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**Voter Information  
and Education Project**  
**Republic of the Philippines**

**Final Report**  
**March 1997**

**THE IFES ON-SITE ASSISTANCE TEAM**

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# FINAL VOTER INFORMATION AND EDUCATION PLAN

By Gwenn Hofmann

## Introduction:

In early January 1997, the IFES Election Modernization and Voter Education interim report was delivered to COMELEC Commissioners and Executive Director for review and consideration. They were then briefed on its content, rationale, recommendations, and conclusions. Developed as both an internal and external resource, the report was intended to help COMELEC understand the realities of current citizen concerns and needs so that it might develop a more targeted approach to future voter education and information programs. Even though the IFES report contains some critical information, COMELEC expressed its appreciation for the report's constructive and instructive content. The Commission believes it can now better develop and target information and education programs designed to motivate and inform voters in the short term and develop more positive attitudes in the long term.

The Commissioners and Executive Director were especially interested in the analysis of the focus groups and saw the benefit of building a voter information and education program based on the focus groups findings and conclusions. They were also appreciative of the fact that IFES gave them undiluted facts and information from the focus groups without trying to "sugar coat them in any way." They stated that the IFES findings confirmed many issues for them and provided conclusions and recommendations which might help them justify appropriate funding for future modernization information and education programs.

The Voter Information section of the interim report points out the need for comprehensive programs presented in a variety of ways and offers formats which have not yet been widely used by COMELEC. The report points out two factors critical to the ultimate success of a voter information program: proper timing of the development and delivery of the programs and necessary funding.

Overall, COMELEC agreed with the outlined objectives, goals, targets and evaluation criteria of the programs as presented in the interim report. Their main concern focuses on how they can meet these goals and objectives given the many problems and issues they are currently facing. Most Commissioners and the Executive Director support the development and delivery of a comprehensive program as outlined in the interim report because they believe the lack of voter information in 1995 created suspicions about COMELEC and reduced voter confidence in both the election process and their agency.

The plaguing questions are not so much whether to support the programs in the report but how

to finance, develop, and deliver the programs in a timely fashion - especially given all of the projected election preparations, new laws, development of regulations and general registration work scheduled for the current election cycle (March 1997 to May 1998). There will be many new voting procedures implemented in the 1998 election which will require regulations being written, procedures developed, and additional training programs for election day workers. All of the developmental work, planning, and preparation must be done in a timely manner so that successful and timely implementation will be assured for the May 1998 elections.

Many of the suggested programs in the interim report are new to COMELEC and there seems to be some apprehension as to whether or not the staff has the time or expertise to develop them. Media-based programs have never been developed internally. In 1992 they were developed and produced by a public relations company. In 1995, newspaper ads were actually cut and pasted from the 1992 ads. In-house work has consisted mostly of developing posters and primers and oversight of externally developed programs.

Currently there is a voter education curriculum bill pending in Congress which, if passed, will require COMELEC to work with the Board of Education to develop long term in-school education programs. This will require considerable staff time, which will be at a premium during the next year. A school-based educational curriculum was suggested in the interim report as a source and resource for developing positive attitudes toward the election system, reducing fraud, and providing long term attitude changes in the voting public. COMELEC supports the idea of this program and believes it would be especially effective in the rural areas.

Assuming the Modernization Bill (voting equipment) passes, COMELEC will be involved in writing requests for proposals; reviewing vendor proposals; contract negotiations; production and training issues; locating, recruiting, and training appropriate technical and election personnel; and planning new logistical and implementation programs for the May 1998 election. In reality COMELEC will face extraordinary challenges in handling all of these requirements in addition to implementing innovative voter information and education programs. For COMELEC the concerns are how to best meet the mandates and projected needs during the next year.

#### **Baguio City Electoral Reform Round Table Conference - January 16 - 19, 1997:**

To determine how best to deal with all of the issues and priorities and still find the time and resources to develop and deliver a comprehensive voter education and information program, COMELEC and IFES decided the best strategy was to present information from the interim report to the group assembled in Baguio to solicit ideas, help and support. This was an ideal

forum and opportunity for a discussion of this type since attendees included representatives of several NGOs as well as legislative drafters, Congressmen, Senate staff and representatives of the Presidents office, all of whom support the modernization legislation and new electoral reforms. COMELEC asked IFES to present the findings of its interim report to the group and facilitate the discussions in two topic areas - the Modernization Bill and the development of a comprehensive voter information and education program.

The Baguio Round Table gave COMELEC an opportunity to meet informally with representatives of their citizen-arm groups to discuss program needs for the up-coming election cycle as well as pending election legislation. COMELEC took this opportunity to establish legislative priorities and program development strategies. During this meeting the four Commissioners present were candid with the participants about the Commissions's issues and concerns with respect to the passage of the voting equipment legislation and the development of voter information programs. Though many other election issues and bills were discussed, the Commissioners and participants agreed the priority bill was first and foremost the Modernization (voting equipment) Legislation. In terms of program development priorities the group unanimously agreed that voter information and education was the most critical issue. Everyone agreed to support the development and delivery of the comprehensive programs outlined in the IFES report.

Participants divided into working groups during the daily sessions. Ten participants, all four Commissioners and the Executive Director participated in the Information and Education Campaign session which lasted three hours. During this session, the group determined the primary objective of a COMELEC voter information and education campaign must be to:

“design an effective program which incorporates information about new laws and procedures relevant to the 1997 and 1998 electoral exercises and information about proposed legislation on modernization and other electoral reforms.”

They noted that COMELEC must develop motivational materials (written, audio, etc) designed to disseminate needed information and design, develop and deliver specific targeted educational materials. In all cases participants encouraged COMELEC to evaluate the effectiveness of their programs. The group recommended that all new election procedures be included in the voter information package and recommended that COMELEC work on these programs and materials from February 1997 through May 1998. (See attachment A). Next, the discussion about inhibiting factors began and the Commissioners presented their view of the current problems/issues, their causes and potential solution strategies. The chart on the following page outlines these factors.

<b>PROBLEMS / ISSUES</b>	<b>CAUSES OF THE PROBLEMS</b>	<b>SOLUTIONS / STRATEGIES</b>
1. New laws and new procedures	Lack of Program for implementation	<ul style="list-style-type: none"> <li>• Policy decision.</li> <li>• Planning, budgeting and timely release of funds.</li> </ul>
2. Inadequate information and education program and materials	<ul style="list-style-type: none"> <li>• Lack of support and policy direction</li> <li>• Lack of funding and late release of funds</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct a National Public Opinion Survey.</li> <li>• Information gathering and consultation with deputies and citizen's arm.</li> <li>• Review and evaluate statistical data at COMELEC and develop effective management use.</li> </ul>
3. Materials are not responsive to the needs of the clients	Lack of knowledge regarding the needs of the clients	<ul style="list-style-type: none"> <li>• Planning with field personnel.</li> <li>• Use data from recently a conducted survey.</li> </ul>
4. Lack of and/or inadequate dissemination of information and education materials	<ul style="list-style-type: none"> <li>• Overcentralization at COMELEC</li> <li>• Attitudinal problems</li> </ul>	<ul style="list-style-type: none"> <li>• Decentralization and motivation</li> <li>• Planning such as review of calendar of activities</li> <li>• Tap NGOs and citizen's arms and deputies (linkaging)</li> </ul>
5. Timeliness of delivery of information	same as above	same as above
6. Lack of trained field personnel and funds	Inadequate training	Manpower training programs



It is interesting to note (see chart) that COMELEC says it is under-funded for voter information programs even though this function is part of their legislative mandate. In addition, Commissioners informed the group that they have been late in preparing and releasing the programs they do develop, they do not know the needs of their various voter groups, and they do not or cannot adequately train their field personnel to provide information and education programs to voters. Local election officials who attended this session stated that they feel under-utilized. They also noted lack of appropriate office space, staff, or budgets to carry out some of these additional duties. In spite of these issues, all agreed that comprehensive information and education programs are necessary because successful implementation prior to the election can reduce the amount of confusion caused and problems faced on election day.

There were a few teachers in the session who serve as election day workers. They believed they should become a primary source of information dissemination because in many communities the school, like the church, is an excellent place to reach a majority of voters. They supported the idea of in-school education programs for both students and parents. The teachers urged COMELEC and the NGOs to support the passage of the school based education legislation.

When the small group information was presented to the entire participant group and the voter information and education plan was discussed, everyone there realized they would have to work more closely with COMELEC to ensure that the needed programs are developed and presented in a timely manner. Most participants said if COMELEC provided them with informational and educational materials and trained them in how to present the information, they would be happy to use their organizations to disseminate voter information throughout the country.

#### **Current Voter Information and Education Programs Offered by COMELEC:**

COMELEC has a standard group of posters and publications they provide for election information purposes. In the past, COMELEC developed limited media campaigns because for the most part they have to pay for all media public services announcements. For the ARMM election a video production firm was hired to produce an eight minute video, 30 and 60 second TV public service spots, and radio audio spots. While all material were useful and informative, they were not targeted, and for the most part are presented to late in the election cycle to be effective. If these types of materials were developed and delivered earlier in the election cycle they would have had a greater chance of producing the desired impact and result.

In order to help alleviate concerns expressed by COMELEC as outlined in the chart on the previous page, enhance the current program and develop more targeted messages and delivery systems to voters, the following plan should be considered for implementation starting in May 1997 and continuing through May 1998.

### **Voter Information and Education Program Plan for March 1997 through May 1998:**

The program plan described here is a more defined version of the one outlined in the interim report. The primary changes are in the implementation timetable. The interim report recommends the development of the media campaign for the General Registration period to begin in January and to be edited, produced and ready for distribution by April 1, 1997. Since COMELEC has not yet begun any voter information programing, it is likely that program development will not commence until after this report has been reviewed. The following presents the program and timetable recommended to COMELEC for development for this years election cycle.

#### **A. Overall Program Objectives**

Develop an on-going voter information and education program designed to be used as part of a general civic and government education program which informs voters about general voter registration, continuous registration opportunities and voting procedures, places, times, and dates, ballot styles, party list voting, etc.

- Design and develop informational and motivational written materials which provide accurate and timely information about new registration and election day procedures they will encounter.
- Design, develop and deliver audience specific targeted audio, video, and print education and informational materials which can be used to supplement and reinforce other programs.
- Evaluate effectiveness of programs including defining constraints and barriers to the successful implementation of the programs objectives.

## **B. Specific Program Goals**

- Inform citizens about new registration and voting procedures
- Educate citizens about their role in honest and fair elections
- Improve citizen confidence in the election process
- Target messages and delivery systems to meet needs of various groups of voters

## **C. Current Situation - Analysis**

- All citizens 18 and older are eligible to vote
- Registration is a requirement of voting - continuous registration being implemented
- Registration is accomplished by going to a local COMELEC office - registration places voters on a precinct list - once registered voters receive an ID card
- Many voters will be voting in new precincts
- COMELEC will have to inform voters of new voting places, possibly new voting times
- New voting procedures - party list voting - possibly new ballot style, new vote counting equipment, new voting hours - others yet to be determined
- Voters lack confidence in the election system
- Voters lack information about the current election procedures and requirements
- COMELEC needs to demonstrate its commitment to improving the election process and its commitment to fair and honest elections
- Election fraud in voter registration, voting, and vote counting must be eliminated
- Voter intimidation must be eliminated

#### **D. Focus Group Summary of Findings and Rationale for Information and Education Programs**

The findings from the Focus Groups provides important information for COMELEC as it targets and develops its various programs. The following reflects only the primary recommendations made as a result of this part of the project.

- Long term voter education program needed
- Voter education must be a continuous process, not just an election related program
- Two types of programs needed: election process oriented and attitudinal and behaviorally oriented
- Should coordinate education programs with Department of Education
- Mass media, except radio have limited utility outside urban areas
- Information dissemination must include in-person programs in rural areas
- Standardized training program for election workers is needed

#### **E. Program Evaluation Criteria**

- Informal feedback from voters
- Formal feedback through survey method before and after election cycle

#### **F. Target Audiences**

- All citizens who are eligible to vote. Special target groups are:  
18 - 24 year olds - urban and rural; rural voters; elderly

## **G. Programs**

- **Television** - can carry the basic messages in populated areas and has good penetration to the general population in these areas. Develop and air Public Service Announcements (PSA) 30 and 60 seconds in length to complement other programs and increase awareness and motivation. COMELEC should develop a series of in-depth programs 5 to 30 minutes in length to discuss new methods, programs, and processes. This will also help instill a sense of confidence in the system. COMELEC should produce a training video not longer than 15 minutes which can be aired on TV and used in other programs as well.
- **Radio** - has high penetration in all areas but is especially critical in rural areas - it must carry the primary messages to the rural area and be used as a primary source of information for rural voters. Messages and programs should complement and support the TV and other media programs. Use a series of PSAs for each subject area supported by a series of in-depth 5 - 30 minute programs.
- **Newspapers** - reach a majority of the population, particularly in urban and suburban areas, but is not a primary source of information for young adults. Good media for reinforcing broadcast messages. Display ads and feature stories and articles can be used each week to provide additional information and reinforce other programs. COMELEC should meet with editorial staff and boards to arrange for weekly stories and news items.

**\*\* Note:** The media programs and PSAs should correspond in theme and contain the same basic information. All media programs should have the same launch dates so they reinforce each other. Messages should change as various important dates for registration and election day approach. For example, 60 days prior to an event the messages should be educational - 30 days prior to an event it should be informational, and 10 days to 0 days the messages should give specific information about the times, dates, places, requirements and other information which will ensure voter viability.

- **NGO Groups & Organizations** - can form a core speakers bureau, and be given training and information developed by COMELEC. Their function will be to provide non-partisan and supportive election related information to their members and act as advocates for the new election processes. Since many NGO members are also members of the business community,

they can provide written materials in employee pay checks, at employee meetings, and at business functions.

- **Press Briefings, News Releases, Feature Stories:** COMELEC must schedule regular events and issue news and feature stories on a regular basis. These stories and events should also reflect the various stages of their campaign for registration or election cycle issues. COMELEC should schedule regular press conferences and briefings to keep media informed of programs and progress. This can enhance the media and COMELEC relationship and allow the public to stay informed on the latest developments.
- **Discussion Groups, Demonstrations, In-Person Events** - are particularly useful in rural areas where most citizens only have radio as their primary source of information. These voters never really have an opportunity to see equipment, forms, or other types of information they will need or use prior to election day. COMELEC officials should arrange these events in local schools, churches, or civic buildings so that all citizens will feel comfortable and safe in attending. Programs can last from 30 minutes to 2 hours and include discussion, demonstrations, question and answer periods.
- **Posters, Brochures, Flyers, and other Written Materials** - can be distributed in all public places, buildings, and at public events. This is a good method to reach the general population and keep reinforcing basic information which voters must have in order to participate effectively. The COMELEC Voter Education and Information staff suggested a poster contest in schools where young children can become involved in a campaign. This method of school involvement was used successfully in the United States in a nation-wide "Get Out the Vote" Campaign.
- **Educational Programs - Programs provided through schools and adult education centers** - are programs which are longer and are geared to educate, inform and help change attitudes and behaviors over time. They are programs which can be incorporated into school curriculum at all levels of the educational process, in all kinds of schools and adult education programs. For these types of programs it is important that COMELEC work with the National Department of Education to develop the content and scope of the school curriculum and participate in various student activities such as mock elections, student government elections, voter registration and the like.

Based on this program outline, the following dates and implementation procedures are recommended to COMELEC.

## March 1997

- 1. Approval of Programs by the Commission:** In order to meet the long and short term information, education and training needs of the voters, election workers, local election officials, NGOs, and COMELEC staff, the Commission *en banc* -- consistent with their internal procedures -- must approve and support the development of a long-term, comprehensive voter information and education program as well as the development of a series of training programs designed to support the implementation of the modernization processes.
- 2. Prepare Projected Program Implementation and Delivery Budget:** Budget preparation for the program should begin immediately upon Commission approval of the program so that funds are properly earmarked for the various projects without being diverted. Preparing the projected budget at this time can also help COMELEC determine if it has a budget adequate enough to carry out all of the programs and if it needs to ask for additional appropriations from Congress.
- 3. Determine Program Priorities, Targets, and Method of Delivery:** Working with the program staff, the Commission must determine what programs are a priority for immediate development, who the targets are, and how best to meet the needs of those targeted. Once this is accomplished the development of appropriate messages and delivery systems can begin.
- 4. Develop an Overall Voter Information Program Theme:** A theme or slogan which depicts modernization and change should become the cornerstone of the programs and should be used as a "tag line" or final thought in all information and education programs. Several slogans were tested in a few of the focus groups, the most popular was "Be a part of the change". In other countries themes such as "The future of your country is in your hands" or "You count if you vote" have been popular. What ever the choice is, people can identify with the special features and importance of this election cycle if a meaningful theme is part of the program. Currently, the two predominant election slogans heard throughout the Philippines are "guns, goons and gold" and "there are only two categories of political candidates, those who win and those who were cheated" While there is a bit of humor in this, both these slogans depict an intimidating system and a vivid picture of fraud and corruption. With modernization should come a change in image to something more positive and uplifting.

## **April 1997**

**1. Development of tri-media messages:** Initial messages developed will focus on universal information about general registration opportunities, continuous registration and new voter ID cards. Given that these messages are going to be 30 - 60 seconds long, the information must be concise and targeted to a specific segment of the program. All messages should close with the COMELEC slogan selected for the information campaign and a contact where voters can get more information if they need it. The media campaign should be designed so that radio will be the primary source of information for the rural areas and TV and radio for urban and suburban areas. Print ads should be designed to reinforce both electronic mediums.

All media spots should be designed with the same or similar messages so that they reinforce each other. There should be three waves of messages developed and released in order of information needs. The first wave is the universal information about registration, the second wave contains more specific information of times dates and places, and the third wave the reminder of the official registration day, time of registration, necessary documentation for registration, and any other information needed in order to accomplish the registration process. A variety of messages should be developed so that some of them have broad appeal and other are targeted to specific audiences. When target groups can identify with a message especially designed for them, they are more likely to respond positively to it.

**2. Arrange for airing of media campaign:** All specific media time should be purchased for the campaign, and with the purchases COMELEC should try to negotiate free air and newspaper space. Prime time should be used for the public service announcements (PSAs), especially as the dates of each event come closer. In addition, when messages are targeted to specific audiences, COMELEC should also find out from each media outlet when that particular audience is most likely to tune in.

**3. Develop a series of in-depth media programs 5 - 30 minutes in length:** In these programs COMELEC should discuss all election related issues such as the voting method projected for the May 1998 election, party list voting, and any other new election procedures which might affect the voters in the election cycle. They should talk about the new programs which are being implemented for this election cycle and discuss the positive changes in the overall system. They should appear as guests on radio and TV talk shows, be interviewed by reporters and perhaps consider doing a documentary on how COMELEC prepares for an election. A documentary of this type can be used as a educational piece which can be shown on TV or in a classroom setting.



A video documentary of this type can also be used at various civic and community meetings. Whatever media program is developed it should contain the slogan, where to get more information, and follow and reinforce the messages of the tri-media campaign.

**4. Develop posters, brochures, primers, flyers and other written materials:** All written materials should contain the same theme, slogans, color scheme, and information supporting the media campaign. Materials should be developed for various target groups keeping in mind that each target group might have special issues, concerns, and needs which should be addressed in the materials. Also, special materials should be developed which can be given to new voters and first time voters and which can be distributed in classrooms in high schools, colleges, trade schools, etc. Distribution of materials should be done in all public buildings and through various community and civic groups.

**5. Development of training or update training for voter registration personnel and technical personnel doing computerization:** Training materials should include a self-paced work book and job aids which can assist registrars in their duties on the job.

**6. Develop frequent news items:** Commissioners and the Executive Director should arrange to hold press briefings, press conferences, and submit feature stories to the media to keep them updated on the progress of the registration program and new procedures to be implemented.

## **May - June 1997**

**1. Release Media Spots and develop an evaluation system:** Evaluation of the media program is essential in two areas. One is to make sure that the messages are received and understood, and the other is to determine that the right messages are going to the people who need them. The most common mistake election officials make is that they develop programs for people who are the least likely to need them and who already know the process.

**2. Distribution of written materials:** Provide some instructions to distribution points detailing when the materials should be distributed, to whom, and where. Local election officials and NGO groups can assist in this process and help COMELEC with the evaluation of the materials.

**3. Run training programs for registrars and technical personnel:** Training should begin ten (10) days to two weeks prior to the first voter registration day so that the information is fresh in

their minds. Supporting job aids should be given out so that trainees can easily use the materials which support and reinforce the training they received.

**4. Prepare materials for continuous registration program:** These materials should consist of posters, flyers, notices and information which can be produced and reproduced inexpensively and which will provide the information voters will need to register, re-register, or change their registration information. Materials should be available at public gatherings, meetings, through schools, churches, and work places.

**5. Prepare tri-media spots about continuous registration opportunities to run on local stations.** These spots can be 30 seconds long and should be run on a regular basis until 15 days before the registration is cut off prior to an election. The spots beginning fifteen days before the close of registration opportunities should remind people that they must be registered to vote and they must register on or before a specific date.

**6. Run voter registration - make sure people know dates of additional registration opportunities.**

**7. Begin information about the continuous registration program.**

**\*\*It is important to continue using the slogan in all follow-up information about continuous registration opportunities.**

## **July - September 1997**

**1. Development of curriculum for in-school education programs:** Working with national and local Boards of Education, COMELEC should be developing a one or two day program about party list voting, continuous registration, ethical elections, the new voting and vote counting systems, and any other important new procedures. This program should be ready for pilot testing in August 1997 and be available for implementation in the school curriculum in September. This program should be used as an opportunity to register new voters. The same program should be run again in January/ February, 1998. The same or a similar program can be used in all adult education programs, colleges and universities.

- 2. Develop training program for regional and municipal election officials and NGO representatives who act a COMELEC's citizen arm:** Since this group of officials will have to help teach this curriculum or act as a primary resource for the schools, they must know and understand the program and be ready to act as trainers for it.
- 3. Begin development of training program for election day workers and technicians:** In preparation for the new voting and vote counting equipment and to introduce the party list voting and counting system as well as other new or changed COMELEC election day procedures, the revised training programs should be developed and ready for pilot testing in September 1997.
- 4. Prepare voting equipment demonstration and discussion group project and accompanying training materials:** These methods of information and education dissemination are primarily for rural voters, but should be developed keeping in mind that the new voting equipment should be demonstrated in all regions of the country at public gatherings, shopping centers, public buildings, organization meetings and the like. Demonstration of this equipment should begin once the contract is signed with the vendor and demonstration equipment is available. Demonstrations should take place up to election day so that all citizens have an opportunity to see it and learn more about it. This program should be ready for pilot testing by September/October 1997 and ready for delivery not later than January 1998.

**\*\*It will be important to include the COMELEC slogan and contact information at the local and national levels so that voters and potential voters can get more detailed information about registration opportunities.**

## **October - December 1997**

- 1. Implement school-based programs:** Make sure each school program provides registration opportunities for students and parents alike. These programs should be offered to parents in the evenings or on weekends. Teachers who act as election day workers should be trained to provide the programs and local and regional election officials should be on-site to answer legal or technical questions.
- 2. Deliver training to those people who will assist in the school based education program.**

- 3. Pilot test of election day worker training program - revise as necessary and begin production of participant manuals, trainers manuals, job aids and other supporting documentation.**
- 4. Deliver training for voting equipment demonstration and discussion group representatives.**
- 5. Develop tri-media messages and arrange for air-time for February 1998 through May 1998.** These messages must contain information about the various new election procedures such as party list voting, new voting method, new vote counting system, and any other new procedures which will be in place for the May 1998 election. There should be one series of messages for each new procedure so that the public will be able to understand what to expect on election day. Like the media campaign produced in April 1997, these messages should be 30 to 60 seconds long, contain the same theme and slogan, and provide contact information for the public.
- 6. Develop a series of in-depth media programs 5 - 30 minutes long:** This will be the same format as the April 1997 information campaign but this will have messages and information about the new voting procedure, voting equipment, party list voting, etc.
- 7. Develop and produce an informational video about new voting and vote counting equipment:** This video can be used as a training tool for the general public as well as for supplementing training for election day workers, technicians, and citizen arm representatives who will be assisting in voter information. In addition, it is an excellent tool for use during meetings, and public gatherings where the actual equipment will not be available.

## **January 1998**

- 1. Pilot test programs developed in the previous three months.**
- 2. Revise programs and materials.**
- 3. Prepare additional materials for the in-school program.**
- 4. Confirm air-time for tri-media campaign.**

**5. Revise election day worker and technician training programs to include new voting procedures, vote counting procedures, and other procedures which will be implemented:** In the revisions, new training manuals and supporting documentation will have to be developed to include job aids.

## **February - April 1998**

- 1. Pilot test election day worker -technician training program, revise and begin production of training materials.** Technical training should probably begin in April and run through early May, and election day worker training should begin in early May and end five days prior to the election.
- 2. Train trainers to present training programs.** All trainers should be trained in early April so they will be ready to present programs in late April and May.
- 3. Begin airing first and second wave of media campaign in March and April.**
- 4. Run 5 - 30 minute media programs in March and April.**
- 5. Produce multiple copies of the video for use by NGO citizen arm groups and for speakers bureaus.**
- 6. Develop and produce posters, primers and brochures for distribution in late March, April and May.**
- 7. Continue voting and voting equipment demonstration through the end of April.**
- 8. Prepare special information piece on the ballot and the candidates - this piece should be prepared once the final ballot make-up is known.** Voters will have to know how many ballots there will be, what races are on the ballot, how many votes they have in each race, specific information about party list voting, etc. This information must be developed and delivered not less than 20 days prior to election day - and official ballot information from COMELEC should be easily identifiable and well known to the general public so it will not be confused with unofficial, partisan, information from candidates and political parties.

**9. Plan weekly press briefings and news feature stories.**

**May 1998**

- 1. Deliver all election day worker and technical training.** Make sure there is time for make-up sessions for election workers enlisted at the last minute or for those who missed the initial training.
- 2. Run specific media messages about election day, time polls are open, necessary identification, eligibility, where to call for information, etc.**
- 3. Run election day information ads more often starting three days prior to the election up to election day.** These ads should also provide information about what to do if a persons right to vote is in some way inhibited.

**Conclusion:** COMELEC should consider the programs and time lines presented in this report critical to the successful participation of Philippine voters in the upcoming registration and election process and in preparation for the May 1998 election. While the depth of this plan may seem overwhelming, the Commission has a responsibility to the voting public to make sure that they know about and understand all of the new processes, procedures and opportunities that will be presented in the upcoming election cycle. The development of these programs should be considered an investment in human and financial resources which can be prorated over time. With the many new programs and procedures which are about to be implemented, COMELEC will have to provide an on-going comprehensive voter information and education program for at least the next five years. Once their programs is developed it can be modified to meet the information needs of future elections.

In this election cycle COMELEC should take a proactive approach to meet the information and education needs of the voters. This is especially true because of the present lack of confidence in the election system. As voters learn more about their election system and the safeguards which are being implemented they will, over time, develop a sense of trust in the outcome of the election and they will have more respect for those who administer the system.

The Commissioners, Executive Director, and staff of COMELEC have come a long way in modernizing their election system. They have a huge investment in time, effort, and outcome.

*Voter Information and Education Plan  
Republic of the Philippines  
March 1997*

Now that they are approaching the final stages of their modernization plan, they should support the years of work with a major effort in voter information and education. Their efforts to improve elections in the Philippines should not be lost because of inadequate public information.

**INFORMATION AND EDUCATIONAL CAMPAIGN**  
**JANUARY 18, 1997**

**GENERAL OBJECTIVE:** Design an effective Information and Education Program for COMELEC which incorporates information about new laws and procedures relevant to 1997 and 1998 Electoral Exercises and Information on proposed legislation on Modernization and electoral reforms.

**Secondary Objectives:**

1. Design motivational materials, written, video, audio, etc., designed to disseminate needed information.
2. Design, develop and deliver specific targeted educational materials.
3. Evaluate the effectiveness of the programs.

**Priorities:**

1. Barangay Voter Registration and Elections
2. Modernization project and electoral reforms
3. Party list voting
4. General & continuing registration

**Project Duration:** February 1997 - May 1998

**Client Groups:** COMELEC field personnel; Pollworkers; political parties, candidates, Voters; NGOs, government organizations, Media, Legislators, Technical Personnel;

**Legal Mandate:** OEC sec 52 paragraph (j); R.A. 8046 - Nation wide Demonstration; National Voter Registration Act

**Programs & Delivery Systems:** Programs outlined in IFES Interim Report, plus support of legislation for election curriculum in schools; special education program for legislators who must pass the modernization legislation.

**Materials for Program:** Election laws; resolutions, primers/brochures, leaflets, comics; posters, videos/audio tapes' letters and publications for NGOs, training materials for election day workers and technicians.



PROBLEMS / ISSUES	CAUSES OF THE PROBLEMS	SOLUTIONS / STRATEGIES
1. New laws and new procedures	Lack of Program for implementation	<ul style="list-style-type: none"> <li>• Policy decision.</li> <li>• Planning, budgeting and timely release of funds.</li> </ul>
2. Inadequate information and education program and materials	<ul style="list-style-type: none"> <li>• Lack of support and policy direction</li> <li>• Lack of funding and late release of funds</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct a National Public Opinion Survey.</li> <li>• Information gathering and consultation with deputies and citizen's arm.</li> <li>• Review and evaluate statistical data at COMELEC and develop effective management use.</li> </ul>
3. Materials are not responsive to the needs of the clients	Lack of knowledge regarding the needs of the clients	<ul style="list-style-type: none"> <li>• Planning with field personnel.</li> <li>• Use data from recently a conducted survey.</li> </ul>
4. Lack of and/or inadequate dissemination of information and education materials	<ul style="list-style-type: none"> <li>• Overcentralization at COMELEC</li> <li>• Attitudinal problems</li> </ul>	<ul style="list-style-type: none"> <li>• Decentralization and motivation</li> <li>• Planning such as review of calendar of activities</li> <li>• Tap NGOs and citizen's arms and deputies (linkaging)</li> </ul>
5. Timeliness of delivery of information	same as above	same as above
6. Lack of trained field personnel and funds	Inadequate training	Manpower training programs

TARGET / CLIENT	ACTIVITIES	PERSONS RESPONSIBLE	TIMEFRAME
Central and Field Personnel	Orientation	<ul style="list-style-type: none"> <li>Personnel Department</li> <li>Education and Information Department</li> </ul>	CO - 3 days Regular - 5 days Field
Deputies (teachers, DOJ, DOF, PNP, citizen's arm, etc...)	<ul style="list-style-type: none"> <li>Orientation</li> <li>Dialogue</li> <li>Command Conference</li> </ul>	COMELEC	2 days per client
Trimedia	<ul style="list-style-type: none"> <li>Press Briefing</li> <li>Conferences</li> <li>Distribution of Press</li> <li>Releases and Kits</li> <li>Publication of Resolutions</li> </ul>	COMELEC / EID	2 months before elections continuing until end of election period activity
Political Parties Political Candidates Lawyers	<ul style="list-style-type: none"> <li>Orientation</li> <li>Dialogues</li> <li>Covenants</li> </ul>	C.O. and Field	Election period
Voter and General Public	Assemblies Public Fora Tri-media	C.O. and Field	Election period
Legislators	Dialogue Advocacy Campaign	BPP - COMELEC	Continuing

MATERIALS:

1. Laws
2. Resolutions
3. Primers / Leaflets / Comics
4. Posters
5. Videos / Audio Tapes
6. Letters / Publications (specially for NGOs)
7. VIS and Sample Forms
8. Training Manuals
9. Brochures
10. Modules / Matrix



## **International Foundation for Election Systems**

1101 15th STREET, N.W. • THIRD FLOOR • WASHINGTON, D.C. 20005 • (202) 828-8507 • FAX (202) 452-0804

### ***Electoral Reform Round Table/Conference January 16 - 19, 1997, COMELEC Compound, Baguio City***

**Sponsors and Resource Organizations:** House Committee on Suffrage and Electoral Reforms, COMELEC, and the International Foundation for Election Systems, (IFES).

**Attendees:** Representatives from the Senate Election Committee, House and Senate Committee Legislative Staff, NGO groups and organizations who participate in the election process.

**Topics to be Covered:**

- Automated Voting System - adoption of a draft bill which provides for a nationwide voting system to be used in the May 1998 elections and subsequent elections
- Voter Information and Education programs
- Overseas Absentee Voting
- Anti-Political Dynasty
- Legal and procedural reforms

**Proposed Agenda:**

January 16, 1997

Registration -until 5 p.m.  
7 p. m. - Dinner  
8 - 9:30 - Opening Remarks - Briefing on Schedule  
Ground Rules

January 17, 1997

6:30 a.m. - 7:30  
8 a.m. - 12 Noon

Breakfast  
Workshops  
Automated Election System - Gwenn Hofmann  
Absentee Voting - COMELEC  
Lunch  
Anti-Political Dynasties  
Legal & Procedural Reforms  
Information & Education Programs - Gwenn Hofmann  
Dinner

12 p.m. - 1:30  
1:30 - 6 p.m.

7 p.m.

January 18, 1997

6:30 - 7:30

Breakfast

8 a.m. - 12 Noon

Plenary & Open Forum Discussion

Automated Voting Systems & Absentee Voting

12 Noon - 1 p.m.

Lunch

1 p.m. - 7 p.m.

Continued Plenary & Open Forum

Discussion; Information & Education Programs, Legal &  
Procedural Reforms

7 p.m. - 9 p.m.

Dinner - Strategies for Passing Proposed

Legislation - Developing an Action Plan - (IFES  
Facilitating)



# WORKSHOP ON THE ADOPTION OF AN AUTOMATED ELECTION SYSTEM

## CONSOLIDATED RECOMMENDATIONS

On the whole, the consolidated bill is acceptable to the group.

SEC. 1. Declaration of policy - It is the policy of the State to ensure free, orderly, honest, peaceful, and credible elections, and assure the secrecy and sanctity of the ballot in the results of elections, plebiscites, referenda and other electoral exercises SHALL BE FAST AND ACCURATE AND REFLECTIVE OF THE GENUINE WILL OF THE PEOPLE.

SEC. 2. Definition of terms :

a) Automated Electoral System - a system USING APPROPRIATE TECHNOLOGY FOR VOTING AND electronic devices to count VOTES and canvass RESULTS.

e) Merger of Precincts - refers to the combination of two or more precincts within the same barangay into one precinct with A MAXIMUM OF 300-400 VOTERS PER PRECINCTS.

f) Consolidation of Precincts - refers to the clustering of two or more precincts within the same barangay, each maintaining each own identity, where voting is conducted by one board of election inspectors. PROVIDED THAT THE CONSOLIDATED PRECINCTS SHALL HAVE A MAXIMUM OF 300-400 VOTERS PER PRECINCTS.

Group 1 proposes that this provision be made directory not be mandatory. On the other hand, Group 2 proposes additional requirement for such merger or consolidation by providing a maximum of 300 to 400 voters per precincts.



g) On election returns - We hope to see precinct identification printed by machine instead of being manually written - (limitations - printing of bar codes for 170,000 precincts; without specifying a particular machine that will tie down the COMELEC to a particular machine).

Sec. 3. Authority to use automated election system - to carry out the above-stated policy, the Commission on Elections, hereinafter referred to as the Commission", is hereby authorized to use automated election system, hereinafter referred to as the "System," counting OF VOTES and canvassing of RESULTS in the May 11, 1998 national and local election, in subsequent elections and electoral exercises, when appropriate.

SEC. 4. Features of the system - The System shall utilize appropriate TECHNOLOGY FOR VOTING and electronic devices FOR counting OF VOTES and canvassing of RESULTS. For this purpose, the Commission



AGENCIES AS MAY BE NECESSARY UPON DETERMINATION BY THE COMMISSION.

SEC. 6 - Include a definition in the law on the term "Systems Breakdown"; who determines that a systems breakdown has occurred and when will this be declared (already in the IRR for the ARMM elections).

SEC. 7. (2<sup>nd</sup> paragraph) x x x x x After the examination and testing, the machines shall be locked and sealed by the election officer for any authorized representatives of the Commission in the presence of the political parties, candidates or their representatives and ACCREDITED CITIZENS ARM . x x x x x x

x x x x (3<sup>RD</sup> Paragraph) Immediately after the examination and testing of the machine, the parties and candidates or their representatives may submit a written report to the ELECTION OFFICER WHO SHALL IMMEDIATELY TRANSMIT IT TO THE COMMISSION FOR PROPER ACTION. "

SEC. 8 Official Ballot. The Commission shall prescribe the size and form of the official ballot

which shall contain the titles of the position to be filled AND/OR THE PROPOSITIONS TO BE VOTED UPON IN AN INITIATIVE, REFERENDUM OR PLEBISCITE.

SEC. 10. - For purposes of the system herein provided the Commission MAY merge or consolidate precincts provided that it shall not exceed three precincts. xxx

Group One proposes that this provision will not be mandatory but only a permissive one. On the other hand, Group Two proposes additional requirement for such merger or consolidation by providing a maximum of 300 to 400 voters per precincts.

SEC. 11. Voting Hours. The casting of votes shall start at 7:00 o'clock in the morning and shall end at 1:00 o'clock in the afternoon. x x x

Group One favors the retention of the present voting hours from 7:00 to 3:00 o'clock while Group Two is in favor of the above provision.

SEC. 12. Procedure in Voting. (Change of Title)

(Paragraph 2) delete the term "vacant"

(Paragraph 3) NO REPLACEMENT OF BALLOTS SHALL BE ALLOWED.

- Group One wants to have this provision deleted while Group Two wants this retained.

SEC. 22. - The Senate and the House of Representatives in joint public session shall COMPOSE THE NATIONAL BOARD OF CANVASSERS for President and Vice-President. IT SHALL CANVASS THE RESULTS FOR PRESIDENT AND VICE-PRESIDENT BY CONSOLIDATING THE RESULTS CONTAINED IN THE DATA STORAGE DEVICES SUBMITTED BY THE DISTRICT SUBMITTED BY THE DISTRICT, PROVINCIAL, AND CITY BOARD OF CANVASSERS AND THEREAFTER,

PROCLAIM THE WINNING CANDIDATES  
FOR PRESIDENT AND VICE-PRESIDENT.

SEC. 23. Voters education - The Commission  
TOGETHER WITH ITS ACCREDITED  
CITIZEN'S ARM shall carry out a continuing  
and a systematic campaign through x x x x x and  
other media forms, FORA, SEMINARS AND  
MEETINGS AND OTHER NON-  
TRADITIONAL MEANS IN THE  
BARANGAY/MUNICIPALITY/CITY, to  
educate the public and fully inform the electorate  
about the automated election system.

SEC. 25. - (b) DELETE "For purpose of gain"

SEC. 27. - THE COMELEC SHALL  
PROMULGATE RULES AND  
REGULATIONS FOR THE  
IMPLEMENTATION AND ENFORCEMENT  
OF THIS ACT AND MAY CONSULT ITS  
ACCREDITED CITIZENS ARM FOR THIS  
PURPOSE.\* NOTE: reservations that  
consultation must be done.

## RECOMMENDATION:

In the Legislative Brief, Item I No. 8 - adopt this provision "The system may be use in barangay and SK elections when appropriate."

### On Comelec's IRR

It should include provisions for post-election audit.

It should eliminate the counting of valid ballots at the reception areas. If more ballots than the actual votes cast is counted by the machine, remove from the machine the entire batch of ballots from the machine and follow the procedure for handling of excess ballots.

The BEI should already count before hand the spoiled and unused ballots in the precinct to lessen the procedures in the reception area.

Verify at the reception area that the signatures and thumbprints of voters are not spurious. If found to be spurious, this should be reported and a failure of election should be declared.

Public Demonstration and Voters Education - Stress the safeguards in the process and show that this new system eliminates previous instances of electoral fraud.

Budget - Provide in the 1998 Budget the amount of P300 million to augment the P800 million already available.

Passage of the Bill

We recommend that this bill be enacted into law not later than March 1997, to give the Comelec and other concerned government agencies enough time to prepare for the full implementation of this law by 1998.



To fast-track pasage in the Senate, seek a Senate sponsor (Sen. Fernan) of the House version as reviewed and refined at this conference

Have this bill certified by President Fidel V. Ramos as a "Urgent".



## CONSENSUS POINTS OF WORKSHOP ON ABSENTEE VOTING

### 1. **SCOPE and COVERAGE (NATIONAL ELECTIONS)**

- Absentee voting should be implemented by 1998
- Absentee voting shall apply to national elections and the Party list elections for 1998  
Rationale: Voting under the party list system is nationwide but absentee voting shall not apply to elections for Local District Representative in 1998
- All Philippine citizens including OCWs, permanent residents, those holding allegiance/not renouncing citizenship
- In 2004, OCWs may vote on National/Regional/Local and Party List Elections. (COMELEC shall be given authority to operationalize this provision).

## **2. REGISTRATION**

- No more requirement on the frequency of home visits on the part of absentee voters since we will have continuing registration by June of 1997 (Current House Bills call for home visits every three years)
- Must have a voting residence
- Must have all the qualifications and not suffer from any of the disqualifications
- Conformity with the age requirement
- Certify that applicant is a registered voter/ has voter's ID (Memo of agreement among DFA/COMELEC/POEA-express lane)
- Absentee voter may indicate his desire to vote by transmitting a Letter of Intent. LOI can be transmitted through COMELEC, DFA, POEA. (Memorandum of Agreement among DFA, POEA and COMELEC)

## **3. TRANSMITTAL/DISTRIBUTION OF BALLOTS**

- TDR should be done either through the Department of Foreign Affairs (Philippine Mission, embassies and consulates) or through the COMELEC through mail

Rationale: To allow absentee voter choice according to his convenience and trust of the particular agency.

- Party watchers have the right to be present at every step of TDR
- Guidelines shall set procedure and parameters by which the COMELEC shall send uniform campaign materials to the absentee voter
- Candidates cannot send campaign materials directly to absentee voter

#### **4. CAMPAIGNING AND CAMPAIGN MATERIALS**

- There shall be no campaigning on the part of the candidate, either personally or through a representative
- The campaign periods should be observed

- Campaign materials should be sent only through the diplomatic pouch

## **5. PRINTING AND DISTRIBUTION OF BALLOTS**

- No excess ballots should be printed or distributed
- Party watchers are entitled to be present in all phases of printing and distribution
- Security markings should be observed. (Bar codes and timing marks should be observed in the case of Modernization through the use of optical scanners and computerization for all ballots )
- IRR: undelivered ballots should be returned to the COMELEC unaccomplished

## **6. INFORMATION CAMPAIGN**

- Notice of absentee voting shall be given at least 180 days before election day to the consulate or embassy, and the latter then disseminates such notice through

the use of tri-media. (Pending House Bills indicate 90 days.)

- The form for the sworn application should be sent to the absentee voter after notice has been given
- Upon verification by the COMELEC ballots and campaign materials shall be sent to the absentee voter through diplomatic pouch/embassies
- An Information campaign on the mechanics of voting shall begin concurrent with the sending of notice provided within 90 days. (Information can be in the form of primers)

## **7. CASTING OF VOTES/BALLOTING**

- The absentee voter shall cast his vote and this shall be balloted anytime after the receipt of the ballot but not later than 30 days before Election Day
- As soon as the absentee voter receives election/voting materials, he can fill these up and send it to COMELEC, Manila either by mailing the sealed ballot directly

or through consular office or embassy which shall transmit this to the COMELEC through the diplomatic pouch

- All voted absentee ballots should be received on or before 3:00 PM on election day. Those received after 3:00 PM will not be counted
- Under the IRR, COMELEC should obtain a special post office box for receiving absentee ballots

## **8. CANVASSING/COUNTING**

- Should be conducted in the Philippines simultaneous with regular counting and canvassing
- A special Board of Election Inspectors / canvassers will be created in the Central Office for purposes of counting and canvassing absentee ballots. (Composition: COMELEC, Department of Justice and DECS) (N.B.: Open to the public which will include NGOs and Peoples Organizations and accredited citizens' arms)



## **9. EFFECTIVITY**

- For 1998 elections, absentee voting shall only apply to the party list elections and national elections

Rationale: The party list elections are computed on the basis of national computations and rankings.

- For 2004 elections, absentee voting shall apply to National, Regional, Local and Party List elections. (COMELEC shall be authorized to provide for the operationalization of this provision.)

## **10. PROHIBITED ACTS/FRAUD**

- Undue and/or deliberate delay in the delivery and transmittal of ballots shall be considered an election offense
- Any violation of this act by any person is an election offense

## **11. FUNDING AND BUDGET**

- Special appropriation should be provided for 1997
- Budget should be included in the 1998 General Appropriations Act for absentee voting

## 12. IMPLEMENTING RULES AND REGULATIONS

- To be promulgated by COMELEC

The workshop called for the passage of the bill within the first quarter of 1997. To address the objections and concerns of possible Congressional oppositors to the bill, the workshop calls on COMELEC to develop a study and matrix addressing the cost - benefit ratio of undertaking absentee voting as proposed, as against other options and a study responding to possible fraudulent acts. The workshop calls on the NGO/PO/TU community to undertake coalition advocacy to highlight the proposed law.

# ABSENTEE VOTING

## GROUP 2

### ISSUES:

#### 1. SCOPE/COVERAGE

1.1 Who may vote

1.2 What position can be voted for

#### 2. REGISTRATION

2.1 Procedural requirements

2.2 Role of DFA/POEA, etc.

#### 3. TRANSMITTAL/DISTRIBUTION

##### RETRIEVAL OF BALLOTS

3.1 Rights of political parties

3.2 Monitoring

3.3 Coordination among

COMELEC, DFA and POEA

3.4 Use of postal system concurrent with  
TDR through embassies

#### 4. CAMPAIGN MATERIALS

4.1 Introducing "Level Field" among  
candidates and parties

4.2 COMELEC role in limiting candidate discretion

5. PRINTING/DISTRIBUTION OF BALLOTS

6. INFORMATION CAMPAIGN

6.1 Operationalizing the absentee voting system

7. CASTING OF VOTES/BALLOTING

7.1 Issues of credibility regarding both DFA and COMELEC

8. COUNTING/CANVASSING

9. EFFECTIVITY

9.1 Issues of capability and readiness

10. PROHIBITED ACTS

10.1 Fraudulent Acts/delay

11. FUNDING/BUDGET

12. IMPLEMENTATION OF RULES AND REGULATIONS BY COMELEC





Republic of the Philippines  
COMMISSION ON ELECTIONS  
Manila

## BASIC PRINCIPLES OF THE PARTY-LIST SYSTEM

QUESTION	ANSWER	ISSUES
What is the Party-List System? 1	<p><i>It is the mechanism of proportional representation in the House of Representatives, through election and not by appointment, of marginalized or underrepresented sectors/parties/coalitions.</i></p> <p><i>The Party-List System guarantees the broadest possible representation of party, sectoral or group interests in the House by enhancing their chances to compete for and win seats in the legislature.</i></p>	
When shall the first election under the Party-List System be held? 2	<p><i>The first election under the Party-List System shall be held on May 11, 1998.</i></p>	
How many seats of representation are allocated under the Party-List System? 3	<p><i>The Party-List Representatives shall constitute twenty percentum (20%) of the total number of the members of the House of Representatives, including those elected to the Party-List System. Since there are 100 Members of the House of Representatives, 50 seats are reserved for party-list representation.</i></p>	<p><i>Sec. 5 (1), Article VI, Constitution, provides that the House shall be composed of not more than 250 members, unless Congress, in its discretion, may provide for the new maximum number of seats in the House since there are now more than 200 legislative districts. If Congress does not provide for the maximum number of seats in the House, the number of seats reserved for party-list representation will have to be reduced in order to comply with the 250 House membership maximum requirement. This runs counter to the policy declared in the law.</i></p>

What provision of the law assures that the marginalized and weak political parties, sectoral groups or coalitions will be represented under the Party-List System?

4

RA. No. 7941 (Sec. 11) provides that the first five (5) major political parties are disqualified from participating in the May 1998 elections under the Party-List System. These are:

1. LAKAS NUCD-UMDP;
2. LIBERAL PARTY
3. LDP
4. NPC
5. KBL

Will direct or indirect assistance given to sectoral parties/ organizations by any of the five disqualified major political parties be ground for the former's disqualification from participating in the party-list system?

Who may participate in the Party-List System?

5

Instead of individual candidates, only organized groups may participate in the Party-List System, as follows:

A. Political party which refers to an organized group of qualified voters pursuing the same ideology, political ideas and principles for the general conduct of the government. A political party may be:

1. A national party wherein its constituency is spread over the geographical territory of at least a majority of the regions; and

2. A regional party wherein its constituency is spread over the geographical territory of at least a majority of the cities and provinces comprising the region.

B. Sectoral party which refers to an organized group of citizens belonging to any of the sectors enumerated in question 6 hereof whose principal advocacy pertains to the special interests and concerns of their sector.

C. Sectoral organization which refers to a group of qualified voters who are bound together by similar physical attributes or characteristics, or by employment, interests or concerns.

Should the the enumeration of sectors in Section 5 of the law be considered a limitation? Are sectors other than those enumerated in the law disqualified to participate?

Since sectors not included in the enumeration cannot register as sectoral parties, may they register as sectoral organizations?



What specified organized groups may be considered as a sectoral party/organization?

6

*D. Coalition of political parties or sectoral organizations which refers to an aggrupation of duly registered national, regional, sectoral parties or organizations for political and/ or election purposes.*

*E. Non-government organizations or peoples' organizations which are registered with the COMELEC under the party-list system.*

- a. Labor*
- b. Peasant*
- c. Urban Poor*
- d. Indigenous Cultural Communities*
- e. Elderly*
- f. Handicapped*
- g. Women*
- h. Youth*
- i. Overseas Workers*
- j. Fisherfolk*
- k. Veterans*
- l. Professionals*
- m. Such other organizations as may be registered with the Commission.*

*This is not provided for in the law and in the Comelec rules. However, the same is included in the primer by reason of the phrase "sectoral organization".*

*Assuming that a man has been a member of a sectoral party for women for a period of 90 days before the election, can he be considered a bona fide member of such sector, and may therefore be nominated as party-list representative for said sector?*

*Is absentee voting necessary for overseas workers to win party-list seats?*

*This was included in the primer by reason of the phrase "sectoral organization".*

What steps must these parties, sectors or coalitions take in order to participate under the Party-List System?

7

*They must register with the Commission on Elections. If they are already registered, they must manifest their desire to participate in the party-list elections.*

How does a party, sector, or coalition register under the Party-List System?

8

*File with the Commission on Elections a verified petition signed by its president or secretary stating its desire to participate in the Party-List System.*

*The petition shall be accompanied by:*

Where shall applications for registration be filed?

9

- a. Constitution and by-laws;
- b. Platform or program of government;
- c. Lists of officers and members;
- d. Coalition agreement;
- e. Other information required by the Commission; and
- f. A filing fee of one thousand pesos (P1,000) and a research fee of twenty pesos (P20.00).

Every petition or manifestation shall be filed by any authorized representative of the political or sectoral party, organization or coalition with any of the following offices of the Commission:

- a. The Law Department, if the petition involves national constituency; or
- b. The Office of the Regional Election Director, in case of regional constituency.

While the law provides that petition for registration shall be filed 90 days before the election, the Comelec rules provide for a 180-day period due to administrative difficulties. The House Committee on Suffrage proposes a compromise period of 135 days.

How shall the Commission resolve the petition?

10

Upon receipt of the petition, the Law Department or the Regional Election Director, as the case may be, shall determine whether the petition is in due form and substance and thereafter shall verify the existence of the petitioner in the constituency including all documents accompanying the petition, and submit the petition and its supporting documents, filing fee, together with his findings and recommendations to the Commission, through the Law Department, in case of the RED.

The Commission shall cause the publication of the petition in at least two (2) newspapers of general circulation and after due notice and hearing, resolve the petition within fifteen (15) days from the date it was submitted for decision but not later than ninety (90) days before election day.

Are there grounds for refusal and/or cancellation of registration?

11

The Commission may, *motu proprio* or upon verified complaint of any interested party, refuse or cancel, after due notice and hearing, the registration of any national, regional or sectoral party, organization, or coalition on any of the following grounds:

- a) It is a religious sect or denomination, organization or association organized for religious purposes;
- b) It advocates violence or unlawful means to achieve its goal;
- c) It is a foreign party or organization;
- d) It is receiving support from any foreign government, foreign political party, foundation, organization, whether directly or indirectly or through its officers or members or indirectly through third parties for partisan election purposes;
- e) It violates or fails to comply with laws, rules or regulations relating to elections;
- f) It has made untruthful statements in its petition;
- g) It has ceased to exist for at least one (1) year; or
- h) Beginning year 2004, it fails to participate in the last two (2) preceding elections or to obtain at least two per cent (2%) of the votes cast under the party-list system in the two (2) preceding elections for the constituency in which it has registered.

Should any political party, organization or coalition already registered with the Commission register anew?

12

How will the voters know what parties/sectors/coalitions are participating under the Party-List System?

13

No. However, such party, organization or coalition shall file with the Commission a manifestation of its desire to participate under the Party-List System.

Through a certified list of qualified national, regional, or sectoral parties, organizations or coalitions which the Commission shall prepare and distribute to all precincts for posting in the polling places on election day. However, the names of the party-list nominees shall not be shown on the certified list.

Is mere receipt of foreign funding ground for refusal or cancellation of registration? Is actual use of foreign funds for partisan election purposes necessary to disqualify a party? Note: Solicitation or receipt of foreign contribution for purposes of influencing the results of an election is unlawful (Sec. 96, BP 881)

May the government shoulder campaign expenses of sectoral parties?

The law and Comelec rules provide for the same 90-day period.

May a qualified voter file a certificate of candidacy under the Party-List System?

14

*No. Political parties/sectors/coalitions, not individual candidates, are voted for under the party-list system. For this purpose, parties/sectors/coalitions shall nominate representatives who shall be chosen if in case they obtain the required number of votes.*

What are the qualifications of a Party-List Nominee?

15

*A party-list nominee must be:*

- a) A natural-born citizen of the Philippines;*
- b) A registered voter;*
- c) A resident of the Philippines for a period of not less than one (1) year immediately preceding the day of the election;*
- d) Able to read and write;*
- e) A bona fide member of the party or organization he seeks to represent for at least ninety (90) days preceding the day of election; and*
- f) At least twenty-five (25) years of age on the day of the election.*

*In the case of the youth sector, he must be at least twenty five (25) but not more than thirty years of age on the day of the election. Any youth sectoral representative who attains the age of thirty (30) during his term shall be allowed to continue in office until the expiration of his term.*

How many representatives may be nominated by each registered party, organization or coalition?

16

*It shall submit to the Commission a list of not less than five (5) names from which party-list representatives shall be chosen in case it obtains the required number of votes.*

Are there limitations on party-list nominations?

17

*a) A person may be nominated by one party, organization/coalition in one (1) list only. However, any person giving consent to be nominated more than once, shall be disqualified;*

- b) *Only persons who have given their consent in writing may be named in the list;*
- c) *The list shall not include any candidate for any elective office in the same election or has lost his bid for an elective office in the immediately preceding election;*
- d) *No change of name or alteration of the order of nominees shall be allowed after the list has been submitted to the Commission except in cases where the nominee dies, his nomination is withdrawn in writing and under oath, or becomes incapacitated, in which case the name of the substitute nominee shall be placed last in the list; and*
- e) *Incumbent sectoral representatives in the House of Representatives who are nominated in the party-list system shall not be considered resigned.*

Can a member of any registered political party be nominated by a sector?

18

*Yes. Membership in a political party is not a hindrance to being nominated by a sector provided the nominee is a bonafide member of the sector for a period of 90 days preceding the day of the election and he has accepted in writing the nomination.*

Is it necessary for members to resign as a member of a political party when nominated by a sector of which his/her party is not identified or affiliated with?

19

*No. It is not necessary for any member to resign his/her membership from his/her party.*

What is the procedure of voting under the Party-List System?

20

Every voter shall be entitled to vote for: (1) a candidate for member of the House of Representatives representing a particular legislative district, and (2) the party, organization or coalition he wants represented in the House of Representatives. However, a vote cast for a party, sectoral organization, or coalition not entitled to be voted for shall not be counted.

The second vote is for the party, organization or coalition which the voter wants represented in the House. Since the law does not state that the second vote is for the sector which the voter wants represented, is the voter entitled to cast one (1) vote for each of the sectors enumerated in the law? A strict interpretation of the law (exactly 2 votes) will result in difficulty in filling up the 50 seats, while a liberal interpretation (1 vote for each sector or 12 votes) gives the sectors better chance of obtaining more seats.

What is the procedure in allocating seats under the Party-List System?

21

The Commission shall tally all the votes for the parties, organizations, or coalitions on a nationwide basis, rank them according to the number of votes received and allocate party-list representatives proportionately according to the percentage of votes obtained by each party, organization or coalition as against the total nationwide votes cast under the Party-List System.

How is the allocation of seats for Party-List Representatives determined?

22

In determining the allocation of seats under the party-list system, the following procedure shall be observed:

a) The parties, organizations, and coalitions shall be ranked from the highest to the lowest based on the percentage of votes garnered during the elections; and

b) The parties, organizations, and coalitions receiving at least two percent (2%) of the total votes cast for the party-list system shall be entitled to one seat each; Provided, That those garnering more than two percent (2%) of the votes shall be entitled to additional seats in proportion to their total number of votes; Provided, finally, That each party, organization, or coalition shall be entitled to not more than three (3) seats. (See Annexes "A" & "B")

The Comelec computation provide for two steps of ranking. Party A obtains 3.8%, and party B obtains 1.99%. First ranking: Party A obtains 1 seat since it obtained at least 2%. Party B will not get any seat since it did not meet the 2% minimum requirement. Second ranking: Party A's "variance" or balance of 1.8% entitles it to another seat since those garnering more than 2% shall be entitled to additional seats in proportion to their total number of votes. Issues: (1) Since party B's 1.99% is higher than party A's 1.8%, party B should be entitled to 1 seat during the second ranking. (2) Since party B did not meet the minimum requirement requirement from the very beginning, it should not be entitled to any seat.

How are Party-List Representatives chosen?

23

Party-List Representatives shall be proclaimed by the Commission according to their ranking in the list of names submitted by the respective parties, organizations, or coalitions to the Commission.

What is the term of office of Party-List Representatives?

24

*Party-List Representatives shall serve for a term of three (3) years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election. No party-list representative shall serve for more than three (3) consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of his service for the full term for which he was elected.*

What is the effect if a Party-List Representative changes his political party or sectoral affiliation?

25

*Any Party-List Representative who changes his political party or sectoral affiliation during his term of office shall forfeit his seat. Moreover, if he changes his political party or sectoral affiliation within six (6) months before an election, he shall not be eligible for nomination as party-list representative under his new party or organization.*

*If a party-list representative is expelled from the party/organization, does he retain his seat as party-list representative? If "expulsion" or "change of affiliation" is through internal party politics, e.g., to allow the next ranking nominee to sit in the House during the next regular session, will the latter be entitled to sit as party-list representative?*

How shall a seat reserved for Party-List Representatives be filled in case a vacancy occurs?

26

*In case of vacancy in seats reserved for Party-List Representatives, the vacancy shall be automatically filled by the next representative from the list of nominees in the order submitted to the Commission on Elections by the same party, organization or coalition, who shall serve for the unexpired term.*

*Is there a need for the House to declare a vacancy before the Comelec can proclaim the next ranking nominee as party-list representative?*

What rights shall Party-List Representatives be entitled to?

27

*Party-List Representatives shall be entitled to the same salaries and emoluments as the regular members of the House of Representatives.*

May a Party-List Representative be punished for disorderly behavior?

28

*A Party-List Representative, being a member of the House of Representatives may be punished for disorderly behavior with the concurrence of two-thirds of all its members, by suspension or expulsion. A penalty of suspension, when imposed, shall not exceed sixty days.*





COMMITTEE ON SUFFRAGE AND ELECTORAL REFORMS  
HOUSE OF REPRESENTATIVES

COMPARATIVE STUDY OF THE PROPOSED MODERNIZATION MEASURE

FILE COPY

House Bill No. 8500

House Bill No. 7930

TITLE	AN ACT AUTHORIZING THE COMMISSION ON ELECTIONS TO USE AN AUTOMATED ELECTION SYSTEM NATIONWIDE IN THE MAY 11, 1998 NATIONAL AND LOCAL ELECTIONS THEREAFTER AND PROVIDING FUNDS THEREFOR	AN ACT ADOPTING A COMPUTERIZED SYSTEM OF ELECTION FOR THE 1998 GENERAL ELECTIONS AND SUBSEQUENT ELECTIONS, PLEBISCITES, REFERENDA, RECALL AND OTHER ELECTORAL EXERCISES, AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF BATAS PAMBANSA BLG. 881, AS AMENDED, OTHERWISE KNOWN AS THE OMNIBUS ELECTION CODE
DECLARATION OF POLICY	It is the policy of the State to ensure free, orderly, honest, peaceful and credible elections and other electoral exercises, and assure the secrecy and sanctity of the ballot in order that the results of elections, plebiscites referenda, and other electoral exercises reflect the genuine will of the people. (Section 1.)	It is the policy of the State to ensure free, orderly, honest, fair and credible elections and other electoral exercises, and ensure the secrecy and sanctity of the ballot in order that the citizenry shall be assured that the results of elections, plebiscites referenda, and such other electoral exercises are truly reflective of their will. (Section 1.)
DEFINITION OF TERMS	As used in this Act, the following terms shall mean:  a) AUTOMATED ELECTION SYSTEM - A system	As used in this Act, the following terms shall mean:  a) COUNTING MACHINE - A machine that

using electronic devices to count and canvass votes.

b) COUNTING MACHINE - A machine that uses an optical scanning/mark-sense reading device or any similar advanced technology to count ballots.

c) DATA STORAGE DEVICE - A device used to electronically store counting and canvassing results, such as a memory pack or diskette.

d) COMPUTER SET - A set of equipment containing regular components, i.e. monitor, central processing unit or CPU, keyboard and printer.

e) MERGER OR PRECINTS - refers to the combination of two or more precincts within the same barangay into one precinct.

f) CONSOLIDATION OF PRECINTS - refers to the clustering of two or more precincts within the same barangay, each maintaining its own identity, where voting is conducted by one board of election inspectors. (Section 2.)

uses optical scanning/mark-sense reading device or any similar advanced technology to count ballots.

b) MEMORY PACK/DISKETTE - A device used to store data.

c) MEMORY PACK RECEIVER - A dedicated machine that reads memory packs.

d) TAPE PRINTOUT - An adding machine-like tape containing the names of all candidates and the corresponding votes obtained per precinct directly produced by the counting machine.

e) ELECTION RETURNS - A document showing the date of the election, the municipality in which it is held, and other data, and containing the votes in words and in figures for each candidate in a precinct.

f) STATEMENT OF VOTES - A document containing detailed entries of the votes obtained by each candidate in each of the precincts in a municipality or in each of the municipalities in a province.

g) MUNICIPAL CERTIFICATE OF CANVASS OF VOTES - A document containing the total votes in words and in figures obtained by each candidate in a municipality.

h) PROVINCIAL CERTIFICATE OF CANVASS OF VOTES - A document containing the total votes in words and in figures obtained by each candidate in a province.

i) COMPUTER SET - A set of equipment containing regular components, i.e. monitor, CPU, keyboard and printer.

j) CENTRAL COUNTING CENTER - A public place designated by the Commission where counting of ballots and canvassing shall be conducted.

k) COMPUTERIZED ELECTION SYSTEM - A system using electronic devices to count and canvass vote. (Section 2.)

AUTHORITY TO USE  
AN AUTOMATED  
ELECTION SYSTEM

To carry out the above-stated policy, the Commission on Elections, hereinafter referred to as the "Commission", is hereby authorized to use an automated election system, hereinafter referred to as the "System", for the process of counting

To carry out the above-stated policy, a computerized election system, hereinafter referred to as the "System" is hereby prescribed for the process of voting, counting and canvassing of votes to be conducted by the Commission on Elections, hereafter referred to as the

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and canvassing of votes in the May 11, 1998 national and local elections and in other national and local elections thereafter.

"Commission" in the May 1998 elections and subsequent electoral exercises. (Section 3.)

Each city or municipality shall have at least one automated counting machine.

The System shall not be used in barangay and sangguniang kabataan elections. (Section 3.)

FEATURES OF THE SYSTEM

The System shall utilize appropriate technological and electronic devices for counting and canvassing of votes. For this purpose, the Commission shall acquire automated counting machines, computer equipment, devices and materials and adopt new forms and printing materials for the purpose:

The system shall contain the following features: (a) use of appropriate ballots, (b) stand alone machine which can generate immediate results, (c) with provisions for audit trails, (d) minimum human intervention and (e) adequate safeguard/security measures. (Section 4.)

The System shall utilize appropriate technological and electronic devices for voting, counting and canvassing of votes. For this purpose, the Commission shall acquire computer equipment, devices and materials and adopt new forms and printing materials for official ballots, election returns, certificates of canvass and other election forms and paraphernalia: Provided, That the Commission shall notify the representatives of political parties and cause the publication in two (2) newspapers of general circulation of their adoption and actual use not later than sixty (60) days before election.

PROCUREMENT OF  
EQUIPMENT AND  
MATERIALS

The Commission shall procure the automated counting machines, computer equipment, devices and materials needed for ballot printing and devices for voting, counting and canvassing, from local or foreign sources free from taxes and import duties, subject to accounting and auditing rules and regulations.

For this purpose, the Commission shall create an advisory council with members coming from the Information Technology Foundation of the Philippines (ITFP), media and non-government organizations. (Section 5.)

SYSTEM BREAKDOWN;  
REVERSION TO  
MANUAL SYSTEM

In the event of a systems breakdown, the Commission shall provide for a procedure whereby it shall revert to the manual system of counting and

The system shall contain the following features: (a) stand-alone machine with built-in printer which can generate immediate results, (b) use of ballots, (c) with provisions for audit trails, (d) minimum human intervention and (e) adequate safeguards/security measures. (Section 4.)

Computer equipment, devices and materials needed to implement the latest in ballot printing, voting and automated vote counting under the System for the purpose of May 1998 elections and subsequent elections shall be procured by the Commission from local or foreign sources free from taxes and import duties and subject to accounting and auditing rules and regulations such as public bidding, after the approval of this Act. (Section 5.)

note already embodied in the second paragraph of Section 20.

(The Commission shall provide for a procedure whereby in the event of a system breakdown, it shall revert to the existing manual system of counting and canvassing using a specially-designed ballot to

EXAMINATION AND  
TESTING OF  
COUNTING MACHINES

canvassing. (Section 6.)

The Commission shall, on the date and time it shall set and with proper notices, allow the political parties and candidates or their representatives to examine and test the machines to ascertain that the machines are operating properly and accurately. Test ballots shall be provided by the Commission.

After examination and testing, the machines shall be locked and sealed by the election officer or any authorized representative of the Commission in the presence of the political parties and candidates or their representatives. The machine shall be kept locked and sealed and shall be opened again on election day before the counting of votes begins.

Immediately after the examination and testing of the machines, the parties and candidates or their representatives may submit a written report to the Commission through the election officer. (Section 7.)

ascertain the will of the people.)

Seven (7) working days before the election, the Commission shall, on a date and time set and with proper notices to the political parties and candidates, allow them or their representatives to examine and test the machines to ascertain that the machines are operating properly and accurately. Sample ballots for testing purposes shall be provided by the Commission. In the preparation of the design of the official ballot, the representative of the majority party and dominant minority party shall be present.

After examination and testing, the machines shall be locked and sealed by the Election Officer in the presence of the political parties and candidates or their representatives. The keys to the machine shall be placed in a sealed envelope and shall be kept by the Election Officer. The machines shall be kept locked and sealed and shall be opened again only at three o'clock in the afternoon of election day before the counting of votes begins.

OFFICIAL BALLOTS

The Commission shall prescribe the size and form of the official ballots. It shall bear the coat of arms of the Republic of the Philippines and shall contain the titles of position to be filled. Under each position, the names of candidates, arranged alphabetically by their surnames, shall be uniformly printed using the same type size. Where necessary, both sides of the the ballot may be used.

The ballot shall contain serial numbers and/or corresponding codes and such other security marks as the Commission may deem appropriate.

The official ballots shall be printed by the National Printing Office and/or Bangko Sentral ng Pilipinas under proper security measures which the Commission shall adopt. The Commission may contract the services of private

The parties and candidates or their representatives may submit a written report to the Commission through the Election Officer, immediately after the examination and testing of the machines. (Section 8.)

The Commission shall prescribe the size and form of the official ballots. The ballot shall contain the titles of positions to be filled and under each position, the names of the candidates arranged alphabetically by their surnames. The name of the candidates shall be uniformly printed using same type size for all names appropriate spaces shall be provided for substitution of candidates. Opposite the name of each candidate there shall be a space provided for the voter to indicate his vote. Where necessary, both sides of the ballot may be used.

The ballot shall contain watermarks, unique serial numbers and/or corresponding codes and such other security marks as the Commission may deem appropriate.

The official ballots and other accountable election forms shall be

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printers should the National Printing Office/Bangko Sentral ng Pilipinas be unable to cope with the printing requirements. Accredited political parties and deputized citizens arm of the Commission may assign watchers in the printing, storage and distribution of official ballots.

The official ballots shall be printed and distributed to each municipality at the rate of one ballot for every registered voter. (Section 8.)

BALLOT BOX

There shall be in each polling place on election day a ballot box with safety features that the Commission may prescribe and of such size as to accommodate the official ballots without folding them. It shall be locked with padlocks and self-locking metal seals. (Section 9.)

MERGER OR  
CONSOLIDATION OF  
PRECINCTS

For the purpose of the System herein provided, the Commission shall merge or consolidate at most three (3) precincts

printed exclusively by the National Printing Office and/or Bangko Sentral ng Pilipinas under proper security measures which the Commission shall provide. Accredited political parties deputized citizens arm of the Commission may assign watchers in committees in charge of the printing, storage and distribution of official ballots.

The official ballots shall be printed and distributed to each municipality at the rate of one ballot for every registered voter. (Section 9.)

The Commission shall provide each Board of Election Inspectors with a special ballot box with safety measures similar to the present ballot box of such size as to accommodate the official ballots without folding them. It shall be locked with padlocks and self-locking metal seals or any other safety devices that the Commission may prescribe. (Section 10.)

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COMPOSITION OF  
BOARD OF ELECTION  
INSPECTORS

comprising contiguous and compact territories within the same barangay at least ninety (90) days before election day. (Section 10.)

The board of election inspectors shall be composed of one (1) chairman and one poll clerk. (Section 11.)

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## VOTING HOURS

The casting shall start at seven o'clock in the morning and shall end at one o'clock in the afternoon, except when there are voters present within ten (10) meters in front of the polling place who have not yet cast their votes, in which case, the voting shall continue but only to allow said voters to cast their votes without interruption. (Section 12.)

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MANNER OF  
PREPARING THE  
BALLOTS

Before a voter is given a ballot for voting, the board shall instruct him on how to accomplish the ballot.

Upon Receipt of the ballot from the chairman of the board, the voter shall use a vacant voting booth to accomplish the ballot.

No replacement of ballots shall be

Before a voter is given a ballot for voting, the Board shall instruct him on how to accomplish the ballot.

Upon receipt of the ballot from the Chairman of the Board, the voter shall go to a vacant voting booth to vote for the candidates of his choice.

If the voter commit mistake in filling

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allowed.

After the voter has voted, the voter shall personally drop his ballot in the ballot box. The voter shall then affix his thumbmark on the corresponding space in the voting record and the chairman shall apply indelible ink on his right forefinger. (Section 13.)

the ballot, he should not try to correct it, or erase or cross out the name of the candidate already chosen. Instead, he shall return the ballot to the Board and ask for replacement. The Board shall mark the returned ballot as "spoiled." A voter may replace his ballot only once.

After the voter has voted, he shall personally drop his ballot into the ballot box. He shall affix his thumbmark on the corresponding space in the voting record and the Chairman shall apply the indelible ink on the right forefingernail of the voter.

The Commission shall adopt measures necessary to ensure that the contents of the ballot are not exposed when the voter drops it inside the ballot box. (Section 11.)

CLOSING OF POLLS

After the close of voting, the board shall enter in the minutes the serial number of the metal seal to be used in sealing the ballot box. The board shall then place the minutes inside the ballot box and thereafter close, lock and seal the same. The chairman shall

After the close of voting, the Board of Election Inspectors shall close the ballot box; lock and seal it and enter in the minutes the serial number of the metal seal used to seal the ballot box. The Chairman shall publicly announce that the votes will be counted

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publicly announce that the votes will be counted at a designated counting center where the board shall transport the ballot box containing the ballots and other election documents and paraphernalia for the counting of votes. (Section 14.)

at a designated central counting center where the counting machines are located and that the ballot box containing the ballots and the other election documents and paraphernalia shall be brought there for the counting of the votes. These facts shall be entered in the minutes of the Board.

The members of the Board shall transport the ballot box and retain custody thereof. They shall remain at the central counting center until the official ballots from the precinct are counted. (Section 12.)

DESIGNATION OF  
COUNTING CENTERS

The Commission shall designate counting center(s) which shall be a public place within the city/municipality or in such other places as may be designated by the Commission when peace and order conditions so require, where the official ballots cast in various precincts of the city/municipality shall be counted. The election officer shall post prominently in his office, in the bulletin boards at the city/municipality hall and in three (3) other conspicuous places in the city/municipality, the notice on the

The Commission shall designate a central counting center which shall be a public place within the municipality or within the province where the official ballots cast in various precincts of the municipality shall be counted and shall give notice thereof by posting prominently, for at least fifteen (15) days prior to election day, the notice in the Office of the Election Officer, the bulletin boards at the municipal hall and in three (3) other conspicuous place in the municipality. (Section 13.)

designated counting center(s) for at least fifteen (15) days prior to election day. (Section 15.)

COUNTING PROCEDURES

a) The counting of votes shall be public and conducted in the designated counting center(s).

b) The ballots shall be counted by precinct in the order of their arrival at the counting center. The election officer or his representative shall log the sequence of arrival of the ballot boxes and indicate their condition. Thereafter, the board shall, in the presence of the watchers, open the ballot box, count the number of ballots therein to verify whether the number tallies with the number of voters who voted as recorded in the list of voters with voting records. If there are excess ballots, all of them shall be returned to the ballot box. The poll clerk, without looking at the ballots, shall be publicly draw out at random ballots equal to the excess and without looking at the contents thereof, place them in an envelope which shall be marked "excess ballot". The envelope shall be sealed and signed by the

a) The counting of votes shall be conducted in the central counting center within each municipality or province as designated by the Commission.

b) The ballots shall be counted by precinct in the order of their arrival at the central counting center. The Election Officer shall log the sequence of arrival of the ballot boxes and indicate their condition. Thereafter, the Board shall, in the presence of the watchers, open the ballot, count the number of ballots and verify if it tallies with the number as votes who voted as recorded in the List of Voters with Voting Records. If there are excess ballots, the Board shall proceed in the manner provided in the Section 207 of the Omnibus Election Code.

c) The Chairman of the Board of Election Inspectors or any authorized members thereof shall then retrieve the valid ballots from the ballot box.

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members of the board and placed in the compartment for spoiled ballots and its contents shall not be read in the counting of votes.

c) Any member of the board shall then retrieve the valid ballots from the ballot box. The election officer or any authorized COMELEC official or any member of the board shall feed the ballots into the machine without interruption until all the ballots for the precinct are counted.

d) The board shall remain at the counting center until all the official ballots for the precinct are counted and all reports are properly accomplished.  
(Section 16.)

election officer shall  
copies of the results

Under the supervision of the Election Officer of the municipality, the Chairman of the Board or any authorized member thereof shall feed the ballots one in a time into the machine without interruption until all the votes are counted. All proceedings shall be public; however, only the Election Officer authorized to operate the machine and the members of the Board of Election Inspectors of the precincts the ballots of which are being counted may physically touch the ballots.

(d) After the ballots of the precincts have been counted, the Chairman of the Board of Election Inspectors or any member thereof shall, in the presence of watchers, publicly read and announce the total number of votes obtained by each candidate based on the tape printout. The Election Officer shall print four (4) copies of the results all of which shall be authenticated by him and the members of the Board of Election Inspectors. The tape printout shall be distributed as follows:

1. The first copy to the Election Officer:

2. The second copy to the authorized representative of the majority party;

3. The third copy to the authorized representative of the dominant minority party; and

4. The fourth copy to be deposited inside the ballot box.

e) The ballots shall then be returned to the ballot box, which shall be locked, sealed and delivered to the municipal treasurer for safekeeping. The treasurer shall immediately provide the Election Officer and the Commission with a record of the serial numbers of the ballot boxes and the corresponding metal seals. (Section 14.)

ELECTION RETURNS

After the ballots of the precincts have been counted, the election officer or any authorized Comelec official shall in the presence of watchers, if any, store the results in a data storage device and print seven (7) copies of the election returns of each precinct. The printed election returns shall be signed and thumbmarked by the board and attested to by the election officer.

After the ballots of the precincts have been counted, the election officer or any authorized Comelec official shall in the presence of watchers, if any, store the results in a data storage device and print seven (7) copies of the election returns of each precinct. The printed election returns shall be signed and thumbmarked by the board and attested to by the election officer.

The Election Officer shall personally print out the election returns of each precinct from the data derived from the counting machine. The printed election returns shall be signed and thumbmarked by the members of the Board of Election Inspectors and attested to by the Election Officer and sealed in the presence of watchers of the majority party and dominant minority party. The seven

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Any member of the board shall then publicly read and announce the total number of votes obtained by each candidate based on the election returns. Thereafter, the seven (7) copies of the election returns shall be sealed and placed in the proper envelopes for distribution as follows:

A. In the election of President, Vice President, Senators and Members of the House of Representatives:

1. The first copy shall be delivered to the city or municipal board of canvassers;
2. The second copy, to the Congress, directed to the President of the Senate;
3. The third copy, to the Commission;
4. The fourth copy, to the dominant majority party as determined by the Commission in accordance with law;
5. The fifth copy, to the dominant minority party as determined by the Commission in accordance with law;
6. The sixth copy, to a citizens arm

(7) copies of the election returns shall be placed in the proper envelopes and distributed in accordance with law.

The Election Officer shall consolidate the election returns containing the votes obtained by candidates and printout the Municipal Certificate of Canvass of Votes. The Municipal Certificate of Canvass, which shall be supported by the Statement of Votes by Precint shall be prepared in seven (7) copies to be distributed in accordance with law. (Section 16.)

authorized by the Commission to conduct  
an unofficial count:

7. The seventh copy shall be deposited  
inside the compartment of the ballot  
box for valid ballots; and

B. In the election of local officials:

1. The first copy shall be delivered to  
the city or municipal board of  
canvassers:

2. The second copy, to the Commission;

3. The third copy, to the provincial  
board of canvassers;

4. The fourth copy, to th dominant  
majority party as determined by the  
Commission in accordance with law;

5. The fifth copy, to the dominant  
minority party as determined by the  
Commission in accordance with law;

6. The sixth copy, to a citizens arm  
authorized by the Commission to conduct  
an unofficial count;



7. The seventh copy shall be deposited inside the compartment of the ballot box for valid ballots.

After the printing of the election returns, the ballots shall be returned to the ballot box, which shall be locked, sealed and delivered to the city/ municipality treasurer for safekeeping. The treasurer shall immediately provide the safekeeping. The treasurer shall immediately provide the Commission and the election officer with a record of the serial numbers of the ballot boxes and the corresponding metal seals. (Section 17.)

CUSTODY AND  
ACCOUNTABILITY OF  
BALLOTS

The election officer and the treasurer of the city/municipality as deputy of the Commission shall have joint custody and accountability of the official ballots, accountable forms and other election documents as well as ballot boxes containing the official ballots cast. The ballot boxes shall not be opened for three (3) months unless the Commission orders otherwise. (Section 18.)

The Election Officer and the Treasurer of the municipality or province as deputy of the Commission shall have joint custody and accountability of the official ballots, accountable forms and other election documents as well as ballot boxes containing the official ballots cast. The ballot boxes shall not be opened for three (3) months unless the Commission orders otherwise. (Section 15.)

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SUBSTITUTION OF  
CHAIRMAN AND  
MEMBERS OF THE  
BOARD OF CANVASSERS.

In case of non-availability, absence, disqualification due to relationship, or incapacity for any cause of the chairman, the Commission shall appoint a substitute, a ranking lawyer of the Commission. With respect to the other members of the board, the Commission shall appoint as substitute the following in the order named: the provincial auditor, the registrar of deeds, the clerk of court nominated by the Executive Judge of the Regional Trial Court, or any other available appointive provincial official in the case of the provincial board of canvassers; the officials in the city corresponding to those enumerated, in the case of the city board canvassers; and the municipal administrator, the municipal assessor, the clerk of court nominated by the Judge of the Municipal Trial Court, in the case of the municipal board of canvassers. (Section 19.)

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CANVASSING BY  
PROVINCIAL, CITY,  
DISTRICT AND  
MUNICIPAL BOARD OF  
CANVASSERS

(a) The city or municipal board of canvassers shall canvass the votes for president, vice-president, senators, members of the House of Representatives and/or elective provincial and city or municipal officials by consolidating

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the results contained in the data storage devices used in the printing of the election returns. Upon completion of canvass, it shall print the certificate of canvass for president, vice-president, senators and members of the House of Representatives and elective provincial officials and thereafter, proclaim the elected city or municipal officials, as the case may be.

(b) The city board of canvassers of cities comprising one or more legislative districts shall canvass the votes for president, vice-president, senators, members of the House of Representatives and elective city officials by consolidating the results contained in the data storage devices used in the printing of the election returns. Upon completion of canvass, the board shall print the certificate of canvass for president, vice-president, senators and thereafter, proclaim the elected members of the House of Representatives and city officials.

(c) (1) In Metro Manila Area, each

municipality comprising a legislative district shall have a district board of canvassers which shall canvass the votes for president, vice-president, senators, members of the House of Representatives and/or elective municipal officials by consolidating the results contained in the data storage devices used in the printing of the election returns. Upon completion of the canvass, it shall print the certificate of canvass for president, vice-president, senators and thereafter, proclaim the elected members of the House of Representatives and municipal officials.

(2) Each component municipality in a legislative district in the Metro Manila Area shall have a municipal board of canvassers which shall canvass the votes for president, vice-president, senators, members of the House of Representatives and elective municipal officials by consolidating the results contained in the data storage devices used in the printing of the election returns. Upon completion of canvass, it shall prepare the certificate of canvass for president.

vice-president, senators and members of the House of Representatives and thereafter, proclaim the elected municipal officials.

(3) The district board of canvassers of each legislative district comprising two (2) municipalities in the Metro Manila Area shall canvass the votes for president, vice-president, senators, members of the House of Representatives by consolidating the results contained in the data storage devices submitted by the municipal board of canvassers of the component municipalities. Upon the completion of the canvass, it shall print a certificate of canvass for president, vice-president, senators and thereafter, proclaim the elected members of the House of Representatives in the legislative district.

(d) The provincial board of canvassers shall canvass the votes for president, vice-president, senators, members of the House of Representatives and elective provincial officials by consolidating the results contained in the data storage devices as submitted by the board of canvassers of

municipalities and component cities. Upon completion of canvass, it shall print the certificate of canvass for president, vice-president, senators and thereafter, proclaim the elected members of the House of Representatives and the provincial officials.

The Commission shall adopt adequate and effective measures to preserve the integrity of the data storage devices at the various levels of the boards of canvassers.

CERTIFICATE OF CANVASS:  
PROCLAMATION OF ELECTED  
CANDIDATES

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a) After the votes cast in all municipalities and component cities have been electronically canvassed, the municipal board of canvassers for the municipal officials, the Provincial Board of Canvassers for provincial officials, the district board of canvassers for Representatives, the Commission on Elections for senators and Congress for the President and Vice-President, shall print out a Certificate of Canvass of the votes cast for municipal, city, provincial and for national offices. A Certificate of Canvass and Proclamation of the duly elected officials as the case may be.

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DISCREPANCY OF FIGURES

- n o n e -

NUMBER OF COPIES  
OF CERTIFICATE OF  
CANVASS AND THEIR  
DISTRIBUTION

(a) The certificate of canvass for president, vice-president, senator, members of the House of Representatives and elective provincial officials shall

shall also be prepared. The Certificate of Canvass and Proclamation shall be signed and thumbmarked by the corresponding canvassing board and, whenever available, by the watchers of the majority party and dominant minority party.

b) Each Board of Canvassers shall prepare a diskette copy of the Certificate of Canvass of Votes cast for the President, Vice-President, Senators, Members of the House of Representatives, provincial, city and municipal officials, as the case may be.

In case of discrepancy of figures contained in the election returns and in the tape printout, the tape printout shall prevail; if the certificate of canvass is in conflict with the election returns, the latter shall prevail. The tape printout and data diskette shall be preserved in the custody of the Election Officer.

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be printed in seven (7) copies by the city or municipal board of canvassers and distributed as follows:

1. The first copy shall be delivered to the provincial board of canvassers for use in the canvass of election results for president, vice president, senators, members of the House of Representatives and elective provincial officials;
2. The second copy shall be sent to the Commission;
3. The third copy shall be kept by the chairman of the board;
4. The fourth copy shall be given to the citizens arm designated by the Commission to conduct a media-based unofficial count; and
5. The fifth, sixth, and seventh copies shall be given to the representatives of any three (3) of the six (6) major political parties. The parties receiving the certificates shall have the obligation to furnish the other parties with authentic copies thereof



with the least possible delay.

(b) The certificate of canvass for president, vice president, and senators shall be printed in seven (7) copies by the city boards of canvassers of cities comprising one or more legislative districts, by the provincial boards of canvassers and by district boards of canvassers in the Metro Manila Area, and distributed as follows:

1. The first copy shall be sent to the Congress, directed to the President of the Senate for use in the canvass of election results for president and vice president;
2. The second copy shall be sent to the Commission for use in the canvass of the election results for senators;
3. The third copy shall be kept by the chairman of the board;
4. The fourth copy shall be given to the citizens arm designated by the Commission to conduct a media-based

unofficial count; and

5. The fifth, sixth, and seventh copies of certificate of canvass shall be given to any three (3) of the six (6) major political parties. The parties receiving the certificates shall have the obligation to furnish the other parties with authentic copies thereof with the least possible delay.

(c) The certificate of canvass printed by the city or municipal boards of canvassers shall be signed and thumbmarked by the chairman and members of the board, and the principal watchers if available. Thereafter, it shall be sealed and placed inside an envelope which shall likewise be properly sealed.

NATIONAL BOARD OF  
CANVASSERS FOR  
SENATORS

The Chairman and the Members of the Commission on Elections sitting en banc, shall compose the national board of canvassers for Senators. It shall canvass the results for senators consolidating the results contained in the data storage devices submitted by the district, provincial and city boards of canvassers of those cities

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which comprise one or more legislative districts. Thereafter, the national board shall proclaim the winning candidates for Senators. (Section 22.)

CONGRESS AS THE NATIONAL BOARD OF CANVASSERS FOR PRESIDENT AND VICE PRESIDENT

The Senate and the House of Representatives in joint public session shall canvass the certificate votes for President and Vice-President submitted by the district, provincial, and city boards of canvassers and thereafter, proclaim the winning candidates for President and Vice-President. (Section 23.)

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NATIONWIDE PUBLIC DEMONSTRATION OF THE AUTOMATED COUNTING AND CANVASSING MACHINE AND VOTERS EDUCATION

The Commission shall carry out a nationwide public demonstration of the automated counting and canvassing machines and a continuing and systematic voters' education campaign about the automated election system through newspapers of general circulation, radios and other media forms. (Section 24.)

The Commission shall conduct nationwide public demonstrations of the operation of the System and disseminate pertinent information materials all over the country, for the proper understanding of th System by the voters, the candidates, the political parties and the public. (Section 6.)

SUPERVISION AND CONTROL

The System shall be under the exclusive supervision and control of the Commission. For this purpose, there is hereby created an Information

The System shall be under the exclusive supervision and control of the Commission.

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Technology Department in the Commission to carry out the full administration and implementation of the System.

The Commission shall take such steps as may be necessary for the acquisition, installation, administration and maintenance of equipment and devices used to implement the System and promulgate the necessary rules and regulations to be used for the effective implementation of the Act. (Section 25.)

The Commission shall take such steps as may be necessary for the acquisition, installation, administration and maintenance of equipment and devices used to implement the System and promulgate the necessary rules and regulations for the effective implementation of the Act. The Commission shall provide for a procedure whereby in the event of a system breakdown, it shall revert to the existing manual system of counting and canvassing using a specially-designed ballot to ascertain the will of the people. (Section 20.)

ELECTION OFFENSE

In addition to those enumerated in Section 261 of Batas Pambansa Blg. 881, the following acts shall be penalized as election offenses, whether or not said acts affect the electoral process or results:

a) Utilizing without authorization, tampering with, destroying or stealing -

1. official ballots, election returns, and certificate of canvass of votes used in the System; and

In addition to those enumerated in Section 261 of Batas Pambansa Blg. 881, the following acts shall be penalized as election offenses, whether or not said acts affect the electoral process or results:

a) Utilizing without authorization, tampering with, destroying or stealing -

1. official ballots, election returns, statement of votes and certificates of canvass of votes used

2. electronic devices or their components, peripherals or supplies used in the System, such as counting machine, memory pack/diskette, memory pack receiver, and computer set.

b) Interfering with, impeding, absconding for purpose of gain, preventing the installation or use of computer counting devices and the processing, storage, generation and transmission of election results, data or information; and

c) Gaining or causing access to using, altering, destroying or disclosing any computer data, program, system software, network or any computer-related devices, facilities, hardware or equipment, whether classified or declassified. (Section 26.)

... whether  
classified (Section 23)

ELECTION PROTEST

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in the System; and

2. electronic devices or their components, peripherals or supplies used in the System, such as counting machine, memory pack/diskette, memory pack receiver, tape printout and computer set.

b) Interfering with, impeding, absconding for purpose of gain or preventing the installation or use of computer counting devices and the processing, storage, generation and transmission of election results, data or information; and

c) Gaining or causing access to using, altering, destroying or disclosing any computer data, program, system software, network or any computer-related devices, facilities, hardware or equipment, whether classified or declassified. (Section 23.)

The pertinent provisions of Batas Pambansa Blg. 881 and other election laws shall, whenever applicable, govern matters involving election contest/protests.

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APPLICABILITY

The provision of Batas Pambansa Blg. 881 otherwise known as the Omnibus Election Code and other election laws not inconsistent herewith, shall apply. (Section 27.)

Except as herein provided, the provisions of the Omnibus Election Code and other related laws shall apply to elections where ballots are to be counted by computerized counting machines. (Section 7.)

FUNDING

The amount necessary for the implementation of this Act shall be charged against the current appropriations of the Commission and thereafter included in the General Appropriations Act. In case of deficiency in the funding requirements herein provided, such amount as may be necessary shall be augmented from the contingent fund in the General Appropriations Act. (Section 28.)

- do -

(Section 25.)

SEPARABILITY CLAUSE

If for any reason any section or provision of this Act, or any part thereof, or the application of such section, provision, portion is declared invalid or unconstitutional, the remainder thereof shall not be affected by such declaration. (Section 29.)

If for any reason any section or provision of this Act, or any part thereof, or the application of such section, provision, portion is declared unconstitutional, the remainder thereof shall not be affected by such declaration. (Section 26.)

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REPEALING CLAUSE

All laws, presidential decrees,  
executive orders, rules and regulations  
or parts thereof inconsistent with the  
provisions of this Act are hereby  
repealed or modified accordingly.  
(Section 30.)

(Section 27.)

- do -

EFFECTIVITY

This Act shall take effect fifteen (15)  
days after its publication in a  
newspaper of general circulation.  
(Section 31.)

(Section 28.)

- do -

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Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City, Metro Manila

Tenth Congress

Second Regular Session

HOUSE BILL NO. **7930**

Introduced by the Honorable Alfredo E. Abuea, Jr.

AN ACT

ADOPTING A COMPUTERIZED SYSTEM OF ELECTION FOR THE 1998 GENERAL ELECTIONS AND SUBSEQUENT ELECTIONS, PLEBISCITES, REFERENDA, RECALL AND OTHER ELECTORAL EXERCISES, AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF BATAS PAMBANSA BLG. 881, AS AMENDED, OTHERWISE KNOWN AS THE OMNIBUS ELECTION CODE.

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1           SECTION 1. Declaration of Policy. - It is the  
2           policy of the State to ensure free, orderly, honest, fair  
3           and credible elections and other electoral exercises, and  
4           ensure the secrecy and sanctity of the ballot in order that  
5           the citizenry shall be assured that the results of  
6           elections, plebiscites, referenda and such other electoral  
7           exercises are truly reflective of their will.

8           SECTION 2. Definition of Terms. - As used in this  
9           Act, the following terms shall mean:

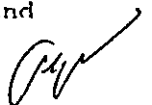
10           a) Counting Machine - a machine that uses optical  
11           scanning/mark sense reading device or any similar advanced  
12           technology to count ballots;

13           b) Memory Pack/Diskette - a device used to store data;

14           c) Memory Pack Receiver - a dedicated machine that  
15           reads memory packs;

16           d) Tape Printout - an adding machine-like tape  
17           containing the names of all candidates and the correspond-  
18           ing votes obtained per precinct directly produced by the  
19           counting machine;

20           e) Election Returns - a document showing the date of  
21           the election, the municipality in which it is held, and



1 other data, and containing the votes in words and in  
2 figures for each candidate in a precinct:

3 f) Statement of Votes - a document containing  
4 detailed entries of the votes obtained by each candidate in  
5 each of the precincts in a municipality or in each of the  
6 municipalities in a province:

7 g) Municipal Certificate of Canvass of Votes - a  
8 document containing the total votes in words and in figures  
9 obtained by each candidate in a municipality:

10 h) Provincial Certificate of Canvass of Votes - a  
11 document containing the total votes in words and in figures  
12 obtained by each candidate in a province:

13 i) Computer Set - a set of equipment containing  
14 regular components, i. e., monitor, CPU, keyboard and  
15 printer:

16 j) Central Counting Center - a public place designated  
17 by the Commission where counting of ballots and canvassing  
18 shall be conducted:

19 k) Computerized Election System - a system using  
20 electronic devices to count and canvass votes.

21  
22 **SECTION 3. Adoption of a Computerized Election System**  
23 - To carry out the above-stated policy, a computerized  
24 election system, hereafter referred to as the "System",  
25 is hereby prescribed for the processes of voting, counting  
26 and canvassing of votes, to be conducted by the  
27 Commission on Elections, hereafter referred to as the  
28 "Commission", in the May 1998 elections and subsequent  
29 electoral exercises.

30  
31 **SECTION 4. Features of the System.** - The System

1 shall utilize appropriate technological and electronic  
2 devices for voting, counting and canvassing of votes. For  
3 this purpose, the Commission shall acquire computer  
4 equipment, devices and materials and adopt new forms and  
5 printing materials for official ballots, election returns,  
6 certificates of canvass and other election forms and  
7 paraphernalia: Provided, That the Commission shall notify  
8 the representatives of political parties and cause the  
9 publication in two (2) newspapers of general circulation  
10 of their adoption and actual use not later than sixty (60)  
11 days before election.

12 The System shall contain the following features:  
13 (a) stand-alone machine with built-in printer which can  
14 generate immediate results, (b) use of ballots, (c) with  
15 provisions for audit trails, (d) minimum human  
16 intervention, and (e) adequate safeguards/security measures.

17  
18 SECTION 5. Procurement of Equipment and Materials. -  
19 Computer equipment, devices and materials needed to  
20 implement the latest in ballot printing, voting and auto-  
21 mated vote counting under the System for the purpose of May  
22 1998 elections and subsequent elections shall be procured  
23 by the Commission from local or foreign sources free from  
24 taxes and import duties and subject to accounting and  
25 auditing rules and regulations, such as public bidding,  
26 after the approval of this Act.

27  
28 SECTION 6. Public Demonstration of the System. - The  
29 Commission shall conduct nationwide public demonstrations  
30 of the operation of the System and disseminate pertinent  
31 information materials all over the country, for the proper

1 understanding of the System by the voters. the candidates.  
2 the political parties and the public.

3  
4 SECTION 7. Provisions Governing Elections Using the  
5 System. - Except as herein provided, the provisions of  
6 the Omnibus Election Code and other related laws shall  
7 apply to elections where ballots are to be counted by  
8 computerized counting machines.

9  
10 SECTION 8. Examination and Testing of Counting  
11 Machines. - Seven (7) working days before the election,  
12 the Commission shall, on a date and time it shall set and  
13 with proper notices to the political parties and  
14 candidates, allow them or their representatives to examine  
15 and test the machines to ascertain that the machines are  
16 operating properly and accurately. Sample ballots for  
17 testing purposes shall be provided by the Commission. In  
18 the preparation of the design of the official ballot, the  
19 representative of the majority party and dominant minority  
20 party shall be present.

21 After examination and testing, the machines shall be  
22 locked and sealed by the Election Officer in the presence  
23 of the political parties and candidates or their  
24 representatives. The keys to the machine shall be placed  
25 in a sealed envelope and shall be kept by the Election  
26 Officer. The machines shall be kept locked and sealed and  
27 shall be opened again only at three o'clock in the  
28 afternoon of election day before the counting of votes  
29 begins.

30 The parties and candidates or their representatives may  
31 submit a written report to the Commission through the

1 Election Officer, immediately after the examination and  
2 testing of the machines.

3  
4 SECTION 9. Official Ballots. - The Commission shall  
5 prescribe the size and form of the official ballots. The  
6 ballot shall contain the titles of positions to be filled  
7 and under each position, the names of candidates arranged  
8 alphabetically by their surnames. The names of the  
9 candidates shall be uniformly printed using the same type  
10 size for all names and appropriate spaces shall be provided  
11 for substitution of candidates. Opposite the name of each  
12 candidate, there shall be a space provided for the voter  
13 to indicate his vote. Where necessary, both sides of the  
14 ballot may be used.

15 The ballot shall contain watermarks, unique serial  
16 numbers and/or corresponding codes and such other security  
17 marks as the Commission may deem appropriate.

18 The official ballots and other accountable election  
19 forms shall be printed exclusively by the National  
20 Printing Office and/or the Bangko Sentral ng Pilipinas  
21 under proper security measures which the Commission shall  
22 provide. Accredited political parties and deputized  
23 citizens arms of the Commission may assign watchers in  
24 committees in charge of the printing, storage and  
25 distribution of official ballots.

26 The official ballots shall be printed and distributed  
27 to each municipality at the rate of one ballot for every  
28 registered voter.

29  
30 SECTION 10. Ballot Box. - The Commission shall  
31 provide each Board of Election Inspectors with a special

1 ballot box with safety measures similar to the present  
2 ballot box of such size as to accommodate the official  
3 ballots without folding them. It shall be locked with  
4 padlocks and self-locking metal seals or any other safety  
5 devices that the Commission may prescribe.

6  
7 SECTION 11. Manner of Preparing the Ballots. -

8 Before a voter is given a ballot for voting, the Board shall  
9 instruct him on how to accomplish the ballot.

10 Upon receipt of the ballot from the Chairman of the  
11 Board, the voter shall go to a vacant voting booth to vote  
12 for the candidates of his choice.

13 If the voter commits a mistake in filling the ballot,  
14 he should not try to correct it, or erase or cross out the  
15 name of the candidate already chosen. Instead, he shall  
16 return the ballot to the Board and ask for replacement.  
17 The Board shall mark the returned ballot as "spoiled." A  
18 voter may replace his ballot only once.

19 After the voter has voted, he shall personally drop his  
20 ballot into the ballot box. He shall affix his thumbmark  
21 on the corresponding space in the voting record and the  
22 Chairman shall apply the indelible ink on the right  
23 forefingernail of the voter.

24 The Commission shall adopt measures necessary to ensure  
25 that the contents of the ballot are not exposed when the  
26 voter drops it inside the ballot box.

27  
28 SECTION 12. Closing the Polls. - After the close of  
29 the voting, the Board of Election Inspectors shall close  
30 the ballot box; lock and seal it and enter in the minutes  
31 the serial number of the metal seal used to seal the ballot

1 box. The Chairman shall publicly announce that the votes  
2 will be counted at a designated central counting center  
3 where the counting machines are located and that the ballot  
4 box containing the ballots and the other election documents  
5 and paraphernalia shall be brought there for the counting  
6 of the votes. These facts shall be entered in the minutes  
7 of the Board.

8 The members of the Board shall transport the ballot box  
9 and retain custody thereof. They shall remain at the  
10 central counting center until the official ballots from the  
11 precinct are counted.

12  
13 SECTION 13. Designation of Central Counting Centers.

14 - The Commission shall designate a central counting center  
15 which shall be a public place within the municipality or  
16 within the province where the official ballots cast in  
17 various precincts of the municipality shall be counted and  
18 shall give notice thereof by posting prominently, for at  
19 least fifteen (15) days prior to election day, the notice  
20 in the Office of the Election Officer, the bulletin boards  
21 at the municipal hall and in three (3) other conspicuous  
22 places in the municipality.

23  
24 SECTION 14. Counting Procedure. - a) The counting  
25 of votes shall be conducted in the central counting center  
26 within each municipality or province as designated by the  
27 Commission.

28 b) The ballots shall be counted by precinct in the  
29 order of their arrival at the central counting center. The  
30 Election Officer shall log the sequence of arrival of the  
31 ballot boxes and indicate their condition. Thereafter, the

1 Board shall, in the presence of the watchers, open the  
2 ballot, count the number of ballots and verify if it  
3 tallies with the number of voters who voted as recorded in  
4 the List of Voters with Voting Records. If there are  
5 excess ballots, the Board shall proceed in the manner  
6 provided in the Section 207 of the Omnibus Election Code.

7 c) The Chairman of the Board of Election Inspectors or  
8 any authorized member thereof shall then retrieve the valid  
9 ballots from the ballot box. Under the supervision of the  
10 Election Officer of the municipality, the Chairman of the  
11 Board or any authorized member thereof shall feed the  
12 ballots one at a time into the machine without interruption  
13 until all the votes are counted. All proceedings shall be  
14 public; however, only the Election Officer authorized to  
15 operate the machine and the members of the Board of  
16 Election Inspectors of the precinct the ballots of which  
17 are being counted may physically touch the ballots.

18 d) After the ballots of the precincts have been  
19 counted, the Chairman of the Board of Election Inspectors  
20 or any member thereof shall, in the presence of the  
21 watchers, publicly read and announce the total number of  
22 votes obtained by each candidate based on the tape  
23 printout. The Election Officer shall print four (4) copies  
24 of the results all of which shall be authenticated by him  
25 and the members of the Board of Election Inspectors. The  
26 tape printout shall be distributed as follows:

- 27 1) The first copy to the Election Officer;
- 28 2) The second copy to the authorized representative  
29 of the majority party;
- 30 3) The third copy to the authorized representative  
31 of the dominant minority party; and



1           4) The fourth copy to be deposited inside the  
2           ballot box.

3           e) The ballots shall then be returned to the ballot  
4           box, which shall be locked, sealed and delivered to the  
5           municipal treasurer for safekeeping. The treasurer shall  
6           immediately provide the Election Officer and the Commission  
7           with a record of the serial numbers of the ballot boxes and  
8           the corresponding metal seals.

9  
10           SECTION 15. Custody and Accountability of Ballots. -

11           The Election Officer and the Treasurer of the municipality  
12           or province as deputy of the Commission shall have joint  
13           custody and accountability of the official ballots,  
14           accountable forms and other election documents as well as  
15           ballot boxes containing the official ballots cast. The  
16           ballot boxes shall not be opened for three (3) months  
17           unless the Commission orders otherwise.

18  
19           SECTION 16. Election Returns and Results. - The

20           Election Officer shall personally print out the election  
21           returns of each precinct from the data derived from the  
22           counting machine. The printed election returns shall be  
23           signed and thumbmarked by the members of the Board of  
24           Election Inspectors and attested to by the Election Officer  
25           and sealed in the presence of watchers of the majority  
26           party and dominant minority party. The seven (7) copies of  
27           the election returns shall be placed in the proper  
28           envelopes and distributed in accordance with law.

29           The Election Officer shall consolidate the election  
30           returns containing the votes obtained by candidates and  
31           printout the Municipal Certificate of Canvass of Votes.

1 The Municipal Certificate of Canvass. which shall be  
2 supported by the Statement of Votes by Precinct shall be  
3 prepared in seven (7) copies to be distributed in  
4 accordance with law.

5  
6 SECTION 17. Certificate of Canvass: Proclamation of  
7 Elected Candidates. a) After the votes cast in all  
8 municipalities and component cities have been electro-  
9 nically canvassed, the municipal board of canvassers for  
10 the municipal officials, the Provincial Board of Canvassers  
11 for provincial officials, the district board of canvassers  
12 for Representatives, the Commission on Elections for  
13 Senators and Congress for the President and Vice-President,  
14 shall print out a Certificate of Canvass of the votes cast  
15 for municipal, city, provincial and for national offices.  
16 A Certificate of Canvass and Proclamation of the duly  
17 elected officials as the case may be, shall also be prepared.  
18 The Certificate of Canvass and Proclamation shall be signed  
19 and thumbmarked by the corresponding canvassing board and,  
20 whenever available, by the watchers of the majority party  
21 and dominant minority party.

22 b) Each Board of Canvassers shall prepare a diskette  
23 copy of the Certificate of Canvass of Votes cast for the  
24 President, Vice-President, Senators, Members of the House  
25 of Representatives, provincial, city and municipal  
26 officials, as the case may be.

27 SECTION 19. Discrepancy of Figures. - In case of  
28 discrepancy of figures contained in the election returns  
29 and in the tape printout, the tape printout shall prevail;  
30 if the certificate of canvass is in conflict with the  
31 election returns, the latter shall prevail. The tape  
32 printout and data diskette shall be preserved in the

1 custody of the Election Officer.

2 SECTION 20. Supervision and Control. - The System  
3 shall be under the exclusive supervision and control of the  
4 Commission.

5 The Commission shall take such steps as may be  
6 necessary for the acquisition, installation, administration,  
7 implementation and maintenance of equipment and devices  
8 used to implement the System and promulgate the necessary  
9 rules and regulations for the effective implementation of  
10 this Act. The Commission shall provide for a procedure  
11 whereby in the event of a system breakdown, it shall revert  
12 to the existing manual system of counting and canvassing  
13 using a specially-designed ballot to ascertain the will of  
14 of the people.

15  
16 SECTION 21. Election Offenses. - In addition to  
17 those enumerated in Section 261 of Batas Pambansa Blg. 881,  
18 the following acts shall be penalized as election offenses,  
19 whether or not said acts affect the electoral process or  
20 results:

21 a) Utilizing without authorization, tampering with,  
22 destroying or stealing -

23 1) official ballots, election returns,  
24 statement of votes and certificates  
25 of canvass of votes used in the  
26 System; and

27 2) electronic devices or their  
28 components, peripherals or supplies  
29 used in the System. such as:  
30 counting machine, memory pack/  
31 diskette, memory pack receiver, tape  
32 printout, and computer set.

1           b) Interfering with, impeding, absconding for purposes  
2 of gain or preventing the installation or use of computer  
3 counting devices and the processing, storage, generation  
4 and transmission of election results, data or information;  
5 and

6           c) Gaining or causing access to, using, altering,  
7 destroying, or disclosing any computer data, program,  
8 system software, network, or any computer-related devices,  
9 facilities, hardware or equipment, whether classified or  
10 declassified.

11           SECTION 24. Election Protests. - The pertinent  
12 provisions of Batas Pambansa Blg. 881 and other election  
13 laws shall, whenever applicable, govern matters involving  
14 election contests/protests.

15           SECTION 25. Funding. - The amount necessary for  
16 the implementation of this Act shall be charged against the  
17 current appropriations of the Commission and thereafter  
18 included in the General Appropriations Act. In case of  
19 deficiency in the funding requirements herein provided,  
20 such amount as may be necessary shall be augmented from the  
21 contingent fund in the General Appropriations Act.

22           SECTION 26. Separability Clause. - If for any  
23 reason any section or provision of this Act, or any part  
24 thereof, or the application of such section, provision,  
25 portion is declared unconstitutional, the remainder thereof  
26 shall not be affected by such declaration.

27           SECTION 27. Repealing Clause. - All laws,  
28 presidential decrees, executive orders, rules and  
29 regulations or parts thereof inconsistent with the  
30 provisions of this Act are hereby repealed or modified  
31 accordingly.



Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City, Metro Manila

Tenth Congress  
Second Regular Session

HOUSE BILL NO. 8500

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Introduced by Congressman Emigdio S. Tanjuatco Jr.  
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AN ACT  
AUTHORIZING THE COMMISSION ON ELECTIONS TO USE AN AUTOMATED  
ELECTION SYSTEM NATIONWIDE IN THE MAY 11, 1998 NATIONAL AND  
LOCAL ELECTIONS AND IN OTHER NATIONAL AND LOCAL ELECTIONS  
THEREAFTER AND PROVIDING FUNDS THEREFOR.

*Be it enacted by the Senate and the House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. Declaration of policy. - It is the policy of  
the State to ensure free, orderly, honest, peaceful and  
credible elections, and assure the secrecy and sanctity of  
the ballot in order that the results of elections,  
plebiscites, referenda and other electoral exercises reflect  
the genuine will of the people.

SEC. 2. Definition of terms. - As used in this Act, the  
following terms shall mean:

- a) Automated Election System - a system using  
electronic devices to count and canvass votes;
- b) Counting Machine - a machine that uses an optical  
scanning/mark-sense reading device or any similar  
advanced technology to count ballots;
- c) Data Storage Device - a device used to  
electronically store counting and canvassing  
results, such as a memory pack or diskette;
- d) Computer Set - a set of equipment containing  
regular components, i.e. monitor, central  
processing unit or CPU, keyboard and printer;
- e) Merger of Precincts - refers to the combination of  
two or more precincts within the same barangay  
into one precinct;

- f) Consolidation of Precincts - refers to the clustering of two or more precincts within the same barangay, each maintaining its own identity, where voting is conducted by one board of election inspectors.

SEC. 3. Authority to use an automated election system. - To carry out the above-stated policy, the Commission on Elections, hereinafter referred to as the "Commission", is hereby authorized to use an automated election system, hereinafter referred to as the "System", for the process of counting and canvassing of votes in the May 11, 1998 national and local elections and in other national and local elections thereafter.

Each city or municipality shall have at least one automated counting machine.

The System shall not be used in barangay and sangguniang kabataan elections.

SEC. 4. Features of the system. - The System shall utilize appropriate technological and electronic devices for counting and canvassing of votes. For this purpose, the Commission shall acquire automated counting machines, computer equipment, devices and materials and adopt new forms and printing materials for the purpose.

The system shall contain the following features: (a) use of appropriate ballots, (b) stand-alone machine which can generate immediate results, (c) with provisions for audit trails, (d) minimum human intervention and (e) adequate safeguard/security measures.

SEC. 5. Procurement of equipment and materials. - The Commission shall procure the automated counting machines, computer equipment, devices and materials needed for ballot printing and devices for voting, counting and canvassing, from local or foreign sources free from taxes and import duties, subject to accounting and auditing rules and regulations.

For this purpose, the Commission shall create an advisory council with members coming from the Information Technology Foundation of the Philippines (ITFP), media and non-government organizations.

SEC. 6. Systems breakdown; reversion to manual system. - In the event of a systems breakdown, the Commission shall provide for a procedure whereby it shall revert to the manual system of counting and canvassing.

SEC. 7. Examination and testing of counting machines. - The Commission shall, on the date and time it shall set and with proper notices, allow the political parties and candidates or their representatives to examine and test the

machines to ascertain that the machines are operating properly and accurately. Test ballots shall be provided by the Commission.

After the examination and testing, the machines shall be locked and sealed by the election officer or any authorized representative of the Commission in the presence of the political parties and candidates or their representatives. The machines shall be kept locked and sealed and shall be opened again on election day before the counting of votes begins.

Immediately after the examination and testing of the machines, the parties and candidates or their representatives may submit a written report to the Commission through the election officer.

SEC. 8. Official ballots. - The Commission shall prescribe the size and form of the official ballots. It shall bear the coat of arms of the Republic of the Philippines and shall contain the titles of positions to be filled. Under each position, the names of candidates, arranged alphabetically by their surnames, shall be uniformly printed using the same type size. Where necessary, both sides of the ballot may be used.

The ballot shall contain serial numbers and/or corresponding codes and such other security marks as the Commission may deem appropriate.

The official ballots shall be printed by the National Printing Office and/or Bangko Sentral ng Pilipinas under proper security measures which the Commission shall adopt. The Commission may contract the services of private printers should the National Printing Office/Bangko Sentral ng Pilipinas be unable to cope with the printing requirements. Accredited political parties and deputized citizens arm of the Commission may assign watchers in the printing, storage and distribution of official ballots.

The official ballots shall be printed and distributed to each municipality at the rate of one ballot for every registered voter.

SEC. 9. Ballot box. - There shall be in each polling place on election day a ballot box with safety features that the Commission may prescribe and of such size as to accommodate the official ballots without folding them. It shall be locked with padlocks and self-locking metal seals.

SEC. 10. Merger or consolidation of precincts. - For purposes of the System herein provided, the Commission shall merge or consolidate at most three (3) precincts comprising contiguous and compact territories within the same barangay at least ninety (90) days before election day.



SEC. 11. Composition of board of election inspectors. - The board of election inspectors shall be composed of one (1) chairman and one (1) poll clerk.

SEC. 12. Voting hours. - The casting shall start at seven o'clock in the morning and shall end at one o'clock in the afternoon, except when there are voters present within ten (10) meters in front of the polling place who have not yet cast their votes, in which case, the voting shall continue but only to allow said voters to cast their votes without interruption.

SEC. 13. Manner of preparing the ballots. - Before a voter is given a ballot for voting, the board shall instruct him on how to accomplish the ballot.

Upon receipt of the ballot from the chairman of the board, the voter shall use a vacant voting booth to accomplish the ballot.

No replacement of ballots shall be allowed.

After the voter has voted, the voter shall personally drop his ballot in the ballot box. The voter shall then affix his thumbmark on the corresponding space in the voting record and the chairman shall apply indelible ink on his right forefinger.

SEC. 14. Closing of polls. - After the close of voting, the board shall enter in the minutes the serial number of the metal seal to be used in sealing the ballot box. The board shall then place the minutes inside the ballot box and thereafter close, lock and seal the same. The chairman shall publicly announce that the votes will be counted at a designated counting center where the board shall transport the ballot box containing the ballots and other election documents and paraphernalia for the counting of votes.

SEC. 15. Designation of counting centers. - The Commission shall designate counting center(s) which shall be a public place within the city/municipality or in such other places as may be designated by the Commission when peace and order conditions so require, where the official ballots cast in various precincts of the city/municipality shall be counted. The election officer shall post prominently in his office, in the bulletin boards at the city/municipality hall and in three (3) other conspicuous places in the city/municipality, the notice on the designated counting center(s) for at least fifteen (15) days prior to election day.

SEC. 16. Counting procedure. - (a) The counting of votes shall be public and conducted in the designated counting center(s).

- (b) The ballots shall be counted by precinct in the order of their arrival at the counting center. The election officer or his representative shall log the sequence of arrival of the ballot boxes and indicate their condition. Thereafter, the board shall, in the presence of the watchers, open the ballot box, count the number of ballots therein to verify whether the number tallies with the number of voters who voted as recorded in the list of voters with voting records. If there are excess ballots, all of them shall be returned to the ballotbox. The poll clerk, without looking at the ballots, shall publicly draw out at random ballots equal to the excess and without looking at the contents thereof, place them in an envelope which shall be marked "excess ballots". The envelope shall be sealed and signed by the members of the board and placed in the compartment for spoiled ballots and its contents shall not be read in the counting of votes.
- (c) Any member of the board shall then retrieve the valid ballots from the ballot box. The election officer or any authorized Comelec official or any member of the board shall feed the ballots into the machine without interruption until all the ballots for the precinct are counted.
- (d) The board shall remain at the counting center until all the official ballots for the precinct are counted and all reports are properly accomplished.

SEC. 17. Election Returns. - After the ballots of the precincts have been counted, the election officer or any authorized Comelec official shall, in the presence of watchers, if any, store the results in a data storage device and print seven (7) copies of the election returns of each precinct. The printed election returns shall be signed and thumbmarked by the board and attested to by the election officer. Any member of the board shall then publicly read and announce the total number of votes obtained by each candidate based on the election returns. Thereafter, the seven (7) copies of the election returns shall be sealed and placed in the proper envelopes for distribution as follows:

- A. In the election of President, Vice-President, Senators and Members of the House of Representatives:
- 1) The first copy shall be delivered to the city or municipal board of canvassers;
  - 2) The second copy, to the Congress, directed to the President of the Senate;

- 3) The third copy, to the Commission;
  - 4) The fourth copy, to the dominant majority party as determined by the Commission in accordance with law;
  - 5) The fifth copy, to the dominant minority party as determined by the Commission in accordance with law;
  - 6) The sixth copy, to a citizens arm authorized by the Commission to conduct an unofficial count;
  - 7) The seventh copy shall be deposited inside the compartment of the ballot box for valid ballots; and
- B. In the election of local officials:
- 1) The first copy shall be delivered to the city or municipal board of canvassers;
  - 2) The second copy, to the Commission;
  - 3) The third copy, to the provincial board of canvassers;
  - 4) The fourth copy, to the dominant majority party as determined by the Commission in accordance with law;
  - 5) The fifth copy, to the dominant minority party as determined by the Commission in accordance with law;
  - 6) The sixth copy, to a citizens arm authorized by the Commission to conduct an unofficial count;
  - 7) The seventh copy shall be deposited inside the compartment of the ballot box for valid ballots.

After the printing of the election returns, the ballots shall be returned to the ballot box, which shall be locked, sealed and delivered to the city/municipal treasurer for safekeeping. The treasurer shall immediately provide the Commission and the election officer with a record of the serial numbers of the ballot boxes and the corresponding metal seals.

SEC. 18. Custody and accountability of ballots. - The election officer and the treasurer of the city/municipality as deputy of the Commission shall have joint custody and accountability of the official ballots, accountable forms and other election documents as well as ballot boxes containing the official ballots cast. The ballot boxes shall not be opened for three (3) months unless the Commission orders otherwise.

SEC. 19. Substitution of chairman and members of the board of canvassers. - In case of non-availability, absence, disqualification due to relationship, or incapacity for any cause of the chairman, the Commission shall appoint a substitute, a ranking lawyer of the Commission. With respect to the other members of the board, the Commission shall appoint as substitute the following in the order named: the provincial auditor, the registrar of deeds, the clerk of court nominated by the Executive Judge of the Regional Trial Court, or any other available appointive provincial official in the case of the provincial board of canvassers; the officials in the city corresponding to those enumerated, in the case of the city board canvassers; and the municipal administrator, the municipal assessor, the clerk of court nominated by the Judge of the Municipal Trial Court, in the case of the municipal board of canvassers.

SEC. 20. Canvassing by provincial, city, district and municipal boards of canvassers. - (a) The city or municipal board of canvassers shall canvass the votes for president, vice-president, senators and members of the House of Representatives and/or elective provincial and city or municipal officials by consolidating the results contained in the data storage devices used in the printing of the election returns. Upon completion of the canvass, it shall print the certificate of canvass for president, vice-president, senators and members of the House of Representatives and elective provincial officials and thereafter, proclaim the elected city or municipal officials, as the case may be.

(b) The city board of canvassers of cities comprising one or more legislative districts shall canvass the votes for president, vice-president, senators, members of the House of Representatives and elective city officials by consolidating the results contained in the data storage devices used in the printing of the election returns. Upon completion of the canvass, the board shall print the certificate of canvass for president, vice-president, and senators and thereafter, proclaim the elected members of House of Representatives and city officials.

(c) (1) In the Metro Manila Area, each municipality comprising a legislative district shall have a district board of canvassers which shall canvass the votes for president, vice-president, senators, members of the House of Representatives and elective municipal officials by consolidating the results contained in the data storage devices used in the printing of the election returns. Upon completion of the canvass, it shall print the certificate of canvass for president, vice president, and senators and thereafter, proclaim the elected members of the House of

Representatives and municipal officials.

- (2) Each component municipality in a legislative district in the Metro Manila Area shall have a municipal board of canvassers which shall canvass the votes for president, vice-president, senators, members of the House of Representatives and elective municipal officials by consolidating the results contained in the data storage devices used in the printing of the election returns. Upon completion of the canvass, it shall prepare the certificate of canvass for president, vice-president, senators, members of the House of Representatives and thereafter, proclaim the elected municipal officials.
- (3) The district board of canvassers of each legislative district comprising two (2) municipalities in the Metro Manila Area shall canvass the votes for president, vice-president, senators and members of the House of Representatives by consolidating the results contained in the data storage devices submitted by the municipal boards of canvassers of the component municipalities. Upon completion of the canvass, it shall print a certificate of canvass for president, vice-president and senators and thereafter, proclaim the elected member of the House of Representatives in the legislative district.
- (d) The provincial board of canvassers shall canvass the votes for president, vice-president, senators, members of the House of Representatives and elective provincial officials by consolidating the results contained in the data storage devices as submitted by the board of canvassers of municipalities and component cities. Upon completion of the canvass, it shall print the certificate of canvass for president, vice-president and senators and thereafter, proclaim the elected members of the House of Representatives and the provincial officials.

The Commission shall adopt adequate and effective measures to preserve the integrity of the data storage devices at the various levels of the boards of canvassers.

SEC. 21. Number of copies of certificate of canvass and their distribution. - (a) The certificate of canvass for president, vice-president, senators, members of the House of Representatives and elective provincial officials shall be printed in seven (7) copies by the city or municipal board of canvassers and distributed as follows:

- (1) The first copy shall be delivered to the provincial board of canvassers for use in the canvass of election results for president, vice-president, senators, members of the House of Representatives and elective provincial officials;
  - (2) The second copy shall be sent to the Commission;
  - (3) The third copy shall be kept by the chairman of the board;
  - (4) The fourth copy shall be given to the citizens arm designated by the Commission to conduct a media-based unofficial count; and
  - (5) The fifth, sixth and seventh copies shall be given to the representatives of any three (3) of the six (6) major political parties. The parties receiving the certificates shall have the obligation to furnish the other parties with authentic copies thereof with the least possible delay.
- (b) The certificate of canvass for president, vice-president and senators shall be printed in seven (7) copies by the city boards of canvassers of cities comprising one or more legislative districts, by the provincial boards of canvassers and by district boards of canvassers in the Metro Manila Area, and distributed as follows:
- (1) The first copy shall be sent to the Congress, directed to the President of the Senate for use in the canvass of election results for president and vice-president;
  - (2) The second copy shall be sent to the Commission for use in the canvass of the election results for senators;
  - (3) The third copy shall be kept by the chairman of the board;
  - (4) The fourth copy shall be given to the citizens arm designated by the Commission to conduct a media-based unofficial count; and
  - (5) The fifth, sixth and seventh copies of certificate of canvass shall be given to any three (3) of the six (6) accredited major political parties. The parties receiving the certificates shall have the obligation to furnish the other parties with authentic copies thereof with the least possible delay.
- (c) The certificates of canvass printed by the city or municipal boards of canvassers shall be signed and thumbmarked by the chairman and members of the

board, and the principal watchers if available. Thereafter, it shall be sealed and placed inside an envelope which shall likewise be properly sealed.

SEC. 22. National board of canvassers for Senators. - The Chairman and the Members of the Commission on Elections sitting en banc, shall compose the national board of canvassers for Senators. It shall canvass the results for Senators by consolidating the results contained in the data storage devices submitted by the district, provincial and city boards of canvassers of those cities which comprise one or more legislative districts. Thereafter, the national board shall proclaim the winning candidates for Senators.

SEC. 23. Congress as the national board of canvassers for President and Vice-President. - The Senate and the House of Representatives in joint public session shall canvass the certificate votes for President and Vice-President submitted by the district, provincial and city boards of canvassers and thereafter, proclaim the winning candidates for President and Vice-President.

SEC. 24. Nationwide public demonstration of the automated counting and canvassing machine and voters education. - The Commission shall carry out a nationwide public demonstration of the automated counting and canvassing machines and a continuing and systematic voters' education campaign about the the automated election system through newspapers of general circulation, radios and other media forms.

SEC. 25. Supervision and control. - The System shall be under the exclusive supervision and control of the Commission. For this purpose, there is hereby created an Information Technology Department in the Commission to carry out the full administration and implementation of the System.

The Commission shall take such steps as may be necessary for the acquisition, installation, administration and maintenance of equipment and devices used to implement the System and promulgate the necessary rules and regulations to be used for the effective implementation of the Act.

SEC. 26. Election offenses. - In addition to those enumerated in Section 261 of Batas Pambansa Blg. 881, the following acts shall be penalized as election offenses, whether or not said acts affect the electoral process or results;

(a) Utilizing without authorization, tampering with, destroying or stealing:

(1) official ballots, election returns, and certificate of canvass of votes used in the System; and

- (2) electronic devices or their components, peripherals or supplies used in the System, such as counting machine, memory pack/diskette, memory pack receiver, and computer set.
- (b) interfering with, impeding, absconding for purpose of gain, preventing the installation or use of computer counting devices and the processing, storage, generation and transmission of election results, data or information; and
- (c) Gaining or causing access to using, altering, destroying or disclosing any computer data, program, system software, network, or any computer-related devices, facilities, hardware or equipment, whether classified or declassified

SEC. 27. **Applicability.** - The provisions of Batas Pambansa Blg. 881 otherwise known as the Omnibus Election Code and other election laws not inconsistent herewith, shall apply.

SEC. 28. **Funding.** - The amount necessary for the implementation of this Act shall be charged against the current appropriations of the Commission and thereafter included in the General Appropriations Act. In case of deficiency in the funding requirements herein provided, such amount as may be necessary shall be augmented from the contingent fund in the General Appropriations Act.

SEC. 29. **Separability Clause.** - If for any reason any section or provision of this Act or any part thereof, or the application of such section, provision, portion is declared invalid or unconstitutional, the remainder, thereof shall not be affected by such declaration.

SEC. 30. **Repealing Clause.** - All laws, presidential decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 31. **Effectivity.** - This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved,





1/17/97  
Revised with Dept. of  
Agriculture & Election

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila  
Tenth Congress  
Second Regular Session

**HOUSE BILL NO. \_\_\_\_\_**  
(Consolidation of House Bills No. 7930 and 8500)

Introduced by the Hon. Emigdio S. Tanjuatco, Jr. and Hon. Alfredo E. Abueg, Jr.

**AN ACT AUTHORIZING THE COMMISSION ON ELECTIONS TO USE AN  
AUTOMATED ELECTION SYSTEM NATIONWIDE IN THE MAY 11, 1998 NATIONAL  
AND LOCAL ELECTIONS IN SUBSEQUENT ELECTIONS AND ELECTORAL  
EXERCISES AND PROVIDING FUNDS THEREFOR.**

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress  
assembled:

**SECTION 1. Declaration of policy.** - It is the policy of the State to ensure free, orderly,  
honest, peaceful and credible elections, and assure the secrecy and sanctity of the ballot in order  
that the results of elections, plebiscites, referenda and other electoral exercises **SHALL BE FAST,  
ACCURATE AND REFLECTIVE OF** the genuine will of the people.

**SEC. 2. Definition of terms.** - As used in this Act, the following terms shall mean:

) **Automated Election System** - a system using **APPROPRIATE TECHNOLOGY  
FOR VOTING AND** electronic devices to count **VOTES** and canvass  
**RESULTS.**

) **Counting Machine** - a machine that uses an optical scanning/mark-sense reading  
device or any similar advanced technology to count ballots;

) **Data Storage Device** - a device used to electronically store counting and  
canvassing results, such as a memory pack or diskette;

RRP.1

RRP.1

SRP.2  
)*Computer Set* - a set of equipment containing regular components, i.e., monitor, central processing unit or CPU, keyboard and printer,

SRP.2  
)*Merger of Precincts* - refers to the combination of two or more precincts within the same barangay into one precinct PROVIDED THAT THE MERGED PRECINCT SHALL HAVE AT LEAST 300 BUT NOT MORE THAN 400 VOTERS;

SRP.2  
)*Consolidation of Precincts* - refers to the clustering of two or more precincts within the same barangay, each maintaining its own identity, where voting is conducted by one board of election inspectors PROVIDED THAT THE CONSOLIDATED PRECINCTS SHALL HAVE AT LEAST 300 BUT NOT MORE THAN 400 VOTERS;

)*Election Returns* - a document showing the date of the election, the municipality in which it is held and containing the votes in figures for each candidate in a precinct.

)*City/Municipal Certificate of Canvass of Votes* - a document containing the total votes in figures obtained by each candidate in a city/municipality.

)*Provincial Certificate of Canvass of Votes* - a document containing the total votes in figures obtained by each candidate in a province.

)*Counting Center* - a public place designated by the Commission where counting and canvassing of votes shall be conducted.

SRP.1  
SEC. 3. Authority to use an automated election system - To carry out the above-stated policy, the Commission on Elections, hereinafter referred to as the "Commission," is hereby authorized to use an automated election system, hereinafter referred to as the "System," for the process of voting, counting OF VOTES and canvassing of RESULTS in the May 11, 1998 national and local elections, in subsequent elections and electoral exercises, when appropriate.

Each city or municipality shall have at least one automated counting machine.

SRP.1  
SEC. 4. Features of the system - The System shall utilize appropriate TECHNOLOGY FOR VOTING and electronic devices for counting OF VOTES and canvassing of RESULTS. For this purpose, the Commission shall acquire automated counting machines, computer equipment, devices and materials and adopt new forms and printing materials.

SRP.1  
The System shall contain the following features: (a) use of appropriate ballots, (b) stand-alone machine which can COUNT VOTES AND AN AUTOMATED SYSTEM WHICH CAN CONSOLIDATE immediate results, (c) with provisions for audit trails, (d) minimum human

intervention and (e) adequate safeguard /security measures.

**SEC. 5. Procurement of equipment and materials.** - The Commission shall procure the automated counting machines, computer equipment, devices and materials needed for ballot printing and devices for voting, counting and canvassing, from local or foreign sources free from taxes and import duties, subject to accounting and auditing rules and regulations.

For this purpose, the Commission shall create an advisory council with members coming from the Information Technology Foundation of the Philippines (ITFP) OR ANY OTHER RECOGNIZED ASSOCIATION OF INFORMATION TECHNOLOGY PRACTITIONERS, media, non-government organizations AND SUCH OTHER AGENCIES AS MAY BE NECESSARY UPON DETERMINATION BY THE COMMISSION.

**SEC. 6. Systems breakdown: reversion to manual system.** - In the event of a systems breakdown, the Commission shall provide for a procedure whereby it shall revert to the manual system of counting and canvassing.

NOTE: WORKSHOP GROUP 2 PROPOSES THAT THE TERM "SYSTEMS BREAKDOWN" BE DEFINED INCLUDING THE PROPER AUTHORITY TO DECLARE IT.

**SEC. 7. Examination and testing of counting machines.** - The Commission shall, on the date and time it shall set and with proper notices, allow the political parties and candidates or their representatives to examine and test the machines to ascertain that the machines are operating properly and accurately. Test ballots shall be provided by the Commission.

After the examination and testing, the machines shall be locked and sealed by the election officer or any authorized representative of the Commission in the presence of the political parties and candidates or their representatives, AND AN ACCREDITED CITIZENS ARM. The machines shall be kept locked and sealed and shall be opened again on election day before the counting of votes begins.

Immediately after the examination and testing of the machines, the parties and candidates or their representatives may submit a written report to the election officer WHO SHALL IMMEDIATELY TRANSMIT IT TO THE COMMISSION FOR APPROPRIATE ACTION.

**SEC. 8. Official ballot.** - The Commission shall prescribe the size and form of the official ballot which shall contain the titles of the positions to be filled AND/OR THE PROPOSITIONS TO BE VOTED UPON IN AN INITIATIVE, REFERENDUM OR PLEBISCITE. Under each position, the names of candidates shall be arranged alphabetically by surname and uniformly printed using the same type size. Both sides of the ballot may be used when necessary.

The ballot shall contain serial numbers and/or corresponding codes and such other security marks as the Commission may deem appropriate.

The official ballots shall be printed by the National Printing Office and/or Bangko Sentral ng Pilipinas under proper security measures which the Commission shall adopt. The Commission may contract the services of private printers upon certification by the National Printing Office/Bangko Sentral ng Pilipinas that it is unable to meet with the printing requirements. Accredited political parties and deputized citizens arm of the Commission may assign watchers in the printing, storage and distribution of official ballots.

The official ballots shall be printed and distributed to each city/municipality at the rate of one ballot for every registered voter, with a provision of additional three (3) ballots per precinct.

**SEC. 9. Ballot box.** - There shall be in each polling place on election day a ballot box with such safety features that the Commission may prescribe and of such size as to accommodate the official ballots without folding them.

**SEC. 10. Merger or consolidation of precincts.** - For purposes of the System herein provided, the Commission MAY merge or consolidate not more than three (3) precincts comprising contiguous and compact territories within the same barangay not later than ninety (90) days before election day PROVIDED THAT THE MERGED OR CONSOLIDATED PRECINCT SHALL HAVE NOT LESS THAN 300 BUT NOT MORE THAN 400 VOTERS.

**SEC. 11. Voting hours.** - The casting of votes shall start at seven o'clock in the morning and shall end at one o'clock in the afternoon. However, when there are voters present within ten (10) meters in front of the polling place who have not yet cast their votes, the voting shall continue to allow said voters to cast their votes without interruption.

**NOTE: WORKSHOP GROUP 1 PROPOSES TO RETAIN SEC. 168, BP 881(VOTING TIME: 7:00 O'CLOCK - 3:00 O'CLOCK)**

**SEC. 12. PROCEDURE IN VOTING.** - Before a voter is given a ballot by the chairman, the board shall instruct him on how to accomplish the same.

The voter shall then proceed to a [vacant] voting booth to accomplish his ballot. If a voter commits a mistake in filling the ballot, he shall return the ballot to the board.

**NO REPLACEMENT OF BALLOTS SHALL BE ALLOWED**

After the voter has voted, he shall affix his thumbmark on the corresponding space in the voting record and the chairman shall apply indelible ink on his right forefinger. The voter shall then personally drop his ballot in the ballot box

**SEC. 13. Closing of polls.** - After the close of voting, the board shall enter in the minutes the serial number of the metal seal to be used in sealing the ballot box. The board shall then place

the minutes inside the ballot box and thereafter close, lock and seal the same with padlocks, self-locking metal seals or any other safety devices that the Commission may prescribe. The chairman shall publicly announce that the votes will be counted at a designated counting center where the board shall transport the ballot box containing the ballots and other election documents and paraphernalia for the counting of votes.

**SEC. 14. Designation of counting centers.** - The Commission shall designate counting center(s) which shall be a public place within the city/municipality or in such other places as may be designated by the Commission when peace and order conditions so require, where the official ballots cast in various precincts of the city/municipality shall be counted. The election officer shall post prominently in his office, in the bulletin boards at the city/municipal hall and in three (3) other conspicuous places in the city/municipality, the notice on the designated counting center(s) for at least fifteen (15) days prior to election day.

**SEC. 15. Counting procedure.** - (a) The counting of votes shall be public and conducted in the designated counting center(s).

(b) The ballots shall be counted by precinct in the order of their arrival at the counting center. The election officer or his representative shall log the sequence of arrival of the ballot boxes and indicate their condition. Thereafter, the board shall, in the presence of the watchers, open the ballot box, count the number of ballots therein to verify whether the number tallies with the number of voters who voted as recorded in the list of voters with voting records. If there are excess ballots, all of them shall be returned to the box. The poll clerk, without looking at the ballots, shall publicly draw out at random ballots equal to the excess and without looking at the contents thereof, place them in an envelope which shall be marked "excess ballots". The envelope shall be sealed and signed by the members of the board and placed in the compartment for spoiled ballots and its contents shall not be read in the counting of votes.

(c) Any member of the board shall then retrieve the valid ballots from the ballot box. The election officer or any authorized Comelec official or any member of the board shall feed the ballots into the machine without interruption until all the ballots for the precinct are counted.

(d) The board shall remain at the counting center until all the official ballots for the precinct are counted and all reports are properly accomplished.

**SEC. 16. Election Returns.** - After the ballots of the precincts have been counted, the election officer or any authorized Comelec official shall, in the presence of watchers, if any, store the results in a data storage device and print seven (7) copies of the election returns of each precinct. The printed election returns shall be signed and thumbmarked by the board and attested to by the election officer. Any member of the board shall then publicly read and announce the total number of votes obtained by each candidate based on the election returns. Thereafter, the seven (7) copies of the election returns shall be sealed and placed in the proper envelopes for

distribution as follows:

A. In the election of President, Vice-President, Senators and Members of the House of Representatives:

- )The first copy shall be delivered to the city or municipal board of canvassers;
- )The second copy, to the Congress, directed to the President of the Senate;
- )The third copy, to the Commission;
- )The fourth copy, to the dominant majority party as determined by the Commission in accordance with law;
- )The fifth copy, to the dominant minority party as determined by the Commission in accordance with law;
- )The sixth copy, to the citizens arm authorized by the Commission to conduct an unofficial count;
- )The seventh copy shall be deposited inside the compartment of the ballot box for valid ballots; and

B. In the election of local officials:

- )The first copy shall be delivered to the city or municipal board of canvassers;
- )The second copy, to the Commission;
- )The third copy, to the provincial board of canvassers;
- )The fourth copy, to the dominant majority party as determined by the Commission in accordance with law;
- )The fifth copy, to the dominant minority party as determined by the Commission in accordance with law;
- )The sixth copy, to the citizens arm authorized by the Commission to conduct an unofficial count;

The seventh copy shall be deposited inside the compartment of the ballot box for valid ballots.

After the printing of the election returns, the ballots shall be returned to the ballot box, which shall be locked, sealed and delivered to the city/municipal treasurer for safekeeping. The treasurer shall immediately provide the Commission and the election officer with a record of the serial numbers of the ballots boxes and the corresponding metal seals.

**SEC. 17. Custody and accountability of ballots.** - The election officer and the treasurer of the city/municipality as deputy of the Commission shall have joint custody and accountability of the official ballots, accountable forms and other election documents as well as ballots boxes containing the official ballots cast. The ballot boxes shall not be opened for three (3) months unless the Commission orders otherwise.

**SEC. 18. Substitution of chairman and members of the board of canvassers.** - In case of non-availability, absence, disqualification due to relationship, or incapacity for any cause of the chairman, the Commission shall appoint a substitute, a ranking lawyer of the Commission. With respect to the other members of the board, the Commission shall appoint as substitute the following in the order named: the provincial auditor, the registrar of deeds, the clerk of court nominated by the Executive Judge of the Regional Trial Court, or any other available appointive provincial official in the case of the provincial board of canvassers; the officials in the city corresponding to those enumerated, in the case of the city board of canvassers; and the municipal administrator, the municipal assessor, the clerk of court nominated by the Judge of the Municipal Trial Court, in the case of the municipal board of canvassers.

**SEC. 19. Canvassing by provincial, city, district and municipal boards of canvassers.** - (a) The city or municipal board of canvassers shall canvass the votes for president, vice-president, senators and members of the House of Representatives and/or elective provincial and city or municipal officials by consolidating the results contained in the data storage devices used in the printing of the election returns. Upon completion of the canvass, it shall print the certificate of canvass for president, vice-president, senators and members of the House of Representatives and elective provincial officials and thereafter, proclaim the elected city or municipal officials, as the case may be.

(b) The city board of canvassers of cities comprising one or more legislative districts shall canvass the votes for president, vice-president, senators, members of the House of Representatives and elective city officials by consolidating the results contained in the data storage devices used in the printing of the election returns. Upon completion of the canvass, the board shall print the certificate of canvass for president, vice-president, and senators and thereafter, proclaim the elected members of House of Representatives and city officials.

(c) (1) In the Metro Manila Area, each municipality comprising a legislative district shall have a district board of canvassers which shall canvass the votes for president, vice-president,



senators, members of the House of Representatives and elective municipal officials by consolidating the results contained in the data storage devices used in the printing of the election returns. Upon completion of the canvass, it shall print the certificate of canvass for president, vice-president, and senators and thereafter, proclaim the elected members of the House of Representatives and municipal officials.

(2) Each component municipality in a legislative district in the Metro Manila Area shall have a municipal board of canvassers which shall canvass the votes for president, vice-president, senators, members of the House of Representatives and elective municipal officials by consolidating the results contained in the data storage devices used in the printing of the election returns. Upon completion of the canvass, it shall prepare the certificate of canvass for president, vice-president, senators, members of the House of Representatives and thereafter, proclaim the elected municipal officials.

(3) The district board of canvassers of each legislative district comprising two (2) municipalities in the Metro Manila Area shall canvass the votes for president, vice-president, senators and members of the House of Representatives by consolidating the results contained in the data storage devices submitted by the municipal boards of canvassers of the component municipalities. Upon completion of the canvass, it shall print a certificate of canvass for president, vice-president and senators and thereafter, proclaim the elected member of the House of Representatives in the legislative district.

(d) The provincial board of canvassers shall canvass the votes for president, vice-president, senators, members of the House of Representatives and elective provincial officials by consolidating the results contained in the data storage devices as submitted by the board of canvassers of municipalities and component cities. Upon completion of the canvass, it shall print the certificate of canvass for president, vice-president and senators and thereafter, proclaim the elected members of the House of Representatives and the provincial officials

The Commission shall adopt adequate and effective measures to preserve the integrity of the data storage devices at the various levels of the boards of canvassers.

SEC. 20. Number of copies of certificate of canvass and their distribution. - (a) The certificate of canvass for president, vice-president, senators, members of the House of Representatives and elective provincial officials shall be printed in seven (7) copies by the city or municipal board of canvassers and distributed as follows:

)The first copy shall be delivered to the provincial board of canvassers for use in the canvass of election results for president, vice-president, senators, members of the House of Representatives and elective provincial officials;

)The second copy shall be sent to the Commission;

- )The third copy shall be kept by the chairman of the board;
- )The fourth copy shall be given to the citizens arm designated by the Commission to conduct a media-based unofficial count; and
- )The fifth, sixth and seventh copies shall be given to the representatives of any three (3) of the six (6) major political parties. The parties receiving the certificates shall have the obligation to furnish the other parties with authentic copies thereof with the least possible delay.

(b) The certificate of canvass for president, vice-president and senators shall be printed in seven (7) copies by the city boards of canvassers of cities comprising one or more legislative districts, by provincial boards of canvassers and by district boards of canvassers in the Metro Manila Area, and distributed as follows:

- )The first copy shall be sent to the Congress, directed to the President of the Senate for use in the canvass of election results for president and vice-president;
- )The second copy shall be sent to the Commission for use in the canvass of the election results for senators;
- )The third copy shall be kept by the chairman of the board;
- )The fourth copy shall be given to the citizens arm designated by the Commission to conduct a media-based unofficial count ; and
- )The fifth, sixth and seventh copies of certificate of canvass shall be given to any three (3) of the six (6) accredited major political parties. The parties receiving the certificates shall have the obligation to furnish the other parties with authentic copies thereof with the least possible delay.

(c) The certificates of canvass printed by the city or municipal boards of canvassers shall be signed and thumbmarked by the chairman and members of the board, and the principal watchers if available. Thereafter, it shall be sealed and placed inside an envelope which shall likewise be properly sealed.

**SEC. 21. National board of canvassers for Senators.** - The Chairman and Members of the Commission on Elections sitting *en banc*, shall compose the national board of canvassers for Senators. It shall canvass the results for Senators by consolidating the results contained in the data storage devices submitted by the district, provincial and city boards of canvassers of those cities which comprise one or more legislative districts. Thereafter, the national board shall proclaim the

winning candidates for Senators.

**SEC. 22. Congress as the national board of canvassers for President and Vice-President.** - The Senate and the House of Representatives in joint public session shall COMPOSE THE NATIONAL BOARD OF CANVASSERS for President and Vice-President. IT SHALL CANVASS THE RESULTS FOR PRESIDENT AND VICE-PRESIDENT BY CONSOLIDATING THE RESULTS CONTAINED IN THE DATA STORAGE DEVICES submitted by the district, provincial and city boards of canvassers and thereafter, proclaim the winning candidates for President and Vice-President.

**SEC. 23. Voters education.** - The Commission TOGETHER WITH THE ACCREDITED CITIZENS ARM shall carry out a continuing and systematic campaign through newspapers of general circulation, radios and other media forms, AS WELL AS THROUGH SEMINARS, SYMPOSIA, FORA AND OTHER NON-TRADITIONAL MEANS to educate the public and fully inform the electorate about the automated election system.

**SEC. 24. Supervision and control** - The System shall be under the exclusive supervision and control of the Commission. For this purpose, there is hereby created an Information Technology Department in the Commission to carry out the full administration and implementation of the System.

The Commission shall take immediate steps as may be necessary for the acquisition, installation, administration and maintenance of equipment and devices and to promulgate the necessary rules and regulations for the effective implementation of the Act.

**SEC. 25: Election offenses** - In addition to those enumerated in Section 261 of Batas Pambansa Blg. 881, the following acts shall be penalized as election offenses, whether or not said acts affect the electoral process or results;

(a) Utilizing without authorization, tampering with, destroying or stealing:

(1) official ballots, election returns, and certificates of canvass of votes used in the System; and

(2) electronic devices or their components, peripherals or supplies used in the System, such as: counting machine, memory pack/diskette, memory pack receiver, and computer set.

(b) Interfering with, impeding, absconding [for purpose of gain], preventing the installation or use of computer counting devices and the processing, storage, generation and transmission of election results, data or information; and

(c) Gaining or causing access to using, altering, destroying, or disclosing any computer

data, program, system software, network, or any computer-related devices, facilities, hardware or equipment, whether classified or declassified.

SEC. 26. Applicability. - The provisions of BP Blg. 881 otherwise known as the the Omnibus Election Code and other election laws not inconsistent herewith, shall apply.

NEW SECTION TO BE INSERTED:

CAP. 1  
SEC. 27.- THE COMMISSION SHALL PROMULGATE RULES AND REGULATIONS FOR THE IMPLEMENTATION AND ENFORCEMENT OF THIS ACT AND MAY CONSULT ITS ACCREDITED CITIZENS ARM FOR THIS PURPOSE.

THE SUCCEEDING SECTIONS ARE RENUMBERED ACCORDINGLY.

SEC. 28. Funding. - The amount necessary for the implementation of this Act shall be charged against the current appropriations of the Commission and thereafter included in the General Appropriations Act. In case of deficiency in the funding requirements herein provided, such amount as may be necessary shall be augmented from the contingent fund in the General Appropriation Act.

CAP. 2  
NOTE: WORKSHOP GROUP 2 PROPOSED THAT THE AMOUNT OF P300 MILLION SHALL BE APPROPRIATED FOR THE IMPLEMENTATION OF THIS ACT TO AUGMENT THE AMOUNT OF P800 MILLION WHICH IS ALREADY AVAILABLE.

SEC. 29. Separability Clause. - If for any reason any section or provision of this Act or any part thereof, or the application of such section, provision, portion is declared invalid or unconstitutional, the remainder, thereof shall not be affected by such declaration.

SEC. 30. Repealing Clause. - All laws, presidential decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 31. Effectivity. - This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

NOTE: WORKSHOP GROUP 2 INCLUDES THE FOLLOWING RECOMMENDATIONS:

1. IT IS PROPOSED IN THE FUTURE, THAT THE PRECINCT

IDENTIFICATION NUMBER/CODE BE PRINTED ON THE RETURNS INSTEAD OF BEING MANUALLY WRITTEN.

2. THIS SYSTEM OF AUTOMATED COUNTING BE ALSO USED IN BARANGAY AND SK ELECTIONS WHENEVER APPROPRIATE.

3. ON THE COMMISSION'S IRR:

- SHOULD INCLUDE PROVISIONS FOR POST ELECTION AUDIT.

- SHOULD ELIMINATE THE COUNTING OF VALID BALLOTS AT THE RECEPTION AREA. IF MORE BALLOTS THAN THE ACTUAL VOTES CAST IS COUNTED BY THE MACHINE, THE ENTIRE BATCH BE REMOVED FROM THE MACHINE AND FOLLOW THE PROCEDURE FOR HANDLING EXCESS BALLOTS.

- THE BEI SHOULD ALREADY COUNT BEFOREHAND THE SPOILED AND UNUSED BALLOTS IN THE PRECINCT TO SHORTEN THE PROCEDURE IN THE RECEPTION AREA.

- VERIFY AT THE RECEPTION AREA THAT THE SIGNATURES AND THUMBPRINTS OF THE VOTERS ARE NOT SPURIOUS. IF FOUND SPURIOUS, THIS SHOULD BE REPORTED AT ONCE AND DECLARE FAILURE OF ELECTION.

- ON PUBLIC DEMONSTRATION AND VOTERS EDUCATION; THE COMMISSION SHOULD STRESS THAT THIS NEW SYSTEM ELIMINATES PREVIOUS INSTANCES OF ELECTORAL FRAUD.

4. THIS BILL SHOULD BE ENACTED INTO LAW BY MARCH 1997 AT THE LATEST TO GIVE THE COMMISSION AMPLE TIME TO PREPARE FOR THE FULL IMPLEMENTATION OF THIS ACT BY 1998.

5. SEEK A SENATE SPONSOR FOR THIS PROPOSED MEASURE (SEN. FERNAN) AS REVIEWED AND REFINED IN THIS CONFERENCE.

6. HAVE THIS BILL CERTIFIED BY PRES. RAMOS AS "URGENT".

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# ANTI POLITICAL DYNASTY

## GROUP 3

1. We adopted Sen. Mercado and Cong. Abueg's definition on political dynasty :

A political dynasty is the concentration consolidation or perpetuation of public office and political power by person related to one another as defined in this act.

2. Implementation and Applicability - this act shall govern and be applicable in the 1998 elections and to all subsequent elections to be held thereafter.

3. Scope of Prohibition

A. Persons covered; prohibited candidates - no spouse or person related within the second civil degree of consanguinity or affinity, whether legitimate or illegitimate related to an incumbent elective official seeking reelection shall be allowed to hold or run for any elective office in the same province in the same election.

Spouses of brothers-in-law and sisters-in-law (bilas) of incumbent officials shall be deemed within the political dynasty relationship prohibited in this act.

In case the constituency of the incumbent official is national in character the above relative shall be disqualified from running only within the same province were the former is a registered voter. (Note: Taken from section 4 Tanjuatco Bill)

B. Offices covered in the prohibition

- b.1 President
- b.2 Governor
- b.3 Mayor
- b.4 Senators
- b.5 Congressmen

C. Only incumbent officials and their relatives are not allowed to run simultaneously.

D. No President or Senator shall be succeeded in office by any family member or relative having political dynasty relationship to such officials (Abueg Bill).



E. Neither may such family member be elected to assume the position of President, Senator, Congressmen, Governor, and Mayor whose term of office commences during the incumbency of such official. (Abueg Bill).

F. No such family member shall be a candidate for the office of President, Senator, Congressmen, Governor or Mayor in the same elections in which another family member within the family relationship is a candidate for President or Senator. (Abueg Bill).

G. If the incumbent is a re-electionist, no relative within the prescribed relationship may run in the same province in the same election.

H. No incumbent official shall be succeeded in office by any family member having political dynasty relationship to such official.

4. We adopted Section 5,6, 7, 8, 9, 10, 11, 12 of the Tanjuatco Bill

- a. Section 5 - Effect of violation of prohibition
- b. Section 6 - Period for filing petition for disqualification
- c. Section 7 - Summary proceedings
- d. Section 8 - Effect of petition if unresolved before completion of canvass
- e. Section 9 - Rules and regulations
- f. Section 10 - Repealing clause
- g. Section 11 - Separability clause
- h. Section 12 - Effectivity clause

