



NATIONAL CITIZENS' MOVEMENT FOR FREE ELECTIONS (NAMFREL)

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NAMFREL expresses concern with country's readiness for automated elections 12 March 2010

With less than 60 days to go before more than 50 million Filipinos go to the polls the National Citizens' Movement for Free Elections (NAMFREL) has expressed growing concerns about the country's preparedness for its first ever automated elections.

It also questions whether or not the Commission on Elections (Comelec) will meet its deadline to ensure the success of the elections.

Every Filipino would like to believe Comelec will deliver an honest and credible election but there is a growing feeling of mistrust among the public which has fueled a great deal of speculation that the elections will fail, seriously derailing the development of a mature democracy for the Philippines.

From the very beginning questions were raised when the contract for the Automated Election System (AES) was awarded to Smartmatic-Total Information Management (TIM). We have seen Comelec extend tremendous leniency to Smartmatic not only in terms of front loaded payments and fees but accommodating major changes to the contract that sometimes cross the boundaries of what is legal.

Deadlines are not being enforced and the required levels of accuracy have not been attained in any of its pilot tests.

One of NAMFREL's major concerns has been the Technical Evaluation Committee (TEC) Assessment which should have been delivered on February 10 and was re-scheduled to March 10 in defiance of the law which stipulates the assessment should be conducted three months prior to election day. Also, the TEC report to be submitted to the Joint Congressional Oversight Committee (JCOC) must be explicit on its recommendations to proceed or not with the AES so far there has been no indication if this has been complied with.

Other areas of concern include:

- **Source Code Review**

The safeguard for ensuring the integrity of the precinct count optical scan (PCOS) software has been breached with the improper or no source code review conducted contrary to the claims of Comelec and Smartmatic. Political parties, election-related civil society organizations and professional organizations have declined to participate in the review.

- **Preparation for Random Manual Audit**

With the source code review not being conducted properly the last line of defense to assure the integrity of the AES is the random manual audit as stipulated in Sec.29 of RA 9369. Up to the writing of this report no general instructions have been issued by the Comelec.

- **Cleansing of the Voters List**

At this stage, sporadic and independent attempts have been conducted to clean up the voters list of multiple and/or spurious registered voters. This is despite a separate budget allocated for the automated voters registration of the Comelec which covered an estimated 50% of registered voters through the automated finger-print identification system (AFIS).

March 26 is the deadline when the book of voters will be closed and finalized through Comelecs' election registration board (ERB) hearings. As an added deterrent the watchdogs and concerned public should be given access and copies of the certified voters list and the project of precincts immediately allowing them to pose a challenge to suspected illegal voters.

- **Transmission**

Comelec and Smartmatic will utilize the GPRS/CMTS infrastructure for transmission in 75% of the country while the remaining 25% will utilize the BGAN, VSAT, and DSL capability of telcos. According to the Comelec, contracts have been drawn up and signed by Smartmatic with various telcos to provide the required transmission connectivity service. However, with the possibility of transmission failure, the Comelec has to firm up its automated and manual contingency plans to cope with this scenario.

- **Server Availability and Transparency**

Initially four servers for each of the authorized recipients (two political parties, one citizens group and one media) had been set aside. But this has since been amended to just one shared server. This curtails open access to the results and renders the verification of the various elections returns transmitted through the political parties, KBP, and the citizens arm irrelevant.

Earlier, elimination of the voter verifiable paper audit trail and the on-screen verification - two features required in the original request for proposal (RFP) - was surreptitiously adopted. The PCOS machines capability to process these two features has been disabled. This clearly reflects the bias of Comelec-Smartmatic on speed expediency over transparency and auditability.

To enhance the transparency NAMFREL believes the PCOS machines should be re-enabled to run these two features, retain the original four servers for each authorized recipient, and support the proposal of the JCOC that each municipality canvassing center needs to project the canvassing proceedings and projected to a widescreen for public viewing.

- **Congestion and Queuing Problems**

An expected congestion problem in voting centers due to precinct clustering is expected to provide a window of opportunity for cheating. Comelec's response to mitigate this concern by issuing Comelec Resolution 8786 to create Voting Assistance Centers (VACs) is a step in the right direction.

- **Ballot Printing**

Apart from problems concerning the security features of the ballots we are also concerned by reports of a Comelec director expressing alarm over the breakdown of printers which could derail the on- time completion of printing 50.8 million ballots by April 25.

The director recommended the additional purchase of two more digital printers and the printing of 15 million ballots to be used for a manual set-up to meet such a contingency. It was later learned that the printing of 15 million manual ballots was scrapped.

So far 13 million out of the 50.8 million ballots have been printed. The three existing printers only have a capacity of 400,000 to 650,000 each well below the output required to meet the April 25 cut-off to fulfill the ballot delivery schedule.

- **Deployment of Machines**

With the geography of the Philippines the way it is the capability of the three winning courier firms leaves much to be desired for them to undertake the delivery and deployment task in which none of them have had any experience.

In other areas Comelec has only accredited one organization to be its citizens arm – the Parish Pastoral Council for Responsible Voting (PPCRV). Other organizations have applied for accreditation, including NAMFREL, but these have either been rejected or remained in abeyance.

Giving the responsibility of watching and reporting on the elections to one organization alone, especially to one that has been part of the very actions the public and many experts have been critical of, does not encourage trust. The exclusion of more experienced and more objective organizations seem to raise questions as to why the Comelec is so exclusive, rather than more inclusive?

It is dangerous for the Comelec to assume it can achieve 100 percent automated elections and not prepare for manual elections just in case the system breaks down in some or all precincts.

The Comelec must have guidelines issued to all its election inspectors and watchers as to what steps they should take in case automation does not work in their precincts on election day. Our respect for the Comelec will increase if it shows readiness and preparedness to handle the most likely scenarios pre- and post election. Its credibility will be damaged and its lack of vision will become obvious if it insists on pronouncing it will implement 100 percent automation and not prepare for other likely outcomes.

We want to believe that in some serious matters, Comelec is working to correct or improve them and if this is so, it must take pains to communicate these to those who seek their response. Many watchdogs have the best intentions to help because every right thinking Filipino realizes the high stakes of this election. Constructive help must be welcome, especially from those with the expertise, integrity and reputation to desire a truly honest election. For all the billions the country is investing in this election and the unspeakable consequences of its failure, the Comelec owe it to the Filipino people to work hard to earn their trust and deliver to them an election they can believe in.

Presidential Forums

The Philippines may not be a large nation but it is geographically dispersed over more than 7,000 islands. As a result the presidential candidates are using mass media to reach as many voters as they can.

The presidential forum or debate have become one of the most important rituals in every Philippine election as voters decide which candidate they will vote for on May 10.

Many groups have mounted presidential forums in the past months. These were held in media stations, business and professional forums, universities.

Many Filipinos, however, believe forums or debates are a waste of time as they only reach the A,B and C classes who have already decided who they are going to vote for anyway. These are shown on cable TV which are available only to the AB population.

There are at least five good reasons why presidential forums and debates should continue:

- Gives an opportunity to see the candidate in a more personal light;
- Reminds us of the issues that we as individuals and as a nation should be thinking about;
- They are an effective avenue in bringing the “non reading” Filipinos into the political arena, especially the poor via radio;
- They allow candidates with low budgets a chance to gain exposure; and
- Allows the voting public to see how firm a stand candidates take on certain issues.

The fundamental purpose of forums and debates is to help promote a more informed population. They allow the public to know more about the candidates, their views on certain issues and their platforms. In other words, the forums are venues for voters education if they are reaching the right audience.

Questionable Voters’ Statistics

Elections in the Philippines have always been hotly contested battles. They have become fierce competitions among candidates to get the most number of votes. It is not too much of a stretch if we say that the candidates and their activities get most of the stories during election period, sometimes, even to a point when other equally important issues are left by the sidelines, with few or no other body paying attention. One such very important issue is that concerning the voters themselves. For a society that supposedly thrives on and eagerly gobbles up election-related stories, it is somewhat strange to find out that there are very few issues about the voters that are brought to public consciousness.

As election day approaches, it is interesting to look at analyses of some voter-related figures from government sources. Suffice to say that these figures point to improbabilities that are actually too absurd not to merit consideration and prompt action by all stakeholders of the election process. These improbabilities, when not corrected or acted upon promptly can actually become grounds for disqualifying a candidate or even challenge a declaration of a conduct of truly fair and free elections. For this exercise, the latest government data from the National Statistics Office, Department of Labor and Employment and COMELEC were taken. These were compiled and analyzed. Consider these observations and analyses:

A. Improbable ratio of local population and voters in the area:

Province	Population*	**Population from (NSCB)	Registered Voters***	*%	**%
Benguet	372,533	395,800	328,010	88%	83%
Lanao del Norte	538,283	570,894	497,473	92%	87%
Misamis Oriental	748,885	793,555	697,098	93%	87%
South Cotabato	767,254	797,766	674,328	88%	83%
Zamboanga del Sur	914,278	971,882	936,797	96%	96%
Cebu	2,439,005	2,584,487	2,227,803	91%	86%

Legend:

*--- population based on August 1, 2007 last updated on April 2008

www.census.gov.ph/data/census2007/index.html

** --- the population figure is based on a projection of 1.95% annual rate of increase (2005 – 2010) as has been the practice of NSCB

** --- as of March 2009

www.comelec.gov.ph/statistics/2010natl_local/summary_by_region/regional.html

If we take the percentage of registered voters against population on a national level, it is on an average, 51% - and it ranges from a low of 45% to a high of 60% for the different provinces with the exceptions of those mentioned in A and B of this report. For example, the data above show that for every 100 people in Misamis Oriental, 93 or 87 are registered voters. This leaves only around 35,085 or 96, 457 as non voters. The other provinces in the table above also have unusually high numbers of voters. Unless there are convincing and fool-proof explanations for these high numbers it is very likely that the data on the provinces mentioned above are suspect as erroneous. It can actually be taken as warning signs of a possible 'padding' of the voters' lists thru irregular methods (ie. registered underage voters, flying voters, multiple registrants and

unpurged list of voters).

B. Provinces with very low ratio of voters to population

Province	Population * (2010 projections)	Registered Voters **	%
Quirino	421, 567	92,804	22%
Davao Oriental	881, 141	270,087	30%

* --- the population figure is based on a projection of 1.95% annual rate of increase (2005 – 2010) as has been the practice of NSCB

** --- as of March 2009

www.comelec.gov.ph/statistics/2010natl_local/summary_by_region/regional.html

Similarly, it is very unlikely that the two provinces mentioned above have a low level of registered voters compared with their population. Considering the efforts placed by COMELEC and other organizations (extension of voter' registration period, "extensive" campaigning or voter's education drive by different election players), this low turn out suggests either unresponsiveness of voters (unusual because Filipinos are election-motivated people), ineffectiveness of campaigns mounted by COMELEC, the accredited citizen's arm, PPCRV, and other groups, or worse, methodical and deliberate disenfranchisement of voters.

It is important to note that these data were from government sources although it is best to validate or double check for corrections. For example, cross reference check of figures with those from the Civil Registry (to verify births, deaths, migration patterns and immigration changes in a given time frame), other government offices and formulating a clear projection rate for changes in population are but some practical steps. These observations and analyses mentioned merit serious consideration as these have great implications to the outcome of elections. If these data are not verified and corrected then it is safe to say that our COMELEC, the agency that is tasked to run the elections, have planned its policies and guidelines based on unrealistic figures. Consequently, if the voters are disenfranchised and voter's lists are tampered with, the will of the people will be effectively thwarted and the elections will not represent a true democratic process.