

ETHICS PROGRAM REVIEW FOLLOW-UP REPORT

Agency: Election Assistance Commission

Follow-up to OGE Report Number: 19-44I, 21-04IF and 22-44IF

Report No.: 23-26IF

Date: June 5, 2023

**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 conducted follow-up reviews in 2020 and 2022 to assess EAC's progress in addressing the deficiencies in its ethics program. OGE recently conducted a third follow-up review in March 2023. The results of our third 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>By the time of OGE's third follow-up review, EAC's updated draft written procedures, which OGE examined during its second follow-up review, were operational but did not have a date of approval from the Executive Director.</p> <p>According to the DAEO, the Executive Director and Commissioners were still reviewing agency policies and procedures for updates. At the time of review, these procedures were on the list to have an official approval date. OGE is closing this recommendation.</p>	Closed
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 examination, EAC was still in maximum telework status. The DAEO still plans to review all physical copies of financial disclosure reports in the office and destroy them as appropriate.</p> <p>OGE is closing this recommendation and will reevaluate this area of EAC's ethics program during its next agency ethics program inspection.</p>	Closed
7	Ensure that all written notices to new supervisors meet the requirements of 5 C.F.R. § 2638.306.	OGE examined EAC's written notice template to new supervisors and found the template to meet applicable content requirements.	Closed
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.	The DAEO developed written procedures for issuing notices to new supervisors. The written procedures met applicable requirements.	Closed

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10	Ensure that all SGE members indicate their reporting status on the first page of the confidential report as New Entrant each year.	<p>During the follow-up review, OGE examined the confidential financial disclosure report filed by the only SGE member in 2022. However, OGE noticed that the reporting status on this report again indicated “Annual” instead of “New Entrant,” as required by 5 CFR § 2634.903(b).</p> <p>OGE notes that this is more than just procedural. SGEs do not file annual reports; instead, due to the temporary nature of their appointments, SGE must file new entrant reports (covering the preceding 12 months) within 30 days of each appointment or reappointment. A new entrant report also covers a different period than an annual report. Unlike an annual filer, a new entrant filer does not have to report gifts or travel reimbursements.</p> <p>Per OGE’s confidential financial disclosure guidelines, agencies may amend reports after certification in the same manner as they annotate reports before certification. Therefore, OGE suggested that the DAEO amend the certified report to reflect the reporting status as “New Entrant” instead of “Annual” and initial and date the correction.</p> <p>The DAEO must counsel SGEs to select New Entrant as their reporting status under 5 CFR §2634.903. OGE is closing this recommendation but will reexamine this issue again during its next ethics program inspection.</p>	Closed
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Based on the results of OGE’s third follow-up review, all recommendations are now closed.