls, comprising all citizens with voting rights for the particular elections, are prepared by the authorities, according to the address registration of the voter and their fulfillment of the residence requirements. The registration to the electoral roll is based on effective residence registration (or what is called the 'current address'), not on the civil registration/permanent address. This makes the electoral rolls for local and European elections different from the one for national elections (permanent address based).

The principles of voter registration are the same for both European and local elections. Unlike the Bulgarian nationals, for whom no active voter's registration is necessary, non-nationals need to register in the electoral rolls (Art 359 – European elections and Art 408 – local elections). In both cases, the non-national needs to present a standard declaration requesting to be enrolled on the electoral roll in the municipality of his residence no less than 40 days before the elections. The declaration includes his/her citizenship, exact address in Bulgaria (or another EU Member State in the case of European elections), ID details, details regarding the duration of residence in Bulgaria and declaration that they fulfill the respective residence criteria.

Residence requirements are identical for Bulgarian and other EU nationals regarding European Parliament and local elections – effective residence in Bulgaria or any other EU Member State during the three months and six months prior to the elections respectively (Electoral Code, Articles 2 and 3). As only citizens residing in the municipality during the three months or six months respectively prior to the elections are eligible to vote, the electoral roll for local and European Parliament elections is prepared according to this requirement just before the elections.

If the status and address of the non-national do not change until the next elections of the same type, he/she does not need to register again as the non-national is automatically enrolled in the electoral roll.

Electoral rolls are announced prior to the election through online and hard paper copies in front of the polling stations. In case of an omission, the non-national EU citizen voter needs to turn up to the polling station for his/her address and upon presentation of an ID with registration of an address covered by the polling station and a proof of the permanent residence status in Bulgaria, he/she will be added to the list on the spot. The electoral roll covering non-

nationals is a separate one from the one listing Bulgarian nationals. There are no publicly available statistics on the number of non-nationals registered to vote.

All information regarding elections and campaigning is only available in Bulgarian. Public awareness campaigns targeting non-nationals are not there and information is hardly accessible from the municipal administration due to a linguistic barrier. This context creates significant obstacles to non-nationals to exercise their voting rights, even if they want to do so.

1.3. Information during Election Campaigns

Considering the novelty of the introduction of voting rights for non-nationals, as well as their small numbers in Bulgaria, there is no established practice of large-scale information campaigns targeting EU citizens residing in Bulgaria. A limitation to that is also the legal requirement for the campaign communication to be only in Bulgarian (Article 181). Although this limitation is not listed in Article 199 referring to the public awareness campaign, the current atmosphere of suspicion towards foreign influence on elections is prevalent and all public communication has been in Bulgarian. The public awareness campaign is part of the competencies of the Central electoral committee, including the one targeting non-nationals (Art 354), but it has not been active in this respect, neither have any sizeable non-governmental organisations.

1.4. Political Parties and Candidacy Rights

The conditions for registering as a candidate for the European Parliament and the local elections are almost the same for Bulgarian citizens and citizens from another EU country

EP elections

For European Parliament elections, the non-national residents should enjoy a durable or permanent residence status, and have resided in Bulgaria or in another Member State of the European Union at least during the last six months and be 21 years old or older by polling day.

Local elections

Unlike Bulgarian nationals, non-nationals cannot run for mayor, but only for local councilor posts. For local elections, the non-national residents should enjoy a durable or permanent residence status, and have resided in the particular municipality in which he/she is running at least during the last six months and be 18 years old or older by polling day.

Considering the novelty of the introduction of rights of non-nationals to be elected, as well as their small numbers in Bulgaria, there is no established practice of parties targeting them in particular or nominating them as candidates. An additional limitation is also the legal requirement for the campaign communication to be only in Bulgarian (Article 181).

Non-national EU citizen residents can be part of the initiative committees registering parties, coalitions and independent candidates running in the elections (Art. 133, 140 and 151). After being registered on the election rolls and therefore enfranchised, non-citizen residents

are also allowed to provide campaign donations within the rules established by the law (Art 168).

In 2021, for the first time there is a non-citizen resident who has been sworn in as a local councillor in Bulgaria. He is a Dutch citizen residing in the town of Veliko Turnovo and became a councillor after a member of the same coalition (Democratic Bulgaria) became a Member of the National Parliament and left a vacant place in the local municipality council.

1.5. Turnout

The number of non-nationals exercising their electoral rights in Bulgaria has been unnoticed both in terms of statistics and in public debate. The reasons for that can be found in multiple factors – starting from the lack of a sizeable group of non-national EU citizens residing in Bulgaria and actively interested in voting in Bulgaria, to the lack of active promotion campaigns and administrative obstacles faced by the non-nationals – especially linguistic barriers and the general capacity and competence deficiencies of the local administration. Turnout is also decreased by the lack of alternative voting methods to the in-person presence in a polling station on the election day. Although according to the law, there has to be introduction of machine voting, the Central Electoral Committee proved to be unable to implement this and such voting methods have not been introduced so far apart from some pilot trials in a limited set of polling stations. On 25 October 2015, there was a referendum on the introduction of e-voting. An overwhelming 70% supported the introduction of e-voting. It has not been introduced yet and there are no realistic plans for the introduction of e-voting in the near future.

There is also very low public awareness that non-national EU citizens residing in Bulgaria enjoy such rights. If ever noted in the media, it has been presented as a curiosity. 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 and lack of even potential electoral weight. In the 2011 local elections, there were only 248 EU citizens residing in Bulgaria listed in the electoral roll. Other statistics about this group of voters is missing.

3. Non-resident Citizens' Franchise in National and EP Elections when Residing in Other EU Member States

The voting rights of non-resident citizens have been a focal point of numerous political debates in recent years. They have been one of the very few issues on which the last National Parliament, whose mandate lasted less than a month, legislated. Up until the last legislature, the result of these debates had been the introduction of voting opportunities limitations. The last legislature reversed some of these limitations, which were mainly related to the actual procedures for casting the vote creating insurmountable barriers for some citizens. Strangely enough, these limitations had come against the background of the introduction of compulsory voting, which was introduced with the declared political motivation to increase the voter turnout. Both the procedural limitation and the compulsory character of voting apply to national as well as European Parliament elections.

According to the current Electoral Code, Bulgarian citizens have the right to vote and to be elected in the elections for the National Parliament regardless of their actual current residence. For the elections for the European Parliament however, only Bulgarian citizens who have resided in Bulgaria or another EU country have voting rights – three months effective residence immediately prior to the elections for the right to vote and six months for the right to be elected. Also, Bulgarian citizens can be elected to the National Parliament only if they do not hold any other citizenship (second nationality).

3.1. Overview of Relevant Administrative Regulations

The administrative procedures related to the EP elections and national elections are both regulated by the Electoral Code, in particular Articles 243, 244, 350 and 351 arrange the enfranchisement rules, and Article 3 compulsory voting. Most important relevant recent changes have been introduced to Article 14 – regulating the setting up of polling stations abroad. Although not relevant to the European and local elections, the changes in Article 249 - establishing an electoral region 'Abroad' is very indicative of the changed political approach towards the electoral rights of Bulgarians abroad and their recognition as an important constituency. The importance of establishing such an electoral region is mostly to allow Bulgarians abroad to have their own elected representatives. In addition, it allows non-residents to use preferences for a particular candidate in a list – such an opportunity does not exist now as the votes from abroad are added to the national results and are not linked to a particular constituency with particular lists of candidates.

Enfranchisement regulations applying to both types of elections are synchronized with the exception of the residence and citizenship criteria. On the citizenship criteria, national elections are more restrictive – candidates need to have Bulgarian and only Bulgarian citizenship. There is no such limitation related to the European elections. On the residence criteria, EP election regulations are more restrictive. Voters and candidates need to have resided in Bulgaria or another EU country for at least three months before the election. National elections do not impose residence restrictions on the voters.

Following an amendment to the Electoral Code in 2016, voting is considered a civic duty and it is compulsory. Initially, the amendment also included a sanction for not voting,

which was supposed to lead to losing electoral rights. Such sanctions ultimately would result in lowering the turnout, which is the opposite of the motivation to introduce compulsory voting. Also, such sanctions were considered to contradict the Constitution and were subsequently abolished by the Constitutional Court (a decision from 23 February 2017). Although the text referring to the compulsory nature of voting is still part of the Electoral code, it has not had any impact on voting procedures, motivation or turnout.

3.2. Voter Registration

Non-resident citizens, just as Bulgarians residing in Bulgaria, can vote only in-person on the election day. Non-resident Bulgarian citizens can vote in three types of locations. The first one is to go back to Bulgaria and vote in the polling station corresponding to their permanent address in Bulgaria (Art 27, 252 and 361). In this case, they vote according to their permanent address related to their citizenship as they appear automatically in the relevant electoral role. However, in the case of European elections, citizens not covering the residence period requirement should be removed from the electoral roll and not be able to use this option. Unlike other EU countries, Bulgaria does not provide any subsidized transportation to Bulgaria for the elections.

The second type of location is polling stations in the foreign representations (Articles 11 to 17). According to Article 16, citizens are required to send a registration request to the foreign representation no less than 25 days before the elections, in order to be included in the electoral roll of the particular foreign representation. The individual is required to provide her/his name according to an identity document, the Uniform Civil Number, and the permanent address in Bulgaria (Art 16(2)). They are also required to provide a declaration that they meet the requirements to vote (Art 16(3)).

If they do that, they are also removed from the electoral roll in Bulgaria. However, this requirement is not advertised by the embassies or other institutions and in practice very few voters register. If one is not registered, they can just turn up on the election day to a foreign representation and upon providing Bulgarian ID and signing a declaration that they are not going to vote at another polling station, they are added to the electoral roll and can vote (Art 252, 360 and 361).

The number of polling stations in a foreign representation is determined by the responsible ambassador (Art 13). The law suggests that if there are more than 500 registered voters, there could be an additional polling station opened (Art 15). The responsible ambassador can increase the number if there are indications of a need (e.g. history of voter turnout) and the premises allow so. Even though only a small proportion of the non-resident citizens turn out to vote, the foreign representations do not provide nearly sufficient number of polling stations to answer the demand. Scandals with long queues have become regular occurrence.²⁵ As a consequence, many non-resident voters are either discouraged by the long wait, or even polling stations are closed at the end of the day with people still waiting outside and not managing to cast their vote.

The third type of location is polling stations organised by the diaspora (Art 14). These polling stations answer the overwhelming demand not answered by the polling stations in the foreign representations, as well as providing voting opportunity to Bulgarians living in locations far from any foreign representation. Over the last decade such polling stations have

²⁵ Capital newspaper on the [2016 elections](#), Dnevnik newspaper on the [2017 elections](#)

been mushrooming all around the world reflecting the dispersed geography of the Bulgarian diaspora.²⁶

Although run by the diaspora on a voluntary basis, such polling stations need to be in full compliance with every rule, procedure and standard, which regulate the functioning of polling stations in Bulgaria and in foreign representations. To guarantee this, as a rule the Foreign Ministry sends an employee of theirs to every polling station to participate in and monitor the functioning of the polling station. The opening of a polling station is based on the collection of a minimum of 40 requests for such registered at the Central Electoral Committee (lowered from 60 requests prior to 2021). As an attempt to answer the considerable demand for polling stations and ease the procedure of voting, there had been a change in Article 14, according to which wherever there had been more than 100 voters in any elections over the preceding 5 years, a polling station is established automatically without the need to collect special requests long before the election day.

The provision of premises for the polling station (finding, arranging and paying for it) falls as a responsibility of the diaspora volunteers. They are also the ones working in the polling station before, during and after the election day. Prior to the July 2021 National Parliament elections however, many parties sent their representatives to substitute for the local volunteers as administrators of the polling stations. In some occasions, there had been concerns about how well prepared such substitutes were. There had been no public communication explaining the motivation of parties to send such substitutes and it is not clear if they intend to do so in the future. The Central Electoral Committee provides the ballot papers, ballot box, electoral roll and all the administrative protocols. During the July 2021 elections, it also provided machines for voting in the bigger polling stations abroad. In recent years, there had been limitations to the possibility to open such polling stations by setting a cap of 35 polling stations per country outside of the EU. The cap on the number of polling stations has been openly motivated by the disproportionate number of polling stations opened in Turkey. The trend over the years though is a diminishing share of votes from Turkey out of all the votes coming from abroad (e.g. parliamentary elections 2001 - 38 827 out of 64 822 votes are from Turkey; 2005 - 43 855 out of 77 020; 2009 – 91,533 out of 156,195; in 2013 – 65,426 out of 114,992; in 2014 – 62,587 out of 144,990; in 2017 – 33,047 out of 117,999; in April 2021 - 24 958 out of 171 815). However, in practice, the cap provided a challenge to the non-resident citizens located in the USA and after Brexit, in the United Kingdom. This cap has been lifted with the changes to the Electoral Code introduced by the last legislature.

During the COVID pandemic, many citizens' travels had been restricted by lockdowns and therefore they could not renew their expiring ID and passports. As an acknowledgement of these obstacles, Bulgarians abroad were allowed to vote with documents with expiration dates falling into the pandemic period.

3.3. Turnout

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 and over 170,000 votes in April and July 2021. As a percentage of the total votes cast, this was an

²⁶ Glasuvam.org is the most relevant source of information for the locations of polling stations abroad.

increase from 0.39% to 3.62% (Rusev & Vladimirova 2010) to more than 5% in April 2021 and 6.26% in July 2021.

The electoral turnout of non-resident citizens has been an important topic of political debates for years with two opposing sides. On the one hand, there is the nationalistic argument of preventing the Bulgarian-Turkish diaspora to vote. This argument has been fueled by spotlighting on cases of electoral fraud conducted in polling stations with heavy concentration of such voters in and outside of Bulgaria. However, electoral fraud has been observed at various polling stations and was not limited to those with a concentration of Turkish minority voters. Instead of targeting the prevention of fraud, this side focuses on passing legislation that limits the possibilities of all non-residents, and especially those outside of the EU, to vote, in particular increasing the number of necessary requests in order to open a polling station abroad, and the maximum number of polling stations per country outside of the EU. Some of the public events of this side have escalated quite far and such was the case of Valeri Simeonov, at that point a deputy Prime Minister, hitting an elderly lady on the border when she was entering Bulgaria to exercise her voting rights.²⁷ Curiously, during an operation targeting voting for payment across Bulgaria, the interim government raised the alarm about such an alleged practice of “import of 15,000 votes of Macedonians” (meaning Bulgarian citizens with permanent residence in North Macedonia).²⁸

On the other hand, there are the activists from the economic diaspora. Their cause gained parliamentary representation only after the elections of April 2021. They argue that there should be reasonable opportunities for all the members of the diaspora to exercise their voting right (and now even obligation) to vote. The current regime of in-person voting in a limited number of polling stations disadvantages Bulgarians who live outside of the big urban centres and have limited opportunities to travel due to lack of money, heavy workload or family obligations for example. The argument in favour of opportunities for non-residents to vote is reinforced by the sheer number of the non-resident nationals being eligible to vote – estimated to reach more than 20% of all eligible voters, as well as the strong economic ties of the diaspora with Bulgaria. This side focuses most of its efforts on mobilization of the diaspora to open polling stations out of the foreign representations and run information campaigns about the voting rights and opportunities of Bulgarian citizens residing abroad (there had been no such campaign run by the state). A notable fact is that the best information source for the available polling stations abroad, both in and out of foreign representations, is not any official institutional website, but the website [Glasuvam.org](https://glasuvam.org) created by volunteers and fed by updates from the diaspora volunteers around the world. In April and July 2021, the most important relevant campaign had the slogan “You have the right of Bulgaria” (<https://imashpravo.com>) started by volunteers in the US, but recognised by the diaspora elsewhere as well. The coalition Democratic Bulgaria had an extended information campaign aiming at non-resident Bulgarians and how they can exercise their voting rights. It also created the platform ТиБроиш (YouCount)²⁹, the major goal of which was the monitoring of the fairness of electoral process in Bulgaria and abroad by volunteers. The Platform collaborated with the Network of electoral volunteers (non-resident Bulgarians who open and administer polling stations abroad) and volunteer observers were invited to become administrators of polling stations abroad if needed.

Prior to the April 2021 parliamentary elections, Democratic Bulgaria proposed the introduction of postal voting as means to tackle the health risk of conducting in-person voting

²⁷ Valeri Simeonov talking about the event – [Faktor.bg](https://faktor.bg)

²⁸ [Бивш министър на МВР и областен в завера за внос на 15 000 гласа от македонци](https://www.offnews.com/bg/news/15000-macedonians-votes) (Former Minister of Interior and regional governor in conspiracy to import 15 000 votes of Macedonians), OFFNews, 01 July 2021

²⁹ <https://tibroish.bg/about>

during pandemic. A fully developed draft legislation was proposed by the coalition but was not supported by any of the parties in Parliament (Democratic Bulgaria got parliamentary representation only after the April 2021 elections). An introduction of postal voting would have been beneficial for the non-resident citizens, as well as for residents in Bulgaria. Such voting was not introduced for the July 2021 elections either.

There had been additional problems of organising elections abroad in April 2021 as the President of the republic set the election date exactly on the Catholic/Protestant Easter holidays, while most non-resident Bulgarians are settled in countries with traditional or official Catholic/Protestant denomination. The turn out in the July 2021 elections has suffered both abroad and in Bulgaria due to the summer holiday period. However, unlike the significant drop of the number of voters in Bulgaria, the number of voters abroad actually showed a small increase. This can be attributed to the legal changes that allowed easier opening of polling stations abroad.

The European Parliament elections overlap with or fall very close to a public holiday period in Bulgaria (24 May) and this creates a particular problem with turnout - many people travel and cannot go to their local polling stations. In order to address this issue, in 2019 activists organised special polling stations in holiday villages of neighbouring Greece frequented by many Bulgarians. These polling stations were a novelty for everyone - from voters themselves, to Bulgarian electoral administration and diplomatic representation, to the Greek villages. Bulgarian media covered extensively the voting process in the 'holiday polling stations'. These hybrid polling stations that catered for resident Bulgarian citizens abroad broke the boundary between resident and non-resident Bulgarians voting. These polling stations were also some of the busiest ones and proved the necessity of providing voting opportunities for mobile citizens.

Although there is not precise data on how many non-resident nationals vote in each election, there is data on how many voted abroad, which can be used as a proxy illustration of the non-resident turn out.

Type of elections	Year	All votes cast	Valid votes cast abroad
EP elections	2009	2 601 677	12 496
National	2009	4 345 450	156 195
National	2013	3 632 953	114 992
National	2014	3 501 269	144 990
EP elections	2014	2 361 943	24 917
National	2017	3 682 151	117 999
EP elections	2019	2 095 575	107 927
National	04/2021	3 334 283	171 815
National	07/2021	2 775 754	173 843

4. Conclusion

The most important obstacles for political participation by EU citizens residing in Bulgaria can be seen in the low level of public awareness and lack of engagement to providing remedies for this. The introduction of active voting registration for EU citizens is an additional burden, especially in the context of campaigning and electoral documentation available only in Bulgarian. Considering the small number of EU citizens residing in Bulgaria, the potential for exercising pressure for easing the rules on electoral involvement is rather small. The potential for the significant political mobilization of the group is even smaller. However, it would be a good practice for the Central electoral committee to produce and distribute systematically brochures informing EU citizens residing in Bulgaria about their voting rights (translated into several of the most commonly used European languages).

The most significant challenges for political participation however are faced by the non-resident Bulgarian citizens. The proportion of Bulgarian citizens impacted by such obstacles is so significant that the lack of opportunity to vote makes the legitimacy of the elections somewhat questionable. The two main obstacles are the difficulty of establishing polling stations abroad where needed and the lack of alternative voting methods to the in-person voting on the election day.

The public debate about the rules and procedures for establishing polling stations abroad has proceeded as a clash between Bulgarians abroad and Bulgarian parliamentary representatives. The difficulties related to voting abroad and the lack of facilitation by the Central electoral committee had left a legacy of a vivid informal network for self-help amongst Bulgarians around the world. The presence of MPs who support the position that all Bulgarian citizens should be able to exercise their voting rights has changed the political debate on the issue and had led to some easing of the voting procedures. It remains to be seen how that will influence the electoral turn out. An important positive change has been the recent abolishing of the need to reapply the whole procedure for establishing a polling station outside of a foreign representation for every election and lowering the number of registrations needed to open a polling station. Removing the cap of 35 polling stations per non-EU country has been crucial for the Bulgarian diaspora in the USA and UK. Improvement of the engagement of the Central electoral committee and the embassies in the electoral process abroad is also necessary in order to provide information to the diaspora, as well as to prove the fairness of the electoral process abroad.

Last, but definitely not least, the obstacle that concerns all categories of voters participating in Bulgarian elections is the lack of alternative voting methods to in-person voting. There is already a long lasting campaign to ease the access to exercising voting rights by introducing e-voting in Bulgaria, but the legislation needs to be changed to provide voting options beyond casting the ballot in the traditional polling station. Such a method would be of utmost importance for the highly dispersed economic migration diaspora, but it would also benefit all voters. The benefit for the wider public has been felt acutely during the pandemic when many people under quarantine had to count on mobile polling stations, which were not sufficient. The civil society in Bulgaria and many Bulgarians abroad put significant effort into

and finally won the 2015 referendum on e-voting with overwhelming support of approximately 70% of the population. Despite that, there had been no political will to introduce this voting method and the April 2021 legislature did not manage to go through the whole process of introducing alternative voting methods. Its introduction however, has facilitated the access to voting, and likely contributed to the small increase the turnout despite the holiday season of the July 2021 elections. If this trend is continued, it might ultimately improve the perception of the legitimacy of the political process.

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