

[**REPUBLIC ACT NO. 8046, June 07, 1995**]

AN ACT AUTHORIZING THE COMMISSION ON ELECTIONS TO CONDUCT A NATIONWIDE DEMONSTRATION OF A COMPUTERIZED ELECTION SYSTEM AND PILOT-TEST IT IN THE MARCH 1996 ELECTIONS IN THE AUTONOMOUS REGION IN MUSLIM MINDANAO (ARMM) 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 the policy of the State to ensure free, orderly, honest, fair and credible elections, and ensure the secrecy and sanctity of the ballot in order that the citizenry shall be assured that the results of elections, plebiscites, referenda and other electoral exercises are truly reflective of their will.

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

- a. *Counting Machine* — a machine that uses optical scanning/mark sense reading device or any similar advanced technology to count ballots;
- b. *Memory Pack /Diskette* — a device used to store data;
- c. *Memory Pack Receiver* — a dedicated machine that reads memory packs;
- d. *Tape Printout* — an adding machine-like tape containing the names of all candidates and the corresponding votes obtained per precinct directly produced by the counting machine;
- e. *Election Returns* — a document showing the date of the election, the municipality in which it is held, and other data, and containing the votes in words and in figures for each candidate in a precinct;
- f. *Statement of Votes* — a document containing detailed entries of the votes obtained by each candidate in each of the precincts in a municipality or in each of the municipalities in a province;
- g. *Municipal Certificate of Canvass of Votes* — a document containing the total votes in words and in figures obtained by each candidate in a municipality;
- h. *Provincial Certificate of Canvass of Votes* — a document containing the total votes in words and in figures obtained by each candidate in a province;
- i. *Computer Set* — a set of equipment containing regular components, i.e., monitor, CPU, keyboard and printer;
- j. *Central Counting Center* — a public place designated by the Commission where counting of ballots and canvassing shall be conducted;
- k. *Computerized Election System* — a system using electronic devices to count and canvass votes.

SEC. 3. *Authority to Pilot-Test a Computerized Election System.* — To carry out the above-stated policy, the Commission on Elections, hereafter referred to as "Commission," is hereby authorized to pilot-test a computerized system, hereafter referred to as "System," for the processes of voting, counting and canvassing of

votes in the Autonomous Region in Muslim Mindanao (ARMM) Elections in March 1996.

SEC. 4. *Features of the System.* — The System shall utilize appropriate technological and electronic devices for voting, counting and canvassing of votes. For this purpose, the Commission shall acquire computer equipment, devices and materials and adopt new forms and printing materials for official ballots, election returns, certificates of canvass and other election forms and paraphernalia: *Provided*, That the Commission shall notify the representatives of political parties and cause the publication in two (2) newspapers of general circulation of their adoption and actual use not later than sixty (60) days before election.

The System shall contain the following features: a) standalone machine with built-in printer which can generate immediate results, b) use of ballots, c) with provisions for audit trails, d) minimum human intervention, and e) adequate safeguards/security measures.

SEC. 5. *Procurement of Equipment and Materials.* — Computer equipment, devices and materials needed to implement the latest in ballot printing, voting and automated vote counting under the System for pilot-testing in the 1996 ARMM Elections and nationwide demonstrations shall be procured by the Commission from local or foreign sources free from taxes and import duties and subject to accounting and auditing rules and regulations, such as public bidding, after the approval of this Act.

SEC. 6. *Public Demonstration of the System.* — The Commission shall conduct nationwide public demonstrations of the operation of the System and disseminate pertinent information materials all over the country, for the proper understanding of the System by the voters, the candidates, the political parties and the public.

SEC. 7. *Pilot-Test of the System.* — The Commission is hereby authorized for purposes of the Autonomous Region in Muslim Mindanao (ARMM) elections in 1996 to pilot-test the system. The Commission shall provide for a procedure whereby in the event of a system breakdown, it shall revert to the existing manual system of counting and canvassing using a specially-designed ballot to ascertain the will of the people.

SEC. 8. *Provisions Governing Elections Using the System.* — Except as herein provided, the provisions of the Omnibus Election Code and other related laws shall apply to elections where ballots are to be counted by computerized counting machines.

SEC. 9. *Examination and Testing of Counting Machines.* — Seven (7) working days before the election, the Commission shall, on a date and time it shall set and with proper notices to the political parties and candidates, allow them or their representatives to examine and test the machines to ascertain that the machines are operating properly and accurately. Sample ballots for testing purposes shall be provided by the Commission. In the preparation of the design of the official ballot, the representative of the majority party and dominant minority party shall be present.

After the examination and testing, the machines shall be locked and sealed by the

Election Officer in the presence of the political parties and candidates or their representatives. The keys to the machine shall be placed in a sealed envelope and shall be kept by the Election Officer. The machines shall be kept locked and sealed and shall be opened again only at three o'clock in the afternoon of election day before the counting of votes begins.

The parties and candidates or their representatives may submit a written report to the Commission through the Election Officer, immediately after the examination and testing of the machines.

SEC. 10. *Official Ballots.* — The Commission shall prescribe the size and form of the official ballots. The ballot shall contain the titles of positions to be filled and under each position, the names of candidates arranged alphabetically by their surnames. The names of the candidates shall be uniformly printed using the same type size for all names and appropriate spaces shall be provided for substitution of candidates. Opposite the name of each candidate, there shall be a space provided for the voter to indicate his vote. Where necessary, both sides of the ballot may be used.

The ballot shall contain watermarks, unique serial numbers and/or corresponding codes and such other security marks as the Commission may deem appropriate.

The official ballots and other accountable election forms shall be printed exclusively by the National Printing Office and/ or the Bangko Sentral ng Pilipinas under proper security measures which the Commission shall provide. Accredited political parties and deputized citizens arms of the Commission may assign watchers in committees in charge of the printing, storage and distribution of official ballots.

The official ballots shall be printed and distributed to each municipality at the rate of one ballot for every registered voter.

SEC. 11. *Ballot Box.* — The Commission shall provide each Board of Election Inspectors with a special ballot box with safety features similar to the present ballot box of such size as to accommodate the official ballots without folding them. It shall be locked with padlocks and self-locking metal seals or any other safety devices that the Commission may prescribe.

SEC. 12. *Manner of Preparing the Ballots.* — Before a voter is given a ballot for voting, the Board shall instruct him on how to accomplish the ballot.

Upon receipt of the ballot from the Chairman of the Board, the voter shall go to a vacant voting booth to vote for the candidates of his choice.

If the voter commits a mistake in filling the ballot, he should not try to correct it, or erase or cross out the name of the candidate already chosen. Instead, he shall return the ballot to the Board and ask for replacement. The Board shall mark the returned ballot as "spoiled." A voter may replace his ballot only once.

After the voter has voted, he shall personally drop his ballot into the ballot box. He shall affix his thumbmark on the corresponding space in the voting record and the Chairman shall apply indelible ink on the right forefingernail of the voter.

The Commission shall adopt measures necessary to ensure that the contents of the