



### **Comelec in 2010**

Year 2010 has been a milestone year for the Commission on Elections (Comelec) as it conducted a controversy marred first automated national and local elections last May and the Barangay and Sangguniang Kabataan (SK) elections in October.

#### May 10, 2010 national and local Automated Election

Despite a strong opposition from civil society groups and Information Technology (I.T.) experts, the Comelec pursued the use of an automated election system anchored on the automation of voting, transmission and canvassing of ballots using the Precinct Count Optical Scan (PCOS) machines supplied by Smartmatic International Corp. and its local partner Total Information Management Corp (TIM) with a Php 7.2 billion contract. Comelec preparations was plagued with missed deadlines triggered by Smartmatic and TIM bickering control of its partnership as it grappled with its inexperience and inadequacies in rolling out a massive technology project and lack of transparency in fulfilling it.

Close to the election, the Comelec was haunted by controversies on the overpriced ballot secrecy folder amounting to Php 320 each or a total of Php 689 million supposedly contracted with the OTC Paper Supply, removal of the UV ink reader in the machines and the inclusion of additional ballot security marks resulting to the purchase of UV ink lamps worth Php 30 million. Field testing few days prior to Election Day revealed that the Compact Flash (CF) cards were found to be misconfigured triggering the need to replace and/or reconfigure those CF cards. On Election Day, voters suffered from long queues at the polling precincts caused by clustering of precincts and some technical glitches. As promised, the Comelec was able to announce partial results in the presidential, vice- presidential and local race two days after May 10 but proclamation of winners were delayed because of some procedural requirements of election laws such as the ladderized system of canvassing and the non transmission of some precinct level results.

Post election controversies were raised because of allegations of fraud by manipulating election results through pre- programmed CF cards affecting mostly local candidates. This resulted in hundreds of protests filed in the Comelec and House of Representative Election Tribunal (HRET). Controversy arose on the decision of the Comelec to allow or disallow as party lists representatives despite the question of their qualifications to represent the marginalized sectors such as those of security guards and drivers in Congress. Unresolved issues and unfinished business still hound the Comelec and is compelled to address in order to judge if the country's first automated elections was credible and successful.

#### Barangay and SK elections

The Comelec decided to revert to a manual system during the October 25 synchronized Barangay and SK elections. Congress indecision to push for the elections was delayed its announcements two months before October 25.

The poll body touted that they were ready for the polls however elections were delayed in more than 2000 barangays nationwide caused by the late delivery of election paraphernalia. The Comelec created a fact- finding committee to investigate the matter as some employees allegedly cause the delay of the election for personal gain. The committee was given 15 days to present the report in the Comelec en banc and to the Suffrage and Election Reform Committee in the House of Representatives. In its report it appeared that the Comelec conveyed that no one should be held responsible for the delays and the report highlighted instead its recommendation and solutions to prevent the repeat of such glitches in the next elections. As of this writing, no final report has been issued to the public even though the committee sought a 15- day extension to finalize the report.

#### Election Issues and Activities in 2011

### **ARMM election preparations**

The Comelec urged the Joint Congressional Oversight Committee (JCOC) on the AES to convene this January to have an adequate time to prepare for the Autonomous Region for Muslim Mindanao (ARMM) elections. Section 27 of the Republic Act 9369 mandates the oversight panel the responsibility to evaluate an automated polls system to be used in the ARMM polls. On August 8, 2011, provinces of Basilan, Lanao del Sur, Maguindanao, Sulu, and Tawi-Tawi are set to elect their regional governor, regional vice governor and members of the regional legislative assembly. However, moves to cancel the ARMM elections are being initiated as peace talks and agreements with Muslim secessionist groups proceed and progress in the coming months.

The Moro National Liberation Front (MNLF), the Organization of Islamic Conference (OIC), the Moro Islamic Liberation Front (MILF) and some ARMM officials have expressed their stand to defer the election this year. They claim that there is a need to defer the elections to implement completely the tripartite review of the 1996 government- MNLF peace pact, to refine the ARMM region's charter (Republic Act 9054) and resumption of developmental projects. Legislatures will be very busy conducting consultations with different sectors to determine the validity to defer elections prior to the tripartite review of the peace pact and assess an adverse impact on the region. Consultations and preparations must be done this month to avoid the same mistakes made in the recently concluded Barangay and SK elections as a flamed and controversial elections would have dire consequences to the future of the region.

If the elections will be pushed through, the Department of Budget and Management (DBM) and the Congress has directed the Comelec to use the savings in 2010 to defray expenses for the ARMM elections. The Congress allotted Php 400 million but the Comelec raised that they would need Php 2 billion for an automated election.

### **The PCOS machine in 2011**

Comelec Commissioner Rene Sarmiento on December 30 said that the Smartmatic offered to sell the 8, 000 PCOS machines used in the national and local automated election last May 2010 for Php 2 billion. Smartmatic pitched that if the poll body would conduct another bidding for a new technology provider, the Comelec will spend another Php 16 billion. Earlier, the Comelec already bought about 900 PCOS machines to use for election protests and recounts. Sarmiento hinted that the agency may also buy an additional 5,000 PCOS machines for the elections in the Autonomous Region in Muslim Mindanao in August. While the Comelec's contract with Smartmatic expired on December 31, the poll body was considering extending the "option to purchase" item in the contract so that the Philippine government could retain its right to buy the PCOS machines. Sarmiento, however, said the Comelec was not bound to buy the PCOS machines or hire Smartmatic's services again for the 2013 national and local elections. He said the poll body was not ruling out the possibility of using another voting technology that may be cheaper or better than Smartmatic's.

Information Technology (IT) expert and a NAMFREL National Council Augusto Lagman urged the Comelec to reveal to the public the cost of purchasing the 900 PCOS machines. Lagman recounted based on what was spent for the Mega Pacific machines, storing the 900 PCOS units would cost approximately Php 13 million a year for a non-air-conditioned and dusty warehouse. If the Comelec intends to use the machines again, it has to store them in a room with a controlled environment. Such facility will most likely cost some Php 20-30 million a year. He even emphasized that instead of purchasing and running a new system for the next elections, the local IT community would be willing to help Comelec design and develop a quick, but workable solution for the ARMM election.

### **Sen. Cayetano recommends formation of a Search Committee to choose next Comelec chief**

Minority Floor Leader Senator Allan Peter Cayetano urged Malacañang to solicit the help of non-government organizations (NGO) \ in selecting the next head of the Commission on Elections (Comelec). Such committee dedicates itself in creating a shortlist of nominees for the vacancies in the Comelec. The lack of transparency and broad consultation in the selection of the Comelec' Chairman and commissioners has been repeatedly criticized because of the possibility that the President as the appointing power may compose a poll body beholden to his partisan interests.

The President is initially searching for Melo's replacement from outside the present Comelec members. Among the names being floated as possibly the next poll body chief are lawyers and IT/ management practitioners from the public and private sectors. Retiring Comelec Chairman Jose Melo said that his scheduled retirement on January 31 may be extended if the Palace so decides. Melo cannot be reappointed after retirement as the Constitution mandates except on ad interim basis. Namfrel's online survey revealed that the top three attributes sought by the public on Comelec appointees are honesty and integrity, followed by independence and impartiality and knowledge in elections and management skills.

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