



## AES Watch

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### JOINT STATEMENT

#### Automated Election System Watch (AES Watch)

May 06, 2011

### PROMOTE FILIPINO IT (FIT) FOR A NEW ELECTION TECHNOLOGY

In the scheduled ARMM elections of August 2011 and in the next synchronized election of 2013, members of the Comelec and Smartmatic-TIM are determined to re-use the Smartmatic-provided PCOS technology despite many unresolved issues. The concerted effort to re-use this election technology has been made despite, among other reasons, incontrovertible findings that the Smartmatic-supplied technology was fraught with deficiencies owing to non-compliance with legal requirements and safeguards and without even waiting for an official evaluation by Congress through its JCOC on automated election system upon which any decision to use the same technology – or adopt an alternative – will be based.

The Automated Election System Watch (AES Watch) is a broad, non-partisan, and independent citizens' watch group comprised of 40 organizations including the UP Alumni Association (UPAA), CBCP-Nassa, AMRSP, CenPEG, Philippine Computer Society Foundation, Computing Society of the Philippines (CSP), Transparentelections.org, MGG, Namfrel, NCCP, computer science Deans and faculty of DLSU, Ateneo, and UP, PhiCert, Transparency International – Philippines, Concerned Citizens Movement, Association of Schools of Public Administration in the Philippines, Solidarity Philippines, and many others.

From our organization have sprung forth extensive and independent assessments on the conduct and process of the May 2010 automated elections that found the Smartmatic-provided PCOS technology non-transparent, lacking in security safeguards, non-auditable, and full of inaccuracies. The automated election system (AES) implemented by Comelec was critically defective not only in terms of technology and infrastructures used but also in election management and legal implementation. In particular, we found the PCOS technology as full of errors and bugs, and the 99.6% accuracy rate of the Comelec's random manual audit (RMA) falling radically short of the required 99.995% accuracy rate, hence, not fit for use in any election.

Having assessed the serious deficiencies of the AES system and disturbing violations of the election law (RA 9369) in the May 2010 elections, AES Watch has called for the junking of the Smartmatic-provided PCOS and against its further use either in the scheduled ARMM elections or in any other future elections. Comelec's own advisory council (CAC) in a June 2010 evaluation report recommended against the use and purchase of the same technology. The Comelec itself has downgraded its post-election claim of "resounding success" on the AES to "qualified success" after admitting errors in the Smartmatic technology. This admission about the flaws of the May 2010 election technology violates the principle of election automation and industry standards: The system should either be 100 percent perfect or it should be rejected altogether.

Until now, not one of our findings on the AES that was implemented one year ago has been rebutted point-by-point by either Comelec or Smartmatic. We would like to reiterate that the studies, advocacies, court cases, numerous petitions and letters, dialogs with Comelec, Congress, major political parties as well as public stakeholders in the electoral process have been pursued principally to enhance the election technology and promote the people's suffrage.

Yet it defies human logic and common sense that despite public concerns about the AES – including by the country's major IT organizations and scholars – the Comelec is determined to re-use the Smartmatic PCOS machine in the coming elections.

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### AES Watch Conveners' shared concern: Transparent and Credible Elections

... includes University of the Philippines Alumni Association (UPAA), National Secretariat for Social Action-Catholic Bishop Conference of the Philippines (CBCP), Bishop Broderick Pabilo and Bishop Deogracias Yniguez of the Commission on Public Affairs of the CBCP, Center for People Empowerment in Governance (CenPEG), Ecumenical Bishops Forum, National Council of Churches in the Philippines (NCCP), Dr. Rachel Roxas-Uy, dean of the De La Salle University- College of Computer Science (DLSU-CCS), Dr. Reena Estuar, chair of the Ateneo de Manila University- Department of Information Communications System, Dr. Jaime Caro, chair of the UP Department of Computer Science, CAUCUS- Philippine Computer Society, Association of Major Religious Superiors in the Philippines (AMRSP), Computer Professionals Union(CPU), Solidarity Philippines, Philippine Computer Emergency Response Team (PhCERT), National Union of Students in the Philippines (NUSP), Engr. Rodolfo Lozada, Dilaab-Hearts Foundation, Senior Catholic Citizens Organization, Coordinating Council for People's Development and Governance (CPDG), Health Alliance for Democracy (HEAD), Transparent Elections.org, Concerned Citizens' Movement (CCM), Sisters Association in Mindanao (SAMIN), Association of Schools of Public Administration of the Philippines (ASPAP), Computing Society of the Philippines (CSP), Transparency International-Philippines, Pagbabago (Movement for Social Change), Movement for Good Governance (MGG), Alyansa Agrikultura, Philippine Computer Society Foundation, Atty. Ai, Vitangcol, and many others.



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The conclusion that the Smartmatic PCOS used in last year's automated elections is fraught with defects and should not be used again in any future elections, is based on a sound, objective and grounded scientific study of the system and not on popularity surveys, marketing and PR works, or cut-and-paste evaluations by armchair social scientists.

Our position is clear: Unless the numerous issues with respect to the conduct and process of the May 2010 automated election are resolved and until the Comelec discloses vital election documents in compliance with Supreme Court rulings and as a matter of constitutional right to public information, any decision to re-use the same PCOS technology is dangerous and is inimical to voter's rights.

We are pleased that a fellow electoral reform advocate - a no-nonsense IT expert - has joined the ranks of the lawyer-dominated Comelec. However, the all-sided transformation of the poll body warrants not only the presence of reform-minded commissioners but the voice of other stakeholders and institutions as well. Meantime, we ask the election agency to:

1. Review its policy of outsourcing election technology to foreign companies like Smartmatic that will again provide the PCOS technology for the scheduled ARMM elections and consider reverting to the manual system at least for this coming regional election;
2. Once and for all disclose vital election documents that we have asked since 2010 through letters and court cases so as to complete the rigorous process of election evaluation, as required by law in aid of meaningful legislation;
3. Support the call – which we are about to launch – for the development of a Filipino IT election technology that will make automation compliant with “actual Philippine conditions” as the law requires and make transparency and accountability come into play;
4. Engage the participation of the country's various election stakeholders, more particularly the IT community and academe, in the election automation process

We also call on the immediate convening of the Joint Congressional Oversight Committee (JCOC) on the AES to conduct its final evaluation of the May 2010 automated election and, in this regard, consider the citizens' assessments of the poll automation copies of which have been submitted to appropriate committees. The law clearly mandates that the evaluation of the AES 2010 is a pre-condition to the use of the same technology – or the adoption of alternative systems.

Finally, we call on the media to exert similar efforts particularly on the disclosure of key election documents as a matter of public information and for conducting its own investigation of the election technology. Right now, media should assert its own right to access ongoing ballot recounting in relation to numerous election protests that have been filed with the Comelec, the HRET, and other bodies.

Meantime, CenPEG and AES Watch are now ready with several proposals to amend and enhance the election law particularly RA 9369. A national Filipino IT (FIT) conference will also be held in June with the end goal of coming up with new election technologies and strategic models more suitable to Philippine conditions and compliant with the requirements for transparency, security, and auditability. A national search for technology excellence will be announced shortly in this press conference by Prof. Nelson Celis of the PCS Foundation.

The legal impediments to Filipino IT participation in the search for appropriate election technology should be reviewed – or done away with – precisely because these provide an undue advantage to foreign outsourcing at the expense of indigenous Filipino science and technology which our own Constitution precisely upholds. Clearly, our Filipino IT is at par with global standards and definitely there are available technologies that are being used, have been developed – or can be crafted – for election purposes on a nationwide scale.

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