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**From:** Natalie Hejran <Natalie.Hejran@aul.org>  
**Sent:** Monday, August 15, 2022 9:36 AM  
**To:** ATG Ballot Comments  
**Subject:** [EXT] Abortion Ballot Comment

Hi,

My name is Natalie Hejran and I am staff counsel at Americans United for Life. Please find below our comment on the proposed ballot summary.

Americans United for Life is the oldest and most active pro-life national advocacy organization. AUL has dedicated over 50 years to advocating for comprehensive legal protections for human life from conception to natural death. The proposed ballot summary is misleading, since it states only that the resolution would provide a “framework” by which abortion would be regulated, without mentioning that it would vitiate much of South Dakota’s abortion legislation.

Today, South Dakota law defends Life and prohibits abortions except when necessary to save the life of the mother. This proposed constitutional amendment would effectively result in the invalidation of all progress the legislature has made over the years to become one of the most pro-Life states in the U.S. It would expand and enshrine abortion as a “right” and prevent future legislators from implementing regulations or limitations on abortion.

The language of the amendment makes this clear. Abortion would go from *prohibited* to *protected*. It explicitly states that in the first trimester, regulation of the “abortion decision and its effectuation” would not be permitted *at all*. This means South Dakota would suddenly allow abortion on demand throughout the first trimester. No restrictions and no protections.

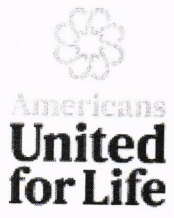
In the second trimester, the only regulations that would be allowed are those that “reasonably relate[] to the physical health of the pregnant woman.” This language has the potential to render meaningless existing commonsense safeguards, such as prohibitions on sex-selective abortions and abortions made based on a potential Down syndrome diagnosis. It could also preclude informed consent to ensure that women receive truthful information about abortion procedures and the nature of life in the womb. It could even prevent the enforcement of South Dakota’s parental notice law which serves as a protection for minor girls.

Finally, in the third trimester, abortions could be regulated or prohibited except when “necessary . . . to preserve the life or health of the pregnant woman.” This exception is not as minimal as it sounds, since “health” has historically been defined broadly by the Supreme Court to include “physical, emotional, psychological, familial, and the woman’s age” for the purposes of post-viability abortions. This effectively would allow abortion in almost all cases.

If legalizing abortion wasn’t bad enough, this amendment would also prevent the passage of any future protections for both mother and child. This includes protections against physical harm to women through the regulation of abortion providers. By lowering professional accountability, abortion providers in South Dakota will be free to operate without regulation and oversight, to the detriment of women and young girls as they risk facing life-threatening and potentially life-ending complications due to abortion.

What is described as “establish[ing] a framework for the regulation of abortion” is really the expansion of elective abortion in a state where there is a desire to regulate, and even prohibit, it. South Dakotans want to continue their strong efforts in protecting Life. The proposed constitutional amendment does the opposite and must be rejected.

Thank you,



**Natalie Hejran, Esq.**  
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