

2021 An Unprecedented Year for Abusive Preemption

2021 was an unprecedented year for abusive preemption. As local elected officials and advocates sought to protect their communities from the ongoing public health and economic effects of the pandemic, they encountered preemption efforts from state lawmakers on a scale never before seen:

- More than **475 preemption bills** were introduced in state legislatures last year – well over twice the number seen in 2019, the last “regular” session prior to the pandemic.
- More than **70** of those bills came from **Florida and Texas** alone.
- Many of the bills shared common – and dangerous – themes. They sought to curtail public health authority, undermine local budget control, stifle voting rights, and advance animus against BIPOC and transgender communities.

Against this backdrop, the LSSC team ramped up our efforts to meet the demand. We approach our work to combat abusive preemption and support partners on the ground across four strategies - fostering and supporting cross-movement collaboration; demonstrating the consequences of preemption; rebalancing the power between state and local governments.

Our team spent the year creating new legal resources, research, media materials, and providing technical support to partners across the country. We worked to ensure our partners had the tools and support they needed to succeed; to strengthen the network of researchers and legal experts engaging on preemption; and to amplify in the press how preemption is often used to uphold inequitable systems and entrench white supremacy.



This document takes a look at what we accomplished last year, including:

Fostering and supporting cross-movement collaboration

Page 2

Demonstrating the consequences of preemption

Page 2

Creating the public imperative for reform

Page 3

Rebalancing the power between state and local governments

Page 4

Plus...

LSSC's new Vision & Values Statement and Strategic Priorities

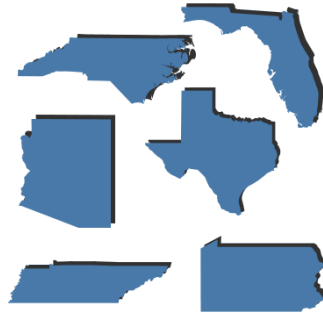
Page 5-6

Fostering and supporting cross-movement collaboration

Our team tracked more than **475 preemption bills** nationwide in 2021. We supported our partners in responding to this unprecedented uptick in abusive preemption bills in numerous ways, including:

Hosting 29 virtual events

that attracted more than 1,300 participants to discuss topics including police reform and local budget control, climate and the environment, anti-trans legislation, curriculum decisions, and anti-protest bills.



Developing resources

including template legislation, communication plans and tailored messaging, and legal memos.



Providing ongoing support to campaign efforts

in Arizona, Florida, Pennsylvania, North Carolina, Tennessee, and Texas.

We also piloted a **rapid response campaign** to combat the wave of public health authority preemption bills. Our team compiled real-time reports tracking legislation across nine states; distributed the reports and other intel across a network of state and public health officials we assembled; and held coordinating calls.

Demonstrating the consequences of preemption

As our team ramped up the number of resources we were providing to states and partners over the course of the year, our research listserv grew to include **more than 170 scholars**.

We also continued developing materials and tools to meet the (often rapidly shifting) needs of the advocates on the ground. This included:

- **A framework for elevating equity** in research addressing the consequences of preemption.
- The release of **“Preempting Progress in the Heartland,”** the latest report we supported from the Economic Policy Institute, which continued to illustrate the explicit connections between the abuse of preemption and efforts to uphold and advance white supremacy.
 - » Our team facilitated a discussion of the report that included LSSC, the lead researcher and author, and an elected official from Wisconsin.



Creating the public imperative for reform

We expanded our [media outreach efforts](#) to ensure more people understood what preemption is, and how its abuse harms BIPOC communities, women, LGBTQ people, immigrants, and workers in low-wage industries. We secured or appeared in **nearly two dozen stories** across national, state, local, and trade media in 2021. This coverage:

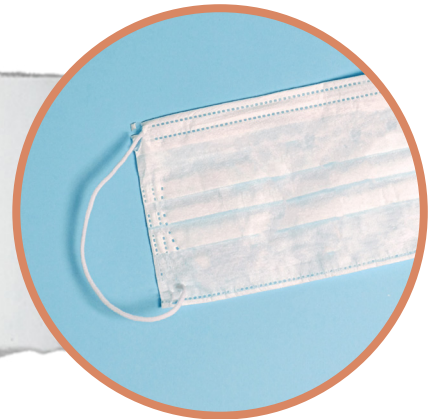
- Reached a potential collective audience of nearly **169 million people**.
- Was shared on social media more than **9,000 times**.
- Highlighted a mix of our state work - particularly in Florida and Texas - and preemption of specific issues, such as public health authority, school curriculum decisions, and local budget control.

These three stories had the biggest reach in 2021:

**The
Guardian**

7/23/2021

Republican bid to limit health officials could cause 'preventable tragedies' - experts



5/31/2021

The Washington Post

A clear attack on Floridians

 **PBS NEWSHOUR**

8/26/2021

Educator Voice: Reflections as I approach my 20th year of teaching

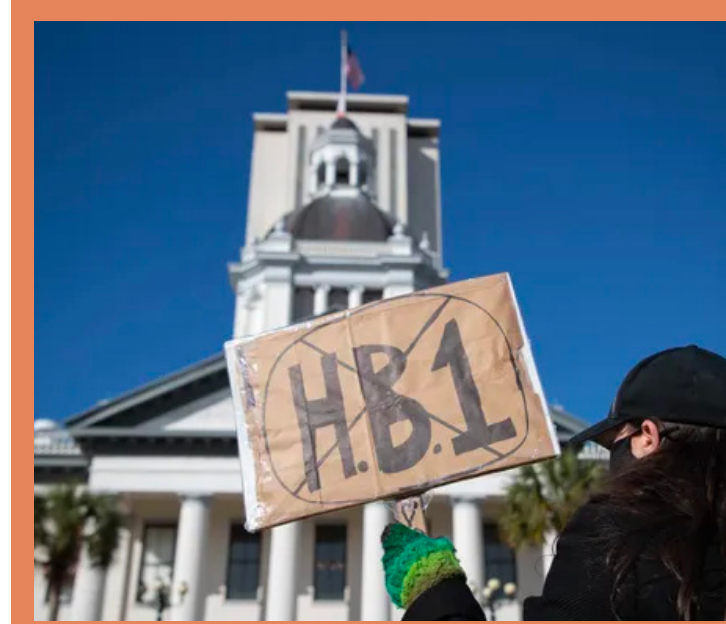


We also developed **12 messaging guides** that [highlight the intersection](#) of preemption and specific issues (like sanctuary cities & immigration, local police budgets, public health authority, and voting rights.)

Creating demand and a path for structural reform to rebalance the power between and clarify the roles of state and local government

LSSC and our partners built our first **large-scale litigation effort** in 2021: Combating Florida's racist and draconian HB 1, which criminalizes certain protest activities and prevents municipalities from reducing their law enforcement budget. This lawsuit:

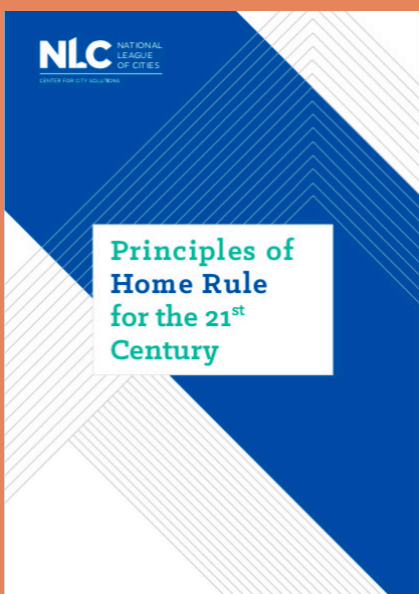
- United four legal advocacy groups: Public Rights Project, Community Justice Project, Southern Poverty Law Center, and Jenner & Block.
- In partnership with Local Progress, helped to secure 9 municipalities to challenge HB 1: Gainesville, Tallahassee, Miramar, Lake Worth Beach, Wilton Manors, North Miami, North Miami Beach, Lauderhill, and North Bay Village.
- Engaged dozens of constituents to submit public comments in support of the lawsuit through partnerships with grassroots, Black-led community organizations.
- Included five presentations reaching more than 150 people. A white paper on policing preemption also was developed and will be published by the Temple University Law Review in 2022.



LSSC also provided **webinars** to members of the International Municipal Lawyers Association to further the conversation about preemption and its impacts, particularly on communities of color. LSSC's four sessions last year had 374 attendees, predominantly municipal attorneys.

LSSC also began developing an **expanded home rule reform campaign** to build on the groundbreaking [Principles of Home Rule for the Twenty-First Century](#). The bulk of our work will unfold in 2022, but last year we began close coordination with national partners including the National League of Cities, Local Progress, and the State Innovation Exchange.

Beyond this structural work, the LSSC legal team responded to 50 requests for technical assistance from 11 states, ranging from analyzing bills pending during the legislative session to providing strategy and legal arguments to push back against these bills.



Vision, Values & Strategic Priorities

The LSSC team also had conversations throughout 2021 about how we could most effectively support the work of the grassroots organizations and advocates powering change in their communities; while also better centering a commitment to equity and awareness of the connection between abusive preemption and systems of oppression within our work. These conversations culminated with the revision of both our values statement and strategic priorities:

Our Vision & Guiding Values

We are committed to creating a more equitable and just society by dismantling historic and current systems of oppression that exclude and harm BIPOC, LGBTQ people, women, immigrants, and workers in low-wage industries.

We believe that our democracy should work for all people. A healthy democracy should allow historically excluded people to build power and exercise agency over their own lives and communities. State preemption of local policy making should only be used to protect the health and well-being of residents, and should create the foundation upon which localities can go further in advancing equity and addressing their communities' needs. Unfortunately, preemption today is being abused specifically to undermine a healthy democracy and harm people.

Our government and elected officials have a responsibility to meet the needs of their communities and to address the policies, institutions, and cultural barriers that perpetuate harm and continue to exclude BIPOC, LGBTQ people, women, immigrants, and workers in low-wage industries.

Truly building a more equitable and just society means that every community should have the authority and autonomy to advance equitable policies and how to most urgently meet the needs of their residents. We're committed to supporting this work by both sharing best practices and supporting locally led strategies that center local expertise and lived experience.

We strive to center the following values in all of our work:

IMPACT: We strive to have a tangible, lasting, and positive impact on people, communities, and our democracy.

COLLABORATION & PARTNERSHIP: We recognize that we are more than the sum of our parts and operate as a hub dedicated to building deep and meaningful connections and alliances across issues, constituencies, communities, and sectors.

RESPECT: We value the skills, experiences, identities, and perspectives of our team, our partners, and those impacted most by the abuse of preemption.

NIMBLE & RESPONSIVE: We adapt to a quickly changing landscape while also centering the perspectives and engagement of the most impacted communities in our decision-making and planning.

RESILIENT: We remain steadfast in our commitment to our long-term vision, mission, desired impact, and these values, even in tumultuous times and challenging situations.

HONEST & TRANSPARENT: We believe in sharing timely and direct information, resources, expertise, and background about our decisions in order to support and maximize the impact of the collective preemption ecosystem.

INNOVATIVE: We challenge ourselves to continuously learn from each other and our partners, and reflect on lessons of our work. We identify opportunities to refine, modify, cease, or create new efforts to further our values and meet the needs of the communities and people most impacted by the abuse of preemption.

LSSC's Strategic Priorities

1

Fostering and supporting cross-movement collaboration

by listening to and engaging directly with local leaders and advocates through state campaign coalitions, providing campaign planning support, conducting peer-to-peer trainings, and functioning as a hub to conduct our work in tandem with our partners, driven by their needs and the needs of the communities they serve. State campaigns and local leadership are at the heart of our approach and drive and inform the resources LSSC develops and disseminates across the preemption ecosystem.

3

Creating the public imperative for reform

by developing strategic communications and earned and social media efforts, conducting messaging research, and producing messaging resources, talking points, and digital toolkits to increase and support the adoption of research-tested best practices. We must elevate the narrative about the abuse of preemption out of issue silos and educate and engage communities on the larger issue of strengthening local democracy.

2

Demonstrating the consequences of abusive preemption

that excludes and harms BIPOC, LGBTQ people, women, immigrants, and workers in low-wage industries by commissioning research, convening and expanding a diverse network of academics and researchers, and connecting and translating research to action in the field. This work provides opportunities to create deeper connections between advocates and academics as well as between today's abuse of preemption with historic and current systems of oppression.

4

Rebalancing the power between state and local governments

by conducting legal research, providing advocates and policy makers with deep and customized legal technical assistance, drafting amicus briefs, engaging and expanding our network of legal scholars, litigating critical issues, and advancing the [Principles of Home Rule for the 21st Century](#). We seek structural reforms to ensure government and elected officials fulfill their responsibility to meet the needs of their communities and to address the policies, institutions, and cultural barriers that perpetuate harm and continue to exclude BIPOC, LGBTQ people, women, immigrants, and workers in low-wage industries.