

***Office of Inspector General
Semiannual Report to Congress***



October 1, 2004 – March 31, 2005

***Federal Election Commission
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Washington, DC 20463***

May 2005

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
FEDERAL ELECTION COMMISSION	7
AUDITS.....	10
HOTLINE COMPLAINTS	18
INVESTIGATIONS	19
ADDITIONAL OFFICE OF INSPECTOR GENERAL ACTIVITY	20
ECIE AND PCIE ACTIVITY	25
REPORTING REQUIREMENTS	27
TABLE I - QUESTIONED COSTS	28
TABLE II - FUNDS PUT TO BETTER USE	29
TABLE III - SUMMARY OF AUDIT REPORTS WITH CORRECTIVE ACTIONS OUTSTANDING FOR MORE THAN SIX MONTHS	30
CONTACTING THE OFFICE OF INSPECTOR GENERAL	31

EXECUTIVE SUMMARY

On behalf of the Federal Election Commission (FEC), Office of Inspector General (OIG), this *Semiannual Report to Congress* is submitted in accordance with the requirements of the *Inspector General Act of 1978*, as amended. The major activities and accomplishments of the FEC OIG are summarized in this Executive Summary. This report covers the period of October 1, 2004 through March 31, 2005.

The Office of Inspector General is responsible for conducting, supervising, and coordinating audits, investigations, and inspections. Our emphasis on improving communication with management and focusing our work on important issues remains vital – we are committed to protecting the Commission against fraud, waste, abuse, and mismanagement.

The OIG follows the standards contained in the *Quality Standards for Federal Offices of Inspector General*, published by the President's Council on Integrity and Efficiency (PCIE) and the Executive Council on Integrity and Efficiency (ECIE). The audits are conducted in accordance with the *Government Auditing Standards*, issued by the Government Accountability Office (GAO). Our investigations comply with the *Quality Standards for Investigations*, which has been developed by the PCIE and ECIE.

In an effort to improve financial management, and under the requirements of *The Accountability of Tax Dollars Act of 2002*, financial statements must be audited annually by the agency's Office of Inspector General. To comply with the requirements outlined in the Act, the FEC OIG, in conjunction with independent contract auditors - Clifton Gunderson (CG) LLP, completed the first audit of the FEC's 2004 financial statements.

Throughout the course of the audit, the OIG coordinated and participated in weekly audit status meetings with management and the auditors. In addition, the OIG reviewed the notices of findings and recommendations (NFRs) prepared by the contract auditors. The NFRs are written communication from the auditors to management that provide details on preliminary weaknesses found, and allows management the opportunity to respond to those issues. The OIG also prepared the *Inspector General Statement on the Federal Election Commission's Management and Performance Challenges*, a document that was included in the FEC's Performance and Accountability Report (PAR).

The results of the audit were detailed in three reports: 1) report on compliance with laws and regulations; 2) report on internal control; and 3) the opinion on the financial statements. The FEC received an unqualified

opinion on the financial statements. The auditor's report on internal controls contained both reportable conditions and material weaknesses - a total of 42 audit recommendations were included in the report that must be addressed by management. The OIG commends the FEC for the noteworthy accomplishment of receiving an unqualified opinion but recognizes that a tremendous amount of effort by FEC management, staff, and consultants was necessary to achieve the unqualified opinion. The OIG and the auditors intend to work with management throughout the follow-up audit process to ensure the weaknesses and audit recommendations are addressed satisfactorily.

The final audit report was completed and released December, 2004. For additional information regarding the ***Audit of the FEC's Fiscal Year 2004 Financial Statements - OIG-04-01***, see the ***Audit*** section of this report, which starts on page 10.

Audit work continued on the ***Audit of the FEC's Public Disclosure Process - OIG - 02-03***. The primary objectives of this audit are 1) to determine the extent, if any, of disclosure differences between candidate contributions reported by political committees and related political committee contributions reported received by candidates; and 2) to determine whether an adequate process is in place to remedy any reporting discrepancies.

To accomplish these objectives, the OIG assessed current election cycle data for randomly selected samples to determine whether candidates continued to have reporting variances in more current cycles. The OIG retrieved and sampled campaign summary report data captured in the agency's database for election cycles 2001/02 and 2003/04. The OIG also compared the political action committees' (PAC) reported disbursements to candidate reported receipts for each election cycle.

Various tables of summary campaign data for Senate and House candidates were examined. This review will assess reporting variances between PAC disbursements and candidate committee receipts in more current election cycles. For additional details as it pertains to the ***Audit of the FEC's Public Disclosure Process***, see page 15.

An additional responsibility of the Office of Inspector General is to receive and investigate complaints from Commission employees, the public, and other sources concerning possible violations of laws, rules or regulations, mismanagement, waste of funds, and abuse of authority. Individuals may disclose information or make complaints to the OIG through various channels (see page 31). The OIG protects the legal rights of complainants and does not disclose their identity without prior consent.

During this reporting period, the OIG received a number of allegations. Significant investigative work has been conducted on these issues. Two hotline complaints were closed by the OIG – one was incorporated into the annual work plan and the other was referred to another Federal agency. For more details, see the section entitled **Hotline Complaints** starting on page 18.

In addition to conducting audits, investigations, and reviews, the OIG engages in a variety of additional assignments. The following items highlight the other activities of the OIG and are described in greater detail in the section entitled **Additional Office of Inspector General Activity** beginning on page 20.

- A peer review of the Federal Election Commission, OIG was conducted by the Appalachian Regional Commission (ARC), Office of Inspector General. The objectives of the peer review program is to foster quality audits by the OIG through an independent assessment of the effectiveness of the internal control system in providing reasonable assurance that applicable audit standards and requirements are being followed. An unqualified opinion was issued on the OIG's system of audit

quality control – the OIG was found to be in compliance with the quality standards established by the PCIE (see page 20).

- As stated in the previous semiannual report, the OIG commenced a peer review of the Federal Housing Finance Board (FHFB), Office of Inspector General. The peer review was completed during this reporting period and the report was forwarded to the FHFB Inspector General (see page 21).

THE FEDERAL ELECTION COMMISSION

In 1975, Congress created the Federal Election Commission (FEC) to administer and enforce the *Federal Election Campaign Act* (FECA). The duties of the FEC, an independent regulatory agency, is to disclose campaign finance information; enforce the provisions of the law such as the limits and prohibitions on contributions; and oversee the public funding of Presidential elections.

The Commission is made up of six members, who are appointed by the President and confirmed by the Senate. Each member serves a six-year term, and two seats are subject to appointment every two years. By law, no more than three Commissioners can be members of the same political party, and at least four votes are required for any official Commission action. The Chairmanship of the Commission rotates among the members each year, with no member serving as Chairman more than once during his or her term.

OFFICE OF INSPECTOR GENERAL

The Inspector General Act of 1978 (P.L. 100-504), as amended in 1988, states that the Inspector General is responsible for: 1) conducting and

supervising audits and investigations relating to the Federal Election Commission's programs and operations; 2) detecting and preventing fraud, waste, and abuse of agency programs and operations while providing leadership and coordination; 3) recommending policies designed to promote economy, efficiency, and effectiveness of the establishment; and 4) keeping the Commissioners and Congress fully and currently informed about problems and deficiencies in FEC agency programs and operations, and the need for corrective action.

The mission of the OIG is to be an independent, objective voice that aids the Commission by promoting positive change, accountability and integrity. An inventory of suggested audits and investigations that we receive from a variety of sources is maintained. The most important challenges on which to focus our work are identified and the final step is to plan and conduct audits and investigations that address those challenges.

The OIG follows the standards contained in the *Quality Standards for Federal Offices of Inspector General*, published by the President's Council on Integrity and Efficiency (PCIE) and the Executive Council on Integrity and Efficiency (ECIE), and GAO's *Yellow Book*. Our investigations comply with the *Quality Standards for Investigations*, which has been developed by the PCIE and ECIE.

The Office of Inspector General staff, including the Inspector General, consists of four (4) full time employees; two auditors, and one special assistant to the Inspector General.

AUDITS

TITLE: **Audit of the FEC's Fiscal Year 2004 Financial Statements**

ASSIGNMENT #: **OIG – 04-01**

RELEASE DATE: **December, 2004**

WEBSITE ADDRESS: **<http://www.fec.gov/fecig/financial04.pdf>**

PURPOSE: In an effort to improve financial management, and under the requirements of *The Accountability of Tax Dollars Act of 2002*, financial statements must be audited annually by the agency's Office of Inspector General. To comply with the requirements outlined in the Act, the FEC OIG, in conjunction with independent contract auditors - Clifton Gunderson (CG) LLP, completed the first audit of the FEC's 2004 Financial Statements.

Throughout the course of the audit, the OIG coordinated and participated in weekly audit status meetings with management and the auditors. In addition, the OIG reviewed the notices of findings and recommendations (NFRs) prepared by the independent contract auditors. The NFRs are written communication from the auditors to management which provides details on preliminary weaknesses found, and allows

management the opportunity to respond to those issues. The OIG also prepared the *Inspector General Statement on the Federal Election Commission's Management and Performance Challenges*, a document that was included in the FEC's Performance and Accountability Report (PAR).

In connection with the OIG's contract with CG-LLP, the OIG reviewed CG-LLP's reports and related documentation and inquired of its representatives. Specifically, we performed the following: 1) reviewed CG-LLP's approach and planning of the audit; 2) evaluated the qualifications and independence of the auditors; 3) monitored the work of the auditors throughout the audit; 4) examined audit documents and audit reports to ensure compliance with *Government Auditing Standards* and OMB Bulletin No. 01-02; and 5) performed other procedures we deemed necessary.

The auditors audited the balance sheet of the FEC as of September 30, 2004, and the related statements of net cost, changes in net posting budgetary resources, financing and custodial activity for the year then ended. The audit included an examination, on a test basis, of evidence supporting the amounts and disclosures in the financial statements. The audit also included assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall principal statements' presentation. The results of the audit were detailed in three reports: 1)

report on compliance with laws and regulations; 2) report on internal control; and 3) the opinion on the financial statements.

FEC management is responsible for complying with laws and regulations applicable to the agency. To obtain reasonable assurance about whether FEC's financial statements are free of material misstatement, the auditors performed tests of compliance with certain provisions of laws and regulations, non-compliance with which could have a direct and material effect on the determination of financial statement amounts, and certain laws and regulations specified in OMB Bulletin No. 01-02, such as the *Anti-Deficiency Act and the Prompt Payment Act*. The results of the tests of compliance with laws and disclosed no instances of non-compliance.

The auditors obtained an understanding of the FEC's internal control; determined whether internal controls had been placed in operation; assessed control risk; and performed tests of controls in order to determine auditing procedures for the purpose of expressing an opinion on the financial statements. The auditors limited their internal control testing to those controls necessary to achieve the objectives described in OMB Bulletin No. 01-02 and consequently the auditors did not provide an opinion on internal controls.

Internal control as it relates to the financial statements, is a process designed to provide reasonable assurance of the following: 1) transactions are properly recorded, processed, and summarized to permit preparation of the financial statements and assets are safeguarded against loss from unauthorized acquisition, use or disposition; 2) transactions are executed in accordance with laws governing the use of budget authority and other laws and regulations that could have a direct and material effect on the financial statements and other laws and regulations identified by OMB; and 3) transactions and other data that support reported performance measures are properly recorded, processed, and summarized to permit the preparation of performance information in accordance with criteria stated by management.

The auditors issued an unqualified opinion on the FEC's financial statements. The auditor's report on internal controls contained both reportable conditions and material weaknesses - a total of 42 audit recommendations were included in the report that must be addressed by management.

The final audit report was completed and released December, 2004. An electronic version of the report was also created and forwarded to the FEC's Webmaster for posting on the OIG's home page - the OIG and the auditors intend to work with management throughout the follow-up audit

process to ensure the weaknesses and audit recommendations are addressed satisfactorily.

AUDITS

TITLE: **Audit of the FEC's Public Disclosure Process**

ASSIGNMENT #: **OIG – 02-03**

RELEASE DATE: **In Progress**

PURPOSE: This audit has two primary objectives 1) to determine the extent, if any, of disclosure differences between candidate contributions reported by political committees and related committee contributions reported received by candidates; and 2) to determine whether an adequate process is in place to remedy any reporting discrepancies.

To accomplish these objectives, the OIG assessed current election cycle data for randomly selected samples to determine whether candidates continued to have reporting variances in more current cycles. The OIG retrieved and sampled campaign summary report data captured in the agency's database for election cycles 2001/02 and 2003/04. The OIG also compared the political action committees' (PAC) reported disbursements to candidate reported receipts for each election cycle. To initiate the random selection and review of additional disclosure data, various tables of summary campaign data for Senate and House candidates were examined.

The Commission's website was examined to determine whether or not the agency provides adequate instructions to patrons utilizing the electronic disclosure system. Adequate instructions will allow patrons to effectively and efficiently use the resources made available on the website. The purpose of this examination was to ensure that the inexperienced customer knows that the database reflects a complicated flow of campaign money.

The Reports Analysis Division's *Review and Referral Procedures*, as well as various training materials, were analyzed to determine whether policies are in place that include reconciliation of campaign data between reporting entities. The OIG also assessed the Reports Analysis Division's *Policies & Procedures Operating Manual* to determine which types of campaign reporting issues are given high priority or consideration during the review and referral process. Completion of this assessment will give the OIG a clearer understanding of what aspects of campaign finance reporting are considered significant to the Commission.

The auditor contacted the Information Technology (IT) division to obtain information regarding the final conversion to the new disclosure database and client server system capabilities as they relate to the comparison of political committees and candidates. The implementation of the client server environment is just one of the processes in place to resolve

campaign data reporting issues. A request was submitted to the IT division to provide all campaign transactions that met specific criteria. The OIG reviewed the results of the data query and computed the average number of checks returned by candidates during the two most recent election cycles. A select number of those returned checks were then traced back to the PAC reports to evaluate the effect of the returned checks on the disclosure process.

HOTLINE COMPLAINTS

The Office of Inspector General observed an increase in the number of allegations received on our hotline. Hotline complaints can be received many different ways. Several individuals made contact with the OIG about matters relating to allegations of fraud, waste, abuse or mismanagement of FEC programs and/or operations.

The OIG's *Procedures for Processing Hotline Calls* states that a preliminary inquiry must be conducted on all allegations. If the OIG determines that a full investigation is necessary, then the hotline complaint file is closed and a separate investigative file is opened.

As of this reporting period, the OIG has seven (7) hotline complaints in various stages. One complaint is currently open; four complaints are pending; and two complaints are in progress. The OIG closed two hotline complaints during this reporting period. The subject of one of the complaints was incorporated into the OIG's annual work plan. The other complaint was referred to another OIG. The complainant was informed of this decision and provided the appropriate contact information.

INVESTIGATIONS

As of the end of this reporting period, the OIG has one investigation open (OIG-04-02). This investigation originated as a hotline complaint however, after the initial review of the allegation the OIG decided an investigation was warranted.

The OIG briefed management on the results of the OIG's administrative investigation and issued a written report to management. The OIG has decided to keep the investigation open pending management's 60 day notification to the OIG on the status of the issue.

ADDITIONAL OFFICE OF INSPECTOR GENERAL ACTIVITY

All legislation, as compiled by the Commission's Congressional Affairs Office, was reviewed by the Inspector General, as required by the *Inspector General Act of 1978*, as amended. The Inspector General reviews and comments, when appropriate, on all legislation provided by the PCIE/ECIE Legislative Committee. In addition, the Inspector General routinely reads all Commission agenda items and attends the Finance Committee meetings.

- The Appalachian Regional Commission (ARC) OIG conducted a peer review of the Federal Election Commission OIG. A peer review is required to be conducted by an independent office according to the *Government Auditing Standards*. The PCIE/ECIE has a process in place that ensures each IG office is reviewed according to the standards. The purpose of the review is to ensure that a system of quality controls relating to the conduct of audits is in place and being followed. The FEC OIG was found to be in compliance with the quality standards established by the PCIE and an unqualified opinion was issued.

- The peer review of the Federal Housing Finance Board (FHFB) OIG, commenced prior to the end of the previous reporting period, was completed during this reporting period. An opening conference was conducted with the FHFB OIG to discuss the objectives and scope of the peer review. The FEC OIG examined the FHFB's *Audit Quality Assurance Program* and completed the appropriate checklist entitled *Assessment of Internal Quality Assurance Program*. FHFB professional staff members were interviewed to assess the level of understanding and compliance with the quality control policies and procedures. The FEC OIG conducted an exit conference with the FHFB OIG – the final report was prepared and forwarded to the FHFB Inspector General.
- The OIG received a request from the U.S. Senate Committee on Health, Education, Labor and Pensions requesting assistance in obtaining information relating to agency programs and initiatives to combat obesity. The Committee is compiling information on each program or initiative – the information requested included the agency name, program/initiative title, and office responsible for oversight. Management also received this request and had replied that the FEC has no programs in place to combat obesity – the OIG concurred with that reply.

- The PCIE Legislation Committee has been working on legislative proposals to enhance the independence of Inspectors General and eliminate barriers to IG functionality. The Legislation Committee prepared a survey designed to collect information in support of the legislative proposals. The survey included topics such as the establishment of an IG council, term of office removal for cause provisions, enhancements to IG authority, and personnel flexibilities. The IG provided her response and these proposals have been presented for consideration to staff members from both the House and Senate. The results of the survey will be shared with the IG Community.
- The Department of Energy (DOE) OIG contacted the FEC OIG in an effort to examine options for improving their tracking/monitoring system for performance measures. The DOE was interested in learning 1) how our group tracks/monitors the level of completion (status of compliance) of the measures established, and 2) the performance measures that our group has established. The OIG prepared a response to this inquiry.
- On behalf of the PCIE Audit Committee, the OIG completed a survey initiated by the Federal Audit Executive Council (FAEC). The purpose

of the survey was to obtain information about Federal Agencies that have non-OIG audit entities within the Agency. Specifically, the survey requested information on the policies and procedures in place related to the non-OIG audit entities.

- At the beginning of this reporting period the OIG started to keep an on-going log of incoming inquiries. Although most of these inquiries were through telephone and electronic mail, a minimal amount of inquiries were through U.S. mail. Prior to the end of this reporting cycle, the OIG began to receive a large quantity of e-mail inquiries pertaining to a variety of issues such as alleged abuse of campaign rules, voter election fraud, and electronic voting.

The OIG received a total of 6,440 e-mails this quarter. Of that total 3,605 e-mails were unreadable due to foreign characters contained in the subject line and/or text, 341 were “spam” e-mails, and 239 were electronic advertisements.

The OIG received 977 e-mails relating to election issues - 152 of those e-mails were printed and forwarded to the Office of General Council (OGC) – 495 were electronically filed until further notice from the OGC.

The OIG forwarded 509 e-mails to the Election Assistance Commission (EAC). Those e-mails focused on voter & election fraud, problems regarding absentee voting, voter registration, etc. The Information Division received 115 e-mails forwarded by the OIG – topics included campaign funding, disclosure reporting for Senate candidate, gallup polls, etc. The OIG forwarded 1 e-mail to the Federal Communication Commission. Six e-mails required further OIG attention.

The OIG also received a total of 206 telephone inquiries – 186 of those telephone inquiries were forwarded to the Election Assistance Commission.

ECIE AND PCIE ACTIVITY

The Executive Council on Integrity and Efficiency was established by Executive Order on May 11, 1992. It consists of Designated Federal Entity Inspectors General and representatives of the Office of Government Ethics, the Office of Special Counsel, the Federal Bureau of Investigation and the Office of Management and Budget.

The Commission's Inspector General is an active member of the Executive Council on Integrity and Efficiency (ECIE) and has provided input to a number of initiatives proposed by the Council. The ECIE serves as a forum for the exchange of views for the Inspector General Community. The Council identifies, reviews, and discusses issues that are of interest to the entire IG Community. The IG attended regular meetings held by the ECIE, and joint meetings of the President's Council on Integrity and Efficiency (PCIE) and the Executive Council on Integrity and Efficiency.

For the period October 1, 2004 through March 31, 2005, the Inspector General (or staff) attended the following training, meetings, programs, seminars, and/or conferences:

- *ECIE - Monthly Meetings*
- *PCIE - Financial Statement Audit Network (FSAN) Meeting*
- *PCIE / ECIE – 2005 Association of Directors of Investigation (ADI) Conference*
- *PCIE / ECIE - Federal Audit Executive Committee (FAEC) Meeting*
- *PCIE / ECIE – Administrative Liaison Meeting*
- *PCIE / GAO – Financial Statement Audit Roundtable Discussion*
- *Virginia Society of Public Accountants – Ethics: Your License Depends on it*
- *USDA Graduate School – Contract and Procurement Fraud*
- *USDA Graduate School – Quick Response Auditing*
- *USDA Graduate School – Writing Value Added Audit Reports*
- *USDA Graduate School - JFMIP – Federal Financial Management Conference*
- *Federal Election Commission – Finance Committee Meetings*
- *Federal Election Commission – Administrative Liaison Meetings*
- *Federal Election Commission – Zegato Electronic Travel Services Training*

Reporting requirements required by the *Inspector General Act of 1978*, as amended by the *Inspector General Act Amendments of 1988* are listed below:

Section 4(a)(2)	Review of Legislation-----	20
Section 5(a)(1)	Significant Problems, Abuses, and Deficiencies-----	None
Section 5(a)(2)	Recommendations with Respect to Significant Problems, Abuses, and Deficiencies-----	None
Section 5(a)(3)	Recommendations Included in Previous Reports on Which Corrective Action Has Not Been Completed- (Table III) -----	30
Section 5(a)(4)	Matters Referred to Prosecutive Authorities-----	None
Section 5(a)(5)	Summary of Instances Where Information was Refused-----	None
Section 5(a)(7)	Summary of Significant Reports-----	10
Section 5(a)(8)	Questioned and Unsupported Costs- (Table I)-----	28
Section 5(a)(9)	Recommendations that Funds be put to Better Use (Table II)-----	29
Section 5(a)(10)	Summary of Audit Reports issued before the start of the Reporting Period for which no Management Decision has been made-----	N/A
Section 5(a)(11)	Significant revised Management Decisions-----	N/A
Section 5(a)(12)	Management Decisions with which the Inspector General is in Disagreement-----	None

TABLE I**INSPECTOR GENERAL ISSUED REPORTS
WITH QUESTIONED COSTS**

		DOLLAR VALUE (in thousand ds)	
	NUMBER	QUESTIONED COSTS	UNSUPPORTED COSTS
A. For which no Management decision has been made by commencement of the reporting period	0	0	[0]
B. Which were issued during the reporting period	0	0	[0]
Sub-Totals (A&B)	0	0	[0]
C. For which a Management decision was made during the reporting period	0	0	[0]
(i) Dollar value of disallowed costs	0	0	[0]
(ii) Dollar value of costs not disallowed	0	0	[0]
D. For which no Management decision has been made by the end of the reporting period	0	0	[0]
E. Reports for which no Management decision was made within six months of issuance	0	0	[0]

<p>TABLE II</p> <p>INSPECTOR GENERAL ISSUED REPORTS WITH RECOMMENDATIONS THAT FUNDS BE PUT TO BETTER USE</p>
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	NUMBER	DOLLAR VALUE (in thousands)
A. For which no Management decision has been made by the commencement of the reporting period	0	0
B. Which were issued during the reporting period	0	0
C. For which a Management decision was made during the reporting period	0	0
(i) dollar value of recommendations were agreed to by Management	0	0
based on proposed Management action	0	0
based on proposed legislative action	0	0
(ii) dollar value of recommendations that were not agreed to by Management	0	0
D. For which no Management decision has been made by the end of the reporting period	0	0
E. Reports for which no Management decision was made within six months of issuance	0	0

TABLE III

**SUMMARY OF AUDIT REPORTS WITH CORRECTIVE ACTIONS
OUTSTANDING FOR MORE THAN SIX MONTHS**

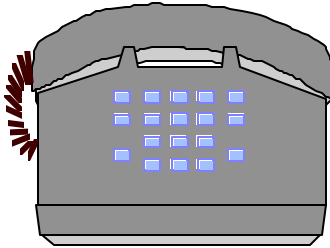
Recommendations

<u>Report Title</u>	<u>Report Number</u>	<u>Issue Date</u>	<u>Number</u>	<u>Closed</u>	<u>Open</u>
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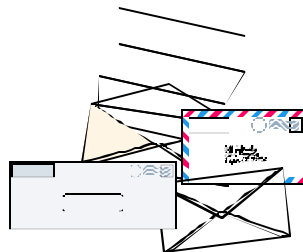
No outstanding recommendations of more than six months during this period.

CONTACTING THE OFFICE OF INSPECTOR GENERAL

The success of the OIG mission to prevent fraud, waste, and abuse depends on the cooperation of FEC employees (and the public). There are several ways to report questionable activity.



Call us at **202-694-1015** or toll-free **1-800-424-9530**. A confidential or anonymous message can be left 24 hours a day/7 days a week.



Write or visit us - we are located at:

**Federal Election Commission
Office of Inspector General
999 E Street, N.W., Suite 940
Washington, DC 20463**

Mail is opened by OIG staff members only.



You can also contact us by e-mail at: **oig@fec.gov**.
Our Website address: **<http://www.fec.gov/fecig.htm>**.

Individuals may be subject to disciplinary or criminal action for knowingly making a false complaint or providing false information.