

Which Republican Constituencies Support Restrictive Abortion Laws? Comparisons among donors, wealthy, and mass publics

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Abstract

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Introduction

In overturning *Roe v. Wade* (1973) and subsequent precedents, the Supreme Court's 2022 decision in *Dobbs v. Jackson Women's Health Organization* radically restructured abortion policymaking in the United States. This dramatic change, which overruled an interpretation of the federal Constitution as protecting a baseline, if circumscribed, right to an abortion, meant that elected officials seeking to restrict abortions heretofore protected by *Roe* were now free to do so. Most, but not all, of the new policy changes have been in Republican-led states that are restricting access to abortion, and some of these changes arguably constitute the most extreme public policy shifts in recent memory. For instance, Oklahoma now prohibits abortions from the point of fertilization, with no exceptions for rape or incest (Branhan and Casteel, 2022). Likewise, depending on the source, at the time of this writing between 13-15 states have abortion bans that do not make exceptions for rape.¹ More broadly, many Republican-led states either passed "trigger" laws pre-*Dobbs* to restrict first- and second-trimester abortions should *Roe* be overturned and/or have actively passed new abortion restrictions after the decision.² Nor is activity limited to the states. Senator Lindsay Graham (R-SC) recently proposed a national 15 week ban on all abortions, with limited exceptions for cases of rape, incest, and life of the mother (Schonfield, 2022), and the 2016 and 2020 Republican Party Platforms endorsed a constitutional amendment to extend the Fourteenth Amendment's protections to "children before birth."³

¹ The policy space is rapidly evolving, and additional restrictions are being proposed and enacted in real-time. See <https://www.nytimes.com/interactive/2022/us/abortion-laws-roe-v-wade.html> for a regularly updated compilation of state-by-state regulations post-*Dobbs*. As an alternative source, see (Jacobson, 2022). Some state laws have been stayed pending judicial review.

² Public referenda to restrict abortion also occurred (e.g., Kansas), and some that would enshrine legal protections for abortion are being attempted (e.g., Michigan).

³ See the 2016 platform at <https://www.presidency.ucsb.edu/documents/2016-republican-party-platform>. The Republicans voted to maintain the 2016 platform in 2020. See <https://www.presidency.ucsb.edu/documents/resolution-regarding-the-republican-party-platform>.

Prior to *Dobbs*, politicians could take positions on restricting abortion without concern for whether those positions would have immediate policy consequences. Correspondingly, voters could support politicians they disagreed with on abortion because the policy was heavily determined by *Roe* and its subsequent lineage of cases. But the *Dobbs* decision enabled more restrictive abortion laws, and many Republican politicians have enacted or proposed restrictions that seemingly contrast with the views captured by public opinion polling.

A voluminous literature characterizes the association between policymakers' positions and the opinions of various constituencies, and this literature argues politicians have electoral incentives beyond representing the proverbial median voter such as fundraising, appealing to primary electorates, and maximizing turnout. Key constituencies accordingly include not only the district as a whole (Ansolabehere, 2010), but also primary voters (Fenno, 1978), donors (Bafumi and Herron, 2010), and the affluent (Gilens, 2012). Extant research that compares the policy views of the public with donors or the affluent typically analyzes a variety of policy issues with only one item on abortion. For instance, the comparisons of donors with the general public in existing work use the longstanding American National Election Studies (ANES) item asking whether abortion should be: "never be permitted"; allowed "only in the case of rape, incest, or when the woman's life is in danger"; allowed "only when the need for the abortion has been clearly established"; and allowed "as a matter of personal choice" (Broockman, Ferenstein, and Malhotra, 2019; Broockman and Malhotra, 2020). Research that analyzes the views of the affluent relative to the general public also commonly relies on the ANES item (Bartels, 2009). The advantages of the item notwithstanding, it does not capture the plethora of types of abortion policies currently being considered.⁴ Gilens

⁴ See SI Appendix Figures S16-S19 for replication results using the ANES question.

analyzes the views of the affluent and the general public using public policy polls from 1981 through 2006 (Gilens, 2012; Gilens, 2005). However, as Gilens notes, the polls are biased towards policies that were actively under consideration at that time, mostly those that were legally viable under the *Roe* precedent.

Some research focuses on abortion opinion specifically and offers more detailed insights into the general population's views, as well as those of demographic subgroups using other survey data, such as the General Social Survey (GSS) (Cook, Jelen, and Wilcox, 1992; Osborne, et al., 2022). These studies do not, however, provide similar information for donors or the affluent, nor does Osborne et al. (2022) examine how issue prioritization relates to the general population's preferences.⁵

In this paper we examine the extent to which recently enacted and proposed stringent restrictions on the legality of abortion following the *Dobbs* decision can be interpreted as reflecting the views of three different groups of potentially influential publics: political donors, the affluent, or the general public. We consider these groups for the following reasons. First, the general public provide a benchmark of comparison and are the group most closely associated with a model of democratic policymaking that reflects the will of the people (Mayhew, 1974). However, previous research has shown that in reality, policy may not reflect the will of the general public when their views differ from those of other subgroups of the population. For this reason, we also measure the opinions of two subgroups of the population who have been shown to have outsized influence in the policymaking process – campaign donors and the affluent.

⁵ Cook, Jelen, and Wilcox (1992) compare the views of 1988 presidential candidate donors with the general public regarding whether abortion should be prohibited in all circumstances as well as compare high-income respondents to the general population from 1987-1991 across three positions: pro-life, pro-choice, and “situationalists”.

Research has shown that policymaking better reflects the positions of the affluent (e.g. Gilens 2005) than the views of lower-income Americans when the two groups disagree. This raises the important question of whether or not this is the case with regards to the specific issue of abortion. It is possible that the wealthy hold different views than the general public on the issue abortion, which could help explain the recent flurry of activity on the issue by state legislatures post-*Dobbs*. Furthermore, discussions of potentially strict abortion limits in the states often notes the disparate impact these policies will have on the poor. For example, evading such restrictive policies by travelling to a different state to obtain an abortion is much less an option for those with fewer resources to travel.

The final group we focus on is the views of campaign donors. Research shows that donors are a very small, yet highly influential subset of the public that wield an outsized influence over policy, particularly in state legislatures where abortion policy has now been shifted (Barber 2016, Powell 2012). Given this, we might expect recent changes in abortion policy across the states to reflect the preferences of the median Republican donor in these states, or potentially nationwide, as many candidates raise a substantial portion of their campaign funds from outside of their state (Canes-Wrone and Miller, 2022).

To measure the views of these groups we simultaneously surveyed verified political donors, affluent individuals, and the general public using sampling frames designed to collect representative samples of each. Interviewing more than 7,500 verified political donors allows us to determine which Republican donors are most supportive of the enacted restrictions and how large that group is. Second, our surveys were conducted following the replacement of Justice Kennedy by Justice Kavanaugh in 2018 and just prior to the appointment of Justice Barrett to replace Justice Ginsburg

in the fall of 2020. This period represents an extremely active time of discussion and debate surrounding the future of abortion rights, and the public opinion data we capture at this time directly reflects the concurrent prospect of *Roe* being overturned by a new majority-conservative Supreme Court. These data therefore reflect the views of the public at a time in which policy on this issue was being actively discussed and debated across the country as the public and state legislators began to consider the thought for the first time in many decades that *Roe* may no longer be settled law. Third, we asked about support for abortion in specific conditions to understand support for particular policies and avoid the ambiguity and politicization of broad response categories (e.g., “pro-life” and “pro-choice”). And although there is some slippage between our questions and actual policies – enacted restrictions on abortion vary by both time and circumstances while some of our questions focus either on time or circumstances -- the responses provide a more detailed characterization of policy views than most “all-purpose” questions.

This combination of features we employ is extremely important. Asking samples of the general public, verified donors and the affluent about their opinions allows us to determine the support for various restrictions among subpopulations that plausibly wield political influence over state policymaking. By asking about specific policies related to the most restrictive so-called “trigger bans” that were often allowed to become law following the *Dobbs* decision we are able to assess opinions “pre-treatment” and as they were when these restrictions were initially enacted. Unlike surveys conducted following the *Dobbs* decision — and the resulting eruption of partisan discourse that may have shaped public opinion — our results characterize public opinion at the time the restrictive laws were being enacted under the *Roe* regime. Similarities between our results and those conducted post-*Dobbs* is consequently useful for showing the extent to which public opinion shifted as a result of the *Dobbs* decisions or whether the opinions measured post-*Dobbs* were pre-existing.

We find that not only do a substantial majority of the general public and Republicans oppose extreme restrictions, but that even most affluent Republicans and Republican donors disagree with them. For example, 79% of verified Republican donors support abortion in the case of rape and 90% if the health of the mother is “seriously endangered.” Indeed, even among donors who identify abortion as “one of the most important issues,” there is majority support for these exceptions to abortion bans.

To further determine who supports such policies within the political party seeking greater restrictions, we examine the correlates of support for abortion among Republicans.⁶ Differences in Republican support for abortion under various scenarios are largely unrelated to a multitude of individual characteristics, but Republicans most likely to support restrictions think abortion is one of the most important issues, self-report attending church at least once a week, and view religion as “very important.” Notably, this group is only about 25% of Republicans. We cannot identify the causal impact of such views on policymaking, but the fact that the enacted restrictions are consistent with the views of such a small fraction of the general public, and even a minority of the Republican donor and voter bases, highlights a potentially powerful distortion of representative democracy.

⁶ We focus on Republicans’ opinions because the preponderance of recent lawmaking has been to restrict abortion and it is Republican politicians for whom *Dobbs* ended a period in which the politicians could take unpopular positions with the knowledge that *Roe* would prevent their enactment. This is not to suggest that there is no tension between some Democratic policy proposals and the opinion of different groups, as our analysis reveals.

Surveying Donors, the Affluent, and the General Public on Abortion

To characterize support for abortion policies among the general population, the affluent and political donors, we conducted intentionally designed parallel surveys of each. (See SI Appendix A for details.) The Federal Election Commission provides the postal mailing address of validated campaign donors, and as in other donor surveys (e.g., Broockman and Malhotra, 2020; Francia, et al., 2003), this is our means of initial contact. Sampled individuals were sent a personalized letter on university letterhead inviting them to participate in the online survey and offering a \$1 contribution to a charity of their choice. A URL directed subjects to a university website describing the survey. Respondents who began were redirected to a Qualtrics survey and asked to provide a personalized code that linked their survey to the sample and then provided informed consent. Invitation letters were mailed in late November 2019 and follow-up postcards were sent in late January 2020 to 50% of the non-responders. All responses were collected by April 2020, prior to the death of Justice Ginsburg and the subsequent leaked draft of the *Dobbs* decision in 2022.

For the political donor sample, we randomly selected 69,000 individuals who donated to at least one Congressional campaign in 2018. To sample the affluent, we randomly selected 40,000 individuals in the *TargetSmart* consumer database who either earned at least \$150,000 per year (>92nd income percentile) or who had a total net worth of at least \$1 million dollars (>95th wealth percentile). For the parallel general public sample, we randomly selected 44,000 individuals from the *TargetSmart* database. The response rates are consistent with other push-to-web mail surveys (Broockman and Malhotra, 2020) and produced samples of 7,335 donors, 1,409 affluent, and 1,038 general population respondents; our donor sample is intentionally larger due to our comparative advantage in examining this population and a desire to differentiate among different types of campaign contributors.

We asked respondents whether they approve of an abortion in eight situations. Figure 1 presents the questions as they appeared to respondents. Our items are derived from similar items used on the GSS (2018), which ask respondents "whether or not you think it should be possible for a pregnant woman to obtain a legal abortion" in a range of circumstances, such as "If there is a strong chance of serious defect in the baby?", "If the woman's own health is seriously endangered by the pregnancy?", and "If she became pregnant as a result of rape?" We expanded this list to include issues central to Roe's trimester framework and other related policy facets. Additionally, to identify policy "high demanders," we also asked whether abortion was "one of the most important issues", "somewhat important", "a little important", or "not at all important" to the respondent.

Results

While it is impossible to prove whose views, if any, are responsible for policy outcomes, we can determine whose views are consistent with enacted restrictions. Panel A of Figure 2 plots the percentage of the general public supporting legal abortion in each of the specified circumstances by self-reported partisanship. For simplicity, all reported results are unweighted conditional means, but SI Figures S1-S4 replicate all findings after weighting each sample to match its sampling frame and shows weights are irrelevant for the conclusions we draw here.

In which of the following circumstances, if any, should a pregnant woman be able to legally have an abortion?

	Yes	No
If her health is seriously endangered by the pregnancy	<input type="radio"/>	<input type="radio"/>
If she is carrying a fetus with a serious intellectual disability, such as Down's Syndrome	<input type="radio"/>	<input type="radio"/>
If she is carrying a fetus with a serious birth defect likely to require serious medical care and limit quality of life	<input type="radio"/>	<input type="radio"/>
If she becomes pregnant as the result of rape	<input type="radio"/>	<input type="radio"/>
In the first trimester of pregnancy if she is married and her husband objects to the abortion	<input type="radio"/>	<input type="radio"/>
In the first trimester of pregnancy if she is under 18 and her parents do not want her to have an abortion	<input type="radio"/>	<input type="radio"/>
In the first trimester of pregnancy under any circumstance, as a matter of choice	<input type="radio"/>	<input type="radio"/>
In the second or third trimester of pregnancy under any circumstance, as a matter of choice	<input type="radio"/>	<input type="radio"/>

Figure 1. Grid of Abortion Questions

Panel A reveals large partisan-related differences for many items, but also areas of bipartisan agreement. A large majority of self-identified Democrats and Republicans support abortion when the mother's life is endangered, if the pregnancy is a result of rape, and if the fetus suffers from a fatal birth defect. Likewise, a majority of Democrats and Republicans oppose unrestricted abortion in the second and third trimesters. Large partisan differences emerge, however, in support for first trimester abortions under a range of circumstances. When asked about first trimester abortions for minors without parental permission, for married women when her husband objects, and as a general matter of choice, in each case at least 90% of Democrats think abortion should be allowed, but majorities of Republicans oppose with only about 25% supportive.

These pre-*Dobbs* differences help explain why states reacted differently to the *Dobbs* decision, but they also raise questions about the level of public support for the most extreme restrictions, such as those that ban early-term abortions with no exceptions for rape or for the health of the mother.⁷ On the one hand, the trimester framework of *Roe* (and its successor reasoning, the undue burden standard following *Planned Parenthood v. Casey* [1992] and other cases), which largely excluded government regulation of abortion in the first 3 months of pregnancy, is unpopular among Republicans. On the other hand, most Republicans express support for allowing abortion in circumstances that are made illegal by newly enacted laws. An overwhelming majority of Republicans, for example, support allowing abortions for the health of the mother or when the pregnancy is caused by rape.

⁷ For a discussion of recent efforts to eliminate exceptions even for the life and serious health risks of the mother, see Ziegler (2022).

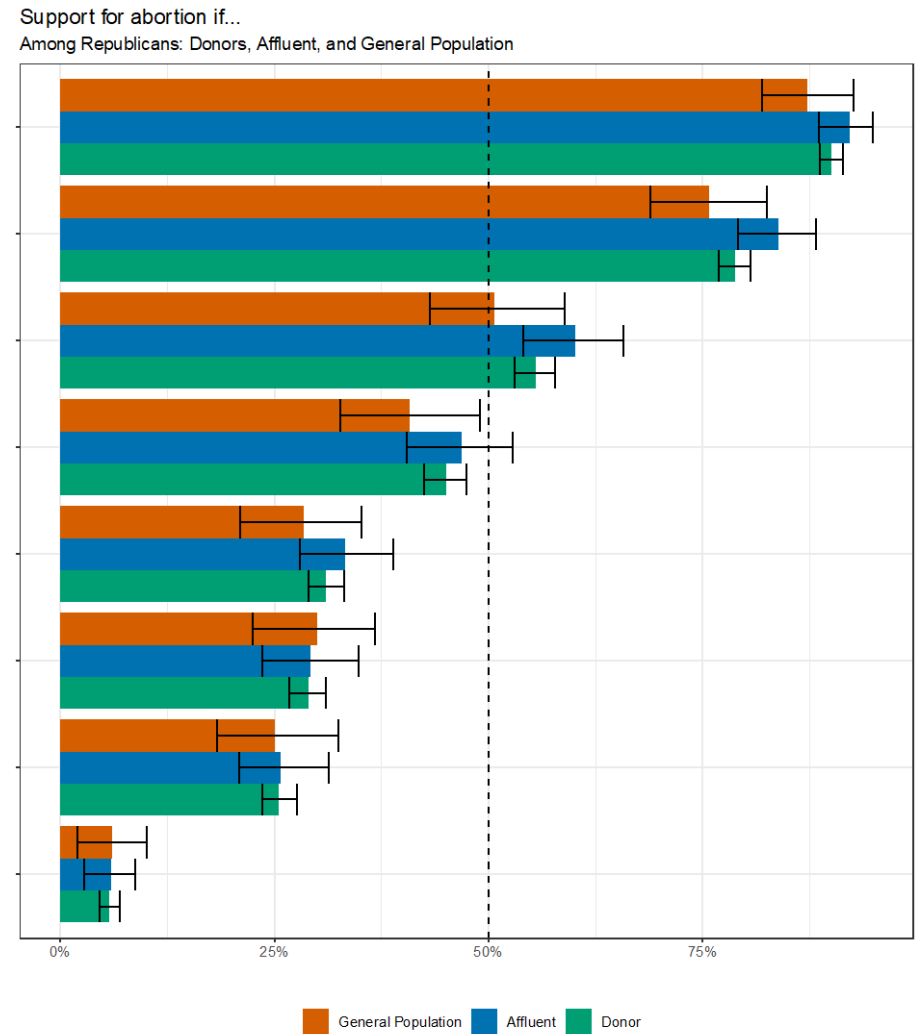
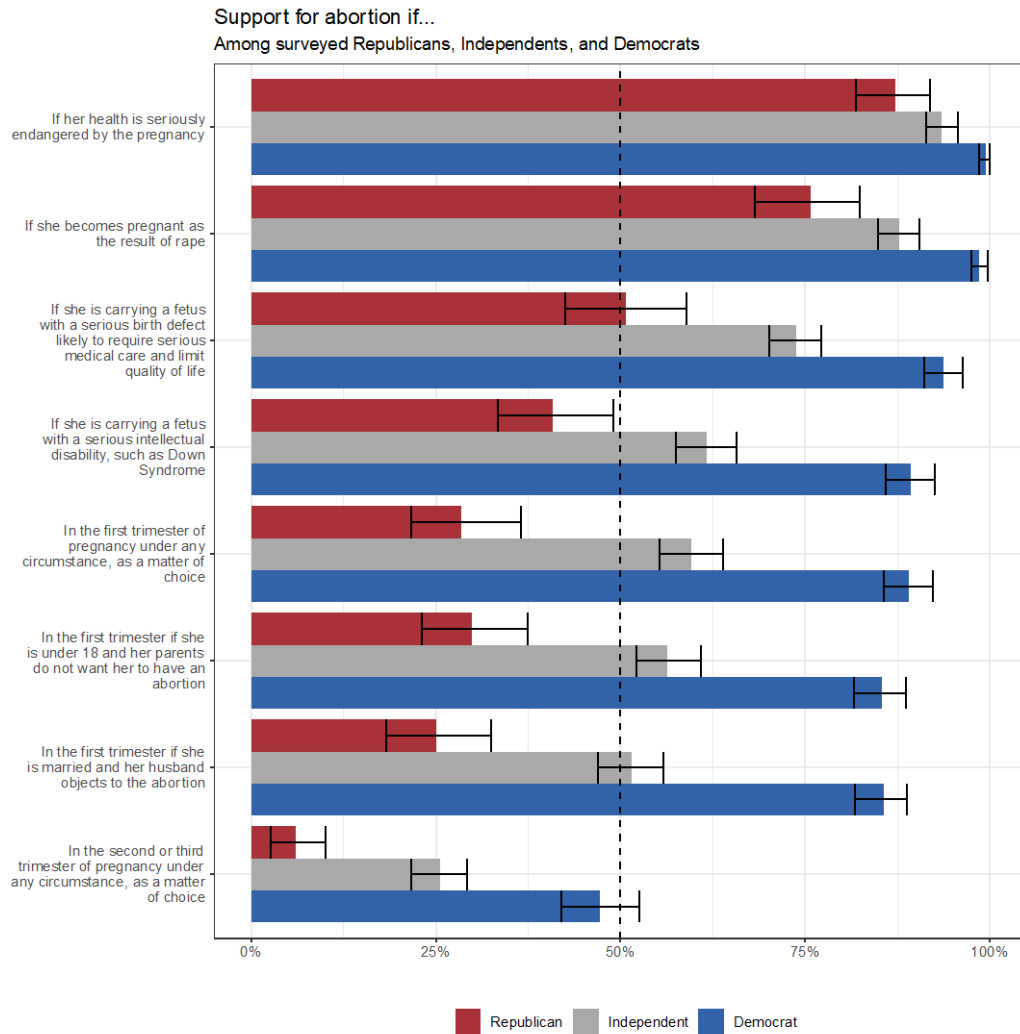


Figure 2. Panel A: Support for abortion among general population respondents by self-reported partisanship. The results summarize the average views of self-identified Republicans, Democrats, and independents. Those who lean towards one party are classified as partisans. Panel B: Support for Abortion restrictions among Republicans: general population, affluent, and verified donors. Error bars represent 95% confidence intervals.

One possibility is that these restrictions are popular with the party's donors and/or the affluent, even if unpopular with the general population of Republicans. Panel B of Figure 2 shows the variation in support for abortion restrictions among the three samples for Republicans only--- the general population (orange), affluent (blue), and donors (green). Notably, although affluent and donor Republicans are slightly less supportive of the most extreme restrictions than other Republicans, the differences tend to be modest in size and statistically insignificant. The level of support for each restriction is nearly identical across groups, at least in the aggregate.⁸

Of course, it remains possible that the most restrictive policies are indeed popular in states that enacted them and/or with Republicans who prioritize the issue of abortion. Various studies suggest that issue publics, as determined by the importance voters attach to an issue, are more likely to vote for candidates based on their policy views (Krosnick, 1990). To begin to investigate these possibilities, we compare responses among Republican donors across the battery of abortion items depending on whether the donor self-identified the issue of abortion as “one of the most important,” and whether they reside in one of the states restricting abortion in the case of rape.⁹ We focus in the text on donors given evidence of their outsized influence in state legislatures (Powell, 2012) and Congress (Canes-Wrone and Miller, 2022). Results for the general public and the affluent appear in SI Figures 5-8 and suggest similar substantive conclusions.

⁸ We also examined gender-related differences and found that, as with differences by affluence and donor status, they are small. Republican females are slightly more likely to favor abortion restrictions than Republican males, but both genders overwhelmingly reject the most extreme restrictions on abortion and they order the different provisions in the same way. SI Figure S10 presents these comparisons. We also investigate differences based on education (SI Figure S9), religiosity (SI Figures S11 and S13), and the combination of religiosity and issue importance (SI Figure S14).

⁹ In the text, we define the restrictive states as the 15 identified in Jacobson (2022). In SI Figure S20 we instead use the 13 states identified in <https://www.nytimes.com/interactive/2022/us/abortion-laws-roe-v-wade.html> (accessed October 3, 2022).

Figure 3 presents the results, which are striking. Panel A shows that the 35% of Republican donors who identify abortion as being “one of the most important issues” are substantially less supportive of abortion than other Republican donors. The difference is consistently large, often exceeding 20 percentage points, and statistically significant except for the item on second and third term abortions, where support is below 10% regardless of prioritization. However, even among the high-priority subgroup, slightly more than 50% support abortion access in the case of rape and around 75% support abortion if the mother’s health is seriously endangered. By comparison, Panel B reveals no differences in average support by state of residence. In fact, on no policy does the state of residence have a statistically significant difference and the magnitudes of the differences are consistently miniscule. Because nearly 75% of Republicans—whether donors, affluent, or general population members—who live in states with abortion prohibitions that lack a rape exception express support for this exception, geographic differences in public preferences seem an unlikely explanation for the enacted restrictions.

Building on these findings, we analyze how a battery of demographic and other factors predict Republican support for two specific policies—one that a majority of Republicans oppose, banning abortion even in the case of rape, and one that most Republicans support, restricting abortion in the first trimester as a matter of choice. Although estimating the correlates of opinion cannot demonstrate why or how those factors may affect policymaking, it allows us to: 1) identify the characteristics of Republicans most likely to support abortion restrictions and whether that coalition changes for more restrictive policies, and 2) assess how many Republicans have the combination of characteristics and orientations predictive of support for the enacted restrictions.

Given the similarity of views seen in Figure 2 panel B as well as the similarity of findings between Figure 3 (for donors) and the associated SI figures (for the general public and the affluent), we jointly analyze Republican opinions from all three samples, with indicators to allow for mean-differences across samples. We predict support for abortion as a function of demographics (gender, race, age, educational attainment, homeowner status, parental status, income), religiosity (whether religion is “very important” to the respondent and whether they attend church at least once a week), whether they live in a state that has restricted abortion in the case of rape, and whether they think abortion is “one of the most important issues.”

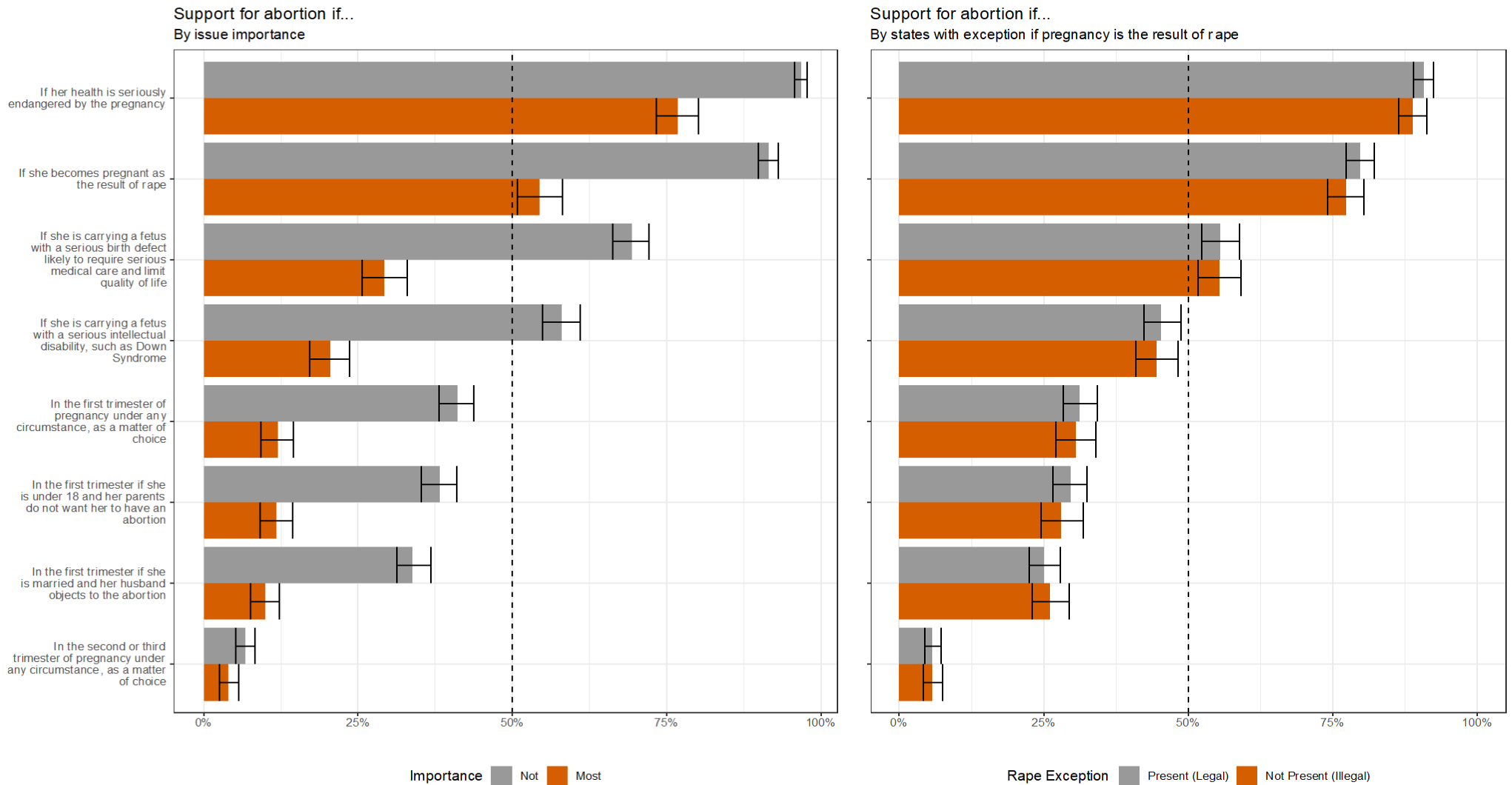


Figure 3. Views on Abortion Among Republican Donors by Self-Reported Importance of Abortion (A) and by whether their state passed a law restricting abortion in the case of rape (B). 35% of Republican donors (N=591) report abortion as being one of the most important issues; 65% of Republican donors (N=1,112) report otherwise. When analyzed, the states passing laws restricting abortion in the case of rape included: AL, AR, AZ, FL, KY, LA, MI, MO, OH, OK, SD, TN, TX, WI, and WV. Error bars represent 95% confidence intervals.

Figure 4 reports results graphically for two separate linear regression models predicting support (1) for abortion in the first trimester for any reason and (2) in the case of rape. Positive values indicate increased support for abortion in the given condition. (Probit models produce substantively identical results, see SI Appendix Table S1.) Notably, the correlates of support for abortion in the first trimester or in the case of rape are roughly similar. While Republicans under the age of 40 and males differ in whether they are more or less supportive than the baseline for each policy, the overall ordering and magnitude of the estimated effects are generally very similar. The largest difference between the policies by far is in the estimated intercepts (not shown in the figure), where the 38-point difference reflects the overall, unconditional support among Republicans for abortion in the case of rape relative to the first trimester generally. Issue importance is more predictive of opposition to rape exceptions while religion being important predicts greater opposition to first trimester abortions.

Figure 4 also reveals that the group of Republicans who are predicted to be most supportive of enacted restrictions are those who: 1) think abortion is “one of the most important issues,” 2) think religion is “very important”, 3) attend church at least weekly, and 4) have less than a high school diploma. In the regression, these effects are independently significant and the impact is large for those with all four characteristics: It predicts an average support for abortion in the case of rape of only 0.28 and an average support for abortion in the first trimester of 0.14

Support for Legal Abortion among Republicans

Regression Intercept: In cases of rape = 0.88

Regression Intercept: In first trimester = 0.50

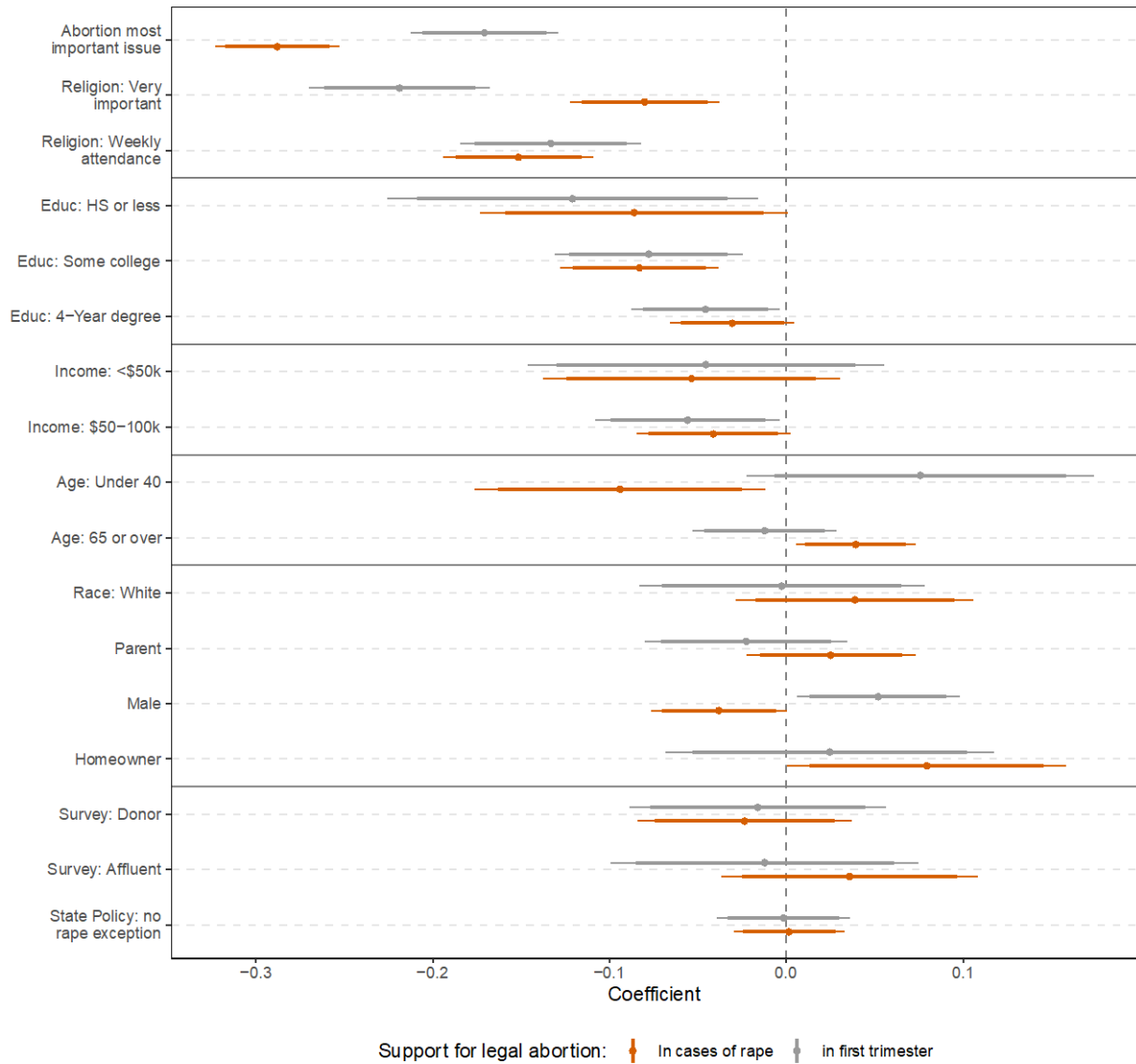


Figure 4. Correlates of an expressed opinion for allowing an abortion in the case of rape (orange) or in first trimester for any reason (grey) among Republicans.

While support for banning abortion in the case of rape is indeed popular within this group, it is important to understand that the group is only a tiny minority of Republicans (who are themselves a fraction of the overall population). In particular, the group represents approximately 3% of Republicans in the general population sample and less than 1% of affluent or donating Republicans. Putting aside education, only 22% of verified donors, 19% of the affluent, and 29% of the general Republican population both rate abortion as one of the most important issues and are “highly religious,” in that they simultaneously rate religion as very important and attend services weekly. Although the mean levels of support for these policies does not vary by donor status and affluence after controlling for the other factors in the model (the estimates for these factors are insignificant and small in Figure 4), the factors that predict support for these laws are more common in the general population than among donor and the affluent, suggesting that these latter groups are likely not driving restrictive policymaking on this issue.

An interesting question provoked by the findings on issue importance is whether post-*Dobbs*, more Republicans (and Democrats and Independents) will view the abortion issue as one of the most important given the actual or potential shift to restrictive laws in many states. Various studies highlight the stability of policy preferences about issues (Page and Shapiro, 1992), but these studies focus on policy positions rather than priorities. It is very probable that prioritization of abortion shifts for many voters once more extreme policies that they disfavor are no longer unconstitutional. Our data suggest that if such a shift in prioritization occurs, Republican politicians and parties will likely face electoral backlash because the more extreme policies lack popularity within the broader Republican constituencies.

Discussion

The case of abortion politics following the overturning of *Roe v. Wade* presents an important and stark illustration of contemporary policymaking as states were suddenly permitted to enact restrictions that would have previously been blocked by the federal courts. Several states quickly moved to enact policies that not only reflected a very large change in policy, but which also seemed contrary to public opinion. Using a novel, and large, survey conducted prior to the *Dobbs* decision we can show who was most likely to support those policies among ordinary Republicans, affluent Republicans, and verified Republican donors.

The results suggest support for extreme restrictions (e.g., prohibiting abortion in the case of rape or a serious health risk) is rare among Republicans (<30%), whether considering donors, the affluent, or all Republicans in the general population. Instead, such support is associated with Republicans who think abortion is one of the most important issues and are also highly religious. Whether this group is responsible for the enacted policies, and, if so, how that influence manifested is beyond the associations we characterize, but the results raise important questions about the potential influence of small but intensely interested groups on policymaking outcomes even when the outcomes are contrary to the views of most citizens. Because *Roe* previously offered politicians the opportunity to support extreme restrictions without the prospect of them becoming policy consequential, it is not clear how voters will react at the ballot box to these new laws and the politicians who endorse them; the types of voters who consider abortion one of the most important seems likely to shift in the post-*Dobbs* environment.

We focus here on Republican policies as they were the ones enacted in response to *Dobbs* but hasten to add that Democratic subconstituencies are also sometimes at odds with the views of most

ordinary citizens. For example, only 30-40% of all respondents in our surveys, and a minority of Democrats, believe that abortion in the second and third trimester should be allowed as a matter of choice. Large majorities of non-religious, young Democrats who rank abortion as one of the most important issues support such a policy, but compose less than 5% of the overall population.

Representative democracy creates a buffer between the public and public policy in the hopes of allowing expertise and considered judgment to temper the more extreme or ill-informed impulses of the public. But it does so by also creating an opportunity for influence for subsets of the public that may produce policies that are at odds with what the general public wants. While the public may come to appreciate the policies in time, or use their right to vote to try to remove those acting contrary to their preferences, understanding the extent to which enacted policy is contrary to public opinion helps illuminate the nature of contemporary policymaking with implications for understanding the health of our representative democracy. Our analysis hopefully contributes to this ongoing effort.

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