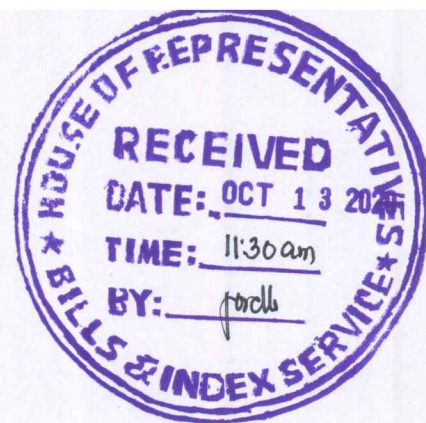


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 7868

Introduced by **Hon. RONNIE L. ONG**

EXPLANATORY NOTE

There have been previous calls to encourage early voting, usually within seven (7) days before Election Day, for senior citizens (SCs) and Persons with Disabilities (PWDs), as can be evidenced by the various bills filed in Congress. The argument being put forward for the early voting system is either the very low voter's turnout or accessibility issues when it comes to these sectors.

But, in view of the recent health pandemic, it is not only the right to vote that is negatively affected but also the very lives of the voters themselves. Hence, there is now a very compelling reason to revisit and improve the abovementioned recommendation, urgently develop a new normal of voting for our SCs and PWDs, and protect their right to vote while also promoting their health and safety. This is the objective of this bill.

Under this New Normal of Voting for Senior Citizens and PWDs, the following will be implemented, among others:

- 1) Casting of votes shall be done early, i.e within 30 days before Election Day, but it is best to give the Commission on Elections (COMELEC) the authority to determine the exact period or duration taking into consideration the number of voters, etc.;
- 2) Health and safety protocol, which is responsive to the types of disability and assistance needed by SCs and PWDs and to the prevailing calamity or health pandemic, shall be put in place;
- 3) Requirements under Republic Act No. 10366, particularly on accessibility and assistive services, are reiterated. It may be noted that the reasons why some of the SCs and PWDs did not vote last May 2019 elections is sadly because of the lack of accessibility

and assistance, on top of the inconvenience they suffer while travelling and voting with a crowd on a single Election Day;

- 4) Ample opportunity to register and signify their intent to become early voters shall be given to legitimate, living and qualified SCs and PWDs. Intensive public information shall also be done to encourage their full participation;
- 5) Free and safe transportation will be provided especially for the physically immobile voters, on top of ensuring accessible public transportation for all voters; and
- 6) While actual voting in polling stations is preferred, it is best to also give COMELEC the authority to explore and develop an early voting system via postal or mail-in voting, in cases where, according to scientific data, there is high risk of injury or infection to SCs and PWDs.

It is our hope that this bill will be considered and approved the soonest possible time, hopefully before the May 2022 national and local elections, so that the necessary preparations can be done, the accessibility issues of polling stations and assistive services for SCs and PWDs can be improved, and the lives of more than 8.2 million senior citizen voters and 340,000 voters who are PWDs can be protected, especially in light of the present pandemic.

With all of these in place, our senior citizens and persons with disabilities will be further encouraged to participate in electing the next set of leaders and in shaping the future of our country.



RONNIE L. ONG
Representative, APPL

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

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 7868

Introduced by **Hon. RONNIE L. ONG**

**AN ACT PROTECTING THE RIGHT TO VOTE AND PROMOTING THE
HEALTH AND SAFETY OF SENIOR CITIZENS AND PERSONS WITH
DISABILITIES BY INSTITUTING THE NEW NORMAL OF VOTING OR
EARLY VOTING SYSTEM AND APPROPRIATING FUNDS THEREFOR**

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

Section 1. Short Title. – This Act shall be known as the “New
Normal of Voting for Senior Citizens and PWDs Act of 2020.”

SEC. 2. Declaration of Policy. – It is the policy of the State to
protect the right to vote of senior citizens (SCs) and persons with
disabilities (PWDs) while, at the same time, also promoting their health and
safety especially during the occurrence of calamities and health
pandemics. Toward this end, a new normal of voting or an early voting
system shall be developed where the effective and full participation of
these vulnerable sectors are encouraged, the secrecy and sanctity of their
ballot upheld and their health and safety are ensured while exercising their
right of suffrage.

SEC. 3. Early Voting System. – For national and local elections, the
Commission on Elections (COMELEC), while upholding the secrecy and
sanctity of the ballot at all times, shall develop and implement a new normal
or an early voting system for SCs and PWDs, who are qualified to vote,
subject to the following guidelines:

- a) Casting of vote shall be done within thirty (30) days immediately preceding the day of election, the exact period or duration of which shall be determined and published by the COMELEC, taking into consideration the number of voters, who are SCs and PWDs, and other logistical requirements;
- b) Health and safety protocol shall be put in place in designated polling stations and other establishments like waiting areas in accordance with national and international guidelines and best practices to address any existing or imminent calamity or health and safety risk. Measures may include the mandatory use of mask, face shield, and gloves; checking of temperature; safe and regular disinfection or sanitization of hands, items, or place; social distancing; proper ventilation; and adequate training and equipping of the Electoral Board and other authorized officers and representatives of the COMELEC;
- c) To ensure effective and full participation, the COMELEC shall, pursuant to Section 4 hereof, keep and update the record of SCs and PWDs senior citizens who are qualified to vote, and, in accordance with Section 6 of this Act, conduct an intensive public information campaign;
- d) Aside from actual voting in polling stations, the COMELEC, pursuant to Section 5 hereof, is given the authority to explore and develop an early voting system utilizing postal or mail-in voting;
- e) Polling stations and other establishments like waiting areas shall fully comply with Republic Act No. 10366 (R.A. 10366) or "An Act Authorizing the Commission on Elections to Establish Precincts Assigned to Accessible Polling Places Exclusively for Persons with Disabilities and Senior Citizens," such that the requirements for accessibility, assistive services and devices, ballot design, among others, are observed;
- f) In addition to guaranteeing an accessible public transportation, the COMELEC, with the help of the Department of Transportation (DOTr), Department of Interior and Local Government (DILG), the local government units concerned and other stakeholders, shall endeavor to provide free transportation service for SCs and PWDs to and from polling stations, especially for those who have

impaired physical mobility; *Provided*, That nonpartisanship and healthy and safety protocol are observed; and

- g) Guided by its mission to provide clean, honest, fair, credible and orderly elections, the COMELEC is also given the authority to implement the early voting system in phases or batches or by area or region, taking into consideration the concentration of voters who are SCs and PWDs, the prevailing state of calamity or pandemic and its accompanying risks to the said vulnerable sectors and the COMELEC personnel, poll workers, or authorized representatives, the readiness of the system or technology to be used, and logistical and budgetary requirements therefor.

SEC. 4. *Record of Persons with Disabilities and Senior Citizens.*

– The COMELEC shall comply with the requirements under Sections 5, 6 and 7 of R.A. 10366 on the keeping and updating of records of PWDs and SCs, who are qualified to vote, and in indicating the types of disability and the forms of assistance they need. The COMELEC, with the assistance of the DILG, Department of Health (DOH), the National Commission of Senior Citizens (NCSC), and the National Council for Disability Affairs (NCDA), shall verify or ensure that only legitimate, living and qualified PWDs and SCs are included or will be included in the said record and will benefit under this Act. For this purpose, the COMELEC shall strictly require such proof or document to establish a voter's inclusion in the said list.

During the period of early voting set by the COMELEC, the health and safety protocol of polling stations and other establishments, including the assistance to be given, shall be responsive to the types of disability and assistance needed by the PWDs and SCs on record, and the calamity or pandemic prevailing at that time.

In addition, the COMELEC shall give ample opportunity for PWDs and SCs to register or signify their intent to participate in the early voting system, for which, the corresponding annotation shall be put on record. Except for valid grounds to be determined by the COMELEC to uphold the fundamental right to vote and prevent disenfranchisement of voters, those who registered or signified their intent as an early voter, but have not exercised their right to vote during the early voting period set by the COMELEC, shall be prohibited from voting during the day of election.

SEC. 5. *Postal or Mail-In Voting.* – Actual voting in polling stations shall be the preferred mode of voting. However, in cases where, because

of an existing calamity or pandemic, voting in polling stations poses high risk of injury or infection to SCs and PWDs, or a subgroup thereof, according to scientific data, the COMELEC may opt to develop and implement an early voting system via postal or mail-in voting catering to the affected SCs and PWDs, according to guidelines and safeguards it may provide.

The COMELEC, in implementing postal voting, shall issue such guidelines that uphold the secrecy and sanctity of the ballot at all times, including the design, security features and contents of the ballot and mailing packet, the delivery of the same to the voter, including his or her address on record, the procedure for voting, the return, receipt and storage of mailing packet, the canvassing of the vote, transmission of results, and the provision of ballot receipt, if warranted. Toward this end, the COMELEC may call for assistance from any government agency and/or non-partisan civil society group in putting up the necessary mechanism to ensure a clean, honest, fair, credible and orderly casting of votes under this system, especially in preventing vote buying, ballot tampering and voter intimidation.

Section 3 (a), the 3rd paragraph of Section 4, other applicable provisions under this Act, and other existing election laws shall also apply to postal or mail-in voting.

SEC. 6. *Information Campaign.* – The COMELEC shall conduct an intensive public information campaign on the early voting system being adopted pursuant to this Act, including, among others, who can benefit as an early voter, stages of the electoral process, the procedure in signifying intent to participate as an early voter, the period for early voting, instructions on the casting of vote, the list of designated polling stations, the health and safety protocol to be observed, and all other services available for qualified SCs and PWDs.

In coordination with the Presidential Communications Operations Office (PCOO), DILG, civil society groups and other concerned agencies and organizations, the COMELEC shall endeavor to conduct surveys and gather data, evaluate the election turnout, and simplify the procedures or guidelines, all with the end goal of improving the accessibility and voter experience of SCs and PWDs and encouraging their full participation.

SEC. 7. *Report to Congress.* – The COMELEC shall, after deciding the early voting system to be implemented in the upcoming national and

local elections, shall submit regular and public reports and updates to Congress on the readiness of the system and the legal, logistical and budgetary constraints or requirements thereof.

In addition, within a reasonable time after the conduct of the national and local elections, the COMELEC shall report to Congress on its evaluation of the effectivity of the early voting system and on its recommendations how to improve the same and whether to expand its coverage, including those covered by the local absentee voting, or to utilize other methods such as the use of online platforms for casting of votes.

SEC. 8. Appropriations. – The initial funding of this Act shall be charged against the current year's appropriations or from any available savings of the COMELEC. Thereafter, such amount as may be necessary for the continued implementation of this Act shall be included in a supplemental budget or in the annual General Appropriations Act.

SEC. 9. Implementing Rules and Regulations. – The COMELEC, in coordination with NCSC, NCDA, and other concerned agencies and private stakeholders, shall formulate its rules and regulations within (90) days after the effectivity of this Act.

SEC. 10. Separability Clause. – If any provision or part hereof is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

SEC. 11. Repealing Clause. – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 12. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

Approved,