

# Evers campaign: ICYMI: “Where the midterms could most affect abortion access”

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MADISON, Wis. — In case you missed it, FiveThirtyEight and TIME highlighted Wisconsin as one of multiple states where abortion access is on the ballot this November. Wisconsin has an archaic 173-year old law that bans nearly all abortions, even in cases of rape or incest — which could now go back into effect because of the Supreme Court’s decision.

Governor Tony Evers and Attorney General Josh Kaul are both up for re-election and have announced a direct challenge to the 1849 law. Gov. Evers promised he’d fight the Supreme Court’s decision and these attacks on reproductive freedom in every way he can with every power he has.

During his first term, Gov. Evers has vetoed nine bills that would have limited abortions, criminalized people who seek them, and punished doctors. Gov. Evers has also said he is willing to provide clemency to physicians charged under the law. Abortion is healthcare — and Gov. Evers is willing to protect and fight for it.

Read more below about how reproductive rights are on the ballot.

**FiveThirtyEight: [Where The Midterms Could Most Affect Abortion Access](#)**

On Friday, the Supreme Court overturned Roe v. Wade, leaving it up to individual states to decide whether abortion is legal within their borders. As of 5 p.m. Eastern on Tuesday, nine states have already banned or restricted the procedure, and by the end of July, at least another six will have joined them. But the post-Roe landscape could change even more dramatically after the 2022 midterm elections

— especially in states where control of state government is on the line and where the future of abortion policy is up in the air.

We've identified seven states where the results of the midterms could decide whether abortion is protected or banned. Here are the relevant races in those states as well as how abortion policy could change following each possible electoral outcome.

[...]

## **Wisconsin**

Since the Dobbs decision, Wisconsin clinics have been proceeding as if abortion is now illegal in the state based on an 1849 law banning the procedure, except to save the life of the mother. However, state Attorney General Josh Kaul, a Democrat, has said he won't enforce the ban, and Democratic Gov. Tony Evers promised to pardon any doctors convicted of performing an abortion. In fact, on Tuesday, Evers and Kaul announced a legal challenge to the 1849 ban. (Evers has also said he is considering executive action that would limit local prosecutors' ability to enforce the law.)

But Kaul and Evers could both lose reelection in 2022. Evers's loss would be especially consequential: Not only might doctors once again face jail time for performing abortions if the 1849 ban is determined to be operative, but also, if it is not, a Republican governor could join forces with the Republican-led legislature to pass a modern abortion ban. The opposite situation — Democrats winning the legislature and working with Evers to enact new abortion protections — is pretty much off the table, though. Wisconsin's state-legislative maps are heavily biased toward the GOP, so Democrats do not have a realistic shot at winning either chamber.

[...]

## **TIME: [The Midterms Could Determine Abortion Access in These States](#)**

[...]

Wisconsin's Gov. Evers is trying a range of tactics to stop his state's abortion ban. He called a special legislative session earlier this month to repeal the 1849 law. When Republican lawmakers adjourned without taking action, Evers promised to

offer clemency to doctors charged under the law, announced he would not appoint state prosecutors who agree to enforce the law, and says he is still considering further executive action.

“We’re going to do everything we can,” Evers tells TIME. “Thank goodness we have some states around us that can help us provide the services that are necessary, but that’s not the answer. That’s a stop gap.”

Evers also supports Wisconsin attorney general Kaul’s recent lawsuit, which argues that the 1849 ban should be found unenforceable because Wisconsin has passed more recent abortion laws that supersede it, and because the old law had already fallen into disuse even before Roe v. Wade. The lawsuit faces a difficult battle in the courts, as it will likely work its way to the state Supreme Court, where conservatives hold a 4-3 majority. Kaul remains confident his argument will prevail. “We’re right on the law,” he tells TIME, adding that the consequences of the legal battle are steep.

[...]

The Wisconsin governors’ race reflects a similar standoff. All of Evers’ potential Republican opponents have said they would enforce the 1849 law. The three who attended a debate this week said they would remove district attorneys who refuse to do so, according to the AP.

Wisconsin’s Republican lawmakers have said they may update the 1849 ban next year; Evers says that if he wins reelection, he will veto any such effort.

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