



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



TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 2276

Introduced by **Representative MA. VICTORIA CO-PILAR**

EXPLANATORY NOTE

The exercise of suffrage is a cornerstone of democratic integrity, embodying the spirit and progress of our nation. Ensuring the sanctity of this constitutional right is a paramount duty that demands continuous innovation and legislative oversight. Elections are complex processes that are shaped as time progresses, it becomes a social process defined by contexts and previous electoral processes that augmented the right to suffrage and complemented democracy in action.

The current Automated Election System (AES) Law, Republic Act No. 9369, classifies and determines pre-conditions on the AES system that the Commission on Election shall approve and authorize for use. However, the current provision on its demonstrated capability requirement to have been successfully used in a prior electoral exercise "here or abroad," mitigates the chances of competition and participation for AES and AES System providers. Amending the law would enable potential providers, who meet all technical requirements and conditions set forth under the law, to have the equal opportunity to be considered by COMELEC.

Therefore, this bill proposes amendments to the law to modernize and enhance the integrity of the electoral process in response to technological advancements and identified vulnerabilities in the current system. The proposed amendments not only aim to ensure that the AES used in national and local elections is robust, reliable, and capable, but inclusive and transparent, hence reflecting the will of the electorate. Notably, this bill seeks to level the playing field by promoting equal opportunities for domestically developed election technologies to participate in the AES procurement process.

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



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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 2276

Introduced by **Representative MA. VICTORIA CO-PILAR**

AN ACT

AMENDING REPUBLIC ACT NO. 9369, ENTITLED "AN ACT AUTHORIZING THE COMMISSION ON ELECTIONS TO USE AN AUTOMATED ELECTION SYSTEM (AES) IN THE NATIONAL OR LOCAL ELECTIONS AND IN SUBSEQUENT NATIONAL AND LOCAL ELECTORAL EXERCISES, TO ENCOURAGE TRANSPARENCY, CREDIBILITY, FAIRNESS AND ACCURACY OF ELECTIONS, AMENDING FOR THE PURPOSE BATAS PAMBANSA BLG. 881, AS AMENDED, REPUBLIC ACT NO. 7166 AND OTHER RELATED ELECTION LAWS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES" AS AMENDED

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

SECTION 1. Section 2 of Republic Act No. 9369, as amended, is hereby further amended to read as follows:

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

1. Automated election system, hereinafter referred to as AES — a system using appropriate technology which has been demonstrated in the voting, counting, consolidating, canvassing, and transmission of election results, **WITH PROVEN CAPABILITY TO PERFORM THE COUNTING OF VOTES** and other electoral processes, **INCLUDING SYSTEMS DEVELOPED LOCALLY OR ABROAD.**

12. DIGITAL OR OTHER RESOURCES - REFER TO ANY ELECTRONIC OR DIGITAL TOOLS AND MATERIALS USED AS MEANS TO SUPPLEMENT THE ELECTION PROCESS.

1 **SEC 2.** Section 7 of Republic Act No. 9369, as amended, is hereby further amended
2 to read as follows:

3
4 "Sec. 6. Minimum System Capabilities. - "The automated election system must
5 at least have the following functional capabilities:

6
7 (l) Provide for the safekeeping, storing and archiving of physical [orl paper
8 **DIGITAL OR OTHER** resources used in the election process;

9
10 xxx

11
12 "In the procurement of this system, the Commission shall develop and adopt an
13 evaluation system to ascertain that the above minimum system capabilities are
14 met. This evaluation system shall be developed with the assistance and discretion
15 of what the advisory council may deem fit."

16
17 **SEC 3.** Section 9 of Republic Act No. 9369, as amended, is hereby further amended to
18 read as follows:

19
20 "New section 8,9, 10 and 11 are hereby provided to read as follows:

21
22 "SEC. 8. The Advisory Council, xxx

23
24 The ~~Chairman of the Commission~~ **SECRETARY OF THE DEPARTMENT OF**
25 **Information and Communications Technology (DICT)** who shall act as the
26 chairman of the council;

27
28 "SEC. 10. The Technical Evaluation Committee. – The Commission, in
29 collaboration with the chairman of the Advisory Council, shall establish an
30 independent technical evaluation committee, herein known as the Committee,
31 composed of [a] **ONE** representative each from the ~~Commission, the Commission~~
32 ~~on Information and Communications Technology~~ and the Department of Science
33 and Technology who shall act as chairman of the Committee, **THE DICT, FROM**
34 **THE ACADEME, INFORMATION AND INDUSTRY COUNCIL GROUP, OR**
35 **THE CITIZEN'S ARM. THE COMMISSION SHALL PROVIDE FULL**
36 **SUPPORT NEEDED BY THE COMMITTEE IN FULFILLING ITS ACTIVITIES**

1 "SEC. 11. Functions of the Technical Evaluation Committee. - The Committee shall
2 certify, through ~~an established international~~ **A QUALIFIED** certification entity to
3 be chosen by the Commission from the recommendations of the Advisory Council,
4 not later than three months before the date of the electoral exercises, categorically
5 stating that the AES, including its hardware and software components, is
6 operating properly, securely, and accurately, in accordance with the provisions of
7 this Act based, among others, on the following documented results:

8
9 **SEC 4.** Section 10 of Republic Act No. 9369, as amended, is hereby further
10 amended to read as 36 follows:

11 "SEC. 12. Procurement of Equipment and Materials. - To achieve the purpose of
12 this Act, the Commission is authorized to procure, in accordance with existing
13 laws, by purchase, lease, rent or other forms of acquisition, supplies, equipment,
14 materials, software, facilities and other services, from local or foreign sources free
15 from taxes and import duties, subject to accounting and auditing rules and
16 regulations. ~~With respect to the May 10, 2010 elections and succeeding electoral~~
17 ~~exercises the,~~ **THE** system procured must have been demonstrated **PROVEN**
18 capability ~~and been successfully used in a prior electoral exercise here or abroad.~~
19 ~~Participation in the 2007 pilot exercise shall not be conclusive of the system's~~
20 ~~fitness,~~ **WITH SPECIFICATIONS TO BE DETERMINED BY THE**
21 **COMMISSION, FOLLOWING THE GENERAL REQUISITES BELOW, AS IT**
22 **DEEMS APPROPRIATE AND PRACTICAL FOR THE PROCESS OF VOTING,**
23 **COUNTING OF VOTES, CANVASSING OR CONSOLIDATION, AND**
24 **TRANSMITTAL OF RESULTS OF ELECTORAL EXERCISES.**

25
26 **THE GENERAL REQUISITES SPECIFYING "PROVEN" CAPABILITY ARE 3**
27 **AS FOLLOWS:**

- 28
29 **1. SECURITY, TRANSPARENCY, AND CREDIBILITY ASSURANCE.**
30 **2. INCLUSIVE PREFERENCE ON SYSTEM PROCUREMENT.**
31 **3. COST-EFFECTIVENESS.**
32 **4. INTEROPERABILITY.**
33 **5. RELIABILITY.**
34 **6. ACCESSIBILITY AND USER FRIENDLINESS.**
35 **7. FEASIBLE PILOT-TESTING.**
36 **8. RELIABLE TECHNICAL MAINTENANCE AND SUPPORT.**
37

38 **SEC 5.**Section 12 of Republic Act No. 9369, as amended, is hereby further amended to
39 read as follows:

40
41 "SEC. 14. Examination and Testing of Equipment or Device of the AES and Opening
42 of the Source Code for Review. – xxx
43

1 "Once an AES technology is selected for implementation, the Commission shall promptly
2 **WITHIN THIRTY (30) CALENDAR DAYS FROM THE SIGNING OF THE**
3 **CONTRACT**, make the source code of that technology available and 28 open to any
4 interested political party or groups which may conduct their own review thereof. "
5

6 **SEC 6. *Implementing Rules and Regulations*** - Within sixty (60) days from the effectivity
7 of this Act, the Commission shall promulgate the necessary rules and regulations for the
8 effective implementation of this Act.
9

10 **SEC 7. *Separability Clause*** - If any provision or part hereof, is held invalid or
11 unconstitutional, the remainder of the law or the provision not otherwise affected shall
12 remain valid and subsisting.
13

14 **SEC 8. *Repealing Clause*** — Any law, presidential decree or issuance, executive order,
15 letter of 39 instruction, administrative order, rule or regulation contrary to or
16 inconsistent with the provision of 40 this Act is hereby repealed, modified, or amended
17 accordingly.
18

19 **SEC 9. *Effectivity Clause*** - This Act shall take effect fifteen (15) days after its publication
20 in the Official Gazette or in a newspaper of general circulation.
21

22 Approved,