



## 2022 Midterms: Did Democrats Win on Abortion?

Former U.S. Speaker of the House Newt Gingrich, who led a Republican takeover of the House way back in 1994, summed up the results of the November 2022 midterm election as producing “a surprising outcome.” The election, he concluded, was “the least predictable election in my lifetime.”<sup>1</sup> Like many conservative pundits, Gingrich had predicted a “red tsunami” with Republicans winning up to 50 House seats and taking control of the Senate.

This did not happen. There was not a blue wave or a red wave. The opposition party took the House and failed to take the Senate.

Exit polls and election results showed Republicans doing well in solid Republican states, while Democrat voters performed well in swing states by mobilizing their base and winning enough independent voters to prevent a red tidal wave. Both parties could claim victory, but neither party received a mandate from the electorate. The polls showed a continuation of a deeply divided electorate. Moreover, neither party is highly regarded by the voters.

*Exit polls and election results belie a narrative presented by some pundits that abortion was the decisive issue in the 2022 midterms. Data suggest a more complex outcome concerning the role the abortion issue played. Similarly, a closer look at the midterm results shows that this issue, the quality of the candidates, reaction to Trump, and the youth vote all need to be parsed. In this Report we will look at the abortion issue in the midterms, before turning in a subsequent Report to other lessons to be learned from the 2022 election.*

### Voters Not Wild for Either Party

Any discussion of the 2022 election needs to begin with a simple observation: Although Republicans won more than 3 million more votes overall than did the Democrats, voters in general are not wild about either party.

Nor are they wild about either President Biden or former President Donald Trump.

In casting their votes for House seats, voters told exit pollsters that their decision largely depended on how they viewed Biden or Trump. Neither man was actually running for office, yet 32 percent of the voters cast their votes to oppose President Biden, while 30 percent voted to oppose former President Trump.<sup>2</sup> It’s difficult to think of a midterm election in which the former president was such a big factor.

Voters regarded Republican House Minority Leader Kevin McCarthy less favorably than either Trump or Biden. House Speaker Nancy Pelosi was viewed by voters even less favorably than McCarthy.<sup>3</sup> Maybe in this polarized environment no party leader can win high favorability ratings from the electorate, but voters are signaling that there is a lack of strong leadership. In a divided electorate, with voters not high on either party, marginal issue-oriented voters take on greater importance.

### Mixed Results on Abortion

Exit polls and election results reveal that voters are extremely divided on the issues. Republicans expected inflation, crime and the border to favor their candidates. Democrats sought to emphasize social issues such as abortion, specifically reaction to the *Dobbs* decision overruling *Roe v. Wade*. Let’s look at the claim by some commentators that the 2022 election was simply about abortion, which allowed Democrats to erect a dam against the red tide.

The effect of the abortion issue on voting patterns is hard to discern from the November 2022 election. Fox News exit polling found that *only ten percent of voters said that abortion was “the most important issue facing the country.” The 58 percent of voters with “enthusiastic,” “satisfied” or “dissatisfied” views on the Dobbs decision overwhelmingly*

*voted Republican.* (The 39 percent who were “angry” about *Dobbs* overwhelmingly supported Democrats.)<sup>4</sup> This finding provides further evidence that the abortion issue was a more complex issue than mainstream media tried to make it.

In the 2022 midterms, Democratic candidates overall ran hard on the abortion issue. Speaking before the election at an event sponsored by the National Democratic Committee behind a huge sign reading “Restore Roe,” President Biden promised to protect abortion rights by codifying *Roe* into federal law if Democrats could elect more Democrats to the Senate and keep control of the House: “If we do that, here’s the promise I make to you and the American people: The first bill I will send to Congress will be to codify *Roe v. Wade*. And when Congress passes it, I’ll sign it in January, 50 years after *Roe* was first decided the law of the land [sic].”<sup>5</sup>

Earlier Biden had signed an executive order defending the ability to cross state borders to obtain an abortion and to ensure access to chemical abortions. Biden’s pledge reflected the administration’s ideological commitment to “reproductive rights” and a political reading of the pre-election polls that showed that over half of the voters said that the *Dobbs* decision had made them more motivated to vote.

### What’s the Matter with Kansas?

**D**emocrats had a good reason to feel confident that the abortion issue favored them. In August, Kansas voters rejected a pro-life amendment to their state constitution. Close to 60 percent of the voters voted against an amendment called “Value Them Both” that would have removed the right to abortion that the Kansas supreme court had discerned in the state constitution. The amendment would have allowed the state legislature to impose restrictions on abortion. Prior to the statewide vote, Republican state legislators proposed a complete ban on abortion at any stage.<sup>6</sup>

The Kansas statewide vote was without doubt a blow to the pro-life movement. The prominent pro-life activist and founder of Live Action, Lila Rose, called the results of the election a “tragic setback for Kansas.”<sup>7</sup> It was, but the results are ambiguous. The “Value Them Both” measure read, “Regulation of abortion. Because Kansans value both women and children, the constitution of the state of Kansas does not require government funding of abortion and does not create or secure a right to abortion. To the extent permitted by the constitution of the United States, the people, through their elected state representatives and state senators, may pass

laws regarding abortion, including, but not limited to, laws that account for circumstances of pregnancy resulting from rape or incest, or circumstances of necessity to save the life of the mother.”<sup>8</sup> Confused voters might have cast a negative vote in opposition to granting state legislators the right to “pass laws” on abortion that consider rape or incest.

Whether all Kansas voters really understood what they were voting on might be unclear, but the pro-abortion movement spent double the amount spent by the pro-life movement to defeat the amendment.

While the amendment failed, Kansas still restricts abortion. Abortion is limited after 22 weeks of gestation, and then can occur only when a mother’s life is in danger or a major bodily function is at risk. The state requires mothers to undergo an ultrasound before an abortion may be conducted.

### Nationalizing Abortion

**W**hatever the nuances of the Kansas abortion law and the failed attempt to amend the Kansas constitution, Democrats and pro-abortion activists took this vote as a strong signal that the issue favored their side in the 2022 midterms. No wonder that Biden called for the federal codification of *Roe*.

South Carolina Senator Lindsey Graham’s proposal to pass a federal statutory ban on most abortions after 15 weeks of pregnancy appeared to play into Democrat hands. At a Democrat fundraiser held on October 18 in New York City, Biden described Graham’s bill as another sign that Republicans had become “more extreme in their positions.”<sup>9</sup> By proposing national abortion restrictions, Graham, in effect, accepted the premise of Biden’s call for abortion law to be nationalized. *Roe* had nationalized abortion law through a court decision; the Democrats (joined by Graham) now wanted to nationalize abortion law through federal legislation.

In race after race, Democrats pounded on the abortion issue by painting a picture of their opponents as extremists. In New York, for example, Democrat candidate Governor Kathy Hochul made abortion her key issue. Her opponent, Lee Zeldin, did not back away from his pro-life views, and closed a Trump gap of 20 points in 2020 to only five points. While Zeldin lost, it was probably not because of the abortion issue. Pro-life Republicans gained House seats, including two suburban New York City districts where registered Democrats outnumbered Republicans. *Remarkably, four*

*New York Congressional seats flipped from Democrat to Republican.*

*At least 12 strongly pro-life Republican governors were elected and not a single one was unseated.*<sup>10</sup>

In Florida, incumbent Governor Ron DeSantis won reelection in a landslide even though his well-funded opponent Charlie Crist tried to make abortion a major issue. In April 2022, Governor DeSantis signed the Reducing Fetal and Infant Mortality Act to protect the lives of Florida's most vulnerable by prohibiting all abortions after 15 weeks of gestation. In signing the bill, DeSantis expressed what should have been the response for every Republican candidate running in 2022: "House Bill 5 protects babies in the womb who have beating hearts, who can move, who can taste, who can see, and who can feel pain. Life is a sacred gift worthy of our protection, and I am proud to sign this great piece of legislation which represents the most significant protections for life in the state's modern history."<sup>11</sup>

## The Arizona Dilemma

**D**emocrat charges of "extremism" against abortion ignored many, many surveys that show Americans support a ban on abortion after 15 weeks, unless for the health of the woman. Indeed, the vast majority of American voters believe that the absolute right to abortion should be restricted. They oppose what Democrats ran on in 2022. Americans, in general, abhor taking the life of a viable baby. So do Europeans.<sup>12</sup>

From the outset, though, many Republicans found themselves on the defensive on the abortion issue. In the Arizona races for governor and Senate, Republican candidates Kari Lake and Blake Masters were bludgeoned on their pro-life stances.<sup>13</sup> Arizona abortion law created a confusing situation. An Arizona territorial law dating back to 1864 made abortion illegal in all cases except to save a life of a mother. In March 2022, however, the state legislature passed a law banning abortion after 15 weeks except to save the life of the mother.

When the U.S. Supreme Court overruled *Roe* last June, Republican Attorney General Mark Brnovich asked that the decades-old injunction blocking the enforcement of the 1864 law be lifted. A Tucson state superior judge agreed and lifted the injunction. Planned Parenthood appealed the decision, and on October 7, shortly before the election, a three-judge panel sided with Planned Parenthood, holding that the injunction prevented the 1864 law from being imposed.<sup>14</sup> As

things now stand, the Arizona law blocking abortions after 15 weeks of pregnancy remains in effect.

This legal confusion placed gubernatorial candidate Lake and Senate candidate Masters in a bind as to whether to support a complete ban (the 1864 law) or the 15-week ban (the 2022 law). Simply responding that the courts should decide the issue looked like a cop-out, especially when their Democrat opponents, Katie Hobbs running for governor and Mark Kelly, up for reelection as incumbent senator, declared that they stood firmly for "reproductive rights for women."

Matters became more muddled when Lake told a Phoenix talk show radio host that abortion should be "rare and legal," then corrected herself that it should be "rare but safe."<sup>15</sup> When pressed for whether she would support future legislation allowing abortion in cases of rape and incest—both outlawed under the total abortion ban or the 15-week ban—Lake said she refused to address "hypotheticals" as to what the state legislature might pursue in its next legislative session. Her opponent, Hobbs, hammered Lake as a "dangerous" fanatic.<sup>16</sup> When voter margins are so thin (Lake lost by a little over 10,000 votes), every vote counts.

## Where Abortion Did Matter

**W**ithin hours of the initial November returns, John Della Volpe, director of polling at the Harvard Kennedy School, tweeted, "One thing I know already. If not for voters under 30...tonight would have been a Red Wave."<sup>17</sup> Voter registration among age 18-25 voters was higher than in 2018, but actually youth turnout fell from what it was four years ago. Measures restricting abortion were defeated in Republican states Kentucky and Montana, showing that enough Republicans crossed over to join Democrats to protect legal abortion. Pro-abortion measures won in Michigan, California and Vermont as well. In Arizona, and other states, the youth vote went heavily to Democrats.

Arguably, as political consultant Dick Morris concluded, abortion was the key factor in defeating Herschel Walker in Alabama's run-off election in early December. Citing exit polls, Morris noted that over a quarter of voters said abortion was the single most important issue to them, and these voters broke overwhelmingly for Democrat incumbent Senator Raphael Warnock.<sup>18</sup> Walker was not helped by an accusation that he had paid for a girlfriend's abortion in 2009.

On the other hand, strong pro-life Republicans won in strong red states. They were not hurt on the abortion issue, and, in

fact, they might have been helped by their pro-life positions. *Where abortion really mattered was in purple states.* For most voters—Democrats and Republicans—abortion was not the primary issue. For strong Republican voters the election was about inflation, crime and the border—and Biden. For others, it was about staying the course with Biden, not disrupting things too much, and let's see what happens.

Still, abortion did matter for some voters—especially younger women and some suburban women. Their attitudes were shaped in the immediate aftermath of *Dobbs*. Whether abortion will be as hot an issue for these voters in 2024 remains to be seen. In the end, economic issues usually trump social issues.

### A Strategy for Republicans

**R**epublican candidates need to plan how to tackle the abortion issue next time around. First, they should take a clear position on abortion, specifically supporting a 15-week ban, at a minimum. Second, they need to state categorically that they are opposed to late-term abortion, while Democrats support abortion up to birth and sometimes even afterwards. Average Americans overwhelmingly support restricting abortion.

Pro-life organizations should and will mobilize for the next election. The biggest threat to pro-life state statutes will come from more statewide votes promoted by pro-abortion interests, who have won the last few statewide votes concerning abortion. Pro-life religious leaders—Catholic, Protestant, Mormon and Muslim—should step forward to speak on behalf of life.

The pro-life movement won a major legal victory with *Dobbs* but must now raise money and make its case to the citizenry. Pro-life is not a minority position. It is a position that most Americans agree with. It's a matter of life or death.

<sup>1</sup> Jeffrey H. Anderson, "The Elections, By the Numbers," *City Journal*, November 18, 2022.

<sup>2</sup> *Ibid.*

<sup>3</sup> Trump had a favorable rating of 39 percent, while only 41 percent gave Biden a favorable rating. McCarthy's favorable rating was 27 percent. Pelosi's favorable rating was 25 percent.

<sup>4</sup> *Ibid.* Whether voters were "enthusiastic," "satisfied" or "dissatisfied" with the *Dobbs* decision, they still voted Republican by a 50-point margin. "Angry" voters voted Democratic by a 71-point margin.

<sup>5</sup> <https://www.cnn.com/2022/10/18/politics/joe-biden-abortion-speech/index.html>.

<sup>6</sup> <https://www.christianpost.com/news/kansas-voters-reject-pro-life-amendment.html>.

<sup>7</sup> *Ibid.*

<sup>8</sup> <https://news.yahoo.com/kansas-votes-uphold-constitutional-abortion-023550273.html>.

<sup>9</sup> <https://www.cnn.com/2022/10/18/politics/joe-biden-abortion-speech/index.html>.

<sup>10</sup> The pro-life governors elected include Kay Ivey of Alabama, Ron DeSantis of Florida, Brian Kemp of Georgia, Brad Little of Idaho, Kim Reynolds of Iowa, Mike DeWine of Ohio, Kevin Stitt of Oklahoma, Henry McMaster of South Carolina, Kristi Noem of North Dakota, Bill Lee of Tennessee, Greg Abbott of Texas and Mark Gordon of Wyoming. <https://www.newsmax.com/john-gizzi/abortion-midterms-governors/2022/11/13/id/1096207/>.

<sup>11</sup> <https://www.flgov.com/2022/04/14/governor-ron-desantis-signs-bill-to-protect-the-lives-of-floridas-most-vulnerable/>.

<sup>12</sup> <https://dailycaller.com/2022/07/05/harvard-caps-harris-poll-americans-abortion-ban-15-weeks-democrats-republicans/>; <https://www.breitbart.com/Politics/2021/06/08/poll-majority-of-likely-voters-support-limits-on-abortion-after-15-week-pregnancy/>.

<sup>13</sup> <https://democrats.org/news/maga-hot-mic-arizona-gop-gubernatorial-nominee-kari-lake/>.

<sup>14</sup> <https://www.theguardian.com/us-news/2022/oct/07/arizona-abortions-legal-court-law>.

<sup>15</sup> <https://apnews.com/article/abortion-2022-midterm-elections-entertainment-legislature-talk-radio-8c82a16996bb8667ec8915b395034c0b>.

<sup>16</sup> <https://democrats.org/news/maga-hot-mic-arizona-gop-gubernatorial-nominee-kari-lake/>.

<sup>17</sup> A. B. Stoddard, "Republicans Blame Trump—What about Abortion?" *Real Clear Politics*, December 21, 2022.

<sup>18</sup> Dick Morris, "Abortion Key in Georgia Runoff," <https://www.dickmorris.com/abortion-key-in-Georgia-Runoff>.

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