

# [***Arizona repealed its 1864 abortion ban. Democrats are still planning to use it against Trump***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BXT-MF91-JC5B-G2XG-00000-00&context=1516831)

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**Body**

PHOENIX — Arizona’s 1864 abortion ban will soon be gone from the state's law books, but not from the campaign trail.

Even as Gov. Katie Hobbs on Thursday signed a repeal of the law — one day after the state Senate passed it — Democrats running in the [*battleground state*](https://apnews.com/article/abortion-arizona-biden-trump-presidential-election-11fe3cecb65d2365192273ebac2e9ed1) say they will make the Civil War-era law a centerpiece of their [*focus on reproductive rights*](https://apnews.com/article/abortion-arizona-supreme-court-ruling-biden-democrats-361cff78974e6038e532e73e261ae8a4).

President Joe Biden's campaign team [*believes*](https://apnews.com/article/democrats-abortion-ivf-reproductive-rights-roe-40a80fbe83a99f37d15699c47579636d) anger over the fall of Roe v. Wade [*gives them a political advantage*](https://apnews.com/article/president-joe-biden-florida-donald-trump-abortion-6b069fd8c14c4c65236d708b347697f0) in battleground states like Arizona. The issue has divided Republican leaders who've tried to respond to many in the GOP base who oppose abortion while avoiding statements that hurt them in November.

“Republicans know that they are on the wrong side of this issue,” Arizona Democratic Party Chair Yolanda Bejarano said in an interview. “They are seeing the writing on the wall and we are going to make sure that we vote out every extremist Republican in Arizona.”

Arizona Democrats, speaking at a press conference on Wednesday organized by the Biden campaign, said they would push to defeat former President Donald Trump in the state but also win legislative majorities and pass a ballot measure that would add a reproductive-rights guarantee to the state constitution.

“Make no mistake, the reason we are here today is Donald Trump and the many Arizona Republican lawmakers that follow his blind lead,” state Sen. Anna Hernandez said at the news conference.

There’s a strong chance that abortion will still be temporarily banned before the November election because the ban will remain in effect until 90 days after the legislative session ends, likely this summer. That continuing uncertainty will almost certainly keep the law in the news.

Abortion rights advocates hope a court will step in to prevent that outcome. Attorney General Kris Mayes has said the earliest the abortion ban could be enforced is June 27. Mayes, a Democrat, has pledged not to prosecute anyone for performing an abortion and to block local prosecutors from doing so, but it’s not clear she has that authority.

The Arizona Supreme Court [*ruled last month*](https://apnews.com/article/arizona-abortion-ban-what-to-know-797a4bbbc738497fe2284d6870c5be24) that prosecutors can enforce one of the nation's strictest bans on abortion, a law passed long before Arizona became a state in 1912. It provides no exceptions for rape or incest and allows abortions only if the mother’s life is in jeopardy.

Under fierce and intensifying pressure, a handful of Republicans in the state Senate, led by those facing tough reelection fights, joined all Democrats in voting to repeal the law, a week after the House did the same. Democratic Gov. Katie Hobbs has already pledged to sign it.

Trump nominated three of the Supreme Court justices who voted to overturn Roe v. Wade and has referred to its overturning two years ago as a victory, but also opposed the strictest abortion bans as a matter of ***politics***. He had said the Arizona law “went too far” and pressed state lawmakers to swiftly “remedy” it.

“A lot of bad things will happen beyond the abortion issue if you don’t win elections, with your taxes and everything else,” he told a rally Wednesday in Michigan, another battleground state.

Trump says the Supreme Court’s decision to overturn Roe allows individual states to set their own abortion laws and said in a [*recent interview with Time magazine*](https://apnews.com/article/abortion-ban-trump-criminalize-mifepristone-election-7f43c7e9ab192ebe874a1f0b1b7ba60b) that he would defer to states on whether to track women who get abortions or seek to punish them.

Striking the near-total abortion ban from the law books will leave in place a 15-week ban passed in 2022.

Abortion has also become a central issue in the race for Senate, two battleground House contests and the fight for control of the state Legislature, where Republicans control both chambers by tiny margins.

Democratic U.S. Rep. Ruben Gallego, the likely Democratic Senate nominee, quickly produced an ad highlighting Republican Kari Lake's support for the anti-abortion law.

Lake, meanwhile, said the ruling “is out of step with Arizonans." It's a far cry from her stance two years earlier as a candidate for governor, when she called the near-total abortion ban “a great law,” said she was “incredibly thrilled” that it was on the books and predicted it would be “setting the course for other states to follow.”

Facing pushback from her anti-abortion supporters, Lake has tried to walk a line, noting her own opposition to abortion but, acknowledging the unpopularity of that view, opposing a nationwide abortion ban.

“Whether or not my position on this issue is popular, the cost of this job is not my soul,” said state Rep. Alexander Kolodin, a Republican from a safe GOP district who opposes abortion and fought against repealing the 1864 law.

According to AP VoteCast, a broad survey of the electorate, 61% of Arizona voters in the 2022 midterm elections said abortion should be legal in most or all cases. Just 6% said it should be illegal in all cases.

Two-thirds of midterm voters in Arizona said the Supreme Court’s overturning of Roe v. Wade was an important factor in their vote for that election.

About 6 in 10 Arizona voters in that election said they would favor a law guaranteeing access to legal abortion nationwide.

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Associated Press writers Michelle L. Price in Freeland, Michigan, and Anita Snow in Phoenix contributed to this report.

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