

# **BE 2010 REPORT NO. 2**

## **Introduction**

This is the second Progress Report of the **Bantay-Eleksyon 2010** or the **People's Coalition to Monitor the 2010 Elections** aimed at monitoring the entire process of the 2010 elections under a *domestic election observation mission* framework. This report covers the period from September 1, 2009 up to October 31, 2009, containing the following areas:

- A. Conduct of the Voters Registration
  - Includes reports on the first time voters, satellite registration, Voters', and the biometrics technology/system
- B. Overseas Absentee Voters' Registration
- C. Party-Lists Application/Accreditation
- D. Election Violence
- E. Automated Election System

## **A. Voter Registration**

The success of the 2010 automated election relies on several key components, one of which is the effective conduct and implementation of voters' registration. The COMELEC's policy on registration is embodied in Resolution No. 8514, promulgated November 12, 2008 and quoted hereafter: "Section 1. It is the policy of the Commission to establish a clean, complete, permanent, and updated list of voters through the adoption of biometrics technology in the registration process".

The COMELEC prescribed the period for registration for the 2010 election, which commenced as early as December 2, 2008, with the deadline set on October 31, 2009, midnight. COMELEC Resolution No. 8585 even allowed for additional registration days during Saturdays and holidays falling on weekdays.

The general sentiment for the 2010 election is that of renewed interest which could be perceived through the number of citizens that swarmed daily at COMELEC offices since the time it opened its doors for registration.

The Commission on Elections expected 46 to 47 million registrants for the 2010 elections, not far from 2007's 48,218,000. As of the month of September, there were already 45,487,634 registered voters.

During the first week of registration in the National Capital Region, there was a turnout of 15,358 registrants, majority of them coming from the ranks of the youth.

Additional statistics show that the COMELEC has delisted 6.159 million voters from the computerized voters' list from December 2008 to June 2009 mainly due to failure to vote in two elections, and death. The Election Registration Board has also approved 3,409,000 voters in the last 3 quarterly hearings, which include new voters, 126,744 reactivated records, 697,837 transferred records within a municipality or another, 146,290 voters who filed inclusion and reinstatement of records, and 230,610 voters who filed change or correction of entries.

The whole registration process was far from being trouble-free. Two problem areas continued to persist. The first dealt with the actual process of registration. Some advocacy groups pointed out that equipment and resources in COMELEC offices were very lacking. The data capturing machines (DCM) were very erratic and prone to breakdown during registration, in effect limiting its processing capacity to only 200-300 registrants a day, and prolonged queuing hours ( average of 5- 7 hours ) for registrants.

The second involved the integrity of the voters' list. Unfortunately, the COMELEC failed to accomplish this task thoroughly, not being able to remove multiple and erroneous entries and/ or the deceased from the list. One case in point: the anomalous voters' list in Taguig City, Metro Manila.

Taguig residents have complained of the existence in their area of 691 registered voters with ages ranging from 100 to 127 years. In addition, 621 of them showed that they shared the same date of birth - 01-01-1901. Another batch showed 92 registrants aged 90 to 99. Still another batch yielded 633 registrants aged 80 to 89 years. Residents have also complained against a COMELEC election officer for asking for police clearance and affidavits that are not required by registration law.

There is another problem with the registration process, though partly due to cultural than an administrative fault. As observed by COMELEC employees and officials, a multitude of registrants stormed their offices on the last few remaining days, but most especially on the last day of registration. Filipinos do have the flair for waiting until the last minute to act, and going out to register and vote are no exceptions to this age-old attitude. This problem was never solved by the COMELEC.

Less than two weeks to go before the October 31 deadline, the COMELEC announced the extension of registration hours starting October 22, where field offices opened from 8:00 a.m. until 9:00 p.m. from Monday to Saturday. In Luzon areas affected by typhoons Ondoy and Pepeng, the COMELEC allowed registration on Sundays.

Registration in Autonomous Region in Muslim Mindanao's (ARMM) was slated from October 19- 31, 2009. The COMELEC held its ground in not extending the registration citing that they are required to submit the voters list to the Election Regulatory Board (ERB) hearings before approval and inclusion into the computerized voters' list (CVL) for the 2010 elections.

For its counter measure to improve the tempo of registration, the COMELEC has deployed 62 more Data Capturing Machines (DCM) in 17 cities in Metro Manila. There used to be only one or two DCM's per office, which records around 200 data per day.

As fate would have it, another storm—Santi—interrupted registration proceedings on October 31, causing blackouts in some cities in Metro Manila. This being, the COMELEC accommodated registrants who were not able to register on said day provided they secured numbers. They were asked to return on November 3 to finish their stalled registration.

At the end of the election registration period, thousands were still lined-up, and were not able to vote.

### *First Time Voters (FTV)*

During the first day of registration, the COMELEC observed that in the National Capital Region (NCR) the number of young Filipinos –first time voters for the May 2010 election, was overwhelming. “Even though it was a school day, first time voters swamped COMELEC offices around the Metro to make official their desire to vote,” says the spokesperson. Random sampling in Metro Manila generated these initial field reports: Quezon City’s first district yielded 79 new voters; 303 for the 2nd district and 61 for the third district. In Manila, its fifth district recorded the most number of new registrants with 256; followed closely by the fourth district with 221. In Davao, more than 400 people, majority of who are first time voters flock to their office to register every day, according to the COMELEC district officer. Pangasinan also yielded a relatively high turnout, 90,440 as of August 31, 2009, although it still falls short of its 200,000 expected first time voters. However, in Cebu, at least 200 first time voters registered from the south district and 252 from the north district. This prompted a religious group to express concern over the low turn- out of youth registrants in Cebu City.

The upbeat result was expected from the rank of first time voters. Several FTV advocacy groups such as FTV Network, FTVProject, Kabataan party list, YouthVote Philippines, and the Catholic Educational Association of the Philippines (CEAP), have conveyed in more than elaborate terms the crucial role and power of the youth in the May 2010 election. Their respective approaches to tap on the youth’s idealism, activism, and even altruism have generated positive sparks as evidenced by the nation-wide registration turn- out.

Many sectors believe that the youth vote will decide the next Philippine president, their number nearly making up 60% of the electorate. FTV advocate groups estimate that there are 9 million first time voters. The COMELEC however, projects a more conservative figure at 4 million, prompting some advocacy groups and some politicians to comment that the projection is “too conservative, considering that the poll body had delisted over 4 million voters from the national voters’ list”. The FTV advocates believe that the passing of former President Corazon

Aquino in August 2009 has created an impact particularly with the more idealistic youth, which would dramatically translate into a swell in the number of youth voters.

As of October 20, 2009, first-time voters' total number reached 2,800,000, this according to COMELEC Chair Jose Melo.

### Satellite Registration

Section 4 of COMELEC Resolution No. 8514 lays the basis for an Election Officer to establish satellite offices within his area of jurisdiction to ensure wider voter participation, subject to several conditions, the most basic being, that said office should be established at the place where the prospective applicants reside. On the strength of said provision, the COMELEC conducted satellite registration activities in Metro Manila and other Metro cities nationwide, to remedy the voters' difficulty in squeezing into their busy schedules the act of registering, to be able to exercise their right to suffrage.

To encourage the youth, especially first time voters to participate in the 2010 election, offsite registrations have also been set-up in some universities and colleges. However, here in Metro Manila this arrangement could potentially be a debatable issue in the future. It is worth mentioning that many students enrolled here hail originally from different provinces, thus are not residents of Metro Manila in the strict sense, a technicality that runs counter to Section 4's condition on residency. In this regard, COMELEC is now confronted with the task of whether to apply the provision strictly, or to interpret it liberally to achieve the spirit and intent of the law.

For the first time, the COMELEC launched a voter's registration for detainees in their respective facilities. For detainees to be entitled to vote, they should not have been convicted yet of any crime, and are residents of the municipality where they are incarcerated because the law requires a six-month residency for a person to vote in a municipality. Around 46,107 or 80% of the 58,783 detainees in Bureau of Jail and Management Penology nationwide are eligible to register and vote in the 2010 election. On the other hand, 14, 364 detainees still cannot vote in 2010 being a detainee in a facility located outside of the district of their voting precinct. According to Commissioner Rene Sarmiento of COMELEC, "detainee votes are crucial to make a local candidate win because every single vote counts in local polls wherein a candidate usually

wins by a slim margin of 20 or 50 votes. We hope aspiring candidates would campaign among detainees and listen to their issues.”

### *Voter's ID*

A Voter ID is not a requirement to vote in the 2010 elections. The legal basis for voter's ID is section 25 of Republic Act 8189 of 2008, which provides, “The voters identification card issued to the registered voter shall serve as a document for his identification. In case of loss or destruction, no copy thereof may be issued except to the registered voter himself and only upon the authority of the Commission.”

In this connection, only registrants whose biometrics (i.e. photograph, fingerprints and signature) have been digitally captured by the COMELEC's Data Capture Machine (DCM) during application will be issued a voter's ID card. Thus, registered voters before 2003 may not be issued a Voter's ID because the old registration system did not have biometrics capability.

At present, 21,270,000 ID's have been issued by the COMELEC, which leaves 25 million voters without ID for lack of biometrics record. The processing of ID's will resume after the 2010 elections, to give way to preparations for the automated elections.

There are a huge number of old voters who could not be issued with voter ID's. It is because the information they submitted are different from the information in their Voters Registration Form (VRRs). They are forced to go through the cumbersome process of personally appearing before the Election Registration Board to have their data changed and therefore can be issued the voters ID. If they do not have voters IDs, voters can still use other IDs. However, this opens the door for fake voters.

### *Biometrics Technology*

Biometrics refers to methods for uniquely recognizing humans based upon one or more intrinsic physical or behavioural traits. In information technology, in particular, biometrics is used as a form of identity access management and access control. <sup>1</sup>

---

<sup>1</sup> Wikipedia Encyclopaedia.

On November 12, 2008, the COMELEC promulgated Resolution No. 8514, directing the use of biometrics technology primarily to purge the voters list in order to establish a clean, complete, permanent and updated list of voters. As such, the COMELEC planned to deploy one Data Capturing Machine (DCM) in every Office of the City/ Municipal Election Officer to facilitate the registration.

Thus, the COMELEC called for bidding for the PhP 1.6 billion Automated Fingerprint Identification System (AFIS), which can match a fingerprint against a database of prints. It is also supposed to enable teachers performing as Board of Election Inspectors to countercheck/ validate the identity of a voter

Of the two consortium bidders – Unison Computer Systems Inc.( Philippines) / NEC (Japan)/ Lamco Paper Products and Strategic Alliance Holdings Inc.or SAHI (Philippines) / Tiger IT Ltd. (Bangladesh), the former secured the deal on August 25, 2009 after it passed the technical and legal requirements, including the post qualification of documents submitted to the Bids and Awards Committee (BAC).

However, controversy smeared the award, as there were allegations of nepotism and favouritism by “concerned COMELEC employees”, averring, “BAC went out of its way to favour the bid of Unison Joint Venture over that of its rival SAHI-Tiger IT.” The BAC Chairman denied such allegations.

The P1.6 billion Computerized Voters’ List (CVL) cleansing project has four components: validation of existing registration records using biometrics worth P300 million; online data submission and synchronization system at P50 million; AFIS matching and AFIS server applications at P1 billion; and the voter ID generation at P250 million.

This development notwithstanding, the directive of Congress in January of this year for the COMELEC to cleanse the CVL before the 2010 automated elections seems unfeasible at this point. According to COMELEC’s spokesperson this will be “realistically done before the 2013 elections” because 25 million of the 48 million voters in the 2007 polls have yet to submit their biometrics that will be used to purge the CVL.”

The biometrics system cannot and will not be used for the 2010 elections. In fact, the Comelec itself has given this up and announced that it will only be used starting the 2013 national and local elections.

In this sense, the automation of voter registration, using biometrics system, is a complete failure.

***Issues of Concern:***

1. **Lack of Contingency Plan.** The long hours of queuing to be able to register and the disenfranchisement of millions of registrants could have been mitigated if the COMELEC have laid out clear, simple and effective contingency plans in anticipation to the surge of voter registrants as the October 31, 2001 deadline drew near. The COMELEC could have procured additional data capturing machines (DCMs) earlier to augment its capacity to accommodate more registrants in vote rich areas. It could have outlined a simplified system and procedure to fast track the registration process without violating the law. The Election Officers should not have distributed registration forms more than they could process.
2. **Dealing with “last-minute habit” of voters.** There are various reasons attributed to the influx of registrants at the closing of the registration process. It could be personal, cultural or political. COMELEC could do something about it by having its contingency plan or strategizing the registration process by scheduling the registration of voters alphabetically and setting their respective deadlines.
3. **“Ineffectual” Information Dissemination.** The speed of disseminating information or forwarding of communications from the COMELEC Central Office to its local offices is crucial especially in dealing with last minute registrants. Instructions from the Central Office that were not communicated immediately prompted the Election Officers to act on their own in terms of conducting satellite registration, setting of registration cut-offs, extension of the process, and imposition of the requirements for registration. The Election Officers have also lapses in properly communicating to the registrants the procedures and regulations for an orderly and efficient registration process.

4. **Training of DCM Operators.** The most common factor in the failure or breakdown of the DCM is the malfunctioning of its “thumbprint capturing device”. This has caused the stalling of registration process in many areas. It was pointed out that if the operator fails to wipe the surface of the device with a clean cloth or tissue paper, the moist brought about by previous voters’ thumbprint will prevent the device from successfully reading the succeeding voter’s thumbprint. It is a simple enough procedure but which could cause delay in the entire process and deprive many voters from registering. DCM operational procedure such as this should have been over emphasized in the training of the operators.
5. **Integrity of Voters’ List.** Despite the efforts of COMELEC to create a clean Voters List with the biometric system, cheaters were still able to work around the registration process, manipulating the system in their favor. To some extent, the Voters List for the 2010 elections could be padded due to the reported cases of flying registrants. Most of the flying registrants were mobilized through a system referred to as “hakot” paid by politicians. Some were forced to register as part of the business requirement of a locality outside their place of residency.

The COMELEC may be commended for delisting a number of voters in the Voters’ List due to failure to vote in two elections and death. However, the commendation should be qualified as far as the delisting of dead voters is concerned. COMELEC was only able to track down the number of voters who died within the locality they have registered but not those who died outside the place where they registered as voters. This is primarily because the local COMELEC does not have the mechanism to work or coordinate with the Civil Registries of other cities, towns or municipalities.

COMELEC should have conducted a General Registration instead of Continuing Registration, in order to thoroughly clean the Voters’ List.

## B. Overseas Absentee Voter Registration

The Overseas Absentee Voting Act is a law, which provides for a system for citizens of the Philippines currently residing or working outside of the Philippines to vote in an election. When RA 9189 or the Overseas Absentee Voting Act was enacted in 2003, there were initially 361,457 overseas Filipino workers who registered. In 2006, there was an additional 126,567 registrants. For the 2010 election, the Department of Foreign Affairs (DFA) expects 1 million OFW's to register anew, from February 1 to August 31, 2009. As per September 16, 2009 report of the OAV Secretariat, the total number of new registrants reached 231,621, a figure way off-mark the target DFA has set.

The highest number of OAV registrants belongs to the Asia and the Pacific with 68,884, followed by Middle East and Africa with 48,980, Americas at 41,639, and Europe at 24,296.

Below is a table on OAV history :

<b>Election Year</b>	<b>Number of New Registrants</b>	<b>Total Number of Registrants</b>	<b>Number Of Voters</b>	<b>Percentage of Voter Turnout</b>
2004	361,457	361,457	233,092	65%
2007	142,667	504,124	81,732	16%
2010	231,621	571,941 <sup>2</sup>	--	--

Because of the relatively low turn –out of OAV registrants and voters since the OAV law was passed in 2003, two House Representatives are now seeking an inquiry (in aid of legislation) on the matter through House Resolution no. 1298.

There are several reasons offered by OAV advocates for the lack-lustre showing in the voter registration. According to Susan Ople of the Blas F. Ople Advocacy Center, the “Hello

---

<sup>2</sup> 132,000 names were deleted from the National Registry of Overseas Absentee Voters (NROAV) for failure to vote in the 2004 and 2007 elections.

Garci” controversy proved to be off- putting to Filipino overseas workers. In the Middle East, the lack of equipment to process the applications contributed to the low turnout of registrants. At present, there are only less than 12 machines working, as compared to last registration’s 50 DCM’s.

A global alliance of absentee voters attributes the low turnout on the shortened period of OAV registration. The group alleged that the Department of Foreign Affairs (DFA) and the Department of Budget and Management (DBM) have diverted the multi-million dollar funds allotted for OAV for the 2010 election. They further claim that the budget was diverted from the COMELEC to the DFA, thus stalling and shortening the already limited registration period by six months.

On the other hand, the Blas F. Ople Advocacy Center through Susan Ople believes the DFA did a good job with regard the conduct and administration of the OAV registration.

But more importantly many believe the main reason for the dismal turn-out of OAV registrants is the conditional nature of the OAV Act, or the so called “poison pill provision”. The provision which requires overseas Filipino voters to sign an Affidavit of Intent to Return to the Philippines to live there permanently after three years, under pain of criminal penalties should they breach their oaths. This compromise provision proved to be onerous to the overseas workers, which translated into unimpressive numbers in past registrations and elections.

Congress has acknowledged the limiting effect of said provision, and efforts were undertaken early this year to delete the prohibitive insertion. However, said efforts came in too late in the day. The “poison pill” provision shall remain operative in the 2010 election.

COMELEC is planning to pilot-test the Automated Election System (AES) using Precinct (PCOS) Count Optical Scan machine in two countries where there are most numbers of Filipino overseas absentee voters come 2010 elections.

***Issues of Concern:***

1. **Need for Information Drive.** The extent of information drive is one thing, and the message to be conveyed is another. COMELEC information drive and OAV advocates

should put emphasis on the relevance of election participation in the 2010 elections to encourage the OAV to register and to vote given the fact that it is a presidential election to be administered under a new COMELEC leadership, using a new election system.

2. **Need for more accessible voting areas.** Learning from the previous experience in conducting the election process for the OAV, COMELEC should anticipate the problem of distance of polling places from where the OFWs lodging areas or workplaces are located and should set up more accessible voting areas.
3. **Need for Election Monitoring.** Because of the fact that absentee voting is done under the roof of Philippine embassies, consulates, and other foreign-based government agencies which are perceived to be loyal to Malacanang, the conduct of the absentee voting is susceptible to suspicion and distrust. Political parties, citizens' arm and accredited OFW organizations should put up resources and come up with mechanisms to monitor absentee voting to ensure the integrity of its result. The two countries where AES will pilot run should be closely monitored.
4. **Call for amendments.** The relatively low turn out of the overseas absentee voters' registration points to the need to delete the "poison pill provision" in the OAV law, which requires the overseas Filipinos to execute an affidavit expressing their intention to return to the country.

### **C. Party List Application/Accreditation**

There are more than 200 petitions for party list pending for deliberation before the COMELEC. Chairman Jose Melo admitted that party list elections have gotten out of hand with any small group claiming to be marginalized and seeking accreditation to participate in the 2010 election. Likewise, Archbishop Oscar Cruz observed that the party list system is plagued with dubious organizations, expressing his doubts on the ability of said groups to legislate future laws. As examples, he cited a group of cock-fighters – "Alyansang Sabungero" and a group of micro

entrepreneurs – the “Kasangga” party list group represented by Lourdes Arroyo, the president’s sister in law.

This is the particular concern raised by the Philippine Center for Investigative Journalism (PCIJ) after the 2007 elections. The PCIJ released a document outlining the alleged plan of the Arroyo administration to use the party list system to field their own parties with retired military officers (now Representative Jovito Palparan of “Bantay”) or personalities closely associated with Arroyo (Representative Lourdes Arroyo of “Kasangga”).

While the COMELEC has already delisted 25 organizations from the official list of sectoral party list groups either because they failed to participate in the last two elections or did not obtain two percent of the votes cast, this does not relieve the COMELEC and the public as well of their duties to be vigilant and wary of organizations disguising as marginalized groups.

Of course, every civic-minded citizen is encouraged to be more attentive to future Supreme Court rulings on the party list system. The controversial decision on the BANAT vs. COMELEC<sup>3</sup> case created even more issues<sup>4</sup> that need to be resolved so as not to give rise to a legal crisis in the future.

***Issues of Concern:***

1. **Too Many Party-List group Applicants.** The number of party-list groups applying for the 2010 elections are too many to handle. COMELEC has to ensure that those who will be accredited have qualified in the 8-point criteria set by the Supreme Court for party-list accreditation. The number of the approved applications for party-list will have a direct impact on the length of the ballot to be used in the automated elections and will test the patience of the voters in giving value to his party-list vote.
2. **Bogus Party-List Groups.** Fake party-list groups that do not have constituency or sectoral causes among marginalized sectors will undermine the importance of the party-

---

<sup>3</sup> GR No. 179271, April 21, 2009.

<sup>4</sup> Refer to Bantay Eleksyon 2010 Report No. 1, August 27, 2009.

list system and the credibility of COMELEC if they are accredited. They will add to the confusion and may provide a rich ground for electoral corruption.

## **D. Election Violence**

As a whole, the 2008-2009 registration process could be regarded as peaceful, though not necessarily orderly. There is however an incident in Marawi City which spoiled the nonviolent conduct of the registration.

On October 20, 2009, three people were killed and twenty were wounded when unidentified suspects threw a grenade inside the City Hall compound near the COMELEC office where registration was on going. Of the 20 wounded victims, 12 were identified as “flying registrants” or people who are from somewhere else but register in one or multiple places for a fee.

There are also incidents occurring elsewhere which may be construed as election-related violence, particularly the incidents of murder and killing of people identified with possible candidates and even possible candidates themselves. At this point, it is already alarming enough to warrant continued monitoring.

### ***Issues of Concern:***

1. **Public Information.** The Philippine National Police (PNP) has difficulty in classifying the cases of the violent incidents involving politicians, political operators and ward leaders as politically motivated or election-related, because it is still far from election period. However, it is evident that most of the victims have their political affiliations, if not direct involvement in politics. With the new automated election system for 2010, it is possible that more politicians will resort to violence to gain votes or prevent votes for their opponents since they would have difficulty in cheating the traditional way. There is a need to overhaul the government’s own definitions, coverage, and methodologies in relation to election violence.

2. **Gun Ban.** Total gun ban and/or strict exemption process must be had to prevent the increase of the election related violence.

## **F. Automated Election System**

After the Commission on Elections with the automated election system's provider Smartmatic and the Total Information Management have signed the contract on the 10<sup>th</sup> July 2009, it is now all systems go for implementing the AES for 2010. To date, the Steering Committee, the Project Management Team and other working committees are already formed to undertake the project implementation. COMELEC Commissioner Gregorio Y. Larrazabal heads the Steering Committee, which is tasked to implement the automation as per R.A. 9369, and COMELEC Executive Director Jose M.Tolentino, Jr. heads the Project Management Team. A series of planning as well as coordinative meetings were had in view of the implementation of the AES for the 2010 elections.

During the first week of September, the discussions of the Steering Committee and the Project Management Team focused on the matters concerning the transmission for AES. There was no clear data showing the total area coverage of the telecommunications company (Telcos) nationwide. A concern that has to be addressed immediately is for the parties to come up with contingencies for the transmission. A site survey was recommended to map out the area coverage of Telcos nationwide. Based on initial result of the First Phase of "signal-checking" survey which were conducted in 10,192 polling centers located in the 23 provinces in Regions IV-B, VI, VII, VIII, IX, X, XI, Caraga and ARMM, only 39.53% of these areas have coverage and 60.47% have no coverage or access to GPRS.

Other means of transmission will have to be explored to supplement the AES transmission capability for the 2010 elections. The Second Phase of the survey will be conducted in the rest of the regions and is expected to commence before January 2010.

One of the requirements for the implementation of the AES according to R.A. 9369 is that the system must be certified by an established international certification entity. On

September 23, 2009, the COMELEC has issued the Request for Proposal on AES Testing and Certification for the 10 May 2010 National and Local Elections, with the deadline for submission of the technical proposal on September 28, 2009 and for the financial proposal at 5:00 pm of the same day. There were three (3) companies that submitted proposals: the iBeta Quality Assurance, SysTest Lab, and the Wyle Laboratories. The COMELEC Technical Evaluation Committee (TEC) headed by DOST Dir. Dennis Villoriente evaluated the proposals of the three companies using the following criteria: 1) expertise and references, 2) project approach, and 3) proposed resources. The SysTest and iBeta were tied in terms of technical proposal, but SysTest offered the lowest financial bid. To date, the TEC and SysTest Lab have already laid out the criteria and guidelines for the AES testing and certification. Several units out of the first 20 PCOS machines delivered by Smartmatic have already been sent to SysTest for testing purposes.

For the third time, The COMELEC Advisory Council had to reiterate its position concerning certain feature of the PCOS machine - specifically the configuration for outright rejection of the invalid or fake ballots instead of accepting them and putting them into a separate compartment of the ballot box. The said feature could be a deterrent to perpetrators/cheaters to stuff the ballot box, could be curative in terms of allowing the second chance feeding in to the machine should machine reading error occur, promote transparency to voters, and allow apprehension of cheaters if need be. The COMELEC twice agreed to this configuration through resolutions and twice the COMELEC reversed its decision on the bases of speed of the process and custody of the rejected ballots, which will be inside the ballot box. Eventually, the COMELEC En banc agreed to the recommendation of the Advisory Council.

***Issues of Concern:***

1. **Transparency in the Implementation of AES.** The COMELEC was lauded for keeping the entire bidding process for the procurement of AES transparent. Now, they have to keep up with the challenge of keeping the implementation process equally transparent. COMELEC has to keep the public posted of its activities in relation to the AES implementation such as delivery and testing schedules and mock elections. COMELEC must involve the public in the process to gain their trust and confidence on the new election system.

2. **Beefing up of IT capability and management skills.** The preparation for the implementation of the AES should go hand in hand with the beefing up of the COMELEC information and technology capability as well as its management skills considering that this is the first time to use AES. Precinct management is a challenge for COMELEC now that the clustering of up to 1,000 voters per clustered precinct is adopted for 2010 elections.
3. **Issuance of the General Instruction to BEIs.** Voters Education is a key component for the success of the 2010 automated election. Aside from COMELEC's media plans and road shows, it is important that the General Instructions should be released early. This would enable stakeholders to be aware of what exactly will happen in the 2010 elections. In turn, the knowledge would empower them to initiate their own voters' education to help COMELEC inform and educate the 47 million voters about the new system. This will also equip the election monitors to do their share of ensuring the credibility of the 2010 elections.
4. **Time Table.** Given the delays incurred by site survey result to effectively plan for transmission aspect of the AES and the transfer of the assembly facilities from Taiwan to China, the COMELEC and Smartmatic should ensure that contingencies are all set to plug the possibilities of failures in the AES implementation.