



After the Board Election¹ Frequently Asked Questions Regarding Post-Election Procedures

Following election day, community college officials, and newly elected trustees turn their attention to post-election procedures. The following are answers to frequently asked questions about what happens after an election when the result is clear and uncontested. For information regarding ties, recounts, runoffs, contests, or other issues contact the community college's local counsel, the Texas Secretary of State Elections Division, or TASB Community College Services.

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

- A. The Texas Secretary of State Elections Division recommends that post-election procedures occur in the following sequence:
1. The election is canvassed at an open meeting.
 2. The certificate of election is issued to newly-elected board members.
 3. The 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.

Tex. Const. art. XVI, § 1; Tex. Elec. Code §§ 67.004-.006, .016-.017.

Q. What is the canvass?

- 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 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. For all other elections, the canvass must occur no earlier than the third day or later than the 11th 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.

¹ An electronic version of this document is available on TASB College eLaw at tasb.org/services/community-college-services/resources/tasb-college-elaw/documents/after-the-board-election.pdf.

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

- A. The canvass must be conducted at a properly posted open meeting following the procedures described by Texas Election Code section 567.004. Two board members constitute a quorum for the purpose of canvassing the election. Under the Texas Open Meetings Act (OMA), no other community college 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(a), (g).

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 and office; a statement of election to an unexpired term, if applicable; the election date; the signature of the officer preparing the certificate; and any seal the community college uses to authenticate documents. The Elections Division has a [sample form](#), but the college may create its own. Tex. Elec. Code § 67.016.

If the board canceled the election because the candidates were unopposed, 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. Tex. Elec. Code § 2.053(e).

For more information, see the [Post-Election Procedures Advisory](#) prepared by the Elections Division.

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

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

The Secretary of State provides a form for the [Statement of Officer](#). A sample Statement of Officer may also be found at TASB Policy BBB(EXHIBIT).

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

- A. Any one of 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 secretary. Tex. Const. art. XVI, § 1(b)-(c); Tex. Gov't Code § 602.002.

The Secretary of State provides a form for the [Oath of Office](#). A sample Oath of Office may also be found at TASB Policy BBB(EXHIBIT).

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 serve and have all duties and powers of office pursuant to the Texas constitutional holdover doctrine. Tex. Const. art. XVI, §§ 1(b)-(c), 17(a). See TASB Policy BBC(LEGAL).

For more information about filling vacancies on a community college board, see TASB Community College Services' [Community College Board Member Resignations](#).

Q. *When must the board select officers?*

- A. Texas Education Code section 130.082(d) requires that the board select officers at the first meeting after a regular election in even-numbered years. The board may also select officers at any time necessary to fill a vacancy. Tex. Educ. Code § 130.082(d). Community colleges that hold elections in odd-numbered years should consult the college's attorney regarding the procedures for selecting board officers.

Q: *What TASB policies apply to board member elections?*

- A. See TASB Policies BBB(LEGAL), BBB(EXHIBIT), and BBC(LEGAL).

Q: *Where can I get more information about post-election procedures?*

- A: For more information, contact the [Secretary of State Elections Division](#) at 800.252.8683. Community college representatives may contact TASB Community College Services at 800.580.1488 or colleges@tasb.org.

For more information on community college law topics,
visit TASB Community College eLaw online at colleges.tasb.org/elaw.

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 college's own attorney in order to apply these legal principles to specific fact situations.