

DIRECT CITIZEN PARTICIPATION IN GOVERNMENT ACT

Chapter One GENERAL PROVISIONS

Scope of Act

Article 1. This act shall regulate the conditions, organisational arrangements and procedure concerning the direct participation of the citizen of the Republic of Bulgaria in government at the central and local government levels.

Underlying principles of citizen participation

Article 2. (1) The principles underlying the exercise of the citizens' right to direct participation in government shall be:

1. free expression of will;
2. universal, equal and direct suffrage through secret ballot;
3. equal access to information on the question put up for decision;
4. equality in presenting the two alternative positions.

(2) Citizen participation forms shall be open for participation, to all Bulgarian citizens who have completed 18 years of age with the exception of those ruled to be legally incapable and those serving a sentence of imprisonment.

Forms of Citizen Participation

Article 3. (1) Citizen participation shall be implemented through:

1. referendums
2. citizens' initiatives
3. general meetings of the population.

(2) A referendum and a citizens' initiative can be held at the national and the local level, while a general meeting of the population can only be held at the local level.

Article 4. (1) Resources for holding a national referendum shall be provided from the national budget, and those for holding local referendums shall be provided from the respective municipal budget.

(2) All papers, applications, complaints, certificates and other documents under this act shall be exempted from any charges.

National Referendums

Article 5. (1) A national referendum shall be held in order for the citizens of the Republic of Bulgaria to decide directly on matters of national significance within the competence of the National Assembly.

(2) The following matters cannot be decided on by means of a national referendum:

1. Matters within the competence of the Constitutional National Assembly;
2. Matters regulated in the Constitution, Art. 84, Items 4, 6, 7, 8, 10, 12, 16, и 17, as well as in

Article.91

(3) In holding a national referendum, one or more questions can be put to the vote.

(4) Decisions adopted by a national referendum shall not be subject to subsequent approval by the National Assembly.

Local Referendum

Article 6. (1) A local referendum shall be held in order to decide directly on matters of local significance in a municipality, district, mayoralty or settlement the competences for which have been conferred by law to the citizens or to local self-government bodies:

(2) Matters regarding the internal organization of the work of the City council can not be decided on at a local referendum

(3) When a local referendum is held, it shall be possible for votes to be cast on one or more questions.

(4) The decisions taken by a local referendum shall not be subject to subsequent approval by the municipal council.

National Citizens' Initiative

Article 7. (1) By means of a national citizens' initiative, citizens can make proposals to the National Assembly and to the bodies of the executive to decide on matters of national significance.

(2) A national citizens' initiative shall be implemented by means of a petition organised by an initiative committee across the entire territory of Bulgaria.

(3) Proposals made through a national citizens' initiative shall be advisory in nature.

Local Citizens' Initiative

Article 8. (1) By means of a local citizens' initiative, citizens can make proposals to their municipal council or mayor to decide on important matters of local significance.

(2) A local citizens' initiative shall be implemented by means of a petition organised by an initiative committee within the territory of the respective municipality, mayoralty, district or settlement.

(3) Proposals made through a local citizens' initiative shall be advisory in nature.

General Meeting of the Population

Article 9. (1) A general meeting of the population can be held to decide on matters of local significance for a given municipality, district, mayoralty, settlement or neighbourhood of a settlement.

(2) The municipal council or the mayor of the municipality, as the case may be, shall be obliged to issue the relevant instruments towards making the necessary steps within one month following the adoption of the decision made by the General meeting of the population unless the general meeting of the population itself has set other, longer time periods.

Chapter Two REFERENDUM

Section I Holding a Referendum

Right to Vote in a National Referendum

Article 10. All citizens of the Republic of Bulgaria having the right to vote who have resided on a permanent basis within the territory of Bulgaria for at least six months prior to the date of scheduling the referendum shall have the right to vote in a national referendum.

Right to Vote in a Local Referendum

Article 11. (1) Citizens of the Republic of Bulgaria shall have the right to vote in a local referendum having completed 18 years of age and having:

1. their permanent address as defined in the Civil Registry Act in the respective municipality or mayoralty for six months prior to the date of scheduling the referendum,
2. their current address as defined in the Civil Registry Act within the territory of the respective municipality or mayoralty who have been registered not later than six months prior to the date of scheduling the referendum. In such a case the voter shall submit an application to the municipal administration on his/ her current address within 30 days prior to the voting day.

(2) Individuals serving their military conscription service for the Armed Forces of the Republic of Bulgaria shall have the right to vote only at such settlement where their permanent address is, as provided for in paragraph 1, if they are there during the time for voting.

(3) The citizens staying at hospitals, maternity hospitals, sanatoria, retirement homes and other social welfare institutions shall have the right to vote there if the location of the respective institution coincides with their registered address as specified in paragraph 1

Commissions on Holding a Referendum

Article 12. (1) The central election commission responsible for holding elections for members of parliament shall act as a central commission in holding a national referendum. District election commissions involved in holding elections for members of parliament shall perform the respective functions in organising a national referendum within the territory of the respective constituency district.

(2) The local elections central commission shall act as a central commission in local referenda. Municipal election commissions responsible for holding local elections shall perform the relevant functions in organising local referenda within the territory of a municipality.

(3) District and municipal election commissions shall appoint sectional election commissions each containing a chairperson, a secretary and up to three members; support and oversee their activities.

(4) The mayor defines the scope and the numbers of the sectional commissions and suggests their members after consultations with the initiative committee

(5) It is possible to merge some sections provided that the lists in one section does not count more than 2000 voters.

Lists for Holding a Referendum

Article 13. (1) A national or a local referendum shall be held using the voter lists from the most recent elections updated as of the date of announcing such referendum in which the people who have submitted an application as stipulated in Article 11, Paragraph 1, item 2 are included

(2) Voter lists shall be announced by the mayor of the municipality, district or mayoralty not later than 20 days prior to the day of voting.

Section II A National Referendum

Proposals for Holding a National Referendum

Article 14. (1) Proposals to the National Assembly to hold a national referendum can be made by:

1. one-tenth of all members of parliament;
2. the Council of Ministers;
3. not less than 1/10 of all municipal councils in Bulgaria;

4. a citizens' initiative committee having gathered not less than 150 000 signatures;
5. the President of the Republic.

(2) A national referendum must be held where so demanded in a petition supported by the signatures of not less than 300 000 Bulgarian citizens with the right to vote.

(3) The chairperson of the National Assembly shall make arrangements for setting up a public register in which proposals for holding national referendums shall be recorded and initiative committees registered, as referred to in paragraph 1, subparagraphs 3 and 4.

(4) A proposal for a national referendum must include one or several questions to which citizens with the right to vote should give a 'yes' or a 'no' answer. The wording of such questions must be entirely in the Bulgarian language, clear, unambiguous and formulated in terms in common use.

Municipal Councils' Initiatives for Holding a National Referendum

Article 15. (1) An initiative to hold a national referendum as referred to in Article 14, item 3 shall be launched upon a decision by a municipal council which states the reasons for which a national referendum is necessary, specifies the content of the request made, formulates the question to be put to the vote and assigns an initiative committee.

(2) The initiative committee membership shall comprise five to fifteen individuals.

(3) The initiative committee as referred to in paragraph 1 shall make organisational arrangements and coordinate the petition; to this end it shall:

1. notify the chairperson of the National Assembly in writing;
2. send transcripts of the municipal council decision as referred to in paragraph 1 to all other municipal councils;
3. compile the documents needed in order to introduce a petition in the National Assembly;
4. introduce the petition in the National Assembly.

(4) The municipal councils' petition should contain:

1. the proposal to hold a referendum, with a formulated question to be put to the vote, the full name, position, contact address and signature of each of the initiative committee members,
2. motives supporting the proposal,
3. certified copies of the decisions taken by municipal councils.

(5) Organizational arrangements and carrying out the petition shall be funded after a proposal of the initiative committee using funds from the budget the municipal council as referred to in paragraph 1, and from the budgets of municipal councils which have taken a decision to propose holding the referendum.

Citizens' Initiatives to Hold a National Referendum. Petition Preparation.

Article 16. (1) An initiative to hold a national referendum under Article 14, item 4 shall be organised by means of a petition by an initiative committee of citizens made up of 5 to 7 members.

(2) The initiative committee shall not be a legal body.

(3) The initiative committee as referred to in paragraph 1 shall organise and coordinate the petition; to this end, it shall:

1. notify in writing the chairperson of the National Assembly of the launch of a petition to hold a referendum and of the question put up to the vote for the referendum;
2. prepare the forms on which the signatures are to be gathered;
3. determine the procedure and locations where signatures are to be gathered and agrees on them with the municipal administration;
4. compile the necessary documents and introduce the petition in the National Assembly.

(4) The form on which signatures are to be gathered should state, on each page, the request and the question(s) for the referendum, the names of the initiative committee members and a contact address.

Each form shall indicate the location where the signatures are collected and the sequential number of the form.

(5) Under a separate heading of “Remarks”, there should be a text with the explicit statement of consent to the use of personal data in accordance with the Personal Data Protection Act when introducing the petition. The heading “Remarks” shall include also the data of the escort, where the person is disabled and needs assistance in expressing his/her volition.

(6) Any citizen who wishes to support the proposal shall record the following detail on the form:

- (a) his/her full name;
- (b) his/her civil registry number;
- (c) his/her permanent address;
- (d) signature.

(7) Any citizen having the right to vote may place his/her signature once on the petition organised under the procedure set out in this act, including at a location other than the one specified in his/her permanent or current address.

(8) The petition by the citizens’ initiative committee needs to contain:

1. the proposal to hold a referendum, with a formulated question to be put to the vote, the full name, civil registry number, permanent address and signature of each member of the initiative committee, and a contact address for the initiative committee;
2. motives supporting the proposal,
3. the forms with the citizens’ signatures gathered.

(9) In case of a failure to introduce the petition in the National Assembly within three months of the notification referred to in paragraph 3, item 1, the procedure for introducing the proposal for a referendum shall be terminated by the chairperson of the National Assembly.

(10) A new petition with a proposal for a referendum on the same question may be launched at the earliest 6 months after the termination of the procedure referred to in paragraph 9 or after the entry into force of the decision of the National Assembly to reject the proposal.

Introducing the Petition and Its Consideration by the National Assembly

Article 17. (1) The petition shall be introduced in the National Assembly provided that it meets the requirements specified in Article 14, paragraph 1, subparagraph 3 or 4.

(2) The petition shall be introduced in the National Assembly by the initiative committee together with the documents listed in Article 15, paragraph 4 or Article 16, paragraph 8 and shall be recorded in the public register referred to in Article 14, paragraph 3.

(3) Within twenty days, the chairperson of the National Assembly shall make arrangements for a verification of the data stated in the documents enclosed with the petition and a compliance check for the requirement under Article 16, paragraph 3, item 1 and Article 16, paragraph 9.

(4) In case any irregularities are found in the petition, the chairperson of the National Assembly shall notify the initiative committee, and in case of any indications of a criminal offence in gathering the signatures, he/she shall notify the chief prosecutor.

(5) The chairperson of the National Assembly shall assign the introduced proposal for holding a referendum to the National Assembly's standing committees within 3 days of its receipt, assigning a lead committee, and shall notify members of parliament thereof following the procedure set out in Article 64, paragraph 3 of The Rules of Structure and Procedure of the National Assembly.

(6) Standing committees shall discuss the proposal referred to in paragraph 1 not later than 15 days following its allocation and shall present their opinions thereon to the chairperson of the National Assembly. The lead commission shall present a draft decision to the National Assembly.

(7) The draft decision may contain:

(a) an approval of the proposal to hold a referendum and a formulation of the question or questions to be put to the vote.

(b) a rejection of the proposal, stating motives, in the cases referred to in Article 17, paragraph 4 of this Act.

(8) The National Assembly may not change the contents of the question contained in the proposal.

(9) The National Assembly shall adopt the decision in one voting procedure to be carried out within three months of the date the proposal was introduced.

(10) The decision of the National Assembly shall be published in *The State Gazette* within seven days of its adoption.

(11) In the cases referred to in Article 14, paragraph 2, where the National Assembly has not acted within three months, the President shall set the date for holding the referendum.

Setting the Date of Voting

Article 18. (1) Within seven days of the publication of the decision of the National Assembly in *The Official Gazette* the President of the Republic shall set the date of voting which may not be earlier than two months or later than four months following the date of publication of the decision of the National Assembly.

(2) The President may set the date of the voting on one or two consequent non-working days.

(3) The time periods for holding a national referendum as referred to in paragraph 1 shall not apply, if the referendum can be held simultaneously with holding elections for members of parliament or for municipal council members and mayors. In such cases, the referendum may not be held earlier than one month following the official publication of the decision of the National Assembly or later than six months after the date of registration of the proposal as referred to in Article 17.

Action by the Council of Ministers on Holding a Referendum

Article 19.

(1) Organisational and technical arrangements for carrying out a national referendum shall be made by the Council of Ministers.

(2) The Council of Ministers shall issue an information sheet which must contain:

(a) precise formulation of the question,

(b) objective information on the two alternative positions,

(c) information on the timing, location and procedure for holding the referendum.

Public Information Campaign

Article 20.(1) In holding a public information campaign, the relevant provisions of the Election of Members of Parliament Act shall apply, in observance of the principle of equal treatment of the different positions on the question to be addressed by the referendum.

(2) The National Assembly organize the print-out of information newsletter that contains the question/s of the referendum, objective information of the two viewpoints for each of the questions, clear instructions on the date and the mode of voting. The newsletter is presented to the media and is distributed at public places for free.

(3) Every citizen is entitled to receive information on the different positions regarding the question/ questions of the referendum. The municipalities shall provide free premises for press-conferences, debates and discussions on the referendum question/s.

(4) The public information campaign shall begin thirty days prior to the date of holding the referendum and conclude 24 hours prior to it.

Referendum Ballots

Article 21. (1) The ballot paper for holding the referendum shall be white.

(2) Each ballot shall contain:

1. an inscription of "national referendum";

2. a question or questions which the voters must answer with two bordered fields opposite to them with "yes" and "no" inscribed inside;

(3) The words "yes" and "no" shall be typed in a large font of the same size.

(4) In cases where the referendum is to be held on more than one question, all questions shall be typed on the general ballot, in a sequence matching the sequence in the decision of the National Assembly. Questions shall be separated from one another by an empty line and a thick black horizontal line, with the bordered fields containing the inscriptions "yes" and "no" placed horizontally opposite each question.

Voting

Article 22.(1) Any citizen with the right to vote shall vote by inserting in the ballot envelop the ballot on which the answer of his/her choice "yes" and "no" has been crossed, then close the envelop, leave the booth and drop it in the ballot box.

(2) In cases where the referendum is to be held on more than one question, the voter shall not have to answer all questions.

Invalidity of Ballots

Article 23.(1) Ballots shall be invalid when:

1. found in the ballot box without an envelop;

2. they do not follow the standard form prescribed;

3. no correct answer has been crossed out on the ballot, or where both answers have been crossed out.

(2) Empty envelops shall be considered invalid ballots.

(3) Any smears, crossings-out, mechanical or other damages shall not invalidate the ballot, provided the volition of the voter can be established.

Tallying the Results by the Sectional Commission

Article 24.(1) Upon the end of voting, the sectional commission shall tally the results and prepare a protocol stating:

1. the name of the district;

2. the number of the section ;

3. the starting time and closing time of voting;

4. the number of voters according to the voter list;

5. the number of voters who cast their ballot according to the signatures on the voter list;

6. the number of those who cast their ballot according to the ballot envelops found in the ballot box;

7. the number of valid ballots with the answer "yes"

8. the number of valid ballots with the answer "no";

9. the number of invalid ballots and empty envelops;

10. any statements, objections and complaints filed and the decisions made on those.

(2) In case of voters having voted on more than one question, for each question record shall be made of the number of valid ballots as referred to in items 7 and 8.

(3) The protocol shall be drawn up in three copies two of which shall be sent to the district election commission, and the third one, together with all materials, shall be sent to the municipal administration.

(4) The sectional commission shall report the results from the voting to the district election commission within 24 hours of the end of voting.

Tallying the Results by the District Commission

Article 25. (1) On the basis of protocols issued by sectional commissions, the district commission shall aggregate the data for the district and states them in a protocol indicating the name of the district and the number of:

1. sectional election commissions;
2. sectional election commissions that have presented their protocols;
3. voters within the municipality (district) according to the voter lists;
4. the number of voters who cast their ballot according to the signatures on the voter list;
- 5 the number of those who cast their ballot according to ballots found in the ballot box;
6. total number of valid ballots
7. the number of valid ballots with the answer „yes”
8. the number of valid ballots with the answer "no";
9. invalid ballots
10. any statements, objections and complaints filed and the decisions made on those.

(2) In case of voters having voted on more than one question, for each question record shall be made of the number of valid ballots as referred to in items 7 and 8.

(3) The protocol shall be drawn up in two copies one of which shall be sent to the central commission responsible for holding the national referendum, and the second one shall remain with the district commission.

(4) The district commission shall report the results from the voting to the central commission within 48 hours of the submission of the last section’s protocol.

Tallying and Announcement of the Referendum Results

Article 26. The central commission responsible for holding a national referendum shall aggregate the data for the whole country and shall announce the results of the voting within 7 days of the end of voting.

Adoption or Rejection of the Proposal Addressed by the Referendum

Article 27.(1) The proposal addressed by the referendum shall be deemed adopted provided that it was supported by a “yes” vote by more than half of the citizens having the right to vote who have taken part in the referendum.

(2) If the proposal addressed by the referendum has not been adopted, a national referendum on the same question may be initiated not earlier than one year following the date on which such referendum was held.

Appeals Regarding the Referendum Result

Article 28. The legitimacy of the results of a national referendum can be contested by the parties having the right to an initiative as referred to in Article 10 within 7 days before a 5-member panel of the Supreme Administrative Court which shall rule within 7 days in a final decision.

Official Publication of the Decision Taken by a National Referendum

Article 29. (1) A decision taken by a national referendum shall be published in *The State Gazette* by the chairperson of the National Assembly after the time periods for appeal have lapsed or upon the entry into force of the Supreme Administrative Court decision as referred to in Article 26.

(2) A decision taken by a national referendum shall take force three days following its official publication.

Section III Local Referendum

Proposal for Holding a Local Referendum

Article 30. (1) A local referendum shall be held upon a proposal made by:

1. one-fifth of municipal council members but not less than three municipal council members;
2. an initiative committee, with the signatures of not less than 1/20 of the citizens with the right to vote who have their permanent address within the territory of the respective municipality, district, mayoralty or settlement at the time of recording the proposal into the register;
3. the mayor of the municipality, or the mayor of the mayoralty or the district, as the case may be;

(2) A local referendum must be held where so demanded by more than one-tenth of the citizens of the respective municipality, district, mayoralty or settlement.

(3) In cases where the municipal council is about to discuss questions on which it is possible to hold a local referendum as referred to in Article 6, paragraph 3, any draft decisions and the entire supporting information shall be announced following the procedure set out in Article 22, paragraph 1 of the Local Government and Local Administration Act and shall be made available at a place accessible to all citizens in the municipality, or the district or mayoralty, as the case may be, and a time period of at least 1 month shall be set for launching a petition for a local referendum.

(4) The proposal shall be addressed to the chairperson of the municipal council who shall be obliged to notify all municipal council members of such a proposal within 3 days of its receipt.

(5) The mayor of the respective municipality shall make arrangements to set up a public register in which all proposals for holding local referendums shall be recorded.

(6) A proposal for a local referendum must include one or more questions to which citizens with the right to vote should give a 'yes' or a 'no' answer. The wording of such questions must be entirely in the Bulgarian language, clear, unambiguous and formulated in terms in common use.

Initiative for Holding a Local Referendum by Means of a Petition

Article 31. (1) An initiative to hold a local referendum under Article 28, paragraph 1, item shall be organised by means of a petition by an initiative committee of citizens made up of 3 to 5 members, a chairperson included.

(2) The initiative committee shall not be a legal body.

(3) The initiative committee as referred to in paragraph 1 shall organise and coordinate the petition; to this end, it shall:

1. notify in writing the chairperson of the municipal council of the launch of a petition for a referendum, of the content of the request made, and of the question put up to the vote for the referendum;
2. prepare the forms on which the signatures are to be gathered;
3. determine the procedure and locations where signatures are to be gathered;
4. compile the necessary documents and introduce the petition in the municipal council.

(4) Any citizen with the right to vote and having his/her permanent address in the respective municipality may put his/her signature on the petition once.

(5) on which signatures are to be gathered should state, on each page, the request and the question(s) for the referendum, the names of the initiative committee members and contact addresses. Each form shall indicate the location where the signatures are collected and the sequential number of the form.

(6) Under a separate heading of "Remarks", there should be a text with the explicit statement of consent to the use of personal data in accordance with the Personal Data Protection Act when

introducing the petition. The heading “Remarks” shall include also the data of the escort, where the person is disabled and needs assistance in expressing his/her volition.

(7) Any citizen who wishes to support the proposal shall record the following detail on the form:

- (a) his/her full name
- (b) his/her civil registry number
- (c) his/her permanent address
- (d) signature.

(8) The petition by the citizens’ initiative committee needs to contain:

1. the proposal to hold a referendum, with a formulated question to be put to the vote, the full name, civil registry number, permanent address and signature of each member of the initiative committee, and a contact address for the initiative committee;
2. motives supporting the proposal,
3. the forms with the citizens’ signatures gathered.

(9) In case of a failure to introduce the petition in the municipal council within 3 months of notifying the municipal council, the procedure for introducing the proposal for a referendum shall be terminated by the chairperson of the municipal council.

(10) A new petition with a proposal for a referendum on the same question may be launched at the earliest 6 months after the termination of the procedure referred to in paragraph 4 or after the entry into force of the decision of the municipal council to reject the proposal.

Introducing the Petition

Article 32. (1) The petition shall be introduced in the municipal council provided that it meets the requirements specified in Article 28, paragraph 1, item 2.

(2) The petition shall be introduced in the municipal council by the initiative committee and shall be recorded in the public register referred to in Article 28, paragraph 5.

(3) Within three days of introducing the petition, the chairperson of the municipal council shall notify the mayor of the respective municipality, district or mayoralty.

(4) Within 14 days of the registration date of the petition, the mayor of the municipality, mayoralty or district must make arrangements for a verification of the data contained therein and a compliance check for the requirement specified under Article 28, paragraph 1, item 2.

(5) The mayor shall return the petition together with the results of the checks to the chairperson of the municipal council. In case any irregularities are found in the petition, the chairperson of the municipal council shall notify the initiative committee, and in case of any indications of a criminal offence in gathering the signatures, he/she shall notify the district prosecutor.

Taking a Decision to Hold a Local Referendum

Article 33. (1) Within 3 days the chairperson of the municipal council shall send the proposal to the standing committees of the municipal council and to the mayor and shall convene a meeting of the municipal council within 14 days receiving the proposal.

(2) Standing committees and the mayor shall be obliged to discuss the proposal and present their opinions not later than 3 days prior to the municipal council meeting. They shall present a draft for a municipal council decision to the chairperson of the municipal council.

(3) The draft decision must contain a decision to approve the proposal to hold a referendum and a formulation of the question or questions to be put to the vote, and a date for holding the referendum not earlier than 45 days and not later than 60 days following the decision of the municipal council.

(5) The decision of the municipal council shall be adopted at the first meeting after the results of the check have been returned but not later than one month of introducing the proposal in the municipal council.

(6) The municipal council may appoint the date for voting on one or two consecutive non-working days. In case several proposals have been submitted, the City Council sets a common date for the conduct of the local referendum.

(7) The time periods for holding a local referendum as referred to in Paragraph 3 shall not apply, if the referendum can be held simultaneously with holding elections for municipal council members and mayors. In such cases, the referendum may not be held earlier than one month following the adoption of the decision of the municipal council or later than six months after the date of registration of the proposal as referred to in Article 30.

(8) The order of the municipal council as referred to in paragraph 3 shall endorse also the samples for the referendum papers.

Rejection of the Proposal for Holding a Local Referendum

Article 34. (1) In a decision stating motives, the municipal council may reject the proposal to hold a referendum, with the exception of cases referred to in Article 28, paragraph 2.

(2) The municipal council may not change the question contained in the proposal for holding a local referendum .

Appeals against a Refusal to Hold a Local Referendum

Article 35. (1) The municipal council decision under which the proposal for holding a local referendum is rejected shall be subject to appeal before the regional court within 14 days of announcing the decision following the procedure set out in Article 22, paragraph 1 of the Local Government and Local Administration Act.

(2) In case the regional court has issued a decision repealing the municipal council decision, the proposal to hold a local referendum may be introduced again in the same or in a modified form in the municipal council, and in such a case the requirements concerning the time limit referred to in Article 29, paragraph 10 shall not apply.

(3) If the municipal council does not adopt a decision within three months, the mayor shall set the date for holding the local referendum.

Organisational Arrangements and Funding the Referendum

Article 36. (1) In its decision on holding a local referendum, the municipal council shall also approve the expenses to be covered from the municipal budget to this end.

(2) The mayor and the municipal administration shall make the organisational and technical arrangements in preparation of the local referendum.

Information Campaign

Article 37. (1) The information campaign shall begin thirty days prior to the date of holding the referendum and conclude 24 hours prior to it.

(2) The mayor shall make arrangements for printing an information newsletter which must contain the decision of the municipal council, objective information on both positions, clear guidance as to the procedure and locations for voting; in doing so, he/she shall be obliged to observe the principle of equal treatment of the different positions on the question to be addressed by the referendum.

(3) The campaign shall be launched by a presentation of the information newsletter as referred to in paragraph 2 which shall be disseminated to all public locations. Any citizen shall have the right to obtain information on the different positions on the question to be addressed by the referendum. The municipality shall provide gratuitously the use of rooms for press conferences, debates and discussions on the question(s) to be addressed by the referendum.

Powers of the Mayor

Article 38. The mayor of the municipality, the district or mayoralty shall:

1. endorse the voter lists;
2. ensure the printing of ballots and sample forms for protocols;
3. ensure the stocking of sectional commissions with ballot envelopes, boxes, ballots, protocols and booths for voting by secret ballot.

Ballots

Article 39. (1) The ballots for holding the referendum shall be white.

(2) Each ballot shall contain:

1. the inscription "Local referendum" and the name of the municipality, district, mayoralty or settlement in which it is being held;
2. a question to be answered by the voters, with two fields opposite and the words "yes" and "no" typed in a large font of the same size.

(3) If the referendum is to be held on more than one question, all questions shall be typed on the general ballot, in a sequence matching the sequence in the decision of the municipal council. Questions shall be separated from one another by an empty line and a thick black horizontal line, with the bordered fields containing the inscriptions "yes" and "no" placed horizontally opposite each question;

Voting

Article 40.(1) The voter shall vote as follows: he/she should cross the box with the answer of his/her choice "yes" or "no", then fold the ballot, leave the booth and drop the ballot in the ballot box.

(2) In cases where the referendum is to be held on more than one question, the voter shall not have to answer all questions.

(3) In cases where the referendum is to be held on more than one question, the answer to each question shall be counted separately.

Invalidity of Ballots

Article 41.(1) Ballots shall be invalid when:

1. they do not follow the standard form prescribed;
2. on the ballot, no answer has been crossed out to any of the questions
3. the answers „yes" and „no" to each of the questions have both been crossed out.

(2) Any smears, crossings-out, mechanical or other damages shall not invalidate the ballot, provided the volition of the voter can be established.

Tallying the Results of the Voting

Article 42. (1) Upon the end of voting, the sectional commission shall tally the results and prepare a protocol stating:

1. the name of the municipality (the district);
2. the number of the election section;
3. the starting time and closing time of voting;
4. the number of voters according to the voter list;
5. the number of voters who cast their ballot according to the signatures on the voter list;
6. the number of those who cast their ballot according to ballots found in the ballot box.
7. the number of valid ballots with the answer „yes"
8. the number of valid ballots with the answer "no";
9. the number of invalid ballots;
10. any statements, objections and complaints filed and the decisions made on those.

(2) In case of voters having voted on more than one question, record shall be made of the number of valid ballots as referred to in items 7 and 8.

(3) The protocol shall be drawn up in two copies one of which shall be sent to the municipal (district) election commission, and the second one, together with all election materials, to the mayor of the municipality.

Protocol Issued by the Municipal Commission

Article 43.(1) On the basis of protocols issued by the sectional election commissions, the municipal referendum commission shall aggregate the data on the municipality (district) and shall state such data in a protocol which must indicate the name of the municipality (district) and the number of:

1. sectional election commissions;
2. sectional election commissions which have presented their protocols;
3. voters in the municipality (district) according to the voter list;
4. voters who cast their ballot according to the signatures on the voter list;
5. total number of valid ballots;
6. invalid ballots;
7. any statements, objections and complaints filed and the decisions made on those.

(2) The protocol of the municipal referendum commission shall be drawn up in two copies one of which, together with all materials from the referendum, shall be submitted to the municipal council, and the other copy shall be sent to the regional governor.

Announcement of Referendum Results

Article 44.(1) The municipal referendum commission shall aggregate the data from the referendum held and shall announce the results of the voting.

(2) The proposal addressed by the referendum shall be deemed adopted provided that it was supported by a “yes” vote by more than half of the citizens who have taken part in the referendum.

(3) If the proposal addressed by the referendum has not been adopted, a local referendum on the same question may be initiated not earlier than one year following the date on which such referendum was held.

Appeals Regarding the Referendum Results

Article 45. The legitimacy of the results of a local referendum can be contested by the parties referred to in Article 11, paragraph 1 within 7 days before the competent regional court which shall rule within 7 days in a final decision.

Announcement of a Decision Taken by Referendum

Article 46.(1) A decision taken by means of a local referendum shall be announced within 2 weeks by the chairperson of the municipal council on the official website of the municipality, in one regional newspaper and in one regional broadcasting medium after the time periods for appeal have lapsed or upon the entry into force of the decision of the regional court as referred to in Article 43.

(2) A decision taken by means of a local referendum shall take force immediately after it has been announced.

(3) The implementation of a decision taken by a local referendum shall be organised by the mayor of the municipality, district or mayoralty.

Chapter III CITIZENS' INITIATIVE

Organising a National Citizens' Initiative

Article 45. (1) A national citizens' initiative shall be organised upon a decision taken by a meeting of at least fifty citizens with the right to vote.

(2) The meeting of citizens to organise a national citizens' initiative shall:

1. approve the content and text of a proposal to the National Assembly for which signatures of citizens are to be gathered;
2. elect an initiative committee to consist of 3 to 7 members, including a chairperson, from among the individuals attending the meeting;
3. approve the form on which signatures are to be gathered;
4. set the deadline, procedure and locations for gathering signatures.

(3) The meeting of citizens referred to in paragraph 2 shall be evidenced by drawing up a protocol to which a list of the names, permanent addresses, civil registry numbers and signatures of the citizens who have participated in the meeting shall be attached.

Organising a Local Citizens' Initiative

Article 46. (1) A local citizens' initiative shall be organised upon a decision of the general meeting of at least fifteen citizens with the right to vote, having their permanent address within the territory of the respective municipality, district, mayoralty or settlement.

(2) The general meeting of the parties as referred to in paragraph 1 shall:

1. approve a proposal to the municipal council, the mayor or regional units of executive government administration for which signatures of citizens are to be gathered;
2. elect an initiative committee to consist of 3 to 5 members, including a chairperson;
3. approve the form on which signatures are to be gathered;
4. set the procedure and locations for gathering signatures.

Holding a Citizens' Initiative Petition

Article 47. (1) A national and a local citizens' initiative shall be carried out by means of a petition.

(2) The petition shall be held within a time period set by the meeting referred to in Article 45, paragraph 2, but not later than 6 months of the notification as referred to in paragraph 3 for a national citizens' initiative, and 3 months for a local citizens' initiative.

(3) Any citizen with the right to vote may place his/her signature once on a petition organised following the procedure of this Act, including at a location other than the one specified in his/her permanent or current address – for a national citizens' initiative, and for a local citizens' initiative, in accordance with his/her permanent address.

Form for Running a Petition

Article 48. (1) The form for the petition referred to in Article 47, paragraph 1 shall contain, on each sheet of paper:

1. the name of the municipality, district, mayoralty, settlement in which the signatures are being gathered;
2. the proposal to be addressed by the petition;
3. the starting date and end date of gathering the signatures.

(2) On the forms, citizens with the right to vote shall write down their full name, civil registry number, permanent address and shall place their own signature.

(3) On each form, the location where the signatures are gathered and the sequential number of the form shall be indicated.

(4) Under a separate heading of "Remarks", there should be a text with the explicit statement of consent to the use of personal data in accordance with the Personal Data Protection Act when introducing the petition. The heading "Remarks" shall include also the data of the escort, where the person is disabled and needs assistance in expressing his/her volition.

Information Campaign

Article 49. (1) The initiative committee shall set the procedure and organise an information campaign and public discussions concerning the proposal on which the petition is carried out.

(2) The initiative committee shall propose to the citizens in participate in the citizens' initiative, explaining the meaning and purpose of the proposal in observance of the principle of voluntary participation and respect for the freedom of opinion of every citizen.

Introducing the Petition

Article 50. (1) Within 7 days after the petition has been completed, the initiative committee shall introduce it in the National Assembly or in the administration of the respective executive government body, for a national citizens' initiative, or in the municipal council, the mayor or the administration of the respective executive government body which is the addressee of the local citizens' initiative.

(2) The petition shall enclose a letter bearing the names, civil registry numbers, permanent addresses and signatures of the members of the initiative committee, and contact addresses.

Obligation to Consider the Petition and Provide Information

Article 51. (1) Authorities to which the petition for a national citizens' initiative is addressed, must consider the proposals made and, within 3 months of the filing date of the petition, announce their decision on measures undertaken on their official websites, in one national daily newspaper and in the public broadcasting media.

(2) The municipal council, mayor or executive government authorities to which the citizens' initiative is addressed must consider the proposals made and, within one month of the filing date of the petition announce their decision and measures undertaken on the official website of the municipality and in one regional newspaper, and they may also publish an announcement in regional broadcasting media.

(3) The authorities as referred to in paragraph 1 to which the citizens' initiative is addressed must, within the time period referred to in paragraph 1, notify the initiative committee in writing of measures undertaken.

Funding the Petition

Article 52. (1) The petition shall be funded by citizens and legal bodies; to this end, the initiative committee shall set up a special fund-raising account.

(2) Any funds in the fund-raising account as referred to in paragraph 1 shall be allocated to covering costs related to the gathering of signatures.

(3) Members of the initiative committee and the parties who gather the signatures shall not be paid any compensation.

Chapter IV GENERAL MEETING OF THE POPULATION

Location of Holding a General Meeting of the Population

Article 53. (1) A general meeting of the population shall be held in municipalities with a population of up to 10 000, districts, mayoralties, settlements and neighbourhoods of settlements.

(2) In municipalities, districts, mayoralties, settlements and neighbourhoods with a population of over 1 000, a general meeting may be held by constituency sections at several locations within a pre-set time period. In such cases, for each individual meeting, the provisions of this chapter shall apply.

Composition of the General Meeting of the Population

Article 54. (1) The general meeting shall consist of all citizens with the right to vote within the territory of the municipality, district, mayoralty, settlement or neighbourhood who have their permanent or current address as defined in the Civil Registry Act in the respective municipality, district or mayoralty prior to the date of scheduling the general meeting and have resided there on a permanent basis over the past six months prior to the date of holding the meeting.

(2) The mayor of the municipality, or district or mayoralty, as the case may be, shall compile and maintain updated lists of the voters from the membership of the general meeting of the population as referred to in paragraph 1.

Initiative to Convene a General Meeting of the Population

Article 55. (1) The general meeting of the population shall be convened by the mayor of the municipality, district (mayoralty):

1. upon his/her own initiative;
2. under a decision of the municipal council;
3. upon a request by one-fiftieth of the citizens with the right to vote having their permanent address within the territory of the municipality, district, mayoralty, settlement or neighbourhood as of the time the request is formulated.

(2). In cases referred to in paragraph 1, item 3, the initiative to convene a general meeting of the population shall be organised by a citizens' initiative committee consisting of 3 to 5 members, including a chairperson, and by means of petition.

(3) On each page, the form on which the signatures as referred to in paragraph 2 are gathered must contain the request and the question(s) to be discussed by the general meeting, the names of the members of the initiative committee, contact addresses, the location where the signatures are gathered and a sequential number of the form. Under a separate heading of "Remarks", there should be a text with the explicit statement of consent to the use of personal data in accordance with the Personal Data Protection Act when introducing the petition. The heading "Remarks" shall include also the data of the escort, where the person is disabled and needs assistance in expressing his/her volition.

(6) Any citizen who wishes to support the proposal shall record his/her full name, civil registry number, permanent address, signature in the form. He/she may place his/her signature once on a petition organised under the procedure set out in this Act, including at a location other than the one specified in his/her permanent or current address, but within the respective municipality, district, mayoralty, settlement or neighbourhood in which the general meeting is held.

(7) The initiative committee shall introduce the petition to the mayor who shall, within the time period specified in the petition, must convene the general meeting of the population.

(8) The announcement of the general meeting convocation shall contain:

1. the date and time of the meeting;
2. the location where it is to be held;
3. questions to be put up for discussion.

(9) The announcement shall be disseminated so as to ensure that it would reach all citizens, including by means of the local press; such announcement should be publicized not later than 15 days prior to the date scheduled for holding the meeting.

Holding a General Meeting of the Population

Article 56. (1) General meetings shall be held not earlier than fifteen days and not later than one month following this announcement.

(2) General meetings shall be held before/after working hours.

Quorum

Article 57. (1) A general meeting of the population shall be deemed legitimate if attended by more than half of the voters in the municipality, district, mayoralty, settlement, or neighbourhood.

(2) If, at the announced hour, the attendees are fewer than the requisite number of voters, the meeting shall be postponed by one hour, after which it shall be held with the participation of those attending. Their number, however, cannot be smaller than one-twentieth of all voters.

(3) Decisions shall be taken with the votes of no less than 1/5 of the voters. Voting by proxy shall be allowed.

Voting

Article 58. (1) The general meeting of the population shall be run by a commission of 3 to 5 members, including a chairperson, elected by a majority of more than half of the voters in attendance.

(2) Voting at the general meeting shall be by secret ballot, unless that general meeting should take the decision for a vote by a show of hands. The chairperson of the meeting shall appoint scrutinizers to tally the results of the voting.

(3) The commission shall approve the ballots for the voting, where it is to be done by secret ballot, and shall make organisational arrangements for the voting and for tallying the result.

(4) Decisions of the general meeting shall be taken by a majority of more than half of those in attendance and shall be announced by the chairperson of the commission immediately.

Protocol from the General Meeting of the Population

Article 59. (1) The commission shall draw up a protocol stating:

1. the date, starting time, closing time and place of holding the meeting;
2. questions to be addressed;
3. proposals made and considerations shared;
4. the results of the voting and the decision taken.

(2) The protocol shall be signed by the chairperson of the commission and shall be kept at the municipal administration (mayoralty).

Determining Voting Results

Article 60. (1) Where the general meeting is held in election sections, the results of the voting in the municipality, district, mayoralty, settlement or neighbourhood shall be determined as a sum of the results of each meeting as follows:

1. by the mayor of the municipality together with the chairpersons of each meeting, where the general meeting is held across the territory of the entire municipality;

2. by the mayor of the municipality, together with the mayors of districts and mayoralties, the chairpersons of each meeting, where the general meeting is held within the territory of a district, mayoralty, settlement or neighbourhood.

(2) The decision taken by the general meeting shall be announced by the mayor of the municipality.

(3) On the basis of the decision taken by the general meeting, the mayor shall, within one week, issue an order specifying measures to implement it or shall make a proposal to the municipal council to prepare and adopt the respective decision, rules or regulation.

Appeals against Actions of the Mayor

Article 61. In case the mayor should fail to act as described in Article 60, paragraph 3, such a refusal can be appealed against before the regional court which shall rule in a final decision within seven days. The initiators shall introduce the decision taken by the general meeting in the municipal council which shall take a decision within one month.

Costs

Article 62. Any costs involved in organising the general meeting of the population shall be covered by the municipal budget.

TRANSITIONAL AND CLOSING PROVISIONS

§1. To all issues relating to the activities of municipal election commissions which are not explicitly regulated in this Act, the provisions of the local elections Act shall apply, and to all other issues relating to holding a national referendum not regulated by this chapter the provisions of the Election of Members of Parliament Act shall apply.

§ 2. This Act shall repeal the Plebiscite Act (promulgated, SG, No. 100 of 1996, amended, No. 69 of 1999.)

§3. In cases where the procedure has started and has not been completed prior to holding new elections for members of parliament or municipal council members, time periods shall be suspended.

§ 4. This Act shall take force as of2007.