

Washington Ballot Summary:
Referendum 88 regarding Initiative No. 1000

Election Date: November 5, 2019

Ballot title(what the voter will see on the ballot):

Statement of Subject

The legislature passed Initiative measure No. 1000 concerning affirmative action and remedying discrimination and voters have filed a sufficient referendum petition on this act.

Concise Description:

Initiative 1000 would allow the state to remedy discrimination for certain groups and to implement affirmative action, without the use of quotas or preferential treatment (as defined), in public education, employment, and contracting.

Should Initiative 1000 be Approved [] Rejected []

Ballot Measure Summary

Initiative 1000 would allow the state to remedy documented or proven discrimination against, or underrepresentation of, certain disadvantaged groups. It would allow the state to implement affirmative action in public education, employment, and contracting if the action does not use quotas or preferential treatment. It would define affirmative action and preferential treatment. It would establish a Governor's commission on diversity, equity, and inclusion to ensure state agency compliance, comment on legislation, and publish annual reports.

Background:

Initiative-1000, concerning affirmative action, was an initiative to the Legislature, which approved I-1000 on April 28, 2019. It became the Washington Diversity, Equity and Inclusion Act. As allowed by law, a referendum petition was filed, requiring that I-1000 be referred to the voters and be placed on the November ballot if enough signatures were gathered. This occurred. Now voters must decide if they agree with the Legislature's action. The wording of R-88 is identical to the wording of I-1000. *An "approve" vote means that I-1000, as passed by the Legislature, remains the law.*

In 1998, Washington voters approved Initiative 200. This initiative to the people prohibited state government entities from discriminating against or granting preferential treatment to any individual or group based on race, sex, color, ethnicity or national origin in public hiring, education or contracting. The Initiative passed in 1998 with 57% voter approval. The Washington State Supreme Court interpreted I-200 as "prohibiting reverse discrimination where race or gender is used by the government to select a less qualified applicant over a more

qualified applicant.” The intent of Initiative 1000 is to remedy any discrimination occurring from the passage of I-200.

Effects of R-88: If passed, the initiative would:

1. Restore the use of affirmative action without the use of quotas or preferential treatment.
2. Add disability, age, sexual orientation and honorably discharged veterans to the list of non-discrimination factors.
3. Define preferential treatment as the use of one factor as the sole reason for selecting a less qualified person over a more qualified person.
4. Define acceptable affirmative action activities which do not include the use of quotas and preferential treatment.
5. Create a governor’s commission on diversity, equity and inclusion.

Arguments for:

Passage of I-200 had a negative impact on the participation of women and minority owned business in state contracting. Legislative attempts to reduce the documented negative impact on public sector hiring of women and minorities were not successful. As former Governor Gary Locke explains, “I-1000 merely makes it clear that recruitment and outreach are permissible” in addressing the historical discrimination that has taken place in public education and employment opportunities.

Arguments against:

Opponents of R-88 state that since I-200 was approved by a significant majority of the popular vote, changing the law regarding affirmative action should also be put to popular vote. They argue that the reintroduction of affirmative action without quotas and preferences will be divisive, as it will “abolish the standard of equality for all ... and replace it with a system that uses different rules for people of different races,” and that it targets Asians. They are also concerned that the inclusion of honorably discharged veterans will conflict with current statutes that provide preferences for veterans in hiring, and therefore will likely be eliminated.

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