

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 6658



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

EXPLANATORY NOTE

In our attempts to insure clean, honest, transparent, and credible elections, we migrated into the automated system in 2010. It was a leap of faith for our country and people. While we know little of the many technicalities and intricacies associated with holding automated elections, we nevertheless pushed ahead. We thought that the automated election system is the panacea for all the many woes and problems we experienced in the manual election system we have had since the birth of our republic. We put much faith in the newly crafted automated election system laws, the COMELEC, and the chosen service provider to achieve our goals.

However, right from the start, the 2010 automated elections became marred by technical glitches and logistical problems we never foresaw. These seemingly innocuous problems, while allegedly continuing up to the last automated elections in 2022, had also mutated into more dangerous problems involving automated manipulation and wanton violation of our election laws by both the COMELEC and its service provider.

By 2016, at least thirty-five (35) violations have been documented in which more than half of these violations were serially committed with impunity in the elections in 2010, 2013, and 2016. At least half of all these documented violations involved the security, accuracy, auditability, integrity, and transparency provisions of our election laws which necessarily cast very serious doubts on the credibility of our elections.

A news report released on May 11, 2022 mentioned that an election watchdog has received around 577 reports of vote-counting machine failures during the May 2022 elections which caused long queues and delayed voting. It also quoted Election Commissioner George Erwin M. Garcia saying that "paper jams, rejected ballots, and vote-counting machines not printing returns properly were common problems encountered on election day."¹

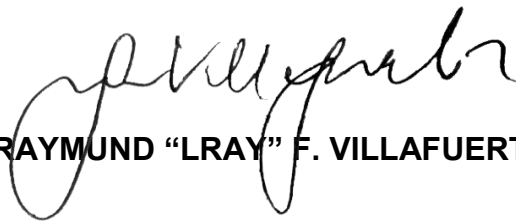
This condition cannot be allowed to continue unabated because the political and economic stability of our country is paramount.

¹ <https://www.bworldonline.com/the-nation/2022/05/11/447841/election-watchdog-cites-need-to-fix-automated-system/>

This bill seeks to overhaul the present automated election system by repealing the existing automated election laws and replacing them with a hybrid election system that combines both manual voting and counting and electronic transmission and canvassing of election results.

The hybrid election system of manual voting and counting and electronic transmission and canvassing of election results will secure for our country and people the benefits of totally transparent voting and counting system while ensuring that the results thereof are speedily and accurately canvassed and made known to the public. Any attempts to manipulate the electronic transmission and canvassing of election results can always be checked and audited against the one true count made at every polling precinct across the country. The good old manual counting of the votes will effectively serve as the bulwark against the ever-real and present danger of automated manipulation of election results.

Through this hybrid election system, all subsequent electoral exercises shall be truly clean, honest, transparent, and credible. It is a gift that is within our hands to give to the Filipino people. Hence, the passage of this bill is earnestly sought.



LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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AN ACT
PROVIDING FOR A HYBRID ELECTION SYSTEM THROUGH MANUAL VOTING
AND COUNTING AND ELECTRONIC TRANSMISSION AND CANVASSING OF
RESULTS IN NATIONAL, LOCAL AND ARMM ELECTIONS, AND FOR OTHER
PURPOSES

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

SECTION 1. Title. – This Act shall be known as the “*Hybrid Election System Act*”.

SECTION 2. Declaration of Policy. – It is the policy of the State to ensure free, orderly, peaceful, clean, honest, transparent, credible and informed elections, plebiscites, referenda, recall and other similar electoral exercises by improving on the election system, which shall involve the use of a combination of manual voting, manual counting and electronic transmission and canvassing of the election results that will ensure the secrecy and sanctity of the ballot and the transparency of all election, transmission and consolidation documents in order that the election system shall be fully auditable and credible and that the results shall be fast, accurate and reflective of the genuine will of the people.

SECTION 3. Coverage. – The provisions of this Act shall be applicable to the conduct of all national, local and ARMM elections.

SECTION 4. Definition of Terms. – As used in this Act, the following terms shall mean:

- a) Hybrid election system, hereinafter referred to as HES – a system using a combination of manual casting of votes, manual counting of votes and electronic transmission of precinct-level election results to the consolidation and canvassing boards, stations or servers;
- b) Official ballot – refers to the printed paper ballot that faithfully represents the votes cast by a voter;

- c) Established precinct – the precinct originally established by the Commission prior to the clustering or merging of precincts for purposes of the automated elections;
- d) Electronic transmission – conveying data in electronic form from one location to another;
- e) Election returns – a document in printed and electronic form, printed and manually accomplished for purposes of reflecting the manual count of the votes at the polling precinct and also electronically produced by an appropriate electronic device, showing the date of the election, the province, municipality and polling precinct in which it is held and the votes in figures for each candidate in a polling precinct;
- f) Electronic election returns – an electronic spreadsheet in an appropriate electronic device where the recording of the votes is made in real-time and is electronically transmitted to the canvassing and consolidation board, station or server;
- g) Statement of votes – a document containing the votes obtained by candidates in each precinct in a city/municipality;
- h) City/municipal/district/provincial certificate of canvass – a document in printed and electronic 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;
- i) 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 automated/electronic component of the HES; and,
- j) Source code – human-readable instructions that define what the automated/electronic component of the HES will do.

SECTION 5. *Filing of Certificates of Candidacy.* – The certificate of candidacy of any person running for the office of President, Vice-President, Senator, Representative, party-list representative or any elective regional, provincial, city or municipal official shall be filed in such offices of the Commission as it may direct and in such legible copies as it may require, not earlier than ninety (90) days before the date legally fixed for the start of the campaign period for national positions.

The candidate shall file the certificate of candidacy personally or by his duly authorized representative. No certificate of candidacy shall be filed or accepted by postal service, electronic mail, telegram, facsimile and the like.

SECTION 6. *Established Precincts.* – For purposes of the HES, all clustered precincts existing and used in the automated election system shall be de-clustered and shall revert back to the original established precinct. In no case shall each

established precinct exceed a maximum of two hundred (200) registered voters. The Commission shall take the necessary steps to carry this provision into effect.

SECTION 7. Official Ballots. –

- a) Ballots for national, local and ARMM elections, regular or special, plebiscites and referenda, shall be pre-printed and of uniform size were practicable and shall be prescribed by the Commission, taking into account environmental considerations and with reasonable minimum paper size. They shall be printed in black ink with appropriate demarcating indicators for each title of the office to be voted for, on security paper with distinctive, clear and legible watermarks or security marks that will readily distinguish it from ordinary paper.
- b) Each ballot shall bear at the top of the middle portion thereof the coat-of-arms of the Republic of the Philippines, the word “Official Ballot,” the name of the city or municipality and the province in which the election is to be held, the date of the election and the appropriate instructions to the voters in Filipino to shade only the ovals corresponding to the candidates of his choice, in secrecy, and to avoid putting any distinctive mark anywhere on the ballot.
- c) Each ballot shall be serially numbered with corresponding bar codes for authentication purposes at the upper part thereof. Spaces for the thumbmark of the voter and the signature of the chairman of the board of election inspectors shall be provided in the lower part thereof. A unique ballot ID number shall also be printed which shall be uniform for all official ballots for each established precinct. For purposes of transparency, the ballot ID number and the serial numbers of the ballots corresponding to each established precinct shall be available for viewing by interested parties on the official website of the Commission at least fifteen (15) days before the day of the elections.
- d) A digital image of a sample official ballot without the security features and bar codes shall be available for viewing and downloading by interested parties on the official website of the Commission at least ninety days (90) days before the day of the elections.
- e) Each ballot shall contain an oval opposite the name of each and all official candidates for all elective positions in the elections segregated by appropriate demarcating indicator for each of the titles of the offices to be voted for. The omission of the name of any of the official candidates or the absence of the appropriate demarcating indicator for each of the titles of the offices to be voted for in the printed official ballot shall constitute a *prima facie* evidence of electoral sabotage and a conspiracy to commit massive electoral fraud.
- f) Ballots for cities and municipalities where Arabic is of general use shall have each of the titles of the offices to be voted for printed in Arabic in addition to and immediately below the English title.
- g) Notwithstanding the foregoing provisions, the Commission is hereby authorized to prescribe a different form of official ballot on the same watermarked security paper to facilitate voting by illiterate and disabled voters only. The Commission shall

adopt the latest technology as to enable such illiterate or disabled voters to confirm that the assisting person truly adhered to his choice of candidates, as provided under Section 52(i) of the Omnibus Election Code.

SECTION 8. *Printing of Official Ballots.* – The printing of official ballots shall be exclusively done by the National Printing Office and shall in no case be contracted out or outsourced to any private or public person, entity or agency for any reason including, but not limited to, claims of better output, higher capacity or even in cases of emergency.

The Commission shall exercise stringent mandatory oversight in the printing of official ballots. For this purpose, the representatives of the Commission overseeing it shall not be a confidential employee of, or related by consanguinity or affinity within the 3rd civil degree to, any of the Commissioners and Executive Director of the Commission.

Any violation of this Section shall constitute a *prima facie* evidence of electoral sabotage and a conspiracy to commit massive electoral fraud.

SECTION 9. *Distribution of Official Ballots.* – The official ballots shall be distributed and delivered to each of the established precincts, consulates and embassies at a strict ratio of one ballot for every registered voter of the precinct plus one ballot for each of the three (3) members of the board of election inspectors.

In overseas absentee voting where the ballots are mailed to the voters, the concerned consulate or embassy shall insure that the ballots are mailed in time for the voters to receive the ballots at least fifteen (15) days before the start of the period for absentee voting so that the voters can mail back to the consulate or embassy in time before the closing of the polls.

Any violation of this Section, or any of its pertinent provisions, shall constitute an election offense and shall be penalized in accordance with the Omnibus Election Code and other pertinent election laws.

SECTION 10. *Voting Hours.* – All polling precincts shall open at 6 o'clock in the morning of the day of the elections. Voting shall continue until the polling precincts are closed at 11 o'clock in the morning of the day of the elections. No extension of voting shall be allowed under any circumstances. Any violation of this Section shall constitute an election offense and shall be penalized in accordance with the Omnibus Election Code and other pertinent election laws.

SECTION 11. *Voting Journey.* – The Commission is hereby mandated to adopt process flows and measures for mandatory and uniform implementation by the boards of election inspectors which will facilitate a more convenient voting journey including, but not limited to, maximizing the number of voters able to vote at the same time, faster and orderly turnaround of voters, and prioritizing elderly voters and disabled voters.

SECTION 12. *Authentication of Ballots.* – In every case before handing an official ballot to the voter, the chairman of the board of election inspectors shall show to the accredited watchers and the voter that the ballot is clean and without pre-shaded votes

or marks. Thereafter, the chairman shall affix his signature in the space provided for. Failure to authenticate the official ballots shall be noted in the minutes of the board of election inspectors and shall constitute an election offense punishable under Sections 263 and 264 of the Omnibus Election Code.

SECTION 13. *Pre-shaded Ballots.* – In cases where the official ballot handed to the voter already contains pre-shaded votes or marks, it shall be noted in the minutes of the board of election inspectors and shall constitute a *prima facie* evidence of electoral sabotage and a conspiracy to commit massive electoral fraud. Such ballot shall be considered spoiled and shall be distinctly marked with the word “spoiled” and signed by the board of election inspectors on the face thereof and immediately placed in the envelope for spoiled ballots. In any case, the voter shall have the right to a clean replacement ballot.

SECTION 14. *Manner of Voting.* – To facilitate faster manual counting of the votes, avoid misreading of the votes, and avoid dilatory tactics by the opposing accredited watchers, the voter shall fill out his ballot by shading only the oval opposite the name of his chosen candidate. No other form of marking or voting shall be considered a valid vote. The voter shall not put or place any other mark on any other part of his ballot. The act of putting or placing any mark other than on the ovals opposite the names of the official candidates shall constitute an election offense and shall be penalized in accordance with the Omnibus Election Code and other pertinent election laws.

SECTION 15. *Cancellation of Vote.* – The voter shall not be allowed to cancel a vote or shade he already made on his ballot in order to prevent election fraud by cancelling votes already cast.

SECTION 16. *Beginning, Ending and Manner, of Counting of Votes.* – Immediately after the closing of the polls in the polling precinct, the reading and counting of the official ballots shall begin and shall end no later than 3 o'clock in the afternoon of the day of the elections. In addition to the requirements of Section 210 of the Omnibus Election Code, the chairman, the poll clerk and the third member of the board of election inspectors shall position themselves in a manner that will provide the accredited watchers and the public, an unimpeded view of the ballot being read by the chairman, the election return, and the tally board being simultaneously accomplished by the poll clerk and the third member, respectively, without touching any of the said election documents. Any violation of this Section shall constitute an election offense punishable under Sections 263 and 264 of the Omnibus Election Code.

Before the start of the counting, the chairman shall first ascertain whether every ballot contains the signature of the chairman as provided in Section 11 hereof. Any ballot without the required signature shall be rejected.

The chairman shall read the votes in each ballot for national positions, party-list representatives, regional positions and local positions until all the ballots cast in the precinct shall have been read and counted. Thereafter, the board of election inspectors shall terminate the counting, accomplish the printed election return forms and transmit the electronic version thereof.

The chairman shall exercise full control of the proceedings at all times. Any action by any of the accredited watchers or the public which is designed to delay the counting of the votes, accomplishing the printed election return forms and transmission of the election return shall be a ground for his exclusion from the proceedings. Such action shall constitute a violation of this Section.

Any violation of this Section, or any of its pertinent provisions, shall constitute an election offense and shall be penalized in accordance with the Omnibus Election Code and other pertinent election laws.

SECTION 17. *Counting of Votes Shall be Public.* – As soon as the voting is concluded, the board of election inspectors shall publicly count in the polling precinct the votes cast and ascertain the results. The board may rearrange the physical set up of the polling precinct for purposes of the counting or perform any other activity in respect thereof. However, it can do so only in the presence of the accredited watchers and within close view of the public. At all times, the ballot box and all election documents and paraphernalia shall be within close view of the accredited watchers and the public.

The board of election inspectors shall not adjourn, postpone or delay the counting until it shall have been fully completed, unless otherwise ordered by the Commission.

The Commission, in the interest of free, orderly, honest, transparent and credible elections, may authorize the board of election inspectors to count the votes and to accomplish the election return and other forms prescribed under the Omnibus Election Code in any other place within a public building in the same municipality or city on account of imminent danger of widespread violence or similar causes of comparable magnitude: *Provided*, that the transfer shall have been recommended in writing by the board of election inspectors by unanimous vote and endorsed in writing by the majority of the accredited watchers present: *Provided, further*, that the said public building shall not be located within the premises of or inside a military or police camp, reservation, headquarters, detachment or field office nor within the premises of a prison or detention facility or any law enforcement or investigation agency.

This Section shall also strictly apply in the case of overseas absentee voting in the consulates and embassies of the Republic of the Philippines. The doors and windows of the room where the counting shall be held shall be open to interested parties and the public in order to observe the proceedings.

Any violation of this Section, or any of its pertinent provisions, shall constitute an election offense and shall be penalized in accordance with the Omnibus Election Code and other pertinent election laws.

SECTION 18. *Election Returns.* – The board of election inspectors shall prepare and accomplish the election return simultaneously with the counting of the votes in the polling precinct as prescribed in Section 210 of the Omnibus Election Code. The recording of the votes shall be made as prescribed in the said section. The entry of votes in words and figures for each candidate shall be closed with the signature and the clear imprint of the thumbmark of the right hand of all the members, likewise to be

affixed in full view of the public, immediately after the last vote recorded or immediately after the name of the candidate who did not receive any vote.

The election returns shall also show the date of the election, the established precinct, the barangay and the city or municipality in which it was held, the total number of ballots found inside the ballot box, the total number of excess ballots, the total number of spoiled, marked or void ballots, and the total number of votes obtained by each candidate. These pieces of information shall be written in words and in figures and, at the end thereof, the board of election inspectors shall certify that the contents are correct. The election returns for national positions and party-list representatives shall be accomplished in a single sheet of paper. Additional sheets may be used for regional and local positions which shall be prepared in the same manner as the first sheet and likewise certified by the board of election inspectors.

The Commission shall take the necessary steps so that the entries on the first copy of the election returns are clearly reproduced on the second, third, fourth, fifth and sixth copies thereof. For this purpose, the Commission shall use a special kind of paper.

SECTION 19. *Electronic Election Returns.* – Simultaneous with the manual counting of the votes and the filling out of the printed election return forms, there shall be independent technical personnel who shall enter the votes, as they are manually counted, into an electronic spreadsheet, which shall serve as the electronic election returns, in an appropriate electronic device provided for the purpose. The recording of the votes in real-time in the appropriate electronic device shall be open for the accredited watchers to validate and the public to observe.

The electronic election return shall be equipped with such programs and encryption algorithms as to ensure that the technical personnel, or any other person, cannot make alterations in any of the entries therein, or the results of the counting of votes, except in case of discrepancy with the manual or printed election return as provided herein. It shall also bear a serial number that is uniquely assigned to the particular polling precinct. The appropriate electronic device shall be configured to confine its operation only for this purpose and to transmit the results of the counting to the consolidation and canvassing board, station or server.

Immediately upon the accomplishment of the manual election return, the poll clerk shall announce the posting of the second copy of the said election return on a wall with sufficient lighting within the premises of the polling precinct. He shall then proceed to do the same in the presence of the other members of the board of election inspectors, the accredited watchers and those present in the polling precinct. He shall also take a digital image of the second copy as announced and posted, and save the same in the storage device of the appropriate electronic device used in the counting of the votes.

The independent technical personnel shall print one copy of the electronic election return as filled out, and the board of election inspectors and the accredited watchers shall authenticate the same by comparing the results as printed with the second copy of the manual election return as announced and posted. Should the results of the electronic election return be found to be the same as that of manual

election return, the board of election inspectors and the accredited watchers shall affix their signatures and thumbprints in the spaces provided for and the same shall be deposited inside the ballot box.

Should there be any discrepancy between the electronic and the manual election returns, the results in the manual election return shall prevail. However, for purposes of electronic transmission, all the members of the board of election inspectors shall add their mandatory separate and individual digital signatures into the electronic document using the appropriate electronic device to allow the necessary corrections in the electronic election return to conform to the results as reflected in the manual election return. The erroneous electronic election return shall be torn in half lengthwise and deposited inside the ballot box.

Thereafter, the technical personnel shall print a copy of the electronic election return as corrected and shall allow the board of election inspectors and the accredited watchers to scrutinize and authenticate the same as herein prescribed. When there is no more discrepancy in the results, the board of election inspectors and the accredited watchers shall affix their signatures and thumbprints, and the correct electronic election return shall be deposited in the ballot box.

The board of election inspectors shall see to it that the memory card and storage device of the appropriate electronic device used in the counting of votes which contains the electronic election return and the digital image of the manual election return are properly backed up and write-protected.

All the members of the board of election inspectors shall again add their mandatory separate and individual digital signatures to authenticate and authorize the electronic transmission of the election results to the various boards, stations or servers as prescribed herein.

Once the printouts of the digital image of the manual election return have been produced, the poll clerk shall call the other members of the board of election inspectors to authenticate each print copy by scrutinizing and comparing the same with the election return posted on the wall in the presence of the accredited watchers and within view of the public. If the board of election inspectors finds each printed copy a faithful reproduction of the said election return, all the members thereof shall annotate and sign a certification to that effect on the bottom front of the printed copy.

Each certified printed copy shall be placed in an envelope provided for the purpose with the corresponding serial number assigned to the particular polling precinct and sealed in the presence of the accredited watchers and the public. It shall be distributed as herein provided prior to the transmission of the electronic election return. The designated recipients of the certified printed copies may receive their copies at the polling precinct.

Any election return with a separately printed serial number or which bears a different serial number from that uniquely assigned to the particular polling precinct shall not be canvassed and shall be declared as spurious, and shall be a ground for a pre-proclamation controversy. This is to be determined by the board of canvassers concerned prior to its canvassing on the basis of the certification of the provincial, city

or municipal treasurer as to the serial number of the election return assigned to said polling precinct.

If the signatures and/or thumbprints of the board of election inspectors or some of them as required in this provision are missing in the election return, the board of canvassers shall summon the members of the board of election inspectors concerned to complete the election return.

The accredited citizens' arm is mandated to present for perusal its copy of the manual election return and the electronic file thereof to the board of canvassers upon the request of any interested candidate.

Any violation of this Section, or any of its pertinent provisions, shall constitute an election offense and shall be penalized in accordance with the Omnibus Election Code and other pertinent election laws.

SECTION 20. *Unofficial Count.* – A copy of the electronic election return of the polling precinct shall also be transmitted to the secure servers of the accredited citizens' arm which the Commission has authorized to set up an unofficial count center where the votes are consolidated and the results are announced to the public.

The announcement or publication of the unofficial election results by such accredited citizens' arm shall be continuous and uninterrupted from the time of the first transmission until all transmissions shall have been completed. Any interruption for any reason shall be a ground for the revocation of its accreditation for at least three (3) successive national elections.

Any interested candidate, political party or non-partisan groups or organizations enlisted by the Commission pursuant to Section 52(k) of the Omnibus Election Code may request in writing from the accredited citizens' arm the metadata of all the election returns as electronically transmitted by all the polling precincts to its secure servers. The accredited citizens' arm is hereby required to provide the metadata in Microsoft Excel format within three (3) days from receipt of the request. No such request shall be denied for any reason. The accredited citizens' arm is prohibited from charging any form of service fees for this purpose but the cost of the storage device shall be borne by the requesting person, party or organization.

The accredited citizens' arm shall exercise full independence from any interested person, political party or organization, and the Commission and any of its contractors or service providers involving the elections.

Any violation of this Section, or any of its pertinent provisions, shall constitute an election offense and shall be penalized in accordance with the Omnibus Election Code and other pertinent election laws.

SECTION 21. *Copies and Distribution of Election Return.* – The board of election inspectors shall prepare in handwriting the election return in their respective polling precinct, in the number of copies herein provided, and in the form to be prescribed and provided by the Commission.

The chairman of the board of election inspectors shall distribute the copies of the election return as follows:

a) In the election for President, Vice-President, Senator, Representative and party-list representatives:

1. The electronic election return, mandatorily required to be digitally signed separately and individually by all the members of the board of election inspectors, shall be electronically transmitted to the concerned board, station or server and the first copy of the manual election return, as digitally captured and printed, shall be delivered to the city or municipal board of canvassers immediately after the closing of the polling precinct;
2. The second copy, to be posted on a wall within the premises of the polling place;
3. The third copy, to the Congress, directed to the President of the Senate;
4. The fourth copy, to the Commission;
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, to a citizens' arm authorized by the Commission to conduct an unofficial count; Provide, however, that the accreditation of the citizens' arm shall be subject to the provisions of Section 52(k) of the Omnibus Election Code; and,
8. The eighth copy, to be deposited inside the ballot box.

The copy of the election return posted on the wall shall be open for public viewing at any time of the day for seventy-two (72) hours following its posting. Any person may view or capture an image of the election return by means of any data capturing device. After the prescribed period for posting, the chairman of the board of election inspectors shall collect the posted election return and keep the same in his custody to be produced for image or data capturing as may be requested by any voter or for any lawful purpose as may be ordered by a competent authority.

Except for those copies which are required to be delivered, copies of election return may be claimed at the polling precinct. Any unclaimed copy shall be brought by the chairman of the board of election inspectors to the canvassing center where the recipients or their representatives may claim them. Copies remaining unclaimed at the canvassing center shall be deemed placed in the custody of the chairman of the board of election inspectors, who shall produce them when requested by the recipient or his representative, or when ordered by a competent authority.

Eighteen (18) copies of the election return shall be printed, certified and distributed as follows:

- a) The first six (6) copies shall be given to the six (6) accredited major national parties in accordance with a voluntary agreement among them. In the absence of an agreement, 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;
- b) The next three (3) copies shall be given to the three (3) accredited major local parties in accordance with a voluntary agreement among them. In the absence of an agreement, 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;
- c) The next four (4) copies shall be given 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;
- d) The next two (2) copies shall be given 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;
- e) The next two (2) copies shall be given to the accredited citizens' arm and other non-partisan groups or organizations enlisted by the Commission pursuant to Section 52(k) of the Omnibus Election Code; and,
- f) The last copy shall be given to the provincial board of canvassers.

The certified print copies of the election return may be claimed at the polling precinct. Any unclaimed copy shall be brought by the chairman of the board of election inspectors to the city or municipal canvassing center where the recipients or their representatives may claim them. Copies still unclaimed at the canvassing center shall be placed in the custody of the chairman of the board of election inspectors who shall produce them when requested by the recipient or when ordered by a competent authority.

Any provision of law to the contrary notwithstanding, any of the recipients of the print or electronic copies of the election return may conduct an unofficial consolidation of votes and may announce the results thereof to the public.

It is mandatory for the Commission to post the electronic files of all election results from all the polling precincts in its official website for the public to view or download at any time of the day. Such posting shall be simultaneous with the electronic transmission of election returns from the polling precincts. The posting and availability to the public of such electronic files shall be continuous and without any significant interruption. Any interruption exceeding three (3) days shall be considered significant for this purpose. The Commission shall maintain the electronic files for at least three (3) years from the date of posting.

Any interested candidate, political party or non-partisan groups or organizations enlisted by the Commission pursuant to Section 52(k) of the Omnibus Election Code may request in writing from the Commission the metadata of all the election returns as electronically transmitted by all the polling precincts on the day of the election. The Commission is hereby required to provide the metadata in Microsoft Excel format within three (3) days from receipt of the request. No such request shall be denied for any reason. The Commission is prohibited from charging any form of service fees for this purpose but the cost of the storage device shall be borne by the requesting person, party or organization.

Any violation of this Section, or any of its pertinent provisions, shall constitute an election offense and shall be penalized in accordance with the Omnibus Election Code and other pertinent election laws.

SECTION 22. *Canvassing by the Provincial, City, District and Municipal Board of Canvassers.* –

- a) The city or municipal board of canvassers shall canvass the electronically transmitted election returns for President, Vice-President, Senator, Representative and party-list representative, and for elective provincial and city or municipal officials. Upon completion of the canvass, the board shall announce the results of the election for national positions in the city or municipality, prepare the certificate of canvass for Representatives and elective provincial officials, and, thereafter, proclaim the elected city or municipal officials, as the case may be.
- b) The city board of canvassers of cities comprising one or more legislative districts shall canvass the electronically transmitted election returns for President, Vice-President, Senator, Representative, party-list representative and elective city officials. Upon completion of the canvass, the board shall announce the results of the election for national positions in the city, prepare the certificate of canvass for President, Vice-President, Senator and party-list representative, and, thereafter, proclaim the elected Representatives and city officials.
- c)
 - 1. In the Metro Manila Area such municipality comprising a legislative district shall have a district board of canvassers which shall canvass the electronically transmitted election returns for President, Vice-President, Senator, Representative, party-list representative and elective municipal officials. Upon completion of the canvass, the board shall announce the results of the election for national positions in the municipality, prepare the certificate of canvass for President, Vice-President, Senator and party-list representative, and, thereafter, proclaim the elected Representative and city officials.
 - 2. Each component municipality in a legislative district in the Metro Manila Area shall have a municipal board of canvassers which shall canvass the electronically transmitted election returns for President, Vice-President, Senator, Representative, party-list representative and elective municipal officials. Upon completion of the canvass, the board

shall announce the results of the election for national positions in the municipality, prepare the certificate of canvass for President, Vice-President, Senator, Representative, party-list representative, and, thereafter, proclaim the elected municipal officials.

3. The district board of canvassers of each legislative district comprising two (2) municipalities in the Metro Manila Area shall canvass the certificate of canvass for President, Vice-President, Senator, Representative and party-list representative as electronically transmitted by the municipal board of canvassers of the component municipalities. Upon completion of the canvass, the board shall announce the results of the election for national positions in the district, prepare the certificate of canvass for President, Vice-President, Senator and party-list representative, and, thereafter, proclaim the elected Representative in the legislative district.
- d) The provincial board of canvassers shall canvass the certificate of canvass for President, Vice-President, Senator, Representative, party-list representative and elective provincial officials as well as plebiscite results, if any plebiscite is conducted simultaneously with the same election, as electronically transmitted by the city or municipal board of canvassers of component cities and municipalities. Upon completion of the canvass, the board shall announce the results of the election for national positions in the province, prepare the certificate of canvass for President, Vice-President, Senator and party-list representative, and, thereafter, proclaim the Representatives and provincial officials as well as the plebiscite results, if any.

The canvassing of election returns or certificates of canvass, as the case may be, by the board of canvassers in a municipality, city, district or province shall be completed within two (2) hours from the time the board of canvassers officially convened for the purpose. In the conduct thereof, the board of canvassers shall project visibly each election return or certificate of canvass on a wall from which its contents shall be read in order that those present in the canvassing center will be able to follow the progress of the canvassing process from beginning to end. The Commission shall utilize the appropriate projection equipment for this purpose.

Immediately after the certificate of canvass is accomplished, the chairman of the board of canvassers shall announce the posting of the second copy thereof and its supporting statements of votes on a wall with sufficient lighting within the premises of the canvassing center. He shall then proceed to do the same in the presence of the other members of the board of canvassers, the accredited representatives and those present in the canvassing center. Without delay and when feasible, he shall capture images of the certificate of canvass and supporting statements of votes using a secured data capturing device and thereafter, while in the premises of the canvassing center, immediately print the data so captured in eighteen (18) copies. The board of canvassers shall then authenticate each printed copy, in the presence of representatives and within public view, by closely comparing the same with the certificate of canvass or statements of votes, as the case may be, posted on the wall. If the board of canvassers finds each printed copy a faithful reproduction of the

certificate of canvass or statements of votes as announced and posted, all members thereof shall annotate and sign a certification to that effect on the bottom front of each printed copy.

Each certified printed copy shall be placed in an envelope provided for the purpose with corresponding serial number assigned to the particular canvassing center and sealed in the presence of the accredited representatives and the public. It shall be distributed as herein provided prior to the transmission of the electronic files of the certificate of canvass and its supporting statements of votes. The designated recipients of the certified printed copies may receive their copies at the canvassing center.

The chairman of the board of canvassers shall transmit the electronic files of the certificate of canvass and its supporting statements of votes, which shall be mandatorily required to be digitally signed separately and individually by all the members of the board of canvassers, encrypted for security reasons and using a secured transmission device with authentication features, to the secured tabulation system of the Commission and to the secure servers of the other designated recipients as herein provided.

Any provision of law to the contrary notwithstanding, any of the recipients of the print or electronic copies of the certificate of canvass and its supporting statements of votes may conduct an unofficial consolidation of votes and may announce the results thereof to the public.

Any violation of this Section, or any of its pertinent provisions, shall constitute an election offense and shall be penalized in accordance with the Omnibus Election Code and other pertinent election laws.

SECTION 23. *Copies of Certificate of Canvass and their Distribution.* – The number of copies of the certificate of canvass to be prepared and their distribution shall be as follows:

- a) The certificate of canvass for President, Vice-President, Senator, Representative and elective provincial officials shall be prepared in eight (8) copies by the city or municipal board of canvassers and distributed as follows:
 1. The first copy shall be delivered to the provincial board of canvassers for use in the canvass of election results for President, Vice-President, Senator, Representative and elective provincial officials;
 2. The second copy shall be sent to the Commission;
 3. The third copy shall be posted on a wall within the premises of the canvassing center;
 4. The fourth copy shall be kept by the chairman of the board of canvassers;
 5. The fifth copy shall be given the accredited citizens' arm designated by the Commission to conduct a media-based unofficial count; and,

6. The sixth, seventh and eighth copies shall be given to the representatives of three (3) of the six (6) major political parties in accordance with the voluntary agreement of the parties. In the absence of an agreement, the Commission shall decide which parties shall receive the said copies of the certificate of canvass on the basis of the criteria provided in Section 26 of Republic Act No. 7166. The parties receiving such certificate of canvass shall have the obligation to furnish the other parties with authentic copies thereof with the least possible delay.
- b) The certificate of canvass for President, Vice-President and Senator shall be prepared in eight (8) copies by the city board of canvassers of cities comprising one or more legislative districts in the Metro Manila Area, and distributed as follows:
1. The first copy shall be sent to the 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 election results for Senator;
 3. The third copy shall be posted on a wall within the premises of the canvassing center;
 4. The fourth copy shall be kept by the chairman of the board of canvassers;
 5. The fifth copy shall be given to the accredited citizens' arm designated by the Commission to conduct a media-based unofficial count; and,
 6. The sixth, seventh and eighth copies shall be given to the representatives of three (3) of the six (6) major political parties in accordance with the voluntary agreement of the parties. In the absence of an agreement, the Commission shall decide which parties shall receive the said copies of the certificate of canvass on the basis of the criteria provided in Section 26 of Republic Act No. 7166. The parties receiving such certificate of canvass shall have the obligation to furnish the other parties with authentic copies thereof with the least possible delay.

The copy of the certificate of canvass posted on the wall shall be open for public viewing at any time of the day for seventy-two (72) hours following its posting. Any person may view or capture an image of the certificate of canvass. After the prescribed period for posting, the chairman of the board of canvassers shall collect the posted certificate of canvass and keep the same in his custody to be produced for image or data capturing as may be requested by any voter or for any lawful purpose as may be ordered by a competent authority.

Except for those copies which are required to be delivered, copies of certificate of canvass may be claimed at the canvassing center. Any unclaimed copy shall be deemed placed in the custody of the chairman of the board of canvassers, who shall

produce them when requested by the recipient or when ordered by a competent authority.

The eighteen (18) certified printed copies of the certificate of canvass for national positions shall be distributed as follows:

- a) The first six (6) copies shall be given to the six (6) accredited major national parties in accordance with a voluntary agreement among them. In the absence of an agreement, 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;
- b) The next three (3) copies shall be given to the three (3) accredited major local parties in accordance with a voluntary agreement among them. In the absence of an agreement, 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;
- c) The next four (4) copies shall be given 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;
- d) The next two (2) copies shall be given 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;
- e) The next two (2) copies shall be given to the accredited citizens' arm and other non-partisan groups or organizations enlisted by the Commission pursuant to Section 52(k) of the Omnibus Election Code; and,
- f) The last copy shall be kept in file by the chairman of the board of canvassers to be subsequently distributed as the national board of canvassers may direct.

The certified printed copies of the certificate of canvass may be claimed at the canvassing center. Any unclaimed copy shall be deemed placed in the custody of the chairman of the board of canvassers who shall produce them when requested by the recipient or when ordered by a competent authority.

It is mandatory for the Commission to post the electronic files of all the certificates of canvass in its official website for the public to view or download at any time of the day. Such posting shall be simultaneous with the electronic transmission of the certificates of canvass from the boards of canvassers. The posting and availability to the public of such electronic files shall be continuous and without any significant interruption. Any interruption exceeding three (3) days shall be considered significant for this purpose. The Commission shall maintain the electronic files for at least three (3) years from the date of posting.

Any violation of this Section, or any of its pertinent provisions, shall constitute an election offense and shall be penalized in accordance with the Omnibus Election Code and other pertinent election laws.

SECTION 24. Congress as the National Board of Canvassers for the Election of President and Vice President: The Commission En Banc as the National Board of Canvassers for the Election of Senators: Determination of Authenticity and Due Execution of Certificates of Canvass. – The Congress and the Commission en banc shall determine the authenticity and due execution of the submitted and electronically transmitted certificates of canvass for President and Vice-President, and Senators, respectively, as accomplished, submitted and electronically transmitted to it by the boards of canvassers, on a showing that:

- a) Each certificate of canvass was executed, signed or digitally signed, as the case may be, and thumb marked by the chairman and the members of the board of canvassers and submitted and electronically transmitted or caused to be submitted and electronically transmitted to the Congress by them;
- b) Each certificate of canvass contains the names of all the candidates for President and Vice-President, or Senator, as the case may be, and their corresponding votes in words and in figures;
- c) There exist no discrepancy in other authentic copies of the said document, or any of its supporting documents such as the statement of votes by city or municipality or by precinct, or discrepancy in the votes of any candidate in the words and figures therein; and,
- d) There exist no discrepancy in the votes of any candidate in the words and figures therein against the aggregate number of votes appearing in the election returns of polling precincts covered by the particular certificate of canvass: *Provided*, that certified printed copies of the election returns or certificates of canvass may be used for the purpose of verifying the existence of any discrepancy.

When the certificate of canvass, duly certified by the board of canvassers of each province, city or district appears to be incomplete, the Senate President or the chairman of the Commission, as the case may be, shall require the board of canvassers concerned to submit the election returns from the polling precincts that were not included in the certificate of canvass. Said election returns shall be submitted by personal delivery within twenty-four (24) hours from receipt of notice.

When it appears that any of the supporting statement of votes of each province, city or district appears to be incomplete, the Senate President or the chairman of the Commission, as the case may be, shall require the board of canvassers concerned to submit the election returns from the polling precincts that were not included in the supporting statement or votes. Said election returns shall be submitted by personal delivery within twenty-four (24) hours from receipt of notice.

When it appears that any certificate of canvass including other duly certified printed copies thereof or supporting statements of votes by city or municipality or by polling precinct bears erasures or alterations which may cast doubt as to the veracity of the number of votes stated therein and may affect the result of the elections, upon the request of the presidential, vice-presidential or senatorial candidates concerned or of his party, the Congress or the Commission en banc, as the case may be, shall, for

the sole purpose of verifying the votes as they appear in the copies of the election returns submitted and electronically transmitted to it, suspend the canvassing.

Any person who present in evidence a simulated copy of an election return, certificate of canvas or statement of votes, or printed copy of an election return, certificate of canvass or statement of votes bearing a simulated certification or a simulated image, shall be guilty of an election offense and shall be penalized in accordance with the Omnibus Election Code and other pertinent election laws.

SECTION 25. *Communication Channels for Electronic Transmissions.* – Electronic transmission as defined herein shall be guided by the following: all electronic transmissions of election returns, certificates of canvass and other supporting or related documents shall only utilize the secure transmission channels as duly recommended by the Department of Science and Technology and the National Telecommunications Commission to ensure authentication and integrity of transmission.

The Commission is hereby authorized to procure the necessary equipment, facilities and services for installing the electronic transmission infrastructure in order to effectively and securely implement the provisions of this act.

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

SECTION 26. *Pre-proclamation controversy.* – In case of any discrepancy, incompleteness, erasures or alterations as mentioned herein, the procedures on pre-proclamation controversies as provided in Sections 17, 18, 19 and 20 of Republic Act No. 7166 shall be adopted and applied.

SECTION 27. *Tampering of Election Servers.* – The accredited citizens' arm authorized by the Commission to set up an unofficial count center and all of its officials shall be equally liable for the acts of any person who shall tamper, alter, manipulate, abuse, interfere, intrude or misuse its secure servers used in receiving the transmissions of the electronic election results, in the consolidation of the votes, and in the publication and announcement of the results thereof to the public.

All the members of the Commission and its Executive Director shall be equally liable for the acts of any person who shall tamper, alter, manipulate, abuse, interfere, intrude or misuse the electronic devices and/or secure servers used in sending and/or receiving the transmissions of the electronic election results, the certificates of canvass, the statements of votes and other supporting or related documents; in the consolidation and canvassing of the votes; and, in the publication and announcement of the results thereof to the public.

The act of tampering, altering, manipulating, abusing, interfering, intruding or misusing the electronic devices and/or secure servers as herein provided shall constitute a *prima facie* evidence of electoral sabotage and a conspiracy to commit massive electoral fraud.

SECTION 28. *Election Offenses under this Act.* – In addition to the violation 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 seventy-two (72) hours of posting or defaces the same in any manner;
- b) Any person who simulates an actual election return, or a print or electronic copy thereof;
- c) Any person who simulates the certification in a printed copy of an election return;
- d) The chairman or any member of the board of election inspectors who, during the prescribed period of posting, removes the election return from the wall on which it had been posted other than for the purpose of immediately transferring it to a more suitable place;
- e) The chairman or any member of the board of election inspectors who signs or authenticates a printed copy of the election return outside of the polling precinct;
- f) The chairman or any member of the board of election inspectors who signs or authenticates a printed copy which bears an image different from the election return produced after the counting and posted on the wall;
- g) Any person who removes the certificate of canvass that is posted on the wall, whether within or after the prescribed seventy-two (72) hours of posting or defaces the same in any manner;
- h) Any person who simulates an actual certificate of canvass or statement of votes, or a print or electronic copy thereof;
- i) Any person who simulates the certification in a certificate of canvass or statement of votes;
- j) The chairman or any member of the board of canvassers who, during the prescribed period of posting, removes the certificate of canvass or its supporting statement of votes from the wall on which they have been posted other than for the purpose of immediately transferring them to a more suitable place;
- k) The chairman or any member of the board of canvassers who signs or authenticates a printed copy of the certificate of canvass or its supporting statement of votes outside of the canvassing center; and,
- l) The chairman or any member of the board of canvassers who signs or authenticates a printed copy that bears an image different from the certificate of canvass or statement of votes produced after the canvassing and posted on the wall.

SECTION 29. *Implementing Rules and Regulations.* – Immediately upon the approval of this Act, the Commission shall formulate such rules and regulations that will effectively and securely implement this Act for purposes of the national, local, and ARMM elections.

SECTION 30. *Project Management Office.* – The Commission shall set up a permanent Project Management Office which shall be directly responsible and vested with such powers and authority necessary for the installation, activation, monitoring, and supervision of the entire election infrastructure to insure glitch-free, clean, honest, transparent, and credible elections.

The Project Management Office shall be headed by a member of the Commission and assisted by its Executive Director. It shall have other members as the Commission deems fit and necessary: *Provided*, that it shall include as members thereof one representative each from the Department of Science and Technology, the National Telecommunications Office, and an accredited citizens' arm not otherwise authorized to conduct the unofficial count. It shall also have at least three (3) independent members who shall be selected by drawing of lots from among interested qualified applicants as recommended by election advocacy groups. The term of office of the members thereof shall be three (3) years.

Any violation of this Section, or any of its pertinent provisions, shall constitute an election offense and shall be penalized in accordance with the Omnibus Election Code and other pertinent election laws.

SECTION 31. *Source Code Review.* – Once a HES technology is selected for implementation, the Commission shall promptly make the source code of that technology available and open to any interested political party or any group which may conduct their own review thereof. The said review shall not be curtailed or restricted in any way.

The Commission shall not in any way curtail the right of such interested political parties or groups in making known to the public their observations, findings, or comments about the results of their own review of the source code.

Any violation of this Section, or any of its pertinent provisions, shall constitute an election offense and shall be penalized in accordance with the Omnibus Election Code and other pertinent election laws.

SECTION 32. *Continuity Plan.* – The HES shall be so designed as to include a continuity plan in case of systems breakdown or any such eventuality which shall result in the delay, obstruction or nonperformance of the electoral process. Activation of such contingency or continuity measures shall be undertaken in the presence of representatives of political parties and accredited citizens' arms who shall be notified by the Commission or the election officer, as the case may be, of such activation.

All political parties and party-list organizations shall be furnished copies of said continuity plan at their official addresses as submitted to the Commission. The contingency or continuity measures shall be published in at least two (2) newspapers

of national circulation and shall be posted on the official website of the Commission at least fifteen (15) days prior to the electoral activity concerned.

SECTION 33. *Procurement of Equipment and Materials.* – The Commission shall prescribe the technical specifications for the electronic devices, computer programs, security and encryption technologies, and other related electronic technologies to be used for the effective and secure implementation of this Act, with an aim to ensure free, orderly, peaceful, clean, honest, transparent and credible elections and the speedy determination of the true results thereof.

The Commission is hereby authorized to procure by purchase, in accordance with existing laws, equipment, software, facilities, supplies, materials and other services, from local sources free from taxes and import duties, subject to accounting and auditing rules and regulations.

The transmission system or infrastructure procured must have successfully passed the applicable tests prior to their actual deployment for election purposes.

Notwithstanding the provisions of Republic Act No. 9184 and its implementing rules and regulations, no bidder shall be disqualified from participating in the procurement of equipment and materials for failing to comply with the Single Largest Completed Contract requirement thereof.

Any violation of this Section, or any of its pertinent provisions, shall constitute an election offense and shall be penalized in accordance with the Omnibus Election Code and other pertinent election laws.

SECTION 34. *Appropriations.* – The Congress shall provide the necessary appropriations in a supplemental budget or general appropriations act, as the case may be, without delay and for purposes of the national, local, and ARMM elections.

SECTION 35. *Separability Clause.* – If, for any reason, any section or provision of this Act or any part thereof, or the application of such section, provision or portion is declared invalid or unconstitutional, the remainder thereof shall not be affected by such declaration.

SECTION 36. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations, resolutions, ordinances, or circulars or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly or declared null and void and inoperative.

SECTION 37. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,