

There are only five female senators in the Palmetto State and all of us are pro-life. We recognize that no woman or girl wants to have an abortion. Yet these life-altering decisions are best made by those who are actually pregnant...not by legislators or judges.

We acknowledge that a pregnant woman or girl should make her decision sooner, rather than later in her pregnancy, although the five of us disagree somewhat about when the decision should be made. None of us are supportive of late term abortions. As mothers, we understand that six weeks is not enough time for most women and girls to realize they are pregnant, determine what is right for them and take *safe, expedient* action.

The South Carolina Supreme Court agreed with us when it issued its opinion on January 5, 2023. But this week, the same court reversed itself just seven months later. Why would the high court soil itself with such an unexplainable, completely contradictory opinion?

Here is a brief summary of how it happened:

February 18, 2021 - The state's first six-week abortion ban known as S. 1 or the "Heartbeat bill" became effective.

February 19, 2021 - S. 1 was temporarily enjoined by the court.

January 5, 2023 - The South Carolina Supreme Court struck down the first Heartbeat bill, insisting that six weeks is not enough time for a woman or girl to learn she is pregnant and make an informed decision about the pregnancy. **Legislative leaders were publicly critical of the court's opinion and set out to teach these justices to not "bite the hands" that elect them.**

January 19, 2023 - The 125<sup>th</sup> General Assembly convened. The SC Senate was comprised of 46 members, 41 males and 5 females. The SC House of Representatives consisted of 124 members, 104 males and 20 females. The Governor is also male. Females make up 51.4 % of the state's population, but are grossly under-represented in the SC legislature.

February 8, 2023 - The state's only female Supreme Court Justice retired<sup>1</sup> and was replaced by the General Assembly with another male, giving our state the dubious distinction of having the only all-male Supreme Court in the nation, despite the fact that females comprise 37.46% of the SC Bar.

May 23, 2023 - S. 474, the state's second heartbeat bill, was almost identical to the one struck by the court four months prior. It eventually passed the Senate because after three successful filibusters led by the five of us, we came two votes short of stopping it on the final day of session when Republican male colleagues who were previously supportive, changed their votes. The bill was ratified and then again, quickly enjoined,

August 23, 2023 - The South Carolina Supreme Court aborts its own decision made seven months prior, which held that six weeks was not enough time for a pregnant woman to make a reasonable choice as to whether to have an abortion. The only thing that was different between the high court's striking of the first Heartbeat bill and its subsequent upholding of the second nearly identical bill, was the make-up of the court.

By delivering polar opposite abortion decisions seven months apart, the state Supreme Court revealed its fear of the SC General Assembly. **Any branch of government that fears a co-equal branch is not co-equal.**

All five of us are disappointed, but that will not change what has happened. We must try to correct this wrong. An imbalanced political body should not decide the fate of South Carolina's women and girls. Likewise, judicial elections and rulings should never be politicized. Instead, we believe these deeply personal decisions are best left to those who are most impacted. We trust the people of South Carolina and do not believe our judgment is superior to theirs. We will be calling for a statewide referendum to let voters decide the abortion issue, once and for all. Our success will depend on whether legislative leaders allow a referendum to move forward. Those leaders who refuse to allow voters to decide the abortion issue should be held accountable at the ballot box next year.

We also plan to encourage more women to run for office and continue to support those who do. If only two more reasonable female senators had

---

<sup>1</sup> Hawes, How South Carolina Ended Up With an All-Male Supreme Court; April 28, 2023; <https://www.propublica.org/article/how-south-carolina-ended-up-with-all-male-supreme-court>

been elected, the latest version of the Heartbeat bill would have been successfully blocked. **We believe more females should be on the ballot as should the abortion issue.**

Respectfully submitted by Sister Senators,

Katrina F. Shealy, Republican

Margie Bright Matthews, Democrat

Mia McLeod, Independent

Sandy Senn, Republican

Penry Gustafson, Republican