

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

'22 AUG 15 P 4 :32

SENATE

S.B. No. 1156

RECEIVED BY

Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT
PROVIDING FOR THE CONDUCT OF HYBRID NATIONAL, LOCAL, AND
BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO (BARRM)
ELECTIONS, THROUGH MANUAL-AUTOMATED VOTING, COUNTING,
CANVASSING, CONSOLIDATION, AND TRANSMISSION, AMENDING FOR
THE PURPOSE REPUBLIC ACT NO. 8436, AS AMENDED, AND FOR OTHER
PURPOSES**

EXPLANATORY NOTE

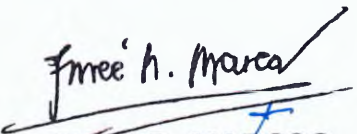
It cannot be denied that many voters still distrust the automated election system. While the current system may be lauded for the speed by which it delivers the results, questions as to the accuracy and transparency of the system, not only during the counting of votes, but more importantly, in the canvassing and consolidation thereof, still remain. That the consolidation and canvassing process has undergone "glitches" such as the seven-hour glitch during the 2019 National and Local Elections certainly does not help the case for an automated election set-up. Likewise, the alleged incidents of hacking which seem to plague almost every automated election in the country further cast doubts into the minds of the electorate as to whether the results reflected in the election returns and certificates of canvass truly reflect the will of the people.

Thus, there is a need for a system which will retain the speed of the automated system but shall, at the same time, address the concerns and doubts of the electorate as to the transparency and accuracy of the counting and canvassing of votes. That is what the Hybrid Election System (HES), as proposed in this bill, seeks to achieve. By combining the automated counting and canvassing system with a parallel manual counting and canvassing set-up, the HES aims to put to rest the long-standing doubts of the Filipino people on the transparency and accuracy of the automated count, while avoiding the evils normally associated with a purely manual counting system.

Furthermore, the existing law on automated elections requires specific pre-conditions on the automated election system (AES) that the Commission on Elections (COMELEC) is authorized to use. Republic Act No. 9369, which amends Republic Act No. 8436, requires that the AES should have "demonstrated the capability and had been successfully used in a prior electoral exercise here or abroad." In effect, this is a pre-condition before an automated elections system can be considered for use by the COMELEC. By requiring the successful use of an AES in a prior electoral exercise here or abroad, the options of the COMELEC are considerably restricted.

To help compensate for aforesaid pre-condition and in order to open up the bidding for automated election system equipment, materials, and other services, particularly, to Filipino companies, this bill proposes to exempt prospective bidders from the single largest completed contract requirement.

Under the premises, the approval of this bill is highly recommended.


IMEE R. MARCOS

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

1 **SECTION 1. Title.** – This Act shall be known as the "*Hybrid Election Act*".

2
3 **SEC. 2. Coverage.** – The coverage of the provisions of this Act shall be applicable
4 to the conduct of the elections in May 2025 and all national, local, and Bangsamoro
5 Autonomous Region in Muslim Mindanao (BARMM) elections thereafter.

6
7 **SEC. 3.** Section 1 of Republic Act No. 8436, as amended, is hereby amended
8 to read as follows:

9
10 "SECTION 1. *Declaration of Policy.* – It is the policy of the State to
11 ensure free, orderly, honest, peaceful, credible and informed elections,
12 plebiscites, referenda, recall and other similar electoral exercises by
13 improving on the election process and adopting systems, which shall
14 involve the use of [~~an automated~~] **A HYBRID** election system that will
15 ensure the secrecy and sanctity of the ballot and all election, consolidation
16 and transmission documents in order that the process shall be transparent
17 and credible and that the results shall be fast, accurate, and reflective of
18 the genuine will of the people. **THE HYBRID ELECTION SYSTEM**
19 **SHALL BE A COMBINATION OF THE AUTOMATED ELECTION**

1 **SYSTEM AND THE MANUAL ELECTION SYSTEM TO ENSURE**
2 **TRANSPARENCY AND CREDIBILITY OF THE ELECTORAL**
3 **PROCESSES.**

4 The State recognizes the mandate and authority of the Commission to
5 prescribe the adoption and use of the most suitable technology of
6 demonstrated capability taking into account the situation prevailing in the
7 area and the funds available for the purpose.”

8
9 **SEC. 4.** Section 2 of Republic Act No. 8436, as amended, is hereby amended to
10 read as follows:

11 “SEC. 2. Definition of Terms. – As used in this Act, the following
12 terms shall mean:

13
14 "1. ~~[Automated]~~ **HYBRID** election system, hereinafter to as ~~[AES]~~ **HES**
15 - a system using appropriate technology which has been demonstrated
16 in the voting, counting, consolidating, canvassing, and transmission of
17 election result, and other electoral process **BUT ALSO UTILIZES**
18 **MANUAL COUNTING TO ENSURE TRANSPARENCY AND**
19 **CREDIBILITY OF THE ELECTORAL PROCESSES;**

20 "2. *Electronic transmission* - conveying data in electronic form from one
21 location to another;

22 "3. *Official ballot* – ~~[where AES is utilized, refers]~~ **REFERS** to the paper
23 ballot, whether printed or generated by the technology applied, that
24 faithfully captures or represents the votes cast by a voter recorded or to
25 be recorded in electronic form;

26 "4. *Election returns* – **A)** a document in electronic and printed form
27 directly produced by the counting or voting machine, showing the date
28 of the election, the province, municipality and the precinct in which it is
29 held and the votes in figures for each candidate in a precinct ~~[in areas~~
30 ~~where AES is utilized]~~ **AND B) A DOCUMENT IN PRINTED FORM**
31 **AND MANUALLY ACCOMPLISHED FOR PURPOSES OF**
32 **REFLECTING THE MANUAL COUNT OF THE VOTES AT THE**
33 **POLLING PRECINCT, SHOWING THE DATE OF THE ELECTION, THE**
34 **PROVINCE, CITY, OR MUNICIPALITY, AND THE PRECINCT IN**
35 **WHICH IT IS HELD AND THE VOTES IN FIGURES FOR EACH**
36 **PRECINCT;**

37 "5. *Statement of votes* – a document containing the votes obtained by
38 candidates in each precinct in a city/municipality;

1 "6. *City/municipal/district/provincial certificate of canvass* – a document
2 in electronic and printed form containing the total votes in figures
3 obtained by each candidate in a city/municipality/district/province as the
4 case may be. The electronic certificates of canvass shall be the official
5 canvass result in the aforementioned jurisdictions;

6 "7. *Paper-based election system* - a type of automated election system
7 that use paper ballots, records and counts votes, tabulates,
8 consolidates/canvasses and transmits electronically the results of the
9 vote count;"

10 ~~["8. *Direct recording electronic election system*—a type or automated~~
11 ~~election system that uses electronic ballots, records, votes by means of~~
12 ~~a ballot display provided with mechanical or electro-optical component~~
13 ~~that can be activated by the voter, processes data by means of a~~
14 ~~computer programs, record voting data and ballot images, and transmits~~
15 ~~voting results electronically;]~~

16 "[9] 8. *Counting center* – a public places within the city/municipality or
17 in such other places as may be designated by the Commission where the
18 official ballots cast in various precincts of the city/municipality shall be
19 counted. Polling places or voting centers may also be designated as
20 counting centers;

21 "[10] 9. *Continuity plan* – a list of contingency measures, and the policies
22 for activation of such, that are put in place to ensure continuous
23 operation of the AES;

24 "~~[11. *Disabled voters*—a person with impaired capacity to use the AES];~~

25 "[12] 10. *Source code* – human readable instructions that define what
26 the computer equipment will do; and

27 "[13] 11. *Station* – refers to a polling place, counting center, municipal
28 or provincial canvassing center."

29 **SEC. 5.** Section 3 of Republic Act No. 8436, as amended, is hereby amended to
30 read as follows:

31
32 "SEC 3. *Board of Election Inspectors.* – ~~[Where AES shall be~~
33 ~~adopted, at least] **AT LEAST** one member of the Board of Election~~
34 ~~Inspectors shall be an information technology-capable person, who is~~
35 ~~trained or certified by the [DOST] DICT to use the [EAS] HES. Such~~
36 ~~certification shall be issued by the [DOST] DICT, free of charge."~~

1
2 **SEC. 6.** Section 4 of Republic Act No. 8436, as amended, is hereby amended
3 to read as follows:

4
5 “SEC. 4 *Information Technology Support for the Board of*
6 *Canvassers.* – ~~[To implement the AES, each]~~ **EACH** board of canvassers
7 shall be assisted by an information technology-capable person authorized
8 to operate the equipment adopted for the elections. The Commission
9 shall deputize information technology personnel from among the
10 agencies and instrumentalities of the government, including government-
11 owned and controlled corporations. The *per diem* of the deputized
12 personnel shall be the same as that of the members of the board of
13 canvassers.”

14
15 **SEC. 7.** Section 5 of Republic Act No. 8436, as amended, is hereby amended
16 to read as follows:

17
18 “SEC. 5 *Authority to Use [an Automated] A HYBRID Election*
19 *System.* - To carry out the above-stated policy, the Commission on
20 Elections, herein referred to as the Commission, is hereby authorized to
21 use ~~[an automated]~~ **A HYBRID** election system or systems in the same
22 election in different provinces [,] . **THE SYSTEM SHALL BE A**
23 **COMBINATION OF THE AUTOMATED ELECTION SYSTEM AND**
24 **THE MANUAL COUNTING SYSTEM [whether] THROUGH A** paper-
25 based ~~[or a direct recording electronic]~~ election system ~~[as it may deem~~
26 ~~appropriate and practical]~~ for the process of voting, counting of votes
27 and canvassing/consolidation and transmittal of results of electoral
28 exercises: ~~[Provided, that for the regular national and local election,~~
29 ~~which shall be held immediately after effectivity of this Act, the AES shall~~
30 ~~be used in at least two highly urbanized cities and two provinces each in~~
31 ~~Luzon, Visayas and Mindanao, to be chosen by the~~
32 ~~Commission: Provided, further, That local government units whose~~
33 ~~officials have been the subject of administrative charges within sixteen~~
34 ~~(16) month prior to the May 14, 2007 election shall not be~~
35 ~~chosen: Provided, finally, That no area shall be chosen without the~~
36 ~~consent of the Sanggunian of the local government unit concerned. The~~
37 ~~term local government unit as used in this provision shall refer to a highly~~
38 ~~urbanized city or province. In succeeding regular national or local~~
39 ~~elections, the AES shall be implemented nationwide.] **PROVIDED,**~~
40 **THAT THE HYBRID ELECTION SYSTEM NEED NOT BE**
41 **IMPLEMENTED FOR OVERSEAS VOTING.**

42
43 **SEC. 8.** Section 8 of Republic Act No. 8436, as amended, is hereby amended
44 to read as follows:

1 "SEC.8. *The Advisory Council.* - The Commission shall create an advisory
2 Council, hereafter referred to as the Council, which shall be convened not
3 later than eighteen (18) months prior to the next schedule electoral
4 exercise, and deactivated six months after completion of
5 canvassing[~~: Provided, for purposes of the 2007 elections, the Advisory~~
6 ~~Council shall be immediately convened within ten (10) days after the~~
7 ~~effectivity of this Act].~~

8 "The Council shall be composed of the following members, who must be
9 registered Filipino voters, of known independence, competence and
10 probity;

11 "(a) The [~~Chairman of the Commission on information and~~
12 ~~Communications Technology (CICT)] **SECRETARY OF THE**
13 **DERPATMENT OF INFORMATION AND COMMUNICATIONS**
14 **TECHNOLOGY (DICT)** who shall act as the chairman of the council;~~

15 "**(B) THE RESPECTIVE CHAIRPERSONS OF THE SENATE**
16 **COMMITTEE ON ELECTORAL REFORMS AND PEOPLE'S**
17 **PARTICIPATION AND THE HOUSE OF REPRESENTATIVES**
18 **COMMITTEE ON SUFFRAGE AND ELECTORAL REFORMS WHO**
19 **SHALL ACT AS EX OFFICIO MEMBERS;**

20 "[~~(b)~~] **(C)** One member from the Department of Science and Technology;

21 "[~~(c)~~] **(D)** One member from the Department of Education;

22 "[~~(d)~~]**(E)** One member representing the academe, to be selected by the
23 chair of the Advisory Council from among the list of nominees submitted
24 by the country's academic institutions;

25 "[~~(e)~~] **(F)** Three members representing ICT professional organizations to
26 be selected by the chair of the Advisory Council from among the list of
27 nominees submitted by Philippines-based ICT professional organization.
28 Nominees shall be individuals, at least one of whom shall be experience in
29 managing or implementing large-scale IT projects;

30 "[~~(f)~~] **(G)** Two members representing nongovernmental electoral reform
31 organizations, to be selected by the chair of the Advisory Council from
32 among the list of nominees submitted by the country's nongovernmental
33 electoral reform organizations.

34 **"THREE OBSERVERS, REPRESENTING THE ACCREDITED**
35 **CITIZEN'S ARM OF THE COMMISSION, AND THE DOMINANT**

1 **MAJORITY AND MINORITY PARTIES AS DETERMINED BY THE**
2 **COMMISSION DURING THE IMMEDIATELY PRECEDING**
3 **ELECTION, SHALL BE INVITED DURING MEETINGS OF THE**
4 **ADVISORY COUNCIL. THE OBSERVERS SHALL BE ALLOWED TO**
5 **GATHER INFORMATION: PROVIDED, THAT THEY SHALL NOT**
6 **DISRUPT OR OBSTRUCT THE PROCEEDINGS OF THE ADVISORY**
7 **COUNCIL OR COUNTERMAND ITS DECISIONS."**

8 "A person who is affiliated with any political party or candidate for any
9 national position, or is related to a candidate for any national position by
10 affinity or consanguinity within the fourth civil degree, shall not be eligible
11 for appointment or designation to the Advisory Council. Should any such
12 situation arise at any time during the incumbency of a member, the
13 designation or appointment of that member, shall *ipso facto* be
14 terminated.

15 "Any member of the advisory council is prohibited from engaging, directly
16 or indirectly, with any entity that advocates, markets, imports, produces
17 or in any manner handles software, hardware or any equipment that may
18 be used for election purposes for personal gain".

19 "Any violation of the two immediate preceding paragraphs shall disqualify
20 said member from the Advisory Council and shall be punishable as
21 provided in this Act and shall be penalized in accordance with the Anti-
22 Graft and Corrupt Practices Act and other related laws.

23 "The council may avail itself of the expertise and services of resource
24 person who are known independence, competence and probity, are
25 nonpartisan, and do not possess any of the disqualifications applicable to a
26 member of the Advisory Council as provided herein. The resource persons
27 shall also be subject to the same prohibitions and penalties as the
28 members of the Advisory Council.

29 "The [~~commission on information and communications technology (CICT)]~~
30 **DICT** [7] shall include in its annual appropriation the funds necessary to
31 enable the council to effectively perform its functions".

32 **SEC. 9.** Section 12 of R.A. No. 8436, as amended, is hereby amended as follows:

33 "SEC.12. *Procurement of Equipment and Materials.* – To achieve
34 the purpose of this Act, the Commission is authorized to procure, in
35 accordance with existing laws, by purchase, lease, rent or other forms of
36 acquisition, supplies, equipment, materials, software, facilities, and other

1 service, from local or foreign sources free from taxes and import duties,
2 subject to accounting and auditing rules and regulation. With respect to
3 the May [10, 2010] **2025** elections and succeeding electoral exercises, the
4 system procured must have demonstrated capability and been successfully
5 used in a prior electoral exercise here or board. Participation in [the 2007]
6 pilot [exercise] **EXERCISES** shall not be conclusive of the system's fitness.

7 "In determining the amount of any bid from a technology, software or
8 equipment supplier, the cost to the government of its deployment and
9 implementation shall be added to the bid price as integral thereto. The
10 value of any alternative use to which such technology, software or
11 equipment can be put for public use shall not be deducted from the original
12 face value of the said bid."

13 **"NOTWITHSTANDING THE REQUIREMENT UNDER SECTION**
14 **23.4.1.3 OF THE IMPLEMENTING RULES AND REGULATIONS OF**
15 **REPUBLIC ACT NO. 9184, FOR THE SOLE PURPOSE OF**
16 **PROCURING SUPPLIES, EQUIPMENT, MATERIALS, SOFTWARE,**
17 **FACILITIES, AND OTHER AUTOMATED ELECTIONS SERVICES,**
18 **UNDER THIS CODE, THE PROSPECTIVE BIDDER MUST HAVE**
19 **EITHER COMPLETED WITHIN THE PERIOD SPECIFIED IN THE**
20 **INVITATION TO BID, A SINGLE LARGEST COMPLETED CONTRACT**
21 **THAT IS SIMILAR TO THE CONTRACT TO BE BID, AND WHOSE**
22 **VALUE, ADJUSTED TO CURRENT PRICES USING THE PHILIPPINE**
23 **STATISTICS AUTHORITY CONSUMER PRICE INDICES, MUST AT**
24 **LEAST BE FIFTY PERCENT (50%) OF THE APPROVED BUDGET OF**
25 **CONTRACT OR WITH PROVEN FINANCIAL, TECHNICAL, AND**
26 **ORGANIZATIONAL CAPACITY TO CONDUCT SUCH EXERCISE SO**
27 **AS TO ENSURE THAT THE BIDDING AND PROCUREMENT SHALL**
28 **NOT UNREASONABLY LIMIT COMPETITION AND INEQUITABLY**
29 **BAR PARTICIPATION OF CAPABLE SUPPLIERS,**
30 **MANUFACTURERS, DISTRIBUTORS, AND SERVICE PROVIDERS."**

31 **SEC. 10.** A new Section 15 of R.A. No. 8436, as amended, is hereby inserted
32 and the succeeding sections shall be renumbered accordingly. The new Section 15
33 shall read as follows:
34

35 **"SEC. 15. SUBSTITUTION OF CANDIDATES- AFTER THE**
36 **LAST DAY FOR THE FILING OF THE CERTIFICATE OF**
37 **CANDIDACY, WHICH SHALL NOT BE EARLIER THAN ONE**
38 **HUNDRED AND FIFTY (150) DAYS PRECEDING THE DAY OF**
39 **ELECTION, NO SUBSTITUTION SHALL BE ALLOWED EXCEPT ON**
40 **THE GROUND OF DEATH, INCAPACITY, OR DISQUALIFICATION:**

1 **PROVIDED, THAT SUCH SUBSTITUTE CANDIDATE MUST HAVE**
2 **THE SAME SURNAME AS THE CANDIDATE BEING SUBSTITUTED:**
3 **PROVIDED FURTHER, THAT AN INDEPENDENT CANDIDATE**
4 **WHO FILED A CERTIFICATE OF CANDIDACY MAY ALSO BE**
5 **SUBSTITUTED.**

6 **THE SUBSTITUTE CANDIDATE MAY FILE HIS OR HER**
7 **CERTIFICATE OF CANDIDACY FOR THE OFFICE AFFECTED IN**
8 **ACCORDANCE WITH THE PRECEDING SECTIONS NOT LATER**
9 **THAN MID-DAY OF THE DAY OF THE ELECTION. IF THE DEATH,**
10 **INCAPACITY OR DISQUALIFICATION SHOULD OCCUR**
11 **BETWEEN THE DAY BEFORE THE ELECTION AND MID-DAY OF**
12 **ELECTION DAY, SAID CERTIFICATE MAY BE FILED WITH ANY**
13 **ELECTORAL BOARD IN THE POLITICAL SUBDIVISION WHERE**
14 **HE OR SHE IS A CANDIDATE, OR, IN THE CASE OF CANDIDATES**
15 **TO BE VOTED FOR BY THE ENTIRE ELECTORATE OF THE**
16 **COUNTRY, WITH THE COMMISSION."**

17
18 **SEC. 11.** Section 15 of Republic Act No. 8436, as amended, is hereby
19 amended to read as follows:

20 ~~"SEC. [15]. 16. Official Ballot. – [The Commission shall prescribe~~
21 ~~the format of the electronic display and/or the size and form of the official~~
22 ~~ballot, which shall contain the titles of the position to be filled and/or the~~
23 ~~proposition to be voted upon in an initiative, referendum or plebiscite.~~
24 ~~Where practicable, electronic displays must be constructed to present the~~
25 ~~names of all candidates for the same position in the same page or screen;~~
26 ~~otherwise, the electronic displays must be constructed to present the~~
27 ~~entire ballot to the voter, in a series of sequential pages, and to ensure~~
28 ~~that the voter sees all of the ballot options on all pages before completing~~
29 ~~his or her vote and to allow the voter to review and change all ballot~~
30 ~~choices prior to completing and casting his or her ballot. Under each~~
31 ~~position to be filled, the names of candidates shall be arranged~~
32 ~~alphabetically by surname and uniformly indicated using the same type~~
33 ~~size. The maiden or married name shall be listed in the official ballot, as~~
34 ~~preferred by the female candidate. Under each proposition to be vote~~
35 ~~upon, the choices should be uniformly indicated using the same font and~~
36 ~~size.] "(A) **BALLOTS FOR NATIONAL, LOCAL, AND BANGSAMORO**~~
37 ~~**AUTONOMOUS REGION ELECTIONS, WHETHER REGULAR OR**~~
38 ~~**SPECIAL, PLEBISCITES, INITIATIVES, REFERENDA, AND**~~
39 ~~**RECALL ELECTIONS SHALL BE PAPER-BASED, UNIFORM SIZED,**~~
40 ~~**AND SHALL BE PRESCRIBED BY THE COMMISSION, TAKING**~~

1 INTO ACCOUNT ENVIRONMENTAL CONSIDERATIONS, WITH A
2 REASONABLE MINIMUM PAPER SIZE AND, AS FAR AS
3 PRACTICABLE, USING ONLY RECYCLED PAPER. THEY SHALL BE
4 PRINTED IN BLACK INK ON SECURITY PAPER WITH
5 DISTINCTIVE, CLEAR, AND LEGIBLE WATERMARKS THAT WILL
6 READILY DISTINGUISH IT FROM ORDINARY PAPER. EACH
7 BALLOT SHALL BEAR A SERIAL NUMBER AND A BAR CODE,
8 WHICH CAN BE SCANNED FOR THE PURPOSE OF PROJECTING
9 THE DIGITAL IMAGE OF THE BALLOT AND FOR ITS
10 AUTHENTICATION. IT SHALL BEAR AT THE TOP MIDDLE
11 PORTION THEREOF THE COAT-OF-ARMS OF THE REPUBLIC OF
12 THE PHILIPPINES, THE WORD "OFFICIAL BALLOT", THE NAME
13 OF THE CITY OR MUNICIPALITY AND PROVINCE IN WHICH THE
14 ELECTION IS TO BE HELD, AND THE DATE OF THE ELECTION."

15 "(B) THE OFFICIAL BALLOT SHALL BE SERIALLY NUMBERED AND
16 SHALL BE DELIVERED TO, AND CORRESPOND TO, SPECIFIC
17 PRECINCTS OR CLUSTER OF PRECINCTS, AS THE CASE MAY BE,
18 WHICH SHALL HAVE CORRESPONDING AND EXCLUSIVE BALLOT
19 IDENTIFICATION NUMBERS SEPARATE FROM THE SERIAL
20 NUMBER OF THE INDIVIDUAL BALLOTS. FOR PURPOSES OF
21 TRANSPARENCY, THE BALLOT IDENTIFICATION NUMBERS AND
22 THE SERIAL NUMBER OF THE BALLOTS CORRESPONDING TO
23 EACH PRECINCT OR CLUSTER OF PRECINCTS, AS THE CASE MAY
24 BE, SHALL BE AVAILABLE FOR VIEWING BY INTERESTED
25 PARTIES ON THE COMMISSION'S OFFICIAL WEBSITE AT LEAST
26 FIVE (5) DAYS BEFORE THE ELECTIONS."

27 "(C) A DIGITAL IMAGE OF A SAMPLE OFFICIAL BALLOT MAY BE
28 AVAILABLE FOR VIEWING AND DOWNLOADING FROM THE
29 COMMISSION'S WEBSITE, MINUS THE SECURITY FEATURES,
30 AND ACTUAL BAR CODES FOR AUTHENTICATION."

31 "(D) THE OFFICIAL BALLOT SHALL CONTAIN THE TITLES OF THE
32 POSITIONS TO BE FILLED AND/OR THE POSITIONS TO BE
33 VOTED UPON IN AN INITIATIVE, REFERENDUM, OR
34 PLEBISCITE. UNDER EACH POSITION TO BE FILLED, THE NAMES
35 OF CANDIDATES SHALL BE ARRANGED ALPHABETICALLY BY
36 SURNAME AND UNIFORMLY INDICATED USING THE SAME TYPE
37 SIZE. THE MAIDEN OR MARRIED NAME SHALL BE LISTED IN THE
38 OFFICIAL BALLOT, AS PREFERRED BY THE FEMALE CANDIDATE.
39 UNDER EACH PROPOSITION TO BE VOTED UPON, THE CHOICES
40 SHOULD BE UNIFORMLY INDICATED USING THE SAME FONT
41 AND SIZE. OPPOSITE THE NAME OF THE CANDIDATE OR THE

1 **PROPOSITION TO BE VOTED UPON, AS THE CASE MAY BE, SHALL**
2 **BE A SQUARE OR RECTANGLE, ON WHICH THE VOTER WILL**
3 **PLACE A SINGLE VERTICAL MARK TO REGISTER A VOTE FOR**
4 **SUCH CANDIDATE OR PROPOSITION."**

5 **"(E)** A fixed space where the chairman of the board of election inspector
6 **(BEI)** shall affix her/her signature to authenticate the official ballot shall
7 be provided.

8 ~~["For this purpose, the Commission shall set the deadline for the filing of~~
9 ~~certificate of candidacy/petition of registration/manifestation to~~
10 ~~participate in the election. Any person who files his certificate of~~
11 ~~candidacy within this period shall only be considered as a candidate at~~
12 ~~the start of the campaign period for which he filed his certificate of~~
13 ~~candidacy: *Provided,* That, unlawful acts or omissions applicable to a~~
14 ~~candidate shall effect only upon that start of the aforesaid campaign~~
15 ~~period: *Provided, finally,* That any person holding a public appointive~~
16 ~~office or position, including active members of the armed forces, and~~
17 ~~officers, and employees in government owned or controlled~~
18 ~~corporations, shall be considered *ipso facto* resigned from his/her office~~
19 ~~and must vacate the same at the start of the day of the filing of his/her~~
20 ~~certification of candidacy.~~

21 ~~"Political parties may hold political conventions to nominate their official~~
22 ~~candidate within thirty (30) days before the start of the period for filing~~
23 ~~certificate of candidacy.]~~

24 **"(F) THE FOREGOING PROVISIONS NOTWITHSTANDING, THE**
25 **COMMISSION IS HEREBY AUTHORIZED TO PRESCRIBE A**
26 **DIFFERENT FORM OF OFFICIAL BALLOT ON THE SAME**
27 **WATERMARKED SECURITY PAPER TO FACILITATE VOTING BY**
28 **PERSONS WITH DISABILITIES AND BY PERSONS WHO ARE**
29 **UNABLE TO READ OR WRITE ONLY. THE COMMISSION SHOULD**
30 **USE OR ADOPT THE LATEST TECHNOLOGICAL AND ELECTRONIC**
31 **DEVICES IN CONNECTION THEREWITH, AS TO ENABLE SUCH**
32 **VOTERS TO CONFIRM THAT THE ACCOMPANYING PERSON**
33 **TRULY ADHERED TO THE VOTER'S CHOICE OF CANDIDATES."**

34 ~~"(G) [With respect to a paper-based election system, the] **THE**~~
35 ~~**PRINTING OF THE** official ballots shall be [printed] **DONE** by the~~
36 ~~National Printing Office and/or the *Bangko Sentral ng Pilipinas* [at the~~
37 ~~price comparable with that of private printers under proper security~~
38 ~~measures which the Commission shall adopt. The Commission may~~
39 ~~contact the services of private printers upon certification by the National~~

1 ~~Printing Office/Bangko Sentral ng Pilipinas that it cannot meet the~~
2 ~~printing requirements. Accredited political parties and deputized citizen's~~
3 ~~arms of the Commission shall assign watchers in the printing, storage~~
4 ~~and distribution of official ballots.] USING THE PRINTING MACHINES~~
5 **THEY OWN, AND SHALL NOT BE CONTRACTED OUT OR**
6 **OUTSOURCED TO ANY PRIVATE OR PUBLIC PERSON, ENTITY,**
7 **OR AGENCY.**

8 **"(H)** To prevent the use of fake ballots, the Commission through the
9 Committee shall ensure that the necessary safeguards, such as, but not
10 limited to, bar codes, holograms, color shifting ink, microprinting, are
11 provided on the ballot.

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

15 **SEC.12.** Section 21 of Republic Act No. 8436, as amended, is hereby amended
16 to read as follows:

17 **"SEC. [21] 22. Counting Procedure.** – The Commission shall prescribe the
18 manner and procedure of counting the votes under the automated
19 system **AND THE MANUAL COUNTING SYSTEM: PROVIDED, THAT**
20 **A SEPARATE ELECTION RETURN SHALL BE PREPARED**
21 **SHOWING THE RESULTS OF THE MANUAL COUNTING OF THE**
22 **BALLOTS, WHICH SHALL ALSO BE CANVASSED ALONGSIDE THE**
23 **ELECTRONICALLY TRANSMITTED AND DIGITALLY SIGNED**
24 **ELECTION RETURNS UNDER THE AUTOMATED SYSTEM:**
25 **PROVIDED FURTHER, THAT IF THERE IS A DISCREPANCY OF AT**
26 **LEAST TWO PERCENT (2%) OF THE TOTAL NUMBER OF THE**
27 **VOTES CAST BETWEEN THE RESULTS OF THE AUTOMATED**
28 **SYSTEM AND THE MANUAL COUNTING SYSTEM FOR ANY**
29 **POSITION, AN AUTOMATIC RECOUNT SHALL BE UNDERTAKEN**
30 **FOR THAT POSITION ONLY: PROVIDED FURTHER, THAT THE**
31 **COMMISSION SHALL DEPLOY SUFFICIENT NUMBER OF**
32 **TECHNICAL PERSONNEL TO ASSIST THE ELECTORAL BOARD IN**
33 **SUCH RECOUNT. A COMPARISON SHALL BE MADE BETWEEN**
34 **THE DIGITALLY CAPTURED IMAGE OF THE BALLOT AND THE**
35 **PHYSICAL BALLOT ITSELF BEFORE THE RECOUNT TO**
36 **DETERMINE THE ROOT CAUSE OF THE DISCREPANCY AND TO**
37 **ASCERTAIN THE WILL OF THE VOTERS. THE RESULT OF THE**

1 **RECOUNT SHALL BE REFLECTED IN THE MANUALLY PREPARED**
2 **ELECTION RETURN WHICH SHALL BE CONSIDERED, ALONG**
3 **WITH THE UNAFFECTED ELECTRONICALLY TRANSMITTED AND**
4 **DIGITALLY SIGNED ELECTION RETURNS, IN DETERMINING THE**
5 **WINNING CANDIDATE FOR THE SUBJECT POSITION; *Provided***
6 ***FINALLY*, That apart from the electronically stored result, [~~thirty~~(30)]**
7 **TWELVE (12) copies of the election returns are printed **AND TWELVE****
8 **(12) COPIES OF THE ELECTION RETURN FOR THE MANUAL**
9 **COUNTING SYSTEM SHALL BE ACCOMPLISHED."**

10
11 **SEC. 13. *Livestreaming or video recording of the counting.*** – The Commission
12 shall accredit groups who wish to livestream or record a video of the manual counting
13 of votes at the precinct level.

14 The recorded video or livestream may be used as evidence in electoral protests.

15 No photo, recorded video, or livestream, whether official or unofficial, taken
16 during election day of any member of the BEI and any other personnel of the
17 Commission performing election duties during election day shall be used to defame or
18 publicly shame said member of the BEI or personnel of the Commission in social media
19 or in any other platform, digital or otherwise. Any violation of this paragraph shall
20 constitute as an election offense under this Act and shall be punished in accordance
21 with Section 264 of B.P. 881, otherwise known as the Omnibus Election Code of the
22 Philippines (OEC).

23
24 **SEC. 14.** Section 22 of Republic Act No. 8436, as amended, is hereby amended
25 to read as follows:

26 "**SEC. [22] 23. *Electronic Returns.*** - Each copy of the of the printed
27 election returns **UNDER THE AUTOMATED SYSTEM** shall bear
28 appropriate control marks to determine the time and place of printing.
29 **THE COMMISSION SHALL DESIGN THE FEATURES OF THE**
30 **ELECTION RETURNS UNDER THE MANUAL COUNTING SYSTEM.**
31 Each copy shall be signed and thumbmarked by all the members of the
32 board of election inspectors and the watchers present. If any member of
33 the board of election inspectors present refuses to sign, the chairman of
34 the board shall note the same copy in each copy of the printed **AND**
35 **MANUALLY ACCOMPLISHED** election returns. The member of the
36 board of election inspectors concerned refusing to sign shall be compelled
37 to explain his or her refusal to do so. Failure to explain an unjustifiable

1 refusal to sign each copy of the printed election return by any member of
2 the board of election inspectors shall be punishable as provided in this Act.
3 The chairman of the boards shall then publicly read and announce the total
4 numbers of registered voters, the total number of voters who actually
5 voted and the total numbers of votes obtained by each candidate based
6 on the election returns **AND WHETHER THERE IS A DISCREPANCY**
7 **BETWEEN THE RESULTS OF THE AUTOMATED SYSTEM AND THE**
8 **MANUAL COUNTING SYSTEM, AND THE DETAILS OF THE SAID**
9 **DISCREPANCY, INCLUDING THE RESULT OF THE RECOUNT, IF**
10 **ANY.**

11 "Hereafter, the copies of the election returns shall be sealed and placed
12 in the proper envelopes for distribution as follows:

13 "A. In the election of president, vice-president, senators and party-list
14 system;

15 1) The first copy shall be delivered to the city or municipal board of
16 canvassers;

17 2) The second copy, to the congress, directed to the President of the
18 Senate;

19 3) The third copy, to the commission;

20 4) The fourth copy, to the citizen's arm authorized by the Commission to
21 conduct an unofficial count

22 5) The fifth copy, to the dominant majority party as determined by the
23 Commission in accordance with law;

24 6) The six copy, to the dominant minority party as determined by the
25 Commission in accordance with law; ~~[and]~~

26 7) The seventh copy shall be deposited inside the compartment of the
27 ballot box for valid ballots[.];

28 8) The eight copy to the Provincial Board of canvassers; **AND**

29 ~~[9) The ninth to the eighteenth copies, shall be given to the ten (10)~~
30 ~~accredited major national parties, excluding the dominant majority and~~
31 ~~minority parties, in accordance with a voluntary agreement among them.~~
32 ~~If no such agreement is reached, the Commission shall decide which~~

1 parties shall receive the copies on the basis of the criteria provided in
2 Section 26 of Republic Act No. 7166;

3 ~~10) The nineteenth and twentieth copies, to the two accredited major local~~
4 ~~parties in accordance with a voluntary agreement among them. If no such~~
5 ~~agreement is reached, the commission shall decide which parties shall~~
6 ~~receive the copies on the basis of criteria analogous to that provided in~~
7 ~~Section 26 of Republic Act No. 7166;~~

8 ~~11)]~~ **9) The [twenty first to the twenty fourth] NINTH TO THE**
9 **TWELFTH** copies, to national broadcast or print media entities as may be
10 equitably determined by the Commission in view of propagating the copies
11 to the widest extent possible[?].

12 ~~[12) The twenty fifth and twenty six copies, to local broadcast or print~~
13 ~~media entities as may be equitably determined by the Commission in view~~
14 ~~of propagating the copies to the widest extent possible; and~~

15 ~~13) The twenty seventh to the thirtieth copies, to the major citizen's arms,~~
16 ~~including the accredited citizen's arm, and other non partisan groups or~~
17 ~~organization enlisted by the Commission pursuant to Section 52(k) of~~
18 ~~Batas Pambansa Big. 881. Such citizens' arm, groups and organization may~~
19 ~~use the four certified copies of election returns for the conduct of citizens'~~
20 ~~quick counts at the local or national levels;]~~

21 "B. In the election of local officials and members of the House of
22 Representatives:

23 1) The First copy shall be delivered to the city or municipal board of
24 canvassers;

25 2) The second copy, to the Commission;

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

27 4) The fourth copy, to the citizens' arm authorized by the Commission to
28 conduct an unofficial count;

29 5) The fifth copy, to the dominant majority party as determined by the
30 Commission in accordance with law;

31 6) The sixth copy, to the dominant minority party as determined by the
32 Commission in accordance with law; and

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

3 8) The eight copy to be posted conspicuously on a wall within the premises
4 of the polling place or counting center; **AND**

5 [~~9) The ninth to the eighteenth copies, shall be given to the ten (10)~~
6 ~~accredited major national parties, excluding the dominant majority and~~
7 ~~minority parties, in accordance with a voluntary agreement among them.~~
8 ~~If no such agreement is reached, the Commission shall decide which~~
9 ~~parties shall receive the copies on the basis of the criteria provided in~~
10 ~~Section 26 of Republic Act No. 7166;~~

11 ~~10) The nineteenth and twentieth copies shall be given to the two~~
12 ~~accredited major local parties in accordance with a voluntary agreement~~
13 ~~among them. If no such agreement is reached, the Commission shall~~
14 ~~decide which parties shall receive the copies on the basis of criteria~~
15 ~~analogous to that provided in Section 26 of republic Act No. 7166;~~

16 11)] **9)** The [~~twenty first to the twenty fifth]~~ **NINTH TO THE TWELFTH**
17 copies, to national broadcast or print media entities as may be equitably
18 determined by the Commission in view of propagating the copies to the
19 widest extent possible[;].

20 [~~12) The twenty sixth and twenty seventh copies, to local broadcast or~~
21 ~~print media entities as may be equitably determined by the Commission in~~
22 ~~view of propagating the copies to the widest extent possible; and~~

23 ~~13) The twenty eighth to the thirtieth copies to the major citizens' arms,~~
24 ~~including the accredited citizens' arm, and other non partisan groups or~~
25 ~~organization enlisted by the Commission pursuant to section 52(k) of Batas~~
26 ~~Pambansa Blg. 881. Such citizens' arms, groups and organization may use~~
27 ~~the five certified copies of election returns for the conduct of citizens' quick~~
28 ~~counts at the local or national levels.]~~

29 "Immediately after **ALL** the (eight copy) **COPIES** (is) **ARE** printed **AND**
30 **COMPLETED**, the poll clerk shall announce [~~the posting of said copy]~~
31 **THAT THE RELEVANT COPIES FOR POSTING ARE BEING POSTED**
32 on a wall within the premises of the polling place or counting center, which
33 must be sufficiently lighted and accessible to the public. Any person may
34 view or capture an image of the election return by means of any data
35 capturing device such as, but not limited to cameras at any time of the
36 day for forty-eight (48) hours following its posting. After such period, the
37 chairman of the board of election inspectors shall detach the election

1 returns from the wall and keep the same in his custody to be produced as
2 may be requested by any voter for image or data capturing or for any
3 lawful purpose as may be ordered by competent authority.

4 "Within one hour after the printing **AND COMPLETION** of the election
5 returns, the chairman of the board of election inspectors or any official
6 authorized by the Commission shall, in the presence of watchers and
7 representatives of the accredited citizens' arm, political parties/candidates,
8 if any, electronically transmit the precinct results **UNDER THE**
9 **AUTOMATED SYSTEM** to the respective levels of board of canvassers,
10 to the dominant majority and minority party, to the accredited citizen's
11 arm, and to the *Kapisanan ng mga Brodcaster ng Pilipinas* (KBP). **THE**
12 **ELECTION RETURNS UNDER THE MANUAL COUNTING SYSTEM**
13 **SHALL BE TRANSMITTED TO THE MBOC/CBOC**

14 "The election results at the city/municipality canvassing centers **UNDER**
15 **THE AUTOMATED SYSTEM** shall be **ELECTRONICALLY** transmitted in
16 ~~the same manner~~ **WHILE THE ELECTION RESULTS UNDER THE**
17 **MANUAL COUNTING SYSTEM SHALL BE TRANSMITTED THROUGH**
18 **THE FASTEST MEANS AVAILABLE** by the election officer or any official
19 authorized by the [e] Commission to the district or provincial canvassing
20 centers.

21 "The election returns transmitted electronically and digitally signed
22 shall be considered as official election results and shall be used as the
23 basis for the canvassing of votes and the proclamation of a candidate.
24 **PROVIDED, THAT IN CASE OF RECOUNT, AS PROVIDED UNDER**
25 **SECTION 22 HEREOF, THE MANUALLY ACCOMPLISHED ELECTION**
26 **RETURN SUBJECT OF THE RECOUNT SHALL BE CONSIDERED,**
27 **ALONG WITH THE UNAFFECTED ELECTRONICALLY**
28 **TRANSMITTED AND DIGITALLY SIGNED ELECTION RETURNS.**

29
30 ~~["After the electronic results have been transmitted additional copies not~~
31 ~~to exceed thirty (30) may be printed and given to requesting parties at~~
32 ~~their own expense."]~~

33 **SEC.15.** Section 25 of Republic Act No. 8436, as amended, is hereby amended
34 to read as follows:

35 "SEC. [25] **26.** *Canvassing by Provincial, City, District and Municipal Boards*
36 *of Canvassers.* - The City or Municipal board of canvassers shall canvass the

1 votes for the president, vice-president, senators, [~~and parties, organization~~
2 ~~or coalitions participating under the party list system~~] **MEMBERS OF THE**
3 **HOUSE OF REPRESENTATIVES, ELECTIVE REGIONAL OFFICIALS,**
4 **IF APPLICABLE, ELECTIVE PROVINCIAL OFFICIALS, AND**
5 **ELECTIVE CITY OR MUNICIPAL OFFICIALS, AS THE CASE MAY BE,**
6 by consolidating the electronically transmitted results or the results
7 contained in the data storage devices used in the printing of the election
8 returns **UNDER THE AUTOMATED SYSTEM AND THE ELECTION**
9 **RETURNS UNDER THE MANUAL COUNTING SYSTEM.** Upon
10 completion of the canvass, it shall print **AND COMPLETE** the certificate of
11 canvass of votes for president, vice-president, senators [~~and~~], members of
12 the House of Representatives, **ELECTIVE REGIONAL OFFICIALS, IF**
13 **APPLICABLE,** and elective provincial officials and thereafter, proclaim the
14 elected city or municipal officials, as the case may be.

15 "The city board of canvassers of cities comprising one or more legislative
16 districts shall canvass the votes for president, vice-president, senators,
17 members of the House Representatives, **ELECTIVE REGIONAL**
18 **OFFICIALS, IF APPLICABLE,** and elective city officials by consolidating
19 the certificates of canvass electronically transmitted or the results contained
20 in the data storage devices used in the printing of the election returns
21 **UNDER THE AUTOMATED SYSTEM AND THE CERTIFICATES OF**
22 **CANVASS UNDER THE MANUAL COUNTING SYSTEM.** Upon
23 completion of the canvass, the board shall produce the canvass of votes for
24 president, vice-president, [~~and~~] senators, **PARTY-LIST**
25 **REPRESENTATIVES, AND ELECTIVE REGIONAL OFFICIALS, IF**
26 **APPLICABLE,** and thereafter, proclaim the elected members of the House
27 of Representatives **FOR SUCH DISTRICT OR DISTRICTS** and city
28 officials.

29 [~~In the Metro-Manila area, each municipality comprising a legislative district~~
30 ~~shall have a district board of canvassers which shall canvass the votes for~~
31 ~~president, vice president, senators, members of the House of~~
32 ~~Representatives and elective municipal officials by consolidating the~~
33 ~~electronically transmitted results or the results contained in the data storage~~
34 ~~devices used in the printing of the election returns. Upon completion of the~~
35 ~~canvass, it shall produce the certificate of canvass of votes for president,~~
36 ~~vice president, and senators and thereafter, proclaim the elected members~~
37 ~~of the House Representatives and municipal officials.~~

38 [~~Each component municipality in a legislative district in the Metro-Manila~~
39 ~~area shall have a municipal board of canvassers which shall canvass the~~
40 ~~votes for president, vice president, senators, members of the house of~~
41 ~~Representatives and elective municipal officials by consolidating the results~~

1 electronically transmitted from the counting centers or the results contained
2 in the data storage devices used in the printing of the election returns. Upon
3 completion of the canvass, it shall prepare the certificate of canvass of votes
4 for ~~president, vice president, senators, members of the House of~~
5 ~~Representatives and thereafter, proclaim the elected municipal officials.~~

6 ~~"The district board of canvassers of each legislative district comprising two~~
7 ~~municipalities in the Metro Manila area shall canvass the votes for president,~~
8 ~~vice president, senators and members of the House of Representatives by~~
9 ~~consolidating the certificates of canvass electronically transmitted from the~~
10 ~~city/municipal consolidating centers or the results contained in the data~~
11 ~~storage devices submitted by the municipal board of canvassers of the~~
12 ~~component municipalities. Upon completion of the canvass. It shall produce~~
13 ~~a certificate of the canvass votes for president, vice president, senators and~~
14 ~~thereafter, proclaim the elected members of the House of Representatives~~
15 ~~in the legislative district.]~~

16 **THE LEGISLATIVE DISTRICTS OF TAGUIG-PATEROS SHALL**
17 **HAVE A DISTRICT BOARD OF CANVASSERS WHICH SHALL**
18 **CANVASS THE VOTES FOR PRESIDENT, VICE-PRESIDENT,**
19 **SENATORS, AND MEMBERS OF THE HOUSE OF REPRESENTATIVES**
20 **BY CONSOLIDATING THE RESULTS ELECTRONICALLY**
21 **TRANSMITTED FROM THE CITY/MUNICIPAL CONSOLIDATING**
22 **CENTERS OR THE RESULTS CONTAINED IN THE DATA STORAGE**
23 **DEVICES UNDER THE AUTOMATED SYSTEM AND CERTIFICATE OF**
24 **CANVASS UNDER THE MANUAL COUNTING SYSTEM SUBMITTED**
25 **BY THE BOARD OF CANVASSERS OF THE MUNICIPALITY OF**
26 **PATEROS AND THE CITY OF TAGUIG. UPON COMPLETION OF THE**
27 **CANVASS, IT SHALL PRODUCE THE CERTIFICATES OF CANVASS**
28 **FOR PRESIDENT, VICE PRESIDENT, SENATORS, AND PARTY-LIST**
29 **REPRESENTATIVES AND THEREAFTER, PROCLAIM THE ELECTED**
30 **MEMBERS OF THE HOUSE OF REPRESENTATIVES REPRESENTING**
31 **THE TAGUIG-PATEROS LEGISLATIVE DISTRICTS.**

32 "The district/provincial board of canvassers shall canvass the votes for
33 president, vice-president, senators, members of the House of
34 Representatives, [and] elective provincial officials, **AND, IF APPLICABLE,**
35 **ELECTIVE REGIONAL OFFICIALS,** by consolidating the results
36 electronically transmitted from the city/municipal consolidating centers or
37 the results contained in the data storage devices **UNDER THE**
38 **AUTOMATED SYSTEM AND CERTIFICATE OF CANVASS UNDER THE**

1 **MANUAL COUNTING SYSTEM** submitted by the board of canvassers of
2 the municipalities and component cities. Upon completion of the canvass, it
3 shall produce the certificates of canvass for president, vice-president [and],
4 senators, **PARTY-LIST REPRESENTATIVES, AND ELECTIVE**
5 **REGIONAL OFFICIALS, IF APPLICABLE**, and thereafter, proclaim the
6 elected members of the House of Representatives and the provincial
7 officials.

8 **WHENEVER APPLICABLE, THE REGIONAL BOARD OF**
9 **CANVASSERS OF AUTONOMOUS REGIONS SHALL CANVASS THE**
10 **VOTES FOR PRESIDENT, VICE-PRESIDENT, SENATORS, PARTY-**
11 **LIST REPRESENTATIVES AND THE ELECTIVE REGIONAL**
12 **OFFICIALS BY CONSOLIDATING THE RESULTS ELECTRONICALLY**
13 **TRANSMITTED FROM THE PROVINCIAL CANVASSING CENTERS**
14 **AND FROM THE CITY CANVASSING CENTERS, IN CASE OF CITIES**
15 **COMPRISING ONE OR MORE LEGISLATIVE DISTRICTS, OR THE**
16 **RESULTS CONTAINED IN THE DATA STORAGE DEVICES UNDER**
17 **THE AUTOMATED SYSTEM AND CERTIFICATE OF CANVASS UNDER**
18 **THE MANUAL COUNTING SYSTEM SUBMITTED BY THE BOARD OF**
19 **CANVASSERS OF THE PROVINCES OR CITIES COMPRISING ONE**
20 **OR MORE LEGISLATIVE DISTRICT. UPON COMPLETION OF THE**
21 **CANVASS, IT SHALL PRODUCE THE CERTIFICATES OF CANVASS**
22 **FOR PRESIDENT, VICE PRESIDENT, SENATORS, AND PARTY-LIST**
23 **REPRESENTATIVES, AND THEREAFTER, PROCLAIM THE ELECTED**
24 **REGIONAL OFFICIALS.**

25 "The municipal, city, district, [and] provincial, **AND, WHENEVER**
26 **APPLICABLE, REGIONAL** certificates of canvass of votes shall each be
27 supported by a statement of votes.

28 "Within one hour after the canvassing, the Chairman of the district
29 or provincial Board of Canvassers or the city board of canvassers of those
30 cities which comprise one or more legislative districts **OR THE REGIONAL**
31 **BOARD OF CANVASSERS** shall electronically transmit the certificate of
32 canvass **UNDER THE AUTOMATED SYSTEM TO THE COMMISSION** [~~to~~
33 ~~the commission~~] sitting as the national board of canvassers for senators and
34 party-list representatives and to the Congress as the National Board of
35 Canvassers for the president and vice president, directed to the President
36 of the Senate. **THEREAFTER, THE CERTIFICATE OF CANVASS UNDER**
37 **THE MANUAL SYSTEM SHALL ALSO BE TRANSMITTED, THROUGH**

1 **THE FASTEST MEANS AVAILABLE, TO THE SAME NATIONAL BOARD**
2 **OF CANVASSERS.**

3 "The Commission shall adopt adequate and effective measures to
4 preserve the integrity of the certificates of canvass transmitted electronically
5 and the results in the storage devices at the various levels of the boards of
6 canvassers.

7 "The certificates of canvass transmitted electronically and digitally
8 signed shall be considered as official election results and shall be used as
9 the basis for the proclamation of a winning candidate: **PROVIDED, THAT**
10 **IN CASE OF RECOUNT AS PROVIDED UNDER SECTION 22 HEREOF,**
11 **THE COMMISSION SHALL DEVISE A SYSTEM WHERE THE RESULTS**
12 **REFLECTED IN SAID CERTIFICATE OF CANVASS WILL BE**
13 **ADJUSTED BASED ON THE RESULTS OF THE RECOUNT WITHOUT,**
14 **HOWEVER, CHANGING THE ENTRIES IN SUCH ELECTRONICALLY**
15 **TRANSMITTED AND DIGITALLY SIGNED CERTIFICATE OF**
16 **CANVASS."**

17 **SEC. 16.** Section 26 of Republic Act No. 8436, as amended, is hereby amended
18 to read as follows:

19 **"SEC. [26] 27.** *Number of Copies of Certificates of Canvass of Votes*
20 *and their distribution.* - (a) The certificates of canvass of votes **UNDER**
21 **THE AUTOMATED SYSTEM AND UNDER THE MANUAL COUNTING**
22 **SYSTEM, RESPECTIVELY,** for president, vice-president, senators,
23 members of the House of Representatives, parties, organization or
24 coalitions participating under the party-list system, **ELECTIVE REGIONAL**
25 **OFFICIALS,** and elective provincial officials shall be produced by the city
26 or municipal board of canvassers and distributed as follows:

27 "(1) The first copy shall be delivered to the provincial board of canvassers
28 for use in the canvass of election results for president, vice-president,
29 senators, members of the House of Representatives, parties, organization
30 or coalitions participating under the party-list system and elective provincial
31 officials;

32 "(2) The second copy shall be sent to the Commission;

33 "(3) The third copy shall be kept by the chairman of the board; and

34 "(4) The fourth copy shall be given to the citizen arm designated by the
35 Commission to conduct an unofficial count. It shall be the duty of the

1 citizens' arm to furnish independent candidates' copies of the certificate of
2 canvass at the expense of the requesting party.

3 "(5) The fifth copy to Congress, directed to the President of Senate;

4 "(6) The sixth copy to be posted on a wall within the premises of the
5 canvassing center;

6 "(7) The seventh and eighth copies shall be given to the dominant majority
7 and minority parties; **AND**

8 [~~"(8) The ninth to eighteenth copies shall be given to the ten (10) accredited~~
9 ~~major national parties, excluding the dominant majority and minority~~
10 ~~parties, in accordance with a voluntary agreement among them. If no such~~
11 ~~agreement is reached, the Commission shall decide which parties shall~~
12 ~~receive the copies on the basis of the criteria provided in Section 26 of~~
13 ~~Republic Act no. 7166;~~

14 [~~"(9) The nineteenth and twentieth copies shall be given to the two~~
15 ~~accredited major local parties in accordance with a voluntary agreement~~
16 ~~among them. If no such agreement is reached, the Commission shall decide~~
17 ~~which parties shall receive the copies on the basis of criteria analogous to~~
18 ~~that provided in Section 26 of Republic Act No. 7166;]~~

19 "[~~(10)~~] **(8)** The [~~twenty-first to the twenty-fifth~~] **NINTH TO TWELFTH**
20 copies, to national broadcast or print media entities as may be equitably
21 determined by the Commission in view of propagating the copies to the
22 widest extent possible [;].

23 [~~"(11) The twenty-six and twenty-seven copies, to local broadcast or print~~
24 ~~media entities as may be equitably determined by the Commission in view~~
25 ~~of propagating the copies to the widest extent possible; and~~

26 [~~"(12) The twenty-eighth to the thirtieth copies, to the major citizens' arms,~~
27 ~~including the accredited citizens' arm, and other non-partisan groups or~~
28 ~~organizations enlisted by the commission pursuant to Section 52(k) of Batas~~
29 ~~Pambansa Blg. 881. Such citizens' arms, groups and organization may use~~
30 ~~the three certified copies of election returns for the conduct of citizens' quick~~
31 ~~counts at the local or national levels;]~~

32 "The board of canvassers shall furnish all other registered parties copies of
33 the certificateS of canvass at the expense of the requesting party.

1 "(b) The certificate~~S~~ of canvass of votes for president, vice-president [~~and~~],
2 senators, parties, organization or coalitions participating under the party-
3 list system **AND ELECTIVE REGIONAL OFFICIALS** shall be produced by
4 the city boards of canvassers of cities comprising one or more legislative
5 districts, by provincial boards of canvassers and by district boards of
6 canvassers in the Metro Manila area, and other highly urbanized areas and
7 distributed as follows:

8 "(1) The first copy shall be sent to congress , directed to the president of
9 the Senate for use in the canvass of election results for president and vice-
10 president;

11 "(2) The second copy shall be sent to the Commission for use in the canvass
12 of the election results for senators;

13 "(3) The third copy shall be kept the chairman of the board; and

14 "(4) The fourth copy shall be given to the citizens' arm designated by the
15 Commission to conduct an unofficial count. It shall be the duty of the
16 citizens' arm to furnish independent candidates copies of the certificate of
17 canvass at the expense of the requesting party.

18 "(5) The fifth copy to Congress, directed to the President of the Senate;

19 "(6) The six copy to be posted on a wall within the premises of the
20 canvassing center;

21 "(7) The seventh and eight copies to the dominant majority and minority
22 parties; **AND**

23 ~~["(8) The ninth and tenth copies to two accredited major national parties~~
24 ~~representing the majority and minority, excluding the dominant majority~~
25 ~~and minority parties, to be determined by the Commission on the basis of~~
26 ~~the criteria provided in Section 26 of Republic Act No. 7166;]~~

27 "~~[(9)]~~ **(8)** The ~~[eleventh to thirteenth]~~ **NINTH TO TWELFTH** copies to
28 broadcast media entities as may be equitably determined by the
29 Commission in view of propagating the copies to the widest extent
30 possible~~[-and]~~.

31 ~~["(10) The fourteenth copy to another citizens' arm or in the absence~~
32 ~~thereof, to a non-partisan group or organization enlisted by the Commission~~
33 ~~pursuant to Section 52(k) of Batas Pambansa Blg. 881. Such citizens' arm~~

1 ~~or non-partisan group or organization may use the copy of election return~~
2 ~~for the conduct of citizens' quick counts at the local or national levels.]~~

3 "The board of canvassers shall furnish all other registered parties copies of
4 the certificate of canvass at the expense of the requesting party.

5 "(c) The certificates of canvass printed **AND COMPLETED** by the
6 **REGIONAL**, provincial, district, city or municipal boards of canvassers shall
7 be signed and thumb marked by the chairman and members of the board
8 and the principal watchers, if available. Thereafter, it shall be sealed and
9 placed inside an envelope which shall likewise be properly sealed.

10 "In all instances, where the board of Canvassers has the duty to furnish
11 registered political parties with copies of the certificate of canvass, the
12 pertinent election returns shall be attached thereto, where appropriate."

13 "Immediately after the sixth copy and its supporting statement of votes are
14 printed **AND COMPLETED**, the chairman of the board of canvassers shall
15 announce the posting of said [prints] **PRINTED AND COMPLETED**
16 **COPIES** on a wall within the premises of the canvassing center, which must
17 be sufficiently lighted and accessible to the public. Any person may view or
18 capture an image of the CertificateS of Canvass or the supporting statement
19 of votes by means of any data capturing device such as, but not limited to,
20 cameras at any time of the day for forty-eight (48) hours following the
21 posting. After such period, the chairman of the board of canvassers shall
22 detach the [election return] **CERTIFICATES OF CANVASS** from the wall
23 and keep the same in his custody to be produced as may be requested by
24 any voter for image or data capturing or for any lawful purpose as may be
25 ordered by competent authority."

26 **SEC. 17.** Section 27 of Republic Act No. 8436, as amended, is hereby amended
27 to read as follows:

28 **"SEC. [27] 28.** *National Board of Canvassers for Senators and*
29 *Party-List Representatives.* - The chairman and members of the
30 Commission on Election sitting *en banc*, shall compose the national board
31 of canvassers for senators and party-list representatives. It shall canvass
32 the results by consolidating the certificates of canvass electronically
33 transmitted **UNDER THE AUTOMATED SYSTEM AND THE**
34 **TRANSMITTED CERTIFICATE OF CANVASS UNDER THE MANUAL**
35 **COUNTING SYSTEM.** Thereafter, the national board shall proclaim the
36 winning candidates for senators and party-list representatives."

1 **SEC. 18.** Section 28 of Republic Act No. 8436, as amended, is hereby amended
2 to read as follows:

3 **"SEC. [28]29.** *Congress as the National Board of Canvassers for*
4 *President and Vice-President.* - The Senate and the House of
5 Representatives in joint public session shall compose the national board of
6 canvassers for president and vice-president. The certificateS of canvass
7 for president and vice-president duly certified by the board of canvassers
8 of each province or city, shall be electronically transmitted, **IN THE CASE**
9 **OF THE AUTOMATED SYSTEM, AND MANUALLY DELIVERED, IN**
10 **THE CASE OF THE MANUAL COUNTING SYSTEM,** to the Congress,
11 directed to the president of the Senate. Upon receipt of the certificates of
12 canvass, the President of the Senate shall, not later than thirty (30) days
13 after the day of the election, open all the certificates in the presence of
14 the Senate and the House of representatives in joint public session and
15 the Congress upon determination of the authenticity and the due
16 execution thereof in the manner provided by law, canvass all the results
17 for president and vice-president and thereafter, proclaim the winning
18 candidates."

19 **SEC. 19.** Section 29 of Republic Act No. 8436, as amended, is hereby deleted.

20 **SEC. 20.** *Communication Channels for Electronic Transmission.* – Electronic
21 transmission which is defined under R.A. No. 9369 as conveying data in electronic form
22 from one location to another shall be guided by the following: all electronic transmission
23 of the election returns, certificates of canvass and its supporting statements, and other
24 related documents shall utilize secure transmission channels with the following
25 minimum security objectives:

- 26 (a) Strong authentication- each entity in the communications channel must prove
27 its identity to the other by demonstrating knowledge of a key associated with
28 the entity without revealing the key itself during the protocol;
- 29 (b) Mutual entity authentication;
- 30 (c) Data origin authentication;
- 31 (d) Data integrity;
- 32 (e) Non-reputation of origin;
- 33 (f) Anti-replay- an election return or certificate of canvass once processed cannot
34 be resent to be reprocessed at a later time. In case of re-transmission, the Board
35 of Canvassers should authenticate themselves to the receiving computer, and
36 authorize the non-processing of the previous transmission/s to receive the new

1 transmission. Both election returns or certificates of canvass or any election
2 result shall be kept in the system for record-keeping; and

3 (g) Auditability of transmission post-election- all records of transmission saved on
4 all the servers shall be stored and copies furnished the Joint Congressional
5 Oversight Committee on the Hybrid Election System and Department of
6 Information and Technology in its original entirety. The Commission shall
7 digitally sign said copies and certify under oath as to its authenticity and
8 integrity.

9 The Commission is hereby authorized to procure the necessary equipment,
10 facilities, and services for putting up the electronic transmission system in order to
11 effectively implement the provisions of this Act.

12 The aggregator for the purpose of transmission should not be the same as the
13 supplier of the machines used for the automated election system.

14 **SEC. 21. Election Offenses under this Act.** – The following persons shall be guilty
15 of an election offense and shall be punished in accordance with Section 264 of B.P. 881
16 or the Omnibus Election Code of the Philippines:

17 (a) Any person who violates any pertinent provision of this Act;

18 (b) Any person who removes the election return that is posted on the wall,
19 whether within or after the prescribed forty-eight (48) hours of posting, or defaces the
20 same in any manner;

21 (c) Any person who simulates an actual election return, or a print or digital copy
22 thereof;

23 (d) Any person who simulates the certification in a print of an election return;

24 (e) The chairman or any member of the board of election inspectors who, during
25 the prescribed period of posting, removes the election return from the wall on which it
26 had been posted other than for the purpose of immediately transferring it to a more
27 suitable place;

28 (f) The chairman or any member of the board of election inspectors who signs
29 or authenticates a print which bears an image different from the election return
30 produced after counting and posted the same on the wall;

31 (g) Any person who removes the certificates of canvass posted on the wall,
32 whether within or after the prescribed forty-eight (48) hours of posting, unless so
33 ordered by the Commission, or defaces the same in any manner;

1 (h) Any person who stimulates an actual certificate of canvass or statement of
2 votes, or a print or digital copy thereof;

3 (i) Any person who stimulates the certification of a certificate of canvass or
4 statement of votes;

5 (j) The chairman or any member of the board of canvassers who, during the
6 prescribed period of posting, removes the certificate of canvass or its supporting
7 statement of votes from the wall on which they have been posted other than for the
8 purpose of immediately transferring them to a more suitable place.

9 (k) The chairman or any member of the board of canvassers who signs or
10 authenticates a print of the certificate of canvass or its supporting statement of votes
11 outside of the polling place; and

12 (l) The chairman or any member of the board of canvassers who signs or
13 authenticates a print that bears an image different from the certificate of canvass or
14 statement of votes produced after counting.

15 **SEC. 22. Appropriations.** – Such amounts as may be necessary to implement
16 this Act shall be included in the budget of the Commission in the next succeeding
17 General Appropriations Act.

18 **SEC. 23. Separability Clause.** – Should any portion of this Act be declared
19 unconstitutional, the other provisions or parts not affected thereby shall remain valid
20 and effective.

21 **SEC. 24. Repealing Clause.** – All laws, decrees, orders, and issuances, or
22 portions thereof, which are inconsistent with the provisions of this Act, are hereby
23 repealed, amended, or modified accordingly.

24 **SEC. 25. Effectivity.** – This Act shall take effect fifteen (15) days after its
25 publication in two (2) newspapers of general circulation.

Approved,