

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 5120

Introduced by **Representative Emmeline Y. Aglipay**

EXPLANATORY NOTE

The right of suffrage is the right upon which the efficacy of every other right in our Constitution ultimately rests, for it is the mandate of the people which grants a democratic government its legitimate authority, and holds the government accountable for its exercise of the same. This is the reason why no substantive requirement may be imposed by law on the exercise of suffrage.

However, obstacles to the exercise of the right to vote may come in forms other than legal impediments. One of the most common hurdles that the ordinary Filipino citizen faces is the need to make a living--while election day is a holiday, many businesses continue to operate on that day, and few employees are in the position to turn down shifts on election day, particularly for those whose work involves a degree of public interest, such as those in the security industry. As a result, many of these employees are unable to vote on election day, through no fault of their own.

The policy of the State is not only to refrain from passing laws which would impair the exercise of the right of suffrage, but concomitantly, to pass legislation which will facilitate its exercise by citizens willing and able to do so. This bill seeks to provide a system of qualified early voting which, while maintaining the primacy of the election day for ease of administration and planning, grants employees more flexibility in balancing their economic and civil duties.



EMMELINE Y. AGLIPAY
Representative, DIWA Party-list

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AN ACT
PROVIDING FOR QUALIFIED EARLY VOTING FOR NATIONAL AND LOCAL
ELECTIONS

Be it enacted by the Senate and House of Representatives of the Republic of the Philippines in Congress assembled:

SECTION 1. SHORT TITLE. - This Act shall be known and cited as the "Qualified Early Voting Act."

SECTION 2. DECLARATION OF POLICIES. - It is hereby declared the policy of the State that the right of suffrage, as embodied in our Constitution, should be enjoyed to the fullest extent by all qualified Filipino citizens. It is likewise the policy of the State to facilitate the exercise of this right by citizens who are, with just cause, unable to cast their votes on Election Day.

SECTION 3. DEFINITIONS. - For purposes of this Act, the following terms shall possess these definitions:

- (a) Early Voting Day - The date, as set by the COMELEC, when Qualified Early Voters may exercise their right of suffrage.
- (b) Election Day - The day set by the Constitution or the applicable law that serves as the scheduled date for the casting of ballots in national and/or local elections, whether regular or special.
- (c) List of Potential Employee Early Voters - A list of employees that an employer will require to work on Election Day.
- (d) Proof of Registration - Documentation that, according to the law and COMELEC Rules and Regulations, proves that an individual is a registered voter, such as the identification card issued to a voter under the Omnibus Election Code.
- (e) Qualified Early Voter - Any registered voter who: (a) is required by his employer to work on Election Day, and by reason thereof cannot cast his/her vote on Election Day; (b) whose name is included in the Qualified List of Potential Employee Early Voters; and (c) is not otherwise disqualified from exercising their right to vote.

SECTION 4. OBLIGATIONS OF AN EMPLOYER. - (a) Any employer that intends to require any of its employees to report to work on Election Day shall, sixty (60) days before Election Day, submit to the Commission on Elections (COMELEC) a List of Potential Employee Early Voters;

provided, that a List of Potential Employee Early Voters shall only be valid for a single Election Day. Employees shall be duly notified of the submission and contents of the List of Potential Employee Early Voters.

(b) An employee whose name is not included in the aforementioned list may not be required by the employer to work on Election Day, except in the case of Emergency Overtime Work, as embodied in the Labor Code.

(c) Should a Qualified Early Voter desire to cast his or her ballot on Early Voting Day, employers shall, upon presentation by the Qualified Early Voter of his or her Proof of Registration, grant any Qualified Early Voters a leave of at least one (1) day with pay on Early Voting Day, in order for the Qualified Early Voters to cast their ballots; provided, that a Qualified Early Voter must notify his or her employer at least one (1) week before Early Voting Day of his or her intent to vote.

SECTION 5. OBLIGATIONS OF THE COMELEC. - (a) The COMELEC shall verify that the employees on the List of Potential Employee Early Voters are, in fact, registered, living, voters, and not disqualified from exercising their right of suffrage.

(b) Forty-five (45) days before Election Day, the COMELEC shall determine and publicize the date of the Early Voting Day, and the polling locations where Qualified Early Voters may cast their ballots.

(c) The COMELEC shall ensure that COMELEC representatives shall have an accurate list of the Qualified Early Voters within the jurisdiction of their respective polling locations.

SECTION 6. RIGHT TO EARLY VOTING. - Qualified Early Voters may cast their ballots at the designated polling locations during Early Voting Day, in a manner that is, as far as practicable, identical to the manner by which he or she would have voted on Election Day.

SECTION 7. IMPLEMENTING RULES AND REGULATIONS. - Within ninety (90) days from the approval of this Act, the COMELEC shall, in consultation with any other relevant government and non-government agencies, draft and adopt the rules and regulations necessary to implement this Act; provided, that the COMELEC may authorize the submission of the List of Potential Employee Early Voters through electronic mail, subject to the creation of a means for verification of the authenticity of the same.

SECTION 8. APPROPRIATIONS - The amounts necessary to implement the provisions of this act shall be included in the annual General Appropriations Act.

SECTION 9. REPEALING CLAUSE. - All laws, decrees, rules and regulations or parts thereof, which are contrary to or inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 10. SEPARABILITY CLAUSE. - If any part or provision of this Act is declared unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SECTION 11. EFFECTIVITY CLAUSE. - This Act shall take effect fifteen days from its publication in two national newspapers of general circulation after its approval by the President.

Approved.