



Legal Maneuvers **to Promote or Prevent Preemption**

Vicki Shabo
Vice President

**State Preemption of Local
Authority**
November 18, 2014


national partnership
for women & families

Catalogue of Tools



Challenges to jurisdiction's power

- Orange County, FL (administrative)
- Eugene, OR (legislative)

Challenges to process

- Orange County, FL
- San Diego, CA

Sunshine laws related to public records

- Orange County, FL

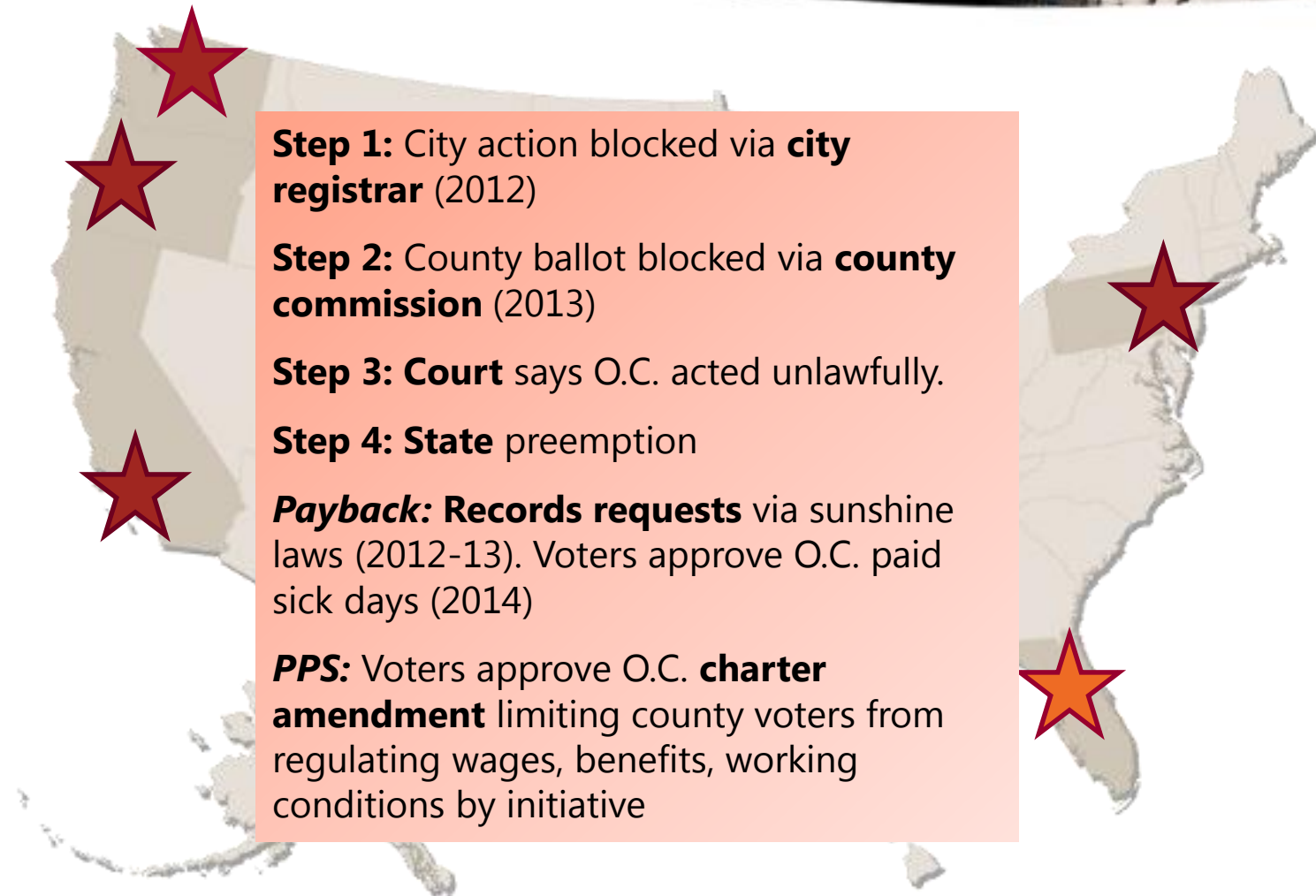
State legislative procedure

- Pennsylvania

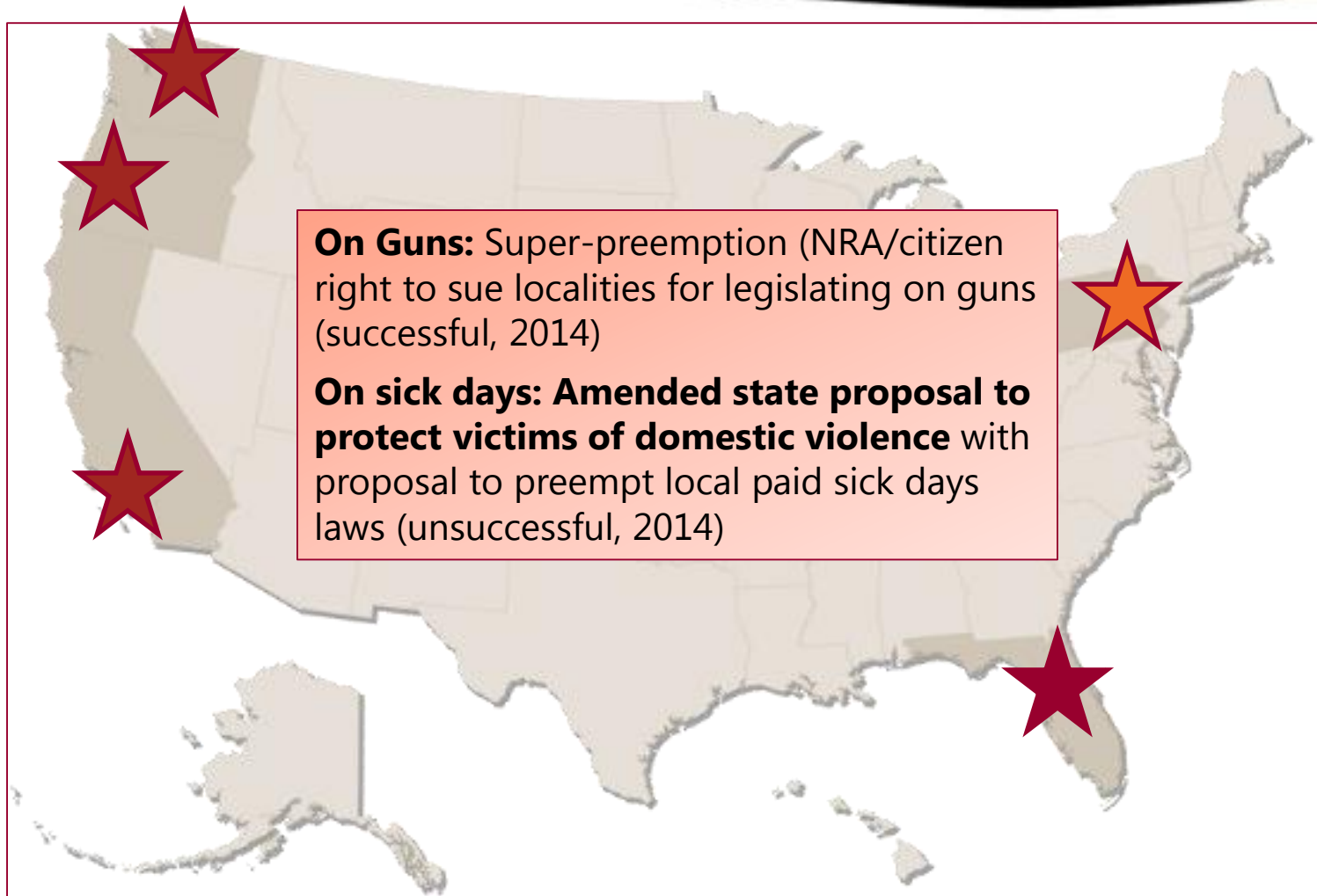
Voter initiatives to challenge or protect

- San Diego, CA
- Washington State

Florida's Sick Days Saga



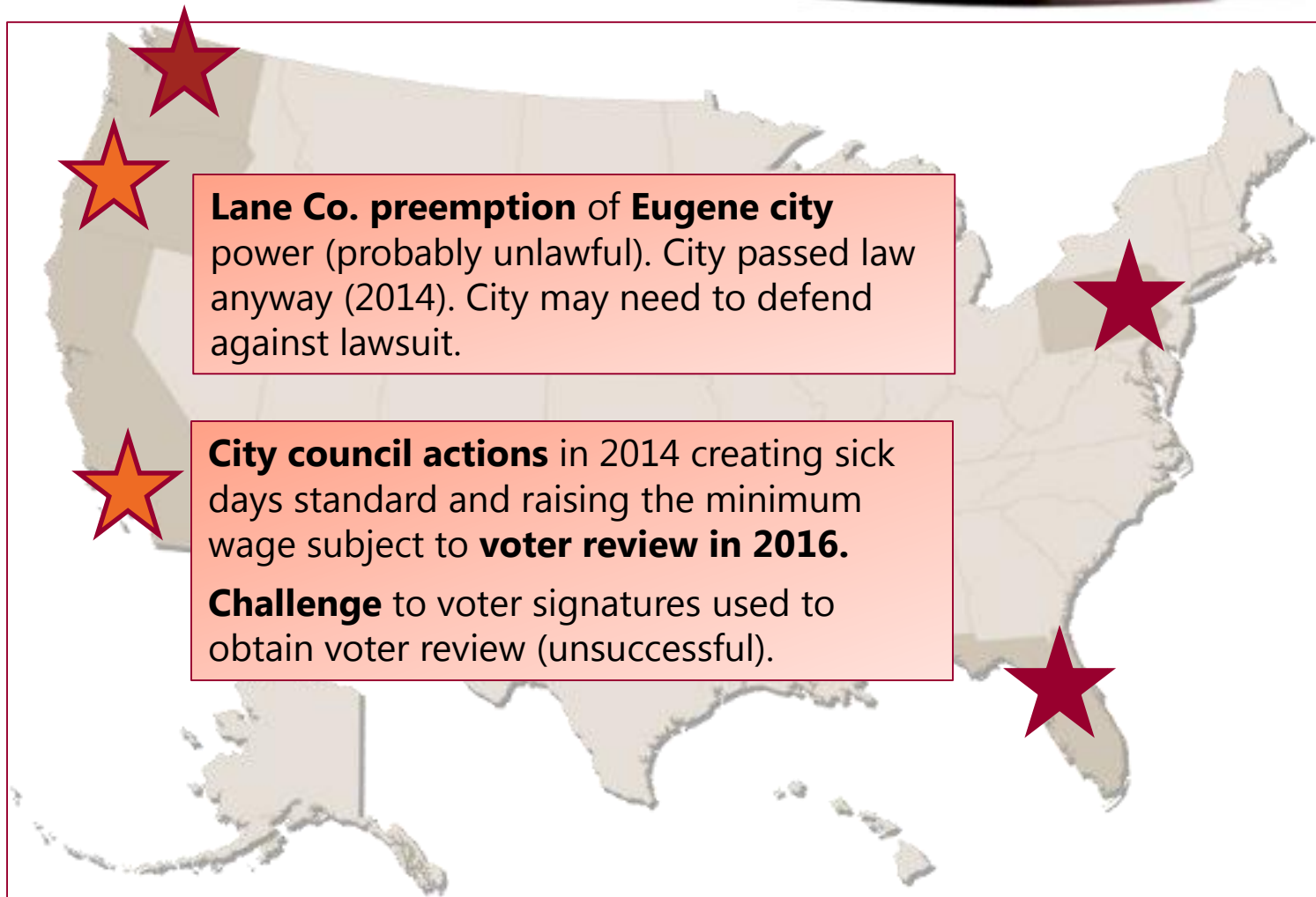
Pennsylvania's Gunning... **for** **Guns and Sick Days**



On Guns: Super-preemption (NRA/citizen right to sue localities for legislating on guns (successful, 2014)

On sick days: Amended state proposal to protect victims of domestic violence with proposal to preempt local paid sick days laws (unsuccessful, 2014)

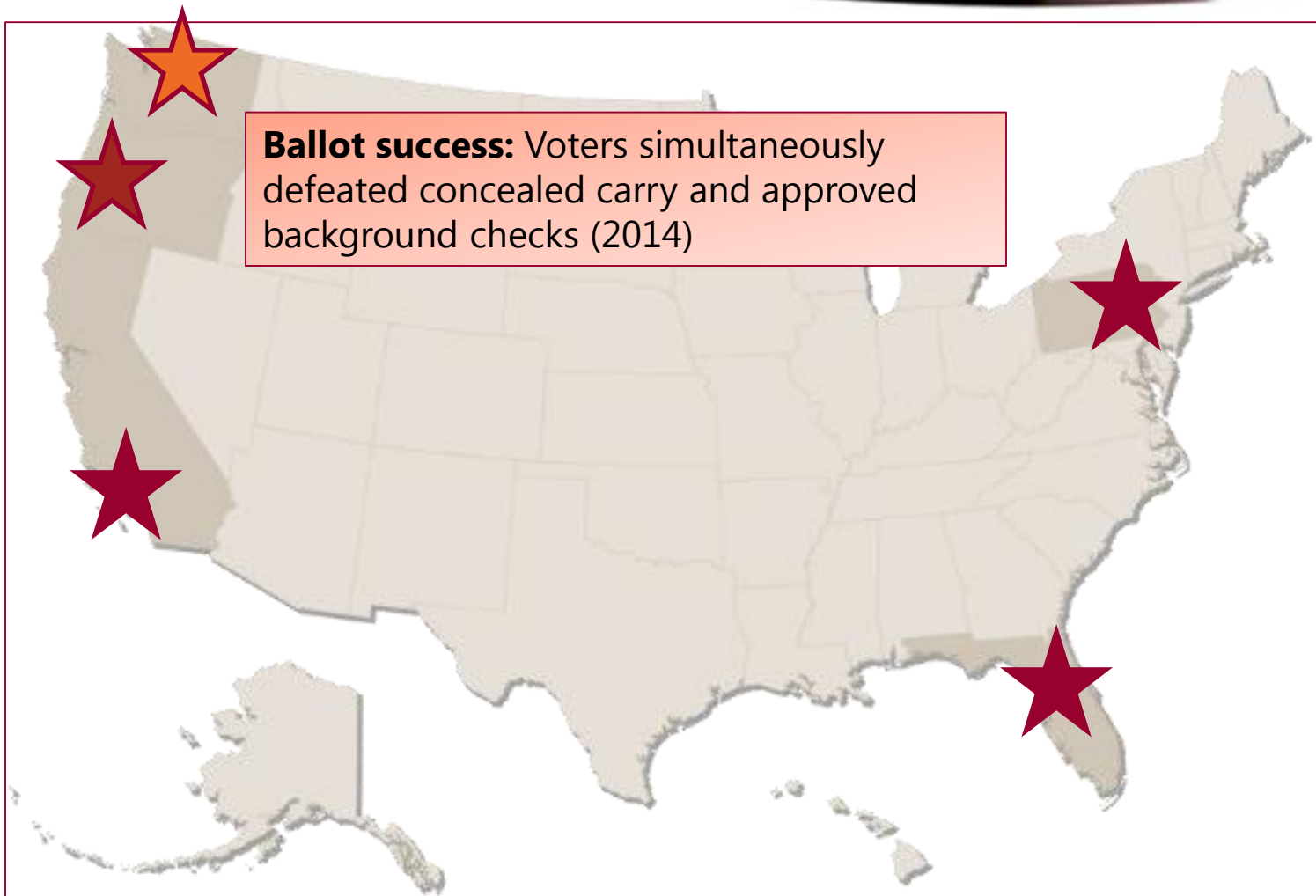
San Diego's **Holding Pattern,** Eugene's **Preemptive Preemption**



Lane Co. preemption of Eugene city power (probably unlawful). City passed law anyway (2014). City may need to defend against lawsuit.

City council actions in 2014 creating sick days standard and raising the minimum wage subject to **voter review in 2016.**
Challenge to voter signatures used to obtain voter review (unsuccessful).

Washington's Successful Dueling Dual



Putting it Together



- ▶ **Know the players who run the relevant institutions**
- ▶ **Know the rules of relevant institutions**
- ▶ **Be prepared to pivot quickly from one venue/set of rules to another**
- ▶ **Anticipate the challenges**
- ▶ **Think a step ahead**
- ▶ **Adjust tactics to make best use of public sentiments**
- ▶ **Build and mobilize strong coalition**
- ▶ **Have legal advisors lined up and ready to go**