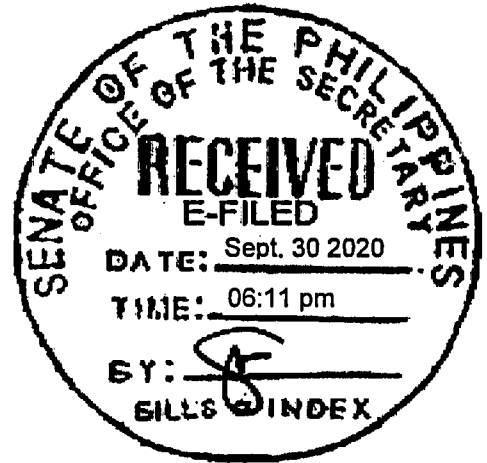


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE
S. B. No. 1866

Introduced by Senator SONNY ANGARA

AN ACT
ENHANCING ACCESSIBILITY IN THE VOTING OF SENIOR CITIZENS AND PERSONS WITH DISABILITIES, AMENDING FOR THE PURPOSE SECTIONS 2(J) AND 9, AND CREATING NEW SECTIONS 9-A AND 9-B UNDER REPUBLIC ACT NO. 10366, OTHERWISE KNOWN AS AN ACT AUTHORIZING THE COMMISSION ON ELECTIONS TO ESTABLISH PRECINCTS ASSIGNED TO ACCESSIBLE POLLING PLACES EXCLUSIVELY FOR PERSONS WITH DISABILITIES AND SENIOR CITIZENS

EXPLANATORY NOTE

Voting is a cornerstone of any democracy. No less than the Constitution enshrines suffrage under Section 1, Article V providing that the right to vote "may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year, and in the place wherein they propose to vote, for at least six months immediately preceding the election. No literacy, property, or other substantive requirement shall be imposed on the exercise of suffrage."

There were more than 61.8 million Filipinos who registered to vote in the 2019 National and Local Elections as recorded by the Commission on Elections (COMELEC). Of this number, 9.1 million or 14 percent are senior citizens based on COMELEC statistics¹, while at least 342,300 are persons with disabilities (PWDs) as estimated by The Asia Foundation².

It is alarming that, in the most recent National and Local Elections, only a small fraction of senior citizens and PWDs were willing to vote in accessible polling places as mandated by Republic Act No. 10366 or An Act Authorizing the Commission on Elections to Establish Precincts Assigned to Accessible Polling Places Exclusively

¹ Commission on Elections (COMELEC) Quick Stats on the May 13, 2019 National and Local Elections.

² Bacungan, VJ. "Don't make us crawl on Election Day: PWD groups." ABS-CBN News, 27 April 2019, <https://news.abs-cbn.com/spotlight/04/27/19/dont-make-us-crawl-on-election-day-pwd-groups>

for Persons with Disabilities and Senior Citizens. According to the Asia Foundation's Fully Abled Nation PWD initiative, only 240,000 PWDs and senior citizens overall signified their intention to vote during the 2019 elections in accessible polling places as these sites are not guaranteed to have ground floor level voting areas, ramps, and other necessary facilities needed for accessibility, and that reaching these locations alone poses a challenge given the limited public transportation options.³

In addition to accessibility issues, the COVID-19 health crisis hinders the participation of these two vulnerable sectors during elections with the high risk of infection associated with mass gatherings. The Council on Foreign Relations noted that one consequence of holding polls during a pandemic is the lower voter turnout as many would opt not to vote out of fear of contracting the virus. The international organization found 9 out of 15 countries that held elections in 2020 registered declines in the number of voters who casted their ballots from the previous election.⁴

With less than 2 years left before the next National and Local Elections, the right to vote of all Filipinos, particularly senior citizens and PWDs, must be protected to ensure that it can be fully exercised without restrictions.

Thus, it is only proper to enhance voting accessibility for these vulnerable sectors. The proposed measure amends Republic Act No. 10366, otherwise known as An Act Authorizing The Commission On Elections To Establish Precincts Assigned To Accessible Polling Places Exclusively For Persons With Disabilities And Senior Citizens, to authorize the COMELEC to designate precincts in accessible polling places for the exclusive use of PWDs and senior citizens, such as in public schools, town halls or plazas, civic centers, community centers or other similarly designated special venues or areas, and preferably those designed with special features to ensure safety and comfort, which should be reachable by public transportation and equipped with essential features for the vulnerable sectors. Further, the Bill allows early voting of senior citizens and PWDs, with the option to vote through mail, to isolate them from all other voters to reduce their risk of contracting the COVID-19 virus.

In view of the foregoing, the immediate passage of this bill is earnestly sought.

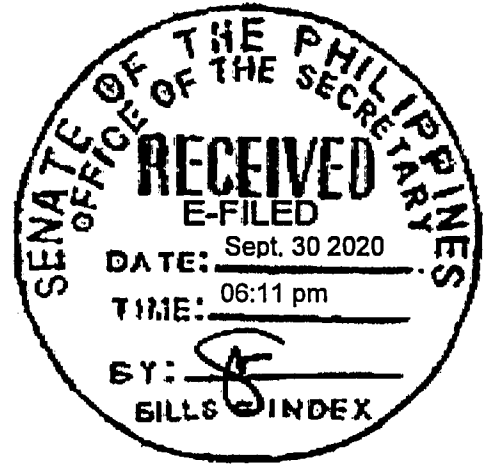


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³ *Ibid.*

⁴ Maizland, L. "How countries are holding elections during the COVID-19 pandemic." *Council on Foreign Relations*, 17 September 2020, <https://www.cfr.org/backgrounder/how-countries-are-holding-elections-during-covid-19-pandemic>

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

1 **Section 1.** Section 2(j) of Republic Act No. 10366 is hereby amended as
2 follows:
3 "SEC. 2. *Definition of Terms.* – xxx
4 xxx
5 (j) *Accessible polling place* refers to the venue where the Board of
6 Election Inspectors (BEIs) conducts election-related proceedings and
7 where the voters cast their votes. The accessible polling place shall be
8 located at the ground floor, preferably near the entrance of the building,
9 **SHALL BE READILY ACCESSIBLE TO PUBLIC TRANSPORTATION,**
10 and [is] **SHALL BE** free of any physical barriers and provided with

1 necessary **INFRASTRUCTURE AND** services, including assistive
2 devices[;], **RAMPS, RAILINGS, SIDEWALKS, ADEQUATE**
3 **LIGHTING, VENTILATION AND OTHER FEATURES FOR PERSONS**
4 **WITH DISABILITIES AND SENIOR CITIZENS."**

5 **Sec. 2.** Section 9 of Republic Act No. 10366 is hereby amended as follows:

6 "SEC. 9. [~~Creation of~~] *Precincts for Persons with Disabilities and*
7 *Senior Citizens.* – The Commission is hereby authorized to [establish]
8 **DESIGNATE** precincts [~~of a nonterritorial nature~~] **IN ACCESSIBLE**
9 **POLLING PLACES FOR THE EXCLUSIVE USE OF** [~~exclusively for~~]
10 persons with disabilities and senior citizens, **SUCH AS IN PUBLIC**
11 **SCHOOLS, TOWN HALLS OR PLAZAS, CIVIC CENTERS,**
12 **COMMUNITY CENTERS OR OTHER SIMILARLY DESIGNATED**
13 **SPECIAL VENUES OR AREAS, AND PREFERABLY THOSE**
14 **DESIGNED WITH SPECIAL FEATURES, TO ENSURE THEIR**
15 **SAFETY AND COMFORT.** [~~who in their registration records manifest~~
16 ~~their intent to avail of their right to a separate precinct under this~~
17 ~~section. Pursuant hereto, the Commission shall establish at least one (1)~~
18 ~~such precinct, assigned to accessible polling places, for every voting~~
19 ~~center~~]. Such precincts shall be provided with assistive devices
20 **PURSUANT TO THE PROVISIONS OF SECTION 2(J) OF THIS ACT**
21 as well as the services of experts in assisting persons with disabilities.

22 **Sec. 3.** A new section designated as Section 9-A under Republic Act No.
23 10366 is hereby inserted to read as follows:

1 **'SEC. 9-A. *EARLY VOTING.* – FOR NATIONAL AND LOCAL**
2 **ELECTIONS, THERE SHALL BE EARLY VOTING WHERE SENIOR**
3 **CITIZENS AND PERSONS WITH DISABILITIES QUALIFIED TO**
4 **VOTE EARLY MAY CHOOSE TO CAST THEIR BALLOT FOR A**
5 **PERIOD OF NOT LESS THAN TWO (2) DAYS WITHIN FIFTEEN**
6 **(15) CALENDAR DAYS BEFORE ELECTION DAY AT ACCESSIBLE**
7 **ESTABLISHMENTS DESIGNATED BY THE COMMISSION ON**
8 **ELECTIONS.**

9 **FOR THIS PURPOSE, ACCESSIBLE ESTABLISHMENTS**
10 **SHALL HAVE SUFFICIENT DISABILITY SUPPORT SERVICES,**
11 **LOCATED AT THE GROUND FLOOR OF DESIGNATED ELECTION**
12 **OFFICES OR STRATEGIC AREAS AT EVERY CITY OR**
13 **MUNICIPALITY ALL OVER THE COUNTRY."**

14 **Sec. 4.** A new section designated as Section 9-B under Republic Act No.
15 10366 is hereby inserted to read as follows:

16 **'SEC. 9-B. *OPTION FOR POSTAL EARLY VOTING.* – SENIOR**
17 **CITIZENS AND PERSONS WITH DISABILITIES WHO**
18 **REGISTERED FOR EARLY VOTING SHALL HAVE THE OPTION TO**
19 **CAST THEIR BALLOT VIA POST IN DESIGNATED PRECINCTS:**
20 ***PROVIDED,* THAT VOTERS WHO WISH TO VOTE VIA POST MUST**
21 **FIRST BE REGISTERED TO DO SO WITH THE COMMISSION ON**
22 **ELECTIONS.**

1 **THE COMMISSION SHALL PROVIDE RULES, NECESSARY**
2 **SAFEGUARDS, AND CONFIRMATION PROCEDURES TO**
3 **PROPERLY IMPLEMENT THIS PROVISION."**

4 **Sec. 5. *Implementing Rules and Regulations.*** – Within ninety (90) days
5 from the approval of this Act, the COMELEC shall, in consultation with other relevant
6 government and nongovernment agencies, promulgate the rules and regulations
7 necessary to implement this Act.

8 **Sec. 6. *Separability Clause.*** – If any part or provision of this Act is
9 declared unconstitutional or invalid, other parts or provisions thereof which are not
10 affected thereby shall continue to be in full force and effect.

11 **Sec. 7. *Repealing Clause.*** – All laws, decrees, executive orders, rules and
12 regulations or other issuances or parts thereof, inconsistent with this Act, are hereby
13 repealed, amended or modified accordingly.

14 **Sec. 8. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
15 publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,