

P-1	Elect Superior Court Clerk	Milewski and Herrera	Article 3 Section 3.1 and 3.6
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Would change the Superior Court Clerk from an appointed position to an elected one.

Sponsor of Proposal

Commissioners Milewski and Herrera

Brief Summary of Proposal:

This proposal amends Pierce County Charter Section 3.60 to provide that the Clerk of the Superior Court shall be elected by the voters of Pierce County rather than appointed. Article IV, Section 26 of the Washington Constitution establishes the office of County Clerk and provides that the Clerk serves as Clerk of the Superior Court by virtue of that office. This amendment aligns the Charter with that constitutional structure, clarifies the Clerk’s role in performing judicial functions, and ensures that court-related duties are carried out independently and in accordance with state law and court rules. The amendment preserves county administrative and fiscal support while prohibiting interference with the Clerk’s statutory duties relating to court records, filings, and judicial process. It requires that any Clerk—elected or serving in an interim capacity—must take and file the required constitutional oath before exercising authority. The proposal does not alter judicial authority, statutory duties, or court structure. It reinforces separation of powers, strengthens accountability to voters, and promotes transparency and public trust in the administration of justice.

Prior Action on Proposal:

Introduced by member of public Heather Benedict and Received Sponsorship by Commissioners Milewski and Herrera. Received 4 vote sponsorship. Proposal amended at First Reading on April 13, 2026 striking originally proposed P-1 and replacing with new proposed P-1 as set forth below.

Proposed Charter Amendment:

Section 3.60 — County Clerk of the Superior Court

~~There is hereby created the executive department of Clerk of the Superior Court. The Clerk shall be appointed by the Executive~~

~~and confirmed by a majority of the Council.~~

The office of County Clerk is hereby established pursuant to Article IV, Section 26 of the Washington Constitution. The Clerk shall be a nonpartisan position, elected by the voters of Pierce County for a term of four (4) years, and shall perform all duties required by the Constitution and laws of the State of Washington.

(a) Duties When Acting as Clerk of the Superior Court

Pursuant to Article IV, Section 26 of the Washington Constitution, the Clerk shall serve as Clerk of the Superior Court by virtue of the office and shall perform all duties required by the Constitution, statutes, and court rules of the State of Washington.

In performing duties relating to:

- Receipt and filing of pleadings
- Maintenance of court records and dockets
- Entry of judgments and orders
- Certification of records
- Issuance of writs and process

the Clerk shall act independently and in accordance with applicable law and court rules.

Nothing in this Charter shall be construed to impair or diminish the judicial authority of the Superior Court as established under Article IV of the Washington Constitution.

(b) Non-Interference

No county executive officer, department, public safety agency, or employee outside the Clerk's office shall direct, delay, reject, alter, or otherwise interfere with the Clerk's performance of duties relating to court filings, records, docketing, certification, or issuance of process, except as authorized by state law, court rule, or order of the Superior Court.

(c) Oath of Office

Before entering upon the duties of office, the Clerk, whether elected or serving in an interim capacity, shall take and subscribe the oath required by the Washington Constitution, state law, and this Charter. The oath shall be executed and filed as required by law prior to the exercise of any authority of the office.

(d) Administrative and Fiscal Support

The Clerk shall be subject to the administrative and fiscal provisions of this Charter applicable to elected county officers. The County may provide budgetary, personnel, technology, and facility support; however, such support shall not be exercised in a manner that interferes with or controls the Clerk's statutory duties to the courts or the public.

(e) Transparency

The Clerk shall maintain publicly available procedures, consistent with state law and court rules, regarding:

- Filing processes and timelines
- Access to court records
- Certification practices

(f) Qualifications

Candidates for the office of County Clerk shall meet all eligibility requirements for elective county officers under the Constitution and laws of the State of Washington and this Charter. The County may establish additional qualifications or training requirements by ordinance consistent with state law.

(g) Vacancy

Vacancies in the office of Clerk shall be filled in accordance with applicable state law. Any person appointed to fill a vacancy or serve in an interim capacity must take and file the required oath before exercising the authority of the office.

Rationale for Proposal:

The Clerk of the Superior Court performs core functions that directly affect access to justice, public records, and the integrity of court proceedings. These responsibilities include maintaining the official court record, processing filings, and certifying legal documents—functions that are essential to due process and the fair administration of justice.

Article IV, Section 26 of the Washington Constitution establishes the Clerk as part of the judicial framework of the state. Restoring the Clerk to an elected position aligns the Pierce County Charter with this constitutional structure and ensures direct accountability to the public.

The amendment also addresses structural ambiguity by clarifying

that, while the County may provide administrative and fiscal support, the Clerk's court-related duties must be performed independently and without interference from executive or administrative entities. This preserves separation of powers while maintaining operational efficiency.

By requiring an oath of office before exercising authority, reinforcing independence in court functions, and establishing transparency standards, the proposal strengthens constitutional compliance, reduces legal risk, and enhances public confidence in the integrity of the court record.

Summary Points

Submit written testimony

By Email: katey.hobbs@piercecountywa.gov

By Web Form: <https://www.piercecountywa.gov/FormCenter/Charter-Review-41/Provide-Written-Public-Comment-893>

Submitted public testimony

Names in **RED** = CON

Names in **GREEN** = PRO

As of 4-24-26 = **1 CON** ~ **3 PRO**

3-30-26 Packet

Richard Dickson

throwaway4206969@gmail.com

Sent: Monday, March 23, 2026 1:01 PM

P-1 (the motion to elect the clerk) was submitted by Heather Benedict who has a personal

vendetta against the Clerk's Office of Pierce County, and more than one judge. I learned this after just 15 minutes of googling. I found her unsuccessful YouTube page (with generously edited caption photos of herself included) and her court documents. Heather wants her late mother's estate, and I wonder if she would have done any of this if she was given what she wanted the first time she asked with no human error involved.

I worry that P-1 has come about as a result of grief; pain, anger, and a wounded ego. I feel for Heather. I have compassion for her hardship. But if we are to argue from place of logic and reason; you should consider the work of the office and who is truly doing that work, is it really the clerk, or is it the 30+ staff members he/she oversees? A 4 year term? What would leadership turn over like that do? would it make this office run smoother and with less errors?

Use reason!

4-27-26 Packet

James Yoho

citizenlaw@protonmail.com

Wednesday, April 22, 2026 4:52 PM

Hello,

I support Proposal P-1 because the integrity of court records requires direct public accountability.

The Clerk of the Superior Court is not just an administrative office. It is the official custodian of the permanent judicial record. That record determines property rights, appellate review, and the legal history of every case filed in Pierce County.

Yet today, the office operates without direct voter oversight.

When accountability flows internally rather than to the public, transparency becomes discretionary. That creates risk, not just of error, but of breakdowns that are difficult to detect or correct.

There is currently no consistent requirement that deputy clerks identify themselves on rejected or processed filings. Core filing practices still rely on manual stamp systems without individualized tracking. When records are rejected, returned, or processed, there is often no clear chain of custody visible to the public.

These are not minor administrative details. They go directly to the reliability of the court record.

In any system where records control legal rights, the absence of traceability creates vulnerability, whether intentional or not.

An elected Clerk answers directly to the voters. That alone creates a layer of accountability

that cannot be replicated through internal management structures.

Proposal P-1 does not disrupt the courts. It restores public oversight to the office responsible for preserving their official record.

Pierce County should not be the exception when it comes to transparency in judicial administration.

Please place Proposal P-1 on the ballot and allow the voters to decide.

Jenel Campbell

Jenelcampbell7@gmail.com

Thursday, April 23, 2026 8:35 AM

I strongly support Proposal P-1 to Elect the Clerk. Opponents of this measure will claim the current appointed system is more efficient, but the taxpayers of Pierce County know the truth. An office that loses a Deceased Citizen's Final Decree, operates behind bulletproof glass, and has a revolving door of appointed bureaucrats is not efficient. P-1 is explicitly nonpartisan and preserves county administrative support while finally giving the voters the power to hold this vital office accountable. I urge you to vote YES on P-1.

Leonard Haan

michaelhaan@msn.com

Wednesday, April 22, 2026 6:11 PM

Making things more democratic seems like a "no brainer". But more than that, P1 takes things to a more appropriate separation of powers. Right now the executive has control over judicial functions. He can order or allow the clerk to manipulate the record such that all trust in Pierce County judiciary is lost as a results. Similarly, the sheriff should be elected. The executives comments that it is "more efficient" to have these officials appointed, that is not only less democratic, but further tears at fundamental principles like separation of powers.