

CNN

Arizona Supreme Court rules state must adhere to century-old law banning nearly all abortions

By Cindy Von Quednow, [Christina Maxouris](#) and Lauren Mascarenhas, CNN

6 minute read

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CNN — The Arizona Supreme Court ruled Tuesday the state must adhere to a 160-year-old law barring all abortions except in cases when “it is necessary to save” a pregnant person’s life — a significant ruling that will make a Civil War-era abortion law enforceable in the state.

The law can be traced to as early as 1864 — before Arizona became a state — and was codified in 1901. It carries a prison sentence of two to five years for abortion providers — and it puts Arizona among the states with the strictest abortion laws in the country, alongside Texas, Alabama and Mississippi, where bans exist with almost no exceptions.

The state Supreme Court has delayed enforcement of the law for 14 days to give the plaintiffs an opportunity to pursue other challenges in a lower court if they wish to do so, including whether the law is constitutional.

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Speaking in a news conference after the court’s decision was published, Arizona Attorney General Kris Mayes vowed, “No woman or doctor will be prosecuted under this draconian law ... as long as I am attorney general. Not by me, nor by any county attorney serving in our state. Not on my watch.”

Her office is looking to pursue options available to ensure the law is not implemented in the state, Mayes said.

“Today’s decision to reimpose a law from a time when Arizona wasn’t a state, the Civil War was raging, and women couldn’t even vote will go down in history as a stain on our state,” she said in a release posted online.

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The Arizona Supreme Court entrance is seen in Phoenix, Arizona, on April 9.

Go Nakamura/Reuters

The 4-2 ruling stems from a case that was revived after the US Supreme Court struck down *Roe v. Wade* in June 2022, ruling there was no longer a federal constitutional right to an abortion. Arizona’s former attorney general then moved to make the state’s near-total abortion ban enforceable again, but was opposed by Planned Parenthood Arizona, sparking yearslong legal challenges that led to Tuesday’s ruling.

“Physicians are now on notice that all abortions, except those necessary to save a woman’s life, are illegal,” the court majority said in the decision, adding criminal sanctions may now apply for abortions performed after 15 weeks of pregnancy.

Vice Chief Justice Ann A. Scott Timmer was joined by Chief Justice Robert M. Brutinel in dissenting.

The case is the latest high-profile example of the battle over abortion access that has played out across several states since *Roe v. Wade* was overturned. Since that decision, nearly two dozen states have banned or limited access to the procedure. Providers have warned that restrictive policies on abortion access place patients at risk of poor health outcomes and doctors at risk of legal liability.

“A couple of weeks ago, I had an abortion – a safe, legal abortion here in Arizona for a pregnancy I very much wanted, a pregnancy that failed,” Arizona Sen. Eva Burch said Tuesday at a news conference. “Somebody took care of me. Somebody gave me a procedure so that I wouldn’t have to experience another miscarriage – the pain, the mess, the discomfort. And now we’re talking about whether or not we should put that doctor in jail.”

Abortion rights activists Marion Weich and Carolyn LaMantia embrace during a news conference Tuesday addressing the Arizona Supreme Court's ruling at the Arizona state Capitol in Phoenix.

Joel Angel Juarez/USA Today Network/Reuters

The state Supreme Court decision is going to have “absolutely unbelievable consequences for the patients in our community and we just ... cannot state enough how dire the situation is going to be for the patients who need to access abortion here in Arizona,” Dr. Jill Gibson, chief medical director of Planned Parenthood Arizona, told CNN on Tuesday afternoon.

“Providers need to be able to take care of their patients without fear for legal repercussions and criminalization,” Gibson said.

Arizona’s Democratic Gov. Katie Hobbs also blasted the ruling, telling residents in an online video statement “the fight for our reproductive freedoms is far from over.”

“I’ve personally experienced the anguish of losing a pregnancy and I know it’s outrageous to have the government tell you that the best decision for your health or future could now be considered a crime,” Hobbs said. “I will not stop fighting until we have fully secured the right to reproductive healthcare in our state.”

And President Joe Biden said in a statement, “Millions of Arizonans will soon live under an even more extreme and dangerous abortion ban, which fails to protect women even when their health is at risk or in tragic cases of rape or incest.”

Another law was already in place

Supreme Court justices heard opening arguments in the case last December, when abortion rights opponents claimed the state should revert to the near-total ban, and reproductive rights advocates asked the court to affirm a state law passed in 2022 allowing abortions until 15 weeks.

Then-Gov. Doug Ducey, a Republican, signed the law less than three months before the country's highest court overturned *Roe v. Wade*. The 2022 law made an exception for medical emergencies and required physicians to file a report with the Arizona Department of Health Services if an abortion is performed after 15 weeks, but did not provide exceptions for cases of rape and incest.

When he signed the law in March 2022, Ducey stated the 2022 law would not override the older law.

After the US Supreme Court ruling, the Arizona Court of Appeals ruled both abortion laws in the state must be reconciled, or "harmonized," and that abortion is legal through 15 weeks when provided by licensed physicians in compliance with the state's other laws and regulations, CNN has previously reported.

The state Supreme Court was asked for clarity following months of uncertainty and legal wrangling over which law should apply in the state.

Voters will have a say in this

Arizona voters will soon have a say on the matter. Arizona for Abortion Access, a group of reproductive rights organizations, has said it has gathered enough signatures for a November 2024 ballot measure that would ask voters to enshrine abortion rights in the state's constitution.

The push is part of a massive effort to get abortion on the 2024 ballot in several states, a move abortion rights advocates are hopeful will restore some power to voters rather than state courts.

"The people of Arizona are going to have the final say over this," Mayes, the state attorney general, told CNN's Wolf Blitzer Tuesday afternoon. "I think the people of Arizona are going to overwhelmingly approve that ballot measure."

In a news conference with local and state officials after Tuesday's ruling, an emergency physician and abortion provider urged state residents to "continue to fight tirelessly to ensure the ballot measure passes," saying Tuesday's decision is "not the end."

Dr. Atsuko Koyama said thousands of patients need the procedures because of miscarriages, ectopic pregnancies, domestic violence and other circumstances.

The ruling forces "us as physicians to have to consult legislators, lawyers and hospital administrators – not doctors – to determine if someone can receive life-saving abortion services,"

Koyama said. “It forces non-physicians into conversations that should be between a doctor and a patient whose life is at risk. And it criminalizes me from providing essential healthcare.”

This story has been updated with additional information.

CNN’s Sam Fossom and Christina Zdanowicz contributed to this story,

Civil War-era abortion ban rises again, which is exactly what some Roe opponents wanted

Analysis by Zachary B. Wolf, CNN

4 minute read

Updated 8:48 PM EDT, Tue April 9, 2024

Abortion rights activists Marion Weich, left, hugs Carolyn LaMantia during a news conference addressing the Arizona Supreme Court's ruling to uphold a 160-year-old, near-total abortion ban at the Arizona state Capitol in Phoenix on April 9.

Joel Angel Juarez/The Republic/USA Today Network

CNN — It’s jarring to think that Arizonans today – thanks to a new state Supreme Court ruling – will soon be living under an abortion law from when Arizona was a frontier territory and that predates the light bulb and antibiotics.

But this is actually exactly the type of law that Supreme Court Justice Samuel Alito referred to in the majority opinion overturning *Roe v. Wade* in 2022.

“Roe’s failure even to note the overwhelming consensus of state laws in effect in 1868 is striking,” Alito’s majority wrote, noting the year the 14th Amendment was ratified. It was under the 14th Amendment that the court in 1973 created a woman’s constitutional right to obtain an abortion until a fetus was viable outside the mother’s womb. It was in citing laws like that of the Arizona frontier that the court in 2022 took that national right away.

Civil War-era laws were an important part of the Dobbs decision

Laws from the 1860s in states and territories like Arizona, enacted decades before women in the US had won the right to vote, helped lead the 2022 Supreme Court to the “inescapable conclusion ... that a right to abortion is not deeply rooted in the Nation’s history and traditions.”

And so, with the Dobbs v. Jackson Women's Health Organization decision that replaced Roe, justices turned away from the '70s idea that women should have certain rights and returned to the 1860s idea that states should have them instead.

The patchwork of access created by the Dobbs decision has created abortion rights states and abortion ban states. The decision by Arizona's state Supreme Court to return to the 1864 law is just the latest evidence of the tortured fallout.

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Trump: let the states decide

The patchwork approach to abortion access was blessed this week by former President Donald Trump when he promised to stay out of states' way if reelected.

He may have been trying to neutralize what will be a top political issue in the coming presidential election and also in individual states like Arizona. Whatever states decide, Trump said, "must be the law of the land. In this case, the law of the state."

Arizona's entirely Republican-appointed Supreme Court upheld the old law because the state legislature "has never affirmatively created a right to, or independently authorized, elective abortion," but it stayed the decision for 14 days.

Donald Trump advocates for state regulation of abortion rights

01:28

'Dark day'

Now, the state's Republican-controlled legislature could try to find common ground with its Democratic governor, Katie Hobbs, who said the abortion decision made Tuesday "a dark day in Arizona." She called on Republicans in the legislature to simply repeal the 1864 law.

But the state House and Senate leaders, Ben Toma and Warren Petersen, are both supporters of the 1864 law and were active in this court case.

Arizona governor blasts ruling on abortion ban

03:07 • KNXV

What is the law in Arizona now?

The 1864 law in Arizona would ban nearly all abortions, except to save the life of the mother, in the key political battleground and carries a prison sentence for abortion providers, although the state's Democratic attorney general said in a statement that her office will not enforce it. Read the full report on Tuesday's ruling from CNN's Cindy Von Quednow, Christina Maxouris and Lauren Mascarenhas.

One further complication in Arizona is that a Republican-controlled legislature and former Republican governor, Doug Ducey, actually enacted a 15-week abortion ban law in 2022, a few months before the Supreme Court overruled Roe, although they did not intend that 15-week ban to overrule the older law.

Abortion was already going to be a key political issue

In Arizona, supporters of abortion rights say they have gathered enough signatures for a November ballot measure to amend the state's constitution and create a "fundamental right" to abortion in the state modeled on Roe v. Wade.

Abortion will also feature on the ballot in at least one other battleground state, Florida, where the state's Supreme Court recently upheld a ban on abortions after six weeks of gestation that was signed into law by the state's Republican Gov. Ron DeSantis.

Voters will have the opportunity to overturn DeSantis and the Republican legislature on the abortion issue in November. In Arizona, voters would essentially be given the choice of overturning their frontier forebears.

Women's health advocates are warning of more immediate repercussions in both states as women face the prospect of suddenly losing access to care.

Arizona Supreme Court upholds a century-old law banning nearly all abortions

02:45

The abortion issue divides Republicans in Arizona and nationally. While the state House and Senate leaders support the 1864 law, Kari Lake, the controversial Republican Senate candidate, said her campaigns have shown her that Arizonans want a more modern law. She called on Toma and Petersen to work with Hobbs to repeal it – despite having previously praised the measure in a 2022 podcast, calling it a "great law."

Nationally, Trump lobbed criticism at his normal ally South Carolina Sen. Lindsey Graham, who criticized the former president for not endorsing Graham's call for a nationwide 15-week abortion ban.

Neither a nationwide ban nor nationwide abortion rights protections seem likely to pass in the near future, as long as senators honor the custom that a 41-senator minority can block major legislation in the 100-person Senate. Democrats, nonetheless, are hoping to use the abortion rights issue to mobilize voters in November.

Will Arizona enforce a Civil War-era law banning nearly all abortions in the state?

By Lauren Mascarenhas and [Christina Zdanowicz](#), CNN

7 minute read

Updated 7:09 AM EDT, Fri April 12, 2024

Protesters take part in a rally in Tucson, Arizona, on Tuesday after the state Supreme Court revived a law dating to 1864 that bans abortion in virtually all instances.

Rebecca Noble/Reuters

CNN — Arizona officials are scrambling to address a near total abortion ban revived by the state's Supreme Court this week, before the Civil War-era law almost completely halts access to Arizona's already limited abortion services.

The court ruled Tuesday the state must adhere to a law made before statehood, when Arizona was a territory, that bans all abortions except those "necessary to save" a pregnant person's life. The law, which is enforceable because *Roe v. Wade* was overturned, is broader than the state's 2022 ban on abortions after 15 weeks of pregnancy and carries a prison sentence of two to five years for abortion providers.

Vice President Kamala Harris travels Friday to Arizona as mounting political pressure this election year has brought abortion to the forefront as a likely ballot issue, analysts say. Arizona Republicans two days earlier thwarted a vote to repeal the 1864 ban as the scene on the state House floor erupted into chaos and Democrats chanted "shame."

The state Supreme Court delayed enforcement of the law for 14 days to give the plaintiffs an opportunity to pursue other challenges in a lower court if they wish to – including challenges to the ban's constitutionality.

It's unlikely there will be much movement on enforcing the law as legal challenges are likely to get tied up in the lower courts for some time, legal experts say.

While Arizona Attorney General Kris Mayes and several county attorneys say they will not prosecute abortion cases under the new ban, analysts say it's unlikely providers will take on the liability of performing illegal medical services, leading to a possible chilling effect on abortions statewide.

In the meantime, abortion rights advocates are encouraging Arizona patients to seek services while they are still available and to get to the polls in November when they will have the opportunity to vote on a ballot measure that would restore abortion access through the point of viability – approximately 24 weeks into pregnancy.

Here's what could come next legally:

Will abortion cases be prosecuted?

Arizona Democratic Gov. Katie Hobbs slammed the state Supreme Court decision Tuesday, vowing to fight for reproductive freedom for the people of Arizona.

Hobbs signed an executive order in June granting the state attorney general authority over prosecuting abortion-related cases in the state, though that order has yet to be tested.

“It just prevents an extreme county attorney from using this ban to criminalize women and doctors for seeking the care or providing the care that their patients need,” Hobbs told CNN on Tuesday.

“It hasn’t been tested yet, and I am hopeful that it doesn’t have to be.”

The attorney general’s office has not prosecuted providers or patients under the existing 15-week abortion ban and does not intend to prosecute any cases under the near-total ban, Mayes told CNN on Tuesday.

“We’re looking at everything that we possibly can to make sure that this ban never actually goes into place in Arizona,” Mayes said, noting there will be opportunities in the next couple of months to fight the ban in court.

Mayes acknowledged it is possible supporters of the abortion ban will try to take her to court over enforcement of the law.

“I’ll see them in court,” she said.

Maricopa County Attorney Rachel Mitchell told CNN her office has yet to receive a request to prosecute an abortion case in the nearly two years since *Roe v. Wade* was overturned and does not anticipate that will change.

“It is important to remember that under Arizona’s law, women who get an abortion cannot be prosecuted. (The state Supreme Court) ruling does not change that: women cannot and will not be prosecuted for receiving an abortion,” the statement said. Arizona’s 1864 law does not outline punishment for pregnant people, only providers, and the 2022 law states women may not be prosecuted for attempting or undergoing an abortion.

Though the state Supreme Court’s decision would have a chilling effect on abortion services, it will not end the need for those services and will ultimately lead to an increase of unsafe abortions and threaten the liberties of those involved, the Pima County Attorney’s Office warned in a statement.

“I will not be using precious resources to prosecute credited health providers,” Pima County Attorney Laura Conover told CNN in an email.

The Pinal County Attorney’s Office said it will evaluate each case.

“We will review the Court’s ruling and as always, assess every case on its individual merits. It’s important to note that even pertaining to the 15-week law, we have not received a single submittal

from any agency to review,” Mike Pelton, a public information officer for the county attorney’s told CNN in a statement.

“There’s an enormous amount of prosecutorial discretion under Arizona law,” Professor Paul Bender, dean emeritus of Arizona State University Law School, told CNN on Wednesday.

Bender said it’s unlikely officials will attempt to prosecute abortion cases while the future of the law remains so uncertain, although others note that proponents of the ban could use political pressure to push for its enforcement.

Anti-abortion groups could try to pressure prosecutors to enforce the law and use their political power to remove people from office who do not enforce it, Susie Salmon, a clinical law professor at the University of Arizona, told CNN. Or they could try to bring litigation in a lower court, Salmon said.

Providers in limbo

Even if the ban is implemented, it’s unclear how small a window is left open by the exception allowing abortions to save a pregnant person’s life. That’s a medical distinction, not a legal one, Salmon said. She supervised a group of students who filed an amicus brief in the state Supreme Court case.

“It puts doctors in an untenable position of having courts potentially second guess their considered, educated medical decisions about what’s necessary to save their patient’s life,” said Salmon, who is also the director of legal writing at the university.

“It also puts doctors in the untenable position of having to withhold treatment where treatment is necessary, for example, to preserve a woman’s fertility, to preserve a woman’s health, to prevent a woman from being potentially permanently disabled,” Salmon added.

In 2022, 11,530 abortions were performed in the state, almost 99% of which were provided to Arizona residents, according to the latest data available from the Arizona Department of Health Services.

“It is really unconscionable that folks in Arizona now are going to have to go to Nevada, California, New Mexico or Colorado to get the care that they need,” Hobbs told CNN on Tuesday.

Dr. Jill Gibson, chief medical director of Planned Parenthood Arizona, said she immediately started receiving questions from patients asking if they would be able to get the care they needed when the decision came out Tuesday.

“This is going to have absolutely unbelievable consequences for the patients in our community and we just ... cannot state enough how dire the situation is going to be for the patients who need to access abortion here in Arizona,” she said.

Dr. DeShawn Taylor, president and CEO of Desert Star Institute for Family Planning, warned the law will have a particular impact on marginalized groups.

“We cannot amplify enough who these abortion bans mostly impact,” Taylor said in a statement.

“Historically marginalized and oppressed groups who already face barriers to care. These are low-income families, rural residents, immigrants, disabled, Black, Indigenous, and people of color. These communities experience physical, medical, emotional and financial harm because of these policies.”

Since the law mentions the use of drugs to induce miscarriage, Salmon said use of the abortion pill is also at risk.

And Hobbs warned Tuesday access to other reproductive health services is also on the line. “We know that IVF is under attack. We know that contraception is under attack,” she said.

Abortion on the ballot this November

While the courts and state officials grapple with the law, Arizona residents will have the opportunity to vote in the matter themselves this November.

Arizona for Abortion Access, a group of abortion rights organizations, announced last week it had gathered enough signatures for a November 2024 ballot measure that would ask voters to enshrine abortion rights in the state’s constitution.

The measure would restore abortion access up to the point of viability, which advocates say is more reasonable than the state’s current 15-week ban.

The push is part of a massive effort to get abortion on the 2024 ballot in several states, a move abortion rights advocates are hopeful will restore some power to voters rather than state courts.

“Everything is going to be caught up in court fighting back and forth over the next several months,” said Bender. “It’ll be just waiting for the people to resolve the situation. And I think they will resolve it in November.”

CNN’s Natasha Chen, Melissa Alonso and Andy Rose contributed to this report.

Arizona Republicans weigh options to defeat abortion rights ballot measure, draft proposal reveals

By [Arit John](#), CNN

4 minute read

Updated 8:47 PM EDT, Mon April 15, 2024

The Arizona House of Representatives building at the Arizona Capitol is shown Thursday, April 11, 2024, in Phoenix

CNN — Arizona Republicans are weighing their options to defeat a potential abortion rights ballot initiative this fall, including offering measures of their own that could draw support away from efforts to enshrine access to the procedure in the state constitution, according to a draft proposal obtained by CNN.

Under the proposal, Republicans could introduce two ballot initiatives that would restrict abortion to either six weeks or the beginning of the 15th week of pregnancy.

The proposal, drafted by Linley Wilson, the general counsel to Arizona House Republicans, comes days after the Arizona Supreme Court revived a 160-year-old near-total abortion ban. Arizona for Abortion Access, a coalition of abortion rights advocates, has gathered more than 500,000 signatures to put a constitutional amendment on the November ballot that would protect abortion until fetal viability, which doctors believe is around 22 to 24 weeks.

Arizona Republicans have been under intense pressure to address abortion rights following last week's state Supreme Court decision, which revived an 1864 law that bans abortion except to save the life of the pregnant person and threatens doctors with two- to five-year prison sentences.

"The document presents ideas drafted for internal discussion and consideration within the caucus," House GOP Speaker Ben Toma said in a statement. "I've publicly stated that we are looking at options to address this subject, and this is simply part of that."

The memo suggests that one of the "pros" of the strategy would be to make it "more likely that the [Arizona for Abortion Access] Initiative will fail" due to the vote being split, Wilson wrote. One downside, she added, would be that the initiatives would "transfe[r] regulation of abortion from the Legislature to voters."

The ballot initiatives mentioned were part of a multiphase approach designed to either block the passage of the Arizona for Abortion Access initiative or protect lawmakers' ability to regulate abortion access.

Abortion rights groups have had success with ballot initiatives put to voters since the US Supreme Court overturned *Roe v. Wade* in 2022. The memo references several ballot initiatives abortion rights advocates are seeking to pass across the country, including the one in Arizona.

Arizona for Abortion Access blasted the draft strategy memo, calling it a political scheme designed to create chaos.

“This shows yet again why Arizonans can’t leave our most basic and personal rights in the hands of politicians,” the group said in a statement.

In the wake of the state Supreme Court decision last week, House Republicans gavelled out early to block Democrats from rolling back the ban. The legislature is scheduled to meet again on Wednesday.

Republicans in competitive races in the state, including former President Donald Trump and Senate candidate Kari Lake, have called on the GOP-led legislature to work with Democratic Gov. Katie Hobbs on a fix.

But the proposal sent by Wilson would take Republicans down a different path. It argues Republicans should pursue a “Phase One” and consider “Phase Two” to change the “narrative” and show the party has a “plan,” as well as “potentially pull votes from [Arizona for Abortion Access] Initiative.”

Under the proposed Phase 1, lawmakers would first add a measure to the November ballot that would allow lawmakers to regulate certain practices, including requiring parental consent or a court order for minors seeking abortions and only allowing physicians to perform the procedure, which would exist alongside the fetal viability amendment.

Under the proposed Phase 2, the legislature would refer the six-week ban and a second measure the memo describes as “a 14-week law disguised as a 15-week law because it would only allow abortion until the beginning of the 15th week.”

The proposal also includes an alternative to Phase 2, under which lawmakers would refer a conditional enactment of the abortion rights ballot initiative, stating it is “not absolute,” and allow for laws regulating abortion for reasons including the “mitigation of fetal pain.”

Any ballot initiative referred by the Republican-led legislature would not need the signature of Hobbs. But it’s not clear if Republicans, who hold razor thin majorities in the state House and Senate, will have enough support to enact the plan laid out.

The memo, however, ends with a meme featuring talk show host Seth Meyers that says: “Boom. Easy as that.”

This story has been updated with additional details.

Lawmakers vote against hearing Arizona bill repealing abortion ban on House floor

By [Arit John](#) and [Cheri Mossburg](#), CNN

3 minute read

Updated 7:47 AM EDT, Thu April 18, 2024

CNN — The Republican-controlled Arizona House of Representatives once again failed to advance a repeal of the state's 160-year-old abortion ban Wednesday, days after the state Supreme Court roiled state politics by reviving the law.

The vote is a blow to reproductive rights as well as GOP candidates in competitive races, who have been scrambling to distance themselves from the court's decision. Republicans facing competitive races in the state, including former President Donald Trump and US Senate candidate Kari Lake, called on the GOP-controlled legislature to work with Democratic Gov. Katie Hobbs to take a more moderate path.

On Wednesday, following two attempts to discuss a bill that would repeal Arizona's 1864 ban on abortions, lawmakers voted not to discuss the measure on the House floor.

The representatives' votes were evenly split, with the chair making the tie-breaking decision. The bill itself was not brought up for a vote.

"The last thing we should be doing today is rushing a bill through the legislative process to repeal a law that has been enacted and affirmed by the legislature several times," House Speaker Ben Toma said during debate.

If the 1864 law were repealed, Arizona would revert back to a 15-week abortion restriction signed into law in 2022 by then-Gov. Doug Ducey, a Republican. The state court delayed enforcement of the ban for at least 14 days to allow plaintiffs to challenge it, meaning abortions are still allowed in the state.

The ban prohibits the procedure except to save the life of the pregnant person and threatens providers with prison sentences between two and five years.

If the 1864 law goes into effect, Arizona would join 14 states that have passed near total abortion bans, some with no exceptions for victims of rape or incest.

State lawmakers last week ended a House session early to block an effort to repeal the abortion ban. And on Monday, House Republicans' general counsel laid out a strategy to defeat or dilute the impact of a potential abortion rights ballot initiative in a leaked memo.

Arizona Democrats, who are hoping to flip control of the state House and Senate, where Republicans hold one seat majorities, were quick to highlight the failed repeal. State Sen. Priya Sundareshan, the co-chair of the Arizona Democratic Legislative Campaign Committee, which works to elect Democrats to the state legislature, called the vote "a perfect example of why we need to flip" control of the two chambers.

"Only then will we be able to codify abortion access and stop Republicans from interfering in our medical decisions ever again," she said in a statement.

A March Wall Street Journal poll, conducted before the state Supreme Court ruling, found that 59% of registered voters in Arizona believe abortion should be legal in all cases or most cases with some restrictions. Another 27% said they believe abortion should be illegal with exceptions for rape, incest or when the pregnant person's life is endangered. Nine percent said the procedure should be illegal in all cases.

Abortion rights advocates say they have gathered 500,000 signatures to put an initiative on the November ballot that would enshrine abortion access in the state constitution until fetal viability, which doctors estimate is around 22 to 24 weeks of pregnancy. The group backing the initiative, Arizona for Abortion Access, needs to submit 384,000 valid signatures by July 3.

Democrats are hoping that voter frustration over draconian abortion laws advanced by Republicans will help them win elections up and down the ticket in November, in Arizona and elsewhere. In addition to the presidential race and control of the state legislature, Democrats are hoping to win an open US Senate seat and two competitive US House seats.

Abortion rights supporters and opponents gathered outside the statehouse Wednesday morning.

"It's not a political issue, it's a moral issue," said Jill Norgaard, an Arizona Right to Life board member who opposes repealing the 1864 law.

This story has been updated with additional reporting.

Arizona House votes to overturn 1864 abortion ban, paving way to leave 15-week limit in place

By [Arit John](#), [Natasha Chen](#), Jason Kravarik and [Shania Shelton](#), CNN

5 minute read

Updated 12:10 AM EDT, Thu April 25, 2024

Abortion rights supporters demonstrate in Phoenix on April 17, 2024.

Rebecca Noble/Getty Images

CNN — The Arizona House of Representatives voted Wednesday to overturn the state's 160-year-old abortion ban, setting the stage for a repeal that would leave the state's 15-week restriction on the procedure in place.

The vote comes after two failed attempts by lawmakers in the Republican-controlled state House to bring the bill to the floor last week, as Democrats sought to strike down the ban after the state Supreme Court revived it earlier this month.

Three Republicans voted with all 29 Democrats Wednesday to advance the legislation. The state Senate is expected to pass the repeal measure in early May. And Democratic Gov. Katie Hobbs is expected to sign the bill if lawmakers advance it to her desk.

“This has been a long time coming,” said Athena Salman, the executive director of Arizona campaigns for Reproductive Freedom for All, formerly NARAL Pro-Choice America.

In its April 9 ruling, the Arizona Supreme Court said that the state must adhere to the 1864 law that bars all abortions except in cases when “necessary” to save a pregnant woman’s life. The law also carries a prison sentence of two to five years for abortion providers.

Wednesday’s vote is a boon to reproductive rights advocates and some Republican candidates, including former President Donald Trump, who have tried to distance themselves from the court ruling.

Within the Arizona House, however, the repeal measure drew angry remarks from several Republicans.

“I am disgusted today,” state Rep. Rachel Jones said. “Life is one of the tenants of our Republican platform. To see people go back on that value is egregious to me.”

Arizona House Speaker Ben Toma, who said he opposes all abortions except to save a pregnant woman’s life, said lawmakers had rushed into repealing the ban.

State Rep. Matt Gress, one of the Republicans who voted with Democrats, said the ban – which was first introduced when Arizona was still a US territory – didn’t reflect the values of most Arizona voters. Repealing it should have been a simple proposition, he said.

“I think it was more difficult than it needed to be,” Gress told CNN.

As the session ended, state House leadership removed Gress from the chamber’s Appropriations Committee, a move that was seen as punishment for bucking the party. Gress said it was “unfortunate and potentially unprecedented,” but he didn’t regret his vote.

“I campaigned against the territorial ban and made it very clear to my voters that I don’t support it,” said Gress, who represents a Phoenix-area district.

Hobbs told CNN’s Abby Phillip Wednesday night she was “relieved” by the repeal’s passage in the state House.

“There have been untold levels of chaos and fear across the state since this Supreme Court decision. So now the Senate needs to vote to send this repeal to my desk, so we can get rid of this 1864 ban once and for all,” the Democratic governor said on “NewsNight.”

If a repeal vote fails in the state Senate, the 1864 law could take effect as early as June 8, making Arizona one of more than a dozen states that bans abortion at virtually all stages of pregnancy with few exceptions.

If it succeeds, Arizona’s 15-week restriction on abortions will continue to be state law. However, officials warned that the territorial ban could be briefly enforceable because nonemergency bills passed in Arizona don’t take effect until 90 days after the Legislature adjourns.

In neighboring California, Democratic Gov. Gavin Newsom praised a state bill that would allow Arizona medical professionals to perform abortions for Arizona patients in California through the end of the year, arguing that it could help Arizonans even if the 1864 ban is repealed.

“With its urgency clause, SB 233 would fill a critical gap for care during a meaningful period of time before an Arizona repeal could be implemented,” a news release from the governor’s office said. “Swift action helps combat the confusion and chilling effect this back-and-forth creates.”

The Civil War-era abortion ban, which dates to before statehood, was codified in 1901. It remained in effect until 1973, when it was blocked by a court injunction after *Roe v. Wade* created a federal constitutional right to an abortion.

In March 2022, months before the US Supreme Court overturned *Roe v. Wade*, Republican Gov. Doug Ducey signed into law the state’s 15-week ban, which has no exceptions for rape or incest. That legislation stated explicitly that it did not overrule the 1864 law.

Arizona state Rep. Stephanie Stahl Hamilton, left, hugs Arizona state Sen. Anna Hernandez after the state House voted to repeal the 1864 abortion law at the state Capitol in Phoenix on April 24, 2024. Rebecca Noble/Reuters

Democrats have made clear that they still plan to emphasize abortion policy heading into the general election. Arizona Republicans hold one-seat majorities in the state House and Senate, and the state will be a US Senate and presidential battleground this fall.

Sam Paisley, a spokeswoman for the Democratic Legislative Campaign Committee, which works to elect Democrats to statehouse seats, called Wednesday’s vote a “clear victory for Arizona House Democrats” but pointed out that the 15-week restriction would still exist after a repeal.

“The only way to protect reproductive freedoms is to elect Democrats to the legislature to repeal this (15-week) ban too,” Paisley said in a statement.

Abortion rights advocates are currently working to place a constitutional amendment proposal on the state’s November ballot that would protect abortion access up to fetal viability, which doctors

believe is around 22 to 24 weeks of pregnancy. Arizona for Abortion Access, the group backing the amendment, has gathered more than 500,000 signatures. Advocates must submit 384,000 valid signatures by July 3 to make the general election ballot.

Prior to the Arizona House vote, the chamber's rules committee voted along party lines to approve the late introduction of three House resolutions, largely believed to be Republican-backed ballot measures designed to compete with the abortion rights amendment.

This story has been updated with additional information.

CNN's Taylor Romine contributed to this report.

Arizona Senate votes to repeal Civil War-era near-total abortion ban

By [Arit John](#), CNN

6 minute read

Updated 6:52 PM EDT, Wed May 1, 2024

CNN — The Arizona Senate on Wednesday voted to repeal the state's 160-year-old near-total abortion ban, three weeks after the state Supreme Court revived the law and thrust reproductive rights into the political spotlight.

Two Republicans – Sens. Shawnna Bolick and T.J. Shope – voted with the chamber's 14 Democrats to advance the repeal, which passed 16 to 14.

The vote comes a week after three Republicans joined with all 29 Democrats in the state House to repeal the law, which bans abortion at all stages of pregnancy except to save the life of the mother and threatens abortion providers with two to five year prison sentences.

The bill next heads to the desk of Democratic Gov. Katie Hobbs, who said Wednesday that she looks forward “to quickly signing the repeal into law.” The legislation would clear the way for the state's 15-week limit to remain state law. That restriction, enacted in 2022, does not include exceptions for rape and incest.

“While this repeal is essential for protecting women's lives, it is just the beginning of our fight to protect reproductive healthcare in Arizona,” Hobbs said in a statement.

Republicans, who hold one-seat majorities in the state House and Senate, have faced increasing pressure to repeal what's known within the state as both the pre-Roe and the territorial ban, a reference to the law predating Roe v. Wade and Arizona statehood.

Prominent Republicans, including former Gov. Doug Ducey, former President Donald Trump and Senate candidate Kari Lake, have called on the legislature to take action to moderate the ban.

Bolick explained her vote in support of the repeal in deeply personal remarks describing her own pregnancy experiences, including a miscarriage. She spoke for more than 20 minutes, despite outbursts from the gallery and interruptions from her Republican colleagues.

“I know the chronicles of these pregnancies quite intimately because they’re all my own,” Bolick said. “And my family lived and survived each one of them, including my miscarriage.”

Bolick is married to Arizona Supreme Court Justice Clint Bolick, one of the judges who ruled to allow the 1864 law to be enforced. She closed her remarks by framing the 15-week limit as an alternative to the Arizona for Abortion Access amendment, which would enshrine the right to abortion in the state constitution up to fetal viability, which doctors believe is around 22 to 24 weeks of pregnancy.

“Until we have a better choice in this matter I side with saving more babies lives,” Bolick said.

Once the legislation is signed into law, the immediate future of abortion access in the state is unclear. The court’s April 9 decision reviving the pre-Roe ban has been stayed and wouldn’t be enforceable until June 27 at the earliest, according to the state’s Democratic Attorney General Kris Mayes. The repeal, however, would not go into effect until 90 days after the Arizona legislature adjourns.

On Tuesday, Mayes asked the Arizona Supreme Court to grant her office an additional 90 days to consider whether it wants to appeal the court’s decision to the US Supreme Court.

The Civil War-era ban was first introduced in 1864 and codified in 1901, before Arizona gained statehood in 1912. The law remained in effect until 1973, when it was blocked by a court injunction after the US Supreme Court’s *Roe v. Wade* decision. Months before *Roe* was overturned in June 2022, the state passed a 15-week limit, which explicitly stated that it would not overrule the pre-Roe ban. On April 9, the state Supreme Court ruled that the ban should be the state law.

For abortion rights advocates, repeal would be the culmination of years of activism. Democrats first introduced legislation to repeal the territorial ban in 2019.

Democratic state Sen. Priya Sundareshan, who co-chairs Arizona Democratic lawmakers’ campaign arm, said that her party would have repealed the ban the day the state Supreme Court ruled had it controlled the legislature.

“Instead, we had to drag Republicans over the finish line,” she said in a statement.

Even after the repeal is enacted, Democrats plan to argue the 15-week limit and its lack of exceptions for rape or incest is still unpopular. At the state legislature-level, they plan to target vulnerable House Republicans over their past anti-abortion votes.

“As Republicans regroup to defend their 15-week ban and work to undermine the upcoming abortion ballot measure in Arizona, we are focused on flipping the two seats in each chamber that will deliver Democratic majorities in Arizona’s legislature,” Heather Williams, the president of the Democratic Legislative Campaign Committee, which works to elect Democrats to state legislatures, said in a statement.

Republicans hope that the 15-week limit will be more palatable to voters and help neutralize the strength of reproductive rights as a voting issue.

“There’s still fallout for sure,” said Barrett Marson, an Arizona-based GOP strategist. “But that the territorial ban is no longer the law of the land will absolutely help Republicans.”

In addition to being a presidential and US Senate battleground, Arizona has two toss-up US House races and a handful of competitive state legislature contests that could decide control of the state House and Senate. Democrats have not held both legislative chambers since the 1960s.

Abortion rights advocates are also gathering signatures for a ballot initiative to enshrine abortion rights into the state constitution.

Still, repeal is a blow to abortion opponents, who have rallied at the state capitol in recent weeks and praised the ban.

As senators took to the floor to explain their votes, the discussion grew contentious and at times emotional, as some Republicans blasted the two GOP defectors. Republicans who voted against the repeal invoked their faith and rejected the idea that they must repeal the territorial ban to win the upcoming election.

Republican state Sen. Anthony Kern, one of Arizona’s 2020 election fake electors, said self-described “pro-life” Republicans voting to repeal the ban was the “epitome of delusion” and compared the vote to Nazi Germany sorting Jewish people at death camps.

State Sen. Wendy Rogers said the state’s territorial forebears got it right.

“I’ll hear my colleagues say, ‘But it’s politically expedient for us to moderate... it’s politically astute because we might lose votes, we might lose the legislature, we might lose the presidential election, we might lose federal elections,’” Rogers said. “And I say to you, it’s more important to do what’s right.”

Democratic state Sen. Eva Burch, who has talked about recently having an abortion for a wanted but failed pregnancy, was one of the few Democrats who spoke in favor of the repeal vote. Burch warned against “legislating religious beliefs” and criticized Republicans for not considering the repeal of the 1864 law when it was brought up in the past.

“We cannot ignore the majority of Arizonans and only listen to voices that lean heavy into party politics because everyone else is going to be silenced in the process,” Burch said.

This headline and story have been updated with additional developments.

CNN's Natasha Chen, Jason Kravarik and Veronica Stracqualursi contributed to this report.

Abortion rights measures will be on November ballots in Missouri and Arizona

By Rashard Rose and Owen Dahlkamp, CNN

3 minute read

Updated 6:21 PM EDT, Tue August 13, 2024

Members of Arizona for Abortion Access, the ballot initiative to enshrine abortion rights in the Arizona State Constitution, hold a press conference and protest

CNN — Voters in Missouri and Arizona will decide whether to enshrine abortion protections in their state constitutions this November after proposed amendments qualified this week to appear on the states' ballots.

Missouri voters will consider a statewide constitutional amendment that would “establish a right to make decisions about reproductive health care, including abortion and contraceptives” and remove the state’s ban on abortion, which has no exceptions for rape or incest.

The ballot initiative would still allow abortion to be restricted after fetal viability, according to a Tuesday news release from Missouri Secretary of State Jay Ashcroft.

Rachel Sweet, the campaign manager for Missourians for Constitutional Freedom, which gathered signatures to place the initiative on the ballot, called the move “a major step forward for our campaign and for Missourians.”

The Missouri initiative is one of a number of similar measures that will appear on various state ballots, including Florida, Nevada, New York and Arizona, where a proposed state constitutional amendment that would establish a “fundamental right to abortion” qualified for the November ballot on Monday. Similar constitutional amendments have been successful on other ballots around the country in Republican-dominated states, including Kansas and Ohio.

The Arizona Abortion Access Act received 577,971 certified signatures, the Arizona secretary of state’s office said Monday – nearly 200,000 more than required to appear on the November ballot.

The measure would enshrine the right to abortion in the Arizona constitution up to fetal viability, which doctors believe is around 22 to 24 weeks of pregnancy.

“Today, we got word that Arizona’s 15 counties finished their review of a random sample of our signatures and the Secretary of State confirmed that we gathered far more than enough valid signatures, 50 percent above the required minimum. It is the most signatures ever validated by a citizen’s initiative in state history,” Arizona for Abortion Access, the group behind the measure, celebrated in a statement.

“This is a huge win for Arizona voters who will now get to vote YES on restoring and protecting the right to access abortion care, free from political interference, once and for all,” said campaign manager Cheryl Bruce.

In May, the Arizona Senate voted to repeal the state’s 160-year-old near-total abortion ban, after the state Supreme Court revived the law and thrust reproductive rights into the political spotlight.

Democratic Gov. Katie Hobbs signed the legislation the next day and said, “We should recommit to protecting women’s bodily autonomy, their ability to make their own health care decisions and the ability to control their lives.”

Arizona law imposes a 15-week limit for abortions. That restriction, enacted in 2022, does not include exceptions for rape and incest.

Following the US Supreme Court’s June 2022 decision in *Dobbs v. Jackson Women’s Health Organization*, which eliminated a constitutional right to abortion nationwide, nearly two dozen US states have banned or limited access to the procedure.

This story and headline have been updated with additional developments.

How abortion rights and immigration are shaping the race for Arizona’s 11 electoral votes

By Jeff Zeleny, CNN

6 minute read

Published 1:30 PM EDT, Sat October 12, 2024

Abortion rights supporters demonstrate in Phoenix during a recess from a legislative session at the Arizona House of Representatives on April 17, 2024.

Rebecca Noble/Getty Images

Chandler, Arizona CNN — David Tapia has watched one election after another from the sidelines, unfazed and largely uninterested in politics. Until this year, when Donald Trump’s candidacy stirred him to become more politically aware.

He intends to cast his first vote for Kamala Harris.

“Looking at both sides, I’ll be honest, I’m not a supporter of Trump. I’m just not,” said Tapia, 42. “I have no fear of him winning, I don’t think any of us should. I think it’s really what’s right and what’s wrong.”

The balance between Arizonans who share Tapia’s views and those who disagree may go a long way in determining the outcome of the fight for the state’s 11 electoral votes. It’s one of the tightest battlegrounds in the country, where Latino men are highly coveted by both sides.

With early voting already underway here, the presidential candidates, their running mates and a parade of surrogates are descending upon the state in a scramble to gain the upper hand in a race that several polls suggest is stubbornly close.

“Arizona is the blue wall of the southwest,” said Tucson Mayor Regina Romero, a Democrat.

Abortion and immigration are driving factors in the election in all corners of the country, but the issues are colliding in Arizona like few other battlegrounds. Voters are deciding ballot measures to guarantee abortion rights in the state constitution and a separate question on whether to make violations of immigration law a state crime, rather than only a federal offense.

Trump is set to appear at a rally Sunday in the central Arizona city of Prescott. Harris spent Thursday and Friday in the Phoenix area, where she implored thousands of supporters to consider the consequences of the presidential election.

“This is not 2016 and 2020,” the vice president said. “The stakes are even higher.”

Four years ago, Trump lost Arizona by 10,457 votes out of more than 3.3 million cast – one of his narrowest defeats of any battleground state. Joe Biden became the first Democrat to win here since Bill Clinton in 1996 and only the second since Harry Truman in 1948.

Republican vice presidential nominee JD Vance invoked the 2020 election result at a stop Wednesday in Tucson to encourage supporters to shed any skepticism about early voting programs.

“Eleven thousand votes, that was the margin last time,” Vance told supporters at the Tucson Speedway, a rare acknowledgment of Trump’s defeat that many of his supporters here still question. “We have got to get out there and take advantage.”

Vice President Kamala Harris speaks at a campaign event in Chandler, Arizona, on October 10, 2024. Ross D. Franklin/AP

Abortion on the ballot

In the first presidential election since the Supreme Court overturned *Roe v. Wade*, abortion is literally on the Arizona ballot.

A proposed constitutional amendment to protect abortion rights is widely expected to prevail, strategists in both parties told CNN. Far less certain is whether the measure, Proposition 139, will draw to the polls people who may otherwise not have voted, which could benefit Harris.

“Arizona, we need to fight this battle on every front,” Harris told supporters here Thursday night. “You have the chance on the state level to vote ‘yes’ on Proposition 139 to protect your right to make your own health care decisions.”

The measure would create a “fundamental right” to receive abortion care up until fetal viability, around the 24th week of pregnancy, with later exceptions if a health care provider believes the life or mental health of the mother is at risk.

“It was a right that we had for 50 years,” said Donna Ross, a retiree who attended Harris’ rally and believes the measure will help drive turnout for the presidential campaign. “It’s crazy to think that you can take that right away. Who does that?”

The scrambled politics of abortion are among the key questions hanging over the closing chapter of the presidential campaign, and it’s far from certain whether Proposition 139 would give Harris a definite edge over Trump.

Laura Dent, whose group Arizona for Abortion Access helped gather more than 800,000 voter signatures to put abortion rights on the ballot, said support for the amendment has come from across the political spectrum, not merely from Democrats.

“It’s something that resonates with independents, with Democrats, with Republicans,” said Dent, the group’s campaign manager. “That support we absolutely welcome.”

Mayra Rodriguez, a former Planned Parenthood clinic manager who became an anti-abortion activist, has been driving around the Phoenix area in a large RV with a warning to vote “no” on Proposition 139. She said she strongly opposed Harris and would support Trump, but did not believe he was sufficiently supportive of the anti-abortion movement.

“I don’t believe he is,” Rodriguez said. “I always tell people, unless Jesus is on the ballot, we have to choose the lesser of two evils.”

Asked who that would be, she replied: “To me, it’s Trump.”

Mayra Rodriguez speaks to CNN near her RV. CNN

Yet not all Trump supporters agree.

As Candy Purdue walked to a Vance event earlier this week, wearing a Trump hat and campaign button, she said she intended to support Proposition 139 and thought the government should stay out of it.

“I’m against abortion,” Purdue said, “But I will vote for Prop 139 because I feel like every woman has a right to decide what they want and what they can live with.”

The immigration ballot measure, Proposition 314, adds another dimension to the long-running debate over border security. Republican state lawmakers voted to put the issue on the ballot, rather than collecting signatures to do so.

Despite border security being a hot-button issue in a state that shares a 370-mile border with Mexico, the measure has not received the same attention as the abortion proposal. Virtually no money has been spent on ads compared with the abortion proposal, which dominates the airwaves here.

Dueling coalitions

Republicans held a 6-point advantage in voter registration over Democrats in late July, according to the Arizona secretary of state. New figures after the October 7 voter registration deadline have not yet been released.

More than \$117 million has been spent on advertising in Arizona by all sides, according to AdImpact data, with Democrats outspending Republicans \$65 million to \$52 million.

As Arizonans vote in person or by mail, every day until November 5 is Election Day in Arizona, and more than 855,000 Latinos are expected to cast ballots, according to the National Association of Latino Elected and Appointed Officials, which is about the same as the 2020 turnout and an increase of 58% from 2016.

Nearly 1 of every 4 Arizona voters is expected to be Latino.

To win, Trump must perform strongly among registered Republicans and win a sizable share of independent voters, who make up about a quarter of the electorate. The campaign is courting voters who like Trump, even if they haven’t routinely participated in recent elections.

Former President Donald Trump speaks at a rally in Glendale, Arizona, on August 23, 2024. Go Nakamura/Reuters

Harris is seeking to thread a more challenging needle – besides Democrats, she’s looking to win most of the independent voters and a slim share of Republicans, with a particular focus on members of the Church of Jesus Christ of Latter-day Saints, also known as the Mormon church.

About 5% of Arizona adults, or more than 400,000 people, are Latter-day Saints, according to the Pew Research Center.

Mesa Mayor John Giles, an LDS member who leads the group Arizona Republicans for Harris, said the election “is going to be decided by who does the better job of getting out the vote.” He urged family members to help their relatives fill out the four-page, 80-question ballot.

“Do we have an appreciation for the urgency and the tremendous responsibility that we have as Arizona voters?” Giles asked supporters Tuesday at an event with Doug Emhoff, the vice president’s husband, who was also campaigning here. “As goes Arizona, so will go this election.”

CNN’s Veronica Stracqualursi and David Wright contributed to this report.

7 states vote to protect abortion rights, while efforts to expand access in Florida, Nebraska and South Dakota fail

By Amy O’Kruk, Annette Choi, Lauren Mascarenhas, Kaanita Iyer and Piper Hudspeth Blackburn, CNN

5 minute read

Updated 8:14 PM EST, Wed November 6, 2024

CNN — More than two years after the US Supreme Court overturned Roe v. Wade and ended the federal constitutional right to an abortion, voters in 10 states cast ballots on whether to cement reproductive rights in their state constitutions.

Measures to protect abortion access will pass in Arizona and Missouri, where citizens effectively voted to overturn their state’s abortion bans. Abortion rights supporters are hopeful this will lead to a widespread increase in access to reproductive care in those states.

Similar measures will pass in Colorado, New York, Maryland, Montana and Nevada, cementing or expanding current abortion access. And measures to protect abortion failed in Florida, where the procedure is banned six weeks into pregnancy, and South Dakota, where it is banned, except to save the life of the mother.

In Nebraska, an amendment cementing the state’s current 12-week abortion ban in the state constitution will pass, while a competing amendment to codify the right to an abortion will fail, CNN projects.

7 states passed measures protecting or expanding abortion rights, CNN projects

Ten states had reproductive rights measures on the ballot. All aimed to protect or strengthen abortion rights, except for in Nebraska, which had dueling measures.

Since Roe was overturned in 2022, seven states had seen a popular vote on abortion rights prior to this year. Every measure aimed at protecting access passed, while all measures to restrict it failed.

Nebraska

Voters in Nebraska will approve a measure to enshrine the state's current 12-week abortion ban into the state's constitution, with exceptions for rape, incest and medical emergencies, CNN projects.

The measure was one of two abortion-related initiatives on the ballot in Nebraska. Voters are projected to reject a competing measure to enshrine the right to an abortion until viability or to protect the health of the pregnant woman in the state's constitution.

This year marked the first time in state history that two conflicting petition efforts made the same ballot. Organizers campaigned fiercely to get their respective measures on the ballot – with each side accusing the other of using misleading tactics.

Missouri

Voters in Missouri will approve a measure to enshrine the right to an abortion up to the point of viability in the state's constitution, CNN projects.

The measure will establish a right to make reproductive care decisions without government interference and protect those seeking or providing care from government discrimination.

The projected win for reproductive rights advocates will greatly expand access to abortion in the state, where the procedure is currently banned with no exceptions for rape or incest. Doctors believe fetus viability to be around 22 to 24 weeks of pregnancy.

South Dakota

Voters in South Dakota will reject a measure that would have guaranteed a constitutional right to an abortion – with regulations – during the first and second trimesters of pregnancy, CNN projects.

Ad Feedback

Reproductive rights advocates were hopeful this measure would return abortion access to pregnant survivors of rape or incest, who have no abortion options under the state's current law.

Nevada

Nevada voters will approve a measure that would establish the fundamental right to an abortion up to the point of fetal viability in the state's constitution, CNN projects. To amend the constitution, however, Nevada voters will still have to approve the measure again in 2026.

Montana

CNN projects that voters in Montana will approve a measure to amend the state's constitution to protect the right to make decisions about one's own pregnancy – including the right to an abortion – through fetal viability or when needed to protect the pregnant patient's life or health.

While abortion is currently legal through viability in Montana, the measure will shore up the right to the procedure in Montana by enshrining a 1999 state Supreme Court ruling. Republican Gov. Greg Gianforte signed a law in 2023 that specified that access to an abortion is no longer protected under the right of privacy in the state's constitution, challenging that precedent.

Arizona

Arizona voters will approve a measure to enshrine the right to an abortion in the state constitution up to fetal viability, CNN projects.

The win for reproductive rights advocates will expand access to the procedure in the state, which currently bans abortion at 15 weeks into pregnancy. Doctors believe fetus viability to be around 22 to 24 weeks.

The Arizona State Supreme Court voted in April to uphold a Civil War-era total ban on abortion, sparking national outrage and prompting state lawmakers to repeal the ban before it could take effect. Abortion rights supporters said the moment served as a stark reminder of what could come if reproductive rights weren't enshrined in the state constitution.

Colorado

Colorado voters will approve a measure to enshrine the right to an abortion in the state constitution, CNN projects. While abortion remains legal in the state with no gestational limit, the approval of the amendment means public funds can be used toward abortions.

That will clear the way for the state to potentially cover abortions under Medicaid and some state employee health insurance plans. Abortion rights supporters say this will go a long way toward expanding abortion access, especially among low-income individuals.

Maryland

Voters in Maryland will approve a measure to enshrine reproductive protections, including the right to end a pregnancy, in the state's constitution, CNN projects. The procedure is already legal in the state with no gestational limit.

In 2023, Maryland enacted a shield law protecting its abortion providers from investigations by other states. While the state's vote will have little impact on abortion access for its own residents,

proponents say it's important to solidify reproductive freedoms in a state that has become an access point for out-of-state patients.

New York

CNN projects that New York voters will approve a measure that would amend the equal protection clause of the state's constitution to say that a person's rights cannot be denied due to "pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy."

The amendment survived several legal challenges to make it onto the state ballot. It seeks to provide protections against discrimination due to a number of factors, including pregnancy outcomes, age, disability, sexual orientation and gender identity. While proponents focused on abortion rights, opponents used the measure's broad nature to raise concerns about transgender and parental issues.

Florida

A Florida measure to protect the right to an abortion up to the point of viability will fail, CNN projects. Although the measure is projected to receive a majority of votes, it will not meet the 60% voter threshold needed to pass.

Both abortion rights supporters and opponents campaigned fiercely on the issue. A federal judge recently accused officials of Republican Gov. Ron DeSantis' administration of attempting to violate First Amendment rights in their campaign against the ballot measure.

The Sunshine State once served as a critical access point for patients from Southern states with more restrictive abortion policies.

This story and headline have been updated with additional information.

What the abortion measures from Election Day mean for access in the US

By Deidre McPhillips, CNN

7 minute read

Published 9:00 AM EST, Fri November 8, 2024

People react after an abortion rights amendment to the Missouri constitution passed on November 5, 2024, at a watch party in Kansas City, Missouri. Charlie Riedel/AP

CNN — Despite a strong showing of support for abortion rights on Election Day, the abortion access landscape in the United States won't change immediately. And under President Donald Trump's second term, it will remain heavily fragmented — and vulnerable to future restriction.

Voters in seven states — Arizona, Colorado, Maryland, Missouri, Montana, Nevada and New York — passed pro-abortion ballot initiatives at the polls this week. About a fifth of abortions in the US — an average of about 19,000 each month — occur in those states, according to data from the Society of Family Planning.

In most of those states — Colorado, Maryland, Montana, Nevada and New York — abortion is already legal, and the ballot measures maintain access by enshrining the right to abortion in the state's constitution.

In only two states did voters approve measures to expand abortion access: in Arizona, where there is currently a 15-week gestational limit, and in Missouri where abortion is currently banned. The measures in both states allow for the right to an abortion to be enshrined in the state constitutions up to fetal viability, which doctors say is around 22 to 24 weeks of pregnancy.

Still, what these new pathways will mean in terms of practical change for women seeking an abortion remains to be seen.

A person walks past Planned Parenthood in St. Louis, on June 24, 2022. Jeff Roberson/AP/File

Policy change takes time

However, “adding constitutional protection does not automatically repeal bans or restrictions; litigation is often necessary to overturn pre-existing state laws,” according to the Guttmacher Institute, a research and policy organization focused on sexual and reproductive health that supports abortion rights.

Ad Feedback

On Wednesday, Planned Parenthood's two providers in Missouri filed a suit to restore abortion access in the state.

Still, it will take time to ramp up resources to support broader access, experts say.

“We don't know how soon the clinics in the state will be able to expand their services, even after they receive the legal green light to extend their limits,” said Dr. Ushma Upadhyay, a professor at the University of California, San Francisco's Advancing New Standards in Reproductive Health.

There were no abortion providers in Missouri even before the Dobbs decision, so a new clinic would have to be established. But greater accessibility is “likely to have important impacts,” she said.

“Currently, our best estimates are that about 13,000 people in Missouri are obtaining abortions per year – either through out-of-state travel or by ordering medications through telehealth services,” said Upadhyay, who also co-chairs #WeCount, a project from the Society of Family Planning that tracks abortion trends in the US. “So there is certainly large amounts of unmet need for abortion care in the state of Missouri.”

The impact in Arizona may not be as large when it comes to volume, but it’s no less important, Upadhyay said. And expanding access there by scrapping the gestational limit could require time and resources to train more providers in second trimester abortions.

More than 171,000 people traveled to a different state for an abortion last year, according to Guttmacher data, and expanded access in Arizona and Missouri could help reduce barriers for women living in other states. The vast majority of abortions provided in Arizona already were provided to out-of-state patients, and Missouri borders multiple states with bans.

Supporters of Florida's Amendment 4, which would have enshrined abortion rights in the state, react after the amendment's defeat, during a watch party, in St. Petersburg, Florida, on November 5, 2024. Rebecca Blackwell/AP

Broad restrictions remain

Even if the ballot measures in Arizona and Missouri improve access in those states, about 40% of women of reproductive age – more than 26 million women ages 15 to 44 – will still be living in states with abortion bans or restrictions.

And pro-abortion measures failed to pass in three other states with restrictions: South Dakota, which currently has a near-total ban; Nebraska with a 12-week gestational limit; and Florida, where tighter policies have already reverberated across the broader region and country overall.

Florida had become a key abortion access point for the South in the years since the US Supreme Court’s Dobbs decision revoked the federal right to an abortion in 2022; In 2023, more than 1 in 10 abortions in the US happened in Florida, with thousands of people traveling from other states, according to Guttmacher estimates.

But when the state’s more restrictive abortion policy took effect in May – limiting abortion after six weeks of gestation, before most women know they’re pregnant – monthly abortions in Florida were cut by more than 30% and national abortion rates dipped, too.

Advocates were hopeful that Tuesday’s ballot measure would help patch some of the gaps that 6-week ban created, but the measure fell three percentage points short of the 60% support needed to pass.

“Like so many Americans, Floridians are living under an abortion ban they didn’t ask for and don’t want. As the majority of Florida voters made clear tonight, they want their reproductive freedom

back,” Nancy Northup, president and chief executive officer of the Center for Reproductive Rights, a legal advocacy group, said in a statement on Tuesday.

“But due to the high 60% threshold and the state’s disinformation campaign, they must continue to live with the fear, uncertainty, and denial of care caused by the reversal of Roe. So too will countless women in the southeastern U.S., which will remain for now a virtual abortion desert.”

Florida Physicians Against Amendment 4, a group of Ob-Gyns in Florida who opposed the ballot measure because they said it lacked “maternal health and safety regulations,” called the proposal’s defeat a “win for women.”

Now, we physicians can stay true to our Hippocratic oath to do no harm to our patients,” Dr. Christina Peña, an Ob-Gyn practicing in Miami and member of the group said in a statement

The Tampa Bay Abortion Fund, which helps cover costs for people seeking an abortion locally and those who have to travel, says that Florida’s 6-week ban has led to a rise in the number of callers requesting aid – and a 26% jump in the average amount pledged per caller.

“While we and abortion funds around the state are doing our best to fill the gaps, the need is currently outpacing our resources,” Bree Wallace, Tampa Bay Abortion Fund’s director of case management said in a statement this week. “Without financial support, people can’t afford their appointments or to travel to their appointments, forcing them to continue pregnancies they don’t want or that put them at risk.”

A patient prepares to take mifepristone, the first pill in a medical abortion, at Alamo Women's Clinic in Carbondale, Illinois, on April 9, 2024. Evelyn Hockstein/Reuters

Key vulnerabilities

It’s not clear what a new Trump administration’s strategy will be around abortion. Trump said during the campaign that he would veto a federal abortion ban if elected, but his positions on the issue have shifted many times over the years.

Despite the widespread bans and restrictions enacted by more than 20 states in the years since Dobbs, the number of abortions in the US is trending up. But a key factor driving these numbers up — the increased use of medication abortion, especially those provided through telehealth — is perhaps the most vulnerable to significant change.

More than half of all abortions in the US are medication abortions, and about 1 in 5 women who have an abortion receive their pills through the mail. This spring, about half of all telehealth abortions — or about 1 in 10 abortions overall — were provided to women living in states with abortion bans or restrictions under shield laws, #WeCount data shows. Shield laws offer some legal

protections for providers who practice in some states where abortion remains legal to prescribe medication abortion drugs via telehealth to people living in states with bans or restrictions.

Medication abortion has faced heavy litigation, with the Supreme Court ruling just this June to preserve access to the abortion pill mifepristone. But there are a few ways that could change under the incoming administration.

For example, new leadership at the US Food and Drug Administration could implement regulations that restrict access to the medications. Or, the administration could enforce a particular interpretation of the 19th century Comstock Act, which would prohibit the mailing or delivery of any abortion-related items by classifying them as obscene.

“The re-election of Donald Trump raises new and serious concerns about the safety of those needing reproductive health care. This outcome reflects a stark setback for science-based medical care in a nation where many already live in reproductive health deserts,” Dr. Daniel Grossman, an Ob-Gyn and director of the University of California, San Francisco’s Advancing New Standards in Reproductive Health said in a statement.

“We’ve seen first-hand how previous Trump-era policies undermined patient care, leaving many without essential services that protect their fertility, health, and lives. We need health decisions to prioritize science and the well-being of patients, rather than political agendas, to ensure a safer future for everyone.”

FOX NEWS

Arizona abortion rights group secures signatures for 2024 ballot referendum

Proposed constitutional amendment would guarantee a 'fundamental right' to abortion in Arizona

By Chris Pandolfo Fox News

Published April 3, 2024 12:08pm EDT

Arizona activists say they have gathered enough signatures to put a constitutional amendment to create a "fundamental right" to abortion on the state's ballot in November.

Arizona for Abortion Access, a coalition of pro-choice groups including the ACLU of Arizona and Planned Parenthood Advocates of Arizona, says it has collected more than 500,000 signatures from registered voters who want to see abortion rights on the ballot. The threshold to place an initiative on the ballot is 383,923 signatures, which must be turned in to the Arizona secretary of state no later than July 3, 2024.

With more than three months remaining to collect additional signatures, the coalition expects the amendment will be placed on the ballot even if some are invalidated during the verification process.

"We regularly see high enthusiasm for the measure in communities all over Arizona. Voters of all parties tell us they believe people, not the government, should be in charge of their own bodies and health care decisions," said Dawn Penich, a spokeswoman for Arizona for Abortion Access.

Demonstrators march in Phoenix, Arizona, on Jan. 20, 2024. (Caitlin O'Hara/Bloomberg via Getty Images)

"That support is precisely why we've been able to collect so many signatures already with more than three months still to go. We have well over 3,000 Arizona voters volunteering collecting signatures all over the state," Penich added.

NBC News first reported that Arizona for Abortion Access had gathered 506,892 petition signatures.

When the U.S. Supreme Court overturned *Roe v. Wade* in 2022, it ended constitutional protections for abortion rights and returned the issue to the states. In the years since, several states have enacted laws to restrict or ban the procedure, while others have adopted state constitutional amendments to enshrine a woman's right to end her pregnancy before it comes to term.

Ballot initiatives guaranteeing abortion rights have succeeded even in red states like Kansas and Ohio. Democrats hope that the Arizona initiative and a similar one in Florida will boost their

turnout in key swing states and replicate the victories the party won in the 2022 midterm elections after campaigning to protect so-called reproductive rights.

Arizona Secretary of State Katie Hobbs, a Democratic gubernatorial candidate, speaks at a rally in support of midterm election candidates who support abortion rights outside the state Capitol in 2022. (Mario Tama/Getty Images)

The constitutional amendment proposed by Arizona for Abortion Access would create a "fundamental right" to obtain an abortion up until fetal viability, around the 24th week of pregnancy. The amendment includes exceptions when a health care professional determines an abortion is necessary to "protect the life or physical or mental health of the pregnant individual."

Pro-life groups argue the mental health exemption is too vague and will allow women to easily obtain permission to abort a viable baby in a late-term pregnancy.

A protester holds a sign reading "My Body My Choice" at a rally outside the Arizona state Capitol in 2022. (Mario Tama/Getty Images)

"Unfortunately, most voters are not told that under this unregulated, unlimited abortion amendment they will lose the required medical doctor, critical and commonsense safety standards for girls and women seeking abortion, and moms and dads will be shut out of their minor daughter's abortion decision, leaving her to go through the painful and scary process alone," said Cindy Dahlgren, spokeswoman for the It Goes Too Far campaign, which opposes the amendment.

"It's reckless to give up these critical standards just to expand abortion beyond the current 15 weeks and beyond what most voters support. Nearly 80% of voters support limits on abortion," Dahlgren said.

Current Arizona law restricts abortion after the 15th week of pregnancy, with a lone exception to save the mother's life in a medical emergency.

The Arizona Supreme Court is also reviewing a challenge to an 1864 law, adopted before Arizona became a state, that imposes a near total ban on abortions and makes performing or helping a woman obtain an abortion a felony punishable by two to five years in prison.

The proposed amendment would invalidate this law and other abortion restrictions enacted in Arizona.

Chris Pandolfo is a breaking news reporter for Fox News Digital. Send tips to chris.pandolfo@fox.com and follow him on Twitter [@ChrisCPandolfo](https://twitter.com/ChrisCPandolfo).

Arizona Supreme Court upholds near-total abortion ban

The court ruled 4-2 Tuesday to uphold pre-statehood abortion law

By Jamie Joseph Fox News

Published April 9, 2024 1:42pm EDT

The Arizona Supreme Court issued a ruling on Tuesday reverting the state back to a 160-year-old, pre-statehood law that outlaws abortions in nearly all circumstances and criminalizes abortions.

The law would also make it a felony for anyone who "provides, supplies or administers to a pregnant woman, or procures such woman to take any medicine, drugs or substance, or uses or employs any instrument or other means whatever, with intent thereby to procure the miscarriage of such woman, unless it is necessary to save her life," potentially carrying a prison sentence between 2 and 5 years.

The law, which was codified in 1913 after Arizona became a state, includes an exception in cases where the mother's life is at risk.

Protesters shout as they join thousands marching around the Arizona Capitol after the Supreme Court decision to overturn the landmark Roe v. Wade abortion decision Friday, June 24, 2022, in Phoenix. (AP Photo/Ross D. Franklin)

The law was never repealed, and a state court allowed the ban to remain in place last year as long as it was compatible with a 2022 law that allows women to get an abortion within the first 15 weeks of pregnancy.

In contending with the two distinct laws, the court concluded in a 4-2 ruling Tuesday that the 2022 law "does not create a right to, or otherwise provide independent statutory authority for, an abortion that repeals or restricts" the 1913 law.

The court's majority wrote that instead, it "is predicated entirely on the existence of a federal constitutional right to an abortion since disclaimed" by the overturning of Roe v. Wade.

The 160-year-old law is "now enforceable," the opinion read, and will go into effect in 14 days. Tuesday's highly anticipated ruling comes as the Supreme Court heard arguments in the case four months ago.

The Biden administration issued a statement following the ruling, saying that "millions of Arizonans will soon live under an even more extreme and dangerous abortion ban, which fails to protect women even when their health is at risk or in tragic cases of rape or incest."

"This cruel ban was first enacted in 1864—more than 150 years ago, before Arizona was even a state and well before women had secured the right to vote," the statement read. "This ruling is a result of the extreme agenda of Republican elected officials who are committed to ripping away women's freedom."

North Dakota's previous restrictions on abortion were challenged in court by what was formerly state's only abortion clinic. Pictured is an abortion clinic in Idaho. (Darin Oswald/Idaho Statesman/Tribune News Service via Getty Images)

"The decision made by the Arizona Supreme Court today is unconscionable and an affront to freedom," Arizona Attorney General Kris Mayes, a Democrat, said in a statement. "Make no mistake, by effectively striking down a law passed this century and replacing it with one from 160 years ago, the Court has risked the health and lives of Arizonans."

"Today's decision to reimpose a law from a time when Arizona wasn't a state, the Civil War was raging, and women couldn't even vote will go down in history as a stain on our state," the statement continued.

This is a breaking story, check back for updates.

Jamie Joseph is a U.S. Politics reporter for Fox News Digital covering transgender and culture issues, the Departments of Education and Health and Human Services, and stateside legislative developments.

What to know about the Arizona Supreme Court's reinstatement of an 1864 near-total abortion ban

Abortions in AZ are expected to 'drop drastically' from around 1,100 a month

Associated Press

Published April 10, 2024 6:44pm EDT

- **The Arizona Supreme Court has given the go-ahead to enforce a law that bans almost all abortions.**
- **The long-dormant law, which predates Arizona's statehood, allows abortions only if the mother's life is in jeopardy.**
- **Democratic Gov. Katie Hobbs has called for a repeal of the ban.**

PHOENIX (AP) — The Arizona Supreme Court has delivered a landmark decision in giving the go-ahead to enforce a long-dormant law that bans nearly all abortions, drastically altering the legal landscape for terminating pregnancies in the state.

The law predating Arizona's statehood provides no exceptions for rape or incest and allows abortions only if the mother's life is in jeopardy. Arizona's highest court suggested doctors can be prosecuted under the 1864 law, though the opinion written by the court's majority didn't explicitly say that.

The Tuesday decision threw out an earlier lower-court decision that concluded doctors couldn't be charged for performing abortions in the first 15 weeks of pregnancy.

This file photo shows Celina Washburn at a protest on Sept. 23, 2022, outside the Arizona Capitol in Phoenix to voice her opposition to an abortion ruling. The Arizona Supreme Court ruled Tuesday, April 9, 2024, that the state can enforce its long-dormant law criminalizing all abortions except when a mother's life is at stake. (AP Photo/Matt York)

HOW WE GOT HERE

The law was enacted decades before Arizona became a state on Feb. 14, 1912. A court in Tucson had blocked its enforcement shortly after the U.S. Supreme Court issued its 1973 *Roe v. Wade* decision guaranteeing the constitutional right to an abortion.

After the U.S. Supreme Court overturned the landmark *Roe* decision in June 2022, then-Arizona Attorney General Mark Brnovich, a Republican, successfully requested that a state judge lift an injunction that blocked enforcement of the 1864 ban.

The state Court of Appeals suspended the law as Brnovich's Democratic successor, Attorney General Kris Mayes, urged the state's high court to uphold the appellate court's decision.

WHO CAN BE PROSECUTED UNDER THE 1864 LAW?

The law orders prosecution for "a person who provides, supplies or administers to a pregnant woman, or procures such woman to take any medicine, drugs or substance, or uses or employs any instrument or other means whatever, with intent thereby to procure the miscarriage of such woman, unless it is necessary to save her life."

The Arizona Supreme Court suggested in its ruling Tuesday that physicians can be prosecuted, though justices didn't say that outright.

"In light of this Opinion, physicians are now on notice that all abortions, except those necessary to save a woman's life, are illegal" the ruling said. The justices noted additional criminal and regulatory sanctions may apply to abortions performed after 15 weeks of pregnancy.

The law carries a sentence of two to five years in prison upon conviction. Lawyers for Planned Parenthood Arizona said they believe criminal penalties will apply only to doctors.

The high court said enforcement won't begin for at least two weeks. However, plaintiffs say it could be up to two months, based on an agreement in a related case to delay enforcement if the justices upheld the pre-statehood ban.

POLITICS OF THE PRESIDENTIAL RACE

The ruling puts the issue of abortion access front and center in a battleground state for the 2024 presidential election and partisan control of the U.S. Senate.

Democrats immediately pounced on the ruling, blaming former President Donald Trump for the loss of abortion access because he appointed the justices who formed the majority that ended the national right to abortion.

President Joe Biden and his allies are emphasizing efforts to restore abortion rights, while Trump has avoided endorsing a national abortion ban and warned that the issue could lead to Republican losses. The decision will give Arizona the strictest abortion law of the top-tier battleground states.

Staunch Trump ally and abortion opponent Kari Lake is challenging Democratic Rep. Ruben Gallego for the U.S. Senate seat now held by Sen. Kyrsten Sinema, who isn't seeking a second term.

WHAT'S NEXT?

Arizona Gov. Katie Hobbs called on the state Legislature to repeal the ban.

"They could do that today," she said Wednesday in an interview on "CBS Mornings."

"They could gavel in today and make a motion to repeal this ban," Hobbs said. "And they should do that. I'm hopeful that they will because this will have devastating consequences for Arizona."

Under a near-total ban, the number of abortions in Arizona is expected to drop drastically from about 1,100 monthly, as estimated by a survey for the Society of Family Planning.

This past summer, abortion rights advocates began a push to ask Arizona voters to create a constitutional right to abortion. If proponents collect enough signatures, Arizona would become the latest state to put the question of reproductive rights directly before voters.

The proposed constitutional amendment would guarantee abortion rights until a fetus could survive outside the womb, typically around 24 weeks. It also would allow later abortions to save the mother's life, or to protect her physical or mental health.

Trump says Arizona pro-life law went 'too far' as Biden camp claims policy U-turn

Following his comment that the Arizona court's ruling should be 'straightened out,' Trump said it would be up to the states if doctors who perform abortions should be punished

By Timothy H.J. Nerozzi Fox News

Published April 10, 2024 2:01pm EDT

Former President Donald Trump says the Arizona Republican Party's recent pro-life legislation went "too far" after previously stating abortion issues should be left to the states.

Trump spoke to reporters after landing in Georgia on Wednesday and was asked for his reaction to the Arizona Supreme Court's ruling outlawing all non-lifesaving abortions.

Asked Wednesday whether the state judges went "too far" in their ruling, Trump responded, "Yeah, they did."

Republican presidential candidate and former U.S. President Donald Trump speaks as he arrives at Hartsfield-Jackson Atlanta International Airport in Atlanta, Georgia, U.S. April 10, 2024. (REUTERS/Alyssa Pointer)

"And that will be straightened out," Trump continued. "And as you know, it's all about states' rights. That will be straightened out. And I'm sure that the governor and everybody else are going to bring it back into reason. And that will be taken care of, I think, very quickly."

The Arizona Supreme Court issued a ruling on Tuesday reverting the state back to a 160-year-old, pre-statehood law that outlaws abortions in nearly all circumstances except when the mother's life is at risk.

The law makes it a felony for anyone who "provides, supplies or administers to a pregnant woman, or procures such woman to take any medicine, drugs or substance, or uses or employs any instrument or other means whatever, with intent thereby to procure the miscarriage of such woman, unless it is necessary to save her life," potentially carrying a prison sentence between 2 and 5 years.

A protester holds a sign reading "My Body My Choice" at a Women's March rally outside the State Capitol in Phoenix, Arizona. (Mario Tama/Getty Images)

The law, which was codified in 1913 after Arizona became a state, includes an exception in cases that endanger the mother.

Trump's sudden disapproval of the pro-life legislation shocked many conservatives after the presidential candidate just this week endorsed abortion issues being handled at the state level.

"The states will determine by vote, or legislation, or perhaps both, and whatever they decide must be the law of the land – in this case, the law of the state," Trump said Monday.

Republican presidential candidate, former President Donald Trump speaks on the phone as he watches play in the final round of LIV Golf Miami, at Trump National Doral Golf Club in Doral, Florida. (AP Photo/Rebecca Blackwell)

He added, "Many states will be different. Many states will have a different number of weeks...at the end of the day it is all about the will of the people."

The Biden camp mocked Trump's apparent U-turn on the abortion issue, accusing the presumptive Republican nominee of failing to own his policy platform.

"Donald Trump owns the suffering and chaos happening right now, including in Arizona, because he proudly overturned Roe – something he called ‘an incredible thing’ and ‘pretty amazing’ just today. Trump lies constantly – about everything – but has one track record: banning abortion every chance he gets," said Biden-Harris 2024 Communications Director Michael Tyler.

Tyler continued, "The guy who wants to be a dictator on day one will use every tool at his disposal to ban abortion nationwide, with or without Congress, and running away from reporters to his private jet like a coward doesn't change that reality."

Trump was asked by reporters on the same trip whether he believes medical professionals that perform abortions should be punished.

"I'll let that be to the states. You know, everything we're doing now is states and states' rights," Trump replied.

He added, "And what we wanted to do is get it back to the states, because for 53 years it's been a fight and now the states are handling it and some have handled it very well and the others will end up handling it very well. And those are the things that states are going to make a determination about."

Fox News Digital's Jamie Joseph contributed to this report.

Harris to give prediction of ‘what a second Trump term looks like’ during Arizona campaign stop

The Biden campaign is ramping up attacks on former President Trump, blaming him for abortion bans after Roe v. Wade was overturned

By Chris Pandolfo Fox News

Published April 12, 2024 7:16am EDT

Vice President Kamala Harris will tell a dark story about what a possible second Trump term would look like when she visits Arizona on Friday afternoon.

Harris will hold a campaign event in Tuscon days after the state Supreme Court upheld an 1864 law that criminalizes abortions with no exceptions for rape or incest. In prepared remarks, Harris blames former President Trump for making that decision possible with his appointments to the U.S. Supreme Court, which overturned *Roe v. Wade* in 2022, ending federal protections for abortion.

"Here in Arizona, they have turned the clock back more than a century on women's rights and freedoms. The overturning of *Roe* was a seismic event. And this ban in Arizona is one of the biggest aftershocks yet," Harris will say, according to excerpts released by the Biden campaign.

She will call Trump "the architect of this health care crisis" and make the case that a second Trump term would mean "more bans, more suffering, less freedom."

Vice President Kamala Harris speaks at a campaign rally, Friday, Feb. 2, 2024, in Orangeburg, S.C. Harris will campaign in Arizona on Friday and declare former President Trump responsible for laws that ban abortion. (AP Photo/Meg Kinnard)

"And as much harm as he has already caused, a second Trump term would be even worse. If Donald Trump gets the chance, he will sign a national abortion ban. How do we know? Look at his record. Congress tried to pass a national abortion ban before, in 2017, and then-President Trump endorsed it."

The Arizona Supreme Court delivered a 4-2 ruling Tuesday that said the 1864 law — passed when Arizona was a territory and codified in 1913 when it became a state — is "now enforceable" after the U.S. Supreme Court overturned *Roe v. Wade* in 2022.

Arizona Gov. Katie Hobbs gives a brief speech prior to President Joe Biden's remarks at the Tempe Center for the Arts on September 28, 2023, in Tempe, Arizona. Hobbs has called on state lawmakers to overturn an 1864 law, now enforceable after *Roe v. Wade* was overturned, which banned nearly all abortions. (Rebecca Noble/Getty Images)

The state court rejected arguments that a 15-week abortion ban passed in 2022 should be enforced instead, finding that the more recent law "does not create a right to, or otherwise provide independent statutory authority for, an abortion that repeals or restricts" the 1913 law.

The Civil War-era law makes it a felony for anyone who "provides, supplies or administers to a pregnant woman, or procures such woman to take any medicine, drugs or substance, or uses or employs any instrument or other means whatever, with intent thereby to procure the miscarriage of such woman, unless it is necessary to save her life," potentially carrying a prison sentence between 2 and 5 years.

Protesters march around the Arizona Capitol in Phoenix after the Supreme Court decision to overturn Roe v. Wade, Friday, June 24, 2022. (AP Photo/Ross D. Franklin)

Arizona Gov. Katie Hobbs (D) has urged state lawmakers to swiftly repeal the law and the state's Democratic attorney general has said she will not enforce any abortion bans.

Harris' prepared remarks reflect the Democratic Party's 2024 strategy of going all-out on abortion following the end of Roe.

The Biden campaign this week announced a seven-figure ad purchase targeting Arizona voters with a focus on abortion rights. A new ad, called "Power Back," will air on TV stations in Arizona and call Trump responsible for overturning Roe v. Wade and allowing abortion bans like Arizona's to move forward.

Fox News Digital's Jamie Joseph contributed to this report.

Arizona House lawmakers pass bill to repeal 1864 abortion ban

The ban was held up by the Arizona Supreme Court earlier this month

By Brie Stimson Fox News

Published April 24, 2024 3:55pm EDT | Updated April 24, 2024 7:37pm EDT

Arizona House lawmakers on Wednesday passed a bill to repeal a near-total abortion ban from 1864 on the books in the state.

The bill will now go to the state Senate after all 29 House Democrats and three Republicans voted in favor of the repeal.

The ban was held up by the Arizona Supreme Court earlier this month.

The law, which predated Arizona's statehood, had no exceptions for rape and incest, only for the life of the mother.

Arizona residents rally for abortion rights on a street corner Tuesday on the heels of the Arizona Supreme Court decision enacting an 1864 law banning abortion, April 16, in Phoenix. (Gina Ferazzi / Los Angeles Times via Getty Images)

"MAGA Republicans have spent the last week lying about their stance on abortion because they know that when abortion is on the ballot, Democrats win, every time," said Arizona Democratic Chairwoman Yolanda Bejarano after the bill was passed.

Republican Rep. Rachel Jones, who voted against repealing the ban, said Wednesday, "I am disgusted today. Life is one of the tenets of our Republican platform. To see people go back on that value is egregious to me."

Arizona House Speaker Ben Toma, a Republican, said he was "deeply disappointed" by the bill's passing.

"We should not have rushed this bill through the legislative process," he said in a statement shared with Fox News Digital. "The pre-Roe law has been on the books for decades and was readopted in 1977 by Democrats and Republicans in the State Legislature and signed by Democrat Gov. Raul Castro.

"It would have been prudent and responsible to allow the courts to decide the constitutionality of the pre-Roe law. Instead, we are rushing to judgment for reasons I simply cannot understand."

Pro-life protesters rally outside the U.S. Supreme Court in 2022. (Stefani Reynolds/AFP via Getty Images)

Toma added in part: "I fervently disagree with my Democrat colleagues who advocate for extremism through unlimited, unrestricted, and unregulated abortions. Abortions are not healthcare. Abortion kills life. Abortion kills the most vulnerable members of our society. Just because the mother of that child may not want that child, does not mean that the child is not precious and have inherent value."

He continued, "Arizonans do not want abortions on demand, partial birth abortions, abortions for children without parental consent, or dangerous abortions that jeopardize the health of pregnant women and their children. And most Arizonans do not support the killing of unborn children up to 15 weeks. I vote no."

Arizona Gov. Katie Hobbs, a Democrat, has said she will sign the bill if passed by the Senate. (Mario Tama/Getty Images)

The 160-year-old law went into effect after the repeal of Roe vs. Wade in 2022 but has faced court challenges and has yet to be enforced.

Republicans in the state have faced pressure to repeal the law as the election gets closer, including from former President Trump and former Arizona Senate candidate Kari Lake.

Wednesday's passage was the Democrats' third attempt after previously being blocked by Republicans.

The Senate is expected to pass the bill repealing the law and Democratic Gov. Kate Hobbs has said she plans to sign it, which would leave the state with a 15-week abortion ban.

The Associated Press contributed to this report.

Which states could have abortion on the ballot in 2024?

Since 2022, 14 states have banned abortion at every stage of pregnancy

Associated Press

Published May 2, 2024 9:00pm EDT

- **Since the U.S. Supreme Court overturned Roe v. Wade in 2022, most Republican-controlled states have implemented new abortion restrictions, and 14 ban it at every stage of pregnancy.**
- **Voters in 7 states have sided with abortion rights supporters on ballot measures.**
- **It is not yet clear how many states will vote in November on measures to preserve abortion access.**

South Dakota advocates submitted petitions Wednesday in their effort to amend the state constitution to include the right to abortion, at least under some circumstances.

Signatures are also expected to be turned in Friday in Missouri for a ballot measure there.

The efforts in both states are part of a movement to put abortion rights questions to voters since the U.S. Supreme Court overturned Roe v. Wade and removed the nationwide right to abortion.

Since that 2022 decision, most Republican-controlled states have new abortion restrictions in effect, including 14 that ban it at every stage of pregnancy. Most Democrat-dominated states have laws or executive orders to protect access.

Additionally, voters in seven states — California, Kansas, Kentucky, Michigan, Montana, Ohio and Vermont — have sided with abortion rights supporters on ballot measures.

It's not clear yet how many states will vote on measures to enshrine abortion access in November. In some, the question is whether amendment supporters can get enough valid signatures. In others, it's up to the legislature. And there's legal wrangling in the process in some states.

Some of the efforts have already failed to reach ballots. Wisconsin's legislative session ended without a state Senate vote on a measure that the House approved to ask voters to ban abortion after 14 weeks. Iowa lawmakers did not approve a measure before their session ended this year to ask voters to find that there's no constitutional right to abortion; Pennsylvania lawmakers previously pursued a similar amendment, but it's not expected to be added to the ballot there this year. A Louisiana measure to enshrine abortion rights in the state constitution died in committee and one in Maine effectively died when it fell short of receiving the approval of two-thirds of the House.

Protesters shout as they join thousands marching around the Arizona Capitol after the Supreme Court decision to overturn the landmark Roe v. Wade abortion decision Friday, June 24, 2022, in Phoenix. (AP Photo/Ross D. Franklin)

WHAT'S SECURELY ON 2024 BALLOTS?

FLORIDA

The state Supreme Court ruled on April 1 that a ballot measure to legalize abortion until viability could go on the ballot despite a legal challenge from state Attorney General Ashley Moody, who argued that there are differing views on the meaning of "viability" and that some key terms in the proposed measure are not properly defined.

Advocates collected nearly a million signatures to put a state constitutional amendment to legalize abortion until viability on the ballot, surpassing the nearly 892,000 required.

Sixty percent of voters would have to agree for it to take effect.

Abortion is illegal in Florida after the first six weeks of pregnancy under a law that took effect May 1.

MARYLAND

Maryland voters this year will also be asked whether to enshrine the right for women to end their pregnancies in the state's constitution in a ballot question put before them by lawmakers last year. The state already protects the right to abortion under state law and Democrats outnumber Republicans 2-1. Abortion is allowed in Maryland until viability.

NEW YORK

New York lawmakers agreed to ask voters to bar discrimination on the basis of pregnancy, pregnancy outcome and reproductive healthcare as part of a broader equal protection amendment. It would also bar discrimination on the basis of sex, sexual orientation, gender identity, national origin and disability. The language of the constitutional amendment does not mention abortion specifically. Abortion is allowed in New York law until viability.

WHERE ELSE COULD ABORTION BE ON THE BALLOT IN 2024?

ARIZONA

A signature drive is underway to add a constitutional right to abortion in Arizona. Under the measure, the state would not be able to ban abortion until the fetus is viable, with later abortions allowed to protect a woman's physical or mental health. Supporters must gather nearly 384,000 valid signatures by July 4.

Abortion is currently legal for the first 15 weeks of pregnancy in Arizona. An Arizona Supreme Court ruling in April said enforcement could begin soon for a near-total ban that was already on the books. But on Thursday, the governor signed a bill repealing that law, which is still expected to be in effect for a time.

ARKANSAS

Proponents of an amendment to allow abortion in many cases have until July 5 to gather nearly 91,000 valid signatures to get it on the Nov. 5 ballot. The measure would bar laws banning abortion in the first 20 weeks of gestation and allow abortion later in pregnancy in cases of rape, incest, threats to the woman's health or life, or if the fetus would be unlikely to survive birth. Because it allows limits as soon as 20 weeks, the proposal does not have the support of Planned Parenthood Great Plains, which includes Arkansas. The state has a ban on abortion at all stages of pregnancy with narrow exceptions.

COLORADO

Advocates for a ballot measure to add constitutional protections for abortion, including requiring Medicaid and private health insurers to cover it, have turned in signatures to have it placed on the ballot. The secretary of state's office has until May 17 to determine whether there are enough valid signatures. More than 124,000 are required.

Amending the state constitution requires support of 55% of voters.

Those backing a dueling measure — a law to ban abortion — did not turn in signatures, and the measure will not go before voters.

Abortion is legal at all stages of pregnancy in Colorado.

MISSOURI

Missouri advocates for abortion access are expected to turn in signatures on Friday, two days ahead of their deadline to submit more than 171,000 to ask voters to approve a constitutional amendment to guarantee abortion until viability.

A group of moderate Republicans have abandoned for this year efforts for an alternate amendment that would have allowed abortion up to 12 weeks and after that with only limited exceptions.

Abortion is currently banned in Missouri at all stages of pregnancy with limited exceptions.

MONTANA

Abortion rights proponents in Montana have proposed a constitutional amendment that would bar the government from denying the right to abortion before viability or when it's necessary to protect the life or health of the pregnant person. After a legal battle over the ballot language, the Montana Supreme Court on April 1 wrote its version of the language that would appear on the ballot if supporters gather more than 60,000 signatures by June 21. Abortion is legal until viability in Montana under a 1999 Montana Supreme Court opinion.

NEBRASKA

Advocates are trying to collect about 125,000 signatures needed by July 5 to put a constitutional amendment before voters to protect abortion rights until fetal viability. A competing petition effort would add a constitutional amendment that mirrors a law adopted last year that bans abortion after 12 weeks, with some exceptions.

NEVADA

Signatures are being gathered to place an abortion access amendment on Nevada's ballot in November. Under the amendment, abortion access for the first 24 weeks of pregnancy or later to protect the health of the pregnant person, which is already assured under a 1990 law, would be enshrined in the constitution. It requires more than 102,000 valid signatures by June 26 to place the measure on the ballot. Voters would need to approve it in both 2024 and 2026 to change the constitution.

The measure is one of several attempts by Nevada abortion rights groups to get a ballot question before voters in 2024 or 2026.

SOUTH DAKOTA

South Dakota advocates said they submitted more than 55,000 signatures — 20,000 more than required — to get a measure on the ballot that would loosen restrictions but does not go as far as many abortion rights advocates would like. It would ban any restrictions on abortion in the first trimester of pregnancy. It would allow the state in the second trimester to "regulate the pregnant woman's abortion decision and its effectuation only in ways that are reasonably related to the physical health of the pregnant woman." An abortion ban would be allowed in the third trimester, as long as it included exceptions for the life and health of the woman. Planned Parenthood is not supporting the measure.

Abortion in the state is now banned at all stages of pregnancy with narrow exceptions.

Arizona will put abortion rights on November ballot | 2024 Election

By Rio Yamat

Published August 13, 2024 6:25am MST

Abortion Laws

Associated Press

PHOENIX - Arizona voters will get to decide in November whether to add the right to an abortion to the state constitution.

The Arizona secretary of state's office said Monday that it had certified 577,971 signatures — far above the required number that the coalition supporting the ballot measure had to submit in order to put the question before voters.

The coalition, Arizona for Abortion Access, said it is the most signatures validated for a citizens initiative in state history.

"This is a huge win for Arizona voters who will now get to vote YES on restoring and protecting the right to access abortion care, free from political interference, once and for all," campaign manager Cheryl Bruce said in a statement.

Democrats have made abortion rights a central message since the U.S. Supreme Court overturned *Roe v. Wade* in 2022 — and it is a key part of their efforts in this year's elections.

The issue already is set to go before voters this year in Colorado, Florida, Maryland, Nevada, New York and South Dakota.

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Arizona law currently bans abortions after 15 weeks. The ban, which was signed into law in 2022, includes exceptions in cases of medical emergencies but has restrictions on non-surgical abortion. It also requires an ultrasound before an abortion is done, as well as parental consent for minors.

The proposed amendment would allow abortions until a fetus could survive outside the womb, typically around 24 weeks, with exceptions to save the mother's life or to protect her physical or mental health. It would restrict the state from adopting or enforcing any law that would prohibit access to the procedure.

Organizers said they initially submitted 823,685 signatures, more than double the 383,923 required from registered voters.

Besides the presidential election and various other races, voters in Arizona will also decide on a number of ballot measures. Two of them, Prop 139 and Prop 314, deal with hot-button issues.

Opponents of the measure say it goes too far and could lead to unlimited and unregulated abortions in Arizona.

Supporters, meanwhile, say a constitutional amendment ensures that abortion rights cannot be easily erased by a court decision or legislative vote.

In April, the Arizona Supreme Court upheld an 1864 abortion ban that permitted abortions only to save the mother's life and provided no exceptions for survivors of rape or incest, but the Republican-controlled Legislature voted for a repeal of the Civil War-era ban, and Democratic Gov. Katie Hobbs quickly signed it.

The 19th century law had been blocked since the U.S. Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* that eliminated constitutional protections for abortion.

PHOENIX, ARIZONA - APRIL 17: Members of Arizona for Abortion Access, the ballot initiative to enshrine abortion rights in the Arizona State Constitution, hold a press conference and protest condemning Arizona House Republicans and the 1864 abortion ban during a recess from a legislative session at the Arizona House of Representatives on April 17, 2024, in Phoenix, Arizona. (Photo by Rebecca Noble/Getty Images)

Arizona's repeal of 1864 ban on nearly all abortions goes into effect

The long-dormant law had no exceptions for rape and incest, only for the life of the mother

By Michael Dorgan Fox News

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Arizona's Civil War-era ban on nearly all abortions is officially being repealed on Saturday.

The long-dormant 1864 law, which predated Arizona's statehood, had no exceptions for rape and incest, only for the life of the mother.

The 160-year-old law went into effect after the repeal of *Roe vs. Wade* in 2022 but faced court challenges which prevented it from being enforced.

Arizona Gov. Katie Hobbs signs a bill repealing the state's near total abortion ban that dates to 1864 during a news conference at the Governor's Office on May 2, 2024. (Rob Schumacher/The Republic/USA TODAY NETWORK)

The ban was held up by the Arizona Supreme Court in April, throwing out an earlier lower-court decision that concluded doctors couldn't be charged for performing abortions in the first 15 weeks of pregnancy.

But the decision sparked backlash in the battleground Grand Canyon State, with Democratic Arizona Gov. Katie Hobbs calling on the state legislature to repeal the ban.

Republicans hold a narrow majority in both chambers, but House Democrats were then able to garner the support of three Republicans to pass the repeal legislation in April following two previous attempts, sending the measure to the Senate for consideration. Two GOP senators joined with Democrats a week later to grant final approval and then Hobbs signed the bill in May, declaring it was just the beginning of a fight to protect reproductive health care in Arizona.

"I will continue doing everything in my power to protect reproductive freedoms, because I trust women to make the decisions that are best for them, and know politicians do not belong in the doctor's office," Hobbs said in a statement.

Pro-life advocates demonstrate prior to an Arizona House of Representatives session at the Arizona State Capitol on April 17, 2024, in Phoenix, Arizona. (Rebecca Noble/Getty Images)

Arizona House Speaker Ben Toma, a Republican, said at the time that he was "deeply disappointed" by the bill's passing.

"We should not have rushed this bill through the legislative process," he said in a statement shared with Fox News Digital. "The pre-Roe law has been on the books for decades and was readopted in 1977 by Democrats and Republicans in the State Legislature and signed by Democrat Gov. Raul Castro.

"It would have been prudent and responsible to allow the courts to decide the constitutionality of the pre-Roe law. Instead, we are rushing to judgment for reasons I simply cannot understand."

The state's internal tussle over the issue was thrust into the national spotlight in March when Arizona state Sen. Eva Burch announced on the state Senate floor that she planned to have an abortion after learning that her pregnancy was not viable.

Arizona law now allows abortions until 15 weeks. After that, there is an exception to save the life of the mother, but missing are exceptions for cases of rape or incest after the 15-week mark.

The state requires those seeking an abortion prior to the 15-week mark to have an ultrasound at least 24 hours before the procedure and to be given the opportunity to view it. Minors must have either parental consent or authorization from a state judge, except in cases of incest or when their life is at risk.

Arizona state Rep. Stephanie Stahl Hamilton hugs state Sen. Anna Hernandez (right) after Arizona Gov. Katie Hobbs signed a bill repealing the state's near total abortion ban that dates to 1864 during a news conference at the Governor's Office on May 2, 2024. (Rob Schumacher/The Republic/USA TODAY NETWORK)

Voters will decide on whether to add the right to abortion to the state constitution when they have their say on Proposition 139 in the general election.

The measure secured a spot on the ballot after the pro-abortion group Arizona for Abortion Access, secured nearly 578,000 signatures, well over the 383,923 required from registered voters.

If voters approve the measure, abortions would be allowed until fetal viability — the point at which a fetus can survive outside the womb, typically around 24 weeks. It also would allow abortions after that time in cases where the mother's physical or mental health is in jeopardy.

The Associated Press contributed to this report.

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Abortion 'on the ballot' in 10 states this election, but it might not matter

Harris has made abortion access a centerpiece of her campaign.

By Breanne Deppisch Fox News

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Voters in 10 U.S. states will decide on major ballot initiatives this year that either expand or restrict abortion access for women, a highly polarizing issue but one that some advocacy groups do not believe will affect turnout quite as much as some had expected.

It's unclear to what extent this could impact Vice President Harris, who has focused heavily on abortion access and reproductive rights in her bid for the presidency.

In the final race to Election Day, some doubt the issue has lasting power to turn out voters to the same degree it did during the 2022 midterm elections, held just months after the Supreme Court overturned *Roe v. Wade*.

"I think Democrats are dramatically overestimating the power of abortion," Shawn Carney, president of the pro-life nonprofit group "40 Days for Life," told Fox News in an interview.

Vice President Harris delivers remarks during a campaign event at the Ellipse near the White House. (AP/Stephanie Scarbrough)

The nonprofit has a grassroots presence in all 50 states and has canvassed heavily in the 10 states that will vote directly on abortion-related measures this year: Arizona, Colorado, Florida, Maryland, Missouri, Montana, Nebraska, New York, Nevada and South Dakota.

The majority of these ballot measures seek to amend efforts passed in Republican-led states, whose leaders moved to restrict abortion in the wake of the Supreme Court's June 2022 decision on Roe.

Notable policies will be on the books in Missouri, where voters will have the option to reverse the state's near-total ban, and Arizona, where voters can amend the state constitution to allow abortions through the 24-week mark.

The most populous state deciding on abortion measures is Florida, home to more than 13 million registered voters.

Voters there will decide whether to lift an existing law that bans abortions after six weeks and instead extend it to the point of fetal viability between 23 and 24 weeks.

"I think we have the best chance to win in Florida," Carney said, citing the popularity in the state of Republican presidential nominee Donald Trump and Gov. Ron DeSantis, a Republican and staunch advocate of pro-life issues.

"We have a great presence in Florida. We have great '40 Days' campaigns throughout that great state."

Signs are seen outside a polling station at Palm Beach County Library in Florida during early voting in the presidential election. (Reuters/Marco Bello)

Harris and other Democrats have worked to highlight the new risks to abortion access women face. But it's not clear what impact this will have on turnout in a presidential election dominated by economic issues and immigration.

Former first lady Michelle Obama dedicated most of her stump speech at a Harris rally last week in Kalamazoo, Mich., to outlining the many ways women could see their reproductive rights diminished further.

"Your niece could be the one miscarrying in her bathtub after the hospital turned her away," Obama told the audience. "Your daughter could be the one terrified to call the doctor if she's bleeding during an unexpected pregnancy."

Importantly, voters in states where abortion is on the ballot will vote on it independently, meaning it is "decoupled" from their presidential vote and votes for down-ballot leaders. This

means that some staunch pro-choice supporters could theoretically vote for Trump and Republicans in their states while also voting to support pro-life procedures.

This "decoupling" effort would indeed reflect public opinion that has shifted to support abortion. A Fox News poll conducted this year found that a record-high number of voters now say they support legalizing abortion in some form, including two-thirds who said they supported a nationwide law that would guarantee abortion access for women.

Fifty-nine percent said they believe abortion should be legal in "all or most cases," up from the previous high of 57% in September 2022.

Pro-abortion rights activists participate in the Rally for Our Freedom to protect abortion rights for Floridians in Orlando. (Chandan Khanna/AFP via Getty)

But how much the issue of abortion will drive voter turnout this year – for those who are either for or against the new ballot measure – is unclear.

National polls have seen abortion ranked consistently by voters as the third-most important issue in the 2024 election cycle, behind immigration and far behind the economy.

Just 15% of voters ranked abortion as their No. 1 priority in 2024, according to a recent Fox News poll, compared to immigration, which 17% of voters said they viewed as the No. 1 issue, and the economy, which a strong 40% of voters ranked as their top priority.

Breanne Deppisch is a politics reporter for Fox News Digital covering the Trump administration, with a focus on the Justice Department, FBI, and other national news.

7 states vote to protect abortion rights, 3 keep restrictions in place

Ten states voted directly on abortion-related measures Tuesday

By Michael Dorgan Fox News

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Ten states voted directly on abortion-related measures Tuesday, with abortion advocates claiming seven victories.

Arizona, Colorado, Florida, Maryland, Missouri, Montana, Nebraska, New York, Nevada and South Dakota all went to the polls on the issue, with the majority of the ballot measures seeking to amend efforts passed in Republican-led states whose leaders moved to restrict abortion in the wake of the Supreme Court's June 2022 decision to overturn Roe v. Wade.

Voters in Missouri cleared the way to undo the state's near-total ban, one of the nation's tightest restrictions, with an amendment that would allow lawmakers to restrict abortions past the point of a fetus' viability – usually considered after 21 weeks, although there is no exact defined time frame.

Abortion rights amendments also passed in Arizona, Colorado and Maryland and Montana, per The Associated Press. Montana voted to amend the state constitution to "expressly provide a right to make and carry out decisions about one's own pregnancy, including the right to abortion."

People at an election night watch party react after an abortion rights amendment to the state constitution passed on Nov. 5, 2024, in Kansas City, Missouri. (AP Photo/Charlie Riedel)

Nevada voters also approved an amendment, but they'll need to pass it again in 2026 for it to take effect.

Another measure, which bans discrimination on the basis of "pregnancy outcomes," prevailed in New York. It does not contain the word "abortion," but rather bans discrimination on the basis of "pregnancy outcomes, and reproductive healthcare and autonomy."

In Arizona, voters were asked to amend the state constitution to allow abortions through the 24-week mark. The measure enshrines a "fundamental right" to abortion before fetal viability, when a fetus has a "significant likelihood" of surviving outside the uterus.

The amendment replaces the current law that bans abortion after the first 15 weeks of pregnancy.

A long-dormant 1864 law, which predated Arizona's statehood, had gone into effect in the Grand Canyon State after the repeal of Roe vs. Wade in 2022, thrusting the issue into the spotlight and leading to Tuesday's vote. The law had no exceptions for rape and incest, only for the life of the mother, and was repealed in September.

Gov. Ron DeSantis speaking about Amendment 4 at the Grove Bible Chapel in Winter Garden, Florida, on Oct. 22, 2024. (WOFL)

Florida, Nebraska and South Dakota defeated similar constitutional amendments, leaving existing restrictions in place.

Florida, home to more than 13 million registered voters, was the most populous state deciding on abortion measures. Republican Gov. Ron DeSantis last year signed into law the Heartbeat Protection Act, which restricts most abortions after six weeks of gestation.

This year, Florida residents voted on Amendment 4, the Right to Abortion Initiative, which aimed to overturn that law by prohibiting measures that restrict abortion before viability. In Florida, constitutional amendments must get 60% of the vote, not a simple majority, to pass. Amendment 4 received majority support among voters but failed to meet the 60% threshold.

South Dakota voters' defeat of its abortion measure prevents some regulations related to the health of the woman after 12 weeks. The Mount Rushmore State currently has a ban on abortion throughout pregnancy with some exceptions.

Ten states voted directly on abortion-related measures Tuesday with abortion advocates claiming seven victories. (AP)

Nebraska passed a ballot amendment prohibiting abortion beyond the first three months of pregnancy.

Tuesday's results ended a win streak for abortion-rights advocates who had prevailed on all seven measures that have appeared on statewide ballots since the fall of Roe.

A Fox News poll conducted this year found that a record-high number of voters now say they support legalizing abortion in some form, including two-thirds who said they supported a nationwide law that would guarantee abortion access for women.

Fifty-nine percent said they believe abortion should be legal in "all or most cases," up from the previous high of 57% in September 2022.

Fox News' Danielle Wallace, Breanne Deppisch, Emma Colton and the Associated Press contributed to this report.

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