

SENATE BILL REPORT

SHB 2527

As Reported by Senate Committee On:
State Government, Tribal Relations & Elections, February 26, 2020

Title: An act relating to protecting the rights of Washingtonians during the United States census.

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

Sponsors: House Committee on State Government & Tribal Relations (originally sponsored by Representatives Ramos, Kilduff, Gregerson, Valdez, Slatter, Ortiz-Self, Tarleton, Davis, Doglio, Callan, Ramel, Pollet, Hudgins, Ormsby and Santos).

Brief History: Passed House: 2/12/20, 66-30.

Committee Activity: State Government, Tribal Relations & Elections: 2/21/20, 2/26/20 [DPA, w/oRec].

Brief Summary of Amended Bill

- Affirms rights related to participating in the decennial census.
- Makes impersonating a census taker a gross misdemeanor.
- Makes mailing materials with the intent to interfere with census operations an unfair trade practice.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Muzzall, Assistant Ranking Member; Hasegawa and Takko.

Minority Report: That it be referred without recommendation.

Signed by Senators Zeiger, Ranking Member; Hawkins.

Staff: Samuel Brown (786-7470)

Background: Census. Since 1790, the United States (U.S.) decennial Census (Census) has been conducted every 10 years, as required by the United States Constitution, to determine

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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 U.S. 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.

Washington Consumer Protection Act. The Washington Consumer Protection Act (CPA) makes unfair and deceptive practices in trade or commerce illegal. The CPA allows a person injured by an unfair or deceptive practice to bring a private cause of action for damages, and the Office of the Attorney General may investigate and prosecute claims under the CPA on behalf of the state or individuals in the state.

Summary of Amended Bill: Census Bill of Rights and Responsibilities. The Legislature creates the Washington Census Bill of Rights and Responsibilities, affirming the rights of Washingtonians 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, including by phone, by mail, online, or in person;
- request language assistance; and
- verify the identity of a Census worker.

The Secretary of State must translate the Washington Census Bill of Rights and Responsibilities into other languages consistent with the federal Voting Rights Act. The Office of Financial Management must make the Washington Census Bill of Rights and Responsibilities available online.

Impersonating a Census Taker. A person is guilty of a gross misdemeanor for impersonating a Census taker if they falsely represent they are a Census taker with the intent to:

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

CPA. Mailing materials with the intent to deceive a person into believing the material is an official census communication, interfere with census operations, or discourage census participation is an unfair trade practice subject to enforcement under the CPA.

EFFECT OF STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS COMMITTEE AMENDMENT(S): Mailing materials with the intent to deceive a person into believing the material is an official census communication, interfere with census operations, or discourage census participation is an unfair trade practice subject to enforcement under the CPA.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This sets things up so people can partake in the Census freely. In many neighborhoods, rural areas, and tribal lands, it is harder to get Census numbers correct, and we want to make sure there is no undercounting. There were instances in the 2010 Census of impersonation of Census takers. People provide a lot of personal information to Census takers. Having a Washington penalty will deter bad actors and promote participation in the process.

Persons Testifying: PRO: Representative Bill Ramos, Prime Sponsor; Alex Hur, OneAmerica.

Persons Signed In To Testify But Not Testifying: No one.