H-3446.1

SUBSTITUTE HOUSE BILL 2661

State of Washington 69th Legislature 2026 Regular Session

By House State Government & Tribal Relations (originally sponsored by Representative Rude)

READ FIRST TIME 02/04/26.

AN ACT Relating to establishing the legislative task force on public records act modernization consisting of eight voting members and four nonvoting legislators; creating new sections; and providing an expiration date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** The legislature finds the public records act was enacted as part of a voter initiative and is the cornerstone of transparency and accountability in state and local government. The legislature reaffirms that broad public access to government records strengthens accountability, promotes civic engagement, and fosters confidence in public institutions. The legislature further finds that misuse of the public records act for frivolous, retaliatory, or harassing purposes strains limited public resources, especially for school districts, delays access to records for individuals who use the public records request process for legitimate purposes, and does not advance the public interest in governmental transparency. The legislature therefore finds that it is necessary to examine ways to improve the functionality of the public records act that will increase efficiency, reduce the financial burden on school districts, maintain transparency in government, and deter abuse of the public records request process.

NEW SECTION. **Sec. 2.** (1) The joint legislative audit and review committee must examine:

(a) The nature and impact of frivolous, retaliatory, or harassing public records requests on school districts and their employees;

(b) Strategies to deter frivolous, retaliatory, and harassing public records requests received by school districts such as preventing anonymous requests and eliminating financial motivation that results in bad faith requests;

(c) The role that enhanced judicial discretion can have in preventing or stopping frivolous, retaliatory, or harassing public records requests received by school districts;

(d) Approaches other states have taken to address requests that are made in bad faith or that otherwise abuse the public records request process such as frivolous, retaliatory, or harassing requests; and

(e) Other tools, safeguards, or statutory or policy clarifications that could be implemented by school districts to reduce the level of abuse of the public records request process while preserving transparency and broad public access to public records.

(2)(a) The joint legislative audit and review committee may establish a work group to discuss and explore the topics described in subsection (1) of this section. Representatives from the following entities must be invited to participate in any work group established under this subsection:

(i) The Washington association of public records officers;

(ii) Allied daily newspapers of Washington;

(iii) The Washington coalition for open government;

(iv) The association of Washington cities;

(v) The Washington schools risk management pool;

(vi) The Washington state association for justice;

(vii) The office of the attorney general; and

(viii) The Washington association of school administrators.

(b) All meetings of any work group created under this section must be held remotely.

(3) The joint legislative audit and review committee may hold virtual work sessions to hear from school districts and individuals from the public with demonstrated knowledge and expertise in the area of public records to inform the work of the joint legislative audit and review committee.

(4) The joint legislative audit and review committee shall report its findings and recommendations to the governor and appropriate committees of the legislature no later than October 1, 2027.

(5) This section expires October 15, 2027.

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