

**STATEMENT OF CONCERN**

Automated Election System Watch (AES Watch)
February 18, 2013

**COMELEC MUST STOP COMMITTING THE SAME MISTAKES;
VOTERS' RIGHTS ARE AT STAKE**

Election is supposed to be when people exercise their right to suffrage, a right exercised in secrecy and the votes counted with utmost transparency as enshrined in the Constitution and our election laws. Under the regime of modern technology, however, people continue to grapple with mind-boggling questions whether the automated election system will work in accordance with Republic Act 9369 or the Automated Election Law.

We raise concern on how the Commission on Elections is preparing for the May 13, 2013 Midterm Elections.

The same problems of ballot rejections, transmission failures, inaccuracy of the vote count, Election Returns and Certificates of Canvass not digitally signed as required by law, and many other problems and issues observed in the May 10, 2010 National and Local Elections unfolded during the mock elections conducted before the Committee on Suffrage and Electoral Reforms at the House of Representatives last July 24-25, 2012 and in ten selected cities/municipalities last February 2, 2013. The same problems and issues, regarded by Comelec as minor glitches, are highly likely to resurface during the Midterm Elections which could result in inaccurate vote counts and tallies and disenfranchisement of voters.

Worse, knowing fully well that Dominion Voting Systems, owner of the technology used with the automated election system, terminated its License Agreement with Smartmatic last May 23, 2012 Comelec still insists on using an unlicensed, therefore pirated, technology. Its impact is serious and far reaching as certification by an international certification entity continues to be denied.

The Comelec continues to deny access to the source code for review by interested political parties and groups, a right granted under the RA9369. It had closed the doors to further public scrutiny of the automated election system and Comelec's preparations for the Midterm Elections. The lack of proper certification and review raises the question whether the automated election system will operate properly, securely, and accurately.

Chairman Sixto S. Brillantes himself declared in public the possibility of reverting to manual elections, an indication that problems continue to plague the automated election system that the Comelec chose to use for the Midterm Elections.

Is the repeated failure to comply with the automation law and the fixation to use the defective Smartmatic-provided system setting the stage for a possible election failure? If this is so, the Comelec has nobody to blame but itself for what are potentially impeachable offenses. It should stop pointing the fingers at the usual suspected culprits like the teachers, poll watchdogs, and the voters themselves.

Is there anything we can do to right the wrong and ensure against fraud generated by a problematic automated election system if Comelec persists in using the provided technology?

With barely three months to go before Election Day, the people are left to pursue all courses of actions necessary to: a) assert the rule of law, b) ensure that the elections push through, c) the



voters' right are not violated, d) teachers' duties and rights as BEIs are protected, and e) the integrity of the vote through automation is maintained.

Meantime, the Comelec must allow stakeholders, especially political parties and election watchdogs equal access to the following MINIMUM information during election day:

- Printed precinct audit logs
- Printed MBOC (municipal board of canvassing) audit logs
- Continuing **public website** (as provided for in the law) where the canvassed votes in the national server should be posted
- Random Manual Audit immediately after elections conducted by a competent group
- Electronic Transmission Results

What can we as citizens, voters, and election watch groups do for the May 2013 automated elections and for our country?

The right to suffrage is the people's sovereign right to elect officials upon whom they confer the authority to serve the public responsibly, transparently, with accountability, and on a full-time basis. For this reason, it is imperative that the electoral process is credible, trustworthy, reliable, and accurate in serving as the instrument of the people's will. We have to demand from Comelec, our election manager, full accountability and transparency.

Launched on Jan. 18, 2010, the Automated Election System Watch (AES Watch) is now composed of more than 40 organizations. Its President Emeritus is former Vice President Teofisto Guingona, Jr. while its first spokesperson was Alfred Pascual, now UP President.

For more information, please contact AES Watch acting secretariat: 3F CSWCD Bldg., UP Diliman, Quezon City; TelFax +9299526.