



Nov 8, 2016 General Election Ballot Measure Summary Series

Measure: State of Washington Initiative Measure No. 1501 concerns seniors and vulnerable individuals, and the release of identifying data of registered in-home health care workers.

Ballot Title (what you will see on the ballot):

Initiative Measure No. 1501 concerns seniors and vulnerable individuals. This measure would increase the penalties for criminal identity theft and civil consumer fraud targeted at seniors or vulnerable individuals; and exempt certain information of vulnerable individuals and in-home caregivers from public disclosure.

Should this measure be enacted into law? Yes [] No []

(official – as filed with the Secretary of State’s Office)

Summary:

This measure would increase penalties for criminal identity theft and civil penalties for consumer fraud when persons over sixty-five or vulnerable individuals are targeted. It would exempt certain information, including names, addresses, and other personally identifying information, of vulnerable individuals and in-home caregivers for vulnerable populations from public disclosure. It would also prohibit the state and state agencies from releasing certain information of vulnerable individuals and in-home caregivers of vulnerable populations except in limited situations.

Immediate Effects, if Passed:

The primary effect of the measure is that the Public Records Act would be changed to prohibit disclosing "sensitive personal information" of both vulnerable individuals and "in-home caregivers of vulnerable populations." This would have the immediate effect of sealing the identities of those who are in-home caregivers for elderly and disabled individuals. The measure also requires the Department of Social and Health Services to report any additional records that should be made exempt from public disclosure to protect seniors and vulnerable individuals against victimization.

Substantial penalties for criminal identity theft and civil penalties for consumer fraud when persons over sixty-five or vulnerable individuals are targeted already exist in Washington State. This measure would make minor changes in criminal and civil laws that apply when vulnerable individuals or seniors are targets of identity theft or consumer fraud. The measure would increase the criminal penalty for identity theft when a senior or vulnerable individual, as defined, is targeted. The measure would also increase civil penalties for consumer fraud that targets a senior or vulnerable individual, as defined.

Fiscal Effects, if passed: Initiative 1501 would have no significant fiscal impact on state or local governments. A small amount of increased effort and expense will accompany the changes to public disclosure law and the new DSHS reporting requirements, but it is expected to be able to be absorbed by current levels of personnel and resources.

Arguments for the measure:

People who support the measure state the intent of I-1501 is to protect those most vulnerable from identity theft. Unscrupulous persons find ever more clever ways, including identity theft, to improperly obtain, possess, use, and transfer another person's means of identification or financial information. This bill is designed to increase the penalties for theft of the identity of those most vulnerable. The supporters also state that the bill is also designed to protect the identity information of the care givers of those most vulnerable by making the licensed care giver's sensitive identity information no longer public information - exempt from the current Washington public disclosure laws.

Arguments against the measure:

Opponents of the measure state that the advertised "intent" of I-1501 is to protect vulnerable citizens. However, the opponents also note that the only truly new part of the initiative is the part that prevents in-home health care workers from discovering that they do not need to be members of a union by exempting their contact information from the current Washington public disclosure laws. Prior to 2013, employees such as home care workers were forced to join a union. The U.S. Supreme Court ruling in *Harris v. Quinn (2013)* said that "quasi-public" employees such as home health care workers cannot be forced to join a union, nor can they be required to pay dues or fees to one.

Opponents note that the highest and only registered donor supporting I-1501 is SEIU 775, a union with 44,000 long-term care workers in Washington and Montana. The *Freedom Foundation* in Olympia filed a public records request for the names of home health workers to send mailers about their right not to join the SEIU 775. SEIU 775 sued but lost in the courts, and is now trying to write into law new exemptions from disclosure.