U.S. ELECTION ASSISTANCE COMMISSION
1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIR

BEFORE THE ELECTION ASSISTANCE COMMISSION

In the Matter of	)
	)
Close the portion of the January 15, 2009 meeting at which the EAC will discuss appointment of a General Counsel	)
	)
	)

CERTIFICATION

I, Rosemary Rodriguez, Chair of the Election Assistance Commission, do hereby certify that on January 07, 2008 the Commission decided by a vote of 4-0. The following action(s) were taken:

1.

The Commission should approve to close portion of the January 15, 2009 meeting during which the Commission will discuss the appointment of a General Counsel.

Commissioners Beach, Davidson, Hillman, and Rodriguez voted affirmatively for the decision.

Attest:

1-7-09
Date

Rosemary Rodriguez
Chair

Tel: (202) 566-3100 www.eac.gov Fax: (202) 566-1392
Toll free: 1 (866) 747-1471

U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: January 7, 2009, 3:00 PM

BALLOT DEADLINE: January 9, 2009, 3:00 PM

COMMISSIONERS: HILLMAN, DAVIDSON, BEACH AND RODRIGUEZ

SUBJECT: Close the portion of the January 15, 2009 meeting at which the EAC will discuss appointment of a General Counsel.

( ) I approve the recommendation.

( ) I disapprove the recommendation.

( ) I object to the recommendation.

( ) I am recused from voting.

COMMENTS: _____

_____

_____

DATE: _____ SIGNATURE: _____

Attachments: Memorandum to close portion of January 15, 2009 meeting, General Counsel certification that EAC may close portion of January 15, 2009 meeting,

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the EAC Chairman. Please return the ballot no later than date and time shown above.

U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

MEMORANDUM

TO: Commissioners Hillman, Davidson, Beach

FROM: Commissioner Rodriguez

DATE: January 7, 2009

RE: Closure of January 15, 2009 Public Meeting

Pursuant to section 204(a)(4), the EAC is required to appoint a General Counsel for a term of 4 years. The General Counsel's term may then be extended for up to one additional term by vote of the Commission. On January 5, 2009, the EAC certified a vote concerning the appointment of a General Counsel. In that vote, Commissioner Beach objected. Pursuant to the tally vote procedure, the matter must now be discussed at a public meeting. Accordingly, the EAC will hold a public meeting on January 15, 2009, at which it will discuss the appointment of a General Counsel. The Government in the Sunshine Act (5 USC 552b) requires that meetings of the Commission take place in public, subject to several exemptions.

The EAC may close the January 15, 2009 meeting at which it will discuss the appointment of a General Counsel (see certification, attached). As this matter relates to internal personnel rules and disclosure of the EAC's determination would constitute a clearly unwarranted invasion of personal privacy, I recommend closing the portion of the January 15, 2009 meeting at which EAC will discuss the appointment of a General Counsel.

RECOMMENDATION:

Close portion of January 15, 2009 meeting during which the Commission will discuss the appointment of a General Counsel.

Tamar Nedzar/EAC/GOV
01/07/2009 02:19 PM

To DeAnna M. Smith/EAC/GOV@EAC
cc
bcc
Subject Fw: Memorandum to Accompany Tally Vote

Tamar Nedzar
Attorney
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-3100
http://www.eac.gov
TNedzar@eac.gov

THIS MESSAGE IS FOR ITS INTENDED RECIPIENT ONLY. IT MAY BE A PRIVILEGED DOCUMENT AND SHALL NOT BE RELEASED TO A THIRD PARTY WITHOUT THE CONSENT OF THE SENDER.

----- Forwarded by Tamar Nedzar/EAC/GOV on 01/07/2009 02:20 PM -----

Rosemary E. Rodriguez/EAC/GOV
01/07/2009 01:44 PM

To Tamar Nedzar/EAC/GOV@EAC, "Stacie Fabre" <sfabre@eac.gov>
cc
Subject Re: Memorandum to Accompany Tally Vote

Stacie is authorized to initial the memo for me so that it can be distributed immediately. Thanks all.
Tamar Nedzar
----- Original Message -----

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From: Tamar Nedzar
Sent: 01/07/2009 01:26 PM EST
To: Rosemary Rodriguez
Subject: Fw: Memorandum to Accompany Tally Vote
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Commissioner Rodriguez,

I calculated the days and the tally vote to close the meeting has to be certified today to meet the deadlines in the Government in the Sunshine Act. If the attached document is satisfactory, can Stacie initial it for you? Then we can create and circulate the tally vote.

Thanks,

Tamar Nedzar
Attorney
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-3100
http://www.eac.gov
TNedzar@eac.gov

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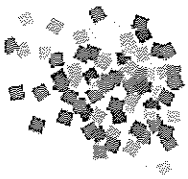
AND SHALL NOT BE RELEASED TO A THIRD PARTY WITHOUT THE CONSENT OF THE SENDER.

----- Forwarded by Tamar Nedzar/EAC/GOV on 01/07/2009 01:26 PM -----



Tamar Nedzar/EAC/GOV
01/07/2009 12:31 PM

To Rosemary E. Rodriguez/EAC/GOV
cc
Subject Memorandum to Accompany Tally Vote

Commissioner Rodriguez,

I have drafted the attached memo for you to accompany the tally vote necessary to close a public meeting. Please review the memorandum, make changes as necessary, and return the signed document to me or DeAnna at your earliest convenience. We will then circulate the tally vote.

Thank you,

[attachment "memo to commissioners to close meeting 01072009.doc" deleted by Rosemary E. Rodriguez/EAC/GOV]

Tamar Nedzar
Attorney
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-3100
http://www.eac.gov
TNedzar@eac.gov

THIS MESSAGE IS FOR ITS INTENDED RECIPIENT ONLY. IT MAY BE A PRIVILEGED DOCUMENT AND SHALL NOT BE RELEASED TO A THIRD PARTY WITHOUT THE CONSENT OF THE SENDER.

To:	File
From:	Tamar Nedzar, Associate General Counsel
Date:	January 7, 2009
Subject:	Government in the Sunshine Act; Certification of Closed Meeting

Pursuant to section 204(a)(4), the EAC is required to appoint a General Counsel for a term of 4 years. The General Counsel's term may then be extended for up to one additional term by vote of the Commission. The EAC will hold a public meeting on January 15, 2009, at which it will discuss the appointment of a General Counsel. The Government in the Sunshine Act (5 USC 552b) requires that meetings of the Commission take place in public, subject to several exemptions.

I hereby certify that the public meeting on January 15, 2009 at which the Commission will discuss the appointment of a General Counsel may be closed to the public pursuant to 5 USC 552b(c)(2) (relating solely to internal personnel rules and practices of an agency) and 5 USC 552b(c)(6) (disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy).

Tamar Nedzar, Associate General Counsel

U.S. ELECTION ASSISTANCE COMMISSION
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TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: January 7, 2009, 3:00 PM

BALLOT DEADLINE: January 9, 2009, 3:00 PM

COMMISSIONERS: HILLMAN, DAVIDSON, BEACH AND RODRIGUEZ

SUBJECT: Close the portion of the January 15, 2009 meeting at which the EAC will discuss appointment of a General Counsel.

(✓) I approve the recommendation.

( ) I disapprove the recommendation.

( ) I object to the recommendation.

( ) I am recused from voting.

COMMENTS: _____

DATE: 1/7/09 SIGNATURE: Sharon Edwards for Commissioner Beach

Attachments: Memorandum to close portion of January 15, 2009 meeting, General Counsel certification that EAC may close portion of January 15, 2009 meeting,

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the EAC Chairman. Please return the ballot no later than date and time shown above.

"Gineen Bresso"
<gbeacheac@gmail.com>
01/07/2009 04:31 PM

To "sedwards@eac.gov" <sedwards@eac.gov>
cc
bcc
Subject Tally vote for closed meeting on GC

As per our conversation I hereby authorize sharmili edwards to sign the tally vote to approve the meeting.

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Sent from my mobile device

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( ) I am recused from voting.

COMMENTS: _____

_____

_____

DATE: 7 Jan 2009 SIGNATURE: [signature]

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DATE: 1/07/2009 SIGNATURE: _____
FOR COMMISSIONER DONETTA DAVIDSON

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Donetta L. Davidson/EAC/GOV

01/07/2009 02:55 PM

To DeAnna M. Smith/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, "Gineen Beach" <gbeacheac@gmail.com>, Gracia Hillman/EAC/GOV@EAC

cc Stacie Fabre/EAC/GOV@EAC, Sharmili Edwards/EAC/GOV@EAC, Maisha Leek/EAC/GOV@EAC, Julie Ruder/EAC/GOV@EAC, Tamar

bcc

Subject Re: Tally Vote Matter - Close the portion of the January 15, 2009 meeting at which the EAC will discuss appointment of a General Counsel

History: This message has been replied to.

This email is to give Julie Ruder the authority to sign the Tally Vote on the Close portion of the January 15, 2009 meeting for me.

Sent from my BlackBerry Wireless Handheld
DeAnna M. Smith
----- Original Message -----

From: DeAnna M. Smith
Sent: 01/07/2009 02:47 PM EST
To: Rosemary Rodriguez; gbeacheac@gmail.com; Gracia Hillman; Donetta Davidson
Cc: Stacie Fabre; Sharmili Edwards; Maisha Leek; Julie Ruder; Tamar Nedzar; Thomas Wilkey; Alice Miller
Subject: Tally Vote Matter - Close the portion of the January 15, 2009 meeting at which the EAC will discuss appointment of a General Counsel

[attachment "Tally Vote 01-07-09.pdf" deleted by Donetta L. Davidson/EAC/GOV]

DeAnna M. Smith
Paralegal Specialist
Office of the General Counsel
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, D.C. 20005
202-566-3117 (phone)
202-566-1392 (fax)
www.eac.gov

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1225 New York Ave. NW – Suite 1100
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DATE: 1/7/2009 SIGNATURE: [signature]
on behalf of Comm'r Graeca Hillman

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A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the EAC Chairman. Please return the ballot no later than date and time shown above.

Gracia Hillman/EAC/GOV
01/07/2009 03:48 PM

To DeAnna M. Smith/EAC/GOV@EAC
cc "Maisha Leek" <mleek@eac.gov>
bcc
Subject Re: Tally Vote Matter - Close the portion of the January 15, 2009 meeting at which the EAC will discuss appointment of a General Counsel

This email authorizes Maisha Leek to sign my approval to the Tally Vote.

Sent from my BlackBerry Wireless Handheld