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**Capitol View**

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**Lawmakers Can’t Muster Enough Votes for a Special Session on Abortion**

The Nebraska Legislature will not call a special session to amend the state's abortion laws.  
 In the end, it wasn’t about killing babies or giving women a choice. It was about numbers.

Yes, numbers. That cold, hard political fact that one side didn’t have the 33 votes they would need – by the rules of the Legislature – to stop an expected filibuster that would delay passage of the bill.

Lawmakers failed to pass a so-called trigger bill during the last regular session that would have kicked in if the United States Supreme Court overturned Roe v. Wade. When the decision was made, speculation was strong that a special session might be called.

But Speaker of the Legislature Mike Hilgers subsequently sent Governor Pete Ricketts a letter stating that 30 state senators would vote for legislation that would have prohibited abortions starting at 12 weeks. Thirty-three votes were needed to overcome a filibuster and pass legislation. The state's current statute restricts abortion at and after 20 weeks.

Following his announcement several weeks ago that he wouldn’t call a special session, Ricketts said "Nebraskans need to have more conversations on the value we place on human life so more meaningful protections can be passed in our state.”

"Abortion bans aren't popular. Any time government tries to come between a patient and a doctor — Nebraskans know that's none of their business," said State Sen. Meghan Hunt of Omaha, a Democrat and vocal opponent of the measure.

Times have changed in the officially nonpartisan Nebraska Legislature. Thirty years ago, the first major anti-abortion legislation in Nebraska was offered and supported by Democrat senators: Bernice Labedz, Tim Hall and John Lindsay of Omaha and Cap Dierks of Ewing. All four were Catholic as well. But non-Catholic Nelson signed some of those measures into law.

**For Release Wednesday, August 24, 2022 – Page 2**

So, if it wasn’t political party, it was about religion? Not that I observed. Those early anti-abortion debates were passionate and issue focused. There may have been lines drawn, but they didn’t lead to filibuster and floor fights.

That culture has changed on many issues in the modern Legislature. Given the number of filibusters during regular sessions in recent years, passions seem to run deeper. Or perhaps, senators are wearing their emotions on their sleeves. I’m sorry, but you don’t have to go to every fight to which you are invited.

Terminology has changed. There is keen interest in the “woke” culture. Merriam Webster and others define “woke” as being increasingly used as a byword for social awareness. It has also been used in pejorative terms for someone with left-leaning political thought. Thirty years ago, legislative observers were more interested in the awake culture, as in which senators were paying attention to the issue being debated.

Party politics has threatened the very nonpartisan nature of the Legislature. There are more Republicans than Democrats on the state’s election roles. There are far more Republicans in the Legislature than Democrats. The Republican Party has poured money into legislative races. The governor has used his own money to defeat candidates, sometimes when two Republicans are running, favoring one over the other.

It's likely the issue will come up next session with a crop of new senators. Until then, term-limited Ricketts said he will continue to "affirm the rights of preborn babies and to support pregnant women, children, and families in need.”

Senators like Hunt say they will continue their opposition. Assuredly, both sides will be counting how many votes they have.

What if we all realized the issue is a moral one, not mathematical or political. I happen to think that might make a big difference.

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