



AES Watch

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PRESS RELEASE

Automated Election System Watch (AES Watch)
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IT experts: 'Is Comelec fooling us again?'

AES Watch demands full disclosure of deal

IT experts from the Automated Election System Watch (AES Watch) agree: The turnover by the Colorado-based SysTest Labs Inc. (SLI) of the Dominion-owned election source code to Comelec was just for show and is not compliant with the law.

AES Watch today also asserted the freedom of information as it demanded Comelec to lift the shroud of secrecy attending the claimed disclosure: What source code was suddenly released just a few days after the filing of complaints by citizens and reelectionist Sen. Richard Gordon against Comelec before the UN Human Rights Committee and the Supreme Court, respectively? Is the Dominion source code from SLI illegal copy?

Prof Nelson Celis, AES Watch acting spokesperson, asked "Is the source code presented for media photo-ops, the same source code embedded in the PCOS firmwares or is it a *chopsuey* source code of 2010 and 2011 – which was not tested - to be used for 2013?" "The people have the right to know the terms and conditions of the Comelec-Dominion-Smartmatic-SLI deal and what is in the source code CD," he said.

Celis, who is also 2012 Most Outstanding Electronics Engineer in IT, said since there was no source code reviewed several months ahead of the May 13 elections, then Comelec is still liable for non-compliance with the election law. RA 9369, Sec. 11.5 stipulates that "A certification that the source code reviewed is one and same as that used by the equipment."

Besides, Celis, an IT expert who helped craft the modern election law in 2007, said Comelec has not published the hash code of the PCOS in escrow at BSP - as well as that of the election management system (EMS) and the canvassing and consolidation system (CCS). He recalls that in 2010 Comelec published such "hash code."

"Comelec fooled the people in 2010 on the source code, now they want to fool us twice," Celis said.

Ernie del Rosario, former Comelec IT director, said there is no way to know now whether the claimed PCOS source code is the one embedded in 80,000 plus PCOS machines that have been deployed nationwide for Monday's mid-term elections.

Dr. Pablo R. Manalastas, IT Fellow of the Center for People Empowerment in Governance (CenPEG), said "It does not take too much brain matter to come to the conclusion that all these media releases are just for show. We don't have a real source code for 2013 that is available and open. We've been had again."

"The PCOS binary program that will be used in the May 13 elections retains all the bugs of the 2010 binary program, plus all the bugs added by the 2011 ARMM binary program which was never tested and used," Manalastas, an IT guru at UP and Ateneo, said.

Which version of Dominion's source code did Comelec claim to have?

Manalastas: "Is this the version of Dominion's PCOS computer program that was used in the 2010 Philippine elections, possibly with some minor modifications for use in the 2011 ARMM elections, but without the bug fixes that were requested by Comelec from Smartmatic as a condition for purchasing the PCOS under the OTP provision of the 2009 contract?"

... 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.



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There were more than 40 bug fixes requested by Comelec, but these bug corrections were never acted upon because of the court battle between Smartmatic and Dominion in the Court of Delaware. Thus, he said, “the PCOS binary program that will be used in the May 13, 2013 elections retains all of the bugs of the 2010 binary program, plus all the bugs added by the 2011 ARMM binary program, which was never actually tested and used.”

Where did this source code from and can we legally review it?

Manalastas said that for Comelec to follow the law and implement Section 12(14) of RA-9369 which states, *"Once an AES technology is selected for implementation, the Commission shall promptly make the source code of that technology available and open to any interested political party or groups which may conduct their own review thereof"*, the poll body must secure a license from Dominion granting interested political parties or groups (in the Philippines) the right to review the source code (and propose bug-fixes) of the Dominion EMS and Dominion PCOS.

“This is the only legal way by which the Filipino people through interested political parties and other groups can conduct a review of Dominion's source code,” Manalastas said. “Truth is, the only license that Smartmatic was able to arrange from Dominion for Comelec is the 2009 license that gives Comelec the right to use the Dominion EMS and Dominion PCOS binary programs for the 2010 elections ONLY. Worse still, neither did Smartmatic nor Comelec secure a license from Dominion that gives interested political parties and groups the right to review the source code for 2010 and for 2013 when the law is clear that this is Comelec's obligation to do so.”

“I believe that our hope for clean, honest, accurate, secure computerized elections for 2013 has just been reduced to NIL,” the CenPEG IT Fellow said.

(To monitor the mid-term elections, please go to www.aeswatch.org)

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