



September 21, 2021

Submitted via email

City Council Speaker Corey Johnson
City Council Majority Leader Laurie Cumbo
Committee on Rules, Privileges, and Elections Chair Karen Koslowitz

Re: Conduct a Meaningful Public Hearing Before Appointing the Next New York County Democratic Commissioner of the Board of Elections

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 future nominees for Commissioner of Elections.

Under the current legal framework, the City Council is perhaps the only elected body with some power, if limited, to impact the selection of commissioners to the BOE and make it more professional. The Council is not required to rubber-stamp the parties' recommended candidates. It can and should take measures to ensure qualified commissioners are appointed, from holding a public hearing with adequate notice to refusing to appoint the recommended candidate should they not demonstrate the necessary experience or qualifications. The Council should be more assertive in using these measures.

Less than three months after the BOE's reporting error turned our city's elections into a national embarrassment, it is imperative that we have qualified, independent, and voter-centric individuals to serve on the Board. Meaningful scrutiny of nominees is even more important because Council Members have so few chances of doing so. The current City Council has appointed only five new election commissioners, on three different occasions. If approved, the New York County Democratic nominee will serve until the end of 2024, or later if reappointed.

The nominee, Jenny Low, is a Democratic District Leader who served in the Council Speaker's office since the start of this term, first as Director of Community Engagement and later as Director of Administrative Services. Most recently, she ran for council in the June 2021 Democratic Primary. She is slated to replace Manhattan Democratic Commissioner Tiffany Townsend, also a Democratic District Leader and former senior advisor to Speaker Johnson. Low's experience could be relevant, but the Council must make a real effort to inspect her qualifications and whether she is suitable for the position. We take no position on whether Ms. Low is qualified to serve, but believe she and future such nominees must be carefully scrutinized by the Council.

We urge Council Members to

1. Conduct a meaningful public hearing that assesses the nominee's experience and qualifications specifically 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 for such reforms, including the previous Manhattan Democratic Commissioner, and it should continue this precedent.
4. Ascertain the degree to which the nominee recognizes her obligation to serve all the voters of New York City, not only those of the party that is nominating her.
5. Make all votes on the nominee public, including ones held by the Manhattan Delegation and the Democratic Conference. The Democratic conference has held a public vote on appointing election commissioners in February 2019, and it should continue this precedent.
6. Disclose any conflicts of interest related to the nominee's work at the City Council that might affect her 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

Blair Horner
Executive Director
New York Public Interest Research Group

Susan Lerner
Executive Director
Common Cause NY

John Kaehny
Executive Director
Reinvent Albany

CC:

Manhattan Delegation co-chair Helen Rosenthal
Manhattan Delegation co-chair Mark Levine
Committee on Rules, Privileges, and Elections – members