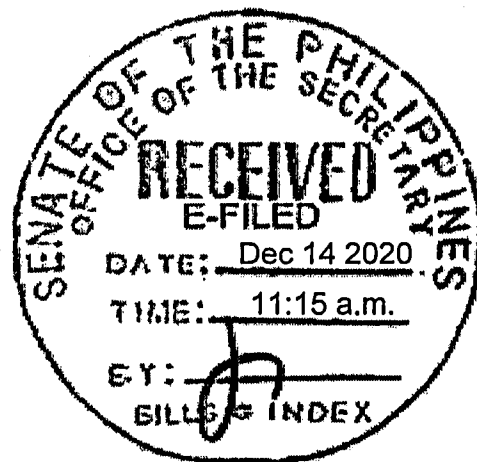


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

COMMITTEE REPORT NO. 151

Submitted by the Committee on Electoral Reforms and People's Participation; and Finance on Dec. 14, 2020.

Re : Senate Bill No. 1950

Recommending its approval in substitution of Senate Bill Nos. 7, 221, and 809.

Sponsor: Senator Imee R. Marcos

MR. PRESIDENT:

The Committees on Electoral Reforms and People's Participation; and Finance to which were referred **Senate Bill No. 7**, introduced by Senator Vicente C. Sotto III and Senator Cynthia A. Villar, entitled:

**"AN ACT
PROVIDING FOR THE CONDUCT OF HYBRID NATIONAL,
LOCAL AND ARMM ELECTIONS, THROUGH MANUAL VOTING
AND COUNTING AT THE PRECINCT LEVEL, AND AUTOMATED
TRANSMISSION AND CANVASSING, AND FOR OTHER
PURPOSES"**

Senate Bill No. 221, introduced by Senator Imee R. Marcos, entitled:

**"AN ACT
TO AMEND SECTION 12 OF REPUBLIC ACT NO. 8436, AS
AMENDED BY REPUBLIC ACT NO. 9369 ENTITLED "AN ACT
AUTHORIZING THE COMMISSION ON ELECTIONS TO USE AN
AUTOMATED ELECTION SYSTEM IN THE MAY 11, 1998
NATIONAL AND LOCAL ELECTORAL EXERCISES", AND FOR
OTHER PURPOSES"**

and

Senate Bill No. 809, introduced by Senator Imee R. Marcos, entitled:

**"AN ACT
TO AMEND SECTION 12 OF REPUBLIC ACT NO. 8436, AS
AMENDED BY REPUBLIC ACT NO. 9369 ENTITLED, "AN ACT
AUTHORIZING THE COMMISSION ON ELECTIONS TO USE AN
AUTOMATED ELECTION SYSTEM IN THE MAY 11, 1998
NATIONAL AND LOCAL ELECTORAL EXERCISES", AND FOR
OTHER PURPOSES"**

have considered the same and have the honor to report it back to the Senate with the recommendation that the attached **Senate Bill No. 1950** prepared by the Committees, entitled:

**"AN ACT
PROVIDING FOR THE CONDUCT OF HYBRID NATIONAL,
LOCAL, AND BANGSAMORO AUTONOMOUS REGION IN
MUSLIM MINDANAO (BARMM) ELECTIONS, THROUGH
MANUAL-AUTOMATED VOTING, COUNTING, CANVASSING,
CONSOLIDATION, AND TRANSMISSION, AMENDING FOR**

**THE PURPOSE REPUBLIC ACT NO. 8436, AS AMENDED, AND
FOR OTHER PURPOSES"**

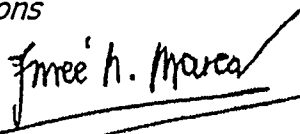
be approved in substitution of Senate Bill Nos. 7, 221, and 809 with Senator Sotto, Senator Villar, and Senator Marcos as authors thereof.

Respectfully submitted:

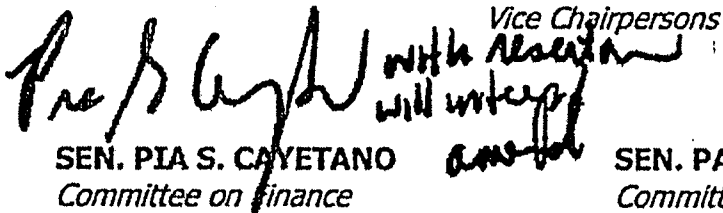


Open to reforms but with reservations
on return to manual procedures
SEN. SONNY ANGARA
Committee on Finance

Chairpersons



SEN. IMEE R. MARCOS
*Committee on Electoral Reforms
and People's Participation
Vice Chairperson, Committee on
Finance*



*with reservation
will interpret
answer*

SEN. PIA S. CAYETANO
Committee on Finance

Vice Chairpersons

SEN. PANFILO M. LACSON
*Committee on Electoral Reforms
and People's Participation
Committee on Finance*



SEN. CYNTHIA A. VILLAR
Committee on Finance

SEN. JOEL VILLANUEVA
Committee on Finance

SEN. WIN GATCHALIAN
Committee on Finance

SEN. RICHARD J. GORDON
Committee on Finance

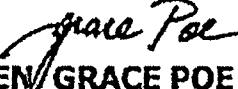
SEN. CHRISTOPHER BONG GO

Committee on Finance

*Member, Committee on Electoral
Reforms and People's Participation*

SEN. RISA HONTIVEROS

Committee on Finance

 With reservations
Will interpellate/amend
SEN. GRACE POE
Committee on Finance

Members


SEN. MANUEL "LITO" M. LAPID

Committee on Finance

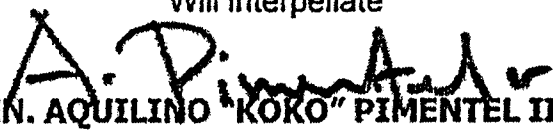
 Will interpellate
SEN. EMMANUEL "MANNY" D. PACQUIAO
Committee on Finance


SEN. MARIA LOURDES NANCY S. BINAY

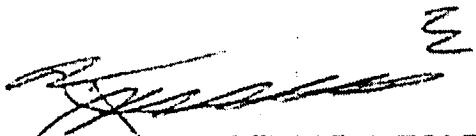
*Committee on Electoral Reforms
and People's Participation
Committee on Finance*


SEN. RONALD "BATO" DELA ROSA
*Committee on Electoral Reforms
and People's Participation
Committee on Finance*
"Will interpellate"


SEN. LEILA M. DE LIMA
Committee on Finance


SEN. AQUILINO "KOKO" PIMENTEL III
*Committee on Electoral Reforms
and People's Participation
Committee on Finance*

 May interpellate
SEN. RAMON BONG REVILLA JR.
*Committee on Electoral Reforms
and People's Participation
Committee on Finance*



SEN. FRANCIS "TOL" N. TOLENTINO
Committee on Electoral Reforms
and People's Participation
Committee on Finance

SEN. FRANCIS "KIKO" PANGILINAN
Committee on Electoral Reforms
and People's Participation
Committee on Finance



Ex Officio Members

SEN. RALPH G. RECTO
President Pro-Tempore

may amend

may interpellate and amend

will interpellate and amend



SEN. JUAN MIGUEL F. ZUBIRI
Majority Leader

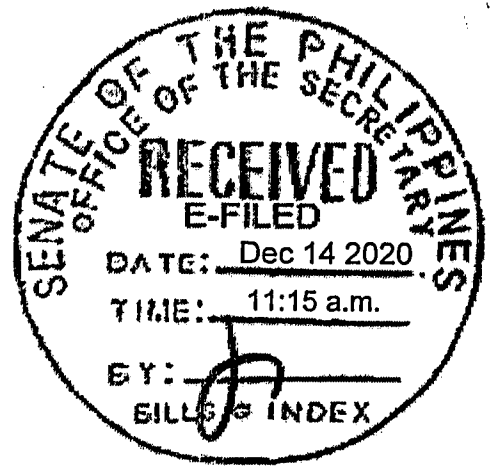


SEN. FRANKLIN M. DRILON
Minority Leader

HON. VICENTE C. SOTTO III
Senate President

EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session

)
)
)



SENATE

S.B. No. **1950**

(In substitution of S. B. Nos. 7, 221, and 809)

Prepared by the Committees on Electoral Reforms and People's Participation
and Finance with Senators Sotto, Villar, and Marcos as authors thereof

AN ACT

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

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

- 1 **SECTION 1. Title.** – This Act shall be known as the "***Hybrid Election Act***".
- 2 **SEC. 2. Coverage.** – The coverage of the provisions of this Act shall be
- 3 applicable to the conduct of the elections on May 2022 and all national, local, and
- 4 Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) elections thereafter.
- 5 **SEC. 3.** Section 1 of Republic Act No. 8436, as amended, is hereby amended
- 6 to read as follows:

1 **"SECTION 1. Declaration of Policy.** — It is the policy of the
2 State to ensure free, orderly, honest, peaceful, credible and informed
3 elections, plebiscite, referenda, recall and other similar electoral
4 exercises by improving on the election process and adopting systems,
5 which shall involve the use of [an automated] **A HYBRID** election
6 system that will ensure the secrecy and sanctity of the ballot and all
7 election, consolidation and transmission documents in order that the
8 process shall be transparent and credible and that the results shall be
9 fast, accurate and reflective of the genuine will of the people. **THE**
10 **HYBRID ELECTION SYSTEM SHALL BE A COMBINATION OF**
11 **THE AUTOMATED ELECTION SYSTEM AND THE MANUAL**
12 **ELECTION SYSTEM TO ENSURE TRANSPARENCY AND**
13 **CREDIBILITY OF THE ELECTORAL PROCESSES.**

14 The State recognizes the mandate and authority of the
15 Commission to prescribe the adoption and use of the most suitable
16 technology of demonstrated capability taking into account the situation
17 prevailing in the area and the funds available for the purpose."

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

20 **"SEC. 2. Definition of Terms.** – As used in this Act, the following
21 terms shall mean:

22 "1. [Automated] **HYBRID** election system, hereinafter
23 referred to as [AES] **HES** - a system using appropriate technology
24 which has been demonstrated in the voting, counting, consolidating,
25 canvassing, and transmission of election results, and other electoral
26 processes **BUT ALSO UTILIZES MANUAL COUNTING TO ENSURE**
27 **TRANSPARENCY AND CREDIBILITY OF THE ELECTORAL**
28 **PROCESSES;**

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

3 "3. Official ballot - ~~[Where AES is utilized, refers]~~ **REFERS**
4 to the paper ballot, whether printed or generated by the technology
5 applied, that faithfully captures or represents the votes cast by a voter
6 recorded or to be recorded in electronic form;

7 "4. Election returns - **A)** a document in electronic and
8 printed form directly produced by the counting or voting machine,
9 showing the date of the election, the province, municipality and the
10 precinct in which it is held and the votes in figures for each candidate
11 in a precinct ~~[in areas where AES is utilized]~~ **AND B) A DOCUMENT**
12 **IN PRINTED FORM AND MANUALLY ACCOMPLISHED FOR**
13 **PURPOSES OF REFLECTING THE MANUAL COUNT OF THE**
14 **VOTES AT THE POLLING PRECINCT, SHOWING THE DATE OF**
15 **THE ELECTION, THE PROVINCE, MUNICIPALITY, AND THE**
16 **PRECINCT IN WHICH IT IS HELD AND THE VOTES IN FIGURES**
17 **FOR EACH PRECINCT;**

18 "5. Statement of votes - a document containing the votes
19 obtained by candidates in each precinct in a city/municipality;

20 "6. City/municipality/district/provincial certificate of canvass
21 - a document in electronic and printed form containing the total votes
22 in figures obtained by each candidate in a
23 city/municipality/district/province as the case may be. The electronic
24 certificates of canvass shall be the official canvass results in the
25 aforementioned jurisdictions;

1 "7. Paper-based election system - a type of automated
2 election system that uses paper ballots, records and counts votes,
3 tabulates, consolidates/canvasses and transmits electronically the
4 results of the vote count;

5 ~~"8. Direct recording electronic election system - a type of~~
6 ~~automated election system that uses electronic ballots, records and~~
7 ~~counts votes by means of a ballot display provided with mechanical or~~
8 ~~electro-optical components that can be activated by the voter,~~
9 ~~processes data by means of a computer program, records voting data~~
10 ~~and ballot images, and transmits voting results electronically;]~~

11 "[9]8. Counting center - a public place within the
12 city/municipality, or in such other places as may be designated by the
13 Commission where the official ballots cast in various precincts of the
14 city/municipality shall be counted. Polling places or voting centers may
15 also be designated as counting centers;

16 "~~[10]~~9. Continuity plan - a list of contingency measures, and
17 the policies for activation of such, that are put in place to ensure
18 continuous operation of the [AES] HES;

19 ~~"[11. Disabled voters - a person with impaired capacity to use~~
20 ~~the AES];~~

21 "~~[12]~~10. Source code - human readable instructions that define
22 what the computer equipment will do; and

23 "~~[13]~~11. Station - refers to a polling place, counting center,
24 municipal or provincial canvassing center."

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

3 "**SEC. 3. Board of Election Inspectors.** — ~~[Where AES shall be~~
4 ~~adopted, at least]~~ **AT LEAST** one member of the Board of Election
5 Inspectors shall be an information technology-capable person, who is
6 trained or certified by the ~~(DOST)~~ **DICT** to use the ~~[AES]~~ **HES**. Such
7 certification shall be issued by the ~~(DOST)~~ **DICT**, free of charge."

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

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

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

21 "**SEC. 5. Authority to use ~~[an Automated]~~ A HYBRID Election**
22 **System.** — To carry out the above-stated policy, the Commission on
23 Elections, herein referred to as the Commission, is hereby authorized
24 to use ~~[an automated]~~ **A HYBRID** election system or systems in the
25 same election in different provinces[,]. **THE SYSTEM SHALL BE A**
26 **COMBINATION OF THE AUTOMATED ELECTION SYSTEM AND**
27 **THE MANUAL COUNTING SYSTEM** ~~[whether]~~ **THROUGH A** paper-

1 based ~~[or a direct recording electronic]~~ election system ~~[as it may~~
2 ~~deem appropriate and practical]~~ for the process of voting, counting of
3 votes and canvassing/consolidation and transmittal of results of
4 electoral exercises: ~~[Provided, that for the regular national and local~~
5 ~~election, which shall be held immediately after effectivity of this Act,~~
6 ~~the AES shall be used in at least two highly urbanized cities and two~~
7 ~~provinces each in Luzon, Visayas and Mindanao, to be chosen by the~~
8 ~~Commission: Provided, further, That local government units whose~~
9 ~~officials have been the subject of administrative charges within sixteen~~
10 ~~(16) month prior to the May 14, 2007 election shall not be~~
11 ~~chosen: Provided, finally, That no area shall be chosen without the~~
12 ~~consent of the Sanggunian of the local government unit concerned.~~
13 ~~The term local government unit as used in this provision shall refer to~~
14 ~~a highly urbanized city or province. In succeeding regular national or~~
15 ~~local elections, the AES shall be implemented nationwide."]~~
16 **PROVIDED, THAT THE MANUAL COUNTING SYSTEM UNDER**
17 **THIS ACT SHALL NOT BE IMPLEMENTED FOR OVERSEAS**
18 **VOTING UNDER R.A. NO. 9189, AS AMENDED BY R.A. NO.**
19 **10590."**

20 **SEC. 8.** Section 8 of Republic Act No. 8436, as amended, is hereby amended
21 to read as follows:

22 **"SEC. 8. The Advisory Council.** — The Commission shall create
23 an Advisory Council, hereafter referred to as the Council, which shall
24 be convened not later than eighteen (18) months prior to the next
25 scheduled electoral exercise, and deactivated six months after
26 completion of canvassing~~[: Provided, for purposes of the 2007~~
27 ~~elections, the Advisory Council shall be immediately convened within~~
28 ~~ten (10) days after the effectivity of this Act].~~

1 “The Council shall be composed of the following members, who
2 must be registered Filipino voters, of known independence,
3 competence and probity:

4 “(a) The [~~Chairman of the Commission on Information and~~
5 ~~Communications Technology (CICT)~~] **SECRETARY OF THE**
6 **DEPARTMENT OF INFORMATION AND COMMUNICATIONS**
7 **TECHNOLOGY (DICT)** who shall act as the chairman of the council;

8 **“(B) THE RESPECTIVE CHAIRPERSONS OF THE SENATE**
9 **COMMITTEE ON ELECTORAL REFORMS AND PEOPLE’S**
10 **PARTICIPATION AND THE HOUSE OF REPRESENTATIVES**
11 **COMMITTEE ON SUFFRAGE AND ELECTORAL REFORMS WHO**
12 **SHALL ACT AS *EX OFFICIO* MEMBERS;**

13 “~~[(b)]~~**(C)** One member from the Department of Science and
14 Technology;

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

16 “~~[(d)]~~**(E)** One member representing the academe, to be
17 selected by the chair of the Advisory Council from among the list of
18 nominees submitted by the country’s academic institutions;

19 “~~[(e)]~~**(F)** Three members representing ICT professional
20 organizations to be selected by the chair of the Advisory Council from
21 among the list of nominees submitted by Philippine-based ICT
22 professional organizations. Nominees shall be individuals, at least one
23 of whom shall be experienced in managing or implementing large-scale
24 IT projects;

1 "[(~~F~~)](G) Two members representing nongovernmental
2 electoral reform organizations, to be selected by the chair of the
3 Advisory Council from among the list of nominees submitted by the
4 country's nongovernmental electoral reform organizations;
5

6 **"THREE OBSERVERS, REPRESENTING THE ACCREDITED**
7 **CITIZENS' ARM OF THE COMMISSION, AND THE DOMINANT**
8 **MAJORITY AND MINORITY PARTIES AS DETERMINED BY THE**
9 **COMMISSION DURING THE IMMEDIATELY PRECEDING**
10 **ELECTION, SHALL BE INVITED DURING MEETINGS OF THE**
11 **ADVISORY COUNCIL FOR THE PURPOSE OF GATHERING**
12 **INFORMATION IN AN OPEN AND PROFESSIONALLY**
13 **COURTEOUS MANNER AND SHOULD NOT DISRUPT,**
14 **OBSTRUCT, OR COUNTERMAND DECISIONS OF THE**
15 **ADVISORY COUNCIL.**

16 "xxx.

17 "xxx.

18 "xxx.

19 "xxx.

20 "The [~~Commission on Information and Communications~~
21 ~~Technology (CICT)]~~ **DICT**, shall include in its annual appropriation the
22 funds necessary to enable the Council to effectively perform its
23 functions."

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

1 **"SEC. 12. *Procurement of Equipment and Materials.*** – To
2 achieve the purpose of this Act, the Commission is authorized to
3 procure, in accordance with existing laws, by purchase, lease, rent, or
4 other forms of acquisition, supplies, equipment, materials, software,
5 facilities, and other services, from local or foreign sources free from
6 taxes and import duties, subject to accounting and auditing rules and
7 regulations. With respect to the May [~~10, 2010~~] **2022** elections and
8 succeeding electoral exercises, the system procured must have
9 demonstrated capability and been successfully used in a prior electoral
10 exercise here or abroad. Participation in the 2007 pilot exercise shall
11 not be conclusive of the system's fitness.

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

18 **"NOTWITHSTANDING THE REQUIREMENT UNDER**
19 **SECTION 23.4.1.3 OF THE IMPLEMENTING RULES AND**
20 **REGULATIONS OF REPUBLIC ACT NO. 9184, FOR THE SOLE**
21 **PURPOSE OF PROCURING SUPPLIES, EQUIPMENT,**
22 **MATERIALS, SOFTWARE, FACILITIES, AND OTHER**
23 **AUTOMATED ELECTION SERVICES, UNDER THIS ACT, THE**
24 **PROSPECTIVE BIDDER MUST HAVE EITHER COMPLETED,**
25 **WITHIN THE PERIOD SPECIFIED IN THE INVITATION TO BID,**
26 **A SINGLE LARGEST COMPLETED CONTRACT (SLCC) THAT IS**
27 **SIMILAR TO THE CONTRACT TO BE BID, AND WHOSE VALUE,**
28 **ADJUSTED TO CURRENT PRICES USING THE PHILIPPINE**
29 **STATISTICS AUTHORITY CONSUMER PRICE INDICES, MUST**
30 **BE AT LEAST FIFTY PERCENT (50%) OF THE APPROVED**
31 **BUDGET OF CONTRACT OR WITH PROVEN FINANCIAL,**

1 **TECHNICAL, AND ORGANIZATIONAL CAPABILITY TO**
2 **CONDUCT SUCH EXERCISE SO AS TO ENSURE THAT THE**
3 **BIDDING AND PROCUREMENT SHALL NOT UNREASONABLY**
4 **LIMIT COMPETITION AND INEQUITABLY BAR**
5 **PARTICIPATION OF CAPABLE SUPPLIERS, MANUFACTURERS,**
6 **DISTRIBUTORS, AND SERVICE PROVIDERS."**

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

10 **"SEC. 15. *SUBSTITUTION OF CANDIDATES* — AFTER**
11 **THE LAST DAY OF THE FILING OF CERTIFICATE OF**
12 **CANDIDACY (COC), WHICH SHALL NOT BE EARLIER THAN**
13 **DECEMBER 15 PRECEDING THE DAY OF ELECTION, NO**
14 **SUBSTITUTION SHALL BE ALLOWED EXCEPT ON THE GROUND**
15 **OF DEATH OR DISQUALIFICATION: *PROVIDED*, THAT THE**
16 **PERSON SUBSTITUTING THE CANDIDATE WHO DIED OR IS**
17 **DISQUALIFIED BY FINAL JUDGMENT, MAY FILE A COC UP TO**
18 **MID-DAY OF ELECTION DAY: *PROVIDED FURTHER*, THAT THE**
19 **SUBSTITUTE AND THE SUBSTITUTED HAVE THE SAME**
20 **SURNAMES: *PROVIDED, FINALLY*, THAT A CANDIDATE WHO**
21 **FILES A COC AS AN INDEPENDENT CANDIDATE MAY ALSO BE**
22 **SUBSTITUTED."**

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

25 **"SEC. [15]16. *Official Ballot*. — [The Commission shall**
26 **prescribe the format of the electronic display and/or the size and form**
27 **of the official ballot, which shall contain the titles of the position to be**
28 **filled and/or the propositions to be voted upon in an initiative,**

1 ~~referendum or plebiscite. Where practicable, electronic displays must~~
2 ~~be constructed to present the names of all candidates for the same~~
3 ~~position in the same page or screen, otherwise, the electronic displays~~
4 ~~must be constructed to present the entire ballot to the voter, in a series~~
5 ~~of sequential pages, and to ensure that the voter sees all of the ballot~~
6 ~~options on all pages before completing his or her vote and to allow the~~
7 ~~voter to review and change all ballot choices prior to completing and~~
8 ~~casting his or her ballot. Under each position to be filled, the names of~~
9 ~~candidates shall be arranged alphabetically by surname and uniformly~~
10 ~~indicated using the same type size. The maiden or married name shall~~
11 ~~be listed in the official ballot, as preferred by the female candidate.~~
12 ~~Under each proposition to be vote upon, the choices should be~~
13 ~~uniformly indicated using the same font and size.]~~ **(A) BALLOTS FOR**
14 **NATIONAL, LOCAL, AND BARMM ELECTIONS, REGULAR OR**
15 **SPECIAL, PLEBISCITES, AND REFERENDA, SHALL BE PAPER-**
16 **BASED, UNIFORM SIZED, AND SHALL BE PRESCRIBED BY THE**
17 **COMMISSION, TAKING INTO CONSIDERATION**
18 **ENVIRONMENTAL CONSIDERATIONS, WITH A REASONABLE**
19 **MINIMUM PAPER SIZE AND USING ONLY RECYCLED PAPER.**
20 **THEY SHALL BE PRINTED IN BLACK INK ON SECURITY PAPER**
21 **WITH DISTINCTIVE, CLEAR, AND LEGIBLE WATERMARKS**
22 **THAT WILL READILY DISTINGUISH IT FROM ORDINARY**
23 **PAPER. EACH BALLOT SHALL BEAR A SERIAL NUMBER AND A**
24 **BAR CODE, WHICH CAN BE SCANNED FOR THE PURPOSE OF**
25 **PROJECTING THE DIGITAL IMAGE OF THE BALLOT AND FOR**
26 **ITS AUTHENTICATION. IT SHALL BEAR AT THE TOP MIDDLE**
27 **PORTION THEREOF THE COAT-OF-ARMS OF THE REPUBLIC OF**
28 **THE PHILIPPINES, THE WORD "OFFICIAL BALLOT", THE**
29 **NAME OF THE CITY OR THE MUNICIPALITY AND PROVINCE**
30 **IN WHICH THE ELECTION IS TO BE HELD, AND THE DATE OF**
31 **THE ELECTION.**

1 “(B) THE OFFICIAL BALLOT SHALL BE SERIALY
2 NUMBERED AND SHALL BE DELIVERED TO, AND
3 CORRESPOND TO, SPECIFIC PRECINCTS OR CLUSTER OF
4 PRECINCTS, AS THE CASE MAY BE, WHICH SHALL HAVE
5 CORRESPONDING AND EXCLUSIVE BALLOT IDENTIFICATION
6 NUMBERS SEPARATE FROM THE SERIAL NUMBER OF THE
7 INDIVIDUAL BALLOTS. FOR PURPOSES OF TRANSPARENCY,
8 THE BALLOT IDENTIFICATION NUMBERS AND THE SERIAL
9 NUMBER OF THE BALLOTS CORRESPONDING TO EACH
10 PRECINCT OR CLUSTER OF PRECINCTS, AS THE CASE MAY BE,
11 SHALL BE AVAILABLE FOR VIEWING BY INTERESTED
12 PARTIES ON THE COMMISSION’S OFFICIAL WEBSITE AT
13 LEAST FIVE (5) DAYS BEFORE THE ELECTIONS.

14 “(C) A DIGITAL IMAGE OF A SAMPLE OFFICIAL
15 BALLOT MAY BE AVAILABLE FOR VIEWING AND
16 DOWNLOADING FROM THE COMMISSION’S WEBSITE, MINUS
17 THE SECURITY FEATURES, AND ACTUAL BAR CODES FOR
18 AUTHENTICATION.

19 “(D) THE OFFICIAL BALLOT SHALL CONTAIN THE
20 TITLES OF THE POSITIONS TO BE FILLED AND/OR THE
21 POSITIONS TO BE VOTED UPON IN AN INITIATIVE,
22 REFERENDUM, OR PLEBISCITE. UNDER EACH POSITION TO
23 BE FILLED, THE NAMES OF CANDIDATES SHALL BE
24 ARRANGED ALPHABETICALLY BY SURNAME AND UNIFORMLY
25 INDICATED USING THE SAME TYPE SIZE. THE MAIDEN OR
26 MARRIED NAME SHALL BE LISTED IN THE OFFICIAL BALLOT,
27 AS PREFERRED BY THE FEMALE CANDIDATE. UNDER EACH
28 PROPOSITION TO BE VOTED UPON, THE CHOICES SHOULD BE
29 UNIFORMLY INDICATED USING THE SAME FONT AND SIZE.
30 OPPOSITE THE NAME OF THE OF THE CANDIDATE SHALL BE A

1 **SQUARE OR RECTANGLE, ON WHICH THE VOTER WILL PLACE**
2 **A SINGLE VERTICAL MARK TO REGISTER A VOTE FOR A**
3 **CANDIDATE OF THE VOTER'S CHOICE.**

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

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

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

23 **"(F) THE FOREGOING PROVISIONS**
24 **NOTWITHSTANDING, THE COMMISSION IS HEREBY**
25 **AUTHORIZED TO PRESCRIBE A DIFFERENT FORM OF**
26 **OFFICIAL BALLOT ON THE SAME WATERMARKED SECURITY**
27 **PAPER TO FACILITATE VOTING BY PERSONS WITH**
28 **DISABILITIES AND BY PERSONS WHO ARE UNABLE TO READ**
29 **OR WRITE ONLY. THE COMMISSION SHOULD USE OR ADOPT**

1 THE LATEST TECHNOLOGICAL AND ELECTRONIC DEVICES IN
2 CONNECTION THEREWITH, AS TO ENABLE SUCH VOTERS TO
3 CONFIRM THAT THE ACCOMPANYING PERSON TRULY
4 ADHERED TO THE VOTER'S CHOICE OF CANDIDATES, AS
5 PROVIDED UNDER SECTION 52(I) OF THE OMNIBUS
6 ELECTION CODE.

7 "(G) ~~[With respect to a paper-based election system, t]~~The
8 **PRINTING OF THE** official ballots shall be ~~[printed]~~ **DONE** by the
9 National Printing Office and/or the *Bangko Sentral ng Pilipinas*,
10 **USING THE PRINTING MACHINES THEY OWN, AND SHALL**
11 **NOT BE CONTRACTED OUT OR OUTSOURCED TO ANY PRIVATE**
12 **OR PUBLIC PERSON, ENTITY, OR AGENCY, DESPITE CLAIMS**
13 **OF BETTER OR HIGHER CAPACITY TO DO SO, NOT EVEN**
14 **UNDER A VALID ACCREDITATION PURSUANT TO ANY LAW OR**
15 **RULES AND REGULATIONS** ~~[at the price comparable with that of~~
16 ~~private printers under proper security measures which the Commission~~
17 ~~shall adopt. The Commission may contact the services of private~~
18 ~~printers upon certification by the National Printing Office/~~*Bangko*
19 *Sentral ng Pilipinas*~~that it cannot meet the printing requirements.~~
20 ~~Accredited political parties and deputized citizen's arms of the~~
21 ~~Commission shall assign watchers in the printing, storage and~~
22 ~~distribution of official ballots].~~

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

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

1 **"A VIOLATION OF THIS SECTION SHALL CONSTITUTE A**
2 ***PRIMA FACIE* EVIDENCE OF ELECTORAL SABOTAGE AND A**
3 **CONSPIRACY TO COMMIT MASSIVE ELECTORAL FRAUD."**

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

6 **"SEC. [21]22. *Counting Procedure.*** – The Commission shall
7 prescribe the manner and procedure of counting the votes under the
8 automated system **AND THE MANUAL COUNTING**
9 **SYSTEM: *PROVIDED*, THAT A SEPARATE ELECTION RETURN**
10 **SHALL BE PREPARED SHOWING THE RESULTS OF THE**
11 **MANUAL COUNTING OF THE BALLOTS, WHICH SHALL ALSO BE**
12 **CANVASSED ALONGSIDE THE ELECTRONICALLY**
13 **TRANSMITTED AND DIGITALLY SIGNED ELECTION RETURNS**
14 **UNDER THE AUTOMATED SYSTEM: *PROVIDED FURTHER*,**
15 **THAT IF THERE IS A DISCREPANCY OF AT LEAST TWO (2%)**
16 **PERCENT OF THE TOTAL NUMBER OF THE VOTES CAST**
17 **BETWEEN THE RESULTS OF THE AUTOMATED SYSTEM AND**
18 **THE MANUAL COUNTING SYSTEM FOR ANY POSITION, AN**
19 **AUTOMATIC RECOUNT SHALL BE UNDERTAKEN FOR THAT**
20 **POSITION ONLY: *PROVIDED FURTHER*, THAT THE**
21 **COMMISSION SHALL DEPLOY SUFFICIENT NUMBER OF**
22 **TECHNICAL PERSONNEL TO ASSIST THE BEI IN THE SAID**
23 **RECOUNT. A COMPARISON SHALL BE MADE BETWEEN THE**
24 **DIGITALLY CAPTURED IMAGE OF THE BALLOT AND THE**
25 **BALLOT ITSELF BEFORE THE RECOUNT TO DETERMINE THE**
26 **ROOT CAUSE OF THE DISCREPANCY AND TO ASCERTAIN THE**
27 **WILL OF THE VOTERS. THE RESULT OF THE RECOUNT SHALL**
28 **BE REFLECTED IN THE MANUALLY PREPARED ELECTION**
29 **RETURN WHICH SHALL BE CONSIDERED, ALONG WITH THE**
30 **UNAFFECTED ELECTRONICALLY TRANSMITTED AND**
31 **DIGITALLY SIGNED ELECTION RETURNS, IN DETERMINING**

1 **THE WINNING CANDIDATE FOR THE SUBJECT POSITION;**
2 *Provided **FINALLY**,* that apart from the electronically stored result,
3 (~~thirty (30)~~) **TWELVE (12)** copies of the election return are printed
4 **AND TWELVE (12) COPIES OF THE ELECTION RETURN FOR**
5 **THE MANUAL COUNTING SYSTEM SHALL BE ACCOMPLISHED."**

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

9 The recorded video or livestream may be used as evidence in an electoral
10 protest.

11 No photo, recorded video, or livestream, whether official or unofficial, taken
12 during election day of any member of the BEI and any other personnel of the
13 Commission performing election duties during election day shall be used to defame or
14 publicly shame said member of the BEI or personnel of the Commission in social media
15 or in any other platform, digital or otherwise. Any violation of this paragraph shall
16 constitute as an election offense under this Act.

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

19 **"SEC. [22]23. *Electronic Returns.*** - Each copy of the printed
20 election returns **UNDER THE AUTOMATED SYSTEM** shall bear
21 appropriate control marks to determine the time and place of printing.
22 **THE COMMISSION SHALL DESIGN THE FEATURES OF THE**
23 **ELECTION RETURNS UNDER THE MANUAL COUNTING**
24 **SYSTEM.** Each copy shall be signed and thumbmarked by all the
25 members of the board of election inspectors and the watchers present.
26 If any member of the board of election inspectors present refuses to
27 sign, the chairman of the board shall note the same in each copy of
28 the printed **AND MANUALLY ACCOMPLISHED** election returns. The

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

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

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

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

20 2) The second copy, to the Congress, directed to the President
21 of the Senate;

22 3) The third copy, to the Commission;

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

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

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

3 7) The seventh copy shall be deposited inside the compartment
4 of the ballot box for valid ballots[-];

5 8) The eighth copy to the Provincial Board of Canvassers; **AND**

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

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

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

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

25 ~~13) The twenty seventh to the thirtieth copies, to the major~~
26 ~~citizen's arms, including the accredited citizen's arm, and other non-~~
27 ~~partisan groups or organization enlisted by the Commission pursuant~~

1 to ~~Section 52(k) of Batas Pambansa Blg. 881. Such citizens' arm,~~
2 ~~groups and organization may use the four certified copies of election~~
3 ~~returns for the conduct of citizens' quick counts at the local or national~~
4 ~~levels;)]~~

5 "B. In the election of local officials and members of the House
6 of Representatives:

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

9 2) The second copy, to the Commission;

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

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

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

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

17 7) The seventh copy shall be deposited inside the compartment
18 of the ballot box for valid ballots;

19 8) The eighth copy to be posted conspicuously on a wall within
20 the premises of the polling place or counting center; **AND**

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

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

7 ~~11)]9) The [twenty first to the twenty fifth)]~~ **NINTH TO THE**
8 **TWELFTH** copies, to national broadcast or print media entities as may
9 be equitably determined by the Commission in view of propagating the
10 copies to the widest extent possible[;].

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

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

22 "Immediately after **ALL** the (eight copy) **COPIES (is) ARE**
23 printed **AND COMPLETED**, the poll clerk shall announce [the posting
24 of said copy] **THAT THE RELEVANT COPIES FOR POSTING ARE**
25 **BEING POSTED** on a wall within the premises of the polling place or
26 counting center, which must be sufficiently lighted and accessible to
27 the public. Any person may view or capture an image of the election
28 returns by means of any data capturing device such as, but not limited
29 to cameras at any time of the day for forty-eight (48) hours following

1 its posting. After such period, the chairman of the board of election
2 inspectors shall detach the election returnS from the wall and keep the
3 same in his custody to be produced as may be requested by any voter
4 for image or data capturing or for any lawful purpose as may be
5 ordered by competent authority.

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

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

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

1 **UNAFFECTED ELECTRONICALLY TRANSMITTED AND**
2 **DIGITALLY SIGNED ELECTION RETURNS.**

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

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

8 **"SEC. [25]26.** *Canvassing by Provincial, City, District and*
9 *Municipal Boards of Canvassers.* – The city or municipal board of
10 canvassers shall canvass the votes for the president, vice-president,
11 senators, and parties, organizations or coalitions participating under
12 the party-list system by consolidating the electronically transmitted
13 results or the results contained in the data storage devices used in the
14 printing of the election returns **UNDER THE AUTOMATED SYSTEM**
15 **AND THE ELECTION RETURNS UNDER THE MANUAL**
16 **COUNTING SYSTEM.** Upon completion of the canvass, it shall print
17 **AND COMPLETE** the certificate of canvass of votes for president,
18 vice-president, senators and members of the House of Representatives
19 and elective provincial officials and thereafter, proclaim the elected city
20 or municipal officials, as the case may be.

21 "The city board of canvassers of cities comprising one or more
22 legislative districts shall canvass the votes for president, vice-
23 president, senators, members of the House Representatives and
24 elective city officials by consolidating the certificates of canvass
25 electronically transmitted or the results contained in the data storage
26 devices used in the printing of the election returns **UNDER THE**
27 **AUTOMATED SYSTEM AND THE CERTIFICATE OF CANVASS**
28 **UNDER THE MANUAL COUNTING SYSTEM.** Upon completion of
29 the canvass, the board shall produce the canvass of votes for

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

3 "In the Metro Manila area, each municipality comprising a
4 legislative district shall have a district board of canvassers which shall
5 canvass the votes for president, vice-president, senators, members of
6 the House of Representatives and elective municipal officials by
7 consolidating the electronically transmitted results or the results
8 contained in the data storage devices used in the printing of the
9 election returns **UNDER THE AUTOMATED SYSTEM AND THE**
10 **ELECTION RETURNS UNDER THE MANUAL COUNTING**
11 **SYSTEM.** Upon completion of the canvass, it shall produce the
12 certificate of canvass of votes for president, vice-president, and
13 senators and thereafter, proclaim the elected members of the House
14 Representatives and municipal officials.

15 "Each component municipality in a legislative district in the
16 Metro Manila area shall have a municipal board of canvassers which
17 shall canvass the votes for president, vice-president, senators,
18 members of the House of Representatives and elective municipal
19 officials by consolidating the results electronically transmitted from the
20 counting centers or the results contained in the data storage devices
21 used in the printing of the election returns **UNDER THE**
22 **AUTOMATED SYSTEM AND THE ELECTION RETURNS UNDER**
23 **THE MANUAL COUNTING SYSTEM.** Upon completion of the
24 canvass, it shall prepare the certificate of canvass of votes for
25 president, vice-president, senators, members of the House of
26 Representatives and thereafter, proclaim the elected municipal
27 officials.

28 "The district board of canvassers of each legislative district
29 comprising two municipalities in the Metro Manila area shall canvass
30 the votes for president, vice-president, senators and members of the

1 House of Representatives by consolidating the certificates of canvass
2 electronically transmitted from the city/municipal consolidating centers
3 or the results contained in the data storage devices **UNDER THE**
4 **AUTOMATED SYSTEM AND THE CERTIFICATE OF CANVASS**
5 **UNDER THE MANUAL COUNTING SYSTEM** submitted by the
6 municipal board of canvassers of the component municipalities. Upon
7 completion of the canvass, it shall produce a certificate of the canvass
8 of votes for president, vice-president and senators and thereafter,
9 proclaim the elected members of the House of Representatives in the
10 legislative district.

11 "The district/provincial board of canvassers shall canvass the
12 votes for president, vice-president, senators, members of the House
13 of Representatives and elective provincial officials by consolidating the
14 results electronically transmitted from the city/municipal consolidating
15 centers or the results contained in the data storage devices **UNDER**
16 **THE AUTOMATED SYSTEM AND THE CERTIFICATE OF**
17 **CANVASS UNDER THE MANUAL COUNTING SYSTEM** submitted
18 by the board of canvassers of the municipalities and component cities.
19 Upon completion of the canvass, it shall produce the certificates of
20 canvass votes for president, vice-president and senators and
21 thereafter, proclaim the elected members of the House of
22 Representatives and the provincial official.

23 "The municipal, city, district and provincial certificates of
24 canvass of votes shall each be supported by a statement of votes.

25 "Within one hour after the canvassing, the Chairman of the
26 district or provincial Board of Canvassers or the city board of
27 canvassers of those cities which comprise one or more legislative
28 districts shall electronically transmit the certificate of canvass **UNDER**
29 **THE AUTOMATED SYSTEM** to the Commission sitting as the national
30 board of canvassers for senators and party-list representatives and to

1 the Congress as the National Board of Canvassers for the president
2 and vice president, directed to the President of the Senate.
3 **THEREAFTER, THE CERTIFICATE OF CANVASS UNDER THE**
4 **MANUAL SYSTEM SHALL ALSO BE TRANSMITTED, THROUGH**
5 **THE FASTEST MEANS AVAILABLE, TO THE SAME NATIONAL**
6 **BOARD OF CANVASSERS.**

7 "The Commission shall adopt adequate and effective measures
8 to preserve the integrity of the certificates of canvass transmitted
9 electronically and the results in the storage devices at the various
10 levels of the boards of canvassers.

11 "The certificates of canvass transmitted electronically and
12 digitally signed shall be considered as official election results and shall
13 be used as the basis for the proclamation of a winning candidate:
14 **PROVIDED, THAT IN CASE OF RECOUNT, AS PROVIDED**
15 **UNDER SECTION 22 HEREOF, THE COMMISSION SHALL**
16 **DEVISE A SYSTEM WHERE THE RESULT OF THE RECOUNT FOR**
17 **THE AFFECTED POSITION WILL WORK TO ADJUST THE**
18 **RESULT OF THE SAID CERTIFICATE OF CANVASS FOR THE**
19 **SAID POSITION IN THE PROCESS OF PROCLAIMING A**
20 **WINNING CANDIDATE AND WITHOUT CHANGING THE**
21 **ENTRIES IN THE SAID ELECTRONICALLY TRANSMITTED AND**
22 **DIGITALLY SIGNED CERTIFICATE OF CANVASS."**

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

25 **"SEC. [26]27. Number of Copies of Certificates of Canvass of**
26 ***Votes and their distribution.* - (a) The certificateS of canvass of votes**
27 **UNDER THE AUTOMATED SYSTEM AND UNDER THE MANUAL**
28 **COUNTING SYSTEM, RESPECTIVELY, for president, vice-**
29 **president, senators, members of the House of Representatives,**

1 parties, organizations or coalitions participating under the party-list
2 system and elective provincial officials shall be produced by the city or
3 municipal board of canvassers and distributed as follows:

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

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

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

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

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

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

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

23 ~~["(8) The ninth to eighteenth copies shall be given to the ten~~
24 ~~(10) accredited major national parties, excluding the dominant~~
25 ~~majority and minority parties, in accordance with a voluntary~~
26 ~~agreement among them. If no such agreement is reached, the~~

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

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

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

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

17 ~~"(12) The twenty eighth to the thirtieth copies, to the major~~
18 ~~citizens' arms, including the accredited citizens' arm, and other non-~~
19 ~~partisan groups or organizations enlisted by the commission pursuant~~
20 ~~to Section 52(k) of Batas Pambansa Big. 881. Such citizens' arms,~~
21 ~~groups and organization may use the three certified copies of election~~
22 ~~returns for the conduct of citizens' quick counts at the local or national~~
23 ~~levels;]~~

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

27 "(b) The certificateS of canvass of votes for president, vice-
28 president and senators, parties, organizations or coalitions

1 participating under the party-list system shall be produced by the city
2 boards of canvassers of cities comprising one or more legislative
3 districts, by provincial boards of canvassers and by district boards of
4 canvassers in the Metro Manila area, and other highly urbanized areas
5 and distributed as follows:

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

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

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

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

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

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

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

24 ~~[(8) The ninth and tenth copies to two accredited major~~
25 ~~national parties representing the majority and minority, excluding the~~
26 ~~dominant majority and minority parties, to be determined by the~~

1 Commission on the basis of the criteria provided in Section 26 of
2 Republic Act No. 7166;

3 ~~"(9)"]~~**(8)** The ~~[eleventh to thirteenth]~~ **NINTH TO TWELFTH**
4 copies to broadcast media entities as may be equitably determined by
5 the Commission in view of propagating the copies to the widest extent
6 possible[?].

7 ~~[(10) The fourteenth copy to another citizens' arm or in the~~
8 ~~absence thereof, to a non-partisan group or organization enlisted by~~
9 ~~the Commission pursuant to Section 52(k) of Batas Pambansa Blg.~~
10 ~~881. Such citizens' arm or non-partisan group or organization may use~~
11 ~~the copy of election return for the conduct of citizens' quick counts at~~
12 ~~the local or national levels.]~~

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

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

21 "In all instances, where the Board of Canvassers has the duty
22 to furnish registered political parties with copies of the certificate of
23 canvass, the pertinent election returns shall be attached thereto,
24 where appropriate."

25 "Immediately after the sixth copy and its supporting statement
26 of votes are printed **AND COMPLETED**, the chairman of the board of
27 canvassers shall announce the posting of said prints **AND**
28 **COMPLETED COPY** on a wall within the premises of the canvassing

center, which must be sufficiently lighted and accessible to the public. Any person may view or capture an image of the CertificateS of Canvass or the supporting statement of votes by means of any data capturing device such as, but not limited to, cameras at any time of the day for forty-eight (48) hours following the posting. After such period, the chairman of the board of canvassers shall detach the ~~[election return]~~ **CERTIFICATES OF CANVASS** from the wall and keep the same in his custody to be produced as may be requested by any voter for image or data capturing or for any lawful purpose as may be ordered by competent authority."

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

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

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

"SEC. [28]29. *Congress as the National Board of Canvassers for President and Vice-President.* - The Senate and the House of Representatives in joint public session shall compose the national board of canvassers for president and vice-president. The certificateS of canvass for president and vice-president duly certified by the board

1 of canvassers of each province or city, shall be electronically
2 transmitted, **IN THE CASE OF THE AUTOMATED SYSTEM, AND**
3 **MANUALLY DELIVERED, IN THE CASE OF THE MANUAL**
4 **COUNTING SYSTEM**, to the Congress, directed to the president of
5 the Senate. Upon receipt of the certificates of canvass, the President
6 of the Senate shall, not later than thirty (30) days after the day of the
7 election, open all the certificates in the presence of the Senate and the
8 House of Representatives in joint public session and the Congress
9 upon determination of the authenticity and the due execution thereof
10 in the manner provided by law, canvass all the results for president
11 and vice-president and thereafter, proclaim the winning candidates."

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

13 **SEC. 20. *Communication Channels for Electronic Transmission.* –**

14 Electronic transmission which is defined under R.A. No. 9369 as conveying data in
15 electronic form from one location to another shall be guided by the following: all
16 electronic transmission of the election returns, certificates of canvass and its
17 supporting statements, and other related documents shall utilize secure transmission
18 channels with the following minimum security objectives:

19 (1) Strong authentication – each entity in the communications channel must
20 prove its identity to the other by demonstrating knowledge of a key associated with
21 the entity without revealing the key itself during the entire protocol;

22 (2) Mutual entity authentication;

23 (3) Data origin authentication;

24 (4) Data integrity;

25 (5) Non-reputation of origin;

26 (6) Anti-replay – an election return or certificate of canvass once processed,
27 cannot be resent to be reprocessed at a later time. In case of re-transmission, the

1 Board of Canvassers should authenticate themselves to the receiving computer, and
2 authorize the non-processing of the previous transmission/s to receive the new
3 transmission. Both election returns or certificates of canvass or any election result
4 shall be kept in the system for record-keeping; and

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

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

14 Electronic transmission of the election returns and such other related
15 documents from the precinct level shall be forwarded to the Commission and to the
16 national broadcast or print media entities as may be equitably determined by the
17 Commission.

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

20 **SEC. 21. Election Offenses under this Act.** – In addition to the violations
21 of the pertinent provisions of this Act, the following shall also constitute election
22 offenses:

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

26 (b) Any person who simulates an actual election return, or a print or digital
27 copy thereof;

1 (c) Any person who simulates the certification in a print of an election
2 return;

3 (d) The chairman or any member of the board of election inspectors who,
4 during the prescribe period of posting, removes the election return from the wall on
5 which it had been posted other than for the purpose of immediately transferring it to
6 a more suitable place;

7 (e) The chairman or any member of the board of election inspectors who
8 signs or authenticates a print of the election return outside of the polling place;

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

12 (g) Any person who remove the certificate of canvass posted on the wall,
13 whether within or after the prescribed forty-eight (48) hours of posting, or defaces
14 the same in any manner;

15 (h) Any person who simulates an actual certificate of canvass or statement
16 of votes, or a print or digital copy thereof;

17 (i) Any person who simulates the certification of a certificate of canvass or
18 statement of votes;

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

1 (k) The chairman of any member of the board of canvassers who sign or
2 authenticates a print of the certificate of canvass or its supporting statement of votes
3 outside of the polling place: and

4 (l) The chairman or any member of the board of canvassers who sign or
5 authenticate a print that bears an image different from the certificate of canvass or
6 statement of votes produced after counting and posted on the wall.

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

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

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

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