

Perils to Parliamentary Elections in 2013

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At the beginning of the Bulgarian transition to democracy, the election system emerged as a compromise between the aspirations of the old political elite for a majority rule and the preferences of the newly formed opposition for a proportional system. The outcome was a complicated proportional system, a combination of a national electoral district, hidden in the distribution procedure, and 31 multi-member constituencies.

The lack of a professionally trained election administration and voter registration regulations, coupled with the replication of the party structures in the election commissions, made the electoral process unnecessarily complicated and offered fertile ground for election manipulations.

Typically, the election regulations are being changed shortly before the elections themselves. In the last ten years the active right to elect became so liberal that it expanded to an extent whereby the voters from abroad basically predetermine the election results.

Consequently, vote buying and electoral falsifications have come to be widely regarded as the most effective technologies to win the elections. The feeling of being untouchable and beyond the law in manipulating the vote made the political parties and the candidates to accept election fraud as inevitable means for gaining the most seats. In the past few elections, analysts have observed a steady tendency whereby pre-election strategies and tactics rely not on fair and free vote but on the open coercion and manipulation of the voters.

Apart from the public distrust in the institutional capacity to ensure fair election process and equal rights of all participants in the elections, a conviction exists that the ruling parties use administrative resources to secure electoral gains. There have been numerous examples in the last twenty years of the abuse of power and public resources for manipulating the vote on national and local level. Consequently, both the central and local governments have become strongly dependent on shadow economic networks.

The lack of political alternatives and civic political culture only adds to the wide-spread political apathy, which in turn threatens the very foundations of representative democracy. These circumstances are further exacerbated by the existing economic and social dependence of large groups of the population; this fact not only enables the controlled vote but has made it a pandemic evil.

Negative conclusions as the above no longer generate public outrage; rather, they have become common knowledge, proven time and again by each round of elections. The last presidential and local elections held in the fall of 2011 confirmed this state of affairs. The fears of many analysts came true; the long-awaited election code did not bring any positive changes but produced instead the predicted administrative chaos, revealing deep structural flaws in the code.

Following the 2011 elections, many political parties and NGOs voiced their concern that the new election code is bound to fail, causing more harm than benefit compared to the abolished legislation. Numerous proposals have been made to improve the code with a view to the upcoming parliamentary elections in 2013.

Despite the unanimous critique of the analysts, the proposed corrective measures differ significantly. Four hundred days before the parliamentary elections, it has become clear that none of the proposed changes and amendments will lead to solving the problems at hand. The elections code in practice preserves the compromised status quo as it reflects specific partisan interests of its authors without offering a long-term vision.

Despite formalizing to a great extent the procedures of participant registration and the polling day itself, the code deepens the problems with voter registration, provides avenues for illicit financing of the campaigns, and in practice legalizes vote buying through the unlimited number of paid election agents allowed. Moreover, the code leaves the algorithm of determining the election results in the hands of the politically assigned Central Electoral Commission.

Regardless of the possible changes in the election code before the 2013 elections, the outcome will be far from the desired one. Putting an end to election fraud once and for all requires the development of a new legislative framework. Whether that should be a new code or a single law, the new legislative framework should put forward a clear long-term strategy for the development of electoral democracy in Bulgaria.

We see this strategy based on four pillars:

- Adequate regulations of the right to elect, vouchsafed by the development of a new voter registration system;
- Simplifying the regulations of the right to be elected, to eliminate the chances for administrative restrictions regarding participation in the elections;
- Simplifying the mechanism for counting the votes, eliminating any chance for bias influenced by the Central Election Commission;
- Professionally trained election administration.

It is hardly likely that these changes will be adopted by the current Parliament. The formal reason for this is the short remaining time to the elections. The real reason however is the aspiration of the large parliamentary represented parties to preserve the status quo, which directly benefits them.

Organizing and conducting the next elections based on the current code, even with the introduction of the proposed changes, will only preserve the existing and generate new election fraud practices. The introduction of a preferential voting system while keeping the financial and human resource dependence of the election administration on the government will result in:

- Abnormally large number of voters registered;
- Administrative chaos in counting the vote, much bigger than the mess created in 2011;
- Expanding the vote-buying practices by candidates on the same ballot in order to gain more preferential votes;
- Increasing the number of paid election agents due to the large size of the state subsidies for the big parties.

The big parliamentary represented parties have a direct interest in scenarios like the above, as they will

guarantee them significant electoral advantages. The sham electoral rolls make possible the manipulation of the vote as they allow adding non-existent names in them. The complicated procedures for counting the vote, coupled with the inexperienced administrators is fertile ground for outright falsification of the election results and ballot rigging, with next to no legal consequences. A preferential voting system will force the candidates to seek total control of the vote, as this will increase the overall votes for their own party. The large state subsidies for the political parties and the unlimited number of paid election agents allow the two biggest political parties to use public resources to make people vote for them.

A comprehensive solution to these problems requires rethinking the overall framework of the regulations concerning the election process and the political party activities. The involvement of all stakeholders, civil society organizations and elections expert in this process is crucial. Simply importing foreign expertise and practices will not do, considering the specifics of the Bulgarian social and political context.