

PROPOSITION 16: REPEAL PROPOSITION 209 AFFIRMATIVE ACTION AMENDMENT

POSITION: The Chamber's Public Policy Committee voted to SUPPORT the proposition on August 11, 2020. The Chamber's Board voted to SUPPORT the proposition on September 24, 2020.

RATIONALE: Repealing California's ban on affirmative action will increase opportunities for marginalized groups in public education, state contracting, and hiring practices.

STATUS: Proposition 16 is the result of Proposition 209 which passed by voters in 1996. Proposition 209 amended the California Constitution to prohibit discrimination or preferential treatment on the basis of race, color, sex, ethnicity, or national origin in public employment, public education, and public contracting. Prop 16 was on the November 3, 2020 ballot and had failed to pass.

SUMMARY

Proposition 16 repeals Proposition 209 which banned the use of affirmative action. Proposition 16 would allow the state government to reinstitute programs that prioritize women and minority owned businesses in public contracting. Proposition 16 would expand opportunity in education, employment, and pay for women and minority communities. Proponents of the proposition find that passage would allow more targeted achievement programs, such as STEM programs for girls and mentorship programs for students from minority communities. Currently these types of programs are not allowed in public schools. Supporters say it would also help decrease the wage gap women face, specifically women of color.

INDUSTRY/IES IMPACTED

The industries impacted include state government and public organizations in education (such as the University of California and California State University systems), public contracting, and public employment.

SUPPORTERS

- Assemblywoman Shirley Weber
- Mayor Kevin Faulconer
- Senator Harris
- Senator Feinstein
- University of California San Diego
- American Civil Liberties Union of California
- Los Angeles Chamber of Commerce

ARGUMENTS IN FAVOR

- California is only one of eight states without any affirmative action law.
- Proposition 16 would even the playing field for disadvantaged groups in state contracting, hiring practices, and public education.
- Prop 16 would give universities the tools they need to increase diversity on campus and better support these groups.

OPPONENTS

- Californians for Equal Rights
- San Diego Asian Americans for Equality
- American Civil Rights Institute
- American Coalition for Equality
- Asian American Coalition for Education
- Asian American Legal Foundation
- Chinese American Civil Action Alliance

ARGUMENTS IN OPPOSITION

- Rather than increasing opportunities for minority groups, Proposition 16 opens up the opportunity for groups, such as wealthy people, to receive preferential treatment in public education, employment and contracting.
- Instead of choosing the most qualified candidate or business, preference will be given based on race, color, sex, ethnicity, or national origin.