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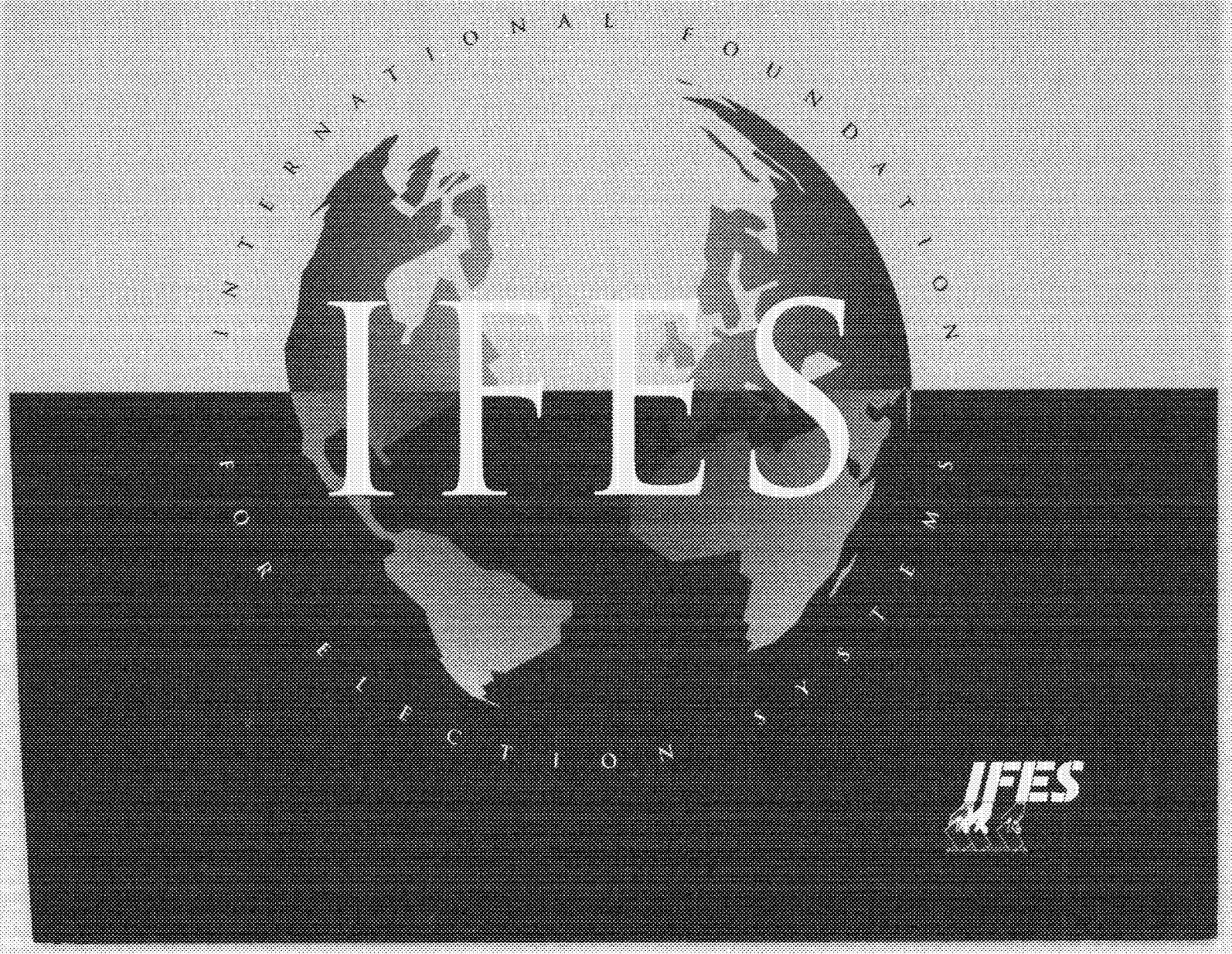
TECHNICAL ASSESSMENT OF THE PHILIPPINES ELECTORAL SYSTEM

JULY-AUGUST 1995



IFES International Foundation for Election Systems

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TECHNICAL ASSESSMENT

OF THE

PHILIPPINES ELECTORAL SYSTEM

JULY - AUGUST 1995

IFES Assessment Team

Gilbert H. Sheinbaum
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Contents of the report reflect the views of the authors and not necessarily USAID, the U.S. Government or Comelec.

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1. Executive Summary

In his July 24, 1995. State of the Union address, Philippine President Fidel V. Ramos said that one of his administration's "most urgent measures" is to "Clean up the electoral system."

With nearly a century of elections in the Philippines as a backdrop, elections were held throughout the Philippines on May 8, 1995, for half the Senate, the entire House of Representatives and all local offices. Many Filipinos had hoped that a modernized electoral system would be in place by the time of those elections, but an omnibus bill to improve the system did not get past the discussion stage in the session of the Philippine Congress that ended in June 1995. Following the May elections, the Commission on Elections (Comelec) submitted several new bills to the Congress to modernize the electoral system. At the same time, the Comelec went ahead with arrangements for the March 1996 election for the Autonomous Region of Muslim Mindanao (four of the country's 77 provinces), for which the Congress had previously authorized computerization of the registration and counting procedures.

Feeling the need for technical assistance, there was agreement between the Comelec and the USAID Mission in Manila to invite the International Foundation for Election Systems (IFES) to provide three experts who would help guide the Comelec in modernizing the electoral system and voting equipment. IFES thereupon put together a proposal for (a) sharing its extensive electoral experience with the Comelec, and (b) providing assistance to the Comelec on voter education, voter registration, design of the ballot, and the voting, counting and canvass procedures.

An IFES technical assessment team conducted extensive research and interviews July 31-August 17, 1995, meeting with key officials from the Comelec, the U.S. Embassy and USAID, the Philippine Congress, the Office of the President, principal non-governmental organizations, the media, Catholic and Muslim religious leaders, former election officials, incumbent officeholders and recently defeated candidates. The IFES team found that all individuals were very cooperative and eager to participate in the assessment. These contacts are listed in Appendix B.

Although the IFES team was present in the Philippines for only two weeks, one member, Gilbert H. Sheinbaum, had earlier resided in the country for four years and has closely followed Philippine affairs for over 16 years. His primary role was to ensure that the political, economic, social and cultural climate of the Philippines has been and will continue to be fully considered in drawing up this report to the Comelec and, as appropriate, providing ongoing assistance. The other two team members, Deborah Seiler and Emmett Fremaux, are experienced election administrators from the United States who provided the technical expertise in election systems for the assessment.

In this report and in its discussion with Philippine officials, IFES does not pretend to propose an ideal electoral system for the Philippines. Nor does IFES promote the sale of any specific electoral

products. It does, on the other hand, offer a number of observations and options for consideration as the Congress and the Comelec move forward to improve the system.

The IFES team's conclusions generally paralleled the Comelec's views on the best ways to modernize the system. At the same time, the team introduced a variety of technical considerations for the implementation of the modernization scheme. In its recommendations, the team strongly urged (1) swift action by the Philippine Congress on the bills before it because much must be accomplished prior to the next national elections in May 1998; (2) greater emphasis on voter education: (3) complete computerized re-registration of all voters; (4) introduction of pre-printed (rather than hand-written) ballots; (5) automated counting and canvass procedures (another bill before the Congress); (6) careful attention to protecting the integrity of the entire electoral system; (7) additional comprehensive training of Comelec staff, especially in the provinces; (8) a cautious, selective approach to the purchase of hardware; and (9) utilization of additional technical assistance. In reaction to the IFES team's preliminary report, the Comelec appeared to accept all points and expressed both its appreciation for the team's guidance and its intention to request additional technical assistance.

2. Background on the Philippines

A. Geography and Population

An archipelago of over 7,000 islands, the Philippines extends about 1,000 miles from north to south. It lies between the South China Sea on the west and the Philippine Sea and Pacific Ocean on the east, while the Celebes Sea lies to the south, separating the southern Philippines from the eastern end of the Indonesian archipelago. Total land area is over 115,000 square miles, of which the two largest islands in the archipelago, Luzon and Mindanao, make up 65 percent. Most of the islands have substantial mountainous topography, but there are also narrow coastal plains are agriculturally rich, as are inland valleys and plains.

Latest estimates indicate that the population numbers about 66 million: 45 percent live on Luzon, 35 percent on the central Philippine group of islands called the Visayas, and most of the rest on Mindanao. The population growth rate is estimated to be 1.97 percent, as of 1993, as published in World Factbook 1993. About 91 percent of the population is of Malay-Polynesian stock. Muslim Filipinos represent about five percent and are the majority in two provinces in Mindanao and the two provinces of the Sulu archipelago southwest of Mindanao. Chinese Filipinos represent about 1.5% and are located in the major urban areas.

About 90 percent of Filipino adults are literate. Because of great emphasis placed on education since the beginning of the American era, scores of colleges and universities can be found throughout the country.

The two most prominent -- but not closely related -- dialects are Tagalog (most of Luzon) and Visayan (which dominates the Central Philippines and Mindanao). Pilipino and English are the official languages. The former is relatively new and is based mostly on Tagalog in an attempt to instill a pan-Philippine language for <u>all</u> Filipinos; however, but it is generally resisted by speakers of Visayan and other minor Filipino dialects.

B. Historical Overview

As the world knows, Ferdinand Magellan visited the Philippines (in the Visayas) in 1521 and claimed all of what is now the Philippines (named after King Philip) for Spain. It was a land of diverse communities with little relationship to one another. In the Central Visayas, Cebu (which claims to be older than Manila and is now the country's second most populous city) was a populated area where Magellan spent most of his short and fatal visit. The remnants of Magellan's fleet left after his death near Cebu, and the Spanish did not establish a permanent settlement until 1565 when Miguel Lopez de Legazpi arrived as the first royal governor.

A small influx of Spaniards gradually created a new nation, especially with intermarriage with Filipinos and the dominance of the Spanish (Catholic) clergy, Spanish entrepreneurs, Spanish military and Spanish civil servants. Spanish became the *lingua franca*; few speak it now, and they are mostly the heirs of the Spanish arrivals of the late 1800s, some having come in a new wave from Spain and some from the Spanish colonies in the Americas that had gained independence. Catholicism became almost the universal religion; the major exceptions are the Islamic areas in the south and a few tribal groups, such as the Igorots in northern Luzon, who steadfastly retain their identities.

Spanish domination of the political scene eventually caused resentment among the growing Filipino elite, primarily the *mestizos* (the progeny of mixed marriages) who had benefitted the most through education, landholdings and business. In 1872 a nationalist movement arose and smoldered for several years. The execution of a few Filipino priests, the writing of several prominent Filipinos and the emergence of an indigenous Filipino leadership resulted in call to revolution on August 26, 1896.

In May 1898, because of the Spanish-American War, the American Pacific fleet was dispatched to neutralize the Spanish fleet in Manila Bay. The Spanish fleet was destroyed, which in turn led to the (for Filipinos) unexpected takeover of the Philippines by the United States. Filipino resistance to the American takeover emerged and continued for several years, but it did not impede the growing American military, political and economic impact.

From almost the beginning of the American period, the United States government and private organizations, many of which were missionary movements, began educational programs throughout the Philippines. American teachers were recruited by the hundreds, schools at various academic levels sprouted everywhere, illiteracy was markedly reduced, and English gradually superseded Spanish as the *lingua franca.*

The revolutionary movement had sparked the Filipinos' interest in representative government at all levels. The expansion of educational opportunities and the concomitant exposure to the American democratic experience ensured that Filipinos would inevitably seek to rule their own land. The United States was slow to recognize that trend, but at least the American government in 1907 permitted the holding of an election for an assembly. Nonetheless, the American Governor-General continued to have virtually full control of the country's administration.

In 1916 the U.S. Congress explicitly stated - in the Jones Act - the intent of the United States to grant Philippine independence as soon as a stable government was established. The act also provided for a bicameral legislature to replace the assembly. As Filipinos rose to senior governmental positions, various professions and the political sphere, the U.S. began to recognize Filipino yearnings. In 1934 it passed the Philippine Independence Act which created the Commonwealth of the Philippines, provided for a president and vice president, gave more power to the Philippine Congress (albeit

while an American Governor-General still exercised considerable executive power, and committed the U.S. to grant independence to the Philippines in ten years.

Manuel L. Quezon was elected in 1935 as President of the Commonwealth of the Philippines, while Sergio Osmena was elected Vice President. During World War II, both resided in the U.S. where Quezon died in 1944, whereupon Osmena succeeded to the presidency. Despite the war, at its end the U.S. honored its commitment, paving the way for the end of the American era. Osmena lost the race for president, having devoted all his time and energy to rebuilding the Philippine government. Manuel A. Roxas was sworn in on July 4, 1946, as the first President of the Republic of the Philippines, the same day that the U.S. era ended.

The U.S. was permitted to retain its airbase at Clark Field and its naval base at Subic Bay, both near Manila, but American influence was more pervasive than just the bases. Filipinos try to emulate the U.S. in many ways, and thus the political structure was in the American image and the commercial sector was dominated by American companies.

From the outset, two political parties alternated control of the Philippines' political system: the Liberals and the Nationalists. Corruption of various kinds, including electoral fraud, was notorious, although President Ramon Magsaysay (1953-1957) managed to clean up much of the political side. The cleanup did not survive his untimely death in an air crash. Violence, especially during electoral periods, was another unsettling factor in Filipino political life, but this problem has diminished gradually in recent years.

A major impediment to national stability in the republic's early days was a Marxist movement (the Hukbalahops) which was founded before World War II, flourished during the war as an anti-Japanese resistance movement, and came to terms with the government in 1955 during Magsaysay's presidency. A successor Marxist movement (the New People's Army) emerged in the early 1970s among bereft Filipinos in urban slums and poor rural areas. The movement benefitted from widespread corruption among government officials, businessmen and the armed services, and from violence and fraud at election times. A Muslim insurrection (the Moro National Liberation Front) also emerged in the early 1970s because of Christian inroads into Muslim areas.

Ferdinand E. Marcos was elected President in late 1965 on the Nationalist ticket. He had always been a Liberal but switched parties when President Diosdada Macapagal decided to run for a second term. Marcos was the first president to be elected to two terms, although two vice presidents, who had become president following the death of the incumbent presidents, subsequently ran successfully for a full term of their own. (The present Constitution permits only one term for president and vice president.)

When Marcos declared martial law in 1972 on the grounds of his perceived and some real threats to national security, he dissolved the Congress, had numerous politicians arrested and effectively

caused both parties to end meaningful activities. A new - but disputed - Constitution was adopted in 1973 which provided for a unicameral legislature. Marcos then established a new party ("New Society Movement", or KBL - the Pilipino acronym) for his stalwarts and Liberal and Nationalist defectors. Marcos won his third election in 1981, under the KBL banner, against a weak candidate set up by the KBL.

Marcos came under increasing pressure because of the assassination in 1983 of his major political rival, Benigno "Ninoy" Aquino, as well as corruption, cronyism and a rapidly declining economy. He called a snap president election for February 1986 and appeared to permit more freedom. Corazon Aquino, inexperienced in politics herself, ran for president on a coalition ticket that included many Liberal Party followers of her late husband, "Ninoy" Aquino. Alleged manipulation of the counting process led to huge anti-Marcos demonstrations, the declaration of Aquino's victory, and Marcos's departure from the Philippines.

In the post-Marcos period, a variety of political entities has emerged, some based partially on the earlier parties. However, these groups' policies are not clearly defined since - in usual Filipino fashion - voters go for personalities rather than substance. Yet, there appears to be greater voter satisfaction with the evolving political scene. It is open to all, the electoral procedures are improved but still need to be modernized and simplified, and officeholders appear to be more responsive to the electorate.

In 1992, a national election brought in a new president, Fidel V. Ramos, and vice president (both elected for six-year terms), a new Senate (also six-year terms), a new House of Representatives (three-year terms), and thousands of provincial, city and municipal officials. National elections were held in May 1995 for all those offices except half the Senate (the terms were being staggered) and the president and vice president. The next national elections are scheduled for May 1998.

C. Current Political Context

President Fidel V. Ramos, in his State of the Union address on July 24, 1995, stated that:

> *"Even as we seek peace and justice for all, we must reassure our people that our political system works, and give them stronger voice in the affairs of our nation. But this, our people cannot have --unless we change the mainspring of political power in this country from money, influence and patronage to talent and merit. The most urgent measures are to:*
>
> - *Clean up the electoral system, so citizens can be sure that their votes are counted;*

- *Open the positions of political power to all who aspire and are willing to compete;*

- *And ensure that the wielders of power are accountable to the electorate."*

The Philippines has the longest electoral history in Asia, dating from 1907, but the electoral system has gone through several permutations over the years. Following the fateful 1986 elections, many Filipinos urged a reform of the electoral system which had been noted for various forms of abuse. A comprehensive vision of electoral reform has been formulated, and significant initial steps have been implemented. Much remains to be done that is attainable given the deep commitment and dedicated leadership that is available to meet the challenges of change.

The next national elections will be held in May 1998, and the Philippine administration and the Philippine Congress should move swiftly if meaningful electoral reform is to be enacted and implemented in time. Some of the reforms have already been instituted for the March 1996 elections of the Autonomous Region of Muslim Mindanao (ARMM) and thus will serve as a pilot test for the 1998 national elections.

The 1992 national elections -- the country's first "synchronized" elections consolidating all national, provincial, and local offices -- are perceived to have been a distinct improvement over previous elections in the Philippines. Yet, there was dissatisfaction with some aspects of the 1992 elections that led to consideration by the Philippines administration and the Congress of steps toward modernization of the electoral system before the May 8, 1995 elections. However, the Congress, in the session that ended in June 1995, failed to enact a comprehensive bill for electoral reform that had been favored by the Comelec and many members of the Congress. This failure may have been because bill was considered too close to the upcoming election, there were too many far-reaching provisions, some members of Congress used diversionary tactics, and insufficient leverage was exercised by both Congressional leaders and the administration to obtain passage of all or at least key parts of that bill.

The May 1995 synchronized election was for half of the seats in the upper house of the Congress (the Senate), all the seats in the lower house (the House of Representatives) and all provincial and municipal offices. Since the prevailing climate appeared to be in favor of continuing progress in the country's political affairs, emphasis was placed on increasing voter maturity and discouraging electoral abuse. Most of the results of the 1995 elections were acceptable to the public; however, there were some glaring irregularities and less success in significantly decreasing the amount of electoral abuse, although the level of election-related violence appears to be lower than in the past.

In the immediate post-1995 electoral period, the Comelec and key members of both houses of the Congress are reviewing the urgent steps needed in order to ensure that the 1998 elections will indeed

improve upon the past. The Comelec has determined that the March 1996, ARMM elections, while far from being exactly analogous to the national elections because they involve only four of the country's 76 provinces, could serve as somewhat of a pilot test for some modernization of the electoral process. Such improvements for the ARMM elections include a total re-registration of voters and computerization of voter lists in those four provinces as well as computerization of the counting and the canvass.

Not all interested parties are totally behind some aspects of the reform: some fear that costs of computerization could be astronomical or will not justify the expense if they do not contribute substantially to electoral reform; some fear that -- as in the 1986 elections -- computers could also be manipulated; and some well-entrenched political figures fear that reform would jeopardize their "secure" seats.

In early August 1995, the Comelec submitted to the new Congress, whose members took their seats in July 1995, new legislation for the major aspects of reform. Not yet included among the draft bills, however, are measures for country-wide computerization of the electoral process, as was enacted for the ARMM elections. The Comelec has also requested bids for automating the counting process for the ARMM elections and has expressed interest in having neutral outside expertise examine and comment on Comelec's proposals to improve the electoral system.

3. Legal Basis, Structure, and Operation of the Electoral System

A. Electoral Legislation/Regulations

Philippine elections are governed by The Omnibus Election Code of 1985. Between 1987 and 1989, this Code was amended substantially, by executive order and by law, to restructure the Commission on Elections, to provide for local elections, and to revise congressional elections. It was amended again in 1991 to provide for the first "synchronized" or consolidated elections, which occurred in May 1992.

Specific provisions for each election are established by the Omnibus Code, by new laws passed by the Congress, and by extensive regulations promulgated by the Comelec. Two significant amendments were enacted in the Code this year. Republic Act No. 8046, adopted June 7, 1995, establishes a pilot program to modernize the registration and vote counting process of the March 1996 elections in the Autonomous Region of Muslim Mindanao (ARMM). Republic Act No. 7941, adopted March 3, 1995, provides for the election of 20 percent of the House of Representatives by a party list system.

The Omnibus Code assigns responsibility for election administration and governs voter registration, voting, vote counting, challenges, political campaigning, and disclosure of political expenditures. It also establishes penalties for electoral law violations.

Comprehensive reform of the electoral law was debated in 1994 in the context of proposed legislation to enact a New Election Code (NEC) to support the modernization of the electoral system, but passage of the omnibus reform provisions did not occur.

B. Commission on Elections (Comelec)

The Code assigns exclusive responsibility for the administration and enforcement of elections to the Commission on Elections, an independent agency commonly known as "Comelec." Comelec is headed by a chairman and six commissioners, all appointed by the president for seven-year, non-renewable terms.

Comelec is administered by an Executive Director and has a staff of approximately 5,000 employees. Approximately 1,000 of these employees are in the Comelec headquarters office in Manila. The remaining 4,000 are located in field offices at the regional, provincial, city, and municipal level. Each of the country's 14 regions has a Comelec regional director who is responsible for Comelec field offices in the provinces within the region. Comelec's 76 provincial offices are responsible for administering elections, from the barangay to congress and president, which are conducted through some 1,600 field election offices at the city and municipal levels.

Comelec staff are responsible for the procurement of all supplies and materials for elections. Procurement is by negotiated or sealed bids. The organization may prescribe the use of the latest technological devices, educate the public about election laws, conduct registration drives, cleanse the rolls, and appoint poll watchers. The basic operating budget for the Comelec core staff and programs -- i.e., not including election operations or modernization projects -- was P526.214 million ($20.6 million) in FY 1995. The budget for the May 1995 national election was about P935 million ($36.7 million), while the modernization program budget for FY 1995 was P288.444 million ($11.3 million).

C. Elective Office Structure and Election Parameters

In 1991, election dates were synchronized to elect national and local officeholders every three years. The president and vice president serve six-year terms, and elections for these offices are held in connection with every other national and local election. The office of Senate is also a six-year term, and 12 of the 24 Senate seats are on the ballot every three years. Barangay (village) elections are held separately, and the next round of barangay elections is scheduled for May 1997. Special elections to fill vacancies are called by Comelec for most offices and are held within 60 days of the occurrence of the vacancy.

A chief executive and legislative governing body are elected at each jurisdictional level, ranging from barangay to the national level. All offices, except president, vice-president, and Senate, have three-year terms, and officeholders are subject to a six-year term limit. The chief executive of each jurisdiction, members of the Senate, and members of municipal councils are elected at large. All 24 senate seats were elected at large in 1992 but were divided in half to provide for staggered terms. The 12 lowest vote-getters in 1992 were elected for only three years. while the ballot the 12 highest will remain in office until 1998. From now on, all Senators are elected for six-year terms.

In addition to the elective offices above, the Omnibus Code also provides for the submission of measures to the electorate in plebiscite and referendum elections consolidated with national and local elections.

Because of the move to synchronize elections, ballots have generally been long. To shorten the ballot, Provincial Board members, who had been elected at large, from May 1995 are now elected by district. However, these six-member Boards are not elected by single-member districts since each province generally has only two to four districts.

Although cities elect councilors by district, municipalities elect councils at large. A Comelec proposal would have municipal councilors elected by district. Consequently, municipal councils are elected by district only within Metro Manila, and the remainder are elected at large. Electing municipal councilors by district would shorten ballots considerably.

Under the newly enacted party-list system, voters in 1998 will have two votes for the House of Representatives. One vote is for a representative who is elected directly; the other is for a party, organization, or coalition to be represented in the House. The purpose is to promote proportional representation and to foster the participation of marginalized or underrepresented groups. Any party, organization, or coalition which garners at least 2% of the total votes cast for the party list is entitled to one seat. Those receiving more than 2% are entitled to additional seats in proportion to their total number of votes; however the total number of seats any party may obtain is three. Party-list representatives are chosen from a list of members nominated by that party or group.

In 1998, the top five parties will be precluded from participating in the party-list system in order to give other groups a greater chance to gain seats and to establish themselves politically. It is anticipated that the number of participating parties or groups on the ballot will not exceed 10-20.

Elective office and candidate data are summarized in the following chart based on Comelec information:

ELECTIVE OFFICES - Philippines National and Local Elections				
OFFICE *(TERM)*	**Number of Seats**	**Total Number of Candidates in 1995**	**Average No. Candidates by office 1995**	**Total Number of Candidates in 1992**
National Offices *(6 years)*				
• President	1 at-large	--	--	6
• Vice President	1 at-large	--	--	6
• Senator	12 at-large	28	28	163
District Offices *(3 years)*				
• representatives	250 total seats • 204 district • 46 partylists	620	3.0	1,082
Provincial Offices *(3 years)*				
• governors	71 at-large	214	3.0	387
• vice governors	71 at-large	237	3.3	383
• provincial boards	672 total seats • 197 districts	2,031	10.3	3,284
City/Municipal *(3 years)*				
• mayors 64/1,541	1,605 at-large	4,221	2.6	7,124
• vice mayors 64/1,541	1,605 at-large	4,767	2.97	7,840
• councilors (6-12 members each) 720/12,368	13,092 at-large & by district	48,513	30.2	74,286
Barangays *(3 years)*				
• Captains	41,919 at-large	Candidate information not available.	Candidate information not available.	Candidate information not available.
• Councilors (6 member boards)	251,514 at-large	Barangays not part of synchronized elections	Barangays not part of synchronized elections	Barangays not part of synchronized elections

As the foregoing data imply, the scale of this centralized system is immense. Compiled data for the May 1992 general election profiles a system with these orders of magnitude:

- 32 million registrants (36 million in 1995)
- 24 million voters
- 94,000 candidates
- 18,000 elective offices
- 170,000 precincts
- 1,600 local Election Officers
- core election staff of 5,000
- more than 1 million support staff for the election operation

Self-evident from these parameters is the fact that sweeping modernization of an electoral system at this scale is a major undertaking that requires a long-term system development strategy.

D. Voter Registration Process

Those eligible to register include all Philippine citizens, who are not disqualified for criminal conviction or mental incompetence, who are eighteen years of age or older, and who have resided in the country for one year and in the municipality of registration for six months immediately preceding the election.

The existing process of voter registration is based on a permanent list of registered voters, which is updated by periodic general registration on set dates which occur prior to each scheduled election. General registration is conducted at the precinct polling places, by a Board of Election Inspectors (BEI) consisting of public school teachers appointed by Comelec, on the sixth and seventh Saturdays preceding a regular election, or on the second Saturday following proclamation of a special election, plebiscite, or referendum.

In the general registration process, all unregistered, newly eligible, or previously cancelled voters have the opportunity to register in person and be added to the permanent list of voters. At the same time, the BEI confirms or cancels the names of voters already on the permanent precinct lists prepared at the last election. Election Officers periodically remove names from the permanent list for failure to vote in two consecutive elections, and are also authorized to use postal and other means to verify the permanent list on a biennial basis. Current statute provides for a new general registration of all voters in 1996, to create a new permanent list that would then be updated for each election during the subsequent 12 years. This provision makes 1996 the ideal time to convert to a system of continuous registration.

At the present juncture, the non-continuous registration process is precinct-level BEI registration combined with data entry by the Election Officer to produce the Computerized Voters List (CVL). The current procedure is outlined below:

Voter Registration Process Overview

1. Board of Election Inspectors

   - Chairman and two Members, all of whom are public school teachers, one designated as poll clerk are appointed by Comelec through the Election Officer. BEI has powers to enforce order, authorize arrests, and issue legal summons compelling witnesses and document production bearing on the registration process.

   - Meetings of the Board may occur only at the polling place, must be public, and may be attended by watchers from each registered political party and accredited citizens arm. Board acts through Chairman, all decisions by majority vote, minutes taken. The BEI is the same team that will conduct voting at the precinct on election day.

2. Registration Day

   - BEI meets at the precinct on the designated Saturday(s) to prepare and certify multiple copies of the new precinct list, transferring thereto all previous permanent registrants and adding newly qualified voters who apply for registration.

   - BEI meets again on the second Saturday immediately preceding the regular election to revise where necessary and close the list of voters, following a period for challenges to the initial list.

3. Registration Applications of New Voters

   - Applicants identify themselves and their residence location; if not known to the BEI may be vouched for by another voter of the precinct or by presentation of an authentic document indicating the voter's identity.

   - If BEI determines applicant lives in the precinct, indelible ink is placed on the applicant's right forefingernail, and the applicant is given four copies of the registration application.

   - The applicant "accomplishes" the application and provides three original signature specimens and the rolled imprints of left and right thumbs.

- Upon BEI qualification of the applicant, based on the completion of the four forms, the voter's application is approved and the fourth copy of the form is issued to the registrant.

4. Voter Identification Cards (current practice as of the August 1995 ARMM election registration)

- Each applicant must present four one and one-half inch square photos to the BEI, or have his/her pictures taken at the expense of the Comelec, to be attached to the three retained copies of the application form and the Voter ID Card.

- The Election Officer prepares the Voter ID Card, which includes the remaining photo, serial number of the registration record, signature, and thumbprint of the voter. Voters claim ID cards later from the Election Officer, or pick them up from the BEI on election day.

5. Preparation of List of Voters

- BEI prepares three copies of the approved list of voters, two of which are submitted to the Election Officer with the alphabetized registration forms, with the third copy retained by the BEI for posting in the polling place.

- The first copy of the list is retained by the Election Officer; the second copy is sent by the EO via rush telegram to the central file division of Comelec in Manila along with the total number of voters in each precinct within the municipality.

- The CVL is prepared by data entry and verification of the BEI manual list of voters by the Election Officer, who returns printouts of the CVL to the BEI for any correction notations on revision day, which annotated printout becomes the Final List of Voters.

- BEI retains one copy of Final CVL for use on election day, one copy goes to Election Officer for photocopying by candidates/parties, one copy to the provincial office file.

Provisions for continuous registration were actually enacted in 1963, under Republic Act 3588, for initial implementation in 1967 -- but delay and the imposition of martial law in 1972 caused the reform to be abandoned before it was put into use. The explanatory note drafted by Comelec for its proposed continuous registration legislation revealingly notes:

> *"By reviving and readopting the registration system embodied in Republic Act 3588, this bill seeks to confront decisively the problem posed by the padding of the voters list, a practice*

> *commonly resorted to by politicians bent on winning election at any cost. It was this nefarious practice that spawned the flying voter, that electoral abomination that since time immemorial has debased the ballot and reduced elections to a virtual charade in not a few areas of the country . . . . The bill provides for registration to be conducted year-round and allows voters to register as they qualify, thereby spacing out registration over a span of time. With registration conducted at a leisurely pace . . . and by a body whose independence and impartiality must be assumed, the officials composing it being from agencies shielded from political pressure* [i.e., the Comelec Election Officers], *a closer and more thorough screening of every applicant for registration is assured. Needless to say, this will minimize the incidence of flying voters and their ilk gaining entry into the list of voters. In stark contrast, chaos and confusion often mark the precinct level registration, a situation that lends itself ideally to the evil designs of unscrupulous candidates."*

E. Voting, Ballot Counting, and Canvassing Procedures

The existing level of technology in the voting process is extremely low. Although ballots of uniform size are provided, these do not contain the names of candidates. Instead, voters must write in the names of qualified candidates -- and the manner in which they accomplish this is the source of many election challenges.

Because names are exclusively written-in, there is no printed ballot in the ordinary sense -- only an empty "grid" layout in which to write in candidate names. Printed lists of the candidates in each voting precinct are posted, but most voters -- the team was informed -- bring their own list, or a campaign's sample ballot listing, of the names they wish to write in. For the May 1995 election, a new legislative directive required the Comelec to issue by mail to every voter the list of offices and candidates for which he or she was eligible, along with precinct location and voting instructions. This comprehensive piece of pre-election information (the "voter information sheet") is equivalent to the "sample ballot" informational mailing used in many modernized electoral systems. It represents a logical step in the direction of establishing uniform printed ballots for voting and counting.

Because printed ballots are not used in the present system, manual counting of the ballots in each precinct is extremely cumbersome. The vote count process is known as *"appreciating"* the ballots -- i.e., deciphering and tallying each vote. It is a chief source of imprecision, confusion and delay in the voting and vote counting processes: voters' writing may not be clear, names of candidates may not be complete, and names need not be listed in any particular order.

It is also one reason that precinct size was kept to an average of only 200 voters in the 1992 and 1995 elections, creating the need for a huge number (170,000+) of precincts and the associated increase in administrative and logistical complexity. Plans to reduce the number of precincts below 100,000

for the 1998 elections assume introduction of a printed ballot, which will greatly speed and simplify both voting and ballot counting, whether manually counted or machine read,.

Once finally determined, precinct results are accumulated at the city or municipal level where official election results for city and municipal offices are released and the winners "proclaimed". These consolidated results are then forwarded to the provincial, regional, and national levels for further canvassing -- i.e., for consolidating final results and proclaiming winners for the elective offices at these levels. In the May 1995 election, most of the allegations of election irregularities occurred at this canvassing stage.

Under the existing law, no preliminary or unofficial results may be released prior to the official proclamation of election results. As in the 1995 election, this unusual feature of the system necessarily adds delay to the completion of the vote counting process, and works to increase public speculation that manipulation of the votes may be occurring.

Voting Process Overview

1. Voting

- Because election day is a holiday, polls are staffed by teachers who constitute the Board of Election Inspectors (BEI). Polls are open from 7 a.m. until 3 p.m.

- In the presence of the BEI and poll watchers, voters locate their names on the precinct list, sign in, provide a thumbprint, and receive a ballot.

- Voters manually write in the names of all candidates for whom they wish to vote, using a list of candidates posted in the polling place.

- The ballot is folded for secrecy and placed in the ballot box. Each voter's right forefinger is marked with indelible ink to prevent duplicate voting.

2. Ballot Counting

- When the polls close, the BEI removes the ballots from the ballot box and begins to determine for whom votes were cast. Because of the handwritten names, an intense and complicated process of "appreciation" (interpreting and tallying the votes) ensues. Vagaries of handwriting spawn many challenges ("pre-proclamation controversies") by candidates' representatives, delaying the count for hours and sometimes days.

- When all ballots are tallied, members of the BEI must certify the results, sign and mark them with their thumbprints, and distribute copies to party representatives. If quick-count watchers are present, the vote precinct totals are also given to those representatives.

- The BEI Chairman and other official observers deliver the precinct returns and the sealed ballot box to the municipal or city canvassing center.

3. Canvassing

- At the municipal or city counting center, a canvassing board undertakes the lengthy process of transcribing and adding up the individual precinct sheets to produce municipal results. These are used to "proclaim" winning candidates for municipal or city offices and to convey the totals for provincial and national candidates to canvassing boards at the next higher level where the procedure is repeated.

- The municipal or city canvassing board sends the results to the provincial canvassing board which further accumulates precinct returns and proclaims winners of provincial offices.

- The provincial canvassing board then forwards the returns to the regional canvassing board which in turn sends them to the Comelec headquarters in Manila for final accumulation and proclamation of national office winners.

The precinct ballot-appreciating procedure followed by the multi-level canvassing process -- from municipal/city through provincial up to national levels -- took *up to 29 days* in the May 1995 election. The canvass process in particular was credited by most observers as the principal source of delay and improper alteration of totals. In 16 of the 76 (now 77) provinces, according to an extensive analysis presented in the media (Appendix C), the canvassed totals did not reflect the outcome of elections as projected by the quick count results produced by NAMFREL from its independent copy of the precinct-level returns. The manual appreciation of ballots and the manual canvass present two separate problems/opportunities for computerization, as will be discussed from a technical standpoint further below.

F. The Role of Non-Governmental Organizations in the Electoral Process

As noted, a critically important feature of the Philippine electoral system is the participation of citizens in key components of the electoral process through religious or profession-based non-governmental organizations (NGOs). The Comelec formally designates major NGOs through an official accreditation process to perform such vital activities as poll watching, voter assistance, training, and operation of the "quick count" reporting system to get unofficial election results to the

public while the lengthy canvassing process used to compile the official results goes on. For example, for the May 1995 elections, the Comelec accredited:

- The National Movement for Free Elections (NAMFREL) as the exclusive entity to "organize, manage, operate, and be accountable for the Operation Quick Count, including the reporting of results obtained from the precincts either using the precinct tally form of NAMFREL or the official election return duly signed by the Board of Election Inspectors";

- The Voters' Organization, Training, and Education Towards Clean, Authentic, and Responsible Elections (VOTECARE) to conduct non-partisan voter education and candidates fora, to operate voter assistance centers, and train volunteers to perform poll watching and other electoral support services; and

- The Parish Pastoral Council for Responsible Voting (PPCRV) as a citizens' arm of the Comelec to organize candidates fora, to "mobilize its members in the verification of current lists of voters with the end in view of ferreting out voters involved in double registration or other forms of registration shenanigans", and to assist NAMFREL in data gathering for Operation Quick Count.

(There are also local NGOs in a few, mostly urban areas, some of which may play key roles in elections, either independently and or to complement the activities of national NGOs. One of these is the Cebu Citizens Involvement and Maturation for People's Empowerment and Liberation, or CCIMPEL.)

The national-scale NGOs, with grassroots capability to cover most of the country's 170,000+ precincts, provide a tremendous resource to the Comelec and, indeed, represent a unique strength of the Philippine electoral system. In the team's interviews, leaders of these NGOs strongly expressed the deep commitment of these organizations to be a continuing force in the full realization of the Philippine electoral democracy.

On the other hand, there was some criticism of some NGO representatives for "having their own political agendas". Also heard was the assertion that the electoral authority itself (i.e., the Comelec) should have greater core capabilities to perform critical functions that are largely "farmed out" to the NGOs -- so that there is not undue dependence on citizen groups for basic operational support of the electoral process.

How the Comelec can best utilize the considerable asset of the NGOs in helping to bring its modernization program to fruition is a question the team does not feel qualified to answer. Yet some avenues seem fairly self-evident. These include:

- involving NGOs in the early design of information programming for the introduction of computerization to the voters. The existing NGO role in voter education would be strengthened by gaining their input early and making sure they share the full picture of what the new changes will be and how the process will work.

- enlisting NGO representatives in the planning and evaluation of ongoing projects to assure that key leaders in the organizations fully understand and are supportive of the modernization objectives -- support that may be helpful in building consensus for decision-making that favors Modex in both the legislative and executive arenas.

- in the case of the quick-count application, the team heard the comment several times that the quick count may not be necessary with the early release of voting results by the Comelec that is anticipated from computerization. However, the team feels strongly that while the purpose of the parallel count may shift from one of speed to one of independent confirmation of the computerized vote totals, this will initially be an equally vital need. Over the longer term -- with increasing Comelec capability and more effective safeguards -- the need for a parallel count may be less essential.

G. Electoral Manipulation Issues

The implementation of modern technical systems and electoral reform programs in the Philippines must of necessity address the pervasive problem of electoral manipulation that is endemic to the existing system. A sense of its impact on electoral realities today is felt in the following excerpt from a speech given by the Secretary-General of NAMFREL assessing the May 1995 election (full text is contained in Appendix C):

> *"Observation No. 4: Cheating Reached Levels of Sophistication: Traditionally, election anomalies were characterized by poll violence, individual vote-buying, ballot-box-snatching and other tried and tested means of cheating and intimidation. And to varying degrees, these traditional practices were present in these elections. Significantly, however, more sophisticated forms of cheating emerged this year to overshadow the traditional forms . . . represent[ing] this new genre of cheating. It is wholesale rather than retail cheating. Rather than individually buying voters to cast a ballot in someone's favor or paying a voter to stay home (giving him or her a dab of indelible ink on the finger the night before the elections to ensure that he does not change his mind after receiving the pay-off), it became far more efficient to change the results of canvass reports."*

In planning for reform, the Congress and the administration must overcome efforts to defraud the electoral process at each procedural stage and every level of the system. The team heard many accounts of electoral cheating before the election, during voting, and during the counting and canvassing of the votes. Because both the reality and the fear of fraudulent practices are such strong

factors in the operation and perception of electoral functions, in-depth consideration of their implications in designing appropriate administrative and technical safeguards for modern systems is a must. Additional information on electoral manipulation techniques reported to the team may be found in Appendix C.

4. Overview of Planned Electoral System Modernization

The comprehensive plan that defines the blueprint for the modernization process is the Comelec's *Operation Modernization and Excellence* ("Modex"), which sets out eight substantive areas of the reform effort and is budgeted at P1.4 billion ($56 million) over five years (1994-1998). The Modex plan provides the framework against which to assess the status of current progress. Its many elements can be grouped into the following major categories:

- achieving comprehensive reform of the electoral law;
- establishing computerized voter registration and vote counting systems;
- strengthening electoral and institutional capabilities.

In each of these areas, as discussed below, significant effort but uneven achievement of critical objectives has put the overall timetable for Modex in jeopardy, vis-a-vis its goal of having a fully modernized electoral system in place for the May 1998 synchronized elections for national, congressional, provincial, and local offices.

The thrust of Comelec's immediate efforts to keep these key components of the Modex program on track toward 1998 objectives has the additional near-term focus of :

- achieving a successful pilot test of the computerized registration and vote count/canvass functions at the 1996 ARMM election in four provinces of Mindanao.

While the 1998 elections remain the primary goal, the need to demonstrate the feasibility of the modern technical systems at the pilot election -- as well as the corresponding risk of derailing the entire program if the pilot test should prove problematic -- are the immediate concerns.

A. Progress in Reform of the Electoral Law

Legal reform -- establishing a "flexible legal framework" in the Comelec's terms -- is the fundamental step toward effective modernization of the electoral system. In addition to creating the necessary mandates for change, reform is essential to cure both procedural and substantive weaknesses in the law that would otherwise impede or diminish utilization of the modern systems envisioned.

In September 1993, the Comelec's proposed New Election Code (NEC) was submitted to both houses of Congress and filed shortly thereafter as Senate Bill No. 1427 (later also as 1429, 1450, 1472, & 1679) and House Bill No. 10911. In November 1993 the proposed NEC was certified to Congress by President Ramos as priority legislation and in December as urgent legislation. Hearings were held in the House Committee on Suffrage and Electoral Reforms during February - May 1994, but passage of the NEC did not occur.

In part, the failure to enact the NEC may be due to its complexity as a piece of legislation: the proposed omnibus bills not only introduced major substantive changes but also restructured and updated the entire election code. As a result, legislative debate and scrutiny of its provisions was greatly expanded. Nonetheless, the failure to enact the package -- especially in light of the efforts of the President to move the NEC as urgent legislation -- was a severe setback to putting the modernization effort on a fast track.

Consistent expressions of support for legislative reform were heard by the team from many legislators, and it is clearly perceived by the public and media as positive and necessary change. Yet voice was also given in some quarters to the view that by changing the "rules of the game" in terms of electoral mechanics, incumbent politicians are discomfited by the double fear of not knowing "how to cheat" and also of not knowing "how to defend against being cheated" under the new system. The question of legislative commitment to enact the Comelec program thus remains somewhat open.

Key elements of the proposed legal reforms are critical to the Comelec's ability to implement the modernization program, and the deleterious effects of continuing legislative delay in these areas has become apparent. A prime example of this impact is seen with the 1996 ARMM pilot election (discussed further below). Broad-based pilot programs were originally planned by Comelec for the May 1995 elections -- an appropriate setting in which to prepare for undertaking a similar national election in 1998. Inability to move on the legislative front, however, left the 1996 ARMM elections as the only remaining pilot opportunity prior to 1998 -- and only extraordinary pressure from the executive branch seems to have finally achieved passage of the pilot election law which was certified back in December 1994 as "urgent" legislation.

In terms of time lines leading to the 1998 election, continuing legislative delay before long will begin to undermine the chances for a successful modernization program in 1998. Comelec has accordingly revised its legislative strategy by resubmitting its legal reforms package as six separate bills, this action by the Commission *en banc* having occurred in the course of the team's visit. The six bills submitted by the Comelec include the following:

- An Act Providing for Electoral Reforms to Address Certain Legal and Procedural Weaknesses in the Electoral System

- An Act Prescribing a System of Continuing Registration of Voters and Providing Funds Therefor
- An Act Providing for Absentee Voting by Qualified Filipinos Abroad
- An Act Prohibiting the Establishment of Political Dynasties
- An Act Providing for the Election of Sectoral Representatives to various local and district councils
- An Act Allowing Use of Election Propaganda in Mass Media and Regulating Use of Media during the Election Period

Of this proposed legislation, only the first two bills -- the Electoral Reforms and Continuous Registration acts -- are essential to the Modex program of planned modernization of the electoral process, and to these we will return.

The Absentee Voting bill is a highly desirable expansion of the franchise from a democratization viewpoint -- some 2 million qualified Filipinos are said to be working abroad. Its provisions, however, could be added to the revamped electoral system later, if necessary. The Political Dynasties prohibition is a constitutional mandate that has pre-existed and not been carried out. While it is doubtless vital to improving Filipino democracy, it does not pose an impediment one way or the other to the Modex effort. The Sectoral Representatives bill and the Media Campaign bill also fall into this category.

By contrast, the Electoral Reforms and Continuous Registration bills are on the critical path for Modex because both bills address elements of the electoral system that must be defined with certainty in advance of designing and introducing technical systems to automate them. For example, the proposed Electoral Reforms bill defines and/or changes:

- the provisions for cancellation of registration/accreditation of political parties.
- the requirement for Comelec to issue a "voter information sheet" (sample ballot, voting instructions, and poll location) to every voter 30 days before the election.
- the number of ballots to be printed and distributed to the precincts and the order of names appearing on the ballot per contest.
- the complex process of canvassing the precinct electoral returns to produce accumulated vote totals for offices at city/municipal, district, provincial, and national

levels -- including some "split canvass" changes that enhance efficiency and computer conversion.

- effective elimination of pre-proclamation controversies, the traditional bane and impediment to a timely release of voting results, which will preclude losing candidates from interrupting the vote canvass to adjudicate their complaints.

- establishment of the process for a losing candidate's right to petition to annul the proclamation of a winning candidate. This reform restores the opportunity to challenge election results, but locates it appropriately after the initial count has been completed, as opposed to during the canvass (i.e., the pre-proclamation protest).

- the manner of financing of elections and authorization for Comelec to incur and be reimbursed for expenses of conducting elections.

The Continuous Registration Act, for similar reasons, is essential to have in place in order to activate properly the computer registration capability that the Comelec has been developing from a technical and organizational standpoint for the past 18 months (discussed further below). Stated simply, if the continuous registration bill is not passed, the capability to produce and maintain a clean and accurate voter list will not be realized.

The poor quality of the existing "padded" voter list, which is layered over with new data at each election's general registration, is the basic source of complaints against the credibility of the election system and a major avenue of vote fraud. While the Comelec has encoded over 97% of the old list -- in establishing their data entry capability -- the quality and integrity of the data is no better than before. What is needed is the nullification of the existing data and a 100% build-up through re-registration of the entire 37 million registrant voter file.

Nullification of the list and re-registration is provided for in the ARMM pilot election mandate, though its scale will be less than 1 million voters. A separate statutory requirement for re-registration also coincidentally occurs every 12 years -- and as it happens, in 1996. Thus, the creation of a new voter list through a massive general registration process will occur next year under existing law -- thus providing the opportune moment, if continuous registration has been enacted, to commence maintenance of a clean database and secure the ability to produce a clean list for 1998. Without passage of continuous registration, the huge effort of re-registration would be wasted -- as the static list loses its currency and is layered over once again. In addition, the computer capability to maintain a dynamic voter file that the Comelec has developed at great effort and cost would not be utilized.

The continuous registration legislation establishes the mechanics for a dynamic system, and Comelec will need time to implement this operation once the law is passed. Key features of the bill include:

- definition of time frames, qualifications, application procedures, records, and administrative authority to conduct the continuous process.

- establishment of local, provincial, and national registration files, voter serial numbers, photo ID cards, and books of voters.

- procedures for changes of name and address processing; procedures for purging the file, deactivating registrations for deaths or criminal convictions, and provisions for challenging and correcting the list; authority for verification of registration, examination of records.

- mandate to computerize the voter registry and to make the computerized list of voters (CVL) available to candidates and political parties at reasonable fees.

In short, the bill contains the essential elements for grounding the process of continuous voter registration and its computerized support system in the Philippines electoral laws.

It is apparent to the team that passage of these two key acts -- electoral reform and continuous registration -- are prerequisites to Comelec's modernization plans for the 1998 elections. Passage of both bills should be secured as soon as possible.

B. Establishing Computer-based Registration and Vote Counting Systems

Introducing computer-based systems to facilitate voter registration and vote counting functions is the heart of the Comelec's modernization program. Through conversion of these basic electoral functions to data processing and optical scanning technologies, the Comelec hopes to achieve not only the direct benefits of automating manual procedures -- speed, productivity, and management control -- but also its own "reinvention" as a decentralized, technology-oriented, and skill-based organization capable of hosting a modern system.

Given the scale of the Philippines electoral system, its low level of existing technology, limitations on reliable electrical power and communication lines, complex geography, and extreme environmental conditions, the significant challenges to this major computerization project are apparent. The Comelec, however, has "done its homework" in preparing for the project and has secured the necessary funding within the Modex authorization to cover most of the planned costs.

The following briefly outlines Comelec's computerization strategies in each functional area, with some comparative perspective drawn from related technology projects in other centralized electoral democracies. Section 5 and Section 6 of the report, respectively, contain separate technical discussions of the voter registration and vote counting computerization projects.

Computerizing Voter Registration

The stated purpose of the voter registration project is *"creation of a clean, complete and updated national list of voters."* Building this Computerized Voters' List (CVL) has been approached by Comelec as a "bottom up" rather than "top down" exercise, in that the national list actually consists of some 1,600 separate PC-based city/municipal level lists,. These may eventually become centralized at the provincial, regional, and national levels, but in the meantime they can support the election process at the local level.

Comelec has developed voter registration software, installed PC computer sets, and focused on large scale training efforts to introduce the technology to 1,600+ city/municipal election officers -- many of whom have had no exposure whatever to computers. This approach contrasts that taken in Mexico, for example, which focused on computerization of the voter list in a "top down" fashion, aimed at creating a massive mainframe computer registry in Mexico City for some 45 million voters. The logic of the Philippines' approach reflects the value placed by the Comelec on building *decentralized* technical and administrative capabilities into the electoral system.

The CVL was pilot tested in the 1994 Barangay Elections in 6 cities and 51 municipalities with over 3 million registered voters. Nationwide expansion by early 1995 had reached some 1,500 election offices and over 30 million voters. For the May 1995 general election, 97% of the registry was computerized and the CVL was used to provide the official voter lists for the precincts. Final areas to be converted include parts of Mindanao, some within the ARMM, where additional technology must be used to encode voter's affidavits written in Arabic.

As noted in the previous section, creation of the CVL represents data entry of the existing poor quality "padded" database, but it has nonetheless demonstrated the basic CVL capability to support election functions. The strategic impact of the project will depend on subsequent passage of the Continuous Registration Act, which would enable Comelec to build the "clean and updated" voter file intended, and to maintain it in a dynamic fashion.

Computerizing Vote Counting and Canvassing

The stated purpose of the vote counting/canvassing project is *"modernization of the electoral process from voting to proclamation in order to reduce the risk of human error or fraud and speed up the process of arriving at and releasing electoral results."* Comelec developed its approach with the benefit of two 1993 studies* funded by the United Nations Development Program (UNDP), one by

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* Modernizing Philippine Elections - Part One, by Marie M. Garber, June 1993; Information Systems Planning Study for the Commission on Elections, by the Philippine Computer Society and

the Philippines Computer Society/Andersen Consulting and the other by international election administration consultant Marie M. Garber.

Comelec thereafter formed an evaluation team to review alternative systems, including optical mark, punch card, and direct recording electronic (DRE) systems, and made a 1993 inspection trip to the United States to observe use of these various systems. The team rejected DRE systems as lacking a document-based ballot and judged the optical mark systems preferable to punch card systems.

The strategy which emerged was a comprehensive one: (1) produce a machine-readable printed ballot with candidate names that the voter will mark; (2) replace the human "appreciation" of ballots with optical mark readers; and (3) automate the canvass -- the accumulation of precinct returns to contest totals at all election district levels -- as a by-product of the vote count application, via the PC software associated with the programming of the optical readers. In this model, all of the stated objectives are accomplished, by computerizing the most costly and technically difficult component of the process -- vote counting.

The conceptual alternative to this approach is to initially computerize the less difficult component, the canvass. This approach would entail (1) producing a printed ballot that can be readily tallied by hand (as opposed to the handwritten "appreciated" ballot) and (2) programming a computer system to "add up" the precinct results once determined -- thus automating the canvass -- so that once the manually counted precinct totals are inputted, contest totals can be accumulated at all levels instantaneously by computer. The tradeoffs in not computerizing the vote counting process are significant: relief from the major costs and technical burdens of producing machine readable ballots and deploying an optical scanning system on a nationwide basis.

A number of large electoral democracies engaged in computerization efforts (e.g., Mexico, Colombia, and Brazil**) are effectively using the latter approach -- which still allows for the addition of a computerized voting/counting system to fully automate the process at any future point. In Ghana, an interesting variation on this model is in planning for 1996 election use: manually counted precinct level totals will be recorded on a *machine-readable* precinct returns document. This document will then be read by an optical reader, to input precinct level data to the canvassing program. This third approach uses optical input, but reduces its magnitude from one document per voter to one document *per precinct.*

Andersen Consulting, July 1993.

Two recent IFES studies which review technological innovations in canvass automation and results transmission networks, as well as potential computer voting/counting applications include: Colombia 1994 Elections: Election Technology Assessment Report, March 24, 1995; and Brazil 1994 Elections: Election Technology Assessment Report, February 28, 1995.

Comelec is now proceeding with a pilot test phase (i.e., the ARMM election), as with the CVL project. Based on the pilot test experience, the viability of the present approach will be evaluated and decisions made regarding nationwide implementation for the 1998 elections.

C. Strengthening Electoral and Institutional Capabilities

Various elements in the Modex strategy focus on strengthening the institution of the Comelec as the driving force for implementing and sustaining the modernized electoral system. Taken as a group, these elements of the plan are aimed at building what can be termed the "electoral infrastructure" -- the people, systems, and capabilities -- necessary to support a modernized election process. These objectives include:

- decentralizing management, administrative, and technical capabilities to regional, provincial, and municipal/city level election field offices;
- establishing the management information system (MIS) capabilities needed to design and implement large scale technical systems;
- reorganizing, upgrading, and increasing the professionalism of Commission staff;
- improving civic education mechanisms and enhancing delivery of voter and election information, especially in converting to new technologies; and
- improving major deficiencies in existing facilities, communication systems, transportation, and equipment.

While lower in profile and perceived priority in addressing electoral problems, these internal advances are nonetheless critical to the Comelec's ability to "host" the high-tech electoral system ultimately envisioned. Some significant strides have been made toward these objectives. For example:

- the role of the 14 regional offices in basic administration and oversight of the election field offices has been strengthened as part of the decentralization program. Procurement, personnel, and performance accountability are now directed more at the regional levels than centrally, while all 14 regional offices have been connected to Comelec central via specially installed fax communication lines. Enhanced professional capabilities of regional directors has been made a priority of central management with positive results.
- the management information system division within the central planning department has been established as the focal point for development of information technology

applications in the modernization program. Through this vital capability, initial training and technical support for decentralized computer installations have been achieved through the CVL program. The basic expertise for planning and directing the additional technology applications, and coordinating outside specialized technical assistance, has thus been put in place.

- an ambitious program for human resources development aimed at upgrading professionalism, building management skills, improving performance recognition, and inculcating organizational values appropriate to the unique mission of the electoral authority has been launched. The program has the goal of establishing a professional electoral service for the Comelec within the public sector bureaucracy.

In other areas, results have been mixed:

- formal reorganization plans, reflected in proposed legislation (e.g., HB 3634 & SB 71), were developed to radically restructure Comelec central operations, upgrade salaries, and broadly redefine the personnel complement to build the management/technical skills necessary for a technology-based electoral system, but these have not been enacted;

- over 1,600 personal computer sets have been installed in the city/municipal election offices; at the same time, efforts to secure lease funding for an upgraded facility to replace the antiquated and counterproductive building presently housing the Comelec offices in Manila have been unsuccessful.

- in the area of voter education, Modex envisions a "continuing education campaign", a permanent system of civic education to be based in the school system curricula to provide ongoing inculcation of democratic political values and basic instruction in the electoral process. While the involvement of the Department of Education, Culture and Sports to this end continues to be discussed, no evidence of real progress in this area was noted by the team.

- enhancing information programming capability is a distinct institutional need of the Comelec, given its mandate to conduct periodic national-scale voter information programs and to deliver massive educational campaigns in introducing the new technical systems Greater in-house technical capability seems needed for specialized media programming, although of outside professional support for media buying and production has also been effectively utilized. Some funds are identified in Modex for Comelec "caravans" to demonstrate the new systems to the public; yet a strategy to *significantly* upgrade the Comelec's capability in this area -- other than by

increased reliance on NGOs -- is not spelled out in the materials reviewed by the team.

It is not always well-recognized within governing bodies, but election administration is a unique function of the bureaucracy with a number of critical requirements. An election is a *complex development project* -- a singular event in which a large number of critical subsystems have the potential to cause overall failure. Election functions are *extremely time-sensitive* -- they are driven by immutable statutory deadlines -- and entail interdependent requirements for assembly/procurement of massive materiel, training/deployment of huge temporary staff, coordination of massive logistical support activities, delivery of high impact public services, and enforcement of critical tolerances in many areas. The complexity and interdependence of these functions and their execution against unbending legal deadlines create exceptional demand on the system. Assuring that adequate institutional capability exists to meet this demand is of fundamental importance.

Because there are no "dress rehearsals" for elections, the level of readiness and capability going into the event will generally be outcome-determinative as to the success and character of the operation. Considering the profound national impact of an electoral event, the resources and priority conferred on the responsible implementing agency -- in this case, the Comelec -- should be a matter of national priority. Building the requisite institutional capability as outlined in the Modex plan is wise investment in this basic asset of the nation.

D. The March 1996 ARMM Pilot Election

The piloting of computerized registration and voting in the March 4, 1996 ARMM election is the immediate focus of the Comelec's modernization program efforts, as set forth in Republic Act 8046, effective June 2, 1995.

The ARMM election will be held in 83 municipalities within the four provinces of Lanao del Sur, Sulu, Maguindanao, and Tawi Tawi. The election will be conducted for 23 offices: regional governor; regional vice governor; and 21 seats in the regional assembly, with three regional assembly members to be elected from each of seven districts.

Voter registration for the ARMM election, under the new Republic Act, will involve nullification of the existing voter list and new registration of an expected 800,000 eligible voters in some 5,400 precinct voting sites -- which will later be reduced in number to provide an average of 600 registrants per voting precinct. General Registration for the ARMM election was conducted August 19-20,1995.

Comelec has conducted additional training of field office personnel in computer registration processing and will utilize the installed registration PC computer sets in these 83 election offices to

create the computer voter list (CVL) to be provided in advance to political parties and NGOs and used for voter qualification on election day. A large scale information program is mandated by the pilot election act, which Comelec has budgeted at P18,000,000 ($0.7 million), including four mobile "caravans" for the four provinces. The total ARMM election budget is P260,000,000 ($10.2 million), of which P53,000,000 ($2.08 million) is projected for vote counting/canvassing equipment.

Vote counting and canvassing, the Comelec has determined, will be conducted using optical scanning technology -- in which machine-readable voted ballots are read by scanners and the results accumulated and printed out using personal computers which accept and accumulate data from the scanners via memory packs. Bids have been solicited from companies offering optical scanning systems and the selection process is currently in progress.

At the time of the team's visit, Comelec appeared to have one system, Business Records Corporation's Optech, firmly in mind. By implication, if this system operates as planned in the ARMM elections it could be introduced throughout the country -- or at least in the most populous regions -- in the 1998 presidential and national elections. Although two other optical scan voting systems are now also under consideration by Comelec -- and could be utilized in the concept design -- the legislative description of the ballot counting process is based on anticipated use of Optech IIIPE technology.

The Optech application Comelec has defined is a precinct-count optical scan system adapted for use in a central count environment. A minimum of two Optech IIIPE optical ballot readers (to assure redundancy) will be located in each of the region's 83 municipalities. The concept entails the use of one ballot reader for every 10,000 registered voters. Each ballot reader is equipped with a memory pack which is preprogrammed to read ballots and record votes for specified precincts. Memory packs are roughly equivalent in size to video cartridges and are programmed using the vendor' software to read approximately 10 precincts. After ballots are read, the memory packs are inserted into a PC unit with a memory pack receiver. Thereafter, summary data is transferred via diskette to facilitate accumulation of provincial and regional office totals -- effectively automating the canvass function.

ARMM Pilot: Automated Vote Counting and Canvassing Process Overview

1. Ballots

- Following the registration of voters and certification of candidates, candidate lists and ballot quantity information are sent to the printer.

- The law governing the pilot test permits only the National Printing Office or the National Bank to print the ballots. Neither office has experience printing ballots with

candidate names or printing ballots to tolerances and specifications required of machine-readable documents.

- Ballots will be printed in English and Arabic, and will contain titles of offices and candidates' names in alphabetical order. They will be watermarked for security and serial numbers will be printed on the stubs. Ballots will be printed in quantities not to exceed 100% of the registered voters in a polling place.

2. Programming

- Memory packs will be programmed for each of the 4,915 precincts to enable the scanner to recognize and record votes on ballots for the precinct. Each memory pack can be programmed to read the results of 10 precincts.

- Programming will also enable the results from each memory pack to be read into a PC and tabulated.

- The central processing unit will be programmed to receive diskettes with precinct results and to further cumulate the vote totals for the entire region.

3. Distribution

- Comelec will distribute ballot boxes to municipal treasurers at least 10 days before the election and must deliver ballots to be received by BEIs at least one hour before the election.

- Scanning equipment, memory pack receivers, and PCs will be transported to municipal counting centers.

4. Testing

- Seven days before the election, equipment will be tested in the presence of the majority and dominant minority parties.

- After the testing, scanning machines will be locked and sealed, and the keys to the equipment will be given to the local Election Officer for safekeeping.

5. Election Day

- Voters will be instructed in the method of marking ballots. They will drop their voted ballots *unfolded* into the ballot box.

- Voters who spoil their ballots may obtain a new one, but only one new ballot may be issued to a voter.

- Voters will place their thumbprints on the List of Voters and will receive an indelible ink mark on their right forefingers.

6. Close of polls

- Ballot boxes will be locked and sealed in the presence of all members of the BEI and poll watchers. The serial number of the seal will be entered into the precinct record.

- The ballot boxes, with uncounted ballots, will be transported to a central counting place within each municipality in the ARMM region. (By law, Comelec also has the option of transporting ballots to counting places within the province, but it plans to count them at the municipal level.)

7. At the Counting Center

- The number of ballots is compared to the number of voters indicated on the List of Voters. Ballots are counted in the order of their arrival.

- The BEI Chairman will hand-feed ballots individually into the ballot reader--at an estimated rate of 40 ballots counted per minute, or 2400 per hour. The count is open to the public, but only the Election Officer may operate the equipment.

- Memory packs are inserted into the receiver and the PC accumulates the totals and prints the precinct results as well as a Municipal Certificate of Canvass.

- The BEI Chairman publicly reads the results of each precinct and the Election Officer then prints four copies (for the Election Officer; Majority Party; Dominant Minority party; Ballot Box copy) of the precinct results.

- The Municipal Certificate of Canvass is signed and thumbmarked by the BEI. Seven copies are distributed and a diskette copy is sent to the Provincial Board of Canvassers.

- Ballots are returned to the ballot boxes which are locked and sealed and sent to the municipal Treasurer. The Election Officer receives a record of the ballot box serial number for each precinct. Ballot boxes are held under joint custody of the Treasurer and Election Officer for three months.

8. Provincial Board of Canvassers

- The Provincial Board of Canvassers prints out a Certificate of Canvass for the regional offices and produces a Proclamation of the duly elected regional assembly member in the legislative districts in the province.

- The Certificate and Proclamation are signed and thumbmarked by the Provincial Board of Canvassers and, where available, by watchers of the majority and dominant minority parties.

9. Regional Board of Canvassers

- The Provincial Boards of Canvassers each prepares a diskette copy of the Certificate of Canvass of Votes cast for regional governor and regional vice governor.

- The Regional Board of Canvassers uses these diskettes to accumulate votes for governor and vice governor and proclaim the winners.

10. Oversight Committee

- The ARMM pilot election will be monitored by an oversight committee composed of three members: one from the Senate, one from the House, and one from the Comelec. The committee will prepare a report to the legislature within 90 days of the ARMM election to evaluate the implementation of the system.

Selection of one or more optical scanning system suppliers is underway, including the writing of contract specifications and preparation of an acceptance testing plan. As soon as the system (or systems) selected is available, development of training and operation procedures, information program design, and system programming/testing plans must be expeditiously prepared.

Comelec has one considerable advantage in implementing the ARMM pilot election: due to its limited regional scope, the agency can draw upon its nationwide and central office staff resources as heavily as necessary in preparing for this unique project. Shortages of time and weaknesses in the electoral infrastructure can be overcome to some extent in this way, but this luxury of excess capability to devote to the computerized systems in the pilot will not, of course, be similarly available in 1998.

E. Issues of Timing in Implementing Modernization Plans

The ARMM pilot election reflects the extreme sensitivity of the modernization program timetable to sources of delay in implementation decision making. The foregoing overview of what must be organized and put together in terms of technical, administrative, training, public education, system testing, and program management deliverables for a March 1996 election (six months from this writing) indicates that *time the most precious commodity in the Modex inventory*.

In stressing the importance of moving ahead swiftly so that opportunities to achieve defined objectives are not lost, however, some important distinctions among subject areas must be made. For example, delays in the legal reform component are uniformly damaging because they "steal time" from the work of project implementation, which cannot go forward until legal requirements, authority, or funding are defined. In the registration computerization area, careful timing of project phases is the issue -- because the project is well underway and the coordinated phasing of its ongoing development will determine its level of success. In this area, timely decision making and fund availability are additionally critical to implementation.

In the area of vote count computerization, final decisions remain to be made that will drive crucial timing requirements. If, for example, the decision is taken to commit to full-scale nationwide computer ballot counting and canvass automation for 1998 -- along the lines of the Comelec preliminary concept being tested in the ARMM election -- there is no doubt that the required effort would exceed the computerized registration project in terms of its front-end demands for accelerated project implementation and capability development. It would be the largest single-jurisdiction computerized vote count project of this sort ever attempted. On the other hand, if a lower level of computerization is sought initially -- for example, a manually counted pre-printed ballot with optically scanned precinct level totals to automate only the vote canvassing component -- the degree of complexity and time-sensitivity of project phasing would be reduced by a significant order of magnitude.

The team thus views the problem of time-sensitivity for implementing new systems in the 1998 elections as a paramount factor but one that is variable across the three major fronts of legal reform, computerizing voter registration, and computerizing the vote count.

5. Technical Discussion: Computerization of Voter Registration

The team is greatly impressed with the strides made by the Comelec in the Computerized Voter List (CVL) project to date. In roughly 18 months prior to the May 1995 election, the agency undertook:

- installation of 1,743 total computer sets (386 PCs with printers) in 1,608 city/municipal election offices, at a cost of P78,400,000 ($3.08 million);

- training of 1600+ field office personnel, with assistance in trainers' training from the National Statistics Office;

- data entry of 97% of the total registration for the May 1995 election (about 34.9 million registrants); and

- production of official voter listings for election use in most of the country's 170,000 precincts and for advance distribution to parties/candidates.

These project milestones indicate that the capability now exists to *nullify the existing voter list and build up a clean CVL through a new general registration of voters.* The opportunity to demonstrate precisely this capability is presently ongoing in preparations for the March 4, 1996 ARMM pilot, following the initial general registration period for the election, held during August 19-20, 1995. Registration totals for the ARMM elections appear to have been reduced by about 25% from previous totals through nullification of the list and re-registration -- an indication of data inflation in the existing registry.

Computerizing the registration component is by far the greatest potential tool Comelec can employ to combat the potential for fraud in the electoral process. By all accounts the team has received, the problems with the registration function -- leading to "padded" voter lists, inaccurate precinct assignments, "flying voters", substitution of voters, and voter disenfranchisement -- are cited as endemic to the perception and reality of fraudulent electoral practices. Employed properly, and with the resources necessary to maximize its impact, the CVL can become both the symbol of a renewed electoral integrity and an effective mechanism of administrative control.

Registry computerization is also a fundamental "key to success" for Comelec in actualizing its plan to decentralize technical and administrative capacity throughout its widespread bureaucracy. By introducing computer processing at the municipal/city, provincial, and regional office levels, Comelec has begun the transfer of technical capability that will form the framework to support a functionally decentralized administration. Already, in this regard, the introduction of computers at the local level election offices is "paving the way" for parallel efforts to computerize the vote count and canvass functions which, though functionally separate, depend equally on increasing the computer literacy and technical skills of field office staff.

Wide Area Network Concept

The planned extension of CVL project efforts to date is to create a wide area network (WAN) that would interface the city/municipal election office computers with their respective provincial offices and, ultimately, with Manila. The network to be established is understood in concept to include a higher capacity PC at each provincial office with a powerful PC server installed in the central

Comelec office -- thus providing a centralized registrant file at the provincial level, which in turn could be networked centrally to produce a nationwide voter file. The 14 regional offices would also be included in the network, primarily to facilitate administrative controls.

While it is not a prerequisite to computerizing the voter registration component, once the network is established it can increase the integrity of the registration database because duplicate registrations can be tracked and deleted, removing a potential source of vote fraud. In addition, once provincial and national centralized voter files are established, the opportunity will exist to expand software capabilities of the basic CVL function to comprehensive election management system applications.

Establishment of a wide area network would also facilitate automation of the canvassing of voting results, through instantaneous accumulation of municipal-level, provincial and nationwide totals via the WAN. Until network communications are available, the presently contemplated computerized vote tally will still require physical transfer of diskette data from municipalities to provincial offices, and from there to Manila, before aggregate national totals can be generated. A final benefit of the WAN is in decentralizing of administrative functions such as personnel, procurement, financial management, and the like through network communications with the 14 regional offices, as called for in the Modex plan.

Budget data provided to the team indicates that Comelec's estimate for equipment and software to establish the network is P114 million ($4.5 million) but that this funding is <u>not</u> presently included in the Modex budget. In addition to the question of funding, however, inadequate existing communication lines pose a major obstacle to implementing a network in the near term, as the team understands it. A critical area for technical evaluation thus concerns the prospects for overcoming this obstacle and the preparation of a requirements analysis to implement a voter registration system WAN. Comelec has indicated that current network establishment efforts of other government agencies, in conjunction with use of in-country professional expertise, should enable the network project to proceed, assuming the necessary funding authorization.

Potential Evolution of the CVL Capability

Critical to the impact of the registry computerization project on the effective modernization of the electoral system is the passage of the Continuous Voter Registration proposal by the Congress. Continuous registration is the best pathway to developing a decentralized operation and the only road to sustaining the integrity of the voter registration files.

This is the case, first, because once the registry is nullified and rebuilt, it will quickly lose currency -- and integrity -- if it cannot be maintained on a continuing basis by the addition of new voters, purging of inactive records, removal of deaths and felony convictions, updating for changes of name

and address, and the further adjustment of the list through the ongoing scrutiny of the various interested parties.

Second, the additional decentralized work activity that will be set in motion with a legal mandate for continuous voter registration services at the local level will significantly change the operation of the city/municipal Election Offices. In the existing periodic registration system, it is the BEI registration teams -- not the Comelec election offices -- that perform general registration at the polling sites. A switch to continuous registration would thus necessarily bolster the functionality and capability of the 1,600+ local election offices, further reinforcing the decentralized electoral infrastructure.

But beyond the role of a continuously maintained CVL in promoting election integrity and strengthening decentralized administration, a *fully computerized registration function* has the potential to become the basis for comprehensive automation of election management information and operations. As a result of the CVL project, the Comelec has established the basic capabilities to provide timely voter lists and statistics to candidates and parties, to readily determine ballot requirements, to manage polling site logistics and staffing, to maintain voting history per registrant, and to perform voter file maintenance in the anticipated "continuous registration" system.

Ultimately, the computerized voter registration file -- with the development of more sophisticated software and additional hardware -- can form the hub of an *automated total election management system* encompassing additional functions such as generation of mailings and sample ballots, support of photo ID processing, geographic information and boundary definition, absentee voting, candidate qualification, campaign finance tracking, inventory and records management, election personnel and facilities control, in addition to the vote tallying and canvassing functions.

For this evolution to occur, *additional resources are needed in the voter registration area* -- resources that would enable Comelec to continue to build on the CVL project, phasing in additional new capabilities over time. Two instances discussed below -- the photo ID and "sample ballot" requirements -- exemplify how *immediate problems can be solved by building on the CVL capability if decisions on funding and project timing can be effectively coordinated.*

Identification of Voters/Photo ID Requirement

The statutory mandate for provision of a photo ID to every voter, pursuant to their registration, has been an important system integrity requirement that the Comelec has never had adequate capability or funding to effectively address. Such voter identification requirements are both labor-intensive and expensive. In Mexico, for example, where the *Instituto Federal Electoral* made creation of a new, highly secure photo ID a priority in its 1994 presidential general election, costs were nearly three-quarters of a billion dollars for its electorate of 45 million voters.

Two basic approaches have been identified in the Philippines:

- a photo ID based on Polaroid photography and the Land Transfer Office (drivers license) ID system, which has an estimated cost of P100-140 per voter, or a minimum of P3.7 billion ($148 million) for an estimated 37 million registered voters nationwide, exclusive of hardware costs.

- a printed paper ID card with a voter-provided photo (photography provided where voter has no photo) pasted on and hot laminated; estimated in the range of P65 per voter or P2.4 billion ($96 million) nationwide.

he latter technique is being used for the ARMM election -- but problems are expected with adequacy of photo intake through local photographers. These projected costs dwarf the entire Modex current 5-year budget of $56 million.

The Comelec staff has recommended against either option for national implementation as too expensive and of limited real benefit. For a future nationwide voter ID program, Comelec's technical committee has devised a unique innovation whereby the photo, thumbprint, and signature of each voter would be *hand scanned into the CVL database and then printed on the voter list used at the polls.* This would create a highly secure qualification document for the poll workers to use in verifying the identity of each voter, and *could also be used to generate an inexpensive voter ID card containing these images,* as a non-laminated laser-printed paper card.

Indications are that this system could be implemented at a greatly reduced cost -- essentially the expenditure for scanners and laser printers for all field offices. This is a major potential output of the CVL project that can be created from the existing capability through software development and hardware acquisition. It is an indication of the direction that continuing development in the registry computerization area should take -- and of how great the benefits can be.

Sample Ballot "Voter Information Sheet"

As noted elsewhere, a pre-election mandate for the May 1995 election required issuance by Comelec of a "voter information sheet" (VIS) -- containing the voter's precinct location, voting instructions, and the candidate/office listing (i.e., sample ballot) for the voter's precinct. This requirement will continue to apply under the proposed legislation of the Comelec.

In the 1995 pre-election effort, many voters did not receive the information sheet before the election, mainly because Election Offices had to *address by hand* the 37 million mailers, leaving inadequate time for effective postal delivery in many cases. Clearly, information mailer generation is a function that can be incorporated into the CVL capability, by the development of software and

the addition of mailer processing capabilities -- at a minimum the printing of machine-applicable labels, or the creation of a datatape for external mailer production. Similarly, if candidate qualification information were eventually to be handled on the registration computer system, the processing capability would exist to generate the entire VIS document in mailable form directly off the system.

Like the photo ID requirement, the VIS function demonstrates the great potential of a computerized voter registration system to automate in a comprehensive fashion the operations and management functions of the electoral process. In designing and implementing the CVL project, Comelec has completed the basic first step toward this end and should continue to build upon it. In this regard, the staff may also wish to examine a number of commercially available total election management registration software systems -- much as was done in examining the options for vote counting systems -- to gain the benefit of reviewing the existing technology in perfecting their own design.

6. Technical Discussion: Computerization of Vote Counting & Canvass Functions

Comelec is poised to embark on an ambitious effort to computerize both the vote counting function and the vote canvass system. The anticipated benefits of this comprehensive project are

- speed of the count and canvass;
- integrity of the process;
- credibility of the results.

The proposed system is expected to decrease to about three days a process that took 29 days in 1995, while reducing the human intervention that spawned allegations of irregularities. A major advantage of the proposal is the elimination of the handwritten ballots and the accompanying troublesome disputes about their interpretation by poll workers. Another critical feature is the automation of the canvass process during which summary vote totals were reportedly altered, either at the municipal or provincial level. Printing candidates' names on the ballot and automating the canvass are the two most salient steps in achieving the objectives of speed, integrity, and credibility.

After considerable research, Comelec conceived an automation strategy, which it is preparing to pilot test in the March 1996 ARMM election. A conceptual overview of the proposed system planned for the pilot election is contained in Section 4.D of this report. Essentially, the system involves the replacement of handwritten "appreciated" ballots with pre-printed ballots which contain the names of all candidates and which can be read electronically. Ballots are to be transported from the precincts and counted in municipal counting centers, where local results will be announced. The municipal-level results will be forwarded to provincial centers, then on to the regional electoral office for accumulation of votes for the offices of regional governor and vice governor. In a national election, the results would be accumulated for elections of officers at these jurisdictional levels and

would also be sent to Comelec for the accumulation of votes for President, Vice President and Senator.

Three optical scan voting systems are currently being considered for possible use in the ARMM election, of which two are expected to be selected for testing in the pilot: Business Records Corporation's (BRC's) Optech IIIPE; American Information Systems' (AIS's) Model 150 and Model 550; and National Computer Systems International's (NCSI's) OpScan models 7/354 and 5/558. A comparative description of each system is included further below.

Infrastructure Considerations

It is important to note that any voting system must be assessed against the backdrop of the local environment in which it is to be adapted. Therefore, before examining the proposed systems, it is essential to consider the physical, administrative, and technical infrastructure required to implement a voting system.

The three systems under consideration by Comelec pre-suppose an infrastructure which may be lacking in the Philippines at present. For example, legislation enacted to authorize the pilot program mandates in-country ballot printing, either by the national printing office or the national bank. While this is a reasonable requirement which should prove expeditious and economical over time, neither facility currently has extensive experience with the complicated process of election printing, in particular the rigors of producing machine-readable ballots.

Furthermore, administrative infrastructure, while improving, is still inadequate. Operation of computerized ballot counting systems at the municipal level requires personnel skilled in the maintenance, testing, and operation of sophisticated equipment and software. This capability does not emerge overnight, particularly on the scale envisioned in the pilot program and its anticipated extension throughout the country.

Ballot printing demands strict precision in listing all candidates' names, correctly spelled and in the required order, within an extremely short and inflexible time period. Moreover, this must be done for a vast multitude of ballot types, i.e., for the Philippines there will have to be different ballots for each of the 1,600+ cities and municipalities. If ballots are to be read electronically, the process is further complicated by absolute intolerance--within 1/100th to 1/5,000th of an inch--for error in press registration and ink control, for example.

A minimal physical infrastructure is essential to ensure proper transportation and storage of sensitive electronic equipment. And a reliable power supply, which is critical to electronic systems, is lacking in most areas of the country. Telephone communication, in the event of problems or questions, is lacking in many areas as well.

Without proper infrastructure of this nature, it is risky at best to impose a "high-tech" ballot counting system on a "low-tech" -- or even "no-tech" -- base. Thus, the question emerges whether the objectives of speed, integrity, and credibility can be accomplished short of implementing a high-tech ballot counting and canvassing system. The team believes that they can and, at least in the short term, should.

Analysis of Objectives

As noted above, computerization of the vote counting and canvass process has been proposed to achieve three key objectives: speed, integrity, and credibility. We examine these objectives and the likelihood of a proposed voting system to reasonably achieve them.

We turn first to a critical examination of the important objective of increasing the speed with which results are declared. This examination poses the question, faster than what? Faster than the 29 days necessary to proclaim the results of the 1995 election? As fast as possible? Or as fast as current law presently permits, given that no official proclamation can be issued prior to the receipt of all physical records. In the case of national elections, this means all election return documents must be received in Manila before national results are proclaimed -- a process Comelec estimates takes at least three days.

One of the three voting systems proposed for use in the ARMM election involves the use of precinct ballot readers in a central count environment. This system requires ballots to be hand-fed into scanners at a relatively slow rate of approximately 40 per minute, per machine. The other two utilize equipment designed for use in a central count environment. Ballots are fed automatically into the scanners, at rates ranging from about 58 ballots per minute to a faster rate of approximately 400 ballots per minute.

Voting systems exist which are capable of counting at much higher rates. Punch card systems, for example, employ card readers that operate at a rated speed of approximately 1,000 cards per minute. Results are capable of transmission to a central location almost instantaneously. A higher speed ballot counting system necessitates fewer scanners, card readers, and other electronic equipment, generally resulting in lower costs and imposing a lesser burden on the country's administrative and physical infrastructure. Yet, unless election administrators are able to proclaim results based on electronic transmission of results -- even semi-official or partial results -- little is gained by the increased speed.

If a high-speed count avails little, it may be wise to avoid the cost and complexity of a fully automated count. Unless legislation is enacted to permit the release of electronically transmitted results, we suggest Comelec consider a possible interim solution. Under this scenario, preprinted ballots are manually counted at the precinct level, transcribed onto a scanable document and accumulated electronically. This method automates the canvass but not necessarily the count.

The second objective in modernizing the counting and canvassing process is to ensure the integrity of the process. In the course of numerous, wide-ranging discussions, we learned that the greatest threat to the integrity of the May 1995 election came during the canvassing process when precinct tally sheets were accumulated centrally. Abuse at this stage is more economical because it involves payoffs to fewer people and offers the advantage of wholesale, rather than piecemeal, alteration of election results. In contrast to abuse at the canvassing stage, manipulation at the precinct level demands that individual votes are bought and precinct inspectors and poll watchers are enlisted at an individual level difficult for the political manipulators to enforce. Automation of the canvass, by removing most of the human intervention, has a high potential for reducing manipulation of the process -- provided that pre-election programming is conducted honestly and competently and that appropriate administrative safeguards are in place.

The integrity of the ballot counting process will likely be increased simply by preprinting candidates' names on the ballot. However, the optical scan systems Comelec is presently considering are susceptible both to voter error and to manipulation by someone other than the voter. All three systems in question require voters to mark ballots in a particular manner, i.e., joining the ends of an arrow or darkening an oval or rectangle. And the ballots must be marked with a particular type of pencil or pen. If voters fail to mark as instructed or fail to use an instrument with the specified type of ink or lead, their votes may not be recorded. A determined miscreant could give an "undesirable" voter the wrong instrument to mark the ballot or could surreptitiously mark the voter's ballot, either to vote, overvote, or otherwise invalidate it. This was a concern expressed by several persons the team interviewed.

To ensure the integrity of the voting process, Comelec must also deal with a curious provision of the modernization law, namely that ballots must be dropped unfolded into the ballot box. Unless that provision of the law can be changed to permit ballots to be folded by the voter, some method will have to be devised to ensure voters' ballots are not scrutinized as they are deposited. Secrecy sleeves could be used; however this is an additional cost to be factored into the overall expense of the automation project.

Next, we examine the third objective of automation, establishing the credibility of the result. Credibility of election results depends upon several factors: the accuracy of the voter rolls, the presence of poll watchers, the impartial functioning of the BEI, the speed and reliability of the canvass, and -- perhaps most importantly -- the prompt and vigorous enforcement of any suspected wrongdoing. Automation alone cannot confer credibility upon the electoral process. Clean voter registration lists, honest and competent management of ballot counting and canvassing software, and swift and sure enforcement of violations are the most essential factors.

Upon reviewing the objectives and the most immediate and effective means of accomplishing them, we conclude that the use of printed ballots and the automation of the canvass are the two most critical ingredients. However, automation of the ballot counting process may be less urgent, given the tremendous cost of this element of the proposal. Cost figures to automate the ballot count and canvass in the ARMM election are budgeted at P53,000,000 ($2.08 million), pending the outcome

of the bidding process, and Comelec estimates the basic cost of automating the process for the entire nation to approximate P625 million ($25 million).

This cost, combined with the administrative difficulties an automated count imposes on an underdeveloped infrastructure, leads the team to urge caution and fuller experimentation with automated counting and canvassing regardless of the outcome of the automated pilot test in the 1996 ARMM election. The proposed scale of the 1998 automation is massive, and the costs and risks may be significantly reduced by exploring possible alternatives -- both those presented in this report and others. A headlong rush to judgment could be expensive and embarrassing.

Comparison of Alternative Optical Scanning Systems

1. BRC's Optech IIIPE Optical Scan, Precinct-Count Voting System

At the time of the team's visit to Manila, this appeared to be Comelec's preferred choice of voting systems. The Optech IIIPE is a 47-lb. optical scan ballot reader designed for use by voters at the polling place but intended by Comelec to be used in a central count environment.

Ballot readers are capable of optically reading one or both sides of ballots. The system utilizes a single ballot on which names of candidates appear. The ballots vary in length (12" to 22") and width (one, two or three columns up to 9 3/4") to accommodate various types of elections and are printed on 110 lb. card stock. Ballots are voted using a specific type of pen or pencil to draw a line to connect two sides of an arrow. At least 500 candidate and measure positions are available on each ballot. Ballots are fed manually into the readers at an estimated rate of 40 per minute.

As noted above, the modernization law precludes folding ballots, yet this is essential to ensure secrecy. It should be noted that if Optech ballots are folded, this must be done during the production process. Prescored folds must be used to prevent fold marks from intersecting voting positions as this affects the validity of the vote.

Ballot readers are equipped with memory packs which are programmable devices, roughly the size of video cartridges. The memory packs are programmed using EMS and AERO software and are then inserted into readers for ballot counting. After the ballot reader prints out the results of its count, the memory pack is removed and transferred to a memory pack receiver for accumulation of vote totals by jurisdiction.

Battery back-up, a necessity particularly in the Philippines, is not standard equipment on the Optech IIIPE; however, scanners can be retrofitted with battery back-up capability. Estimates of the duration of run-time using back up batteries range from two to eight hours. One large U.S. user expressed reservations about the equipment's reliability when running on a battery, due to the possibility that reduced voltage may affect the validity of the count. The team recommends vigorous

testing of the battery back-up capability during the acceptance testing process. Small generators may be an effective alternative to batteries.

There are two significant advantages of this system:

- The Optech IIIPE system is proven technology, is considered durable, and is capable of withstanding the rigors of transportation and humidity. It is capable of being stored at temperatures of 120F to 130F and can be operated at temperatures as high as 99F.

- The system can be adapted to varying sizes of electoral jurisdictions. In very small municipalities, one ballot reader would suffice; however, Comelec correctly considers it prudent to have a minimum of two readers for back-up. In larger jurisdictions, ballot readers can be added to handle an increased volume of ballots.

The system has some notable disadvantages as well:

- In 1988 an independent consumer products research agency, ECRI, evaluated all voting systems available at that time. The ECRI study cited the most serious shortcoming of optical scan systems in general, and Optech readers in particular, as the potential for inaccurate marking by voters.

  Voters can invalidate their ballots by mismarking them, i.e., by not connecting the two parts of the arrow in the proper fashion. Their ballots may also be invalidated if the wrong pen is used. Red ink, for example, cannot be used and certain blue and black inks will not read. Most pencils can be used; however, pencil marks are more readily smudged and smeared, also causing votes to be improperly tabulated. Because ECRI considered this system the easiest to misread, it recommended use of this system "only for jurisdictions that undertake voter education on an ongoing basis."

- The system is designed to read ballots at the precinct. By adapting it to read centrally, two advantages are lost:

  a) if a voter overvotes or undervotes the ballot, it is rejected by the reader, but too late to return it to the voter for proper marking. By rejecting overvotes and undervotes, the system at least partially compensates for voter error; however, this feature cannot be used in a central count environment.

  b) each ballot is hand-fed into the reader, sacrificing speed of counting. Higher counting speeds could be achieved with other voting equipment which may yield greater efficiencies, especially in highly urbanized areas.

2. AIS Central Count Optical Scan Models 150 and 550

American Information Systems of Omaha, Nebraska offers several models of an optical scanning system designed to be used in a central count environment. Two models, the 150 and the 550, are under consideration by Comelec. Both are automatic feed devices which read ballots at a rated speed of 150 ballots per minute and 400 ballots per minute, respectively.

Software embedded in each optical ballot reader produces output in hardcopy and on diskette. If the ballot reader is linked to a PC at the counting center, results can be transmitted electronically via modem to another central location for further accumulation of results. Alternatively, the results are stored on diskette and delivered to the central tabulation system which cumulates results using a standard 486 PC and AIS's Election Reporting System (ERS).

AIS ballots are a fixed size, 8 1/2" x 14" with a total of 216 voting positions on both sides of the ballot. Although the ballot capacity is smaller than Optech ballots, they are somewhat less expensive and may be easier to print locally. AIS ballots are produced on 80 lb. stock, and the company provides base ballot stock with timing marks already printed. The local printer merely has to complete the ballot by affixing candidate information and ovals which the voter darkens to indicate his or her voting choice. Ballots can be folded by voters, as folds on voting positions do not affect the scanner's ability to detect votes.

The equipment is not retrofitted with battery back-up, but power outages do not result in loss of data. As with other proposed voting systems, some method of ensuring a continuous count, such as the installation of small generators, should be explored.

The AIS system has its advantages:

- Like the Optech system, the AIS system is proven technology capable of withstanding extremes of temperature and humidity during transportation, storage, and operation.

- Ballot counting speed is higher for this system than for the other optical scan systems under consideration by Comelec. This could result in reduced purchasing and programming costs because fewer readers and related equipment are needed. Real efficiencies could be realized if this system were utilized in an area covering very large municipalities or multiple municipalities.

- Ballot production may be slightly cheaper and somewhat less complex because of the weight of the stock and the use of base stock by the local printer. If folded ballots are to be allowed, this would not be additional expense in the production process as voters may hand-fold the ballots without jeopardizing their votes.

- Though still susceptible to mismarking and surreptitious marking, ballots are considered relatively user friendly because voters are more accustomed to marking ovals than connecting arrows.

The disadvantages of the AIS system are:

- Ballot capacity is smaller than the Optech ballot.

- Equipment costs are higher unless a greater degree of centralization can be effected.

3. NCSI Central Count OpScan Models 7/354 and 5/558

National Computer System International, with offices in Richmond, Virginia and Eden Prairie, Minnesota offers an OMR voting system utilizing specialized OpScan readers and Intelection software to read and interpret ballots. The tallying and reporting system operates on a standard PC-based system, using AT compatible hardware with 386 or higher capacity, with a DOS operating system.

NCSI markets a series of OpScan ballot readers of varying speeds and capacities. At the low end, ballot readers accept ballots which are hand-fed individually. These readers can be used in a precinct or central count environment. At the high end, OpScan equipment is capable of reading more than 160 ballots per minute. NCSI is proposing that Comelec use OpScan models 7/354 and 5/558 which read at rates of 58 and 83 ballots per minute, respectively.

OpScan ballots may vary in size, ranging from 2.5" x 5" to 9" x 14" with a maximum number of 260 voting positions on both sides of the ballot. Ballots are printed on 60 lb. stock with timing and forms identification marks in addition to candidate information. Voters darken a rectangle or oval using a pen or pencil.

Once ballots for a particular precinct are scanned, the operator transmits information via serial cable to a PC for tabulation and reporting. Alternatively, summary results can be stored on a standard diskette and transmitted manually to a larger PC for further accumulation of vote totals.

OpScan advantages are:

- A slightly faster counting speed than Optech.

- Potentially less expensive ballots due to lighter weight ballot stock and varying sized ballots.

OpScan disadvantages are:

- The system has not been tested according to the rigorous test criteria to which the Optech and AIS systems have been subjected. Its durability under temperature and humidity extremes is therefore unknown.

Other Alternative Systems

1. Manual Count with Automated Canvass

It may be possible to achieve a faster count and more accurate and secure canvass by using a preprinted ballot in combination with an automated canvass. In such a system, candidates' names are preprinted on paper ballots to alleviate the tedious "appreciation" process. They are counted manually, either at the precinct or at a central counting center, and precinct results are transcribed onto scannable forms.

Such a system involves OMR input using accountable forms capable of being optically read. These forms can be designed using off-the-shelf software packages to allow camera-ready design and printing on a standard laser printer. After precinct results are transcribed onto the scannable forms, they are transmitted to a provincial or regional center for computerized accumulation and summary of results. The estimated rate at which documents can be scanned is 500 to 10,000 per hour, depending on the level of equipment used. The tallying and reporting system use standard PC, interface, and printing equipment. Use of this system could be explored, either as an alternative to a fully automated vote counting process (only the canvass would be automated), or for use in less populous provinces.

The system uses printed ballots which are manually tabulated and therefore much easier and cheaper to print. This may be advantageous while the local printer is gaining experience in election printing. It also involves a less voluminous automation process. Rather than automating the count of more than 25 million ballots, only 170,000 forms (one from each precinct) would be scanned and accumulated. The team contemplates the use of such a system as an inexpensive solution to address two major problems encountered in the 1995 election: the slow appreciation of ballots due to handwritten names, and allegations of tampering during the canvass process. It would also eliminate the transportation of uncounted ballots which might be subject to tampering.

2. Punch Card Systems

Printed punch card systems may afford greater security of individual votes cast and offer a speedier count. Depending on the number of offices and candidates in an election, one or more ballot cards may be required. Use of this system should be explored, particularly in populous regions.

Use of a punch card system was not fully explored by Comelec because, at the time of the 1992 elections, all 24 senators were up for election involving over 160 candidates. Because a single printed punch card is limited to 76 positions, the 1992 elections could not be accommodated. Subsequent elections for senators are now staggered: in 1995, only 12 of the 24 Senate seats were on the ballot with a total of 28 candidates which could be readily accommodated on a single card.

Based on candidate information supplied by Comelec and summarized above, it appears that a major national and local election could be printed using three cards. One printed punch card system, Datavote, offers an extremely accurate voting method that guards against surreptitious marking of ballots. This system utilizes a mechanical punching device to make a positive mark on the ballot. While ballots are transported uncounted to centralized counting location, any attempt to vote or overvote a card could not be accomplished without use of the lever punching device.

Punch card ballots contain the names of candidates to provide an audit trail and are similar to IBM/Hollerith cards. Card readers tabulate ballots at a rated speed of up to 1,000 ballots per minute which, for a three-ballot card election, equates to over 300 voter choice sets per minute. The team believes a system such as this could speed the count in a highly urbanized area where numerous precincts could be transported to a central counting site.

7. General Evaluation and Recommendations

The team's principal conclusions, based on the foregoing findings and supporting data, are listed by category below. Where specific recommendations have been formulated, these are also stated.

1. Modernization Program

- The Comelec has formulated and set in motion a comprehensive election reform and modernization program that has attained core funding and broad-based governmental and public support -- with a timetable of completion for the May 1998 synchronized national elections.

- Comelec has made a total commitment to the goals of enhancing the electoral process and assuring its transparency and fairness. Senior management appears dedicated, creative, and demanding in its pursuit of positive change. Clarity of purpose, evident in-depth preparation, and a strong sense of direction characterize the concerted efforts of the agency to bring about reform.

- Significant obstacles to successful implementation of the modernization program exist. These include: delay in achieving necessary legislative changes; a legacy of mistrust and electoral manipulation; the massive scale of the synchronized election; the lack of adequate

decentralized technical capabilities; the need for additional funding in key project areas; and the short time available for the complex modernization program.

- Two proposed bills re-submitted by the Comelec to the Congress -- overall electoral process reforms and Continuous Registration of voters -- are critical to the success of the modernization program; while all six proposed bills in the current legislative package are important to electoral democracy, these two bills in particular need to be passed as soon as possible.

2. Computerization of Voter Registration

- The computerized voter registration system can be the Comelec's most powerful tool in establishing the credibility of the electoral process, managing election operations, deterring election fraud, and building the decentralized technical/administrative infrastructure needed to support ongoing automation of the electoral system.

- Comelec has made impressive strides in establishing a computerized voter list (CVL) capability with installation of computer sets in each of the 1,600+ municipalities, software development and training of all municipal election officers. To realize the full benefits of the conversion, Continuous Registration is needed so that data integrity will be maintained over time; in addition, a reliable communications infrastructure is lacking but highly desirable to maximize administrative control and increase database integrity at the provincial and national levels.

- To realize the potential of a computerized voter registry which would form the hub of an automated total election management system, it will be necessary to build significant new capabilities around the core CVL function which now exists through further software development and hardware acquisition.

- Essential elements of the computerized voter registration program appear to be unfunded in the 5-year modernization program budget, namely a system for voter identification based on a scanned photo ID capability and establishment of the necessary wide area network (WAN) to support centralized voter files at the provincial and national levels.

Recommendations:

2.1 Wide Area Network Development. The importance of this infrastructure to computerization and decentralization goals makes it a priority for development. Key requirements include:

a. Redirect available funding or seek new Modex project authorization for the estimated P114 million ($4.5 million) needed for network hardware/software.

b. Obtain assistance from other government agencies experienced in network communications establishment and seek technical expertise from the Philippine Computer Society or other private sector resources to conduct a requirements analysis for assessing feasibility and the extent to which networking is viable for the purposes intended.

2.2 Registration Processing Capability.

a. Redirect available funding or seek new Modex project funds for presently unfunded projects related to CVL capability expansion, including: high power PC servers to support centralized registration files at provincial or national levels; scanners, printers, and software to implement the photo ID concept and support the automated issuance of voter information sheets.

b. Consider examining commercially available U.S. voter registration software packages and/or PC database applications developed in other centralized electoral democracies in planning the future evolution of computer registration capability toward automated total election management system.

c. Plan actively for the anticipated conversion to Continuous Registration which will radically alter the operation of field election offices at the municipal/city levels. Anticipate major impacts on staffing requirements, work process, and computer system reliance -- especially in terms of record-updating transactions.

d. Consider the relatively small portion of the Modex resources that are presently dedicated to the CVL in comparison to the vote-counting application. In the event that nationwide automation of the vote count process should be deferred -- e.g., if only the canvass process is initially automated -- seek expedited expansion of registration computerization functions instead.

3. Computerization of Vote Counting and Canvass Functions

- Problems experienced with delay, inaccuracy, and manipulation in vote counting have as their primary sources the requirement for "appreciation" (deciphering) of handwritten ballots and the error-prone, vulnerable, time-consuming process of manually canvassing election returns at municipal, provincial, and national levels.

- Comelec has devised a technical solution to these difficulties based on automating the vote counting function by use of a pre-printed, hand-fed, optically-scanned ballot to be read by machine at municipal counting centers. The initial input of the voted ballots would produce all vote data needed to generate the complete election canvass without further human intervention, as well as to maximize speed and the security of the results accumulation process.

- While the proposed system concept is both innovative and closely tailored to the existing electoral process, it is expensive at -- $25 million -- in basic initial costs for a nationwide system; it requires printing of tolerance-critical optical scan ballots at an unprecedented scale; it involves significant machine programming and testing capability at the local level where present capabilities and physical infrastructure are limited; and it locks the country into a single counting system that is relatively slow and may not be appropriate for high volume areas like Metro Manila.

- An alternative approach that can be considered to reduce complexity, risk, and costs is to take a first step by using a pre-printed manually-counted ballot that can be easily tallied without the need for "appreciation" of handwritten names. The manual precinct count can then be converted to an optical scan data entry document that essentially automates the vote canvass process without a machine-read ballot. Advantages are reduced ballot printing complexity, simplification of programming and testing, major savings on equipment outlays, and preservation of flexibility to introduce a variety of higher-capacity ballot-reading systems in the future as determined by broad-based pilot tests.

- Introducing technology in vote counting must be accompanied by careful development of administrative safeguards. This is essential both to correct human errors that occur in the use of the system and to defeat any attempt to corrupt its integrity. In this regard, stringent pre-election accuracy/logic and public demonstration testing, as well as software and database auditing procedures, are essential.

Recommendations:

3.1 Alternative Approach. The proposed approach automates the vote count as well as the canvass. While the team considers this an ambitious and worthwhile undertaking in the long run, it may not be absolutely necessary, or even desirable, to attempt as early as 1998. The team recommends a pre-printed, manually-counted ballot and initial automation of the canvass as the initial step towards a process of vote count automation in which a variety of system alternatives can be explored.

3.2 Machine-readable Ballot Production. Ballot printing is a precise and demanding process, and optical scan ballots pose a particular challenge. Tolerances are extremely demanding, and the location of timing marks on the ballots is critical to the scanner's ability to interpret votes. Ballot printing was described by one optical scan system user as a "huge obstacle" to successful implementation who emphasized the need, especially under very humid conditions, to allow ballot card stock to be acclimatized prior to printing.

a. Comelec and the National Printing Office should seek technical assistance from an experienced election printer immediately upon final determination of the systems to be included in the pilot election.

3.3 System Acceptance and Pre-Election Test Design.

a. Seek technical assistance immediately to advise Comelec in contract negotiations with system vendors. Independent consultants with experience in testing equipment would offer useful guidance in drafting maintenance and testing portions of the contract. The team recommends, for example, Robert Naegele of Granite Creek Technologies, a national expert in voting equipment and software.

b. Upon final negotiation of the contract, seek technical advice in training Comelec staff in the principles and techniques of acceptance testing. At this time, or possibly at a future time -- approximately one to two months prior to the election -- the technical advisor should offer assistance and training in the design and implementation of election-specific logic and accuracy testing.

3.4 System Security. Several recommendations are noted that affect overall security of the voting system before and during operation.

a. The systems under consideration by Comelec require the transportation of uncounted ballots to counting centers. Optical scan ballots are somewhat more susceptible to surreptitious marking than ballots used in other voting systems. Security of the ballots must be ensured at all times.

b. Secrecy of unfolded ballots as they are dropped into the ballot box must be ensured. This is achievable by use of an opaque paper sleeve. The new law does not permit folding, and ballots to be read on Optech readers cannot be folded except on prescored folds which would be an added expense in the ballot production process. Ballots to be counted by the AIS readers can be folded without jeopardizing their readability. However, if the law cannot be amended to permit unfolded ballots, a sleeve should also be used.

c. Ballot readers should be tested for zero totals and logic and accuracy immediately prior to use on election day. Although the plan is to test seven days before the election and lock the equipment, the team considers this inadequate to ensure against possible tampering in the interim.

d. Because of frequent power outages, pre-election testing should include vigorous testing of battery back-up units installed on Optech readers. Similarly, small generators should be considered for use with AIS and OpScan readers.

e. Power outages may compel the manual addition of votes during an election canvass. However, manual entry of vote totals subjects the system to potential manipulation. Comelec technicians should design a real time audit trail for all manual entries as well as administrative safeguards against unauthorized entry and tampering.

4. The March 1996 ARMM Election Pilot Test

- Planning for the March 1996 ARMM election pilot of the computer registration and vote counting systems must proceed on an extremely fast track, especially in the vote counting area, in which final decisions on a supplier are pending. The ARMM election presents unique problems and limitations which make it less than an ideal pilot, and the risk of upsetting the timetable for 1998, should problems occur, is a reality.

- The ARMM election nonetheless provides a reasonable opportunity to test the system concept developed by the Comelec and to define administrative procedures for its use. Due to the limited scope of the regional election, the Comelec can overcome to some extent the shortages of time and infrastructure by concentrating its nationwide and central office resources on the pilot.

Recommendations:

4.1 The ARMM pilot can be used to effectively evaluate the selected system(s) -- but in formulating a post-ARMM decision as regards 1998 nationwide implementation, the alternatives to committing to any single system should be carefully re-considered.

4.2 Consider the option of renting or leasing vote-counting equipment for the ARMM pilot election to avoid premature financial commitment. This would allow for further experimentation with other voting systems which may be applied in different areas of the country.

4.3 Consider extending the period of general registration for the ARMM elections to supplement the two days (August 19-20, 1995) already provided, in order to afford greater opportunity for citizens to register -- perhaps as a way of also making the point that open and continuous registration is what is really needed.

4.4 Consider the value of obtaining immediate technical assistance (per recommendation 3.3 above) to assure that contract comprehensiveness, compliance/acceptance benchmark testing, and subsequent pre-election functionality of all acquired systems are designed/executed in accordance with vote-counting system standards.

4.5 Relative to ballot printing and security of automated vote counting, see recommendations 3.2 and 3.4 above.

5. Institutional Capabilities

- The Comelec has significantly increased its professional staff capabilities, especially in the information technology area, and has made real strides in decentralizing administrative responsibilities to its regional offices. However, the complexity of its mandate would be powerfully served by greater institutional strength in decentralized technical capabilities,

improved facilities and equipment, and a human resources development effort focusing on a professional electoral service.

- NGOs such as NAMFREL, VOTECARE, and PPCRV have demonstrated the unique contribution of citizens groups in the Philippines electoral system. Comelec avails itself of the benefits of NGO support in increasing the strength of the electoral system by accrediting these groups to assume formal roles in voter education, poll watching, voter assistance, campaign fora, and quick count activities.

- Despite the institutional strengths, the commitment to modernization, and the detectable trends toward further improvement, there remains inadequate recognition within the government of the need to more greatly empower the Comelec to meet the strenuous demands of its mission.

Recommendations:

5.1 Information Outreach Capabilities. Comelec should seek to develop stronger core capabilities in the areas of voter education and outreach traditionally "assigned" to the NGOs -- not to displace or reduce NGO participation in any way, but to assure that fundamental functions are not *dependent* on NGO performance but are rather *strongly supplemented* by NGO support. Programs like the voter information sheet and the voter identification/photo ID card concept under development by Comelec exemplify steps in this direction.

5.2 NGO Support in Reform Efforts. Comelec may be able to better capitalize on the basic asset of NGO participation and facilitate positive information exchange concerning the modernization program by more directly involving the NGOs in the planning and execution of its various components, particularly those that impact the NGOs' traditional roles.

5.3 Media Programming. The major operational component of conducting nationwide voter education campaigns on a periodic basis appears to justify consideration by the Comelec of securing permanent in-house staff capability for specialized media programming, to be supplemented by external agency services in peak periods. The considerable program budgets for this activity in Modex (P200 million/$8 million) and in each election budget, along with the long lead time for production/design, imply a requirement for specialized professional staffing in this area.

5.4 Quick Count. The Comelec should assure that an accredited NGO carries out a parallel count in the initial computerized elections so that confirmation of the computer results is independently available, even if the Comelec's computer count is the "quicker". The parallel count is a vital source of defending a computer election count against any specter of mistrust. In this regard, Comelec should insure that the independent count body has direct access to the vote count process and receives a copy of all precinct level returns.

5.5 Comelec's Internal Needs. It is strongly recommended that the government consider the need to improve Comelec's facilities, basic support systems, and organization structure -- as defined in the Modex plan -- to bolster the agency's efforts to meet its ambitious objectives in system modernization.

6. Technical Assistance

- In negotiating the complex topography of electoral system computerization, there are apparent opportunities for the Comelec to utilize *electoral consultant expertise* that can be made available through organizations such as IFES, drawing on the legion of technical experts presently at work on similar election projects around the world.

- Such assistance need not involve external assistance *where election-specific expertise is not critical*: there is an abundance of top-level technical consulting capability in-country through organizations such as the Philippine Computer Society, Andersen Consulting, Makati Business Club, government agency experts, and independent consultants.

- Comelec management recognizes potential benefits of consultation with available experts in either category on specific project development and evaluation areas that will be ongoing between now and the elections of May 1998. Given the strong technical, legal, and administrative capabilities of the central staff at the agency, appropriate consultant expertise can be efficiently managed and effectively utilized by in-house senior management.

Recommendations:

6.1 Assistance Projects. The team finds that there are a number of areas where carefully phased, short-term assistance could be productively structured to highly specific and clearly defined project needs of the Comelec. These include:

a. wide area network: design and implementation.

b. election ballots: design, specification, and production control.

c. design/conduct of test plans for system acceptance in procurement/installation.

d. development of in-house and public demonstration pre-election test procedures for computerized vote counting/canvass systems.

e. development/execution of training programs in use of new technologies

f. procedures design and documentation in creating the necessary administrative safeguards for handling the voting, tally, and canvass processes. The technology can

be misused -- as in a manual system -- and the control procedures needed can be quite different from those appropriate to a manual operation.

g. drafting and analysis to support rapid turnaround for defining legislative and budget elements that must be put in place for future actions following pilot test completion (i.e., post-ARMM actions for mid-1996 legislative and budget submissions).

h. evaluation methodologies in all areas of electoral and technical reform. After making changes, project management needs to know how, why, and to what extent they were effective -- to determine course correction and the next steps. Evaluation design should thus be an important consideration in initial implementation, but this can be very hard to do when working with a totally new function: having external expertise available to build in these considerations produces value-added design.

i. international applications: in the event of specific project requirements closely paralleling models in use or under development in other centralized electoral democracies, collaborative interaction between Comelec staffs and those countries' counterparts/technical experts could be arranged. Examples are: precinct returns scanning/canvass automation project in Ghana, which is itself based on scanning applications drawn from a development project of the Australian National Census; results transmission software and network development in Brazil or Colombia; voter identification card technology/system designs from Mexico, Ghana, Jamaica (direct scan photography concept), Nicaragua, Grenada, and elsewhere; voter registration software design and application models selected for valuative review, according specific characteristics desired; and Canadian models for election planning management applications/strategies which have been widely transferred.

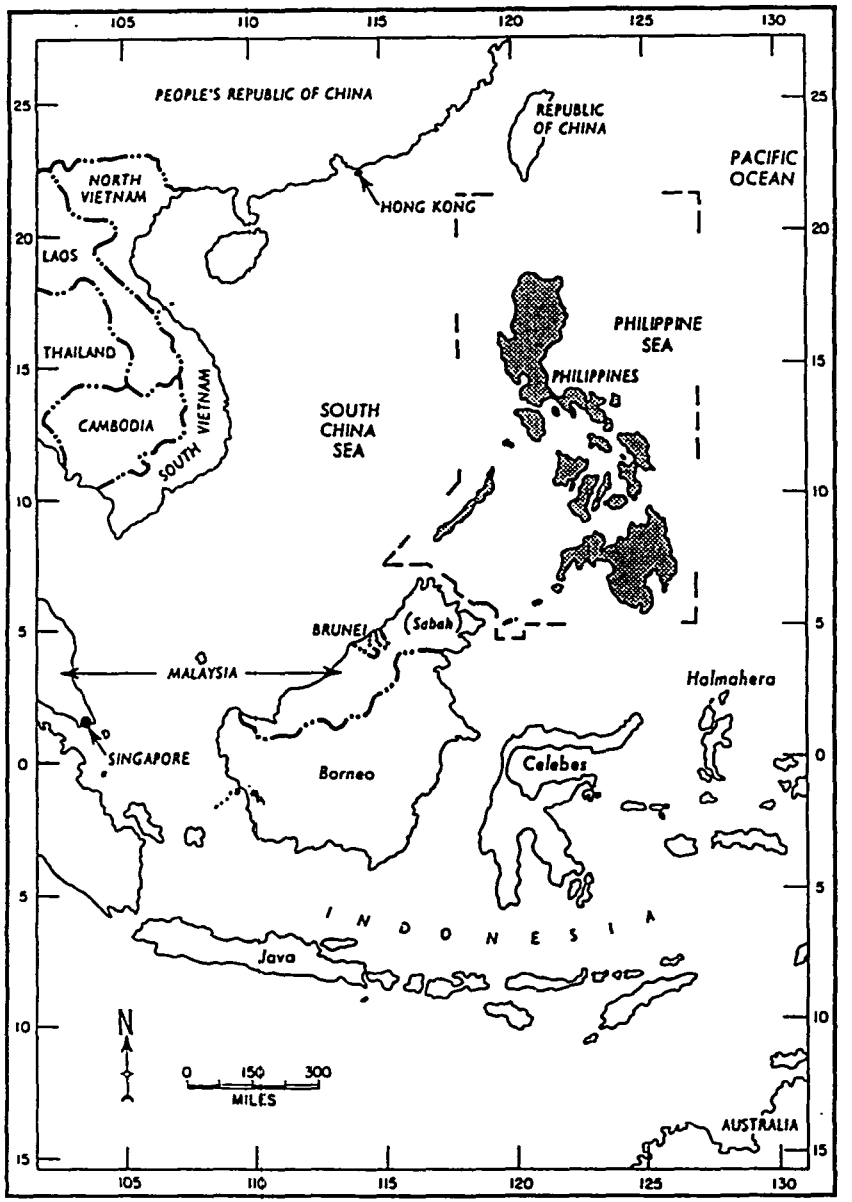
6.2 Consultant Project Host Committees. In planning any consultant assistance projects, the team recommends that the Comelec establish a "focus group" oversight committee to host each consultant assistance project. This group of from two to six persons would include representatives of the sectors directly involved from a resource or participation standpoint in the particular project area.

For example, a committee for a pre-election testing procedure design project for computer ballot counting might include: the Comelec technical systems director (who has identified the requirement for the consultant assistant project); an Election Officer from one of the Comelec field offices (who will be conducting the test); a representative from the National Printing Office (which will print machine-readable ballots to be used in the test); NGO and party/candidate representatives (who will be the primary audience in the test's public demonstration phase); a vendor representative (who is supplying the equipment to be tested); and a representative of the Philippine Computer Society (who is a technical expert and potential continuing resource for the project area).

Each of these persons would offer a unique perspective for the consultant to consider in helping design the test procedure. Moreover, each would learn through this collaboration exactly how the test procedure is intended to work and what it should accomplish -- information that would then flow back to the various sectors represented, helping to establish credibility and "smoothing the path" for more formal information exchange efforts to follow. Similar "host committees" could be readily structured for each of the assistance project areas above listed.

APPENDIX A

MAPS OF THE PHILIPPINES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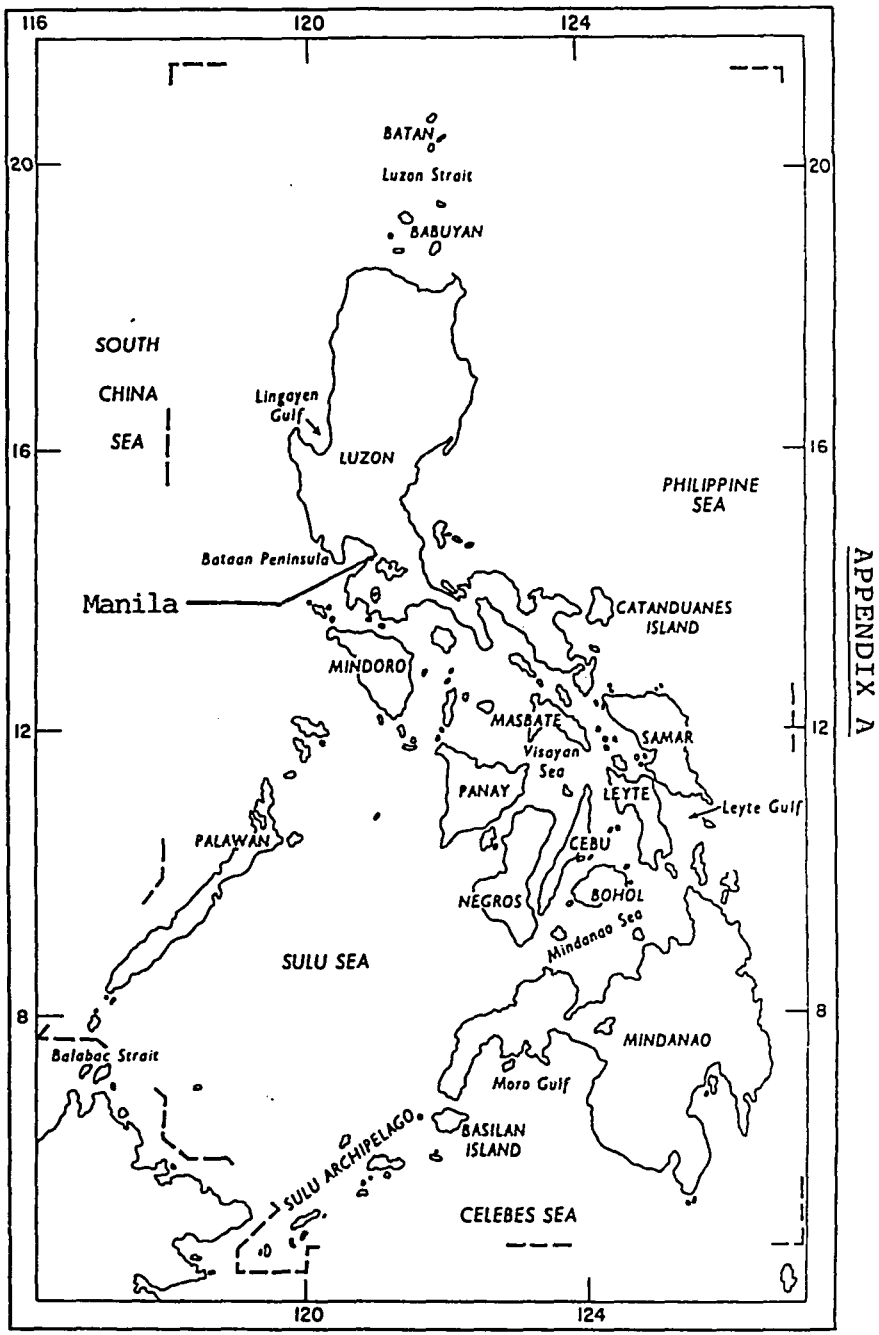
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MINDORO
MASBATE
SAMAR
Visayan Sea
PANAY
LEYTE
Leyte Gulf
PALAWAN
CEBU
NEGROS
BOHOL
Mindanao Sea
SULU SEA
MINDANAO
Balabac Strait
Moro Gulf
BASILAN ISLAND
SULU ARCHIPELAGO
CELEBES SEA

APPENDIX A

APPENDIX B

PERSONS INTERVIEWED

Persons Interviewed

Commission on Elections

Chairman Bernardo P. Pardo
Commissioner Regalado E. Maambong
Commissioner Manolo B. Gorospe
Commissioner Julio F. Desamito
Commissioner Teresita D.L. Flores
Hon. Resurreccion Z. Borra, Executive Director
Atty. Mamasapunod M. Aguam, Acting Deputy Executive Director
Atty. Sonia Dipasupil-Barros, Director, Education and Information Department
Alwin S. Sta. Rosa, Director, Management Information Systems
Salud Aliganga, Deputy Director, Region VII (Central Visayas) and Director, Division III (Cebu Province)
20 Municipal Election Officers of Cebu Province

Senate

Senator Marcelo B. Fernan, Chairman, Committee on Electoral Reform, former Chief Justice of the Supreme Court
Senator Orlando S. Mercado
Senator Juan Flavier
Senator Raul S. Roco
Atty. Percival O. Flores, Chief of Staff to Senator Roco

House of Representatives

Congressman Simeon A. Datumanong, Deputy Speaker (Mindanao)
Congressman Raul A. Daza, Deputy Speaker (Visayas)
Congressman Hernando B. Perez, Deputy Speaker (Luzon)
Congressman Emigdio S. Tanjuatco, Jr., Chairman, Committee on Electoral Reform
Congressman Rodolfo B. Albano, Majority Leader
Congressman Antonio V. Cuenco
Congressman Raul V. Del Mar
Congressman Eduardo R. Ermita
Congressman Eduardo R. Gullas
Congressman Michael O. Mastura
Congressman John H.R. Osmena
Congressman Manuel A. Roxas
Congressman Edcel Lagman

Office of the President

Executive Secretary Ruben D. Torres
Undersecretary Gabriel S. Claudio, Assistant for Political Affairs
Narciso S. Nario, Legislative Adviser
Atty. Luis F. Sison, Assistant for Legal & Judicial Affairs

Media

Teodoro L. Locsin, Jr., Publisher & Editor-in-Chief, Today, Manila
Antonio C. Abaya, Columnist, Philippine Star, Manila
Francisco Sionil Jose, publisher, Solidaridad, Manila
Nelia Neri, Publisher, Cebu Sun-Star Daily, Cebu

University of the Philippines

Dr. Temario C. Rivera, Chair, Department of Political Science
Dr. Natalia Ma. Lourdes M. Morales, Professor, Political Science
Dr. Renato S. Velasco, Associate Professor of Political Science
Dr. Mendoza, Professor of Political Science
Dr. Luz Tancangco, Professor of Public Administration

Other Universities

Ronald J. Duterte, President, University of the Southern Philippines, former Mayor, Cebu City
Jose Gullas, Vice President, University of the Visayas, Cebu City

Non-Governmental Organizations

Sr. Rose Anne Mallilim, Executive Secretary, Voters' Organization, Training, and Education Towards Clean, Authentic, and Responsible Elections (VOTECARE)
Ms. Tita de Villa, Chairperson, Parish Pastoral Council for Responsible Voting (PPCRV)
Guillermo M. Luz, Secretary-General, National Citizens' Movement for Free Elections (NAMFREL)
Telibert C. Laoc, Volunteer, NAMFREL
Taja Basman, Commissioner, Philippine Islamic Council
Mrs. Ann Basman
Eddie Nuque, former Secretary-General, NAMFREL
Maria Lourdes Chiongbian, Chair, Citizens Involvement and Maturation for People's Empowerment and Liberation (CCIMPEL)
Norberto Quisumbing, Jr., former Region VII Director, NAMFREL

U.S. Government

Hon. John D. Negroponte, American Ambassador

Raymond F. Burghardt, Charge d'Affaires/Deputy Chief of Mission, American Embassy
E. Mason Hendrickson, Political Counselor, American Embassy
Donald B. Coleman, Political Officer, American Embassy
Kenneth G. Schofield, Mission Director, USAID
Gordon H. West, Deputy Mission Director, USAID
Charles F. Weden, Deputy Assistant Administrator for Asia, AID/Washington
Harold L. Dickherber, USAID
Jose Garzon, USAID
Julianne Johnson Paunescu, Assistant Information Officer, U.S. Information Service

Others

His Eminence Ricardo Cardinal Vidal, Cebu City
Atty. Aquilino Q. Pimentel Jr., former Senator and former Minister for Local Government
Governor Zacarias Candao, Maguindanao, former Governor of the Autonomous Region of Muslim Mindanao (ARMM)
Eva Kalaw, former Senator
Augusto Lagman, Chairman and CEO, Systems Standards Inc.
Maj. Gen. (Ret.) Jose P. Magno, Chairman, GSIS
Francisco Benedicto, President, Benedicto Enterprises and former Philippine Ambassador to Singapore and Republic of Korea
Bernadita Valenzuela, Consultant to Mrs. Imelda Marcos and former Executive Assistant to former (1986-92) Vice President of the Philippines Salvador H. Laurel
Christian Monsod, immediate past Chairman of Comelec (1991-95)

APPENDIX C

INTEGRITY OF THE VOTING PROCESS

Integrity of the Voting Process: Issues in Electoral Manipulation

Contents of Appendix C:

- *"Fraudulent Electoral Practices"* -- Report by the IFES Team
- *"How Cheating is Done During Elections"* -- source: Mr. Taja Basman, Commissioner, Philippine Islamic Council
- *"The People's Will Must Prevail"* -- Statement of Aquilino Pimentel, Jr. on the occasion of his filing of an election protest with the Senate Electoral Tribunal, June 20, 1995
- *"An Assessment of the 1995 Elections: What Happened and What We Can Learn"* -- speech delivered by Guillermo M. Luz, Secretary-General of NAMFREL
- *"On the Other Hand"*, editorial opinion by columnist Antonio C. Abaya: *"Fraud in 16 Provinces; No More Elections in Lanao del Sur"*, published July 25, 1995.

Fraudulent Electoral Practices - Report by the IFES Team
(The following is based on information received by the IFES team from a variety of sources.)

The avowed purpose of the modernization and computerization of Philippine elections is to safeguard and enhance the integrity of elections in an efficient and effective manner. Only days before the team arrived, President Fidel V. Ramos in his State of the Union address publicly recognized the need for an honest electoral system in which voters are certain their votes are fairly counted and canvassed.

To accomplish this purpose it is useful to examine how the current system is vulnerable to manipulation or fraud. The following is a brief discussion of present weaknesses as described by members of non-governmental organizations, religious leaders, and local government officials. Through a detailed examination of these stress points in the system, we can better evaluate the potential for new technologies or improved administration of elections to alleviate them. Any modernization effort should target these areas for improvement.

1. Manipulation during the pre-election and registration period.

- *Paying to register or not to register*: Prior to the re-registration of voters, some candidates engage in a process of encouraging voters to return to their home provinces for in-person registration. Some form of payment is offered as an incentive. Alternatively, some candidates offer payment to those who refrain from registering.

- *Ghost Registrations; Ghost Precincts; "Flying Voters"*: Because they have access to blank voter registration forms, registration officials are sometimes paid to pad the rolls with fictitious voter registrations. In addition, ghost precincts--even ghost barangays--are created. In the ARMM region, which receives a special and more loosely audited budget allotment, ghost barangays have been established to funnel these funds for undisclosed purposes. These ghost barangays become a potential source for illegal funds as well as illegal votes.

  The voter registration rolls are also padded with the names of persons, many of whom who have been paid, to register in more than one precinct. If the precincts are reasonably close, these "flying voters" may be able to vote in more than one location on election day.

2. Manipulation of the voting process

- *Paying to vote or not to vote*: As early as the pre-registration process, candidates begin to offer sums, sometimes as much as P2,000 ($80) per voter, to encourage voters to support a particular candidate or to refrain from voting. In lieu of direct cash payments, voters are sometimes promised jobs, loans, and promotions.

  To ensure that voters who receive payment (or promise of material benefit) act accordingly, a variety of techniques are employed. "Bought" voters are instructed:

  - to write in the names of candidates in a particular order
  - to vote only for one officer, e.g., for mayor but not for vice-mayor
  - to give their voter registration cards to the candidate or campaign worker so another

person can vote in their stead (commonly referred to as "vote substitution")
- to show their marked ballots to poll watchers who are also paid.

- *Paying precinct officers*: Precinct officers play an integral part in ensuring "bought" voters do as they are paid to do. They, too, must be paid to inspect ballots of certain voters. In the case of voters supporting the opposition, precinct workers are paid to refrain from removing the stubs of "hostile" voters' ballots which invalidates them. Similarly, ballots can be invalidated if precinct workers deface them with identifying marks.

- *Disruption and Intimidation*: Voters are threatened against going to the polls or voting for the "wrong" candidate. The threats may be personal or aimed at the voter's family or business. Members of the board of election inspectors may be threatened not to assume their duties or to violate the law.

  Several techniques exist for casting doubt on the process or creating disruption, including:
  - placing voters' names in the wrong precinct to cast doubt on their ability to cast ballots in their home precincts.
  - interfering with the delivery of election supplies in order to delay voting and discourage voter participation.
  - implying threats of general violence which may dissuade voters from participating and may ultimately postpone voting in a precinct or area. (By postponing the voting process, candidates may be able to learn the preliminary results of an election and determine how many additional votes are needed to reverse the outcome.)
  - creating disorder as a subterfuge for overvoting ballots or affixing identifying marks to invalidate them.

- *"Assisting" Voters: False Identities: Chain Voting*: On election day, fraudulent votes may be cast by:
  - accompanying illiterate or disabled voters to the polls and "assisting" them;
  - chain voting, called "lanzadera" in the Philippines. The first voter illegally obtains a blank ballot before going into the precinct. He or she votes it, then conceals it and takes it into the precinct where he or she is issued a new ballot. The first ballot is cast and the newly issued blank ballot is concealed and removed from the precinct. It is voted and given to another voter who enters the precinct with the premarked ballot concealed, obtains a blank ballot, deposits the pre-marked ballot, conceals and exits with the newly issued blank ballot, and the chain process goes on and on.

  - assuming the identity of another voter. In some Muslim areas, multiple voting is accomplished by veiled women whose hands are prohibited by Muslim law from being touched in order to take a thumbprint or to mark the right forefinger with indelible ink.

3. *Manipulation after the polls close*

- *The counting process*: The counting process may be corrupted by: (a) improperly counting, or "appreciating," votes so that a voter's choice is invalidated or recorded for another

candidate; (b) inadvertent or intentional error; (c) prior to or during the count, ballots may be surreptitiously given an identifying mark which invalidates them; and (d) ballot boxes may be stolen, switched with others, or emptied of their contents.

- *The canvass process*: A notable area of concern in the May 1995 election was the appearance of wholesale vote buying. Instead of having to deal with (paying) many individuals to vote or refrain from voting in a certain manner, only the canvassers are paid to accumulate the votes of several precincts or municipalities and produce a specific outcome.

- *Vulnerable Locations*: Attempts to manipulate the vote may occur in numerous types of venues: in individual homes and neighborhoods; at registration sites; in polling places; and in canvassing centers, often accomplished with the full, deliberate and well-organized complicity of many persons.

  And the venues shift. Whereas fraud in polling sites was prevalent in the 1992 presidential elections, it shifted, by all accounts, to the canvassing process during the May 1995 elections. During the canvass process no poll watchers were present; thus wholesale fraud was possible with minimal cost in terms of vote-buying: instead of paying numerous voters, poll watchers and precinct officers, the three-member canvassing boards could overturn the outcome of elections simply by marking over a "3", changing 3,000 to 8,000 for example, or adding a digit to convert 800 to 1,800, or 1,000 to 10,000.

4. Roots of Fraud

Without a change in cultural values and political structure, it is reasonable to expect that any change in technology or administrative practice will result in a predictable, but unknown, shift to new or different fraudulent practices. Vigorous and even-handed investigation and prosecution of election crimes are essential to deter this behavior.

Manipulation of elections thrives in a particular setting with necessary ingredients. Much involves payments to encourage or discourage registration or voting, to compel votes for or against a particular candidate, and to enforce actions of "paid" voters, to tally or canvass votes in a particular way. Sources may be personal wealth or misused public revenue. While little can be done to choke off the former, a great deal can be done to ensure against use of the latter for vote fraud.

The team heard the claim that "development" funds flowing from the national government to local governments are controlled by local officials. If local officials are able to direct some of those funds to influence the next election, the system breaks down. Proper use of local funds for their legitimate and stated purposes and meticulous auditing controls are essential steps in eliminating vote fraud.

Audit controls are largely effective for Internal Revenue Allotment (IRA) funds flowing from the national to local governments. However, these funds are often used for public projects initiated at strategic pre-election periods. The team was told that kickbacks from public contracts have been known to finance local electoral campaigns and some illegal activities associated with those elections. While audit controls reportedly exist for national funds directed to local governments, a special budget allotment for the ARMM region reportedly lacks such controls. We were informed that a portion of these funds are frequently allotted for illegal election activities.

Another major source of illegal funds channeled into illegal election practices, the team was informed, is the money paid to local officials to permit illegal gambling. Widespread participation in a numbers game known as "guetting" flourishes largely because of payments to local officials and other local politicians.

Patronage jobs are another source of corruption. Where the outcome of an election means the creation or elimination of employment for prospective voters, vote fraud is rampant. Civil service protection for workers is an essential antidote.

Poverty and lack of political education about the importance of elections suppress hope for improvement and motivate people to see elections not as a higher good but as good business--a time for making money off a corrupt process. Some NGOs have launched aggressive voter education programs to discourage vote-selling and to heighten political awareness. More needs to be done.

Based on this array of ingenious techniques, it is apparent the safeguards must be no less creative. Technological solutions are one approach, but they can be corrupted if not accompanied by legal and administrative structures aimed at shifting cultural and political values towards higher ethical standards at all levels of government.

(This document was provided to the IFES team by Commissioner Taj Basman of the Philippine Islamic Council)

HOW CHEATING IS DONE DURING ELECTIONS

A. Fraud Before Voting

1. Bribery
   a. Vote buying
   b. Buying abstentions, registered voters are paid not to vote
   c. Promise of jobs, loans, promotions
   d. Buying members of the board of election inspectors to abstain from performing their functions
2. Intimidation
   a. Direct threats to voters identified with a party not to vote.
   b. Threat to the family of the voter
   c. Threat to business property
   d. Threatening members of the board of election inspectors not to assume their functions.
3. Use of indelible ink - illegal. To prevent a registered voter from voting, indelible ink is applied to the right forefinger of the voter before he goes to the polling place so that he will not be allowed to vote.
4. Kidnapping of voters and holding them in place so that they cannot vote.
5. Assigning registered voters identified with a party to places where they cannot vote or far from their place of registration.
6. Disrupting means of transportation to the polling places.
7. Sowing fear and unrest to discourage voters to vote
8. Spreading false reports about the withdrawal or disqualification of a candidate to discourage voters to vote to a certain candidate.
9. Changing the numbering of polling places without notice to voters.
10. Changing the location of polling places without notice to confuse the voters.
11. Marking the ballots so that it will be considered spoiled ballots.

B. Fraud During Voting

1. Assuming identity of another voter and voting in his name.
2. Accompanying a voter to the voting booth to influence a voter casting his vote for a particular candidate.
3. "Lanzadera" this is done by a voter who first secures a blank ballot from another precinct of a fake ballot then getting his assigned ballot. The voter then puts in the ballot box his fake or illegally procured ballot and then passes his genuine ballot to another captive voter who fills it up outside the polling booth with the names of the candidates of his choice. The next voter gets into the polling place with the filled ballot and gets the ballot previously filled up. He then passes to the next voter his own ballot.
4. The use of carbon or paraffin or duplicating device to disclose the content of his ballot to the "buyer", the "intimidator" or the "leader."
5. Delaying delivery of the official ballots and other election paraphernalia to discourage voters.
6. Disrupting the means of transportation of voters on election day to discourage voters from voting.
7. Delisting or transferring voters from the voters' list.
8. Accompanying illiterate or disabled voters and voting irrespective of their choice.
9. Forcibly taking or snatching the ballot boxes in polling places identified as bailiwick of a political party.
10. Stealthily or surreptitiously substituting the ballots during a simulated disorder designed to create confusion in the polling place.
    a. Theft or destruction of ballots, electoral returns and other vital electoral paraphernalia.
    b. Bribery or intimidation of the members of the board of election inspectors to influence their decision on challenges and protests made during the voting.

c. Stealing, tearing, smudging or defacing the list of voters posted outside the polling place to discourage the voters to vote.
d. Delivery of official ballots in excess of authorized quantities to facilitate manufacturing of votes.

11. Prematurely handing out ballots or applying indelible ink before the voter's proper time to vote.

C. *Fraud During the Counting*

1. Misreading the contents of the ballots.
2. Deliberate misrecording in the tally sheet as the votes are read.
3. Substitution of ballots filled for counting.
4. Miscopying of the votes reflected in the tally sheet to the election returns.
5. Substitution of the votes credited to a candidate in the election returns with the votes of another candidate.
6. Deliberate distortion of theentries in the election returns by creating a variance in the words and figures entered threat.
7. Distorting the collation and addition of votes obtained thereby increasing or decreasing the total votes obtained by a candidate.
8. In the communication to be furnished to the Commission during the adjournments of the board of canvassers, deliberate transportation, omissions of additions in the reflected total votes cast for each candidate maybe committed by the person responsible for such transmittal or the same maybe tampered with the connivance of theemployees of the medium used in the course of such transmittal or providing the media with such false or misleading totals during such adjournments.

THE PEOPLE'S WILL MUST PREVAIL

(Statement of Aquilino Q. Pimentel, Jr., on the occasion of the filing of his election protest with the Senate Electoral Tribunal, Quezon City, on June 20, 1995)

Today, June 20, 1995, I am filing with the Senate Electoral Tribunal, a formal protest against the proclamation by the Commission on Elections of Messrs. Gregorio Honasan, Marcelo Fernan and Juan Ponce Enrile, and Ms. Dominique Coseteng.

Their proclamation singly or jointly was based on a collation of certain erroneous, altered or falsified statements of votes and certificates of canvass issued by some municipal, city or provincial boards of canvassers.

I had brought the issue of the colossal cheating and massive manipulation of votes, through what is now popularly known as Operation Dagdag-Bawas, to the attention of the Comelec but it chose to wash its hands ala Pontius Pilate of the problem. Worse, it looks like it is covering up for the election manipulators by proclaiming excearthe.ra that the padding of votes of certain candidates even if these ran into thousands was merely an error of computation, not the product of malicious design. Parenthetically, I am reminded of a Herblock cartoon that had appeared in the Washington Post soon after the holding of the Interim Batasang ansa elections in 1978. In the cartoon, orenzo Tañada along with some of us being hauled off to prison in a military or protesting the massive fraud that cterized the elections in Metro Manila. os was also shown in the cartoon, gging a finger and saying: I allowed you vote and now you want your votes nted!

Those were the dark days of martial rule. And the cartoon captured the quintessential fakery of the electoral exercises that were held under the auspices of the dictatorial regime.

Today, however, the country is blessed by supposedly democratic government. Thus, the attitude displayed by Comelec officials towards complaints against the massive cheating in the senatorial election ironically reminds people of the message of the Herblock cartoon. In any case, it is my expectation that under a democratic regime, whenever candidates run for public office, their obligation is to qualify under the election laws and campaign for the support of the people. Insuring that the election is orderly and peaceful and that the votes of the candidates are honestly counted is a function that properly pertains to the Comelec. No candidate unless he is fabulously wealthy can cover the entire nation with watchers to scrutinize every election return in the more that 42,000 barangays in the country to ensure that his votes are credited accurately to him.

Having said all that, I am not about to say that we are now witnessing the death throes of our democratic experiment. That is for demagogues to utter. What we should all understand is that certain moneyed candidates who have confabulated with their cheating confederates in the employ or under the supervision of the Comelec are trying to benefit from their fraudulent acts as they have done in the past. And they will succeed unless we all do something about it.

As far as I am concerned, I am not about to sit idly by and allow the cheaters to gain from their cheating. I will not close my eyes to the prostitution of the election process. I am filing and election protest.

Some people say I should not do it. Otherwise, I might appear to be a sore loser. Besides it takes too long to resolve an election protest. And expensive, too.

If I were to protest only because I want to sit in the Senate at all costs, in other words, if the protest were merely an ego-trip, I would indeed be a sore loser. And the time-and-expense argument would be tenable.

But I am seeking the truth. Hence, the sore-loser, time-and-expense arguments are really non-issues in my scale of values because the primordial aim of the protest - to establish the truth that would eventually free us from the evils that plague the electoral process - is fundamental that I would not wish other considerations to deter me.

Thus, I am pursuing my electoral protest with the Senate Electoral Tribunal. There, I hope, at least, four specific objectives will be accomplished, namely: (1) that justice is done to the Filipino voter so that the vote he has cast for a candidate will be counted in favor of his choice and not for anyone else and that it will be tallied accurately; (2) that the weaknesses of the electoral process are pinpointed and hopefully, these will be remedied by corresponding legislation; (3) that the cheats will be identified and penalized accordingly, and (4) that I will seated in the Senate in a matter of right.

Among other areas, I am protesting against the fraudulent tally of votes recorded in Laog City and other towns of Ilocos Norte, some municipalities in Pangasinan, Isabela, Nueva Vizcaya, Nueva Ecija, Tarlac, Bulacan, Batangas, Laguna, Bataan, Northern Samar, Negros occidental, Leyte, Biliran, Misamis Occidental, Agusan del Norte, Agusan del Sur, Lanao del Sur, Sulu, Tawi-Tawi, Maguindanao, and some places in Metro-Manila like Pasig, Taguig, and Kalookan.

I am aware of the obstacles that stand in the way of the expeditious resolution of the protest. Foremost among those stumbling blocks are the cheating patrons of the electoral brigands who stole the votes of the people and who benefited from the so-called Dagdag-Bawas. Then, there is the matter of time because protests of this kind, I am told consume a lot of time. And finally, there is the matter of expense.

As far as the cheats - principal and accomplice - are concerned, they will certainly resist any attempt to expose the sleazy, scandalous and sordid electoral swindle they have perpetrated upon the people. But I am prepared to fight them toe-to-toe and from bell to bell without asking for any quarters as I do not intend to give any. As for the issue of time, I intent to short-list the disputed areas in order to shorten time-consuming legal wranglings. On the matter of expense, I am asking the support of more than 8.5 million voters w. were acknowledge even by the Comele. to ave voted for me all those who believe in the cause of clean and honest elections to chip in, at least, one peso each. A foundation for Clean and Honest Elections is being organized. Its address will be announced shortly. Contribution to this crusade may be sent to the Foundation which will handle the funds with utmost transparency and with honest accountability.

Incidentally, my colleagues in the Lakas-Laban senatorial coalition slate, Messrs. Ramon Mitra and Rodolfo Biazon, are included in the ranks of the protestees in my petition. They garnered according to the Comelec the 13th and the 14th highest number of votes in the senatorial selections. Since they stand between me and the main protestees, they will inevitably be caught in the cross-fire. Hence, their inclusions mere necessary or formal parties.

Despite the difficulties that lie ahead, I am emboldened by the favorable response that people in general have given to the intent to file this protest. They believe, as I do, that unless we pursue the protest, the cycle of electoral cheating would go on from election year to election year. And unless the election embezzlers are punished, they might come to believe in their own untouchability. They might even get to follow the lead of Anastacio Somoza, the now-deceased Nicaraguan dictator, who arrogantly dismissed complaints of opposition candidates with the statement that: "Indeed, you won the election, but I won the count"[2] which utterance, incidentally, is not too far away in terms of arrogance and insouciance from that "free advice" offered to losing senatorial candidates recently by Commissioner of the Comelec to run for positions in the Autonomous Region of Muslim Mindanao in 1996.

Be that it may, it is my position that the people's will as expressed in their ballots must made to prevail. This protest aims to accomplish just that. Time and again, complaints have been raised against election cheating. Nothing has come out of the accusations. No indictments have been filed. Nobody has been jailed for making a mockery of the election process.

This time, it is our determination that with the help of the people who believe in paying the price off freedom and democracy with their vigilance, this protest will make a difference. We have to make it so. We have no choice, really. Otherwise, the guilt of the cheaters will spill over all of us. For as a recent letter-writer to Time Magazine puts it: "Guilt rests not only with those pulled the trigger but als. with those who winked as it happened."[3]

We will not wink. We will protest. We will rage against the debauchers of Philippine democracy. We will fight them tooth and nail. And God willing, we will win.

[2] *The Guardian London, June 17, 1977.*
[3] *June 12, 1995*

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AN ASSESSMENT OF THE 1995 ELECTIONS: What Happened and What We Can Learn

Speech delivered by Guillermo M. Luz, Secretary-General, NAMFREL

Good Afternoon, Ladies and Gentlemen:

When I was first invited by Teresa Nieva to speak before the Concerned Women of the Philippines, I was asked to talk about the "behind-the-scenes" aspects of NAMFREL's Operation Quick Count. After some reflection, I decided that this would be a wonderful opportunity to deliver an assessment of the recently-concluded elections, to take a hard-nosed look at what really happened and to determine what we can learn from this experience.

There is much to learn and we must take these lessons seriously because we only have three years before our next major elections and already we foresee problems and can see obstacles being placed before us - three years ahead of elections!

But first let me get to the point and try to address one of the questions that is probably foremost in your minds: why NAMFREL stopped at "only" 71.05% of the count. There are several reasons. To begin with, our mandate was to cover 70 to 80 percent within 10 days after elections. While we always try to cover all precincts nationwide as part of our organizing strategy, that is not always possible given the geography of the land, the enormity of the logistical effort required, and the nature of our operations as an all-volunteer organization.

It takes a large number of financial and material resources as well as volunteers to cover over 170,000 voting precincts in 50,000 school sites scattered over 1,600 cities and municipalities, 76 provinces, and thousands of islands. This requires NAMFREL to print and distribute forms nationwide, to undertake training of volunteers, and to set up a communication network to gather all this data together.

As it is, we are grateful and indebted to groups like the Concerned Women of the Philippines and our major corporate sponsors for providing the support and resources to pull this together.

The other reason is that NAMFREL has to rely not only on its volunteers but also its own forms to collect data, forms which the Board of Elections Inspectors must sign and validate as accurate. Had NAMFREL been given a copy of the Election Return from the COMELEC as we had requested, we would have been able to cover closer to 100 precincts. This required an amendment of a law by Congress which only happened after election. The President in fact signed this law only two days ago or four weeks after election.

A second issue often raised against NAMFREL concerns the pace of the count and whether we are trending. At the outset, many people felt the pace was too slow, especially in the first 12 to 24 hours. Then, when the pace picked up, people started saying we are trending. Let me try to tackle both issues separately.

On the question of the pace, I checked it against previous experience. It turns out that this year's count was the fastest and largest since NAMFREL started doing the Quick Count in 1986. In the Snap Elections, NAMFREL covered 74 percent of the precincts in 14 days. Back then there were only approximately 85,000 precincts, far fewer voters, and only the Presidential and Vice Presidential elections to count. That means NAMFREL covered about 65,000 precincts.

In 1992, the MCQC covered 90 percent of precincts in 22 days. That coverage, however, used municipal certificates of canvass as its basis and not precinct-based forms and therefore cannot be used as a basis for comparison with the OCQ.

This year, it took NAMFREL just 9 days to cover the 71 percent. The big difference is that there are now twice as many precincts today as in 1986 and far more voters and positions to count.

The pace is indeed faster but the public justifiably expects even faster, given the available technologies in the market today. Public perception has overtaken our capabilities.

On the question of trending, this has come to take on many meanings for may people. Based on the numerous questions I receive, trending has come to mean that we project or extrapolate data, or that we withhold data from certain areas or bailiwicks, or that we somehow condition the public mind into believing that certain candidates are winning or losing. This accusation of trending can in fact be levelled against anybody doing a count, be they media organizations or even the COMELEC, but got some reason is used only against NAMFREL. I can only assume that this a price which our volunteers get for carrying out their mission heroically.

Now that we have had the time to step from the heat and intensify of the exercise, I have had the chance to collect my thoughts and observations about these elections and to validitate some of my hunches against the available data. Based on my initial observations, I have come to the conclusion that these elections reflect a step backward in our democratic evaluation and that corrective steps must be taken to further strengthen our democracy.

Observation No.1: Less choice for voters

These elections gave voters fewer choices as far as candidatates were concerned. Coalitions, mergers, guest candidacies, or adopted candidacies gave the voters less choice-rather than more. The fact that political parties had to resort to forming coalitions and adopting candidates would suggest that there were more party slots that there were people to fill them. Many posts especially at the Congressional and Local levels were not contested; that is, only one candidate was running for the post and that no competition presented itself.

Observation No.2: Back to personality politics

Related to No. 1 above, these elections represented a step back to personality politics rather that a step forward into party politics. One would expect to surface when Congress and the Senate opens, the fact of the matter is that when the campaign started, the scramble to fill in the party slates seemed more focused on finding name personalities winnable chances. Even then, some parties had trouble completing their slates, apparently running short of personalities outside of the party leaders. What are the futures of these parties.

At the same time, it seemed that political cooperation knew no party bounds. Endorsements at various levels crossed party lines in a "you-scratch-my-back, I-scratch-yours" fashion, reflecting the "every man for himself", "win at all costs" political culture of our. Even the Operation Dagdag-Bawas appeared to ignore party lines.

Finally, the practice of junking candidates in the sample ballot in different regions suggests that deals were being struck by party machineries and candidates behind others' backs.

Observation No.3: Low voter turnout and fill-up rates

This may be related to observations 1 and 2 though I have to investigate this further. These elections had lower voter turnouts and fill-up rates than expected. We estimate that voter turnout was only about 65 to 67 percent, below the 70 to 80 percent normally expected. The fill-up rate -- the number of Senators the average voter casts a vote for (the maximum is 12) -- was only 7.4 out of 12. It was 17.5 out of 24 in 1992. This means that your typical voter left 4 to 5 slots open on the ballot. Metro Manila had the highest fill-up rate of 10 while Region V had the lowest fill-up rate of 5.5. the Presidency. Second, the voters were not aware of who the candidates were the issue of campaign advertising was not yet resolved since it was being contested in the Supreme Court at the time. Third, the practice of junking may had an effect on voters. Fourth, that reverse vote-buying was taking place (i.e., paying to not vote). Fifth, that uncontested races were not worth the trouble of voting. Sixth, voters simply did

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not care for candidates.

There could be any number of reasons and it would be impossible to pinpoint any one. Nonetheless, the concern here is that people should not lose hope in elections as a viable means for change.

Observation No.4: Cheating reached levels of sophistication

Traditionally, election anomalies were ıcterized by poll violence, individual buying, ballot-box-snatching and other and tested means of cheating and idation. And to varying degrees, these practices were present in these Significantly, however, more ed forms of cheating emerged ar to overshadow the traditional Oplan Dagdag-Bawas represents new genre of cheating. It is wholesale er than retail cheating. Rather than ·ually buying voters to cast a ballot neone's favor or paying a voter to stay (giving him or her a dab of indelible n the finger the night before the ons to ensure that he does not change ind after receiving the pay-off), it became far more efficient to change the results of canvass reports.

Out of 98 canvass reports which the OMELEC had to canvass as the National ard of Canvassers at the PICC, fully one-rd to one-half were identified by the OMELEC as having some form of or inaccuracy. The Ilocos Norte the tenth to arrive at the PICC, spotted by the Commissioners g discrepancies. With 88 more ount at that time, the arrival of orte Report should have thrown the COMELEC which should ed its own canvass procedures. d quickest check would have er a review of all Provincial cates of Canvass (PCOC) against their corresponding Statement of Votes Cast per Municipality 9SOVM) and Municipal Certificates of Canvass (MCOC), both of which are supposed to be attached to the PCOC and sent in a ballot box to the COMELEC. This would have entailed a review of only three types of documents on a nationwide basis-less that 2000 documents, far fewer that any recount involving Statements of Votes Cast per Precinct (SOVPr) or Election Returns (of which there are over 170,000).

Such a review done very publicly and explained clearly would have gone a long way to put to rest any public doubts that the canvass and results indeed truly reflected the people's wishes. Not having seen the documents of the canvass, I don't mean to cast aspersions on the accuracy of the canvass. However, the public perception is one of skepticism which I feel must be addressed by the COMELEC.

Based on these observations, what can we do? I have a vested interest in speaking before you. NAMFREL would like to count on your support to lobby Congress, to talk to your Congressman and Senator to pass new electoral reform laws to strengthen our electoral process and democracy. What should these laws be?

(1) Computerization of our electoral process

By 1988, we shall have about 40 million registered voters. The current process of counting requires data to be written down, summarized, copied and recopied by hand. From precinct to national canvass, that data (our votes) are transferred across seven documents (not counting the ballot), some of which are prepared in as many as six or seven duplicates. This is a formidable task, even assuming 100 percent honesty. As you can imagine, the process is prone to error and vulnerable to cheating.

I think we need to computerize the effort from the voter registration to counting and canvassing without losing the paper ballot system. However, instead of writing down names, we should just check off names as in a multiple-choice test. I find hard to believe arguments that illiteracy is an obstacle. If that were so, then illiterates would find it harder under the present written ballot system and we know they do not because the law protects them in this regard.

We have two opportunities to test computerized counting systems before the 1998 elections - the 1996 ARMM elections in Muslim Mindanao and the 1997 Baranggay Elections.

I also think we need to move towards a voter identification card system rather than rely on indelible ink as a control against multiple voting or flying voters. Indelible ink supply is not a monopoly of the COMELEC. Anybody can buy the ink and use it to disenfranchise people through reverse vote-buying.

(2) Since the media campaign advertising ban has now been ruled unconstitutional by the Supreme Court, I think it is safe to assume that there will be far more print media, television and radio advertising in future elections. Unless campaign spending limits are clearly defined and unless media owners can be convinced to give price breaks and equal access to all candidates, I am afraid that the richest candidates and political parties will gain undue over less well-of ones. I think this must be addressed.

(3) According to the Constitution, the party-list system of sectoral representation in Congress should be in effect by 1998. It should also be in effect in local government units according to the new Local Government Code. I look forward to the passage of this law not only because it will give People's Organizations and NGOs a toehold in governance but also because I feel that provisions pertaining to party-switching within sectoral representatives should be applied to political parties as well. According to proposals for the sectoral representation bill, if someone switches parties while sitting as a Sectoral Representative in Congress, he automatically loses his seat because he was elected to represent a party and not himself. Not a bad law apply to the rest of the politicians. I don't see the need for a double-standard.

There are of course many reforms we should work for but I think we need to take this step-by-step and start immediately. The experience of the COMELEC under Chris Monsod in terms of lobbying for reforms has not been a good one and is instructive for us. Over a two-year span, COMELEC represented a batch of proposals for reform to Congress. None of the reforms passed. We need to go back to the drawing board, back to square one and start lobbying all over again.

It won't be easy. This early, I already detect efforts to block NAMFREL and other citizens arms. Prior to the elections last May, NAMFREL presented a proposal to Congress to give us the sixth copy of the Election Return from the precinct. The effect of this law would have been to assure us automatic 100 percent coverage of all precincts rather that our resorting to printing and distributing our own Precinct Tally Forms. The bill passed the House but failed to pass the Senate before the elections.

You may have heard that Congress eventually passed the bill in Conference Committee and that it was signed into law last June 7 as Republic Act 7976. While that law will give the sixth copy of the Election Return to a citizen' arm, it also states that any group previously accredited before the effectivity of the new law shall not be qualified for accreditation in the future under this law. Does this mean that NAMFREL can no longer accredited for the Quick Count in the future? Or any media group for that matter? Does this mean that new groups will be formed to handle an independent unofficial count, groups with no track record to speak of?

The sudden untimely passage of RA 7976 illustrates why special sessions deteriorate into window-dressing exercises to pass laws unusual and seemingly rushed circumstances (after all, why couldn't Congress act on these "priority measures" before elections?), they also present a last opportunity - a parting shot - for candidates who lost to pass laws which may actually de detrimental to progress.

I hate to leave you on this depressing note, but I do not want to stress that our work is never done. Since 1986, when democracy was restored, it has become quite evident that vigilance by the people is needed to protect our democratic gains. We cannot afford at this time to let complacency seep in, to let apathy creep into our mindsets. It is always so easy to rationalize and say that we should not rock the boat too much so as not to create instability and stall the economic gains we have experience so far. I disagree.

The economic gains we are experiencing are a direct result of the stability and peace engendered by a smooth political transition and the clean electoral process, particularly in 1992. Allowing this process to break down will threaten our economic growth and development. We have seen this happen in the past and we should forever guard against its happening today or in the future.

Thank you and good day.

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TUESDAY, JULY 25, 1995

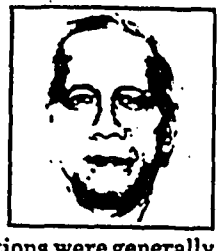
OPINION

Editor • CELIA NAGUIT-SUAREZ

ON THE OTHER HAND

By ANTONIO C. ABAYA

Fraud in 16 provinces; no more elections in Lanao del Sur



At the Third Senate Legislative Workshop last week at the Evercrest (formerly Batulao) Country Club in Nasugbu, where I was asked to talk on electoral fraud and reforms, Sen. Blas Ople asked Comelec Chairman Bernardo Pardo and Namfrel Chairman Jose Concepcion to comment on allegations that there had been massive fraud in the 1995 electinos.

Chairman Pardo insisted that the elections were generally clean and honest. Joecon denied that Namfrel had ever claimed that there was massive fraud. My position, stated categorically in my column on that day, July 20, is that there indeed was massive (meaning in five digits or more) fraud, but it was confined, as far as my methodology could tell, to 16 provinces out of the 81 provinces and cities whose official Comelec and unofficial Namfrel tally sheets I was able to scrutinize and compare.

In his complaint before the Senate Electoral Tribunal, losing candidate Nene Pimentel claimed to have uncovered massive fraud in 30 provinces and 8 cities.

The apparently wide discrepancy between his list and mine can be explained by the fact that, as a losing candidate trying to right a perceived wrong, it was in his interest to dig up as much dirt as he could to support his claim that he had been cheated. On the other hand, as a disinterested party with no personal stake involved in the elections, I tended to give the benefit of the doubt to borderline cases and did not include them in my list.

But the fact that 13 of the 16 provinces in my list also appear in Pimentel's 30 shows that our methodologies corroborate each other, and that there are strong indications of massive fraud, even though that fraud was confined to a minority of provinces.

I stand by my assessment that the Comelec did a commendable job of conducting fair and honest elections in MOST of the country's provinces and cities. But that does not forgive the Comelec's selective vigilance, that after apparently correcting the "computation errors" in Ilocos Norte, Cavite and Batangas, Comelec did nothing about similar, even more glaring "computation errors" in Bataan, Misamis Occidental, Agusan del Norte and Lanao del Sur. Not to mention the 12 others in my short list.

In Bataan, Misamis Occidental and Agusan del Norte, the unofficial Namfrel count was almost 100 percent in precinct coverage. It was therefore possible and logical to compare not only the rankings, but also the actual votes counted for each senatorial candidate.

By deducting the total Namfrel count from the total Comelec count, one expects ALL (17) leading senatorial candidates to gain additional vot

In Misamis Occidental, six candidates (Macapagal, Roco Mitra, Biazon, Tatad, Coseteng) actually lost votes, suggesting that they were victims of fraud, especially Biazon who lost a whopping 5,385. Ten candidates gained additional votes in quantities ranging from 22 (Marcos) to 3,009 (Santiago), or an average of 949 votes each. Enrile gained 11,333 votes or almost 12 times the average, which is also statistically improbable.

In Bataan, two candidates (Roco and Pimentel) actually lost votes, suggesting that they were victims of fraud. Fourteen candidates gained additional votes in quantities ranging from 177 (Macapagal) to 3,948 (Drilon), or an average of 1,643 votes each. Enrile gained 32,592 votes or almost 20 times the average, which again is statistically improbable.

If one were to deduct the average gain of everyone from Enrile's additional votes in each of the three provinces above — 16,337 less 1,618; 11,333 less 949; 32,592 less 1,643 – his net total surplus of 56,552 would be enough to materially affect his ranking in the official Comelec tally. That is just from three provinces.

On the other hand, in the only two provinces where Namfrel had 100 percent coverage of the precincts — tiny Guimaras and equally tiny Batanes — the Namfrel and Comelec tallies were exactly the same, except for Honasan and Tolentino who had 1,000 and 200 more votes, respectively, in the Comelec tally for Guimaras than in the Namfrel count. But those do not materially affect the standing of the two in the final Comelec count.

I do not wish to give the impression that I am specifically zeroing in on Enrile, but he does figure in questionable tallies in more provinces than any other candidate: eight, compared to four for Mitra, three each for Arenas and Coseteng, two each for Fernan, Biazon, Marcos and Honasan, and one each for Tatad, Tillah, Pimentel, Tolentino and Flavier.

In Lanao del Sur

The case of Lanao del sur is unique because its provincial certificate of canvass was submitted on June 5, much later than the COCs from other provinces and cities, almost one month after the votes were cast. In comparing the Namfrel and Comelec counts for Lanao del Sur, one notices that the rankings are much more scrambled here than in any other province, with nine apparent victims (vvv) of fraud and eight apparent beneficiaries (bbb). The suspicion is hard to avoid that the submission of its COC was deliberately delayed in order to allow for the wholesale selling and buying of votes to take place.

This suspicion is borne out by the history of past national elections in Lanao del Sur. Senate President Angara told us in the Evercrest Workshop that since 1969 the election returns from Lanao del Sur have always been the last to be submitted to the national board of canvassers and have in effect decided the outcome of those elections. This was true in 1995 also.

Let me reprint Table 11 from my column of June 20, comparing the rankings in the unofficial Namfrel and official Comelec counts:

Table 11
Lanao del Sur

	N	C	
Amerel	1	2	vvv
Tillah	2	5	vvv
Pimentel	3	7	vvv
Macapagal	4	12	vvv
Marcos	5	4	
Flavier	6	17	vvv
Santiago	7	10	vvv
Magsaysay	8	18	vvv
Drilon	9	11	
Roco	10	19	vvv
Fernan	11	6	bbb
Osmeña	12	20	vvv
Biazon	13	8	bbb
Enrile	14	1	bbb
Mitra	15	3	bbb
Honasan	16	15	
Coseteng	17	13	bbb
Tatad	18	14	bbb
Tolentino	19	16	bbb
Arenas	20	9	bbb

Turn to Page 10

BEST

ABAYA From Page 7

The above table shows Macapagal dropping from 4th to 12th place, Pimentel from 3rd to 7th, Flavier from 6th to 17th, Santiago from 7th to 10th, Magsaysay from 8th to 18th, Roco from 10th to 19th, and Osmeña from 12th to 20th. The drop in ranking of two Muslim candidates in a predominantly Muslim province is also suspicious.

On the other hand, Fernan jumped up 5 rungs from 11th to 6th, Biazon up 5 rungs from 13th to 8th, Coseteng up 4 rungs from 17th to 13th, Tatad up 4 rungs from 18th to 14th, and Tolentino up 3 rungs from 19th to 16th.

It can be argued that the upward movements, by 3 to 5 rungs, of Fernan, Biazon, Coseteng, Tatad and Tolentino were unintended results of the deliberate deflation of Macapagal, Pimentel, Flavier, Santiago, Magsaysay, Roco and Osmeña. But the same cannot be said of the upward trajectory of Arenas from 20th to 9th, of Mitra from 15th to 3rd, and of Enrile from 14th to 1st. The jumps of the three are too high and fuel suspicion that they were the result of deliberate fraud.

The question is why we are, in effect, entrusting the credibility and sustainability of our alleged democracy to this medieval cesspool of a province where the Big Turds of Philippine politics slosh around its slimy ambience every election season for the buying and selling of votes.

The lessons we should learn from the 1995 elections are:

1) Namfrel should be restored to its rightful place in our electoral process as its unofficial quick count is the only yardstick available for gauging the reliability or unreliability of the official Comelec count.

2) Lanao del Sur should be declared a political disaster area and not allowed to take part in national elections until its electoral officials learn to submit its COC within seven days after an elections.

3) The Comelec should not be allowed to get away with selective vigilance, correcting "computation errors" in some provinces, but disregarding them in others.

APPENDIX D

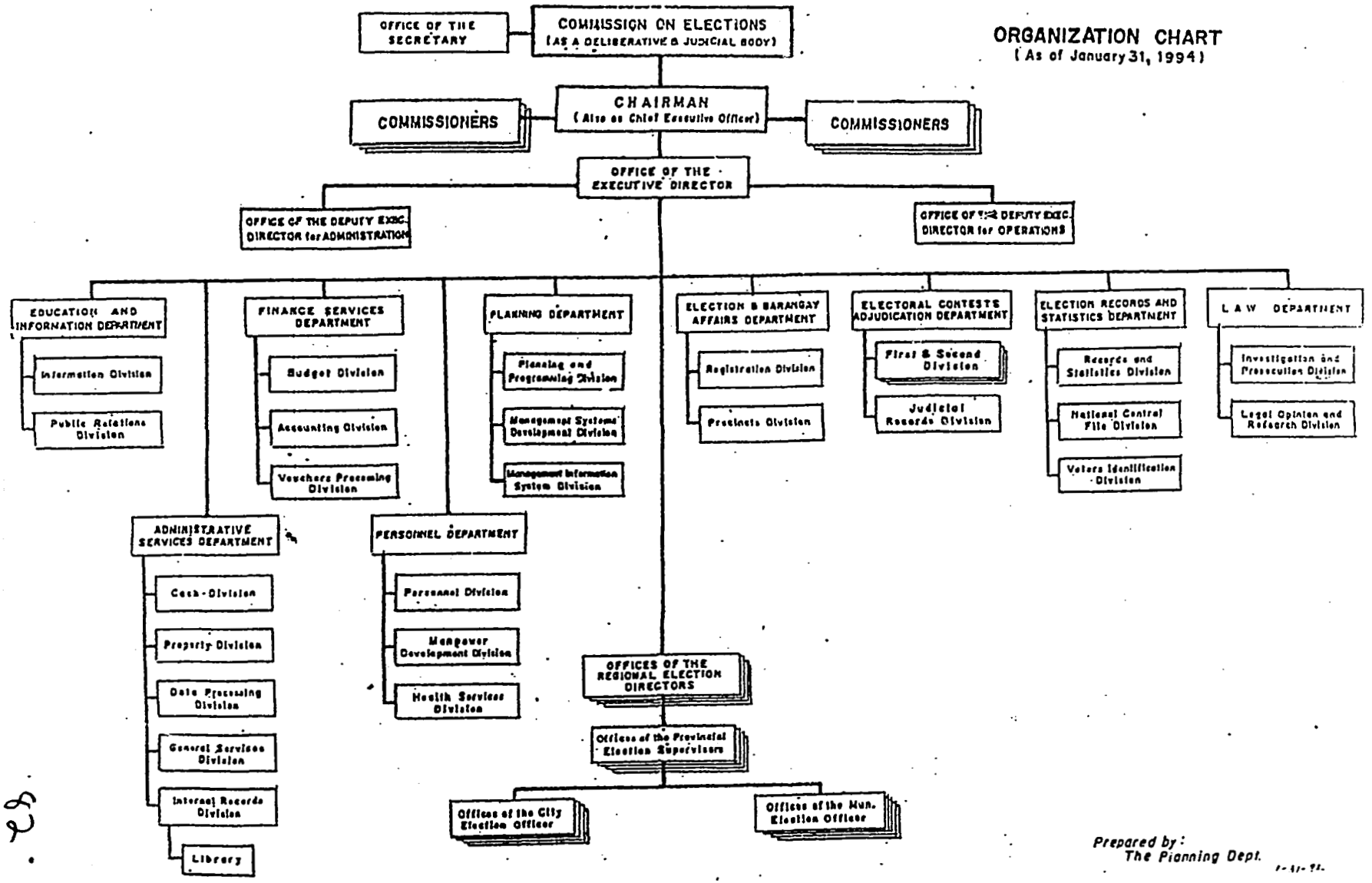
COMELEC DOCUMENTS

Comelec Documents

Contents of Appendix D:

- Comelec Organization Chart
- Election Process (chart)
- Voter Registration Record (new registration form)
- Voter Affidavit (old registration form)
- Distribution of Election Returns (national officials)
- Distribution of Election Returns (local officials)
- Distribution of Certificate of Canvass

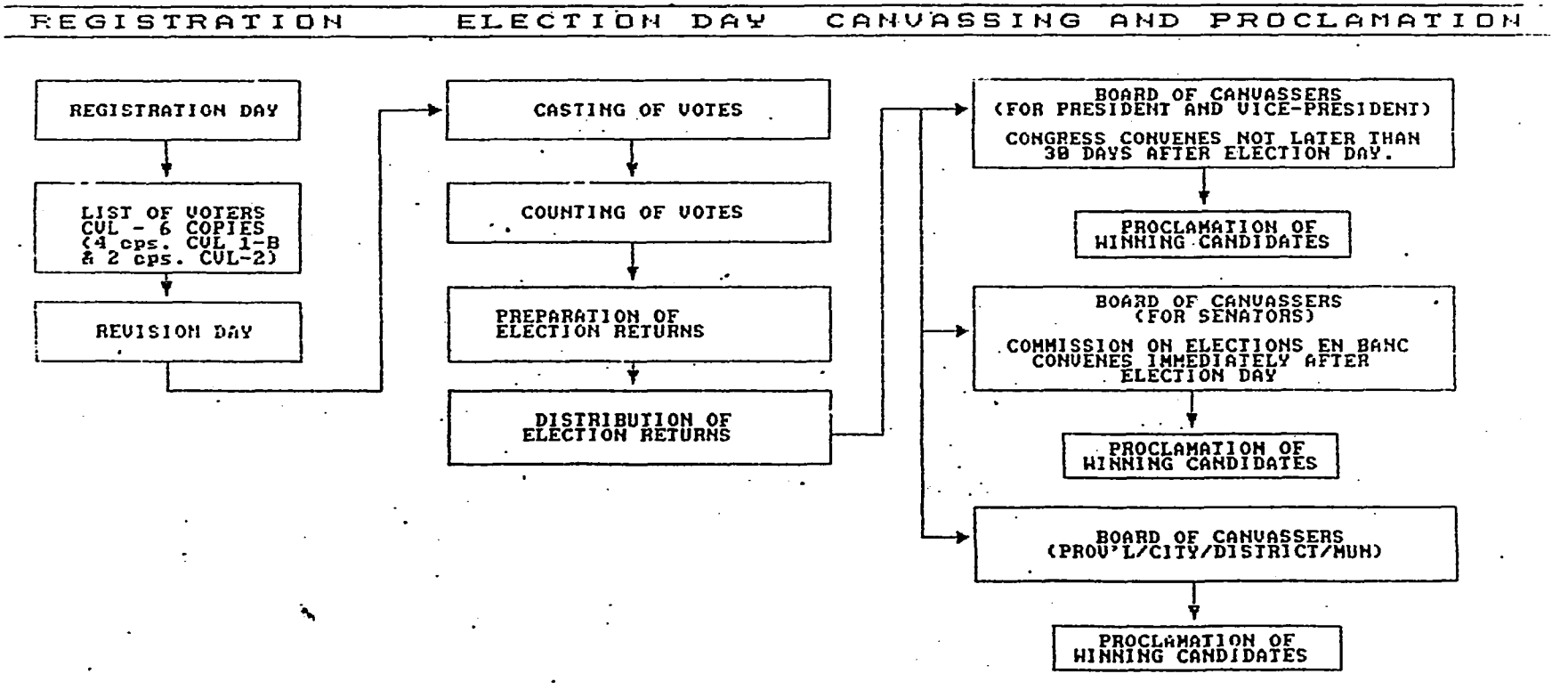
ORGANIZATION CHART
(As of January 31, 1994)



Prepared by:
The Planning Dept.

ELECTION PROCESS

NATIONAL AND LOCAL ELECTIONS



C.E. FORM No. 1
(Revised 1994)

VOTER REGISTRATION RECORD

95-No. 5648102

(To be filled personally by applicant)

(NEW FORM)

NAME (Last, First, Maternal/Maiden Name)

SEX [ ] MALE [ ] FEMALE

CIVIL STATUS
[ ] 1 SINGLE
[ ] 2 MARRIED
[ ] 3 WIDOWED
[ ] 4 LEGALLY SEPARATED

Name of Spouse

RESIDENCE (House number/street/sitio or brief description of place of residence)

PERIOD OF RESIDENCE

Philippines	City/Mun.	
YEARS	MONTHS	YEARS

DATE OF BIRTH

Month Day Year

PLACE OF BIRTH

(City / Mun.) (Province)

OCCUPATION

SECTORAL ORGANIZATION
[ ] 100 WOMEN
[ ] 200 WORKERS
[ ] 210 Agricultural
[ ] 220 Industrial
[ ] 300 OTHERS (Specify)

CITIZENSHIP (If naturalized, state date of naturalization and number of certificate of naturalization)

HEIGHT (in cms.)

WEIGHT (in kg.)

IDENTIFYING MARKS

ROLLED FINGERPRINTS

	THUMB	INDEX FINGER	MIDDLE FINGER	RING FINGER	SMALL FINGER
RIGHT					
LEFT	THUMB	INDEX FINGER	MIDDLE FINGER	RING FINGER	SMALL FINGER

SPECIMEN SIGNATURES OF VOTER

1. 2. 3.

PHOTOGRAPH
1½x1½

I do solemnly swear that the above information regarding my person are true and correct to the best of my knowledge; that I have all the qualifications and none of the disqualifications of a voter; that the fingerprints and specimen signatures appearing herein are mine; and that I am not registered as a voter in any other precinct.

DATE

SIGNATURE OF VOTER

SUBSCRIBED AND SWORN TO BEFORE ME ON THE ABOVE DATE.

(Signature of the Chairman of the Board over printed name)

ACTION OF THE BOARD

[ ] APPROVED
[ ] DISAPPROVED

DATE: _____

MEMBER CHAIRMAN MEMBER

VOTER'S ID NUMBER

ISSUED ON

RECEIVED BY

[ ] 1 NEW VOTER [ ] 3 TRANSFEREE (within same city / mun.)

REGISTRATION CANCELLED / TRANSFERRED ON

BY REASON OF _____

CHAIRMAN

REMARKS

BEST AVAILABLE COPY

TO BE FILLED BY THE CHAIRMAN OF THE BOARD

NAME (Last, First, Maternal/Maiden Name)

REGION/PROVINCE CITY/MUNICIPALITY/BARANGAY

PREC. NO.

SECTOR

ILLITERATE [ ]

DISABLED [ ]

C.E FORM NO. 1
(To be accomplished individually in quadruplicate in the polling place before the Board of Election Inspectors during registration day.)

(TO BE COMPUTERIZED)

VOTER'S AFFIDAVIT

(OLD FORM)

№ 0994502 H

CITY/MUNICIPALITY	PROVINCE
BARANGAY	PRECINCT NO.

COPY FOR THE PROVINCIAL ELECTION SUPERVISOR

NAME (Surname)	(First Name)	(Middle Name/Maternal Surname)	AGE: (On last birthday)
RESIDENCE: (House number/Street/Sitio or brief description of place of residence	CITIZENSHIP: (If naturalized state date of naturalization)	CIVIL STATUS: ☐ MARRIED ☐ SINGLE ☐ WIDOW/ER	SEX: ☐ FEMALE ☐ MALE
DATE OF BIRTH. (Month, Day, Year) ☐☐ ☐☐ ☐☐	PLACE OF BIRTH: (City, Mun., Mun.Dist., Province)	SPOUSE: (If married)	
PERIOD OF DOMICILE: (No. of years in the Phil.)	(No. of years in the City/Mun.)	PROFESSION, OCCUPATION OR WORK:	

I HEREBY STATE under oath that the preceding statements [illegible] by person are true, that I possess all the qualifications required and none of the [illegible]fications of a voter, and that I have not applied for registration, nor am I registered in any other precinct.

(If voter is illiterate or physically disabled) I hereby certify that I prepared this affidavit in accordance with the data given by the voter.

Date _____ Voter's Signature _____

SUBSCRIBED AND SWORN to before me on the date and place above written.

CHAIRMAN

PICTURE
1" X 1"

Signature over printed name of the person who assisted the illiterate/disabled person.

Date _____

Address _____

ACTION BY BOARD OF ELECTION INSPECTORS:
☐ APPROVED ☐ DISAPPROVED (State ground/s)

CHAIRMAN

POLL CLERK

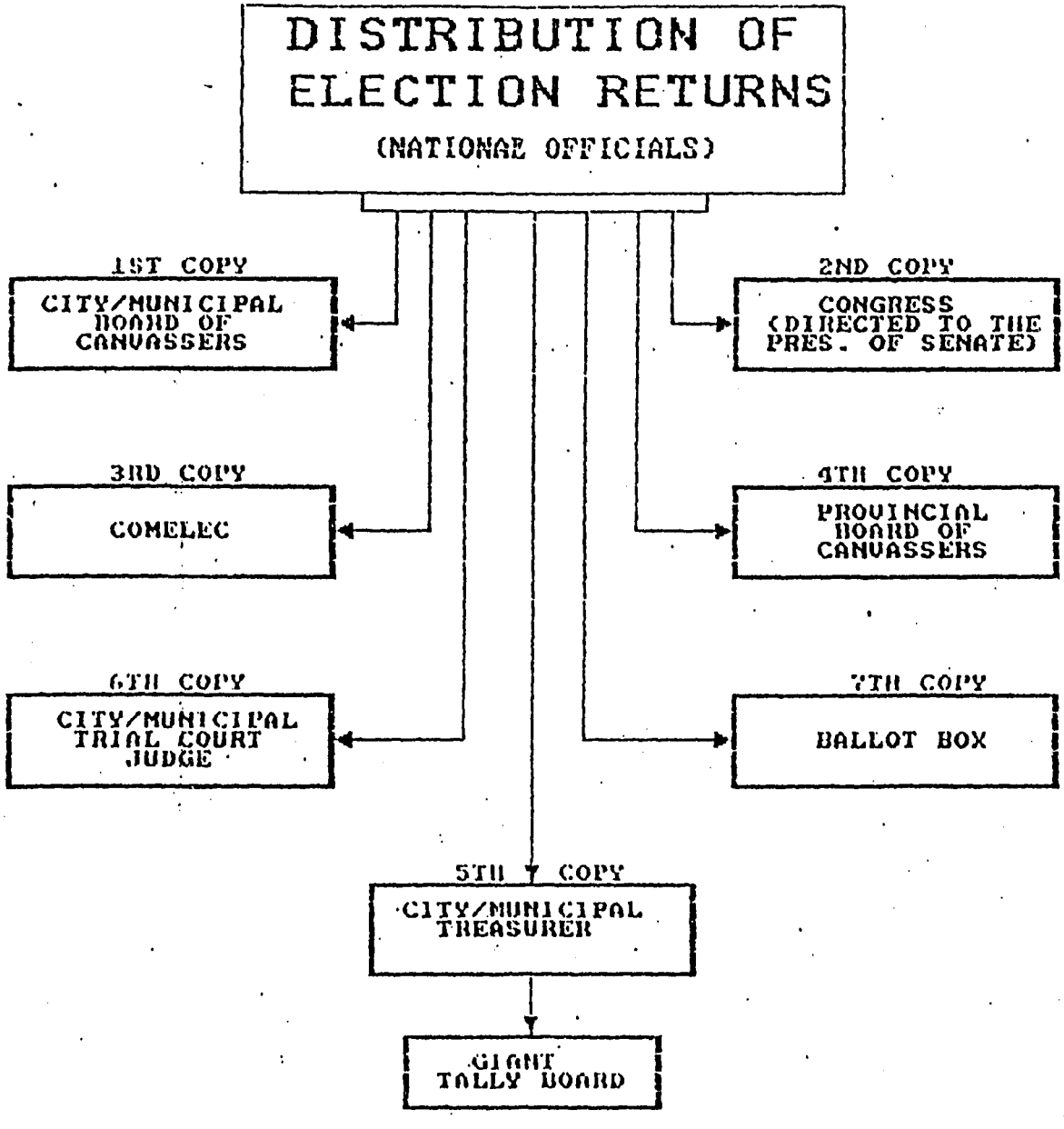
MEMBER

RIGHT HAND				
Thumb	Index Finger	Middle Finger	Ring Finger	Small Finger

LEFT HAND				
Small Finger	Ring Finger	Middle Finger	Index Finger	Thumb

Voter's specimen signatures:

BEST



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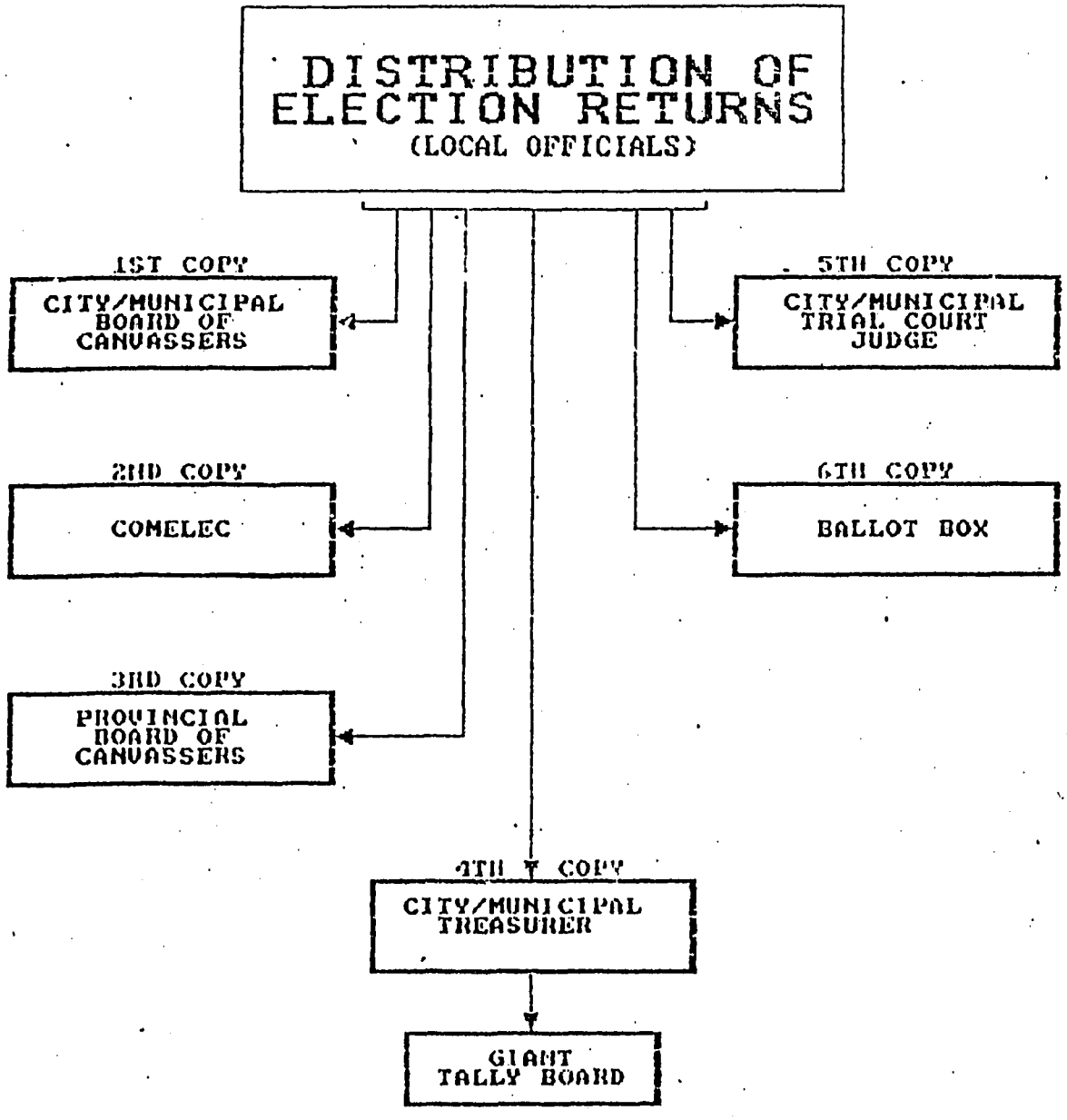

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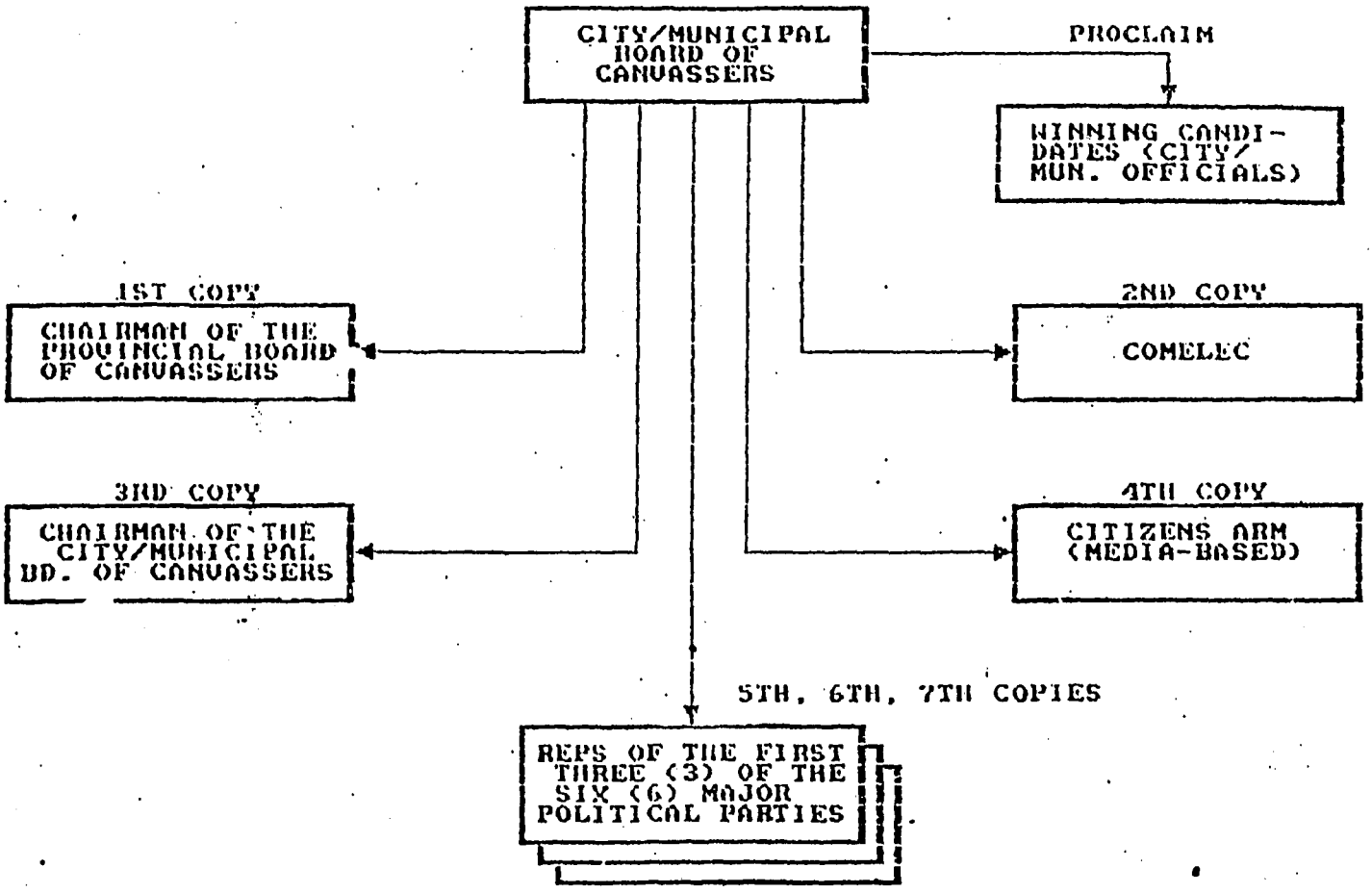
DISTRIBUTION OF CERTIFICATE OF CANVASS



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APPENDIX E

THE TEN COMMANDMENTS FOR RESPONSIBLE VOTING

APPENDIX E

THE TEN COMMANDMENTS FOR RESPONSIBLE VOTING

1. Thou shalt vote according to the dictate of your conscience.

2. Thou shalt respect the decision of others in choosing their candidates.

3. Thou shalt seek to know the moral integrity, capabilities and other personal qualities of the candidates you will vote for.

4. Thou shalt strive to understand the issues, platform and programs of candidates and parties seeking your vote.

5. Thou shalt not sell your vote.

6. Thou shalt not vote for candidates using guns, goons and gold.

7. Thou shalt not vote for candidates with records of graft and corruption.

8. Thou shalt not vote for candidates just because of "utang na loob", popularity, or pakikisama.

9. Thou shalt not vote for candidates living an immoral life.

10. Thou shalt put the welfare of the country above all else in choosing the candidate you will vote for.

PARISH PASTORAL COUNCIL FOR RESPONSIBLE VOTING
(PPC-RV) (PHILIPPINES)

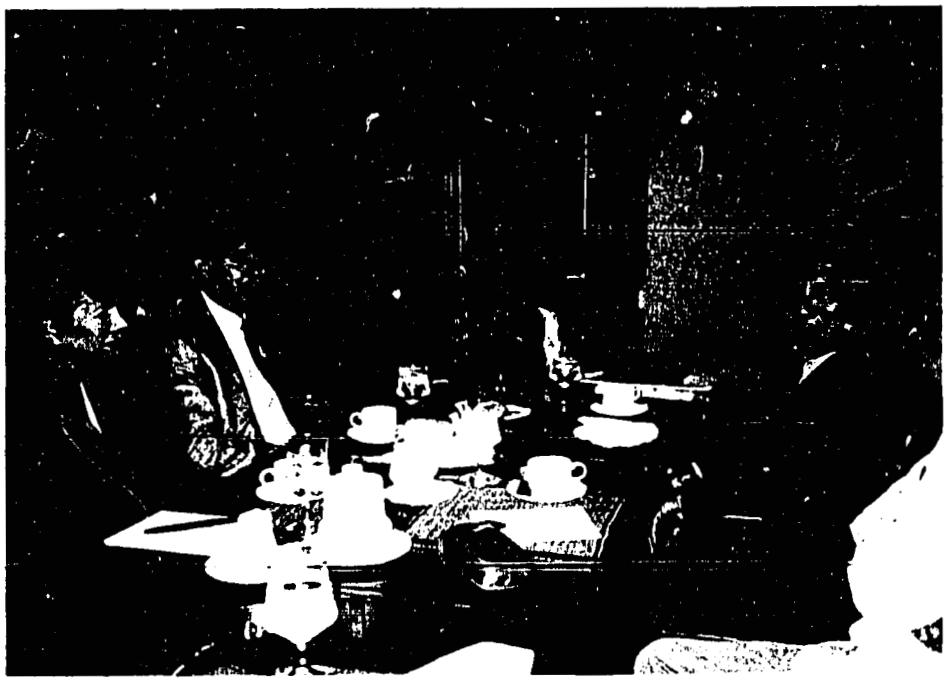
APPENDIX F

PHOTOS FROM THE IFES TEAM'S VISIT

Initial meeting at Comelec: (clockwise from left front) Emmett Fremaux, Gilbert Sheinbaum, Comelec Chairman Bernardo Pardo, Deborah Seiler, Comelec Executive Director R. Borra, Alwin Sta. Rosa, Commissioner M.M. Aguam, Jose Garzon (USAID)

Meeting with Ms. Tita de Villa, Chairperson, Parish Pastoral Council for Responsible Voting (PPCRV)

Meeting with former Comelec Chairman Christian Monsod (second from right) and former Senator Aquilino Pimentel, Jr. (extreme right)



Meeting with Senator Marcelo Fernan, Chairman, Senate Committee on Electoral Reform

Meeting with Guillermo M. Luz, NAMFREL Secretary-General

Meeting with University of Philippines professors

Meeting with Cebu Province Election Officers and Deputy Comelec Regional Director Salud Aliganga (back to camera on left)