

ETHICS PROGRAM REVIEW FOLLOW-UP REPORT

Agency: Election Assistance Commission

Follow-up to OGE Report Number: 19-44I and 21-04IF

Report No.: 22-44IF

Date: July 21, 2022

**UNITED STATES OFFICE OF
GOVERNMENT ETHICS**Preventing Conflicts of Interest
in the Executive Branch

As a result of its inspection of the U.S. Election Assistance Commission's (EAC) ethics program, the Office of Government Ethics (OGE) issued ten recommendations in its September 2019 inspection report. OGE attempted to conduct a follow-up review in October 2020 but was not able to collect documentation necessary to assess EAC's progress in addressing the deficiencies in its ethics program. OGE recently conducted a second follow-up review intermittently from April 2022 through June 2022. The results of our second follow-up review are summarized below.

	Recommendation	Agency Action and OGE Finding	Status
1	Update the agency's written procedures for public financial disclosure to address how the agency handles the collection, review and public availability of periodic transaction reports (OGE Form 278-T). OGE also recommends that these procedures properly reflect the agency's use of Integrity, OGE's secure public-facing web-based electronic financial disclosure reporting system, in administering the agency's public financial disclosure system.	<p>During the follow-up review, OGE examined EAC's updated, draft written procedures governing the public financial disclosure system and found the document to address the administration of the OGE Form 278-T and the agency's use of Integrity.</p> <p>According to the DAEO, the draft written procedures and all other draft procedures mentioned throughout this report are expected to be finalized within 90 days of May 2022. OGE will keep this recommendation open pending the finalization of all draft procedures.</p>	Open
2	Destroy all public and confidential financial disclosure reports found to exceed the six-year retention period in accordance with the retention requirements at 5 C.F.R. §§ 2634.603(g)(1) and 2634.604.	<p>At the time of OGE's examination, EAC was in maximum telework status primarily due to moving office locations. The DAEO indicated that when she is able to return to the office sometime this summer she expects to address this recommendation.</p> <p>OGE will keep this recommendation open pending additional follow-up.</p>	Open
3	Update the agency's written procedures for confidential financial disclosure by removing references to the OGE Optional Form 450-A (Form 450-A).	During the follow-up review, OGE examined EAC's updated, draft written procedures governing the confidential financial disclosure system and found all references to the use of the OGE Optional Form 450-A removed, as required.	Closed

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4	Ensure that all confidential financial disclosure reports are filed timely as required by 5 C.F.R. § 2634.903(a)(b). Also, ensure that reports with inaccurate information are returned to filers for correction.	<p>During the follow-up review, OGE examined seven confidential financial disclosure reports filed in 2022. Of the seven reports examined, two were new entrant reports and five were annual reports. Eighty-six percent of the confidential reports OGE examined were filed timely.</p> <p>Timeliness in filing has improved from our September 2019 inspection. At that time, 50% of the confidential reports OGE examined were filed timely.</p> <p>OGE notes that it found no evidence of inaccurate information on the seven reports examined.</p>	Closed
5	Ensure that all written offers of employment meet the requirements of 5 C.F.R. § 2638.303.	OGE examined samples of written offer letters provided to prospective EAC employees in 2020 and 2021 and found them to comply with the content requirements of 5 C.F.R. § 2638.303.	Closed
6	Develop written procedures for issuing notices to prospective employees and ensure that prospective employees receive the notices, as required by 5 C.F.R. § 2638.303.	Written procedures for issuing notices to prospective employees were drafted by the DAEO. To ensure that prospective employees were receiving the required notice, OGE examined samples of written offer letters provided to prospective EAC employees in 2020 and 2021. OGE determined that each prospective employee selected within the sample received the notice as required.	Closed
7	Ensure that all written notices to new supervisors meet the requirements of 5 C.F.R. § 2638.306.	At the time of examination, the DAEO was working with the agency's human resources office to ensure that written notices to new supervisors meet content requirements. OGE will keep this recommendation open pending additional follow-up.	Open
8	Develop written procedures for issuing notices to new supervisors and ensure supervisors receive the notices as required by 5 C.F.R. § 2638.306.	At the time of examination, the DAEO was working with the agency's human resources office to develop written procedures for issuing notices to new supervisors. OGE will keep this recommendation open pending additional follow-up.	Open

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9	Establish written procedures for initial ethics training as required by 5 C.F.R. § 2638.304(f).	Written procedures for initial ethics training were drafted by the DAEO. OGE found the draft procedures for initial ethics training to be in compliance with applicable requirements.	Closed
10	Ensure that all SGE members indicate their reporting status on the first page of the confidential report as New Entrant each year.	<p>OGE examined the one confidential financial disclosure report filed by an SGE member in 2022. OGE noticed that the reporting status on this report indicated “Annual” instead of “New Entrant,” as required by 5 C.F.R. § 2634.903(b).</p> <p>The DAEO indicated that moving forward they will counsel SGEs to select New Entrant pursuant to 5 C.F.R. §§ 2634.903(b) and 2634.904(a)(2).</p> <p>OGE will keep this recommendation open pending additional follow-up.</p>	Open

Based on the results of OGE’s second follow-up review, all recommendations except for recommendations 1, 2, 7, 8 and 10 are closed. OGE will conduct an additional follow-up review in 2022 to assess whether the remaining recommendations can be closed.