

Comelec's poll automation will make fraud more dangerous

OMR creates the danger of placing the fate of the elections in the hands of a profit-oriented multinational company – the winning bidder – and on the Comelec which remains ill-prepared to run an election technology let alone in checking fraud.

By the Policy Study, Publication and Advocacy (PSPA) Program
Center for People Empowerment in Governance (CenPEG)
March 25, 2009

When at most 70 percent of some 50 million voters go to the polls on May 10, 2010, they won't be able to track how their votes are counted or canvassed. Winners in the national and local elections led by a new president will be declared two or three days after – and the whole nation will be at a loss in knowing whether the election results are real. Protests may probably be hard to file not only because of a lack of paper trail but also for lack of time.

The trouble with the Precinct Count Optical Sensor (PCOS) adopted by the Commission on Elections (Comelec) for use in the 2010 elections is that it does not guarantee an open, transparent, and credible automated system. Under the PCOS, the voter shades a ballot which s/he then drops inside a ballot box. Because voters are unfamiliar with the new technology voting will be slow and is extended to 6 p.m. after which all ballot boxes are brought to the precinct counting center – about 80,000 of them all over the country. Here, the ballots are fed into the optical mark reader (OMR) for counting and an election return (ER) is generated. The ERs are then electronically transmitted via the OMR simultaneously to the municipal, provincial, and national canvassing centers and, voila, the winners are proclaimed.

Engrossed with implementing RA 9369 which mandates the automation of elections, the Comelec appears to have glossed over the fact that Filipino voters have been looking for open, transparent, and credible elections. Making the counting and canvassing of election results fast may be a positive move which the poll body claims to be addressing. But unless elections are credible – which previous polls have been bereft of due to widespread fraud – then more and more voters will shy away from the polls.

Machine vulnerability

Poll automation feeds the wrong impression to the public that elections will be clean and credible. Because it is a machine, it is powerless against any fraud that takes place before, during,

and after the elections. And, because it is just a machine, it is vulnerable to human intervention such as software attack, glitches, and other technical problems that could result in wholesale electronic cheating. (See www.cenpeg.org for papers and powerpoints on election automation.) The high stakes in the 2010 elections, including choosing a new president, administration attempts to make sure that the next president is friendly to Gloria M. Arroyo, as well as the 17,000 national and local seats up for grabs by some 90,000 candidates will make fraud machineries sabotage the whole electoral process using both the traditional and modern technology.

If pilot tests determine what technology makes for credible elections, then the conduct and results of the August 2008 Autonomous Region for Muslim Mindanao (ARMM) should make the OMR machine not suited for the coming polls. In that automated election, at least 23 common errors and other deficiencies were recorded in relation to the use of OMR and the Digital Recording Electronic (DRE). Based on the tests, the Comelec Advisory Council (CAC) in its October 2008 report found the poll body technically ill-equipped to meet the complexities of an automated election system (AES). Meanwhile, ARMM poll watchers conceded that open cheating was rampant in many precincts thus effectively influencing the outcome of the elections. Incidentally, multinationals Smartmatic and Avante whose technologies were tested in the ARMM polls are again making a bid for the P11.3 billion election automation equipment to be used in the May 2010 polls.

Given the expected operations of fraud machineries in the coming elections, one way by which the present Comelec can at least minimize cheating is to make poll automation open, transparent, credible, and participatory. It does not make sense that the poll body has chosen the OMR which makes counting and canvassing of votes invisible to the eye with Comelec perhaps hoping that the poll officials, machines, vendors, software developers, electronic transmission systems, and other technical services can be trusted.

The technology's lack of transparent procedures and mechanisms make OMR vulnerable to fraud. Some Comelec commissioners admit that their schedule is tight thus making it inevitable that any delay in any of its calendared activities could damage the whole process. What this implies is that all the technological, human requirements and safeguards for the automated elections may not be in place on the eve of election. Serious technical and political implications are not remote.

Lacks transparency

The Comelec itself lacks transparency. Its hardline predisposition to adopt the OMR has prevented other groups not only from adequately presenting their critique of this technology but also from proposing other technologies which they believe is suitable to Philippine conditions while being compliant with RA 9369. According to sources, Comelec Chair Jose Melo has overruled the Open Election System (OES) being endorsed or supported by a former Comelec head, IT specialists, academic experts, and some political parties simply because it is not legally compliant with RA 9369 as far as full automation is concerned.

Had any of the commissioners and advisers given the OES proponents more time, then they would have found that, compared to the PCOS, this technology is *more* compliant with

the AES law. OES uses manual voting and open counting at the precinct level and uses tested computer technology developed by Filipino software programmers for the encoding, transmission, canvassing, and consolidation of election returns. Its added advantage is the use of a public website where election data is constantly updated and posted for public tracking and monitoring; where figures can be verified against ERs not only by voters but also poll watchers, candidates, and political parties.

Aside from being cheaper and “cost effective” (P4 billion versus the PCOS's P11.3 billion), it conforms to RA 9369 which promotes the use of “the most suitable technology of demonstrated capacity” as well as “transparency, credibility, fairness, and accuracy of elections.”

OMR creates the danger of placing the fate of the elections in the hands of a profit-oriented multinational company – the winning bidder – and on the Comelec which remains ill-prepared to run an election technology let alone in checking fraud. It even makes poll watching harder if not futile. Voters want to see the next polls entirely different from previous rigged elections – one that is people-participatory and where they can decide on the outcome. The open and transparent features of the OES at least make it equal to the voters' democratic expectations.

For reference:

Bobby Tuazon

Director, Policy Study, Publication, and Advocacy (PSPA) Program
Center for People Empowerment in Governance (CenPEG)

<http://www.cenpeg.org>

Tel/Fax + (63-2) 929-9526; Mobile Phone 09156418055

Email: issueanalysis2009@cenpeg.org, cenpeg.info@gmail.com