



## November 2023 Election FAQ: Issue 1

### ISSUE 1 BASICS

#### What is Issue 1 about?

Issue 1 relates to reproductive health care. Also known as “The Right to Reproductive Freedom with Protections for Health and Safety”, it would amend the Ohio Constitution, if passed by voters in November.

#### What does it mean to vote yes on Issue 1?

A “yes” vote supports amending the Ohio Constitution to restore the right to an abortion, as well as other reproductive health care such as fertility or miscarriage treatment :

- establish a state constitutional right to "make and carry out one’s own reproductive decisions,"including decisions about abortion, contraception, fertility treatment, miscarriage care, and continuing pregnancy;
- prohibit the state of Ohio from interfering with this constitutional right, except when the state demonstrates "that it is using the least restrictive means to advance the individual's health in accordance with widely accepted and evidence-based standards of care;"
- allow the state to restrict abortion after fetal viability, defined as "the point in a pregnancy when, in the professional judgment of the pregnant patient's treating physician, the fetus has a significant likelihood of survival outside the uterus with reasonable measures;" and
- prohibit the state of Ohio from banning abortion when, in the professional judgment of a physician, an abortion "is necessary to protect the pregnant patient’s life or health."

#### What does it mean to vote no on Issue 1?

A "no" vote opposes amending the Ohio Constitution to establish the constitutional right to "make and carry out one’s own reproductive decisions." This would allow the state to continue to create legislation relating to abortion and other reproductive health actions.



### **What happens if Issue 1 passes?**

Abortion would go back to being legal up until viability of the fetus, as it had been for nearly half a century since Roe v. Wade. Under this amendment, the state would be allowed to restrict abortion beyond viability, with exceptions made when a physician deems abortion necessary for the life or health of the pregnant patient. Access to miscarriage care, contraception, fertility treatments, and the right to stay pregnant would also be protected under this amendment.

### **What happens if Issue 1 does not pass?**

Laws around abortion and other reproductive health care would continue to be made by state government.

Right now, Ohio has a ban on abortion after the 6th week of pregnancy in place, but this ban has been temporarily blocked by a judge. The judgment blocking the ban has been challenged by the Ohio Attorney General on behalf of the state of Ohio, and is under review with the Ohio Supreme Court. If the Court rules in the state's favor, the 6 week abortion ban will resume, making abortion after 6 weeks of pregnancy illegal. This includes pregnancies resulting from rape or incest.

### **Who is leading the campaign to pass Issue 1?**

An organization named OURR – Ohioans United for Reproductive Rights– is heading Issue 1. According to their website, this is a coalition of statewide organizations that includes ACLU of Ohio, Abortion Fund of Ohio, Ohio Physicians for Reproductive Rights, New Voices for Reproductive Justice, Ohio Women's Alliance, Planned Parenthood Advocates of Ohio, Preterm-Cleveland, Pro-Choice Ohio, and URGE.

### **Who is leading the campaign opposing Issue 1?**

An organization named Protect Women Ohio is heading the opposition against Issue 1. According to their website, this is a coalition of people and organizations; no names are identified.

### **Who are some supporters of Issue 1?**

- American Association of Obstetricians and Gynecologists (ACOG), Ohio Section
- National Association of Social Workers
- Society for Maternal-Fetal Medicine



### **Who are some of the opponents of Issue 1?**

- Center for Christian Virtue
- Ohio Catholic Conference
- Ohio Right to Life

## **ABORTION IN OHIO**

### **What is the current legal status of abortion in Ohio?**

On June 24, 2023, immediately after the Dobbs ruling, a federal judge lifted an injunction that had been placed on a law that made abortion after 6 weeks illegal in Ohio, including for pregnancies resulting from rape or incest. That law had originally been passed in 2019 but blocked in court because it was unconstitutional according to Roe v. Wade; after Dobbs, the law was no longer unconstitutional.

On September 14, 2023, a different judge blocked the 6 week ban, restoring abortion rights to Ohioans temporarily. Ohio Attorney General Dave Yost, representing the state, has challenged this ruling, and the Ohio Supreme Court is set to hear arguments later this month. If the Court rules in favor of the state, who brought the suit, abortion will again be banned after 6 weeks.

### **Would the amendment affect anything other than abortion?**

Yes.

In addition to guaranteeing the right to abortion, the amendment would also protect the right to other reproductive health actions such as access to contraception, fertility treatment, and miscarriage care, as well as the right to continue a pregnancy.

## **ISSUE 1: FACTS vs. MISINFORMATION**

### **CAN A PREGNANCY BE TERMINATED AT ANY TIME DURING A PREGNANCY?**

The amendment maintains the standard set by the 1973 Supreme Court decision Roe v. Wade, which prohibits abortion after viability (which most doctors say is around 24 weeks), except in cases when the patient's life or physical health would be endangered by maintaining the pregnancy. In those instances, determined by the patient's physician, abortion would be a protected option.



Historically, abortion after viability is very, very rare, with 93.1% of abortions happening before 13 weeks gestation in 2020, and less than 1% over 21 weeks gestation. (CDC). Typically, abortion during this period only happen when there are severe fetal anomalies and/or the patient's life or physical health is in danger.

**How would this amendment affect parental rights?**

It wouldn't. There is nothing in the amendment that changes Ohio laws around parental consent.

Ohio law requires minors under the age of 18 to get consent from at least one parent when seeking an abortion. Minors who believe they are unable to tell a parent must get a court order from a judge through a process called judicial bypass. There is nothing in the amendment that would change this.

**How would this amendment impact gender-affirming care?**

It doesn't. There is nothing in the amendment that has anything to do with gender-affirming care.

