



COUNCIL REPORT

DATE: September 27, 2022
CATEGORY: Consent
DEPT.: City Manager's Office
TITLE: **Council Policy Position—Proposition 1**

RECOMMENDATION

Adopt a Council policy position of support for California Proposition 1, Constitutional Right to Reproductive Freedom. Legislative Constitutional Amendment.

BACKGROUND

At the June 28, 2022 meeting, Council asked staff to agendize an item to take a position of support on Proposition 1, Constitutional Right to Reproductive Freedom. Legislative Constitutional Amendment (Proposition 1). Council Policy A-16 requires the City Council to refer State measures or propositions to staff for analysis for consideration of a majority vote of the City Council (Attachment 1). The proposition will be placed on the November 2022 Statewide general election ballot and require a two-thirds vote to be passed.

ANALYSIS

In the past, the United States Supreme Court found that the United States Constitution generally protected the right to an abortion. As a result, states had limited ability to place restrictions on abortions. However, in June 2022, the U.S. Supreme Court decided that the Constitution does not protect the right to an abortion. As such, states now have more flexibility to decide whether to allow, limit, or ban abortions.

Proposition 1 would amend the California Constitution to expressly include an individual's fundamental right to reproductive freedom, which includes the fundamental right to choose or refuse contraceptives. This amendment does not narrow or limit the existing rights to privacy and equal protection in the California Constitution.

This measure was placed on the ballot by the State Legislature through Senate Constitutional Amendment 10 of the 2021-2022 Regular Session (Resolution Chapter 97, Statutes of 2022) and expressly amends 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 their fundamental right to choose to have an abortion and their fundamental right to choose or refuse contraceptives.”

Abortion is legal in California up to fetal 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.”

Ballot Language

The Legislative Analyst Office’s impartial analysis for Proposition 1 can be found in Attachment 2. The ballot language and arguments in favor of and against Proposition 1 are posted in the Official Voter Information Guide at <https://voterguide.sos.ca.gov/>. Provided below is the question for Proposition 1 as it will appear on the November 2022 ballot:

- *Amends California Constitution to expressly include an individual’s fundamental right to reproductive freedom, which includes 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 the California Constitution.*

A “Yes” vote on this measure means that the California Constitution would be changed to expressly include existing rights to reproductive freedom, such as the right to choose whether or not to have an abortion and use contraceptives.

A “No” vote on this measure means that the California Constitution would not be changed to expressly include existing rights to reproductive freedom. These rights, however, would continue to exist under State law.

FISCAL IMPACT

There is no direct fiscal impact to adopting a Council policy position of support for Proposition 1 because reproductive rights already are protected by State law.

ALTERNATIVES

1. The City Council may choose not to support the ballot measure.
2. Provide other direction.

PUBLIC NOTICING

Agenda posting and a copy of report to Planned Parenthood Mar Monte Executive Director.

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CG/4/CAM
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- Attachment:
1. Council Policy A-16—Positions on Ballot Measures and Legislative Advocacy
 2. Legislative Analyst Office Impartial Analysis for Proposition 1, Constitutional Right to Reproductive Freedom. Legislative Constitutional Amendment