

A Case Study

DAVAO CITY'S ELECTION: A FAR CRY FROM BEING PEACEFUL

The election in Davao City was relatively peaceful compared with the other cities of Mindanao where several incidents of fraud and violence took place. However, the city showed its own share of disorder, irregularities, and delays, which made the outcome of the election in this city a far cry from what was touted to be “peaceful and orderly”.

DAVAO CITY - Davao City was chosen as one of the case study areas of Project 3030 due to the reported high level of voter disenfranchisement received by the project office from researchers and volunteers in the region on election day. Among other areas in Mindanao (except for the other election hot spots of Lanao, Maguindanao, and other Muslim areas), this city has registered the most number of disenfranchisement reports in Project 3030's online monitoring system.



Case Study Methodology

Field research for Davao City was conducted from June 15-17, 2010 to validate all the reports received from the coordinators on the ground during election day. Moreover, the field research was also an instrument to gather more information that will show how the election was conducted in this area, how preparations were implemented, and how the people of Davao city responded to the results of the election.

Interviews were conducted among key people, in order to solicit first hand verified data, and gather other relevant information. The following were their offices and designations:

- Davao City Election Officer
- Davao Regional DOST personnel
- Smartmatic Regional Coordinator
- Davao City Board of Canvasser member
- Members of the Board of Election Inspectors from Daniel R. Aguinaldo National High School
- Consolidation and Canvassing System (CCS) Operator
- Poll watchers from Party-list groups
- Voters

Documents given by the key informants were analyzed, to ensure and validate that the reports received actually matched with the actual records.

Profile

Davao City is one of the two cities of the province of Davao del Sur in Mindanao, southern Philippines. With a population of more than 1 million, it is a home to many business establishments and a center of trade, commerce and services. It is considered as one of the major cities of the island of Mindanao.

Politically speaking, Davao City is known for Mayor Rodrigo Duterte's leadership in ridding the city of its notorious drug pushers, killers, and other criminals. But critics including certain human rights groups have denounced this record over the mayor's alleged use of "death squads" against suspected petty criminals.

After sitting as mayor of Davao City for three straight terms, Duterte had his daughter Sara Z. running to succeed him. Former House Speaker Prospero Nograles, Jr. ran against the mayor's daughter but lost in what he claims as automated election rigging.

For the 2010 National and Local elections, Davao City had 948,428 registered voters, the highest number of voters in the Davao region, clustered into 1,172 clustered precincts from the original 6,124 established precincts.

PRE-ELECTION

Preparedness of Major Actors in the Electoral Process

Local Commission on Elections (Comelec): According to a Davao City election officer interviewed, the implementation of the automated elections in the city could have been better and more efficient if the training and preparation for the Comelec personnel, and all other people involved in the conduct of the election was begun several months ahead. He admitted that although they received training, instructions and guidelines from the national offices of Comelec and Smartmatic, he thinks that a longer preparation time would have enabled them to foresee the challenges that the local Comelec had to grapple with on election day.

Board of Election Inspectors/ Board of Canvassers: The members of the Board of Election (BEI) inspectors were given a two-day training by the Comelec very close to election day. The informant BEI from Daniel R. Aguinaldo National High School said that the training was done just a few days before May 10. Another BEI member attested to this. The election officer said, after the 2-day training for the BEIs, they were then called again for another "refresher course" (which the BEI informant validated) a few days before election day.

The training consisted of a 1-day lecture and hands-on practice on the PCOS machine, and a half-day written and practical exam conducted by personnel from the regional Department of Science and Technology (DOST) the following day. Davao Regional DOST personnel said that the entire Davao region had an 89% passing rate for the BEIs who took the exam.

Members of the Board of Canvassers (BOC), on the other hand, were given a separate training by Smartmatic and Comelec. The two-day training taught the BOCs on how to use and operate the CCS laptops, how to make use of the passwords, among others. Unlike the BEIs, they were not required to have a DOST certification.

Smartmatic Technicians/Consolidating and Canvassing System (CCS) Operators: Smartmatic provided the modules containing the general guidelines and instructions for the technicians that were trained. According to a Smartmatic regional director interviewed, the trainers from the national level were trained around December of 2009, and were deployed all over the country to conduct echo-training for the local Smartmatic technicians.

Technicians recruited in Davao City were trained around February 2010.

On the other hand, some of the CCS operators in the Davao Region were not properly trained. One DOST personnel interviewed, who was appointed to be CCS operator, said he was not trained but was asked to just read the guidelines and instructions given by Smartmatic. He said the originally-assigned and trained CCS operator was proven to be incapable of the task and was subsequently relieved by the DOST personnel who was more knowledgeable of the system's technical operations.

Voters: Officials of the local Comelec office said they covered 90-95% of the urban communities of Davao city in conducting the voter education. The voter education was conducted by the local Comelec independently of other groups such as party-lists and candidates who organized their own voters' education in the city.

Voter education given by the Davao City Comelec included teaching the electorate how to shade the oval and how to feed the ballot into the PCOS machine. Education was conducted by going to different barangays, and giving out sample ballots and voting procedure pamphlets.

Poll watchers: Poll watchers were trained by their own watchdog groups, based on the information that they received from the Comelec and from other groups that also conducted studies and trainings on the AES. They based their strategies on the resolutions and guidelines that the Comelec released for the poll watchers, the BEIs and the BOCs.

Site Preparation and Delivery of Election Paraphernalia

As the technology provider for the 2010 elections, Smartmatic-TIM assigned regional coordinators who oversaw every election preparation that was to be done in the local levels.

According to the Regional Coordinator for Davao, Smartmatic, through the manpower agency Manred, employed people to conduct the telecommunication site surveys for the entire region. In Davao City, the site survey conducted showed that 40%-50% of the schools chosen as voting centers had no telecommunication signals. To address this problem, the zero-connectivity voting centers were identified by Smartmatic for the deployment of BGAN (broadband global area network) as a contingency measure on election day.

The delivery of PCOS machines and laptops, on the other hand, was done by Argo Logistics, the company that was contracted by Smartmatic-TIM to deliver machines and other election paraphernalia to Mindanao. According to the election officer, problems were encountered with regard to coordination between Smartmatic, Comelec, and Argo, which caused the delay in the deliveries in some areas. According to him, there were instances when contrary to instructions Smartmatic technicians were not on hand to receive the machines from the logistics provider. Argo Logistics was not allowed to leave the machines in the schools without the BEI or the technicians. In the absence of either of them, the deliveries in the other voting centers were also delayed.

Of the 3,338 machines delivered in the whole Davao region, a PCOS machine was delivered erroneously to a wrong precinct in General Santos City instead of in Davao City and vice-versa.

The derail in the delivery of the machines from the national level (which was because of the nationwide recall and reconfiguration of the CF cards) also caused a major delay in the deliveries to the regional level, causing a delay also in the conduct of the final testing and sealing (FTS) of machines in the voting centers.

Final Testing and Sealing

Following the May 3 FTS fiasco, the follow-up final testing and sealing (FTS) of machines in Davao City was conducted from May 9 until the early hours of May 10.

One of the BEIs interviewed said the FTS of the machine assigned to him was conducted on May 9, right after the delivery of the machines in their school. When the PCOS machine was turned on, its LCD showed vertical lines that made it difficult for him to read the instructions flashed on the screen, so he asked for a machine replacement. He, together with the other members of the BOC, waited until 9 p.m. for the replacement PCOS to be delivered only to be told later by a Smartmatic personnel that there were no more

spare PCOS machines in the nearest storage area. They had to look for the next nearest storage area to get a replacement.

Another BEI narrated that it was already late in the evening of May 9 but the PCOS machine for FTS had not yet arrived in their polling precinct. He, and the other members of the BEI, decided to go home. The machine was finally delivered at around 12 midnight of May 10. The FTS was conducted at 6:30 a.m. on election day.

On the other hand, the FTS for the CCS laptop, according to the member of the BOC interviewed, was conducted by the Comelec - sans the presence of the BOCs.

Reconfiguration of CF Cards

On May 9, a protocol was received by the Comelec and Smartmatic Regional coordinator regarding the reconfiguration of CF cards. A DOST regional officer in Davao City believes the reconfiguration for all CF cards (including those of the other provinces) was done at the Smartmatic plant in Cabuyao, Laguna, while the configuration files were just downloaded and burned on the new CF cards in local Comelec/DOST offices or other identified offices by the Comelec. For Davao City, the burning of configuration files was set to be done in Digos City. DOST regional personnel told Project 3030 that three CF cards were reconfigured for Davao City.

ELECTION DAY GLITCHES

One of the reasons why Davao City was chosen to be a case study area was the high number of reported cases of disenfranchisement that Project 3030 received on election day. As Project 3030 went to Davao City, the reports were validated and this high level of disenfranchisement can be attributed to a number of reasons:

Unsystematic Voting Process

Similar to the experiences of other precincts across the country, Davao City had its share of voters forced to waive their right to vote because of the long lines in their clusters. In the absence of clear and standard guidelines from the Comelec as to how exactly the voting process should be conducted, the discretion was left to the BEIs and Smartmatic-TIM technicians on how to conduct the elections in their respective precincts - making the process even more chaotic. Some BEIs made use of "priority numbers" given to the voters as they arrived. However, there were reports received (and were validated) by Project 3030, of BEIs giving priority numbers first to supporters of one particular mayoralty candidate.

PCOS Glitches

Reports of varying cases of PCOS breakdowns were received by Project 3030 from Davao City coordinators on election day. From PCOS "hanging" in the middle of voting process, to cases of sudden shutdowns, PCOS glitches forced many voters to leave the queues rather than wait in line for undetermined number of hours to have their chance to vote.

A Smartmatic regional coordinator said in an interview that BEIs in at least two precincts in Davao City found cracks in the liquid crystal display (LCD) of their PCOS machines and asked for replacement. In some barangays where there is no power supply, Smartmatic-provided batteries worked for just 4 hours - contrary to claims each will last for 16 hours. The BEIs resorted to letting the voters continue voting (shading the ballots) while the batteries were being charged in motorcycles and cars. There were also reports of PCOS machines that rejected ballots.

According to Comelec-Davao, there were at least 5 PCOS machines reported to have been replaced on election day due to various glitches.

Rejected Ballots

Smartmatic regional personnel did not deny the fact that ballot rejection of PCOS machines was common during election day. A BEI from one of the clustered precincts in Daniel R. Aguinaldo High School recalled that at least three ballots in his precinct were rejected due to “ambiguous marks.” Since the BEIs were not allowed to give any more than one ballot per voter, the holders of these rejected ballots were automatically disenfranchised. The ballots of at least 10 voters were rejected by the machines, but were accepted before the four-trial threshold according to the General Instructions for the BEI.

Another BEI also confirmed incidences of ballot rejections in his clustered precinct.

Corrupted CF Cards

After Smartmatic national office recalled and reconfigured all the 82,200 CF cards delivered to the whole country, there were still CF card problems encountered in Davao City, causing delays to the voting process.

The regional DOST office was assigned to reconfigure CF cards. According to the DOST personnel (who was the person who reconfigured or burned the configuration files in the CF cards), there were CF cards reconfigured even on election day. For the machines with corrupted CF cards and reconfigured, ballots were re-fed into the machines so that the votes will be counted again.

In Davao City, three CF cards were reconfigured, and a total of 11 for the entire region. Reconfigurations were done at canvassing centers in Davao del Sur, Davao del Norte, and Davao City. Only DOST personnel were allowed to do the reconfiguration in the regional levels.

A report also told of a PCOS machine that stopped functioning halfway of the voting process due to a corrupted CF card. The BEIs just allowed the voters to shade the ballots and feed them inside the ballot box. The ballot box was then delivered to the canvassing center where spare PCOS machines were stored and where the new CF card reconfiguration was done. The ballots were then fed into the PCOS machine by the BEI.

PCOS Replacement

The tight window for waiting for PCOS replacement resulted also in the disenfranchisement of a big number of voters. A Smartmatic informant admitted it was hard for them to bring PCOS machine replacements to the far-flung barangays of Davao City. He also confessed that Smartmatic and Comelec had a poor coordination and strategic plan on how to handle an emergency situation. This management problem forced many voters to go home.

Other factors contributing to the delay in the delivery of replacement machines were the geographical limitations (distance of the affected voting precinct from the hub where the replacement will be taken from, and the road networks), and the indecisiveness of the BEI/Smartmatic technician in deciding whether a faulty PCOS machine needed a replacement or can still be repaired, study informants said.

Transmission

A Project 3030 informant from Smartmatic said that the full transmission of the precinct election results and then received by the city BOC was done only on May 13. Most schools which encountered transmission problems were from the far-flung barangays of the city.

Canvassing

A little before 7 p.m. May 10, the Davao City canvassing center received the first transmitted ER from the precincts. The last ER received by the BOC was on May 13 at around 9 p.m. Several reports told of CF cards being hand-carried from remote precincts of the city. The 0.6% of the votes that were not included in the initial 99.4% canvassed votes, were in the CF cards that were hand-carried.

Many of the problems derailing the canvassing of the votes were attributed to the delays in the transmission of the results from the precinct level.

At the canvassing center the BOC was given permission by the Comelec national office to print the certificate of canvass after receiving 99.4% of the ERs from the precincts and assessing that the remaining 0.6% will not affect the total number of votes for any candidate anyway. However, the remaining CF cards arrived and were expected to affect the contest between two councilors. With the canvassing already concluded there was no way for the remaining votes to be machine-counted for the candidates affected.

Another issue raised by the informant was that one of the causes of delay also in the canvassing center is the requirement of the system of the passwords of all of the three members of the BOC for the CCS operator to be able to carry out a task in the system. The CCS operator cannot do any step in the CCS machine without the passwords of all the BOC, thus, he/she has to wait for all of them if not all are present by the time that a task should be carried out.

Fraud and Violence

There were no reports of violence received by the local PNP and the Comelec offices. However, reports of flying voters and vote-buying were still prevalent, although done discreetly in Davao City.

A report was received by the local Comelec about a volunteer from the Legal Network for Transparent Elections (Lente) complaining that his name was crossed out in the book of voters suggesting that he had already voted. It appeared that somebody else used his name to vote earlier in the day; the BEI did not check the identification of the voter. As a result, the Lente volunteer lost his right to vote.

Vote-buying, in varying forms, was also still done by some candidates on and before election day.

POST-ELECTION EVENTS

On May 12, 2010, the winners of the elections for Davao City were proclaimed - with seven PCOS machines from three districts of the city still unable to transmit results. Sara V. Duterte was proclaimed as the new mayor of the city and her father, former mayor Rodrigo Duterte, as the vice mayor. Their proclamation was made not without protests, however.

The camp of former first district representative and House Speaker Prospero Nograles, who ran for mayor, submitted several protests and manifestations during the canvassing and even after the proclamation of winners. Regional officers of Comelec and Smartmatic were summoned to the House of Representatives to explain inconsistencies that were reported from the results of the elections of Davao City. This arose from the "premature" closing of the canvassing. When the BOC attempted to re-open the canvassing after realizing that the remaining unaccounted votes would affect one candidate, they were unable to do so, and proceeded with the proclamation of winners. The protest and the House summon arose from the fact that Davao City was able to proclaim winners without printing a Statement of Votes because of the glitch encountered with the CCS laptop.

SUMMARY AND ASSESSMENT

The election in Davao City was relatively peaceful compared with the other cities of Mindanao where several incidents of fraud and violence took place. However, the city showed its own share of disorder, irregularities, and delays, which made the outcome of the election in this city a far cry from what was touted to be "peaceful and orderly".

Preparations appeared to have been done hastily - an offshoot of the lack of preparations and hasty decisions from the national levels of Comelec and Smartmatic. There were delays in the implementation of crucial processes such as the deliveries of election paraphernalia, training of Comelec personnel, Smartmatic personnel, members of the BEI, BOC, and even the voters. There were also glitches in the final testing and sealing and even on election day itself.

Although there may have been a public perception about the speed of the election automation, many informants agreed that this should not overlook the fact that the whole system remained vulnerable to various types of technical glitches and failures. It was also a common response that the ambiguity and inconsistency of procedures and the implementations of these by the Comelec, BEI, BOCs, made the entire process disorganized and unmanageable to some degree.

The clustering of precinct was a common complaint. Many among those interviewed suggested that the number of precincts and voters per cluster should be reduced. BEIs, BOCs, Smartmatic technicians, and the Comelec should also be trained more, and for a longer period, to enable them better prepared for the voting process. The voters should also be educated not just on the manner of voting, but with how their votes are actually counted and various constraints of the AES.

Delivery of machines and election paraphernalia, along with final testing and sealing should be done ahead of time for Davao City, and the rest of precincts in Mindanao and other far-flung areas so that possible glitches of machines will be addressed earlier and will not cause delay on actual election day.

It was also suggested that projectors that will show real-time receipt of ERs by the canvassing centers from the precincts, should also be set up in plazas and other open areas of the municipalities or cities, for greater transparency, and for the voters also to see what is happening in the canvassing centers. *EU-CenPEG Project 3030*

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