

HOUSE BILL NO. 1353

Introduced by

Representatives Meier, DeKrey, Delmore, Haas, Weisz

Senator Lee

1 A BILL for an Act to create and enact a new section to chapter 44-01 of the North Dakota
2 Century Code, relating to filing of oaths of office; and to amend and reenact sections 44-01-05
3 and 44-05-04 of the North Dakota Century Code, relating to oaths of civil officers.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 44-01 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Failure to file oath.** The appointment of any civil officer may be rescinded by the
8 appointing authority if the appointed civil officer fails to file an oath of office at the place of filing
9 required by section 44-05-04.

10 **SECTION 2. AMENDMENT.** Section 44-01-05 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **44-01-05. Oath of civil officers.** Each civil officer in this state before entering upon the
13 duties of ~~his~~ that person's office shall take and subscribe the oath prescribed in section 4 of
14 article XI of the Constitution of North Dakota. ~~Such~~ The oath must be endorsed upon the back
15 of, or attached to, the commission, appointment, or certificate of election. The term civil officer
16 includes every elected official; appointed member of any authority, board, bureau, commission,
17 and council; and the appointed head of any agency and agency division, whether the person
18 serves with or without compensation. For purposes of this chapter and chapter 44-05, the term
19 civil officer has the same meaning as public officer.

20 **SECTION 3. AMENDMENT.** Section 44-05-04 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **44-05-04. Place of filing oath of office.** Unless otherwise provided by law, any civil or
23 public officer required by section 44-01-05 or any other provision of law to take an oath of office
24 must file the oath as follows:

Fifty-seventh
Legislative Assembly

- 1 1. If a state official or member of a state board, with the secretary of state.
- 2 2. If a county official or member of a county board, with the county auditor.
- 3 3. If a city official or member of a city board, with the city auditor.
- 4 4. If a member of a district or political subdivision that is larger than a county, with the
- 5 secretary of state.