

In recent years, state governments have passed numerous preemption laws, nullifying municipalities' attempts to (among other examples) increase the minimum wage, require employers to provide paid leave, and regulate ride sharing companies. Preemption has generated interest from progressive policy organizations (von Wilpert 2017; National Employment Law Project 2017), journalists (Rapoport 2016), and municipal organizations (DuPuis et al. 2018; Warren 2016). In academia, preemption has mostly been a topic of legal (Scharff 2018; Diller 2007; Schragger 2018; Briffault 2018) and public health (eg Montez 2017) scholarship, but there seems to be growing interest among political scientists in the underlying causes of state preemption. Recent studies have pointed to interest group lobbying and the dominance of Republican parties in state capitols since 2010 as key causes of preemption (Hicks et al. 2018; Fowler and Witt 2019; Flavin and Shufeldt 2019; Riverstone-Newell 2017). Scholars have also found relationships between preemption and the share of African Americans in the population (Flavin and Shufeldt 2019) as well as between preemption and legislative professionalism, political culture, and home-rule status (Fowler and Witt 2019).

Recent attempts to understand the political causes of state preemption suffer from two weaknesses. First, they lack the necessary empirical rigor to serve as causal explanations. Both Flavin and Shufeldt (2019) and Fowler and Witt (2019), for instance, perform cross-sectional OLS regressions using a dependent variable composed of the number of preemption laws in a state as of some point in time. In another instance, Riverstone-Newell (2017) compares three small case studies of states preempting local laws. While these studies are informative, the lack of longitudinal analysis that accounts for sequence and timing seriously hinders their ability to make clear causal claims about when and why states preempt local laws.

The second weakness of the recent scholarship on state preemption is its narrow temporal scope. Much of the popular and academic literature treats preemption as a largely post-2010 phenomenon, stemming from rising partisan divisions between rural and urban areas, industry lobbying, and Republicans' dominance in state legislatures and governorships. However, preemption is not new. Between 1982 and 1998, thirty-one states passed over 120 tobacco-related preemptive measures, preventing states from issuing more restrictive policies on topics such as minors' access to tobacco, indoor smoking, and tobacco advertising ("Preemptive State Tobacco-Control Laws -- United States, 1982-1998" 2019). Likewise, largely as a result of lobbying efforts from the National Rifle Association (NRA) in the 1990s, 43 states had restricted localities ability to issue their own gun control policies by 2016 (Rapoport 2016).

Understanding the political causes of preemption requires more rigorous analyses that take into account the long and diverse history of preemption laws in the United States. In my paper, I hope to add to the preemption literature by studying the development of preemption in the United States across three policy areas: tobacco, guns, and the minimum wage. Over the last forty years, each of these three issue areas has seen significant state preemption. As noted above, state restrictions on local tobacco and gun control largely took place in the 1980s and 1990s. Preempting minimum wage increases is a more recent phenomenon. Of the 25 states that currently prevent localities from increasing the minimum wage above the state or federal wage, all 25 passed the preemption legislation after 1998 and 14 passed preemption legislation after 2012 (National Employment Law Project 2017).

Focusing on tobacco, gun, and minimum wage preemption allows my analysis to leverage temporal variation in preemption activity while keeping the data collection process tractable. (While there are datasets of states' preemption activity (DuPuis et al. 2018; "Public

Resources” n.d.), I do not know of any longitudinal databases that say when a specific preemption law was passed.) Unfortunately, this does mean that I cannot answer when and why states preempt certain local policies rather than others.

In terms of theory, I plan to build upon recent studies’ findings concerning the importance of Republican control of government, the growing partisan divide between urban and rural areas, and the importance of industry groups. I think it is fairly clear that recent preemption activity has in large part been the result of Republican control of government and the efforts of industry groups like the American Legislative Exchange Council (ALEC). However, I do think that taking a longer historical look at preemption will suggest that there is more to the story.

Here are some broad hypotheses. First, preemption is the result of interactions between localities and states. Focusing only on the states misses the possibility that cities may in fact be driving preemption by passing extremely progressive policies. Therefore, a historical examination of preemption needs to examine trends in local policymaking. I expect that cities that pass policies that are more progressive relative to the preferences of the entire state will be more likely to be preempted by their state government. Second (and somewhat relatedly), some studies have suggested that recent preemption efforts are the result of the increased sorting of liberals into urban areas and conservatives into rural areas. As liberals pack into relatively few urban areas, Republican state government officials face less of an incentive to act in the interests of cities. Therefore, I expect that states with a greater partisan division between urban and rural areas will engage in preemption more often. Third, since urban areas in the United States are strong sources of support for progressive causes, I expect that Republican control of state government will be positively related to passing preemption legislation. However, given that I plan to extend my analysis back to at least 1980, it could be that partisan control of government will have different effects in the South. Fourth, preemption is often seen as resulting from lobbying efforts from industry groups like ALEC, the NRA, and the tobacco lobby. I expect industry lobbying to positively correlate with preemption. I will look further into the literature on state-level lobbying (eg Hertel-Fernandez, Skocpol, and Lynch 2016; Hertel-Fernandez 2019) to see how I ought to understand the ways in which industry groups affect state legislative agendas and decision-making. Fifth, I expect that the spread of state preemption laws is in part a policy diffusion story. States may preempt local lawmaking before there is any threat of local action, because a neighboring state passed preemption legislation and/or a city in a neighboring state passed a distasteful policy. In this case, I expect the likelihood of a state to pass a preemptive law to positively correlate with both the passage of preemption laws in neighboring states and the passage of tobacco, gun, or minimum wage regulations in neighboring localities.

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