

LOCAL IMPACT

**How Down-Ballot Seats Affect
Reproductive Freedom**

Presented By:





#VOTEPROCHOICE is a national political organizing project and technology platform founded in March 2016 by Democrats.com LLC. We connect the nation's prochoice majority voters with prochoice champion candidates in every election and will continue to do so until all people in America have full, unrestricted legal access to abortion and reproductive health care services that are affordable, accessible and respectful.

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[State Information Exchange](#)
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[Guttmacher Institute State Policy Trends](#)
[The Gavel Gap](#)



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Introduction

America is becoming a forced birth nation.

It seems like each week an abortion ban becomes law in another state. Ridiculous, overreaching, dangerous anti-choice legislation continues to churn through state legislatures. The President is aggressively pushing hyperbolic anti-choice propaganda that has no basis in reality. Our reproductive freedom is under unprecedented attack by a small number of overly funded, misogynistic elected officials—at every level of government.

The End of Roe v. Wade

The conservative, anti-choice movement has invested heavily in anti-choice efforts at the state and local level. Now, their massive investment has come to maturity. We are forced to take a hard look at the reality and admit the inarguable truth: Roe v Wade is at stake. Elected state and local officeholders are rolling back reproductive healthcare services, access, protections and funding at a terrifying pace—and using numerous tactics to criminalize and threaten reproductive freedom. Winning federal elections in 2020 is essential to reverse this terrible truth—but federal elections alone cannot fix the extensive anti-choice legacy and momentum still focused on restricting reproductive freedom everywhere.

Every Election Matters

The Supreme Court and President play a prominent role in restricting reproductive freedom. With the 2020 presidential primary scramble starting and the ugly wound of Brett Kavanaugh being confirmed to the Supreme Court still fresh in our minds, most voters focus their attention on national electoral and judicial events and the role these offices play in blocking reproductive freedom.

Less understood is how office-holders at every level of government shape reproductive freedom—elected officials like governors, mayors, and county executives; state legislators, city councils, and county boards; attorneys general, district attorneys, Supreme Court judges, and so many more. Access to abortion is still “constitutional” in principle, yet reproductive freedom is only a reality for people if state, local, and municipal elected leaders support access and make it so. The recent abortion bans in states across the country are a key example. So too is the unanimous decision to ban abortion within city limits of Waskom, Texas by the all-male, five-member City Council this year.

Every year, in every state, county, and city, at every level of government, leaders with the power to support or block reproductive freedom are elected. We must refocus attention on these lower-profile races, and emphasize the critical need to #VOTEPROCHOICE in every election on the ballot. We can transform the political system and fundamentally protect and expand reproductive freedom in the face of an unprecedented attack—if we truly understand what’s at stake.

All Prochoice Politics Are Local

Combining extensive research on recent events with the 2017 Local Reproductive Freedom Index from the National Institute for Reproductive Health, the political team at #VOTEPROCHOICE compiled profiles of state-wide, municipal, and local offices’ impact on our reproductive freedom. Nearly 58% of people living in America live in a place that is overtly hostile and dangerous to their reproductive health. Voting through the lens of reproductive freedom in every election, particularly local elections, advances policies to protect reproductive freedom. When voters #VOTEPROCHOICE up and down the ballot, they mitigate the increasingly hostile climate created by state legislatures and the federal government.

STATE ELECTED OFFICIALS

Governor

Signs or vetoes legislation restricting or expanding reproductive freedom passed by the state legislature. Signs executive orders on issues relating to reproductive freedom—including funding for abortions and clinics. Sets budgetary priorities related to healthcare clinic funding, Title X funding, abortion and birth control funding and insurance coverage. Exercises executive power over appointments to critical agencies and decision-making bodies—including health commissioners, insurance commissioners and state Supreme Court justices. Leads policy for state Medicaid and Medicare programs, ultimately determines insurance policies for state employees, and more.

EXAMPLES IN ACTION

2019: Iowa Republican Gov. Kim Reynolds Transforms Iowa Supreme Court -Promoting Concerns It Could Erode Support for Abortion. “As recently as 2018, the court established the foundation for a fundamental right to abortion under the Iowa constitution. Reynolds’ appointments to the court were after that ruling... Religious conservatives are thrilled with the changes, hoping that a Republican-dominated court will endorse restrictions on abortion. [[AP, 7/3/19](#)]

2019: Michigan Governor Gretchen Whitmer Vows to Veto Ban on Common Abortion Procedure and Ban on “Fetal Heartbeat” Legislation. [[Los Angeles Times, 6/21/19](#)]

2018: Iowa Governor Kim Reynolds Signed A “Fetal Heartbeat” Law, Which Was Subsequently Struck Down As Unconstitutional By A District Court Judge In 2019. [[Des Moines Register, 2/18/19](#)]

2019: Missouri Governor Mike Parson Appoints Anti-Choice Judge To Administrative Hearing Commission That Could Determine Licensing of Missouri's Last Abortion Clinic. "Parson has appointed a former judge who has supported an anti-abortion pregnancy resource center—and been disciplined for publicly doing so—to an administrative panel that could handle an abortion clinic licensing dispute. [\[AP, 6/17/19\]](#)

2019: Ohio Governor Mike DeWine Signed One Of The Nation's Strictest Abortion Measures Into Law. "Under the bill, doctors would face a fifth-degree felony punishable by up to a year in prison for performing an abortion after detecting a heartbeat. The bill has an exception to save the life of the woman but no exception for rape or incest—in line with current state law." [\[USA Today, 4/11/19\]](#)

2019: Democratic Governors In North Carolina And Montana Vetoed Bills From Republican-Controlled Legislatures Punishing Doctors Who Do Not Care For Unsuccessfully-Aborted Fetuses. "North Carolina Gov. Roy Cooper, who faces reelection next year in a state Trump won by 3.6 percentage points, on Thursday vetoed the bill state lawmakers passed two days earlier. A spokesperson for Montana Gov. Steve Bullock, who is mulling a presidential run as a bridge-building moderate, indicated he will likely do the same." [\[Politico, 4/20/19\]](#)

2018: Nebraska Governor Pete Ricketts Signs Budget Bills To Ensure Title X Taxpayer Dollars Do Not Fund Abortion Services. [\[Nebraska.Gov, 4/4/18\]](#)



Ohio Governor, Mike DeWine (front), and President Donald Trump address a republican rally. Photo Credit: Carlos Barria/Reuters

2019: Puerto Rico Governor Ricardo Rosselló Vetoed A Parental Notification Bill, A Move Which The Puerto Rico House Then Overrode. “The American Civil Liberties Union applauds the decision of Puerto Rico Governor Ricardo Rosselló to veto Senate Bill 950. The House voted to override the veto, and the Senate is now considering the same. The bill, if enacted into law, would unconstitutionally restrict the reproductive rights of women in Puerto Rico, particularly young women, and deny them the ability to make important personal decisions for themselves.” [\[ACLU, 3/27/19\]](#)

2019: Mississippi Governor Phil Bryant Signed Legislation Outlawing Most Abortions After A Fetal Heartbeat Is Detected. [\[PBS, 3/21/19\]](#)

2019: Kentucky Governor Matt Bevin Signed “Fetal Heartbeat” Legislation, Which Was Quickly Blocked By A Federal Judge As Potentially Unconstitutional. [\[The New York Times, 3/16/19\]](#)

2019: Arkansas Governor Asa Hutchinson Signed Legislation Banning Most Abortions After 18 Weeks. [\[AP, 3/15/19\]](#)

2019: Georgia Governor Brian Kemp Endorsed A “Trigger Law” Banning Abortions. Kemp called for Georgia lawmakers to pass a “trigger law” “that would ban almost all abortions in the state if the U.S. Supreme Court’s Roe v. Wade decision is overturned.” [\[Atlanta Journal-Constitution, 2/28/19\]](#)

2019: Illinois Governor JB Pritzker Signs Executive Order Stipulating the State Must Provide Taxpayer-Funded Abortions to Employees and Medicaid Recipients. [\[LiveAction, 1/24/19\]](#)

2018: South Carolina Governor Henry McMaster Vetoes \$15.7 Million From Budget over Funding for Abortion Providers. [\[CBS News, 7/8/18\]](#)

2017: South Carolina Governor Henry McMaster Issues Executive Order Cutting Off State, Local Funding From Abortion Clinics. [\[Post and Courier, 8/25/17\]](#)

State Legislature

Introduces, debates, and votes on legislation relating to reproductive freedom. State legislatures can advance abortion access and affordability, address maternal mortality, require sexual education in public schools, and provide reproductive health services and funding. Conversely, state legislatures can pass legislation to end or severely restrict reproductive freedom—including trigger bans; 6-week bans, complete abortion bans; clinic funding limits and restrictions; restrictions on insurance coverage; parental involvement requirements; ultrasound requirements; counseling and waiting period requirements and bans on specific abortion methods. State legislatures can also pass resolutions supporting or criticizing federal policy on abortion, as well as urging Congress to support or oppose federal legislation.

EXAMPLES IN ACTION

2019: Abortion Bans: 9 States Have Passed Bills to Limit the Procedure This Year. “Louisiana...passed a bill to ban abortions after a fetal heartbeat is detected, making the state the ninth this year to pass abortion restrictions that could challenge the constitutional right established in *Roe v. Wade*...Alabama legislators voted to ban abortions in nearly all cases....Georgia, Kentucky, Louisiana, Missouri, Mississippi and Ohio stopped short of outright bans, instead passing so-called heartbeat bills that effectively prohibit abortions after six to eight weeks of pregnancy, when doctors can usually start detecting a fetal heartbeat. Utah and Arkansas voted to limit the procedure to the middle of the second trimester.” [\[New York Times, 5/29/19\]](#)



#VOTEPROCHOICE Endorsed Candidate and Georgia State Senator, Jen Jordan, voting no on House Bill 481, a bill that would ban most abortions about six weeks into a pregnancy. Photo Credit: @senatorjen/Twitter

2019: Tennessee Lawmakers Push for Total Abortion Ban. “Lawmakers held a round of specially convened hearings to discuss legislation that would ban abortion procedures as early as 6 weeks in pregnancy (a so-called “heartbeat” bill), despite the fact that similar laws have been blocked by courts repeatedly.” [\[Refinery29, 9/14/19\]](#)

2019: The Alabama House Of Representatives Passed Legislation To Criminalize All Abortions, Even In Cases Of Rape Or Incest. [\[ACLU, 4/17/19\]](#)

2019: More Than 250 Bills Restricting Abortion Were Filed In 41 States. “More than 250 bills restricting abortions have been filed in 41 states this year, according to the Guttmacher Institute, a reproductive rights research and advocacy group.” [\[Kaiser Health News, 4/16/19\]](#)

2019: Republican Legislatures In At Least Nine States Pushed Bills Attempting To Link Democrats To “Infanticide.” “Republican legislators across the country are rallying behind President Donald Trump’s efforts to link Democrats with ‘infanticide,’ daring Democratic governors to veto “born alive” bills animating the party’s base before the 2020 elections. Bills approved by GOP-run legislatures in Montana and North Carolina this week would penalize health care providers for failing to care for an infant who survives an abortion attempt. The measures, which are also winding through legislatures in Texas and elsewhere, are being pushed by anti-abortion groups that quickly seized on bills in New York and Virginia aimed at loosening restrictions on third-trimester abortions.” [\[Politico, 4/20/19\]](#)

2019: Four Democratic-led States Enact new Laws Affirming Right to Abortion. “Four Democratic-led states — Illinois, New York, Rhode Island and Vermont — enacted new laws affirming a woman’s fundamental right to abortion. Those laws were intended to signal the state’s intent to defend a woman’s right to abortion if *Roe v. Wade* is overturned... while making it harder for politicians to diminish those rights.” [\[Pew, 7/30/19\]](#)

2019: The Utah Legislature Passed a Bill Banning Most Abortions After 18 Weeks. [\[The Spectrum, 3/15/19\]](#)

2019: House of Representatives Passes Legislation Requiring Students Learn Sex-Ed. “House Bill 1032 adds the requirements that students learn about consent, what it means to be in a healthy relationship and a state law that lets any mother leave a newborn at fire stations. It also creates a \$1 million grant program for schools that want to teach sex ed but lack money for it.” [\[Denver Post, 5/31/19\]](#)

2019: 41 states have tried to pass abortion restrictions this year, as Georgia votes on a new ban: [\[ABC News, 3/28/19\]](#)

2019: How Gerrymandering Leads to Radical Abortion Laws
Georgia’s “fetal heartbeat” bill never would have passed if the state legislature truly reflected the voters’ political preferences. [\[New Republic, 5/14/19\]](#)

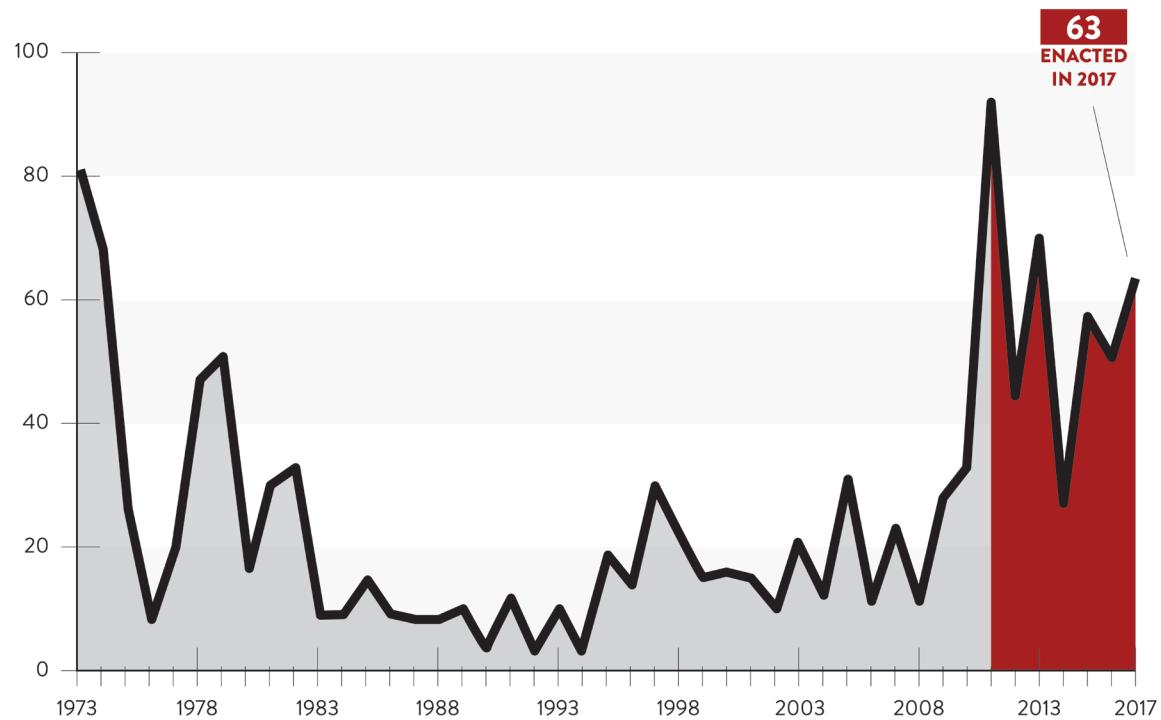
2019: A Texas bill would make it possible to put women to death for having abortions. [\[Washington Post, 4/10/19\]](#)

2019: Changing abortion rights: How Illinois’ new law compares with what other states are doing. “The Illinois legislature passed the Reproductive Health Act, which repeals the Illinois Abortion Law of 1975 and its provisions that called for spousal consent, waiting periods, criminal penalties for physicians who perform abortions and other restrictions on facilities where abortions are performed. The bill establishes “the fundamental right” of a pregnant woman to have an abortion and states that “a fertilized egg, embryo, or fetus does not have independent rights.” [\[Chicago Tribune, 6/5/19\]](#)

2019: Here’s Why The Anti-Abortion Movement Is Escalating-The push for these laws didn’t come out of nowhere. They’re part of an aggressive new strategy in the legal fight over abortion, which has escalated since Republican lawmakers swept state legislatures in 2010. Because of these efforts, it’s already more difficult to get an abortion in some parts of the country than it was a decade ago.

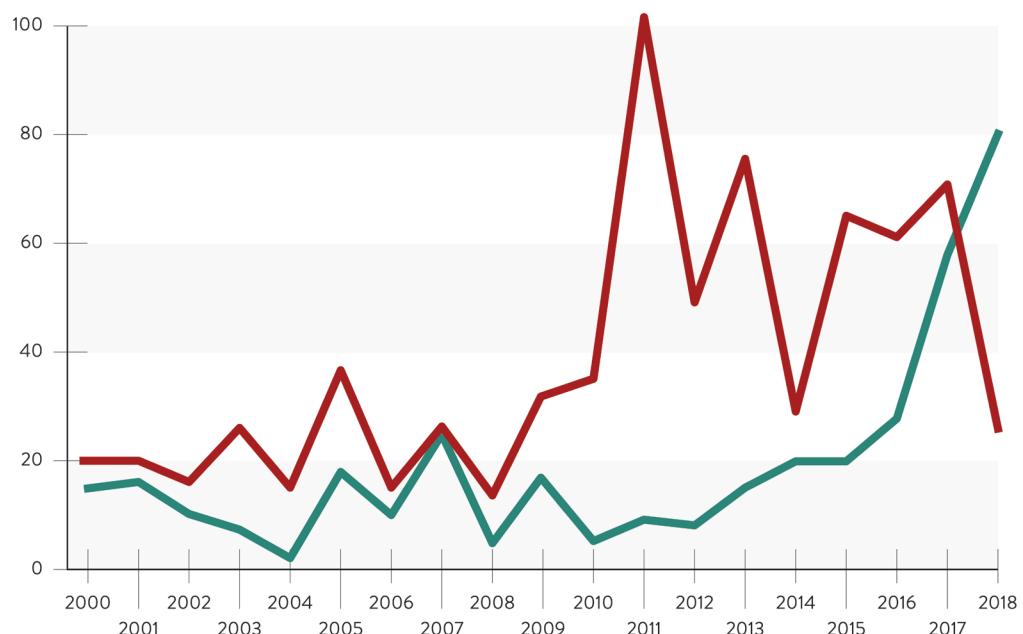
[\[FiveThirtyEight, 5/21/19\]](#)

ONE-THIRD of the 1,193 state abortion restrictions since Roe v. Wade have been enacted in the past SEVEN YEARS



SOURCE: "Trends in State Abortion Restrictions, 2017" Guttmacher Institute, 2018

**For the first time in nearly two decades,
state policies enacted to support reproductive
health **FAR OUTWEIGHED** the restrictions**



ENACTED REPRODUCTION HEALTH RESTRICTIONS

SOURCE: "State Policy Trends 2018: With *Roe v. Wade* in Jeopardy, States Continued to Add New Abortion Restrictions" Guttmacher Institute, 2019

ENACTED PROACTIVE POLICIES

**Voters are recognizing the importance
of **VOTING DOWN BALLOT****

Attorney General

As the state's top law enforcer, tasked with enforcing state laws — including abortion-related laws. Attorney General can choose to defend and prosecute those who break state laws—including parental notification, waiting period requirements, and more. Attorneys General can also decide not to enforce, or to bring suit against, state policies they find unconstitutional—for example, refusing to charge doctors, nurses and health care providers who assist in abortions with criminal liability under state statutes. Additionally, Attorneys General can join together to file amicus briefs in defense of reproductive services, abortion access and healthcare protections in other state courts, as well as in federal court. Attorneys General can also decide whether to appeal convictions—including convictions relating to abortions deemed illegal by the state.

EXAMPLES IN ACTION

2019: Attorney General Ford joined Attorneys General In Pennsylvania, New Jersey, And California In A Lawsuit Against The Trump Administration's Plan To End Affordable Care Act Birth Control Coverage. [[Rewire News, 4/17/19](#)]

2019: 12 Attorneys General Won't Criminalize Abortion No Matter What Bans Pass. "What brings us together is our view that as prosecutors we should not and will not criminalize healthcare decisions such as these—and we believe it is our obligation as elected prosecutors charged with protecting the health and safety of all members of our community to make our views clear." [[Bustle, 6/7/19](#)]

2019: Attorneys General In Michigan And New Mexico Pledged Not To Prosecute Any Anti-Abortion Cases In The Event That *Roe v. Wade* Is Overturned At The National Level. “Attorneys general in Michigan and New Mexico are pledging not to prosecute pregnant people or providers should *Roe v. Wade* be overturned. Both states would criminalize abortion in the event that the Supreme Court landmark decision is overturned—making these statements all the more powerful...The authority of the attorney general widely varies from state to state. In Michigan, for example, the office of the attorney general can intervene in a criminal case, which could include abortion-related cases in a post-*Roe* world.” [\[ThinkProgress, 4/17/19\]](#)

2019: Nevada Attorney General Aaron Ford Explained Why He Was Joining A Lawsuit With 19 Other Attorneys General Against Kentucky’s “Fetal Heartbeat Bill.” “As a newly elected Democratic attorney general, I have seen how my colleagues and fellow Democratic AGs act as the “people’s lawyer” to protect their states and the issues that matter to their communities. That is why earlier this month I filed a “friend of the court” brief with the Sixth Circuit Court of Appeals, in support of last year’s ruling by U.S. District Judge Greg Stivers in *EMW Women’s Surgical Center v. Meierthat* found Kentucky’s law unconstitutional... My Democratic attorney general colleagues agreed, and 19 of them joined me in support of our amicus brief.” [\[Rewire News, 4/17/19\]](#)

2019: 20 Democratic Attorneys General United In Opposition To The Trump Administration’s Title IX “Domestic Gag Rule.” [\[Rewire News, 4/17/19\]](#)

2019: 21 Democratic Attorneys General Filed A Brief To Oppose The Trump Administration’s Abstinence-Only Education Plan. “Twenty-one Democratic attorneys general are backing Planned Parenthood in its bid to revive a lawsuit challenging the Trump administration’s restructuring of a federal teen pregnancy prevention program. The attorneys general in a brief filed with the 9th U.S. Circuit Court of Appeals on Monday argued the Department of Health and Human Services illegally changed how grants are awarded through the Teen Pregnancy Prevention Program by shifting it away from its Congressional mandate of funding effective, evidence-based programs toward abstinence-only education.” [\[Reuters, 3/20/19\]](#)

2017: Tennessee’s Republican Attorney General Warned Conservative Legislators That A “Fetal Heartbeat” Bill Would Be Hard To Defend Legally. “In one of several signs of trouble for the idea, Tennessee’s attorney general says a proposed ban on abortions once a heartbeat can be detected is ‘constitutionally suspect.’ The proposal was debated this week in the state legislature.” [\[Nashville Public Radio, 3/2/17\]](#)



New York State Attorney General, Letitia James.
Photo Credit, Drew Angerer/Getty Images

2019: Michigan's New Democratic Attorney General Withdrew The State From Four Abortion-Related Federal Cases Brought By Her Republican Predecessor. "Nessel announced Thursday she is withdrawing Michigan from eight federal cases....Four cases regard women's rights to an abortion. Two of them have been marked by Planned Parenthood as potential challenges to the landmark *Roe v. Wade* abortion rights case -- Pre-Term *Cleveland v. Himes* and *Garza v. Azar*. Pre-Term *Cleveland v. Himes* challenges an Ohio law that allows a doctor to ban abortion if they suspect a fetus has Down syndrome. *Garza v. Azar* is a class-action case filed by the ACLU against the federal government after pregnant, unauthorized immigrant minors were initially prevented from getting abortions while in the care of the Office of Refugee Resettlement." [\[MLive, 1/31/19\]](#)

2019: New York Attorney General Underwood Leads New Amicus Brief Opposing Efforts To Defund Planned Parenthood. [\[NY.Gov, 10/6/18\]](#)
2018: 20 Democratic Attorneys General Led The Opposition To A Trump Administration "Refusal Law" Allowing Medical Workers To Refuse Abortion Or Birth Control Services Based On Their Personal Beliefs. "Earlier this year, the Trump-Pence administration proposed a measure to empower medical workers to deny people access to health care services including abortion, birth control, and HIV treatment—based on the worker's personal beliefs. These so-called "refusal laws" mean communities that already face discrimination when accessing health care—like LGBTQ people, women, and people of color—could face even more barriers. Attorneys general aren't having it. A team of 20 attorney generals is leading opposition to the discriminatory measure." [\[Planned Parenthood, 5/4/18\]](#)

2015: Montana Attorney General Tim Fox Vowed To Use His Office To Defend The State's Parental Notification Law Against A Planned Parenthood Suit. “Attorney General Tim Fox released the following statement in response to today’s ruling from the Montana Supreme Court in Planned Parenthood’s lawsuit against the State of Montana. ‘I am pleased with the Montana Supreme Court’s decision. More than 70% of Montana voters and a majority of legislators enacted the parental notification and parental consent laws. The will of the people has been made clear. Today’s ruling means we can move forward in vigorously defending the fundamental rights of parents to be involved in the decisions their children face.’” [\[Montana Department Of Justice, 2/3/15\]](#)



Michigan Attorney General, Dana Nelson.
Photo Credit: Junfu Han, Detroit Free Press

2016: Indiana Attorney General Greg Zoeller Decided Not To Appeal A Court Ruling Overturning Purvi Patel’s 2015 Feticide Conviction. “The attorney for an Indiana woman whose feticide conviction for a self-induced abortion was overturned said Tuesday he’s pleased the state’s attorney general decided not to appeal that ruling and hopes she’s freed soon from prison. A deadline for the attorney general’s office to ask the Indiana Supreme Court to take up the state Court of Appeals ruling that reversed Purvi Patel’s feticide conviction passed Monday without such a request... In a statement, Attorney General Greg Zoeller said the state decided not to seek a rehearing before the appeals court or ask Indiana’s high court to consider the case ‘after carefully reviewing’ the ruling and consulting with local prosecutors. He said they ‘concluded that further appeal would not be productive and that resolving the case now will serve the interests of justice.’” [\[NBC News, 8/24/16\]](#)

Lieutenant Governor

Typically the presiding officer of the State Senate, where abortion legislation is introduced, debated, and voted on. A position that offers a large public platform, Lieutenant Governors regularly advocate for or against choice-related bills.

EXAMPLES IN ACTION

2018: Texas Lieutenant Governor Dan Patrick Used His Platform To Blame Legal Abortions For Mass School Shootings. “Texas Lt. Gov. Dan Patrick on Sunday said school shootings aren’t happening because of an issue with guns. Rather, he blamed the tragedies on a litany of other reasons, including abortions and violent video games....” We have 50 million abortions. We have families that are broken apart, no fathers at home. We have incredible heinous violence as a [video] game, two hours a day in front of their eyes. And we stand here and we wonder why this happens to certain students.”” [\[CNN, 5/20/18\]](#)

2018: Nebraska GOP Takes Trump’s Lead, Seeks to Deny Funds to Family Planning Centers: The Nebraska GOP plan to deny Title X funds to health centers that perform, counsel about, or refer for abortion services would harm family planning health centers in the state, potentially setting them up to violate federal law. [\[Rewire, 3/23/18\]](#)

Treasurer

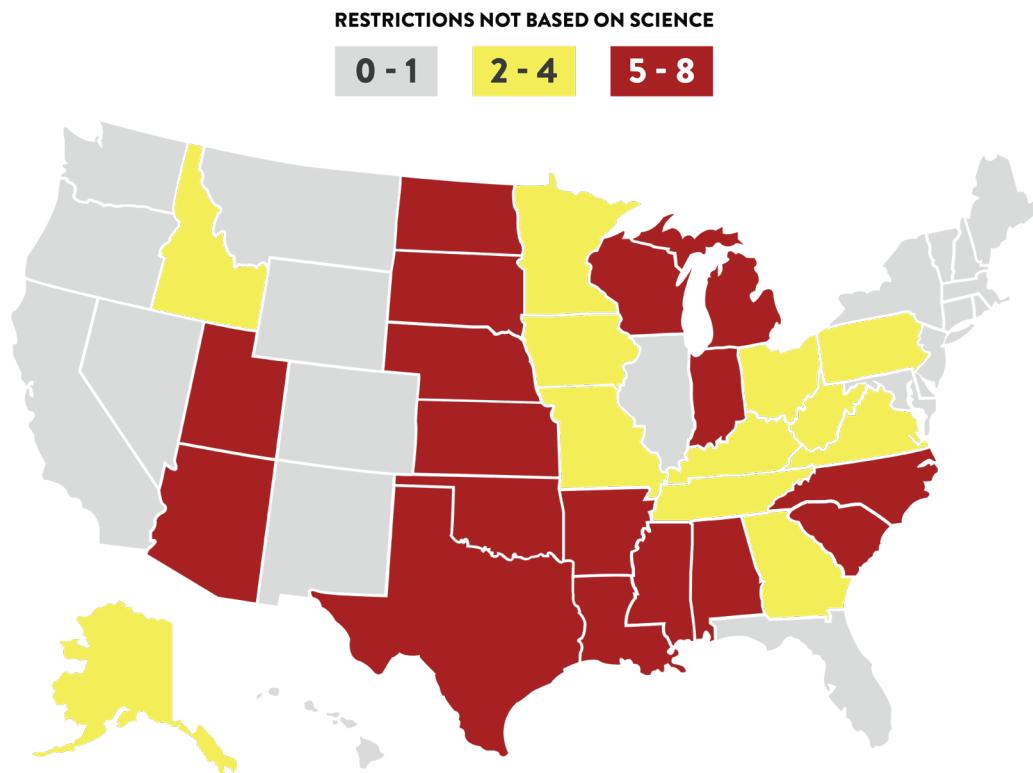
Manages the financial balance sheet of the state, including how funds are allocated, and whether those funds go to organizations that support or oppose reproductive rights or abortion access directly in the state. This includes ensuring that Crisis Pregnancy Centers do not receive funding from the state.

EXAMPLES IN ACTION

2018: California State Treasurer John Chiang Reassured His State That His Office Would Still Support Medical Clinics In The Face Of Proposed Trump Administration Title X Cuts. “In response to threats by the Trump Administration to adopt a proposed rule change that would cut funding to community health care clinics, Treasurer John Chiang is reminding California health clinics that emergency “Lifeline” grants are available to help impacted clinics keep their doors open a little while longer with the objective of buying them time to secure a permanent source of replacement funding. The Treasurer is sending the following letter to impacted clinics, including Planned Parenthood: As State Treasurer and Chair of the California Health Facilities Financing Authority (CHFFA), I wanted to assure you that my office will stand with you in opposing the Trump Administration’s proposed rule to bar access to critical federal funding provided by Title X for family planning and women’s reproductive health services.” [\[California State Treasurer Press Release, 5/25/18\]](#)

2019: Kansas State Treasurer Jake LaTurner Blasted His State Supreme Court’s Ruling Protecting The Constitutional Right To Choose, Calling The Decision “An Abomination.” “The Kansas Supreme Court on Friday blocked a law that would have banned the most commonly used procedure for second-trimester abortions, arguing that the state Constitution protected the right of women to ‘decide whether to continue a pregnancy.’ ... The state treasurer, Jake LaTurner, a Republican, issued his own statement calling the decision “an abomination” that marked ‘one of the darkest days in our state’s history.’ He urged people to ‘continue to work taking our state back from these unelected, liberal judges who do not represent the will of the people of Kansas.’” [\[The New York Times, 4/26/19\]](#)

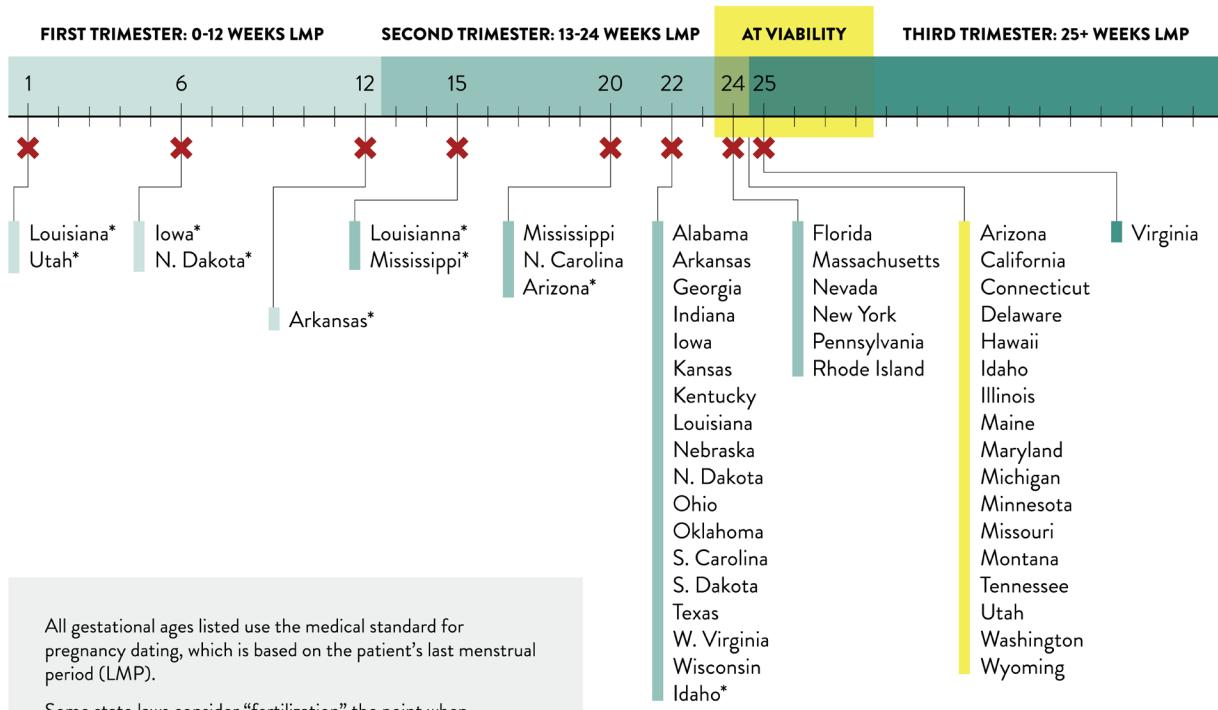
**29 states have enacted at least
two abortion restrictions that are
NOT BASED on scientific evidence**



SOURCE: "Trends in State Abortion Restrictions, 2017" Guttmacher Institute, 2018

STATE ABORTION BANS

by gestational age



All gestational ages listed use the medical standard for pregnancy dating, which is based on the patient's last menstrual period (LMP).

Some state laws consider "fertilization" the point when pregnancy begins; it is two weeks before LMP. As a result, a ban at 20 weeks postfertilization equates to a ban at 22 weeks LMP.

Viability is a medical determination based on whether a fetus can survive outside the womb. This point varies by pregnancy; a fetus generally reaches viability between 24 and 28 weeks.

*Ban not in effect due to ongoing or resolved litigation.

SOURCE: "State Policy Trends 2018: With Roe v. Wade in Jeopardy, States Continued to Add New Abortion Restrictions" Guttmacher Institute, 2019

Secretary of State

Oversees and certifies statewide electoral results, including ballot initiatives on reproductive freedom. Crafts and upholds policies impacting voter eligibility (people most impacted by restrictions on voting rights are the very same people most affected by anti-abortion laws—people of color, low-income individuals, the LGBTQ community, young people and immigrants). Structural barriers to the ballot—like voter ID laws and proof of citizenship tests—limit people's access to the ballot and their ability to support candidates who champion reproductive freedom.

EXAMPLES IN ACTION

2017: The Alabama Secretary Of State Certified Amendment 2, A State Constitutional Ban On Abortion, For The 2018 Ballot; The State's Voters Then Approved The Amendment. "Alabama Amendment 2 amended the state constitution in order to (a) declare that the state's policy is to recognize and support 'the sanctity of unborn life and the rights of unborn children, including the right to life,' (b) 'ensure the protection of the rights of the unborn child in all manners and measures lawful and appropriate,' and (c) state that 'nothing in this Constitution secures or protects a right to abortion or requires the funding of an abortion.'... With approval in both chambers of the legislature, the measure was certified for the ballot. On April 27, 2017, the measure was delivered to the secretary of state." [\[Ballotpedia, 5/1/19\]](#)

Controller

Advocates for including specific funding provisions in the state budget, which includes family planning funds, funding comprehensive sexual education programs, prenatal education programs, and other reproductive health support services.

EXAMPLES IN ACTION

2018: NARAL Endorsed California State Controller Betty Lee For Fighting To Expand Family Planning Funding And Defending Reproductive Health Care As Controller. “As Controller, she fought to expand funding for family planning in the state budget. She was also a vocal leader in the campaigns against parental involvement initiatives that often endanger the young women they purport to protect.” [[NARAL Pro-Choice America, 6/6/18](#)]



California State Controller, Betty Lee.
Photo Credit: John Walker, jwalker@fresnobee.com

State Auditor

Audit statewide abortion facilities if they receive state funding, reviews state funding of various organizations and state funded programs, some of which are involved with choice-related advocacy campaigns. Auditors can also review state programs that fund training for reproductive healthcare services or health department programs that include information on contraceptives and sexually transmitted diseases. Additionally, a State Auditor can ensure Crisis Pregnancy Centers are not receiving state funds or auditing those funds to ensure compliance. Anti-choice auditors often audit Planned Parenthood and other abortion clinics to see what they're funding tying them up in administrative red-tape.

EXAMPLES IN ACTION

2017: Pennsylvania Auditor General Eugene DePasquale Sought To Review A State Grant For An Anti-Abortion Organization. “Officials will not seek to recover money that an audit concluded was improperly collected by a state-funded anti-abortion group. Real Alternatives is a state-funded nonprofit that contracts with a number of providers statewide to provide counseling and ‘life-affirming pregnancy and parenting support services’ for women from facing unplanned pregnancies. Following an audit by the state Department of Human Services, officials had initially said they would seek to recover some funds from the group related to a 3 percent fee service providers paid to Real Alternatives, but they’ve since reversed themselves....Auditor General Eugene DePasquale had also sought to review these funds, but lost a court battle to be able to do so last year.” [[Pittsburgh Post-Gazette, 3/27/18](#)]

2016: Nebraska Auditor Charlie Janssen Accused Planned Parenthood Of Illegally Using Federal Funds For Abortions, Which The Group Denied. “Nebraska’s state auditor says Planned Parenthood of the Heartland improperly spent federal funds on abortion services in 2015, an allegation the organization denied and characterized as a political attack. A recent report by Nebraska State Auditor Charlie Janssen determined that Planned Parenthood misused at least \$3,500 in public money for physician fees, staff salaries and pathology work related to placental and fetal tissue...Officials with the Des Moines-based affiliate of Planned Parenthood said the disputed funds were in fact privately raised by the organization but said the expenses were ‘miscoded’ as family planning by staff members when filling out reports.” [[Omaha World-Herald, 4/3/16](#)]

2015: Ohio Auditor Dave Yost Launched An Investigation Into Whether Planned Parenthood Was Using Federal Funds For Abortions. “Amid the politically charged debate over whether public funding for Planned Parenthood should be cut off, state Auditor Dave Yost ran a check on the non-profit organization’s use of public money on abortions. Over the last two months, at Yost’s request, employees in the Ohio Department of Medicaid have gathered data on the services Planned Parenthood has provided to Ohio Medicaid patients. No irregularities were found.” [[Cleveland.com, 9/28/15](#)]

Natural Resources/ Agricultural Commissioner

Ensures environmental regulations are in place to protect reproductive health—including clean water, clean air, and healthy communities. This seat is often a leadership pipeline for other statewide offices.

EXAMPLES IN ACTION

2014: South Dakotan Law Stipulated That Department Of Environment And Natural Resources Had The Final Say Over What Was To Be Done With The Remains Of Aborted Fetal Tissue. “South Dakota stipulates that ‘any hospital, clinic or medical facility in which abortions are induced or occur spontaneously or accidentally ... shall arrange for the disposal of the remains by cremation, interment by burial or by incineration in a medical waste incinerator approved by the Department of Environment and Natural Resources.’ And because many states and cities now use waste as an eco-friendly source of energy, medical waste (including body parts and fetal remains) is combined with household garbage and other types of waste to create heat or electricity.” [[Live Science, 4/25/14](#)]

2018: Florida Republican Agricultural Commissioner, Adam Putnam vows to sign abortion-ban law if elected governor of the state: “I will always pursue a pro-life agenda here in Florida as Florida’s next governor,” Putnam said. [[Politico, 06/28/2018](#)]

2019: 10News discusses abortion with Florida Democrat State Agriculture Commissioner, Nikki Fried. Fried says she doesn’t want Florida to reverse Roe v. Wade and is willing to bus protesters to Tallahassee to demonstrate against its repeal. [[Tallahassee 10News, 7/19/19](#)]

Insurance Commissioner

Oversees statewide insurance coverage, which includes plans covering abortion or birth control. Expands or limits insurance coverage for contraceptive methods and out-of-pocket costs.

EXAMPLES IN ACTION

2019: California Insurance Commissioner Dave Jones Blasted A Trump Administration Attempt To Remove Abortion Access From Affordable Care Act Plans. “California Insurance Commissioner Dave Jones sent a letter to the U.S. Department of Health and Human Services today in strong opposition to proposed rulemaking ‘Patient Protection and Affordable Care Act; Exchange Program Integrity.’... In part, Commissioner Jones’ letter reads: ‘Californians have an inalienable right to privacy secured by the California Constitution, and that right includes the right to choose whether to bear a child or choose to obtain an abortion. The State of California is forbidden from denying or interfering with someone exercising that right.’” [[California Department of Insurance press release, 1/4/19](#)]



California Insurance Commissioner, Dave Jones.
Photo Credit: Paul Wellman, The Santa Barbara Independent

Superintendent Of Schools/Instruction

Influences sexual education programming, including around abortion, choice, and contraceptive methods. Often influence statewide standards for charter schools and home-schooling program sex-ed requirements.

EXAMPLES IN ACTION

2018: California Democratic Candidate Tony Thurmond Won The State Superintendent Of Instruction Campaign Vowing To Support Comprehensive Sex Education And School-Provided Reproductive Resources. “NARAL Pro-Choice California Privacy PAC today announced its endorsement of Eleni Kounalakis for Lt. Governor of California and Tony Thurmond for Superintendent of Schools. NARAL Pro-Choice California is endorsing these candidates because of their commitment to championing reproductive freedom for all women in the state....‘As Superintendent of Public Instruction, I will advocate for the best reproductive health benefits for public employees, for comprehensive sex ed in all public schools, and for greater investment in school-based health services,’ said Thurmond. ‘Reproductive freedom is a foundation for educational success and I will work closely with NARAL on these initiatives.’” [\[NARAL Pro-Choice California, 2/22/18\]](#)

2014: Oklahoma Republican Superintendent Of Instruction Janet Barresi Campaigned On Her Record Of Refusing Obama Administration Funding To “Teach Graphic Sex Education In Our Classrooms.” “Superintendent Janet Barresi has been fighting Obama’s administration from Day 1,” she said. “Early in her administration she testified to Congress to get out of our business. She rejected federal money that was to be used to teach graphic sex education in our classrooms, and she rejected the federal government’s demand for duplicative testing.” [\[Tulsa World, 6/8/14\]](#)

Public Service Commissioner

Has the authority to send settlement funds procured from utility companies to separate charitable entities, which can include anti-choice organizations.

EXAMPLES IN ACTION

2013: The Georgia Public Service Commission Had To Be Blocked By The State Attorney General From Sending Utility Company Settlement Money To An Anti-Abortion Charity. “Two state utility regulators backed away Thursday from a proposal to send a \$10,000 settlement from a telephone company to an anti-abortion Christian charity to which they’re connected. The decision by Public Service Commission members Doug Everett and Tim Echols came after Attorney General Sam Olens’ office told them such use of the money would be improper. The PSC in the past has sent money paid by companies to settle regulatory issues to certain charities, often involved in utility assistance efforts.” [[Atlanta Journal-Constitution, 9/5/13](#)]

County Elected Officials

District/County Attorney

Determines which local cases to prosecute, including choice-related cases such as fetal homicide laws, parental notification laws, and attacks on abortion providers.

EXAMPLES IN ACTION

2014: The Alabama Legislature Approved A Bill Requiring The Local District Attorney To Be Notified When A Minor Sought An Abortion, A Measure Struck Down By A Federal Court In 2017. “A federal court Friday struck down portions of a 2014 Alabama state law allowing court-like proceedings when a minor seeks an abortion without parental consent.... In 2014, the Alabama Legislature approved changes to the law that required notification of the local district attorney, allowing the possibility of a trial. The law also allows parents to join the case if they learned about it, and also allowed the court to appoint an attorney to represent the fetus in the case, known as a guardian ad litem (GAL). Unlike the earlier law, the GAL would be a party to the proceeding. In a 54-page opinion, U.S. Magistrate Judge Susan Russ Walker called those changes unprecedented and unconstitutional.” [\[Governing.com, 8/1/17\]](#)

1971: “Jane Roe” Filed Against Dallas County District Attorney Henry Wade For Enforcing Texas’ Abortion Prohibition, Which Led To The U.S. Supreme Court Codifying The Constitutional Right To Choose In Roe V. Wade. [\[CNN, 4/16/19\]](#)

2015: Kenlissa Jones Of Georgia Was Charged With Murder After She Completed A Medical Abortion. The DA, Greg Edwards, Dismissed the Charges. [\[The Guardian, 6/10/15\]](#)

2009: Sedgwick County, KS District Attorney Nola Tedesco Foulston Prosecuted Scott Roeder For The Murder Of Wichita Abortion Provider Dr. George Tiller. [\[Fox News, 8/3/12\]](#)

2019: Queens County District Attorney Richard Brown Dropped An Unlawful Abortion Charge Against A Man Convicted Of Murdering His Pregnant Girlfriend. “As Democrats in New York last month celebrated Gov. Andrew M. Cuomo’s signing of a law expanding abortion rights in the state, anti-abortion campaigners predicted it would eliminate criminal penalties for violence that ends women’s pregnancies. The debate resurfaced over the weekend after the Queens district attorney, Richard A. Brown, cited the Reproductive Health Act as the reason for dropping an abortion charge against a man who the police say fatally stabbed his former girlfriend when she was 14 weeks pregnant.” [[The New York Times, 2/10/19](#)]

2017: Five District Attorneys In The Eight Texas Counties With Abortion Clinics Were Accused Of Refusing To Enforce Challenged Parts Of The Conservative State Attorney General’s Anti-Choice Policies, Which The Attorneys General Disputed. “Because of the politically charged nature of this issue ... not every district attorney is going to want to enforce the pro-life laws of this state...These problems lead to inconsistent enforcement throughout the state and could lead to the creation of ‘safe havens’ where the laws are not being enforced in a particular way.” [[Texas Tribune, 2/4/19](#)]

County Executive

Oversees county resolutions and policy requirements, which can include non-binding affirmations/denials of abortion rights, mandates for county government officials to report on abortion statistics; Sets county employee budgetary and health care policies, including determining what reproductive procedures are covered by insurance plans.

EXAMPLES IN ACTION

2018: Anne Arundel, Maryland County Executive Steve Schuh Supported A County Resolution To Affirm The Personhood Of Unborn Fetuses. "A row of women wearing pink shirts stood in the hot sun Thursday and called on the Anne Arundel County Council to vote against an abortion resolution drafted by chairman Michael Peroutka and supported by County Executive Steve Schuh...Resolution 30-18 requires the county to recognize the humanity and rights of preborn children. It also instructs the county's health officer to report annually on abortions in the county, as well as gather data on the emotional, physiological and physical impact of the procedures." [\[Capital Gazette, 8/30/18\]](#)



Maryland County Executive, Steve Schuh. Photo Credit: Jen Rynda / Capital Gazette File

County Board of Supervisors/Commissioners

Establishes policies and oversee the operations of the county. These representatives vote on resolutions and policies pertaining to a wide array of issues, including local abortion access, and set health insurance coverage plans.

EXAMPLES IN ACTION

2011: The Shelby County, TN County Commission Defunded Planned Parenthood, And Diverted The Money To A Religiously Affiliated Organization. “In 2011, Shelby County defunded Planned Parenthood, which had been the county’s Title X provider for decades and served thousands of clients each year. The County Commission instead granted the Title X contract to the religiously affiliated Christ Community Services, which failed to use nearly half the funding they received that year and saw only a fraction of the patients served by Planned Parenthood. No other local clinics saw an increase in visits, indicating that many people went without any care at all. Although the Obama administration restored funding directly to Planned Parenthood, Christ Community continues to serve as a local Title X provider.” [[NIRH LRFI, 4/24/19](#)]

2017: The Multnomah County, OR Board Of Commissioners, An All-Female Board, And The Nation’s First To Be Comprised Of A Majority Of People Of Color, Unanimously Passed A Resolution “Declaring That Access To Safe, Affordable, And Comprehensive Reproductive Health Services Is A Right.” [[NIRH LRFI, 4/24/19](#)]



Multnomah County Commissioners From left: Chair Deborah Kafoury and Commissioners Sharon Meieran, Jessica Vega Pederson, Lori Stegmann and Loretta Smith. Photo Credit: Multnomah County/Multco.us

Sheriff

Determines whether or not incarcerated people have access to abortion procedures or other reproductive health services like prenatal care and labor practices, how much protection to provide local abortion facilities, and access and availability of menstrual product.

EXAMPLES IN ACTION

2017: A Tennessee Woman Claimed That, While Imprisoned, The Sheriff Denied Her An Abortion And Forced Her To Give Birth. “Kei’Choura Cathey was in jail when she realized she was pregnant. But when she asked the Maury County, Tennessee sheriff’s office to obtain an abortion, she claims in a new lawsuit they denied her on the grounds that her pregnancy was not life-threatening. When she finally left jail, it was too late for her to legally terminate the pregnancy.... Rowland and his department didn’t return The Daily Beast’s request for comment, but he told local outlets that the county treated inmate abortions on a case-by-case basis. “We did not have a specific policy,” Maury County Sheriff Bucky Rowland told Columbia, Tennessee’s News Channel 5. ‘Tennessee Corrections does not have a specific policy. It’s really a gray area.’” [\[The Daily Beast, 1/12/17\]](#)

2016: Los Angeles County, Through The Sheriff’s Department, Funded Access To Contraception And Abortion Care For Incarcerated Women. [\[NIRH LRFI, 4/24/19\]](#)



Maury County Tennessee Sheriff, Bucky Rowland
Photo Credit: George Walker IV / The Tennessean

Clerk Of The Court

Provides application forms in some states for minors to request abortion procedures; Issues judicial bypasses allowing a minor to get an abortion without the notification or consent of her parents; Maintains records of county abortion procedures.

EXAMPLES IN ACTION

2001: Minors Seeking Abortion Procedures In Arizona Were Required To File An Application At Their County Clerk Of The Court's Office. "In order to obtain permission for an abortion from a judge, you must visit the Superior Court in the county where you live and file an application (also known as a petition) at the Clerk of the Court's Office. You will then meet in private with a clerk who is specifically trained in this process. Once you have completed the application, the clerk can assign a lawyer who will represent you at no charge. The clerk will then take your application to the judge, who may hear your case right away. If that is not possible, a notice of a hearing will be given to you. It will tell you the time and day of your hearing." [\[Planned Parenthood, 4/29/19\]](#)

2014: Will the Parental Notice of Abortion Act help or hurt young women? In 2007 the ACLU of Missouri had interns call county clerk's offices in the state to assess how helpful they were in giving information about the judicial bypass process for minors. "The plan was to identify the counties that were really a problem," Rother says. "What we didn't anticipate was that it wasn't just some counties that were failing, it was the entire system." Not only were the people who answered the phones at the courts generally unfamiliar with judicial bypass, many denied it existed altogether (one even "spoke to the judge and he's never heard of that"). Several respondents told callers that abortion wasn't legal in Missouri. [\[Chicago Reader, 4/28/14\]](#)

County Coroner

Investigates the causes and motives of local deaths, which can include potentially unsafe, illicit, and self-induced abortions or maternal/fetal deaths.

EXAMPLES IN ACTION

2015: Purvi Patel, An Indiana Woman, Was Convicted Of Feticide For Inducing Her Own Abortion, The First Feticide Conviction In The United States, After An Investigation Surrounding The Circumstances Of Her Terminated Pregnancy. “Patel, who is unmarried, was hiding her pregnancy from her devout Hindu parents in 2013 when she purchased abortion-inducing drugs from an online pharmacy. The pills caused her to miscarry, and on 13 July Patel arrived with heavy bleeding at the St Joseph’s regional medical center. She required emergency surgery to remove the placenta. At first, Patel denied to doctors that she had been pregnant. She soon told them that she had given birth to a stillborn, which she tried to resuscitate, and placed the body in a dumpster. Doctors at the hospital called the police. Investigators eventually found the remains, and St Joseph County prosecutors charged Patel with the two felony counts. She was arrested in late July 2013.” [\[The Guardian, 7/22/16\]](#)

2019: The Illinois General Assembly, In Its Compiled Statutes Listing Of Counties Code, Established The Responsibility Of County Coroners To Investigate Any Abortion-Related Deaths. “Every coroner, whenever, as soon as he knows or is informed that the dead body of any person is found, or lying within his county, whose death is suspected of being: ... A maternal or fetal death due to an abortion, or any death due to a sex crime or a crime against nature;” [\[ILCS, 4/24/19\]](#)

County Auditor

Similar to state auditor, audits county abortion facilities, reviews the funding of various organizations and programs, some of which are involved with choice-related advocacy campaigns. Anti-choice auditors often audit abortion clinics to review their funding, tying clinics up in administrative red-tape.

EXAMPLES IN ACTION

2018: St. Joseph County, Indiana Auditor Mike Hamann Spoke On Behalf Of An Anti-Abortion Group Seeking Zoning Approval To Set Up Next To An Abortion Clinic, Lobbying City Council Members Behind The Scenes To Allow The Organization To Proceed. “An anti-abortion rights group hoping to open a new office next to a proposed abortion clinic has warned city leaders that if they don’t grant its rezoning request, a ‘more confrontational’ group might take its place. Women’s Care Center wants the South Bend Common Council on Monday to override Mayor Pete Buttigieg’s veto of a rezoning needed to open a new location at 3527 Lincoln Way W. Texas-based Whole Woman’s Health Alliance has applied for a state license to provide nonsurgical abortions next door to the site, an application that came before the Women’s Care Center bought its property.” [[South Bend Tribune, 5/12/18](#)]

2018: A Cincinnati Couple’s Years-Long Anti-Abortion Campaign Strategy Was Profiled, Including Their Efforts To Elect Anti-Choice Candidates “From President Of The United States To County Auditor.” “Faith. Country. Media. Politics. All pillars of a movement the Willkes helped build more than 50 years ago at their kitchen table in Cincinnati, where they stuffed envelopes, wrote speeches and hashed out a strategy to abolish abortion in America.... The organization began publishing “pro-life ballots” to endorse candidates up and down the ballot, from President of the United States to county auditor.” [[Cincinnati.com, 11/24/18](#)]

CITY ELECTED OFFICIALS

Mayor

Provides or limits funding and coverage for reproductive healthcare and family planning. Can champion or oppose policies that support individuals' abilities to lead healthy lives, including sex-ed courses in public schools, paid family leave, municipal health insurance that covers reproductive healthcare. Uses bully pulpit to take a stand on reproductive freedom issues on the local, state and federal levels. Can approve or veto City Council legislation on issues relating to reproductive freedom, including abortion clinic zoning, city employee reproductive health coverage, allow or ban so-called "crisis pregnancy centers" which have used false advertising to influence pregnant women, and more.

EXAMPLES IN ACTION

2019: Chicago Mayor-Elect Lori Lightfoot Campaigned Against The City's Providing Of TIF Funds To Religiously-Affiliated Healthcare Organizations That Do Not Provide Reproductive Health Choices. "City tax dollars should not go to religious organizations that provide health care services that do not provide comprehensive reproductive health care services. I opposed the city's decision to give TIF dollars to Presence Health for a number of reasons, including Presence's failure to provide reproductive health services. If any future TIF dollars go to healthcare related organizations, then those organizations must make a commitment to provide reproductive services." [\[ACLU Illinois Questionnaire, 4/28/19\]](#)

2018: 80 Mayors Nationwide Oppose Trump Administration's Domestic Gag Rule. "80 mayors across the nation released an open letter to the Trump-Pence administration opposing the dangerous domestic gag rule. Trump's nationwide gag rule, released in late May, makes it illegal for doctors, nurses, hospitals, community health centers, and any other provider in the Title X program to tell patients how they can safely and legally access abortion." [\[Planned Parenthood, 6/5/18\]](#)

2018: South Bend, Indiana Mayor Pete Buttigieg Vetoed A City Council Rezoning To Allow An Abortion Facility And An Anti-Abortion Counseling Center To Be Developed Next To Each Other. "After WWA began trying to obtain a license for its South Bend clinic, the group Women's Care Center, which operates anti-abortion pregnancy counseling centers near abortion clinics, applied for an exception to South Bend zoning rules to open a facility next door (the rezoning was needed because the location was zoned for residential use)... The South Bend Common Council voted in favor of the rezoning, but last April, Buttigieg vetoed their ruling." [\[Vox, 3/27/19\]](#)



South Bend, Indiana Mayor, Pete Buttigieg.
Photo Credit: Robert Franklin
South Bend Tribune /AP

2018: Washington, DC Mayor Muriel Bowser Defended Her City's Policy Of Funding Abortion Services For Low-Income Women Against An Attempted Override By The Federal Government. "District of Columbia politicians want Congress to stop trying to take control of local laws. D.C. Del. Eleanor Holmes Norton and Mayor Muriel Bowser held a press conference Wednesday to speak out against legislative policy riders in this year's Washington budget. 'We want Congress to keep their hands off the things that matter to our residents,' Bowser said." [\[Roll Call, 5/2/18\]](#)

2017: Omaha, NE Mayoral Candidate Heath Mello Sparked A National Democratic Party Divide On The Importance Of Reproductive Choice As A Political

Issue When He Campaigned As A "Pro-Life" Democrat. "Democrat Heath Mello has lost his race for Omaha mayor after the anti-abortion, former state senator became a flashpoint for the internal party battle whether differing views should be allowed on reproductive rights. Moderate Democrats had cast the 37-year-old, Catholic Mello as an independent, next-generation Democrat who can win



Chicago Mayor, Lori Lightfoot. Photo Credit: Kamil Krzaczynski/AFP/
Getty Images

a top executive office in GOP-heavy Nebraska. He lost Tuesday to first-term incumbent Mayor Jean Stothert, a 63-year-old Republican former nurse and Omaha city council member. Last month, the midsized municipal race leapt into the national political conversation when the Democratic National Committee added Omaha to its series of rallies around the country in states carried by Republican Donald Trump in the 2016 presidential election. An abortion rights group assailed the party's endorsement of Mello.” [\[AP, 5/9/17\]](#)

2017: San Francisco Mayor Ed Lee Joins National Institute for Reproductive Health to launch Local Repro Index and Celebrate San Francisco as One of the Most Prochoice Cities in America. [\[SF-GOV-TV, 10/8/17\]](#)

2011: Then-New York City Mayor Michael Bloomberg Signed A Bill Targeting “Crisis Pregnancy Centers” In NYC. “Mayor Bloomberg signed a controversial bill targeting “crisis pregnancy centers” Wednesday — but not until anti-abortion activists got their say.... The newly signed bill requires pregnancy service centers to disclose whether they provide abortions or if they refer clients to a medical facility that can provide them. Supporters say centers run by anti-abortion advocates sometimes mislead pregnant women about how far along their pregnancies are in order to discourage them from having an abortion.” [\[WNYC, 3/16/19\]](#)

City Council Board Of Alderman

Votes on local zoning issues, which are increasingly used as a venue for anti-choice Councils to rezone abortion clinics out of existence; votes on resolutions supporting or condemning abortion rights; can pass resolutions to increase protection for crisis pregnancy centers.

EXAMPLES IN ACTION

2019: Texas City Council Unanimously Votes to Ban Abortions. “The city council of a small town in Texas voted unanimously on Tuesday to ban abortions within city limits, declaring itself a “sanctuary city of the unborn.” [\[The Hill, 6/12/19\]](#)

2016: The Philadelphia City Council Unanimously Passed A Resolution Condemning The Hyde Amendment’s Prohibition Of Federally-Funded Abortion Coverage, And Calling For Passage Of The EACH Woman Act. [\[NIRH LRFI, 4/24/19\]](#)



Waskom, TX City Council voting to ban abortions within city limits.
Photo Credit: KTAL/KMSS

2019: The Mt. Juliet, TN City Council Pushed Out An Abortion Clinic With Rezoning Policies, While The Lebanon, TN City Council Looked At A Similar Anti-Choice Tactic. “Last month, city council officials in Mt. Juliet, Tennessee, rezoned surgical abortion clinics to industrial zones rather than commercial, pushing out a clinic that had opened a few days prior. And this month, in Lebanon, Tennessee, the city council is pushing a zoning scheme that would erode access to abortion services. Using zoning rules and regulations to hinder access to abortion services is nothing new, but it’s picked up momentum as an anti-choice strategy in recent years as reproductive rights foes use every available tactic to make abortion inaccessible. Since 2013, nine cases of cities using local zoning ordinances in attempts to shutter abortion clinics have been reported, many tracked by the National Institute of Reproductive Health (NIRH), a leading reproductive rights organization.” [[Rewire News, 4/18/19](#)]

2017: The St. Louis, MO Board Of Alderman Passed The Reproductive Health and Pregnancy Nondiscrimination Ordinance. “Passed despite organized opposition from the state government and from the Catholic Archdiocese, this measure protects St. Louis residents from discrimination based on their personal decisions to raise a family or access reproductive health care, including abortion.” [[NIRH LRFI, 4/24/19](#)]

2016: The Columbus, OH City Council Unanimously Enacted An Abortion Clinic Protection Ordinance. “In 2016 Ohio politicians passed the ‘heartbeat bill,’ which sought to ban abortion after six weeks of pregnancy (the state’s governor vetoed the bill, approving a 20-week ban instead). State lawmakers have also moved to defund family planning clinics. But Columbus has strengthened laws protecting access to clinics and punishing harassment of clinic employees.” [[The Guardian, 5/16/18](#)]

City Council President

Presides over council meetings, debates, and votes, a crucial role in determining the fate of any choice-related legislation under consideration by the council.

EXAMPLES IN ACTION

2019: The City Council President of Batavia, New York Issued A Statement Opposing Governor Cuomo's Signing Of The Reproductive Health Act, And Debated Making Batavia A "Sanctuary City" For The Unborn. "Declaring it his God-given right and responsibility to speak out against what he perceives as evil, Batavia resident Chris Connelly tonight asked City Council to stand up against New York State's new abortion law...Council member Rose Mary Christian applauded Connelly's stance and urged the board to do something. 'Is there anything we can do to stop this atrocious thing in our city?' she asked, after bringing up the idea of a sanctuary city. 'It's the same thing (as fighting against illegal immigration) I'd like to have done for the right to life of our babies.' After a brief discussion, Council President Eugene Jankowski, with consensus from his colleagues, directed City Manager Martin Moore to write a letter stating their opposition to this law and for it to be placed on next month's agenda. Moore said he would wait for feedback from the public before drafting the letter." [[The Batavian, 1/28/19](#)]

City Council Member Alderperson

Proposes legislation and votes on local matters that can impact residents' access to abortion procedures.

EXAMPLES IN ACTION

2014: Manassas, Virginia, City Councilperson Marc Aveni Proposed A Change To The Zoning Code Requiring Abortion Clinics To Apply For "Special Use Permits." "These permits would subject clinics to public hearings and city council approval. Aveni's proposed ordinance failed in 2014, but he raised it again in 2015 and this time the ordinance passed by a 4-3 vote, pushed over the edge by Mayor Hal Parrish. The move wasn't unprecedented; in 2013, NOVA Women's Healthcare clinic in Fairfax, Virginia, was forced to apply for a new location due to burdensome targeted regulation of abortion providers, or TRAP laws. During their application process, the city council introduced a new term to their zoning categories: 'medical care facilities' ultimately requiring clinics to obtain an expensive special use permit and city council approval. NOVA's permit was subsequently denied, and the clinic closed in June 2013." [[Rewire News, 4/18/19](#)]

At-Large City Council Member

Individual voting representative, voting for or against policies or proclamations pertaining to choice.

EXAMPLES IN ACTION

2016: Boston City Councilor At-Large Ayanna Pressley Introduced A Successful Resolution Calling On The Federal Government To Enact The EACH Woman Act. "A coalition of organizations dedicated to eliminating barriers to safe, legal abortion today praised Boston City Council for passing a resolution calling on Congress and President Obama to reinstate abortion coverage for women enrolled in public insurance programs by enacting the Equal Access to Abortion Coverage in Health Insurance (EACH) Woman Act. The EACH Woman Act would ensure abortion access for every woman who obtains insurance through the federal government by prohibiting political interference in insurance coverage of abortion.... 'I am proud to have led the Boston City Council in joining the national movement to send a loud and clear message that we do not take this coverage for granted, and that we will work until every woman in this country has access to safe, effective, affordable abortion care,' Boston City Councilor At-Large Ayanna Pressley, who introduced the resolution, said." [\[Planned Parenthood Press Release, 9/28/16\]](#)



Former Boston At-Large City Councilperson, Ayanna Pressley.
Photo Credit: Lane Turner/Globe Staff

City Manager

Implements the policies passed by the City Council, including any choice-related initiatives, as well as influences policy regarding health insurance for city workers.

EXAMPLES IN ACTION

2018: The Corona, California City Manager Spoke Against Local Pastors Running For City Council On A Pro-Life Platform, Declaring That The City Manager Lacks The Authority To Combat Planned Parenthood Or Roll Back Abortion Services. “But some say the issue has nothing to do with leading Corona, and call it a scare tactic. An expert said it’s unusual for abortion to emerge as a campaign issue in California. And the city manager said elected council members would likely have little to no input to prevent Planned Parenthood or a clinic performing abortions from entering the city...Corona City Manager Darrell Talbert said the City Council and Planning & Housing Commission typically don’t have a say on businesses coming into the city unless the business needs a zoning change or wants an exemption from city codes.” [[The Press Enterprise, 11/2/18](#)]

City Auditor

Tracks municipal funds, including the status of federal family-planning and reproductive health funding.

EXAMPLES IN ACTION

2018: Columbus City Auditor Megan Kilgore Warned That The Trump Administration’s Proposed Elimination Of Any Federal Funding To Organizations With Connections To Abortion Services Would Cut Off Health Care Options For More Than 10,000 Women In The City. “More than 10,000 Columbus-area women could lose their access to affordable reproductive health care under a Trump administration proposal to block federal family-planning funds from going to any clinic with a connection to abortion services or referrals. That’s according to a new analysis from Columbus City Auditor Megan Kilgore and Councilwoman Elizabeth Brown, who say health-care availability creates ripples—for good or for ill—that reach deeply into local and state economies...In her role as city auditor, Kilgore said she intends to “provide as much storytelling as I can,” explaining the economic effects of public policy. ‘I think you’re going to see a lot more of that from me with things that are really relevant to our economy.’”

[\[Columbus Dispatch, 6/15/18\]](#)



Columbus City Auditor, Megan Kilgore.
Photo Credits: Eric Albrecht/Columbus Dispatch

School Board

Votes on local education curriculum, which shapes students' sex education program, as well as how much (if any) information on abortion and contraception, sexuality and gender expression that students receive. The school board can equip teachers with trainings, resources and support that back up these policies. Additionally, the school board can provide pregnant and parenting students with support, and on-site childcare.

EXAMPLES IN ACTION

2016: The San Diego Unified School District Enacted A More Detailed And Comprehensive Sex Education Program For Students. "The new curriculum was adopted to comply with the California Healthy Youth Act, which came into effect in January 2016. Evie Blad reported in a 2015 Education Week article that the law requires secondary schools to offer sex education classes that include medically accurate teaching about human development and sexuality, including education on pregnancy, contraception, sexual orientation, and sexually transmitted infections. Parents can opt out their children if they desire. Teachers began using the new curriculum, created by Advocates for Youth, in the 2016-2017 school year with an opt out rate of less than 1 percent, according to Miller." [\[Education Week, 8/15/17\]](#)

2018: The Fremont, CA School Board Voted To Put A Pause On The State's More Comprehensive Sex Education Curriculum After Pushback From More Conservative Parents. "Until further review, a sex education curriculum criticized by many as too graphic for children in grades 4-6 won't be taught later this month as initially planned. At a March 28 meeting packed by hundreds of parents, teachers and students, the Fremont school board voted 3-2 to examine the course and possibly order modifications before offering it to elementary school students. The board also tentatively decided to separate boys and girls into different classrooms when the course eventually is taught." [\[East Bay Times, 4/3/18\]](#)

Township/Village Trustee Town Council

Approves or disapproves local demonstrations for or against reproductive rights.

EXAMPLES IN ACTION

2012: The Jackson, Wyoming Town Council Voted To Allow A Graphic Anti-Abortion Display. “Jackson Town Councilors voted Monday to allow a ten-by-eighty-foot display, which could include graphic images of fetuses, on the Town Square. Texas-based Operation Save America would be allowed to put up the anti-abortion display for four days in May. But the council denied the group’s request to set it up on a Saturday during the Boy Scouts annual elk antler auction. Councilors said the content was not the problem, but that the display would compete for space with the Boy Scouts’ event.” [[Wyoming Public Media, 4/17/12](#)]

City Attorney

Represents the city or municipality, including in instances related to reproductive freedom, such as city ordinances banning or allowing abortion clinics and crisis pregnancy centers.

EXAMPLES IN ACTION

2018: San Francisco City Attorney Dennis Herrera Successfully Defended A City Ordinance Banning Crisis Pregnancy Centers From Engaging In False Advertising, Winning His Case Before The U.S. Supreme Court. “City Attorney Dennis Herrera issued the following statement after the U.S. Supreme Court today let stand lower court rulings upholding San Francisco’s ordinance that prevents anti-abortion centers from engaging in false or misleading advertising: ‘This case was about the truth. Now the truth prevails. These so-called crisis pregnancy centers engaged in insidious and deceptive practices to trick women in decisions about their bodies.’” [\[SF City Attorney press release, 6/28/18\]](#)



*San Francisco City Attorney, Dennis Herrera.
Photo Credit: Kate Munsch/Reuters*

City Treasurer

Manages city finances and collecting tax revenue; provides its occupant with a platform to articulate and amplify views on reproductive freedom. Can determine whether funding is available to cover the cost of abortion care for those in need, including those who do not have insurance; those whose insurance does not cover the procedure, such as those impacted by the Hyde Amendment or similar bans; and those who cannot use their insurance to pay for the procedure due to confidentiality concerns.

EXAMPLES IN ACTION

2017: St. Louis, Missouri City Treasurer Tishaura Jones' Mayoral Campaign Received The Endorsement Of NARAL For Her Longtime Advocacy On Behalf Of Reproductive Rights. "While in the Missouri House, Jones' Democratic colleagues selected her to be assistant minority leader. She was heavily involved in crafting legislation that overhauled how charter schools operate throughout the state and was an outspoken advocate for abortion rights. Jones chose to run for city treasurer in 2012, and beat three Democratic candidates by a comfortable margin.... Since she entered the mayor's race last year, Jones snagged endorsements from a number of progressive-leaning organizations—including NARAL Pro-Choice Missouri, Mobilize Missouri and the Service Employees International Union." [\[St. Louis Public Radio, 2/27/17\]](#)

JUDICIAL ELECTED OFFICIALS

State Supreme Court

Rules on the constitutionality of statewide abortion legislation; can allow or block potential restrictions on choice.

EXAMPLES IN ACTION

2019: Conservative Wisconsin Supreme Court Candidate Jim Hagedorn, A Staunch Abortion Foe Who Once Wrote That Planned Parenthood Was “A Wicked Organization,” Won A Statewide Special Election By One Half Of One Percentage Point. “The Journal Sentinel’s review of all of Hagedorn’s blog posts from April 2005 to August 2006 turned up equally passionate posts about abortion rights. In one titled ‘Another reason why I hate Planned Parenthood,’ Hagedorn called it a ‘wicked organization’ that was more devoted ‘to killing babies than to helping women.’ He said his litmus test for voting in an election was a candidate’s position on abortion. Hagedorn said he had committed himself to praying and lobbying to stop abortion. He went on to say his convictions on this issue and others were given to him by God.” [\[Milwaukee Journal Sentinel, 1/31/19\]](#)

2016: A Conservative Judge In Harris County, TX Dropped Charges Against Pro-Life Activists For Illegally Taping Planned Parenthood In 2016. [\[Empower Texans, 7/26/16\]](#)

2019: The Kansas Supreme Court Ruled For The First Time That The State Constitution Guarantees Women The Right To End A Pregnancy. “Kansas’ long, bitter fight over abortion entered an intense new phase Friday after the state Supreme Court ruled that women have the right to end a pregnancy. The court found for the first time that the Kansas Constitution—in addition to the U.S. Constitution—protects the right to an abortion. Republican lawmakers vowed to pursue an amendment to overturn the decision.” [\[The Wichita Eagle, 4/26/19\]](#)

2019: The Louisiana Supreme Court Temporarily Halted A 2014 State Law Shutting Abortion Clinics, A Case Which May Make Its Way Up To The United States Supreme Court. “Abortion rights advocates asked the U.S. Supreme Court on Wednesday to set aside a Louisiana law that could possibly shutter the state’s abortion clinics, advancing arguments that could lead to the first major test of how justices appointed by President Donald Trump address reproductive issues... Act 620, which passed the Louisiana Legislature in 2014 but has never gone into effect due to court battles, is being challenged by a pair of Louisiana doctors, backed by the Center for Reproductive Rights, who say it’s too onerous. Louisiana Attorney General Jeff Landry said the law was passed to protect women and that justices should let it stand. After the 5th U.S. Circuit Court of Appeals refused to strike down the law, the Supreme Court in February temporarily halted it just hours before it was set to take effect so opponents could file a challenge. Its provisions remain on hold pending a decision from the nine-member high court.” [[The Advocate, 4/17/19](#)]

2019: After Blasting The Iowa Supreme Court For Protecting Abortion Rights, State Republican Legislators Introduced A Bill To Change The Iowa Supreme Court Justice Selection Process And Seize Appointment Authority From Non-partisan Attorneys. “Conservative Iowa lawmakers are advancing a bill that would change the long-standing way judges are selected in the state. Critics of the legislation, introduced in early February, say it is motivated by displeasure over state courts blocking abortion and same-sex marriage bans... More recently, conservative lawmakers have been dismayed by Iowa court rulings against anti-abortion legislation. In January, a state judge overturned a fetal heartbeat ban that effectively outlawed abortion after six weeks of pregnancy and was considered one of the most restrictive laws in the country at the time. He based his decision in part on a June ruling by the Iowa Supreme Court declaring a fundamental right to abortion under the state constitution while rejecting a law requiring a 72-hour waiting period for women seeking abortions.” [[Mother Jones, 4/8/19](#)]

Superior/Trial Court

Hears civil and criminal cases on a county-wide basis, including cases pertaining to local reproductive procedures and coverage. Also provides judicial bypass for minors seeking abortion without parents or guardians consent.

EXAMPLES IN ACTION

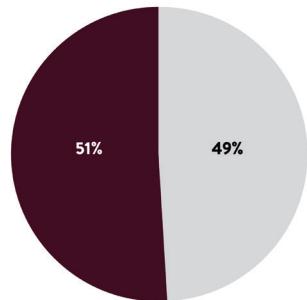
2018: San Diego Superior Court Judge Gary Kreep, A Longtime Vocal Foe Of Abortion, Was Unseated By A Pro-Choice Challenger After Six Years On The Bench. [[NBC San Diego, 10/12/18](#)]

2019: Need For Judge's Consent Holds Up Minors' Abortions 6 Days On Average: A new study of abortions sought by more than 2,000 Massachusetts minors finds that needing approval from a judge causes a significant delay: an average of six extra days compared to teens who could get the required consent from their parents. [[WBUR, 4/9/19](#)]

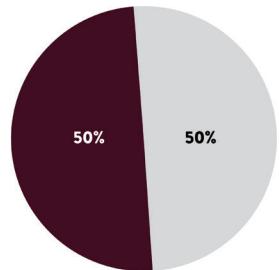
2019: Florida Is Making It Even Harder for Young People to Get Abortions—Just Like Dozens of Other States. “Florida law requires minors to notify a parent before having an abortion, while the bill making its way through the legislature makes minors obtain their parents’ consent before having an abortion. In both cases, should a minor be unable to meet that requirement, they need to go to court and obtain at least one judicial bypass from a judge to go forward with their abortion decision.” [[Rewire, 4/10/19](#)]

2019: Abortion opponents file new lawsuit, calling R.I. law unconstitutional. Having failed in their attempt to block passage of Rhode Island’s new abortion-rights law, an advocacy group known as Catholics for Life and several anti-abortion Rhode Islanders have gone back to [State Superior Court] to try to get it declared unconstitutional. [[Providence Journal, 6/25/19](#)]

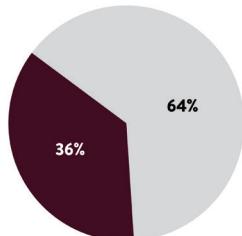
2019: State high court halts preliminary hearing for anti-abortion activists: David Daleiden, Sandra Merritt charged with secretly filming abortion clinicians, biotech employees. A preliminary hearing that was scheduled to begin Monday in San Francisco Superior Court for two anti-abortion activists accused of illegal spying was halted late Friday by the California Supreme Court. [[SF Examiner, 4/22/19](#)]



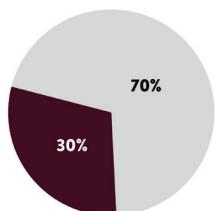
Women are **51%** of the population



and have been about **50%** of law student for two decades



but are just **36%** of the legal profession



and only **30%** of all state court judges

SOURCE: "The Gavel Gap" American Constitution Society for Law and Policy

County Common Pleas Court

Hears civil cases, which can include deciding on the fate of abortion facilities and whether to interfere with separate governmental policies on choice.

EXAMPLES IN ACTION

2016: A Montgomery County, Ohio Common Pleas Judge Ruled That The Dayton Area's Sole Abortion Provider Could Remain Open While Fighting The State's Efforts To Remove Its Operating License. "At issue is a state law which requires clinics that provide abortion services to have a written agreement with a local hospital that stipulates the hospital will accept a patient if the patient needs emergency medical care. The Kettering clinic has sued the Ohio Department of Health over the requirement, and a Montgomery County judge ruled in that lawsuit that the court does not have proper jurisdiction to rule in the case. On March 12 the Second District Court of Appeals will hear a challenge to the judge's decision...In August, Judge Mary Wiseman's 20-page ruling on the latest challenge to keep the clinic operating came down to one basic point: the "court lacks the jurisdiction" to intervene in the Women's Med dispute with the Ohio Department of Health, she wrote." [[Dayton Daily News, 2/26/19](#)]

2014: A Hamilton County, Ohio Common Pleas Judge Ruled That He Did Not Have Jurisdiction To Change A Health Department Order To Close An Abortion Clinic. "Sole discretion. Those two words mean that unless its lawyers appeal within the next five days, a Sharonville clinic where abortions are performed must close. The Lebanon Road Surgery Center—also known as Women's Med—will close unless its lawyers appeal Friday's decision by Hamilton County Common Pleas Court Judge Jerome Metz Jr. Metz ruled he did not have the jurisdiction to change the order by the Ohio Department of Health's director; Ohio rules give the director "sole discretion" to decide if such clinics can operate without a transfer agreement." [[Cincinnati.com, 8/18/14](#)]

2010: An Alleghany County, Pennsylvania Common Pleas Judge Ruled That A Pregnant Teenager Could Not Receive An Abortion Without Her Parents' Consent, A Ruling In Defiance Of The State's Longtime Parental Notification Policy. "Last March, a pregnant teenager three months shy of her 18th birthday asked an Allegheny County judge if she could have an abortion without her parents' consent. Judge Philip Iglezzi said no. His denial launched a legal battle in the Pennsylvania Supreme Court that could change a state law that has allowed teenagers to obtain abortions without their parents' permission since it took effect in 1983...Denials of bypass petitions are rare, and the teenager's lawyer had asked Judge Iglezzi, of the Family Division of Common Pleas Court, to remove himself from the case because he had been endorsed by anti-abortion groups when he ran for judge in 2009." [[Pittsburgh Post Gazette, 2/17/11](#)]



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