

## OATHS OF OFFICE (2006)

### **Administration of Oaths:**

Oaths of office may be administered at any time after the certification of election results, in the case of elected officials, and any time after appointment, in the case of appointed officials (but the official cannot take office until the term begins). T.C.A. § 8-18-109. In all cases when it is not otherwise prescribed by law, oaths may be administered by any officer authorized to administer an oath. Such oaths shall be written out and subscribed by the person taking them, and shall be accompanied with the certificate of the officer administering the oaths, specifying the day and year when taken. Retired judges and retired chancellors of courts of record of this state may administer the oaths of office to any elected or appointed public official. T.C.A. § 8-18-107.

**Notwithstanding any other law to the contrary, oaths of office for any elected or appointed county official may be administered by the county executive/mayor, the county clerk, judges of courts of general sessions, or a judge of any court of record in the county.** T.C.A. § 8-18-109. Also, where a particular statute authorizes other persons to administer the oath to a particular official, then those additional persons would also be authorized to administer the oath for that official.

### **Content of Oaths:**

**All elected county officials and the appointed officers such as clerk and master, and deputies** to these officers, are required to take an oath of office which actually consists of two oaths: the **constitutional oath, and an oath for the particular office or fidelity oath (Tenn. Const. Art. X, Sec. 1)**. The following is combination fidelity and constitutional oath:

I do solemnly swear that I will perform with fidelity the duties of the office to which I have been elected, and which I am about to assume. I do solemnly swear to support the constitutions of Tennessee and the United States and to faithfully perform the duties of the office of \_\_\_\_\_ for \_\_\_\_\_ County, Tennessee.

The simple **constitutional oath and fidelity oath** are taken by persons who do not have a more specific oath prescribed by law (T.C.A. § 8-18-111). This basic oath is used upon entering the following offices:

#### **County Executive/Mayor**

**County Clerk** (or deputy county clerk by substituting the word “appointed” for “elected”)

**County Register** (or deputy register by substituting the word “appointed” for “elected”)

**Chief administrative officer of the county highway department**

**County commissioners** may use the same basic oath as noted above, but phrased as follows:

I do solemnly swear that I will perform with fidelity the duties of the office to which I have been elected, and which I am about to assume. I do solemnly swear to support the constitutions of Tennessee and the United States and to faithfully perform the duties of the office of county commissioner representing the \_\_\_\_\_ district of \_\_\_\_\_ County, Tennessee.

**Clerks of court** take the following oath prescribed by T.C.A. § 18-1-103:

I do solemnly swear to support the constitutions of Tennessee and the United States. I do solemnly swear that I will execute the duties of the office of \_\_\_\_\_ without prejudice, partiality, or favor, to the best of my skill and ability; that I have neither given nor will give any person any gratuity, gift, fee or reward in consideration of support for this office and I have neither sold nor offered to sell, nor will sell, my interest in this office.

**Deputy clerks of court** must take the following oath prescribed by T.C.A. § 18-1-104:

I do solemnly swear that I will perform with fidelity the duties of the office to which I have been appointed and which I am about to assume and that I will faithfully discharge the duties of the office of \_\_\_\_\_ to the best of my skill and ability. I do solemnly swear to support the constitutions of Tennessee and the United States.

**Sheriffs** take the following oath according to T.C.A. § 8-8-104:

I do solemnly swear that I will perform with fidelity the duties of the office to which I have been elected, and which I am about to assume. I do solemnly swear to support the constitutions of Tennessee and the United States and to faithfully perform the duties of the office of sheriff for \_\_\_\_\_ County , Tennessee. I further swear that I have not promised or given, nor will I give any fee, gift, gratuity, or reward for this office or for aid in procuring this office; that I will not take any fee, gift, or bribe, or gratuity for returning any person as a juror or for making any false return of any process and that I will faithfully execute the office of sheriff to the best of my knowledge and ability, agreeably to law.

**Deputy sheriffs** take an oath similar to the sheriff (according to T.C.A. § 8-18-112) as follows:

I do solemnly swear that I will perform with fidelity the duties of the office to which I have been appointed, and which I am about to assume. I do solemnly swear to support the constitutions of Tennessee and the United States and to faithfully perform the duties of the office of deputy sheriff for \_\_\_\_\_ County , Tennessee. I further swear that I have not promised or given, nor will I give any fee, gift, gratuity, or reward for this office or for aid in procuring this office; that I will not take any fee, gift, or bribe, or gratuity for returning any person as a juror or for making any false return of any process and that I will faithfully execute the office of deputy sheriff to the best of my knowledge and ability, agreeably to law.

**County Trustees** takes the following oath:

I do solemnly swear that I will perform with fidelity the duties of the office to which I have been elected, and which I am about to assume. I do solemnly swear to support the constitutions of Tennessee and the United States and to faithfully perform the duties of the office of trustee for \_\_\_\_\_ County , Tennessee.

**Deputy trustees** take the same oath but substitute the word “appointed” for “elected”.

Additionally, at the time of executing bonds, the **trustee must take an additional oath** according to T.C.A. § 67-5-1901, as follows:

I do solemnly swear that I will faithfully collect and account for all taxes for my county, or cause the same to be done, according to law, and that I will use all lawful means in my power to find out and assess such property as may not have been assessed for taxation in my county, and return a list of the same on settlement.

**Assessors of property and deputy assessors** must take and subscribe an oath of office according to T.C.A. § 67-1-507 as follows:

I, \_\_\_\_\_, assessor of property(or deputy assessor) of the County of \_\_\_\_\_, State of Tennessee, do solemnly swear (or affirm) that I will appraise, classify, and assess all taxable property of the County of \_\_\_\_\_, according to the Constitution of Tennessee and the laws of the state; that I will truly report all persons who fail or refuse to list their taxable property or who have to my knowledge returned a fraudulent list, and that I will faithfully, impartially, and honestly discharge my duties as assessor of property according to the law, to the best of my knowledge and ability, without fear, favor, or affection, so help me God.

**Assessors and their deputies** must also take the constitutional oath, to wit:

I do solemnly swear to support the constitutions of Tennessee and of the United States and to faithfully perform the duties of assessor (or deputy assessor) which I am about to assume.

**Constables without law enforcement powers** take the following oath according to T.C.A. § 8-10-108(a):

I do solemnly swear that I will well and truly serve the state of Tennessee in the office of constable and that I will faithfully, and without delay, execute and return all lawful process directed to me, and that I will well and truly, according to my power and ability, do and execute all other duties of the office of constable. I do solemnly swear to support the constitutions of Tennessee and the United States.

**Constables with law enforcement powers** take the following oath according to T.C.A. § 8-10-108(b):

I do solemnly swear that I will well and truly serve the state of Tennessee in the office of constable, will cause the peace of the state to be kept to the best of my power and that I will arrest all persons that go in my sight armed offensively or who commit any riot, affray, or other breach of the peace, and will use my best endeavor, on complaint made, to apprehend all felons, rioters, or persons riotously assembled; and if such persons flee or make resistance, I will pursue and make hue and cry, according to law; and that I will faithfully, and without delay, execute and return all

lawful process directed to me, and that I will well and truly, according to my power and ability, do and execute all other duties of the office of constable. I do solemnly swear to support the constitutions of Tennessee and the United States.

**General Sessions Court Judges** take an oath of office (usually administered by a chancellor or circuit judge) pursuant to T.C.A. §§ 16-15-203 and 17-1-104, as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of Tennessee, and that I will administer justice without respect of persons and impartially discharge all of the duties incumbent upon a judge of a general sessions court in the State of Tennessee to the best of my skill and ability.

**School Board Members:**

I, \_\_\_\_\_, do solemnly swear that I will perform with fidelity the duties of the office to which I have been elected, and which I am about to assume. I do solemnly swear to support the constitutions of Tennessee and the United States and to faithfully perform the duties of the office of member of the board of education representing the \_\_\_\_\_ education district of \_\_\_\_\_ County, Tennessee.