

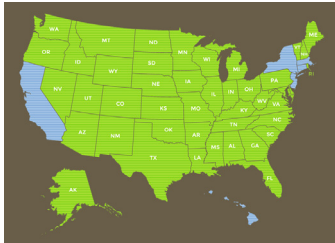


# Protecting Local Control

A Research and Messaging Toolkit

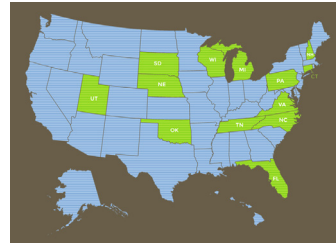
# A LOOK AT PREEMPTION BY STATE

## Guns



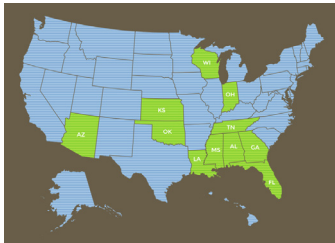
USA Today

## Tobacco



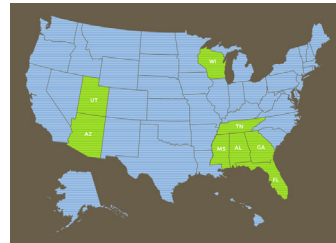
Americans for Non-Smokers Rights

## Paid Sick Leave



National Partnership for Women & Families

## Food and Nutrition



Grassroots Change

## Local governments are on the frontlines in the fight

to protect public health and safety and set modern workplace standards. But as more communities try to enact local health, wage and workplace reforms, they are being blocked by state “preemption” laws that strip local governments of their law-making authority. That happens when state legislators interfere in the democratic process and stop the people of a local community from passing their own laws. This trend is escalating.

Until now, the public has been largely disengaged from this process and the opponents of local control have been able to fly under the radar. However, once made aware, people are strongly opposed to the notion of state legislators – prompted by national corporate interests – intervening to stop laws they disagree with from passing at the local level. The ability of elected officials and the public interest community to make the most effective counter arguments using language that engages the public and media has become essential to preserving local options and protecting local control.

**“All public health is local—it’s got to start and be sustained at the local level.”**

— Dr. Howard Koh, former Assistant Secretary, U.S. Department of Health and Human Services

This communications toolkit was developed to meet that need. The guidance offered here was informed by a three-pronged research effort that included six focus groups, an online messaging test using Maximum Difference Scaling and a nationwide public opinion survey all conducted by Anzalone Liszt Grove Research.

## Frustrated by federal gridlock and state inaction,

more towns, cities, and counties are acting on their own initiative to originate and strengthen laws that protect public health, help workers and their families and promote their community's best interests. In response, more industries and their lobbies are looking to state preemption laws to stop local action they disagree with. For example, eleven states now have laws that preempt local authorities from enacting paid sick days standards. Eight of these state laws have been passed since 2013.

There is evidence that this recent increase in the strategic use of preemption is connected to the American Legislative Exchange Council (ALEC), a national group that drafts and distributes model state level legislation designed to benefit corporations and industries. Clearly, preemption is now a concerted strategy promoted by a network of national groups.

It is imperative that local elected and community leaders understand how best to address this growing threat and translate policy and political jargon into everyday language that engages the public and media.



**“We need to stomp out local control.”**

— Utah Senator and ALEC member  
Howard Stephenson

# FOUR KEY FINDINGS:

- 1** People do not know what preemption is. It is nowhere on their radar.
- 2** They believe states should set minimum standards, but local governments should be allowed to build on and improve them to reflect the unique character and needs of their community.
- 3** When people understand corporate special interests are behind the state's intervention in local matters, they understand why state lawmakers would interfere in local matters.
- 4** The public believes that communities have diverse needs and that one size does not fit all communities, all the time. While the state plays an important role in determining minimum standards all people need, communities should have the right to build and improve on these standards to meet their unique needs.



# FOUR TOP-TESTING MESSAGES

The top tier of arguments and messages to be used to counter state intervention efforts are:

- 1 The state government should not take a one-size-fits-all approach to law-making that denies local communities the right to make choices that are best for them and to create standards beyond what's required by the state.**

“Every community is different and local government exists to reflect and reinforce those unique needs and values. The state government does not always know best what works in every town and county. Local communities need the authority to create standards beyond what the state requires.”

- 2 Local government has a unique role to play:**

“Our best opportunity to bring change is at the local level, where it is easiest to reach our elected officials and hold them accountable. We need to protect local control and our right to make local decisions that will make our communities stronger.”



# FOUR TOP-TESTING MESSAGES

## 3 Local families and communities have to live with the consequences of state intervention:

“It is wrong for the state to have the final say when it’s local families and communities that have to live with the environmental and health consequences of their intervention in local zoning laws.”

## 4 It is wrong for special interest lobbies to use their influence national and state politicians to block local progress:

“National corporations and their lobbyists are violating our right to make laws that reflect our local values, make our work places healthier, improve the lives of working families, and make our air and water cleaner and safer. We shouldn’t be denied local control because corporate lobbyists and special interests are using their influence at the national and state level to block local progress so they can protect their profits.”



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# DO'S AND DON'TS



Use the terms “state intervention” “interference” or “intrusion” instead of preemption

People do not understand what preemption means and will have no idea what you are talking about. And, because it sounds like a process issue, they will tune out without realizing that state intervention impacts a range of issues that **do** matter to them. You can increase their stake by talking about state interference using examples:

“How can the state interfere in our right to set our own minimum wage? They have no idea what it costs to live in our community.”

state intervention  
interference intrusion



## DO'S AND DON'TS

DO

**Talk about this issue in the context of local communities building upon state minimums.**

A strong majority of people (58% / 33%) support state governments establishing minimums and allowing local governments to build and improve upon minimums. This is important context to explain how and when local communities do take action they are strengthening and localizing state laws or acting in the absence of state law.

Make clear that the state's intervention comes after a city passes a law that was legal at the time they passed it and that local communities are not violating or undermining state law.



## DO'S AND DON'TS



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

### Make it understood why states are intervening

Assigning motive for state interference in local matters is key to the public's understanding. Only when the idea that state intervention could be connected to lobbying from corporate special interests does the public find it highly believable the state would interfere in local matters and start to question the state's true motives.

Three out of four people (76%) believe **“Special interest lobbies already have too much influence over national and state politicians, and now they are using their influence to come into our communities and take power away from us at the local level to protect their profits.”**

Do you favor or oppose state legislators intervening in the types of laws a local government can pass?

Favor 22%  
Oppose 64%  
Don't know 14%



## Assert values we all share.

### Remind voters that local government exists for a reason

People believe local governments know their communities best and are best suited to deal with hyper-local issues like zoning, schools and land use. Throughout the groups, there was a feeling that local governments know their communities – they are aware of the local cost of living, employment prospects, transportation needs and education access.

**“Local boards have the pulse of that community and understand it better”**

— *(Denver woman)*

**“I think people on the local level are way more accessible.”**

— *(Philadelphia woman)*

## DO'S AND DON'TS



### Affirm the need for local government and the need to protect local control

The research shows the public believes local government is essential to give a voice to the community, to ensure that unique needs are met, and to protect citizens from localized risks.

Remind them: **“Every community is different and local government exists to reflect and reinforce those unique needs and values. The state government does not always know best what works in every town and county. Local communities need the authority to create standards beyond what the state requires.”**

**Four out of five voters (80%) believe:**

*It is wrong for the state government to take a one-size-fits-all approach to law-making. The needs of people living in urban areas are not always the same as the needs of people in small towns. This is why local governments exist – to make sure that laws and policies meet the needs and values of the people who live there.*

As long as local laws do not violate state laws, the state government shouldn't punish localities by standing in their way.

## DO'S AND DON'TS



**More than four  
out of five voters  
(81%) agree:**

**Emphasize that it is easier to access and hold local elected officials accountable**

*“It is sad to say, but it is hard to trust politicians at any level of government. But our best opportunity to bring change is at the local level, where we can hold our politicians accountable, take action within our communities, and vote directly on local issues through ballot initiatives.”*

**And that there are statewide benefits to allowing local governments to innovate and problem-solve:**

When local communities get to decide what is best for them, it fosters innovation. Some of the best ideas start in local communities. Denying people this right cuts off our ability to discover solutions and bring changes that could help the state as a whole.

## DO'S AND DON'TS

DO

### Illustrate the problem with issues that people already know and care about

Feelings towards state intervention are connected to people's feelings about a particular issue, and the best way to drive urgency and intensity is by showing the impact state intervention has on an issue they care about. Examples help people grasp the concept, but once examples are introduced, people link the state's efforts to override local authority to their feelings on the issue itself, rather than the abstract process of preemption. This was particularly true of hotter issues like raising the minimum wage and enacting stricter gun control measures.



## DO'S AND DON'TS



### Use specific examples of how to illustrate the problem:

Describe the stakes by giving specific examples that include the effect on the local community. Earned sick time, wages, fracking, establishing local limits on pollution to improve the health of the community, and guns are among the most visceral issues where people have deep problems with the intrusion, particularly when they learn that corporate special interests motivated it.

“Our kids are suffering from asthma triggered by local plant emissions. Industry lobbyists have influence over the politicians in the state capital. But those state lawmakers don’t have to live with the consequences, our kids do and our community must be able to set standards that protect them.”

### The percentages below show the specific instances of state intervention that bothered the people surveyed “a great deal.”

- Efforts to block earned sick time (58%)
- Preventing a local community from restricting pollution from local industry (54%)
- Restricting gun safety laws like background checks (51%)
- Preventing the passage of earned sick days (51%)

## DO'S AND DON'TS

DO

### Minimum wage and fracking also emerged in the research as troubling examples:

- People understand that communities have different costs of living and that labor markets can vary from town to town and county to county, just as they do from state to state. They believe local minimum wage standards can best reflect those differences.
- The fight over fracking is a fight over a local community's most basic right – zoning and land use. In some places, state governments are violating local zoning rules and forcing towns and counties to allow energy companies to drill for natural gas in their communities. Fracking causes environmental and often health risks for the people who live near there. And people believe it is wrong for the state to have the final say when it is local communities that live with the consequences.





### Don't

**“Something that affects everybody the same should be dealt with by the state.”**

— (Denver woman)

#### **Demonize state government**

People respect the need for state government and believe it is better equipped to handle issues that transcend local borders. There was a sense that the larger the scope of the issue, the larger the size of the government needed to handle it. The public assumes the state government is justified in intervening and when it does, that it is acting in the best interest of the people. But there is a general consensus that the state should be in charge of issues that could spill over and affect multiple communities. Only when explicitly asked do people volunteer their frustration with *politicians* in general, and even then it does not translate into distrust of state government as a whole.

#### **Use overdramatic labels that can be off-putting for an issue that isn't black and white**

Hotter labels like accusing the state of “government hijacking,” acting like “Big Brother” or characterizing the local-state conflict “David vs. Goliath,” were not effective and in fact, counterproductive. Likewise, making this a partisan issue, or blaming extreme or highly-partisan actors is ineffective.

### Don't

#### **Make this a partisan issue**

Research shows that people are more willing to believe corporations and special interests are influencing state lawmakers to act – not party affiliation. They do not see this as a partisan strategy. To the degree that participants do see lobbying involved, they assume it is “politics as usual” and that it is done by both sides.

#### **Make this a process argument or debate about the role of government.**

Local government will lose a debate about whether state vs local “owns” an issue. The public wants to see all levels of government working on key issues, but in a pick-or-choose situation will pick the largest government because they believe it has an experience and resource advantage.



# RESEARCH METHODOLOGIES

## Online Survey

From October 15 – 19, 2014, Anzalone Liszt Grove Research conducted a national online survey of N=609 registered voters. The survey also included a the statistical tool known as Maximum Difference Scaling to help identify messages that were most compelling, and how to best couple messages together to reach the greatest number of people.

## Focus Group Research

DATE	LOCATION	DEMOGRAPHIC
9/30/14	Denver, CO	White women, aged 40-60
9/30/14	Denver, CO	White men, aged 30-50
10/1/14	Orlando, FL	Hispanic women, aged 25-50
10/1/14	Orlando, FL	White men, aged 40-60
10/2/14	Philadelphia, PA	White seniors, mixed gender
10/2/14	Philadelphia, PA	White women, aged 25-50

All participants were registered voters and soft partisans. Each group had a mix of educational attainment, marital status, and parental status.

## National Telephone Survey

From October 28 – November 2, 2014, Anzalone Liszt Grove Research conducted a national telephone survey of N=800 registered voters, including 28% of all interviews gathered via cell phone. The survey results are subject to a margin of error of 3.5 percentage points at the 95% confidence interval.

