Official Year & Organizational Meeting

Does the village’s official year change because of the postponement of the village election?

No. Pursuant to Village Law § 3-302, the official year begins at noon on the first Monday in the month following the date that the village election would have been held. Consequently, for villages whose elections were scheduled for March 18, 2020, the official year will begin at noon on April 6, 2020. Similarly, for villages whose elections were scheduled for June 16, 2020, the official year will begin at noon on July 6, 2020.

Is the organizational meeting changed?

NYCOM recommends that the organizational meeting and the appointment of appointed officials (e.g., the clerk, treasurer, deputy-clerk, deputy-treasurer, etc.) should be delayed until after a postponed village election is conducted, as the spirit of the law is to afford the newly elected mayors and boards of trustees the ability to conduct the organizational meeting and to make such appointments.

Are current village officials in hold over?

Per Public Officers Law § 5, individuals whose terms of office are set to expire at noon on the Monday of the month following the month that the election would have been held (e.g. April 6th or July 6th) will continue as holdovers in office until their successors are duly chosen and qualified. This applies to both elected and appointed officers. While Public Officers Law § 5 does not ordinarily apply to judicial officers, Executive Order 202.4 (as extended by Executive Order 202.38) stated that village justices will also continue in office. Individuals who are elected at the September 15th village elections may take office as soon as the election results are certified. While there is no specific deadline for certifying the results of the village election, once the time has passed to request a re-canvass (two days after the election), villages may consider their election results certified.

May current members of the village board resign before the rescheduled election takes place?

Under Public Officers Law § 31, village mayors and trustees may resign by tendering their resignation in the form of an original signed writing to the village clerk. If a trustee resigns, the mayor may fill the vacancy created by an effective resignation pursuant to Village Law § 3-312(3). Similarly, if the mayor resigns, the deputy mayor will serve in the absence of the mayor, and the board may fill the vacancy pursuant to Village Law § 3-312(3). In either instance, if the vacated office is currently on the ballot, the election must still take place on September 15, 2020 to fill the office, irrespective of any appointments that may be made.

When will the board members elected on September 15, 2020 take office?

Pursuant to Executive Order 202.26 (as extended to September 19, 2020 by Executive Order 202.57), the newly elected village officials will assume office when (a) the results of the election are certified pursuant to Election Law § 15-126 and (b) they file their written oath of office with the village clerk (or sign the village’s oath book).