

**FOR IMMEDIATE RELEASE**

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## **Heavy Fact-Checking Required for Prop 1 Ads**

*Failing abortion campaign makes easily refuted claims in latest TV commercials*

**BOISE, Idaho** — The Proposition 1 campaign to radically expand abortion in Idaho is in [deep trouble in recent polling](#), and its latest fact-free ads aren't exactly helping its cause with Idaho voters.

In a new round of TV ads, Prop 1 continues its stubborn resistance to facts about its own language, and about current law in Idaho. Thus, more fact-checking is in order.

### **FIRST PROP 1 AD**

**Claim:** "The exceptions [in current Idaho law] for rape and incest punish the victim. Women and girls who have been raped could be forced to give birth to their rapist's child."

**Fact Check:** Idaho [law](#) contains very clear rape and incest exceptions for abortion. The Idaho Supreme Court has itself [ruled](#) in *Planned Parenthood NW v. Idaho* (2023) that "a person of ordinary intelligence would unquestionably understand they [exceptions for rape and incest] apply."

The Supreme Court further stated in the same ruling that each of the rape and incest exceptions "merely requires...that the woman (or her parent or guardian if she is a minor or subject to guardianship), prior to obtaining the abortion, previously reported the alleged rape or incest to the police or child protective services, and tendered a copy of that report to the medical provider. The statute does not require the physician to judge the legal sufficiency of the report. The statute only requires that the report be made."

### **SECOND PROP 1 AD**

**Claim:** Prop 1 will "protect IVF" (In vitro fertilization) and "restores common sense exceptions to Idaho's abortion ban while keeping reasonable restrictions."

**Fact Check – "Restores common sense exceptions," "keeping reasonable restrictions."**

[Prop 1](#) is far more permissive and radical than *Roe v. Wade*. It doesn't "restore" Roe-era abortion law – it goes far beyond it. Crucially, on the issue of fetal viability both [Roe](#) (1973) and the subsequent [Planned Parenthood v. Casey](#) (1992) defined viability as the point when the fetus is "potentially able to live outside the mother's womb, albeit with artificial aid." (emphasis added)

But Prop 1 radically restricts the definition of viability to when the fetus "has a significant likelihood of sustained survival outside of the uterus without extraordinary medical measures." (emphasis added)

Notice how Prop 1 redefines what makes a baby viable, from "potentially able to live...albeit with artificial aid" to "significant likelihood of sustained survival... without extraordinary medical measures." Those two

inversions of terms move viability from 22 - 24 weeks into the 7th or 8th month of pregnancy. Under Roe, a premature baby who would survive with NICU support was viable. Under Prop 1, that same baby is not — because its survival depends on “extraordinary medical measures.”

Additionally, Prop 1’s language is in direct conflict with Idaho’s parental consent laws. Even the ACLU of Idaho, which supports Prop 1, [admits](#) that Prop 1 would “likely” lead to litigation. Prop 1’s language is very clear that it overrides any other Idaho laws that conflict with its provisions. Prop 1 says its provisions “are intended to control over any other section of Idaho Code” and operate “notwithstanding any other provision of law to the contrary.”

And since Prop 1’s text repeatedly uses the word “person” in reference to abortion, avoiding the word “adult” or “woman,” it clearly allows underage girls to get an abortion – without their parents’ knowledge or consent.

**Fact Check – IVF:** In vitro fertilization is already permitted in Idaho. There is literally no threat from which to “protect” IVF in Idaho. The Idaho Statesman [reports](#) that “Idaho doesn’t have any laws that address fertility treatments or frozen embryos.” In other words, nothing in Idaho law prevents IVF. Furthermore, the [Academy of Adoption and Assisted Reproduction Attorneys calls Idaho](#) “generally friendly to ART [Assisted Reproductive Technology].”

### **About the Stop Prop 1 Campaign**

Too Extreme for Idaho PAC is the organization behind Stop Prop 1, the campaign opposing Proposition 1 on Idaho’s November ballot. For more information or to join the campaign, visit: [www.StopProp1.org](http://www.StopProp1.org).

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*Paid for by Too Extreme for Idaho PAC*