



March 22, 2024

The Honorable Chuck Gray, Secretary of State
Secretary of State's Office
Herschler Building East, 122 W. 25th Street, Suites 100
Cheyenne, Wyoming 82002

Re: Veto of HB0148/House Enrolled Act No. 37 Regulation of abortions

Dear Secretary Gray,

Over the past three years the Legislature has passed and I have supported bills going into law that prohibit surgical and chemical abortions. These laws have been challenged in the courts. Wyoming's Attorney General continues to defend these laws on behalf of the State. Final decisions have not yet been rendered by any Wyoming Court. For the record, we continue to vigorously defend the Life is a Human Right Act (HEA No. 88) and the Prohibiting Chemical Abortions law (SEA No. 93) from the 2023 legislative session. You will remember the previous trigger law, which was repealed by the passage of Life is a Human Right Act, was also challenged. I worry that the succession of legislation we have seen coming from successive sessions is only serving to prolong the courts ultimate rulings on these important laws. We remain in purgatory.

The new laws passed in 2023 delayed a decision in the courts and ergo, I believe signing this year's House Enrolled Act No. 37- Regulation of Abortions would only potentially delay a final decision in that same case yet again. And to what end? The previous delays have only sacrificed additional unborn children in Wyoming. We cannot afford further delay of the resolution of this critical issue for the unborn.

In light of Judge Owens' March 18 order certifying questions to the Wyoming Supreme Court , it is obvious we are closer than ever to a decision on the constitutionality of abortion in Wyoming. I anxiously await a final ruling from our Supreme Court if that is where this issue must ultimately be decided.

As you know, the Courts have stayed the enforcement of the abortion bills that the Legislature previously passed and so abortions continue to occur here in Wyoming as we await the resolution of the challenges to these laws. Due to the stay of Wyoming's law, over 500 abortions

happened in Wyoming in 2022. Preliminary data from the Department of Health suggests that we are on a similar, if not higher, trajectory of reported abortions in 2023. These data confirm why I believe it is imperative to get a final decision on what Wyoming's constitution says about abortions and why I am exercising my veto authority so we do not delay the courts further.

I am disappointed that the original bill proposed by Representative Lawley, which would have provided an appropriate fix to regulate surgical abortion clinics, was amended and arguably subsequently burdened with considerations that misaligned it with laws Wyoming is currently defending before the courts. One cannot say whether this new law would be challenged the way our other three have been, yet we cannot deny that there exists a strong likelihood of that possibility. Starting over on a new course of legal arguments would in my mind be derelict and irresponsible. I implore you to let the Courts do their job so we can reach a decision quickly in these cases and quit trying to score points by loading up a simple and elegant solution like the one Representative Lawley originally proposed for seemingly the objective of having a vehicle to count pro-life votes before this year's election.

I am vetoing this bill in an effort to keep our current court case on track for a speedy resolution on the issue of the constitutionality of the Life is Human Right Act and the Prohibition of Chemical Abortions law. To be clear, safe procedures are essential; however, the way this bill evolved over the session confused the issue thereby making it vulnerable to challenge. Human life is too precious. If you want to save lives, let the Courts finally do their job and let's keep future legislation focused on regulatory oversight related to the current operations of abortion in Wyoming. Thus, I am returning the original HB0148/House Enrolled Act No. 37 bill to you without my signature along with this veto letter.

Sincerely,



Mark Gordon
Governor

MG:jd:kh

cc: The Honorable Albert Sommers, Speaker of the House w/copy of HEA No. 37
The Honorable Ogden Driskill, President of the Senate w/copy of HEA No. 37
Chief Clerk, Wyoming Senate w/copy of HEA No. 37
Chief Clerk, Wyoming House of Representatives w/copy of HEA No. 37