

The text of this document is an accurate copy of what was filed by the initiative proponent with the Secretary of State for assignment of a serial number. The accuracy of code in amendatory sections has not been verified.

INITIATIVE 914

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 914 to the People is a true and correct copy as it was received by this office.

AN ACT Relating to prohibiting discrimination and preferential treatment; amending RCW 49.60.400; adding new sections; and providing an effective date.

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

POLICIES AND PURPOSES

NEW SECTION. **Sec. 1.** Discrimination is wrong. This measure would prohibit public and private entities from discriminating or granting preferential treatment to any individual or group based on race, gender, color, ethnicity, or national origin in employment, education, and contracting. President John F. Kennedy said "Discrimination has no place in American life or law." Our citizens want Washington to be a discrimination-free state.

Sec. 2. RCW 49.60.400 and 1999 c 3 s 1 are each amended to read as follows:

(1) Public and private entities (~~(The state)~~) shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or

national origin in the operation of (~~public~~) employment, (~~public~~) education, or (~~public~~) contracting.

(2) This section applies only to action taken after December 3, 1998.

(3) This section does not affect any law or public or private (~~governmental~~) action that does not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin.

(4) This section does not affect any otherwise lawful classification that:

(a) Is based on sex and is necessary for sexual privacy or medical or psychological treatment; or

(b) Is necessary for undercover law enforcement or for film, video, audio, or theatrical casting; or

(c) Provides for separate athletic teams for each sex.

(5) This section does not invalidate any court order or consent decree that is in force as of December 3, 1998.

(6) This section does not prohibit action that must be taken to establish or maintain eligibility for any federal program, if ineligibility would result in a loss of federal funds to the public or private entity (~~state~~). The mere receipt of federal funds is not adequate for this subsection to apply; there must be a federal requirement that if not established or maintained, a loss of federal funds would directly result.

(7) For the purposes of this section, "public or private entity" (~~state~~) includes, but is not necessarily limited to, the state itself, any city, county, public college or university, community college, school district, special district, or other political subdivision or governmental instrumentality of or within the state, and any private employer, school, or contractor.

(8) The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of Washington antidiscrimination law.

(9) This section shall be self-executing. If any part or parts of this section are found to be in conflict with federal law, the United States Constitution, or the Washington state Constitution, the section shall be implemented to the maximum extent that federal law, the United States Constitution, and the Washington state Constitution

permit. Any provision held invalid shall be severable from the remaining portions of this section.

(10) Consistent with the intent, policies, and purposes of this act, any government, including but not limited to higher education institutions such as the University of Washington, shall not use race, sex, color, ethnicity, or national origin as a factor in its policies, including, but not limited to, its admission policy. Any public college or university that uses, in whole or in part, a holistic system in its admission policy shall be prohibited from collecting any information from the applicant that provides, directly or indirectly, their race, sex, color, ethnicity, or national origin. Such information may be obtained after the applicant is admitted, not before. Such discriminatory policies are in direct violation of the intent, policies, and purposes of this act.

(11) Consistent with the intent, policies, and purposes of this act, any government, including but not limited to schools such as the Seattle school district, shall not use race, sex, color, ethnicity, or national origin as a factor in its policies, including, but not limited to, determining the assignment of students to schools, sometimes referred to as a racial tiebreaker. To make sure they don't, any public school shall be prohibited from collecting any information from the student that provides, directly or indirectly, their race, sex, color, ethnicity, or national origin. Such information may be obtained after the student is admitted, not before. Such discriminatory policies are in direct violation of the intent, policies, and purposes of this act.

(12) Consistent with the intent, policies, and purposes of this act, any government, including but not limited to transportation agencies such as Sound Transit and the Seattle monorail, shall not use race, sex, color, ethnicity, or national origin as a factor in contracting. To make sure they don't, any government shall be prohibited from collecting any information from the contractor that provides, directly or indirectly, the race, sex, color, ethnicity, or national origin of the contractor or its subcontractors. Such discriminatory policies are in direct violation of the intent, policies, and purposes of this act.

(13) Consistent with the intent, policies, and purposes of this act, any government, including but not limited to Seattle government, shall not collect data on the hiring or subcontracting practices of

contractors with regard to race, sex, color, ethnicity, or national origin. Such discriminatory policies can be used to threaten or punish a business for not using preferences in its hiring or contracting and is therefore prohibited. The use of numerical goals and timetables can also be abused and is therefore prohibited. Such discriminatory policies are in direct violation of the intent, policies, and purposes of this act.

NEW SECTION. **Sec. 3.** The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

NEW SECTION. **Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 5.** This act shall be called The Civil Rights Act.

NEW SECTION. **Sec. 6.** This act shall take effect on December 7, 2006.

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