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# SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair  
2025 - 2026 Regular Session

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## ACA 7 (Jackson) - Government preferences

**Version:** June 10, 2026

**Urgency:**

**Hearing Date:** June 15, 2026

**Policy Vote:** ED. 5 - 2, E. & C.A. 4 - 1

**Mandate:** No

**Consultant:** Lenin Del Castillo

**Bill Summary:** ACA 7, if approved by voters, would amend the California Constitution to replace “public education” with “higher education admissions and enrollment” in subdivision (a) Section 31, of Article I, which prohibits discrimination and preferential treatment on the basis of race, sex, color, ethnicity, or national origin. The measure requires that it appear on the statewide general election ballot on November 7, 2028.

### Fiscal Impact:

- This bill could result in additional, unknown Proposition 98 General Fund cost pressures for the state or K-12 local educational agencies (LEAs) to enact policies and programs providing preferential treatment on the basis of race, sex, color, ethnicity, or national origin. However, these costs are difficult to quantify because the bill does not necessarily require any changes to current policies or programs. The exact costs would depend on any decisions that are made by the state or LEAs with respect to the implementation of policies or programs that consider race, sex, color, ethnicity, or national origin.
- This measure would result in one-time General Fund costs to the Secretary of State (SOS) in the range of \$738,000 to \$984,000, likely in 2028-29, for printing and mailing costs to place the measure on the ballot in a statewide election. Actual costs may be higher or lower, depending on the length of required elements and the overall size of the ballot.

**Background:** Proposition 209, approved by voters in 1996, added Article 1, Section 31 to the California Constitution, prohibiting discrimination against or granting preferential treatment to individuals or groups on the basis of race, sex, color, ethnicity, or national origin in public employment, public education, and public contracting. It restricted affirmative action programs involving preferential treatment in the prescribed areas. According to the Legislative Analyst’s Office (LAO) in their review of Proposition 16 in 2020, prior to Proposition 209, state and local entities had policies and programs intended to increase opportunities and representation for people who faced inequalities as a result of their race, sex, color, ethnicity, or national origin. After the adoption of Proposition 209, for higher education, this meant public colleges and universities could no longer consider those characteristics in admission decisions or operate certain programs specifically designed to increase access, representation, or support for historically underrepresented student groups. After voters approved Proposition 209, some public universities created or modified policies and programs to instead consider characteristics not banned by Proposition 209.

**Proposed Law:** This bill amends the California Constitution, upon approval of the voters of California, by replacing “public education” with “higher education admissions and enrollment” in subdivision (a) Section 31, of Article I, which prohibits discrimination and preferential treatment on the basis of race, sex, color, ethnicity, or national origin. Specifically, it removes “public education” from the list of activities which are prohibited from discriminating against or granting preferential treatment to, any individual or group, on the basis of race, sex, color, ethnicity, or national origin. The bill also adds “higher education admission and enrollment” to the list of activities which are prohibited from discriminating against or granting preferential treatment to, any individual or group, on the basis of race, sex, color, ethnicity, or national origin.

This bill states that the prohibition on discrimination and the granting of preferential treatment only apply to actions of the State after the section’s effective date and is limited to the areas of public employment, higher education admission and enrollment, and public contracting. It also requires that the measure appear on the ballot at the November 7, 2028 statewide general election.

**Related Legislation:** ACA 5 (Weber, Chapter 23, Statutes of 2020) asked voters to repeal Proposition 209 as Proposition 16 on the November 3, 2020, statewide general election ballot. ACA 5 failed passage with 57 percent of voters voting NO.

SCA 5 (Hernández, 2013) would have asked voters if Proposition 209 should be amended to permit the use of gender and race in UC and public school admissions. The measure was held by the Senate Desk.

**Staff Comments:** This measure proposes to modify Proposition 209 by limiting its application in public education to higher education admission and enrollment, thereby removing other K-12 and higher education activities from its scope. The bill maintains the existing prohibition on affirmative action for college admissions, consistent with a recent decision by the U.S Supreme Court. According to the author, “ACA 7 seeks to provide clarity to existing legislation concerning Proposition 209, also known as Article I, Section 31 of the California Constitution. For too long, the provisions of this law have been subject to broad interpretation, leaving Californians without a clear understanding of its intended application. This measure introduces clarifying language and makes an adjustment to focus specifically on “higher education admissions and enrollment.” These changes will help ensure a more accurate interpretation of the state constitution, allowing its provisions to be implemented as originally intended.”

The SOS indicates that printing and mailing costs associated with placing a measure on the statewide ballot are \$123,000 per page, depending on the length of the ballot. The fiscal estimates noted above reflect the addition of 6-8 pages in the Voter Information Guide. Actual costs would depend upon the length of the title and summary, analysis by the LAO, proponent and opponent arguments, and text of the proposal.

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