

When and by whom must the votes be canvassed?

Votes must be canvassed no earlier than the third day (Tuesday, May 16) or later than the eleventh day (Wednesday, May 24) after the election. The canvass may not be conducted until the ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election AND counted all timely received ballots cast from addresses outside the United States, if a ballot by mail was provided to a person outside of the United States.

Two board members constitute a quorum for purposes of canvassing the election. The canvass must be done in a properly-posted open meeting, with notice of the canvass posted at least 72 hours continuously before the canvass is conducted.

A good practice for tracking election results from year-to-year is maintaining an election register. Keeping past results in a well-organized manner at the district's offices is an easy way to memorialize elections cancellations and election results and track term endings for current board members. Provisions regarding election registers are found in Texas Election Code section 67.006.

What is the "Statement of Elected/Appointed Officer" and how, when, and where is it filed?

All elected and appointed officers, including school district trustees, must file a statement declaring that the officer has not directly or indirectly paid, offered, or promised to give money or any valuable consideration, including employment, for votes at the election or as a reward for appointment. The Statement must be kept "with the official records of the office" of the school district. The Statement can be found at Policy BBB(EXHIBIT).

When and by whom is the oath of office administered?

The oath of office is found in Article XVI, Section 1(a) of the Texas Constitution. See Policy BBB(EXHIBIT). The list of persons who may administer the oath, found in Texas Government Code section 602.002, was expanded by the legislature in 2001. The oath may now be administered and a certificate of oath given by a number of public officials, including: 1) a judge, retired judge, senior judge, clerk, or commissioner of a court of record; 2) a notary public; 3) a justice of the peace or clerk of a justice court; 4) the secretary of state of Texas; 5) the speaker of the house of representatives; 6) the lieutenant governor of Texas; 7) the governor of Texas; 8) a legislator or retired legislator; and 9) the attorney general. The oath may be administered *only after the votes are canvassed, the certificate of election is issued, and the required Statement is signed.* This may be done the night of the canvass.

It is *not necessary* for newly-elected trustees to be sworn in during a board meeting or at a particular time. In fact, each newly-elected trustee may be sworn in by a person authorized to administer the oath at any time after the necessary prerequisites have been satisfied. The oath of office is filed with the president of the board of trustees.

If the election is cancelled, the revised Election Code requires the board to **issue a certificate of election to each candidate who is declared elected in the same manner as required for a candidate elected at the election.** The Elections Division of the Secretary of State's Office advises that certificates of election are issued to unopposed candidates *after* election day, and the unopposed candidates are then sworn in just as candidates elected at an election.

When may newly-elected board members assume the duties of office?

A new trustee may assume the duties of office only after he or she has executed the required Statement and taken the oath of office. Until such time, the predecessor trustee continues to hold office pursuant to the holdover doctrine. See Policy BBC(LEGAL).