



## **Executive Summary:** **State Advocacy Strategy: Abortion Rights and Access**

### **Strategy Overview**

#### **Advocacy Goals**

- Support work of partners and coalitions
- Influence state legislation to mitigate harm and increase protection
- Educate the public on upcoming ballot measures and the larger reproductive rights legislative landscape
- Galvanize public engagement
- Influence attorneys general to minimize harmful enforcement or prosecutorial efforts

#### **Mitigating Harm**

1. Counter new harmful bills (in regular or special legislative sessions)
  - Focuses: Abortion bans and restrictions, medication abortion, interstate travel, contraception
    - a. Call or write elected officials (e.g. state legislators and governors)
    - b. Write legislative testimony
2. Counter harmful ballot measures and constitutional amendments
  - Focuses: Anti-abortion state constitutional amendments, fetal personhood state statutes
    - a. Educate voters
3. Write to attorneys general requesting they don't enforce bans or prosecute providers

#### **Increasing Protection**

1. Support new protective bills (in regular or special legislative sessions) and advocate for protective executive orders
  - Focuses: Codification of the right to abortion, provider pool expansion, insurance coverage, establishment of state funds, protection from interstate prosecution
    - a. Call or write elected officials (e.g. state legislators and governors)
    - b. Write legislative testimony
2. Support protective ballot measures and constitutional amendments
  - Focus: Enshrining in state constitutions the right to abortion and contraception
    - a. Educate voters

#### **Public Education and Engagement**

1. Post on social media
  - a. e.g. lift up real-life stories
2. Publish press releases, op-eds, or letters to the editor
3. Circulate petitions or action alerts to influence elected officials or attorneys general

### **For Your Work**

#### **LWVUS Positions**

The League of Women Voters of the United States [believes](#)...

- Public policy must affirm the constitutional right of privacy of the individual to make reproductive choices;
- Every US resident should have access to a basic level of quality health care at an affordable cost, including abortion;
- Individual rights protected by the Constitution should not be weakened or abridged; and
- Voting is a fundamental citizen right that must be guaranteed.

## **State-level Measures**

### **Legislation**

#### **Legislative Sessions**

State legislatures with limited regular [legislative session](#) lengths can convene in [special sessions](#) to address a time-sensitive topic. Multiple states have pursued this to try to pass more restrictive or protective abortion laws.

#### **Harmful Legislation**

##### *Abortion Bans*

Abortion is [currently banned](#) with very limited exceptions in at least thirteen states. Many other states are enforcing pre-viability bans, including as early as after six weeks from the last menstrual period. Others are likely to impose near-total bans as they have unenforced pre-*Roe* bans awaiting hearings, or trigger bans that are temporarily enjoined and could be reinstated by a court ruling. The legal ramifications for acting against bans tend to target physicians with fines, revocation of medical licenses, or felony charges, or allow private citizens to bring a civil action against an individual who helps someone provide or obtain an abortion.

##### *Medication Abortion*

Medication abortion is the FDA-approved regimen of taking a combination of drugs to end an early pregnancy. Many states have [restrictions](#) that limit the use of this method and some have proposed bills explicitly banning it.

##### *Interstate Travel*

Legislators have expressed growing interest in prohibiting interstate travel for reproductive health care. Measures of this sort failed in [Missouri](#)'s 2022 legislative session but could be reintroduced.

##### *Contraception*

Laws banning abortion at conception bring up legal concerns about their interpretation to impede [contraception](#).

#### **Protective Legislation Etc.**

##### *Protective Legislation*

There are [16 states and the District of Columbia](#) with legislation that protects the right to an abortion. Some of these states have [additional legislative protections](#). A few states have recently passed abortion safe-haven laws.

##### *Executive Orders*

Multiple governors and at least one mayor have signed executive orders to protect and expand abortion care access and legally protect people facing out-of-state charges for the provision of, assisting with, or seeking an abortion.

### **Ballot Measures and Constitutional Amendments**

A state [ballot measure](#) is a state constitutional amendment or state statute appearing on a statewide ballot for voters to decide, typically with a simple majority.

#### **Harmful Ballot Measures**

[Kentucky](#) voters will vote on a constitutional amendment specifying that the constitution does not protect abortion or require funding for abortion care. [Kansas](#) had a similar ballot measure that failed. [Montana](#) voters will vote on a state statute that would classify fetuses born alive at any stage of development as “legal persons.”

#### **Protective Ballot Measures**

[California](#), [Michigan](#), and [Vermont](#) voters will vote on constitutional amendments protecting the rights to abortion and contraception explicitly, and reproductive autonomy, respectively.

### **Enforcement: Attorneys General**

An attorney general (AG) typically handles criminal prosecutions. Following *Dobbs*, some AGs filed a [joint statement](#) that they will not prosecute people who provide, support, or seek abortions. This presents an opportunity to write to attorneys general requesting they do not enforce bans or prosecute providers.