

The Washington Flyer
November 6, 2026

"These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands by it now, deserves the love and thanks of man and woman."
Thomas Paine

State Ballot Initiatives Bring Victories and Losses in the Midterms
While the midterm elections brought a wave of Democratic victories on the national and state levels, the results for some state referendums offer a silver lining for social conservatives. Four states—Washington, Colorado, Arizona, and Nebraska—approved initiatives that will keep boys out of girls' sports and spaces in education. While 27 other states have laws providing protection for girls' sports, these four victories are significant because this is the first time the protections were passed by voters at the ballot, rather than through the state legislature. Notably, two of these states—Washington and Colorado—are deep blue states but passed these initiatives with wide margins. Arizona, often considered a swing state, also passed the measure with a wide margin, and Nebraska's amendment passed with a 68% vote. Alliance Defending Freedom President Kristen Waggoner posted on X that "this tells us that whatever leftist politicians may hope to do, the American people still value reality. They aren't ready to abandon truth." Voters in Colorado also approved a measure that would prohibit surgeries and medical treatments for minors who are confused about their sex.

Voters in four states also considered ballot measures relating to life. In Idaho, voters rejected Proposition 1, which would have expanded access to abortion. However, voters in Missouri failed to pass a measure that would have protected life by repealing the 2024 state constitutional amendment that created a right to abortion. Voters in Nevada and Virginia approved initiatives that will add amendments to their state constitutions creating a right to abortion. A lawsuit has already been filed in Virginia against the measure, Amendment 1, charging that the process of placing the initiative on the ballot was flawed and the language was intentionally misleading and deceptive. Virginians also approved an amendment that removes the state constitutional language defining marriage as between one man and one woman and replaces it with language that allows any "two adults" the right to marry, regardless of "sex, gender, or race." A lawsuit has also been filed against this amendment, challenging the procedure in which it was filed.

Six states considered ballot measures to require U.S. citizenship to vote. Voters in West Virginia, South Dakota, Kansas, Arkansas, and Alaska approved these initiatives, while voters in Arizona rejected the measure. Since 2018, 15 other states have also adopted similar initiatives.

While pundits continue to analyze the election results, ADF President Kristen Waggoner offered this reminder on Wednesday: "Today isn't a day to blackpill. It's a day to refocus on the long game, remember that our real fight is for truth, and have confidence knowing that truth is a powerful force to set people free." She added, "And if you're a believer in Christ, it's always a good day to trust Him and remember that our ultimate hope isn't in any earthly government, but in His eternal kingdom. Onward."

Supreme Court Hears Oral Arguments on Case for Religious Liberty for Private Schools
The Supreme Court heard oral arguments this Tuesday for *St. Mary Catholic Parish v. Roy*, a case with major implications for the religious liberty of faith-based schools. The case involves Catholic preschools that wish to participate in Colorado's universal pre-K program. Colorado pays for tuition at private preschools, including faith-based schools, for families in the program. However, Colorado added a requirement that would force participating religious schools to abandon their policies and religious expression of biblical teachings on sexuality and human flourishing. A group of parents and Catholic parishes with preschools sued and argued that the law violated their First Amendment religious liberty rights. During oral arguments, the court debated whether it should apply strict scrutiny, a legal test to determine if the government has a compelling interest to infringe on the fundamental right of religious liberty. Colorado argued that its law is generally applicable and not intended to target religious schools. The schools argued that the law effectively excludes religious schools by forcing them to abandon their religious beliefs to obtain an otherwise available benefit. The majority of the justices asked questions and made comments that indicated they agreed with the schools. For instance, Justice Samuel Alito appeared to agree with the argument that the government could infringe religious exercise without explicitly using religious or sectarian words. The Supreme Court is expected to rule on the case this summer.

6th Circuit Court to Hear Religious Hiring Case
Attorneys at Alliance Defending Freedom have filed opening briefs in two related cases with important implications for religious liberty and parental rights. The issue started when Michigan reinterpreted its civil rights law to include sexual orientation and gender identity and declined to include a religious exemption. This new definition threatens the ability of individuals to exercise their faith authentically at religious organizations. ADF sued in two cases on behalf of Christian Healthcare Centers and Sacred Heart of Jesus Parish. Under the new law, both organizations must consider job applicants who oppose their Christian beliefs. The AACS joined an amicus brief in November 2023 in support of Sacred Heart. The district court eventually issued split rulings in both cases. This August, the lower court upheld the organization's right to hire coreligionists for some positions, such as doctors or teachers, but not for others, such as maintenance staff. ADF then appealed to the 6th U.S. Circuit Court of Appeals. In one brief, ADF argued that the First Amendment protects Christian Healthcare Center's right to hire coreligionists. ADF made the same claim in its brief for Sacred Heart and added that parents have the right to send their children to an authentic religious school. The ADF asked the 6th Circuit to grant a permanent injunction in both cases. "Religious organizations should be free to serve their communities according to their beliefs," said Chris Schandevel, senior counsel at ADF. He added that the "Constitution requires Michigan officials to respect religious organizations' freedom to follow the very faith that has motivated them to serve others."

In Case You Missed It:

Weekly Market Update provided by Jeff Beach of the AACS Investment Team at Merrill Lynch

Practical Legal Help for Christian Schools: ADF Ministry Alliance

Democrats Whack Up Historic Wins, While Ballot Measures Offer Silver Linings

What Can K-12 Education Expect from Dems Big Win in 2026 Elections?

New Mexico Is In: Gov. Grisham Reverses Course and Opts the State into the §25F Scholarship Credit for 2027

Jamison Coppola: Government Relations Director
Olivia Ashley: Government Relations Specialist
Maureen Van Den Berg: Senior Policy Analyst
Washington Office, 119 C Street SE, Washington, DC 20003