

ELECTION REPORT ☆

# General Elections in the Philippines

Final Report

May 9, 2022

# Philippines

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# Summary

On May 9, 2022, Filipinos voted in elections that marked the end of President Rodrigo Duterte's six-year term of office. Although thousands of positions at the national, provincial, and local levels were contested, particular attention was focused on the race for president and vice president, which are separately elected. Ferdinand "Bongbong" Marcos Jr., son of former dictator Ferdinand Marcos, who was deposed in a popular uprising in 1986, sought to return his family to the highest level of government. He ran in coordination with vice presidential candidate Sara Duterte, daughter of the incumbent president. The duo was opposed by incumbent Vice President Leni Robredo and her running mate, Sen. Francis "Kiko" Pangilinan. Both campaigns attracted intense enthusiasm among their supporters.

The elections were widely recognized as pivotal in Philippines democracy, and final numbers indicated record turnout of 83.07%.<sup>1</sup> Marcos' victory signified success in a long effort, which some assert was supported by a sustained disinformation campaign, to rehabilitate his family's image and reinterpret the history of his father's 20-year rule. Marcos' election raised concern among many opponents that the Philippines could return to the era of authoritarianism and corruption seen under his father's rule.

A Carter Center remote pre-election assessment conducted in January and February 2022 indicated that voters in the Philippines, including domestic election observer organizations, had general confidence in the ability of the Commission on Elections

(COMELEC) to administer inclusive elections and in the willingness of candidates to accept the results of the polls. However, interlocutors expressed concerns about the broader context of the election process, including disinformation, respect for media freedom, and close links between economic and political power, as well as concerns about the transparency and reliability of the automated election system. The elections also took place amid continuing precautions against the COVID-19 pandemic.

To demonstrate international support for democracy in the Philippines and share recommendations for the strengthening of the election process, The Carter Center deployed an international election expert mission that undertook about two weeks of work in metro Manila. The team's work focused on two areas that the pre-election assessment found needed strengthening: the use of election technology and the framework for regulation and enforcement of political finance. Given the mission's size and limited scope, it did not conduct a full observation of voting or make a comprehensive assessment of the election as a whole.

The team was led by former U.K. Electoral Commission chief executive Peter Wardle, who also led the team's analysis of political finance. COMELEC accredited mission members as international observers. A summary of the mission's main findings is below, followed by a list of recommendations.

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<sup>1</sup> COMELEC Party List Summary Statement of Votes by Region (By Rank), May 27, 2022 [https://comelec.gov.ph/?r=2022NLE/ElectionResults/\\_PartyListSummaryStatementofVotes](https://comelec.gov.ph/?r=2022NLE/ElectionResults/_PartyListSummaryStatementofVotes).

**Automated Election System.** These were the fifth national elections to use the Automated Election System, introduced in 2010, that employs optical scan vote counting machines (VCMs) and electronic transmission and tabulation of results. The system has been generally trusted by the public and has greatly shortened the time between the end of voting and the declaration of results. Confidence in the system is bolstered by a number of transparency measures, including a public source code review, the use of paper ballots and a voter-verified paper audit trail (VVPAT), and a random manual audit that COMELEC runs in cooperation with a reputed election watchdog.

Despite its advantages, the Automated Election System is vulnerable to physical malfunctions and breakdowns of the machines. Data available to the mission indicated a higher incidence of machine problems in the 2022 elections. While not jeopardizing the overall integrity of the process, the problems were locally disruptive, leading some voters to wait for hours—even overnight—to be able to witness for themselves the scanning of their ballots. The problems were highly publicized and have increased calls for a return to the manual counting of ballots.

In addition, the organization of the voting process in the limited number of precincts observed by the Carter Center mission did not effectively ensure the secrecy of the vote, a fundamental principle of democratic elections. The lack of secrecy was due to the absence of voting screens, the fact that voters often fed their ballot into the VCM with their choices open to view, and the handling of the VVPAT receipt by polling staff.

**Campaign Finance.** Philippines law includes detailed provisions on campaign expenditures and assigns responsibility for monitoring and enforcement to COMELEC. Parties and candidates are required to submit detailed accounts of their campaign expenditure; media outlets and suppliers of materials for campaigns are likewise required to submit copies of their contracts to COMELEC. Total campaign expenditure is subject to limits based on the number of registered voters in the country (for nationwide offices) or constituency (for local races and geographically defined constituencies). Donations are subject to relatively few limits,



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such as a ban on foreign funding and a cap on the percentage of income that a company may donate.

Although it is positive that a basic framework for the regulation and enforcement of campaign finance is in place, the system is subject to significant loopholes and needs strengthening. Perhaps the most serious shortcoming is that campaign expenditure is regulated only in the 90-day period preceding the election. Much spending, notably on advertising and media, takes place well before this period. The expenditure limits themselves are widely considered to be unrealistically low, incentivizing parties and candidates to underreport spending. Enforcement of campaign finance regulations is rare, and COMELEC's Campaign Finance Office lacks the permanent staff and technical capacity to serve as an effective enforcement agency. Lack of rules on utilization of excess campaign donations, including for personal use, also creates space for potential illegitimate influence over elected officials.

Citizens prepare to vote in Manila.

# I Recommendations

The Carter Center offers several recommendations for the improvement of the Automated Election System and campaign finance framework, as well as to the observer accreditation procedures:

## Legislative Framework

- Electoral law needs revision and consolidation. The Congress of the Philippines should give priority to a thorough revision of election laws, to produce a comprehensive, updated, and codified legal framework. The framework should adequately account for the use of technology and best practices in auditing of results.

## Automated Election System

- COMELEC should review its strategy for technology procurement to ensure that it is informed by international good practice and experience, and *in particular to ensure that the risks arising from a change of provider are minimized*. The strategy review should include consideration of whether the technology solution offered should adhere to open standards.
- COMELEC's significant efforts to ensure transparency are acknowledged, but even when faced with significant external constraints such as the COVID-19 restrictions, COMELEC should do more to ensure that no aspect of the election process is unavailable for public observation.
- The Congress of the Philippines, with advice from COMELEC, should make clear in law

which set of results shall prevail in the event of a discrepancy between the paper ballots, the voter-verifiable paper audit trail, and the electronically transmitted results.

- Although the use of VCMs in conjunction with the VVPAT gives voters immediate confidence that their ballots have been interpreted correctly and post-election audits of the paper ballots provide confidence that results have been aggregated correctly, malfunctioning voting machines can decrease confidence in the overall system and cause long delays for voters. COMELEC should therefore undertake a careful review of contingency procedures. This should include a review of the number of VCMs required on election day; the allocation of VCMs to clustered precincts and repair hubs; the number, training, and allocation of technical support staff; and target times to resolve VCM failures (these should be set at the shortest possible level to minimize the risk of voter disenfranchisement). Addressing these issues will require, among other things, consideration of the response times required in the service level agreement between COMELEC and the election technology vendor, Smartmatic. COMELEC should also consider how to strengthen voters' confidence that a ballot paper left in the clustered precinct (a) will be kept secure and secret until it is scanned; (b) will definitely be scanned; and (c) that this will be observable and verifiable.
- The Congress of the Philippines, with advice from COMELEC and the Philippines Statistical



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Authority, should carefully consider the implications of developments in the approach to election auditing, with a view to adopting the most modern and most effective practices in Philippines elections.

- To build public confidence in the overall election process, COMELEC should consider explaining more clearly to voters and others how the different aspects of the auditing process contribute to the integrity of the results, including the random manual audit of VCM ballot papers against VCM totals, which verifies that voters' choices are correctly recorded; and the participation of civil society in the "transparency server" check of VCM paper results against the electronically transmitted results, which verifies the correct transmission of results.
- COMELEC should consider additional steps to ensure that the fundamental principle of the secrecy of the ballot is guaranteed for voters and should make the changes necessary to achieve this at all stages of the election process.
- Before making any decision to introduce internet voting as a formal channel at Philippines elections, COMELEC should pay careful attention to international experience. Careful consideration should also be given to the risk of reducing public confidence if new concerns about voter coercion and vote-buying emerge in relation to the use of an internet voting channel.
- COMELEC and other stakeholders should carefully consider the pros and cons of any proposed move to a "hybrid" system in which ballots would be counted manually and the results transmitted electronically. A manual count of ballots containing multiple races is time intensive and can be prone to error. If necessary to increase public confidence by minimizing the reliance of the final result on VCMs, the use of an independent automatic count of ballot papers could be considered an alternative approach, for example by using batch style scanners from a vendor different from the one that supplied the VCMs.

## Campaign Finance

- The Congress of the Philippines, advised by COMELEC, should conduct a thorough review of campaign finance legislation with the aim of updating it to:
  - Address new campaigning techniques, including the widespread use of social media and the increased use of digital payment and cryptocurrency technologies.

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*To build public confidence in the overall election process, COMELEC should consider explaining more clearly to voters and others how the different aspects of the auditing process contribute to the integrity of the results.*

- Ensure that campaign donations and spending are regulated for a longer period before election day, so that a more realistic period of campaigning is covered by the rules. As a start, a minimum regulated period of 12 months before election day should be considered.
- Require COMELEC to review spending limits periodically, and to increase the limits on a reasonable basis.
- Address the issue of third-party campaigning, which is not covered by the current legislation on campaign and political party spending.
- Address concerns that candidates are able to keep any contributions which they do not use for their campaign spending, as part of their own personal assets.
- Address the absence of limits on how much a candidate may contribute to his or her own campaign (large contributions from a candidate provide an opportunity to disguise the original source of the funds).
- Ensure that all significant contributions and expenditures are made in an auditable way through the banking system, rather than

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allowing potentially significant transactions in cash, which leaves room for money from undesirable and/or unidentifiable sources to find its way into the political system.

- COMELEC should, as a priority, take steps to ensure that the Campaign Finance Office is adequately resourced to carry out its investigative and enforcement tasks, and should also take steps to improve the transparency of information about campaign contributions and spending.

*In keeping with its commitment to transparency, COMELEC should consider revising its accreditation procedures for international observation missions.*

- Specifically, COMELEC could consider a project to digitize all of the information reported to it by candidates, political parties, and suppliers of goods and services. The

objective of making all reported information available online, in a fully searchable and accessible format, is in line with international good practice. Given the resource difficulties apparently faced in this aspect of its mandate, COMELEC could explore partnership with other bodies to achieve this—for example, by approaching technology companies to help build an online reporting and transparency platform as part of their environmental, social and governance activity; and approaching civil society organizations to help put the large quantities of reported data online.

## **Election Observation**

- In keeping with its commitment to transparency, COMELEC should consider revising its accreditation procedures for international observation missions. A key improvement would be to set up a process for observer organizations to apply for accreditation from COMELEC and subsequently to submit accreditation documents for individual observers.

# | Background

The Republic of the Philippines became independent in 1946, and for several decades, two dominant parties—Liberal and Nacionalista—regularly traded power. Ferdinand Marcos Sr. became president in 1965 and in 1972 imposed martial law. Martial law ended in 1986 following a revolution sparked, in part, by public resistance to the declared results of elections in that year. Marcos fled the country, accused of enriching himself and cronies through corruption on a vast scale.

The new government of President Corazon Aquino set up a commission that drafted the 1987 constitution, which remains in force. The constitution provides for a presidential system of government within a unitary state, a bicameral legislature, an independent judiciary, a bill of rights covering civil and political rights, an article on social justice and human rights that sets out economic, social, and cultural rights, and the establishment of a Commission on Human Rights.

The first national elections held under the 1987 constitution were in 1992, and in the same year the Philippines first considered the introduction of an automated election system. Among the perceived advantages of automated vote counting were the potential to address low public confidence in the election process and fears of electoral corruption. These concerns were exacerbated by significant delays (up to one month) in the proclamation of



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results under the previous manual vote-counting process.

Vote counting machines (VCMs) were first piloted in the south of the Philippines in 1996; in 1997, legislation was passed to allow the further use of automation in the elections of 1998.<sup>2</sup> Plans were made for the further use of technology in the electoral process, but for various reasons these plans did not proceed, and the elections of 2002 used the previous manual procedures.

Voters line up to place their ballots into a vote counting machine.

<sup>2</sup> Republic Act 8436 (An Act Authorizing the Commission on Elections to Use an Automated Election System in the May 11, 1998, National or Local Elections and In Subsequent National and Local Electoral Exercises Providing Funds Therefor and for Other Purposes)

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Legislation in 2007 paved the way for the use of technology in the 2010 elections for voter lists, vote counting and results transmission.<sup>3</sup> A contract to provide election technology was granted to the vendor Smartmatic. The results of the 2010 election were declared hours after voting ended—a marked contrast to the process under the previous manual procedures. Automated elements have been a feature of all Philippines elections since 2010, and Smartmatic has continued as the main technology provider.

*The results of the 2010 election were declared hours after voting ended—a marked contrast to the process under the previous manual procedures.*

### **The Carter Center Expert Mission**

The Carter Center deployed an international election expert mission to Manila to assess key aspects of the May 9, 2022, general elections in the Philippines. The team met with a range of stakeholders and observed various aspects of the election process, including the voting process in a limited number of polling locations in Manila on election day. Given the mission's size and limited scope,

it did not conduct a full observation of voting or make a comprehensive assessment of the election as a whole.

The six-member mission was led by Peter Wardle, former chief executive of the U.K. Electoral Commission. Five experts were in the Philippines from May 1 to May 14, 2022, to observe two elements of the electoral process: the automated election system and the regulation of campaign finance. Susanne Caarls and Carsten Schürmann served as the team's technology experts. Sam Franz conducted the mission's outreach to civil society and media. Jonathan Stonestreet managed the overall project. Henry Muguzi contributed campaign finance legal analysis remotely.

The work of the expert mission was conducted in accordance with the 2005 Declaration of Principles for International Electoral Observation.<sup>4</sup> The expert mission made its assessments and recommendations based on international principles and commitments endorsed by the Philippines (see Annex 2), as well as on international good practice.

The expert mission built on the work of two previous Carter Center missions to the Philippines: a Limited Election Observation Mission for the 2010 general election, which focused on the implementation of the Automated Election System,<sup>5</sup> and a Limited Election Observation Mission for the 2016 general election, which focused on electoral violence and other aspects of the electoral process on the island of Mindanao.<sup>6</sup>

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3 Republic Act 9369 (Automated Election Law)

4 United Nations. Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers. United Nations, 2005. <https://www.cartercenter.org/documents/2231.pdf>

5 Carter Center Limited Mission to the May 2010 Elections in the Philippines, Final Report, May 4, 2011, [https://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/philippines-may%202010-elections-finalrpt.pdf](https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/philippines-may%202010-elections-finalrpt.pdf)

6 Limited Election Observation Mission to the Philippines, Statement, June 17, 2016, [https://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/Philippines-June-2016-Election-Statement.pdf](https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/Philippines-June-2016-Election-Statement.pdf)

# The Electoral Framework for the 2022 Elections

## Legal Provisions

The legal framework relating to Philippines elections is found in several legal instruments. These include the 1987 Philippine Constitution; Batas Pambansa No. 881 or the Omnibus Election Code (1985); Republic Act No. 7166 or the Synchronized National and Local Elections Act (1991);<sup>7</sup> Republic Act No. 7941 or the Party-List System Act (1995); Republic Act No. 9006 or the Fair Election Act (2001); and Republic Act No. 9369 or the Automated Election Act (2007).<sup>8</sup> Provision for out-of-country voting is made under Republic Act No. 10590 or the Overseas Voting Act (2013). In addition, the Commission on Elections has extensive powers to introduce delegated legislation in the form of resolutions, rules, regulations, and orders.

The expert mission heard from multiple stakeholders that the sheer volume of uncodified electoral law is unhelpful for electoral stakeholders. Stakeholders reported that it can be difficult to ascertain what provision applies at any particular time, and costly legal advice is often needed to ensure clarity on quite simple electoral questions. This is not in accordance with the principle of legal

certainty, which is necessary for stakeholders to be able to conduct their affairs in compliance with the law. In this regard, electoral law needs revision and consolidation.

Although the legal framework for Philippines elections provides a generally sound basis for the conduct of elections in line with international commitments and good practice, the lack of organization of the legislation is unhelpful for electoral stakeholders and indeed voters. The Carter Center continues to recommend that the Congress of the Philippines should give priority to a thorough revision of election law to produce a comprehensive, updated, and codified legal framework.<sup>9</sup>

## Electoral System

The 1987 constitution established a presidential system, with separation of powers, within a unitary state. The constitution provides that elections at national, provincial, and municipal level should take place simultaneously. The president and the vice president are separately elected in a single-round, first-past-the-post system (see Table 1).

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7 An Act Providing for Synchronized National and Local Elections and for Electoral Reforms, Authorizing Appropriations Therefor, and for Other Purposes.

8 An Act Amending Republic Act No. 8436, Entitled "An Act Authorizing the Commission on Elections to Use an Automated Election System in the May 11, 1998, National or Local Elections and in Subsequent National and Local Electoral Exercises, to Encourage Transparency, Credibility, Fairness and Accuracy of Elections, Amending for the Purpose Batas Pambansa Blg. 881, as Amended, Republic Act No. 7166 and Other Related Election Laws, Providing Funds Therefor and for Other Purposes"

9 The development of a single, comprehensive electoral law was recommended in the Carter Center's final report on the 2010 elections.

**Table 1. Philippines Electoral System**

Elected office	Number	Electoral system	Term of office	Maximum number of terms
President	1	First-past-the-post	6	1
Vice President	1	First-past-the-post	6	2
Senator	24 (12 every 3 years)	Block vote <sup>10</sup>	6	2 consecutive
Member, House of Representatives	316	First-past-the-post (243 seats – 80%) Proportional representation based on party lists (61 seats – 20%) <sup>11</sup>	3	3 consecutive
Provincial Governor	81	First-past-the-post	3	3 consecutive
Provincial Vice Governor	81	First-past-the-post	3	3 consecutive
Provincial Board Members	782	Block vote	3	3 consecutive
City Mayor	1,634	First-past-the-post	3	3 consecutive
City Vice Mayor	1,634	First-past-the-post	3	3 consecutive
City Councilor	1,650	Block vote	3	3 consecutive
Municipal Mayor	1,488	First-past-the-post	3	3 consecutive
Municipal Vice Mayor	1,488	First-past-the-post	3	3 consecutive
Municipal Councilor	11,908	Block vote	3	3 consecutive

## Election Management

An independent and impartial election management body that functions transparently and professionally is recognized as an effective means of ensuring that citizens can participate in a genuinely democratic electoral process. It is also the responsibility of any election management body to take necessary steps to ensure respect for fundamental electoral rights as defined in international and national law.<sup>12</sup>

The Philippines Commission on Elections (COMELEC) was created by a 1940 amendment to the 1935 constitution and is one of the earliest global examples of an electoral management body wholly separate from the structure of executive government. It now draws its authority from Article

IX-C of the 1987 constitution, which establishes its status as a constitutional commission. According to law, such commissions are independent and are buttressed by constitutional provisions that guarantee fiscal autonomy; the automatic and regular release of appropriations; protection of the salary of commissioners; and freedom to appoint staff. Commissioners are prohibited from holding another office or employment, carrying on professional practice, or active management or control of businesses.

COMELEC has seven members: a chair and six commissioners. Appointments as commissioner are made for a single nonrenewable seven-year term by the president with the consent of the Commission on Appointments. Commissioners must be natural

<sup>10</sup> Block vote is a majoritarian electoral system that uses multi-member electoral districts. The voter has as many votes as there are vacancies to fill and can use as many or as few as she/he wishes. The candidates with the highest vote totals are the winners.

<sup>11</sup> Section 2, Party-List System Act 1995 (Act 7941). The aim of the party-list element is to improve representation of the “marginalized and under-represented.” The parameters for participation in the party-list mechanism were further defined by the Supreme Court in 2013, Decision G.R. Nos. 203766, et al. p.53-54. <http://sc.judiciary.gov.ph/jurisprudence/2013/april2013/203766.pdf>

<sup>12</sup> See UNHRC, General Comment 25, para. 20, and the Association of Southeast Asian Nations, ASEAN Human Rights Declaration, art. 25.2.



Volunteers from the National Citizens' Movement for Free Elections (NAMFREL) assist with election monitoring.

born Philippine citizens; be at least 35 years old; hold a college degree; and not have been a candidate at any level in the elections immediately preceding their appointment. The chair and at least three of the other commissioners must be members of the Philippine Bar with a record of practice of at least 10 years.

COMELEC is responsible for the organization and administration of elections. It has local offices in each province and municipality, all under the supervision of the national commission. Except on issues involving the right to vote, it has regulatory and administrative authority to decide on all questions affecting elections, including the determination of the number and location of polling places, appointment of election officials and inspectors, and registration of voters. Particularly relevant to this report, COMELEC is responsible for the organization and management of the automated voting system, for the registration of political parties, and for the regulation of campaign finance.

## The Role of Civil Society Organizations

The transparency provided by election observation is an important component of electoral integrity. The right of citizens to participate in the public affairs of their country is a key international obligation for democratic elections.<sup>13</sup> Election observation is an established form of citizen participation in public affairs and is a crucial transparency measure to promote confidence in the electoral process.<sup>14</sup>

The Philippines has a tradition of robust participation of civil society organizations both as independent observers and as participants in the electoral process. The 1987 constitution confers upon COMELEC the power to accredit nongovernmental organizations (NGOs) engaging in electoral observation and voter education as "citizens' arms."<sup>15</sup> The Omnibus Election Code further allows COMELEC to enlist nonpartisan groups or organizations of citizens from the civic, youth, professional, and other sectors to assist in the

<sup>13</sup> ICCPR, Article 25(a); UNHRC, General Comment 25, para. 8.

<sup>14</sup> UNHRC, General Comment 25, para. 20.

<sup>15</sup> Article IX C, section 2(5)

A sign at a polling station provides voting information on election day.



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citizen groups provided transparency and technical support are the following:

- PPCRV conducted an unofficial parallel vote count, checking the electronically transmitted vote counts sent to the Transparency Server at the Santo Tomas University (see below, “The Automated Election System”) against printed copies of the results from VCMs.<sup>17</sup> On election day, PPCRV supported voters in identifying their voting precinct and the location of their voting space and assisted voters with disabilities, senior citizens, pregnant women, and others for whom special arrangements to vote with fewer delays were available.

implementation of electoral law, for the purposes of “ensuring free, orderly and honest elections.”<sup>16</sup>

These organizations, acting “under the immediate control and supervision” of COMELEC, engage in activities such as voter education, promotion of voter registration, the review of voter lists, and exhorting voters to vote on election day. COMELEC’s rules of procedure stipulate that accredited NGOs must remain nonpartisan and impartial during the registration and election period. This formal role for domestic observer organizations is a strong element of the arrangements for elections in the Philippines.

Overall, the level of involvement of citizens in the electoral process is striking. Alongside the officially appointed election officials, there is a high level of voluntary involvement. The Carter Center expert mission observed volunteers from citizen organizations helping to manage waiting lines at voting centers and assisting voters who needed help, with no apparent partisan motives.

At the 2022 election, the National Citizens’ Movement for Free Elections (NAMFREL), the Parish Pastoral Council for Responsible Voting (PPCRV), and the Legal Network for Truthful Elections (LENTE), among others, were engaged in the electoral process. Among the key areas in which

- NAMFREL deployed tens of thousands of volunteers nationwide to observe the electoral process.
- LENTE conducted nationwide on-the-ground monitoring of the elections, paying particular attention to the voting of vulnerable groups such as persons with disabilities, older persons, indigenous people, and persons deprived of liberty. LENTE also participated in the random manual audit of the results.
- Citizen organizations were COMELEC’s designated partners in the conduct of the random manual audit of VCM results (see below, “The Automated Election System”).
- Halalang Marangal 2022, a coalition of faith-based organizations led by the Catholic Bishops Conference of the Philippines, conducted advocacy around transparency of the Automated Election System.

The extensive involvement of civil society organizations in observing the election process played an important role in strengthening public confidence in the results of the election. For example, they collected information about any incidents or problems with the voting process and how such incidents were handled and were involved in checking that

<sup>16</sup> Section 180 of Article XV

<sup>17</sup> The term “unofficial count” is used in the legislation, for example, Republic Act 8436 of Nov. 22, 1997.



the electronically transmitted results matched the printed results from each VCM.

The expert mission observed that these organizations also played a key role in assisting voters—including voters with low levels of literacy, disabilities, etc.—with a range of practical issues, including helping them to locate their voting place and generally to navigate the automated voting process. They also acted as advocates for voters who

may not have fully understood the process or who were at risk of being disenfranchised.

## Election Timetable

The timetable for Philippine elections at all levels is regulated by the Omnibus Election Code. On February 10, 2022, COMELEC published the timetable for the 2022 general elections.<sup>18</sup> Table 2 shows some key events in this timetable.

**Table 2. 2022 General Election Timetable**

Activity	Date
Deadlines for registration of:	
• existing and new party-list groups, coalitions, or organizations	March 31, 2021
• political parties	April 30, 2021
• coalitions of political parties	May 31, 2021
Period for political parties to hold conventions to nominate candidates for elective positions	September 1–28, 2021
VCM source code made available for inspection and review	October 5, 2021 – March 31, 2022
Period for filing certificates of candidacy for all elective positions	October 1–8, 2021
End of voter registration	October 30, 2021
Constitution of boards of canvassers, electoral boards, Department of Education supervising officers, and support staff	January 3–31, 2022
<b>Election period</b>	<b>January 9–June 8, 2022</b>
Certified list of voters published	February 8, 2022
Campaign period for president, vice president, senators, and party lists	Feb 8–May 7, 2022
Campaign period for local level officials	March 25–May 7, 2022
Deadline to publish copies of the arrangements for voting centers and the arrangements for testing and sealing of vote counting machines (VCMs)	April 18, 2022
Absentee voting period for domestic voters unable to vote on election day because their election duties prevent it	April 27–29, 2022
Absentee voting period for overseas voters	April 10–May 9, 2022
Testing and sealing of vote counting machines	May 2–7, 2022
Day of election silence (no campaigning)	May 8, 2022
<b>Election day</b>	<b>May 9, 2022</b>
Canvassing (tabulation) of vote totals and proclamation of winners for senatorial, congressional, party-list, regional, and provincial elections	May 10–16, 2022
Start of the random manual audit (to be completed within a maximum of 45 days)	May 12, 2022
Deadline for filing Statement of Contributions and Expenditures (SOCE)	June 8, 2022

<sup>18</sup> COMELEC Resolution 10695



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Filipinos vote at a polling station in Manila.

## Election Procedures

This section provides a summary description of the intended election day setup and voting process at voting precincts (polling stations). The information in this section is based on COMELEC documentation and interviews with election officials.

### Preparation

- Every registered voter is allocated to a voting precinct (maximum of 800 voters per precinct); precincts are generally co-located in clustered precincts, and there may be several clustered precincts in each voting center (often a school).
- There were over 37,000 voting centers with more than 105,000 clustered precincts.
- Each clustered precinct had one vote counting machine (VCM); there was also a contingency supply of VCMs held in “hubs” for use in case of breakdowns.
- Each clustered precinct was supervised by a three-person electoral board, consisting of a chairperson, poll clerk, and third member. At least one member of each board must have been trained in the appropriate election technology, and previous election experience was preferred where possible. The majority of board members were public school teachers, but certain others were also appointed—for example, police officers were appointed in some areas because of security concerns.
- Each voting center was under the overall supervision of a Department of Education supervising officer (DESO). The DESO has two support staff: (i) technical support; (ii) health support (to deal with special measures in place in the context of the COVID-19 pandemic).
- Electoral board members possess a digital ID certificate issued by the Philippine

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government—this is used when board members verify key steps in the polling process.

- Before opening the polls, the electoral board in each clustered precinct must carry out several specified pre-voting checks in the presence of poll watchers, including unsealing the VCM and checking that it is working.

### Voting Process

- When voters arrive at their voting precinct, each voter's name is checked against the voter list, the voter's fingers are checked for the indelible ink mark used to prevent multiple voting, and the voter's identity is confirmed.<sup>19</sup>
- The voter is handed their ballot paper, which is signed by the EB Chair; and the voter signs the voter list to confirm they have received their ballot.
- The voter completes their ballot paper.
- The voter then feeds their completed ballot paper into the VCM.
- The VCM records the votes on each ballot paper digitally on two separate SD (Secure Digital) cards (one main card and one backup) and drops the ballot paper itself into a ballot box, physically attached to the scanner.
  - If the VCM **fails to scan** a ballot paper, the voter may make up to four attempts to re-feed the ballot paper into the scanner. If the ballot is still rejected, the EB chairperson must mark it "Rejected." In this case all EB members sign the back of the ballot, and it is stored with any other rejected ballots.<sup>20</sup> In this case, the voter is not given a replacement ballot and is therefore not able to cast a ballot.
  - If the VCM **stops working**, voters are offered two options: They can wait until the machine is either fixed or replaced to scan the ballot themselves, or they may waive their right to witness their ballot paper being scanned and instead leave the ballot to be scanned by members of the EB later in the day when a working machine is available.
- If, during the day, a ballot box becomes **so full** that the VCM is unable to drop more ballot papers into it, the EB members, in the presence of poll watchers, may temporarily remove the VCM from the top of the ballot box, open the ballot box, and press the papers down manually. Each time these procedures are carried out, a record must be made in the EB minutes.<sup>21</sup>
- A voter-verifiable paper audit trail (VVPAT) receipt is printed, and the voter checks that the votes recorded on the receipt match the votes they marked on their ballot paper. The voter then drops the receipt in a separate VVPAT box.
  - If a voter says that the votes recorded on the receipt **do not match** their ballot paper votes, the voter must sign the receipt, and their objection must be noted by the EB in the EB minutes. The VVPAT in question is attached to the note of the objection in the minutes.
  - If the VVPAT thermal printer is *not working*, a voter has two options: They can wait until the printer is working again, or they can waive their right to receive a VVPAT receipt.
- Finally, the voter's finger is marked with indelible ink before they leave the precinct.

The procedures set out above are used by most voters. Overseas voters who wish to cast a ballot must do so at Philippine embassies. Some embassies use an all-manual process, while others are equipped with VCMs. Where an all-manual process is used, completed ballot papers are sent to COMELEC and are then scanned using VCMs, the results from which are incorporated into the overall results. Where VCMs are used in embassies overseas, the results are electronically transmitted to the Philippines, and the VCM memory cards are sent to COMELEC.

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<sup>19</sup> The election day voter list contains photos/signatures of voters, which are the primary check. If there is a doubt regarding the voter's identity at that stage, the voter may be asked to present a valid ID document. (Electoral Board Handbook, p.76)

<sup>20</sup> Electoral Board Handbook, p. 95

<sup>21</sup> Electoral Board Handbook, p. 96

## Counting and Canvassing Procedures

The accurate counting and tabulation of votes plays an indispensable role in ensuring that the electoral process is genuinely democratic and reflects the will of the voters. International obligations require that the process of counting, vote tabulation, and announcement of results be fair, impartial, and transparent.<sup>22</sup>

Initial vote counting is done electronically by each VCM. At the end of polling, the precinct officials close the VCM and follow procedures, which must be public and uninterrupted, to ensure the transmission of results and the generation of copies of result protocols (known as “certificates of canvass”).<sup>23</sup> In addition to representatives of candidates and of political parties (“poll watchers”), observers are entitled to be present during all phases of the voting, canvassing, and transmission procedures.<sup>24</sup> Representatives of political parties and of the election observation organization recognized



A vote counting machine generates a certificate of canvass.

for the purpose (PPCRV for the elections of 2022) receive copies of the certificates of canvass.

The counting and canvassing procedures are as follows:

- When the voting precinct closes, each VCM prints 16 copies of the precinct results, i.e., the “certificates of canvass” (eight copies of the total votes cast for the national elections, and eight copies of the total votes cast for the local elections). One copy of each is displayed in the clustered precinct prior to the digital transmission of results.
- The VCM then transmits its results digitally for electronic tabulation. The standard means of transmission is via a dongle with a SIM card, but in remote areas a satellite link is used. The results are sent to four separate servers for electronic tabulation.
- One of the servers receiving results from the VCMs is the transparency server, which is meant to strengthen public confidence in the accuracy of the tabulation process by verifying results transmission in a public forum, open to the media. Transmissions received by the transparency server from each VCM become public as soon as they are received. However, the results on the transparency server are not the official results. Instead, they are provisional and provided for public information purposes only.
- Results are also transmitted to the local municipality results server, which is independent and separate from the transparency server. This server also receives results that have been compiled and verified through the tabulation (“canvassing”) process at city/municipality and provincial levels.
- The VCM then prints another 22 copies of (a) national results and (b) local results. Copies go to the boards of canvassers for each level as well as to political parties, accredited citizens’ arms, and the media.<sup>25</sup>

22 U.N., UDHR, art. 21; U.N., ICCPR, art. 25(b); UNHRC General Comment 25, para. 20.

23 Republic Act 9369 amending Republic Act 8436 on the Automated Election System, Sections 21, 22, 31, 32, 33, and 35.

24 Ibid., Section 34.

25 The full list of recipients is specified in COMELEC’s “Electoral Board Handbook” for the 2022 elections, pp. 90-91.

To verify the integrity of the electronic transmission of results, members of civil society organizations (in 2022, the PPCRV) verify the electronically transmitted results from the VCMs against the printed copies of results from the VCMs.

The process of aggregation and tabulation of votes from the VCMs is referred to as *canvassing*. Boards of canvassers are created to receive and canvass the electronically transmitted results at each level. At all levels, the boards have five members: the relevant election supervisor (chair), the chief local officers of finance and education, and representatives of the ruling party and dominant opposition party.<sup>26</sup> Congress is the canvassing body for the votes for president and vice president.

When the boards of canvassers have complete results for an election, they publicly announce the total number of votes received by each successful candidate, proclaim the winners, and post the results within the premises of the canvassing area. For elections determined at a higher level, the BoC electronically transmits the results upward, from municipality/city level to the provincial and district levels, and from the provincial and district levels to the national level. Candidates and their legal counsel are entitled to be present during canvassing.

## Election Results

The total number of registered voters was 67,525,619, and voter turnout was announced as 56,095,234 or 83.07%.<sup>27</sup> COMELEC reported a total of 1,697,215 registered overseas voters.<sup>28</sup>



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Results are announced by boards of canvassers at local, provincial, regional, and national levels.

On May 24, 2022, the House of Representatives and the Senate convened in joint session to establish the board of canvassers for the presidential and vice presidential elections. These results were formally proclaimed on May 25. Ferdinand “Bongbong” Marcos Jr. was elected president, polling 31,629,783 votes (58.77% of the vote); the nearest challenger, Leni Robredo, polled 15,023,773 million votes (27.94 %), and Manny Pacquiao polled third with 3,663,113 votes (6.81%).<sup>29</sup>

The contest for vice president was won by Sara Duterte, who received 32,208,417 votes (61.53% of the vote). The nearest challenger, Kiko Pangilinan, received 9,329,207 votes (17.82%), with Vincente Tito Sotto coming in third with 8,251,267 votes (15.76%).<sup>30</sup>

Members of the press await preliminary election results.

<sup>26</sup> Omnibus Election Code, Article XIX, Section 221.

<sup>27</sup> COMELEC Party List Summary Statement of Votes by Region (by Rank), May 27, 2022, <https://comelec.gov.ph/?r=2022NLE/ElectionResults/PartyListSummaryStatementofVotes>. Other COMELEC documents provide slightly different figures.

<sup>28</sup> COMELEC, Office for Overseas Voting, Sex-Disaggregated Data on the Total Number of Overseas Voters, 2022 National and Local Elections, <https://comelec.gov.ph/php-tpls-attachments/OverseasVoting/Statistics/2022NLEOVRegVoters.pdf>

<sup>29</sup> Congress of the Philippines, Resolution of Both House No. 1, May 24, 2022, <http://legacy.senate.gov.ph/lisdata/3761634065!.pdf>

<sup>30</sup> Ibid.

# The Automated Election System

The vote counting machine used in Philippines elections is designed to receive and scan hand-marked paper ballots and to translate and store them in the digital election record. The VCM also stores each physical ballot paper in a container and prints a voter-verifiable paper audit trail (VVPAT). When voting closes, the VCM submits the election record using a communication modem to the *central server*, the *transparency server*, the appropriate *municipal server*, and a *backup server*.

The physical design of the VCM comprises a scanner that takes a digital image of the ballot, an algorithm that translates voting choices into digital form, two Secure Digital (SD) cards that store the election record, and a thermal printer that generates VVPAT receipts and various reports, including the total number of recorded votes when voting has closed.

Voters wait to feed their paper ballots into a vote counting machine.



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## Management of Technology Provider

Republic Act No. 9369 provides COMELEC with a mandate that includes the identification and provision of such an electronic system as it deems suitable. The act also defines requirements for minimum system capabilities, procurement policies, external evaluation, testing, canvassing of election returns, and results audits. The minimum system capabilities include:

- Requirements for security against unauthorized system access.
- Accuracy and efficiency in reading, recording, and tabulation of vote records.
- Data retention.
- System integrity by archiving a paper record of voting.
- A voter-verifiable paper audit trail (VVPAT).
- System auditability to verify the correctness of election results.
- Accessibility to illiterate and disabled voters.
- Configuration access control for sensitive system data and functions.

Vote privacy (ballot secrecy) is mentioned in Section 1 of the act but is not specified as an automated system requirement.

COMELEC sets very broad requirements for the technology used to support the election process. COMELEC also decided to lease, rather than buy, the VCMs, ensuring that the technology provider remains responsible for storage and maintenance. These decisions allow room for COMELEC to identify the best provider of technology, which need not be the least expensive.

Since the VCMs were introduced in 2010, Smartmatic has won successive tenders in relation to crucial automated parts of the electoral process. On the one hand, this provides for continuity because previous experience and lessons learned can easily be taken on board. However, COMELEC also runs a risk of possible vendor lock-in, with potentially high costs should COMELEC wish to move to a new vendor in the future.

The Carter Center recommends that COMELEC review its strategy for technology procurement to ensure that it is informed by international good practice and experience, and in particular to ensure that the risks arising from a change of provider are minimized. The strategy review should include consideration of whether the technology solution offered should adhere to open standards.

## Transparency

The Carter Center expert mission heard from stakeholders that overall, key elements of the voting system are trusted among voters, including the use of VCMs, the automated counting process, the use of the transparency server to provide unofficial results publicly, the secure handling of paper ballots, and the review by civil society organizations of the electronic transmission of results against the printed VCM results. A range of procedures are in place aimed at strengthening public confidence in the election and in the technology used. Many of the procedures carried out by COMELEC were designed with transparency in mind. These include public observation and public streaming of key events, including VCM testing and sealing, and the random manual audit. The source code audit carried out before the election also contributed to the transparency of the approach, as well as guarding against the risk of catastrophic events such as system crashes and other failures.

However, one important element in the process—the printing of ballot papers—was initially not open to observers. COMELEC stated that COVID-19 precautions made it impossible to conduct the printing process in public, although they reversed this position after coming under pressure from civil society, and the final stages of the printing process were opened.

To maintain public confidence, it is important that election management bodies take all possible steps to ensure transparency in the election process. The Carter Center acknowledges the efforts of COMELEC to ensure transparency but recommends that, even when faced with significant external constraints such as the COVID-19 restrictions, COMELEC should do more to ensure that no

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critical aspect of the election process is unavailable for public observation.

## Source Code Review

A source code review is required by law:

“COMELEC shall promptly make the source code of that technology available and open to any interested party or group which may conduct their own review thereof.”<sup>31</sup>

The elements of the system that are subjected to review are:

- The election management system
- The vote counting machine
- The consolidated canvassing system
- All other related systems programmed and developed by the provider.

Persons and organizations that can participate in a source code review are:

- Political parties
- Organizations certified by COMELEC
- IT groups
- Civil society organizations
- Members of COMELEC

All participants must sign a nondisclosure agreement. For the 2022 election, 15 organizations participated: eight political parties and seven others, including the National Citizens’ Movement for Free Elections, Democracy Watch, and Kaya Natin Movement for Good Governance. The source code was available for review for a period of around five months.

The Carter Center expert mission arrived after the local source code review had been completed and did not observe this aspect of the process. The

IT team of the National Citizens’ Movement for Free Elections (NAMFREL) reviewed the source code and found that some of the implementation of microservices did not follow industry standard best practice. Moreover, the NAMFREL team could not verify that the source code used in the VCMs was the same as the source code inspected during the local source code review.<sup>32</sup>

## Vote Counting Machine Certification

The Automated Election System final “trusted build” was certified by a U.S.-based testing company, PRO V&V Inc., on Jan. 13, 2022.<sup>33</sup> A trusted build involves setting up the different components, such as the software for the vote counting machine, the consolidated canvassing system, the transmission router, and the DNS janitor of the AES system using the source code and providing hashes of the different files that can be used to verify that the correct software version was used on the deployed system.<sup>34</sup> The certification process was carried out prior to the deployment of the Carter Center expert mission and was not assessed by the mission.

## Issues for Consideration

Although the Carter Center expert mission found that the use of VCMs is widely accepted by voters in the Philippines, there are some important issues that should be addressed to maintain system integrity and voter confidence in the election process. These issues, further elaborated below, include:

- Addressing a gap in the legal framework with regard to primacy of results.
- Strengthening contingency measures.
- Modernizing and explaining the audit system.
- Improving procedures to safeguard the secrecy of the ballot.

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31 COMELEC, Local Source Code Review, “Guidelines on the conduct of the local source code review of the automated election systems for the 9 May 2022 national and local elections by interested parties, groups and associations,” <https://comelec.gov.ph/?r=2022NLE/LocalSourceCodeReview>

32 NAMFREL Final Report 2022: National and Local Elections, August 19, 2022. [https://namfrel.org.ph/2022/files/NAMFREL%202022%20NLE%20REPORT%20\(FINAL,%20DIGITAL\).pdf](https://namfrel.org.ph/2022/files/NAMFREL%202022%20NLE%20REPORT%20(FINAL,%20DIGITAL).pdf)

33 <https://comelec.gov.ph/index.html?r=2022NLE/AutomatedElectionSystem/FinalTrustedBuild>. The Dec. 3, 2021, trusted build was reported to have used the election management system, consolidated canvassing system, and VCM source code versions 7.5.1, 7.5.1 and 1.16.0.0, respectively, submitted for review by Smartmatic, Inc.

34 See <https://comelec.gov.ph/?r=2022NLE/AutomatedElectionSystem/FinalTrustedBuildRevised> from Feb. 8, 2022.



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## Legal Framework

The legal framework related to electronic voting is primarily defined in Republic Act 9369 of 2007. This act explicitly authorizes COMELEC to adopt automated electoral technologies, whether electronic or paper-based, with the intent to ensure that consolidation and proclamation processes are conducted in an efficient and transparent manner.

As noted above, the Carter Center expert mission found that the legislation, although in need of codification, generally provides a sound overall basis for the automated election system, focusing on issues such as efficiency, transparency, and accuracy of results. However, there is no clear statement in any legislation that states whether the paper ballots, the VVPAT, or the electronically transmitted results prevail in case of discrepancies. This is an important lacuna that should be addressed to provide clarity for COMELEC, courts, candidates, and voters as to resolution of any such discrepancies and to reduce the risk of a lack of confidence in the election results.

The Carter Center recommends that the Congress of the Philippines, with advice from COMELEC, should address this insufficiency and should make clear which set of results shall prevail and/or provide a clear decision-making framework and process to follow in the event of a discrepancy between the paper ballots, the VVPAT receipts, and the electronically transmitted results.

## Contingency Measures

The process of preparing the VCMs for the 2022 election took place from January to April 2022. Prior to each election, the configuration information for each VCM is stored on the SD cards that are inserted into the machines and sealed during the testing and sealing process. Configuration information includes the clustered precinct number,

ballot geometries, and cryptographic encryption keys. As a security measure, VCMs can only be used in conjunction with ballots dedicated to a particular clustered precinct: by design (digital and physical watermarks), a VCM for one clustered precinct will reject ballots from any other clustered precinct. As the process of preparing the VCMs took place prior to the deployment of the expert mission, it was not observed.

For the 2022 elections, 106,174 VCMs were deployed throughout the Philippines with around 1,900 contingency VCMs<sup>35</sup> available at designated COMELEC “VCM repair hubs” that could be used as replacements for defective VCMs.<sup>36</sup> Following the election, COMELEC Commissioner George Garcia told the Senate electoral reform panel that 1,310 VCMs were reported to be defective on election day and were replaced and that 618 SD cards were found to be faulty.<sup>37</sup> This was higher than the number of VCMs replaced in previous elections. In 2019, COMELEC indicated that 400-600 VCMs were replaced,<sup>38</sup> and in 2016, Smartmatic indicated that 188 VCMs were replaced.<sup>39</sup>

The number of contingency VCMs was lower than in previous years. One reason for this was that COMELEC—as part of its efforts to introduce precautions against COVID-19 transmission during the voting process—reduced the maximum number of voters that could be assigned to each clustered precinct, from 1,000 in 2019 to 800 in 2022. This increased the number of VCMs required in clustered precincts, but there appears to have been no corresponding increase in the number of contingency VCMs available.

Even in its limited observation, the Carter Center expert mission noted several problems with VCMs on election day. These problems included paper jams, rejected ballot papers, and VCMs that failed to operate. During the morning of election

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35 According to GMA News, commissioner George Garcia said the poll body had 1,900 contingency VCMs for the May 9 vote. (See <https://twitter.com/gmanews/status/1523494357898493953>)

36 In 2016, 801 VCMs were reported to have malfunctioned. The corresponding figure in 2019 was 961 (and in 2019, 1,655 SD cards were reported as malfunctioning).

37 Rappler, “Comelec puts final number of defective VCMs on election day at 1,310” May 31, 2022, <https://www.rappler.com/nation/elections/comelec-report-number-defective-vote-counting-machines-may-31-2022/>

38 Paterno Esmaque II, “Comelec says 400-600 vote counting machines replaced” Rappler, May 13, 2019 <https://www.rappler.com/nation/elections/230465-comelec-says-vote-counting-machines-replaced/>

39 “Only 188 VCMs were replaced—Smartmatic,” GMA News Online, May 11, 2016 <https://www.gmanetwork.com/news/topstories/nation/565982/only-188-vcms-were-replaced-smartmatic/story/>

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day, COMELEC announced that over 1,800 VCMs had malfunctioned to some extent, causing delays. These malfunctions included 940 paper jams, 606 machines rejecting ballots, 158 machines with scanner problems, 76 machines not printing properly, and 87 machines not printing at all. COMELEC's announcement stated that by 11 a.m. most of these problems had been addressed.<sup>40</sup>

Following the election, COMELEC Commissioner George Garcia told the Senate elec-

VCM was working again so they could scan the ballot themselves and check that their choices had been correctly recorded. In a few observed cases, the wait for VCM repair took hours to complete, after voters had already spent a long time in line waiting to enter the precinct. These lengthy delays carried the risk of voters in line at affected precincts having to leave before voting, and thus being disenfranchised.

The Carter Center recommends that COMELEC undertake a careful review of contingency procedures. This should include a review of the number of VCMs required on election day; the allocation of VCMs to clustered precincts and repair hubs; the number, training, and allocation of technical support staff; and target times to resolve VCM failures (set at the minimum possible level to reduce the risk of voter disenfranchisement). Addressing these issues will require, among other things, consideration of the response times required in the Service Level Agreement between COMELEC and Smartmatic.

COMELEC should also consider how to strengthen voters' confidence that a completed ballot paper left in the clustered precinct due to VCM breakdown (a) will be kept secure and secret until it is scanned, (b) will definitely be scanned, and (c) that scanning will be observable and verifiable.

### **Audit**

In addition to the use of the transparency server as a means for providing transparency regarding the transmission of results, the legislation governing the automated election system provides a framework for auditing of the results. A random manual audit commences after voting closes. It involves, for all the electoral races held, a complete manual recount of the paper ballots stored in no more than 759 randomly chosen VCMs to compute a reliability and accuracy score.<sup>42</sup> The methodology of the audit, developed with advice from the Philippines

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*Defective VCMs can cause severe delays and inconvenience for voters in affected precincts, since ballot papers from one clustered precinct cannot be scanned by another clustered precinct's VCM.*

toral reform panel that 1,310 VCMs were reported to be defective on election day and were replaced and that 618 SD cards were found to be faulty.<sup>41</sup>

Where EB members could not solve a technical issue, the EB asked for help from the technical member of the Department of Education supervising officer's team. Ultimately, a COMELEC/Smartmatic technician could be summoned. If the issue still could not be resolved, defective VCMs had to be repaired (or replaced) at one of 81 repair hubs across the country. The Carter Center expert mission observed that it could take a significant amount of time for each stage of the problem-solving process to be carried out before the issue was escalated to the next level.

Defective VCMs can cause severe delays and inconvenience for voters in affected precincts, since ballot papers from one clustered precinct cannot be scanned by another clustered precinct's VCM. While completed ballots could be left for precinct staff to scan when the VCM was operational again, the expert mission observed that voters in precincts visited had a strong preference to wait until the

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40 Inquirer.net, "Some 1,800 vote counting machines malfunctioned – Comelec" May 9, 2022 [<https://newsinfo.inquirer.net/1594477/fwd-some-1800-vote-counting-machines-malfunctioned-comelec>] See also Lade Jean Kabagani, "Election under control despite VCMs' glitches: Comelec," Philippine News Agency, May 9, 2022 <https://www.pna.gov.ph/articles/1173976>

41 Rappler, "Comelec puts final number of defective VCMs on election day at 1,310" May 31, 2022, <https://www.rappler.com/nation/elections/comelec-report-number-defective-vote-counting-machines-may-31-2022/>

42 Resolution 10738: [https://comelec.gov.ph/php-tpls-attachments/2022NLE/Resolutions/com\\_res\\_10738.pdf](https://comelec.gov.ph/php-tpls-attachments/2022NLE/Resolutions/com_res_10738.pdf)

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Statistical Authority (PSA), has now been used at several elections. The sample of clustered precincts is drawn using a program developed by the PSA and reviewed by a third party. The sealed ballot boxes from the sample VCMs are transported to the capital, where they are opened. The audit for each machine is conducted by three auditors and one verifier. For the 2022 presidential elections, the random manual audit commenced on May 10 with the drawing of which clustered precinct VCMs to audit. The inspection of selected ballot papers commenced on May 12 and could be followed live through social media channels.<sup>43</sup> COMELEC announced an accuracy rate of 99.95928% following the completion of the audit.

In precincts visited, the expert mission observed that voters checked their VVPAT thoroughly after they inserted their ballot in the VCM. It was clear that this element of the process contributes strongly to the trust that voters have in the use of VCMs. Although the VVPAT establishes that the VCM has correctly interpreted the voter's choices on the ballot paper, it does not provide proof that each vote is correctly counted in the VCM's vote totals that feed into the election results. The random manual audit does not involve a manual count of the VVPATs from the sample VCM, as it counts only the ballot papers.

The expert mission found that the audit, although carefully considered and executed, exhibits a number of shortcomings due to its methodology not being up to date with modern election auditing techniques:

- There is no provision for the results of the random manual audit to lead to the correction of an incorrect election result, even if the audit reveals discrepancies.
- The audit methodology is resource-intensive and involves, on average, the inspection of over 300,000 ballot papers to audit a single race, if each ballot box contains on average 400 ballots.

Modern election auditing frameworks typically address these points. A risk-limiting audit, for example, automatically adapts the effort needed

to conduct an audit: for a given risk limit (e.g., 98% accuracy), an election result involving a large margin between winner and runner-up requires fewer ballots to be counted in order to validate the result. An election involving a small margin requires more ballots to be counted, up to and including a full count.

Other aspects of modern auditing approaches involve significant questions of policy, including (1) the decision whether to adopt a methodology that specifically aims to produce statistical underpinning to give confidence in the election results themselves; and (2) the decision whether to allow the audit process to lead to correction of incorrect results if the audit reveals statistically significant discrepancies. Nevertheless, because the ability to check and demonstrate the reliability of the results

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*The expert mission found that the audit, although carefully considered and executed, exhibits a number of shortcomings due to its methodology not being up to date with modern election auditing techniques.*

produced by an automated system is a key element of maintaining public trust in the electoral system, the potential of modern auditing approaches should be fully and carefully considered with a view to adopting the best possible methodologies available.

The Carter Center recommends that the Congress of the Philippines, with advice from COMELEC and the Philippines Statistical Authority, should carefully consider the implications of developments in the approach to election auditing, with a view to adopting the most modern and most effective practices.

The Carter Center further recommends that COMELEC should consider explaining to voters and other stakeholders more clearly how different aspects of the auditing process contribute to the integrity of results, including the random manual audit of VCM ballot papers against VCM totals,

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<sup>43</sup> The random manual audit took place after the departure of the Carter Center expert mission and was therefore not observed by the mission.

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which verifies that voters' choices are correctly recorded, as well as the transparency server check of VCM paper results against the electronically transmitted results, which verifies the transmission of results.

### **Secrecy of the Ballot**

A fundamental principle of democratic elections is that every citizen “shall have the right and the opportunity ... 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 electors.”<sup>44</sup> The Constitution of the Philippines requires that “The Congress shall provide a system for securing the secrecy and sanctity of the ballot...”<sup>45</sup>

Despite the importance of this principle, the Carter Center expert mission is concerned that insufficient attention was given to the need to preserve the secrecy of the ballot. Although the mission was only able to visit a small number of clustered precincts in Manila, in the precincts visited the expert mission noted that the process for voting was not conducive to maintaining secrecy. While the number of direct observations was very limited and not statistically representative, citizen observation organizations confirmed that the process observed by the expert mission was generally the same throughout the country and was similar to the process observed in previous elections.

In polling locations visited, the physical layout of the polling space was not conducive to ballot papers' being completed in secret. Screens were not provided, and voters generally filled out their ballots openly, often in full view of EB members, observers, candidate and party agents, and observers. In some precincts, EB members appeared to take secrecy more seriously, for example by building makeshift screens around the tables at which voters sat while marking their ballot papers, but this was the exception in precincts visited.

In addition, the secrecy folders given to voters to put around their ballot papers when feeding them into the VCM were considerably smaller than the ballot papers themselves. In polling locations visited, the mission noted that many voters did not use the secrecy folders, and the expert team observed that in many cases EB members took the completed ballot paper from the voter and fed it into the VCM themselves, even though the official guidance from COMELEC requires that the voters themselves shall feed the ballot papers into the VCM. Similarly, when the VCM malfunctioned, EB members, poll watchers and technicians were all observed handling the marked ballot paper (without the secrecy folder) while trying to scan it successfully.

Finally, the check by the voter of the VVPAT was also not always done in private in precincts visited. The expert mission noted that in some precincts visited, poll workers read the VVPAT before cutting it from the printer and handing it to the voter. Some poll workers were more cautious of this aspect and folded the VVPAT to preserve secrecy. However, when voters were checking the content of their VVPAT, multiple other voters and poll workers were often also able to view it.

Although the expert mission observed that few voters in precincts visited expressed concern about these gaps in ensuring that their votes could not be seen by others, the failure to protect fully the secrecy of the ballot stands in contrast to international standards for democratic elections and good practice, as well as to the requirements of the Philippines Constitution.

The Carter Center recommends that COMELEC consider stronger steps to ensure the fundamental principle of the secrecy of the ballot is guaranteed for all voters and should make the procedural changes necessary to achieve this at all stages of the voting process.

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44 ICCPR Article 25. The right to a secret ballot is also set out in the Universal Declaration of Human Rights, Article 21 and further defined in UN HRC General Comment 25, para 20.

45 Constitution of the Philippines, Art. 5, Sec. 2

# Possible Future Developments

## Internet Voting

Although internet voting was not available to voters at the May 9, 2022, elections, COMELEC's Office for Overseas Voting conducted trials prior to the election period to explore potential online voting platforms for citizens living abroad. Three election system providers facilitated trial voting periods during September 2021: Voatz, Smartmatic, and Indra Sistemas.<sup>46</sup> The trial allowed 669 participants to access each system via mobile applications or web-based browsers for a period of 48 hours.

The Office for Overseas Voting held events for each trial and posted the video of each event online (Facebook). The office reported that 402 participants cast ballots in the Voatz mock online election, which used blockchain technology and was app- and browser-based.<sup>47</sup> Participants accessed the electronic ballot through the Voatz app or a browser using a unique link sent directly to them after submitting biometric data and verifying their identity.<sup>48</sup> For the Smartmatic trial, 426 verified voters participated. Smartmatic used a browser-based system that was based on blockchain and other technologies. Once registered and verified, the system emailed a unique

code to the voter through which the electronic ballot was accessed. In the Indra trial, 240 verified voters participated. Voters were required to upload biometric data, documents, and video proof of identity to access the system.<sup>49</sup>

*While internet voting has been used in some countries, international experience indicates it can entail challenges that require careful consideration.*

The Carter Center expert mission was informed that there is a desire to continue exploring the potential of internet voting to increase participation among Philippines citizens living overseas. While internet voting has been used in some countries, international experience indicates it can entail challenges that require careful consideration.<sup>50</sup> These include identifying whether internet voting will improve voter participation, challenges in ensuring the secrecy of the vote, and in keeping systems

46 COMELEC, COMELEC Signs MOA for Overseas Internet Voting Test Runs, 23 June 2021. <https://comelec.gov.ph/index.html?r=OverseasVoting/PressReleases/23June2021pr>

47 Office for Overseas Voting Closing Ceremony: Voatz Internet Voting Test Run, <https://m.facebook.com/comelec.ph/videos/office-for-overseas-voting-ofov-closing-ceremony-voatz-internet-voting-test-run/405279190947381/>

48 Ibid.

49 COMELEC, Office for Overseas Voting Closing Ceremony: Internet Voting Test Run - Indra Sistemas, Facebook, September 27, 2021, [<https://www.facebook.com/comelec.ph/videos/office-for-overseas-voting-closing-ceremony-internet-voting-test-run-indra-siste/555462435684231/>]

50 See OSCE/ODIHR reports on Estonia (<https://www.osce.org/odihr/elections/estonia>) and Switzerland (<https://www.osce.org/odihr/elections/switzerland>)

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secure and technically robust.<sup>51</sup> The potential for undue influence from other persons should also be considered.

The Carter Center recommends that before making any decision to introduce internet voting at Philippines elections, COMELEC pay careful attention to international experience, including the risk of reducing public confidence if concerns emerge in relation to the use of an internet voting channel.

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### **Hybrid Voting**

Even prior to these elections, ongoing concerns about the use of VCMs led to proposed alternatives

to the current system, and these discussions continued after the election. The expert mission heard from several stakeholders that consideration is being given to replacing the current automated election system with a system of “hybrid voting” – in which each clustered precinct’s ballot papers would be counted manually, with the results of each count being transmitted electronically for tabulation. Other stakeholders noted that manual counting is resource-intensive and can take a long time, especially for complex simultaneous elections as in the Philippines.

The Carter Center recommends that COMELEC and other stakeholders carefully consider the pros and cons of any proposed move to a “hybrid” system, with consultation of all stakeholders and, ideally, broad consensus on any major proposed changes to the voting system. If necessary to increase public confidence, as an alternative, the use of an independent automatic count of ballot papers could be considered to minimize the reliance of the final result on VCMs. For example, batch-style scanners could be used from a vendor different from the one that supplied the VCMs.

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<sup>51</sup> See for example, “Most Swiss expats to lose e-voting access in parliament elections,” SWI swissinfo.ch., June 19, 2019, [https://www.swissinfo.ch/eng/chvote-platform\\_some-swiss-expats-to-lose-e-voting-access-in-federal-elections/45042584](https://www.swissinfo.ch/eng/chvote-platform_some-swiss-expats-to-lose-e-voting-access-in-federal-elections/45042584), and Statement of the New South Wales Election Commission (Australia), “Supreme Court judgment concerning iVote and the 2021 Local Government elections” <https://elections.nsw.gov.au/About-us/Media-centre/News-media-releases/statement-supreme-court-judgement-on-ivote>

# I Campaign Finance

The United Nations Convention against Corruption states that all countries should “...consider taking appropriate legislative and administrative measures... to enhance transparency in the funding of candidates for elected public office and, where applicable, the funding of political parties.”<sup>52</sup>

It costs money to organize political movements and to campaign for elected office. But money in politics should not be allowed to undermine credible and genuine elections, nor to create opportunities for corruption.

At the heart of an effective system for regulating campaign finance is the need for **transparency**—so that people can see where campaigners get their money from and how they spend it.<sup>53</sup> Clear regulations that are effectively enforced can limit the advantages of wealthier campaigners, discourage vote-buying and corruption, and help to maintain public confidence both in the electoral process and in the wider political system.

As with all systems of financial regulation, the regulated community (in this case, election campaigners) can and often do look for, and find, ways to avoid being caught by the rules. It is important, therefore, that regulations are enforced effectively. The body responsible for enforcement must have—and use—the necessary powers and resources to identify whether the rules have been followed and to impose effective and appropriate sanctions where they have not.



The Carter Center

Filipinos wait in line to enter a voting station.

It is important that the enforcement body can implement its procedures even where it is overseeing senior political figures. The enforcement body’s ability to do this is strengthened where its independent mandate is supported by clear appointment processes for its leaders; where it has appropriate control over its own resources; and where it has

52 UN Convention Against Corruption, Article 7.3

53 The term “campaigners” in this section refers to candidates, political parties, and their duly authorized representatives.

sufficient confidence to take on politically controversial cases.

In addition, regulators, civil society, and the media have important roles in making sure information about campaign finance is transparent and available. In turn, this can support positive public awareness and debate about money in politics.

There is no single model of regulation for campaign finance that fits all countries, but there is scope for each country to learn from the experiences of others.

## Campaign Finance Provisions

By comparison with many other countries, the Philippines took early steps to provide a legal framework for the regulation of campaign finance. The constitution of 1987 provides that “the state shall guarantee equal access to opportunities for public service.”<sup>54</sup> The main provisions on campaign finance were set out in the Omnibus Election Code of 1985. Other relevant legislation is contained in the Republic Act (7166), the Fair Elections Act (2001), and Republic Act No.11207, the Act Providing for Reasonable Rates for Political Advertisements (2019).

Although a series of rulings and judicial opinions have updated the framework from time to time, the campaign finance provisions of the 37-year-old Omnibus Election Code have been subject to few significant amendments since 1985. The main elements of the Philippines’ framework of campaign finance regulation include the following:

### Public Funding

- No public funding is given to political parties or campaigners.

### Regulated Period

- A regulated campaign period begins 90 days before election day for national positions (president, vice president, senators and party-list

representatives) and 45 days before election day for local positions. The regulated campaign period ends 30 days after election day for all elections. (In 2022, the regulated period ran from Jan. 9 to June 6.)

### Income

- There is no limit on the amount campaigners may accept from contributors. However, campaigners may not accept contributions from a specified list of sources, including financial institutions, government contractors or employees, and foreign sources.<sup>55</sup> COMELEC has amplified certain aspects of these rules: For example, following a legislative change that permitted domestic corporations to make “reasonable” contributions to political campaigns, COMELEC defined “reasonable contributions” as being no more than 5% of the corporation’s taxable income for the year immediately preceding the election in question.<sup>56</sup>

### Expenditure

- There are limits on the amount campaigners may spend (both cash and in-kind spending counts toward the limits), noted in Table 3.

**Table 3. Spending Limits per Registered Voter**

Election	Spending limit (per registered voter)	
	Candidate	Party
President	10 pesos	–
Vice president	10 pesos	–
Other offices (party-affiliated candidates)	3 pesos	5 pesos
Other offices (independent candidates)	5 pesos	–

Spending may be incurred only on a specified list of items, including travel and staff costs (including

<sup>54</sup> Constitution, Article II, Section 26

<sup>55</sup> The full list is at Omnibus Election Code, Section 85

<sup>56</sup> COMELEC Resolution No. 10772



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paying poll watchers), printing, buildings, rallies, and advertising.<sup>57</sup>

## Transparency

- All campaigners (both candidates and political parties) must submit a Statement of Contributions and Expenditures (“SOCE”) to COMELEC by the end of the regulated election period.
- Anyone who makes a contribution to a candidate or political party during the regulated period must submit a report of their contributions to COMELEC, also by the end of the regulated election period.
- Media outlets—which are required by law to offer significant discounts against typical advertising rates to candidates and parties for campaign advertising—must provide COMELEC with copies of the relevant contracts within five days of the contract being signed, as well as full details of how and when advertising is carried or broadcast.
- Other commercial suppliers must also provide COMELEC with copies of contracts for campaign-related goods and services.
- COMELEC must ensure that all contracts and reports sent to them are available for public inspection, for five years after the election. COMELEC also will make copies of the reports available for a fee.
- COMELEC’s Campaign Finance Office includes among its forward aims digitizing these reports and making them available online in a format that is accessible and searchable.

## Enforcement

COMELEC is the campaign finance regulator and has established a Campaign Finance Office to undertake these duties. The office’s work is overseen by one of the seven COMELEC commissioners, in line with COMELEC’s standard approach to its internal management.

The office has produced detailed guidance on the requirements of the campaign finance regulations, together with a comprehensive set of documentation and forms for reporting. The forms are designed to be completed and submitted online, although supporting evidence may be submitted on paper, and online submission is not mandatory, which is relevant particularly in areas where computer literacy is not high, or internet access is limited.

The Campaign Finance Office has two main sections:

- The records and evaluation section is responsible for tracking the receipt of reports from campaigners and their suppliers. (Reports are submitted either directly to the office or to the appropriate COMELEC suboffice, depending on which election a campaigner has contested.) As well as making the reports available for public inspection, the records and evaluation section is also responsible for checking the information reported and is able to consider complaints, including those made anonymously.
- The legal section has general oversight of the regulatory regime and undertakes prosecutions for identified breaches of the rules, including failures to report, or apparent overspending, as identified by the records and evaluation section.

The Campaign Finance Office may, with support from other public agencies, investigate and seek to obtain evidence in cases where it suspects noncompliance. For example, an agreement between COMELEC and the Bureau of Internal Revenue provides for cross-checking between election-related returns and tax records. Similarly, the Ombudsman can cross-check election reports with the statements of public officials’ assets and liabilities.

## Sanctions

- Failure to submit the SOCE on time is an administrative offense, punishable with a fine, ranging from 1,000 pesos to 30,000 pesos (approximately US\$20 to US\$570), payable within

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<sup>57</sup> The full list is at Omnibus Election Code, Section 102. Sections 90–93 of the code require the equal allocation of free campaign resources to candidates, including space for posters, space in print media, airtime on television and radio, and distribution of printed information about candidates and their programs to voters.

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30 days. The fine may be doubled for a second or subsequent offense.

- Fines may also be levied on suppliers, including media outlets, that fail to submit their required reports on time to COMELEC.
- A second or subsequent offense of failing to submit may result in permanent disqualification from office, although there is some uncertainty about the circumstances in which this sanction would apply.

*The general view was that the limits on campaign spending, which have not been adjusted since 1991, are now so low that they are routinely evaded.*

- Successful candidates are not permitted to take up elected office unless they can show that both their individual SOCEs and those of their political party have been received by COMELEC, although there is some doubt about exactly how and when this sanction would be applied.
- Similarly, there is some doubt about the extent to which criminal liability applies if a report to COMELEC proves to contain incorrect information.
- Spending above the permitted limit during the regulated period is punishable with disqualification from continuing as a candidate, or—if the candidate has won the election—from taking office, as well as the risk of between one and six years' imprisonment.

## Issues

The Republic of the Philippines took early and important steps to establish regulations to govern the role of money in its elections, with transparency about where campaigners get their money and

how they spend it. The regulations include several elements that are found in campaign and political finance regimes across the world.

However, as in other countries, there is a need to ensure that the regulatory framework remains updated and reflects emerging new developments in campaigning and that the regulator (COMELEC) is able to carry out effectively its role of monitoring, ensuring transparency, investigating, and enforcing sanctions.

## Regulatory Framework

The Carter Center expert mission identified several issues with the regulatory framework for campaign and political finance that would benefit from review and possible reform. Most notably, the general view was that the limits on campaign spending, which have not been adjusted since 1991, are now so low that they are routinely evaded. The expert mission was told by many stakeholders that campaigners themselves acknowledge that they do not keep their spending below the statutory limits. This undermines public confidence in the importance and effectiveness of both the regulatory regime and its enforcement and should be addressed before the next elections.

Second, the period between elections is almost entirely unregulated and untransparent. The expert mission heard from stakeholders that the short period during which contributions and expenditure must be reported—just 90 days before election day for national campaigns—leaves plenty of opportunity for campaigners to spend significant unregulated amounts to promote their candidacies in the run-up to the start of the election period. International good practice indicates that regulation and disclosure requirements prior to the official campaign period are important to close loopholes that could permit unfair or nontransparent income and expenditure.<sup>58</sup>

Similarly, the regulatory framework does not address how campaigners dispose of unused funds after the election. There were reports that some campaigners have in the past kept excess funds

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<sup>58</sup> European Commission for Democracy through Law (Venice Commission) and OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), Guidelines on Political Party Regulation, Second Edition, December 2020, paras 206 and 262, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2020\)032-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2020)032-e)

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for personal use, which creates opportunities for corrupt practices.

The regulatory framework also does not ensure that significant income and expenses are made through the banking system, which can allow for cash transactions from unidentifiable sources.

Furthermore, election campaigning techniques have developed significantly since the enactment of the Omnibus Election Code and are not adequately addressed by the law. These include in particular the rise of cryptocurrencies and other digital means of transferring and spending money, as well as the massive increase in the role of social media campaigning. COMELEC has taken some steps to address social media campaigning,<sup>59</sup> including:

- Prohibiting the microtargeting of political campaign advertisements.
- Requiring campaigners to notify COMELEC within 30 days of their candidacy being accepted of their official social media accounts and websites, with electoral advertisements restricted to these channels.
- Requiring social media influencers to report to COMELEC any payments they receive for political messaging.

However, these measures fail to address, for example, the rise of third-party social media campaigning, which is carried on by users who are, at least apparently, independent of the campaigners themselves. The Carter Center expert mission heard from many stakeholders that it is widely believed that campaigners benefit from orchestrated social media campaigns that cannot be directly linked to the campaigners themselves.

The Carter Center recommends that the Congress of the Philippines, advised by COMELEC, conduct a thorough review of campaign finance legislation with the aim of updating it to:

- Address new campaigning techniques, including the widespread use of social media and the increased use of digital payment and cryptocurrency technologies.

- Ensure that campaign donations and spending are regulated for a longer period before election day, so that a more realistic period of campaigning is covered by the rules. As a start, a minimum regulated period of 12 months before election day should be considered.
- Require COMELEC to review spending limits periodically and to increase the limits on a reasonable basis.
- Address the issue of third-party campaigning, which is not covered by the current legislation on campaigner and political party spending.
- Address concerns that campaigners are able to keep any contributions they do not use for their campaign spending, as part of their own personal assets.

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*Election campaigning techniques have developed significantly since the enactment of the Omnibus Election Code and are not adequately addressed by the law.*

- Address the absence of limits on how much a candidate may contribute to his or her own campaign (large contributions from a candidate provide an opportunity to disguise the original source of the funds).
- Ensure that all significant contributions and expenditures are made in an auditable way through the banking system, rather than allowing potentially significant transactions in cash, which leaves room for money from undesirable and/or unidentifiable sources to enter into the political system.
- Clarify aspects of the regulatory framework that are currently gray areas, particularly in the rules related to sanctions.

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<sup>59</sup> COMELEC Resolution No. 10730, November 17, 2021. [https://comelec.gov.ph/php-tpls-attachments/2022NLE/Resolutions/com\\_res\\_10730.pdf](https://comelec.gov.ph/php-tpls-attachments/2022NLE/Resolutions/com_res_10730.pdf).

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In addition, the Carter Center’s recommendation that election law should be thoroughly revised to produce a comprehensive, updated, and codified legal framework is equally relevant to legislation on campaign finance.

### **Resourcing**

For the 2022 elections, The Campaign Finance Office had a staff of around 30 people, responsible for overseeing the statements of contributions and expenditure of over 46,000 candidates for more than 18,000 elected positions. The Carter Center expert mission was informed that almost all the positions in the office are filled on a temporary basis (the individual members of staff do not have a permanent appointment), with the result that a high proportion of staff leave to take a permanent appointment elsewhere. Since the 2019 elections, 50% of the staff had changed, and of four lawyers in the office, only one had worked on the 2019 elections. Furthermore, the office staff lacks some necessary skills, such as in forensic accounting and investigation. The expert mission also heard that lack of resources has prevented the office from making progress with its aim of digitizing and

publishing information online about campaigners’ contributions and spending.

Limited transparency about campaign finance risks undermining public confidence in the effectiveness of the overall regime. To improve transparency, The Carter Center recommends that COMELEC should, as a priority, take steps to ensure that the Campaign Finance Office is adequately resourced to carry out its investigation and enforcement tasks, and to improve the transparency of information about campaign contributions and spending.

Specifically, The Carter Center recommends that COMELEC consider digitizing all information reported to it by candidates, political parties, and suppliers of goods and services. The objective of making all reported information available online, in a fully searchable and accessible format, is in line with international good practice. Given resource difficulties, COMELEC could consider exploring partnership with other bodies to achieve this. For example, COMELEC could approach technology companies to help build an online reporting and transparency platform as part of their environmental, social, and governance activity, and collaborate with civil society organizations to help put the large quantities of reported data online.

## Annex A

# The Philippines: Demographic Data

\*Population: 114,597,229 (2022 census)

Age structure (2020 estimate):

- 0-14 years: 32.42% (male 18,060,976/female 17,331,781)
- 15-24 years: 19.16% (male 10,680,325/female 10,243,047)
- 25-54 years: 37.37% (male 20,777,741/female 20,027,153)
- 55-64 years: 6.18% (male 3,116,485/female 3,633,301)
- 65 years and over: 4.86% (male 2,155,840/female 3,154,166) (2020 est.)

\*Annual population growth rate: 1.6% (2022 estimate)

\*Population density: 375.05 per square kilometer (2022)

Infant mortality rate: 22.23 deaths/1,000 live births (2022 estimate)

Life expectancy at birth: Total population: 70.14 years

- Male: 66.6 years; female: 73.86 years (2022 estimate)

Total fertility rate: 2.78 children born/woman (2022 estimate)

Urbanization: 48% (2022): annual increase 2.04%, estimated)

Ethnic groups: Tagalog 24.4%, Bisaya/Binisaya 11.4%, Cebuano 9.9%, Ilocano 8.8%, Hiligaynon/Ilonggo 8.4%, Bicol/Bicol 6.8%, Waray 4%, other local ethnicity 26.1%, other foreign ethnicity 0.1% (2010 census.)

Languages: Filipino (official; based on Tagalog) and English (official); eight major dialects: Tagalog, Cebuano, Ilocano, Hiligaynon or Ilonggo, Bicol, Waray, Pampango, and Pangasinan

Literacy: definition: age 15 and over can read and write

- Total population: 96.3%; male: 95.7%; female: 96.9% (2019 estimate)

Sources: CIA World Factbook, accessed May 12, 2022; \*Philippine Statistics Authority, 2022 Census report

## Annex B

# International Commitments

The Republic of the Philippines has entered into a range of international obligations that have a bearing upon the electoral process, including:

Treaty/Declaration	Date of Philippines Accession/Ratification
Convention on the Political Rights of Women	1957
Convention on the Elimination of All Forms of Racial Discrimination	1967
International Covenant on Economic, Social and Cultural Rights	1974
Convention on the Elimination of All Forms of Discrimination against Women; and its Optional Protocol	1981 (Optional Protocol: 2003)
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	1985
International Covenant on Civil and Political Rights	1986
Convention on the Rights of the Child	1990
United Nations Convention against Corruption	2006
Convention on the Rights of Persons with Disabilities	2008

The Carter Center also references the interpretative documents and case law of U.N. treaty bodies, in particular the U.N. Human Rights Committee's General Comments on the International Convention on Civil and Political Rights.

The Philippines is also subject to an extensive body of human rights law that has attained the status of customary international law applicable to all states, including:

- Universal Declaration of Human Rights
- Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities
- The Declaration on the Rights of Indigenous Peoples also applies in this context.

The Philippines has not yet ratified ILO Convention 169, the Indigenous and Tribal Peoples Convention.

# Annex C

# Sample Ballot Paper

**MAY 9, 2022 NATIONAL AND LOCAL ELECTIONS**  
**BARANGAY 1, TONDO, NATIONAL CAPITAL REGION - MANILA**  
 Type: National and Local  
**INSTRUCTIONS FOR VOTING**  
 (1) Completely blackout the marks of the circle based on the name of the desired candidate.  
 (2) Use only the marking pen provided for blackening the circle.  
 (3) Do not blackout more circles than what is intended.

Clustered Precinct ID: 39010001  
 Precincts in Cluster: 0001A, 0001B, 0002A

Signature of Chairman

PRESIDENT / Vote for 1			
<input type="radio"/> 1. ABELLA, ERNE (ND)	<input type="radio"/> 4. GONZALES, NORBERTO (PSP)	<input type="radio"/> 7. MARCOS, BONSONG (PPP)	<input type="radio"/> 10. ROSREDO, LENI (ND)
<input type="radio"/> 2. DE GUZMAN, LEOY (PLM)	<input type="radio"/> 5. LACSON, PING (PDR)	<input type="radio"/> 8. MONTESAYOR, JOSE JR. (DPP)	
<input type="radio"/> 3. DOMAGOSO, SRD (NSD/NO/NS/TON)	<input type="radio"/> 6. MANGONDATO, FAISAL (KIPMAN)	<input type="radio"/> 9. PACQUAD, MANNY (PACMAN/PROMER)	
VICE PRESIDENT / Vote for 1			
<input type="radio"/> 1. ATENZA, LITO (PROMDI)	<input type="radio"/> 4. DUTERTE, SARA (LAKAS)	<input type="radio"/> 7. PANGILINAN, KIKO (LP)	
<input type="radio"/> 2. BELLO, WALDEN (PLM)	<input type="radio"/> 5. LOPEZ, MANNY SD (WFP)	<input type="radio"/> 8. SERAPIO, CARLOS (KIPMAN)	
<input type="radio"/> 3. DAVID, RIZALTO (DPP)	<input type="radio"/> 6. ONG, DOC WILLIE (AKSYON)	<input type="radio"/> 9. SOTOL, VICENTE TITO (NFC)	
SENATOR / Vote for 12			
<input type="radio"/> 1. APUNGA, ABNER (ND)	<input type="radio"/> 17. DANIGLO, DAVID (PLM)	<input type="radio"/> 33. HONASAN, GRINGO (ND)	<input type="radio"/> 49. PADILLA, ROBIN (POPLIN)
<input type="radio"/> 2. ALBANI, IBRAHIM (WPP)	<input type="radio"/> 18. DE LIMA, LELA (LP)	<input type="radio"/> 34. HONTIVEROS, RISA (ABSAVYN)	<input type="radio"/> 50. PANELO, SAL PANALO (POPLIN)
<input type="radio"/> 3. ARRANZA, MANG JESS (ND)	<input type="radio"/> 19. DEL ROSARIO, MONSIEUR (PDR)	<input type="radio"/> 35. JAVELLANA, RU (ND)	<input type="radio"/> 51. PIMENTEL, ASTR (POPLIN)
<input type="radio"/> 4. BAGULAT, TEDDY (LP)	<input type="radio"/> 20. DIAZ, DINZ (PPP)	<input type="radio"/> 36. KRAM, NUR-MAHAL (ND)	<input type="radio"/> 52. PINOL, MANNY (NFC)
<input type="radio"/> 5. BALEN, AGNES (ND)	<input type="radio"/> 21. DICKO, CHEL (KAMP)	<input type="radio"/> 37. LABOG, ELMER (MKSBN)	<input type="radio"/> 53. RICABLANCA, WILLE JR. (PFI)
<input type="radio"/> 6. BALTA, CARL (AKSYON)	<input type="radio"/> 22. ELERCO, JV (ESTRADA) (NFC)	<input type="radio"/> 38. LACSON, NYVA ALEX (KPI)	<input type="radio"/> 54. ROGUE, HARRY SPOK (PSP)
<input type="radio"/> 7. BARBO, LUTZ (POPLIN)	<input type="radio"/> 23. ELKAPAR, BEN (CULLENBA) (PDR)	<input type="radio"/> 39. LANGIT, REY (POPLIN)	<input type="radio"/> 55. SABELILLA, LADY ANNE (POD)
<input type="radio"/> 8. BAUTISTA, HERBERT (BSTER) (NFC)	<input type="radio"/> 24. ERENO, BROD. ERNE (PFI)	<input type="radio"/> 40. LEGARDA, LOREN (NFC)	<input type="radio"/> 56. SISON, JOPEL (AKSYON)
<input type="radio"/> 9. BELLO, GREGO (POD)	<input type="radio"/> 25. ESCUDERO, CHZ (NFC)	<input type="radio"/> 41. LIM, ANIEL (ND)	<input type="radio"/> 57. TEOCORO, GIBO (PRP)
<input type="radio"/> 10. BELLO, SILVESTRE JR. (POPLIN)	<input type="radio"/> 26. ESPRITU, LUKE (PLM)	<input type="radio"/> 42. MALLILIN, EMILY (PFI)	<input type="radio"/> 58. TRILLANES, ANTONIO IV (LP)
<input type="radio"/> 11. BRAY, JOJO (UNA)	<input type="radio"/> 27. ESTRADA, JINGGOY (PFI)	<input type="radio"/> 43. MARCOLETA, ROSANTE (POPLIN)	<input type="radio"/> 59. TULFO, IDOL RAFFY (ND)
<input type="radio"/> 12. CABONEGRO, ROY (PLM)	<input type="radio"/> 28. FALCONE, BAL FALCON (DPP)	<input type="radio"/> 44. MARCOS, FRANCIS LEO (ND)	<input type="radio"/> 60. VALEROS, REY (ND)
<input type="radio"/> 13. CASTRIONES, BROD JOHN (POPLIN)	<input type="radio"/> 29. GHON, LARRY (BSL)	<input type="radio"/> 45. MATULA, SONNY (ND)	<input type="radio"/> 61. VILLANUEVA, JOEL TESDAMAN (ND)
<input type="radio"/> 14. CAYETANO, ALAN (PFI) (ND)	<input type="radio"/> 30. GATCHALIAN, WIN (NFC)	<input type="radio"/> 46. MENDOZA, ADAM MAREY (KIPMAN)	<input type="radio"/> 62. VILLAR, MARK (PFI)
<input type="radio"/> 15. CHAVEZ, MELCHOR (DPP)	<input type="radio"/> 31. GORDON, WOW DICK (DPP)	<input type="radio"/> 47. CLARTE, ATTYDR LEO (BKSXB)	<input type="radio"/> 63. ZUBAGA, CARMEN (ND)
<input type="radio"/> 16. COLMENARES, NERI (AKSYON)	<input type="radio"/> 32. GUTOC, SAMIRA (AKSYON)	<input type="radio"/> 48. PADILLA, ORA MRSUTIA (PDR)	<input type="radio"/> 64. ZUBIRI, MIGZ (ND)
MEMBER, HOUSE OF REPRESENTATIVES / Vote for 1			
<input type="radio"/> 1. ASILO, ATONG (LP)	<input type="radio"/> 2. DIONISO, ERNIX (ASENSO)	<input type="radio"/> 3. LOPEZ, MANNY (DPLIN)	
MAYOR / Vote for 1			
<input type="radio"/> 1. ABAD, ONOFRE (ND)	<input type="radio"/> 3. JAMAS, ELMER (PRP)	<input type="radio"/> 5. LIM, CHRISTY (PDR)	
<input type="radio"/> 2. BAGATSING, AMADO (ABAKA)	<input type="radio"/> 4. LACUNA, HONEY (ASENSO)	<input type="radio"/> 6. LOPEZ, ALEX (PFF)	
VICE-MAYOR / Vote for 1			
<input type="radio"/> 1. BAGATSING, RAYMOND (BSL)	<input type="radio"/> 2. LAPING, LUCY (PDR)	<input type="radio"/> 3. NIETO, YUL SERVO (ASENSO)	<input type="radio"/> 4. REYES, ARVIN (ND)
MEMBER, SANGUNIANG PANGUNOD / Vote for 6			
<input type="radio"/> 1. ALFONSO, RMA (ASENSO)	<input type="radio"/> 6. FAJARDO, TAGA JESUS (ASENSO)	<input type="radio"/> 11. MANANSALA, SYLVIA FELISA (ND)	<input type="radio"/> 16. SANDOVAL, FERDIE (UNA)
<input type="radio"/> 2. BALDRADO, TOTO (LP)	<input type="radio"/> 7. GUNSON, JOEL (ND)	<input type="radio"/> 12. MONSIEUR, BRYAN (POPLIN)	<input type="radio"/> 17. SANTIAGO, EUGENE (POPLIN)
<input type="radio"/> 3. DE LEON, MICHAEL (ND)	<input type="radio"/> 8. HALLI, IAN (PDR)	<input type="radio"/> 13. NIEVA, BANZAI (ASENSO)	<input type="radio"/> 18. SOLIS, EDUARDO (POPLIN)
<input type="radio"/> 4. DELA CRUZ, NINO (ASENSO)	<input type="radio"/> 9. ISERO, MARULIN (ASENSO)	<input type="radio"/> 14. ONG, PETER (PROMDI)	<input type="radio"/> 19. TAN, MOKONG (LP)
<input type="radio"/> 5. ESTABILLO, DOM (ND)	<input type="radio"/> 10. LIM, BOBBY (ASENSO)	<input type="radio"/> 15. PEDRIZO, PAPA P (DPLIN)	<input type="radio"/> 20. TELLO, GILBERT (ND)

FOR PARTY LIST CANDIDATES, CHECK THE BACK OF THIS BALLOT  
 Para sa mga kandidato ng Party List, tingnan ang likod ng balotang ito

Source: Republic of the Philippines Commission on Elections (COMELEC) (2022) Sample ballot for 2022 election in Manila, District 1. [https://comelec.gov.ph/php-tpls-attachments/2022NLE/BallotTemplates/NCR/MANILA-1ST\\_DISTRICT.pdf](https://comelec.gov.ph/php-tpls-attachments/2022NLE/BallotTemplates/NCR/MANILA-1ST_DISTRICT.pdf)

# | The Carter Center at a Glance

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 80

countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; and improving mental health care. Please visit [www.cartercenter.org](http://www.cartercenter.org) to learn more about The Carter Center.







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