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Comelec says ARMM election will be manual

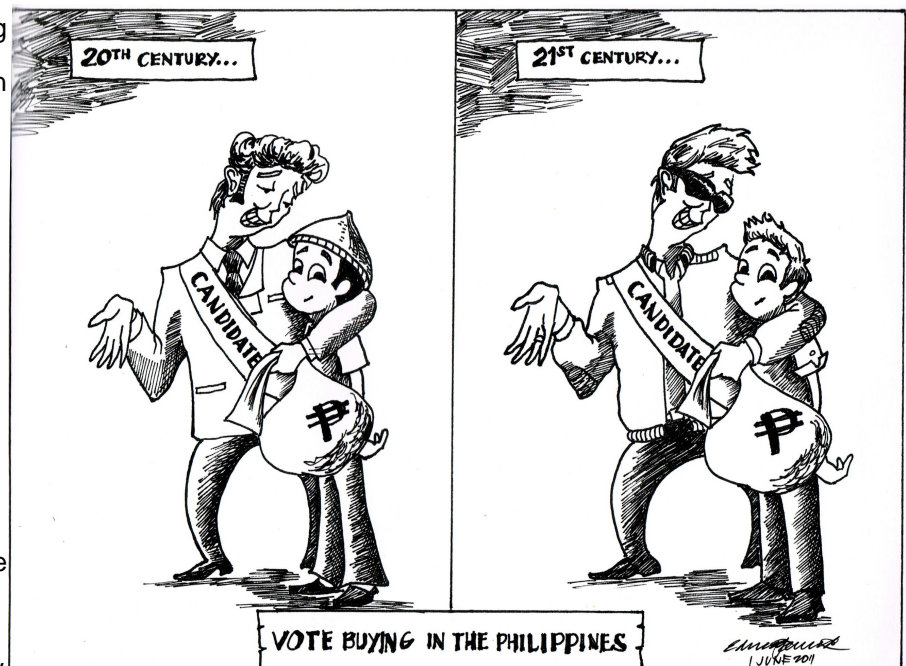
During the May 31 hearing conducted by the Senate Committee on Local Government on the ARMM election postponement, Commission on Elections (Comelec) chairman Sixto Brillantes, Jr. said that due to time constraints, the Comelec cannot automate the ARMM election anymore, and would have to use the manual process if the polls are held in August as scheduled. The chairman also said that the Comelec would need to start preparing for the manual election on June 15, by which date the conduct or postponement of the polls should already have been ascertained. The day before the Senate hearing, the Comelec Steering Committee submitted to the Comelec en banc a resolution regarding the conduct of an automated election in ARMM, recommending to the En Banc "not to proceed with either full or partial automated elections and instead to undertake immediate contingency plans for the conduct of manual elections...in order to avoid failure in the automated elections due to the lack of remaining time for the proper implementation thereof." (The Comelec en banc voted to approve and adopt the steering committee's resolution on May 31, after the Senate hearing).

Brillantes told the Senate committee that the Comelec would only spend around Php 600 million to do the manual election, compared with Php 1.5 - 2.2 billion if automated. He said that since there is a delay in coming up with a decision on whether to postpone or push through with the ARMM election, they had to hold back preparations for automation to not incur expenses, and were unable to finalize any agreement with technology provider Smartmatic. Regarding the automation of the 2013 election, Brillantes said that the Comelec needs two years to prepare, which should have already started this May. He added that the Comelec can opt to get another technology provider for 2013, saying that because of the delay in finalizing any agreement with Smartmatic, the cost for automating the 2013 election using Smartmatic's PCOS would increase. He also said however that Comelec has the option to purchase Smartmatic's machines until the end of the year.

Regarding the ARMM election, Brillantes admitted to the Senate committee that there are more risks with manual election; however, he also said that many in the ARMM want the election to be manual, adding "I don't understand why." He said that the 2008 and 2010 elections in the ARMM, which were both automated, "went well."

In a position paper it submitted to the Committee, the Comelec said that the Department of Budget and Management had released only Php 480 million of the Php 1.5 billion they

would need to automate the ARMM election. The Comelec would need to get the remaining amount from Comelec's savings, "which we can otherwise use in our much-needed modernization and infrastructure projects." Meanwhile, the Alliance of Comelec Employees in Service (Aces) said in an earlier statement that "the savings will be better spent if it is allotted to augmenting the salaries and benefits of Comelec rank and file employees." The group said that under Civil Service rules, rank-and-file employees are entitled to as much as 80 percent of the agency's savings from Personal Services (PS) and Maintenance and Other Operating Expenses (MOOE) for their contribution the agency's productivity and cost-cutting measures. "The poll leadership must



respect the employees' right to the savings of the agency," it said.

Read Comelec Minute Resolution No. 11-0577 here: <http://bit.ly/jZjYui>

(Additional information from SunStar)

Bill postponing ARMM election shelved, then retrieved

After the Senate Committee on Local Government, upon holding several consultations with stakeholders, concluded that the bills seeking to postpone the ARMM elections violate ARMM's autonomy, and after the Committee had submitted its report that was unfavorable to the proposed bills, the Senate, during its plenary on May 31, sent the bills to its archives. However, just a few minutes after the shelving, several Senators, including Committee chair Ferdinand Marcos, Jr., moved that the bills be revived and placed on the Senate calendar to be deliberated on further.

Section 30 of the Senate Rules indicate that "if the reports submitted are unfavorable, they shall be transmitted to the Archives of the Senate together with the matters to which they refer, unless five (5) senators shall in the following session move for their inclusion in the Calendar for Ordinary Business, in which case the President shall so order." It was Marcos who made the manifestation to revive the bill, supported by Senators Antonio Trillanes IV, Francis Pangilinan, Tedfisto Guingona III, Sergio Osmena, and Vicente Sotto. Sen. Franklin Drilon, author of one of the bills (SB 2756), immediately sponsored the measure. Marcos said he was not contradicting his previous stand against the proposed postponement. "I have belief in the argument and findings we have. It must be subject to debate on the floor. We must not stifle public debate," he said. In a privilege speech during the session, Marcos said the proposals are "ill-advised and untimely."

Earlier in the day, the Senate committees on Local Government and Constitutional Amendments held their last consultation hearing on the ARMM poll postponement, with Comelec chairperson Sixto Brillantes, Jr. as resource person, as well as DILG Secretary Jesse Robredo, and presidential advisers Teresita Deles and Ronaldo Llamas.

During the consultation hearing, Senator Francis Escudero wanted to know from the representatives of the administration whether the selection committee for the proposed Officer-In-Charge (OIC) for ARMM have already come up with their criteria; who will compose the committee; how open and transparent the selection process would be; and whether the administration

already have a person in mind as OIC. The resource persons replied that the selection committee has not been composed; that no person has been selected so far; and that the guidelines for selection has already been drafted but not yet finalized. They assured though that the selection would be inclusive, participative and transparent.

Escudero also pointed out a flaw in the proposals. Under the two proposals, the term of office of the regional governor, vice governor and members of the regional legislative assembly of the ARMM shall last for three years, beginning September 30 following the day of the election, and ending at noon of the same date three years after. Escudero said that this contradicts the purpose (and title) of the bills, which is to synchronize the election *and* terms of office of ARMM officials, with that of national and other local officials, conducted in May of election years. Robredo responded that they only wanted to synchronize the elections and not amend the terms of office of the elected officials, and suggested that the title of the bills be amended. Sen. Marcos said that a possible compromise would be to hold the August election as scheduled, and then later on move to amend the law to



have the ARMM elections synchronized with the general elections, since the main purpose of the bills is to have the polls synchronized.

Another contentious issue that arose during the hearing was the eligibility of the proposed appointed OIC to run as candidate in the ARMM election in 2013 if synchronized. Section 6 of the proposed bills prohibits the OIC to run for election. However, during the hearing, Secretary Llamas stated that the appointee could not be banned from running in 2013 because that would require amending the ARMM Organic Act. The senators were concerned that the OIC would use his time in office to wield influence if this would be the case. They sought clarification, saying that the bills they read did not contain this provision. Malacanang clarified the issue in a statement it released later in the day, stating:

“Section 6 of the proposed bill clearly provides that any OICs the President will appoint to ARMM will be ineligible to run in the regional elections set for 2013...The Executive insisted on this provision precisely to avoid granting any undue advantage to the OICs. In the event that such a provision is not enacted by Congress in the final version of the bill...‘alternative measures’ will be taken by the President to enforce the prohibition. All nominees will be required to execute a written undertaking not to run in the 2013 elections in the event they are appointed...Those appointed as OICs can even be made to publicly sign a covenant that they will not run.”

Senator Miguel Zubiri also expressed his concern that approving the postponement and allowing the President to appoint an OIC would give a legislative precedence for future Presidents. "What if the next administration would not be as reform-minded as this administration?," Zubiri asked.

There is now a race against time to finally come to a conclusion whether the ARMM polls would be held as scheduled or postponed. Senate and Congress are scheduled to have their recess starting on June 10, and Comelec has set an internal deadline of June 15 to start preparing for a manual ARMM election to be held two months from now.

Read Senate Bill No. 2756 here: <http://bit.ly/kanaKq>

Read House Bill No. 4146 here: <http://bit.ly/iTp139>

Read the ARMM Organic Act here: <http://bit.ly/kyp9nl>

(Sources: Namfrel, various news sources)

Special Election in Ilocos Sur held

On May 28, 2011, the Commission on Elections held a special election in the province of Ilocos Sur. The election was for the position vacated by former Rep. Ronald Singson after he resigned to serve his sentence of 18-month imprisonment for drug possession in Hong Kong. Ronald's younger brother, Ryan, won the elections as the 1st district's representative to the House of Representatives with 71,995 votes, defeating his rival Atty. Bertrand Bateria who garnered 30,445 votes. Singson was proclaimed as the official winner by the COMELEC in the morning of May 29, 2011.

NAMFREL Ilocos Sur chapter chairperson Sr. Lilian Carranza headed the volunteers who were deployed to monitor the polls. Volunteers were present in all the ten municipalities in the 1st District, and in Vigan City. They reported that the special election was generally peaceful, but was characterized by rampant vote-buying. This activity involved some barangay officials who were allegedly paid to influence their constituents and to help in distributing cash incentives to heads of households in their barangay to vote for a certain candidate.

Field volunteers informed that of the 161, 975 registered voters, only 100, 269, or around 61.9% of voters turned out to vote. According to their analysis, this could be attributed partially to the inclement weather, especially in the morning of election day, but towards the afternoon, they noted an increase in the number of voters who cast their ballots.

Despite challenges, NAMFREL Ilocos Sur was able to obtain permission from the Provincial Election Supervisor to secure a copy of the Election Returns (ERs). Volunteers were able to collect 571 Election Results (ERs) from the 577 clustered precincts in all the ten towns and one city in the 1st district, or 98.96%. After the ERs were collected, Sr. Lilian led the chapter to come up with an unofficial tally of the results per city/ municipality.

Between 600 and 700 volunteers were mobilized on election day. Volunteers were fielded to monitor the general conduct of the elections, and to collect the seventh copy of the ER in all the towns and city in the 1st district of Ilocos Sur.

COMELEC chairman Sixto Brillantes, Jr. and Commissioner Elias Yusoph went to the province to personally oversee the conduct of the special elections. It was reported that the poll body allotted Php 18.4 million, or about Php 114 per registered voter, to cover operational expenses during the elections.

Read Namfrel's election day statement here: <http://bit.ly/j6ZXZc>

Read Namfrel's parallel count tally here: <http://bit.ly/ILcMNI>

Comelec wants to create new precincts for PWDs and senior citizens

In a House Committee on Suffrage hearing on June 1 to discuss a bill mandating the use of ground-floor polling places for persons with disabilities and senior citizens, the Comelec, through Commissioners Rene Sarmiento and Armando Velasco, recommended that separate precincts be formed for said voters, to be referred to as "highly-accessible polling places." The Comelec said these polling places would have their own separate voters lists, special Boards of Election Inspectors (SBEIS), election paraphernalia, and PCOS machines (should the election be automated using Smartmatic's machines).

The original bill, House Bill no. 4048 authored by Rep. Teddy Casiño (et al), only seeks the designation of special rooms for PWDs and senior citizens at the ground floor of multi-storey polling centers, and requires only the allocation of extra ballot boxes for the purpose. It does not call for the creation of additional polling centers. Per the bill, "At the end of the day, before the counting of ballots or transmission of votes, the assigned board of election inspectors shall submit the ballot boxes to the corresponding precincts for consolidation.

The Comelec said they will conduct a study to ascertain how much additional funds their proposal would require.

A challenge for the Comelec is the possibility of having a special registration just for PWDs and senior citizens if their proposal to have separate voters lists for these voters is approved. At present, whether a voter has a disability or not is not being captured in their registration process. The Comelec would also need to ascertain that their voters lists are clean and constantly updated. For the 2010 elections, it was discovered that Comelec's voters lists have hundreds of centenarians (600 in Taguig alone), and the names of long-deceased voters were still on the lists.

Voting for the disabled and senior citizens

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Two bills were filed at the House of Representatives that will provide "Special Polling Places" for persons with disabilities, expectant mothers and senior citizens. HB 2296 was filed by Rep. Godofredo V. Arquiza and HB 4048 by Rep. Teddy A. Casino et al. Essentially both bills provide for special polling rooms which shall be located at the ground floor of each polling center. Rep. Arquiza further adds a shuttle service to transport voters covered by the bill to the special polling places.

We commend the authors for taking cognizance of a problem that has existed since we first had our very first election more than 100 years ago. This will benefit a large portion of our electorate, as Rep. Casino mentioned, we have around a million PWDs and almost five million senior citizens. This translates to more than 10% of our voting population.

The two bills however do not go far enough to provide relief to their intended beneficiaries. The bills still cling to hundred years old statutes that for a voter to exercise his right of suffrage, he has to personally go to the polls to cast his ballot. But election bodies the world over have since then adopted more practical voting procedures to enable persons unable to go to the polls to vote.

Louis Massicotte et al in their book, "Establishing the Rules of the Game", a comparative analysis of Election Laws in Democracies, wrote that "If you are unable to come to the polling station, the polling station will come to you". The concept of a "Mobile Polling Station" was conceived to cater to the needs of persons who cannot go to the polling center to cast their votes. This has greatly benefitted persons with disabilities, patients at hospitals,

the aged at nursing homes, prisoners and others who are physically unfit to go to the polling places.

Some Asian countries that do not have a long history of elections already provide mobile ballot boxes for the disabled and the sick. If Indonesia with its vaunted 17,500 islands and Kazakhstan which has a land area more than nine times the Philippines can have mobile polling stations, why can't we? Did we not try it with President Erap while he was detained at the Veterans Hospital?

Much more popular than "Mobile Polling Stations" is "Postal Voting". Postal voting has been introduced more than a hundred years ago with the US Military during the civil war. Since then several countries have followed the practice. Again we need not look far for examples. Sri Lanka, Papua New Guinea, Bangladesh, Japan and others provide for "Postal Voting" in their elections. Did we not have elections much earlier than they? The COMELEC introduced postal voting for overseas voters in three countries. Has the COMELEC refined this voting procedure for wider coverage to include the disabled, senior citizens and others similarly situated?

These so called "special voting procedures" have the advantage of being cheaper and allow for a much higher turnout. However, these voting procedures take place outside the controlled environment of a polling place and therefore the risk of fraud is greatly enhanced. And indeed fraud has taken place even in a highly established democracy such as the United Kingdom. But we now have the advantage of learning from them, the safeguards they have introduced to gain the confidence of the voters as well as the other political actors. Postal voting has been so popular that it is used solely for local elections in New Zealand and the UK. The State of Oregon, USA, abolished precinct voting and relies solely on postal voting.

The COMELEC has inordinately depended on Congress to initiate improvements on our election practices. The COMELEC has to be more proactive and take a more enlightened attitude towards other possibilities in the administration and management of our elections. It is high time the Commission on Elections think more of *election* and less of *commission*.

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