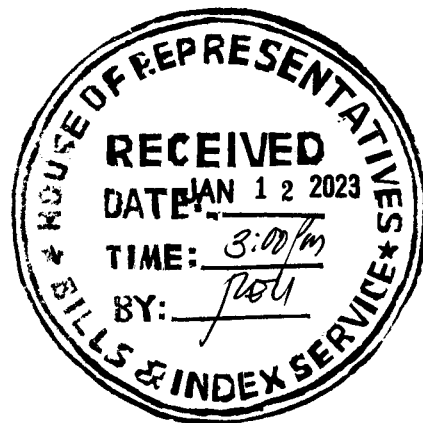




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila



Nineteenth Congress

First Regular Session

House Bill No. **6770**

Introduced by:
HON. MARISSA "DEL MAR" MAGSINO
OFW PARTYLIST

EXPLANATORY NOTE

Voting, or the right of suffrage, is an essential element of democracy. It is the power of the people to choose their officials as their representatives to whom they entrust the exercise of the powers of government. It ensures that the citizens are given the chance to express their voice on important issues relating to the social, political and economic stability of the nation, as well as on those affecting their ways of life, through choosing their leaders during elections.

Article V, Section 2 of the 1987 Constitution mandates Congress to provide a system for absentee voting by qualified Filipinos abroad. Pursuant thereto, Congress enacted Republic Act No. 9189, otherwise known as the 'Overseas Absentee Voting Act of 2003', later amended by Republic Act No. 10590, or the 'Overseas Absentee Voting Act of 2013'. Prior to these statutes, Overseas Filipino Workers (OFWs) were practically disenfranchised as there was no mechanism then allowing them to register and cast their votes.

However, even with the passage of the above-cited laws, there remains the issue of enfranchising OFWs, particularly Filipino seafarers, who can vote only either in person or postal voting in any Philippine embassy, consulate, or foreign service establishment of the country located or near any foreign seaport, or their place of work as the case may be, where they may happen to be during election periods. There is no accommodation in the law that allows our OFWs or seafarers to vote if they cannot go to these diplomatic posts abroad when they are on-board a vessel or on the high seas, or restricted by the circumstances of their work.

According to the Office of the Overseas Voting (OOV) of the Commission on Elections (COMELEC), in the 2019 National and Local Elections (NLEs), there were 1.82 million registered overseas voters but only 336,447 or 18.46% actually voted. Most recently, in the 2022 NLEs, only 472,559 actually voted out of a total 1.69 million registered overseas voters, or a turn-out of 27.87%. Though there was a slight improvement in turn-out (but with a decrease in the number of registered overseas voters), the figures are still considerably low.

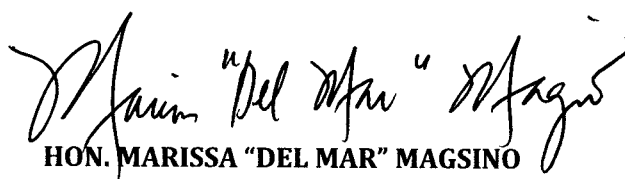
This bill seeks to expand voting methods under existing laws and regulations to prevent voting disenfranchisement of OFWs and to further encourage them to exercise their right of suffrage. Specifically, the proposed measure will allow OFWs and Filipino seafarers to register, receive their ballots and cast their votes through available electronic means as the COMELEC may determine. It also provides mechanisms that will further enhance existing methods and procedures of absentee voting of OFWs and Overseas Filipinos (OFs) while protecting the sanctity of their votes.

Electronic voting is currently known to be used in at least 28 countries, including Belgium, Brazil, Estonia, France, Germany, India, Italy, Namibia, the Netherlands, Norway, Peru, Switzerland, the United Kingdom, Venezuela, Pakistan, and the United States, one of the largest democracies in the world.

The gaps in the existing laws and regulations on overseas absentee voting in the country must be addressed to allow OFWs and OFs to fully participate in our NLEs, thereby enabling them to effectively exercise one of the key attributes of their Filipino citizenship – the right to choose their leaders.

This proposed measure is a counterpart bill of Senate Bill No. 172, authored and filed by Senator Francis Tolentino in the current (19th) Congress.

For the foregoing reasons, the immediate consideration and approval of the bill is earnestly urged.



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AN ACT
ALLOWING FOR VOTER REGISTRATION AND VOTING BY OVERSEAS FILIPINO WORKERS AND SEAFARERS BY MAIL OR OTHER ELECTRONIC MEANS, FURTHER AMENDING REPUBLIC ACT NO. 9189, OTHERWISE KNOWN AS THE 'OVERSEAS ABSENTEE VOTING ACT OF 2003', AS AMENDED BY REPUBLIC ACT NO. 10590, OTHERWISE KNOWN AS THE 'OVERSEAS VOTING ACT OF 2013', APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

SECTION 1. *Short Title* – Section 1 of Republic Act No. 9189, otherwise known as the 'Overseas Voting Act of 2003', as amended by Republic Act No. 10590, otherwise known as the 'Overseas Voting Act of 2013', is hereby further amended to read as follows:

'Section 1. *Short Title* – This Act shall be known as the 'Overseas Voting Act of **2023** [~~2013~~].'

SECTION 2. Section 3 of the same Act, as amended, is hereby further amended to read as follows:

'Section 3. *Definition of Terms* – For purposes of this Act:

a) xxxxx

xxxxx

(S) POSTAL VOTING REFERS TO A MODE OF VOTING WHERE MAILING PACKETS CONTAINING OFFICIAL BALLOTS AND OTHER ELECTION PARAPHERNALIA ARE SENT BY THE COMMISSION DIRECTLY TO THE VOTERS

OR TO THE POSTS AND SENT BACK AFTER VOTING TO ELECTION OFFICERS BY MAIL;

(T) *ELECTRONIC VOTING* REFERS TO A MODE OF VOTING THAT USES ELECTRONIC MEANS, INCLUDING BUT NOT LIMITED TO ELECTRONIC MAIL, WEB-BASED PORTALS, AND OTHER INTERNET-BASED TECHNOLOGIES, TO RECEIVE ABSENTEE BALLOTS AND CAST VOTES THEREON;

(U) *SEAFARER VOTING* REFERS TO A MODE OF VOTING BY WHICH SHIP OFFICERS AND RATINGS MANNING SHIPS, INCLUDING OFFSHORE WORKERS, SERVICE PROVIDERS, AND FISHERMEN, WHO ARE REGISTERED OVERSEAS WORKERS, MAY CAST THEIR BALLOTS DURING THE VOTING PERIOD THROUGH POSTAL OR ELECTRONIC MEANS.'

SECTION 3. Section 6 of the same Act, as amended, is hereby further amended to read as follows:

'Section 6. ~~[Personal]~~ *Overseas Registration and/or Certification* – Registration and/or certification as an overseas voter shall be done **EITHER** in person at any post abroad or at designated registration centers outside the post or in the Philippines approved by the Commission[.] **OR BY MAIL OR OTHER ELECTRONIC MEANS AS MAY BE DETERMINED BY THE COMMISSION, AND IN ACCORDANCE WITH THE METHOD OF TRANSMISSION DESIGNATED BY THE OVERSEAS VOTER DURING REGISTRATION.**

Field and mobile registration centers shall be set up by the posts concerned to ensure accessibility by the overseas voters. **HOWEVER, IN TIMES OF NATIONAL OR PUBLIC HEALTH CRISIS, THE COMMISSION IS AUTHORIZED TO SUSPEND REGISTRATION IN PERSON TO PRIORITIZE SAFE ALTERNATIVE METHODS THEREFOR.**

~~[All applicants shall submit themselves for live capture of their biometrics.]~~ **THE COMMISSION, THROUGH THE OFOV, SHALL COORDINATE WITH THE DEPARTMENT OF FOREIGN AFFAIRS (DFA), THE DEPARTMENT OF MIGRANT WORKERS (DMW), AND OTHER RELEVANT GOVERNMENT AGENCIES TO OBTAIN BIOMETRICS OF OVERSEAS VOTERS: PROVIDED, THAT THE BIOMETRICS DATA WILL BE USED ONLY FOR REGISTRATION PURPOSES: PROVIDED, FURTHER, THAT OVERSEAS VOTERS' DATA PRIVACY RIGHTS SHALL REMAIN PROTECTED.**

The Commission shall issue an overseas voter identification card to those whose applications to vote have been approved[.] **EITHER IN PERSON, BY MAIL, OR OTHER ELECTRONIC MEANS AS MAY BE DETERMINED BY THE COMMISSION.'**

SECTION 4. Section 10 of the same Act, as amended, is hereby further amended to read as follows:

'Section 10. *Transfer of Registration Record* – In the event of change of voting venue, an application for transfer of registration record must be filed by the overseas voter with the OFOV, through its Chairperson, **IN PERSON, BY MAIL, OR OTHER ELECTRONIC MEANS AS MAY BE DETERMINED BY THE COMMISSION** at least one hundred eighty

(180) days prior to the start of the overseas voting period: *Provided*, That those who would eventually vote in the Philippines should register within the time frame provided for local registration in the municipality, city or district where they intend to vote: *Provided, further*, That those who have registered in the municipality, city or district where they resided prior to their departure abroad need not register anew: *Provided, finally*, That transferees shall notify the OFOV, through its Chairperson, of their transfer back to the Philippines at least one hundred eighty (180) days prior to the next national elections for purposes of cancelling their names from the CLOV and of removing their overseas voter's registration from the book of voters.'

SECTION 5. Section 12 of the same Act, as amended, is hereby further amended to read as follows:

'Section 12. *Requirements for Registration* – Every Filipino registrant shall be required to furnish the following documents:

- (a) xxxxx
- (b) Accomplished registration form prescribed by the Commission **WHICH SHALL INCLUDE A METHOD OF TRANSMISSION TO BE DESIGNATED BY THE OVERSEAS VOTER**; and,
- (c) xxxxx

xxxxx

SECTION 6. Section 13 of the same Act, as amended, is hereby further amended to read as follows:

'Section 13. *National Registry of Overseas Voters (NROV)* – The Commission shall maintain a National Registry of Overseas Voters or NROV containing the names of registered overseas voters and the posts where they are registered. **THE LIST SHALL BE PUBLISHED: PROVIDED, THAT THE COMMISSION SHALL INSTITUTE SAFEGUARDS TO PROTECT THE DATA PRIVACY RIGHTS OF OVERSEAS VOTERS.**

xxxxx

SECTION 7. Section 23 of the same Act, as amended, is hereby further amended to read as follows:

'Section 23. *Voting* – Voting may be done either personally, by mail or by any other **ELECTRONIC** means as may be determined by the Commission. For this purpose, the Commission shall issue the necessary guidelines on the manner and procedures of voting **AT LEAST EIGHTEEN (18) MONTHS PRIOR TO THE CONDUCT OF THE NEXT NATIONAL AND LOCAL ELECTIONS.**

xxxxx

SECTION 8. Section 25 of the same Act, as amended, is hereby further amended to read as follows:

'Section 25. *Voting by Mail* **OR OTHER ELECTRONIC MEANS** -

25. 1. ~~[For the May, 2004 elections,] [t]~~The Commission shall authorize voting by mail ~~[in not more than three (3) countries, subject to the approval of the Congressional Oversight Committee]~~ **OR OTHER ELECTRONIC MEANS IN ALL POSTS ABROAD.** Voting by mail **OR ELECTRONIC VOTING** may be allowed in countries that satisfy the following conditions:

(a) xxxxx

(b) xxxxx, and,

(c) xxxxx

~~[Thereafter, voting by mail in any country shall be allowed only upon review and approval of the Joint Congressional Oversight Committee.]~~

25. 2. xxxxx

25. 3. Only ~~[mailed]~~ ballots **TRANSMITTED BY MAIL OR OTHER ELECTRONIC MEANS** received by the post before the close of voting on the day of elections shall be counted in accordance with Section 27 hereof. All envelopes containing the ballots received by the posts after the prescribed period shall not be opened, and shall be cancelled and disposed of appropriately, with a corresponding report thereon submitted to the Commission not later than thirty (30) days from the day of elections.'

24. 5. **THE COMMISSION SHALL ISSUE GUIDELINES ON VOTING BY MAIL OR OTHER ELECTRONIC MEANS, INCLUDING THE PERIOD OF AND PROCESS FOR SENDING MAIL PACKETS TO OVERSEAS VOTERS, PROCEDURES FOR VOTING AND VERIFICATION, AND OTHER RULES NECESSARY AND SUFFICIENT TO FACILITATE THE VOTING PROCESS.'**

SECTION 9. A new Section 25-A of the same Act, as amended, is hereby inserted to read as follows:

'SECTION 25-A. *VOTING BY SEAFARERS* - SEAFARERS SITUATED OVERSEAS AT THE TIME OF THE ELECTIONS MAY VOTE IN PERSON, BY POSTAL VOTING, OR BY OTHER ELECTRONIC MEANS AS MAY BE DETERMINED BY THE COMMISSION.

THE COMMISSION SHALL ADOPT GUIDELINES ON VOTING PROCEDURES FOR SEAFARERS AND OTHER SEA-BASED OVERSEAS FILIPINO WORKERS (OFWs) AND SECURE THEIR RIGHT TO VOTE WITHOUT REQUIRING THEM TO GO TO THE DESIGNATED VOTING CENTER IN THE NEAREST PORT.'

SECTION 10. Section 32 of the same Act, as amended, is hereby further amended to read as follows:

'Section 32. *Information Campaign* - The Commission, in coordination with agencies concerned, shall undertake an information campaign to educate the public on the manner of overseas voting for qualified overseas voters. It may require the support and

assistance of the DFA, through the posts, ~~[the DOLE,] [the Department of Transportation and Communications (DOTC)]~~, **THE DMW, THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY (DICT), THE NATIONAL PRIVACY COMMISSION (NPC)**, the Philippine Postal Corporation (PPC), ~~[the POEA]~~, the OWWA and the Commission on Filipinos Overseas.'

XXXXX

SECTION 11. Section 34 of the same Act, as amended, is hereby further amended to read as follows:

'Section 34. *Assistance from Government Agencies.* - All government officers, particularly from the DFA, ~~[the DOLE,] [the DOTC]~~, **THE DMW, THE DICT, THE NPC**, the PPC, the ~~[POEA]~~, the OWWA, the Commission on Filipinos Overseas and other government offices concerned with the welfare of the Filipinos overseas 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. When necessary, the Commission may send supervisory teams headed by career officers to assist the posts.'

XXXXX

SECTION 12. Section 36 of the same Act, as amended, is hereby further amended to read as follows:

'Section 36. *Prohibited Acts* – In addition to the prohibited acts provided by law, it shall be unlawful:

36.1. XXXXX

XXXXX

36.7. XXXXX

36.8. ~~[For any person to engage in partisan political activity abroad during the thirty (30) day overseas voting period;]~~

[36.9.] For any person who is not a citizen of the Philippines to participate, by word or deed, directly or indirectly through qualified organizations/associations, in any manner and at any stage of the Philippine political process abroad, including participation in the campaign and elections.'

XXXXX

SECTION 13. Section 41 of the same Act, as amended, is hereby further amended to read as follows:

‘Section 41. *Appropriations* – The amount necessary to carry out the provisions of this Act shall be included in the budgets of the Commission on Elections, [and] the DFA, **THE DMW, THE DICT, AND THE PPC** in the annual General Appropriations Act.’

SECTION 14. *Implementing Rules and Regulations* - The Commission shall promulgate rules and regulations for the implementation and enforcement of the provisions of this Act within sixty (60) days from the effectivity thereof.

In the formulation of the rules and regulations, the Commission shall coordinate with the DFA, [the DOLE,] the DMW, the DICT, the Commission on Filipinos Overseas, and other relevant agencies. Nongovernment organizations and accredited Filipino organizations or associations abroad shall be consulted.

SECTION 15. *Separability Clause* - If any part or provision of this Act shall be declared unconstitutional or invalid, the other provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 16. *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.

SECTION 17. *Effectivity Clause* - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved.