

RA 10366 – An Act Authorizing The Commission On Elections To Establish Precincts Assigned To Accessible Polling Places Exclusively For Persons With Disabilities And Senior Citizens

S. No. 3287

H. No. 5509

Republic of the Philippines
Congress of the Philippines
Metro Manila
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Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand twelve.

[REPUBLIC ACT NO. 10366]

AN ACT AUTHORIZING THE COMMISSION ON ELECTIONS TO ESTABLISH PRECINCTS ASSIGNED TO ACCESSIBLE POLLING PLACES EXCLUSIVELY FOR PERSONS WITH DISABILITIES AND SENIOR CITIZENS

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

SECTION. 1. Declaration of Policy. – The State shall ensure that persons with disabilities and senior citizens are able to exercise their right to political participation without discrimination or restrictions. Towards this end, the State shall design systems and procedures that will enable persons with disabilities and senior citizens to register and vote by themselves.

SEC. 2. Definition of Terms. – As used in this Act, the term:

- (a) Commission refers to the Commission on Elections.
- (b) Persons with Disabilities refer to qualified voters 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.
- (c) Senior Citizens refer to qualified voters who are sixty (60) years or older.
- (d) Electoral Processes refer to election-related activities and proceedings including registration, candidacy, campaign, voter education and casting of vote.
- (e) Assistance refers to any support or aid that may be extended to persons with disabilities and senior citizens for them to meaningfully and effectively participate in the electoral processes.
- (f) Discrimination on the basis of disability means any distinction, exclusion or restriction on the basis of disability which has the effect of impairing or nullifying the recognition, enjoyment, or exercise, on an equal basis with others, of all human rights and fundamental freedoms, including denial of reasonable accommodation.
- (g) Universal design means the design of products, environments, programs and services, to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design but shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.
- (h) Satellite registration refers to registration conducted by an Election Officer in established satellite offices located in a public place within his or her area of jurisdiction. It accepts application for registration, transfer or transfer with reactivation, reactivation of registration records, change or correction of entries and validation of registration from all registrants or voters residing within the Election Officer's territorial jurisdiction.
- (i) Special registration refers to registration conducted in established satellite offices by a special registration team designated by the Commission. It exclusively caters to first time person with disability and senior citizen registrants residing outside the area of jurisdiction of the regular Election Officer conducting the satellite registration.
- (j) Accessible polling place refers to the venue where the Board of Election Inspectors (BEIs) conducts election-related proceedings and where the voters cast their votes. The

accessible polling place shall be located at the ground floor, preferably near the entrance of the building, and is free of any physical barriers and provided with necessary services, including assistive devices.

SEC. 3. Right to Participation in Electoral Processes. – The State shall guarantee the political rights of persons with disabilities and senior citizens, in line with the concept of universal design, by:

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

(b) Protecting the right of persons with disabilities and senior citizens to vote by secret ballot in elections without intimidation, facilitating the use of assistive and new technologies where appropriate; and

(c) Guaranteeing the free expression, in the exercise of the right of suffrage, of persons with disabilities and senior citizens, allowing assistance in voting by a person of their own choice.

SEC. 4. Duty of the Commission to Render Assistance to Persons with Disabilities and Senior Citizens. – It shall be the duty of the Commission to render appropriate assistance to persons with disabilities and senior citizens in coordination with government agencies and civil society organizations.

SEC. 5. Record of Persons with Disabilities and Senior Citizens. – The Commission shall keep an updated record of persons with disabilities and senior citizens who are registered as voters, which indicates the types of disability and the assistance they need, to assist it in determining policy directions for more inclusive and accessible electoral processes. The record shall be made accessible to concerned government offices, accredited citizens' arms, civil society monitoring groups and other organizations which promote the rights of the persons with disabilities and senior citizens, subject to specific guidelines the Commission may promulgate to protect the privacy of the individuals concerned.

SEC. 6. Registration and Updating of Records. – In designing the forms, the Commission must ensure that persons with disabilities and senior citizens applying for registration, reactivation, transfer, or correction of entry indicate the type(s) of disability, as well as the form(s) of assistance needed.

Persons with disabilities and senior citizens who have previously registered but have not indicated the type of disability, or who may have developed or manifested such disability after having been registered, shall be allowed, during the periods to file applications for registration, to update their registration records, and to indicate the type of disability as well as the form of assistance they need during election day. The Commission may design registration forms specifically for persons with disabilities and senior citizens, or issue supplemental forms for the said purpose, and provide for procedures to be followed by those who need to update their registration records.

SEC. 7. Assistance in the Accomplishment of Application Form. – A person with disability or senior citizen who cannot by himself or herself accomplish an application for registration, by reason of illiteracy or physical disability, shall be assisted by the Election Officer in the preparation of his or her application form, or by any member of an accredited citizens' arm, or by a relative by consanguinity or affinity within the fourth civil degree, or if he or she has none present, by any person of his or her confidence who belongs to the same household.

SEC. 8. Satellite and Special Registration. – The Commission, in coordination with national government agencies and local government units, person with disability and senior citizen organizations, and other cause-oriented groups, shall conduct satellite and/or special registration for persons with disabilities and senior citizens in accessible places.

SEC. 9. Creation of Precincts for Persons with Disabilities and Senior Citizens. – The Commission is hereby authorized to establish precincts of a nonterritorial nature, exclusively for persons with disabilities and senior citizens who in their registration records manifest their intent to avail of their right to a separate precinct under this section. Pursuant hereto, the Commission shall establish at least one (1) such precinct, assigned to accessible polling places, for every voting center. Such precincts shall be provided with assistive devices as well as the services of experts in assisting persons with disabilities.

SEC. 10. Ballot Design. – In designing the ballot, the Commission shall ensure reasonable accommodation to persons with disabilities and senior citizens to enable them to accomplish the ballots by themselves.

SEC. 11. Assistance in the Accomplishment of the Ballot. – A person with disability or senior citizen who is illiterate or physically unable to prepare the ballot by himself or herself may be assisted in the preparation of his or her ballot by a relative by consanguinity or affinity within the fourth civil degree, or if he or she has none, by any person of his or her confidence who belongs to the same household, or by any member of the BEIs. For this purpose, the person who usually assists the person with disability or senior citizen, such as a personal assistant, a caregiver or a nurse shall be considered a member of his or her household: Provided, That no voter shall be allowed to have an assistor on the basis of illiteracy or physical disability unless it is so indicated in his or her registration record. Nevertheless, if the physical inability to prepare the ballot is manifest, obvious, or visible, said voter shall be allowed to be assisted in accomplishing the ballot by a qualified assistor, even if not stated or indicated in the registration record: Provided, further, That the assistor must be of voting age.

The assistor shall bind himself or herself in a formal document under oath to fill out the ballot strictly in accordance with the instructions of the voter and not to reveal the contents of the ballot prepared by him or her, and shall prepare the ballot for the voter inside the voting booth. Except for the members of the BEIs, no assistor can assist for more than three (3) times. Any violation of this provision shall constitute an election offense punishable under Section 262 of the Omnibus Election Code.

SEC. 12. Sensitivity Training Program. – The Commission, in coordination with the National Council on Disability Affairs (NCDA), the Commission on Human Rights (CHR), and person with disability and senior citizen organizations, shall organize, design, and implement sensitivity trainings to persons performing electoral duties, including the Commission field officers, members of the BEIs, and accredited citizens' arms to familiarize them with the needs of the persons with disabilities and senior citizens.

SEC. 13. Information Materials. – The Commission shall ensure that information materials relating to the electoral processes are appropriate and accessible to persons with disabilities and senior citizens.

SEC. 14. Appropriations. – The initial funding of this Act shall be charged against, the current year's appropriations or from any available savings of the Commission. Thereafter, such amount as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 15. Implementing Rules and Regulations. – Within sixty (60) days from the effectivity of this Act, the Commission shall promulgate the implementing rules and regulations.

SEC. 16. Separability Clause. – Should any provision of this Act be declared invalid or unconstitutional, the validity or constitutionality of the other provisions shall not be affected thereby.

SEC. 17. Repealing Clause. – All laws, presidential decrees, executive orders, resolutions, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 18. Effectivity Clause. – This Act shall take effect on July 1, 2013, after its publication in two (2) newspapers of general circulation.

Approved,

(Sgd.) FELICIANO BELMONTE JR.

Speaker of the House
of Representatives

(Sgd.) JUAN PONCE ENRILE

President of the Senate

This Act which is a consolidation of Senate Bill No. 3287 and House Bill No. 5509 was finally passed by the Senate and the House of Representatives on December 19, 2012.

(Sgd.) MARILYN B. BARUA-YAP

Secretary General

House of Representatives

(Sgd.) EMMA LIRIO-REYES

Secretary of the Senate

Approved: FEB 15 2013

(Sgd.) BENIGNO S. AQUINO III

President of the Philippines

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