

# [***Montana s Abortion Ballot Measure Is The Latest Facing GOP Resistance As AG Blocks It***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6B4W-PPB1-JBCM-F01J-00000-00&context=1516831)

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**Byline:** Alison Durkee, Forbes Staff

**Highlight:** GOP officials and lawmakers are taking steps to try and keep voters from protecting abortion rights.

**Body**

**Topline**

Montana s attorney general ruled Thursday that a proposed ballot measure protecting abortion rights was legally insufficient, the latest act by Republican officials to challenge abortion ballot measures ahead of the November election, as the referendums have become a key way for advocates to protect reproductive rights after the Supreme Court overturned Roe v. Wade.

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Montana Attorney General Austin Knudsen arrives to testify to Congress on January 10 in Washington, D.C.

CQ-Roll Call, Inc via Getty Images

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**Key Facts**

Montana Attorney General Austin Knudsen ruled the proposed measure is insufficient because it logrolls multiple distinct political choices into a single initiative and denies voters the ability to express their views on the nuance of when abortion should be legal, the Montana Free Press firstreported.

The proposedamendmentwould affirm abortion rights in the Montana Constitution, allowing the procedure until the point where a fetus is viable, and ensur[ing] that the government cannot deny or burden access to an abortion when it is necessary to protect the pregnant patient s life or health.

Knudsen opposed the fact that the proposed amendment would bar the state from enacting any restrictions in the future, even regulations that serve a compelling state interest and are narrowly tailored to that interest, and argued Montanans have nuanced views on abortion that depend on the pregnancy time frame or definition of medically necessary, which wouldn t be represented here.

The attorney general follows other officials inArkansas,Floridaand Missouri who have opposed abortion ballot measures because they argue the language is too vague and overly restrictive, and a Nevada state judgestruck downthat state s proposed measure because the language which also protected all matters related to pregnancy was too broad.

Knudsen s decision also comes after Montana voters rejected an abortion-relatedballot measurein 2022 that would have given rights to fetuses who are born alive, including after attempted abortions; the measure failed with 52.5% of the vote.

Abortion rights advocates behind the ballot measure now have 10 days to appeal Knudsen s ruling in court, which the Free Press reports they intend to do.

**Chief Critic**

In an attempt to keep an abortion rights initiative out of the hands of voters, Attorney General Austin Knudsen has used the power of his office to put personal ***politics*** before a fair process to allow Montanans the opportunity to secure their reproductive rights, Raph Graybill, an attorney for Montanans Securing Reproductive Rights, the committee behind the ballot measure, told the Free Press in a statement. Graybill vowed the group would do everything we can to get the measure on the ballot.

**Key Background**

Abortion ballot measures have become a popular tactic for reproductive rights advocates in the wake of the Supreme Court overturning Roe v. Wade in June 2022, sparking a wave of state-level abortion bans. Ballot measures came out in favor of abortion rights inevery statewhere the issue was on the ballot in 2022 California, Kansas, Kentucky, Michigan, Montana and Vermont withOhiofollowing in 2023. While state Republicans have been keen to restrict abortion rights, the ballot measures have allowed abortion rights advocates to harnesspublic opinionthat s largely in favor of keeping the procedure broadly legal, including in conservative-leaning states like Kansas and Kentucky. The string of ballot measure successes has spurredmore statesto consider measures ahead of the November general election, with ballot measures already confirmed in Maryland and New York.

**What To Watch For**

In addition to Montana, abortion-relatedballot measuresaimed at this year s elections are in various stages of progress in Arizona, Arkansas, Colorado, Florida, Iowa, Missouri, Nebraska, Nevada, Oregon and South Dakota, though it s too soon to say how many will ultimately make it to the ballot. Republicans in many states are attempting to thwart the ballot measures, with court battles playing out in Florida and Nevada, and Politicoreportsanti-abortion advocates have launched efforts aimed at blocking abortion rights groups from gathering the signatures needed for measures to make it on the ballot. All options should be on the table, Steven Aden, the chief legal officer of anti-abortion group Americans United for Life, told Politico about their efforts to thwart abortion ballot measures. Because we believe that abortion is truly about the right to life of human individuals in the womb, we don t believe those rights should be subjected to majority vote.

**Further Reading**

Conservatives move to keep abortion off the 2024 ballot(Politico)

Attorney general blocks constitutional abortion proposal(Montana Free Press)

Abortion Ballot Tracker: Where Your State Stands on Codifying Reproductive Rights(Rewire News Group)

How Americans Really Feel About Abortion: The Sometimes Surprising Poll Results One Year After Roe Overturned(Forbes)

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