



STATE OF NORTH CAROLINA

INVESTIGATIVE REPORT

NORTH CAROLINA STATE BOARD OF ELECTIONS

RALEIGH, NORTH CAROLINA

FEBRUARY 2011

OFFICE OF THE STATE AUDITOR

BETH A. WOOD, CPA

STATE AUDITOR

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AUDITOR'S TRANSMITTAL

The Honorable Beverly Perdue, Governor
Mr. Larry Leake, Chairman, North Carolina State Board of Elections
Members of the North Carolina General Assembly

Ladies and Gentlemen:

Pursuant to North Carolina General Statute §147-64.6(c)(16), we have completed an investigation of allegations concerning a group of employees known as district election technicians. The results of our investigation, along with recommendations for corrective action, are contained in this report.

Copies of this report have been provided to the Governor, the Attorney General and other appropriate officials in accordance with G.S. §147-64.6 (c) (12).

Respectfully submitted,

A handwritten signature in cursive script that reads "Beth A. Wood".

Beth A. Wood, CPA
State Auditor

February 25, 2011

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INTRODUCTION

The Office of the State Auditor received a complaint through the *State Auditor's Hotline* concerning the hiring of district election technicians, the performance of their job duties, and the monitoring of their job performance.

Our investigation of these allegations included the following investigative procedures:

- Review of applicable North Carolina General Statutes, Federal regulations, and State Board of Elections and Office of State Personnel policies and procedures
- Examination of relevant State Board of Elections documents and records
- Interviews with State Board of Elections employees and management, County Boards of Elections Directors, and personnel analysts from the Office of State Personnel

This report presents the results of our investigation. The investigation was conducted pursuant to North Carolina General Statute § 147-64.6 (c) (16).

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ORGANIZATION OVERVIEW

The North Carolina State Board of Elections (Board) is the state agency charged with overall responsibility for administration of the elections process and campaign finance disclosure in North Carolina. The Governor appoints the five members of the Board for four-year terms. Their duties are to guide and enforce Federal and State laws governing elections in North Carolina. It is also the Board's responsibility to appoint the Executive Director for a four-year term.

The Board's staff includes the divisions of Administration, Campaign Finance, Information Technology, and Voting Systems. These divisions oversee the election process and campaign finance disclosures. The Voting Systems Division, which includes eight district election technicians, provides support to all 100 county boards of elections regarding voting equipment, related software, and training, with particular emphasis on compliance with HAVA (Help America Vote Act of 2002)¹ standards and guidelines.

The district election technicians serve as liaisons between the Board and the county boards of elections. Each district election technician is responsible for assisting 10 to 15 specific counties. They assist in implementing the voter registration election laws and ensuring compliance with the Board's policies and procedures. Additional responsibilities for the district election technicians include the generation of ad hoc reports, providing input in the automation of election functions, and contributing to the development of user documentation for hardware support, software support, and policy/procedure manuals. To facilitate their ability to personally interact with county personnel on a regular basis while providing assistance and guidance, they are each assigned a state vehicle.

¹ The Help America Vote Act of 2002 (Public Law 107-252) or "HAVA" is a federal law enacted to: Replace punchcard and lever-based voting systems, create a Commission to assist in the administration of Federal elections, and establish minimum election administration standards. HAVA mandated that all states and localities upgrade aspects of election procedures including voting machines, registration processes and poll worker training.

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FINDINGS AND RECOMMENDATIONS

1. THE DISTRICT ELECTION TECHNICIANS ARE NOT FULLY UTILIZING THEIR STATE ASSIGNED VEHICLES.

Our examination of monthly travel logs from January 2008 through December 2009 (excluding April 2009 through June 2009)² revealed the minimum monthly mileage driven for state vehicles, as required by state policy, was not met for several months by the district election technicians. Vehicle underutilization for each district election technician is shown in table 1.

Vehicles permanently assigned to agencies or individuals are billed for 1,050 miles per month or for actual mileage, whichever is greater. According to North Carolina

District/Technician	Number of Months	Percentage of Months Mileage Not Met
1	8	38%
2	14	67%
3	7	33%
4	14	67%
5	2	10%
6	11	52%
7	16	76%
8	0	0%

Source: North Carolina State Board of Elections

Motor Fleet Management (MFM) regulations, *if the vehicle is not being driven the 3,150 quarterly minimum mileage requirement and lower mileage cannot be justified, the vehicle permanently assigned to individuals or agencies may be recalled.* Motor Fleet Management's mileage rate includes all expenses for operating, servicing, repairing (except in cases of abuse and installation of equipment and decals) and replacing all vehicles under MFM's jurisdiction.

The Deputy Director did not provide a reason for the underutilization in 2008. However, for 2009, she said completing assignments to update the Board's website and continued uncertainty in the number of miles allowed to be driven were the reasons for underutilization. The Deputy Director also said that the district election technicians' travel logs were reviewed and approved by the district election technicians' direct supervisor. On several occasions, the Deputy Director reported that she noticed underutilization when she received the monthly invoice from MFM. At that time, she said she discussed the underutilization with the election technicians' supervisor and that discussion should have been followed by a discussion between the supervisor and the technician.

The district election technicians serve as the direct link from the State Board of Elections to each of the county boards of elections. The election technicians are assigned to election districts comprised of 10 to 15 counties and the election technicians either live in their district or adjacent to their assigned district. Their office and duty station is their home. Each district election technician is assigned a state vehicle to use when traveling on official business for the Board. Our review of the district election technicians' weekly activity reports for January 2008 through December 2009 (excluding April 2009 through June 2009)

² Statewide travel restrictions were implemented in April 2009 and remained in effect through June 2009

FINDINGS AND RECOMMENDATIONS (CONTINUED)

showed they visited county boards of elections at least once per week to provide needed assistance or training. Additionally, the weekly activity reports indicated the election technicians provided assistance to the county board of elections via telephone, email, or computer which reduced their actual on-site visits. We confirmed this activity through our own on-site visits and interviews with county elections officials. Thus, the elections technicians are meeting the needs of the county boards of elections without full utilization of their assigned state vehicles. If the technicians are not fully utilizing their vehicles, they should be reassigned to other agency personnel or returned to Motor Fleet Management.

RECOMMENDATION

Management should perform a cost benefit analysis on the utilization of these vehicles and determine whether they are required to carry out the mission of these technicians. State Board of Elections management should review travel logs monthly and evaluate whether the district election technician vehicles are fully utilized. If the vehicles are not fully utilized, they should be returned to Motor Fleet Management.

2. THE STATE BOARD OF ELECTIONS DID NOT CONSISTENTLY ADMINISTER THE PERFORMANCE MANAGEMENT SYSTEM.

For the time period between June 2008 and June 2010, the Board did not consistently complete performance appraisals and provide feedback to some of its staff. For two years, 2008 and 2009, the Board did not have annual performance appraisal documents for any of its eight district election technicians, as required by State personnel policy, to support performance ratings. When we asked why no performance appraisals were in the files, the supervisor stated that he “considered them (*performance appraisal documents*) as worksheets and did not maintain them,” although state policy requires state agencies to retain these documents for three years.

We also requested the 2010 performance appraisals for each district election technician and the performance appraisals for ten other staff members. The performance appraisals for the eight district election technicians and five of the ten other staff members, with signatures of the employee, supervisor, and executive director, were found in the personnel files. However, the personnel files for the other five employees revealed the following:

- One employee’s appraisal was not completed for 2010. According to the Deputy Director, the employee was moved to a different location and the supervisor forgot to complete the evaluation. We verified that a performance rating for this employee for 2010 had not been entered into the State’s official performance management system.
- The appraisals of three staff members showed performance and evaluation information but were not signed by either the employee or the supervisor suggesting that the employee and supervisor never discussed the information.

FINDINGS AND RECOMMENDATIONS (CONCLUDED)

- One employee's appraisal was not completed because it was not due at the time of the evaluations. The employee was newly hired and was in their six-month probation period. Therefore, State policy was not violated because an appraisal was not required for this employee.

According to Section 10 of the State Personnel Manual, the performance review should document the employee's progress toward each of the established expectations and any actions needed for improvements. The manual also states that the appraisal should include the employee's performance expectations, a summary of the employee's actual performance relative to those expectations, and an overall rating of the employee's performance. Additionally, the completed performance appraisal should be signed and dated by both the supervisor and employee indicating that a discussion has taken place. The State Personnel Manual requires that the "completed performance appraisals shall be retained on file by the agency for three years."

As shown by our review, the State Board of Elections did not consistently collect and file performance appraisals for their employees. According to the Deputy Director, several supervisors preferred to personally maintain performance appraisals for their employees; therefore, there was not a centralized monitoring mechanism in place to ensure compliance for all employees.

Because the performance management process was not consistently administered, employees may not have been aware of their job duties and the work expected of them. Without feedback from their supervisors, employees may not be aware of how to improve their performance or know if their performance is in line with the goals and objectives of the organization.

RECOMMENDATION

The State Board of Elections should maintain an operative performance management system as required by State regulations. Management should ensure that each employee has a work plan, interim performance review, and performance appraisal completed and documented on an annual basis. Collecting this documentation annually and maintaining it for a three-year period should be delegated to the Human Resources section. All discrepancies regarding the completion of the appraisal process by the division managers should be reported to the Executive Director.

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RESPONSE FROM THE NORTH CAROLINA STATE BOARD OF ELECTIONS



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February 17, 2011

The Honorable Beth A. Wood, CPA
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Dear Ms. Wood:

Thank you for the opportunity to review the Confidential Draft of the investigative report of allegations received through the State Auditor's Hotline. The investigators' professionalism and thoroughness is appreciated.

In response to the findings and recommendations the following is submitted:

Finding 1. The District Election Technicians are not Fully Utilizing Their State Assigned Vehicles.

The recommendation is accepted and management is scheduling a cost benefit analysis on the utilization of these vehicles to determine whether they are required to carry out the mission of the District Election Technicians.

An underlying cause to this finding was misunderstanding and confusion among the DETs from a former supervisor regarding utilization and saving budget funds. All were trying to conserve and perform their duties under a stressed budget.

Finding 2. The State Board of Elections Did Not Consistently Administer the Performance Management System.

The recommendation is accepted and the Executive Director has assigned the responsibility for collecting performance appraisal documentation annually and retaining it for a three-year period to the Administrative Assistant in the absence of the Agency Business Officer. The Executive Director will step in and act when compliance is deficient.

Should there be further questions, please contact Johnnie McLean, Deputy Director, at (919) 715-1790 or myself, at (919) 715-1827.

Sincerely,

Gary O. Bartlett

Gary O. Bartlett

cc: Larry Leake, Chairman

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ORDERING INFORMATION

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