



INITIATIVE MEASURE 120

TO THE LEGISLATURE

Note: The explanatory statement was written by the Attorney General as required by law. The ballot title was court mandated. The complete text of Initiative Measure 120 begins on page 30.

Statement for

WHAT IS INITIATIVE 120?

Washington Initiative 120 is PRO-CHOICE and protects our existing right to choose whether or not to have an abortion. This right was granted by the landmark U.S. Supreme Court's Roe v. Wade decision in 1973.

Initiative 120 recognizes the fundamental right of the people of Washington to make personal decisions regarding birth control and abortion — without government interference.

WHY DO WE NEED INITIATIVE 120?

The right to choose is threatened! Recent U.S. Supreme Court decisions leave no doubt — Roe v. Wade could be overturned as soon as next year!

Initiative 120 keeps the decision about abortion between women and their doctors in Washington state.

Initiative 120 keeps abortion legal and safe for all women in Washington — regardless of their economic situation — no matter what the U.S. Supreme Court does.

WHAT ARE THE KEY PROVISIONS OF INITIATIVE 120?

1. Continues the legal right to choose or refuse an abortion up to the point when there is a medical likelihood that the fetus can survive outside the woman's body — and thereafter *only* to protect the life or health of the woman;
2. Allows *only* physicians to perform abortions;
3. Continues the current State practice of funding prenatal care and abortion for low-income women;
4. Ensures safe abortions by prohibiting abortions outside the provisions of this Initiative.

Official Ballot Title:

Shall state abortion laws be revised, including declaring a woman's right to choose physician performed abortion prior to fetal viability?

The law as it now exists:

In 1970 Washington voters approved a statute which permitted the performance of an abortion if the following conditions were met:

1. Be within four lunar months from the time of conception.

WHO SUPPORTS INITIATIVE 120?

Initiative 120 is supported statewide by thousands of Washington citizens, more than 60 prestigious organizations, and community leaders from medical, labor, civic, religious and women's groups.

We urge you to join with us and **VOTE PRO-CHOICE — VOTE YES on 120** on November 5.

For more information about Initiative 120, call 1-800-232-4120.

Rebuttal of Statement against

Anti-choice rhetoric doesn't change the facts.

PRO-CHOICE INITIATIVE 120 — written by Constitutional scholars in consultation with leaders of the medical community — *protects existing rights and current practice* to choose whether or not to have an abortion no matter what the U.S. Supreme Court does to Roe v. Wade.

PRO-CHOICE INITIATIVE 120 continues the choice of legal, safe abortions for women in Washington state.

VOTE PRO-CHOICE
VOTE YES ON 120

Voters Pamphlet Statement Prepared by:

MARGARET A. COLONY, President, League of Women Voters of Washington; DR. RICK LANE JOHNSON, Past President, Washington State Medical Association; RONALD E. MORRISON, President, Planned Parenthood Affiliates of Washington.

Advisory Committee: BOOTH GARDNER, Governor; JOEL PRITCHARD, Lieutenant Governor; THE REV. DR. SAMUEL MCKINNEY; GLADYS BURNS, Past President, American Association of University Women, Washington State Division; MARI J. CLACK, Spokane Activist.

2. Consent by the woman and spouse or by a parent if under the age of eighteen.
3. The woman must have been a state resident for ninety days.
4. Be performed by a physician.
5. Be performed in an approved medical facility.

As a result of court decisions, commencing with *Roe v. Wade* in 1973, abortions can be lawfully performed any time during the first six lunar months from the time of conception. No consent is required by a spouse or parent and there is no residency requirement. Further, an abortion during the first six months is not required to be conducted in a hospital.

State law would declare a fundamental right to choose or refuse birth control or abortion prior to the viability of the fetus or when necessary to protect the woman's life or health. The good faith judgment by a physician as to pregnancy duration and fetus viability would be a defense in any proceeding alleging a violation of the act. The termination of the pregnancy would not be required to be performed in a hospital facility. If the state provides any maternity care benefits, it would be required also to provide substantially equivalent benefits for the termination of pregnancies.

The effect of Initiative Measure 120, if approved into law:

The Washington statutes would be changed but the initiative would not change the court decisions.

Statement against

INITIATIVE 120 IS EXTREME

Initiative-120 goes far beyond existing law. It will be the most radical abortion law in the United States.

INITIATIVE 120 CREATES ABORTION ON DEMAND

Initiative-120 allows abortions for any reason, including birth control, convenience or sex selection ... even in the final three months of pregnancy.

INITIATIVE 120 DISREGARDS THE RIGHTS OF PARENTS

Initiative-120 allows young girls of any age to get abortions ... without their parent's knowledge or permission.

INITIATIVE 120 PROTECTS THE ABORTION INDUSTRY NOT WOMEN

Initiative-120 makes it nearly impossible for women to recover damages for abortion-related injuries by giving special legal protections to abortionists.

Initiative-120 prohibits nearly all regulations that protect a woman's life or health and allows unqualified personnel to participate in abortion services.

INITIATIVE 120 COSTS TAXPAYERS MILLIONS MORE DOLLARS

Initiative-120 allows all women, even wealthy women, to demand taxpayer-funded abortions.

Initiative-120 requires state and local governments to provide the same amount of money for abortion services that is being provided for prenatal and maternity care for women and children. This will require reductions in current services or tax increases to pay at least \$64 million more for additional abortion-related costs.

INITIATIVE 120 IS UNNECESSARY

Current state law already allows women easy access to legal abortion and ensures medically-accredited facilities. We just don't need Initiative-120.

INITIATIVE 120 GOES WAY TOO FAR

Initiative-120 allows abortions for any reason, even in late pregnancy, in unsafe facilities with unqualified personnel, for young girls, even behind their parent's back ... and forces you, the taxpayer, to foot the bill.

PLEASE VOTE "NO" ON INITIATIVE 120

For more information on Initiative 120 call (206) 867-1351.

Rebuttal of Statement for

Don't be misled. Regardless of what the U.S. Supreme Court does, Washington women will continue to have easy access to legal abortion under existing law passed by state voters in 1970.

Initiative-120 goes way beyond *Roe v. Wade*. Initiative-120 would make Washington the abortion capital of America. Initiative-120 allows anyone to come to Washington to get an abortion, for any reason, even in late pregnancy ... and your tax-dollars pay the bill.

PLEASE VOTE "NO" ON INITIATIVE 120

Voter Pamphlet Statement Prepared by:

LINDA SMITH, State Senator; MIKE PADDEN, State Representative; ELLEN CRASWELL, State Senator.

Advisory Committee: DR. GLENN DOORNINK, Chairman, Physicians Against 120; VAL STEVENS, State Director, Concerned Women for America; PASTOR ED NELSON, Pastors Against Initiative 120; MARY JO KAHLER, Chairperson, Vote No 120 Committee; JAMES HUGHES, Labor Consultant.



COMPLETE TEXT OF Initiative Measure 119 (con't.)

revocation as provided in RCW 70.122.040, with the intent to cause a withholding or withdrawal of life-sustaining procedures or the provision of aid-in-dying contrary to the wishes of the declarer and thereby, because of any such act, directly causes life-sustaining procedures to be withheld or withdrawn or aid-in-dying to be provided and death to thereby be hastened, shall be subject to prosecution for murder in the first degree as defined in RCW 9A.32.030.

Sec. 10. Section 11, chapter 112, Laws of 1979 and RCW 70.122.100 are each amended to read as follows:

Nothing in this chapter shall be construed to condone, authorize, or approve mercy killing, or to permit any affirmative or deliberate act or omission to end life other than to permit the natural process of dying and to permit death with dignity through the provision of aid-in-dying only by a physician when voluntarily requested in writing as provided in this chapter by a conscious and mentally competent qualified patient at the time aid-in-dying is to be provided.

Sec. 11. Section 1, chapter 112, Laws of 1979 and RCW 70.122.900 are each amended to read as follows:

This act shall be known and may be cited as the "~~(Natural)~~ Death With Dignity Act."

NEW SECTION, Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.



COMPLETE TEXT OF Initiative Measure 120

AN ACT Relating to reproductive privacy; adding new sections to chapter 9.02 RCW; repealing RCW 9.02.010, 9.02.020, 9.02.030, 9.02.040, 9.02.060, 9.02.070, 9.02.080, and 9.02.090; and prescribing penalties.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION, Sec. 1. The sovereign people hereby declare that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions.

Accordingly, it is the public policy of the state of

Washington that:

(1) Every individual has the fundamental right to choose or refuse birth control;

(2) Every woman has the fundamental right to choose or refuse to have an abortion, except as specifically limited by this act;

(3) Except as specifically permitted by this act, the state shall not deny or interfere with a woman's fundamental right to choose or refuse to have an abortion; and

(4) The state shall not discriminate against the exercise of these rights in the regulation or provision of benefits, facilities, services, or information.

NEW SECTION, Sec. 2. The state may not deny or interfere with a woman's right to choose to have an abortion prior to viability of the fetus, or to protect her life or health.

A physician may terminate and a health care provider may assist a physician in terminating a pregnancy as permitted by this section.

NEW SECTION, Sec. 3. Unless authorized by section 2 of this act, any person who performs an abortion on another person shall be guilty of a class C felony punishable under chapter 9A.20 RCW.

NEW SECTION, Sec. 4. The good faith judgment of a physician as to viability of the fetus or as to the risk to life or health of a woman and the good faith judgment of a health care provider as to the duration of pregnancy shall be a defense in any proceeding in which a violation of this chapter is an issue.

NEW SECTION, Sec. 5. Any regulation promulgated by the state relating to abortion shall be valid only if:

(1) The regulation is medically necessary to protect the life or health of the woman terminating her pregnancy,

(2) The regulation is consistent with established medical practice, and

(3) Of the available alternatives, the regulation imposes the least restrictions on the woman's right to have an abortion as defined by this act.

NEW SECTION, Sec. 6. No person or private medical facility may be required by law or contract in any circumstances to participate in the performance of an abortion if such person or private medical facility objects to so doing. No person may be discriminated against in employment or professional privileges because of the person's participation or refusal to participate in the termination of a pregnancy.

NEW SECTION, Sec. 7. If the state provides, directly or by contract, maternity care benefits, services, or information to women through any program administered or funded in whole or in part by the state, the state shall also provide women otherwise eligible for any such program with substantially equivalent benefits, services, or information to



COMPLETE TEXT OF Initiative Measure 120 (con't.)

permit them to voluntarily terminate their pregnancies.

NEW SECTION, Sec. 8. For purposes of this chapter:

(1) "Viability" means the point in the pregnancy when, in the judgment of the physician on the particular facts of the case before such physician, there is a reasonable likelihood of the fetus's sustained survival outside the uterus without the application of extraordinary medical measures.

(2) "Abortion" means any medical treatment intended to induce the termination of a pregnancy except for the purpose of producing a live birth.

(3) "Pregnancy" means the reproductive process beginning with the implantation of an embryo.

(4) "Physician" means a physician licensed to practice under chapter 18.57 or 18.71 RCW in the state of Washington.

(5) "Health care provider" means a physician or a person acting under the general direction of a physician.

(6) "State" means the state of Washington and counties, cities, towns, municipal corporations, and quasi-municipal corporations in the state of Washington.

(7) "Private medical facility" means any medical facility that is not owned or operated by the state.

NEW SECTION, Sec. 9. The following acts or parts of acts are each repealed:

(1) Section 38, page 81, Laws of 1854, section 40, page 209, Laws of 1869, section 42, page 188, Laws of 1873, section 821, Code of 1881, section 196, chapter 249, Laws of 1909 and RCW 9.02.010;

(2) Section 197, chapter 249, Laws of 1909 and RCW 9.02.020;

(3) Section 198, chapter 249, Laws of 1909 and RCW 9.02.030;

(4) Section 199, chapter 249, Laws of 1909 and RCW 9.02.040;

(5) Section 1, chapter 3, Laws of 1970 ex. sess. and RCW 9.02.060;

(6) Section 2, chapter 3, Laws of 1970 ex. sess. and RCW 9.02.070;

(7) Section 3, chapter 3, Laws of 1970 ex. sess. and RCW 9.02.080; and

(8) Section 5, chapter 3, Laws of 1970 ex. sess. and RCW 9.02.090.

NEW SECTION, Sec. 10. This act shall not be construed to define the state's interest in the fetus for any purpose other than the specific provisions of this act.

NEW SECTION, Sec. 11. If any provision of this act or

its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 12. This act shall be known and may be cited as the Reproductive Privacy Act.

NEW SECTION, Sec. 13. Sections 1 through 8 and 10 through 12 of this act are each added to chapter 9.02 RCW.

PLEASE NOTE:

In the preceding and following measures, all words in double brackets with a line through them are in the State Law or Constitution at the present time and are being taken out by the measure. All words underlined do not appear in the State Law or Constitution as they are now written but will be put in if the measure is adopted.



COMPLETE TEXT OF Senate Joint Resolution 8203

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XI of the Constitution of the state of Washington by adding a new section to read as follows:

Article XI, section ... In addition to the methods of framing a county home rule charter contained in section 4 of this Article, a charter may be framed as provided in this section. The legislature shall without unreasonable delay enact legislation creating and appropriating funds for a temporary county home rule commission of fifteen members. The commission shall draft five alternative county "Home Rule" charters, a copy of which shall be submitted to the legislative authority of each county, and shall be retained by the state in its permanent records. The commission shall