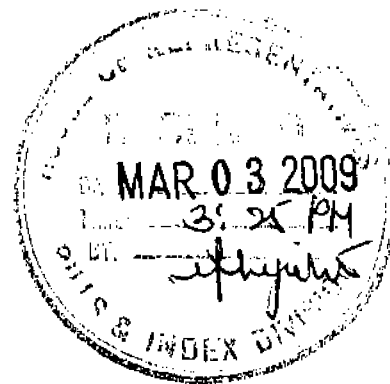


FOURTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Second Regular Session )



THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 6070

---

Introduced by  
Rep. Liwayway Vinzons-Chato, Lone District of Camarines Norte  
- and -  
Rep. Rufus B. Rodriguez, 2<sup>nd</sup> District of Cagayan de Oro

---

**AN ACT AMENDING REPUBLIC ACT NO. 8436 AS AMENDED BY REPUBLIC ACT NO. 9369 INTRODUCING A BIOMETRICS-BASED REGISTRATION SYSTEM AND STRENGTHENING A FULLY AUTOMATED ELECTORAL SYSTEM, AND FOR OTHER PURPOSES**

#### EXPLANATORY NOTE

The 1987 Constitution expressly states that "Congress shall provide a system for securing the secrecy and sanctity of the ballot" (Article II, Sec. 9).

Notwithstanding the foregoing mandate, basically all the criticisms against our electoral process are rooted in the violation of the secrecy and sanctity of the ballot. When our election is characterized as "dirty", the description is both figurative and literal. It is dirty in the sense that cheating and infractions are rampant in all levels of the process, most especially in the casting, counting and canvassing of the vote. It is likewise dirty because the process can be chaotic inside the polling place, entails application of an unsightly indelible ink and actual ballots are replete with erasures and marks that require a course on ballot appreciation. These are decades-old problems.

It has been expressed in a number of measures that automation is the key to solve these election-related ills. There is no 100% foolproof system. But all will agree that an automated election will expedite the counting process, significantly minimize the possibility of "dagdag-bawas" and errors of a manual system and generally make the whole system cleaner.

A necessary component of automation is computerization of the voter's registration and ensuring fidelity of the individual voter's identity. Thus, if this component, together with a sound automation process, can be realized, our

citizens' confidence in the total process will be boosted thereby strengthening our democratic institution.

This bill seeks to achieve the ideal conditions to ensure the integrity of the electoral process and acknowledging for this purpose that much development has been done in the fields of information technology, communication and biometrics. These are developments that must be exploited in relation to improving our election system and to do otherwise is to go against the natural flow of progress.

It is in this light that the undersigned legislators believe that a fully automated election process is called for and should be implemented in time for the 2010 elections.

The proposed legislation mandates the following salient features:

- A biometric registration system;
- Computerized nationwide voters list;
- Adoption of minimum voting system standards; and
- Full automation of the vote counting and canvassing process with emphasis on simultaneous electronic transmission of election returns and certificates of canvass.

In view of the foregoing, the approval of this measure is earnestly requested.



**LIWAYWAY VINZONS-CHATO**



**RUFUS B. RODRIGUEZ**

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

Fourteenth Congress  
*Second Regular Session*

House Bill No. 6070

---

Introduced by **HON. LIWAYWAY VINZONS-CHATO** and **HON. RUFUS RODRIGUEZ**

---

**AN ACT AMENDING REPUBLIC ACT NO. 8436  
AS AMENDED BY REPUBLIC ACT NO. 9369  
INTRODUCING A BIOMETRICS-BASED  
REGISTRATION SYSTEM AND  
STRENGTHENING A FULLY AUTOMATED  
ELECTORAL SYSTEM, AND FOR OTHER  
PURPOSES**

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

**SECTION 1.** Declaration of Policy. - It is policy of the State to ensure free, orderly, honest, peaceful, credible and informed elections, plebiscites, referenda, recall and other similar electoral exercises by improving on the election process and adopting systems, which shall involve the use an automated election system that will ensure the secrecy and sanctity of the ballot and all election, consolidation and transmission documents on order that the process shall be transparent and credible and that the results shall be fast, accurate and reflective of the genuine will of the people. It is also the policy of the state to establish a clean, accurate, complete, permanent, verifiable and updated list of voters thru the adoption of biometric technology.

**SECTION 2.** Definition of Terms. - The terms used in Republic Act No. 9369 are adopted in addition to the following terms as defined and used in this Act:

1. Automated Election System (AES) refers to a system using appropriate technology for the purpose of fully automating the electoral process from voting, counting, consolidating, canvassing and simultaneous transmission of election results and other electoral process such as the DRE, PCOS, CCOS or OMR systems or any other equivalent system;
2. "Commission" refers to the Commission on Elections (COMELEC).
3. "Biometrics" refers to quantitative analysis that provides a positive identification of an individual such voice, fingerprint, picture,

4. "Data Capture Machine" is the device, which captures the picture, fingerprint and signature of a registered voter.
5. "Deactivation" refers to the temporary removal of a registered voter from the Registration Records of Voters for failure to appear before the appropriate Election Officer for validation despite notice.
6. "Double/Multiple Registration" is the registration of a voter in more than one city or municipality.
7. "Election Registration Board" refers to the body constituted pursuant to Republic Act No. 8189 (otherwise known as the "Continuing Registration Act") to act on all applications for registration.
8. "Election Officer" refers to the highest official or authorized representative of the Commission in the city or municipality.
9. "Reactivation" refers to the re-instatement of a registered voter who had been deactivated from the Registration Records of Voters.
10. "Registration Record" refers to the application for registration duly approved by the Election Registration Board.
11. "Validation" is the process of taking biometrics such as photograph, fingerprint, and signature of a registered voter through the use of a Data Capture Machine.

#### **PART I- BIOMETRICS REGISTRATION SYSTEM**

**SECTION 3. Who shall submit for validation.-** Those registered voters as of October 29, 2007 barangay elections and those who thereafter register and will register under Republic Act No. 8189 (otherwise known as the "Continuing Registration Act"), without biometrics data shall submit for live capture his/her photograph, fingerprint and signature through the use of Data Capture Machine (DCM), before the Election Officer of the city/municipality where he/she is a registered voter.

**SECTION 4. Who shall conduct the validation.-** The City/Municipal Election Officer through the use of Data Capture Machines (DCMs) shall conduct the validation process by taking the biometrics of voters.

**SECTION 5. Period for validation.-** Validation shall be conducted upon the effectivity of this Act, up to the last day of filing of application for registration as determined by the Commission on Elections for purposes of the 2010 national and local elections, and for the succeeding elections, plebiscites and referenda.

**SECTION 6. Notice.-** The City/Municipal Election Officer shall serve notice to the voters whose registration records are without biometrics to personally appear before them for validation within the period prescribed in Section 5 of this Act.

**SECTION 7. Deactivation.-** Voters who failed to submit for validation despite notice shall be deactivated from the Registration Records of Voters by the Election Registration Board.

**SECTION 8. Reactivation.-** Those deactivated under the preceding section may apply before the Election Registration Board for Reactivation with simultaneous validation and the applicant shall, if eligible, be included as a matter of right in the Registration Record of voters.

**SECTION 9. Prohibited Acts.-** The following shall be election offenses punishable under Section 263 and 264 of the Batas Pambansa Bilang 881; as amended (otherwise known as the "Omnibus Election Code"):

(a) Any person who shall prohibit, impede, obstruct or prevent a registered voter from submitting his biometrics for data capture thru the use of force, intimidation or monetary consideration.

(b) Any public official or person who, under the guise of implementing this Act, shall unjustifiably and without or lacking due process, cause the deactivation or reactivation of any registered voter from the Registration Record of Voters.

(c) Any person who attempts to engage in double or multiple registration for the purpose of voting in several precincts.

**SECTION 10. Computerized Nationwide Voter Registration List Requirements.-** The Commission shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized voter registration list defined, maintained, and administered by the Commission that contains the name and registration information of every legally registered voter and assigns a unique identifier to each legally registered voter, and includes the following:

(i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the country.

(ii) The computerized list contains the name and registration information of every legally registered voter.

(iii) Under the computerized list, a unique identifier is assigned to each legally registered voter.

(iv) The computerized list shall be coordinated with other agency databases.

(v) Any election official, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.

(vi) All voter registration information obtained by any local election official shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.

**SECTION 11. Voter List Cleansing.** Any registered party may file with the Commission the names of the voters which should be excluded, removed or corrected from the Computerized Nationwide Registration List stating the reasons thereof.

## **PART II – VOTING SYSTEM STANDARDS**

**SECTION 12. Requirements.--** The voting system to be adopted and used in elections shall meet the following requirements:

(1) Permit the voter to verify, in a private and independent manner the votes selected by the voter on the ballot before the ballot is cast and counted;

(2) Provide the voter with the opportunity, in a private and independent manner, to change the ballot or correct any error before the ballot is cast and counted including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error;

(3) If the voter selects votes for more than one candidate for a single office--  
a. notify the voter that the voter has selected more than one candidate for a single office on the ballot;

b. notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

c. provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(4) The use of or production of an individual voter-verified paper record of the voter's vote that shall be created by or made available for inspection and verification by the voter before the voter's vote is cast and counted.

The voting system shall ensure that any notification required under this section preserves the privacy of the voter and the confidentiality of the ballot.

**SECTION 13. Audit capacity.--** The voting system shall produce a record with a manual audit capacity for such system. As such, the voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced. The paper record shall then be available as an official record for any recount conducted with respect to the election.

**SECTION 14. Accessibility for individuals with disabilities.--**The voting system shall be accessible for individuals with disabilities, including non-visual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation including privacy and independence as for other voters. The Commission shall further ensure this through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place;

**SECTION 15. Alternative language accessibility.--**The voting system shall provide alternative language accessibility by having options for translation into English, Filipino or the local dialect.

PART III – CONDUCT OF ELECTIONS USING THE FULLY AUTOMATED VOTING SYSTEM

**SECTION 16.** Section 22 of Republic Act No. 8436 as amended by Section 19 of Republic Act No. 9369 is hereby amended to read as follows:

"SEC. 22. *Electronic Returns.* - Each copy of the printed election returns shall bear appropriate control marks to determine the time and place of printing. Each copy shall be signed and thumbmarked by all the members of the board of election inspectors and the watchers present. If any member of the board of election inspectors present refuses to sign, the chairman of the board shall note the same copy in each copy of the printed election returns. The member of the board of election inspectors concerned refusing to sign shall be compelled to explain his or her refusal to do so. Failure to explain an unjustifiable refusal to sign each copy of the printed election return by any member of the board of election inspectors shall be punishable as provided in this Act. The chairman of the boards shall then publicly read and announce the total numbers of registered voters, the total number of voters who actually voted and the total numbers of votes obtained by each candidate based on the election returns.

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

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

- 1) The first copy shall be delivered to the city or municipal board of canvassers;
- 2) The second copy, to the congress, directed to the President of the Senate;
- 3) The third copy, to the commission;
- 4) The fourth copy, to the citizen's arm authorized by the Commission to conduct an unofficial count
- 5) The fifth copy, to the dominant majority party as determined by the Commission in accordance with law;
- 6) The six copy, to the dominant minority party as determined by the Commission in accordance with law; and
- 7) The seventh copy shall be deposited inside the compartment of the ballot box for valid ballots.
- 8) The eight copy to the Provincial Board of canvassers;
- 9) The ninth to the eighteenth copies, shall be given to the ten (10) accredited major national parties, excluding the dominant majority and minority parties, in accordance with a voluntary agreement among them. If no such agreement

is reached, the Commission shall decide which parties shall receive the copies on the basis of the criteria provided in Section 26 of Republic Act No. 7166;

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

11) The twenty-first to the twenty-fourth copies, to national broadcast or print media entities as may be equitably determined by the Commission in view of propagating the copies to the widest extent possible;

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

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

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

1) The First copy shall be delivered to the city or municipal board of canvassers;

2) The second copy, to the Commission;

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

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

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

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

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

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

9) The ninth to the eighteenth copies, shall be given to the ten (10) accredited

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

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

11) The twenty-first to the twenty-fifth copies, to national broadcast or print media entities as may be equitably determined by the Commission in view of propagating the copies to the widest extent possible;

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

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

"Immediately after the eight copy is printed, the poll clerk shall announce the posting of said copy on a wall within the premises of the polling place or counting center, which must be sufficiently lighted and accessible to the public. Any person may view or capture an image of the election return by means of any data capturing device such as, but not limited to cameras at any time of the day for forty-eight (48) hours following its posting. After such period, the chairman of the board of election inspectors shall detach the election return from the wall and keep the same in his custody to be produced as may be requested by any voter for image or data capturing or for any lawful purpose as may be ordered by competent authority.

"Within one hour after the printing of the election returns, the chairman of the board of election inspectors or any official authorized by the Commission shall, in the presence of watchers and representatives of the accredited citizens' arm, political parties/candidates, if any, electronically transmit the precinct results *simultaneously* to the, respective levels of board of canvassers *and the COMELEC National Office.*

"The election results at the city/municipality canvassing centers shall be transmitted in the same manner by the election officer or any official authorized by the commission to the district or provincial canvassing centers *and the COMELEC National Office.*

"The election returns transmitted electronically and digitally signed shall be

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

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

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

"Within one hour after the canvassing, the Chairman of the district or provincial Board of Canvassers or the city board of canvassers of those cities which comprise one or more legislative districts shall electronically transmit *simultaneously* the certificate of canvass to the Commission sitting as the national board of canvassers for senators and party-list representatives and to the Congress as the National Board of Canvassers for the president and vice president, directed to the President of the Senate.

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

"The certificates of canvass transmitted electronically and digitally signed shall be considered as official election results and shall be used as the basis for the proclamation of a winning candidate."

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

**SECTION 18. Prohibited Acts.-** The following shall be included as election offenses under Section 261 of the Batas Pambansa Bilang 881, as amended (otherwise known as the "Omnibus Election Code"):

considered as official election results and shall be used as the basis for the canvassing of votes and the proclamation of a candidate."

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

**SECTION 17.** Section 25 of Republic Act No. 8436 as amended by Section 20 of Republic Act No. 9369 is hereby amended to read as follows:

"*SEC. 25. Canvassing by Provincial, City, District and Municipal Boards of Canvassers.* - The City or Municipal board of canvassers shall canvass the votes for the president, vice-president, senators, and parties, organization or coalitions participating under the party-list system by consolidating the electronically transmitted results contained in the data storage devices used in the printing of the election returns. Upon completion of the canvass, it shall print the certificate of canvass of votes for president, vice-president, senators and members of the House of Representatives and elective provincial officials and thereafter, proclaim the elected city or municipal officials, as the case may be.

"The city board of canvassers of cities comprising one or more legislative districts shall canvass the votes for president, vice-president, senators, members of the House Representatives and elective city officials by consolidating the certificates of canvass electronically transmitted or the results contained in the data storage devices used in the printing of the election returns. Upon completion of the canvass, the board shall procedure the canvass of votes for president, vice-president, and senators thereafter, proclaim the elected members of the House of Representatives and city officials.

"In the Metro Manila area, each municipality comprising a legislative district shall have a district board of canvassers which shall canvass the votes for president, vice-president, senators, members of the House of Representatives and elective municipal officials by consolidating the electronically transmitted results or the results contained in the data storage devices used in the printing of the election returns. Upon completion of the canvass, it shall produce the certificate of canvass of votes for president, vice-president, and senators and thereafter, proclaim the elected members of the House Representatives and municipal officials.

"Each component municipality in a legislative district in the Metro Manila area shall have a municipal board of canvassers which shall canvass the votes for president, vice-president, senators, members of the house of Representatives and elective municipal officials by consolidating the results electronically transmitted from the counting centers or the results contained in the data storage devices used in the printing of the election returns. Upon completion of the canvass, it shall prepare the certificate of canvass of votes for president, vice-president, senators, members of the House of Representatives and thereafter, proclaim the elected municipal officials.

(a) Any person who shall prohibit, impede, obstruct or prevent a registered voter from submitting his biometrics for data capture thru the use of force, intimidation or monetary consideration.

(b) Any public official or person who, under the guise of implementing this Act, shall unjustifiably and without or lacking due process, cause the deactivation or reactivation of any registered voter from the Registration Record of Voters.

(c) Any person who attempts to engage in double or multiple registration for the purpose of voting in several precincts.

(d) Any person who tampers in any way with the automated system including the electronic transmittal of the election returns and certificates of canvass.

(e) Any person who shall willfully or negligently fail to transmit electronically the election returns and certificates of canvass to the designated recipients within the time prescribed.

#### PART IV - FINAL PROVISIONS

**SECTION 19. Separability Clause.** The provisions of this act are hereby declared separable and in the event any such provision is declared unconstitutional, invalid or unenforceable, the other provisions will remain in force and effect.

**SECTION 20. Repealing Clause.** The pertinent provisions of Republic Act No. 8436 as amended by Republic Act No. 9369, Republic Act No. 7166, Republic Act No. 6646 and Batas Pambansa Bilang 881 as amended, and all other laws, decrees, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

**SECTION 21. Effectivity.** This Act shall take effect immediately within the fiscal year upon its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved.