



THE BATTLE TO KEEP MISSOURI PRO-LIFE

Pro-abortion initiative petitions seek to enshrine “right” to abortion in Missouri Constitution

In March, initiative petitions (IPs) were filed with the Missouri Secretary of State’s Office (SOS) that seek to enshrine a “right” to abortion in our Missouri Constitution. The IP is the process by which individuals can seek to put language on the ballot for voters to amend (change) our state’s Constitution. To do so, they must file their petition with the SOS and then collect enough signatures in support of their petition that meet our state’s statutory and Constitutional thresholds for such an effort. Presently, these petitions are in the courts. However, if they move forward, the next step is that pro-abortion forces will seek to gather signatures. If they get enough signatures throughout our state, their pro-abortion language to amend our Missouri Constitution will be on the November 2024 ballot for voters to decide. Should voters pass this into law, this language will cause a number of effects, as outlined below.

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EFFECTS OF PRO-ABORTION “RIGHT TO REPRODUCTIVE FREEDOM INITIATIVE”

James S. Cole, Esq., June 10, 2023

These consequences would appear to follow from the language used in the different versions of the Initiative, whether or not the drafters intended them. This summary does not purport to be an exhaustive list of the legal implications of the Initiatives.

1. Under all versions of the Initiative, the proposed amendment would--

- allow anyone to perform abortions without a health care license. Abortions would not even require a nurse or midwife. (This would also apply to licensing for providing prenatal care, childbirth assistance, postpartum care, and birth control.)
- forbid the state from requiring abortionists to offer mothers ultrasounds of their unborn babies.
- forbid the state from disseminating to anyone seeking an abortion evidence-based information about the life and growth of the unborn child at each stage of development.
- forbid the state from particular informed consent requirements and from requiring a reflection period before an abortion.
- forbid the state from enforcing health care regulations like those that apply to other health care providers.
- forbid fathers of unborn children to have any right to advance notice of a proposed abortion or to have any legal standing to prevent it.
- forbid the state from requiring health care professionals to take steps to save the life of a baby born alive after an abortion, because it would interfere with a chosen “pregnancy outcome” under the Initiative.

(over...)

- forbid the state from regulating surrogate arrangements that relegate women to the status of rented wombs.
- allow abortions of babies of up to 24 weeks gestational age or up to “Fetal Viability” (as defined later in the Initiative) for any reason or no reason.
- allow abortions to be performed until the moment of birth – all 9 months.
- allow for the funding of abortions with public tax dollars.
- forbid the state from requiring the consent of, or notice to, parents of a pregnant minor about an abortion.

2. The Initiative is so broadly worded that courts might interpret it to allow the following:

- Pregnancy Resource Centers might be forced to be licensed by the authorities and to refer for abortions.
- The Initiative could deny any woman harmed by an abortionist her right to sue for malpractice. (The immunity may also apply to negligent providers of prenatal care, childbirth assistance, postpartum care, and birth control.)
- Cloning for reproduction could become constitutionally protected. Even the weak restriction against it in the cloning amendment adopted in 2006 could be rendered a nullity.
- The Initiative could allow experimentation on unborn children with or without parental consent if performed as research to assist people in “exercising their right to reproductive freedom.”

MISSOURI'S INITIATIVE PETITION PROCESS*

*Note: During this process, lawsuits can be filed by both sides.



After proposals are filed...

- 1** The Secretary of State approves the petition form and drafts ballot title.
- 2** The petitioner circulates petition, gathering signatures until May 5, 2024.
- 3** The petitions are submitted to the Secretary of State by May 5, 2024 (6 months prior to the election).
- 4** The petitions are distributed to local election authorities.
- 5** Local election authorities verify the signatures.
- 6** The Secretary of State issues a certificate of sufficiency or insufficiency by 5 pm, Aug. 6, 2024 (13 weeks before election).
- 7** If there are a sufficient number of valid signatures, it is then placed on the ballot for the November 5, 2024 general election.

**STAND WITH US TO KEEP MISSOURI PRO-LIFE!
DECLINE TO SIGN**