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Presidential elections in Bulgaria (21 of november 2021)

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I. Introduction

On the 21st of November 2021, the Bulgarian electorate was again called to the polls it what may be defined as a moment of consolidation of the winds of change blowing over the Bulgarian electoral scene. With the victory of the new party “We Continue the Change” (Продължаваме промяната - *Prodalzhavame promyanata*)⁴ in the legislative elections – the third in a row – scheduled for the same day as the presidential elections, with the GERB (ГЕРБ) party being defeated, president Rumen Radev (Румен Радев) which ran as an independent although supported by “We Continue the Change” was reelected, being able to ensure, on the presidential side of power, the stability won by this party.

In the second round of the elections, the “new opposition” GERB and the Union of Democratic Forces (Съюз на демократичните сили - *Sayuz na demokratichnite sili*) supported the independent candidate Anastas Gerdjikov (Анастас Герджиков), a professor at the University of Sofia. This brief analysis of the presidential electoral system and the following election results is relevant as Radev’s victory granted the president a second and last presidential mandate, while a hypothetic victory of Gerdjikov would potentially moderate the reformist impulses of the new government.

2. Bulgarian presidential electoral system

The Bulgarian republic is a state where the right to vote for the President (Президент) and Vice President (Вицепрезидент) falls onto the Bulgarian citizens which fulfill the requisites under article 42 no. 1⁵ of the Constitution (Конституция – *Konstitutsiya*). In order to be elected, Bulgarian nationals need to fulfill the conditions established by article 93 no. 2 of the Constitution.⁶

Concerning the election of the President and Vice President, article 310 of the Election Code (Изборен кодекс – *Izboren kodeks*) establishes that both shall be “*elected simultaneously according to a majoritarian election system from national candidate lists*”. These lists are registered by parties, coalitions, and nomination committees. Under article 310 no 2, both the President and Vice President “*shall be elected on the same candidate list*”.

Regarding the conditions to vote on the presidential elections, under article 314 of the Election Code, every citizen fulfilling the conditions laid out in article 42 no. 1 of the Constitution “*shall be entered on the electoral rolls*”. We should also note the special case under article 315 no 1 of the Election Code, which allows voting in the electoral act by any Bulgarian citizen residing “*outside the Republic of Bulgaria but who is present in Bulgaria on polling day*”.

A. Electoral Methodology

The electoral results are obtained by calculation of the “*sum total of the votes cast within Bulgaria and abroad for each candidate list for President and Vice President of the Republic*” as established by no. 1 of Annex 2 to article 312 of the Election Code. As explained above, these lists are nominated by parties, coalitions, or nomination committees.

Under the no. 2 of Annex 2 to article 312 of the Election Code (as supplemented by SG no. 39/2016 of 26th of May 2016, amended by SG 85/2016 of 28th of October 2016), the candidates who obtain “*more than one-half of the valid votes*” (absolute majority) shall be elected

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4 Relevant terms in Bulgarian language along with personal names, are going to be presented, on their first use, between parentheses in the original Bulgarian Cyrillic and in the Latin alphabet through romanization. The tables under point 3 and the underlying result analysis shall be presented solely in English.

5 “*Every citizen above the age of 18, with the exception of those placed under judicial interdiction or serving a prison sentence, shall be free to elect state and local authorities and vote in referendums*”.

6 “*Eligible for President shall be any natural-born Bulgarian citizen over 40 years of age and qualified to be elected to the National Assembly who has resided in the country for the five years preceding the election*”.

“if more than one-half of the voters have participated in the voting”. This electoral threshold establishes a minimum-participation criterion – *one-half plus one* – for the election to be considered as valid.

On the other hand, if no list is elected, the Central Election Commission – CEC (Централна избирателна комисия - *Tsentralna izbiratelna komisiya*) shall schedule a new election – *the second round* – within seven days from the date of the first electoral act, which shall be contested, under no. 3.1 of Annex 2 to article 312 of the Election Code, “by the two candidate lists which have gained the most votes” in the previous election. However, this general rule is open to some exceptions, as follows: *i*) the cases in which more than two lists have obtained more than half of the valid votes, which under no. 3.2 of the above-mentioned Annex results in the participation of all lists in the new electoral act; *ii*) the case in which a list obtains the majority of votes and two or more candidate lists obtain the “next largest equal number of votes”, which allows participation of those lists in the new electoral act under no. 3.3 of the above-mentioned Annex⁷; *iii*) the case in which one of candidates in a list dies or falls gravely ill, in this case the CEC shall postpone the date of the second round to a date “not later than 14 days after the date of the postponed election”, under no. 3.4 of the above-mentioned Annex; *iv*) the case under no. 3.5 of the above-mentioned Annex in which after the scheduling of new elections by the CEC, to be contested by two lists, one of the candidates from a list decides to withdraw from the elections. In this case, it falls up to the CEC to determine that “the new election will be contested by the candidate list which has gained the next largest number of votes”. Finally, in the case where there aren’t any other lists to run the elections, new elections for President and Vice President must be scheduled by the National Assembly.

It is possible, however, for none of the list to be elected, if there is “an equal number of votes” between two or more most-voted lists pursuant to no. 5 of Annex 2 to article 312 of the Election Code. Notwithstanding this last exception, the list which obtains “the most votes” shall be elected, under no. 4 of the above-mentioned Annex.

B. The Constituency

Under article 313 of the Election Code, regarding the elections for President and Vice President, the Bulgarian territory, including all voting sections outside of the country, “shall constitute one single-member constituency”. It should be mentioned that no. 2 of the above-mentioned article establishes that “[f]or the purposes of conduct of the administrative and logistical preparation for the elections” the Bulgarian territory is to be divided into districts whose composition is the same as the multi-member constituencies alluded to in article 249 no 1 of the same code, that is, the 31 multi-member con-

stituencies to be determined for the legislative elections, with three of these being in the administrative region of Sofia (София) and another three in the administrative region of Plovdiv (Пловдив).⁸

C. Candidate Lists

The general rule under article 316 of the Election Code states that political parties, party coalitions and nomination committees “on a single national candidate list”. To that end, article 317 no. 1 establishes that “[t]he candidates for President and Vice President of the republic may be proposed for registration by only one party, coalition or nomination committee”. The proposals under article 317 no. 1 are made to the Central Election Commission which shall register the lists within 32 days up until the day of the elections pursuant to article 318 no. 2 of the Election Code.

D. Independent Candidates

Under article 320 no. 1 of the Election Code, it’s possible for a list of candidates to run in the elections without the support of parties, coalitions or nomination committees – “independent candidates” – as long as these candidates are supported by at least 2.500 voters. This support must fulfill the conditions laid out in no. 2 of the above-mentioned Annex, but some aspects of the law remain nuclear, for example, voters who support an independent candidate must “shall certify this by affixing the signature thereof before a member of the nomination committee”. We’re led to believe that by “affixing the signature”, a document of support is implied in the legal text, although the code is silent regarding where such signature is to be affixed. Likewise, the voter’s “Standard Public Registry Personal Number” is to be stated along with the full name.

E. Voting Ballot

The voting ballot paper must display the full names of the candidates to the Presidency and Vice Presidency under the terms of article 325 no 4 of the Election Code. A singular aspect of Bulgarian ballot papers, besides the above-mentioned, is the fact that there is a “none of the above” option.

F. Electoral Results

Under article 342 no. 1 of the Election Code, the Central Election Committee “shall declare the results of the elections and President and Vice President immediately after the determination of the said results but not later than 48 hours after the polls are declared closed.”. If no candidate is elected, as stated above⁹, it is up to the Central Elec-

7 A reference must be made to the somewhat unfortunate choice of words by the Bulgarian lawmaker, having established under no. 3.2. *in initio* “[i]f one candidate has gained the most votes and two or more candidates...”, when Annex 2 to article 312 deals specifically with candidate-lists (for President and Vice President).

8 Interestingly enough, for the determination of the multi-member constituencies, the rule laid out under article 249 of the Election Code refers itself *in fine* to the administrative regions.

9 See above point A.

tion Committee to determine the two candidates with the highest number of valid votes for a second round. This electoral act shall be scheduled according to the time limit under article 93 no. 4 of the Constitution¹⁰, following the procedure under no. 3.1 of Annex 2 to article 312 of the Election Code.

The final results of the electoral act is declared by the CEC within three days after the elections, being published in the “*State Gazette*” (Държавен Вестник - *Dŭrzhaven Vestnik*) within seven days after the elections under article 344 no. 1 of the Election Code.

G. Oath of Office

Finally, article 345 of the Election Code establishes that the President elect, and Vice President elect shall take the oath of office under article 76 no. 2 of the Constitution¹¹ three days before the end of term of the incumbent President and Vice President. The President elect, and Vice President elect “*shall assume office as from the day of expiry of credentials of the incumbent President and Vice President*”.

3. Electoral Results Analysis

A. 1st Round Results

NO. / CANDIDATES / PARTY	VOTES	PERCENTAGE
6 - Rumens Georgiev Radev and Iliana Malinova Yotova		
Independent (supported by BSP, “There is Such a People” and “We Continue the Change”)	1 322 385	49,42%
15 - Anastas Georgiev Gerdjikov and Nevyana Mihailova Miteva-Mateeva		
Independent (supported by GERB and Union of Democratic Forces)	610 862	22,83%
17 - Mustafa Sali Karaday and Iskra Dimitrova Mihailova-Koparova		
Movement for Rights and Freedoms	309 681	11,57%
5 - Kostadin Todorov Kostadinov and Elena Tsoneva Guncheva		
Renaissance / Revival	105 832	3,92%

10 “Should none of the candidates for President be elected, a second round vote shall be held within seven days between the two top candidates. The winner shall be the candidate who wins the majority of the vote.”

11 “I swear in the name of the Republic of Bulgaria to observe the Constitution and the laws of the country and in all my actions to be guided by the interests of the people. I have sworn.”

NO. / CANDIDATES / PARTY	VOTES	PERCENTAGE
19 - Lozan Yordanov Panov and Maria Hindova Kasimova-Moase		
Independent	98 488	3,68%
None of the above	60 786	2,27%
16 - Luna Yordanova Yordanova and Iglena Dimitrova Ilieva		
Independent	21 733	0,81%
11 - Volen Nikolov Siderov and Magdalena Lambova Tasheva		
Attack	14 792	0,55%
14 - Svetoslav Emilov Vitkov and Veselin Assenov Belokonski		
Voice of the People	13 972	0,52%
21 - Milen Vassilev Mihov and Maria Yordanova Tsvetkova		
IMRO – Bulgarian National Movement	13 376	0,50%
3 - Rosen Plamenov Milenov and Ivan Stefanov Ivanov		
Independent	12 644	0,47%
7 - Goran Tasev Blagoev and Ivelina Koleva Georgieva-Stoynova		
National Union of the Right-Wing – Republicans for Bulgaria and Conservative Alliance of the Right (KOD)	12 323	0,46%
23 - Veselin Naidenov Mareshki and Polina Tsvetoslavova Tsankova-Hristova		
Volya	10 536	0,39%
4 - Valeri Simeonov Simeonov and Tsvetan Ventsislavov Manchev		
Patriotic Front - NFSB, BDS Radicals and BNDS “Whole Bulgaria”	8 568	0,32%
2 - Nikolay Simeonov Malinov and Svetlana Petrova Koseva		
Russophiles for the Revival of the Fatherland	8 213	0,31%

NO. / CANDIDATES / PARTY	VOTES	PERCENTAGE
18 - Tsveta Kirilova Kirilova and Georgi Atanasov Tutanov Independent	7 706	0,29%
10 - Alexander Trifonov Tomov and Lachezar Asparuhov Avramov Bulgarian Social Democratic Party – Bulgarian Euro-Left	7 235	0,27%
12 - Boyan Boyanov Stankov-Rasate and Elena Kirilova Vatashka Independent	6 798	0,25%
9 - Marina Orpheus Malcheva and Savina Veselinova Lukanova Independent	6 315	0,24%
13 - Zhelyo Nikolov Zhelev and Kalin Dimitrov Krulev Society for a New Bulgaria	6 154	0,23%
8 - Blagoy Boyanov Petrevski and Sevina Krasnodarova Hadjiyska Bulgarian Union for Direct Democracy	5 518	0,21%
1 - Yolo Dimitrov Denev and Mario Tsankov Filev Independent	5 394	0,20%
20 - Maria Petrova Koleva and Gancho Ivanov Popov Law Party	4 666	0,17%
22 - Georgi Venelinov Georgiev and Stoyan Andreev Tsvetkov Bulgarian National Union BNO	2 958	0,11%

Source: <https://results.cik.bg/pvrns2021/tur1/rezultati/index.html> (in Bulgarian)

B. 2nd Round Results

CANDIDATES / PARTY	VOTES	PERCENTAGE
Rumen Georgiev Radev and Iliana Malinova Yotova Independent (supported by BSP, “There is Such a People” and “We Continue the Change”)	1.539,650	66.72%

CANDIDATES / PARTY	VOTES	PERCENTAGE
Anastas Georgiev Gerdjikov and Nevyana Mihailova Miteva-Mateeva Independent (supported by GERB and Union of Democratic Forces)	773,791	31.80%

Source: <https://results.cik.bg/pvrns2021/tur2/rezultati/index.html> (in Bulgarian)

With an electoral turnout of only 33.65%, one of the lowest in any presidential election in Bulgaria – less 16.79% than in the last presidential elections – Rumen Radev was reelected for the second time to be President of Bulgaria, hitting the consecutive mandate limit for Presidential candidates. The percentage difference between candidates is of utmost relevance, as Gerdjikov’s results fell behind Radev by more than 30%. This is important as it might demonstrate some voter fatigue with candidates and solutions supported by the former government (GERB), which seems to determine a change in the will of the Bulgarian electorate.

With the reelection for a second mandate, Radev is no longer subject to the electoral pressure which might cost him future presidential elections, thus also winning some space to freely position himself in some contentious questions without the risk of losing votes. Such fact is painfully notorious with some recent statements by Radev regarding the Crimean peninsula crisis – by stating that Crimea is Russian – which was met with harsh critics by the United States of America and the Ukraine. Still, Radev seems predisposed to establish several links to Russia, equally stating that it is in the interest of the European Union to return to the negotiations table with Moscow.

In a moment where the political situation in the Ukraine is becoming increasingly complex, given the threat of Russian invasion, the existence of a newly elected Bulgarian government focused in ending with the charges of corruption which for a long time assailed the black sea-locked country, a government with open arms for a deeper integration within the EU and NATO, might place the President elect in a collision course with the government which supported him. However, internally, Radev’s reelection contributed, as we’ve stated in the introductory part of this analysis, to a progressive stabilization of the political scene in Bulgaria.