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### INITIATIVE 351

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. 351 to the Legislature is a true and correct copy as it was received by this office.

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

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

#### 5 POLICIES AND PURPOSES

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

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

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

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

3 (2) This section applies only to action taken after December 3,  
4 1998.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 NEW SECTION. Sec. 6. This act shall take effect on December 7,  
18 2006.

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