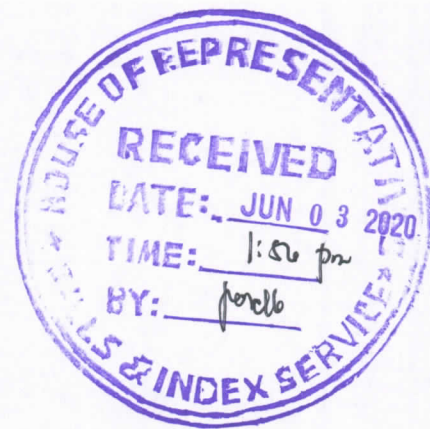


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS

First Regular Session

House Bill No. 6943



Introduced by HON. FRANCISCO G. DATOL, JR.

Representative, Senior Citizens Party-List

EXPLANATORY NOTE

The importance of a citizen's right to vote is best encapsulated with the universal dictum "salus populi suprema est lex" or "the welfare of the people is the supreme law." This is because one's right to vote is the primary mean by which a country's citizen can directly shape their nation's political future and demand accountability from their chosen leaders. However, even with its great importance, a significant part of our electorate are still constructively prohibited from voting due to the cumbersome voting process they have to undergo to exercise their right to vote.

At present, senior citizens, pregnant women, and PWD, are subjected to the same rigorous and congested electoral process that other able-bodied voters participate in, without any consideration to their unique and special circumstances that renders them highly vulnerable and unable to ordinarily participate in the regular electoral process. In fact, for most of our senior citizens, pregnant women, and PWD, the election's cumbersome and rigorous process has become prohibitive for them when they attempt to exercise their right to vote. Current measures where assistance is given to them on election day proper is almost impossible to execute given the sheer number of voters which our Commission on Elections must accommodate. Thus, given the clear inadequacy of existing measures, new measures must be made to ensure that our senior citizens, pregnant women, and PWD can comfortably exercise their right to vote.

This directive is in line with the mandate of the Constitution which provides that the needs of needs of the underprivileged, sick, **elderly, disabled, women**, and children shall be prioritized. Furthermore, it in line with our culture which champions and prioritizes the welfare of the most vulnerable members of our society.

The proposed measure seeks to fulfill the aforementioned Constitutional mandate by allowing senior citizens, pregnant women, and PWD to avoid the cumbersome and rigorous electoral process in the regular election day by allowing them to vote seven (7) days before the scheduled election day. Through this measure, we ensure that our senior citizens, pregnant women, and PWD can participate in a hassle-free and comfortable elections. Furthermore, by ensuring a conducive environment for them to vote, we promote a more participative election from all our sectors and enhance political representation in the country, thus, securing a robust Philippine democracy we have all aspired for.

In view of this, passage of the bill is sought.


FRANCISCO G. DATOL, JR.
Representative
Senior Citizens Party-List

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

EIGHTEENTH CONGRESS

First Regular Session

House Bill No. 6943

Introduced by HON. FRANCISCO G. DATOL, JR.

Representative, Senior Citizens Party-List

AN ACT PROVIDING FOR A SYSTEM OF EARLIER VOTING FOR QUALIFIED SENIOR CITIZENS, PREGNANT WOMEN, AND PERSONS WITH DISABILITIES OF THE PHILIPPINES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

Section 1. Short Title. — This Act shall be known as "The Senior Citizens, Pregnant Women, and Persons with Disabilities Early Voting Act of 2020."

Sec. 2. Declaration of Policy. — It is the prime duty of the State to ensure equal opportunity to senior citizens, pregnant women and persons with disabilities (PWD) in exercising their fundamental right to vote. Towards this end, it must provide a system of honest and orderly early voting for them that upholds the secrecy and sanctity of the ballot.

Sec. 3. Definition of Terms. — For purposes of this Act:

- a. "Early Voting" refers to the process by which qualified Senior Citizens, Pregnant Women, and PWD of the Philippines exercise their right to vote seven (7) days before election day;
- b. "Commission" refers to the Commission on Elections;
- c. "Certified List of Early Voters" refers to the list of registered Senior Citizens, Pregnant Women, and PWD voters whose applications to engage in early voting have been

approved by the Commission. This list shall be approved by the Commission in an en banc resolution;

- d. "Election Day" refers to the actual date of elections in the Philippines;
- e. "National Registry of Early Voters" refers to the consolidated list prepared, approved and maintained by the Commission, of early voters whose applications for registration as early voters, including those registered voters who have applied to be certified as early voters, have been approved by the Election Registered Board;
- f. "Early Voter" refers to a resident citizen of the Philippines who is qualified to register and vote under this Act, not otherwise disqualified by law, who is either a Senior Citizen, Pregnant Women, or PWD prior to or during election day.
- g. "Senior citizen" refers to any resident citizen of the Philippines at least sixty (60) years old;
- h. "Disabled persons" refers to any resident citizen of the Philippines who are suffering from restriction or different abilities, as a result of a mental, physical or sensory impairment, to perform an activity in the manner or within the range considered normal for a human being.
- i. "Pregnant women" refers to any resident female citizen of the Philippines who is or will remain to be pregnant on election day.

Sec. 4. Coverage. — All citizens of the Philippines abroad, who are not otherwise disqualified by law, at least eighteen (18) years of age on the day of elections, may vote for president, vice-president, senators and party-list representatives.

Sec. 5. Disqualifications. — The following shall be disqualified from voting under this Act:

- 1. Those who have lost their Filipino citizenship in accordance with Philippine laws;
- 2. Those who have expressly renounced their Philippine citizenship and who have pledged allegiance to a foreign country;
- 3. Those who have committed and are convicted in a final judgment by a court or tribunal of an offense punishable by imprisonment of not less than one (1) year, including those who have committed and been found guilty of Disloyalty as defined under Article 137 of the Revised Penal Code, such disability not having been removed by plenary pardon or amnesty; Provided, however, That any person disqualified to vote under this subsection shall automatically acquire the right to vote upon expiration of five (5) years after service of sentence; Provided, further, That the Commission may take cognizance of final judgments issued by foreign courts or tribunals only on the basis of reciprocity and subject

to the formalities and processes prescribed by the Rules of Court on execution of judgments;

4. An immigrant or a permanent resident who is recognized as such in the host country, unless he/she executes, upon registration, an affidavit prepared for the purpose by the Commission declaring that he/she shall resume actual physical permanent residence in the Philippines not later than three (3) years from approval of his/her registration under this Act. Such affidavit shall also state that he/she has not applied for citizenship in another country.
5. Any citizen of the Philippines abroad previously declared insane or incompetent by competent authority in the Philippines or abroad, as verified by the Philippine embassies, consulates or foreign service establishments concerned, unless such competent authority subsequently certifies that such person is no longer insane or incompetent.

Sec. 6. Early Voter Election Day. – Election day for Early Voters shall be seven (7) days before the scheduled regular or special election day.

Sec. 7. Early Voter Registration. – Registration as an early voter shall be done in person or if he or she cannot do so due to his/her circumstances, through a representative. An early voter shall provide documentary proof that he or she is a senior citizen, a PWD, or a pregnant woman as of the date of registration.

Qualified citizens of the Philippines abroad who failed to register under Republic Act (R.A.) No. 8189, otherwise known as the "The Voters Registration Act of 1996", may personally or through a representative, apply for registration with the Election Registration Board of the city or municipality where they were domiciled. Subject to the specific guidelines herein provided, the Commission is hereby authorized to prescribe additional procedures for early voting registration pursuant to the provisions of R.A. No. 8189.

All applications for the May, 2022 elections shall be filed with the Commission not later than two hundred eighty (280) calendar days before the day of elections. For succeeding elections, the Commission shall provide for the period within which applications to register must be filed.

An early voter's identification card shall be issued by the Commission to all applicants whose applications have been approved, including those certified as registered voters. The Commission shall include the approved applications in the National Registry of Early Voters.

Sec. 8. System of Continuing Registration. – The Commission shall ensure that the benefits of the system of continuing registration are extended to qualified early voters. Towards this end, the Commission shall optimize the use of existing facilities, personnel and mechanisms of the various government agencies for purposes of data gathering, data validation, information dissemination and facilitation of the registration process.

Pre-election programs, services and mechanisms offered and administered by the Commission, the National Commission of Senior Citizens (NCSC), National Council on Disability Affairs (NCDA), Philippine Commission on Women (PCW), the Department of Interior and Local Government, and other appropriate agencies of the government shall be utilized for purposes of supporting the early voting registration and voting processes, subject to limitations imposed by law.

Sec. 9. Requirements for Registration. – Every resident Filipino registrant shall be required to furnish the following documents: A valid PWD identification card, senior citizens card or a medical certificate stating that the woman is pregnant at the time of registration. In the absence of a afore-mentioned requirements, a certification of the NCSC, PCW, or the NCDA that it has reviewed the appropriate documents submitted by the applicant and found them sufficient to warrant the issuance of the PWD identification card, senior citizens card or a medical certificate stating that the woman is pregnant at the time of registration or that the applicant is a holder of a valid PWD identification card or senior citizens card but is unable to produce the same for a valid reason; The Commission may also require additional data to facilitate registration and recording. No information other than those necessary to establish the identity and qualification of the applicant shall be required.

Sec. 10. National Registry of Early Voters. – The Commission shall maintain a National Registry of Early Voters. Approved applications of early voter registrants shall also be included in the permanent list of voters of the city or municipality where the registrant is domiciled, with the corresponding annotation that such person has been registered and will be voting as an early voter. The entries in the National Registry of Early Voters and the annotations as early voters in the Certified Voters' List shall be permanent, and cannot be cancelled or amended except in any of the following cases:

1. When the early voter files a letter under oath addressed to the Commission that he/she wishes to be removed from the Registry of Early Voters, or that his/her name be transferred to the regular registry of voters; or,
2. When an early voter's name was ordered removed by the Commission from the Registry of Early Voters for his/her failure to exercise his/her right to vote under this Act for two (2) consecutive national elections.
3. When the reason of the voter's qualification as an early voter e.g., his/her disability or her pregnancy has ceased to exist.

Sec. 12. Verification and Approval of Application to Vote. — All applications shall be acted upon by the Commission upon receipt thereof, but in no case later than one hundred fifty (150) days before the day of elections. In the event of disapproval of the application, the voter or his authorized representative may file a Motion for Reconsideration with the Commission personally, or by registered mail, within ten (10) days from receipt of the notice of disapproval. The Commission shall act within five (5) days from receipt of such Motion for Reconsideration and shall immediately notify the voter of its decision. The decision of the Commission shall be final and executory. The Commission shall issue an early voter identification card to those whose applications to vote have been approved.

Sec. 13. Preparation and Posting of Certified List of Early Voters. — The Commission shall prepare the Certified List of Early Voters within one hundred twenty (120) days before every election, and furnish within the same period copies thereof to the appropriate local government units, which shall post the same in their bulletin boards within ten (10) days from receipt thereof.

Subject to reasonable regulation and the payment of fees in such amounts as may be fixed by the Commission, the candidates, political parties, accredited citizens' arms, interested persons and all local government units shall be furnished copies thereof.

Sec. 14. Printing and Transmittal of Ballots, Voting Instructions, Election Forms and Paraphernalia. —

- a. The Commission shall cause the printing of ballots for early voters, voting instructions, and election forms in such number as may be necessary, but in no case shall it exceed the total number of approved applications. Security markings shall be used in the printing of ballots for early voters.

- b. The Commission shall present to the authorized representatives of the NCSC, NCDA, PCW and the accredited major political parties the ballots for early voters, voting instructions, election forms and other election paraphernalia for scrutiny and inspection prior to their transmittal to the respective precincts concerned.
- c. The Commission shall, not later than seventy-five (75) days before the day of elections, transmit by special pouch to the respective polling precincts, the exact number of ballots for early voters corresponding to the number of approved applications, along with such materials and election paraphernalia necessary to ensure the secrecy and integrity of the election.
- d. The authorized representatives of accredited major political parties shall have the right to be present in all phases of printing, transmittal, and casting of ballots abroad. Unclaimed ballots properly marked as such, shall be cancelled and shipped to the Commission by the least costly method.

Sec. 15. Casting and Submission of Ballots. –

- a. Upon receipt by the designated officer of the Commission, the ballots for early voters, voting instructions, election forms and other paraphernalia shall be made available on the premises to the qualified early voters in their respective jurisdictions during the thirty (30) days before the election day when early voters may cast their vote. Immediately upon receiving it, the early voter must fill-out his/her ballot personally, in secret, without leaving the respective polling premises concerned.
- b. The early voter shall, with assistance or otherwise, personally accomplish his/her ballot at their respective polling place designated and accredited by the Commission.
- c. The early voter shall cast his ballot, upon presentation of the early voter identification card issued by the Commission, within thirty (30) days before the election day.
- d. All accomplished ballots received shall be placed unopened inside sealed containers and kept in a secure place designated by the Commission.
- e. The respective polling precincts concerned shall keep a complete record of the ballots for early voters, specifically indicating the number of ballots they actually received. In addition, respective polling precincts shall submit a formal report to the Commission and the Joint Congressional Oversight Committee created under this Act within thirty (30) days from the day of elections. Such report shall contain data on the number of ballots cast and received by the offices, the number of invalid and unclaimed ballots and other pertinent data.

- f. The Commission shall study the use of electronic mail, Internet, or other secured networks in the casting of votes, and submit a report thereon to the Joint Congressional Oversight Committee.

Sec. 16. Authority of the Commission to Promulgate Rules. – The Commission with the NCSC, the NCDA, and the PCW shall issue the necessary rules and regulations to effectively implement the provisions of this Act within sixty (60) days from the effectivity of this Act. The Implementing Rules and Regulations shall be submitted to the Joint Congressional Oversight Committee created by virtue of this Act for prior approval.

Sec. 17. Information Campaign. – The Commission, in coordination with agencies concerned, shall undertake an information campaign to educate the public on the matter and process of early voting for senior citizens, pregnant women, and PWDs. Such information campaign shall educate the Filipino public, within and outside the Philippines, on the rights of early voters and other related concerns. Information materials shall be developed by the Commission for distribution, through the said government agencies and private organizations. No government agency or accredited private organizations shall prepare, print, distribute or post in websites any information material without the prior approval of the Commission.

Sec. 18. Access to Official Records and Documents. – Subject to the pertinent provisions of this Act, any person shall have the right to access and/or copy at his expense all registration records, voters lists and other official records and documents, subject to reasonable regulations as may be imposed by the Commission.

Sec. 19. Assistance from Government Agencies. – All government officers, particularly from the NCSC, the NCDA, the PCW, the Department of Interior and Local Government, and other government offices concerned with the welfare of senior citizens, pregnant women, and PWDs shall, to the extent compatible with their primary responsibilities, assist the Commission in carrying out the provisions of this Act. All such agencies or officers thereof shall take reasonable measures to expedite all election activities, which the Commission shall require of them.

Sec. 20. Security Measures to Safeguard the Secrecy and Sanctity of Ballots. – At all stages of the electoral process, the Commission shall ensure that the secrecy and integrity of the ballots are preserved. The Commission shall be responsible for ensuring the secrecy

and sanctity of the early voting process. In the interest of transparency, all necessary and practicable measures shall be adopted to allow representation of the candidates, accredited major political parties, accredited citizens' arms and non-government organizations to assist, and intervene in appropriate cases, in all stages of the electoral exercise and to prevent any and all forms of fraud and coercion.

Sec. 21. Prohibited Acts. – In addition to the prohibited acts provided by law, it shall be unlawful:

- a. For any officer or employee of the Philippine government to influence or attempt to influence any person covered by this Act to vote, or not to vote, for a particular candidate. Nothing in this Act shall be deemed to prohibit free discussion regarding politics or candidates for public office.
- b. For any person to deprive any person of any right secured in this Act, or to give false information as to his/her name, address, or period of residence for the purposes of establishing his/her eligibility or ineligibility to register or vote under this Act; or to conspire with another person for the purpose of encouraging the giving of false information in order to establish the eligibility or ineligibility of any individual to register or vote under this Act; or, to pay, or offer to pay, or to accept payment either for application to vote in absentia or for voting;
- c. For any person to tamper with the ballot, the election returns, including the destruction, mutilation and manipulation thereof;
- d. For any person to steal, destroy, conceal, mutilate or alter any record, document or paper as required for purposes of this Act;
- e. For any deputized agent to refuse without justifiable ground, to serve or continue serving, or to comply with his/her sworn duties after acceptance of his/her appointment;
- f. For any public officer or employee who shall cause the preparation, printing, distribution of information material, or post the same in websites without the prior approval of the Commission;
- g. For any person who, after being deputized by the Commission to undertake activities in connection with the implementation of this Act, shall campaign for or assist, in whatever manner, candidates in the elections.

The penalties imposed under Section 264 of the Omnibus Election Code, as amended, shall be imposed on any person found guilty of committing any of the prohibited acts as defined in this section: Provided, That the penalty of prision mayor in its minimum period shall be imposed upon any person found guilty of Section 24.3 hereof without the benefit of the

operation of the Indeterminate Sentence Law. If the offender is a public officer or a candidate, the penalty shall be prison mayor in its maximum period. In addition, the offender shall be sentenced to suffer perpetual disqualification to hold public office and deprivation of the right to vote.

Sec. 22. Joint Congressional Oversight Committee. – A Joint Congressional Oversight Committee is hereby created, composed of the Chairman of the Senate Committee on Constitutional Amendments, Revision of Codes and Laws, and seven (7) other Senators designated by the Senate President, and the Chairman of the House Committee on Suffrage and Electoral Reforms, and seven (7) other Members of the House of Representatives designated by the Speaker of the House of Representatives: Provided, That, of the seven (7) members to be designated by each House of Congress, four (4) should come from the majority and the remaining three (3) from the minority.

The Joint Congressional Oversight Committee shall have the power to monitor and evaluate the implementation of this Act. It shall review, revise, amend and approve the Implementing Rules and Regulations promulgated by the Commission.

Sec. 23. Applicability of Other Election Laws. – The pertinent provisions of the Omnibus Election Code, as amended, and other election laws, which are not in conflict with the provisions of this Act shall remain in full force and shall have suppletory application to this Act.

Sec. 24. Enforcement and Administration by the Commission. – The Commission shall, for the purpose of ensuring honest, orderly, peaceful and free elections, have exclusive charge of the enforcement, administration and implementation of this Act.

Sec. 25. Mandatory Review. – Congress shall complete a mandatory review of this Act within two (2) years following the May, 2022 elections for the purpose of amending it to expand or restrict its coverage, scope and application, as well as improve its procedures and institute measures and safeguards, taking into account the experience of the previous election, technological advances and structural political changes.

Sec. 26. Appropriations. – The amount necessary to carry out the provisions of this Act shall be provided in a supplemental budget or included in the General Appropriations Act of

the year of its enactment into law. Thereafter, the expenses for its continued implementation shall be included in the subsequent General Appropriations Act.

Sec. 27. Separability Clause. — If any part or provision of this Act shall be declared unconstitutional or invalid, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

Sec. 28. Repealing Clause. — All laws, presidential decrees, executive orders, rules and regulations, other issuances, and parts thereof, which are inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

Sec. 29. Effectivity. — This Act shall take effect fifteen (15) days following its publication in two (2) newspapers of general circulation.

Approved,