



NARAL  
Pro-Choice America

## The Anti-Choice Movement's 2014 Ballot Strategy: Adapt to Deceive the Pro-Choice Electorate

Since 1978, 33 state ballot initiatives to restrict reproductive rights have been put to voters, and 25 have been defeated. Time and time again, voters have rejected these measures, including in states such as Mississippi and South Dakota, which are often electorally red and therefore assumed to be anti-choice. In reality, voters in these states and [across the country](#) overwhelmingly support legal access to abortion. To accommodate for this, the anti-choice movement is using deceptive strategies and tactics to pass three measures in Colorado, North Dakota and Tennessee—all amending the state constitutions—in 2014.

### Colorado and North Dakota: The Repackaging of Personhood

In [2008](#), [2010](#), and [2013](#) it was apparent that the [“personhood” measures](#) in Colorado and Mississippi were meant to outlaw abortion. In 2008, the [co-founder of Colorado for Equal Rights](#) said, “If the state or the federal government ever defined when life began, then the rights of the unborn would be superior to the woman’s right to have an abortion. If personhood was ever defined, then the case for *Roe* would collapse.”

### Colorado’s New Approach

Colorado voters rejected “personhood” initiatives in 2008 and 2010, so Personhood USA and their allies repackaged their proposal in 2014:

In 2014:

- **The ballot language has changed.** Instead of establishing that a person exists “from the moment of fertilization,” they are now approaching an abortion ban through a side door. That is, changing the criminal code in the state’s constitution to grant rights to an [“unborn human being.”](#)
- **The messaging has changed.** Proponents of the measure say that it is not about banning abortion, but rather about [protecting Colorado women](#). In reality, [laws already exist](#) that provide criminal and civil remedies for pregnant women who are victims of violence.
- **The face of the campaign has changed.** Personhood Colorado is no longer the face of the campaign. While they are still the lead organization, they have changed their website from “Personhood Colorado” to “A Voice for Brady.”

## North Dakota Takes Note of Colorado Lessons

In North Dakota, personhood proponents are making their first ballot attempt, and employing a deceptive strategy from the start.

- **They say their purpose isn't to ban abortion**, but this measure is a clear extension of their 2013 "personhood" win in the state legislature. The sponsor of that resolution, [state Sen. Margaret Sitte said](#), "We are intending that it be a direct challenge to *Roe v. Wade*, since [Justice Antonin] Scalia said that the Supreme Court is waiting for states to raise a case."
- **Their messaging is deceptive.** [They claim the measure will](#) "simply ensure that the inalienable right that is already mentioned in the constitution is not denied to any human being." But the constitutional amendment states that "The inalienable right to life of every human being at any stage of development must be recognized and protected," which [clearly has implications](#) for abortion, many forms of birth control, and potentially IVF and stem-cell research.
- **Their campaign is distancing themselves from the word "personhood."** Personhood ND [celebrated](#) the 2013 legislative victory and articulated their goal of passing the measure by popular vote, but they have strategically not used their name during the campaign; instead Personhood USA is using "Love Them Both." ND Choose Life is the coalition of groups behind Measure 1. The coalition is made up of groups such as North Dakota Life League and Love Them Both, both of who support and explicitly mention "personhood" in their language endorsing the coalition and Measure 1, but they include a "fact sheet" stating that the measure is not "personhood." This effectively distances them from the negative stigma attached to the "personhood" movement after the multiple losses at the ballot box.

## Tennessee: Anti-choice politicians want to erode the state constitution

Tennessee's anti-choice ballot measure is not "personhood," but it opens a floodgate to abortion restrictions that could also leave TN without access by amending their state constitution. This measure is the culmination of a 14 year strategy to override a decision by the [TN Supreme Court in 2000](#) that blocked several anti-choice measures from becoming law. Once passed, the state legislature could repeal any measure that protects abortion rights and then pass restrictions they've been unable to get into law.

Promises to pass abortion restrictions will not earn the support of voters, so the measure's proponents are employing vague and misleading language:

- **What proponents say the measure does:** This is a way to allow people to enact regulations they see fit that fit their values. This is "to go back to neutral on the issue of

abortion, so we can pass some common sense regulations to protect mothers and children.” ([Source](#))

- **What this measure actually does:** This is a measure that would repeal a woman’s right to privacy and significantly expand the power of the fully anti-choice [state legislature](#) to restrict abortion rights. If the measure passes, this fully anti-choice legislature would have the power to repeal measures that protect abortion rights. That's not all. If *Roe v. Wade* were ever overturned, the Tennessee Supreme Court would have [no authority](#) to keep abortion legal in the state.

The point of the deceptive Colorado, North Dakota and Tennessee strategies is to force restrictions past American voters who have soundly rejected them in the past. We have defeated the previous measures with robust voter education and this year our work has intensified in response to the new deceptive tactics. We have worked to expose the intended consequences of the vague ballot language and combat anti-choice claims that such measures will not restrict reproductive freedom. We know that voters who see beyond the adapted strategy to the same dangerous outcomes are likely to reject the measures as they have in the past.

### **Recent Background: 20-Week Abortion Bans**

In 2013, an anti-choice 20-week ban was put on the ballot in Albuquerque, NM. It was the first 20-week ban measure at the city level, and voters of Albuquerque soundly rejected the measure, 55 to 45 percent.

GOP Senators have introduced 20-week ban legislation multiple times, three times since 2012, and we expect 20-week bans could become the next “pet legislation” of an anti-choice controlled Senate. Both Gardner and Coffman voted for a 20-week ban in the U.S. House in 2013 and the SBA List has stated a goal of passing such a ban in the U.S. Senate.