



Washington Secretary of State

CLEARINGHOUSE

ELECTIONS NOTICE

Issue: 0905

Date: Nov 16, 2009

Oaths of Office

Before an elected official may assume office, the election results must be certified and the winner must swear to an oath or affirmation of office (RCW 29A.04.133). If a qualified candidate must also post a bond, it is not the responsibility of the County Auditor to verify that bond.

Who is required to take an oath of office?

Every person elected to an office in the State of Washington, including jurisdictions within counties, cities, and towns is required by our state and federal constitutions to take an oath prior to serving in office. Depending upon the office and tradition, the oath may be attested to either verbally or in writing.

How should an oath be administered to a candidate?

RCW 29A.04.133 requires that the oath of office be administered and certified by any officer or notary public authorized to administer oaths, without charge.

Five positions are specifically qualified by statute to administer oaths:

Judges and Notary Publics	RCW 5.28.010
County Auditors or Deputies	RCW 36.22.030
Town Clerks	RCW 35.27.220
School Officials	RCW 28A.343.360

Article 1, Section 6 of the Washington State Constitution states, "The mode of administering an oath, or affirmation, shall be such as may be most consistent with and binding upon the conscience of the person to whom such an oath, or affirmation, may be administered."

As long as the oath is regarded by the official qualifying for office as binding, the oath may be administered in any manner by a person of authority, including a seated officer of the same jurisdiction.

When should an oath of office be taken?

All officials must take an oath of office prior to commencing the duties of the office (RCW 29A.04.133).

The terms for Supreme Court justices, judges of the Court of Appeals, Superior Court judges, District Court judges, and state legislative offices all begin on the second Monday in January.

Traditionally, state legislative officers are administered an oath of office at the start of the legislative session.

The state executive officers assume office on the Wednesday after the second Monday in January. Statute specifically mandates the oath of office be administered at the capital by a State Supreme Court justice.

County, city and town officials may take an oath either at the last regular meeting of the governing body for which they were elected or within 10 days before the term of office begins. January 1st is the beginning of terms for county officials, except for charter counties that specify otherwise. January 1st is also the beginning of terms for special purpose districts, with the exception of school district directors or districts where ownership of land is a prerequisite of voting (e.g. diking or flood control districts).

School district directors' terms of office begin at the first official meeting of the board of directors after certification of the election results.

Unexpired terms and short terms also begin immediately after certification of the election. Officials elected to these offices must be administered an oath before assuming the duties of the office.

The following chart provides information about regular terms and specifics regarding administration and retention of oaths for various offices. (See pp. 3-4.)

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State Offices	Regular Term Begins	Administration and Repository of Oath	Applicable Citations
President / Vice President	January 20	Traditionally administered by U.S. Chief Court Justice	<i>U.S. Constitution Article II, Section 1 of the U.S. Constitution & Amendment 20</i>
United States Senator and Representative	January 3 or on alternate day designated by Congress	Senate: As the President of the Senate, the Vice President administers the oath to new senators on the first day of a new Congress. House: Administered by the Speaker of the House on the first day to new representatives.	<i>U.S. Constitution Article VI, Section 3 of the U.S. Constitution & Amendment 20</i>
State Executive Officers Governor Lt. Governor Secretary of State State Treasurer State Auditor Attorney General Commission of Public Lands Superintendent Of Public Instruction Insurance Commissioner	Wednesday following the 2 nd Monday in January	Administered by a Supreme Court justice at the capital. Except for the oath of the Secretary of State, all are filed with Secretary of State. The oath of the Secretary of State is filed with the State Auditor.	<i>RCW 43.01.010, 020; RCW 43.08.020; RCW 43.09.010 4 USC sec. 101</i>
Supreme Court Justice Court of Appeals Judge Superior Court Judge	2 nd Monday of January	Oath retained by Secretary of State.	<i>Washington State Constitution Article IV, Sections, 5 28 RCW 2.04.080 RCW 2.06.070, 085</i>
State Legislature: Senator Representative	2 nd Monday of January	Oath is administered orally by a Supreme Court justice on the first day of session. Oaths retained by the House and Senate.	<i>Article VI of the U.S. Constitution; RCW 29A.04.133</i>
County Special Purpose Districts	Regular Term Begins	Administration and Repository of Oath	Citations
County Officials Executive Officers	January 1	No earlier than 10 days prior to assuming office, or at last regularly scheduled meeting. Oath retained by County Auditor.	<i>RCW 29A.20.040 RCW 36.16.040, 060</i>
District Court Judges	Second Monday in January	Prior to entering the duties of the office	<i>RCW 3.34.070 RCW 3.34.080</i>
City and Town Officials Executive Officers Municipal Court Judges	January 1	No earlier than 10 days prior to assuming office, or at last regularly scheduled meeting.	<i>RCW 29A.20.030, 040 RCW 35.27, 120 RCW 35.23.081</i>

		Oath filed with County Auditor.	<i>RCW 35A.12.040, 080 RCW 35A.13.160</i>
Port District Commissioners	January 1	No earlier than 10 days prior to assuming office, or at last regularly scheduled meeting.	<i>RCW 29A.20.030, 040 RCW 53.12. 172</i>
Public Utility District Commissioners	January 1	Administered by an officer of the county in which the district is situated. No earlier than 10 days prior to assuming office, or at last regularly scheduled meeting. Oath retained by County Auditor.	<i>RCW 29A.20.030, 040 RCW 54.12.100</i>
School Directors	Begins at first official meeting following certification of election	School officials are authorized to administer all oaths or affirmations. Retained by County Auditor.	<i>RCW 28A.343.360</i>
Fire Protection District Commissioners District Secretary	January 1	No earlier than 10 days prior to assuming office, or at last regularly scheduled meeting. Retained by County Auditor.	<i>RCW 29A.20.030, 040 RCW 52.14.070, 080</i>
Sewer, Water, Hospital Districts Commissioners	January 1	No earlier than 10 days prior to assuming office, or at last regularly scheduled meeting.	<i>RCW 29A.20.030, 040 RCW 57.12.030 RCW 70.44.040</i>
Cemetery Districts	January 1	No earlier than 10 days prior to assuming office, or at last regularly scheduled meeting. Retained by County Auditor.	<i>RCW 29A.20.030, 040 RCW 68.52.260</i>
Park and Recreation District Commissioners	January 1	No earlier than 10 days prior to assuming office, or at last regularly scheduled meeting. Retained by County Auditor.	<i>RCW35.61.050</i>
Jurisdictions requiring land ownership (e.g. diking / flood control districts)	Upon certification of election	No statutory reference available.	<i>RCW 85.24.070 RCW 85.38.070 RCW 86.09.301</i>

Please contact the Certification and Training Program if you have questions regarding oaths of office at (360) 902-4180.