

Amending The 2026 County Budget To Ensure Compliance With New York State Election Law § 3-208 Regarding The Salaries Of Election Commissioners

Referred to: The Laws, Rules and Government Services Committee (Chairman Levine and Legislators Collins, Kovacs, Murray, Nolan, Peters, and Uchitelle), and The Ways and Means Committee (Chairman Collins and Legislators Berardi, Donovan, Grossman, Peters, Roberts, and Uchitelle)

Deputy Chair of the Laws, Rules and Government Services Committee, Jason Kovacs, offers the following:

WHEREAS, New York State Election Law § 3-208 provides that “Each election commissioner in the same county shall receive an equal salary,” and further provides that such salary shall be an annual salary fixed by the county legislative body, except in the City of New York; and

WHEREAS, pursuant to Election Law § 3-208, the authority to fix the salaries of election commissioners rests solely with the county legislative body, and such authority carries with it the obligation to ensure that the salaries established are equal in amount; and

WHEREAS, the courts of this State have held that a county legislature may amend or adjust the salaries of election commissioners in order to comply with Election Law § 3-208, and that the statute requires parity in compensation between commissioners regardless of party affiliation (see *Monahan v. Murphy*, 71 A.D.2d 92 [3d Dept. 1979], *aff’d* 51 N.Y.2d 807); and

WHEREAS, the 2026 adopted County budget provides for an annual salary of \$121,000 for the Democratic Commissioner of Elections and an annual salary of \$118,000 for the Republican Commissioner of Elections; and

WHEREAS, the existence of unequal salaries for election commissioners within the same county is inconsistent with the express requirements of Election Law § 3-208; and

WHEREAS, continued payment of unequal salaries would constitute compensation not authorized by statute and could subject the County to audit findings, corrective action, or disallowance by the Office of the State Comptroller; and

WHEREAS, the County Legislature finds it necessary and appropriate to amend the 2026 County budget to bring the salaries of the Commissioners of Elections into compliance with Election Law § 3-208; now, therefore be it

Resolution No. 93 February 17, 2026

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Election Commissioners**

RESOLVED, that the 2026 County Budget is hereby amended as follows to increase the annual salary of the Republican Commissioner of Elections from \$118,000 to \$121,000, Grade 19, Step 9 on the Management Salary Table, so that each Election Commissioner in the County receives an equal annual salary as required by New York State Election Law § 3-208:

RESOLVED, that position number 14501001, Commissioner of Elections is hereby amended and the 2026 Personnel Listing is amended as follows:

AMEND

<u>POSITION #</u>	<u>TITLE</u>	<u>AMOUNT</u>
14501001	Commissioner of Elections *Annual Salary Annual Benefits (\$ 55,039.00)	*\$121,551.00

and, be it further

RESOLVED, that the 2026 Ulster County Operating Budget is amended as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
AA.9900.9900-3700.9990 (Rev. #)	Appropriated Fund Balance	\$ 4,325.00
AA.1450.1176-1300.1300 (App.#)	Regular Pay	\$ 3,526.00
AA.1450.1176-8000.8000 (App.#)	Retirement	\$ 529.00
AA.1450.1176-8010.8010 (App.#)	Social Security	\$ 270.00

and, be it further

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RESOLVED, that such salary adjustment shall be effective retroactively to January 1, 2026, pending final adoption of Proposed Local Law No. 17 of 2025; and, be it further

RESOLVED, that this resolution is adopted solely to ensure compliance with state law and does not alter the duties, authority, or structure of the County Board of Elections,

and moves its adoption

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Laws, Rules and Government Services on _____.

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT:

**\$4,325.00 - INCREASE 2026 GENERAL FUND APPROPRIATED FUND
BALANCE**

\$4,325.00 - INCREASE TO 2026 GENERAL FUND APPROPRIATIONS