

## **electionlineWeekly — May 27, 2010** **electionline.org**

### **I. In Focus This Week**

**BREAKING NEWS:** The U.S. Department of Defense's Federal Voting Assistance Program has released interim guidance for states planning to seek waivers of the requirement of the Military and Overseas Voter Empowerment (MOVE) Act. The interim guidance and Frequently Asked Questions are [here](#) and a suggested cover sheet for waiver requests is [here](#).

#### **Director's Note: Philippine "Eleksyon 2010"**

By [Doug Chapin](#)

This week, the Philippine Congress began to canvass the votes from the nation's May 10 election for President, Vice President, seats in both houses of Congress and thousands of regional and local offices across the nation.

While most of the [coverage around the world](#) has focused on the Presidential race – and the wide margin for the [apparent winner](#), Sen. Benigno "Noyoy" Aquino III, son of former President Cory Aquino – the conduct of the election itself was a fascinating study in ambition and perseverance for the Commission on Elections (COMELEC), the national body charged with overseeing all aspects of the Philippine voting process.

Elections in the Philippines – especially after the fall of the Marcos regime -- have often been fractious, controversial affairs. The nation has about 50.7 million eligible voters spread across more than 7,100 islands, and features a free-wheeling, multi-party system with constantly shifting coalitions.

Until this year, Philippine elections were conducted using hand-counted, handwritten paper ballots. Voters would take a ballot and write the names of their preferred candidates and then place them into a ballot box. Canvassing and "proclamation" (certification) of results took weeks, and led to widespread concerns about fraud during tabulation. The 2004 Presidential election was rocked by allegations that President Gloria Macapagal Arroyo had solicited a million illegal votes through the practice of *dagdag bawas* ("add/subtract", or vote padding/shaving) which ultimately sealed her election.

In response, the Philippines began an effort to automate its elections. Unlike the United States, where the move toward electronic or automated voting post-2000 was motivated by efficiency and a desire for modernization, automation in the Philippines was driven primarily by interest in "reducing human intervention" in the electoral process.

In summer 2009, COMELEC awarded a 7 billion peso (over \$150 million) contract to a joint venture of Dutch/Venezuelan [Smartmatic](#) and Philippine company TIM to lease 82,000 precinct-count optical scan ("PCOS") machines for the 2010 election. Smartmatic was a controversial choice, both because it significantly underbid its competitors and because of its rumored ties to Venezuelan President Hugo Chavez. Indeed, concerns about the Venezuelan connection in late 2007 led the Committee on Foreign Investment in the U.S. to order Smartmatic to divest itself of its interests in American-based Sequoia Voting Systems.

Despite these concerns – and widespread skepticism about its ability to automate successfully in time for the May 2010 election – COMELEC and its vendors charged ahead. Over the next several months, COMELEC was challenged and openly questioned time and again as difficulties arose:

- Delivery of machines fell behind schedule, with the first units not shipped until early 2010, and a dispute broke out about if, when and how source code for the PCOS machines would be disclosed;

- The printed ballots were lengthy and complicated – two-sided and over two feet long – and there was very little public education until the very end about how to complete the ballot;
- Because of the limited number of machines, COMELEC had to “cluster” precincts, raising the number of voters per polling place from 150 to as high as 1,000, and extend Election Day by three hours;
- COMELEC’s plan for precincts to transmit ballot returns by cellular network was frustrated by poor mobile coverage, leading to acquisition of thousands of satellite transmission devices in remote areas; and
- The week before the election, the entire supply of compact flash (CF) memory cards failed tests, forcing Smartmatic and COMELEC to scramble to reconfigure and resupply precincts nationwide.

These challenges – all of which occurred against the backdrop of a fierce political campaign and concerns that the incumbent would use a “failure of election” to prolong her administration – first led to calls for COMELEC to abandon its automation plan, and then as Election Day approached, to conduct a parallel manual count. When the CF story broke, there were even calls to postpone the election. But COMELEC repeatedly insisted it would make its targets and that the election would be a success.

For now, it appears that the frantic and dogged preparations by COMELEC and Smartmatic paid off.

While some outlying areas were unable to cast ballots on Election Day – with long waits at many polling places that led COMELEC to [extend voting by another hour](#) and [lingering questions](#) about some aspects of the ballot transmission process – COMELEC estimated that about 75% of the country’s voters cast their ballots on May 10.

COMELEC basked in the glow of favorable reports about the election, including a headline in a leading newspaper that [FAST COUNT STUNS NATION](#). Likewise, Smartmatic is seeking to capitalize on the apparent success of the vote, announcing shortly after the Philippine election that [its next target will be nearby Indonesia](#), which has indicated a willingness to consider electronic voting for its 2014 election.

The story continues in Manila, however:

- Aquino’s convincing margin for President is offset by a very close result in the vice presidential race between his running mate Manuel Roxas and Makati City mayor Jejomar Binay;
- There is a potential confrontation in the Congress about canvassing returns from jurisdictions without proper digital signatures – leading to [suggestions that proclamation of the final result could be delayed](#); and
- At the same time, COMELEC is being forced to respond to allegations by an anonymous source – who appeared in a video in a mask that has led the press to dub him [“Koala Bear”](#) – that he was paid 1 billion pesos (more than \$20 million) to alter the results in the vice presidential race.

Whether or not canvassing reveals that COMELEC was well-prepared - or just [“lucky”](#), as one critic insists – it is significant that the Philippines appears to have survived its headlong leap into automated elections. The nation’s experience with a massive transition from paper ballots to PCOS may not necessarily be duplicated elsewhere (e.g., Indonesia) - and as the post-election review continues may not even continue in its current form in the Philippines- but it will certainly continue to be studied and analyzed as a case study for dramatic national election changes for years to come.

## II. Election Reform News This Week

- The Lincoln [W. Va.] Journal is reporting that it has learned through various anonymous sources that numerous [Lincoln County officials were served with federal subpoenas](#) Wednesday including Lincoln County Clerk Donald C. Whitten. Those subpoenas go back to a federal investigation into alleged voter fraud in the county during the Primary Election. Earlier this week, Whitten and other Lincoln County officials held a press conference about the accusations that hundreds of absentee ballots were distributed illegally in the county and that some of the names on the ballots were of deceased citizens. During that conference, the clerk did not address the press

directly, but instead, had a staff member read a prepared statement he had written in which he denied the allegations and said the county was also investigating the matter. He also accused Lincoln County Commissioner Dr. Charles Vance of hampering the investigation into the ballots by making the claim that the names of some of the doctor's patients who died were on the ballots.

- The numbers are in and [the big winner in Hawaii's special election were mail-in ballots](#). Fifty-four percent of registered voters in the first Congressional district mailed in their ballots compared to 13.3 percent who showed up at the polls for a special election in 2003. This election was the first to use a mail-only format with such a large voter base. Two mail-only City Council special elections last year attracted 41 percent and 45 percent of voters. Statewide voter turnout was 66 percent in the 2008 general election — a presidential election year — and a record-low 53 percent in 2006. Of those who voted in this special election, only 2,302 people, or 1.3 percent, chose to walk in to use ballot booths set up at Honolulu Hale. The overwhelming number of voters mailed in their ballots. Chief elections officer Scott Nago told the *Honolulu Advertiser* there were no glitches reported.
- After a long debate on the House floor, Illinois lawmakers voted this week in favor of a bill that would amend the state's election code and [require public universities in Illinois to have an early voting polling place](#) on campus. The bill passed 63-47 and was split along political party lines. State Rep. Elaine Nekritz, D-Des Plaines, sponsored the legislation and told *The Telegraph* it would help young people get out and vote more easily. She said having these early voting options on college campuses would increase young voter involvement. "Certainly, getting people when they're young and engaged is a much better predictor of their lifetime involvement," she said. Nekritz said the program would be effective only for the upcoming November election, and then the State Board of Elections would analyze the data. Although the Illinois Senate passed an earlier version of the bill, the measure returns to that chamber for a vote in its new form.
- This week, the state of Nevada added [chicken suits to the list of items banned from polling sites](#). But on Tuesday, ProgressNow Nevada, a Democratic-aligned group, sent a letter to Nevada Secretary of State Ross Miller complaining of the costume prohibition. "There is no statute prohibiting dress that includes costumes," wrote Erin Neff, the group's executive director. According to *The Associated Press*, a ban on chicken costumes outside polling sites in Nevada, where they have become akin to politicking against a GOP Senate candidate, doesn't infringe on free speech, Miller said Wednesday. Miller also noted this loophole: Since someone can't be prevented from voting based solely on how they're dressed, there's nothing to stop a beak-and-feather-clad voter from heading inside to cast a ballot. ProgressNow volunteers protested Wednesday outside a Las Vegas library polling site. Afterward, one chicken-dressed man went in to vote, and came out with an "I voted" sticker stuck on his feathers.

### III. Opinion

Overseas News: [Internet voting](#)

California: [Shasta County](#)

Florida: [Touch-screen voting machines](#)

Michigan: [Access to voting, II](#)

Minnesota: [Barriers to elections, II](#)

North Carolina: [Runoff elections](#)

Pennsylvania: [Polling places](#)

South Carolina: [Voter ID, II, III](#)

Tennessee: [Voting machine allocation](#); [Proof of citizenship](#)

West Virginia: [Lincoln County](#)

Wisconsin: [Voter ID, II](#)

*\*\*some sites require registration*

## IV. Job Opportunities

*All job listings must be received by 12 p.m. Eastern on Wednesday for publication in our Thursday newsletter. Job listings are free but may be edited for length. Whenever possible, include Internet information. Please email job postings to [mmoretti@electionline.org](mailto:mmoretti@electionline.org)*

**Supervisory IT Specialist, MS-2210-16--**position is located in the D.C. Board of Elections and Ethics (BOEE), Office of the Executive Director, Information Technology Unit. The incumbent will manage and provide technical support in the areas of database and applications administration, custom report development, web programming and systems administration. The incumbent plans, develops, implements and administers systems for the acquisition, storage and retrieval of data. Manages and monitors application and network performance and identifies bottlenecks, analyses and diagnose problems, and recommends corrective measures; acquires hardware, software, and communication products/services to ensure stable operating condition; Interfaces with vendors to resolve system configurations, problems and other issues. Provides oversight of agency's It security functions, including compliance with HAVA requirements. Administer the agency's voter registration database operations and applications and online voter registration software applications ensuring accuracy and security of the systems. Performs other duties as assigned. **Salary Range:** \$109,062 - \$152,686. **Closing Date:** 5-30-2010

**Supervisory IT Specialist, MS-2210-15--** position is located in the D.C. Board of Elections and Ethics (BOEE), Office of the Executive Director, Information Technology Unit. The incumbent will be responsible for the planning, designing, installation, and maintenance of computer systems and voting machines election software and hardware for the agency's computing platforms. The incumbent will also be responsible for the delivery of IT assets and infrastructure support systems, application systems to support the business functions and other IT infrastructure (LAN/WAN) operations, development and maintenance. Incumbent engages in managing overall logistical support on Electronic voting equipment and Optical/Digital scanning machines for the agency, consisting of the Central office, the warehouse and 143 polling place sites. Installs, maintains, troubleshoot and upgrade computer hardware, software, personal computer networks, peripheral equipment and; assess user training needs and trains user in effective use of applications. Incumbent will also assist in programming, coding, and testing voting systems. Assist in instructing agency staff in the use of standard business and administrative software; including word processing, spreadsheets and database management; provides instruction or written documentation where required. Performs other duties as assigned. **Salary Range:** \$98,285 - \$137,599. **Closing Date:** 5-30-2010