

Initiative #82
Discrimination and Certain Forms of
Preferential Treatment by Governments

1 **Ballot Title:** An amendment to the Colorado constitution concerning a prohibition
2 against discrimination by the state, and, in connection therewith, prohibiting the state
3 from discriminating against or granting certain forms of preferential treatment to any
4 individual or group on the basis of race, sex, color, ethnicity, or national origin in the
5 operation of public employment, education, and contracting; defining preferential
6 treatment to mean adopting quotas or awarding points solely on the basis of race, sex,
7 color, ethnicity, or national origin; preserving the state's authority to take action to
8 establish or maintain eligibility for a federal program; protecting the validity of a court-
9 ordered remedy or consent decree in a civil rights action; and defining "state" to include,
10 without limitation, the state of Colorado, any agency or department of the state, any
11 public institution of higher education, any political subdivision, or any governmental
12 instrumentality of or within the state.

13 **Text of Proposal:**

14 *Be It Enacted by the People of the State of Colorado:*

15 Article II of the constitution of the state of Colorado is amended BY THE ADDITION
16 OF A NEW SECTION to read:

17 **Section 32. Equal Opportunity**

18 (1) THE STATE SHALL NOT DISCRIMINATE AGAINST, OR GRANT PREFERENTIAL
19 TREATMENT TO, ANY INDIVIDUAL OR GROUP ON THE BASIS OF RACE, SEX, COLOR,
20 ETHNICITY, OR NATIONAL ORIGIN IN THE OPERATION OF PUBLIC EMPLOYMENT, PUBLIC
21 EDUCATION, OR PUBLIC CONTRACTING. "PREFERENTIAL TREATMENT" MEANS ADOPTING
22 QUOTAS OR AWARDING POINTS SOLELY ON THE BASIS OF RACE, SEX, COLOR, ETHNICITY,
23 OR NATIONAL ORIGIN.

24 (2) NOTHING IN THIS SECTION SHALL BE INTERPRETED AS PROHIBITING ACTION TAKEN
25 TO ESTABLISH OR MAINTAIN ELIGIBILITY FOR ANY FEDERAL PROGRAM.

26 (3) NOTHING IN THIS SECTION SHALL BE INTERPRETED AS INVALIDATING OR PROHIBITING
27 ANY COURT-ORDERED REMEDY OR CONSENT DECREE IN A CIVIL RIGHTS CASE.

28 (4) AS USED IN THIS SECTION, "STATE" MEANS, BUT IS NOT LIMITED TO, THE STATE OF
29 COLORADO, ANY AGENCY OR DEPARTMENT OF THE STATE, ANY PUBLIC INSTITUTION OF
30 HIGHER EDUCATION, ANY POLITICAL SUBDIVISION, OR ANY GOVERNMENTAL
31 INSTRUMENTALITY OF OR WITHIN THE STATE.