

AN ACT TO AMEND CERTAIN PROVISIONS OF CHAPTER EIGHTEEN, KNOWN AS THE ELECTION LAW, AND CHAPTER SIXTY-FIVE, ON PENALTIES, OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, AS AMEN...

Act No. 3210, December 06, 1924

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Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section four hundred and five of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Three thousand and thirty, is hereby amended to read as follows:

"SEC. 405. When and with whom certificates of candidacy to be filed.—The certificates of candidacy for the office of senator and representative shall be filed not less than twenty days before the day set for the election with the Chief of the Executive Bureau, who shall immediately send certified copies thereof to the secretaries of the Houses of the Legislature and to the provincial boards where the elections are to be held, which latter shall forward certified copies to all polling places: Provided, That without prejudice to the foregoing provisions, the Executive Bureau shall communicate the names of the candidates who have sent their certificates of candidacy to it, to the provincial boards by telegraph, if there be any.

"Certificates of candidacy for the provincial offices shall be filed not less than twenty days before the day of the election with the secretary of the provincial board of the province concerned, who shall immediately send certified copies to all the polling places of the province and to the Executive Bureau.

"Certificates of candidacy for municipal offices shall be filed not less than ten days before the day of the election with the municipal secretary, who shall send certified copies thereof to the polling places of the municipality concerned and to the Executive Bureau.

"It shall be the duty of the Chief of the Executive Bureau, the secretary of the provincial board, and the municipal secretary, upon receiving any certificate of candidacy, to acknowledge receipt thereof: Provided, That in case of the death or disqualification of a candidate for any Insular, provincial, or municipal office whose certificate of candidacy has been duly filed, after expiration of the time limits above established, any legally qualified elector may file either with the secretary of the provincial board or with the municipal secretary, without distinction, not later than the noon hour on the day of the election, his own certificate of candidacy for the office for which the dead or disqualified person was a candidate: Provided, however, That in the event of the death or disqualification occurring on the day before the election or before the noon hour on the day of the election, said certificates shall be filed with any board of inspectors of the municipality where he resides."

SEC. 2. Section four hundred and fourteen of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Three thousand and thirty, is hereby amended to read as follows:

"SEC. 414. Designation and arrangement of ballot boxes and other election paraphernalia—Duties of Chief of Executive Bureau.—At least eighty days before each general election the municipal council in each

municipality in which such election is to be held shall designate in each election precinct a place, as centrally located with respect to the residences of the voters as is practicable, where the elections and the meetings of the board of inspectors for registration shall be held during the year. Each place so designated shall, if practicable, be a room upon the lower floor, of reasonable size, sufficient to admit and comfortably accommodate twenty electors at one time outside the guard rails. No liquors shall be sold, served, or drunk or cockfights held in any building so designated from the time of designation until the day after election. If for any cause a place so designated shall thereafter and before election be destroyed or for any cause cannot be used, the municipal council shall forthwith meet and designate some other suitable place for holding such registry and election. Not more than one polling place shall be in the same room, and not more than two polling places shall be in the same building. Whenever the municipal council shall be unable to procure suitable places, or whenever it shall be more economical so to do, such council may provide temporary or portable structures adequate to the purpose, and shall take such measures as are proper and necessary for the storing thereof and recreation of the same at the following election. Such structures may be erected in any public street or plaza, but not so as to block traffic thereon. No building owned or inhabited by any person who is a candidate for any office for which votes are to be cast in any precinct shall be used as a polling place for that precinct, nor shall any polling place be located or established at places under the control of any private society or corporation, unless in such places there is no properly constructed and established road and they are over six kilometers distant from the poblacion or nearest barrio.

"The Chief of the Executive Bureau shall prepare and furnish all office supplies and other materials necessary for the registration and holding the election, boxes for the ballots and other papers used in the election, which shall be uniform throughout the Islands and shall be solidly constructed in such manner that they cannot be opened except by means of three different keys, and one of said keys shall during the voting and the counting of the votes be in the hands of each inspector and all shall be surrendered to the municipal treasurer immediately upon the completion of the count in a separate envelope, sealed, and signed by the watchers present and by each inspector, and said treasurer shall deliver one to the provincial treasurer, the other to the clerk of the court of first instance, and the third to the district commander of the Philippine Constabulary, which officers shall demand said keys if they do not receive them within a reasonable time, and shall keep them for a period of six months, unless sooner demanded by the proper courts, and shall at the expiration of such period return them to the provincial treasurer, who shall keep them until the next election. The box for valid ballots shall be white and shall bear the following inscription in large, legible letters: Box for valid ballots; and the box for spoiled ballots, which shall be much smaller than the other, shall be red and shall bear the following inscription in large, legible letters: Box for spoiled ballots.

"The place set aside for a polling place shall have in front a sign showing the precinct to which it belongs, and on days of meetings of the board of inspectors the official flags of the Government shall be hoisted at the same time at the proper height.

"The Chief of the Executive Bureau shall see particularly that the local authorities perform faithfully and impartially the ministerial duties assigned to them by this Act, and may for this purpose apply for the aid of the services of the Office of the Attorney-General, designate as its deputies the provincial fiscals and other officers or agents of the law that may be necessary to secure an orderly, free, and honest election."

SEC. 3. The third paragraph of section four hundred and fifteen of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Three thousand and thirty, is hereby amended to read as follows:

"Behind the space occupied by the table of the board of inspectors there shall also be another guard rail, one meter high, which shall separate said board of inspectors from the watchers; the table of the board shall be placed fifty centimeters from said guard rail in order that the watchers may be able to clearly read the contents of the ballots and see and count the votes recorded by the inspector on the tally sheet."

SEC. 4. Section four hundred and sixteen of Act Numbered Twenty-seven hundred and eleven, as amended by

Act Numbered Three thousand and thirty, is hereby amended to read as follows:

"SEC. 416. Liquors, cock fighting, arms, etc.—The drinking, sale, dispensing, or offering of intoxicating liquors shall be absolutely prohibited on the days of the registration of electors, on the two days immediately preceding the day of the voting, on the day of the voting, and during the entire-time of the counting of the votes.

"No temporary booths, tents, or shelters of any kind for the sale, dispensing or display of any wares, merchandise, or refreshments, solid or liquid, or for any other purpose whatsoever, shall be erected or maintained within thirty meters of any polling place on the days and hours of the registration, voting, and counting; nor shall any cockfight or horse races be held in any municipality upon any election day.

"Except in case of an affray, riot or disorder, it shall be unlawful for any person other than a policeman or peace officer to carry firearms or any other kind of arms within a distance of fifty meters from any polling place, during the days of the registration, voting, and counting."

SEC. 5. Section four hundred and seventeen of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Three thousand and thirty, is hereby amended to read as follows:

"SEC. 417. Appointment of inspectors and poll clerk.— It shall be the duty of the municipal council in each municipality wherein a general election is to be held to appoint, ninety days immediately prior to the date of such general election, three inspectors of election and one poll clerk, with their respective substitutes, for each election precinct therein, who shall hold office for three years or until their successors shall have taken charge of the same. The date of the meeting of the municipal council for the appointment of inspectors shall be published at least fifteen days in advance of such meeting, by the town crier and other means of publication. Should there be in such municipality one or more political parties or branches or fractions thereof, or political groups, then two of said inspectors and two substitutes for the same shall belong to the party which polled the largest number of votes in said municipality at the next preceding election and the other inspector and his substitute shall belong to the party, branch or fraction thereof, or political group which polled the next largest number of votes at said election; and the inspectors so appointed shall be persons proposed by the legitimate representative or representatives of such political parties, branches, or fractions thereof, or political group: Provided, however, That if on or before the date of the designation of the election inspectors as prescribed herein, any party, branch, or fraction thereof or political group entitled to representation has not proposed eligibles for the office of inspector, the designation made by the council shall be final for such party or political group.

"A 'political party' is an organized group of persons who pursue the same political ideals in a government.

"A 'political group' is a number of persons who unite for election purposes.

"In case of a vacancy in the office of election inspector or poll clerk, the same shall be covered for the remainder of the term by the municipal council, as above provided. "With the exception of the notaries public, no person who holds any public office, or is a candidate for any elective public office shall be eligible to appointment as inspector or poll clerk."

SEC. 6. Section four hundred and twenty-four of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Three thousand and thirty, is hereby amended to read as follows:

"SEC. 424. Pay of inspectors and clerks.—Each inspector of election and poll clerk shall receive pay for each day of actual service at meetings of the board except the meeting on the Saturday before election and shall receive two days' pay for election day. The municipal treasurer shall be entitled to compensation for the services rendered by him in accordance with this Law, equivalent to the per diem of an election inspector for election day. The rate of pay shall be fixed by the municipal council but shall not be less than five nor more

than fifteen pesos per day and shall not be changed during the term of office of the inspectors or of the clerk."

SEC. 7. Section four hundred and twenty-five of Act Numbered Twenty-seven hundred and eleven is hereby amended to read as follows:

"SEC. 425. Registration as prerequisite of right to vote.— In each municipality a permanent list of voters shall be kept, and no person shall vote at any general or special election held under the provisions of this chapter unless his name appears upon said list of voters.

"It shall be the duty of the Chief of the Executive Bureau to see that seventy-five days previous to the date of the general election of nineteen hundred and twenty-five, each municipal treasurer shall receive three certified copies, on suitable forms, of all lists of voters used at the last general election and special elections in the municipality concerned."

SEC. 8. Section four hundred and twenty-six of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Three thousand and thirty, is hereby amended to read as follows:

"SEC. 426. Voter's affidavit—Its contents—List of deceased and convicted—Treasurer's duties regarding same.— Any applicant for registration in the list of voters shall file with the municipal treasurer, in triplicate, an affidavit duly made before said officer or the municipal secretary, setting forth his name and surname, citizenship, place, and date of birth, age on last birthday, whether married or single, profession, occupation or trade, residence, stating his exact and correct address, time of residence in the Philippine Islands and in the municipality on the date of the affidavit, the qualification or qualifications entitling him to be a voter; that he has none of the legal disqualifications for being a voter; the nature of his physical incapacity for preparing his ballot on election day, if he be illiterate or physically incapacitated; and that he recognizes and accepts the supreme authority of the United States of America in the Philippine Islands and will maintain true faith and allegiance thereto. He shall also state, if, and where he voted at the preceding election, and if he has changed residence, he shall attach a copy of the application for cancellation mentioned in section four hundred and twenty-nine, duly certified by the treasurer of the municipality where he resided previously. On this affidavit shall be placed the number and place and date of issue of the personal cedula of the affiant.

"Electors who have registered by reason of the qualification specified in subsection (b) of section four hundred and thirty-one of this Act and have subsequently lost such qualification, shall report this fact to the municipal treasurer of the municipality where they reside and request the cancellation of their registration in the list of voters.

"A copy of this affidavit shall be filed in the office of the municipal treasurer, another in the office of the municipal secretary, and another in the office of the register of deeds of the province, and shall be forwarded to these officers through the municipal treasurer and with the latter's certificate that they are the correct duplicate and triplicate of the original and that he has received and registered such original, stating the date of receipt and record number thereof. In case the party interested furnishes an additional copy, the municipal treasurer shall return the same to him with a like certificate.

"Voters who registered at the general election of nineteen hundred and twenty-two and at the special elections held subsequently thereto, need not make the affidavit prescribed by this section and shall be considered as duly registered for the purposes of the present Act, exclusive of those who have removed to another municipality, incurred any of the incapacities for being a voter, or ceased to have the qualification specified in subsection (b) of section four hundred and thirty-one if they have registered by reason of such qualification. Those desiring to register as voters for any subsequent election shall make the affidavit referred to in the first paragraph of this section within the ten days next preceding the first day designated by law for the registration of voters before a general or special election.

"Within the first five days of each month, the municipal secretary shall furnish to the municipal treasurer a list

of the registered voters of the municipality who have died.

"Within the first five days of each month, the clerk of the Court of First Instance shall likewise transmit to the municipal treasurers a list of the males convicted by final sentence of the violation of the oath of allegiance to the United States or sentenced to eighteen months or more of imprisonment.

"The municipal treasurer shall classify and separate the affidavits for registration in the list of voters and the applications for cancellation of registrations in the same, by election precincts, as these have been arranged for the next general election. He shall likewise so classify the voters who have died, those who have been convicted of violation of the oath of allegiance to the United States, those who have been sentenced to eighteen months or more of imprisonment, and those who have otherwise lost their qualification as voters.

"On the eve of the first day designated by law for the revision of the list of voters, the municipal treasurer shall deliver to the board of inspectors of each election precinct the affidavits and applications mentioned in the preceding paragraph, and the notices given under said paragraph by voters who, having qualified under subsection (b) of section four hundred and thirty-one, have lost such qualification, and likewise the three copies of the list of voters of said precinct filed with him after the preceding election. In case a new election precinct is created, the municipal treasurer shall furnish to the board of inspectors thereof three certified copies of the lists of voters of each of the existing precincts from which the territory comprised in the new precinct was taken. The municipal treasurer shall likewise furnish to the board of inspectors of each election precinct a list duly certified by him containing an exact statement of the names and surnames of the voters of said precinct who have died, have violated their oath of allegiance to the United States or have been sentenced to eighteen months or more of imprisonment: Provided, however, That for the general election of nineteen hundred and twenty-five, the municipal treasurer, immediately upon receipt from the Chief of the Executive Bureau of the three duly certified copies of the list of voters sent to him by said Chief, as provided in section four hundred and twenty-five, shall deliver the same to the board of inspectors, and in case a new election precinct is created, the municipal treasurer shall likewise furnish to the board of inspectors thereof three certified copies of the list of voters received by him from the Executive Bureau for each of the existing election precincts from which the territory comprised in the new precinct was taken."

SEC. 9. Section four hundred and twenty-seven of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Three thousand and thirty, is hereby amended to read as follows:

"SEC. 427. Meetings of board of inspectors for revision of list of voters.—The board of inspectors for each election precinct in which an election is to be held shall hold two meetings for the revision of the list of voters and the rejection of the registration of voters who have filed affidavits as provided in section four hundred and twenty-six of this Act, upon challenge and decision by the board in this sense, after hearing the parties and examining their evidence, at the place designated as polling place, previous to each general election, on the seventh Saturday and sixth Saturday next before election day. The said inspectors shall also meet on the Saturday next before election for the purpose of correcting said revised list, by adding names thereto or striking names therefrom in accordance with the orders of the constituted authorities, as hereinafter provided, and to number and complete the list. Every meeting shall begin at seven o'clock in the morning and continue until seven o'clock in the evening with not more than one intermission of one hour and a half: Provided, however, That if upon the stroke of seven o'clock in the evening on either of the two days designated by law for the revision of the list there still remain persons who have filed affidavits in accordance with the provisions of section four hundred and twenty-six and desire to be registered, but have not been so registered, the election inspectors shall make a list of those present at said hour within a radius of thirty meters from the polling place and shall hand each of them a consecutively numbered card, and upon presentation of said card, registration shall be permitted after seven o'clock in the evening, but not as regards persons arriving after said hour: Provided, further, That challenges questioning the right of a voter to vote made before the board of inspectors shall be heard and decided by said board within a period of not more than five days."

SEC. 10. Section four hundred and twenty-eight of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Three thousand and thirty, is hereby amended to read as follows :

"SEC. 428. Mode of registration—Contents of list.—The inspectors of each election precinct shall prepare at such meetings a list of the names and residences of the persons qualified to vote in such precinct at such election. Said list shall contain the names of all persons registered at the preceding general elections or special elections who have not died, removed to another municipality, incurred any of the disqualifications for being a voter, or ceased to have the qualification specified in subsection (b) of section four hundred and thirty-one, if registered thereunder, and those of persons whose application for registration filed with the municipal treasurer as provided in section four hundred and twenty-six has not been challenged or, if challenged, has been decided by the board in the sense that the applicant is qualified to be a voter. From this decision of the board, an appeal shall lie to the competent court. The said list, upon completion, shall be the revised list of voters of the precinct for said election. The list shall be arranged in columns. In the first column there shall be entered, at the time of the completion of the registry, a number, opposite the name of each person registered, beginning with one and continuing in consecutive order to the end of the list. In the second column shall be placed the surnames used generally by such persons in alphabetical order; in the third column the respective Christian names of such persons; in the fourth column the respective residences of such persons by street and number, or, if there be none, by a brief description of the locality thereof; in the fifth column the qualification or qualifications by virtue of which he has taken the elector's oath, and in the sixth column there shall be inserted, on the day of the election, the consecutive voting number given to each voter.

"At the first meeting, a space shall be left after each set of surnames beginning with the same letter sufficient for the addition thereto at subsequent meetings of surnames beginning "with the same letter. Before any such surnames are added at any such subsequent meeting there shall be written 'added at the second meeting.' "

SEC. 11. Section four hundred and twenty-nine of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Three thousand and thirty, is hereby amended to read as follows:

"SEC. 429. Registration in other municipality unlawful.— It shall be unlawful for a voter registered in one municipality to register in another without having previously applied for the cancellation of his former registration, for which purpose it shall be sufficient for him to file with the municipal treasurer of the municipality in which he is registered a sworn application in quadruplicate requesting the cancellation of his registration and stating the date on which he removed to his new residence and his correct and exact new address. Three copies of this application shall be disposed of by the municipal treasurer in the same manner as prescribed in section four hundred and twenty-six for the copies of the original affidavits of voters. The fourth copy, after certification by said municipal treasurer, shall be returned to the applicant.

"Any voter who, after having registered in a polling place for the general election of nineteen hundred and twenty-two, has registered in another polling place or places for any special election or elections held subsequently, shall be required to demand the cancellation of the number of registrations necessary to have him registered in no more than one polling place before the day designated by law for the revision of the list of voters."

SEC. 12. Section four hundred and thirty of Act Numbered Twenty-seven hundred and eleven is hereby amended to read as follows:

"SEC. 430. Who may be registered.—The names of all' persons who have complied with the requirements of sections four hundred and twenty-six, four hundred and twenty-seven, and four hundred and twenty-eight shall be placed upon the registration lists provided they have the qualifications prescribed for voters in section four hundred and thirty-one and none of the special disqualifications mentioned in section four hundred and thirty-two.

"A person not having, at the time of registration, the requisite qualification as to age or the period of his

residence in the municipality shall also be registered if it be shown that at the time of the ensuing election he will have such qualification."

SEC. 13. Section four hundred and thirty-two of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Three thousand and thirty, is hereby amended to read as follows:

"SEC. 432. Disqualifications.—The following persons shall be disqualified from voting:

(a) Any person who, since the thirteenth day of August, eighteen hundred and ninety-eight, has been sentenced, by final sentence, to suffer not less than eighteen months of imprisonment, such disability not having been removed by plenary pardon.

(b) Any person who has violated an oath of allegiance taken by him to the United States.

(c) Insane or feeble-minded persons.

(d) Deaf mutes who cannot read and write.

(e) Persons who, having registered as not incapacitated for registration, present themselves at the hour of voting as incapacitated, irrespective of whether such incapacity be real or feigned."

SEC. 14. Section four hundred and thirty-three of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Three thousand and thirty, is hereby amended to read as follows:

"SEC. 433. Certificate of inspectors—Disposition of lists.—At the close of each meeting for the registration of voters, the inspectors shall append to each of the lists a certificate signed by all of them stating that the list as it then appears is a true and correct list of the names and residence of the voters previously registered in the list of voters of said election precinct and of the new voters who are qualified at the forthcoming election.

"One copy of such list, so certified, shall be deposited in the office of the municipal secretary early on the Monday following each meeting, to be open to the inspection of the public until election day; another, also certified, shall, on the same day and at the same hour, be sent by the poll clerk to the office of the register of deeds; another copy, also certified, shall be sent by him to the Executive Bureau; and three copies, also certified, shall be retained by the inspectors, who shall permit their inspection by voters of the precinct on meeting days from eight o'clock in the morning to five o'clock in the afternoon."

SEC. 15. Section four hundred and thirty-seven of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Three thousand and thirty, is hereby amended to read as follows:

"SEC. 437. Application to strike names from list.—Any qualified elector in the precinct or candidate or representative of a candidate authorized in writing, may apply to the judge of first instance, the justice of the peace of the provincial capital or the circuit justice of the peace, for an order striking from the list the name or names of any person or persons claimed to be erroneously or wrongfully registered. In case application is made to the judge of first instance, such application shall be filed after the first day of registration and not later than twenty days before the Saturday next before the day of the election; but if application be made to the justice of the peace of the provincial capital or the circuit justice of the peace, said application shall be filed after the first day of registration and not later than thirty days before the Saturday next before the day of the election."

SEC. 16. Section four hundred and thirty-eight of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Three thousand and thirty, is hereby amended to read as follows:

"SEC. 438. Jurisdiction and competence in inclusion and exclusion of electors.—The judge of first instance and the justice of the peace of the capital shall have concurrent jurisdiction throughout the province, and the circuit justice of the peace in all municipalities of his circuit, over all matters concerning the inclusion in and exclusion from the registry list of electors; but the one to whom the application is first presented shall acquire

exclusive jurisdiction over the same: Provided, That from the decisions of the justice of the peace of the provincial capital and the circuit justice of the peace, an appeal shall lie to the judge of the Court of First Instance.

"The clerk of the Court of First Instance, the justice of the peace of the provincial capital, and the circuit justice of the peace shall, upon receiving the petition, note the date and hour of its filing upon the same, and the case shall be decided within ten days after such date.

"The circuit justice of the peace may hold sessions in any municipality of the circuit and the justice of the peace of the provincial capital in any municipality of the province, at which the challenge or application shall be heard, as they may see fit, and the actual traveling expenses and per diems of three pesos for each day shall be payable by the municipality to which the application belongs and to which they go."

SEC. 17. Section four hundred and forty of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Three thousand and thirty, is hereby amended to read as follows:

"SEC. 440. Revision of list of voters for special election.— Prior to a special election one meeting, and no more, shall be held for purposes of registration, which meeting shall take place twenty days before the day designated for the election. The register of voters for the last preceding general election—as supplemented at any previous registration for a special election that may have intervened—shall serve as the basis of the registration in question; and to such prior register shall be added the names of persons who, having applied for registration by means of the proper affidavit, prove to be entitled to vote at the ensuing special election. The register as thus completed shall be the official register for the special election, and the provisions of the second paragraph of the last preceding section shall be observed with regard to it."

SEC. 18. Section four hundred and forty-one of Act Numbered Twenty-seven hundred and eleven is hereby amended to read as follows:

"SEC. 441. Question as to right of voter to be registered.—At any special registration, and at any time thereafter prior to the impending election, the right of any voter to be registered or to have his name remain on the registration list may be drawn in question and determined in substantial conformity with the procedure prescribed in regard to such matter under the general registration; and such notice shall be given as may be practicable or as may be required in the discretion of the judge to whom application is made. In such case the board of inspectors shall comply with the order of the judge in regard to the adding or striking out of names, at any time before the election or on election day."

SEC. 19. Section four hundred and fifty-two of Act Numbered Twenty-seven hundred and eleven is hereby amended to read as follows:

"SEC. 452. Preparation of ballot by voter.—The voter on receiving his ballot shall forthwith retire alone to one of the empty polling booths and shall there prepare his ballot by writing in the proper space for each office the name of the person for whom he desires to vote. No voter shall be allowed to occupy a booth already occupied by another voter, or to occupy a booth more than eight minutes in case there are voters waiting to occupy booths, or to speak or converse with any one other than as herein provided while within the polling place. It shall be unlawful to erase any printing from the ballot or to add any distinguishing feature thereto, or to intentionally tear or deface the same, or to make any mark thereon other than the names of the candidates voted for. It shall likewise be unlawful to use carbon paper for making a copy of the ballot or make use of any other means of identifying the vote of the voter.

"Any ballot cast for a deceased or imaginary person or for a person for an office for which he is not a candidate, or when circumstances show the purpose of the voter to identify the ballot, shall likewise be unlawful, null and void."

SEC. 20. Section four hundred and fifty-six of Act Numbered Twenty-seven hundred and eleven is hereby amended to read as follows:

"SEC. 456. Challenge of person offering to vote.—Any qualified voter of the election precinct, if he believes that any person who is not registered is offering to vote: or that any person is offering to vote in the name of another, may challenge the vote of such person upon such ground, and the board shall thereupon take the oath of such person or otherwise satisfy itself whether or not the ground of challenge be true.

"For the purpose of receiving and counting the vote it shall be sufficient if the person so challenged shall prove that he is the identical person duly registered as by law provided, by means of a statement identifying him, subscribed and sworn to before the board by two known voters of the polling place. This sworn statement and the affidavit of the person challenged shall be attached to the minute- record made of the incident."

SEC. 21. Section four hundred and sixty-five of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Three thousand and thirty, is hereby amended to read as follows:

"SEC. 465. Inspectors' statement and certificate of result.—Within three hours after the completion of the count the inspectors shall make, complete, and sign a written statement thereof in quadruplicate, showing the date of the election, the name of the municipality, and the number of the precinct in which it was held, the whole number of ballot stubs received from the municipal treasurer, the whole number of ballots deposited in the ballot box, the whole number of votes adjudicated to each candidate for each office, the whole number of ballots rejected as marked, and the whole number objected to because marked but not rejected, the whole number of ballots objected to and rejected for other reasons, the whole number of ballots objected to for the same or different reasons, but accepted, the whole number of spoiled ballots, the whole number of ballots remaining on hand, and the whole number of ballots not used, writing out at length in words and not in figures, and at the end thereof a certificate signed by the inspectors to the effect that the statement is in all respects correct and any protest filed by the watchers. Every such statement shall be made upon a single sheet of paper, or if this cannot be done, each sheet thereof shall be signed on the margin by all the inspectors. Forthwith thereafter, but in any event within one hour after the proclamation, one copy thereof shall be filed with the municipal treasurer, one shall be forwarded in the manner provided in the next following section to the provincial treasurer, and one, also sealed, shall be forwarded to the Chief of the Executive Bureau. The fourth shall be placed by the board in the valid-ballot box upon sealing the same.

"Upon the completion of such count and of the statements of the result thereof, the chairman of the board of inspectors shall make public oral proclamation of the whole number of votes cast at such election at such polling place for all candidates, by name, for each office.

"After publication of the result and before retiring, it shall be the duty of the inspectors of the polling place to furnish a certificate of the number of votes cast for each candidate for Insular and provincial office and municipal president and vice-president to all and each of the watchers present at the polling place who may request the same. The statements and certificates of votes referred to in this section shall be delivered before, and not after, four o'clock in the afternoon of the day next following election."

SEC. 22. Section four hundred and sixty-seven of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Three thousand and thirty, is hereby amended to read as follows:

"SEC. 467. Boxes and contents.—The ballots, together with the packages herein-before referred to, and also the unused ballot, shall be put in the ballot box, which shall be securely locked and sealed and delivered to the municipal treasurer immediately after the count, for which purpose said officer shall keep his office open all night on the day of the election, if necessary, to take delivery of the objects referred to in this Act, and shall provide the necessary facilities therefor at the expense of the municipality. The spoiled ballots shall be returned to the spoiled-ballot box, if removed therefrom, and such box, similarly locked and sealed, shall be likewise delivered to the municipal treasurer. The sworn statements, applications for cancellation of registration, and

other papers and documents forwarded by the municipal treasurer to the board of inspectors, in accordance with the provisions of section four hundred and twenty-six, and also the three copies of the list of voters, the sworn statements and other papers relative to the registration, election and counting of votes, shall likewise be delivered to the municipal treasurer after the election.

"The municipal treasurer shall, on the day after election, notify the members of the boards who have failed to send the objects mentioned in this section to deliver the same immediately to him or to a delegate of said municipal treasurer previously designated by him."

SEC. 23. Section four hundred and seventy-five of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Three thousand and thirty, is hereby amended to read as follows:

"SEC. 475. Procedure when election results in tie.—In case the board of canvassers, or the Governor-General, as the case may be, decides that an election for senator or member of the House of Representatives results in a tie, they shall certify their decision, together with the statements and all papers upon which the same is based, to the Senate or House of Representatives, as the case may be, which body shall have jurisdiction of the matter thereafter; in case the board of canvassers shall decide that an election for provincial governor, member of the provincial board or councilor of the City of Manila results in a tie it shall similarly certify the matter to the Senate, which shall have jurisdiction to declare either of the tied candidates elected or to order a special election, as it may decide; but without prejudice in either case to the right of any candidate to contest the election as hereinafter provided."

SEC 24. Section four hundred and seventy-six of Act Numbered Twenty-seven hundred and eleven is hereby amended to read as follows:

"SEC. 476. Incompetency to act as member of board of canvassers.—Any member of the provincial board who is a candidate for elective office shall be incompetent to act as member of the board of canvassers, and in this case, the Chief of the Executive Bureau shall designate the provincial treasurer, provincial fiscal, clerk of the court of first instance, or district commander of the Constabulary to act in his stead."

SEC. 25. Section four hundred and seventy-nine of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Three thousand and thirty, is hereby amended to read as follows:

"SEC. 479. Contested election to office in general.—Contests in all elections for the determination of which provision has not been made otherwise shall be heard by the Court of First Instance having jurisdiction in the judicial district in which the election was held, upon motion by any registered candidate voted for at such election. The contests shall be filed with the court within two weeks after the proclamation.

"Such court shall have exclusive and final jurisdiction, except as hereinafter provided. Upon petition of an interested party, or of its own accord if the interests of justice require it, said court shall forthwith cause the registration lists, ballot boxes, ballots, and other documents used at such election to be brought before it and examined, and to appoint the necessary officers therefor and to fix their compensation, which shall not exceed five pesos per diem each and shall be payable in the first instance out of the provincial treasury.

"The court shall declare who has been elected or that no candidate has been legally elected, as the case may be, and the candidate who has been declared elected shall be entitled to assume office without any other canvass by the board of canvassers, as soon as the clerk of the court has notified the board of canvassers of the decision of the court and the person concerned has received a copy thereof, unless by virtue of the section next following an appeal shall lie and shall have been filed in accordance with the provisions of said section. The clerk of court shall immediately send certified copies of the decision to the board of canvassers and the candidates affected by the same."

SEC. 26. Section four hundred and eighty of Act Numbered Twenty-seven hundred and eleven is hereby amended

to read as follows:

"SEC. 480. Appeal to Supreme Court in contested election case.—An appeal may be taken to the Supreme Court, within ten days, from any final decision rendered by the Court of First Instance on contests of elections for provincial governors or members of the provincial board, for the review, amendment, repeal, or confirmation of such decision, and the procedure thereon shall be the same as in a criminal cause."

SEC. 27. Section four hundred and eighty-one of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Three thousand and thirty, is hereby amended to read as follows:

"SEC. 481. Mode of procedure in court cases.—Proceedings for the judicial contest of an election shall be upon ' written contest with summons, which shall be served as hereinafter prescribed: Provided, That if the contest refers to the office of councilor, it shall be sufficient to summon the candidates proclaimed elected by the municipal board of canvassers.

"In such proceedings the registration list as finally corrected by the board of inspectors shall be conclusive as to who was entitled to vote at such election.

"The aforesaid summons shall be served by delivery by the sheriff of a copy of the summons and the contest to each of the registered candidates voted for personally, or in case of their not being found, by leaving such copies at their usual place of residence, in the hands of some person resident therein and of sufficient discretion to receive the same; such notice shall be considered as having been served if the acknowledgment of the service made as herein-before prescribed shall appear on the back of the summons.

"Where the whereabouts of a candidate is unknown, for the reason that he is absent from the locality or conceals himself to avoid the service of summons, and the fact appears by affidavit to the satisfaction of the court, the latter shall make an order that the service be made by publication in some newspaper generally read in the locality, or in the absence thereof, by notices posted in several of the most conspicuous places of the locality, of an order which he shall make and which shall fix the date on which the person absent, concealed or of unknown whereabouts shall appear, which shall not be more than twenty days thereafter.

"The candidate whose election is contested and all other registered candidates voted for may reply thereto within fifteen days after the summons, or if they have appeared without being summoned, within fifteen days from the date of their appearance, but in all cases before the beginning of the hearing of the case in court. The reply shall verse only on the precinct or precincts covered by the allegations of the contest. If the candidate whose election is contested or any other registered candidate voted for desires to contest the votes obtained by the contestant in other precincts, they shall file a counter contest within the time limit designated in this paragraph and serve a copy thereof upon the contestant by registered mail or personal delivery, established by a receipt signed by the contestant or his duly authorized agent. The contestant shall reply to the counter contest within ten days after notification. If no reply is made to the contest or counter contest within the time limits designated therefor, a general denial shall be deemed to have been entered.

"The Court of First Instance and the Supreme Court shall hear election contests in preference to all other cases and shall try and decide them as soon as possible, whether it be a regular term of court or not.

"The clerk of the court in which any such contest is instituted shall give immediate notice of its institution and also of the determination thereof to the Chief of the Executive Bureau."

SEC. 28. Section four hundred and eighty-two of the same Act is hereby amended to read as follows:

"SEC. 482. Bond or cash deposit required of contestants.—Before the court shall entertain any such contest or counter contest or admit an appeal, the party filing the contest, counter contest or appeal shall give bond in an amount fixed by the court with two sureties satisfactory to it, conditioned that he will pay all expenses and costs incident to such motion or appeal, or shall deposit cash in court in lieu of such bond. If the party paying

such expenses and costs shall be successful they shall be taxed by the court and entered and be collectible as a judgment against the defeated party."

SEC. 29. Section twenty-six hundred and thirty-seven of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Three thousand and thirty, is hereby amended to read as follows:

"SEC. 2637. Fraud and omissions touching registration and other proceedings.—Any inspector or poll clerk who knowingly enters upon any registry or poll list or causes or allows to be entered thereon the name of any person as a voter in a district who is not a voter thereof or has not filed the required affidavit, or who includes as voter the name of a person who has requested that his name be stricken from the list or whose name has been ordered stricken from the list by the competent court, or who includes in the list the name of a deceased person or a person who has incurred any of the disqualifications for being a voter provided by law, and any inspector of election who refuses or willfully votes to refuse or willfully neglects to enter the name of any qualified applicant for registration upon the registry list, or who knowingly prevents or seeks to prevent the registration of any legally qualified voter, or who is guilty of any fraud or corrupt conduct in the duties of his office, shall be punished by imprisonment for not less than six months nor more than four years, and by a fine of not less than six hundred pesos nor more than four thousand pesos, and in all cases by deprivation of the right of suffrage and disqualification from public office for a period of not more than five years.

"Any election inspector who fails to publish the registry list or transmit the same to the proper authorities, or who refuses to give a certified copy of the statement and registry list and other certificates and proceedings of the election board within the term fixed in this law, or who fails to deliver the keys of the boxes to the municipal treasurer, as herein provided, or deprives the watchers or any voter of the right granted to them by the present law, and any officer of any category or private individual inducing or aiding the election inspectors to commit any of the aforesaid acts or committing the same himself, shall be punished by imprisonment for not less than three months nor more than two years, and by a fine of not less than three hundred pesos nor more than two thousand pesos, and in all cases by deprivation of the right of suffrage and disqualification from public office for a period of not more than four years."

SEC. 30. A new section, to be known as section twenty- six hundred and thirty-seven and a half, is hereby inserted between sections twenty-six hundred and thirty-seven and twenty-six hundred and thirty-eight of Act Numbered Twenty-seven hundred and eleven, to read as follows:

"SEC. 2637.1. Other punishable omissions.—Any municipal secretary who knowingly fails to forward to the municipal treasurer within the time limits fixed by law a list of the voters registered in the municipality who have died, or any clerk of a court of first instance who knowingly fails to send to the municipal treasurers the list of the males convicted by final sentence of a violation of the oath of allegiance to the United States and of those sentenced to eighteen months or more of imprisonment, and any municipal treasurer who, on the eve of the preparation of the list of voters, fails to deliver to the board of inspectors of each election precinct the copies of the list of voters of the last election, the affidavits for the registration of voters, the applications for the cancellation of registration or the list of the voters of said election precinct who have died, violated the oath of allegiance to the United States or been sentenced to eighteen or more months of imprisonment, or who knowingly fails to forward any of the affidavits or applications for cancellation or the name or names of any voter or voters who have died, violated the oath of allegiance to the United States or been sentenced to eighteen or more months of imprisonment, shall be punished by imprisonment for not less than two months nor more than one year or by a fine of not less than two hundred pesos nor more than one thousand pesos."

SEC. 31. Section twenty-six hundred and forty-seven of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Three thousand and thirty, is hereby amended to read as follows:

"SEC. 2647. Unlawful registration.—Any person who causes or attempts to cause his name to be registered, knowingly that he is not a qualified voter in the district in which he registers, or who attempts to register, and

any person who, having registered in any other polling place or places after the general election of nineteen hundred and twenty- two and before the general election of nineteen hundred and twenty-five, does not first request the necessary cancellation or cancellations as required by this law, and any person who falsely represents himself as some other person to any election officer or board of registry, or who willfully gives a false answer relative to any matter relating to the registration of a voter or to the right of any person to vote, or who willfully aids or abets any other person in doing any of the acts above mentioned, shall be punished by imprisonment for not less than one month nor more than two years, and by a fine of not less than one hundred pesos nor more than one thousand pesos, and in all cases by deprivation of the right of suffrage and disqualification from public office for a period of not more than four years."

SEC. 32. Section twenty-six hundred and fifty of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Three thousand and thirty, is hereby amended to read as follows:

"SEC. 2650. Secretion, taking or destruction of election supplies.—The following shall be punished by imprisonment for from one year to five years, a fine of from one thousand pesos to five thousand, or deprivation of the right of suffrage and disqualification from public office for a period of not more than five years:

"1. Any person who maliciously injures, destroys, takes, secrets or carries away any sheet, register, affidavit, application for cancellation of registration, list, statement, ballot, ballot box, key, material or document used officially in connection with the lists of voters or the elections or furnished for election purposes.

"2. Any public officer or employee who consents to, aids in, or allows the commission of any of the acts mentioned in the preceding paragraph."

SEC. 33. All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 34. This Act shall take effect on its approval.

Approved, December 6, 1924.

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