



PROGRAM FOR PUBLIC CONSULTATION

SCHOOL OF PUBLIC POLICY | UNIVERSITY OF MARYLAND

THE ROLE OF GOVERNMENT IN ABORTION

A National Survey of Registered Voters

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OVERVIEW

Since the Supreme Court *Dobbs v. Jackson* decision that overturned *Roe v. Wade*, the subject of the government's role in abortion has been foreground in the public discourse. The Supreme Court effectively pushed the decision about abortion to the states, generating widespread debate.

Sixteen states have established new laws making abortion illegal at any point in the pregnancy or reinstating such laws that were in place before the *Roe v. Wade* decision. On the other hand, the voters of the relatively conservative state of Kansas rejected a ballot initiative which would have removed protections for abortion from their state's constitution.

A key question is where the American public stands on what role the government, state and/or federal should play in abortions. Standard polls that generally sought to establish public attitudes in single poll questions have produced seemingly contradictory results (to be discussed below).

This issue is particularly appropriate for an in-depth public consultation survey. As with all public consultation surveys by the [Program for Public Consultation](#), our goal is to put the respondent in the shoes of a policymaker, going through a process called "policymaking simulation." Thus, the goal in this case is to present respondents with a briefing on issues related to the government role in abortion, to have respondents consider a range of policy options, and for each set of policy options to evaluate arguments pro and con, before making their final recommendations.

While the question of criminalizing abortion has been most foreground, there are other options for a government role. In this survey we had respondents consider:

- options for seeking to reduce unintended pregnancies as a means of reducing the number of abortions, including by mandating sex education in public schools, continuing to require insurance coverage for birth control, and subsidizing birth control for low-income and uninsured women;
- options for discouraging abortions through requiring women see ultrasounds of the fetus, or waiting 1-3 days in between getting approved for an abortion and receiving it;
- the option of continuing the prohibition on the use of Federal funds for abortions (the Hyde Amendment).

Finally, we turned to the topic of criminalization, in particular making abortion a serious crime (as has been done in the states where abortion is illegal). We clarified that this would mean punishing the doctor and/or the woman with prison time and/or fines. Rather than simply being asked about their views on abortion, the respondent was given the option to not criminalize abortion at all, to criminalize at specific points in the pregnancy, or to criminalize from the moment of pregnancy. Respondents were given the opportunity to select whether the doctor, the woman, or both should be punished; and given a long list of common exceptions. All the options were presented first, so that the final recommendations could be completely personalized by the respondent. The option of states criminalizing crossing state lines to get an abortion that would be prohibited in one's own state was also considered.

Lastly, respondents were asked how prominent a role abortion would play in their voting decisions and how much they thought public opinion should influence legislators' decisions when making laws about abortion.

Survey Design

Respondents were first provided a brief introduction to the recent Supreme Court decision regarding abortion (Dobbs v. Jackson) and its effects:

The Supreme Court recently made a decision (called Dobbs v. Jackson) to overturn previous Supreme Court decisions that limited what federal and state governments could do to restrict a woman's access to abortion.

This has led to a major debate about what the government, at the state and federal levels, should do about abortion. In this survey we will explore the many different options and give you an opportunity to think through your views on them.

They were then provided some background information about abortion in the United States:

Over the last few decades, the number of abortions has been declining. Currently, about one-in-five pregnancies end with an abortion.

It is also estimated that about one-in-four women will have an abortion in their lifetime.

Nearly all abortions occur early in the pregnancy. Just around 1-2 percent occur more than halfway through the pregnancy.

Most abortions used to be performed with surgery, but currently over half are performed using prescription pills.

Respondents were then presented, in the following order, a series of proposals intended to reduce abortions by:

- reducing unintended pregnancies through increased education about and access to birth control
- putting more requirements on the process of getting an abortion
- criminalizing abortion and punishing the doctor or woman with prison time and/or major fines.

For each proposal, respondents evaluated pro and con arguments before making their final recommendation. They also rated how acceptable each proposal is on a 0-10 scale from “not at all acceptable” to “very acceptable”, with a middle option of “just tolerable”.

Fielding of Survey

The survey was fielded September 16-26, 2022 with a national sample of 2,604 registered voters provided by Precision Sample from its national opt-in sample.

Responses were weighted by age, gender, education, race and geographic region. Benchmarks for weights were obtained from the US Census' Current Populations Survey of Registered Voters. The sample was also weighted by partisan affiliation.

A further analysis was conducted by dividing the sample six ways, depending on the PVI Cook rating of the respondent's state. This enabled comparison of respondents who live in very red, somewhat red, leaning red, leaning blue, somewhat blue, and very blue states.

SUMMARY OF KEY FINDINGS

FEELINGS ABOUT ABORTION

A modest majority reported that they felt comfortable with women having abortions, including a majority of three-in-four Democrats. Among Republicans, just under four-in-ten said comfortable and over four-in-ten said uncomfortable.

GOVERNMENT EFFORTS FOR REDUCING UNINTENDED PREGNANCIES

Respondents evaluated a series of current or possible government efforts for reducing unintended pregnancies, and ultimately the number of abortions, that do not entail criminalization.

Public School Education about Birth Control

A very large bipartisan majority of over three-in-four favored the government requiring that public schools teach students about birth control, including seven-in-ten Republicans and over eight-in-ten Democrats.

Increasing Access to Birth Control

A very large bipartisan majority of eight-in-ten favored the government making it a high priority to make it more possible to get birth control, including nearly three-in-four Republicans and nearly nine-in-ten Democrats.

Continuing to Mandate Insurance Coverage for Birth Control

A very large bipartisan majority of eight-in-ten approved of the federal government continuing to require that most health insurance plans cover birth control (with some religious and moral exemptions), including three-fourths of Republicans and nearly nine-in-ten Democrats.

Increasing Subsidies for Birth Control

A very large bipartisan majority of over three-in-four favored the government subsidizing birth control by providing funds to health care clinics so they can provide birth control at low- or no-cost to women who cannot otherwise get it – a policy currently in place in several states. Nearly seven-in-ten Republicans and nine-in-ten Democrats were in favor.

INCREASING BARRIERS TO ABORTION

Respondents evaluated options for putting more requirements on the process of getting an abortion and prohibiting federal funding for abortions.

Requiring Ultrasounds be Shown to Women

Nearly six-in-ten favored requiring doctors to show a woman seeking an abortion an ultrasound of their fetus beforehand, driven primarily by support from seven-in-ten Republicans and a bare majority of independents. Among Democrats, under half were in favor, but a bare majority found the policy at least tolerable.

Requiring a 1-3 Day Waiting Period

A bare majority favored a mandatory waiting period of 1-3 days between when a woman is approved for an abortion and receives it. This was driven primarily by support from six-in-ten Republicans. Less than half of Democrats and independents favored the idea or found it tolerable.

Prohibiting Federal Funding of Abortions (Hyde Amendment)

A modest majority approved of the federal government continuing to prohibit any federal funds from being used to cover the costs of an abortion, driven by a large majority—seven-in-ten—of Republicans. Support was less than four-in-ten among Democrats and under half among independents.

CRIMINALIZING ABORTION

Respondents evaluated options to either make abortion a crime at all stages of pregnancy or only after fetal viability (22-24 weeks) – with the doctor or woman being punished with prison time and/or major fines – or to not make it a crime. They also evaluated a proposal for allowing states to punish residents for crossing state lines to get an abortion that would have been illegal in their own state.

Making Abortion a Serious Crime

A majority favored not making abortion a crime at all, including seven-in-ten Democrats and two-thirds of independents. Among Republicans, just over four-in-ten were in favor, with over six-in-ten finding it at least tolerable. A very large and bipartisan majority of over eight-in-ten supported not making abortion a crime before the fetus is viable, including three-quarters of Republicans, nine-in-ten Democrats.

Demographic and Partisan Differences

While men, Evangelicals, and Republican primary voters are less supportive of fully decriminalizing abortion, large majorities oppose criminalizing pre-viability abortions. Even among Evangelical Republican men who regularly vote in primaries, only one-in-three favor a criminalizing abortion from conception.

Views in States with Abortion Bans

Among respondents living in states with a complete abortion ban, the results were largely the same: a large bipartisan majority of eight-in-ten did not support making abortion a serious crime before viability, including three-quarters of Republicans, with four-in-ten going further and not making it a crime.

Exceptions to Criminalization

In the event of criminalization of abortion, large majorities found all of the exceptions acceptable – including life or health of the mother, rape or incest, and abnormal or stillborn fetuses. Among Republicans, less than half found fetal abnormality an acceptable exception, but a majority found it tolerable.

Including a 15-Week Ban Option

When the option to make abortion a crime after 15 weeks was included, about one-in-seven chose that policy, which slightly brought down support for keeping abortion legal before viability, but not below a large majority – overall or among Republican.

Allowing States to Criminalize Crossing State Lines to Get an Abortion

Over six-in-ten said that states should not be able to make it a crime for residents to get an abortion in another state that would have been illegal in their own state, including a modest majority of Republicans, two-thirds of Democrats and over seven-in-ten independents. Women were much more opposed than men.

IMPORTANCE OF ABORTION VIEWS IN ELECTIONS

While large majorities of Republicans and Democrats said that a candidate's position on abortion will have some influence in their voting choices, six-in-ten Democrats said it would have a lot of influence compared to four-in-ten Republicans. Women were also more likely to say a lot.

HOW MUCH INFLUENCE CONSTITUENTS' VIEWS SHOULD HAVE

A large bipartisan majority said that, when representatives are deciding how to vote on abortion laws, they should be substantially influenced by the views of the majority of their constituents.

FINDINGS

FEELINGS ABOUT ABORTION

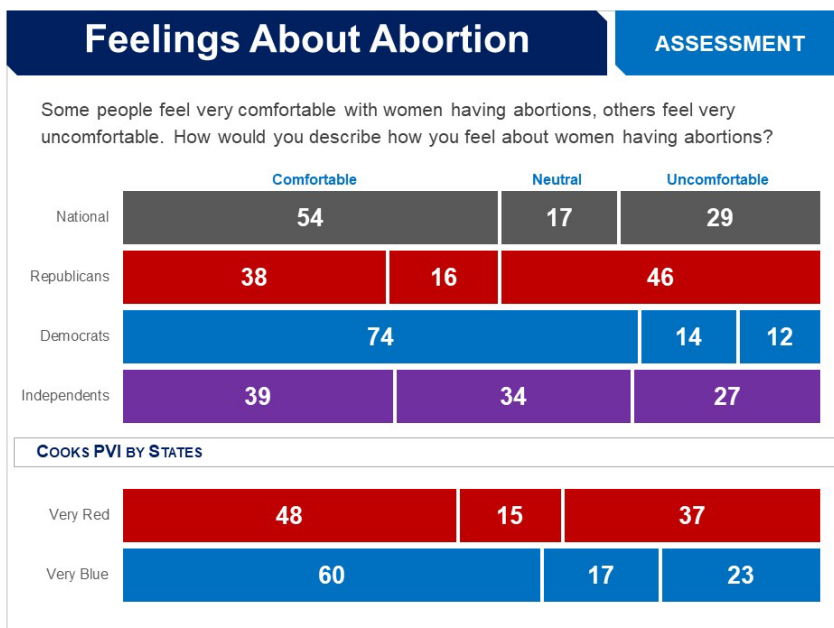
A modest majority reported that they felt comfortable with women having abortions, including a majority of three-in-four Democrats. Among Republicans, just under four-in-ten said comfortable and over four-in-ten said uncomfortable.

Respondents were asked, “how would you describe how you feel about women having abortions,” on a scale from “very uncomfortable” to “very comfortable”, with a middle option of “neutral”. Overall, a majority of 54% said they feel comfortable, including a majority of Democrats (74%). Among Republicans, just 38% said comfortable, with 46% saying uncomfortable and 16% neutral.

There were some significant variations between demographic groups. Of all the factors, religiosity had the most substantial impact on comfort with abortions. Among religious respondents, substantially fewer people who attend religious services regularly felt comfortable (46%) than those who never attend (65%). Just over four-in-ten Evangelical Christians felt comfortable (42%, uncomfortable 42%), compared to a slight majority of other Christians (51%, uncomfortable 31%).

There were also small gender variations: While majorities of both women and men felt comfortable with abortion, more women felt that way (women 57%, men 52%).

Among those in states with full abortion bans, just under half felt comfortable (49%, uncomfortable 34%), while a majority in other states felt the same (56%, uncomfortable 27%).



GOVERNMENT EFFORTS TO REDUCE UNINTENDED PREGNANCIES

Respondents evaluated a series of current or possible government efforts for reducing unintended pregnancies, and ultimately the number of abortions, that do not entail criminalization.

Respondents were provided a briefing on unintended pregnancies, as follows:

As you likely know, many abortions are performed because the woman did not intend to become pregnant. More than 4-in-10 pregnancies are unintended.

Two ways that the government currently tries to reduce the number of unintended pregnancies are:

- *Teaching sex education in schools, which include information about birth control*
- *Helping people to get birth control by making it easier to get and more affordable*

They then evaluated four proposals.

Public School Education about Birth Control

A very large bipartisan majority of over three-in-four favored the government requiring that public schools teach students about birth control, including seven-in-ten Republicans and over eight-in-ten Democrats.

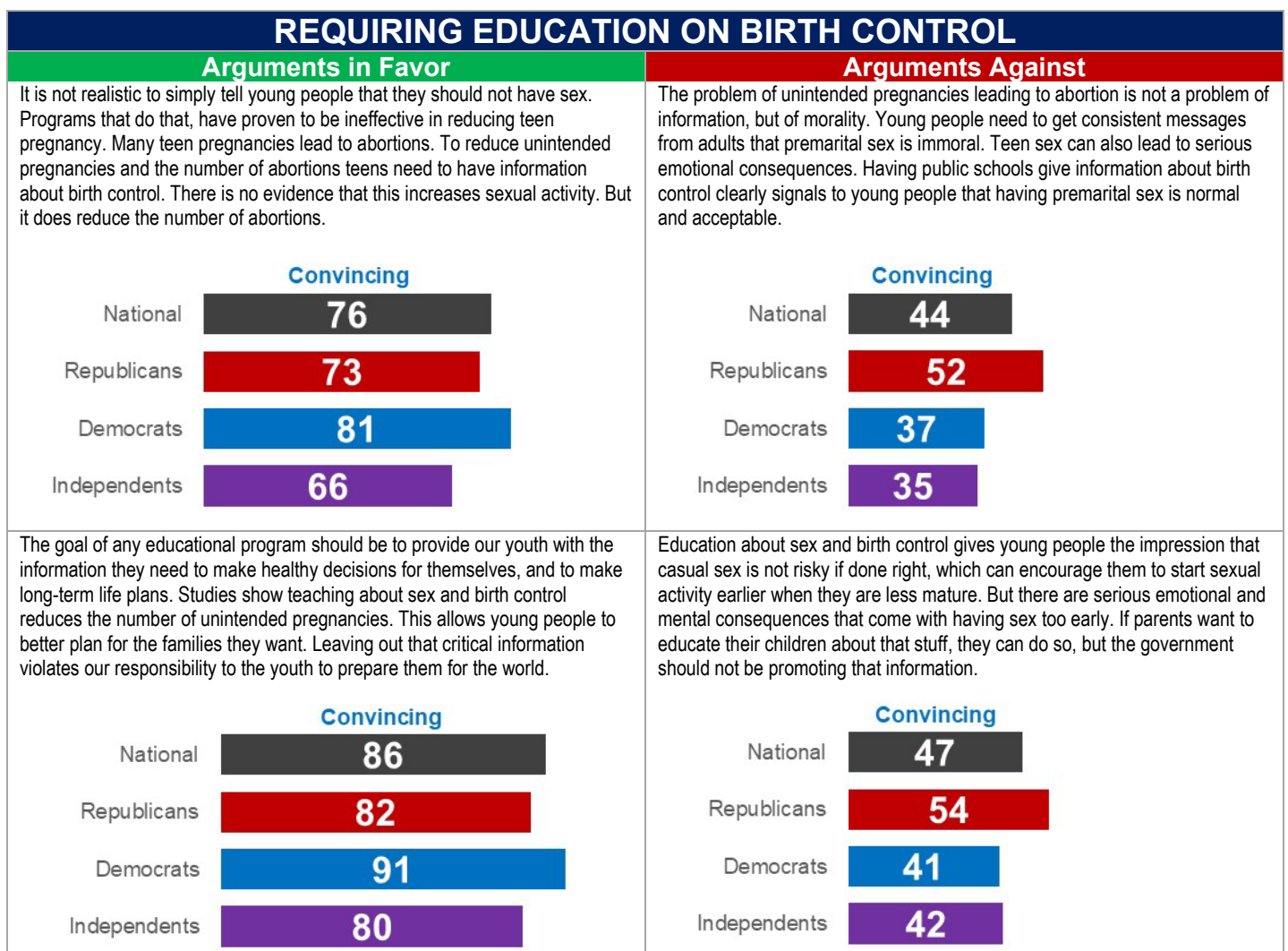
The first policy that respondents evaluated that seeks to reduce unintended pregnancies dealt with public school education about birth control. Respondents were presented the following:

First, let's look at education about birth control as a means for reducing unintended pregnancies and ultimately abortions.

Currently, about 40% of public-school students do not receive sex education programs that teach about birth control. Research on the effect of sex education programs has found that programs that include information about birth control are effective in reducing unintended teen pregnancies. These effects tend to decline after a couple years though.

They were told that one proposal is to “require all sex education programs in public schools to include information about birth control.”

Respondents evaluated two pairs of pro and con arguments. The arguments in favor were found convincing by 76-86%, including very large majorities of Republicans and Democrats. The arguments against were found convincing by less than half, including under half of Democrats, but modest majorities of Republicans.



Asked for their final recommendation, a very large bipartisan majority (78%) favored the government requiring that public schools provide education to students about birth control, including 71% of Republicans and 86% of Democrats. Majorities in all types of states were in favor, from very red (78%) to very blue (82%).

ACCESS TO BIRTH CONTROL

The next set of proposals were about access to birth control. Respondents were introduced to the topic as follows:

Another way that the government could reduce unintended pregnancies, and ultimately abortions, would be by making it more possible for women to get long-term birth control. Long-term birth control refers to methods that require a prescription, such as the pill, implants and intra-uterine devices or IUDs.

Currently, the government makes it more possible for women to get long-term birth control by requiring that it be covered by most private insurance and all state-run public health insurance programs (including Medicaid). There are exemptions for nonprofits, religious organizations, and closely-held companies led by people morally opposed to birth control.

Even though birth control must be covered by most private insurance, as well as public insurance (e.g. Medicaid), birth control can still be difficult to afford for some women:

- *Around 7.5 million women of reproductive age (15-44) do not have insurance.*
- *Many insurance companies limit their coverage of birth control pills to certain types. For each type some women get negative side effects, thus they are effectively excluded from coverage.*

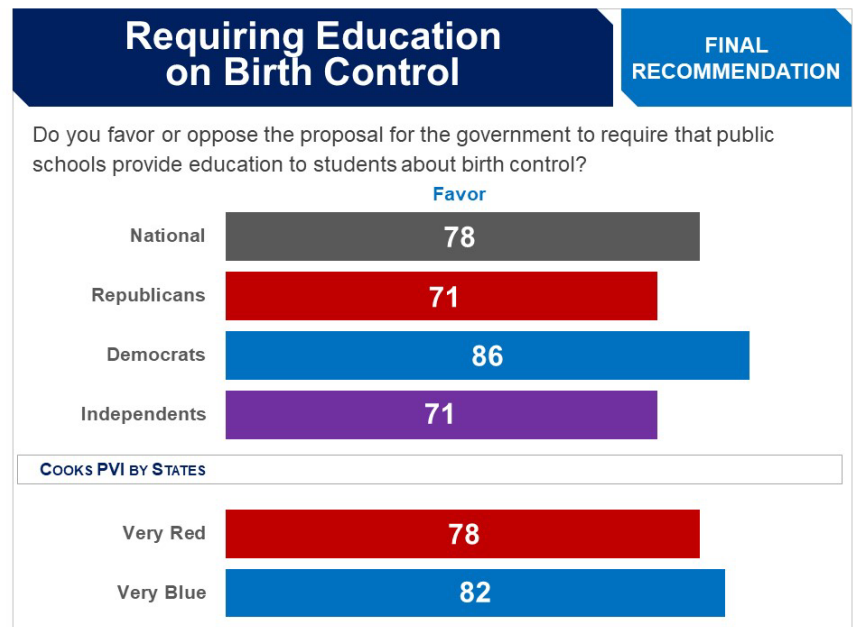
Thus, some state governments have tried to help some of these women get access to birth control by providing funds to health care clinics so they can provide long-term birth control for free or at a low cost.

Increasing Access to Birth Control

A very large bipartisan majority of eight-in-ten favored the government making it a high priority to make it more possible to get birth control, including nearly three-in-four Republicans and nearly nine-in-ten Democrats.

Respondents evaluated general arguments for and against, “whether the government should seek to reduce unintended pregnancies by making it more possible to get birth control.”

The argument in favor was found convincing by an overwhelming bipartisan majority (85%, Republicans 82%, Democrats 90%). The argument against was found convincing by less than half (43%, Republicans 49%, Democrats 38%).

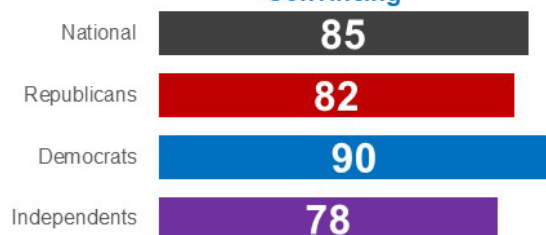


INCREASING ACCESS TO BIRTH CONTROL

Argument in Favor

Birth control is one of the best ways to reduce unintended pregnancies, which will also reduce the number of abortions. It will also reduce unintended births, which saves taxpayers money because, without birth control, more children would be born into poverty and rely on government assistance. Studies have found that every dollar spent on birth control saves society seven to nine dollars.

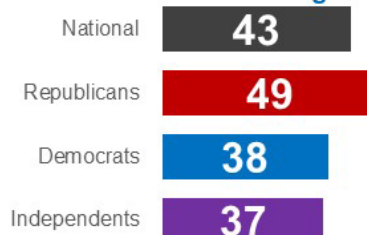
Convincing



Argument Against

A substantial portion of birth control is used by unmarried women and girls. Making it available to them makes it more likely that they will engage in premarital sex. It is wrong for the government to enable such activities. Furthermore, birth control is not completely effective in preventing pregnancies, so greater sexual activity can lead to more unintended pregnancies. Finally, birth control is already widely available and affordable. A key reason women don't use it is because of its side effects. Making it more available won't necessarily increase its use.

Convincing



They were then asked whether they favor or oppose, “the government making it a higher priority to reduce unintended pregnancies by making it more possible to get birth control.” A very large bipartisan majority of 79% were in favor, including majorities of Republicans (73%) and Democrats (87%). Majorities in all types of states were in favor, from very red (75%) to very blue (82%).

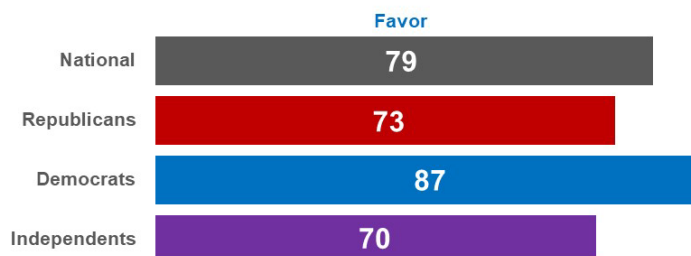
Continuing to Mandate Insurance Coverage for Birth Control

A very large bipartisan majority of eight-in-ten approved of the federal government continuing to require that most health insurance plans cover birth control (with some religious and moral exemptions), including three-fourths of Republicans and nearly nine-in-ten Democrats.

Increasing Access to Birth Control

FINAL RECOMMENDATION

Do you favor or oppose the proposal for the government to make it a higher priority to reduce unintended pregnancies by making it more possible to get birth control?



COOKS PVI BY STATES



The first policy proposal for ensuring access to birth control was about insurance coverage of birth control. Respondents were introduced to the topic, as follows:

As you may know, the federal government currently requires that private health insurance and state-run public health insurance (including Medicaid) cover all forms of long-term birth control such as the pill and IUDs. For private health insurance there are exemptions for nonprofits, religious organizations, and closely held companies led by people morally opposed to birth control.

They evaluated arguments over, “whether the government should continue to require (with some religious and moral exemptions for some employers) that health insurance covers long-term birth control.”

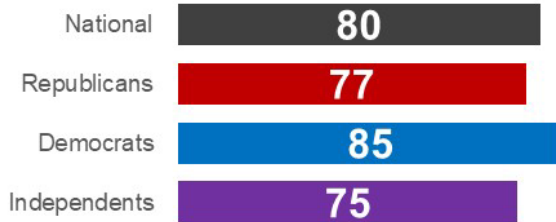
The argument in favor was found convincing by a very large bipartisan majority (80%, Republicans 77%, Democrats 85%). The argument against was found convincing by less than half (48%), including just 41% of Democrats, but a majority of Republicans (57%).

MANDATING INSURANCE COVERAGE FOR LONG-TERM BIRTH CONTROL

Argument in Favor

Long-term birth control is an essential part of many women's healthcare--1 out of 4 women use it. It is not right that birth control be treated differently from other essential healthcare benefits like asthma inhalers. Furthermore, health insurance for workers is not charity from their employers, it is earned by the workers through their hard work which keeps the company going. This requirement has been a huge success: an estimated 62 million more women have gained access to birth control with no out-of-pocket costs.

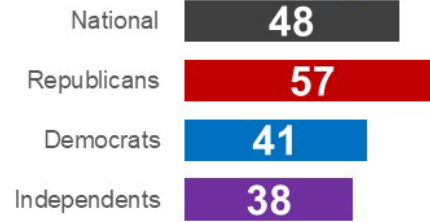
Convincing



Argument Against

In some religions, birth control is considered immoral. Many people in the US feel that way, people who are taxpayers who contribute to funding Medicaid or employers forced to pay for insurance that covers birth control for their employees. No one should be forced to pay for something that goes against their religious convictions. That is a violation of their fundamental religious rights. Furthermore, if this requirement were to be lifted, there would still be insurance plans that cover birth control, and people are free to get those plans that fit them best.

Convincing



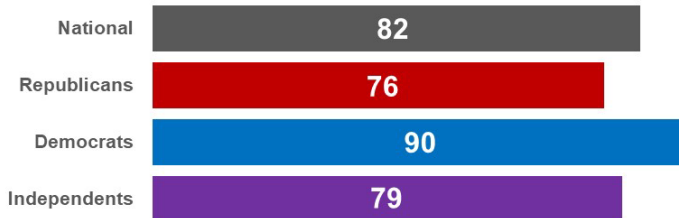
Asked for their final recommendation, a very large bipartisan majority (82%) approved of, "the federal government continuing to require that health insurance covers long-term birth control (with some religious and moral exemptions for some employers)," including 76% of Republicans and 90% of Democrats. Majorities in all types of states were in favor, from very red (83%) to very blue (85%).

Mandating Insurance Coverage For Long-Term Birth Control

FINAL RECOMMENDATION

Do you favor or oppose the proposal for the government to continue to require that health insurance covers long-term birth control (with some religious and moral exemptions for some employers)?

Favor



COOKS PVI BY STATES



Increasing Subsidies for Birth Control

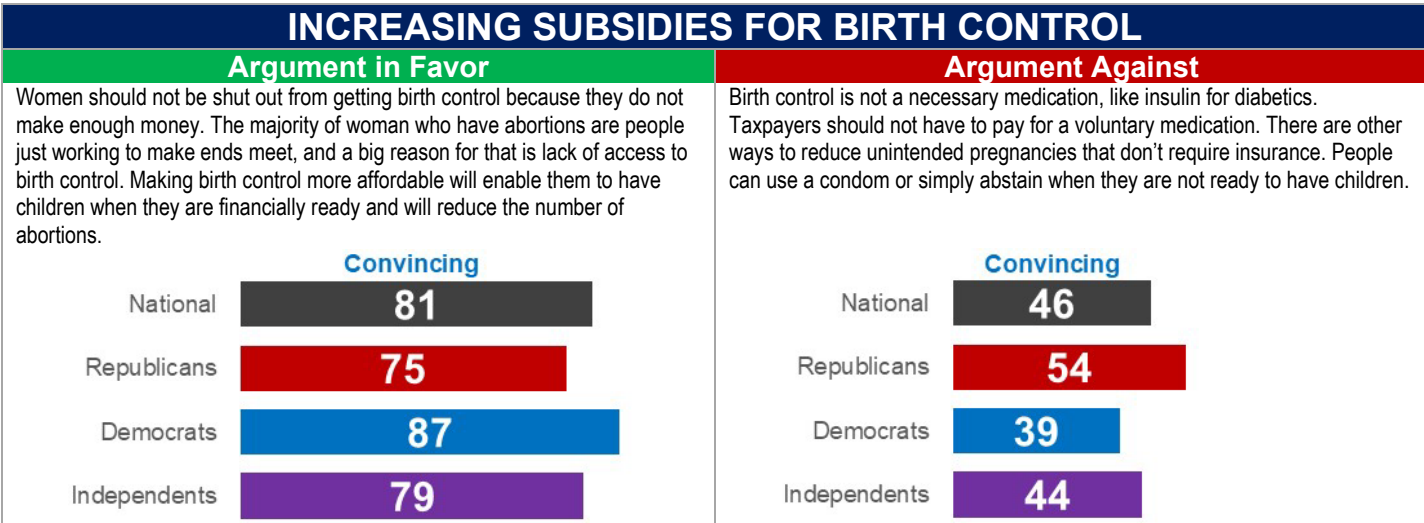
A very large bipartisan majority of over three-in-four favored the government subsidizing birth control by providing funds to health care clinics so they can provide birth control at low- or no-cost to women who cannot otherwise get it – a policy currently in place in several states. Nearly seven-in-ten Republicans and nine-in-ten Democrats were in favor.

The next proposal to increase access to birth control concerned government subsidies to make birth control more affordable, primarily for low-income or uninsured women. Respondents were presented the following briefing:

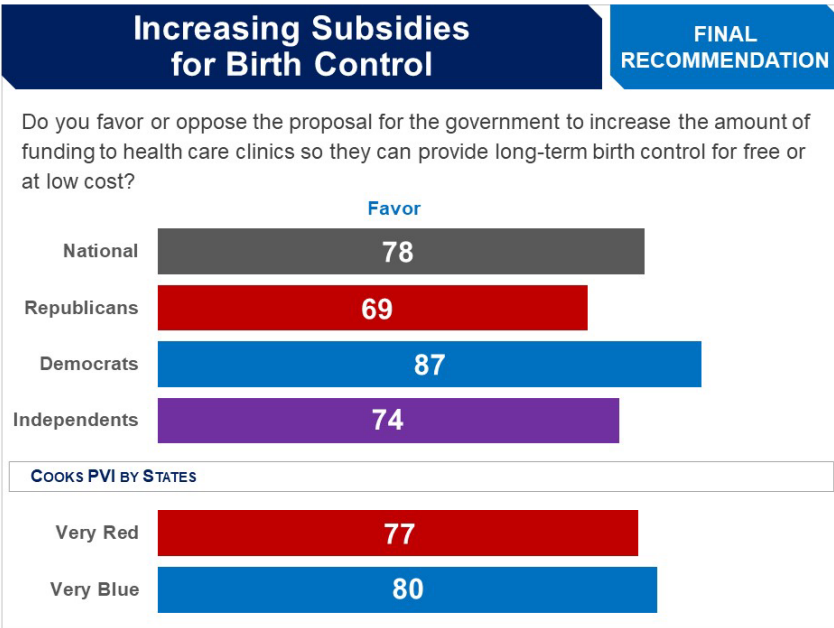
As you may know, to increase access to birth control, some states provide funding to clinics to provide long-term birth control. However, the federal government estimates that over half of women who are in need of government funded birth control – because they are low-income or uninsured – do not have access to it.

They were then told that there is a proposal to, “increase the amount of government funding to health care clinics so they can provide long-term birth control for free or at low cost for women who cannot get it some other way.”

The argument in favor was found convincing by a large bipartisan majority (81%, Republicans 75%, Democrats 87%). The argument against was found convincing by less than half (46%), including just 39% of Democrats, but a small majority of Republicans (54%).



Asked for their final recommendation, a very large bipartisan majority (78%) favored, “increasing the amount of government funding to health care clinics so they can provide long-term birth control for free or at low cost,” including 69% of Republicans and 87% of Democrats. Majorities in all types of states were in favor, from very red (77%) to very blue (80%).



INCREASING BARRIERS TO ABORTION

Respondents evaluated options for putting more requirements on the process of getting an abortion and prohibiting federal funding for abortions.

Requiring Ultrasounds and Waiting Periods

Nearly six-in-ten favored requiring doctors to show a woman seeking an abortion an ultrasound of their fetus beforehand, driven primarily by support from seven-in-ten Republicans and a bare majority of independents. Among Democrats, under half were in favor, but a bare majority found the policy at least tolerable.

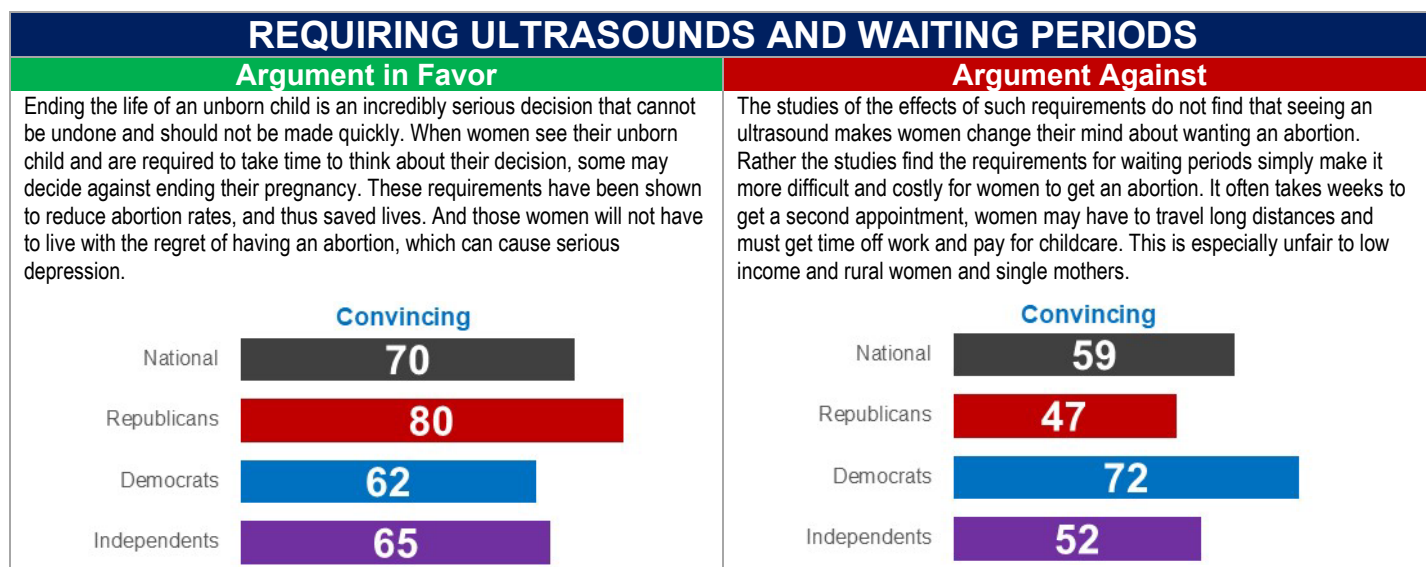
A bare majority favored a mandatory waiting period of 1-3 days between when a woman is approved for an abortion and actually receives it. This was driven primarily by support from six-in-ten Republicans. Less than half of Democrats and independents favored the idea or found it tolerable.

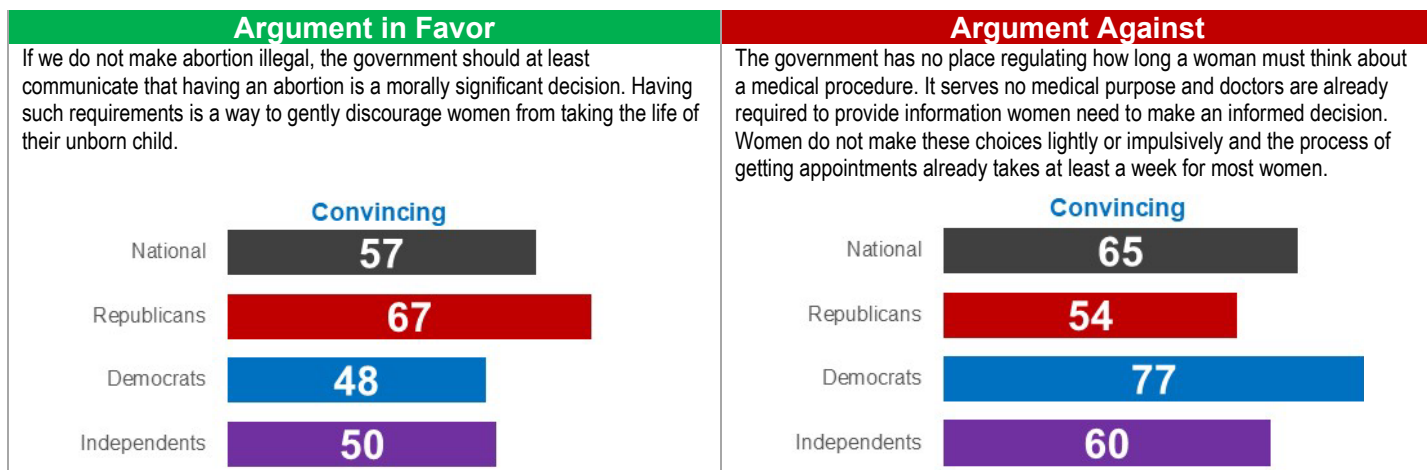
The next set of proposals evaluated by respondents regarded the government trying to reduce abortions, “by putting more requirements on the process of a woman getting an abortion.”, “this has been done at the state level in several ways, here are two of them”:

- *Requiring doctors to show a woman seeking an abortion an ultrasound image of her fetus (or read a description) before getting an abortion*
- *Prohibiting doctors from providing an abortion on the day that they approve it, but instead require the woman to come back 1-3 days later to get the abortion.*

They then evaluated two pairs of arguments for and against the government putting more requirement on the process of getting an abortion. The first argument in favor was found convincing by a large bipartisan majority (70%, Republicans 80%, Democrats 62%). The argument against was also found convincing by a majority (59%), including 72% of Democrats, but under half of Republicans (47%).

The second argument in favor was found convincing by a majority of 57%, including a large majority of Republicans (67%), but less than half of Democrats (48%). The second argument against was found convincing by a bipartisan majority (65%, Republicans 54%, Democrats 77%).

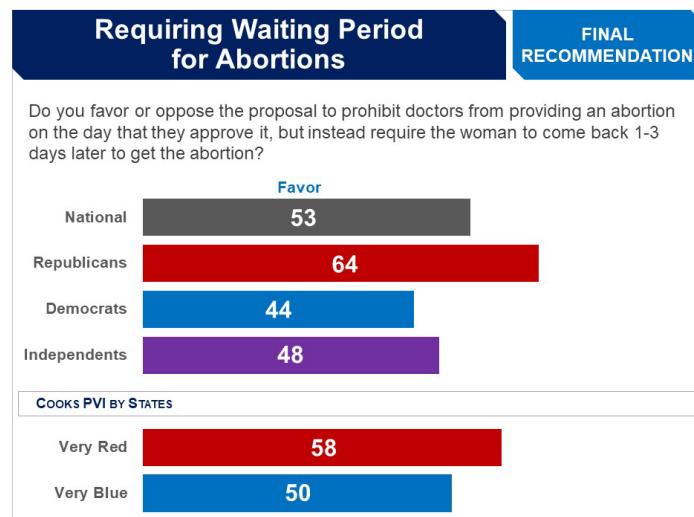
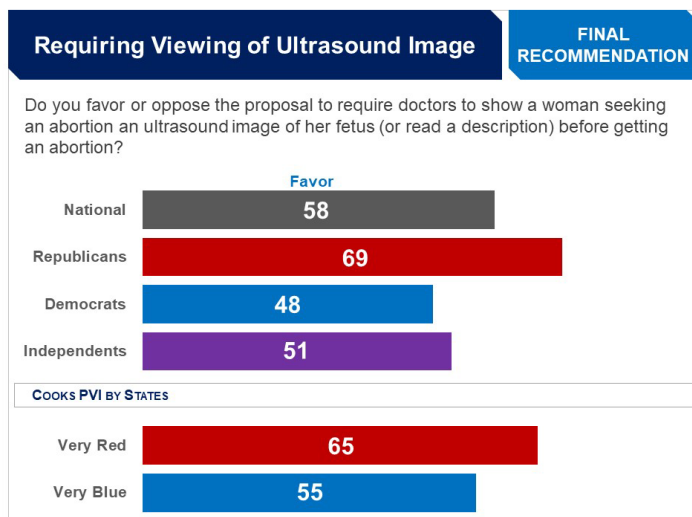




Respondents were then asked for their final recommendations on two proposals: mandatory ultrasounds and mandatory waiting periods.

A majority of 58% favored, “requiring doctors to show a woman seeking an abortion an ultrasound image of her fetus (or read a description) before getting an abortion,” including 69% of Republicans and 51% of independents. Among Democrats, less than half were in favor (48%), but when asked how acceptable the policy is to them, a bare majority found it at least tolerable (52%). Majorities in all types of states were in favor, from very red (65%) to very blue (55%).

A modest majority of 53% favored “prohibiting doctors from providing an abortion on the day that they approve it, but instead require the woman to come back 1-3 days later to get the abortion,” including a majority of Republicans (64%), but less than half of Democrats (44%) and independents (48%). Majorities in very red states (58%) were in favor, while those in very blue ones were divided (50%).



Demographic Differences

There were significant differences between men and women, with substantially fewer women in support of the above policies. Mandatory ultrasounds were favored by just half of women (50%), but two-thirds of men (66%); and mandatory waiting periods were favored by less than half of women (46%), but over six-in-ten men (62%).

There was also a difference between age groups in support for mandatory waiting periods: majorities of those aged 35 and older were in favor (53 to 60%), but less than half of those 18-34 (46%).

Prohibiting Federal Funding of Abortions (Hyde Amendment)

A modest majority approved of the federal government continuing to prohibit any federal funds from being used to cover the costs of an abortion, driven by a large majority—seven-in-ten—of Republicans. Support was less than four-in-ten among Democrats and under half among independents.

Respondents were introduced to the prohibition against using federal funds for abortion (the Hyde Amendment), as follows:

As you may know, federal law does not allow the use of any federal funds for abortion, unless the pregnancy is a result of rape, incest, or if it is determined to endanger the woman's life. This is known as the Hyde Amendment.

This means that any health care clinics or hospitals which receive federal funding cannot use that funding for abortions.

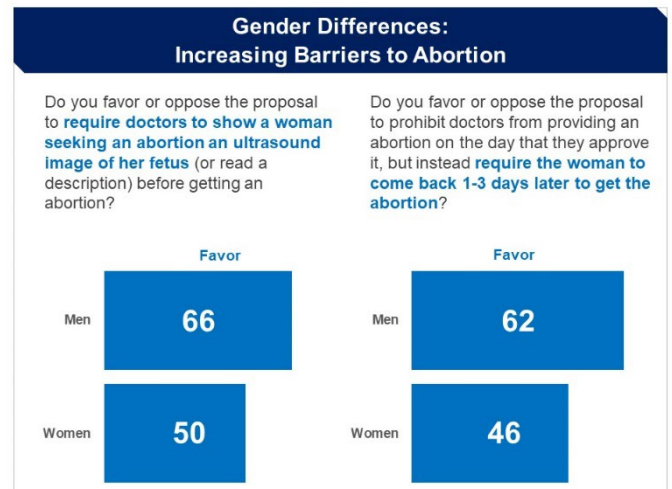
Also, federally funded health insurance plans cannot cover abortions, including:

- *Medicaid, the public insurance plan for very low-income people*
- *Insurance plans provided to federal employees*
- *Insurance plans provided to military personnel*

Studies have found that the rule against using federal government funds for abortions has reduced the number of abortions.

Respondents evaluated arguments for and against “the federal government continuing to limit federal funds from being used for abortions.”

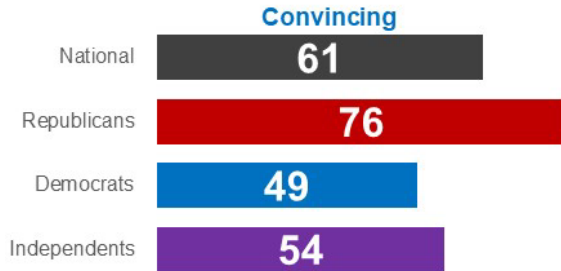
The argument in favor was found convincing by a majority of 61%, including a majority of Republicans (76%), but just half of Democrats (49%). The argument against was also found convincing by a majority of 61%, including a majority of Democrats (74%), but just half of Republicans (49%).



PROHIBITING FEDERAL FUNDING OF ABORTIONS

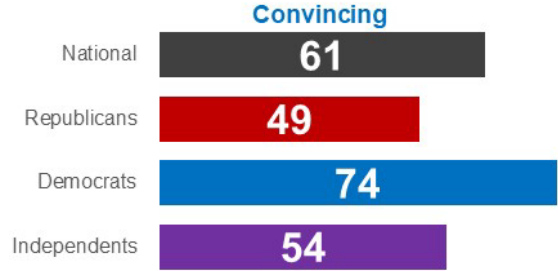
Argument in Favor

It is not right that tens of millions of taxpayers who have religious or moral objections to abortions should be forced to have their tax money pay for an abortion. There is no federal right to a taxpayer-funded abortion. By making abortions free or low cost, the government is effectively encouraging women to abort their baby. Furthermore, this law has effectively stopped 2.4 million abortions – using recent estimates.



Argument Against

This rule is unfair to members of our military, people who work for the federal government, and low-income women. We don't prohibit the government from helping military or low-income women from getting any other medical procedure. And they may not be able to afford to pay for an abortion out-of-pocket.



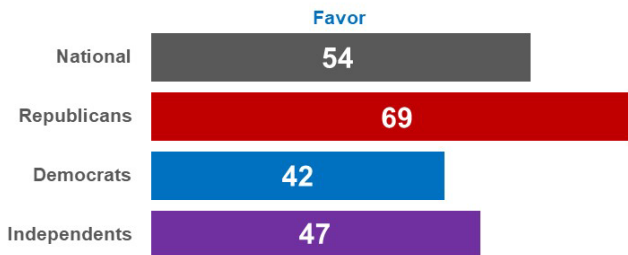
Asked for their final recommendation, a modest majority of 54% approved of, “the federal government continuing to limit federal funds from being used to cover some or all of the cost of an abortion.” A large majority of Republicans (69%) approved. Among Democrats, less than half were in favor (42%), and a majority found it unacceptable (53%). Majorities in all types of states were in favor, from very red (61%) to very blue (52%).

Attitudes varied by gender and race. A large majority of men (65%) approved of continuing the Hyde Amendment, but less than half of women (45%). A majority of white people approved (57%), but less than half of black people (48%).

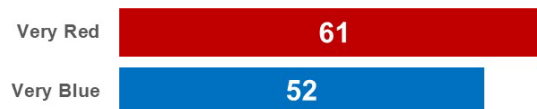
Prohibiting Federal Funding of Abortions

FINAL RECOMMENDATION

Do you approve or disapprove of the federal government continuing to limit federal funds from being used to cover some or all of the cost of an abortion?



COOKS PVI BY STATES



CRIMINALIZING ABORTION

Respondents evaluated options to either make abortion a crime at all stages of pregnancy or only after fetal viability (22-24 weeks) – with the doctor or woman being punished with prison time and/or major fines—or to not make it a crime. They also evaluated a proposal for allowing states to punish residents for crossing state lines to get an abortion that would have been illegal in their own state.

Making Abortion a Serious Crime

A majority favored not making abortion a crime at all, including seven-in-ten Democrats and two-thirds of independents. Among Republicans, just over four-in-ten were in favor, with over six-in-ten finding it at least tolerable. A very large and bipartisan majority of over eight-in-ten supported not making abortion a crime before the fetus is viable, including three-quarters of Republicans, nine-in-ten Democrats.

Respondents were first introduced to the possibility of the government criminalizing abortion, as follows:

Another way for the government to try to reduce the number of abortions is to make it a serious crime, which means:

- *punishing a doctor who provides an abortion, either surgically or by providing pills; or*
- *punishing a woman who has an abortion*

with prison time and/or a major fine. Doctors could also lose their license.

Respondents went through a multi-stage process of briefings and assessments of various options before coming to their final conclusions. These included:

- A briefing on the history of government criminalization of abortion
- Evaluation of general arguments for and against criminalization
- Introduction to idea of limiting criminalization to post-fetal viability and evaluation of arguments for and against
- Evaluation of arguments for and against punishing the doctor, and punishing the woman
- Initial assessment of options for full criminalization, criminalization after viability, and no criminalization; and in the event of criminalization, the options for punishing the doctor providing the abortion and/or the woman receiving the abortion
- Assessment of possible exceptions in the event of criminalization

Only then did they make their final recommendations for all aspects of possible criminalization, including whether to criminalize abortion at any stage of pregnancy, only after viability, or not at all. Those that chose to criminalize abortion were then asked for their final recommendations for punishing the doctor, the woman or both; and making exceptions for certain cases or not.

Briefing on Criminalization of Abortion

Respondents were presented a briefing on Supreme Court rulings regarding abortion, as follows:

As you may know, in 1973 the Supreme Court made a ruling on abortion in a case known as Roe v. Wade and then clarified in another decision called Casey v. Planned Parenthood.

These rulings said that a woman has a right to get an abortion up to the time that the fetus is viable, meaning that the fetus could survive independent of the mother. Whether or not a fetus is viable was to be determined by the woman's doctor. At the time Roe was decided, viability was generally considered to be around 28 weeks (on average, pregnancies last about 39 weeks). Due to medical advances, viability now occurs at 22-24 weeks. Nearly all abortions occur before this period.

States could then decide what limits to place after that period. Nearly all states had laws that made abortion illegal after the fetus was viable.

The 1973 Supreme Court ruling also stated that, even after a fetus is determined to be viable, abortions cannot be banned when a doctor determines it is necessary to preserve the life or health of the woman. Around one percent of abortions occur after the fetus is viable.

After the 1973 decision, the rate of abortions increased. Then in the 1980s the rate of abortions started to go down and has continued to decrease, going even lower than it was before 1973.

Still, at current rates, it is estimated that around one-in-four women will have an abortion in their lifetime.

They were then told about the controversy surrounding the Roe v Wade decision and what the recent overruling in Dobbs v Jackson means, as follows:

As you probably know, the abortion rulings were very controversial. Over the last few decades there have been several lawsuits attempting to overturn those rulings, but none were successful. But this year, a lawsuit (known as Dobbs v. Jackson) was successful in getting the Supreme Court to overturn their previous abortion rulings. This means that it is now up to legislatures in the states, or Congress itself, to decide what the laws about abortion should be.

This has generated much debate in many states about what their abortion laws should be. Several states now have laws that make abortion a crime at any stage in pregnancy, while other states continue to allow abortion up until the fetus is viable.

There has also been debate about whether there should be exceptions to any laws restricting access to abortion, such as if the life of the woman is at risk. We will come back to that question later.

General Arguments For and Against Criminalizing Abortion

Respondents evaluated four pairs of arguments for and against the government criminalizing abortion:

The first argument in favor of criminalizing abortion, which proclaimed that abortion is murder and should be treated as such, was found convincing by a majority (54%), including a majority of Republicans (68%), but less than half of Democrats (42%). The first argument against, which countered that the government should stay out of it and not force a woman to give birth under threat of imprisonment, was found convincing by a large bipartisan majority (67%, Republicans 56%, Democrats 80%)

The second argument in favor emphasized that the government frequently steps in to reduce harm and that abortion is a harm to the unborn baby. This was found convincing by a majority of 55%, including a majority of Republicans (68%), but under half of Democrats (45%). The second argument against countered that there are more humane and effective ways to reduce abortion besides criminalization, and was found convincing by a large bipartisan majority (71%, Republicans 64%, Democrats 79%)

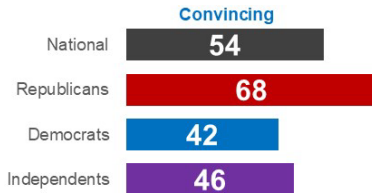
The third argument in favor responded to the previous one by asserting that we can have both family planning policies and abortion restrictions, and was found convincing by a majority of 58%, including 69% of Republicans and half of Democrats (50%). The third argument against underscored that criminalization has never worked to eliminate abortions, and was found convincing by a large bipartisan majority (68%, Republicans 59%, Democrats 79%).

The final argument in favor responded to the previous one by proclaiming that our laws are never going to be perfect but are meant to be a signal of our morals, and was found convincing by a small majority of 54%, including a majority of Republicans (67%), but less than half of Democrats (44%). The final argument against asserted that bodily autonomy is fundamental to all other freedoms, and was found convincing by a very large bipartisan majority (66%, Republicans 54%, Democrats 79%).

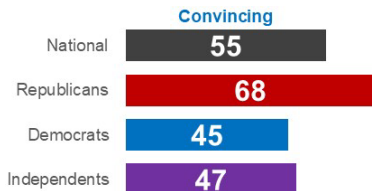
MAKING ABORTION A SERIOUS CRIME

Arguments in Favor

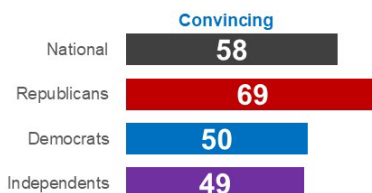
Abortion is the ending of an innocent life and should be treated as such by the law. Ending the life of a baby who is one month old is considered murder. If that baby is just a few months younger, we should also consider it murder. The unborn baby should have rights too. All life has value and there needs to be rules in place that reflect that truth.



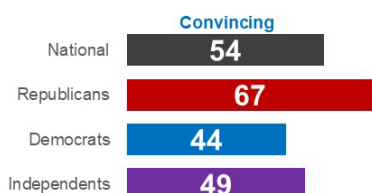
It is simply not true that the government does not get involved in decisions that are made by a doctor and a patient. If a doctor is doing something harmful to patients--like overprescribing pain pills--the government will intervene. In the case of abortion, it is the unborn babies who are being harmed. It is the responsibility of the government to prevent that harm from happening.



We can do both - promoting family planning and having laws that restrict abortions. Many women who get an abortion would rather have the child but cannot afford one or they are in an abusive relationship. Family planning programs can provide assistance to those women so they can be in a good position to have the child. But no matter how much assistance there is, some people will still abort their unborn child, and we must have laws against that.

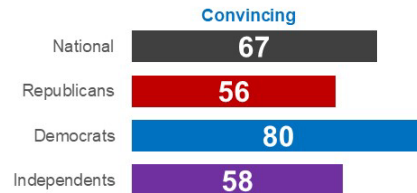


Laws against abortion have been very effective in reducing abortions, and thus saving lives. Furthermore, the laws that we have represent the morals that we hold. Just because the law is not perfect at stopping something does not mean we shouldn't have it. We have laws against murder, but murders still happen. Should we get rid of those laws? Making abortion a crime makes it harder to get one, and it sends a clear signal that abortion is wrong.

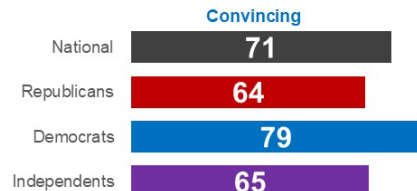


Arguments Against

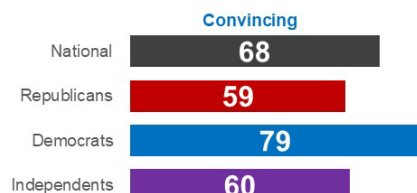
A key principle of democracy is that the government should not intrude on the private lives of its citizens. When a woman becomes pregnant, the government should not force her to give birth. This is a decision to be made between her and her doctor. The government should not be involved.



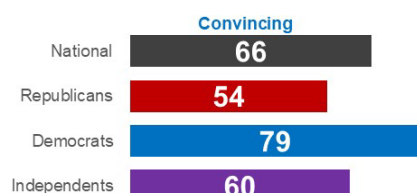
If people genuinely want to reduce the number of abortions, putting doctors or mothers in prison is not the way to go about it. Over the last decades more humane ways to reduce abortions, such as family planning, including education and contraception, have been found to be effective. Abortion rates are now lower than they were when abortion was illegal. It is both cruel and unnecessary to go back to using such harsh methods.



Criminalizing abortion did not stop abortions before Roe v. Wade, and it won't now. Women still had abortions; they were just done underground in unsafe conditions. Today, women can get an abortion pill through the mail, and it is nearly impossible to stop that. A majority of women who now have abortions use prescription pills. All this effort will be ineffective, create divisions in society, and distract from proven methods for reducing the number of abortions.



Nobody should be forced to use their body in a way they don't want to, under threat of imprisonment. We don't force a person to donate blood or a kidney, even if it would be necessary to save someone else's life. We recognize that the right to govern your own body is fundamental to all our freedoms. Pregnancy is no different.



Criminalizing Abortion Only After Viability

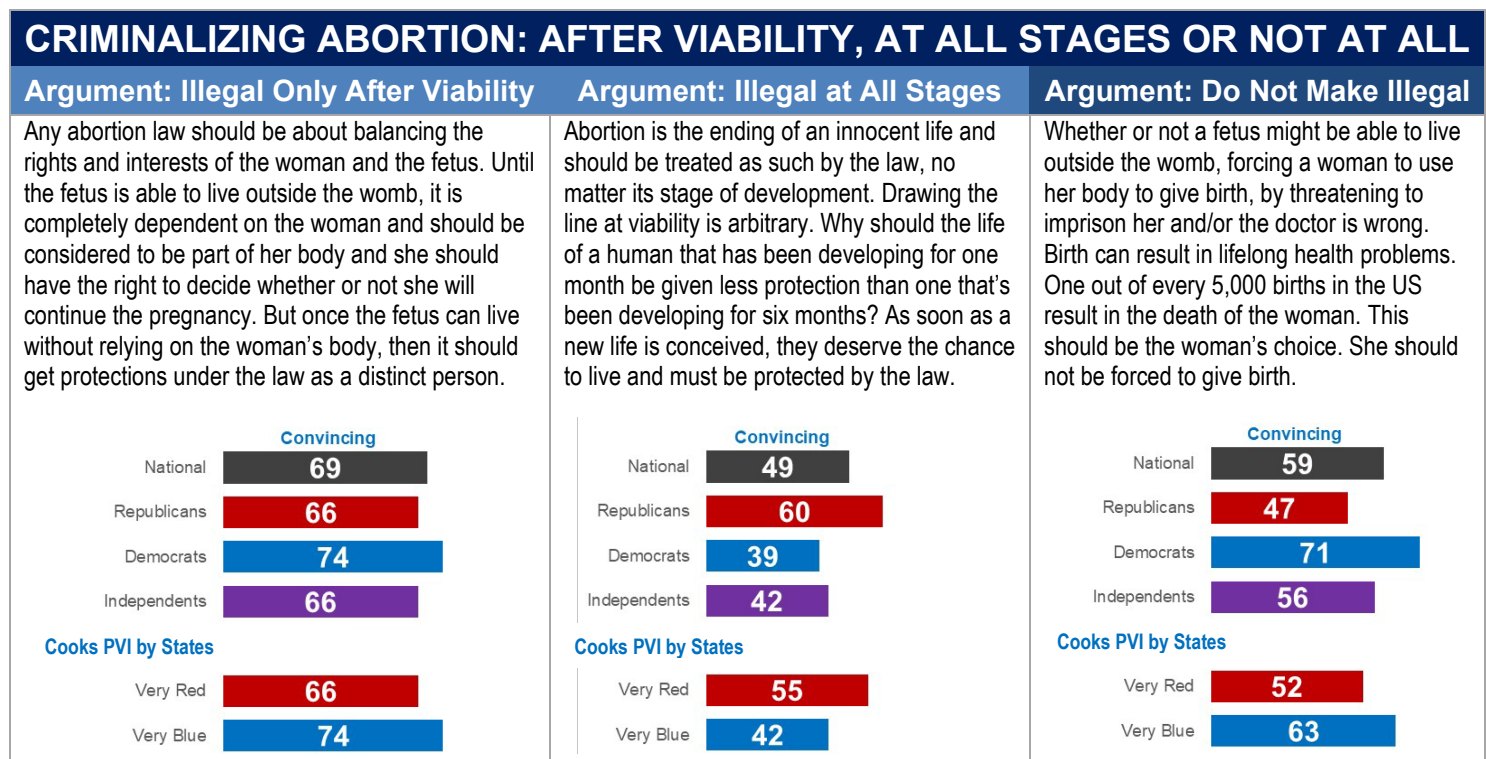
Respondents were introduced to the debate about whether abortion should only be criminalized after fetal viability, as follows:

Another debate is about the possibility of criminalizing abortions, but only when the fetus is viable (meaning they could survive outside the womb). This would be consistent with the earlier Supreme Court decisions that made abortion a right before the fetus is viable.

The argument that abortion should be legal up until viability, and criminalized afterwards, was found convincing by a large bipartisan majority (69%, Republicans 66%, Democrats 74%).

The argument that abortions should be illegal at all stages of the pregnancy, not just after viability, was found convincing by half (49%), including just 39% of Democrats, but a majority of Republicans (60%).

The argument that abortions should not be criminalized was found convincing by a majority of 59%, including 71% of Democrats and just under half of Republicans (47%).



Punishing the Doctor and/or the Woman

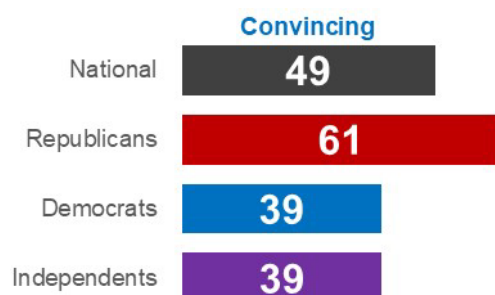
Naturally a key question is, if abortion is made a serious crime who should be punished in the event that an abortion is done. Respondents evaluated arguments for and against, punishing the doctor and/or the woman.

The first set of arguments were about punishing the doctor who performs the abortion. The argument in favor was found convincing by less than half (49%), including just 39% of Democrats, but a majority of Republicans (61%). The argument against was found convincing by a very large bipartisan majority (70%, Republicans 59%, Democrats 81%).

CHARGING THE DOCTOR

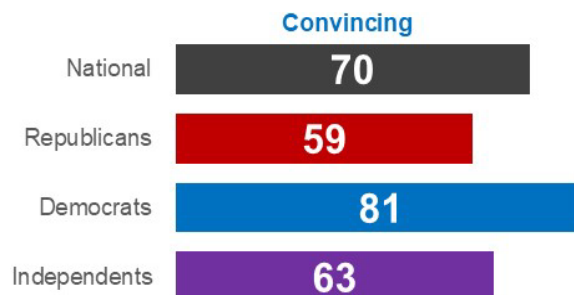
Argument in Favor

Doctors took an oath to do no harm, yet abortion is the exact opposite of that. Punishing doctors who violate that oath by performing abortions, and thus ending a life, is the right thing to do. It is also the best way to greatly reduce the number of abortions.



Argument Against

Doctors shouldn't go to prison for prescribing medication or performing a medical procedure their patient wanted, is safe, and is legal in most states, just because some people disagree with it. When doctors lose their license, they lose their livelihood, and society loses their skills.

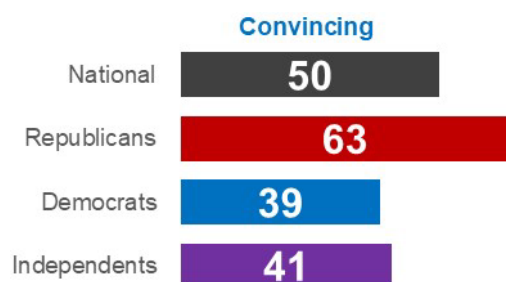


The next set of arguments were about punishing the woman who gets the abortion. The argument in favor was found convincing by half (50%), including a majority of Republicans (63%), but just 39% of Democrats. The argument against was found convincing by a very large bipartisan majority (70%, Republicans 60%, Democrats 81%).

CHARGING THE WOMAN

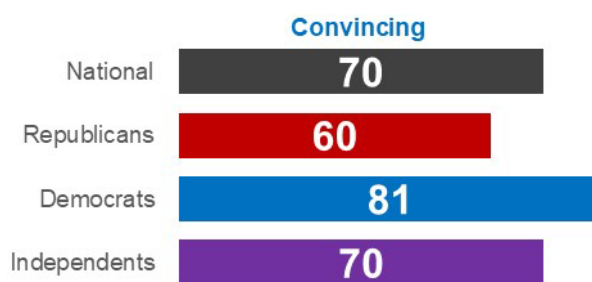
Argument in Favor

When a woman gets pregnant and starts creating a new life, she has a duty to protect and nurture that child, not end its life. Parents that neglect or abuse their children get sent to prison, and abortion should not be treated any differently.



Argument Against

Punishing the woman is cruel and creates many problems. Half of women who have abortions already have at least one child, so those kids will have to grow up with a mother in prison. They are also more likely to have very low incomes, and if the mother is sent to prison she can't contribute to her family, and they will fall even deeper into poverty.



Initial Assessment of Options for Criminalizing Abortion

Respondents were asked to make an initial assessment of options for criminalizing abortion. In such assessments the respondent is not asked to make a final executive decision about which policy they elect, but to respond on a 0-10 scale about whether they find an option acceptable, with zero being completely unacceptable, 10 being completely acceptable and 5 being just tolerable.

They were asked how acceptable they find each option:

1. Do not make abortion a crime
2. Make abortion a crime after the fetus is viable and punish the doctor
3. Make abortion a crime after the fetus is viable and punish the woman
4. Make abortion a crime at any stage during the pregnancy and punish the doctor
5. Make abortion a crime at any stage during the pregnancy and punish the woman

An unusually high number of respondents (14-20%) refused to give a response for all the options for criminalization, but just 2% refused to give a response to the option of not making abortion a crime.

The option that was found the most acceptable was to not make abortion a crime. The least popular option was making abortion a crime at any stage of pregnancy and punishing the doctor. The option to not make abortion a crime was found at least tolerable (scored 5-10) by a very large bipartisan majority of 73% (acceptable 58%), including 64% of Republicans. Smaller numbers, but an overall majority (58%) gave it an acceptable rating (scored 6-10), 47% of Republicans and 72% of Democrats.

The option to criminalize abortion only after viability and punish the doctor was found at least tolerable by just 46%, including just 37% of Democrats, but a majority of Republicans (57%). Forty percent found this unacceptable, including a majority of Democrats (52%), but just 28% of Republicans. One-in-seven declined to respond.

Criminalizing only after viability and punishing the woman was found at least tolerable by less than half (45%), including just 40% of Democrats, but just over half of Republicans (51%). Thirty six percent found this unacceptable, including 44% of Democrats and 29% of Republicans. One-in-five declined to respond.

Criminalizing abortion at any stage of pregnancy and punishing the doctor was found at least tolerable by just one third (34%), including just 27% of Democrats and less than half of Republicans (44%). Forty six percent found it unacceptable, including a majority of Democrats (58%), but just 35% of Republicans. One-in-five declined to respond.



Criminalizing at any stage of pregnancy and punishing the woman was found at least tolerable by just 39%, including just 33% of Democrats and 46% of Republicans. Four-in-ten found this unacceptable (41%), including half of Democrats (50%) and 33% of Republicans.

Final Recommendations for Making Abortion a Crime

Respondents were told how they would be making their final recommendations, as follows:

Now that you have considered the various options, we would like you to make your final recommendations on whether abortion should be a serious crime and if so under what circumstances.

If you do choose to make abortion a crime, you will then be given the chance to choose whether the law should punish the doctor and/or the woman; and whether there should be exceptions to that law.

Respondents were asked which of the following options they favor the most:

1. *Do not make abortion a crime*
2. *Make abortion a serious crime **after the fetus is viable** (meaning it can very likely survive outside of the womb), with the punishment including prison time and/or major fines*
3. *Make abortion a serious crime **at any point during the pregnancy**, with the punishment including prison time and/or major fines*

The most popular position was not making abortion a crime at all which was favored by 57% overall, including 70% of Democrats and 64% of independents. Among Republicans, 42% were in favor.

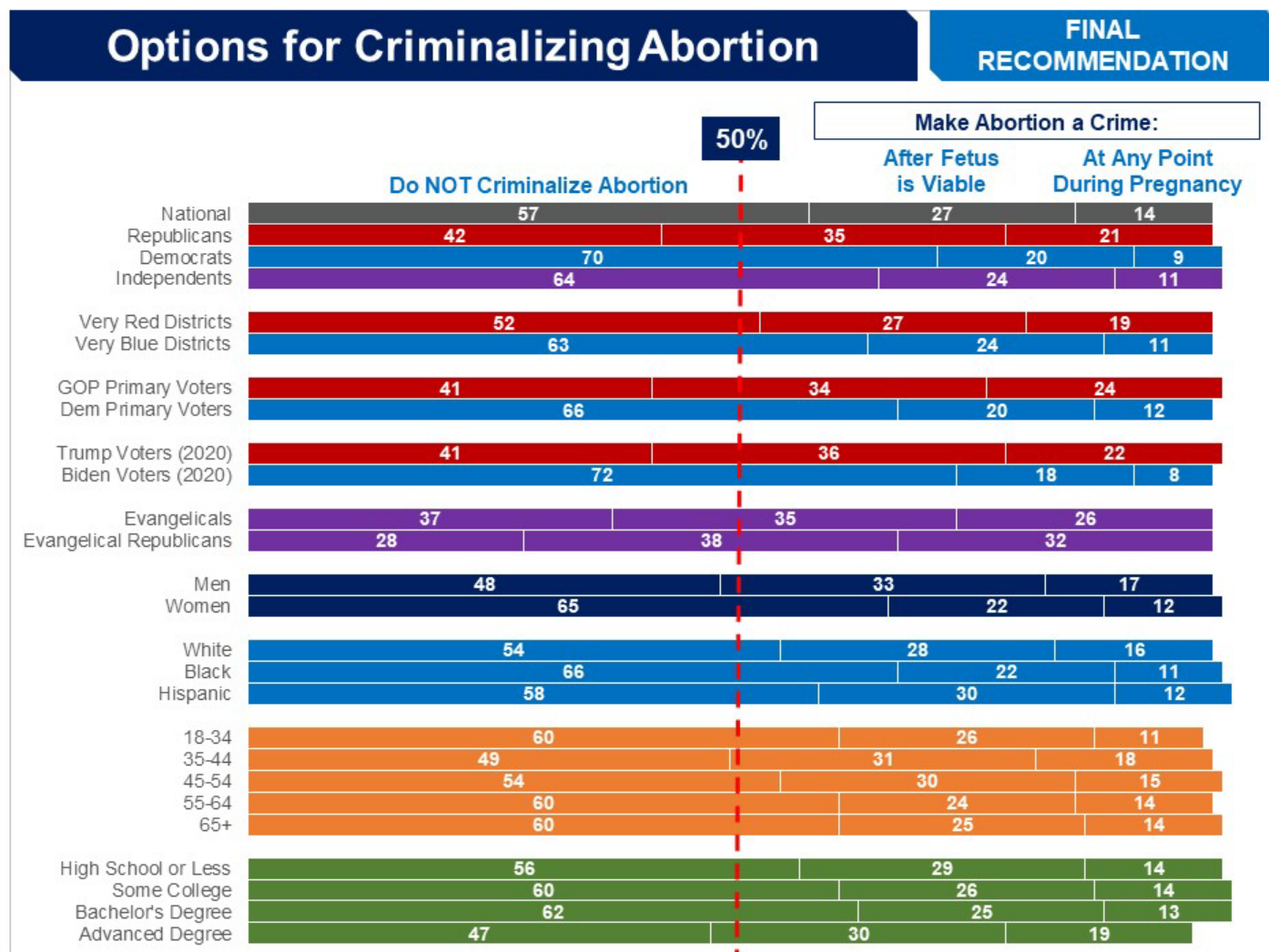
Another 27% favored making abortion a crime only after fetal viability, including 20% of Democrats, 35% of Republicans and 24% of independents.

The least popular position was making abortion a serious crime at any point during the pregnancy, which was favored by just 14%, including 9% of Democrats, 21% of Republicans and 11% of independents.

Among Republicans, there was a majority who favored criminalization at some point – after viability or earlier – with 56% taking that position.

The overwhelming bipartisan consensus was to not make abortion a crime before viability (84%, Democrats 90%, Republicans 77%, independents 88%).

Across all the different types of states overwhelming majorities did not support making abortion a crime before fetal viability (very red 79%, very blue 87%). Smaller majorities went further and favored not making abortion a crime at all (very red 52%, very blue 63%).



Perceptions of Public Preferences for Abortion Criminalization

Respondents vastly overestimated how many Americans would favor a total ban. Respondents were asked, “Approximately, what percentage of Americans do you think favor making abortion a serious crime **at any point during the pregnancy**, with the punishment including prison time and/or major fines.” The median response overall was 40 percent and, surprisingly, was exactly the same among Republicans, Democrats and independents. This is 28 percentage points higher than the actual percentage who favor such a policy.

Comparing Standard Polls

Standard polls can evoke what appear to be substantially different responses to the question of what role the government should play in relation to abortion. Looking more closely at the wording of the questions, though, it becomes clearer why there are these variations.

Questions about abortion elicit two key responses: how the respondent feels about abortion per se and how they feel about the government criminalizing abortion. As we have seen in this survey when presented the option of criminalizing abortion and making it clear that this means punishing the doctor and the woman, the overall majority is opposed, and a bipartisan majority is opposed to criminalizing before fetal viability.

This is consistent with other poll questions that explicitly state the actual policy consequences of making abortion illegal – prison time or fines for doctors or women. In this case support for making abortion a crime is less than half, overall and among both Democrats and Republicans:

- Asked whether they support or oppose, “a law that makes it a crime requiring fines and/or prison time for doctors who perform abortion,” just 21% were in support, including just 5% of Democrats and under half of Republicans (43%). (*NPR/PBS NewsHour/Marist May 2022*)
- Asked whether they support or oppose laws, “making it a crime for doctors to perform abortions that would result in either fines or prison time,” just 26% were in support, including just 13% of Democrats and less than half of Republicans (47%). (*Kaiser Family Foundation June 2022*)
- Asked, in the same KFF poll, the same question about making it a crime for women to get abortions, just 20% were in support, including just 9% of Democrats and less than four-in-ten Republicans (36%).

Even when respondents were asked to consider a situation in which the abortion that is provided is illegal, there is no majority in support of the woman getting prison time or paying a fine/doing community service (16% and 14%, respectively); nor is there support for the doctor facing such penalties (prison 25%, fine/community service 18%). The doctor losing their license is supported by less than a third (31%). (*Pew March 2022*)

Other poll questions that do not make the implications of criminalization explicit have elicited very different responses. It appears that such questions elicit attitudes about the government effectively taking a normative position of actively permitting abortion.

For example, an NPR/PBS/Marist poll in May 2022 asked whether abortion should be “allowed” which implies the government taking a position of effectively endorsing abortion. In contrast to the large bipartisan majority of more than 8-in-10 that opposes criminalization before fetal viability, just 37% said it should be “allowed in the first six months” or available at any time.

A similar dynamic applies to questions that ask about making abortion “legal,” again implying that the government is taking an action to legalize, as opposed to taking an action to criminalize. In a May 2022 Quinnipiac poll only 37% favored making abortion “legal in all cases.” Far lower than the clear majorities who do not support making abortion a crime in the PPC and other surveys.

Questions that ask about “banning” abortions also elicit support for a stronger response than ones that ask about criminalization. A June 2022 You/Gov Economist poll asked, “at what point in a pregnancy do you think abortions should be banned?” This framed the question not as one of whether the abortion should be criminalized, but over what period beyond pregnancy the respondent would prefer to have abortions not occur. Respondents were nonetheless offered the option of saying that it should never be banned. Just 27% chose this option – much lower than the majority that says that opposes criminalization.

Such polls are relevant in that they give respondents the opportunity to express their discomfort with abortion and their desire for fewer to occur, especially in the later stages of pregnancy.

The principle that guides public consultation surveys is that the respondent should be put into the shoes of a policymaker and make the kind of decision that a policymaker makes. It is not quite accurate to say that policymakers “allow” abortion or make it legal. They also do not simply ban it in the sense of setting a standard. The choice before them is whether to make abortion a crime and to attach criminal penalties to it. The overwhelming support for enhancing access to contraception and sex education shows the widespread desire to reduce the number of abortions by reducing the number of unwanted pregnancies. However, in the majority of cases this does not translate into support for using the criminal justice system to achieve that end.

Demographic and Partisan Differences

While men, Evangelicals, and Republican primary voters are less supportive of fully decriminalizing abortion, large majorities oppose criminalizing pre-viability abortions. Even among Evangelical Republican men who regularly vote in primaries, only one-in-three favor criminalizing all abortions from conception.

Gender

There were some significant differences between women and men. A large majority of women favored not making abortion a crime at all (65%) while this was true of just under half of men (48%). When combining all who opposed criminalizing abortion before viability the difference was much smaller (women: 87%, men 81%). Only 17% of men supported a complete ban.

Religion

Evangelical Christians were much less supportive of not making abortion a crime (37%). However, combining all who opposed criminalizing abortion before viability, there is a large majority who take this position (66%). Just a quarter favored a complete ban (26%).

In comparison, majorities of non-evangelical Christians and non-Christians favored not criminalizing abortion at all (58% and 74%, respectively).

Those who attend religious services regularly were also among the least supportive of not making abortion a crime (37%). However, the total that opposed criminalization before viability was a large majority of 69%. Just a quarter favored a complete ban (27%). In comparison, among religious respondents who never attend religious services, an overwhelming majority of 72% favored not making abortion a crime at all.

Race

There is not a substantial difference between white, black and Hispanic voters, with majorities of all three favoring not making abortion a crime (54%, 66% and 58%, respectively). When combining all who opposed criminalizing abortion before viability, the difference was even narrower (82%, 87% and 88%, respectively). Less than one-in-six of any group supported a complete ban.

Primary Voters

Among Republican primary voters, support for not making abortion a crime was substantially lower (41%) compared to the national percentage, but not any different than Republicans in general (42%). A large majority opposed criminalizing abortion before viability (76%, Republicans overall 77%). Just 24% favored a total ban.

Among Democratic primary voters, a large majority of 66% favored not making abortion a crime at all, only slightly less than Democrats overall (70%). An overwhelming majority opposed criminalization before viability (86%, Democrats overall 90%).

Evangelical Republicans

Evangelical Republicans were among the least supportive of not making abortion a crime, with just a quarter favoring that option (27%) – compared to around half of non-Evangelical Republicans (49%). However, there was still a large majority who opposed criminalizing abortion before viability (66%). A total ban was favored by just one third (32%).

Evangelical Republican Male Primary Voters

This group was among the least supportive of not making abortion a crime (29%). However, there was still a large majority who did not support making abortion a crime before viability (65%). Just 34% favored a total ban.

Views in States with Abortion Bans

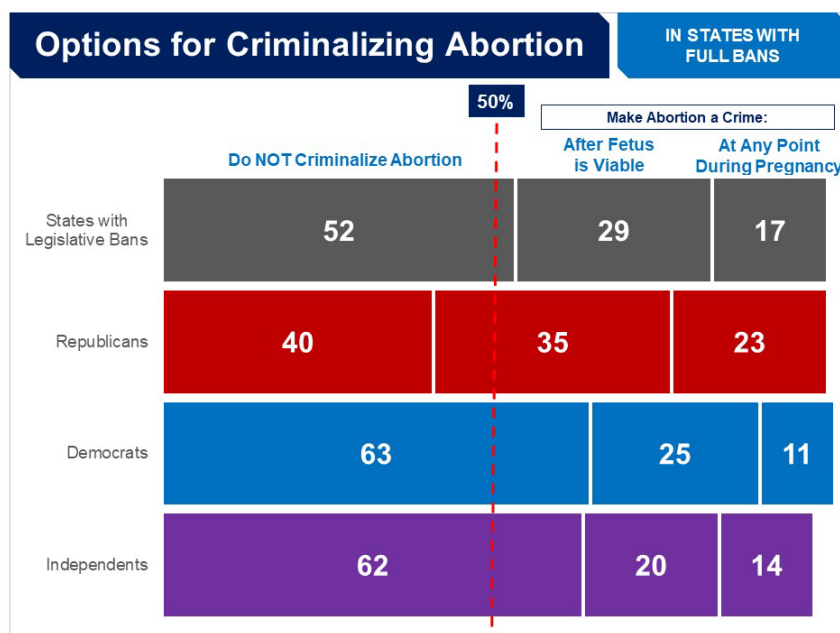
Among respondents living in states with a complete abortion ban, the results were largely the same: a large bipartisan majority of eight-in-ten did not support making abortion a serious crime before viability, including three-quarters of Republicans, with four-in-ten going further and not making it a crime.

A separate analysis was done of respondents who live in the 15 states that have criminalized abortion at all stages of pregnancy, and are currently enforcing that law: AL, AR, ID, IN, IA, KY, LA, MS, MO, ND, OK, SD, TX, UT, and WV.

Among such respondents, just 17% chose to make abortion a crime at all stages of pregnancy, just four percentage points higher than those in states without total abortion bans (13%).

The majority in such states, instead, did not want criminalizing before viability (81%); and a slight majority did not want to make abortion a crime at all (52%).

The sample of respondents from Texas was large enough (n=233) that it could be analyzed separately. Texas voters overwhelmingly did want abortion to be criminalized before viability (84%), and 47% favored going further and not making abortion a crime at all. Among Texas Republicans, three-quarters (77%) did not want to criminalize abortion before viability (39% not a crime). Among Texas Democrats that rose to 90% (51% not a crime).



Exceptions to Criminalization

In the event of criminalization of abortion, large majorities found all of the exceptions acceptable – including threats to the life or health of the mother, rape or incest, and abnormal or stillborn fetuses. Among Republicans, less than half found fetal abnormality an acceptable exception, but a majority found it tolerable.

Before making their final recommendations, respondents were introduced to the topic of exceptions to a law criminalizing abortions, as follows:

If abortion were to be a serious crime, some people say that there should be exceptions in certain cases.

Currently, all states which criminalize abortion at some point in the pregnancy allow for an abortion in case the mother's life is at risk if she continues with the pregnancy.

Some also allow for abortions in other cases:

- continuing the pregnancy will cause serious health problems to the woman
- the pregnancy was caused by rape or incest
- the fetus has a severe abnormality that will cause it to die shortly after birth.

Respondents were presented seven common exceptions and asked, if abortion were to be made a serious crime, how acceptable they would find each using the 0-10 scale. Here are the options and the percentages that found it acceptable (6-10).

- *The pregnancy is the result of her being raped* (64%, Republicans 62%, Democrats 68%)
- *The pregnancy is the result of incest* (62%, Republicans 59%, Democrats 66%)
- *The life of the woman is at risk if she continues with the pregnancy* (65%, Republicans 65%, Democrats 67%)
- *The woman is at risk of suffering a serious health problem if she continues the pregnancy* (63%, Republicans 62%, Democrats 68%)
- *The fetus has already died inside the womb* (66%, Republicans 69%, Democrats 68%)
- *The fetus will die shortly after birth* (58%, Republicans 54%, Democrats 65%)
- *The fetus has a severe physical or mental abnormality that will likely persist throughout their life* (54%, Republicans 50%, Democrats 62%)

While less than a majority of Republicans found the exception for a severe fetal abnormality to be acceptable, a large majority of 64% found it at least tolerable (5-10).

Among those who favored criminalizing abortion (41%), majorities found all of the exceptions at least tolerable, but support was lower than those who favored not making abortion a crime. The lowest level of support for the exceptions – albeit still majorities – were among those who favored a complete abortion ban.

After the final recommendations were made on criminalizing abortion respondents who chose to criminalize abortion – after viability or at any stage during pregnancy – were given the opportunity to choose which exceptions they favor. They could check any of the seven aforementioned exceptions, or choose “there should NOT be any exceptions.”

Of the 41% who chose some form of criminalization and were asked about exceptions, over half declined to answer, meaning they did not check any of the exceptions nor did they check the option to not have any exceptions. Clearly this topic produced substantial conflict in respondents, such that they were not able to come to a conclusion.

Whether the Doctor or Woman Should be Charged with a Crime

Respondents who chose to criminalize abortion at any stage of pregnancy or only after viability (41% of the total sample) were asked to choose who should be punished with prison time and/or major fines—the doctor, the woman, or both.

The 41% of the sample who chose some form of criminalization, was divided between 15% (of the total sample) who chose to punish the doctor and the woman, 7% who chose just the doctor and 4% just the woman. Fifteen percent refused to answer. Thus only 27% of respondents overall both endorsed criminalization and specified who should be punished.

The 56% of Republicans who chose some form of criminalization consisted of 23% who chose to punish both the doctor and the woman, 9% just the doctor and 5% just the woman. Eighteen percent refused to answer. Thus only 38% of Republicans both endorsed criminalization and specified who should be punished.

Including a 15-Week Ban Option

When the option to make abortion a crime after 15 weeks was included, about one-in-seven chose that policy, which slightly brought down support for keeping abortion legal before viability, but not below a large majority – overall or among Republican.

Respondents who chose to criminalize abortion were presented another policy option: criminalizing abortion only after the 15th week of pregnancy. They were briefed on the policy as follows:

More recently another option has been put forward that would be in between the options of making abortion a serious crime after the fetus is viable (22-24 weeks) and at any point in the pregnancy. This option would make it a serious crime after 15 weeks of pregnancy.

Respondents were then given the same set of criminalization options from the previous question, but with a 15-week ban included.

Overall, 15% chose the 15-week ban, bringing total support for making abortion a crime after 15 weeks to just one quarter (26%, total ban 12%), including four-in-ten Republicans (39%, total ban 18%) and less than a fifth of Democrats (16%, total ban 6%). Support for the 15-week ban came mostly from respondents who, in the previous question, chose to criminalize abortion only after viability. Thus, adding in the 15-week option brought the total percentage opposing criminalization before viability down to 72%, and among Republicans down to 60%.

Among states that have banned abortions, support for a 15-week ban is 30%, with nearly seven in ten wanting not to make it a crime (54%) or only making it a crime after viability (14%). Among Republicans in these states, nearly six in ten did not support making abortion a crime before viability (42% not a crime).

Allowing States to Criminalize Crossing State Lines to Get an Abortion
Over six-in-ten said that states should not be able to make it a crime for residents to get an abortion in another state that would have been illegal in their own state, including a modest majority of Republicans, two-thirds of Democrats and over seven-in-ten independents. Women were much more opposed than men.

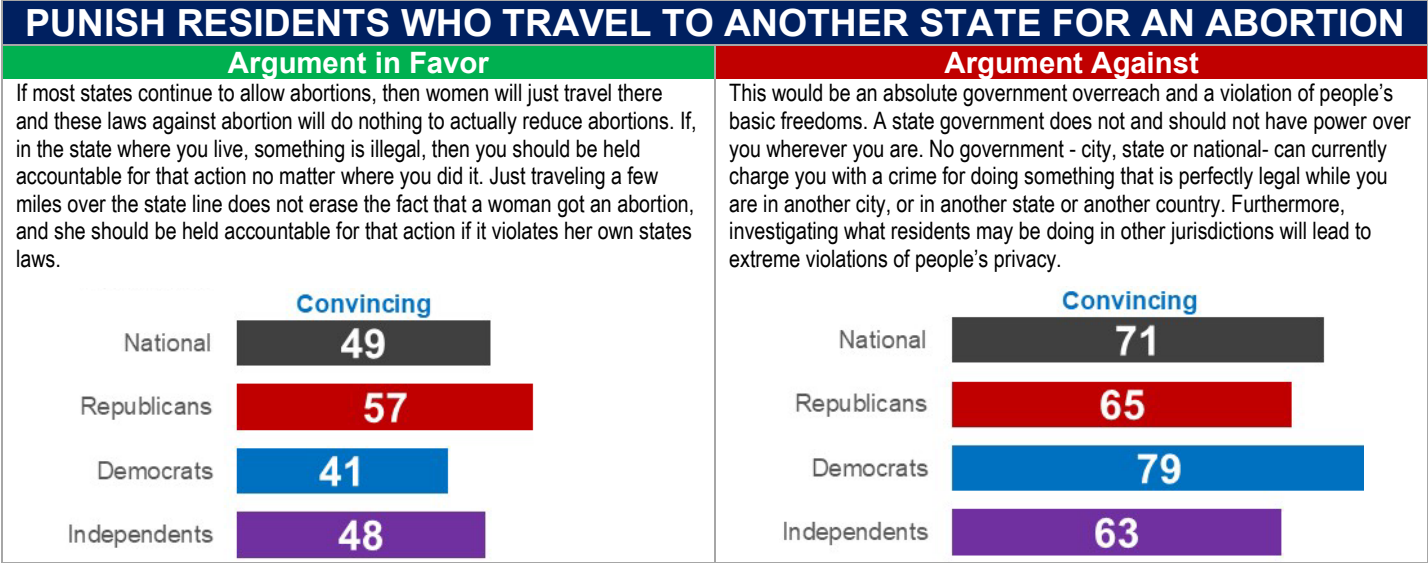
Several elected officials in states where abortions have been totally banned, have proposed passing laws to make it a crime to get an abortion in another state. Respondents were introduced to this proposal as follows:

As you may know, if a woman wants to get an abortion but it is illegal in her own state, she can travel to another state where it is legal and get an abortion.

In some states where abortions have been made a serious crime, some people are proposing laws making it a serious crime and punishing residents who go to another state to get to get an abortion that would have been illegal in her state of residence.

Because it is not yet clear if such a law would be constitutional, and because many respondents live in states without total abortion bans, respondents were asked “whether states should or should not be able to make such laws,” rather than if they favor or oppose such a law.

The argument in favor was found convincing by just under half (49%), including a majority of Republicans (57%), but less than half of Democrats (41%). The argument against was found convincing by a very large bipartisan majority (71%, Republicans 65%, Democrats 79%).

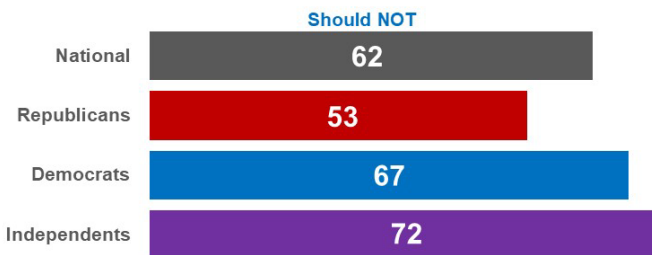


Asked for their final recommendation about whether states should or should not be able to “pass laws making it a serious crime and punishing residents who go to another state to get an abortion that would have been illegal in her state of residence,” a bipartisan majority said they should not be able to (62%, Republicans 53%, Democrats 67%). Majorities in all types of states concurred (very red 58%, very blue 66%).

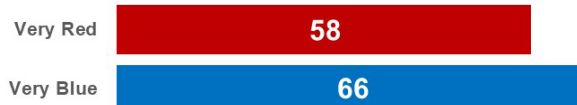
There was a significant variation between women and men: a very large majority of women (70%) said that states should not be able to punish residents for getting abortions in other states, while just around half of men agreed (52%).

Punish Residents Who Travel to Another State For an Abortion

Do you think states should or should not be able to pass laws making it a serious crime and punishing residents who go to another state to get an abortion that would have been illegal in her state of residence?



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Importance of Candidate's Views on Abortion

While large majorities of Republicans and Democrats said that a candidate's position on abortion will have some influence in their voting choices, six-in-ten Democrats said it would have a lot of influence compared to four-in-ten Republicans. Women were also more likely to say a lot.

Respondents were told to think about the upcoming state and Congressional elections and asked how much of a role “a candidate's position on abortion [will] play in your decision to vote for them.”

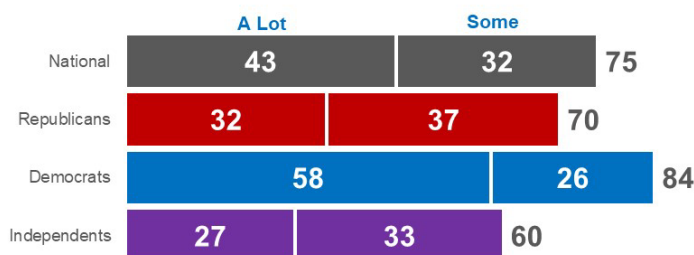
A bipartisan majority of 75% three-in-four said that local and Congressional candidates' position on abortion will play at least somewhat of a role in their decision of whether to vote for them in the upcoming election. This included 70% of Republicans, 84% of Democrats and 60% of independents.

Over four-in-ten said a lot (43%), including a majority of Democrats (58%), but just 32% of Republicans and 27% of independents.

There was also a variation between men and women, with substantially more women saying a lot (50%) than men (36%).

How Much a Candidate's Position on Abortion Matters to Voters

Thinking about the upcoming state and Congressional elections, how big a role will a candidate's position on abortion play in your decision to vote for them?



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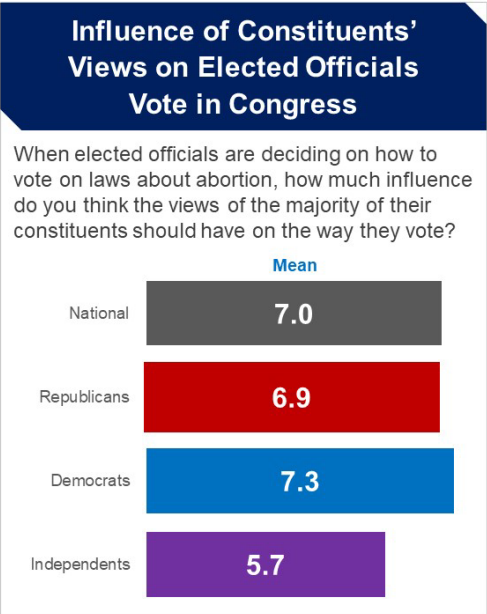


How Much Influence Constituents' Views Should Have

A large bipartisan majority said that, when representatives are deciding how to vote on abortion laws, they should be substantially influenced by the views of the majority of their constituents.

Respondents were asked, “how much influence do you think views of majority of their constituents should have on the way Members of Congress vote on abortion legislation,” and could answer on a 0-10 scale, with 0 being no influence at all and 10 being a lot of influence. A very large and bipartisan majority of 66% answered 6-10, including 67% of Republicans and 70% of Democrats.

The mean response overall was 7, among Republicans 6.9 and among Democrats 7.3. The median response was slightly higher at 8, among Republicans 7 and among Democrats 8. Independents gave lower ratings, but neither the mean nor median fell below 5 (mean 5.7, median 5).



THE ROLE OF GOVERNMENT IN ABORTION

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OCTOBER 2022

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PROGRAM FOR PUBLIC CONSULTATION

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