



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

March 14, 2007

Brian J. Crall, Secretary
Personnel Cabinet
200 Fair Oaks Lane, 5th Floor
Frankfort, Kentucky 40601

RE: Analysis of employee voting leave

Dear Secretary Crall:

As you are aware, this office conducted an examination released on May 3, 2005, of the benefit the Commonwealth provides state employees to take four hours of voting leave in accordance with 101 KAR 2:102, Section 7, and 101 KAR 3:105, Section 7. These sections of the KARs state, “[a]n employee who is eligible and registered to vote should be allowed upon prior request and approval, four (4) hours, for the purpose of voting.” Further, KRS 118.035 states, “any qualified voter who exercises his right to voting leave under this section but fails to cast his vote under circumstances which did not prohibit him from voting may be subject to disciplinary action.”

To update the original examination performed in 2005, we again performed testing to determine the extent to which executive branch employees that received voting leave actually voted. To this end, we requested and were given access to data from the State Board of Elections’ voter history file and to certain Personnel Cabinet (Personnel) payroll files to test employee compliance with voting leave requirements for the statewide May 16, 2006, primary election and the November 7, 2006, general election. By cross-referencing unique information from these files, we were able to substantiate that in the May 2006 primary election, 95 percent of state employees who received voting leave complied with statutory and regulatory requirements by voting. For the November 2006 general election, this compliance rate was 96 percent. This represents a significant improvement of 5.5 and 12 percent respectively over the voting leave compliance test results for the November 2003 general election and the 2004 May primary election.

However, we identified 1,195 employees who took voting leave and yet did not appear to vote in the 2006 May primary election, claiming a total of 4,687.06 voting leave hours. Considering the hourly wage of each of these employees at the time leave was taken, the cost of voting leave that did not comply with regulatory or statutory requirements for this primary election totaled \$73,846.19. In the November 2006 general election, the cost of the 935 employees that did not appear to vote, but recorded 3,584.25 hours of voting leave, decreased to \$62,510.42. For these two elections alone, it appears 2,130 instances occurred of employees improperly recording voting leave.



This misrepresentation of employees' time keeping resulted in an accumulated cost of approximately \$136,357 to the Commonwealth compared to \$424,521 identified in 2005. The additional measures placed into operation to improve voting leave compliance have successfully and substantially reduced the total cost of inappropriately taking voting leave by \$288,164 or 68 percent.

An analysis of election data identified 264 employees who claimed voting leave in both elections but did not vote in either election. Even more suspect were the 357 total instances where an employee taking voting leave did not appear on the voter history file. In some instances, the same individuals were identified as not being registered in both the May and November elections. By not appearing on the voter history file, the question is raised as to whether these employees were registered to vote or had been purged from the active voting register.

The following table illustrates key information resulting from our previous and current data analysis.

Previous and Current Results of Voting Leave Data Analysis

	November 2003 General Election	November 2006 General Election	May 2004 Primary Election	May 2006 Primary Election
Employees receiving leave	27,016	24,379	24,012	22,657
Employees that voted	24,445	23,345	19,931	21,451
Employees on the voter history file that did not vote	2,112	776	3,831	997
Employees that did not vote and were not on the voter history file	459	159*	250	198*
Percentage of employees not in compliance with voting leave requirements	9.5%	4%	17.0%	5%
Total voting leave hours inappropriately claimed	9,805	3,584.25	15,773	4,687.06
Total cost of voting leave inappropriately claimed	\$164,611	\$62,510.42	\$259,910	\$73,846.19
Source: Certain Personnel payroll files and Board of Elections voter history file				

* In the May primary and the November general election, 11 and 99 individuals, respectively, had home addresses outside of Kentucky and would therefore not appear on the voter history file.

As we previously determined through an employee of the State Board of Elections, the voter history file is updated after each election by a scanning device that reads certain information on the precinct roster to determine whether an individual voted. Every precinct roster contains a space for each voter's signature or, in the case of absentee voters, a stamp affixed by the clerk. The scanning device reads each line of the precinct roster to determine whether an individual voted. For a variety of reasons, the scan may not properly record every individual who actually voted. For example, the scanner may not record an improperly applied absentee stamp or a voter's signature not written in dark ink. Further, if the social security number of an individual is not correctly presented in the voter history file or personnel file data, an individual may incorrectly appear to have not voted due to an error entering the person's social security number.

The findings resulting from this data analysis rely on the accuracy and integrity of the data contained in the files provided to this office from the State Board of Elections and Personnel. In the previous examination conducted in 2005 of employees' compliance with voter leave regulations, we tested a sample of 828 employees identified as not voting. We examined election documentation in the county clerk's office of each of the 11 counties represented in the sample. Of those names found on precinct rosters, our sample exhibited an error rate of approximately five percent, documenting that certain employees had actually voted. Documentation reviewed for the previous examination verified that approximately 95 percent of these employees did not vote. Documentation examined included precinct rosters, supplemental precinct rosters, and lists of absentee voters. Given the extent of the sample tested for the 2005 examination of voting leave, we have again applied an approximate 5 percent error rate, indicating a small percentage of those who did not appear on the voter history file may have actually voted.

As an example, the data analysis performed identified three individuals from the Office of the Auditor of Public Accounts who had taken voting leave in either the May 2006 primary or the November 2006 general election but appeared to have not voted. In reality, in one instance the social security number of an employee had been transposed on the voter history file giving the appearance that the employee was not registered to vote. In the two other instances, it was also easily determined that the employee did comply with voting leave statutes or regulations and appropriately used voting leave.

The Commonwealth provides the benefit of voting leave to its employees to exercise the right of voting. Due to strengthened controls, an increasing number of employees responsibly fulfilled the requirement to vote in order to claim voting leave. However, agencies should continue efforts placed into operation to emphasize employee compliance with the statutory or regulatory requirements to claim voting leave, and, thereby, minimize the unnecessary cost to the Commonwealth.

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Attached are summary schedules of the number of employees in each agency that our data match indicates did not vote. These summary schedules provide the number of hours charged to voting leave and the associated cost to the Commonwealth. We suggest that the Personnel Cabinet provide the attached information to the appropriate agencies for appropriate action.

Thank you, in advance, for your continued efforts to address this issue, to facilitate appropriate personnel actions, and to strengthen controls.

Sincerely,

A handwritten signature in cursive script, appearing to read "Crit Luallen".

Crit Luallen
Auditor of Public Accounts

Attachments

