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Anne Klein

# California Proposition 1, Right to Reproductive Freedom Amendment (2022)

**California Proposition 1**, the **Right to Reproductive Freedom Amendment**, is on the ballot in California as a legislatively referred constitutional amendment on November 8, 2022.

## California Proposition 1



### Election date

November 8, 2022

### Topic

Abortion

### Status

On the ballot

### Type Origin

Constitutional State amendment legislature

A "yes" vote supports amending the state constitution to prohibit the state from interfering with or denying an individual's *reproductive freedom*, which is defined to include a right to an abortion and a right to contraceptives.

A "no" vote opposes this amendment providing a right to reproductive freedom in the state constitution.

## Additional information on abortion-related ballot measures

In 2022, there are six ballot measures addressing abortion — the most on record for a single year. Measures have been certified for the ballot in California, Kansas, Kentucky, Michigan, Montana, and Vermont.

- You can find a list of this year's certified and proposed measures here: [2022 abortion-related ballot measures](#).
- Information on abortion-related ballot measures since 1970 is available here: [History of abortion ballot measures](#).

## Overview

### What would Proposition 1 do?

See also: *Text of measure*

Proposition 1 would amend the California Constitution to establish a right to *reproductive freedom*, which is defined to include a right to an abortion and to choose or refuse contraceptives. The amendment states, "The state shall not deny or interfere with an individual's reproductive freedom in their most intimate decisions, which includes the right to an abortion and the right to choose or refuse contraceptives."

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### What is th

See also: *Status of abortion rights in California and Abortion regulations in California*

Abortion is legal in California up to fetal viability and after viability if the procedure is necessary to protect the life or health of the mother. In 2002, the California State Legislature passed the Reproductive Privacy Act, which added language to state statute declaring that women have a "fundamental right to choose to bear a child or to choose and to obtain an abortion."<sup>[2]</sup>

## Have other states decided on abortion rights amendments?

See also: *2022 abortion-related ballot measures and History of abortion on the ballot*

No state has voted on a constitutional amendment to provide a right to reproductive freedom. In 2022, Vermont voters will decide on a similar amendment to add language protecting the right to personal reproductive autonomy. Voters in Kansas and Kentucky will decide on amendments to state that nothing in the state constitution creates a right to abortion or requires government funding for abortion.

At least nine states, provided a state constitutional right to abortion based on court rulings, including four states that have also guaranteed abortion rights through statute. None of these states provide an explicit constitutional right to abortion; rather, state courts have ruled that provisions related to privacy, liberty, and equality provide a right to abortion.<sup>[3]</sup>

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## Text of measure

### Constitutional changes

See also: *Article I, California Constitution*

The measure would add Section 1.1 to Article I of the California Constitution. The following underlined text would be added:<sup>[1]</sup>

SEC. 1.1. The state shall not deny or interfere with an individual's reproductive freedom in their most intimate decisions, which includes their fundamental right to choose to have an abortion and their fundamental right to choose or refuse contraceptives. This section is intended to further the constitutional right to privacy guaranteed by Section 1, and the constitutional right to not be denied equal protection guaranteed by Section 7. Nothing herein narrows or limits the right to privacy or equal protection.<sup>[4]</sup>

## Support

### Supporters

#### Officials

- Gov. G.
- State §
- State §
- State ASST. SABRINA CERVANTES (D) —

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- State Asm. Cristina Garcia (D) [↗](#)
- State Asm. Anthony Rendon (D) [↗](#)
- State Asm. Phil Ting (D) [↗](#)

### Organizations

- Planned Parenthood Affiliates of California [↗](#)

## Arguments

- **Gov. Gavin Newsom (D):** "California will not sit on the sidelines as unprecedented attacks on the fundamental right to choose endanger women across the country. This measure will ensure that women in our state have an inviolable right to a safe and legal abortion that is protected in our constitution." [↗](#)
- **Assembly Speaker Anthony Rendon (D-63):** "We know from history that abortion bans don't end abortion. They only outlaw safe abortions. We must preserve the fundamental reproductive rights of women here in California because they are under attack elsewhere." [↗](#)

# Opposition

## Opponents

### Officials

- State Asm. James Gallagher (R) [↗](#)

### Political Parties

- Republican Party of California [↗](#)

### Organizations

- California Conference of Catholic Bishops [↗](#)
- Democrats for Life of America [↗](#)

## Arguments

- **Susan Shelley, editorial columnist for The Orange County Register:** "It would be unprecedented, but up until now, unrestricted late-term abortion has not been legal. If California legalizes it, the unintended consequences could be far-reaching. Wherever you stand on the issue of abortion, 'No on Proposition 1' is the right vote." [↗](#)
- **Joe Alegria, director of development of Pregnancy Care Clinic:** "Shouldn't our leaders be asking: How do we render abortion unnecessary? How do we support desperate men and women, like myself, so they can make informed decisions about their baby? ... I hope the voters in our state see through the politics, and don't just accept the status quo. Voters should encourage our leaders to find real solutions to abortion — not just words on paper, and work, like I have, to prevent abortion." [↗](#)
- **Roman Catholic Bishop Jaime Soto:** "The state's political leadership continues to stubbornly cling to the practice of abortion and the throw-away culture. It is reprehensible to enshrine in the State Constitution the practice of abortion even until moments before delivery. The language of SCA 10 is overly vague, reckless and could further endanger children, especially among the poor and marginalized in our state." [↗](#)
- **Asm. Randy Voepel (R-71):** "If you believe in souls and that we're God's creatures, when does the baby get the soul? You might want to think about that." [↗](#)
- **Jon Fleischman, the publisher of the FlashReport on California politics:** "Californians are passionate about the state of human rights around the world, rightly outraged at abuses in some countries. We are keeping a close eye on the right for Propo: elections across the country. Join the right for a health on September 28 to learn about n't reject. s... 1

# Campaign finance

See also: *Campaign finance requirements for California ballot measures*

**The campaign finance information on this page reflects the most recently scheduled reports processed by Ballotpedia, which covered through August 31, 2022. The deadline for the next scheduled reports is September 29, 2022.**

Ballotpedia identified one committee registered in support of Proposition 1: **Atkins Ballot Measure Committee; Yes on Proposition 1**. The committee reported \$3.1 million in contributions through August 31, 2022. One committee, **Women for Reproductive Facts - No on Prop 1**, is registered in opposition to Proposition 1. It had not reported any contributions.<sup>[5]</sup>

|         | Cash Contributions | In-Kind Contributions | Total Contributions   | Cash Expenditures | Total Expenditures |
|---------|--------------------|-----------------------|-----------------------|-------------------|--------------------|
| Support | \$3,110,114.00     | \$0.00                | <b>\$3,110,114.00</b> | \$552,859.29      | \$552,859.29       |
| Oppose  | \$0.00             | \$0.00                | <b>\$0.00</b>         | \$0.00            | \$0.00             |

## Support

The following table includes contribution and expenditure totals for the committee in support of Proposition 1.<sup>[5]</sup>

| Committees in support of Proposition 1                |                       |                       |                       |                     |                     |
|---|-----------------------|-----------------------|-----------------------|---------------------|---------------------|
| Committee   | Cash Contributions    | In-Kind Contributions | Total Contributions   | Cash Expenditures   | Total Expenditures  |
| Atkins Ballot Measure Committee; Yes on Proposition 1 | \$3,110,114.00        | \$0.00                | \$3,110,114.00        | \$552,859.29        | \$552,859.29        |
| <b>Total</b>  | <b>\$3,110,114.00</b> | <b>\$0.00</b>         | <b>\$3,110,114.00</b> | <b>\$552,859.29</b> | <b>\$552,859.29</b> |

## Donors

The following table shows the top donors to the committee registered in support of Proposition 1.<sup>[5]</sup>

| Donor  | Cash Contributions | In-Kind Contributions | Total Contributions |
|--|--------------------|-----------------------|---------------------|
| M. Quinn Delaney   | \$500,000.00       | \$0.00                | \$500,000.00        |
| Planned Parenthood Advocacy Project Los Angeles County       | \$500,000.00       | \$0.00                | \$500,000.00        |
| California Federation of Teachers COPE Prop/Ballot Committee | \$300,000.00       | \$0.00                | \$300,000.00        |
| ACLU of Northern California Issues Committee                 | \$250,000.00       | \$0.00                | \$250,000.00        |
| CA Teachers Assn Issues PAC                                  | \$250,000.00       | \$0.00                | \$250,000.00        |

# Media editorials

See also: *2022 ballot measure media endorsements*

Ballotpedia identified the following media editorial boards as taking positions on the initiative.

Ballotpedia lists the positions of and excerpts from editorials supporting or opposing ballot measures from the editorial boards of certain media outlets. In this section, Ballotpedia does not include opinion pieces written by individuals or groups that do not represent the official position of a newspaper or media outlet. Ballotpedia includes editorials from newspapers and outlets based on:

- circula
- emphz
- reputa

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To submit a media editorial for inclusion, email [editor@ballotpedia.org](mailto:editor@ballotpedia.org).

## Support

- San Francisco Chronicle Editorial Board:** "By explicitly adding protections for abortion and contraception to our state Constitution, the right to abortion will still be secure even if a future Legislature were to repeal the Reproductive Privacy Act or a future California Supreme Court decides the privacy provision no longer applies to reproductive rights."
- Los Angeles Times Editorial Board:** "Frankly, every state needs to have the right to abortion stated in its constitution. That includes California, though it is already one of the most progressive states in the nation on reproductive rights and lawmakers have passed new laws confirming the state's status as a haven for abortion. ... Vote yes on Proposition 1."
- Bay Area Reporter Editorial Board:** "Prop 1 is needed to ensure that such bodily autonomy decisions remain under the purview of pregnant people, their families, and their doctors, and not conservative politicians and judges. Vote YES on Prop 1."

## Opposition

Ballotpedia did not identify any media editorials in opposition to Proposition 1.

## Polls

See also: *Ballotpedia's approach to covering polls and 2022 ballot measure polls*

Are you aware of a poll on this ballot measure that should be included below? You can share ballot measure polls, along with source links, with us at [editor@ballotpedia.org](mailto:editor@ballotpedia.org).

| California Proposition 1, Right to Reproductive Freedom Amendment (2022) |   |             |                 |         |        |           |
|--|---|-------------|-----------------|---------|--------|-----------|
| Poll   | Dates   | Sample size | Margin of error | Support | Oppose | Undecided |
| Public Policy Institute of California                                    | 9/2/22-9/11/22  | 1,060 LV    | ± 5.4%          | 69%     | 25%    | 6%        |
|  | <i>Question:</i> "Proposition 1 is called the Constitutional Right to Reproductive Freedom. Legislative Constitutional Amendment. It amends the California Constitution to include the fundamental right to choose to have an abortion and the fundamental right to choose or refuse contraceptives. This amendment does not narrow or limit the existing rights to privacy and equal protection under California's Constitution. There is no direct fiscal effect because reproductive rights are already protected by state law. If the election were held today, would you vote yes or no on Proposition 1?" |             |                 |         |        |           |
| Rasmussen Reports  | 8/10/22-8/11/22   | 1,006 LV    | ± 3.0%          | 66%     | 27%    | 7%        |
|  | <i>Question:</i> "Do you support or oppose California's Proposition 1 which states: "The state shall not deny or interfere with an individual's reproductive freedom in their most intimate decisions, which includes their fundamental right to choose to have an abortion and their fundamental right to choose or refuse contraceptives.""   |             |                 |         |        |           |
| U.S. Berkeley Institute of Governmental Studies                          | 8/9/22-8/15/22  | 9,254 RV    | ± 2.0%          | 71%     | 18%    | 11%       |
|  | <i>Question:</i> "In the November election, California voters will be asked to vote on Proposition One, a statewide constitutional amendment having to do with abortion rights. It reads as follows: "The state shall not deny or interfere with an individual's reproductive freedom in their most intimate decisions, which includes their fundamental right to choose to have an abortion and their fundamental right to choose or refuse contraceptives." If you were voting today, would you vote YES or NO on Proposition One?"   |             |                 |         |        |           |
| Public Policy Institute of California                                    | 7/8/22 - 7/15/22  | 1,132 LV    | ± 4.1%          | 73%     | 27%    | 1%        |
|  | <i>Question:</i> "Recently, the California legislature placed a constitutional amendment for voter approval on the November ballot that would prohibit the state from denying or interfering with an individual's reproductive freedom, including their right to choose to have an abortion and their right to choose or refuse contraceptives. How do you feel about this constitutional amendment on abortion rights?"  |             |                 |         |        |           |

Note: LV is likely v

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# Background

## Abortion regulations in California

As of 2022, abortion was legal up to the point of viability and legal after viability only if the patient's life or health is endangered. Viability is the point in gestation when a fetus can survive outside the womb.<sup>[6]</sup>

## U.S. Supreme Court rulings on abortion

### **Dobbs v. Jackson Women's Health Organization (2022)**

*See also: Dobbs v. Jackson Women's Health Organization*

On June 24, 2022, in a 5-4 vote, the Supreme Court of the United States found there is no constitutional right to abortion and overruled *Roe v. Wade* (1973) and *Planned Parenthood v. Casey* (1992). In a 6-3 ruling, the court upheld Mississippi's abortion law at issue in the case. *Roe v. Wade* found that state laws criminalizing abortion prior to fetal viability violated the Due Process Clause of the Fourteenth Amendment of the United States Constitution. In *Planned Parenthood v. Casey*, the Supreme Court reaffirmed the essential holding of *Roe v. Wade* but rejected the trimester framework established in the case. The high court affirmed that states could not ban abortions before fetal viability.

In 2018, Jackson Women's Health Organization, a clinic and abortion facility in Mississippi, challenged the constitutionality of the "Gestational Age Act" in federal court. The newly-enacted law prohibited abortions after the fifteenth week of pregnancy except in cases of medical emergencies or fetal abnormalities. The U.S. district court granted summary judgment in favor of the plaintiffs, holding that the law was unconstitutional, and put a permanent stop to the law's enforcement. On appeal, the 5th Circuit affirmed the district court's ruling. Click here to learn more about the case's background.<sup>[7]</sup>

## Status of abortion rights in California

### **People v. Belous (1969)**

In *People v. Belous* (1969), the California Supreme Court ruled that women have "[constitutional] rights to life and to choose whether to bear children." The court's ruling stated that "the fundamental right of the woman to choose whether to bear children follows from the Supreme Court's and this court's repeated acknowledgment of a 'right of privacy' or 'liberty' in matters related to marriage, family, and sex."<sup>[8]</sup>

### **California Proposition 11 (1972)**

*See also: California Proposition 11, Constitutional Right to Privacy Amendment (1972)*

In 1972, California voters approved Proposition 11 by a margin of 62.87% to 37.13%. Proposition 11 added privacy to the list of inalienable rights in Article I of the California Constitution.<sup>[9]</sup>

### **Committee to Defend Reproductive Rights v. Myers (1981)**

In 1981, the state Supreme Court cited the right to privacy established by Proposition 11 in *Committee to Defend Reproductive Rights v. Myers* (1981). The court concluded "that the protection afforded the woman's right of procreative choice as an aspect of the right of privacy under the explicit provisions of our Constitution is at least as broad as that described in *Roe v. Wade*. Consequently, we further conclude that the asserted state's interest in protecting a nonviable fetus is subordinate to the woman's right of privacy."<sup>[10]</sup>

### **Reproductive Privacy Act (2002)**

In 2002, the California State Legislature passed the Reproductive Privacy Act, which added language to state statute declaring that women have a "fundamental right to choose to bear a child or to choose and to obtain an abortion."<sup>[2]</sup>

## Abortion rights provided by statute and constitution

As of July 2022 that have also g abortion; rather additional 12 st:

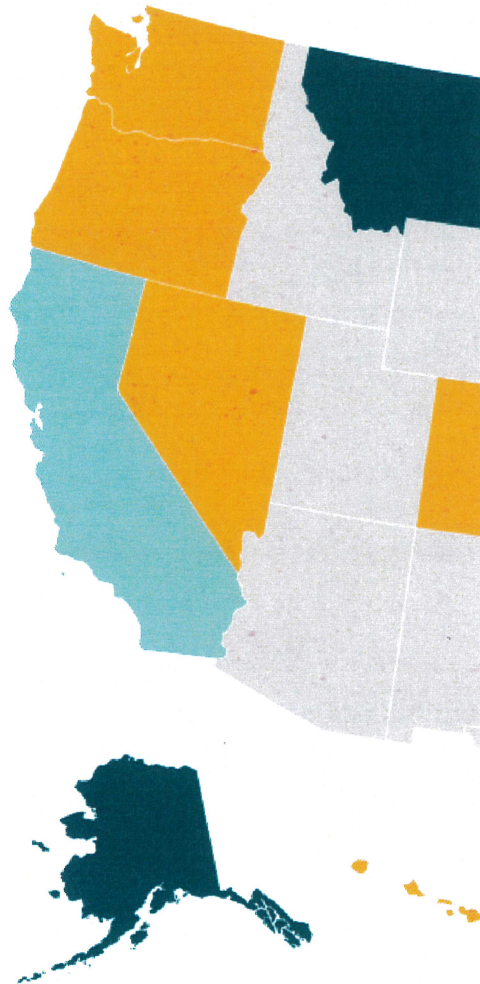
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The following map shows the states where statute or constitutional law provides a right to abortion.

### Abortion rights provided by statute and constitutional law by state

The right to abortion is provided by statute, constitutional law, or both in the highlighted states.

Constitutional law    Statute    Statute and constitutional law    No statute or constitutional law



### Amendments declaring no state constitutional rights

As of January 2022, four states had constitutional amendments declaring that their constitutions do not secure or protect a right to abortion or require the funding of abortion. The first state to pass a constitutional amendment was Tennessee in 2014. In 2018, Alabama and West Virginia passed constitutional amendments. In 2020, Louisiana voters approved Amendment 1. Arkansas has a constitutional amendment, passed in 1988, that says, "The policy of Arkansas is to protect the life of every unborn child from conception until birth, to the extent permitted by the Federal Constitution." In Massachusetts (1986) and Florida (2012), these constitutional amendments were defeated.

### History of abortion on the ballot

*See also: History of abortion ballot measures*

Since the 1970s, abortion-related policies have been a topic for statewide ballot measures across the U.S.

In 2022, there are six ballot measures addressing abortion — the most on record for a single year. Measures have been certified for the ballot in California, Kansas, Kentucky, Michigan, Montana, and Vermont.

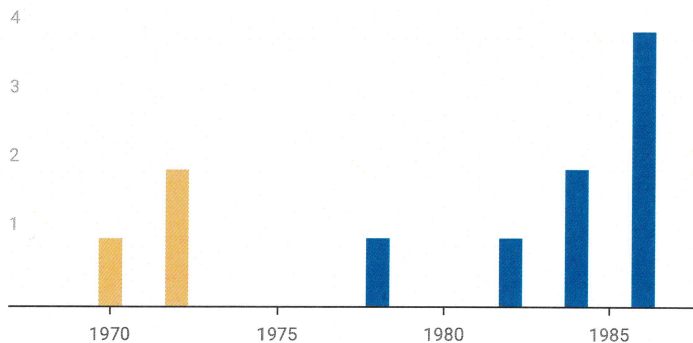
From 1970 to A organizations th The other sever pro-reproductive rights. voters approved four (57 %) and rejected three (43 %).

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Before *Roe v. Wade* in 1973, three abortion-related measures were on the ballot in Michigan, North Dakota, and Washington, and each was designed to allow abortion in its respective state.

### Number of abortion-related state ballot measures each year, 1970-2022

Support of campaigns that described themselves as pro-choice or pro-reproductive rig  
 Support of campaigns that described themselves as pro-life



## Abortion-related ballot measures in 2022

See also: 2022 abortion-related ballot measures

The following table provides a list of abortion-related measures that are on the ballot in 2022:

| State      | Date   | Measure       | Description  | Outcome |
|------------|--------|---------------|--|---------|
| Kansas     | Aug. 2 | Amendment     | <ul style="list-style-type: none"> <li>Amend the Kansas Constitution to state that nothing in the state constitution creates a right to abortion or requires government funding of abortions</li> <li>Declare that the state Legislature has to power to pass laws regarding abortion</li> </ul>   | ✗       |
| California | Nov. 8 | Proposition 1 | <ul style="list-style-type: none"> <li>Amend the California Constitution to provide that the state cannot "deny or interfere with an individual's reproductive freedom in their most intimate decisions," including decisions to have an abortion or to choose or refuse contraceptives</li> </ul> |         |
| Kentucky   | Nov. 8 | Amendment 2   | <ul style="list-style-type: none"> <li>Amend the Kentucky Constitution to state that nothing in the state constitution creates a right to abortion or requires government funding of abortions</li> </ul>  |         |
| Michigan   | Nov. 8 | Initiative    | <ul style="list-style-type: none"> <li>Amend the Michigan Constitution to provide a state constitutional right to <i>reproductive freedom</i>, defined to include abortion, contraception, and other matters related to pregnancy</li> </ul>   |         |
| Montana    | Nov. 8 | LR-131        | <ul style="list-style-type: none"> <li>Provide in state law that infants born alive at any stage of development are legal persons</li> <li>Require medical care to be provided to infants born alive after an induced labor, cesarean section, attempted abortion, or other method</li> </ul>      |         |
| Vermont    | Nov. 8 | Amendment     | <ul style="list-style-type: none"> <li>Amend the Vermont Constitution to provide a state constitutional right to <i>personal reproductive autonomy</i></li> </ul>  |         |

## Path to the ballot

See also: Amending the California Constitution

In California, a t  
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On May 2, 2022, after a draft opinion of the *Dobbs* ruling was published by *Politico*, Senate President pro Tempore Toni G. Atkins (D-39), Assembly Speaker Anthony Rendon (D-63), and Governor Gavin Newsom (D) released a statement saying they would work to pass a state constitutional amendment to protect abortion rights and place it on the ballot in November.<sup>[12]</sup>

Proposition 1 was introduced on June 8, 2022, as Senate Constitutional Amendment 10 (SCA 10). On June 20, the state Senate passed the amendment by a vote of 29-8 with three absent.<sup>[1]</sup> On June 27, 2022, the state Assembly voted to pass the amendment by a margin of 58-17 with five not voting. One Republican, Rep. Suzette Martinez Valladares, joined the Democratic majority in voting in favor of the amendment.<sup>[13]</sup>

| Vote in the California State Senate<br>June 20, 2022                               |            |           |                   | Vote in the California State Assembly<br>June 27, 2022                             |            |           |                   |
|--|------------|-----------|-------------------|--|------------|-----------|-------------------|
| <b>Requirement:</b> Two-thirds (66.67 percent) vote of all members in each chamber |            |           |                   | <b>Requirement:</b> Two-thirds (66.67 percent) vote of all members in each chamber |            |           |                   |
| Number of yes votes required: <b>27</b> ✓  |            |           |                   | Number of yes votes required: <b>54</b> ✓  |            |           |                   |
|  | <b>Yes</b> | <b>No</b> | <b>Not voting</b> |  | <b>Yes</b> | <b>No</b> | <b>Not voting</b> |
| Total  | 29         | 8         | 3                 | Total  | 58         | 17        | 5                 |
| Total percent  | 72.5%      | 20.0%     | 7.5%              | Total percent  | 72.50%     | 21.25%    | 6.25%             |
| Democrat   | 29         | 0         | 2                 | Democrat   | 57         | 0         | 3                 |
| Republican   | 0          | 8         | 1                 | Republican   | 1          | 17        | 1                 |
|  |            |           |                   | Independent  | 0          | 0         | 1                 |

## How to cast a vote

See also: [Voting in California](#)

Click "Show" to learn more about voter registration, identification requirements, and poll times in California.

**How to cast a vote in California** [show]

## See also

### 2022 measures



- [Abortion on the ballot](#)

### California



- [California ballot measure laws](#)

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readability

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## External links

- California Senate Constitutional Amendment 10 (2021-2022)

## Footnotes

1. California State Legislature, "SCA 10," accessed June 9, 2022
2. California State Legislature, "Reproductive Privacy Act," September 5, 2002
3. The Guttmacher Institute, "Ensuring Access to Abortion at the State Level: Selected Examples and Lessons," January 9, 2019
4. Note: This text is quoted verbatim from the original source. Any inconsistencies are attributable to the original source.
5. Cal-Access, "Campaign Finance," accessed March 11, 2020
6. Guttmacher Institute, "State Facts About Abortion: California," accessed July 15, 2022

Only the first few references on this page are shown above. Click to show more.

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