

# [***Democrats pounce on Arizona abortion ruling and say it could help them in November's election***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BS0-J6F1-DYMD-63CM-00000-00&context=1516831)

The Associated Press

April 9, 2024 Tuesday 10:59 PM GMT

Copyright 2024 Associated Press All Rights Reserved

**Section:** DOMESTIC NEWS; POLITICAL NEWS; STATE AND REGIONAL

**Length:** 992 words

**Byline:** JONATHAN J. COOPER, Associated Press

**Dateline:** PHOENIX

**Body**

PHOENIX — Democrats pounced Tuesday on an [*Arizona Supreme Court ruling*](https://apnews.com/9c68866d69dca38c728dd27b80592e8f) that permits enforcement of an 1864 law effectively banning [*abortion*](https://apnews.com/hub/abortion) in the state, blaming former President [*Donald Trump*](https://apnews.com/hub/donald-trump) and Republicans and pressing for political advantage on an issue that could dominate a critical 2024 battleground.

The ruling permits doctors or others to be prosecuted for performing an abortion at any time unless the mother’s life is in danger, with no exceptions for rape or incest. President [*Joe Biden*](https://apnews.com/hub/joe-biden) 's campaign immediately blamed the ruling on Trump's appointment of three Supreme Court justices who voted to overturn a federally guaranteed right to an abortion.

“The girls today and the young women do not have the rights that we once did because of Donald Trump,” said Phoenix Mayor Kate Gallego, a Democrat. “Donald Trump is dangerous and reckless.”

The decision will give Arizona the strictest abortion law of the top-tier battleground states heading into November’s election. Biden and his allies are emphasizing efforts to restore abortion rights, while Trump has avoided endorsing a national abortion ban and warned that the issue could lead to Republican losses.

In a sign of Republicans’ political bind, even Kari Lake, a staunch Trump ally and abortion opponent who is running for Senate in Arizona, said the total abortion ban “is out of step with Arizonans.” It’s a shift from two years ago when Lake praised the 1864 law. Several Republican legislators called for the law to be repealed.

“This issue should be decided by Arizonans, not legislated from the bench,” said U.S. Rep. David Schweikert, an Arizona Republican who previously praised the overturning of Roe v. Wade.

Trump reshaped the U.S. Supreme Court during his presidency, moving the court to the right and paving the way for the Dobbs decision in 2022 that allowed for the enforcement of state laws like Arizona's.

The Arizona ruling comes a day after Trump said abortion limits [*should be left to the states*](https://apnews.com/article/trump-abortion-2024-ban-7bf06e0856b88a710c79a6eb85cffa6a) and declined to endorse a national ban after months of mixed messages and speculation.

“President Trump could not have been more clear," Trump campaign spokeswoman Karoline Leavitt said in a statement. “These are decisions for people of each state to make.”

Meanwhile, the White House announced Vice President Kamala Harris will travel to Arizona later this week to discuss abortion rights.

Democratic Attorney General Kris Mayes, who was elected by just 280 votes in 2022, attributed her victory to backlash over the Dobbs decision. She said Tuesday’s ruling will again spur independents and Republicans who support abortion rights to vote for Democrats.

“If past is prologue, this is going to have a deep and lasting impact on ***politics*** in Arizona,” Mayes said.

Of the other major expected battlegrounds in the Biden-Trump rematch, Georgia outlaws abortions after about six weeks, while Nevada, Wisconsin, Michigan and Pennsylvania all allow abortions up to 20 weeks or later.

Voters have consistently backed abortion rights when the question is put directly to them, including in conservative states such as Kansas and Kentucky. The issue is credited with helping Democrats exceed expectations in the 2022 midterm elections.

In Arizona, the political fallout of Tuesday’s ruling could be extensive. [*Biden*](https://apnews.com/hub/joe-biden) has put abortion rights at the center of his campaign, as has Democratic Senate candidate Ruben Gallego. It will intensify efforts by abortion rights advocates to put a ballot measure in front of voters that would restore the right to an abortion.

“This will supercharge signature collection,” said Ezra Levin, co-founder of the progressive group Indivisible, which is involved in the effort to add an Arizona ballot measure this fall enshrining the constitutional right to abortion.

Levin said the groups collecting signatures have already collected the 384,000 valid signatures needed by July 4. Now, he said, they’re aiming to hit 800,000 signatures by July.

Last week the [*Florida Supreme Court*](https://apnews.com/article/florida-abortion-ban-supreme-court-ruling-6a4949fc7459afe9b5e298086a793126) made a decision with similar implications, allowing the state to begin enforcing a ban on most abortions after the first six weeks of pregnancy, which could make the state competitive after years of increasing Republican control. The court also allowed a ballot measure to go forward letting Floridians decide whether to enshrine abortion rights into the state constitution.

The law will likely give a boost to Democrats seeking to win the legislative majority, giving them power over abortion laws in a battleground state.

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 to 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.

The old law was first enacted among a set of laws known as the “Howell Code” adopted by the 1st Arizona Territorial Legislature in 1864, decades before Arizona became a state in 1912. Legislative researchers said it remained in the penal code in 1901 and was readopted in subsequent rewrites, including in the 1970s.

Senate Majority Leader Chuck Schumer, D-N.Y., said the decision will resonate in the elections this fall.

“The American people know where the Democrats are, know where the Republicans are and this is going to be a large looming issue in the campaign," he said.

His counterpart, Senate Minority Leader Mitch McConnell, R-Ky., declined to weigh in, saying he had yet to read the court’s decision.

But McConnell said he was certain “this whole issue is going to continue to unfold in the course of the campaign.”

\_\_\_

Associated Press writers Steve Peoples in New York, Linley Sanders and Lisa Mascaro in Washington, and Geoff Mulvihill in Chicago contributed to this report.

**Load-Date:** April 9, 2024

**End of Document**