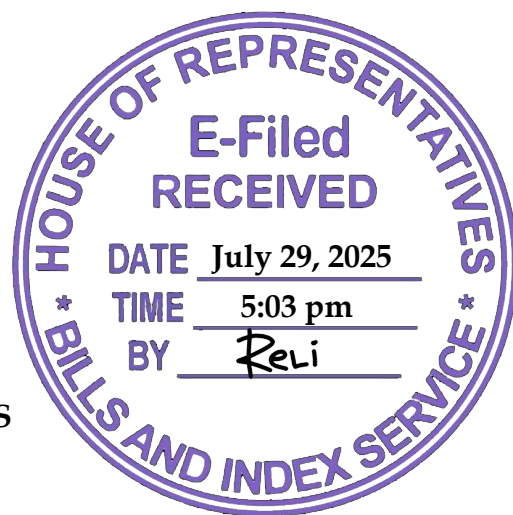




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 2534



Introduced by 4Ps Partylist Representative
JC M. ABALOS

EXPLANATORY NOTE

Voting is a fundamental human right that is absolutely vital in the democratic process. No less than the highest law of the land guarantees each Filipino citizen's right to suffrage. As stated in the Philippine Constitution, "no literacy, property, or other substantive requirement shall be imposed on the exercise of suffrage." Unless disqualified by law, this right has very minimal requirements in age and residency. It is, therefore, the role of the government to take proactive measures to guarantee that all citizens have the opportunity to exercise this right to their fullest extent.

This bill endeavors to fulfill that role.

This legislative measure aims to expand the options for registration and voting for Filipinos overseas. In the latest data from the Philippine Statistics Authority, there is an estimated 2.16 million Overseas Filipino Workers (OFWs).¹ While current laws, such as Republic Act No. 10590, provide a system for absentee voting by qualified Filipinos abroad, the existing mechanisms remain limited and may inadvertently disenfranchise many of our OFWs.

To address these limitations and further encourage participation, this measure specifically allows for the registration, certification, and transfer of registration of overseas voters by mail or by electronic means. Additionally, it includes electronic

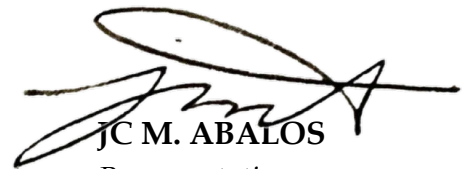
¹ Philippine Statistics Authority, "Survey on Overseas Filipinos,"
<https://psa.gov.ph/statistics/survey/labor-and-employment/survey-overseas-filipinos>.

voting as an additional option for overseas voting, complementing the existing in-person and mail-in methods.

Further, to safeguard the integrity of this expanded system, the bill also broadens the scope of prohibited acts under the law to include the theft, concealment, alteration, destruction, mutilation, manipulation, and tampering of electronic data or information.

This bill was first filed during the 19th Congress by Congresswoman Marissa “Del Mar” P. Magsino. The measure was subsequently substituted by House Bill No. 10178, which successfully passed on its third and final reading and was consequently transmitted to the Senate.

Therefore, its immediate passage is earnestly sought.



JC M. ABALOS
Representative
4Ps Partylist



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AN ACT
ALLOWING FOR ELECTRONIC REGISTRATION AND VOTING OVERSEAS,
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", 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 "Overseas Electronic Registration and Voting Act".

SEC. 2. Section 3 of Republic Act No. 9189, otherwise known as "The Overseas Absentee Voting Act of 2003", as amended, is hereby further amended to read as follows:

"SEC. 3. Definition of Terms. — For purposes of this Act:

XXX

(k) Overseas Voting refers to the process by which qualified citizens of the Philippines abroad exercise their right to vote, **EITHER IN PERSON AT**

ANY POST ABROAD OR AT DESIGNATED VOTING CENTERS OUTSIDE THE POST, BY MAIL, OR BY ELECTRONIC MEANS, INCLUDING BUT NOT LIMITED TO WEB-BASED PORTALS, AND OTHER INTERNET-BASED TECHNOLOGIES, TO RECEIVE BALLOTS AND CAST VOTES THEREON, AS MAY BE DETERMINED BY THE COMMISSION.

XXX."

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

"SEC. 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.] **BY MAIL, OR BY ELECTRONIC MEANS AS MAY BE DETERMINED BY THE COMMISSION: PROVIDED, HOWEVER, IN TIMES OF PUBLIC CRISIS, THE COMMISSION IS AUTHORIZED TO SUSPEND REGISTRATION IN PERSON TO PRIORITIZE SAFE ALTERNATIVE METHODS.**

Field and mobile registration centers shall be set up by the posts concerned to ensure accessibility by the overseas voters.

[All applicants shall submit themselves for live capture of their biometrics.] **THE COMMISSION, THROUGH THE OFOV, IN COORDINATION WITH THE DEPARTMENT OF FOREIGN AFFAIRS (FA), THE DEPARTMENT OF MIGRANT WORKERS (DMW), THE MARITIME INDUSTRY AUTHORITY (MARINA), THE PHILIPPINE STATISTICS AUTHORITY (PSA), AND OTHER RELEVANT GOVERNMENT AGENCIES SHALL OBTAIN BIOMETRIC DATA OF QUALIFIED OVERSEAS VOTERS: PROVIDED, THAT PROCESSING OF PERSONAL DATA SHALL COMPLY WITH THE PROVISIONS OF REPUBLIC ACT NO. 10173 OR THE DATA PRIVACY ACT OF 2012, ITS IMPLEMENTING RULES AND REGULATIONS AND RELATED ISSUANCES OF THE NATIONAL PRIVACY COMMISSION;**

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

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

"SEC. 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, **EITHER IN PERSON, BY MAIL, OR BY 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."

SEC. 5. Section 13 of the same Act, as amended, is hereby further amended to read as follows:

"SEC. 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[.];**PROVIDED, THAT THE COMMISSION SHALL INSTITUTE SAFEGUARDS TO PROTECT THE DATA PRIVACY RIGHTS OF OVERSEAS VOTERS.**

XXX."

SEC. 6. Section 23 of the same Act, as amended, is hereby further amended to read as follows:

"SEC. 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 ONE HUNDRED TWENTY (120) DAYS PRIOR TO THE CONDUCT OF THE NEXT NATIONAL AND LOCAL ELECTIONS.**

XXX."

SEC. 7. Section 17 of the same Act, as amended, is hereby further amended to read as follows:

"SEC. 17. Voting by Mail **OR BY ELECTRONIC MEANS.** —

17.1. [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 BY ELECTRONIC MEANS IN ALL POSTS ABROAD.** Voting by mail may be allowed in countries that satisfy the following conditions:

- (a) XXX
- (b) XXX
- (c) XXX

ELECTRONIC VOTING MAY BE ALLOWED IN COUNTRIES AS MAY BE DETERMINED BY THE COMMISSION.

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

17.3. Only [mailed] ballots **TRANSMITTED BY MAIL OR BY ELECTRONIC MEANS AND** 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."

SEC. 8. Section 32 of the same Act, as amended, is hereby further amended to read as follows:

"SEC. 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 MARINA,** the Philippine Postal

Corporation (PPC), [the POEA,] the OWWA and the Commission on Filipinos Overseas.

XXX."

SEC. 9. Section 34 of the same Act, as amended, is hereby further amended to read as follows:

"SEC. 34. Assistance from Government Agencies. - All government officers, particularly from the **DFA**, [the DOLE, the DOTC], **THE DMW, THE DICT, THE NPC, THE MARINA, 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.

XXX."

SEC. 10. Section 36 of the same Act, as amended, is hereby further amended to read as follows:

"SEC. 36. Prohibited Acts. - In addition to the prohibited acts provided by law, it shall be unlawful:

36.1. XXX

XXX

36.3. For any person to steal, conceal, alter, destroy, mutilate, manipulate, or in any way tamper with the mail [,] **OR ELECTRONIC DATA OR INFORMATION** containing the ballots for overseas voters, the ballot, the election returns, or any record, document or paper required for the purposes of this Act;

XXX

36.7. XXX

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.

XXX.”

SEC. 11. *Appropriations.* — The amount necessary for the implementation of this Act shall be included in the respective budgets of the agencies concerned in the annual General Appropriations Act.

SEC. 12. *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, DOLE, DMW, OWWA, DICT, Marina, PSA, Commission on Filipinos Overseas, and other relevant agencies. Nongovernment organizations and accredited Filipino organizations or associations abroad shall be consulted.

SEC. 13. *Separability Clause.* — If any provision or part of this Act is declared unconstitutional or invalid, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 14. *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. 15. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,