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Voters fills out their ballots at a polling station in Columbus Nov. 7, 2023, as voters go to the

Voters fills out their ballots at a polling station in Columbus Nov. 7, 2023, as voters go to the polls in Ohio over Issue 1, a referendum on whether to enshrine legal protections for abortion in the state constitution. (OSV News photo/Megan Jelinger, Reuters)

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Ohio voters on Nov. 7 approved Issue 1, a measure that will codify abortion access in the state's constitution. The loss marks another electoral defeat for anti-abortion ballot measures in the wake of the U.S. Supreme Court's 2022 decision to overturn *Roe v. Wade*.

The measure, advanced by the Ohio Physicians for Reproductive Rights and Ohioans for Reproductive Freedom, will legalize abortion up to the point of fetal viability -- the gestational maturity at which a baby may be capable of living outside the uterus.

Supporters of the measure argued it would return the state to the legal standard set prior to the decision in *Dobbs v. Jackson Women's Health Organization*, in which the

Supreme Court held that the U.S. Constitution does not protect abortion rights. Opponents argued the measure would go further than that through its definition of fetal viability, which states such viability would be determined on "a case-by-case basis.”

Some proponents argued that failure to enact the measure could criminalize miscarriage care. In an Oct. 13 statement, the Ohio Catholic Conference pushed back on such claims, arguing that "over thirty Catholic hospitals, providing care to millions of patients in Ohio, affirm their commitment to delivering comprehensive healthcare for women and preborn children during pregnancy complications."

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Ohio voters previously rejected in August another ballot initiative that would have raised the threshold for passing constitutional amendments to 60% of voters, leaving in place the state's requirement of 50% plus one vote. That measure, which was seen as a proxy for the November election, would have made passing Issue 1 more difficult. Projections as of early Nov. 8 showed Issue 1 passing with at least 56 percent of the vote.