

ELECTORAL CODE 2009



I. GENERAL PROVISIONS

Section 1. Title

This document shall be known officially as the Sanggunian ng mga Mag-aaral ng mga Paaralang Loyola ng Ateneo de Manila Electoral Code. For the sake of brevity, this shall be known as the Electoral Code.

Section 2. Interpretation and Execution of the Electoral Code

The Ateneo Commission on Elections, otherwise known as the COMELEC, shall act as the official interpreter and executor of all the provisions of this Electoral Code. This is in consonance with the 2005 Sanggunian Constitution and its most recent amendments, which charges the COMELEC with the administration and facilitation of Sanggunian elections, plebiscites and referenda.

Section 3. Applicability of the Electoral Code

This Electoral Code shall apply to all elections pertaining to the major positions of the Sanggunian Central Board and School Boards, in consonance with the 2005 Sanggunian Constitution and its most recent amendments.

II. STUDENT POLITICAL PARTIES

The COMELEC shall not recognize the formation of student political parties due to the ongoing reform of the current student political party system.

III. COALITIONS

Section 1. Formation of Coalitions

The COMELEC shall allow candidates to run in coalitions. Coalitions are temporary alliances for campaign purposes among candidates.

Section 2. Number of Coalitions and Coalition Members

An unlimited number of coalitions shall be allowed. An unlimited number of coalition members shall be allowed.

Section 3. Internal Organization of Coalitions

The internal organization of coalitions shall be left to the discretion of the coalition members.

Section 4. Requirements for the Formation of Coalitions

Candidates forming a coalition must inform the COMELEC of their intention to do so by the day after the release of the official list of candidates. To do this, a letter expressing their intention and containing their signatures must be submitted. Candidates for the positions of President, Vice-President, Secretary-General and Finance Officer of the Central Board are prohibited from joining coalitions. A proposal for a coalition once it is submitted is final and may not be withdrawn. Signatories to it who have not yet met all the requirements for candidacy at the time of its submission are prohibited from joining it.

Section 5. Coalition Campaigning

- a. Members of the same coalition can share campaign materials and their corresponding cost.
- b. Coalitions can call for mass actions. These mass actions shall be subject to the same regulations as those of individual candidates, as defined by this Electoral Code.
- c. Coalitions are prohibited from referring to themselves by a slogan, logo or mascot. Coalitions who wish to name themselves can only do so by adopting a color. Coalitions can then refer to themselves by the name of the color they adopt.
- d. Coalition members are prohibited from wearing coalition paraphernalia. Coalition paraphernalia is hereby defined as any material promoting a coalition that is not specified in the General Campaign Guidelines.

Section 6. Sanctioning Coalitions

The failure to meet the requirements for candidacy of one or more signatories to a coalition proposal does not prevent the establishment of the coalition it proposes and the participation of the other signatories in the said coalition. Sanctions on a coalition member for other violations of the Electoral Code may or may not be meted out to the other members of his / her coalition, however. The COMELEC Commissioners shall review these violations on a case to case basis. Corresponding sanctions would be given by the COMELEC Commissioners.

IV. ELECTION PERIOD

The election period shall start thirty (30) days before the elections and end fifteen (15) days after the elections.

V. CANDIDACY

Section 1. Eligibility for Candidacy

All candidates must be members of the Ateneo student body as defined by the 2005 Sanggunian Constitution. They must meet the requirements set by the 2005 Sanggunian Constitution and its most recent amendments. In addition, they must meet any additional requirements to be set by the Ateneo Commission on Elections in a resolution.

A candidate must be free of academic probation or must not be serving a disciplinary sanction at the time of his / her filing of candidacy. A candidate charged of disciplinary misconduct shall be allowed to run for office. However, in the case of winning in the election, he / she would not be allowed to take his / her oath of office until such time as the case is resolved in his / her favor.

For the duration of the campaign period, a candidate should not hold any major position in any of the officially recognized extracurricular organizations of the Loyola Schools (including, but not limited to COA and COA-accredited organizations, ARSA, Athletics Council, and DSWS). If such is the case, he / she must take a leave of absence.

Section 2. Positions for Candidacy during General Elections

- a. The positions of President, Vice President, Secretary-General, and Finance Officer of the Central Board shall be open to all qualified students.
- b. The positions of Chairperson and Secretary-Treasurer of the School Boards shall be open to all qualified students belonging to their respective schools.
- c. The positions of executive officers and Central Board representatives shall be open to all qualified students in their respective schools and year levels.
- d. Block representative positions shall be open to all qualified incoming sophomores in their respective blocks. Course representative positions shall be open to all qualified incoming juniors and seniors for their respective years and courses.
- e. In case of candidates for the positions mentioned above other than the positions of President, Vice President, Secretary-General, and Finance Officer of the Central Board who are shiftees, approval of candidacy shall be granted upon presentation to the COMELEC of a letter from the dean of the school or chairperson of the department that the candidate is shifting to, stating that he / she would be shifting into that school at the start of the semester following the General Elections.

Section 3. Positions for Candidacy during Freshmen Elections

- a. The positions of executive officers and Central Board representatives shall be open to all qualified freshmen in their respective schools.
- b. Block representative positions shall be open to all qualified freshmen in their respective blocks.

Section 4. Filing for Candidacy

- a. A period of at three (3) school days for filing of candidacy shall be provided. The COMELEC can call for an extension if it deems it necessary.
- b. The COMELEC shall release the official list of candidates on the start of the campaign period.

Section 5. Requirements for Candidacy

- a. A Certificate of Candidacy.
- b. A signed pledge to the student body in general, signifying the intention to uphold the rules of this Electoral Code. Any violation of this pledge would be regarded as an act running against the interest of the Ateneo student body and of free, honest and orderly elections and shall be sanctioned as such.
- c. A platform and a resume, the formats of which shall be issued by the COMELEC a week before the deadline for meeting all the requirements for candidacy except attendance at the General Assembly for candidates.
- d. A letter of resignation or leave of absence from any major position in any of the officially recognized extracurricular organizations of the Loyola Schools.

- e. Attendance at the General Assembly for candidates at a date to be set by the COMELEC. If the candidate is unable to attend on the date specified, he / she must send a proxy bearing a letter of authorization from the candidate. The candidate shall be held liable for any information he / she would not receive from his / her proxy concerning the elections.

VI. CAMPAIGN REGULATIONS

Section 1. Campaign Period

- a. The Campaign Period shall start on a date to be set by the COMELEC Commissioners, and end on the day before the first Election Day.
- b. The candidates shall be held responsible for removing all their campaign materials in the campus by 12 noon of the day after the last Election Day.
- c. Representatives of the Student Judicial Court shall guard over the election season.

Section 2. Regulations on Campaigning and Campaign Materials

Regulations concerning the allowed type and number of materials as well as any additional regulations concerning campaigning shall be issued by the COMELEC Commissioners through a resolution at least three (3) school days before the start of the campaign period. In the event that the COMELEC does not issue a resolution, the previous resolution shall take effect. Any violation of these regulations shall be considered a violation of the Electoral Code.

Section 3. Candidates' Responsibility towards their Supporters

Candidates shall be fully responsible for the actions of their supporters. The candidate must attempt to control them and ensure that these supporters are aware of the campaign rules. Any violation with regards to the Electoral Code showing the direct involvement of a candidate may lead to a COMELEC investigation and a possible sanctioning of the candidate or coalition.

Section 4. Sanctions

- a. The COMELEC shall produce the official list of applicants for candidacy who did not meet all the requirements by the day of the General Assembly for candidates together with the official list of candidates. If those applicants meet all the requirements by the second weekday after the release of these lists, they would be considered candidates and be allowed to campaign by the third weekday after the release of those lists. Otherwise, their applications for candidacy would be considered withdrawn.
- b. Any violation of the Electoral Code committed from the start of the campaign period until forty-eight (48) hours before the first Election Day would be considered a minor offense. Any violation of the Electoral Code committed during the forty-eight (48) hour period before the first Election Day would be considered a major offense.
- c. The sanction for the first minor offense would be a 25% decrease in the cost ceiling.

- d. The sanction for the second minor offense would be another 25% decrease in the original cost ceiling.
- e. The third minor offense would be considered a major offense, but the sanctions for the first major offense would not apply to it. The sanctions for the third minor offense would be a prohibition of further distribution of all campaign materials, removal of all campaign materials already distributed, a public announcement of the violation and a written public apology.
- f. The sanctions for the first major offense would be a 50% decrease in the cost ceiling, a public announcement of the violation and a written public apology.
- g. The sanction for the second major offense for individual candidates would be their disqualification. The sanction for the second major offense for coalitions would be the cancellation of their accreditation.
- h. Any violation of the Electoral Code committed from the first Election Day to the end of the election period would be under the jurisdiction of the Student Judicial Court. The responsibility for investigating such violations would belong to the COMELEC, however.

Section 5. Complaints, Inquiries, Appeals, Protests

- a. All complaints, inquiries, appeals or protests must be directed to the COMELEC in an official letter submitted in triplicate form. All unwritten complaints, inquiries, appeals, or protests shall not be taken into consideration.
- b. All necessary evidence for complaints shall be provided by the party forwarding the complaint, inquiry, appeal or protest.
- c. Immediate decision and action shall be taken by the COMELEC only with the properly filed complaints, inquiries, appeals or protests within seventy-two (72) hours.

Section 6. Appeals to the Student Judicial Court

- a. The Student Judicial Court holds appellate jurisdiction over matters involving constitutionality, legality or jurisdiction of acts, policies, resolutions and decisions of the COMELEC.
- b. The Student Judicial Court holds original jurisdiction over cases filed against COMELEC Commissioners.
- c. All protests filed after the release of unofficial results shall be directed to the Student Judicial Court.

VII. QUALIFICATION OF VOTERS

All voters must be members of the Ateneo student body as defined by the 2005 Sanggunian Constitution.

VIII. CASTING OF VOTES

Section 1. Time

- a. The casting of votes shall begin and end at a time determined by the COMELEC through a resolution passed three (3) days before the start of the elections. Voters can vote only during this period. The COMELEC Commissioners have the option to extend the period for voting if the need arises, however.
- b. The COMELEC Commissioners can only extend voting hours for a maximum of four (4) hours past the time stated in the resolution.

Section 2. Preliminaries to Voting

- a. The COMELEC shall assemble at least fifteen minutes prior to the appointed time of vote casting at the location of the ballot boxes.
- b. The COMELEC Commissioners shall present the election materials to those present to ensure the sanctity of the ballots.
- c. After being exposed to the scrutiny of the public, the empty ballot boxes must be locked. These may not be opened during the casting of votes at any time.

Section 3. Voting Centers

The COMELEC Commissioners shall designate the location of voting centers as they deem fit. Eligible voters may cast his / her vote at any voting center provided that he / she votes just once.

Section 4. Persons Allowed to Stay at the Voting Centers

- a. A maximum of one (1) representative per candidate will be allowed in each voting center restricted to the vicinity of the ballot boxes as a watcher. The representative must wear a COMELEC-approved ID at all times during the elections.
- b. Candidates are prohibited from becoming his / her own watcher.
- c. Candidates must not stay within the immediate vicinity of the voting center except when casting his / her vote. This will be enforced by the assigned COMELEC representative assigned at that particular voting center.
- d. Only persons wearing authorized identification tags of the COMELEC may stay at the voting areas. Authorized persons include the COMELEC Core, poll officers and authorized candidate watchers.

Section 5. Voting Procedures

- a. Voters shall present their student ID to the poll officer for identification. Students without a validated school ID shall not be allowed to vote if they do not have a temporary school ID from the Office of the Associate Dean for Student Affairs.
- b. The poll officer shall present the student with an official COMELEC ballot after recording the day, time and location of the voting center on its back.

- c. The voter shall fill up the ballot and then place it in the ballot box. He / she shall not show the ballot to any other person for any reason whatsoever.
- d. The voter should countersign any mistakes or erasures.
- e. The COMELEC Commissioners shall craft additional procedures as deemed fit.

Section 6. Block Voting

Block voting, which is hereby defined as voting for all the members of a particular coalition by writing only that coalition's name is prohibited. Voters must check the names of all the candidates that they are voting for.

Section 7. Stopping Elections, Plebiscites and / or Referenda

The COMELEC Commissioners can stop, call off or postpone elections, special elections, plebiscites, and / or referenda in a voting center and call a new one in the event that the sanctity of the ballot has been threatened or violated.

Section 8. Supervision and Control during the Casting of Votes

The COMELEC Core and poll officers have the power to supervise and control elections in the polling place in which they are assigned.

Section 9. Cheating and Dishonesty at the Polls

Cheating or dishonesty at the polls would be reported to the Office of the Associate Dean for Student Affairs of the Loyola Schools.

IX. COUNTING OF VOTES

Section 1. Sealing of the Ballot Boxes

As soon as the voting period ends and before the ballot boxes are moved, the openings of the ballot boxes must be sealed. The COMELEC Commissioners present shall affix their signatures on the seal of the said ballot boxes.

Section 2. Absence of Candidates and / or Authorized Representatives

The ballot boxes shall be sealed even in the absence of any candidate and / or authorized representative.

Section 3. Pre-Count Vigil

Counting will begin at least one hour after the sealing of the ballot boxes. Prior to this, the ballot boxes will be brought to the COMELEC headquarters.

Section 4. Opening of Ballot Boxes for Counting

The ballot boxes may only be opened by the COMELEC Commissioners. Candidates and / or their representatives may be present outside the room to witness the said event.

Section 5. Sanctity of the Ballot

The ballots may only be held by the COMELEC. Violation of this provision will render the said ballot invalid.

Section 6. Persons Present during Counting of Votes

During the counting of votes, the only persons allowed in the immediate vicinity where the votes are counted are the Staff and COMELEC members.

Section 7. Supervision and Control during Counting of Votes

The COMELEC Commissioners shall have the power to supervise and control the counting of votes to ensure the holding of free, honest and orderly elections.

Section 8. Definition of Stray Votes and Void, Spoiled, or Incomplete Ballots

- a. Stray votes are hereby defined as votes for candidates or positions that the voter is ineligible to vote for. This shall not invalidate the entire ballot and shall not add to the quota for the stray position.
- b. Ballots are considered void when evidence exists that two or more ballots originated from a single voter / flying voter. This automatically invalidates all ballots in question and shall add to the quota.
- c. Ballots and / or portion(s) of the ballot are considered spoiled if there are uncountersigned erasures and / or unnecessary marks on the ballot / portion(s) of the ballot such that the COMELEC Commissioners decide to invalidate the entire ballot / portion(s) of the ballot. Invalidated ballots / portions of the ballot otherwise declare as "spoiled" shall not add to the quota.
- d. The validity of incomplete ballots shall be subject to the discretion of the quorum of the COMELEC Commissioners.
- e. For cases that were not described above, or wherein the clauses are not sufficient, this code provides full jurisdiction to the COMELEC Commissioners with regards to invalidating questionable ballots and / or including them towards the number of votes required to reach quota.

Section 9. Date of Release of Results

The date of release of the unofficial results will not exceed two days after the last day of the elections.

Section 10. Protests

After the release of the unofficial results, one school day, excluding Saturday, shall be allotted for the filing of any formal protests regarding the results. In the event that no complaints are made, the results shall be declared official by the COMELEC.

Section 11. Recount

- a. It is the COMELEC Commissioners' prerogative to justifiably call for a recount when deemed necessary.

- b. Any member of the Ateneo student body with due cause, may appeal to the COMELEC to grant a recount.

X. RUN-OFF AND SPECIAL ELECTIONS

Section 1. Run-Off Elections

- a. In cases wherein candidates for the same position garner the same highest number of votes, an automatic recount shall be called. If there is no change in the results, a run-off election between these candidates will be called.
- b. In cases of run-off elections, the candidates involved shall undergo a re-election process.
- c. In case the re-election results in another tie, the COMELEC may take one or more of the following actions:
 - i. Make the requirements of the candidates available for re-evaluation.
 - ii. Organize another Miting de Avance for the said candidates.
 - iii. Other actions deemed necessary by the COMELEC.

Section 2. Special Elections

- a. Vacancies that occur in the Central Board and School Boards before the election of freshman officers, with the exception of the positions of Sanggunian President and School Board Chairpersons, shall be filled via a special election to be held simultaneously with the Freshman Year Officers Election.
- b. If the vacancy occurs before the induction of the new Sanggunian, the position shall remain vacant until the special elections.
- c. In case a special election has been conducted and a position remains vacant, it shall be left vacant and may not be re-opened for special elections again until the next regular elections.

XI. VALIDITY OF ELECTION

Section 1. Validity

The elections for each category shall be declared valid only at least 50% + 1 (rounded down to the nearest whole number) of the constituency has cast their votes.

Section 2. Votes of Seniors and Super-seniors

- a. In validating general elections, the constituency refers to the incoming sophomores, juniors, seniors and super-seniors (for courses officially with 5th year) only. The votes of the graduating seniors, while not included in the computation of the quota shall be included in the tallying of votes.
- b. In validating special elections, plebiscites and / or referenda, the constituency refers to the incoming sophomores, juniors, seniors and super-seniors only. The votes of the outgoing seniors and super-seniors, while not included in the computation of the quota, shall be included in the tallying of votes.

XII. FAILURE OF ELECTION AND VACANCY

Section 1. Failure of Elections

The following instances may result in the failure of elections to be declared by the COMELEC:

- a. Failure to reach quota
- b. Fraudulent eligibility
- c. Declaration made by the Student Judicial Court
- d. Other situations which the COMELEC deems fit

Section 2. Vacancies

The following instances may result to vacancies of positions:

- a. Declaration of failure of elections
- b. No applicants for the position
- c. Impeachment
- d. Resignation

XIII. PROCLAMATION OF NEWLY ELECTED OFFICERS

Section 1. Requirements for Winning

- a. To win a position, the total number of non-abstention votes must be more than the number of abstentions, and a candidate must garner more votes than his / her opponents.
- b. If a candidate has no opponent, he / she must get a simple majority of the votes cast, such that his / her votes must be greater than the number of abstentions.
- c. In cases wherein candidates for the same position get the same highest number of votes, an automatic recount shall be called, and if there is no change in the results, a run-off election between these candidates will be called at the soonest possible time.

XIV. AMENDMENTS

Section 1. Review of Electoral Code

A review of this Code shall be conducted by the COMELEC Commissioners prior to the next elections, for possible clarifications and / or amendments appropriate for the next elections.

Section 2. Amendment Restriction

No other amendments to this Code shall be made after the approval of the Student Judicial Court until the next review of this Code prior to the next election.

Section 3. Electronic Voting

- a. In the event that the COMELEC shifts into a computerized or electronic voting system, articles 8 and 9 shall not apply.
- b. The COMELEC shall issue the appropriate resolution in such case.

Section 4. Students' Initiative

- a. In the event of a students' initiative movement requiring a referendum, the COMELEC shall consult with the Student Judicial Court on the specific guidelines depending on the circumstances.
- b. The COMELEC shall issue the appropriate resolution to guide a referendum.

XV. EFFECTIVITY OF THE CODE

Section 1. Effectivity of the Code

The Code shall take effect upon the approval of the COMELEC Board of Commissioners and concurrence of the Student Judicial Court.

Section 2. Expiration

This Code shall expire once a new electoral code has been passed by the COMELEC Board of Commissioners and the Student Judicial Court.

The foregoing proposed Electoral Code of the Ateneo Commission on Elections was approved on the twenty-sixth day of January, Twenty hundred and nine, and accordingly signed by the Commissioners of the Ateneo Commission on Elections, whose signatures are hereunder affixed.

Adopted,

Estelle Marielle F. Delfin
Commissioner

Luis Kristofer A. Faller
Commissioner

Katrinna Andrae M. Tan
Commissioner

Jomar O. Reyes
Commissioner

Patricia Faye G. Malabanan
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