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**THE COUNCIL OF THE CITY OF NEW YORK**



**OFFICE OF THE GENERAL COUNSEL**

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**COMMITTEE REPORT OF THE**

**COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS**

**Hon. Keith Powers, Chairperson**

**January 18, 2023**

**Presconsidered M 109:** Communication from the New York County Democratic Committee recommending the name of Carol R. Edmead to the Council regarding her appointment to the office of Commissioner of Elections of the Board of Elections pursuant to § 3-204 of the New York State Election Law.

**Presconsidered M\_110:** Deanna Hoskins, candidate for appointment by the Council to the New York City Board of Correction pursuant to § 626 of the New York City Charter.

**Presconsidered M 111:** Rachel Bedard, candidate for appointment by the Council to the New York City Board of Correction pursuant to § 626 of the New York City Charter.

**Topic I: Board of Elections – (New York County Democratic Party recommendation for appointment by the Council.**

* **Judge Carol R. Edmead**

The New York City Board of Elections (“BOE”) consists of ten commissioners, two from each of the City’s five counties, who are directly appointed by the New York City Council. Not more than two commissioners shall be registered voters of the same county. Each commissioner serves a term of four years or until a successor is appointed. Commissioners shall be registered voters from each of the major parties in the county for which they are appointed [*New York State Election Law* § 3-200(3)].

Party recommendations for election commissioner shall be made by the County Committee, or in such fashion as the rules of a party may provide. Each of the major political parties shall be eligible to recommend appointment of an equal number of commissioners [*New York State Election Law* *§ 3-200(2)*]. The BOE and its commissioners are responsible for the maintenance and administration of voting records and elections. The BOE also exercises quasi-judicial powers by conducting hearings to validate nominating petitions of candidates for nomination to elective office. The BOE is required to make an annual report[[1]](#footnote-1) of its affairs and proceedings to the New York City Council once every twelve months and no later than the last day of January in any year. A copy of said annual report shall be filed with the New York State Board of Elections [*New York State Election Law* § 3-212(4)(a)].

At least thirty days before the first day of January of any year on which an elections commissioner is to be appointed, the Chair or Secretary of the appropriate party County Committee shall file a *Certificate of Party Recommendation* with the Clerk of the appropriate local legislative body [*New York State Election Law* § 3-204(1)]. In New York City, the City Clerk serves as the Clerk of the Council. If the Council fails to appoint an individual recommended by a party for appointment as a Commissioner within thirty days after the filing of a *Certificate of Party Recommendation* with the Council, then members of the Council who are members of the political party that filed the certificate may appoint such person. If none of the persons named in any of the certificates filed by a party are appointed within sixty days of the filing of the designating certificate, then such party may file another certificate within thirty days after the expiration of any such sixty day period recommending a different person for such appointment. If the party fails to file a *Certificate of Party Recommendation* within the time prescribed, the members of the Council who are members of such party may appoint any eligible person to such office [*New York State Election Law* § 3-204(4)].

If at any time a vacancy occurs in the office of any election commissioner other than by expiration of term of office, party recommendations to fill such vacancy shall be made by the county committee in such fashion as the rules of the party may provide.[[2]](#footnote-2) *Certificates of Party Recommendation* to fill such vacancy shall be filed no later than forty-five days after the creation of a vacancy. Anyone who fills a vacancy shall hold such office during the remainder of the term of the commissioner in whose place he/she shall serve [*New York State Election Law* § 3-204(5)].

BOE elects a President and a Secretary who cannot belong to the same political party [*New York State Election Law* § 3-312(1)]. The commissioners receive a $300 per-diem for each day’s attendance at meetings of the BOE or any of its committees, with a maximum of $30,000 per year [*New York State Election Law* § 3-208].

Judge Carol Edmead, resident of New York County, is recommended by the New York County Democratic Party for appointment by the Council to the position of Commissioner of the BOE to serve for the remainder of an unexpired four-year term that ends on December 31, 2024.

A copy of the candidate’s résumé as well as the related associated message is attached to this briefing paper.

**Topic II:** **Board of Corrections – (Candidates for appointment by the Council)**

* **DeAnna R. Hoskins**
* **Dr. Rachel Bedard**

Pursuant to *New York City Charter* (“*Charter*”) § 626, the New York City Board of Correction (“BOC”) is responsible for the inspection and visitation at any time of all institutions and facilities under the jurisdiction of the Department of Correction (“DOC”), as well as the evaluation of DOC performance. The BOC must establish minimum standards for the care, custody, correction, treatment, supervision, and discipline of all persons held or confined under the jurisdiction of the department; and it shall promulgate such minimum standards in rules and regulations after giving the mayor and commissioner an opportunity to review and comment on the proposed standards, or amendments or additions to such standards.

The BOC consists of nine (9) members. Three members shall be appointed by the mayor, three by the Council, and three by the mayor on the nomination jointly by the presiding justices of the appellate division of the supreme court for the first and second judicial departments. Appointments shall be made by the three respective appointing authorities on a rotating basis to fill any vacancy. The chairman of the board shall be designated from time to time by the mayor from among its members.

These members are appointed for six-year terms with vacancies filled for the remainder of the unexpired term. The BOC may appoint an executive director to serve at its pleasure with such duties and responsibilities as the board may assign, and other professional, clerical, and support personnel within appropriations for such purpose.

The BOC shall establish procedures for the hearing of grievances, complaints or requests for assistance (1) by or on behalf of any person held or confined under the jurisdiction of the department or (2) by any employee of the department. BOC also issues a report, at least every three years, on issues related to the department’s grievance process. Such report shall incorporate direct feedback from incarcerated individuals and proposed recommendations for relevant improvements, and shall include a section of recommendations on how to improve the grievance process for vulnerable populations, including incarcerated individuals who are lesbian, gay, bisexual, transgender, intersex, and gender nonconforming. Such report shall be submitted to the Council and posted on the board’s website.

If appointed as a commissioner to the BOC, Dr. Rachel Bedard, a resident of the Borough of Brooklyn, will serve the remainder of an unexpired six-year term that ends on October 12, 2026.

If appointed as a commissioner to the BOC, Ms. Hoskins, a resident of the Borough of Brooklyn, will serve a six-year term.

A copy of each candidate’s résumé as well as the related associated message is attached to this briefing paper.

1. The annual report shall include a detailed description of existing programs designed to enhance voter registration. The report shall also include a voter registration action plan to increase registration opportunities [*New York State Election Law* § 3-212(4)(b)]. [↑](#footnote-ref-1)
2. According to *New York State Public Officers Law* § 5, every officer except a judicial officer, a notary public, a commissioner of deeds and an officer whose term is fixed by the Constitution, having duly entered on the duties of his office, shall unless the office shall terminate or be abolished, hold over and continue to discharge the duties of his office after the expiration of the term for which he shall have been chosen, until his successor shall be chosen and qualified; but after the expiration of such term, the office shall be deemed vacant for the purpose of choosing his successor. [↑](#footnote-ref-2)