



**WASHINGTON VOTERS: SIGN FOR EQUALITY IN JOBS, SCHOOLS AND BUSINESS!**

**I-1644 MEANS EQUAL OPPORTUNITY FOR...**



**EDUCATION IN ALL PUBLIC SCHOOLS, COLLEGES, UNIVERSITIES & VOC-TECH INSTITUTIONS;**



**THOUSANDS OF STATE, COUNTY, CITY & LOCAL GOVERNMENT JOBS;**



**STATE, COUNTY, CITY & LOCAL GOVERNMENT BUSINESS CONTRACTING OPPORTUNITIES;**



**ALL HONORABLY DISCHARGED MILITARY VETERANS**



**Ballot Title**

**Statement of Subject:**  
Initiative Measure No. 1644 concerns affirmative action and preferential treatment.

**Initiative 1644**

**Concise Description:**  
This measure would allow government to implement affirmative action that does not constitute preferential treatment in public employment, education, and contracting in certain circumstances and would define affirmative action and preferential treatment.

**Ballot Measure Summary:** This measure would amend state law to allow government to remedy, in the areas of public employment, education, and contracting, documented or proven discrimination against military veterans and certain historically underrepresented or disadvantaged groups. It would amend state law to allow government to implement affirmative action that does not constitute preferential treatment in certain circumstances. It would define affirmative action and preferential treatment. The measure would establish a Governor's commission on diversity, equity, and inclusion.

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

To the Honorable Kim Wyman, Secretary of State of the State of Washington:

We, the undersigned citizens and legal voters of the State of Washington, respectfully direct that the proposed measure known as Initiative Measure No. 1644, entitled as set forth above, a full, true and correct copy of which is printed on the reverse side of this petition, be submitted to the legal voters of the State of Washington for their approval or rejection at the general election to be held on the 6th day of November, 2018; and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington, in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

JUNE 30, 2018: LAST DAY TO SUBMIT SIGNED PETITIONS TO CAMPAIGN • JULY 6, 2018: LAST DAY TO SUBMIT SIGNED PETITIONS TO SECRETARY OF STATE

PLEASE FOLD - DO NOT CUT - CUTTING INVALIDATES SIGNATURES • PLEASE FOLD - DO NOT CUT - CUTTING INVALIDATES SIGNATURES

**WARNING:** Every person who signs this petition with any other than his or her true name, knowingly signs more than one of these petitions, signs this petition when he or she is not a legal voter or makes any false statement on this petition may be punished by fine or imprisonment or both.

**WASHINGTON STATE VOTERS: PLEASE SIGN BELOW THE STATEWIDE INITIATIVE TO THE PEOPLE**  
(If you have already signed Initiative 1644, please do not sign again)

Print Name of Voter		DOB	Signature of Voter		Your Voting Address	City	County	ZIP
1	Jane Doe	8/31/87	Jane Doe		701 N. 20th Ave E	Seattle	King	98122
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# The Complete Text of Initiative 1644 to the People of Washington State:

AN ACT Relating to affirmative action; amending RCW 49.60.400 and 43.43.015; adding new sections to chapter 49.60 RCW; adding a new section to chapter 43.06 RCW; and creating new sections.

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

## PART I TITLE AND INTENT

**NEW SECTION, Sec. 1.** This act may be known and cited as the Washington state diversity, equity and inclusion act.  
**NEW SECTION, Sec. 2.** The intent of the people in enacting this act is to guarantee every citizen resident of Washington state equal opportunity and access to public education, public employment, and public contracting without discrimination based on their race, sex, age, nationality, physical or mental disabilities, or military veteran status. This is accomplished by: Restoring affirmative action into state law without the use of quotas or preferential treatment; defining the meaning of preferential treatment and its exceptions; and establishing a governor's commission on diversity, equity and inclusion. The intent of this act is also to enable public agencies in the state of Washington to use race, sex, age, nationality, physical or mental disabilities, or military veteran status, as positive factors in educational admissions, employment hiring and public contracting to the extent it is permitted under federal and state law.

## PART II

### PROHIBITION OF DISCRIMINATION AND PREFERENTIAL TREATMENT

**Sec. 3.** RCW 49.60.400 and section 7, chapter 242, laws of 2013 is amended to read as follows:

(1) 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 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 state.

(7) Nothing in this section prohibits schools established under chapter 29A.715 RCW from: (a) Implementing a policy of Indian preference in employment; or (b) Prioritizing the admission of tribal members where capacity of the school's programs or facilities is not as large as demand.

(8) Nothing in this section prohibits the state from remedying discrimination against or underrepresentation of historically disadvantaged groups as documented in a valid disparity study or proven in a court of law.  
(9) Nothing in this section prohibits any state agency from implementing affirmative action laws, regulations, policies or procedures such as participation goals or outreach efforts that do not utilize quotas and that do not constitute preferential treatment as defined in section 5 of this act.

(10) For the purposes of this section, "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 "state agency" means the same as defined in RCW 42.56.010.

((9)) (11) 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.

((10)) (12) 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.

Sec. 4, RCW 43.43.015 and section 4, chapter 365, laws of 1985 are amended to read as follows: For the purposes of this chapter, "affirmative action" means, in addition to and consistent with the definition in section 5 of this act, a procedure by which racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, honorably discharged military veterans, and disabled veterans are provided with increased employment opportunities. It shall not mean any sort of quota system.

## PART III

### DEFINITIONS OF AFFIRMATIVE ACTION & PREFERENTIAL TREATMENT

**NEW SECTION, Sec. 5.** A new section is added to chapter 49.60 RCW to read as follows:

For the purposes of RCW 49.60.400:

(1) "Affirmative action" means a law that provides equal opportunity for the selection of qualified women, honorably discharged military veterans, persons in protected age categories, persons with disabilities, and minorities in public education, public employment, and public contracting. Affirmative action includes, but shall not be limited to, recruitment, hiring, training, promotion, outreach, setting and achieving goals and timetables, and other measures designed to increase Washington's diversity in public education, public employment, and public contracting; and  
(2) "Preferential treatment" means the act of using either race, sex, color, ethnicity, national origin, disability, or military veteran status as the sole qualifying factor to select a lesser qualified candidate over a more qualified candidate for a public education, public employment, or public contracting opportunity.

## PART IV

### CREATION OF THE GOVERNOR'S COMMISSION ON DIVERSITY, EQUITY AND INCLUSION

**NEW SECTION, Sec. 6.** A new section is added to chapter 43.06 RCW to read as follows: (1) There is created the governor's commission on diversity, equity and inclusion, which shall be staffed and funded within the governor's biennial budget. The commission shall meet at least quarterly and is responsible for developing policies to insure each state agency's compliance with this act and is responsible for issuing an annual report on the progress of all state agencies in achieving diversity, equity, and inclusion in public education, public employment, and public contracting.

(2) The governor's commission on diversity, equity and inclusion is chaired by the governor and consists of the following commission members:

- (a) Lieutenant governor;
- (b) Attorney general;
- (c) Superintendent of public instruction;
- (d) Commissioner of the department of employment security;
- (e) Secretary of the department of transportation;
- (f) Director of the department of enterprise services;
- (g) Director of the office of minority and women's business enterprises;
- (h) Director of the department of commerce;
- (i) Director of the department of veterans' affairs;
- (j) Executive director of the human rights commission;
- (k) Director of the office of financial management;
- (l) Director of the department of labor and industries;
- (m) Director of the governor's office of Indian affairs;
- (n) Executive director of the Washington State Women's Commission;
- (o) Executive director of the commission on African-American affairs;
- (p) Executive director of the commission on Asian Pacific American affairs;
- (q) Executive director of the commission on Hispanic affairs;
- (r) Director of the governor's office of Indian affairs;
- (s) Chair of the governor's committee on disability issues and employment;
- (t) Chair of the council of presidents;
- (u) Chair of the board for community and technical colleges;
- (v) Chair of the workforce training and education board;
- (w) Chair of the board of education;
- (x) Chair of Washington science, technology, engineering and math; (STEM)
- (y) Chair or director of a state agency or non-profit advocacy organization representing the legal immigrant and refugee community;
- (z) Any other agencies or community representatives the governor deems necessary to carry out the objectives of the commission.

## PART V

### MISCELLANEOUS

**NEW SECTION, Sec. 7.** Within three (3) months following the effective date of this act, the committee staffs of the house of representatives and senate policy committees with responsibility for subject matter or state government shall prepare a joint memorandum and draft legislation to present to the committee members of such committees, regarding any necessary changes to the Revised Code of Washington to bring nomenclature and processes in line with this act so as to fully effectuate its intent. In preparing the memorandum and draft legislation the committee staff shall consult with the sponsors of this initiative, the governor's committee on diversity, equity and inclusion and with the state human rights commission.

**NEW SECTION, Sec. 8.** If any provision of this act or its application to other persons or circumstances 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. 3~~.** Sections 3 through 6 of this act constitute a new chapter in Title 49-RCW.

**NEW SECTION, Sec. 9.** For constitutional purposes, the subject of this act is "Affirmative Action."

## SIGNATURE GATHERER: PRINT AND SIGN HERE BEFORE YOU RETURN PETITION Gatherer's Declaration:

I, (printed name) \_\_\_\_\_, swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without any compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and that offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

**Signature here:** \_\_\_\_\_

**Signature Gatherer's Email:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **County:** \_\_\_\_\_ **State:** \_\_\_\_\_ **ZIP:** \_\_\_\_\_

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**One Washington Coalition for Equality**

3511 East Columbia Street

Seattle, WA 98122

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