INCIDENT REPORTS ON THE MAY 10, 2010 AUTOMATED ELECTIONS

There was a high incidence of technical hitches, blunders, voting procedural errors, and other operational failures throughout the country during the May 10, 2010 automated elections. As The CenPEG Report reveals, these can be attributed to the defective automated election system adopted by the Comelec and aggravated by the lack of safeguards, security measures, as well as timely and effective continuity/contingency measures (software, hardware, technologies, and other system components) that proved damaging to the accuracy, security, and reliability of election returns. Lacking these vital mechanisms, the automated election system (AES) that was harnessed for the May 10 polls was not only vulnerable to various glitches and management failures but also favorable for electronic cheating including possible pre-loading of election results. The Comelec is called upon to disclose all election documents – public information – to test and validate its claim of election "success" and debunk allegations of electronic fraud – all for the sake of public interest and voters' rights.

Official reports of gaps, failures, and glitches characterizing the automated election system (AES) as implemented by Comelec together with its outsource foreign consortium partner, Smartmatic-TIM during the May 10, 2010 election dispel the poll body's claim of "success." The reports of election-day hitches received by CenPEG under its EU-CenPEG Project 3030 bare the election manager's inability to plug in minimum safety and security measures, industry standards, and other legally-binding requirements as it prepared for the May 10, 2010 automated elections. The reports were part of CenPEG's comprehensive monitoring and study of the country's first-ever automated election and appeared to confirm or validate earlier assessments including anticipated problems as generated not only by the policy center but also other numerous citizens' watchdogs and institutions.

Regardless of the "fast results" of the Comelec-supervised May 10, 2010 automated elections, we cannot rule out that the electoral process that was instrumentalized by an essentially untested technology went through rough sailing thus disputing claims of credibility, trustworthiness, accuracy, and security with far-reaching implications on voters' rights. To use an analogy, a truck may have reached its destination within schedule – which, in the case of the automated election is itself disputable – but how the truck remained unscathed after what turned out to be rough navigation is what we are more interested in finding out.

The various studies making up this final and consolidated election report reveal a high incidence of problems related to preparations for the automated election and how it was finally implemented on election day and thereafter. The problems range from the deployment of precinct count optical scan (PCOS) machines and other election paraphernalia, voter education, training of Board of Election Inspectors (BEIs) and Smartmatic technicians, final testing and sealing (FTS) involving compact flash (CF) cards and subsequent reconfiguration of the memory cards to widespread election-day incidence of PCOS breakdown, widespread electronic transmission failures, disorganization in the precinct queues of voters, discrepancies in canvassing results, and disenfranchisement of voters caused by a myriad of factors. The studies also point to cases of possible electronic cheating and the unprecedented scale of traditional forms of election fraud such as vote buying, intimidation, and poll violence.

These problems particularly on the automated system would have been minimized or pre-empted significantly had concerns, danger or critical signals, and proposals raised by CenPEG and other groups with regard to ensuring the installation of minimum safeguards and security measures as well as industry standards, as provided by law, been heeded. Equally problematic is that the Comelec, as the main election manager, lacked the change of management that the new ambitious system required as mandated by its own advisory body, Comelec Advisory Council (CAC). These will be explained elaborately in the next set of studies done by CenPEG's IT consultants including, among others, on the absence of an independent source code review, inadequate voter education and poll watch training, poor estimation of the country's infrastructures to support a modern election technology, absence of voters' verifiability, delays in preparation and tendency to short-cut requirements, delayed or last-hour issuance of Comelec general instructions, and inadequate mock elections and field tests.

The May 10, 2010 election was adjudged by Comelec a "success". But its claim was based chiefly on the "fast" election results. Was it? Is "success" measurable only by how "fast" election results are – which itself is disputable?

But what really happened?

Let us reconstruct the events, operations, and processes during election day – and how preparations were made prior to May 10.

In this data reconstruction, CenPEG relied on reports from the following:

- Project 3030 Monitoring of Election Incidents (May 2 – 31, 2010)
- Extensive Case Studies conducted in 9 provincial areas (with informants from Comelec, BEIs/BOCs, DOST, Smartmatic-TIM ITs, PPCRV volunteers, voters, and others)
- Project research coordinators in 12 regions
- Thousands of trained poll watch volunteers in at least 50 provinces
- 18 student volunteers from UP (Manila and Los Banos); plus 6 student volunteers from UP Diliman;
- AES Watch monitoring volunteers
- CenPEG Project partners like CPU, NCCP (People's International Observers Mission); Citizens Election Monitoring (CEM) group, bloggers, and others
- CONCORD / Healing Democracy election monitoring in Mindanao
- Eastern Telecommunications (for the electronic services) and media (for additional reports)

What follows is a summary of the reconstruction of incidents days before, during, and after the May 10 elections. Specific details with regard to the incidents can be released upon formal request to the EU-CenPEG Project 3030 Office.

FINDINGS

I. What Happened on Election Day?

Comelec's claim of "success" for the May 10 automated election was based principally on the speedy results with a high percentage of election returns already canvassed and winners known in a few hours up to a couple of days, as both the poll body and Smartmatic-TIM claimed. The quick results also seemed to match pre-election surveys particularly on the presidential race. Speed thus became the yardstick of "success" to the extent that many people overlooked what really happened on the ground. A full grasp of ground realities would have provided a more objective perspective on how to appraise the conduct of the automated election. Until now, Comelec cannot explain convincingly how and why election results reached national canvassing servers so fast – starting even an hour before the official closure of voting - when the automated election system at the precinct level was hounded by technical breakdowns and irregularities. The high incidence of loopholes, hitches, and other problems before and during the election had implications on the credibility, accuracy, and reliability of the election results.

On May 10, 2010 the first nationwide and synchronized automated election was marred by a high percentage of PCOS machine breakdowns, transmission failures, and other technical glitches including power outages across the country. The administration of the voting and counting system was also marked by a high incidence of delayed opening of voting from several hours to days (in many voting centers), long queues of voters where waiting for the chance to vote ranged from 3-9 hours (in some cases up to 12 hours), irregular procedures enabling voters of favored candidates to vote first or deliberate long queues to prevent voters for a rival candidate from casting their ballots, widespread and unprecedented vote buying and, in several areas, incidents of harassment and the use of force.

There were also documented cases of ballot pre-shading, pre-loading of ballots, switching of CF cards, and other forms of attempted electronic rigging. Technical malfunctions were usually characterized by voting machines shutting down or overheating, batteries running out of power, paper jams, ballot rejection, faulty CF cards, transmission failures resulting in a high incidence of CF cards, ballots and even voting machines brought to canvassing centers often without security escorts or poll watchers. Comelec's and Smartmatic-TIM's claim that there were only 465 PCOS machines that were defective is a disinformation, to say the least.

1. PCOS malfunctioning, breakdowns

In many precinct incidents across the country, late deliveries, malfunction and shutdowns, problems with back-up batteries, and equipment shortage affected the operation of PCOS machines thus causing delays in the opening of voting and the whole election day process itself. Problems related to the use of the voting machine also led to significant cases of manual voting.

The number of PCOS machines malfunctioning nationwide on election day – 465 as claimed by Comelec – is a disinformation. In Davao region alone, 10 percent or 341 of 3,421 PCOS machines conked out at the start of voting, according to the Comelec regional director.[1] The number of PCOS machines in the Davao region malfunctioning is 73 percent already of the 465 national figure of Comelec/Smartmatic for the whole country.

Incident reports gathered by CenPEG from Project 3030 monitoring, regional research coordinators, poll watch volunteers, and other sources indicated that PCOS shutdowns or malfunctioning alone were widespread in many voting centers across the country during the elections. There were cases of voting machines breaking down several times or completely shutting down on voting day (e.g., in Tiabonan valley, Bongalonan, Basay, Negros Oriental[2]; and Cecilio Apostol elementary school, Caloocan City[3]. There were also reports of PCOS machines being deliberately destroyed (as in Cordillera) or set to torch (as in Iloilo City, where 5 PCOS machines for 5 barangays in Miag-ao, Iloilo City were burned[4] and in the Autonomous Region for Muslim Mindanao (ARMM).

In Cebu, 67 PCOS machines were reported to have malfunctioned in the province's 4 cities and 15 towns as well as in 1 city and 5 towns of Bohol province (or a total of 45 voting centers) – or 40.9% of the voting centers monitored, threatening many of about 67,000 voters with disenfranchisement[5]. Moreover, there were cases of PCOS machines undelivered or malfunctioning with no replacements available. In the clustered precinct of presidential candidate Benigno S. Aquino III in Tarlac the PCOS machine failed to work for 4 hours thus delaying voting[6]. The Comelec director for Tarlac, Atty. Emmanuel Ignacio, revealed in an interview with foreign election observers that 63 out of 668 PCOS machines in the province broke down due to overheating, overworking, and other causes[7].

Shutdowns were also caused by problems related to back-up batteries – their unavailability during brownouts, running out of power, overheating or burning. There were reports where the phrase "Congratulations…" never showed on the PCOS LCD at a voting center of Barangay Julita, Biliran town leaving voters puzzled whether their ballot markings were actually scanned. In far-flung precincts of Masbate City that have no power many back-up batteries drained or discharged even after being used for only 30 minutes[8].

In many cases, malfunctioning voting machines could not be fixed either because BEIs were not trained for troubleshooting, Smartmatic-TIM technicians were nowhere to be found, or were overloaded with attending to technical troubles in many other clustered precincts. Otherwise, some Smartmatic-TIM technicians were completely clueless on repair work. In some cases, paper jams forced BEIs to use a broom stick to push down the ballots into the box or to snip the ballots to make them fit for feeding. There were also reports of ballot boxes being opened due to overstuffing of ballot entries - against the law. An example where PCOS machines cannot be relied upon to operate for hours is in Tacloban City where 12 out of the 13 contingency PCOS units were put to use. PCOS breakdown comprised 28% of incident reports of precinct-level problems based on Project 3030 monitoring.

Other reports pointed to the deliberate destruction of PCOS machines by burning, smashing, and other means in Cotabato, Sulu, Dumaguete, Mountain Province, and other provinces.[9]

It was, however, a different case in Butig, Lanao del Sur, a election hot spot. A team from the 86-member People's International Observers Mission (PIOM) learned that PCOS machines were left untouched because local election officials did not want immediate poll results announced at the close of voting for fear that doing so would trigger violence.

Meanwhile, at the Mat-I elementary school in Surigao City, Surigao del Norte, PCOS machines rejected more than 80 percent of the ballots.[10]

In fact Comelec was already alerted by the malfunctioning of PCOS machines the moment voting for overseas absentee voters (OAVs) began April 11 in Filipino communities abroad. In Hong Kong, overseas voting was delayed for two hours after PCOS machines in two precincts malfunctioned. Varying reasons were cited by Smartmatic – ballot expansion, absence of stray and ambiguous marks, or humidity. Similar incidents were observed in Singapore and other countries.

On the heels of several glitches and failed field tests and mock elections, Smartmatic-TIM was forced to admit on April 24, in the words of its Philippine representative, Cesar Flores, "Machines will break on Election Day, and machines will have to go to contingency procedures and there will be replacements, and there will be cases where no replacements will be available and the BEI (Board of Election Inspectors) will have resort to the next door machines."[11] Smartmatic-TIM's contingency measures were not enough to deter widespread machine failures.

These problems caused undue and prolonged delays in voting, delays in the opening of election, widespread long queues of voters, extension of voting by hours or even days beyond the 7 p.m. closing time set by Comelec; or to incidents of manual voting even if several voting areas fraught with violence also declared a failure of elections. Definitely, PCOS breakdown and related technical glitches resulted in the disenfranchisement of many voters.

2. Defective compact flash cards

Delays in the delivery of reconfigured CF cards (in some cases, absence or loss) and the use of defective memory cards figured in the high-incidence reports, causing delay of voting, delayed or absence of FTS, a big number of CF cards being brought manually to canvassing, and resort to manual voting. In several cases, this problem resulted in failure of elections as well as electoral protests involving the fraudulent manipulation of CF cards.

The absence or late arrival of reconfigured CF cards and the use of defective memory cards (or of CF cards without election data stored) were also widespread across the country and was an added factor for the delay of voting, delayed or absence of FTS, the resort to manual voting, the high incidence of ballots or CF cards

being brought to canvassing centers, or the failure of elections in many voting centers. CF cards also figured in cases of electronic rigging, as in Cagayan de Oro[12] and in Masbate City where 12 cases of CF card malfunctioning on May 10 were reported; reconfiguration was completed only after 4 days[13]. In Gandara, Western Samar the Project 3030 research coordinator reported that on May 13, 8 a.m. some precincts were still waiting for the reconfigured CF cards.

It should be noted that Smartmatic-TIM was racing against time to deliver the reconfigured CF cards and other election paraphernalia particularly PCOS machines. Project 3030 was informed by Smartmatic-TIM that on May 7 – or three days before the election – 50,153 (66%) of the memory cards had been shipped out of the Cabuyao warehouse; and only 60% of the country has PCOS voting units with the company projecting to reach 85% by the end of the day.[14]

Several reports pointed to the high incidence of CF cards brought to canvassing centers with no security escorts or poll watchers. In Bogo City, Cebu a CF card was reported lost while being delivered to the canvassing center. Other cases of CF card problems took place in Cebu, Bohol, Leyte, Masbate, Iloilo, Biliran, Albay and the Camarines provinces, and other provinces and cities.

3. Transmission snafus

Call it "birth pains," but the fact about extensive transmission glitches – and not simply an isolated case – shows the tendency to enforce an election technology when the required telecommunication infrastructure is unreliable, to say the least. The contingency measures claimed to have been prepared by Comelec and Smarmatic-TIM centering on the installation of satellite systems hit snags. With incidence reports regarding the unexplained stoppage of transmission at certain hours, Comelec should explain convincingly the claim about fast transmission of canvassing results at the national servers when transmission glitches taking place at the precinct and municipal levels nationwide may prove otherwise. There should be a full disclosure of transmission operations and data by the election managers.

As expected, inaccuracies with regard to the country's telecommunications infrastructure capability, inadequate field tests to gauge the transmission capabilities of the automated system, lack of technical training for BEIs and technicians, and failure to anticipate and, hence, plug in remedies adequately addressing major transmission problems took their toll on election day. Studies based on Project 3030 monitoring, accounts of regional coordinators, poll watch volunteers, and other sources that observed and documented the May 10 elections revealed a high percentage of signal or connectivity problems, delays or total failures of precinct-level transmission – in extreme cases, for several days - compounded by lack of modems and dysfunctional satellite systems or their unavailability in many areas. For example, in Negros Occidental in one polling center 16 PCOS machines shared two modems.[15] These resulted in a high percentage of precinct ERs not being electronically-transmitted, as the law provides, but manually brought to canvassing centers.

Most-reported incidents of transmission problems were in Bicol where areas considered dead or blind spots could not transmit in the absence of satellite transceivers; and PCOS machines being brought up school rooftops or grounds to capture signal as in Masbate, Caloocan, and other areas. In Tiabonan valley, Bongalonan, Basay, Negros Oriental BGAN satellite devices failed to work in 15 out of 18 clustered precincts. In Eastern Visayas, transmission glitches in many voting centers resulted in delays until the following day; in Naval, Biliran only 11 out of 39 clustered precincts transmitted their ERs electronically, while in Kawayan municipality 18 of 23 precincts registered total transmission failures.

In Davao City, 100% of ERs were transmitted late in the evening of May 13 while in Surigao City, more than 50% of ERs were physically delivered to the canvassing center. In another town of Davao del Sur, Sta. Cruz, 26 out of 62 modems failed to transmit so that the memory cards had to be physically transported to the

municipal canvassing board, according to the local Comelec.[16] In Kiangan, Ifugao only 3 out of 19 precincts transmitted ERs by 8 a.m., May 11 while Iloilo City had only 76 or 22% of 344 precincts transmitting.[17] In Masbate, only 7 out of 550 clustered precincts transmitted by 11 p.m. of May 10 while in Lanao del Sur, 7 of 39 municipalities failed to send election results the same day; 15 clustered precincts in Basilan had a similar experience.

In Tarlac province, 16 out of its 18 towns (including one city) or 89 percent experienced delayed or failed transmissions.

Aside from weak or zero signals, transmission failures were attributed to the heavy influx of simultaneous transmission between 8 p.m.-10 p.m., defective modems and satellite systems, or resorting to manual delivery of ERs rather than waiting for transmission troubleshooting. The SWS survey pointed to 45% of election inspectors experiencing transmission problems, with 68% of the respondents singling out weak or no signal as the culprit.[18]

4. Canvassing connectivity problems and discrepancies

The widespread mismatch of time and date stamps, discrepancies in audit logs and canvassing print logs make the audit mechanism provided by Smartmatic-TIM unreliable and unsecure. Similar to the failures taking place at the precinct level, many municipal canvassing centers also reported transmission glitches that delayed transmission of election results to the provincial and national canvassing. Numerous reports of provincial COCs containing FTS results only show the CCS program was not subjected to testing and certification.

The high incidence of clustered precinct-level electronic transmission glitches also help explain widespread problems that were observed at the canvassing centers all over the country. The Project 3030 monitoring of the canvassing level shows a high percentage (37%) of incidence reports referring to significant delays of ER electronic transmissions from the precincts all over the country. For instance, in Antequera, Bohol all the voting centers failed to transmit ERs to the MBOC a day after the election; by 3:15 p.m. on May 12, 3 towns in the same province, namely, Jagna, Garcia Hernandez, and Jetafe failed to transmit election results to the PBOC.[19]

In Cebu, 88 voting centers (51 of these in Bantayan island) suffered transmission delays due to weak signal, absence of modem, and related problems.[20] In Nueva Ecija, only 8 towns and 1 city out of 27 municipalities and 5 cities were able to transmit.

The accuracy and integrity of CoCs have been challenged based on a significant number of discrepancies involving date and time stamps, audit logs of precinct transmissions as against COC audit logs, transmission of FTS results instead of ERs, and the yet-unsolved erroneous COCs in 57 provinces including cities in the NCR. Many of these have been the subject of election protests. Discovered in Culaban municipality, Biliran was a discrepancy between the audit log of precincts showing failure of transmission of ERs while the CCS audit and minutes of canvassing at MBOC showed successful transmission. In Almeria, same province, the MBOC audit log showed the receipt of ERs even prior to their transmission from PCOS machines.[21]

Comelec also admitted that 190 clustered precincts showed discrepancies after FTS results were sent as ERs; a report by the investigative media group Philippine Center for Investigative Journalism (PCIJ) counted 297 clustered precincts, however. The full extent of this problem can be ascertained subject to election-related public information made available by Comelec and Smartmatic-TIM.

At the House Committee on Suffrage and Electoral Reform (CSER) session June 3, it was found that 57 provinces including cities in the NCR had erroneous COCs, i.e., containing FTS results instead of ERs. CenPEG research based on Comelec's online election results showed COCs integrating FTS results were recorded in the following: Taguig and Pateros (NCR); Basilan, Lanao del Sur, Maguindanao, Sulu, and Tawi-Tawi (ARMM); Abra, Apayao, Benguet, Kalinga and Mountain Province (CAR); Ilocos Norte, La Union and

Pangasinan (Region 1); Cagayan, Nueva Vizcaya and Isabela (Region 2); Bulacan, Nueva Ecija, and Zambales (Region 3); Batangas, Cavite, Laguna, Quezon and Rizal (Region 4-A); Marinduque, Oriental Mindoro and Palawan (Region 4-B); Albay, Camarines Sur, Catanduanes and Masbate (Region 5); Antique, Iloilo and Negros Occidental (Region 6); Bohol, Cebu, and Negros Oriental (Region 7); Northern, Eastern and Western Samar, Leyte, and Southern Leyte (Region 8); Zamboanga del Norte and Zamboanga del Sur (Region 9); Bukidnon, Lanao del Norte and Misamis Occidental (Region 10); Compostela Valley, Davao del Sur and Davao Oriental (Region 11); North Cotabato and Sarangani (Region 12); Agusan del Sur, Dinagat Islands, and Surigao del Norte (Region 13).[22]

This confusion, CenPEG IT consultant Dr. Pablo Manalastas said, can be attributed to Smartmatic's erroneous counting and canvassing system used for the May 10 synchronized elections. The system failed to reject the invalid COCs and accept only the valid ones. Smartmatic's CCS program was not subjected to testing and certification in accordance with Philippine election laws, despite the SysTest testing and certification issued by Comelec's TEC, Manalastas said. This analysis was confirmed, for instance, in Eastern Visayas including Tacloban City. A city Comelec official said although they followed transmission instructions the same instructions revealed flaws in the CCS program. The CCS laptop automatically uploads results without distinguishing whether these were from election day voting or from FTS. Once uploaded, the results cannot be overwritten or edited in the CCS program.[23]

5. Thermal Paper

The use of unofficial thermal paper registered a high incidence across the country. In such cases, as explained by Comelec officials, the official thermal paper was used up during the FTS. Still, questions remain where those unofficial thermal papers – whose lifespan will be shorter than the 5 years promised by the tech provider - came from thus further casting doubts on the security and accuracy of the election results.

6. Irregularities in voting procedures, long queues, and voters' disenfranchisement

Whether a change in management, as the AES project required, was effected in Comelec for the automated election was tested in the near-anarchy that characterized voting procedures on election day – in conflicting procedures, unprecedented long queues, and violations of voting instructions. Minus the presence of PCOS machines, election day preserved the traditional forms of election cheating marked by violence especially in many hot spots. The voting turnout based on Comelec's 75% - which Project 3030 estimates as conservative – is the lowest in synchronized national and local elections since the 1986 snap polls.

A common sight observed in voting centers across the country on election day were long queues of voters – an average of 1,000 packed in clustered precincts – trying to withstand the heat or, in many places, of rain as they waited for their turn to vote in the country's first automated election. Voters waited for 3-6 hours – in some cases, up to 9-12 hours – to exercise their right of suffrage during the 12-hour voting time. Indeed, voters were willing to wait – but irregular procedures, confusion among BEIs and technicians compounded by technical glitches that made the wait longer and unbearable, and especially in election hot spots violence on voting day – caused the voters' patience to wear out.

A Comelec official in Iloilo admitted that BEI members were left to their own wits on election day in managing the flow of voters, leading to a lack of a uniform voter flow management scheme. To illustrate, there were BEI members who made 10 voters vote at a time while other BEIs made 5 at a time. Some BEIs and support staff handed out priority numbers, some did not.[24]

There were reports about priority numbers deliberately issued by campaigners of candidates, in some cases in collusion with BEIs (as in Sorsogon and Albay, and Cagayan de Oro),[25] to prioritize voters hauled by candidates ("*hakot*") or otherwise, prepaid voters; of deliberate slowdown of voting to prevent voters of rival candidates from casting their ballots. Difficulties of finding voters' names in the registry and irregularities in the master list, lack of clear election guidelines applicable for an untested precinct clustering where the

demand for voting administration increased from 200 voters in previous manual elections to 1,000 under the automated system, and conflicting procedures used by the election inspectors contributed to the long queues.

By 1-4 p.m., a high percentage of voters had not voted in many precincts all over the country. In various precincts in Lapulapu City, for instance, only 10% of the voters had voted as of 1:45 p.m.; in Barangay Marmol, Tuburan, Cebu only 200 out of 900 voters cast their votes by 4:15 p.m. with a similar case in Poblacion Occidental, Valencia, Bohol where only 193 out of 980 had voted as of 4 p.m. In Davao City, only 100 out of 1,000 voters at the Marilog elementary school had voted by 12 noon; while only 260 out of 800 voters had voted by 3 p.m.at the Suawan elementary school. In Caloocan Cty, nearly 50% of voters at the Bagong Silang elementary school opted to go home.[26] At the Dulao Elementary School, Naguilian, La Union less than half or only 44% of the total registered voters were able to vote.[27] In Mandaluyong City more than 50 eligible voters had no names in the voter lists.[28] There were also similar reports of falsified voter's lists in other areas.

At the SPED elementary school in Iloilo City, only 350 out of 900 voters who lined up to vote had cast their votes by 2 p.m. The reason is that wrong ballots were delivered and thus were rejected by the PCOS machines. In the same city and in Estancia town, majority of voters were waiting to vote by 4 p.m. In Estancia's Botongon elementary school, voter Precious Pagayunan waited non-stop for 12 hours from 7 a.m. and was still in the queue by 7 p.m. By that time, only 316 out of 912 voters were able to cast their ballots.[29]

Aside from the possible high percentage of voters disenfranchised from voting (see Felix Muga II's study on voter disenfranchisement) for various reasons cited, other incident reports told of many voters, particularly senior citizens, fainting or collapsing; there were also a number of incidents of death. A BEI teacher passed out at the Eulogio Rodriguez elements school in Caloocan; at the Bagong Silang high school, same city, an old woman voter reportedly died of exhaustion while on queue.[30] Voters observed that while it took only 1 hour for voting it was several times longer in the automated polls.[31]

A former Comelec consultant aptly assessed the unsystematic long queues as "a failure of change management in…a major innovation like automated elections in a very constrained environment of clustering (the precincts)." Marvin Beduya says Comelec focused most of its preparations on the technology "and very little on polling center management and especially on avoiding congestion from clustering." The precinct clustering system, which compressed the voting precincts from 300,000 to 76,300 and 37,062 voting centers led to more voters massing up at each polling center. DepEd Assistant Secretary Jonathan Malaya said the Comelec should review its clustering policy and beef up each polling center with more voting machines. "Technically speaking, people who went home because of the long lines were already disenfranchised," he said.[32] Beduya, on the other hand, estimated between 1.91 million to 7.92 million voters as having been "self-disenfranchised." The long lines discouraged voters especially the elderly and disabled from voting.[33]

7. UV scanners

Verifying the authenticity of ballots was not fully implemented as provided by law with the non-use of UV scanners by a significant number of precinct BEIs.

The purchase and deployment of UV scanners were made too late in the day and without transparent bidding so that the BEIs received no orientation let alone training on their use. There were reports of precincts not receiving the scanner at all; many BEIs who received it either left the scanners unused or mistook it for emergency flashlights. (Based on the SWS survey, only 50% of BEIs used the ballot scanner.)

8. Vote buying, violence and other irregularities

Other widespread irregularities reported were vote buying (some local Comelec personnel said vote buying in the May 10 elections was the most rampant in several years)[34], ballot pre-shading (as in Cagayan de Oro, Cebu City, and Quezon City)[35], and flying voters.

There were also many incidents of the presence of police and military personnel in voting centers contrary to law. Other incidents told of BEIs feeding ballots themselves and Smartmatic technicians operating PCOS machines instead of limiting their authorized task to troubleshooting when called. In some areas, particularly in the ARMM and other election hot spots, voting was marred by election violence leading to delayed or failure of elections in many areas.

There were also reports of legitimate poll watchers barred by BEIs from monitoring the elections. Many senior citizens – comprising more than 6% of the electorate – found the ballots not voter-friendly with its small fonts and stringent requirements for ballot shading, among others. In many ways, the secrecy of voting was compromised under the constraints of the election setting: short secrecy folders for the long ballots, ballots being fed by unauthorized non-voters including BEIs, other voters and partisan watchers peeking at ballot markings, and in many scenes including ARMM, candidates and campaigners intruding into the precincts to cajole voters.

The failure of Comelec to effectively cleanse voters' list throughout the country and BEIs' inability to put indelible ink on voters' fingers made the election more vulnerable to flying voters or double registrants.

A number of local Comelec officials blamed the new precinct clustering for the near-chaotic scenes on voting day all over the country. Voters per precinct should be reduced to not more than 500, they suggested.

Election protests

The lack of safeguards and security measures made the AES vulnerable to automated fraud particularly in a country where cheating of various types persists as a norm during elections. Project 3030 reports revealed or validated a number of election protests which, based on Comelec records, had totaled at least 100 from 41 provinces and cities by June 2010. Many of the election cases apparently involved the complicity of certain Comelec officials, BEI members, and others. Losing candidate for Surigao del Norte governor, Robert "Ace" Barbers disclosed before the House CSER on May 24, 2010 about a man offering him a "sure-win" deal involving the switching of CF cards for a fee of Php50 million. The use of CF cards and ballot pre-shading with the alleged involvement of local election officials is also the subject of protest in Cagayan de Oro. There are of course the celebrated cases in Manila where defeated mayoralty candidate Lito Atienza denounced the mismatch between date and time on the ERs and the election day as well as former Sen. Mar Roxas II protesting 3 million "null votes" not counted by PCOS machines in the vice presidential race. These and numerous other election protests including those dealt with in the CSER hearings cited other irregularities such as the absence of digital signature, conflicting time logs between precinct transmission and canvassing, and the use of unofficial ER thermal paper.

Allegations about the tampering of CF cards has been given credence in the Pasay City election protest where losing candidate for mayor Consuelo Dy showed detailed accounts involving memory cards and election returns with thousands of votes "illegally credited" to the proclaimed winner, Antonio Calixto. Accordingly, Comelec has ordered a recount of the votes for the mayoralty contest.[36] Dy's election protest cited Irregularities such as "misreading and miscounting of votes, rejection of perfectly valid ballots, miscanning and misappreciation of the ballots and other irregularities attaching to the casting and counting of votes."

Compounding these election protests are lack of clear legal guidelines regarding the adjudication of cases in the election using automation technology and the lack of transparency and verifiability in the AES that hampers the process of building a case where indications of electronic cheating are strong.

Proclamations were contested or protested as null and void because the election results were generated by an unreliable and highly-suspect automation system.

II. STATE OF ELECTION READINESS BEFORE MAY 10, 2010

Extensive research and monitoring by the EU-CenPEG Project 3030 revealed that the election automation was geared for launch in a critical, nationwide political exercise despite uncertainties and loopholes attending its preparatory stage.

1. Board of Election Inspectors (BEI)

Training for some 229,200 BEI members was insufficient and did not prepare them for managing crowd control, systematically implementing the new voting procedures, or even technical troubleshooting when circumstances forced them to.

On the eve of the May 10 election, it was clear that the human factor – the most decisive element that was to run and supervise the poll automation was not A-ready. Ground reports gathered and interviews conducted by Project 3030 with local Comelec officials and BEI members in the provinces revealed many admissions and testimonies about inadequate training for poll inspectors organized by the Comelec on how to administer the May 10 election. Delayed by two months, the BEI training – which may as well be called a "briefing" – as originally scheduled for three months was finally implemented and compressed into three days per batch.

Common complaints about training inadequacy aired by the BEI informants included unfamiliarity with machine and transmission troubleshooting, modem installation, RMA and FTS procedures, UV lamps (which, on election day, were mistaken by most BEIs for flashlights), and other skills. And yet, the BEIs – aside from the expected tasks of voting supervision and electronic transmission of election returns (ERs) - also took on added tasks like retrieving and setting up new election paraphernalia and the whole voting process inside clustered precincts involving an average of 1,000 voters (as against 200 in previous manual elections); technical troubleshooting amid the unavailability or shortage of technicians which became the trend on election day; and so on. Contributing to the confusion is that the manual used for e-day was different from the training manuals.

Confirming the training constraints, BEI members in Tacloban City, Iloilo City, and Biliran island province in the Visayas said although they were made to believe that Smartmatic-hired technicians were to be on hand for machine and system troubleshooting many of them turned out to be similarly clueless.[37] In Cagayan de Oro, BEI supervisors were given training just a week before election day.

2. Smartmatic-TIM IT technicians

Smartmatic-TIM was running against time to hire, through local sub-contractors, 50,000 IT technicians for maintenance, operations and troubleshooting; training was also inadequate while many hired technicians were non-IT capable. Whether the target number of IT technicians was met will prove to be a problem on election day.

Until the eve of election day, it was unclear to the public whether Comelec and Smartmatic were ready with their IT technicians who are tasked generally to handle maintenance and operations, and troubleshooting of the AES particularly its technology component. However, Smartmatic technicians in several provinces told Project 3030 that training was inadequate with most modules lasting for a day only. Some were just given training manuals for self-study that will guide the conduct of FTS; actual training for PCOS troubleshooting was either lacking or inadequate.[38] In some areas like Surigao City, Smartmatic hired non-IT people such as nurses, non-IT students, and even out-of-school youth and housewives.[39] There were reports, such as in Iloilo City, of IT technicians moonlighting for candidates with the local Smartmatic supervisor unable to prevent it in the absence of a binding contract except a certificate of service. Because hiring of Smartmatic technicians was sub-contracted those deployed for the election day were accountable only to the sub-contractors.

All these show the technical and human resource inadequacies in responding to unexpected glitches not only in terms of number – with a typical IT technician left to handle as many as 27 or more PCOS machines and other technical paraphernalia – but also in terms of skill and political neutrality or non-partisanship in a critical election process. A common complaint by BEIs as well as Comelec personnel interviewed by Project 3030 is about the shortage of IT technicians on election day. In Payatas A, Quezon City one IT technician was assigned to 19 PCOS machines serving 18,000 voters; at Dona Juana, Payatas another technician was assigned 27 PCOS units serving 27,000 voters.[40] In many areas, technicians were nowhere to be found after 5 p.m. – their service contracts were said to end at 5 p.m. of election day.[41]

3. Voter education

Voter education essentially called on the voters to adjust themselves to the burdensome and rigorous demands of the machine, not the other way around. The law says the adopted technology should be compliant with the "actual conditions" of the country, which includes a political culture attuned to modern technology. In any case, voter education did not cover significant parts of the electorate and was so oversimplified that voters ended up without appreciating the advantages and disadvantages of automated election especially on its full implications to voter's rights. The deficiencies in voter education underscore Comelec's and Smartmatic-TIM's system-orientation thus giving less priority to enhancing voters' rights.

A significant percentage of the country's 51 million registered voters, especially those in remote and upland as well as coastal areas, received no voter education.[42] Generally lasting for three hours, the modules used in a typical voter education mainly consisted of procedures of voting (like shading the ovals and feeding the ballots) as visualized by instructional videos such as the 3-minute Sex Bomb-performed "*Bilog na hugis itlog*". A limited series of road shows also conducted short demonstrations of the PCOS machine system and ballot shading. These were supplemented by short TV infomercials and posters.

In Iloilo City not all 180 barangays were given voter education while in Biliran the activity was much delayed and limited only to video showing. Voter education in Cagayan de Oro had limited number of participants, local Comelec officials said. Voters interviewed in Tacloban City said they were told nothing of the possible technical problems that are anticipated on election day. The size of ballot ovals turned out to be smaller and tricky especially to older voters compared with the sample ballots shown to them before election.

The Comelec-supervised and PPCRV-assisted voter education – which can actually be rated as "election briefing" - betrays a low appreciation of the imperative for building a higher political culture attuned to the demands of modern technology. Precisely because an entirely new technology was adopted, voter education should have given emphasis on how the system operates, showing both its strengths and weaknesses or constraints; and how it complied with the democratic requirement of "secret voting, public counting." Voters were required to adjust to the modern yet untested demands and technical rigors of the election automation, instead of the technology being fashioned to conform to the political culture and technological level of the voters as well as actual conditions in the country. They were also made to believe that election automation, called by Smartmatic as the "dream poll," means no election fraud. In the few modern countries that use electronic voting such as the U.S., voter education is planned way ahead for a year or two, with voting machines shown for public display and testing at various parts of the country.

Aware of the anticipated problems and the outstanding issues surrounding the AES, independent voter education, briefings, and orientations with participants that included farmers, workers, urban poor, indigenous peoples, women and teachers were also conducted by non-government organizations such as CenPEG, which it did for about 1 ½ years throughout the country (from early 2009 to May 2010), in coordination with other citizens groups and poll watchdogs such as AES Watch, institutions, schools, interfaith organizations, as well as political parties, IT groups, media, and so on. (Please refer to the voter education section of this report.) These were supplemented with visual materials such as videos, powerpoint slides, posters, pamphlets, primers, demo materials, simulated voting, and manuals.

4. Capability and readiness of the AES machine technology

The manufacturing of PCOS machines was delayed so that quality assurance became unlikely. Aside from the fact that the Smartmatic-TIM PCOS technology is the lowest end in the international market with many limitations that put undue burden to the voter, the machine's being prone to tampering was hidden from the public as independent IT experts found out.

The PCOS machine and CCS technology were never tested in actual Philippine conditions; the mock elections and field tests conducted to determine the system's viability and capability were inadequate. Moreover, bidder Smartmatic never operated a PCOS system before and its role in the August 2008 ARMM elections was to pilot test the direct recording electronic (DRE) voting system. Machine-wise, the PCOS machine (with its 4-bit scanner) as deployed is the lowest end in the international market, its capability to scan ballot shadings limited to only 16 as against the high end of 24-bit scanner which can see over 16 million colors and is worth only Ph2,000.[43]

These are some of the reasons why voters were under intense pressure to comply with high-percentage accuracy in shading the ballot ovals since failure to do so would penalize them by rejecting their votes or that over-voting in the senatorial slate will be nullified - something which never happened in the country's election history. That the PCOS machine proved to be not voter-friendly was also indicated by the disabling of its verifiability feature (Comelec reasoned it would only delay voting), among other hardware and software components.

After a period of delay, the manufacturing of some 82,000 PCOS machines was rushed, first in Taiwan where it was originally planned, and finally in China. Under time pressure, the machines were deployed late but was further set back by the May 3, 2010 final testing and sealing (FTS) disaster.

Moreover, incident reports of Project 3030 revealed that 43% of machine destinations received the equipment very close to e-day – in many areas, even later than election day. In Kauswagan, Lanao del Norte, for instance, machines arrived May 11; in Maasin, southern Leyte 22 of 89 machines also arrived late. Several reports also indicated machines were installed only on election day.[44] Whether in the delivery and installation of all the PCOS machines all the way from China to the Philippines in its central hardware (Cabuyao, Laguna), regional and provincial hubs, and the barangay-based clustered precincts no significant damage on any of the equipment happened cannot be fully ascertained at this point but cannot be downplayed. However, Smartmatic-TIM officials admitted before the House CSER that the discrepancies in time and date stamps in the ERs may have been due to shipping in the deployment of machines.

Reports of delays in the delivery of PCOS machines and other election paraphernalia can be explained by a report, "Nationwide monitoring of PCOS machines from hub to polling center," showing that as of May 7, 11 a.m. only 21,232 or 27.8 percent out of 76,340 PCOS machines had actually been delivered from various distribution hubs to polling centers.[45] This means that 55,108 PCOS machines or 72.2 percent had not yet been delivered to the polling centers barely three days before election.

Just the same, a big number of machines unimaginably had to go through rough terrain, as in Iloilo where many PCOS machines and other election paraphernalia were carried in hammock or tied to a horse through rough roads; or by hiking with the equipment carried by human couriers for days to their final destinations.[46] In Masbate City, a local Comelec personnel said "Smartmatic did not deliver." Reason: Many election paraphernalia such as secrecy folders and UV lamps arrived only after May 10. Aside from all these, were defective batteries and CF cards malfunctioning.[47] A post-election survey by the Social Weather Stations (SWS) of voters and poll workers released on July 28, 2010 showed 51% respondents saying PCOS machines arrived on May 8-9; 3% received the equipment May 10.

5. Forwarders for deployment

There was lack of transparency in the hiring of three logistics companies (public bidding), as well as in their papers, operational plans, and subcontracting transactions. Despite the absence of transparency in the whole operations, Project 3030 received incident reports showing delays in the deployment of election paraphernalia and the possible risks involved in the delivery.

Three logistics forwarders took charge of the deployment of voting machines, ballot boxes, and other election paraphernalia from the Smartmatic-TIM central plant in Cabuyao, Laguna to their precinct destinations throughout the country. The three forwarders, namely, Argo International Forwarders, Ace Logistics, and Germalin[48] were small players, with limited resources in the logistics industry, and with no experience in a major project as the AES. Based on the 2008 domestic cargo traffic flow statistics from the Civil Aviation Board (CAB), Argo International only placed 11th with a total market share of 0.42%; Germalin at 12th place with 0.35% market share. Ace Logistics is not among the top 30 companies of forwarders. This data is based on actual chargeable weight in freight handled by the companies.

The small size of the firms and their relatively limited networks across the country put in question their capability to deliver 82,000 PCOS machines to specific areas in the country. Add to this, in order to fulfill the delivery of the election paraphernalia, the firms were to hire local subcontractors to assist in the delivery, warehousing, and security. The three firms and the local subcontractors were accountable only to Smartmatic-TIM and not to Comelec. Furthermore, there was a higher possibility that local subcontractors may have links with local politicians or partisan groups.

Just the same, many incident reports showed that the security and safekeeping in the period of deployment of AES paraphernalia may have either been compromised or opened to various elements. Storage and security were put at risk in cases where the machines were kept inside NFA warehouses, like the one used in Barangay Calaoa-an, Candon City, Ilocos Sur or in a La Union compound owned by the Cojuangcos.[49] In Negros Oriental Project 3030 received reports of persons presumed to be Smartmatic and Comelec personnel examining election paraphernalia at a warehouse without IDs.[50]

6. May 3 final testing and sealing (FTS)

The May 3, 2010 final testing and sealing (FTS) fiasco highlighted the mismatch between CF cards and ballot designs. But there were extensive reports as well of PCOS malfunctioning, missing SIMs, transmission glitches, problems with back-up batteries, etc. – incidents that had been documented in previous field tests and mock elections. The tight window for remedial measures involving reconfiguration and delivery of reconfigured memory cards put the whole system operations to greater risks including cheating, flawed follow-up FTS activities, and election delays. The FTS showed how both Comelec and Smartmatic-TIM were ill-prepared, management-wise.

The low level of public confidence triggered by uncertainties and critical issues regarding the extent of power supply, telecommunication infrastructures, hitches in mock elections and field tests, and other problems took a nosedive when the FTS conducted nationwide on May 3 – or 7 days before the election – hit a serious snag. Headline-grabbing reports told of precinct-specific CF cards, which give the PCOS machines their identities, failing to read votes properly and, thus, indicating the wrong configuration of the memory cards. All the 76,347 CF cards and, in many provinces, PCOS machines were ordered recalled by Comelec and Smartmatic-TIM for reconfiguration at the Cabuyao plant; later faulty CF cards were ordered destroyed, prompting election watchdogs to demand it be stopped as the cards had to be diagnosed for assessment and other purposes. The reconfiguration of the CF cards was not only centralized in Cabuyao, as claimed by Comelec, but also involved provincial offices of DOST, per a memorandum issued May 9 by Comelec Executive Director Jose Tolentino, Jr. However, some provincial DOSTs, such as in La Union, received the Comelec memo only on May 11.[51]

The narrow window of recall and reconfiguration and the follow-up FTS became vulnerable to tampering or rigging, to lack of quality assurance, erroneous reconfigurations, and other risks. Further concerns were raised after CenPEG exposed the secret memo issued by Comelec directing the DOST and its provincial offices to assist in the CF card reconfiguration. Citizens' watchdogs including PPCRV lost track of this crucial pre-election contingency operation the major reason being the sheer lack of transparency by the election manager and the foreign consortium.

True enough, incident reports collated by CenPEG and other sources pointed to delays in the delivery of the reconfigured CF cards in many voting areas thus contributing to the delay of FTS and to the opening of

voting on May 10. In many clustered precincts, CF cards arrived days after the election. The May 3 fiasco and the rush attending the remedial steps made paid a heavy price on election day. During FTS in the NCR on May 3 and 6, not only the CF cards were found faulty; there were also incident reports of failure to test back-up batteries, missing SIM cards, missing PCOS modems, battery breakdowns (such as a clustered precinct at the Fortune elementary school in Marikina).[52] Not all voting centers in the NCR conducted FTS owing to the late arrival of voting machines, as well as disorganized FTS activities, miscommunication and misunderstanding between BEIs and Smartmatic technicians.

Project 3030 monitoring revealed that of 1,107 incident reports 56 referred to FTS problems such as failed FTS (36%), delays (9%), PCOS breakdown, defective batteries, no ballot box, etc. In Barangay Balacson, Kawayan, Biliran the FTS was held only in the early morning of May 11. Indeed, as a Smartmatic supervisor conceded to CenPEG, the tight window between May 3 and e-day gave little latitude for CF cards' full correction. There were more serious problems in the provinces, as will be explained later. But based on the SWS survey, 76% of respondent poll watchers said the follow-up FTS was conducted only on May 8-9, with 25% adding there were still problems with CF cards.

7. Electronic transmission

Comelec's and Smartmatic-TIM's grasp of the power, road network, and transmission infrastructures that are critical to the success of the essentially untested automated election should be challenged. Either they over-estimated themselves or simply did not do their work in this field preparatory to a highly-ambitious project that had a high demand for road, power, and telecommunications capabilities. At the very least, the lessons learned in the August 2008 ARMM pilot automated election which was marked by transmission and power failures were overlooked in the last synchronized election.

A major drawback in election preparations was ensuring the transmission capability of the automated system. The major players involved in the election automation, particularly Comelec and Smartmatic-TIM, sounded optimistic about the transmission and other infrastructural requirements of the AES with high hopes that the electronic transmission of election results from the precinct to the national servers was not a problem. As the nationwide election day glitches would prove later, however, such high optimism was groundless.

Insofar as the infrastructural requirements of the AES are concerned the only latest available data in connection with the AES was Comelec's project of precincts and their power reliability published in 2008. For the automated elections, Comelec was mandated to come up with a geographic information system (GIS) mapping in 2006 with an initial appropriation of Php2 million but no such study was ever made until today.[53] Top executives of the country's IT giants revealed to CenPEG in mid-2009 that transmission was really a big dilemma noting that the development of connectivity for the ambitious election project takes years; leading computer specialists and bank executives concurred.

A GIS, which should have been completed at the early preparatory phase of the AES, should have given Comelec a clear picture about the infrastructural readiness for its ambitious project. GIS integrates hardware, software, and data for capturing, managing, analyzing, and displaying all forms of geographically-referenced information. It allows people including election stakeholders to view, understand, question, interpret, and visualize data in many ways that reveal relationships, patterns, and trends in the form of maps, globes, reports, and charts. Data released by the Joint Congressional Oversight Committee (JCOC) on Automated Elections showed that as of February 2009, 85% of voting precincts have stable power supply, 3% have unstable power supply, 11% have no power, while the rest have no given data.[54] The energy department in late 2009 noted there would be power outages in 2010 with Comelec Chairman Jose Melo himself forewarning of possible manual elections in areas faced with power instability by at least 40%.

Smartmatic-TIM, which assumed – wrongly – that connectivity was no problem realized too late in the day about the real state of affairs. In a hastily-prepared "site survey" of voting centers it conducted in December 2009-January 2010 (93% complete, as claimed), the Venezuelan technology provider found that 30% of the country have poor or unstable mobile connectivity and will have to use satellite transmission, like

the Broadband Global Area Network (BGAN, 5,600 units) and Very Small Aperture Terminals (VSAT, 680) on May 10. (The satellite transceivers were supplied by We-are-IT Philippines or WIT.) The figure translates to 4,690 clustered precincts in urban and rural areas or around 10,000 PCOS machines (13% of the 76,300 machines to be deployed) accounting for 10% of the 50.7 million voting population. Among the provinces where voting areas lack telecommunications facilities are Abra, Benguet, Samar, Leyte, Zamboanga, and Tawi-Tawi with a voting population of 3 million.

It took three more months – barely 20 days before e-day – when Comelec and Smartmatic-TIM signed on April 21, 2010 a memorandum of agreement with telcos giants Globe, PLDT-Smart, and Digitel to provide a system of telecommunications transmission of election results on May 10. However, the site surveys which involved data-gathering of voting centers' power and transmission connectivity and testing transmission signals of the three major telcos[55] (with field data sent only to Smartmatic provincial supervisors by text message) appeared to be inaccurate. Based on initial GIS mapping of CenPEG, transmission tests, and field reports from its regional research coordinators and trained poll watch volunteers, there were areas not listed by Smartmatic as having poor or no signals (blind or dead spots) or where connectivity was a problem; those found to have good signals turned out to have unstable or even no connectivity. The contingency plan of using satellite system was flawed in several areas – some voting centers never received either BGAN or VSAT equipment; or if ever installed, satellite transmission proved to be inadequate with as many as 30 PCOS machines sharing one transceiver.

Project 3030 reports of pre-election field tests conducted by Comelec/Smartmatic also revealed satellite transmitters could be unreliable even in cities where there are strong connectivity signals. In Masbate, a Comelec personnel said Smartmatic's site survey was inaccurate since 20 out of 57 clustered precincts or 35% presumed to have connectivity failed to transmit electronically.[56] Similarly, a regional Comelec official in Eastern Visayas said something was amiss with the site surveys. This was evident, he said, in the shortage of BGANs and transmission facilities including modems that resulted in transmission delays.

Among many others, the provinces monitored by CenPEG where several voting centers showed weak, unstable, or no signals – and which would be confirmed based on election day incident reports – were Aurora (only central part of Baler has signal, most towns have weak signals), Masbate, Tarlac (dead spots in San Jose town, some areas of Hacienda Luisita where then presidential candidate Benigno S. Aquino III voted), Nueva Ecija (San Isidro elementary school, Laur and Palale elementary schools), La Union, Ilocos provinces, Cordillera, Albay (like Rapu-Rapu island) and other Bicol provinces, Cebu, Samar, Leyte, and even cities like Caloocan and Pasay. It was also worse in many Mindanao provinces as well as in Cordillera where remote villages that, aside from zero-connectivity, have no power supply, and no roads other than upland trails broken by rough rivers or remote voting centers isolated by waters. Mindanao's major city, Davao, showed 40-50% of schools serving as voting centers with zero-connectivity so that a Smartmatic plan to assign BGAN satellites was set.[57]

The transmission plan was also challenged by field test flaws that include failure of satellite transmission. Modem devices turned out to be insufficient on election day, with as many as 10 precincts and more sharing one modem thus contributing to further delays in transmission. Local Comelec officials were made to believe that each clustered precinct will have one modem. It did not happen on election day.

8. Mock elections and field tests

The mock elections and field tests, aside from suffering delays, did not simulate the actual conditions as required by law. As a result, they failed to anticipate the widespread election-day long queues of voters and technical hitches with viable contingency measures.

Aside from field tests conducted on January 25 and 27, 2010, pre-election mock polls were held on February 6 in nine precincts spread throughout the country and on March 25 held at the Senate building. (Another mock election was held at the UNTV station on April 29, 2010.) The mock elections, which included transmission, canvassing, and random manual count, were mainly held in urbanized school sites with long-established power and telecommunications systems and did not simulate the expected number of voters (1,000 per clustered precinct) as only 50 in the first mock election and 100 in the second, participated.

Compiled from provincial reports, the main report issued by Project 3030 on both mock elections validated many of the 30 vulnerabilities of the AES that had been identified as early as April 2009, including early machine malfunction, readability of ballots, no voter's verifiability, ill-trained poll inspectors, discrepancies between the electronic votes and manual counting.[58] A time-and-motion study of the mock polls showed that a maximum of 550 voters will be able to cast their ballots during the original 11-hour voting window so that voting time should be extended to 16 hours or, in extreme scenarios, 20-40 hours.

CenPEG repeatedly called for conducting real mock elections held under real conditions such as in remote, rural areas. In the end and as a last-minute thought, Comelec only extended voting time from 7 a.m. until 7 p.m. or 12 hours. It became clear that the new clustering of precincts per the directive of Comelec was untested not only in terms of viability but more so in ensuring all registered voters are able to exercise their right of suffrage freely and without any undue burden like lining up for several hours under the heat or rain. Absent appropriate remedies, the studies underscored concern that a high percentage of voters would be disenfranchised on election day.

9. Ballot delivery

Aside from the issues involving the design and printing of ballots that compromised the ballots' integrity and security, incident reports showed numerous problems including wrong deliveries and dangers with regard to storage and safekeeping.

With regard to ballots, there were incident reports of ballots delivered to wrong destinations (e.g., those for Caloocan were brought to Malabon, and those of Barangay Buenos Aires, Pangsanghan, Samar sent to far-away Barangay Generosa, Guimbal, Iloilo resulting in hours of voting delay or failure of election; also SPED elementary school in Iloilo City). There were issues involving ballot printing at the NPO[59], including delays when printing equipment conked out, absence of security markings particularly for ARMM ballots, as well as NPO security markings. There were cases of ballots affected by storage temperature and, on election day, had to be nipped by BEIs before being fed into the voting machines. The sheer length of the ballot compromised voting secrecy especially because secrecy folders provided each voter were short – or were not supplied at all in some voting centers.

Problems related to the ballot – and those of the PCOS voting machines and other election paraphernalia - exposed not only the lack of quality assurance but also failure to design the whole automation system to "actual conditions" in the Philippines.

"Fast results"

Just to conclude this portion: Actual voting in the automated election was by several hours – compared to the previous manual system. Mr. Aquino III was proclaimed as President on June 9, 2010 – 30 days after the May 10 election; Mr. Estrada was proclaimed on May 30, 1998 – only 19 days after the May 11, 1998 election. The election turnout in the May 2010 election is 75% (which is conservative) – the lowest in 24 years of presidential election. What then is the basis of the claim of "fast" results, quicker voting, and more voters voting under AES?

SYNTHESIS & CONCLUSION

Together with AES Watch, all these were documented and brought to the attention of Congress,

JCOC, CSER, Comelec, media and other stakeholders' forums through letter-requests, incidence reports and proposals (during hearings and meetings) such as on the RMA, CF card examination/forensics, etc. and access to 21 vital documents on the following to help answer the major disturbing questions that cast doubts on the accuracy and credibility of the election results.

Were these incidents isolated or did these happen on a small-scale or only in areas covered by Project 30-30 research?

Were these incidents mainly caused by clerical or simple mathematical miscalculations or were these simple reports of technical glitches fabricated only by "misinformed minds?"

If these were only isolated and treated as minor glitches, what explains the following disturbing findings that occurred NATIONWIDE and were validated again in congressional hearings, investigations and Project 3030 case studies?

- Mismatched time and date stamps on all PCOS machines;
- Transmission failures;
- Erroneous COCs in at least 57 provinces and cities;
- Ballots and CF cards delivered manually for canvassing;
- Discovery of the console port in all machines making the PCOS vulnerable to tampering;
- Erroneous entries of total number of voters and votes cast in the national canvassing center and Congress;
- Near anarchy at the clustered precincts;
- Not to forget the pre-election incidence of defective CF cards

All of these have tainted the integrity, credibility, and accuracy of the PCOS machines and the election system.

Based on CenPEG research that includes testimonies of Comelec officials, other election personnel like the BEIs, as confirmed and validated by House hearings and investigations conducted by independent IT groups, as well as by other election watchdogs and media reports - these problems are definitely not isolated and did not occur only in areas studied by CenPEG. Moreover, these were not mere statistical miscalculations or clerical errors, and definitely not mere reports of "misinformed minds."

The problems occurred nationwide. Certainly, there is high incidence and widespread occurrences of the technical and management problems identified in the Incidence Reports by CenPEG, and those by local Comelec personnel on the ground, by media, other citizens' groups and observers. Based on available information, data and documents, the "rousing success of the AES" is therefore without material basis.

CenPEG is optimistic that answers and clarifications on the questions and doubts about the accuracy and security of the PCOS and the whole election system can be found in the 21 public documents requested by CenPEG and denied by the Comelec en banc last July 26, 2010.

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6 Voting at his precinct in Tarlac for the barangay elections on Oct. 25, 2010, President Benigno S. Aquino III said "Automation was the problem in our precinct last time. Twenty-one of the 23 PCOS (Precinct Count Optical Scan) machines in Tarlac bogged down. Ten of them were beyond repair. One of them was used in the precinct where I voted. That's why it took me more than four hours." Manila Bulletin, Elections in 1,599 barangays suspended, Ina Hernando Malipot Oc.25, 2010, http://www.mb.com.ph/articles/284115/no-classes-public-schools

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36 Newsbreak, Sept. 21, 2010.

37 Please refer to the three separate Project 3030 case studies.

38 Probing into a possible automated cheated cheating, Biliran case study, op cit.

39 EU-CenPEG Project 3030, Surigao City: Automation Didn't Stop Vote Buying, case study; Biliran case study, op cit.

40 Summary report, Project 3030-PIOM, op cit.

41 See Tacloban City case study, Project 3030, op cit.

42 Quoting the Anfrel international observation mission interim report, May 13, 2010: "It was evident that voters in rural barangays (received) considerably less voter education…Many appeared apprehensive about the reliability of the new AES." p. 1 of the report.

43 Smartmatic's PCOS: Why 4-Bit Scanner? by Pablo Manalastas, PMana's Sight, http://pmana.multiply.com/journal/item/69/Smartmatics_PCOS_Why_4-Bit_Scanner

44 EU-CenPEG Project 3030 election monitoring and incidence report, June 2010.

45 ABS-CBN News, May 8, 2010, http://www.abs-cbnnews.com/sites/default/files/others/downloads/pcos05082010.pdf

46 See Project 3030 Iloilo City case study, op cit.

47 See Project 3030 Masbate case study, op cit.

48 EU-CenPEG Project 3030, "The Final Stretch: Gearing Up for the May 10 Automated Elections: Project 3030 Preliminary Report," covering the period January 15-March 31, 2010.

49 Refer, for instance, to the Project 3030 La Union case study, op cit.

50 Project 3030 pre-election checklist, Negros Oriental, May 3, 2010, 10:30 a.m.

51 See Project 3030 La Union case study, op cit.

52 FTS observer's report, student researcher, CenPEG VIP and Project 3030.

53 See "The Final Stretch…" Project 3030 preliminary report; and also the section on GIS of this report, op cit.

54 See study on telecommunications, "The Final Stretch…" Project 3030 preliminary report, op cit.

55 See Project 3030 La Union case study, op cit.

56 See Project 3030 Masbate case study, op cit.

57 EU-CenPEG Project 3030, Davao City's Election: A Far Cry from Being Peaceful," case study, op cit.

58 See Project 3030 preliminary report, op cit.

59 Refer to Project 3030 preliminary report, op cit.