

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.

***Q: What is the "Statement of Elected/Appointed Officer"? How 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 school district. The Statement can be found at Policy BBB(EXHIBIT).

***Q: 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 Oath may be administered by a number of public officials, including: a notary public, a judge, or a justice of the peace. The Oath may be taken only after the Statement has been signed. The Oath of Office is filed with the president of the board of trustees.

Although it is common practice for newly-elected trustees to be sworn in during a board meeting, it is not legally required for these trustees to be sworn in during a board meeting or at any 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.

***Q: Do incumbents that have been reelected have to re-file the Statement of Elected/Appointed Officer and take another Oath of Office?***

Yes, incumbent trustees need to follow the same procedures after reelection as newly-elected trustees. Although an incumbent has previously served on the board, he or she is starting a new term of office and must complete the formal requirements for the new term.

***Q: Can all of these post-election procedures be done at the same meeting?***

Yes, it is possible to have new board members take office the night of the canvass, as long as the proper order of events is followed:

- Election is canvassed at an open meeting;
- Certificate of Election is issued to newly-elected officers;
- Statement of Elected/Appointed Officer is completed;

- Newly-elected officers take the Oath of Office; and
- Newly-sworn officers may assume office.

Many districts issue the Certificates of Election on the night of the canvass, but wait until the next regularly scheduled board meeting to have the newly-elected board members sign the Statement and take the Oath of Office.

***Q: How, when, and by whom may an election be contested?***

Generally, any candidate in an election may contest the election by filing a petition in the appropriate district court and with the Secretary of State not earlier than the day after election-day and not later than the 30th day after the date the official result of the contested election is determined. (The deadline is the 10th day after the date the official result is determined if a runoff is necessary or will be necessary if the contestant prevails.) The contest may be based upon allegations that illegal votes were counted, or an election officer or other person officially involved in the administration of the election prevented eligible voters from voting, failed to count legal votes, engaged in other fraud or illegal conduct, or made a mistake.

**Assuming the Duties of Office**

***Q: 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 that time, the predecessor trustee continues to hold office pursuant to the holdover doctrine. See Policy BBC(LEGAL).

***Q: When must officers of the board be selected?***

Section 11.061 of the Texas Education Code requires that the officers of the board be selected at the first meeting after the election and qualification of trustees (i.e., execution and filing of the required Statement and the Oath of Office). If the president and vice-president are no longer on the board after the election, the selection of officers is conducted by the person designated in TASB Policy BDAA. If the district does not have such a policy, the secretary typically conducts an election of a temporary chair who then conducts the election of a new president; the new president conducts the elections of the remaining officers. If there is no secretary, then any board member (such as the most veteran member present) may assume the chair to conduct the election of a temporary chair who then conducts the election of a new president.