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PRESS RELEASE

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The National Citizens' Movement for Free Elections (NAMFREL) refers to the issues raised by CPA-lawyer, Jeryll Harold Respicio, a vice mayoral candidate in Reina Mercedes, Isabela in two (2) Facebook posts which have now been taken down.

THE ISSUES:

1. Atty. Respicio asserts that the Automated Counting Machine (ACM) is connected to the internet during the voting period on election day, rendering the ACM vulnerable to possible attacks aimed at amending the ACM software without authority and manipulating the election results.
2. Atty. Respicio avers that nothing in Annex B of COMELEC Resolution No. 11098 instructs the Electoral Board not to connect the ACM to the internet until such time that the election returns have been printed and the ACM is ready to transmit the election results.

NAMFREL OBSERVATIONS:

On Issue No 1: It is true that any system or device connected to the internet is exposed to potential attacks by malevolent actors. NAMFREL volunteers in the field of cybersecurity agree with Atty. Respicio's assertion that connecting the ACM to the internet during the voting period renders the ACM vulnerable to possible attacks

In its observation of the preparations of the AES, NAMFREL noted that the COMELEC ensured that the minimum capabilities of the AES as provided by law are present and that security measures are implemented to mitigate the risks of potential attacks on the AES. Among the said security measures are a) controlled access to the ACM through the use of smart cards as keys with corresponding passwords for each member of the Electoral Board, b) encryption of the election returns prior to transmission, c) generation of unique hash codes of the machine executable code of the ACM software and other software for the other components of the AES, and d) the use of secure transmission channels as required under Republic Act No. 8436 as amended by Republic Act No. 9369 which is generally referred to the Election Automation Law.

On Issue No. 2: NAMFREL confirms Atty. Respicio's assertion that there is no provision in Annex B of COMELEC Resolution No. 11098 that explicitly instructs the Electoral Board "not to connect the ACM to the internet until after the election returns shall have been printed and the ACM is ready to transmit the election returns to designated servers".

However, a reading of Annex B of COMELEC Resolution No. 11098 shows the following:

a. On the conduct of the Final Testing and Sealing of the ACM:

   Section 2 (19) (f) "*NOTE: You may use the External Keypad or the USB modem to test the functionality of the Port 3 and Port 4 to complete the testing of all four (4) USB ports. Do not forget to remove the connected device in the USB ports*." (underscoring supplied)

   It may be inferred that no device is connected to the ACM USB ports after the test of the ports have been completed and when the ACM and other devices are repacked at the end of the Final Testing and Sealing of the ACM activity.

   It may further be inferred that upon unpacking the ACM on election day, no device is connected to the ACM USB ports nor the ethernet port.

b. On Election Day Operations:

   Section 3 (8) "Once the printing is completed, the message "Generating Data for CCS Import" will be displayed, followed by the Transmission menu."

   Section 3 (9) "The ACM will display the message: "Do you want to transmit?". Insert the modem into any available USB port on the back of the ACM, or to connect it to the Ethernet port if the allocated transmission device is Starlink router."

   "Wait for the connectivity status symbol to be filled with black and display a V character on top of the signal icon. This indicates that the transmission device has successfully established a connection."

   Section 3 (10) "Tap "Start Transmission" button and then it will proceed with the transmission to the following servers: x x x".

The series of instructions clearly indicates that the USB modem or the Ethernet Cable will be plugged-in to the appropriate port only after the printing of the first nine (9) copies of the election returns shall have been completed.

NAMFREL has long been monitoring COMELEC's preparations of the AES since the 2010 national and local elections and observed that the established practice is that the voting and counting machines were connected to the telecommunications infrastructure only after the printing of first batch of elections returns was completed. For the 2025 national and local elections, the ACM will not be connected to the internet during the voting period.

CONCLUSION:

In observing the preparations of the AES, NAMFREL noted that COMELEC has ensured implementation of security measures that will protect the AES from possible attacks.

NAMFREL finds that the instructions set forth in Section 2 (19) (f) and Sections 3 (8), 3 (9), and 3(10) in Annex B of COMELEC Resolution No. 11098 sufficiently shows that the ACM will not be connected to the internet during the voting period but after the first batch of election returns has been printed.

To dispel any doubt, NAMFREL recommends to the COMELEC the inclusion of a provision that explicitly instructs the Electoral Board "not to connect the ACM to the internet until after the first batch of nine (9) copies of the election returns shall have been printed and the ACM is ready to transmit the election returns to designated servers" to Annex B of COMELEC Resolution No. 11098 by way of a supplemental resolution.

References:
https://www.youtube.com/watch?v=2ZNv6DqDHAI last accessed on March 10, 2025
https://www.youtube.com/watch?v=TylHgTZRBPU last accessed on March 10, 2025
https://www.youtube.com/watch?v=EAS0t8lK-Vg last accessed on March 10, 2025
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