

COMELEC RESOLUTION NO. 3439

RULES AND REGULATIONS ON LOCAL ABSENTEE VOTING IN CONNECTION WITH THE MAY 14, 2001 NATIONAL AND LOCAL ELECTIONS.

The Commission on Elections, pursuant to the powers vested in it by the Constitution, the Omnibus Election Code and other election laws and Executive Order No. 157 issued on March 30, 1987, resolved to promulgate, as it hereby promulgates, the following rules on absentee voting:

Section 1. *Absentee voting defined.* - Absentee voting as provided under R.A. 7166 and E.O. No. 157, is a system of voting whereby any person who by reason of public functions and duties, is not in his/her place of registration on election day may vote in the city/municipality where he/she is assigned on election day: *Provided*, That he/she is a duly registered voter.

Sec. 2. *Who are entitled to avail of absentee voting.* - Absentee voting shall be exercised by:

- (a) government officials and employees;
- (b) members of the AFP; and
- (c) members of the PNP, provided, they are duly registered voters and temporarily assigned on election day in places where they are not registered to perform public functions and duties.

Sec. 3. *Positions to be voted for.* - Only the positions for Senator and Party-list shall be voted for under the absentee voting.

Sec. 4. *Committee on absentee voting.* - A Committee on Absentee Voting (Committee) is hereby created composed of the Director IV of the Election and Barangay Affairs Department as chairman, and the Directors III of the Law Department and the Election Records and Statistics Department respectively, as members,

The Committee shall have the following functions:

- (a) Receive applications for absentee voting;
- (b) Verify whether the applicants are eligible for absentee voting;
- (c) Act on applications for absentee voting;
- (d) Send to the provincial election supervisor (PES) the exact number of absentee ballots corresponding to the number of approved applications;
- (e) Receive under proper receipt the accomplished absentee ballots and other related documents from the supervisor/commander concerned or his representative, and to take custody thereof for safekeeping;
- (f) Group in bundles of 500 the absentee ballots in the order of receipt;

- (g) Appoint members of the special Board of Election Inspectors (BEI);
- (h) Deliver the absentee ballots contained in a ballot box immediately after the close of voting on May 14, 2001 to the special BEI for counting;
- (i) Supervise the counting of ballots and canvassing of votes;
- (j) Receive for safekeeping all ballot boxes containing the counted ballots and related election documents from the special BEIs and board of canvassers for absentee voting; and
- (k) Notify all EQs whose registered voters have opted to cast votes thru absentee voting with a directive that they indicate in the list of voters with voting record in the corresponding space opposite the names of those who cast votes thru absentee voting and indicate as follows: "*voting thru absentee voting*" to prevent de-activation.

Sec. 5. *Special BEIs.* - There is hereby constituted as many BEIs for absentee voting as may be necessary by the Committee to count the absentee votes. They shall be chosen from among Commission personnel in the main office in Manila, not later than April 27, 2001.

Sec. 6. *Oath of members of BEI.* - Before assuming their office; the chairmen and members of the BEI shall take and sign an oath before any officer authorized to administer oaths. The oaths shall immediately be submitted to the Committee.

Sec. 7. *Procedure for, filing of application for absentee voting.* - (a) Not later than April 14, 2001, the supervisor in the case of gov't employees, the battalion commander; in the case of the AFP, and the station commander, in the case of the PNP shall submit the PES and the Committee in Manila, the list of the registered voters under his supervision/command availing of the absentee voting, with a request that they be provided with application forms for absentee voting. The list shall also indicate the city/municipality and barangay where they are registered, as well as their place of assignment. The list and the request shall be under oath.

(b) On the day of the receipt of the request for application forms and the list, the PES shall issue such number of application forms corresponding to the number of applicants to the supervisor/batallion/station commander (commander) concerned or his authorized representative. The PES shall keep a record of the different government offices to which the application forms were sent and the number of forms sent.

(c) The supervisor/commander shall distribute the application forms to their respective employees/members.

(d) The accomplished application forms shall be returned not later than April 21, 2001 to the supervisor/commander who shall in turn submit the same to the Committee in Manila immediately upon receipt not later than April 25, 2001. A copy of the transmittal letter shall be furnished the PES.

In all cases, the issuance, return and submission of the application forms shall be by the fastest means.

Sec. 8. *Absentee ballots.* - Upon receipt of the list of voters requesting for application for absentee voting from the supervisor/commander concerned, the Committee shall immediately verify if the listed names are registered voters. Upon verification and approval of applications, the Committee shall record in a log book the names of the government employees/members of the AFP/PNP who are qualified to vote absentee.

Thereafter, the Committee shall transmit, not later than April 30, 2001, the exact number of absentee ballots, envelopes and paper seals corresponding to the number of approved applications and thumbprint takers to the PES. The PES shall make a list in four (4) copies of the names at the government employees/members of the AFP/PNP who are qualified to vote absentee. He shall distribute the lists not later than May 7, 2001, as follows:

- (a) to the corresponding supervisor/commander, together with absentee ballots and other paraphernalia;
- (b) to the EQ concerned with instructions to indicate in the corresponding list of voters with voting record that said voters are availing of absentee voting; and
- (c) to the Committee in Manila.

He shall retain a copy for his file.

The PES shall also keep a record of the names at the supervisors/commanders to whom the ballots, security envelopes, paper seals and the list of voters were delivered, and the exact number of absentee ballots delivered with their serial numbers. A copy of such record shall be furnished the Committee.

Sec. 9. *Security envelopes for absentee ballots.* - There shall be two security envelopes for each absentee ballot namely: an outer envelope and an inner envelope both with aerial numbers. The outer envelope into which the detachable coupon shall be placed, shall contain spaces for the name of the voter, and his/her voter's registration record number (VRRN).

The inner envelope into which the accomplished ballot shall be placed, shall contain no other mark except an indication that it is an envelope of the Commission on Elections.

Sec. 10. *Date and place voting.* - The absentee voter shall vote on May 7, 2001. For this purpose, the supervisor/commander shall designate the time and place of voting where the voters shall converge to vote.

Sec. 11. *Distribution of absentee ballots, envelopes and paper seals.* - On voting day, the supervisor/commander concerned, shall distribute the ballots, envelopes and paper seals to the qualified voters.

(a) require each voter to affix his signature, opposite his name in the list prepared by the Committee under Sec. 8 hereof;

(b) detach one ballot from the pad of ballots and retain the stubs where the serial number appears;

(c) write the serial numbers of the ballot, security envelope, and paper seal opposite the name of the voter in the list;

(d) give to the voter the ballot, two security envelopes and two (2) paper seal;
and

(e) instruct the voter to immediately fill-up the ballot and return the same to him.

Sec. 12. *Manner of voting.*- The absentee voter shall:

(a) fill up the ballot secretly;

(b) imprint his thumbmark on the proper place in the detachable coupon of the ballot;

(c) detach the coupon from the ballot and place the same inside the outer envelope;

(d) place the filled out ballot inside the inner envelope, close and seal the same;

(e) place the sealed inner envelope inside the outer envelope, which shall likewise be sealed;

(f) write his name and VRRN on the spaces provided for in the outer envelope;
and

(g) submit the sealed security envelope to the supervisor/commander.

Sec. 13. *Transmittal of absentee ballots and other election documents to the Committee.*

- The filled out ballots shall be transmitted immediately after collection to the Committee in Manila by the fastest means available, so that the ballots are received one day before the elections. The commander/supervisor shall prepare a transmittal letter in two (2) copies indicating the names persons who cast the absentee votes and their voter's VRR numbers. He shall submit a copy of the letter to the Committee and a certification on the number collected. The second copy of the transmittal letter shall be sent to the EO concerned who shall indicate in the list of voters with voting record that said voters have availed of absentee voting.

The PES shall likewise return to the Committee in Manila whatever excess forms for absentee ballots remaining in his Custody.

Sec. 14. *Proceeding of the Special BEI.* - The special BEI shall meet in any available office of the Commission, Intramuros, Manila, at 3:00 o'clock in the afternoon of May 14, 2001 to count the votes cast by the absentee voters and shall not adjourn until the

counting is completed. All proceedings of the special BEI shall be public. The special BEI shall act through its chairman and all questions presented before it shall be decided without delay. Its decisions shall be by majority vote of the members. During meetings, not more than one member shall be absent at a time, and in no case shall such absence be for more than twenty (20) minutes.

Sec. 15. Manner of counting absentee ballots. - The envelopes containing the absentee ballots shall be placed in ballot boxes and distributed to the different special BEIs at the rate of five hundred (500) envelopes per special BEI. The special BEI shall proceed with the counting as follows:

- (a) retrieve the special envelopes from the ballot box;
- (b) open each outer envelope, retrieve the inner envelope and the detachable coupon;
- (c) place the coupons in the compartment for spoiled ballots of the ballot box;
- (d) open the inner envelope and retrieve the ballot found therein;
- (e) pile the ballots in bundles of one hundred (100) each;
- (f) read and count the ballots;
- (g) record by a vertical line on the proper spaces in the election returns each vote read and counted. Every fifth vote shall be recorded by a diagonal line crossing the previous four vertical lines;
- (h) write the partial sum of votes obtained by each candidate on the tally board and on the election returns. After finishing the first pile of 100 ballots, the BEI shall proceed to Count the succeeding piles of ballots recording the partial sum of votes for each candidate alter every 100 ballots are read and recorded; and
- (i) add the partial sum of the votes recorded for each candidate and record the total votes on the tally board and on the election returns after all ballots have been read.

Sec. 16. Election returns. - The election returns shall be prepared in six (6) copies and distributed as follows:

- (a) The first copy to be submitted to the board of canvassers for absentee voting;
- (b) The second copy, to the Commission to be submitted to the ERSD;
- (c) The third copy, to be deposited inside the compartment for valid ballots of the ballot box;
- (d) The fourth copy to the dominant majority party;
- (e) The fifth copy to the dominant minority party; and

(f) The sixth copy to the accredited citizens arm of the Commission.

Sec. 17. *Post counting procedure.* - Upon the termination of the counting of votes, the special BEI shall:

(a) place in the envelope provided for the purpose the counted official absentee ballots;

(b) seal the envelope with paper seal;

(c) deposit the envelope properly sealed inside the compartment for valid ballots of the ballot box;

(d) bundle the inner envelopes used for the filled out ballots and deposit the same inside the compartment for valid ballots of the ballot box;

(e) place the 3rd copy of the election returns inside the compartment for valid ballots;

(f) close the ballot box with metal seals and padlocks;

(g) deliver the locked ballot box and the keys to the padlock to the Committee for safekeeping; and

(h) distribute the election returns according to Sec. 16 hereof.

Sec. 18. *Board of canvassers for absentee voting.* - There is hereby constituted a Board of Canvassers for absentee voting (Board) to be composed of a ranking lawyer of the Commission as chairman to be designated by the Chairman of the Commission, and as members, a lawyer from the Department of Justice and a ranking official from the Department of Education, Culture and Sports.

Sec. 19. *Notice of canvass.* - The chairman of the Board shall give notice of canvass to its members, the senatorial candidates and the political parties of the time, date and place of canvass at least five (5) days before May 14, 2001.

Sec. 20. *Meeting of the board.* - The Board shall meet not later than 6:00 o'clock in the evening of election day in any available office in the Commission, Intramuros, Manila, and proceed with the canvass of the election returns submitted to it by the special BEIs. It shall not adjourn until the canvass is completed, making available the date to the mass media and other interested parties.

Sec. 21. *Certificate of canvass.* - The Board shall prepare the Certificate of Canvass in six (6) copies for distribution as follows:

(a) The first copy to the Commission as National Board of Canvassers for use in the canvass of the election results for senators;

(b) The second copy to be retained by the chairman of the Board;

(c) The third copy of the citizens arm designated by the Commission to conduct a media-based unofficial count; and

(d) The fourth, fifth and sixth copies to the three (3) accredited major political parties.

Sec. 22. *Watchers.* - In every meeting of the Board, each candidate for Senator, each duly registered political party, organization or coalition of political parties, which has nominated candidates for Senator, and one duly accredited citizen arm of the Commission of national constituency, shall be entitled to appoint in writing one (1) watcher. Civic, religious, professional, business, youth and any other similar organizations with prior authority of the Commission, shall collectively be entitled to appoint one (1) common watcher.

Sec. 23. *Effectivity.* - This Resolution shall take effect on the seventh day after its publication in two (2) newspapers of general circulation.

Sec. 24. *Dissemination.* - The Education and Information Department shall cause the publication of this Resolution in two (2) newspapers of general circulation and shall furnish copies thereof to the Department of Education, Culture and Sports, the Department of Justice, Chief of Staff, Armed Forces of the Philippines, the Director General of the Philippine National Police, and all deputized departments and agencies or instrumentalities and all field offices of the Commission.

(Sgd.) HARRIET O. DEMETRIOU, Chairman
(Sgd.) JULIO F. DESAMITO, Commissioner
(Sgd.) TERESITA DY-LIACCO FLORES, Commissioner
(Sgd.) LUZVIMINDA G. TANCANGCO, Commissioner
(Sgd.) RALPH C. LANTION, Commissioner
(Sgd.) RUFINO S.B. JAVIER, Commissioner
(Sgd.) MEHOL K. SADAIN, Commissioner

Promulgated: 29 December 2000.