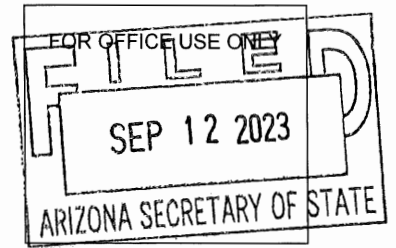




STATE OF ARIZONA

Application for Serial Number Initiative Petition A.R.S. § 19-111



The undersigned intends to circulate and file an initiative petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Attached hereto is the full title and text, in no less than eight point type, of the measure or constitutional amendment intended to be initiated at the next general election.

Statutory Measure

Constitutional Amendment

Date of Application

Sept. 12, 2023

Signatures Required

383,923

Deadline for Filing

July 03, 2024

Serial Number Issued

I-05-2024

The Arizona Abortion Access Act amends the Arizona Constitution to establish a fundamental right to abortion that the State (defined by the act to mean the State, an agency of the State, or a political subdivision of the State) may not deny, restrict or interfere with [1] before the point in pregnancy when a health care provider determines that the fetus has a significant likelihood of survival outside the uterus without extraordinary medical measures unless justified by a compelling governmental interest (defined by the act as a law, regulation, policy, or practice enacted for the limited purpose of improving or maintaining the health of an individual seeking abortion care, consistent with accepted clinical standards of practice and evidence-based medicine, and that does not infringe on that individual's autonomous decision-making) that is achieved by the least restrictive means, or [2] after that point in pregnancy if a health care provider determines an abortion is necessary to protect the life or the physical or mental health of the pregnant individual; and under which the State may not penalize individuals or entities for assisting a pregnant individual in exercising their right to abortion.

Dacey Montoya

Name of Applicant

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Arizona for Abortion Access

Committee Name

101432

Committee ID No.

Candace Lew

Chairperson

Dacey Montoya

Treasurer

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Committee Telephone Number

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By submitting this Application for Serial Number and checking all boxes below, I acknowledge the following:

- That I have read and understand the accompanying Instructions for Statewide Initiatives, including the Secretary of State's recommended best practices for printing copies of the Statewide Initiative Petition to be circulated.
That at the time of filing, I was provided instructions regarding accurate completion of the electronic Statewide Initiative Petition form.

Applicant Signature

September 11, 2023

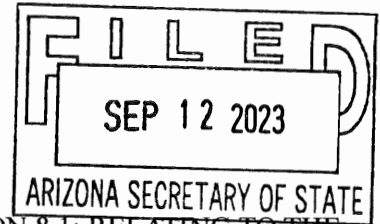
Date

Office of the Secretary of State 1700 W. Washington Street Phoenix, Arizona 85007

OFFICIAL TITLE

A CONSTITUTIONAL AMENDMENT

AMENDING ARTICLE II, CONSTITUTION OF ARIZONA, BY ADDING SECTION 8.1; RELATING TO THE
FUNDAMENTAL RIGHT TO ABORTION.



TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of the State of Arizona:

Sec. 1. Short title

This constitutional amendment shall be known as, and may be referred to as, the “Arizona Abortion Access Act”.

Sec. 2. Findings and declaration of purpose

The People of the State of Arizona find and declare as follows:

- A. Arizonans believe strongly in individual autonomy, which includes the right of each individual to make personal decisions about their own health care without overbearing and unnecessary government interference.
- B. When the United States Supreme Court overturned *Roe v. Wade* and deprived Arizonans of their longstanding individual right to abortion, Arizonans’ autonomy over their own health care decisions was immediately threatened by efforts to enforce a law first enacted in the 19th Century that made almost all abortions illegal.
- C. To protect Arizonans’ rights and ensure access to reproductive health care, the Arizona Constitution must be amended to establish a fundamental right to abortion as provided in this act.
- D. This act should be liberally construed in furtherance of the fundamental right it establishes.

Sec. 3. Article II, Constitution of Arizona, is amended by adding section 8.1, to read:

8.1. Fundamental right to abortion; definitions

A. EVERY INDIVIDUAL HAS A FUNDAMENTAL RIGHT TO ABORTION, AND THE STATE SHALL NOT ENACT, ADOPT OR ENFORCE ANY LAW, REGULATION, POLICY OR PRACTICE THAT DOES ANY OF THE FOLLOWING:

- 1. DENIES, RESTRICTS OR INTERFERES WITH THAT RIGHT BEFORE FETAL VIABILITY UNLESS JUSTIFIED BY A COMPELLING STATE INTEREST THAT IS ACHIEVED BY THE LEAST RESTRICTIVE MEANS.
- 2. DENIES, RESTRICTS OR INTERFERES WITH AN ABORTION AFTER FETAL VIABILITY THAT, IN THE GOOD FAITH JUDGMENT OF A TREATING HEALTH CARE PROFESSIONAL, IS NECESSARY TO PROTECT THE LIFE OR PHYSICAL OR MENTAL HEALTH OF THE PREGNANT INDIVIDUAL.
- 3. PENALIZES ANY INDIVIDUAL OR ENTITY FOR AIDING OR ASSISTING A PREGNANT INDIVIDUAL IN EXERCISING THE INDIVIDUAL’S RIGHT TO ABORTION AS PROVIDED IN THIS SECTION.

B. FOR THE PURPOSES OF THIS SECTION:

1. “COMPELLING STATE INTEREST” MEANS A LAW, REGULATION, POLICY OR PRACTICE THAT MEETS BOTH OF THE FOLLOWING:

(a) IS ENACTED OR ADOPTED FOR THE LIMITED PURPOSE OF IMPROVING OR MAINTAINING THE HEALTH OF AN INDIVIDUAL SEEKING ABORTION CARE, CONSISTENT WITH ACCEPTED CLINICAL STANDARDS OF PRACTICE AND EVIDENCE-BASED MEDICINE.

(b) DOES NOT INFRINGE ON THAT INDIVIDUAL’S AUTONOMOUS DECISION MAKING.

2. “FETAL VIABILITY” MEANS THE POINT IN PREGNANCY WHEN, IN THE GOOD FAITH JUDGMENT OF A TREATING HEALTH CARE PROFESSIONAL AND BASED ON THE PARTICULAR FACTS OF THE CASE, THERE IS A SIGNIFICANT LIKELIHOOD OF THE FETUS’S SUSTAINED SURVIVAL OUTSIDE THE UTERUS WITHOUT THE APPLICATION OF EXTRAORDINARY MEDICAL MEASURES.

3. “STATE” MEANS THIS STATE, ANY AGENCY OF THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE.

Sec. 4. Severability

If any provision of this measure or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the measure that can be given effect without the invalid provision or application, and to this end the provisions of this measure are severable.

Sec. 5. Submission to the electorate

The Secretary of State shall submit this measure to the qualified electors of the State of Arizona at the next general election as provided by article IV, part 1, section 1, Arizona Constitution.

Sec. 6. Standing

The People of the State of Arizona desire that this measure, if approved by the voters and thereafter challenged in court, be defended by the State of Arizona. The political action committee that sponsored this measure (or its designee) shall have standing to initiate or intervene in any action or proceeding to enforce defend this measure.

