

140 days to go before the May 2013 elections

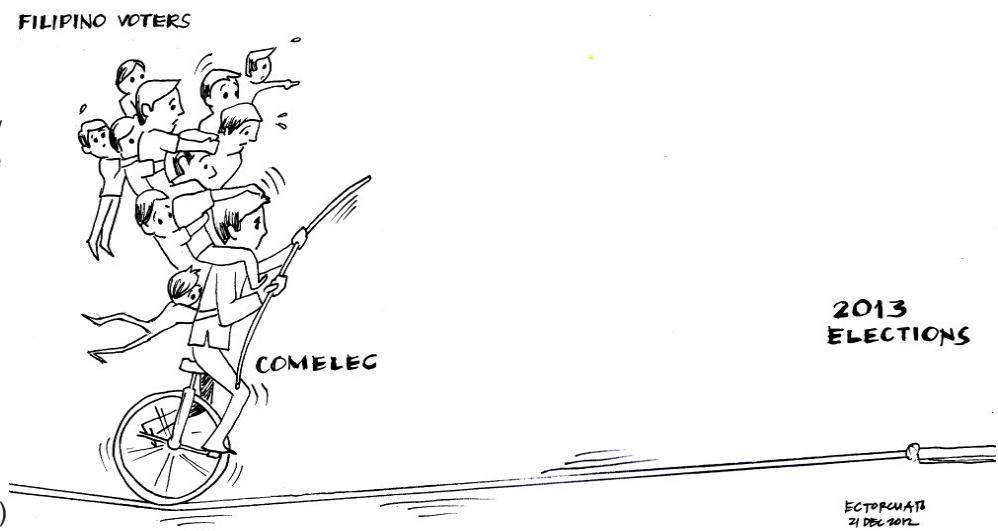
Commission on Elections (Comelec) chairman Sixto Brillantes, Jr. admitted that the screening and purging of party list organizations, which started in mid-2012, had been eating up the time of the Comelec en banc. He said that the finalization of the party list eligibility had been prioritized so that they can then focus on ballot configuration, which has to be finalized in January 2013. Ballot configuration refers to specifications in the ballots such as the precinct number, clustered precincts, the number of registered voters in the precinct, and official list of candidates. Brillantes assured the public though that their preparations are still on track.

With the elections only 140 days away, and the Election Period officially starting in three weeks based on the Comelec's Calendar of Activities, it is in the interest of election stakeholders especially the voting public to focus on the Comelec's state of preparedness, and to encourage the Comelec to ensure that the schedule they have set for themselves is adhered to.

A cursory glance at the Comelec's revised implementation calendar (approved by the Comelec en banc in a meeting on June 26) to be followed should it exercise (which it did) the option to purchase Smartmatic's PCOS machines, reveal that deadlines for AES-related activities were already missed. For one, contracts for essential services and paraphernalia for the automated elections -- like the PCOS warehouse, ballots, transmission of results, ballot boxes, and ballot packaging -- were supposed to have been awarded by August 2012, but are still pending as of this writing.

The following are some items in the implementation calendar and respective deadlines set by the Comelec:

- Validation of software enhancements: November 19
- Testing of Systems / Application software including field test: December 8
- Mock election for technical evaluation committee certification: December 12 (note: in a news report early this month, Brillantes said the Comelec is preparing for mock elections in January)



Some items that need to be finished before the end of year or by first week of January 2013, going by the Comelec's implementation calendar:

- Deployment and integration of unbundled services
- Drafting of rules for the random manual audit (RMA)
- Finalization of the list of candidates
- Finalization of the project of precincts

The Comelec, per their calendar, has also given themselves time to conduct public demonstrations using

machines, which should have started on December 16, ending on May 1, 2013.

According to Comelec Resolution no. 9385 or the Calendar of Activities for the May 2013 elections (different from the AES implementation calendar), promulgated on April 3, the Comelec would also need to constitute the Boards of Election Inspectors (BEIs), Boards of Canvassers (BOCs), Special BEIs and Special BOCs, as well as Special Ballot Reception and Custody Groups (SBRCGs) by January 15, 2013.

Some updates on Comelec's preparations and other issues in the run-up to the May 2013 elections:

Automated election system

There has been no satisfying conclusion yet regarding the concern of several poll watchdogs on whether the automation of the May 2013 elections will indeed happen and without any hitch. With no resolution yet on Smartmatic's [lawsuit](#) in the US against technology provider Dominion Voting Systems, and Dominion's [contention](#) that its agreement with Smartmatic is no longer in effect, poll watchdogs and IT experts in the Philippines fear that the Comelec either might not be able to use the AES technology and the 82,000 PCOS machines that the Philippines had just bought from Smartmatic for Php 1.8-billion, or that the Comelec might resort to using "pirated" technology, as alleged, if indeed Dominion will not allow the use of its technology in 2013.

During the hearing on the matter conducted by the Joint Congressional Oversight Committee on the Automated Election System (JCOC-AES) on November 28, IT expert and former Comelec commissioner Augusto Lagman also brought up the issue of the PCOS machines' error rate, citing the results of a mock poll held at the House of Representatives in July when the machine used by Smartmatic had an accuracy rate of only 97.21%, or 557 errors in every 20,000 marks. The AES requirement and contract allows only for one error in every 20,000, or an accuracy rate of 99.995%. Lagman said that the low accuracy rate could "make or unmake candidates for mayor, vice mayor, congressman and the bottom half of local councilors, provincial board members and even senators."

Poll watchdog Automated Election System Watch (AES Watch) has since issued a statement calling for Congress to look for a new poll technology provider for the 2013 elections due to the uncertainty with regard the Smartmatic-Dominion case as well as the perceived inadequacies of Smartmatic's system.

In the same JCOC hearing in November, Smartmatic gave assurance though that under the licensing agreement it signed with Dominion in 2009, Dominion will provide the needed services even after the 2010 elections. Smartmatic also said that Comelec's decision to purchase the machines ties Dominion to any services related to the license, and that even if Dominion terminates the agreement (as Dominion claims), Dominion still has to retroactively comply with all its commitments to the agreement with Smartmatic providing service to the Comelec. Smartmatic added that Dominion has never contacted Comelec to inform that it cannot anymore use its technology. Senator Alan Peter Cayetano, who presided over the hearing, accepted Smartmatic's clarification but said that the Committee will require the company to provide more proof that the Comelec will not be barred from using Dominion's technology. "We want to make sure that we will not revert to manual polls next year just because Smartmatic cannot use (Dominion's) software," Cayetano said.

A JCOC hearing scheduled for this month has been postponed twice; it is now scheduled to be held on a still-unspecified date in January.

Meanwhile, Senator Aquilino Pimentel III, chairperson of the Senate Committee on Electoral Reform and People's Participation, issued a statement on December 20 inviting volunteer IT experts to help review the various source codes to be used by the Comelec in the 2013 elections. The source codes and the machines that used them, the EMS, PCOS and canvassing system, were first used by the Comelec in the 2010 elections. "Our objective is to bring back the trust of the people in the Comelec and the elections itself. A review of the source codes would allow the detection of glitches, flaws and vulnerabilities in our electronic electoral system. Such flaws in the software and the hardware that use them must be detected and corrected if the 2013 and succeeding elections are to be protected from sabotage or attempts to favor any particular candidate," said Pimentel. The senator also called on the Comelec to be "less restrictive" in the review, to allow the source code to be examined outside Comelec premises.

Digital signatures

According to a resolution dated December 7, the Comelec will again "use the PCOS digital certificate to digitally sign the election returns for the May 13, 2013 National and Local Elections." This means that the Comelec will verify election returns (ERs) using digital signatures that is encoded by Smartmatic's PCOS machine. What this means further is that, while in the past, the teachers acting as members of the Board of Election Inspectors (BEI) would attest to the accuracy of the count in the polling station they are assigned, now the PCOS machine would

attest to the accuracy of its own count. According to the Supreme Court's rules on Republic Act 8792 or the E-Commerce Act, a digital signature refers to "an electronic signature consisting of a transformation of an electronic document or an electronic data message... such that a person having the initial untransformed electronic document... can accurately determine ... whether the initial electronic document had been altered after the transformation was made." The E-Commerce Act, meanwhile, defines an electronic signature as "any distinctive mark, characteristic, and/or sound in electronic form, representing the identity of a person and attached to or logically associated with the electronic data message or electronic document... with the intention of authenticating or approving an electronic data message or electronic document."

Bobby Tuazon of poll watchdog Center for People Empowerment in Governance (CenPEG) says that by using digital signatures, the Comelec would be violating the Election Automation Law. He noted that the AES Law state that the digital signature should be made and known only to the Board of Election Inspectors (BEI) and not the PCOS machine. Under Section 9 of the AES Law, election returns "shall be signed and thumb marked by all the members of the board of election inspectors and the watchers present." "The danger there is that the digital signature is machine-operated [and] will be known again to the Comelec. They should have no access to the digital signature. Not even the Comelec commissioners. That is supposed to be the authorization only to the BEIs," Tuazon said. The Comelec en banc ruled that they could not issue digital signatures by the BEIs because the poll body will only decide on the list of BEIs early next year, which is "too close to the elections to allow for the issuance of personal digital signatures." The Comelec in the resolution added that "the use of personal signatures exposes the BEIs to higher probabilities of coercion, violence and bribery."

Election paraphernalia

As of this writing, the Special Bids and Awards Committee (SBAC) of the Commission on Elections (Comelec) has yet to award the contracts for the procurement of various goods and services that will be needed in the 2013 midterm elections.

Bidding conferences were held for this purpose but to date, no contract has been awarded to purchase the items. Following are the goods and services for which public biddings have been conducted:

CF cards

After two failed biddings and tests that yielded unsuccessful results, the SBAC has conducted an opening of sealed bids for compact flash cards (CF cards; data storage devices for the PCOS machines) on December 8, 2012, the result of which is yet to be announced through the Comelec website via a resolution.

For other consumables such as thermal paper and markers, as well as external rechargeable batteries, winning bidders have been determined but the notices of award for the suppliers have not been issued yet.

Ballots

The Comelec deputized the National Printing Office (NPO) to conduct the bidding for the ballots that will be used in the May 2013 elections. The winning bidder for the supply and printing of ballots was the joint venture of Holy Family Printing Corp. and Canon Marketing Philippines.

According to news reports, these ballots will include the names of the 36 organizations that were either disqualified from the party list or were not granted accreditation to run for the midterm elections next year. The poll body was obliged to allow the inclusion of these organizations after they were able to secure status quo ante orders from the Supreme Court (SC). Per Comelec Resolution no. 9591 promulgated on December 19, the party-list groups/coalitions whose Petitions were denied by the Comelec but were able to secure status quo ante order from the Supreme Court will be allowed to participate in the raffle to determine their order of listing on the ballot. The raffle will be held on January 4, 2013 at the Comelec main office.

Ballot boxes

The Presidential Electoral Tribunal (PET) has allowed the Comelec to re-use for the 2013 midterm elections the 57,255 ballot boxes that were used in the 2010 polls. Earlier, out of the more than 82,000 total of ballot boxes used, the PET kept in its custody 76,340 ballot boxes in relation to the protest case by Interior Secretary Mar Roxas against Vice President Jejomar Binay.

The remaining 24,745 ballot boxes will be bid out by the Comelec. The allocated amount for the procurement of additional ballot boxes is Php 290,214,400.00.

Ballot packaging

A former Comelec lawyer recently claimed that the ballot packaging services being procured by the Commission is overpriced. Atty. Melchor Magdamo, the same 'whistle blower' on the ballot secrecy folder contract controversy in 2010, said that the allocation is too much considering that the service will only involve basically wrapping the ballots before they are deployed to the different voting precincts all over the country.

Magdamo added that the service should only cost around Php 500.00 for each of the 82,000 bundles of ballots, or a total of Php 40-50 million. Comelec's budget for this contract is Php 291,580,444.82.

Ms. Victoria Dulcera, head of the SBAC secretariat, said Magdamo should show proof for his allegations. Comelec chairman Brillantes had earlier denied that the budget for ballot packaging is overpriced. He confirmed the increase, but he attributed it to the inclusion of warehousing and transporting the packaged ballots after they have been vacuum-packed.

Transmission of results

Smartmatic-TIM Corp. was declared the winning bidder for transmission modems, with the lowest calculated bid at Php 10,305.12 per unit, or a total of Php 154,576,800.00. The item was bid out with a budget of Php 154,576,800.00 for 15,000 units of transmission modems, to be used in electronically transmitting election results from the polling places to Comelec's servers.

The other supplier, Mega Data Corp. was declared ineligible by the SBAC technical working group due to insufficiencies in the documentary requirement when their bid offer was evaluated during the opening of bids.

The transmission modem contract is different from the contract for the transmission service. There were two bidding conferences that were held for the Electronic Results Transmission Services (ERTS). The first was held on August 27, 2012, where only one company participated. The only company that submitted its bid proposal was Blue Media Communications, Inc., which was later declared as ineligible by the TWG for deficiencies in their documentary requirements.

The second bidding was held on October 10, 2012, when no company submitted their bid proposal, hence the failure of the second bidding. The SBAC is yet to come out with their next move on the matter. The Comelec has budgeted Php 405,423,200.00 for the ERTS.

Lease of warehouse for PCOS machines

The Comelec SBAC is yet to take further action after the winning bidder in the second bidding of this procurement was disqualified due to non-compliance with the requirement of Comelec that this particular service should not be sub-contracted or sub-leased.

After scrutiny by the technical working group (TWG) of the Comelec SBAC, it was established that the space or lot being offered by the joint venture of Storage Solutions, Inc. and Asa Color and Chemicals, Inc. is owned by JY and Sons Realty Co. Inc. (and not by any of the two companies in the venture) as evidenced by the Tax Declaration Certificate from the Assessor's Office of the City of Dasmariñas, Cavite.

Meanwhile, Comelec has sent security details to the warehouse in Cabuyao, Laguna where the Smartmatic counting machines are kept following the alleged threats of forced eviction by the owners of the warehouse. Comelec chairman Sixto Brillantes Jr. was reported as saying that the warehouse owners wanted the poll body to renew their lease contract for another three years, but Brillantes said that they will need the facility for only until June next year. Their contract for the current warehousing services expired on September 30, 2012. To resolve this issue and invoking its mandate, the Comelec has decided to expropriate the property for their warehousing requirement.

Call center

The Comelec is set to conduct a public bidding on January 14, 2013 for its National Support Center (NSC). The NSC will be the Comelec's call center that will be set up to address text messages and calls from Comelec field personnel regarding operational issues, and PCOS Technical Support Supervisors regarding technical issues concerning the counting machines. The budget for the project is Php 131,040,000.00.

Voters registration

The Comelec reported early December that it has purged almost 300,000 from the voters' list in the Autonomous Region in Muslim Mindanao (ARMM) after the election registration board (ERB) hearings in late November. The poll body conducted a general registration in the region from July 9-18, requiring already registered voters to apply anew, and accommodating new registrants. A first wave of cleansing was done in August wherein 236,489 were purged -- 33,778 because the applicants were minors, and the rest because they registered twice or more at different precincts. After the ERB hearing, 43,588 more were delisted, bringing the total of disqualified voters to 280,077. Of the total disqualified voters, 29,304 were found to be below voting age, while 250,773 were double or multiple registrants. These applicants were reportedly found after a post-verification process using an Automated Fingerprint Identification System (AFIS). The Comelec reportedly discovered more ineligible registrants in the Maguindanao and Lanao del Norte areas than in Basilan, Sulu and Tawi-Tawi areas. Almost one-fifth of the registrants were purged, leaving some 1.2 million valid voters compared to the past election with 1.7 million voters in the ARMM. The Comelec said it is considering possible penalties against the multiple registrants.

Regarding the AFIS, the Comelec and the Senate clarified that the bill requiring biometrics capture (photographs, fingerprints, signatures and other identifiable features) during registration is meant for the 2016 elections. There was a concern that if the bill were to be signed into law before the 2013 elections, the more than 8 million registered voters whose biometrics data have not been captured shall be disenfranchised. The Senate and the House of Representatives have already approved of the measure. The proposal is seen as a way to eliminate irregularities such as double registrants. Sen. Pimentel earlier said that the implementation of biometrics data capture "will allow a thorough cleansing of the national voters' registry that will reduce, if not eliminate, cheating," and will ensure that election results "are reflective of the genuine will of the people."

Meanwhile, the Department of Foreign Affairs (DFA) said it was able to register 398,554 new overseas voters, bringing the total of OAV registrants for the 2013 elections to 988,384, falling short of the 1 million target earlier set by the DFA and Comelec. The DFA however said that this is a record number compared with overseas voters registered for recent past elections.

More than 230,000 overseas voters, however, are in danger of being delisted. On December 4, the Comelec issued a resolution encouraging overseas voters who failed to vote in the 2007 and 2010 elections to file a manifestation of intent to vote in May with the Philippine diplomatic posts covering their places of residence, or risk being stricken off from the voters list. They were given only until December 21 to do so. The same resolution encouraged all overseas voters to check the status of their registration at the Comelec website and make the necessary manifestation. The Comelec has reportedly extended the deadline to file the manifestation of intent to vote to January 11, 2013.

Overseas voting

With regard the voting, the Comelec has identified seven posts where the election will be automated in May 2013: Hong Kong, Singapore, Abu Dhabi and Dubai in the United Arab Emirates, Riyadh and Jeddah in Saudi Arabia, and Kuwait. Only Hong Kong and Singapore had automated election in 2010. Of newly registered voters from 2011 to 2012, Hong Kong and Singapore have the most number in the Asia Pacific region, with 19,760 and 9,143, respectively. Dubai has the most number of registered voters in the Middle East with 22,374; Kuwait has 11,194; Riyadh, 9,560; Abu Dhabi, 5,388; and Jeddah, 1,591. In an interview with GMA News, Comelec Commissioner Lucenito Tagle said they are allocating 37 PCOS machines for the seven polling places. Each PCOS is capable of recording the ballots of 10,000 voters. He said the number of PCOS for each place would depend on the number of voters who registered. Tagle said they would divide the number of registered voters on a polling place by the 10,000-voter capacity of each PCOS to come up with the number of PCOS for each.

(Various news sources; Comelec)

Comelec to strengthen implementation of campaign finance rules

The Comelec is planning to tap the help of the Bureau of Internal Revenue (BIR), the Commission on Audit (COA), the Office of the Ombudsman, the Anti-Money Laundering Council (AMLC) and even citizens' arms to assist it in monitoring campaign spending in connection with the 2013 election. In a forum on campaign finance held on December 19, Comelec Commissioner Christian Robert Lim said that they will also train their local election officers ahead of May 2013 in data gathering and enforcement of campaign finance rules. He also said that Comelec's undermanned Law Department will serve as the campaign finance unit of the Comelec for the elections, but in the long term, a separate unit will be created to handle the said function. Activities would include monitoring of campaign advertisements and scrutiny of the candidates' Statement of Contributions and Expenses (SOCE).

Lim said the mid-term election is an experimental stage to enforce campaign finance regulations in preparation for the presidential election in 2016. He said more money for campaign finances will pour in for the presidential elections, making 2013 an opportunity to pinpoint legal loopholes and plugging the loopholes. Tax records may also be used in pinpointing campaign financing. The Comelec commissioner said the poll body is also looking at making sure public money is not spent on campaigning, which Lim said is the worst form of campaign financing.

Also according to Lim, the Comelec is looking at tightening the rules on allowable airtime for political advertisements during the campaign. He said that he has already filed a draft resolution clearly stating 120 minutes and 180 minutes airtime for television and radio as the total allowed airtime for a candidate during the campaign period. He said however that the Comelec has no control over product endorsements and commercials before the start of the campaign period, but they will be counted against the allowable limit if still broadcast during the campaign. A candidate who violates the allowed time limit could face possible disqualification under the Fair Elections Act, Lim said.

(Sources: ABS-CBN; PDI)

Electoral reform measures adopted

It is not only the Reproductive Health (RH) Bill that kept the Senate and the House of Representatives busy in the last few weeks. Several measures in line with electoral reform advocacy were also adopted or at least mulled:

Precincts for PWDs and senior citizens

The Bicameral Conference Committee has approved the measure authorizing the Comelec to "establish precincts of a non-territorial nature, exclusively for persons with disabilities and senior citizens who in their registration records manifest their intent to avail of their right to a separate precinct." The measure requires the Comelec to establish at least one precinct for every voting center for persons with disabilities and senior citizens. The precinct should be "provided with assistive devices as well as the services of expert in assisting persons with disabilities." The bill is awaiting the signature of the President to be enacted into law.

Freedom of Information (FOI)

The Senate approved on December 17, on third and final reading, its version of the Freedom of Information (FOI) bill, which sets up a mechanism that enables private citizens to access government information. The bill shifts the burden to the government agencies that have custody of the information. With the measure, government agencies will now have to justify any need for secrecy or privacy. Previously, private citizens who want to access this information were the ones who had to justify their need and explain their motives for wanting the information. The Senate version provides for disclosure of information of public interest through posting on government websites. In addition, government agencies must grant requests for access to information within 15 days from receipt of a request. There are exceptions though – information pertaining to national security, or diplomatic and international negotiations, as well as tactical information that may have an impact on ongoing operations may not be divulged.

The House of Representatives though has not taken up their version of the bill. Malacañang has also said that the President would not certify the much-sought after measure as "urgent," unlike the RH bill and the sin tax bill, both of which have already been passed into law.

Voters education subject in high school

The House Committee on Basic Education and Culture has vowed to fast track the passage of a bill seeking to include voters' education in the high school curriculum of both public and private schools. Under House Bill 5784, or the Voters' Education Act of 2012, voters' education shall be included in the curriculum and to be handled by trained teachers in formal and non-formal educational system in Fourth Year High School through lectures, demonstration, and other approaches. The bill mandates the Department of Education (DepEd), the Technical Education and Skills Development Authority TESDA) and the Comelec to formulate the Voters' Education curriculum for both public and private schools, out of school youth, and enrollees in the Alternative Learning System.

The voters' education program would include relevant subjects such as values formation, importance of the right to suffrage and the sanctity of the ballot, factors in evaluating and choosing candidates, and the electoral process in the Philippines.

Extended domestic absentee voting

The Bicameral Conference Committee has approved the reconciled version of the bill authorizing the Comelec to "extend the right to vote under the local absentee voting system provided under existing laws and executive orders to members of media, media practitioners, including the technical and support staff who on election day may not be able to vote due to the performance of their functions in covering and reporting on the elections." The committee agreed to allow local absentee voting for media only for the President, Vice-President, senators and party-list representatives. The reconciled bill will require the Comelec to issue implementing rules and regulations (IRR) that "shall include a system of accreditation and verification of the members of the media, media practitioners, technical and support staff" within 30 days from effectivity of this act." The IRR will also identify the date and location of voting for media workers. The bicameral committee also recommended to require officers of media establishments to submit to the Comelec 30 days before election day the list of staff who will be on field duty.

Local absentee voting under Republic Act No. 7166 and Executive Order No. 157 applies only to elections for president, vice-president and senators, and is limited to uniformed state personnel and other employees on poll duty.

For the 2016 elections however, it was reported that the Senate Committee on Electoral Reforms is also mulling to extend the advance voting privilege not only to media people but to all Filipinos. The report said that Committee chair Sen. Aquilino Pimentel III believes there is merit in the concept of early voting: "If early voting could be done and it's good for a segment of society, then why not make it available to the entire society, or the entire population?" Comelec Chairman Sixto Brilliantes, Jr. said absentee voting for all Filipinos is plausible as long they are given enough time to prepare.

(Various news sources)

To our dear volunteers, family, friends, colleagues and supporters:



Our country. Our nation.

As another year draws to a close, we reflect on the blessings that nourished us, the challenges we faced, and those that lie ahead. We take stock of the family and friends who continue to believe in us, join us on our journey, assist us along the way, and we remember those who have left us, but continue to inspire us to go on.

But most of all, we are reminded of why we are here, our reason for being, for which together we vowed to light a candle than to be passive spectators, unquestioning recipients of whatever is thrown our way.

May the light of this candle continue to burn in you, and may it shine brightly in your home and your community. Happy holidays to you and your family.

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