

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

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SENATE
S. B. No. 1271

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

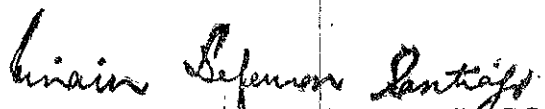
EXPLANATORY NOTE

A "polling place," as defined in the Omnibus Election Code, Section 152, is the building or place where the Board of Election Inspectors conducts its proceedings and where the voters cast their votes.

It also provides that "each polling place shall be, as far as practicable, a ground floor and shall be of sufficient size to admit and comfortably accommodate forty voters at one time..." In line with this, the Magna Carta for Disabled Persons (Republic Act No. 7277) Section 29, also provides that "polling places should be made accessible to disabled persons during national or local elections."

However, despite these provisions, the accessibility of the polling place especially for those registered voters who have physical or sensory limitations, has been found to be wanting. Thus, the proposed bill seeks to provide for a special polling place for the disabled and the elderly.

This is a substitute form of a bill discussed in public hearings last Congress.


MIRIAM DEFENSOR SANTIAGO

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AN ACT PROVIDING FOR A SPECIAL POLLING PLACE
FOR THE DISABLED AND THE ELDERLY

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

SECTION 1. SHORT TITLE. - This Act may be cited as, "The Special Polling Place Act of 1997."

SEC. 2. DEFINITION OF TERMS. - AS USED IN THIS ACT, THE FOLLOWING SHALL MEAN:

(A) A SPECIAL POLLING PLACE REFERS TO THE PLACE WHERE THE BOARD OF ELECTION INSPECTORS CONDUCTS ELECTION-RELATED PROCEEDINGS SUCH AS REGISTRATION, VOTING AND THE LIKE, THAT IS EASILY ACCESSIBLE TO THE DISABLED AND THE ELDERLY;

(B) A BARRIER FREE ENVIRONMENT REFERS TO AN AREA WHERE THE SPECIAL POLLING PLACE WITHIN A VOTING CENTER IS LOCATED, HAVING SUCH ARCHITECTURAL OR STRUCTURAL FEATURES WHICH REASONABLY ENHANCE THE MOBILITY OF THE DISABLED AND THE ELDERLY SUCH AS SIDEWALKS, RAMPS, RAILINGS, AND THE LIKE OR IS EASILY ACCESSIBLE TO WHEELCHAIRS;

(C) VOTING CENTER REFERS TO THE BUILDING OR PLACE WHERE A SPECIAL POLLING PLACE IS CONDUCTED

(D) DISABLED REFERS TO THOSE PERSONS WITH PHYSICAL, PHYSIOLOGICAL OR SENSORY IMPAIRMENT, OR THOSE PERSONS SUFFERING FROM RESTRICTIONS OF DIFFERENT ABILITIES TO PERFORM AN ACTIVITY IN THE MANNER OR WITHIN THE RANGE CONSIDERED NORMAL TO A HUMAN BEING AND AT THE SAME TIME, POSSESS THE QUALIFICATIONS AND NONE OF THE DISQUALIFICATIONS OF A VOTER; AND

(E) ELDERLY REFERS TO SENIOR CITIZENS WHO HAVE PHYSICAL LIMITATIONS DUE TO AGE OR SICKNESS AND AT THE SAME TIME, POSSESS THE QUALIFICATIONS AND NONE OF THE DISQUALIFICATIONS OF A VOTER.

SECTION 3. Special [Registration and] Polling Places FOR THE DISABLED AND THE ELDERLY. - The Commission on Elections, IN COORDINATION WITH LOCAL GOVERNMENT UNITS, CONCERNED GOVERNMENT AGENCIES AND OTHER CONCERNED GROUPS OR ORGANIZATIONS shall CONDUCT A STUDY ON THE DISABLED AND THE ELDERLY IN A LOCALITY TO GET DATA ON THEIR NUMBER, DISTRIBUTION, THE EXTENT OF THEIR LIMITATIONS WHICH MAY RESTRICT THEIR ABILITY TO PARTICIPATE IN ELECTION-RELATED ACTIVITIES, AND OTHER RELEVANT INFORMATION. AFTERWARDS, THE COMELEC SHALL provide for [a] special [registration] polling places for the disabled and THE ELDERLY [senior citizens which are easily accessible to them.] ; PROVIDED, THAT THE NUMBER AND LOCATION OF THE SPECIAL POLLING PLACES SHALL BE DETERMINED BY THE OUTCOME OF THE STUDY; PROVIDED FURTHER, THAT THE DESIGNATION OF SPECIAL POLLING PLACES SHALL NOT COMPROMISE NOR ALTER THE PRINCIPLE OF TERRITORIAL JURISDICTION USED IN ELECTION-RELATED ACTIVITIES SUCH THAT NO SPECIAL PRECINCTS SHALL BE CREATED FOR THE PURPOSE; PROVIDED FURTHER, THAT AS A SAFETY MEASURE, ONCE THE COMELEC DETERMINES WHO AMONG THE DISABLED AND THE ELDERLY

REQUIRE A SPECIAL POLLING PLACE, IT SHALL MAKE A SEPARATE LIST CONTAINING THE NAME, ADDRESS, A BRIEF DESCRIPTION OF THE DISABILITY OR PHYSICAL LIMITATION, THE PRECINCT AND THE CITY OR MUNICIPALITY WHERE HE/SHE BELONGS, AND IF ALREADY AVAILABLE, THE VOTER'S IDENTIFICATION NUMBER. THE LIST SHALL BE POSTED ONE (1) MONTH BEFORE ANY ELECTION-RELATED ACTIVITY, IN TWO (2) CONSPICUOUS PLACES IN THE CITY OR MUNICIPAL HALL FOR ONE (1) WEEK AND SHALL BE REGULARLY UPDATED. THOSE INCLUDED IN THE LIST SHALL ONLY BE ALLOWED TO USE HIS/HER DESIGNATED SPECIAL POLLING PLACE, WHILE OTHERS WHO ARE NOT IN THE LIST, SHALL NOT BE ALLOWED TO USE THE SAME; PROVIDED FINALLY, THAT THE SPECIAL POLLING PLACES SHALL BE LOCATED IN A BARRIER FREE ENVIRONMENT, EASILY ACCESSIBLE TO THE DISABLED AND THE ELDERLY.

SEC. 4. INFORMATION AND EDUCATION CAMPAIGN. - THE COMMISSION SHALL CONDUCT AN INFORMATION AND EDUCATION CAMPAIGN FOR THE EFFECTIVE IMPLEMENTATION OF THIS ACT.

SEC. 5 Rules and Regulations. - The Commission on Elections shall issue the necessary rules and regulations for the effective implementation of this Act.

SEC. 6 Separability Clause. - If any provision or part hereof is held invalid or unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain valid and subsisting.

SEC. 7 Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 8 Effectivity Clause - This Act shall take effect immediately after its approval.

Approved,