



Written by [James Murphy](#) on September 21, 2023

Ohio Supreme Court Denies Effort to Replace “Unborn Child” with “Fetus” on Ballot Measure

On Tuesday, Ohio’s Supreme Court denied the efforts of pro abortion forces to change the wording of [State Issue 1](#) on the state’s November ballot. At stake is a possible amendment to Ohio’s state constitution, which would establish a constitutional right to “make and carry out one’s own reproductive decisions,” including decisions about “abortion, contraception, fertility treatment, miscarriage care, and continuing pregnancy.”

Further, the measure would only allow the state to restrict abortion after fetal viability (usually defined as 24 weeks gestation by abortion defenders) or when the mother’s life or health is at risk.

Pro-abortion forces objected to the term “unborn child” being used on the ballot and urged that the term be replaced with “fetus” instead. Ohioans United for Reproductive Rights argued that the term is “argumentative,” and that it “introduces an ethical judgment” into the issue.

The State Ballot Board and Ohio Secretary of State Frank LaRose, who chairs the Board, proposed the wording of the ballot, which was challenged by two Board members — State Senator Paula Hicks-Hudson and State Representative Elliot Forhan, both Democrats. Forhan said that the ballot language was “rife with misleading and deceptive language.”

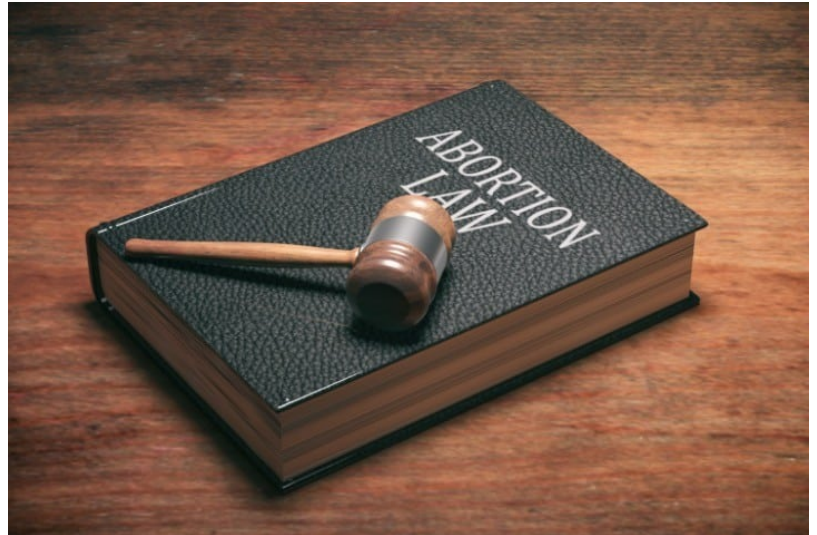
Lauren Blauvelt, a spokesperson for Ohioans United for Reproductive Rights, claimed that the ballot language was “misleading” and “deceptive.”

“Anti-abortion extremists and politicians have repeatedly tried to mislead and deceive voters in their unending quest to eliminate Ohioans’ freedom. Make no mistake, the reproductive freedom amendment is about protecting access to abortion and keeping the government out of personal, family decisions,” Blauvelt said.

“Time and time again during this process, outrageous lies and deceptive statements have been made by anti-abortion extremists,” Blauvelt added. “This time, they are literally putting their lies right on the ballot itself. These distortions of the language are a blatant attempt to confuse and mislead voters instead of including the actual text of the amendment on the ballot.”

But Ohio’s Supreme Court [disagreed](#).

“[Ohioans United for Reproductive Rights] argument asserts that ‘unborn child’ is a divisive term that elicits a moral judgment whereas the terms ‘fetus’ and ‘fetal viability’ are more neutral and scientific,” the majority opinion said. “But this argument does not establish that the ballot board’s language constitutes improper persuasion.”



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The text of the proposed amendment contains the term “unborn child” in several places.

One passage states, “The proposed amendment would: ... Prohibit the citizens of the State of Ohio from directly or indirectly burdening, penalizing, or prohibiting abortion before an **unborn child** is determined to be viable, unless the State demonstrates that it is using the least restrictive means.” (Emphasis added.)

Another example reads, “Only allow the citizens of the State of Ohio to prohibit an abortion after an **unborn child** is determined by a pregnant woman’s treating physician to be viable and only if the physician does not consider the abortion necessary to protect the pregnant woman’s life or health.” (Emphasis added.)

In addition, the pro-abortion forces objected to the term “reproductive decisions” being used instead of their favored language “reproductive medical treatment.” They argued that “a reproductive decision connotes an individual’s ‘considered determination about any matter related to producing offspring’ while the term ‘treatment’ is the action or way of treating a patient medically or surgically.”

The Ohio Supreme Court did order one change in the wording of the proposed amendment. Instead of the phrase “citizens of the state of Ohio” the court found that the term “state of Ohio” should be used instead.

“We conclude that the term ‘citizens of the State’ is misleading in that it suggests to the average voter that the proposed amendment would restrict the actions of individual citizens instead of the government,” the court said.

Democrats blasted the decision. “Ohio Democrats are used to these kinds of dirty tricks designed to silence Ohioans,” said Democrat spokesman Matt Key. “We’re going to communities across the state to connect with voters and lay out the stakes of the November election.”

The Ballot Board lauded the court’s decision.

“By rejecting special interest attempts to substitute their own carefully crafted and poll tested language for that of the ballot board, they have ensured Ohio voters will have a full and accurate understanding of the proposed measure when they go to cast their ballots,” said Mary Cianciolo, a spokeswoman for the office.

With the overturning of *Roe v. Wade* last year, pro-abortion activists have returned to playing semantics with the issue of abortion. Unfortunately for them, the American public has come to understand that an abortion means that a life will end. Whether you call that life an “unborn child” or a “fetus,” a life will end. Ultimately, there’s no getting around that fact.



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