
SENATE BILL 5529

State of Washington 60th Legislature 2007 Regular Session

By Senators Holmquist, Zarelli, Carrell, Benton, Morton, Schoesler, Stevens, Parlette, Pflug, Swecker, Roach, Clements, Delvin and Hewitt

Read first time 01/23/2007. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to the oath of office; amending RCW 2.04.080,
2 2.06.085, 2.08.080, 2.08.180, 2.24.020, 3.34.080, 3.50.097,
3 28A.330.060, 28A.343.360, 35.20.180, and 43.01.020; and adding a new
4 section to chapter 43.01 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.01 RCW
7 to read as follows:

8 In addition to the officers listed in RCW 43.01.020, every office
9 holder in the state of Washington, whether elected or appointed, before
10 entering upon the duties of their respective offices, must take and
11 subscribe an oath or affirmation in substance as follows: I do
12 solemnly swear (or affirm) that I will support the principles of the
13 Declaration of Independence, the Constitution of the United States, and
14 the Constitution and laws of the State of Washington, and that I will
15 faithfully discharge the duties of the office of (name of office) to
16 the best of my ability.

17 The oath or affirmation of officers not listed in RCW 43.01.020 may
18 be administered by any person authorized by law to administer them. A

1 certificate shall be affixed thereto by the person administering the
2 oath, and the oath or affirmation so certified shall be held by the
3 appropriate agency and made available for public inspection.

4 **Sec. 2.** RCW 2.04.080 and 1971 c 81 s 2 are each amended to read as
5 follows:

6 The several justices of the supreme court, before entering upon the
7 duties of their office, shall take and subscribe the following oath or
8 affirmation: "I do solemnly swear (or affirm, as the case may be),
9 that I will support the principles of the Declaration of Independence,
10 the Constitution of the United States, and the Constitution of the
11 State of Washington, and that I will faithfully and impartially
12 discharge the duties of the office of judge of the supreme court of the
13 State of Washington to the best of my ability." Which oath or
14 affirmation may be administered by any person authorized to administer
15 oaths, a certificate whereof shall be affixed thereto by the person
16 administering the oath. And the oath or affirmation so certified shall
17 be filed in the office of the secretary of state.

18 **Sec. 3.** RCW 2.06.085 and 1971 c 81 s 182 are each amended to read
19 as follows:

20 The several judges of the court of appeals, before entering upon
21 the duties of their office, shall take and subscribe the following oath
22 or affirmation: "I do solemnly swear (or affirm, as the case may be),
23 that I will support the principles of the Declaration of Independence,
24 the Constitution of the United States, and the Constitution of the
25 State of Washington, and that I will faithfully and impartially
26 discharge the duties of the office of judge of the court of appeals of
27 the State of Washington to the best of my ability." Which oath or
28 affirmation may be administered by any person authorized to administer
29 oaths, a certificate whereof shall be affixed thereto by the person
30 administering the oath. And the oath or affirmation so certified shall
31 be filed in the office of the secretary of state.

32 **Sec. 4.** RCW 2.08.080 and 1971 c 81 s 5 are each amended to read as
33 follows:

34 Every judge of a superior court shall, before entering upon the
35 duties of his or her office, take and subscribe an oath that he or she

1 will support the principles of the Declaration of Independence, the
2 Constitution of the United States, and the Constitution of the state of
3 Washington, and will faithfully and impartially discharge the duties of
4 judge to the best of his or her ability, which oath shall be filed in
5 the office of the secretary of state. Such oath or affirmation to be
6 in form substantially the same as prescribed for justices of the
7 supreme court.

8 **Sec. 5.** RCW 2.08.180 and 2005 c 142 s 1 are each amended to read
9 as follows:

10 A case in the superior court of any county may be tried by a judge
11 pro tempore, who must be either: (1) A member of the bar, agreed upon
12 in writing by the parties litigant, or their attorneys of record,
13 approved by the court, and sworn to try the case; or (2) pursuant to
14 supreme court rule, any sitting elected judge. Any action in the trial
15 of such cause shall have the same effect as if it was made by a judge
16 of such court. However, if a previously elected judge of the superior
17 court retires leaving a pending case in which the judge has made
18 discretionary rulings, the judge is entitled to hear the pending case
19 as a judge pro tempore without any written agreement.

20 A judge pro tempore shall, before entering upon his or her duties
21 in any cause, take and subscribe the following oath or affirmation:

22 "I do solemnly swear (or affirm, as the case may be,) that I will
23 support the principles of the Declaration of Independence, the
24 Constitution of the United States, and the Constitution of the State of
25 Washington, and that I will faithfully discharge the duties of the
26 office of judge pro tempore in the cause wherein is
27 plaintiff and defendant, according to the best of my
28 ability."

29 A judge pro tempore who is a practicing attorney and who is not a
30 retired justice of the supreme court or judge of a superior court of
31 the state of Washington, or who is not an active judge of a court of
32 the state of Washington, shall receive a compensation of one-two
33 hundred fiftieth of the annual salary of a superior court judge for
34 each day engaged in said trial, to be paid in the same manner as the
35 salary of the superior judge. A judge who is an active full-time judge
36 of a court of the state of Washington shall receive no compensation as
37 judge pro tempore. A judge who is an active part-time judge of a court

1 of the state of Washington may receive compensation as a judge pro
2 tempore only when sitting as a judge pro tempore during time for which
3 he or she is not compensated as a part-time judge. A justice or judge
4 who has retired from the supreme court, court of appeals, or superior
5 court of the state of Washington shall receive compensation as judge
6 pro tempore in the amount of sixty percent of the amount payable to a
7 judge pro tempore under this section, provided that a retired justice
8 or judge may decline to accept compensation.

9 **Sec. 6.** RCW 2.24.020 and 1909 c 124 s 5 are each amended to read
10 as follows:

11 Court commissioners appointed hereunder shall, before entering upon
12 the duties of such office, take and subscribe an oath to support the
13 principles of the Declaration of Independence, the Constitution of the
14 United States, the Constitution of the state of Washington, and to
15 perform the duties of such office fairly and impartially and to the
16 best of his or her ability.

17 **Sec. 7.** RCW 3.34.080 and 1984 c 258 s 14 are each amended to read
18 as follows:

19 Each district judge, district judge pro tempore, and district court
20 commissioner shall, before entering upon the duties of office, take an
21 oath to support the principles of the Declaration of Independence, the
22 Constitution of the United States, and the Constitution and laws of the
23 state of Washington, and to perform the duties of the office faithfully
24 and impartially and to the best of his or her ability.

25 **Sec. 8.** RCW 3.50.097 and 1984 c 258 s 110 are each amended to read
26 as follows:

27 Every judge of a municipal court, before entering upon the duties
28 of the office, shall take and subscribe the following oath or
29 affirmation: "I do solemnly swear (or affirm) that I will support the
30 principles of the Declaration of Independence, the Constitution of the
31 United States, and the Constitution of the State of Washington, and
32 that I will faithfully discharge the duties of the office of judge of
33 the municipal court of the city of (naming such city)
34 according to the best of my ability." The oath shall be filed in the

1 office of the county auditor. The judge shall also give such bonds to
2 the state and city for the faithful performance of the judge's duties
3 as may be by law or ordinance directed.

4 **Sec. 9.** RCW 28A.330.060 and 1990 c 33 s 345 are each amended to
5 read as follows:

6 Before entering upon the discharge of the superintendent's duties,
7 the superintendent as secretary of the board shall give bond in such
8 sum as the board of directors may fix from time to time, but for not
9 less than five thousand dollars, with good and sufficient sureties, and
10 shall take and subscribe an oath or affirmation, before a proper
11 officer that he or she will support the principles of the Declaration
12 of Independence, the Constitution of the United States, and of the
13 state of Washington and faithfully perform the duties of the office, a
14 copy of which oath or affirmation shall be filed with the educational
15 service district superintendent.

16 **Sec. 10.** RCW 28A.343.360 and 1990 c 33 s 314 are each amended to
17 read as follows:

18 Every person elected or appointed to the office of school director,
19 before entering upon the discharge of the duties thereof, shall take an
20 oath or affirmation to support the principles of the Declaration of
21 Independence, the Constitution of the United States, and the
22 Constitution and laws of the state of Washington and to faithfully
23 discharge the duties of the office according to the best of his or her
24 ability. In case any official has a written appointment or commission,
25 the official's oath or affirmation shall be endorsed thereon and sworn
26 to before any officer authorized to administer oaths. School officials
27 are hereby authorized to administer all oaths or affirmations
28 pertaining to their respective offices without charge or fee. All
29 oaths of office, when properly made, shall be filed with the county
30 auditor. Every person elected to the office of school director shall
31 begin his or her term of office at the first official meeting of the
32 board of directors following certification of the election results.

33 **Sec. 11.** RCW 35.20.180 and 1965 c 7 s 35.20.180 are each amended
34 to read as follows:

35 Every judge of such municipal court, before he enters upon the

1 duties of his or her office, shall take and subscribe the following
2 oath or affirmation: "I do solemnly swear (or affirm) that I will
3 support the principles of the Declaration of Independence, the
4 Constitution of the United States, and the Constitution of the State of
5 Washington, and that I will faithfully discharge the duties of the
6 office of judge of the municipal court of the city of
7 (naming such city) according to the best of my ability; and I do
8 further certify that I do not advocate, nor am I a member of an
9 organization that advocates, the overthrow of the government of the
10 United States by force or violence." The oath shall be filed in the
11 office of the county auditor. He or she shall also give such bonds to
12 the state and city for the faithful performance of his or her duties as
13 may be by law or ordinance directed.

14 **Sec. 12.** RCW 43.01.020 and 1965 c 8 s 43.01.020 are each amended
15 to read as follows:

16 The governor, lieutenant governor, secretary of state, treasurer,
17 auditor, attorney general, superintendent of public instruction,
18 commissioner of public lands, and insurance commissioner, shall, before
19 entering upon the duties of their respective offices, take and
20 subscribe an oath or affirmation in substance as follows: I do
21 solemnly swear (or affirm) that I will support the principles of the
22 Declaration of Independence, the Constitution of the United States, and
23 the Constitution and laws of the state of Washington, and that I will
24 faithfully discharge the duties of the office of (name of office) to
25 the best of my ability.

26 The oath or affirmation shall be administered by one of the
27 justices of the supreme court at the capitol. A certificate shall be
28 affixed thereto by the person administering the oath, and the oath or
29 affirmation so certified shall be filed in the office of the secretary
30 of state before the officer shall be qualified to discharge any
31 official duties: PROVIDED, That the oath of the secretary of state
32 shall be filed in the office of the state auditor.

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