

DEAR LADIES AND GENTLEMEN,

With this presentation I shall try to throw light upon our understandings and practical efforts to create as a Central Election Commission the conditions and to implement in the election process one of the basic election principles, namely the principle of equality.

Equality in elections can be viewed from several aspects. As first comes, of course, the ensuring and guaranteeing the right to vote to all citizens in accordance with the effective regulations for each separate type of elections.

Next equality has to be understood also as creating and guaranteeing the possibility to all subjects, participating in the elections, both political – parties and coalitions, as well as their candidates and the independent candidates, nominated and supported by the citizens directly without the mediation of the political parties and coalitions, to present to the voters their informed choice and to express their will for the formation of the election management bodies freely.

According to the effective Constitution Bulgaria is a Parliamentary Republic. The whole state power comes from the people and is exercised by it directly or through the bodies, stated in the basic law of the state. The fundamental principle of the Constitution is that all citizens are born free and equal by merit and rights. There again it is legally fixed as a primary basic principle that elections, national and local referendums are conducted on the basis of a common, equal and direct voting right by secret voting.

Equality of rights presupposes that the state creates legal possibilities, conditions and guarantees to exercise these rights regardless of the origin, education, educational degree, health status, ethnos, place of residence or difference in living and working conditions.

Equality in voting right exercising is regulated in the effective electoral legislation – the Election Code and the Law on citizens' direct participation in the state power and the local self-governance in line with the European regulations and by their reception in the domestic law. Various methods of facilitating and guaranteeing the voting right of different groups of Bulgarian society are provided for.

The possibility to exercise their voting right is most extensively and efficiently regulated for the citizens in unequal condition due to reduced mobility and poor sight and for citizens who can not exercise their voting right in a polling station, as well as for persons in medical and health institutions, elderly people care facilities and social service institutions.

The possibility to exercise their voting rights is legally regulated also for persons engaged as election commission members - sectional, municipal and regional, for the members of the Central Election Commission and for the persons, engaged as security guards of the voting room. Particular attention is devoted to the young people, who are at the start of their lives as full-age citizens – school boys and girls and students educated in settlements other than those of their permanent residence.

In the Republic of Bulgaria votes are cast in polling stations set up on territorial principle, provided the required number of population is existing and on the basis of electoral rolls where all citizen possessing voting rights for the respective type of elections and having permanent address on the territory of the respective polling station are included.

For persons with poor sight and reduced mobility the law provides three possibilities – to exercise their voting right in the station of their permanent address, to exercise their voting right in a specially determined and adapted station with easier access located on the first (ground) floor in the buildings where polling stations are arranged on the second and upper floors, or to exercise their voting rights in a station of their choice, other than their permanent address. This equal option is not bound to the necessity to present a special document to certify their health condition and the decision is granted to the sectional election commission.

A special document by TELK, NELK (medical commissions) is required only for exercising the voting right with a mobile election commission, when the voter is unable to exercise such right in a voting room. For such case a procedure for prior application is prescribed requiring registration in the electoral roll of the mobile polling station.

In all above four cases where the voter is unable to exercise his voting right by himself the possibility is provided to use an accompanying person who will be present in the voting cabin at the same time with the voter and who will mark his vote in his place and under his instructions in the voting ticket. One person may accompany only two voters.

As to the commission members our legislation provides two different regulations. For the mass number – sectional election commissions and voting rooms security guards, the legislator has provided the possibility to vote in the polling station where they work or guard, after submitting a declaration that they have not and will not vote in another place. Such declaration submit also voters with poor sight and reduced mobility when they vote in stations, other than the station of their permanent address.

Members of the Central Election Commission, Regional Election Commissions and District Election Commissions may vote in a place other than the station of their permanent address only after they have obtained a certificate for voting in a different place. They submit similar declarations to the effect that they have not voted and shall not vote in another place. Observers and candidates for Members of Parliament, for President and Vice President and for members of the European Parliament may vote also with certificate for voting in another place. Such certificate may not be issued for elections for municipal councilors and mayors. This restriction is connected with the requirement of the voter to possess a permanent or present address in the settlement on the territory of the municipality where the elections are conducted so that his voting right may originate.

Interest deserves the created legislative possibility for school children and students educated in settlements other than their permanent address to vote where they study. It is sufficient for them to appear in any station and to present a declaration that they have not and shall not vote in another place and their school or student ID's certified by the education institution for the respective academic term. This particular legal possibility leads to the integration of young people in the social and political life of the country, to the creation of a responsible attitude towards the process of public authorities formation and to participation in referendums and civil initiatives as forms of direct participation of citizens in the state government and the local self-governance. We believe that the age of majority – 18 is well motivated and determined. In that particular age young people reach the stage of maturity enabling them to participate in the public processes and elections as a form of formation of governing bodies consciously and out of their own will. The creation of a legal possibility for another person to express the will of the under age voter is not acceptable. That would enhance negative tendencies and vote twisting, and other negative practices discrediting the election process.

I would like to draw your attention to the existing and legally regulated possibility to create electoral rolls for all kinds of elections – in medical and health institutions, elderly people care facilities and other social service institutions where all voters having voting rights for the respective election type are registered under one condition – to be under treatment or to be permanently resident in such institutions. The Central Election Commission came up with the united view that the persons, servicing such institutions should be entered in the rolls too. This applies to citizen exercising highly responsible professions who in our opinion may not be deprived of their voting right because they can not vote in the polling station by permanent address being busy to fulfill their professional duty.

It is perhaps correct to note here that no case of electoral legislation violation by persons of that category has been found.

As to the newly adopted interpretation of equality as equality of the number and weight of the votes with which one representative in a collective management body is elected, we believe that its bringing to the extreme shall lead to depriving the inhabitants of some regions of the possibility to participate and submit to the attention of the collective bodies – the Parliament and the municipal councils, the problems of their regions where due to geographical and economic conditions and peculiarities such regions are less populated than the others. We believe that to understand equality as mathematical equation is not correct, not democratic and would lead to a series of problems in the management and the guaranteeing of equality between the individual subjects.

As an election administration, the Central Election Commission sees it as its main obligation for guaranteeing equality to conduct a clarification campaign on the rights of the citizens and the other subjects in the election process with the purpose of exercising a conscious and informed voting right.