WHEREAS in 1998, Washington voters passed Initiative 200 (I-200) which clearly stated in the November 3, 1998 Washington State Voters Pamphlet, that I-200 **does not end all affirmative action programs**, but only prohibits those programs which use race and gender to select a lesser qualified applicant over a more deserving applicant for a public job, contract or admission to a state college or university; and

WHEREAS since 1998, Washington state has implemented **Governor's Directive Number 98-01** which for 23 years has grossly misinterpreted Initiative 200 (I-200), now codified as RCW 49.60.400, by erroneously stating that neither race nor sex could ever be used as factors to select candidates for public college or university admissions, public employment or a public contract;

WHEREAS in 2003, the Washington State Supreme Court in **Parents Involved in Community Schools v. Seattle School District No.1**, interpreted RCW 49.60.400 to only prohibit the state’s use of race or gender to select a less qualified applicant over a more qualified applicant; and

WHEREAS in 2017, Washington Attorney General (AG) Robert Ferguson issued **AG Opinion 2017, No. 2** which concluded: 1) I-200 allows Affirmative Action programs as long as neither race nor gender are used to select a less qualified contractor over a more qualified contractor; and 2) Evidence of discrimination in state contracting, which race or sex-neutral measures fail to remedy, may justify a race or sex-conscious remedy for that disparity; and

WHEREAS in 2017, a **Washington State Department of Transportation (WSDOT) Disparity Study** found concrete evidence that women and contractors of color suffer discriminatory barriers to fair access to federal and state-funded construction contracts across Washington’s multi-billion dollar transportation industry; and

WHEREAS in January, 2018, the Director of the **Office of Minority and Women Business Enterprises (OMWBE)** reported that since the 1998 passage of I-200, Washington’s small, minority and women owned businesses had lost an estimated $3.9 billion in state public contracting opportunities; and

WHEREAS in 2019, the **Office of Minority and Women Business Enterprises (OMWBE) Disparity Study** concluded: 1) women and people of color do not enjoy equal access to all aspects of State contracting opportunities; 2) the lack of remedial market intervention in the wake of Initiative 200 perpetuates this inequality; and 3) remedial action is necessary to end discrimination in State contracting activities; and

NOW THEREFORE, BE IT RESOLVED that the **40th LD DEMOCRATS** urge Governor Jay Inslee to reaffirm Washington state’s commitment to Diversity, Equity and Inclusion by immediately signing an **“EQUITY NOW!” EXECUTIVE ORDER** rescinding Governor’s Directive 98-01 and correctly implementing I-200 (Now RCW 49.60.400) to eliminate systemic inequities for all Washingtonians; and

BE IT FURTHER RESOLVED, that the **40th LD DEMOCRATS** urge all members to support the **“EQUITY NOW!” EXECUTIVE ORDER** and publicize 40th LD DEMOCRATS’ support of the **“EQUITY NOW!” EXECUTIVE ORDER** on the 40th LD DEMOCRATS’ website, via all local and social media and to all state and local elected officials; and

BE IT FINALLY RESOLVED, that the **CHAIR of the 40th LD DEMOCRATS** shall email this resolution directly to Governor Jay Inslee’s Chief of Staff, Jamila Thomas before July 1, 2021.