

AN ACT AMENDING ACT NUMBERED FIFTEEN HUNDRED EIGHTY-TWO, KNOWN AS "THE ELECTION LAW."

Act No. 1709, August 31, 1907

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By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. The second paragraph of section four of Act Numbered Fifteen hundred and eighty-two is hereby amended to read as follows:

"Whenever a vacancy shall occur in an elective municipal office the same shall be filled by appointment by the provincial board and the officer so appointed shall serve for the full unexpired term and until his successor has been elected and has qualified, unless such appointment shall be vacated or annulled by order of the Governor-General."

SEC. 2. The ninth paragraph of section seven of said Act Numbered Fifteen hundred and eighty-two, as substituted by section three of "Act Numbered Sixteen hundred and sixty-nine, is hereby amended to read as follow

"Capiz: First District — composed of the municipalities of Capiz, Dao, Dumarao, Uisan, Panay, Panitan, Pilar, Pontevedra, and sigma. Second District — Composed of the municipalities of Calibo, Dumalag, Jamindan, Libacao, Mambusao, New Washington, Sapián, and Tapas. Third District — Composed of the municipalities of Badajoz, Burunga, Cajidiocan, Ibajay, Looc, Malinao, Nabas, Odiongan, Romblon, San Fernando, and Taft."

SEC. 3. Section twelve of Act Numbered Fifteen hundred and eighty-two is hereby amended by adding, between the second and third paragraphs thereof, two new paragraphs to read as follows:

"No person shall be eligible to election as a delegate to the Philippine Assembly, provincial governor, or third member of a provincial board unless, not less than ten days before the day set for the election, he shall have filed with the proper provincial board a written certificate, over his signature, that he thereby announces, or permits to be announced, his candidacy for the position to be mentioned in said certificate. Said certificate shall contain a statement that the person offering his candidacy is a resident of the Assembly district or of the province, as the case may be, in which his candidacy is offered, that he is a duly qualified elector of said Assembly district or province, as the case may be, and that he is eligible to hold the candidate office for which he is a candidate: Provided, however, That in case of the death or disqualification of any candidate who has duly announced his candidacy, occurring within the ten days next preceding the day of election, as hereinbefore mentioned, it shall be lawful for any other duly qualified person to file, on or before noon, of the day set for the election, a certificate of his candidacy for the position for which the deceased or disqualified person was a candidate.

"Upon receipt of any certificate as to candidacy it shall be the duty of the provincial board to spread a copy of the same upon the minutes of the next succeeding meeting of said board, and to mail promptly a copy thereof to the Executive Secretary. The original of the certificate shall be filed with the official records of the province."

SEC. 4. The sixth paragraph of section seventeen of said Act Numbered Fifteen hundred and eighty-two is hereby

amended to read as follows:

"Any person who applies for registration, or who is registered, may, at any of the first four meetings of the board, be challenged by any inspector or any qualified elector of the precinct; the board shall thereupon examine him and take such other evidence as shall to it seem necessary with respect to his qualifications and disqualifications and shall at the conclusion of such examination order his name to be placed upon the list, or stricken therefrom, as the facts warrant. The board of inspectors shall have the same powers to subpoena witnesses and compel their attendance and testimony as are now possessed by justices of the peace under the Code of Civil Procedure, but the fees of such witnesses and for service of process shall be paid in advance by the party in whose behalf they are subpoenaed. All such questions shall be heard and decided without delay. On the determination of the question the board shall, if requested, issue to either party a brief certificate and statement of its action in the matter and of the evidence upon which such action is based. Either party thereto, or any person who has been refused registration, may thereupon apply to the provincial board of the province, or to the judge of the Court of First Instance of the judicial district, or to any judge assigned to duty therein, for an order directing said board of inspectors to take the action deemed proper, and said board or judge is hereby given jurisdiction in the premises. Such application shall be made by filing with said provincial board, or with said judge, as the case may be, a copy of the certificate and statement aforesaid, together with proof of service of a notice of such application upon a member of the board of inspectors, which notice shall state the time and place and tribunal to which such application will be made: Provided, however, That after the fourth day of registration and not later than ten days before the Saturday next before election any qualified elector in the precinct, upon giving the notice herein prescribed and upon serving copies thereof upon the persons affected, if they can be found, may apply to such judge or provincial board for an order striking from the list the names of any person or persons claimed to be erroneously or wrongfully registered. The decision of the judge, if any there be, shall be controlling in any such matter, notwithstanding any decision of the provincial board to the contrary. Such application may be accompanied by affidavits in support thereof; but copies of all such affidavits shall be served upon the board of inspectors or party in interest with the notice of application and may be rebutted by affidavits to be filed by the board of inspectors or the opposing party. Upon such applications the board of inspectors may be represented by the provincial fiscal, or it may delegate one of its members to appear upon the hearing, and in that case the necessary traveling expenses of such member, not to exceed the amount allowed the provincial officials in that province, shall be paid by the municipality. During the absence of such inspector the poll cleric shall sit with the board for the purpose of preparing the list of the absent inspector. At the meeting of the board on the Saturday preceding election it shall be the duty of each inspector to make in the registry list opposite the name of each person added to or stricken off the list a note of the date of the order and of the name of the tribunal which issued it. No name shall be added to or stricken from the list at the last meeting except in pursuance of such orders: Provided, That the order of the judge of First Instance taking jurisdiction of the matter shall be final and controlling."

SEC. 5. The third paragraph of section twenty-four of said Act Numbered Fifteen hundred and eighty-two is hereby amended by striking out the words "provincial board" and inserting in lieu thereof the words "provincial treasurer."

SEC. 6. The eighth paragraph of section twenty-nine of said Act Numbered Fifteen hundred and eighty-two is hereby amended to read as follows :

"No person holding any appointive or elective public office or Persons holding employment, within ninety days of any general election or within sixty days of any special election shall, except for reelection to the position which he may be holding, offer himself as a candidate for election, or be eligible to hold any elective public office or employment to be filled at such general or special election: Provided, That the foregoing provisions shall not apply to the general election to be in November, nineteen hundred and seven, for the purposes of which election no person who has held any appointive or elective public office or employment within thirty days prior thereto shall, except for reelection to the position which he may be holding, offer

himself as a candidate for election, or be eligible to hold any elective public office or employment to be filled at such general election. No judge of the Court of First Instance, justice of the peace, provincial fiscal, or officer or employee of the Bureau of Constabulary Prohibited or of the Bureau of Education shall aid any candidate or influence in any manner or take, any part in any municipal, provincial, or Assembly election. Any person violating the provisions of this section shall be deprived of his office or employment and shall be disqualified to hold any public office or employment whatever for a term of five years: Provided, however, That the foregoing provisions shall not be construed to deprive any person otherwise qualified of the right to vote at any election."

SEC. 7. Section thirty of said Act Numbered Fifteen hundred and eighty-two is hereby amended by adding, between the sixth and seventh paragraphs thereof, a new paragraph to read as follows:

"Any person who, being a candidate for election as Delegate to the Philippine Assembly, provincial governor, or third member a provincial, board, shall make the certificate as to candidacy prescribed in section twelve of this Act, as amended, and in said certificate shall declare himself to be a resident or a duly qualified elector of any Assembly district or of any province, as the case may be, when he is not a resident or duly qualified elector of such district or province, as the case may be, or any person who, in said certificate as to candidacy, shall declare himself to be eligible to hold the office for which he is a candidate when he is ineligible to hold the same, shall be punished by imprisonment for not less than three months nor more than three years, in the discretion of the court."

SEC. 8. The eleventh paragraph of section thirty of said Act Numbered Fifteen hundred and eighty-two is hereby amended to read as follows:

"Any person having custody of any official ballot or ballots who shall deliver any ballot to any other person not then and there duly authorized by law to receive it, or any person who prints or distributes, or causes to be printed or distributed, a ballot at an election, except as hereinbefore provided, shall be punished by imprisonment for not less than thirty days nor more than one year, or by a fine of not less than two hundred pesos nor more than five hundred pesos, or both, in the discretion of the court."

SEC. 9. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 10. This Act shall take effect on September fifteenth, nineteen hundred and seven.

Enacted, August 31, 1907.

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