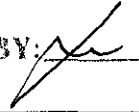


FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



*11 OCT 20 P 1 :47

SENATE
S. No. 2999

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 5, Section 1 provides:

Suffrage 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 where they propose to vote for at six months immediately preceding the election. No literacy, property, or other substantive requirement shall be imposed on the exercise of suffrage.

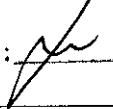
For the electoral process to be considered truly democratic, we have to ensure its accessibility to all qualified voters. This bill defines persons with disabilities (PWDs) as “qualified voters and not otherwise disqualified by law, who have long-term physical, mental, intellectual, or sensory impairments, which in interaction with various barriers may hinder their full and effective participation in the electoral processes on an equal basis with others.”

This bill seeks to provide mechanisms to aid PWDs through the creation of a registry of PWDs, a sensitivity training program, the establishment of accessible polling places, and the scheduling of special registrations, among others.


MIRIAM DEFENSOR SANTIAGO

'11 OCT 20 P1:47

SENATE
S. No. 2999

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 ENSURING THE ACCESSIBILITY OF THE ELECTORAL PROCESSES TO PERSONS
3 WITH DISABILITIES (PWDs) and SENIOR CITIZENS WITH DISABILITIES (SCWDs)

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

4 SECTION 1. *Short Title.* – This Act shall be known as the “Electoral Processes
5 Accessibility Act of 2011.”

6 SECTION 2. *Declaration of Policy.* – The State shall ensure the effective exercise of the
7 right to suffrage and political participation of all qualified Filipinos. It shall ensure that persons
8 with disabilities (PWDs) and senior citizens with disabilities (SCWDs) are able to exercise their
9 right to political participation without discrimination. Towards this end, the State shall design
10 systems and procedures that will enable PWDs and SCWDs to register and vote by themselves.

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

12 a) “Persons with Disabilities (PWDs)” shall refer to qualified voters not otherwise
13 disqualified by law who have long-term physical, mental, intellectual, or sensory impairments,
14 which in interaction with various barriers may hinder their full and effective participation in the
15 electoral processes on an equal basis with others.

16 b) “Senior Citizens with Disabilities (SCWDs)” shall refer to qualified voters not
17 otherwise disqualified by law who are sixty (60) years or older and who have any of the
18 disabilities defined in preceding paragraph of this section.

19 c) “Electoral Processes” shall refer to election-related activities and proceedings
20 including registration, candidacy and campaign, voter education, casting of vote, and the like.

1 d) “Assistance” shall refer to the support, aid, or assistance that may be extended to
2 PWDs and SCWDs for them to meaningfully and effectively exercise their right to participate in
3 the electoral processes, including:

4 (i) “Assistor” shall refer to qualified person assisting the PWDs or SCWDs in
5 physically accomplishing the registration form and/or the ballot.

6 (ii) “Communication Assistance” shall refer to any type of assistance that would aid
7 the PWD or SCWD to communicate with persons in charge of the electoral
8 processes, such as sign language interpreters, providing blank sheets of paper and
9 pencil where a deaf person can write questions, or voter information or
10 instructions in video format with captions.

11 (iii) “Visual Assistance” shall refer to any type of assistance that would aid the PWD
12 or SCWD to know the contents of the forms he or she is accomplishing, including
13 the ballot, such as reading instructions, providing blank sheets of paper and pencil
14 where a deaf person can write questions, or voter information or instructions in
15 video format with captions.

16 (iv) “Mobility” shall refer to any type of assistance that would provide the necessary
17 means or facilities, such as elevated planks and stairways, for PWDs and SCWDs
18 to be able to safely reach the places where registration, voting, and other election
19 related activities are to be held.

20 (e) “Discrimination on the basis of disability” means any distinction, exclusion, or
21 restriction on the basis of disability which has the purpose or effect of impairing or nullifying the
22 recognition, enjoyment, or exercise, on an equal basis with others, of all human rights and
23 fundamental freedoms in the political, economic, social, cultural, civil, or any other field. It
24 includes all forms of discrimination, including denial of reasonable accommodation.

25 (f) “Reasonable accommodation” means necessary and appropriate modification and
26 adjustments not imposing a disproportionate or undue burden, where needed in a particular case,
27 to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of
28 all human rights and fundamental freedoms.

1 (g) "Universal design" means the design of products, environments, programs and
2 services to be usable by all people, to the greatest extent possible, without the need for adaptation
3 or specialized design. "Universal design" shall not exclude assistive devices for particular groups
4 of persons with disabilities where this is needed.

5 SECTION 4. *Right to Participation in Political and Public Life.* – The State shall
6 guarantee the political rights of PWDs and SCWDs and the opportunity to enjoy them on an
7 equal basis with others. It shall undertake to ensure that PWDs and SCWDs can effectively and
8 fully participate in political and public life on an equal basis with others, directly or through their
9 freely chosen representatives, by:

10 (a) Ensuring that voting procedures, facilities and materials are appropriate,
11 accessible, and easy to understand and use;

12 (b) Protecting the right of persons with disabilities to vote by secret ballot in elections
13 and public referendums without intimidation, to stand for elections, to effectively hold office and
14 perform all public functions at all levels of government, facilitating the use of assistive and new
15 technologies where appropriate;

16 (c) Guaranteeing the free expression of the will of persons with disabilities as electors
17 and to this end, where necessary, at their request, allowing assistance in voting by a person of
18 their own choice;

19 SECTION 5. *Duty of the Comelec to render Assistance to PWDs and SCWDs.* – It shall
20 be the duty of the Commission on Elections (Comelec), in coordination with agencies involved
21 in the electoral processes, to ensure that appropriate assistance are accorded the PWDs and
22 SCWDs for them to meaningfully participate in the electoral processes.

23 Comelec shall coordinate with the National Council on Disability Affairs (NCDA), the
24 Commission on Human Rights (CHR), the Department of Health (DOH), the Department of
25 Education (DepEd), and the Department of Interior and Local Government (DILG) in designing
26 systems and specific types of assistance to be accorded to PWDs and SCWDs in the various
27 phases of the electoral process.

28 SECTION 6. *Registry of PWDs and SCWDs.* – Comelec shall keep a record of PWDs and
29 SCWDs who are registered as voters, indicating the types of disability and the assistance they

1 need, to assist it in determining policy directions for more inclusive and accessible electoral
2 processes for the PWDs and SCWDs. The registry shall be made accessible to concerned
3 government offices, accredited citizen's arms, civil society monitoring groups and other
4 organizations which promote the rights of the PWDs and SCWDs, subject to specific guidelines
5 the Comelec may promulgate to protect the privacy of the individuals concerned.

6 SECTION 7. *Registration and Updating of Records.* – In designing the registration and
7 other forms, Comelec must ensure that PWDs and SCWDs will be able to accomplish said forms
8 by themselves, or through qualified assistants as provided in the succeeding section.

9 Furthermore, in designing the forms, Comelec must ensure that PWDs and SCWDs
10 applying for registration, reactivation, transfer, or correction of entry may indicate the type(s) of
11 impairment, as well as the form(s) of assistance needed during election day.

12 PWDs and SCWDs who have previously registered but have not indicated the type of
13 disability, or who may have developed/manifested such disability after having been registered,
14 shall be allowed to update their registration records, and to indicate the type of assistance they
15 need during election day. COMELEC may design registration and other forms specifically for
16 PWDs and SCWDs, or issue supplemental forms for the said purposes, and provide for
17 procedures to be followed by those who need to update their registration records.

18 SECTION 8. *Assistance in the accomplishment of application form.* – A PWD or SCWD
19 who cannot by himself/herself accomplish an application for registration, by reason of illiteracy
20 or physical disability, shall be assisted by the Election Officer (EO) in the preparation of his/her
21 application form, or by any member of an accredited citizen's arm, or a relative within the fourth
22 civil degree of consanguinity or affinity, or if he/she has none present, by any person on his/her
23 confidence who belongs to the same household.

24 SECTION 9. *Satellite and Special Registration.* – Comelec, in coordination with local
25 government units, PWD and Senior Citizens organizations, and other cause-oriented groups,
26 shall conduct satellite and/or special registration for PWDs and SCWDs in places accessible to
27 the PWDs and the SCWDs.

28 SECTION 10. *Accessible Polling Places.* – Comelec shall designate accessible polling
29 places where PWDs and SCWDs may be able to cast their vote on election day and be provided

1 with the necessary mobility, communication, visual, and other forms of assistance. The rooms
2 shall be located at the ground floor of each polling center preferably near the entrance of the
3 building. Comelec shall determine the number of accessible polling rooms based on the registry
4 of PWDs and SCWDs in a particular locality.

5 SECTION 11. *Classification of Accessible Polling Places as Distinct Precincts.* – The
6 accessible polling place may be constituted either: (1) by maintaining the existing precinct
7 assignment of the PWDs and SCWDs voters; or (2) by establishing a separate precinct for PWDs
8 and SCWDs; or (3) by combining them with other voters in an existing precinct assigned in the
9 ground floor, depending on their number in the locality, and upon consultation with PWD and
10 SCWD sectors. At all times, Comelec shall ensure that the right of the PWDs and the SCWDs to
11 secrecy of their votes is protected.

12 SECTION 12. *Ballot Design.* – In designing the ballot, Comelec, as much as practicable,
13 shall ensure that PWDs and SCWDs will be able to accomplish the ballots by themselves.
14 Comelec may likewise design special ballots for PWDs and SCWDs or prepare ballot guides in
15 Braille, to assist PWDs and SCWDs accomplish the ballot by themselves.

16 SECTION 13. *Assistance in the Accomplishment of the Ballot.* – A PWD or SCWD who
17 is illiterate or physically unable to prepare the ballot by himself or herself may be assisted in the
18 preparation of his or her ballot by a relative by affinity or consanguinity within the fourth civil
19 degree, or if he or she has none, by any person of his or her confidence who belong to the same
20 household, or by any member of the board of election inspectors. For this purpose, the person
21 who usually assists the PWD or SCWD, such as a personal assistant, a caregiver, or a nurse shall
22 be considered a member of his or her household.

23 No voter shall be allowed an assistor on the basis of illiteracy or physical disability unless
24 it is so indicated in his or her registration record. Nevertheless, if the physical inability to prepare
25 the ballot is manifest, obvious, or visible, said voter shall be allowed to be assisted in
26 accomplishing the ballot by a qualified assistor, even if not stated or indicated in the registration
27 record.

28 Except the members of the board of election inspectors, in no case shall an assistor assist
29 more than three times. The person thus chosen shall prepare the ballot for the PWD or SCWD

1 voter inside the voting booth. The person assisting shall bind himself or herself in a formal
2 document under oath to fill out the ballot strictly in accordance with the instructions of the voter
3 and not to reveal the contents of the ballot prepared by him or her. Violation of this provision
4 shall constitute an election offense punishable under Section 262 of the Omnibus Election Code.

5 SECTION 14. *Pool of Interpreters.* – Comelec, in coordination with the NCDA, shall
6 devise a system of creating a pool of qualified sign language interpreters, and may identify and
7 tap the civil society groups to perform assistorial duties to PWDs and SCWDs. The pool of
8 assistants or citizens’ arm shall be allowed to assist PWDs and SCWDs in accomplishing the
9 registration form or the ballot, subject to the rules to be promulgated by Comelec.

10 SECTION 15. *Sensitivity Training Program.* -- Comelec, in coordination with the
11 NCDA, the CHR, and PWD organizations, shall organize, design, and implement sensitivity
12 trainings to persons performing electoral duties, including Comelec field officers, members of
13 the Board of Election Inspectors (BEIs), and accredited citizens’ arms to familiarize with the
14 needs of the PWDs and SCWDs.

15 SECTION 16. *Information Materials.* -- Comelec shall ensure that information materials
16 relating to the electoral processes are accessible to PWDs and SCWDs.

17 SECTION 17. *Appropriations.* – Comelec shall include in its budget programs the
18 implementation of this Act. The initial funding of this Act shall be charged against the current
19 year’s appropriations or from any available savings of the Comelec. Thereafter, such amount as
20 may be necessary for the continued implementation of this Act shall be included in the annual
21 General Appropriations Act.

22 Section 18. *Implementing Rules and Regulations.* – Within sixty (60) days from the
23 effectivity of this Act, the Comelec, in consultation with the NCDA, the CHR, the DOH, and the
24 PWD sector, shall promulgate the rules and regulations for the implementation of this Act.

25 SECTION 19. *Separability Clause.* – Should any provision of the Act be declared invalid
26 or unconstitutional, the validity or constitutionality of the other provisions of this Act shall not be
27 affected thereby.

1 Section 20. *Repealing Clause.* – All laws, decrees, letters of instructions, resolutions,
2 orders, ordinances or parts thereof which are inconsistent with the provisions of this Act, are
3 hereby repealed, amended, or modified accordingly.

4 Section 21. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
5 publication in two (2) newspapers of general circulation.

Approved,

/abg