

**ENHANCING THE RIGHT OF SUFFRAGE
BY OVERSEAS FILIPINOS:
A POLICY PAPER ON OVERSEAS ABSENTEE
VOTING (OAV)**

*Center for Migrant Advocacy (CMA)
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INTRODUCTION

Elections are integral to democratic governance. Casting a vote is the most widely understood and effective way to have one's voice heard in politics. It is through elections that we exercise our constitutional right to vote for public officials, whom we bestow with power and authorize to represent us and our interests. It is these people whom we put in office who will make decisions on our behalf on how our government will be run, and how resources should be spent, allocated and distributed. It is the people we elect who articulate and advocate for our needs.

At the same time, it is also through elections that politicians are held accountable for their actions, and are compelled to introduce policies that are reflective of and responsive to public opinion.

It has been 104 years since the first national elections were held in the Philippines.¹ Suffrage used to be the right only of males and it took several more years of arduous campaigning and lobbying before women were also finally given the right to vote in 1937.

The extension of the right to vote of Filipinos overseas is enshrined in the 1987 Constitution but was only implemented in 2004.² Overseas Filipinos and naturalized citizens of other countries, along with groups and non-governmental organizations (NGOs) based in the Philippines like the Center for Migrant Advocacy, actively campaigned for the right to vote by overseas Filipinos (OFs) for their voices to be heard in Philippine political and electoral affairs.

The implementation of Overseas Absentee Voting (OAV) is a recognition that Filipinos abroad have the same rights as all other Filipinos, and that their voices and contributions do matter. For overseas Filipinos, being able to participate in the affairs of the country, such as the electoral process, gives them a profound

1 On July 30, 1907, the first national elections were held where Filipinos elected the first Philippine Assembly

2 In Art. V, Sec. 2 of the 1987 Philippine Constitution

sense of being Filipino. They, too, are concerned about how the country is being run, about its development and about its future.

THE 2003 OVERSEAS ABSENTEE VOTING ACT

The Philippines enacted Republic Act No. 9189, otherwise known as the Overseas Absentee Voting Act of 2003, enabling qualified overseas Filipinos to exercise their right of suffrage even away from home. Through this Act, the Philippines became one of more than 70 countries that extended the right to vote to their citizens based overseas.

The coverage of RA 9189, however, does not include the qualification and procedures for the nomination and election of an overseas citizen to various elective posts in the country. It is limited to the system of overseas absentee voting by qualified Filipinos abroad for national elective positions of President, Vice President, Senators and Party List Representatives only.

The following are the basic features of the OAV in the Philippines:

A. Qualifications

All citizens of the Philippines who are abroad, who are at least 18 years old on the day of the elections, and who are not otherwise disqualified by law, may vote for president, vice-president, senators, and party-list representatives (Section 4, RA 9189).

A qualified Filipino overseas absentee voter who is located in a country where there is no established Philippine diplomatic or consular office may also exercise his/her right of suffrage provided that he/she is able to register in person and to vote in the nearest Philippine diplomatic or consular post that has jurisdiction over his/her location.

Section 5 of the OAV Act defines those who are disqualified from voting:

- a. those who have lost their Philippine citizenship in accordance with Philippine laws;
- b. those who have expressly renounced their Philippine citizenship and who have pledged allegiance to a foreign country; except those who have reacquired or retained their Philippine citizenship under RA 9225 and other Filipino citizens with dual citizenship;
- c. those who have committed and are convicted in a final judgment by a court or tribunal of an offense punishable by imprisonment of not less than one year, including those who have committed and been found guilty of Disloyalty as defined under Article 137 of the Philippine Revised Penal Code, such disability not having been removed by plenary pardon or amnesty, provided, however, that any person disqualified to register under this disqualification shall automatically acquire the right to register upon expiration of five years after service of sentence, and, provided, further, that the Commission on Elections (Comelec)

may take cognizance of final judgments issued by foreign courts or tribunals only on the basis of reciprocity and subject to the formalities and processes prescribed by the Rules of Court on execution of judgments;

d. any citizen of the Philippines abroad previously declared insane or incompetent by competent authority in the Philippines or abroad, as verified by the Philippine embassies, consulates or foreign service establishments concerned, unless such competent authority subsequently certifies that such person is no longer insane or incompetent; and

e. an immigrant or a permanent resident who is recognized as such in the host country, unless he/she executes, upon filing of an application for registration as overseas absentee voter, an affidavit declaring that: (i) he/she shall resume actual physical permanent residence in the Philippines pursuant to Section 5 of RA No. 9189; and, (ii) he/she has not applied for citizenship in another country.

B. *Procedure for registration*

The registration for overseas absentee voting is done in person. This requirement was mandated by Congress to confirm the identity of the would-be voter. During the registration period, registrants are required to appear before the Philippine embassies/consulates and other designated voter registration centers. A valid Philippine passport, or in its absence, a certification of the DFA that it has reviewed the documents submitted by the applicant is required to register. Would-be voters are required to fill out an application form. In addition to this, the biometric information (personal information, photograph, thumbmark, and signature) of the voter is captured using data capturing machines.

In the case of immigrants and permanent residents not otherwise disqualified to vote under the OAV Act, an affidavit declaring the intention to resume actual physical permanent residence in the Philippines not later than three (3) years after approval of his/her registration as an overseas absentee voter shall be required. Such an affidavit shall also state that he/she has not applied for citizenship in another country.

The applications for registration are then processed by the Resident Election Registration Board of the Comelec for approval or disapproval. The names of approved applicants are entered into the National Registry of Overseas Absentee Voters and in the Certified List of Overseas Absentee Voters. At the municipal, city, and district levels, the Comelec segregates the names of approved overseas voters in a consolidated list called the municipal/city/district registry of overseas absentee voters.

In the case of seafarers, a special mechanism for the time and manner of personal registration shall be provided by the Comelec, taking into consideration the nature of their work.

C. Manner of Voting

The Philippines adopts both absentee voting in person and postal voting. However, the mode of voting is determined by the Comelec on a country-per-country basis.

In voting in person, the voter personally appears at the designated voting precincts established inside the diplomatic or consular missions in order to cast his/her vote. The overseas absentee voter can cast his/her ballot within thirty (30) days until the day of elections in the Philippines; in the case of seafarers, anytime within sixty (60) days until the day of elections (Sec. 16.3).

In postal voting, the ballot is sent by mail to the voter and the ballot is also cast by mail. Mailed ballots received by the overseas voting centers before the close of voting on the day of Philippine elections are valid. Mailed ballots received past the deadline are no longer counted. For the 2004 elections, voting by mail was authorized in only three (3) countries.³

In the 2010 Presidential elections, the computerized system of voting was implemented in selected posts.

D. Counting and canvassing of votes

The counting and canvassing of votes is required by law to be conducted on-site in the country where the overseas absentee votes were actually cast. Special Boards of Election Inspectors (SBEI) will conduct and supervise the counting of votes. The SBEI shall be composed of the ambassador or consul-general, or any career public officer posted abroad designated by the Comelec as the chairman; two (2) other members who are citizens of the Philippines qualified to vote under the OAV Act.

Upon the completion of the counting, the Special Boards of Election Inspectors is tasked to transmit via facsimile and/or electronic mail the results to the Comelec in Manila and the accredited major political parties.

E. Management and implementation of overseas voting

The management of overseas absentee voting is performed by the Comelec through its Committee on Overseas Absentee Voting (COAV), in coordination with the Overseas Absentee Voting Secretariat (OAVS) of the Department of Foreign Affairs (DFA), and in partnership with Filipino communities abroad.

The participation of volunteers from the ranks of overseas Filipinos is crucial in the conduct of the overseas absentee voting system. They account for more than 50 per cent of the members of the various electoral bodies that manage and implement the overseas voting exercise such as the Special Ballot

³ Voting by mail was authorized in Canada, Japan and United Kingdom

Reception and Custody Group (SBRCG) which takes custody and care of accountable and non-accountable electoral forms and paraphernalia; the Special Board of Election Inspectors (SBEI) which conduct the voting process as well as the counting of votes; and the Special Board of Canvassers (SBOC) which canvass the election returns.

Training for all the members of the various electoral bodies is provided by the Comelec. For the 2004 overseas voting exercise, regional trainings on election laws, registration, voting, counting and canvassing procedures, on the use of data capturing machines, for the members of the various bodies (SBRGs, SBEIs and SBOCs) that manage the overseas voting exercise, as well as on-site training to the members of the foreign service corps and volunteers from the ranks of overseas Filipinos were conducted. Similar activities were conducted in preparation for the 2007 and 2010 elections. In preparation for the 2013 elections, the Comelec and the DFA will also be training foreign post diplomatic personnel in voter registration and the use of the digital capture machine (DCM) system.

OAV IN THE 2004, 2007 AND 2010 ELECTIONS

To date, the Philippines has conducted three overseas absentee voting exercises—during the Presidential elections in 2004 and 2010, and the mid-term elections in 2007.

Comelec Resolution 6117, which embodied the implementing rules on overseas absentee voting, was promulgated only on 14 May 2003, barely three months before the start of the registration period. The late passage of RA 9189 likewise resulted in a delay in the release of funds for the registration period. In addition, a petition questioning the constitutionality of several provisions of RA 9189 was resolved by the Supreme Court only on 10 July 2003, a mere 20 days before the start of the registration period.

Registration in person was done in Philippine embassies and consulates as well as through field or mobile registration in selected areas. Qualified overseas Filipinos who were on vacation in the Philippines during the registration period were also allowed to register before the Election Registration Board of their place of residence in the Philippines.

The OAV Secretariat of the Department of Foreign Affairs reported that for the 2004 elections, there were 87 registration centers, with field registration in 44 posts in 154 areas where a total of 364,187 registered within the prescribed registration period. It was also reported that there were not a significant number of registrations of seafarers, because the nature of their work made registration difficult.

Voting by mail for the 2004 elections was limited to Canada, Japan and the United Kingdom. Voter turn-out by mail was 44 per cent. Eight per cent of the ballots were invalidated due to absence of signature on the outer envelope.

Other factors that affected the turn-out of voting by mail were return to sender envelopes, failure by the post office to receive mail-in ballots, and postal strike.

**Table 1. OAV Registration and Voter Turn-out by Mode of Voting
2004 Elections**

Mode of Voting	Registered Voters	Voter Turn-Out	Voter %
Postal Voting	13,670	5,971	48.68
Personal Voting	345,626	227,166	80.19
Total Registered Voters	359,296	233,137	64.89

Tokyo, Japan showed the highest number of registrants, followed by Madrid, Spain. Abuja, Nigeria posted the lowest number of registrants.

Voter turn-out for the OAV was 65 per cent, compared to the local turn-out of 70-75 per cent. Hong Kong posted the highest number of votes (88%). There were also a significant number of voters in Dubai (84%), Athens (84%), Singapore (77%), Kuwait (69%), Saipan (68%), and Brunei (67%).

**Table 2. Registration and Voter Turn-out, by Global Region
2004 Elections**

Global Region	Registered Voters	Voter Turn-Out	Voter %
Asia Pacific	155,545	106,709	68.6
Americas	11,955	7,239	60.55
Europe	37,407	24,103	64.43
Middle East & Africa	154,389	95,086	61.59

With the number of Overseas Filipinos increasing every year, some assume that there will be more overseas Filipinos who would be interested in participating in the electoral process. However, that has not been the case.

In the 2007 elections, Comelec proclaimed the adoption of the system of continuing registration of overseas absentee voting. However, this is not a true continuing registration system, since the registration period was limited to a 12-month period. The registration of overseas absentee voters before the local election registration boards was also discontinued in the 2007 elections. Instead, registration was conducted through the Philippine embassies and consulates, through mobile and field registration abroad, and in selected registration centers located at the Philippine Overseas Employment Administration (POEA) and the Ninoy Aquino International Airport (NAIA).

The Comelec has also increased the number of voting posts by mail from three to 59 for the 2007 elections to encourage more OFs to register.

**Table 3. Registration and Voter Turn-out, By Mode of Voting
2007 Mid-Term Elections**

Mode of Voting	Registered Voters	Voter Turn-Out	Voter %
Postal Voting	155,218	29,975	19.30
Personal Voting	348,906	51,757	14.83
Total Registered Voters	504,124	81,732	16.21

Voter registration increased from 359,296 in 2004 to 504,124 in 2007, which meant that only an additional 142,665 registered. Voter turn-out, however, was dismally low at 16.21%. This means that OAV has not really progressed.

**Table 4. Registration and Voter Turn-out, By Global Region
2007 Mid-Term Elections**

Global Region	Registered Voters	Voter Turn-Out	Voter %
Asia Pacific	191,761	38,059	19.85
Americas	27,247	6,599	24.22
Europe	48,462	8,914	18.39
Middle East & Africa	218,250	28,160	12.90
Seafarers	18,404	(110)	0.59

Continued apathy of overseas absentee voters, the distance from voting posts, the fact that a president will not be elected for the year, and the requirement for Filipino immigrants to execute an Affidavit of Intent to Return (AIR) were some of the reasons identified behind the low turn-out.

As with the previous years, registration for the 2010 elections has been delayed due to problems related to data capturing machines (DCMs), and the registration period which was originally scheduled to commence on December 3, 2008 but was moved to February 1, 2009 to August 31, 2009.

In order to gather as many registered voters as possible, the Comelec came up with the conduct of field registration. It also passed a resolution limiting the budget of the conduct of registration to P500 per registrant. Relative to this, the requesting Post must assure that they will obtain a minimum of 200 registered voters to maximize resources. Twenty five (25) Posts applied for this, and ten (10) have been approved by Comelec. These are Canberra, Ottawa, MECO, Honolulu, Brunei, Ankara, Riyadh, Oslo, Hong Kong and Toronto.

Aside from field registration, the Comelec did mobile registration in tandem with the Department of Foreign Affairs when they were on mission in the processing of passports to certain areas. No separate budget was allocated for this as Comelec conducted its services with the DFA only. Philippine Consulate General (PCG) Barcelona did this. In Hong Kong, the PCG has done satellite registration on Sundays during gatherings of Filipinos. DCMs have been placed in churches for OFWs.

Local field registrations in the Philippines have been set up at the POEA, NAIA, and select local recruitment agencies. Arrangements have also been made with OWWA and POEA PDOS providers.

Comelec also coordinated with Filipino communities abroad to make use of their networks. Flyers and others promotional materials were also distributed, although these were limited due to budgetary constraints. The services of the tri-media were also engaged, but they mostly did interviews only due to limited funding. However, as in the previous overseas electoral exercises, there was no budget provided for voter information and education for OAV.

The different posts helped in the dissemination of information to overseas Filipinos. The Manila Economic and Cultural Office (MECO), the embassies in Vietnam, Saudi Arabia, as well as the consulates in New York and San Francisco were some of those that mailed out information on the elections to their constituencies. To help in the effort, the Center for Migrant Advocacy printed 50,000 flyers in addition to 1,500 posters which were distributed to its different partner organizations abroad, which included the Geneva Forum for Philippine Concerns in Switzerland, Damayan in Belgium, and Kasapi in Greece. The CMA likewise shared these materials with the different Philippine embassies and consulates abroad through the DFA OAVS.

**Table 5. Registration and Voter Turn-out, by Mode of Voting
2010 Elections**

Mode of Voting	Registered Voters	Voter Turn-Out	Voter %
Postal Voting	137,621	39,564	19.92
Personal Voting	325,003	64,743	28.74
Automated Election System	127,206	49,016	38.53
Total Registered Voters	589,830	153,323	25.99

For the 2010 elections, the Comelec targeted a total of at least one million registrants. However, only 589,830 overseas Filipinos were registered for the national elections. Comelec delisted 132,817 names from the official list of voters for failure to vote in both the 2004 and 2007 elections, while there were 224,884 new registrants. There were a total of 215,546 voters in the Asia-Pacific, 66,745 in the Americas, 61,294 in Europe, 22,148 in the Middle East and Africa, and 21,097 seafarers. One hundred two diplomatic posts had postal voting and 70 posts had personal voting.

This time, too, overseas Filipino voters in Hong Kong and Singapore, numbering 95,335 and 31,851, respectively, used the new automated voting system.

**Table 6. Registration and Voter Turn-out, By Global Region
2010 Elections**

Global Region	Registered Voters	Voter Turn-Out	Voter %
Asia Pacific	215,546	68,687	31.87
Americas	66,745	19,854	29.75
Europe	61,294	17,650	28.80
Middle East & Africa	225,148	47,132	20.93
Seafarers	21,097	(160)	0.76

Despite efforts of government and civil society to encourage registration, the number of registrants for 2010 has not gone beyond half a million OF voters. Undersecretary Rafael Seguis of the Department of Foreign Affairs, who is also the Chair of the DFA OAVS, said that despite expanding the number of countries and territories for postal voting and automated elections in Hong Kong and Singapore, vote turn out plunged from 65% in 2004 to 16% in 2007, improving slightly to 26% in 2010 but falling short of 2004's phenomenal turn out. It has to be noted though that despite the expansion of the number of countries and territories for postal voting, there was no corresponding information dissemination on this, nor was there a budget allotted for information and dissemination drives.

Below are the summaries of overseas absentee voter turn- out in the last three elections, by mode of voting and registration by global regions.

**Table 7. OAV Registration and Voter Turn Out, by Mode of Voting.
2004, 2007, 2010 Elections**

Mode of Voting	Registered Voters			Voter Turn Out			Voter %		
	2004	2007	2010	2004	2007	2010	2004	2007	2010
Postal Voting	13,670	155,218	137,621	5,971	29,975	39,564	48.68	19.30	19.92
Personal Voting	345,626	348,906	325,003	227,166	51,757	64,743	80.19	14.83	28.74
Automated Election System			127,206			49,06			38.53
Total Registered Voters	359,296	504,124	589,830	233,137	81,732	153,323	64.89	16.21	25.99

**Table 8. OAV Registration and Voter Turn Out, by Global Regions.
2004, 2007, 2010 Elections.**

Global Region	Registered Voters			Voter Turn Out			Voter %		
	2004	2007	2010	2004	2007	2010	2004	2007	2010
Asia Pacific	155,545	191,761	215,546	106,709	38,059	68,687	68.60	19.85	31.87
Americas	11,955	27,247	66,745	7,239	6,599	19,854	60.55	24.22	29.75
Europe	37,407	48,462	61,294	24,103	8,914	17,650	64.43	18.39	28.80
Middle East & Africa	154,389	218,250	225,148	95,086	28,160	47,132	61.59	12.90	20.93
Seafarers		18,404	21,097		(110)	(160)		0.59	0.76

Of the 589,830 OAV, 26% or 153,323 voted in the May 2010 automated elections. Voter turnout was greater in 2004 wherein 233,137 out of 359,296 registered voters or 65% cast their votes. In 2007, only 16% or 81,731 out of 504,124 registered overseas voters voted.

Issues and Concerns Affecting the Conduct of the OAV

After each election, an assessment of the conduct of the electoral process is being conducted, not just by government agencies involved in the OAV but also NGOs and other concerned groups.

Factors which were identified to have affected the registration and voter turnout in the 2004 OAV included the following: short registration period; difficulty of personal registration, especially for those who live far from the embassies and consulates; limited number of facilities which served as voting centers; limited off days of OFWs; costs consideration; security risks for some prospective registrants; and, the disqualification of immigrants from registration unless they submit a Declaration of Intent to Return.

Based on the 2004 assessment, then Comelec Commissioner Florentino Tuason recommended several measures to improve the conduct of the 2007 elections, some of which are as follows:

- Registration be done solely abroad and to do away with the Affidavit of Intent to Return. He likewise suggested that the provision for certification of voting venues after the 2004 national elections.
- the use of more user-friendly application forms which may be downloaded from Comelec and DFA websites;
- field and mobile registrations;
- encoding of field entries at posts;

- a thirty-day voting period was proposed, minus holidays and the identification of days when there is an expected heavy turn-out;
- briefing of DFA personnel prior to posting and the training of personnel from posts for the next elections;
- allotment of 10 per cent of OAV budget to voters' information and education campaign.

Most of the problems observed in 2004 recurred in 2007, and again in the 2010 elections. These included the following:

- lack of/insufficient information and education for overseas Filipinos regarding absentee voting, including lack of budget for these
- apathy and lack of interest among probable voters
- lack of/limited transportation in Middle East countries hinders OFWs from going to registration areas and polling places to cast their votes
- Women voters in the Middle East cannot go out as easily because of fear of arrest or detention when going out or traveling alone, especially those who are unmarried.
- concerns on the capability of Comelec-designated people who will do the registration, and whether there is adequate equipment to handle all election-related concerns in foreign areas.
- geographical location of voters vis-à-vis the registration centers;
- high mobility of overseas Filipinos; workers transfer but fail to inform the Embassies or the Consulates General of their new address;
- limited manpower in embassies and consulates and unfriendly personnel;
- unresolved issues with the several voting methods which resulted in OFVs being unable to exercise their right to vote;
- the focus on increasing voter registration but no plans on how to increase voter turnout and expanded postal voting without addressing wastage of postal ballots;

- the certified list of overseas absentee voters (CLOAV) remained inaccurate with seafarers composing the majority of those disenfranchised.

The requirement to execute an Affidavit of Intent to Return was singled out as the most significant obstacle to increasing OAV registration.

On the aspect of administering the OAV, present COAV Chair Armando Velasco identifies the absence of an agency dedicated to handling the implementation of the OAV as affecting its focus and continuity.

Costs of Elections

The OAV Act of 2003 provided for a budget to this electoral exercise, included in the General Appropriations Act.

For the year 2004, the Comelec's budget was 300,000,000 that went into personnel services and maintenance and operating expenses. A significant portion of the budget was used to purchase machines for the biometric capture of data and information of registrants.

**Table 9. Comelec OAV Budget.
2004, 2007 and 2010 OAV Elections**

Particulars	2004 Elections	2007 Elections	2010 Elections
Total Appropriations	300,000,000	238,421,000	188,086,000
Total PS	92,065,500	58,671,000	45,636,000
Total MOOE	207,934,500	179,750,000	142,450,000

Table 9.1. Personnel Services (PS)

Particulars	2004 elections	2007 Elections	2010 Elections
Wages	3,465,000	24,631,000	4,058,000
Overtime	7,965,000		8,354,000
Honoraria	80,635,500	34,040,000	33,224,000
Total PS	92,065,500	58,671,000	45,636,000

Table 9.2. Maintenance and Other Operating Expenses

Particulars	2004 Elections	2007 Elections	2010 Elections
Travel	63,210,000	69,255,000	39,450,000
Training	30,000,000	30,000,000	26,000,000
Supplies	27,196,000	19,995,000	14,500,000
Transportation	22,000,000		
Other Expenses	65,528,500	60,500,000	62,500,000
Total MOOE	207,934,500	179,750,000	142,450,000

COAV budget for the next electoral exercises went down, from P238.421 million in 2007 to P188.086 million in 2010. These budgets however still do not include the DFA-OAV budget.

Integrity of the electoral Process

Since suffrage is a constitutional right, it is up to the qualified individual to exercise this right. Experiences from the many local elections held have shown that it is not easy to campaign and encourage Filipinos to vote. This is true even for the overseas registration and voting. Filipinos at times become cynical of the whole electoral process, saying that their votes might not be counted in the end because of cheating. The integrity of the electoral process is a challenge that has to be addressed head on.

Compared to elections conducted in the country, electoral integrity in the overseas absentee voting in the 2004, 2007 and 2010 elections have remained high. This is true for the entire OAV exercise, starting from voter registration to actual voting, counting and canvassing of votes.

Compared to the local voters' list, the permanent and computerized centralized list of overseas voters is more reliable and has higher integrity. ⁴ The biometric information of overseas registered voters are stored in digitized format, and given the smaller list, it is easier to verify.

When it comes to ballot counting and canvassing, these are done on-site in the presence of overseas Filipino volunteers. There have been some reported alleged frauds, harassment and intimidation in the 2004 and 2010 OAV exercises but they were refuted by Comelec and the DFA. It seems that there were just glitches due to disenfranchisement and de-listing of voters.

⁴ Valentino, Wall and Rojas, 2006

WAYS FORWARD

Significant achievements were made during the three electoral exercises. But continuing problems in the entire electoral process - voter registration, voter participations and conduct of voting – remain. Clearly, government has to address the key problems that have been raised and kept on recurring in the last three OAV elections, if it wants to achieve high registration and voter turn-out, and restore the faith of overseas Filipinos in the electoral system.

Information and Education Campaign

Massive information and education drive abroad in preparation for the OAV registration and elections should be in place. These are needed to raise awareness among OFWs regarding the need to register or validate their previous registration. There is budget intended for the dissemination of such information which can be used to achieve the one million registrant target or even go beyond it. In fact,

Our overseas embassies and posts should reach out to the OF groups and communities and enjoin them to help encourage other OFs and disseminate information. All stakeholders, both overseas and locally- based groups can be tapped by government to help in this drive. CMA would be willing again to help government in this campaign. Spouses and family members of OFWs, as well as recruitment agencies can also be tapped.

Filipinos should also be encouraged to register early and do away with last-minute registration. They should also try to figure out how to do away with the seeming apathy and cynicism of Filipinos when it comes to the electoral process.

Budget and Personnel

The past electoral exercises have shown that information and electoral education drives are necessary to increase OAV voter registration and turn-out. But the success of OAV registration and voter turn-out should also be backed with budget to realize it. At the same time, the creation of a permanent body that can focus on ensuring the successful implementation of the OAV can also be looked into. As it is, there is lack of full time, plantilla Comelec personnel to focus on OAV. There is also the need for better coordination/delineation of tasks between the Comelec and the DFA OAVS to make implementation more realistic, practical and effective.

Role of Civil Society

Filipinos abroad want to be involved in the affairs of their country. The Embassies and posts can tap OF groups and communities to help in information and education drives. They can also be tapped to volunteer during canvassing of votes and other tasks related to the OAV. OF groups in fact are

part of the larger group that continues to lobby to amend the OAV law and improve/monitor its implementation.

Restriction on Immigrant's Right to Vote

The requirement to execute an Affidavit of Intent to Return was singled out as the most significant obstacle to increasing OAV registration. The scrapping of the affidavit of intent to return where Filipinos abroad are required to return to the Philippines three years after they have registered, or otherwise face disenfranchisement and jail time of up to a year has time and again been recommended.

The use of technology

As it was in 2010, the target number of registered Filipino voters for the May 10, 2013 elections is once again one million, or an addition of 341, 481 to the present number of 589, 830. Clearly, it would take a lot of efforts and campaign, not just from the Comelec, but from other sectors as well to achieve this goal.

The use of technology, such as the internet and social networking sites are being eyed as possible alternatives to campaign for OAV registration and voting. On-line registration, as well as internet voting, is also being proposed as a possible solution to increase voter registration and turn-out. Definitely, these would save on costs and address some recurring issues and problems that have been raised in the past, such as the high mobility of Filipinos and the physical distance of the polling centers from the residences of the voters. There are downsides to these suggestions, however, such as concerns for the sanctity of the ballot which might be compromised through internet voting.

Amendments to the OAV Law

Some problems related to overseas absentee voting can be addressed through improved processes and procedures. There are also those that would require the amendment of the Overseas Absentee Voting Act of 2003.

There is a clamor for amendments because of the law's many limitations, which include among others the following: referral to the act as overseas voting instead of overseas absentee voting; accessibility of voting, including the expansion of voting by mail; internet voting; the repeal of the provision on the affidavit of intent to return; expansion of voting in local elections (municipal level) of overseas absentee voters is also being requested; and, coverage of voting for President, Vice President, Senators and Party list representatives, as well as in all national referenda and plebiscite.

In response to these calls, the 15th Congress, a consolidated bill amending the Overseas Absentee Voting Act of 2003 has been filed and is being deliberated.⁵

The proposed bill includes the following amendments:

1. Personal Overseas Absentee Registration and Certification can now be done in person at any post or at designated registration centers outside the post or in the Philippines as approved by the Commission
2. Setting up of field and mobile registration centers by the posts to ensure accessibility by the overseas absentee voter
3. Allowing remote registration through the internet based on the guidelines and procedures determined by the commission
4. The creation of a Resident Election Registration Board (REBRB), which shall process, approve or disapprove all applications for registration and/or certification as OAVs, including deactivation, activation and cancellation of registration records
5. System of continuing registration shall commence not later than 6 months after the conduct of the last national elections
6. Inclusion of information on OAV in all PDOS orientation seminars, including those conducted by private agencies
7. Applications for registration and/or certification as an OAV shall be considered as applications to vote in absentia. An OAV is presumed to be abroad until she/he applies for transfer of registration records or requests that his/her name be cancelled from the list
8. Voting may be done either personally, by mail or by any other means as may be allowed under other existing laws.
9. Coverage of voting shall extend as well as in all national referenda and plebiscite.
10. The creation of a Department of Overseas Absentee Voting (DOV) tasked to oversee and supervise the effective implementation of the OAV law
11. The DOAV, in consultation with DFA-OAVA shall determine the countries where voting shall be done in any specific mode
12. Appropriation of not less than 10 per cent of the OAV budget to defray the costs of carrying out the OAV information and education campaign.
13. Members of the SBEI, SBRCG and SBOC shall be allowed to vote in the post, provided they are registered in the Philippines or registered as OAV
14. Comelec may explore and adopt other more efficient, reliable and secure modes or systems for onsite and remote registration
15. Encourage and engage Filipino CSOs, both local and overseas, as accredited or deputized partners in the electoral process, especially in the information and education campaign.

⁵ Authors of the substitute bill include Reps. Macapagal-Arroyo, Escudero, Bello, Bichara, Climaco, Rodriguez, Lagman, Gatchalian, Gonzales, Bag-ao, Batocabe and Aumentado

16. Training of members of foreign service corps on OAV processes, rules and procedures as part of their briefing and orientation prior to posting abroad

The next elections will be in 2013. While preparations are underway for the OAV, the passage of the amendment to the OAV law is something that has to be fast-tracked, if we want to ensure the success of the process.

High registration and voter turn-out are desirable. However, there are efforts and actions that have to be done in order to achieve these.

The right of overseas Filipinos to vote has been won. But the ultimate decision of whether to participate in the electoral process or not rests on the individual voter. We can only hope that our overseas Filipinos will not let this victory go to waste. We can only hope and appeal to their sense of kinship and being Filipinos to make them participate in the process.

We also have to be aware that the people's faith in the government is an issue here. Year after year, hundreds of thousands of Filipinos are leaving the country, not to mention those who have plans of leaving the country, because of lack of support, lack of opportunities, and disillusionment with the system. Faith in the government has to be restored. ##

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