

*SEMIANNUAL REPORT TO CONGRESS*

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**U.S. ELECTION ASSISTANCE COMMISSION  
OFFICE OF INSPECTOR GENERAL**



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*For the Period:  
October 1, 2010, through  
March 31, 2011*

## A Message from the Inspector General

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This report is submitted to Congress pursuant to the Inspector General Act of 1978, as amended. It summarizes the activities of the Office of Inspector General (OIG) for the six-month period ending March 31, 2011.

During this semiannual reporting period, we issued nine reports on audits and evaluations conducted relating to U.S. Election Assistance Commission (EAC) programs and operations. Six reports were audits of the states' uses of Help America Vote Act (HAVA) funds. One report summarized an audit of two discretionary grants distributed under the Help America Vote College Program. Last, two reports detailed audits of the EAC's FY 2010 financial statements and compliance with the Federal Information Security Management Act (FISMA).

The audits of states' uses of HAVA funds show continued problems with maintaining adequate inventory records of equipment purchased with Federal funds, common problems with obtaining and maintaining records to support personnel charges to the HAVA grants, and frequent failures to deposit funds timely into the interest-bearing election fund resulting in an interest deficit in the election fund. States should take note of these recurring audit findings and amend their policies, procedures and practices to ensure that they can demonstrate that grant funds are spent properly.

The audit that we conducted of the Help America Vote College program identified a fundamental failure by the grant recipient to maintain records. This audit raised concerns about the way that discretionary grant funds are handled by the recipients. The OIG will endeavor to expand its audit portfolio to include audits of some of the EAC's smaller grant programs.

The EAC's annual financial statement and FISMA audits demonstrate continued improvement in the EAC's handling of its financial and information technology systems. We are pleased to see the strides that EAC has made in these areas

and will continue to work with EAC and its grant recipients to resolve concerns related to the use of grant funds distributed by EAC.

Submitted April 29, 2011

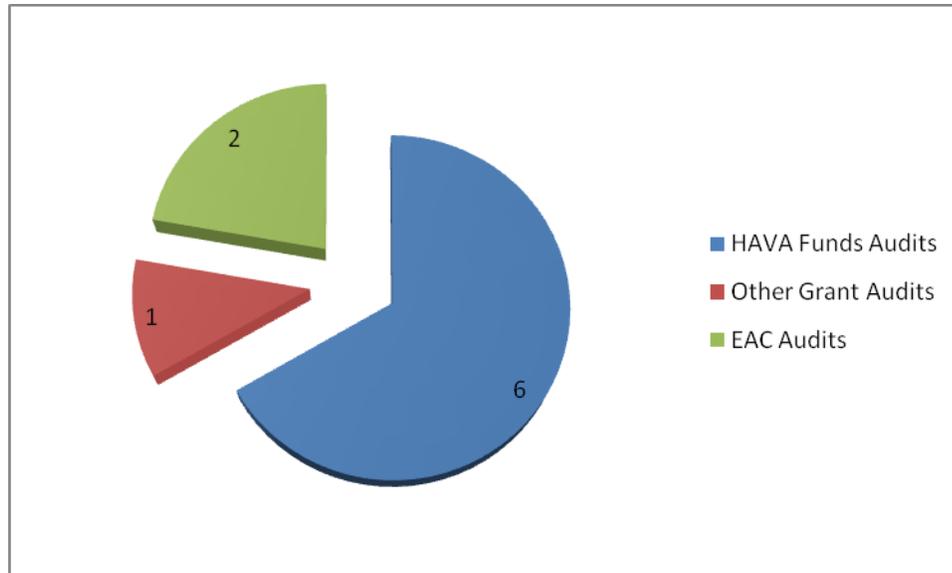


Curtis W. Crider  
Inspector General

## Profile of Performance

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### Audit and Evaluation Reports Issued for the Period October 1, 2010, through March 31, 2011



### Profile of Performance for the Period October 1, 2010, through March 31, 2011

Results	
Questioned Costs	\$ 1,469,812
Potential Additional Program Funds	\$ 1,991,118
Funds to be Put to Better Use	\$ 0

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## Election Assistance Commission Profile

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The U.S. Election Assistance Commission (EAC or Commission) is a bipartisan, independent commission consisting of four members. There are two sitting commissioners: Donetta Davidson and Gineen Bresso, and two vacancies on the Commission due to the resignations of commissioners in February 2009 and December 2010. The Commission currently lacks a quorum needed to hold meetings, conduct business and make policy decisions.<sup>1</sup>

The EAC was created by the Help America Vote Act of 2002 (HAVA) to assist states with improving the administration of elections for Federal office. The EAC accomplishes this mission by providing funding, innovation, guidance and information to be used by the states to purchase voting equipment, train election personnel, and implement new election programs. The EAC has distributed approximately \$3.2 billion in grant funding to the 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam and American Samoa (hereinafter referred to as “states”). With those funds, the states have purchased voting equipment, established statewide voter registration lists, implemented provisional voting, provided informational material to voters at the polling place, and implemented a program to verify the identity of voters using the statewide voter registration list in combination with other state and Federal databases.

The EAC also administers six other grant programs aimed at improving pre- and post-election testing of voting equipment, recruiting and training college-aged poll workers, conducting mock elections for school-aged children, improving the collection of data related to elections, and developing assistive technologies for voting equipment used by disabled voters. The EAC has awarded nearly \$14.5 million under four of the EAC’s six discretionary grant programs. EAC has announced that an additional \$9 million is available for award under the Accessible Voting Technology Initiative and Pre-Election Logic and Accuracy Testing and Post-Election Audit Initiative.

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<sup>1</sup> According to documents prepared by the EAC General Counsel, the EAC is capable of conducting a large portion of its business through delegations of authority to the Executive Director and other agency officers.

HAVA made EAC responsible for the first Federally-run testing and certification program for voting systems. The testing and certification program was begun in 2006. Through this program, the EAC develops standards for voting equipment, accredits laboratories, and reviews and certifies voting equipment based upon the tests performed by the accredited laboratories.

The EAC is responsible for administering the National Voter Registration Act (NVRA) by promulgating regulations for the content and use of the National Mail Voter Registration form. The EAC published proposed changes to the NVRA regulations and accepted comments through November 23, 2010. The EAC has not published final changes to those regulations.

## Office of Inspector General Profile

HAVA required the appointment of an inspector general for the EAC and amended the Inspector General Act (IG Act) of 1978 (5 U.S.C.A. App. 3) to identify the EAC as a designated Federal entity (DFE). The Commission appointed its first inspector general in August 2006 and the EAC's Office of Inspector General (OIG) was created.

The OIG has always been a very small office. At many times over the past four years, the only employee of the OIG has been the inspector general. Assistance has been provided by detailing employees from other agencies, contracting for audits to be conducted by independent CPA firms, and, finally, by hiring permanent staff to the OIG. In 2008, the OIG hired two additional full-time employees. The OIG continues to be supported by these three positions: inspector general, assistant inspector general for audits and general counsel.

Despite our small size, we perform all of the duties required of the inspector general under the IG Act, including:

- Conducting and supervising audits, investigations, and other services (e.g., evaluations) relating to the programs and operations of the EAC;

- Providing leadership and coordination and recommending actions to management, which (1) promote economy, efficiency, and effectiveness in agency programs and operations; and (2) prevent and detect fraud, waste, abuse, and mismanagement of government resources; and
- Keeping the Commission, management, and Congress fully informed regarding problems and deficiencies, and the progress of corrective actions.

We have used detailees and contract auditors to augment our staff and to conduct many of the state and agency audits. In addition, when conducting an investigation, we work with other Federal government agencies to detail or contract for investigative services. While the OIG had previously planned to reduce its reliance on contractors by hiring some additional in-house auditors and an investigator, the current budget climate will require that we continue to use the services of contractors and other Federal agencies to assist with our auditing and investigative needs.

Since the inception of the audit program, the OIG has completed 34 audits of 33 states – with eight additional audits under way. These audits focus on the HAVA funding provided to and used by the states. The audits cover \$2.1 billion in funding spent by the states. An additional \$1.3 billion has not yet been subject to audit. These remaining funds are comprised of (1) funds spent by states that have not been audited and (2) unspent funds in the hands of the states.

The OIG's program to ensure economy, efficiency and integrity in the use of funds is not exclusively translated into audits of the EAC and its grant recipients. The OIG also investigates allegations of waste, fraud, abuse and mismanagement in EAC programs and operations. The OIG operates a hotline to receive complaints regarding EAC, its programs, and its funding recipients. More information regarding complaints received and processed by the OIG during the current reporting period is available on page 12 of this report.

## State Audits

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HAVA funds have been distributed by the EAC to states for use to improve the administration of Federal elections by purchasing new equipment, establishing and operating statewide voter lists, implementing provisional voting, and verifying the identity of persons who wish to register to vote. The OIG conducts audits of the states' use of HAVA funds. Through those audits, the OIG examines:

- whether the recipient used HAVA funds in accordance with HAVA and other applicable Federal requirements;
- whether the recipient has properly accounted for purchases made with HAVA funds and any income derived from those purchases;
- whether grant funding was maintained and accounted for in keeping with HAVA; and
- whether the recipient provided sufficient matching funds and maintained Federal monies in a separate, interest-bearing election fund.

During the reporting period, the OIG contracted with the professional auditing firm to conduct the HAVA funds audits. Six reports were issued based upon those audits. Below are summaries of those audits:

**Louisiana:** The audit of the Louisiana Secretary of State's Election Division (SOS) revealed that the SOS generally accounted for and expended HAVA funds in accordance with the HAVA requirements and complied with the financial management requirements established by the EAC. The SOS also complied with section 251 requirements. However, the SOS did have some internal control deficiencies related to following its policies on purchasing and travel and several parishes did not demonstrate adequate control and security over property purchased with Federal funds. The SOS generally agreed with the findings and recommendations and provided corrective action plans. The SOS disagreed with the finding related to equipment security, as they believed security was adequate. The EAC has indicated that it will work with the state to resolve the issues identified in the report.

**Alabama:** This audit of the Alabama Secretary of State (SOS) revealed that the SOS generally accounted for and expended HAVA funds in accordance with the HAVA requirements and complied with the financial management requirements established by the EAC. However, the audit found that the SOS did not maintain personnel certifications, failed to maintain adequate property records or security over HAVA funded equipment, did not properly approve expenditures for sub-awards to counties, incurred questioned costs by using HAVA funds for non-qualifying promotional activities, and failed to deposit state and county program income from the sale of voter registration lists to the HAVA fund. The SOS generally agreed with the findings and recommendations in the report with the exception of the finding related to program income. The unresolved issue on program income was referred to the EAC.

**Hawaii:** This audit of the Hawaii Office of Elections (HOE) found the HOE did not account for HAVA funds in accordance with financial management requirements established by HAVA and the EAC. The report identified the following problems:

- HOE did not have adequate equipment inventories;
- HOE used HAVA funds for inappropriate purposes such as payment of interest charges and “get out the vote” activities;
- HOE did not deposit interest earned on HAVA funds into the election account;
- HOE did not properly account for Section 102 funds by including \$1,339,192 that should have been credited to the state’s general fund;
- HOE did not conduct periodic reconciliations to ensure that HAVA financial reports were accurate; and
- HOE did not have adequate support for personnel charges, specifically semi-annual certifications of time spent on HAVA activities.

In its responses to the findings and recommendations, the HOE generally agreed with the findings and provided corrective actions. However, the HOE disputed the finding regarding the use of HAVA funds for purchases of computer equipment and advertising costs. The EAC indicated that it would work with the state to resolve the remaining issues identified in the report.

**West Virginia:** The audit of the West Virginia Secretary of State (SOS) revealed that the SOS failed to account for and expend HAVA funds in accordance with requirements established by HAVA and the EAC. Findings and recommendations included:

- The state did not transfer interest earned from the state general fund to the HAVA revolving fund on loan repayments received from counties prior to April 2007, estimated to be \$13,021 through August 31, 2009.
- The state did not contribute its matching funds requirement to the Section 251 HAVA fund on a timely basis, resulting in lost interest earnings, estimated to be \$96,831 through August 31, 2009.
- Seven counties did not maintain equipment inventory records that included all of the information required by federal regulations.
- The SOS did not complete semi-annual certifications for personnel working full-time on HAVA activities.
- The state and the counties have not deposited in the election fund program income from the sale of voter registration lists funded with HAVA proceeds.
- The SOS had not reconciled the Election Fund and Revolving Loan Fund balances with the records maintained by the State Treasurer's Office to ensure accurate reporting of data.

The SOS generally agreed with the findings contained in the report and provided corrective action plans. However, the SOS disputed the finding regarding interest due on the revolving fund. The EAC indicated that it would work with the state to resolve the finding concerning interest due on the revolving fund.

**New York:** The audit of the New York State Board of Elections (BOE) revealed that in most instances the BOE accounted for and expended HAVA funds in accordance with the HAVA requirements and complied with the financial management requirements established by the EAC. However, the audit found

that the BOE failed to timely deposit matching funds into the state's election fund creating an interest deficit, failed to maintain adequate property records for HAVA-funded equipment, and did not maintain adequate certifications and time sheets to support personnel charges to the HAVA grants. The BOE agreed with the findings and recommendations in the report and agreed to implement corrective actions.

**Utah:** Our audit of the Utah Office of the Lieutenant Governor (OLG) concluded that the OLG generally accounted for and expended HAVA funds in accordance with the HAVA requirements and complied with the financial management requirements established by the EAC. However, the audit disclosed that the OLG failed to maintain adequate property records for HAVA funded equipment, submitted financial reports to the EAC that included errors, retained interest earnings on HAVA and state matching funds in the general fund, and did not deposit program income into the election fund. The OLG agreed with the findings and recommendations in the report. The EAC has indicated that it will work with the state to resolve the issues identified in the report.

## **Reviews of EAC Operations**

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The OIG oversees the annual audits of EAC's financial statements and compliance with the Federal Information Security Management Act (FISMA). The audits are conducted by an independent public accounting firm. Details of these audits follow.

### **EAC Financial Statement Audit**

The EAC received an unqualified opinion regarding its fiscal year (FY) 2010 financial statements. The EAC has shown dramatic improvement in its financial management processes since its first financial statement audit in FY 2008, which resulted in a disclaimer. During this year's audit, the auditors identified one instance of material noncompliance with laws and regulations during their audit of the EAC's financial management system. The auditors noted EAC's violation of the Purpose Act and Antideficiency Act related to the use of FY 2004 funds dedicated for use as HAVA requirements payments to make grants

under the Help America Vote College Program and Mock Election program. The EAC reported the violations in keeping with federal law and OMB requirements. Thus, the auditors made no recommendations related to the violations.

## FISMA Compliance

The annual FISMA audit revealed that the EAC was in substantial compliance with FISMA and found that the EAC had taken action to correct control weaknesses identified in the 2009 audit in most instances. However, the EAC still needs to complete work in two areas: 1) agency contingency planning and testing and 2) compliance with requirements for personally identifiable information and the Privacy Act.

## Discretionary Grant Audits

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The EAC operates several discretionary grant programs through which research, education and other election-related activities are conducted by states and non-governmental organizations. One such grant program is the Help America Vote College Program. This program funds the recruitment and training of college-aged students to serve as poll workers and poll assistants. The activities are conducted in coordination with the local election official in the jurisdiction(s) where the grant is performed. During the reporting period, the OIG completed an audit of two grants distributed by the EAC in 2006.

### Project Vote

Project Vote received two grants under the Help America Vote College program in 2006. The two grants were to be used by local offices in Delaware and Michigan. The two grants were for a total amount of \$33,750 (\$16,875 each). Our review found that Project Vote had an informal agreement with the Association of Community Organizations for Reform Now (ACORN) to perform the services for these two grants. However, Project Vote could not produce a contract between it and ACORN. Furthermore, Project Vote could not produce any accounting records, payroll records, or other receipts to substantiate the

charges that were made to the grant. We questioned all \$33,750. Project Vote generally agreed with our findings and agreed to repay the funds.

In addition, we found some documents missing from the EAC's files that should have been provided by Project Vote and retained by the EAC. We recommended that EAC follow the policies and procedures in the grant award for obtaining and retaining documents. The EAC generally agreed with this recommendation.

## **Other Activities**

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### **Reviews of Legislation, Rules, Regulations and Other Issuances**

The OIG conducts regular monitoring of EAC program activities and policy-making efforts. We provide comment to significant policy statements, rulemaking and legislation that affects the EAC. During a large part of the reporting period, the EAC did not have a quorum and did not issue any policy determinations. The Administration issued several pieces of guidance and Executive Orders during the reporting period, which we reviewed. In addition, we reviewed a proposed rule change circulated by another Federal agency. Last, we participated in surveys and data calls issued by the Council of Inspectors General on Integrity and Efficiency.

### **Non-Federal Audits**

OMB Circular A-133 establishes audit requirements for State and local governments, receiving Federal awards. Covered entities that expend \$500,000 or more a year in Federal awards are required to obtain an annual organization-wide audit "single audit". The audits are conducted by non-Federal auditors, such as public accounting firms and State auditors. OIG reviews the resulting audit reports, findings and questioned costs related to EAC awards.

During this reporting period, the OIG referred the following single audits to the EAC:

- New York Single Audit for the Year Ended March 31, 2009 (Assignment No. E-SA-NY-35-10)
- New Mexico Single Audit for the Year Ended June 30, 2009 (Assignment No. E-SA-NM-34-11)

### Hotline Complaints

The OIG received 14 complaints during the reporting period. Two of those complaints did not warrant an investigation given the nature of the complaint. Three of the complainants were referred to the EAC as the appropriate place to make the complaint and seek remedial action. Four complaints were referred to other government agencies for response. Three complaints are currently under review. One complaint was referred to the OIG's audit division for evaluation. Following the evaluation, a memorandum was issued to the EAC recommending corrective action. Finally, we attempted to obtain additional information regarding one complaint and received no response from the complainant. The complaint was closed for lack of sufficient information.

### Audits and Evaluations In Progress

During the reporting period, the OIG began or continued work on eight audits of states' use of HAVA funds. These audits were not completed by the end of the reporting period.

### Matters Referred to Prosecuting Authorities

We are reporting no activities in this category during the reporting period.

### Denial of Access to Records

We are reporting no activities in this category during the reporting period.

## Peer Review Reports

The EAC OIG was subject to a peer review in 2009. The review was conducted by the Federal Maritime Commission Office of Inspector General (FMC OIG). The report detailing that review was issued on June 10, 2009. The FMC OIG gave the EAC OIG a “pass” rating. No material deficiencies were noted. However, the FMC OIG did address four issues in its letter of comment:

- Complete independent statements in keeping with audit policy;
- Monitor continuing professional education requirements of auditors detailed from other OIGs;
- Use work paper check list to ensure that work papers have sufficient support for audit documentation and supervisory review; and
- Ensure technical checklist for monitoring audits performed by independent public accountants is used for each such audit.

Each of these recommendations has been implemented. There are no outstanding recommendations.

## Reports Issued

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### *State Audits*

1. Administration of Payments Received Under the Help America Vote Act by the Utah Office of Lieutenant Governor (Assignment Number E-HP-UT-09-10), March 2011

2. Administration of Payments Received Under the Help America Vote Act by the New York State Board of Elections (Assignment Number E-HP-NY-08-10), March 2011

3. Administration of Payments Received Under the Help America Vote Act by the West Virginia Secretary of State (Assignment Number E-HP-WV-04-09), March 2011

4. Administration of Payments Received Under the Help America Vote Act by the Hawaii Office of Elections (Assignment Number E-HP-HI-01-10), February 2011

5. Administration of Payments Received Under the Help America Vote Act by the Alabama Secretary of State (Assignment Number E-HP-AL-06-10), January 2011

6. Administration of Payments Received Under the Help America Vote Act by the Louisiana Secretary of State's Election Division (Assignment Number E-HP-LA-03-10), January 2011

### *Grant Audits*

1. Administration of Grant Funds Received Under the Help America Vote College Program by Project Vote (Assignment No. E-HP-SP-05-10), November 2010

### *EAC Audits*

1. Independent Auditor's Reports on the U.S. Election Assistance Commission's Financial Statements for Fiscal Year 2010 (Assignment No. I-PA-EAC-01-10), November 2010

2. Audit of Compliance with the Requirements of the Federal Information Security Management Act (Assignment No. I-PA-EAC-02-10), October 2010

### *Investigations*

None

## Monetary Impact of Audit Activities

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Questioned Costs*	\$ 1,469,812
Potential Additional Program Funds	\$ 1,991,118
Funds to Be Put to Better Use	\$ 0
Total	<u>\$ 3,460,930</u>

\*Unsupported costs are included in questioned costs.

## Reports With Questioned Costs

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<u>Category</u>	<u>Number</u>	<u>Questioned Costs</u>	<u>Unsupported Costs</u>
A. For which no management decision had been made by the beginning of the reporting period.	2	\$ 271,226	\$ 0
B. Which were issued during the reporting period.	6	\$ 1,469,812	\$ 0
Subtotals (A + B)	8	\$ 1,741,038	\$ 0
C. For which a management decision was made during the reporting period.	3	\$ 304,976	\$ 0
(i) Dollar value of recommendations that were agreed to by management.		\$ 33,750	\$ 0
(ii) Dollar value of recommendations not agreed to by management.		\$ 271,226	\$ 0
D. For which no management decision has been made by the end of the reporting period.	5	\$ 1,436,062	\$ 0

## Reports With Potential Additional Program Funds

<u>Category</u>	<u>Number</u>	<u>Dollar Value</u>
A. For which no management decision had been made by the beginning of the reporting period.	0	\$ 0
B. Which were issued during the reporting period.	3	\$ 1,991,118
Subtotals (A+B)	3	\$ 1,991,118
C. For which a management decision was made during the reporting period.	0	\$ 0
(i) Dollar value of recommendations that were agreed to by management.		\$ 0
(ii) Dollar value of recommendations that were not agreed to by management.		\$ 0
D. For which no management decision has been made by the end of the reporting period.	3	\$ 1,991,118

## Summary of Reports More Than Six Months Old Pending Corrective Action at March 31, 2011

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The following is a list of audit and evaluation reports that are more than six months with management decisions for which corrective action has not been completed. It provides report number, title, issue date, and the number of recommendations without final corrective action.

I-EV-EAC-01-07B	Assessment of the U.S. Election Assistance Commission's Program and Financial Operations, February 2008, 8 Recommendations
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## **Summary of Reports More Than Six Months Old Pending Management Decision at March 31, 2011**

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This listing includes a summary of audit and evaluation reports that were more than 6 months old on March 31, 2011 and still pending a management decision. It provides report number, title, and number of unresolved recommendations.

None.

## Reporting Requirements of the IG Act

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<u>Section of Act</u>	<u>Requirement</u>	<u>Page</u>
Section 4(a)(2)	Review of Legislation and Regulations	<a href="#">9</a>
Section 5(a)(1)	Significant Problems, Abuses, and Deficiencies	None
Section 5(a)(2)	Recommendations for Corrective Action With Respect to Significant Problems, Abuses, and Deficiencies	None
Section 5(a)(3)	Significant Recommendations From Agency's Previous Report on Which Corrective Action Has Not Been Completed	<a href="#">17</a>
Section 5(a)(4)	Matters Referred to Prosecuting Authorities and Resulting Convictions	None
Section 5(a)(5)	Matters Reported to the Head of the Agency	None
Section 5(a)(6)	List of Reports Issued During the Reporting Period	<a href="#">12</a>
Section 5(a)(7)	Summary of Significant Reports	<a href="#">4</a>
Section 5(a)(8)	Statistical Table – Questioned Costs	<a href="#">15</a>
Section 5(a)(9)	Statistical Table – Recommendations That Funds Be Put to Better Use	None
Section 5(a)(10)	Summary of Audit Reports Issued Before the Commencement of the Reporting Period for Which No Management Decision Has Been Made	None
Section 5(a)(11)	Significant Revised Management Decisions Made During the Reporting Period	None
Section 5(a)(12)	Significant Management Decisions With Which the Inspector General Is in Disagreement	None
Section 5(a)(13)	Information Described Under Section 804(b) of the Federal Financial Management Improvement Act of 1996	None
Section 5(a)(14)(A)	Peer Review Reports Conducted on U.S. Election Assistance Commission Office of Inspector General during the Reporting Period	None

<u>Section of Act</u>	<u>Requirement</u>	<u>Page</u>
Section 5(a)(14)(B)	Statement of Peer Review Conducted on the U.S. Election Assistance Commission Office of Inspector General during a Prior Reporting Period	<u>11</u>
Section 5(a)(15)	Outstanding Recommendations from a Peer Review Report on the U.S. Election Assistance Commission Office of Inspector General	None
Section 5(a)(16)	Peer Review Reports Conducted by the U.S. Election Assistance Commission Office of Inspector General	None

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## OIG's Mission

Help to ensure efficient, effective, and transparent EAC operations and programs

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## Obtaining Copies of OIG Reports

Copies of OIG reports are available on the OIG website, [www.eac.gov/inspector\\_general](http://www.eac.gov/inspector_general).

Copies of OIG reports can be requested by e-mail: ([eacoig@eac.gov](mailto:eacoig@eac.gov)).

Mail orders should be sent to:  
U.S. Election Assistance Commission  
Office of Inspector General  
1201 New York Ave. NW – Suite 300  
Washington, DC 20005

To order by phone: Voice: (202) 566-3100  
Fax: (202) 566-0957

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## To Report Fraud, Waste and Abuse Involving the U.S. Election Assistance Commission or Help America Vote Act Funds

By Mail: U.S. Election Assistance Commission  
Office of Inspector General  
1201 New York Ave. NW – Suite 300  
Washington, DC 20005

E-mail: [eacoig@eac.gov](mailto:eacoig@eac.gov)

OIG Hotline: 866-552-0004 (toll free)

On-Line Complaint Form: [www.eac.gov/inspector\\_general](http://www.eac.gov/inspector_general)

FAX: 202-566-0957

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# Inspector General

U.S. Election Assistance Commission

This report, as well as other OIG reports and testimony, are available on the internet at:  
[www.eac.gov/inspector\\_general](http://www.eac.gov/inspector_general)