

HOUSE BILL REPORT

HB 2347

As Passed House:
February 16, 2020

Title: An act relating to bond requirements for county clerks.

Brief Description: Concerning bond requirements for county clerks.

Sponsors: Representatives Duerr, Pollet, Senn and Goehner.

Brief History:

Committee Activity:

Local Government: 1/21/20, 1/24/20 [DP].

Floor Activity:

Passed House: 2/16/20, 87-9.

Brief Summary of Bill

- Removes the ability of superior court judges to order an increase in a county clerk's bond.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 6 members: Representatives Pollet, Chair; Duerr, Vice Chair; Kraft, Ranking Minority Member; Appleton, Goehner and Senn.

Staff: Kellen Wright (786-7134).

Background:

Every county official is required to post a bond prior to assuming office. Bonds are paid for by the political subdivision or public body that the officer serves. The county clerk's bond is set at twice the amount of money liable to come into the clerk's hands as approved by a majority of the superior court judges in the county, or the amount of bond statutorily required of the county treasurer, whichever amount is lower. A county treasurer's bond can range from \$100,000 to \$250,000, depending on the population of the county.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The initial bond is required prior to entering office. It can be increased after the officer takes office. For county clerks, there are two ways the bond amount can be increased. First, a majority of the judges of the superior court can order the clerk to obtain an additional bond, if they believe that the clerk's current bond is insufficient. If the clerk fails to post the additional bond within 10 days of the deadline, then the clerk's office is declared vacant. In the recent case of *Riddle v. Elofson*, the Washington Supreme Court upheld the ability of superior court judges to order the bond increased over the amount initially required prior to assuming office.

Second, a clerk's initial bond amount can be increased by the action of the board of county commissioners. The commissioners can, if the initial bond is insufficient, summon the clerk to show cause why the bond should not be increased.

Summary of Bill:

Superior court judges may not order a county clerk's bond to be increased.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill helps local officials do their jobs by eliminating an antiquated law that is over 100 years old. The law that this bill would repeal is a fragment from 1895 and is no longer warranted due to changed conditions, including modern insurance practices. The law allows unilateral action by judges against a county clerk, based only on the judges' subjective belief and without providing the clerk with notice or due process. The dissent in a recent Supreme Court case regarding the law said that the law cannot be what the Legislature intended, as it undermined the Legislature's attempt to control the amount of a county's clerk's bond and the will of the voters. This law should not be amended or repaired—it should be stricken from the books.

(Opposed) None.

Persons Testifying: Representative Duerr, prime sponsor; Ruth Gordon and Sharon Fogo, Washington Association of County Clerks; and Kym Foster, Grays Harbor County Clerk.

Persons Signed In To Testify But Not Testifying: None.