

The Causes of Preemption in the U.S. States

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Background and Research Question

- States in the U.S. can preempt local ordinances by passing legislation preventing municipal regulations in certain policy domains.
 - ▶ Between 2013 and 2017, 14 states banned municipalities from raising the minimum wage above the statewide wage and 17 states prevented municipalities from mandating employers provide some form of paid sick or family medical leave.
 - ▶ In the 1980s and 1990s, states preempted numerous municipal gun and tobacco regulations.
- When and why do states preempt local ordinances?
 - ▶ Extant literature emphasizes the role of conservative ideology, interest groups, and Republican control of government, but existing studies largely focus on preemption occurring after 2010 and do not control for cities' policymaking.

Hypotheses

Dependent variable: The probability of a state preempting a local ordinance in a given year.

A state is most likely to preempt a specific municipal regulation when the following three conditions hold:

- ① At least one city in the state is able to pass, or has already passed, the regulation.
 - ▶ Legal status of cities in the state
 - ▶ Whether a city in the state (or nearby state) has passed the relevant regulation
- ② There is a wide divergence between the policy preferences of the state and at least one city in the state.
 - ▶ Relative liberalism of cities in the state
 - ▶ Republican control of state government
- ③ Relevant interest groups are organized at the state level.
 - ▶ Strength of relevant interest groups like ALEC, the Chamber of Commerce, and Tobacco lobbying firms

Data: Tobacco and the Minimum Wage

Restricting myself to a small number of policy areas keeps the data collection process tractable, as I need to collect data on both state preemption laws and cities' ordinances.

- Regulating tobacco
 - ▶ American Nonsmokers' Rights Foundation's U.S. Tobacco Control Laws Database contains data on all states' tobacco-related preemption laws and all local tobacco regulations.
- Raising the minimum wage
 - ▶ Policy organizations track states' preemption policies and localities' minimum wages, but I need to collect data on local policies in states that now preempt municipalities from raising the minimum wage.