

# Module 5: Electoral Procedure

Postponement  
and Failure of Elections

Casting-Counting-  
Canvassing-Proclamation

Pre-Proclamation Controversies



ATENEIO DE MANILA UNIVERSITY  
SCHOOL OF LAW

Fr Joaquin G Bernas SJ  
Institute for Continuing Legal Education

## Election Law for the 2022 Elections

### MODULES

✓ **Elections and Candidates**  
September 30, 2021 | 3pm, Thursday

✓ **Electorate**  
October 28, 2021 | 3pm, Thursday

✓ **Commission on Elections**  
November 25, 2021 | 3pm, Thursday

✓ **Campaign**  
December 16, 2021 | 3pm, Thursday

**Electoral Procedure**  
January 27, 2022 | 3pm, Thursday

**Election Contests and Offenses**  
February 24, 2022 | 3pm, Thursday

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Ateneo Election Law Professor  
Ateneo Political Law Bar Reviewer





# Review of Modules 1 - 4



# Dissecting the Definition of a *Candidate* in an Automated Election

(1) There are **no candidates today**, only candidates-in-waiting, aspirants, filers, would-be candidates or inchoate candidates.

“xxx Any person who **files his certificate of candidacy** within **this period** shall **only** be considered as a **candidate** at the **start of the campaign period** for which he filed his certificate of candidacy: *Provided, That, unlawful acts or omissions* applicable to a candidate shall **effect only upon that start** of the aforesaid **campaign period**: xxx” (*Section 15, RA 9369, Amended Automated Election Law*)

(2) A **full-fledged candidate** is one who:

1. Intends to seek public elective office;
2. Filed his/her CoC from October 1 to 8, 2021 (or within period of substitution);
3. Has a valid CoC; and
4. Possesses all the qualifications and none of the disqualifications; and where the campaign period has started (*Operative Fact*).

(3) A would-be candidate shall become a full-fledged candidate, who can be held liable for unlawful acts or omissions, **only** at the start of the **campaign period**:

- February 8, 2022 for Nationally-Elected
- March 25, 2022 for Locally-Elected

(4) From the date of COC-filing up to the start of campaign period, the following **rules are not yet applicable/ effective**:

- Maximum amount per voter
- Types and specifications of campaign collaterals
- Vote-buying
- Release of Public Funds
- Tri-Media Limits



# Comparing & Contrasting Cases vs. Candidates

## *Grounds – Requirements – Period – Effects*

Aspects	Commission of an Election Offense	Deliberate Material Misrepresentation	Nuisance Candidate
<i>Pleading Caption</i>	Petition to Disqualify a Candidate	Petition to Deny Due Course or Cancel a Certificate of Candidacy (CoC)	Petition to Declare a Candidate a Nuisance Candidate
<i>Allegations/ Particulars/ Grounds</i>	<p>A. Candidate who engages in:</p> <ol style="list-style-type: none"> <li>1. Vote-Buying</li> <li>2. Terrorism</li> <li>3. Unlawful Expenditures</li> <li>4. Unlawful Campaign</li> <li>5. Coercion of Subordinates</li> <li>6. Threats, Intimidation and Coercion</li> <li>7. Unlawful release of public funds</li> </ol> <p>B. Permanent Residency elsewhere</p>	<ol style="list-style-type: none"> <li>1. Misrepresentation</li> <li>2. Material (<i>i.e., must be related to qualifications, commission of a crime of moral turpitude, and violation of term rule; not material if name, profession, affiliation</i>)</li> <li>3. Deliberate intent to defraud voters</li> <li>4. Candidate not actually qualified</li> </ol>	<p>CoC filed to:</p> <ul style="list-style-type: none"> <li>o put the election process in mockery or disrepute</li> <li>o cause confusion among the voters by the similarity of the names of the registered candidates</li> </ul> <p>No bona fide intention to run for the office as clearly demonstrated in other acts or circumstances (<i>e.g., lack of capability, track record, health, exposure, age, funds, education and affiliations</i>)</p>



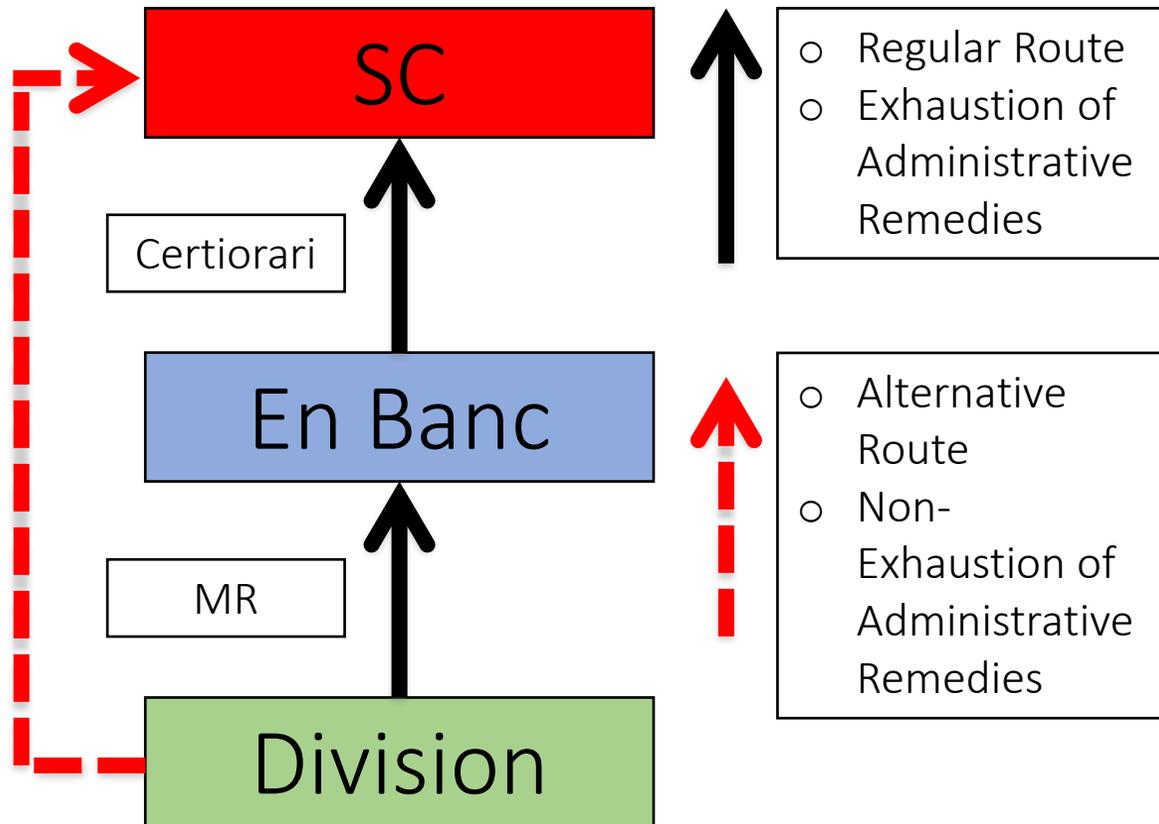
# Comparing & Contrasting Cases vs. Candidates

## *Grounds – Requirements – Period – Effects*

Aspects	Commission of an Election Offense	Deliberate Material Misrepresentation	Nuisance Candidate
<i>Where file</i>	COMELEC Division then COMELEC En Banc then Supreme Court		
<i>Who files</i>	Any Registered Voter or Any Registered Political Party	Any Registered Voter or Any Registered Political Party	<ul style="list-style-type: none"> <li>○ Any registered candidate for the same position</li> <li>○ If ground is similarity in names, by the Real Party-in-Interest (<i>i.e., candidate with similar name with nuisance candidate</i>)</li> </ul>
<i>When file</i>	Not later than the date of proclamation	<ul style="list-style-type: none"> <li>○ Within 5 days from last day for CoC filing of CoC (10.08 to 10.13); but</li> <li>○ Not later than 25 days from time of filing of subject CoC (10.01-08 to 10.26-11.02)</li> </ul>	<ul style="list-style-type: none"> <li>○ Within 5 days from the last day for the filing of CoC (10.08 to 10.13)</li> </ul>
<i>Substitution</i>	Allowed	Not allowed	Not allowed
<i>If proclaimed Respondent unseated while in office</i>	Succession (P/VP/ LGUs) or Special Elections (Congress)	If lack qualifications, 2 <sup>nd</sup> placer becomes the 1 <sup>st</sup> placer	2 <sup>nd</sup> placer becomes the 1 <sup>st</sup> placer or proclaimed nuisance stays in office



# Can a decision of a COMELEC Division be directly elevated to the SC, bypassing the COMELEC En Banc?



**The Non-Exhaustion of Administrative Remedies,** in exceptional cases, may be allowed by the SC. In connection with elections, these may be raised to justify bypassing the COMELEC En Banc:

1. Question is essentially Judicial
2. Pure question of Law
3. Constitutionality
4. Transcendental Issue
5. Utter Disregard for Due Process
6. Strong Public Interest
7. Urgency/ Lack of Material Time
8. Special Reasons demanding Immediate Judicial Relief

# Acts which are not considered Election Campaigning



1. Acts and solicitations prior to campaign period
2. Private persons:
  - a) Acts which are not intended to promote the election or defeat of a candidate:
    - Relief Work
    - Charity Work
    - Normal and customary religious stipends
    - Advocacy of social issues
    - Seminars (on election laws)
  - b) Personal opinions, views, and preferences for candidates, contained in blogs and micro-blogs
3. Acts of public officers which are governance-related/ implementation of government programs (unless covered by Public Works Ban)

# Rules on SocMed Electoral Campaign

## COMELEC Resolution No. 10730 (11.17.21)



<p><b>Allowed</b></p>	<ul style="list-style-type: none"> <li>○ Creating on any social media platform, user groups or community pages, for the <b>purpose of conducting campaigns or related partisan political activity</b></li> <li>○ Use of the <b>internet to distribute campaign propaganda</b>. This includes text-only posts on social media, pictures, audio clips, and video clips, regardless of duration, and all combinations of such formats.</li> </ul>
<p><b>Registration</b></p>	<p>Each registered political party/coalitions and candidate shall register with the COMELEC EID, the <b>website name and web address of all platform-verified official accounts, websites, blogs and/or other social media pages</b> of such political party or candidate within <b>30 days</b> from the last day of the period for the filing of the Certificates of Candidacy (<b>January 31, 2022 per CR 10748</b>).</p>
<p><b>Regulation</b></p>	<ul style="list-style-type: none"> <li>○ Only <b>verified accounts</b>, websites, blogs, and/or social media pages <b>may run electoral ads</b>, and <b>boost or promote electoral posts</b>. (Note: no requirement on number of subscribers)</li> <li>○ Even <b>unregistered accounts</b> subject to regulation</li> <li>○ <b>Subject to platform policies per CR 10748</b></li> </ul>
<p><b>Ban on Micro-Targeting</b></p>	<p>Microtargeting (intended to analyze a person’s online usage, to preferentially serve ads) of electoral ads shall not be allowed provided that electoral ads can be targeted <b>using only the following criteria</b>: (1) geographical location, except radius around a specific location; (2) age; and (3) gender; provided further that contextual targeting options may also be used in combination with the above.</p>
<p><b>Truthful</b></p>	<p>Information contained in online campaign propaganda shall be <b>truthful and not misleading</b>, nor shall it tend to unjustifiably cast doubt on the <b>integrity of the electoral process</b>.</p>
<p><b>2 Disclosures</b></p>	<ul style="list-style-type: none"> <li>○ All electoral ads must show a disclosure that identifies <b>who paid for the ad</b>.</li> <li>○ All electoral posts must show a disclosure that <b>identifies it as a paid electoral ad</b>, and discloses who paid for the ad.</li> </ul>
<p><b>Sign Language</b></p>	<p>Incorporate sign language <b>interpreters and closed captioning</b> in broadcast election propaganda intended for exhibition on the internet</p>

# Rules on In-Person Campaign, Rallies, Meetings and Motorcades

## *COMELEC Resolution No. 10730*



Are candidates, during the campaign period, allowed to:

1. Enter homes of voters during in-person campaign? **NO**
2. Hug, shake the hands of and kiss the voters during in-person campaign? **NO**
3. Conduct in-person campaign in IATF Alert Levels 4 and 5 Areas? **NO**
4. Attend public meetings without face masks? **NO**
5. Take selfies during in-person campaign? **NO**
6. Give free food and drinks while the rally is ongoing? **NO**
7. Make stopovers and layovers during motorcades and caravans? **NO**
8. Display 3' x 8' streamers outside the homes of supporters (no rally outside)? **NO**
9. Organize rallies without the permit from the City or Municipality? **NO**
10. Hold rallies without the prior approval of the COMELEC Campaign Committee? **NO**



# Campaign Face-to-Face Rally

## COMELEC Resolution No. 10732

<b>Definition</b>	<b>Mass or concerted action</b> held in a <b>public place</b> , indoors or outdoors, for the <b>purpose</b> of soliciting votes and/ or undertaking any <b>campaign</b> or propaganda for or against a candidate
<b>Protocols</b>	<ol style="list-style-type: none"> <li>1. No <b>physical contact/ close proximity</b> (hugs, handshakes, physical contact, and selfies)</li> <li>2. Wear full-coverage <b>face shields together with face masks</b></li> <li>3. Persons <b>not allowed</b>: &lt; 18 years old   &gt; 65 years old   With immunodeficiency, comorbidity or other health risks   heavily pregnant women</li> </ol>
<b>No Freebies</b>	No free <b>transportation, food, drinks</b> and anything of value <b>within 5 hours before and after</b>
<b>Collaterals Allowed</b>	<ol style="list-style-type: none"> <li>1. 3' x 8' <b>streamers</b> displayed 5 days before and removed ≤ 24 hours</li> <li>2. 2' x 3' <b>posters</b></li> <li>3. 8.5" W x 14" L <b>printed materials</b></li> </ol>
<b>Follow Alert Levels</b>	Levels 1 – 5   Classification by National/ Regional/ Provincial/ Municipal-City <b>COMELEC Campaign Committee</b> (N/R/P/M-C CCC)   Appeal from PCCC to RCCC
<b>2 Permits &amp; 2 Notices</b>	<ol style="list-style-type: none"> <li>1. LGU Permit: Filing with <b>City/ Municipality</b>   Posting   EO informed   LGU acts ≤ 3 days (<i>inaction</i> ≡ <i>approval</i>)   Fair opportunity to all   Denial only on prior grant (<i>appeal to PES/ NCR RED</i>)</li> <li>2. CCC Approval: No election campaign without prior approval of <b>CCC</b></li> <li>3. Notice to EO: Public Rally: Inform <b>EO</b> prior to rally   Report <b>expenses</b> ≤ 7 days</li> <li>4. Submission to EO: Campaign Organizing Staff submits <b>Affidavit of Compliance</b> with Health Protocols</li> </ol>



# What COMELEC Can & Cannot Do

## Can

1. Issue, modify and amend its rules
2. Set the calendar of activities based on timelines prescribed in law
3. Resolve election controversies
4. Cancel Certificates of Candidacy based on ineligibility
5. Disqualify candidates
6. Suspend its procedures
7. Cite persons in contempt
8. Postpone the election in any political subdivision
9. Determine the appropriate automated system
10. Augment items in its budget from its savings
11. File information for an election offense
12. Authorize Boards of Canvassers to reconvene

## Cannot

1. Change, without an enabling law, the date of elections
2. Declare a person to be qualified or not to be a voter
3. Disobey, enact, amend or repeal laws
4. Alter the qualifications of public elective officials
5. Not issue rules when directed by law
6. Ban campaigning in tri-media and social media
7. Delegate to its field offices the power to resolve cases
8. Automate the proclamation of candidates
9. Resolve election protests for the President, VP, Senators and Representatives
10. Proclaim the President and Vice-President
11. Exempt itself from judicial review
12. Convict a person for vote-buying



# Electoral Process & Cases

Candidates

Possible Cases

- Postponement of Elections
- Failure of Elections

Aspirants/ Filers/ Poll Bets/  
"Would-Be Candidates"

Full-Fledged Candidates

- Election Protests
- Annulment of Proclamation
- Quo Warranto

Filing of  
CoC  
10.01-08  
(11.15 –  
05.09)

  
Pre-  
Campaign  
Period

  
Start of  
Campaign  
02.08-Nat'l  
03.25-Local

Election  
Day  
05.09

Canvass/  
Proclaim  
05.10-16  
(~P/VP)

SOCE  
06.08

Assume  
Office  
06.30  
(12nn)

CoC Cancellation/ Disqualification/ Declare Nuisance Cases

Substitution of Aspirants/ Candidates D&D  
Withdrawal but no substitution > 11.15

Pre-Proc.

 Permanent Vacancies  
in COMELEC



# Differentiating 2 Periods in Elections

## Election Period

- Period: January 9 to June 8 covering:
  1. Election Day
  2. Campaign Period
  3. Period to file Statement of Contributions and Expenditures
- Filers of CoCs not yet Candidates (*campaign regulations not yet operative*)
- Prohibitions
  1. Creating/ Altering Precincts
  2. Transferring Civil Service Employees
  3. Carrying Firearms
  4. Suspending Local Elective Officials

## Campaign Period

- Periods:
  1. Nationally-Elected: February 8 to May 7
  2. Locally-Elected: March 25 to May 7
- Filers of CoCs become Candidates (*campaign regulations already operative*)
- Prohibitions
  1. Using unlawful forms of campaign
  2. Vote-Buying and Vote-Selling
  3. Campaigning on Election Day
  4. Public Officers:
    - a. Intervening in election campaign (unless holding a political office)
    - b. Hiring, promoting, disciplining and coercing Government Employees
    - c. Releasing public funds for public works



# Module 5

- Automated Election Law
- Omnibus Election Code
- R.A. No. 7166
- COMELEC Resolution No. 10727
- COMELEC Resolution No. 10731



# Postponement and Failure of Elections



# Postponement of Elections

- **Grounds:** (1) Force majeure, (2) Violence, (3) Terrorism, (4) Loss or Destruction of Election Paraphernalia, and (5) Analogous Causes
- **Extent:** Serious *and* Impossible to have free and orderly elections
- **Conditions:** Grounds must exist before end of voting/transmission
- **Authority:** COMELEC En Banc (petition or motu proprio), not EB or election officers
- **Result:** Special Elections within 30 days from cessation



# Failure of Elections

- [ **Grounds:** (1) Force majeure, (2) Violence, (3) Terrorism, (4) Fraud, and (5) Analogous Causes
- [ **Extent:** Failure to elect *and* affect results of elections (materiality); relates to entire election/ other positions
- [ **Examples:**
  - [ *Failure* - transfer of venue of counting without notice; ballots replaced/ burned
  - [ *No Failure* – voting resumes after sporadic violence/ gun fire, fake ballots, landslide results, vote-buying, destruction of copies of ERs; convincing evidence showing will of people muted by causes
- [ **Conditions:** Election not held or suspended, After voting, During preparations or transmission of election returns, Canvassing
- [ **Authority:** COMELEC En Banc (petition)
- [ **Result:** Special Elections within 30 days from cessation (objective of declaration)



	<b><i>Postponement of Elections</i></b>	<b><i>Failure of Elections</i></b>
<b><i>Legal Bases</i></b>	Section 5, Omnibus Election Code Section 4, RA No. 7166	Section 6, Omnibus Election Code Section 4, RA No. 7166
<b><i>Grounds</i></b>	<ol style="list-style-type: none"> <li>1. Force Majeure</li> <li>2. Violence</li> <li>3. Terrorism</li> <li>4. Loss or Destruction of Election Paraphernalia</li> <li>5. Analogous causes</li> </ol>	<ol style="list-style-type: none"> <li>1. Force Majeure</li> <li>2. Violence</li> <li>3. Terrorism</li> <li>4. Fraud</li> <li>5. Analogous causes</li> </ol>
<b><i>Extent of Cause</i></b>	Serious <i>and</i> Impossibility to have free and orderly elections	Failure to elect <i>and</i> affect results of elections (illegality must affect 50% of the votes)
<b><i>Basis</i></b>	Expectancy/ potential Effect	Actual outcome/results
<b><i>Conditions</i></b>	Grounds must exist before voting	<ol style="list-style-type: none"> <li>1. Election not held or suspended</li> <li>2. After voting or during preparation</li> <li>3. Transmission</li> <li>4. Canvassing</li> </ol>
<b><i>Area</i></b>	Any political subdivision	Any polling place
<b><i>Procedural Requirements</i></b>	<ol style="list-style-type: none"> <li>1. Motu Propio or by Verified Petition</li> <li>2. Notice and Due Process</li> </ol>	<ol style="list-style-type: none"> <li>1. Verified Petition</li> <li>2. Notice and Due Process</li> </ol>
<b><i>Authority</i></b>	Comelec En Banc	
<b><i>Effect if Petition Granted</i></b>	<ol style="list-style-type: none"> <li>1. Postpone elections</li> <li>2. Conduct elections reasonable close to elections which was not held; but not later than 30 days from cessation of the cause</li> </ol>	<ol style="list-style-type: none"> <li>1. Declaration of failure of elections</li> <li>2. Holding or continuation of elections reasonably close to elections which was not held; but not later than 30 days from cessation of cause</li> </ol>



# Automated Elections

## Overview

# Before we start, please answer these? Do you know the acronyms?

1. Under our AES law, casting and proclamation are included?
2. In Philippine elections, what are the 2 kinds of CoCs?
3. Which one is attached to the CoC – SoV vs. CoV?
4. Ballots are inserted in the VAD or VCM?
5. For May 9, is it BEI or EB?
6. Is the DESO from the DEPED?
7. SD is for EB while CD is for BoC?
8. Which one is signed by the voter – PCVL or EDCVL?
9. Which is given to a winning candidate – CoC or CoCP?
10. Lawyers cannot touch the CCS?



# Automated Elections

- [ **Statutory Bases:** RA 9369 amending RA 8436
- [ **Automated Election System (AES):** voting, counting, consolidating, canvassing, and transmission (not proclamation)
- [ **Paper-Based or Direct Recording Election System:** Ballots, Election Returns, Certificate of Canvass, Statement of Votes (25% shading threshold)
- [ **Comelec En Banc Discretion:** AES or AESs, Paper-Based or Direct Recording



# Automated Elections

- [Features: Use of Ballots, Stand-alone machine, with Audit Trails, Minimum Human Intervention and Security Measures
- [Processes:
  1. Casting, Counting and Transmission at Precinct Level
  2. Consolidation and Proclamation at Canvassing Levels

# Automated Elections: Ballot



**MAY 9, 2022 NATIONAL AND LOCAL ELECTIONS**  
 BRUNEI PE, NEGARA BRUNEI DARUSSALAM,  
 ASIA PACIFIC  
 Type: National and Local



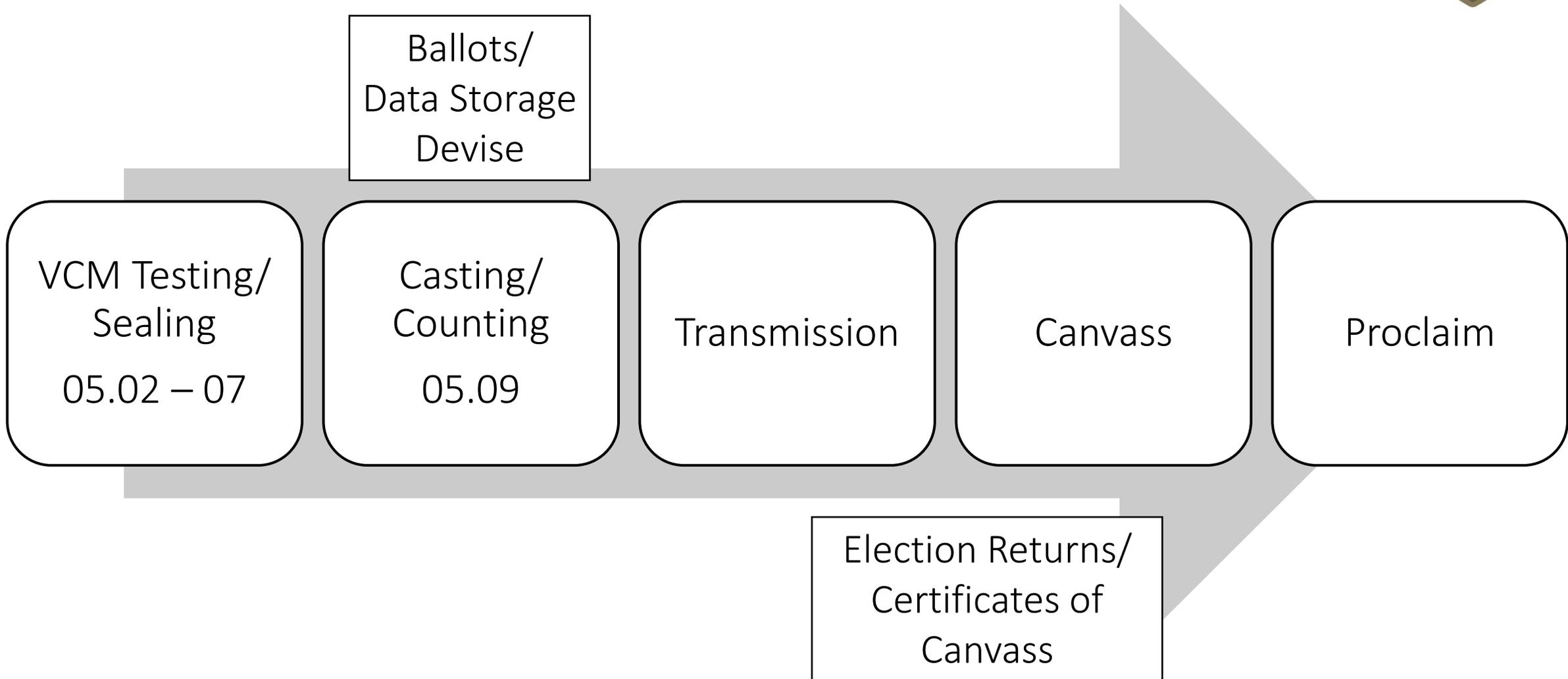
Clustered Precinct ID: 90010001  
 Precincts in Cluster: 0001A

**INSTRUCTIONS FOR VOTING**  
 (1) Completely blacken the inside of the circle beside the name of the desired candidate.  
 (2) Use only the marking pen provided for blackening the circles.

Signature of Chairman

PRESIDENT / Vote for 1			
<input type="radio"/> 1. ABELLA, ERNIE (IND)	<input type="radio"/> 4. GONZALES, NORBERTO (PDSF)	<input type="radio"/> 7. MARCOS, BONGBONG (PFP)	<input type="radio"/> 10. ROBREDO, LENI (IND)
<input type="radio"/> 2. DE GUZMAN, LEODY (PLM)	<input type="radio"/> 5. LACSON, PING (PDR)	<input type="radio"/> 8. MONTEMAYOR, JOSE JR. (DPP)	
<input type="radio"/> 3. DOMAGOSO, ISKO MORENO (AKSYON)	<input type="radio"/> 6. MANGONDATO, FAISAL (KTPNAN)	<input type="radio"/> 9. PACQUIAO, MANNY PACMAN(PROMDI)	
VICE PRESIDENT / Vote for 1			
<input type="radio"/> 1. ATIENZA, LITO (PROMDI)	<input type="radio"/> 4. DUTERTE, SARA (LAKAS)	<input type="radio"/> 7. PANGILINAN, KIKO (LP)	
<input type="radio"/> 2. BELLO, WALDEN (PLM)	<input type="radio"/> 5. LOPEZ, MANNY SD (WPP)	<input type="radio"/> 8. SERAPIO, CARLOS (KTPNAN)	
<input type="radio"/> 3. DAVID, RIZALITO (DPP)	<input type="radio"/> 6. ONG, DOC WILLIE (AKSYON)	<input type="radio"/> 9. SOTTO, VICENTE TITO (NPC)	
SENATOR / Vote for 12			
<input type="radio"/> 1. AFUANG, ABNER (IND)	<input type="radio"/> 17. D'ANGELO, DAVID (PLM)	<input type="radio"/> 33. HONASAN, GRINGO (IND)	<input type="radio"/> 49. PADILLA, ROBIN (PDPLBN)
<input type="radio"/> 2. ALBANI, IBRAHIM (WPP)	<input type="radio"/> 18. DE LIMA, LEILA (LP)	<input type="radio"/> 34. HONTIVEROS, RISA (AKBAYAN)	<input type="radio"/> 50. PANELO, SAL PANALO (PDPLBN)
<input type="radio"/> 3. ARRANZA, MANG JESS (IND)	<input type="radio"/> 19. DEL ROSARIO, MONSOUR (PDR)	<input type="radio"/> 35. JAVELLANA, RJ (IND)	<input type="radio"/> 51. PIMENTEL, ASTRA (PDPLBN)
<input type="radio"/> 4. BAGUILAT, TEDDY (LP)	<input type="radio"/> 20. DIAZ, DING (PPP)	<input type="radio"/> 36. KIRAM, NUR-MAHAL (IND)	<input type="radio"/> 52. PIÑOL, MANNY (NPC)
<input type="radio"/> 5. BAILEN, AGNES (IND)	<input type="radio"/> 21. DIOKNO, CHEL (KANP)	<input type="radio"/> 37. LABOG, ELMER (MKBYN)	<input type="radio"/> 53. RICABLANCA, WILLIE JR. (PM)
<input type="radio"/> 6. BALITA, CARL (AKSYON)	<input type="radio"/> 22. EJERCITO, JV ESTRADA (NPC)	<input type="radio"/> 38. LACSON, KUYA ALEX (KP)	<input type="radio"/> 54. ROQUE, HARRY SPOX (PRP)
<input type="radio"/> 7. BARBO, LUTZ (PDPLBN)	<input type="radio"/> 23. ELEAZAR, GEN. GUILLERMO (PDR)	<input type="radio"/> 39. LANGIT, REY (PDPLBN)	<input type="radio"/> 55. SAHIDULLA, LADY ANNE (PDDS)
<input type="radio"/> 8. BAUTISTA, HERBERT BISTEK (NPC)	<input type="radio"/> 24. EREÑO, BRO. ERNIE (PM)	<input type="radio"/> 40. LEGARDA, LOREN (NPC)	<input type="radio"/> 56. SISON, JOPET (AKSYON)
<input type="radio"/> 9. BELGICA, GRECO (PDDS)	<input type="radio"/> 25. ESCUDERO, CHIZ (NPC)	<input type="radio"/> 41. LIM, ARIEL (IND)	<input type="radio"/> 57. TEODORO, GIBO (PRP)
<input type="radio"/> 10. BELLO, SILVESTRE JR. (PDPLBN)	<input type="radio"/> 26. ESPIRITU, LUKE (PLM)	<input type="radio"/> 42. MALLILLIN, EMILY (PPM)	<input type="radio"/> 58. TRILLANES, ANTONIO IV (LP)
<input type="radio"/> 11. BINAY, JOJO (UNA)	<input type="radio"/> 27. ESTRADA, JINGGOY (PMP)	<input type="radio"/> 43. MARCOLETA, RODANTE (PDPLBN)	<input type="radio"/> 59. TULFO, IDOL RAFFY (IND)
<input type="radio"/> 12. CABONEGRO, ROY (PLM)	<input type="radio"/> 28. FALCONE, BAL FALCON (DPP)	<input type="radio"/> 44. MARCOS, FRANCIS LEO (IND)	<input type="radio"/> 60. VALEROS, REY (IND)
<input type="radio"/> 13. CASTRICIONES, BRO JOHN(PDPLBN)	<input type="radio"/> 29. GADON, LARRY (KBL)	<input type="radio"/> 45. MATULA, SONNY (IND)	<input type="radio"/> 61. VILLANUEVA, JOEL TESDAMAN (IND)
<input type="radio"/> 14. CAYETANO, ALAN PETER (IND)	<input type="radio"/> 30. GATCHALIAN, WIN (NPC)	<input type="radio"/> 46. MINDALANO-ADAM, MARIETA(KTPNAN)	<input type="radio"/> 62. VILLAR, MARK (NP)
<input type="radio"/> 15. CHAVEZ, MELCHOR (WPP)	<input type="radio"/> 31. GORDON, WOW DICK (BVNP)	<input type="radio"/> 47. OLARTE, ATTY/DR. LEO (BIGKIS)	<input type="radio"/> 63. ZUBIAGA, CARMEN (IND)
<input type="radio"/> 16. COLMENARES, NERI (MKBYN)	<input type="radio"/> 32. GUTOC, SAMIRA (AKSYON)	<input type="radio"/> 48. PADILLA, DRA. MINGUITA (PDR)	<input type="radio"/> 64. ZUBIRI, MIGZ (IND)

# Automated Elections





# Election Day Must-Know

Teachers are Boss

No more campaigning

Selling in Booths (30m)

Free transportation, food and drinks



# Casting – Counting – Transmission



# Electoral Board (EB): Composition

- The Commission, through the Election Officers, shall constitute and appoint, **from January 17 to 31, 2022**, the EB for every clustered precinct
- EB composed of a chairperson, poll clerk, and third member
- Preference to Public school teachers who are (1) qualified, (2) willing, and (3) available to render election service with permanent appointments and (4) those who served in previous elections
- Substitutes:
  - Private school teachers
  - National government employees
  - Members of the Commission-accredited citizens' arms
  - Any registered voter of the city or municipality of known integrity and competence who is not connected with any candidate or political party
- EO appoints 1 DESO and 2 DESO Support Staff for every voting center (serve as COVID marshal, supervise crowd management, supervise the Safety Protocol Officer Support Staff, etc.)



# EB Composition

## Qualifications

1. A registered voter in the city or municipality
2. Of good moral character and irreproachable reputation
3. Of known integrity and competence
4. Has never been convicted of any election offense or of any crime punishable by more than 6 months of imprisonment, or has no pending Information for any election offense
5. Able to speak and write Filipino, English, or the local dialect

## Disqualifications

related, within the 4th civil degree of consanguinity or affinity to:

1. any member of the same EB
2. any candidate to be voted for in the polling place of assignment
3. candidate's spouse



# EB Functions

- Conduct the Final Testing and Sealing of the VCM
  - Verify the identity of a voter using the EDCVL
  - Conduct the voting in the polling place and administer the electronic counting of votes
  - Digitally sign and print the ERs and transmit electronically the election results, through the use of the VCM
  - Act as deputies of the Commission in the supervision and control of the conduct of elections in the polling place
  - Maintain order within the polling place and its premises to keep an open and unobstructed access thereto
  - Furnish copies of the Certificate of Votes upon request of the watchers
  - Prohibit the use of cellular phones, cameras, or any recording device by the voters during voting
  - Implement minimum public health standards
  - Enforce obedience to its lawful orders. If any person refuses to obey the lawful orders of the EB or conducts in a disorderly manner in its presence or within its hearing and thereby interrupts or disturbs its proceedings, the EB may issue an order in writing directing any peace officer to take such person into custody until the adjournment of the meeting
  - Resolve challenges on voters
1. EB meetings shall be public and held only in the polling place
  2. EB decides by majority vote
  3. EB cannot engage in any partisan political activity
  4. EB cannot postpone elections



# Pollwatchers

## Who are entitled?

1. Candidate
2. Duly registered political party or coalition of political parties
3. Party-List Groups
4. Duly accredited citizens' arms
5. Other civic, religious, professional, business, service, youth, and any other similar organizations, with prior authority of the Commission

## How many?

- 2 for every polling place, serving alternately
  - Only 1 for candidates for Senator belonging to same party
  - Only 1 for candidates for Sanggunians belonging to same party
  - Only 1 watcher for all civic groups
- If insufficient space, preference to watchers of:
- Dominant majority and dominant minority parties
  - Citizens' arm (given preferential position closest to the EB)

# Pollwatchers

Names of Representatives authorized to appoint watchers must be submitted to EO  $\leq$  15 days 05.09



## Qualifications

1. Registered voter of the city or municipality
2. Of good moral character
3. Has not have been convicted by final judgment of any election offense or of any other crime
4. Knows how to read and write Filipino, English or the prevailing local dialect
5. Is not related within the fourth civil degree of consanguinity or affinity to the chairperson, or any other member of the EB in the polling place where such person seeks appointment as a watcher

## Functions

1. Stay in the space reserved for them inside the polling place
2. Witness and inform themselves of the proceedings of the EB
3. Take note of what they may see or hear
4. Take picture, image, photo, or video of the proceedings and incidents
5. File a protest against any irregularity or violation of law
6. Obtain from the EB a certificate as to the filing of such protest and/ or the Resolution thereof
7. Position themselves near the chairperson of the EB, observing the one-meter physical distancing requirement, while the chairperson is publicly announcing the precinct results
8. Not talk/ mingle with voters



# Persons Allowed in Polling Places

## Allowed

1. Members of the EB
2. EB support staff
3. Watchers
4. Commission Representatives
5. DESO Technical Support Staff
6. EAPP Support Staff
7. Voters casting their votes and their assistors
8. Voters waiting for their turn to cast their vote
9. Jail/ Prison Escorts escorting PDL voters
10. Other Commission-authorized persons

## Not Allowed

1. AFP
2. PNP\*
3. Peace Officer\*
4. Barangay Official
5. SK Official
6. Barangay Tanod
7. Extra-Legal Police

\* Allowed only if:

- EB/ Paraphernalia protection
- Outside 30-meter radius



# Casting-Counting-Proclamation

- A. **Preliminaries:** 5:00 to 6:00 a.m.
  1. EB sets up Polling Place
  2. Pollwatchers present credentials (appointment papers and proof of LGU registration) to EB
  3. EB posts Precinct Certified Voters List (PCVL)
  4. EB shows sealed then opens Vote Counting Machine (VCM)
  5. EB empties Ballot Box to public then locks
  6. EB turns on VCM and logs in



# Casting-Counting-Proclamation

- B. **Voting Proper:** 6:00 a.m. to 7:00 p.m.
  1. Voter subjected to temperature check and pass through foot bath
  2. Voter approaches Voter's Assistance Desk (VAD) to secure precinct and sequence numbers and assigned clustered precinct
  3. Voters vote in the order of arrival
  4. Voter approaches EB/ Support Staff
  5. EB (Poll Clerk) verifies Voter identity
  6. EB checks if fingers unstained with Indelible Ink (if stained, cannot vote)
  7. Chair announces name of Voter
  8. If no challenge or challenged dismissed, Voter signs in Election Day Computerized Voters List (EDCVL)



# Challenges

## Illegal Voter

— [Not registered; Use another name; Disqualified; Multiple Registrant (*require proof of registration or EB member identifies voter*)

## Illegal Act

— [Vote-Buying; Vote-Selling; Vote-Betting: Promise to induce or withhold vote (*allowed to vote if take oath before EB*)



# Casting-Counting-Proclamation

9. EB Chair:
  - a) Authenticates and signs Ballot in space provided
  - b) Gives Ballot inside Secrecy Folder and Marking Pen to voter
  - c) Instructs Voter how to accomplish ballot
10. Voter votes by fully shading the ovals across names of candidates
11. Voter inserts Ballot in the VCM
12. Voter deposits Voter Verifiable Paper Audit Trail (VVPAT) in receptacle (If Voter has an objection on VVPAT, s/he affixes signature and objection placed in Minutes)
11. EB applies Indelible Ink on Voter's finger
12. Voter returns Secrecy Folder and Marking Pen
13. Voter departs



# Prohibitions on Voting

- Bring the ballot, ballot secrecy folder or marking pen outside of the polling place
- Speak with anyone
- Prepare the voter's ballot without using the ballot secrecy folder,
- Exhibit ballot contents
- Fill out the voter's ballot accompanied by another (unless assistor)
- Erase any printing from the ballot
- Put any distinguishing mark on the ballot
- Use of capturing devices such as but not limited to digital cameras, cellular phones with camera, or other means to copy the contents of the ballot
- Use scheme to identify vote
- Intentionally tear or deface the ballot
- Disrupt or attempt to disrupt the normal operations of the VCM
- Violate Health Protocols



# Casting-Counting-Proclamation

14. Ballot is accepted or rejected (given another Ballot):
  - a) Misread Ballot (re-fed in 4 different orientations)
  - b) Previously Read Ballot (placed in envelope for “Rejected Ballots”)
  - c) Invalid Ballot (verified and Voter given another/ correct ballot)
15. Illiterates, Persons with Disability and Senior Citizens (indicated in voting records) can be assisted by relative within 4<sup>th</sup> degree (max. 3x), person of confidence/ housemate (max. 3x) or EB (as many)
16. No premature announcement of state of polls before close of polls (If a Voter has voted or not; number of voter who voted)
17. For Voters with COVID 19 symptoms, they will vote in the Isolation Polling Place (IPP)
18. If there are Voters within 30-meter radius, they will be allowed to vote (list prepared, voters numbered consecutively and called)



# Casting-Counting-Proclamation

## C. Closing of Polls: 7:00 p.m. up

1. Unused Ballots shall be disposed off (torn lengthwise and placed in Envelopes)
2. VCM transmits results (recipients not mentioned in Resolution)
  - a) Comelec
  - b) Transparency Server (KBP)
  - c) City/ Municipal Board of Canvassers (C/ M BoC)
3. VCM prints Election Returns (ERs)
4. EB signs and distributed ERs
5. EB shall post 1 copy of ER in a conspicuous place inside polling place



# Distribution of 30 Election Returns

Nationally-Elected	Locally-Elected
1) C/ M BoC 2) Congress 3) COMELEC 4) Accredited Citizen's Arm 5) Dominant Majority Party 6) Dominant Minority Party 7) Ballot Box 8) P BoC 9) Posted on Wall 10) 10 Accredited Major National Parties 11) 2 Accredited Major Local Parties 12) 4 National Broadcast/ Print Media Entities 13) 2 Local Broadcast or Print Media Entities 14) 4 Major Citizen's Arm	1) C/ M BoC 2) COMELEC 3) P BoC 4) Accredited Citizen's Arm 5) Dominant Majority Party 6) Dominant Minority Party 7) Posted on Wall 8) Ballot Box 9) 10 Accredited Major National Parties 10) 2 Accredited Major Local Parties 11) 4 National Broadcast/ Print Media Entities 12) 2 Local Broadcast or Print Media Entities 13) 3 Major Citizen's Arm



# Casting-Counting-Proclamation

## D. Delivery of Election Paraphernalia

1. EB removes main SD card (Slot A), placed inside Envelope and delivered to EO through the Reception and Custody Group (RCG) for use by C/M BoC in canvassing (Back-up SD in Slot B not removed)
2. VCM turned over to Logistics Provider or Election Officer
3. Deliver Ballot Box to the Local Treasurer



# Canvassing

# Boards of Canvassers (BoC)

Under control and supervision of COMELEC

COMELEC

DOJ (for Municipality, Treasurer)

DEPED

Not related within 4<sup>th</sup> degree to each other or staff or candidate whose votes will be canvassed





# BoC Functions

1. Canvasses/ consolidates electronically transmitted results
2. Generates Certificate of Canvass (CoC), CoC and Proclamation (CoCP) and SoV (Statement of Votes)
3. Digitally signs reports
4. Transmits results to next level
5. Proclaims candidates at canvassed level
6. Keeps order (if person refuses to obey any lawful order or acts in such disorderly manner as to disturb or interrupt its proceedings, the BOC may order in writing a peace officer to take such person into custody)
7. Enforces Health and Safety Protocols



# Rights of Candidates and Parties

1. Right to be present
2. Right to counsel during the consolidation/ canvass of the ERs or CoCs
  - duly appointed by the candidate/ registered political party
  - Name(s) submitted not later than May 4
  - only 1 counsel may argue for each party or candidate at a given time
  - Rights of Counsel
    - Right to observe the transmission, consolidation and canvass of the ERs or CoCs without touching the Consolidation and Canvassing System (CCS)
    - Right to make observations
    - Right to file challenges



# Rights of Candidates and Parties

3. Right to Appoint Watchers (Name(s) submitted not later than May 4)
  - Be present
  - Take notes
  - Stay at designated place
  - File a written protest on any irregularity
  - Obtain written resolution of protest

# Persons Not Allowed Inside Canvassing Hall



1. Any officer or member of the AFP;
2. Any officer or member of the PNP
3. Any peace officer or any armed or unarmed persons belonging to an extra-legal police agency
4. Any *barangay tanod* or any member of *barangay* self-defense units
5. Any member of the security or police organizations of government agencies
6. Any member of a privately-owned or operated security, investigative, protective or intelligence agency performing identical or similar functions



# Canvassing Procedure

1. BoC Releases Notice of Meetings
  - Not later than May 4
  - Venue: LGU Session Hall
    - if not appropriate, EO may apply for transfer with ODEDO then posted then opposition may be filed then COMELEC En Banc decides
    - Public Building (if none, private building provided not under control of incumbent official/ political party/ along public road/ not within perimeter of military/ police camp)
2. BoC Convenes
  - 1pm, May 9
  - Meet continuous from day to day until canvass completed



# Canvassing Procedure

3. RCG receives:
  - SD card from EB
  - Printed copies of CoC from C/M BoC
4. Preliminaries to Canvassing
  - Show public/ watchers the CCS box then remove contents
  - Turn on laptop and Initialize the CCS
5. Monitor Results
  - Transmitted: C/ M BOC (Precincts-Barangays); P BoC (Cities/Municipalities)
  - Non-Transmission: Import results from SD cards (Precincts) and CDs (Cities/Municipalities)



# Pre-Proclamation Cases

— Aspects (under the law)

1. BoC-related (proceedings and composition) – raise before the BoC or COMELEC division
2. Results-related (generation/printing, transmission, receipt and custody, and appreciation of ERs or the CoCs) – raise before the BoC

— Not allowed under COMELEC Resolution No. 10731

- Data-Storage Delayed, Destroyed, Falsified
- Material Defects, Manifest Errors, Omission, Discrepancy

— Not allowed since admit evidence aliunde (violence, disqualified voters allowed to vote, voting procedure, vote-buying)



# Canvassing Procedure

6. Generate and Print Canvass Reports
7. Generate and Print CoC
  - All Results in (digitally sign and print)
  - Not All Results in
    - Party-in-Interest to file Motion to lower threshold ( $\geq 90\%$ ) + concurrence of BoC majority – seek COMELEC approval through PMO Director
    - Form to indicate position involved, margin/ lead and precincts involved
8. Transmit Results
9. Generate and Print SoVs
10. Generate CoCP (if there is a tie, schedule drawing of lots)



# Canvassing Procedure

11. Print Audit Log

12. Post Printing

- BoC and Watchers affix signatures to CoC, SoV and CoCP
- BoC Chair announces results

13. Transmit Results (recipients not mentioned in Resolution)

14. Back-up Results in CD and place CD in envelope and submit to P BoC (for C/ M BoC) and National Board of Canvassers (for P/C BoC)

15. Deliver CoC

- P BoC (for C/ M BoC)
- COMELEC for Senators and Party-List (for P BoC/ >2 LDs C BoC)
- Congress for President and Vice-President (for P BoC/ >2 LDs C BoC)



# Distribution of CoC

C/ M BoC	P BoC/ 1-2 LDs C BoC
<ol style="list-style-type: none"><li>1. P BoC</li><li>2. COMELEC</li><li>3. BoC Chairperson</li><li>4. PPCRV (unofficial count)</li><li>5. Congress (Senate President)</li><li>6. Posted on Wall</li><li>7. Dominant Majority Party</li><li>8. Dominant Minority Party</li><li>9-18. Accredited Major National Parties</li><li>19-20. Accredited Major Local Parties</li><li>21-25. National Broadcast or Print Media</li><li>26-27. Local Broadcast or Print Media</li><li>28-30. Major Citizen's Arms</li></ol>	<ol style="list-style-type: none"><li>1. Congress (Senate President) for P/ VP</li><li>2. COMELEC for Senators/ Party-List</li><li>3. BoC Chairperson</li><li>4. PPCRV (unofficial count)</li><li>5. Congress (Senate President)</li><li>6. Posted on Wall</li><li>7. Dominant Majority Party</li><li>8. Dominant Minority Party</li><li>9-10. Accredited Major National Parties</li><li>11-13. Accredited Major Local Parties</li><li>14. Citizen's Arms</li></ol>

# Distribution of CoCP

Signed and thumbmarked by  
BoC and Watchers

C/ M BoC	1-2 LDs C BoC (District Reps)	1-2 LDs C BoC (City Positions)	P BoC (District Reps)	P BoC (Provl Positions)
<ol style="list-style-type: none"> <li>1. ERSD</li> <li>2. Posted on Bulletin Board</li> <li>3. BoC Chairperson</li> <li>4. Secretary of Sanggunian</li> <li>5. Treasurer</li> <li>6. Winning Candidate for M and VM</li> <li>7. Winning Candidates for Sanggunian</li> </ol>	<ol style="list-style-type: none"> <li>1. ERSD</li> <li>2. Posted on Bulletin Board</li> <li>3. BoC Chairperson</li> <li>4. RED</li> <li>5. Secretary General of House of Reps.</li> <li>6. Winning Candidates</li> </ol>	<ol style="list-style-type: none"> <li>1. ERSD</li> <li>2. Posted on Bulletin Board</li> <li>3. BoC Chairperson</li> <li>4. Secretary of Sanggunian</li> <li>5. Treasurer</li> <li>6. Winning Candidates</li> </ol>	<ol style="list-style-type: none"> <li>1. ERSD</li> <li>2. Posted on Bulletin Board</li> <li>3. BoC Chairperson</li> <li>4. RED</li> <li>5. Secretary General of House of Reps.</li> <li>6. Winning Candidates</li> </ol>	<ol style="list-style-type: none"> <li>1. ERSD</li> <li>2. BoC Chairperson</li> <li>3. Secretary to Sanggunian</li> <li>4. RED</li> <li>5. Winning Candidates</li> </ol>





# Proclamation



# BoC proclaims based on Highest Number of Votes (Plurality) *except:*

Disqualified	CoC Cancelled	Nuisance
Suffer from Disqualification	False Material Representation	Mock elections No Bona Fide Intention to Run
<p>Final and Executory Decision (No MR of Division Ruling   No SC Restraining Order of En Banc Ruling)  <i>[If pending and no order of suspension of proclamation, proclaim winner]</i></p>		
<ol style="list-style-type: none"> <li>1. BoC not proclaim candidate</li> <li>2. Succession (if allowed by law)</li> <li>3. If succession is not allowed under the 1991 LGC, position vacant</li> </ol>	<ol style="list-style-type: none"> <li>1. Votes considered stray</li> <li>2. Proclaim 2<sup>nd</sup> Placer (provided his/ her CoC not cancelled)</li> </ol>	<ol style="list-style-type: none"> <li>1. Votes of Nuisance added to Candidate with same surname</li> <li>2. Proclaim candidate who garners highest number of votes (not apply to multi-slot office)</li> <li>3. If 2 or more candidates having same surname declared as nuisance candidates, except for 1, votes for former not considered stray and credited to lone candidate</li> <li>4. If 2 or more candidates having same surname declared as nuisance candidates, votes considered stray and not credited to any</li> <li>5. If there is no candidate with same surname, votes for nuisance considered stray</li> </ol>



# Notes

1. Upon proclamation, BoC becomes functus officio
  - a) Cannot reconvene without COMELEC authority
  - b) If it reconvenes without said authority, annulment of proclamation is the remedy
2. Grounds for Annulment of Proclamation: any irregularity in the proclamation
3. Valid Proclamation: Assumed/ acknowledged in an Election Protest
4. Assumes office on 12 n.n., June 30 (“Position-elect”)



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Thank you. Good luck to all.