

**BALLOT PROPOSITION #104  
Arizona Civil Rights Initiative**

**FISCAL ANALYSIS**

**Description**

Proposition 104 amends the Arizona Constitution to prohibit preferential treatment or discrimination by state entities, counties and local governments to any individual of group based on race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting, without prohibiting bone fide qualifications based on sex that are reasonably necessary to the normal operation of government. The proposition also states that current court order and consent decrees would not be affected by provisions of Proposition 104 and that actions needed to maintain eligibility for federal program monies would be permitted under the proposition.

**Estimated Impact**

Proposition 104 is not expected to affect enforcement costs. The fiscal impact of prohibiting preferential treatment is difficult to predict in advance.

**Analysis**

Current Arizona civil right statutes addressing discrimination in employment (Arizona Revised Statutes, Title 41, Chapter 9, Article 4) state that employment discrimination is unlawful. As a result, Proposition 104 does not appear to increase the workload of the Attorney General's Office.

The state and local governments currently operate programs that offer preferential treatment to individuals with characteristics that may include race, color, religion, sex, age, disability or national origin. It is difficult to predict in advance the fiscal impact of prohibiting preferential treatment.

**Local Government Impact**

Please see the Estimated Impact and Analysis section for details.

7/24/08

This estimate was prepared by Marge Zylla (602-926-5491).