THE 2014 ELECTORAL CODE INITIATIVE IN BULGARIA

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Outline

- Civil protests in 2013 signal the delegitimization of Bulgarian policy-making process.
- President's initiative for electoral code referendum in 2014, aimed to engage citizens in national politics and bring more transparency into political process.
- Campaign for referendum gains significant popular support.
- Referendum initiative fails in the Parliament due to resistance of governing parties.
- Short-term and long-term implications of the initiative.

The proposal for electoral code change was one of the results of the 2013 political protests in Bulgaria. The proposal was put forth by the President and aimed at engaging citizens in national politics by bringing more transparency to the electoral process. The initiative gained significant popular support; the Initiative committee collected almost 500,000 valid signatures. However, the initiative was blocked in the Parliament by the governing parties. Nevertheless, the referendum proposal and campaign continue to exert influence on Bulgarian political process. Some changes have already been introduced, and new referendum is being discussed.

Background

For Bulgaria, the year 2013 was full of political events. The government of Citizens for European Development of Bulgaria (GERB) resigned in February after weeks of protests in different cities of the country against the high electricity bills. After GERB's resignation, a caretaker government came into power in order to prepare elections for a new National Assembly. After the
The 2014 Electoral Code Initiative in Bulgaria

Elections of May 2013 new coalition government was formed jointly by Bulgarian Socialists Party (BSP) and Movement for Rights and Freedoms (DPS), unofficially supported also by a nationalist party Ataka. But with this, the political turmoil in the country did not finish: a new wave of protests demanding structural political change, came in spring 2013, leading to months of political instability.

The protest wave that began in spring 2013 was set off by the apparent use of nontransparent and corrupt practices by the coalition government in the governing of the country. In this context in January 2014, after months of political instability, Bulgarian President Rossen Plevneliev proposed to the National Assembly to hold a referendum on changes in the electoral system. Formerly Minister of Regional development in the first GERB government of 2009, he was elected as President in 2012. In this capacity, he had striven to maintain equal distance from all political forces in the country. The three issues raised in the framework of the proposed referendum included: obligatory participation in elections for all voters, as is the case in other EU countries (Austria, Belgium, Greece, Italy); change of the electoral system from proportional to mixed or fully majoritarian; and the possibility of online voting, especially for Bulgarian citizens living abroad.

The rationale behind these proposals was to calm down the political tension and to reverse the tendency of decreasing turnout and to give the opportunity of more Bulgarians to take part in national political process. The low turnout has recently become a significant problem, especially when combined with the practice of vote-buying and corporate voting. In this situation, relatively small groups of population mobilized by some political parties receive disproportionate representation and power in the Parliament. Among Bulgarian political parties, DPS is known to have especially profited from such practices over the course of last four parliamentary elections. Thus, increasing the turnout and preventing corrupt electoral practices would have an impact not only on the whole electoral arena, but would specifically target influence of DPS as a king-maker party. It was hoped that the electoral changes would give more legitimacy to political institutions and political parties (see Table 1 for data about trust in political institutions).

It is worth noting that this was not completely new agenda for Bulgaria; thus, obligatory voting was already discussed by the Parliament back in 2006, but it was rejected at that time (National Assembly of Bulgaria 2006). In the Parliament of 2009, 32 MPs (out of 240) were elected according to majoritarian voting. However, the practice was abandoned in the next elections of 2013. The issue of online voting is an actively debated topic in the context of growing Bulgarian
diaspora abroad. Most of these people, especially those living in the EU (Germany, Greece, Spain, UK) and the US face difficulties in exercising their voting rights due to limited access to Bulgarian consulates (Lalov, 2009). At the same time, Bulgarian citizens living in Turkey, who are overwhelmingly DPS supporters, are already engaged in the electoral process due to the well-developed DPS network in Turkey. Thus, introduction of online voting is hoped to reverse the situation when only supporters of one party are privileged among Bulgarian diaspora. However, despite the relevance of the referendum issues for Bulgarian society and their popularity among the protesters, the proposed referendum faced many political and bureaucratic obstacles.

Table 1. Trust in political institutions in Bulgaria (%)

<table>
<thead>
<tr>
<th>Year</th>
<th>Spring</th>
<th>Autumn</th>
<th>Spring</th>
<th>Autumn</th>
<th>Spring</th>
<th>Autumn</th>
<th>Spring</th>
<th>Autumn</th>
<th>Spring</th>
<th>Autumn</th>
<th>Spring</th>
<th>Autumn</th>
<th>Spring</th>
<th>Autumn</th>
<th>Spring</th>
<th>Autumn</th>
</tr>
</thead>
<tbody>
<tr>
<td>Political parties</td>
<td>13</td>
<td>12</td>
<td>15</td>
<td>14</td>
<td>16</td>
<td>14</td>
<td>15</td>
<td>12</td>
<td>18</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government</td>
<td>17</td>
<td>44</td>
<td>43</td>
<td>34</td>
<td>30</td>
<td>38</td>
<td>25</td>
<td>16</td>
<td>20</td>
<td>18</td>
<td>19</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parliament</td>
<td>10</td>
<td>27</td>
<td>25</td>
<td>20</td>
<td>20</td>
<td>25</td>
<td>17</td>
<td>18</td>
<td>13</td>
<td>14</td>
<td>14</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Standard Eurobarometer.
Answers to question: ‘I would like to ask you a question about how much trust you have in certain institutions; for each of the following institutions, please tell me if you tend to trust or tend not to trust it’.

Campaign
Initially, the referendum proposal was submitted to the Parliament for review. Legislative commission of the Parliament which reviewed the proposal, rejected it. It was the BSP and DPS MPs who blocked the proposal in the Commission. In this situation, the only way to hold the referendum was to collect half a million citizens' signatures in support of President's initiatives. According to the law, these signatures must be collected within three months period. After signatures are collected, the President is legally obligated to set a date for the referendum.

Against the background of the protests, it was not very difficult to gather sufficient support for the proposals. According to a survey carried out by Alpha-Research at the end of February 2014, 54% of the population of Bulgaria
supported President’s initiative, and only 15% were against the referendum (See Table 2) (Alpha Research, 2014). Even among BSP supporters, 45% were in favor of referendum, and 30% against. After the rejection of the proposals by the parliament, a group of Bulgarian intellectuals close to democratic opposition parties established an Initiative Committee who issued a petition to the citizens to support the proposed changes to electoral law. The President was among the first to sign the petition, not as an official but as a regular citizen (Lalov, 2014). The petition was received as an outcome of the political protests of the previous year, and it received impressive popular support; lots of volunteers inside and outside Bulgaria took part in collecting the signatures. The Initiative committee collected the necessary number of signatures in very short time, well before the legally allowed three months. The Initiative committee was chaired by a Bulgarian legal scholar, professor Georgiy Bliznashki. Formerly BSP MP, he had left the party before the initiative and later became the Prime Minister in the caretaker government after the fall of the coalition government of BSP and DPS.

Table 2. Public opinion survey regarding electoral code referendum

<table>
<thead>
<tr>
<th>Question/Opinion:</th>
<th>Positive %</th>
<th>Negative %</th>
<th>Without opinion/do not vote, %</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is your opinion on the President's initiative on the electoral code referendum?</td>
<td>54</td>
<td>15</td>
<td>31</td>
</tr>
<tr>
<td>In referendum, how would you vote on the issue of obligatory voting?</td>
<td>44</td>
<td>35</td>
<td>21</td>
</tr>
<tr>
<td>In referendum, how would you vote on the issue of electronic voting?</td>
<td>43</td>
<td>29</td>
<td>28</td>
</tr>
<tr>
<td>In referendum, how would you vote on the issue of majoritarian voting?</td>
<td>55</td>
<td>9</td>
<td>36 (28% for part of the MPs; 27% all MPs)</td>
</tr>
</tbody>
</table>

Source: Alpha-Research, Public Opinion survey, 28 February 2014

Having in mind high level of political tensions in the country in 2013-2014 main political parties actively participated in the debates during the collection of signatures. As mentioned above, government parties opposed the proposals. Their arguments were multifold. In the first place, BSP rejected the referendum because it would be too expensive. Coming to the substantive issues, they contended that according to the Constitution, voting is a right, not an obligation. Citizens should be free to use or not to use their right to vote. Some BSP members thus suggested that the matter should be resolved by the
Constitutional Court before it can go to referendum. Another argument was that electronic voting opens greater opportunities for electoral fraud. Interestingly, there were no objections about the changes from proportional to majoritarian system, as this idea is very popular among the voters, including those of BSP and DPS, and government parties were afraid to oppose such a popular idea openly (see Table 2). Finally, as some analysts pointed out, the government parties were afraid that the proposed electoral changes can benefit the opposition parties in the future elections. In this sense, the electronic voting presented the biggest threat for the government: potential users of electronic voting are Bulgarians living abroad and young people, and they usually vote for GERB and the parties which formed the Reformists' Bloc (Dnevnik, 2014).

On the other side, GERB and Reformists' Bloc supported the initiative; they actively participated in the campaign and even offered their logistical support during collection of the signatures. Their main argument in favor of the initiative was that with obligatory voting the impact of vote-buying on the elections outcomes will considerably decrease. With regard to majoritarian voting, GERB and Reformists argued that this will improve the legitimacy of electoral process, political parties and Parliament. Finally, online voting would help to attract young people and Bulgarians living abroad – two groups that are currently largely disengaged from politics. Among the latter group, GERB and Reformists were especially interested in Bulgarians living in EU countries (Germany, Greece, Spain, UK) and the USA, whom they perceive as potential supporters, as opposed to Bulgarians living in Turkey, who are already included in the electoral process and traditionally support DPS. According to the last data, the number of Bulgarians living abroad is close to three million (24 chassa 2013). If fully mobilized, they can significantly impact the voting results.

Another issue of contention during the campaign was the date of the proposed referendum. President and Initiative committee suggested to hold the referendum simultaneously with European Parliament elections of 2014. Their argument was that this would decrease significantly the costs of the referendum. This also raised objections from the government coalition. The government parties were afraid that if the two causes were combined, the number of voters in EP elections would increase due to popularity of the referendum issues. In this respect, since the popularity of the coalition was very low, governing parties were afraid that they would be outvoted in the European Parliament elections. This would also signal the fall of the coalition government itself. Their goal was therefore to postpone the referendum till after the European Parliament elections results would be announced. In other words, governing parties sought to, first, avoid the referendum altogether. If that was...
The 2014 Electoral Code Initiative in Bulgaria

not possible, their second option of choice was to downplay the likely unfavorable results of the referendum, by either postponing it, or by including economic questions, such as the issue of flat vs. progressive taxation, which would distract voters' attention from electoral issues (Paunova, 2014). In an effort to make the referendum more difficult some MPs even suggested to increase the number of signatures needed for initiating a referendum from 500,000 to 750,000 (Paunova, 2014).

Output

In total, the Initiative committee had collected 571,612 signatures. Upon completion of the campaign the signatures were delivered to the parliament for authenticity check. The parliament then submitted them to Directorate General of Civil Registration and Administrative Services (GRAO), which was obliged to check the authenticity of the signatures. The check revealed that 108,276 signatures were invalid, and thus the total number of valid signatures fell short of the number that would make summoning of the referendum obligatory. The Initiative committee then requested to collect additionally 36,000 signatures, but the Parliament rejected this request referring to missed deadlines. These protracted checking procedures and the debates around missing signatures in any case made it impossible to hold the referendum at the same time with European Parliament elections. Nevertheless, the number of already collected valid signatures was so large that it could not be ignored, and in this case, it was up to the Parliament to decide to call referendum or not. In the discussion around the voting, GERB expressed full support for the three issues of the proposed referendum; BSP eventually decided to support only the obligatory voting, DPS was against all three issues, and ATAKA was against holding the referendum altogether. Thus, after eight hours of debates, the referendum proposal was rejected by the Parliament, and DPS opposition to the Referendum played the decisive role in the voting (National Assembly, 2014).

Although the referendum was not held, the issues raised by the Initiative were taken on by the political parties and the Government. Thus, although majoritarian voting has not been introduced, in both European Parliament elections 2014 and National elections 2014 electoral code was changed to introduce preferential voting in the proportional system. For the first time in national elections, candidates from party lists had to organize individual electoral campaigns and fight for their right to be included in the party lists. This created serious tensions in BSP and DPS parties, which urged their supporters to ignore the preferential lists and to vote for parties only.
Conclusion

The referendum initiative of 2014 has important implications for Bulgarian politics, despite the fact that the referendum was not summoned. In the short term perspective, the initiative has failed, and the questions that were proposed by the President remain unresolved. However, the referendum initiative should be evaluated not as a single, isolated event, but in the larger context of the protests that began in 2013. These protests have changed the political landscape of Bulgaria in many ways. First, these protests transformed from socially to politically motivated, as the original social agenda (e.g. utilities and electricity bills) was replaced in the second wave of protests with political demands of transparency and accountability in the decision-making process. The campaign for the referendum grew out of this background. And although the referendum initiative has failed, the questions that it raised were put on the political table. They received significant popular support, and were discussed and debated at the highest levels of political system in the country. All of this makes them impossible to ignore; any future government will have take them into account and every political party will need to develop and express a position on these issues. Thus, the idea to hold a new referendum, possibly simultaneously with local elections in the autumn of 2015, is currently being discussed. In late February 2015 President repeated his original proposal and shared his plans to submit the proposal once again to the new National Assembly (Zumbjulev, 2015). And in the long term perspective the President and Boyko Borisov, the leader of GERB who is currently Prime-minister expressed hope that referenda would become a regular practice in Bulgaria (Gospodinova, 2015)

Bibliography:


The 2014 Electoral Code Initiative in Bulgaria


