



NATIONAL CITIZENS' MOVEMENT FOR FREE ELECTIONS (NAMFREL)

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PRESS STATEMENT

OBSERVATIONS ON THE MAY 10, 2010 ELECTIONS

The 2010 Elections was a celebration of democracy by our people. By their patience and exuberance in a new process, and by the doggedness and resourcefulness of the teachers and the commitment of the COMELEC to make it work, elections did work. The National Citizens' Movement for Free Elections commends all those who played a role in the administration and conduct of the May 10, 2010 elections, most especially the teachers who served as Boards of Election Inspectors and the voters who endured difficulties and inconveniences but nonetheless accepted and the new automated system. On the whole, the new process of voting in an automated election system worked better than most people's expectations.

The most dramatic improvement in the elections was in the counting and tabulating of votes, which occurred at unprecedented speeds for Philippine elections. Early tabulations were available within hours of the polls' closing and significant numbers were reported by midnight of election day.

The second most dramatic change in the political scene came perhaps in the change of behavior of losing candidates. In prior elections, losing candidates rarely, if ever, conceded defeat. In this election, losing Presidential candidates quickly conceded their loss within 48 hours of elections, thereby reducing political tension and contributing to the public acceptance of results. This is a significant change in the Philippine political scene.

Although long queues – as long as four hours or more in many places -- were seen throughout the day and some confusion arose from the inconsistent implementation of voting procedures, these appeared to have no material effect on people's participation in the elections. Voter turnouts remained high, although lower than other election years, perhaps as a result of some people opting to go home after waiting in lines for some stretch of time. There were also reports of voters who were not able to locate their names on certified voters lists or who were not able to determine their precinct assignments.

Nonetheless, we wish to state our concerns and recommendations on a number of matters in the spirit of constructive observation in the hope that steps will be taken to further improve the system :

- Though not directly related to the election automation program, various incidents of election-related violence, vote-buying, flying voters, and underage voting were reported in different parts of the country. There were also some cases of failure of elections in scattered localities in the Visayas and Mindanao due to non-delivery or mis-delivery of election items or due to local disturbances. As already stated, the long queues at voting centers may have also discouraged some voters from exercising their right to vote. These are matters of concern to all of us because disenfranchisement is a violation of a voter's rights and more progress must be made in the coming years to further minimize these occurrences.
- There was little or no secrecy in the filling up of ballots and inserting of ballots in PCOS machines. The length of the ballot, the close proximity to voters lining up to receive the ballots, and the size of the "secrecy" folder, and the method of inserting ballots into the PCOS machine with pollwatchers standing beside voters did not lend itself to any confidentiality of a person's vote. This is an aspect which must be closely looked into and remedied in future elections.

- The pace of counting and canvassing has considerably slowed after the burst of speed seen in the first 24 to 48 hours after elections. Given that enough time has lapsed for all other remaining digital counts to have been completed and for election returns to have been picked up, it will be important for the public to receive a full report on this, especially as this may have material effect in tight races. With the counts still pending at 89% as of mid-day of May 13, we estimate that some 8,000 PCOS machines had not yet transmitted their results for a variety of reasons. We recommend that a full report be given on the status of these machines and their results and that these areas be included in the Random Manual Audit. Moreover, canvassing still needs to be completed and reports submitted from many areas across the country.
- Because of the replacement of CF cards one week before elections and the occurrence of some erroneously transmitted reports, we recommend that the COMELEC not destroy any of the recalled cards nor delete any of the erroneously transmitted reports from canvassing system laptops. Under Section 27 of RA 9369, a complete review of the Automated Election System needs to be undertaken and we feel this review should include the recalled and replaced CF cards and all reports submitted for canvass.
- The Random Manual Audits (RMA) must be completed at the soonest possible time. Although RMA requires several steps, including an analysis of the root causes of any discrepancy between machine and manual counts, the COMELEC must nonetheless report to the public where these audits are taking place and what their status are. Although NAMFREL was not an accredited citizens arm for the random manual audit inspite of the presence of two retired chairpersons from the country's two largest audit firms on its national council, NAMFREL witnessed some random manual audits in Metro Manila, particularly in San Juan and Quezon City. Our main observations were that no other observers were present for the entire process, either from the accredited citizens arm or political parties. While minor differences were found in votes counted for some candidates between the machine and manual counts, it must be noted that in at least two instances, PCOS machine counts recorded *more* ballots counted than there were in the ballot box. In both instances, while differences were small, they exceeded the 99.995% accuracy guaranteed by the supplier. The implementation of random manual audits remains one of the unfinished tasks of this election and an area for improvement in future elections. The raffle of precincts per Congressional district which were to be randomly selected for the manual audit was done at mid-day of election day which gave the COMELEC more than enough time to select the "clean" precincts. The raffle should have been done about two to three hours prior to closing of the polls. It must be noted that the check of hash codes per machine against the original hash codes stored in Bangko Sentral files also still needs to be completed. A full report of the audits for this election should be of help in identifying potential problem areas in the system.
- The COMELEC committed that the AES would make available to the public data which individuals could access on a precinct basis and tabulate on their own. However, neither the database of the project of precincts (or full precinct list) with the COMELEC, Smartmatic, and the accredited citizens arm nor the public website make this possible. The clustered precinct identification numbers in the database were set in such a way as to make searches and comparisons against encoded Election Returns difficult. While numbers have been assigned to each clustered precinct, it is difficult to immediately determine the locations of each precinct and the PCOS ID numbers assigned to them which would have enabled individuals, political parties, and other interested watchers to monitor the election results. Likewise, the public websites merely listed precinct data but in a manner which could not be tabulated as originally promised.

- The Autonomous Region of Muslim Mindanao continues to present challenges to the electoral process. We had already pointed out the potential for problems and issues, starting with the voters lists which indicated large increases in numbers of registered voters from 2007 to 2010. (Note : COMELEC records indicated a 42% increase in ARMM and 83% increase in Lanao del Sur). Moreover, the area has had a history of vote-buying, election-related violence, flying and underage voters, and vote count manipulation. In this regard, we had earlier recommended that elections be held separately and in advance in ARMM using the AES system. This would have served as both a pilot test of the system as well as a means of minimizing any other election-related risks as all COMELEC resources and attention could have been brought to bear on the region. However, new legislation is required for this. The incoming Congress should seriously consider such an approach.

While it is tempting to defer action on these recommendations, it is worth noting that not all tasks for May 10 have been completed yet and that the next ARMM election (for ARMM regional government) is scheduled August 2011. Presumably, the AES will be used for that election.

NAMFREL will continue to process the numerous incident reports it has received from all across the country and will run a comparison of its election return data against publicly available data for further analysis. A full report of all incidents reported will be made once all reports are processed.

In sum, the country has had a successful election. We look forward and hope for the successful conclusion of the canvassing process and proclamation. Many lessons have been learned from this exercise and it is our hope that these lessons will be processed to improve the system.

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