

Preemption National Survey

Findings and Recommendations from a Nationwide
Online Survey

January 2018



Research Conducted

Phase 1: From December 12-14, 2017, we conducted three-day online focus groups, known as QualBoards. The audience was likely 2018 voters living in the following states: Arizona, Florida, Georgia, Louisiana, Michigan, Minnesota, North Carolina, and Tennessee. The states were selected based on frequent state legislative preemption. Participants were also recruited based on not personally identifying as a member of either major political party.

Phase 2: Anzalone Liszt Grove Research and Moore Information partnered to conduct an n=811 online poll with registered 2018 voters nationwide between January 9-11, 2018. Interviews were apportioned geographically and demographically based on Census data. Because the survey was conducted online, all respondents owned a computer and had internet access. As the survey was conducted online, there is no margin of error.

INITIAL PERCEPTIONS OF PREEMPTION

Voters have a high opinion of their local government, and are divided in their feelings towards state government

Congress receives incredibly negative reviews.

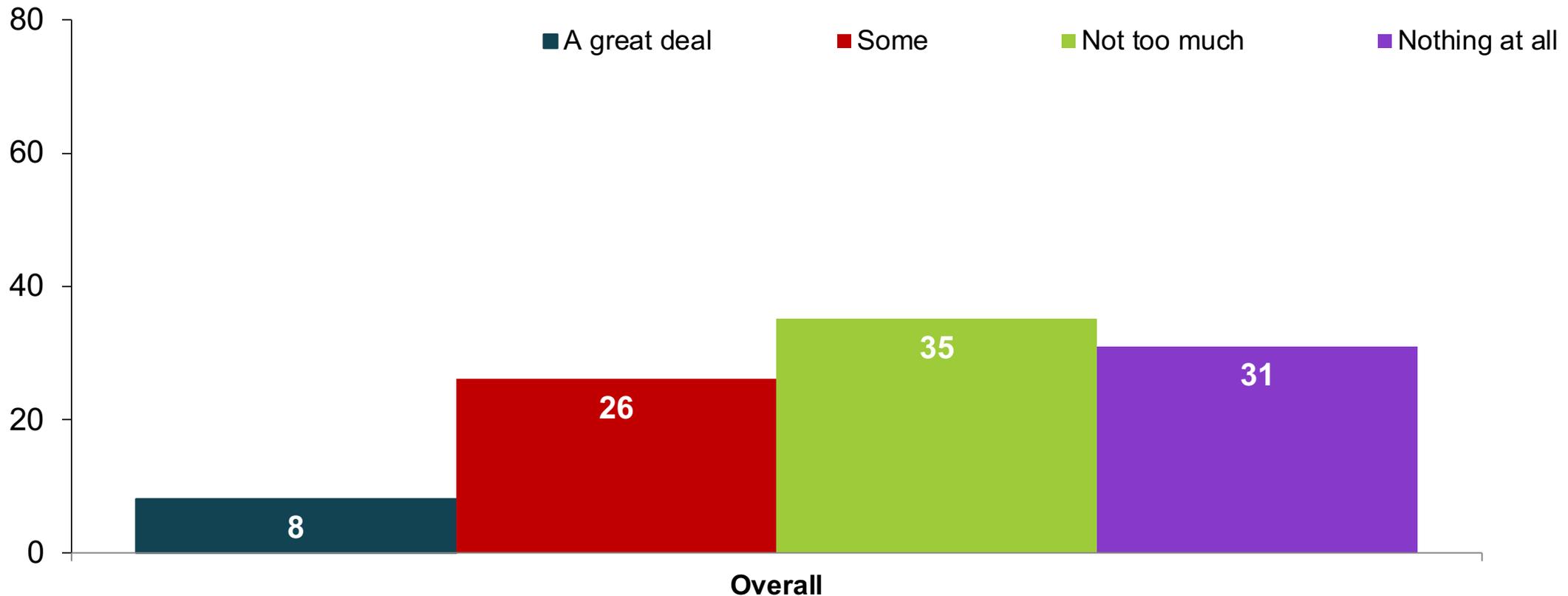
Now, you will see a list of different organizations and institutions. Please indicate whether you believe each is doing an excellent, good, not so good, or poor job of working on the issues that matter most to you. Here is the first one...



Voters have heard very little about preemption.

Two-thirds have heard very little or nothing about it happening in their state.

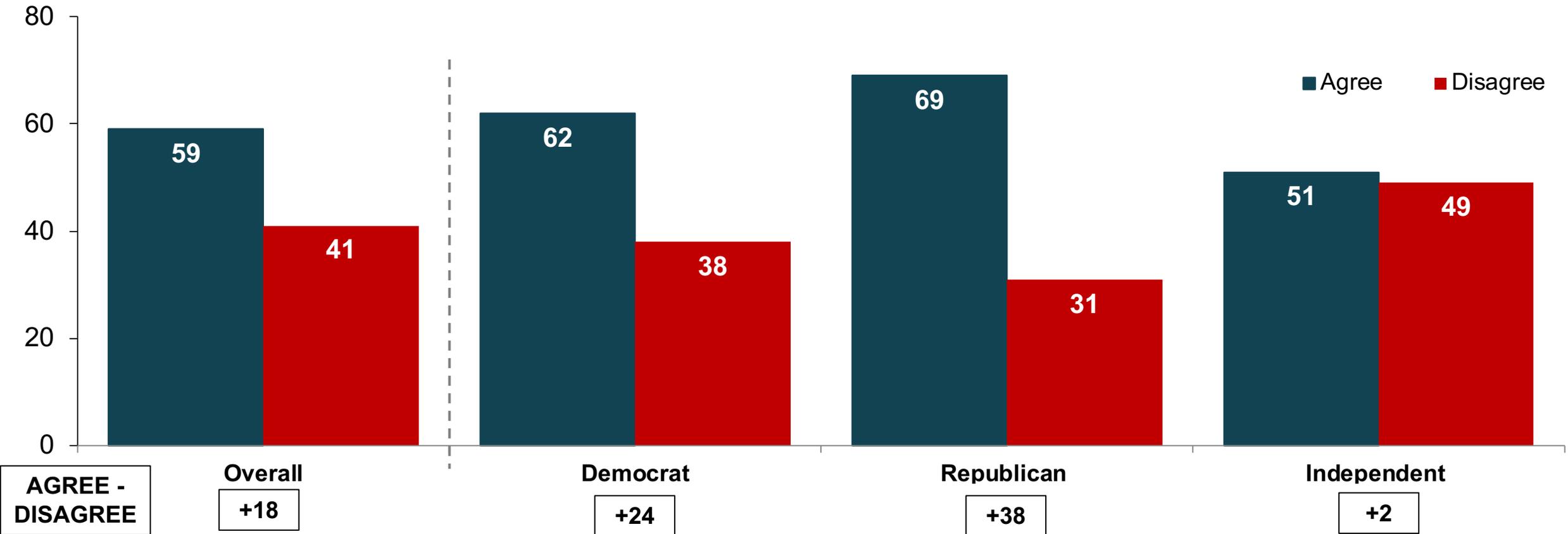
Over the past year, how much have you heard about something called “preemption,” which is when state legislators in your state vote to prevent a local government from passing a law, or to overturn a local law that was already passed- have you heard a great deal about this, some, not too much, or nothing at all?



Voters' initial gut instinct is that when preemption happens, they likely agree with it.

However, given that very few voters have actually heard of it happening, this is not likely based on examples. Independent voters are more skeptical than Democrats or Republicans.

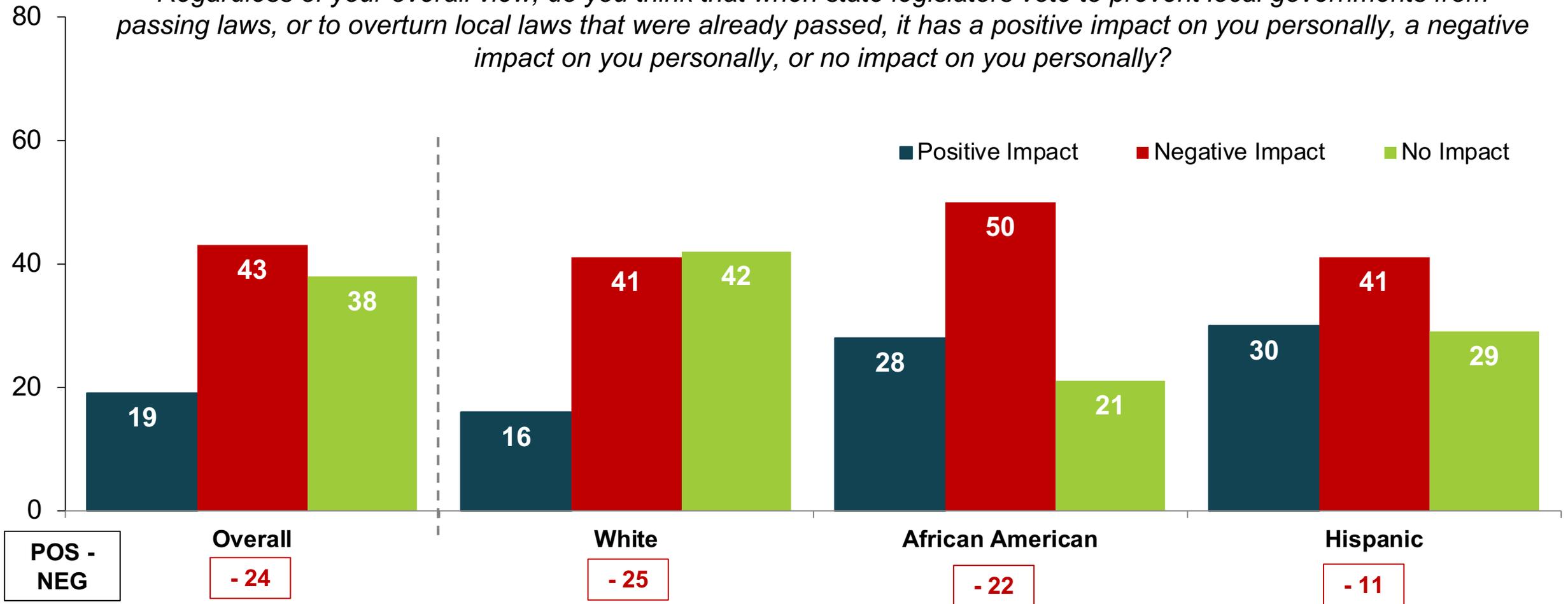
And from what you know, do state legislators mainly vote to prevent local governments from passing laws or to overturn certain local laws that were already passed for reasons that you agree with, or reasons you disagree with?



Despite defaulting to agreeing with preemption, voters believe that it either negatively or does not impact them.

A racial gap exists, and white voters are most-inclined to believe that preemption does not impact them, while non-white voters are more divided between positive and negative impacts.

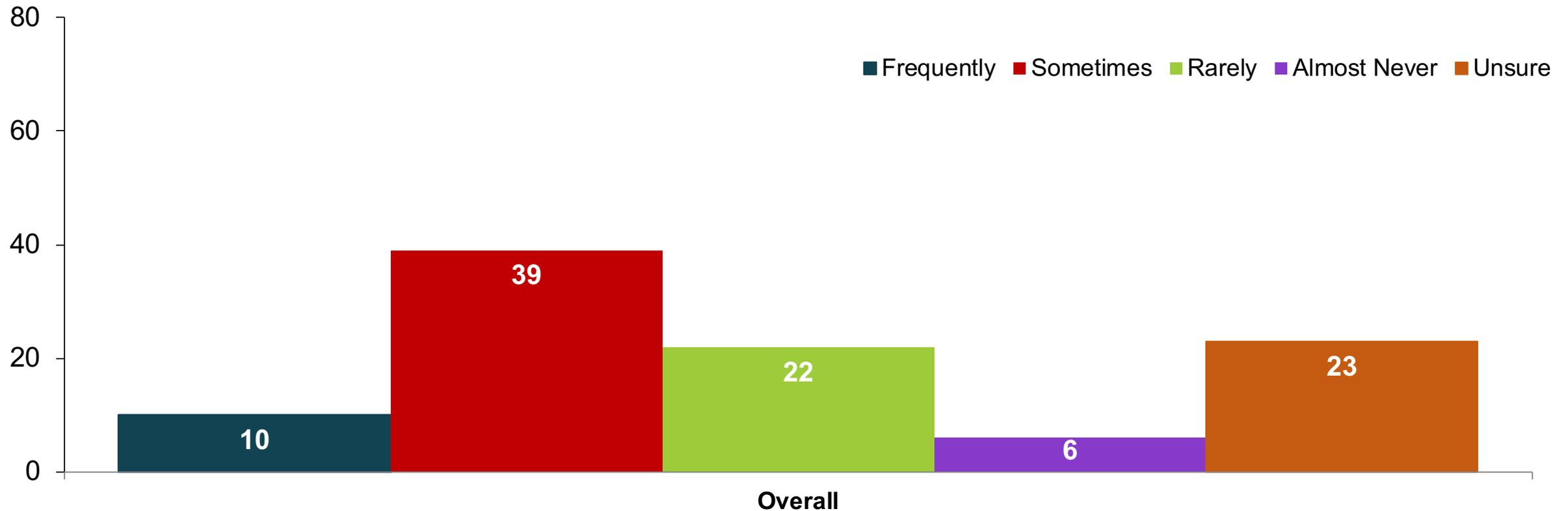
Regardless of your overall view, do you think that when state legislators vote to prevent local governments from passing laws, or to overturn local laws that were already passed, it has a positive impact on you personally, a negative impact on you personally, or no impact on you personally?



Voters do not have a strong sense of how often preemption happens.

Nearly one in four (23%) admit they are unsure how often it happens, while a plurality (39%) believe it happens “sometimes.”

As you may know, state legislators have the authority to prevent local governments from passing certain laws, and can overturn certain local laws to prevent them from going into effect. From what you know, does this happen frequently, sometimes, rarely, or does it never happen in your state?

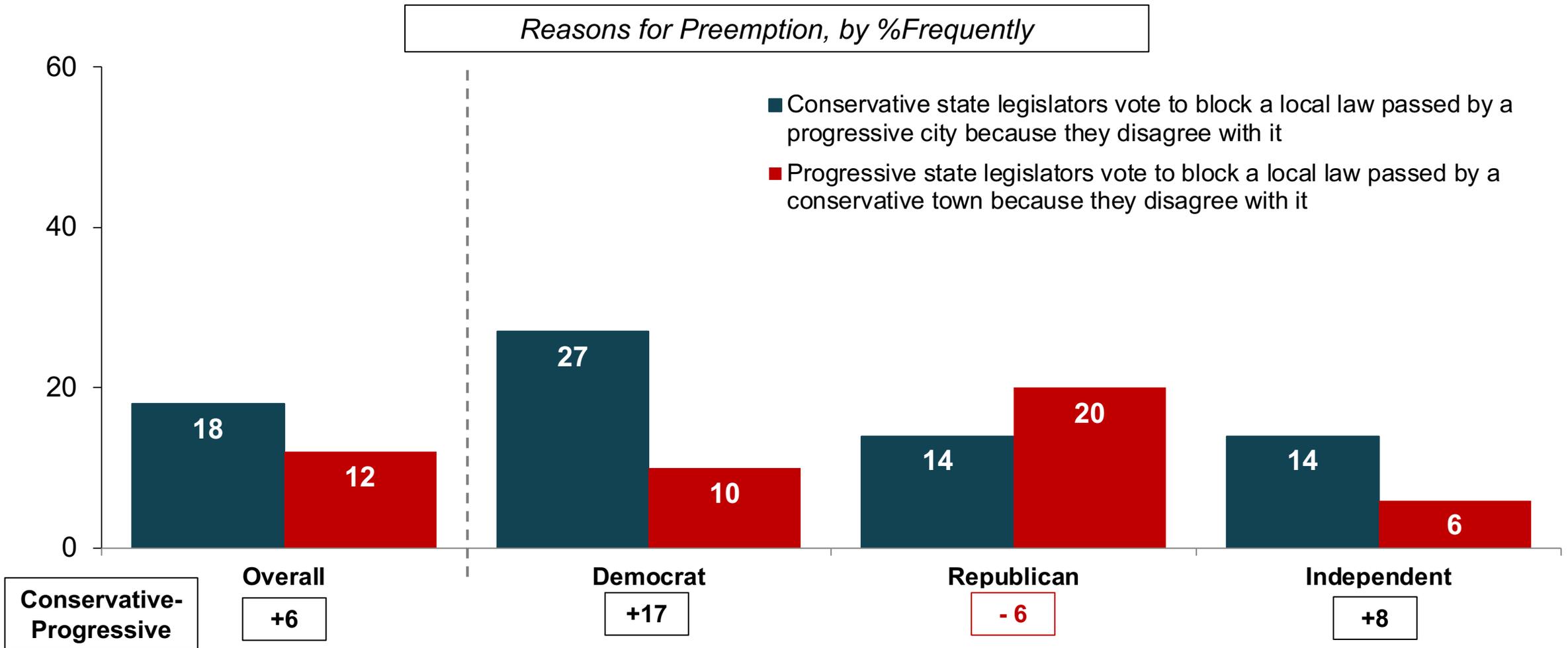


Voters believe preemption happens most frequently due to the influence of special interests.

Reasons for Preemption	%Frequently	%Frequently +sometimes	%Unsure
Corporate special interests and lobbyists convince state legislators to block a local law because it would hurt their profits.	30	70	12
Conservative state legislators vote to block a local law passed by a progressive city because they disagree with it.	18	59	12
State legislators vote to block a local law as a check and balance to ensure that local laws do not contradict or violate state laws.	13	59	18
Progressive state legislators vote to block a local law passed by a conservative town because they disagree with it.	12	52	17
State legislators vote to block a local law to avoid creating a patchwork of laws where cities across the state have different laws : Blocking Reasons	11	53	22
State legislators block a local law because local regulation can be oppressive and violate personal liberty and individual freedom.	10	48	16

Perception of partisan-uses of preemption break along party lines.

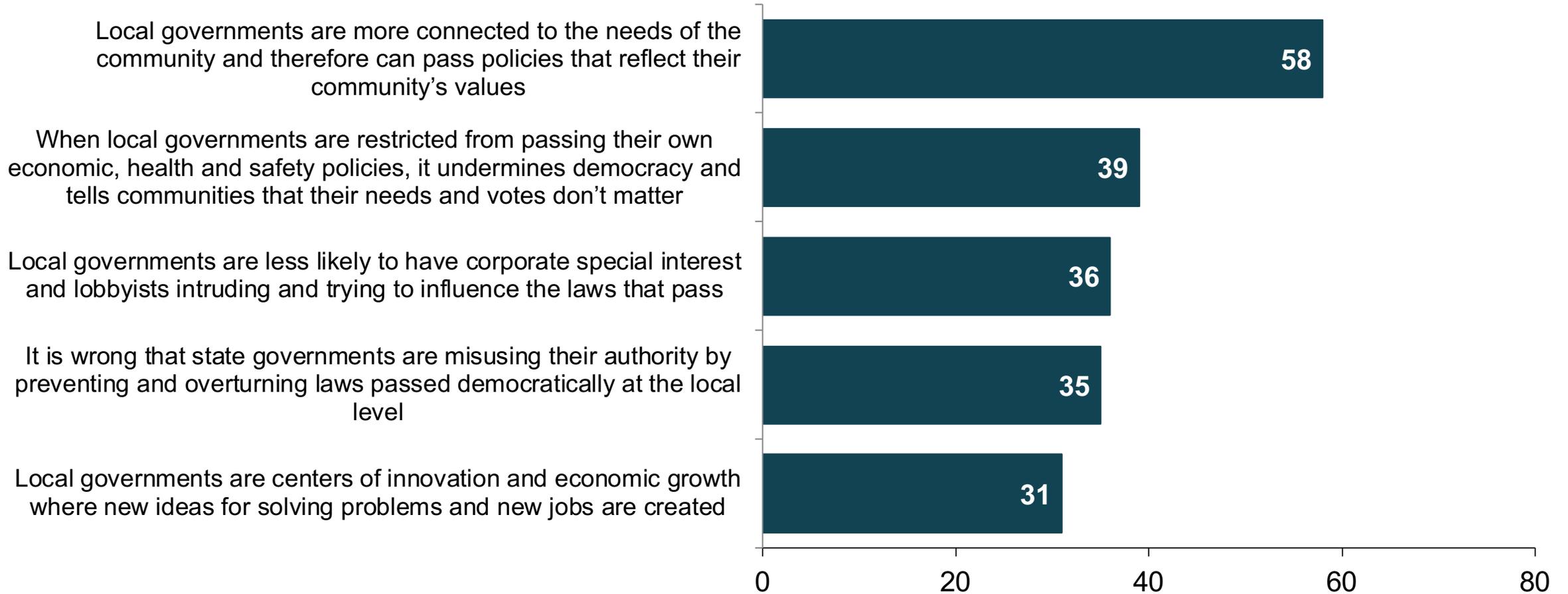
Democrats are more inclined to believe that conservative legislators use preemption against progressive cities, while Republicans believe progressive legislators use it against conservative towns.



REACTIONS TO PREEMPTION FRAMEWORK

“Locals know best” is the strongest argument for protecting local control.

Below is a list of reasons that some people have given as to why it is important to protect local governments' ability to make their own laws. Please select the TWO most important reasons for you personally.



“Local knows best” is also strongest across party lines.

In fact, there is very little distinction by partisanship as to the most important reasons to protect local government’s ability to make its own laws.

Reasons to Protect Local Govt’s Self-Determination	Democrat	Republican	Independent
Local governments are more connected to the needs of the community and therefore can pass policies that reflect their community’s values	57	58	60
When local governments are restricted from passing their own economic, health and safety policies, it undermines democracy and tells communities that their needs and votes don’t matter	39	39	37
Local governments are less likely to have corporate special interest and lobbyists intruding and trying to influence the laws that pass	34	37	38
It is wrong that state governments are misusing their authority by preventing and overturning laws passed democratically at the local level	39	34	34
Local governments are centers of innovation and economic growth where new ideas for solving problems and new jobs are created	30	33	31

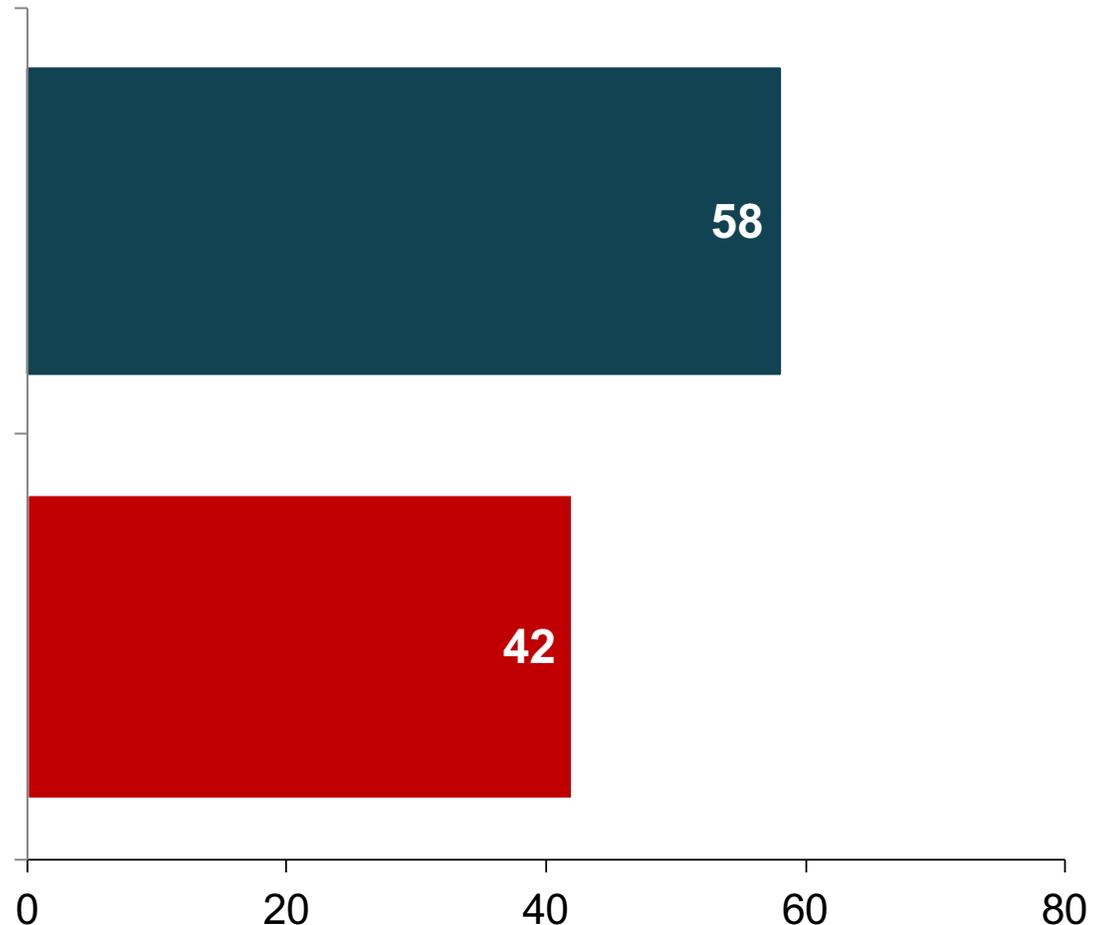
By a 16-point margin, voters believe that when state legislators preempt, they threaten local democracy.

Only 42% believe that they are using checks and balances.

Which statement comes closer to your own view?

When state legislators prevent local communities from passing laws or strike down local laws, they threaten local democracy and silence the voices of the people

When state legislators prevent local communities from passing laws or overturn election results, they are using checks and balances to make sure our system is fair

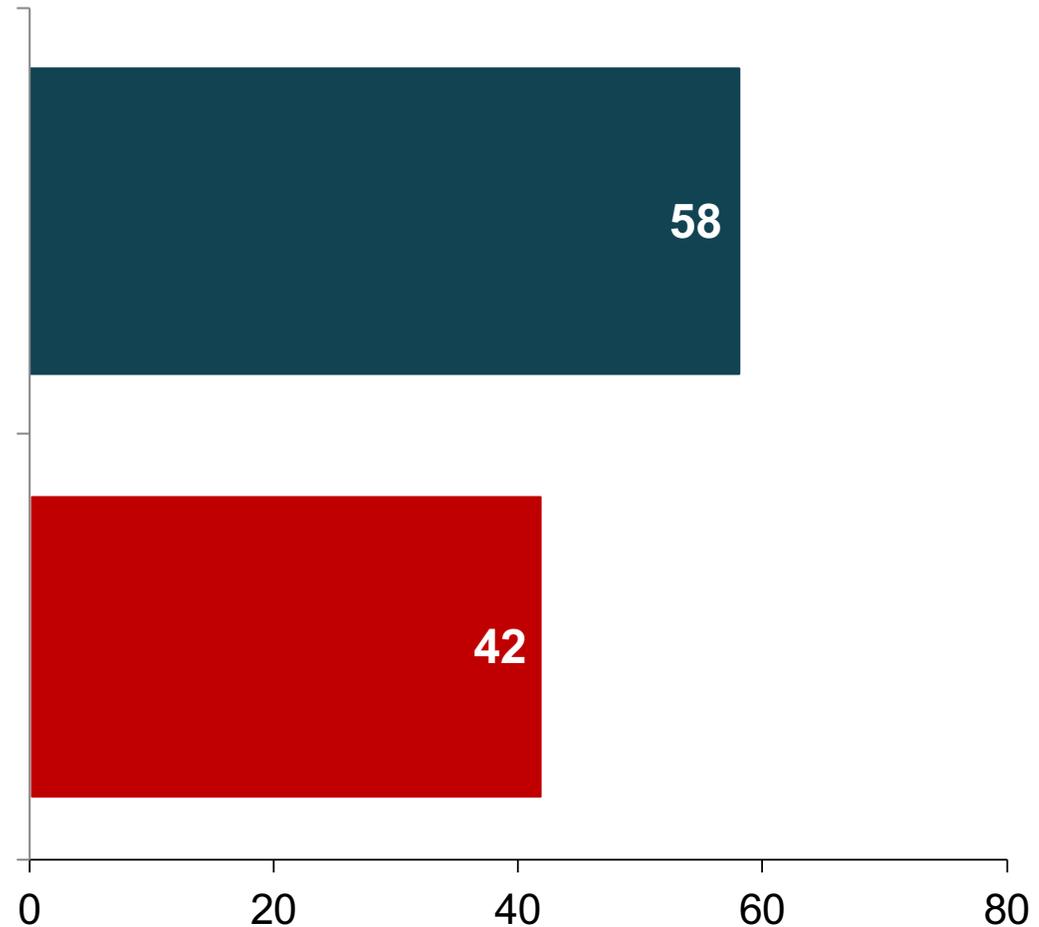


Likewise, voters believe that if a community has come together to pass a law, the state should not be able to overturn the law.

Which statement comes closer to your own view?

If a local community has come together to pass a law through an election, state legislators should not be allowed to overturn the election or the law

State legislators have a responsibility to establish uniform state standards, even if that means overturning a law passed by voters through an election



Voters are divided about whether the state should default to protecting state economic interests, or locals should have freedom to set their own economic policies.

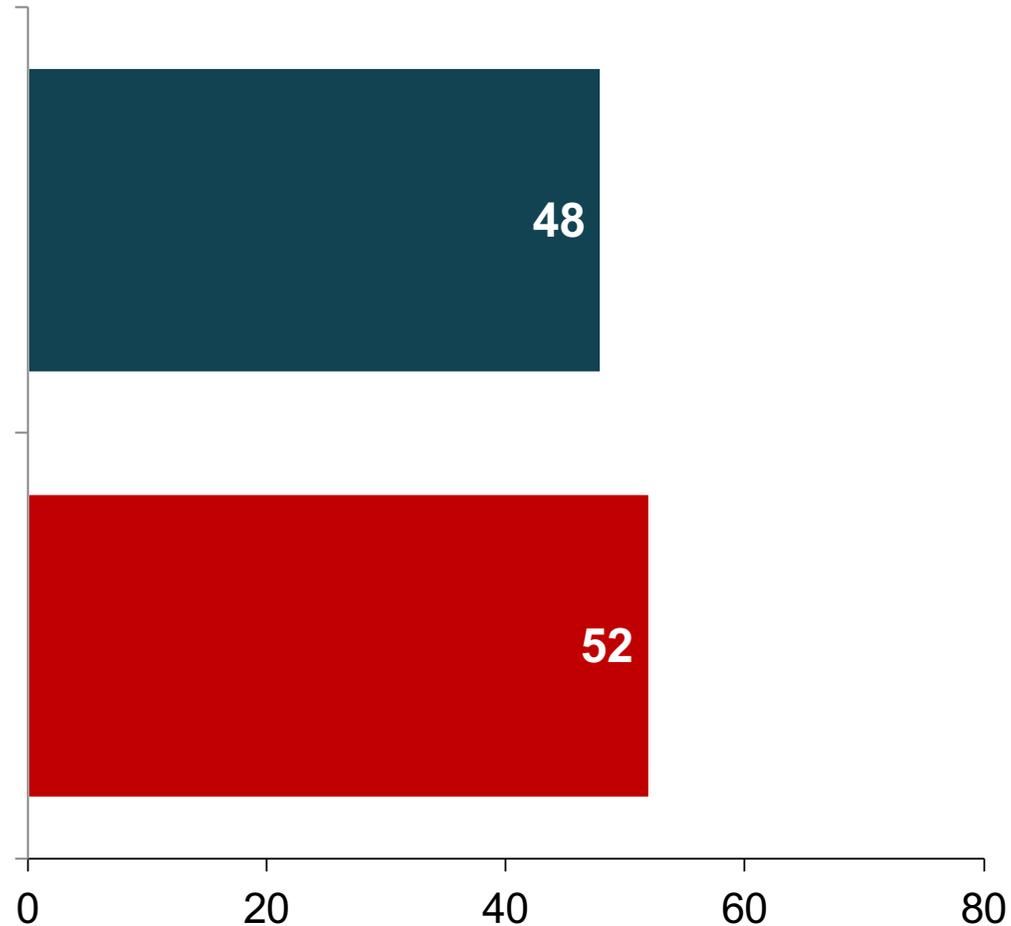
Which statement comes closer to your own view?

Local communities should have the ability to determine their own economic policies and regulations without state intrusion

48

State legislators should have the ability to overrule local economic policies if those policies jeopardize the state's economy

52



Who are the conflicted voters?

- The voters who believe that legislators shouldn't overturn laws/undo elections in one question, but support states overruling local economic policies in another question:
 - Self-described Democrats
 - 60% believe that preemption has a negative impact on them personally, yet 59% also believe when preemption occurs, they agree with it
 - African Americans
 - Middle-aged (35-55 years old)
 - Female

VALUES FRAMEWORK

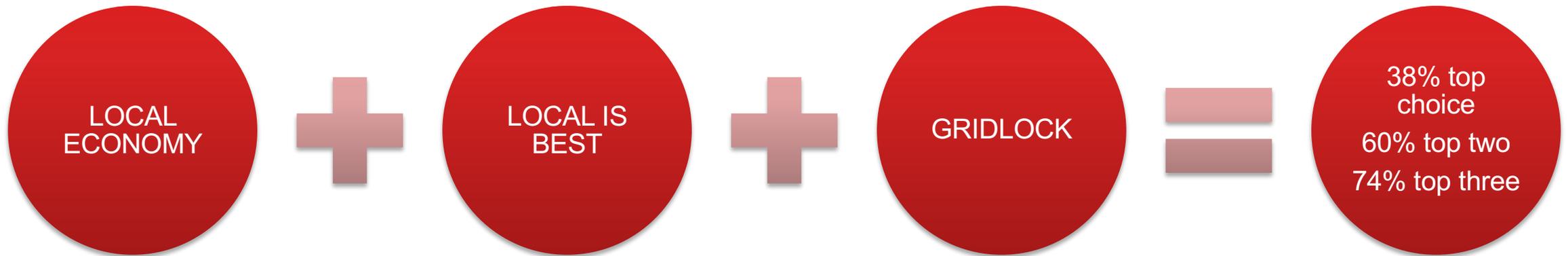
Messages that emphasize the importance of local control are strongest

Preemption Negatives: Top Tier	Top 3 Choices	Top 2 Choices	Top Choice
<p>[LOCAL ECONOMY] Local communities pass policies to help their local businesses thrive and create an economy that works for the people who live there. When state lawmakers prevent communities from passing economic policies that work for them, they hinder economic growth and development.</p>	42	32	16
<p>[LOCAL IS BEST] Local communities know best how to meet the needs of the people living there. It is wrong for the state government to come in and dictate to local people what is best for them.</p>	34	24	13
<p>[PARTISAN] Our country has become more polarized and partisan than ever before, lawmakers of both parties are taking advantage of their power to check local governments and using it to block agendas they oppose politically</p>	26	19	10
<p>[GRIDLOCK] It is sad to say, but political gridlock and corporate special interests have made it hard to get anything done at the state level. At least at the local level, we can make our voices heard and demand change and accountability.</p>	26	17	9

Among voters who move during the survey, the top arguments are that locals know how to best meet the community's needs, including economically.

Preemption Negatives: Top Tier %Top 3 Choices	Overall	Move to Negative Impact	Move to threaten Democracy	Conflicted Voters
<p>[LOCAL ECONOMY] Local communities pass policies to help their local businesses thrive and create an economy that works for the people who live there. When state lawmakers prevent communities from passing economic policies that work for them, they hinder economic growth and development.</p>	42	44	38	36
<p>[LOCAL IS BEST] Local communities know best how to meet the needs of the people living there. It is wrong for the state government to come in and dictate to local people what is best for them.</p>	34	32	31	31
<p>[PARTISAN] Our country has become more polarized and partisan than ever before, lawmakers of both parties are taking advantage of their power to check local governments and using it to block agendas they oppose politically</p>	26	27	23	27
<p>[GRIDLOCK] It is sad to say, but political gridlock and corporate special interests have made it hard to get anything done at the state level. At least at the local level, we can make our voices heard and demand change and accountability.</p>	26	27	26	26

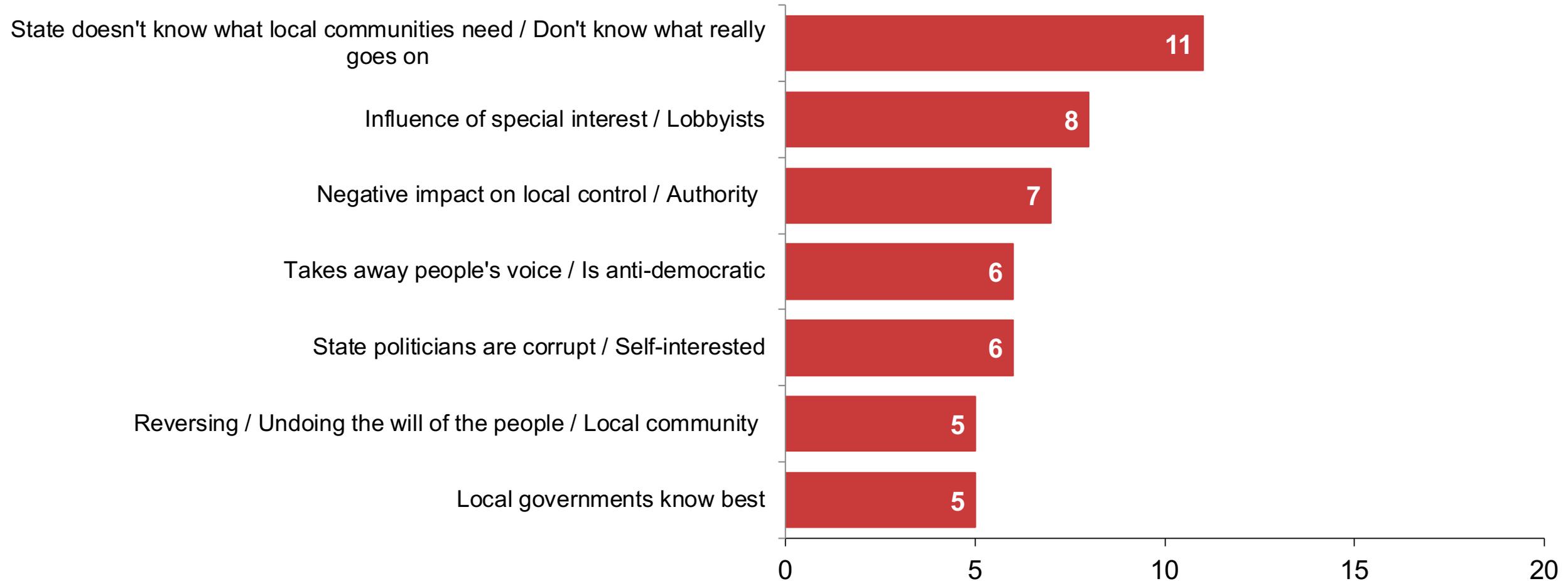
When combined, these top three messages reach into three-quarters of the electorate.



Democrats: 75% top three
Independents: 73% top three
Republicans: 77% top three

In an open-end, voters are concerned about states' abilities to know what locals need and the power of special interests.

And regardless of your overall view, what concerns you most about state legislators voting to prevent local governments from passing laws or overturning certain local laws from going into effect?



DESCRIBING THE CONSEQUENCES

Voters are deeply concerned about the consequences of preemption, especially on workers/workplace, public health, and stripping away any protections.

Consequences of Preemption: Top Tier <i>%Concerns a great deal</i>	Overall	Move to Negative Impact	Move to threaten Democracy	Conflicted Voters
<p>State legislators are undoing workplace policies that protect workers from wage theft and employer abuse, allow workers to earn paid sick time, and raise the local minimum wage. In one state, state legislators REDUCED a local minimum wage by almost \$3 an hour. Without these policies, workers risk being taken advantage of and losing the opportunity to earn their way out of poverty</p>	58	64	65	59
<p>Several state legislatures are passing laws that ban all local governments in their state from passing ANY policies that address economic issues, meaning that local communities are powerless to do anything that might help their local economy or protect workers.</p>	54	60	51	53
<p>State legislators in several states have voted to prevent local communities from passing protections that keep the community healthy, including clean air and water protections, and passing a ban on natural gas fracking even though a recent study came out that found that babies born in communities near fracking sites experience lower birth weights, and fracking is also known to cause lung damage and seizures</p>	53	55	54	50

Voters are also troubled by retribution and preemption causing local governments to become irrelevant.

Consequences of Preemption: 2nd Tier <i>%Concerns a great deal</i>	Overall	Move to Negative Impact	Move to threaten Democracy	Conflicted Voters
<p>State legislators are doing more than preventing local governments from passing laws - they are punishing local communities and lawmakers who pass policies they disagree with. In many states, when state legislators disagree with a local law, they not only prevent it from taking effect, but they have threatened to fine, jail or fire local officials who passed the law.</p>	51	58	51	51
<p>Several state legislators are passing laws that ban all local governments from passing laws that address a range of issues from the environment to discrimination to economic policies and beyond. They are making local government irrelevant and that makes it easy to ignore and override the unique needs and values of our community.</p>	51	59	56	47
<p>Our country was designed to have three levels of government -- federal, state, and local. But in many states, state legislators are cutting off local governments' ability to set their own laws and policies, simply because they do not agree with the laws. They are violating the way our country was designed.</p>	49	54	42	44

There is consistency in the reaction to the consequences across party lines.

Democrats

- Workplace protections (72%)
- Environmental protections (63%)
- Want no protections (61%)

Republicans

- Workplace protections (52%)
- Want no protections (51%)
- Ignores community needs (50%)

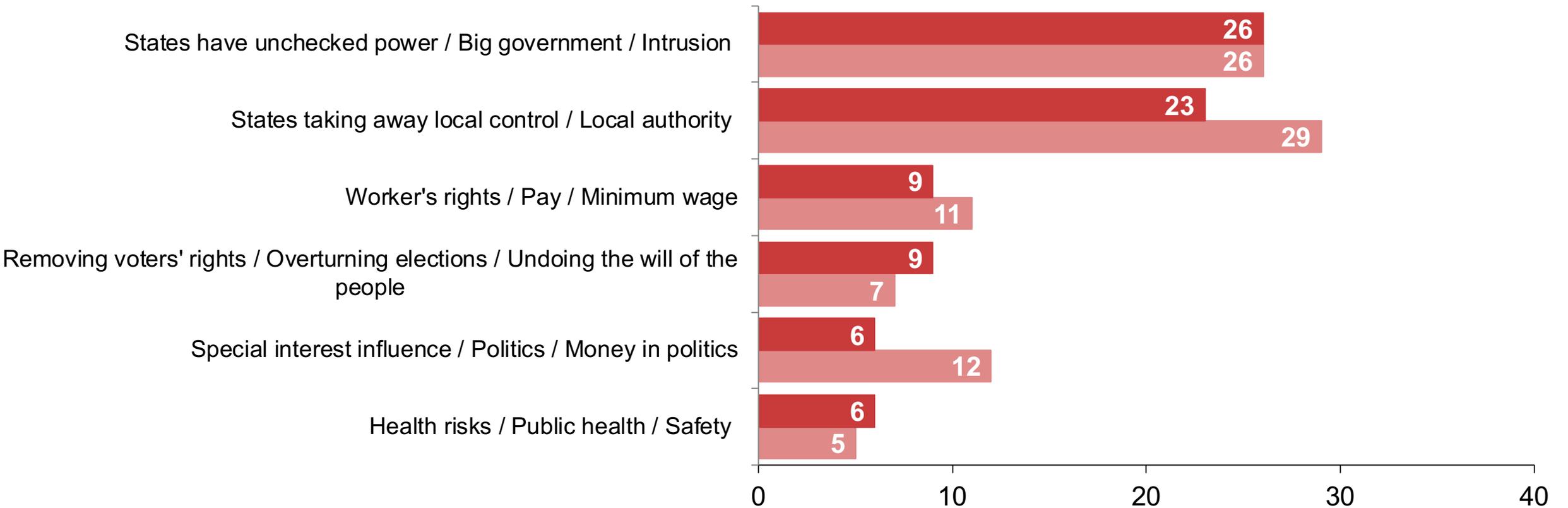
Independents

- Workplace protections (54%)
- Environmental protections (52%)
- Want no protections (51%)

Voters are most concerned about preemption giving the state too much power, and taking away local control.

What concerns you MOST in what you just read?

■ Overall ■ Shift to Believing Preemption has a Negative Personal Impact



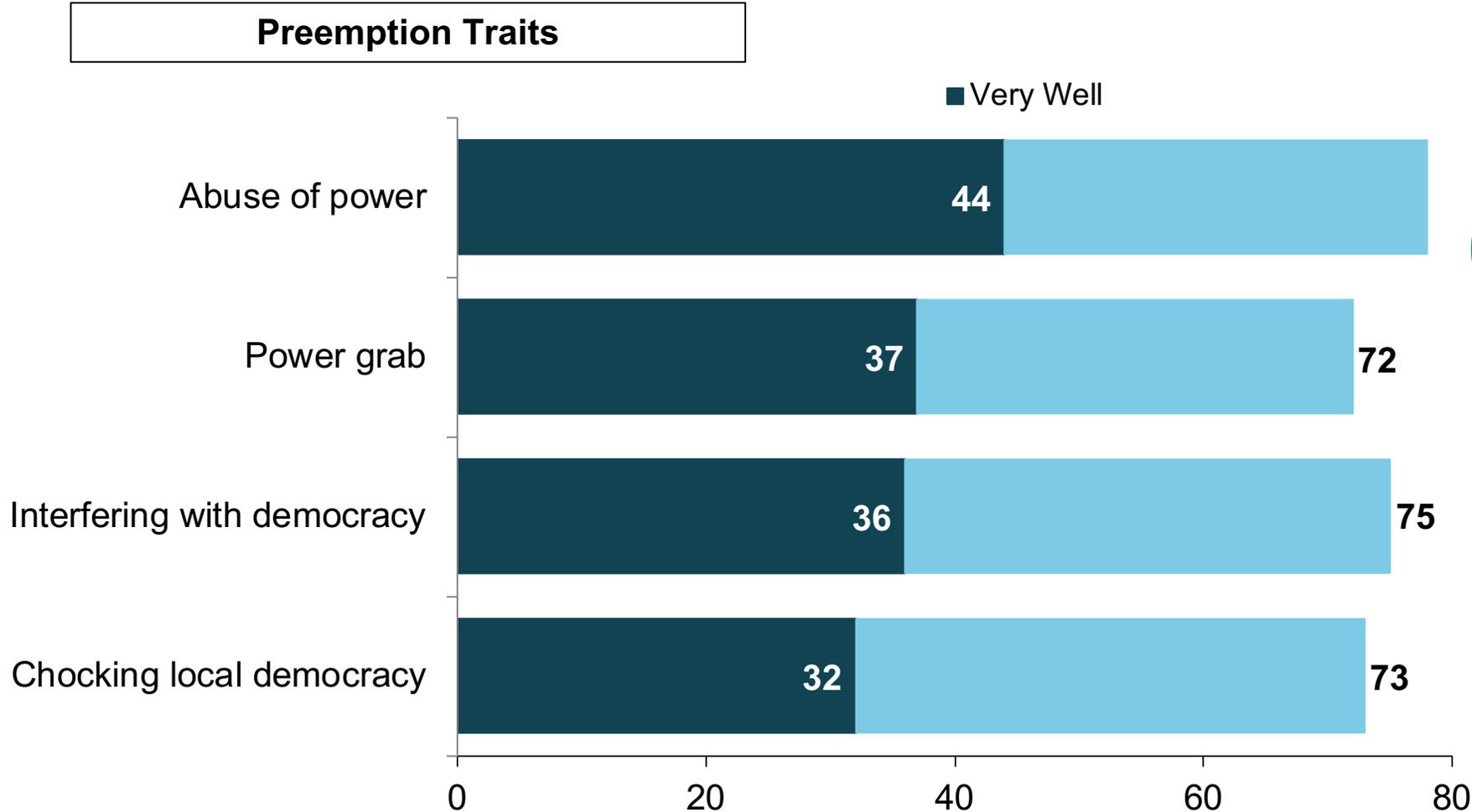
These concerns were echoed in the qualitative

“I 100% realize that this shouldn't surprise me by now, but the fact that special interest groups are the driving force behind most everything.”

“Abuse of power and taking away the voice of the citizens is are my biggest concerns if the state takes local governments rights away”

“My biggest concern is state legislators overreaching and extending their power beyond where they should, either out of desire to please corporate/special interests, or out of a misplaced sense of political right”

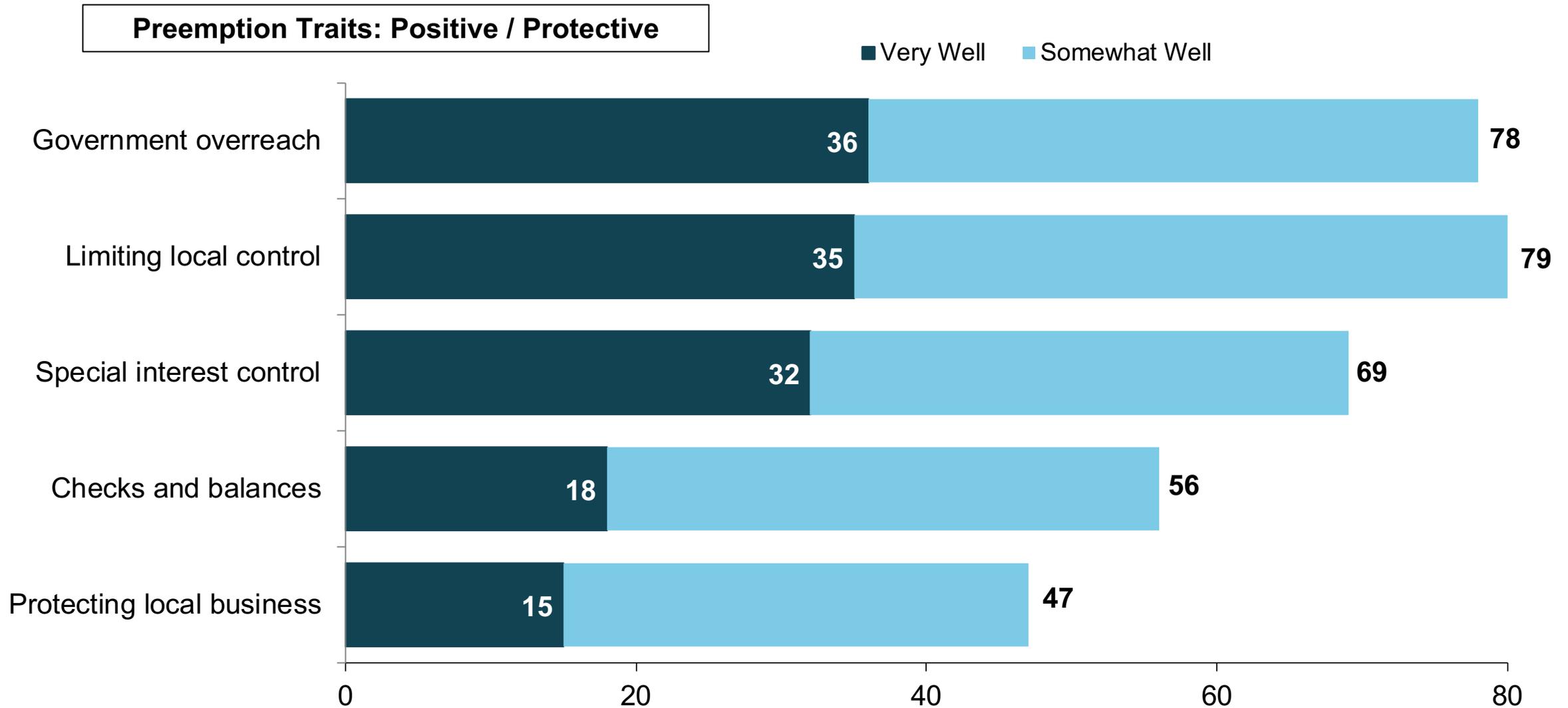
Voters connect to the power-seeking motives of those who preempt, along with the consequences on democracy.



“Power grabbing. Egotistical thought that they know best and no one can tell them any different.”

I’d call it a choker: state gives the city some room, but chokes any forward movement.”

Voters reject more positive or protective descriptions of preemption, like checks and balances or protecting local businesses.



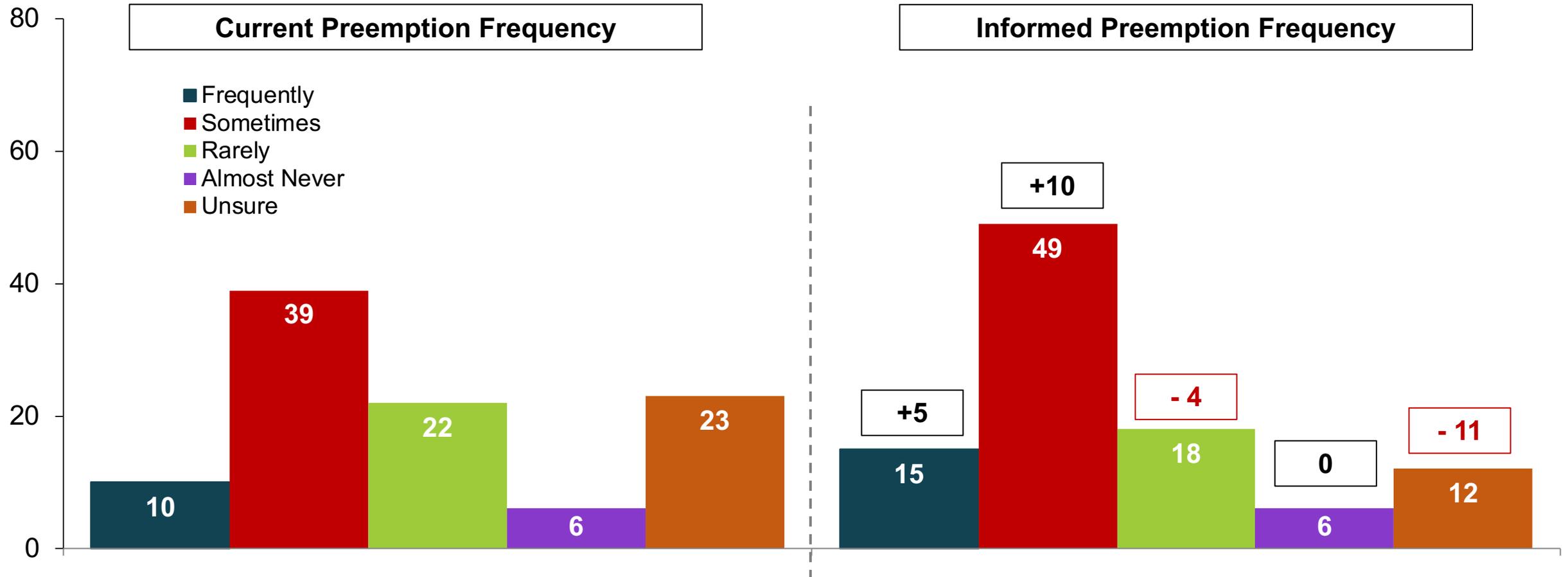
Language that did NOT work, based on the qualitative

- Inappropriate state interference – they get hung up on inappropriate because it feels subjective and case by case
- State intervention: While not objectionable, it feels too clinical, and benign.
- Big government takeover – in the same vein that people do not consider local governments as partisan, they do not think of state government as big government. It seems like that should refer to federal.
- War on cities – any language that equated preemption to war was strongly rejected. It was way too hot, and for many, because they hadn't heard of it were skeptical that there was a "war" going on they hadn't heard about.

IMPACT OF MESSAGING

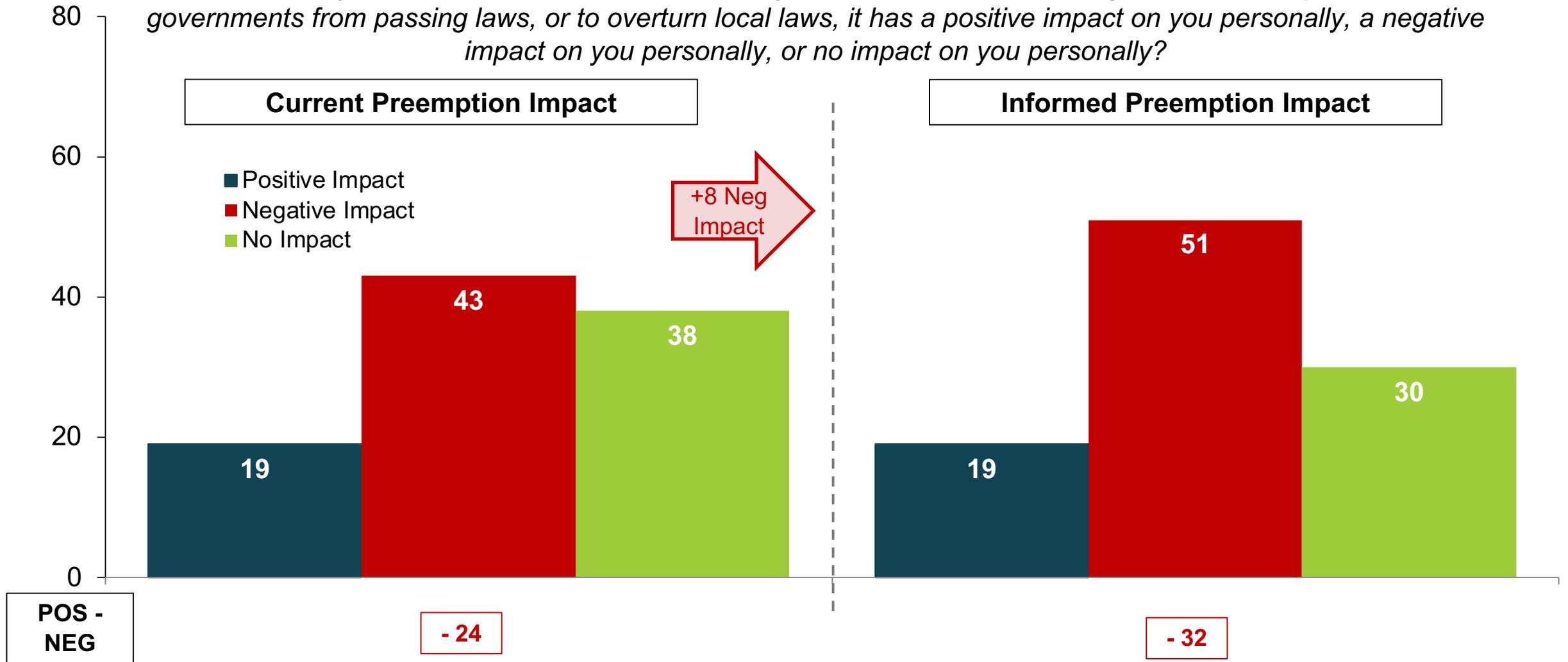
After communications, voters move towards believing preemption happens more frequently.

Now that you have heard more information, do you think that state legislators vote to prevent local governments from passing certain laws and overturn certain local laws to prevent them from going into effect frequently, sometimes, rarely, or does it never happen in your state?



Voters also move towards believing preemption will have a negative impact on them personally, though a large number (30%) still do not see any personal impact.

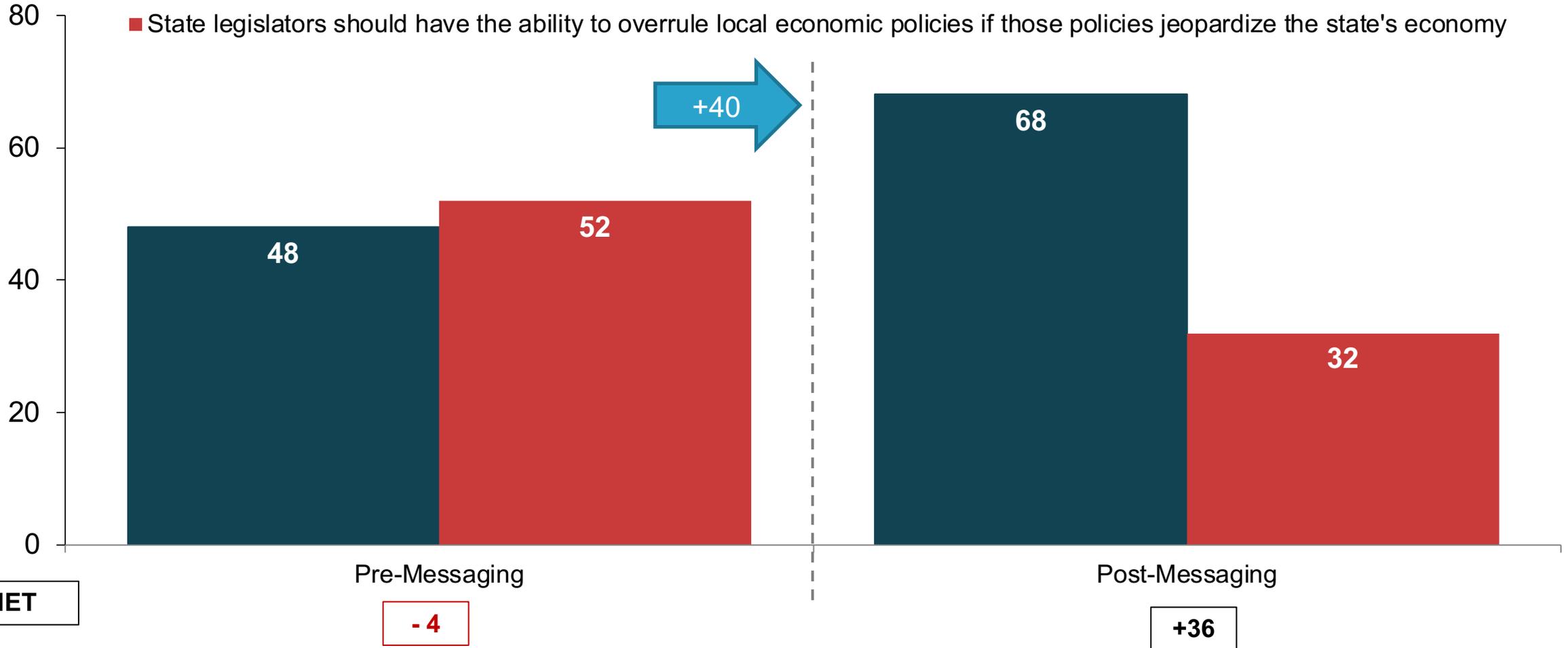
And now that you have read more information, do you think that when state legislators vote to prevent local governments from passing laws, or to overturn local laws, it has a positive impact on you personally, a negative impact on you personally, or no impact on you personally?



We make VAST gains on persuading voters that localities should determine their own economic policies.

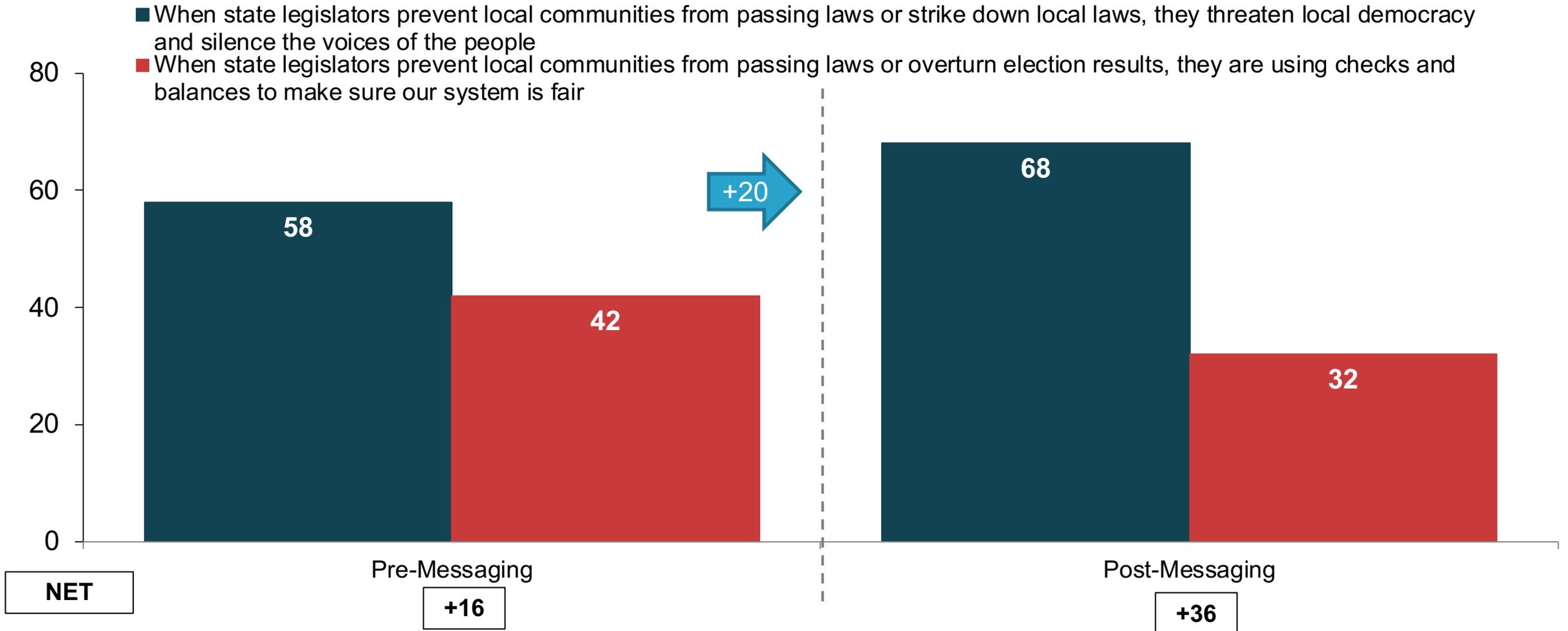
Please read the following statements and select the statement that comes closer to your own view, even if neither is exactly right.

- Local communities should have the ability to determine their own economic policies and regulations without state intrusion
- State legislators should have the ability to overrule local economic policies if those policies jeopardize the state's economy

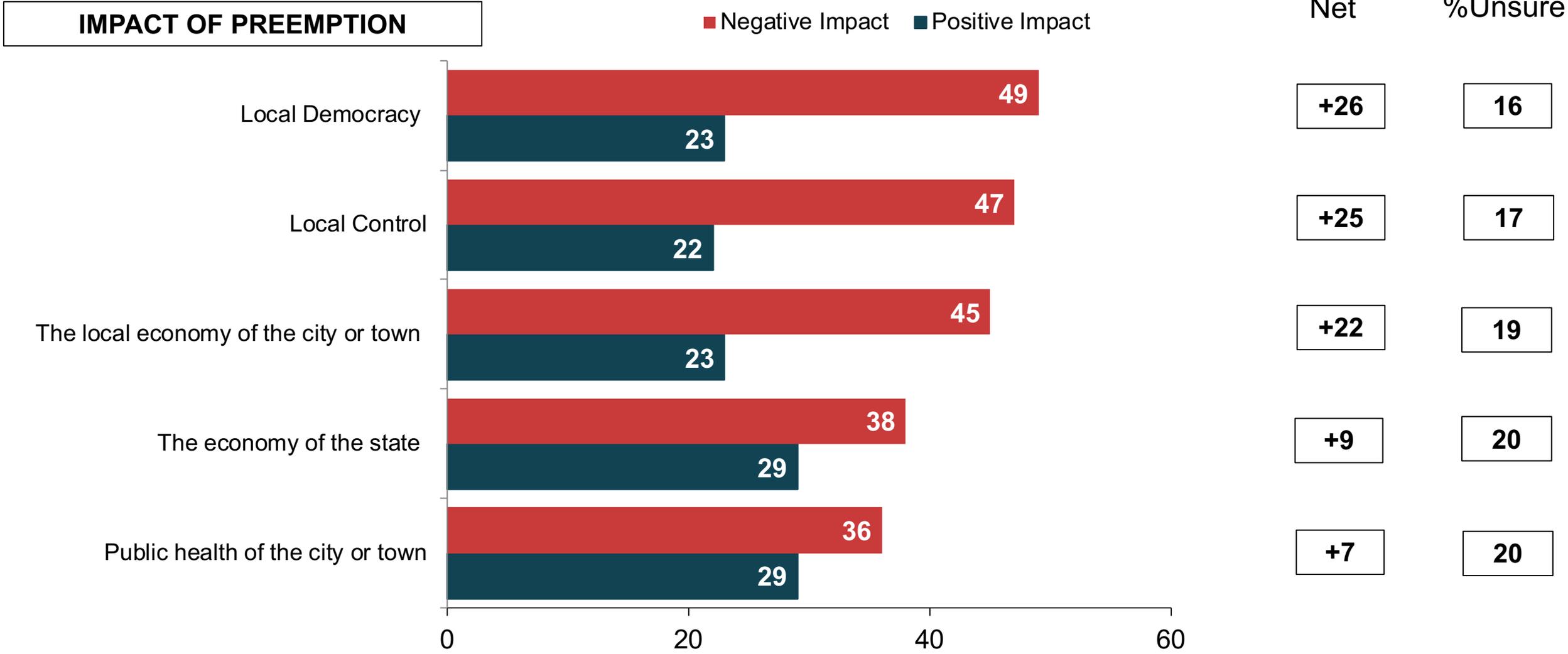


We also make significant gains on persuading voters that state legislators threaten local democracy when they preempt laws.

Please read the following statements and select the statement that comes closer to your own view, even if neither is exactly right.



Following messaging, voters believe preemption will have a negative impact on local democracy and control most of all, followed by the local economy.



RECOMMENDATIONS

Overarching Recommendations to move this issue forward

- To move voters, we need to do two things:
 - 1) Connect with their existing values about the importance of local control in policy-making;
 - 2) Provide specific information about instances of preemption that have a directly harmful impact on a community.

Message Recommendations

- **CONFIRM VALUES** of local democracy, control, and the community's ability to best-meet unique views, values and needs
- **GIVE EXAMPLES** of preemption laws that have a negative impact on workers (wages, benefits) or public health (fracking and environmental protections like clean water and air)
- **ASSIGN MOTIVE** to preemption that counters the opposition narrative and highlights the national corporate agenda driving preemption efforts

Sample Message 1

In [STATE], corporate special interests are using their power to push state legislators to keep local governments from passing workplace, health, safety and anti-discrimination protections, even overturning election results, to push a national, corporate agenda.

Local communities know how to best-meet the needs of the people and businesses who live there. When state legislators stop communities from passing their own laws, they silence the voice of the people and rob local democracies of their power.

Sample Message 2

In [STATE], corporate special interests are abusing their power and limiting local control by preventing local communities from passing protections that keep the economy and communities healthy, including clean air and water protections, and passing a ban on natural gas fracking.

With special interests and politicians at the state level trapped in gridlock, local government is the best way to make our voices heard and demand accountability.

When state legislators stop communities from passing their own laws, they silence the voice of the people and rob local democracies of their power.