

AMENDED IN ASSEMBLY APRIL 27, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 630**

---

---

**Introduced by Assembly Member Linder**

February 24, 2015

---

---

An act to amend Sections 1363, 3105, and 24102 of the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 630, as amended, Linder. Public officers and employees: oath of office.

The California Constitution requires Members of the Legislature, and all public officers and employees, to take and subscribe a specified oath of office or affirmation. The California Constitution permits inferior officers and employees to be exempted by law from this requirement. Existing law, in the case of particular officers, requires the oath, after being administered, to be filed in designated offices.

This bill would authorize a county board of supervisors to require a new oath or affirmation to be filed within 10 days of a legal change in name, delegated authority, or department by an officer or department head of that county. This bill would specify that the powers of an appointed officer of a county are no longer granted upon the officer's departure from office, and would authorize a county board of supervisors to require the appointing authority to rescind these powers in writing by filing a revocation in the same manner as the oath of office was filed.

Existing law requires the oath or affirmation of disaster service workers to be filed in designated offices.

This bill would authorize a county board of supervisors to require a new oath or affirmation to be filed within 10 days of a change in legal name by a disaster service worker of that county.

Existing law requires the written appointment of a deputy of a county official to be filed as specified.

This bill would authorize a county board of supervisors to require a new appointment to be filed within 10 days of a legal change in name, delegated authority, or department by an appointed deputy of that county.

Violating an oath or affirmation is a crime. Because this bill would expand the scope of an existing crime, this bill would impose a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1363 of the Government Code is amended
- 2 to read:
- 3 1363. (a) Unless otherwise provided, every oath of office
- 4 certified by the officer before whom it was taken shall be filed
- 5 within the time required as follows:
- 6 (1) The oath of all officers whose authority is not limited to any
- 7 particular county, in the office of the Secretary of State.
- 8 (2) The oath of all officers elected or appointed for any county,
- 9 and, except as provided in paragraph (4), of all officers whose
- 10 duties are local, or whose residence in any particular county is
- 11 prescribed by law, in the office of the county clerk of their
- 12 respective counties.
- 13 (3) Each judge of a superior court, *the county clerk*, the clerk
- 14 of the court, the executive officer or court administrator of the
- 15 superior court, and the recorder shall file a copy of his or her
- 16 official oath, signed with his or her own proper signature, in the
- 17 office of the Secretary of State as soon as he or she has taken and
- 18 subscribed his or her oath.

1 (4) The oath of all officers for any independent special district,  
2 as defined in Section 56044, in the office of the clerk or secretary  
3 of that district.

4 (b) In its discretion, the board of supervisors of a county may  
5 require every elected or appointed officer or department head of  
6 that county who legally changes his or her name, delegated  
7 authority, or department, within 10 days from the date of the  
8 change, to file a new oath of office in the same manner as the  
9 original filing.

10 (c) Every oath of office filed pursuant to this section with the  
11 Secretary of State shall include the expiration date of the officer's  
12 term of office, if any. In the case of an oath of office for an  
13 appointed officer, if there is no expiration date set forth in the oath,  
14 or the officer leaves office before the expiration date, the appointing  
15 authority shall report in writing to the Secretary of State the  
16 officer's date of departure from office.

17 (d) The powers of an appointed officer of a county are no longer  
18 granted upon the officer's departure from office. In its discretion,  
19 the board of supervisors of a county may require the appointing  
20 authority to rescind these powers in writing by filing a revocation  
21 in the same manner as the oath of office was filed.

22 SEC. 2. Section 3105 of the Government Code is amended to  
23 read:

24 3105. (a) The oath or affirmation of any disaster service worker  
25 of the state shall be filed as prescribed by State Personnel Board  
26 rule within 30 days of the date on which it is taken and subscribed.

27 (b) The oath or affirmation of any disaster service worker of  
28 any county shall be filed in the office of the county clerk of the  
29 county or in the official department personnel file of the county  
30 employee who is designated as a disaster service worker.

31 (c) The oath or affirmation of any disaster service worker of  
32 any city shall be filed in the office of the city clerk of the city.

33 (d) The oath or affirmation of any disaster service worker of  
34 any other public agency, including any district, shall be filed with  
35 any officer or employee of the agency that may be designated by  
36 the agency.

37 (e) In its discretion, the board of supervisors of a county may  
38 require every disaster service worker of that county who legally  
39 changes his or her name, within 10 days from the date of the

1 change, to file a new oath or affirmation in the same manner as  
2 the original filing.

3 (f) The oath or affirmation of any disaster service worker may  
4 be destroyed without duplication five years after the termination  
5 of the disaster service worker's service or, in the case of a public  
6 employee, five years after the termination of the employee's  
7 employment.

8 SEC. 3. Section 24102 of the Government Code is amended  
9 to read:

10 24102. (a) An appointee shall not act as deputy until:

11 (1) A written appointment by the deputy's principal is filed with  
12 the county clerk.

13 (2) A copy of the appointment is filed with the county auditor,  
14 if the auditor has so requested.

15 (3) The deputy has taken the oath of office.

16 (b) In its discretion, the board of supervisors of a county may  
17 require every appointed deputy of that county who legally changes  
18 his or her name, delegated authority, or department, within 10 days  
19 from the date of the change, to file a new appointment in the same  
20 manner as the original filing.

21 (c) A revocation of the appointment of any deputy shall be made  
22 and filed in the same manner as the appointment.

23 (d) Five years after the date of revocation of appointment of a  
24 deputy, the written oath of office subscribed to by such deputy  
25 may be destroyed and no reproduction thereof need be made or  
26 preserved.

27 SEC. 4. No reimbursement is required by this act pursuant to  
28 Section 6 of Article XIII B of the California Constitution because  
29 the only costs that may be incurred by a local agency or school  
30 district will be incurred because this act creates a new crime or  
31 infraction, eliminates a crime or infraction, or changes the penalty  
32 for a crime or infraction, within the meaning of Section 17556 of  
33 the Government Code, or changes the definition of a crime within  
34 the meaning of Section 6 of Article XIII B of the California  
35 Constitution.

O