

# [***Arizona Senate votes to repeal Civil War-era near-total abortion ban***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BXN-SH41-JBSS-S190-00000-00&context=1516831)

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**Body**

(CNN) &#8212; The Arizona Senate on Wednesday voted to repeal the state's 160-year-old near-total abortion ban, three weeks after the state Supreme Court revived the law and thrust reproductive rights into the political spotlight.

Two Republicans - Sens. Shawnna Bolick and T.J. Shope - voted with the chamber's 14 Democrats to advance the repeal, which passed 16 to 14.

The vote comes a week after [*three Republicans joined with all 29 Democrats*](https://www.cnn.com/2024/04/24/politics/arizona-house-abortion-law/index.html) in the state House to repeal the law, which bans abortion at all stages of pregnancy except to save the life of the mother and threatens abortion providers with two to five year prison sentences.

The bill next heads to the desk of Democratic Gov. Katie Hobbs, who said Wednesday that she looks forward "to quickly signing the repeal into law." The legislation would clear the way for the state's 15-week limit to remain state law. That restriction, enacted in 2022, does not include exceptions for rape and incest.

"While this repeal is essential for protecting women's lives, it is just the beginning of our fight to protect reproductive healthcare in Arizona," Hobbs said in a statement.

Republicans, who hold one-seat majorities in the state House and Senate, have faced increasing pressure to repeal what's known within the state as both the pre-Roe and the territorial ban, a reference to the law predating Roe v. Wade and Arizona statehood.

Prominent Republicans, including former Gov. Doug Ducey, former President Donald Trump and Senate candidate Kari Lake, have called on the legislature to take action to moderate the ban.

Bolick explained her vote in support of the repeal in deeply personal remarks describing her own pregnancy experiences, including a miscarriage. She spoke for more than 20 minutes, despite outbursts from the gallery and interruptions from her Republican colleagues.

"I know the chronicles of these pregnancies quite intimately because they're all my own," Bolick said. "And my family lived and survived each one of them, including my miscarriage."

Bolick is married to Arizona Supreme Court Justice Clint Bolick, one of the judges who ruled to allow the 1864 law to be enforced. She closed her remarks by framing the 15-week limit as an alternative to the Arizona for Abortion Access amendment, which would enshrine the right to abortion in the state constitution up to fetal viability, which doctors believe is around 22 to 24 weeks of pregnancy.

"Until we have a better choice in this matter I side with saving more babies lives," Bolick said.

Once the legislation is signed into law, the immediate future of abortion access in the state is unclear. The court's April 9 decision reviving the pre-Roe ban has been stayed and wouldn't be enforceable until June 27 at the earliest, according to the state's Democratic Attorney General Kris Mayes. The repeal, however, would not go into effect until 90 days after the Arizona legislature adjourns.

On Tuesday, Mayes asked the Arizona Supreme Court to grant her office an additional 90 days to consider whether it wants to appeal the court's decision to the US Supreme Court.

The Civil War-era ban was first introduced in 1864 and codified in 1901, before Arizona gained statehood in 1912. The law remained in effect until 1973, when it was blocked by a court injunction after the US Supreme Court's Roe v. Wade decision. Months before Roe was overturned in June 2022, the state passed a 15-week limit, which explicitly stated that it would not overrule the pre-Roe ban. On April 9, the state Supreme Court ruled that the ban should be the state law.

For abortion rights advocates, repeal would be the culmination of years of activism. Democrats first introduced legislation to repeal the territorial ban in 2019.

Democratic state Sen. Priya Sundareshan, who co-chairs Arizona Democratic lawmakers' campaign arm, said that her party would have repealed the ban the day the state Supreme Court ruled had it controlled the legislature.

"Instead, we had to drag Republicans over the finish line," she said in a statement.

Even after the repeal is enacted, Democrats plan to argue the 15-week limit and its lack of exceptions for rape or incest is still unpopular. At the state legislature-level, they plan to target vulnerable House Republicans over their past anti-abortion votes.

"As Republicans regroup to defend their 15-week ban and work to undermine the upcoming abortion ballot measure in Arizona, we are focused on flipping the two seats in each chamber that will deliver Democratic majorities in Arizona's legislature," Heather Williams, the president of the Democratic Legislative Campaign Committee, which works to elect Democrats to state legislatures, said in a statement.

Republicans hope that the 15-week limit will be more palatable to voters and help neutralize the strength of reproductive rights as a voting issue.

"There's still fallout for sure," said Barrett Marson, an Arizona-based GOP strategist. "But that the territorial ban is no longer the law of the land will absolutely help Republicans."

In addition to being a presidential and US Senate battleground, Arizona has two toss-up US House races and a handful of competitive state legislature contests that could decide control of the state House and Senate. Democrats have not held both legislative chambers since the 1960s.

Abortion rights advocates are also gathering signatures for a ballot initiative to enshrine abortion rights into the state constitution.

Still, repeal is a blow to abortion opponents, who have rallied at the state capitol in recent weeks and praised the ban.

As senators took to the floor to explain their votes, the discussion grew contentious and at times emotional, as some Republicans blasted the two GOP defectors. Republicans who voted against the repeal invoked their faith and rejected the idea that they must repeal the territorial ban to win the upcoming election.

Republican state Sen. Anthony Kern, one of Arizona's 2020 election [*fake electors*](https://www.cnn.com/2023/11/10/politics/arizona-fake-electors-kifle-invs/index.html), said self-described "pro-life" Republicans voting to repeal the ban was the "epitome of delusion" and compared the vote to Nazi Germany sorting Jewish people at death camps.

State Sen. Wendy Rogers said the state's territorial forebears got it right.

"I'll hear my colleagues say, 'But it's politically expedient for us to moderate... it's politically astute because we might lose votes, we might lose the legislature, we might lose the presidential election, we might lose federal elections,'" Rogers said. "And I say to you, it's more important to do what's right."

Democratic state Sen. Eva Burch, who has talked about recently having an abortion for a wanted but failed pregnancy, was one of the few Democrats who spoke in favor of the repeal vote. Burch warned against "legislating religious beliefs" and criticized Republicans for not considering the repeal of the 1864 law when it was brought up in the past.

"We cannot ignore the majority of Arizonans and only listen to voices that lean heavy into party ***politics*** because everyone else is going to be silenced in the process," Burch said.

This headline and story have been updated with additional developments.

CNN's Natasha Chen, Jason Kravarik and Veronica Stracqualursi contributed to this report.

By Arit John, CNN

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