



INITIATIVE MEASURE 200

PROPOSED TO THE LEGISLATURE

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 200 begins on page 32.

Statement For

OUR LAWS SHOULD BE COLORBLIND

It's time for the government to stop using different rules for different races.

Civil rights laws are supposed to forbid discrimination on the basis of race and gender in employment and education. But instead of ignoring race, the government uses it through the use of racial quotas, preferences and set-asides. Take the case of Katuria Smith, a young woman from Marysville, who grew up in poverty and worked her way through community college and eventually the University of Washington before applying to the UW law school. Despite superb grades and test scores she was rejected. Award-winning columnist Nat Hentoff has reported, however, that the school's Dean told him she would have been admitted if she were black.* It's time for government to get out of the discrimination business.

EQUAL TREATMENT, REGARDLESS OF RACE

Initiative 200 is short, clear, and does exactly what its ballot title says it will do — prohibit discrimination or preferences based on race or gender in public employment and education.

WHAT INITIATIVE 200 WON'T DO

Initiative 200 does not end all affirmative action programs. It prohibits only those programs that use race or gender to select a less qualified applicant over a more deserving applicant for a public job, contract or admission to a state college or university. No scholarships or job training programs paid for by the private sector are affected by the initiative. It applies only to government.

Official Ballot Title:

Shall government be prohibited from discriminating or granting preferential treatment based on race, sex, color, ethnicity or national origin in public employment, education, and contracting?

The law as it now exists:

Washington currently has a Law Against Discrimination, codified as Chapter 49.60 RCW, which prohibits discrimination against any person because of race, creed, color, national origin (including ancestry), families with children, sex,

IT'S TIME TO MOVE AHEAD

More and more Americans want to move beyond race. Initiative 200 takes us in that direction. Please vote "Yes" on Initiative 200.

For more information, call (425) 450-1074.

Rebuttal of Statement Against

I-200 is clear: the government should not use race or gender to treat applicants for employment or education opportunities differently. Why? Because *all* Americans deserve protection from race or sex discrimination. That's the principle at stake in this election.

Our opponents, especially the ACLU, support preferences because they want to magnify race instead of minimizing it. They are out of touch and out of date. Yes on 200.

Voters Pamphlet Statement Prepared by:

JOHN CARLSON, Co-chair, Initiative 200; SCOTT SMITH, State Representative, Pierce County, Co-chair, Initiative 200; JEANNETTE HAYNER, Senate Majority Leader (ret.), Walla Walla.

Advisory Committee: ANN ANDERSON, State Senator (R) - Bellingham, Lynden; MICHAEL HEAVEY, State Senator (D) - West Seattle, Burien, Vashon; MARY A. RADCLIFFE, past Co-chair, Episcopal Diocese Committee on Racism; PATRICIA HERBOLD, Attorney, community volunteer, Bellevue; CLYDE BALLARD, Speaker, State Representative (R) - East Wenatchee.

*The Dean disputes this account.

marital status, age, or the presence of any sensory, mental, or physical disability. This law is enforced by the courts and also by a Human Rights Commission created for that purpose.

Existing state law also includes provisions requiring state agencies and institutions to take affirmative action to increase employment opportunities for women, racial minorities, persons in protected age categories, persons with disability, Vietnam-era veterans, and disabled veterans. State law directs the Personnel Resources Board to adopt affirmative action goals and procedures for hiring and promotion by state agencies, and provides that affirmative action "shall not mean any sort of quota system." There is a similar, specific affirmative action law for employment in the Washington State Patrol.

Another state law, Chapter 39.19 RCW, establishes the Office of Minority and Women's Business Enterprises and provides for a program to increase the participation of minority- and women-owned businesses in public works and procurement contracts. This agency is directed by the law to identify barriers to equal participation by qualified minority- and women-owned and controlled businesses, to establish annual overall participation goals for each agency, to develop and maintain a list of certified minority and women's

business enterprises, and to monitor compliance with the law.

The State's universities and four-year colleges have legal authority to establish their own entrance requirements for students. These requirements must be consistent with state and federal laws prohibiting discrimination. The universities and colleges have adopted a variety of admissions policies for undergraduate and graduate students, depending on the institution and the nature of the specific program. Some of the admissions policies state an objective of selecting students who have demonstrated capacity for high quality work and who will contribute to the diversity of the student body, based on such factors as racial or ethnic origin, gender, cultural background, activities or accomplishments, career goals, living experiences or special talents.

Political subdivisions and local governments determine their own ordinances and policies, consistent with state and federal law.

There are also a number of federal laws prohibiting discrimination or requiring affirmative action, and many state and local agencies are required to comply with these laws as a condition to receiving federal funds or participating in certain federal programs.

(continued on page 16)

Statement Against

Dear Washington Voter,

I have studied Initiative 200 and I am concerned about the consequences it could have on the people of Washington. At first glance it appears to promote equality, but in reality, it very likely will have the opposite effect.

Washington is a community that can take pride in our efforts to ensure equal opportunity for all. We can all be proud of the progress we've made, but we still have a long way to go. This is not the time to jeopardize the programs designed to give people a hand up, rather than a hand out.

Because of its vague and broadly written language, I-200 can and will be read many ways. It is confusing and will create a tangle of expensive lawsuits.

It could eliminate job training programs that help women and minorities make the transition from welfare to work.

Education is the great equalizer. I know this from personal experience. But this plan could end targeted educational opportunities, like tutoring, that can give children a helping hand early.

I-200 could set back our efforts to achieve equal pay for women. Women, on average, still make only 74 cents to every dollar earned by men for the same work. We need to change that.

I-200 takes our community in the wrong direction. I urge you to take a closer look, it's not worth the risk. Please join me in voting *no!*

Sincerely,

Governor Gary Locke

For more information, call (206) 441-9120 or visit www.no200.org

Rebuttal of Statement For

The proponents' statement is incomplete and misleading. Here's what they're not telling you:

I-200 will hurt women and pay equity.

It's already illegal to hire less qualified applicants.

When it passed in California, this same measure eliminated programs that opened doors for qualified women and minorities. *The San Francisco Chronicle* said it "went too far" because "discrimination, whether intentional or not, still exists."

Take a closer look. Check the facts. Vote *no* on I-200.

Voters Pamphlet Statement Prepared by:

GARY LOCKE, Governor; ELIZABETH PIERINI, President, League of Women Voters of Washington.

Advisory Committee: DAN EVANS, former Governor and U.S. Senator; MARI CLACK, Spokane business owner; RICK BENDER, President, Washington State Labor Council; HUBERT LOCKE, Professor; REV. JOHN BOONSTRA, Executive Minister, Washington Association of Churches.



INITIATIVE MEASURE 692 (continued from page 9)

The effect of Initiative Measure 692, if approved into law (continued):

medical condition, that the potential benefits of the medical use of marijuana would likely outweigh the health risks for that patient. Qualifying patients and their primary caregivers would be authorized to acquire and possess marijuana if they possessed no more than a sixty day supply for the patient's personal, medical use and if they could present valid documentation of authorization by a physician. Parents or guardians could possess marijuana solely for the medical use of qualifying patients under eighteen years of age.

The measure would not authorize the acquisition, possession, or use of marijuana for any other purpose. Possession, sale, or use of marijuana for non-medical purposes would remain a crime. It would be a felony to fraudulently produce or to alter any documents relating to the medical use of marijuana. It would be a misdemeanor to use or display medical marijuana in public view. Health insurance providers would not be required to pay claims for the medical use of marijuana. No physician would be required to authorize the use of medical marijuana. The measure would not require the accommodation of any medical use of marijuana in any place of employment, school bus or school grounds, or youth center. No person would be authorized to engage in the medical use of marijuana in such a way as to endanger the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway. The state could not be held liable for any damaging effects from permitted marijuana use.



INITIATIVE MEASURE 694 (continued from page 11)

The effect of Initiative Measure 694, if approved into law (continued):

mother only if no other procedure, including the induction of labor or cesarean section, would suffice to prevent the death of the mother. The measure would not apply to "abortions" as redefined. The measure would provide that in the event of conflict between it and any other law, the provisions of this measure would govern.



REFERENDUM BILL 49 (continued from page 13)

The effect of Referendum Bill 49, if approved into law (continued):

would be increased from 5% to 43.605% through June 30, 1999, and then to 51.203%. The motor vehicle excise tax revenue allocated and distributed to other funds would be increased or decreased by varying amounts. The measure would require transfers from the general fund into two of these funds, the county criminal justice assistance account and the municipal criminal justice assistance account. Beginning with Fiscal Year 2000, the limits on distributions into these accounts would be removed. Part of the reallocated motor vehicle excise tax revenue would be distributed to economically distressed counties through a new account in the treasury.

The measure provides for the issuance and sale of up to \$1.9 billion of general obligation bonds to pay for the location, design, right of way, and construction of state and local highway improvements. No bonds could be offered for sale without additional legislative action. The measure provides that the bonds shall pledge the full faith and credit of the state for payment of the principal and interest when due. The proceeds from the sale of the bonds would be deposited in the motor vehicle fund, and the principal and interest on the bonds would be first payable from revenues from the motor vehicle fuel and special fuel excise taxes.

The measure would modify Initiative 601 (RCW 43.135.035) to provide that the transfer of moneys from the general fund to other funds or accounts as authorized in this measure would not reduce the state expenditure limit. The measure would also modify Initiative 601 (RCW 43.135.060) to allow the state to reimburse local governments for the costs of new programs or increased service levels through increases in state distributions of revenue to local governments.

The measure would authorize certain cities owning and operating municipal public transportation systems to use local public transportation sales tax revenues to match their local motor vehicle excise tax revenues. This authorization would be implemented over a four year period beginning July 1, 1999. After July 1, 2002, 100% of the revenues generated from the local motor vehicle excise tax could be matched by local public transportation sales tax revenues.



INITIATIVE MEASURE 200 (continued from page 15)

The effect of Initiative Measure 200, if approved into law :

Initiative Measure No. 200 would add new provisions to state law. It would prohibit state and local agencies from discriminating against, or granting 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. The measure does not define the term "preferential treatment," and does not specify how continued implementation or enforcement of existing laws would be affected if this measure were approved. The effect of the proposed measure would thus depend on how its provisions are interpreted and applied.

The measure would 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 separate athletic teams for each sex. The measure would not prohibit actions that must be taken to establish or maintain eligibility for federal programs, if ineligibility would result in a loss of federal funds to the state.

This measure would apply to state government, to all state agencies, and publicly supported colleges and universities, and to all counties, cities, school districts, special districts, and political subdivisions of the state. Remedies for violations would be the same as are available for violations of the existing law against discrimination.



COMPLETE TEXT OF Referendum Bill 49

(continued)

NEW SECTION. Sec. 44. Sections 16 through 21 of this act are each added to chapter 47.10 RCW.

NEW SECTION. Sec. 45. 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. 46. (1) Sections 1 through 3, 5 through 21, 44, and 45 of this act take effect January 1, 1999.

(2) Section 4 of this act takes effect July 1, 1999, and applies to registrations that are due or become due in July 1999, and thereafter.

PLEASE NOTE

Sections 22 through 43, and 47 through 50 of Chapter 231, Laws of 1998 were not referred to the voters by the Legislature as part of Referendum Bill 49.



COMPLETE TEXT OF Initiative Measure 200

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

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

NEW SECTION. Sec. 1. (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 the effective date of this section.

(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 the effective date of this section.

(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) 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.

(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 anti-discrimination 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.

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

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