

Information to wrap up the 2023 general city election and to swear-in the recently elected officials

By Friday, November 17, each city should receive the official abstract of election results from the November 7 general city election from the County Clerk. The City Council must approve a motion to accept these official election results at a meeting in November or December (it must be listed on the agenda as an action item). The election results (including results for mayor and council, as well as any ballot questions like bonds, levies, or initiative/referendum) are included in the meeting minutes, listed by precinct if the city has multiple voting precincts.

Mayors and Councilors elected or re-elected at the November 7, 2023 election are sworn-in and seated at the first Council meeting in January 2024. This process is discussed in detail below.

Included with this email are the blank form for the oath of office and fillable documents for the Certificate of Election and Certificate of Appointment. We recommend using gold foil certificate paper to provide a nice-looking certificate.

For technical assistance on installing elected officials or other issues, don't hesitate to call AIC at (208) 344-8594 or (800) 344-8594.

Procedure for Installing Elected Officials

The following procedure for installing elected officials at the first Council meeting in January is taken from Idaho Code 50-702, 50-601, and 50-415. The text of the oath of office is taken from Idaho Code 59-401. The power to administer oaths is taken from Idaho Code 50-607 and 50-207.

1. Incumbents Convene Council Meeting, Approve Minutes and Payment of Bills.

The incumbent Mayor and Councilors convene the Council meeting, approve the minutes of any prior meetings, and approve payment of the bills (items on the consent agenda or consent calendar, which many cities use to handle multiple routine items with a single motion to approve).

2. Officials Subscribe to the Oath of Office.

All those elected or re-elected at the November 7, 2023 general city election must be sworn-in at the first Council meeting in January. Normally the City Clerk administers the oath of office; however, the Mayor may administer the oath of office for Councilors. If the Mayor was elected or re-elected at the November 7, 2023 general city election, he/she must take the oath of office **before** swearing-in Councilors.

There are two alternative methods for administering the oath.

Option 1: Mayor or Clerk Reads the Oath. The easiest method is for the Mayor or Clerk to read the oath in its entirety and at the end the elected official states “I do,” or “I will.”

The elected official stands, raises their right hand, and listens as the oath of office is read by the Mayor or Clerk.

“Do you solemnly swear (or affirm) that you will support the Constitution of the United States, and the Constitution of the State of Idaho, and that you will faithfully discharge the duties of (Councilor or Mayor) of the City of _____ according to the best of your ability?”

At the end of the oath, the elected official responds, “I do” or “I will.”

Option 2: Elected Official Recites the Oath. This method requires the elected official to recite the oath as it is read by the Mayor or Clerk. The elected official stands and raises their right hand. The Mayor or Clerk pauses after several words to allow the elected official to recite that portion of the oath.

“I, _____ (Name of Elected Official) do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Idaho, and that I will faithfully discharge the duties of (Councilor or Mayor) of the City of _____ according to the best of my ability.”

The text of the oath of office is set by state law, so there should be no deviation from the text provided.

At their option, the elected official may choose to bring a Bible or other religious or secular text for the swearing-in ceremony. The official being sworn-in places their left hand on the book and raises their right hand during the oath. If an official chooses to be sworn using a book it is customary to have a spouse or other person on hand to hold it during the ceremony.

After orally swearing to the oath of office, each official must sign a paper copy of the oath of office, which is countersigned by the City Clerk and kept by the city as an official record.

3. Present Certificates of Election.

The sworn-in officials each receive a Certificate of Election signed by the Mayor, and by the City Clerk, and imprinted with the city seal. If a new Mayor was elected, the Mayor who was in office at the time of the election should sign the Certificates of Election. A fillable form for the Certificate of Election is included in the Secretary of State forms.

4. Elect President of the Council.

After the sworn-in officials take their seats, the Council may then proceed with other business on the agenda. At some point during the meeting the Council needs to elect one of its members to serve as Council President.

5. Filling Vacant Offices.

If any Mayoral or Council vacancies exist because of offices that failed to attract any candidates at the election, these may be filled by the normal process of appointment.

- ✓ A Mayoral vacancy is filled by the Council, by the vote of a majority of members present and voting. The appointee serves until the next general city election—November 2025—at which point the office is up for election to a four-year term.
- ✓ For Council vacancies, the position is filled by Mayoral appointment, subject to confirmation by a majority of Councilors present and voting. The appointee serves until the next general city election—November 2025—at which point the office is up for election as follows.
 - If the normal four-year term of office for the position expires at the end of 2025, the position is up for election to a four-year term in November 2025.

- If the normal four-year term of office expires at the end of 2027, the position is up for election for the remaining two-years of the term at the 2025 general city election. The position is then up for election to a four-year term in November 2027.
- If the Council does not have enough members to constitute a quorum (three Councilors for a four-member Council or four Councilors for a six-member Council), then the Governor must appoint enough Councilors to restore a quorum and the remaining positions are filled by the normal process of appointment (see previous bullets).

Individuals appointed to fill vacancies are sworn-in by the City Clerk, sign the oath of office and each receive a Certificate of Appointment (a fillable form is included as an attachment to this email).

6. Swearing-In Officials Unable to Attend First Meeting in January.

Officials unable to attend the first Council meeting in January can take the oath of office at city hall whenever the elected official is available to do so. As outlined above, the official swears to the oath orally and signs the written oath. If the swearing-in occurs outside of a Council meeting, it should be observed by witnesses and the name of the official, the date of the swearing-in, and the names of the witnesses should be recorded in the minutes of the following Council meeting. It is important to activate the public service of each newly elected official as soon as possible. If the official desires to have family or friends attend a ceremonial swearing-in, this can take place at a subsequent Council meeting.