

Understanding the Electoral Process: Questions and Answers on Elections and Pollwatching

Sentro ng Alternatibong Lingap Panligal

Popular Governance Notes

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Understanding the Electoral Process

**Questions and Answers on
Elections and Pollwatching**

An Occasional Paper of the Local Governance Unit of the Sentro ng Alternatibong Lingap Panligal (SALIGAN). Its aim is to provide a venue for discussion of policy issues relative to autonomy, development and people's participation in local governance.

SALIGAN is a legal resource non-governmental organization doing developmental legal work with farmers, workers, the urban poor, women, and local communities. As an alternative law group, **SALIGAN** seeks to effect societal change by working towards the empowerment of the basic sectors, women and local communities through the creative use of the law and legal resources. Consistent with this mission, **SALIGAN** joins the people in the arena of local governance. With the increase in opportunities for more effective people's participation in local governance, there is a greater need to arm the people with the knowledge of the laws and the procedures affecting their rights and interests, and the necessary skills that will enable them to participate in, or have an impact on, local governance.

SALIGAN's Local Governance Unit concentrates on three key components: (1) the barangay justice system; (2) local legislation and policy formulation; and (3) legislative advocacy towards democratization of local governance. The implementation of **SALIGAN's** program includes, but is not limited to, **SALIGAN's** active intervention in government-civil society relations in selected pilot areas.

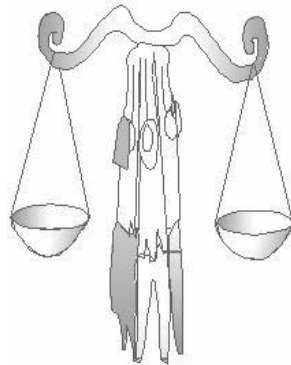
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The Right to Vote

The right to vote is one of the fundamental principles behind a democratic nation. It is here where the citizens are given the privilege to choose persons whom they trust to represent them and their interests in governmental policies. The right to vote is a basic human right. The Universal Declaration of Human Rights provide:

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right to equal access to public service in his country.
- 3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.**

The right to vote is also recognized under the International Covenant on Civil and Political Rights. Hence:

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

1. To take part in the conduct of public affairs, directly or through freely chosen representatives;
- 2. To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;**
3. To have access, on general terms of equality, to public service in his country.

In our country, the right to vote is protected by the Constitution under the *Section 1 of Article V* which states:

“Suffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least six months immediately preceding the election. No literacy, property or other substantive requirement shall be imposed on the exercise of suffrage” (Section 1, Article V, 1987 Constitution)

Meanwhile, *Section 2 of Article V* mandates the protection of the secrecy of the ballot. Thus:

SECTION 2. The Congress shall provide a system for securing the secrecy and sanctity of the ballot as well as a system for absentee voting by qualified Filipinos abroad.

The Congress shall also design a procedure for the disabled and the illiterates to vote without the assistance of other persons. Until then, they shall be allowed to vote under existing laws and such rules as the Commission on Elections may promulgate to protect the secrecy of the ballot.

What is the reason behind the principle of ballot secrecy?

The reason behind the principle of ballot secrecy is to avoid vote buying through voter identification. Thus, voters are prohibited from exhibiting the contents of their official ballots to other persons, from making copies thereof, or from putting distinguishing marks thereon so as to be identified. Also proscribed is finding out the contents of the ballots cast by particular voters or disclosing the votes of disabled or illiterate voters who have been assisted. Ballot secrecy prevents the association of voters with their respective votes.

VOTERS

Every qualified citizen may vote in any election, plebiscite or referendum provided he was registered in the municipality in which he resides. After having been registered in the permanent list of voters, the voter need not renew his registration for the subsequent election unless there was a:

1. transfer of residence to another city or municipality
2. cancellation of registration on the ground of disqualification

Who may vote?

1. All citizens of the Philippines not otherwise disqualified by law
2. Who are at least eighteen years of age
3. Who are residents of the Philippines for one year, in the city or municipality wherein he proposes to vote for at least six months immediately preceding the election.

Why has the voting age been lowered to eighteen years?

It has been lowered in order to broaden the mass electoral base and in order to emphasize the role of the youth in public affairs.

What does the term “residence” mean?

Residence in election law refers to the place “where a party actually or constructively has his permanent home,” where he, no matter where he may be found at any given

time, eventually intends to return and remain, *i.e.*, his domicile.

However, with respect to the requirement of residence in the place where one is to vote, residence can mean either domicile or temporary residence. Thus, one domiciled in a municipality in Camarines Sur but is working in Quezon City has a choice of either voting in Camarines Sur or in Quezon City if he has been “residing” in Quezon City for at least six months.

What is the system of continuing registration?

Republic Act 8189, the Voter’s Registration Act of 1996, adopted a system of continuing registration which provides that the personal filing of application of registration of voters shall be conducted daily in the office of the Election Officer during regular office hours. No registration shall, however, be conducted during the period starting 120 days before regular elections and 90 days before special elections.

Who are disqualified from voting?

1. Any person sentenced to suffer imprisonment for not less than 1 year.
2. Those who have committed a crime involving disloyalty to the government such as rebellion, sedition, violation of the anti-subversion and firearms laws, or any crime against national security.
3. Insane or incompetent persons

What is the rule on voting for Illiterate and/or disabled persons?

For those applicants who are illiterate and/or physically disabled, a voter’s affidavit may be prepared and filed by any of his/her relatives within the fourth civil degree of consanguinity or affinity, or by any member of the board of inspectors. The affidavit would thus constitute the application for his registration. Upon the casting of votes, any illiterate and/or physically disabled person may be assisted in the preparation of his ballot by any of the following:

1. A relative within the fourth degree of consanguinity or affinity;
2. Any person of his confidence who belongs to the same household;
3. Any member of the board of election inspectors, except the two party members

The assisting person shall prepare the ballot for the illiterate or disabled voter inside the voting booth. He cannot assist more than three times except for the non party members of the board of election inspectors. He is also bound under oath to fill out the ballot strictly in accordance with the instructions of the voter and must not reveal the contents of the ballots. Any violation of this oath is considered an election offense.

What is the Overseas Absentee Voting Act of 2003?

Republic Act No. 9189, also known as “The Overseas Absentee Voting Act of 2003,” is the law that ensures equal opportunity to all qualified citizens of the Philippines abroad in the exercise of their right to participate in the election of President, Vice-President, Senators and Party-List Representatives. It allows Filipino overseas workers and Filipino immigrants or permanent residents of another country to vote in Philippine elections as absentee voters.

Who are qualified to participate under the Overseas Absentee Voting Act?

1. All Filipino citizens, not otherwise disqualified by law;
2. Who are at least eighteen (18) years of age on the day of the elections;

Registered overseas absentee voters with approved application to vote in absentia, may vote for President, Vice-President, Senators and Party-List Representatives.

Who are disqualified from registering as overseas absentee voters?

1. Those who have lost their Philippine citizenship in accordance with Philippine laws;
2. Those who have expressly renounced their Philippine citizenship and who have pledged allegiance to a foreign country;
3. Those who have been convicted by final judgment of an offense punishable by imprisonment of not less than one (1) year, unless such disability has been removed by plenary pardon or amnesty;
4. Those who have been found guilty of Disloyalty, unless such disability has been removed by plenary pardon or amnesty;
5. An immigrant or a permanent resident, unless he/she executes an affidavit declaring that: (a) he/she shall resume actual physical permanent residence in the Philippines not later than three (3) years from approval of his/her registration, and (b) he/she has not applied for citizenship in another country;
6. Any citizen of the Philippines abroad previously declared insane or incompetent by a competent authority in the Philippines or abroad.

However, those disqualified under paragraphs 3 and 4 hereof who have not been granted plenary pardon or amnesty shall automatically acquire or reacquire the right to vote as an overseas absentee voter upon the expiration of five (5) years after service of sentence. Under paragraph 5, failure to return to the Philippines shall be cause for the removal of the name of the immigrant or permanent resident from the National Registry of Absentee Voters and his/her permanent disqualification from voting *in absentia*.

How are votes cast?

Qualified overseas absentee voters shall cast their votes personally only in the designated voting area within the premises of the Philippine embassy, consulate and other foreign

service establishment that has jurisdiction over the country where they temporarily reside, or at any polling place designated and accredited by the Commission therein. Votes may also be cast by mail in countries where the Commission has authorized the same.

Who will conduct the voting?

A Special Board of Election Inspectors (SBEI) composed of:

- (i) a Chairperson
- (ii) a Poll Clerk
- (iii) a Member

shall conduct the voting.

The Ambassador or Consul-General or any career public officer posted abroad designated by the Commission shall act as the Chairman. In the absence of any government officer, the two (2) other members shall be citizens of the Philippines who are qualified to vote under the Overseas Absentee Voting Act of 2003.

Where will the counting of votes take place?

The counting of votes shall be conducted on site in the country where the votes were actually cast and within the premises of the embassies, consulates and other foreign services establishments, or in such other places as may be designated by the COMELEC.

How shall ballots be counted?

Ballots shall be counted publicly and uninterrupted in the counting centers designated by the Commission. Unless otherwise ordered by the Commission, the Board of Election Inspectors shall not adjourn or postpone or delay the counting until it has been fully completed.

CANDIDATES

The term candidate refers to any person aspiring for or seeking an elective public office, who has filed a certificate of candidacy by himself or through an accredited political party, aggroupment, or coalition of parties.

No person shall be eligible for any public office unless he/she files a sworn certificate of candidacy within the period fixed by law. A person who has filed a certificate of candidacy may, prior to the election, withdraw the same by submitting to the office concerned a written declaration under oath. No person shall be eligible for more than one office filled in the same election, and if he/she files a candidacy for more than one office he shall not be eligible for any of them. However, before the expiration for the filing of the certificate of candidacy, the person who has filed more than one certificate of candidacy may declare under oath the office for which he/she desires to be eligible and cancel the certificate of candi

dacy for the other office.

Who are qualified to become electoral candidates?

Qualifications of Presidential and Vice-Presidential Candidates:

1. a natural-born citizen
2. a registered voter
3. able to read and write
4. at least forty years of age at the day of the election
5. a resident of the Philippines for at least ten years before the election

Qualifications of Senatorial and Congressional Candidates:

1. a natural born citizen
2. at least twenty five years of age at the day of the election
3. able to read and write
4. a registered voter in the constituency in which he shall be elected
5. a resident of her/his constituency for a period of not less than six months before the election

Qualifications of Local Officials

1. a citizen of the Philippines
2. a registered voter in the barangay, municipality, city, or province or, in the case of a member of the *sangguniang panlalawigan*, *sangguniang panlungsod*, or *sangguniang bayan*, the district where he intends to be elected
3. a resident of her/his constituency for at least one (1) year immediately preceding the day of the election
4. able to read and write

A candidate for the position of governor, vice-governor, member of the *Sangguniang Panlalawigan*, mayor, vice-mayor, or member of the *Sangguniang Panlungsod* of highly urbanized cities should be at least twenty-three (23) years of age on the election day.

A candidate for the position of mayor or vice-mayor of independent component cities, component cities, or municipalities should be at least twenty-one (21) years of age on the election day.

A candidate for the position of member of the *Sangguniang Panlungsod* or *Sangguniang Bayan* must be at least eighteen (18) years of age on election day.

A candidate for the position of *punong barangay* or member of the *Sangguniang Barangay* must be at least eighteen (18) years of age on election day.

Who are disqualified from becoming electoral candidates?

1. juridical persons
2. those aspiring for appointive office
3. those who failed to file their certificate of candidacy
4. those who violated the Omnibus Election Code
5. those who have made any material misrepresentation on any information in their certificates of candidacy
6. nuisance candidates

What is a nuisance candidate?

The COMELEC may refuse to give due course or cancel a certificate of candidacy if it is shown that said certificate has been filed:

- a. to put the election process in mockery or disrepute;
- b. to cause confusion among voters by the similarity of the names of the registered candidates;
- c. to commit any other acts which clearly demonstrates that the candidate has no real intention to run for the office for which the certificate of candidacy has been filed.

How are the candidates voted?

Candidates for elective offices are chosen only by direct vote of the electorate. The block system of voting where the electorate casts a vote for the party and each candidate of such shall receive the corresponding number of votes is not acknowledged under 1987 Constitution.

Who are party-list candidates?

Instead of individual candidates, only registered organized groups may participate in the party-list elections. An organization may register by filing a petition under oath with the COMELEC stating its desire to participate in the party-list elections. The petition for registration should have the following supporting documentation:

1. constitution and by-laws
2. platform or program of government
3. list of officers
4. coalition agreement
5. other relevant information

The parties, organizations, and coalitions receiving at least two percent (2%) of the total votes cast for the party-list system shall be entitled to one (1) seat. Those garnering more than 2% of the votes shall be entitled to additional seats in proportion to their total number of votes. However, no party, organization, or coalition shall be entitled to not more than three (3) seats.

How are they voted upon?

Before elections, the COMELEC shall prepare and publish a certified list of entities qualified to contest the elections as a party-list organization. This list will be posted in all polling places on Election Day. Every voter will be entitled to two (2) votes for members of the House of Representatives - the first vote for the district representative, and the second vote for a party-list organization, party or coalition he/she wants represented in the House of Representatives.

The parties, organizations, and coalitions receiving at least two percent (2%) of the total votes cast for the party-list system shall be entitled to one seat. Those garnering more than 2% of the votes shall be entitled to additional seats in proportion to their number of votes. However, no party, organization, or coalition shall be entitled to more than three (3) seats.

What are the sectors to which a party list may be classified?

- A. regional sector
- B. labor sector
- C. disabled sector
- D. peasant/fisherfolk sector
- E. indigenous people sector
- F. veterans sector
- G. women's sector
- H. urban poor sector
- I. overseas workers sector
- J. youth sector
- K. cooperative sector
- L. elderly sector
- M. professionals sector
- N. national or multi-sectoral parties

POLITICAL PARTIES

What is a political party?

A political party refers to an organized group of persons pursuing the same ideology, political ideas or platforms of government, and includes its branches and divisions.

Article III, Section 8 of the 1987 Philippine Constitution guarantees the right of the people to form and join political parties for purposes not contrary to law. The Constitution further states that a free and open party system shall be allowed according to the free choice of the people.

What are the kinds of political parties?

National Party - a party wherein the constituency is spread over the geographical territory of at least a majority of the regions.

Regional Party - a party wherein the constituency is spread over the geographical territory of at least a majority of the cities and provinces comprising the region.

Sectoral Party - an organized group of citizens belonging to any of the following 12 sectors: labor, handicapped, women, peasant, indigenous cultural communities, elderly, youth, veterans, overseas workers, fisherfolk, urban poor, veterans and professionals

Sectoral Organization - a group of citizens or a coalition of groups of citizens who share similar physical attributes or characteristics, employment, interests or concerns.

Coalition - an aggrupation of duly-registered national, regional, sectoral parties or organizations for political and/or electoral purposes.

Who is disqualified from becoming a member of a political party?

A candidate who has been declared by final decision of a competent court or has been found guilty by the COMELEC of any of the following:

1. giving money or other material consideration to influence, induce or corrupt the voters or public officials performing electoral functions;
2. committing acts of terrorism to enhance his candidacy spending in his election campaign an amount in excess of that allowed by the Omnibus Election Code;
3. soliciting, receiving or having made any contributions prohibited under the Omnibus Election Code;
4. being a permanent resident or immigrant to a foreign country unless said person has waived his status as permanent resident.

BOARD OF ELECTION INSPECTORS (BEI)

Who are the members of the BEI?

1. The chairperson
2. The poll clerk
3. The member

All members of the BEI should be public school teachers.

Who are qualified to become members of BEI?

1. Persons with good moral character and reputation
2. Registered voters of the city or municipality
3. Who must not have been convicted of any election offense or of any other crime punishable by more than six(6) months of imprisonment, or has no impending case filed against him/her for any election offense
4. Able to speak and write English or the local dialect

Who are disqualified from membership in the BEI?

A person who is related within the fourth civil degree of consanguinity or affinity to any of the board of election inspectors, to any candidate to be voted for in the polling place or his spouse.

What are the powers and duties of BEI?

1. Conduct voting and counting of votes in their respective polling places
2. Maintain order within the polling place and its premises
3. Count the votes and prepare the election returns
4. Deliver the book of voters and list of voters to the city/ municipal election registrar for custody and safekeeping
5. Furnish watchers signed certificates of votes upon request
6. Act as representatives or deputies of the COMELEC in the polling places where they are assigned
7. Perform such other duties and functions as prescribed by the COMELEC

POLLWATCHERS

Who are considered official watchers?

Each candidate, political party, party-list or coalition fielding candidates in the May 14, 2007 elections, as well as the duly-accredited citizens' arms may appoint two (2) watchers to serve alternately, in every polling place.

What are the qualifications of a pollwatcher?

No person shall be appointed watcher unless:

1. He is a qualified voter of the city or municipality.
2. He is of good reputation.
3. He shall not have been convicted by final judgment of any election offense or of any other crime.

4. He knows how to read and write Filipino, English, Spanish, or any of the prevailing local dialects.
5. He is not related within the fourth civil degree of consanguinity or affinity to the chairperson or any member of the board of election inspectors in the polling place where he seeks appointment as a watcher.

Candidates for the local legislature belonging to the same party are entitled collectively to two watchers, according to a COMELEC resolution promulgated on January 26, 2007.

Six (6) principal watchers from six (6) accredited major political parties shall be recognized. In case of lack of space in the precinct, watchers from the 6 major political parties shall be prioritized.

Who may field pollwatchers?

1. duly-accredited citizen's arm of the COMELEC
2. registered political party, organization, coalition or independent candidate
3. civic, religious, professional, youth and other peoples organizations may field a common poll watcher after securing a permit from the COMELEC

Who are disqualified from being pollwatchers?

1. Those convicted of any crime
2. Relatives up to the fourth degree of consanguinity of any member of the BEI concerned
3. *Barangay* officials, *Barangay Tanods*, and *Barangay* Brigade members.

THE COMELEC

Under Article IX of the 1987 Philippine Constitution, the Commission on Elections (COMELEC) has the following powers:

1. Enforce and administer all election laws
2. Decide election contest
3. Exercise powers of supervision and control over public officials involved in the election
4. Deputize law enforcement agencies to help conduct free, orderly, honest, peaceful and credible elections
5. Register political parties and organizations
5. File petitions in court for inclusion or exclusion of voters and investigate and/or prosecute cases of violations of election laws
7. Recommend to Congress effective measures of minimizing election spending
8. Procure supplies and materials and prescribe forms to be used in the conduct of elections
9. Carry out information campaigns to educate the public regarding elections and

- enlist non-partisan groups to assist in such campaigns
- 10. Regulate utilities media and franchises during election periods
- 11. Fix periods for pre-election requirements

POLLWATCHING

BEFORE ELECTIONS

What necessary preparations must be made before the election proper?

1. Furnish the COMELEC with a list of **ALL** pollwatchers
2. All the pollwatchers must furnish an identification card signed by the candidate or by an authorized representative
3. ALL pollwatchers and poll watch coordinators must familiarize themselves with the polling place for better navigation
4. Determine the composition of the BEI

What are support groups?

Support groups are teams of individuals assigned to perform certain tasks in order to ensure organized elections. The following support groups may be set up:

Legal/Paralegal Desk – provides legal assistance to field volunteers and answer legal questions regarding the elections. They continue to function during the canvassing period.

Voters' Assistance Desk – provides assistance to voters in finding their names in the voter's list and assigned precinct. A detailed map of the precinct should be provided to assist the pollwatchers in the voting center.

Transportation Team – provides vehicular assistance for the safe transport of ballot boxes, election returns, BEI members, and pollwatchers. Vehicles and drivers must be recognized by the office of the election registrar through issuance of identification cards. Political parties are not allowed to furnish transportation for voters from their houses to the polling places.

Communication and Monitoring Team – solicits the help of people with two way radios, cellular phones to easily monitor the conduct of elections in their assigned areas. Creates mobile teams who shall serve as runners and make arrangements for the use of telephones of nearby houses close to the voting centers to easily monitor the movement of the people, especially possible cases of flying voters, vote-buying and goons.

Logistics and Secretariat Team – coordinates the activities of the watchers and other support groups. A first aid team may also be stationed.

How do you verify the voters list?

- A. by getting an official list of voters for each polling place
- B. by verifying the list
- C. by noting the names of possible flying voters

DURING ELECTIONS

What are the voting hours?

The casting of votes shall commence at seven o'clock in the morning and shall end at three o'clock in the afternoon. Voters shall vote in the order of their entrance into the polling places.

Who are allowed in and around the polling place?

During actual voting, the only persons that shall allowed inside the polling place are the following:

- A. members of the BEI
- B. pollwatchers
- C. voters casting their votes
- D. voters waiting for their turn to get inside the booths

What is the procedure for voting?

1. The voter shall approach the chairperson and give his name and address. If a member of the BEI doubts the identity of the voter, he shall require the voter to present authentic document to establish his identity.
2. The chairperson shall announce the voter's name. At this point watchers may challenge the voter's identity and the poll clerk shall keep a record of the challenges under oath and shall certify the challenges made.
3. The voter shall affix his/her signature in the book of voters.
4. A drop of indelible ink on the voter's right forefinger shall be applied by the chairperson. Any voter who refuses to be stained shall not be given a ballot.
5. The serial number of the ballot shall be entered in the book of voters.
6. The chairperson shall sign the back of the ballot.
7. One ballot correctly folded shall be delivered by the chairperson to the voter.
8. After the voter has filled the ballot, it shall be folded in the same manner that it was received.
9. The voter affixes his/her thumbmark in the corresponding space in the coupon and deliver the folded ballot to the chairperson..
10. The voter affixes his/her thumbmark in the book of voters.
11. The chairperson signs beside the thumbmark of voter in the book of voters.
12. The chairperson detaches the coupon in the presence of the board and the voter and deposits the ballot in the compartment for valid ballots. The detached coupon will be deposited in the compartment for spoiled ballots. If the coupon was

not detached in the presence of the board, it will be considered as a spoiled ballot

How does an illiterate or disabled voter vote?

Any voter who is illiterate and physically unable to prepare the ballot by himself may still exercise his right to vote provided:

1. His/her illiteracy and/or disability is indicated in his registration record.
2. He/she is assisted in the preparation of his ballot.
3. The assistor is a relative within the fourth civil degree of consanguinity or affinity, or any person of the voter's confidence who belongs to the same household, or if not, the poll clerk should provide said assistance.
4. The assistor must execute a sworn undertaking that he/she will only write the names of candidates chosen by voter.
5. The assistor should not have assisted a voter more than three times.

Violation of these shall constitute an election offense. Hence, it is important to verify whether the abovementioned requisites were duly complied with.

How do you challenge illegal voters?

Any person who votes, but is not registered, or uses the name of another voter, or is impeded by any of the existing disqualification is considered an illegal voter.

This status may be challenged by any voter or watcher to the Board of Election Inspector. The BEI shall ask the suspected illegal voter for identifying documents with specimen signature. The suspected voter's name shall be checked with the voters list and the specimen signature shall be checked with the book of voters. The challenges shall be recorded regardless of how it is resolved. A certificate of challenge shall be furnished from the poll clerk.

What to watch out for during closing time:

- * flying voters who may vote at this time
- * ballot box switching and stealing
- * voting must stop at exactly 3 o'clock PM
- * premature announcements of voting by the BEI on any fact tending to show the state of the polls

What are the specific prohibitions during the election?

- propaganda or campaign materials found inside the polling place or within 30 meters.
- firearms and other deadly weapons found within 100 meters except those officers authorized by the COMELEC.
- barangay officials, policemen, soldiers and such personnel found within 50 meters, except when voting.

- electioneering or campaigning or influencing of voters within 30 meters of the polling place
- pre-signing of any election form by the BEI

DURING COUNTING

What is the procedure for the counting of votes?

1. Once the voting is finished, the BEI shall publicly count in the polling place the votes cast and ascertain the result.
2. Before the actual counting starts, the tally board is first set up to expose the votes tallied and the ballot box is unlocked.
3. The compartments of the ballot boxes for valid ballots are opened and emptied of all their contents.
4. Ballots are segregated without being unfolded. Valid ballots are separated from spoiled ballots. Spoiled ballots are placed in the compartment for spoiled ballots and shall not be read in the counting. Those segregated for being fake or non-official shall be placed in an envelope marked "Non-Official Ballots" and shall likewise not be read during the counting. The envelope shall be sealed and signed by all the members of the BEI.
5. Ballots folded together appearing as a single ballot shall not be separated nor opened but shall be signed on the outside by all the members of the BEI. It shall be marked as "Ballots Found Folded with Another" and then placed in an envelope for "Excess Ballots." The envelope is then placed in the compartment for valid ballots but shall not be read and counted.
6. If the BEI finds a ballot with the detachable coupon undetached, the chairperson shall verify if the number is included in the series assigned to the voting center; if it is included among those counted it shall be valid; otherwise, it shall be considered as a spoiled ballot and shall not be counted.
7. Before counting the valid ballots, the BEI shall unfold and inspect each ballot to determine whether they are marked. If any ballot is found marked, it shall be placed in an envelope labeled "marked ballots" which shall be sealed and signed by the members of the BEI and placed in the compartment for valid ballots and shall not be counted.
8. The BEI shall then proceed to count the valid ballots without unfolding them and form separate piles of 100 ballots each. The number of non defective ballots is then counterchecked with the actual number of voters who voted as shown in the list of voters. In case of any discrepancy, such as where it appears that the number of apparently valid ballots exceeds the number of voters who actually voted, the watchers should ask that the matter be recorded in the minutes of the counting
9. The chairperson of the BEI shall take the ballots of the first pile and read the names of the candidates voted for and the offices for which they were voted for, assuming such a position as to enable the watchers an unimpeded view of the ballot being read.

What should be done during the counting of votes?

- Ensure that ballots are properly signed and thumbmarked by BEI.
- Ensure that ballots are not marked by any symbol.
- Ensure that all data in the Election Returns (ER) are correct.
- Ensure that all corrections in the ERs are duly signed by the BEI.
- Get a copy of the “certificate of votes cast” duly signed by the BEI.
- Check additional votes in case votes have been counted.
- Ensure that election returns are signed and thumbmarked by the members of BEI and that seven (7) copies are sealed and placed in separate envelopes.
- Indicate in the precinct data sheet the serial number of the ER, the serial number if the paper seal on the ER and the serial numbers of the paper seal on the envelopes for ERs.
- See to it that there are no alterations on the ERs after results are proclaimed.
- See to it that counted ballots placed in an envelope marked “Envelope for Counted Ballots” are signed and sealed by members of the BEI and placed in the compartment of valid ballots in the ballot box.
- Obtain certificate of votes cast for each candidate, duly signed and thumbmarked by all members of the BEI.
- Accompany the ER intended for the election registrar until they reach the canvassing point.
- Watch carefully when the election registrar puts the election returns for various polling precincts in a special ballot box intended for delivery to the Board of Canvassers. Make sure box is empty before any return is placed therein.
- Upon distribution of the Precinct Data Sheet, retain one copy for record and reference. Deliver the other copy to campaign coordinator for delivery to the party watchers in the municipal board canvassers.

What should be done to the unused ballots?

1. They must be torn into half lengthwise without removing the detachable coupon.
2. The torn half with the serial number shall be placed in an envelope and sealed and later handed over to the election registrar. The other half of the ballot shall be placed in the compartment for spoiled ballots.

What are the rules in the appreciation of ballots?

1. Every ballot shall be presumed valid unless there is a clear and good reason to justify its rejection.
2. Votes cast for a disqualified candidate are considered “stray” but do not invalidate the whole ballot.
3. The accidental tearing of a ballot does not annul it.
4. The writing of only the first name or only the surname of a candidate is considered a valid vote for such candidate.
ex: a vote for Ralph Recto is written as “Ralph” or “Recto” only
5. The use of nicknames is allowed.

ex: a vote for Richard Gomez is written as “Goma”

6. X marks or crosses or lines written in spaces in which the voter did not write the name of a candidate are considered as mere signs of desistance from voting and not as markings.

7. Ballots where the names of some candidates are written in big print while the rest of the names are written in ordinary script are valid ballots.

*ex: JOKER ARROYO
Chiz Escudero
Sonia Roco*

8. Ballots with the same sequence of voting are valid.

9. Ballots filled by two distinct persons are null and void.

10. Ballots containing undetached coupons are valid ballots. It is the BEI's duty to detach the coupons.

11. Where two surnames of two or more candidates are written on the same line, the vote is not counted for any of them.

*ex: Osmena Sotto
Montano Gomez*

12. When two names are written, one is the first name of a candidate and the other the last name of another candidate, the vote will not be counted.

*ex: Mike Escudero
Tessie Villar*

13. A name or surname incorrectly written which when read has a sound similar to the name or surname of a candidate when correctly written shall be counted in his favor.

14. When in the space in the ballot there appears a name of a candidate that is erased and another is clearly written, the vote is considered valid for the latter.

*Ex: Subiri is correct for “Zubiri”
Pakyaw is correct for “ Pacqiao “*

15. An erroneous initial of the first name which accompanies the correct surname of a candidate, an erroneous surname or initials of the surname accompanying the correct first name of the candidate, or the erroneous middle initial of the candidate shall not annul the vote.

Ex: P. Pangilinan is correct for “Kiko Pangilinan”

16. Ballots which contain prefixes such as “Dr.,” “Atty.” “Hon.” are valid.

Ex: Atty. Joker Arroyo

17. Where there are two or more candidates voted for in an office for which the law authorizes the election of only one, the vote shall not be counted in favor of any of

them

*Ex: Mayor: Lito Lapid
Jejomar Binay*

18. If the candidates voted for exceed the number of those elected, the ballot is valid but the votes shall be counted only in favor of the candidates first written

*Ex: Senator : 11. Tito Sotto - valid
12. Manny Villar- valid
13. Richard Gomez – invalid*

19. Ballots which contains words, remarks, or marks intended to identify the voter are considered marked ballots and not counted in favor of the candidates

*Ex: Peter Cayetano
Pia Cayetano*

20. Ballots accidentally defaced by a voter in a way that it cannot be lawfully used anymore are considered spoiled ballots and shall not be read and counted for.

21. When a ballot contains the name of a candidate for an office which he is not a candidate and in another space for which he is a candidate, the vote will be counted for the office to which the candidate is running. The vote for which the candidate is not running will not be counted and will be considered a stray vote.

*Ex: For Senator – Ali Atienza – stray vote
For Mayor - Ali Atienza – valid*

When is a ballot considered marked?

- When the voter signed the ballot
- When the name of a candidate was written more than twice
- When the voter wrote the name of a well-known public figure who is not a candidate
- When the ballot contains irrelevant expressions

How do you prepare the Election Returns or ER?

- The BEI shall enter the total number of votes of each candidate in words and figures in the Election Returns. They shall close the entry by signing and affixing their thumbmarks after the last vote is recorded.
- If the principal watchers of major political parties are present, they shall also sign and affix their thumbmark on the Election Returns.
- The Return shall be prepared in seven (7) copies, each sealed in the presence of the watchers and the public and placed in the proper envelope which shall be sealed and distributed.
- The seven (7) copies of the election returns shall be distributed accordingly:

For local officials:

First copy – City or Municipal Board of Canvassers
Second copy – COMELEC

Third copy – Provincial Board of Canvassers
Fourth Copy – Dominant majority Party
Fifth copy – Dominant minority Party
Sixth copy – Citizens' arm
Seventh copy – Ballot box

For national officials:

First copy – City or Municipal Board of Canvassers
Second copy – COMELEC
Third copy – Congress of the Philippines
Fourth Copy – Dominant majority Party
Fifth copy – Dominant minority Party
Sixth copy – Citizens' arm
Seventh copy – Ballot box

- The BEI shall issue certificate of votes obtained by candidates to watchers who request a copy

What are the rules in case of alterations and corrections in the election return?

Alterations or corrections made before the announcement of the results of the election shall be initialed by ALL the members of the BEI.

After the announcement of the result, alterations or corrections shall not be made unless ordered by the COMELEC upon petition of any BEI member made within 5 days from the date of election or 24 hours from time the ER was opened by the Board of Canvassers.

DURING CANVASSING

What should be done during canvassing?

- * Pollwatchers should not leave the premises
- * The room where the ballot boxes containing the Election Returns are kept should be keenly watched and guarded against suspicious entries and exits
- * Attend the canvassing
- * Make sure that election returns are read properly and the results read to conform with your copies of the certificate of votes
- * Observe carefully as the city or municipal Board of Canvassers accomplishes the official certificates of canvass.

What are the composition and functions of different Boards of Canvassers?

Provincial Board of Canvassers

Composition:

Chairman – provincial election supervisor or senior lawyer

in the regional office of the COMELEC
Vice Chairman – provincial fiscal
Members – provincial superintendent of schools, one representative from the ruling party and the dominant opposition

Functions:

canvass the certificate of canvass
prepare the certificate of canvass for senators
proclaim elected provincial officials

City or Municipal Board of Canvassers

Composition

Chairperson – city election registrar or a lawyer of the COMELEC
Members – city fiscal, city superintendent of schools, one representative from the ruling party and the dominant opposition

Functions

canvass the elections returns
prepare the certificate of canvass for senators and members of the House of Representatives and elective provincial officials
proclaim elected city or municipal officials

City Board of Canvassers (for cities comprising one or more legislative districts)

Composition

Chairperson – city election registrar or a lawyer of the COMELEC
Members – city fiscal, city superintendent of schools, one representative from the ruling party and the dominant opposition

Functions

canvass the elections returns
prepare the certificate of canvass for senators
proclaim elected members of the House of Representatives

and the elected city officials

District Board of Canvassers

Composition

Chairperson – lawyer of the COMELEC

Members – ranking fiscal in the district, most senior district school supervisor in the district, one representative from each of the ruling party and the dominant opposition political party

Functions

canvass the elections returns

prepare the certificate of canvass for senators

proclaim elected members of the House of Representative and the municipal officers

canvass the elections returns

prepare the certificate of canvass for senators

proclaim elected members of the House of Representative and the elected city officials

Municipal Board of Canvassers

Composition

Chairperson – election registrar or a representative of the COMELEC

Members – municipal treasurer, district supervisor or in his absence any principal of a public school in the municipality, one representative from the ruling party and the dominant opposition

Functions

canvass the elections returns

prepare the certificate of canvass for senators and members of the House of representatives

proclaim elected municipal officials

Who are the persons not allowed inside the canvassing rooms?

- Any officer or member of the Armed Forces of the Philippines
- Any officer or member of the Philippine National Police
- Any peace officer or armed/unarmed person belonging to an extra-legal police agency

What are the rules in case the Election Returns are delayed, lost or destroyed?

- if ER is missing – obtain such missing Election Return from the BEI concerned
- if ER is lost or destroyed – use the authentic copies or the certified copy of the

ER from the COMELEC

- if not all ERs have been received by the BOC – may terminate the canvass and proclaim candidate as elected based on the available ER received

What is the rule in case there are material defects in the election returns?

If in case of omission, the BOC must call on BEI concerned to correct such omission

Who may receive a copy of the Certificate of Canvass?

- A. City or Municipal Board of Canvassers
- B. COMELEC
- C. Chairperson of the City/ Municipal Board of Canvassers
- D. Citizens' Arm
- E. Representative of the first three (3) of the six (6) major political parties

COMMON ELECTION OFFENSES

FRAUD BEFORE VOTING

Bribery

- Vote buying
- Registered voters paid not to vote
- Promise of jobs
- Buying favors from members of BEI
- Buying of voters affidavits

Intimidation

- Threats to voters
- Threats to family of voters
- Threats to business or property
- Threats to members of the BEI

Illegal Use of indelible ink

Kidnapping of voters

Assigning registered voters to place where they cannot vote

Disrupting means of transportation

Spreading false reports

Changing the numbering of polling place

Marking the ballots

FRAUD DURING VOTING HOURS

Assuming the identity of another voter

Accompanying voter to influence her/him in casting her/his vote

Use of carbon paper, paraffin or any duplicating device
Delaying delivery of the official ballots
Delisting voters
forcibly taking or snatching the ballot boxes
Substituting the ballot boxes with fake ones during a simulated disorder
Destruction of ballots
Stealing, tearing, smudging, or defacing the list of voters
Delivery of ballots in excess of authorized quantities
Voter secures blank ballots from another precinct

FRAUD DURING COUNTING

Misreading contents of the ballots
Deliberate misrecording in the tally sheet
Substitution of ballots filed for counting
Discrepancy of voters in the tally sheet
Substitution of the votes credited to a candidate in the election returns
Deliberate distortion of the entries in the ER
Destruction or theft of the ER after counting

FRAUD DURING TRANSIT FROM THE POLLING PLACE TO ELECTION REGISTRATION

Destruction or theft during transit of ER
Substitution of ER through coercion
Giving misleading reports to media to distort the actual results

FRAUD DURING CANVASSING

Substitution of the copy of the ER for the provincial or City BOC
Misreading contents of ER
Deliberate misrecording in the canvass sheet
Discrepancy of the votes reflected in the canvass sheet and certificate of canvass
Substitution of the votes credited to a candidate
Deliberate distortion of entries in the certificate of canvass
Distorting collation and addition of votes obtained
Deliberate omission or additions in the reflected total votes cast for each candidate committed by person responsible for transmittal

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