

1 EXPEDITE
2 Hearing is set
3 Date: April 16, 2026
4 Time: 2:30pm
5 Judge/Calendar: _____
6 No hearing is set.

6 SUPERIOR COURT FOR THE STATE OF WASHINGTON
7 IN THE COUNTY OF PEND OREILLE

8 SPOKANE COUNTY SHERIFF JOHN
9 NOWELS, in his individual and official
10 capacity as sheriff of Spokane County, and
11 PEND OREILLE COUNTY SHERIFF
12 GLENN BLAKESLEE, in his individual and
13 official capacity as sheriff of the Pend Oreille
14 County, and STEVENS COUNTY Sheriff
15 Brad Manke, in his individual and official
16 capacity as sheriff of Stevens County,
17 FERRY COUNTY SHERIFF RAY
18 MAYCUMBER, in his individual and official
19 capacity as sheriff of Ferry County,
20 Plaintiffs,

16 v.

17 STATE OF WASHINGTON, the
18 WASHINGTON STATE LEGISLATURE,
19 BOB FERGUSON, sued in his official
20 capacity as governor of the state of
21 Washington,
22 Defendants.

NO.
COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF

21 **I. INTRODCUTON & NATURE OF THE CASE**

22 1. This case challenges a statute that reorders who governs the office of county
23 sheriff in Washington and imposes unconstitutional loyalty oath as a condition of filing as a
24 candidate for the office of county sheriff. The Governor and Legislature have ignored six
25 decades of case law holding such legislation to be facially unconstitutional. Senate Bill 5974,
26 enacted in 2026, does not simply regulate how sheriffs perform their duties. It alters who

1 decides who may seek the office of sheriff, whether a sheriff may take office—and whether a
2 sheriff may remain in office at all.

3 2. Under SB 5974, eligibility to seek, hold, and continue holding the elected office
4 of county sheriff is conditioned on compliance with an administrative certification regime
5 enforced by the Washington State Criminal Justice Training Commission, an unelected body
6 appointed by the Governor.

7 3. That transfer of authority matters. If the CJTC denies or revokes certification,
8 SB 5974 mandates that a vacancy in the sheriff’s office is created by operation of law. No court
9 proceeding is required. No recall election is held. No action by voters is necessary. In effect,
10 SB 5974 allows an administrative determination to override the outcome of a democratic
11 election.

12 4. SB 5974 also imposes new eligibility qualifications for the office of county
13 sheriff beyond those set forth in the Washington Constitution, subjects sheriffs and candidates
14 to vague and discretionary certification standards and restricts a sheriff’s ability to exercise core
15 law-enforcement functions through deputization.

16 5. SB 5974 also imposes the requirement that a person, “seeking election . . . to the
17 office of sheriff must provide a sworn statement under penalty of perjury to the state patrol or
18 to the appointing authority stating that the person meets the requirements of this section.”

19 6. Section 9, subsection (1)(i) of SB 5974, requires that a candidate obtain and
20 thereafter maintain peace officer certification within the prescribed timeframe. Peace officer
21 certification, in turn, is governed by RCW 43.101.105. Under RCW 43.101.105(3), the CJTC
22 has authority to deny or revoke certification on grounds that include affiliation with an extremist
23 organization or engagement in prejudicial or discriminatory conduct.

24 7. No candidate could possibly know what conduct the CJTC might deny or revoke
25 certification for, making it impossible to know what a candidate is swearing—literally or as
26 applied. As a result, the oath required by SB 5974, *under penalty of perjury*, for any potential

1 candidate for the office of county sheriff includes language that is both vague and facially
2 unconstitutional under controlling federal and state case law.

3 8. The Legislature specifically designed SB 5974 to take immediate effect and
4 control who could file for the office of county sheriff the week of May 4th, 2026.

5 9. In total, these provisions shift decisive control over a constitutionally elected
6 office away from voters and toward an executive agency, reallocating power the Washington
7 Constitution assigns to voters and courts. They alter the constitutional balance governing
8 removal, eligibility, and authority of county sheriffs in Washington.

9 10. Plaintiffs allege that SB 5974 violates the Washington Constitution's exclusive
10 removal framework, is invalid under the First and Fourteenth Amendments of the United States
11 Constitution, exceeds the Legislature's authority to prescribe qualifications for constitutional
12 office, and infringes the structural protections afforded to the office of sheriff. Plaintiffs seek
13 declaratory and injunctive relief to prevent SB 5974 from taking effect with respect to elected
14 county sheriffs and those seeking the office of sheriff.

15 11. The Court should declare that SB 5974 is unconstitutional and stop the
16 Government from enforcing it against elected county sheriffs and those seeking the office of
17 county sheriff.

18 II. PARTIES

19 12. Plaintiff Sheriff John Nowels is currently the elected sheriff in Spokane County,
20 Washington. He was elected as the Spokane County Sheriff on November 8, 2022, and began
21 serving as Spokane County Sheriff on January 1, 2023. As Spokane County Sheriff, he is
22 subject to SB 5974's certification requirements and is suing in his individual and official
23 capacity as the Spokane County Sheriff.

24 13. Plaintiff Sheriff Glenn Blakeslee is currently the elected sheriff in Pend Oreille
25 County, Washington. He was elected as the Pend Oreille County Sheriff on November 6, 2018,
26 and began serving as Pend Oreille County Sheriff on January 1, 2019. If SB 5974 is enforced,

1 then Sheriff Blakeslee would be subject to new eligibility criteria requirements and is suing in
2 his individual and official capacity as the Pend Oreille County Sheriff.

3 14. Plaintiff Sheriff Ray Maycumber is currently the elected sheriff in Ferry County.
4 He was elected as the Ferry County Sheriff on November 4, 2014, and began serving as Ferry
5 County Sheriff on January 1, 2015. As Ferry County Sheriff, he is subject to SB 5974's
6 certification requirements and is suing in his individual and official capacity as the Ferry County
7 Sheriff.

8 15. Plaintiff Sheriff Brad Manke is currently the elected sheriff in Stevens County.
9 He was elected as the Stevens County Sheriff on November 6, 2018, and began serving as the
10 Stevens County Sheriff on January 1, 2019. As Stevens County Sheriff, he is subject to SB
11 5974's certification requirements and is suing in his individual and official capacity as the
12 Stevens County Sheriff.

13 16. Defendants are the State of Washington, the Washington State Legislature, Bob
14 Ferguson, sued in his official capacity as governor of the state of Washington.

15 **III. JURISDICTION AND VENUE**

16 17. The Court has jurisdiction over this matter under chapter 2.08 RCW and chapter
17 7.24 RCW.

18 18. Venue is proper in this Court under RCW 4.92.010 because Plaintiff Sheriff
19 Glenn Blakeslee resides in Pend Oreille County.

20 **IV. FACTS**

21 **A. SB 5974 fundamentally alters the office of county sheriff.**

22 19. The office of county sheriff is an elected constitutional office in Washington.¹
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26 ¹ One exception exists. That is in King County, where the voters democratically decided to
change their sheriff position to be appointed rather than elected.

1 20. In 2026, the Washington Legislature enacted SB 5974, which substantially
2 changes the legal framework governing who may seek and hold that office. The Governor
3 signed SB 5974 into law on April 1, 2026.

4 21. In signing SB 5974 the Governor stated, “It’s a serious step when someone’s
5 being removed from office, speaking as an elected official . . . I just want to make sure we’re
6 being as thoughtful as possible on that, and so I just pressed that to the bill sponsors. I don’t
7 make too big a deal out of it.”

8 22. The Governor continued, “I’ll be looking for ways if we can just improve that
9 process a little bit as we go into next session,” he added, noting it’s too early to say what those
10 revisions could be.

11 23. SB 5974 states in relevant part, “The legislature also finds that these goals can
12 best be met by ensuring the updated standards, requirements, and duties are in effect prior to
13 the filing deadline for 2026 elections, which will include elections for 35 sheriffs.”

14 24. All Plaintiffs will be subject to the oath requirement of SB 5974 if they file for
15 reelection the week of May 4th, 2026.

16 25. SB 5974 does not merely regulate how sheriffs perform their duties. Instead, it
17 conditions eligibility to run for, assume, and remain in office on compliance with a statewide
18 administrative certification regime.

19 26. As a result, SB 5974 shifts decisive authority over the office of county sheriff
20 away from voters and elected officials and vests it in an unelected executive agency.

21 **B. SB 5974 imposes new eligibility and certification requirements on sheriffs and**
22 **candidates.**

23 27. SB 5974 “[c]hanges eligibility criteria for becoming a . . . sheriff.”

24 28. It does that by requiring that any person filing for, elected to, or holding the
25 office of county sheriff meet the same eligibility requirements applicable to appointed chiefs of
26 police and marshals.

1 29. Those requirements include minimum age and education thresholds, specified
2 law-enforcement experience, submission to a background investigation, and attainment and
3 maintenance of peace-officer certification.

4 30. SB 5974 further requires that an elected sheriff obtain certification within nine
5 months of taking office and maintain that certification throughout the term.

6 31. Before SB 5974's enactment, elected county sheriffs were not required to satisfy
7 these eligibility or certification requirements as conditions of seeking or holding office.

8 32. SB 5974 applies both to individuals seeking election and to sheriffs currently
9 serving elected terms.

10 **C. SB 5974 places enforcement authority in an unelected commission.**

11 33. SB 5974 assigns authority to administer and enforce these requirements to the
12 Washington State Criminal Justice Training Commission, a state agency created by statute.

13 34. The CJTC is an unelected body governed by chapter 43.101 RCW.

14 35. It consists of twenty-one members appointed by the Governor. Most of its
15 members are not required to have law-enforcement backgrounds.

16 36. The CJTC is authorized by statute and rule to grant, deny, suspend, or revoke
17 peace-officer certification based on criteria set forth in RCW 43.101.105 and related
18 regulations.

19 37. Those criteria extend beyond criminal convictions and include broad,
20 discretionary standards governing conduct, associations, and judgment.

21 **D. Loss of certification operates as loss of office.**

22 38. Under SB 5974, an elected sheriff's eligibility to remain in office is directly tied
23 to certification status.

24 39. If a sheriff fails to obtain or maintain certification, or if the CJTC denies or
25 revokes certification, SB 5974 provides for the creation of a vacancy in the office of sheriff by
26 operation of law.

1 40. SB 5974 does not require a judicial determination, legislative action, or voter
2 decision to effectuate that result.

3 41. As a practical matter, SB 5974 allows an administrative certification decision to
4 determine whether a duly elected sheriff may continue to serve.

5 **E. SB 5974 also restricts core functions of the county sheriff’s office.**

6 42. In addition to conditioning eligibility to hold office, SB 5974 restricts how a
7 sheriff may exercise law-enforcement authority.

8 43. SB 5974 prohibits individuals from exercising law-enforcement authority or
9 carrying firearms on behalf of a sheriff unless they are certified under chapter 43.101 RCW.

10 44. This restriction applies regardless of historical practice, county needs, or exigent
11 circumstances.

12 **F. SB 5974 requires an unconstitutional oath to file for election as a county sheriff.**

13 45. SB Section 9, subsection (3) of SB 5974 provides that a person, “seeking
14 election . . . to the office of sheriff must provide a sworn statement under penalty of perjury to
15 the state patrol or to the appointing authority stating that the person meets the requirements of
16 this section.”

17 46. Section 9, subsection (1)(i), requires that a candidate obtain and thereafter
18 maintain peace officer certification within the prescribed timeframe. Peace officer certification,
19 in turn, is governed by RCW 43.101.105.

20 47. Under RCW 43.101.105(3), the CJTC has authority to deny or revoke
21 certification on grounds that include affiliation with an extremist organization or engagement
22 in prejudicial or discriminatory conduct.

23 48. No candidate could possibly know what conduct the CJTC might deny or revoke
24 certification for, making it impossible to know what a candidate is swearing—literally or as
25 applied. As a result, the oath required by SB 5974 for any potential candidate for the office of
26

1 County Sheriff includes language that is both vague and facially unconstitutional under
2 controlling federal and state case law.

3 **G. SB 5974 creates immediate and ongoing consequences.**

4 49. All Plaintiffs are currently serving an elected term as a County Sheriff and are
5 subject to SB 5974's certification requirements throughout that term.

6 50. All Plaintiffs are up for election in 2026 and are subject to SB 5974's oath
7 requirement to file as a candidate for reelection in May of 2026.

8 51. SB 5974 exposes Plaintiffs to the possibility of losing office through
9 administrative certification action rather than voter recall or constitutional removal processes.

10 **V. CAUSES OF ACTION**

11 **COUNT I**

12 **(SB 5974 violates WASH. CONST. art. V, § 3; art. I, § 33)**

13 52. Plaintiffs incorporate by reference all above paragraphs as if they were stated
14 here.

15 53. WASH. CONST., art. V, § 3 and art. I, § 33 create an exclusive removal framework
16 for elected county sheriff positions.

17 54. WASH. CONST., art. V, § 3 states, "All officers not liable to impeachment shall
18 be subject to removal for misconduct or malfeasance in office, in such manner as may be
19 provided by law."

20 55. WASH. CONST., art. I, § 33 states, "Every elective public officer of the state of
21 Washington . . . is subject to recall and discharge by the legal voters . . . reciting that such officer
22 has committed some act or acts of malfeasance or misfeasance while in office, or who has
23 violated his oath of office."

24 56. Elected county sheriffs are constitutional officers of Washington State not liable
25 to impeachment and are subject to WASH. CONST., art. V, § 3 and art. I, § 33's removal
26 framework.

1 78. SB 5974 violates WASH. CONST. art. XI, § 5.

2 **COUNT V**

3 **(SB 5974 violates U.S. CONST. amend. I, §)**

4 79. All citizens have a right to freedom of speech and association.

5 80. SB 5974 imposes limitations on free speech, freedom of association and further
6 chills the free exercise of these rights by imposing unconstitutionally vague and elastic
7 definitions of past, present and future conduct.

8 81. Washington prohibits loyalty oaths as a condition for filing for public office,
9 “candidates for public office should not be required to sign an oath which is unconstitutional
10 on its face . . . We must remember that we are dealing with the very essence of the democratic
11 process—free speech and candidacy for public office.” *Orians v. James*, 84 Wn.2d 819, 822
12 (1974).

13 82. SB 5974 imposes an unconstitutional loyalty oath as condition of running for
14 and keeping public office.

15 83. SB 5974 violates the First Amendment to the United States Constitution.

16 **COUNT VI**

17 **(SB 5974 violates WASH. CONST. art. I, § 19)**

18 84. Plaintiffs incorporate by reference all above paragraphs as if they were stated
19 here.

20 85. The right to vote freely “for the candidate of one’s choice is the essence of a
21 democratic society.” *Gold Bar Citizens for Good Gov't v. Whalen*, 99 Wn.2d 724, 730, 665
22 P.2d 393, 397 (1983) (citation omitted).

23 86. The Washington Constitution safeguards a right to “free and equal” elections
24 than does the Federal Constitution. WASH. CONST. art. I, § 19; *see also* U.S. CONST. amend.
25 XIV.

CARNEY BADLEY SPELLMAN, P.S.

By 

Mark C. Lamb, WSBA No. 30134
Ashley D. Burman, WSBA No. 58754
Chris M. Kranda, WSBA No. 56312
Attorneys for Plaintiffs

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