

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. **8265**



Introduced by **Rep. ANGELO MARCOS BARBA**
2nd District, Ilocos Norte

EXPLANATORY NOTE

Electoral laws in the Philippines heavily favor physical presence in the polling places in order to be able to vote. Subsequent laws gradually recognized the system of absentee voting, particularly for persons who, by reason of their public functions and duties, are assigned on election day in places other than their place of registration, and under existing laws, are thus unable to vote. The 1987 Philippine Constitution likewise expressly recognized the need for providing a system for absentee voting by qualified Filipinos abroad.

While there have been reforms to address concerns of senior citizens and persons with disability in terms of accessibility to polling places and/or precincts, the Covid-19 pandemic proved to be a new challenge to our electoral system, particularly those who are vulnerable to the disease and the virus itself.

Unfortunately, there are currently no laws that would provide a system allowing senior citizens, persons with disability, pregnant women, and indigenous peoples to vote from the comfort of their homes due to health/physical restrictions or during public health emergencies.

Hence, this bill.

This bill seeks to provide a system of postal voting to promote and protect the right of senior citizens, persons with disabilities, pregnant women, and indigenous peoples to political participation without restrictions. After all, democratic principle requires the broadest participation in electoral and similar exercises by persons who have all the qualifications and none of the disqualifications to vote.¹

In light of the foregoing, the immediate passage of this measure is earnestly sought.


ANGELO MARCOS BARBA

¹ Executive Order No. 157, March 30, 1987

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House Bill No. **8265**

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1 **AN ACT PROVIDING FOR A SYSTEM OF POSTAL VOTING BY**
2 **SENIOR CITIZENS, PERSONS WITH DISABILITIES, PREGNANT**
3 **WOMEN, AND INDIGENOUS PEOPLES**

4
5 *Be it enacted by the Senate and the House of Representatives of the*
6 *Philippines in Congress assembled:*

7
8 **SECTION 1. Short Title.** – This Act shall be known as “Voting by Mail
9 Act”.

10
11 **SECTION 2. Declaration of Policy.** – It is hereby declared the policy of
12 the State to promote and protect the right of senior citizens, persons with
13 disabilities, pregnant women, and indigenous peoples to political participation
14 without restrictions.

15
16 To this end, the State shall design systems and procedures that will enable
17 them to vote by post.

18
19 **SECTION 3. Definition of terms.** – For purposes of this Act, the
20 following terms shall be defined as follows:

- 21
22 a. *Commission* – refers to the Commission on Elections (COMELEC);
23
24 b. *Postal voting* – a mode of voting where mailing packets, containing the
25 official ballots and other election paraphernalia, are sent directly to
26 voters as provided in this Act;
27
28 c. *Senior Citizens* – qualified voters who are sixty (60) years or older;
29
30 d. *Persons with Disabilities* – qualified voters who are suffering from
31 restriction of different abilities, as a result of mental, physical, or
32 sensory impairment, to perform an activity in the manner or within the
33 range considered normal for a human being;
34
35 e. *Indigenous peoples* – qualified voters belonging to a group of people or
36 homogenous societies identified by self-ascription and ascription by
37 others, who have continuously lived as organized community on
38 communally bounded and defined territory, and who have, under

1 claims of ownership since time immemorial, occupied, possessed and
2 utilized such territories, sharing common bonds of language, customs,
3 traditions and other distinctive cultural traits, or who have, through
4 resistance to political, social and cultural inroads of colonization,
5 non-indigenous religions and cultures, became historically
6 differentiated from the majority of Filipinos. ICC/IPs shall likewise
7 include peoples who are regarded as indigenous on account of their
8 descent from the populations which inhabited the country, at the time
9 of conquest or colonization, or at the time of inroads of
10 non-indigenous religions and cultures, or the establishment of present
11 state boundaries, who retain some or all of their own social, economic,
12 cultural, and political institutions, but who may have been displaced
13 from their traditional domains or who may have resettled outside their
14 ancestral domains; and

- 15
16 f. *Authorized witness* – refers to any family member within the third
17 civil degree of the voter covered by this Act, or in the absence of a
18 family member, any person from the same household who personally
19 knows the said voter. The authorized witness must be a registered
20 voter and must not be a candidate standing for election.

21
22 **SECTION 4. Coverage.** – All registered voters who are senior citizens,
23 persons with disabilities, pregnant women and indigenous people, who are not
24 otherwise disqualified by law, may vote in the national and local elections via
25 post.

26
27 **SECTION 5. Registration to Vote via Post.** – Any senior citizen, persons
28 with disability, pregnant woman, and indigenous people already registered to
29 vote may register before the Commission to vote via post. Senior citizens,
30 persons with disabilities and indigenous people not yet registered to vote, and
31 would like to exercise their right to vote can register as voter and apply for
32 postal voting at the same time.

33
34 The Commission shall design a registration system via post taking into
35 consideration their limited movement due to health or physical restrictions.
36 Application forms for registration to vote and for registration to vote via post
37 shall be made available for download in the Commission's website and in all
38 Barangay Halls.

39
40 **SECTION 6. Record of Voters via Post.** – Voters who wish to cast and/or
41 signify their intent to vote via post must first be registered to do so with the
42 Commission. The Commission shall keep a record of senior citizens, persons
43 with disabilities and indigenous peoples who registered for postal voting and
44 ensure it is updated for each election.

45
46 **SECTION 7. Creation of Special Ballot Reception and Custody Group.** –
47 The Commission shall establish the Special Ballot Reception and Custody
48 Group, to be composed of a Chairman and four (4) members to be appointed
49 by the Commission.
50

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

- 3
4 a. Receive from the Commission all accountable and non-accountable
5 election forms, supplies and paraphernalia to be used in postal voting,
6 counting, and canvassing;
7
8 b. Verify the quantity and serial numbers of all ballots, ballot envelope,
9 and paper seals; and
10
11 c. Facilitate the sending and receiving of verified mailing packets to
12 registered postal voters.
13

14 **SECTION 9. *Dispatch of Postal Voting Packets to Registered Postal***
15 ***Voters.*** – The Commission shall send, not later than forty-five (45) days before
16 the scheduled national or local elections, sealed mailing packet containing the
17 following:
18

- 19 a. The official ballot;
20 b. Certified List of Candidates;
21 c. Instruction to Voters;
22 d. Official Ballot Envelope; and
23 e. Paper Seals.
24

25 The Commission, in designing the mailing packets, the contents thereof,
26 and the procedure for postal voting, must take all measures to prevent vote
27 tampering, and ensure that ballots are tracked through mechanisms such as
28 but not limited to serial numbered stubs during their delivery to the voter,
29 reception, storage, and canvassing to ensure the integrity and sanctity of the
30 ballots.
31

32 **SECTION 10. *Procedure for Postal Voting.*** – The following
33 requirements for postal voting shall be observed:
34

- 35 a. The qualified voter must show the unsigned official ballot and the
36 official ballot envelope to an authorized witness as defined in this Act;
37
38 b. The qualified voter must then, in the presence of the authorized witness,
39 *provided* that the said witness cannot see the vote, accomplish
40 personally the ballot by writing the names of the candidates and the
41 name or acronym of the party-list group participating in the party list
42 system of choice;
43
44 c. The qualified voter must affix his or her signature in the ballot coupon
45 which is located on the tower portion of the official ballot;
46
47 d. The voter shall fold the official ballot, place it in the official ballot
48 envelope and the voter and authorized witness shall write the names
49 and affix their signatures on the flap of the envelope. Failure to write
50 their names and affix their signatures shall invalidate the ballot;
51

- 1 e. Return the sealed ballot envelope to the Commission using the return
2 to sender slip included in the mailing packet in accordance with the
3 terms agreed between the Commission and the winning bidder private
4 courier;
5
6 f. Only the ballots received by the Commission fifteen (15) working days
7 prior to the scheduled election day shall be counted. All envelopes
8 containing the ballots received by the Commission after the prescribed
9 period shall not be opened and shall be cancelled and disposed of
10 appropriately, with a corresponding report which shall be publicized
11 not late than thirty (30) days from the day of the elections.
12

13 **SECTION 11. *Ballot Receipt.*** – The Commission shall provide the
14 necessary safeguards and confirmation procedures including the provision of
15 ballot receipts to senior citizens, persons with disabilities, pregnant women
16 and indigenous peoples who voted via mail. If a qualified voter via mail fails
17 to receive a ballot prior to the scheduled election day, the voter shall be
18 allowed to vote in person during the day of the election.
19

20 **SECTION 12. *Authority of the Commission to Promulgate Rules.*** – The
21 Commission shall issue the necessary rules and regulations to effectively
22 implement the provisions of this Act.
23

24 **SECTION 13. *Authority of the Commission to Allow Postal Voting.*** –
25 The Commission shall have the authority to determine whether postal voting
26 shall be allowed for any national or local elections. The determination shall be
27 made within a period sufficient enough to prepare the necessary postal voting
28 paraphernalia and the bidding of the private courier.
29

30 **SECTION 14. *Reportorial Requirements.*** – The Commission shall within
31 one hundred (100) days after the conduct of the first postal voting report to
32 Congress its evaluation of the effectivity and ways to improve the conduct of
33 the same.
34

35 **SECTION 15. *Applicability of Election Laws.*** – The pertinent provisions
36 of the Omnibus Election Code, as amended, and other election laws, which are
37 not in conflict with the provisions of this Act shall remain in full force and
38 shall have suppletory application to this Act.
39

40 **SECTION 16. *Appropriations.*** – The amount necessary to carry out the
41 provisions of this Act shall be included in the General Appropriations Act of
42 the year of its enactment into law. Thereafter, the expenses for its continued
43 implementation shall be included in the subsequent General Appropriations
44 Act.
45

46 **SECTION 17. *Information Materials.*** – The Commission shall ensure
47 that information materials relating to the postal electoral process are
48 distributed and that the same be appropriated and accessible to senior
49 citizens.
50

1 **SECTION 18. *Separability Clause.*** – If any provision of this Act is held
2 invalid or unconstitutional, the other provisions not affected thereby shall
3 remain in full force and effect.
4

5 **SECTION 19. *Repealing Clause.*** – All laws, decrees, executive orders,
6 proclamations, rules and regulations, and issuances or parts thereof which are
7 inconsistent with the provisions of this Act, are hereby repealed, amended, or
8 modified accordingly.
9

10 **SECTION 20. *Effectivity.*** – This Act shall take effect fifteen (15) days
11 after its publication in the *Official Gazette* or in a newspaper of general
12 circulation,
13

14 Approved,