



OMBUDSMAN OF THE REPUBLIC OF BULGARIA

Constitutional Case No. 6/2019

POLITICAL RIGHTS

REJECTED REFFERALS TO THE CONSTITUTIONAL COURT

LIMITATION TO POLITICAL RIGHTS – challenging the amendments of the Election Code



- Request of the Ombudsman to establish the anti-constitutionality of Article 53, para 5, Article 58, para 1, Article 70, para 5, Article 73, para 1, Article 85, para 5, Article 88, para 1 and Article 201, para 1 of the Election Code. The texts challenged:
 - Limit the acts of the Central Elections Commission which are subject to appeal before the Supreme Administrative Court;
 - Allow the Central, District and Municipal Election Commissions to issue decisions with a majority of more than half of their members in the event of a repeal of a rejection decision after the necessary majority of two-thirds of the Commissions members has not been achieved;
 - Introduce a change in relation to jurisdiction of the cases challenging acts of election commissions – instead of the Supreme Administrative Court, the decisions of District and Municipal Election Commissions will first be challenged before the Central Election Commission and, should they be affirmed by the Central Election Commission – before a three-member panel of the administrative court as per the location of the respective election commission.
- According to the Ombudsman, the provisions of the Election Code challenged are contrary to the principles of a democratic state and rule of law – Article 1, Article 2, Article 4, para 1, political pluralism – Article 11, para 1 and Article 120 of the Constitution.
- **Constitutional case No. 6/2019** was initiated upon the request.
- **By virtue of judgment No. 6 of the Constitutional Court of 6 July 2019, the Ombudsman's request was rejected.**