



December 19, 2022

City Council Speaker Adrienne Adams
City Council Majority Leader and Rules Committee Chair Keith Powers

Re: Conduct a Meaningful Public Hearing Before Appointing the Next Board of Elections Commissioner

We write to ask that you hold a public confirmation hearing for the New York County Democratic nominee for Commissioner of Elections and take transparent measures that would vet the nominee's experience and fitness to administer elections. We believe the City Council should follow this process for all nominees for Commissioner of Elections.

A recent vacancy in the New York City Board of Elections provides this Council with the first opportunity to ensure New York City has qualified, independent, and voter-centric election officials.

Under the current legal framework, the Council is the only elected body with some power to impact the selection of commissioners to the NYC BOE. It can and should take measures to guarantee qualified commissioners are appointed, from holding public hearings with adequate notice to refusing to appoint party-recommended candidates should they not demonstrate the necessary experience or commitment.

We take no position on whether the current nominee is qualified to serve but believe all nominees, now and in the future, must be carefully scrutinized by the Council.

State law gives the New York County Democratic Party 45 days from the occurrence of the vacancy to submit a recommendation to the Council. If it fails to do so, the Democratic Conference in the Council may appoint any eligible person to the office. Once the county party submits its nomination, the Council has 30 days to take action on the recommendation. Otherwise, the decision moves to the Democratic Conference.¹ If approved, the nominee will serve until the end of 2024 or later if reappointed.

We urge Council Members to conduct a transparent review process of the nomination through the Committee on Rules, Privileges and Elections. City and State lawmakers have repeatedly claimed they're focused on reforming the NYC BOE. Indeed, the State Senate recently passed a bill requiring legislative bodies to hold a public hearing before appointing election commissioners (S8289).

Specifically, we urge Council Members to:

1. Conduct a meaningful public hearing that assesses the nominee's experience and qualifications as it pertains to election administration in New York and nationally, and voting rights.
2. Make public the nominee's resume and other non-private materials about experience or qualifications presented to Council Members.
3. Require the nominee to commit publicly to reforms, including implementing bills passed by the City Council, hiring election staff based on merits rather than party-based patronage, allowing the Board's Executive Director to unilaterally hire and fire employees, and publicly posting all open job positions. The City Council has required previous nominees to pledge their support for

¹ New York State Election Law § 3-204

such reforms, including previous Manhattan Democratic Commissioners, and it should continue this precedent.

4. Ascertain the degree to which the nominee recognizes their obligation to serve all the voters of New York City, not only those of the party that is nominating them.
5. Make all votes on the nominee public, including ones held by the Manhattan Delegation and the Democratic Conference, if such votes are held. All party conference votes for election commissioners were webcast during the previous Council term, and Council Members should continue this precedent.
6. Disclose any conflicts of interest related to the nominee's work at the county party that might affect their service on the Board of Elections.
7. Reject the county party nominee if you find the nominee not qualified to lead an election administration agency.

Our groups believe election commissioners must have the relevant qualifications to lead an election administration agency, and be appointed based on their merits rather than their affiliation to a party, a candidate, or an elected official. To avoid conflicts of interest, there should be limitations on who can be appointed to the Board of Elections.

The New York City Board of Elections has been a source of frustration for voters, Council Members, and advocates for years. The Council must exercise its authority in reviewing nominees to make an impact on the Board's leadership and improve New York's elections.

Sincerely,

Betsy Gotbaum, Executive Director
Citizens Union

Susan Lerner, Executive Director
Common Cause/NY

Deborah Brodheim and Kai Rosenthal, Co-Presidents
League of Women Voters of the City of New York

Blair Horner, Executive Director
New York Public Interest Research Group

John Kaehny, Executive Director
Reinvent Albany

CC: Committee on Rules, Privileges, and Elections – members