

SENATE

S.B. No. 2883

(In substitution of S.B. No. 172, taking into consideration H.B. No. 10178)

---

Prepared by the Committees on Electoral Reforms and People's Participation; and  
Finance with Senators Tolentino and Marcos as authors thereof

---

**AN ACT  
ALLOWING FOR ELECTRONIC REGISTRATION AND VOTING BY OVERSEAS  
FILIPINOS AND SEAFARERS, FURTHER AMENDING REPUBLIC ACT NO.  
9189, OTHERWISE KNOWN AS "THE OVERSEAS ABSENTEE VOTING ACT OF  
2003", AS AMENDED BY REPUBLIC ACT NO. 10590, OR THE "OVERSEAS  
VOTING ACT OF 2013", APPROPRIATING FUNDS THEREFOR, AND FOR  
OTHER PURPOSES"**

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

1 SECTION 1. Section 1 of Republic Act No. 9189, as amended by Republic Act  
2 No. 10590, is hereby further amended to read as follows:

3 "SECTION 1. *Short Title.* – This Act shall be known as "The  
4 Overseas **REGISTRATION AND** Voting Act [~~of 2013~~]."

5 SEC. 2. Section 3 of the same Act, as amended, is hereby further amended to  
6 read as follows:

7 "SEC. 3. *Definition of Terms.* – For purposes of this Act:

8 "(r) xxx

9 "(S) **POSTAL VOTING** REFERS TO A MODE OF VOTING  
10 **WHERE MAILING PACKETS CONTAINING OFFICIAL BALLOTS**  
11 **AND OTHER ELECTION PARAPHERNALIA ARE SENT TO THE**  
12 **VOTERS THROUGH THE MAIL, OR ARE PERSONALLY**

1 DELIVERED TO, OR PICKED-UP BY THE VOTERS AT THE POST  
2 OR SUCH OTHER VOTING AREAS DESIGNATED BY THE  
3 COMMISSION. THE VOTERS SHALL EITHER MAIL OR  
4 PERSONALLY DELIVER THEIR ACCOMPLISHED BALLOTS TO  
5 THE POST.

6 "(T) *ELECTRONIC VOTING* REFERS TO A MODE OF  
7 VOTING THROUGH ELECTRONIC MEANS, INCLUDING, BUT  
8 NOT LIMITED TO, ELECTRONIC MAIL, WEB-BASED PORTALS,  
9 AND OTHER INTERNET-BASED TECHNOLOGY, TO RECEIVE  
10 OFFICIAL BALLOTS FOR OVERSEAS VOTING, AND TO CAST  
11 VOTES THEREON.

12 "(U) *SEAFARER VOTING* REFERS TO A MODE OF VOTING  
13 WHERE SEAFARERS, WHO ARE REGISTERED OVERSEAS  
14 VOTERS, MAY CAST THEIR BALLOTS DURING THE VOTING  
15 PERIOD THROUGH ELECTRONIC MEANS."

16 SEC. 3. Section 6 of the same Act, as amended, is further amended to read as  
17 follows:

18 "SEC. 6. [*Persona*] *Overseas Registration and/or Certification*.  
19 – Registration and/or certification as an overseas voter shall be done  
20 **EITHER** in person at any post abroad or at designated registration  
21 centers outside the post or in the Philippines approved by the  
22 Commission **OR BY ELECTRONIC MEANS AS MAY BE**  
23 **DETERMINED BY THE COMMISSION.**

24 "Field and mobile registration [*centers*] **ACTIVITIES** shall be  
25 set up by the posts concerned to ensure accessibility by the overseas  
26 voters.

27 "~~[All applicants shall submit themselves for live capture of their~~  
28 ~~biometrics.]~~ **THE COMMISSION, THROUGH THE OFOV, SHALL**  
29 **COORDINATE WITH THE DEPARTMENT OF FOREIGN AFFAIRS**  
30 **(DFA), DEPARTMENT OF MIGRANT WORKERS (DMW),**

1 **MARITIME INDUSTRY AUTHORITY (MARINA), PHILIPPINE**  
2 **STATISTICS AUTHORITY (PSA), COMMISSION ON FILIPINOS**  
3 **OVERSEAS (CFO), AND OTHER RELEVANT GOVERNMENT**  
4 **AGENCIES TO OBTAIN BIOMETRICS OF OVERSEAS VOTERS:**  
5 ***PROVIDED*, THAT THE BIOMETRICS DATA SHALL ONLY BE**  
6 **USED FOR OVERSEAS VOTING REGISTRATION PURPOSES:**  
7 ***PROVIDED, FURTHER*, THAT PROCESSING OF PERSONAL**  
8 **DATA SHALL COMPLY WITH THE PROVISIONS OF REPUBLIC**  
9 **ACT NO. 10173, OR "THE DATA PRIVACY ACT OF 2012", ITS**  
10 **IMPLEMENTING RULES AND REGULATIONS, AND OTHER**  
11 **RELATED ISSUANCES OF THE NATIONAL PRIVACY**  
12 **COMMISSION.**

13 "The Commission shall issue an overseas voter identification  
14 card to those whose applications to vote, **EITHER IN PERSON, BY**  
15 **MAIL, OR BY ELECTRONIC MEANS, AS MAY BE DETERMINED**  
16 **BY THE COMMISSION**, have been approved."

17 SEC. 4. Section 10 of the same Act, as amended, is further amended to read  
18 as follows:

19 "SEC. 10. *Transfer of Registration Record.* – In the event of  
20 change of voting venue, an application for transfer of registration  
21 record must be filed **IN PERSON OR BY ELECTRONIC MEANS AS**  
22 **MAY BE DETERMINED BY THE COMMISSION**, by the overseas  
23 voter with the OFOV, through its Chairperson, at least one hundred  
24 eighty (180) days prior to the start of the overseas voting period:  
25 *Provided*, That those who would eventually vote in the Philippines  
26 should register within the time frame provided for local registration in  
27 the municipality, city or district where they intend to vote: *Provided*,  
28 *further*, That those who have registered in the municipality, city or  
29 district where they resided prior to their departure abroad need not  
30 register anew: *Provided, finally*, That transferees shall notify the  
31 OFOV, through its Chairperson, of their transfer back to the Philippines

1 at least one hundred eighty (180) days prior to the next national  
2 elections for purposes of cancelling their names from the CLOV and of  
3 removing their overseas voter's registration from the book of voters."

4 SEC. 5. Section 13 of the same Act, as amended, is further amended to read  
5 as follows:

6 "SEC. 13. *National Registry of Overseas Voters (NROV)*. – The  
7 Commission shall maintain a National Registry of Overseas Voters or  
8 NROV containing the names of registered overseas voters and the  
9 posts where they are registered. **THE LIST SHALL BE PUBLISHED:**  
10 ***PROVIDED, THAT THE COMMISSION SHALL INSTITUTE***  
11 ***SAFEGUARD TO PROTECT THE DATA PRIVACY RIGHTS OF***  
12 ***OVERSEAS VOTERS.***

13 xxx."

14 SEC. 6. Section 23 of the same Act, as amended, is further amended to read  
15 as follows:

16 "SEC. 23. *Voting*. – Voting may be done [either] personally, by  
17 mail, or by ELECTRONIC OR any other means, as may be determined  
18 by the Commission. For this purpose, the Commission shall issue the  
19 necessary guidelines on the manner and procedure of voting.

20 xxx.

21 xxx."

22 SEC. 7. Section 25 of the same Act, as amended, is further amended to read  
23 as follows:

24 "SEC. 25. *Voting by mail*. –

25 25.1. [~~For the May, 2004 elections, t~~]The Commission shall  
26 authorize voting by mail [~~in not more than three (3) countries, subject~~  
27 ~~to the approval of the Congressional Oversight Committee~~]. Voting  
28 by mail may be allowed in countries that satisfy the following  
29 conditions:

1 "a. xxx;

2 "b. xxx;

3 "c. xxx;

4 "~~[Thereafter, voting by mail in any country shall be allowed only~~  
5 ~~upon review and approval of the Joint Congressional Oversight~~  
6 ~~Committee.]~~"

7 "25.2. xxx.

8 "25.3. xxx.

9 "25.4. THE COMMISSION SHALL ISSUE GUIDELINES  
10 ON VOTING BY MAIL, INCLUDING THE PERIOD OF AND  
11 PROCESS FOR SENDING MAIL PACKETS TO OVERSEAS  
12 VOTERS, PROCEDURES FOR VOTING, VERIFICATION  
13 PROCEDURES, AND OTHER RULES NECESSARY AND  
14 SUFFICIENT TO FACILITATE THE VOTING PROCESS."

15

16 "SEC. 8. Sections 25-A and 25-B are hereby inserted as new sections to read  
17 as follows:

18 "SEC. 25-A. *VOTING BY ELECTRONIC MEANS.* –

19 "25-A.1. FOR THE 2025 NATIONAL ELECTIONS AND  
20 SUCCEEDING ELECTIONS OVERSEAS, THE COMMISSION  
21 MAY AUTHORIZE VOTING BY ELECTRONIC MEANS THROUGH  
22 THE USE OF THE INTERNET IN ALL COUNTRIES THAT ALLOW  
23 INTERNET VOTING WITHIN THE JURISDICTIONS OF THE  
24 POSTS. INTERNET VOTING MAY BE ALLOWED IN COUNTRIES  
25 WITH STABLE INTERNET CONNECTION. THE SYSTEM OR  
26 APPLICATION TO BE USED FOR INTERNET VOTING MUST:

27 "(A) UNDERGO RIGOROUS TESTING AND REQUIRED  
28 CERTIFICATIONS, AS DETERMINED BY THE COMMISSION;  
29 AND

1           **"(B) HAVE STRINGENT SECURITY FEATURES BASED**  
2 **ON INDUSTRY STANDARDS AT THE TIME OF USE, AS**  
3 **DETERMINED BY THE COMMISSION, TO ENSURE THE**  
4 **SANCTITY OF THE VOTE AS WELL AS THE VOTER'S**  
5 **INFORMATION, INTEGRITY OF THE ELECTRONIC BALLOTS,**  
6 **AND TRANSPARENCY OF THE ELECTORAL PROCESS.**

7           **"25-A.2. ALL OVERSEAS VOTERS UNDER THE POSTS**  
8 **ADOPTING INTERNET VOTING SHALL BE ENTITLED TO CAST**  
9 **THEIR DIGITAL BALLOTS AT ANY TIME WITHIN THE**  
10 **COMMISSION'S IDENTIFIED VOTING PERIOD USING**  
11 **INTERNET-ENABLED DEVICE/S, SUBJECT TO COMPLIANCE**  
12 **WITH THE RULES AND/OR GUIDELINES TO BE ISSUED BY**  
13 **THE COMMISSION.**

14           **"25-A.3. ONLY BALLOTS TRANSMITTED THROUGH**  
15 **ELECTRONIC MEANS AND RECEIVED BY THE SYSTEM**  
16 **BEFORE THE CLOSE OF VOTING ON THE DAY OF ELECTIONS**  
17 **SHALL BE COUNTED IN ACCORDANCE WITH THIS ACT.**

18           **"25-A.4. THE COMMISSION SHALL ISSUE GUIDELINES**  
19 **PERTAINING TO THE CONDUCT OF INTERNET VOTING,**  
20 **INCLUDING BUT NOT LIMITED TO, THE PERIOD FOR PRE-**  
21 **VOTING ENROLLMENT, VERIFICATION/ VALIDATION**  
22 **PROCEDURES, VOTING PROCEDURES, AND OTHER RULES**  
23 **NECESSARY AND SUFFICIENT TO FACILITATE THE VOTING**  
24 **PROCESS.**

25           **"SEC. 25-B. *VOTING BY SEAFARERS.* – SEAFARERS**  
26 **SITUATED OVERSEAS AT THE TIME OF THE ELECTIONS MAY**  
27 **VOTE BY ELECTRONIC MEANS, AS MAY BE DETERMINED BY**  
28 **THE COMMISSION.**

29           **"THE COMMISSION SHALL ADOPT GUIDELINES ON**  
30 **VOTING PROCEDURES FOR SEAFARERS AND OTHER SEA-**  
31 **BASED OVERSEAS FILIPINO WORKERS AND SECURE THEIR**

1           **RIGHT TO VOTE, WITHOUT REQUIRING THEM TO GO TO THE**  
2           **DESIGNATED VOTING CENTER FROM THE NEAREST PORT.”**

3           SEC. 9. Section 32 of the same Act, as amended, is hereby further amended to  
4 read as follows:

5           “SEC. 32. *Information Campaign.* – The Commission, in  
6 coordination with agencies concerned, shall undertake an information  
7 campaign to educate the public on the manner of overseas voting for  
8 qualified overseas voters. It may require the support and assistance  
9 of the DFA, through the posts, the DOLE, the Department of  
10 [~~Transportation and Communications (DOTC)~~] **INFORMATION**  
11 **AND COMMUNICATIONS TECHNOLOGY (DICT), THE DMW,**  
12 **THE NATIONAL PRIVACY COMMISSION (NPC),** the Philippine  
13 Portal Corporation (PPC), [~~the POEA,~~] the OWWA, **THE MARINA,**  
14 and the Commission on Filipinos Overseas.

15           xxx.”

16           SEC. 10. Section 34 of the same Act, as amended, is hereby further amended  
17 to read as follows:

18           “SEC. 34. *Assistance from Government Agencies.* – All  
19 government officers, particularly from the DFA, the DOLE, the  
20 [~~DOTC~~], **THE DMW, THE DICT, THE NPC,** the PPC, [~~the POEA,~~]  
21 the OWWA, the Commission on Filipinos Overseas, **THE MARINA,**  
22 and other government offices concerned with the welfare of the  
23 Filipinos overseas shall, to the extent compatible with the primary  
24 responsibilities, assist the Commission in carrying out the provisions  
25 of this Act. All such agencies or officers thereof shall take reasonable  
26 measures to expedite all election activities, which the Commission  
27 shall require of them. When necessary, the Commission may send  
28 supervisory teams headed by career officers to assist the posts.

29           xxx.”

30           SEC. 11. Section 36 of the same Act, as amended, is further amended to read  
31 as follows:

1           "SEC. 36. *Prohibited Acts.* – In addition to the prohibited acts  
2 provided by law, it shall be unlawful:

3           "36.1. xxx;

4           "36.2. xxx;

5           "36.3. xxx;

6           "36.4. xxx;

7           "36.5. xxx;

8           "36.6. xxx;

9           "36.7. xxx;

10          "36.8. [~~For any person to engage in partisan political activity~~  
11 ~~abroad during the thirty (30) day overseas voting period;~~

12          "36.9.] For any person who is not a citizen of the Philippines  
13 to participate, by word or deed, directly or indirectly through qualified  
14 organizations/associations, in any manner and at any stage of the  
15 Philippine political process abroad, including participation in the  
16 campaign and elections.

17          "xxx.

18          "xxx."

19          SEC. 12. Section 37 of the same Act, as amended, is further amended to read  
20 as follows:

21          "SEC. 37. *Joint Congressional Oversight Committee.* – A Joint  
22 Congressional Oversight Committee is hereby created, composed of  
23 the Chairperson of the Senate Committee on [~~Constitutional~~  
24 ~~Amendments, Revision of Codes and Laws~~] **ELECTORAL REFORMS**  
25 **AND PEOPLE'S PARTICIPATION**, and seven (7) other Senators  
26 designated by the Senate President, and the Chairperson of the House  
27 Committee on Suffrage and Electoral Reforms, and seven (7) other  
28 Members of the House of Representatives designated by the Speaker  
29 of the House of Representatives: *Provided*, That, of the seven (7)  
30 members to be designated by each House of Congress, four (4)  
31 should come from the majority to include the chair of the  
32 **COMMITTEE ON FOREIGN RELATIONS FOR THE SENATE AND**



1           **THE CHAIR OF THE** Committee on Foreign Affairs **FOR THE**  
2           **HOUSE OF REPRESENTATIVES**, and the remaining three (3) from  
3           the minority.

4                     xxx.”

5           SEC. 13. Section 41 of the same Act, as amended, is further amended to read  
6           as follows:

7                     “SEC. 41. *Appropriations.* – The amount necessary to carry out  
8           the provisions of this Act shall be included in the budgets of the  
9           Commission on Elections, [~~and~~] the DFA, **THE DMW, THE DOLE,**  
10          **THE DICT, THE PPC, MARINA, CFO, AND THE OWWA** in the  
11          annual General Appropriations Act.”

12          SEC.14. *Implementing Rules and Regulations.* – The Commission on Elections,  
13          in consultation with the DFA, the DMW, the DOLE, the DICT, the CFOR, MARINA,  
14          OWWA, and other relevant government agencies, civil society organizations, and  
15          accredited Filipino community organizations or associations abroad, shall promulgate  
16          rules and regulations for the implementation and enforcement of the provisions of this  
17          Act within sixty (60) days from the effectivity thereof.

18          SEC. 15. *Separability Clause.* – If any portion or provision of this Act is declared  
19          unconstitutional, the remainder of this Act not affected thereby shall remain in force  
20          and effect.

21          SEC. 16. *Repealing Clause.* - All laws, presidential decrees, executive orders,  
22          administrative orders, and rules and regulations inconsistent with this Act are hereby  
23          repealed, modified, or amended accordingly.

24          SEC. 17. *Effectivity.* - This Act shall take effect upon publication in the Official  
25          Gazette or in a newspaper of general circulation.

26                     *Approved,*