



WASHINGTON VOTERS: REJECT DISCRIMINATION... THE PEOPLE'S PETITION!

Ballot Title

Statement of Subject:

Initiative Measure No. 1776 concerns prohibiting and remedying discrimination.

Concise Description:

This measure would expand prohibitions on discrimination by the state; limit the current prohibition on preferential treatment; require that government agencies work to ensure no-cost vaccinations; and expand public availability of disease-related data.

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

INITIATIVE 1776

Ballot Measure Summary: This measure would prohibit the state from discriminating in public health and expand the list of categories upon which the state may not discriminate. It would limit the current prohibition on preferential treatment and allow the state to remedy discrimination and underrepresentation of disadvantaged groups. It would require government agencies to work to ensure residents receive no-cost vaccinations upon request and without discrimination. It would further require increased public availability of disaggregated infectious disease data.

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. 1776, and entitled the Washington anti-discrimination act (WADA), 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 3rd day of November, 2020; 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, 2020: LAST DAY TO SUBMIT SIGNED PETITIONS TO CAMPAIGN • July 2, 2020: LAST DAY TO SUBMIT SIGNED PETITIONS TO SECRETARY OF STATE

WASHINGTON STATE VOTERS: PLEASE SIGN BELOW THE STATEWIDE INITIATIVE TO THE PEOPLE

(If you have already signed Initiative 1776, please do not sign again)

AFFIDAVIT: By signing this petition, I declare, under penalty of perjury under the laws of the state of Washington that I am: at least 18 years of age and a registered voter residing at the address printed below.

	SIGNATURE	PRINT NAME	REGISTERED VOTING ADDRESS			DATE OF BIRTH
	AS REGISTERED TO VOTE	FOR POSITIVE IDENTIFICATION	STREET ADDRESS	CITY and ZIP	COUNTY	
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FOR SOS USE ONLY

Paid for by:
Washingtonians Against Discrimination Everywhere
(WADE)
3511 East Columbia Street, Seattle, WA 98122

www.YESON1776.com

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.

The Complete Text of Initiative 1776 to the People of Washington State:

AN ACT Relating to prohibiting discrimination in public health, public education, public employment, and public contracting; amending RCW 43.70.050, 49.60.400, and 43.43.015; adding a new section to chapter 41.05 RCW; and creating new sections.

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

PART I TITLE

NEW SECTION. Sec. 1. This act may be known and cited as the Washington antidiscrimination act.

PART II STATE OF EMERGENCY

NEW SECTION. Sec. 2. On February 29, 2020, Washington state became the site of the first reported COVID-19 death in the United States. On March 13, 2020, the president of the United States, Donald J. Trump, declared a national emergency due to the global coronavirus pandemic. On March 22, 2020, in response to governor Jay Inslee's written request, President Trump declared a major disaster in Washington due to the coronavirus pandemic.

The unprecedented COVID-19 pandemic combined with the global recession, has unmasked the discriminatory health, educational, employment and economic disparities which have long plagued seniors, women, persons with disabilities, persons of color, members of the LGBTQ+ community, military veterans, and other vulnerable communities in Washington state.

As of May 24, 2020, the department of health reported more than twenty thousand confirmed COVID-19 cases and over one thousand deaths statewide.

This initiative to the people is urgently needed to prevent discriminatory laws and actions from increasing disparities and deaths during and after this public health emergency.

PART III FINDINGS

NEW SECTION. Sec. 3. (1) The legislature finds that Washington state is one of America's most economically and ethnically diverse states. However, senior citizens, women, persons with disabilities, veterans, members of the LGBTQ+ community, people of color, and other historically marginalized communities have experienced harsh discrimination by federal and state governments which have created disparities in stark contrast to the general population in public health, public education, public employment, and public contracting.

(2) In March 2020 the Donald J. Trump administration shut down enrollment in the affordable care act to millions of uninsured Americans during the coronavirus pandemic, defying calls from more than two hundred health care organizations to create a special enrollment period for unemployed workers laid-off during the COVID-19 health crisis, many of whom were small business owners and employees.

From January 21, 2020, to April 13, 2020, when Washington first became the epicenter of the coronavirus pandemic in the United States, the Washington state department of health failed to track or report the critical race or ethnicity data of all coronavirus patients. As of May 17, 2020, the department of health is still failing to report the race or ethnicity of nearly six thousand COVID-19 patients.

The department of health reported that as of April 27, 2020, fifty-six percent of men dying from the novel coronavirus exceeded men's fifty percent of the state population. Fifty-two percent of coronavirus infected women exceed their fifty percent of the state population.

However, the most alarming department of health report is that Hispanics are forty percent of the racially identifiable confirmed COVID-19 cases, while only thirteen percent of the state's population. African Americans are seven percent of the racially identifiable confirmed COVID-19 cases, nearly double their percentage of the state's population. Native Hawaiian and Pacific Islanders are three percent of the racially identifiable confirmed COVID-19 cases, triple their percentage of the state's population.

(3) The Donald J. Trump administration has killed the Obama administration's racially-transparent admissions policies which promote diversity within all public colleges and universities. This action threatens federal funding for the University of Washington, Washington State University, Western Washington University, Eastern Washington University, and Central Washington University.

The Washington state supreme court ruled in Parents Involved In Community Schools v. Seattle School District No. 1, 72 P.3d 151, 166 (Wash. 2003), that preferential treatment means the act of solely using race or gender as factors to elevate a lesser qualified candidate over a more qualified candidate.

(4) For years, the Washington state employment security department has repeatedly failed to publicly report the unemployment rate for Washington state's African American, Native American, and other communities of color. Nevertheless, the bureau of labor statistics, United States department of labor, recently revealed that Washington's April 2020 estimated unemployment rates are now the highest in state history:

- Hispanic Americans, 24.5% unemployed;
- African Americans, 21.8% unemployed; and
- Caucasian Americans, 15.2% unemployed.

(5) According to the Washington state office of minority and women's business enterprises, since the 1998 passage of Tim Donald Eymann's Initiative No. 200, small women and minority owned businesses have been unfairly denied more than \$3.8 billion in job-generating state contracting opportunities.

The Bill and Melinda Gates Foundation has concluded there are systemic inequities in our society which must be cured for all children to have a fighting chance to reach their full potential, regardless of their race, ethnicity, income, or gender. This initiative attacks these systemic inequities with a vengeance.

PART IV INTENT

NEW SECTION. Sec. 4. (1) The intent of the people in enacting this law is to prohibit discrimination against all Washington state residents in public health, public education, public employment, and public health without any quotas or preferential treatment.

(2) This is accomplished by:

(a) Protecting all Washington residents from discrimination by requiring the state to provide all Washingtonians COVID-19 testing, treatment, contact tracing, and forthcoming vaccines at no cost, without discrimination due to age, gender, sexual orientation, disability, citizenship and immigrant status, race, veteran status, ethnicity, income or employment;

(b) Providing full transparency in the collection and reporting of public health disparities without violating state or federal privacy laws;

(c) Preserving veterans' preferences and international students' opportunities for a college education;

(d) Codifying the meaning of preferential treatment based on the Washington state supreme court's definition in Parents Involved In Community Schools v. Seattle School District No. 1, 72 P.3d 151, 166 (Wash. 2003); and

(e) Clarifying that affirmative action is totally voluntary for all participants.

PART V PROHIBITING DISCRIMINATION IN VACCINATIONS OR DATA COLLECTION

NEW SECTION. Sec. 5. Sec. 5. A new section is added to chapter 41.05 RCW to read as follows:

(1) The state shall not discriminate based on income, county, city, zip code, age, gender, employment, race, ethnicity, physical or mental disability, religion, occupation, sexual orientation, veteran status, health insurance or lack thereof, homelessness, incarceration, tribal affiliation, celebrity, citizenship or immigrant status when making available testing, tracing, treatment, or forthcoming United States Food and Drug Administration approved vaccines developed to immunize all Washington residents of COVID-19.

(2) The Washington state health care authority shall work in partnership with the Washington state department of health, the Washington state department of social and health services, the office of the insurance commissioner, Washington vaccine association, Washington state human rights commission, Washington state office of equity, and local county and city departments of health to ensure that every Washington resident or their parent or legal guardian who requests a vaccination shall receive a vaccination at no cost without discrimination based on their income, county, city, zip code, age, gender, disability, race, religion, ethnicity, sexual orientation, occupation, veteran status, health insurance or lack thereof, celebrity, citizenship, immigrant status, tribal affiliation, homelessness, incarceration, or employment.

(3) The state is authorized to seek federal, state, local, and private funds to underwrite the costs for uninsured patient vaccinations.

(4) For the purposes of this section, "vaccine" means a preparation of killed or attenuated living microorganisms, or fraction thereof, that upon administration stimulates immunity that protects against disease and is approved by the federal food and drug administration as safe and effective and recommended by the advisory committee on immunization practices of the centers for disease control and prevention.

(5) For the purposes of this section, vaccinations shall be strictly voluntary and administered after the patient, their parent or legal guardian has provided their fully informed written consent. No Washington resident shall be denied safe and effective alternative medical treatment should the resident, their parent or legal guardian decline a vaccination.

Sec. 6. RCW 43.70.050 and 2009 c 343 s 2 are each amended to read as follows:

(1) The legislature intends that the department and board promote and assess the quality, cost, and accessibility of health care throughout the state as their roles are specified in chapter 9, Laws of 1989 1st ex. sess. in accordance with the provisions of this chapter. In furtherance of this goal, the secretary shall create an ongoing program of data collection, storage, accessibility and review. The legislature does not intend that the department conduct or contract for the conduct of basic research activity. The secretary may request appropriations for studies according to this section from the legislature, the federal government, or private sources.

(2) All state agencies which collect or have access to population-based, health-related data are directed to allow the secretary access to such data. This includes, but is not limited to, data on needed health services, facilities, and personnel; future health issues; emerging bioethical issues; health promotion; recommendations from state and national organizations and associations; and programmatic and statutory changes needed to address emerging health needs. Private entities, such as insurance companies, health maintenance organizations, and private purchasers are also encouraged to give the secretary access to such data in their possession. The secretary's access to and use of all data shall be in accordance with state and federal confidentiality laws and ethical guidelines. Such data in any form where the patient or provider of health care can be identified shall not be disclosed, subject to disclosure according to chapter 42.56 RCW, discoverable or admissible in judicial or administrative proceedings. Such data can be used in proceedings in which the use of the data is clearly relevant and necessary and both the department and the patient or provider are parties.

(3) The department shall serve as the clearinghouse for information concerning innovations in the delivery of health care services, the enhancement of competition in the health care marketplace, and federal and state information affecting health care costs.

(4) The secretary shall review any data collected, pursuant to this chapter, to:

(a) Identify high-priority health issues that require study or evaluation. Such issues may include, but are not limited to:

(i) Identification of variations of health practice which indicate a lack of consensus of appropriateness;

(ii) Evaluation of outcomes of health care interventions to assess their benefit to the people of the state;

(iii) Evaluation of specific population groups to identify needed changes in health practices and services;

(iv) Evaluation of the risks and benefits of various incentives aimed at individuals and providers for both preventing illnesses and improving health services;

(v) Identification and evaluation of bioethical issues affecting the people of the state; and

(vi) Other such objectives as may be appropriate;

(b) Further identify a list of high-priority health study issues for consideration by the board, within their authority, for inclusion in the state health report required by RCW 43.20.050. The list shall specify the objectives of each study, a study timeline, the specific improvements in the health status of the citizens expected as a result of the study, and the estimated cost of the study; and

(c) Provide background for the state health report required by RCW 43.20.050.

(5) Any data, research, or findings may also be made available to the general public, including health professions, health associations, the governor, professional boards and regulatory agencies and any person or group who has allowed the secretary access to data.

(6) Information submitted as part of the health professional licensing application and renewal process, excluding social security number and background check information, shall be available to the office of financial management consistent with RCW 43.370.020, whether the license is issued by the secretary of the department of health or a board or commission. The department shall replace any social security number with an alternative identifier capable of linking all licensing records of an individual. The office of financial management shall also have access to information submitted to the department of health as part of the medical or health facility licensing process.

(7) The secretary may charge a fee to persons requesting copies of any data, research, or findings. The fee shall be no more than necessary to cover the cost to the department of providing the copy.

(8)(a) The department shall make publicly available, the data collected across all surveillance systems relating to infectious diseases, disaggregated by age, sex, race, ethnicity, sexual orientation, tribal affiliation, and insured/uninsured status for the following phases:

(i) Data related to all infectious disease testing, tracing, treatment, and outcomes including the total number of individuals tested and the number and results of tests;

(ii) Data related to infectious disease treatment, including hospitalizations, intensive care unit admissions, and vaccinations;

(iii) Data related to infectious disease outcomes, including total fatalities and case fatality rates (expressed as the proportion of individuals who were infected and died from the infectious disease.)

(b) The data made available under this section shall be updated on a monthly basis during nonemergency periods and on a daily basis throughout a public health emergency.

(c) The department's collection, compilation, and publication of all data shall be in accordance with the federal health insurance portability and accountability act of 1996 and state patient privacy laws and regulations.

(d) The department shall consult on data collection and reporting with the American Indian health commission, Indian health service, northwest tribal epidemiology center, urban Indian health institute, Seattle Indian health board, Washington state tribal councils, and the governor's office on Indian affairs.

(e) No later than sixty days after the date on which the governor certifies that a public health emergency has ended, the secretary shall make publicly available a summary of the final statistical data collected during the public health emergency, with proposed strategies to safeguard the health of these communities in future pandemics.

PART VI

PROHIBITION OF DISCRIMINATION AND PREFERENTIAL TREATMENT

Sec. 7. RCW 49.60.400 and 2013 c 242 s 7 are each 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, age, income, sexual orientation, citizenship or immigration status, the presence of any sensory, mental, or physical disability, or veteran status in the operation of public employment, public education, ((or)) public contracting, or public health.

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

(3)) The state shall not grant preferential treatment to any individual or group solely on the basis of either gender or race, in the operation of public health, public employment, public education, or public contracting.

(3) Nothing in this section shall prohibit a veteran, as defined in RCW 41.04.005, 41.04.007, and 73.08.005 and their spouses, widows, or widowers from receiving a veteran preference in public education, public employment, public contracting, or public health to which they are currently entitled under federal, state, or local law.

(4) This section does not ((affect)) prohibit any law ((or)), governmental or affirmative 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, age, income, sexual orientation, credit rating, medical condition, gender identity, citizenship or immigration status, the presence of any sensory, mental, or physical disability, or honorably discharged veteran or legal immigrant status; or does not grant preferential treatment to any individual or group solely on the basis of either gender or race.

((4)) (5) 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)) (6) This section does not invalidate any court order or consent decree that is in force as of December 3, 1998.

((6)) (7) 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 or any local agency or educational institution which receives federal funding, from implementing hiring, compensation, contracting, or admissions policies consistent with federal statutory law.

((7)) (8) Nothing in this section prohibits schools established under chapter 28A.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)) (9) Nothing in this section prohibits state colleges and universities from admitting qualified legal immigrants from international nations, states, territories, continents, and countries including, but not limited to Canada, China, Africa, the Caribbean, Europe, India, Mexico, Spain, the Middle East, and the Pacific Rim.

(10) Nothing in this section prohibits the state from remedying discrimination against, or underrepresentation of, disadvantaged groups as documented in a valid disparity study or proven in a court of law.

(11) Nothing in this section prohibits the state from implementing 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 this section.

(12) For the purposes of this section((-“state”));

(a) “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;

(b) “State agency” means the same as defined in RCW 42.56.010;

(c) “Sexual orientation” means the same as defined in RCW 49.60.040;

(d) “LGBTQ+” includes lesbian, gay, bisexual, transgender, and queer, as defined in RCW 43.114.010, plus (+) nonbinary people;

(e) “Affirmative action” means a federal, state, or local government policy in which multiple adversity factors including but not limited to merit, past discrimination based on age, sex, ethnicity, national origin, race, the presence of any sensory, mental, or physical disability, and veteran status are considered in the selection of qualified women, military veterans, persons in protected age categories, persons with disabilities, and persons of color for opportunities 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 of merit designed to increase Washington's diversity in public education, public employment, public contracting, and public health with the goal of reflecting the rich diversity of the state's population. Affirmative action shall be totally voluntary on the part of any recipient, and it shall not mean any form of quota system; and

(f) “Preferential treatment” means the act of using race or gender as the sole qualifying factor to select a lesser qualified candidate over a more qualified candidate for a public education, public employment, public contracting or public health opportunity.

((9)) (13) The remedies available for violations of this section shall be the same, regardless of the injured party's race, ((sex)) gender, sexual orientation, color, ethnicity, or national origin, as are otherwise available for violations of Washington antidiscrimination law set forth in RCW 49.60.230.

((10)) (14) 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.

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

Sec. 8. RCW 43.43.015 and 1985 c 365 s 4 are each amended to read as follows:

For the purposes of this chapter, “affirmative action” means, in addition to and consistent with the definition in RCW 49.60.400, a policy or procedure by which racial minorities, women, persons in the protected age category, ((persons)) civilians and veterans with disabilities, ((Vietnam-era veterans;)) and ((disabled)) veterans as defined in RCW 41.04.005, 41.04.007, or 73.08.005, are provided with increased employment opportunities. ((#)) Affirmative action shall be totally voluntary on the part of any recipient, and it shall not mean any ((sort)) form of quota system.

PART VII

IMMEDIATE IMPLEMENTATION

NEW SECTION. Sec. 9. According to Article II, section 1(d) of the Washington state Constitution, this initiative shall become effective thirty days after the election at which it is approved by a majority of Washington state voters voting at that election.

NEW SECTION. Sec. 10. Within thirty days following the election at which this initiative is approved by a majority of Washington state voters voting at that election, the office of program research and senate committee services shall prepare a joint memorandum and draft legislation to present to the appropriate committees of the legislature 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 and not interfere in any way with its intent. In preparing the memorandum and draft legislation, the office of program research and senate committee services shall consult with the sponsors of this initiative, the appropriate state agencies, and the affected stakeholder groups.

NEW SECTION. Sec. 11. 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. 12. For constitutional purposes, the subject of this act is “Prohibiting discrimination in Washington state.”

--- END ---

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. RCW 9A.46.020 applies to any conduct constituting harassment against a petition signature gatherer. This penalty does not preclude the victim from seeking any other remedy otherwise available under law.

Signature here:

Signature Gatherer's Email: _____ **Phone:** _____

Address: _____ **City:** _____ **County:** _____

State: _____ **ZIP:** _____