

Explaining State Preemption of Local Laws: Political, Institutional, and Demographic Factors

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Abstract: Despite increasing popular and media attention to the preemption of local policymaking by state governments, the empirical political science literature on preemption remains relatively scarce. After first identifying and discussing state preemption laws across twenty-one diverse public policies, we investigate how political, institutional, and demographic factors predict the implementation of these laws. Our empirical analysis reveals that states where Republicans control both legislative chambers and the governorship, with more politically conservative citizens, a higher percentage of African Americans, and a stronger conservative interest group presence pass more laws that preempt local policymaking. Our results demonstrate that state preemption efforts are more closely associated with political and demographic factors and less associated with institutional forces.

In 2016, North Carolina's state legislature passed House Bill 2, the Public Facilities Privacy and Security Act, better known as the "Bathroom Bill." Enacted by a Republican controlled state legislature and signed by Republican Governor Pat McCrory, the law prevented local governments from expanding state protections beyond the state-recognized protected classes, as several of the state's largest cities had done, including Chapel Hill, Charlotte, Durham, and Raleigh (Gordon, Price, and Peralta 2016). This state law and preemption of local authority excluded sexual orientation and specified that sex was a protected class only as designated on one's birth certificate, thereby excluding transgender individuals. The ensuing controversy led the National Basketball Association (NBA) to relocate their All-Star Game, the National Collegiate Athletic Association (NCAA) to relocate championship games and refrain from selecting the state for future events and also prompted several other demonstrations and boycotts and resulting in a significant loss of revenue (Associated Press 2017). While a watered down version of the bill was passed in 2017 to replace HB 2, the basic preemption premise of the bill remained in place, and in a way that also limits local authority to increase the minimum wage and pass other labor-protective measures.

Meanwhile, in 2015, the city of Saint Louis passed a measure gradually raising the minimum wage within the city to increase up to \$11 as of January 2018. After emerging victorious after a lengthy legal battle with opponents, the increase went into effect. However, once the legal battle ended, the Republican-controlled state legislature passed a law preventing municipalities from raising their minimum wage beyond the state floor – retroactively eliminating increases workers were already experiencing in St. Louis and Kansas City and returning the minimum wage statewide to \$7.70 an hour (Graham 2017a).

In both of these high-profile instances of preemption, defined as “the use of state law to nullify a municipal ordinance or authority” (DuPuis et al. 2018), policy decisions made by more liberal urban cities were thwarted by ideologically conservative state governments controlled by Republicans. Yet, this is just a sample of a widespread phenomenon. According to a recent report from the National League of Cities, states are implementing preemption laws across a diverse array of areas including economic, social, health, and safety policies (DuPuis et al. 2018). This includes recent market innovations like ride-sharing apps (e.g. Uber, Lyft) and home-sharing websites (Airbnb), hot-button issues like gun control and anti-discrimination laws, and labor policies like the minimum wage. The minimum wage is a particularly helpful example to illustrate the rapid speed at which states are implementing preemption laws. As of today, twenty-five states have a minimum wage preemption law on their books (DuPuis et al. 2018). According to the Economic Policy Institute (2018), fifteen of these states have passed their laws since 2010 and nine have done so in just the last four years.

The rapid acceleration of state preemption laws, including the minimum wage laws referenced above and subsequent policies discussed below, is particularly relevant in part due to the polarization and dysfunction in Washington, DC. Approval ratings of Congress have remained below 20 percent for the past year with more than three out of four Americans disapproving (Gallup 2018). As Congress has been notably unproductive and mired in gridlock, much of the policymaking action instead has been occurring at the state level. Thirty-six states (twenty-two Republican and fourteen Democratic) are currently under “trifectas” where one party controls both chambers of the state legislature and the governor’s mansion. This has given states the ability to be more aggressive in choosing divergent policies in a more conservative or

progressive direction on issues such as abortion regulation, minimum wage, voter identification laws, and Medicaid coverage (Park et al. 2014; Bacon 2019a; 2019b).

As states pursue more ideologically driven policies in one-party states and begin preempting more areas of local policymaking, scholarly analyses of state preemption laws have generally examined isolated policy areas. Scholars of state politics only have begun to engage this timely topic in a broader sense (Fowler and Witt 2019; see Hicks and Weissert 2018 for a recent symposium). This study builds upon and advances our knowledge in several key ways. First, we examine the extent of state preemption laws by examining trends across a diverse array of twenty-one public policies – the largest collection of policies to date. Moreover, we analyze both aggregate trends and policy-specific trends in preemption across the fifty states. Next, we build upon past theoretical contributions by highlighting and more fully examining which political, institutional, and demographic factors might predict passage of state preemption laws.

Our empirical analysis reveals that political and demographic factors play a prominent role in shaping aggregate and policy-specific trends in preemption. Specifically, state governments with unified Republican control, more conservative citizens, a higher percentage of African Americans, and a stronger conservative interest group presence are more likely to preempt local policymaking. We find minimal evidence that institutional factors shape preemption efforts; specific features of state governments such as legislative professionalism, the presence and usage of the citizen initiative, and Dillon's Rule have little impact on a state's overall propensity to preempt local policymaking. Preemption, then, appears to be more of a political weapon and less of a policy consequence of state institutional variation. We conclude by discussing the likelihood of an acceleration in preemption due to ideological parties in a federal

system as well as our plans for further research on the topic of state preemption of local policymaking.

A BRIEF REVIEW OF STATE PREEMPTION LAWS

Devolution, the delegation of political authority from a higher level of government to a lower level, is often thought to be a desirable feature embedded in the United States system of federalism (Swanson and Barrilleaux 2018). Instead of imposing a one-size-fits-all federal standard, the “devolution revolution” of the 1990s increasingly allowed for greater state flexibility and experimentation in a variety of public policy contexts (Sheely 2012). However, in many cases, state governments have been reluctant to extend this same flexibility to local governments within their state (Russell and Bostrom 2016).

When it comes to state delegation of political authority to local governments (cities, counties, school districts, special districts, etc.) and the possible preemption of that authority, Bulman-Pozen (2018, 28) notes that, “The federal Constitution has not been understood to bear directly on state preemption: because local governments are creatures of the state, they possess only those powers states confer upon them, and states may amend or retract such powers.” Put differently, the Tenth Amendment reserved powers granted to states in the U.S. Constitution do not apply to the relationship between state and local governments. In light of this understanding, states have, over time, decided to confer powers to local governments under two general frameworks. Dillon’s Rule (the name originating from Judge John F. Dillon’s Iowa Supreme Court ruling in 1868) dictates that municipalities can formulate policies only for areas that are granted expressly by the state government (Krane, Rigos, and Hill 2001; Bowman and Kearney 2012; Polley 2013).

By contrast, Home Rule authorizes local governments to legislate absent an explicit retraction of power by the state with the goal of allowing local governments to institute policies that require local solutions and, in many cases, foster a closer congruence between citizens' political opinions and government policies (Palus 2010; Bunch 2014; Tausanovitch and Warshaw 2014). For our purposes in this article, it is important to note that whichever framework a state adopts (or some combination of the two depending on the policy area in question), the state always retains the power of oversight and the authority to limit local policymaking if desired (Bluestein 2005; Richardson 2011). In other words, preemption is at least an option in every state in the nation.

Our case selection strategy in choosing preemption policies to evaluate in this study is to compile as large and diverse a list as possible. Using this strategy, we identified twenty-one preemption policies by relying on a variety of secondary data sources – most commonly existing organizations that monitor specific policy areas (see Fowler and Witt 2019 for a similar approach). For instance, we rely on publicly available data from the Economic Policy Institute (2018), the National League of Cities (DuPuis et al. 2018), and Grassroots Change (2019) for information about fourteen public policies. Four additional policies are taken from an article in *The New York Times* (Badger 2017). The remaining four public policies are taken from individual studies or organizations.¹ While we make no claims that this list of twenty-one policies is exhaustive, it does provide the largest and most diverse cross-section of public policy domains studied to date. Table 1 lists these preemption policies and provides a brief description of each.

[Insert Table 1 Here]

Importantly, while the preemption policies we investigate are not exclusively championed by one political party, the majority of them are more likely to be supported by the Republican Party and conservative interests because they limit the ability of local government to implement liberal policies. For example, organized labor and other liberal interests are more likely to oppose preemption laws preventing local governments from passing regulations protecting workers compared to business and conservative interests (In the concluding discussion section, we return to the question of whether our results may, to some extent, be an artifact of our case selection strategy). By analyzing trends at both the aggregate and policy-specific level, we can assess when partisan and ideological forces impact preemption. In addition, maximizing our number of policies by collecting data from multiple sources allows us to assess the extent of subnational variation and assess which states make frequent use of preemption and which rarely utilize the practice. Examining a variety of policies also allows us to comprehensively evaluate the relationship between political, institutional, and demographic factors and preemption laws rather than engaging issue-specific factors. Table 2 provides a first look at variation across the states by displaying which states have implemented a preemption policy for each of the twenty-one policies as well as reporting the total number of preemption laws a state has adopted to date.

[Insert Table 2 Here]

As evidenced by Table 2, states can choose to go in very different directions across these twenty-one diverse policy areas. Some states frequently limit the power of local governments to engage in these policy areas. Looking at the table, Tennessee most frequently utilizes preemption by having fourteen of these policies in place. Three additional states stand out by most frequently

passing preemption legislation. Florida, Michigan, and Wisconsin have thirteen of these policies in place. Next in line, Arkansas, Iowa, and North Carolina have twelve of these policies. At the other end of the spectrum, Delaware, Hawaii, Maine, New York, and Vermont each have only one, while six other states (Alaska, Connecticut, Massachusetts, Maryland, New Jersey, and Wyoming) only have two of these preemption policies in place. This variation presents an interesting puzzle: Across this diverse set of policies, are there particular factors that explain a state government's propensity to engage in preemption of local policymaking?

THEORETICAL EXPECTATIONS ABOUT VARIATION IN STATE PREEMPTION LAWS

When and why do state governments choose to explicitly preempt local policymaking? Due to the rapidly growing number of state preemption laws and corresponding media attention to them, the conventional wisdom posited in the media is often that conservative, Republican governments – often at the behest of special interest groups – preempt liberal, Democratic cities – often populated with racial minorities (Badger 2017; Graham 2017a; Graham 2017b; Wilson 2017). Yet, scholarship on preemption has only recently sought to test these claims in an empirical fashion.

Perhaps the most prominent collection of research to date on the topic is a 2018 symposium in *PS: Political Science & Politics* entitled “Home Rule Be Damned: Exploring Policy Conflicts between the Statehouse and City Hall” (Hicks and Weissert 2018). In the symposium, Bulman-Pozen (2018) argues that partisan politics, aided by national interest groups who help write and distribution model legislation, fuels preemption whereby Republican controlled state legislatures seek to preempt the policymaking authority of Democratically

controlled city governments. Relatedly, Kogan (2018) contends that conflicts between state and local rule are rooted in electoral politics whereby liberal mayors in larger cities deliberately seek conflict with their state legislature to boost their own reelection prospects. Additionally, the type of policy under consideration can play a decisive role in choices about preemption whether it be climate change policy (Daley 2018), oil and gas policy (Fisk 2018), or ordinances relating to discrimination against LGBT citizens (Taylor, Haider-Markel, and Lewis 2018). An important review of the limited research to date, the symposium also serves as an explicit invitation for further research on the topic.

Beyond this symposium, several recent articles have attempted to advance our understanding about state preemption of local policymaking. For example, Riverstone-Newell (2017) surveys a variety of policies including local fracking bans, preventing minimum wage ordinances, targeting sanctuary city policies, overturning LGBT rights ordinances, and enacting blanket preemption measures and concludes that rising conservative dominance of state legislatures has provided the political opportunity to thwart progressive local policies. Moreover, Einstein and Glick (2017) suggest that one reason for the increase in state preemption laws is that mayors (regardless of their own partisanship) in more politically conservative states report being unhappy about state funding and regulations. In an article that differs from the others because the focus is on state judicial preemption rulings rather than state legislative preemption laws, Swanson and Barrilleaux (2018) construct an original data set of 404 local governments that had local ordinances challenged in state courts and find that local governments with citizen ideological preferences that differ from the state are less likely to have an ordinance preempted by the courts when the level of local autonomy given by the state is high. Most recently, Fowler and Witt (2019) examine the extent a state preempts local policymaking across seventeen public

policies and find that preemption is more common based on Republican control of state government, legislative professionalism, political culture, and home-rule status.

We build on and extend the recent work of Fowler and Witt (2019) in three key ways. First, like Fowler and Witt (2019), we seek to build our knowledge across more public policies than previous studies. In this analysis, we examine a state's propensity to preempt local policymaking across twenty-one diverse policy areas, the most of any study to date. Second, we provide a more fine-grained empirical analysis by evaluating preemption at both the aggregate and policy-specific level. Third, we offer a fuller theoretical account by examining how a wider array of political, institutional, and demographic factors influence preemption.

Before moving to our data and empirical analysis, we first set out our theoretical expectations that are rooted in the limited literature to date identified above. The first type of determinant we believe shapes preemption efforts are political factors. Of these, the most frequently attributed in journalistic accounts and limited scholarly research is the partisan makeup of state legislatures. While it is possible that Republican controlled state legislatures are less likely to preempt local policymaking due to a longstanding ideological commitment to letting the government closest to the people (i.e. local governments) govern, most of the popular and scholarly attention to the matter suggests the opposite (Fowler and Witt 2019; see Hicks and Weissert 2018). The recent surge of preemption efforts coincides with Republican takeovers of several statehouses since the 2010 elections, which combined with concurrent Democratic electoral dominance in large cities across the country, leads us to expect that Republican controlled states will be more likely than Democratic controlled states or states with divided government to preempt local policymaking. This preemption is done, in part, with the goal of heading off the policymaking plans of liberal city governments.

We have similar theoretical expectations when it comes to the ideology of a state's citizens. States with more conservative citizens will be more likely to push their state governments to preempt the authority of local governments, with liberal-leaning big cities as the primary target.

Moving to other possible political factors that might predict state preemption of local policymaking, we draw on Bulman-Pozen's (2018) argument that state preemption efforts are often proactively driven by the interest group community within a state. For example, the national American Legislative Exchange Council (ALEC) has been particularly successful at drafting model preemption legislation and then passing it on to sympathetic state interest groups as well as shopping it to state legislators directly (Garrett and Jansa 2015; Kroeger 2015; Jansa, Hansen, and Gray 2019; Hertel-Fernandez 2019). We expect that states will be more likely to preempt legislation when promoted by interest groups like ALEC or Americans for Prosperity (Skocpol and Hertel-Fernandez 2016).

The second type of determinant we believe might shape preemption efforts are institutional factors. Based on recent findings from Fowler and Witt (2019), we expect legislative professionalization to play a role. Specifically, we expect that states with more professionalized legislatures (more staff/resources, more days in session, etc.) will want to ensure that their expertise is translated into policy statewide and, therefore, will be less likely to delegate authority to local governments and more likely to explicitly preempt local policymaking efforts. Similarly, we expect a state with a citizen (or part-time) legislature to possess less policy expertise and be more likely to delegate power to local governments (i.e. less likely to enact preemption laws).

Moreover, we investigate whether the presence and use of direct democracy in a state may influence the passage of preemption laws. Specifically, we expect states that possess and make frequent use of the initiative process will be more likely to preempt local laws. As a pure majoritarian institution, states that utilize the initiative more frequently are more likely to produce policy outcomes that match the preferences of the state's citizenry. This may very well come at the expense of smaller political or geographic units. For example, a more conservative state can pass a preemption initiative limiting the policy options of a more liberal or urban part of the state.

Finally, whether a state utilizes Dillon's Rule or Home Rule should impact a state's ability to preempt local governments. As suggested by the *PS* symposium discussed above, preemption has the potential to thwart Home Rule. Previous studies suggest that states operating under Home Rule are more likely to utilize preemption (Fowler and Witt 2019). If local governments are already somewhat limited in their ability to enact legislation, as they arguably are under Dillon's Rule, there is less of an urgent need to prevent local action on the part of state governments.

A third and final type of explanation for passage of preemption laws focuses on the demographic makeup of a state. First, in states with greater tension between urban and rural areas, citizens are more likely to exert pressure on state elected officials to prevent "big cities" or "rural interests" from passing policies that impact the rest of the state. Moreover, the political climate is such that states are more likely to preempt out of a political calculus to hinder the partisan goals of the opposing side. More plainly, depending on which party controls the state legislature – rural Republicans will preempt urban Democrats or vice versa (Bulman-Pozen

2018; Kogan 2018; Graham 2017b) as the percentage of a state's citizens living in urban areas is lower (i.e. more rural).²

Likewise, we consider whether the racial composition of the state influences preemption activity. Given the historical pattern of political under-representation of racial minority citizens (Griffin and Newman 2008), we expect that states will be more likely to preempt local policymaking as the percentage of African American or Hispanic citizens in a state grows. In part due to a shortcoming in descriptive representation, preferences of racial minorities are less likely to get translated into policy. For example, Missouri's 87-percent white state legislature preempted the minimum wage increases of St. Louis City, a majority African American city.

Given this set of theoretical expectations, our goal is to model instances of state preemption of local policymaking as a product of political, institutional, and demographic forces. Our intention is to improve our understanding about what factor(s) predict preemption across the fifty states at both the aggregate and policy-specific level.

DATA AND EMPIRICAL STRATEGY

Using the twenty-one policy areas, we measure state preemption of local policymaking in two different ways for the purposes of our analysis. First, we compute an additive score of all twenty-one policies that we label the Total Preemption Score and is simply a count of how many preemption policies a state has (possible range 0-21, actual range 0-14).³ Next, we model each of the twenty-one policy areas individually and compare and contrast the effect of predictive factors across models.

The first independent variable for our empirical models is party control of state government. To measure this concept, we create a cumulative measure for how often a state has

been under a Republican trifecta since 2010. A Republican Trifecta is classified as a state where the state house, state senate, and governor's mansion are controlled by Republicans. This ordinal measure ranges from 0 where Republicans have never enjoyed a trifecta since the 2010 elections to 5 which would represent a state where Republicans have maintained a trifecta through five elections.⁴

For the ideological makeup of a state's citizens, we use the Correlates of State Policy Project dataset (Jordan and Grossman 2016) that provides data on a variety of state-level measures through 2015. To smooth out any year-to-year fluctuations, we average the Berry et al. (1998, 2010) citizen ideology measure (where higher values indicate a more liberal citizen ideology) for 2010-2015.

Capturing the power and preeminent role industry groups play in promoting preemption policy can be difficult. For example, measuring the strength of ALEC has proven difficult, often relying on text analysis for similarities in language in model legislation across states (Garrett and Jansa 2015; Kroeger 2015; Jansa, Hansen, and Gray 2019). For our purposes, we compute a measure about the tenure of Americans for Prosperity, a 501(c)(4) organization backed by the Koch Brothers. This ordinal variable is coded 0 to 3. States without a paid state director are coded as a 0, states with a director permanently installed between 2012 and 2015 are coded as a 1, between 2008 and 2011 as a 2, and before 2007 as a 3. This measure assesses the extent the state was identified as a priority or target by Americans for Prosperity (Skocpol and Hertel-Fernandez 2016).

However, this measure also has the potential to isolate a single organization when multiple perspectives could be advancing preemption policies. Accordingly, we also use interest group density (i.e. the total number of interest groups in a state) as a robustness check for a more

general measure in the online appendix. To measure this, we use the total number of interest groups in a state for the most recent year of data available (2007) from Lowery, Gray, and Cluverius (2015). It is our expectation that states with a greater interest group density will be more likely to preempt local policymaking.

Next, we turn our attention to measuring our three institutional variables. To capture state legislative professionalism, we rely on several different measures. In the main text, we use the updated Squire Index score (2017). In the online appendix, we also use two different aggregate measures: 1) the Bowen and Greene (2014) First Dimension Professionalism Score averaged across that same timeframe (2010-2015), with higher values indicating a more professionalized legislature and 2) the degree of legislative professionalism from the National Conference of State Legislators (2017), with higher levels indicating full-time legislatures with well-paid, large staffs. As a final robustness check, we also substitute these measures by disaggregating them to include more specific measures of the length of the legislative session and the amount of legislative staff (Squire 2017).

In addition, we include a dummy variable for whether the states is governed by Dillon's Rule or not (Krane, Rigos, and Hill 2001). We also include a measure for how many times a state has utilized the citizen initiative process since 2000, using data from the Initiative & Referendum Institute (states without an initiative process are coded as zero).

Our final set of explanatory variables focuses on state demographics. To measure the percentage of a state's citizens who are African American, Hispanic, and live in an urban area, we use data from the U.S. Census' American Fact Finder for 2010-2015.⁵ Descriptive statistics for all variables used in the analysis and as robustness checks included in the online appendix are reported in Table 3.⁶

[Insert Table 3 Here]

In the models presented below, we start by presenting the results for the additive measure for how frequently a state preempts policy across the twenty-one policies. We first use OLS because the additive scale is a continuous measure of the number of preemption laws a state has enacted.⁷ However, since the observations for the dependent variable are capped at twenty-one (and in practice, do not exceed fourteen), we also present the results from Poisson and tobit regression models.

For the twenty-one models that analyze individual preemption policies (which are dichotomously measured whereby preemption law=1 and no preemption law=0), we use a probit estimator. Importantly, for the probit models, all observations that perfectly predict the dependent variable are dropped from the analysis (i.e. we do not use the “force” option that can introduce numerical instability into the estimates).

ANALYSIS

We begin by modeling the additive scale of state preemption policies as a function of the predictive factors discussed above. The results of these estimations are reported in Table 4. First, looking at Column 1 which reports results for the Total Preemption Score dependent variable, we find that the more states experience a Republican trifecta (house, senate, and governor’s mansion all controlled by Republicans), the more likely they are to implement preemption laws. The results in Columns 2 and 3 using alternative estimators bear similar results. The substantive effect of unified Republican control of government is relatively large. For example, moving from a state that has not had a Republican trifecta at all since 2010 to a state that has always been a

trifecta since 2010 produces a 3.79 [1.04, 6.41] predicted increase in the number of total preemption laws (97 percent of a standard deviation).⁸

[Insert Table 4 Here]

Three other variables have a statistically significant impact on the total number of policies a state preempts. First, states with more liberal citizens are less likely to preempt local policymaking. More plainly, even after taking into account the degree to which Republicans have possessed unified control of state government, states with more conservative citizens are still more likely to preempt local policymaking. Likewise, states with a stronger Americans for Prosperity presence are more likely to pass preemption laws. Finally, states with a higher percentage of African Americans also are more likely to preempt local governments.

Taken together, these results have strong face validity. Returning to Table 2, the nine states with most preemption laws on the books (AR, FL, IA, KS, MI, MO, NC, TN, and WI) are either states with more racial diversity, strong conservative states, identified by Americans for Prosperity as targets earlier than their counterpart, states where Republicans control state government – or some combination of all of these. We believe these findings affirm recent work by Hertel-Fernandez (2019), who argues that a “troika” of conservative interest groups have helped the Republican Party dominate state policy.

At the aggregate level, we find clear evidence that political and demographic factors play an important role in shaping a state’s overall propensity to preempt local policymaking. By contrast, our results do not provide support for a prominent role for institutional explanations. Specifically, we find no relationship between whether a state is governed by Dillon’s Rule and how frequently preemption laws are adopted. Likewise, we find no relationship between

initiative use and preemption efforts. Perhaps most importantly, contrary to Fowler and Witt (2019), we do not find support for a relationship between legislative professionalism and preemption. As we show in the online appendix, we find no relationship between legislative professionalism and preemption across a variety of measures. This includes the composite score from Squire (2017) presented in the text, the first dimension score, from Bowen and Greene (2014), or the criteria from the National Conference of State Legislatures (2017) utilized by Fowler and Witt (2019). Furthermore, we find no evidence that disaggregating this measure impacts the results. While the coefficient for the number of days a legislative session lasts is positive and the number of staff is negative, neither is statistically different from zero. We theorize that if institutional forces are going to inform preemption efforts, they are more likely to occur at the aggregate, not individual policy, level. For example, if legislative professionalism was associated with preempting local policymaking – there is less of an intuitive reason why that would be policy-specific compared to political or demographic explanations that might benefit (or punish) specific constituencies.

To further examine the role of political, demographic, and institutional factors shaping preemption efforts, we next run a probit model for each of the twenty-one individual preemption policies as a function of the same set of predictor variables and report the results in Table 5. Given the large number of models, our goal is not to discuss each in turn. Rather, we are looking for patterns or trends across the models. Most notably, we find that the coefficient for Republican trifecta is statistically different from zero in seven of the twenty-one models.

Across all of the individual policies, Republican control of state government is the most persistent finding associated with more preemption. Republican trifectas are more likely to preempt seven of the twenty-one policies. These policies also make intuitive sense based on

party differences in policy preferences. Republican trifectas successfully predict four of the five labor policies from the EPI and two of the five public health issues from Grassroots Change.

In examining the other three independent variables that were statistically significant in Table 4, we find that the second most frequently statistically significant variable is the percent of the state's population that is African American. This is also statistically significant in seven of the twenty-one policy areas – negatively associated in one (pesticides) and positively associated in six policy areas (minimum wage, paid leave, municipal broadband, nutrition, sanctuary cities, and distracted driving laws). The presence of conservative interest groups is the third most frequent result as the strength of Americans for Prosperity is positive and statistically significant in five of the twenty-one policy areas. These include municipal broadband, smokefree regulations, plastic bags, fracking, and pesticides – all of which ALEC has model legislation supporting according to watchdog group ALEC-Exposed. Finally, the coefficient for citizen liberalism is negative and statistically significant in three of the twenty-one models (broadband, fracking, and pesticides).

In general, all three of the political explanations are significant at the aggregate level and among the most common factors examining individual policies. Demographic factors are the second strongest set of explanations. As noted above, states with a larger percentage of African American residents are more likely to preempt policymaking overall and is tied with Republican control of state government as the most frequently statistically significant across the twenty-one policies. The remaining two demographic explanations (the percentage of the Hispanic and urban population) are each significant in three of the twenty-one policies. Moreover, these results are often theoretically relevant. For example, states with a larger urban population are less likely to preempt sanctuary cities or the regulation of pesticides.

Finally, institutional factors are the least persuasive explanation. Neither legislative professionalism, the citizen initiative, nor Dillon’s Rule are significant at the aggregate level. Likewise, these three institutional factors have a minimal impact across the individual policies presented in the probit models reported in Table 5. Legislative professionalism is negatively associated with only one policy while the citizen initiative is positively associated with only two of the twenty-one policies. Dillon’s Rule is the only variable that is not statistically significant in any of the models.⁹ Overall, we find consistent evidence that preemption is more of a product of political and demographic factors as compared to institutional explanations. These results align with the models of the additive scale above and support the conclusion that states with a Republican controlled government, conservative citizens, a stronger Americans for Prosperity, or a larger African American population are more likely to implement preemption laws.

[Insert Table 5 Here]

DISCUSSION

A small but growing set of studies seeks to better understand and explain state preemption of local policymaking. In some ways, our study confirms the findings of prior studies, such as showing the importance of partisanship (e.g. Bulman-Pozen 2018; Fowler and Witt 2019) and conservative ideology (e.g. Riverstone-Newell 2017; Kogan 2018; Swanson and Barrilleaux (2018). Journalistic accounts frequently point to Republican control of government, a clash between liberal cities and conservative governments, the role of special interest groups – like ALEC, and the marginalization of minority voices (e.g. Graham 2017a; Graham 2017b,

Badger 2017; Wilson 2017). However, we believe we have offered a broader theoretical account that highlights which factors explain state preemption activity and which do not.

Overall, we find consistent and compelling evidence that political and demographic factors play the prominent role shaping state preemption efforts. At both the aggregate and policy-specific level across twenty-one different policies, Republican control of state government, more conservative citizens, the early presence of conservative interest groups advancing preemption efforts, and the racial diversity of a state are most associated with preempting local policymaking. As noted above, we believe these findings are an important contribution to the literature because this more comprehensive evaluation of different factors also highlights that institutional explanations are largely unrelated with preemption laws that constrain local policymaking. Contrary to previous recent studies (Fowler and Witt 2019), we find little correlation between institutional factors like legislative professionalism, the citizen initiative, and Dillon's Rule with preemption activity.

Identifying the factors that shape preemption, therefore, suggests that preemption is a political weapon and not a policy tool reliant on institutional features. This should pique the interest of those interested seeking to gain a fuller understanding of the interplay between state and local governments in today's polarized climate. At the national level, both political parties use federal preemption laws to guide which policies should be addressed at the federal or state level behaving in their own self-interests (SoRelle and Walker 2016; 2017). At the state level, we have thus far identified preemption to be largely a political tool utilized by Republicans.

Why might that be the case? One plausible explanation is the liberal skew of the twenty-one policies we were able to identify for analysis. Much of the coverage in the news and popular press have identified liberal policies either enacted by liberal cities or thwarted by conservative

state governments (e.g. Graham 2017a; Graham 2017b, Badger 2017; Wilson 2017). These bills came from more liberal organizations concerned about specific policy areas where preemption and model legislation have occurred more rapidly like the Economic Policy Institute or Grassroots Change. Likewise, scholars have done more to highlight the work of Republicans and conservative industry groups promoting preemption (e.g. Hertel-Fernandez 2019). Another viable explanation highlights the opportunities available to Republicans since they have largely dominated state legislatures since the 2010 elections. Even after Democratic gains in the 2018 election, more than 60 percent of the current trifectas still are held by Republicans.

While we do believe each party has a general, principled and well-intentioned position on representation and appropriate size and role for government, these positions are often sacrificed for political expediency. There is nothing inherently “Republican” about preemption – but our findings do indicate that it is something political. We have not seen this sort of asymmetry at the national level because both blue states and red states may benefit at times from national preemption. Yet, the changing demographic and geographic bases of each party serves to only exacerbate future fights over local preemption. As Democrats increasingly become dominant in urban (and, to some extent, suburban) areas and Republicans dominate rural politics, the tension that marks our national politics will continue to trickle down. Democrats will turn to cities to govern while Republicans will use their dominance of state governments in turn. Moreover, the rise of conservative groups like ALEC that frequently utilize state preemption and the progressive organizations that have formed in response like Campaign to Defend Local Solutions will likely be an increasingly important source of political conflict and mobilization in the coming years. Indeed, a state government’s decision to preempt local policymaking may be the next step in the logical evolution of polarized parties making a partisan power grab. While our

federalist system may not be conducive to strong, clearly sorted, ideologically polarized parties, as more than 75 percent of Americans live in states dominated by one party – it is a reasonable assumption that we will see more state laws preempting local governments in the future.

To conclude, we have identified several concrete steps for further action. The first need for future research is to continue identifying public policies to add to this analysis. Including a broader, more diverse set of policies is necessary to allow for a fuller test of the asymmetric partisan findings presented here. Likewise, more policies also can shine a light on additional explanatory factors that shape a state's decision to preempt local policymaking. Moreover, this will allow researchers to examine whether issue-specific variables take precedence over, a backseat to, or work in conjunction with the four primary explanations we have found that shape a state's overall propensity to preempt local policymaking. Political and demographic factors shape the twenty-one policies here, but perhaps institutional forces might shape a different set of policies.

A second avenue for future researchers is to more thoroughly code preemption efforts to distinguish the partisan or ideological direction of the intended legislation. For example, it is reasonable to suspect that what might motivate a state to pass a statewide ban on ride-sharing services might be different from a state passing a preemption law preventing local governments from further regulating these types of services (DuPuis et al. 2018). Likewise, Democrats and Republicans might utilize preemption at the local level differently by either enacting a floor or ceiling for future legislation (SoRelle and Walker 2016).

A third opportunity for future research is to incorporate a stronger measure to capture the impact of groups like ALEC in promoting model legislation. A deeper dive into preemption efforts that are the result of model legislation is a very fruitful line of inquiry. Likewise, adding

text-analysis of preemption laws across these multitudes of policy areas would do more to speak to the strength of interest groups and the diffusion of preemption efforts (Garrett and Jansa 2015; Kroeger 2015; Jansa, Hansen, and Gray 2019). In short, we believe state preemption of local policymaking presents a fruitful area for future research precisely because of the increase in the frequency of its use and the consequences it can have on the public policies that Americans experience in daily life.

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¹ We rely exclusively on the coding decisions of the organization that provides the data on whether a state has a particular preemption policy or not instead of inserting ourselves into the coding process. Doing so, we believe, provides for a more stringent test of our theoretical expectations because we ensure that the data generation process is independent from our analysis.

² We also anticipate that the relationship between the urban population and preemption may not be linear. It is possible that there is a “tipping point.” While predominantly rural or predominantly urban states need not rely on preemption due to the more homogeneous nature of their state population, the tension between urban and rural interests might shape preemption usage. Thus, the relationship could conceivably be curvilinear.

³ The Cronbach’s Alpha for the additive scale is 0.79.

⁴ We choose models with only a cumulative Republican measure for theoretical reasons and based on the liberal skew of the 21 policies selected. We include model specifications including a cumulative Democratic measure in the online appendix. In spite of the officially non-partisan nature of Nebraska’s unicameral state legislature, we coded it as a five for a Republican Trifecta since 2010 as the Nebraska state legislature has behaved consistent with partisan legislatures (Masket and Shor 2015). The results reported below are substantively identical if Nebraska is removed from the analysis.

⁵ In the online appendix, we include robustness tests of our model specifications replacing the percentage of a state’s citizens who are African American or Hispanic with a single measure of the percentage of nonwhite citizens. We also include model specifications utilizing a racial Herfindahl-Hirschman Index measure the overall racial diversity in a state (Kolmar 2019). We opt to present the disaggregated measures to highlight the substantive differences between the percentage of African Americans and Hispanics.

⁶ Above, we posited the possibility of a curvilinear relationship between the percentage of citizens in a state who live in urban areas and the number of preemption laws. However, when we add an “urban squared” term to the same model specification used below, we find no evidence of a curvilinear relationship.

⁷ We opt for a cross-sectional analysis because there is very little temporal variation within states in our independent variables during the bulk of the time period (2010-present) we evaluate. For a similar approach, see Fowler and Witt (2019).

⁸ Predicted effects are calculated by varying the independent variable as noted and setting all other variables in the model to their mean value. The 95% confidence interval for the estimate is listed immediately afterward in brackets.

⁹ The models with whether a state has anti-discrimination, home-sharing, and plastic bag preemption laws as the dependent variable report less observations. Specifically, the Stata output reports that the Dillon's Rule variable predicts failure (i.e. no preemption law) perfectly for one case in each model (so nine observations are dropped from the analysis as discussed above).

Table 1: Description of 21 Preemption Policies Utilized in Analysis

| Policy (# of States) | Data Source | Description (Prohibit local governments from...) |
|-------------------------------|--|--|
| Minimum Wage (25) | Economic Policy Institute (2018) | Raising their minimum wage more than the state floor |
| Fair Scheduling (9) | Economic Policy Institute (2018) | Requiring employers to either provide more advance notice for scheduling changes or to provide additional compensation for non-regular or “on-call” scheduling |
| Project Labor Agreements (21) | Economic Policy Institute (2018) | Entering into contracts that spell out working conditions and compensation ahead of beginning work – most frequently associated with construction projects |
| Prevailing Wage (11) | Economic Policy Institute (2018) | Requiring outside contractors from paying the prevailing wage |
| Paid Leave (22) | Economic Policy Institute (2018) | Requiring employers offer paid leave beyond those implemented at the statewide level (if at all) |
| Anti-Discrimination (3) | National League of Cities (Dupuis et al. 2018) | Adding protected classes or additional characteristics to the state-approved list of those protected by non-discrimination ordinances |
| Home-Sharing (5) | National League of Cities (Dupuis et al. 2018) | Implementing and/or preventing bans on home-sharing websites like Airbnb |
| Ride-Sharing (41) | National League of Cities (Dupuis et al. 2018) | Implementing and/or preventing bans on ride-sharing services like Uber and Lyft |
| Broadband (20) | National League of Cities (Dupuis et al. 2018) | Providing a public broadband service |
| Factory Farms (13) | Grassroots Change (2019) | Regulating land use and zoning laws related to farming |

| | | |
|-------------------------|---|--|
| E-Cigarettes (7) | Grassroots Change (2019) | Passing additional regulation to govern tobacco products, including e-cigarettes |
| Fire Sprinklers (16) | Grassroots Change (2019) | Requiring new residential buildings, specifically one- and two-family dwellings, to include fire sprinklers |
| Nutrition (13) | Grassroots Change (2019) | Regulating portion size, implementing soda taxes, or requiring the disclosure of the nutritional value of food and beverages |
| Smokefree (12) | Grassroots Change (2019) | Passing additional smokefree policies beyond those implemented at the statewide level |
| Sanctuary Cities (9) | <i>The New York Times</i> (Badger 2017) | Creating sanctuary cities |
| Plastic Bags (8) | <i>The New York Times</i> (Badger 2017) | Banning or placing fees upon the use of plastic bags |
| Fracking (7) | <i>The New York Times</i> (Badger 2017) | Banning fracking |
| Pesticides (30) | Porter (2013) | Adopting further regulations for the use of pesticides |
| Guns (12) | Tartakovsky (2013) | Adopting any additional municipal gun control regulations |
| Distracted Driving (10) | Governors Highway Safety Association (2019) | Adopting any additional distracted driving legislation |
| Rent Control (32) | National Multifamily Housing Council (2019) | Implementing rent control policies |

Table 2: State Variation for 21 Preemption Laws

| STATE | OVERALL RANK | TOTAL PREEMPTION SCORE | MINIMUM WAGE | FAIR SCHEDULING | PROJECT LABOR AGREEMENTS | PREVAILING WAGE | PAID LEAVE | ANTI-DISCRIMINATION | HOME-SHARING | RIDE-SHARING | BROADBAND |
|-------|--------------|------------------------|--------------|-----------------|--------------------------|-----------------|------------|---------------------|--------------|--------------|-----------|
| AK | T-40 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| AL | T-10 | 10 | 1 | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 1 |
| AR | T-5 | 12 | 1 | 1 | 1 | 0 | 1 | 1 | 0 | 1 | 1 |
| AZ | T-14 | 9 | 0 | 0 | 1 | 1 | 0 | 0 | 1 | 1 | 0 |
| CA | T-32 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| CO | T-25 | 6 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| CT | T-40 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DE | T-46 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| FL | T-2 | 13 | 1 | 0 | 1 | 1 | 1 | 0 | 1 | 1 | 1 |
| GA | T-14 | 9 | 1 | 1 | 0 | 1 | 1 | 0 | 0 | 1 | 0 |
| HI | T-46 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| IA | T-5 | 12 | 1 | 1 | 1 | 0 | 1 | 0 | 0 | 1 | 0 |
| ID | T-14 | 9 | 1 | 0 | 0 | 1 | 0 | 0 | 1 | 1 | 0 |
| IL | T-38 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| IN | T-14 | 9 | 1 | 1 | 0 | 1 | 1 | 0 | 0 | 1 | 0 |
| KS | T-8 | 11 | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 1 | 0 |
| KY | T-20 | 8 | 1 | 0 | 0 | 1 | 1 | 0 | 0 | 1 | 0 |
| LA | T-14 | 9 | 1 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 1 |
| MA | T-40 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| MD | T-40 | 2 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 |
| ME | T-46 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| MI | T-2 | 13 | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 1 | 1 |
| MN | T-32 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| MO | T-8 | 11 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 1 |
| MS | T-10 | 10 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 0 |
| MT | T-32 | 4 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 1 |
| NC | T-5 | 12 | 1 | 0 | 1 | 0 | 1 | 1 | 0 | 1 | 1 |

| | | | | | | | | | | | |
|--------------|----------|-----------|-----------|----------|-----------|-----------|-----------|----------|----------|-----------|-----------|
| ND | T-25 | 6 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 |
| NE | T-38 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| NH | T-28 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| NJ | T-40 | 2 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 |
| NM | T-28 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| NV | T-25 | 6 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 1 |
| NY | T-46 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| OH | T-22 | 7 | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 1 | 0 |
| OK | T-10 | 10 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 0 |
| OR | T-28 | 5 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| PA | T-20 | 8 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| RI | T-32 | 4 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 |
| SC | T-10 | 10 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 1 |
| SD | T-22 | 7 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| TN | 1 | 14 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 1 | 1 |
| TX | T-22 | 7 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| UT | T-14 | 9 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 1 | 1 |
| VA | T-32 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| VT | T-46 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| WA | T-28 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| WI | T-2 | 13 | 1 | 0 | 1 | 0 | 1 | 0 | 1 | 1 | 1 |
| WV | T-32 | 4 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 |
| WY | T-40 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| TOTAL | - | - | 25 | 9 | 21 | 11 | 22 | 3 | 5 | 41 | 20 |

Table 2: State Variation for 21 Preemption Laws (Continued)

| STATE | FACTORY FARMS | E-CIGARETTES | FIRE SPRINKLERS | NUTRITION | SMOKEFREE | SANCTUARY CITIES | PLASTIC BAGS | FRACKING | PESTICIDES | GUNS | DISTRACTED DRIVING | RENT CONTROL |
|-------|---------------|--------------|-----------------|-----------|-----------|------------------|--------------|----------|------------|------|--------------------|--------------|
| AK | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| AL | 0 | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 1 |
| AR | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 1 | 0 | 1 |
| AZ | 0 | 0 | 1 | 1 | 0 | 1 | 1 | 0 | 1 | 1 | 0 | 1 |
| CA | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| CO | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 1 |
| CT | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| DE | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FL | 0 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 1 | 0 | 1 | 1 |
| GA | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 1 |
| HI | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| IA | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 1 | 1 | 1 |
| ID | 1 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 1 |
| IL | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| IN | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 1 | 0 | 1 |
| KS | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| KY | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 1 |
| LA | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 1 |
| MA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| MD | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ME | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MI | 1 | 0 | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 1 |
| MN | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 1 |
| MO | 1 | 0 | 1 | 0 | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 1 |
| MS | 1 | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 1 |
| MT | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| NC | 0 | 0 | 0 | 1 | 1 | 1 | 0 | 1 | 1 | 0 | 0 | 1 |
| ND | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |

| | | | | | | | | | | | | |
|--------------|-----------|----------|-----------|-----------|-----------|----------|----------|----------|-----------|-----------|-----------|-----------|
| NE | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| NH | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| NJ | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NM | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 1 |
| NV | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| NY | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OH | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 |
| OK | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 1 | 1 | 0 | 1 | 1 |
| OR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 0 |
| PA | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | 1 | 0 |
| RI | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| SC | 1 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 1 |
| SD | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | 0 | 1 |
| TN | 1 | 0 | 1 | 0 | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 1 |
| TX | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 1 | 1 | 0 | 0 | 1 |
| UT | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| VA | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| VT | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| WA | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| WI | 1 | 0 | 1 | 1 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 1 |
| WV | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 |
| WY | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| TOTAL | 13 | 7 | 16 | 13 | 12 | 9 | 8 | 7 | 30 | 12 | 10 | 32 |

Table 3: Descriptive Statistics for Variables Used in Analysis and Robustness Checks

| <i>Variable</i> | <i>Mean</i> | <i>Standard Deviation</i> | <i>Minimum</i> | <i>Maximum</i> |
|--------------------------------------|-------------|-------------------------------|----------------|----------------|
| Total Preemption Score | 6.54 | 3.91 | 1 | 14 |
| Republican Trifecta | 2.40 | 2.23 | 0 | 5 |
| Democratic Trifecta | 0.88 | 1.56 | 0 | 5 |
| Citizen Liberalism | 48.44 | 14.82 | 19.26 | 85.17 |
| Legislative Professionalism (Squire) | 0.23 | 0.11 | 0.05 | 0.63 |
| Length of Legislative Session | 74.05 | 48.64 | 21 | 261 |
| Amount of Legislative Staff | 4.46 | 3.57 | 0.35 | 17.51 |
| Legislative Professionalism (NCSL) | 1.92 | 0.70 | 1 | 3 |
| Legislative Professionalism (Bowen) | 0.03 | 1.47 | -1.81 | 6.24 |
| Interest Group Density | 1038.32 | 740.87 | 279 | 3335 |
| Americans for Prosperity | 1.46 | 1.25 | 0 | 3 |
| Initiative Use | 8.40 | 14.98 | 0 | 73 |
| % African American | 10.61 | 9.58 | 0.67 | 37.30 |
| % Hispanic | 10.61 | 9.98 | 1.20 | 46.30 |
| % Nonwhite | 0.26 | 0.15 | 0.05 | 0.75 |
| Racial Herfindahl Index | 5529.92 | 1613.88 | 2432 | 8767 |
| % Urban | 73.59 | 14.57 | 38.70 | 95.20 |
| Dillon's Rule | 0.82 | 0.39 | 0 | 1 |

N=50. Data sources described in the text.

Table 4: State Preemption Laws Across Policy Domains

| | [1] OLS Regression | [2] Poisson Regression | [3] Tobit Regression |
|---------------------------------------|----------------------------|----------------------------|----------------------------|
| Republican Trifecta | 0.765*** (0.269) | 0.107*** (0.036) | 0.776*** (0.245) |
| Citizen Liberalism | -0.059 (0.042) | -0.014** (0.006) | -0.059 (0.038) |
| Legislative Professionalism | 1.230 (5.340) | 0.119 (0.783) | 1.097 (4.862) |
| Americans for Prosperity | 0.653* (0.353) | 0.128** (0.051) | 0.641* (0.322) |
| Initiative Use | 0.021 (0.034) | 0.006 (0.005) | 0.021 (0.031) |
| % African American | 0.083** (0.046) | 0.013** (0.006) | 0.084* (0.042) |
| % Hispanic | -0.011 (0.054) | -0.005 (0.009) | -0.012 (0.049) |
| % Urban | -0.018 (0.040) | -0.003 (0.007) | -0.017 (0.036) |
| Dillon's Rule | 0.458 (1.073) | 0.099 (0.167) | 0.479 (0.977) |
| Constant | 6.318* (3.583) | 1.978*** (0.548) | 6.302* (3.261) |
| R ² /Pseudo R ² | .58 | .24 | .15 |
| N | 50 | 50 | 50 |

Dependent variable is the total preemption score (0-21). Cell entries are regression coefficients with standard error reported beneath in parentheses. Pseudo R² reported for models 2 and 3.

*** p<0.01, ** p<0.05, * p<0.10 using a two-tailed test.

Table 5: State Preemption Laws Across Policy Areas

| | MINIMUM WAGE | FAIR SCHEDULING | PROJECT LABOR AGREEMENTS | PREVAILING WAGE | PAID LEAVE |
|-----------------------------|-------------------------|----------------------------|---|----------------------------|-----------------------|
| Republican Trifecta | 0.267* | 0.484** | 0.197 | 0.441** | 0.310** |
| | (0.149) | (0.239) | (0.134) | (0.188) | (0.171) |
| Citizen Liberalism | -0.024 | -0.027 | -0.020 | -0.043 | 0.011 |
| | (0.024) | (0.051) | (0.025) | (0.032) | (0.025) |
| Legislative Professionalism | 0.925 | 5.472 | -2.691 | -4.310 | -1.747 |
| | (2.848) | (4.581) | (3.049) | (4.686) | (3.254) |
| Americans for Prosperity | 0.179 | 0.338 | 0.245 | 0.089 | 0.279 |
| | (0.196) | (0.352) | (0.207) | (0.269) | (0.231) |
| Initiative Use | 0.012 | -0.073 | 0.024 | 0.008 | 0.023 |
| | (0.018) | (0.072) | (0.021) | (0.036) | (0.022) |
| % African America | 0.052** | 0.013 | 0.032 | 0.032 | 0.120*** |
| | (0.029) | (0.029) | (0.025) | (0.032) | (0.042) |
| % Hispanic | -0.049 | -0.189 | -0.010 | -0.105** | -0.097* |
| | (0.042) | (0.211) | (0.035) | (0.060) | (0.058) |
| % Urban | 0.021 | 0.004 | -0.026 | 0.126** | 0.022 |
| | (0.028) | (0.056) | (0.026) | (0.049) | (0.031) |
| Dillon's Rule | -0.209 | 0.753 | -0.102 | 1.951 | -0.568 |
| | (0.660) | (1.173) | (0.617) | (1.235) | (0.739) |
| Constant | -1.404 | -2.682 | 1.931 | -10.078*** | -3.015 |
| | (2.237) | (3.733) | (2.251) | (3.825) | (2.426) |
| Pseudo R ² | 0.35 | 0.45 | 0.30 | 0.46 | 0.44 |
| N | 50 | 50 | 50 | 50 | 50 |

Table 5: State Preemption Laws Across Policy Areas (Continued)

| | ANTI-DISCRIMINATION | HOME-SHARING | RIDE-SHARING | BROADBAND | FACTORY FARMS | E-CIGARETTES |
|-----------------------------|----------------------------|---------------------------------|---------------------|-----------------------------------|----------------------|---------------------|
| Republican Trifecta | -0.070 (0.297) | 1.055* (0.589) | 0.180 (0.181) | -0.228 (0.143) | 0.246 (0.154) | -0.04 (0.168) |
| Citizen Liberalism | -0.056 (0.051) | 0.020 (0.053) | -0.005 (0.025) | -0.071** (0.029) | 0.004 (0.023) | -0.046 (0.030) |
| Legislative Professionalism | -0.079 (9.213) | 7.524 (5.780) | 0.741 (3.177) | 0.677 (2.873) | 4.304 (3.172) | -1.572 (3.622) |
| Americans for Prosperity | 0.550 (0.523) | -0.707 (0.542) | 0.284 (0.219) | 0.408** (0.205) | 0.001 (0.190) | -0.052 (0.232) |
| Initiative Use | -0.036 (0.113) | -0.031 (0.038) | -0.010 (0.019) | 0.044** (0.022) | -0.058 (0.037) | 0.025 (0.022) |
| % African America | 0.041 (0.039) | -0.051 (0.073) | -0.018 (0.026) | 0.042* (0.024) | -0.008 (0.023) | 0.006 (0.026) |
| % Hispanic | -0.016 (0.144) | -0.005 (0.062) | 0.020 (0.042) | -0.084 (0.052) | 0.019 (0.027) | -0.004 (0.041) |
| % Urban | -0.067 (0.059) | 0.129 (0.088) | 0.004 (0.022) | 0.035 (0.030) | -0.027 (0.023) | -0.011 (0.029) |
| Dillon's Rule | -- | -- | -0.660 (0.754) | 0.329 (0.589) | -0.203 (0.622) | 0.138 (0.681) |
| Constant | 4.197 (4.506) | -15.687 (7.540) | 0.637 (2.281) | -0.085 (2.242) | -0.132 (1.971) | 2.057 (2.590) |
| Pseudo R ² | 0.34 | 0.45 | 0.16 | 0.31 | 0.17 | 0.14 |
| N | 41 | 41 | 50 | 50 | 50 | 50 |

Table 5: State Preemption Laws Across Policy Areas (Continued)

| | FIRE SPRINKLERS | NUTRITION | SMOKEFREE | SANCTUARY CITIES | PLASTIC BAGS | FRACKING |
|-----------------------------|----------------------------|------------------|------------------|-----------------------------|---------------------|-----------------|
| Republican Trifecta | 0.378** | 0.606** | 0.200 | 0.456 | 0.222 | -0.244 |
| | (0.158) | (0.232) | (0.151) | (0.325) | (0.184) | (0.182) |
| Citizen Liberalism | 0.016 | -0.000 | 0.009 | -0.002 | -0.003 | -0.066* |
| | (0.023) | (0.034) | (0.025) | (0.040) | (0.030) | (0.039) |
| Legislative Professionalism | -5.635* | 2.414 | -1.909 | -7.951 | 3.718 | 5.130 |
| | (3.276) | (4.209) | (3.303) | (9.006) | (4.175) | (4.132) |
| Americans for Prosperity | -0.097 | 0.175 | 0.432* | 0.881 | 0.536* | 0.664** |
| | (0.203) | (0.253) | (0.223) | (0.717) | (0.325) | (0.331) |
| Initiative Use | 0.032 | 0.064** | -0.026 | 0.008 | -0.012 | -0.013 |
| | (0.021) | (0.029) | (0.032) | (0.058) | (0.031) | (0.026) |
| % African America | 0.020 | 0.078** | -0.025 | 0.163** | -0.144 | 0.030 |
| | (0.023) | (0.035) | (0.028) | (0.075) | (0.088) | (0.031) |
| % Hispanic | 0.024 | -0.061 | -0.084 | 0.055 | -0.091 | 0.042 |
| | (0.031) | (0.053) | (0.053) | (0.052) | (0.069) | (0.036) |
| % Urban | -0.004 | 0.064 | 0.040 | -0.100* | 0.050 | -0.061 |
| | (0.022) | (0.045) | (0.033) | (0.053) | (0.047) | (0.038) |
| Dillon's Rule | 0.813 | 0.612 | 0.905 | 0.156 | -- | -0.597 |
| | (0.636) | (0.864) | (0.810) | (2.041) | | (0.785) |
| Constant | -2.030 | -9.484** | -5.278** | 1.781 | -4.697 | 4.225 |
| | (2.037) | (4.382) | (2.604) | (4.120) | (3.007) | (2.977) |
| Pseudo R ² | 0.29 | 0.46 | 0.24 | 0.62 | 0.34 | 0.31 |
| N | 50 | 50 | 50 | 50 | 41 | 50 |

Table 5: State Preemption Laws Across Policy Areas (Continued)

| | PESTICIDES | GUNS | DISTRACTED DRIVING | RENT CONTROL |
|-----------------------------|-----------------------------------|-------------------|---------------------------------|-------------------------|
| Republican Trifecta | -0.089 (0.163) | 0.087 (0.149) | -0.124 (0.158) | 0.124 (0.146) |
| Citizen Liberalism | -0.108** (0.049) | 0.007 (0.021) | -0.049 (0.031) | -0.020 (0.023) |
| Legislative Professionalism | 5.302 (4.041) | 1.629 (2.737) | 0.869 (2.827) | -2.617 (2.673) |
| Americans for Prosperity | 0.530* (0.283) | -0.185 (0.201) | -0.094 (0.203) | 0.144 (0.182) |
| Initiative Use | 0.022 (0.026) | -0.012 (0.017) | 0.013 (0.018) | -0.002 (0.017) |
| % African America | -0.055** (0.028) | -0.050 (0.030) | 0.044* (0.024) | 0.028 (0.027) |
| % Hispanic | 0.079* (0.047) | 0.007 (0.027) | -0.010 (0.036) | 0.016 (0.028) |
| % Urban | -0.081** (0.039) | -0.016 (0.020) | 0.003 (0.027) | 0.005 (0.021) |
| Dillon's Rule | 0.447 (0.660) | -0.378 (0.550) | -0.242 (0.615) | 0.421 (0.521) |
| Constant | 8.933 (3.943) | 0.577 (1.743) | 1.083 (2.159) | 0.345 (1.894) |
| Pseudo R ² | 0.48 | 0.12 | 0.14 | 0.25 |
| N | 50 | 50 | 50 | 50 |

Dependent variable is listed above each column (1=preemption law, 0=no preemption law). Cell entries are probit coefficients with standard error reported beneath in parentheses. Cells with dashes indicate that independent variable perfectly predicts the dependent variable and those observations are dropped from the model. *** p<0.01, ** p<0.05, * p<0.10 using a two-tailed test.

**Table A1: State Preemption Laws Across Policy Domains
with Democratic Trifecta**

| | [1] OLS Regression | [2] Poisson Regression | [3] Tobit Regression |
|---------------------------------------|------------------------------------|-----------------------------------|------------------------------------|
| Democratic Trifecta | -0.437 (0.445) | -0.166** (0.073) | -0.440 (0.405) |
| Citizen Liberalism | -0.115*** (0.042) | 0.020*** (0.005) | -0.116*** (0.038) |
| Legislative Professionalism | 1.901 (5.781) | 0.391 (0.779) | 1.774 (5.265) |
| Americans for Prosperity | 0.600 (0.414) | 0.099* (0.054) | 0.588 (0.377) |
| Initiative Use | 0.019 (0.039) | 0.008 (0.006) | 0.019 (0.035) |
| % African American | 0.083 (0.050) | 0.014** (0.006) | 0.085* (0.045) |
| % Hispanic | -0.027 (0.059) | -0.006 (0.009) | -0.028 (0.053) |
| % Urban | -0.011 (0.046) | -0.001 (0.007) | -0.011 (0.042) |
| Dillon's Rule | 0.926 (1.208) | 0.150 (0.168) | 0.952 (1.100) |
| Constant | 10.473*** (3.663) | 2.419*** (0.495) | 10.525*** (3.336) |
| R ² /Pseudo R ² | 0.51 | 0.23 | 0.13 |
| N | 50 | 50 | 50 |

Dependent variable is the total preemption score (0-21). Cell entries are regression coefficients with standard error reported beneath in parentheses. Pseudo R² reported for models 2 and 3.

*** p<0.01, ** p<0.05, * p<0.10 using a two-tailed test.

**Table A2: State Preemption Laws Across Policy Domains
with NCSL Legislative Professionalism Measure**

| | [1] OLS Regression | [2] Poisson Regression | [3] Tobit Regression |
|---|----------------------------|----------------------------|----------------------------|
| Republican Trifecta | 0.763*** (0.268) | 0.106*** (0.036) | 0.773*** (0.244) |
| Citizen Liberalism | -0.059 (0.041) | -0.015** (0.006) | -0.060 (0.037) |
| Legislative Professionalism (NCSL Ordinal Measure) | 0.357 (0.749) | 0.058 (0.112) | 0.378 (0.682) |
| Americans for Prosperity | 0.617* (0.363) | 0.120** (0.053) | 0.601* (0.330) |
| Initiative Use | 0.021 (0.031) | 0.006 (0.005) | 0.021 (0.029) |
| % African American | 0.079* (0.046) | 0.012** (0.006) | 0.080* (0.042) |
| % Hispanic | -0.004 (0.056) | -0.004 (0.009) | -0.004 (0.051) |
| % Urban | -0.024 (0.042) | -0.004 (0.009) | -0.024 (0.038) |
| Dillon's Rule | 0.496 (1.067) | 0.101 (0.166) | 0.515 (0.971) |
| Constant | 6.365* (3.496) | 2.004*** (0.166) | 6.388* (3.182) |
| R ² /Pseudo R ² | 0.59 | 0.24 | 0.16 |
| N | 50 | 50 | 50 |

Dependent variable is the total preemption score (0-21). Cell entries are regression coefficients with standard error reported beneath in parentheses. Pseudo R² reported for models 2 and 3.

*** p<0.01, ** p<0.05, * p<0.10 using a two-tailed test.

**Table A3: State Preemption Laws Across Policy Domains
with Bowen-Greene Legislative Professionalism Measure**

| | [1] OLS Regression | [2] Poisson Regression | [3] Tobit Regression |
|---------------------------------------|----------------------------|----------------------------|----------------------------|
| Republican Trifecta | 0.768*** (0.269) | 0.160*** (0.036) | 0.778*** (0.245) |
| Citizen Liberalism | -0.056 (0.041) | -0.015** (0.006) | -0.057 (0.038) |
| Legislative Professionalism | 0.027 (0.361) | 0.015 (0.057) | 0.026 (0.329) |
| Americans for Prosperity | 0.662* (0.352) | 0.127** (0.051) | 0.469** (0.321) |
| Initiative Use | 0.023 (0.033) | 0.006 (0.005) | 0.023 (0.030) |
| % African American | 0.084* (0.046) | 0.013** (0.006) | 0.085** (0.042) |
| % Hispanic | -0.012 (0.054) | -0.005 (0.009) | -0.012 (0.049) |
| % Urban | -0.015 (0.039) | -0.003 (0.007) | -0.015 (0.035) |
| Dillon's Rule | 0.472 (1.076) | 0.098 (0.167) | 0.490 (0.979) |
| Constant | 6.240 (3.917) | 2.032*** (0.167) | 6.245* (3.565) |
| R ² /Pseudo R ² | 0.58 | 0.24 | 0.15 |
| N | 50 | 50 | 50 |

Dependent variable is the total preemption score (0-21). Cell entries are regression coefficients with standard error reported beneath in parentheses. Pseudo R² reported for models 2 and 3.

*** p<0.01, ** p<0.05, * p<0.10 using a two-tailed test.

**Table A4: State Preemption Laws Across Policy Domains
with Disaggregated Squire Legislative Professionalism Measure**

| | [1] OLS Regression | [2] Poisson Regression | [3] Tobit Regression |
|--|---------------------------|----------------------------|----------------------------|
| Republican Trifecta | 0.718** (0.272) | 0.101*** (0.037) | 0.729*** (0.245) |
| Citizen Liberalism | -0.067 (0.042) | -0.016** (0.006) | -0.067* (0.038) |
| Legislative Professionalism (Length of Legislative Session) | 0.010 (0.010) | 0.001 (0.001) | 0.010 (0.009) |
| Legislative Professionalism (Amount of Legislative Staff) | -0.146 (0.182) | -0.013 (0.028) | -0.145 (0.164) |
| Americans for Prosperity | 0.628* (0.355) | 0.124** (0.051) | 0.617* (0.319) |
| Initiative Use | 0.028 (0.032) | 0.006 (0.005) | 0.028 (0.028) |
| % African American | 0.089* (0.046) | 0.014** (0.006) | 0.090** (0.042) |
| % Hispanic | 0.019 (0.063) | -0.001 (0.011) | 0.018 (0.057) |
| % Urban | -0.016 (0.038) | -0.003 (0.006) | -0.015 (0.034) |
| Dillon's Rule | 0.682 (1.088) | 0.116 (0.169) | 0.697 (0.978) |
| Constant | 6.284* (3.561) | 1.996*** (0.557) | 6.274* (3.2000) |
| R ² /Pseudo R ² | 0.59 | 0.24 | 0.16 |
| N | 50 | 50 | 50 |

Dependent variable is the total preemption score (0-21). Cell entries are regression coefficients with standard error reported beneath in parentheses. Pseudo R² reported for models 2 and 3.

*** p<0.01, ** p<0.05, * p<0.10 using a two-tailed test.

**Table A5: State Preemption Laws Across Policy Domains
with Interest Group Density**

| | [1] OLS Regression | [2] Poisson Regression | [3] Tobit Regression |
|---------------------------------------|----------------------------------|------------------------------------|-----------------------------------|
| Republican Trifecta | 0.804*** | 0.117*** (0.037) | 0.816*** (0.254) |
| Citizen Liberalism | -0.073* (0.043) | -0.016*** (0.006) | -0.073* (0.039) |
| Legislative Professionalism | 1.487 (5.928) | 0.316 (0.795) | 1.431 (5.395) |
| Interest Group Density | 0.000 (0.001) | 0.000 (0.000) | 0.000 (0.001) |
| Initiative Use | 0.021 (0.035) | 0.005 (0.005) | 0.022 (0.032) |
| % African American | 0.074 (0.051) | 0.010* (0.006) | 0.076 (0.046) |
| % Hispanic | -0.016 (0.060) | -0.007 (0.009) | -0.016 (0.055) |
| % Urban | -0.017 (0.041) | -0.002 (0.007) | -0.016 (0.055) |
| Dillon's Rule | 0.631 (1.112) | 0.128 (0.168) | 0.655 (1.012) |
| Constant | 7.255* (3.724) | 2.043*** (0.573) | 7.200** (3.389) |
| R ² /Pseudo R ² | 0.55 | 0.22 | 0.14 |
| N | 50 | 50 | 50 |

Dependent variable is the total preemption score (0-21). Cell entries are regression coefficients with standard error reported beneath in parentheses. Pseudo R² reported for models 2 and 3.

*** p<0.01, ** p<0.05, * p<0.10 using a two-tailed test.

**Table A6: State Preemption Laws Across Policy Domains
with Percentage of Nonwhite Citizens**

| | [1] OLS Regression | [2] Poisson Regression | [3] Tobit Regression |
|---------------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| Republican Trifecta | 0.777*** (0.276) | 0.111*** (0.037) | 0.787*** (0.255) |
| Citizen Liberalism | -0.066 (0.043) | -0.014** (0.006) | -0.066 (0.040) |
| Legislative Professionalism | 3.014 (5.469) | 0.444 (0.777) | 2.916 (5.041) |
| Americans for Prosperity | 0.651* (0.363) | 0.124** (0.051) | 0.639* (0.335) |
| Initiative Use | -0.001 (0.032) | 0.001 (0.005) | -0.002 (0.030) |
| % Nonwhite | 1.038 (3.359) | 0.130 (0.487) | 1.045 (3.096) |
| % Urban | -0.024 (0.038) | -0.006 (0.006) | -0.024 (0.035) |
| Dillon's Rule | 0.558 (1.103) | 0.087 (0.165) | 0.580 (1.016) |
| Constant | 7.314** (3.605) | 2.226*** (0.507) | 7.322** (3.323) |
| R ² /Pseudo R ² | 0.55 | 0.22 | 0.14 |
| N | 50 | 50 | 50 |

Dependent variable is the total preemption score (0-21). Cell entries are regression coefficients with standard error reported beneath in parentheses. Pseudo R² reported for models 2 and 3.

*** p<0.01, ** p<0.05, * p<0.10 using a two-tailed test.

**Table A7: State Preemption Laws Across Policy Domains
with Racial Herfindahl-Hirschman Index**

| | [1] OLS Regression | [2] Poisson Regression | [3] Tobit Regression |
|---------------------------------------|---------------------------|----------------------------|---------------------------|
| Republican Trifecta | 0.803** (0.344) | 0.119*** (0.044) | 0.813** (0.308) |
| Citizen Liberalism | -0.036 (0.055) | -0.008 (0.007) | -0.035 (0.049) |
| Legislative Professionalism | 2.039 (6.981) | 0.156 (0.932) | 1.728 (6.249) |
| Americans for Prosperity | 0.619 (0.444) | 0.113* (0.061) | 0.607 (0.397) |
| Initiative Use | 0.006 (0.049) | 0.001 (0.008) | 0.004 (0.044) |
| Racial Diversity | 0.000 (0.000) | 0.000 (0.000) | 0.000 (0.000) |
| % Urban | -0.004 (0.044) | -0.001 (0.006) | -0.004 (0.039) |
| Dillon's Rule | 0.291 (1.334) | 0.062 (0.180) | 0.300 (1.193) |
| Constant | 3.859 (5.263) | 1.462** (0.742) | 3.656 (4.710) |
| R ² /Pseudo R ² | 0.48 | 0.18 | 0.12 |
| N | 50 | 50 | 50 |

Dependent variable is the total preemption score (0-21). Cell entries are regression coefficients with standard error reported beneath in parentheses. Pseudo R² reported for models 2 and 3.

*** p<0.01, ** p<0.05, * p<0.10 using a two-tailed test.