

# Nationwide Preemption Survey

Poll Findings & Recommendations

November 2015

# Methodology

A survey of 800 likely 2016 voters was conducted by telephone using professional interviewers, including 35% of all interviews conducted via cell phone. Interviews were conducted November 6-12, 2015. The margin of error for the sample as a whole is plus or minus 3.46 percentage points at the 95% level of confidence. The margin of error for subgroups varies and is higher.

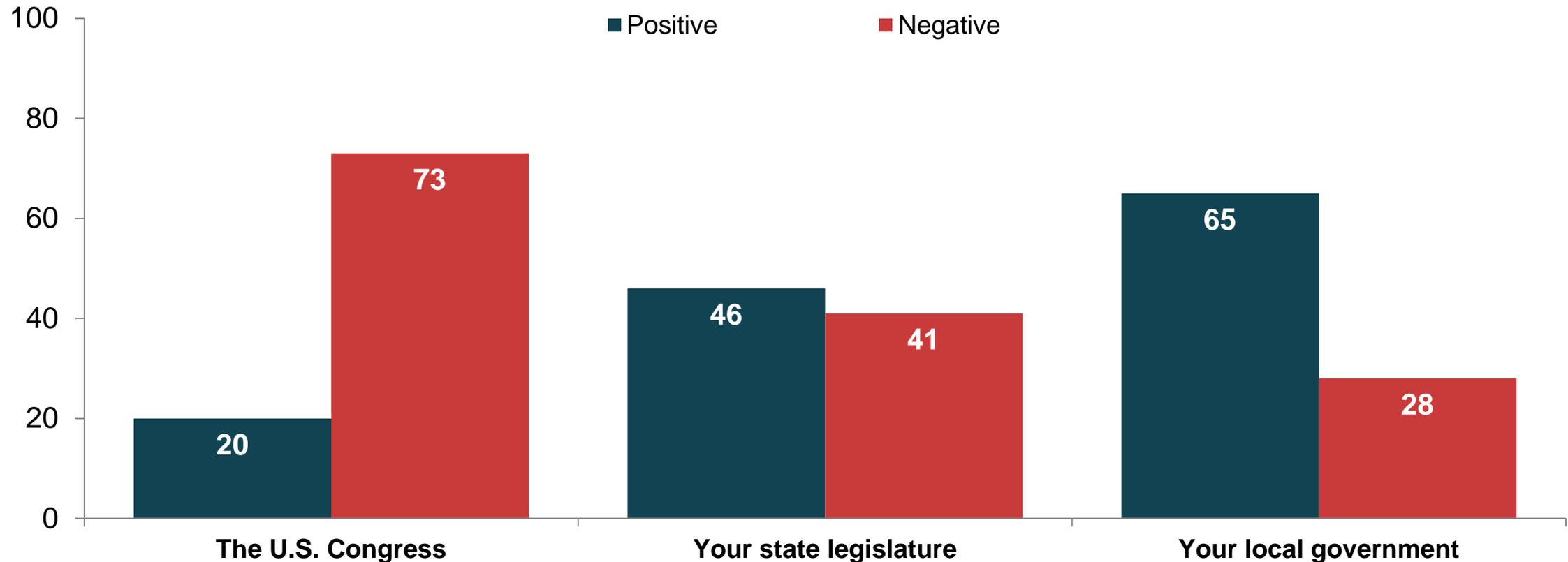
# VIEWS ON GOVERNMENT

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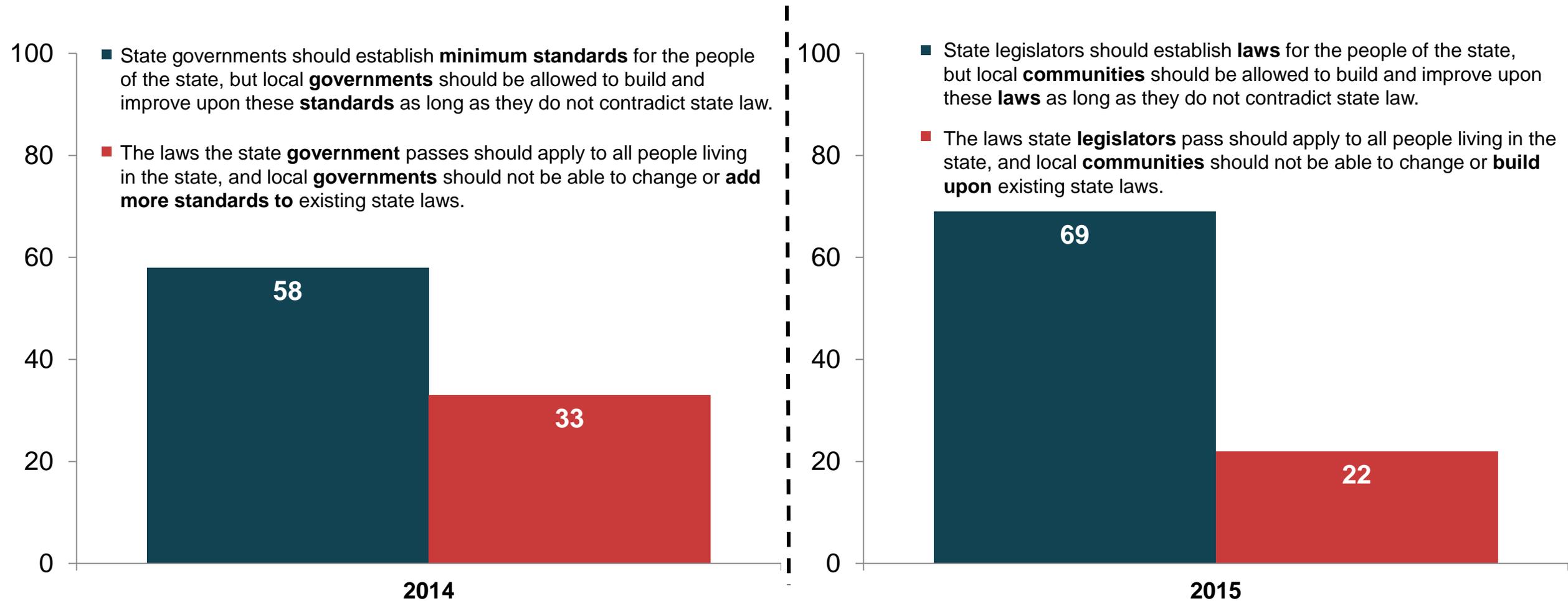
# The closer the government is to voters, the better it is viewed

Voters view state governments more than twice as favorably, and local governments more than three times as favorably, as they view Congress

*Now, I am going to read you a list of different organizations and institutions. Please tell me 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.*

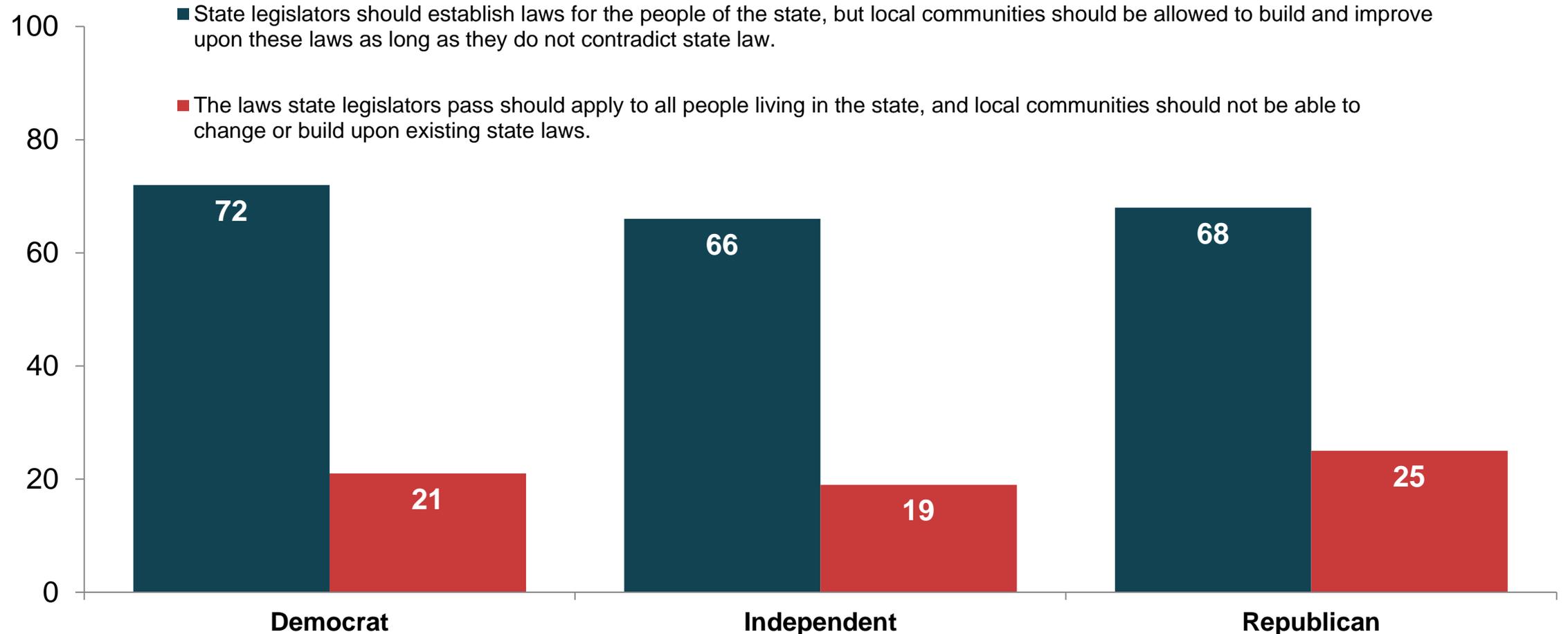


As we saw last year, a vast majority of voters believe that localities should have the power to build upon existing laws and don't want state legislators intervening  
Only about 1 in 5 voters would prefer for policies to be uniform across the state



# Support for localities building upon laws is consistent across party lines

In fact, more than 6 in 10 voters in every major demographic group support local improvement



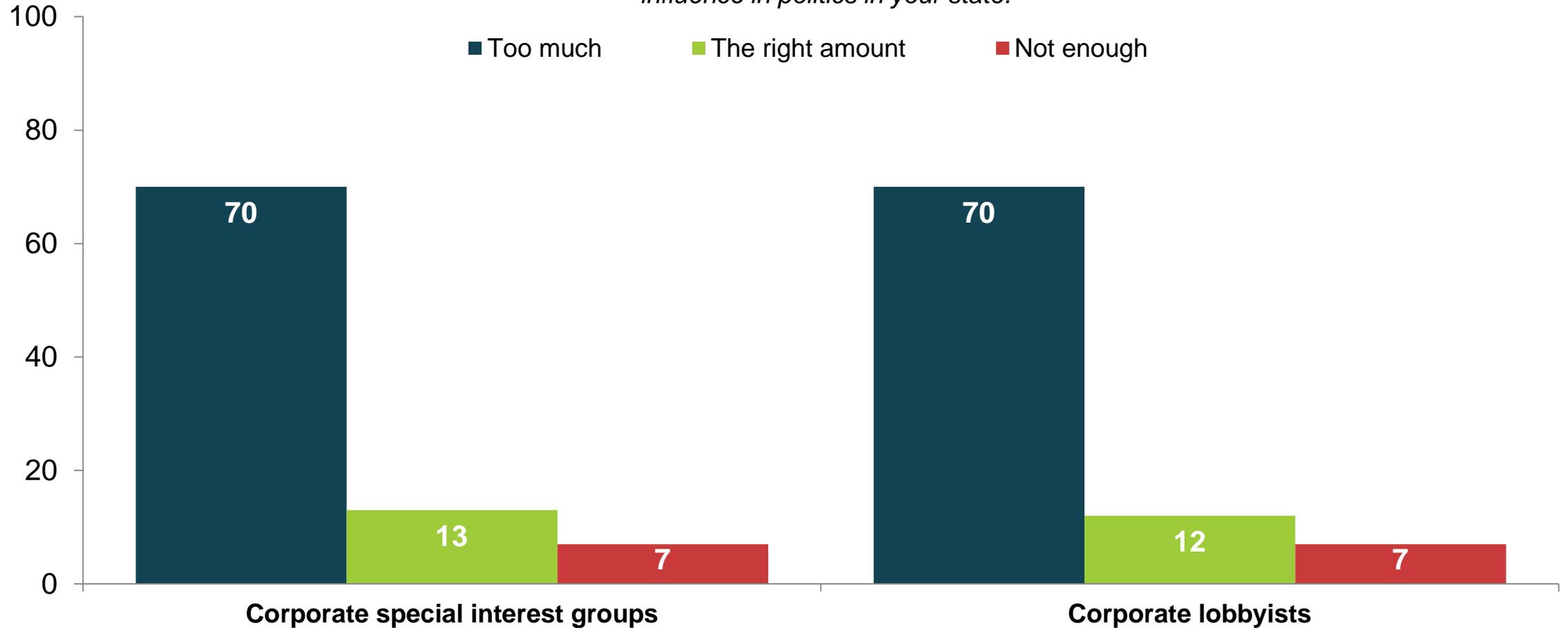
# ROLE OF SPECIAL INTERESTS

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# Voters believe corporations have too much political influence

Voters feel the same whether they are referred to as special interest groups or lobbyists

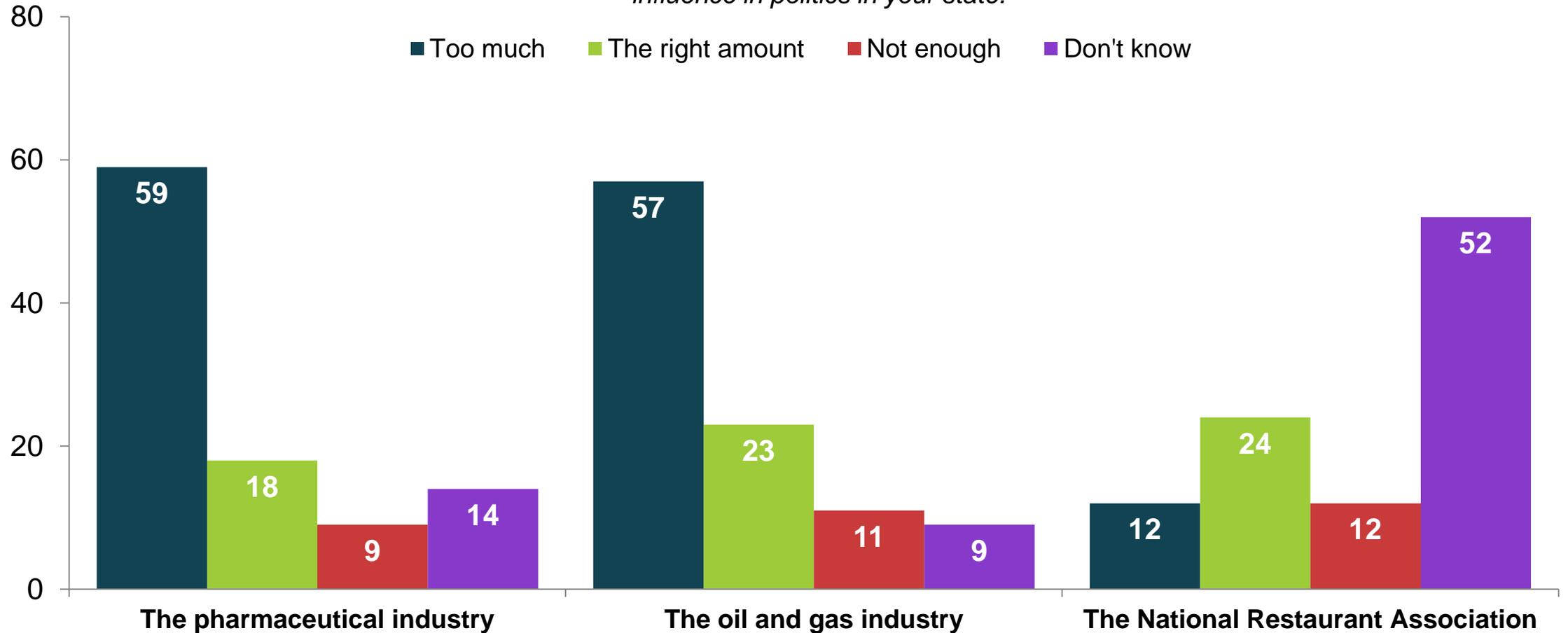
*I am going to read you a list of groups that have influence in politics at the state level. Please tell me whether you believe that group has too much influence in politics in your state, not enough influence in politics in your state, or about the right amount of influence in politics in your state.*



# Specifically, Pharma and Big Oil are seen as having too much power

Voters are not familiar enough with the National Restaurant Association to understand their level of influence

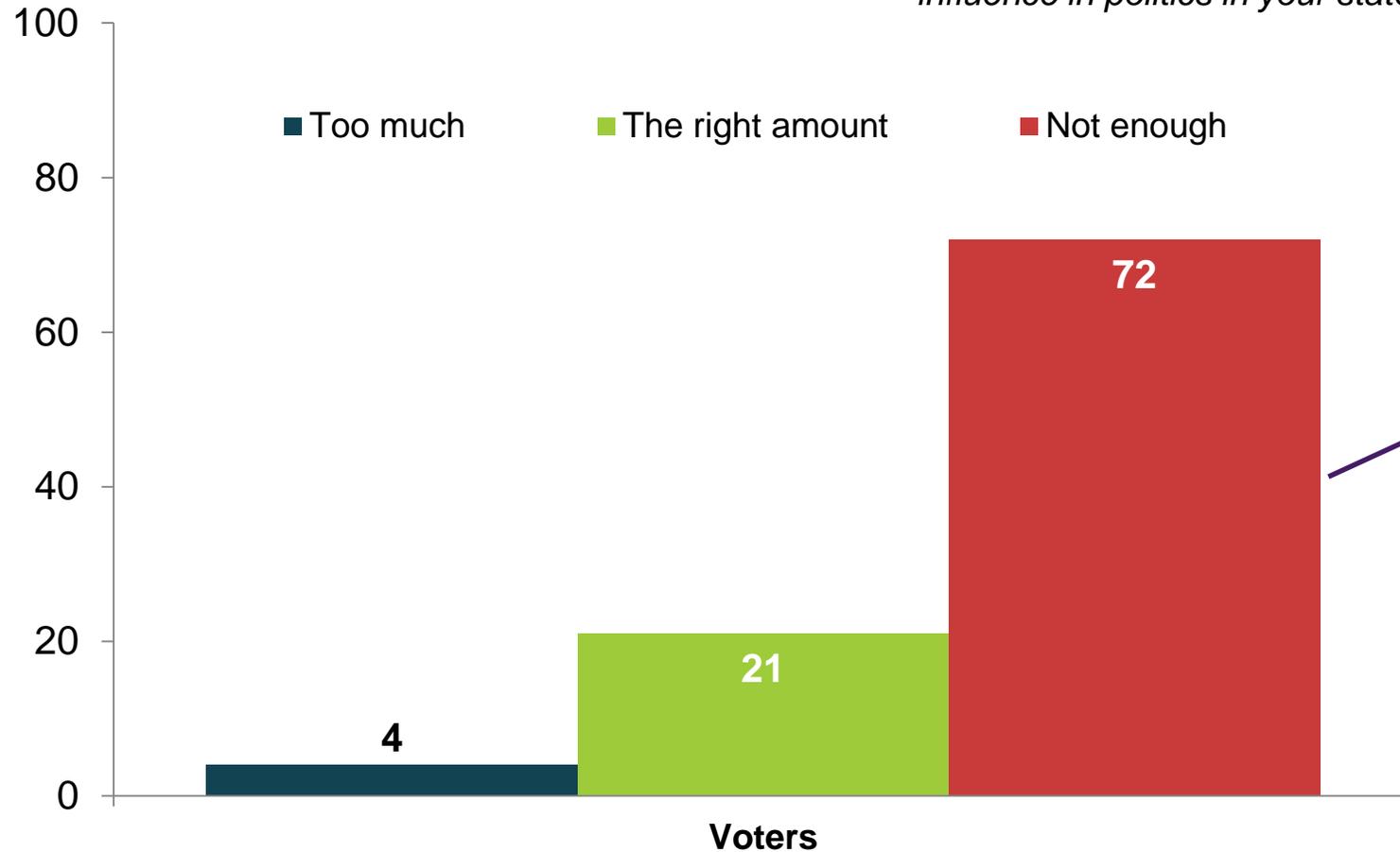
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# Respondents resoundingly believe that voters lack the influence over lawmakers they should have

This is true across party lines

*I am going to read you a list of groups that have influence in politics at the state level. Please tell me whether you believe that group has too much influence in politics in your state, not enough influence in politics in your state, or about the right amount of influence in politics in your state.*



Democrats: 73% not enough influence  
Independents: 77% not enough influence  
Republicans: 69% not enough influence

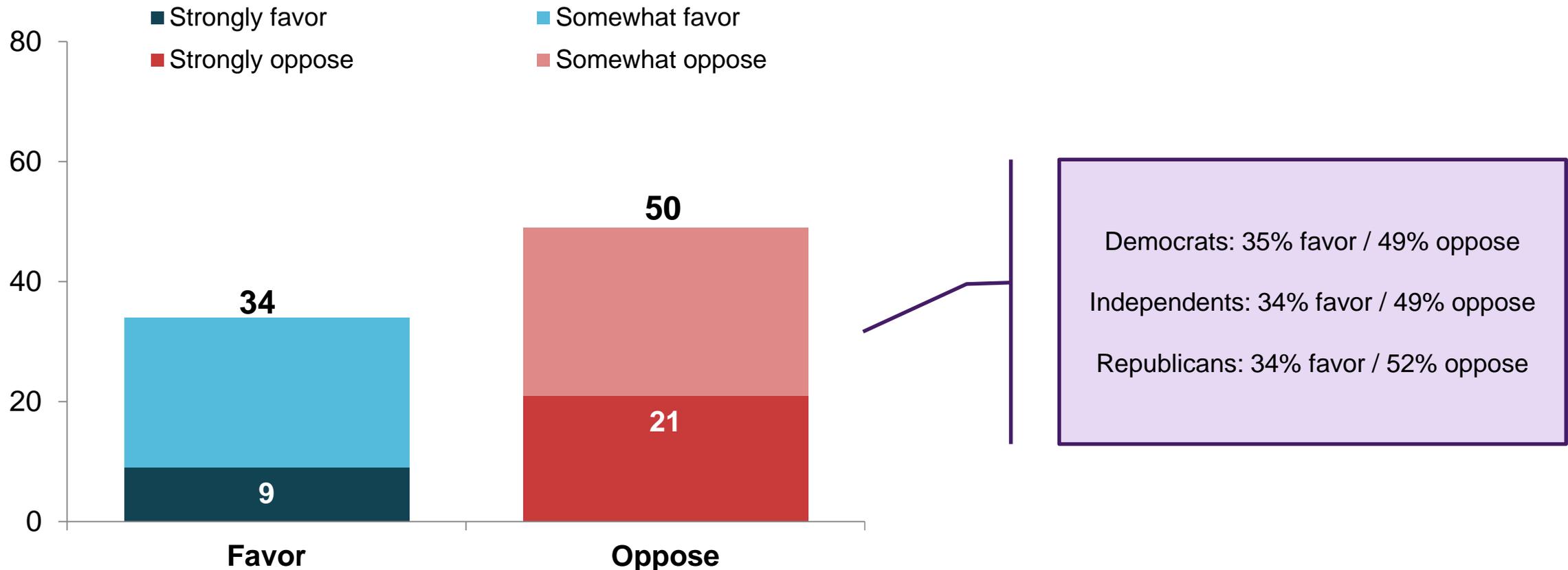
# STATE INTERVENTION

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# From the get-go, a majority of voters oppose state intervention

There is no partisan divide in opinion, with 49% of Democrats and 52% of Republicans opposing state legislators intervening

*From what you know, do you favor or oppose state legislators intervening in the types of laws local elected officials can pass?*

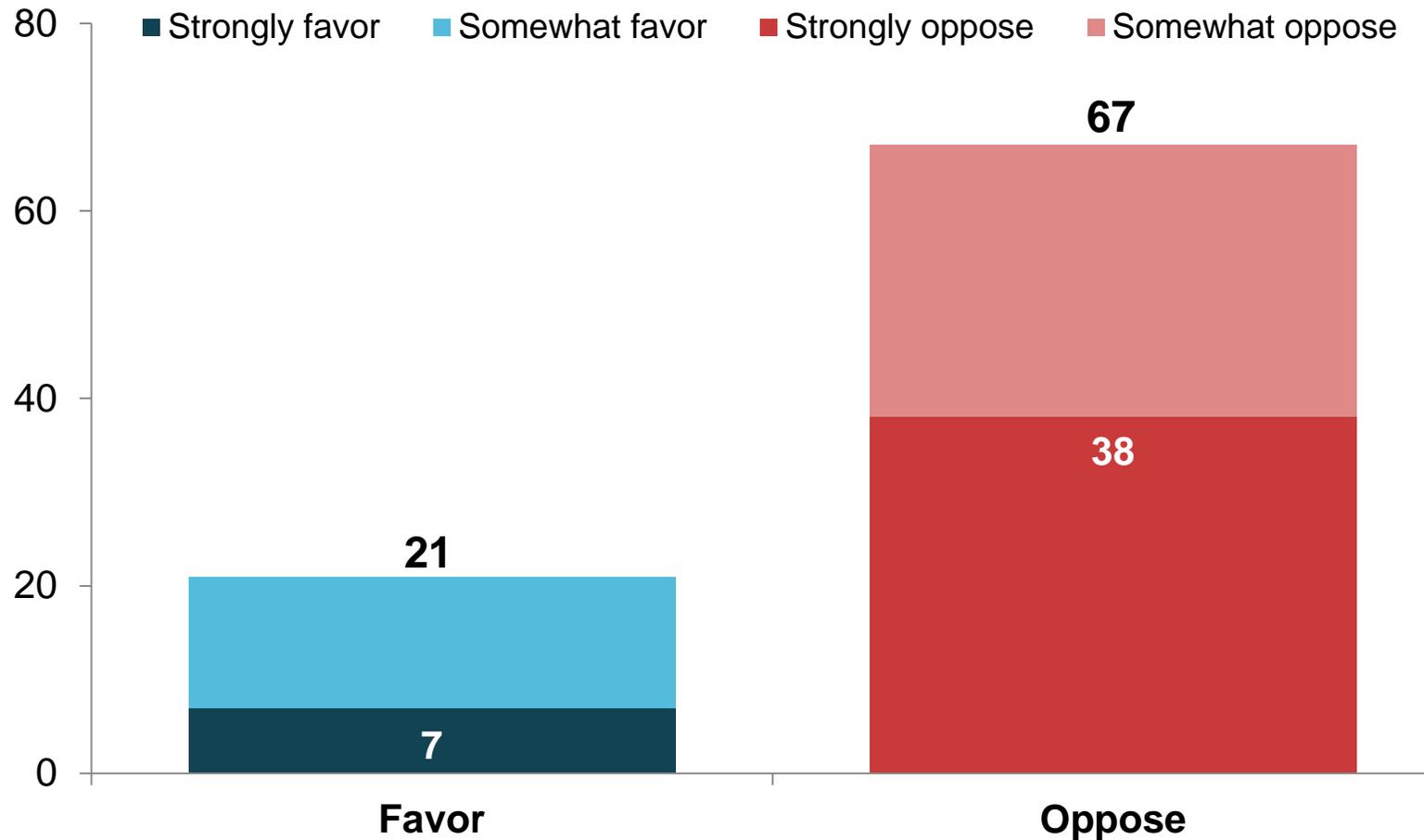


# With a brief explanation, 2/3 of voters oppose state intervention, including more than a third who are “strongly” opposed

*From what you know, do you favor or oppose state legislators intervening in the laws local communities can pass?*

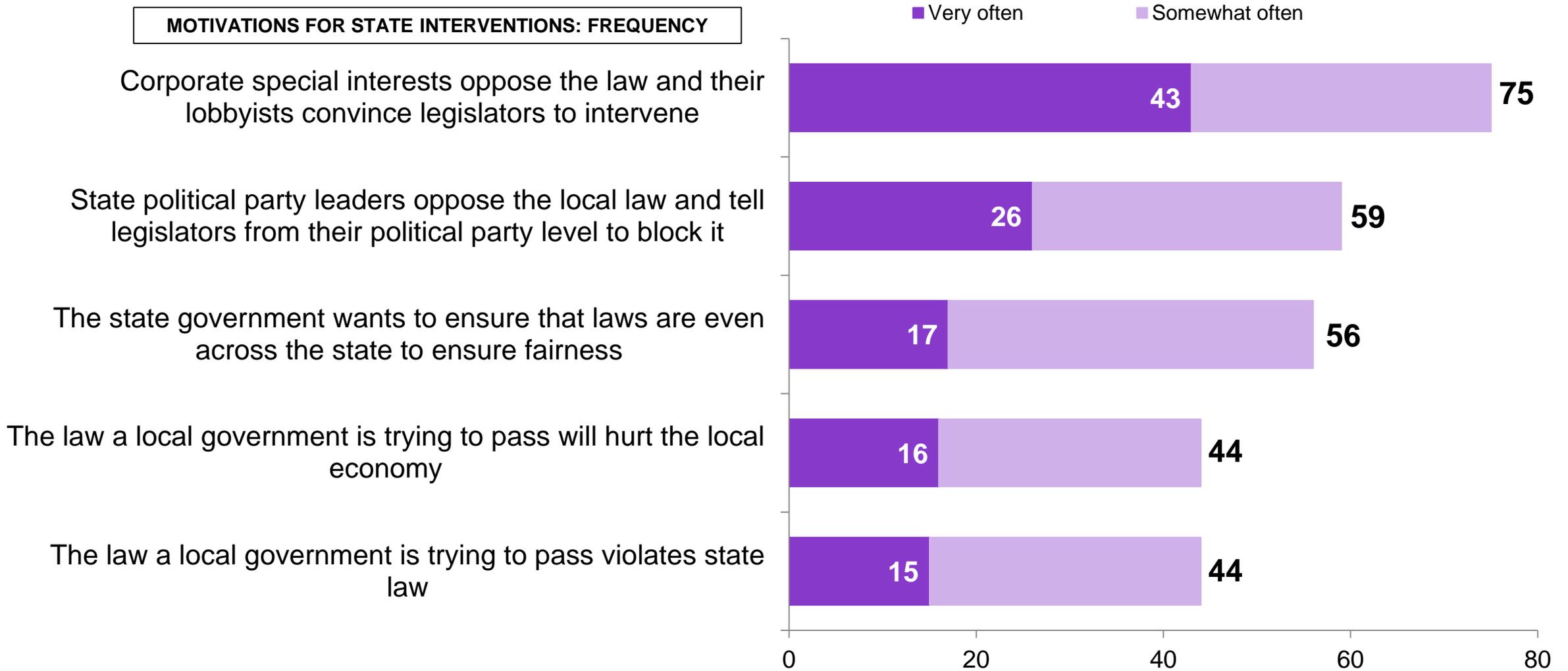
Now, let me give you some information about an issue happening in some states and get your reaction.

In some states, when state legislators learn that the people of a local community are planning to pass a law they disagree with, they intervene by prohibiting the local community from passing the law.



Voters are divided on why legislators “mainly” intervene, but believe that corporate special interests and party politics account for the frequency of it. In contrast, voters seldom believe intervention happens to protect the best interests of the state and its people.

MOTIVATIONS FOR STATE INTERVENTIONS: FREQUENCY



# Even still, voters are largely in the dark about how often intervention happens

In our focus groups, many expressed surprise over how frequently this happens

White PA Woman

*"What percentage of a time does this happen? Is it a fraction of the time? If it happens more, I'd be more concerned."*

White MI Man

*"I'm shocked by all the things that have been going on."*

White TX Man

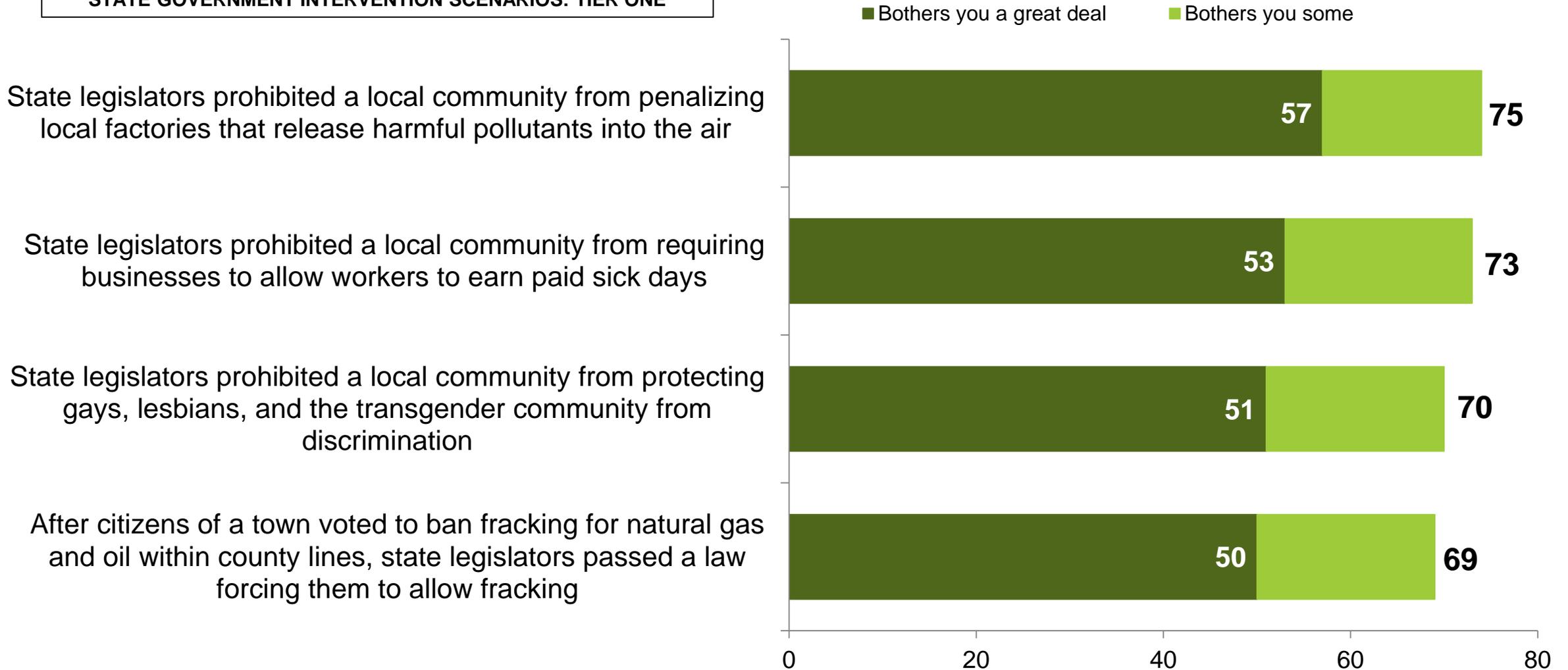
*"Maybe I wasn't paying attention to it before, or maybe it wasn't getting the attention it is now, but I don't recall [intervention] being used as much as it is now."*

# EXAMPLES OF STATE INTERVENTION

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# Voters are most troubled by examples of intervention that cause direct harm to a community or population

## STATE GOVERNMENT INTERVENTION SCENARIOS: TIER ONE



This echoes what we heard in focus groups, where participants were most passionate about the instances where the harm was most apparent

White MI  
Woman

*" I don't see how you could stop a city from raising their standards. You are going to make us drink substandard water and breathe substandard air ?"*

White TX  
Man

*"I think fracking is most bothersome to me, dictating what towns can do with their ecology."*

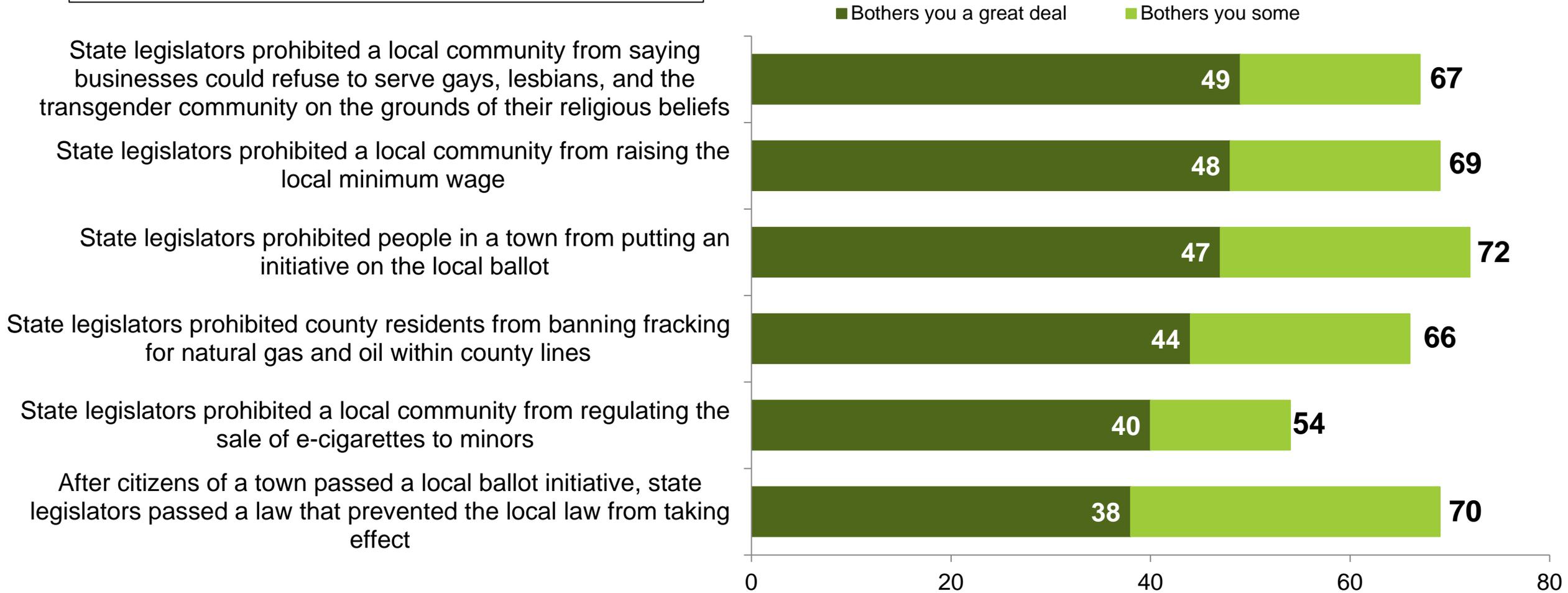
White MI  
Woman

*"I draw the line at discrimination. Everyone should be able to live the way they want."*

# All examples provoke some concern, but examples where the direct harm / threat is less clear rank lower

Republican apathy drags down the overall concern over minimum wage – only 30% reported being bothered a great deal by that intervention, compared to 65% of Democrats

## STATE GOVERNMENT INTERVENTION SCENARIOS: TIER TWO



Although we tested two opposing LGBT policies – one supporting RFRA and one supporting the LGBT community – we don't see a huge differentiation overall in what voters are bothered by

Given that a majority of Democrats report being bothered a great deal by the preemption of a RFRA policy, we assume there is confusion here. This highlights our difficulties in education the public on this issue, especially on examples that use a double negative (undoing a bad law)

<i>% bothers a great deal</i>	Overall	Democrats	Independents	Republicans
State legislators prohibited a local community from protecting gays, lesbians, and the transgender community from discrimination.	51	71	52	30
State legislators prohibited a local community from saying businesses could refuse to serve gays, lesbians, and the transgender community on the grounds of their religious beliefs.	49	55	48	44

# MESSAGES AGAINST INTERVENTION

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As we've seen repeatedly before, one-size-doesn't-fit-all is our strongest argument, followed by illustrating the harm preemption can cause to a community  
Fracking, for now, is a clear example of the harm that can come to a community

STATE GOV'T INTERVENTION NEGATIVES: TOP TIER <i>% Very Convincing</i>	Overall
It is wrong for the state government to take a one-size-fits-all approach to governing. What works for a big city is not always the same as what works for people in a small town, which is why local governments exist - to pass laws that work for the people who live there. As long as these laws do not promote discrimination or violate national law, the state government should stay out of it.	55
It is dangerous to let special interests dictate to state governments that they must pass policies that protect corporate profits while putting local communities at risk. Natural gas drilling called fracking causes environmental and often health risks for the people who live near there which is why many communities have decided to ban it. It is wrong for outside groups to have the final say when it is local communities that take all the risk.	53

# Other messages touting the value of local government and ballot initiatives also did well

<b>SECOND TIER: STATE GOV'T INTERVENTION NEGATIVES</b> <i>% Very Convincing</i>	<b>Overall</b>
<p>It is sad to say, but members of Congress and state legislators have become beholden to corporate special interests who have more of a say in the laws that get passed than voters do. Our only opportunity to bring the change we want to see is through local action within our communities. We have to stand up to these special interests who pad their profits by standing in the way of progress where it can still happen -- at the local level.</p>	<p>48</p>
<p>City Councils and local governments know the values of their community and what is best for the people who live there - they live there every day, they can see changes and quickly respond to the needs of the community. State legislatures often only meet for a few months a year, and legislators who live hundreds of miles away from a town should not be able to decide what is best for the people there.</p>	<p>47</p>
<p>America was founded on the idea that the government closest to the people governs best. The Founding Fathers knew the consequences of a too-powerful national government, which is why they sought to limit the reach of the federal government. Special interest groups are trying to ignore the principles our country was founded on in order to amass massive profits and limit local control.</p>	<p>45</p>
<p>State legislators are not just intervening to block local laws passed by City Councils - they are intervening to block laws passed directly by the people through ballot initiatives. In many cases, they pass a law that makes the will of the people illegal AFTER citizens vote on it. These efforts take away the voice of the people and threaten our ability to make change in our communities which need to be protected, as long as the community is not promoting discrimination.</p>	<p>44</p>
<p>Fifty years ago, we came together as a nation and decided that discrimination is illegal. But, in many states, politicians at the state level are banning cities and counties from passing laws that would protect the gay, lesbian, and transgender community from discrimination. These lawmakers are trying to set our communities back, and sending a message that it is ok and legal to fire someone or evict them or refuse them service because of who they are and who they love.</p>	<p>40</p>

# ELECTED OFFICIALS AND POLICY ADVOCATES

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# Lawmakers frequently cite the importance of local control when arguing against preemption

Both state and local officials believe local government is more connected to the people, and can be hubs of innovation and catalysts for statewide change

*State Senator, North Carolina*

"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."

*City Councilmember, Arizona*

"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."

*Mayor, Oregon*

"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."

# For lawmakers and policy advocates, the influence of special interests in preemption is clear

*State representative,  
Massachusetts*

"I believe it comes from corporate interests, corporations are taking over more and more of our country."

*State senator, Georgia*

"There was a small township on the coast which wanted a plastic bag 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."

*Mayor, Oregon*

"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."

# The threat of preemption is having a chilling effect

Both lawmakers and advocacy groups say the threat of preemption affects the legislation they put forth / invest in

*City  
Councilmember,  
Pennsylvania*

- “When we think about doing something we first have to say, is the state going to 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  
Councilmember,  
Arizona*

- “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?’”

*Policy  
Advocate,  
LGBT issues*

- “It comes up a lot, in terms of strategic thinking... We wouldn’t be able to [implement policies] in a lot of states because they have a preemption law in effect or they don’t have local ordinances.”

# Few believe the public is engaged on this issue

Education on the issue can help combat confusion on why policies aren't getting passed

*City Councilmember, Pennsylvania*

- “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 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 Councilmember, Iowa*

- “I don’t know that the average person cares about [this]. They care about how this affects them, so it needs to be couched in that.”

# Few lawmakers and advocates have a strong sense of effective messages to combat special-interest driven preemption

Several expressed a desire to have better messages to push back.

## LGBT Policy Advocate

- I've seen talking points that we've come up with on the fly with local rights and local control things like that, but it hasn't really been tested. We've done years of research on marriage and now non-discrimination, religious refusal and related issues. I don't think there's been nearly as much attention paid to preemption.

## State Representative, Massachusetts

- That's my biggest challenge – knowing where to get good information. I think the hardest part of being a legislator is to know what's true

## City Councilman, Pennsylvania

- If you make a sound argument, I think they will listen to it. But I don't think, saying 'this is the right thing to do', in and of itself, will get it done.

# THE TOOLKIT

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