



Texas Conference of  
Urban Counties

Polling and Messaging  
January 10, 2019

# Messaging Research

Research	Details
AHA National Telephone Poll	December 2018 1,101 registered voters (oversample of conservative voters)
LSSC National Online Poll	January 2018 811 registered voters
AHA Focus Groups	December 2018 Green Bay, Reno, Irving, Nashville
LSSC Focus Groups (QualBoards)	December 2017 AZ, FL, GA, LA, MI, MN, NC, TN
LSSC Statewide Polls	July 2018; MO August 2018; MN
LSSC In-Depth Interviews w/ Conservative Lawmakers	FL, GA, IO, MI, NV, OK, OR, PA, TX

# Consistent findings

- Voters have a much **higher opinion of local government** than state or federal government
- People believe that government is most effective and efficient at the local level.
- Local communities should be able to pass their own laws...**especially if I agree with the law**
- Localities should be able to build on (enhance) **base-setting state laws** (floor preemption)
- Views on the concept of preemption are **similar across conservatives, liberals and moderates;** and across Democrats, Republicans and Independent
- Views on the topics that get preempted are where there's a difference.
- **Public safety** (public good) is the main reason local laws should exist
- The “patchwork” argument does not trump the need for local laws that reflect local needs and values.
- **Demonstrating consequences** is essential: Voters are deeply concerned about consequences of preemption, especially on workers, public health & protections
- How does this impact *me*?

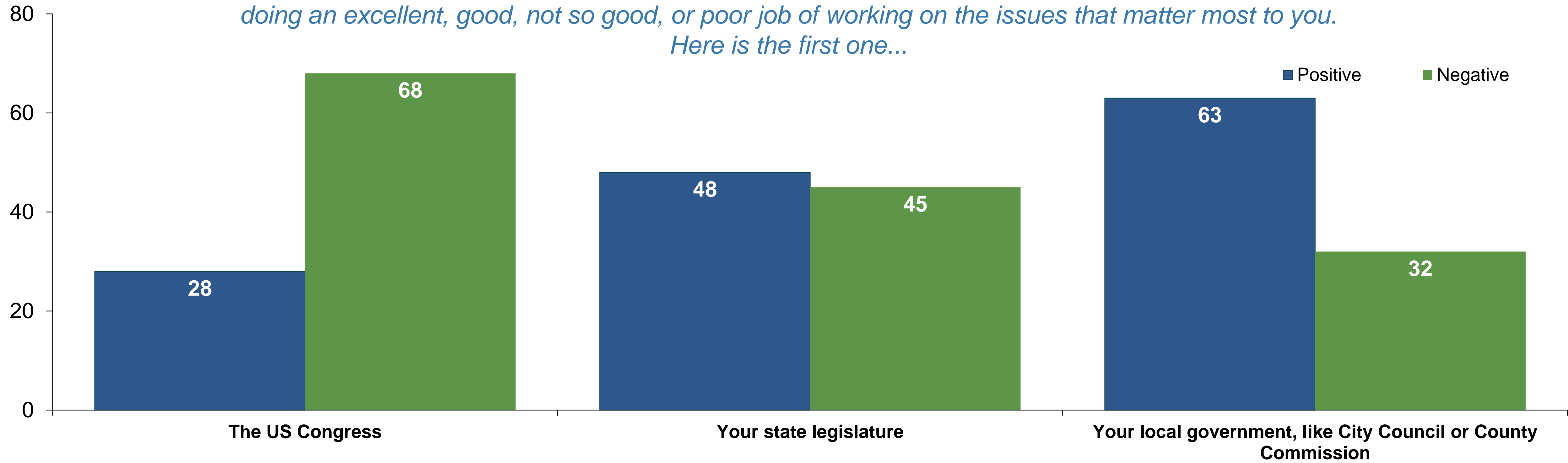
# Recommendations

- **Education is CRITICAL.** There is close to no awareness of this issue, and beyond that, absent information about it, voters are inclined to assume that legislators are using it to enforce consistency.
- Generally, messages that use illustrative examples of the people or communities harmed by preemption are strongest. **We are generally better-served using a few individual cases of how preemption has caused harm, rather than showing how sweeping or rampant it is.**
- Tie state interference to special interests and lobbyists – they viewed as the reason this happens,
- Include the fact that communities and local officials who pass laws legislators don't agree with face real retribution and that **preemption is being used as a punitive tool.** This punishment is not limited to the lawmakers but impacts the entire community, for instance when state funding is cut off.
- When describing the specific cases of preemption, focus on examples of **health, public safety, non-discrimination, and paid sick time.** Use sick time as both an economic and health issue.
- The overturning of ballot election results troubles voters: voters believe state interference can undermine local democracy and authority.

# 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...*



**POSITIVE -  
NEGATIVE**

**-40**

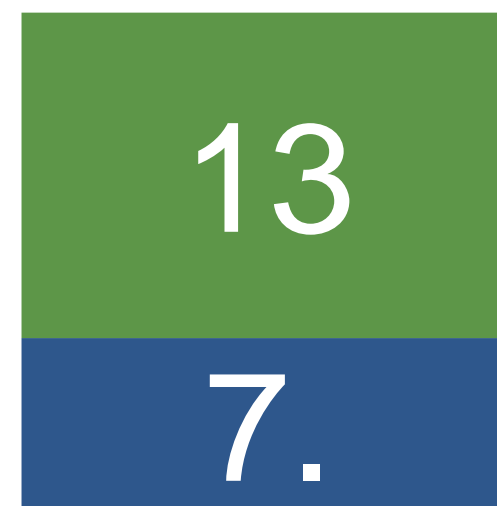
**+3**

**+31**

# 73.2% agreed with this pro-local control message

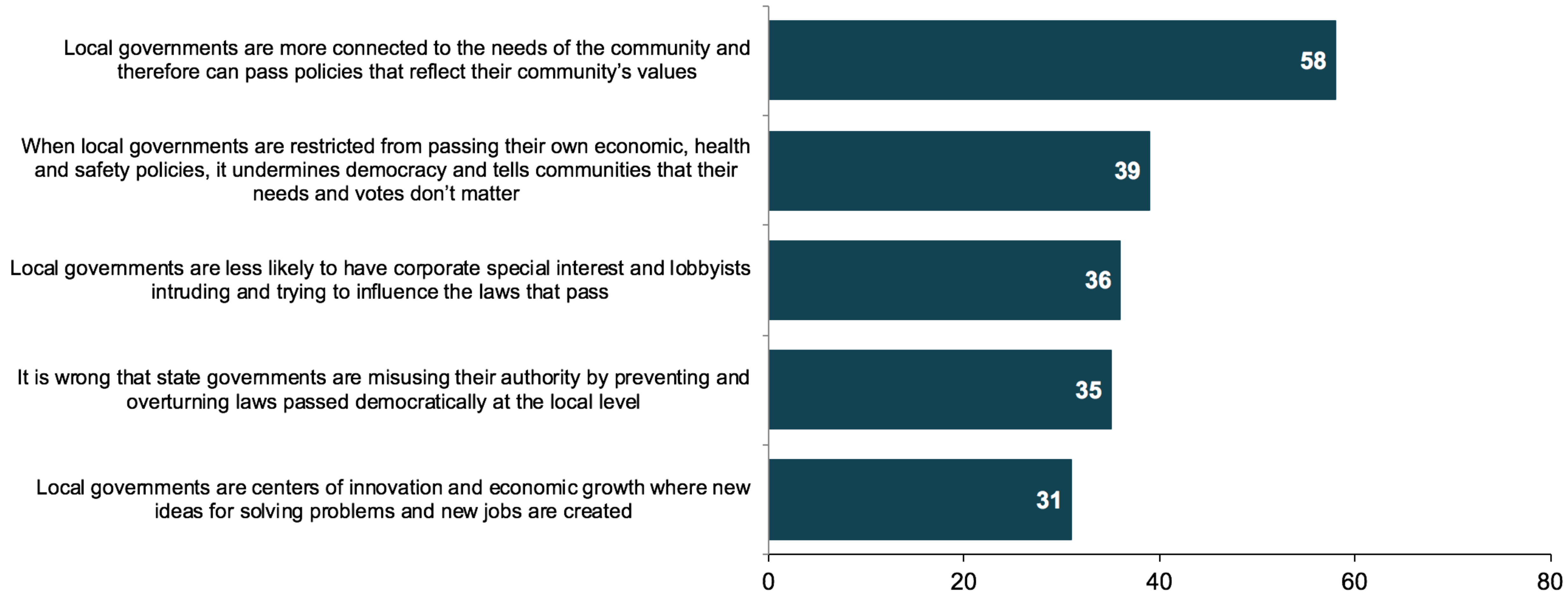


From education policy to property or land-use zoning to environmental protections, local communities are more in tune with the needs of people who live there than state politicians. Government is most effective and efficient at the local level.



# Voters agree that “local knows best.”

*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.*



# Best performing pro-preemption message

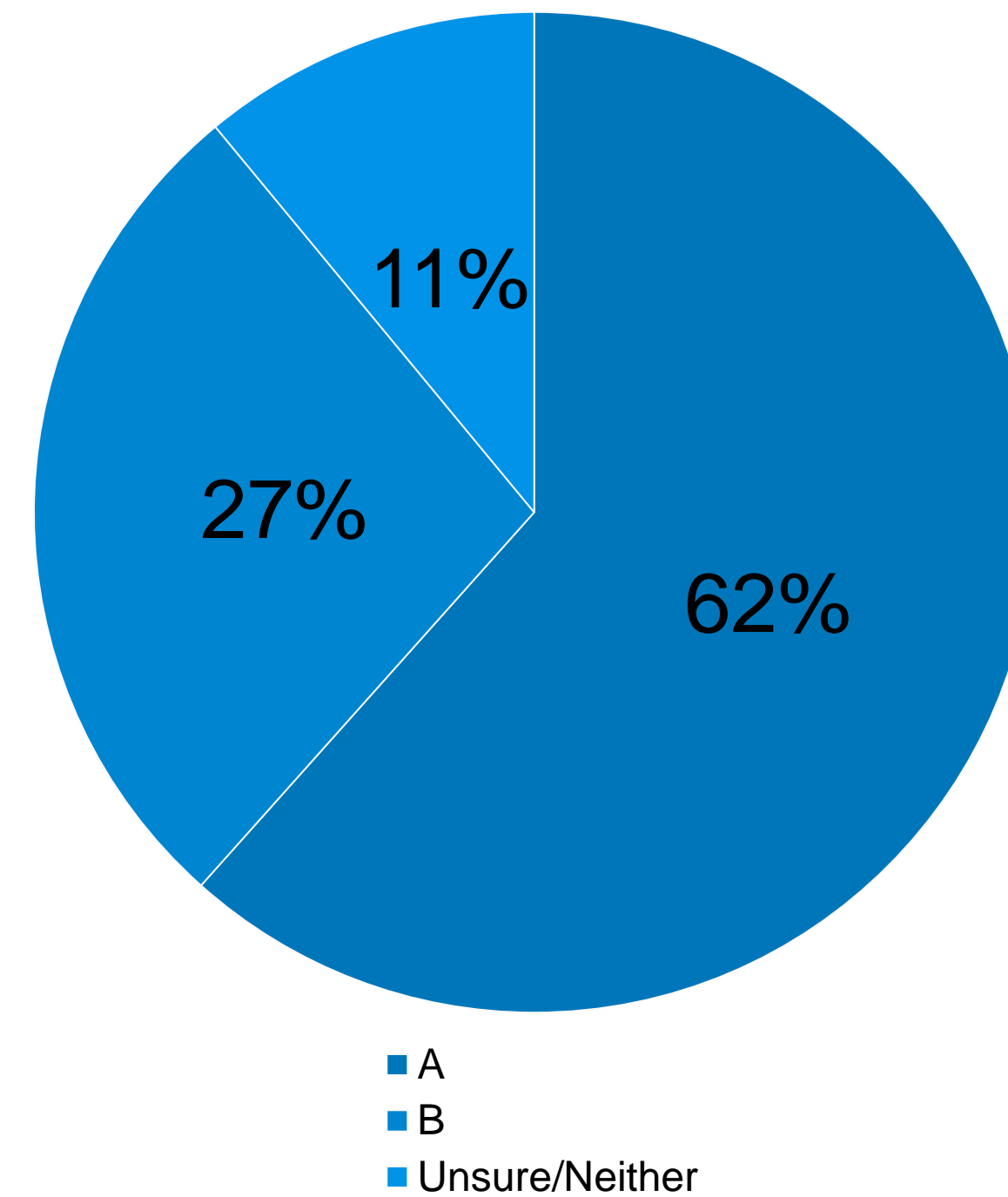
““ When local governments each pass their own laws and policies, it creates a **patchwork** of laws across the state, which creates confusion and more red tape or paperwork for businesses. ””

*Still only 36.6% at highest selecting over pro-local control statements*



“What works for the people in a large city may not work for the people in a small town in the same state. That is why local government exists—to create laws that most accurately reflect the unique views, values and needs of the people who live there.”

***61.6% of people agreed to this statement over the patchwork message at 27.4%***



# Preemption and Issue Specific Support

*For each one, please indicate whether you believe local governments should have the ability to pass such a policy or whether they should not be allowed to pass such a policy.*

Issue	Yes	No	Unsure
Raising the local minimum wage	64.7%	31.4%	4.2%
Raising the age to purchase tobacco to 21	58.7%	37.6%	3.7%
Restricting fracking or oil and gas drilling	61.8%	30.9%	7.2%
Restricting disposable plastic grocery bags	66.9%	26.5%	6.6%
A local tax increase to fund public safety, including police and fire protection	80.5%	16.2%	3.3%
A local tax increase to fund K-12 public education	76.4%	18.8%	4.8%
A local tax on sugary drinks	41.6%	51.8%	6.5%
Requiring nutritional standards on meals marketed to children	60.5%	33.4%	6.1%

# 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

# In-depth Interviews

17 in-depth  
(live telephone)  
interviews  
conducted w/ 16  
Republican state  
legislators and 1  
staff member

Respondents  
represent critical  
states in terms of  
current or impending  
preemptive legislative  
activity, including FL,  
MI, OR, GA, IA, OK,  
TX, (LA)

**CONCLUSION**  
The issue is not  
conservative  
voters, but  
conservative  
lawmakers

# Key Takeaways

**Hypocrisy? Bad policy will always trump philosophical support for local control.**

**Partisan? Preemption itself is not partisan - the issues it attaches itself to are.**

**Preventing a patchwork of local laws that impedes commerce / the free market is a near universal priority**

**Environmental and land use laws are the issues most likely to lead to finding common ground.**

# “Hypocrisy” in Supporting Preemption Proposals

*Bad policy trumps philosophical / ideological opposition to preemption proposals and government closest to the people.*

“Yeah, there’s a certain level of hypocrisy but the big picture is that bad policy is bad policy and fixing that trumps any larger philosophical belief in local government.” (NV)

“The goal is good government first and foremost not blindly supporting local control.” (MI)

“States created both the federal government and localities. It then becomes a matter of state’s rights.” (TX)

“Adherence to my other philosophies supersedes my philosophical support of local control.” (NV)

“Local government is actually the scariest form of government because there are no checks and balances like at the state legislature. It’s easy for five city council members to pass controversial legislation because there’s very little public scrutiny or public participation. At the legislature you have to deal with 150 different lawmakers so there are some checks and balances.” (IA)

# Preemption Isn't Partisan, Issues Are

*Both Democrats and Republicans will support preemption at times; it depends on the issue.*

“Preemption itself isn't partisan but the issues local governments are choosing to wade into are highly partisan.” (IA)

“It can be bipartisan when the policy is good for the community.” (OR)

“It ends up being more urban vs. rural than Republican vs. Democrat.” (TX)

“When Democrats were in charge, they used preemption. Whoever is in charge of the State Legislature will preempt local laws they don't like. It's just the way it is.” (IA)

# “Patchwork” Concerns Trigger Preemptive Action

*Legislators will use preemption in order to mitigate “patchwork” system of laws and create uniformity.*

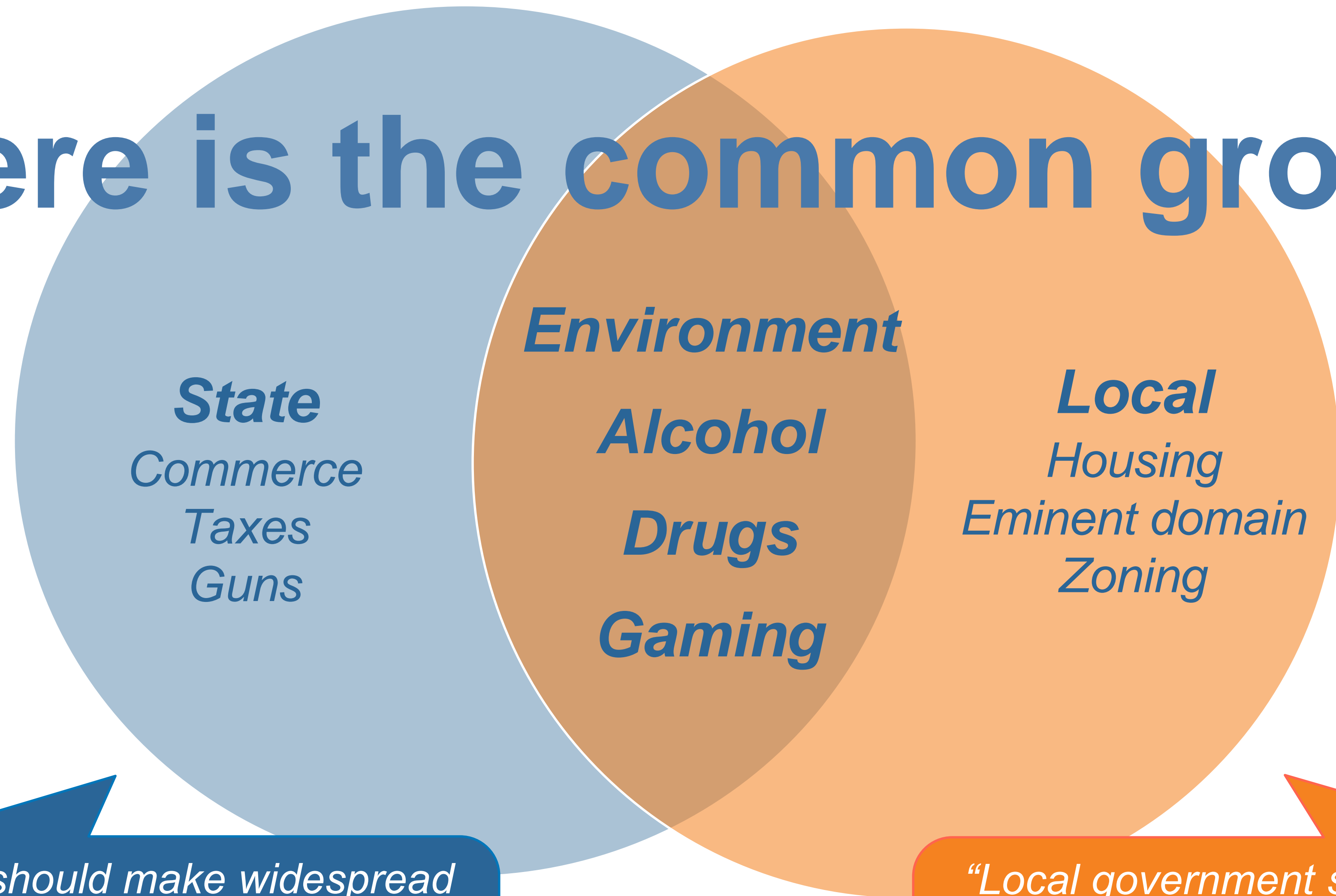
*Particularly when the variation in ordinances discourages or hampers commerce and economic development.*

“A statewide company has to follow so many different ordinances that they end up choosing to leave those communities due to lack of uniformity.” (GA)

“If the local law carries criminal penalties like some of the local gun control laws. The patchwork isn’t fair to citizens.” (PA)



# Where is the common ground?



*“States should make widespread laws on commerce, free market, guns - in order to keep a level playing field.” (PA)*

*“Local government should make laws that impact every-day life – local leaders live in the community they serve.” (PA)*

# MAKING THE CASE

1

START WITH  
NORMATIVE  
VALUES

2

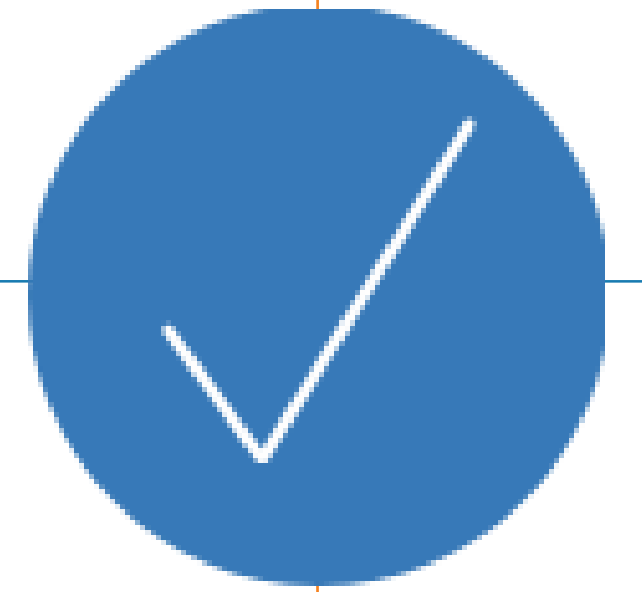
INTRODUCE  
THE POLICY  
IMPERATIVE

3

IDENTIFY  
THE THREAT

4

CLARIFY  
NEGATIVE  
CONSEQUENCES



# *FIGHT VALUES WITH VALUES*

**THEM:** Preemption advocates argue that preemption is necessary to escape the “oppression of local control” and that local regulations violate “personal liberty” and freedom.

**US:** Stress the value of local government – its effectiveness, accountability and agency. Voters agree that local leaders are best able to meet the community’s unique views, values and needs. A strong local democracy is essential to passing policies they want.

# RECOMMENDATIONS: DO'S



## ***Educate voters about the harm caused by state interference in local lawmaking and give examples of its consequences***

- The polling confirms that voters are deeply concerned when they learn that
  - - *Public safety is being threatened (ridesharing, paid sick time, non-discrimination)*
  - - *Public health is being risked (paid sick time, tobacco, fracking)*
  - - *People are losing jobs, wages, and ability to care for their families*
  - - *Cities and local officials who push back are being punished – and that hurts local residents and local democracy.*
- Make it personal. How does it affect me and my family.

# RECOMMENDATIONS: DO'S



## ***ASSIGN MOTIVE & CONSIDER LANGUAGE***

- **Don't talk about "preemption."** Use the term **"state interference"** instead.
- Talk about the **"misuse"** or **"abuse"** of preemption.
- Use the terms **"local democracy"** and **"local control."**
- **Remind voters who's behind this:** deep-pocketed corporate special interests and their lobbyists.

# RECOMMENDATIONS: DON'TS

**DON'T  
MAKE THIS  
A PARTISAN  
ISSUE**

**DON'T  
MAKE THIS  
A PROCESS  
DISCUSSION**

**DON'T  
DISPARAGE  
THE ROLE  
OF STATE  
GOV'T**

**DON'T USE  
TERMS LIKE  
"AN  
ATTACK ON  
CITIES"**

**DON'T  
ACCEPT  
PATCHWORK  
ARGUMENT**



## THE BEST MESSAGES AGAINST THE ABUSE OF PREEMPTION:

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**To pass the policies we want, we need a strong Local Democracy**

Local government exists to create laws that most accurately reflect the unique views, values and needs of the people who live there.

If the people in our community want (to pass higher taxes to pay for their schools), they should be able to, free from state interference.

A strong local democracy is the best, most effective way to enact the policies our community needs and wants. Robbing local government of its power robs the people of power to improve their lives and communities.

# The Local Solutions Support Center

*A hub that connects, supports, and creates cross-issue, coalitional opportunities and efforts to defend local democracy, repeal existing anti-democratic preemption laws, discourage the use of punitive preemption, and strengthen home rule.*

**LEGAL HOTLINE:** 212.430.5989

**LSSC:** [www.supportdemocracy.org](http://www.supportdemocracy.org)

**FORDHAM'S URBAN LAW CENTER:** <https://www.urbanlawcenter.org/>

**A BETTER BALANCE:** <https://www.abetterbalance.org/our-campaigns/defending-local-democracy/>

