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**PRO-LIFE**  
AMERICA

**To:** Members of Congress

**From:** Stephen Billy  
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**Subject:** Ohio 2023 Ballot Initiatives

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## **Background**

In early 2023, liberal pro-abortion forces from outside Ohio announced they would promote an Ohio ballot initiative to enshrine abortion on demand until birth into Ohio's constitution and attack parental rights. This is a direct effort to overturn all of Ohio's pro-life laws including protections for unborn children once their heartbeat is detectable (currently enjoined).

On February 21, 2023, the text of the proposed amendment was released, revealing extreme language that would not only overturn the heartbeat law, but would also repeal dozens of carefully crafted laws. These include basic medical safeguards like requiring that abortions be performed by local doctors in person, and laws ensuring that each woman receives accurate information about her baby, health risks, and alternatives. It would repeal laws protecting the dignity of the unborn, including the Ohio partial-birth abortion ban, the born-alive abortion survivors protection law, and the law prohibiting discriminatory abortions on the basis of a Down syndrome diagnosis. The amendment would even block parental involvement in their daughter's abortion and would *require* that taxpayer dollars be spent on elective abortions even after the baby can feel pain.

Lastly, the amendment intentionally focuses on reproductive decisions and does not limit what is defined as a reproductive decision. This legally results in the amendment affecting policies outside of abortion, such as transgender surgery and with the same concern that parental rights are eliminated.

Here is the full text of the proposed amendment:

[Article I, Section 22. The Right to Reproductive Freedom with Protections for Health and Safety](#)

*A. Every individual has a right to make and carry out one's own reproductive decisions, including but not limited to decisions on:*

- 1. contraception;*
- 2. fertility treatment;*
- 3. continuing one's own pregnancy;*
- 4. miscarriage care; and*
- 5. abortion.*

*B. The State shall not, directly or indirectly, burden, penalize, prohibit, interfere with, or discriminate against either:*

- 1. An individual's voluntary exercise of this right or*
- 2. A person or entity that assists an individual exercising this right,*

*unless 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.*

*However, abortion may be prohibited after fetal viability. But in no case may such an abortion be prohibited if in the professional judgment of the pregnant patient's treating physician it is necessary to protect the pregnant patient's life or health.*

*C. As used in this Section:*

- 1. "Fetal viability" means "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. This is determined on a case-by-case basis."*
- 2. "State" includes any governmental entity and any political subdivision.*

*D. This Section is self-executing.*

The so-called "Right to Reproductive Freedom" Amendment will be considered in a statewide election on November 7, 2023. Protect Women Ohio (PWO), a broad coalition of Ohio leaders, is leading the effort to defeat the initiative.

On August 8, 2023, Ohioans considered a separate ballot initiative to increase the threshold to amend the state constitution. This initiative, known as Issue 1, would have changed the required majority to amend the constitution to a 60% majority instead of a simple (50%+1) majority. Issue 1 failed. If it had passed, it would have gone into effect for the November vote on the abortion amendment.

### **Why Issue 1 Failed**

Two reasons why Issue 1 (vote threshold) failed are:

1. Failure of the YES campaign to launch *prior to early voting* on July 11. Leading up to early voting, progressive organizations funded by liberal dark money launched a multimillion-

dollar ad campaign that deceptively argued that Issue 1 would take away power from voters and end majority rule in Ohio. Without any response from the YES campaign, voters were saturated with democracy-oriented (not pro-abortion) messages against Issue 1. In fact, the NO campaign only ran an abortion-focused ad for a short time and closed the campaign with a significant ad buy centered on majority rule.

2. This was not a proxy vote on abortion for all voters. While it was an abortion vote for many voters, others considered different issues. Some voters were persuaded by the constitutional and democracy concerns that saturated the airwaves leading up to early voting. Others cast their vote in the context of policies such as support for legalizing marijuana, raising the minimum wage, or amending state gun laws.

Note: Following the absence of YES campaign activity, the pro-life coalition that was focused on the November ACLU abortion amendment began to engage directly on Issue 1. Despite our best efforts, this was not enough to overcome what appears to be a deficit of hundreds of thousands of votes from early and absentee votes during the time the NO campaign defined the message with an unopposed comprehensive media blitz leading into early voting.

### **Next Steps in Ohio**

The lessons learned from this defeat are clear, and evident from other state fights. **We must define the issues at stake early and often with a simple message.** So far, in all state ballot battles, our side has failed to take this approach, allowing the Left and abortion industry and their allies to define the effort. This is NOT the situation with the upcoming November fight to protect parental rights and unborn lives in Ohio.

The November amendment is an attempt by ACLU to eliminate parental rights and legalize abortion on demand in the Ohio constitution. A broad coalition of moms, dads, doctors, pro-life and parental rights advocates have been organizing since February. This pro-parent, pro-life coalition has already unified and energized the grassroots, and defined the battle for what it is: an attempt by the ACLU to impose their agenda on Ohio.

Polling, surveys, and focus groups prove Americans [reject the agenda](#) to destroy [parental rights](#) and legalize [abortion on demand up until birth](#) that will appear on the ballot in November. The clear question in November will be whether to adopt an extreme agenda to end parental rights and legalize unrestricted access to abortion until the moment of birth, paid for by Ohio taxpayers.

The good news is that millions of pro-life Ohioans and pro-life Americans have been informed by our months-long education and voter contact efforts in the Buckeye State. We have the tools necessary to go toe to toe with the ACLU and their extreme allies to defeat their effort this November. We have been planning for this battle and we are ready for it.

## Lessons for Public Officials

Pro-abortion special interests will not stop weaponizing false information to mischaracterize the positions of pro-life elected officials. This was underscored by the results of the Issue 1 ballot initiative. The only antidote is an early forceful, informed, and compassionate response. The pro-abortion side knows that the issue of abortion can drive its base. By focusing on abortion, they hope to sideline elected officials who are hesitant to lean in and fight back.

Someone will define your position on life. The conversation cannot be avoided, nor should it be. The contrast is clear. Radical abortion-until-birth policies are pending in Congress, and states like California and New York continue to be sanctuary states for carrying out painful late-term abortions. Countless unborn lives depend on courageous leaders to speak out for them and their moms. The *Dobbs* decision unleashed the opportunity for lawmakers to boldly place limits on abortion. Without a federal minimum standard, abortions will end the lives of over 600,000 babies per year.

Top messages:

### 1. Point to pro-life state wins in 2023:

- A year after *Dobbs*, 25 states have put pro-life protections into law— half the country<sup>i</sup>.
- Use [lifesavinglaws.com](https://lifesavinglaws.com) for details you can use to speak about your own state.
- Hundreds of millions of dollars have been allocated by pro-life states to support moms and babies with medical, social, and material support. [For example:](#)
  - o Texas – the state’s Alternatives to Abortion program will receive \$165 million in funding for FY24-25, a 65% increase.
  - o Mississippi - Gov. Tate Reeves signed bills to increase the value of state income tax credits for donations to pregnancy centers from \$3.5 to \$10 million and up to \$10,000 to finance in-state adoptions.
  - o North Carolina – the [Care for Women, Children and Families Act](#) that protects unborn children at 12 weeks also provides \$160 million over two years in support for children, families and maternal health.
  - o Tennessee –Provided \$20 million for pregnancy centers, \$10 million for adoption and foster care nonprofits, covering the cost of diapers for two years, and much more.

### 2. Speak compassionately to the needs of mother and child:

- Offer support for legislation that would help them both, such as:
  - o The [Providing for Life Act](#), which calls for child support starting in the womb, expanding the child tax credit, parental leave support, pregnant student resources and much more, or
  - o The [HOPE Act](#), which promotes women’s health and access to resources by ensuring informed consent and parental notification, better awareness of existing resources for pregnant moms, and the reallocation of funding from abortion providers to life-affirming abortion alternatives.

### 3. **Support reasonable national pro-life protections:**

- Despite the work of state legislators in half of the states, at least 600,000 unborn children will still face abortion each year.
- We must establish a commonsense federal minimum protection for unborn children at least by 15 weeks when science shows the unborn child can feel pain.
- We have to start with commonsense nationwide limits on the brutality of abortion. Americans across the board agree we should not be in the company of China and North Korea which allow abortion until birth.
- Without a national minimum protection for the unborn, the abortion industry continues to prioritize their profits over women's health and safety. They are setting up shop with on the borders of pro-life states, mailing abortion drugs from abortion states to vulnerable women and girls in pro-life states, and using tax dollars for abortion travel.

### 4. **Hold Pro-Abortion Politicians Accountable:**

- Pro-abortion politicians have aligned themselves with the abortion lobby's extreme stance of abortion on demand until birth, paid for by the taxpayer. This is far out of line with the majority of Americans.
- Chuck Schumer, Hakeem Jeffries, and their colleagues in Congress are demanding extreme bills like the so-called "Women's Health Protection Act" that would obliterate nearly every pro-life protection at the federal and state levels while enshrining a right to abortion at any point in pregnancy. Their sustained attack on Hyde protections also proves their commitment to forcing taxpayers to fund painful late-term abortions.
- President Biden and Vice President Harris continue to take an all-of-government approach to hijack life-affirming initiatives and push for abortion access and taxpayer funding even where the law prohibits it. Examples include violating longstanding laws to turn Veterans Hospitals into abortion facilities and to pay for abortion travel through the Department of Defense.

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<sup>1</sup> Six of these state laws are under judicial review.