



# Concede or Resist? Experimental Evidence of U.S. Local Officials



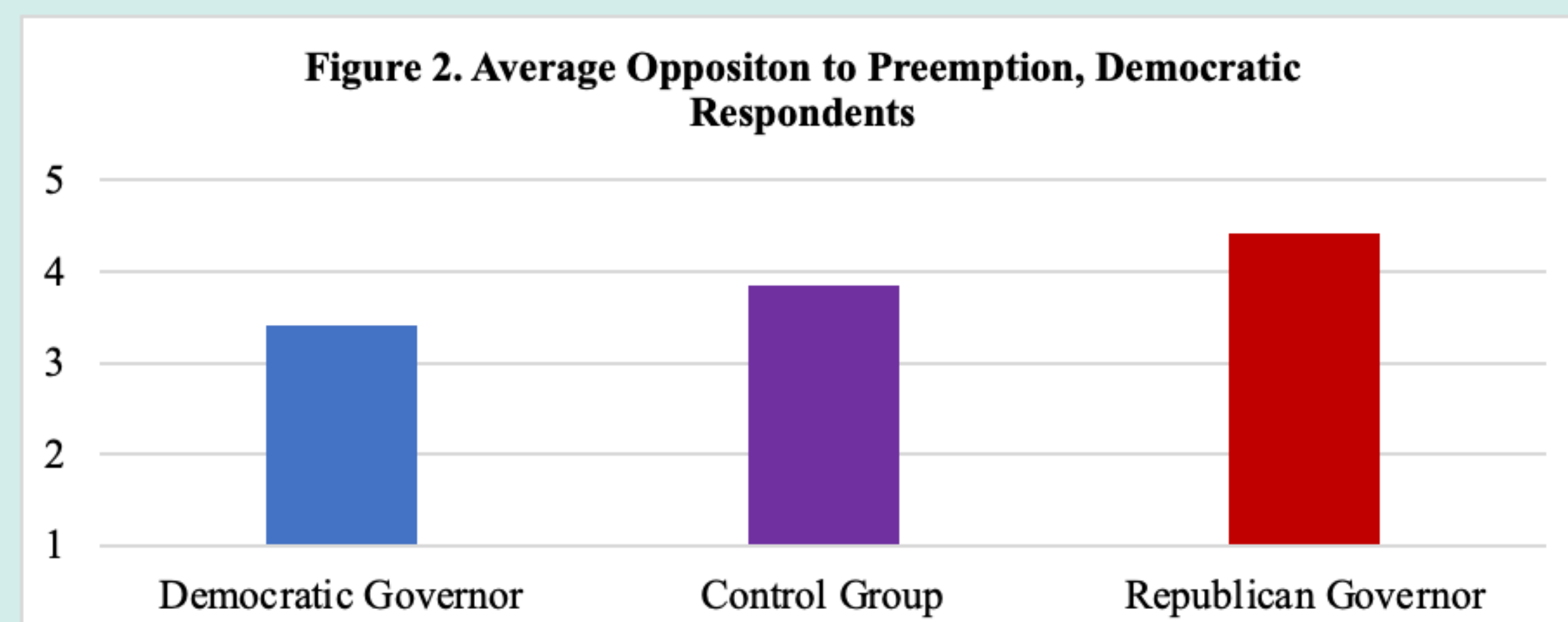
**Sarah Toole and Ryan Henderson, Alexandra Artiles**

### Abstract

Do local officials oppose and resist preemption at higher rates when an out-party governor does it? Contact information and demographics of local officials throughout the U.S. were collected using spreadsheet software. Results confirm that local officials are generally opposed to preemption but are substantially more opposed to preemption when they learn that an out-party governor is in office than when there is a same-party governor in office. Moreover, local officials are more willing to take action to resist preemption – including legal action, refusing to comply, initiating a resolution, and advocating for more autonomy – when they learn that an out-party governor is preempting them. Opposition and resistance were especially pronounced among Democratic local officials who learned a Republican governor was preempting them. Results from the survey have important implications for how local and state governments interact with one another and represent their constituents.

### Introduction

- According to Barber and Dynes (2021), preemption occurs when a law passed by a higher authority takes precedence over a law passed by a lower one.
- A flourishing research agenda examines state preemption of local governments. This research agenda is of increasing importance, given that state preemption of local governments continues to rise.
- States preempt local governments over numerous policy domains, such as environmental regulations, gun control, the minimum wage, discrimination in public facilities, rent control, and immigration customs and enforcement.
- State preemption is becoming increasingly partisan, with the partisanship and ideology of state elected officials being a primary driver of preemption activity.
- Local officials are highly concerned about preemption. Local officials tend to feel that preemption is an obstacle to local policymaking. Moreover, preemption can stifle local innovation, prohibiting cities from crafting, implementing, and evaluating policies tailored to localized needs.
- Local officials influence everyday lives more than any elected official – they call the shots on how local laws are enforced, what public transport is available, and how citizens access water and public sanitation. Yet, we know very little about how local officials feel about the preemption they face.
- To fill this gap, our research entails a survey experiment on a representative sample of U.S. local officials, gauging their attitudes and reactions to hypothetical preemption scenarios.



### Methods

#### Research Questions:

1. Do local officials oppose and resist preemption at higher rates when an out-party governor does it?
2. Do local officials resist preemption at higher rates when an out-party governor does it, and if so, what strategies do they use?

#### Methods:

- Our research from this semester resulted in an original survey experiment of 520 U.S. local officials.
- The experiment is a pre-post design, where respondents were asked their opinions about preemption before the exposure to the treatment and after exposure to the treatment.
- Before the treatment, respondents were asked, “In general, do you support or oppose gubernatorial preemption via executive orders?”
- Then, respondents read their treatment prompt about being preempted by their governor. Respondents were assigned to one of three groups: the Democratic governor treatment, the Republican governor treatment, or the control governor whose party goes unmentioned.
- The treatment read, “Consider a situation where you are a local official in a state with a [Republican governor/Democratic governor/governor] who issues a series of new executive orders concerning environmental regulations. The executive orders preempt your local government by prohibiting your local government from enacting its own environmental ordinances or regulations.”
- After the treatment, respondents were asked “In this situation, would you support or oppose gubernatorial preemption?”
- Also after the treatment, respondents were asked “Which of the following actions, if any, would you support your local government taking in response to gubernatorial preemption?”. The four actions respondents could take in response to the preemption included refusing to comply, taking legal action, initiating a resolution, and advocating for more autonomy.

### Conclusion & Discussion

#### Discussion:

The charts display how and when local officials resist gubernatorial preemption.

- Local officials resist and are more willing to oppose preemption more often out-party governor does it.
- If local officials wish to do so, they can resist gubernatorial preemption through various strategies, such as advocacy and legal action.
- The results of this study should encourage governors to include local government more in decision-making to increase and maintain positive relations.

#### Limitations:

- The sample size used in this research does not accommodate all perspectives of local officials
- All city websites have not been updated to reflect the 2022 and 2023 elections, which also detracts from the complete picture of local official’s perspectives on gubernatorial preemption

#### Future Studies:

- With a broader sample size, we will better determine how local officials feel about and react to gubernatorial preemption.
- When cities update their websites to reflect recent elections, new perspectives will be available for consultation.

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### References

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