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7 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
8 IN AND OF THURSTON COUNTY

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10 BRIAN SONNTAG, a Pierce County voter
11 and former County official; JEFF JOSEPH, a
12 Pierce County voter and Republican Precinct
13 Committeeperson; and HOLLIE ROGGE, a
14 Pierce County voter and a former Pierce
County Charter Commissioner,

Petitioners,

15 vs.

16 PIERCE COUNTY, a home rule charter
17 county government,

Respondent.

No.

DECLARATION OF BRIAN SONNTAG IN
SUPPORT OF PETITION TO VOID
CHARTER AMENDMENT 53 AND
PROHIBIT PIERCE COUNTY FROM
PLACING AMENDMENT 53 ON THE
BALLOT

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19 I, Brian Sonntag, make the following statement under oath subject to penalty of perjury under the
20 laws of the State of Washington:

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22 1.1 I am over the age of eighteen and competent to testify in this matter. I am opposed to
23 Charter Amendment 53.

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25 1.2 My testimony is based upon my education, training, and experience as an elected and
26 appointed Pierce County official and State elected official. I am testifying based upon
27 my personal knowledge.

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29 1.3 I am a petitioner in this matter and am seeking a court order voiding Pierce County
30 Charter Amendment 53 or otherwise prohibiting placement of the proposal on the ballot.
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Charter Amendment 53 invades my right to elect a Sheriff. Amendment 53 violates my rights as a resident to service from the elected Sheriff for his full four-year term. The Sheriff should not be appointed, and the Sheriff should serve his full term until Pierce County voters elect his successor.

1.4 I am a Pierce County resident and voter who voted for Sheriff in 2024.

1.5 In 1978, I was elected Pierce County Clerk.

1.6 I served as the elected Clerk until Pierce County became a Home Rule Charter County in 1980 effective May 1, 1981, prompted by the corruption scandals in 1979.

1.7 I testified before the freeholders in opposition to changing the constitutional office of County Clerk to an appointive position. The Clerk position like the Sheriff is expressly called out in the Constitution as an office controlled by the people. An elected county official who serves the people is not bound to any duty of loyalty to an appointing official. An official elected by the people has the necessary independence to check and balance other elected officers to include the judiciary. By way of example, as elected Clerk, my first public disclosure request of significance was when I was 26 years old. A journalist was reporting on bail irregularities. The important records were huge leather-bound paper journals. To fill the request, I came in on the weekends to allow the journalist to examine the records without disrupting daily operations. Ultimately, his reporting revealed a bail bond scandal that led to the criminal prosecution of fellow elected officials. If subject to the direction of another elected official, I would have not had the same freedom to run my elected office as I deemed appropriate or respond in the same transparent manner.

- 1.8 The freeholders had no legitimate rationale nor justification for taking the Constitutional positions away from the Pierce County electorate in the eighties. The decision to appoint was an ill-conceived response to the corruption scandal that I never thought was correct. In 2006, the people chose to revert to an elected Sheriff, which I supported.
- 1.9 Despite my objections to appointment, I continued to serve as an appointed Clerk until 1986 when I was elected Pierce County Auditor.
- 1.10 In 1992, I was elected State Auditor. I held that state elected office until 2012.
- 1.11 Appointment is not an appropriate substitute for elective office. There are distinct mind sets and duties of loyalty. As an elected officer you serve the people and are accountable to them directly.
- 1.12 With regard to County government, I have never believed home rule meant a County could appoint the Constitutional officers identified in article 11 section 5 and take those officers away from the electorate. The Constitution permits the County to control the election of such officers, but not remove them from elected office.
- 1.13 I have followed the ten-year Charter Review process this year. It is very concerning to me that a constitutional office like that of the Sheriff became the subject of Charter review based on opinions about the current Sheriff's leadership. Charter review and amendment are processes for considering prospective changes to the structure of county government, not alternative procedures for removing a particular elected officer before the expiration of the term the voters affirmed. Using a structural amendment to terminate the incumbent Sheriff's term would evade the distinct safeguards and standards applicable to removal from office, including recall by the electorate or forfeiture upon legally established grounds, and would allow temporary dissatisfaction with one officeholder to determine the

1 enduring design of county government. If the electorate wishes to reconsider whether
2 future sheriffs should be elected or appointed, that question should be addressed
3 prospectively by way of a constitutional amendment and statutory changes independent
4 from the incumbent's tenure; it should not be used to nullify the 2024 election or
5 accomplish indirectly what the established removal procedures do not permit directly.
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8 1.14 The Sheriff should remain elected, and the Charter should not be amended to make the
9 office appointive. An elected Sheriff receives authority directly from the people, answers
10 directly to the voters for the exercise of the County's law-enforcement and corrections
11 powers, and may be replaced by them at the next election. Election also preserves the
12 Sheriff's institutional independence from the County Executive and Council, allowing the
13 Sheriff to carry out legal duties, disclose governmental wrongdoing, and resist improper
14 political pressure without owing continued employment to an appointing official.
15 Appointment would concentrate power in the Executive, weaken this check and balance,
16 and transfer the people's choice to officials whose political or administrative interests may
17 differ from those of the electorate. The voters of Pierce County deliberately restored the
18 elected office in 2006 and elected Keith Swank in 2024 to serve through 2028. The Charter
19 should respect those decisions rather than remove the voters' direct control over this
20 constitutional office or shorten the term they conferred.
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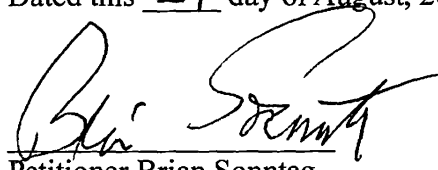
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25 1.15 Sheriff Swank has not been recalled, although he receives significant criticism in the
26 press and from others who are reacting to his social media and other public comments.
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28 1.16 I am not aware of Sheriff Swank having been charged with official misconduct or any
29 offense that automatically causes him to forfeit his office.
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1 1.17 Charter Amendment should not be a lawful means to involuntarily remove an elected
2 Sheriff from service to the people of Pierce County.

3 The above information is true and correct to the best of my abilities.

4 Dated this 21 day of August, 2026 at Fircrest, WA.

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8 Petitioner Brian Sonntag
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