



NATIONAL CITIZENS' MOVEMENT FOR FREE ELECTIONS (NAMFREL)

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NAMFREL STATEMENT

February 18, 2010

(delivered by NAMFREL National Chairperson Jose L. Cuisia, Jr. during the press conference this morning at the AIM Conference Center)

Good morning ladies and gentlemen, allow me first to express my appreciation for your continued faith and support for the cause of free, fair, and credible elections through NAMFREL.

You may have read the NAMFREL statement published in the Philippine Daily Inquirer on February 10 and in the Philippine Star on February 11.

As we said in the statement, NAMFREL volunteers affirm its role and importance to be a real CITIZENS' watchdog. Our contributions to the conduct of free, fair, and credible elections, in the Philippines as well as many parts of the world, have earned us respect from past administrations, and trust from the people. Whether the Melo Comelec accredits us or not, the NAMFREL spirit is alive in all of us, and Filipinos expect us to play a significant role in ensuring that the May 2010 elections will be free fair, and credible.

It is for this reason that we in the NAMFREL National Council, together with our partners in CBCP-NASSA, have decided to forge ahead with our plans to get involved in the May 2010 automated election, whether we get accredited or not.

As an update regarding NAMFREL-CBCP-NASSA's joint petition for accreditation, we are filing a Motion for Reconsideration with the Comelec. If the commission does not reconsider then we will be forced to go to the Supreme Court.

While we continue to work to get accredited to be able to do certain tasks that require Comelec approval, such as the proper conduct of a random manual audit as stipulated in RA9369, the NAMFREL National Council and volunteers also recognize the fact that there are activities that we could get involved in that do not require Comelec accreditation. These encompass the whole election process and not just the audit, nor the parallel vote count that has become the niche of NAMFREL since 1986. For those of you who have been with NAMFREL from the very start, you would recall that prior to 1986, NAMFREL was an omnipresent election watchdog that looked into the whole election process, in the process laying the blueprint that has been emulated and has given birth to election monitoring organizations not just in Asia but around the world.

Along these lines, the joint NAMFREL-CBCP-NASSA coalition has begun laying the groundwork for what we see as our flagship involvement in the coming election, which leads us back to the original role we have performed in 1983 when it was first engaged in the Philippine election process.

This resurgent role and task engages our nationwide volunteers as it supports the aspirations of conducting a clean and fair May 2010 election. This will employ data-gathering instruments and process of evaluation that use international standards of monitoring elections drawn partly from NAMFREL's election observation and monitoring experience locally and in 32 countries for the past 26 years. Reports will be issued to the people of our observations, findings, and recommendations on critical aspects of the election process (i.e., pre-election, election day, and post-election) as well as on the performance of its key players to include the voters, COMELEC, citizens arm & other CSOs, sub-contractor, political parties and their candidates, local officials, and even the media.

NAMFREL's ASSESSMENT ON THE PREPARATIONS ON THE UPCOMING AUTOMATED ELECTIONS

As we approach the elections with 80 days remaining, we at NAMFREL share the anxiety of various groups that have raised concerns on the preparedness of the COMELEC, its citizens' partner, and its subcontractor – Smartmatic/TIM – in conducting a full automated elections.

Among NAMFRELs points of concern are:

Incessant Timeline Revisions & Missed Deliverables – timelines have been constantly revised to accommodate delays or the inability to meet deliverables such as late delivery of the PCOS machines & CCS system, printing of the ballots, education & training of BEIs, hiring & orientation of qualified IT personnel, no voters list and project of precincts yet, etc.

Queue Mismanagement - the inadequate study and preparation to manage the voters queue overflow as a result of clustering precincts. The recent mock polls while not a simulation exercise is a portent of what could occur during election day. We estimate around 200 to 250 voters per precinct may be delayed or may not be able to cast their votes due to the average completion time of between 8 to 10 minutes (IFES Study) per voter and an average participation rate of 80%. There is a big probability that voting in precincts may drag on from four to five hours past the 6pm closing time. A heavy bottleneck is also to be expected in the verification of voters.

Lack of Voters Education – The training of voters, BEIs and related election workers, has been absent, shortened and/or delayed. In a recent Pulse-Asia survey 7 out of 10 Filipinos have little or no knowledge of the new automated election process. An earlier SWS survey reflected a 40% unaware or lack of knowledge rate.

Absence of General Instructions - for the canvassing especially in the appreciation, consolidation & preparation of CoCs & SoVs from automated & manual precincts; no random manual audit guidelines yet; no electoral protest mechanism & adjudication procedure.

Lack of Comelec & Smartmatic transparency and cavalier attitude – the secrecy and duplicity in responding to accountability does not inspire trust & confidence. The most recent inaction is the silence on the results of the Technical Evaluation Committee (TEC-Sec.11 RA 9369*) findings assessing on six criteria the Comelec’s readiness to carry out an automated elections. The same fate has beset Comelec’s AES contingency and continuity plan.

Test & Mock elections revealed flaws – Last month’s conduct of five test areas exposed transmission flaws in two out of the five machines (or a 40% error). Even a highly urbanized area such as Taguig City encountered this difficulty. Last week’s mock polls further revealed flaws in the process and highlighted a high rejection rate of ballots ie. New Era Elementary School (five out of 50 – 10%). Participating mock voters still were confused. No proper mock or actual simulation (stress) test on man & machine was conducted.

No proper or transparent Source Code review & PCOS testing – AES Watch report

Communication Infrastructure & Transmission – Inadequate availability of CMTS transmission facilities throughout the country, insecure transmission of results & data centers (Level 2 to be upgraded only to Level 3). Of the 95% of RP areas mapped for connectivity around 65% are connected thus leading to possible manual elections in many areas.

Challenges in deployment of machines – rugged Philippine topography & inadequate transportation infrastructure

Audit procedure not clear – Sec. 29 of the law allows only for a limited & bias audit (1 precinct per chosen by the Comelec). No guidelines have been issued. Comelec & CAC member allowed to audit self as the “audit” would be conducted only after proclamation.

Disenfranchised by errors - Possible massive disenfranchisement if votes not accepted by machine disregarding the right of a voter to receive a new ballot when in error as allowed by the Election Code

Power failure – looming power deficit in Visayas and Mindanao towards May

Ballot printing & security – how secure are the ballots for the automated election? Reports received indicate that a batch of ballots for a particular region & voting sector did not contain the desired security features recommended by the NPO.

No Voter Auditability – a feedback or “electronic receipt” of ballots cast has been disabled. The voter result screen display and the VVPAT as originally stipulated in the RFP has been dispensed

The litany of vulnerabilities, gaps, and inadequacies goes on. Given all of these, we urge COMELEC to reconsider its plan for its implementation of a full automated election and now call on them to initiate immediately its contingency plan to shift to a partial automated & manual election.

As the vulnerabilities and weaknesses of the AES continue to unravel with the inadequate preparation of the COMELEC and SMARTMATIC, we more than ever encourage the public and the media to continue their vigilance and commitment to be the sentinels of the ballot to ensure that the first nationwide automated election will be free, fair, and credible.

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SEC. 11. *Functions of the Technical Evaluation Committee.* - The Committee shall certify, through an established international certification entity to be chosen by the Commission from the recommendations of the Advisory Council, **not later than three months before the date of the electoral exercises, categorically stating that the AES, including its hardware and software components, is operating properly, securely, and accurately, in accordance with the provisions of this Act based, among others, on the following documented results:

1. The successful conduct of a field testing process followed by a mock election event in one or more cities/municipalities;
2. The successful completion of audit on the accuracy, functionally and security controls of the AES software;
3. The successful completion of a source code review;
4. A certification that the source code is kept in escrow with the *Bangko Sentral ng Pilipinas*;
5. A certification that the source code reviewed is one and the same as that used by the equipment; and
6. The development, provisioning, and operationalization of a continuity plan to cover risks to the AES at all points in the process such that a failure of elections, whether at voting, counting or consolidation, may be avoided."