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Elections in the Philippines are not decided by electoral systems per se – whether manual or automated. It is the powerful political forces and fraud machinery that decide the outcome. In this case, who controls the technology will control the votes on May 10.

Comelec's unyielding stance spells trouble

Part 1 of a two-part series

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The few countries that have computerized their elections passed through several years of rigorous and careful tests to establish the integrity of modern poll technology. Some of them, like Germany, have eventually withdrawn from its use due to its lack of transparency, vulnerability to internal rigging, and other reasons.

These countries, including the United States that has sent fact-finding missions to the Philippines in recent weeks, are amazed at the audacity and sheer guts shown by the Commission on Elections (Comelec) in pushing through a still untested technology – the automated election system (AES).

Election technology - whose integrity as a fool-proof and effective democratic tool has not been proved beyond any reasonable doubt anywhere in the world - will be implemented in the Philippines full-scale for the May 10 synchronized national and local elections.

An upbeat chairman of the poll body, former Justice Jose Melo, said on March 25 after mock elections were held at the Senate: “We are going to make history as the biggest single automated election ever conducted in the whole world 48 days from now.”

The Comelec's unqualified trust in the AES and in its outsourcing consortium partner, Smartmatic-TIM, is precisely what makes the poll body unreceptive to issues and concerns raised by CenPEG, the Automated Election System Watch (AES Watch), and other citizens' watchdogs since early last year. Yet a look at these issues and concerns will make every Filipino voter to



question in disbelief whether the Comelec will be able to pull through this devil-may-care electoral exercise without any hitch.

First off, the AES, the machines and systems for which are supplied by Smartmatic-TIM, was never tested before it was chosen by Comelec in June last year. As a computer science professor would put it, it's just like riding an airplane that has never been stress-tested let alone its system known.

The Comelec-adopted technology does not meet minimum safety requirements and industry standards as mandated by law. Comelec has done away with the source code review that would have allowed citizens' groups and political parties to dig up malicious codes inserted into the software that will operate the whole

system including 77,000 precinct count optical scan (PCOS) machines and other computer equipment. Not only has this review been replaced by a “walkthrough” – which is not in the law - but there is no material time anymore to even conduct it.

Likewise disabled by the Comelec is the PCOS' verifiability feature visible in the mini-monitor which would have allowed millions of voters to check whether the machine has correctly scanned, stored, and transmitted their ballot markings. The voter's right to verify the correctness of his or her ballot entry has been sacrificed in favor of “technology speed.”

In the first place, the PCOS or optical mark reader (OMR) machine supplied by Smartmatic-TIM is a low-end in the international market of election technology. Because it can only read and scan 16 types of gray ballot shading, every voter is now burdened to comply with stringent Comelec regulations to meet this limited and voter-unfriendly standard. In contrast, the high-end machine can read more than 20,000 types of shading in all colors.

Making the AES more vulnerable to internal rigging and manipulation by invisible human intervention is that the authorization vested upon the Board of Election Inspectors (BEIs) to operate the machine has been effectively stolen by Comelec and Smartmatic-TIM. In Comelec's BID Bulletin No. 10, which had been questioned by CenPEG when it was issued April 2009, the winning bidder (Smartmatic-TIM) was tasked to generate the secret keys to the operation of the AES

system including the digital transmission of election results. Although the keys will be given to the BEIs on election day, the secret passwords are already known to both Comelec and Smartmatic-TIM. Knowledge of the secret passwords makes the automated election open to human tampering. It's just like a bank already privy to the PIN of its private depositors.

Smartmatic, a Venezuelan company with interlocking multi-national connections, is not a maker of technology or the owner of the source code but a marketing firm engaged in the profitable trading of election technology. It has penetrated the Philippine elections in a bid to expand its Southeast Asian market. Another foreign company, the Denver-based SysTest Labs, was paid by Comelec PhP70 million to certify the source code – which is actually owned by the U.S.-based Canadian company Dominion Systems – and conduct the systems test. But SysTest's license for doing this work was revoked by the U.S. Election Assistance Commission in 2008 until it was returned in 2009 provided that the company could prove its IT competence, among other conditions.

AES Watch has rated Comelec's automation preparations as critical and in danger. Another poll watch group, Halal, estimates only a 25 percent success rate of the automated polls. In sum, in the absence of minimum safety requirements and industry standards the integrity of the election results will be compromised. If the system is flawed who will trust the election results?

Poor preparations make poll body accountable

Conclusion of two-part series

When a Comelec official last year said in reply to critics' concern about potential internal rigging that this problem can be solved by simply injecting “anti-virus” to the machine, the overarching issue about the competence and preparedness of the election manager became even more disturbing.

It chills one to realize that Comelec, because it says it is mandated by law, is ramming through a modern technology expecting the whole population of voters to submit and just “trust the machine” no matter whether they can readily adapt to this foreign technology.

The poll body equates modernization with the simple use of a modern machine, which is actually, to say again, the lowest end in the world. It also equates the use of this machine with a fraud-free election.

Comelec should realize rather that modernization involves the whole electoral process including developing a new political culture, technology literacy, infrastructures, school facilities that are used as voting centers and, most important, a change of management at the poll body itself. Modernization relies on political socialization that involves building painstakingly the

voters' comprehension and familiarization of a technology until they are ready. Even the law requires the system to conform to the country's "actual conditions" and not the other way around.

An illusion is created when the use of modern election machines is claimed to end systemic fraud in the election process. When many voters think otherwise, as recent opinion surveys show, one wonders on what logic the Comelec believes differently. But this is the same body some of whose officials were linked to previous election scams.

Moreover, its claim of success – as well as absolute faith and, to quote Commissioner Rene Sarmiento, “abundant hope” - that the automated system will work – remains unsound. Recent field tests, mock polls, delays in ballot printing, unreliable transmission systems, lack of voters' education, and voters' registration problems portend of grim scenarios on May 10.

For instance, observation reports filed by CenPEG, AES Watch, Kontra Daya, and other poll watch groups show several glitches, transmission failures, and miscalculations in Comelec's recent field tests and mock elections. Including the simulated election held at the Philippine Senate on March 25, the results of the mock polls based on time and motion computation show up to 50 percent of registered voters will most likely be disenfranchised unless voting is extended from the official schedule of 11 hours to 16 or even 40 hours assuming that electric generators or batteries of PCOS machines are continuously running.

Aside from the lack of safeguards and security measures, there are still thorns in the election

preparations that need to be addressed such as ensuring power and transmission systems fully functional, the absence of final General Instructions (GIs), a flawed random manual audit (RMA), the absence of legal procedures for election protest adjudication as well as viable continuity and contingency plans.

Despite its flaws, the election modernization law, RA 9369, actually provides guidelines on how Comelec should install and administer poll automation, including the holding of crucial pilot tests throughout the country similar to what the UK, The Netherlands, Japan, Germany, Ireland, and other countries have done – with utmost care, caution, and scientific preparations involving many election stakeholders.

What have been shown instead are haste, haphazardness, shortcuts, delays, and other management problems. The law does not categorically ask the Comelec to outsource the election modernization and management. By tapping foreign bidders, however, the Comelec has deprived the country's ICT professionals, systems specialists, and academic scholars of the opportunity to share their skills and technology and possibly plug in the safer systems to the AES. By dismissing critics and sound studies as “fearmongering” and “doomsday” scenarios, the Comelec has denied itself of the independent advice and recommendations it badly needs to determine whether the system will really work - and how.

Then, again, elections in the Philippines are not decided by electoral systems per se – whether manual or automated. It is the powerful political forces and fraud machinery that decide the outcome. In this case, who controls the technology will control the votes on May 10.

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