08 October 2012

HON. MIRIAM DEFENSOR-SANTIAGO
Chairperson
Joint Congressional Oversight Committee- Automated Election System (JCOC-AES)
Philippine Senate

HON. ALLAN PETER CAYETANO
Vice-Chair
JCOC-AES

Dear Senator Santiago and Senator Cayetano:

It is now a mere 30 weeks away from the 2013 National, Local, and ARMM elections after the period of filing of the Certificates of Candidacies last week. Yet, there are still many questions that have been left unanswered with respect to the automation of the process by Smartmatic-TIM. Some of them are as follows:

1. The Random Manual Audit conducted after the 2010 elections resulted in an accuracy rate of 99.6%, much lower than the 99.995% specified in the contract. Applying that rate to a voter turn-out of 35 million with, say, an average of just 27 marks per ballot, it would mean that there could have been as many as 3.8 million errors! **Should we accept this?**

2. The very recent "Mock Elections" closely supervised by the House Committee on Suffrage and Electoral Reforms (CSER) chaired by Hon. Elpidio Barzaga (Rep., Cavite) at the Batasan on July 24-25, 2012, where 1,000 ballots were used, resulted in an accuracy rate of 97.21519%. Applying this accuracy rate to the expected voter turn-out in 2013 of 40 million with an average of 25 marks per ballot, it would mean that there can be as many as 28.8 million errors! *(Please see documents enclosed)* **Again, should we accept this?**

3. Perhaps aware of the resulting low accuracy rate, Smartmatic, in its August 3, 2012 PowerPoint report to the HOR's CSER presented strange ways of proving accuracy. *(Report was not made available immediately to the AES Watch panel of resource persons.)* Fortunately, this seeming attempt to hide the truth was exposed by the IT community, which propagated its analysis of the report via the Internet. We find this seeming attempt to hide the truth as an even more grievous violation than the resulting low accuracy rate. **Trustworthiness** of the implementers is a most important factor in any election. The question is … given this foiled attempt to hide the truth, should we still entrust our country's elections to Smartmatic?

4. The impact of ownership of the election technology (PCOS) that was contracted in the last May 2010 nationwide automated elections by the Comelec to the Venezuelan company Smartmatic which until today is unable to account for and complete the correction of the identified major technical bugs and errors in the system because it simply does not own the software. The same technology with the defective software will be re-used "with enhancements" in the coming 2013 elections. This is the main reason why the source code that the Comelec is duty-bound to release for independent review by political parties and interested groups per RA 9369, will never be done "independently" but only guided in a "walk-through" fashion by the provider. **Should we accept this?**

It is a fact that in elections, *accuracy* is more important than *speed*. But the COMELEC apparently believes the opposite. It is so fixated on Smartmatic that it has chosen to ignore the studies coming from those who understand automation best – the IT community.

AES Watch

Secretariat: c/o CenPEG Office, 3/F, College of Social Work and Community Development Building,
Magsaysay Ave., University of the Philippines, Diliman, Quezon City
Telefax: 929-9526; Email: info@cenpeg.org, cenpeg.info@gmail.com

Given the above, we seriously fear the possibility of an "automated *dagdag-bawas*" in the 2013 elections and beyond. We therefore ask that the Joint Congressional Oversight Committee (JCOC), as required by law, convene at the soonest possible time in order that all these risks may be discussed in the open and measures may be put in place to ensure honest and orderly elections.

It is in this light that the AUTOMATED ELECTION SYSTEM (AES) Watch, a broad coalition of concerned citizens' groups and individuals, including major national IT organizations of professionals and experts is once again writing your office to make this appeal: Please convene the JCOC-AES immediately to put a good closure to these pestering issues on the election technology while there is still time before 2013.

We have written your office twice, the first as early as March 2011 to request the JCOC-AES to convene immediately as mandated by the Poll Automation Law. Along with the letter, we submitted various studies as well as recommendations by reputable IT experts of the country regarding solving the technical problems of the Smartmatic-provided technology to prepare for the 2013 elections.

In various hearings conducted by the Senate Committee on Electoral Reforms and People Participation chaired by Hon. Koko Pimentel, and the House Committee on Suffrage Committee on Electoral Reforms chaired by Hon. Elpidio Barzaga, the various IT groups under AES Watch as well as IT members of the Comelec Advisory Council themselves have consistently called the attention of the Comelec and the technology provider about the errors and bugs found in the PCOS system by the international certification agency SysTest Labs, that resulted in the nationwide glitches in the May 2012 elections. We pointed out the disturbing finding that these system problems will be difficult to be fixed because the software is not owned by the Venezuelan company (SMTT) but by another foreign company, the Florida-based Dominion Voting System. Proposals were then put forward to the Comelec by various IT groups and AES Watch on how to address these problems but to no avail since the Comelec chairman, Hon. Sixto Brillantes has continued to maintain that the system has "already been used, is "already familiar with the Filipino voters," and "cheaper."

Through studies done by independent Filipino IT experts (i.e. not in the payroll of Comelec and SMTT), we believe that If left uncorrected, the system that has "already been used," and familiar with the voters, is vulnerable to electronic *dagdag-bawas*. The only way to offset this, if the Comelec will have its way, is for a candidate, at all levels and positions, to ensure that he/she wins by a large margin beyond the low accuracy rate of the PCOS (at 97.21519%) or at least 500,000 to 1 million votes to avoid a protracted "election protest." With an uncorrected system of counting (and transmission), it will be very difficult to establish the real winners in this game of chance using the PCOS machines. PCOS-magic?

It is interesting to note that after a Senate hearing on the status of the AES preparations last month, the SMTT, unable to complete the correction of the technical problems of the PCOS machines, finally went to court and filed a case of "breach of contract" with the real owner of the PCOS technology. So, it is now official, the errors will never be completely corrected until the case is resolved to allow for the full disclosure of the system technology and its true state to the Filipino government and the people.

We therefore appeal once more to your good Honors to take heed and bring these issues to the JCOC-AES to a full assessment and resolution while there is time. Only the JCOC-AES, not the Senate CERPP and House CSER is empowered and will be able to put a good closure to these issues.

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 Pabillo 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. Al, Vitangcol, Former Vice President Teofisto Guingona, Jr. and others.

AES Watch
Secretariat: c/o CenPEG Office, 3/F, College of Social Work and Community Development Building,
Magsaysay Ave., University of the Philippines, Diliman, Quezon City
Telefax: 929-9526; Email: info@cenpeg.org, cenpeg.info@gmail.com

AES Watch and its Filipino community constituency fully support automating our elections as a step toward addressing systemic fraud in the country. In pursuit of an Automated, Correct, Cost-effective, Usable, Reliable, Auditable and Transparent Election System (ACCURATE), we assure you of our full cooperation and assistance in helping improve poll automation and the cause to eliminate fraud and violence during elections at every step of the way.

We look forward to your immediate response as we approach the coming 2013 elections with all these disturbing unresolved issues on the accuracy and reliability of the PCOS machines so that proper remedial measures and safeguards shall be instituted to ensure accurate, transparent and the trustworthiness of the AES in the 2013 elections.

Sincerely on behalf of AES Watch,

PROF. NELSON J. CELIS
Convener, AES Watch

PABLO MANALASTAS, PhD
Convener, AES Watch;
Fellow for IT, CenPEG

EVITA L. JIMENEZ
Convener, AES Watch;
Executive Director, CenPEG

MS MARICOR AKOL
Convener, AES Watch

cc CERPP
    CSER

For inquiries, please contact: AES Watch acting secretariat c/o Center for People Empowerment in Governance (CenPEG), 3F CSWCD Bldg., Magsaysay Avenue, UP Diliman, Quezon City; TelFax +9299526.