

Anti-Affirmative Action Threats in the States: 1997-2004

Americans for a Fair Chance
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Executive Summary

Background

In light of the U.S. Supreme Court's 2003 decision in the University of Michigan affirmative action cases (*Grutter v. Bollinger*, *Gratz v. Bollinger*), colleges and universities are continuing to assess their admissions policies to determine if these policies comport with the ruling.

The *Grutter* decision is particularly relevant for state university systems in the U.S. Court of Appeals for the Fifth Circuit (Texas, Louisiana and Mississippi). For these states, the *Grutter* decision effectively overturned *Hopwood v. Texas*, the 1996 Fifth Circuit decision that found the University of Texas law school's policy of considering race in the admissions process to be a violation of the Constitution's equal protection guarantee. Following *Grutter*, the University of Texas has reinstated affirmative action programs while Texas A&M University has said it will not.¹

The Leadership Conference on Civil Rights Education Fund/Americans for a Fair Chance (LCCREF/AFC) believes legislatures should work with their state university systems to redesign programs in order to meet the Supreme Court's guidelines. Universities can affirm their support for student body diversity by implementing and/or maintaining legally permissible affirmative action, including: 1) looking beyond the numbers to holistically evaluate each applicant; 2) developing a diversity policy statement; 3) documenting the educational benefits of diversity and, if applicable, the institution's prior record of discrimination; 4) developing broad diversity goals and maintaining sound criteria; 5) reviewing legacy policies and evaluating the potential disparate impact on students of color; 6) periodically reviewing whether there are workable race-neutral alternatives to affirmative action; and 7) eliminating other artificial barriers to inclusion.

As we approach the two-year anniversary of the *Grutter* and *Gratz* decisions, LCCREF/AFC finds that the tactics and messaging by opponents of affirmative action have generally remained consistent at both the state and federal levels.

The *Grutter* decision has galvanized opponents who have increased their efforts to end affirmative action programs in the states. In doing so, opponents have sought help from the federal government to support their efforts. For example, the Office for Civil Rights at the Department of Education has been enlisted in the continuing attack on affirmative action, especially at the state level.

Opponents of affirmative action, including the Center for Equal Opportunity (CEO), the Center for Individual Rights (CIR), the National Association of Scholars (NAS), and the American Civil

¹ For more information about the status of affirmative action programs in Texas, see Americans for a Fair Chance (AFC) report, "Blend It, Don't End It: Affirmative Action and the Texas Ten Percent Plan After *Grutter* and *Gratz*," available at: http://fairchance.civilrights.org/post_grutter_TX.pdf

Rights Institute (ACRI), have publicly opposed and taken legal action against institutions of higher education that have decided to continue or reinstate the use of race as a factor in the admissions process. For example, NAS mailed letters to the most selective universities in 20 states requesting all documents that relate to any statements or discussions of university policies, practices, or procedures about the consideration of race. Further legal action is expected from opponents.

Focusing on the States

This report provides an overview of threats from 1997-2004, including legislation/resolutions (28 states), ballot initiative campaigns (3 states), and state executive orders (1 state).² Despite the success of anti-affirmative action ballot initiative campaigns in California (1996) and Washington state (1998), anti-affirmative action opponents' legislative campaigns have not enjoyed the same level of success. In fact, of the 102 bills and/or resolutions introduced during 1997-2004, only six have been enacted. While efforts to eliminate affirmative action have continued consistently over the last several years, legislative threats have decreased to some degree:

- 1997-1999 represents the highest number of threats to affirmative action over the last decade. In 1997, the year following enactment of California's Proposition 209, 33 anti-affirmative action bills and/or resolutions were introduced in 15 states. In 1998, 16 bills were proposed in nine states. In 1999, 20 bills were introduced in 14 states.
- From 2000-2004 there were fewer threats to affirmative action at the state level. In 2000, seven anti-affirmative action bills and/or resolutions were introduced in five states. Four bills were proposed in four states in 2001, while seven bills were introduced in four states in 2002. In 2003, seven bills were proposed in six states. In addition, in October 2003, Proposition 54, Ward Connerly's³ follow-up ballot initiative to Proposition 209, was defeated in California.⁴ In 2004, 3 states introduced a total of 8 anti-affirmative action state legislation and/or resolutions, two of which are still pending.

The strongest threat to affirmative action at the state level is in the form of a ballot initiative being sponsored by Ward Connerly, which would end affirmative action in higher education, public contracting, and hiring in Michigan (see page 3). While legal challenges and internal campaign problems kept the initiative off of the 2004 Michigan ballot, Connerly is attempting to qualify his so-called "Michigan Civil Rights Initiative" (MCRI) for the 2006 ballot.

² Previous Americans for a Fair Chance (AFC) reports detailing attacks on affirmative action from 1997-1998 and from 1997-2003 are also available. Information included in this report came from available information in state databases and Internet searches.

³ Ward Connerly, a former University of California Regent, has led a series of attacks against affirmative action at the state level since 1995. For more information, see Americans for a Fair Chance (AFC) report, "Anti-Affirmative Action Threats In the States: 1997-2003," available at:

<http://www.civilrights.org/issues/affirmative/Affirmative%20Action%20State%20Report.pdf>

⁴ For more information about victories in California (2003) and Houston, Texas (1997), see Americans for a Fair Chance (AFC) report, "Anti-Affirmative Action Threats In the States: 1997-2003," available at:

<http://www.civilrights.org/issues/affirmative/Affirmative%20Action%20State%20Report.pdf>

In comparison to legislation and ballot initiatives, there have been few executive orders pertaining to affirmative action. In 2005 Oregon Governor Ted Kulongoski (D) issued an executive order in support of affirmative action programs and policies, in light of the Supreme Court decisions in *Grutter* and *Gratz*. Executive Order 05-01 mandated a review of each agency's affirmative action plans and goals for their departments and development of training related to effectively managing affirmative action and diversity issues.

Governors in Florida and Delaware have also issued executive orders related to affirmative action.⁵ In 1999, Florida Governor Jeb Bush (R) issued the One Florida Initiative (99-201), which ended the use of affirmative action in government employment, contracting, and education. In contrast to Florida, in 2001 Delaware Governor Ruth Ann Minner (D) issued an executive order supporting the use of affirmative action programs.

Key States to Watch in 2005

Three states (Colorado, Massachusetts, and New Jersey) introduced a total of eight anti-affirmative action bills and/or resolutions in 2004, most of which died at the end of that year. The remaining state with pending legislation is New Jersey. Also, as we go to print, two states (Massachusetts and New York) have introduced bills and/or resolutions as potential threats to equal opportunity in education and affirmative action programs.

It has been reported that Connerly could attempt to bring anti-affirmative action initiatives to the ballot in Arizona, Colorado, Missouri, and New Hampshire. However, the strongest threat to affirmative action is in Michigan.

Michigan

In 2004, Connerly was unsuccessful qualifying the so-called MCRI. The initiative was kept off the ballot due to legal challenges and internal campaign problems. However, Connerly has collected and submitted signatures to the state in an attempt to qualify MCRI for the 2006 ballot.

Connerly and affirmative action opponents have been galvanized by the failure of legislation proposing to end statewide affirmative action programs in 1997, 1998, and 1999, combined with the *Grutter* decision. Currently, Republicans hold a majority in the legislature and a Democrat, Jennifer Granholm, is governor. There has been speculation that Connerly's initiative is being used as a wedge issue to increase Republican turnout for the 2006 election. Both Governor Granholm and Senator Debbie Stabenow (D) are up for re-election.

Colorado

In January 2004, State Senator Ed Jones (R) introduced a Connerly-inspired bill that would have outlawed race as a factor in admissions at Colorado state colleges and universities. This legislation was defeated in the Senate by a vote of 18 to 17.

⁵ For more information about executive orders related to affirmative action, see Americans for a Fair Chance (AFC) report, "Anti-Affirmative Action Threats In the States: 1997-2003," available at: <http://www.civilrights.org/issues/affirmative/Affirmative%20Action%20State%20Report.pdf>

Anti-affirmative action bills, in addition to the development of education percentage plans, have been introduced in Colorado in 1997, 1999, 2000, 2003, and 2004. In 1999, legislation was enacted to end the consideration of race, gender, color, creed, religion, or disability in appointments and promotions of state employees. During consideration of State Senator Ed Jones' bill to end affirmative action in higher education, the Republicans held a majority in the legislature and the governor's seat. At the present time, the Democrats hold a majority in the legislature and a Republican, Bill Owens, is governor. Governor Owens is a strong opponent of affirmative action.

Massachusetts

Massachusetts is one of the three states that introduced potential anti-affirmative action bills and/or resolutions in 2004. Since 1999, there has been a steady course of legislative threats to affirmative action in the state. As this report goes to print, legislation has been introduced in 2005, which pertains to racial balance in education (see chart). Currently, Democrats hold a majority in the legislature and a Republican, Mitt Romney, is governor.

New Jersey

In New Jersey, two anti-affirmative action bills were introduced in 2004. One bill would have ended public and certain private affirmative action programs while a second bill proposed replacing race and gender based affirmative action with socioeconomic based affirmative action. As this report goes to print, both bills are still pending in committee. From 1997-2004, there have been ten legislative attempts to eliminate affirmative action in the state. Currently, Democrats hold a majority in the legislature and a Democrat, Richard Codey, is governor.

New York

The anti-affirmative action bill introduced in the 2003-2004 legislative session died in committee in 2004. From 1997-2004, there have been five legislative attempts to eliminate affirmative action in the state. As this report goes to print, a bill has been introduced for consideration in the 2005-2006 legislative session proposing a constitutional amendment banning affirmative action programs in the state (see chart). Currently, Democrats hold a majority in the Assembly, Republicans hold the majority in the Senate, and a Republican, George Pataki, is governor.

Arizona

Following the Supreme Court's decision in the Michigan cases, there have been reports that Connerly has targeted Arizona for an anti-affirmative action ballot initiative. Arizona has a history of failed anti-affirmative action legislation (1997-1999), and a failed attempt to eliminate affirmative action via state referendum (1998). Currently, Republicans hold a majority in the legislature and a Democrat, Janet Napolitano, is governor.

Missouri

It has been reported that Connerly also intends to pursue an anti-affirmative action ballot initiative campaign in Missouri. Anti-affirmative action bills were introduced in 1997, 1998, and 1999. The 1999 legislation, which was enacted, eliminated affirmative action in law enforcement and in first-responders, such as firefighters. Currently, Republicans hold a majority in the legislature and a Republican, Matthew Blunt, is governor.

New Hampshire

Connerly's intent to consider targeting New Hampshire with an anti-affirmative action ballot initiative campaign was also reported in 2003. This state has had a more recent history (2001-2003) with anti-affirmative legislation. In 2003, state legislation that eventually failed in the House was introduced to eliminate "preferences in hiring, promotion, and admission by a state agency, the university system, post-secondary institution, in regional community and technical colleges, and the post-secondary education commission." Currently, Republicans hold a majority in the legislature and a Democrat, John Lynch, is governor.

Conclusion

Despite the Supreme Court's decision in support of affirmative action programs in the University of Michigan cases, the overall political climate for affirmative action programs continues to be challenging. LCCREF/AFC is concerned that the Michigan decisions will continue to galvanize opponents and lead to increased efforts to put an end to affirmative action and other important equal opportunity programs. In addition to the likelihood of continued threats to affirmative action and equal opportunity programs via ballot initiative and legislation, LCCREF/AFC is monitoring the increasing legal threats and threats of lawsuits at the state level on institutions of higher education and other state programs.

Affirmative action programs have provided qualified individuals with equal access to educational and professional opportunities they would otherwise have been denied despite their strong qualifications. Though affirmative action policies have created access to opportunities for women and minorities, there is still a great deal of work to be done until a level playing field is achieved. Nowhere is this more critical than when it comes to equal opportunity and equal access in education. The 2004 celebration of the 50th anniversary of *Brown v. Board of Education* reminds us of the work that still remains in order to provide equal opportunity for *all* students in K-12 education. Inequities in K-12 continue to be a challenge and serve as a barrier in a student's preparation for higher education and acquiring skills for the new millennium.⁶

Supporters of affirmative action must remain vigilant in their efforts to educate the public and opinion leaders about the importance of affirmative action. Further, efforts must continue to protect and expand these important programs, so access to education and opportunities in the workforce can be achieved and guaranteed for all.

⁶ For more information see www.realizethedream.org (sponsored by LCCR/LCCREF).

Anti-Affirmative Action Threats State-by-State: 1997-2004

	1997	1998	1999	2000
ALABAMA	SB 477 was introduced, proposing a constitutional amendment that eliminates Affirmative Action (AA) in the state. The bill died when the legislature adjourned.	SB 101 and SB 582 along with HB 374 and HB 434 all proposed adding a constitutional amendment (subject to voter approval) that would have banned AA statewide. All four bills died when the 1998 legislature adjourned.	*	HB 304 proposed a constitutional amendment (subject to voter approval) that would have prohibited affirmative action programs in public employment, education, and contracting. The bill died.
	2001	2002	2003	2004
<i>The 2004 Alabama Legislature's 1st special session convened November 8, 2004 and adjourned sine die (that is, adjourned for the final time in a given legislative year or term) November 16, 2004. The 2005 regular session convened February 1, 2005 and adjourned May 16, 2005.</i>	HB 754 proposed a constitutional amendment (subject to voter approval) that would have prohibited affirmative action programs in public employment, education, and contracting. The bill died without carryover.	*	*	*

NOTES:

	1997	1998	1999	2000
ALASKA	Resolutions HJR 34 and SJR 29 asked the North Pacific Fishery Management Council to reject an AA program. Both resolutions were adopted and signed into law.	*	*	*
	2001	2002	2003	2004
<i>The 23rd Legislature's second session convened January 12, 2004 and adjourned May 11, 2004. The first session of the 24th Legislature convened January 10, 2005 and adjourned May 10, 2005.</i>	*	*	*	*

NOTES:

	1997	1998	1999	2000
ARIZONA	Resolution HCR 2008 and bills HB 2223 and HB 2296 were introduced. HCR 2008 proposed a statewide ballot initiative that would have allowed voters to decide whether to ban AA in Arizona. HB 2223 would have prohibited discrimination or preferential treatment based on race, gender, color, ethnicity or national origin by state entities. HB 2296 would have eliminated AA in state contracting. HCR 2008 and HB 2223 died in committee while HB 2296 was defeated in committee.	Resolution SCR 1005 asked Arizona voters to eliminate AA via state referendum. The bill failed in committee when 7 Republicans joined all 12 Democrats to defeat the measure, 11-19.	HB 2695 would have required focusing on "merit" in hiring. The bill failed in committee.	*
	2001	2002	2003	2004
<i>The regular session convened January 10, 2005 and adjourned in late April.</i>	*	*	*	*
NOTES: Ward Connerly has stated his intent to introduce a ballot initiative campaign.				

* No known anti-affirmative action legislation was introduced.

	1997	1998	1999	2000
ARKANSAS	*	*	*	*
	2001	2002	2003	2004
<i>There was no regular session in 2004. The next regular session convened January 10, 2005 and adjourned March 10, 2005.</i>	*	*	*	*

NOTES:

	1997	1998	1999	2000
CALIFORNIA	*	*	*	*
	2001	2002	2003	2004
<i>The legislature convened December 6, 2004 and will adjourn September 9, 2005.</i>	*	*	*	*

NOTES: Proposition 209, approved in 1996, ended statewide all AA in higher education.

* No known anti-affirmative action legislation was introduced.

	1997	1998	1999	2000
COLORADO	HB 1299 would have eliminated AA in the state. HB 1336 proposed a constitutional amendment (subject to voter approval) to eliminate AA in the state. HB 1299 passed the House but died in the Senate. HB 1336 died in committee.	*	HB 1076 prohibited consideration of race, gender, color, creed, religion, or disability in appointments and promotions of state employees. The bill passed and was signed into law in March 1999.	SB 59 proposed a percentage plan system for college admissions in addition to AA. The bill died and was not carried over.
	2001	2002	2003	2004
<i>The first regular session of the 65th General Assembly convened January 12, 2005 and adjourned sine die on May 11, 2005.</i>	*	*	Resolution SJR 30 expressed support for President Bush's position on <i>Gratz v. Bollinger</i> and <i>Grutter v. Bollinger</i> . The bill passed the Senate, but failed in the House.	SB 194 would have eliminated AA in the state. SB 194 was defeated in the Senate.

NOTES: Ward Connerly has stated his intent to introduce a ballot initiative campaign.

	1997	1998	1999	2000
CONNECTICUT	*	*	*	*
	2001	2002	2003	2004
<i>The 2005 Regular Session of the General Assembly convened January 5, 2005 and adjourned June 8, 2005.</i>	*	*	*	*

NOTES:

	1997	1998	1999	2000
DELAWARE	*	*	*	*
	2001	2002	2003	2004
<i>The 143rd General Assembly regular session convened January 11, 2005 and will adjourn June 30, 2005. A special session could convene July 1, 2005.</i>	*	*	*	*
NOTES:				

* No known anti-affirmative action legislation was introduced.

	1997	1998	1999	2000
FLORIDA	*	*	In 1999 Governor Jeb Bush signed Executive Order 99-281, commonly known as the "One Florida Initiative." This order gave direction to the governor's office and his executive agencies to dispense with certain practices regarding the use of racial or gender set-asides, preferences or quotas in government employment, contracting, and education. One Florida includes the Talented 20 plan, which guarantees high school graduates in the top 20 percent of their classes admission to a state university.	*
	2001	2002	2003	2004
<i>The legislative session starts on the first Tuesday in March, for a period not to exceed 60 days. The next regular session convened March 8, 2005 and adjourned May 6, 2005.</i>	HB 369 attempted to revise requirements of state AA plans. The bill passed the House and died in the Senate.	*	*	*
NOTES:				

* No known anti-affirmative action legislation was introduced.

	1997	1998	1999	2000
GEORGIA	HB 99 and SB 243 proposed eliminating AA in the state. Both bills were carried over to the 1998 session.	HB 1374, which would have eliminated AA in Cobb County, passed the House, but died in committee in the Senate. HB 1685 proposed eliminating AA at the University of Georgia. HB 1374, HB 1685, and the two bills carried over from 1997 (HB 99 and SB 243) all died in committee.	*	*
	2001	2002	2003	2004
<i>The annual legislative sessions begin on the second Monday in January and run for 40 legislative days. Sessions normally end in March. The regular session convened on January 10, 2005.</i>	*	*	*	*
NOTES:				
	1997	1998	1999	2000
HAWAII	*	*	*	*
	2001	2002	2003	2004
<i>The state legislature convened January 19, 2005 and adjourned sine die on May 5, 2005.</i>	*	*	*	*
NOTES:				

* No known anti-affirmative action legislation was introduced.

	1997	1998	1999	2000
IDAHO	*	*	*	*
	2001	2002	2003	2004
<i>The first regular session of the 58th State Legislature convened on January 10, 2005 and adjourned in late March 2005.</i>	*	*	*	*

NOTES:

	1997	1998	1999	2000
ILLINOIS	*	*	HB 2594 would have required a comparative study of employment opportunities offered to men versus those of women. HB 2594 carried over.	HB 2594 was referred to the House Committee on Rules where it died at the end of the session.
	2001	2002	2003	2004
<i>The legislature has two-year sessions, beginning in the odd year. The regular session convened January 12, 2005 and adjourned on May 27, 2005.</i>	*	*	*	*

NOTES:

* No known anti-affirmative action legislation was introduced.

	1997	1998	1999	2000
INDIANA	*	*	*	*
	2001	2002	2003	2004
<i>The regular session convened January 10, 2005 and adjourned April 29, 2005.</i>	*	*	*	*

NOTES:

	1997	1998	1999	2000
IOWA	*	*	*	SB 2274 would have nullified gubernatorial executive orders relating to equal opportunity and AA in state employment. The bill passed, but was vetoed by the governor.
	2001	2002	2003	2004
<i>The regular session convened January 10, 2005 and adjourned in late April 2005.</i>	HB 579 related to the administration and management of the State Department of Personnel and would have required AA reports to be filed with the governor's office. The bill was signed into law in May 2001.	*	*	*

NOTES:

* No known anti-affirmative action legislation was introduced.

	1997	1998	1999	2000
KANSAS	*	HB 2958 would have eliminated AA in the state. The bill was referred to committee and subsequently died.	*	*
	2001	2002	2003	2004
<i>The legislature convened January 10, 2005 and adjourned in late May 2005.</i>	*	*	*	*

NOTES:

	1997	1998	1999	2000
KENTUCKY	*	*	*	*
	2001	2002	2003	2004
<i>The legislature convenes in Regular Session for 60 days on the first Tuesday in January of even-numbered years, and for 30 days on the first Tuesday in January in odd-numbered years. The session convened January 4, 2005 and adjourned at the end of March 2005.</i>	*	*	*	*

NOTES:

* No known anti-affirmative action legislation was introduced.

	1997	1998	1999	2000
LOUISIANA	*	*	*	*
	2001	2002	2003	2004
<i>The regular session convened April 25, 2005 and will adjourn June 23, 2005.</i>	*	*	*	*

NOTES:

	1997	1998	1999	2000
MAINE	*	*	LD 703, the "Maine Civil Rights Act of 1999," had language similar to California's Proposition 209. The bill failed in committee.	*
	2001	2002	2003	2004
<i>The 1st Regular Session of the 122nd Maine Legislature convened December 1, 2004 and adjourned June 15, 2005.</i>	*	*	*	*

NOTES:

	1997	1998	1999	2000
MARYLAND	*	*	*	*
	2001	2002	2003	2004
<i>The 419th Regular Session began January 12, 2005 and adjourned April 11, 2005.</i>	*	*	*	*

NOTES:

	1997	1998	1999	2000
MASSACHUSETTS	*	*	SB 60 related to workplace equity. The bill was referred to committee and carried over.	SB 60 died in committee.
	2001	2002	2003	2004
<i>The legislature convenes two-year sessions beginning in the odd year. The legislature convened January 5, 2005 and the session will continue through the last week in November 2005.</i>	HB 2105 pertained to regulating equity payments under certain employment laws. The bill carried over.	HB 2105 died.	HB 1845 pertained to racial balance in charter schools. The bill carried over.	HB 4767 was an order to investigate and make recommendations on legislation introduced (SB 339, HB 1822, HB 1845, HB 2582) pertaining to charter schools, addressing racial balance and equal opportunity in admissions and enrollment. The order died in committee.

NOTES: In 2005, S 370 was introduced, proposing to promote racial balance in charter schools.

* No known anti-affirmative action legislation was introduced.

	1997	1998	1999	2000
MICHIGAN	HB 4457 and its companion bill SB 609 targeted state AA plans. Resolutions HJR W and SJR N proposed a constitutional amendment (subject to voter approval) to eliminate AA in the state. HB 4459 targeted AA in state contracting. HB 4078 targeted AA in education and employment. All of the bills were referred to committee and carried over.	SB 615 targeted AA in education and employment. HB 5760 targeted admissions, financial aid, and scholarship in higher education. These bills, along with the prior session's HB 4457, SB 609, HJR W, SJR N, HB 4459, and HB 4078, died in committee.	Resolution SJR E aimed to eliminate AA in the state while HB 4232 targeted AA in education and employment. Both bills were referred to committee and died.	*
	2001	2002	2003	2004
<i>The regular session convened January 12, 2005 and will adjourn on June 30, 2005.</i>	*	*	*	*
NOTES: Ward Connerly attempted to eliminate AA programs in the state via an initiative on the 2004 ballot. Due to legal challenges and internal campaign problems, the initiative was kept off the ballot. Ward Connerly is attempting to qualify for the 2006 ballot an initiative that would eliminate AA programs in the state.				

* No known anti-affirmative action legislation was introduced.

	1997	1998	1999	2000
MINNESOTA	*	*	HB 1591 proposed to "modify" AA related to state employment. Companion bill SB 1599 was also introduced. Both bills died in committee.	*
	2001	2002	2003	2004
<i>The session convened January 4, 2005 and adjourned May 23, 2005.</i>	*	HB 3531 and companion SB 3147 proposed to modify AA related to state employment. HB 3531 was postponed indefinitely. SB 3147 passed the Senate, but died in the House.	*	*

NOTES:

	1997	1998	1999	2000
MISSISSIPPI	*	*	*	*
	2001	2002	2003	2004
<i>The legislature convened its regular session on January 4, 2005 and adjourned sine die on April 3, 2005.</i>	*	*	*	*

NOTES:

* No known anti-affirmative action legislation was introduced.

	1997	1998	1999	2000
MISSOURI	Resolution SJR 3 proposed a constitutional amendment (subject to voter approval) to eliminate AA in the state. The bill went to committee and was carried over to the 1998 session.	SB 681 would have eliminated AA in the state. Resolution HJR 29 proposed a constitutional amendment (subject to voter approval) to eliminate AA in the state. Both pieces of legislation (along with 1997's SJR 3) died in committee.	SB 43 would have eliminated AA in the state and died in committee. HB 568 eliminated AA for firefighters and law enforcement officers. SB 43 was not carried over, but HB 568 was signed into law.	*
	2001	2002	2003	2004
<i>The session convened January 5, 2005 and adjourned May 13, 2005.</i>	*	*	*	*

NOTES: Ward Connerly has stated his intent to campaign for a ballot initiative.

	1997	1998	1999	2000
MONTANA	HB 303 would have eliminated AA in the state. HB 299 proposed a constitutional amendment (subject to voter approval) to eliminate AA in the state. Both bills passed the House, but failed in the Senate.	*	*	*
	2001	2002	2003	2004
<i>The session convened January 3, 2005 and adjourned sine die April 25, 2005.</i>	*	*	*	*

NOTES:

	1997	1998	1999	2000
NEBRASKA	*	LR 314 proposed amending the Constitution (subject to voter approval) which would have provided for non-discrimination by the state, nor 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. LR 314 died in committee.	*	*
	2001	2002	2003	2004
<i>The session convened January 5, 2005 and adjourned June 3, 2005.</i>	*	*	*	*
NOTES:				
	1997	1998	1999	2000
NEVADA	*	*	*	*
	2001	2002	2003	2004
<i>The 73rd regular session convened February 7, 2005 and adjourned June 6, 2005.</i>	*	*	*	*
NOTES:				

* No known anti-affirmative action legislation was introduced.

	1997	1998	1999	2000
NEW HAMPSHIRE	*	*	*	*
	2001	2002	2003	2004
<i>The legislature convened January 5, 2005 and will adjourn in early July 2005.</i>	*	HB 1304 would have eliminated preferences in hiring, promotion or admission by a state agency, the university system, or post-secondary institution. HLSR 2129 is the companion bill. Neither bill passed the House.	LSR 19 and HB 55, its companion bill, had broader text than HB 1304, also prohibiting AA in regional community and technical colleges, and the postsecondary education commission and is now assigned as HB 55. It was defeated in the House and died in the Senate.	*
NOTES: The state senator sponsoring the anti-AA legislation is no longer in office, prompting some to believe that such legislation will not reappear. But the state may now be the target of a voter-based, Ward Connerly-led initiative.				

* No known anti-affirmative action legislation was introduced.

	1997	1998	1999	2000
NEW JERSEY	A 2533 would have eliminated AA and some AA in the private sector. A 2748 would have replaced race- and gender-based AA with socioeconomic AA. Both bills died in committee.	A 1292 would have eliminated AA and some AA in the private sector. A 1261 would have replaced race- and gender-based AA with socioeconomic AA. Both bills were carried over.	A 1292 and A 1261 both died in the Judiciary Committee.	A 1625 would have replaced race-, gender-, and national origin-based AA with socioeconomic AA. A 1678 would have prohibited public and certain private AA. Both bills died in the Judiciary Committee.
	2001	2002	2003	2004
<i>The legislature's two-year terms begin in January of each even-numbered year. The current session began January 13, 2004 and will convene throughout the year until January 2006.</i>	*	A 329 would have replaced race-, ethnicity-, gender-, and national origin-based AA with socioeconomic AA. A 2150 proposed eliminating public and certain private AA. Both bills carried over.	A 329 and A 2150 died in committee.	A 1413 would have prohibited public and certain private AA programs based on race, ethnicity, sex, color or national origin. A 1639 proposed replacing race- and gender-based AA with socioeconomic AA. Both bills were carried over.

NOTES: Both A 1413 and A 1639, introduced in January 2004, are still pending in the Assembly Judiciary Committee.

	1997	1998	1999	2000
NEW MEXICO	*	*	*	*
	2001	2002	2003	2004
<i>The legislature convened January 18, 2005 and adjourned March 19, 2005.</i>	*	*	*	*

NOTES:

* No known anti-affirmative action legislation was introduced.

	1997	1998	1999	2000
NEW YORK	Both AB 4534 and SB 1722 proposed a constitutional amendment (subject to voter approval) eliminating AA in the state. Both bills carried over.	AB 4534 and SB 1722 died in committee.	AB 6110 proposed a constitutional amendment (subject to voter approval) eliminating AA in the state. The bill was referred to the Judiciary Committee. AB 2369 would have abolished the NY Transportation System's job training and support services program for women, minority workers, and youth. The bill carried over.	AB 2369 moved to the Assembly Committee on Ways on Means. The bill died in committee.
	2001	2002	2003	2004
<i>The legislative session meets yearly. The session began January 10, 2005 and will end on June 23, 2005.</i>	*	*	Senate and Assembly resolutions, A 4468, proposed a constitutional amendment (subject to voter approval) banning AA in public education, contracting, and state employment. It was referred to the Judiciary Committee.	A 4468 died in committee.
NOTES: In 2005, A 6118 proposes a constitutional amendment (subject to voter approval) eliminating AA in the state. The bill was referred to the Judiciary Committee.				
	1997	1998	1999	2000
NORTH CAROLINA	HB 981 and SB 1033 proposed constitutional amendments (subject to voter approval) that eliminate AA in the state. Both bills died in committee.	*	HB 1264 focused on race-based admissions. The bill was carried over.	HB 1264 was postponed indefinitely.
	2001	2002	2003	2004
<i>The session convened January 26, 2005 and generally lasts six or seven months.</i>	*	*	*	*
NOTES:				

* No known anti-affirmative action legislation was introduced.

	1997	1998	1999	2000
NORTH DAKOTA	*	*	*	*
	2001	2002	2003	2004
<i>The 59th Legislative Assembly convened January 4, 2005 and adjourned April 27, 2005.</i>	*	*	*	*

NOTES:

	1997	1998	1999	2000
OHIO	Resolutions SJR 7 and HJR 21 proposed a constitutional amendment (subject to voter approval) to eliminate AA statewide. HB 637 would have eliminated AA for state contracts. All bills carried over.	SJR 7, HJR 21, and HB 637 all died in committee.	HB 486 concerned requirements for public and private schools regarding access to scholarship funds and admissions procedures. The bill died in committee.	*
	2001	2002	2003	2004
<i>The 126th General Assembly convened January 3, 2005 and will adjourn at the end of June 2005.</i>	*	*	*	*

NOTES:

* No known anti-affirmative action legislation was introduced.

	1997	1998	1999	2000
OKLAHOMA	HJR 1010 proposed a constitutional amendment (subject to voter approval) to eliminate AA in the state. The bill was carried over.	HJR 1010 died in committee.	*	HB 2583 related to AA plans prohibiting preferential treatment on the basis of race, gender, etc. The bill died in committee.
	2001	2002	2003	2004
<i>The legislature convenes on the first Monday of February in even-numbered years, in January in odd-numbered years. In all years, the session runs through May. The session convened February 7, 2005.</i>	*	*	*	*

NOTES:

	1997	1998	1999	2000
OREGON	*	*	HB 2879 would have prohibited the State Apprenticeship and Training Council from adopting or enforcing AA requirements. The bill died in committee.	*
	2001	2002	2003	2004
<i>The legislature convenes regular sessions every two years, beginning in January. Most sessions last six months. The session convened January 10, 2005.</i>	*	*	*	*

NOTES:

* No known anti-affirmative action legislation was introduced.

	1997	1998	1999	2000
PENNSYLVANIA	*	*	*	*
	2001	2002	2003	2004
<i>The House reconvened January 18, 2005 and the Senate reconvened January 24, 2005. The session will continue through December 2005.</i>	*	*	*	*

NOTES:

	1997	1998	1999	2000
RHODE ISLAND	*	*	*	*
	2001	2002	2003	2004
<i>The session convened January 4, 2005 and will adjourn in late June 2005.</i>	*	*	*	*

NOTES:

* No known anti-affirmative action legislation was introduced.

	1997	1998	1999	2000
SOUTH CAROLINA	HB 4115 and SB 235 would have eliminated AA in the state. HJR 3132 proposed a constitutional amendment (subject to voter approval) to eliminate AA in the state. All three bills were carried over.	HJR 3132 died. HB 4115 passed the House, but failed in a Senate committee. SB 235 carried over.	SB 235 died in committee.	*
	2001	2002	2003	2004
<i>The legislature reconvened January 11, 2005 and adjourned June 2, 2005.</i>	*	*	*	*

NOTES:

	1997	1998	1999	2000
SOUTH DAKOTA	*	*	*	*
	2001	2002	2003	2004
<i>The session convened January 11, 2005 and adjourned in late March 2005.</i>	*	*	*	*

NOTES:

* No known anti-affirmative action legislation was introduced.

	1997	1998	1999	2000
TENNESSEE	*	HJR 512 proposed a constitutional amendment (subject to voter approval) to eliminate AA statewide. The bill died in committee.	HJR 29 proposed a constitutional amendment (subject to voter approval) to eliminate AA statewide. The bill died in committee. HJR 183 proposed to create a special joint committee to study economic and social effects of AA. The bill carried over.	HJR 183 died in committee.
	2001	2002	2003	2004
<i>The legislature meets 90 session days over a two-year period. The regular session convened January 11, 2005 and adjourned in late April 2005.</i>	*	*	*	*

NOTES:

	1997	1998	1999	2000
TEXAS	In the wake of the <i>Hopwood v. Texas</i> decision (see Notes), the legislature passed the Ten Percent Plan, which grants automatic college admission to all high school seniors graduating in the top ten percent of their class.	*	HB 364 would have banned AA in higher education. HB 2386 would have abolished AA statewide. Both bills died in committee.	*
	2001	2002	2003	2004
<i>There was no regular session in 2004. The next regular session convened January 11, 2005 and adjourned May 30, 2005.</i>	*	*	SB 1008 mandates percentage plans for graduate and professional schools. The bill died in the Education Committee.	*

NOTES: *Hopwood v. Texas* had overturned AA, paving the way for percentage plans in public universities. *Grutter v. Bollinger*, however, has invalidated *Hopwood*, prompting reevaluation of AA. UT-Austin has stated they will reinstate AA programs, while Texas A&M has said they will not.

* No known anti-affirmative action legislation was introduced.

	1997	1998	1999	2000
UTAH	*	*	*	*
	2001	2002	2003	2004
<i>The session convened January 17, 2005 and adjourned March 2, 2005.</i>	*	*	HB 16 requires Department of Human Resource Management to use an equal opportunity plan instead of an AA plan. The bill was passed by the House and Senate and signed by the Governor on March 12.	*

NOTES:

	1997	1998	1999	2000
VERMONT	*	*	*	*
	2001	2002	2003	2004
<i>The legislature's two-year terms begin in January of each odd-numbered year. The current session began January 5, 2005 and will convene throughout the year until January 2007.</i>	*	*	*	*

NOTES:

* No known anti-affirmative action legislation was introduced.

	1997	1998	1999	2000
VIRGINIA	*	*	*	*
	2001	2002	2003	2004
<i>The legislature convened January 12, 2005 and adjourned February 26. The legislature also met for a reconvened session beginning April 6, 2005.</i>	*	*	*	*

NOTES:

	1997	1998	1999	2000
WASHINGTON	*	In 1998, voters passed Ward Connerly's I 200 ballot initiative, which bans AA in higher education, public contracting, and hiring.	*	*
	2001	2002	2003	2004
<i>The legislature convenes in January; it meets for 60 days in even-numbered years and for 105 days in odd-numbered years. The session convened January 10, 2005 and will last 105 days.</i>	*	SB 6295 had similar language to the 1998 enacted ballot I-200, reiterating the ban on AA plans statewide. The bill died in committee.	*	*

NOTES:

* No known anti-affirmative action legislation was introduced.

	1997	1998	1999	2000
WEST VIRGINIA	*	*	*	*
	2001	2002	2003	2004
<i>The session convened February 9, 2005 and adjourned April 9, 2005.</i>	*	*	*	*

NOTES:

	1997	1998	1999	2000
WISCONSIN	*	*	*	*
	2001	2002	2003	2004
<i>The Wisconsin Legislature operates in a biennial session that lasts from early January of the odd numbered year to early January of the odd numbered year two years later. The next session began January 13, 2005 and will convene throughout the year.</i>	*	*	*	*

NOTES:

* No known anti-affirmative action legislation was introduced.

	1997	1998	1999	2000
WYOMING	*	*	*	*
	2001	2002	2003	2004
<i>The 2005 General Session convened January 11, 2005 and adjourned March 3, 2005.</i>	*	*	*	*
NOTES:				

These materials were compiled by Americans for a Fair Chance (AFC) (www.fairchance.org).

AFC is a project of the Leadership Conference on Civil Rights Education Fund and works closely with its counterpart, the Leadership Conference on Civil Rights, to carry out AFC messages of opportunity through affirmative action. AFC is a project in partnership with six leading civil rights legal organizations including the Lawyers' Committee for Civil Rights Under Law, Mexican American Legal Defense and Educational Fund, NAACP Legal Defense and Educational Fund, Inc., National Asian Pacific American Legal Consortium, National Women's Law Center, and the National Partnership for Women and Families.

* No known anti-affirmative action legislation was introduced.