

[Act No. 3030, March 09, 1922]

AN ACT TO AMEND CERTAIN SECTIONS AND PARTS OF SECTIONS OF CHAPTER EIGHTEEN, KNOWN AS THE ELECTION LAW, AND CHAPTER SIXTY-FIVE, ON PENALTIES FOR VIOLATIONS OF CERTAIN ADMINISTRATIVE LAWS, OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, ENTITLED "AN ACT AMENDING THE ADMINISTRATIVE CODE," TO MAKE MORE EFFECTIVE THE PROVISIONS AND PURPOSES OF SAID ELECTION LAW AND FOR OTHER PURPOSES.

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 three hundred and ninety-seven of Act Numbered Twenty-seven hundred and eleven is hereby amended to read as follows:

"SEC. 397. *Expenses of elections.*—The pay of election boards and the expense of stationery, ballots, and all other expenses of election shall be paid in full by the municipal treasurer concerned, and the cost thereof shall be prorated between the treasuries of the Insular and provincial governments and of municipal government of the municipality in which the election is held.

"The expenses incident to the holding of the first special election in a new municipality shall be advanced, so far as necessary for the proper conduct of the election, by the province, and such advances shall be afterwards collected from the municipality by the province."

SEC. 2. Section four hundred and three of Act Numbered Twenty-seven hundred and eleven is hereby amended to read as follows:

"SEC. 403. *Limitation upon reelection to same office.*—The incumbent of any elective office may become a candidate to succeed himself, but a third reelection to the office of provincial governor and municipal president is prohibited."

SEC. 3. Section four hundred and four of Act Numbered Twenty-seven hundred and eleven is hereby amended to read as follows:

"SEC. 404. *Certificate of candidacy.*—No person shall be eligible for the office of senator, representative, or for any elective provincial or municipal office unless, within the time fixed by law, he shall file a duly verified certificate of candidacy.

"Said certificate shall declare that the persons whose signature it bears announces, or permits to be announced, his candidacy for the position in question; that he is a resident of the electoral district or of the province or municipality, as the case may be, in which his candidacy is offered; that he is a duly qualified elector therein, and that he is eligible to the office. The certificate shall also state the name of the political party to which the candidate belongs, or that he belongs to none, if such be the case, and the post-office address of such candidate for all electoral

purposes. Each candidate for an Insular or provincial office or for municipal president shall sign a sworn statement in which he shall state that his expense budget for the electoral campaign will not exceed one-third of the salary attached to the office for the term of the same. This statement shall be filed together with the certificate of candidacy: *Provided*, That a group of not less than ten electors may likewise file the certificate of candidacy for any municipal office, of any person consenting to or permitting his candidacy to be announced: *Provided, further*, That in case there are two or more candidates for the same elective office who have the same name and surname, any one of them who has at any time been elected to any elective Insular, provincial or municipal office may continue using the name and surname set for in his previous certificate of candidacy, while the others shall be obliged to state in their certificates of candidacy, in addition to their name and surname, their second name or maternal family name; and in case these candidates present themselves for the first time for the same elective office, they shall all be obliged to state in the certificate of candidacy, in addition to their name and surname, the second name or maternal family name."

SEC. 4. Section four hundred and five of Act Numbered Twenty-seven hundred and eleven is hereby amended to read as follows:

"SEC. 405. *When and with whom certificate 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 clays before the day of the election with the recorder of the provincial board of the province concerned, who shall submit them immediately to the provincial board, and the latter shall forthwith order certified copies sent to all the polling places of the province.

"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 immediately report the same to the municipal council, and said council shall order certified copies thereof sent to the polling places of the municipality concerned.

"It shall be the duty of the Chief of the Executive Bureau, the recorder 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 recorder 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. 5. The last paragraph of section four hundred and eight of Act Numbered Twenty-seven hundred and eleven is hereby repealed.

SEC. 6. Section four hundred and ten of Act Numbered Twenty-seven hundred and eleven is hereby amended to read as follows:

"SEC. 410. *Arrangement of precinct.*—The precincts shall be so arranged that no precinct shall have more than three hundred voters, and each shall comprise, as far as practicable, contiguous and compact territory.

"When it appears from the results of any registration or election that a precinct contains more than three hundred voters, the municipal council shall, at least four months prior to the next election, make such adjustment or new division as may be necessary.

"When a municipality has been merged into another so as thereby to become a barrio, this barrio shall also constitute at least one voting precinct, if the distance between the remotest barrio of the merged municipality and the nearest polling place of the municipality to which it is annexed shall, by the shortest road, exceed five miles."

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

"SEC. 413. *First election in new municipality.*—For the first election in a new municipality the provincial board shall divide the new territory into election precincts and shall appoint the necessary inspectors of election and poll clerks and a suitable person to perform the duties of municipal secretary with respect to such election, all of whom shall act until their successors are chosen and qualified, and shall designate the necessary polling places and provide the supplies for such election, the expense of all of which shall be payable by the new municipality: *Provided, however,* That in case the municipal council is already acting at the time when a general election is held, all the powers vested by this section in the provincial board shall pass to the municipal council, and the appointment of the inspectors and poll clerk shall be made in accordance with the provisions of section four hundred and seventeen, on the basis of the preceding election of the governing or original municipality."

SEC. 8. Section four hundred and fourteen of Act Numbered Twenty-seven hundred and eleven is hereby amended to read as follows:

"SEC. 414. *Designation and arrangement of polling places.*—At least eighty days before each general election the municipal council in each municipality in which such elections 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 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 reelection 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.

"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 can not be opened except by means of three different keys, and that the lock registers each time they are opened, 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 spoilt ballots, which shall be much smaller than the other, shall be red and shall bear the following inscription in large, legible letters: *Box for spoilt 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 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. 9. Section four hundred and fifteen of Act Numbered Twenty-seven hundred and eleven is hereby amended by adding at the end of said section, the following:

"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 eighty 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.

"The Chief of the Executive Bureau shall either personally or through some other Insular or provincial officer see that the polling places are located, constructed, and arranged in accordance with this and the last preceding section, and all orders given in this respect by him or his agents shall be strictly carried out.

"Opposite from where the watchers are located, blackboards shall be placed on which the names of all candidates with registered certificate shall be written, and the clerk shall tally the votes as the ballots are being read by the chairman.

"The division of the polling place and the location of the voting booths, guard rails, blackboards, and inspectors table and chairs, shall as nearly as possible conform to the following sketch:

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SEC. 10. Section four hundred and sixteen of Act Numbered Twenty-seven hundred and eleven is hereby amended to read as follows:

"SEC. 416. *Liquors, cockfighting, arms, etc.*—The sale, dispensing or offering of intoxicating liquors shall be absolutely prohibited on the days of the registration of electors, on the eve of 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.

"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. 11. Section four hundred and seventeen of Act Numbered Twenty-seven hundred and eleven is hereby amended to read as follows: