

# Despite previous legislative inaction, Gov. Mike DeWine says Ohio can revisit abortion law if Issue 1 fails

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COLUMBUS, Ohio – With the Nov. 7 election to decide State Issue 1 just a week away, Gov. Mike DeWine is taking a new tack to try to convince undecided Ohioans to cast a “no” vote.

He’s now saying that if the measure is defeated, the state legislature can alter Ohio’s on-pause “heartbeat” law, which bans abortions as early as six weeks into pregnancy with no exceptions for rape or incest. DeWine [signed that bill into law](#) – a promise he made during his 2018 campaign for governor – just a few months after taking office.

“It’s become very, very clear as we’ve had discussions over the last year or so that the vast majority of Ohioans believe there should be an exception for rape or incest,” DeWine told reporters on Monday. “So what I have said is if we are able to defeat this constitutional amendment, we need to go back to try to come up with something that the majority of Ohioans can in fact agree on.”

DeWine [made a similar plea in November 2022](#), saying that life-of-the-mother exemptions in the heartbeat law should be clarified as the abortion-rights amendment campaign was looming on the horizon, [and then again in April](#), when he called for the legislature to tweak laws to make them better able to withstand legal and public scrutiny.

But the Republican-dominated legislature hasn’t passed anything, showing little interest in expanding abortion access or adding new exemptions.

Asked about the prospect of continued legislative inaction, DeWine suggested on Monday that Ohioans could always pursue another ballot issue.

“There are many things we can do if this amendment is defeated,” DeWine said. “But if it’s not defeated, it really limits what in all practicality will in effect be done. We’ll be stuck with a constitutional amendment that is much too radical.”

Gabriel Mann, a spokesperson for the pro-Issue 1 campaign, said DeWine and other Issue 1 opponents are “getting desperate.”

“First they tried to rig the rules with their August special election, then they wrote misleading ballot language to deceive voters, and now they’re pretending they’ll change the laws they’ve already signed. Ohioans know the best way to stop the Ohio’s extreme abortion ban - which does not have any exceptions for rape or incest - is to vote Yes on 1,” Mann said.

DeWine signed the heartbeat ban without those exceptions in April 2019 after it stalled under his predecessor and fellow Republican Gov. John Kasich. Kasich had resisted the bill because of its lack of exemption for rape and incest, but DeWine promised on the campaign trail to sign it if he won the 2018 election.

DeWine’s new argument is the latest sign that Republicans believe that in order to defeat Issue 1, they need to convince voters who support abortion rights to provide some of the “no” votes.

Another striking example is the move to [downplay the heartbeat law’s existence](#), instead focusing on how current state law allows for abortions through 22 weeks into pregnancy. Left unsaid is how the bill is only on pause due to a long-pending legal challenge, and how overturning it would require the Republican-controlled Ohio Supreme Court to rule in favor of a lawsuit that argues the Ohio Constitution contains an existing right for abortion access, due to its guarantees of privacy and equal protections.

Polling suggests a strong majority of Ohioans opposed overturning Roe v. Wade and support abortion rights generally, while similar percentages have been found to support Issue 1.

[The proposed amendment states](#) that every person has the right to make and carry out their own reproductive decisions, including but not limited to decisions about contraception, fertility treatment, continuing their own pregnancy, miscarriage care and abortion.

If it passes, Ohio could prohibit abortion after fetal viability, which is generally around 22 to 24 weeks. However, if in the professional judgement of the pregnant patient’s treating physician an abortion is necessary to protect their life or health, the procedure would be allowed after the point of viability.

Opponents have pointed to the health exemption as too broad, potentially allowing for abortions later in pregnancy than what most Ohioans would support, although the specific ramifications likely will be decided in court if Issue 1 were to pass.

DeWine and Attorney General Dave Yost spoke with reporters on Monday in Dublin, a Columbus suburb, where anti-issue 1 canvassers, many of whom traveled there from Franciscan University in Steubenville, gathered before fanning out to knock on voters' doors.

DeWine told the canvassers that directly contacting voters is a key to winning campaigns, recalling the early days of his political career as a county prosecutor, while Yost cast the election in more sweeping terms.

"This is an historical moment," Yost said.

Also appearing at the event was Marjorie Dannenfelser, president of Susan B. Anthony Pro-Life America, a national anti-abortion group that has spent millions of dollars trying to defeat Issue 1.

"There are many states that are undergoing the same conversation, and there's no question there will be an impact. But our mind and our focus is really on the next eight days," Dannenfelser said.