

BISC Advisory: Addressing Counter-Measures in the 2024 Election

Context: In April 2024, anti-abortion politicians in Arizona [accidentally leaked their plans](#) to try and block a proactive abortion rights constitutional amendment, the Arizona for Abortion Access Act, by intentionally misleading voters and sowing confusion by placing two Legislatively-Referred Constitutional Amendments banning abortion on the 2024 ballot. In Nebraska, anti-abortion groups have filed a citizen-initiated constitutional amendment to ban abortion after 12 weeks, adopting the framework and similar branding of a simultaneously moving citizen-initiated constitutional amendment enshrining abortion rights. And rumors are floating around that a special session in Florida could result in multiple competing Legislatively-Referred Constitutional Amendments being placed on the November 2024 ballot to create confusion about the Floridians Protecting Freedom constitutional amendment to enshrine abortion rights in the state's constitution.

Why is this happening?

These efforts are intended to confuse voters and establish more complicated ballots that require a nuanced messaging approach, increasing the cost of voter education efforts in an already expensive and crowded election cycle.

This strategy is not new. There is a long history of both progressives and conservatives using counter-measures to derail or negate ballot measures. Countermeasures are used to strategically divide and distract opponents; drain funds; and cause voter confusion. **Addressing countermeasures requires increased voter education and communication, and an increased timeline (if possible), as well as more research.**

Countermeasure strategies have been used in recent years in states like [Nevada](#), [South Dakota](#), [Washington](#), and [Mississippi](#). BISC's research going back to 2016 shows that voters take voting on ballot measures seriously and don't want to make mistakes. **When voters don't have enough information about a ballot measure or are confused, they are more likely to vote "no" or skip voting on the measure.**

There are additional risks if competing measures do appear on the ballot. There are 17 states that have statutory or constitutional provisions about what happens when there are two competing measures on the ballot. In Nebraska for instance, the measure with the most votes supersedes the other on all *points of conflict*, but the

measure with the least affirmative votes is not wholly superseded. In Arizona, the measure with the most votes *wholly supersedes* the other.

Anti-abortion groups know they are going to lose. They are doing everything possible to change the rules of the game. This is the same line of thinking that had them put Kansas' abortion ban on the 2022 August primary ballot and the 60% threshold change, Issue 1, on Ohio's 2023 August Special Election ballot. In Missouri, it is possible that opposition efforts could mean that the Missouri Right to Reproductive Freedom Amendment appears on the August 2024 ballot instead of the general election ballot in November.

What we need to do right now

Start early and take them head on. BISC's analysis of ballot measure campaigns demonstrates that when **progressives get out ahead of our opposition and shape the narrative first, we significantly increase our chances of winning.**

Their campaigns will rely on misinformation and disinformation because the facts are not on their side. We already know language like, "don't be fooled" and "they're trying to trick you" works from campaigns in Kansas and Ohio. Tying these messages into a narrative about how our opposition is using deceptive tactics as a way to undermine the will of the people can help combat the oppositions' purposefully confusing strategy and ensure voters are more informed.

We also learned from Ohio's Issue 1 campaign the importance of closing data voids by leveraging Search Engine Optimization (SEO), as well as engaging trusted messengers and influencers. If you have not already launched these tactics for your campaign, now is the time.

Our opposition has shown us their playbook. **We must act swiftly and coordinate our efforts to reduce the harm these countermeasures are intended to inflict.**

For further guidance on how to plan for and address potential counter-measures in your state contact Marsha Donat, BISC's Capacity Building Director at marsha@ballot.org.