

SENATE BILL REPORT

SB 5245

As Reported by Senate Committee On:
State Government, Tribal Affairs & Elections, February 7, 2025

Title: An act relating to the oath of office for members of the state legislature.

Brief Description: Concerning the oath of office for members of the state legislature. [**Revised for 1st Substitute:** Authorizing county commissioners to administer oaths of office to state legislators.]

Sponsors: Senators Krishnadasan, Valdez, Nobles, Shewmake and Wilson, J..

Brief History:

Committee Activity: State Government, Tribal Affairs & Elections: 1/28/25, 2/07/25
[DPS, DNP].

Brief Summary of First Substitute Bill

- Grants the legislative authority of each county power to administer oaths of office to state legislators.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL AFFAIRS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5245 be substituted therefor, and the substitute bill do pass.

Signed by Senators Valdez, Chair; Krishnadasan, Vice Chair; Wilson, J., Ranking Member; Fortunato, Hasegawa, Kauffman, Riccelli and Short.

Minority Report: Do not pass.

Signed by Senator McCune.

Staff: Danielle Creech (786-7412)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background: Oaths of Office. After the election results have been certified, every person elected to an office in the state of Washington, including jurisdictions within counties, cities, and towns, is required by the Washington constitution, or statutes, or both to take an oath or affirmation of office prior to serving. The oath or affirmation of office must comply with the appropriate statute or, if none is specified for that office, in accordance with the oath or affirmation set forth in statute. Depending on the office and tradition, the oath or affirmation of office may be taken or attested either verbally or in writing.

Legislative Oaths of Office. Traditionally, state legislative officers are administered an oath of office at the start of the legislative session. Article VI of the U.S. Constitution requires that all executive, judicial, and legislative officials of the state must swear an oath or affirmation to support the Constitution. Article I, section 6 of the Washington State Constitution stipulates that 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 oath, or affirmation, may be administered.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (First Substitute): The legislative authority of each county is granted power to administer oaths of office to state legislators.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on First Substitute: PRO: The reason for this bill comes from personal experience. After being sworn in by a county councilmember in the presence of family, friends, and community, it was discovered that there is uncertainty as to whether county councilmembers are officially authorized to administer the oath of office to state legislators. As a result, it was necessary to travel to Olympia to be sworn in again. While memorable, it was without the presence of family or friends. This bill seeks to eliminate any future confusion by clarifying the language to authorize county councilmembers the ability to administer the oath of office to state legislators. This clarification is logical, as county councilmembers are responsible for making the appointments in the first place. Allowing them to administer the oath of office aligns with the roles of the appointment process. This will ensure the process is clear and straightforward moving forward.

Persons Testifying: PRO: Senator Deborah Krishnadasan, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.