

Political Parties Act

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Text in Bulgarian: Закон за политическите партии

Chapter One GENERAL PROVISIONS

Article 1. This Act regulates the establishment, registration, organisation, activities and dissolution of political parties.

Article 2. (1) (Amended and supplemented, SG No. 6/2009) Political parties shall be voluntary associations of citizens holding electoral rights according to Bulgarian law.

(2) Political parties shall contribute to the formation and expression of the political will of citizens through elections or by other democratic means.

(3) Political parties shall use democratic means and methods to achieve their political objectives.

Article 3. Organisations that do not have the status of political parties may not participate in elections.

Article 4. Political parties shall be structured and shall in keeping with the Constitution, the effective primary legislation, and the statutes of said parties.

Article 5. (1) Political parties may not use the coat of arms or the flag of the Republic of Bulgaria or of any foreign State, nor any religious signs or images, in their symbols.

(2) The symbols of political parties may not infringe on universal human values and may not be contrary to good morals.

Article 6. Political parties shall conduct their public events, shall issue addresses, and shall draw up their documents in the Bulgarian language.

Chapter Two ESTABLISHMENT, REGISTRATION AND ACTIVITIES OF POLITICAL PARTIES

Article 7. The establishment and activities of political parties shall constitute a public

process.

Article 8. (1) (Amended, SG No. 6/2009) A citizen holding electoral rights according to Bulgarian legislation may participate in the constituent meeting of a political party only if he or she is not a member of another party.

(2) (Repealed, SG No. 6/2009).

Article 9. (1) (Amended, SG No. 17/2006, supplemented, SG No. 78/2007, amended, SG No. 6/2009, SG No. 98/2016) The following may not be members of a political party: military personnel, personnel in the sphere of internal security and public order, investigating magistrates, the prosecutors, judges, officials of the Diplomatic Service, as well as other persons who are barred from membership in political parties by a dedicated act.

(2) Upon entry of service, the persons referred to in paragraph 1 shall sign a declaration to the effect that they are not members of a political party.

Article 10. (1) (Amended, SG No. 6/2009) A political party shall be established on the initiative of not fewer than fifty citizens holding electoral rights according to Bulgarian law, who shall constitute a Steering Committee.

(2) The Steering Committee shall adopt a Declaration on Establishment in writing.

(3) The Declaration on Establishment referred to in paragraph 2 shall specify the fundamental principles and objectives of the political party.

(4) The Steering Committee shall publish the Declaration on Establishment in at least one national daily newspaper and shall initiate a collection of signatures for recruitment of founding members.

Article 11. (1) (Amended, SG No. 6/2009) Every citizen holding electoral rights according to Bulgarian legislation may join the signature collection process by means of a statement of individual membership, completed and signed manually on a standard form endorsed by the Steering Committee before the Constituent Meeting has been convened.

(2) By the statement referred to in paragraph 1, the citizen shall express his or her personal will to become a member of the political party and shall declare that he or she accepts the fundamental principles and objectives of the political party as stated in the Declaration on Establishment, as well as that he or she is not a member of another political party.

(3) The members of the Steering Committee shall likewise sign a statement under paragraph 1.

Article 12. (1) (Supplemented, SG No. 73/2006) A political party shall be formed at a Constituent Meeting, which shall be held on the territory of the Republic of Bulgaria within three months after the date of adoption of the Declaration on Establishment.

(2) (Amended, SG No. 6/2009) The transaction of business at the Constituent Meeting of a political party shall be considered valid if not fewer than five hundred citizens holding electoral rights according to Bulgarian law, who have signed a declaration referred to in Article 11 herein are present.

Article 13. (1) The Constituent Meeting of a political party shall adopt a Statute of the political party if not fewer than five hundred founding members are present.

(2) The Constituent Meeting shall elect governing and supervisory bodies of the political party according to the Statute as adopted.

Article 14. (1) The Statute of a political party shall state:

1. the designation of the political party and its symbols;
2. the seat and the address of the headquarters;
3. the objectives and the means for attaining these;
4. the governing and the supervisory bodies;

5. the rules regarding the manner of representation of the political party;
6. the procedure for convocation, election and removal of the governing and supervisory bodies and their powers;
7. the procedure for the commencement and cessation of membership;
8. the rights and obligations of members;
9. the rules for the establishment of party chapters and the rights and obligations thereof;
10. the rules for fixing the amount of the membership dues;
11. the rules for raising and spending funds and for disposing with party property;
12. the terms and procedure for dissolution of the political party.

(2) It shall be inadmissible [for the designation of a political party] to replicate the designation of another party, whether in full or in abbreviated form, or to add any words, letters, figures, numbers or other signs to any such designation.

(3) (New, SG No. 32/2015) It shall be inadmissible [for the designation of a political coalition] to replicate the designation of another coalition, registered by the Central Election Commission for participation in the last parliamentary elections or the name of an existing parliamentary group, or to add any words, letters, figures, numbers or other signs to any such designation. This prohibition shall not apply in cases of availability of written consent with certification by a notary public of the signatures of the individuals representing the coalition or the leadership of the parliamentary group.

Article 15. (1) (Supplemented, SG No. 19/2014, effective 5.03.2014, amended, SG No. 17/2019) A political party shall be registered in a public register of political parties at the Sofia City Court. Accessibility to the register by the general public shall be ensured via the website of the court in keeping with requirements for the protection of personal data.

(2) Within three months after the date of holding its Constituent Meeting, the political party shall be registered at the court following an application in writing that must be submitted by the party body which, according to the party's Statute, represents said party.

(3) For the purposes of registration, political parties shall be required to submit the following to the court:

1. a Declaration on Establishment;
2. Minutes of Proceedings at the Constituent Meeting;
3. a Statute of the party;
4. (amended, SG No. 6/2009) a list containing the full name, the Personal Identification Number and a manual signature of each of not fewer than five hundred founding members of the party, who must be citizens holding electoral rights according to Bulgarian law;
5. declarations of individual membership referred to in Article 11 herein;
6. notarised specimens of the signatures of the persons representing the political party;
7. (amended, SG No. 6/2009) a list stating the full name, the Personal Identification Number and a manual signature of each of not fewer than two thousand and five hundred members;
8. a notarised declaration by the leadership of the political party concerning the authenticity of the documents referred to in items 3, 4 and 7;
9. a certificate of uniqueness of the designation.

(4) The document referred to in item 3 of paragraph 3 shall be issued by the Sofia City Court according to a procedure established thereby.

Article 16. Within one month of submission of an application under Article 15(2) herein, the Sofia City Court, sitting in public session, shall consider the application according to the procedure established by the Code of Civil Procedure, with the applicant being summoned and

with the participation of a public prosecutor, and shall render a judgement within fourteen days of the hearing.

Article 17. (1) The following circumstances shall be entered into the register of Sofia City Court:

1. the designation of the political party;
2. the seat and the address of its headquarters;
3. the Statute of the political party;
4. the names of the members of the governing and supervisory bodies of the political party;
5. the names of the persons who, according to the Statute, represent the political party;
6. the dissolution process of the political party;
7. the names or, respectively, the designation and the address of the liquidators;
8. any subsequent changes in the circumstances covered under items 1 to 7.

(2) Entries shall be made under the terms and according to the procedure established by the Code of Civil Procedure.

Article 18. (1) (Amended, SG No. 59/2007, supplemented, SG No. 86/2017) Any judgment on the application for registration shall be appealable or subject to objection before the Supreme Court of Cassation within seven days of its delivery regardless of the prerequisites for cassation appealability covered under paragraphs 1 and 2 of Article 280 of the Code of Civil Procedure.

(2) The Supreme Court of Cassation shall render a final judgment within fourteen days of submission of an appeal or a protest under paragraph 1.

(3) The Sofia City Court shall enter the political party into the register of political parties within seven days of the entry into effect of the judgment of registration.

(4) A political party shall qualify as a legal entity as from the day of entry of said political party into the register of political parties at the Sofia City Court.

Article 19. The judgment of the court concerning entry of a political party into the register shall be promulgated in the State Gazette within seven days of the delivery of said judgment.

Article 19a. (New, SG No. 6/2009) Political parties shall submit an abstract of minutes attesting to a meeting held by the supreme body of said parties as designated by the Statute of the party to the Sofia City Court, regardless of whether the circumstances subject to entry exist, within one month of said meeting taking place.

Article 20. (1) Political parties may establish local chapters along territorial or thematic lines and on the basis of residence.

(2) Political parties may establish youth, women's and other structures of theirs.

(3) Political parties may not establish workplace chapters at commercial corporations, cooperatives, sole traders, not-for-profit legal entities and religious institutions, at state, regional or municipal administrations and they may not interfere with the management and operation of these.

(4) Political parties may not establish children's and adolescents' chapters whose members have not attained the age of 18 years or any religious and paramilitary structures.

Chapter Three

PROPERTY, FINANCING, AND SPENDING OF FUNDS

Article 21. (Supplemented, SG No. 60/2019, effective 30.07.2019) The activities of political parties can be financed by revenue from own sources and by state subsidy.

Article 22. (1) (Supplemented, SG No. 6/2009) Political parties may not carry out any economic activities, except in the cases referred to in Article 23(1)(6) herein.

(2) Political parties shall not have the right to incorporate or to hold participating interests in any commercial corporations and cooperatives.

Article 23. (1) Revenue from own sources of political parties shall include any proceeds accruing from:

1. membership fees;
2. own immovable property;
3. donations from and wills of natural persons;
4. (repealed, SG No. 6/2009, new, SG No. 60/2019, effective 30.07.2019) donations from legal entities and sole traders;
5. (supplemented, SG No. 73/2006) interest receivable on cash deposits with banks and income from securities, insofar as this does not conflict with Article 22 herein;
6. publishing, copyright and use of intellectual property, as well as from the sale and distribution of printed, audio and audio-visual material of party propaganda content.

(2) (Amended, SG No. 6/2009, repealed, SG No. 60/2019, effective 30.07.2019).

(3) Political parties may contract loans from banks to an amount not exceeding two-thirds of the revenue for the preceding calendar year as reported to the National Audit Office.

(4) (Amended, SG No. 6/2009) The revenue referred to in paragraph 3 shall include the state subsidy and the revenue referred to in items 1, 2, 5 and 6 of paragraph 1.

(5) (Amended, SG No. 6/2009, SG No. 95/2015, effective 1.01.2016) Any non-cash revenue referred to in paragraph 1 shall be measured in keeping with the procedure set out in Article 26(2) of the Accountancy Act.

Article 24. (Amended and supplemented, SG No. 73/2006, amended, SG No. 6/2009) (1) (Previous text of Article 24, SG No. 9/2011) Political parties may not receive:

1. (supplemented, SG No. 9/2011) anonymous donations in any form whatsoever;
2. (supplemented, SG No. 60/2019, effective 30.07.2019) funds from any legal entities and from any sole traders that have outstanding public liabilities and/or are registered in preferential tax regime jurisdictions;
3. (repealed, SG No. 60/2019, effective 30.07.2019);
4. funds from any foreign governments or from any foreign state-owned enterprises, foreign commercial corporations or foreign non-profit organisations.

(2) (New, SG No. 9/2011) Political parties may not receive any movable and immovable property for gratuitous use, nor any gratuitous services in any form whatsoever, from the entities referred to in items 2, 3 and 4 of paragraph 1.

(3) (New, SG No. 9/2011) Natural persons may provide political parties with movable and immovable property for gratuitous use only if said property is owned by said persons, as well as gratuitous services only performed through work done in person.

(4) (New, SG No. 39/2016, effective 26.05.2016) Political parties may not gratuitously use any public administrative resource.

Article 25. (Amended, SG No. 73/2006, SG No. 6/2009, SG No. 50/2019, effective 25.06.2019) A state subsidy shall be allocated to:

1. political parties which have received not less than one per cent of the valid votes in the country and abroad, not counting the votes referred to in Article 279(1)(6) of the Electoral Code, during the last general elections;

2. coalitions which have received not less than 4 per cent of the valid votes in the country and abroad, not counting the votes referred to in Article 279(1)(6) of the Electoral Code, during the last general elections.

(2) The state subsidy allocated to each coalition referred to in item 2 of paragraph 1 shall be distributed among the parties in the coalition according to a coalition agreement or, if no such agreement exists, proportionally depending on the number of National Representatives from each parties.

Article 26. (Amended, SG No. 50/2019, effective 25.06.2019) (1) The annual amount of the state subsidy for each political party or coalition referred to in Article 25(1) shall be determined by multiplying the valid votes received by that party or coalition by the amount of the state subsidy for one valid vote received. The amount of the state subsidy for one valid vote received shall be determined each year in the state budget of the Republic of Bulgaria Act.

(2) By an order, the Minister of Finance shall determine the documents which the parties and coalitions referred to in Article 25(1) must submit to be allocated state subsidy and the deadlines for their submission. If the documents are not submitted within the deadline, are incomplete or contain irregularities, the state subsidy shall not be transferred until the documents are submitted or the cases of incompleteness or irregularity are rectified.

(3) The state subsidy shall be allocated on an annual from the state budget to the parties meeting the requirements set out in Article 25(1)(1) and to the parties that are part of the coalitions meeting the requirements set out in Article 25(1)(2) in four instalments: by 30 April, by 30 June, by 30 September and by 20 December of the respective year. The state subsidy shall be allocated in equal instalments, except in the cases set out in Article 27. The Ministry of Finance shall transfer the state subsidy into the bank account indicated by the party referred to in the first sentence.

(4) In case that any circumstance covered by paragraph 2 and related to the allocation of the state subsidy changes, the representatives of the respective party or coalition shall notify the Ministry of Finance within 7 days of the change occurring.

(5) On its website, the Ministry of Finance shall publish information on the subsidy allocated within 7 days of the amount in state subsidies transferred to each political party. Where the parties are part of a coalition, the total amount allocated to the coalition shall also be published.

Article 27. (Amended, SG No. 73/2006, SG No. 6/2009, SG No. 99/2010, effective 1.01.2011, SG No. 99/2011, effective 1.01.2012, supplemented, SG No. 39/2016, effective 26.05.2016, amended, SG No. 50/2019, effective 25.06.2019) (1) The expenditure required for the state subsidy referred to in Article 25 shall be planned in the state budget for the respective year. The planned expenditure is indicative.

(2) In a year of general elections, as well as when it is necessary to recalculate the annual amount of the state subsidy for a certain period according to an act, Article 26 shall apply with the following exceptions:

1. the annual amount of the state subsidy for parties and coalitions shall be determined using the following formula:

$$S = A \times C \times D / B,$$

where:

S is the annual amount of the state subsidy to the party or coalition concerned;

A is the annual amount of subsidy for one valid vote received;

B is the number of calendar days in the year;

C is the number of days from 1 January of the year concerned to the day before the election day/the day before the date of entry into force of the act or from the election day*/the date of

entry into force of the act to the day before the next election day*/the day before the entry into force of the act, including that day, or to 31 December of the year concerned;

D is the number of valid votes received by the party or coalition concerned;

* when more than one general elections take place in a given year;

2. the state subsidy according to item 1 shall be allocated within the time limits set out in Article 26(3), and in case of objective impossibility – within the next time limit set out in Article 26(3) respectively.

Article 28. (1) (Amended, SG No. 50/2019, effective 25.06.2019) The Central Election Commission shall provide the Ministry of Finance with the data referred to in Article 25(1), Article 26(1) and Article 27.

(2) A state subsidy received may not be furnished as security for receivables of third parties.

Article 28a. (New, SG No. 6/2009) Political parties shall declare any bank accounts that they open to the National Audit Office within fourteen days after the opening of said accounts.

Article 29. (1) (Previous text of Article 29, SG No. 6/2009) Political parties shall spend their funds on preparation and participation in elections, to ensure the operation of party chapters, on organisational expenses for conducting events, and on other expenses inherent to the activity of the party.

(2) (New, SG No. 6/2009) Each political party shall create and keep a public register in which it shall keep a record of:

1. (supplemented, SG No. 60/2019, effective 30.07.2019) the persons referred to in Article 23(1)(3) herein and the type, value and purpose of the donation or legacy, devise and bequest made;

2. (amended, SG No. 9/2011, SG No. 19/2014, effective 5.03.2014, supplemented, SG No. 60/2019, effective 30.07.2019) a declaration by the persons referred to in items 3 and 4 of Article 23(1) herein on the origin of the funds, in the cases where the donation is of an amount exceeding one minimum wage;

3. the designations of the sociological agencies and the advertising agencies, as well as of the public relations agencies which work with the party;

4. the circumstances covered under Article 17 herein;

5. the immovable property owned;

6. (amended, SG No. 9/2011) the transactions for disposition of movable or immovable property whose value exceeds BGN 1,000;

7. (new, SG No. 9/2011, repealed, SG No. 60/2019, effective 30.07.2019);

8. (renumbered from Item 7, SG No. 9/2011) the annual financial statements and the financial reports on the election campaigns.

(3) (New, SG No. 6/2009) The circumstances covered under paragraph 2 shall be recorded in the register within fourteen days of the occurrence of said circumstances.

(4) (New, SG No. 6/2009) Public access to the register referred to in paragraph 2 shall be ensured by means of the website of the political party.

Article 30. (1) Each party shall designate a specific person or persons who shall be responsible for the revenue, expenditure and books of the party.

(2) Within thirty days of its court registration, each political party shall submit the names and positions of the persons referred to in paragraph 1 to the National Audit Office and, upon any change to the list of said persons, the names and positions of the replacements shall be submitted within seven days of any such change taking place.

(3) (New, SG No. 73/2006, amended, SG No. 30/2013, effective 26.03.2013, SG No.

71/2013, effective 13.08.2013) he persons referred to in items 4 and 5 of Article 17(1) herein shall declare their financial interests, income and expenses at home and abroad according to the procedure established by the Public Disclosure of Financial Interests of Officials Holding High State and Other Positions Act.

(4) (New, SG No. 73/2006, repealed, SG No. 30/2013, effective 26.03.2013, new, SG No. 71/2013, effective 13.08.2013) The procedure under paragraph 3 shall not apply in regard to political parties, which are not receiving state subsidy.

Article 31. (1) (Amended, SG No. 60/2019, effective 30.07.2019) The State and the municipalities shall provide, free of charge, premises to the political parties which have a parliamentary group or a sufficient number of National Representatives to form a parliamentary group, for performance of the activities of the said parties.

(2) (Amended, SG No. 60/2019, effective 30.07.2019) Premises referred to in paragraph 1 may furthermore be provided to parties which, at the latest general elections, have received more than 1 per cent of the valid votes in Bulgaria and abroad, except for the votes referred to in Article 279(1)(6) of the Election Code.

(3) The provision of premises to political parties shall comply with the provisions of the State Property Act and the Municipal Property Act.

Article 32. (Supplemented, SG No. 102/2005, amended, SG No. 6/2009, SG No. 60/2019, effective 30.07.2019) (1) The political parties to which premises are provided in accordance with Article 31 shall pay the operating expenses relevant to such premises, if any.

(2) The premises provided to political parties may not be sublet to tenants nor given out for any other use. Any such premises may be used jointly with third parties solely for purposes directly related to the activities of the party. No business activities can be carried on from said premises.

(3) The relations with political parties shall be terminated by reason of non-payment of the operating expenses for a period exceeding three months or in the event of violation of the prohibition set out in paragraph 2.

Chapter Four

PUBLICITY AND FINANCIAL CONTROL

(Heading amended, SG No. 6/2009)

Article 33. (1) Financial control over the activities of political parties and the management of the property allocated to them shall be exercised by the National Audit Office.

(2) Political parties shall apply a double-entry system of bookkeeping according to the provisions of the Accountancy Act.

Article 34. (1) (Amended, SG No. 73/2006, SG No. 6/2009, SG No. 95/2015, effective 1.01.2016) Political parties shall draw up financial statements for the preceding calendar year in accordance with the requirements of Chapter Three, Section III of the Accountancy Act.

(2) (Amended, SG No. 73/2006) The financial statements referred to in Paragraph (1) shall be subject to independent financial audit and certification by an independent financial auditor before the submission of the said statements to the National Audit Office if during the reporting period the political party has received or spent amounts and/or other property to a value exceeding BGN 50,000 regardless of the origin thereof.

(3) The costs of the audit and certification of the financial statements shall be for the

account of the relevant political party.

(4) (Amended, SG No. 73/2006, SG No. 6/2009, supplemented, SG No. 60/2019, effective 30.07.2019) Political parties shall submit to the National Audit Office a financial statement in hardcopy and electronically not later than the 31st day of March of each year. A declaration completed in a standard form containing a list of the natural persons, legal entities and sole traders that have made donations shall be attached to any such statement.

(5) (New, SG No. 73/2006, amended, SG No. 6/2009) Any annual financial statement, which does not meet the requirements referred to in paragraph 1 and/or paragraph 4 regarding the form, content and manner of presentation of said statement, as well as any statement not accompanied by the declaration referred to in paragraph 4 shall be considered not submitted.

(6) (Renumbered from Paragraph 5, SG No. 73/2006, amended, SG No. 6/2009) Not later than the 15th day of April of the same year, the National Audit Office shall publish on its website the financial statements and declarations referred to in paragraph 4, a list of the designations of the parties which failed to submit statements within the time limit referred to in paragraph 4, as well as a list of the parties which have received a state subsidy during the preceding year.

(7) (New, SG No. 73/2006) The National Audit Office shall prepare a standard form of the declaration referred to in Article 4 herein.

Article 35. (Amended and supplemented, SG No. 73/2006, amended, SG No. 6/2009) (1) Within six months of expiry of the time limit for receipt of the annual financial statements, the National Audit Office shall conduct an audit to check for compliance with the requirements of this Act and of the Accountancy Act of the financial activity, the revenues, the expenditure and the management of the property allocated to political parties which, during the preceding year:

1. received a state subsidy;
2. used state-owned or municipal-owned premises provided thereto;
3. participated in elections, if such elections were held.

(2) When conducting an audit referred to in paragraph 1, the authorities of the National Audit Office shall be entitled:

1. to unimpeded access to the service premises and to all documents, statements, assets and liabilities related to the financial activity of the political parties;
2. to require, within time limits set by them, certified copies of documents and other information in connection with conduct of the audits, including electronic information;
3. to require oral and written explanations from office holders, including from former office holders, on facts ascertained in the course of the audits, as well as on matters concerning their activity;
4. to require data sheets, certified copies of documents and other information from natural persons, legal persons and sole traders outside the political party concerned related to possible cases of unlawful activity;
5. to require and receive information from all authorities in the country, as well as access to the databases these in connection with conducting the audit.

(3) In case of a refusal to provide information referred to in item 4 of paragraph 2, the President of the National Audit Office shall have the right to issue an order to conduct an examination of the legal entity or of the sole trader in connection with the information refused. In the event of obstruction of the examination on the part of the legal entity or by the sole trader, the National Audit Office shall refer the matter to the prosecuting authorities.

(4) The written evidence taken in the course of the examination referred to in paragraph 3 shall be an integral part of the documentation on the audit conducted.

Article 35a. (New, SG No. 6/2009) (1) After expiry of the time limit referred to in Article

34(6) herein, the competent structures within the National Revenue Agency shall carry out activities within the scope of their competence according to the procedure established by Chapter Fifteen of the Tax and Social-Insurance Procedure Code in respect of the political parties which receive a state subsidy and which have failed to submit their statements to the National Audit Office when due.

(2) The National Revenue Agency shall carry out the activities referred to in paragraph 1 within the time limits set out in Article 114(1) and (2) of the Tax and Social-Insurance Procedure Code.

(3) After expiry of the time limits referred to in paragraph 2, the Executive Director of the National Revenue Agency shall send the National Audit Office information on the action taken by said Agency, including information on the auditing instruments issued.

(4) Within one month after adoption of the report or after receipt of the information referred to in paragraph 3, as the case may be, the National Audit Office shall publish on its website the report on the audit referred to in Article 35(1) herein and the information received from the National Revenue Agency.

Article 36. (1) In the event of non-submission or late submission of financial statements to the National Audit Office, political parties shall forfeit their entitlement to a state subsidy until the next general elections take place.

(2) (Amended, SG No. 6/2009) Where the National Audit Office has ascertained violations by a political party in the raising and spending of funds, in the management of the property as allocated or in the financial reporting in the course of the audit, by a decision, the National Audit Office shall transmit the relevant part of the report, as well as the evidence taken, to the Sofia City Prosecutor's Office within seven days of adoption of said report.

Article 37. (Amended, SG No. 6/2009) (1) The National Audit Office shall issue certificates on the annual financial statements of the political parties as submitted and/or non-submitted within the time limit referred to in Article 34(4) herein for the last preceding three years, and in respect of the newly registered parties, for the period commencing on the date of their court registration.

(2) The certificate referred to in Paragraph 1 shall be presented by the political party to the competent Central Election Commission upon registration for participation in elections.

Article 37a. (New, SG No. 6/2009, repealed, SG No. 9/2011).

Chapter Five

DISSOLUTION OF POLITICAL PARTIES

Article 38. A political party shall be dissolved upon:

1. a decision on merger by forming a new party or by joining another party;
2. a decision on division by forming two or more new parties;
3. a decision on self-dissolution according to the party's Statute;
4. an effective judgment of the Constitutional Court, whereby the political party is declared unconstitutional;
5. dissolution by judgment of the Sofia City Court.

Article 39. Any decisions under items 1 and 2 of Article 38 herein shall be made by the supreme body of the party. This power may not be delegated to the governing body of the party.

Article 40. (1) The Sofia City Court shall rule on the dissolution of a political party solely in the cases where:

1. by its activities, such a party commits systemic violations of the requirements established herein;

2. the activity of such a party is in conflict with the provisions of the Constitution;

3. (supplemented, SG No. 60/2019, effective 30.07.2019) such a party has not participated in general elections, presidential elections, elections of Members of the European Parliament from the Republic of Bulgaria or of Municipal Councillors and Mayors over the course of more than five years following its latest court registration;

4. (new, SG No. 6/2009) such a party has failed to submit its annual financial statements to the National Audit Office for two successive years;

5. (new, SG No. 6/2009) such a party has not held the meetings of its supreme body as provided for in its Statute on more than two successive occasions but not less than once every five years, and has failed to present the composition of the new leadership to the court for entry.

(2) The court judgment under paragraph 1 shall be rendered on a motion by a public prosecutor.

Article 41. (1) (Amended, SG No. 59/2007) The Sofia City Court judgment referred to in Article 40 herein shall be appealable before the Supreme Court of Cassation regardless of the prerequisites for cassation appealability covered under Article 280(1) of the Code of Civil Procedure.

(2) (Amended, SG No. 59/2007) The Supreme Court of Cassation shall rule within fourteen days, rendering a judgment which shall be final and which shall not be subject to reversal under Article 303 of the Code of Civil Procedure.

(3) Any judgment terminating a political party shall be entered into the register of the Sofia City Court and shall be promulgated in the State Gazette within seven days of entry.

Article 42. (1) Upon dissolution of a political party under items 1 to 3 of Article 38 herein, the competent body shall determine the manner of disposition of the property of said party.

(2) Upon dissolution of a political party under item 4 of Article 38 herein, the property thereof shall pass to the Exchequer. The State shall be liable for the obligations of the dissolved party up to the amount of the property received.

Chapter Six

ADMINISTRATIVE PENALTY PROVISIONS

Article 43. (Amended and supplemented, SG No. 73/2006, amended, SG No. 6/2009, SG No. 19/2014, effective 5.03.2014) (1) (Supplemented, SG No. 39/2016, effective 26.05.2016) Any political party, which fails to altogether submit or fails to submit in due course a financial statement referred to in Article 34(1) herein and a statement under Article 34(4) herein, shall be liable to pay a pecuniary penalty of between BGN 5,000 and BGN 10,000.

(2) (Amended, SG No. 39/2016, effective 26.05.2016) Any political party which fails to create a public register or which fails to record any of the circumstances covered under Article 29(2) herein in the public register shall be liable to pay a pecuniary penalty of between BGN 3,000 and BGN 10,000.

(3) (New, SG No. 39/2016, effective 26.05.2016) Any repeated violation under paragraphs 1 or 2 shall be punishable by a pecuniary penalty in a double amount.

Article 43a. (New, SG No. 19/2014, effective 5.03.2014) (1) (Amended, SG No. 39/2016, effective 26.05.2016, SG No. 60/2019, effective 30.07.2019) Upon breach of the requirements of Article 22, Article 24 and Article 29 (1) herein, the person referred to in Article 30 (1) herein or, if no such person has been designated, the person who represents the political party, shall be

liable to a fine of BGN 3,000 or exceeding this amount but not exceeding BGN 15,000.

(2) (Amended, SG No. 39/2016, effective 26.05.2016) In the event of failure to discharge the duty referred to in Article 28a herein, the person referred to in Article 30(1) herein or, if no such person has been designated, the person who represents the political party shall be liable to pay a fine of between BGN 500 and BGN 1,000.

(3) (Amended, SG No. 39/2016, effective 26.05.2016) In the event of failure to discharge the duties referred to in paragraphs 1 and 2 of Article 30 herein, the person who represents the political party shall be liable to pay a fine of between BGN 500 and BGN 1,000.

(4) Any repeated violation under paragraphs 1 and 2 shall be punishable by a fine in a double amount.

Article 44. (1) (Amended, SG No. 19/2014, effective 5.03.2014) The written statements ascertaining the violations referred to in Articles 43 and 43a herein shall be drawn up by in-house public officials empowered by the President of the Bulgarian National Audit Office.

(2) Penalty decrees shall be issued by the President of the National Audit Office.

(3) Drawing up written statements, issuing, appealing against and executing penalty decrees shall follow the procedure set out in the Administrative Violations and Sanctions Act.

Article 45. (1) Any mayor or regional governor who fails to fulfil an obligation arising from a court decision revoking a refusal to provide a premise to a political party shall be liable to pay a fine for non-compliance to the amount of between BGN 500 and BGN 1,500 imposed by the competent court.

(2) Repeated commission of any such violation shall be punishable by a fine of between BGN 5,000 and BGN 10,000.

SUPPLEMENTARY PROVISION

§ 1. Within the meaning of this Act:

1. "anonymous donations" shall be any donations in respect of which the identity or business name of the donor are kept confidential vis-a-vis third parties;

2. (amended, SG No. 6/2009) "funds" shall be all cash and non-cash resources provided to a political party on the basis of a gratuitous transaction;

3. (repealed, SG No. 6/2009);

4. "financial statement" shall be an annual financial statement within the meaning given by the Accountancy Act;

5. "independent financial auditor" shall be a registered auditor within the meaning given by the Independent Financial Audit Act;

6. (repealed, SG No. 6/2009, new, SG No. 19/2014, effective 5.03.2014) "repeated violation" shall be any violation which is committed within one year of a penalty decree whereby a sanction is imposed for a violation of the same kind becoming enforceable.

7. (new, SG No. 39/2016, effective 26.05.2016) "public administrative resource" shall denote funds from the state budget, premises, automotive vehicles, aircraft and other transport vehicles, equipment and other movable and immovable assets - in state and municipal ownership, made available to the administration, to state and local bodies and to state and local enterprises, as well as the labour of the administration employees.

TRANSITIONAL AND FINAL PROVISIONS

§ 2. The Non-profit Legal Persons Act shall apply to any matters not regulated by this Act.

§ 2a. (New, SG No. 54/2010, effective 16.07.2010) (1) The amount of the annual state

subsidy for 2010, which is determined according to the procedure established by Article 27(1), shall be provided to political parties and coalitions at a rate of 85% of the total amount according to the State Budget of the Republic of Bulgaria Act for 2010.

(2) The decrease in the amount of the annual subsidy shall affect the remaining instalments relevant to 2010.

§ 3. The Political Parties Act (promulgated in the State Gazette No. 30/2001; amended in No. 103/2003) is hereby superseded.

§ 4. (1) (Amended, SG No. 102/2005) Any political parties registered prior to the date of entry into force of this Act shall bring their statutes in conformity with the provisions of this Act.

(2) Any proceedings for registration of political parties initiated prior to the entry into force of this Act are hereby terminated.

(3) Any political party registered under a designation replicating the designation of another pre-registered party, whether in full or in abbreviated form, or under a designation adding any words, letters, figures, numbers or other signs to any such designation, shall re-register under a different designation under the terms and according to the procedure established herein within the time limit referred to in paragraph 1.

(4) In the cases referred to in paragraph 3, in the event of failure to submit documents for re-registration in due course, a political party shall be dissolved by the court on a motion by a public prosecutor or, where a refusal of re-registration has taken effect, shall be expunged by the court proprio motu.

(5) Within one month of dissolution, the regional governors and the municipality mayors shall terminate the lease agreements for premises constituting state or municipal property which have been concluded with any political parties dissolved under paragraph 4.

§ 5. (Repealed, SG No. 6/2009).

§ 6. In the Election of Members of Parliament Act (promulgated in the State Gazette No. 37 of 2001; [amended by] Constitutional Court Judgment No. 8 of 2001, [promulgated in] No. 44 of 2001; amended, No. 45/2002), a new item 3 shall be added to Article 50(3), to read as follows:

"3. a certificate from the National Audit Office on prompt submission of financial statements for the preceding three years."

§ 7. In the Election of President and Vice President of the Republic Act (promulgated in the State Gazette No. 82/1991; amended in No. 98/1991, No. 44/1996, No. 59/1998, Nos. 24, 80 and 90/2001, No. 45/2002), a new item 5 shall be added to Article 6(1), to read as follows:

"5. a certificate from the National Audit Office on prompt submission of financial statements for the preceding three years."

§ 8. In the Local Elections Act (promulgated in the State Gazette No. 66/1995; corrected in No. 68/1995; modified by Constitutional Court Judgment No. 15/1995, promulgated in No. 85/1995; amended in No. 33 /1996; modified by Constitutional Court Judgment No. 4/1997, promulgated in No. 22/1997; amended in Nos. 11 and 59/1998, Nos. 69 and 85/1999, No. 29/2000, No. 24/2001, No. 45/2002, Nos. 69 and 93/2003), Article 40 (2) shall be amended to read as follows:

"(2) Parties shall submit a transcript of the court judgment whereby they have been registered, as well as a certificate from the National Audit Office on the prompt submission of financial statements for the preceding three years. Where any parties participate in a coalition, each of them shall submit a transcript of the court judgment and a certificate from the National Audit Office. Party coalitions shall submit the decision on their formation signed by the leaderships of the relevant parties, specimens of the signatures of the persons who represent said parties and a specimen of the impression of the seal of the coalition, if any."

§ 9. This Act shall enter into force as from the date of its promulgation in the State Gazette.
This Act was passed by the 39th National Assembly on the 18th day of December 2004 and on the 23rd day of March 2005 and the Official Seal of the National Assembly has been affixed to it.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Political Parties Act
(SG No. 6/2009)

§ 28. Not later than the 31st day of March 2009, the Prosecutor's Office shall conduct a check and shall approach the court with a motion for dissolution of political parties which do not meet the requirements covered under items 1 to 4 of Article 40(1).

§ 29. (1) Within one month of the entry into force of this Act, registered political parties shall declare their bank accounts under Article 28a.

(2) Within three months of the entry into force of this Act, the National Audit Office shall endorse the standard forms of financial reports on the funds raised and spent in election campaigns referred to in Article 37a(2).

§ 30. (1) Not later than the 31st day of March 2009, political parties shall submit to the National Audit Office a declaration completed in a standard form, together with the certified financial statement, attaching thereto a list of the legal entities which have made donations to the party, the type, amount, value and purpose of said donations, as well as a list of the not-for-profit legal entities any of whose founders and/or members of the governing or control bodies are members of the governing or supervisory bodies of the political party concerned or their children or spouses.

(2) Any not-for-profit legal entities which have made a donation to the benefit of any political party shall likewise submit a form declaration referred to in paragraph 1.

(3) Not later than the 15th day of April 2009, the National Audit Office shall publish on its website the form declarations referred to in paragraph 1 and the names of the political parties which have failed to submit such declarations.

(4) Any person designated by the governing bodies of a political party or of a not-for-profit legal entity who fails to submit a declaration referred to in paragraph 1 shall be liable to pay a fine of between BGN 1,000 and BGN 2,000.

FINAL PROVISIONS to the amendment of the Act
on Public Disclosure of Senior Government Officials
(SG No. 30/2013, effective 26.03.2013)

§ 5. (1) The persons to whom the entry into force of this Act, an obligation arises under Article 2, para. 1, submit a declaration under Article 4, paragraph 1 within 14 days of its publication in the "State Gazette". Declarations shall be published immediately in the National Audit Office on the Internet.

(2) Persons under par. 1 can make changes in the declarations filed by them within 7 days of publication. Changes are published immediately.

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TRANSITIONAL PROVISION

to the Act to Supplement the Political Parties Act
(SG No. 32/2015)

§ 2. The provision of Article 14, Paragraph (3) shall also apply to the procedures for registration of political parties, initiated prior to the entry into force of this Act.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend the Political Parties Act

(SG No. 50/2019, effective 25.06.2019,
amended, SG No. 28/2020, effective 13.03.2020)

§ 5. (1) The annual state subsidy allocated to political parties and coalitions for the period between 26 May 2016 and the date of entry into force of this Act shall be recalculated by the Ministry of Finance according to Articles 26 and 27.

(2) The difference between the state subsidies allocated for the period between 26 May 2016 and the date of entry into force of this Act and the amount recalculated in accordance with paragraph 1 shall be returned by the political parties and the parties in the respective coalitions that received subsidies and shall be returned to the state budget. The funds to be returned by parties that are part of a coalition shall be determined using the method via which state subsidies were allocated between these parties when they were disbursed.

(3) Within 7 days of the entry into force of this Act, information on the funds to be returned by political parties shall be published on the website of the Ministry of Finance. Where parties are part of a coalition, the total amount determined for the coalition shall also be published.

(4) A political party, including a party that is part of a coalition, that receives a state subsidy and has not voluntarily returned the difference referred to in paragraph 2 shall be disbursed a subsidy in the following amounts until the second part of the subsidy for 2019:

1. seventy per cent of the amount to be allocated to said party as a second part of the subsidy for 2019;

2. (amended, SG No. 28/2020, effective 13.03.2020) fifty per cent of the amount to be allocated to said party for each successive part of the subsidy by the 31st day of December 2020.

(5) (Amended, SG No. 28/2020, effective 13.03.2020) In case of shortage of funds under paragraph 4 or lack of further instalments to the subsidy, the difference not returned by a political party, including by a party that is part of a coalition, shall be returned by 31 January 2021.

(6) (Amended, SG No. 28/2020, effective 13.03.2020) A political party, including a party that is part of a coalition, that does not receive state subsidy shall return the difference referred to in paragraph 2 by 31 January 2021.

(7) After the time limits set out in subparagraphs 5 and 6 expire, the funds which have not been returned shall be collected according to the general procedure.

§ 6. Until an up-to-date coalition agreement on the allocation of the state subsidy between the parties in a coalition referred to in Article 25(1)(2) is presented, the Ministry of Finance shall allocate the state subsidy to the parties in the respective coalition according to the coalition agreement for the allocation of the state subsidy submitted by the coalition before the entry into force of this Act, reducing the amounts specified in the agreement in proportion to the new amount of the state subsidy determined in accordance with Article 26(1).

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TRANSITIONAL AND FINAL PROVISIONS

to the Act on the Measures and Actions during the State of Emergency

Declared by a Resolution of the National Assembly of 13 March 2020

(SG No. 28/2020, effective 13.03.2020)
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§ 35. In 2020, the first tranche of the state subsidy under Article 25 of the Political Parties

Act shall be provided by the 30th day of June 2020.

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§ 52. This Act shall enter into force on the 13th day of March 2020 with the exception of Article 5, § 3, § 12, § 25 – 31, § 41, § 49 and § 51 which shall enter into force as from the day of the promulgation of this State Gazette and shall be applicable until the abrogation of the state of emergency.