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HOUSE BILL 3023

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State of Washington                      58th Legislature                      2004 Regular Session

By Representatives Holmquist, Hinkle, Ahern, Rodne, Boldt, Armstrong, McMahan, Condotta and Anderson

Read first time 01/26/2004. Referred to Committee on State Government.

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 2003 c 247 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 judge of a  
36 court of the state of Washington shall receive no compensation as judge  
37 pro tempore. A justice or judge who has retired from the supreme

1 court, court of appeals, or superior court of the state of Washington  
2 shall receive compensation as judge pro tempore in the amount of sixty  
3 percent of the amount payable to a judge pro tempore under this  
4 section, provided that a retired justice or judge may decline to accept  
5 compensation.

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

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

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

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

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

24 Every judge of a municipal court, before entering upon the duties  
25 of the office, shall take and subscribe the following oath or  
26 affirmation: "I do solemnly swear (or affirm) that I will support the  
27 principles of the Declaration of Independence, the Constitution of the  
28 United States, and the Constitution of the State of Washington, and  
29 that I will faithfully discharge the duties of the office of judge of  
30 the municipal court of the city of . . . . . (naming such city)  
31 according to the best of my ability." The oath shall be filed in the  
32 office of the county auditor. The judge shall also give such bonds to  
33 the state and city for the faithful performance of the judge's duties  
34 as may be by law or ordinance directed.

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

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

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

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

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

32       Every judge of such municipal court, before he enters upon the  
33 duties of his or her office, shall take and subscribe the following  
34 oath or affirmation: "I do solemnly swear (or affirm) that I will  
35 support the principles of the Declaration of Independence, the  
36 Constitution of the United States, and the Constitution of the State of

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

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

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

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

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