

INITIATIVE 200

to the People

Chapter 3, Laws of 1999

GOVERNMENT DISCRIMINATION OR PREFERENTIAL TREATMENT

EFFECTIVE DATE: 12/3/98

Approved by the
People of the State of Washington
in the General Election on
November 3, 1998

ORIGINALLY FILED

April 7, 1997

**Secretary of State
State of Washington**

1 AN ACT Relating to prohibiting government entities from
2 discriminating or granting preferential treatment based on race, sex,
3 color, ethnicity, or national origin; and adding new sections to
4 chapter 49.60 RCW.

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

6 NEW SECTION. **Sec. 1.** (1) The state shall not discriminate against,
7 or grant preferential treatment to, any individual or group on the
8 basis of race, sex, color, ethnicity, or national origin in the
9 operation of public employment, public education, or public
10 contracting.

11 (2) This section applies only to action taken after the effective
12 date of this section.

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

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

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

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

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

4 (5) This section does not invalidate any court order or consent
5 decree that is in force as of the effective date of this section.

6 (6) This section does not prohibit action that must be taken to
7 establish or maintain eligibility for any federal program, if
8 ineligibility would result in a loss of federal funds to the state.

9 (7) For the purposes of this section, "state" includes, but is not
10 necessarily limited to, the state itself, any city, county, public
11 college or university, community college, school district, special
12 district, or other political subdivision or governmental
13 instrumentality of or within the state.

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

18 (9) This section shall be self-executing. If any part or parts of
19 this section are found to be in conflict with federal law, the United
20 States Constitution, or the Washington state Constitution, the section
21 shall be implemented to the maximum extent that federal law, the United
22 States Constitution, and the Washington state Constitution permit. Any
23 provision held invalid shall be severable from the remaining portions
24 of this section.

25 NEW SECTION. **Sec. 2.** This act shall be known and cited as the
26 Washington State Civil Rights Act.

27 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act are each added
28 to chapter 49.60 RCW.

Originally filed in Office of Secretary of State April 7, 1997.
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