

League of Women Voters of Wisconsin, Legislative Statement on AB975 and SB1011:

AB975 is a “binding referendum” that would prohibit abortion if the probable postfertilization age of the unborn child is 14 or more weeks, except in the case of a medical emergency. Thus, AB975 changes the current law on abortion by decreasing the postfertilization age of the unborn child from 20 weeks to 14 weeks. (This act **amends** 69.186 (1) (k), 69.186 (1) (L), 253.107

(title) and 253.107 (3) (a) and (b); and **repeals and recreates** 253.107 (3) (title) of the statutes: See details under Assembly Bill 975 on the Wisconsin State Legislature website).

The actual question the legislature has drafted to appear on the ballot is: *“Shall the statutory provisions treated in (this act) take effect, thus prohibiting under Wisconsin Statutes an abortion if the probable postfertilization age of the unborn child is 14 or more weeks, except in the case of a medical emergency?”* (From the Wisconsin Legislative Council Amendment Memo, January 24, 2024).

It is important to note that a “binding referendum” is a revision of a statutory provision; thus, it does not proceed as does a binding referendum known as a constitutional amendment which requires the issue to be passed in two consecutive legislative sessions before being put on the ballot. The governor does not have the authority to veto a constitutional amendment. Conversely, a binding referendum such as AB 975 can be vetoed by the governor and thus would not be on the ballot. However, if not vetoed and approved by the electorate, it would take effect on the day after the election results are certified.

While this binding referendum passed the Assembly in January 2024 and the corresponding Senate Bill 1011 was NOT passed but referred to committee, the League needs to **oppose** it, as it is contrary to our position of reproductive freedom which should NOT be determined by a binding referendum as the right to an abortion is a fundamental right. Also, the language in AB975 on abortions which allows for medical emergencies is vaguely-worded, similar to many states with strict abortion restrictions; thus, women’s lives are often at stake because of fear within the medical community of possible criminal penalties.

<https://www.statnews.com/2022/05/20/medical-emergency-exceptions-abortion-laws-pregnant-people/> Furthermore, a 14-week ban on abortion is not medically sound regarding a woman’s awareness that she is pregnant and provides insufficient time for prenatal care, specifically, the detection of serious underlying medical conditions. It is also worth noting that further restrictions on abortion, like AB 975, may affect women of color more significantly due to racial disparities in healthcare, and specifically, reproductive healthcare. <https://onitor/2023/06/abortion-bans-harm-people-of-color>