

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

PROCLAMATION OF SPECIAL SESSION

WHEREAS, the Iowa General Assembly adjourned its 2023 regular session *sine die* on May 4, 2023, the 116th day of said regular session.

WHEREAS, based upon the extraordinary occasion in question, and in accordance with Article IV, Section 11, and Article III, Section 2, of the Constitution of the State of Iowa, work remains to be done protecting unborn children.

WHEREAS, the legislative authority of Iowa shall be vested in a general assembly pursuant to Article III, Section 1, of the Constitution of the State of Iowa.

WHEREAS, no bill shall be passed by the general assembly unless approved by a majority of all members elected to each branch of the general assembly pursuant to Article III, Section 17, of the Constitution of the State of Iowa.

WHEREAS, in 2018 the Iowa General Assembly passed legislation that prohibits abortions “when it has been determined that the unborn child has a detectable fetal heartbeat, unless, in the physician’s reasonable medical judgment,” one of several exceptions applies (“fetal heartbeat bill”).

WHEREAS, before a bill can become “law” after passing the general assembly, it must be presented to the governor for approval pursuant to Article III, Section 16, of the Constitution of the State of Iowa.

WHEREAS, the fetal heartbeat bill was approved by the Governor of Iowa in 2018 as reflected in Iowa Acts, Ch. 1132, § 4 (codified at Iowa Code § 146C).

WHEREAS, with the fetal heartbeat bill becoming the “fetal heartbeat *law*”, it was enjoined by a single district court judge from being enforced based on prior legal precedent that was unsound at the time and subsequently overruled.

WHEREAS, on June 16, 2023, the Iowa Supreme Court, by a 3-3 tie, failed to exercise its discretionary authority to dissolve the lower court's injunction of the Iowa fetal heartbeat law.

WHEREAS, in the opinion of three justices, the Iowa Supreme Court "fail[ed] the parties, the public, and the rule of law in our refusal today to apply the law and decide this case." Those same justices would have dissolved the injunction and further recognized that "[u]nder the rational basis standard, it is inequitable to continue to enjoin the State from enforcing a law that is now presumptively constitutional."

WHEREAS, the other three justices, who voted to affirm the district court and did not feel that an exercise of their discretionary authority to act was warranted, "politely" declared that when the General Assembly passed, and the Governor signed, the fetal heartbeat law, that law was no law at all but only a "hypothetical law."

WHEREAS, those same three justices stated their belief that "uncertainty exists about whether a fetal heartbeat bill would be passed today," given turnover in membership of the General Assembly through three intervening election cycles.

WHEREAS, Iowans deserve to have their legislative body address the issue of abortion expeditiously and all unborn children deserve to have their lives protected by their government as the fetal heartbeat law did.

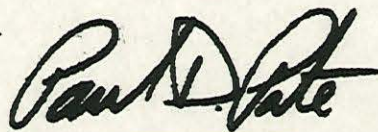
WHEREAS, the Speaker of the House, the House Majority Leader, the House Minority Leader, the Senate President, the Senate Majority Leader, the Senate Minority Leader, and other members of the Iowa General Assembly, should work together with the Governor to seek a solution to address the aforementioned issues in a timely and expeditious manner.

NOW, THEREFORE, I, Kim Reynolds, Governor of the State of Iowa, by virtue of the authority vested in me by Article IV, Section 11, and Article III, Section 2, of the Constitution of the State of Iowa, do hereby convene the General Assembly of the State of Iowa in Special Session in the Capitol at Des Moines on July 11, 2023, at 8:30 a.m. for the sole and single purpose of enacting legislation as described above.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of Iowa to be affixed. Done on the 5th day of July, in the year of our Lord two thousand twenty-three.


KIM REYNOLDS
GOVERNOR OF IOWA

ATTEST:



Paul D. Tate

