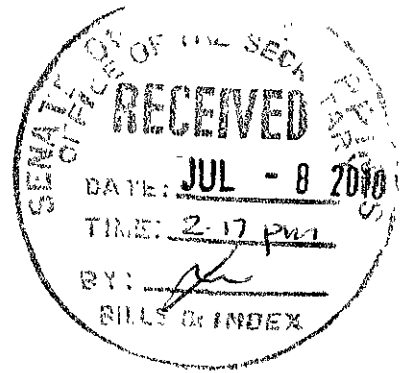


FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



SENATE

S. No. 1030

Introduced by Senator Manuel "Lito" M. Lapid

EXPLANATORY NOTE

With the 2013 National Elections fast-approaching, it is imperative for Congress to provide the building blocks that will pave the way in making this historic moment a success by making sure that each vote counts.

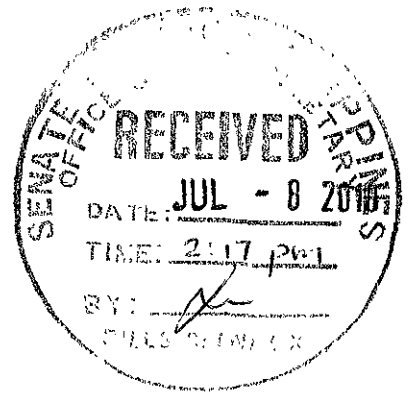
The advent of biometrics in the registration of new voters is seen as a big leap in protecting the votes of the people and in eliminating, if not trimming, the probability of having multiple registrants among first-time voters.

As such, this proposed measure seeks to purge the records of the Commission on Elections of multiple registrants and ghost voters used by opportunists and election cheaters by requiring registered voters whose biometrics have not been captured to appear before the Election Officer of their place of registration to have their photographs, fingerprints and signature taken so as to update the Commission on Elections of the eligible and active electorate and determine fraudulent registrants.

It is hoped that the biometrics technology will be a means to establish a more transparent, complete, permanent and updated list of voters. In the same light, the full implementation of the use of biometrics technology in the registration process will be a big step in purging the list of voters and pave the way for clean and honest elections.

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

MANUEL "LITO" M. LAPID
Senator



SENATE

S. No. 1030

Introduced by Senator Manuel "Lito" M. Lapid

AN ACT

REQUIRING ALL REGISTERED VOTERS WHOSE BIOMETRICS HAVE NOT BEEN CAPTURED TO APPEAR BEFORE THE ELECTION OFFICER OF THEIR PLACE OF REGISTRATION FOR PURPOSES OF HAVING THEIR PHOTOGRAPHS, FINGERPRINTS AND SIGNATURES CAPTURED THROUGH THE METHOD OF BIOMETRICS, FOR PURPOSES OF ENSURING THAT THE AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (AFIS) CAN BE UTILIZED TO CLEANSE THE RECORDS OF DOUBLE OR MULTIPLE REGISTRANTS

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

SECTION 1. Declaration of Policy. - It is the policy of the State to establish a clean, complete, permanent and updated list of voters through the adoption of biometric technology.

SEC. 2. Definition of Terms. - As used in this Act:

- (a) "Commission" refers to the Commission on Elections (COMELEC).
- (b) "Biometrics" refers to the quantitative analysis that provides a positive identification of an individual such as voice, fingerprint and/or picture.
- (c) "Data Capture Machine (DCM)" is the device which captures the picture, fingerprint and signature of a registered voter.
- (d) "Deactivation" refers to the temporary removal of a registered voter from the Registration Record of Voters for failure to appear before the appropriate Election Officer for validation despite notice.
- (e) "Double/Multiple registration" is the registration of a voter in more than one (1) city or municipality.
- (f) "Election Registration Board" refers to the body constituted pursuant to Republic Act No. 8189 (otherwise known as "The Voter's Registration Act of 1996) to act on all applications for registration.
- (g) "Election Officer" refers to the highest official or authorized representative of the Commission in the city or municipality.

(h) "Reactivation" refers to the reinstatement of a registered voter who had been deactivated from the Registration Records of Voters.

(i) "Registration Record" refers to the application for registration duly approved by the Election Registration Board.

(j) "Validation" is the process of taking the biometrics such as photograph, fingerprint and signature of a registered voter through the use of a DCM.

SEC. 3. Who shall submit for Validation. - Those registered voters as of October 29, 2007 barangay elections and those who thereafter registered and will register under Republic Act No. 8189 (otherwise known as "The Voter's Registration Act of 1996") without biometrics data shall submit for live capture his/her photograph, fingerprint and signature through the use of DCM before the Election Officer of the city/municipality where he/she is a registered voter or intends to register.

SEC. 4. Who Shall Conduct the Validation. - The City/Municipal Election Officer, through the use of DCMs shall conduct the validation process by taking the biometrics of voters.

SEC. 5. Period for Validation. - Validation shall be conducted upon the effectivity of this Act, consistent with the Continuing Registration Act.

SEC. 6. Schedule of Validation/Registration. - The Commission may consider opening its offices nationwide on any given Saturday to accommodate new registrants especially college students who are only free during the weekends.

SEC. 7. Notice. - The City/Municipal Election Officer shall serve individual written notices to the voters according to their latest address found in the voter's registration record, notice by publication in five (5) newspapers of general circulation and two (2) local papers in every city and province and in some radio broadcast the statement about the need to register the voters.

SEC. 8. Deactivation. - Voters who failed to submit for validation on or before the last day of filing of application for registration for purposes of the 2013 national and local elections, despite due notice, shall be deactivated from the registration record of the voters by the Election Registration Board.

SEC. 9. Reactivation. - Those deactivated under the preceding section may apply before the Election Registration Board for reactivation with simultaneous validation and the applicant shall, if eligible, be included as a matter of right in the Registration Record of Voters.

SEC. 10. Use of Biometrics in the Voting Process. - The Commission shall establish a system wherein the electronic data generated by biometric registration shall be available to Election Officers at the precinct level for them to verify the identity of a voter.

SEC. 11. Computerized Nationwide Voter Registration List Requirements. - The Commission shall implement, in a uniform and non-discriminatory manner, a single, official, centralized, interactive computerized voter registration list defined, maintained and administered by the Commission that contains the name and registration information of every legally registered voter and assigns a unique identifier to each legally registered voter and includes the following:

- (a) the computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the country;

- (b) the computerized list contains the name and registration information of every legally registered voter;
- (c) under the computerized list a unique identifier is assigned to each legally registered voter;
- (d) the computerized list shall be coordinated with other agency databases;
- (e) any authorized election official, including any local election official, may obtain immediate electronic access to the information contained in the computerized list; and
- (f) all voter registration information obtained by any local election official shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.

SEC. 12. *Voter's List Cleansing.* - Any registered party may file with the Commission the names of the voters which should be excluded, removed or corrected from the computerized nationwide registration lists stating the reasons thereof.

SEC. 13. *Database Security.* - The database generated by biometric registration shall be secured by the Commission and shall not be used, under any circumstance, for any other purpose other than for electoral exercises.

SEC. 14. *Prohibited Acts.* - The following shall be election offenses punishable under Sections 263 and 264 of Batas Pambansa Bilang 881, as amended (otherwise known as the "Omnibus Election Code"):

(a) Any person who shall prohibit, impede, obstruct or prevent a registered voter from submitting his/her biometrics for data capture through the use of force, intimidation or monetary consideration;

(b) Any public official or person who, under the guise of implementing this Act, shall unjustifiably and without or lacking due process, cause the deactivation or reactivation of any legitimate and *bonafide* registered voter from the Registration Record of Voters;

(c) Any person who attempts to engage in double or multiple registration for the purpose of voting in several precincts; and

(d) Any person who attempts to register in a polling place where he/she is not a *bonafide* and registered resident.

SEC. 15. *Rules and Regulations.* - The Commission shall promulgate the rules and regulations necessary to implement the provisions of this Act.

SEC. 16. *Separability Clause.* - If any part of this Act is held invalid or unconstitutional, the other parts or provisions hereof shall remain valid and effective.

SEC. 17. *Repealing Clause.* - All laws, decrees, executive orders, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 18. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,