May the Village Postpone Fire Department Elections?
Under Village Law § 10-1010, fire companies whose members constitute a village fire department must conduct an annual meeting and election on the first Tuesday of April in each year. While the statute provides no authority for the village nor the fire department to postpone the election, the Office of the Attorney General has opined that the village board of trustees may enact a local law changing the date of the internal company elections. Such a local law would require a public hearing among the other requirements provided in Municipal Home Rule Law § 10. However, failure to hold the internal election will result in the officers continuing to hold over in their positions pursuant to Public Officers Law § 5.

Does Executive Order 202.26 Postponing Village and Special District Elections Also Apply to Fire Department Elections?
As fire department elections are internal elections, NYCOM does not interpret Executive Order 202.26 as applying to fire department elections. However, Executive Order 202.10 prohibited non-essential gatherings of individuals of ANY SIZE FOR ANY REASON (e.g. parties, celebrations or other social events). It is not clear whether the fire department elections are considered essential.

Can the Fire Department Conduct the Election Via Videoconference or Teleconference?
Internal elections for village fire departments are conducted pursuant to the department’s bylaws. Therefore, depending on how those rules have been adopted locally, there may be an opportunity to conduct the elections through video or teleconferencing services. NYCOM staff recommends that village fire departments consult their bylaws to determine if this option is available.