



Republic of the Philippines  
**COMMISSION ON ELECTIONS**  
*Manila*

**GENERAL INSTRUCTIONS FOR THE  
BOARDS OF ELECTION  
INSPECTORS (BEIs) ON THE  
CASTING AND COUNTING OF  
VOTES IN CONNECTION WITH THE  
11 AUGUST 2008 ELECTION IN  
THE AUTONOMOUS REGION IN  
MUSLIM MINDANAO (ARMM).**

**PRESENT:**

<b>MELO</b> , Jose A.R.,	<i>Chairman</i>
<b>SARMIENTO</b> , Rene V.,	<i>Commissioner</i>
<b>FERRER</b> , Nicodemo T.,	<i>Commissioner</i>
<b>MACARAMBON</b> , Moslemen T.,	<i>Commissioner</i>
<b>LEONIDA</b> , Leonardo L.,	<i>Commissioner</i>
<b>TAGLE</b> , Lucenito N.	<i>Commissioner</i>

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Promulgated: July 18, 2008

**RESOLUTION NO. 8491**

**WHEREAS**, Republic Act No. 9369 authorized the Commission on Elections to use an automated election system whether paper based or direct recording electronic system as it may deem appropriate and practical for the process of voting, counting of votes, consolidation, canvassing, and transmittal of results of electoral exercises;

**WHEREAS**, in pursuit of this mandate, the Commission resolved, in connection with the August 11, 2008 Elections in the Autonomous Region in Muslim Mindanao (ARMM), to adopt two (2) types of automated election system, namely:

1. **Electronic Voting Machine (EVM)** to be used in the Province of Maguindanao; and
2. **Automated Counting Machine (ACM)** to be used in the Provinces of Lanao del Sur, Shariff Kabunsuan, Basilan, Sulu and Tawi-Tawi.

**NOW THEREFORE**, pursuant to the powers vested in it by the Constitution, the Omnibus Election Code, Republic Act No. 9369, and other election laws, the Commission **RESOLVED** to promulgate, as it hereby **RESOLVES** to promulgate, the following General Instructions for the Boards of Election Inspectors (BEIs) on the Casting, Counting, Consolidation and Transmission of Votes in connection with the August 11, 2008 Elections in the Autonomous Region in Muslim Mindanao (ARMM):

## **ARTICLE I**

### **BOARD OF ELECTION INSPECTORS**

**SEC. 1. *Board of election inspectors; constitution and appointment.* –**

The Commission on Elections, through its Election Officer, shall constitute the board of election inspectors (“board”) for each precinct or clustered precinct from the list of teachers recommended by the District Supervisor of the Department of Education (DepED) for appointment.

The board shall be composed of a chairman and two members, all of whom shall be public school teachers, giving preference to those with permanent appointment. One of the members shall be an Information Technology (IT) capable person duly certified by the Department of Science and Technology (DOST).

In case there are not enough public school teachers, teachers in private schools, employees in the civil service, or citizens of known probity and competence who are registered voters of the city or municipality may be appointed for election duty; Provided, that the chairman shall be a public school teacher and provided further that at least one member of the board is an IT capable person as certified by the DOST.

**SEC. 2. *Qualifications of members of the board.* -** No person shall be appointed as chairman or member of the board, whether regular, substitute or temporary, unless he:

- a) Is of good moral character and irreproachable reputation;
- b) Is a registered voter of the city or municipality;
- c) Has never been convicted of any election offense or of any other crime punishable by more than six (6) months of imprisonment, or has no pending case filed against him for any election offense; and
- d) Is able to speak and write English or the local dialect.

**SEC. 3. *Disqualifications.*** – No person shall serve as chairman or member of the board if he or his spouse is related within the fourth civil degree of consanguinity or affinity to any member of the same board or to any candidate to be voted for or his spouse. Violation of this provision shall constitute an election offense as provided in Section 261 (bb), sub-par (3) of the Omnibus Election Code.

**SEC. 4. *Notice of disqualifications.*** - Any chairman or member of the board who is disqualified for any reason, shall notify the Election Officer of such fact in writing, who shall, in turn, immediately appoint his substitute based on the list of teachers recommended by the DepEd.

**SEC. 5. *Temporary vacancies in the board.*** – If, at the time of the meeting of the board, any member is absent or a vacancy exists, the members present shall call upon the substitute from the roll of substitutes listed by the DepEd to perform the duties of the latter. If none is available, the members present shall appoint any non-partisan registered voter of the precinct not otherwise disqualified, to temporarily fill up said vacancy until the absent member appears or the vacancy is filled. In case there are two members present, they shall act jointly.

**SEC. 6. *Arrest of absent members.*** – The member or members of the board present may order the arrest of any member who, in his or their judgment, has

absented himself with the intention of obstructing the performance of the duties of the board.

**SEC. 7. *Appointment and oath of members of the board.*** - The Election Officer shall accomplish the form for the Appointment of the Chairman and Members of the Board of Election Inspectors (CEF No. 5) in three (3) copies, and require the chairman and members of the board to affix their signatures and imprints of their right thumbs on the Oath of Office (CEF No. 5A).

Before assuming office, the chairman and members of the board shall take an oath before the Election Officer, sign the oath and affix the imprints of their right thumbs on the space provided for the purpose.

Copies of the Appointment and Oath (CEF No. 5&5A) shall be distributed, as follows:

- a) The first and second copies are to be retained by the Election Officer. One for his file and the other to be attached to the payroll for payment of honorarium of the board; and
- b) The third copy, to be issued to the chairman and members of the board.

**SEC. 8. *Powers and functions of the board.*** - The board shall have the following powers and functions:

- a) Conduct the voting in its polling place, counting, consolidating, and transmission of votes in the place designated by the Commission;
- b) Act as deputies of the Commission in the conduct of the elections;
- c) Maintain order within the polling place and its premises; keep access thereto open and unobstructed; and enforce obedience to its lawful order. If any person refuses to obey the lawful orders of the board or

conducts himself in a disorderly manner in its presence or within its hearing and thereby interrupts or disturbs its proceedings, the board may issue an order in writing directing any peace officer to take said persons into custody until the adjournment of the meeting, but such order shall not be executed as to prevent said person from voting. A copy of such written order (Annex "A") shall be attached to the Minutes of Voting and Counting of Votes (CEF No. 11); and

- d) Perform such other functions prescribed by law or by the rules and regulations promulgated by the Commission.

**SEC. 9. *Proceedings of the board.***- The meeting of the board shall be public and shall be held in the polling place designated by the Commission.

The board shall act through its chairman and shall decide by majority vote, without delay, all questions, which may arise in the performance of its duties.

**SEC. 10. *Minutes of voting and counting of votes.*** - The board shall enter in the Minutes of Voting and Counting of Votes (CEF No. 11), the act or data therein required as they occur or become available during voting, counting, consolidating, and transmission of votes. Copies thereof shall be sealed in separate envelopes, to be distributed as follows:

- a) First copy, to the Election Officer, who shall transmit it to the Election Records and Statistics Department in Manila; and
- b) Second copy, to be deposited inside the compartment of the ballot box for valid ballots.

**SEC. 11. *Voting privilege of the members of the board.*** - Members of the board and their substitutes may vote in the polling places where they are assigned on election day provided that:

- a) They are registered voters of the same legislative district where they are assigned;
- b) Their voting in the polling place where they are not registered should be noted in the Minutes; and
- c) The number of the member/s of the board who exercised the voting privilege herein granted shall be indicated in the statistical data of voters.

**SEC. 12. *Prohibition against political activity.*** – No member of the board shall engage in any partisan political activity or take part in the election except to discharge his duties as such and to vote.

**SEC. 13. *Honoraria of the board.*** – The chairman and members of the board shall each receive an honorarium of One Thousand Pesos (P1,000.00) for each day of service, but not to exceed Two thousand Pesos (P2,000.00). Provincial, City and Municipal Treasurers, and DepEd supervisory officials, deputized by the Commission to perform election duties shall be paid an honorarium of One Thousand Pesos (P1,000.00) for each day of service, but not to exceed Two Thousand Pesos (2,000.00). Support personnel from the DepEd who may be required by the Commission to perform election duties shall each be entitled to honorarium of Five Hundred Pesos (500.00). There shall be one DepEd supervisor official with one (1) support personnel for every ten (10) precincts as clustered.

## **ARTICLE II**

### **WATCHERS**

**SEC. 14. *Official watchers of candidates, political parties and other groups.*** - Each candidate and registered political party or coalition of political parties duly registered with the Commission and fielding candidates in the election, as well as

duly accredited citizens' arms may appoint two watchers, to serve alternately, in every polling place. However, candidates to the Regional Legislative Assembly, belonging to the same ticket or slate shall collectively be entitled to one watcher.

Duly accredited citizens arms of the Commission shall be entitled to appoint a watcher in every polling place. Other civil, religious, professional, business, service, youth, and any other similar organizations, with prior authority of the Commission, shall be entitled collectively to appoint one watcher in every polling place.

If, because of limited space, all watchers cannot be accommodated in the polling place, preference shall be given to the watchers of the dominant majority and dominant minority parties as determined by the Commission and the watcher of the citizens' arm, with the latter being giving preferential position closest to the board.

**SEC. 15. *Qualifications of watchers.***- No person shall be appointed watcher unless he:

- a) Is a registered voter of the city or municipality comprising the precinct where he is assigned;
- b) Is of good reputation;
- c) Has not been convicted by final judgment of any election offense or of any other crime;
- d) Knows how to read and write Pilipino, English or any of the prevailing local dialect; and
- e) Is not related within the fourth civil degree of consanguinity or affinity to the chairman or to any other member of the board of election inspectors in the polling place where he seeks appointment as watcher.

**SEC. 16. *Rights and duties of watchers-*** Upon entering the polling place, the watchers shall deliver to the chairman of the board their appointments as watchers, and their names shall forthwith be recorded in the Minutes of Voting and Counting of Votes (CEF No. 11) with a notation under their signatures that they are not disqualified to serve as such under the immediately preceding section. The appointments of the watchers shall bear the signature of the candidate or duly authorized representative of the party, organization or coalition that appointed them. For this purpose, at least fifteen (15) days before election day, independent candidates, registered parties, organizations, or coalitions authorized by the Commission to appoint watchers shall provide the Election Officers concerned with the names and signatures of their representatives authorized to appoint watchers in the city or municipality.

The watchers shall have the right to:

- a) Witness and inform themselves of the proceedings of the board;
- b) Take note of what they may see or hear;
- c) Take photographs of the proceedings and incidents, if any, during the counting of votes, as well as of the election returns and ballot boxes;
- d) File a protest against any irregularity or violation of law which they believe may have been committed by the board or by any of its members or by any person;
- e) Obtain from the board a certificate as to the filing of such protest and the resolution thereof; and
- f) Be furnished, upon request, with a certificate of votes cast for the candidates, duly signed and thumb marked by the chairman and all members of the board.

Watchers shall not speak to any member of the board, or to any voter or among themselves, in such a manner as would disturb the proceedings of the board.

The watchers representing the dominant majority and dominant minority parties fielding candidates shall, if available, affix their signatures and thumbmarks in the election returns.

### ARTICLE III ELECTION FORMS AND SUPPLIES

**SEC. 17. *Election forms, documents and supplies.*** - Except when authorized to do so earlier by the Commission, the board shall get the forms, documents and supplies early in the morning of election day. The City/Municipal Treasurer shall allocate and distribute the following forms, documents and supplies per precinct/clustered precinct.

#### A. FROM CITY/MUNICIPAL TREASURER

CEF NO.	FORMS AND SUPPLIES	RATE OF DISTRIBUTION	
<b>ELECTION FORMS</b>			
3	Poster Indicating Precinct Number	1	Piece
5 & 5-A	Appointment of Chairman/Poll Clerk/Members of BEI	9	Pieces
6	Official Ballots (for ACM)	1	pc. per voter + 3 per prec.
11	Minutes of Voting and Counting of Votes	1	set of 2 pcs.
12	Paper Seals for ACM	49	Pieces
	Paper Seals for EVM	43	Pieces
13	Certificate of Votes	20	Pieces
14	Certificate of Receipt of Official Ballots, Other Forms and Supplies by BEI	3	Pieces
27, 27-A, 27-B, 27-C & 27-D	Official Receipt of Election Returns - copy for the Election Officer - copy for the Board of Canvassers - copy for the Dominant Majority Party - copy for the Dominant Minority Party - copy for the Citizen's Arm	10	Pieces

28	USB WORM (for back-up) with envelope (for EVM)		
<b>ENVELOPES:</b>			
15, 16, 16-A, 16-B, 16-C, 16-D, 16-E and 28	for Counted Official Ballots, Excess, Marked, Spoiled, Rejected, Torn Half of Unused Official Ballots, Other Half of Torn Unused Official Ballots and Official Ballots (for ACM)	8	Pieces
17, 17-B, 17-C, 17-D, 17-E, 17-F, 17-G & 17-H	for Election Returns - copy for the Regional Board of Canvassers  - copy for the Commission - copy for Provincial Board of Canvassers - copy for Dominant Majority Party - copy for Dominant Minority Party - copy for Accredited Citizens Arm - copy for posting - copy for Ballot Box	1	set of 8 pcs.
18 & 18-A	for Minutes of Voting and Counting of Votes for ACM &EVM	1	set of 2 pcs.
18-B	for USB key, Zero Report, Machine Keys Form and Diagnostic Form (for EVM)	1	set of 3 pcs
18-C	for CD and Zero Report (for ACM)	1	set of 2 pcs
19, 19-A & 19-B	for Key of Ballot Box	1	set of 3 pcs.
<b>OTHER FORMS</b>			
30/31	Temporary Appointment of Chairman /Poll Clerk/Member	10	Pieces
35	Certificate of Challenge or Protest and Decision of the Board	10	Pieces
39	Oath of Voter Challenged for Illegal Acts	10	Pieces
40	Oath of Identification of Challenged Voter	10	Pieces
	General Instructions for BEI	3	Copies
<b>SUPPLIES</b>			
	Bond Paper Long	30	Pieces
	Ballot Secrecy Folders	12	Pieces
	Thumbprint/Fingerprint Takers	2	Pieces
	Padlocks with keys	3	Pieces
	Fixed Length Seals	2	Pieces
	Indelible Stain Ink	2	Bottles

**B. FROM THE ELECTION OFFICER**

- a. Book of Voters;
- b. Two (2) copies of Posted Computerized Voters List (PCVL) (List of Voters);
- c. One (1) copy of Election Day Computerized Voters List (EDCVL) (List of Voters with Voting Record); and
- d. Nine (9) copies of Appointment and Oath of Office of the Board of Election Inspectors (CEF No. 5 & 5 A).

The Book of Voters should be duly sealed. The PCVL and EDCVL should all be duly certified by the Election Registration Board.

The chairman of the board shall have custody of the Book of Voters and one (1) copy of the EDCVL.

The poll clerk shall have custody of the PCVL.

The board shall carefully check the different election forms, documents and supplies and the quantity actually received, and deposit them in the ballot box, which shall thereafter be locked with three (3) padlocks. Each member of the board shall keep in his custody one (1) key corresponding to one of the padlocks. The board shall sign a Certificate of Receipt (CE Form No. 14), in three (3) copies, the original copy of which shall be delivered to the city/municipal treasurer, the second copy to be retained by the board, and the third copy to the Election Officer, who shall transmit said receipt to the ERSD, Comelec, Manila, immediately after election day.

**SEC. 18. *Forms to be reproduced when needed.*** – Samples of the following forms are attached hereto to guide the board in the reproduction thereof when the need arises:

- a) Temporary Appointment of Chairman/Poll Clerk/Member (Annex "A");
- b) Certificate of Challenge or Protest and Decision of the Board (Annex "B");
- c) Oath of Voter Challenged for Illegal Acts (Annex "C"); and
- d) Oath To Identify A Challenged Voter (Annex "D").

**ARTICLE IV**  
**DATE, TIME AND PLACE OF VOTING**

**SEC. 19. *Date of election.*** - The election shall be held on August 11, 2008.

**SEC. 20. *Voting hours.*** - The casting of votes shall start at seven o'clock in the morning and end at three o'clock in the afternoon of election day.

If at three o'clock there are still voters within thirty (30) meters in front of the polling place who have not yet cast their votes, voting shall continue but only to allow said voters to cast their votes without interruption. The poll clerk shall, without delay, prepare a complete list containing the names of said voters consecutively numbered. The voters listed shall be called to vote by the poll clerk by announcing each name three (3) times in the order in which they are listed. Any voter in the list who is not present when called shall not be allowed to vote at any later time. The said list shall be submitted to the Election Officer.

**SEC. 21. *Place of voting.*** - Voters shall cast their votes in the polling place designated by the Commission. The Poster Indicating Precinct Number (CEF No. 3) shall be prominently posted near or at the door of the polling place.

**SEC. 22. *Who may vote.*** - All registered voters in the Autonomous Region in Muslim Mindanao whose registration records have not been cancelled or deactivated, may vote in the election.

Those whose names are not included in the EDCVL or PCVL or whose Voters Registration Records are not found in the Book of Voters shall NOT be allowed to vote.

**SEC. 23. *Challenge against illegal voters.*** - Any voter or watcher may challenge any person offering to vote for:

- a) Not being registered;
- b) Using the name of another; or
- c) Suffering from an existing disqualification.

In such case, the board shall satisfy itself as to whether or not the ground for the challenge is true by requiring proof of registration, identity or qualification. The board may establish the identity of the voter through his photograph, fingerprint, or specimen signatures in the Voter Registration Record or EDCVL, or if a member of the board identifies him under oath. Such identification shall be reflected in the Minutes.

**SEC. 24. *Challenge based on certain illegal acts.*** – Any voter or watcher may challenge any voter offering to vote on the ground that the challenged person has:

- a) Received or expects to receive, paid, offered or promised to pay, contributed, offered or promised to contribute money or anything of value as consideration for his vote or for the vote of another; or
- b) Made or received a promise to influence the giving or withholding of any such vote; or
- c) Made a bet or is interested directly or indirectly in a bet that depends upon the results of the election.

The challenged person shall take an oath before the board that he has not committed any of the acts alleged in the challenge. Upon taking such oath, the challenge shall be dismissed and the voter shall be allowed to vote. In case the voter refuses to take such oath, the challenge shall be sustained and the voter shall not be allowed to vote.

**SEC. 25. *Record of challenges and oaths.*** - The poll clerk shall record in the Minutes all challenges and oaths taken in connection therewith and the decision of the board in each case.

**SEC. 26. *Rules to be observed during the voting.*** - During the voting, the board shall see to it that:

- a) No watcher shall enter the place reserved for the voters and the board, or mingle and talk with the voters;
- b) No person carrying any firearm or any other deadly weapon, except those expressly authorized by the Commission, shall enter the polling place;
- c) Voters shall vote in the order of their arrival in the polling place;
- d) There shall be no crowding of voters and disorderly behavior inside the polling place; and
- e) The interior cover of the ballot box shall remain locked during voting.

**SEC. 27. *Persons allowed in and around the polling place.*** - Only the following persons shall be allowed inside the polling place:

- a) Members of the board;

- b) Watchers who shall stay only in the space reserved for them;
- c) Representatives of the Commission;
- d) Representatives from Smartmatic-Sahi (for EVM) and Avante (for ACM);
- e) Voters casting their votes;
- f) Voters waiting for their turn to vote;
- g) Voters waiting for their turn to get their ballots; and
- h) Other persons who may be specifically authorized by the Commission.

Unless specifically authorized by the Commission, it is unlawful for any officer or member of the Armed Forces of the Philippines or the Philippine National Police or any peace officer or armed person belonging to any extra-legal police agency, special forces, reaction forces, strike forces, Civilian Armed Force Geographical Units, barangay tanods, or other similar forces or para-military forces, including special forces, security guards, special policemen, and all other kinds of armed or unarmed extra-legal police forces, to enter any polling place or stay within a radius of fifty (50) meters thereof, except to vote.

However, the board may, by majority vote, if it deems necessary, order in writing the detail of a policeman or any peace officer for its protection or for the protection of the election documents and paraphernalia. Such order shall be entered in the Minutes. Said policeman or peace officer shall stay outside the polling place near enough to be easily called by the board at anytime, and in no case shall the said policeman or peace officer hold any conversation with any voter or disturb or prevent or in any manner obstruct the free access of the voters to the polling place.

No barangay official including barangay tanod shall enter any polling place except to vote; in which case, he shall immediately leave the polling place after voting.

**SEC. 28. *Prohibition on voting.*** – It shall be unlawful for a voter to:

- a) Bring the ballot, ballot secrecy folder and marking pencil outside of the polling place (for ACM), or the VVPAT for (EVM);
- b) Speak with anyone other than as herein provided while inside the polling place;
- c) Prepare his ballot without using the ballot secrecy folder or exhibits its contents (for ACM) or VVPAT (for EVM,) to any person;
- d) Fill his ballot (for ACM) or cast his vote on the EVM accompanied by another, except in the case of an illiterate or disabled voter;
- e) Erase any printing from the ballot or VVPAT, or put any distinguishing mark thereon;
- f) Use carbon paper, paraffin paper or other means of making a copy of the contents of the ballot or VVPAT, or otherwise make use of any other scheme to identify his vote, including the use of digital cameras, cellular phones or similar gadgets; and
- g) Intentionally tear or deface the ballot or VVPAT.

**SEC. 29. *Preparation of ballots for illiterate and disabled voters.*** – A voter who is illiterate or physically unable to prepare the ballot, or use the EVM, by himself, may be assisted in the preparation of his ballot or use of the EVM by a relative within the fourth civil degree of consanguinity or affinity, or, if he has none, by any person of his confidence who belongs to the same household, or by any member of the board. All assistors must be of voting age.

No person may assist an illiterate or disabled voter more than three (3) times except the members of the board.

In all cases, the poll clerk shall first verify from the illiterate or disabled voter whether the latter had authorized the assistor to help him in casting his vote.

The assistor shall, in the presence of the illiterate or disabled voter, prepare the ballot using a ballot secrecy folder, in the case of ACM, or operate the voting machine in the case of the EVM.

The assistor shall bind himself in writing and under oath to fill the ballot, in case of ACM, or vote, using the voting machine, in case of EVM, strictly in accordance with the instructions of the voter and not to reveal the contents of the ballot or VVPAT, by affixing his signature in the appropriate space in the Minutes.

In no case a literate voter as appearing in the book of voters shall be allowed to vote as illiterate.

**SEC. 30. *Accessibility of polling place to disabled voters.*** - The Election Officers, in coordination with the proper school or building officials, shall see to it that the designated polling places of precincts where there are disabled registered voters are located in the ground floors of the polling centers so that the disabled voters can have easy access thereto.

**SEC. 31. *Prohibition against premature announcement of voting.*** - During the voting, no member of the board shall make any announcement as to whether a certain registered voter has already voted or not, as to how many have already voted or how many so far have failed to vote or any other fact tending to show or showing the state of the polls; nor shall he make any statement at any time, except as witness before a court or body as to how many persons voted.

**ARTICLE V**  
**PROCEDURES OF VOTING, COUNTING OF VOTES AND**  
**TRANSMISSION FOR THE AUTOMATED COUNTING MACHINE**  
**(ACM)**

**(PROVINCES OF LANA O DEL SUR, SHARIFF KABUNSUAN,  
BASILAN, SULU AND TAWI-TAWI)**

**SEC. 32. *Preliminaries to the voting.*** - The board shall meet at the polling place at six o'clock in the morning of election day and do the following:

- a) Ensure that it has all the election forms, documents and supplies needed ;
- b) Post one copy of PCVL near or at the door of the polling place.
- c) Before the voting begins, the chairman of the board shall:
  - 1) Open the ballot box, empty both of its compartments, exhibit them to all those present and lock its interior cover with three (3) padlocks. The members of the board shall each retain their respective keys to the padlocks during the voting;
  - 2) Show to the public and to the watchers present, the package of official ballots and the book of voters, both duly sealed, and thereafter, break the seals; and
  - 3) Enter in the Minutes the number of pads of ballots; the serial numbers of the ballots in each pad; and the fact that the package of ballots and the book of voters were shown to the public with the seals intact.

**SEC. 33. *Manner of obtaining ballots.*** - The voter shall approach the chairman, give his name, address, together with the other data concerning his person.

The chairman of the board shall establish the identity of the voter through his photograph or specimen signatures in the Voter's Registration Record or EDCVL, unless he is identified under oath by any member of the BEI. If the chairman still doubts the identity of the voter, he shall require him to present any authentic document which may establish his identity, except barangay certificate or community tax certificate. If the board is satisfied with his identity, the chairman shall distinctly announce the voter's name in a tone loud enough to be heard throughout the polling place. If the voter is not challenged, or having been challenged, the question has been decided in his favor, the voter shall be given a ballot.

Before giving the ballot to the voter, the chairman shall:

- a) Check if any of the fingernails of the voter has already been stained with indelible ink. If stained, it shall be a conclusive presumption that he has cast his vote. As such, the voter shall be directed to leave the polling place after informing him the reason thereof. This fact including the name of the voter shall be recorded in the Minutes;
- b) After verifying that no fingernail has been stained, announce the serial number of the ballot and enter the same in the corresponding space in the EDCVL;
- c) Affix his signature in the EDCVL;
- d) Authenticate the ballot by affixing his signature at the designated space at the front thereof.
- e) The failure to authenticate the ballot shall not invalidate the ballot but shall constitute an election offense.

- f) Fold the ballot in such a manner that its face is covered, except the portion where the signature of the chairman and the ballot serial number appear, and give the ballot to the voter.
- g) The voter shall, upon receipt of the ballot, forthwith affix his signature on the proper space of the EDCVL.
- h) Only the chairman shall issue the official ballots, and not more than one ballot shall be issued at one time.

**SEC. 34. *Manner of voting.*** - Voting shall be conducted in the following manner:

- a) The voter shall use a ballot secrecy folder and fill his ballot by **shading completely the oval** beside the names of the candidates of his choice.
- b) If the voter accidentally spoils or defaces a ballot in such a way that it cannot be lawfully used, the voter shall, without showing the contents thereof, return the folded ballot to the chairman who shall immediately mark the back thereof as "SPOILED". Thereafter, the chairman shall note in the corresponding space in the list of voters with voting record (EDCVL) that said ballot is spoiled. The voter shall then personally drop the same in the compartment for spoiled ballots.

The voter shall be issued another ballot after the chairman has announced the serial number of the second ballot and recorded the same in the corresponding space in the EDCVL, which fact shall likewise be recorded in the Minutes.

If the second ballot is again spoiled, it shall be surrendered correctly folded to the chairman who shall follow the same procedure for spoiled ballots.

No voter shall change his ballot more than once.

- c) After filling his ballot, the voter shall return the ballot to the chairman in the same manner it was given to him. The chairman shall then verify whether the serial number of the ballot corresponds to the serial number recorded in the EDCVL. If the serial numbers are the same, the chairman shall apply indelible ink at the base and extending to the cuticle of the right forefinger nail of the voter, or any other nail if there be no forefinger nail.

If the serial number of the ballot is different from that recorded in the EDCVL, or when the detachable coupon of the ballot was detached not in the presence of the board, or if the voter refuses to be stained with indelible ink, such fact shall be recorded in the Minutes and the back of his ballot shall be marked with the word "SPOILED" and it shall be deposited in the compartment for spoiled ballots. In such cases, the voter shall not be given another ballot.

- d) The voter shall affix his thumbmark on the corresponding space in the EDCVL and in the ballot coupon, after which the chairman shall detach the coupon from the ballot in the presence of the voter and other members of the board.
- e) The voter shall personally drop his ballot into the ballot box compartment for valid ballots, and the chairman shall then drop the detached coupon in the compartment for spoiled ballots.
- f) The voter shall then leave the polling place.

**SEC. 35. *Spoiled ballots.*** - A ballot is considered spoiled in the following instances:

- a) When the voter accidentally defaces the ballot in such a way that it can no longer be lawfully used;
- b) When the detachable coupon of the ballot was detached not in the presence of the board;
- c) When the serial number of the ballot returned by the voter is different from the serial number of the ballot earlier given to the said voter; and
- d) When the voter refuses to be stained with indelible ink.

**SEC. 36. *Disposition of unused ballots.*** – After the voting, the chairman shall record in the Minutes the quantity and serial numbers of unused ballots. Thereafter, he shall, in the presence of the members of the board, tear the unused ballots in half lengthwise without removing the stubs and detachable coupons. One half shall be placed in the envelope for the purpose, and submit to the Election Officer for safekeeping, while the other half shall be placed in another envelope for the purpose, and then deposit inside the compartment of the ballot box for valid ballots. Such facts shall be entered in the Minutes.

**SEC. 37. *Venue for counting; designation of counting centers.*** - The votes shall be counted at the counting centers designated by the Commission under Comelec Resolution No. 8475 dated June 30, 2008.

For purposes of counting the ballots, the ACMs in the designated counting centers shall be opened at exactly three o'clock in the afternoon of election day.

The Provincial Election Supervisors, in coordination with the AFP and PNP, shall ensure that the counting centers are provided with adequate security.

**SEC. 38. *Automated Counting Machine*** – The Automated Counting Machine (ACM) shall be used to automatically count the ballots from the precincts. It shall make use of an Optical Mark-Sense Reader (OMR), and shall be composed of two (2) laptops, two (2) digital scanners, two (2) card readers, one (1) hub, and one (1) printer.

The Commission shall designate one (1) ACM Administrator for every city/municipality and one (1) Operator for every laptop. The Administrator and Operator shall be issued their respective Automated Counting System (ACS) access cards with corresponding Personal Identification Numbers (PINs) to operate the ACM.

**SEC. 39. *Procedure before the transport of the boards of election inspectors & election paraphernalia to the designated counting center.*** - After the termination of voting, the board shall publicly:

- a) Open the compartment for valid ballots and count the ballots therein to determine whether there are:

- 1) Excess ballots.

The board shall count the ballots in the compartment for valid ballots without unfolding them or exposing their contents, except to ascertain that each ballot is single, and compare the number of ballots in the compartment with the number of voters who actually voted as recorded in the Minutes. If the number of valid ballots exceeds the number of voters who actually voted, all of the ballots shall be returned to the compartment for valid ballots and thoroughly mixed therein. The Poll Clerk, without seeing the ballots and with his back to the ballot box, shall publicly draw out

as many ballots as may be equal to the excess and, without unfolding them, place them in the envelope for Counted Official Ballots/Excess/Marked/Spoiled/Rejected/Torn Half of Unused Official Ballots/Other Half of Torn Unused Official Ballots/Official Ballots for ACM.

The envelope containing the excess ballots shall be signed by the members of the board and sealed in the envelope for Counted Official Ballots/Excess/Marked/Spoiled/Rejected/Torn Half of Unused Official Ballots/Other Half of Torn Unused Official Ballots/Official Ballots for ACM, and deposited in the compartment for valid ballots.

Excess ballots shall not be counted.

2) Ballots with undetached coupons.

In case ballots with undetached coupons are found in the compartment, the coupons shall be removed and deposited in the compartment for spoiled ballots. The ballots shall be included in the pile of valid ballots.

3) Ballots with the word "SPOILED".

Should ballots with the word "SPOILED" be found in the compartment for valid ballots, they shall be placed in the envelope for Counted Official Ballots/Excess/Marked/Spoiled/Rejected/Torn Half of Unused Official Ballots/Other Half of Torn Unused Official Ballots/Official Ballots for ACM.

The envelope shall be signed by the members of the board, sealed and deposited in the compartment for spoiled ballots.

Spoiled ballots shall not be counted.

4) Ballots deposited in the compartment for spoiled ballots.

The ballots deposited in the compartment for spoiled ballots shall be presumed "SPOILED", whether or not they contain such notation; but if the board should find that during the voting any valid ballot was erroneously deposited in this compartment, or if any ballot separated as excess or marked had been erroneously deposited therein, the board shall open said compartment after the voting and before the counting of votes for the sole purpose of drawing out the ballots erroneously deposited therein. The valid ballots so withdrawn shall be mixed with the other valid ballots.

- b) Record the number of valid, spoiled and excess ballots in the Minutes.
- c) Bundle together the valid ballots in groups of one hundred (100).
- d) The board shall then place inside the ballot box all the bundled valid ballots, election documents and paraphernalia, except the book of voters, indelible ink, thumbprint takers and other materials which might stain or mark the ballots therein, lock it with three (3) padlocks and two (2) self-locking serially numbered fixed-length seals, one for the inner compartments and one for the outer cover of the ballot box. Each member of the board shall keep a key to a padlock. The serial numbers of the ballot box and the self-locking serially numbered fixed-length seals and the time when the board left the polling place shall be recorded in the Minutes.

**SEC. 40. *Transport of the members of the board & election paraphernalia to the designated counting center.*** - The members of the board,

together with the ballot box and the other election paraphernalia, shall be transported to the counting center where the votes shall be counted. It shall be the responsibility of the Election Officer to coordinate with the DepEd, PNP/AFP, and DILG to ensure the safe transport of the boards of election inspectors and the election forms and paraphernalia to the counting center.

The board shall announce the transport of the ballot box, the name and location of the designated counting center where the ballot box shall be brought. The watchers shall have the right to accompany the members of the board.

**SEC. 41. *Reception of ballots; Procedures.* –**

- a) Upon arrival at the counting center, the boards shall queue and shall be given a number before entering the reception area;
- b) The Reception Committee shall be stationed at the reception area to log the sequence and time of arrival of the boards, the condition of the ballot box and the serial number of the self-locking fixed length seal;
- c) The Reception Committee shall issue the corresponding access card to the chairman of the board, and the corresponding PINs for all three (3) members of the board. They shall keep such access card and PINs in their possession while inside the counting center;
- d) The members of the board shall proceed to the holding room/area of the counting center, and wait for their number to be called; and
- e) Once their number is called, the board shall proceed to the ACM to count the ballots for their precinct.

**SEC. 42. *Preliminaries to counting.*** - The counting of votes shall be public, done without interruption in the counting centers designated by the Commission and shall proceed as follows:

- a) The ACM Operator shall turn on the counting machines (Laptops, Scanners, Printer, Hub, and Card Readers) and shall insert a blank compact disc-rewritable (CD-R) into the CD drive of the ACM. Once turned on, the Administrator and Operator shall place their access cards on the card reader, one at a time, and key-in their pre-assigned PINs. After verification, the Main Menu shall be displayed;
- b) The ACM Operator shall select "START CITY/MUNICIPAL COUNTING" bar from the Main Menu. The geographic assignment of the ACM will then be displayed on the screen. The Operator shall click the "INITIALIZE VOTE COUNTERS" bar, after which, the Administrator and Operator shall place their access cards on the card reader, one at a time, and key-in their pre-assigned PINs. The ACM shall then ask for the confirmation of the command to initialize the vote counters. The Administrator then confirms the command to initialize;
- c) Once confirmed, the ACM shall automatically print the Initialization Report showing the ZERO ("0") Vote for each candidate. After the printing of said report, the ACM shall display the information that the ACM has been successfully initialized. The Initialization Report shall be shown to the board concerned and watchers present. Thereafter, the Administrator and the Operator shall sign said report, place the report inside the corresponding envelope (CEF No. 18-C), and submit the same to the provincial board of canvassers after the counting.

**SEC. 43. *Counting of ballots and transmission of results; Procedure.* –**

- a) The chairman of the board shall open the ballot box, retrieve all bundles of valid ballots, arrange them face up by bundle, with all the edges aligned and give the same to the ACM Operator;

- b) The Operator shall place one bundle of ballots at a time in the input tray of the Scanner of the ACM;
- c) The Operator shall click the "COUNT BALLOTS" bar in the City/Municipal Counting Menu. Thereafter, the "SCAN BALLOTS" bar shall appear;
- d) The Operator shall ask the chairman of the board to enter the number of voters who actually voted in the ACM as reflected in the Minutes;
- e) The chairman shall enter in the ACM the number of voters who actually voted;
- f) The operator shall click the "SCAN BALLOTS" bar. Thereafter, the ACM shall ask for the access card of the chairman of the board. Any one member of board shall enter his PIN to confirm. The data on the precinct and number of registered voters will be automatically displayed on the screen of the ACM, based on the precinct information contained in the access card;
- g) The ACM will then ask for the confirmation of the correct precinct number, and such will be confirmed by the chairman. Once confirmed, the scanning of ballots shall automatically start;
- h) After scanning the first bundle of valid ballots, the Operator shall stack all the counted ballots in the same position they were scanned and thereafter, place a solid red line on the left edge of the stack;
- i) Repeat procedures (b) to (e) for the remaining bundles of valid ballots for the precinct;
- j) After all the ballots of the precinct have been scanned, the Operator shall return the marked counted ballots to the chairman of the board

- who shall place them inside the Envelope for Counted Ballots (CEF No. 15), seal with a serially-numbered paper seal (CEF No. 12) and place inside the compartment for valid ballots. Any member of the board shall lock the outer cover of the ballot box with a padlock;
- k) The Operator shall click the "END PRECINCT COUNT" button on the ACM. The ACM will display the information that no additional ballots shall be counted after the closing of the precinct count. It will also remind the Operator and the board to make sure that there are no more ballots left for counting for the precinct, and shall ask for a confirmation;
  - l) The chairman of the board shall confirm the end of the precinct count;
  - m) Once confirmed, the ACM shall again ask for the access card of the chairman of the board, and the PINs of two (2) members, one at a time, to confirm the end of counting for the precinct;
  - n) The ACM shall then display "Creating Precinct ER" and shall automatically transmit an **ADVANCE** copy of the precinct results to the Regional Canvassing Center (RCC);
  - o) The ACM shall automatically record the precinct results in the CD-R inside the laptop and print the following:
    - 1) Eight (8) copies of the election returns (ER) for the precinct;
    - 2) Precinct statistics report; and
    - 3) Precinct audit log report.
  - p) Immediately after the eighth copy of the ER is printed, the **OFFICIAL** precinct results shall be automatically transmitted to the city/municipal consolidation center (CCC/MCC).

- The members of the board shall affix their signatures and thumbmarks on the printed ERs. The board shall ask the watchers present to affix their signatures and thumb marks on the printed election returns. The chairman of the board shall publicly announce the total number of votes received by each candidate, stating their corresponding offices. The poll clerk shall announce the posting of said copy of the election return on a wall within the premises of the polling place/counting center which must be sufficiently lighted and accessible to the public, and he shall proceed to post such copy. After forty-eight (48) hours following the posting, the chairman of the board shall detach the posted printed copy in the wall and keep the same in his custody to be produced as may be requested by any voter for image or data capturing or for any lawful purpose as may be ordered by competent authority.
- q) The Operator shall then scan a signed and thumb marked copy of the ER, and print additional twenty-two (22) copies thereof. The Operator has the option to print additional copies of the Precinct Statistics Report and Precinct Audit Log Report by clicking the corresponding bars in the COUNT BALLOTS menu;
  - r) The chairman of the board shall then surrender his access card and the PINs of all three (3) members of the board to the ACM Administrator;
  - s) The board shall accomplish the Minutes as to the details of the counting and transmission;
  - t) The Administrator and Operator shall repeat the aforesaid procedure for the next precinct;

- u) The members of the board shall not leave the counting center until the election returns for their precinct have been printed, signed and thumb marked by the board and the watchers present, and have delivered the ballot box for the precinct to the city/municipal treasurer;
- v) Unless otherwise ordered by the Commission, the Administrator and Operator shall not stop or postpone the counting until it has been completed.

In case of machine error, the Operator shall announce the error and undertake the necessary corrective measures. Should the Operator be unable to correct the error, he shall call on the Technical Support personnel assigned to the counting center for assistance. Such fact shall be noted in the Minutes.

**SEC. 44. *Invalid ballots; procedure.*** - Ballots may be invalidated by the ACM during the counting. In the event of an invalid ballot, the ACM shall stop scanning, and display on its screen the sequence number of the invalid ballot and the security number below the bar code of the ballot after such invalid ballot. The Operator shall announce that the scanning has stopped due to an invalid ballot, and shall then find and retrieve the invalid ballot from the scanned ballots and set it aside face down without showing the contents thereof to the public. The Operator shall then resume the scanning of the remaining ballots, including those ballots that came after the invalid ballot. The poll clerk shall note in the Minutes the security number of the invalid ballot.

After all the ballots for a precinct have been counted, all the invalid ballots shall be distinctly marked by the chairman of the board at the back thereof as "Invalid," signed by all members of the board at the back thereof, and shall be placed inside the corresponding envelope for Invalid Ballots, and sealed with a serially numbered paper seal.

The envelope containing the invalid ballots shall be sealed with a serially numbered paper seal. Thereafter, the chairman of the board shall place the envelope containing the invalid ballots inside the ballot box compartment for spoiled ballots.

Such facts shall be noted in the Minutes together with the total number of invalid ballots.

Any party objecting to the invalidation of the ballot shall reduce his objection in writing, which the board shall attach and note in the Minutes.

**SEC. 45. *Recounting of ballots; procedure.*** – Before the end of the city/municipal counting and in the event that the board has inadvertently left ballots inside the ballot box after the counting of the ballots for the precinct has been closed, the Operator shall click the “RECOUNT PRECINCT” button, and the ACM will ask for the access card of the chairman of the board. Thereafter, at least two (2) of the PINs of the board shall be entered. The ACM will ask for the confirmation of the recount, and the chairman shall then confirm. Once confirmed, the ACM will ask for the access card and PIN of the Administrator. The ACM will then display the information that the previous count for the precinct has been erased and that recounting may commence. The board and Operator shall repeat the procedure for the counting of ballots.

**SEC. 46. *Ending city/municipal counting; procedure.*** – After all the ballots for all the precincts for the city/municipality shall have been counted; the Administrator and Operator shall undertake the following steps:

- a) In the main menu, the Operator shall click the END CITY/MUNICIPAL COUNTING in the Main Menu;
- b) The ACM shall ask for the access cards of the Administrator and Operator, one at a time, with their corresponding PINs;
- c) The ACM shall automatically:
  - 1) Print the Summary Report and Audit Log for the city/municipality; and
  - 2) Burn/Save all the activities of the ACM unit in the CD-R.

After the end of the city/municipal counting shall have been successful, the ACM shall no longer recount the ballots for any precinct within such city/municipality.

In no case shall the END CITY/MUNICIPALITY COUNTING be completed by the ACM until all precincts for the city/municipality shall have submitted their ballots for counting, or if the ACM still has operations to be done.

**SEC. 47. *Shutting Down the ACM; procedure.*** - After the close of the city/municipal counting, or at any time while waiting for the other precincts to come in, the Administrator may shut down (turn off) the ACM by:

- a) In the Main Menu, the Operator shall click "SHUT DOWN";
- b) The ACM shall ask for the access cards of the Administrator and Operator, one at a time, with their corresponding PINs;
- c) The ACM shall automatically shut down.

In case the ACM was shut down (turned off) before all the precincts shall have submitted their ballots for counting, the ACM shall be turned on following the same procedure as stated herein, and automatically return to the same condition before it was shut down. The ACM shall continue to count the ballots for the remaining precincts.

**ARTICLE VI**  
**PROCEDURES FOR VOTING, COUNTING,**  
**CONSOLIDATION, AND TRANSMISSION OF VOTES FOR**  
**ELECTRONIC VOTING MACHINE (EVM)**  
**(PROVINCE OF MAGUINDANAO)**

**SEC. 48. Preliminaries to the voting** – The board shall meet at the polling place at six o'clock in the morning of election day and do the following:

- a) Ensure that the seals of the EVM and its components and peripherals are intact;
- b) Ensure that it has all the election forms, documents and supplies needed ; and
- c) Post one copy of PCVL near or at the door of the polling place.
- d) Before the voting begins, the chairman shall:
  - 1) Open the ballot box, empty both of its compartments, exhibit them to all those present and lock its interior cover with three (3) padlocks. The members of the board shall each retain their respective keys to the padlocks during the voting;
  - 2) Show to the public and to the watchers present the book of voters, duly sealed, and thereafter, break the seals. Enter in the Minutes the fact that the book of voters were shown to the public with the seals intact;
  - 3) Enter in the Minutes the serial numbers of the EVM seals; and the assigned EVM serial numbers;
  - 4) Break the seals of the EVM and show to the watchers and the public the EVM with its attached components and peripherals;

- 5) Check whether the machine and its components and peripherals are complete according to the checklist found inside the EVM carrying case;
- 6) Retrieve from the EVM the sealed envelope containing the passwords assigned to the EVM;
- 7) Turn on the EVM and enter the six(6)-digit **ADMINISTRATOR** password;
- 8) In the Technical Menu, under Maintenance sub-menu, conduct a diagnostic test of all the components of the EVM (*removable and internal memories, modem, printer, control button, voting pad, sound and audio control button*) to determine whether or not such components are functioning. If the print-out of the diagnostic report shows that any one of the components is not functioning, refer the matter to the EVM Support Technician (EVMST) assigned in the polling center. Once the defective component or peripheral is fixed, conduct another diagnostic test that should show all components are functioning. Place the diagnostic report/s inside the envelope provided for the purpose (CEF No.18-B). The action/s taken by the EVMST, if any, and the results should be noted in the Minutes;

**SEC. 49. *Opening of the Polls.*** - At exactly 7:00 o'clock in the morning, the chairman of the board shall open the voting by pressing "**Open Elections**" in the Voting Menu. The EVM shall automatically print an initial ZERO ("0") vote report for all the candidates in each position. Such print-out shall be shown to the watchers present, and thereafter, place inside the same envelope intended for the diagnostic report/s (CEF No. 18-B).

**SEC. 50. *Manner of voting.*** - The voter shall approach the chairman, give his name, address, together with the other data concerning his person.

The chairman of the board shall establish the identity of the voter through his photograph or specimen signatures in the Voter's Registration Record or EDCVL, unless he is identified under oath by any member of the board. If the chairman still doubts the identity of the voter, he shall require him to present any authentic document which may establish his identity, except barangay certificate or community tax certificate. If the board is satisfied with his identity, the chairman shall distinctively announce the voter's name in a tone loud enough to be heard throughout the polling place. If the voter is not challenged, or having been challenged, the question has been decided in his favor, the voter shall be allowed to vote.

Before the voter is allowed to vote, the chairman shall:

- a) Check if any of the fingernails of the voter has already been stained with indelible ink. If stained, it shall be a conclusive presumption that he has cast his vote. As such, he shall be directed to leave the polling place after informing the voter the reason thereof. This fact including the name of the voter shall be recorded in the Minutes;
- b) If no fingernail has been stained, apply indelible ink at the base and extending to the cuticle of the right forefinger nail of the voter, or any other nails if there be no forefinger nail. If the voter refuses to be stained, he shall not be allowed to vote and instead, be directed to leave the polling place. This fact including the name of the voter shall be recorded in the Minutes;
- c) Require the voter to affix his signature on the EDCVL;
- d) Affix his signature on the EDCVL;
- e) Advise the voter to:

- 1) Look at the Voting Pad to familiarize himself with the names and pictures of the candidate or candidates he intends to vote for;
  - 2) Cast his vote within three (3) minutes from the time the Control Button is pressed, otherwise the EVM shall automatically close after three (3) minutes and he will not be able to vote; and
  - 3) Retrieve the VVPAT from the EVM after voting, fold it and give the same to the chairman.
- f) Press the Control Button to allow the voter to cast his vote;
- g) After the Control Button has been pressed, the voter shall:
- 1) Start voting by pressing the picture of the candidate or candidates of his choice on the voting pad;
- If the voter fails to cast his vote within three (3) minutes, the EVM shall automatically close and shall print a report informing the voter that the time allotted for voting has lapsed. The voter shall retrieve the report and submit it to the chairman, who shall enter such fact in the Minutes and attach the report to the Minutes copy for the Commission. The chairman shall then unlock the EVM by pressing the Control Button to enable the voter to cast his vote. The voter shall be given one (1) last chance to cast his vote.
- 2) Select his/her gender and age group on the voting pad;
  - 3) Verify his votes on the EVM screen and press the "BOTO" button;

At any time before pressing the "BOTO" button, he may change his vote/s by pressing the picture or name of the candidate or candidates he wants to change on the EVM screen, and thereafter the voter may repeat the process of selecting his candidates on the voting pad.

- 4) Once the "BOTO" button is pressed, the EVM will prompt him to confirm his vote with the question "SIGURADO KA BA SA BOTO MO?". The voter shall then press either the "OO" or "HINDI" button on the EVM screen;

If he wants to change his vote, he shall press the "HINDI" button. Thereafter, follow the procedure in paragraph (c).

If he wants to confirm his vote, he shall press the "OO" button, and the EVM shall automatically print a VVPAT containing the name/s of the candidates he has voted for.

- 5) Retrieve the VVPAT, fold it and deposit in the ballot box in the presence of the Chairman.

The chairman shall require the voter to affix his thumb mark in the EDCVL and direct him to leave the polling place.

**SEC. 51. Procedure for closing of the polls.** – As soon as the voting is finished, the chairman of the board shall announce that the voting is closed. The members of the board shall enter their names and electronic signatures on the EVM screen, or on each EVM if there be more than one (1) assigned to the clustered precinct, by pressing the "BOARD OF ELECTION INSPECTORS INFORMATION" in the Voting Menu. Each member shall select the box corresponding to his position and shall input his name in the appropriate field and affix his signature in the space provided therefore on the EVM Screen. Press "SAVE" and repeat the procedure until all the information of the members of the board has been captured.

Proceed to the Voting Menu, and press the "CLOSE ELECTIONS" button. The EVM shall prompt the chairman of the board to enter the ADMINISTRATOR password to confirm the closing of the voting.

**SEC. 52. *Consolidation of Votes*** – After the termination of voting ("CLOSE ELECTIONS"), the board shall consolidate the results.

In case of a precinct with only one (1) EVM, there is no need to consolidate, and the board shall proceed with the creation of a back-up as provided under Sec. 53 hereof.

In case of precincts with two or more EVMs, the board shall choose the EVM to be used as the consolidation machine. Once the consolidation machine has been selected, the EVM serial number shall be noted in the Minutes. The rest of the EVMs shall then be shut-down/turned off. Thereafter, the chairman of the board shall:

- a) Remove the USB memory stick found inside one of the shut down EVMs;
- b) Open the CONSOLIDATION MENU in the EVM Consolidation machine and press the "CONSOLIDATE" button;
- c) At the prompt of the system, insert the USB memory stick extracted from the shut down EVM unit into the USB slot at the rear panel of the EVM consolidation unit;
- d) The EVM Consolidation machine shall automatically print a "consolidation report," which shall be attached to the Minutes (copy for the Commission);
- e) When the system prompts, extract the consolidated USB memory stick and return it to the same EVM where it was extracted; and

- f) Repeat the same procedure with the other USB memory sticks until all of them have been successfully consolidated.

At the end of the consolidation of all the EVMs, the members of the board shall ensure that it has the corresponding number of successful "consolidation reports," such that if there be four (4) EVMs assigned to the precinct, there must be three (3) successful "consolidation reports."

**SEC. 53. *Creation of back-up for the consolidated precinct results (USB WORM).*** - After the consolidation of the precinct results, the chairman of the board shall access the function "Back-up in USB WORM" in the Auditing Menu of the EVM consolidation unit. When the system prompts "INSERT THE USB WORM," proceed to insert the USB WORM in the USB slot at the rear panel of the EVM consolidation unit, and then press "OK." When the system prompts, "EXTRACT THE USB WORM", remove it and place it inside an envelope, seal the same with a serially-numbered paper seal, and put the sealed envelope inside the EVM Carrying Case compartment.

**SEC. 54. *Advance Transmission of the Precinct Results.*** - After creating the back-up, the chairman of the board shall:

- a) Connect the cable of the transmission device to the EVM consolidation machine;
- b) Open the Consolidation Menu then press "TRANSMIT CONSOLIDATED ELECTION RETURNS";
- c) Press "ALL CONSOLIDATED RESULTS" then press the "ADVANCE" option. The EVM will automatically transmit the advance precinct results to the Regional Canvassing Center (RCC). The EVM will then print a report indicating whether or not the transmission is successful;
- d) In case of an unsuccessful transmission, repeat the process. If the problem persists, call the EVMST for assistance;

- e) Record the results of the advance transmission in the Minutes.

**SEC. 55. *Printing of Election Returns (ERs) and Transmission of Official Copy of the Precinct Results.*** - The board shall print the Election Returns (ERs) by pressing the key "PRINT CONSOLIDATION ELECTION RETURNS" in the Consolidation menu. Perform this procedure eight (8) times to generate the eight (8) copies.

After printing the eighth (8<sup>th</sup>) copy of the ER, the board shall affix their thumb marks beside their digital signatures on the printed ERs. The board shall also require the watchers present to print their names, the candidates/political parties they represent, and affix their signatures and thumb marks at the back of the printed ERs. Thereafter, the chairman of the board shall publicly announce the total number of votes received by each candidate, stating their corresponding offices. The poll clerk shall announce the posting of said copy of the election return on a wall within the premises of the polling place, which must be sufficiently lighted and accessible to the public. After forty-eight (48) hours following the posting, the chairman of the board shall detach the posted printed copy in the wall and keep the same in his custody to be produced as may be requested by any voter for image or data capturing or for any lawful purpose as may be ordered by competent authority.

Thereafter, the Chairman of the Board shall electronically transmit the **Official Copy** of the precinct results to the city/municipal consolidation center (CCC/MCC) by:

- a) Pressing "TRANSMIT CONSOLIDATED ELECTION RETURNS;"
- b) Press "ALL CONSOLIDATED RESULTS" then press the "OFFICIAL COPY" option. The EVM will automatically transmit the official copy to the City/Municipal Consolidation;
- c) The EVM will then print a report indicating whether or not the transmission is successful. In case of an unsuccessful transmission,

repeat the process. If the problem persists, call the EVMST for assistance;

- d) Record in the Minutes the results of the transmission of the Official Copy.

After the transmission, the board shall print additional twenty-two (22) copies of the ER by following the procedures in the printing of ER. The board shall affix their thumb marks and the watchers present shall also affix their signatures and thumb marks as provided above. The board shall also print the Audit Log Report by pressing the "DISPLAY LOGS" in the Auditing Menu. The EVM shall automatically display the Audit Logs. Press "PRINT" and press "PRINT ALL". To print the transmission logs, press "DISPLAY LOGS" in the Auditing Menu, then select "TRANSMISSION". Press "PRINT" and press "PRINT ALL." These reports shall be placed inside the same envelope (CEF No. 18-B) containing the diagnostic test and zero "0" reports.

In case the printed reports display a continuous red line on one side of the paper, the board shall open the EVM and change the paper roll with a new one.

The board may have the option to view the results in the consolidating machine by pressing the key "DISPLAY CONSOLIDATED ELECTION RETURNS" in the Consolidation Menu.

**SEC. 56. *Turning the machine off.*** – The board shall in the Main Menu of the EVM, press the "SHUTDOWN VOTING MACHINE" key, and the chairman of the BEI shall enter the six(6)-digit **ADMINISTRATOR** password.

**SEC. 57. *USB Memory Stick.*** - After the electronic transmission of the ER and the EVM has been turned off, the chairman of the board shall retrieve the USB Memory Stick inside the assigned EVM Consolidation Machine. It shall be labeled as "CONSOLIDATED MEMORY STICK." The USB Memory Sticks from the other EVM machines shall be bundled together and placed inside an envelope (CEF No. 18-B), together with the consolidated memory stick, and sealed with paper seal (CEF No. 12).

The chairman shall thereafter submit the envelope to the city/municipal consolidation center.

**SEC. 58. *Uninstalling the EVMs.*** - After all the EVMs have been turned off, the board shall disconnect and uninstall all the peripherals and other devices from the EVM, place them inside the EVM Carrying Case, and lock the same with the EVM cable tie.

## **ARTICLE VII COMMON PROVISIONS**

**SEC. 59. *Disposition of the Printed Election Returns.*** - After the printing of the election returns, the board shall individually fold the first eight (8) copies of election returns, seal each of them with serially numbered paper seals (CEF No. 12), place inside the proper envelope (CEF No. 17, 17-A to 17-G), and seal the envelopes, for distribution as follows:

- a) First copy to the Election Officer;
- b) Second copy, to the Commission on Elections, Manila;
- c) Third copy, to the Provincial Consolidation Board;
- d) Fourth copy, to the citizens' arm authorized by the Commission to conduct an unofficial count;
- e) Fifth copy, to the dominant majority party as determined by the Commission in accordance with law;
- f) Sixth copy, to the dominant minority party as determined by the Commission in accordance with law;

- g) Seventh copy shall be deposited inside the compartment of the ballot box;
- h) Eighth copy, to be posted conspicuously on a wall within the premises of the polling/counting center;
- i) Ninth to eighteenth copies shall be given to the ten (10) accredited major national parties, excluding the dominant majority and minority parties, in accordance with a voluntary agreement among them;
- j) Nineteenth and twentieth copies shall be given to the two (2) accredited major local parties in accordance with a voluntary agreement among them;
- k) Twenty-first to twenty-fourth copies to the national broadcast or print media entities as may be equitably determined by the Commission in view of propagating the copies to the widest extent possible;
- l) Twenty-fifth and twenty-sixth copies to the local broadcast or print media entities as may be equitably determined by the Commission in view of propagating the copies to the widest extent possible; and
- m) Twenty-seventh to thirtieth copies to the major citizens' arm, including the accredited citizens' arm and other non-partisan groups or organizations enlisted by the Commission pursuant to Section 52 (k) of Batas Pambansa Bilang 881.

**SEC. 60. *Certificate of votes.*** – After the announcement of the results of the election, and before leaving the counting center, the board shall, upon request of the duly accredited watchers, manually prepare and issue a Certificate of Votes by Precinct (CEF No. 13) and require the requesting watchers to acknowledge receipt thereof.

The certificate shall contain the number of votes obtained by each candidate written in words and figures, the precinct number, the name of the municipality and province, and the date and time issued, and shall be signed and thumb marked by each member of the board.

**SEC. 61. *Disposition of ballot boxes, keys, election returns and other documents.*** - Upon the termination of the counting of votes and the announcement of the results of the election in the precinct, the board shall:

- a) Give the copies of the printed ER intended for the dominant majority party, dominant minority party and the citizens' arm authorized by the Commission to conduct an unofficial count, to their respective representatives, if any, who have been authorized by said parties and organizations to receive such copies. If there is no such authorized representative in the counting center, the board shall submit said copies to the Election Officer;
  
- b) Place the following inside the compartment of the ballot box:
  - 1) Envelopes containing:
    - 1.1. All areas in the ARMM
      - 1.1.1. Copy of Printed ER intended for the ballot box;
      - 1.1.2. Copy of the Minutes of Voting and Counting of Votes intended for the ballot box;
    - 1.2. For areas using ACM
      - 1.2.1. Counted official ballots;
      - 1.2.2. Half of torn unused ballots;
      - 1.2.3. Marked ballots;
      - 1.2.4. Spoiled ballots;

- 1.2.5. Excess ballots;
- 1.2.6. Rejected/Invalid Ballots; and
- 1.2.7. Stubs of used pads of official ballots.

- c) Close the inner compartments of the ballot box, lock them with one (1) self-locking serially numbered fixed length seal. Close the ballot box and lock the outer cover with three (3) padlocks and one (1) self-locking serially numbered fixed length seal. The three (3) keys to the padlocks shall be placed in separate envelopes, which shall be sealed and signed by all members of the board;
- d) Deliver the ballot box, accompanied by watchers, to the city or municipal treasurer.

For this purpose, the city/municipal treasurer shall provide at the counting center the necessary personnel and facilities for said delivery at the expense of the city/municipality.

In case the ballot box delivered by the board is not locked and/or sealed, the treasurer shall lock and/or seal the ballot box. The treasurer shall include such fact, including the serial number of the self-locking serially numbered fixed length seal used, in his report to the Commission.

- e) Deliver to the Election Officer:

- 1) Book of Voters;
- 2) EDCVL;
- 3) PCVL;

- 4) Three (3) envelopes, each containing a key to a padlock of the ballot box, which shall each be delivered, under proper receipt, to the Provincial Election Supervisor, Provincial Prosecutor and Provincial Treasurer;
- 5) Envelope containing the copy of the Minutes of Voting and Counting of Votes intended for the Commission;
- 6) Envelope containing the other half of torn unused official ballots (for ACM);
- 7) List of Voters allowed to vote after the close of voting;
- 8) Envelope containing the Printed Diagnostic Test, Zero Vote Report and other reports printed by the EVM;
- 9) Envelope containing the Initialization Report, Summary Report, Precinct Audit Log Report and Precinct Statistics Report (for ACM);
- 10) The envelopes containing copies of the election returns intended for the Provincial Board of Canvassers, Regional Board of Canvassers and the Commission on Elections;
- 11) The envelope containing the USB Memory Sticks (for EVM); and
- 12) Other pertinent papers and documents

After the counting of votes, the Provincial Election Supervisor, Election Officer or the Treasurer, shall require the board which failed to deliver the election documents or paraphernalia mentioned herein to deliver the same immediately.

**SEC. 62. *Preservation of the list of voters.*** – The Election Officer shall keep the EDCVL and PCVL in a safe place until such time that the Commission gives instructions on their disposition.

**SEC. 63. *Omission or erroneous inclusion of documents in ballot box.*** - If, after locking the ballot box, the board discovers that some documents or articles required to be placed in the ballot box were not placed therein, the board, instead of opening it to place therein said documents or articles, shall deliver the same to the Election Officer. The Election Officer shall take appropriate measures to preserve the integrity of the documents.

In no instance shall the ballot box be reopened to place therein or to take out there from any document or article except in proper cases and with prior written authority of the Commission to retrieve copies of the election returns which will be needed in any canvass. In such instance, the members of the board and the watchers shall be notified of the time and place of the opening of said ballot box. However, if there are other authentic copies of the election returns outside of the ballot box which can be used in the canvass, such copies of the election returns shall be used in said canvass and the opening of the ballot box to retrieve copies of the election returns placed therein shall then be dispensed with.

**SEC. 64. *Special procedures.*** - The express provisions of this Resolution notwithstanding, the Commission may, in exceptional cases, adopt special procedures in the voting, counting, consolidation, transmission, storage, custody, distribution and retrieval of accountable forms and paraphernalia to fulfill its constitutional mandate to ensure free, orderly, honest, peaceful and credible elections.

**SEC. 65. *Effectivity.*** - This Resolution shall take effect on the seventh (7<sup>th</sup>) day after its publication in two (2) daily newspapers of general circulation in the Philippines.

**SEC. 66. *Publication and dissemination.*** - Let the Education and Information Department, this Commission, cause the publication of this Resolution in two (2) daily newspapers of general circulation and in one (1) local newspaper in the ARMM, and furnish copies thereof to the Regional Election Director, Provincial Election Supervisors, Election Officers and Boards of Election Inspectors in the ARMM.

**SO ORDERED.**

**(sgd.) JOSE A.R. MELO**  
*Chairman*

**(sgd.) RENE V. SARMIENTO**  
*Commissioner*

**(sgd.) NICODEMO T. FERRER**  
*Commissioner*

**(sgd.) MOSLEMEN T. MACARAMBON**  
*Commissioner*

**(sgd.) LEONARDO L. LEONIDA**  
*Commissioner*

**(sgd.) LUCENITO N. TAGLE**  
*Commissioner*