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SENATE BILL NO. 3287

Prepared Jointly by the Committees on Electoral Reforms and People's Participation, Social Justice, Welfare and Rural Development, and Finance with Senators Ejercito-Estrada, Lapid, Santiago, Villar, Pimentel III, Pangilinan, and Drilon, as authors

AN ACT
ENSURING THE ACCESSIBILITY OF THE ELECTORAL PROCESSES TO
PERSONS WITH DISABILITIES (PWDs) and SENIOR CITIZENS (SCs)

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 "Electoral Processes
2 Accessibility Act of 2012."

3 SECTION 2. *Declaration of Policy.* - The State shall ensure that persons with
4 disabilities (PWDs) and senior citizens (SCs) are able to exercise their right to political
5 participation without discrimination or restrictions. Towards this end, the State shall design
6 systems and procedures that will enable PWDs and SCs to register and vote by themselves.

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

8 a) "Persons with Disabilities (PWDs)" refer to qualified voters who have long-term
9 physical, mental, intellectual, or sensory impairments, which in interaction with various
10 barriers may hinder their full and effective participation in the electoral processes on an equal
11 basis with others.

1 b) "Senior Citizens (SCs)" refer to qualified voters who are sixty (60) years or older.

2 c) "Electoral Processes" refer to election-related activities and proceedings including
3 registration, candidacy, campaign, voter education, and casting of vote.

4 d) "Assistance" refers to any support or aid that may be extended to PWDs and SCs
5 for them to meaningfully and effectively participate in the electoral processes.

6 e) "Discrimination on the basis of disability" means any distinction, exclusion, or
7 restriction on the basis of disability which has the effect of impairing or nullifying the
8 recognition, enjoyment, or exercise, on an equal basis with others, of all human rights and
9 fundamental freedoms, including denial of reasonable accommodation.

10 f) "Reasonable accommodation" means necessary and appropriate modification and
11 adjustments not imposing a disproportionate or undue burden to PWDs and SCs, to ensure
12 the enjoyment or exercise on an equal basis with others of all human rights and fundamental
13 freedoms.

14 g) "Universal design" means the design of products, environments, programs and
15 services, including assistive devices, to be used by all persons, without the need for
16 adaptation or specialized design.

17 h) "Satellite registration" refers to registration conducted by an Election Officer (EO)
18 in established satellite offices located in a public place within his/her area of jurisdiction. It
19 accepts applications for registration, transfer/transfer with reactivation, reactivation of
20 registration records, change/correction of entries and validation of registration from all
21 registrants or voters residing within the EO's territorial jurisdiction.

22 i) "Special registration" refers to registration conducted in established satellite office
23 by a special registration team (SRT) designated by Commission on Elections (Comelec). It

1 exclusively caters to first time PWD and SC registrants residing outside the area of
2 jurisdiction of the regular EO conducting the satellite registration.

3 j) "Accessible polling place" refers to the venue where the Board of Election
4 Inspectors (BEIs) conduct election related proceedings and where the voters cast their votes.
5 The polling place shall be located at the ground floor, preferably near the entrance of the
6 building, and is free of any physical barriers and provided with necessary services, including
7 assistive devices.

8 SECTION 4. *Right to Participation in Electoral Processes.* - The State shall
9 guarantee the political rights of PWDs and SCs, in line with the concepts of reasonable
10 accommodation and universal design, by:

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

13 b) Protecting the right of PWDs and SCs to vote by secret ballot in elections without
14 intimidation, facilitating the use of assistive and new technologies where appropriate;

15 c) Guaranteeing the free expression, in the exercise of the right of suffrage, of PWDs
16 and SCs, allowing assistance in voting by a person of their own choice;

17 SECTION 5. *Duty of the Commission on Elections (Comelec) to render Assistance to*
18 *PWDs and SCs.* - It shall be the duty of the Comelec to render appropriate assistance to
19 PWDs and SCs in coordination with Government Agencies and Civil Society Organizations.

20 SECTION 6. *Record of PWDs and SCs.* - Comelec shall keep an updated record of
21 PWDs and SCs who are registered as voters, indicating the types of disability and the
22 assistance they need, to assist it in determining policy directions for more inclusive and
23 accessible electoral processes. The record shall be made accessible to concerned government

1 offices, accredited citizen's arms, civil society monitoring groups and other organizations
2 which promote the rights of the PWDs and SCs, subject to specific guidelines the Comelec
3 may promulgate to protect the privacy of the individuals concerned.

4 SECTION 7. *Registration and Updating of Records.* – In designing the forms,
5 Comelec must ensure that PWDs and SCs applying for registration, reactivation, transfer, or
6 correction of entry may indicate the type(s) of impairment, as well as the form(s) of
7 assistance needed.

8 PWDs and SCs who have previously registered but have not indicated the type of
9 disability, or who may have developed/manifested such disability after having been
10 registered, shall be allowed, during the periods to file applications for registration, to update
11 their registration records, and to indicate the type of assistance they may need during election
12 day. Comelec may design registration forms specifically for PWDs and SCs, or issue
13 supplemental forms for the said purposes, and provide for procedures to be followed by those
14 who need to update their registration records.

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

21 SECTION 9. *Satellite and Special Registration.* - Comelec, in coordination with
22 national government agencies and local government units, PWD and SC organizations, and

1 other cause-oriented groups, shall conduct satellite and/or special registration for PWDs and
2 SCs in places accessible to the PWDs and the SCs.

3 SECTION 10. *Accessible Polling Places.* - Comelec shall designate accessible polling
4 places where PWDs and SCs may be able to cast their votes on election day and be provided
5 with the necessary forms of assistance. The polling place shall be located at the ground floor
6 of each voting center preferably near the entrance of the building.

7 Pursuant to the foregoing, the Comelec may: (1) maintain the existing precinct
8 assignment of the PWDs and SCs voters; or (2) establish a separate precinct for PWDs and
9 SCs; or (3) combine them with other voters in an existing precinct assigned on the ground
10 floor, and upon consultation with PWD and SC sectors.

11 SECTION 11. *Ballot Design.* - In designing the ballot, Comelec, shall ensure
12 reasonable accommodation to PWDs and SCs to enable them to accomplish the ballots by
13 themselves.

14 SECTION 12. *Assistance in the Accomplishment of the Ballot.* - A PWD or SC who is
15 illiterate or physically unable to prepare the ballot by himself or herself may be assisted in
16 the preparation of his or her ballot by a relative by affinity or consanguinity within the fourth
17 civil degree, or if he or she has none, by any person of his or her confidence who belong to
18 the same household, or by any member of the board of election inspectors. For this purpose,
19 the person who usually assists the PWD or SC, such as a personal assistant, a caregiver, or a
20 nurse shall be considered a member of his or her household.

21 No voter shall be allowed to have an assistor on the basis of illiteracy or physical
22 disability unless it is so indicated in his or her registration record. Nevertheless, if the
23 physical inability to prepare the ballot is manifest, obvious, or visible, said voter shall be

1 allowed to be assisted in accomplishing the ballot by a qualified assistor, even if not stated or
2 indicated in the registration record.

3 Except the members of the board of election inspectors, in no case shall an assistor
4 assist more than three times. The person thus chosen shall prepare the ballot for the PWD or
5 SC voter inside the voting booth. The person assisting shall bind himself or herself in a
6 formal document under oath to fill out the ballot strictly in accordance with the instructions
7 of the voter and not to reveal the contents of the ballot prepared by him or her. Violation of
8 this provision shall constitute an election offense punishable under Section 262 of the
9 Omnibus Election Code.

10 SECTION 13. *Pool of Expert Services.* - Comelec, in coordination with the National
11 Council on Disability Affairs (NCDA), shall ensure that a pool of expert services including
12 sign language interpreters, Braille translators and such other technical support would assist
13 PWDs and SCs during the registration period and election day subject to the rules to be
14 promulgated by Comelec.

15 SECTION 14. *Sensitivity Training Program.* -- Comelec, in coordination with the
16 NCDA, the Commission on Human Rights (CHR), and PWD and SC organizations, shall
17 organize, design, and implement sensitivity trainings to persons performing electoral duties,
18 including Comelec field officers, members of the BEIs, and accredited citizens' arms to
19 familiarize with the needs of the PWDs and SCs.

20 SECTION 15. *Information Materials.* -- Comelec shall ensure that information
21 materials relating to the electoral processes are appropriate and accessible to PWDs and SCs.

22 SECTION 16. *Appropriations.* - The initial funding of this Act shall be charged
23 against the current year's appropriations or from any available savings of the Comelec.

1 Thereafter, such amount as may be necessary for the continued implementation of this Act
2 shall be included in the annual General Appropriations Act.

3 Section 17. *Implementing Rules and Regulations.* - Within sixty (60) days from the
4 effectivity of this Act, the Comelec, shall promulgate the rules and regulations for the
5 implementation of this Act.

6 SECTION 18. *Separability Clause.* - Should any provision of this Act be declared
7 invalid or unconstitutional, the validity or constitutionality of the other provisions shall not
8 be affected thereby.

9 Section 19. *Repealing Clause.* - All laws, decrees, letters of instructions, resolutions,
10 orders, ordinances or parts thereof which are inconsistent with the provisions of this Act, are
11 hereby repealed, amended, or modified accordingly.

12 Section 20. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
13 publication in two (2) newspapers of general circulation.

14 Approved,
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