

Text of Proposed Measure

TITLE: A Constitutional amendment to prohibit the state from discriminating against, or granting preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in public employment, public education or public contracting; to apply the amendment only to action after the amendment's effective date; to allow bona fide qualifications based on sex that are reasonably necessary; to exempt any court order or consent decree that is in force as of the effective date of this amendment; to provide an exception for certain federal programs; to define state for purposes of the amendment; to provide for remedies; to make the amendment self-executing; to make provision in the event of conflict with federal law or the United States Constitution; and to provide for severability.

TEXT: Be it enacted by the people of the State of Nebraska that, Article I of the Constitution of Nebraska be amended by adding a Section 30 as follows:

(1) The state shall not discriminate against, or grant 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. (2) This section shall apply only to action taken after the section's effective date. (3) Nothing in this section prohibits bona fide qualifications based on sex that are reasonably necessary to the normal operation of public employment, public education, or public contracting. (4) Nothing in this section shall invalidate any court order or consent decree that is in force as of the effective date of this section. (5) Nothing in this section prohibits action that must be taken to establish or maintain eligibility for any federal program, if ineligibility would result in a loss of federal funds to the state. (6) For purposes of this section, state shall include, but not be limited to: (a) the State of Nebraska; (b) any agency, department, office, board, commission, committee, division, unit, branch, bureau, council, or sub-unit of the state; (c) any public institution of higher education; (d) any political subdivision of or within the state; and (e) any government institution or instrumentally of or within the state. (7) The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of Nebraska's antidiscrimination law. (8) This section shall be self-executing. If any part or parts of this section are found to be in conflict with federal law or the Constitution of the United States, this section shall be implemented to the maximum extent that federal law and the Constitution of the United States permit. Any provision held invalid shall be severable from the remaining portions of this section.

Arguments For and Against Initiative 424

Proponents contend:

"Equality Before the Law" is Nebraska's state motto. Unfortunately, Nebraska has ignored the state motto's ideals and developed a system of quasi-quotas, set-asides, and specialty scholarships that pick winners and losers based on skin color and gender.

Voting yes on Initiative 424 will restore fairness in how people are treated in three specific areas: public contracting, public employment, and public education. This constitutional amendment mirrors the landmark 1964 Civil Rights Act and advances true equality and fairness by prohibiting discrimination and preferential treatment based on race, gender, and color.

Equal treatment for all people is the essence of "Equality Before the Law." Voting yes on Initiative Measure 424 will end race and gender preferences and restore fairness in public employment, public education and public contracting.

Opponents contend:

This amendment hurts the University's ability to recruit talented students and athletes. Nebraska business and education leaders oppose this because they want our University to continue its tradition of excellence in the classroom and on the playing field. It also hurts business programs needed to improve Nebraska's economy.

It is already illegal to have preferences or quotas based on race or gender in contracting and employment.

In states that have passed similar measures programs like this were put at risk: domestic violence shelters, breast cancer research and screening programs, educational programs targeted to disadvantaged youth, and countless college scholarships.

This amendment is vague, confusing, and full of unintended consequences. It opens the floodgates for frivolous civil rights lawsuits and leaves taxpayers with the bill.

Informational Pamphlet

***Initiative Measure #424
Appearing on the 2008
General Election Ballot***



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Secretary of State***

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Purpose

This pamphlet is intended to provide the voters of Nebraska with some additional information on a measure proposed by the Initiative Petition process that will appear on the General Election ballot, Tuesday, November 4, 2008.

The measure contains three portions, the actual text of the measure, the ballot language which will appear on the ballot in November, and arguments supporting and opposing the measure. The arguments are derived from information received from supporters and opponents of the measures provided to the Secretary of State.

Additional copies of this pamphlet may be obtained through local election officials or the Office of the Secretary of State. This pamphlet may also be reproduced in whole or in part without prior permission.

Ballot Language Initiative Measure 424

A vote "FOR" will amend the Nebraska Constitution to prohibit the State, any public institution of higher education, political subdivision or government institution from discriminating against, or granting preferential treatment to, individuals or groups based upon race, sex, color, ethnicity, or national origin in operating public employment, education, or contracting. Existing court orders would not be invalidated under the amendment. Bona fide qualifications based on sex reasonably necessary to normal operation of public employment, education or contracting, and actions necessary to obtain federal funds through federal programs would be permitted. A cause of action for violation would be created. The amendment would apply to actions after its adoption.

A vote "AGAINST" will not cause the Nebraska Constitution to be amended in such a manner.

Shall the Nebraska Constitution be amended to prohibit the State, any public institution of higher education, political subdivision or government institution from discriminating against, or granting preferential treatment to, individuals or groups based upon race, sex, color, ethnicity, or national origin in operating public employment, education or contracting? Existing court orders are not invalidated, bona fide qualifications based on sex reasonably necessary to normal operation of public employment, education or contracting, and actions necessary to obtain federal funds through federal programs are permitted. A cause of action for violation is created. The amendment applies to actions after its adoption.

Vote for ONE



For
Against