



**Ateneo FactCheck 2013
Sixth Brief**

FactCheck: COMELEC

Claim: So far, the Commission on Elections (Comelec) has responded to needed reforms in the conduct of the elections that were identified right after the 2010 elections on the following fronts: ensuring the integrity of the PCOS machines, monitoring campaign finance, and tightening the accreditation in the Party-List System

Fact Check:

The May 2010 election marked a historic event in the Philippine politics with the first nationwide implementation of the Automated Election System (AES). After the relatively successful conduct of 2010 election, Comelec had gone through a change in leadership, which is expected to respond to some issues that came out in the 2010 elections to improve the conduct and outcome of the 2013 elections.

PCOS (Precinct Count Optical Scanner)

Reviewing the assessment and positions papers on the conduct of the 2010 elections, the following were the key issues raised surrounding the PCOS machines: (1) source code; (2) Compact Flash (CF) card configuration issue; (3) voter-verified audit trail ;(4) deactivation of the ultraviolet ink-based ballot authenticity verification feature; (5) erroneous time stamps; (6) absence of digital signature; (7) rejection of fake ballots; (8) transmission; (9) Smartmatic-Dominion legal battle; and (10) procurement process of CF cards.

For most of the issues, Comelec has either taken action or response, albeit to the full satisfaction of all stakeholders. However, there are three highly critical issues related to PCOS machines that could be a source of tension and criticisms after the elections if not resolved: making the source code available, the voter-verified audit trail, and the absence of digital signatures.

In fact, the controversy that has called much attention in the past months is Comelec's failure to provide or disclose the source code of the PCOS (precinct count optical scanner). Under RA 9369, "Comelec is under obligation to disclose the election source code for review by political parties and other interested groups."



The source code could not be released due to an ongoing legal battle between Smartmatic (supplier of PCOS machines) and Dominion (owner of software technology). When Dominion terminated its license with Smartmatic, the release of source code was also withheld.

Campaign finance

Yet despite remaining PCOS-related issues, the Comelec has noticeably improved in monitoring the candidates' campaign finance. In fact, a special unit – the Campaign Finance Unit – was created specifically to “monitor fund-raising and spending of candidates and parties.” And thru its pledge for a more transparent election, the Comelec constantly informs the public who among the candidates have accumulated the longest television and radio airtime, who committed the most poster violations, and the political parties' spending in rally and public meetings. Comelec also filed cases against parties that have not acted to their notices of campaign violations.

To limit campaign expenditures, Comelec issued as well a resolution that reduced airtime from per network to an aggregate total of 120 minutes for television and 180 minutes for radio.

Comelec also issued resolutions laying down the specifics on how it conducts campaign financing.

Purging party-list candidates

In the accreditation of party-lists, no change in the formal guidelines have been noted, but there's an indication that the actual process has been tightened and made stricter, given the number of parties that have been disqualified from the 2013 election compared to disqualifications in the 2010 election. There were 289 organizations that applied for accreditation as party-list candidates this year but only 136 (or only about 50%) of these were accredited. This is a significant reduction compared the 256 organizations that applied as party-list candidates in 2010, for which 187 (73%) were accredited. The absence, though, of changes in the formal guidelines is a hindrance for other groups to check and validate how Comelec has conducted its accreditation—perhaps room for further improvement in the process.

The party-list elections just recently faced another controversy with the new Supreme Court (SC) ruling that “organizations do not necessarily have to represent marginalized



and underrepresented sectors to qualify as party-list.” While there were groups that reacted negatively to this, the decision seems to generally sit well with other party-list groups.

Finally, in order to level the playing field, the Comelec for the first time conducted a raffle to determine the party-list candidates’ order in the ballot. This is an effort to let go of the alphabetical placements in the ballot, which the party-list group had abused thus the proliferation of party-list groups that begin with 1 or A.