

Issue: Abortion

Arizona’s Republicans Overwhelmingly Support the 1864 Pre-Statehood Abortion Ban: Talking Points


- The 1864 law (ARS § 13-3603) was written decades before women could vote or AZ was a state.
- Twice Republicans blocked Democrats attempting to bring a repeal vote of the 1864 law to the House floor.
- On the 3rd attempt and with the help of only a few Republicans, Democrats voted to repeal the 1864 pre-statehood law in May 2024.
- The 1864 law repeal goes into effect fall 2024. After the repeal is in effect, the 15-week law is enforceable.

Abortion is on the 2024 Ballot: Inside Arizona’s abortion initiative wars


- The Arizona for Abortion Access (AAA) citizen-led ballot initiative will be on the Nov. 5, 2024, AZ ballot.
- AAA Initiative amends the AZ constitution to protect abortion rights.
- The AAA initiative includes: the state cannot limit access to abortion prior to fetal viability (approximately 24 weeks); protects the right to an abortion after fetal viability if a licensed healthcare clinician determines that the life, physical health or mental health of the patient is at risk; and prevents the state from penalizing anyone who assists another person in exercising their right to an abortion.

Arizona Abortion Timeline


1864 Pre-Statehood law; bans all abortions except to save the life of the mother*; mandatory 2 to 5 year prison sentence for anyone providing an abortion.



1920 19th Amendment to the US Constitution ratified, giving women the right to vote.



1973 *Roe v. Wade*, a landmark decision by the US Supreme Court, ruled that the US Constitution protects the right to abortion.




2022 AZ legislature passes 15-week abortion law; bans all abortions after 15 weeks except to save the life of the mother*; Gov. Ducey signs it.



Dobbs ruling by the US Supreme Court overturns *Roe v. Wade*, allowing states to ban abortion.

After *Dobbs*, it is unclear which abortion law is in effect in AZ—the 1864 law or the 15-week abortion law signed in 2022.

2024 AZ Supreme Court rules in favor of the 1864 pre-statehood law over the 15-week law signed in 2022; 1864 law will be in effect starting in June 2024.



Arizona Abortion Access Act (a ballot initiative to amend the AZ Constitution to enshrine abortion rights) exceeds the number of signatures required to be on the Nov 5, 2024 ballot.

AZ Legislature votes to repeal the 1864 pre-statehood law; GOP leadership block 2 attempts to bring the repeal to a vote. On the 3rd attempt, all Democrats in the State House and Senate vote to repeal the 1864 pre-statehood law. All but 3 GOP in the House and 2 GOP in the Senate vote to keep the 1864 pre-statehood near-total ban on abortion the law of the land in AZ. Repeal goes into effect fall 2024 (90 days after end of legislative session).

*Law does not include a description.

- Republicans have been fighting back against the AAA initiative by interfering with signature collection.
- Republicans are lying about the AAA initiative, stating it will allow veterinarians, chiropractors, and dentists to perform abortions.
- Republican legislators are considering various proposed ballot measures to intentionally confuse voters on the November ballot. Leaked documents from Republican leadership in the AZ House include false info and the intention to knowingly. To view the entire Republican leaked power point presentation click [here](#).

Messaging resources for talking to voters about abortion

ACLU of AZ, Start the Conversation click [here](#)

National Women's Law Center, Abortion Values Messaging Guide click [here](#)

Indivisible of AZ Guide click [here](#)

Protecting Abortion Rights in Arizona (Indivisible of AZ)

- Abortion rights in Arizona are under threat. After the Supreme Court took away our right to make our own decisions about abortion, MAGA extremists passed a 15-week abortion ban in Arizona.
- Arizonans deserve the freedom to make our own decisions about abortion. These are deeply personal decisions that should be between a patient and their doctor, without interference from the government. Politicians should not be making these decisions for us.
- No matter how you personally feel about abortion, every person should be able to make their own decisions with their doctor and those they love and trust.
- 9 in 10 Arizonans oppose the total abortion bans that MAGA extremists are trying to force on us. We have to fight back to protect our rights and freedoms from politicians that want to take them away.

The Arizona Abortion Access Act (Indivisible of AZ)

- A coalition of leading reproductive rights, healthcare, and grassroots organizations are working together to place the Arizona Abortion Access Constitutional Amendment on the 2024 ballot.
- This amendment will give voters a chance to restore abortion protections in Arizona. It would roll back extreme Republican bans and allow Arizonans to make our own decisions on abortion.
- This is a grassroots effort by and for Arizonans to reject unpopular and extreme abortion bans. Voters support abortion rights, and the people of Arizona deserve the chance to vote on this issue.
- This initiative is a huge opportunity to both immediately protect abortion rights and prevent future attacks. But it won't be easy.

See the complete report: [Arizona's Republicans Overwhelmingly Support the 1864 Pre-Statehood Abortion Ban](#)