

# NOTICE OF REFERENDUM

## Dane County

November 8, 2022

### Referendum Election Details

At an election to be held in the County of Dane on November 8, 2022, the following proposed Resolution of the County Board, will be submitted to a vote of the people:

On June 24, 2022, the United States Supreme Court made the devastating decision to overturn *Roe v. Wade*, eliminating people's constitutional right to access a safe and legal abortion. Given this reversal of a 50-year precedent, individual states now dictate access to abortion care. Wisconsin Statute 940.04, enacted in 1849, bans abortion at any stage of pregnancy without exception for rape, incest, or health of the patient.

Polling consistently shows that the majority of people in Wisconsin, and across the United States, oppose the overturn of *Roe v. Wade*.

The decision to overturn *Roe v. Wade* disproportionately affects communities of color, low-income communities, people who are disabled, immigrants, young people, and members of the LGBTQ+ community. This is an attack on reproductive care and sets a dangerous precedent for other questions of bodily autonomy.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors supports the repeal of Wisconsin Statute 940.04, banning abortion at any stage of pregnancy without exception for rape, incest, or health of the patient to allow legal access to abortion care, and places the following advisory referendum question on the ballot for the November 8, 2022 election:

Advisory Referendum Question:

*"Should Wisconsin Statute 940.04, which bans abortion at any stage of pregnancy without exception for rape, incest, or health of the patient, be repealed to ensure legal access to abortion care?"*

BE IT FINALLY RESOLVED that the Dane County Clerk shall take all necessary steps to implement this resolution.

### Ballot Text

The question will appear on the ballot as follows:

*Should Wisconsin Statute 940.04, which bans abortion at any stage of pregnancy without exception for rape, incest, or health of the patient, be repealed to ensure legal access to abortion care?"*

### Explanation

Referendum Question #3 is non-binding and does not have the force of law. It seeks to elicit the opinion of the voters of Dane County as to whether the statutory ban on

abortion in Wisconsin should be repealed. Wisconsin Statute §940.04 was adopted in 1849, and makes it a felony for any person to perform an abortion in Wisconsin with no exception for rape or incest. As a result of the U.S. Supreme Court's holding in *Roe v. Wade*, that statute was unconstitutional and unenforceable since 1973. In June, 2022 the Supreme Court overruled the *Roe* decision, reinstating the statutory ban on abortion in Wisconsin. A "yes" vote signifies that the voter supports legislation by the Wisconsin Legislature to repeal Wisconsin Statute §940.04. A "no" vote means the voter does not support the repeal of the statutory ban on abortion.

Done in the City of Madison on October 21,  
2022.

A handwritten signature in black ink, appearing to read "Scott McDonell". The signature is written in a cursive, flowing style.

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Scott McDonell, Dane County Clerk