

PRIMER ON ABSENTEE VOTING



BASIC PRINCIPLES

Q What is absentee voting?

- Absentee voting is the process by which qualified Filipinos abroad may vote in Philippine elections.

A

Q Why is it important to pass an absentee voting law?

- Suffrage is a basic right of any citizen as enshrined in Article 25, paragraph b of the UN Convention on Civil and Political Rights. The constitutional provision on citizenship presumes that for as long as one is a Filipino citizen, he/she may vote overseas.

A

- The 1987 Constitution mandated Congress to enact an enabling law that will allow Filipinos overseas to vote *in absentia*. Article V, Section 2, thus states:

“The Congress shall provide a system for securing the secrecy and sanctity of the ballots as well as a system of absentee voting by qualified Filipinos abroad.”

- It has been fifteen (15) years since the Constitution mandated Congress to enact an absentee voting law for overseas Filipinos and yet we still have to see an absentee voting law enacted.

Q Were there previous attempts to enact an absentee voting law?

- Yes. Legislators of the 8th, 9th, 10th, and 11th Congresses filed proposals prescribing the enactment of an absentee voting law for qualified Filipinos abroad.

A

Q Is the absentee voting measure a priority bill?

- Yes. No less than President Gloria Macapagal-Arroyo certified the bill as urgent. In her first State of the Nation Address, she asked Congress to enact a law that will enable Filipinos overseas to vote.

A

- At the Legislators' Workshop on Good Governance for High Growth and Poverty Alleviation, the members of the 12th Congress identified absentee voting as one of the priorities they will act on for the rest of the 12th Congress. The workshop was held from August 16-17, 2001 at the Holiday Inn, Clark Field, Pampanga.

Q Is the proposed legislative measure unique in the Philippines?

- No. There are at least 49 countries around the globe that allow their citizens to vote. Some of these countries are Australia, Canada, Indonesia, Japan, Malaysia, New Zealand, Sweden, Thailand, and the United States, among others.

A

Q Who are covered by the law as mandated by the 1987 Constitution?

- A**
- Any Filipino abroad who has not renounced his/her Filipino citizenship and not otherwise disqualified by law shall have the right to register and vote overseas in all national elections.

Q How many Filipinos are overseas?

- A**
- Based on stock estimates of the Commission on Filipinos Overseas (CFO) as of December 2001, there were about 7.41 million Filipinos living and residing overseas.

- A**
- OFWs account for 3.05 million; 2.74 million are permanent residents; and the remaining 1.62 million are Filipinos on irregular status.

- These figures do not include those who are abroad either as trainees or students, cultural exchange program participants, tourists, members of our Foreign Service corps, and regional or international organization representatives.

Q Which country hosts the biggest number of OFWs?

- A**
- As of December 2001, Saudi Arabia accounts for the biggest concentration of OFWs with 897,000 (29.41%). Hong Kong ranks second with 171,485 (5.62%) while Japan comes in third with 138,522 (4.54%).

- The other major countries of destination of OFWs are:

- | | |
|-------------|-----------|
| • UAE | : 128,604 |
| • Taiwan | : 116,480 |
| • Italy | : 69,998 |
| • USA | : 60,373 |
| • Malaysia | : 58,233 |
| • Singapore | : 56,377 |
| • Kuwait | : 53,067 |

Q Which country has the biggest number of Filipino immigrants?

- A**
- The United States continues to be the preferred area of emigration accounting for 70% of the total number of Filipino immigrants or about 1,910,844 (as of December 2001).

- The following are the other major destination countries of Filipino emigrants:

- | | |
|-------------|-----------|
| • Canada | - 338,561 |
| • Australia | - 204,075 |
| • Japan | - 65,647 |
| • UK | - 45,889 |
| • Germany | - 41,321 |

Q How do Filipinos overseas contribute to national development?

A

- Data from the BSP show that Filipinos abroad contribute significantly to national development. Beginning fiscal year 1990 to fiscal year 2001, the total dollar remittances sent through formal banking channels alone totaled US \$ 47.63 billion, accounting for about 8% to 10% of Gross National Product.
- Aside from remittances, our *kababayans* abroad also extend various forms of assistance. Initial estimate of overseas assistance in the form of financial and material contributions channeled through the DSWD, NEDA, DOH and DOF beginning 1990 to 2001 were placed at more than P 2.8 billion.
- Under the Commission on Filipinos Overseas' *Lingkod sa Kapwa Pilipino* (LINKAPIL, or Link for Development) Program alone, more than P1.014 billion in the form of assistance to livelihood projects, scholarships, medical and educational equipment and supplies, and welfare assistance, among others, have benefited about 10 million individuals nationwide, with 66 provinces covered, including the NCR.

Q

Do Filipinos overseas want to participate in Philippine electoral exercises?

A

- Yes. In a survey conducted by CFO among Filipinos overseas, 83% of the respondents stated that they want to vote in Philippine elections.

FUNDAMENTAL ISSUES/CONCERNS

Q

Why should immigrants be allowed to vote?

A

- Filipino immigrants are still Filipino citizens, until they apply for citizenship in their host countries.

Q

Do immigrants meet the residency requirements as provided for in the Election Code?

A

- Legally, an immigrant meets all the constitutional requirements of citizenship, age and residency.
- A grant of immigrant status in the host country does not result in the loss of one's citizenship.
-

Q Why should the absentee voting law be passed if there are fears that this will trigger more massive cheating in elections?

- Although election cheating can happen anywhere, this is not enough reason to justify the continued disenfranchisement of 7 million Filipinos overseas.

A

- To suggest that Filipinos overseas will allow cheating and other forms of fraud under their very noses is an affront to the dignity and integrity of Filipinos abroad.

PROPOSED ABSENTEE VOTING MECHANISM/COVERAGE

Q Under the proposed bill, what elections will be covered?

- Under the proposed bills in the Senate and in the House of Representatives, absentee voting will be applicable only to national elections which include the election for president, vice-president, senators, party list representatives, referenda and plebiscites.

A

Q What are the major features of the proposed absentee voting bill?

- The benefits of a system of continuing registration shall be extended to qualified overseas absentee voters.

A

- Qualified Filipinos abroad who failed to register as voters under Republic Act 8189, otherwise known as “The Voters Registration Act of 1996” may apply for registration, personally or by mail, directly to the Election Registration Board of the city or municipality where they were domiciled prior to departure from the Philippines.
- Registered overseas Filipinos shall be required to file an application for certification as absentee voters.
- A separate registry for registered absentee voters shall be maintained as a safeguard against possible electoral fraud.
- Ballots shall be transmitted or distributed by mail by either the COMELEC or the Department of Foreign Affairs through the latter’s missions, embassies and consulates. The Philippine Embassies and Consulates shall distribute the same to qualified absentee voters either personally or by registered mail.
- Absentee voters shall vote personally or by mail to the designated Philippine embassies and consulates abroad.
- The counting and canvassing of ballots will be done within the premises of embassies and consulates abroad, and such other places as may be designated by the COMELEC.

Q What is the most common mode of voting in other countries that have absentee voting?

A

- Among countries which implement absentee voting for their nationals overseas, most of them prefer to use the mailing system (postal voting). Said countries include the United States, Australia, and Sweden, to name a few.

SAFEGUARDS/GUARANTEES

Q What security measures can be adopted to safeguard the secrecy and sanctity of the ballots?

A • The following safeguards and security measures have been proposed as salient features of the bill:

- a separate registry of absentee voters to prevent multiple voting
- prohibition on printing and distribution of excess ballots
- use of security markings in the printing of ballots
- ballots will be contained in specially marked envelopes with sealed markings
- on-site counting and canvassing
- representatives of parties may intervene in all stages of the exercise to prevent all forms of fraud
- criminal prosecution for defined prohibited acts
- participation of non-government organizations as well as accredited Filipino associations/organizations abroad
- creation of a special committee that shall be responsible for the retrieval, transport, transfer, storage of absentee ballots and other procedures

Q Will NGOs and Filipino associations/organizations be involved in the process?

A • Yes. Accredited NGOs and Filipino associations/organizations will be involved during the conduct of absentee voting from information dissemination to registration to counting and canvassing of votes.