



## National Citizens' Movement for Free Elections (NAMFREL)

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### Recount Redux (Part 1 of 4)

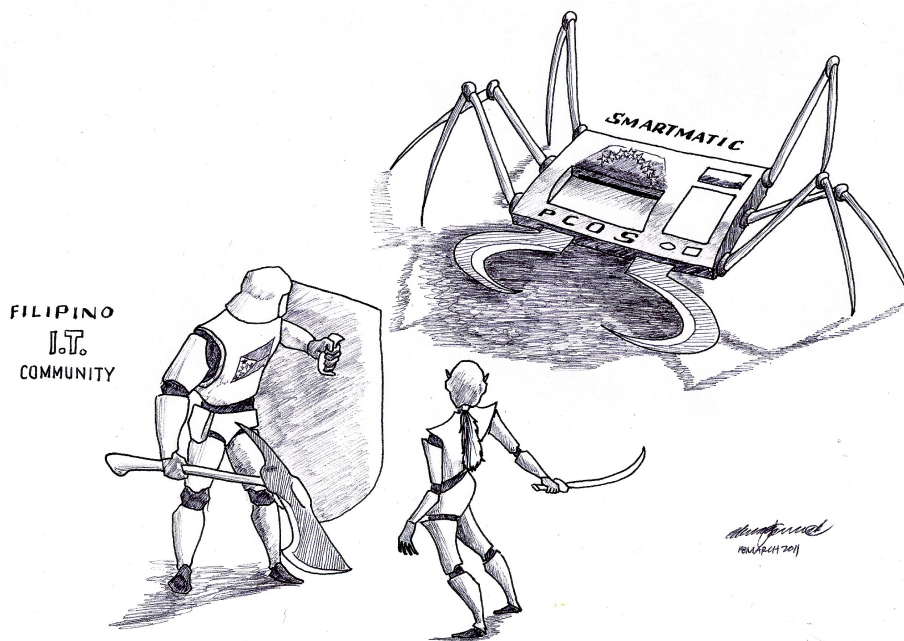
by [Telibert Laoc](#) (Member, NAMFREL National Council)

That there is a strong indication to suspect that errors in the counting process are many enough -- and when corrected would change the results of the election -- is the reason why a losing party would seek a recount. Right?

In the May 2010 local and national elections in the Philippines, machines were used to “read” voter marks on the ballot and aggregate polling station results. Voters were presented with paper ballots that had names of all candidates pre-printed on them and they voted by shading the oval beside the name of each of the candidate they chose. They fed their ballots into the machine that read all the shaded ovals and tallied the votes. The results were known when the polls closed and the machine printed copies of the results.

Precincts (with 200 voters each) were clustered and one machine was allocated for every 1,000 voters. The precinct count optical scan (PCOS) machines were manufactured by [Smartmatic](#) and the software that “read” the shading on the ovals was reportedly provided by [Dominion](#).

On March 22, 2010, nine weeks before the elections, the Commission on Elections (Comelec) passed [resolution 8804 titled, Rules of Procedure on Disputes in an Automated Election System in Connection with the May 10, 2010 Elections](#). Item I of Section 6, Rule 15 states, “...marks or shades which are less than 50% of the oval shall not be considered as valid votes. Any issue as to whether a certain mark or shade is within the threshold shall be [sic] determined by feeding the ballot on the PCOS machine, and not my human determination”. Counting would be manual unless the recount committees are unable to determine if a shade meets the 50 percent mark or not, then ballot would be fed into the PCOS.



At the end of November, six months after the polls, the Comelec passed [resolution 9104 titled, Rules of Procedure for the Recount of Ballots Subject of Election Protest Cases Filed with the Comelec](#). Amending Section 6, Rule 15 in the previous resolution, it entirely uses the PCOS in the recount. If there is a discrepancy between the original and recounted results, the original ballots images generated in 2010 from the compact flash (CF) card would be compared against the ones just generated at the recount.

However, more than 10 months after the election, on March 16, the Comelec yet again passed

another resolution numbered [9164, Reinstating and Reimplementing Comelec Resolution 8804 with Amendments](#). This reverted the recounting to manual and the PCOS only to be used, if at all, to authenticate the ballots because Comelec could decide on other methods of checking the bar code and the ultra-violet ray code on the ballot. Determining whether an oval the size of a pencil eraser head is shaded 50 percent or more is a now entirely up to humans.

What could explain the corrections made by the Comelec and what might be the impact?

I can think of three and all point to the uncertainty of the accuracy of the machine. Complainants do not want the "suspect" PCOS to do the re-counting (first and second resolutions); change in Comelec chairpersonship; and failure to appreciate new context brought about by automating the vote appreciation process.

Comelec specified in the bid documents that machines should have a certified accuracy of 99.995 percent. This means that the machine may miss a mark for every 20,000 that it has read, or an error rate of 0.005 percent.

Assume 650 voters in a clustered precinct and 73% came out to vote. This yields 475 voters. Assume further an average ballot fill-up rate of 60% (there are between 26 and 32 positions for election on each ballot, but let's assume 28; and voters only fill up 60% of that, meaning they opted not to vote for some positions). These are 17 marks on every ballot. Multiplied by the number of voters, the number of marks read by the machine in this case is 8,075. So there is a possibility of eight erroneous reads. Whether there will actually be eight or one error or whether there will be any errors at all are all in the realm of probability and statistics.

But the random manual audit commissioned by the Comelec recorded an accuracy of 99.6% or an error rate of [0.4%; or one in every 1,000 marks](#) (Center for People Empowerment and Governance). [The National Citizens' Movement for Free Elections' \(Namfrel\) also reported accuracy rates of just 99.56 percent and 99.53 percent in the random manual audits they had witnessed.](#)

Another startling discovery is that there was a discrepancy between the number of ballots counted by the machine and the ones counted by the random manual audit committee. I wrote in the Namfrel report that in Precinct Cluster 8 composed of Precincts 32-A, 33-A, 34-A, 35-A and 36-A at the San Perfecto Elementary School (San Juan, metro Manila) the PCOS machine counted 616 ballots although there were only 614 in the box ([Namfrel Report 2010](#)). The committee checked and rechecked to ensure that they themselves counted correctly. How could the machine guarantee accuracy in the counting of votes when it could not guarantee accuracy in counting the number of ballots?

Indeed there is reason to suspect the accuracy and reliability of the PCOS. The Comelec is caught between a rock -- reliability of judgment and consistency of human appreciation of degrees of shading of ovals; and a hard place -- the recorded inaccuracies of the PCOS. What to do?

(To be continued)

## **Filipino I.T. community pickets Comelec against Smartmatic PCOS machines**

Leaders of the Filipino I.T. community, comprising the AESWatch (Automated Election System Watch) Coalition, picketed in front of the Comelec headquarters in Intramuros, Manila on March 17, to protest the Comelec's continued engagement with Venezuela's Smartmatic company and the planned use of its defective PCOS counting machines for the ARMM elections scheduled for August.

"Post-election studies and investigations including those of the 14th Congress found the Smartmatic's PCOS technology as being, among others, fraught with technical breakdowns, transmission failures, a big number of disenfranchised voters -- from 4-7 million -- and the number of election protests (many automation-related) bigger than in previous manual elections. We are now more certain that the Smartmatic's election system is inherently flawed and, if used again, will further compromise the overarching needs for accuracy, reliability, and trustworthiness in elections," a statement from AESWatch reads. "The Comelec continues to turn a blind eye to the fact that Smartmatic can never comply with Philippine laws because it is another foreign company - Canadian and US-based-Dominion Voting Systems - that owns and can solely decide to release or not for

independent review of political parties and interested groups, the election computer program including the source code."

AESWatch recommends that the Comelec adopts the manual system of voting and counting for the ARMM election since only three positions will be voted for in the five provinces of the ARMM. "Cheap price, as peddled by Smartmatic in convincing Congress and Comelec to buy 5,000 PCOS machines for the ARMM elections should not be a substitute to accuracy, reliability, and trustworthiness. Election is a sovereign political exercise that cannot be held hostage to marketing strategy especially by a foreign consortium."

Read AESWatch's full statement here:  
<http://bit.ly/fqAx7m>

See photos from the picket here:  
<http://on.fb.me/hPkLmd>



## ARMM Election Consultations Concluded

NAMFREL Chapter Chairpersons have reported and provided feedback on the recently concluded consultations for the postponement of the August 2011 Autonomous Region for Muslim Mindanao (ARMM) regional elections. The consultation meetings were held on March 10, 12, and 13 after President Aquino and lawmakers agreed to get the consensus of local stakeholders on the deferment of the polls.

Mr. Adzfar Usman, Namfrel Chair for Sulu observed that the March 13 consultation started with the delivery of rhetoric from congressmen and cabinet officials who attended the consultation. This eventually consumed limited time allotted for all participants to air their concerns and reactions to the issue of the polls postponement. Instead of raising issues and deliberating their position on HB no. 4146 and 4062, the consultation participants were reduced to an audience to the "passionate speeches" of the visiting lawmakers. Mr. Usman reported that the local government units backed the Palace's move to have the polls deferred and synchronized with the 2013 mid-term elections. Earlier consultations were also held in Marawi City on March 10. Mr. Lacs Dalidig, Namfrel Chair for Lanao del Sur informed that majority of the Lanao participants were in favor of the postponement of the ARMM polls.

Mr. Termizie Masahud, Namfrel Chair for Tawi-Tawi, reported that ARMM Acting Vice-Governor Rejie Sahali-Generale is strongly against the postponement and urged Malacanan to allow the elections to push through as scheduled. Many of the participants are in favor of having the elections held this year. In response to the reforms mentioned in connection with the postponement of the elections, ARMM residents expressed that real reforms should be addressed in the electoral system such as cleansing of the voters' list and strict conduct of the election itself. They further added that private armies formed by political warlords should be dismantled immediately.

In a bit of a twist, erstwhile poll postponement oppositor-governors of Sulu, Tawi-Tawi and Basilan changed positions in favor of the postponement. Not surprisingly, this is consistent with the position of the ten congressmen who were also present in the consultation who also discussed development plans with their constituent districts and the attendant allocation of resources to implement it. Only two congressmen oppose the postponement of the polls. The following is the list of congressmen who attended and their position on the ARMM election deferment:

In favor of postponement and synchronization

1. Rep. Elpidio Barzaga, Jr. - Chair, Committee on Suffrage
2. Rep. Tupay Loong - Chair, Office on Muslim Affairs
3. Deputy Speaker Ma. Isabelle Climaco
4. Rep. Bai Sandra Sema - Author of HB 4146 for postponement
5. Rep. Angela Amante-Matba

6. Rep. Jim Salliman-Hataman
7. Rep. Acmad Tomawis
8. Rep. Nur-Ana Sahidulla
9. Rep. Andres Salvacion
10. Rep. Arnulfo Go - appears to be neutral

In favor of holding the ARMM Elections as scheduled on August 8, 2011:

1. Rep. Rufus Rodriguez - opposed strongly deferment of ARMM election to 2013. according to him it is against the constitution and RA 9054 (ARMM)
2. Rep. Raden Sakaluran - opposed to postponement and strongly support the conduct of election in August this year

The Executive Office was represented by Sec. Jesse Robredo (Dept. of Interior and Local Government), Sec. Leila De Lima (Dept. of Justice), Sec. Ronaldo Llamas (Presidential Adviser on Political Affairs) and Hon. Lualhati Antonino (Mindanao Development Authority).

### **ARMM consultation in Zamboanga by Jayson Sabdilon (NAMFREL Zamboanga City / Basilan)**

The Congressional hearing on the proposed HB 4146 (Postponement of ARMM elections to 2013) held at the Don Pablo Lorenzo Memorial High School in Zamboanga city on March 13, 2011 had a late and tensed start but ended with not much fanfare. The consultation was supposed to be a public hearing for the BASULTA (Basilan, Sulu and Tawi Tawi) provinces of ARMM but due to "security" concerns, Zamboanga city, a non-ARMM city, became the site for the hearing instead.

The organizers allowed various streamers and posters from pro and anti HB 4146 to be hung inside the auditorium. Prior to the start of the hearing, rallyists and supporters of the non-postponement of the elections were seen congregating outside the gates of the venue. To prevent any untoward incidents, the city's police with some military men positioned themselves in front of the group. This prompted Cong. Rufus Rodriguez to bring to the attention of the hearing chair Cong. Loong, the alleged attempt to block the entry of these supporters. Cong. Climaco-Salazar from the host city clarified that the delay in the entrance of people to the venue could have been caused by the organizing committee's attempt to institute order through registration of names and orderly queuing. After about a half hour of delay, amidst the warm venue, the hearing went underway.

The hearing was attended by members of the House Committee on Suffrage and Electoral Reforms and Committee on Muslim Affairs (organizers), some principal authors of the bill (those coming from ARMM provinces), cabinet secretaries led by Sec. Leila de Lima and Sec. Jessie Robredo, the governors and some prominent provincial and city officials from BASULTA and various leaders and members of different business, youth sector, women sector, religious sector, and socio-civic groups in the provinces and the city. Spotted were also personalities from the various academic institutions and local representatives of the election watchdogs.

It was observed that apart from Cong. Rufus Rodriguez (legislator from Cagayan de Oro city who was enthusiastically cheered upon many times for his anti 4146 position) and another official, all the other officials present explained their pro HB 4146 stance and encouraged the audience to take the same. Clearly, the number of resource persons for the opposing sides was skewed towards the pro HB 4146 group. Very notable also was the BASULTA governors' unanimous and strong support for the bill. However, when the committee called on the various representatives from the audience (leaders of various groups from the provinces) to deliver their positions, the pro HB 4146 sentiments seemed slightly outnumbered. If the hearing proceedings will be taken as the real pulse of the public, then clearly the issue has divided the people.

The House committee in charge of running the consultations could have done better "feeling of the pulse" if they insisted on conducting separate hearings in the provinces' capitals. This could have ensured the active participation of the real and direct stakeholders. The security issue could have been addressed by the military and local leaders. The committee could have also done more for their constituents if they made sure that an equal number of pro and anti speakers were invited. That way, the hearing would have sounded more balanced instead of coming on more like a propaganda for the administration's pet bill.

## **Special elections held**

Special Elections were held in select areas by the Commission on Elections on March 12, 2011. The elections were generally peaceful (except for some isolated untoward incident in Basilan) and results were proclaimed shortly after. Elections were held in areas where there were failure of elections in the May 2010 national polls. The areas as identified by the Commission on Elections were in: Paracelis, Mt. Province; Indanan, Sulu; Sumisip, Basilan and Sapa-Sapa, Tawi-Tawi. A special election was also held for the representative position of the 2nd District of Cagayan province due to the untimely death of Rep. Florencio Vargas.

In Paracelis, Mt. Province, the winners for the last two seats of the Paracelis municipal council were proclaimed by Mt. Province Comelec provincial director Ricardo Lampac. Menrad Corcha and Miguel Assud were proclaimed winners as No. 7 and 8 councilors, respectively (source: Baguio News).

In Indanan, Sulu, and Sapa-Sapa, Tawi-Tawi, the special elections were generally peaceful. Failure of elections was declared by COMELEC in these areas because designated Board of Election Tellers (BETs) failed to report for work due to security concerns.

Tension characterized the conduct of election in Sumisip, Basilan as supporters of rival parties engaged in brawls in the heat of the casting of votes momentarily disrupting the polls. The Board of Election Inspectors, composed of members of the Philippine National Police, however, was able to curb the tension and eventually the polls resumed. With the joint effort of the PNP and the AFP, the remaining election hours were generally peaceful. Saliman "Boy" Hataman was proclaimed as the new mayor after winning over Haber Asarul.

Baby Aline Vargas-Alfonso, daughter of the late Rep. Florencio Vargas, was proclaimed as the new representative for the 2nd District of Cagayan province after winning with a commanding lead in votes over former Governor Edgar Lara. Lara was reported to have conceded defeat to Alfonso in the press statement that he issued following the special election that went smoothly.

## **Special election in Cagayan by Dennis Pascua (NAMFREL Cagayan)**

Weeks prior to the special election, five candidates were poised to contest the vacant position for the House representative for the 2nd Congressional district of Cagayan province. However as election day approached, three withdrew their candidacy to give way to a single candidate which all three supported to make sure that LARA would be defeated in the polls.

The election was orderly and without any major untoward incident. This was partly due to the strict implementation of the gun ban and the establishment of checkpoints by the PNP and the AFP in the area a week prior to election day. However, participation in the election in the district was affected by the forced evacuation of residents in some northern and shoreline municipalities of the province due to the tsunami warning the previous day.

Although the conduct of the election was peaceful, vote buying was still observed in some municipalities of the district. The sources of the funds distributed were allegedly members of the Sanguniang Panlalawigan and Bayan.

The following morning, the daughter of the previous incumbent representative was declared the winner by a sizable margin. From the chapter monitors observation & informal talks with voters, "sympathy votes" as well as the unpopularity of the administration but due to perceived malpractices clinched the win for her.

## **CSOs declare commitment to government budget monitoring advocacy**

In remembrance of the first death anniversary of former Department of Budget and Management (DBM) Secretary Emilia Boncodin, more than a dozen civil society organizations (CSOs), including NAMFREL, made a public declaration of commitment to budget monitoring advocacy, on March 15, 2010 at the UP National College of Public Administration and Governance (UP NCPAG). Professor Boncodin was one of the most dedicated advocates of monitoring the government's budget by CSOs, before she died of cardiac arrest in 2010.

"We commit to empower and compel the bureaucracy to lead structural reforms to achieve national development, alleviate poverty and eliminate injustice, just as we commit to empower citizens, communities, civil society organizations and other stakeholders to actively and meaningfully participate in governance and ensure development outcomes. We commit to focus our collective efforts on budget reform as a strategy to institutionalize responsible and responsive public fiscal resource management and active citizen participation in governance. We recognize the power of the Philippine national budget as an instrument to achieve national development goals. We will commit to and define complementary roles in a partnership for more efficient, transparent, accountable, effective and participative Philippine national government budget cycles from 2011 to 2016," the public declaration states in part.

The activity was organized by the UP NCPAG and INCITEGov (International Center for Innovation, Transformation and Excellence in Governance).



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