

Bond Case Briefs

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REFERENDA - OHIO

State ex rel. Ohioans United for Reproductive Rights v. Ohio Ballot Board

Supreme Court of Ohio - September 19, 2023 - N.E.3d - 2023 WL 6120070 - 2023-Oh-3325

Committee, which proposed initiative petition for constitutional amendment regarding right to reproductive freedom, contended that ballot language for amendment was misleading and sought writ of mandamus to compel Ohio Secretary of State to reconvene Ohio Ballot Board to either adopt proposed amendment as ballot language or to prescribe lawful ballot language.

The Supreme Court held that:

- Term “medical treatment” in ballot language was not misleading;
- Phrase “citizens of the State of Ohio” in ballot language was misleading to average voter;
- Ballot language was not misleading regarding woman’s right to continue pregnancy against medical advice;
- Ballot language was not misleading by suggesting that physician had unfettered authority to determine fetal viability;
- Ballot language was not misleading about circumstances in which State could regulate reproductive decision-making;
- Use of term “unborn child” instead of “fetus” did not make ballot language improperly argumentative; and
- Limited writ of mandamus was warranted to correct misleading ballot language.