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<b>Date Email Sent:</b>	2/12/2019
<b>Email Subject Line:</b>	County Board Members Taking Office After the General Election
<b>Recipient Groups:</b>	Superintendents, Board Members, Superintendent Secretaries, Board Attorneys

**Email body:**

***This message is being sent to all county board members, superintendents, superintendent secretaries and all board attorneys. Feel free to share with incoming board members or others with a need for this information.***

We've gotten a number of calls and questions about guidance recently issued to county board members regarding when newly elected board members can be sworn in. Hopefully, this Q&A will answer some of your questions and give you some context about this new guidance.

**Where did this new information come from?**

Earlier this year, AASB asked the Bibb County Board of Education to seek an Attorney General's Opinion on a number of questions related to campaigns and elections. One of those questions was when do county board members take office following the November general election. We asked this because this question comes up nearly every election cycle and we could never find a firm answer which led to varying practices across the state. This [opinion](#) finally answers that question on pages 9-10. The opinion should be published on the Attorney General's website later this month.

**So what's the earliest date a newly elected board member can take office?**

Based on our state's Election Code, county election results must be canvassed on the second Friday after the general election. This year, that date is **Friday, November 16, 2018**. This is the earliest an elected board member can be sworn and take office.

**Can we hold a special called meeting on Friday, November 16, 2018 to swear in new members?**

Yes. We cannot find anything suggesting oaths be administered only during regular meetings. It is up to the local board if it wants to call a special meeting for this purpose.

**Can we wait until our December board meeting to swear in newly elected members?**

Yes. Because Friday, November 16 leads into Thanksgiving Week, some boards may not want to hold a meeting. Boards may wait until their regular December board meeting to swear in and seat newly elected members. Again, this is up to each local board.

**Are post-Election Day votes by outgoing members still valid if we wait until December to swear in new members?**

Yes. Alabama courts have held that outgoing members are “*de facto* members” and their votes are valid and binding until the newly elected member takes his seat.

**Anything else to remember?**

Don't forget that those beginning new terms must take the [oath of office](#). There's no legal requirement that this be done at a board meeting, but that is typical practice. The oath can be given by anyone capable of administering an oath. This can be a judge, the superintendent, the local sheriff, the mayor or any other official or person that is a notary public. The incoming members can each choose a different person of importance to them individually or they can do it all together with a single official. The oath must be filed with your local probate judge.

Also, make sure new members sign the [Certificate of Affirmation](#) before taking their seat. This document should be made a part of your minutes.

If you have any questions about this email, feel free to contact me at your convenience, but make sure you contact your local counsel for legal advice.

**Attachments (if any):**

