



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 27, 2009 the Commission decided by a vote of 3-1. The following action(s) were taken:

I.

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

Commissioners Beach, Davidson, and Rodriguez voted affirmatively, and Commissioner Hillman disapproved the recommendation.

NOTE:

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

Attest:

1/28/09  
 Date

Sharniki Edwards for Gineen Beach  
 Chair



"Gineen Bresso"  
<gbeacheac@gmail.com>  
01/28/2009 04:30 PM

To dsmith@eac.gov  
cc "Sharmili Edwards" <sedwards@eac.gov>  
bcc  
Subject Tally vote

I authorize sharmili edwards to sign my name to certify the tally vote. Thanks

--

Sent from my mobile device



**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 *OB*  
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:**

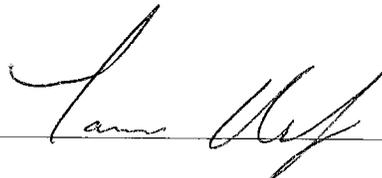
Close February 2, 2009 meeting during which the Commission will discuss the appointment of a General Counsel.

To: File *TN*  
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



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: 01/23/09

SIGNATURE: *Gineen Beach*

**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

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: 1-23-09

SIGNATURE: Donetta Davidson

**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

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

DATE: 1-23-09

SIGNATURE: *Gineen Beach*

**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

TALLY VOTE MATTER

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

BALLOT DEADLINE: January 26, 2009, 4:00 PM *January 27, 2009 MEL per EAC policy*

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: 1-26-09 SIGNATURE: *[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 *CB*  
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.