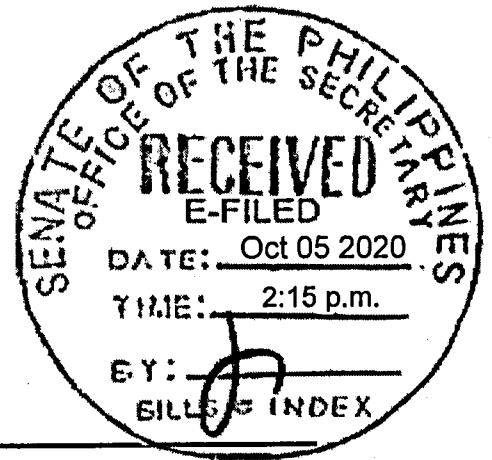


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

S.B. No. **1870**

Introduced by **SENATOR IMEE R. MARCOS**

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

EXPLANATORY NOTE

Article V, Section 2 of the Constitution states that the "Congress shall provide a system for securing the secrecy and sanctity of the ballot as well as a system for absentee voting by qualified Filipinos abroad." Further the Constitution provides that "No literacy, property, or other substantive requirement shall be imposed on the exercise of suffrage." Corollary to the said mandate is the duty to design a system and procedure to ensure the wide participation during electoral exercises, plebiscite or referendum by senior citizens, pregnant women, persons with disabilities and indigenous peoples, who are deemed more vulnerable during pandemics and other national crises.

According to the World Health Organization (WHO), COVID-19 is the infectious disease caused by the most recently discovered coronavirus. This new virus and disease was unknown before the global outbreak began in Wuhan, China, in December 2019. As of September 28, 2020, COVID-19 is now a global pandemic and the Philippines alone has recorded a total of 307,196 cases.

The United States Center for Disease Control (CDC) has reported that one's risk of getting severely ill from COVID-19 increases as one gets older. In the United States, eight out of ten COVID-19 related deaths have been among adults aged 65 years and older. In the Philippines, as of August 30, 2020 data of the Department of Health, 2,106 out of the 3,520 deaths related to COVID-19 were senior citizens.

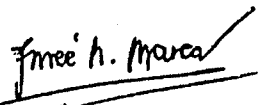
Just like senior citizens, the CDC also mentioned that pregnancy might increase the risk for severe illness from COVID-19.

With no vaccine as of date, the public health situation in the country has underscored the need for electoral reform. There is an urgent need to institute measures such that the most vulnerable sectors of our society will be protected from COVID-19 while ensuring that their right to suffrage remains unimpeded by the present circumstances.

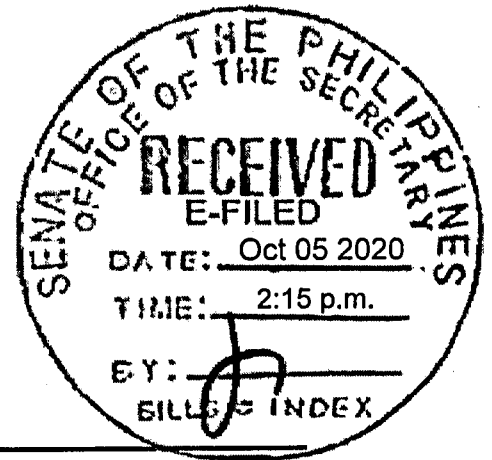
In addition and even prior to the COVID-19 pandemic, numerous public hearings and technical working group meetings conducted by the Senate Committee on Electoral Reforms and People's Participation have already discussed and recognized the plight of persons with disabilities (PWDs) and the indigenous peoples (IPs) in remote areas during election day due to inaccessibility of polling places.

Hence, when the need arises, senior citizens, pregnant women, PWDs, and IPs should be allowed to vote by mail.

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


IMEE R. MARCOS

SENATE
S.B. No. 1870



Introduced by **SENATOR IMEE R. MARCOS**

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

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

- 1 **SECTION 1. Short Title.** – This Act shall be known as the “Voting by Mail Act.”
2
3 **SEC. 2. Declaration of Policy.** – The State shall ensure that senior citizens,
4 pregnant women, persons with disabilities and indigenous peoples are able to exercise
5 their right to political participation without restrictions. To this end, the State shall
6 design systems and procedures that will enable them to vote via post.
7
8 **SEC. 3. Definition of Terms.** – As used in this Act, the term:
9
10 a. Commission refers to the Commission on Elections.
11 b. Postal voting refers to a mode of voting where mailing packets, containing the
12 official ballots and other election paraphernalia, are sent directly to senior
13 voters.
14 c. Senior Citizens refer to qualified voters who are sixty (60) years or older.
15 d. Persons with Disabilities refer to qualified voters who are suffering from
16 restriction of different abilities, as a result of a mental, physical or sensory
17 impairment, to perform an activity in the manner or within the range considered
18 normal for a human being;
19 e. Indigenous peoples refer to qualified voters belonging to a group of people or
20 homogenous societies identified by self-ascription and ascription by others, who
21 have continuously lived as organized community on communally bounded and
22 defined territory, and who have, under claims of ownership since time
23 immemorial, occupied, possessed and utilized such territories, sharing common
24 bonds of language, customs, traditions and other distinctive cultural traits, or
25 who have, through resistance to political, social and cultural inroads of
26 colonization, non-indigenous religions and cultures, became historically

1 differentiated from the majority of Filipinos. ICCs/IPs shall likewise include
2 peoples who are regarded as indigenous on account of their descent from the
3 populations which inhabited the country, at the time of conquest or
4 colonization, or at the time of inroads of non-indigenous religions and cultures,
5 or the establishment of present state boundaries, who retain some or all of
6 their own social, economic, cultural and political institutions, but who may have
7 been displaced from their traditional domains or who may have resettled
8 outside their ancestral domains;

9 f. Authorized Witness refers to any family members of the voter eighteen (18)
10 years old or above within third degree of consanguinity
11

12 **SEC. 4. Coverage.** – All registered voters who are senior citizens, pregnant
13 women, persons with disabilities and indigenous people, who are not otherwise
14 disqualified by law, may vote in the national and local elections via post.
15

16 **SEC. 5. Registration to Vote Via Post.** – Any senior citizen, pregnant woman,
17 person with disabilities and indigenous people already registered to vote may register
18 before the Commission to vote via post. Senior Citizens, pregnant women, persons
19 with disabilities and indigenous peoples not yet registered to vote, and would like
20 to exercise their right to vote via post can register as a voter and apply for postal
21 voting at the same time.
22

23 The Commission shall design a registration system via post taking into
24 consideration their limited movement due to health or physical restrictions. Application
25 forms for registration to vote and for registration to vote via post shall be made
26 available for download in the Commission’s website and in all Barangay Halls.
27

28 **SEC. 6. Record of Voters via Post.** – Voters who wish to cast and/or signify
29 their intent to vote via post must first be registered to do so with the Commission.
30 The Commission shall keep a record of senior citizens, pregnant women, person with
31 disabilities and indigenous peoples who registered for postal voting and ensure it is
32 updated for each election.
33

34 **SEC. 7. Creation of Special Ballot Reception and Custody Group.** – The
35 Commission shall establish the Special Ballot Reception and Custody Group (SBRCG),
36 to be composes of a Chairman and four (4) members to be appointed by the
37 Commission.
38

39 **SEC. 8. Functions of the Special Ballot Reception and Custody Group.** – The
40 SBRCG shall perform the following duties and functions:
41

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

8
9 **SEC. 9.** *Dispatch of Postal Voting Packets to Registered Postal Voters.* –

10 The Commission shall send, not later than forty-five (45) days before the scheduled
11 national or local elections, the sealed mailing packet containing the following:
12

- 13 a. The official ballot;
- 14 b. Certified List of Candidates;
- 15 c. Instruction to Voters;
- 16 d. Official Ballot Envelope; and
- 17 e. Paper Seals.

18
19 The Commission, in designing the mailing packets, the contents thereof, and
20 the procedure for postal voting, must take all measures to prevent vote tampering,
21 and ensure that ballots are tracked through mechanisms such as but not limited to
22 serial numbered stubs during their delivery to the voter, reception, storage, and
23 canvassing to ensure the integrity and sanctity of the ballots.
24

25 **SEC. 10.** *Procedure for Postal Voting.* – The following requirements for postal
26 voting shall be observed:
27

- 28 a. The qualified voter must show the unsigned official ballot and the official ballot
29 envelope to an authorized witness as defined in this Act;
- 30 b. The qualified voter must then, in the presence of the authorized witness but so
31 that the witness cannot see the vote, accomplish personally the ballot by writing
32 the names of the candidates and the name or acronym of the party-list group
33 participating in the party list system of choice;
- 34 c. The qualified voter must affix his or her signature in the ballot coupon which is
35 located on the lower portion of the official ballot;
- 36 d. The voter shall fold the official ballot, place it in the official ballot envelope and
37 the voter and authorized witness shall write their names and affix their
38 signatures on the flap of the envelope. Failure to write their names and affix
39 their signatures shall invalidate the ballot;
- 40 e. Return the sealed ballot envelope to the Commission using the return to sender
41 slip included in the mailing packet in accordance with the terms agreed between
42 the Commission and the winning bidder private courier;

1 f. Only the ballots received by the Commission fifteen (15) working days prior to
2 the scheduled election day shall be counted. All envelopes containing the ballots
3 received by the Commission after the prescribed period shall not be opened
4 and shall be cancelled and disposed of appropriately, with a corresponding
5 report which shall be publicized not later than thirty (30) days from the day of
6 elections.

7
8 **SEC. 11. *Ballot Receipt.*** – The Commission shall provide the necessary
9 safeguards and confirmation procedures including the provision of ballot receipts to
10 senior citizens, pregnant women, person with disabilities and indigenous peoples who
11 voted via mail. If a qualified voter via mail fails to receive a ballot receipt prior to the
12 scheduled election day, the voter shall be allowed to vote in person during the day of
13 election.

14
15 **SEC. 12. *Authority of the Commission to Promulgate Rules.*** – The Commission
16 shall issue the necessary rules and regulations to effectively implement the provisions
17 of this Act within sixty (60) days from the effectivity of this Act.

18
19 **SEC. 13. *Authority of the Commission to Allow Postal Voting.*** – The
20 Commission shall have the authority to determine whether postal voting shall be
21 allowed for any national or local elections. The determination shall be made within a
22 period sufficient enough to prepare the necessary postal voting paraphernalia and the
23 bidding of the private courier.

24
25 **SEC. 14. *Reportorial Requirements.*** – The Commission shall within one
26 hundred (100) days after the conduct of the first postal voting report to the Congress
27 its evaluation of the effectivity and ways to improve the conduct of the same.

28
29 **SEC. 15. *Applicability of Other Election Laws.*** – The pertinent provisions of the
30 Omnibus Election Code, as amended, and other election laws, which are not in conflict
31 with the provisions of this Act shall remain in full force and shall have suppletory
32 application to this Act.

33
34 **SEC. 16. *Appropriations.*** – The amount necessary to carry out the provisions
35 of this Act shall be included in the General Appropriations Act of the year of its
36 enactment into law. Thereafter, the expenses for its continued implementation shall
37 be included in the subsequent General Appropriations Act.

38
39 **SEC. 17. *Information Materials.*** – The Commission shall ensure that
40 information materials relating to the postal electoral process are distributed and that
41 the same be appropriate and accessible to senior citizens.

42

1 **SEC. 18. *Separability Clause.*** – If any part or provision of this Act shall be
2 declared unconstitutional or invalid, other provisions hereof which are not affected
3 thereby shall continue to be in full force and effect.

4
5 **SEC. 19. *Repealing Clause.*** – All laws, presidential decrees, executive orders,
6 rules and regulations, other issuances, and parts thereof, which are inconsistent with
7 the provisions of this Act, are hereby repealed or modified accordingly.

8
9 **SEC. 20. *Effectivity.*** – This Act shall take effect fifteen (15) days following its
10 publication in three (3) newspapers of general circulation.

Approved,