


13th CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

04 JUN 06 2001

RECEIVED BY: 

SENATE

S. Bill. No. 1371

Introduced by Senator Ralph G. Recto

EXPLANATORY NOTE

The May 2004 elections highlighted the disadvantages of a manual system of election; from the process of voting to canvassing of the results of the elections. The nation braced itself as it witnessed one of the slowest canvassing of the results of the elections in the annals of history. It was readily apparent that the nation would stand to benefit from an Automated Election System.

This bill proposes to amend RA 8436 by providing for the use of an automated system for the process of voting, counting of votes and canvassing, including the consolidation of election results.

The proposal likewise seeks to provide flexibility in the execution of the Automated Election System, considering the budgetary constraints, manpower requirements, logistics and peace and order situation and various other constraints. The end desired is to assure the general public of the reliability and credibility of the electoral process in the country.

The areas that would benefit the most from an Automated Election System are areas with a heavy concentration of voters as may be determined by the COMELEC, after taking into consideration other factors such as the adequacy and security of the automated counting machines. In all other areas that are not to be covered by an automated system, the bill provides that the elections for both national and local positions shall be done manually.

In view of the foregoing, the early passage of this bill is earnestly sought.



RALPH G. RECTO

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S. Bill No. 1371

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**AN ACT
TO AMEND CERTAIN PROVISIONS OF 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 THEREOF AND FOR
OTHER PURPOSES"**

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

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

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

5
6 2. Counting machine - **ANY machine OR TECHNOLOGY** that
7 **AUTOMATES THE DIFFERENT PHASES OF THE ELECTORAL**
8 **PROCESS, AND CAN HANDLE THE CASTING, COUNTING,**
9 **CANVASSING/CONSOLIDATION AND TRANSMISSION OF VOTES,**
10 **WHERE POSSIBLE** [uses an optical scanning mark-sense reading device of any
11 similar advanced technology to count ballots];

12
13 3. Data storage device - a device **OR MEDIUM** used to
14 electronically store counting and canvassing results, such as, **BUT NOT**
15 **LIMITED TO,** memory pack, [or] diskette, **CDROMS, OPTICAL DISKS, OR**
16 **ANY SUCH SIMILAR DEVICE;**

17 X X X

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

9
10 6. Local ballot – refers to the ballot [on which the voter will manually
11 write] **CONTAINING** the names of the candidates [of his/her choice] **VOTED**
12 **ON BY A VOTER FOR THE POSITIONS OF** [for] members of the House of
13 Representatives, governor, vice-governor, members of the provincial board,
14 mayor, vice-mayor, and members of the city / municipal council **INDICATING**
15 **THE CHOICES OF THE VOTER TO BE USED EITHER FOR PURPOSES**
16 **OF COUNTING OR AS PROOF OF VOTES ALREADY CAST**; [For the
17 purpose of the May 11, 1998 elections, the ballot will be counted manually]
18 **WHENEVER FEASIBLE, THE VOTES REFLECTED IN THESE**
19 **BALLOTS MAY ALSO BE COUNTED USING THE MACHINES**;

20
21 7. Board of Election Inspectors – there shall be a Board of Election
22 Inspectors in every precinct composed of three (3) regular members who shall
23 conduct the voting, counting and recording of votes in the polling place.

24
25 [For purpose of the May 11, 1998 elections,] T[t]here shall be a special
26 member composed of a fourth member in each precinct and a **COMELEC**
27 representative who is authorized to operate the counting machine. Both shall
28 conduct the counting, and recording of votes of the national ballots in designated
29 counting centers.

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

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

10
11 SEC. 3. Section 6 of Republic Act No. 8436 is hereby amended to read as follows:

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

21
22 To achieve the purpose of this Act, the Commission is authorized to
23 procure by purchase, lease or otherwise any supplies, equipment, materials and
24 services needed for the holding of the elections by an expedited process of public
25 bidding by vendors, suppliers or lessors: Provided, that the accredited political
26 parties are duly notified of and allowed to observed but not participate in the
27 building. If, inspite of [its] diligent efforts to implement this mandate in the
28 exercise of this authority, it becomes evident [by February 9, 1998] that the
29 Commission cannot fully implement the automated election system [for national

1 positions in the May 11, 1998 elections,] **THE COMMISSION IS HEREBY**
2 **AUTHORIZED TO DETERMINE WHERE TO IMPLEMENT THE**
3 **SYSTEM THROUGH MODULAR APPROACH ON A PHASE BY PHASE**
4 **BASIS, INCLUDING THE OPTION OF IMPLEMENTING IT ON A**
5 **MANUAL BASIS** [, the elections for both national and local positions, shall be
6 done manually, except in the Autonomous Region in Muslim Mindanao (ARMM)
7 where the automated elections system shall be used for all positions]’

8
9 **SEC. 4.** Section 7 of Republic Act No. 8436 is hereby amended to read as
10 follows:

11 “Sec. 7. Features of the system. — The system shall utilize
12 appropriate technology for voting, and electronic devices for counting of votes
13 and canvassing of results. For this purpose, the Commission shall acquire **BY**
14 **PURCHASE, LEASE OR OTHERWISE** automated counting machines,
15 computer equipment, devices and materials and adopt new forms and printing
16 materials **WHENEVER NECESSARY.**

17 The system shall contain the following features: (a) use of appropriate
18 ballots, **PREFERABLY MADE FROM LOCALLY PRODUCED PAPER,** (b)
19 stand-alone machine which can count votes and an automated system which can
20 **STORE,** consolidate [the] **AND EXPEDITIOUSLY PRINT ELECTION**
21 results [immediately], (c) with provisions for audit trails, (d) minimum human
22 intervention, [and] (e) adequate safeguard measures, **AND (F) MUST BE ABLE**
23 **TO DETECT FAKE, COUNTERFEIT AND PREVIUOSLY COUNTED**
24 **BALLOTS.**

25 [In addition, the System shall, as far as practicable, have the following
26 features:

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

- 1 2. The machine security must be built-in and multi-layer existent on
2 hardware and software with minimum human intervention using
3 the latest technology, like encrypted coding system;
- 4 3. The security key control must be embedded inside the machine
5 sealed against human intervention;
- 6 4. The Optical Mark Reader (OMR) must have a built-in printer for
7 numbering the counted ballots and also for printing the individual
8 precinct number on the counted ballots;
- 9 5. The ballot paper for the OMR counting machines must be of the
10 quality that passed the international standard like ISO-1831, JIS-X-
11 9004 or its equivalent for optical character recognition;
- 12 6. The ballot feeder must be automatic;
- 13 7. The machine must be able to count from 100 to 150 ballots per
14 minute;
- 15 8. The counting machine must be able to detect fake or counterfeit
16 ballots and must have a fake ballots rejector;
- 17 9. The counting machine must be able to detect and reject previously
18 counted ballots to prevent duplication;
- 19 10. The counting machine must have the capability to recognize the
20 ballot's individual precinct and city or municipality before
21 counting or consolidating the votes;
- 22 11. The System must have a printer that has the capacity to print in one
23 stroke or operation seven (7) copies (original plus six (6) copies) of
24 the consolidated reports on carbonless paper;
- 25 12. The printer must have at least 128 kilobytes of Random Access
26 Memory (RAM) to facilitate the expeditious processing of the
27 printing of the consolidated reports;
- 28 13. The machine must have a built-in floppy disk drive in order to save
29 the processed data on a diskette;

- 1 14. The machine must have also a built-in hard disk to store the
- 2 counted and consolidated data for future printout and verification;
- 3 15. The counting machine must be temperature-resistant and rustproof;
- 4 16. The optical lens of the OMR must have a self-cleaning device;
- 5 17. The machine must not be capable of being connected to external
- 6 computer peripherals for the process of vote consolidation;
- 7 18. The machine must have an Uninterrupted Power Supply (UPS);
- 8 19. The machine must be accompanied with operating manuals that
- 9 will guide the personnel of the Commission the proper use and
- 10 maintenance of the machine;
- 11 20. It must be so designed and built that add-ons may immediately be
- 12 incorporated into the System at minimum expense;
- 13 21. It must provide the shortest time needed to complete the counting
- 14 of votes and canvassing of the results of the election;
- 15 22. The machine must be able to generate consolidated reports like the
- 16 election return, statement of votes and certificate of canvass at
- 17 different levels; and,
- 18 23. The accuracy of the count must be guaranteed; the margin of error
- 19 must be disclosed and backed by warranty under such terms and
- 20 conditions, as may be determined by the Commission.]

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

26 x x x

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

28 "Section 11. Official Ballot. – The Commission shall prescribe the size
29 and form of the official ballot, which shall contain the [titles of the positions to be

1 filled] **NAMES AND POSITIONS OF THE CANDIDATES THAT HAVE**
2 **BEEN VOTED UPON**, and /or the propositions to be voted upon in an initiative,
3 referendum or plebiscite. [Under each position,] T[t]he names of candidates
4 **VOTED UPON** shall be arranged [alphabetically by surname and]
5 **ACCORDING TO POSITION, FROM PRESIDENT, VICE-PRESIDENT,**
6 **SENATORS AND PARTY-LIST FOR NATIONAL ELECTIONS, TO**
7 **MEMBERS OF THE HOUSE OF REPRESENTATIVES, GOVERNOR,**
8 **VICE-GOVERNOR, PROVINCIAL COUNCIL FOR LOCAL ELECTIONS**
9 uniformly printed using the same type size. A fixed space where the chairman of
10 the Board of Elections Inspectors shall affix his/her signature to authenticate the
11 official ballot shall be provided.

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

14 SEC. 7. All laws, decrees, order, rules and regulations or parts thereof inconsistent
15 with this Act are hereby amended or modified accordingly.

16 SEC. 8. This Act shall take effect fifteen days after its publication in at least two
17 (2) newspapers of general circulation.

18 Approved,