



# ELECTION MONITOR

National Citizens' Movement  
for Free Elections  
(NAMFREL)

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## Arroyo, Abalos et al to be charged for electoral sabotage

The joint fact-finding team of the Department of Justice (DOJ) and the Commission on Elections (Comelec) recommended on October 20 the filing of charges against former president Gloria Macapagal-Arroyo, former Comelec chairman Benjamin Abalos, and several others, for electoral sabotage in connection with the 2007 elections. In a media briefing, members of the fact-finding team, tasked to gather and evaluate evidence regarding the alleged cheating in the 2004 and 2007 elections, submitted their report to DOJ secretary Leila De Lima, who said that the report is comprehensive enough to convene the preliminary investigation committee as early as October 24.

According to the report, Arroyo is being recommended to be charged "for giving direct instruction to manipulate the results of the senatorial elections in Maguindanao by ordering [former Maguindanao] Governor Datu Andal Ampatuan, Sr., to implement a 12-0 result in the Province of Maguindanao in favor of the Team Unity Senatorial candidates, and to alter or change the results if necessary."

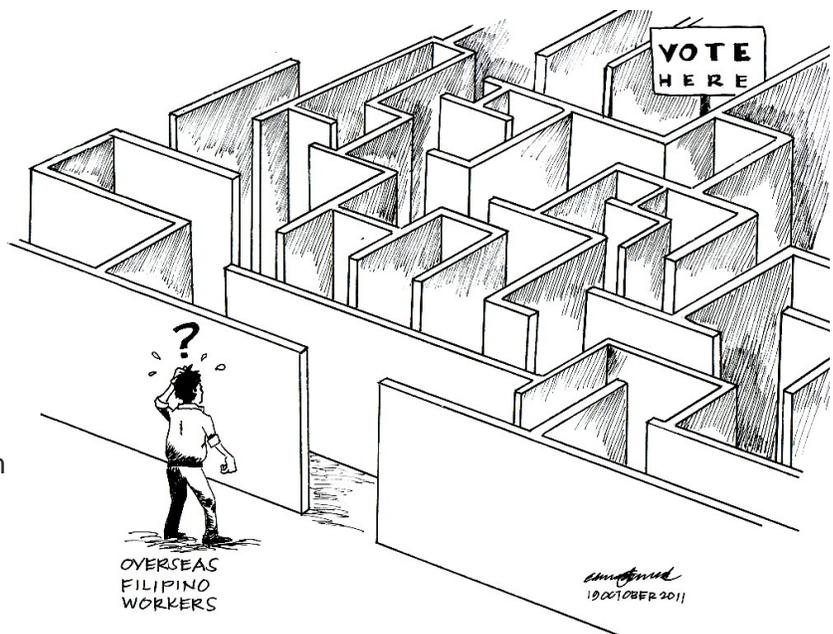
Along with Arroyo, the following were recommended for preliminary investigation for electoral sabotage:

For alleged poll fraud in North and South Cotabato:

- former Comelec chairman Benjamin Abalos, Jr.
- former Acting Regional Election Director for Region XII Michael Abas
- former Intelligence Service, Armed Forces of the Philippines (ISAFP) Region XII Regional Director Col. Reuben Basiao
- "Maj. Joey Leaban" of the ISAFP
- "Capt. Peter Reyes" of the ISAFP
- Atty. Jaime Paz, former chief-of-staff of Abalos
- Atty. Alberto Agra
- Romy Dayday and Jeremy Javier of the Presidential Security Group (PSG)/ISAFP
- Atty. Lilian Suan-Radam, former provincial election supervisor (PES) for South Cotabato
- Atty. Yogie Martirizar, former provincial election supervisor for North Cotabato

For alleged poll fraud in Maguindanao:

- Andal Ampatuan, Sr.
- Benjamin Abalos
- former Comelec Commissioner Nicodemo Ferrer



- former Maguindanao PES Lintang Bedol
- Norie Unas
- "Butch," a personnel of Unas
- elections officers (EO)/assistants Estelita Orbase, Elisa Gasmin, Elsa Atinen, Saliwo Amba, Magsaysay Mohamad, Salonga Edzela, Ragah Ayunan, Susan Cabanban, Russam Mabang, Asuncion Corazon Reniedo, Nena Alid, Ma. Susan Albano, Rohaida Khalid, Araw Cao, Jeehan Nur, Alice Lim, Nori Jean Hangkal, Christina Roan Dalope, Maceda Abo

#### Others to be probed

There is lack of clear evidence so far though to also charge Arroyo's husband, former First Gentleman Mike Arroyo, but further investigation has been recommended since he has been linked to the alleged poll cheating by several witnesses. Along with Mr. Arroyo, other personalities recommended for further investigation:

- Bong Serrano
- Salonga Edzela
- election assistant Gani Maliga
- members of the special provincial board of canvassers (SPBOC) of Maguindanao Atty. Emilio Santos, Manuel Lucero, and Dinah Valencia
- PES Faisal Tanjili
- regional election director (RED) Remlani Tambuang
- RED for ARMM Ray Sumalipao
- Boboy Magbutay
- "Pobe" from Caraga Region

(Sources: ABS-CBN News, PDI)

### **Supreme Court affirms ARMM poll postponement**

Voting 8-7, the Supreme Court ruled on October 18 that the law synchronizing the elections in the Autonomous Region in Muslim Mindanao (ARMM) with regular elections, is constitutional. [Republic Act 10153](#), passed by Congress and signed into law by President Aquino in June, allows the President to appoint officers-in-charge (OICs) for the offices of the ARMM regional governor, vice-governor, and members of the regional legislative assembly, who "shall perform the functions pertaining to the said offices until the officials duly elected in the May 2013 elections shall have qualified and assumed office."

The petitioners were given 15 days though to answer the ruling before OICs could be appointed. Prior to the en banc ruling, the Supreme Court issued last month a temporary restraining order in response to petitions questioning the constitutionality of RA 10153, putting a temporary halt to the screening process for OICs. Under the law, the President will appoint 26 ARMM OICs, one each for regional governor and vice governor, and 24 members of the regional legislative assembly.

In a statement, the President affirmed his purpose for seeking to synchronize the ARMM polls, originally scheduled for this month, with the 2013 general elections, which is to "break the cycle of impunity, corruption and poverty in the ARMM....The administration supported the bill to synchronize the ARMM elections with national elections in an effort to end the vicious cycle of abnormal elections where the mandate of the people is subverted by means of the command vote wielded by local political families...Command voting has contributed to the cycle of impunity, the results of which have been demonstrated in the region being bloodied by the reign of impunity, as witnessed by the Maguindanao Massacre."

Commission on Elections (Comelec) Chairman Sixto Brillantes, Jr. also welcomed the decision, saying that because of the SC resolution, they will just use the Php 1.5 billion budget for the ARMM elections for their preparations for the 2013 synchronized elections.

While the decision was welcomed by the Palace as well as pro-administration lawmakers, some have expressed reservations and disappointment, including party-list representative Raymond Palatino, who believes that "the law violates the autonomy of the ARMM, and it's a dangerous re-imposition of imperial Manila rule over ARMM."

(Various news sources)

## **Sen. Cayetano hails NAMFREL volunteers' sacrifices**

by Nestor D. Malapajo, Jr., NAMFREL Volunteer

During the joint hearing on October 18 of the Senate Electoral Reforms Committee, headed by Sen. Aquilino Pimentel III, and the Blue Ribbon Committee, chaired by Sen. Tedfisto Guingona, Jr., Committee member Sen. Alan Peter Cayetano hailed the sacrifices of NAMFREL volunteers in the 2004 and 2007 elections, together with other witnesses who allege that the elections were rigged and fraudulent.

"I would like to take this opportunity to call on all witnesses, including NAMFREL volunteers, whom, since 1986 and even before that, have sacrificed much. This is the right time to come out in the open, tell the truth, so we can look forward for a clean and honest 2013 elections," said Sen. Cayetano.

NAMFREL Secretary General Eric Alvia replied to the call by committing to submit to the Blue Ribbon Committee in the next hearing a number of documents, including election returns and certificates of canvass that have "inconsistencies" and manifest errors.

Upon hearing this, Sen. Cayetano said, "I would also like to manifest that it is precisely where NAMFREL does its job. I was informed that in the past, there were some unscrupulous politicians who filed before the COMELEC asking not to accredit NAMFREL. Precisely, because NAMFREL have the data and they can produce it, and I would like to thank you for that. And I would just like to say hang in there and continue doing your work cause definitely there will be challenges to your organization."

At the start of hearing, Comelec Chairman Sixto Brillantes, Jr. also submitted to the Committee several documents which he said would be vital to the investigation.

Aside from Senators Guingona, Pimentel and Cayetano, Sens. Jinggoy Estrada and Francis Escudero took turns in grilling the witnesses and resource persons, namely former Shariah Circuit Court Judge Nagamura Moner, former Philippine Ports Authority General Manager Alfonso Cusi, Comelec ARMM Director Rey Sumalipao, and former Maguindanao Provincial Election Supervisor Lintang Bedol, among others.

Moner, when asked by Sen. Estrada as to who he thinks would have won the election in 2004 had there been no fraud, replied "If there was no cheating, Poe (referring to former actor and then-presidential candidate Fernando Poe, Jr.) could have won by a large margin."

Cusi vehemently denied all the accusations made by Moner linking him to the fraud in 2004 elections, though he said that he met Moner in April 2004 when the latter was planning to launch the Lanao Unity Movement (LUM), a "loose" organization supporting then-candidate Gloria Macapagal-Arroyo.

When asked if there were syndicates inside and outside of the Comelec selling election returns and certificates of canvass, Bedol replied in the affirmative.

On the issue of manifest errors, Sen. Cayetano brought to the attention of Dir. Sumalipao a NAMFREL report that said an "election return (ER) showed Arroyo getting only 964 votes but the CoC indicated 4,700 votes. FPJ got 767 in the ER and zero in the COC."

He asked NAMFREL, as approved by the Committee, to make a presentation in the next hearing about their report in the 2004 elections, specifically on the manifest errors. The Committee will allot

time in the next hearing for NAMFREL's presentation.



### **COA says Smartmatic delivery charge excessive**

A Commission on Audit (COA) report released last week showed that the company that supplied the Precinct Count Optical Scan (PCOS) machines in the 2010 elections was paid excessively. Smartmatic International Corp. was awarded a contract worth Php 526.62 million for the delivery and transport of ballot boxes.

COA said that the Comelec paid a lump sum of Php 519.02 million for the transport and delivery of 77,000 ballot boxes all over the country for the 2010 general elections, or Php 6,740.52 for each ballot box. For the November 2010 special elections in Bulacan and selected areas in Mindanao, Smartmatic was paid Php 7.6 million to transport 700 ballot boxes, or an amount of Php 10,857.14 for each.

The audit body pointed out that there was an increase in the delivery charge from Php 6,740.52 in the first contract to Php 10,857.14 in the succeeding contract. It further added that "the document furnished discloses only a total of 76,977 pieces distributed," as against 77,630 pieces bought; the 653-piece difference remains unaccounted for. COA required the Comelec's Shipping and Packing Committee to submit a report on the allocation of ballot boxes for the 2010 polls.

The COA also asked the poll body to review the contracts awarded to Smartmatic for the transport of the ballot boxes for being "excessive."

In 2010, Comelec conducted a bidding for the forwarding of accountable and non-accountable forms used in the 2010 barangay and Sangguniang Kabataan (SK) elections. The approved budget for the forwarding service was Php 230,731,025.52. (Read the Comelec Invitation to Bid here: <http://bit.ly/qKy2U4>)

(Sources: Manila Times, Comelec)

### **Atienza's camp still in hot pursuit**

After the Commission on Elections (Comelec) dismissed the protest filed by losing mayoral candidate Lito Atienza of Manila, new issues were raised by his camp as to the integrity of the counting machines used in the 2010 elections. These issues form part of their argument in connection with the

Comelec's decision on the protest filed against Manila mayor Alfredo Lim.

Atienza's lawyer cited the case in North Cotabato wherein the Precinct Count Optical Scan (PCOS) machines had compact flash cards that contained votes for the positions of president and senators in the October 27, 2007 elections in Colombia, the South American country. Atienza's camp said that a similar occurrence may have happened in Manila in the 2010 general elections that could have affected the outcome of the exercise.

Furthermore, they also argued that around 600 ballots in Manila were not signed by the Board of Election Tellers (BETs) as required. This is their allegation in the appeal they filed before the Comelec to reverse its decision.

Comelec chairman Sixto Brillantes, Jr., after reading Atienza's appeal, said that it has a slim chance to succeed as Lim has garnered a substantial lead over Atienza in the manual recount that was conducted to resolve the protest. The findings of the Comelec's Electoral Contests Adjudication Department (ECAD) First Division shows that in the 20% of the precincts that were subjected to a review, Lim led with a huge margin over Atienza.

Atienza, through his lawyer Romulo Macalintal, asked the Comelec en banc to allow them to prove all their allegations and has asked to order the ECAD First Division to review the ballots from the remaining 1,241 clustered precincts. The lawyer said that the result of the revision of the remaining ballots is material in resolving the protest.

Chairman Brillantes inhibited from the earlier Comelec ruling junking Atienza's protest, Brillantes being a former election lawyer of Mayor Alfredo Lim.

#### Surigao del Norte protest

Meanwhile, a Comelec committee in charge of reviewing the protest filed by former Surigao del Norte Governor Robert "Ace" Barbers was criticized for allegedly "brushing aside" evidence that were gathered and submitted. Barbers claims that the complaints filed by his revisors were neglected by the Comelec revision committee. The complaints submitted contain the findings they gathered during the actual revision of the ballots.

In the complaint, they pointed out that the ballots showed some "patterns" and differences in the signatures of the chairman of the BET. These were evident in some 800 ballots that were recalled. In a letter by Barbers, he said that the complaints they filed merely became narrative reports after the committee has set them aside.

The camp of Barbers pointed out that the committee was formed to supervise the revision process, and it cannot perform quasi-judicial functions. The committee's decision to set aside the complaint was improper as this is not part of their mandate. They further said that only the Comelec en banc has the mandate to decide on such matter and not the revision committee.

(Various news sources)

### **ASEAN Election Management Bodies' Forum**

by Eric Jude O. Alvia, NAMFREL Secretary General

The wave of democratization sweeping throughout several regions has allowed the emergence of new democracies. Elections have been recognized as an important process in consolidating and sustaining these new democracies, with electoral management bodies (EMBs) becoming the prominent institution in respective societies. Given the importance and these responsibilities, EMBs felt increasing need to learn and share experiences and knowledge among their peers to share views and discuss common issues leading to the formation of the regional EMB associations. These forums are now regarded as a necessity to continue the improvement of electoral processes and for

strengthening democracy.

With this impetus, the National Election Commission of the Republic of Indonesia (KPU) and the International Institute for Democracy and Electoral Assistance (International IDEA) conducted the 1<sup>st</sup> ASEAN Election Management Bodies (EMB) Forum in Hotel Borobudur, Jakarta, Indonesia on October 3 to 5, 2011. The opening ceremony for the three-day forum was graced and hosted by Indonesian President **Susilo Bambang Yudhoyono**.



*Comelec Commissioners Rene Sarmiento and Augusto Lagman with fellow election officials from Indonesia and Cambodia*

The forum aimed to contribute to building democracy in ASEAN and to promote cooperation among South East Asian countries in the electoral field. It also provided a venue for peer support among EMBs as well as Election Monitoring Organizations (EMOs) in the region. The forum paved the way for EMBs, EMOs, the academic community, regional and international organizations and institutions, practitioners and specialists in the field related to electoral assistance as well as those working within the wider framework of democratic governance to exchange knowledge and experience among practitioners and experts from within and outside the region.

Simultaneous to the forum, Namfrel participated in a Public Session and Fair held for participants and the public where presentations were to interested members of the public, NGOs and the media.

Booths were set up in an exhibition area for

participating international governmental and non-governmental organizations to promote their work.

The forum was also the occasion to launch two books: the International IDEA Handbook on Electoral Justice and IFES' Guidelines to Understanding, Adjudicating, and Resolving Disputes in Elections (GUARDE).

Thematic areas covered during the plenary and thematic panel sessions included:

**Elections in the region** - identifying problems encountered and things needing improvements; **Gender & Elections** – improving strategies and ways of increasing gender equality through election; **Citizen Participation in Elections** – discussion focused on how the public can effectively participate in exercising its sovereignty; enablers to participation, such as accurate voter registration and voter turnout; and hindrances such as complex electoral systems and poor voter education; **Political Party and Campaign Finance** – talks tackled the EMBs' roles in terms of election campaigns, democracy building, and reporting and compliance arrangements; **Towards Independent and Transparent EMB in ASEAN** - common issues were discussed relating to the independence and transparency of Election Management Bodies in ASEAN; **The Importance of Election Observation** – EMBs assessed their implementation of their functions and responsibilities based on the international principles of democracy and governance, and discussed the principles and methods being used by election monitoring organizations to observe elections; **Achieving Electoral Justice** - discussion focused on the effectiveness of existing dispute resolution institutions and mechanisms and how they



*The booth of Namfrel and the Asian Network for Free Elections (ANFREL) at the ASEAN EMB Forum*

can be improved to promote the integrity of elections; **Prevention & Mitigation of Election-Related Conflict and Violence** – views were exchanged to understand election violence, its causes and consequences, and solutions, to guide national policy, legislation, and necessary institutional changes, as well as mechanisms EMBs can engage in to prevent violence; **Arguments Surrounding Elections and Technology** – discussed the implications of the increasing use of technology in electoral process; **Aspiring for an ASEAN Electoral Community** - a presentation was made and consensus was reached to recommend the shape and form of the ASEAN Electoral Community, within the context of the ASEAN Political Community. The forum was capped by all participants agreeing to push and abide by the newly minted **Declaration of the ASEAN Electoral Community**.

Philippine participants to the forum besides the Comelec were from IPER, Lente, PPCRV and Namfrel.

## **Overseas Filipino Voters (OFV) Registration Kicks off with Training of Diplomats and Improved Procedures**

by Eric Jude O. Alvia, NAMFREL Secretary General

In a move to solve recurring problems in the overseas absentee voting (OAV) system, the two Congress Committees on Suffrage and Electoral Reform and the Commission on Elections held in September a multi-sectoral forum to draw up plans to address the low Overseas Filipino Voter (OFV) registration and declining voter turnout.

Comelec aims for a voter registration turnout of one million for its OAV for the 2013 midterm polls out of the 2.4 million potential voters worldwide. Currently, there are only 351, 273 Filipino voters registered overseas. There were 589,830 total registered overseas voters for the 2010 elections, while there were 504,124 for the 2007 elections. Those who failed to vote for two consecutive elections are automatically deleted from the roster of qualified voters and should register again when registration starts on November 2.

The poll body is looking at several ways of encouraging voter participation abroad. Among the solutions is to provide ease and convenience to OFVs by setting up mobile registration centers to be manned by embassy and consular personnel and implement voter registration using biometric capture. OAV registration through the internet is also being mulled.

### Training diplomats as voter registration officers

The Comelec and the Department of Foreign Affairs (DFA) commenced their preparations this October to train foreign posted diplomatic personnel to orient them in voter registration with the use of recently acquired digital capture machine (DCM) system (see [Notices of Award](#)).

During the first week of October, personnel from 15 diplomatic posts in South East Asia and South Asia converged in Jakarta, Indonesia for an On-Site Regional OAV Registration Training conducted by the Comelec team of Commissioner and OAV Committee Chair Armando Velasco and Commissioner Augusto Lagman. The training was hosted by the Philippine Embassy in Jakarta represented by Ambassador Ma. Rosario Aguinaldo. Simultaneously, a training was also held in San Francisco, USA with Commissioners Lucenito Tagle and Christian Robert Lim leading the



*A DFA personnel practicing simulated voter registration encoding data using the new VCMs in Jakarta.*

training team.

During the training, Comelec officials distributed to the representatives of the various diplomatic missions the DCM biometric technology equipment to enhance voter registration.

For the second week of October, the Comelec scheduled training for 36 consuls and attaches from 18 diplomatic posts in the Middle East and Africa in Dubai, United Arab Emirates. Commissioner Elias Yusoph and Philippine Consul-General Benito Valeriano opened the OAV Training on the Resumption of Continuing Registration program.

Other teams have similarly trained diplomatic posts in Hong Kong and Milan, Italy. Upcoming schedules include France on October 23 and the United Kingdom on the 26<sup>th</sup> for an information drive and voters education activity.

#### Registration schedule moved

As the training progressed, Comelec moved the registration period from the original schedule of October 31 to November 2 since October 31 was declared as a special non-working holiday. Applications for registration shall be filed before authorized Comelec representatives at Embassies and Consulates that have jurisdiction over the places they temporarily reside in. Applicants need only to present their valid Philippine passports or Seaman's Book for seafarers when they register. The OAV registration period will run from November 2, 2011 until October 31, 2012.

#### Weak information campaign

Despite these efforts, some Filipino migrants' rights groups such as Migrante, expressed doubt that the poll body and the OAV secretariat can start the registration of overseas voters on November 2, given the late training of its election officers. They also exhorted the Comelec and the OAV Secretariat to conduct a massive information drive and education campaign abroad in preparation for the OAV registration.

Some Philippine posts, particularly in the Middle East, have not yet started an information drive and education campaign. An information drive is needed to raise awareness among OFWs regarding the need to register or validate their previous registration. It pressed the Comelec to utilize its budget intended for dissemination of information on election laws, rules and regulations, and continuing voters' education to attain a higher number of registered voters beyond the one million registrant target.

#### Low voter registration, much lower turn out

The number of registered OFVs pales in comparison to the close to 11 million Filipino workers abroad. During last year's presidential elections, only 153,323 or just 26% voted out of the 589,830 registered overseas Filipinos. This is a far cry from the turnout in 2004 when the OAV was first implemented. A record-high voter turnout of 65% was achieved, where 233,092 out of 359,297 participated in the elections. In 2007 however, turnout plunged to 16% when only 81,732 out of the 503,896 registered voters voted.

During the training, the participants identified the factors negatively affecting voter registration: requirement to execute an Affidavit of Intent to Return; geographical location of voters vis-à-vis the registration centers; apathy; high mobility of overseas Filipinos; limited manpower in embassies and consulates; insufficient information campaign, and incorrect addresses provided by the voters.

Among these factors, the requirement to execute an Affidavit of Intent to Return was singled out as the most significant obstacle to increasing OFV registration.

Other migrant groups and poll watchdogs also cite the following problems that have plagued the OAV implementation: weak voter education campaign; 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 DFA, which heads the OAV Secretariat, has also cited other factors which contributed to a declining turnout. One major cause would be the mobility of overseas Filipino workers. It cites that workers transfer but fail to inform the Embassies or the Consulates General of their new address.

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

### Proposals arrived at to improve registration & turnout

#### *Amendments to the OAV Law*

While the problems cited can be addressed by improving processes and procedures, there are those that require the amendment of the Overseas Absentee Voting Act of 2003 (Republic Act No. 9189) .

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 is seriously being eyed. The affidavit could be detrimental to their applications for permanent residency or immigrant status in their adoptive country. Filipinos who are permanent residents or immigrants in other countries and who want to register for OAV must first submit a formal written promise to resume residence in the Philippines within three years from approval of their registration.

However, like any previous election preparation, time is not on our side. The amendment should be passed by Congress at least six months before the 2013 elections, in order to give Comelec enough time to embark on an information campaign and encourage more OFVs to register.

Filipinos abroad such as Atty. Rodel Rodis of the US Pinoys for Good Governance (USP4GG) explained that the 2006 Supreme Court decision to enfranchise dual citizens by removing the residence requirement should also extend to permanent residents under the principle of equal protection of the law.

#### *Adopting technology for inclusive, efficient, and secure registration*

Other groups are looking at ubiquitous technology such as the internet and social networking. Conducting internet registration (and possibly voting) to reach Filipinos world-wide is a popular solution.

Victor Barrios of Global Filipino Nation and Tony Villegas of USP4GG recommended registering and voting via internet to save on costs and to address the challenges of high mobility among Filipinos and the physical distance of the embassies and consulates from would-be voters.

They further suggested that registration be made a continuing process even as cut-off dates for particular elections are observed. Any voter registered after the cut-off date for a coming election will not be eligible to vote in that election but in a succeeding election.

Other proposals include using peer and family influence by encouraging their friends and family members to register and vote using Facebook and other social media.

To improve voter turnout, Congress is currently debating on the adoption of an online voting system. A big concern is that sanctity of the ballot might be compromised in internet voting, and that implementers (primarily the Comelec) may not be prepared to rely on technology for this purpose.

## Internet voting: the Estonian system

by Paolo B. Maligaya, NAMFREL Senior Operations Associate

Out of the estimated 11 million overseas Filipino workers, only half a million registered for the 2010 elections, and only about 26% of those who registered actually cast their votes, a very low turnout indeed considering that around 80% of Filipinos turned out to vote in May 2010. Filipinos abroad decry the difficulty of access to voting centers to register and vote, as well as the difficulty of taking time out from work to travel for these activities. The Philippine government also does not allow all Filipino overseas workers to vote by mail; personal appearance in Philippine embassies and consulates is a requirement. Most significantly, Filipinos abroad are also being required to submit an affidavit stating that they will return to the country within 3 years after registration to resume permanent residency, an impractical and absurd requirement that further discourages most overseas Filipinos from participating in our elections entirely: the penalty for not following this stipulation is disenfranchisement and even jail time. The [Overseas Absentee Voting Act of 2003](#) would need to be amended to repeal this requirement.

With the start of voters registration for overseas Filipino workers on November 2, and in recognition of the significant number of potential voters abroad, there has been talk of the possibility of allowing Filipinos abroad to register and vote through the internet. While it may be easy to say that all it takes to vote electronically is a computer and an internet connection, the country might not be equipped enough to handle internet voting at this time.

Consider the experience of Estonia, the country most successful in implementing internet voting.

Estonia was the first nation to hold legally binding general elections over the internet in 2005. Internet voting, wherein the votes are encrypted and are transmitted through a secure system, is meant to supplement, not replace, the traditional method of voting. It was declared a success by Estonian election officials.

The Estonian internet voting system utilizes the country's national ID card -- mandatory for all citizens 15 years and older to have -- which is used as a national identity document as well as a smart card that can be used for transactions with the government. By March 2007, over 1.08 million cards have been issued (the country's population now stands at 1.34 million). It should be noted that while the national ID is mandatory for Estonia's citizens, and is being used in government transactions, the country has been cited as one of the top five countries in terms of privacy from government surveillance, and has also topped the State of World Liberty Index in 2009.



To vote, voters would need to insert their card into a card reader installed in their computers, then access the webpage for voting. For the 2011 parliamentary election, mobile phones were also used in e-voting, through SMS and the use of the ID card's PIN; a computer with internet connection was still required though to complete the process.

In the Estonian system:

- Internet voting is available during an early voting period (tenth day to sixth day prior to the main Election Day);
- Voters can change their electronic votes an unlimited number of times during the prescribed period, with only the final vote to be tabulated;
- It is possible for anyone who votes using the internet to vote at a polling station during the early voting period, invalidating their internet vote;
- However, it is not possible to change or annul the electronic vote on the main Election Day. The list of voters who voted electronically are sent to the polling stations, and those who had already cast their votes electronically are not allowed to vote again.

In 2007, 30,275 Estonians voted through the internet during the general elections. For the 2009 local municipal elections, 104,415, or almost 10% of registered voters, used internet voting. In the March 2011 parliamentary elections, 140,846 citizens (or 24.3% of those who voted) cast their votes electronically. The total number of voters who voted was 580,264 (out of 913,346 voting-age citizens).

The Estonian system is not perfect though. The OSCE (Organization for Security and Cooperation in Europe), in their report on the 2011 parliamentary elections in Estonia, raised some minor concerns on the technical aspect of the internet voting system (Read the report here: <http://www.osce.org/odihr/77557>). One student had also sought that the results of the election be nullified due to an alleged flaw in the election software that could block votes given to certain candidates. The complaint was rejected though by Estonia's supreme court.

It is clear that the Estonian system of internet voting could not be wholly adopted for the Philippines at this time. The country lacks a national ID system, due to the high cost of having one and the strong opposition from the public. The Estonian voting population is also very minuscule compared with the Philippines'. Estonia is one of the smallest member-nations of the EU (1.34 million population) and has the highest GDP per person among former Soviet republics. The country also has a strong e-government program, with strong emphasis on the use of modern technology in government operations. Most significantly, Estonia is also ranked highly for press freedom, economic freedom, democracy and political freedom, and education. The education system of Estonia gives much emphasis on modern technology; the creators of Skype, Hotmail, and Kazaa all came from Estonia.

However, despite limitations, the Comelec and other concerned agencies are encouraged to do their best in seeking the best way to enable overseas Filipinos to cast their votes, in the least amount of effort and in the most cost-effective way possible.

For more information on electronic voting in Estonia, go to the Estonian National Electoral Committee's excellent website (<http://www.vvk.ee/?lang=en>) that gives details on the process.

## GALLERY



NAMFREL Secretary General Eric Alvia with Comelec Commissioners Armando Velasco and Augusto Lagman at the awarding of certificates to participants in the OAV Registration Training for DFA personnel in Jakarta, Indonesia on October 5, 2011.



DFA personnel from fifteen (15) Philippine embassies and consular offices in South and Southeast Asia who attended the three-day Comelec training in Jakarta.



Officials of election monitoring organizations & election management bodies from the Philippines, Malaysia, Indonesia, and Cambodia, at ASEAN Election Management Bodies' Forum in Jakarta.



Namfrel's Eric Alvia, IPER's Mon Casiple, and Lente's Atty. Luie Guia during the opening ceremonies of the ASEAN Election Management Bodies' Forum at the Indonesian Presidential Palace on October 3, 2011.

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**Happy 28<sup>th</sup> Anniversary to all of us,  
NAMFREL Volunteers!  
Keep the flame of democracy and  
volunteerism alive wherever you are  
in the world right now.**

**- The NAMFREL National Secretariat Team**

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