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SENATE
S. No. 2231
(In substitution of S. Nos. 1069, 1371, and 1851) RECEIVED BY: 

Prepared by the Committee on Constitutional Amendments, Revision of Codes and Laws,
with Senators Angara, Recto, Gordon and the members of the Committee as authors

AN ACT

AMENDING REPUBLIC ACT NO. 8436, ENTITLED "AN ACT AUTHORIZING THE COMMISSION ON ELECTIONS TO USE AN AUTOMATED ELECTION SYSTEM IN THE MAY 11, 1998 NATIONAL OR LOCAL ELECTIONS AND IN SUBSEQUENT NATIONAL AND LOCAL ELECTORAL EXERCISES, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. Section 1 of Republic Act No. 8436 is hereby amended to read as follows:

"Section 1. *Declaration of Policy* – It is the policy of the State to ensure free, orderly, honest, peaceful and credible [elections, and] **ELECTORAL EXERCISES, USING AN AUTOMATED ELECTION SYSTEM IN A MANNER THAT WILL** 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. Section 2 of Republic Act No. 8436 is hereby amended to read as follows:

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

1. Automated election system, [a system using appropriate technology for voting and electronic devices to count votes and canvass/consolidate results] **HEREINAFTER REFERRED TO AS AES – A SYSTEM USING APPROPRIATE TECHNOLOGY FOR VOTING, COUNTING, CONSOLIDATING, CANVASSING, TRANSMISSION OF ELECTION RESULTS, AND OTHER PROCESSES IN THE CONDUCT OF ELECTORAL EXERCISES;**

[2. *Counting machine* - a machine that uses an optical scanning mark-sense reading device of any similar advanced technology to count ballots;

3. *Data storage device* - a device used to electronically store counting and canvassing results, such as, memory pack or diskette;

4. *Computer set* - a set of equipment containing regular components, i.e., monitor, central processing unit or CPU, keyboard and printer;

5. *National Ballot* – refers to the ballot to be used in the automated election system for the purpose of the May 1998 elections. This shall contain the names of the candidates for president, vice-president, senators and parties, organizations or coalitions participating under the party-list system;

This ballot shall be counted by the counting machine;

6. *Local Ballot* - refers to the ballot on which the voter will manually write the names of the candidates of his/her choice for member of the House of Representatives, governor,

1 vice-governor, members of the provincial board, mayor, vice-mayor, and members of the
2 city/municipal council. For the purpose of the May 11, 1998 elections, this ballot will be
3 counted manually;

4 7. *Board of Election Inspectors* - there shall be a Board of Election Inspectors in
5 every precinct composed of three (3) regular members who shall conduct the voting,
6 counting and recording of votes in the polling place.

7 For the purpose of the May 11, 1998 elections, there shall be special members
8 composed of a fourth member each precinct and a representative who is authorized to
9 operate the counting machine. Both shall conduct the counting and recording of votes of the
10 national ballots in the designated counting centers;]

11 **2. ELECTRONIC TRANSMISSION – A MEANS OF CONVEYING DATA IN
12 ELECTRONIC FORM FROM ONE LOCATION TO ANOTHER USING
13 TELECOMMUNICATIONS TECHNOLOGY;**

14 **3. OFFICIAL BALLOT – REFERS TO THE BALLOT TO BE USED IN AN
15 ELECTION SYSTEM, WHETHER IN PAPER OR ELECTRONIC FORM;**

16 **4. PAPER-BASED ELECTION SYSTEM – A TYPE OF AES THAT USES PAPER-
17 BASED OFFICIAL BALLOTS.**

18 [8.] **5. Election returns** - [a machine-generated document showing the date of the
19 election, the province, municipality and the precinct in which it is held and the votes in
20 figures for each candidate in a precinct directly produced by the counting machine] **REFERS
21 TO THE VOTE COUNT PER PRECINCT, WHETHER IN PAPER OR ELECTRONIC FORM;**

22 [9. *Statement of votes* - a machine-generated document containing the votes
23 obtained by candidates in each precinct in a city/municipality;

24 10. *City/municipal/district/provincial certificate of canvass of votes* - a machine-
25 generated document containing the total votes in figures obtained by each candidate in a
26 city/municipality/district/ province as the case may be; and]

27 [11] **6. Counting centerS** – a public place [designated by the Commission where
28 counting of votes and canvassing/consolidation of results shall be conducted] **WITHIN THE
29 CITY/MUNICIPALITY OR IN SUCH OTHER PLACES AS MAY BE DESIGNATED BY THE
30 COMMISSION WHERE THE OFFICIAL BALLOTS CAST IN VARIOUS PRECINCTS OF
31 THE CITY/MUNICIPALITY SHALL BE COUNTED.**

32 **7. CONTINUITY PLAN – A LIST OF CONTINGENCY MEASURES, AND THE
33 POLICIES FOR ACTIVATION OF SUCH, THAT ARE PUT IN PLACE TO ENSURE
34 CONTINUOUS OPERATION OF THE AES.**

35 **SEC. 3.** Section 3 of Republic Act No. 8436 is hereby amended to read as follows:

36 "Section 3. [*Qualifications, rights and limitations of the special members of the*] **Board of
37 Election Inspectors.** - [No person shall be appointed as a special member of the board of
38 election inspectors unless he/she is of good moral character and irreproachable reputation, a
39 registered voter, has never been convicted of any election offense or of any crime punishable by
40 more than six (6) months imprisonment or if he/she has pending against him/her an information
41 for any election offense or if he/she is related within the fourth civil degree of consanguinity or
42 affinity to any member of the board of election inspectors or any special member of the same

1 board of Election Inspector or to any candidate for a national position or to a nominee as a party
2 list representative or his/her spouse. The special members of the board shall enjoy the same
3 rights and be bound by the same limitations and liabilities of a regular member of the board of
4 election inspectors but shall not vote during the proceedings of the board of election inspectors
5 except on matters pertaining to the national ballot.] **THERE SHALL BE A BOARD OF**
6 **ELECTION INSPECTORS IN EVERY PRECINCT COMPOSED OF THREE (3) REGULAR**
7 **MEMBERS, AT LEAST ONE OF WHOM SHALL BE AN INFORMATION TECHNOLOGY-**
8 **CAPABLE PERSON, WHO IS TRAINED AND CERTIFIED TO USE THE AES.**

9 **SEC. 4.** Section 4 of Republic Act No. 8436 is hereby deleted. The succeeding sections
10 are hereby renumbered accordingly.

11 **SEC. 5.** Section 5 of Republic Act No. 8436 is hereby amended to read as follows:

12 "Section [5] 4. [*Board of Canvassers.*] **INFORMATION TECHNOLOGY CONSULTANT.**
13 - [For purposes of the May 11, 1998 elections, each province, city or municipality shall have
14 two (2) board of canvassers, one for the manual election system under the existing law, and the
15 other, for the automated system. For the automated election system, the chairman of the board
16 shall be appointed by the Commission from among its personnel/deputies and the members
17 from the officials enumerated in Section 21 of Republic Act No. 6646.] **EACH BOARD OF**
18 **CANVASSER SHALL HAVE AS CONSULTANT AN INFORMATION TECHNOLOGY**
19 **EXPERT, TRAINED AND AUTHORIZED TO USE THE AES. FOR THIS PURPOSE, THE**
20 **COMMISSION SHALL DEPUTIZE INFORMATION TECHNOLOGY EXPERTS FROM AMONG**
21 **THE AGENCIES AND INSTRUMENTALITIES OF THE GOVERNMENT, INCLUDING**
22 **GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS. THE PER DIEM OF THE**
23 **DEPUTIZED IT CONSULTANTS SHALL BE THE SAME AS THAT OF THE MEMBERS OF**
24 **THE BOARD OF CANVASSERS.**

25 **SEC. 6.** Section 6 of Republic Act No. 8436 is hereby amended to read as follows:

26 "Section [6] 5. *Authority to Use an Automated Election System.* – To carry out the
27 above-stated policy, the Commission on Elections, herein referred to as the Commission, is
28 hereby authorized to use automated election system **AND/OR SYSTEMS IN THE SAME**
29 **ELECTION IN DIFFERENT AREAS, AS IT MAY DEEM APPROPRIATE AND PRACTICAL, [,**
30 herein referred to as the System,] for the process of voting, counting of votes and
31 canvassing/consolidation **AND TRANSMITTAL** of results [of the national and local elections.]
32 **OF ELECTORAL EXERCISES: PROVIDED, THAT FOR THE NEXT REGULAR NATIONAL**
33 **OR LOCAL ELECTIONS, WHICH SHALL BE HELD IMMEDIATELY AFTER THE PASSAGE**
34 **OF THIS ACT, THE AES SHALL BE USED IN AT LEAST TWO (2) CHARTERED CITIES**
35 **AND TWO (2) PROVINCES TO BE DETERMINED BY THE COMELEC: PROVIDED**
36 **FURTHER, THAT ON THE SECOND REGULAR NATIONAL OR LOCAL ELECTION**
37 **FOLLOWING THE PASSAGE OF THIS ACT AND IN SUCCEEDING ELECTIONS, FULL USE**
38 **OF THE AES SHALL BE IMPLEMENTED NATIONWIDE. [Provided, however, That for the**
39 **May 11, 1998 elections, the System shall be applicable in all areas within the country only for**
40 **the positions of president, vice-president, senators and parties, organizations or coalitions**
41 **participating under the party-list system.]**

1 To achieve the purpose of this Act, the Commission is authorized to procure by
2 purchase, lease [or otherwise any] **RENTAL OR OTHER FORMS OF ACQUISITION**, supplies,
3 equipment, materials, **SOFTWARE, FACILITIES**, and **OTHER** services needed for the [holding
4 of the elections by an expedited process of public bidding of vendors, suppliers or lessors:
5 *Provided*, That the accredited political parties are duly notified of and allowed to observe but not
6 to participate in the bidding. If, inspite of its diligent efforts to implement this mandate in the
7 exercise of this authority, it becomes evident by February 9, 1998 that the Commission cannot
8 fully implement the automated election system for national positions in the May 11, 1998
9 elections, the elections for both national and local positions shall be done manually except in the
10 Autonomous Region in Muslim Mindanao (ARMM) where the automated election system shall
11 be used for all positions] **AES**.

12 **SEC. 7.** Section 7 of Republic Act No. 8436 is hereby amended to read as follows:

13 "Section [7] 6. [*Features of the system.* - The System shall utilize appropriate technology
14 for voting, and electronic devices for counting of votes and canvassing of results. For this
15 purpose, the Commission shall acquire automated counting machines, computer equipment,
16 devices and materials and adopt new forms and printing materials.

17 The System shall contain the following features: (a) use of appropriate ballots, (b) stand-
18 alone machine which can count votes and an automated system which can consolidate the
19 results immediately, (c) with provisions for audit trails, (d) minimum human intervention, and (e)
20 adequate safeguard/security measures.

21 In addition, the System shall as far as practicable have the following features:

22 1. It must be user-friendly and need not require computer-literate operators;

23 2. The machine security must be built-in and multi-layer existent on hardware and
24 software with minimum human intervention using latest technology like encrypted coding
25 system;

26 3. The security key control must be embedded inside the machine sealed against
27 human intervention;

28 4. The Optical Mark Reader (OMR) must have a built-in printer for numbering the
29 counted ballots and also for printing the individual precinct number on the counted ballots;

30 5. The ballot paper for the OMR counting machine must be of the quality that passed
31 the international standard like ISO-1831, JIS-X- 9004 or its equivalent for optical character
32 recognition;

33 6. The ballot feeder must be automatic;

34 7. The machine must be able to count from 100 to 150 ballots per minute;

35 8. The counting machine must be able to detect fake or counterfeit ballots and must
36 have a fake ballot rejector;

37 9. The counting machine must be able to detect and reject previously counted ballots
38 to prevent duplication;

39 10. The counting machine must have the capability to recognize the ballot's
40 individual precinct and city or municipality before counting or consolidating the votes;

1 11. The System must have a printer that has the capacity to print in one stroke or
2 operation seven (7) copies (original plus six (6) copies) of the consolidated reports on
3 carbonless paper;

4 12. The printer must have at least 128 kilobytes of Random Access Memory (RAM)
5 to facilitate the expeditious processing of the printing of the consolidated reports;

6 13. The machine must have a built-in floppy disk drive in order to save the processed
7 data on a diskette;

8 14. The machine must also have a built-in hard disk to store the counted and
9 consolidated data for future printout and verification;

10 15. The machine must be temperature-resistant and rust-proof;

11 16. The optical lens of the OMR must have a self-cleaning device;

12 17. The machine must not be capable of being connected to external computer
13 peripherals for the process of vote consolidation;

14 18. The machine must have an Uninterrupted Power Supply (UPS);

15 19. The machine must be accompanied with operating manuals that will guide the
16 personnel of the Commission the proper use and maintenance of the machine;

17 20. It must be so designed and built that add-ons may immediately be incorporated
18 into the System at minimum expense;

19 21. It must provide the shortest time needed to complete the counting of votes and
20 canvassing of the results of the election;

21 22. The machine must be able to generate consolidated reports like the election
22 return, statement of votes and certificate of canvass at different levels; and

23 23. The accuracy of the count must be guaranteed, the margin of error must be
24 disclosed and backed by warranty under such terms and conditions as may be determined
25 by the Commission.] **MINIMUM SYSTEM CAPABILITIES – THE AES MUST HAVE THE**
26 **FOLLOWING FUNCTIONAL CAPABILITIES:**

27 (a) **ALLOW THE VOTER TO ACCURATELY IDENTIFY AND INDICATE HIS/HER**
28 **CHOICES IN AN ELECTORAL EXERCISE, WITH ACCESS PROVISIONS FOR**
29 **ILLITERATES AND DIFFERENTLY-ABLED VOTERS;**

30 (b) **RECORD THE VOTER'S CHOICE/S AND STORE IN A MANNER THAT MAY**
31 **NOT BE ALTERED IN ANY WAY;**

32 (c) **PROVIDE THE VOTER WITH THE OPPORTUNITY TO VERIFY HIS/HER**
33 **CHOICES ON PAPER;**

34 (d) **COUNT VOTES, PRINT SUMMARIES FOR REQUIRED REPORTING LEVELS**
35 **TO REFLECT A TRUE AND CORRECT SUMMARY OF VOTES CAST, AND STORE THE**
36 **RESULTS IN A MANNER THAT MAY NOT BE ALTERED IN ANY WAY;**

37 (e) **CONVEY THE ELECTRONIC RECORDS IN A MANNER THAT ENSURES**
38 **THAT THE INFORMATION RECEIVED IS WHAT WAS SENT;**

39 (f) **RECOVER FROM AN EQUIPMENT FAILURE AND RESTART PROCESSING**
40 **FROM THE FAILURE POINT;** 

1 (g) CONFIGURE ACCESS CONTROL FOR SENSITIVE SYSTEM DATA AND
2 FUNCTIONS;

3 (h) PROVIDE SYSTEM ADMINISTRATION FACILITIES TO PERFORM THE
4 FOLLOWING FUNCTIONS SUCH AS: PRECINCT/MUNICIPALITY CONFIGURATION,
5 BALLOT CONFIGURATION, POLL OPENING, AND POLL CLOSING;

6 (i) PROVIDE SYSTEM AUDIT FACILITIES WHICH PROVIDE SUPPORTING
7 DOCUMENTATION FOR VERIFYING THE PROCESS USED IN PRODUCING THE
8 REPORTED ELECTION RESULTS; AND,

9 (j) PROVIDE SYSTEM UTILITIES FOR DATA SECURITY, RETENTION AND
10 ARCHIVING OF ELECTRONIC RECORDS.

11 In the procurement of this system, the Commission shall DEVELOP AND adopt an
12 [equitable] EVALUATION system [of deductions or demerits for deviations or deficiencies in
13 meeting all the above stated features and standards] TO ASCERTAIN THAT THE ABOVE
14 MINIMUM SYSTEM CAPABILITIES ARE MET. THIS EVALUATION SYSTEM SHALL BE
15 DEVELOPED WITH THE ASSISTANCE OF AN ADVISORY COUNCIL.

16 [For this purpose, the Commission shall create an Advisory Council to be composed of
17 technical experts from the Department of Science and Technology (DOST), the Information
18 Technology Foundation of the Philippines (ITFP), the University of the Philippines (UP), and two
19 (2) representatives from the private sector recommended by the Philippine Computer Society
20 (PCS).

21 The Council may avail itself of the expertise and services of resource persons of known
22 competence and probity.

23 The Commission in collaboration with the DOST shall establish an independent
24 Technical Ad Hoc Evaluation Committee, herein known as the Committee, composed of a
25 representative each from the Senate, House of Representatives, DOST and COMELEC. The
26 Committee shall certify that the System is operating properly and accurately and that the
27 machines have a demonstrable capacity to distinguish between genuine and spurious ballots.

28 The Committee shall ensure that the testing procedure shall be unbiased and effective in
29 checking the worthiness of the System. Toward this end, the Committee shall design and
30 implement a reliability test procedure or a system stress test.]

31 SEC. 8. New Sections 7, 8, 9 and 10 are hereby provided to read as follows:

32 "SECTION 7. THE ADVISORY COUNCIL. – THE COMMISSION SHALL CREATE AN
33 ADVISORY COUNCIL, HEREIN KNOWN AS THE COUNCIL, WHICH SHALL BE CONVENED
34 NOT LATER THAN 18 MONTHS PRIOR TO THE NEXT SCHEDULED ELECTORAL
35 EXERCISE, AND DEACTIVATED 6 MONTHS AFTER COMPLETION OF CANVASSING.

36 THE COUNCIL SHALL BE COMPOSED OF THE FOLLOWING MEMBERS, WHO
37 MUST BE REGISTERED FILIPINO VOTERS, OF KNOWN COMPETENCE AND PROBITY:

38 (a) ONE MEMBER FROM THE COMMISSION ON INFORMATION AND
39 COMMUNICATIONS TECHNOLOGY (CICT), WHO SHALL CHAIR THE COUNCIL;

40 (b) ONE MEMBER FROM THE DEPARTMENT OF SCIENCE AND TECHNOLOGY
41 (DOST);

1 (c) ONE MEMBER FROM THE DEPARTMENT OF EDUCATION;

2 (d) ONE MEMBER REPRESENTING THE ACADEME, TO BE SELECTED BY THE
3 CHAIR OF THE ADVISORY COUNCIL FROM AMONG THE LIST OF NOMINEES
4 SUBMITTED BY THE COUNTRY'S ACADEMIC INSTITUTIONS;

5 (e) THREE MEMBERS REPRESENTING ICT PROFESSIONAL ORGANIZATIONS
6 TO BE SELECTED BY THE CHAIR OF THE ADVISORY COUNCIL FROM AMONG THE
7 LIST OF NOMINEES SUBMITTED BY PHILIPPINE-BASED ICT PROFESSIONAL
8 ORGANIZATIONS. NOMINEES SHALL BE INDIVIDUALS, AT LEAST ONE OF WHOM
9 SHALL BE EXPERIENCED IN MANAGING OR IMPLEMENTING LARGE-SCALE IT
10 PROJECTS.

11 (f) TWO MEMBERS REPRESENTING THE NON-GOVERNMENTAL ELECTORAL
12 REFORMS ORGANIZATIONS, TO BE SELECTED BY THE CHAIR OF THE ADVISORY
13 COUNCIL FROM AMONG THE LIST OF NOMINEES SUBMITTED BY THE COUNTRY'S
14 NON-GOVERNMENTAL ELECTORAL REFORMS ORGANIZATIONS.

15 THE COUNCIL MAY AVAIL ITSELF OF THE EXPERTISE AND SERVICES OF
16 RESOURCE PERSONS OF KNOWN COMPETENCE AND PROBITY.

17 THE COMMISSION ON INFORMATION AND COMMUNICATIONS TECHNOLOGY
18 (CICT), SHALL INCLUDE IN ITS ANNUAL APPROPRIATION THE FUNDS NECESSARY TO
19 ENABLE THE COUNCIL TO EFFECTIVELY PERFORM ITS FUNCTIONS."

20 "SECTION. 8. *FUNCTIONS OF THE ADVISORY COUNCIL.* – THE COUNCIL SHALL
21 HAVE THE FOLLOWING FUNCTIONS:

22 1. REVIEW AND RECOMMEND THE MOST APPROPRIATE, APPLICABLE AND
23 COST-EFFECTIVE TECHNOLOGY TO BE APPLIED IN THE AES, IN WHOLE OR IN
24 PART, AT THAT SPECIFIC POINT IN TIME.

25 2. PARTICIPATE AS NON-VOTING MEMBERS OF THE BIDDING & AWARDS
26 COMMITTEE IN THE CONDUCT OF THE BIDDING PROCESS FOR THE AES.

27 3. PARTICIPATE AS NON-VOTING MEMBERS OF THE STEERING COMMITTEE
28 TASKED WITH THE IMPLEMENTATION OF THE AES.

29 4. PROVIDE ADVICE AND/OR ASSISTANCE IN THE REVIEW OF THE SYSTEMS
30 PLANNING, INCEPTION, DEVELOPMENT, TESTING, OPERATIONALIZATION, AND
31 EVALUATION STAGES.

32 5. PROVIDE ADVICE AND/OR ASSISTANCE IN THE IDENTIFICATION,
33 ASSESSMENT AND RESOLUTION OF SYSTEMS PROBLEMS OR INADEQUACIES AS
34 MAY SURFACE OR RESURFACE IN THE COURSE OF THE BIDDING, ACQUISITION,
35 TESTING, OPERATIONALIZATION, RE-USE, STORAGE OR DISPOSITION OF THE AES
36 EQUIPMENT AND/OR RESOURCES AS THE CASE MAY BE.

37 6. PROVIDE ADVICE AND/OR ASSISTANCE IN THE RISK MANAGEMENT OF
38 THE AES ESPECIALLY WHEN A CONTINGENCY OR DISASTER SITUATION ARISES.

39 NOTHING IN THE ROLE OF THE COUNCIL OR ANY OUTSIDE INTERVENTION OR
40 INFLUENCE SHALL BE CONSTRUED AS AN ABDICATION OF THE COMMISSION'S
41 AUTHORITY AND RESPONSIBILITY FOR THE EFFECTIVE DEVELOPMENT,
42 MANAGEMENT AND IMPLEMENTATION OF THE AES."

1 **"SECTION 9. THE TECHNICAL AD HOC EVALUATION COMMITTEE. – THE**
2 **COMMISSION, IN COLLABORATION WITH THE CHAIRMAN OF THE ADVISORY**
3 **COUNCIL, SHALL ESTABLISH AN INDEPENDENT TECHNICAL AD HOC EVALUATION**
4 **COMMITTEE, HEREIN KNOWN AS THE COMMITTEE, COMPOSED OF A**
5 **REPRESENTATIVE EACH FROM THE SENATE, THE HOUSE OF REPRESENTATIVES,**
6 **THE COMMISSION, THE COMMISSION ON INFORMATION AND COMMUNICATIONS**
7 **TECHNOLOGY AND THE DEPARTMENT OF SCIENCE AND TECHNOLOGY.**

8 **THE COMMITTEE IS DEEMED ACTIVATED 12 MONTHS PRIOR TO THE NEXT**
9 **SCHEDULED ELECTORAL EXERCISE, AND DEACTIVATED 1 MONTH AFTER**
10 **COMPLETION OF CANVASSING."**

11 **"SECTION 10. FUNCTIONS OF THE TECHNICAL AD HOC EVALUATION**
12 **COMMITTEE. – THE COMMITTEE SHALL CERTIFY, NOT LATER THAN THREE (3)**
13 **MONTHS BEFORE THE DATE OF THE ELECTORAL EXERCISE, THAT THE AES IS**
14 **OPERATING PROPERLY AND ACCURATELY, BASED ON THE FOLLOWING**
15 **DOCUMENTED RESULTS:**

- 16 **1. THE SUCCESSFUL CONDUCT OF A FIELD TESTING PROCESS FOLLOWED BY A**
17 **MOCK ELECTION EVENT IN ONE OR MORE CITIES/MUNICIPALITIES;**
- 18 **2. THE COMPLETION OF A THIRD PARTY AUDIT ON THE ACCURACY,**
19 **FUNCTIONALITY AND SECURITY CONTROLS OF THE AES SOFTWARE;**
- 20 **3. THE COMPLETION OF A SOURCE CODE REVIEW BY A CAPABLE THIRD PARTY,**
21 **TO BE CHOSEN BY THE COMMISSION FROM THE RECOMMENDATION OF THE**
22 **ADVISORY COUNCIL;**
- 23 **4. A CERTIFICATION THAT THE SOURCE CODE IS KEPT IN ESCROW WITH A**
24 **REPUTABLE AGENCY;**
- 25 **5. A CERTIFICATION PROCESS THAT ENSURES THAT THE SOURCE CODE**
26 **REVIEWED IS ONE AND THE SAME AS THAT USED BY THE EQUIPMENT; AND,**
- 27 **6. THE DEVELOPMENT, PROVISIONING, AND OPERATIONALIZATION OF A**
28 **CONTINUITY PLAN TO COVER RISKS TO THE AES AT ALL POINTS IN THE**
29 **PROCESS SUCH THAT A FAILURE OF ELECTIONS, WHETHER AT VOTING,**
30 **COUNTING OR CONSOLIDATION, MAY BE AVOIDED.**

31 **IF THE COMMISSION DECIDES TO PROCEED WITH THE USE OF THE AES**
32 **WITHOUT THE COMMITTEE'S CERTIFICATION, IT MUST SUBMIT ITS REASONS IN**
33 **WRITING, TO THE OVERSIGHT COMMITTEE, NO LATER THAN THIRTY (30) DAYS PRIOR**
34 **TO THE ELECTORAL EXERCISE WHERE THE AES WILL BE USED.**

35 **THE COMMITTEE MAY AVAIL ITSELF OF THE EXPERTISE AND SERVICES OF**
36 **RESOURCE PERSONS OF KNOWN COMPETENCE AND PROBITY.**

37 **THE COMMITTEE SHALL CLOSELY COORDINATE WITH THE STEERING**
38 **COMMITTEE OF THE COMMISSION TASKED WITH THE IMPLEMENTATION OF THE AES**
39 **IN THE IDENTIFICATION AND AGREEMENT OF THE PROJECT DELIVERABLES AND**
40 **TIMELINES, AND IN THE FORMULATION OF THE ACCEPTANCE CRITERIA OF/FOR**
41 **EACH DELIVERABLE."**

1 **SEC. 9.** Section 8 of Republic Act No.8436 is hereby amended to read as follows:

2 “Section [8] **11.** *Procurement of Equipment and Materials.* — **TO ACHIEVE THE**
3 **PURPOSE OF THIS ACT, [T]the Commission [shall] IS AUTHORIZED TO** procure, [the
4 automated counting machines, computer equipment, devices and materials needed for ballot
5 printing and devices for voting, counting and canvassing], **IN ACCORDANCE WITH EXISTING**
6 **LAWS, BY PURCHASE, LEASE, RENTAL OR OTHER FORMS OF ACQUISITION,**
7 **SUPPLIES, EQUIPMENT, MATERIALS, SOFTWARE, AND SERVICES NEEDED FOR THE**
8 **AES,** from local or foreign sources free from taxes and import duties, subject to accounting and
9 auditing rules and regulations.

10 **SEC. 10.** Section 9 of Republic Act no.8436 is hereby amended to read as follows:

11 “Section [9] **12.** *Systems Breakdown in the VOTING, Counting OR CANVASSING*
12 *Centers.* **THE AES SHALL BE SO DESIGNED TO INCLUDE A CONTINUITY PLAN IN CASE**
13 **OF A SYSTEMS BREAKDOWN OR ANY SUCH EVENTUALITY WHICH SHALL RESULT IN**
14 **THE DELAY, OBSTRUCTION OR NON-PERFORMANCE OF THE ELECTORAL PROCESS.**
15 **ACTIVATION OF SUCH CONTINUITY AND CONTINGENCY MEASURES** [In the event of a
16 systems breakdown of all assigned machines in the counting center, the Commission shall use
17 any available machine or any component thereof from another city/municipality upon the
18 approval of the Commission en banc or any of its divisions.

19 The transfer of such machines or any component thereof] shall be undertaken in the
20 presence of representatives of political parties and citizens’ arm of the Commission who shall be
21 notified by the election officer of such [transfer] **ACTIVATION.**

22 [There is a systems breakdown in the counting center when the machine fails to read the
23 ballots or fails to store/save results or fails to print the results after it has read the ballots; or
24 when the computer fails to consolidate election results/reports or fails to print election
25 results/reports after consolidation.]

26 **SEC. 11.** Section 10 of Republic Act No.8436 is hereby amended to read as follows:

27 “Section [10] **13.** *Examination and Testing of [counting machines] EQUIPMENT OR*
28 **DEVICE OF THE AES.** The Commission shall, [on the date and time it shall set and with proper
29 notices,] allow the political parties and candidates or their representatives, citizens’ arm or their
30 representatives to examine and test [the machines to ascertain that system is operating
31 properly and accurately. Test ballots and test forms shall be provided by the Commission.

32 After the examination and testing, the machines shall be locked and sealed by the
33 election officer or any authorized representative of the Commission in the presence of the
34 political parties and candidates or their representatives and accredited citizens’ arms. The
35 machines shall be kept locked and sealed and shall be opened again on election day before the
36 counting of votes begins.] **THE EQUIPMENT OR DEVICE TO BE USED IN THE VOTING AND**
37 **COUNTING ON THE DAY OF THE ELECTORAL EXERCISE, BEFORE VOTING STARTS.**
38 **TEST BALLOTS AND TEST FORMS SHALL BE PROVIDED BY THE COMMISSION.**

39 “Immediately after the examination and testing of the [machines] **EQUIPMENT OR**
40 **DEVICE,** the parties and candidates or their representatives, citizens’ arms or their
41 representatives, may submit a written [report] **COMMENT** to the election officer who shall

1 immediately transmit it to the [Commission for appropriate action] **ELECTION OFFICER** who
2 shall immediately transmit it to the Commission for appropriate action.

3 **"THE ELECTION OFFICER OR THE AUTHORIZED REPRESENTATIVE SHALL KEEP**
4 **A MINUTES OF THE TESTING, A COPY OF WHICH SHALL BE SUBMITTED TO THE**
5 **COMMISSION TOGETHER WITH THE MINUTES OF VOTING."**


6 **SEC. 12.** Section 11 of Republic Act No.8436 is hereby amended to read as follows:

7 "Section [11] **14. Official Ballot.** – The Commission shall prescribe the **FORMAT OF THE**
8 **ELECTRONIC DISPLAY OR THE** size and form of the official ballot, which shall contain the
9 titles of the positions to be filled and/or the propositions to be voted upon in an initiative,
10 referendum or plebiscite. Under each position **TO BE FILLED**, the names of candidates shall be
11 arranged alphabetically by surname and uniformly [printed] **INDICATED** using the same type
12 size. **UNDER EACH PROPOSITION TO BE VOTED UPON, THE CHOICES SHOULD BE**
13 **UNIFORMLY INDICATED USING THE SAME TYPE SIZE.**

14 **IN CASE OF PAPER-BASED ELECTION SYSTEM** a fixed space where the chairman
15 *of the Board of Election inspectors* shall affix his/her signature to authenticate the official ballot
16 shall be provided.

17 [Both sides of the ballots may be used when necessary.]

18 For this purpose, **THE COMMISSION SHALL SET** the deadline for the filing of
19 certificate of candidacy/petition for registration/manifestation to participate in the election: [shall
20 not be later than one hundred twenty (120) days before the elections;] *Provided*, That, any
21 elective official, whether national or local, running for any office other than the one which he/she
22 is holding in a permanent capacity, except for president and vice-president, shall be deemed
23 resigned only upon the start of the campaign period corresponding to the position for which
24 he/she is running: *Provided, further*, That unlawful acts or omissions applicable to a candidate
25 shall take effect upon the start of the aforesaid campaign period: [*Provided, finally*, That, for
26 purposes of the May 11, 1998 elections, the deadline for filing of the certificate of candidacy for
27 the positions of President, Vice President, Senators and candidates under the Party-List System
28 as well as petitions for registration and/or manifestation to participate in the Party-List System
29 shall be on February 9, 1998 while the deadline for the filing of certificate of candidacy for other
30 positions shall be on March 27, 1998.] **PROVIDED FINALLY, THAT ANY PERSON HOLDING**
31 **A PUBLIC APPOINTIVE OFFICE OR POSITION, INCLUDING ACTIVE MEMBERS OF THE**
32 **ARMED FORCES OF THE PHILIPPINES, AND OFFICERS AND EMPLOYEES IN**
33 **GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS, SHALL BE CONSIDERED**
34 **IPSO FACTO RESIGNED FROM HIS/HER OFFICE UPON THE FILING OF HIS/HER**
35 **CERTIFICATE OF CANDIDACY.**

36 **WITH RESPECT TO PAPER-BASED ELECTION SYSTEM, [T]**the official ballots shall
37 be printed by the National Printing Office and/or the Bangko Sentral ng Pilipinas at the price
38 comparable with that of private printers under proper security measures which the Commission
39 shall adopt. The Commission may contract the services of private printers upon certification by
40 the National Printing Office/Bangko Sentral ng Pilipinas that it cannot meet the printing
41 requirements. Accredited political parties and deputized citizens' arms of the Commission [may]
42 **SHALL** assign watchers in the printing, storage and distribution of official ballots. 

1 To prevent the use of fake **AND COUNTERFEIT** ballots, the Commission through the
2 Committee shall ensure that the [serial number on the ballot stub shall be printed in magnetic
3 ink that shall be easily detectable by inexpensive hardware and shall be impossible to
4 reproduce on a photocopying machine, and that identification markings,] **NECESSARY**
5 **SAFEGUARDS** are provided on the ballot.

6 The official ballots shall be printed and distributed to each city/municipality at the rate of
7 one (1) ballot for every registered voter with a provision of additional [four (4)] **THREE (3)**
8 ballots per precinct.

9 **SEC. 13.** Section 12 of Republic Act No.8436 is hereby amended to read as follows:

10 "Section [12] **15. Substitution of candidates.** - In case of valid substitutions [after the
11 official ballots have been printed,] **BY REASON OF DEATH OR WITHDRAWAL DUE TO**
12 **PHYSICAL AND MENTAL INCAPACITY AS DETERMINED BY COMPETENT AUTHORITY**
13 **AFTER THE OFFICIAL BALLOTS HAVE BEEN PRINTED (FOR PAPER-BASED ELECTION**
14 **SYSTEM) OR THE ELECTRONIC BALLOTS HAVE BEEN FINALIZED,** the votes cast for the
15 substituted candidates shall be considered votes for the substitutes.

16 **SEC. 14.** Section 13 of Republic Act No.8436 is hereby amended to read as follows:

17 "Section [13] **16. Ballot box.** - **WHERE APPLICABLE, []**there shall be in each precinct
18 on election day a ballot box with such safety features that the Commission may prescribe and of
19 such size as to accommodate the official ballots [without folding them].

20 [For the purpose of the May 11, 1998 elections, there shall be two (2) ballot boxes for
21 each precinct, one (1) for the national ballots and one (1) for the local ballots.]"

22 **SEC. 15.** Section 14 of Republic Act No.8436 is hereby amended to read as follows:

23 "Section [14] **17. Procedure in voting** - [The voter shall be given a ballot by the
24 chairman of the Board of Election Inspectors. The voter shall then proceed to a voting booth to
25 accomplish his/her ballot. If a voter spoils his/her ballot, he/she may be issued another ballot
26 subject to Section 11 of this Act. No voter may be allowed to change his/her ballot more than
27 once.

28 After the voter has voted, he/she shall affix his/her thumb mark on the corresponding
29 space in the voting record. The chairman shall apply indelible ink on the voter's right forefinger
30 and affix his/her signature in the space provided for such purpose in the ballot. The voter shall
31 then personally drop his/her ballot on the ballot box.

32 For the purpose of the May 11, 1998 elections, each voter shall be given one (1) national
33 and one (1) local ballot by the Chairperson. The voter shall, after casting his/her vote, personally
34 drop the ballots in their respective ballot boxes.] **DEPENDING ON THE TYPE OF AES**
35 **CHOSEN, THE COMMISSION SHALL PRESCRIBE THE MANNER AND PROCEDURE OF**
36 **VOTING, WHICH CAN BE EASILY UNDERSTOOD AND FOLLOWED BY THE VOTERS,**
37 **TAKING INTO CONSIDERATION, AMONG OTHERS, THE SECRECY OF THE VOTING**
38 **PROCESS AND ACCESSIBILITY FOR ILLITERATES AND DIFFERENTLY-ABLED VOTERS.**

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

40 "Section [15] **18. Closing of polls.** - [After the close of voting, the board shall enter in the
41 minutes the number of registered voters who actually voted, the number and serial number of
42 unused and spoiled ballots, the serial number of the self-locking metal seal to be used in sealing

1 the ballot box. The board shall then place the minutes inside the ballot box and thereafter close,
2 lock and seal the same with padlocks, self-locking metal seals or any other safety devices that
3 the Commission may authorize. The chairman of the Board of Election Inspectors shall publicly
4 announce that the votes shall be counted at a designated counting center where the board shall
5 transport the ballot box containing the ballots and other election documents and paraphernalia.

6 For the purpose of the May 11, 1998 elections, the chairman of the Board of Election
7 Inspectors shall publicly announce that the votes for president, vice-president, senators and
8 parties, organizations or coalitions participating in the party-list system shall be counted at a
9 designated counting center. During the transport of the ballot box containing the national ballots
10 and other documents, the fourth member of the board shall be escorted by representatives from
11 the Armed Forces of the Philippines or from the Philippine National Police, citizens' arm, and if
12 available, representatives of political parties and candidates.] **DEPENDING ON THE TYPE OF
13 AES CHOSEN, THE COMMISSION SHALL PRESCRIBE THE MANNER AND PROCEDURE
14 OF CLOSING THE POLLS AND UNDERTAKING OF THE SUBSEQUENT STEPS, TAKING
15 INTO CONSIDERATION AMONG OTHERS, THE PROPER REPORTING OF NUMBER OF
16 VOTES CAST AND THE PROPER CONDUCT OF VOTING.**

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

18 "Section [16] **19. NOTICE OF Designation of Counting Centers.**— [The Commission
19 shall designate counting center(s) which shall be a public place within the city/municipality or in
20 such other places as may be designated by the Commission when peace and order conditions
21 so require, where the official ballots cast in various precincts of the city/municipality shall be
22 counted. The election officer shall post prominently in his/her office, in the bulletin boards at the
23 city/municipal hall and in three (3) other conspicuous places in the city/municipality, the notice
24 on the designated counting center(s) for at least fifteen (15) days prior to election day.

25 For the purpose of the May 11, 1998 elections, the Commission shall designate a central
26 counting center(s) which shall be a public place within the city or municipality, as in the case of
27 the National Capital Region and in highly urbanized areas. The Commission may designate
28 other counting center(s) where the national ballots cast from various precincts of different
29 municipalities shall be counted using the automated system. The Commission shall post
30 prominently a notice thereof, for at least fifteen (15) days prior to election day, in the office of the
31 election officer, on the bulletin boards at the municipal hall and in three (3) other conspicuous
32 places in the municipality.] **THE ELECTION OFFICER SHALL POST PROMINENTLY IN
33 HIS/HER OFFICE, IN THE BULLETIN BOARDS AT THE CITY/MUNICIPAL HALL AND IN
34 THREE (3) OTHER CONSPICUOUS PLACES IN THE CITY/MUNICIPALITY, THE NOTICE
35 ON THE DESIGNATED COUNTING CENTER(S) FOR AT LEAST FIFTEEN (15) DAYS PRIOR
36 TO ELECTION DAY.**

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

38 "Section [17] **20. Counting Procedure** —[(a) The counting of votes shall be public and
39 conducted in the designated counting center(s). (b) The ballots shall be counted by the machine
40 by precinct in the order of their arrival at the counting center. The election officer or his/her
41 representative shall log the sequence of arrival of the ballot boxes and indicate their condition.
42 Thereafter, the board shall, in the presence of the watchers and representatives of accredited

1 citizens' arm, political parties/candidates, open the ballot box, retrieve the ballots and minutes of
2 voting. It shall verify whether the number of ballots tallies with the data in the minutes. If there
3 are excess ballots, the poll clerk, without looking at the ballots, shall publicly draw out at random
4 ballots equal to the excess and without looking at the contents thereof, place them in an
5 envelope which shall be marked "excess ballots". The envelope shall be sealed and signed by
6 the members of the board and placed in the compartment for spoiled ballots. (c) The election
7 officer or any authorized official or any member of the board shall feed the valid ballots into the
8 machine without interruption until all the ballots for the precincts are counted.

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

11 For the purpose of the May 11, 1998 elections, the ballots shall be counted by precinct
12 by the special members of the board in the manner provided in paragraph (b) hereof.]
13 **DEPENDING ON THE TYPE OF AES, THE COMMISSION SHALL PRESCRIBE THE**
14 **MANNER AND PROCEDURE OF COUNTING THE VOTES; PROVIDED, THAT APART**
15 **FROM THE ELECTRONICALLY STORED RESULT, SEVEN (7) COPIES OF THE ELECTION**
16 **RETURN ARE PRINTED.**

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

18 "Section [18] 21. *Election Returns.* – [After the ballots of the precincts have been
19 counted, the election officer or any official authorized by the Commission shall, in the presence
20 of watchers and representatives of the accredited citizens' arm, political parties/candidates, if
21 any, store the results in a data storage device and print copies of the election returns of each
22 precinct. The printed election returns shall be signed and thumb marked by the fourth member
23 and COMELEC authorized representative and attested to by the election officer or authorized
24 representative.] **EACH COPY OF THE PRINTED ELECTION RETURNS SHALL BEAR**
25 **APPROPRIATE CONTROL MARKS TO DETERMINE THE TIME AND PLACE OF PRINTING.**
26 **EACH COPY SHALL BE SIGNED AND THUMB MARKED BY ALL THE MEMBERS OF THE**
27 **BOARD OF ELECTION INSPECTORS AND THE WATCHERS PRESENT.** *The Chairman of*
28 *the Board shall then publicly read and announce the total number of REGISTERED VOTERS,*
29 **THE TOTAL NUMBER OF VOTERS WHO ACTUALLY VOTED AND THE TOTAL NUMBER**
30 **OF votes obtained by each candidate based on the election returns.**

31 Thereafter, the copies of the election returns shall be sealed and placed in the proper
32 envelopes for distribution as follows:

33 A. In the election of president, vice-president, senators and party-list system:

- 34 1) The first copy shall be delivered to the city or municipal board of canvassers;
- 35 2) The second copy, to the Congress, directed to the President of the Senate;
- 36 3) The third copy, to the Commission;
- 37 4) The fourth copy, to the citizens' arm authorized by the Commission to conduct an
38 unofficial count. [In the conduct of the unofficial quick count by any accredited citizens'
39 arm, the Commission shall promulgate rules and regulations to ensure, among others,
40 that said citizens' arm releases in the order of their arrival one hundred percent (100%)
41 results of a precinct indicating the precinct, municipality or city, province and region:

1 *Provided, however, that, the count shall continue until all precincts shall have been*
2 *reported.]*

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

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

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

9 **IT SHALL BE THE DUTY OF [T]the ACCREDITED citizens' arm [shall] to provide**
10 **copies of the election returns TO INDEPENDENT CANDIDATES AND REGISTERED**
11 **PARTIES OTHER THAN THE DOMINANT MAJORITY AND MINORITY, at the expense of**
12 **the requesting party.**

13 [For the purpose of the May 11, 1998 elections, after the national ballots have been
14 counted, the COMELEC authorized representative shall implement the provisions of
15 paragraph A hereof.]

16 B. In the election of local officials and members of the House of Representatives:

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

18 2) The second copy, to the Commission;

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

20 4) The fourth copy, to the citizens' arm authorized by the Commission to conduct an
21 unofficial count. [In the conduct of the unofficial quick count by any accredited citizens'
22 arm, the Commission shall promulgate rules and regulations to ensure, among others,
23 that said citizens' arm releases in the order of their arrival one hundred percent (100%)
24 results of a precinct indicating the precinct, municipality or city, province and region:
25 *Provided, however, that, the count shall continue until all precincts shall have been*
26 *reported].*

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

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

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

33 **IT SHALL BE THE DUTY OF [T]the ACCREDITED citizens' arm [shall] to provide**
34 **copies of the election returns TO INDEPENDENT CANDIDATES AND REGISTERED**
35 **PARTIES OTHER THAN THE DOMINANT MAJORITY AND MINORITY, at the expense of**
36 **the requesting party.**

37 [After the votes from all precincts have been counted, a consolidated report of votes for
38 each candidate shall be printed.]

39 **WITHIN THREE (3) HOURS [A]after the printing of the election returns, the**
40 **CHAIRMAN OF THE BOARD OF ELECTION INSPECTORS OR ANY OFFICIAL**
41 **AUTHORIZED BY THE COMMISSION SHALL, IN THE PRESENCE OF WATCHERS AND**
42 **REPRESENTATIVES OF THE ACCREDITED CITIZEN'S ARM, POLITICAL**

1 PARTIES/CANDIDATES, IF ANY, ELECTRONICALLY TRANSMIT THE PRECINCT
2 RESULTS TO THE RESPECTIVE LEVELS OF BOARD OF CANVASSERS, TO THE
3 DOMINANT MAJORITY AND MINORITY PARTY, TO THE ACCREDITED CITIZEN'S
4 ARM, AND TO THE KAPISANAN NG MGA BROADCASTERS NG PILIPINAS (KBP).
5 [ballots shall be returned to the ballot box, which shall be locked, sealed and delivered to the
6 city/municipal treasurer for safekeeping. The treasurer shall immediately provide the
7 Commission and the election officer with a record of the serial numbers of the ballot boxes
8 and the corresponding metal seals.]

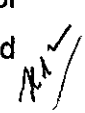
9 "THE ELECTION RESULTS AT THE CITY/MUNICIPALITY CONSOLIDATING
10 CENTERS SHALL BE TRANSMITTED IN THE SAME MANNER BY THE ELECTION
11 OFFICER OR ANY OFFICIAL AUTHORIZED BY THE COMMISSION TO THE DISTRICT
12 OR PROVINCIAL CONSOLIDATION CENTERS.

13 "THE ELECTION RETURNS TRANSMITTED ELECTRONICALLY AND DIGITALLY
14 SIGNED SHALL BE CONSIDERED AS OFFICIAL ELECTION RESULTS AND SHALL BE
15 USED AS THE BASIS FOR THE CANVASSING OF VOTES AND THE PROCLAMATION
16 OF A CANDIDATE."

17 **SEC. 20.** Section 21 of Republic Act No.8436 is hereby amended to read as follows:

18 "Section [21] **24.** *Canvassing by Provincial, City, District and Municipal Boards of*
19 *Canvassers.* - The city or municipal board of canvassers shall canvass the votes for the
20 president, vice-president, senators, and parties, organizations or coalitions participating under
21 the party-list system by consolidating the **RESULTS ELECTRONICALLY TRANSMITTED**
22 **FROM THE COUNTING CENTERS OR THE** results contained in the data storage devices used
23 *in the printing of the election returns.* Upon completion of the canvass, it shall print the certificate
24 of canvass of votes for president, vice-president, senators and members of the House of
25 Representatives and elective provincial officials and thereafter, proclaim the elected city or
26 municipal officials, as the case may be.

27 The city board of canvassers of cities comprising one (1) or more legislative districts
28 shall canvass the votes for president, vice-president, senators, members of the House of
29 Representatives and elective city officials by consolidating the **CERTIFICATES OF CANVASS**
30 **ELECTRONICALLY TRANSMITTED FROM THE COUNTING CENTERS OR THE** results
31 contained in the data storage devices used in the printing of the election returns. Upon
32 completion of the canvass, the board shall [print] **PRODUCE** the canvass of votes for president,
33 vice-president, and senators and thereafter, proclaim the elected members of the House of
34 Representatives and city officials.

35 In the Metro Manila area, each municipality comprising a legislative district shall have a
36 district board of canvassers which shall canvass the votes for president, vice-president,
37 senators, members of the House of Representatives and elective municipal officials by
38 consolidating the **RESULTS ELECTRONICALLY TRANSMITTED FROM THE COUNTING**
39 **CENTERS OR THE** results contained in the data storage devices used in the printing of the
40 election returns. Upon completion of the canvass, it shall [print] **PRODUCE** the certificate of
41 canvass of votes for president, vice-president, and senators and thereafter, proclaim the elected
42 members of the House of Representatives and municipal officials. 

1 Each component municipality in a legislative district in the Metro Manila area shall have
2 a municipal board of canvassers which shall canvass the votes for president, vice-president,
3 senators, members of the House of Representatives and elective municipal officials by
4 consolidating the **RESULTS ELECTRONICALLY TRANSMITTED FROM THE COUNTING**
5 **CENTERS OR THE** results contained in the data storage devices used in the printing of the
6 election returns. Upon completion of the canvass, it shall prepare the certificate of canvass of
7 votes for president, vice-president, senators, members of the House of Representatives and
8 thereafter, proclaim the elected municipal officials.

9 The district board of canvassers of each legislative district comprising two (2)
10 municipalities in the Metro Manila area shall canvass the votes for president, vice-president,
11 senators and members of the House of Representatives by consolidating the **CERTIFICATES**
12 **OF CANVASS ELECTRONICALLY TRANSMITTED FROM THE CITY/MUNICIPAL**
13 **CONSOLIDATING CENTERS OR THE** results contained in the data storage devices submitted
14 by the municipal board of canvassers of the component municipalities. Upon completion of the
15 canvass, it shall [print] **PRODUCE** a certificate of canvass of votes for president, vice-president
16 and senators and thereafter, proclaim the elected members of the House of Representatives in
17 the legislative district.


18 The district/provincial board of canvassers shall canvass the votes for president, vice-
19 president, senators, members of the House of Representatives and elective provincial officials
20 by consolidating the **RESULTS ELECTRONICALLY TRANSMITTED FROM THE**
21 **CITY/MUNICIPAL CONSOLIDATING CENTERS OR THE** results contained in the data storage
22 devices submitted by the board of canvassers of the municipalities and component cities. Upon
23 completion of the canvass, it shall [print] **PRODUCE** the certificate of canvass of votes for
24 president, vice-president and senators and thereafter, proclaim the elected members of the
25 House of Representatives and the provincial officials.

26 The municipal, city, district and provincial certificates of canvass of votes shall each be
27 supported by a statement of votes.

28 **WITHIN THREE (3) HOURS AFTER THE CANVASSING, THE CHAIRMAN OF THE**
29 **DISTRICT OR PROVINCIAL BOARD OF CANVASSERS OR THE CITY BOARD OF**
30 **CANVASSERS OF THOSE CITIES WHICH COMPRISE ONE OR MORE LEGISLATIVE**
31 **DISTRICTS SHALL TRANSMIT THE CERTIFICATES OF CANVASS TO THE NATIONAL**
32 **CONSOLIDATION CENTERS, WHICH ARE THE COMMISSION SITTING AS THE NATIONAL**
33 **BOARD OF CANVASSERS FOR SENATORS AND PARTY-LIST REPRESENTATIVES AND**
34 **TO THE CONGRESS AS THE NATIONAL BOARD OF CANVASSERS FOR THE**
35 **PRESIDENT AND VICE PRESIDENT, DIRECTED TO THE PRESIDENT OF THE SENATE.**

36 The Commission shall adopt adequate and effective measures to preserve the integrity
37 of the [data] **CERTIFICATES OF CANVASS TRANSMITTED ELECTRONICALLY AND THE**
38 **RESULTS IN THE** storage devices at the various levels of the boards of canvassers.

39 **THE CERTIFICATES OF CANVASS TRANSMITTED ELECTRONICALLY AND**
40 **DIGITALLY SIGNED SHALL BE CONSIDERED AS OFFICIAL ELECTION RESULTS AND**
41 **SHALL BE USED AS THE BASIS FOR THE PROCLAMATION OF A CANDIDATE.**

42 **SEC. 21.** Section 22 of Republic Act No.8436 is hereby amended to read as follows: 

1 "Section [22] 25. *Number of Copies of Certificates of Canvass of Votes and their*
2 *distribution.* - (a) The certificate of canvass of votes for president, vice-president, senators,
3 *members of the House of Representatives, parties, organizations or coalitions participating*
4 *under the party-list system and elective provincial officials shall be [printed] PRODUCED by the*
5 *city or municipal board of canvassers and distributed as follows:*

6 (1) The first copy shall be delivered to the provincial board of canvassers for use in the
7 canvass of election results for president, vice-president, senators, members of the House of
8 Representatives, parties, organizations or coalitions participating under the party-list system
9 and elective provincial officials;

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

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

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

15 The board of canvassers shall furnish all registered parties copies of the certificate of
16 canvass at the expense of the requesting party.

17 (b) The certificate of canvass of votes for president, vice-president and senators, parties,
18 organizations or coalitions participating under the party-list system shall be [printed]
19 **PRODUCED** by the city boards of canvassers of cities comprising one or more legislative
20 districts, by provincial boards of canvassers and by district boards of canvassers in the Metro
21 Manila area, and other highly urbanized areas and distributed as follows:

22 (1) The first copy shall be sent to Congress, directed to the President of the Senate for use
23 in the canvas of election results for president and vice-president;

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

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

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

30 The board of canvassers shall furnish all registered parties copies of the certificate of
31 canvass at the expense of the requesting party.

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

36 In all instances, where the Board of Canvassers has the duty to furnish registered
37 political parties with copies of the certificate of canvass, the pertinent election returns shall be
38 attached thereto, where appropriate.

39 **SEC. 22.** Section 23 of Republic Act No.8436 is hereby amended to read as follows:

40 "Section [23] 26. *National Board of Canvassers for Senators AND PARTY-LIST*
41 *REPRESENTATIVES.* - The chairman and members of the Commission on Elections sitting *en*
42 *banc*, shall compose the national board of canvassers for senators **AND PARTY-LIST** ↗

1 **REPRESENTATIVES.** It shall canvass the results by consolidating the [the results contained in
2 the data storage devices submitted by the district, provincial and city boards of canvassers of
3 those cities which comprise one or more legislative districts.] **CERTIFICATES OF CANVASS**
4 **ELECTRONICALLY TRANSMITTED.** Thereafter, the national board shall proclaim the winning
5 candidates for senators **AND PARTY-LIST REPRESENTATIVES.**

6 **SEC. 23.** Section 24 of Republic Act No.8436 is hereby amended to read as follows:

7 "Section [24] **27.** *Congress as the National Board of Canvassers for President and Vice-*
8 *President.* - The Senate and the House of Representatives in joint public session shall compose
9 the national board of canvassers for president and vice-president. The [returns of every
10 election] **CERTIFICATE OF CANVASS** for president and vice-president duly certified by the
11 board of canvassers of each province or city, shall be **ELECTRONICALLY** transmitted to the
12 Congress, directed to the president of the Senate. Upon receipt of the certificates of canvass,
13 the president of the Senate shall, *not later than thirty (30) days after the day of the election,*
14 open all the certificates in the presence of the Senate and the House of Representatives in joint
15 public session and the Congress upon determination of the authenticity and the due execution
16 thereof in the manner provided by law, canvass all the results for president and vice-president
17 [by consolidating the results contained in the data storage devices submitted by the district,
18 provincial and city boards of canvassers and thereafter, proclaim the winning candidates for
19 president and vice-president] **AND THEREAFTER, PROCLAIM THE WINNING CANDIDATES.**

20 **SEC. 24.** A new Section 28 is hereby provided to read as follows:

21 "**SECTION 28. AUTHENTICATION OF ELECTRONICALLY TRANSMITTED**
22 **ELECTION RESULTS.** - WHERE NECESSARY AND APPLICABLE, THE MANNER OF
23 DETERMINING THE AUTHENTICITY AND DUE EXECUTION OF ELECTRONICALLY
24 TRANSMITTED ELECTION DOCUMENTS, SUCH AS BUT NOT LIMITED TO THE
25 CERTIFICATES OF CANVASS, SHALL CONFORM WITH THE PROVISIONS OF REPUBLIC
26 ACT NO. 7166 AS MAY BE SUPPLEMENTED OR MODIFIED BY THE PROVISIONS OF
27 THIS ACT.

28 **WHERE APPLICABLE, THE ELECTRONIC TRANSMISSION OF DATA UNDER THIS**
29 **ACT SHALL CONFORM TO THE REQUIREMENTS OF REPUBLIC ACT NO. 8792.**

30 **SEC. 25.** Section 25 of Republic Act No.8436 is hereby amended to read as follows:

31 "Section [25] **29.** [*Voters*] **STAKEHOLDER education AND TRAINING.** - The
32 Commission [together with and in support of accredited citizens' arms shall carry out a
33 continuing and systematic campaign] **SHALL, NOT LATER THAN SIX (6) MONTHS BEFORE**
34 **THE ACTUAL AUTOMATED ELECTION EXERCISE, UNDERTAKE A WIDESPREAD**
35 **STAKEHOLDER EDUCATION AND TRAINING PROGRAM,** through newspapers of general
36 circulation, radio, television and other media forms, as well as through seminars, symposia, fora
37 and other non-traditional means, to educate the public and fully inform the electorate about the
38 automated election system and inculcate values on honest, peaceful and orderly elections.

39 "**SUCH PROGRAM SHALL ENSURE THE ACCEPTANCE AND READINESS OF THE**
40 **FOLLOWING STAKEHOLDERS TO UNDERSTAND AND APPRECIATE THE BENEFITS OF**
41 **THE AES:**

42 **1. GENERAL PUBLIC/VOTERS**

1 2. COMMISSION STAFF

2 3. DEPARTMENT OF EDUCATION, DEPARTMENT OF FINANCE (MUNICIPAL, CITY
3 AND PROVINCIAL TREASURERS) AND ALL OTHER GOVERNMENT AGENCIES
4 WHO WILL PLAY A ROLE IN THE ELECTORAL EXERCISE

5 4. LOCAL GOVERNMENT OFFICIALS (PROVINCIAL, MUNICIPAL, BARANGAY
6 LEVELS)

7 5. INCUMBENT ELECTED OFFICIALS IN THE LEGISLATIVE AND EXECUTIVE
8 DEPARTMENTS

9 6. POLITICAL PARTIES AND CANDIDATES

10 7. MEMBERS OF THE MILITARY AND POLICE

11 THE GENERAL PUBLIC OR VOTERS TRAINING WILL FOCUS ON BUILDING THE
12 CAPABILITY TO USE THE AUTOMATED SYSTEM TO CAST THEIR VOTE, AS WELL AS A
13 GENERAL APPRECIATION OF THE AES. ALL OTHER STAKEHOLDERS MENTIONED
14 ABOVE WILL RECEIVE ADDITIONAL INFORMATION IN ORDER TO BUILD A DEEPER
15 UNDERSTANDING OF THE VOTING, COUNTING, CANVASSING PROCEDURES, SO THAT
16 THEY MAY ACT AS ADVOCATES OF THE AES.

17 THE COMMISSION TOGETHER WITH AND IN SUPPORT OF ACCREDITED
18 CITIZENS' ARMS SHALL CARRY OUT A CONTINUING AND SYSTEMATIC CAMPAIGN
19 THROUGH NEWSPAPERS OF GENERAL CIRCULATION, RADIO AND OTHER MEDIA
20 FORMS, AS WELL AS THROUGH SEMINARS, SYMPOSIA, FORA AND OTHER NON-
21 TRADITIONAL MEANS TO EDUCATE THE PUBLIC AND FULLY INFORM THE
22 ELECTORATE ABOUT THE AUTOMATED ELECTION SYSTEM AND INCULCATE VALUES
23 ON HONEST, PEACEFUL AND ORDERLY ELECTIONS."

24 SEC. 26. Section 29 of Republic Act No.8436 is hereby amended to read as follows:

25 "Section [29] 33. *Election offenses.* - In addition to those enumerated in Sections 261
26 and 262 of Batas Pambansa Blg. 881, as amended, the following acts shall be penalized as
27 election offenses, whether or not said acts affect the electoral process or results:

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

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

31 (2) Electronic devices or their components, peripherals or supplies used in the [System]
32 AES such as counting machine, memory pack/diskette, memory pack receiver and
33 computer set;

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

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

40 SEC. 27. Section 30 of Republic Act No.8436 is hereby amended to read as follows:

41 "Section [30] 34. *Applicability.* - **THE PROVISIONS OF THIS ACT SHALL APPLY TO**
42 **THE SYSTEM OF OVERSEAS ABSENTEE VOTING PURSUANT TO THE PROVISIONS OF**

1 **REPUBLIC ACT NO. 9189 (OVERSEAS ABSENTEE VOTING ACT OF 2003), IF PRACTICAL**
2 **AND APPROPRIATE.**

3 The provisions of Batas Pambansa Blg. 881, as amended, otherwise known as the
4 "Omnibus Election Code of the Philippines", and other election laws not inconsistent with this
5 Act shall apply.

6 **SEC. 28.** Section 31 of Republic Act No.8436 is hereby amended to read as follows:

7 "Section [31] **35. Rules and Regulations.** - The Commission shall promulgate rules and
8 regulations for the implementation and enforcement of this Act [including such measures that
9 will address possible difficulties and confusions brought about by the two-ballot system. The
10 Commission may consult its accredited citizens' arm for this purpose].

11 **NOTWITHSTANDING THE FOREGOING CANVASSING PROCEDURE, THE**
12 **COMMISSION IS AUTHORIZED TO PRESCRIBE OTHER MANNER OR PROCEDURE FOR**
13 **THE CANVASSING AND CONSOLIDATION OF VOTES AS TECHNOLOGY EVOLVES,**
14 **SUBJECT TO THE PROVISIONS OF SECTION 7 HEREOF ON THE MINIMUM**
15 **CAPABILITIES OF THE SYSTEM AND OTHER PERTINENT LAWS.**

16 **SEC. 29.** Section 32 of Republic Act No.8436 is hereby amended to read as follows:

17 "Section [32] **36. Appropriations.** - [The amount necessary to carry out the provisions of
18 this Act shall be charged against the current year's appropriations of the Commission.
19 Thereafter, such sums as may be necessary for the continuous implementation of this Act shall
20 be included in the annual General Appropriations Act.

21 In case of deficiency in the funding requirements herein provided, such amount as may
22 be necessary shall be augmented from the current contingent fund in the General
23 Appropriations Act.] **CONGRESS SHALL PROVIDE THE NECESSARY APPROPRIATION TO**
24 **CARRY OUT AND IMPLEMENT THE PROVISIONS OF REPUBLIC ACT 8436 AS AMENDED.**

25 **SEC. 30. Separability clause.** - If, for any reason, any section or provision of this Act or
26 any part thereof, or the application of such section, provision or portion is declared invalid or
27 unconstitutional, the remainder thereof shall not be affected by such declaration.

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

31 **SEC. 32. Effectivity.** - This Act shall take effect fifteen (15) days after its publication in a
32 newspaper of general circulation. ✓

Approved,