TEXT OF PROPOSITION 16
This amendment proposed by Assembly Constitutional Amendment 5 of the 2019–2020 Regular Session (Resolution Chapter 23, Statutes of 2020) expressly amends the California Constitution by repealing a section thereof; therefore, existing provisions proposed to be deleted are printed in strikethrough type.

PROPOSED AMENDMENT TO ARTICLE I
WHEREAS, It is the intent of the Legislature that California remedy discrimination against, and underrepresentation of, certain disadvantaged groups in a manner consistent with the United States Constitution and allow gender, racial, and ethnic diversity to be considered among the factors used to decide college admissions and hiring and contracting by government institutions; and

WHEREAS, It is further the intent of the Legislature that California transcend a legacy of unequal treatment of marginalized groups and promote fairness and equal citizenship by affording the members of marginalized groups a fair and full opportunity to be integrated into state public institutions that advance upward mobility, pay equity, and racial wealth gap reduction; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 2019–20 Regular Session commencing on the third day of December 2018, two-thirds of the membership of each house concurring, hereby proposes to the people of the State of California, that the Constitution of the State be amended as follows:

That Section 31 of Article I thereof is repealed.

[Insert Attachment A]

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SUBJECT TO COURT
ORDERED CHANGES
understanding, the preparation of a student body for an increasingly diverse workforce and society, and the cultivation of a set of leaders with legitimacy in the eyes of the citizenry”; and

WHEREAS, Federal courts continue to reaffirm the value of diversity in favor of race conscious admissions, as exemplified by United States District Judge Allison D. Burroughs who stated, “race conscious admissions programs that survive strict scrutiny have an important place in society and help ensure that colleges and universities can offer a diverse atmosphere that fosters learning, improves scholarship, and encourages mutual respect and understanding. Further, Judge Burroughs recognized that there are no race-neutral alternatives that would allow a university to achieve an adequately diverse student body while still perpetuating its standards for academic and other forms of excellence; and

WHEREAS, It is the intent of the Legislature that California remedy discrimination against, and underrepresentation of, certain disadvantaged groups in a manner consistent with the United States Constitution and allow gender, racial, and ethnic diversity to be considered among the factors used to decide college admissions and hiring and contracting by government institutions; and

WHEREAS, It is further the intent of the Legislature that California transcend a legacy of unequal treatment of marginalized groups and promote fairness and equal citizenship by affording the members of marginalized groups a fair and full opportunity to be integrated into state public institutions that advance upward mobility, pay equity, and racial wealth gap reduction; now, therefore be it

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 2019–20 Regular Session commencing on the third day of December 2018, two-thirds of the membership of each house concurring, hereby proposes to the people of the State of California, that the Constitution of the State be amended as follows:

That Section 31 of Article I thereof is repealed.

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.
(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,
etnicity, 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.

Resolved by the Assembly, the Senate concurring, That the
Legislature of the State of California at its 2019–20 Regular
Session commencing on the third day of December 2018,
two-thirds of the membership of each house concurring, hereby
proposes to the people of the State of California that the
Constitution of the State be amended as follows:

That Section 9 of Article IX thereof is amended to read:

Sec. 9. (a) (1) The University of California shall constitute a
public trust, to be administered by the existing corporation known
as "The Regents of the University of California," with full powers
of organization and government, subject only to such legislative