The Impact of a Supreme Court Decision
on the Preferences of Americans regarding Abortion Policy

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Abstract

We examine the effect of a U.S. Supreme Court decision regarding abortion laws on Americans' preferences for political candidates. The decision was leaked in advance of the official announcement, and we track the evolution of political preferences from before the leak to after the leak, and eventually after the formal announcement. The abortion issue was already very important to voters before the leak, but the Court's decision did not simply make it more important for everyone. We find that the decision decreased the importance weight of abortion for Republicans while increasing it for independents/non-voters. Further, the decision increased Republican support for candidates who want to ban abortions, although this effect is diminished for candidates that oppose exceptions for rape, incest, or the mother's health. Non-affiliated voters move sharply away from candidates who want to ban abortions without exceptions. The decision also resulted in a lasting polarization along gender lines whereby men became more likely to vote for a candidate that supports a ban on abortion, while women are less likely to support candidates that ban abortions.

1. Introduction

This paper examines how the information that the legality of abortion was no longer guaranteed in the United States affected Americans' preferences towards candidates for political office. The new information appeared in two distinct steps: First, on May 2, 2022, *Politico.com* released Justice Alito's leaked draft of the decision in the *Dobbs v. Jackson Women's Health Organization* (hereafter, *Dobbs*) case. This draft showed that there were 5 Justices who would vote to completely overturn the 50-year-old *Roe v. Wade*, which provided the right to abortions for all in the U.S. Before the leaked draft, the conventional wisdom was that the Supreme Court would allow further limits on abortion at the state level, but not outright bans. Media coverage of the leak was extensive. Many analysts focused on the implications of the leak for the 2022 Congressional elections, with much of the press arguing that the announcement would help the Democrats win elections in the fall, 2022 (E.g., Hounshell 2022). The final decision was released on June 24, 2022, and it was almost unchanged from the leaked draft.

The effect of this ruling on voting preferences of Americans is theoretically ambiguous. First, the extensive media coverage associated with the case may strengthen preferences of all voters equally by bringing the issue of abortion to the foreground of the political discourse. Alternatively, loss aversion (Kahneman and Tversky 1979) would predict that "pro-choice" voters who lose the right they value would react more strongly than "pro-life" voters who attain the goal they have been fighting for decades. Consequentialist theory would predict a stronger effect of *Dobbs* in states with abortion bans (i.e., where the ruling has real consequences on residents) than in states that protect abortion through state legislation. On an emotional level, the ruling represents a substantial loss for Democrats. This

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loss might elicit strong emotions in the short term (i.e. right after the leak) that abate over the longer term (Gilbert et al. 2004, Pierce et al. 2016), while Republicans may feel mixed emotions from having achieved their goal, but then feeling the need to work towards the next goal (Bagozzi et al. 1998).[1] Finally, the ruling may have no effect because abortion has been a central issue in the political landscape for years, and preferences towards abortion policies could have been settled in voters' minds.

We measure the effect of *Dobbs* – and the associated media coverage– on preferences of Americans by running identical conjoint surveys at three points in time: 1) five weeks before the leak, 2) five days after the leak, and 3) two weeks after the official decision. Conjoint surveys present respondents with choices of hypothetical products, and then use these choices to estimate each individual's preferences (Green and Srinivasan 1978, Cattin and Wittink 1982, Green, Krieger and Wind 2004). In our analysis, the products respondents choose between are candidates for a U.S. Senate seat. The hypothetical candidates differ from each other in terms of political party as well as their stances towards six key issues: abortion, taxes, illegal immigration, climate change, health insurance, and poverty. A key advantage of conjoint surveys over conventional polls about the impact of abortion policy on voting intentions is that conjoint analysis includes multiple additional attributes of political candidates, and thus does not suffer from focalism bias (e.g. Schkade and Kahneman 1998). This "conjoint" multi-attribute focus is also well known to generate reliable measures of how much importance a respondent places on each attribute.

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[1] We note that there exists a gap between the preference towards candidates and mobilization or other voter actions, including goal setting. The focus of our study is on the impact of the ruling on preferences; we do not have data to adequately measure how this translates to actions, including voting.

We analyze the results of our surveys through two measures standard in conjoint analysis research: importance weights and simulated vote shares. Surprisingly, we do not find an increase in the importance of abortion among Democratic voters predicted by the loss-aversion theory. Instead, the *Dobbs* decision decreased the importance weight of abortion for Republicans and increased it for independents/non-voters. We also can rule out the consequentialist theory, as we do not find a stronger effect of *Dobbs* in states with abortion bans than in states that protect abortion. In terms of the simulated voting shares, the *Dobbs* decision had a short-lived polarizing effect along party lines followed mostly by retrenchment to pre-leak positions. Further, the decision also durably polarized voters along gender lines, with men increasing their support for candidates who support abortion bans with exceptions for rape, incest, or health, and women decreasing their support for such candidates. However, we find that candidates who advocate for bans without exceptions lost support across the board after the decision.

In addition to the importance of our findings for current policy analysis, we also contribute to the large literature in both marketing and political science about how preferences get formed. For example, there has been a debate about whether preferences are constructed (see e.g. Slovic 1995 or Lichtenstein and Slovic 2006 for a summary of this literature) or not (e.g. Simonson 2008). Such discussions on preference formation have appeared in the political science literature, too (See Druckman and Lupia 2000). While we cannot pinpoint the cause of the changes we observe, we can rule out several theories as noted above, and we note that the situation we study involves several of the potential triggers for shifting preferences that are listed in Druckman and Lupia (2000). In particular,

the events around the *Dobbs* decision led to increased salience of the abortion issue, and also echoed concerns people may have about abortion in a way that brought recency to the issue.

2. Data

Our analysis is based on three identical surveys, starting on the following Saturdays at 2pm Pacific time:

1) March 26, 2022, about five weeks before the decision was leaked to the media.

2) May 7, 2022, five days after the decision was leaked to the media.

3) July 9, 2022, about two weeks after the decision was formally announced on June 24.

We matched the timing and day-of-the-week of the surveys to minimize sample selection effects that could come from surveying people at different times of the day or days of the week.

We next describe the samples that we used and the specific survey design. The data, code, and analyses appear at the following website: https://tinyurl.com/roe-wade-conjoint.

2.1 Sampling strategy

Our survey respondents were recruited using Prolific.co. Table 1 provides a summary of the break-down of the sample by several demographic characteristics. We selected Prolific's "Representative sample" panel of Americans, where the sample is balanced according to Sex, Age, and Ethnicity. Unfortunately, we have found that this sample is more educated, votes more, and leans more Democratic than Americans as a whole. To correct this bias for our analysis, we report all results by party affiliation and weigh our results according to how the

respondents voted in 2020.[2] The weights are calculated separately for every survey run, not only de-biasing the results but also removing minor fluctuations in representativeness across the three runs as potential explanations for differences in average preferences between runs.

Table 1 Sample Breakdown

Demographic		actual	before leak	after leak	after decision
gender	male	49.5%	47.3%	49.2%	46.8%
	female	50.5%	49.6%	49.8%	51.7%
education	high school or less	27.9%	13.9%	15.6%	14.1%
	some college / assoc. degree	25.4%	32.3%	31.6%	33.3%
	4-year college degree	23.5%	32.3%	35.2%	36.6%
	masters and above	14.4%	21.5%	17.6%	16.1%
age	18 to 24	13.0%	15.9%	15.6%	13.3%
	25 to 44	26.8%	35.4%	34.9%	34.8%
	45 to 64	25.2%	38.0%	38.9%	41.7%
	65 and over	16.8%	10.8%	10.6%	10.2%
race and ethnicity	Native American	1.7%	2.3%	2.3%	1.0%
	Asian American	6.0%	9.6%	7.0%	5.6%
	Black and African American	12.4%	13.9%	12.0%	13.6%
	Hispanic	18.7%	6.0%	6.6%	6.1%
	White	57.8%	70.8%	77.1%	78.0%
2020 election	Biden	34.0%	58.9%	62.1%	62.9%
	Trump	31.0%	21.3%	19.9%	19.2%
	Other candidate	1.3%	6.0%	4.7%	2.8%
	Did not vote	33.8%	13.9%	13.3%	15.1%

Respondents were directed to a survey on Sawtooth Software's platform. All respondents were required to take the survey either on a desktop computer or a tablet

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[2] We weight each respondent who voted for candidate j by $\frac{ActualVotes_j}{SampleVotes_{j,k}}$ where $ActualVotes_j$ reflects the actual fraction of the population voting for j (Biden, Trump, a third-party candidate, or not voting), and $SampleVotes_{j,k}$ is the fraction of respondents in survey wave k (1 = before leak, 2 = after leak but before decision, 3 = after decision) that report voting for j. The Web Appendix Table W1 gives these numbers for each of the waves.

because the conjoint-analysis format we used does not work well on phones. As is standard practice in survey analysis, we eliminated respondents who sped through the survey (took less than 6 minutes to complete the survey). These restrictions resulted in 353 useable respondents before the leak, 301 after the leak, and 391 after the decision.[3]

2.2 Survey design and estimation

We ask respondents to imagine that they are voting for a U.S. Senate candidate, and need to choose between two candidates. The candidates differ along seven policy attributes: political party, climate change, income tax, illegal immigration, health insurance, poverty, and abortion. Before asking respondents for their voting preferences, we describe each attribute and its levels on a separate page, randomizing the order of the attributes between subjects.

We designed the levels of each attribute to capture current and proposed policies by both political parties. We tried to explain the levels in a neutral tone and adopt language used by the party advocating each policy. Table 2 lists all the attributes and their levels. The precise phrasing of survey, instructions, as well as the ordering of the survey can be found in the Web Appendix at https://tinyurl.com/roe-wade-conjoint. The Web Appendix also contains the details of a companion conjoint about different versions of America. Each subject took both conjoint surveys in random order and separated by a filler task asking demographic questions. We do not find any order effects on the voting conjoint that forms the heart of the present paper: the importance weights do not depend on the order in which subjects viewed the survey (details available from authors).

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[3] The 6-minute cutoff for eliminating those speeding through the surveys removed about five subjects from each wave. Including these subjects does not have any substantive impact on the results. See Web Appendix 3 for details.

Table 2 Conjoint Analysis design

Attribute	Level 1	Level 2	Level 3	Level 4	Level 5
Party affiliation	Democrat	Republican			
Income tax	+$2,000/year	Same as today	-$2,000/year		
Health insurance	Medicare for all	Expand Medicaid	Privatize	Keep as today	
Poverty	Tax credits to households	Job training	Employer tax breaks	No change from today	
Illegal immigration	Build the wall & enforce	Increase enforcement, no wall	Expand legal options	No change from today	
Abortion	Legal up to 28 weeks	Legal up to 12 weeks	Illegal with exceptions	Illegal without exceptions	
Climate change	Carbon tax	Stricter energy standards	Green energy subsidy	Infrastructure to counter	No change from today

Most of the attribute levels in Table 2 are self-explanatory, so we only clarify a few of them in this paragraph. Regarding the health-insurance attribute, we explicitly focus only on working-age Americans, with the level "Privatize" defined as repealing "The American Care Act, sometimes called Obamacare." The "Tax credit" level of the Poverty attribute was defined as a refundable tax credit of $1000 per month to all American adults and $500 per month per child with a phase-out at $250,000.

Most relevant for the purposes of this paper are the four levels of abortion laws we included, described as follows:

• Legal up to 28 weeks: Abortion is legal everywhere in the US for all abortions before 28 weeks of pregnancy, or to protect the health, life and well-being of the mother.

- Legal up to 12 weeks: Abortion is allowed for the first 12 weeks of pregnancy, and then is banned except to protect the health, life and well-being of the mother.

- Illegal with exceptions: Abortion is always banned, with exceptions for rape/incest and the mother's health. That is, abortion is allowed in cases of rape or incest, or in cases to protect the health, life and well-being of the mother.

- Illegal without exceptions: Abortion is always banned, with no exceptions.

Once the above attributes and levels were defined, survey respondents were told "Now, imagine the US Senate seat in your state is open. Starting on the next page, you will see two candidates for US Senate running for the open seat in your state described in terms of the policies they support. Please select the politician you would vote for if these were the only candidates." The respondents then were presented with 20 pairs of choices. We used a partial-profile approach where only 4 attributes were shown at the time (with randomization handled by Sawtooth Software) in order to keep each choice easier to read and comprehend. Figure 1 shows an example of such a choice.

While it clearly limits the cognitive burden on the subjects, the partial profile design also has a disadvantage: it assumes that subjects follow our instruction to "assume the candidates' policies are the same on all other issues not shown" and do not engage in actively imputing the levels of attributes not shown. The partial profile approach is also more sensitive to the assumption that there are no interaction effects than a full-profile design (see Bradlow et al 2004 and Rao 2004 for more details on the limitations of partial-profile conjoint analysis). Another limitation of our approach is the lack of outside option: the subjects had to select one of the candidates. While this "forced choice" increases the amount

of information about attribute preferences we gather from each respondent, it also limits our ability to simulate turnout – a crucial part of elections. Our approach is thus better suited for measuring preferences of all Americans than for modeling the election process.

We estimated the standard additively separable specification of the utility model, assuming that the effect of income tax changes on utility is linear, and assuming all the other attributes are categorical. The estimation was conducted within Sawtooth Lighthouse version 9.14.0, running for 50,000 iterations before saving every fifth MCMC draw for another 50,000 iterations. We then used the resulting 10,000 posterior draws per respondent to conduct all of our analysis.

Figure 1: Example Survey Choice

If these were the only candidates running for the open US Senate seat in your state, which one would you vote for? Assume the candidates' policies are the same on all other issues not shown below.

(5 of 20)

Abortion	Illegal with exceptions	Legal up to 12 weeks
Health insurance	Privatize	Keep as today
Poverty	Tax credits to households	Employer tax breaks
Climate change	Carbon tax	Green energy subsidy
	Select	Select

3. Individual-level measures of interest

We focus our examination of the survey results on two measures of interest standard in conjoint analysis research: importance weights and simulated vote shares, both averaged over N=10,000 MCMC parameter draws after convergence. The starting point of both measures are the individual-level "partworth" utility draws $u_{i,a,k,n}$ for individual i, attribute a, attribute-level k, and MCMC draw n. An individual i is places a mean importance weight $IW_{i,a}$ on attribute a defined as

$$IW_{i,a} = \frac{1}{N} \sum_{n=1}^{N} \frac{\max_k(u_{i,a,k,n}) - \min_k(u_{i,a,k,n})}{\sum_{a'=1}^{A} \max_k(u_{i,a',k,n}) - \min_k(u_{i,a',k,n})}. \tag{1}$$

Importance weights capture the range of utility levels within an attribute as a percentage of the total range of utility levels across all attributes. It is meaningful to compare importance weights across people who took the same survey, but the actual percentage number does not have a meaning outside of a particular survey design.

One person's importance weight of abortion captures the difference between the person's most preferred and least preferred levels of abortion policy, so an average importance weight across a group of people is a useful measure of how strongly that group feels about abortion policies even when individual members do not agree on their preferred policies.

Another outcome metric we calculate is the simulated vote share - a natural counterfactual statistic with choice-based conjoint data because voting choices are directly measured in the data. The average vote share across a group of people is a relevant estimate of the proportion of votes a candidate with a given platform would receive if everyone in each particular group had to vote.

To bring the vote-share counterfactuals close to the data-generating process, we always pit two candidates against each other in our simulations. One candidate supports abortion choice for the first 28 weeks of pregnancy, a position we refer to as *Roe*. We denote this pro-*Roe* candidate as $d(p_d)$, where the vector p_d collects the pro-*Roe* candidate's positions on other issues. The $d(p_d)$ candidate competes against another candidate, $r(a, p_r)$, who has position a on abortion and positions p_r on the other issues. The simulated probability individual *i* would vote for candidate *r* advocating abortion policy *a* based on the MCMC draw *n* is dictated by the logit model assumed in the estimation:

$$Pr_{i,r(a,p_r),n} = \frac{exp\left(u_{i,a,n} + \sum_{s=2}^{7} u_{i,p_r(s),n}\right)}{exp\left(u_{i,a,n} + \sum_{s=2}^{7} u_{i,p_r(s),n}\right) + exp\left(u_{i,Roe,n} + \sum_{s=2}^{7} u_{i,p_d(s),n}\right)} \quad (2)$$

In equation 2, *s* indexes the six attributes other than abortion, and $p_x(s)$ represents the position of candidate $x \in \{d, r\}$ on issue *s*.

To complete our simulation, we must define the candidates' positions on all attributes other than the abortion attribute. We consider two simulated races: a) a single-issue race in which the two candidates are identical except for their position on abortion, i.e., $p_d(s) = p_r(s)$ for all $s \neq abortion$ and b) a race between archetypal representatives of the two major parties, i.e. a Democratic p_d = (Democrat, Increase Income Tax by \$2K/year, Expand legal immigration options, Medicare for all, Green energy subsidy, Tax credits to households to alleviate poverty), and Abortion legal up to 28 weeks competing with a Republican p_r = (Republican, Reduce Income Tax by \$2K/year, Build a border wall and enforce immigration laws, Privatize healthcare, do nothing new about climate or poverty). The first setting is somewhat analogous to a closed primary in which abortion is the main difference between candidates, while the second setting is closer to a general senate election. As noted in Section

2.1, we weight each of the respondent's probability of voting for each candidate based on the respondent's 2020 Presidential vote choice. See that section for more details.

Note that we include "Did Not Vote" as a group of Americans in all of our results. This highlights our vote shares are meant to reflect the preferences of Americans rather than to predict election outcomes. In an extension in Web Appendix W2, we also explore setting the weight of "Did Not Vote" to zero in order to capture preferences of likely voters at the expense of ignoring 14% of our sample.

Before proceeding to our findings, we report results from a few external validity checks. First, we simulate a two-candidate race between attributes of the Bidden platform and the attributes of the Trump platform.[4] We find the predicted vote share (calculated as the average vote probability across people) of the Biden platform among self-declared Biden voters is about 91%, and the predicted vote share of the Trump platform among self-declared Trump voters is about 77% in each of the three survey instances, (see Table A1 in the Appendix for details). While the 77% of Trump voters voting for the Trump platform is much higher than a random prediction of 50%, it is lower than the 91% support of the Democratic platform among Biden voters. This gap may be due to the "Trump Effect," where some Trump voters vote for him as a person, even as they do not support his platform.[5]

Another external validity check we perform is to check that preferences are monotonically decreasing in income tax.[6] To conduct this check, we rerun our estimation of

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[4] We represent the Biden 2020 platform as: [Democrat, Abortion Legal Up To 28Weeks, $1K increase in Income Tax, Expand Legal Immigration Options, Expand Medicaid, Green Energy Subsidy] and the Trump 2020 platform as [Republican, Abortion banned with exceptions, $2K decrease in Income Tax, Build The Wall & Enforce, Privatize healthcare].

[5] See, e.g., "The Trump Effect" by Still, Weber and Chan. https://fingfx.thomsonreuters.com/gfx/rngs/USA-TRUMP-EFFECT-POLL/010040HG13T/index.html, accessed Dec. 21, 2022.

[6] We thank an anonymous reviewer for this suggestion.

the before-leak survey while treating tax as a categorical attribute, and find the tax preferences to be monotonically decreasing in 77% of our subjects, and 93% of the subjects preferring the largest tax decrease to the largest tax increase. Note that it is reasonable that some respondents may prefer tax increases if they assume that the tax increases apply to other people as well. These results indicate that an overwhelming majority of our subjects paid attention to the tax attribute and treated it appropriately.

4. Results

4.1 Importance Weights

We begin by examining the importance of abortion to Americans at the three points in time when our survey was administered. The posterior weighted averages of the individual-level mean importance weights (see equation 1 for the definition) can be found in Table 3. The key take-away from Table 3 is that the population-average importance weight of abortion remains remarkably stable through time.

Table 3: Importance Weights, population average

Survey	abortion	time effects on abortion	Party	income	immigration	climate	healthcare	poverty
Before	27.4%		7.5%	10.1%	14.6%	13.1%	17.5%	9.9%
SE	0.7%		0.4%	0.5%	0.5%	0.6%	0.6%	0.5%
after leak	27.0%	-0.4%	8.4%	10.1%	14.3%	13.5%	16.6%	10.2%
SE	0.8%	1.0%	0.4%	0.5%	0.6%	0.6%	0.6%	0.5%
after decision	27.8%	0.4%	7.8%	10.7%	14.0%	12.1%	17.1%	10.5%
SE	0.7%	0.9%	0.4%	0.5%	0.5%	0.5%	0.5%	0.5%

Note: The shaded cells contain temporal differences of interest. Using the Normal approximation, variance of the difference is computed as the inverse of total precision.

Table 4: Importance Weights by party affiliation

Democrats	abortion	time effects vs. before	party	income	immigration	climate	healthcare	poverty
Before	29.7%		6.9%	8.3%	14.4%	12.1%	19.2%	9.4%
SE	0.8%		0.4%	0.5%	0.6%	0.6%	0.7%	0.5%
after leak	29.1%	-0.7%	7.6%	9.5%	13.5%	12.6%	17.9%	9.8%
SE	0.9%	1.2%	0.5%	0.6%	0.6%	0.6%	0.6%	0.5%
after decision	31.0%	1.2%	6.8%	8.9%	13.6%	11.3%	18.0%	10.3%
SE	0.8%	1.1%	0.4%	0.5%	0.6%	0.5%	0.5%	0.5%
Republicans								
Before	26.4%		8.8%	11.4%	14.8%	13.9%	14.8%	10.0%
SE	1.0%		0.7%	0.8%	0.8%	0.8%	0.8%	0.7%
after leak	24.6%	-1.8%	10.3%	9.9%	15.5%	14.3%	14.9%	10.5%
SE	1.2%	1.6%	0.8%	0.9%	1.0%	0.9%	1.0%	0.8%
after decision	23.9%	*-2.5%*	9.7%	13.1%	14.6%	12.9%	15.6%	10.3%
SE	1.0%	1.4%	0.7%	0.8%	0.8%	0.8%	0.8%	0.7%
Other								
Before	24.9%		7.1%	11.5%	14.6%	13.6%	18.0%	10.5%
SE	1.1%		0.6%	0.8%	0.8%	0.8%	0.9%	0.7%
after leak	26.1%	1.3%	7.8%	10.9%	14.2%	14.2%	16.3%	10.6%
SE	1.1%	1.6%	0.7%	0.9%	0.9%	0.9%	0.9%	0.8%
after decision	27.4%	*2.6%*	7.1%	10.5%	14.0%	12.5%	17.6%	10.9%
SE	1.1%	1.5%	0.6%	0.7%	0.7%	0.7%	0.8%	0.6%
Democrats-Republicans								
Before	**3.36%**		**-1.91%**	**-3.10%**	-0.31%	*-1.87%*	**4.45%**	-0.62%
SE	1.32%		0.76%	0.95%	1.00%	0.98%	1.05%	0.87%
after leak	**4.46%**	1.1%	**-2.63%**	-0.43%	-1.95%	-1.77%	**2.98%**	-0.65%
SE	1.48%	2.0%	0.93%	1.03%	1.16%	1.10%	1.15%	0.92%
after decision	**7.05%**	**3.7%**	**-2.83%**	**-4.16%**	-1.02%	-1.53%	**2.44%**	0.06%
SE	1.26%	1.8%	0.75%	0.96%	0.98%	0.90%	0.94%	0.81%

Note: The shaded cells contain differences of interest (single diffs in grey, diffs in diffs in green). **Differences** for these numbers that are significant at the **5% level are bold**, and differences significant at *10% level are bold italic.*

While abortion clearly did not, on average, become more important over time, the population averages in Table 3 mask substantial changes in importance for some groups of Americans. When we break down the importance-weight averages by party affiliation in

Table 4, we find that the Dobbs decision polarized partisan voters by making abortion less important to Republicans and more important to everyone else. Even before the leak, abortion was more important to Democrats than Republicans, but the difference in importance more than doubled by the time the decision was announced. The decrease in importance among Republicans is consistent with the theory that having overturned *Roe*, Republicans felt they could rest on their laurels and focus on other issues. The smaller magnitude of the effect among Democrats and Independents than among Republicans is not consistent with the loss-aversion mechanism: *Dobbs* was a loss for Democrats and a gain for Republicans, so the loss-aversion theory would predict a larger change in importance among Democrats.

Another possible effect hiding inside the lack of change at the population level is polarization across genders. When we break down the importance-weight averages by gender in Table 5 we find that abortion gains importance among women while losing importance among men. The gap nearly doubles from 2.3% before the leak to 4.1% after, but the increase in the difference between genders is not statistically significant.

In Table A2 in the Appendix, we document a split of importance weights by state abortion ban, and we do not find any statistically significant differences between the two types of states. We can thus also rule out the consequentialist theory of the underlying mechanism which predicts that abortion would become a more important issue in states with bans.

Table 5: Importance Weights by gender

Males:	abortion	time effects on abortion	party	income	immigration	climate	healthcare	poverty
Before	26.2%		7.4%	10.2%	14.3%	13.2%	18.7%	9.9%
SE	0.8%		0.5%	0.6%	0.6%	0.7%	0.7%	0.6%
after leak	25.2%	-1.0%	8.7%	10.4%	14.7%	13.8%	16.9%	10.3%
SE	0.8%	1.1%	0.5%	0.7%	0.7%	0.7%	0.7%	0.6%
after decision	25.6%	-0.6%	8.2%	10.9%	14.3%	12.4%	17.9%	10.6%
SE	0.7%	1.1%	0.5%	0.6%	0.6%	0.6%	0.6%	0.5%
Females:								
Before	28.5%		7.8%	10.0%	14.8%	12.9%	16.2%	9.8%
SE	0.9%		0.4%	0.6%	0.7%	0.6%	0.6%	0.6%
after leak	28.6%	0.1%	8.1%	9.7%	13.8%	13.4%	16.4%	10.1%
SE	1.0%	1.3%	0.5%	0.6%	0.7%	0.6%	0.7%	0.6%
after decision	29.7%	1.2%	7.5%	10.6%	13.7%	11.9%	16.4%	10.4%
SE	0.9%	1.2%	0.4%	0.6%	0.6%	0.6%	0.5%	0.5%
Females - Males								
Before	2.30%		0.42%	-0.20%	0.45%	-0.35%	**-2.52%**	-0.09%
SE	1.17%		0.63%	0.84%	0.90%	0.91%	0.94%	0.80%
after leak	**3.38%**	1.1%	-0.61%	-0.71%	-0.94%	-0.42%	-0.55%	-0.15%
SE	1.27%	1.7%	0.74%	0.91%	0.95%	0.93%	0.99%	0.79%
after decision	**4.08%**	1.8%	-0.77%	-0.36%	-0.62%	-0.57%	***-1.58%***	-0.17%
SE	1.12%	1.6%	0.63%	0.81%	0.84%	0.81%	0.81%	0.74%

4.3 Simulated vote shares

While examining importance weights provides useful information about preference shifts, it can mask individual differences in the direction of these changes. For example, Democrats and Republicans both put higher importance weights on abortion compared to the other issues we sampled, but the two groups differ in their preferred policy. Democrats prefer having the fewest restrictions on abortion while Republicans most prefer an abortion ban with exceptions for rape/incest and health. To preserve these differences, we conduct our

analysis using simulated vote shares. Note that we use these vote shares to summarize preferences rather than predicting election outcomes.

We consider two scenarios defined in Section 3 above: a single-issue race, as well as a contest between prototypical Democrat and Republican candidates. Note that in the single-issue race, an *r* candidate that supports a right to an abortion up to 28 weeks would match their *d* opponent, and thus obtain a 50% vote share regardless of voter preferences. When *r* advocates a different abortion policy, any deviation from the 50% benchmark can be attributed solely to abortion preferences. In other words, the single-issue race isolates the differences in utility our respondents derive from the focal change in abortion policy. For this reason, the single-issue races will be our main lens for analyzing the impact of *Dobbs* on abortion preferences.

While a single-issue race is good at isolating the abortion issue, it cannot capture changes in preferences about other policies over time. For example, people may respond to the *Dobbs* decision by becoming more partisan, perhaps reflecting a strategic calculation that the party that controls the government may affect policy beyond just the positions of their particular candidate. On the other hand, including preferences for other attributes – especially party – risks that the results are confounded by other events that occurred during our survey period. For example, news about persistent inflation emerged between March and July 2022. Our simulation of the prototypical candidates accounts for the influence of such development on preferences for attributes other than abortion.

Table 6: Simulated vote share of an anti-abortion (with exceptions) candidate who faces a candidate supporting abortion rights

Split	Participants	before	after leak	time diff leak-b4	after decision	time diff after-b4
	Single Issue Race					
All	Americans	37.40%	34.10%	*-3.30%*	37.50%	0.20%
	SE	1.20%	1.40%	1.90%	1.20%	1.70%
Political affiliation split	Democratic	16.60%	12.70%	*-3.90%*	14.40%	-2.20%
	SE	1.30%	1.60%	2.10%	1.40%	1.90%
	Republican	61.90%	71.60%	**9.70%**	66.80%	4.90%
	SE	2.50%	2.80%	3.80%	2.60%	3.60%
	Other	41.40%	31.30%	**-10.10%**	38.40%	-3.00%
	SE	2.50%	2.80%	3.70%	2.40%	3.50%
	Dem-Rep	**-45.30%**	**-58.90%**	**-13.60%**	**-52.40%**	*-7.10%*
	SE	2.82%	3.22%	4.34%	2.95%	4.07%
Gender split	Male	34.30%	38.40%	4.10%	40.40%	**6.00%**
	SE	1.80%	2.00%	2.70%	1.80%	2.60%
	Female	41.40%	30.50%	**-10.90%**	35.40%	**-6.00%**
	SE	1.60%	1.80%	2.40%	1.60%	2.20%
	Male-Female	**-7.10%**	**7.90%**	**15.00%**	**5.00%**	**12.00%**
	SE	2.41%	2.69%	3.61%	2.41%	3.41%
	Prototypical Candidates					
All	Americans	34.50%	33.60%	-0.90%	36.50%	2.00%
	SE	1.40%	1.60%	2.20%	1.50%	2.00%
Political affiliation split	Democratic	8.00%	7.70%	-0.20%	7.70%	-0.30%
	SE	1.30%	1.70%	2.20%	1.60%	2.00%
	Republican	67.90%	75.70%	*7.90%*	75.80%	*7.90%*
	SE	3.00%	3.30%	*4.40%*	2.90%	*4.20%*
	Other	37.40%	33.20%	-4.20%	34.10%	-3.40%
	SE	3.10%	3.60%	4.80%	3.10%	4.40%
	Dem-Rep	**-59.90%**	**-68.00%**	*-8.10%*	**-68.10%**	*-8.20%*
	SE	3.27%	3.71%	4.92%	3.31%	4.65%
Gender split	male	31.00%	37.40%	**6.40%**	40.30%	**9.30%**
	SE	1.80%	2.30%	2.90%	2.10%	2.70%
	female	39.00%	30.60%	**-8.40%**	33.50%	*-5.60%*
	SE	2.20%	2.20%	3.10%	2.00%	2.90%
	Male-Female	**-8.00%**	**6.80%**	**14.80%**	**6.80%**	**14.90%**
	SE	2.84%	3.18%	4.24%	2.90%	3.96%

Note: The shaded cells contain temporal differences of interest (single diffs in grey, diffs in diffs in green). **Bold** = 5% significance, ***Bold italics*** = 10% significance

We begin our discussion of simulation results by considering the payoff to an anti-abortion candidate who supports a ban on abortion with exceptions, as reported in Table 6. In aggregate, there are only small shifts in the population-level simulated vote shares from the *Dobbs* decision. However, we observe a significant partisan polarization whereby Republicans shift strongly towards anti-abortion candidates and Democrats shift the other way, albeit less strongly and mostly statistically insignificantly. However, this polarization is only significant in the single-issue race, and fades away from a 13.6 point increase in the Democrat-Republican difference (from the starting difference of 45.3 points) after the leak to only marginally significant 7.1 point difference after the decision. In contrast to the single-issue race, the roughly 8-point increase in polarization in the prototype race is smaller, steady over time, and only marginally significant. This is not surprising given the additional differentiation between prototype candidates along party lines. Overall, the leaked decision thus only had a short-term effect on partisan polarization regarding the two focal levels of abortion policy (Roe and ban with exceptions) followed by a partial re-entrenchment towards the initial positions, and it had a smaller, lasting, and only marginally significant effect on overall partisan polarization. These patterns are consistent for the Democrats with Gilbert et al. 2004, Pierce 2016, which says that the pain of large losses tend to dissipate quickly, and for the Republicans with resetting goals, such as Bagozzi 1998, which says that the joy of completing a goal will be somewhat offset by the creation of the next goal. We also note that both race-types suggest that Republican candidates may benefit from the *Dobbs* decision but only among their own partisan voters.

A more lasting polarization happens across genders, with females shifting their votes away from anti-abortion candidates and males doing the opposite in both types of races. In

fact, the decision actually flips the gender preferences: before the leak, more women prefer anti-abortion candidates than men, but after the leak more men than women prefer anti-abortion candidates. The male vs. female polarization shifts dramatically from negative 7-8 share points to positive 7-8 share points after the leak and decision.

While the pattern we find is consistent with media reports that the Dobbs decision galvanized the support for abortion rights among women, it also suggests that there is an (unreported, to our knowledge) opposing trend of increased support for abortion restrictions among men. In other words, the right to an abortion has become more of a women's issue after Dobbs, but our findings suggest it was more of a men's issue beforehand. If we consider *Dobbs* to be more of a loss to females than to males, then the pattern in Table 6 again does not support the loss-aversion mechanism: instead of a larger shift among females, we observe shifts of similar magnitudes across both genders.

We next turn our attention towards how *Dobbs* changed people's views towards abortion bans that do not make exceptions for rape or a woman's health. Table 7 shows the analogue of Table 6 when the anti-abortion candidate advocates for banning abortion without exceptions. Table A3 in the appendix shows the difference in the anti-abortion candidate's simulated vote share between Tables 6 and 7.

We find that given a ban, every group we study prefers exceptions to abortion bans for cases involving rape and the woman's health. The decrease in preferences for candidates supporting bans with exceptions vs. without exceptions is especially pronounced among Democrats, independents, and women. Table 7 shows that in the single-issue race, the increase in partisan polarization is considerably smaller when the anti-abortion candidate advocates against exceptions. Further, the increased polarization on a lack of exceptions that

Table 7 Simulated vote share of anti-abortion (without exceptions) candidate who faces a candidate supporting abortion rights

Groups	Participants	before	after leak	time diff leak-b4	after decision	time diff after-b4
		Single Issue Race				
All	Americans	32.04%	25.74%	**-6.30%**	28.72%	***-3.32%***
	SE	1.23%	1.24%	1.75%	1.18%	1.70%
Political affiliation split	Democratic	11.55%	6.97%	**-4.58%**	7.88%	**-3.67%**
	SE	1.23%	1.11%	1.66%	0.99%	1.58%
	Republican	55.31%	59.55%	4.24%	54.58%	-0.73%
	SE	2.53%	2.91%	3.86%	2.58%	3.61%
	Other	37.06%	22.52%	**-14.54%**	29.99%	**-7.07%**
	SE	2.62%	2.64%	3.72%	2.37%	3.53%
	Dem-Rep	**-43.76%**	**-52.58%**	**-8.82%**	**-46.70%**	-2.94%
	SE	2.81%	3.11%	4.20%	2.76%	3.94%
Gender split	Male	29.51%	28.91%	-0.60%	30.95%	1.44%
	SE	1.73%	2.05%	2.68%	1.76%	2.47%
	Female	35.47%	23.18%	**-12.29%**	27.04%	**-8.43%**
	SE	1.64%	1.34%	2.12%	1.49%	2.22%
	Male-Female	**-5.96%**	**5.73%**	**11.69%**	**3.91%**	**9.87%**
	SE	2.38%	2.45%	3.42%	2.31%	3.32%
		Prototypical Candidates				
All	Americans	32.59%	30.58%	-2.01%	32.54%	-0.05%
	SE	1.20%	1.41%	1.85%	1.23%	1.72%
Political affiliation split	Democratic	6.48%	6.07%	-0.41%	5.22%	-1.26%
	SE	1.32%	1.64%	2.11%	1.38%	1.91%
	Republican	64.85%	71.68%	***6.83%***	69.38%	4.53%
	SE	2.51%	2.79%	3.75%	2.56%	3.59%
	Other	35.97%	29.06%	***-6.91%***	30.68%	**-5.29%**
	SE	2.53%	2.76%	3.74%	2.41%	3.49%
	Dem-Rep	**-58.37%**	**-65.61%**	***-7.24%***	**-64.16%**	-5.79%
	SE	2.84%	3.24%	4.30%	2.91%	4.06%
Gender split	male	29.68%	34.47%	4.79%	36.54%	**6.86%**
	SE	1.72%	2.42%	2.97%	2.09%	2.71%
	female	36.41%	27.41%	**-9.00%**	29.27%	**-7.14%**
	SE	2.16%	2.05%	2.98%	1.87%	2.86%
	Male-Female	**-6.73%**	**7.06%**	**13.79%**	**7.27%**	**14.00%**
	SE	2.76%	3.17%	4.21%	2.80%	3.94%

Note: The shaded cells contain temporal differences of interest (single diffs in grey, diffs in diffs in green). **Bold** = 5% significance, ***Bold italics*** = 10% significance

arises from the leak largely dissipates by the time the decision is announced. The polarization is weaker because Republican voters do not increase their post-leak voting for the anti-abortion candidate as much as they did when the candidate advocated for exceptions. On the other hand, the increase in partisan polarization among the prototype candidates does not change much when the Republican does not advocate removing exceptions – it remains small and mostly statistically insignificant. Again, this is likely due to the added partisan differentiation between the prototype candidates.

Regarding the gender split, we observe that bans without exceptions blunt the increased support that Republicans and men had towards bans with exceptions. On the other hand, women turn even more strongly against the anti-abortion candidate, and the result is thus a similar increase in gender polarization as in the case of an anti-abortion candidate who advocated for exceptions. In other words, the lasting increases in gender polarization in Tables 6 and 7 are very similar, but the underlying shifts by the two genders are different in that only females shift in Table 7.

4.4 Republican best response to a pro-abortion candidate

We now consider which Republican Party position on abortion maximizes the fraction of the population that would prefer their candidate over a Democrat. From the results discussed so far, it is immediately clear that a candidate that advocates for a ban with exceptions is better positioned than a candidate advocating for a ban with no exceptions, but these results do not tell us how such a policy compares to the success of a candidate that supports abortions for at least some period of time. We now explore this question, as well as how the answer depends on the state where the contest is held, by simulating the contest for all levels of

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abortion policy. For this analysis, we focus only on the likely voters (defined as voters who report voting in the 2020 Presidential election).

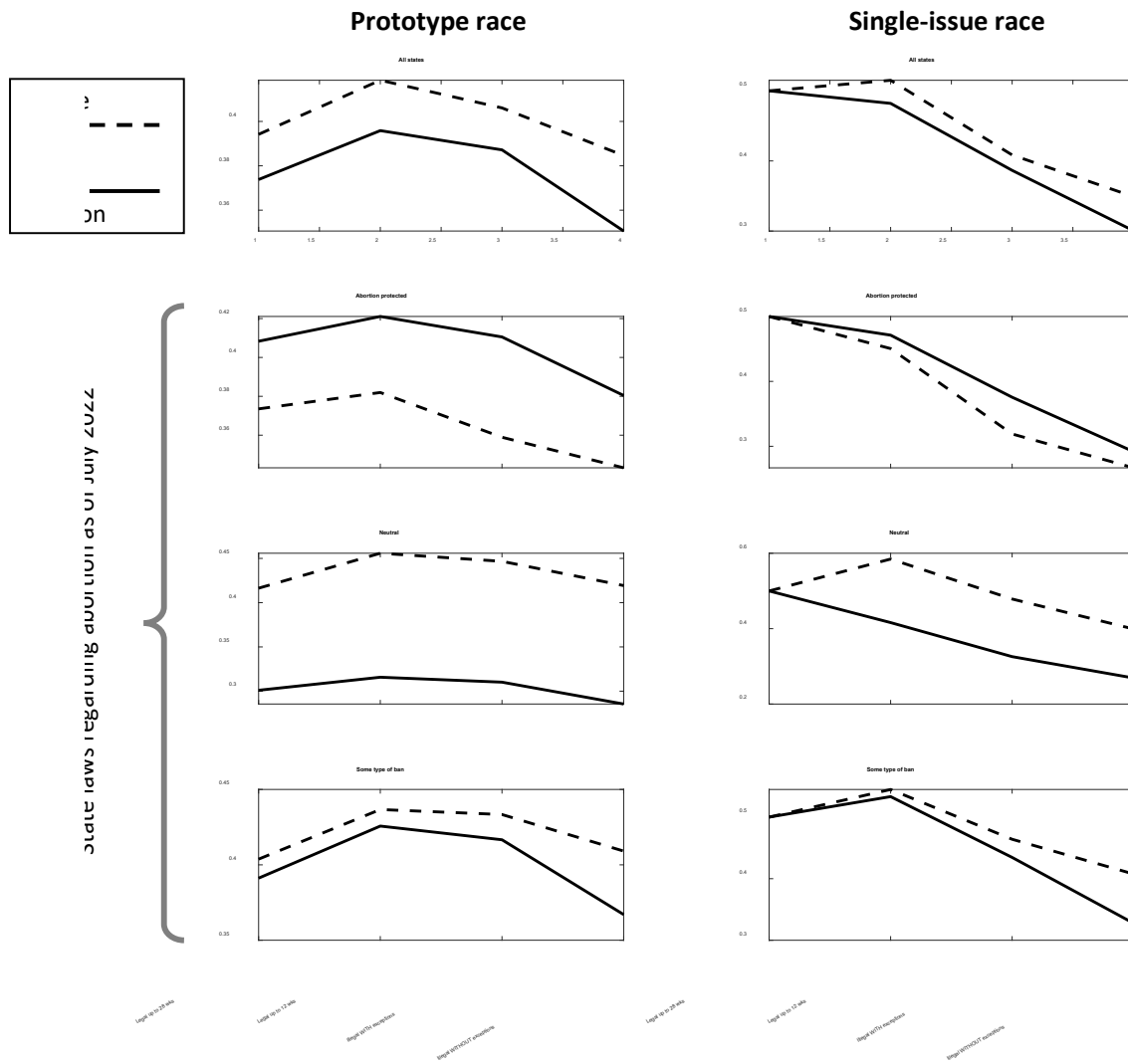**Figure 2: Best response of a Republican candidate to a pro-abortion candidate**

Figure 2 shows the results of our simulation, with the prototype candidates on the left and single-issue candidates on the right. The top panel shows our estimate of vote shares among all likely voters, and the next three panels break down the vote shares by state laws

regarding abortion. Specifically, we use data from the Wall Street Journal to classify each state as either protecting abortion, neutral to abortion, or having some sort of ban on the books.[7] We then use the zip code of each respondent to match respondents to abortion-ban status of their state. For clarity, we omit the post-leak measurement and focus on the after-decision (July 9) vs. before-leak (March 26) comparison.

We observe from the left column of Figure 2 that, among the four levels used in our study, the Republican position that would garner the most support against a prototypical Democratic candidate is to advocate legalizing abortion until 12 weeks. Surprisingly, this recommendation holds in every type of state. The right-hand column then implies that the best response in a single-issue national race shifted from advocating for 12 weeks to simply matching the opponent's 28-week policy. This shift is most profound in neutral states, whereas the states with some sort of ban continue to support the 12-week limit. The graphs also re-enforce that an abortion ban without any exceptions for rape, incest, or health is extremely unpopular.[8]

5. Discussion and Conclusion

This paper documents the effect of the *Dobbs* decision on political preferences of Americans using conjoint analysis, which allows us to avoid focalism bias, as well as control for the importance of abortion relative to other policies. The approach also allows us to use simulations to measure the likely impact of different abortion policies on voting outcomes.

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[7] https://www.wsj.com/articles/where-abortion-is-legal-and-where-it-loses-protections-without-roe-v-wade-11656080346. Accessed Aug. 6, 2022

[8] While the results show the uniform benefit of supporting a 12-week ban, we note that we have not controlled for other differences in each state, and that dimensions of political support other than abortion views may confound our results. We also assume turnout does not vary as a function of the republican abortion policy.

The timing of our surveys also allows us to distinguish fleeting short-term effects from longer-term effects. Of course, a caveat on our timing is that we only have 3 snapshots of preferences. For example, it is possible that the impact of the leak may be different 2 weeks after the leak than it was 5 days after the leak, when we ran the survey. Similarly, the outcomes could be different one month or more after the decision was finalized.

We find that the leak increased the importance weight of abortion for non-voters and independents while reducing it for Republicans. Surprisingly, we do not detect an increase in importance among Democrats, but the reduction in importance of the issue among Republicans still resulted in *Dobbs* increasing the divide between adherents of the two parties. We also explored the possibility of a divide along gender lines, but found it to be modest and significantly affected by *Dobbs*.

The effects of party affiliation on simulated voting, on the other hand, were more nuanced and fleeting: after increased polarization from the leak, perhaps due to the shock surprise of the announcement, partisans mostly retrenched to their initial positions in a race between a pro-*Roe* candidate and a candidate advocating a ban with exceptions for rape, incest, or health. In contrast to the rapid retrenchment along partisan lines after the post-leak polarization, we find the Dobbs decision had a more lasting polarizing effect along gender lines, making women more pro-abortion and men more anti-abortion.

Regarding the potential mechanisms underlying the changes we document, the pattern of results is not consistent with the consequentialist account whereby those who are more impacted by the decision react more strongly. We also do not find evidence of the prospect-theoretic loss-aversion account whereby people for whom *Dobbs* represented a loss (e.g. Democrats and women) should react more strongly than people for whom *Dobbs*

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represented a gain. Instead, our results are consistent with an increased salience of abortion among all Americans, a growing gender divide in term of preferences for the prototypical partisan candidates, and a general shift of preferences against abortion bans without exceptions. The pattern of retrenchment after an initial partisan polarization is also consistent with an emotion-based account whereby heightened emotions stirred up by the leak receded at a relatively quick pace (Gilbert et al. 2004, Pierce et al. 2016). However, note that our event study measures the effect of *Dobbs* along with its associated reactions by media, employers, states, and other factors that influence voter preferences. It is, for example, possible that the retrenchment of partisan preferences we document is caused by these reactions effectively calming people on both sides down as opposed to some sort of psychological immune system kicking in.

While we focus on understanding preferences rather than on prediction action, we note that conditional on a ban, every group we study shifted in favor of having exceptions, not just after the leak, but even more strongly after the decision. This suggests that advocating for a ban without exceptions is a dominated strategy in just about every contest. Indeed, our analysis suggests that the Republican strategy that maximizes the number of people preferring the Republican candidate facing a pro-abortion opponent is to field candidates who advocate keeping abortion legal until 12 weeks. Further research can confirm whether the voting behavior follows the preference measurement that we found. We also note that it may be valuable to investigate how these shifts in preferences correspond to other actions, such as changes in campaign or advocacy contributions, registering to vote, and volunteering.

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Appendix: Additional tables

Table A1: External validity check predicting 2020 Election

	Candidate and voter group	Predicted vote share…			
		... for Biden platform among Biden voters		... for Trump platform among Trump voters	
	statistic	mean	SE	mean	SE
Survey run	before	90.5%	1.5%	77.0%	3.8%
	after leak	92.4%	1.4%	76.8%	4.3%
	after decision	91.1%	1.3%	77.0%	3.6%
	average	91.4%	0.8%	76.9%	2.2%

Table A2: Importance weights, by state abortion ban status

	Protected	abortion	time effects on abortion	party	income	immigration	climate	healthcare	poverty
Abortion protected in state law	before	28.2%		7.7%	9.6%	14.5%	12.7%	17.8%	9.5%
	SE	0.9%		0.5%	0.6%	0.6%	0.6%	0.7%	0.6%
	after leak	26.5%	-1.7%	8.0%	10.9%	14.2%	13.4%	16.8%	10.1%
	SE	0.9%	1.3%	0.5%	0.7%	0.7%	0.7%	0.8%	0.6%
	after decision	27.4%	-0.9%	7.9%	11.3%	14.1%	12.0%	16.9%	10.5%
	SE	0.9%	1.2%	0.5%	0.7%	0.6%	0.6%	0.6%	0.6%
Some type of abortion ban in place	before	27.4%		7.5%	9.8%	14.8%	13.0%	17.5%	10.0%
	SE	0.9%		0.5%	0.6%	0.7%	0.7%	0.7%	0.6%
	after leak	28.0%	0.6%	8.2%	9.2%	14.1%	13.5%	16.6%	10.3%
	SE	1.0%	1.4%	0.6%	0.7%	0.8%	0.7%	0.7%	0.6%
	after decision	28.0%	0.6%	7.9%	10.6%	13.8%	12.3%	17.0%	10.5%
	SE	0.9%	1.3%	0.5%	0.6%	0.6%	0.6%	0.6%	0.6%
Difference Banned - Protected	before	-0.9%		0.4%	-0.2%	0.5%	-0.4%	**-2.5%**	-0.1%
	SE	1.2%		0.6%	0.8%	0.9%	0.9%	0.9%	0.8%
	after leak	1.5%	2.3%	-0.6%	-0.7%	-0.9%	-0.4%	-0.6%	-0.2%
	SE	1.3%	1.7%	0.7%	0.9%	1.0%	0.9%	1.0%	0.8%
	after decision	0.6%	1.5%	-0.8%	-0.4%	-0.6%	-0.6%	***-1.6%***	-0.2%
	SE	1.1%	1.6%	0.6%	0.8%	0.8%	0.8%	0.8%	0.7%

Note: The split compares states with abortion protections (CA, CO, CT, DC, DE, HI, IL, MA, MD, ME, NJ, NV, NY, OR, RI, VT, WA) to states with some type of ban (AZ, GA, IA, MI, OH, SC, WI, WV, ID, KY, LA, ND, TN, UT, WY, AL, AR, MO, MS, OK, SD, TX).

Table A3: <u>Share increase</u> of anti-abortion candidate from advocating for exceptions

Groups	Participants	before	after leak	diff leak-b4	after decision	diff after – b4
**Single Issue Race**						
All	Americans	**5.31%**	**8.31%**	*3.00%*	**8.82%**	**3.51%**
	SE	1.18%	1.35%	1.79%	1.23%	1.70%
Political affiliation split	Democratic	**5.02%**	**5.69%**	0.67%	**6.49%**	1.47%
	SE	1.23%	1.46%	1.91%	1.27%	1.77%
	Republican	**6.57%**	**12.01%**	5.44%	**12.20%**	5.63%
	SE	2.32%	2.78%	3.62%	2.61%	3.49%
	Other	*4.32%*	**8.76%**	4.44%	**8.37%**	4.05%
	SE	2.37%	2.60%	3.52%	2.27%	3.28%
Gender split	Male	**4.83%**	**9.50%**	*4.67%*	**9.42%**	*4.59%*
	SE	1.62%	1.98%	2.56%	1.77%	2.40%
	Female	**5.94%**	**7.29%**	1.35%	**8.34%**	2.40%
	SE	1.55%	1.80%	2.38%	1.56%	2.20%
**Prototypical Candidates**						
All	Americans	**1.95%**	**3.05%**	1.10%	**3.97%**	*2.02%*
	SE	0.73%	0.99%	1.23%	0.88%	1.14%
Political affiliation split	Democratic	**1.49%**	1.66%	0.17%	**2.48%**	0.99%
	SE	0.73%	1.05%	1.28%	0.93%	1.18%
	Republican	*3.02%*	**4.06%**	1.04%	**6.37%**	3.35%
	SE	1.55%	2.04%	2.56%	1.90%	*2.45%*
	Other	1.45%	**4.14%**	2.69%	3.39%	1.94%
	SE	1.54%	2.10%	2.60%	1.81%	2.38%
Gender split	male	1.36%	**2.97%**	1.61%	**3.78%**	2.42%
	SE	0.87%	1.40%	1.65%	1.21%	1.49%
	female	**2.62%**	**3.21%**	0.59%	**4.21%**	1.59%
	SE	1.15%	1.36%	1.78%	1.23%	1.68%