The Effect of the Gender of State Legislators on Abortion Policy

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Contents

1 INTRODUCTION

Abortion has long been a hallmark of female autonomy in the United States. Following the landmark decision of *Roe v. Wade* in 1973, a woman's right to terminate an unwanted pregnancy was guaranteed by the federal government in the first trimester of pregnancy. In 1992, the Supreme Court decided another landmark case—*Planned Parenthood v. Casey (1992)*—which gave states the opportunity to restrict abortions so long as it did not constitute an "undue burden." For the next 30 years, subsequent cases refined the ins and outs of abortion regulations; while some cases eliminated limitations such as the husband notification requirement, others made it more difficult to receive an abortion. Despite the long and occasionally tumultuous development of abortion conventions in America, no decision completely hindered a woman's ability to receive an abortion—that is, until 2022. On May 2, 2022, Politico released an early majority opinion of the *Dobbs v. Jackson Women's Health Organization* decision, which prematurely revealed that the Supreme Court would overrule *Roe v. Wade (1973)*. On June 24, 2022, the Court handed down its decision, officially overruling the nearly 50 year old landmark case that guaranteed the autonomy and liberty of women across the country.

The *Dobbs* decision comes in anxious anticipation of America's recent revival of conservatism and "traditional" family values. By overturning *Roe*, the Court relinquished their authority as the protectors of abortion rights over to the states, allowing state legislators full discretion over 50% of their constituency's reproductive rights. While some states like California reaffirmed abortion rights through constitutional codification, others, such as Texas, Mississippi, and Arizona, enacted trigger bans that prohibited abortion procedures and even criminalized those who received or performed one. The *Dobbs* decision and its subsequent impact on reproductive freedom across the country has forced the American people to wonder: if they are no longer afforded the freedom to make choices about their own bodies, then who is?

Despite the fact that states have been allowed to introduce and pass laws that attempt to limit abortion access for their constituents under *Roe v. Wade (1973)* and *Planned Parenthood v. Casey (1992*), state legislatures were limited to creating restrictions after viability, which is the point at which there is a reasonable likelihood of the fetus' sustained survival outside the womb. Under *Casey*, states were not allowed to pass legislation that imposes "undue burdens," which is defined as a "substantial obstacle in the path of a woman seeking an abortion before the fetus attains viability." However, even this shielded time between conception and viability is largely debated by medical experts and state legislators alike; while some states limit legislation that restricts abortion 24 weeks after the last menstrual period (LMP), others limit substantial abortion restrictions for up to 28 weeks LMP.

Without the protection of *Roe*, the right to terminate a pregnancy is now subject to limitations imposed by state legislators. After the *Dobbs* decision, nearly 13 state trigger bans have taken effect, and abortion is now illegal in several states. In states such as Texas and Louisiana, persons seeking abortions are now subject to civil and criminal penalties, while states such as California and New York have expanded access.

This thesis attempts to answer the broader question of why there exists such large discrepancies in the states' responses immediately after the *Dobbs* decision. More specifically, how does the gender of state legislators affect the introduction of abortion policy? How does the gender of state legislators determine the volume and the nature (pro-choice or pro-life?) of abortion policy introduced? Are female legislators more likely to propose abortion policy immediately after a significant federal policy shift? Why? Using legislative databases of California and Arizona, I attempt to determine how the gender of state legislators impacts the abortion policy they propose. I also attempt to determine the impact that constant institutional settings play in the introduction of

abortion policy across state legislatures. Some variables I examine include the gender, partisanship, chamber, partisanship of governor, and state constitutional protections.

More importantly, I examine the difference between legislators who do and do not propose abortion policy at all. While existing scholarship adequately explains the differences that gender can make in a legislator's policy preferences in roll call voting, this project attempts to answer why some legislators propose legislation and others do not, despite sharing policy preferences. And if legislators do propose abortion policies, does gender affect their likelihood to be lead authors on the bill?

I argue that after controlling for factors such as chamber and political party, female state legislators are more likely to 1) propose pro-choice abortion policy and 2) propose abortion policy at a much higher rate because female legislators are generally more responsive to their constituent interests, and because of their likelihood of prioritizing women's issues.

2 LITERATURE REVIEW

This study is concerned about two main bodies of literature. The first revolves around the context of abortion politics in the United States and reasons for the polarizing discourse that surrounds it. The second body of literature explores the impact that gender plays in legislation, and the differences that exist between male and female legislators when controlling for other factors, such as political party and race.

2.1 ABORTION POLITICS

Though there have been many studies conducted on abortion politics and its determinants, researchers have not yet arrived at a definitive explanation as to why some states are pro-abortion and others are not. Preceding the modern politicization of abortion was the rigid patriarchal backbone of the country, which accounts for much of the sentiment behind contemporary positions. In "Abortion," Barbara Hayler discusses extensively about the deep seated praxis that inform abortion attitudes today, such as the public's proscription of female sexuality as well as its belief that women's primary role is to stay home and have children (Hayler 1979). More specifically, the idea that the woman's right to reject motherhood feels, to many people, like a direct repudiation of the patriarchy because of their refusal to fit the child-bearing status quo. Moreover, literature has explored the idea that because of this notion, many "pro-life" attitudes are not actually pro-life, but rather, are anti-choice. Many of the states who are fundamentally against abortion are also the same states who have the least welfare and sex education programs to prevent situations that lead to abortion. For many pro-lifers, the fetuses that they defend are mere guises used to limit the autonomy of women, rather than a genuine group of people that they believe require defending. Researchers have also discussed the religious roots of these attitudes, attributing their stake in the patriarchy and status quo to the need to preserve "God's rules" and the general aversion towards

"tampering with natural processes" (Tamney 2019). More interestingly, Tamney suggests that while some pro-lifers are able to justify their positions with equal rejection of nuclear war, capital punishment, and malnutrition, issues which form a "seamless garment," most do not subscribe to this line of reasoning. Many studies have concluded that a major indicator for pro-life stances is the proportion of Roman Catholics present in a society, which illustrates the continued reliance that the state continues to have on religious values.

Though the pro-life stance has been more studied than the pro-choice stance, research overwhelmingly suggests that pro-choice attitudes come from a contemporary notion of freedom, autonomy, and individualism. Many studies have also found that there is a clear correlation between birth control policy as well as welfare and child care policy in general, suggesting that the difference between pro-choice and pro-life states are their valuations of women and their needs against their devotion to the patriarchy.

Indeed, the literature of this subject often attempts to highlight historical beliefs and conventions that underscore modern attitudes. Scholars argue that prior to the *Roe* decision, the issue of abortion was rather unpolitical, and more intrinsically linked to morality policy, or policy in which "at least one side of the debate frames the issue in terms of morality or sin" (Kreitzer 2015). Other morality issues alongside abortion include the death penalty, same-sex marriage, and gambling. These types of issues, Kreitzer says, are highly salient to the public and therefore attract a higher level of constituent participation (Kreitzer 2015). Worth considering, however, is the manner in which society has arrived at these attitudes. The literature argues that rather than looking at the abortion like any other necessary medical procedure, much of the negative attitudes surrounding it are driven by the intrinsic tie to women's sexuality and morality. If a woman wanted to reject motherhood and "natural processes," she needed to demonstrate that she had a good reason or that she was morally deserving of the procedure. Such notions are reflected in the common exceptions of

the life and health of a mother, or under circumstances of rape, implying that the issue of abortion ultimately hinges on the state's determination of her worthiness, rather than any legitimate medical concerns (Woliver 2005).

Despite the abundant attempts to explain abortion political attitudes and policy, there is a lack of consensus among researchers of the primary reasons for varying attitudes. For example, while some political scientists believe that the ideology of individual legislators are responsible for abortion policy, others believe that a variety of other factors including gender, constituent interests, advocacy groups, and religion are responsible. Even among these general factors exists a considerable amount of disagreement with the extent to which they explain abortion politics. However, research has identified partisanship and constituent interests as the strongest indicators of abortion attitudes. Some research suggests that the constituency's demand for abortion and economic factors representing demand for access to abortion services as well as ideological factors significantly affect a state legislature's stance on abortion. Other research highlights the importance of the governor's ideology as well as the overall partisan leaning of both chambers of the legislature (Kahane 1994). Many researchers have pointed out that the gender of the legislator matters because of a female legislator's likelihood to feel a stronger responsibility to meet constituent interests (Medoff 2002). Other researchers highlight the prominence of certain interest groups such as NARAL as a factor that influences abortion stances.

The literature also highlights the important differences in the people who require abortions and the varying levels of difficulty that they face in order to acquire one. While white, affluent persons have historically had the resources to obtain a safe abortion even when abortion has been criminalized, poor minority women face a substantially greater difficulty in accessing safe abortions. Thus, constituent demand for abortion is inelastic, and more importantly, the legality of abortions do not determine the rate at which those who need one will obtain one.

2.2 GENDER & LEGISLATION

Much research has been conducted on the impact of gender on legislation, with strong consensus among political scientists that it plays a large role in welfare policy and policy that revolves around social issues. However, there exists much disagreement over the actual reasons for these differences and the extent to which these differences actually manifest in different policies.

Shannon Jenkins wrote in "How Gender Influences Roll Call Voting" that while the gender of a legislator influences the choices they make in roll call voting, these differences only extend as far as their choices in ideology (Jenkins 2012). This suggests that while female legislators are more likely to be liberal and democratic to begin with, the male and female legislators within the Democratic party are likely to cast very similar roll call votes. However, Jenkins highlights that there exists a much greater difference among male and female legislators within conservative parties like the Republican party (Jenkins 2012). However, on the whole, female legislators are more likely to place higher considerations on their female constituency demands and work closely with interest groups that advance women's interests. More significantly, research has found that though gender does have a direct and indirect role in roll call voting, it only matters in "morality" issue policies, including abortion, gun control, lottery, and procedural (Jenkins 2012). Though research highlights the notion that gender only plays a role to the extent of their party and ideology, it more importantly suggests that they are more likely to sponsor or write bills that involve women's issues (Jenkins 2012). Other researchers such as Jason MacDonald in "Quasi-Experimental Design, Constituency, and Advancing Women's Interests" also explores the impact of gender in legislatures, concluding that when the percentage of female legislators are higher within government, they are also more likely to prioritize women's issues (MacDonald and O'Brein 2010). Michele Swers explores differences in leadership style between male and female legislators in state legislatures, concluding that while women were more likely to focus on rehabilitation and prevention efforts, men were more likely to expand

punitive measures, which may offer some insight into the types of legislation that male and female legislators propose regarding abortion (Swers 2001)

Regarding welfare policy, research done by Sarah Poggione in "Exploring Gender Differences in State Legislators' Policy Preferences" indicates that women are more likely to hold liberal preferences, even after controlling for constituent interests, party, and ideology. However, Poggione and others acknowledged that female legislators getting elected to begin with may be an indication of a liberal constituency, rather than any liberal ideology inherent to their gender (Poggione 2004). There is also a lack of literature that discusses the intersectionality of race and gender because of historically low rates of non-white legislators in state governments. Despite this, few studies such as Beth Reingold and Adrienne R. Smith's "Welfare Policymaking and Intersections of Race, Ethnicity, and Gender in US State Legislatures" still assert that even if Black and Hispanic women make up a smaller percentage of their legislative body, they are still able to substantially influence welfare policy; this suggests that beyond the sheer critical mass of female legislators in a state legislature, "critical actors" could be more important to policy. Reingold and Smith additionally conclude that though women are more likely to favor welfare policy, an often overlooked aspect is how race as it interacts with gender substantively affects legislators' positions (Renigold and Smith 2011).

There is also substantial research in how gender of a legislator affects abortion policy specifically. In line with the conclusion that gender only makes a significant difference within the Republican party, research done by Jenkins suggests that Republican women in particular are more conflicted in their vote; regarding the issue of abortion specifically, they are more likely to vote with their personal beliefs instead of their partisanship or where their constituent interests lie (Jenkins 2012). While all Republican women are moderate to conservative, about half of them remain sympathetic to abortion. However, while research broadly suggests that female legislators are much

more likely to take a liberal stance on abortion issues, there are studies that suggest that the scope of their influence is much more limited than originally thought. For example, Rebecca Kreitzer concludes that female legislators are much more effective at blocking "hostile policy," rather than actually passing legislation that expands abortion access (Kreitzer 2015). While they may be more influential in passing laws that get rid of parental notification laws, they lack that same efficacy in expanding public funding for abortion procedures (Kreitzer 2015). Moreover, Democratic women are more effective at blocking policy that bans abortion except in cases in which the mother's life is in jeopardy, but not when the mother's health is in jeopardy (Kreitzer 2015)

When looking at male legislators and their likelihood to support traditionally "women's issues" such as children's issues, domestic violence, and abortion, scholarship demonstrates that factors such as "race, education, age, marital status, occupation, and legislative position" all have an impact on male legislators' interest and support for women's issues (Barnello and Bratton 2007). Men may also be more likely to sponsor women's issue legislation if they have served in gender diverse settings.

2.3 QUALITY OF FEMALE LEGISLATORS

Though much scholarship exists about the different policy preferences between female and male legislators, this project aims to understand the difference between legislators who sponsor bills and do not sponsor bills, even when they share policy preferences. Through roll call voting, many scholars have researched the policy preferences of male and female legislators. While important, roll call voting is a mechanism in government that every legislator must participate in. Beyond policy preferences, it is critical to understand why some legislators have the compulsion to take that extra step and initiate bills. At the core of this apparent discrepancy is the quality of legislators, or the level of responsibility that each legislator feels toward their constituents.

One of the most prominent works of scholarship that explores this issue is "The Jackie (and Jill) Robinson Effect: Why do Congresswomen Outperform Congressmen" by Sarah Anzia and Christopher Berry. In this article, Anzia and Berry suggest that congresswomen are of "higher quality" than their male counterparts for two reasons: 1) voter bias against female candidates and 2) female self-selection quality (Anzia and Berry 2011). Studies consistently show that American adults have a bias against female candidates, with 21% of them saying that men "make better leaders" than women, and 11% of them "would not vote for a female presidential candidate, even if she were qualified for the job" (Anzia and Berry 2011). Not only do female candidates face more entry barriers, they face more uncertainty from the general public. If female candidates were of the same quality as their male counterparts, Anzia and Berry argue that they would not get elected at all, but they do; thus, female candidates who run and win must be of higher quality. Anzia and Berry compare this phenomenon to Jackie Robinson, who is widely regarded as the best baseball player of all time. If Robinson was only as good as a white player, he would have never stood a chance, especially in 1947. Thus, Robinson had to be better than every other white player in order to even play in the league. Anzia and Berry assert that something similar happens with female candidates in politics: in order for a female candidate to win a position, she has to be "better" than her male counterparts (Anzia and Berry 2011).

The metric that Anzia and Berry use to determine the "success" is the amount of federal dollars that a legislator brings to their district; according to the article, female legislators bring in about $88 dollars more per capita than their male counterparts, suggesting that they are more "successful." Interestingly, the study demonstrates that the "district demographic characteristics" are not that determinative of the presence of female legislators, and that it does not account for the difference in funding that legislators bring in for their districts. These results prompt interesting possibilities, such as the likelihood that female legislators may be more "attuned" to their

constituents and more committed to accumulating funding for issues that their constituents may find important. Interestingly, the funding that female legislators are able to accrue differs when comparing their party identifications. Because conservative districts are more likely to discriminate against female candidates, the barriers of entry for conservative women are also likely to be higher than that of female candidates in more liberal districts. Thus, when conservative districts elect female legislators, they actually experience an even larger increase in funding than districts with more liberal constituents (Anzia and Berry 2011).

More directly related to this thesis, additionally, is the finding that congresswomen sponsor 3 more bills than congressmen on average, which is around 17% of the average of 18 bills. Additionally, bills sponsored by female legislators are more "effective," advancing further in the lawmaking process than bills sponsored by men (Anzia and Berry 2011). Despite these compelling findings, the causes for the discrepancy in "quality" of legislators are still largely debated and difficult to prove. For example, it is possible that their parties "display favoritism toward women" when distributing funds, or that female legislators feel more compelled to "prove themselves" amongst their male colleagues.

In the article "When are Women More Effective Lawmakers Than Men?" Volden et al. further clarifies this idea by suggesting that minority party women in US Congress in particular are much more likely to keep their bills alive through the later stages of the lawmaking process (Volden 2013). Complicating Anzia and Berry's argument, however, Volden asserts that the gender differences in legislative effectiveness is the inherent *behavior* of female legislators in Congress. They argue that women are more likely to be more "consensus oriented and collaborative," which is required to be an effective lawmaker when in the minority; Volden et al. explains that legislators in majority parties can often advance their bills without much collaboration across party lines. Volden et al. argues that while men in the minority party may choose to help create a policy gridlock, women

in the minority party are much more likely to want to bring about social change, and thus willing to collaborate and make adjustments (Volden 2013). While women are 33% more "effective" than their male counterparts in a minority party, that number drastically decreases to 5% when both genders are in the majority party (Volden 2013). More importantly, female legislators are more likely to view their women as a distinct part of their constituencies, and thus are more likely to feel responsible to represent their interests.

3 THEORY AND ARGUMENT

The issue of abortion has consistently been salient over the course of American history, with the historical advancement of reproductive justice in 1973, following the Supreme Court decision in *Roe v. Wade* (1973). Because of this landmark case, states were only given discretion to create policy that did not prevent women from receiving an abortion after a certain period in the pregnancy, and states could not outright ban the procedure. However, with the decisions of cases such as *Planned Parenthood v. Casey* (1992), *Webster v. Reproductive Health Services* (1989), and *Gonzales v. Carhart* (2007), states were given clarification on their ability to regulate abortion; while some legalized further restrictions on abortions, others protected it. Each of these major federal policy shifts are opportunities for lawmakers to refine their states' abortion policy.

In this paper, I aim to answer the following questions: How does the gender of state legislators affect the number of bills they introduce regarding abortion after a major policy shift? How does the gender of state legislators affect the type of bills they introduce regarding abortion? How does gender affect how responsive state legislators are to major federal policy shifts regarding abortion, such as the *Dobbs v. Jackson Women's Health* (2022) decision? I posit the two following hypotheses:

- **H1A**: All else equal, female legislators are more likely to propose abortion legislation at a higher rate than male legislators.

This hypothesis calls into question the actual behavior of female and male legislators. It is my contention that even if male and female legislators share the same policy preferences, female legislators are more likely to introduce abortion policy after major policy shifts than their male counterparts, regardless of political party. Examples of major federal policy shifts regarding abortion include any legal developments that may potentially alter abortion access for women. Most recently, the *Dobbs v. Jackson Women's Health Center* (2022) Supreme Court decision threatened abortion access across the country. While some states increased protections for existing abortion access through policy, other states welcomed the Dobbs decision, creating laws that criminalize people who receive abortions and doctors who administer their abortions. This thesis examines the role of gender in legislators and their response, or nonresponse, to threats to abortion rights.

I will argue that this discrepancy of bills introduced between female and male legislators occurs because female legislators are, on average, more effective legislators than male legislators. Based on scholarship by Anzia and Berry, female legislators are more likely to act on behalf of their constituents because they face higher barrier entries that prevent them from succeeding in the electoral process. The barriers they face include voter bias against women, as well as self-selection issues. Thus, the women who choose to run and win are likely to be more qualified legislators. On the same token, Volden et. al argues that women are generally "more committed team players than men" and more dedicated to social change, which is exhibited in their sponsorship of bills related to women's issues. Bills introduced by women are also more likely to advance in the legislative process, which may also account for an incentive for female legislators to introduce more legislation. Scholarships also suggest that while male and female legislators spend the same amount of time

contacting constituents, female legislators are also more likely to attend meetings with constituents and consider "constituent-derived information" in writing legislation (Herrick 2010).

- **H1B**: All else equal, the gap between the proposal rate of abortion legislation between female and male legislators will be larger in the immediate wake of major federal policy shifts regarding abortion.

Not only will women propose legislation at a higher rate, this rate will increase after major policy shifts, while the male rate of proposal will stay the same. Female legislators are also more likely to be lead authors on the bills they do sponsor. Past scholarship has demonstrated that sponsorship serves as a unique political tool for legislators to signal to their constituencies their positions on issues outside of the confines of roll call voting (Swers 2005). I will argue in this thesis that the gap between the proposal rate of abortion legislation will be larger after major policy shifts because female legislators often view female voters as a key part of their constituencies, and thus may feel an expectation to act in their interest after being threatened by major policy shifts, such as the *Dobbs* decision in 2022 (Volden 2013). Because major policy shifts such as the *Dobbs* decision are also likely to be hot-button voting issues immediately after, female legislators may be more inclined to make their position clear to female voters, who they already view as distinct components of their constituencies. More simply, research has demonstrated that congresswomen are more likely to sponsor bills "dealing with feminist or women's rights issues, such as domestic violence and abortion" (Swers 2002). Moreover, female legislators are more likely to view bills regarding women's rights a "priority," and are generally more successful in passing these bills (Swers 2002). Tangentially, evidence shows that when women are in majority parties or have access to more "strategic positions of power," they advocate for bills regarding women's health at a higher rate; though this thesis does

not analyze changes in institutional positions of legislators, I will attempt to argue that social identity that aligns with salient social issues have similar effects to access to "strategic positions of power" on the rate of bill sponsorship.

Moreover, research has suggested that the determinants of whether or not a legislator sponsors a bill regarding women's issues are different for male and female legislators. For example, even with the inevitable differences in individual experiences, women are still often regarded as "experts" on "conventionally considered women's issues" and share similar experiences that are underscored by their gender identity (Barnello and Bratton 2007). On the other hand, because male legislators lack a common identity tied to traditional women's issues, the likelihood that they sponsor bills about women's issues are determined by their personal experiences (Barnello and Bratton 2007). Thus, after major policy shifts that primarily affect women, female legislators as a group are more likely to prioritize sponsoring bills in response to the policy shift than their male counterparts, who may not personally be impacted by the same policy shift.

- **H2A**: All else equal, female legislators are more likely than male legislators to propose pro-choice legislation.

While the first hypothesis deals with the number of abortion bills introduced by legislators, this second hypothesis calls into question the ideological leaning and policy preferences of the legislation introduced regarding abortion. Even if female and male legislators propose the same amount of legislation regarding abortion, female legislators are more likely to introduce pro-choice legislation, which increases abortion access, while male legislators are more likely to introduce pro-life legislation, which aims to restrict abortion access. Pro-choice legislation includes policy that eliminates certain notification laws, extends the duration in a pregnancy that an individual can

receive an abortion, and laws that aim to provide funding for abortion. Pro-life legislation includes policy that aims to criminalize abortion, decrease funding for abortions, and bans abortion earlier in the pregnancy.

Existing scholarship has demonstrated that women generally have much higher interest in women's issues, which include abortion, child care and domestic violence. Research has established that female legislators share different policy preferences and are generally more liberal than their male counterparts. Even with the consideration of political parties, female legislators within that party are more likely to have policy preferences that favor women's issues. While some scholars believe that gender only plays a role in parties that female and male legislators identify with, much research has established that within particularly conservative political parties, policy preferences and ideological leanings of female legislators are more moderate than those of their male counterparts. Additionally, female legislators who are elected are more likely to be from districts with more liberal outlooks, which results in elected politicians who are aligned with their constituencies (Poggione 2004). Although there is disagreement about the actual impact that female legislators have on legislation, strong evidence suggests that at the very least, Democratic legislators decrease the likelihood of anti-abortion rights policies (Kreitzer 2015).

More simply, female legislators are more likely to understand the importance and impact of reproductive freedom because of their lived experiences as a woman. Even when male legislators are fathers, they will never be burdened with the physical ramifications of pregnancy, and will never have to worry about the prospect of making that decision in the future. Thus, the perspective that female legislators commonly share results in policy preferences and ideological leanings that favor women. This applies to all issues that are traditionally associated with women, such as child care, domestic violence, and education; even if women are not the only ones who have to deal with these issues,

their disproportionate personal involvement may lead them to have stronger opinions and interests in them.

- **H2B**: All else equal, the gap between the proposal rate of pro-choice abortion legislation between female and male legislators will be larger in the immediate wake of major federal policy shifts regarding abortion.

While H1B argues that the gap between the rate of proposal between male and female legislators will be larger after major policy shifts regarding abortion, this hypothesis argues that the gap for pro-choice abortion will also increase because of constituent demand for abortion and the quality of legislators. If the gap between rate of proposal between male and female legislators increases after major policy shifts and female legislators are more likely to sponsor pro-choice legislation than their male counterparts, then the increase of bills that female legislators sponsor are also more likely to be pro-choice. Because constituent demand for abortion is inelastic even in the face of decreased access to abortion, the rate of abortions does not decrease; women, regardless of their ideological leanings, will always need abortions. Thus, major policy shifts that restrict abortion access do not change abortion demand, but female legislators who have a vested interest in the votes of female constituents may feel compelled to fight for access if they believe that their constituents expect them to. Moreover, research indicates that female legislators are more likely to hold liberal ideology, even when controlling for party and constituent interests (Poggione 2004). Coupled with the idea that female legislators are also more likely to be "better quality" than their male counterparts, female legislators' liberal ideology lends itself to increased rates of pro-choice legislation after major policy shifts (Anzia and Berry 2011).

4 RESEARCH METHODOLOGY

My research design is a qualitative and quantitative study and aims to answer the following questions: Does the gender of state legislators affect the amount of abortion bills proposed? Does the gender of state legislators affect the type of abortion bills proposed? Is there a difference in immediate response after major policy shifts between each gender? What kind of institutional settings affect how the gender of state legislators affects abortion policy?

For my dependent variable, I will use publicly available data in California and Arizona state legislature archives on bills introduced 1) before the Alito leak (1/1/2022-5/1/2022), 2) after the Alito leak (5/2/2022-6/23/2022), and 3) after the *Dobbs v. Jackson Women's Health Organization* (2022) decision (6/24/2022-12/31/2022). For my independent variable, I will be looking at the gender of each state legislator in California and Arizona. I will also be looking at control variables, including partisanship and the chamber that each legislator is in. Beyond my formal analysis, I will also be looking at institutional settings including "trigger bans," governor partisanship, state constitutional protections, and rate of passage for bills introduced

4.1 CASE STUDIES

I look at two states, California and Arizona, in order to compare both red and blue states. I chose California because California has been one of the most vocal states about expanding and protecting abortion access after the *Dobbs* decision and because it had the highest number of bills introduced regarding abortion in 2022 (60+). I chose Arizona as the red state to analyze, primarily because of their equally outspokenness about abortion in 2022. Before choosing Arizona, I initially looked at several of the more prominent conservative states, including Texas, Alabama, and Mississippi, but decided against using these states as case studies because many of these states either 1) did not have legislative sessions in 2022 or after the *Dobbs* decision or 2) did not have many bills

regarding abortion in 2022. I also chose Arizona because of its geographical proximity to California, and because of its institutional settings, which involved an in-place trigger ban. Using these two states, I hope to examine the causes of their differences in attitudes regarding abortion as well as the effects that certain institutional settings will have on all legislators within the state.

Within both these states, I also look at a year-long timeline divided into three sections during which California and Arizona state legislators introduce bills regarding abortion to compare legislators' immediate responses to *Dobbs (2022)*. The first mini-timeline is from the start of 2022 (1/1/2022) to the day before the *Dobbs* decision leaked from Politico on 5/1/2022. I then look at the time period between the day of the leak (5/2/2022) until the day before the *Dobbs* decision was officially handed down by the Supreme Court (6/23/2022). The mini-timelines serve to evaluate how legislators react to the *threat* of major federal policy shifts (the POLITICO leak), and how legislators react to actual major federal policy shifts (official Dobbs decision). Because the number of bills proposed in California after the Alito leak by state legislators who proposed any bills at all is constant across the board, I will only be looking at Arizona for H1B and H2B, which concern the difference in number/type of bills proposed after the threat of major policy shifts.

When looking at the differences between Arizona and California, I also considered various institutional settings. Some scholarship suggests that the partisanship of the governor of a state plays a role in the abortion policy that each state passes; California's governor is Gavin Newsom, who is Democratic, and the governor of Arizona in office in 2022 was Doug Ducey, a member of the Republican party. Since 2009, Arizona's Republican-majority legislature and governor have passed legislation that limits abortion access every year, with the exception of one. Prior to 2009, the Democrats controlled the governorship for 12 years and utilized their veto power to block hostile abortion bills. On the other hand, California governorship has been dominated by the Democratic

party since 2012. Thus, an institutional setting to be aware of when evaluating the actions of independent legislators introducing legislation is the partisanship of the governor.

What is important to note about both California and Arizona are the duration of their legislative sessions, which end on August 31, 2022 and June 25, 2022 respectively, which means that Arizona has less time after the *Dobbs* decision to propose any bills. Party control is another important factor when considering how the gender of state legislators affect abortion policy; in the 2022 Arizona legislative session, there were 44 Democrats and 48 Republicans. In California's legislative session, there were 88 Democrats, 2 Independents, and 30 Republicans. The Democrat-dominated legislature of CA may play a role in the bill passage rate of the Democratic party, which may encourage California Democrats to propose bills at a higher rate because of lack of strong opposition. On the other hand, while the Republican party controls the Arizona legislature, the Democratic opposition is much stronger, which may lead to a lower bill passage rate and thus a less motivated legislature to introduce abortion legislation.

Another institutional setting that should be considered is any existing constitutional protections regarding abortion. In 1969, abortion rights were recognized under the California Constitution by the state's highest court; in November 2022, Prop 1, an amendment to the California Constitution which "explicitly adds abortion and contraception rights to the state constitution" was approved by voters (Center for Reproductive Rights). The Arizona Constitution, on the other hand, does not include any protections for abortion. Arizona has a pre-*Roe* ban, which was enacted in 1864 and prohibits all abortions except to save the life of a pregnant person. The Arizona pre-Roe ban has been blocked since 1973, when the Roe decision was handed down by the Supreme Court. However, after the *Dobbs* decision in 2022, the Arizona Court of Appeals enjoined the enforcement of the pre-*Roe* ban. The constitutional protections or lack thereof poses an

important consideration when evaluating the effect of gender on abortion policy in California and Arizona.

4.2 INDEPENDENT VARIABLES

The independent variable I primarily focused on in this paper was gender of state legislators. In order to systematically find the gender of each legislator in both California and Arizona state legislatures, I used a census-based R package to predict the gender of each legislator according to their first name and data collected on the gender of those who also have that same name. After running the code, it left me with five different potential outcomes: 1) female, 2) mostly female, 3) male, 4) mostly male, and 5) unknown. I assumed that all "mostly" female or male legislators were female and male legislators respectively, then looked up the full names of legislators with "unknown" genders based on names on social media to find their social media accounts to determine their gender.

In H1B and H2B which concern the exacerbation of any gap in bill proposals between male and female legislators, I also consider the time period in which bills are being proposed. I marked the period between the start of the year and the Alito POLITICO leak as "Pre-Alito," and the period between the day after the Alito leak and the *Dobbs* decision as "Post-Alito." Though I initially intended to evaluate the number of bills proposed after the *Dobbs* decision, California legislators proposed no bills after the Dobbs decision, while Arizona legislators banded together to propose one bill. In California, only one bill was proposed by state legislators after the Alito leak, so my evaluation of H1B and H2B do not include California.

4.3 CONTROL VARIABLES

The primary control variables I considered in this study included the partisanship of each legislator, as well as which house of the legislature they were a part of. I also looked at institutional settings such as whether or not there were trigger bans in place, constitutional protections, length of state legislative sessions, rate of passage of bills, and partisanship of the governor.

4.3.1 PARTISANSHIP

Existing scholarship about gender and its impact on legislators often examine ideology and partisanship alongside gender. It is widely accepted among scholars that "liberal" or Democratic women and men often share similar ideology, while there is a wider gap between "conservative" or Republican female and male legislators. Notably, female legislators are also more likely to be a part of the Democratic party, which may pose some multicollinearity issues in linear regression analysis later on. To find the partisanship of each legislator, I looked at websites such as openstates.org as well as the states' own roster of legislators.

4.3.2 CHAMBER

Existing scholarship suggests that the effect of the gender of state legislators can be affected by the chamber they are in, and whether or not their party is the majority or minority in each chamber. To determine the chambers of each legislator, I looked at the official list of legislators on California's and Arizona's legislature website. In California, the Democratic party retains control over both the state Assembly and Senate. In Arizona, the Republican party retains control over both the Assembly and Senate, but by smaller margins than California.

4.3.3 INSTITUTIONAL SETTINGS

Though it is also important to consider the institutional settings of both California and Arizona, they will not be represented as variables as a part of my formal linear regression analysis. In

the "Case Studies" section above, I outline various institutional settings that are important to keep in mind when considering the hypotheses I have posited.

4.4 DEPENDENT VARIABLES

The dependent variables I primarily examined were the number of bills each legislator introduced within each outlined time period, whether the bill expanded abortion access or limited abortion access, and whether the bill was authored or co-sponsored by them.

To determine the number of bills each legislator introduced within each period, I looked at the California and Arizona state legislative archives and filtered for 1) their name, 2) the time period, and 3) bills with the key word "abortion." With each bill that came up, I looked through its "status" to determine which other legislators were sponsors on that bill, and read through the text of the bill to determine whether the bill introduced was pro or anti abortion. Bills that I determined as pro-abortion often had key words and phrases such as "reproductive freedom," "constitutional right," (etc) and bills that I determined as "anti-abortion" used key words and phrases such as "penalties" etc. To evaluate the total amount of pro-choice bills proposed by each legislator, I used the net amount of pro-choice bills proposed, which is the number of pro-choice bills subtracted by the number of pro-life bills.

I also determine 1) whether abortion bills were proposed at all, and 2) whether each state legislator proposed pro-choice legislation, irrespective of any pro-life bills they may have passed.

5 ANALYSIS

After gathering data on the legislators of California and Arizona as well as the number and type of abortion bills they proposed in the 2022 legislative session, I quantified the independent variables and some dependent variables (whether abortion bills were proposed, whether pro-choice bills were proposed) by dichotomizing each one. If a legislator was female, Democratic, and/or in the state Assembly, they were coded as 1. If they were male, Republican, and/or in the Senate, they were coded as 0. If the legislator proposed any bills at all, they were coded as 1, and if they did not, they were coded as 0. Among legislators who proposed bills at all, the ones who proposed pro-choice bills were coded as 1, and those who proposed pro-life bills were coded as 0. Once all the data was recorded and ready for analysis, I completed calculations for the proportions of each state legislature that proposed abortion bills, pro-choice/pro-life bills, and bills pre and post the Alito leak. With these calculations, I then ran Z-tests and T-Tests to determine whether or not these proportions were statistically significant.

I then completed a linear regression analysis. Before doing so, I also completed a log transformation on my data set to standardize my positively skewed data, because the majority of state legislators in both California and Arizona propose under 3 bills, if they proposed any bills at all. I first attempt to assess whether or not gender impacts the number of abortion bills proposed, then I assess the impact that gender has on the type (pro-choice or pro-life) of legislation proposed. Finally, I investigate if any differences in volume of legislation and type of legislation is exacerbated in the wake of major policy shifts, including the Alito POLITICO leak and the *Dobbs* decision.

5.1 H1A

The first set of tests I conduct investigates whether or not the gender of state legislators affect the number of abortion bills proposed generally. To explore this relationship, I run separate linear regressions with two dependent variables: 1) number of bills proposed and 2) whether or not each legislator proposed any bills at all. For each dependent variable, I also run a set of regressions which includes all control variables as well as the independent variable of gender. These regressions will reveal whether the variation that appears to be a result of certain variables is actually because of collinearity. Because female legislators are oftentimes more likely to be Democratic, there is a substantial reason to believe that gender and party will exhibit a level of collinearity. I hypothesize that gender and party will be statistically significant with positive coefficients for both dependent variables. I also expect that the difference in proposal rate between gender will be greater in Arizona than in California, because California has more Democratic male politicians who are probably more likely to champion women's rights issues like abortion.

Regressions to test H1A will be structured as follows:

Full Models:
$Number\ of\ bills\ proposed = a + \beta_1\,(Gender) + \beta_2\,(Partisanship) + \beta_3\,(Chamber)$
$Proposal\ Rate = a + \beta_1\,(Gender) + \beta_2\,(Partisanship) + \beta_3\,(Chamber)$

Partial Models:
$Number\ of\ bills\ proposed = a + \beta_1\,(Gender)$
$Proposal\ Rate = a + \beta_1\,(Gender)$

5.2 H1B

My second hypothesis posits that any gap between the proposal rate of state legislators in Arizona will be exacerbated after the threat of major policy shifts, such as the Alito POLITICO leak.

For this hypothesis, I include two more independent variables: "Post-Alito" and "Female + Post-Alito." For my dependent variable, I again measure the number of abortion bills proposed and whether or not abortion bills were proposed at all. The "Post-Alito" independent variable indicates whether or not the number of bills proposed by each legislator was after the Alito leak, and the "Female + Post-Alito" variable represents the effect that being female after the Alito leak has on abortion bill proposal rate. I anticipate that while the proposal rate of pro-choice bills by female legislators will increase, the proposal rate of pro-choice bills in male will remain steady.

Regression to test H1B will be structured as follows:

Full Models:

$$\textit{Number of bills proposed} = a + \beta_1\,(\textit{Gender}) + \beta_2\,(\textit{Partisanship}) + \beta_3\,(\textit{Chamber}) + \beta_4\,(\textit{Post-Alito}) + \beta_5\,(\textit{Female} + \textit{Post-Alito})$$

Partial Models:

$$\textit{Number of bills proposed} = a + \beta_1\,(\textit{Gender}) + \beta_2\,(\textit{Post-Alito}) + \beta_3\,(\textit{Female} + \textit{Post-Alito})$$

5.3 H2A

For my third hypothesis, I investigate whether or not gender impacts the type of legislation (pro-choice or pro-life) that state legislators propose. I tested two different dependent variables: 1) net number of pro-choice bills proposed, and 2) whether or not each legislator proposed any pro-choice bills at all. Net number of pro-choice is the number of pro-choice bills subtracted by the number of pro-life bills, and whether each legislator proposed any pro-choice is denoted by a dummy variable. Similar to H1A, I measure partisanship and chamber alongside gender to determine any possible effects of those variables and whether any collinearity exists between each variable. I expect that state legislators in California will propose more pro-choice bills than the state legislators

in Arizona, but that the proposal rate of pro-choice bills by male legislators will be higher in California than the male legislators in Arizona. I also anticipate that the proposal rate of pro-choice bills by female legislators will be higher in both states.

Regression to test H2A will be structured as follows:

Full Models:
$Number\ of\ Pro\text{-}Choice\ bills\ proposed = a + \beta_1\ (Gender) + \beta_2\ (Partisanship) + \beta_3\ (Chamber)$
$Pro\text{-}Choice\ Proposal\ Rate = a + \beta_1\ (Gender) + \beta_2\ (Partisanship) + \beta_3\ (Chamber)$

Partial Models:
$Number\ of\ Pro\text{-}Choice\ bills\ proposed = a + \beta_1\ (Gender)$
$Pro\text{-}Choice\ Proposal\ Rate = a + \beta_1\ (Gender)$

5.4 H2B

My final hypothesis argues that any gap that exists between female and male legislators in the proposal rate of pro-choice legislation will be exacerbated following major policy shifts (or threat of major policy shifts) such as the Alito POLITICO leak and the *Dobbs* decision. Aside from the independent variable of gender and control variables of partisanship and chamber, I also measure the effect of the Alito leak on the proposal rate of pro-choice abortion bills ("Post-Alito") and the effect of the Alito leak on female state legislators ("Female + Post-Alito") in particular.

Regression to test H2B will be structured as follows:

Full Models:
$Net\ Number\ of\ Pro\text{-}Choice\ Bills\ Proposed = a + \beta_1\ (Gender) + \beta_2\ (Partisanship) + \beta_3\ (Chamber) + \beta_4\ (Post\text{-}Alito) + \beta_5\ (Female + Post\text{-}Alito)$

Partial Models:
$Net\ Number\ of\ Pro\text{-}Choice\ Bills\ Proposed = a + \beta_1\ (Gender) + \beta_2\ (Post\text{-}Alito) + \beta_3\ (Female + Post\text{-}Alito)$

6 RESULTS

I find varying levels of support for my hypotheses. For H1A, I find that being female has a positive effect on both the number of abortion bills proposed and the likelihood of proposing any bills at all. For H1B, I find support that being female after a major policy shift, or threat of a policy shift, has a positive effect on the gap between bills proposed by female and male legislators. For H2A, I find that there is a positive effect of being female on the net number of pro-choice bills proposed in both Arizona and California. For H2B, I actually find that there is a positive effect of being female after the Alito leak on the number of pro-choice bills proposed, but a negative effect of the "post-Alito" time frame on the total number of pro-choice bills proposed, irrespective of gender.

6.1 H1A TESTS

Table 1. Number of Abortion Bills Proposed by State Legislators (California)

	Model 1	Model 2	Model 3	Model 4
Female	0.20403	0.2154	0.27455**	0.27914**
	(0.13441)	(0.1350)	(0.10211)	(0.10276)
Assembly		0.1278		0.05493
		(0.1325)		(0.10099)
Democratic			0.97709***	0.97269***
			(0.10382)	(0.10444)
Intercept	0.84299***	0.7562***	0.07096	0.03714
	(0.07663)	(0.1182)	(0.10049)	(0.10099)
Observations	120	120	120	120
R2	0.01915	0.02689	0.4418	0.4432
R2 Adj.	0.01084	0.01026	0.4322	0.4288
F-Statistic	2.304	1.617	46.3	30.78

* p <0.05, **p < 0.01, *** p < 0.001

In this set of regressions, I test H1A with the number of abortion bills proposed as the dependent variable. The results in Table 1 indicate that while there is a positive effect of gender on the number of abortion bills proposed, this result is not statistically significant. However, there does seem to be a degree of collinearity with gender and party, suggesting a high correlation between being a female state legislator in California and identifying as a Democrat. There is little positive effect of being in the Assembly on the number of abortion bills proposed. Thus, these findings demonstrate some support for H1A, that all else equal, female legislators are more likely to propose abortion legislation at a higher rate than male legislators.

Table 2. Did State Legislators Propose Abortion Bills? (California)

	Model 1	Model 2	Model 3	Model 4
Female	0.01425	0.01024	0.06799	0.05953
	0.08933	(0.08995)	(0.05922)	(0.05890
Assembly		-0.04491		-0.10132
		(0.08833)		(0.05789)
Democratic			0.74460***	0.75272***
			(0.06021)	(0.05986)
Intercept	0.70370***	0.73420***	0.11538	0.17776*
	(0.05092)	(0.07879)	(0.05828)	(0.06788)
Observations	120	120	120	120
R2	0.0002155	0.002419	0.5667	0.5778
R2 Adj.	-0.008257	-0.01463	0.5593	0.5669
F-Statistic	0.02543	0.1419	76.5	52.92

* p <0.05, **p < 0.01, *** p < 0.001

To further test H1A, I also consider whether gender has an effect on whether or not state legislators propose any bills at all. In this set of regressions, I test H1A for California with a dichotomized answer of whether abortion bills were proposed at all as the dependent variable. My

findings indicate that there is a small positive effect of being female on likelihood of proposting abortion bills; however, this result is not statistically significant. Interestingly, the effect of being a Democrat in the California state legislature on whether a state legislator proposes any bills at all is statistically significant and does not appear to be affected by multicollinearity with gender like the number of abortion bills proposed is. This suggests that while female legislators, irrespective of partisanship, are more likely to propose more abortion bills than their male counterparts, the effect of being female on proposing any bills at all is roughly equivalent between male and female legislators.

Table 3. Number of Abortion Bills Proposed by State Legislators (Arizona)

	Model 1	Model 2	Model 3	Model 4
Female	0.10683	0.106369	0.16185	0.16393
	(0.09351)	(0.095413)	(0.09090)	(0.09285)
Assembly		-0.002904		0.01234
		(0.101165)		(0.09662)
Democratic			-0.28473**	-0.28531**
			0.09044	(0.09106)
Intercept	0.44979***	0.451958***	0.56145***	0.55249***
	(0.06243)	(0.098094)	(0.06931)	(0.09892)
Observations	92	92	92	92
R2	0.0143	0.0143	0.1131	0.1132
R2 Adj.	0.003343	-0.007846	0.09313	0.083
F-Statistic	1.305	0.6458	5.673	3.745

* p <0.05, **p < 0.01, *** p < 0.001

In this set of regressions, I test H1A for Arizona with the number of abortion bills proposed as the dependent variable. The results in Table 3 indicate that in Arizona, there is a positive effect of being a female legislator on the number of abortion bills proposed, but this result is not statistically significant. Compared to California, being female has a smaller positive effect on the number of abortion bills proposed. Notably, being a Democratic state legislator in Arizona has a statistically

significant negative effect on the number of abortion bills proposed; this may be because of the Republican control of the state legislature. These results offer some support for my hypothesis, which posits that female legislators are more likely to propose a higher amount of abortion bills than their male counterparts.

Table 4. Did State Legislators Propose Abortion Bills? (Arizona)

	Model 1	Model 2	Model 3	Model 4
Female	0.10952	0.08782	0.1601	0.1394
	0.10335	(0.10457)	(0.1022)	(0.1036)
Assembly		-0.13584		-0.1222
		(0.11087)		(0.1078)
Democratic			-0.2617 *	-0.2559*
			(0.1017)	(0.1016)
Intercept	0.54902***	0.65024***	0.6516***	0.7404***
	(0.06899)	(0.10751)	(0.0779)	(0.1104)
Observations	92	92	92	92
R2	0.01232	0.02871	0.08077	0.09398
R2 Adj.	0.00135	0.00688	0.06011	0.0631
F-Statistic	1.123	1.315	3.91	3.043

* p <0.05, **p < 0.01, *** p < 0.001

To further test H1A, I also consider whether gender has an effect on whether Arizona state legislators propose any bills at all. The results in Table 4 indicate that being a female state legislator has a positive effect on whether or not a state legislator proposes any abortion bills at all, but this result is not statistically significant. Interestingly, this effect is much stronger in Arizona than in California, which suggests that the overwhelmingly Democratic majority in California may result in a smaller difference among female and male legislators. This result is supported by existing scholarship, which argues that being a female state legislator only has a substantive effect on their

partisanship, and that after accounting for party, Democratic female and male legislators show approximate support for abortion policy while the effect of gender on Republican female and male legislators is greater.

Interestingly, the results in Table 4 indicate that being a Democratic legislator has a negative statistically significant effect on the number of bills proposed by each state legislator. This could be because of the potential lack of motivation for Democratic legislators to propose abortion legislation due to the existing trigger ban as well as the Republican controlled governorship and legislature.

6.2 H1B TESTS

Table 5. Gap Between Bills Proposed (Arizona)

	Model 1	Model 2	Model 3	Model 4
Female	0.03991	0.02334*	0.07164	0.05601
	(0.07407)	(0.07501)	(0.07297)	(0.07398)
Assembly		-0.10373		-0.09508
		(0.07953)		(0.07770)
Democratic			-0.16421**	-0.16195**
			(0.05182)	(0.05178)
Intercept	0.37158***	- 0.44887***	0.43598***	0.50594***
	(0.04945)	(0.07712)	(0.05236)	(0.07747)
Post-Alito	-0.26285***	-0.34014***	-0.26285***	-0.33369***
	(0.06993)	(0.09156)	(0.06824)	(0.08941)
Female +	0.04020	0.16050	0.04020	0.15047
Post-Alito	(0.10475)	(0.13942)	(0.10222)	0.13616
Observations	92	92	92	92
R2	0.1159	0.1242	0.1628	0.1698
R2 Adj.	0.1011	0.1046	0.1441	0.1465
F-Statistic	7.864	6.346	8.705	7.282

* p <0.05, **p < 0.01, *** p < 0.001

In this set of regressions, I test H2B, which posits that all else equal, the gap between the proposal rate of abortion legislation between male and female legislators will be larger in the immediate wake of major federal policy shifts regarding abortion. I use the number of abortion bills proposed during two different time periods (pre-Alito and post-Alito) as the dependent variable. The results in Table 5 illustrate a small positive effect of being a female legislator on the number of abortion bills proposed after the Alito leak, but this result is not statistically significant when evaluated without control variables; however, there is a statistically significant positive effect of being female on the number of bills proposed when controlled with the chamber that the legislature is in. Moreover, there is a statistically significant negative effect of proposing bills in the "post-Alito" period in all four models, suggesting that while the number of bills proposed by all state legislators irrespective of gender decreased after the Alito leak, the gap between female and male legislators in number of abortion bills proposed is increased after the threat of major policy shifts. Interestingly, there is also a statistically significant negative effect of being a Democrat on the gap between bills proposed before and after the Alito leak, which could be explained by the Republican controlled governorship and legislature.

6.3 H2A TESTS

Table 6. Net Number of Pro-Choice Abortion Bills Proposed (California)

	Model 1	Model 2	Model 3	Model 4
Female	0.6078	0.6685	0.76495*	0.8084*
	(0.4285)	(0.4272)	(0.38334)	(0.3832)
Assembly		0.6803		-0.5202
		(0.4195)		(0.3765)
Democratic			2.17749***	2.1358***
			(0.38975)	(0.3894)
Intercept	1.8025***	1.3406	0.08198	0.4416
	(0.2443)	(0.3741)	(0.37727)	(-0.540)
Observations	120	120	120	120
R2	0.01677	0.03838	0.2238	0.2364
R2 Adj.	0.008434	0.02194	0.2106	0.2166
F-Statistic	2.012	2.335	16.87	11.97

* p <0.05, **p < 0.01, *** p < 0.001

In this set of regressions, I test H2A, which posits that all else equal, female legislators are more likely than male legislators to propose pro-choice legislation. In these regressions, I use the net number of pro-choice bills (pro-choice bills minus pro-life bills) as my dependent variable. According to the results in Table 6, there is a positive effect of being female on the net number of pro-choice bills proposed in the California state legislature, and is statistically significant when measured alongside partisanship. However, this result seems to indicate multicollinearity between being female and being a Democrat, which indicates that there is a large proportion of female legislators who are also Democrats. Thus, the findings support my hypothesis that female legislators in California are more likely to propose more pro-choice bills.

Table 7. Net Number of Pro-Choice Abortion Bills Proposed (Arizona)

	Model 1	Model 2	Model 3	Model 4
Female	0.5538*	0.4768 *	0.2566	0.1611
	(0.2251)	(0.2246)	(0.1624)	(0.1555)
Assembly		-0.4821 *		-0.5657***
		(0.2381)		(0.1618)
Democratic			1.5380***	1.5649***
			(0.1616)	(0.1525)
Intercept	-0.5294***	-0.1702	-1.1326***	-0.7216
	(0.1503)	(0.2309)	(0.1238)	(0.1656)
Observations	92	92	92	92
R2	0.063	0.1042	0.5356	0.5923
R2 Adj.	0.05259	0.08412	0.5252	0.5784
F-Statistic	6.051	5.179	51.33	42.61

* p <0.05, **p < 0.01, *** p < 0.001

In this set of regressions, I test H2A for Arizona, which posits that female legislators are more likely to propose more pro-choice abortion bills than their male counterparts. The results in Table 7 indicate that being female has a statistically significant positive effect on the net number of pro-choice abortion bills proposed in Arizona, when partisanship is not controlled. When partisanship is controlled, however, the effect of being female is not statistically significant. Interestingly, when party and chamber are controlled together, there is a statistically significant positive effect of party and a statistically significant negative effect of chamber, yet no statistically significant effect of being female on the net number of pro-choice bills proposed. After controlling for partisanship, the effect of being female is much smaller, which supports previous scholarship's claim that gender may only have an effect on partisanship when considering abortion policy. Thus, there is some support for H2A, which argues that female legislators are more likely to propose more pro-choice bills.

6.4 H2B TESTS

Table 8. Gap Between Pro-Choice Abortion Bills Proposed (Arizona)

	Model 1	Model 2	Model 3	Model 4
Female	0.01761	0.2566	0.03790	0.03297
	(0.04100)	(0.1624)	(0.04001)	(0.04068)
Assembly		-0.03557		-0.03000
		(1.5380)		(0.04273)
Democratic			-0.10498***	-0.10427***
			(0.02841)	(0.02847)
Intercept	1.25713***	1.28364***	1.29830***	1.32038***
	(0.02737)	(0.04281)	(0.02871)	(0.04260)
Post-Alito	-0.22212***	-0.24863***	-0.22212***	-0.24448***
	(0.03871)	(0.05083)	(0.03742)	(0.04917)
Female +	-0.08672	-0.04546	-0.08672	-0.05192
Post-Alito	(0.05798)	(0.07740)	(0.05605)	(0.07487)
Observations	92	92	92	92
R2	0.3205	0.3229	0.3686	0.3704
R2 Adj.	0.3092	0.3078	0.3545	0.3527
F-Statistic	28.3	21.34	26.13	20.94

* p <0.05, **p < 0.01, *** p < 0.001

In this final set of regressions, I test H2B, which hypothesizes that all else equal, the gap between the proposal rate of pro-choice abortion legislation between female and male legislators will be larger in the immediate wake of major federal policy shifts regarding abortion. For these regressions, I look at the net number of pro-choice bills as my dependent variable. According to the results in Table 8, there is actually a negative effect of being female on the net number of pro-choice bills proposed after the Alito leak, but this result is not statistically significant. Notably, there is also a statistically significant negative effect of the post-Alito time period across the board; the negative effect of the post-Alito time period is also approximately three times greater than the effect of being a female legislator after the Alito leak. These results suggest that even though female legislators

propose fewer pro-choice bills after the Alito leak, male legislators proposed even fewer pro-choice bills after the Alito leak.

7 LIMITATIONS

Because of the amount of time and budget allocated to this study, this thesis suffers from several inherent limitations that should be further explored in future research.

Perhaps the biggest limitation in this thesis is the small time frame analyzed and the limited amount of case studies available. Though I initially intended on investigating other states such as Texas and Alabama, who are arguably more prominent in the public discourse regarding abortion, their legislatures did not reflect the activity that I had originally anticipated, and much of the action after the Alito leak seems to take place within the judiciary, not the legislatures. The timelines I used to evaluate abortion bills proposed are the 2022 legislative sessions in California and Arizona, which spanned from January 3, 2022 to August 31, 2022 and January 10, 2022 to June 25, 2022, respectively. This 6-8 month time period severely limits the dataset used, because it limits a thorough consideration of long-term political trends that might have taken hold. For example, in California and Arizona, previous legislatures had already proposed and passed bills about abortion, but this thesis does not attempt to determine the effects of previous legislation passed regarding abortion. The data used in this thesis is limited to a small snapshot of time within a state legislature, and does not consider whether membership changes over time have an effect on the number of abortion bills and the type of bills proposed. Perhaps the data may tell a different story if I had included data from state legislatures after other major federal policy shifts, including *Roe v. Wade* (1973) and *Planned Parenthood v. Casey* (1992) decisions. Because of the limited time frame, I was not able to formally analyze the effect that critical mass of female legislators may have had on the dependent variables, nor was I able to assess the effect of party control on the dependent variables.

Additionally, although this thesis briefly considers the effect of certain institutional settings like constitutional protections and partisanship of governorship, the research design of this study did

not formally attempt to establish a causal relationship between these institutional factors and the dependent variables. For instance, while California has constitutional protections, Arizona does not, and actually had a trigger ban in place before the overturning of *Roe* in the *Dobbs* case. It is likely that these institutional settings played a role in the determination that state legislators may have had in the proposal of abortion bills, but my research does not formally examine these effects. Other factors that should be considered in additional research include constituent interests and the institutional position that legislators may hold. Additional studies are needed to investigate whether the effect of gender can be generalized beyond the most recent abortion policy shifts.

8 CONCLUSION

For 50 years, *Roe v. Wade* (1973) gave people across the nation the right to seek an abortion. In 2022, *Dobbs v. Jackson Women's Health* upended this right, allowing states to implement serious limitations on a person's right to seek an abortion. This thesis sought to explain the reasons behind the determinants of abortion policy at the state level in the immediate wake of major federal policy shifts, such as the *Dobbs* decision. This paper's goals are twofold: first, it aimed to analyze how the gender of state legislators affect the number of abortion bills proposed and assess how the gender of state legislators affect the type (pro-choice or pro-life?) of abortion bills proposed. Second, it evaluates how the differences between female and male legislators in the number and type of abortion policy proposed are exacerbated by major policy shifts. To achieve its objectives, this paper quantitatively measures the relationship between gender and the number and type of abortion bills proposed in California and Arizona through linear regression analysis.

My findings offer varied support for my hypotheses. My results suggest that there is a positive effect of being female on both the number of abortion bills proposed and the number of pro-choice bills proposed, though these results were not always statistically significant. In many tests, there seems to be a degree of multicollinearity with being female and Democratic, which indicates that oftentimes, female legislators are Democratic. This supports previous scholarship's findings that gender plays a bigger role in determining partisanship of a state legislator and has a smaller effect within the Democratic party than the Republican party. Moreover, these results seem to vary by state; the effect of being a female legislator on the number of bills proposed seem to be smaller in Arizona than in California, which may be because of the Republican control over the legislature in Arizona. Interestingly, the opposite is true for whether or not state legislators propose any bills at all; the effect of being female on any bills proposed is greater in Arizona than in California, which suggests that in California, though many legislators irrespective of their genders propose abortion

bills, the number of bills proposed are distinct among female and male legislators. In Arizona, gender may play a bigger role in whether legislators propose abortion bills at all, but the ones who do propose any bills do so at similar rates. However, in both California and Arizona, the effect of being female on the net number of pro-choice bills is approximate.

For the second part of this paper, I evaluate my hypotheses that all else equal, the gap between the proposal rate of abortion legislation between female and male legislators will be larger in the immediate wake of major federal policy shifts regarding abortion. My findings indicate that while there is a statistically significant negative effect of the post-Alito time period across the board, being female still has a positive effect on the number of bills proposed after the Alito leak. This demonstrates that while the total number of abortion bills proposed decreased after the Alito leak, female legislators have still proposed more bills than their male counterparts. When considering the net number of pro-choice bills proposed after the Alito leak, there is also a negative statistically significant effect of the post-Alito time period. Different from the number of bills proposed after the Alito leak, being female does seem to have a negative effect on the net number of pro-choice bills proposed, although the effect is around 3 times smaller than the post-Alito effect on all state legislators, irrespective of gender, indicating some support for my hypotheses that the gap between proposal rate of abortion bills and pro-choice abortion bills between male and female legislators is larger after major federal policy shifts.

The results in this thesis have a couple policy implications. Before completing my thesis, I had assumed, as many Americans do, that the gender of a state legislator would have a significant impact on the type of abortion legislation proposed. However, my findings suggest that while the gender of a state legislator does play a small role in abortion policy, the partisanship of the state legislator plays a much bigger role. Additionally, my findings indicate that other institutional settings, including party control of governorship and the legislature, as well as constitutional protections may

play a larger role in whether or not state legislators decide to propose abortion legislation. For example, the Arizona pre-*Roe* ban and California constitutional protections may restrict the amount of impact that legislators can make on abortion policy in their state; Arizona legislators may not be able to successfully propose as many pro-choice choice bills, and California legislators may not be able to successfully propose as many pro-life abortion bills.

These findings fill a gap in the literature investigating the effect of gender on the proposal of abortion policy immediately after major federal policy shifts. Though previous scholarship has analyzed the effects of gender on abortion position and roll call voting, this thesis bridges the gap between the efficacy of female legislators and their substantive impact on abortion legislation at the state level. Future research should focus on other states and policy shifts to better determine the effect that gender has on abortion policy and formally investigate the effects of institutional settings such as constituent interests, constitutional protections, governor partisanship, trigger bans, and party control. Future research can also assess the impact that length and timing of legislative sessions can have on the influence of state legislators on abortion policy. While Arizona and California have annual legislative sessions that span 6-8 months respectively, other states have legislative sessions every other year for three months at a time. Another question for further research is determining the effect that the critical mass of gender has on the proposal rate and passage rate of pro-choice legislation. In my research, I also briefly looked at the effect of gender on the type of sponsorship of abortion bills. For example, preliminary research indicates that female legislators are more likely to be lead sponsors on abortion bills, rather than co-sponsors; future research can attempt to establish a clearer relationship between gender and sponsorship.

This study is simply a first step of research exploring the impact that gender has on abortion policy. As the entry barriers for female legislators begin eroding with time, the questions and

findings posed in this thesis can help determine the substantive impact that female legislators and their unique perspectives can have on the future of abortion policy.

10 APPENDIX

10.1 CALIFORNIA

Proportion of Legislature & Legislation Proposed (If Legislation Proposed)

Type / Time	Female	Male	Z-Statistic	P-Value
Pro-Life / Pre Alito	0.03571429	0.07017544	-0.6346375	0.525664881
Pro-Life / Post Alito	0	0		
Pro-Choice / Pre Alito	0.92857143	0.70689655	2.35108715	0.018718649
Pro-Choice / Post Alito	1	1		
Pro-Choice TOTAL	0.96428571	0.78181818	2.22117412	0.02633917
Pro-Life TOTAL	0.14285714	0.10344828	0.5300163	0.596100631

Average Number of Bills Proposed (If Legislation Proposed)

Time / Type	Female	Male
Pro-Life / Pre Alito	0.07407407	0.04444444
Pro-Life / Post Alito	N/A	N/A
Pro-Choice / Pre Alito	2.55555556	2.15555556
Pro-Choice / Post Alito	1	1

Proportion of Legislators by Authorship (If Legislation Proposed)

Authorship	Female	Male	Z-Statistic	P-Value
Lead	0.92857143	0.54385965	3.61783462	0.000297078
Co-Author	0.07142857	0.44827586	-3.5438769	0.000394289

Proportion of Legislators by Authorship & Time (If Legislation Proposed)

Authorship/Time	Female	Male	Z Stat	P-Value
Lead/Pre-Alito	0.96296296	0.52631579	4.10623575	4.02159E-05
Co-Author/Pre-Alito	0.66666667	0.42105263	2.1287282	0.033276754
Lead/Post-Alito	0.03571429	0.01754386	0.51944189	0.603452623
Co-Author/Post-Alito	0.92857143	0.94736842	-0.3461659	0.729218044

Proportion of Legislators by Authorship & Type (If Legislation Proposed)

Authorship/Time	Female	Male	Z-Statistic	P-Value
Lead/Pro-Life	0.14285714	0.0877193	0.77651105	0.437447299
Co-Author/Pro-Life	0	0.01754386	-0.7050362	0.480787717
Lead/Pro-Choice	0.92857143	0.49122807	3.93704805	8.24901E-05
Co-Author/Pro-Choice	0.67857143	0.43859649	2.08100693	0.037433272

Proportion of Legislators by Proposal & Time (If Legislation Proposed)

	Female	Male
Yes (TOTAL)	0.71794872	0.7037037
Yes + Pre-Alito	0.69230769	0.55555556
Yes + Post-Alito	0.71052632	0.67073171
Yes + Post-Dobbs	0	0

Average Number of Bills Proposed by Time (If Legislation Proposed)

	Female	Male
Pre-Alito	2.74074074	2.24444444
Post-Alito	1	1
Post-Dobbs	N/a	N/a

Average Number of Bills Proposed by Type & Time (if Legislation Proposed)

	Female	Male
Pro-Life / Pre Alito	0.07407407	0.04444444
Pro-Life / Post Alito	N/A	N/A
Pro-Choice / Pre Alito	2.55555556	2.15555556
Pro-Choice / Post Alito	1	1

Proportion of Legislators by Authorship, Type, & Time (If Legislation Proposed)

	Female	Male	Z-Statistic	P-Value
Lead/Pro-Life/Pre-Alito	0.03571429	0.07017544	-0.6346375	0.525664881
Lead/Pro-Choice/Pre-Alito	0.89285714	0.45614035	3.86279136	0.000112099
Co-Author/Pro-Life/Pre-Alito	0	0		
Co-Author/Pro-Choice/Pre-Alito	0.64285714	0.40350877	2.07557349	0.037933415
Lead/Pro-Choice/Post-Alito	0.03571429	0.01754386	0.51944189	0.603452623
Lead/Pro-Life/Post-Alito	0	0		
Co-Author/Pro-Life/Post-Alito	0	0		
Co-Author/Pro-Choice/Post-Alito	0.92857143	0.98181818	-1.2431729	0.213804123

T-Test: Total Number of Bills Proposed

	Female	Male
Mean	2.61538462	2.08695652
Variance	3.84615385	4.57004831
Observations	26	46
Hypothesized Mean Difference	0	
df	56	
t Stat	1.0626574	
P(T<=t) one-tail	0.14624927	
t Critical one-tail	1.6725223	
P(T<=t) two-tail	0.29249853	
t Critical two-tail	2.00324072	

T-Test: Number of Pro-Choice Bills, Pre-Alito

	Female	Male
Mean	2.61538462	2.08695652
Variance	3.84615385	4.57004831
Observations	26	46
Hypothesized Mean Difference	0	
df	56	
t Stat	1.0626574	
P(T<=t) one-tail	0.14624927	
t Critical one-tail	1.6725223	
P(T<=t) two-tail	0.29249853	
t Critical two-tail	2.00324072	

10.2 ARIZONA

Proportion of Legislature & Legislation Proposed (If Legislation Proposed)

	Female	Male	Z-Statistic	P-Value
Pro-Life / Pre Alito	0.26829268	0.45098039	-1.4099611	0.15855116
Pro-Life / Post Alito	0.07317073	0.09803922	-0.3291497	0.74204257
Pro-Choice / Pre Alito	0.26829268	0.03921569	2.36770079	0.017899
Pro-Choice / Post Alito	0.17073171	0.05882353	1.30668366	0.19132017
Pro-Choice TOTAL	0.3902439	0.09803922	2.53127582	0.01136484
Pro-Life TOTAL	0.26829268	0.45098039	-1.4099611	0.15855116

Proportion of Legislators by Authorship (If Legislation Proposed)

	Female	Male	Z-Statistic	P-Value
Lead	0.18518519	0.03571429	1.77756391	0.0754755
Co-Author	0.88888889	0.96428571	-1.0764162	0.28174117

Proportion of Legislators by Authorship & Time (If Legislation Proposed)

	Female	Male	Z-Statistic	P-Value
Lead/Pre-Alito	0.11111111	0.03571429	1.07641618	0.28174117
Co-Author/Pre-Alito	0.7037037	0.85714286	-1.3773794	0.16839498
Lead/Post-Alito	0.07407407	0	1.46708589	0.14235269
Co-Author/Post-Alito	0.2962963	0.28571429	0.08638098	0.93116356

Proportion of Legislators by Authorship & Type (If Legislation Proposed)

	Female	Male	Z-Statistic	P-Value
Lead/Pro-Life	0.11111111	0.03571429	1.07641618	0.28174117
Co-Author/Pro-Life	0.2962963	0.78571429	-3.6441105	0.00026832
Lead/Pro-Choice	0.07407407	0	1.46708589	0.14235269
Co-Author/Pro-Choice	0.51851852	0.17857143	2.65048603	0.00803761

Proportion of Legislators by Proposal & Time (If Legislation Proposed)

	Female	Male
Yes + Pre-Alito	0.53658537	0.49019608
Yes + Post-Alito	0.24390244	0.15686275
Yes + Post-Dobbs	0	0

Average Number of Bills Proposed by Time (If Legislation Proposed)

	Female	Male
Pre-Alito	1.18181818	1.16
Post-Alito	1.2	1
Post-Dobbs	1	0

Average Number of Bills Proposed by Type & Time (if Legislation Proposed)

	Female	Male
Pro-Life / Pre Alito	1.36363636	1.17391304
Pro-Life / Post Alito	1	1
Pro-Choice / Pre Alito	1	1
Pro-Choice / Post Alito	1.28571429	1
Pro-Life/Post Dobbs	1	N/a

Proportion of Legislators by Authorship, Type, & Time (If Legislation Proposed)

	Female	Male	Z-Statistic	P-Value
Lead/Pro-Life/Pre-Alito	0.09090909	0.04	0.76566378	0.44387638
Lead/Pro-Choice/Pre-Alito	0.04545455	0	1.14095361	0.25388923
Co-Author/Pro-Life/Pre-Alito	0.40909091	0.88	-3.65756	0.00025463
Co-Author/Pro-Choice/Pre-Alito	0.45454545	0.09090909	3.03876627	0.00237549
Lead/Pro-Choice/Post-Alito	0.1	0	1.71596931	0.08616766
Lead/Pro-Life/Post-Alito	0.1	0	1.71596931	0.08616766
Co-Author/Pro-Life/Post-Alito	0.2	0.625	-3.1963985	0.00139155
Co-Author/Pro-Choice/Post-Alito	0.6	0.375	1.66907523	0.09510247

T-Test: Total Number of Bills Proposed (Pre-Alito)

	Female	*Male*
Mean	1.18181818	1.16
Variance	0.15584416	0.14
Observations	22	25
Hypothesized Mean Difference	0	
df	44	
t Stat	0.19372846	
P(T<=t) one-tail	0.42364005	
t Critical one-tail	1.68022998	
P(T<=t) two-tail	0.8472801	
t Critical two-tail	2.01536757	

T-Test: Total Number of Bills Proposed (Post-Alito)

	Female	*Male*
Mean	1.1	1.125
Variance	0.1	0.125
Observations	10	8
Hypothesized Mean Difference	0	
df	14	
t Stat	-0.1561738	
P(T<=t) one-tail	0.43906284	
t Critical one-tail	1.76131014	
P(T<=t) two-tail	0.87812569	
t Critical two-tail	2.14478669	

T-Test: Total Number of Bills Proposed (Pre-Alito, Pro-Choice)

	Female	*Male*
Mean	1.19047619	1.16
Variance	0.16190476	0.14
Observations	21	25
Hypothesized Mean Difference	0	
df	41	
t Stat	0.26416527	
P(T<=t) one-tail	0.39648797	
t Critical one-tail	1.682878	
P(T<=t) two-tail	0.79297593	
t Critical two-tail	2.01954097	

T-Test: Total Number of Bills Proposed (Pre-Alito, Pro-Life)

	Female	*Male*
Mean	1.19047619	1.16
Variance	0.16190476	0.14
Observations	21	25
Hypothesized Mean Difference	0	
df	41	
t Stat	0.26416527	
P(T<=t) one-tail	0.39648797	
t Critical one-tail	1.682878	
P(T<=t) two-tail	0.79297593	
t Critical two-tail	2.01954097	

T-Test: Total Number of Bills Proposed (Post-Alito, Pro-Life)

	Female	*Male*
Mean	1.19047619	1.16
Variance	0.16190476	0.14
Observations	21	25
Hypothesized Mean Difference	0	
df	41	
t Stat	0.26416527	
P(T<=t) one-tail	0.39648797	
t Critical one-tail	1.682878	
P(T<=t) two-tail	0.79297593	
t Critical two-tail	2.01954097	

T-Test: Total Number of Bills Proposed (Post-Alito, Pro-Choice)

	Female	*Male*
Mean	1.22222222	1
Variance	0.19444444	0
Observations	9	4
Hypothesized Mean Difference	0	
df	8	
t Stat	1.51185789	
P(T<=t) one-tail	0.0845101	
t Critical one-tail	1.85954804	
P(T<=t) two-tail	0.1690202	
t Critical two-tail	2.30600414	

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