

November 18, 2015

**To: Robert Wood Johnson Foundation
Rockefeller Family Fund**

From: Molly Murphy and Pia Nargundkar

Re: Analysis of In-Depth Interviews among Lawmakers and Advocacy Partners

Twenty (20) in-depth interviews conducted with state legislators, municipal officials, and policy advocates reveal that preemption is something that everyone has experienced in some way over the course of their careers. Beyond this, several, particularly at the local level, can cite recent examples (within the last 3-4 years) where an issue they were working on was preempted. That said, there is no singular position on preemption among the interviewees, nor have the experiences that each have had on preemption been the same.

Instead, as we saw in the focus groups and polling among voters, preemption itself triggers inner conflict and most believe that it is not inherently bad. While lawmakers and policy advocates are much more informed about the legislative process and many cited examples where preemption was invoked in a way they opposed, they hesitate to criticize the practice overall.

All of the interviewees express deep and abiding support for protecting local control. The importance of local control is also the most oft-cited argument that lawmakers have used when attempting to persuade legislators in their states against preempting. They speak eloquently about how local government is more connected to the people, more accountable, that local communities are hubs of innovation, and that progress at the local level can serve as a catalyst for statewide change. For the policy advocates we interviewed, the opportunity for innovation and creating a drumbeat for statewide policies top the list for why local control is critical.

State legislators have a nuanced approach to how and when preemption is appropriate. For them, protecting local control is a top priority, but they also want to practice due diligence to ensure that a local law does not unwittingly hurt the state or its citizens, or jeopardize the stability of the economy. Therefore, defining the circumstances for when preemption is a bad thing was difficult for many.

Unsurprisingly, local elected officials err more strongly on the side of preserving local control. They cite fewer examples (and more extreme ones) where state intervention is a positive thing. All have had experiences where their community was thwarted in efforts to enact a policy because of preemption. They describe the negative impact it has on their ability to be

accountable to their constituents and that it disproportionately impacts grassroots organizations who do not have the legislative savvy to fight preemption at the state level.

All interviewees recognize the role that special interests play in triggering preemption – and in shaping policy generally. Some blame special interests as the leading offender in pushing for preemption. Others believe that special interests are just one factor, and that a hyper-partisan culture in their legislature drives much of it. These people say that while a special interest group may benefit from preemption, some bills are likely to be preempted due to political objections by legislators.

Policy advocates are more likely to be working in several states simultaneously. They are more inclined to believe special interests and national conservative legislative groups like ALEC are at the helm. This perspective comes from their ability to see these bills happen across several states.

These assessments provide valuable insight into how lawmakers and advocates view preemption. Namely, as we saw in our research with voters, many lawmakers view preemption as a reality that predates their time in office and that will out-last them. Beyond this, they do not see preemption itself as a bad thing – rather, the influence special interests have and party polarization are the problems, and these have far-reaching effects in their states including but not limited to preemption.

Several interviewees express difficulty in explaining this to the public, with some joking that it causes eyes to glaze over. They are pessimistic that the public will ever learn about such a process-heavy topic and even more pessimistic that they will take action. Some have used the “bully pulpit” if the issue being preempted is one that garners attention but otherwise rely on insider strategies to stop it like lobbying, favor-trading, and finding ways to make policy changes without having to be subject to preemption.

Interviewees at all levels – legislators, local officials, and policy advocates – all express a desire for better, more trusted information about the rise of preemption. Within states and communities, their perspectives are often limited to what is going on locally. Several have a sense that this happens elsewhere, but few have the time or the energy to seek it out or to learn from best practices. Policy advocates are beginning to organize across issue-lines but all express that more coordination (and more *advanced* coordination) would help their efforts.

The following are key findings and strategic recommendations following twenty in-depth interviews among five (5) state legislators, nine (9) local elected officials and their staff, and six (6) policy advocates. For a breakdown of the states and policy areas included in the interviews, refer to Appendix A.

EXISTING PERCEPTIONS AND EXPERIENCES

Preemption does not invoke a consistent response from lawmakers. For some legislators and local officials, preemption is a reality of their profession; they detailed several instances where their municipality was preempted, or they were urged to vote for preemption. These lawmakers generally viewed the issue through a negative lens and had concerns about its impact on local control and innovation.

Several other interviewees were unfamiliar with the term preemption. Once explained, all had some awareness of it and had some degree of personal experience dealing with it. For these officials (both at the state and local levels) preemption was not a new phenomenon and did not immediately strike them as a threat to democracy. These lawmakers were not as concerned because from their viewpoint, local governments have always had to work around state law and legislation. It was only after providing specific, recent examples that some grew concerned.

“I would say that we already have a whole lot of laws. I was a city councilor before I was a state senator, I had to make sure that my city ordinances that I was trying to pass didn’t conflict with state law, but to come in and to preempt them from doing something on the state level, by bringing in a new law, just doesn’t seem right” – State representative from Massachusetts

“In terms of outcomes I don’t have a clear sense of it. The issue comes up frequently in terms of crafting legislation. From my perspective when we’re crafting laws or lobbying on things, working with local governments, it’s an issue that comes up.” – Progressive Public Policy advocate

Ideologically, nearly all lawmakers and issue advocates prefer local control above state intervention. With only one exception, all of the interviewees spoke of their belief in giving local communities agency over their own policies. Even state legislators articulate the view that local communities know best. In fact, many simply seemed disinterested in meddling in local concerns when they have broader issues they work on, unless the local law caused harm to its people (discrimination laws were a common hypothetical).

“I very much support localities having the ability to set higher standards” - State Senator from Georgia

“Anytime you can put more power in your local community, I think it’s a good thing. You can hold the local government much more accountable than you can the state government. You’re going to see the mayor at the grocery store. You’re going to see a city councilor on Main Street. You’re going to more than likely attend a council meeting once and a while. You’re much more connected. Everybody knows who their mayor is. They don’t know who their state representative is.” – Mayor from Oregon

Unsurprisingly, local elected officials also articulate strong convictions about protecting local control. The reasons for their convictions included: local communities are able to respond more quickly to local needs; local elected officials live in the community and are more in-touch with

the people; local communities often serve as a catalyst for change at the state level and can be innovators.

“With the state of our legislature right now, we are the most corrupt in the nation. It’s hard to imagine that they could make a better decision than we could make for ourselves at a local level. I believe in politics at the local level. When you get to the state, they are trading favors, they are not focused on the local aspect” – County Commissioner from Alabama

“I come down on [the side of] local control because otherwise why do you have these people, and every community is a little bit different.” - City Council member from Iowa

State legislators, while ideologically supportive of local control believe that there are instances where preemption is necessary. The state legislators we spoke with were more cautious about condemning the practice of preemption in all cases. They disapprove of instances where states (including their own) overreach or are motivated by special interests. But they do not believe preemption is the problem, and are quick to point out instances where it can benefit the state. The most oft-cited examples are if a locality wants to pass a law legalizing discrimination, if a locality wants to pass a policy that is not as strong or effective as other parts of the state’s policy, or if a locality wants to pass a law that would hurt the state’s economic interest.

“I would worry if a town wanted to do something draconian, like something around immigration or food stamps. Something like ‘no immigrant can live in our public housing.’” – State representative from Massachusetts

“So if you’re a grocery store chain trying to provide bags to all of your stores and you have to provide slightly different variations of bags to each of your stores because the local regulations change from one store to the other, I think that can be burdensome and add cost and make complying with the regulation more difficult. So having one standard, one rule is easier for the folks that are being regulated to follow the rules” – State Senator from Washington

“I think it can set a floor where cities are not willing to do something. For example, when we crafted our ethics law in Colorado we wanted to make sure all Coloradans would be beneficiaries the laws, so we had to address it in the measure, so home rule had to follow it or do more. It can benefit the public where cities aren’t willing to act. Cities can always give more, but they shouldn’t be able to do less. It can be dangerous, like in the case of taper laws in Colorado and everybody’s negatively impacted, so it depends on where you fall on the issue I guess.” – Progressive Public policy advocate

“The economic ones are harder. Just because there is an [economic] argument why, there is a rational economic argument for preemption. At least for the living wage/minimum wage.” – State Senator from North Carolina

“There’s typically a fair amount of autonomy, which is what they’d like, but the down side of that, is if you want to increase the threshold of standards that are consistent, that can be problematic because one county can be doing best practices whereas another county cannot. The issue is establishing at least a threshold of standards in order for the policy to be effective.” – State Senator from Colorado

Legislators give significant consideration to the views of a local community when determining how to vote on preemption. The legislators we interviewed share strong beliefs in local democracy and a community’s right to self-govern. Therefore, when asked to consider preemption, they all report taking time to understand how the action will impact the local community and will even engage with government affairs lobbyists who represent the city’s/county’s interests.

“We have relationships with county folks and city folks. Often I will consult with both people, the government affairs folks or legislative liaison, or the city manager or county commissioners or city council people, to get their informed opinions on the policy. Often we’ll agree and that will help guide my decision. Sometimes we’ll disagree and that’s okay as well.” – State Senator from Colorado

Special interests / lobbyists play a huge role in prompting preemption, as do partisan ideologues and power-hungry politicians. For lawmakers, there was limited consensus on who is to blame for recent examples of preemption. While all generally agreed that special interest groups and lobbyists play a role in pushing for preemption, the intensity of this conviction varied. Some had strong views and described specific examples of industry involvement. In three different states, legislators described the Grocers’ Association as working to preempt communities from banning plastic bags. Other examples include fracking bans motivated by the oil and gas industry and background check laws motivated by the gun lobby.

“The root of all of it isn’t local control or not; it’s money. It’s money into the campaigns of the legislators. I’m just convinced of it.” – Mayor from Oregon

“They made an effort in the last session. There was a small township on the coast which wanted a plastic bag ordinance because the sea creatures are endangered by the plastics. So they were building a local ordinance, so the Grocers Association and others started a bill and moved it through the legislature to not allow you to legislate on plastic bags.” – State Senator from Georgia

“Because I believe it comes from corporate interests, corporations are taking over more and more of our country. Let’s say we want to talk about fracking, in Massachusetts we don’t have fracking going on, we have some bills to ban it to make sure it doesn’t go on, but if you look at other states, local areas can’t ban it because state law says they can’t, and corporate interests help get those laws passed. There are serious consequences to our environment. There are serious consequences to our economy. Corporate interests taking over our government is a really, really serious issue.” – State representative from Massachusetts

“There are definitely trade groups, advocacy groups, more libertarian think tanks.” – City Council member from Arizona

Several lawmakers also asserted that coordination is happening at the national level, and that these instances are not limited to state-based trade associations or home-grown special interests. The American Legislative Exchange Council, or ALEC, was mentioned by name by a few lawmakers.

“It’s not Arizona-specific. It’s national. It’s the American City and County Exchange Council. There’s ALEC, which focuses on state-level legislation, and then there’s the ACCEC which is focused on going after cities.” – City Council member from Arizona

“I think I was not really aware of things, so I thought it’s [motivated by] political ideology. But then, when I still had my business, back when I was traveling around the country, and I’d be in Louisville, KY, and I’d read about the legislature doing something exactly like ours. Whether it’s ALEC or somebody, and now I see it all the time. People in Iowa think, ‘oh it’s just our legislature that’s doing it, or oh it’s only our city that’s dealing with a certain kind of a crime.’ In my experience, if it’s happening here, it’s usually happening other places.” – City Council member from Iowa

Others believe that special interests play a role in preemption, but also fault their fellow lawmakers or party leaders for imposing their personal views onto local communities. Examples include preemption of LGBT protections and Republican efforts to restrict early voting. In these instances, preemption was likely to occur regardless of whether a special interest group was helping push it along.

“It’s party ideologues because all three women who brought this suit, they’re so conservative about everything else in this community.” – City Council member from Iowa

PERCEIVED CONSEQUENCES OF PREEMPTION

All interviewees express concern about the impact of state intervention on local democracy. The top concern from all interviewees about preemption was the encroachment on

local democracy. Legislators describe wanting to avoid preemption to preserve local control and democracy. Local elected officials describe feeling limited in their ability to enact laws that reflect the values of their community because of intrusive state laws. Advocates describe frustration over an inability to help bring change that a community supports due to state politics.

“Generally I subscribe to the philosophy that decisions are better made locally. The closer you are to the people the more apt you are to get a decision that reflects the will of the people.” – State Senator from North Carolina

“There’s something to be said of local control and of a community wanting to decide its values. When it comes to the things that I agree with, like tobacco age or plastic bags, there’s a lot that’s being done at the grassroots level, that we’re making progress on because it’s so hard to make progress on at the federal level.” – State representative from Massachusetts

Many local elected officials and public policy advocates account for state law or potential for preemption when determining priorities. In our interviews with local elected officials, several (even those not immediately familiar with preemption) describe the impact state law and the threat of preemption have over their consideration of taking up new policies. In Arizona and Pennsylvania in particular, local elected officials describe feeling completely hamstrung by threats of preemption. Likewise, senior staff at several issue advocacy groups describe the threat of preemption as a major factor in determining where to invest in policy changes. These local elected officials and policy advocates recall that while the threat of preemption may not completely deter them from pursuing a policy they believe in, it may cause them to make concessions on the policy itself.

“When we think about doing something we first have to say, is the state gonna allow us to do this? Or are we going to have to deal with the preemption/approval issue? If the answer to that question is yes, then the second question is can we do it another way?” – City Council member from Pennsylvania

“When people come to us with ideas, we have to say, ‘What is your strategy to make sure that the legislature doesn’t sink this?’” – City Council member from Arizona

“It comes up a lot, in terms of strategic thinking. When we look at a state, one of the questions we ask is do they have these local ordinance bans or preemption bills in place? So that in some states where we don’t think we can win at the state legislative level - Texas is a good example - we’re trying to pass municipal non-discrimination ordinances to eventually build up enough pressure for state action. We wouldn’t be able to do that in a lot of states because they have a preemption law in effect or they don’t have local ordinances.” – LGBT policy advocate

Other local elected officials were not so negative in their description of how state law and preemption impact their priorities, though it was still a factor. These officials and advocates characterize their local communities as having relatively little authority for as long as they can recall. They do not view the state's authority as more intrusive than in the past. Officials in Alabama and North Carolina in particular describe counties in their state as having a very narrow scope of legislative purview. Therefore, while they are aware of preemption, it feels less motivated by any new or underhanded force.

Preemption leaves local elected officials unable to be accountable to their constituents.

Several local elected officials spoke with dismay about feeling powerless to respond to the needs (or complaints) of their own constituents. They feel limited in their ability to even explain to constituents why they are unable to act on issues that matter to the community because preemption is a process that the public does not understand. Therefore, they feel powerless to respond to the community's needs, yet they are answerable to their constituents. Some remarked sarcastically that preemption allows them to shift blame when change does not happen, but were careful to note that this is a massive problem in the democratic process.

“When I go to county commission meetings with commissioners all around the state, there is some desire to keep it that way, because anything that happens, you can blame it on Montgomery. Our job as commissioners would be way different if we had more power.” – County Commissioner from Alabama

“We're much less accountable to the voters because we don't have much control, so we can't be as responsive to the requests we get from our constituents.” – City Council member from Arizona

Local communities can be incubators of innovation and positive change, and preemption stops that from happening. Elected officials at the state and local level, along with policy advocates all extolled the opportunity that local communities have to be “incubators” of innovation. Several noted that state government moves more slowly, and there are more hurdles to passing policies. Therefore, at the local level, communities have the potential to innovate and bring important change. When legislatures preempt at the local level, they do not only prevent a single local policy from taking effect, but they prevent the potential for the entire state to benefit from new policies or ideas.

“I think that as Congress has been less active, that cities have become laboratories of innovation and are doing a lot more and pushing the envelope. I've found more advocacy groups that are out there trying to organize against us on the different side of the issue.” – City Council member from Arizona

“I think in some of the more conservative states when there's the possibility of an introduction of something that's a little more risky, a little more innovative, that

the state will take a look and try to preempt locals.” – Healthcare policy advocate

*“It stifles innovation. The city is your incubator for change. We try out ideas and sometimes they work and sometimes they don’t, and sometime the citizens like them and sometimes they don’t. We’re the most direct form of representation. People can always vote against council members if they don’t like their actions.”
– City Council member from Arizona*

“There’s that famous quote that “states are the laboratories of democracy.” I think that applies inside a state. When different cities try different regulatory frameworks, that experimental quality, some cities, when they take a differ approach cities find that it works better or that it doesn’t work better. When you have that variability you get best practices you see which achieves the intended outcome better.” – State Senator from Washington

Statewide policies often come when a quorum of local communities pass similar policies.

Because the state government often moves slowly and deliberately, it can be difficult to pass a statewide policy without examples of success in local communities within the state. Examples referenced include LGBT non-discrimination protections, smoke-free bans, and minimum wage increases. When communities are able to take the initiative on these policies, it can grease the wheel to seeing this change at the state level. Policy advocates, in particular, expressed concern that preemption efforts block the possibility of positive changes at the state level.

“As a rule, we recognize that local control is important and there’s a trickle-up – as states without LGBT protection, the great percentage that there’s protection at the local level, the more likely they’ll pass at the state level.” – LGBT policy advocate

THE CHALLENGES OF DEFEATING PREEMPTION

Few believe the general public is aware of preemption. The people we interviewed view preemption as a highly technical, insider issue – and, even some of them were not incredibly in-tune as to how frequently it happens. In their collective experiences in office or working in an advocacy capacity, they did not believe this is an issue that garners public attention. Those who are highly informed and involved in fighting preemption believe that the low level of public involvement allows special interests and lawmakers to pass these laws with impunity.

“Part of it is education and communication – we’re not the only state that’s looking at this and exposing some of that, but I don’t know that the average person cares about. They care about how this affects them, so it needs to be couched in that.” – City Council member from Iowa

“But when I go out to meetings, often times, we hear, ‘why don’t you guys do something about guns?’ We say, ‘well the state controls...,’ and some people look at you like ‘these guys are just making excuses’... They don’t get the dynamic. They’re just trying to live their lives, and the thing that’s affecting them is that some drug dealer just shot some kid down the street, and they don’t get why some guy from a county out West, nowhere near Philly should stop us from doing what we have to do.” – City Council member from Pennsylvania

Lawmakers have little expectation of public engagement on this issue in the future. With few exceptions, lawmakers at the state and local levels are dubious that preemption can garner public outcry. Some believe it is too dry or technical, others believe that unless the issue being preempted is one that garners attention, it is unlikely to be noted by the press. Therefore, most are skeptical that grassroots engagement can be part of a strategy to defeat preemption efforts.

Rather than look to the public to mount a campaign against preemption, local officials use their own lobbyists and legislators to strike deals. While there is a desire to have the public rally against preemptive efforts, currently local officials rely on insider strategies like lobbyists from the League of Cities to make the case against certain preemptive laws. Additionally, some local officials rely on legislators who represent their community in the legislature to be their advocates in beating back preemption. For policy advocates, they too rely on issue lobbyists to work with legislators to attempt to beat these efforts.

Beyond this, some local officials are skeptical that legislators who do not represent a local community will be swayed by the outcry of those citizens. Lawmakers do not expect that voters across the entire state will organize against preemption of a single community. Even in the event that a local community organizes and protests preemption of a law in their community (like the preemption of paid sick leave in Philadelphia), local officials acknowledge that it is unlikely to be more compelling to a lawmaker outside of that area than financial contributions from special interest groups are. Therefore, even if there is some degree of public opposition to preemption, it won’t be truly effective unless lawmakers have a personal incentive to vote against it.

“I don’t think if the people in Philadelphia rose up that they would affect legislators from other parts of the state, because why should it? It may affect a statewide official, someone like the governor, but would it affect someone from another county? They don’t vote for them.” –City Council member from Pennsylvania

Several are uncertain about whether preemption is on the rise. Some cause for concern is the varying perceptions of how and when preemption happens. Several lawmakers perceive it as happening more often – and attribute this to special interest influence or to increased partisanship within state legislatures. However, there were many who did not have a firm grasp of how often preemption occurs. Beyond this, several lawmakers have difficulty pinpointing cases where they are certain special interests motivated preemption – instead they have

theories but do not assign blame. Therefore, there will need to be education and training at the state and local levels to increase awareness of the frequency of preemption and enable lawmakers to recognize the true motivation behind such measures.

“It’s a lot more, and I’m certainly aware that it’s a lot more across the country. I think a lot of that is because of special interest money. It’s easier to lobby just one group, whether that be Congress or the state legislature. As special interest groups have gotten stronger and money has played more of a role, preemption has.” – City Council member from Pennsylvania

“I would say that it has probably been increasing in the past few years. It’s sort of a long-standing issue, but I’d say that preemption as a tool really picked up beginning in 2010 after the Republicans took control of the state legislature in Pennsylvania.” – Senior Mayoral Staffer from Pennsylvania

Policy advocates are beginning to come together against preemption, but more organization and foresight is needed. Policy advocates from the LGBT, anti-tobacco, conservation, and public health communities each discussed instances of taking on preemption efforts that would impact their own issue. Over time, they recognized that preemption did not solely effect their issue set, but had a broader impact. Once they were aware of ALEC’s and trade organizations’ efforts to pass sweeping preemption laws, they began to coordinate their efforts to fight it.

All reported having a positive experience working across issue worlds and have had several successes. However, all said that more needs to be done to bring the communities together to out-organize the opposition, and increase their ability to anticipate bad bills.

“I think we seem to be making strides in that direction, that preemption work group, grassroots change. It needs to be a much more robust, multi-issue, multi-org dialogue than in the past. The more that we practice doing things together the easier it’ll get to take action when local control’s threatened on one issue than another.” – Anti-tobacco policy advocate

MESSAGES AND METHODS FOR ENGAGEMENT

Lawmakers and policy advocates are flying blind when it comes to messaging to combat preemption. Consistently in our interviews, legislators and local elected officials report having to come up with their own arguments against preemption. They rely on emphasizing the importance of local control, that local communities can be incubators of innovation, and that the state is attempting to overreach their authority by intervening.

Lawmakers generally do not organize or network with other states or communities to understand best practices for defeating preemption. This leaves individuals to self-determine messaging against preemption, with varying degrees of success.

More information is needed, but trusted sources are critical. Lawmakers stay in a silo within their states, at least when it comes to preemption. ALEC and special interest groups are organizing lawmakers nationally, and there is not a comparable organization aimed at educating and training lawmakers for why these types of bills are dangerous and wrong. At the state level, legislators express uncertainty about where to find trusted sources for information on these issues to truly understand the impact of some of these laws. They also note that they are busy and often run short on time to seek out sources on their own. There is an appetite for better information about what the bills they are asked to consider would mean for local communities.

At the local level, the dissemination of information is even less organized. Some cities and counties receive high quality information from the representatives from the League of Municipalities and other organizations that lobby on behalf of cities. Many others cite casual conversations with legislators about what is happening in the legislature; without a structure or regular way to obtain information, they are forced to be reactive.

STRATEGIC RECOMMENDATIONS

- **Coordination, coordination, coordination.** One of the more striking findings was the lack of overall coordination that lawmakers have on this issue. Several were unfamiliar with the issue, or did not believe it warranted high levels of concern. Those who are more involved in combatting it find themselves fighting it on the issues, and lack access to best practices from other states. All of the legislators we interviewed want to empower local communities to govern, and can benefit from information about the consequences, best messages to beat it, and unveil the true sponsors of preemption.
- **In the policy advocacy world, take the successful model of organization at the national level to each state.** The interviews with national advocates from the LGBT and anti-tobacco communities reflected a tremendous amount of information about the best ways to organize against and defeat preemption. Local advocates, however, are very reactive and do not consistently band together with other issue organizations who may also be impacted by preemption. There can be increased pressure on legislators by local advocacy groups if there can be better organization and communication at the state level.
- **Provide evidence of the rise of preemption, and the specific types of bills where it is happening.** Some legislators are savvy, and suspect that special interests may be forcing preemption. However, these are perceptions and many express a desire for better data on how and when preemption happens. For local elected officials, this information can be helpful to show lower-information elected officials that preemption is not just a “reality” that has always existed, but a concerted effort to block their authority.

“I think the tobacco industry was an early leader in the preemption strategy. Certainly other polluters and companies have experience with preemption as well. Whether it’s mining or gun control. For industries, preemption is still a very powerful goal they’re trying to achieve.” – Anti-tobacco policy advocate

- **Fight fire with fire.** Several lawmakers express the difficulty in combating special interest money, organization, and influence. They are skeptical that positive messages about local control will work in all cases, nor do they anticipate a significant amount of involvement from the public. Instead, having reliable allies from the business industry or from trade associations available to help lobby and persuade legislators who are considering preemption is viewed as more effective. A few legislators cited the power of the business community in preventing preemption of non-discrimination laws that impact the LGBT community.
- **Find bipartisan coalitions of support for local control.** Second to special interest influence, progressive legislators and policy advocates believe that increased partisanship within the legislatures are to blame for many instances preemption. This challenge can become an opportunity, and some Democratic legislators that were interviewed pointed to limited success defeating preemption by forming a coalition with Tea Party Republican groups, or Republicans who support less government and more local control. These lawmakers did not necessarily feel strongly about the issue being preempted, but joined against it from an ideological standpoint. This needs to be on the table as a strategy, both for legislators themselves and outside groups aiming to form effective coalitions.

“It can’t be Pittsburgh convincing [the state legislature not to preempt]. It’s got to be bipartisan. The good thing is, it is bipartisan. We just don’t organize ourselves well. We’re poorly organized and we don’t do that. We’re not strategic.” – City Council member from Pennsylvania

Appendix A: Interviewee Information

State Legislators:

Anzalone Liszt Grove Research conducted interviews with five (5) state legislators from the following states: Colorado, Georgia, Massachusetts, North Carolina, and Washington.

All legislators are members of the Democratic Party.

Local Elected Officials:

Anzalone Liszt Grove Research conducted interviews with nine (9) local elected officials from the following states: Alabama, Iowa, Oregon (2, from different cities), Pennsylvania (3, from two different cities), and Arizona (2, from different cities).

Three interviewees self-identify as Republican (though one holds a non-partisan office). Six self-identify as Democrats (though one switched parties and holds a non-partisan office).

Policy Advocates:

Anzalone Liszt Grove Research conducted interviews with six (6) public policy advocates. The interviewees work on the following issues: conservation, public health (2 – one covering food policy and the other anti-tobacco), human rights (2 – both covering LGBT issues), and voting rights / progressive policies.