



BRIEFING

Philippine Automated Election System (AES) 2010

**Modernizing Democracy
or Modernizing Cheating?**

**Center for People Empowerment in Governance
(www.cenpeg.org)**

**Automated Election System
(AES) 2010 Policy Study (www.aes2010.net)
(A Project in Election Reform)**

Office of the Dean, UP College of Law

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Major Issues in the Automated Election System (AES)

- 4 major legal issues
 - Undue delegation of legislative power
 - Foreign ownership / control
 - Generally, intolerable technical flaws
 - Violation of statutory provisions
- 5 major technical issues
 - Source code (PCOS & CCS integrity)
 - Program integrity verification
 - Voter's choice verifiability
 - Protection of transmitted data – digital signature
 - Root user / system administrator
- 6 major mgt issues
 - Choice of technology
 - Competence (Comelec & CAC)
 - Procurement / bidding
 - Geographic Information System (GIS)
 - IRR & adjudication process
 - Comelec's constitutional mandate



**IS COMELEC READY
for AES2010?
MANAGEMENT ISSUES**

August 13, 2009



THIS PRESENTATION

- Choice of technology
 - Management competence
 - Procurement/bidding
 - Geographic Information System (GIS)
 - IRR & adjudication process
 - Comelec's constitutional mandate
- *Note: Comelec's AES is the single, biggest fully-automated election project worldwide.*

1. Choice of technology



SAES 1800

- Failure to consult the Filipino IT community
- Need to revisit RA 9369 (Sec. 37: as “technology evolves” and “suitable to local conditions”)
- PCOS-OMR system: does not enhance “secret voting, public counting” (transparency); limits voter’s rights
- Smartmatic-TIM’s P7.2-billion technology is cheap but sub-standard
- Automate only the correct and tested process

2. Management competence

- Automated election = clean election, is an illusion
- Going “full-blast” instead of by phases (RA 9369 provides for pilot testing)
- Full automation without addressing systemic fraud
- Priority of speed – over promoting voter’s rights
- Heavy reliance on foreign expertise and technology (outsourcing): Outsource only a system that you know about





Management competence

- Comelec lacks IT and infrastructure competence (*CAC report, October 2008*)
- Comelec Advisory Council (CAC) lacks independence and competence
- Senate: Comelec/SBAC lack “diligent scrutiny”
- Tendency to short cut election preparations (e.g., in the Comelec calendar there is no schedule of source code review; disregard for safeguards & security measures)
- Flawed or inadequate continuity and contingency plans (also observed in a Senate committee hearing)

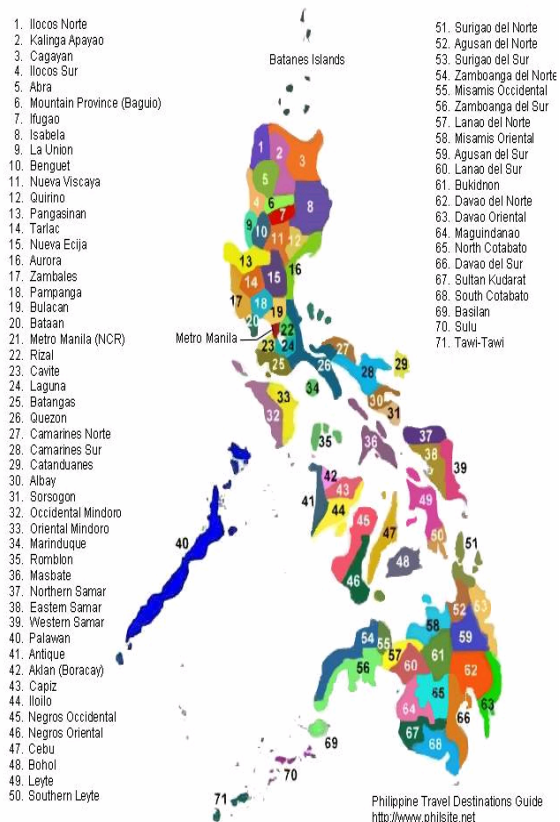
3. Procurement / bidding

AES
study/
CenPEG
photos



- Legal questions (e.g., papers of incorporation; 60-40 sharing; was there a NEDA review?)
- Allegations about “bending of rules” to favor Smartmatic-TIM consortium
- Are Smartmatic-TIM “politically neutral” (Comelec bid rule)
- Demonstration tests inadequate; controlled environment; only hardware & external features shown (not the more crucial internal features such as software). Claim of “transparency” is superficial.

4. Geographic Information System (GIS)



- Comelec has no functional GIS for AES' 80,000 PCOS machines, 1,800 CCS machines
- In the 2008 ARMM automated polls (Comelec's "pilot test"): Technical, manpower and environmental problems
- NEDA 2007 report: government IT infrastructure 90% failure; most public websites can be hacked - NCC
- Contingency plans, safeguards & security measures for GIS-related vulnerabilities are imperative



5. Lack of IRRs & adjudication process

- Since RA 9369 became a law (January 2007), there is no IRR
- Either the law is unclear or Comelec has no measures with regard to AES-generated election protests (adjudication process)



6. Comelec constitutional mandate

Has Comelec abdicated its constitutional mandate to manage & administer the elections?

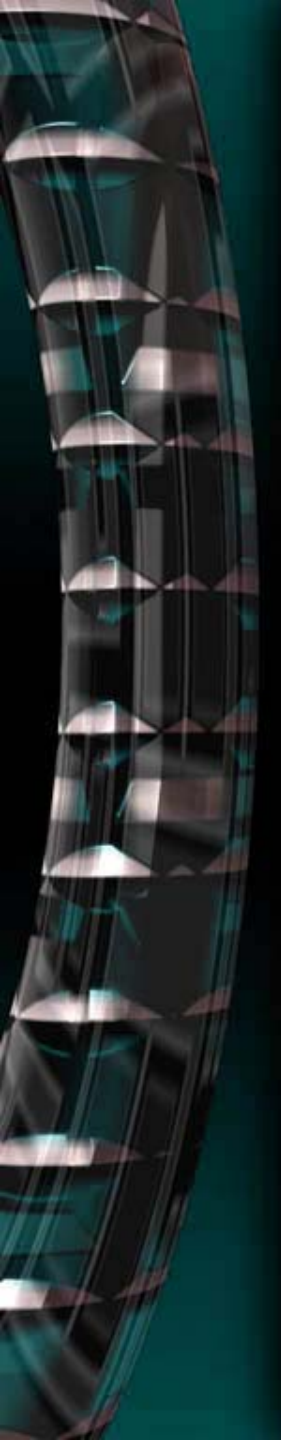
- 90% of election administration is entrusted to Smartmatic-TIM
- Comelec: “Trust the machines”; “It’s up to Smartmatic-TIM”
- To critics of AES: “fear mongering”; promoters of “No-EI”; “Trust the Comelec”
- Commission of Smartmatic-TIM?

CONCLUSION: Some questions

- Is the AES system really a “Dream Poll”? Or is it designed to fail?
- Given the inadequate preparations and the fluid political situation, will there be a failure of election in May 2010?
- Sen. Dick Gordon: *“If this automation will just be worse than the manual, then I will not support it, even if I authored the law.”*
- Senate President Juan Ponce Enrile: *“Failure of election will spark a revolution!”*



AES study/
CenPEG photo



- **Trust is built over time.**
- **To trust the machine, know how it operates.**
- **Who controls the technology, controls the votes.**

- END -

