



## **After the School Board Election**

### **Frequently Asked Questions Regarding Post-Election Procedures**

Election day has passed and superintendents, current board members, and newly elected trustees turn their attention to post-election procedures. Here are some quick answers to a few of the most frequently asked questions about what happens after the election when the result is clear and uncontested. For information regarding ties, recounts, runoffs, contests, or other issues, contact the school district's attorney, the Secretary of State Elections Division, or TASB Legal Services.

***Q. What is the order of events following the election?***

**A. The Elections Division recommends that post-election procedures occur in the following sequence:**

1. Election is canvassed at an open meeting.
2. Certificate of Election is issued to newly-elected board members.
3. Statement of Officer is completed and filed locally.
4. Newly-elected officers take the Oath of Office.
5. Newly-sworn board members assume the duties of office.

***Q. What is the canvass? When and by whom is the canvass conducted?***

**A. The canvass of an election is the final step in the election process and is the official act of finalizing the results.** In general, the board must canvass the returns at the time set by the presiding officer. For elections in May or November of odd-numbered years, the canvass must occur no earlier than the third day or later than the 11th day after the election; for a November election in even-numbered years, the canvass must occur no earlier than the third day or later than the 14th day after the election. The canvass may not be conducted until the early voting ballot board has verified and counted all provisional ballots AND all timely received ballots cast from addresses outside the United States. Tex. Elec. Code § 67.003.

The canvass must be conducted at a properly posted open meeting. Two board members constitute a quorum for the purpose of canvassing the election. Under the Open Meetings Act (OMA), no other school business may be conducted at this meeting unless a full quorum is present and the other business is properly posted on the meeting notice. The presiding officer must note the completion of the canvass in the minutes or recording required by the OMA. Tex. Elec. Code § 67.004.

**Q. *When and by whom is the certificate of election issued?***

- A. After the canvass, the presiding officer prepares a certificate of election for each candidate who was elected; this may be done at the canvass.** A certificate of election must contain the candidate's name; the office to which the candidate is elected; a statement of election to an unexpired term, if applicable; the date of the election; the signature of the officer preparing the certificate; and any seal the district uses to authenticate documents. The Elections Division has a sample form, but the district may create its own. Tex. Elec. Code § 67.016.

If the board canceled the election, a certificate of election is still issued to each candidate declared elected. The Elections Division advises that certificates of election be issued to unopposed candidates *after* the day the election would have taken place during the canvassing period. The unopposed candidates are then sworn in as if an election had been conducted. For more information, see the [Post-Election Procedures Advisory](#) prepared after each election by the Elections Division.<sup>1</sup>

**Q. *What is the statement of officer? When and where is it filed?***

- A. The Texas Constitution requires an elected or appointed officer, including a school district trustee, to file a statement declaring that the officer did not directly or indirectly pay, offer, or promise to pay money or other valuable consideration for votes or appointment.** The completed statement of officer is filed locally with the appropriate district official for retention with official board records. Tex. Const. art. XVI, § 1(b).

**Q. *When and by whom is the oath of office administered?***

- A. A number of public officials may administer the oath of office, including a notary public, a judge, or a justice of the peace.** An authorized official may administer the oath only after the votes are canvassed, the certificate of election issued, and the statement of elected officer completed. Once a candidate takes these steps, the candidate is not *required* to wait to be sworn in during a board meeting or special ceremony, although newly elected members often prefer to be sworn in at such an event to mark the solemnity of the occasion. The oath of office is filed with the board president. Tex. Educ. Code 11.061(a).

The Secretary of State provides forms for the [Statement of Officer](#) and [Oath of Office](#).

---

<sup>1</sup> [sos.state.tx.us/elections/laws/schoollaws.shtml](https://sos.state.tx.us/elections/laws/schoollaws.shtml).

**Q. When may newly elected trustees assume the duties of office?**

**A. A new trustee may assume the duties of office only after qualifying for office by executing the statement of officer and the oath of office.** Until such time, the predecessor trustee continues to hold office pursuant to the Texas constitutional holdover doctrine. See TASB Policy BBC(LEGAL).

**Q. When must the board select officers?**

**A. Texas Education Code section 11.061 requires that the board select officers at the first meeting after the election and qualification of trustees.** If the president or vice president are no longer on the board after the election, the selection of officers is conducted by the person designated in local policy. See TASB Policy BDAA(LOCAL). If the district does not have a local policy, the secretary of the board typically conducts an election for a temporary chair who then conducts the election for the new president; the new president conducts the elections for the remaining officers. If there is no board secretary, any board member (for example, the most senior member) may assume the chair and follow the process described above. TASB's Leadership Team Services has developed guidance on [Electing Board Officers](#) that board members may find useful during this process.<sup>2</sup>

The board may reorganize at times other than right after an election. The attorney general has offered examples of situations that might necessitate reorganization at other times, such as when an officer of the board resigns and a new officer must be chosen. Op. Tex. Att'y Gen. No. MW-531 (1982).

Although this article answers several of the most frequently asked questions regarding post-election procedures, it does not address all possible issues that might arise. For more information on timelines and deadlines for school district elections, refer to TASB [Legal Services Elections Resources](#).<sup>3</sup> If you have additional questions, call TASB Legal Services at 800.580.5345 or the Secretary of State Elections Division at 800.252.8683.

*This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is neither an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. It is important for the recipient to consult with the district's own attorney in order to apply these legal principles to specific fact situations.*

*Updated February 2018*

---

<sup>2</sup> [tasb.org/Services/Leadership-Team-Services/Resources/Documents/documents/QA-Electing-board-officers-Feb17.aspx](https://tasb.org/Services/Leadership-Team-Services/Resources/Documents/documents/QA-Electing-board-officers-Feb17.aspx).

<sup>3</sup> [tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Governance/Elections.aspx](https://tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Governance/Elections.aspx).