

EIGHTEENTH CONGRESS OF THE }
REPUBLIC OF THE PHILIPPINES }
First Regular Session }

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S E N A T E
S.B. No. 7

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INTRODUCED BY SENATOR VICENTE C. SOTTO III

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

EXPLANATORY NOTE

The conduct of the past national and local elections was plague with numerous unresolved issues and irregularities. These problems allegedly altered the results of the 2016 election.

As what I have revealed during my privilege speech last March 6, 2018, in the 2016 elections, a series of early transmissions of votes can be seen from the logs of the COMELEC servers. These transmissions happened on May 8, 2016 and in the very early morning of May 9, 2016, prior to the official start of the elections. The transmissions were done to different municipal and provincial board of canvassers in Luzon, Visayas and Mindanao. There is no way that these are only testing transmissions for the reason that the testing period already ended on April 23, 2016.

According to the NAMFREL Report for the 2016 National and Local elections, the integrity of our Automated Election System was undermined. This is due to an intrusion of an unauthorized transparency queue server while the system is actively receiving data.

This bill aims to address the issues of a fully automated election system. In having a manual voting and counting, the public will have an unimpeded view of the real time input of votes. Also, the total number of valid ballots used as well as the results will reflect both in a manual and digital election returns. In case of a discrepancy between the manual and digital election returns, the former shall prevail. In addition, the digital election return will be projected while the entries are being recorded in real time for the benefit of the viewing public. In this way, the voters will be able to ascertain the accuracy between the actual casted votes and those being transmitted electronically.

This mode will strengthen the integrity of the elections and forego with the issues like early and inaccurate transmission of votes. With this hybrid system of manual voting and counting at the precinct level and automated transmission and canvassing, the 2019 and all subsequent elections will surely be accurate and transparent. Hence, the passage of this bill is earnestly sought.



VICENTE C. SOTTO III

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Senate of the Philippines
Office of the Clerk

SENATE
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AN ACT
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*Be it enacted by the Senate and the House of Representatives in
Congress assembled:*

1 **SECTION 1. Title.** - This Act shall be known as the "**The Hybrid Election
Act**".

3 **SECTION 2. Coverage.** - The coverage of the provisions of this Act shall be
4 applicable to the conduct of the election on May 2019 and all national and
5 local elections thereafter.

6 **SECTION 3. Filing of Certificates of Candidacy.** - The certificate of
7 candidacy of any person running for the office of President, Vice-President,
8 Senator, member of the House of Representatives, party-list representatives
9 or any elective provincial, city or municipal official shall be filed in five (5)
10 legible copies with the offices of the Commission specified hereunder not later

1 than the day before the date legally fixed for the beginning of his campaign
2 period, to wit:

3 (1) For President, Vice-President, Senators and party-list representatives 90
4 days before the day of elections; and

5 (2) For members of the House of Representatives, and elective provincial, city,
6 and municipal officials 45 days before the day of elections.

7 (a) The certificate of candidacy for President, Vice-President, Senators and
8 party-list representatives shall be filed with the main office of the
9 Commission in Manila;

10 (b) The certificate of candidacy for the members of the House of
11 Representatives shall be filed with the provincial election supervisor of
12 the province concerned. Those for legislative districts in the National
13 Capital Region shall be filed with the regional election director of said
14 region and those for legislative districts in cities outside the National
15 Capital Region which comprise one or more legislative districts shall be
16 filed with the city election registrar concerned;

17 (c) The certificate of candidacy for provincial offices shall be filed with the
18 provincial supervisor concerned; and

19 (d) The certificate of candidacy for city or municipal offices shall be filed
20 with the city or municipal election officer concerned.

21 Whenever practicable, the names of registered candidates for local positions
22 shall be printed in the election returns: Provided that, if a candidate has been
23 disqualified or declared a nuisance candidate, it shall be the duty of the
24 Commission to instruct without delay the appropriate election officials to
25 delete the name of said candidate as printed in the election return.

1 The candidate shall file the certificate of candidacy personally or by his duly
2 authorized representative. No certificate of candidacy shall be filed or accepted
3 by mail, telegram or facsimile.

4 **SECTION 4. *Official Ballots*. -**

5 (a) Ballots for national and local elections, regular or special, plebiscites and
6 referenda, shall be of uniform size and shall be prescribed by the
7 Commission, taking into consideration environmental considerations, with
8 a reasonable minimum paper size and using only recycled paper. They
9 shall be printed in black ink on security paper with distinctive, clear and
10 legible watermarks that will readily distinguish it from ordinary paper.
11 Each ballot shall be in the shape of a strip with stub and detachable
12 coupon containing the serial number both on the upper and lower
13 detachable coupon of the ballot, and a space for the thumbmark of the
14 voter on the detachable coupon. It shall bear at the top of the middle
15 portion thereof the coat-of-arms of the Republic of the Philippines, the
16 word "Official Ballot," the name of the city or the municipality and province
17 in which the election is to be held, the date of the election, and the following
18 instruction in English: "Fill out this ballot secretly inside the voting booth.
19 Do not put any distinct mark on any part of this ballot."

20 (b) The official ballot shall be serially numbered and shall be delivered to and
21 correspond to specific precincts or cluster or precincts, as the case may
22 be, which shall have corresponding and exclusive ballot identification
23 numbers separate from the serial number of the individual ballots. For
24 purposes of transparency, the ballot ID and the serial number of the ballots
25 corresponding to each precinct or cluster or precincts, as the case may be,
26 shall be available for viewing by interested parties on the Commission's
27 official website at least five (5) days before the elections.

1 (c) A digital image of a sample official ballot may be available for viewing and
2 downloading from the Commission's website, minus the security features
3 and actual bar codes for authentication.

4 (d) The official ballot shall also contain the names of all the offices to be voted
5 upon in the election, allowing opposite the name of each office, sufficient
6 space of spaces with horizontal lines where the voter may write the name
7 or names of the individual candidates being voted upon, as provided in the
8 list of candidates and the corresponding elective positions, as pasted inside
9 the inner flap of the ballot secrecy folder; *Provided*, that: any defacement,
10 vandalism, marking or writing on said list inside the ballot secrecy folder,
11 which shall in anyway suggest to the voter the candidate or candidates to
12 be voted upon, or shall deprive said voter of his right to vote the candidates
13 that he/she chooses to vote, shall constitute an election offense, as
14 provided in this Act.

15 (e) There shall not be anything printed or written on the back of the ballot
16 except as provided in Section [24] 5 of this Act.

17 (f) Official ballot for cities and municipalities where Arabic is of general use
18 shall have each of the titles of the offices to be voted for printed in Arabic
19 in addition to and immediately below the English title.

20 (g) The foregoing provisions notwithstanding, the Commission is hereby
21 authorized to prescribe a different form of official ballot on the same
22 watermarked security paper to facilitate voting by illiterate and especially
23 abled voters only. The Commission should use or adopt the latest
24 technological and electronic devices in connection therewith, as to enable
25 such illiterate or especially abled voter to confirm that the accompanying
26 person truly adhered to the voter's choice of candidates, as provided under
27 Section 52(i) of the Omnibus Election Code.

1 **SECTION 5. *Printing of Official Ballots.*** - The printing of official ballots
2 shall be exclusively done by the National Printing Office and shall not be
3 contracted out or outsourced to any private or public person, entity, or
4 agency, despite claims of better or higher capacity to do so, not even under a
5 valid accreditation pursuant to any law, rules or regulation.

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

8 **SECTION 6. *Authentication of Ballot and Signature of Chairman and
9 Watchers at the Back of Every Ballot.*** - In every case before delivering an
10 official ballot to the voter, the chairman of the board of election inspectors, in
11 the presence of the poll watchers and the voter, shall scan the ballot under
12 an official bar code scanner to authenticate the same. Thereafter, the
13 chairman and the watchers for the dominant majority party and dominant
14 minority party shall affix their signatures at the back thereof. Failure to
15 authenticate shall constitute an election offense punishable under Section
16 263 and 264 of the Omnibus Election Code and shall be noted in the minutes
17 of the board of election inspectors. The same manner of authentication of the
18 ballots under the bar code scanner shall likewise be observed before reading
19 the ballot during the counting of votes after the closing of the polls.

20 **SECTION 7. *Manner of Counting votes.***- In addition to the requirement in
21 the fourth paragraph of Section 12 of the Republic Act No. 6646 and Section
22 210 of the Omnibus Election Code, in reading the official ballots during the
23 counting, the chairman, the poll clerk and the third member shall position
24 themselves in a manner that will provide the watchers and the public, an
25 unimpeded view of the ballot being read by the chairman, the election return,
26 and the tally board being simultaneously accomplished by the poll clerk and
27 the third member respectively, without touching any of these election
28 documents. The table shall be cleared of all unnecessary writing
29 paraphernalia. Any violation of this requirement shall constitute an election
30 offense punishable under Section 263 and 264 the Omnibus Election Code.

1 Before the start of the counting, the chairman shall first ascertain whether
2 the back of every ballot contains the signatures of the chairman and watchers
3 as required by Section 5 hereof. Any ballot without the required signatures
4 shall be rejected.

5 a. The chairman shall first read the votes for national positions and party
6 list choices, and the necessary election returns shall be filled out for
7 such positions only, thereby reducing the time for counting, as well as
8 the size of paper to be utilized for the election returns. Thereafter, the
9 members of the Board shall terminate the counting and prepare the
10 election returns as they await distribution to the authorized watchers,
11 as provided under Section 8 hereof.

12 b. After the reading of the votes for the national positions and the party
13 list, the chairman shall then proceed with the reading of the votes for
14 the local positions and the corresponding election return shall be filled
15 out and prepared and distributed as provided in Section 8 hereof.

16 Any violation of this Section, or any of its pertinent portions, shall constitute
17 an election offense and shall be penalized in accordance with Batas Pambansa
18 Blg. 881.

19 **SECTION 8. Counting of Votes to be Public.** - As soon as the voting is
20 finished, the board of election inspectors shall publicly count in the polling
21 place the votes cast and ascertain the results. The board may rearrange the
22 physical set up of the polling place for the counting or perform any other
23 activity with respect to the transition from vote counting. However, it may do
24 so only in the presence of the watchers and within close view of the public. At
25 all times, the ballot boxes and all election documents and paraphernalia shall
26 be within close view of the watchers and the public.

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

4 The Commission, in the interest of free, orderly, and honest election, may
5 authorize the board of election inspectors to count the votes and to
6 accomplish the election return and other forms prescribed under the code in
7 any other place within a public building in the same municipality or city on
8 account of imminent danger of widespread violence or similar causes of
9 comparable magnitude: *Provided*, That the transfer shall been recommended
10 in writing by the board of election inspectors by unanimous vote and endorsed
11 in writing by the majority of watchers present: *Provided, further*, that the said
12 public building shall not be located within the perimeter of or inside a military
13 or police camp, reservation, headquarters, detachment or field office nor
14 within the premises of a prison or detention bureau or any law enforcement
15 or investigation agency.

16 Any violation of this section, or any of its pertinent portions, shall constitute
17 an election offense and shall be penalized in accordance with Batas Pambansa
18 Blg. 881.

19 **SECTION 9. *Election Returns*.** - The board of election inspectors shall
20 prepare the election returns simultaneously with the counting of votes in the
21 polling places as prescribe in Section 210 OF Batas Pambansa Blg. 881. The
22 recording of vote shall be made as prescribed in the said section. The entry of
23 votes in words and figures for each candidate shall be closed with the
24 signature and the clear imprint of the thumbmark of the right hand of all the
25 members, likewise to be affixed in full view of the public, immediately after
26 the last vote recorded or immediately after the name of the candidate who did
27 not receive any vote.

28 The returns shall also show the date of the election, the polling place, the
29 barangay and the city or municipality in which it was held, the total number

1 of ballots found in the compartment for valid ballots, the total number of valid
2 ballots withdrawn from the compartment for spoiled ballots which were
3 erroneously placed therein, the total number of excess ballots, the total
4 number of marked or void ballots, and the total numbers of votes obtained by
5 each candidate. These pieces of information that shall be written in words and
6 in figures and, at the end thereof, the board of election inspectors shall certify
7 that the contents are correct. The returns for national positions and party list
8 shall be accomplished in a single sheet of paper, in such cases, additional
9 sheets may be used which shall be prepared in the same manner as the first
10 sheet and likewise certified by the board of election inspectors.

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

15 **SECTION 10. *Digital Election Returns.*** - Simultaneous to the counting of
16 the votes and the filling out of the election returns, there shall be an
17 independent technician who shall enter the votes, as they are counted, into a
18 digital spread sheet, which shall serve as the Digital Election Return, in a
19 laptop provided for the purpose, which spread sheet shall also be projected
20 on a screen while the entries are recorded in real time for the watchers to
21 validate and the public to see.

22 The Digital Election Return shall be equipped with such encryption and
23 programs to ensure that the technician, or any person, cannot make
24 alterations in any of the entries therein, or the results of the counting, except
25 in case of discrepancy with the manual election return as provided below.
26 Likewise, the laptop shall be configured to confine its operation only for this
27 purpose and to transmit the results of the counting to a secure server as
28 hereinafter prescribed.

1 Immediately upon the accomplishment of the manual election return for
2 national positions, the poll clerk shall announce the posting of the second
3 copy of the election return on a wall with sufficient lighting within the
4 premises of the polling place or counting center. He shall then proceed to do
5 the same in the presence of the other members of the Board, the watchers
6 and those present in the polling place or counting center. Without delay and,
7 when feasible, he shall secure an image of the election return using a secured
8 data capturing device and immediately thereafter, while in the premises of the
9 polling place or counting center, directly print thirty (30) copies of the manual
10 election return.

11 Likewise, the independent technician, without turning off the projected
12 results on the screen, shall print out one copy of the digital election return as
13 filled out, and the members of the board and the poll watchers shall be asked
14 to authenticate the same by comparing the results as printed with the second
15 copy of the manual election return as posted and announced. Should the
16 results of the digital election return be found to be the same as that of the
17 manual, the members of the board and the poll watchers shall affix their
18 signatures and thumb prints in the spaces provided and the same shall be
19 placed in the compartment for valid ballots in the ballot box.

20 Should there be any discrepancy between the digital and the manual election
21 returns, the results in the manual election return shall prevail. However, for
22 purposes of electronic transmission, the chairman, the poll clerk and the third
23 member shall encode their digital signatures into the laptop to allow the
24 necessary corrections in the digital election return to conform to the results
25 as reflected in the manual election return. The erroneous digital return shall
26 be torn by half lengthwise and placed inside the compartment for spoiled
27 ballots inside the ballot box.

28 Thereafter, the technician shall print another copy of the digital election
29 return and shall allow the board and the poll watchers to scrutinize and
30 authenticate the same as prescribed above. When there is no more

1 discrepancy in the results, the board and the poll watchers shall affix their
2 signatures and thumb prints, and the correct digital election return shall be
3 placed in the compartment for valid ballots inside the ballot box.

4 Finally, the board shall again enter their respective digital signatures to write-
5 protect the memory card containing the digital election return and the image
6 of the manual election return, and authorize the electronic transmission of
7 the results to the various secure servers as prescribed herein.

8 Once the printouts for the image of the manual election return have been
9 produced, the poll clerk shall call the other members of the board to
10 authenticate each print copy by closely comparing the same with the election
11 return posted on the wall in the presence of the watchers and within view of
12 the public. If the board finds each print a faithful reproduction of the election
13 return, all members thereof shall annotate and sign a certification to that
14 effect on the bottom front of the print.

15 Each certified printed copy shall be placed in an envelope and distributed as
16 herein provided. Designated recipients of the certified print copies may receive
17 their copies at the polling place or counting center.

18 Immediately upon the accomplishment of the election returns for local
19 position, the second copy of the same shall be posted on a wall with sufficient
20 lighting within the premises of the polling place.

21 The digital election return shall be printed out and authenticated as
22 prescribed above for the national positions.

23 The other copies of election returns for both national and local position shall
24 be sealed in the presence of the watchers and the public, and placed in the
25 proper envelope, which shall likewise be sealed and distributed as herein
26 provided.

1 Any election return with a separately printed serial number or which bears a
2 different serial number from that assigned to the particular polling place
3 concerned shall not be canvassed and shall be declared as spurious and fake,
4 and shall be a ground for a pre-proclamation controversy. This is to be
5 determined by the board of canvassers prior to its canvassing on the basis of
6 the certification of the provincial, city or municipal treasurer as to the serial
7 number of the election return assigned to said voting precinct, unless the
8 Commission shall order in writing for its canvassing, stating the reason for
9 the variance in serial numbers.

10 If the signatures and/or thumbmarks of the members of the board of election
11 inspectors or some of them as required in this provision are missing in the
12 election returns, the board of canvassers may summon the members of the
13 board of election inspectors concerned to complete the returns.

14 The citizen's arm is mandated to present for perusal its copy of the election
15 return to the board of election canvassers upon the request of any interested
16 candidate.

17 Any violation of this election or its pertinent portion, shall constitute an
18 election offense and shall be penalized in accordance with Batas Pambansa
19 Blg. 881

20 **SECTION 11. Number of Copies of Election Returns and their**
21 **Distribution.** - The board of election inspectors shall prepare in handwriting
22 the election returns in their respective polling place, in the number of copies
23 herein provided and in the form to be prescribed and provided by the
24 Commission.

25 The chairman of the board of election inspectors shall distribute the copies of
26 election returns as follows:

1 (a) In the election of president, vice-president, senators and members of the
2 House of Representatives including the party-list representatives:

3 (1) The digital election return shall be electronically transmitted to the
4 secure servers and the first copy of the manual election return, as
5 digitally captured and printed, shall be delivered to city or municipal
6 board of canvassers immediately after the closing of the polls;

7 (2) The second copy to be posted on a wall within the premises of the polling
8 place;

9 (3) The third copy, to the congress, directed to the President of the Senate;

10 (4) The fourth copy, to the Commission;

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

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

15 (7) The seventh copy, to a citizens' authorized by the Commission to
16 conduct an unofficial count: *Provided, however,* That the accreditation
17 of the citizens' arm shall be subject to the provision of Section 52(k) of
18 Batas Pambansa Bldg. 881; and

19 (8) The eighth copy shall be deposited inside the compartment of the ballot
20 box for valid ballots; and

21 (b) In the election of local officials;

22 (1) The digital election return shall be electronically transmitted to the
23 secure servers and the first copy of the manual election return, as

1 digitally captured and printed, shall be delivered to city or municipal
2 board of canvassers immediately after the closing of the polls;

3 (2) The second copy to be posted on a wall within the premises of the polling
4 place;

5 (3) The third copy, to the Commission;

6 (4) The fourth copy, to the provincial board of canvassers;

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

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

11 (7) The seventh copy, to a citizens' authorized by the Commission to
12 conduct an unofficial count: *Provided, however,* That the accreditation
13 of the citizens' arm shall be subject to the provisions of Section 52(k) of
14 Batas Pambansa Bldg. 881; and

15 (8) The eighth copy shall be deposited inside the compartment of the ballot
16 box for valid votes.

17 The copy of the election return posted on the wall shall be open for public
18 viewing at any time of the day for forty-eight (48) hours following its posting.
19 Any person may view or capture an image of the election return by means of
20 any data capturing device such as, but not limited to, cameras at any time of
21 the day for forty-eight (48) hours following its posting. After the prescribed
22 period for posting, the chairman of the board of election inspectors shall
23 collect the posted election returns and keep the same in his custody to be
24 produced for image or data capturing as may be requested by any voter or
25 any lawful purpose as may be ordered by competent authority.

1 Except for those copies that are required to be delivered, copies of election
2 returns may be claimed at the polling place. Any unclaimed copy shall be
3 brought by the chairman of the board of election inspectors to the canvassing
4 center where the recipients or their representatives may claim them. Copies
5 still unclaimed at the canvassing center shall be deemed placed in the custody
6 of the chairman of the board of election inspectors, who shall produce them
7 when requested by the recipient or when ordered by a competent authority.

The Thirty (30) certified print copies of the election return for national positions shall be distributed as follows:

8 (a) The first fourteen (14) copies shall be given to the fourteen (14) accredited
9 major national parties in accordance with a voluntary agreement among
10 them. If no such agreement is reached, the Commission shall decide which
11 parties shall receive the copies on the basis of the criteria provided in
12 Section 26 of Republic Act 7166.

13 (b) The next three copies shall be given to the three accredited major local
14 parties in accordance with a voluntary agreement among them. If no such
15 agreement is reached, the Commission shall decide which parties shall
16 receive the copies on the basis of criteria analogous to that provided in
17 Section 26 of Republic Act 7166.

18
19 (c) The next five copies shall be given to national broadcast or print media
20 entities as may be equitably determined by the Commission in view of
21 propagating the copies to the widest extent possible;

22 (d) The next two copies shall be given to local broadcast or print media entities
23 as may be equitably determined by the Commission in view of propagating
24 the copies to the widest extent possible;

1 (e) The next four copies to the major citizens' arms, including the accredited
2 citizens' arms and other non-partisan groups or organizations enlisted by
3 the Commission pursuant to Section 52(k) of Batas Pambansa Blg. 881;

4 (f) The next copy to be placed inside the compartment of the ballot box for
5 valid ballots; and

6 (g) The last copy to the provincial board of canvassers.

7 The certified print copies may be claimed at the polling place. Any unclaimed
8 copy shall be brought by the chairman of the board of election inspectors to
9 the canvassing center where the recipients or representatives may claim
10 them. Copies still unclaimed at the canvassing center shall be placed in the
11 custody of the chairman of the board election inspectors, who shall produce
12 them when requested by the recipient or when ordered by a competent
13 authority.

14 Any provision of law to the contrary notwithstanding, any of the recipients of
15 the print or digital copies of the election return may conduct an unofficial
16 consolidation of votes and may announce the result to the public.

17 The Commission shall post its digital files in its website for the public to view
18 or download at any time of the day. The Commission shall maintain the files
19 at least three years from the date of posting.

20 Any violation of this section, or its pertinent portion, shall constitute an
21 election offense and shall be penalized in accordance with Batas Pambansa
22 Blg. 881;

23 **SECTION 12. *The Use of a Tally Board Not Allowed.*** - The use of a tally
24 board, commonly used by Boards of Election Inspectors at the precinct level
25 is no longer allowed and shall be replaced by the projected real-time input of
26 results in the digital election return, as provided above.

1 **SECTION 13. *Canvassing by Provincial City, District, and Municipal***

2 ***Board of Canvassers.*** - a) The city or municipal board of canvassers shall
3 canvass the electronically transmitted election return for President, Vice-
4 President, Senator, party-list representatives and Members of the House of
5 Representatives and for elective provincial and city or municipal officials:
6 *Provided*, That the returns for national positions shall be canvassed first.
7 Upon completion of the canvass, it shall prepare the certificate of canvass for
8 Representatives and elective provincial officials, announce the results of the
9 election for national positions in the city or municipality and, thereafter,
10 proclaim the elected city or municipal officials, as the case may be.

11 b) The city board of canvassers of cities comprising one or more legislative
12 districts shall canvass the electronically transmitted election returns for
13 President, Vice-President, Senator, party-list representatives, Members of the
14 House of Representatives and elective city officials: *Provided* that the returns
15 for national positions shall be canvassed first. Upon completion of the
16 canvass, the board shall prepare the certificate of canvass, of President, Vice-
17 President, Senator and party-list representatives, announce the results of the
18 election for national positions in the city and, thereafter, proclaim the elected
19 members of the House of Representatives and city officials.

20 c) (1) In the Metro Manila Area such municipality comprising a legislative
21 district shall have district board of canvassers which shall canvass the
22 electronically transmitted election return for President, Vice-Presidents,
23 Senator, party-list representatives, Members for the House of Representatives
24 and elective municipal officials: *Provided*, That the return for national
25 positions shall be canvassed first. Upon completion of the canvass, it shall
26 prepare the certificate of canvass for President, Vice- Presidents, Senators,
27 and party-list representatives, announce the results of the election for
28 national position in the municipality, and thereafter, proclaim the elected
29 member of the House of the Representatives and city officials.

1 (2) Each component municipality in a legislative district in the Metro Manila
2 Area shall have a municipal board of canvassers which shall canvass the
3 electronically transmitted election returns for President, Vice-President,
4 Senator, party-list representatives, Members of the House of Representatives
5 and elective municipal officials: *Provided* that the returns for national
6 positions shall be canvassed first. Upon completion of the canvass, it shall
7 prepare the certificate of canvass for Presidents, Vice-Presidents, Senators,
8 party-list representatives and Members of the House of the Representatives,
9 announce the results of the election for national position in the municipality,
10 and thereafter, proclaim the elected municipal officials.

11 (3) The district board of canvassers of each legislative district comprising two
12 municipalities in Metro Manila area shall canvass the certificate of canvass
13 for President, Vice-President, Senator, party-list representatives and Members
14 of the House of Representatives submitted by the municipal board of
15 canvassers of the component municipalities. Upon completion of the canvass,
16 it shall prepare a certificate of canvass for President, Vice President, Senator,
17 and party-list representatives, announce the results of the election for
18 national positions in the district, and thereafter, proclaim the elected Member
19 of the House of the Representatives in the legislative district.

20 (d) The provincial board of canvassers shall canvass the electronically
21 transmitted certificate of canvass for President, Vice-President, Senators,
22 party-list representatives, members of the House of Representatives and
23 elective provincial officials as well as plebiscite results, if any plebiscite is
24 conducted simultaneously with the same election, as submitted by the board
25 of canvassers of municipalities and component cities: *Provided*, That the
26 certificates of canvass for national position shall be canvassed first. Upon
27 completion of the canvass, it shall prepare the certificate of canvass for
28 President, Vice-President, Senators and party-list representatives, announce
29 the results of the election for national position in the province, and proclaim
30 the elected members of the House of Representatives and provincial officials
31 as well as the plebiscite results, if any.

1 In conducting the canvass of election returns or certificates of canvass, as the
2 case may be, the board of canvassers in a municipality, city, district or
3 province shall project each election return or certificate of canvass on a wall
4 from which its contents shall be read in order that those present in the
5 canvassing center may follow the progress of the canvassing process from
6 beginning to end. The Commission may utilize the appropriate projection
7 equipment for this purpose.

8 Immediately after the certificate of canvass for national positions is
9 accomplished, the chairman of the board of canvassers shall announce the
10 posting of the second copy thereof and its supporting statement of votes on a
11 wall with sufficient lighting within the premises of the canvassing center. He
12 shall then proceed to do the same in the present in the canvassing center.
13 Without delay and when feasible, he shall capture images of the certificate of
14 canvass and supporting statements of votes using a secured data capturing
15 device and thereafter, while in the premises of the canvassing center,
16 immediately print the data so captured in thirty (30) copies. The board of
17 canvassers shall then authenticate each printed copy, in the presence of
18 watchers and within public view, by closely comparing the same with the
19 certificate of canvass or statement of votes, as the case may be, posted on of
20 the wall. If the board finds each printed copy a faithful reproduction of the
21 certificate of canvass or statement of votes, all members thereof shall annotate
22 and sign a certification to that effect on the bottom front of the printed copy.

23 Each certified printed copy shall be placed in an envelope and distributed as
24 herein provided. Designated recipients of the certified printed copies may
25 receive their copies at the canvassing center.

26 The chairman of the board shall transmit the digital files with digital
27 encryptions for security reasons of the certificate of canvass and its
28 supporting statement of votes using a secured transmission device with

1 authentication features to the secured tabulation system of the Commission
2 and to the systems of the other designated recipients as herein provided.

3 Any provision of law to the contrary notwithstanding, any of the recipients of
4 the print or digital copies of the certificate of canvass and the supporting
5 statements of votes may conduct an unofficial consolidation of votes and may
6 announce the result thereof to the public.

7 Any violation of this section, or its pertinent portion, shall constitute an
8 election offence and shall be penalized in accordance with Batas Pambansa
9 Blg. 881.

10 **SECTION 14. Number of Copies of Certificate of Canvass and their**
11 **Distribution.** - a) the certificate of canvass for president, vice-president,
12 senator and member of the house of Representatives and elective provincial
13 official shall be prepared in seven copies by the city or municipal board of
14 canvassers and distributed as follows:

15 (1) The first copy shall be delivered to the provincial board of canvassers for
16 use in the canvass election results for President, Vice-President, Senator and
17 Member of the House of Representatives and elective provincial officials;

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

19 (3) The third copy shall be posted on a wall within the premises of the
20 canvassing center;

21 (4) The fourth copy shall be kept by the chairman of the board: and

22 (5) The fifth copy shall be given the citizens' arm designated by the
23 Commission to conduct a media-based unofficial count, and the sixth and
24 seventh copies shall be given to the citizen's arm designated by the
25 Commission to conduct a media - based unofficial count, and the sixth and
26 seventh copies shall be given to the representatives of two of the six major

1 political parties in accordance with the voluntary agreement of the parties. If
2 no such agreement is reached, the commission shall decide which parties
3 shall receive the copies of the certificate of the canvass on the basis of the
4 criteria provided in Section 26 hereof. The parties receiving the certificate
5 shall have obligation to furnish the other parties with authentic copies thereof
6 with the at least possible delay.

7 b) The certificates of canvass for president, vice president, senators shall be
8 prepared in seven (7) copies by the city boards of canvassers of cities
9 comprising one or more legislative districts, by provincial boards of
10 canvassers in the Metro Manila Area, and distributed as follows:

11 (1) The first copy shall be sent to the Congress directed to the President of the
12 Senate for use in the canvass of election results for President and Vice-
13 President;

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

16 (3) The third copy shall be posted on a wall within the premises of the
17 canvassing center;

18 (4) The fourth copy shall be kept by the chairman of the board; and

19 (5) The fifth copy shall be given to the citizens' arm designated by the
20 Commission to conduct a media -based unofficial count, and the sixth and
21 seventh copies shall be given to the representatives of two of the six major
22 political parties. If no such agreement is reached, the commission shall decide
23 which parties shall receive the copies of the certificate of canvass on the basis
24 of the criteria provided in Section 26 hereof. The parties receiving the
25 certificates shall have the obligation to furnish the other parties with
26 authentic copies thereof with the least possible delay.

1 The of the certificate of canvass posted on the wall shall be open for public
2 viewing at any time of the day for forty-eight (48) hours following its posting.
3 Any person may view or capture an image of the certificate of canvass. After
4 the prescribed period for posting, the chairman of the board of canvassers
5 shall collect the posted certificate of canvass and keep the same in his custody
6 to be produced for image or data capturing as may be requested by any voter
7 or for any lawful purpose as may be ordered competent authority.

8 Except for those copies that are required to be delivered, copies of certificates
9 of canvass may be claimed at the canvassing center. Any unclaimed copy shall
10 be deemed placed in the custody of the chairman of the board of canvassers,
11 who shall produce them requested by the recipient or when ordered by a
12 competent authority.

13 The thirty (30) certified print copies of the certificate canvass for national
14 positions shall be distributed as follows:

15 (a) The first fourteen (14) copies shall be given to the fourteen (14) accredited
16 major national parties in accordance with a voluntary agreement among
17 them. If no such agreement is reached, the commission shall decide which
18 parties shall receive the copies on the basis of the criteria provided in Section
19 26 hereof;

20 (b) The next three copies shall be given to the three accredited major local
21 parties in accordance with a voluntary agreement among them. If no such
22 agreement is reached, the Commission shall decide which parties shall receive
23 the copies in the basis of criteria analogous to the provided in Section 26
24 hereof;

25 (c) The next five copies shall be given to national broadcast or print media
26 entities as may be equitably determined by the commission in view of
27 propagating the copies to the widest extent possible;

1 (d) The next two copies shall be given to local broadcast or print media entities
2 as may be equitably determined by the Commission in view propagating the
3 copies to the widest extent possible;

4 (e) The next four copies to the major citizen's arms, including accredited
5 citizen' arm, and other non -partisan groups or organizations enlisted by the
6 commission pursuant to section 52(K) of Batas Pambansa Blg. 881; and

7 (f) The last two copies to be kept in file by the chairman of the board of
8 canvassers to be subsequently distributed as the national board of canvassers
9 may direct.

10 The certified print copies may be claimed at the canvassing center. Any
11 unclaimed copy shall be deemed place in the custody of the chairman of the
12 board of canvassers, who shall produce them when requested by the recipient
13 or when ordered by a competent authority.

14 The commission shall post its digital files in its website for the public to view
15 or download at any time of the day. The commission shall maintain the files
16 for at least three years from the date of posting.

17 Any violation of this section, or its pertinent portion, shall constitute an
18 election offense and shall be penalized in accordance with Batas Pambansa
19 Blg. 881.

20 **SECTION 15. Congress as the National Board of Canvassers for the**
21 **Election of President and Vice President: The Commission en banc as**
22 **the National Board of Canvassers for the election of senators:**
23 **Determination of Authenticity and Due Execution of Certificates of**
24 **Canvass.** - Congress and the Commission *en banc* shall determine the
25 authenticity and due execution of the electronically transmitted certificates
26 for President and Vice-President and Senators, respectively, as accomplished
27 and transmitted to it by the local boards of canvassers, on a showing that: (1)

1 each certificate of canvass was executed, signed and thumb marked by the
2 chairman and member of the board of canvassers and transmitted or caused
3 to be transmitted to Congress by them; (2) each certificate of canvass contains
4 the names of all of the candidates for President and Vice-President or Senator,
5 as the case may be, and their corresponding votes in words and their
6 corresponding votes in words and in figures; (3) there exist no discrepancy in
7 other authentic copies of the document such as statement of votes of any of
8 its supporting document such as statement of votes by city or municipality or
9 by precinct or discrepancy in the votes of any candidate in words and figures
10 in the certificate; and (4) there exist no discrepancy in the votes of any
11 candidate in words and figures in the certificates of canvass against the
12 aggregate number of votes appearing in the election returns of precincts
13 covered by the certificate of canvass: *Provided*, That certified print copies of
14 election returns or certificates of canvass may be used for the purpose of
15 verifying the existence of the discrepancy.

16 When the certificate of canvass, duly certified by the board of canvassers of
17 each province, city of district, appears to be incomplete, the Senate President
18 or the chairman of the Commission, as the case may be, shall require the
19 board of canvassers concerned to transmit by personal delivery, the election
20 returns from polling places that were not included in the certificate of canvass
21 and supporting statements. Said election returns shall be submitted by
22 personal delivery within two (2) days from receipt of notice.

23 When it appears that any certificate of canvass or supporting statement of
24 votes of each province, city of district, appears to be incomplete, the Senate
25 President or the chairman of the Commission, as the case may be, shall
26 require the board of canvassers concerned to transmit by personal delivery,
27 the election returns from polling places that were not included in the
28 certificate of canvass and supporting statements. Said election returns shall
29 be submitted by personal delivery within two (2) days from receipt of notice.

1 When it appears that any certificate of canvass including other duly certified
2 printed copies thereof or supporting statement of votes by city or municipality
3 or by precinct bears erasures or alteration which may cast doubt as to the
4 veracity of the number of votes stated herein and may affect the result of the
5 election, upon requested of the presidential, vice- presidential or senatorial
6 candidate concerned or his party, Congress or the Commission en banc, as
7 the case may be shall, for the sole purpose of verifying the actual the votes as
8 they appear in the copies if the election returns submitted to it.

9 Any person who present in evidence a simulated copy of an election return,
10 certificate of canvass or statement of votes, or a printed copy of an election
11 return, certificate of canvass or statement of votes bearing a simulated
12 certification or a simulated image, shall be guilty of an election offense shall
13 be penalized in accordance with Batas Pambansa Blg. 881.

14 **SECTION 16. *Communication Channels for Electronic Transmissions.***-
15 Electronic transmission which is defined under R.A. 9369 as conveying data
16 in electronic form from one location to another shall be guided by the
17 following: all electronic transmissions of the election returns, certificates of
18 canvass and other related documents shall utilize secure transmission
19 channels as recommended by the Department of Science and Technology and
20 the National Telecommunications Commission to ensure authentication and
21 integrity of transmission.

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

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

1 **SECTION 17. *Pre-proclamation controversy.***- In case of any discrepancy,
2 incompleteness, erasure or alteration as mentioned above, the procedure on
3 pre-proclamation controversies shall be adopted and applied as provided in
4 Sections 17,18,19 and 20 of Republic Act No. 7166.

5 **SECTION 18. *Election Offenses under this Act.***- In addition to the
6 violations of the pertinent provisions of this Act, the following shall also
7 constitute election offenses:

- 8 (a) Any person who removes the election return that is posted on the wall,
9 whether within or after the prescribed forty-eight (48) hours of posting, or
10 defaces the same in any manner;
- 11 (b) Any person who simulates an actual election return, or a print or digital
12 copy thereof;
- 13 (c) Any person who simulates the certification in a print of an election return;
- 14 (d) The chairman or any member of the board of election inspectors who,
15 during the prescribe period of posting, removes the election return from
16 the wall on which it had been posted other than for the purpose of
17 immediately transferring it to a more suitable place;
- 18 (e) The chairman or any member of the board of election inspectors who signs
19 or authenticates a print of the election return outside of the polling place;
20 and
- 21 (f) The chairman or any member of the board of election inspectors who signs
22 or authenticates a print which bears an image different from the election
23 return produced after counting and posted on the wall.
- 24 (g) Any person who remove the certificate of canvass posted on the wall,
25 whether within or after the prescribed forty-eight (48) hours of posting, or
26 defaces the same in any manner;

- 1 (h) Any person who simulates an actual certificates of canvass or statement
2 of votes, or a print or digital copy thereof;
- 3 (i) Any person who simulates the certification of a certificate of canvass or
4 statement of votes;
- 5 (j) The chairman or any member of the board of canvassers who, during the
6 prescribed period of posting, remove the certificate of canvass or its
7 supporting statement of votes from the wall on which they have been
8 posted other than for the purpose of immediately transferring them to a
9 more suitable place;
- 10 (k) The chairman of any member of the board of canvassers who sign or
11 authenticate a print of the certificate of canvass or its supporting
12 statement of votes outside of the polling place: and
- 13 (l) The chairman or any member of the board of canvassers who sign or
14 authenticate a print that bears an image different from the certificate of
15 canvass or statement of votes produced after counting and posted on the
16 wall.

17 **SECTION 19. *Implementing Rules and Regulations and Bidding.***-
18 Immediately upon the approval of this Act, the Commission shall formulate
19 such rules and regulations that will effectively implement this Act for
20 purposes of the 2019 national, local and ARMM elections and all subsequent
21 elections thereafter. In addition, the Commission shall prescribe the technical
22 specifications for the electronic devices and computer programs to be used for
23 implementing of this Act, with an aim to ensure fair, honest, and orderly
24 elections and prompt determination of the true results thereof.

25 **SECTION 20. *Appropriations.***- Congress shall provide the necessary
26 appropriation in a supplemental budget or general appropriations act, as the

1 case may be, without delay and for purposes of the 2019 national, local and
2 ARMM elections.

3 **SECTION 21. *Repealing Clause.*** - All laws, decrees, executive orders,
4 resolutions, revenue regulations, ordinances or circulars inconsistent with
5 the provisions of this Act are hereby repealed or modified accordingly or
6 declared null and void and inoperative.

7 *Approved,*