



2022 Exploring a Year in Abusive Preemption

The Local Solutions Support Center (LSSC) tracked more than 1,000 abusive preemption bills in 2022 – an all-time high and more than double the number of bills tracked the prior year. The forces behind the year-after-year increases in abusive preemption bills are well known: Conservative elected officials at the state level, and the corporate donors to whom many of them are beholden, who are working in lockstep to prop up racist power structures and squash any policies they deem a threat to their own prosperity.

More Americans are becoming aware of preemption as well, as the effects of this GOP and corporate-driven strategy impact a growing number of issues. Many first heard of preemption in 2020 and 2021, as it was used to undermine public health authority at the height of the pandemic. This past year, LSSC tracked growing trends to preempt local decision-making across new and ever-multiplying issues – but in particular, LGBTQ rights, democracy, and voting rights.

Despite the growing threat of abusive preemption, LSSC and our partners across the country secured important wins in 2022 – in state houses, in the courts, and in organizing spaces. We learned lessons and developed best practices that are already strengthening our work as the national hub countering abusive preemption and strengthening democracy as we head into 2023.

This report takes a look at some of our key activities to support the field and push back against abusive preemption in 2022.

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Helping to defeat preemption bills in Arizona, Florida, and Pennsylvania through cross-movement coalition building, public education, and organizing.



Arizona legislation would have forced municipalities to choose between criminalizing homelessness or forgoing badly needed federal funds.



Florida bills transferred power from people and their local elected officials to wealthy corporations.



Pennsylvania bill would have tied the hands of local elected officials trying to address climate change, prohibiting them from banning natural gas.

Fueling state and local action through innovative and equity-centered technical assistance, regrants, and more.

- We recommitted to centering equity and local expertise in our work through the development of a new equity-focused state campaign regranting process and development support.
- We expanded both the size of our State Campaigns Team, and the number of states we support – ending the year with a team of six seasoned campaign and advocacy officials, led by Korey Johnson, working with partners in Arizona, Florida, North Carolina, Pennsylvania, Tennessee, Texas, and two new states – Montana and Oklahoma. We also provided ad hoc support to partners in Colorado, Missouri, Nevada, and West Virginia.
- We helped launch a new Public Health Authority Preemption Project in partnership with the Robert Wood Johnson Foundation, American Public Health Association (APHA), American Heart Association, ChangeLab Solutions, the Network for Public Health, and others to deepen the ability of the public health sector to combat the growing trend of preempting public health authority. Our 2022 work included:
 - Conducting legal assessments for 10 states to inform state targeting and prioritization.
 - Developing a public health authority preemption [communications toolkit](#) for organizers.
 - Partnering with APHA and local public health organizers in Pennsylvania, as well as leaders of the commonwealth’s cross-movement preemption coalition, to plan and lead a statewide public health authority convening.

Producing tools, resources, and content to support partners' work, strengthen the research base, and shape the narrative.

- We established a multi-person, sophisticated tracking team – strengthening our ability to track and analyze abusive preemption bills moving nationwide. This tracking informs core LSSC functions – from our ability to identify emerging trends in abusive preemption, to helping state advocates identify similar bills or strategies elsewhere across the nation, to educating reporters about the breadth and depth of abusive preemption. The tracking also serves as the basis for LSSC's annual [mid-session trends analysis](#) and [end-of-session report](#).
- The LSSC Communications Team developed a [new message guide](#), based on research conducted by the African American Research Collaborative, that explicitly connects abusive preemption to the communities most often impacted - BIPOC, women, immigrants, LGBTQ people, and working people.
 - We also released a [resource](#) that helps advocates talk about abusive preemption to different audiences – such as conservatives, organizers, and elected officials. The resource also included different frames for discussing preemption – such as the corrosive impact of corporate influence, preemption as a tool to undermine BIPOC political power, and preemption as a threat to American democracy.
 - We undertook a comprehensive update of our 12 [issue-specific one-pagers](#) on key preemption issues and economic justice issues such as paid sick leave, equitable housing, and minimum wage.
- LSSC's Legal Team authored white papers and companion versions for advocates to serve as the basis of new scholarship, resources, and partnerships, including an [Election Administration White Paper](#) & [Advocate Companion Materials](#) and a [Criminalizing Homelessness White Paper](#). The legal team also produced trainings and webinars on these issues for the International Municipal Lawyers Association (IMLA) to brief city attorneys on trends and support them in protecting local authority.
- The LSSC Research Team launched a cohort comprised of six leading scholars who have published a series of blog posts to provide advocates access to short-form, easily digestible, and quickly produced research resources (*authors pictured below, in order left-right*): [Dissent, Litigation & Defiance: Local Leaders Resist Abusive Preemption](#); [Preemption in New Jersey: A Foundation For Locally-Led Change?](#); [When Preemption and Existing Systems of Oppression Collide](#); [Promoting Inclusive Growth: We Know What Works](#); [Reform-Minded Prosecutors Should Use Research to Support Their Movement](#); and [Preempting Capitalism – An Alarming Trend Harming Climate Action](#).



Lori
Riverstone-
Newell



Noah
Kazis



Courtnee
Melton-Fant



Mildred
E. Warner



Preeti
Chauhan



Ramón
Cruz



Preparing for the Future

LSSC also spent time and resources in 2022 preparing for the future – specifically, building the coalitions and developing the strategies that allow us to successfully push back against the abuse of preemption. Highlights of these activities included:

Victory in Court:

LSSC partnered with the Public Rights Project (PRP), Local Progress, Community Justice Project, and many in-state partners to develop our first community-centered, collaborative lawsuit to challenge Florida’s HB 1, which preempts local governments from reducing their law enforcement budget and criminalizes certain protest activities. These efforts received a major boost when, in September 2022, the Leon County Circuit Court largely denied Governor Ron DeSantis’ motion to dismiss the challenge.

Laying the Groundwork for Reform:

We reignited our home rule reform efforts that began before the pandemic with the National League of Cities that resulted in the [*Principles of Home Rule for the 21st Century*](#). These organizing activities included forming a table of national organizations focused on home rule reform and refreshing our core materials – such as an engagement toolkit for partners and a home rule message guide. Perhaps most exciting of all, we added a new Home Rule Campaign Consultant to lead this work: Jen Epps-Addison, formerly a Co-Executive Director at the Center for Popular Democracy.