

Sample Constitutional Amendment

Introduced by Members Representing the Buchanan Branch of theYMCA of San Francisco

February 16, 2012 Referred to the Burns Committee

Sample Constitution Amendment No. 167 – A Resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 31 of Article 1 thereof, relating to affirmative action.

ABSTRACT

SCA 167 reinstates affirmative action programs pertaining to admissions to public postsecondary education.

Resolved by the Assembly, and the Senate concurring, that the legislature of the State of California at its 2011 Regular Session, commencing with the 17th day of February 2011, two-thirds of all members elected in each two houses of the Legislature, voting in favor thereof, hereby proposes to the people of the State of California that Section 31, of Article 1, of the Constitution, of the State, is amended to read:

SEC. 31. (a) 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.

1. Public postsecondary education institutions, including, but not limited to the University of California and the California State University systems, may grant preference as it pertains to admissions in the categories of race, sex, color, ethnicity, or national origin.

(b) This section shall apply only to action taken after the section's effective date.

(c) Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex which are reasonably necessary to the normal operation of public employment, public education, or public contracting.

(d) Nothing in this section shall be interpreted as invalidating any court order or consent decree which is in force as of the effective date of this section.

(e) Nothing in this section shall be interpreted as prohibiting action which must be taken to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds to the state.

(f) For the purposes of this section, "state" shall include, but not necessarily be limited to, the state itself, any city, county, city and county, public university system, including the University of California, community college district, school district, special district, or any other political subdivision or governmental instrumentality of or within the state.

(g) 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 then-existing California antidiscrimination law.

(h) This section shall be self-executing. If any part or parts of this section are found to be in conflict with federal law or the United States Constitution, the section shall be implemented to the maximum extent that federal law and the United States Constitution permit. Any provision held invalid shall be severable from the remaining portions of this section.