

## §6.6

## 39 CFR Ch. I (7–1–23 Edition)

which contain information inappropriate for public disclosure under 5 U.S.C. 552(b) or 39 U.S.C. 410(c).

### §6.6 Quorum and voting.

Except for matters considered through the notation voting process described in §6.7, the Board acts by resolution upon a vote of those members who attend a meeting in accordance with §6.4. No proxies are allowed in any vote of the members of the Board. As provided by 39 U.S.C. 205(c), any six (6) members constitute a quorum for the transaction of business by the Board, and a resolution requires a favorable vote of a majority of those members who are present, except as follows:

(a) In the appointment or removal of the Postmaster General, and in setting the compensation and benefits of the Postmaster General and Deputy Postmaster General, 39 U.S.C. 205(c)(1) requires a favorable vote of an absolute majority of the Governors in office.

(b) In the appointment or removal of the Deputy Postmaster General, 39 U.S.C. 205(c)(2) requires a favorable vote of an absolute majority of the Governors in office and the Postmaster General.

(c) In the appointment, removal, or in the setting of the compensation and benefits of the Secretary, Assistant Secretary, or other necessary staff, a favorable vote of an absolute majority of the Governors in office is required.

(d) In the determination to close a portion of a meeting or to withhold information concerning a meeting, 5 U.S.C. 552b(d)(1) requires a vote of a majority of the entire membership of the Board.

(e) In the decision to call a meeting with less than a week's notice, 5 U.S.C. 552b(e)(1) requires a vote of a majority of the members of the Board. In the decision to change the subject matter of a meeting, or the determination to open or close a meeting, 5 U.S.C. 552b(e)(2) requires a vote of a majority of the entire membership of the Board.

(f) In establishing rates or classes of competitive products of both general and not of general applicability in §§3.9 and 3.10 of these bylaws, 39 U.S.C. 3632(a) requires the concurrence of a majority of all of the Governors then holding office.

(g) In the appointment of the Inspector General, 39 U.S.C. 202(e) requires a favorable vote of a majority of the Governors then in office and of a majority of the Commissioners of the Postal Regulatory Commission then in office.

(h) In removing the Inspector General for cause, 39 U.S.C. 202(e) requires the written concurrence of at least 7 Governors and 3 Commissioners of the Postal Regulatory Commission.

(i) In adjusting the funding requested in the Postal Regulatory Commission's budget for the succeeding fiscal year, 39 U.S.C. 504(d) requires a unanimous written decision of the Governors then holding office, issued no later than 30 days after receiving the budget.

(j) In approving a program established under 39 U.S.C. 3703 to enter into agreements with agencies of state, local or tribal governments to provide property or non-postal services to the public on such agencies' behalf, 39 U.S.C. 3703(c) requires a recorded and publicly available vote of a majority of the Governors then holding office.

[73 FR 78983, Dec. 24, 2008, as amended at 77 FR 17334, Mar. 26, 2012; 86 FR 10014, Feb. 18, 2021; 87 FR 68908, Nov. 17, 2022]

### §6.7 Notation voting.

(a) *General.* Notation voting consists of the circulation of physical or electronic written memoranda and voting sheets to each member of the Board simultaneously and the tabulation of submitted responses. Notation voting may be used only for routine, non-controversial, or administrative matters.

(b) *Administrative Responsibility.* The Secretary of the Board is responsible for:

(1) Distributing notation voting memoranda and voting sheets;

(2) Establishing deadlines for notation voting sheets to be completed and returned;

(3) Processing and tabulating all notation voting sheets; and

(4) Determining whether further action is required.

(c) *Veto of notation voting.* In view of the public policy for openness reflected in the Government in the Sunshine Act and in these bylaws, each Board member is authorized to veto the use of notation voting for the consideration of