



## OFFICE OF INSPECTOR GENERAL

U.S. Election Assistance Commission

American Confidence in Elections Act:  
The Role of the Election Assistance Commission in Free, Fair, and Secure Elections

Statement by  
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Good morning, Chairman Steil, Ranking Member Morelle, and distinguished Members of the Committee. Thank you for inviting me to appear before you to testify about the work of the Office of Inspector General (OIG) for the U.S. Election Assistance Commission (EAC). We appreciate your interest and ongoing support for our work.

Our mission is to safeguard the federal investment in our electoral system by conducting objective and meaningful oversight. We do this primarily through audits, reviews, and investigations. Much of our work is mandated by the Help America Vote Act (HAVA) of 2002 and the Inspector General Act (IG Act) of 1978, as amended.

EAC funds and assists states and territories in improving election processes. It is our role to offer information and recommendations through audits and other related work that will help EAC build and run programs that promote public confidence by preventing waste, fraud, abuse, and mismanagement. To adequately perform this role, OIG is required to regularly conduct grant audits as described within HAVA, perform all OIG statutory requirements, ensure that assessments, reviews, and audits of EAC's programs and operations are performed, and readily respond to Congressional requests. We continue to expand our oversight efforts, focusing on areas of highest risk and priority. I am proud that our efforts contribute toward ensuring confidence in America's election process.

### ***OIG Urges Timely Action on Identified Risks***

OIG's vision is to operate as a high-performing organization and help EAC be as efficient and effective as it can be. The core values that guide our work—integrity, objectivity, and innovation—are encompassed throughout our strategic plan. This plan outlines three goals to

continually 1) assess and improve OIG processes, 2) increase our performance and value-add oversight, and 3) foster stakeholder collaboration and encourage transparency.<sup>1</sup>

To meet our goals, we are using a combination of oversight tools to alert EAC to high-risk areas and urge timely action. For example, when we identified three EAC contracts that were signed by an employee who had not been delegated contracting authority and did not meet the requirements of a contracting officer, we launched an investigation. That investigation confirmed that federal regulations and the EAC Procurement Handbook had been violated. In November 2022, we announced an audit that will help us to identify the magnitude of this issue and make recommendations to improve EAC's contracting and procurement practices. This audit is still ongoing. In the meantime, we issued a management advisory that urged EAC to take steps to ratify any unauthorized commitments and ensure that no one other than an authorized contracting officer enter into future contracts.

Another area that we are closely watching relates to grantees using HAVA funds for voter education. We issued a management advisory in December 2022 to alert EAC to the risk that EAC may be providing inconsistent guidance to grantees. Unallowable activities may be taking place because the terms "voter registration," "voter education," and "get-out-the-vote" are not defined in HAVA. We urged EAC to develop a plan to ensure that staff members are providing consistent guidance and know when to seek legal guidance when something requires interpretation. We also urged EAC to adopt definitions of voter registration, voter education, and get-out-the-vote, and ensure such definitions are publicly available and incorporated into EAC's policies and procedures, in addition to HAVA grant guidance and certifications.<sup>2</sup>

Our work has also resulted in significant monetary and non-monetary benefits for EAC. We recently issued two reports with recommendations addressing questioned or unsupported costs and funds put to better use totaling \$2,000,043. During the past 6 months, we closed 21 recommendations.<sup>3</sup>

We also maintain a hotline voicemail and email mailbox that receives complaint form submissions via website and direct email complaints. The OIG Hotline serves as a vehicle through which EAC employees, as well members of the public, may report suspected fraud, waste, abuse, and mismanagement. Our stakeholder outreach efforts over the last year have increased awareness of our office and this reporting mechanism. During the first half of fiscal year (FY) 2023, we processed 374 unique OIG Hotline complaints—28 percent more than the total received in all of FY 2022 (271 complaints). We work with the Department of Justice's Public Integrity Section and its Federal Bureau of Investigation contacts to refer any potential criminal acts related to federal elections and voter fraud that are received. When complaints

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<sup>1</sup> EAC OIG, *Office of Inspector General Strategic Plan (Updated) 2022-2026*.

<sup>2</sup> EAC OIG, *Management Advisory 23-02: Procurement and Contracting Practices* (December 2022).

<sup>3</sup> EAC OIG, *Office of Inspector General Semiannual Report to Congress* (October 1, 2022 -March 31, 2023).

are related to voter registration or the administration of elections, we refer the complainant to the appropriate state election office. During this reporting period we made 83 such referrals.<sup>4</sup>

After receiving complaints related to misunderstandings about EAC's testing and certification program, we launched an audit to describe the program. Our *Audit of the U.S. Election Assistance Commission's Testing and Certification Program* identified risk areas related to coordination, policies, communication, and staffing. We found that federal coordination is especially challenging, particularly when responsibilities are not always clear, information sharing is hampered, or leadership and policy changes occur. Also, EAC recognizes pitfalls in the operability of its website impacting its communication. EAC has established some program contingencies, however with an evolving and expanding program, we recommended EAC strategically consider program risks and opportunities in a more formal manner.<sup>5</sup>

We made seven recommendations designed to enhance coordination, assess policies and procedures, assess risks, and take other steps to improve the program. EAC agreed with our recommendations and has a goal to address some as early as September 2023.<sup>6</sup>

### ***OIG Tracks EAC Progress on Top Challenges***

I commend the EAC staff and Commissioners for their commitment to the mission of the Commission and supporting election officials in the spirit of HAVA. However, the agency faces key challenges that we outlined last fall: addressing the gap between expectations and funding; attracting and retaining a highly skilled workforce; navigating restrictions to meet customer service and critical infrastructure goals; and providing effective oversight of grantees. While EAC has made progress in some of these areas, such challenges continue in both familiar and new contexts.<sup>7</sup>

### ***Addressing the Gap Between Expectations and Funding***

There has been an increased interest in elections and intensified demand on election workers in recent years. The U.S. election system has been impacted by physical and cybersecurity threats, misinformation, and supply chain challenges.<sup>8</sup> EAC's budget increased in FY 2023, and it must now responsibly spend the increased funds and meet growing stakeholder expectations. For example, some stakeholders increasingly want EAC to help communicate election information at the federal level. There is also continued interest in EAC's testing and certification program. To address the funding challenges and increased expectations, EAC has initiated pilot programs to expand programs responsibly and incrementally.<sup>9</sup> However, to fully address the challenge,

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<sup>4</sup> Ibid.

<sup>5</sup> EAC OIG, *Audit of the U.S. Election Commission's Testing and Certification Program* (PP22HQ0018-23-05, March 2023).

<sup>6</sup> Ibid.

<sup>7</sup> EAC OIG, *Management Challenges for the U.S. Election Assistance Commission in Fiscal Year 2023*.

<sup>8</sup> *Election Infrastructure Subsector-Specific Plan: 2022 Status Update* (cisa.gov).

<sup>9</sup> U.S. Election Assistance Commission, *Fiscal Year 2023 Congressional Budget Justification*, US EAC - FY 2023 Congressional Budget Justification.

EAC must continue to advocate for funding, demonstrate progress, and work with stakeholders to manage expectations.

#### *Attracting and Retaining a Highly Skilled Workforce*

The success of EAC's mission relies on the Commission's ability to attract and retain a highly skilled workforce. However, EAC's growing mandate and conditions, such as salary caps, make this challenging to achieve. EAC filled the Executive Director position in February, however the EAC General Counsel position remains unfilled for over a year. EAC is using its increase in resources to staff divisions, and as new staff enter the agency, there is an expanded need for strong policies, complete records, and standard operating procedures. However, implementation of these controls can fall to the wayside since the work of a small agency is often limited to ensuring operations occur, responding to ad hoc requests, and meeting deadlines. An OIG recommendation to enhance records management and documentation of policies and procedures has remained open since 2017.<sup>10</sup> OIG identified some areas where EAC is diligently making progress to improve and document processes such as those related to the Payment Integrity Information Act.<sup>11</sup> There are other areas OIG has uncovered challenges, such as contracting, that need attention and appropriate controls in place.<sup>12</sup>

#### *Navigating Restrictions to Meet Customer Service and Critical Infrastructure Goals*

As states prepare for the 2024 election, stakeholders are increasingly calling on EAC. To assist states, EAC reports taking steps like creating an online Clearinghouse Network, a collaborative peer-to-peer platform for election officials. For EAC to fulfill its role as a customer service agency supporting critical infrastructure, it must continue to overcome challenges related to the Paperwork Reduction Act, federal coordination efforts, and visibility as not everyone is familiar with EAC. Furthermore, EAC must ensure the operability of its website.

#### *Providing Effective Oversight of Grantees*

EAC awards grants, provides guidance on the appropriate use of funds, and monitors how states and territories spend funds by reviewing financial and progress reports. From 2010 until 2018, no new grant funding was made available through HAVA. From 2018 to 2020, EAC awarded \$805 million in federal funds to the 50 states, the District of Columbia, and 5 U.S. territories (American Samoa, Puerto Rico, Guam, the Northern Mariana Islands, and the United States Virgin Islands). In 2022 and 2023, EAC received \$75 million in grant funds to distribute to all 56 states and territories for election security. Unfortunately, EAC's ability to obligate and oversee grant funds can be hindered by grant requirements and grantee capacity.

In response to this challenge, the grants office was made a standalone office, which reports to the EAC Executive Director, in FY 2021. EAC invested in a grants management system to automate its grant administration functions that same year. The grants office has added new

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<sup>10</sup> EAC OIG, *EAC Policy Review Final Report (I-PA-EAC03-17, August 2017)*.

<sup>11</sup> EAC OIG, *Review of EAC's Compliance with the Payment Integrity Information Act for Fiscal Year 2022 (May 2023)*.

<sup>12</sup> EAC OIG, *Management Advisory 23-02: Procurement and Contracting Practices (December 2022)*.

staff to its team and EAC has made significant strides to strengthen its grant oversight program, but opportunities to improve remain.

OIG's recent HAVA audit reports found that the audited states generally accounted for HAVA funds in accordance with applicable requirements and used them in a manner consistent with the informational plans that they had submitted. However, the reports point to a need for EAC's continued attention toward reviewing federal financial reports for accuracy and reconciliation to the general ledger, ensuring grantees are properly earning and reporting interest income on HAVA funds, and ensuring they have procedures to properly monitor inventory control and subrecipients (i.e., counties).<sup>13</sup> OIG is committed to working with the grants office to hold accountable those states and territories that are not filing required reports.

OIG has seven ongoing statewide audits to ensure proper use and administration of HAVA funds. We are also using creative methods to address challenge areas more strategically. Historically, OIG has identified state compliance issues with establishing an election fund to deposit HAVA funds, state matching, and any interest earned on the funds. We recently announced an audit of 34 states' compliance with applicable requirements for interest earned. We are conducting this audit to understand the challenges associated with this requirement and to identify best practices that can help states achieve compliance.

As part of our own efforts to improve processes, with more resources and staff (our office has grown to a team of five), we have increased the number of HAVA audits we are conducting each year. We have also started using a mix of contracting with independent public accounting firms and conducting audits with our own internal staff. We are now well positioned to conduct audits internally which allows us to be nimbler and more responsive to incoming requests and areas of risk.

### **Conclusion**

In conclusion, I want to again thank Chairman Steil, Ranking Member Morelle, and the Members of the Committee for inviting my testimony. I also want to emphasize that OIG's accomplishments are a credit to the talented and committed staff that I have had the privilege to lead, and I am thankful for their hard work. I take my statutory requirement to keep the Congress fully and currently informed seriously, and I appreciate your interest in our work.

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<sup>13</sup> EAC OIG, *Audit of the Help America Vote Act Grants Awarded to the State of California* (G22CA0009-23-01, October 2022); U.S. Election Assistance Commission, *Office of the Inspector General, Audit of the Help America Vote Act Grants Awarded to the Commonwealth of Pennsylvania* (G22PA0014-22-07, September 2022); U.S. Election Assistance Commission, *Office of the Inspector General, Audit of the Help America Vote Act Grants Awarded to the State of Delaware* (G22DE0010-22-06, September 2022); U.S. Election Assistance Commission, *Office of the Inspector General, Audit of the Help America Vote Act Grants Awarded to the State of Washington* (G22WA0015-22-04, September 2022); U.S. Election Assistance Commission, *Office of the Inspector General, Audit of the Help America Vote Act Grants Awarded to the State of Indiana* (G22IN0011-22-03, September 2022); U.S. Election Assistance Commission, *Office of the Inspector General, Audit of the Help America Vote Act Grants Awarded to the State of Arizona* (G22AZ0008-22-01, August 2022).

I'd also like to emphasize that EAC OIG is committed to independent and transparent oversight. As state officials work to prepare for the 2024 election, we realize the importance of ensuring that EAC is set up to support them, and our oversight can help position EAC to do that.

Again, I appreciate the opportunity to provide this testimony regarding the activities of the OIG. If you have any questions, I will be happy to address them.