



A NATIONWIDE PUBLIC INTEREST RELIGIOUS CIVIL LIBERTIES LAW FIRM

Post Office Box 540774
Orlando, FL 32854-0774
www.LC.org

109 2nd Second NE
Washington, DC 20002
407-875-1776

Post Office Box 11108
Lynchburg, VA 24506-1108
Media@LC.org

U.S. State Ballot Initiatives Regarding Abortion in 2024

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At least 12 states have viable, citizen-led or legislative efforts underway to amend their state constitutions or enact voter-approved statutes regarding abortion.

In June 2022, U.S. Supreme Court overturned the 1973 *Roe v. Wade* and 1992 *Planned Parenthood v. Casey* decisions ruling the U.S. Constitution does not guarantee a federal right to abortion. This decision shifted the battle for life back to the states. Abortion amendments to state constitutions or new state statutes are responses by pro-abortion and pro-life movements to America's post-*Roe* landscape.

Only two states have active pro-life ballot measures to amend the state constitution to guarantee the right to life for unborn babies or declare no right to abortion (Nebraska and Pennsylvania). There are **10** states that have active pro-abortion ballot measures attempting to protect abortion access, strengthen abortion protections, or enshrine abortion as a state constitutional right (Arizona, Arkansas, Colorado, Florida, Maryland, Missouri, Montana, Nebraska, Nevada, and South Dakota). Notably, Nebraska has both pro-life and pro-abortion initiatives. **Three** of these initiatives have met all the state requirements and **will** appear on the November ballot: Colorado, Maryland, and South Dakota.

In addition, pro-abortion initiatives in Maine and Minnesota were rejected by the state legislatures; a pro-abortion initiative in New York was ruled "void" by a state judge because the legislature violated constitutional rules during the amendment process; and pro-life amendments in Colorado and Iowa failed to achieve the requisite number of signatures and legislative votes, respectively. The amendments in these five states will not appear on the 2024 ballot.

The difference between a **bill (law)** and a **state ballot measure (constitutional amendment)**:

- A bill becomes law when both chambers of the legislature vote to pass it and the Governor signs the bill into law.
- A state ballot measure is a proposal to amend the state constitution. Each state has a different process.

Note: If a pro-abortion amendment is approved and enshrined in a state constitution, then the state's pro-life laws are no longer enforceable.

In most states, amending a constitution requires voter approval. In some states, the pathway for a proposed constitutional amendment to get on the ballot requires the legislature to approve it first. Once approved by the legislature, it can then go on the ballot for voters to ratify or reject. In other states, citizens can start a ballot initiative, not just the legislature. In a citizen-led initiative, a petition is used to gather a certain number of signatures. Once the petition signature goal is met and the signatures are verified by the state's certifying authority, the proposed amendment then can go on the ballot for voters to ratify or reject.

Currently, Maryland, Colorado, and South Dakota have completed the process and **will** have the abortion issue on its November 2024 ballot. Florida and Missouri have met the signature requirement and only require certification. As for the other states, they have yet to achieve or certify the requisite number of signatures or votes, but they have varying deadlines later this year to complete the process.

Notably, in the last two years since *Roe* was overturned, voters in California, Michigan, Vermont, and most recently Ohio have already approved constitutional amendments to make abortion access a right in their states. In 2018, voters in Alabama, Louisiana, and West Virginia have also amended their constitutions. Alabama guaranteed a right to life for the unborn and both Louisiana and West Virginia declared there was no right to abortion.

By the numbers:

- **States where a pro-abortion ballot initiative will appear on the November 2024 ballot: 3**
 - Maryland, Colorado, and South Dakota
- **States with a pro-abortion ballot initiative that still need to meet signature goal or certification requirements or legislative approval to appear on the November 2024 ballot: 7**
 - Arizona, Arkansas, Florida, Missouri, Montana, Nebraska, and Nevada
- **States with a pro-life ballot initiative that still need to meet signature goal or certification requirements or legislative approval to appear on the November 2024 ballot: 2**
 - Nebraska and Pennsylvania
- **States where a pro-abortion ballot initiative has been defeated: 2**
 - Maine – Failed to achieve a two-thirds majority vote in the state Senate.

- Minnesota – Failed to achieve a majority vote in the state Senate.
- **States already with a constitutional amendment protecting the right to abortion: 4**
 - California, Michigan, Ohio, and Vermont
- **States already with a constitutional amendment guaranteeing a right to life for the unborn or declaring no right to an abortion: 3**
 - Alabama, Louisiana, and West Virginia

The States where abortion may or will be on the ballot in 2024:

Arizona

Current Law: Abortion is banned after 15 weeks of pregnancy with no exceptions except to save the life of the mother. On April 9, the Arizona Supreme Court ruled that a near-total abortion ban could take effect beginning April 23, 2024.

PRO-ABORTION Ballot Initiative: [Arizona Abortion Access Act](#)

- Constitutional Amendment to establish a fundamental right to abortion before viability.
- Citizen-initiated
- 383,933 signatures by July 4, 2024

Status: Signature goal met and pending verification/certification

Pathway to approval or rejection: Once on the ballot, a simple majority voting “yes” amends the Arizona constitution. A simple majority voting “no” rejects the amendment. If approved, the state’s pro-life laws are unenforceable.

Arkansas

Current Law: A near-total abortion with no exceptions except to save the life of the mother.

PRO-ABORTION Ballot Initiative: [The Arkansas Reproductive Healthcare Amendment](#)

- Constitutional Amendment to protect abortion access within 18 weeks from conception.
- Citizen-initiated
- 90,704 signatures by July 5, 2024

Status: Pending public signatures

Pathway to approval or rejection: Once on the ballot, a simple majority voting “yes” amends the Arkansas constitution. A simple majority voting “no” rejects the amendment. If approved, the state’s pro-life laws are unenforceable.

Colorado – **APPROVED**

Current Law: Abortion is unrestricted and legal at any stage of pregnancy.

PRO-ABORTION Ballot Initiative: [Right to Abortion Initiative](#)

- Constitutional Amendment to provide a constitutional right to abortion and a right to health insurance coverage for abortion.
- Citizen-initiated
- 124,238 signatures by August 5, 2024

Status: **APPROVED.** Signature goal met and certified.

Pathway to approval or rejection: A 55 percent majority voting “yes” amends the Colorado constitution. A simple majority voting “no” or less than 55 percent voting “yes” rejects the amendment.

Colorado – **FAILED**

Current Law: Abortion is unrestricted and legal at any stage of pregnancy.

PRO-LIFE Ballot Initiative: [Equal Protection of Every Living Child in Colorado](#)

- Constitutional Amendment to define a “living human child” as a human being beginning at the moment of conception and to prohibit abortion.
- Citizen-initiated
- 124,238 signatures by April 18, 2024

Status: Failed to gather enough valid signatures

Florida

Current Law: Abortion is banned after 15 weeks or pregnancy with no exceptions except to save the life of the mother. A six-week ban will go in effect May 1, 2024.

PRO-ABORTION Ballot Initiative: Florida Amendment 4: [Amendment to Limit Government Interference with Abortion](#)

- Constitutional Amendment to provide a constitutional right to abortion before fetal viability and dictate that no law shall prohibit, penalize, delay, or restrict abortion.
- Citizen-initiated
- 891,523 signatures by February 1, 2024

Status: Signature goal met. Pending verification/certification

Legal Action: The Florida Supreme Court ruled 4-3 the proposed amendment can appear on the ballot.

Pathway to approval or rejection: Once on the ballot, a supermajority of 60 percent voting “yes” amends the Florida constitution. A simple majority voting “no” or less than 60 percent voting “yes” rejects the amendment. If approved, the state’s pro-life laws are unenforceable.

Iowa – **FAILED**

Current Law: Abortion is banned after 20 weeks of pregnancy. A six-week ban is blocked by the courts.

PRO-LIFE Ballot Initiative: [House Joint Resolution 5](#)

- Constitutional Amendment to defend and protect unborn children; to declare the state constitution does not grant a right to abortion and does not require public funding for abortion.
- Legislatively referred

Status: Failed in the state legislature

Pathway to approval or rejection: A constitutional amendment must be referred to voters by the legislature. A simple majority vote is required in both the Iowa House and Senate in two successive legislative sessions before an amendment can go before the voters. House Joint Resolution 5 was passed by both chambers in the 2021-2022 session but failed to pass in the 2023-2024 session. Any pro-life amendment would need to start over.

Maine – **REJECTED**

Current Law: Abortion is legal up to the point of fetal viability.

PRO-ABORTION Ballot Initiative: [Amendment to the Constitution of Maine to Protect Personal Reproductive Autonomy](#)

- Constitutional Amendment to provide a right to every person the right to “personal reproductive autonomy.”
- Legislatively referred

Status: **REJECTED**. Maine’s pro-abortion amendment failed to achieve a two-thirds majority vote in the Senate.

Maryland – **APPROVED**

Current Law: Abortion is legal up to the point of fetal viability.

PRO-ABORTION Ballot Initiative: [Senate Bill 798](#)

- Constitutional Amendment to establish that every person has a fundamental right to “reproductive freedom” (abortion) and to prohibit the state from denying, burdening, or abridging that right without a compelling state interest.
- Legislatively referred

Status: **APPROVED** by the legislature and will appear on the November 2024 ballot.

Minnesota - **FAILED**

Current Law: Abortion is unrestricted and legal at any stage of pregnancy. In 1995, the Minnesota Supreme Court ruled the state constitution recognizes the right to abortion.

PRO-ABORTION Ballot Initiative: [Equal Under the Law Amendment](#)

- Constitutional Amendment to establish equality under the law and that equal rights cannot be denied based on “race, color, national origin, ancestry, disability, or sex, *including pregnancy, pregnancy outcomes, reproductive freedom, gender identity, gender expression, and sexual orientation.*” (updated proposed language)
- Legislatively referred

Status: FAILED. While the measure passed in the Minnesota House, it failed in the Senate.

Missouri

Current Law: A near-total abortion with no exceptions except to save the life of the mother.

PRO-ABORTION Ballot Initiative: [The Right to Reproductive Freedom Initiative](#)

- Constitutional Amendment to provide the right for “reproductive freedom” and the right to make decisions about all matters relating to prenatal care, childbirth, postpartum care, birth control, abortion care, miscarriage care, and respectful birthing conditions.
- Citizen-initiated
- 171,592 signatures by May 5, 2024

Status: Signature goal met. Pending verification/certification

Pathway to approval or rejection: Once on the ballot, a simple majority voting “yes” amends the Missouri constitution. A simple majority voting “no” rejects the amendment.

Montana

Current Law: Abortion is legal up to the point of fetal viability. In 1999, the Montana Supreme Court ruled the state’s constitution protects abortion under its privacy rights.

PRO-ABORTION Ballot Initiative: [Ballot Issue 14](#)

- Constitutional Amendment to provide a right to abortion and prohibit the government from denying or burdening the right to abortion before fetal viability.
- Citizen-initiated
- 60,359 signatures by June 21, 2024

Status: Pending public signatures

Legal Action: The Montana Supreme Court ruled 6-0 that the proposed amendment can move forward to the signature gathering phase.

Pathway to approval or rejection: Once on the ballot, a simple majority voting “yes” amends the Montana constitution. A simple majority voting “no” rejects the amendment.

Nebraska

Current Law: Abortion banned after 12 weeks of pregnancy with exceptions for rape, incest, and threat to life of the mother.

PRO-ABORTION Ballot Initiative: [Protect the Right to Abortion](#)

- Constitutional Amendment to provide the fundamental right to abortion without interference from the state until fetal viability.
- Citizen-initiated
- 124,465 signatures by July 5, 2024

Status: Pending public signatures

Pathway to approval or rejection: Once on the ballot, a simple majority voting “yes” amends the Nebraska constitution. A simple majority voting “no” rejects the amendment.

PRO-LIFE Ballot Initiative: [Nebraska Human Life Protection Initiative](#)

- Constitutional Amendment to protect unborn children after the first trimester except in a medical emergency or in a pregnancy resulting from rape or incest.
- Citizen-initiated
- 124,465 signatures by July 5, 2024

Status: Pending public signatures

Pathway to approval or rejection: Once on the ballot, a simple majority voting “yes” amends the Nebraska constitution. A simple majority voting “no” rejects the amendment.

Nevada

Current Law: Abortion is legal up to the point of fetal viability.

PRO-ABORTION Ballot Initiative: [The Nevada Reproductive Rights Amendment](#)

- Constitutional Amendment to provide the fundamental right to abortion until fetal viability and prohibit the government from denying, burdening, or infringing the right to abortion without a compelling state interest.
- Citizen-initiated
- 102,362 signatures by June 26, 2024

Status: Signature goal met. Pending verification/certification

Legal Action: The Nevada Supreme Court unanimously ruled the amendment could appear on the ballot.

Pathway to approval or rejection: Once on the ballot, the amendment must be approved by a simple majority vote in two consecutive election cycles. A simple majority voting “yes” in 2024 will allow the amendment to be on the 2025 ballot. A second simple majority voting “yes” in 2025 amends the Nevada constitution. A simple majority voting “no” in 2024 rejects the amendment.

New York – BLOCKED

Current Law: Abortion is legal up to the point of fetal viability.

PRO-ABORTION Ballot Initiative: [Equal Protection of Law Amendment](#)

- Constitutional Amendment to establish equality under the law and that a person cannot be discriminated against based on “ethnicity, national origin, age, disability, creed, or religion, or sex, including sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy.”
- Legislatively referred

Status: **BLOCKED** by the New York State Supreme Court due to improper legislative procedures. Even though the state legislature has approved of the ballot’s language two legislative sessions in a row, they violated timeline rules and the judge rendered the proposal “null and void.”

Pennsylvania

Current Law: Abortion is legal up to the point of fetal viability.

PRO-LIFE Ballot Initiative: [Senate Bill 106 \(Joint Resolution\)](#)

- Constitutional Amendment to state there is no right to taxpayer-funded abortion or any other right to abortion.
- Legislatively referred

Status: Pending a second legislative vote

Pathway to approval or rejection: A simple majority vote is required in both the Pennsylvania House and Senate in two successive legislative sessions before an amendment can go before the voters. Seante Bill 106 was passed by both chambers in the 2021-2022 session and must be passed again in the 2023-2024 session to be referred to voters in 2024. Once on the ballot, a simple majority voting “yes” amends the Pennsylvania constitution. A simple majority voting “no” rejects the amendment.

South Dakota – APPROVED

Current Law: Near-total abortion ban with an exception to preserve the life of the mother.

PRO-ABORTION Ballot Initiative: [Right to Abortion](#)

- Constitutional Amendment to provide a constitutional right to abortion in the first trimester and to provide a legal framework to regulate abortion after the first trimester.
- Citizen-initiated
- 35,017 signatures by May 7, 2024

Status: **APPROVED.** Signature goal met and certified.

Pathway to approval or rejection: A simple majority voting “yes” amends the South Dakota constitution. A simple majority voting “no” rejects the amendment.