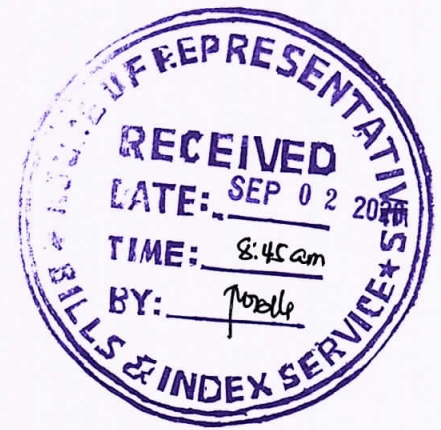


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7572



Introduced by **Representative Stella Luz A. Quimbo**

**AN ACT PROVIDING FOR A SYSTEM OF POSTAL VOTING BY
SENIOR CITIZENS AND APPROPRIATING FUNDS THEREFOR**

EXPLANATORY NOTE

In January 2020, the World Health Organization declared the coronavirus disease 2019 (COVID-19) outbreak as a public health emergency of international concern.¹ To arrest the widespread transmission of the virus, the country has been placed in varying levels of community quarantine, thereby restricting travel and mass gathering.

Per the US Center for Disease Control (CDC), the risk for severe illness from COVID-19 increases with age, with seniors at higher risk.² In fact, based on DOH data, as of August 30, out of 3,520 COVID-related deaths in the Philippines, 2,106 cases are aged 60 and above. In view of the precarious situation of senior citizens, they are advised to limit interactions with other people as much as possible.

In August 2020, Mr. Tedros Adhanom Ghebreyesus, Director General of the World Health Organization expressed hope that they will be able “to finish this pandemic in less than two years.”³ With no vaccine or cure in the sight, it is reasonable to imagine that the pandemic will affect the processes relating to the Constitutionally mandated elections on 09 May 2022.

The public health situation in the country has underscored the need for electoral reform. There is an urgent need to institute measures such that the most vulnerable sectors of our society will be protected from the virus while ensuring that their right to suffrage remains unimpeded by the present circumstances.

¹ *COVID-19 Public Health Emergency of International Concern (PHEIC) Global research and innovation forum*. (2020, February 12). World Health Organization. Retrieved August 25, 2020, from [https://www.who.int/publications/m/item/covid-19-public-health-emergency-of-international-concern-\(pheic\)-global-research-and-innovation-forum](https://www.who.int/publications/m/item/covid-19-public-health-emergency-of-international-concern-(pheic)-global-research-and-innovation-forum)

² *Older Adults*. (2020, August 16). Center for Disease Control. Retrieved August 25, 2020, from <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/older-adults.html>

³ *WHO chief: 'Hope to finish this pandemic in less than two years'*. (2020, August 22). Aljazeera. Retrieved August 25, 2020, from <https://www.aljazeera.com/news/2020/08/chief-hope-finish-pandemic-years-200821155212598.html>

Hence, when the need arises, senior citizens must be allowed to vote by mail. This bill authorizes the Commission on Elections to allow postal voting for senior citizens and set rules for the conduct thereof if and only if the Commission deems it necessary.

Evidence from around the world speaks to the effectiveness of this reform. Countries such as the United States, United Kingdom, Switzerland and Australia legally allowed postal voting long before the COVID-19 pandemic began. The President of the United States himself reportedly votes by mail.⁴ Furthermore, South Korea successfully conducted parliamentary elections in April 2020 amidst the pandemic with its health authorities concluding that no local transmission occurred from that event.⁵ The East Asian country not only allowed to vote by mail individuals with limited mobility but also COVID-19 patients and citizens in self-isolation.⁶ This is believed to have contributed in the 66.2 percent voter turnout – the highest for a South Korean parliamentary election in almost three decades.⁷

Voting by mail will be much needed even in the post-pandemic era. It will lessen the queues in election precincts and will keep frail individuals from lining up for hours just to cast their votes. With or without a disease outbreak, members of vulnerable sectors must be allowed to vote at the comfort of their homes to ensure their health and safety, while allowing them to exercise their rights.

Legally, the country has put a premium on the right of all Filipinos to vote in all circumstances. Art. V of the 1987 Constitution states that

“SECTION 1. Suffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year and in the place wherein they propose to vote for at least six months immediately preceding the election. No literacy, property, or other substantive requirement shall be imposed on the exercise of suffrage.”

In fact, Philippine laws allow for postal voting to accommodate absentee electors overseas. With health precautions to protect the senior citizen voters and legal precautions to protect the sanctity of the ballot, the success of future elections is ensured through this legislation.

In view of the foregoing, the swift passage of this bill is earnestly sought.


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⁴ Miles, P. (2020, August 19). *Trump, While Attacking Mail Voting, Casts Mail Ballot Again*. National Public Radio. Retrieved August 25, 2020, from <https://www.npr.org/2020/08/19/903886567/trump-while-attacking-mail-voting-casts-mail-ballot-again>

⁵ Cha, S. (2020, April 30). *South Korea: no new domestic coronavirus cases, no transmission from election*. World Economic Forum. Retrieved August 25, 2020, from <https://www.weforum.org/agenda/2020/04/south-korea-domestic-coronavirus-transmission-election-covid19/>.

⁶ D'Oench, M. & A. Hufford. (2020, August 7). *How South Korea Conducted Its Elections During the Pandemic: A Comparative Case Study*. Lawfare. Retrieved August 25, 2020, from <https://www.lawfareblog.com/comparative-case-study-how-south-korea-conducted-its-elections-during-pandemic>

⁷ Ibid.

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**AN ACT PROVIDING FOR A SYSTEM OF POSTAL VOTING BY
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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

- 1 **SEC. 1. *Short Title.*** This Act shall be known as the “Voting in the New Normal Act.”
- 2 **SEC. 2. *Declaration of Policy.*** The State shall ensure that senior citizens are able to exercise
3 their right to political participation without restrictions. To this end, the State shall design
4 systems and procedures that will enable senior citizens to vote via post.
- 5 **SEC. 3. *Definition of Terms.*** As used in this Act, the term:
- 6 (a) Commission refers to the Commission on Elections.
- 7 (b) Postal voting refers to a mode of voting where mailing packets, containing the official
8 ballots and other election paraphernalia, are sent directly to senior citizen voters.
- 9 (c) Senior Citizens refer to qualified voters who are sixty (60) years or older.
- 10 (d) Authorized Witness refers to any family member of the voter eighteen (1) years old or
11 above within third degree of consanguinity.
- 12 **SEC. 4. *Coverage.*** All qualified senior citizens who are citizens of the Philippines and who
13 are not otherwise disqualified by law, may vote in the national and local elections via post.

SEC. 5. *Registration to vote via post.* Any senior citizen already registered to vote may register before the Commission to vote via post. Senior Citizens not yet registered to vote but would like to exercise their right to vote can register and apply for postal voting at the same time.

The Commission shall design a registration system via post taking into consideration their limited movement due health or physical restrictions. Application forms for registration to vote and for registration to vote via post shall be made available for download in the Commission's website and in all Barangay Halls.

Senior citizen voters must register to vote and/or signify their intent to vote by mail every election.

SEC 6. *Record of Senior Citizens.* Voters who wish to cast their vote via post must first be registered to do so with the Commission. The Commission shall keep a record of senior citizens who registered for postal voting and ensure it is updated for each election.

SEC. 7. *Creation of Special Ballot Reception and Custody Group.* The Commission shall establish the Special Ballot Reception and Custody Group (SBRCG), to be composed of a chairman and four members to be appointed by the Commission.

SEC. 8. *Functions of the Special Ballot Reception and Custody Group.* The SBRCG shall perform the following duties and functions:

- (a) Receive from the Commission all accountable and non-accountable election forms, supplies and paraphernalia to be used in postal voting, counting, and canvassing;
- (b) Verify the quantity and serial numbers of all ballots, ballot envelope, and paper seals;
- (c) Facilitate the sending and receiving of verified mailing packets to registered senior citizens voters;

SEC. 9. *Dispatch of postal voting packets to registered postal voters.* The Commission shall send, not later than 45 days before the scheduled national or local elections, the sealed mailing packet containing the following:

- (a) The official ballot;
- (b) Certified List of Candidates;
- (c) Instruction to Voters;
- (d) Official Ballot Envelope; and
- (e) Paper Seals.

The Commission, in designing the mailing packets, the contents thereof, and the procedure for postal voting, must take all measures to prevent vote tampering, and ensure that ballots are tracked through mechanisms such as but not limited to serial numbered stubs during their delivery to the voter, reception, storage, and canvassing to ensure the integrity and sanctity of the ballots.

SEC. 10. *Procedure for Postal Voting.* The following requirements for postal voting shall be observed:

- (a) The senior citizen voter must show the unsigned official ballot and the official ballot envelope to an authorized witness as defined in this Act;
- (b) The senior citizen voter must then, in the presence of the authorized witness but so that the witness cannot see the vote, accomplish personally the ballot by writing the names of the candidates and the name or acronym of the party-list group participating in the party list system of choice;
- (c) The senior citizen must affix his or her signature on the ballot coupon which is located on the lower portion of the official ballot;
- (d) The voter shall fold the official ballot, place it in the official ballot envelope and the voter and authorized witness shall write their names and affix their signatures on the flap of the envelope. Failure to write their names and affix their signatures shall invalidate the ballot.
- (e) Return the sealed ballot envelope to the Commission using the return to sender slip included in the mailing packet in accordance with the terms agreed between the Commission and the winning bidder private courier;
- (f) Only the ballots received by the Commission fifteen (15) working days prior the scheduled election day shall be counted. All envelopes containing the ballots received by the Commission after the prescribed period shall not be opened and shall be cancelled and disposed of appropriately, with a corresponding report which shall be publicized not later than thirty (30) days from the day of elections.

SEC. 11. *Ballot Receipt.* The Commission shall provide the necessary safeguards and confirmation procedures including the provision of ballot receipts to senior citizens who voted via mail. If a senior citizen fails to receive a ballot receipt prior the scheduled election day, the senior citizen voter shall be allowed to vote in person during the day of election.

SEC. 12. *Authority of the Commission to Promulgate Rules.* The Commission 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.

SEC. 13. *Authority of the Commission to Allow Postal Voting.* The Commission shall have the authority to determine whether postal voting shall be allowed for any national or local elections. The determination shall be made within a period sufficient enough to prepare the necessary postal voting paraphernalia and the bidding of the private courier.

SEC. 14. *Reportorial Requirements.* The Commission shall within one hundred (100) days after the conduct of the first postal voting report to the Congress its evaluation of the effectivity and ways to improve the conduct of the same.

SEC. 15. *Applicability of Other Election Laws.* The pertinent provisions of the Omnibus Election Code, as amended, and other elections 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.

90 **SEC. 16. *Appropriations.*** The amount necessary to carry out the provisions of this Act shall
91 be included in the General Appropriations Act of the year of its enactment into law. Thereafter,
92 the expenses for its continued implementation shall be included in the subsequent General
93 Appropriations Act.

94 **SEC. 17. *Information Materials.*** The Commission shall ensure that information materials
95 relating to the postal electoral process are distributed and that the same be appropriate and
96 accessible to senior citizens.

97 **Sec. 18. *Separability Clause.*** If any part or provision of this Act shall be declared
98 unconstitutional or invalid, other provisions hereof which are not affected thereby shall
99 continue to be in full force and effect.

100 **Sec. 19. *Repealing Clause.*** All laws, presidential decrees, executive orders, rules and
101 regulations, other issuances, and parts thereof, which are inconsistent with the provisions of
102 this Act, are hereby repealed or modified accordingly.

103 **Sec. 20. *Effectivity.*** This Act shall take effect fifteen (15) days following its publication in
104 three (3) newspapers of general circulation.

105
106 Approved,