# CHAPTER 44-05 ADMINISTRATION OF OATHS

### 44-05-01. Officers authorized to administer oaths.

The following officers are authorized to administer oaths:

- 1. Each justice of the supreme court, each judge of the district court, the clerk of the supreme court, and the clerk's deputy.
- 2. The clerk of the district court, county auditor, recorder, and the deputy of each such officer within that officer's county.
- 3. Each county commissioner and public administrator within that officer's county.
- 4. Notary public anywhere in the state.
- 5. Each city auditor, municipal judge, and township clerk, within that officer's own city or township.
- 6. Each sheriff and the deputy sheriff within the sheriff's county in the cases prescribed by law.
- 7. Other officers in the cases prescribed by law or by rule of the supreme court.

#### 44-05-02. Person may affirm.

A person conscientiously opposed to swearing may affirm and is subject to the penalties of perjury as in case of swearing.

# 44-05-03. Fee for taking acknowledgment and administering an oath.

Any officer authorized by law to take and certify acknowledgment of a deed or other instrument is entitled to charge and receive not more than five dollars.

## 44-05-04. Place of filing oath of office.

Unless otherwise provided by law, any civil or public officer required by section 44-01-05 or any other provision of law to take an oath of office must file the original oath as follows:

- 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. If a member of a district or political subdivision that is larger than a county, with the secretary of state.