
Coates' Canons Blog: Oaths of Office: How Many and By Whom?

By David Lawrence

Article: <https://canons.sog.unc.edu/oaths-of-office-how-many-and-by-whom/>

This entry was posted on November 13, 2009 and is filed under **Appointments & Oaths, Board Structure & Procedures**

Article VI, section 7 of the State Constitution sets out an oath of office that is to be taken by any person elected or appointed to a public office, basically swearing to uphold the constitution and laws of the United States and of North Carolina. Obviously, any person elected or appointed to an office must take this oath. But many local officers, particularly those in counties, must take a second oath as well.

Both **G.S. 153A-26**, for counties, and **160A-61**, for cities, provide that all county or city officers, respectively, must take the constitutional oath of office. In addition, and somewhat redundantly, **G.S. 160A-284** directs that municipal police officers take the constitutional oath. You'd think that might be enough, but it is not. Most of the duplication arises from **G.S. 11-11**, which sets out a variety of oaths of office to be taken "after taking the separate oath required" by the Constitution. Among the offices listed in this statute, each with its specific oath, are the

Register of deeds

Sheriff

County attorney

Law enforcement officer

Thus, both a sheriff and a register of deeds must take both the constitutional oath and their specific statutory oath, as must any law enforcement officer, both city and county. The oath for the county attorney seems to assume that he or she has some responsibility for enforcement of the criminal law, and perhaps that oath has lost its meaning.

In addition to the specific officers listed above, G.S. 11-11 ends with a catch-all oath, to be taken by "any officer of the State or of any county or township" whose oath is not specifically set out earlier in the statute. The word "township" in this statute should be taken at face value and not considered to be a synonym for city or town. When the statute was written, North Carolina townships had organized governments with elected officials, and that was the intended reference. As a result, the catchall oath applies to all county officers but not to city or town officers. Among city or town officers, only police officers must take an oath additional to the constitutional oath.

Finally, it might be noted that both tax assessors, in **G.S. 105-295**, and tax collectors, in **G.S. 105-349(g)**, are directed to take the constitutional oath, but with specific additional language appended to the end. If you'd like this information in tabular form, click **Oaths of Office table**.

We frequently also get asked who may administer these oaths of office, and the answer to that is simple. The list is set out in **G.S. 11-7.1**.

David Lawrence is retired from the faculty of the School of Government. For questions about the subject of this blog post, please refer to our **list of faculty expertise** to identify the appropriate faculty member to contact.

Links

- statelibrary.ncdcr.gov/nc/STGOVT/article_vi.HTM



-
- www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_153A/GS_153A-26.html
 - www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_160A/GS_160A-61.html
 - www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_160A/GS_160A-284.html
 - www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_11/GS_11-11.html
 - www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_105/GS_105-295.html
 - www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_105/GS_105-349.html
 - www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_11/GS_11-7.1.html
 - www.sog.unc.edu/node/1553