

AMENDED IN ASSEMBLY MAY 7, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

Assembly Constitutional Amendment

No. 7

Introduced by Assembly Member Jackson

February 13, 2025

Assembly Constitutional Amendment No. 7—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 I thereof, relating to government preferences.

LEGISLATIVE COUNSEL’S DIGEST

ACA 7, as amended, Jackson. Government preferences.

The California Constitution, pursuant to provisions enacted by the Proposition 209, an initiative measure adopted by the voters at the November 5, 1996, statewide general election, prohibits the state from discriminating against, or granting 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, as specified.

This measure would, instead, limit the above prohibition to the operation of public employment, higher education *admissions and* enrollment, and public contracting.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

- 1 *Resolved by the Assembly, the Senate concurring,* That the
- 2 Legislature of the State of California at its 2025–26 Regular
- 3 Session commencing on the second day of December 2024,
- 4 two-thirds of the membership of each house concurring, hereby

1 proposes to the people of the State of California, that the
2 Constitution of the State be amended as follows:

3 That Section 31 of Article I thereof is amended to read:

4 SEC. 31. (a) The State shall not discriminate against, or grant
5 preferential treatment to, any individual or group on the basis of
6 race, sex, color, ethnicity, or national origin in the operation of
7 public employment, higher education *admissions and* enrollment,
8 or public contracting.

9 (b) This section shall apply only to action taken after the
10 section's effective date and is limited to the areas of public
11 employment, higher education *admissions and* enrollment, and
12 public contracting.

13 (c) This section shall not be interpreted as prohibiting bona fide
14 qualifications based on sex that are reasonably necessary to the
15 normal operation of public employment, higher education
16 *admissions and* enrollment, or public contracting.

17 (d) This section shall not be interpreted as invalidating any court
18 order or consent decree that is in force as of the effective date of
19 this section.

20 (e) This section shall not be interpreted as prohibiting action
21 that must be taken to establish or maintain eligibility for any federal
22 program, where ineligibility would result in a loss of federal funds
23 to the State.

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

30 (g) The remedies available for violations of this section shall
31 be the same, regardless of the injured party's race, sex, color,
32 ethnicity, or national origin, as are otherwise available for
33 violations of then-existing California antidiscrimination law.

34 (h) This section shall be self-executing. If any part or parts of
35 this section are found to be in conflict with federal law or the
36 United States Constitution, the section shall be implemented to
37 the maximum extent that federal law and the United States

- 1 Constitution permit. Any provision held invalid shall be severable
- 2 from the remaining portions of this section.

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