

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 2197



INTRODUCED BY REPRESENTATIVE JURDIN JESUS M. ROMUALDO

EXPLANATORY NOTE

This is a refiled bill originally authored in the 18th Congress by Representative Xavier Jesus D. Romualdo and was referred to the Committee on Suffrage and Electoral Reforms.

The explanatory note of the bill from the previous Congress is hereby reiterated here as the principle behind the drafting of this proposal is still valid up to date:

“Republic Act (RA) No. 8436, as amended by RA No. 9369, mandates the use of an automated election system (AES), so long as it will continue to uphold the necessary safeguards in protecting the sanctity of the ballot. This measure, which is based on the proposed Hybrid Election Act prepared by the Committee on Electoral Reforms and Peoples Participation of Senate, seeks to amend RA No. 8436 further by introducing a hybrid election system that will enable voters to more transparently participate in the electorate process and choose leaders for our country. In every election using the AES, the same lingering issues have been raised by voters, information technology experts, election experts, members of the media, political parties, and others. A hybrid election system that ensures that each and every vote is counted and fosters transparency and credibility in the counting of votes, and, at the same time, makes canvassing and transmission of votes accurate and efficient will dispel all doubts on the integrity of our elections and show, without any doubt, that the results of our elections truly reflect the choice and will of the people.”

In the 2019 elections, people’s confidence on the results of the automated elections were satisfactory and the random manual audit resulted to 99.99% of the automated elections. Yet, there are still dissatisfaction as to the how automated voting is done with a high percentage goes to rejected ballots, thus disenfranchising the voters of their right to vote and choose their leaders due to shading issue and possibly, computer glitches in appreciating the accomplished ballots. A hybrid system will ensure transparency and that each vote will be

appreciated in public and the will of the people will be truly reflected and counted well at the precinct level with automated transmission to expedite the forwarding of results to the Commission on Elections and proper forums.

This observation holds true if we check with the Commission on Elections the total number of rejected ballots per town and province in the past elections.

Accordingly, the support of the Members of Congress for the timely approval of this bill is earnestly sought.


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AN ACT
PROVIDING FOR THE CONDUCT OF HYBRID ELECTIONS FOR
NATIONAL, LOCAL, AND THE BANGSAMORO AUTONOMOUS REGION IN
MUSLIM MINDANAO, 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

3 **SEC. 2.** Coverage. - The coverage of the provisions of this Act shall be applicable
4 to the conduct of the elections on May 2022 and all national, local, and the Bangsamoro
5 Autonomous Region in Muslim Mindanao (BARMM) elections thereafter.

6

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

9

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

1 **TO ENSURE TRANSPARENCY AND CREDIBILITY OF THE ELECTORAL**
2 **PROCESSES.**

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

7

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

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

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

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

19

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

23

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

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

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

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

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

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

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

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

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

1 "~~[13]~~**11.** Station - refers to a polling place, counting center, municipal or provincial
2 canvassing center."

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

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

10
11 **SEC. 6.**Section 4 of Republic Act No. 8436, as amended, is hereby amended to
12 read as follows:

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

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

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

1 **COMBINATION OF THE AUTOMATED ELECTION SYSTEM AND THE**
2 **MANUAL COUNTING SYSTEM** ~~[whether]~~ **THROUGH** A paper-based ~~[for a direct-~~
3 ~~recording~~ ~~electronic]~~ election system ~~[as it may deem appropriate and practical]~~ for the
4 process of voting, counting of votes and canvassing/consolidation and transmittal of
5 results of electoral exercises: ~~[Provided that for the regular national and local election,~~
6 ~~which shall be held immediately after effectivity of this Act, the AES shall be used in~~
7 ~~at least two highly urbanized cities and two provinces each in Luzon, Visayas and~~
8 ~~Mindanao, to be chosen by the Commission: Provided, That local government units~~
9 ~~whose officials have been the subject of administrative charges within sixteen (46) month~~
10 ~~prior to the May 14, 2007 elections shall not be chosen: Provided finally, That no area~~
11 ~~shall be chosen without the consent of the Sanggunian of the local government unit~~
12 ~~concerned; The term local government unit is used in this provision shall refer to a~~
13 ~~highly urbanized city or province. In succeeding regular national or teed elections, the~~
14 ~~AES shall be implemented nationwide."]~~ **PROVIDED, THAT THE MANUAL**
15 **COUNTING SYSTEM UNDER THIS ACT SHALL NOT BE IMPLEMENTED**
16 **FOR OVERSEAS VOTING UNDER R.A. NO. 9189, AS AMENDED BY R.A. NO.**
17 **10590."**

18
19 **SEC. 8.** Section 8 of Republic Act No. 8436, as amended, is hereby amended to
20 read as follows:

21 **"SEC. 8.** The Advisory Council. — The Commission shall create an Advisory
22 Council, hereafter referred to as the Council, which shall be convened not later than
23 eighteen (18) months prior to the next 1 scheduled electoral exercise, and deactivated six
24 months after completion of canvassing ~~[; Provided, for purposes of the 2007 elections/~~
25 ~~the Advisory Council shall be immediately convened within ten (40) days after the~~
26 ~~effectivity of this Act].~~

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

"(a) The ~~{Chairman of the Commission on "Information and Communications Technology (CICT)}~~**SECRETARY OF THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY (DICT)** who shall act as the chairman of the council;

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

~~"{(b)}~~**(C)** One member from the Department of Science and Technology;

~~"{(c)}~~**(D)** One member from the Department of Education;

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

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

~~"{(f)}~~**(G)** Two members representing nongovernmental electoral reform organizations, to be selected by the chair of the Advisory Council from among the list of nominees submitted by the country's nongovernmental electoral reform organizations;

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

9
10 "XXX.

11 "XXX.

12 "XXX.

13 "XXX.

14
15 "The ~~{Commission on Information and Communications Technology~~
16 (~~GICT~~) **DICT**, shall include in its annual appropriation the funds necessary' to enable the
17 Council to effectively perform its functions."

18
19 **SEC. 9.** Section 12 of R.A. No. 8436, as amended, is hereby amended as follows:

20 **"SEC. 12.** Procurement of Equipment and Materials. - To achieve the purpose of
21 this Act, the Commission is authorized to procure, in accordance with existing laws, by
22 purchase, lease, rent, or other forms of acquisition, supplies, equipment, materials,
23 software, facilities, and other services, from local or foreign sources free from taxes and
24 import duties, subject to accounting and auditing rules and regulations. With respect to the
25 May [£97-20-10] 2022 elections and succeeding electoral exercises, the system procured
26 must have demonstrated capability and been successfully used in a prior electoral exercise

1 here or abroad. Participation in the 2007 pilot exercise shall not be conclusive of the
2 system's fitness.

3
4 "In determining the amount of any bid from a technology, software or equipment
5 supplier, the cost to the government of its deployment and implementation shall be added
6 to the bid price as integral thereto. The value of any alternative use to which such
7 technology, software or equipment can be put for public use shall not be deducted from
8 the original face value of the said bid.

9
10 **"NOTWITHSTANDING THE REQUIREMENT UNDER SECTION**
11 **23.4.1.3 OF THE IMPLEMENTING RULES AND REGULATIONS OF**
12 **REPUBLIC ACT NO. 9184, FOR THE SOLE PURPOSE OF PROCURING**
13 **SUPPLIES, EQUIPMENT, MATERIALS, SOFTWARE, FACILITIES, AND**
14 **OTHER AUTOMATED ELECTION SERVICES, UNDER THIS ACT, THE**
15 **PROSPECTIVE BIDDER MUST HAVE EITHER COMPLETED, WITHIN THE**
16 **PERIOD SPECIFIED IN THE INVITATION TO BID, A SINGLE LARGEST**
17 **COMPLETED CONTRACT (SLCC) THAT IS SIMILAR TO THE CONTRACT**
18 **TO BE BID, AND WHOSE VALUE, ADJUSTED TO CURRENT PRICES USING**
19 **THE PHILIPPINE STATISTICS AUTHORITY CONSUMER PRICE INDICES,**
20 **MUST BE AT LEAST FIFTY PERCENT (50%) OF THE APPROVED BUDGET**
21 **OF CONTRACT OR WITH PROVEN FINANCIAL, TECHNICAL, AND**
22 **ORGANIZATIONAL CAPABILITY TO CONDUCT SUCH EXERCISE SO AS TO**
23 **ENSURE THAT THE BIDDING AND PROCUREMENT SHALL NOT**
24 **UNREASONABLY LIMIT COMPETITION AND INEQUITABLY BAR**
25 **PARTICIPATION OF CAPABLE SUPPLIERS, MANUFACTURERS,**
26 **DISTRIBUTORS, AND SERVICE PROVIDERS."**

1
2 **SEC. 10.** A new Section 15 of R.A. No. 8436, as amended, is hereby inserted and
3 the succeeding sections shall be renumbered accordingly. The new Section 15 shall read
4 as follows:

5
6 **"SEC. 15.SUBSTITUTION OF CANDIDATES — AFTER THE LAST DAY**
7 **OF THE FILING OF CERTIFICATE OF CANDIDACY (COC), WHICH SHALL**
8 **NOT BE EARLIER THAN DECEMBER 15 PRECEDING THE DAY OF**
9 **ELECTION, NO SUBSTITUTION SHALL BE ALLOWED EXCEPT ON THE**
10 **GROUND OF DEATH OR DISQUALIFICATION: PROVIDED, THAT THE**
11 **PERSON SUBSTITUTING THE CANDIDATE WHO DIED OR IS**
12 **DISQUALIFIED BY FINAL JUDGMENT, MAY FILE A COC UP TO MID-DAY**
13 **OF ELECTION DAY: PROVIDED FURTHER, THAT THE SUBSTITUTE AND**
14 **THE SUBSTITUTED HAVE THE SAME SURNAMES: PROVIDED, FINALLY,**
15 **THAT A CANDIDATE WHO FILES A COC AS AN INDEPENDENT**
16 **CANDIDATE MAY ALSO BE SUBSTITUTED."**

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

20 **"SEC.[45]-16. Official Ballot.-** ~~[The Commission shall prescribe the format of~~
21 ~~the electronic display and/or the size and form of the official ballot which shall contain~~
22 ~~the titles of the position to be filed and/or the propositions to be voted upon in an~~
23 ~~initiative; referendum or plebiscite. Where practicable electronic displays must be~~
24 ~~constructed to present the names of all candidates for the same position in the same page~~
25 ~~or screen, otherwise, the electronic displays must be constructed to present the entire~~
26 ~~ballot to the voter, in a series of sequential pages, and to ensure that the voter sees all of~~

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

23
24 **"(B) THE OFFICIAL BALLOT SHALL BE SERIALY NUMBERED AND**
25 **SHALL BE DELIVERED TO, AND CORRESPOND TO, SPECIFIC PRECINCTS**

OR CLUSTER OF PRECINCTS, AS THE CASE MAY BE, WHICH SHALL HAVE
CORRESPONDING AND EXCLUSIVE BALLOT IDENTIFICATION NUMBERS
SEPARATE FROM THE SERIAL NUMBER OF THE INDIVIDUAL BALLOTS.
FOR PURPOSES OF TRANSPARENCY, THE BALLOT IDENTIFICATION
NUMBERS AND THE SERIAL NUMBER OF THE BALLOTS
CORRESPONDING TO EACH PRECINCT OR CLUSTER OF PRECINCTS, AS
THE CASE MAY BE, SHALL BE AVAILABLE FOR VIEWING BY
INTERESTED PARTIES ON THE COMMISSION'S OFFICIAL WEBSITE AT
LEAST FIVE (5) DAYS BEFORE THE ELECTIONS.

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

"(D) THE OFFICIAL BALLOT SHALL CONTAIN THE TITLES OF THE
POSITIONS TO BE FILLED AND/OR THE POSITIONS TO BE VOTED UPON
IN AN INITIATIVE, REFERENDUM, OR PLEBISCITE. UNDER EACH
POSITION TO BE FILLED, THE NAMES OF CANDIDATES SHALL BE
ARRANGED ALPHABETICALLY BY SURNAME AND UNIFORMLY
INDICATED USING THE SAME TYPE SIZE. THE MAIDEN OR MARRIED
NAME SHALL BE LISTED IN THE OFFICIAL BALLOT, AS PREFERRED BY
THE FEMALE CANDIDATE. UNDER EACH PROPOSITION TO BE VOTED
UPON, THE CHOICES SHOULD BE UNIFORMLY INDICATED USING THE
SAME FONT AND SIZE. OPPOSITE THE NAME OF THE OF THE CANDIDATE
SHALL BE A SQUARE OR RECTANGLE, ON WHICH THE VOTER WILL

1 **PLACE A SINGLE VERTICAL MARK TO REGISTER A VOTE FOR A**
2 **CANDIDATE OF THE VOTER'S CHOICE.**

3
4 **"(E)**A fixed space where the chairman of the board of election inspectors
5 **(BEI)**shall affix his/her signature to authenticate the official ballot shall be provided.

6
7 ~~[For this purpose, the Commission shall set the deadline for the filing of~~
8 ~~certificate of candidacy/petition of registration/manifestation to participate in the~~
9 ~~election. Any person who files his certificate of candidacy within this period shall only~~
10 ~~be considered as a candidate at the start of the campaign period for which he filed his~~
11 ~~certificate of candidacy. That, unlawful act or emissions applicable to~~
12 ~~a candidate shall effect only upon that start of the aforesaid campaign period.~~
13 ~~Provided finally that any person holding a public appointive office or position,~~
14 ~~including active members of the armed forces/ and officers, and employees in~~
15 ~~government owned or controlled corporations/ shall be considered resigned~~
16 ~~from his/her office and must vacate the same at the start of the day of the filing of~~
17 ~~his/her certification of candidacy.~~

18
19 ~~Political parties may hold political conventions to nominate their official candidate~~
20 ~~within thirty (30) days before the start of the period for filing certificate of candidacy.]~~

21
22 **"(F) THE FOREGOING PROVISIONS NOTWITHSTANDING,**
23 **THE COMMISSION IS HEREBY AUTHORIZED TO PRESCRIBE A**
24 **DIFFERENT FORM OF OFFICIAL BALLOT ON THE SAME WATERMARKED**
25 **SECURITY PAPER TO FACILITATE VOTING BY PERSONS WITH**
26 **DISABILITIES AND BY PERSONS WHO ARE UNABLE TO READ OR WRITE**

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

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

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

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

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

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

"SEC. [24]22.Counting Procedure. - The Commission shall prescribe the manner and procedure of counting the votes under the automated system AND THE MANUAL COUNTING SYSTEM: PROVIDED, THAT A SEPARATE ELECTION RETURN SHALL BE PREPARED SHOWING THE RESULTS OF THE MANUAL COUNTING OF THE BALLOTS, WHICH SHALL ALSO BE CANVASSED ALONGSIDE THE ELECTRONICALLY TRANSMITTED AND DIGITALLY SIGNED ELECTION RETURNS UNDER THE AUTOMATED SYSTEM: PROVIDED FURTHER THAT IF THERE IS A DISCREPANCY OF AT LEAST TWO (2%) PERCENT OF THE TOTAL NUMBER OF THE VOTES CAST BETWEEN THE RESULTS OF THE AUTOMATED SYSTEM AND THE MANUAL COUNTING SYSTEM FOR ANY POSITION, AN AUTOMATIC RECOUNT SHALL BE UNDERTAKEN FOR THAT POSITION ONLY: PROVIDED FURTHER, THAT THE COMMISSION SHALL DEPLOY SUFFICIENT NUMBER OF TECHNICAL PERSONNEL TO ASSIST THE BEI IN THE SAID RECOUNT. A COMPARISON SHALL BE MADE BETWEEN THE

1 **DIGITALLY CAPTURED IMAGE OF THE BALLOT AND THE BALLOT**
2 **ITSELF BEFORE THE RECOUNT TO DETERMINE THE ROOT CAUSE OF**
3 **THE DISCREPANCY AND TO ASCERTAIN THE WILL OF THE VOTERS. THE**
4 **RESULT OF THE RECOUNT SHALL BE REFLECTED IN THE MANUALLY**
5 **PREPARED ELECTION RETURN WHICH SHALL BE CONSIDERED, ALONG**
6 **WITH THE UNAFFECTED ELECTRONICALLY TRANSMITTED AND**
7 **DIGITALLY SIGNED ELECTION RETURNS, IN DETERMINING THE**
8 **WINNING CANDIDATE FOR THE SUBJECT POSITION; Provided FINALLY,**
9 that apart from the electronically stored result, ~~(thirty (38))~~**TWELVE** (12) copies of the
10 election return are printed **AND TWELVE (12) COPIES OF THE ELECTION**
11 **RETURN FOR THE MANUAL COUNTING SYSTEM SHALL BE**
12 **ACCOMPLISHED."**

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

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

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

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

"SEC. [22]23. Electronic Returns. - Each copy of the printed election returns **UNDER THE AUTOMATED SYSTEM** shall bear appropriate control marks to determine the time and place of printing. **THE COMMISSION SHALL DESIGN THE FEATURES OF THE ELECTION RETURNS UNDER THE MANUAL COUNTING SYSTEM.** Each copy shall be signed and thumbmarked by all the members of the board of election inspectors and the watchers present. If any member of the board of election inspectors present refuses to sign, the chairman of the board shall note the same in each copy of the printed **AND MANUALLY ACCOMPLISHED** election returns. The member of the board of election inspectors concerned refusing to sign shall be compelled to explain his or her refusal to do so. Failure to explain an unjustifiable refusal to sign each copy of the printed **AND MANUALLY ACCOMPLISHED** election return by any member of the board of election inspectors shall be punishable as provided in this Act. The chairman of the board shall then publicly read and announce the total numbers of registered voters, the total number of voters who actually voted and the total number of votes obtained by each candidate based on the election returns **AND WHETHER THERE IS A DISCREPANCY BETWEEN THE RESULTS OF THE AUTOMATED SYSTEM AND THE MANUAL COUNTING SYSTEM, AND THE DETAILS OF THE SAID DISCREPANCY, INCLUDING THE RESULT OF THE RECOUNT, IF ANY.**

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

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

1. The first copy shall be delivered to the city or municipal board of canvassers;
2. The second copy, to the Congress, directed to the President of the Senate;
3. The third copy, to the Commission;

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

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

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

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

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

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

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

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

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

~~13) The twenty-seventh to the thirtieth copies, to the major citizen's arms, including the accredited citizen's arm's and other nonpartisan groups or organization enlisted by the Commission pursuant to Section 529(k) of Batas Pambansa Blg. 881. Such citizens' arm, groups and organization may use the four certified copies of election returns for the conduct of citizens' quick counts at the local or notional levels;}}~~

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

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

2. The second copy, to the Commission;

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

4. The fourth copy, to the citizens' arm (authorized by the Commission to conduct an unofficial count;

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

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

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

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

~~(9) The ninth to the eighteenth copies shall be given to the ten (10) accredited major national parties, excluding the dominant majority and minority~~

parties, in accordance with a voluntary agreement among them. If no such agreement is reached, the Commission shall decide which parties shall receive the copies on the basis of the criteria provided in Section 26 of Republic Act No. 7166.

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

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

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

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

"Immediately after **ALL** the (eight copy) **COPIES** (is) **ARE** printed **AND COMPLETED**, the poll clerk shall announce [the posting of said copy] **THAT THE RELEVANT COPIES FOR POSTING ARE BEING POSTED** on a wall within the premises of the polling place or counting center, which must be sufficiently lighted and accessible to the public. Any person may view or capture an image of the election returns 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 its posting. After such period, the chairman of the board of election inspectors shall detach the election returns 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.

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

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

"The election returns transmitted electronically and digitally signed shall be considered as official election results and shall be used as the basis for the canvassing of votes and the proclamation of a candidate. **PROVIDED, THAT IN CASE OF RECOUNT, AS PROVIDED UNDER SECTION 22 HEREOF, THE MANUALLY**

1 **ACCOMPLISHED ELECTION RETURN SUBJECT OF THE RECOUNT SHALL**
2 **BE CONSIDERED, ALONG WITH THE UNAFFECTED ELECTRONICALLY**
3 **TRANSMITTED AND DIGITALLY SIGNED ELECTION RETURNS.**

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

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

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

21
22 'The city board of canvassers of cities comprising one or more legislative districts
23 shall canvass the votes for president, vice-president, senators, members of the House
24 Representatives and elective city officials by consolidating the certificates of canvass
25 electronically transmitted or the results contained in the data storage devices used in the
26 printing of the election returns **UNDER THE AUTOMATED SYSTEM AND THE**

1 **CERTIFICATE OF CANVASS UNDER THE MANUAL COUNTING SYSTEM.**

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

14
15 "Each component municipality in a legislative district in the Metro Manila area
16 shall have a municipal board of canvassers which shall canvass the votes for president,
17 vice-president, senators, members of the House of Representatives and elective municipal
18 officials by consolidating the results electronically transmitted from the counting centers
19 or the results contained in the data storage devices used in the printing of the election
20 returns **UNDER THE AUTOMATED SYSTEM AND THE ELECTION RETURNS**
21 **UNDER THE MANUAL COUNTING SYSTEM.** Upon completion of the canvass, it
22 shall prepare the certificate of canvass of votes for president, vice-president, senators,
23 members of the House of Representatives and thereafter, proclaim the elected municipal
24 officials.

"The district board of canvassers of each legislative district comprising two municipalities in the Metro Manila area shall canvass the votes for president, vice-president, senators and members of the House of Representatives by consolidating the certificates of canvass electronically transmitted from the city/municipal consolidating centers or the results contained in the data storage devices **UNDER THE AUTOMATED SYSTEM AND THE CERTIFICATE OF CANVASS UNDER THE MANUAL COUNTING SYSTEM** submitted by the municipal board of canvassers of the component municipalities. Upon completion of the canvass, it shall produce a certificate of the canvass of votes for president, vice-president and senators, and thereafter, proclaim the elected members of the House of Representatives in the legislative district.

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

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

"Within one hour after the canvassing, the Chairman of the district or provincial Board of Canvassers or the city board of canvassers of those cities which comprise one or

1 more legislative districts shall electronically transmit the certificate of canvass **UNDER**
2 **THE AUTOMATED SYSTEM** to the Commission sitting as the national board of
3 canvassers for senators and party-list representatives and to the Congress as the National
4 Board of Canvassers for the president and vice president, directed to the President of the
5 Senate. **THEREAFTER, THE CERTIFICATE OF CANVASS UNDER THE**
6 **MANUAL SYSTEM SHALL ALSO BE TRANSMITTED, THROUGH THE**
7 **FASTEST MEANS AVAILABLE, TO THE SAME NATIONAL BOARD OF**
8 **CANVASSERS.**

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

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

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

1

2 "SEC. [36] 27. Number of Copies of Certificates of Canvass of Votes and their
3 distribution. - (a) The certificates of canvass of votes **UNDER THE AUTOMATED**
4 **SYSTEM AND UNDER THE MANUAL COUNTING SYSTEM, RESPECTIVELY,**
5 for president, vice-president, senators, members of the House of Representatives, parties,
6 organizations or coalitions participating under the party-list system and elective provincial
7 officials shall be produced by the city or municipal board of canvassers and distributed as
8 follows:

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

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

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

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

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

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

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

24 ~~“(8) The ninth to eighteenth copies shall be given to the; ten(10) accredited' major~~
25 ~~national — parties, — excluding the dominant majority and minority' parties, in accordance —~~
26 ~~with a voluntary agreement' among them. If ne such agreement is reached, the Commission~~

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

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

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

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

13 ~~"(12) The twenty eighth to the thirtieth copies to the major citizens' arms,~~
14 ~~including the accredited citizens' arm and other nonpartisan groups or organizations~~
15 ~~enlisted by the commission pursuant to Section 52(k) of Batas Pambansa Blg No. 881.~~
16 ~~Such citizens' arms groups and organization may use the three certified copies of~~
17 ~~election returns for the conduct of citizens' quick counts at the locator national levels;]~~

18
19 ~~"The board of canvassers shall furnish all other registered parties copies of the~~
20 ~~certificates of canvass at the expense of the requesting party.~~

21
22 ~~"(b) The certificates of canvass of votes for president, vice president and senators,~~
23 ~~parties, organizations or coalition participating under the party-list system shall be~~
24 ~~produced by the city boards of canvassers of cities comprising one or more legislative~~

districts, by provincial boards of canvassers and by district boards of canvassers in the Metro Manila area, and other highly urbanized areas and distributed as follows:

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

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

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

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

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

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

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

AND

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

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

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

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

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

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

"Immediately after the sixth copy and its supporting statement of votes are printed **AND COMPLETED**, the chairman of the board of canvassers shall announce the posting of said prints **AND 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 of canvassers of

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

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

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

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

(2) Mutual entity authentication;

(3) Mutual entity authentication;

(4) Data integrity;

(5) Non-reputation of origin;

(6) Anti-replay - an election return or certificate of canvass once processed, cannot be resent to be reprocessed at a later time. In case of re-transmission, the Board of Canvassers should authenticate themselves to the receiving computer, and authorize the non-processing of the previous transmission/s to receive the new transmission. Both election returns or certificates of canvass or any election result shall be kept in the system for record-keeping; and

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

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

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

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

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

(a) Any person who removes the election return that is posted on the wall, whether within or after the prescribed forty-eight (48) hours of posting, or defaces

1 the same in any manner;

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

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

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

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

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

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

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

19

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

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

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

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

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

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

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

SEC. 25. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or a newspaper of general circulation.