Fifty-seventh Legislative Assembly of North Dakota

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:
- Failure to file oath. The appointment of any civil officer may be rescinded by the

 appointing authority if the appointed civil officer fails to file an oath of office at the place of filing

 required by section 44-05-04.
- SECTION 2. AMENDMENT. Section 44-01-05 of the North Dakota Century Code is 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
- 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,
- 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.
- 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:

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- 1. If a state official or member of a state board, with the secretary of state.
- 2. If a county official or member of a county board, with the county auditor.
- 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 secretary of state.