

County of Santa Clara

Office of the County Executive
Eleventh Floor – East Wing
70 West Hedding Street
San Jose, California 95110



DATE: June 24, 2022

TO: Board of Supervisors
Jeffrey V. Smith, County Executive

FROM: Danielle Christian, Legislative Manager

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Danielle Christian
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SUBJECT: Report back Relating to Support for Reproductive Freedom

This memorandum provides an update on the referral from the June 7, 2022, Board of Supervisors meeting (Item No. 16) by Supervisor Simitian related to support for reproductive freedom. Specifically, this report is on the section of the referral that directed Administration to return to the Board at the earliest opportunity so that the County can be on record in support of efforts to enshrine the right to choose in the California Constitution and/or relevant state legislation.

On June 8, 2022, Senate President pro Tempore Toni Atkins and Assembly Speaker Anthony Rendon introduced Senate Constitutional Amendment 10 (SCA 10) to make abortion and contraceptives an explicit constitutional right in California. SCA 10 requires a two-thirds majority vote of both the Senate and Assembly and would place a constitutional amendment on the November 2022 ballot for California voters, by a majority vote, to explicitly provide for the constitutional right to abortion and right to choose or refuse contraceptives. These actions are consistent with, and bolster, California's existing rights to privacy and equal protection.

To be placed on the November 2022 ballot, the Legislature must pass SCA 10 by June 30. The Governor does not have a formal role in the process as constitutional amendments passed by the Legislature are not presented to him for signature or veto. The Senate has passed SCA 10 and it is currently on the Assembly Floor and will be taken up next week prior to the June 30 deadline.

The County's 2022 Legislative Policies document states that the County supports protection of reproductive choice for all women. Under this statement and the Board

Resolution declaring the County a supporter of reproductive freedom adopted on December 7, 2021, Intergovernmental Relations sent letters to SCA 10's authors that state the County's support for the measure (attached).

Presuming SCA 10 is passed by the Legislature, Intergovernmental Relations will prepare a report and analysis on the ballot measure for the Board. This report will be on the August 16, 2022, agenda and will provide the Board the opportunity to state the County's support for an amendment that enshrines right to choose in the California Constitution.

Please feel free to contact me at Danielle.Christian@ceo.sccgov.org or 408/299-5183 if you have any questions about this information.

Attachments

cc: Miguel Márquez, Chief Operating Officer
James Williams, County Counsel
Tiffany Lennear, Clerk of the Board
Steve Preminger, Director, Office of Strategic and Intergovernmental Affairs
Erica Kelly, Principal Budget and Public Policy Analyst
MaryAnn Barrous, Budget and Public Policy Analyst

County of Santa Clara
Office of the County Executive

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70 West Hedding Street, 11th Floor
San Jose, California 95110
(408) 299-5105



June 16, 2022

The Honorable Toni Atkins
Senate President pro Tempore
1021 O Street, Suite 8518
Sacramento, CA 95814

RE: SCA 10 (Atkins and Rendon) As Introduced – SUPPORT

Dear President pro Tempore Atkins:

On behalf of the County of Santa Clara, I write to express support for your SCA 10, a state constitutional amendment to protect reproductive freedom in California.

Across the nation reproductive rights and freedoms are under attack. Other states are mobilizing against reproductive freedom and taking efforts to roll back decades of precedent established in the 1973 U.S. Supreme Court decision in *Roe v. Wade*, which held that access to abortion is a fundamental right under the United States Constitution based on the right to privacy in health care decisions. This right is at risk as last month, a leaked draft of a pending Supreme Court decision indicates that five justices appear ready to reverse the landmark decision that legalized abortion nationwide and allow states across the country to ban access to safe, affordable reproductive health care.

Current California statute declares that it is the public policy of the State that every individual has the fundamental right to choose or refuse birth control. It further declares that every woman has the right to choose to bear a child or choose and obtain an abortion and that the State shall not deny or interfere with these fundamental rights, with limited exceptions. SCA 10 will ensure that these rights are protected in California.

The passage of your SCA 10 will build upon existing reproductive freedom in our State and allow individuals and families to determine what is best for them and give them the ability to plan their lives and make intimate reproductive decisions without the government interfering. SCA 10 directly and explicitly protects the right to abortion and contraception, ensuring further protection against future attempts at the federal level to restrict or ban abortion access, and from any state actions that may interfere with this right in the future.

Your SCA 10 continues California's commitment in furthering privacy and equal protection of a person's reproductive freedom and enshrines it in our State Constitution. It is for this reason the County of Santa Clara supports this measure and thanks you for authoring this important measure.

Sincerely,

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Jeffrey V. Smith, M.D., J.D.
County Executive

cc: Assembly Speaker Anthony Rendon
Santa Clara County Legislative Delegation
Santa Clara County Board of Supervisors
Michael Rattigan, Legislative Representative

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June 16, 2022

The Honorable Anthony Rendon
Assembly Speaker
1021 O Street, Suite 8330
Sacramento, CA 95814

RE: SCA 10 (Atkins and Rendon) As Introduced – SUPPORT

Dear Speaker Rendon:

On behalf of the County of Santa Clara, I write to express support for your SCA 10, a state constitutional amendment to protect reproductive freedom in California.

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County Executive

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Santa Clara County Legislative Delegation
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