

PROPOSITION _____
[HCR 2044 - 2026]

preferential treatment; discrimination; prohibited acts

ANALYSIS BY LEGISLATIVE COUNCIL

Proposition _____ would amend the Arizona Constitution to provide that this state and cities, towns, counties, public universities, community colleges, school districts and any other political subdivisions:

1. Are prohibited from granting preferential treatment to or discriminating against individuals or groups based on race, sex, color, ethnicity or national origin in public employment, education or contracting, even if a part of a federal program.

2. Are prohibited from requiring applicants, employees, students or contractors to endorse or support giving preferential treatment to or discriminating against individuals based on race or ethnicity as a condition of admission, graduation, hiring, promotion, certification, contracting or other employment or scholarship opportunities. This proposition would:

(a) Prohibit requiring or soliciting a written or oral statement supporting certain race-based diversity, equity and inclusion concepts, theories or practices identified in the proposition.

(b) Prohibit requiring or soliciting individuals to confess race-based privilege or discuss the individuals' race or ethnicity or the views on or experience with the race or ethnicity of others.

(c) Prohibit giving preferable consideration to individuals based on expressed opinions if based on the race or ethnicity of those individuals.

(d) Prohibit requiring enrollment in, or completion of, any training or course that promotes the tenets outlined above.

3. Are prohibited from spending public monies to operate or contract for any office or position at a public educational institution that is responsible for promoting preferential treatment toward or discrimination against individuals or groups based on race or ethnicity, including prohibiting the use of public monies to influence the composition of the faculty and student body or for trainings, programs, activities and policies designed or implemented with reference to race, ethnicity, intersectionality, gender identity or sexual orientation, except as otherwise provided in the proposition.

4. Are prohibited from implementing any disciplinary policy or practice that treats students or employees differently on the basis of race or ethnicity.

Proposition ____ would provide for specified exceptions to these prohibitions.