
State Government & Tribal Relations
Committee

HB 2527

Brief Description: Concerning the rights of Washingtonians during the United States census.

Sponsors: Representatives Ramos, Kilduff, Gregerson, Valdez, Slatter, Ortiz-Self, Tarleton, Davis, Doglio, Callan, Ramel, Pollet, Hudgins, Ormsby and Santos.

Brief Summary of Bill

- Creates a Washington Census Bill of Rights & Responsibilities that affirms rights related to participating in the United States decennial Census (Census).
- Makes impersonating a Census taker a gross misdemeanor.

Hearing Date: 1/22/20

Staff: Carrington Skinner (786-7192).

Background:

United States Decennial Census.

Since 1790, the United States (US) decennial Census (Census) has been conducted every 10 years to determine the population of the entire country and to compile demographic information concerning age, sex, race, and ethnicity. The results determine the number of seats for each state in the US House of Representatives and are used to draw congressional and state legislative districts. Census counts are also used to determine the distribution of federal funds to states, counties, and cities. The operation, which is mandated by the US Constitution, is conducted by the US Census Bureau (Bureau), which is part of the US Department of Commerce (DOC).

In 2020 the Census tally will begin in January with counting populations in remote parts of Alaska. In March, most households will begin receiving an invitation by mail to participate in the Census. Respondents will be asked to provide information about where they live as of April 1, 2020, which is known as Census Day. Beginning in May and June, Census takers will visit

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homes of people who have not yet responded to the Census to collect information. In December, the Bureau will deliver apportionment counts to the President and Congress.

This year's Census will be the first to permit responses to be submitted online or by phone, in addition to paper forms. Printed Census forms will be available in English and Spanish; the online questionnaire and telephone assistance will be available in 13 languages. In addition, language assistance guides, glossaries, and identification cards will be available in 59 non-English languages.

To verify the identity of a Census taker, the Bureau encourages residents to check for a valid ID badge with photograph, which should contain a DOC watermark and expiration date. With limited exceptions that include address verification and the exchange of statistical information with other federal departments, officers and employees of the Bureau are not allowed to:

- use information obtained by the Census other than for statistical purposes;
- publish data that allows an individual or establishment to be identified; or
- permit anyone other than sworn officers and employees to view individual reports.

Employees who do publish or communicate confidential Census information can be fined no more than \$5,000 or sentenced to five years in prison, or both.

The Washington Complete Count Committee, along with city, county, and regional committees, seeks to educate Washington residents about the Census and encourage participation. The Office of Financial Management serves as the liaison between the state and the Bureau during the Census process.

Impersonation Crimes.

There are several crimes related to fraud under Washington criminal law, including forgery, false certification, and criminal impersonation. Criminal impersonation in the first degree, which is a Class C Felony, occurs when a person assumes a false identity or pretends to be a representative of a person or organization and does an act with the intent to defraud. A person is guilty of second degree criminal impersonation, a gross misdemeanor, when the person:

- claims to be a law enforcement officer or creates the impression he or she is a law enforcement officer, and does an act with the intent to convey the impression that he or she is acting in an official capacity and a reasonable person would believe he or she is an officer; or
- falsely assumes the identity of a veteran or active duty member of the armed forces with the intent to defraud for personal gain or facilitate any unlawful activity.

Gross misdemeanors are punishable by a maximum county jail term of 364 days, or by a fine of not more than \$500, or both.

Under federal law, a person who falsely assumes or pretends to be an officer or employee of the US government and demands or obtains money, documents, or things of value are to be fined or imprisoned not more than three years, or both. It is also a federal crime to falsely represent that a person is an officer of the US and arrest, detain, or search a person or a person's building or property.

Summary of Bill:

A Washington Census Bill of Rights & Responsibilities is created, which affirms the following rights to:

- participate in the Census free of threat or intimidation;
- the confidentiality of information provided in the Census form;
- respond to the Census by means made available to the respondent, either by phone, by mail, or online;
- request language assistance; and
- verify the identity of a Census worker.

The Secretary of State is required to translate the Census Bill of Rights and Responsibilities into languages other than English. The Office of Financial Management must make the Census Bill of Rights and Responsibilities available for use on its website and available for inclusion on city and county Census websites, as well as the Census Questionnaire Assistance Center website.

A new crime of impersonating a Census taker is created, which is a gross misdemeanor. A person is guilty of this crime if he or she falsely represents that he or she is a Census taker with the intent to:

- interfere with the operation of the Census;
- obtain information; or
- obtain consent to enter a private dwelling.

Appropriation: None.

Fiscal Note: Requested on January 16, 2020.

Effective Date: The bill contains an emergency clause and takes effect immediately.