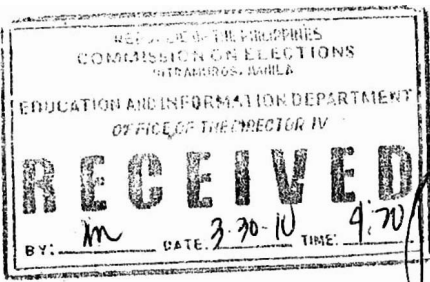


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Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

RULES AND REGULATIONS ON DETAINEE VOTING IN CONNECTION WITH THE MAY 10, 2010 NATIONAL AND LOCAL ELECTIONS.

MELO, J.A.R., *Chairman*
SARMIENTO, R.V., *Commissioner*
FERRER, N.T., *Commissioner*
TAGLE, L.N., *Commissioner*
VELASCO, A.C. *Commissioner*
YUSOPH, E. R. *Commissioner*
LARRAZABAL, G. Y., *Commissioner*

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Promulgated: March 30, 2010

RESOLUTION NO. 8811
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WHEREAS, on February 23, 2010, the Commission on Elections promulgated E.M. No. 09-005 (In Re: Petition for the Issuance of a Comelec Resolution Implementing the Right to Vote of Persons Deprived of their Liberty (Detainees/Prisoners) in National Prisons, Provincial, City and Municipal Jails, and Other Government Detention Facilities in the May 10, 2010 National and Local Elections) allowing the establishment of special polling stations inside jail facilities with at least one hundred (100) registered voters and escorted voting for jail/ prison facilities with less than a hundred voters;

WHEREAS, to properly implement E.M. No. 09-005, the issuance of Rules and Regulations is necessary;

NOW THEREFORE, pursuant to the powers vested in it by the Constitution, the Omnibus Election Code and other election laws, the Commission on Elections **HEREBY RESOLVES** to promulgate the following rules and regulations on detainee voting:

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SECTION 1. *Who are Entitled to Avail of Detainee Voting* - Detainee voting (either through the special polling place inside jails or escorted voting) may be availed of by any registered detainee whose registration record is not deactivated / cancelled.

A "detainee", for purposes of detainee voting, is understood to be any person: (1) confined in jail, formally charged for any crime/s and awaiting/undergoing trial; or (2) serving a sentence of imprisonment for less than one (1) year; or (3) whose conviction of a crime involving disloyalty to the duly constituted government such as rebellion, sedition, violation of the firearms laws or any crime against national security or for any other crime is on appeal.

SECTION 2. *Date and Time of Detainee Voting* – Voting for all qualified detainee voters shall take place on the same date the national and local elections are conducted on May 10, 2010.

For jails provided with special polling places, the filling out of the ballots must be finished at 5:00 P.M. to have a sufficient time to bring the filled-up ballots to detainees' respective precincts before they close at 6:00 P.M. on election day. In case all the expected detainee voters have voted before 5:00 P.M., the SBEI may close the voting in the special polling places and dispose all election paraphernalia in accordance with Section 34 hereof.

SECTION 3. *Committee on Detainee Voting* - A Committee on Detainee Voting ("Committee") shall be created and shall be composed of the following:

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|---------------|--|
| Chairman | - Commissioner Rene V. Sarmiento |
| Vice-Chairman | - Atty. Bartolome Sinocruz, Jr.
Deputy Executive Director for Operations (DEDO) |
| Members | - Ms. Jeannie Flororita, Acting Director, Information and Technology Department
- Atty. Dindo Maglasang, Attorney VI, Election and Barangay Affairs Division
- Atty. Martin B. Niedo, Budget Officer V
- Mr. Tony Villasor, Consultant to the Office of the Committee Chairman
- Atty. Magellan P. Ferrer, Attorney VI, Office of Commissioner Nicodemo T. Ferrer
- Atty. Gerald Dela Cruz, Attorney VI, Office of Commissioner Elias Yusoph
- Atty. Jewel Agudo, Executive Assistant V, Office of Commissioner Armando C. Velasco,
- Atty. Erwin M. Caliba, Executive Assistant V, Office of the Committee Chairman
- Atty. Arnulfo Sorreda, Executive Assistant IV, Office of Commissioner Lucenito N. Tagle |



SECTION 4. Powers and Functions of the Committee - The Committee shall oversee and ensure the implementation of all Comelec resolutions pertaining to detainee voting and shall have the following powers and functions:

- a) Receive the lists of detainee voters per jail facility with at least 100 registered voters submitted by jail warden and duly verified by the proper Election Officer of the municipality /city where the jail/ detention center is located;
- b) Double check, determine and prepare the list of the jail facilities where special polling places shall be established in accordance with E.M. No 09-005 and based on the lists of Bureau of Jail Management and Penology (BJMP) / detention facility;
- c) Prepare, in coordination with the Information Technology Department (ITD), the Detainee Voters List (per precinct) who are voting through the special polling places which shall be considered as supplemental to the Election Day Certified Voter's List (EDCVL);
- d) Determine the election paraphernalia, the number of Special Board of Election Inspectors (SBEI), support staff and escorts required in the special polling places inside jails;
- e) Cause the distribution of the Detainee Voters List (per precinct) and the needed election paraphernalia in the special polling places inside jails;
- f) To inspect the venue inside the jails (selected by the BJMP personnel) where the special polling places are to be set up to ensure compliance with pertinent laws and COMELEC rules.
- g) Perform all necessary coordination with the BJMP, Bureau of Corrections (BuCor), Commission on Human Rights, watch groups and other non-government organizations (such as the CBCP- Episcopal Commission on Prison Pastoral Care

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(ECPPC), Preso, Inc, and PDL Vote Watch) which are helping the Commission in ensuring the exercise of detainees' right to vote; and

- h) Perform and exercise such other powers and functions as may be necessary for the proper implementation of COMELEC resolutions and rules on detainee voting.

PART ONE

SPECIAL POLLING PLACES INSIDE JAILS

SPECIAL POLLING PLACES IN JAILS

SECTION 5. *Special Polling Places Inside Jails* - Special polling places shall be established in jails with at least one hundred (100) detainee voters who are residents and registered as such in the municipality or city where the jail facility is located.

In case of cities with several districts, detainee voters of districts other than the district where the jail is located are entitled to vote in the special polling places inside the jails.

For purposes of counting and listing the registered detainee voters who are residents of the municipality or city where the jail is located:

- a) Only those who are in the custody of jail facilities as of April 12, 2010 shall be included;
- b) Detainee voters who are registered before and during the 2008-2009 registration period who are already released from the jail as of April 12, 2010 shall be excluded from the BJMP list;
- c) Detainees who entered the jail after the registration period shall be included in the counting provided they are registered as

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voters in the municipality/city of incarceration and are in the custody of the jail as of April 12, 2010.

Detainee voters included in the Detainee Voters List but released before May 10, 2010 shall still vote in the special polling place in the jail facility where his/her name is included.

SECTION 6. *Location of the Special Polling Place.* – The special polling place should be established in a venue inside the jail spacious enough to accommodate more than ten (10) voters to ensure that voting ends while there is still sufficient time to deliver all the filled-up ballots to the different precincts where detainees are registered.

The guidelines on the physical set-up of regular polling places shall apply to the special polling places in jails.

SECTION 7. *Detainee Voters List* – The Detainee Voters List shall contain the names of all registered detainee voters who are voting through the special polling places established inside jails prepared by the Committee on Detainee Voting based on the BJMP list duly verified by the proper Election Officer and the Information Technology Department (ITD) of this Commission. Each precinct with detainee voters availing of the special polling places shall have a Detainee Voters List to be attached as supplement to the EDCVL.

SECTION 8. *Who May Be Allowed to Vote in the Special Polling Places in Jails.* - Only detainee voters whose names appear in the Detainee Voters List may vote in the special polling places in jails. Detainees who are already released from jail but whose names appear in the Detainee Voters List shall vote in the special polling places in jails. They shall not vote in their regular polling places.

SECTION 9. *Challenge Against Illegal Voters* - Any voter or watcher may challenge any person offering to vote for:

- a) Not being registered;
- b) Using the name of another; or
- c) Suffering from any existing disqualification.



In such case, the SBEI shall satisfy itself as to whether or not the ground for the challenge is true by requiring proof of registration, identity or qualification. The SBEI shall identify the detainee voter through his photograph, fingerprint or specimen signatures in the Detainee Voters List. In the absence of any of the above-mentioned proof of identity, any member of the SBEI may identify under oath a voter, and such act shall be reflected in the Minutes of Voting.

SECTION 10. *Challenge Based on Certain Illegal Acts.* - Any watcher may challenge any detainee voter offering to vote on the ground that he/she:

- a) Received or expects to receive, paid, offered or promised to pay, contributed, or promised to contribute money or anything of value as consideration for his/her vote or for the vote of another; or
- b) Made or received a promise to influence the giving or withholding of any such vote; or
- c) Made a bet or is interested directly or indirectly in a bet that depends upon the results of the election.

In such case, the challenged detainee voter shall take an oath before the SBEI that he has not committed any of the acts alleged in the challenge. Upon taking such oath, the challenge shall be dismissed and the detainee voter shall be allowed to vote. In case the detainee voter refuses to take such oath, the challenge shall be sustained and the detainee voter shall not be allowed to vote.

SECTION 11. *Rules to be Observed During the Voting* - During the voting, the SBEI shall see to it that:

- a) Detainee voters shall vote in the order of the arrival of the detainee ballots per voting center;
- b) No watcher shall enter the place reserved for the detainee voters and the SBEI, nor mingle and talk with the detainee voters;
- c) No person carrying any firearm or any other deadly weapon, except those expressly authorized in Section 12 (g) hereof or by the Commission, shall enter the special polling place; and
- d) There shall be no crowding of detainee voters and disorderly behavior inside the special polling place.



SECTION 12. *Persons Allowed Inside Special Polling Places* – Only the following shall be allowed to enter the special polling places inside jails:

- a. Members and support staff (per voting center) of the SBEI;
- b. Watchers who shall stay only in the space reserved for them;
- c. PDL Vote Watch Monitors (maximum of 2 per special polling place) who shall stay in the space for watchers;
- d. Representatives of the Commission on Human Rights;
- e. Representatives of this Commission;
- f. Detainee voters filling-up their ballots;
- g. Detainee Voters waiting their turn to fill-up their ballots;
- h. At least three BJMP personnel (the number shall be increased as the need arises) who shall stay also in the space for watchers; and
- i. Other persons who maybe specifically authorized by the Commission.

SECTION 13. *Persons Not Allowed Inside Special Polling Places* - The following shall not be allowed to enter the special polling places in jails:

- a. Any officer or member of the Armed Forces of the Philippines or the Philippine National Police;
- b. Any peace officer or any armed person belonging to any extra-legal police agency, special forces, reaction forces, strike forces, Civilian Armed Force Geographical Units, barangay tanods or other similar forces or paramilitary forces, including special forces, security guards, special policemen except the BJMP personnel mentioned in the immediately preceding section;
- c. All other kinds of armed or unarmed extra-legal police forces; and
- d. Any candidate or barangay official, whether elected or appointed.

SECTION 14. *Prohibition on Voting.* – It shall be unlawful for a detainee voter to:

- a. Bring the ballot, ballot secrecy folder or marking pen outside the polling place;
- b. Speak with anyone other than as herein provided while inside the special polling place;
- c. Prepare his ballot without using the ballot secrecy folder or exhibit its contents;



- d. Fill his ballot accompanied by another, except in the case of an illiterate or detainee voter with disability/disabilities;
- e. Erase any printing from the ballot, or put any distinguishing mark on the ballot;
- f. Use carbon paper, paraffin paper or other means of making a copy of the contents of the ballot, or otherwise make use of any scheme to identify his vote, including the use of digital cameras, cellular phones with camera or similar gadgets; and
- g. Intentionally tear or deface the ballot.

SECTION 15. *Preparation of Ballots for Detainee Voters who are Illiterate or with Disabilities-* Only detainee voters indicated in the Detainee Voters List as illiterate or with disability/disabilities shall be allowed to vote as such. Said person may be assisted in the preparation of his ballot by any person who is a:

- a. Relative within fourth civil degree of consanguinity and affinity, if said relative is present in the jail premises; or
- b. Any member of the SBEI.

All assistors must be of voting age

No person may assist an illiterate or person with disability/disabilities more than three (3) times, except the members of the SBEI.

In all cases, the poll clerk shall first verify from the illiterate or detainee voter with disability/disabilities whether he/she had authorized the assistor to fill-up his/her ballot.

The assistor shall, in the presence of the illiterate or detainee voter with disability/disabilities, prepare the ballot using a ballot secrecy folder.

The assistor shall bind himself in writing and under oath to fill the ballot strictly in accordance with the instructions of the voter and not reveal the contents thereof, by affixing his signature in the appropriate space in the Minutes

**SPECIAL BOARD OF ELECTION INSPECTORS,
SUPPORT STAFF, WATCHERS, ESCORTS AND
MONITORING GROUPS**

SECTION 16. *Special Board of Election Inspectors (SBEI) and Support Staff Per Voting Center* - The Commission on Elections, through its Election Officer in districts/cities/municipalities where a special polling place is established, shall constitute the SBEI not later than April 15, 2010 following the rules embodied in Article I of Resolution No. 8786 or the "Revised General Instructions for the Board of Election Inspectors (BEI) on the Voting, Counting and Transmission of Results in Connection with the 10 May 2010 National and Local Elections" promulgated on March 4, 2010.

SECTION 17. *Powers and Functions of the SBEI* - The SBEI shall have the following powers and functions:

- a) Receive and bring the needed election paraphernalia to the special polling places in jails on election day;
- b) Receive from the SBEI support staff (assigned per voting center) the precinct-specific ballots (per precinct) contained in a properly sealed and signed envelope;
- c) Conduct only the voting in the special polling places (the scanning and counting shall be done in the detainee voters' respective precincts);
- d) Seal and sign the envelopes containing the filled-up ballots (per precinct) and hand it to the SBEI support staff for counting in the detainee voters' respective precincts;
- e) Act as deputies of the Commission in the conduct of the elections;
- f) Maintain order within the special polling place and its premises; keep access thereto open and unobstructed; enforce obedience to its lawful orders and prohibit the use of cellular phones and camera by the detainee voters. If any person refuses to obey the lawful orders of the SBEI or conducts himself in a disorderly manner in its presence or within its hearing and thereby interrupts or disturbs its proceedings, the SBEI may issue an

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order in writing directing any BJMP personnel to take said person into custody until the adjournment of the meeting, but such order shall not be executed as to prevent the person from voting. A copy of such order shall be attached to the Minutes; and

- g) Perform such other functions prescribed by law or by the rules and regulations promulgated by the Commission.

SECTION 18. *Duties of the SBEI Support Staff and BJMP Escort-*

There shall be one (1) SBEI support staff with an armed BJMP escort for every voting center of the city or municipality where the jail is located.

The SBEI support staff shall:

- a) Collect the ballots of the detainee voters from the different clustered precincts of the voting center of assignment;
- b) Bring the collected ballots to the special polling place inside the jail; and
- c) Return for counting, not later than 6:00 P.M. on election day, the filled-up ballots to the BEI of the different clustered precincts where the same ballots were taken.

The armed BJMP escort shall accompany the SBEI support staff from the special polling place in jail to the voting center, then from the voting center back to the special polling place in jail and, finally, from the jail to the voting center. The armed BJMP escort shall not enter any polling place from which the ballots are taken and to which same ballots are returned or any other polling places except to vote.

SECTION 19. *Proceedings of the SBEI* – The meeting of the SBEI shall be public and shall be held in the special polling place designated by the Commission and the BJMP.

SECTION 20. *Voting Privilege of the SBEI* - Members of the SBEI who are not availing of the Local Absentee Voting may, on election day, vote in the precincts where they are registered, provided that their absence in the special

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polling place shall not be more than thirty (30) minutes and that they schedule their voting so that only one member of the SBEI shall leave at any one time.

SECTION 21. *Prohibition Against Political Activity* - No member of the SBEI or its support staff (per voting center) shall engage in any partisan political activity or take part in the election except to discharge his duties as such.

SECTION 22. *Honoraria of the SBEI and their Support Staff (Per Voting Center)* - The chairman and members of the SBEI shall each receive an honorarium of three thousand pesos (Php 3,000.00). In addition, each shall receive a hazard pay of one thousand pesos (Php 1, 000.00); three hundred pesos for one-time transportation allowance and service credits for three days of service (day before the elections, election day and day after elections).

Support staff shall receive an allowance of P1, 5000 each and service credits for three (3) days of service (day before the elections, election day and day after elections).

SECTION 23. *Official Watchers of Candidates, Political Parties and Other Groups*. - Each candidate and registered political party or coalition of political parties duly registered with the Commission and fielding candidates in the election, as well as duly accredited citizen's arms may appoint two watchers, to serve alternately, in every special polling place. However, candidates for Senator, candidates for Member, Sangguniang Panlalawigan or Sangguniang Panlungsod, or Sangguniang Bayan, belonging to the same ticket or slate, shall collectively be entitled to one watcher.

Duly accredited citizens' arms of the Commission shall be entitled to appoint a watcher in every special polling place. Other civil, professional, business, service, youth, and other similar organizations, with prior authority of the Commission, shall be entitled collectively to appoint one watcher in every special polling place.

If, because of limited space, all watchers cannot be accommodated in the polling place, preference shall be given to the watchers of the dominant majority and dominant minority parties as determined by the Commission and the watcher of the citizens' arm, with the latter being given preferential position closest to the



SBEI. In case there are two or more citizen's arm, the one authorized by the Commission to conduct an unofficial count shall be given preference.

Watchers shall be subjected to all the security measures enforced in jails

SECTION 24. *Qualifications of Watchers* - No person shall be appointed watcher unless he:

- a) Is a registered voter of the city or municipality comprising the precinct where he is assigned;
- b) Is of good reputation;
- c) **Has not been** convicted by final judgment of any election offense or of any other crime;
- d) Knows how to read and write Filipino, English or the prevailing local dialect;
- e) Is not related within the fourth civil degree of consanguinity or affinity to the chairman or to any member of the SBEI in the special polling place where he/she seeks appointment as watcher; and
- f) Is not a detainee of the jail.

SECTION 25. *Rights and Duties of Watchers* – Upon entering the special polling place, the watchers shall deliver to the chairman of the SBEI their appointment as watchers, and their names shall forthwith recorded in the Minutes of Voting with a notation under their signatures that they are not disqualified to serve as such under the immediately preceding Section. The appointments of the watchers shall bear the signature of the candidate or duly authorized representative of the party, organization or coalition that appointed them. For this purpose, at least fifteen (15) days before election day, independent candidates, registered parties, organizations, or coalitions authorized by the Commission to appoint watchers shall provide the Election Officers concerned with the names and signatures of their representatives authorized to appoint watchers in the city or municipality and special polling places in jail in said city / municipality.

The watchers shall have the right to:

- a) Witness and inform themselves of the proceedings of the SBEI;
- b) Take note of what they may see or hear;

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- c) Take photographs of the proceedings and incidents, if any, during the voting in the special polling places in jails;
- d) File a protest against any irregularity or violation of law which they believe may have been committed by the SBEI or by any of its members or by any person, and
- e) Obtain from the SBEI a certificate as to the filing of such protest and the resolution thereof.

Watchers shall not speak to any member of the SBEI, or to any voter or among themselves, in such manner as would disturb the proceedings of the SBEI.

SECTION 26. Monitoring Groups, Observers and Media Representatives - Monitors of PDL (Persons Deprived of Liberty) Vote Watch - jointly spearheaded by the Commission on Human Rights (CHR), Ateneo School of Government and the CBCP-ECPPC – and other monitoring groups duly accredited by the Commission shall be allowed access to the special polling places inside jails to observe the proceedings; *Provided*, said monitors of the PDL Vote Watch and other groups present the necessary identification to the SBEI.

Accredited media representatives and foreign observers shall also be allowed access to the special polling places but they must follow all the security measures enforced within the jails and the guidelines established by this Commission in Resolution No. 8763 (Foreign Observers) promulgated on February 9, 2010 and Resolution No. 8764 (Mass Media) promulgated on February 9, 2010.

SECTION 27. Documentation and Communication Devices Allowed in Special Polling Places - Watchers, members of the SBEI, SBEI support staff, CHR representatives, PDL Vote Watch monitors, COMELEC representatives shall be allowed to bring cameras, cellular phones and laptops in the special polling places. *Provided*: these devices are to be used exclusively for official documentation and communication purposes.

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ELECTION FORMS AND SUPPLIES

SECTION 28. Election Forms, Documents and Supplies. - Except when authorized to do earlier by the Commission, the SBEI shall get the forms, documents and supplies early in the morning of election day. The City/Municipal Treasurer shall distribute the following forms, documents and supplies to the SBEI of the special polling place of the city/municipality.

FROM THE CITY / MUNICIPAL TREASURER

CEF NO.	DESCRIPTION	RATE OF DISTRIBUTION	
<u>ELECTION FORMS</u>			
A12	Paper Seal	(No. of Clustered Precincts with Detainee Voters) x (2)	Piece
<u>EXPANDABLE ENVELOPES</u>			
	For the ballots from the precincts with detainee voters	(No. of Clustered Precincts with Detainee Voters) x (2)	Pieces
<u>OTHER FORMS</u>			
A30/A31	Temporary appointment of Chairman/Poll Clerk/Third Member/Support Staff	10	Pieces
A35	Certificate of Challenge or Protest and Decision of the SBEI	10	Pieces
A39	Oath of Voter Challenge for Illegal Acts	10	Pieces
A40	Oath of Identification of challenged Voter	10	Pieces
<u>SUPPLIES</u>			
	Bond Paper (Long)	30	Pieces
	Ballot Secrecy Folder	22	Pieces
	Thumbprint Taker	1	Piece
	Indelible Stain Ink	2	Bottles
	Instruction to Voters	1	Piece
	Marking Pens	2	Boxes
	Ball pen	6	Pieces

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FROM THE ELECTION OFFICER

- a) One copy of the Detainee Voters List for each of the clustered precincts having detainee voters;
- b) Copies of Appointment and Oath of Office of the SBEI and Support Staff (A5 & A5-A);
- c) Special Polling Place Computerized Voters List; and

The SBEI shall carefully check the different election forms, documents and supplies and the quantity actually received. The SBEI shall sign a Certificate of Receipt (A14) in three copies, the original of which shall be delivered to the City/Municipal Treasurer, who shall transmit the same to the ERSD, Comelec, Manila, immediately after election day.

SECTION 29. *Forms to be Reproduced When Needed.* – The following forms may be reproduced when needed:

- a) Temporary Appointment of Chairman/Poll Clerk/Member (Annex "A")
- b) Certificate of Challenge or Protest and Decision of the BEI (Annex "B");
- c) Oath of Voter Challenged for Illegal Acts (Annex "C"); and
- d) Oath to identify a challenged Voter (Annex "D")

PROCEDURES OF VOTING

SECTION 30. *Preliminaries to the Voting.*

a) Regular Polling Places with Detainee Voters: Before the voting in the regular polling places, the BEI in the clustered precincts with detainee voters (in cities and municipalities where a jail facility has a special polling place) shall segregate the ballots of the detainee voters per precinct. Using the Detainee Voters List as reference, the BEI shall annotate the detainee voters' names in the EDCVL with "DV" (Detainee Voter) and its members shall affix their initials beside the marginal note. Thereafter, the BEI shall insert the segregated ballots on a folder. The number of detainee voters and the fact that their names were annotated with "DV" shall be entered into the Minutes of Voting.



Upon the arrival of the Support Staff of the SBEI in the special polling place in jail, the BEI shall insert the segregated ballots into the envelope carried by the Support Staff and close the envelope with a paper seal (also brought by the Support Staff of the SBEI) bearing the initials of the members of the BEI.

The BEI shall give the sealed envelope containing the segregated ballots for detainees only to the Support Staff of the SBEI assigned to the voting center who is accompanied by a BJMP escort. The BEI then shall enter into the Minutes of Voting the name of the SBEI Support Staff and the time the latter picked up the ballots. The BEI shall require the SBEI Support Staff to sign the entry.

Thereafter, the support staff shall immediately deliver the ballots to the special polling place.

b) Special Polling Places in Jail: The SBEI and all the support staff of the SBEI who shall meet at the special polling place in jail at six o'clock in the morning of election day shall submit themselves to all the security measures enforced in jails.

The SBEI shall give to the support staff the envelopes (with one (1) paper seal) for each clustered precinct with detainee voter/s in the voting center where the latter is assigned. Upon receipt of the envelopes, the Support Staff shall leave the jail escorted by armed BJMP personnel for the voting center.

The SBEI shall ensure that the special polling place in jail is ready for the voting.

i) The SBEI shall ensure that a table shall be provided on which the envelopes (per precinct) are placed and in which detainee voters insert their filled-up ballots; and

ii) The SBEI shall post the Special Polling Place Computerized Voters List near or at the door of the polling place.

Upon the arrival of the envelopes, the chairman of the SBEI (in the special polling places in jail), in the presence of the other members, shall open

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the same and count the number of ballots. The fact and time of arrival and the number of ballots shall be entered into the Minutes of Voting.

SECTION 31. *Manner of Obtaining Ballots.* The detainee voters shall vote in the order of arrival of the ballots from the voting centers. Voters in lower numbered precincts shall vote ahead of the others. The voter shall:

a) Look for his name in the Special Polling Place Computerized Voters List posted near the door of the voting center and determine his/her precinct number;

b) Approach the SBEI, give his/her name and address, together with the other data concerning his/her person;

c) The SBEI shall verify if the name of the voter is in the Detainee Voters List. If the name of the detainee voter is in the Detainee Voters List, his/her identity shall then be established through the following:

i. His/her photograph in the Detainee Voters List or any authentic document which may establish his/her identity except barangay certificate or community tax certificate; or

ii. In the absence of any of the above-mentioned proof of identity, any member of the SBEI may identify under oath a voter, and such act shall be reflected in the Minutes of Voting.

iii. If the SBEI is satisfied with his/her identity, the name of the voter shall be distinctly announced in a tone loud enough to be heard throughout the polling place. Otherwise, the voter shall be directed to leave the polling place after informing him/her the reason thereof. If the voter is not challenged, or having been challenged, the question has been decided in his favor, the voter shall be directed to the chairman of the SBEI.

d) Before giving the ballot to the voter, the chairman of the SBEI shall:

i. Check if any of the fingernails of the voter has already been stained with indelible ink. If stained, it shall be a conclusive presumption that he/she has already cast his vote. As such, the voter shall be directed



to leave the polling place after informing him the reason thereof. This fact, including the name and the precinct of the voter, shall be recorded by the Poll Clerk in the Minutes of Voting;

ii. After verifying that no finger nail has been stained, affix his/her signature in the Detainee Voters List;

iii. Authenticate the ballot by affixing his/her signature at the designated space at the front thereof.

The failure to authenticate the ballot shall not invalidate the ballot but shall constitute an election offense.

iv. Instruct the voter on how to fill-up the ballot properly; and

v. Insert the ballot in the secrecy folder in such a manner that its face is covered, except the portion where his/her signature in the ballot appears, and give the ballot to the detainee voter.

Only the chairman shall issue the official ballots, and not more than one ballot shall be issued at one time.

SECTION 32. Manner of Voting. - Voting shall be conducted in the following manner:

- a) The detainee voter, using the ballot secrecy folder and the marking pen provided by the COMELEC, shall fill his/her ballot by **fully shading the oval** beside the names of the candidates and political party participating in the party list system of representation of his/her choice;
- b) The voter shall then approach the table where the envelope for his precinct is placed and insert the same into the said envelope;
- c) The SBEI shall apply indelible ink at the base and extending to the cuticle of the right forefinger nail of the detainee voter, or any other nail if there be no forefinger nail;
- d) The voter shall affix his/her thumb mark on the corresponding space in the Detainee Voters List; and
- e) The voter shall then leave the special polling place.



SECTION 33. *Sealing of the Envelopes Per Precinct* - After the all the detainee voters in a particular precinct have already voted, the chairman in the presence of the SBEI shall:

- a) Count the unused ballots, if there are any, and record in the Minutes of Voting the quantity of unused ballots indicating therein the Precinct Number of the ballots;
- b) Tear the unused ballots in half lengthwise and insert them in the envelopes containing the filled-up ballots;
- c) Close the envelope containing the filled-up ballots using a paper seal bearing the initials of the SBEI; and
- d) Hand the sealed envelope to the support staff for counting to the voting center.

SECTION 34. *Disposition of Election Documents* – The SBEI shall deliver to the Election Officer the Detainee Voters List, the Special Polling Place Computerized Voters List and other election paraphernalia.

SECTION 35. *Counting of the Detainee Voters' Ballots* - The SBEI support staff shall ensure that all ballots of detainee voters reach the regular polling places in the voting centers where detainees are registered before 6:00 P.M. on election day.

When the SBEI support staff reaches the regular polling place, the BEI shall enter into the Minutes of Voting the receipt of the sealed envelope. The BEI will open the envelope only when all the voters in the clustered precincts have finished voting, and, thereafter, the chairman of the BEI, in the presence of the other members and watchers shall feed the detainee voters' ballots to the PCOS machine for counting. Half of the torn unused ballots shall be inserted in the envelop (A15) that will be submitted to the EO for safekeeping, half to the other envelop (A15) that will be deposited inside the ballot box. Said fact shall be entered into the Minutes of Voting.



PART TWO
ESCORTED DETAINEE VOTING

✓ **SECTION 36. *Escorted Detainee Voters*** - The following shall avail of the escorted voting:

1. Detainee voters who are residents/ registered voters of municipalities/cities other than the town/city of incarceration; and
2. Detainee voters in jail facilities where no special polling places are established.

Provided: that said detainee voters obtained court orders allowing them to vote in the polling place where they are registered.

Provided further: that it is logistically feasible on the part of the jail/prison administration to escort the detainee voter to the polling place where he/she is registered.

Provided, finally: that reasonable measures shall be undertaken by the jail/prison administration to secure the safety of detainee voters, prevent their escape and ensure public safety.

SECTION 37. *Express Lane for Escorted Detainee Voters* – Detainee voters voting in their respective polling places shall be given priority to vote. When they reach their polling places, the escort together with the voter shall inform the Support Staff/ the BEI that the detainee is voting as such and the BEI shall place the detainee voters in the priority/express lane.

SECTION 38. *Jail/Prison Escorts May Bear Arms* – To secure the detainee voter, the jail/prison escorts may bring firearms inside the polling place. Said escorts and detainees shall immediately leave the polling place once the latter have finished voting.

SECTION 39. *Repealing Clause* - Procedures laid out in COMELEC Resolution E.M. No. 09-005 implementing the establishment of special polling

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places in jails inconsistent with the rules and regulations embodied in this resolution are hereby repealed.


SECTION 40. Effectivity. – This resolution shall take effect on the fifth (5th) day after its publication in two (2) daily newspapers of general circulation in the Philippines.

SECTION 41. Publication and Dissemination – Let the Education and Information Department, this Commission, cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines and furnish copies thereof to all Regional Election Directors, Provincial Election Supervisors, Election Officers, Board of Election Inspectors and the Special Board of Election Inspectors in jails.

SO ORDERED.

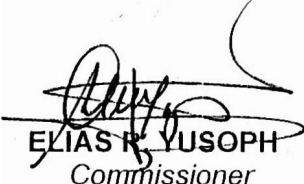

JOSE A. R. MELO
Chairman


V SARMIENTO
Commissioner


NICODEMO T. FERRER
Commissioner


LUCENITO N. VAGLE
Commissioner


ARMANDO C. VELASCO
Commissioner


ELIAS R. YUSOPH
Commissioner


GREGORIO Y. L.
Commissioner

