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 February 2, 2009 meeting at which the EAC	)
will discuss appointment of a General Counsel	)
	)

CERTIFICATION

I, Gineen Beach, Chair of the Election Assistance Commission, do hereby certify that on January 26, 2009 the Commission decided by a vote of 3-1. The following action(s) were taken:

1.

The Commission should close February 2, 2009 meeting during the Commission will discuss the appointment of a General Counsel.

Commissioners Beach, Davidson, and Rodriguez voted affirmatively, and Commissioner Hillman objected.

NOTE:

Commissioner Rodriguez comment – I will be on travel but have been assured by C. Beach that I may participate by phone.

Attest:

01/27/09
Date

Gineen Beach
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 23, 2009, 4:00 PM

BALLOT DEADLINE: January 26, 2009, 4:00 PM

COMMISSIONERS: BEACH, DAVIDSON, HILLMAN, RODRIGUEZ

SUBJECT: Close the February 2, 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 February 2, 2009 meeting, General Counsel certification that EAC may close February 2, 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.

From Gineen Beach, Chair

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

MEMORANDUM

TO: Commissioners Davidson, Hillman, Rodriguez

FROM: Commissioner Beach

DATE: January 23, 2009

RE: Closure of February 2, 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. The EAC will hold a closed session on February 2, 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 February 1, 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 February 2, 2009 meeting at which EAC will discuss the appointment of a General Counsel.

RECOMMENDATION:

Close February 2, 2009 meeting during which the Commission will discuss the appointment of a General Counsel.

To: File
From: Tamar Nedzar, Associate General Counsel
Date: January 23, 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 meeting on February 2, 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 meeting on February 2, 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

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✓ I approve the recommendation.

( ) I disapprove the recommendation.

( ) I object to the recommendation.

( ) I am recused from voting.

COMMENTS: _____

DATE: 01/23/09 SIGNATURE: Gineen Beach

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From Gineen Beach, Chair

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( ) I disapprove the recommendation.

( ) I object to the recommendation.

( ) I am recused from voting.

COMMENTS: _____

DATE: 1-23-09 SIGNATURE: Dorethea Davidson

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COMMENTS: I will be on travel but have been assured by C. Beach that I may participate by phone,

DATE: 1-23-09 SIGNATURE: [illegible]

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TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: January 23, 2009, 4:00 PM

January 27, 2009 MCL per EAC policy

BALLOT DEADLINE: ~~January 26,~~ 2009, 4:00 PM

COMMISSIONERS: BEACH, DAVIDSON, HILLMAN, RODRIGUEZ

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( ) I object to the recommendation.

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COMMENTS: _____

DATE: 1/-26-09 SIGNATURE: [signature]

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RECOMMENDATION:

Close February 2, 2009 meeting during which the Commission will discuss the appointment of a General Counsel.