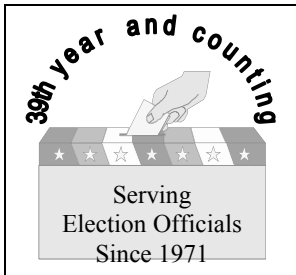


ELECTION • The Newsletter for Election Officials **ADMINISTRATION** *REPORTS*

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Washington focus: The U.S. Election Assistance Commission's (EAC) Technical Guidelines Development Committee (TGDC) will hold a two-day meeting December 9-10, 2009, at the National Institute of Standards and Technology (NIST) in Gaithersburg, Maryland. The TGDC will be briefed by the EAC and NIST on current standards development work as well as on the EAC's testing and certification process. The TGDC will also begin to develop a work plan toward future standards. For further information, contact John Wack at NIST: voting@nist.gov.

EAC RESOLVES POLITICAL DISCRIMINATION CASE BY PROVIDING SUBSTANTIAL MONETARY SETTLEMENT

The U.S. Office of Special Counsel (OSC) announced in a December 2, 2009, press release that the U.S. Election Assistance Commission (EAC) agreement to provide the complainant "a substantial monetary settlement" resolved a prohibited personal practice complaint against the commission. The OSC reported that its investigation uncovered evidence showing that the EAC acted illegally in refusing to approve an appointment to the Office of General Counsel because the person hired was a Republican.

According to the OSC, in 2008, the four commissioners initially selected the complainant as the agency's general counsel. The OSC asserted after the selection was made, two of the commissioners researched the candidate's off-the job political activity and received contacts about his appointment. The OSC release states these two commissioners objected to the appointment because the complainant's then employer was perceived as politicized and was a political appointee. Although the complainant submitted additional references and information, the two commissioners voted to disapprove the appointment.

EAC Executive Director Tom Wilkey, in a December 3 letter to William Reiukauf, OSC Associate Special Counsel, called the release "inaccurate and a gross mischaracterization of events." He asserted the OSC stopped its investigation when the parties agreed to settle but the press release presented findings and "does not parse fact from speculation." Wilkey asked the OSC "to retract the release and replace it with one that is accurate in fact and representation." Hillman forwarded Wilkey's response to the National Association of Secretaries of State President Trey Grayson (KY) and asked that he share it with the NASS membership.

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Season's Greetings and Best Wishes for a Happy New Year!
The next issue of this newsletter will be January 4, 2010.