



# **Bantay Eleksyon '07**

**PEOPLES' Coalition to Monitor 2007 ELECTION**

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### **Canvassing in 2007 Elections: A Preliminary Report**

#### **Introduction**

This is the fourth report of the *Bantay-Eleksyon 2007* or the **People's Coalition to Monitor the 2007 Elections**. It covers the post-May 14, 2007 election day activities, particularly the canvassing and proclamation of candidates.

This report covers the following areas of the May 14 elections:

- a. Special elections
- b. Municipal- and city-level canvassing
- c. Provincial-level canvassing
- d. Canvassing of senatorial and party-list elections
- e. Proclamation of candidates

#### **A. Special elections**

On May 18, 2007, the Comelec issued Comelec resolution No. 8060 ordering special elections on May 26, 2007 in the ARMM municipalities of Pualas, Butig, Lumbatan, Marogong, Kapatagan, Sultan Dumalondong, Lumbayanague, Kapai, Madalum, Lumba Bayabao, Masiu, Binadayan and Bayang. These were held as scheduled. Other areas in ARMM, in Batangas held theirs last June 20, 2007.

Special elections, as a rule, should not have happened at all. They assume a failure of elections in those places where they are to be held. The key observations regarding this matter are the following:

1. **Presence of threat or actual violence.** In many places, particularly in ARMM, the level of electoral violence has been so high that the electoral processes in many places have been disrupted or their results become suspect.

Even the special elections were not spared the violence. An example is the Taysan, Batangas special elections in which voters became afraid because of threats of violence by masked men before the elections.

**2. Failure of election administration.** In some places, the intentional or forced absence of election officers or members of the Board of Inspectors precipitate the failure of elections. This should have been attended to as part of the Comelec's contingency plans.

**3. Prevention or harassment of election monitors.** Usually, there is a campaign to prevent, harass or otherwise distract election monitors from observing conduct of these failed elections.

## **B. Municipal- and city-level canvassing**

In almost all places nationwide, municipal and city canvassing proceeded as planned and finished within 48 to 72 hours, except in those places where pre-proclamation protests were made.

However, many of these canvassing were marred by various irregularities and violation of election laws and Comelec resolutions. The following were observed:

**1. Delays in canvassing.** The manual canvassing process has proved to be very tedious, requiring the reading and tallying of votes at least 170 candidates, with many legal and procedural questions along the way. The delays were also sometimes caused by delay in the transport of election documents from the precincts. All these delays contribute to accusations of cheatings and generally undermine the credibility of the canvassing process.

**2. Irregularities in the canvassing process.** The most contentious canvassing is at this level. The observed irregularities here included the prevention of watchers and/or public from observing the process, election documents of unproved provenance or insufficient, false or wrong signatures, unqualified or unauthorized persons conducting or participating in the canvass, discrepancies between statement of votes and election returns, and unusual delay of start or conduct of canvassing.

## **C. Provincial-level canvassing**

As of this date, only the Shariff Kabungsuwan and Cagayan provincial canvass have not been finished. Most of the provincial canvasses have finished within two weeks of the May 14 elections.

The provincial canvasses also suffered the same problems of the municipal and city canvasses, namely, the following:

1. **Delays in canvassing.** The manual canvassing process has proved to be very tedious, often with many legal and procedural disputes. As in the municipal canvass, all these delays contribute to accusations of cheatings and generally undermine the credibility of the canvassing process.

2. **Irregularities in the canvassing process.** The observed irregularities here included the prevention of watchers and/or public from observing the process, election documents of unproved provenance or insufficient, false or wrong signatures, unqualified or unauthorized persons conducting or participating in the canvass, discrepancies between municipal or city statement of votes (SOVs) and certificates of canvass COCs), and unusual delay of start or conduct of canvassing.

3. **Questionable acts of provincial election supervisors and other election officials and deputies.** The most outstanding example here is the case of Maguindanao's Lintang Bedol/ He allegedly "lost" the Maguindanao municipal certificates of canvass that will be used for the provincial of canvass. Comelec "reconstructed" these COCs from other "copies" in an unprecedented procedure that lent suspicion to their provenance.

#### **D. Canvassing of senatorial and party-list elections**

Canvassing of the senatorial and party-list elections has not yet been finished as of this date. Only 11 out of 12 senatorial positions have been filled with the proclamation of seven Genuine Opposition (GO) candidates, two Team Unity (TU) candidates, and two independent candidates. The last slot is still a toss-up between GO candidate Aquilino Pimentel III and TU candidate Miguel Zubiri. No winning party-list group has been proclaimed although at least 15 groups have over two percent votes already.

The following have been observed as failings or weaknesses of the canvassing process:

1. **Slow pace of the national canvassing process.** This is already more than a month since the May 14 elections. It has been expected and in fact projected by the Comelec that national candidates will have been proclaimed within two weeks after the elections. The gross delay has led to many speculations that massive cheating is being done on the results. The latter has not materialized but there is anxiety that the Maguindanao certificates of canvass are not credible.

2. **Problems in the manual canvassing of votes.** There were many inaccuracies, verging on and leading to accusations of "dagdag-bawas" cheating, in the canvass of provincial COCs. These inaccuracies happened in Davao, Zambales, South Cotabato, and other provinces. This basically extends the chain of inaccuracy from the precinct-level errors and municipal level inaccuracies. It basically puts in doubt the whole manual system of elections in the country.

3. **Cumbersome process of canvassing.** The highly-legalist approach to canvassing has proved to be very cumbersome and added a lot to the slow pace of

national canvassing. This may be an unavoidable effect of the manual process but nevertheless it remains an antiquated and less-than-optimum procedure.

### **E. Proclamation of candidates**

The proclamation of candidates at the municipal or city, provincial, and national levels are basically over, except for some positions that are still in contention. The elections, in this sense, were a democratic success in producing the new leaders for the next three years (or six years in the case of the senators).

However, there are major observations with many of these proclamations:

**1. Many of these proclamations were delayed.** There were many reasons for these, among them delayed canvassing, pre-proclamations protests, missing Board of Canvassers and/or Board of Election Inspectors, and missing election documents. In some cases, accusations of cheating were made,

**2. Many of the proclamations were protested.** There are several hundreds of elections, particularly at the local level, which are the subject of post-proclamation protests. This points, not only to a certain subculture of non-acceptance of an electoral loss, but also to the low credibility of the canvassing process itself.

### **Findings**

1. The current manual method of canvassing is a demonstrated failure in the May 2007 elections. It is a procedure that easily led to unacceptable delays per stage of canvassing, up to proclamation of candidates. It is also readily susceptible to various manipulations by unscrupulous persons who have motives to cheat in the elections. Lastly, it is vulnerable to threats of violence or disruption, particularly if the canvassing stretches for more than 24 hours.

2. The Commission on Elections, in so far as it undertook the preparations for and supervision of actual canvassing processes, performed adequately. However, its handling of the various controversies that attended the canvassing leaves much to be desired in terms of coherent and timely decisions, firm leadership in the field, and non-partisanship.

3. The canvassing process in the 2007 elections makes the case for its automation and for the top-to-bottom revamp of the Comelec.