



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 E. Rodriguez  
 Rosemary Rodriguez  
 Chair



**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 *CR*  
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](mailto: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 -----

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

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.

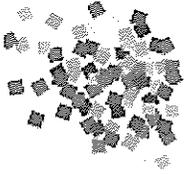
Thanks,

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](mailto:TNedzar@eac.gov)

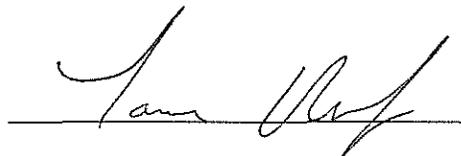
THIS MESSAGE IS FOR ITS INTENDED RECIPIENT ONLY. IT MAY BE A PRIVILEGED DOCUMENT AND SHALL NOT BE RELEASED TO A THIRD PARTY WITHOUT THE CONSENT OF THE SENDER.

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

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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  
1225 New York Ave. NW - Suite 1100  
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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: Sharindi 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.

--

Sent from my mobile device



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**COMMENTS:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DATE:** 7 Jan 2009      **SIGNATURE:** [Handwritten Signature]

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\_\_\_\_\_  
\_\_\_\_\_

DATE: 1/07/2009 SIGNATURE: [Signature]  
FOR COMMISSIONER DONETTA DAVIDSON

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

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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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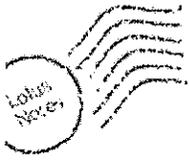
DATE: 1/7/2009

SIGNATURE: *Maribel*

*on behalf of Comm'n Gracia Hillman*

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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