

Source: <http://www.astro.bas.bg/~petrov/sdp/zinposk.htm>

ELECTION OF MEMBERS OF PARLIAMENT, MEMBERS OF MUNICIPAL COUNCILS AND MAYORS ACT

As promulgated in the State Gazette, No. 69 dated 22 August 1991, effective from 22 August 1991, as amended and supplemented, No. 70 dated 27 August 1991, No. 76 dated 13 September 1991, effective from 13 September 1991, as amended, No. 98 dated 28 November 1991; as partially repealed, No. 66 dated 25 July 1995; Order No. 4 given on 11 February 1997 by the Constitutional Court of the Republic of Bulgaria - No. 22 dated 14 March 1997.

Chapter One: GENERAL PROVISIONS

Article 1

This Act shall define the terms and conditions for the election of members of Parliament, members of municipal councils and mayors as well as the terms and conditions for the termination of their powers.

Article 2

(1) Elections shall be held on the basis of general, equal and direct suffrage by the secret ballot.

(2) All Bulgarian citizens of or above the age of 18 on the Election Day, except for those under legal disability or persons serving imprisonment sentences, shall have the right to vote for members of Parliament, members of municipal councils and mayors.

Article 3

(1) All Bulgarian citizens of or above the age of 21 on the Election Day and without any other citizenship, except for those under legal disability or persons serving imprisonment sentences, shall have the right to be elected as Members of Parliament.

(2) All Bulgarian citizens of or above the age of 18 on the Election Day, except for those under legal disability or persons serving imprisonment sentences, who have had a registered address on the territory of the municipality, or the city/town, as the case may be, for at least 2 months prior to the Election Day, shall have the right to be elected as Members of Municipal Councils and Mayors.

Article 4

(1) Each voter shall be entitled to one vote for a Member of Parliament, one vote for a Municipal Council member, one vote for a municipal mayor, and one vote for a city/town mayor.

(2) The vote of each voter shall be equal to the vote of any other voter.

Article 5

(1) Elections for Members of Parliament shall be held on the basis of the proportional representation system with election tickets of parties, independent candidates, party coalitions, and coalitions of parties with independent candidates in the municipalities, each of which is a multi-member constituency.

(2) (Repealed, former paragraph 4, SG, No. 70 of 1991) Elections for Members of Municipal Councils shall be held on the basis of the proportional representation system with election tickets of parties, independent candidates, party coalitions, and coalitions of parties with independent candidates in the municipalities, each of which is a multi-member constituency.

(3) (Repealed, former paragraph 5, SG, No. 70 of 1991). Municipality mayors shall be elected directly by voters of the municipality.

(4) (Former paragraph 6, SG, No. 70 of 1991). City/town mayors shall be elected directly by voters of the city/town.

Article 6

(1) Elections shall be held on a non-working day for the entire country.

(2) Elections for Members of Parliament, members of municipal councils and mayors shall be scheduled by the President of the Republic of Bulgaria not later than 50 days prior to the Election Day.

Article 7

(1) The Council of Ministers, the interim executive committees and the interim administrations shall carry out the organizational and technical preparation for the elections.

(2) All costs incurred for the organization and technical preparation of the elections shall be covered by the state budget.

(3) Any papers, applications, petitions, certificates, and any other documents under this Act shall be exempted from government charges or fees.

Chapter Two: ELECTORAL LISTS

Section I for the election of Members of Parliament

Article 8

Elections shall be held using two electoral lists: one for the election of Members of Parliament and one for the election of members of municipal councils and mayors.

Article 9

Electoral lists shall be drawn up in the municipalities and the places where a population register is kept, and shall be signed by the chairperson, vice chairperson, and secretary of the interim election committee, or by the mayor and the secretary of the interim administration, respectively.

Article 10

(1) Generals (admirals), officers, NCOs and seniors serving on re-engagement, and hired civilian employees of the Armed Forces of the Republic of Bulgaria shall be entered into the electoral lists at the place of their residence according to their address registration by the Election Day.

(2) Servicemen of the Armed Forces of the Republic of Bulgaria shall be entered only in the electoral list for the election of Members of Parliament in the nearest polling station to the military establishment by the interim executive committees.

Article 11 (as amended, SG, No. 98 of 1991)

(1) Bulgarian citizens with permanent or temporary residence abroad shall be entered in the electoral lists drawn up by the diplomatic missions of the Republic of Bulgaria, after they have personally stated their desire to take part in the elections. Their voting shall be registered in their international passports.

(2) Citizens as laid down in the foregoing paragraph who are in Bulgaria on the Election Day shall be entered in the

electoral lists in Bulgaria, after they have personally stated their desire to take part in the elections. Their voting shall be registered in their international passports.

Article 12

(1) Electoral lists shall be compiled for each election district separately.

(2) Electoral lists shall specify the names of the voters who have had a registered address on the territory of the relevant municipality or city/town for at least 2 months prior to the Election Day.

(3) Electoral lists shall also include the names of the voters who temporary reside on the territory of the relevant municipality or city/town if they have registered their residence there at least 60 days prior to the Election Day.

The interim executive committees and interim administrations shall immediately send, ex officio, information about the citizens temporary residing in the municipality or the city/town who are included in the electoral lists drawn up thereby, to the municipalities and cities/towns of such voters' permanent residence so that they are removed from the electoral lists drawn up thereby.

(4) The electoral lists shall show the names of the citizens that meet the requirements laid down in paragraphs (2) and (3) above who on the Election Day, inclusive, are 18 years old as well as the citizens who on the Election Day have served their imprisonment sentence or are no longer under legal disability.

(5) The electoral lists shall also show, according to voters' address registration, the full name, place and date of birth, and the personal identification number of voters. If in the past 6 months prior to the Election Day the name of the city/town, street, district, residential area, or any number is changed, the electoral lists shall show both new and former names and numbers.

(6) Any voter shall be listed in one electoral list only.

(7) Citizens who by the Election Day have lost their rights to vote or have passed away shall be removed from the electoral lists.

Article 13

(1) Electoral lists shall be announced by the interim executive committees and by the interim administrations at least 30 days prior to the Election Day.

(2) The interim executive committees, or the interim administrations, as the case may be, upon demand and for consideration, shall provide the political parties with copies of the electoral lists.

Article 14

(1) Every voter may require amendment to an electoral lists by entering or removing a voter, removing any other errors or omissions made in the lists.

(2) Requests shall be made orally or in writing to the interim election committee or the interim administration which within no later than 3 days shall consider that request and take a justified decision thereon.

(3) Within 3 days from the authorities' decision or the expiry of the three-day period laid down in the foregoing paragraph the voter that has made the request may appeal the decision to the District Court, which within no later than 3 days at a open hearing with the voter that has made the request and a representative of the interim election committee or interim administration being summoned shall consider the appeal and rule on it, which shall be announced immediately. The court's ruling shall be final.

(4) All amendments made to the electoral lists shall be announced immediately.

Article 15

Certificates for voting elsewhere shall be issued only to candidates for members of Parliament, their observers and watchers, to members of election commissions and initiative committees for the nomination of independent candidates and to any other persons engaged in the holding of the elections. A certificate for voting elsewhere shall be signed by the chairman, deputy-chairman, and secretary of the Municipal Council. A special register shall be kept for all the certificates issued. The persons who have obtained such certificate shall state in writing that they will vote only in one place.

Article 16

The original electoral lists and other election papers shall be kept until next elections by the newly elected municipal council. Until its constitution they shall be kept by the authority responsible for their drawing-up.

Article 17

Electoral lists in hospitals, maternity hospitals, sanatoriums and holiday homes, nursing homes and suchlike, as well as on vessels sailing under the Bulgarian flag, shall be drawn up by the head of the relevant institution or by the captain of the relevant vessel by virtue of an identity document (personal passport). The head of the relevant institution or the captain of the relevant vessel shall provide the names of voters included in their lists to the interim executive committees or the interim administrations of voters' residence so that they are removed from the electoral lists drawn up there. People who have been admitted to such institutions on the Election Day shall not be included in the electoral lists and shall not vote.

Section II for the election of members of municipal councils and mayors

Article 18

(1) Separate electoral lists shall be drawn up for the elections of members of municipal councils and mayors by the interim executive committees and the interim administrations.

(2) Such electoral lists shall include only the persons laid down in Article 2 (3) of this Act.

Article 19

(1) Electoral lists shall not include Bulgarian citizens residing abroad and servicemen of the Armed Forces of the Republic of Bulgaria as well as Bulgarian citizens in crews of vessels sailing under the Bulgarian flag who are out of Bulgaria.

(2) No certificates for voting elsewhere shall be issued.

(3) For the second round of mayoral elections electoral lists shall be updated with the names of voter who in the period between the two rounds have acquired a right to vote.

Article 20

To any unsettled matters in this Section the provisions for the election of members of Parliament laid down in the preceding Section shall apply.

Chapter Three: CONSTITUENCIES

Section I for the election of members of Parliament

Article 21 (1) For the purposes of holding elections, the Bulgarian territory shall be divided into 31 constituencies, including three constituencies in the city of Sofia and two constituencies in the former Plovdiv region. The other constituencies shall coincide with the boundaries of the former administrative regions.

(2) The President of the Republic shall determine by a decree the names, boundaries and numbering of constituencies not later than 50 days prior to the Election Day.

(3) The Central Election Commission shall determine the number of mandates for each constituency not later than 40 days prior to the Election Day based on a common representation rate for the whole country based on the number of population.

Section II for the election of member of municipal councils and mayors

Article 22

The President of the Republic shall determine by a decree the papers for the election of members of municipal councils and mayors not later than 50 days prior to the Election Day.

Article 23 (1)

The territory of any municipality and the city of Sofia shall be one multi-member constituency for the election of members of municipal councils and one multi-member constituency for the election of a mayor.

(2) The territory of any city/town shall be one multi-member constituency for the election of a mayor.

Article 24 (1) Any municipal council shall consist of:

1. With a population of the municipality of not more than 2 thousand people: 15 members;

2. With a population of the municipality of not more than 5 thousand people: 21 members;

3. With a population of the municipality of not more than 20 thousand people: 33 members;

4. With a population of the municipality of not more than 50 thousand people: 45 members;

5. With a population of the municipality of not more than 100 thousand people: 51 members;

6. With a population of the municipality of more than 100 thousand people: 65 members.

(2) The Metropolitan Municipal Council shall consist of 101 members.

Chapter four: POLLING STATIONS

Article 25

Balloting and vote counting shall take place at polling stations.

Article 26

(1) Interim executive committees shall establish common polling sections for the election of members of Parliament, members of municipal councils and mayors.

(2) A district election commission shall assign the numbers to its municipal election commissions; a municipal election commission shall assign the numbers to its polling sections, which shall incorporate the indices of the relevant district and municipal commissions and polling sections.

(3) Polling sections shall be established at least 45 days prior to the Election Day.

Article 27

(1) A polling section shall comprise not more than 1,000 voters. Communities with more than 1,000 voters shall establish as many polling sections as is the number of their voters divided by 1,000. Should the remainder exceed 500, a separate section shall be formed; a remainder of less than 500 shall be distributed among the neighbouring sections.

(2) Upon a proposal by the interim executive committee, a municipal election commission shall be free to establish sections comprising fewer than 500 voters.

Article 28

(1) For the purpose of electing Members of Parliament, separate polling sections shall be established:

1. At hospitals, maternity hospitals, sanatoriums, holiday homes, nursing homes, and suchlike, with not less than 30 voters;

2. On a vessel at sea under a Bulgarian flag with not less than 20 voters on board if such vessel is out of Bulgaria on the Election Day.

(2) Voters in such polling sections as laid down in paragraph 2 of the preceding paragraph shall cast their ballots for the candidates in the electoral district in which the vessel is registered.

Chapter 5: COMMISSIONS FOR THE ELECTION OF MEMBERS OF PARLIAMENT, MEMBERS OF MUNICIPAL COUNCILS AND MAYORS.

Article 29

(1) The following election commissions shall be established for the elections conducted under this Act:

1. Central Elections Commission, for the entire country. This commission shall be appointed for the entire term of office of the National Assembly;

2. District commissions, one for each constituency for the election of Members of Parliament;

3. Municipal commissions, one for each municipality. This commission shall be appointed for the term of office of the municipal councils.

4. Sectional commissions, one for each polling section;

5. Metropolitan Commission, for the election of members of the Metropolitan Council and a mayor of the city of Sofia. This commission shall be established for the term of office of the Metropolitan Council.

(2) The Central Election Commission shall be appointed by the President of the Republic of Bulgaria following consultations

with the political entities at least 50 days prior to the Election Day. It shall consist of a chairman, vice chairmen, a secretary, and members representing the political entities and independents. The majority of the Central Elections Commission shall be of the legal profession. The Central Election Commission shall have not more than 25 members.

(3) The Central Election Commission shall be free to set up expert groups.

Article 30

(1) The composition of the district and municipal election commissions shall be established by the Central Election Commission upon a proposal made by the interim executive committees following consultations with the political parties at least 40 days prior to the Election Day.

Source: <http://www.astro.bas.bg/~petrov/sdp/zinposk.htm>