

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

TWENTIETH CONGRESS

First Regular Session

HOUSE BILL NO. 753



INTRODUCED BY REPRESENTATIVE JURDIN JESUS M. ROMUALDO

EXPLANATORY NOTE

This bill is a refiled measure originally authored in the 18th Congress by Representative Xavier Jesus D. Romualdo, and refiled during the 19th Congress where it was referred to the Committee on Suffrage and Electoral Reforms. Its re-filing in the 20th Congress underscores the continuing relevance of its objectives and the urgent need for electoral reform that balances both transparency and efficiency.

The explanatory note of the original version is hereby reiterated, as the principle behind this legislative proposal remains valid and pressing to this day

“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 the 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.”

While the 2019 national and local elections demonstrated that the automated system could deliver relatively high confidence levels—evidenced by a 99.99% match in the random manual audit—the public remained wary about several unresolved concerns. Chief among these were the high percentage of rejected ballots due to improper shading or machine-read errors, which led to the disenfranchisement of otherwise qualified voters.

A hybrid system offers a viable and balanced solution. It preserves the speed and efficiency of automated transmission, while also ensuring that the appreciation and counting of ballots at the precinct level is conducted in full public view, thus enhancing transparency and trust in the process. This system aims to uphold the constitutional right of every Filipino to have their vote properly counted and their voice heard.

Data from the Commission on Elections, particularly the number of rejected ballots per town and province, further reinforces the necessity of introducing reforms that will directly address these longstanding issues in the electoral process.

Given the enduring challenges and the potential of this measure to restore faith in the electoral system, the immediate and favorable passage of this bill is earnestly sought.



JURDIN JESUS M. ROMUALDO

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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 to the
4 conduct of the elections on May 2022 and all national, local, and the Bangsamoro Autonomous
5 Region in Muslim Mindanao (BARMM) elections thereafter.

6
7 **SEC. 3.** Section 1 of Republic Act No. 8436, as amended, is hereby amended to read as
8 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 will
14 ensure the secrecy and sanctity of the ballot and all election, consolidation and

1 transmission documents in order that the process shall be transparent and credible and that the
2 results shall be fast, accurate and reflective of the genuine will of the people. **THE HYBRID**
3 **ELECTION SYSTEM SHALL BE A COMBINATION OF THE AUTOMATED**
4 **ELECTION SYSTEM AND THE MANUAL ELECTION SYSTEM TO ENSURE**
5 **TRANSPARENCY AND CREDIBILITY OF THE ELECTORAL PROCESSES.**

6 The State recognizes the mandate and authority of the Commission to prescribe the
7 adoption and use of the most suitable technology of demonstrated capability taking into
8 account the situation prevailing in the area and the funds available for the purpose."
9

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

12 **"SEC. 2.** Definition of Terms. - As used in this Act, the following terms shall mean:
13

14 "1. ~~{Automated}~~HYBRID election system, hereinafter referred to as [AES] HES - system
15 using appropriate technology which has been demonstrated in the voting, counting,
16 consolidating, canvassing, and transmission of election results, and other electoral
17 processes **BUT ALSO UTILIZES MANUAL COUNTING TO ENSURE**
18 **TRANSPARENCY AND CREDIBILITY OF THE ELECTORAL PROCESSES;**
19

20 "2. Electronic transmission - conveying data in electronic form from one location to
21 another;
22

23 "3. Official ballot - ~~{Where AES is utilized; refers}~~ **REFERS** to the paper ballot,
24 whether printed or generated by the technology applied, that faithfully captures or
25 represents the votes cast by a voter recorded or to be recorded in electronic form;
26

27 "4. Election returns - A) a document in electronic and printed form directly
28 produced by the counting or voting machine, showing the date of the election, the province,
29 municipality and the precinct in which it is held and the votes in figures for each candidate in a
30 precinct ~~{in areas where AES is utilized}~~ **AND B) A DOCUMENT IN PRINTED FORM**
31 **AND MANUALLY ACCOMPLISHED FOR PURPOSES OF**
32 **REFLECTING THE MANUAL COUNT OF THE VOTES AT THE POLLING**
33 **PRECINT, SHOWING THE DATE OF THE ELECTION, THE PROVINCE,**
34 **MUNICIPALITY, AND THE PRECINT IN WHICH IT IS HELD AND THE**
35 **VOTES IN FIGURES FOR EACH PRECINT;**
36

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

1
2 **"6.** City/municipality/district/provincial certificate of canvass - a document in
3 electronic and printed form containing the total votes in figures obtained by each candidate in a
4 city/municipality/district/province as the case may be. The electronic certificates of canvass
5 shall be the official canvass results in the aforementioned jurisdictions;

6
7 **"7.** Paper-based election system - a type of automated election system that uses paper
8 ballots, records and counts votes, tabulates, consolidates/canvasses and transmits electronically
9 the results of the vote count;

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

16
17 ~~["9]~~**8.** Counting center - a public place within the city/municipality, or in such other places
18 as may be designated by the Commission where the official ballots cast in various precincts of
19 the city/municipality shall be counted. Polling places or voting centers may also be designated
20 as counting centers;

21
22 ~~["10]~~**9.** Continuity plan - a list of contingency measures, and the policies for
23 activation of such, that are put in place to ensure continuous operation of the [AES] HES;

24
25 ~~["11. Disabled voters - o person with impaired capacity to use the AES];~~

26
27 ~~["12]~~**10.** Source code - human readable instructions that define what the computer
28 equipment will do; and

29
30 ~~["13]~~**11.** Station - refers to a polling place, counting center, municipal or provincial
31 canvassing center."

32
33 **SEC. 5.** Section 3 of Republic Act No. 8436, as amended, is hereby amended to read as
34 follows:

35
36 **"SEC. 3.** Board of Election Inspectors. — ~~[Where AES shall be adopted, at least]~~ AT
37 LEAST one member of the Board of Election Inspectors shall be an information technology-
38 capable person, who is trained or certified by the ~~(DOST)~~ DICT to use the [AES] HES. Such

1 certification shall be issued by the ~~(DOST)~~ DICT, free of charge."

2
3 **SEC. 6.** Section 4 of Republic Act No. 8436, as amended, is hereby amended to read as
4 follows:

5
6 "SEC. 4. Information Technology Support for the Board of Canvassers. — ~~{To~~
7 ~~implement the AES, each}~~EACH board of canvassers shall be assisted by an information
8 technology-capable person authorized to operate the equipment adopted for the elections. The
9 Commission shall deputize information technology personnel from among the agencies
10 and instrumentalities of the government, including government-owned and controlled
11 corporations. The per diem of the deputized personnel shall be the same as that of the members of
12 the board of canvassers."

13
14 **SEC. 7.** Section 5 of Republic Act No. 8436, as amended, is hereby amended to read as
15 follows:

16
17 "SEC. 5. Authority to use ~~[an-Automated]~~ **A HYBRID** Election System. — To carry
18 out the above-stated policy, the Commission on Elections, herein referred to as the Commission,
19 is hereby authorized to use ~~[an-automated]~~ **A HYBRID** election system or systems in the same
20 election in different provinces [,]. **THE SYSTEM SHALL BE A COMBINATION OF**
21 **THE AUTOMATED ELECTION SYSTEM AND THE MANUAL COUNTING**
22 **SYSTEM** ~~[whether]~~ **THROUGH** A paper-based ~~[or a direct-recording electronic]~~ election
23 system ~~[as it may deem appropriate and practical]~~ for the process of voting, counting of
24 votes and canvassing/consolidation and transmittal of results of electoral exercises: ~~{Provided-~~
25 ~~that for the regular national and local election, which shall be held immediately after~~
26 ~~effectivity of this Act, the AES shall be used in at least two highly urbanized cities and two~~
27 ~~provinces — each in Luzon, Visayas and Mindanao, to be chosen — by the Commission:~~
28 ~~Provided, That local government units whose officials have been the subject of~~
29 ~~administrative charges within sixteen(46) month prior to the May 14, 2007 election shall not be~~
30 ~~chosen: Provided finally, That no area shall be chosen without the consent of the~~
31 ~~Sanggunian of the local government unit concerned; The term local government unit is used~~
32 ~~in this provision shall refer to a highly urbanized city or province. In succeeding regular~~
33 ~~national or teed elections, the AES shall be implemented nationwide."}~~**PROVIDED,**
34 **THAT THE MANUAL COUNTING SYSTEM UNDER THIS ACT SHALL NOT BE**
35 **IMPLEMENTED FOR OVERSEAS VOTING UNDER R.A. NO. 9189, AS AMENDED**
36 **BY R.A. NO. 10590."**

37
38 **SEC. 8.** Section 8 of Republic Act No. 8436, as amended, is hereby amended to read as

1 follows:

2
3 **"SEC. 8. The Advisory Council.** — The Commission shall create an Advisory
4 Council, hereafter referred to as the Council, which shall be convened not later than
5 eighteen (18) months prior to the next 1 scheduled electoral exercise, and deactivated six months
6 after completion of canvassing [~~Provided, for purposes of the 2007 elections/ the Advisory~~
7 ~~Council shall be immediately convened within ten (40) days after the effectivity of this Act.~~
8

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

11
12 "(a) The ~~{chairman of the Commission on "Information and Communications~~
13 ~~Technology (CICT)}~~ **SECRETARY OF THE DEPARTMENT OF INFORMATION**
14 **AND COMMUNICATIONS TECHNOLOGY (DICT)** who shall act as the chairman of the
15 council;

16
17 **"(B) THE RESPECTIVE CHAIRPERSONS OF THE SENATE COMMITTEE ON**
18 **ELECTORAL REFORMS AND PEOPLE'S PARTICIPATION AND THE HOUSE OF**
19 **REPRESENTATIVES COMMITTEE ON SUFFRAGE AND ELECTORAL REFORMS**
20 **WHO SHALL ACT AS EX OFFICIO MEMBERS;**

21
22 ~~"{(b)}~~**(C)** One member from the Department of Science and Technology;

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

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

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

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

34 **"THREE OBSERVERS, REPRESENTING THE ACCREDITED CITIZENS' ARM**
35 **OF THE COMMISSION, AND THE DOMINANT MAJORITY AND MINORITY**
36 **PARTIES AS DETERMINED BY THE COMMISSION DURING THE IMMEDIATELY**
37 **PRECEDING ELECTION, SHALL BE INVITED DURING MEETINGS OF THE**
38 **ADVISORY COUNCIL FOR THE PURPOSE OF GATHERING INFORMATION IN AN**

1 **OPEN AND PROFESSIONALLY COURTEOUS MANNER AND SHOULD NOT**
2 **DISRUPT, OBSTRUCT, OR COUNTERMAND DECISIONS OF THE ADVISORY**
3 **COUNCIL.**

4
5 "xxx.

6 "xxx.

7 "xxx.

8 "xxx.

9
10 "The ~~{Commission on Information and Communications Technology (GICT)}~~ **DICT**, shall
11 include in its annual appropriation the funds necessary' to enable the Council to effectively
12 perform its functions."

13
14 **SEC. 9.** Section 12 of R.A. No. 8436, as amended, is hereby amended as follows:

15
16 **"SEC. 12.** Procurement of Equipment and Materials. - To achieve the purpose of this
17 Act, the Commission is authorized to procure, in accordance with existing laws, by purchase,
18 lease, rent, or other forms of acquisition, supplies, equipment, materials, software,
19 facilities, and other services, from local or foreign sources free from taxes and import duties,
20 subject to accounting and auditing rules and regulations. With respect to the May [£97-20-10]
21 2022 elections and succeeding electoral exercises, the system procured must have demonstrated
22 capability and been successfully used in a prior electoral exercise here or abroad. Participation in
23 the 2007 pilot exercise shall not be conclusive of the system's fitness.

24
25 "In determining the amount of any bid from a technology, software or equipment
26 supplier, the cost to the government of its deployment and implementation shall be added to the
27 bid price as integral thereto. The value of any alternative use to which such technology,
28 software or equipment can be put for public use shall not be deducted from the original face
29 value of the said bid.

30
31 **"NOTWITHSTANDING THE REQUIREMENT UNDER SECTION 23.4.1.3 OF**
32 **THE IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9184,**
33 **FOR THE SOLE PURPOSE OF PROCURING SUPPLIES, EQUIPMENT,**
34 **MATERIALS, SOFTWARE, FACILITIES, AND OTHER AUTOMATED ELECTION**
35 **SERVICES, UNDER THIS ACT, THE PROSPECTIVE BIDDER MUST HAVE**
36 **EITHER COMPLETED, WITHIN THE PERIOD SPECIFIED IN THE INVITATION**
37 **TO BID, A SINGLE LARGEST COMPLETED CONTRACT (SLCC) THAT IS**
38 **SIMILAR TO THE CONTRACT TO BE BID, AND WHOSE VALUE, ADJUSTED TO**

1 CURRENT PRICES USING THE PHILIPPINE STATISTICS AUTHORITY
2 CONSUMER PRICE INDICES, MUST BE AT LEAST FIFTY PERCENT (50%) OF
3 THE APPROVED BUDGET OF CONTRACT OR WITH PROVEN FINANCIAL,
4 TECHNICAL, AND ORGANIZATIONAL CAPABILITY TO CONDUCT SUCH
5 EXERCISE SO AS TO ENSURE THAT THE BIDDING AND PROCUREMENT SHALL
6 NOT UNREASONABLY LIMIT COMPETITION AND INEQUITABLY BAR
7 PARTICIPATION OF CAPABLE SUPPLIERS, MANUFACTURERS, DISTRIBUTORS,
8 AND SERVICE PROVIDERS."

9
10 SEC. 10. A new Section 15 of R.A. No. 8436, as amended, is hereby inserted and the
11 succeeding sections shall be renumbered accordingly. The new Section 15 shall read as follows:
12

13 "SEC. 15. SUBSTITUTION OF CANDIDATES — AFTER THE LAST DAY OF
14 THE FILING OF CERTIFICATE OF CANDIDACY (COC), WHICH SHALL NOT BE
15 EARLIER THAN DECEMBER 15 PRECEDING THE DAY OF ELECTION, NO
16 SUBSTITUTION SHALL BE ALLOWED EXCEPT ON THE GROUND OF DEATH
17 OR DISQUALIFICATION: PROVIDED, THAT THE PERSON SUBSTITUTING THE
18 CANDIDATE WHO DIED OR IS DISQUALIFIED BY FINAL JUDGMENT, MAY
19 FILE A COC UP TO MID-DAY OF ELECTION DAY: PROVIDED FURTHER, THAT
20 THE SUBSTITUTE AND THE SUBSTITUTED HAVE THE SAME SURNAMES:
21 PROVIDED, FINALLY, THAT A CANDIDATE WHO FILES A COC AS AN
22 INDEPENDENT CANDIDATE MAY ALSO BE SUBSTITUTED."
23

24 SEC. 11. Section 15 of Republic Act No. 8436, as amended, is hereby amended to read as
25 follows:
26

27 "SEC. [45]-16. Official Ballot. - ~~{The Commission shall prescribe the format of the~~
28 ~~electronic display and/or the size and form of the official ballot which shall contain the titles of~~
29 ~~the position to be filed and/or the propositions to be voted upon in an initiative;~~
30 ~~referendum or plebiscite. Where practicable electronic displays must be constructed to~~
31 ~~present the names of all candidates for the same position in the same page or screen;~~
32 ~~otherwise, the electronic displays must be constructed to present the entire ballot to the voter,~~
33 ~~in a series of sequential pages, and to ensure that the voter sees all of the ballot options on all~~
34 ~~pages before completing his or her vote and to allow the voter to review and change all ballot~~
35 ~~choices prior to completing and casting his or her ballot. Under each position to be filled, the~~
36 ~~names of candidates shall be arranged alphabetically by surname and uniformly indicated using~~
37 ~~the same type size. The maiden or married name shall be listed in the official ballot, as~~
38 ~~preferred by the female candidate. Under each proposition to be vote upon, the choices~~

1 ~~should be uniformly indicated using the same font and size.}~~(A) **BALLOTS**
2 **FORNATIONAL, LOCAL, AND BARRMM ELECTIONS, REGULAR ORSPECIAL,**
3 **PLEBISCITES, AND REFERENDA, SHALL BE PAPER-BASED, UNIFORM SIZED,**
4 **AND SHALL BE PRESCRIBED BY THECOMMISSION, TAKING INTO**
5 **CONSIDERATIONENVIRONMENTAL CONSIDERATIONS, WITH A REASONABLE**
6 **MINIMUM PAPER SIZE AND USING ONLY RECYCLED PAPER.THEY SHALL BE**
7 **PRINTED IN BLACK INK ON SECURITY PAPERWITH DISTINCTIVE, CLEAR,**
8 **AND LEGIBLE WATERMARKS THAT WILL READILY DISTINGUISH IT FROM**
9 **ORDINARYPAPER. EACH BALLOT SHALL BEAR A SERIAL NUMBER AND A BAR**
10 **CODE, WHICH CAN BE SCANNED FOR THE PURPOSE OFPROJECTING THE**
11 **DIGITAL IMAGE OF THE BALLOT AND FORITS AUTHENTICATION. IT**
12 **SHALL BEAR AT THE TOP MIDDLEPORTION THEREOF THE COAT-OF-**
13 **ARMS OF THE REPUBLIC OFTHE PHILIPPINES, THE WORD "OFFICIAL**
14 **BALLOT", THENAME OF THE CITY OR THE MUNICIPALITY AND**
15 **PROVINCEIN WHICH THE ELECTION IS TO BE HELD, AND THE DATE**
16 **OF THE ELECTION.**

17
18 **"(B) THE OFFICIAL BALLOT SHALL BE SERIALLY NUMBERED AND**
19 **SHALL BE DELIVERED TO, AND CORRESPOND TO, SPECIFIC PRECINCTS OR**
20 **CLUSTER OF PRECINCTS, AS THE CASE MAY BE, WHICH SHALL HAVE**
21 **CORRESPONDING AND EXCLUSIVE BALLOT IDENTIFICATION NUMBERS**
22 **SEPARATE FROM THE SERIAL NUMBER OF THE INDIVIDUAL BALLOTS. FOR**
23 **PURPOSES OF TRANSPARENCY, THE BALLOT IDENTIFICATION NUMBERS**
24 **AND THE SERIAL NUMBER OF THE BALLOTS CORRESPONDING TO EACH**
25 **PRECINCT OR CLUSTER OF PRECINCTS, AS THECASE MAY BE, SHALL BE**
26 **AVAILABLE FOR VIEWING BY INTERESTED PARTIES ON THE COMMISSION'S**
27 **OFFICIAL WEBSITE AT LEAST FIVE (5) DAYS BEFORE THE ELECTIONS.**

28
29 **"(C) A DIGITAL IMAGE OF A SAMPLE OFFICIAL BALLOT MAY BE**
30 **AVAILABLE FOR VIEWING AND DOWNLOADING FROMTHE COMMISSION'S**
31 **WEBSITE, MINUS THE SECURITY FEATURES, AND ACTUAL BAR CODES FOR**
32 **AUTHENTICATION.**

33
34 **"(D) THE OFFICIAL BALLOT SHALL CONTAIN THE TITLES OF THE**
35 **POSITIONS TO BE FILLED AND/OR THE POSITIONS TO BE VOTED UPON IN AN**
36 **INITIATIVE, REFERENDUM, OR PLEBISCITE. UNDER EACH POSITION TO**
37 **BE FILLED, THE NAMES OF CANDIDATES SHALL BE ARRANGED**
38 **ALPHABETICALLY BY SURNAME AND UNIFORMLY INDICATED USING THE**

1 SAME TYPE SIZE. THE MAIDEN OR MARRIED NAME SHALL BE LISTED IN
2 THE OFFICIAL BALLOT, AS PREFERRED BY THE FEMALE CANDIDATE.
3 UNDER EACH PROPOSITION TO BE VOTED UPON, THE CHOICES SHOULD BE
4 UNIFORMLY INDICATED USING THE SAME FONT AND SIZE. OPPOSITE THE
5 NAME OF THE OF THE CANDIDATE SHALL BE A SQUARE OR RECTANGLE,
6 ON WHICH THE VOTER WILL PLACE A SINGLE VERTICAL MARK TO
7 REGISTER A VOTE FOR ACANDI DATE OF THE VOTER'S CHOICE.

8
9 "(E)A fixed space where the chairman of the board of election inspectors
10 (BEI)shall affix his/her signature to authenticate the official ballot shall be provided.

11
12 ~~{For this purpose, the Commission shall set the deadline for the filing of certificate~~
13 ~~of candidacy/petition of registration/manifestation to participate in the election. Any person~~
14 ~~who files his certificate of candidacy within this period shall only be considered as a candidate~~
15 ~~at the start of the campaign period for which he filed his certificate of ^ondidaey: /0/r>i//sfc'4-~~
16 ~~hat , unlawful act5 or emissions applicable to a candidate shall effect only upon that start of~~
17 ~~the aforesaid campaign period: Provided finally that any person holding a public appointive~~
18 ~~office or position, including active members of the armed forces and officers, and employees in~~
19 ~~government owned or controlled corporations shall be considered resigned from his/her office~~
20 ~~and must vacate the same at the start of the day of the filling of his/her certification of~~
21 ~~candidaey.~~

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

25
26 "(F) THE FOREGOING PROVISIONS NOTWITHSTANDING, THE
27 COMMISSION IS HEREBY AUTHORIZED TO PRESCRIBE A DIFFERENT FORM OF
28 OFFICIAL BALLOT ON THE SAME WATERMARKED SECURITY PAPER TO
29 FACILITATE VOTING BYPERSONS WITH DISABILITIES AND BY PERSONS WHO
30 ARE UNABLE TO READ OR WRITE ONLY. THE COMMISSION SHOULD USE
31 OR ADOPT THE LATEST TECHNOLOGICAL AND ELECTRONIC DEVICES IN
32 CONNECTION THEREWITH, AS TO ENABLE SUCH VOTERS TO CONFIRM
33 THAT THE ACCOMPANYING PERSON TRULY ADHERED TO THE VOTER'S
34 CHOICE OF CANDIDATES, AS PROVIDED UNDER SECTION 52(1) OF THE
35 OMNIBUS ELECTION CODE.

36
37 "(G)[With respect to a paper based election system, t]The PRINTING OF THE official
38 ballots shall be [printed] DONE by the National Printing Office and/or the Bangko Sentral ng

1 Pilipinas, USING THE PRINTING MACHINES THEY OWN, AND SHALL NOT BE
2 CONTRACTED OUT OR OUTSOURCED TO ANY PRIVATE OR PUBLIC PERSON,
3 ENTITY, OR AGENCY, DESPITE CLAIMS OF BETTER OR HIGHER CAPACITY
4 TO DO SO, NOT EVEN UNDER A VALID ACCREDITATION PURSUANT TO
5 ANY LAW OR RULES AND REGULATIONS ~~[at the price comparable with that of~~
6 ~~private printers under proper security measures which the Commission shall adopt. The~~
7 ~~Commission may contact the services of private printers upon certification by the National~~
8 ~~Printing Office/ Bangko Sentral ng Pilipinas that it cannot meet the printing requirements:~~
9 ~~Accredited political parties and deputized citizen's arms of the Commission shall assign~~
10 ~~watchers in the printing, storage and distribution of official ballots].~~

11
12 **"(H)** To prevent the use of fake ballots, the Commission through the Committee shall
13 ensure that the necessary safeguards, such as, but not limited to, bar codes, holograms,
14 color shifting ink, microprinting, are provided on the ballot.

15
16 **"(I)** The official ballots shall be printed and distributed to each city/municipality at the
17 rate of one ballot for every registered voter with a provision of additional three ballots per
18 precinct.

19
20 **"A VIOLATION OF THIS SECTION SHALL CONSTITUTE A PRIMA FACIE**
21 **EVIDENCE OF ELECTORAL SABOTAGE AND A CONSPIRACY TO COMMIT**
22 **MASSIVE ELECTORAL FRAUD."**

23
24 **SEC. 12.** Section 21 of Republic Act No. 8436, as amended, is hereby amended to read as
25 follows:

26
27 **"SEC. [24]22.** Counting Procedure. - The Commission shall prescribe the manner and
28 procedure of counting the votes under the automated system **AND THE MANUAL**
29 **COUNTING SYSTEM: PROVIDED, THAT A SEPARATE ELECTION RETURN**
30 **SHALL BE PREPARED SHOWING THE RESULTS OF THE MANUAL COUNTING**
31 **OF THE BALLOTS, WHICH SHALL ALSO BE CANVASSED ALONGSIDE THE**
32 **ELECTRONICALLY TRANSMITTED AND DIGITALLY SIGNED ELECTION**
33 **RETURNS UNDER THE AUTOMATED SYSTEM: PROVIDED FURTHER THAT IF**
34 **THERE IS A DISCREPANCY OF AT LEAST TWO (2%) PERCENT OF THE**
35 **TOTAL NUMBER OF THE VOTES CAST BETWEEN THE RESULTS OF THE**
36 **AUTOMATED SYSTEM AND THE MANUAL COUNTING SYSTEM FOR ANY**
37 **POSITION, AN AUTOMATIC RECOUNT SHALL BE UNDERTAKEN FOR THAT**
38 **POSITION ONLY: PROVIDED FURTHER, THAT THE COMMISSION SHALL**

1 **DEPLOY SUFFICIENT NUMBER OF TECHNICAL PERSONNEL TO ASSIST THE BEI**
2 **IN THE SAID RECOUNT. A COMPARISON SHALL BE MADE BETWEEN THE**
3 **DIGITALLY CAPTURED IMAGE OF THE BALLOT AND THE BALLOT**
4 **ITSELF BEFORE THE RECOUNT TO DETERMINE THE ROOT CAUSE OF THE**
5 **DISCREPANCY AND TO ASCERTAIN THE WILL OF THE VOTERS. THE RESULT**
6 **OF THE RECOUNT SHALL BE REFLECTED IN THE MANUALLY PREPARED**
7 **ELECTION RETURN WHICH SHALL BE CONSIDERED, ALONG WITH THE**
8 **UNAFFECTED ELECTRONICALLY TRANSMITTED AND DIGITALLY SIGNED**
9 **ELECTION RETURNS, IN DETERMINING THE WINNING CANDIDATE FOR**
10 **THE SUBJECT POSITION; Provided FINALLY, that apart from the electronically stored**
11 **result, (~~thirty-(38))~~TWELVE (12) copies of the election return are printed AND TWELVE**
12 **(12) COPIES OF THE ELECTION RETURN FOR THE MANUAL COUNTING**
13 **SYSTEM SHALL BE ACCOMPLISHED."**
14

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

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

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

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

28
29 **"SEC. [22]23.** Electronic Returns. - Each copy of the printed election returns
30 **UNDER THE AUTOMATED SYSTEM** shall bear appropriate control marks to
31 determine the time and place of printing. **THE COMMISSION SHALL DESIGN THE**
32 **FEATURES OF THE ELECTION RETURNS UNDER THE MANUAL COUNTING**
33 **SYSTEM.** Each copy shall be signed and thumbmarked by all the members of the board of
34 election inspectors and the watchers present. If any member of the board of election inspectors
35 present refuses to sign, the chairman of the board shall note the same in each copy of the printed
36 **AND MANUALLY ACCOMPLISHED** election returns. The member of the board of election
37 inspectors concerned refusing to sign shall be compelled to explain his or her refusal to do so.
38 Failure to explain an unjustifiable refusal to sign each copy of the printed **AND MANUALLY**

1 **ACCOMPLISHED** election return by any member of the board of election inspectors shall
2 be punishable as provided in this Act. The chairman of the board shall then publicly read and
3 announce the total numbers of registered voters, the total number of voters who actually voted
4 and the total number of votes obtained by each candidate based on the election returns
5 **AND WHETHER THERE IS A DISCREPANCY BETWEEN THE RESULTS OF THE**
6 **AUTOMATED SYSTEM AND THE MANUAL COUNTING SYSTEM, AND THE**
7 **DETAILS OF THE SAID DISCREPANCY, INCLUDING THE RESULT OF THE**
8 **RECOUNT, IF ANY.**

9
10 'Thereafter, the copies of the election returns shall be sealed and placed in the proper
11 envelopes for distribution as follows:

12
13 "A. In the election of president, vice-president, senators and party-list system:

- 14
15 1. The first copy shall be delivered to the city or municipal board of canvassers;
- 16 2. The second copy, to the Congress, directed to the President of the Senate;
- 17 3. The third copy, to the Commission;
- 18 4. The fourth copy, to the citizens' arm authorized by the Commission to conduct
19 an unofficial count;
- 20 5. The fifth copy, to the dominant majority party as determined by the Commission
21 in accordance with law;
- 22 6. The sixth copy, to the dominant minority party as determined
23 by the Commission in accordance with law; [and]
- 24 7. The seventh copy shall be deposited inside the compartment of the ballot box
25 for valid ballots[.];
- 26 8. The eighth copy to the Provincial Board of Canvassers; **AND**

27
28 ~~9. The ninth to the eighteenth copies shall be given to the ten (10) accredited major~~
29 ~~national parties excluding the dominant majority and minority parties in accordance with a~~
30 ~~voluntary agreement among them. If no such agreement is reached, the Commission shall~~
31 ~~decide which parties shall receive the copies on the basis of the criteria analogous to that~~
32 ~~provided in Section 26 of Republic Act No. 7166.~~

33
34 ~~10) The nineteenth and twentieth copies to the two accredited major local parties in~~
35 ~~accordance with a voluntary agreement among them. If no such agreement is reached/ the~~
36 ~~commission shall decide which parties shall receive the copies on the basis of criteria analogous~~
37 ~~to that provided' in Section 26 of Republic Act No 7166;]~~

1 ~~11)~~ 9. The [twenty-first-to-the-twenty-fourth] **NINTH TO THE TWELFTH** copies,
2 to national broadcast or print media entities as may be equitably determined by the Commission in
3 view of propagating the copies to the widest extent possible].
4

5 ~~[12) The twenty-fifth and twenty six copies, to local broadcast or print media~~
6 ~~entities as may be equitably determined by the Commission in view of propagating~~
7 ~~the copies to the widest extent possible; and~~
8

9 ~~13) The twenty seventh to the thirtieth copies, to the major citizen's arms,~~
10 ~~including the accredited citizen's arms and other nonpartisan groups or organization~~
11 ~~enlisted by the Commission pursuant to Section 529(k) of Batas Pambansa Blg. 881. Such~~
12 ~~citizens' arm, groups and organization may use the four certified copies of election returns for~~
13 ~~the conduct of citizens' quick counts at the local or notional levels;)]~~
14

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

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

17 2. The second copy, to the Commission;

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

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

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

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

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

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

29 ~~[9) The ninth to the eighteenth copies shall be given to the ten (10) accredited major~~
30 ~~national parties, excluding the dominant majority and minority parties, in accordance with a~~
31 ~~voluntary agreement among them. If no such agreement is reached, the Commission shall~~
32 ~~decide which parties shall receive the copies on the basis of the criteria provided in Section 26~~
33 ~~of Republic Act No. 7166.~~
34

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

1
2 41) 9) The [~~twenty first to the twenty fifth~~] NINTH TO THE TWELFTH copies, to
3 national broadcast or print media entities as may be equitably determined by the
4 Commission in view of propagating the copies to the widest extent possible].

5
6 [~~12) The twenty sixth and twenty seventh copies to local broadcast or print media~~
7 ~~entities as may be equitably determined by the Commission in view of propagating the~~
8 ~~copies to the widest extent possible; and~~

9
10 13) ~~The twenty eighth to the thirtieth copies to the major citizen's' arms including the~~
11 ~~accredited citizens' arm, and other nonpartisan groups or organization enlisted by the~~
12 ~~Commission pursuant to Section 52(k) of Batas Pambansa Blg. 881. Such citizens' arms,~~
13 ~~groups and organization may use the five certified copies of election returns for the conduct of~~
14 ~~citizens' quick counts at the local or national levels.]~~ "Immediately after **ALL** the (eight copy)
15 **COPIES** (is) **ARE** printed **AND COMPLETED**, the poll clerk shall announce [~~the posting~~
16 ~~of said copy~~] **THAT THE RELEVANT COPIES FOR POSTING ARE BEING POSTED**
17 on a wall within the premises of the polling place or counting center, which must be
18 sufficiently lighted and accessible to the public. Any person may view or capture an image of the
19 election returns by means of any data capturing device such as but not limited to cameras at any
20 time of the day for forty-eight (48) hours following its posting. After such period, the chairman of
21 the board of election inspectors shall detach the election returns from the wall and keep the
22 same in his custody to be produced as may be requested by any voter for image or data capturing
23 or for any lawful purpose as may be ordered by competent authority.

24
25 "Within one hour after the printing **AND COMPLETION** of the election returns, the
26 chairman of the board of election inspectors or any official authorized by the
27 Commission shall, in the presence of watchers and representatives of the accredited
28 citizens' arm, political parties/candidates, if any, electronically transmit the precinct results
29 **UNDER THE AUTOMATED SYSTEM** to the respective levels of board of canvassers, to the
30 dominant majority and minority party, to the accredited citizen's arm, and to the Kapisanan ng
31 mga Broadcasters ng Pilipinas (KBP). **THE ELECTION RETURNS UNDER THE**
32 **MANUAL COUNTING SYSTEM SHALL BE TRANSMITTED TO THE MBOC/CBOC.**

33
34 'The election results at the city/municipality canvassing centers **UNDER THE**
35 **AUTOMATED SYSTEM** shall be **ELECTRONICALLY** transmitted in-the-same-manner
36 **WHILE THE ELECTION RESULTS UNDER THE MANUAL COUNTING SYSTEM**
37 **SHALL BE TRANSMITTED THROUGH THE FASTEST MEANS AVAILABLE** by
38 the election officer or any official authorized by the [e]Commission to the district or provincial

1 canvassing centers.

2
3 'The election returns transmitted electronically and digitally signed shall be
4 considered as official election results and shall be used as the basis for the canvassing of votes
5 and the proclamation of a candidate. **PROVIDED, THAT IN CASE OF RECOUNT,**
6 **AS PROVIDED UNDER SECTION 22 HEREOF, THE MANUALLY ACCOMPLISHED**
7 **ELECTION RETURN SUBJECT OF THE RECOUNT SHALL BE CONSIDERED,**
8 **ALONG WITH THE UNAFFECTED ELECTRONICALLY TRANSMITTED AND**
9 **DIGITALLY SIGNED ELECTION RETURNS.**

10
11 ~~{After the electronic results have been transmitted additional copies not to exceed thirty (30)~~
12 ~~may be printed and given to requesting parties at their own expense.}~~"

13
14 **SEC. 15.** Section 25 of Republic Act No. 8436, as amended, is hereby amended to read as
15 follows:

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

27 'The city board of canvassers of cities comprising one or more legislative districts shall
28 canvass the votes for president, vice-president, senators, members of the House
29 Representatives and elective city officials by consolidating the certificates of canvass
30 electronically transmitted or the results contained in the data storage devices used in the
31 printing of the election returns **UNDER THE AUTOMATED SYSTEM AND THE**
32 **CERTIFICATE OF CANVASS UNDER THE MANUAL COUNTING SYSTEM.** Upon
33 completion of the canvass, the board shall produce the canvass of votes for president, vice-
34 president, and senators and thereafter, proclaim the elected members of the House of
35 Representatives and city officials. "In the Metro Manila area, each municipality
36 comprising a legislative district shall have a district board of canvassers which shall
37 canvass the votes for president, vice-president, senators, members of the House of
38 Representatives and elective municipal officials by consolidating the electronically

1 transmitted results or the results contained in the data storage devices used in the printing of the
2 election returns **UNDER THE AUTOMATED SYSTEM AND THE ELECTION**
3 **RETURNS UNDER THE MANUAL COUNTING SYSTEM.** Upon completion of the
4 canvass, it shall produce the certificate of canvass of votes for president, vice-president, and
5 senators and thereafter, proclaim the elected members of the House Representatives and
6 municipal officials.

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

17
18 'The district board of canvassers of each legislative district comprising two
19 municipalities in the Metro Manila area shall canvass the votes for president, vice-
20 president, senators and members of the House of Representatives by consolidating the
21 certificates of canvass electronically transmitted from the city/municipal consolidating centers
22 or the results contained in the data storage devices **UNDER THE AUTOMATED SYSTEM**
23 **AND THE CERTIFICATE OF CANVASS UNDER THE MANUAL COUNTING**
24 **SYSTEM** submitted by the municipal board of canvassers of the component municipalities. Upon
25 completion of the canvass, it shall produce a certificate of the canvass of votes for president, vice-
26 president and senators, and thereafter, proclaim the elected members of the House of
27 Representatives in the legislative district.

28
29 'The district/provincial board of canvassers shall canvass the votes for president, vice-
30 president, senators, members of the House of Representatives and elective provincial officials by
31 consolidating the results electronically transmitted from the city/municipal consolidating
32 centers or the results contained in the data storage devices **UNDER THE AUTOMATED**
33 **SYSTEM AND THE CERTIFICATE OF CANVASS UNDER THE MANUAL**
34 **COUNTING SYSTEM** submitted by the board of canvassers of the municipalities and
35 component cities. Upon completion of the canvass, it shall produce the certificates of canvass
36 votes for president, vice-president and senators and thereafter, proclaim the elected members
37 of the House of Representatives and the provincial official.

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

3
4 "Within one hour after the canvassing, the Chairman of the district or provincial Board
5 of Canvassers or the city board of canvassers of those cities which comprise one or more
6 legislative districts shall electronically transmit the certificate of canvass **UNDER THE**
7 **AUTOMATED SYSTEM** to the Commission sitting as the national board of canvassers
8 for senators and party-list representatives and to the Congress as the National Board of
9 Canvassers for the president and vice president, directed to the President of the Senate.
10 **THEREAFTER, THE CERTIFICATE OF CANVASS UNDER THE MANUAL**
11 **SYSTEM SHALL ALSO BE TRANSMITTED, THROUGH THE FASTEST**
12 **MEANS AVAILABLE, TO THE SAME NATIONAL BOARD OF CANVASSERS.**

13 The Commission shall adopt adequate and effective measures to preserve the
14 integrity of the certificates of canvass transmitted electronically and the results in the storage
15 devices at the various levels of the boards of canvassers.

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

27
28 **SEC. 16.** Section 26 of Republic Act No. 8436, as amended, is hereby amended to read as
29 follows:

30
31 **"SEC. [36] 27.** Number of Copies of Certificates of Canvass of Votes and their
32 distribution. - (a) The certificates of canvass of votes **UNDER THE AUTOMATED**
33 **SYSTEM AND UNDER THE MANUAL COUNTING SYSTEM, RESPECTIVELY,** for
34 president, vice-president, senators, members of the House of Representatives, parties,
35 organizations or coalitions participating under the party-list system and elective provincial
36 officials shall be produced by the city or municipal board of canvassers and distributed as
37 follows:

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

5
6 "(2) The second copy shall be sent to the Commission;

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

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

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

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

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

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

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

25 "(10)](8) The ~~{twenty first to the twenty fifth}~~ **NINTH TO TWELFTH** copies, to
26 national broadcast or print media entities as may be equitably determined by the
27 Commission in view of propagating the copies to the widest extent possible].

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

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

36
37 'The board of canvassers shall furnish all other registered parties copies of the
38 certificates of canvass at the expense of the requesting party.

1
2 (b) The certificates of canvass of votes for president, vice president and senators, parties,
3 organizations or coalition participating under the party-list system shall be produced by
4 the city boards of canvassers of cities comprising one or more legislative districts, by
5 provincial boards of canvassers and by district boards of canvassers in the Metro Manila area,
6 and other highly urbanized areas and distributed as follows:

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

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

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

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

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

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

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

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

24 (10)] (8) The ~~[eleventh to thirteenth]~~ **NINTH TO TWELFTH** copies to broadcast media
25 entities as may be equitably determined by the Commission in view of propagating the copies to
26 the widest extent possible].

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

32
33 The board of canvassers shall furnish all other registered parties copies of the
34 certificate of canvass at the expense of the requesting party.

35
36 (c) The certificates of canvass printed **AND COMPLETED** by the provincial, district,
37 city or municipal boards of canvassers shall be signed and thumb marked by the chairman and
38 members of the board and the principal watchers, if available. Thereafter, it shall be sealed and

1 placed inside an envelope which shall likewise be properly sealed.

2
3 "In all instances, where the Board of Canvassers has the duty to furnish registered
4 political parties with copies of the certificate of canvass, the pertinent election returns shall be
5 attached thereto, where appropriate."
6

7 "Immediately after the sixth copy and its supporting statement of votes are printed **AND**
8 **COMPLETED**, the chairman of the board of canvassers shall announce the posting of said prints
9 **AND COMPLETED COPY** on a wall within the premises of the canvassing center, which must
10 be sufficiently lighted and accessible to the public. Any person may view or capture an image
11 of the Certificates of Canvass or the supporting statement of votes by means of any data
12 capturing device such as, but not limited to, cameras at any time of the day for forty-eight (48)
13 hours following the posting. After such period, the chairman of the board of canvassers shall
14 detach the [~~election return~~] CERTIFICATES OF CANVASS from the wall and keep the same in
15 his custody to be produced as may be requested by any voter for image or data capturing or for
16 any lawful purpose as may be ordered by competent authority."
17

18 **SEC. 17.** Section 27 of Republic Act No. 8436, as amended, is hereby amended to read as
19 follows:
20

21 "SEC. [~~27~~] 28. National Board of Canvassers for Senators and Party-List
22 Representatives. - The chairman and members of the Commission on Election sitting en banc,
23 shall compose the national board of canvassers for senators and party-list
24 representatives. It shall canvass the results by consolidating the certificates of canvass
25 electronically transmitted UNDER THE AUTOMATED SYSTEM AND THE TRANSMITTED
26 CERTIFICATE OF CANVASS UNDER THE MANUAL COUNTING SYSTEM. Thereafter,
27 the national board shall proclaim the winning candidates for senators and party-list
28 representatives."
29

30 **SEC. 18.** Section 28 of Republic Act No. 8436, as amended, is hereby amended to read as
31 follows:
32

33 "SEC. [~~28~~] 29. Congress as the National Board of Canvassers for President and Vice-
34 President - The Senate and the House of Representatives in joint public session shall compose the
35 national board of canvassers for president and vice-president. The certificates of canvass for
36 president and vice-president duly certified by the board of canvassers of each province or
37 city, shall be electronically transmitted, **IN THE CASE OF THE AUTOMATED**
38 **SYSTEM, AND MANUALLY DELIVERED, IN THE CASE OF THE MANUAL**

1 **COUNTING SYSTEM**, to the Congress, directed to the president of the Senate. Upon receipt
2 of the certificates of canvass, the President of the Senate shall, not later than thirty (30) days
3 after the day of the election, open all the certificates in the presence of the Senate and the
4 House of Representatives in joint public session and the Congress upon determination of the
5 authenticity and the due execution thereof in the manner provided by law, canvass all the
6 results for president and vice-president and thereafter, proclaim the winning candidates."
7

8 **SEC. 19.** Section 29 of Republic Act No. 8436, as amended, is hereby deleted.
9

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

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

19 (2) Mutual entity authentication;

20 (3) Mutual entity authentication;

21 (4) Data integrity;

22 (5) Non-reputation of origin;

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

29 (7) Auditability of transmission post-election - all records of transmission saved on all
30 the servers shall be stored and copies furnished the Joint Congressional Oversight Committee
31 on the Automated Election System (JCOC-AES) and Department of Information and
32 Communications Technology (DICT) in its original entirety. The Commission shall
33 digitally sign said copies and certify under oath as to its authenticity and integrity.
34

35 The Commission is hereby authorized to procure the necessary equipment,
36 facilities, and services for putting up the electronic transmission system in order to
37 effectively implement the provisions of this Act.
38

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

4 The aggregator for the purpose of transmission should not be the same as the
5 supplier of the machines used for the automated election system.
6

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

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

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

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

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

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

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

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

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

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

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

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

34 (i) The chairman or any member of the board of canvassers who sign or
35 authenticate a print that bears an image different from the certificate of canvass or
36 statement of votes produced after counting and posted on the wall.
37

38 **SEC. 22.** Appropriations. -Such amounts as may be necessary to implement this Act

1 shall be included in the budget of the Commission in the next succeeding General
2 Appropriations Act.

3
4 **SEC. 23.** Separability Clause. - Should any portion of this Act be declared
5 unconstitutional, the other provisions or parts not affected thereby shall remain valid and
6 effective.

7
8 **SEC. 24.** Repealing Clause. - All laws, decrees, orders, and issuances, or portions thereof,
9 which are inconsistent with the provisions of this Act, are hereby repealed, amended, or modified
10 accordingly.

11
12 **SEC. 25.** Effectivity. - This Act shall take effect fifteen (15) days after its publication in
13 the Official Gazette or a newspaper of general circulation.

14
15 Approved,