

TITLE 59
PUBLIC OFFICERS IN GENERAL

CHAPTER 4
OATH OF OFFICE

59-401. LOYALTY OATH -- FORM. Before any officer elected or appointed to fill any office created by the laws of the state of Idaho enters upon the duties of his office, he must take and subscribe an oath, to be known as the official oath, which is as follows:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Idaho, and that I will faithfully discharge the duties of (insert office) according to the best of my ability."

[59-401, added 1983, ch. 160, sec. 2, p. 463.]

59-402. TIME OF TAKING OATH. Whenever a different time is not prescribed by law the oath of office must be taken, subscribed and filed within ten (10) days after the officer has notice of his election or appointment, or before the expiration of fifteen (15) days from the commencement of his term of office, when no such notice has been given.

[(59-402) R.S., sec. 353; reen. R.C. & C.L., sec. 269; C.S., sec. 400; I.C.A., sec. 57-402.]

59-403. BEFORE WHOM OATH TAKEN. Except when otherwise provided, the oath may be taken before any officer authorized to administer oaths.

[(59-403) R.S., sec. 354; reen. R.C. & C.L., sec. 270; C.S., sec. 401; I.C.A., sec. 57-403.]

59-404. COUNTY OFFICERS -- TIME AND PLACE OF TAKING OATH. The oath of office of county elective officers shall be taken by the county commissioners before the county recorders of their respective counties, on the second Monday of January succeeding each general election, and on the same day the other county officers shall take and subscribe the official oath before the chairman of the board. Provided, however, in the event of inability to appear for the taking of the oath, for any reason, a duly elected county official may be sworn in and may subscribe to the oath, wherever he may be, provided he appear before an officer duly authorized to administer oaths, and provided further, that any person who is in any branch of the armed forces of the United States of America, may appear before any person qualified to administer oaths, as prescribed in section [51-113](#), Idaho Code, and may take and subscribe the oath of office as provided for in section [59-401](#), Idaho Code, of this title and chapter, and the oath of office shall have the same force and effect as though it were taken before the county commissioners as herein provided.

[(59-404) 1895, p. 139, sec. 1; reen. 1899, p. 67, sec. 4; reen. R.C. & C.L., sec. 271; C.S., sec. 402; I.C.A., sec. 57-404; am. 1945, ch. 164, sec. 1, p. 245; am. 2017, ch. 192, sec. 14, p. 458.]

59-405. WHERE OATH FILED. Every oath of office, certified by the officer, before whom the same was taken, must be filed within the time required by law, except when otherwise specially directed, as follows:

1. The oath of all officers whose authority is not limited to any particular county, in the office of the secretary of state.

2. The oath of all officers elected or appointed for any county, district or precinct, in the offices [office] of the recorder of their respective counties. The oath for school district trustees shall be filed in the manner prescribed by section [33-501](#), Idaho Code.

[(59-405) R.S., sec. 356; am. R.C., sec. 272; reen. C.L., sec. 272; C.S., sec. 403; I.C.A., sec. 57-405; am. 1980, ch. 32, sec. 2, p. 57.]

59-406. OATH OF DEPUTIES. Deputies, clerks and subordinate officers must take and file an official oath before entering upon their duties.

[(59-406) R.S., sec. 357; reen. R.C. & C.L., sec. 273; C.S., sec. 404; I.C.A., sec. 57-406.]

59-407. INABILITY TO APPEAR -- TAKING OATH. Whenever any elective state official shall be unable to appear for the taking of his oath as provided for in this code, for any reason, including his being a member of the armed forces of the United States, he may be sworn in and may take his oath wherever he may be, before an officer duly authorized to administer oath and if any person duly elected to a state elective position be in the armed forces of the United States of America at the time for taking his oath as provided in this chapter, he may appear before any person qualified to administer an oath, as prescribed in section [51-113](#), Idaho Code, and may take the oath of office provided for in section [59-401](#), Idaho Code, and the oath shall have the same force and effect as though it were taken before an officer, legally granted the right to administer oaths within the state of Idaho.

[(59-407) I.C.A., sec. 57-407, added 1945, ch. 164, sec. 2, p. 245; am. 2017, ch. 192, sec. 15, p. 458.]

59-408. TEMPORARY INABILITY OF OFFICERS. In the event any county elective official shall be unable to serve, due to illness, injury or on account of war, war industries, job freezing or being a member of any branch of the armed forces of the United States of America, it shall be the duty of the county commissioners to appoint a qualified person to temporarily discharge the duties of the office as an acting officer. If possible, the person appointed must be chosen from the same political party as that of the elective official who is unable to serve.

This appointment shall remain in full force and effect until the duly elected official shall be able to assume the duties of his office. Providing, however, that no person so appointed by the commissioners shall receive remuneration different than that which would have been received by the elective official, whose place the acting officer is filling; and provided further, that no acting officer appointed shall serve a term longer than that for which the elected official was chosen.

[(59-408) I.C.A., sec. 57-408, as added by 1945, ch. 164, sec. 3, p. 245.]