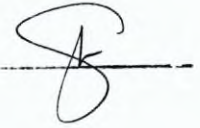


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
***First Regular Session*)**

'22 JUL -7 P4 :16

SENATE
S. No. 172

RECEIVED BY



Introduced by SENATOR FRANCIS "TOL" N. TOLENTINO

AN ACT

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

Explanatory Note

The right of suffrage is every Filipino's birthright. It is a constitutionally protected right accorded to citizens of a State. Article V, Section 2 of the 1987 Constitution enjoins the Congress to provide a system for absentee voting by qualified Filipinos abroad.

For many years since the ratification of the 1987 Constitution, however, Filipinos situated overseas were disenfranchised. There was no mechanism allowing them to register and cast their votes. It was only in 2003 that the Philippine Congress was able to enact a legislation that allowed millions of overseas Filipinos to vote.

The 12th Congress enacted Republic Act No. 9189, otherwise known as the "Overseas Absentee Voting Act of 2003," ("R.A. No. 9189"). This was amended by

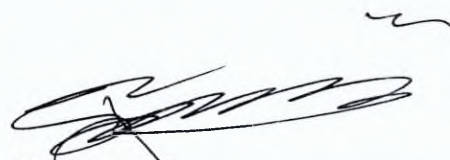
R.A. No. 10590, or "The Overseas Voting Act of 2013," which was enacted during the 15th Congress in 2013. Section 3(k) of R.A. 9189, as amended, defines "overseas voting" as the process by which qualified citizens of the Philippines abroad exercise their right to vote.

Our overseas voting law recognize and promote the right of suffrage of Filipinos overseas. However, despite existing law and millions of budgetary appropriations granted for this purpose, data shows a historically low voter turnout for overseas voters in prior elections.

Based on the data provided by the Office of Overseas Voting (the "OFOV"), the following factors contribute to low voter turnout: (a) accessibility by in-person voters to embassy, consulate, or polling centers; (b) in the case of postal voting, inaccuracy in the postal address of overseas voters resulting in ballots being returned to posts; (c) strict work conditions imposed on overseas Filipinos, limiting their time and movement to either mail their ballots or go to polling centers; and (d) failure of overseas voters to send the absentee ballot to ensure timely receipt by the election officials within the one-month voting period.

Clearly, existing laws and regulations present gaps in the voting process that hinder overseas Filipinos from fully participating in elections. These gaps should be addressed for overseas Filipinos, especially seafarers, to be accorded the full blessing of Filipino citizenship – to choose their leaders. To prevent voting disenfranchisement and further encourage exercise of their right of suffrage, this bill expands existing voting methods available for overseas Filipinos.

In view of the foregoing, the urgent approval of this bill is earnestly sought.



FRANCIS "TOL" N. TOLENTINO

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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1 AN ACT

2 ALLOWING FOR VOTER REGISTRATION AND VOTING BY MAIL OR OTHER
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6 2003," AS AMENDED BY REPUBLIC ACT NO. 10590, OR THE "OVERSEAS
7 VOTING ACT OF 2013," APPROPRIATING FUNDS THEREFOR, AND FOR
8 OTHER PURPOSES

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

9 SECTION 1. Section 1 of the Republic Act No. 9189, as amended by Republic
10 Act No. 10590, is hereby amended to read as follows:

11 "SECTION 1. *Short Title.* – This Act shall be known as "The Overseas
12 Voting Act of **2022** [~~2013~~]."

13 SEC. 2. New Sections 3(s), 3(t), and 3(u) of the same Act, as amended, are
14 hereby inserted to read as follows:

15 "SEC. 3. *Definition of Terms.* - For purposes of this Act:

16 "x x x

1 “(S) **POSTAL VOTING** REFERS TO A MODE OF VOTING WHERE
2 MAILING PACKETS CONTAINING OFFICIAL BALLOTS AND OTHER
3 ELECTION PARAPHERNALIA ARE SENT DIRECTLY TO THE VOTERS
4 OR DIRECTLY TO THE POST FROM THE COMMISSION AND SENT
5 BACK TO ELECTION OFFICERS BY MAIL.

6 “(T) **ELECTRONIC VOTING** REFERS TO A MODE OF VOTING
7 THAT USES ELECTRONIC MEANS, INCLUDING, BUT NOT LIMITED TO,
8 ELECTRONIC MAIL, WEB-BASED PORTALS, AND OTHER INTERNET-
9 BASED TECHNOLOGY, TO RECEIVE ABSENTEE BALLOTS AND CAST
10 VOTES THEREON.

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

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

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

27 “Field and mobile registration centers shall be set up by the posts
28 concerned to ensure accessibility by the overseas voters. **HOWEVER, IN**
29 **TIMES OF NATIONAL OR PUBLIC HEALTH CRISIS, THE COMMISSION**

1 **IS AUTHORIZED TO SUSPEND REGISTRATION IN PERSON TO**
2 **PRIORITIZE SAFE ALTERNATIVE METHODS THEREFOR.**

3 ~~“All applicants shall submit themselves for live capture of their~~
4 ~~biometrics.”~~ **THE COMMISSION, THROUGH THE OFOV, SHALL**
5 **COORDINATE WITH THE DEPARTMENT OF FOREIGN AFFAIRS,**
6 **DEPARTMENT OF MIGRANT WORKERS, DEPARTMENT OF LABOR**
7 **AND EMPLOYMENT, AND OTHER RELEVANT GOVERNMENT**
8 **AGENCIES TO OBTAIN BIOMETRICS OF OVERSEAS VOTERS,**
9 **PROVIDED THAT THE BIOMETRICS DATA WILL ONLY BE USED FOR**
10 **REGISTRATION PURPOSES; PROVIDED, FURTHER, THAT OVERSEAS**
11 **VOTERS’ DATA PRIVACY RIGHTS SHALL REMAIN PROTECTED.**

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

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

18 “SEC. 10. *Transfer of Registration Record.* - In the event of change of
19 voting venue, an application for transfer of registration record must be filed
20 **IN PERSON, BY MAIL, OR OTHER ELECTRONIC MEANS AS MAY BE**
21 **DETERMINED BY THE COMMISSION** by the overseas voter with the
22 OFOV, through its Chairperson, at least one hundred eighty (180) days prior
23 to the start of the overseas voting period: *Provided,* That those who would
24 eventually vote in the Philippines should register within the time frame
25 provided for local registration in the municipality, city or district where they
26 intend to vote: *Provided, further,* That those who have registered in the
27 municipality, city or district where they resided prior to their departure abroad
28 need not register anew; *Provided, finally,* That transferees shall notify the
29 OFOV, through its Chairperson, of their transfer back to the Philippines at
30 least one hundred eighty (180) days prior to the next national elections for

1 purposes of cancelling their names from the CLOV and of removing their
2 overseas voter's registration from the book of voters."

3 **SEC. 5.** Section 12 of the same Act, as amended, is hereby further amended
4 to read as follows:

5 "SEC. 12. Requirements for Registration. - Every Filipino registrant shall
6 be required to furnish the following documents:

7 "(a) x x x

8 "(b) Accomplished registration form prescribed by the Commission,
9 **WHICH SHALL INCLUDE A METHOD OF TRANSMISSION TO BE**
10 **DESIGNATED BY THE OVERSEAS VOTER;** and

11 "(c) x x x

12 "x x x"

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

15 "SEC. 13. *National Registry of Overseas Voters (NROV)*. - The
16 Commission shall maintain a National Registry of Overseas Voters or NROV
17 containing the names of registered overseas voters and the posts where they
18 are registered. **THE LIST SHALL BE PUBLISHED, PROVIDED THAT THE**
19 **COMMISSION SHALL INSTITUTE SAFEGUARDS TO PROTECT THE**
20 **DATA PRIVACY RIGHTS OF OVERSEAS VOTERS.**

21 "x x x"

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

24 "SEC. 23. *Voting*. - Voting may be done either personally, by mail or by
25 any other **ELECTRONIC** means as may be determined by the Commission.
26 For this purpose, the Commission shall issue the necessary guidelines on the

1 manner and procedures of voting **AT LEAST EIGHTEEN (18) MONTHS**
2 **PRIOR TO THE CONDUCT OF THE NEXT ELECTIONS.**

3 "x x x "

4 **SEC. 8.** Section 25 of the same Act, as amended, is hereby further amended
5 to read as follows:

6 "SEC. 25. *Voting by Mail* **OR OTHER ELECTRONIC MEANS.** –

7 "25.1. [~~For the May, 2004 elections,~~] [T]he Commission shall authorize
8 [~~voting by mail in not more than three (3) countries, subject to the approval~~
9 [~~of the Congressional Oversight Committee.~~] **VOTING BY MAIL OR OTHER**
10 **ELECTRONIC MEANS IN ALL POSTS ABROAD.** Voting by mail **OR**
11 **ELECTRONIC VOTING** may be allowed in countries that satisfy the
12 following conditions:

13 "a. x x x

14 "b. x x x;

15 "c. x x x;

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

18 "25.2. x x x

19 "25.3. Only mailed ballots **TRANSMITTED BY MAIL OR OTHER**
20 **ELECTRONIC MEANS** received by the post before the close of voting on the
21 day of elections shall be counted in accordance with Section 27 hereof. All
22 envelopes containing the ballots received by the posts after the prescribed
23 period shall not be opened, and shall be cancelled and disposed of
24 appropriately, with a corresponding report thereon submitted to the
25 Commission not later than thirty (30) days from the day of elections.

1 **"25.4. THE COMMISSION SHALL ISSUE GUIDELINES ON**
2 **VOTING BY MAIL OR OTHER ELECTRONIC MEANS, INCLUDING THE**
3 **PERIOD OF AND PROCESS FOR SENDING MAIL PACKETS TO**
4 **OVERSEAS VOTERS, PROCEDURES FOR VOTING, VERIFICATION**
5 **PROCEDURES, AND OTHER RULES NECESSARY AND SUFFICIENT TO**
6 **FACILITATE THE VOTING PROCESS."**

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

9 **"SEC. 25-A. VOTING BY SEAFARERS. – SEAFARERS SITUATED**
10 **OVERSEAS AT THE TIME OF THE ELECTIONS MAY VOTE BY PERSON,**
11 **POSTAL VOTING, OR OTHER ELECTRONIC MEANS AS MAY BE**
12 **DETERMINED BY THE COMMISSION.**

13 **"THE COMMISSION SHALL ADOPT GUIDELINES ON VOTING**
14 **PROCEDURES FOR SEAFARERS AND OTHER SEA-BASED OVERSEAS**
15 **FILIPINO WORKERS AND SECURE THEIR RIGHT TO VOTE, WITHOUT**
16 **REQUIRING THEM TO GO TO THE DESIGNATED VOTING CENTER**
17 **FROM THE NEAREST PORT."**

18 **SEC. 10.** Section 32 of the same Act, as amended, is hereby further amended
19 to read as follows:

20 **"SEC. 32. Information Campaign.** - The Commission, in coordination
21 with agencies concerned, shall undertake an information campaign to educate
22 the public on the manner of overseas voting for qualified overseas voters. It
23 may require the support and assistance of the DFA, through the posts, the
24 DOLE, the [~~Department of Transportation and Communications (DOTC),~~] **THE**
25 **DEPARTMENT OF MIGRANT WORKERS (DMW), THE DEPARTMENT**
26 **OF INFORMATION AND COMMUNICATIONS TECHNOLOGY (DICT),**
27 **THE NATIONAL PRIVACY COMMISSION (NPC),** the Philippine Postal
28 Corporation (PPC), [~~the POEA,~~] the OWWA and the Commission on Filipinos
29 Overseas.

1 "x x x"

2 **SEC. 11.** Section 34 of the same Act, as amended, is hereby further amended
3 to read as follows:

4 "SEC. 34. *Assistance from Government Agencies.* - All government
5 officers, particularly from the DFA, the DOLE, the [~~DOTC,~~] **THE DMW, THE**
6 **DICT, THE NPC,** the PPC, [~~the POEA,~~] the OWWA, the Commission on
7 Filipinos Overseas and other government offices concerned with the welfare
8 of the Filipinos overseas shall, to the extent compatible with their primary
9 responsibilities, assist the Commission in carrying out the provisions of this
10 Act. All such agencies or officers thereof shall take reasonable measures to
11 expedite all election activities, which the Commission shall require of them.
12 When necessary, the Commission may send supervisory teams headed by
13 career officers to assist the posts.

14 "x x x"

15 **SEC. 12.** Section 36 of the same Act, as amended, is hereby further amended
16 to read as follows:

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

19 "36.1. x x x

20 "36.2. x x x

21 "36.3. x x x

22 "36.4. x x x

23 "36.5. x x x

24 "36.6. x x x

25 "36.7. x x x

1 "36.7. x x x

2 "36.8. [~~For any person to engage in partisan political activity abroad~~
3 ~~during the thirty (30) day overseas voting period;~~]

4 "[36.9.] For any person who is not a citizen of the Philippines to
5 participate, by word or deed, directly or indirectly through qualified
6 organizations/associations, in any manner and at any stage of the Philippine
7 political process abroad, including participation in the campaign and elections.

8 "x x x"

9 **SEC. 13.** Section 41 of the same Act, as amended, is hereby further amended
10 to read as follows:

11 "SEC. 41. *Appropriations.* - The amount necessary to carry out the provisions
12 of this Act shall be included in the budgets of the Commission on Elections,
13 [~~and~~] the DFA, **THE DMW, THE DOLE, THE DICT, AND THE PPC** in the
14 annual General Appropriations Act."

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

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

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

25 **SEC. 16. *Repealing Clause.*** - All laws, presidential decrees, executive
26 orders, rules and regulations, other issuances and parts thereof which are

1 inconsistent with the provisions of this Act are hereby repealed or modified
2 accordingly.

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

Approved,