

Notice of Special Meeting

The Board of Trustees Devine ISD

A Special Meeting of the Board of Trustees of Devine ISD will be held May 13, 2025, beginning at 10:30 AM in the Administration Building, 605 W Hondo Ave., Devine, TX 78016.

The subjects to be discussed or considered or upon which any formal action may be taken are as listed below. Items do not have to be taken in the order shown on this meeting notice.

Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

- | | |
|--|-----------|
| 1. Call to Order, Roll Call and Declaration of Quorum | |
| 2. Citizen Communication | |
| A. Public Address for Items on the Agenda | |
| 3. CONSIDERATION AND APPROVAL OF A RESOLUTION
CANVASSING THE RETURNS AND DECLARING THE RESULTS
OF A SCHOOL BOARD ELECTION | 2 |
| 4. Issue Certificates of Election for Districts 2 and At-Large | 10 |
| 5. Adjournment | |

If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the Board will conduct a closed meeting in accordance with the Texas Open Meetings Act, Government Code, Chapter 551, Subchapters D and E. Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting.

The notice for this meeting was posted in compliance with the Texas Open Meeting Act on _____,
at _____.

For the Board of Trustees



Devine Independent School District Board of Trustees Agenda Document

Meeting Date: 05/13/2025

Agenda Item: Canvass Election for School Board Trustees

Background Information:

The canvass must be conducted at an open meeting of the governing body between Tuesday, May 6, 2025 and Wednesday, May 14, 2025. **Pursuant to the Texas Election Code, only two officers are needed for a quorum for a canvassing meeting.** Tex. Elec. Code Ann. § 67.004(a).

The canvassing authority shall prepare a tabulation stating the following:

1. Each candidate
 - Total number of votes received in each precinct
 - Sum of precinct totals tabulated
2. Votes FOR and AGAINST each measure
 - Total number of votes received in each precinct
 - Sum of precinct totals tabulated
3. Total number of **voters** who cast a ballot for a candidate or for or against a measure in the election

Administrative Consideration:

Budgetary Consideration:

Supporting Documents:

BBBB (Legal)
Election returns
Certificate of Election
Resolution to approve the canvass

Recommendation:

Approve resolution canvassing the returns and declaring the results of the board election.

Respectfully Submitted by:


Dr. Todd Grandjean
Superintendent of Schools

DEVINE ISD SCHOOL BOARD ELECTION
Election Date: May 3, 2025
UNOFFICIAL RESULTS

	EARLY VOTING	ELECTION DAY	TOTALS
SINGLE MEMBER DISTRICT 2			
CARL BROWN	30	19	49
AT LARGE			
CHRIS DAVIS	173	81	254
CANDACE ESPARZA	128	61	189
RENEE FRIEDA	100	46	146
ROBERT TRAVIS HILDT	17	8	25



Devine Independent School District

605 W. Hondo Ave., Devine, Texas 78016

(830) 851-0795 Fax (830) 663-6706
Scott Sostarich, Superintendent

RESOLUTION DECLARING RESULTS OF REGULAR TRUSTEE ELECTIONS

THE STATE OF TEXAS §
COUNTY OF MEDINA §

On this the 13th day of May, 2025, the Board of Trustees of the Devine Independent School District convened with the following members present:

and the following absent:

constituting a quorum, and among other proceedings had by said Board of Trustees was the following:

There came to be considered the returns of the regular election held on the 3rd day of May, 2025, for the purpose of electing three members to the Board of Trustees and said returns of said election having been duly canvassed by the Board of Trustees, each of the candidates in said election received the following votes:

<u>Name of Candidate</u>	<u>District No.</u>	<u>Total Votes Received</u>
Carl Brown	SMD #2	49
Chris Davis	At-Large	254
Candace Esparza	At-Large	189
Renee Frieda	At-Large	146
Robert Travis Hildt	At-Large	25

It is, therefore, found and declared by the Board of Trustees of the Devine Independent School District that the above mentioned trustee election was duly called, that notice of said election was duly posted, and that said election was held in accordance with law, that at said election _____ (Single Member District #2), _____ (At-Large), and _____ (At-Large) were elected to the Board of Trustees of said School Board subject to taking oath of office.

The Resolution Declaring Results of Regular Election being read, it was moved and seconded that same be approved. Thereupon, the question being called for, the following members of said Board voted AYE:
_____ and the following voted NO:
_____.

Presiding Officer, Board of Trustees
Devine Independent School District

Note: If the district is subject to a court order or other binding legal determination, the district shall conduct its elections in accordance with that court order or determination, applicable law, and this policy. To the extent of any conflict, the court order or other legal determination shall prevail. [See BBB(LOCAL)]

Tie Votes

Second Election

In an election requiring a plurality, if two or more candidates for the same office tie for the number of votes required to be elected, a second election to fill the office shall be held in accordance with the deadlines and other requirements of Election Code 2.002.

Other Options

Casting Lots

The tying candidates may agree to cast lots to resolve the tie. The agreement must be filed with the board. The board president shall supervise the casting of lots.

Withdrawal

A tying candidate may resolve the tie by filing with the board a signed and acknowledged written statement of withdrawal. On receipt of the statement, the remaining candidate is the winner, and a second election or casting of lots is not held.

Automatic Recount

If the tie is not resolved by casting lots or withdrawal, an automatic recount shall be conducted under Election Code Chapter 216 before the second election is held. If the recount resolves the tie, the second election is not held.

If the recount does not resolve the tie, the tied candidates may cast lots not later than the day before the date the board must order the second election under Election Code 2.002(b) or withdraw from the election not later than 5:00 p.m. of the day after the date the automatic recount is held.

Election Code 2.002

Runoff Election

In a district in which trustees are elected by majority vote under Education Code 11.057(c) [see BBB], if no candidate for a particular office receives the vote necessary to be elected, a runoff election for that office is required. *Election Code 2.021 et seq.*

If the candidates in a runoff election tie, an automatic recount shall be conducted under Election Code Chapter 216. If the recount does not resolve the tie, the tied candidates shall cast lots to determine the winner. The board president shall supervise the casting of lots. A tying candidate may resolve the tie by filing with the board president a signed and sworn to written statement of withdrawal. If the statement of withdrawal is received before the automatic recount is conducted, the remaining candidate is the winner, and the automatic recount is not conducted. If the statement of withdrawal

is received not later than 5:00 p.m. the day after the date the automatic recount is conducted, the remaining candidate is the winner, and a casting of lots is not held. *Election Code 2.028*

Ballot Order

The order of the candidates' names on the ballot of any resulting runoff election or election held to resolve a tie vote shall be the relative order of names on the original election ballot. *Election Code 2.002(d), 52.094(a)*

Recounts

The district shall conduct an authorized recount in accordance with Election Code Title 13. *Election Code 211.001*

A candidate in a board election may obtain an initial recount in an election if the difference in the number of votes received by the candidate and any candidate for the office who is shown by the election returns to be elected, tied, or entitled to a place on a runoff ballot, if applicable, is less than 10 percent of that candidate's number of votes, or the total number of votes received by all candidates for the office is less than 1,000. *Election Code 212.022*

A ground for obtaining an initial recount is not required to obtain an initial recount of electronic voting system results. A candidate may obtain an initial recount of electronic voting system results in an election only if the candidate is shown by the election returns not to be elected. *Election Code 212.0241*

An initial recount may not be conducted unless an authorized candidate submits a petition for the recount to the presiding officer of the local canvassing authority in accordance with Election Code Chapter 212, Subchapter B, accompanied by a deposit to cover the costs of the recount in accordance with Subchapter E. *Election Code 212.025, .026, .111*

Effect of Petition

The submission of a recount petition before a board completes its canvass does not delay the canvass for the office involved in the recount. The board shall make a notation on the tabulation of any office involved in a recount. The submission of a recount petition delays the issuance of a certificate of election and qualification for the office involved in the recount pending completion of the recount. A candidate may not qualify for an office involved in a recount before completion of the recount. This provision does not affect a candidate who has received a certificate of election and qualified for office before the submission of a recount petition involving the office. *Election Code 212.033, .0331*

Canvass Returns

General Rule

Except as provided below, a board shall convene to conduct the local canvass at the time set by the presiding officer not later than the 11th day after election day and not earlier than the later of:

1. The third day after election day;

ELECTIONS
POST-ELECTION PROCEDURES

BBBB
(LEGAL)

2. The date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or
3. The date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

Election Code 67.003(b)

November Election
— Even-Numbered
Years

For an election held on the date of the general election for state and county officers (the first Tuesday after the first Monday in November in even-numbered years under Election Code 41.002), the time for the canvass may be set not later than the 14th day after election day. *Election Code 65.051(a-1), 67.003(c)*

Quorum for
Canvass

Two members of a board constitute a quorum for purposes of canvassing an election.

At the time set for convening the board for the local canvass, the presiding officer shall deliver the sealed precinct returns to the board. The board shall open the returns for each precinct and canvass them as provided by Election Code 67.004.

Minutes

The presiding officer shall note the completion of the canvass in the minutes or in the recording required by the Open Meetings Act (Government Code 551.021). [See BE]

Election Code 67.004(a), (g)

**Internet Posting of
Election Results**

A district that holds an election and maintains an internet website shall post on its public internet website:

1. The results of each election;
2. The total number of votes cast;
3. The total number of votes cast for each candidate or for or against each measure;
4. The total number of votes cast by personal appearance on election day;
5. The total number of votes cast by personal appearance or mail during the early voting period; and
6. The total number of counted and uncounted provisional ballots cast.

The information described above must be:

1. Posted as soon as practicable after the election; and

2. Accessible without having to make more than two selections or view more than two network locations after accessing the internet website home page of the district.

Election Code 65.016(b), (c)

Qualifying for Office

Certificate of
Election

After the completion of a canvass, the presiding officer shall prepare a certificate of election for each candidate who is elected to an office for which the official result is determined by the board's canvass. A certificate of election must contain:

1. The candidate's name;
2. The office to which the candidate is elected;
3. A statement of election to an unexpired term, if applicable;
4. The date of the election;
5. The signature of the officer preparing the certificate; and
6. Any seal used by the officer preparing the certificate to authenticate documents that the officer executes or certifies.

The authority preparing a certificate of election shall promptly deliver it to the person for whom it is prepared, subject to the submission of a recount petition. [See Effect of Petition, above]

A certificate of election may not be issued to a person who has been declared ineligible to be elected to the office.

Election Code 67.016

*Certificate for
Unopposed
Candidate*

A certificate of election shall be issued to each unopposed candidate declared elected in the same manner and at the same time as provided for a candidate elected at the election. The candidate must qualify for the office in the same manner as provided for a candidate elected at the election. *Election Code 2.053(e)* [See BBBA regarding the election of an unopposed candidate.]

Officer's Statement

All elected and appointed board members, before taking the oath or affirmation of office and entering upon the duties of office, shall sign the required officer's statement. The statement shall be retained with the official records of the office. *Tex. Const. Art. XVI, Sec. 1(b), (c)*

Oath of Office

All elected and appointed trustees, before they enter upon the duties of the office, shall take the official oath or affirmation of office. Newly elected trustees shall file their official oaths with the board president. *Tex. Const. Art. XVI, Sec. 1(a); Education Code 11.061(a)*

The oath may be administered and a certificate of the fact given by the individuals listed at Government Code 602.002, including:

1. A judge, retired judge, or clerk of a municipal court.
2. A judge, retired judge, senior judge, clerk, or commissioner of a court of record.
3. A justice of the peace, retired justice of the peace, or clerk of a justice court.
4. A notary public.

Gov't Code 602.002

Election Records

Except as otherwise provided by the Election Code, a district shall preserve the precinct election records distributed to it for at least 22 months after election day. *Election Code 66.058(a)* [See CPC]

[For public inspection of election records when a district is the custodian of its election records, see Election Code 1.012(e)-(h).]

Destruction of
Records

After expiration of the prescribed period for preserving election records under the Election Code, the records may be destroyed or otherwise disposed of unless, at the expiration of the preservation period, an election contest or a criminal investigation or proceeding connected with the election is pending. In that case, the records shall be preserved until the contest, investigation, or proceeding is completed and the judgment, if any, becomes final. *Election Code 1.013*

CERTIFICATE OF ELECTION

IN THE NAME AND BY THE AUTHORITY OF

DEVINE INDEPENDENT SCHOOL DISTRICT

THIS IS TO CERTIFY That at a general election held on

May 3, 2025

CARL BROWN

was duly elected

SCHOOL BOARD TRUSTEE DISTRICT 2

In testimony whereof, I have hereunto signed my name and caused the Seal of Devine Independent School District to be affixed at the City of Devine, this the 13th day of May, 2025.

Signature of Presiding Officer of Canvassing Authority

CERTIFICATE OF ELECTION

IN THE NAME AND BY THE AUTHORITY OF

DEVINE INDEPENDENT SCHOOL DISTRICT

THIS IS TO CERTIFY That at a general election held on

May 3, 2025

CANDACE ESPARZA

was duly elected

SCHOOL BOARD TRUSTEE AT-LARGE

In testimony whereof, I have hereunto signed my name and caused the Seal of Devine Independent School District to be affixed at the City of Devine, this the 13th day of May, 2025.

Signature of Presiding Officer of Canvassing Authority

CERTIFICATE OF ELECTION

IN THE NAME AND BY THE AUTHORITY OF

DEVINE INDEPENDENT SCHOOL DISTRICT

THIS IS TO CERTIFY That at a general election held on

May 3, 2025

CHRIS DAVIS

was duly elected

SCHOOL BOARD TRUSTEE AT LARGE

In testimony whereof, I have hereunto signed my name and caused the Seal of Devine Independent School District to be affixed at the City of Devine, this the 13th day of May, 2025.

Signature of Presiding Officer of Canvassing Authority