



NATIONAL CITIZENS' MOVEMENT FOR FREE ELECTIONS (NAMFREL)

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PRESS RELEASE

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NAMFREL submits position paper with comments on the Bangsamoro Electoral Code

The National Citizens' Movement for Free Elections (NAMFREL) has submitted to the Bangsamoro Transition Authority (BTA) Parliament its position paper on BTA Bill No. 29 or “An Act Providing for the Bangsamoro Electoral Code of the Bangsamoro Autonomous Region in Muslim Mindanao” or the Bangsamoro Electoral Code (BEC).

The Code is intended to govern elections for the Parliament of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), which under Republic Act No. 11593 is scheduled to be held with the 2025 national elections.

Under Article VII of Republic Act No. 11054 or the Bangsamoro Organic Law, the Parliament will be composed of 80 seats. One-half of the members would be representatives of political parties elected through the proportional representation system in the BARMM. Not more than 40% of Parliament would be elected from single member parliament districts. And at least 10% are for reserved seats and sectoral representatives. Non-Moro indigenous peoples and settler communities would have two reserve seats each, while women, youth, traditional leaders, and the Ulama would have one sectoral seat each.

NAMFREL proposed that the source and intent of each provision be indicated in the BEC, so that stakeholders would know why some guidelines would be adopted, while some would not be. In particular, NAMFREL sought clarity on the choice of four percent as the minimum percentage of votes a party must obtain to enter Parliament. NAMFREL illustrated how the provisions of the draft BEC may not lead to proportional representation, with a party gaining more seats or less seats compared to the party's share in the total number of votes. NAMFREL proposed revisions to ensure that proportional representation prevail over non-party blocs of independent candidates, and to ensure that party seats are proportionally distributed.

NAMFREL urged the BTA Parliament to include in the BEC a provision requiring parties to submit a zipper list of women and non-women nominees for its top ten seats. A zipper list means that a list beginning with a woman nominee would be followed by a non-woman nominee, and so on. Alternatively, a zipper list could start with a non-woman nominee, followed by a woman nominee, and so on.

NAMFREL also proposed a mechanism for election by the sectors mentioned above of their representatives in Parliament, and for increasing the number of reserved seats in Parliament for non-Moro indigenous groups.

Consistent with the trend started by the Sangguniang Kabataan Reform Law, NAMFREL recommended the adoption of the anti-political dynasty provision in said law to the BEC. Candidates must not be related within the second civil degree of consanguinity or affinity to any

incumbent elected national official or to any incumbent elected regional, provincial, city, municipal, or barangay official.

Based on its decades-long experience as an election monitoring organization and COMELEC citizen's arm, and in accordance with international election standards, NAMFREL recommended that the BEC expressly state the electoral processes that citizen's arms can observe, and the duties that they may conduct. To ensure transparency of the vote count, NAMFREL proposed that copies of the election returns containing the results be distributed to citizen's arms and media. Recognizing that the number of volunteers of citizen's arms based in a specific municipality or city may be limited, NAMFREL urged allowing volunteers in neighboring areas to serve as poll watchers of citizen's arms.

To be consistent with national laws on elections, NAMFREL recommended the adoption of guidelines on campaign finance, election materials and propaganda, as well as voting and counting.

NAMFREL reserved the right to submit additional position papers on the BEC, and will participate on the public hearing scheduled on 21 October 2022.

NAMFREL is the first citizens-led, national election monitoring organization in the world. Since 1983, it has been accredited by the COMELEC as its citizens' arm. The present accreditation covers all electoral exercises (but not including regular elections) until May 2025. NAMFREL observed the recently-concluded Maguindanao Plebiscite and Ormoc Plebiscite pursuant to its accreditation. NAMFREL currently observes election procurement process and provides information through its social media channels and open data platform, Vote For Us, at <https://voteforum.org.ph> ###