




U.S. Election Assistance Commission  
1335 East-West Highway, Suite 4300  
Silver Spring, MD 20910

## MEMORANDUM

Date: November 15, 2018

To: Patricia L. Layfield, Inspector General

From: Brian D. Newby, Executive Director 

RE: Response to Inspector General's Statement Summarizing the Major Management and Performance Challenges Facing the U.S. Election Assistance Commission

Thank you for sending us the Inspector General's Statement Summarizing the Major Management and Performance Challenges Facing the U.S. Election Assistance Commission, dated October 15, 2018. Following is a brief response to each item:

### **Challenge 1: Records Management**

As the IG states in her memorandum, the EAC continues to make progress towards remediating this management challenge and meeting the federal requirements relating to records management. The agency has continued to take significant steps in FY 2018 such as establishing an electronic filing system which allows the EAC to effectively manage and file records. The EAC will continue to complete this work and plans to meet all federally mandated requirements for records retention moving forward.

### **Challenge 2: Lack of a Quorum on the Commission**

The lack of quorum impacts the Commission's ability to take policymaking actions. According to the EAC's Organizational Management Policy Statement, "Policymaking is a determination setting an overall agency mission, goals and objectives, or otherwise setting rules, guidance or guidelines."

The lack of quorum impacts the Commission's ability to change directions, for example, by adopting new strategic goals and objectives. Additionally, the Commission must vote to take certain specific policy actions, such as the adoption of new Voluntary Voting System Guidelines (VVSG), and the lack of quorum impacts such actions as well.

Despite the absence of a quorum, the agency continues to fulfill its mission on a daily basis pursuant to the EAC's Organizational Management Policy Statement which provides that the Executive Director "is expected to . . . implement policies once made."

This includes the implementation and administration of the strategies established in the EAC's 2018-2022 Strategic Plan, including the distribution of federal funds; taking steps to continually improve the effectiveness and efficiency of the agency; creation and implementation of internal operating procedures; as well as adapting agency operations to changes in congressionally appropriated budget levels.