

VETO MESSAGE ON EHB 2097

March 28, 2018

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 6,
Engrossed House Bill No. 2097 entitled:

"AN ACT Relating to limiting disclosure of
information about the religious affiliation of
individuals."

Engrossed House Bill 2097 prohibits employers, state or local governments from providing, collecting, and/or disclosing an individual's religious belief, practice or affiliation. In a time when divisive rhetoric is used and our liberties are threatened from a national level, I stand with you and will not allow for the government or employers to begin collecting religious information on our residents. We have seen governments collect individuals' religious information before and we know what happens next, but it will certainly not happen on our watch.

Our country was founded by people who came to this country in search of religious freedom, a fundamental value of our democracy. The establishment and free exercise clauses of the First Amendment prevents the government from promoting religion in any way, provides you with the right to worship (or not) as you wish, and prohibits the government from penalizing you for your religious beliefs. The separation of church and state is one of the very reasons why individuals have sought refuge by immigrating to this country.

The intent section of the bill eloquently outlines these values and I believe its codification is necessary so that the horrors of the past will not be repeated. I am, therefore, vetoing Section 6 of the bill, which will enable the Code Reviser to codify the intent language in Section 1. A veto of Section 6 does not impact the bill's policy; rather it strengthens the bill by celebrating the rich cultural heritage and diversity of our residents and reminding us that the freedom of religion is one of the founding ideals of the nation.

In signing this bill, I want to make it clear that it is our duty as public servants to ensure that we are not only meeting the letter of the law, but the spirit as well. It is my intent that this law be implemented fully and consistently

by all public agencies across the state. Accordingly, I am directing the Office of Financial Management, in consultation with key legislators and others, to prepare guidance for use by public agencies and institutions, consistent with the following interpretations of the bill:

Section 3(3) prohibits state and local governments and public employees from sharing personally identifiable information with any entity that is investigating or enforcing a government program that compiles a list based on religion, national origin, or ethnicity for law enforcement or immigration purposes. In practice, any personally identifiable information of individuals based on religion, national origin, or ethnicity shall not be shared with any government agency that is compiling a list or database for law enforcement or immigration purposes.

Section 4(2) prohibits state and local law enforcement agencies from using public resources to investigate, enforce, or assist in the investigation or enforcement of any requirement that individuals register with the federal government or any federal agency based on religion. Our state and local law enforcement agencies shall not assist the federal government in any attempt to require individuals to register based on religion. As specified in Section 4(1)(a) of the bill, this prohibition does not apply when assisting an investigation of an individual based on reasonable suspicion that the individual has engaged in criminal activity, and when there is a nexus between the criminal activity and the specific information collected about religious belief, practice, or affiliation.

Section 5 requires the termination of any portion of an agreement that shares any state or local government information or databases in conflict with this new law. In this context, agreements are not limited to only accords, memorandum of understandings, and contracts, but include any understanding, even those without a legal obligation. Agreements that violate this law shall be identified and the terms renegotiated to bring the agreement into compliance with the law.

I thank you for your unanimous support for this bill.

For these reasons I have vetoed Section 6 of Engrossed House Bill No. 2097.

With the exception of Section 6, Engrossed House Bill No. 2097 is approved.

Respectfully submitted,
Jay Inslee
Governor