

PROPOSITION 16

SUMMARY:

This proposed constitutional amendment ([Proposition 16](#)) would bring to the voters the opportunity to repeal Proposition 209 and restore Affirmative Action in public university admissions, hiring and contracting. This proposed constitutional amendment would bring to the voters the opportunity to repeal Proposition 209 and restore Affirmative Action in public university admissions, hiring and contracting. This measure would permit government decision-making policies in the operation of public employment, public education, or public contracting to consider race, sex, color, ethnicity, or national origin in order to increase diversity by repealing Proposition 209, which prohibited such policies. In addition to the Governor, groups such as SEIU, CTA, CFT, PTA and ACSA have come out in support of the measure.

RECOMMENDATION:

On June 22, 2020 the CCSESA State and Federal Legislative Committee, with a quorum present (10 of the 14 voting members participating in the vote), adopted a support position on [Assembly Constitutional Amendment 5](#) (ACA 5) as introduced by Assemblymember Shirley Weber. ACA 5 proposes an amendment to the state Constitution to repeal certain provisions enacted by Proposition 209. On June 24, 2020 the senate passed ACA 5 with a 30-10 vote in support allowing this initiative to be on the November ballot as Proposition 16.

CCSESA staff recommends endorsing Proposition 16 in line with the support position taken on ACA 5 by the CCSESA Legislative Committee on June 22, 2020.

BACKGROUND:

In 1996, California voters approved Proposition 209, adding a new section to the State Constitution—Section 31 of Article 1. The new section generally banned the consideration of race, sex, color, ethnicity, or national origin in public employment, public education, and public contracting in California.

If approved, this amendment would eliminate the ban on the consideration of race, sex, color, ethnicity, or national origin in public education, public employment, and public contracting. As a result, state and local entities could establish a wider range of policies and programs so long as they are consistent with federal and state law related to equal protection.

FISCAL ANALYSIS:

The LAO assesses that the measure would have no direct fiscal effect on state and local entities because the measure would not require any change to current policies or programs. Instead, any fiscal effects would depend on future choices by state and local entities to implement policies or programs that consider race, sex, color, ethnicity, or national origin in public education, public employment, and public contracting. But, because the specific choices state and local entities would make if voters approved this measure are unknown, the potential fiscal effects are highly uncertain



SUPPORT:

The Governor of California, Association of California School Administrators, California State PTA, California Teachers Association, California Federation of Teachers, SEIU California, University of California Trustees, California State University Trustees, California Community Colleges Board of Governors.

Full List in Support: <https://voteyesonprop16.org/endorsements/>

OPPOSITION:

Full list in opposition: <https://californiansforequalrights.org/endorsements/>