



Central Student Government

Third Student Congress

Holy Name University
City of Tagbilaran

Act of Student Congress No. 12

AN ACT IMPLEMENTING THE OMNIBUS ELECTION CODE OF THE CENTRAL STUDENT GOVERNMENT AS BASIS IN THE CONDUCT OF ITS ANNUAL ELECTION

Be it enacted by the 3rd Student Congress of the Central Student Government assembled:

ARTICLE I GENERAL PROVISIONS

Section 1. TITLE - This Act shall be known and cited as the "*Omnibus Election Code of the Central Student Government.*"

Section 2. APPLICABILITY - This Code shall govern the Central Student Government (CSG) National and Local Elections and, to the extent appropriate, all referenda and plebiscites.

Section 3. CAMPAIGN PERIOD - Unless otherwise fixed in special cases by the Electoral Commission, which hereinafter shall be referred to as the ELECOM, the campaign period shall commence the day of the official release of candidates and shall end a day before the *Miting de Avance*. The campaign periods shall not include Election Day and the day before it.

However, in case of special elections, the campaign period shall run seven (7) days until the day before the election.

Section 4. RIGHT TO VOTE - It shall be the right of all *bona fide* members of the CSG to vote and cast his/her vote as stated in Article VI of the 2010 CSG Constitution.

Section 5. POSTPONEMENT OF ELECTION - When for any serious cause such as violence, loss or destruction of election paraphernalia or records, *force majeure*, and other analogous causes of such a nature that the holding of a free, orderly and honest election should become impossible, the ELECOM, upon a verified petition by any interested party, and after due notice and hearing, whereby all interested parties are afforded equal opportunity to be heard, shall postpone the election therein to a date which should be reasonably close to the date of the election not held, suspended or which resulted in a failure to elect but not later than three (3) days after the cessation of the cause for such postponement or suspension of the election or failure to elect.



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Section 6. FAILURE OF ELECTION - If, on account of *force majeure*, violence, fraud, or other analogous causes, the election in any polling place has not been held on the date fixed, or had been suspended before the hour fixed by law for the closing of the voting, or after the voting and during the preparation and the transmission of the election returns or in the custody or canvass thereof, such election results in a failure to elect, and in any of such cases the failure or suspension of election would affect the election result, the ELECOM shall, on the basis of a verified petition by any interested party and after due notice and hearing, call for the holding or continuation of the election not held, suspended or which resulted in a failure to elect on a date reasonably close to the election date not held, suspended or which resulted in a failure to elect but not later than three (3) days after the cessation of the cause of such postponement or suspension of the election or failure to elect.

Section 7. CALL OF SPECIAL ELECTION – **(1)** In case a vacancy arises in the Student Congress and Legislative Council in nine (9) months or more before a regular election, the ELECOM upon the request by the majority of the Student Congress shall call a special election to be held within thirty (30) days after the vacancy occurs to elect the member to serve the unexpired term.

(2) In case of the dissolution of the Student Congress, the President shall call an election which shall not be held earlier than seven (7) days nor later than twenty (20) days from the date of such dissolution. The ELECOM shall send sufficient copies of its resolution for the holding of the CSG Elections to the Executive and Legislative Department, who shall post copies thereof in at least three (3) conspicuous places preferably where majority of the students frequently stays.

Section 8. ELECTION CODE TO BE AVAILABLE IN POLLING PLACES - A printed copy of this Code in English or in the National Language shall be provided and be made available by the ELECOM in every polling place, in order that it may be readily consulted by any person in need thereof on the revision and election day.

Section 9. ELECTION EXPENSES - Expenses as may be necessary and reasonable in connection with the election, referenda, plebiscites and other similar exercises shall be paid by the ELECOM upon release of the budget from the Executive Department taken from the CSG fund. Funds needed by the ELECOM to defray the expenses for the holding of regular and special elections, referenda and plebiscites shall be provided in the General Appropriation of the CSG which, upon request, shall immediately be released to the ELECOM. In case of deficiency, the amount so provided shall be augmented from the funds intended for special activities in the General Appropriations Act and from those specifically appropriated for the purpose in special laws.



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Section 10. FAILURE TO ASSUME OFFICE - An elected-official who fails or refuses to take his/her Oath of Office within one (1) month from the day of his/her term starts shall be considered vacant, unless said failure is for a cause(s) beyond his/her control.

Section 11. DISQUALIFICATIONS - Any person who is insane, incompetent, an officer of the ROTC, a member of the Student Publication, a staff of the Society of College Seniors (SCS) or has been given any disciplinary action by the CSG or by the University shall be disqualified to be a candidate and to hold any office.

ARTICLE II ELECTION OF PRESIDENT, VICE-PRESIDENT AND SENATORS

Section 12. ELECTION PROCESS – The Election of President, Vice-President and Senators shall be voted by the plurality vote of the students of Holy Name University (HNU).

Section 13. CANVASSING OF VOTES – The canvassing of votes for the President, Vice-President and Senators shall be done together with the Local Government of each college but with a different Certificate of Canvass that shall be submitted to the ELECOM Chairperson upon adjournment of the canvassing of the college.

Section 14. CORRECTIONS OR ERRORS OF THE CERTIFICATE OF CANVASS – Any correction or error present in the Certificate of Canvass shall be referred to the Local ELECOM Commissioner assigned to administer the canvassing of a certain college.

Section 15. CERTIFICATES OF CANVASS – The Certificates of Canvass or the Official Tally Sheets shall contain the tallies of votes and the signature of the ELECOM Commissioner assigned to administer a college canvassing and shall be countersigned by the ELECOM Chairperson for legal purposes and confirmation of official results.

ARTICLE III ELECTION OF DEPARTMENT REPRESENTATIVES AND LOCAL GOVERNMENT OFFICIALS

Section 16. ELECTION PROCESS – The Election of Department Representatives and Local Government officials shall be voted by HNU students of the college where they represent with a plurality vote.

Section 17. CANVASSING OF VOTES – The canvassing of votes for the Department Representatives and Local Government officials shall be done together with the National Level but with different certificate of canvass that will



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immediately show its official results and will be signed by the ELECOM Commissioner assigned to administer the college election together with at least two signatures from the official canvassers of that college before submission to the ELECOM Chairperson.

Section 18. CERTIFICATES OF CANVASS – The Certificates of Canvass or the Official Tally Sheets shall contain the tallies of votes with the signatures stated on Section 17 and shall be countersigned by the ELECOM Chairperson for Legal purposes and confirmation of official Local Government results.

ARTICLE IV THE ELECTORAL COMMISSION

Section 19. POWERS AND FUNCTIONS OF THE ELECTORAL COMMISSION - In addition to the powers and functions conferred upon the ELECOM by the Constitution, it shall have exclusive charge of the enforcement and administration of all laws relative to the conduct of elections for the purpose of ensuring free, orderly and honest elections, and shall:

- (a) Exercise direct and immediate supervision and control over the official canvassers selected and administered by the ELECOM to perform duties relative to the conduct of the CSG Elections. In addition, it may authorize ROTC cadets to act as its deputies for the purpose of enforcing its orders.

The ELECOM may relieve any officer or employee referred to in the preceding paragraph from the performance of his/her duties relating to electoral processes that violates the election law or fails to comply with its instructions, orders and decisions or rulings;

- (b) Promulgate rules and regulations implementing the provisions of this Code or other laws which the ELECOM is required to enforce and administer. Such rules and regulations shall take effect on the day after they have been approved. Orders and directives issued by the ELECOM pursuant to the said rules and regulations shall be furnished by personal delivery to accredited political parties within forty-eight (48) hours of issuance and shall take effect immediately upon receipt.

In case of conflict between rules, regulations, orders or directives of the ELECOM in the exercise of its constitutional powers and those issued by any other administrative office or agency of the CSG concerning the same matter relative to elections, the former shall prevail;

- (c) Summon the parties to a controversy pending before it, secure a witness complaint and take testimony in any investigation or hearing before it, and delegate such power to any ELECOM Faculty Commissioner. In case of failure of a witness to attend, the ELECOM, upon proof of service of the



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complaint, may issue penalties to the witness and bring him/her before the ELECOM or the officer before whom his/her attendance is required.

Any controversy submitted to the ELECOM shall, after compliance with the requirements of due process, be immediately heard and decided by it within five (5) days from submission thereof. No decision or resolution shall be rendered by the ELECOM either *en banc* or by division unless taken up in a formal session properly convened for the purpose.

The ELECOM may, when necessary, avail of the assistance of the Judicial Department of the CSG to determine under its direct and immediate supervision any of its final decisions, orders, instructions or rulings;

- (d) Prescribe the forms to be used in the election, plebiscite or referendum; and
- (e) Prescribe the use or adoption of the latest technological and electronic devices, taking into account the situation prevailing in the area and the funds available for the purpose; provided, that the ELECOM shall notify the authorized representatives of accredited political parties and candidates by the use or adoption of technological and electronic devices not less than five (5) days prior to the effectivity of the use of such devices.

Section 20. OFFICE SPACE - The CSG shall provide a suitable place for the office of the ELECOM. Provided, that in case of failure of the CSG to provide such suitable place, the latter will provide its National Headquarters as office of the ELECOM for the whole period of the election.

Section 21. MEASURES TO ENSURE ENFORCEMENT - For the effective enforcement of the provisions of this Code, the ELECOM is further vested and charged with the following powers, duties and responsibilities:

- a) To issue penalties after examination under oath or affirmation of the complainant and the witnesses; and
- b) To stop any illegal election activity, or confiscate, tear down, and stop any unlawful, libelous, misleading or false election propaganda, after due notice and hearing.

Section 22. DISQUALIFICATIONS OF MEMBERS OF THE COMMISSION - The chairman and members of the ELECOM can also be subject to disqualification.

No chairman or commissioner shall sit in any case in which he/she has manifested bias or prejudice for or against any party thereto and in connection therewith, or in any case in which he/she would be disqualified under the Rules of the Judiciary. If it were to be claimed that the chairman or a commissioner is disqualified as above provided, the party objecting to his/her competency may



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file his/her objection in writing with the ELECOM stating the ground(s) therefore. The official concerned shall continue to participate in the hearing or withdraw therefrom in accordance with his/her determination of the question of his/her disqualification. The decision shall forthwith be made in writing and filed with the other papers of the case in accordance with the Rules of the Judiciary.

ARTICLE V POLITICAL PARTIES

Section 23. POLITICAL PARTY - "Political party" or "party", when used in this Act, means an organized group of persons pursuing the same ideology, political ideas or platforms of government and includes its branches and divisions. To acquire juridical personality, to qualify it for subsequent accreditation, and to entitle it to the rights and privileges herein granted to political parties, a political party shall first be duly registered with the ELECOM.

Section 24. REGISTRATION - Any organized group of persons seeking registration as a national or local political party may file with the ELECOM a verified petition attaching thereto its constitution and by-laws, platform or program of government and such other relevant information as may be required by the ELECOM. The ELECOM shall, after due notice and hearing, resolve the petition within five (5) days from the date it is submitted for decision.

No religious sect shall be registered as a political party and no political party which seeks to achieve its goal through violence shall be entitled to accreditation.

Section 25. PUBLICATION OF PETITION FOR REGISTRATION OR ACCREDITATION - The ELECOM shall require publication of the petition for registration or accreditation posted in at least three (3) conspicuous areas of the University and shall, after due notice and hearing, resolve the petition within fifteen (15) days from the date it is submitted for decision.

ARTICLE VI ELIGIBILITY OF CANDIDATES AND CERTIFICATE OF CANDIDACY

Section 26. QUALIFICATIONS FOR CANDIDACY - No person may be elected as a CSG officer if he/she does not qualify as stated in the 2010 CSG Constitution.

Section 27. NUISANCE CANDIDATES - The ELECOM may disqualify or upon a verified petition of an interested party, refuse to give due course to or cancel a Certificate of Candidacy if it is shown that the said certificate has been filed to put the election process in mockery or disrepute or to cause confusion among the voters by the similarity of the names of the registered candidates or by other circumstances or acts which clearly demonstrate that the candidate has no



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bona fide intention to run for the office for which the Certificate of Candidacy has been filed and thus prevent a faithful determination of the true will of the electorate.

Section 28. GUEST CANDIDACY - A political party may nominate and/or support candidate(s) not belonging to it.

Section 29. EFFECTS OF DISQUALIFICATION CASES AND PRIORITY - The ELECOM shall give priority to cases of disqualification by reason of violation of this Act to the end that a final decision shall be rendered not later than three (3) days before the election in which the disqualification is sought.

Any candidate who has been declared by final judgment to be disqualified shall not be voted for, and the votes casted for him/her shall not be counted. Nevertheless, if for any reason, a candidate is not declared by final judgment before an election to be disqualified and he/she is voted for and receives the winning number of votes in such election, his/her violation of the provisions of the preceding sections shall not prevent his/her proclamation and assumption to office.

Section 30. CERTIFICATE OF CANDIDACY - No person shall be eligible for any elective office unless he/she files a sworn Certificate of Candidacy within the period fixed herein. A person who has filed a Certificate of Candidacy may, prior to the election, withdraw the same by submitting to the office concerned a written declaration under oath.

No person shall be eligible for more than one (1) office to be filled in the same election, and if he/she files his/her Certificate of Candidacy for more than one office, he/she shall not be eligible for any of them. However, before the expiration of the period for the filing of Certificates of Candidacy, the person who was filed more than one (1) Certificate of Candidacy may declare under Oath the Office for which he/she desires to be eligible and cancel the Certificate of Candidacy for the other office(s).

Section 31. CONTENTS OF CERTIFICATE OF CANDIDACY - The Certificate of Candidacy shall state that the person filing it is announcing his/her candidacy for the office stated therein and that he/she is eligible for the said office; if he/she seeks to represent the Student Congress or the LGU Office; the political party which he/she belongs; his/her date of birth; residence; his/her course and year level; that he/she will support and defend the CSG Constitution and will maintain true faith and allegiance thereto; that he/she will obey the laws, legal orders, and decrees promulgated by the duly constituted authorities; that he/she is not an intern, working student, cross enrollee; that the obligation imposed by his/her oath is assumed voluntarily, without mental reservation or



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purpose of evasion; and that the facts stated in the Certificate of Candidacy are true to the best of his/her knowledge.

The person filing a Certificate of Candidacy shall also affix his/her latest signature.

Section 32. FILING AND DISTRIBUTION OF CERTIFICATE OF CANDIDACY - The Certificate of Candidacy shall be filed on any day from the commencement of the election period but not later than the day before the beginning of the campaign period; provided, that in cases of postponement or failure of election under Sections 5 and 6 hereof, no additional Certificate of Candidacy shall be accepted except in cases of substitution of candidates.

Section 33. MINISTERIAL DUTY OF RECEIVING AND ACKNOWLEDGING RECEIPT - The ELECOM or officer designated by the ELECOM under the succeeding section shall have the ministerial duty to receive and acknowledge receipt of the Certificate of Candidacy upon endorsement of the Political Party except for independent candidates.

Section 34. CANDIDATES IN CASE OF DEATH, DISQUALIFICATION OR WITHDRAWAL OF ANOTHER - If after the last day for the filing of Certificates of Candidacy, an official candidate of a registered or accredited political party dies, withdraws or is disqualified for any cause, only a person belonging to, and certified by, the same political party may file a Certificate of Candidacy to replace the candidate who died, withdrew or was disqualified. The substitute candidate nominated by the political party concerned may file his/her Certificate of Candidacy for the office affected in accordance with the preceding sections not later than 24 hours after the day of the deadline of the filing of candidacy.

Section 35. PETITION TO DENY DUE COURSE TO OR CANCEL A CERTIFICATE OF CANDIDACY - A verified petition seeking to deny due course or to cancel a Certificate of Candidacy may be filed by the person exclusively on the ground that any material representation contained therein as required is false. The petition may be filed at any time not later five (5) days after the deadline of filing of candidacy.

ARTICLE VII CAMPAIGN AND ELECTION PROPAGANDA

Section 36. DEFINITIONS - As used in this Code:

- (a) The term "candidate" refers to any person aspiring for or seeking an elective office, who has filed a Certificate of Candidacy by himself/herself or through an accredited political party, aggroupment, or coalition of parties;



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- (b) The term "election campaign" or "partisan political activity" refers to an act designed to promote the election or defeat of a particular candidate(s) to a public office which shall include:
- (1) Forming organizations, associations, clubs, committees or other groups of persons for the purpose of soliciting votes and/or undertaking any campaign for or against a candidate;
 - (2) Making speeches, announcements or commentaries, or holding interviews for the election of any candidate for public office;
 - (3) Publishing or distributing campaign literature or materials designed to support the election of any candidate; or
 - (4) Directly or indirectly soliciting votes, pledges or support for or against a candidate.

The foregoing enumerated acts, if performed for the purpose of enhancing the chances of aspirants for nomination for candidacy to a public office by a political party, aggroupment, or coalition of parties, shall not be considered as election campaign or partisan election activity.

Public expressions or opinions or discussions of probable issues in a forthcoming election or on attributes of or criticisms against probable candidates proposed to be nominated in a forthcoming political party convention shall not be construed as part of any election campaign or partisan political activity contemplated under this Article.

Section 37. ELECTION CAMPAIGN OR PARTISAN POLITICAL ACTIVITY OUTSIDE CAMPAIGN PERIOD - It shall be unlawful for any person, whether or not a voter or candidate, or for any party, or association of persons, to engage in an election campaign or partisan political activity except during the campaign period; provided, that political parties may hold political conventions or meetings to nominate their official candidates within thirty (30) days before the commencement of the campaign period and forty-five (45) days for the Presidential and Vice-Presidential elections.

Section 38. LAWFUL ELECTION PROPAGANDA - Lawful election propaganda shall include:

- (a) Pamphlets, leaflets, cards, decals, stickers or other written or printed materials of a size not more than the size prescribed by the ELECOM;
- (b) Handwritten or printed letters urging voters to vote for or against any particular candidate; and
- (c) All other forms of election propaganda not prohibited by this Code as the ELECOM may authorize after due notice to all interested parties and



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hearing where all the interested parties were given an equal opportunity to be heard.

Section 39. REMOVAL, DESTRUCTION OR DEFACEMENT OF LAWFUL ELECTION PROPAGANDA PROHIBITED - It shall be unlawful for any person during the campaign period to remove, destroy, obliterate, or in any manner, deface or tamper with, or prevent the distribution of lawful election propaganda.

Section 40. REQUIREMENTS FOR PUBLISHED OR PRINTED ELECTION PROPAGANDA - Any poster, pamphlet, circular, handbill, bumper sticker, streamer, simple list of candidate or any published or printed political matter for or against a candidate or group of candidates to any public office shall bear the approval of the ELECOM for the use of that campaign material.

Section 41. PROHIBITED FORMS OF ELECTION PROPAGANDA - It shall be unlawful:

- (a) To print, publish, post or distribute any poster, pamphlet, circular, handbill, or printed matter urging voters to vote for or against any candidate unless they bear the approval of the ELECOM for the use of that material;
- (b) To erect, put up, , attach, float, display or make use of any billboard, tinfoil-poster, balloons and the like, of whatever size, shape, form or kind, advertising for or against any candidate or political party;
- (c) To purchase, manufacture, request, distribute or accept electoral propaganda gadgets, such as pens, lighters, fans of whatever nature, flashlights, athletic goods or materials, wallets, shirts, hats, bandanas, matches, cigarettes and the like, except that campaign supporters accompanying a candidate shall be allowed to wear hats and/or shirts or T-shirts advertising a candidate; and
- (d) To show or display publicly any advertisement or propaganda for or against any candidate by means of cinematography, audio-visual units or other screen projections;

Any prohibited election propaganda gadget or advertisement shall be stopped, confiscated or torn down by the representative, upon specific authority, of the ELECOM.

Section 42. TRANSPORTATION, FOOD AND DRINKS - It shall be unlawful for any candidate, political party, organization, or any person to give or accept, free of charge, directly or indirectly, transportation, food or drinks or things of value, on the day preceding the election, and on the election day; or to give or contribute, directly or indirectly, money or things of value for such purpose.



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ARTICLE VIII PRECINCTS AND POLLING PLACES

Section 43. PRECINCTS - The unit of territory for the purpose of voting is the election precinct where the voters shall cast their votes, and the ELECOM shall provide precincts visible and conducive for election purposes. The Commission shall establish all election precincts.

Section 44. POLLING PLACE - A polling place is an area where the ELECOM conducts its proceedings.

Section 45. DESIGNATION OF POLLING PLACES - The location of polling places shall be in the Fr. Alphonse Lesage, SVD Gymnasium.

Section 46. BALLOT BOXES - There shall be uniformed boxes containing two (2) compartments in each polling place that shall be closed only by the ELECOM and cannot be opened unless during the time of canvassing the ballots set in a manner visible to the voting public.

Section 47. TALLY BOARDS - At the beginning of the counting, there shall be placed within the plain view of the watchers and the public, a tally board where the names of all the registered candidates or the issues or questions to be voted upon shall be written, and the poll clerk shall record thereon the votes received by each of them as the ELECOM officials reads the ballot.

ARTICLE IX. WATCHERS

Section 48. OFFICIAL WATCHERS OF CANDIDATES - Every registered political party, coalition of political parties and every independent candidate shall each be entitled to one watcher in every polling place.

Section 49. RIGHTS AND DUTIES OF WATCHERS - Upon entering the polling place, the watchers shall present and deliver to any ELECOM Commissioner his/her authorization by the political party he/she represents as a watcher. The appointments of the watchers shall bear the personal signature or the facsimile signature of the candidate or the duly authorized representatives of the political party or coalition of political parties who appointed him/her. The watchers shall have the right to:

- a) Stay in the space reserved for them inside the polling place;
- b) Witness and inform themselves of the proceedings of election;



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- c) File a protest against any irregularity or violation of law which they believe may have been committed by the ELECOM or by any of its members or by any persons; and
- d) Read the ballots after they shall have been read by the ELECOM, as well as the election returns after they shall have been completed and signed by the members of the ELECOM without touching them.

But they shall not speak to any member of the ELECOM, or to any voter, or among themselves, in such a manner as would distract the proceedings to be furnished with a certificate of the number of votes in words and figures cast for each candidate, duly signed and thumbmarked by the Chairperson and all the members of ELECOM. Refusal of the Chairperson and the members of the ELECOM to sign and furnish such certificate shall constitute an election offense and shall be penalized under this Code.

ARTICLE X. OFFICIAL BALLOTS AND ELECTION RETURNS

Section 50. OFFICIAL BALLOTS - Ballots for National and Local Offices shall be of uniform size and color and shall be provided by the ELECOM. They shall be printed on paper with ELECOM stamps that shall readily distinguish the ballot paper from ordinary paper. Each ballot shall have enough space and detachable coupon containing the serial number of the ballot, and a space for the thumbmark of the voter. It shall bear at the top on the middle portion thereof the coat of arms of the Central Student Government, the words "Official Ballot", the name of the college in which the election is held, the date of the election, and the following notice: "Fill out this ballot secretly inside the voting booth. Do not put any distinctive mark on any part of this ballot."

The ballot shall also contain the names of all the offices to be voted for in the election, allowing opposite the name of each office, sufficient space or spaces with horizontal lines where the voter may write the name(s) of the individual candidates voted for by him/her.

There shall not be anything on the reverse side of the ballot.

Section 51. EMERGENCY BALLOTS - No ballots other than the official ballots shall be used or counted, except in the event of failure to receive the official ballots on time, or where there are no sufficient ballots for all voters or where they are destroyed at such time as shall render it impossible to provide other official ballots, in which cases the ELECOM shall provide other ballots which shall be as similar to the official ones as circumstances will permit and which shall be uniform within each polling place.

ARTICLE XI. CASTING OF VOTES



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Section 52. VOTING HOURS - The casting of votes shall run for six (6) hours only, except when there are voters present within thirty (30) meters in front of the polling place who have not yet cast their votes, in which case the voting shall continue but only to allow said voters to cast their votes without interruption.

Section 53. ORDER OF VOTING - The voters shall vote in the order of their entrance into the polling place. The voters shall have the right to freely enter the polling place as soon as they arrive unless there are voters waiting inside. In which case they shall fall in line in the order of their arrival and shall not crowd around the table of the ELECOM officials. The voters, after having casted their votes, shall immediately depart.

Section 54. SPOILED BALLOTS - If a voter should accidentally spoil or deface a ballot in such a way that it cannot lawfully be used, he/she shall surrender it folded to the ELECOM Commissioner assigned who shall note in the corresponding space in the voting record that said ballot is spoiled. The voter shall then be entitled to another ballot which the ELECOM Commissioner shall give him/her after announcing the serial number of the second ballot and recording said serial number in the corresponding spaces in the voting record. If the second ballot is again spoiled or defaced in such a way that it cannot lawfully be used, the same shall be surrendered to the chairman and recorded in the same manner as the first spoiled or defaced ballot. However, no voter shall change his/her ballot more than twice.

The spoiled ballot shall, without being unfolded and without removing the detachable coupon, be distinctly marked with the word "spoiled" and signed by the ELECOM Commissioner on the endorsement fold thereof and immediately place it in the compartment for spoiled ballots.

Section 55. VOTING - (a) After the voter has filled his/her ballot he/she shall fold it in the same manner as when he/she received it and return it to the chairman.

(b) In the presence of all the members of the ELECOM, he/she shall affix his/her thumbmark on the corresponding space in the coupon, and deliver the folded ballot to the chairman.

(c) The Commissioner, in the presence and view of the voter and all the members of the ELECOM, without unfolding the ballot or seeing its contents, shall verify its number from the voting record where it was previously entered.

(d) The voter shall forthwith affix his/her signature in the space intended for that purpose in the voting record/ master list.

(e) The Commissioner, after finding everything to be in order, shall then detach the coupon in the presence of the member of the ELECOM and of the voter and shall deposit the folded ballot in the compartment for valid ballots, and the detached coupon given to the voter.



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(f) The voter shall then depart.

Section 56. DISPOSAL OF UNUSED BALLOTS AT THE CLOSE OF THE VOTING HOURS - The ELECOM Commissioners shall prepare a list showing the number of unused ballots together with the serial numbers. This list shall be signed by all the members of the ELECOM, after which all the unused ballots shall be torn halfway in the presence of the members of the ELECOM.

ARTICLE XIII. COUNTING OF VOTES

Section 57. COUNTING TO BE PUBLIC AND WITHOUT INTERRUPTION - As soon as the voting is finished, the members of the ELECOM shall publicly count the votes casted and ascertain the results in one polling place. The members of the ELECOM shall not adjourn or postpone or delay the count until it has been fully completed, unless otherwise ordered by the ELECOM Chairperson.

Section 58. RULES FOR THE APPRECIATION OF BALLOTS - In the reading and appreciation of ballots, every ballot shall be presumed to be valid unless there is a clear and good reason to justify its rejection. The ELECOM shall observe the following rules, bearing in mind that the object of the election is to obtain the expression of the voter's will:

- (1) Where only the first name of a candidate or only his/her surname is written, the vote for such candidate is valid, if there is no other candidate with the same first name or surname for the same office;
- (2) Where only the first name of a candidate is written on the ballot, which when read, has a sound similar to the surname of another candidate, the vote shall be counted in favor of the candidate with such surname. If there are two or more candidates with the same full name, first name or surname and one of them is the incumbent, and on the ballot is written only such full name, first name or surname, the vote shall be counted in favor of the incumbent.

In cases wherein none of the candidates are incumbent, the vote shall not be counted;

- (3) In case the candidate is a woman who uses her maiden or married surname or both and there is another candidate with the same surname, a ballot bearing only such surname shall be counted in favor of the candidate who is an incumbent.

In cases wherein none of the candidates are incumbent, the vote shall not be counted;



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- (4) When two or more words are written on the same line on the ballot, all of which are the surnames of two or more candidates, the same shall not be counted for any of them.

When two or more words are written on different lines on the ballot all of which are the surnames of two or more candidates bearing the same surname for an office for which the law authorizes the election of more than one and there are the same number of such surnames written as there are candidates with that surname, the vote shall be counted in favor of all the candidates bearing the surname;

- (5) When on the ballot is written a single word which is the first name of a candidate and which is at the same time the surname of his/her opponent, the vote shall be counted in favor of the candidate bearing the surname;
- (6) When two words are written on the ballot, one of which is the first name of the candidate and the other is the surname of his opponent, the vote shall not be counted for either;
- (7) A name or surname incorrectly written which, when read, has a sound similar to the name or surname of a candidate when correctly written shall be counted in his/her favor;
- (8) When a name of a candidate appears in a space of the ballot for an office for which he/she is a candidate and in another space for which he/she is not a candidate, it shall be counted in his/her favor for the office for which he/she is a candidate and the vote for the office for which he/she is not a candidate shall be considered as stray, except when it is used as a means to identify the voter, in which case, the whole ballot shall be void.

If the word or words written on the appropriate blank on the ballot is the identical name or surname or full name, as the case may be, of two or more candidates for the same office none of whom is an incumbent, the vote shall be counted in favor of that candidate to whose ticket belong all the other candidates voted for in the same ballot for the same constituency;

- (9) When in a space in the ballot there appears a name of a candidate that is erased and another clearly written, the vote is valid for the latter.
- (10) The erroneous initial of the first name which accompanies the correct surname of a candidate, the erroneous initial of the surname



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accompanying the correct first name of a candidate, or the erroneous middle initial of the candidate shall not annul the vote in favor of the latter;

- (11) The fact that there exists another person who is not a candidate with the first name or surname of a candidate shall not prevent the adjudication of the vote of the latter;
- (12) Ballots which contain affixes such as "Sr.", "Mr.", "Ginoo", "Hon.", "Jr." and Roman Numerals are valid;
- (13) The use of the nicknames and appellations of affection and friendship, if accompanied by the first name or surname of the candidate, does not annul such vote, except when they were used as a means to identify the voter, in which case the whole ballot is invalid: Provided, that if the nickname used is unaccompanied by the name or surname of a candidate and it is the one by which he is generally or popularly known the name shall be counted in favor of said candidate, if there is no other candidate for the same office with the same nickname;
- (14) Any vote containing initials only or which is illegible or which does not sufficiently identify the candidate for whom it is intended shall be considered as a stray vote but shall not invalidate the whole ballot;
- (15) If on the ballot is correctly written the first name of a candidate but with a different surname, or the surname of the candidate is correctly written but with different first name, the vote shall not be counted in favor of any candidate having such first name and/or surname but the ballot shall be considered valid for other candidates;
- (16) Any ballot written with crayon, lead pencil, or in ink, wholly or in part, shall be valid;
- (17) Where there are two or more candidates voted for in an office for which the law authorizes the election of only one, the vote shall not be counted in favor of any of them, but this shall not affect the validity of the other votes therein;
- (18) If the candidates voted for exceed the number of those to be elected, the ballot is valid, but the votes shall be counted only in favor of the candidates whose names were firstly written by the voter within the spaces provided for said office in the ballot until the authorized number is covered;
- (19) Any vote in favor of a person who has not filed a Certificate of Candidacy or has been in favor of a candidate for an office which he/she did not



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present himself/herself shall be considered as a stray vote but it shall not invalidate the whole ballot;

- (20) Ballots containing the name of a candidate printed and pasted on a blank space of the ballot or affixed thereto through any mechanical process are totally null and void;
- (21) Circles, crosses or lines put on the spaces on which the voter has not voted shall be considered as signs to indicate his/her desistance from voting and shall not invalidate the ballot;
- (22) Unless identification marks, commas, dots, lines, or hyphens between the first name and surname of a candidate traces the letters "T", "J", and other similar ones, it should clearly appear that they have been deliberately put by the voter to serve as the first letters or syllables of names which the voter does not continue, the use of two or more kinds of writing and unintentional or accidental flourishes, strokes, or strains, shall not invalidate the ballot;
- (23) Any ballot containing two distinct persons in a/two or more position/s before it was deposited in the ballot box shall be considered as a stray vote but shall not invalidate the whole ballot;
- (24) Any vote cast in favor of a candidate who has been disqualified by final judgment shall be considered as stray and shall not be counted but it shall not invalidate the ballot;
- (25) The accidental tearing or perforation of a ballot does not annul it; and
- (26) Failure to remove the detachable coupon from a ballot does not annul such ballot.

Section 60. PROCLAMATION OF THE RESULT OF THE ELECTION IN THE POLLING PLACE - Upon the completion of the Certificate of Canvass, the Chairman of the ELECOM shall orally and publicly announce the total number of votes garnered by each candidate, stating his/her corresponding office during the tallying of votes.

Section 61. ELECOM TO ISSUE A CERTIFICATE TO THE WATCHERS ON THE NUMBER OF VOTES POLLED BY THE CANDIDATES FOR AN OFFICE - After the announcement of the election results and before leaving the polling place, it shall be the duty of the ELECOM to issue a certificate of the number of the votes received by a candidate upon request of the watchers. All the members of the ELECOM shall sign the certificate.



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Section 62. ALTERATIONS AND CORRECTIONS IN THE ELECTION RETURNS - Any correction or alteration made in the Certificate of Canvass by the ELECOM before the announcement of the election results in the polling place shall be duly countersigned by all the members thereof.

Section 63. PRESERVATION OF THE VOTING RECORD - The voting record of each polling place shall be delivered to the ELECOM for custody, keeping them in a safe place, until such time that the ELECOM Faculty Commissioners shall give instructions on their disposal.

ARTICLE XIV. CANVASS AND PROCLAMATION

Section 64. VOLUNTEERS FOR ELECTION - There shall be bona fide student volunteers in the University recruited to assist during the whole period of Election.

Section 65. PROHIBITION AGAINST LEAVING OFFICIAL STATION - During the election day until the proclamation of the winning candidates, no ELECOM Commissioner or student volunteer shall be transferred, assigned or detained beyond his/her assignment, nor shall he/she leave the said station without prior authority of the ELECOM.

Section 66. FEIGNED ILLNESS - Any member of the ELECOM feigning illness in order to be substituted on Election Day until the proclamation of the winning candidates shall be guilty of an election offense.

Section 67. VOTE REQUIRED - A majority vote of all the members of the ELECOM shall be necessary to render a decision.

Section 68. SUPERVISION AND CONTROL OVER THE MEMBERS OF THE ELECOM - The ELECOM Chief Commissioner shall have direct control and supervision over the members of the ELECOM.

Any member of the ELECOM may, at any time, be relieved for cause and substituted *motu proprio* by the ELECOM.

Section 69. WATCHERS - Each candidate, political party or coalition of political parties shall be entitled to appoint a watcher to accompany the members of the ELECOM. The watcher shall have the right to be present at, and take note of, all the proceedings of the ELECOM, to read the election returns without touching them, to file a protest against any irregularity in the election returns submitted, and to obtain from the board of canvassers a resolution thereon.

Section 70. ELECTION RESULTING IN TIE - Whenever it shall appear from the canvass that two or more candidates have received an equal and highest



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number of votes for the same position, the ELECOM, after recording this fact in its minutes, shall by resolution, upon three (3) days, notice the tied candidates and hold a special public meeting involving a draw by lots of the said candidates. The candidates who may be favored by luck shall be proclaimed as winners, and the candidates so proclaimed shall have the right to assume office in the same manner as if they had been elected by plurality vote. The ELECOM shall forthwith make a certificate stating the name of these candidates and their proclamation on the basis thereof.

Nothing in this section shall be construed as depriving a candidate of his/her right to contest the election.

ARTICLE XV. ELECTION CONTESTS

Section 71. JURISDICTION OF THE ELECOM – The ELECOM shall be the sole judge of all contests relating to the elections, returns, and qualifications of all candidates both National and Local.

Section 72. PROCEDURE IN ELECTION CONTESTS - The ELECOM shall prescribe the rules to govern the procedure and other matters relating to election contests pertaining to all national and local not later than thirty (30) days before such elections. Such rules shall provide a simple and inexpensive procedure for the expeditious disposition of election contests.

Section 73. DECISION IN THE ELECOM - The ELECOM shall decide all election cases brought before it within seven (7) days from the submission date for final and irrevocable decision.

Section 74. ACTUAL OR COMPENSATORY DAMAGES - Actual or compensatory damages may be granted in all election contests or in *quo warranto* proceedings in accordance with law.

ARTICLE XVI. ELECTION OFFENSES

Section 75. PROHIBITED ACTS - The following shall be guilty of an election offense:

- a) Vote-buying and vote-selling. - Any person who gives, offers or promises money or anything of value, makes or offers to make an expenditure, directly or indirectly, or cause an expenditure to be made to any person, entity, or community in order to induce anyone or the public in general to vote for or against any candidate or withhold his/her vote in the election, or to vote for or against any aspirant for the nomination or choice of a candidate in a convention or similar selection process of a political party.



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- b)** Conspiracy to *bribe* voters. - Two or more persons, whether candidates or not, who come to an agreement concerning the ELECOM of any violation of paragraph (a) of this section and decide to commit it.
- c)** Wagering upon result of election. - Any person who bets or wagers upon the outcome of, or any contingency connected with an election. Any money or thing of value deposit and considered or wager shall be forfeited to the government.
- d)** Threats, intimidation, use of fraudulent device or other forms of coercion. - Any person who directly or indirectly threatens, intimidates or actually causes, inflicts or produces any violence, injury, punishment, damage, loss or disadvantage upon any person or that of the immediate members of his/her family, his/her honor or property, or uses any fraudulent device or scheme to compel or induce any voter, or the participation in a campaign or refraining or desistance from any campaign, or the casting of any vote or omission to vote, or any promise campaign, vote, or omission therefrom.
- e)** Coercion of election officials and employees. - Any person who directly or indirectly threatens, intimidates or coerces any election official or member of the ELECOM in the performance of his/her election functions or duties.
- f)** Deadly weapons. - Any person who carries any deadly weapon in the polling place and within a radius of one hundred meters thereof during the days and hours fixed by law for voters in the polling place, voting, counting of votes, or preparation of the Certificate of Canvass.
- g)** Organization or maintenance of any violent reaction activity. - Any person who organizes violent reaction activities such as aggressive strikes or any related intolerable force during the election period shall be dismissed away from the area of undertaking such acts.
- h)** On Canvassing:
 - 1)** Any member of the ELECOM who proceeds with the canvass of the votes and/or proclamation of any candidate which was suspended or annulled by the ELECOM.
 - 2)** Any member of the ELECOM who proceeds with the canvass of votes and/or proclamation of any candidate in the absence of quorum, or without giving due notice of the date, time and place of the meeting of the board to the candidates, political parties, and/or other members of the ELECOM.



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- 3) Any member of the ELECOM who, without authority of the ELECOM, uses in the canvass of votes and/or proclamation of any candidate any document other than the official copy of the certificate of canvass.
- i) On candidacy and campaign:
- 1) Any political party which holds political conventions or meetings to nominate its official candidates earlier than the period fixed in this Code.
 - 2) Any person, who abstracts, destroys or cancels any certificate of candidacy duly filed and which has not been cancelled upon order of the ELECOM.
 - 3) Any person who misleads the members of the ELECOM by submitting any false or spurious certificate of candidacy or document to the prejudice of a candidate.
 - 4) Any person, who, being authorized to receive certificates of candidacy, receives any certificate of candidacy outside the period for filing the same and makes it appear that said certificate of candidacy was filed on time; or any person who, by means of fraud, threat, intimidation, or coercion, causes or compels the ELECOM of said act.
 - 5) Any person who solicits votes or undertakes any propaganda, on the day of election, for or against any candidate or any political party within the polling place or within a radius of one hundred meters thereof.

ARTICLE XVII. TRANSITORY PROVISION

Section 76. APPROPRIATIONS, AND INSURANCE FOR BOARD OF ELECTION INSPECTORS - The cost of holding the next local elections provided in this Code shall be funded out in the General Appropriations Act of the Central Student Government.

ARTICLE XVIII. FINAL PROVISIONS

Section 77. REORGANIZATION OF THE ELECTORAL COMMISSION - In order to promote maximum efficiency in carrying out its constitutional duty to insure free, orderly and honest elections and in discharging its judicial powers and functions under the Constitution, the ELECOM is hereby authorized to reorganize its office.

Section 78. SEPARABILITY CLAUSE - If any section or provision of this Code is declared invalid or unconstitutional, for any reason, the remainder of this Code



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or the application of such section, provision or portion thereof to other persons, groups or circumstances shall not be affected by such declaration.

Section 79. REPEALING CLAUSE - All other election laws, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Code are hereby repealed, except the provisions stated in the CSG Constitution.

Section 80. EFFECTIVITY - This Code shall take effect starting the 2013 CSG National and Local Election period.

Approved,

HON. SIMPLICIO GADUGDUG V
Presiding Officer, 3rd Student Congress

MS. SENDERILA EDPALINA
Secretary, 3rd Student Congress

Approved: June 28, 2011

HON. MARK NILO TERO
President, Central Student Government