Express support for Proposition 16, the "Allows Diversity as a Factor in Public Employment, Education and Contracting Decisions" Legislative Constitutional Amendment

Communications and Legislation Committee

Item 7-4

September 14, 2020

Proposition 16

According to the California Legislative Analyst:

- If passed, Proposition 16 would repeal Proposition 209 (1996)—Section 31 of Article I of the California Constitution
- This would eliminate the ban on the consideration of race, sex, color, ethnicity, or national origin in public education, public employment, and public contracting
- There are currently limited exceptions to the ban and as a result of Proposition 16's passage, 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

Background

- Assembly Constitutional Amendment 5 (ACA 5) placed Proposition 16 on ballot.
- Passed California Legislature
  - Senate Floor (30 Ayes; 10 Noes);
  - Assembly Floor (60 Ayes; 14 Noes; 5 No Vote Recorded)

Background

- Principal authors:
  - Assembly Members Weber (D-San Diego), Gipson (D-Carson), Santiago (D-Los Angeles), and Gonzalez (D-San Diego)
- Coauthors:
  - Assembly Members Burke (D-Inglewood), Cooper (D-Elk Grove), Holden (D-Pasadena), Jones-Sawyer (D-Los Angeles), Kamlager (D-Los Angeles), McCarty (D-Sacramento), and Stone (D-Scotts Valley); and Senators Bradford (D-Gardena), Mitchell (D-Los Angeles), and Hueso (D-San Diego)

Primary Ballot Arguments

- Supporters
  - Ensures fairness, diversity and equity in education, public contracting, and public employment
- Opponents
  - Reintroduces racial preference in violation of law and court decisions

Supporters and Opponents

- Supporters (partial list)
  - AFSCME California
  - Anti-Defamation League
  - California Black Chamber of Commerce
  - California Hispanic Chamber of Commerce
  - California Teachers Association
  - Chinese for Affirmative Action
  - Equality California
  - League of Women Voters of California
  - Los Angeles County Board of Education
  - University of California Board of Regents
- Opponents (partial list)
  - American Civic Action Alliance
  - Students for Fair Admissions, Inc.
  - Senator Chang (R-Diamond Bar)
  - Senator Melenez (R-Lake Elsinore)
  - Bob Huff, former Republican State Senate Minority Leader
  - Ward Connerly

Board Options

- Option #1
  - Express support for Proposition 16, the "Allows Diversity as a Factor in Public Employment, Education and Contracting Decisions" Legislative Constitutional amendment
- Option #2
  - Take no position on Proposition 16

Staff Recommendation

- Option #1

THE METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA
1928