

News From The States

EVENING WRAP

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By [Kate Queram](#)

We need to talk about New Hampshire, but first, we need to talk about abortion.



The Big Takeaway

Wisconsin Republicans on Monday celebrated the 51st anniversary of [Roe v. Wade](#) as only Republicans could: With a public hearing for a [proposed voter referendum](#) on a 14-week abortion ban, [the Wisconsin Examiner reported](#). This was a largely pointless endeavor, both because the bill stands zero chance of making it past [Gov. Tony Evers](#) and because everyone — students, doctors, Democrats, Republicans, abortion advocates, anti-abortion groups — *hates it*.



Hates it!

(Photo by Anna Moneymaker/Getty Images)

Abortions are legal [in Wisconsin](#) until 22 weeks of pregnancy under a [court decision](#) that suspended [a Civil War-era policy](#) outlawing the procedure with no exceptions. The fate of the law lies with the state Supreme Court, a [newly liberal majority](#) that is expected to [hear the case](#) this year. Republicans seemed to sense the changing tides Monday as they sought to frame the proposed referendum as a compromise that would impose fewer restrictions than they'd prefer, and then only if voters agree.

It isn't about *Republicans*, or *politics*, or even any *one person*, sniffed state Rep. Donna Rozar. It's about *The People*, who have *rather irritatingly* been *clamoring* for a chance to weigh in on this issue.

"This bill gives the other side what has been requested over and over again," she said. "I ask that we give the voters a chance to decide and stop playing political games with this crucial issue."

The problem is that most abortion restrictions are political, which becomes fairly obvious once the medical professionals start weighing in on the particulars. The Wisconsin policy, for example, retains the use of the nonsensical term

“postfertilization age,” which attempts to date gestation by the number of weeks elapsed since the “probable time of fertilization” — something doctors can’t pinpoint. The 14-week mark is similarly meaningless, according to Dr. Kristin Lyerly, a Green Bay OBGYN.



*They learn this stuff at a special school!
(Photo by Getty Images)*

“Fourteen weeks, 15 weeks, six weeks. What does it all mean?” Lyerly said. “It’s all arbitrary. They are doing this to be political. This has no foundation in women’s health.”

The proposal did not fare better among anti-abortion groups, who told lawmakers they’d actually prefer to roll the dice with the state Supreme Court for now. Because *that* law is an all-out ban, and there’s no need to loosen it before you *have* to, according to Matt Sande, legislative director for Pro-Life Wisconsin.

“Let’s defend this law. This is the legislature’s law. This is your law. The legislature created this in 1849,” said Sande, apparently unaware of the concept of [life expectancy](#). “Putting this bill forward does signal that the legislature has

doubts about its lawfulness, and I don't think that's a good message to send.”

Also, it could really hamper fundraising, he added.

“If this referendum were to pass ... it'd be, ‘Oh, the people have spoken,.’” Sande said. “And that would really hinder our organizational mission.”



*Please, won't someone think of the organizational mission?
(Photo by Brendan Hoffman/Getty Images)*

Abortion has a better shot of making it on the ballot in Nevada, where at least three constitutional amendment proposals are in the works, [per the Nevada Current](#). Two were filed late last year by a political action committee affiliated with Nevadans for Reproductive Freedom, which submitted its second proposal to the secretary of state in December after the first [was deemed](#) in violation of a state rule that limits petitions to a single subject.

The group appealed that decision to the state Supreme Court even as it streamlined the language by removing references to specific procedures (vasectomies, tubal ligations, abortion, childbirth) in favor of simply establishing “a fundamental right to reproductive freedom.” Those revisions did not prove more palatable to anti-abortion groups, which filed a second legal challenge.

“People across the country and across Nevada are rightfully angry that a radical Supreme Court has rolled back reproductive freedoms at the federal level,” Lindsey Harmon, president of Nevadans For Reproductive Freedom, said in a statement. “That’s why abortion rights are poised to take center stage in Nevada this year.”

For either version to appear on the ballot, the PAC will have to win in court, then collect and submit more than 100,000 valid signatures by June 26. Voters would then need to approve the measure twice — once this year, and then again in 2026.



*There we are.
(Photo by Getty Images)*

There may be a third option. Next year, state lawmakers will vote for the second time on [Senate Joint Resolution 7](#), which enshrines the right to reproductive freedom in the state constitution. If the measure passes the Democrat-majority legislature (likely), it would go to voters for final approval in 2026. That proposal could be [held back](#) if the PAC succeeds before 2026, organizers said.

Voters won’t have a say on the fate of abortion in Florida, where access

hinges on a pair of cases before the ultraconservative Supreme Court. The first — a challenge to the state’s 15-week abortion ban — concluded four months ago, so the ruling, much like the [sword of Damocles](#), could fall at any time, clearing the way for a six-week ban to take effect. The second, which asks the justices to approve language for a ballot referendum overturning the bans altogether, is scheduled to begin in February, [per the Florida Phoenix](#).

The delay could mean something, or it could mean nothing. Much like its national counterpart, the Florida Supreme Court operates mostly behind closed doors, emerging periodically only to don their robes and issue vague decrees that make little sense to anyone who had the good sense to avoid law school. There is no point in reading the tea leaves. Often, there are no tea leaves at all, according to Bob Jarvis, professor of constitutional law at Nova Southeastern University Shepard Broad College of Law.

“Like all courts, the Florida Supreme Court moves at its own pace,” he said. “There is no rhyme or reason that outsiders can detect.”

Still, people have some theories. For example, Democrats and Extremely Online Political People have long surmised that the court would stay silent at least through the Iowa caucus, giving Gov. Ron DeSantis room to toe the hard line on abortion in hopes of wooing evangelical voters. Alas, even that could not save DeSantis, who spent [\\$150 million](#) to torpedo his political career, lose Iowa by 30 points, [drop out of the race](#), and immediately endorse the guy who spent months belittling him in public.



State of Our Democracy

And so a weary nation turns its eyes to [New Hampshire](#), where GOP primary voters on Tuesday were left with a choice between Donald Trump and Nikki Haley. This contest is Haley’s (and with her, everyone’s) best chance to defeat Trump en route to the nomination, which does not bode well given [her 17-point deficit](#) and also the reality of the primary electorate, which skews decidedly to the right of the Granite State.

What that means is that Haley might get a boost from New Hampshire’s independent voters and moderate Republicans, but it won’t matter unless her only goal is to perform well in New Hampshire. Because there is no clear path

beyond that. Independent voters and moderate Republicans are not going to decide the GOP nominee in 2024. Independent voters and moderate Republicans barely *exist* in 2024.



*A (the?) Dean Phillips supporter in the wild!
(Photo by Hadley Barndollar/New Hampshire Bulletin)*

It is a bad strategy, but that is better than *no* strategy, so Haley’s campaign doubled down on Tuesday via [a memo](#) highlighting 11 Super Tuesday states where independent voters can participate in primary elections, [the New Hampshire Bulletin reported](#). Seven of them have “favorable demographics” for Haley, according to the document, which also urged everyone to please calm down and stop talking about independent voters and characterizing New Hampshire as the candidate’s last stand. (Oops.)

“Until [Super Tuesday results are in], everyone should take a deep breath,” the memo said. “The campaign has not even begun in any of these states yet. No ads have been aired and candidates aren’t hustling on the ground. A month in politics is a lifetime.”

Haley spent the day criss-crossing the state with Gov. Chris Sununu, a Republican who took periodic breaks to fight with Trump online, [per the Bulletin](#). (As one does.) The results were mostly awkward. (Trolling is an art form, and there are only so many Picassos.) One exchange began with Trump wondering why Fox News continues to book Sununu, an unpopular governor based on the fact that Trump's rally crowd "BOOO like crazy" whenever he's mentioned.

This does not warrant a reply. It does not even warrant the energy I expended typing it. This is an [old man yelling at a cloud](#), and there is no need to give him a better target. And yet!

"I suppose it's tough keeping up with the conversation given your advanced age," Sununu replied. "Maybe try subtitles next time."

There was truly no point to any of this. Sununu has already pledged to vote for Trump if he secures the nomination. Trump will accept the support. I will cringe, and then I will write about it. Time is a flat circle, etc.



From The Newsrooms

Reproductive Rights

- [Indiana Department of Health to withhold individual terminated pregnancy reports](#)
- [Reproductive justice coalition launches campaign to put abortion access in Colorado Constitution](#)
- [Supporters, opponents of abortion rights pack Maine State House hearing on constitutional amendment](#)
- [Referendum on abortion access gets kick-off rally as Maryland advocates prep for November ballot](#)

Gov & Politics

- [Ohio Republican congressional candidate sought office as a Democrat in 2022](#)
- [State redistricting meeting in Detroit to redraw districts attracts few](#)
- [More questions than answers persist as to who is running the Michigan Republican Party](#)
- [U.S. Sen. Bob Menendez \(D-N.J.\) asks judge to suppress gold bars,](#)

Healthcare

- [Wastewater tests show COVID infections surging, but pandemic fatigue limits precautions](#)
- ['Perfect storm': Missouri advocates decry Medicaid application delays, coverage losses](#)
- [Medicaid unwinding, enhanced subsidies contribute to 'significant' increase in West Virginia ACA plan enrollment](#)
- ['My only hope': Inside one Mississippi woman's quest for Medicaid coverage](#)



One Last Thing

The Federal Highway Administration, a boring agency that hates fun, “strongly recommends” that state officials refrain from posting funny messages on electronic signs over highways. No jokes! Nothing obscure! No references to pop culture! Stop trying to make people laugh!

Instead, the signs should be “simple, direct, brief, legible, and clear,” according to [\(boring\) updated guidance](#) released last month. Agencies are still free to broadcast reminders about seat belts or the dangers of driving under the influence, just not, you know, in a way that anyone might notice or remember.

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