

STATE OF NEW YORK
NEW YORK STATE BOARD OF ELECTIONS

In the Matter of:

DOMINICK CICIARELLI,

Complainant,

HAVA Complaint No. 25-06
Determination

-v-

MICHAEL MIRIZIO,

Respondent.

Procedural Background

On March 28, 2025, the New York State Board of Elections (hereinafter “NYSBOE”) received a written, sworn, signed, and notarized Complaint (hereinafter the “Complaint”) dated March 25, 2025, filed by Dominick Ciciarelli, alleging certain conduct that constitutes violations of Title III of the Help America Vote Act of 2002 (52 U.S.C. § 21081) (hereinafter “HAVA”).

Generally, the Complaint alleges that the Respondent, Michael Mirizio, currently serves as both Councilor for the Town of Cicero, as well as a member of the North Syracuse Central School District Board of Education. The Complaint states that the Respondent holds both offices simultaneously in violation of New York State Education Law Section 2553.

Jurisdiction

Section 402 of the Help America Vote Act of 2002 requires New York State to create a state based administrative complaint procedure to assure compliance with Title III of the Help America Vote Act of 2002 (hereinafter HAVA). Title III has three substantive sections: 1) voting system standards; 2) provisional voting and voting information requirements; and 3) computerized statewide voter registration list

requirements and requirements for voters who register by mail. Nothing in Title III discusses the issue of incompatible elective offices.

Determination

The Complaint has failed to allege a violation of Title III of HAVA, which neither controls nor speaks to the incompatibility of elected offices. Furthermore, the relief being sought within the Complaint – specifically, that the Respondent resign from his position as Town Councilor – is beyond the scope of relief that can be granted through the HAVA administrative process.

For the reasons stated above, the Complaint is hereby dismissed.

Dated: March 31, 2025

Kevin G. Murphy
Deputy Counsel, New York State Board of Elections

Aaron Suggs
Deputy Counsel, New York State Board of Elections