

23 JAN 12 P5:50

SENATE
S. No. 1675

RECEIVED BY: 

Introduced by Senator MARK A. VILLAR

AN ACT
ENHANCING ACCESSIBILITY IN THE VOTING OF SENIOR CITIZENS,
PERSONS WITH DISABILITIES, PREGNANT WOMEN, AND INDIGENOUS
PEOPLES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10366,
OTHERWISE KNOWN AS "AN ACT AUTHORIZING THE COMMISSION ON
ELECTIONS TO ESTABLISH PRECINTS ASSIGNED TO ACCESSIBLE POLLING
PLACES EXCLUSIVELY FOR PERSONS WITH DISABILITIES AND SENIOR
CITIZENS", PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Suffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law. This is the very wordings provided in Section 1 Article V of the Constitution. However, there are persons who do not vote during elections although qualified and willing to exercise their right, not by reason of disqualification but due to incapacity brought by their physical condition such as PWDs and pregnant women.

There are also people who are unable to exercise their right to vote because of the distance of polling precincts from their respective home particularly experienced by the members of the indigenous community. This defeat the provision requiring polling places to be readily accessible to all under Republic Act (RA) No. 10366.

This bill seeks to amend RA 10366 by providing a mechanism to make polling places easily available to PWDs, pregnant women and indigenous people. If this bill is enacted into law, it will require polling place, among others, to be placed in areas where there will be accessible public transportation, and access for wheelchairs, ramps, railings, sidewalks to assist PWDs. Early voting system is also proposed for said persons in order to provide them sufficient time to exercise their rights during election time.

Immediate passage of this bill, therefore, is earnestly sought.


MARK A. VILLAR

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



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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 "*Better Voting*
2 *Accessibility for Seniors, PWDs, Pregnant Women, and IPs Act*".

3 Sec 2. *Declaration of Policy.* – The State shall ensure that senior citizens,
4 persons with disabilities (PWDs), pregnant women, and indigenous peoples (IPs) are
5 able to exercise their right to political participation without restrictions. The State
6 shall devise systems and procedures that will enhance the accessibility in their voting
7 process.

8 Sec. 3. *Definition of Terms.* – As used in this Act, the term:

9 (a) *Commission* – refer to the Commission on Elections.

10 (b) *Senior Citizens* – refer to qualified voters who are sixty (60) years
11 or older.

12 (c) *Persons with disabilities or PWDs* – refer to the qualified voters who
13 have long term physical, mental, intellectual, or sensory impairments

1 which, in interaction with various barriers, may hinder their full and
2 effective participation in the society on an equal basis with others.

3 (d) *Pregnant Women* – refer to qualified voters who are pregnant at
4 the time of the period of early voting and during election day
5 regardless of the number of trimester.

6 (e) *Indigenous peoples* – refer to qualified voters who belong to a
7 group of people or homogenous societies identified by self-ascription
8 and ascription by others, who have continuously lived as organized
9 community and communally bounded and defined territory, and who
10 have, under claims of ownership since time immemorial, occupied,
11 possessed and utilized such territories, sharing common bonds of
12 language, customs, traditions and other distinctive cultural traits, or
13 who have, through resistance to political, social and cultural inroads of
14 colonization, non-indigenous religions and culture, became historically
15 differentiated from the majority of Filipinos. IPs shall likewise include
16 peoples who are regarded as indigenous on account of their descent
17 from the populations which inhabited the country, at the time of
18 conquest or colonization, or at the time of inroads of non-indigenous
19 religions and cultures, or establishment of present state boundaries,
20 who retain some or all of their own social, economic, cultural and
21 political institutions, but who may have been displaced from their
22 traditional domains or who may have resettled outside their ancestral
23 domains.

24 Sec. 4. *Early Voting.* – For national and local elections, there shall be early
25 voting where senior citizens, PWDs, pregnant women, and IPs qualified to vote early
26 may choose to cast their ballot for a period of not less than two (2) days within
27 thirty (30) calendar days before election day at accessible establishments designated
28 by the Commission. For this purpose, accessible establishments shall be located at
29 the ground floor, preferably near the entrance of the building, shall be readily
30 accessible to public transportation, and shall be free of any physical barriers and
31 provided with necessary infrastructure and disability support services, including
32 assistive devices, transport wheelchairs, ramps, railings, sidewalk, adequate lighting,

1 ventilation, and other features for the senior citizens, PWDs, and pregnant women.
2 Aside from structural accessibility, the Commission shall provide live assistance for
3 PWDs such as sign language interpreters. There shall be a nationwide registration of
4 senior citizens, PWDs, pregnant women, and IPs who may wish to avail of their early
5 voting privileges to qualify them for early voting. Only those who are not registered
6 under the early voting system shall vote on election day.

7 Sec. 5. *Option for Postal Early Voting.* – Senior citizens, PWDs, pregnant
8 women, and IPs who registered for early voting shall have the option to cast their
9 ballot via post in designated precincts: *Provided,* That voters who wish to vote via
10 post must first be registered to do so with the Commission. The Commission shall
11 provide rules, necessary safeguards, and confirmation procedures to properly
12 implement this provision.

13 Sec. 6. *Emergency Accessible Polling Places (EAPP).* – During election day,
14 the Commission shall designated a room or a makeshift or temporary polling place
15 establish at the ground of a voting center or outside of it but in close proximity
16 thereto, where senior citizens, PWDs, pregnant women or IP voters may vote on
17 election day. The Commission shall ensure that the voting machine in the event of
18 automated elections, are adequate, appropriate, accessible, and easy to understand
19 and use, and that reasonable accommodation shall be granted to PWDs, senior
20 citizens, pregnant women and IPs in order that they may fully exercise their right of
21 suffrage. The Commission shall provide live assistance for PWDs such as sign
22 language interpreters.

23 Sec. 7. Section 2(j) of Republic Act No. 10366 is hereby amended to read as
24 follows:

25 “Sec. 2. Definition of Terms, - xxx

26 (a) xxx

27 (j) Accessible polling piece refers to the venue where the Board of
28 Election Inspectors (BEIs) conducts election-related proceedings
29 and where the voters cast their votes. The accessible polling place
30 shall be located at the ground floor, preferably near the entrance
31 of the building, **SHALL BE READILY ACCESSIBLE TO PUBLIC**
32 **TRANSPORTATION**, and [is] **SHALL BE** free of any physical

1 barriers and provided with necessary **INFRASTRUCTURE AND**
2 services, including assistive devices, **TRANSPORT**
3 **WHEELCHAIRS, RAMPS, RAILINGS, SIDEWALKS,**
4 **ADEQUATE LIGHTING, VENTILATION, AND OTHER**
5 **FEATURES FOR PERSONS WITH DISABILITIES, SENIOR**
6 **CITIZENS, PREGNANT WOMEN AND INDIGENOUS**
7 **PEOPLES."**

8 Sec. 8. Section 9 of the Republic Act No. 10366 is hereby amended to read as
9 follows:

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

29 Sec. 9. *Implementing Rules and Regulations.* – Within ninety (90) days from
30 approval of this Act, the Commission shall, in consultation with other relevant
31 government agencies, non-governmental organizations, and civil society
32 organizations, promulgate the rules and regulations necessary to implement this Act.

1 Sec. 10. *Appropriations.* – The initial appropriation to carry out the provisions
2 of this Act shall be charged against the current appropriations of the Commission.
3 Thereafter, the amount necessary for the continued implementation of this Act shall
4 be included in the annual General Appropriations Act.

5 Sec. 11. *Separability Clause.* – If any provision of this Act is declared invalid
6 or unconstitutional, the provisions not affected thereby shall remain in full force and
7 effect.

8 Sec. 12. *Repealing Clause.* – All laws, presidential decrees, executive orders,
9 presidential proclamation, rules and regulations or parts thereof contrary to or
10 inconsistent with this Act are hereby repealed or modified accordingly.

11 Sec. 13. *Effectivity.* - This Act shall take effect fifteen (15) days after its
12 publication in the Official Gazette or in a newspaper of general circulation.

Approved,