

Briefing Doc: California Constitution - Oath of Office for Public Officials and Employees

Source: California Constitution, Article XX, Section 3

Main Theme: This section of the California Constitution outlines the mandatory oath of office for all state public officials and employees, emphasizing loyalty to the U.S. and California Constitutions and disavowal of violent or unlawful overthrow of the government.

Key Points & Facts:

- **Mandatory Oath:** Before assuming their duties, all members of the Legislature, public officers, and employees in the executive, legislative, and judicial branches of California's government must take a specific oath. Some "inferior" officers and employees may be exempt by law.
- **Content of the Oath:** **Loyalty:** The oath requires swearing (or affirming) to "support and defend" both the U.S. and California Constitutions "against all enemies, foreign and domestic" and to bear "true faith and allegiance" to both.
- **Rejection of Violent Overthrow:** The oath explicitly requires individuals to disavow advocating for or being a member of any organization advocating the overthrow of the U.S. or California governments by force, violence, or unlawful means.
- **Past and Future Conduct:** The oath requires disclosure of any past affiliations (within the past five years) with such organizations and a pledge to refrain from such affiliations while holding office.
- **No Other Tests:** The Constitution emphasizes that this is the only oath or test required for holding public office in California.
- **Broad Definition:** The term "public officer and employee" is defined broadly to encompass individuals serving in all levels of state and local government, including the University of California system.

Quote:

"And no other oath, declaration, or test, shall be required as a qualification for any public office or employment."

Significance: This section of the California Constitution highlights the importance of loyalty, adherence to the rule of law, and peaceful transfer of power in a democratic society. It underscores the state's commitment to upholding constitutional principles and safeguarding against threats to its democratic institutions.