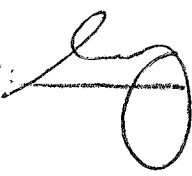


THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

SENATE
OFFICE OF THE SECRETARY

04 JUN 30 P10:17

SENATE

RECEIVED BY: 

S. No. 1069

Introduced by Senator Edgardo J. Angara

EXPLANATORY NOTE

Republic Act 8436 authorized the Commission on Elections to use an automated election system for voting, counting and canvassing of votes. In the law, a Counting Machine is defined as one which "uses an optical scanning/mark-sense reading device or any similar advanced technology to count ballots", otherwise known as an Optical Mark Reader (OMR) counting machine.

When the OMR machines were first used for the counting of ballots in the elections in the Autonomous Region of Muslim Mindanao, the estimated cost for each ballot was pegged at P10 per ballot. However, each optically marked ballot is now estimated to cost around P25.00 each. With some 30 million voters in the Philippines this would amount to a P750 Million cost for ballots alone.

This proposed amendment deletes the requirement of an Optical Mark Reader Counting Machine to truly given way to the meaning of "appropriate technology" in an automated election system. It also allows for the storage of election data via compact disc drives and compact discs. Finally, it authorizes the COMELEC to acquire the necessary materials by "purchase, lease or otherwise" to allow for flexibility under budget constraints.

For these foregoing reasons, the passage of this bill is earnestly sought.


EDGARDO J. ANGARA

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AN ACT

AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 8436,
OTHERWISE KNOWN AS "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:

1 SECTION 1. Section 2 of Republic Act No. 8436 is hereby amended to read
2 as follows:

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

5 xxx

2. Counting machine - ANY machine OR TECHNOLOGY that
AUTOMATES THE DIFFERENT PHASES OF THE ELECTORAL PROCESS,
AND CAN HANDLE THE CASTING, COUNTING,
CANVASSING/CONSOLIDATION AND TRANSMISSION OF VOTES,
WHERE POSSIBLE [uses an optical scanning mark-sense reading device of any
similar advanced technology to count ballots];

3. Data storage device - a device OR MEDIUM used to electronically store counting
and canvassing results, such as, BUT NOT LIMITED TO, memory pack, [or] diskette,
CDROMS, OPTICAL DISKS, OR ANY SIMILAR DEVICE;

5. National ballot – refers to the ballot [to be used in the automated election system for the purpose of the May 11, 1998 elections. This shall containING the names of the candidates VOTED ON for THE POSITIONS OF president, vice-president, senators and parties, organizations or coalitions participating under the party-list system INDICATING THE CHOICES OF THE VOTER TO BE USED EITHER FOR PURPOSES OF COUNTING OR AS PROOF OF VOTES ALREADY CAST; [This ballot shall be counted by the counting machine]

6. Local ballot – refers to the ballot [on which the voter will manually write] CONTAINING the names of the candidates [of his/her choice] VOTED ON BY A VOTER FOR THE POSITIONS OF [for] memberS of the House of Representatives, governor, vice-governor, members of the provincial board, mayor, vice-mayor, and members of the city/municipal council INDICATING THE CHOICES OF THE VOTER TO BE USED EITHER FOR PURPOSES OF COUNTING OR AS PROOF OF VOTES ALREADY CAST; [For the purpose of the May 11, 1998 elections, the ballot will be counted manually] WHENEVER FEASIBLE, THE VOTES REFLECTED IN THESE BALLOTS MAY ALSO BE COUNTED USING THE MACHINES;

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

[For purpose of the May 11, 1998 elections,] T[t]here shall be special members composed of a fourth member in each precinct and a COMELEC representative who is authorized to operate the counting machine. Both

1 shall conduct the counting and recording of votes of the national ballots in
2 designated counting centers.

3 SEC. 2. Section 5 of Republic Act No. 8436 is hereby amended to read as
4 follows:

5 "Section 5. Board of Canvassers. - [For purposes of the May 11,
6 1998 elections,] E[e]ach province, city or municipality shall have two (2)
7 board of canvassers, one for the [manual elections system under the
8 existing law] NATIONAL BALLOT, and the other, for the [automated
9 system] LOCAL BALLOT. For the [automated system] NATIONAL
10 BALLOT, the chairman of the board shall be appointed by the
11 Commission from among its personnel/deputies and the members from
12 the officials enumerated under Section 21 of Republic Act No. 6646.

13 SEC. 3. Section 6 of Republic Act No. 8436 is hereby amended to read as
14 follows:

15 "Section 6. Authority to use an automated elections system. - To
16 carry out the above-stated policy, the Commission on Elections, herein
17 referred to as the Commission, is hereby authorized to use an automated
18 elections system, hereinafter referred to as the System, for the process of
19 voting, counting of votes and canvassing/consolidation AND
20 TRANSMISSION OF results of the national and local elections, WHERE
21 FEASIBLE[: Provided, however, That for the May 11, 1998 elections, the
22 System shall be applicable in all areas within the country only for the
23 positions of president, vice-president, senators and parties, organizations
24 or coalitions participating under the party-list system.]

25 To achieve the purpose of this Act, the Commission is authorized to
26 procure by purchase, lease or otherwise any supplies, equipment,
27 materials and services needed for the holding of the elections by an

1 expedited process of public bidding by vendors, suppliers or lessors:
2 Provided, That the accredited political parties are duly notified of and
3 allowed to observe but not participate in the bidding. If, inspite of [its]
4 diligent efforts to implement this mandate in the exercise of this authority,
5 it becomes evident [by February 9, 1998] that the Commission cannot fully
6 implement the automated election system [for national positions in the
7 May 11, 1998 elections,] THE COMMISSION IS HEREBY AUTHORIZED
8 TO DETERMINE WHERE TO IMPLEMENT THE SYSTEM THROUGH
9 MODULAR APPROACH ON A PHASE BY PHASE BASIS, INCLUDING
10 THE OPTION OF IMPLEMENTING IT ON A MANUAL BASIS [, the
11 elections for both national and local positions, shall be done manually.
12 except in the Autonomous Region in Muslim Mindanao (ARMM) where
13 the automated elections system shall be used for all positions]”.

14 Sec. 4. Section 7 of Republic Act No. 8436 is hereby amended to read as
15 follows:

16 “Sec. 7. Features of the system. – The system shall utilize
17 appropriate technology for voting, and electronic devices for counting of
18 votes and canvassing of results. For this purpose, the Commission shall
19 acquire BY PURCHASE, LEASE OR OTHERWISE automated counting
20 machines, computer equipment, devices and materials and adopt new
21 forms and printing materials WHENEVER NECESSARY.

22 The System shall contain the following features: (a) use of
23 appropriate ballots, PREFERABLY MADE FROM LOCALLY PRODUCED
24 PAPER, (b) stand-alone machine which can count votes and an automated
25 system which can STORE, consolidate [the] AND EXPEDITIOUSLY
26 PRINT ELECTION results [immediately], (c) with provisions for audit
27 trails, (d) minimum human intervention, [and] (e) adequate

1 safeguard/security measures, AND (F) MUST BE ABLE TO DETECT
2 FAKE, COUNTERFEIT AND PREVIOUSLY COUNTED BALLOTS.

3 [In addition, the System shall, as far as practicable, have the
4 following features:

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

7 2. The machine security must be built-in and multi-layer existent on
8 hardware and software with minimum human intervention using the
9 latest technology, like encrypted coding system;

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

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

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

18 6. The ballot feeder must be automatic;

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

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

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

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

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

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

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

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

11 15. The counting machine must be temperature-resistant and
12 rustproof;

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

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

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

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

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

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

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

23. The accuracy of the count must be guaranteed, the margin of error must be disclosed and backed by warranty under such terms and conditions, as may be determined by the Commission.]

In the procurement of this system, the Commission shall, [adopt an equitable system of deductions or demerits for deviations or deficiencies] in meeting all the above stated features and standards, ENSURE THAT THE PROVISIONS OF REPUBLIC ACT NO. 9184 ARE FAITHFULLY COMPLIED WITH.

x x x

Section 5. Section 11 of Republic Act No. 8436 is hereby amended as follows:

“Section 11. Official Ballot. – The Commission shall prescribe the size and form of the official ballot, which shall contain the [titles of the positions to be filled] NAMES AND POSITIONS OF THE CANDIDATES THAT HAVE BEEN VOTED UPON, and/or the propositions to be voted upon in an initiative, referendum or plebiscite. [Under each position,] T[h]e names of candidates VOTED UPON shall be arranged [alphabetically by surname and] ACCORDING TO POSITION, FROM PRESIDENT, VICE-PRESIDENT, SENATORS AND PARTY-LIST FOR NATIONAL ELECTIONS, TO MEMBERS OF THE HOUSE OF REPRESENTATIVES, GOVERNOR, VICE-GOVERNOR, PROVINCIAL COUNCIL FOR LOCAL ELECTIONS uniformly printed using the same type size. A fixed space where the chairman of the Board of Elections Inspectors shall affix his/her signature to authenticate the official ballot shall be provided.

Sec. 6. If any provision of this Act is held unconstitutional or invalid, all other provisions not affected thereby shall remain valid.

1 Sec. 7. All laws, decrees, order, rules and regulations or parts thereof
2 inconsistent with his Act are hereby amended or modified accordingly.

3 Sec. 8. This Act shall take effect fifteen days after its publication in at least
4 two (2) newspapers of general circulation.

5 Approved,

6