



FEMINIST MAJORITY FOUNDATION

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2014 STATE BALLOT MEASURES TO WATCH

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BALLOT MEASURES MATTER

Ballot measures are proposals to pass, change, or repeal state laws, or to amend state constitutions. They are voted on by the entire state electorate, not just the state legislature.

Each state has its own rules to determine if and how a measure reaches the state ballot, but in general, a measure may either be referred to the ballot by the state legislature after it has taken a vote on the proposal, or, in some states, a measure may be initiated by a group of citizens after collecting a required amount of signatures. In some states, a state constitutional amendment must be approved by two consecutive sessions of the state legislature before it can be placed on a statewide ballot.

In recent years, voters have decided ballot measures on women's rights in several areas, including affirmative action, equal rights, reproductive justice, LGBT rights, and marriage equality.

In November 2014, several important measures affecting women's rights, reproductive health and abortion care, as well as end-of-life care, will be on state ballots in Colorado, North Dakota, and Tennessee. In addition, advocates are collecting signatures to place a proactive Equal Rights Amendment on the Oregon state ballot.

Across the nation, though, ballot measures are being used as a tool to create change that will directly impact our daily lives. Several states have, or are considering, ballot measures on raising the minimum wage, medical marijuana, labor unions, and more, making it more important than ever to Get Out Her Vote.

EQUAL RIGHTS AMENDMENT

OREGON: Vote ERA has launched a petition drive to place a state Equal Rights Amendment (ERA) on the



November 2014 Oregon state ballot. The Amendment would change the Oregon state constitution by adding the following provision: "Equality of rights under the law shall not be denied or abridged by the State of Oregon or by any political subdivision in this state on the account of sex." The amendment gives the Oregon state legislature the power to enforce the amendment through appropriate legislation.

Supporters of the Oregon ERA have until July 3, 2014, to collect a minimum of 116,284 valid signatures. If the measure, also known as Initiative Petition #34, succeeds in reaching the ballot, and if passed by a YES vote, the Oregon state constitution would join Alaska, Colorado, Connecticut, Florida, Hawaii, Illinois, Iowa, Maryland, Montana, New Hampshire, New Mexico, Pennsylvania, Texas, and Washington in having a broad, express prohibition on sex discrimination. The United States Constitution does not have a federal ERA.

PERSONHOOD MEASURES TO BAN ABORTION AND BIRTH CONTROL

COLORADO: Voters in Colorado will decide on Amendment 67 – a personhood measure that would amend



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the Colorado state constitution to change the definition of “person” and “child” in the state criminal code and in the state wrongful death act to include “unborn human beings.”

If passed, the measure could ban abortion, including in cases of rape, incest, or life endangerment. A personhood amendment would also act as an automatic trigger to criminalize all abortion in Colorado if *Roe v. Wade* is ever overturned.

By granting rights to fetuses, embryos, and eggs, a personhood amendment could also have broad consequences. Personhood could lead to criminal investigation of miscarriages – all women’s bodies would become potential crime scenes. And as personhood measures grant rights to fertilized eggs – even if not yet implanted – the Colorado amendment would threaten certain types of birth control as well as in vitro fertilization. The state would have even greater authority to interfere in the personal medical decisions women make with the doctors concerning a wide range of health issues, including treatment for cancer and other serious medical conditions.

Personhood measures are not new in Colorado. Voters rejected personhood amendments by 3-to-1 margins in 2008 and again in 2010, and Personhood Colorado, which has sponsored all of these ballot initiatives, failed to gather enough signatures to place the measure on the ballot in 2012.

This time, however, supporters of Amendment 67 have attempted to mislead voters by saying that the amendment is necessary to protect pregnant women from crimes that could lead them to miscarry. However, Colorado already has a law, the Crimes Against Pregnant Women Act, which addresses this very issue without granting fetal personhood or dangerously restricting access to reproductive health care.

NORTH DAKOTA: North Dakota will also vote on a personhood measure in November 2014. Measure 1 is a proposed amendment to the North Dakota state constitution that would provide an “inalienable right to life” at “every stage of development.” The North Dakota state legislature approved the measure and voted to refer it to the state ballot.

If passed by North Dakota voters, Measure 1 would ban all abortions in the state, without any exceptions. Although *Roe v. Wade* would continue to be the law of the land and protect the right to certain abortions, if Measure 1 passed, it would serve as an automatic trigger to end all abortion in North Dakota if *Roe* were ever to be overturned.

In addition, Measure 1 could make illegal certain forms of birth control, stem cell research, and in vitro fertilization. The measure also threatens the provision of end-of-life care, may prevent individuals from making their own personal decisions concerning the use of life support, and interfere with organ donation.

The non-partisan North Dakota Medical Association came out against Measure 1, explaining that the proposed amendment would unnecessarily interfere with the doctor-patient relationship. Doctors also testified against the measure in the state legislature, concerned about its impact on privacy as well as its broad effect on the provision of health care.

POTENTIAL PERSONHOOD MEASURES:

Personhood Ohio is once again collecting signatures to place its personhood amendment on the Ohio ballot this November. A previous attempt failed in 2012. Personhood Mississippi is also attempting to place another personhood measure on the Mississippi ballot in November 2015. If successful, the measure would propose to amend the Mississippi state constitution to create an “inalienable right to life” beginning at conception. A coalition of groups, including the Feminist



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Majority Foundation, Planned Parenthood, and the American Civil Liberties Union, together with student groups, defeated a previous Mississippi personhood measure in 2011. A personhood amendment petition is also being circulated in California.

TAKING AWAY THE RIGHT TO AN ABORTION

TENNESSEE: Tennessee voters will decide Amendment 1 in November 2014. This ballot measure would amend the Tennessee state constitution to declare that there is no right to an abortion in the state.

The text of Amendment 1 asserts: "Nothing in this Constitution secures or protects a right to abortion or requires the funding of an abortion. The people retain the right through their elected state representatives and state senators to enact, amend, or repeal statutes regarding abortion, including, but not limited to, circumstances of pregnancy resulting from rape or incest or when necessary to save the life of the mother."

The Tennessee state legislature referred the proposed constitutional amendment to the ballot after the Tennessee Supreme Court issued a decision in 2000 upholding a right to privacy in the state constitution that protects women's reproductive autonomy, including the right to abortion. Amendment 1 is an attempt to undo the state supreme court's decision and abolish this important right for all Tennessee women.

POTENTIAL MEASURES TO RESTRICT ABORTION ACCESS: Petitions are being circulated in Oregon to place a measure on the November ballot that would prohibit the use of public funds for abortion care. Signatures are also being collected in California for a state constitutional amendment that would require parental notification and a waiting period for minors seeking to access abortion.

ADDITIONAL MEASURES

MINIMUM WAGE: Two states will have measures on the ballot to increase the minimum wage. South Dakota will vote in November on raising its minimum wage from \$7.25 an hour to \$8.50 in 2015, and Alaska will vote in its state primary election on August 19, 2014, on whether to raise its minimum wage incrementally from \$7.75 an hour to \$9.75 an hour by 2017. Both measures would allow for further increases to account for inflation.

Several other states have active campaigns to include raising the minimum wage on their state ballots in November 2014, including Arkansas, California, Idaho, Massachusetts, Michigan, and Missouri.

LGBT RIGHTS: A measure that would add unfair treatment on the basis of sexual orientation or gender identity to the state definition of "discrimination" in the Missouri Human Rights Act may be on the November 2014 ballot in Missouri. Although the measure would expand the state's anti-discrimination laws, it does contain an exception for those acting "based on a sincerely held religious belief." The measure must receive the required amount of signatures by May 2014 in order to be placed on the ballot.

Several states could also have marriage equality measures upcoming on their ballots, including Oregon, Ohio and Arkansas.

LEGALIZATION OF MARIJUANA: Voters in Alaska will decide this November on a ballot measure to legalize the recreational use and possession of marijuana. Other legalization measures could reach the ballot in Missouri this year and potentially in Arizona in 2016.

Florida voters will decide this year on whether to legalize marijuana for medical purposes only, and several drives to get medical marijuana on the ballot are happening in Arkansas, Idaho, Nebraska, and Ohio.