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THE INFLUENCE OF THREATENED STATE PREEMPTION ON CITY COUNCIL
VOTING BEHAVIOR AND MUNICIPAL BROADBAND

by

Dillon P. Corbridge

A thesis submitted in partial fulfillment
of the requirements for the degree

of

MASTER OF SCIENCE

in

Political Science

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2017

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ABSTRACT

The Influence of Threatened State Preemption on City Council
Voting Behavior and Municipal Broadband

by

Dillon P. Corbridge, Master of Science

Utah State University, 2017

Major Professor: Dr. Damon Cann
Department: Political Science

Since the progressive era, American cities have generally expanded their authority in policymaking and service provision. State governments have at times acted to preempt city authority on particular points of policy, but it is unclear whether the threat of this action inspires caution in the decision making of city leaders. The results of an experimental survey distributed to elected city officials across the United States show that a perceived threat of preemption does not significantly discourage city leaders in supporting a proposed broadband internet service provision. These results suggest that political pressure in the form of preemption is not persuasive to city leaders, and that local representational interests are likely more influential on municipal government.

(62 pages)

PUBLIC ABSTRACT

The Influence of Threatened State Preemption on City Council
Voting Behavior and Municipal Broadband

Dillon P. Corbridge

The relationship between city and state government has been contentious at times throughout American history. Cities only have the legal authority granted to them by state government, yet many cities have cause to seek policy that may not be in the interest of those who govern the state. Leaders of American states may choose to preempt municipal authority by removing the legal power of a city to perform certain actions. While preemption provides states with a tool for regulating the policies and practices that cities may pursue, it is unclear whether city leaders act cautiously to avoid preemption, or instead only pursue different policy goals once preemption removes more preferred options. This thesis examines this question through an experimental research design where, under varying degrees of threatened preemption, elected municipal officials were asked about their potential support for a new broadband internet service provision. The results of this research suggest that perceived threats of preemption do not have a significant effect on the policy choices of city leaders, and that preemption remains a blunt instrument for states in directing municipal policy outcomes.

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Dillon Corbridge

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Introduction—City/State Conflict and Local Decision-making

In the United States, the power dynamics of a federalist system have been well studied and scrutinized. The conflicts between state and national government have animated political debate for centuries and has helped to guide some of the rhetoric that surrounds discussion of the United States Civil War to this day. Less understood, however, is the more local sort of federalist conflict and tension that exists in the United States between states and their constituent cities. This conflict was especially apparent in North Carolina in the months following the passing of House Bill 2 in March of 2016. The bill gained notoriety for its requirement that people using bathrooms in state facilities must use the bathroom that corresponds with the sex listed on their birth certificates. However, the political origins and wider reach of this bill received less attention. In addition to its regulation of state restroom facilities, House Bill 2 superseded and preempted “any ordinance, regulation, resolution, or policy adopted or imposed by a unit of local government” relating to wages, hours, or benefits, and prevented the filing of discrimination lawsuits in state court (House Bill 2 2016).

With the passage of this bill, the state of North Carolina effectively stripped city governments within the state of the ability to pass particular forms of anti-discrimination legislation, as well as minimum wage provisions. For the city of Charlotte, these restrictions had direct policy and legal consequences, as the city had itself voted to add gay and transgender people to the list of classes protected

against discrimination in public spaces (Delia 2016). The following controversy would bring significant national attention as well as negative economic consequences.

While these details have been well-reported throughout North Carolina and the rest of the United States, a question remains—If city leaders in Charlotte could see the future and know that the state would nullify their actions, would they still pass the same legislation and set off a chain of events that would invite national scrutiny, legal battles, and boycotts? Generally, does the threat of state action alter the decisions that city leaders are likely to make, or do the local electoral incentives in front of city leaders override concerns about state intervention? It may be that some of these conflicts are driven by ideology, emotion, and outside interests, as appears to have been the case in North Carolina. The fundamental conflict between the policy interests of cities and states, along with the decision-making process for city leaders that accompanies such conflict, remain important, and under-researched. This thesis addresses this sort of conflict by directly posing a potential service proposal to city officers and gauging their voting responses while under varying degrees of threat of state intervention and preemption, and finds that voting behavior of city leaders is resistant to such threats.

City-Provided Internet Access as a Question Mechanism

The nature of political ideology and competing voter interests can make this question difficult to examine directly, as omitted ideological and voter variables can present great difficulties for research. It is entirely possible that if a study about state preemption and municipal voting behaviors asked questions about the wrong subject—such as the rights of transgender people and bathrooms—the researcher would merely find out how respondents felt about LGBT issues, rather than if a threat of state preemption had an effect on the municipal leader’s vote. In order to more directly gauge the impact of threatened preemption on municipal voting, I have asked city leaders about their potential votes on a proposal for municipally provided broadband service. Although any service proposal or expenditure involves ideological conflict, a service proposal will be less emotional and less politically explosive than certain other forms of controversial legislation, and city leaders will likely be more open to both persuasion and a variety of local pressures. Rather than being a local manifestation of a hotly contested national issue, a service proposal is a local manifestation of local issues. Here New York’s Mayor LaGuardia’s famous statement that, "There is no Republican or Democratic way to pick up the garbage" provides insight (Andersson and Moroni 2014, 93). Internet access does not hold the importance of waste disposal, but it is potential service where the details of local politics can cross political lines, and be shaped by budgetary, legal, and electoral incentives.

The subject of municipal broadband provides an interesting framework for examining city responsiveness in the United States, as well as preemption, home rule, and public goods provision. As high-speed internet access has become increasingly ubiquitous, reliance on this service has increased as well. Access to broadband internet is becoming increasingly important to households throughout the United States, but that access has come in different forms in different places, and this service has not always been extended to all areas equally. According to a 2015 White House report, there still exists a connectivity gap in many communities, where some are able to obtain high-quality internet access and others are not. In other communities, a single telecommunications company may dominate a market, facing little, if any competition (Executive Office of the President, 2015, 10). Although public service commissions have regulatory power over these issues, a city's preferences may not fully align with the commission's actions or the state of the market. In this environment, some municipalities have elected to establish a network themselves and act as an internet service provider (ISP) within their jurisdiction,, either competing with or supplanting local monopolies. Theories of electoral politics may lead us to believe that this decision is an active response to the desires of the local voting public in these communities, but such decisions have at times been controversial at the state level, with 21 states having established some type of restriction on this form of municipal activity. At this time, there are about 160 municipalities in the United States that offer some

form of broadband service to the majority of their residents, while another 185 communities maintain some publicly-owned fiber service available to portions of the community (Institute for Local Self-Reliance 2015).

The subject of municipal broadband represents an ongoing arena for conflict between cities and states, where cities may choose to establish new services, and states may wish to curtail such actions. It also represents a good potential test subject for city and state conflict, as it avoids the explosive and problematic conflicts that some other policy arenas face. While there will be conflict on this issue, it is reasonable to suppose that a competition of influences may alter the considered voting decisions of some city council members.

To examine this competition of influences, I used an experimental survey, sampling city leaders throughout the United States. The treatments within the experiment relied on descriptive vignettes, which provided city leaders with a hypothetical new service proposal, and asked whether they supported or opposed the proposition. Preemption targeted towards flawed or unpopular policy would simply give city leaders one extra reason among many to oppose a proposal. Thus, in order to isolate whether a threat of state preemption reduces the likelihood of affirming votes, the proposal described in these vignettes for this project was intentionally designed to be benign, if not appealing. The results of this project demonstrate that in the case of a perceived threat of preemption, city leaders are resistant to coercive influence from state legislatures.

Literature on City Responsiveness and Public Service Provision

This project is rooted in the broader political science literature on the responsiveness of elected officials and municipal politics. There are strong theoretical arguments and reasonable evidence to support the claim that cities are responsive to the political and economic sentiments of their residents, and that city policy and spending reflect these sentiments. The broader context of public services research provides a backdrop for this issue, by illustrating the processes of why and how local governments are responsive to their residents. Charles Tiebout, who proposed a “pure theory of public expenditures”, wrote the most important theoretical work regarding municipal services (Tiebout 1956). In Tiebout’s theoretical model, citizens will sort themselves according to their service preferences, by moving to areas that most closely allocate the balance of taxes and provided services to the residents’ individual predilections. Tiebout’s work is a pure theory rather than an applied model. Thus it describes an equilibrium state; with citizens choosing from a large number of communities and enjoying full mobility, knowledge, and no employment restrictions, they will perfectly sort themselves along preferences of relative service provision and tax burdens. This phenomenon of individuals and households voting with their feet, termed as “exit” by Albert O. Hirschman (1970), is the primary lens through which Tiebout’s theory has been examined (Dowding, John, and Biggs 1994). Hirschman’s work also gives attention to the process by which internal protest, referred to as “voice,” may also

come to influence firms, organizations and states. Both of these processes are critical for how municipalities come to reflect the will of their constituents over time or consequently shrink, and will be further examined.

Tiebout and Hirschman's work are seminal to the literature on both local public expenditures and responsiveness, and many applied models have been created to test the basic premise of Tiebout's theory that citizens vote with their feet. Dowding, John, and Biggs (1994, 768) provide a helpful survey of much of the empirical literature on the subject, stating that empirical tests of Tiebout's work "are legion and multifarious." Because that work is varied and at times contradictory, I will give a brief overview of some of the most commonly cited work in this area.

Bickers, Salucci, and Stein (2006) find that residents' feelings regarding "core municipal services" are among the strongest determinants of whether people will move. Banzhaf and Walsh (2008) find that positive changes in the local levels of air pollution, which they describe as exogenous improvements in public goods, will result in increased population density. Stated more directly, people will vote with their feet and move to better access better public goods such as clean air, just as Tiebout predicts. The prevalence of this action is likely increasing over time, as the cost of moving has decreased significantly over the past century. Rhode and Strumpf (2003) find that the impact of the exit phenomenon has become more pronounced over the past 150 years due to lowered moving costs, but they also

argue that publicly provided goods demands are not necessarily obvious or the first priority for movers. Devereux and Weisbrod (2006) also find that dissatisfied residents are more likely to either move or complain, and that these alternatives will result in political response. From a normative perspective, it seems both intuitive and positive that communities will eventually mold their constituents. The empirical evidence for these claims shows that electoral incentives are at work in cities, and these incentives may at times run counter to the ideological values of certain representatives.

While there is much support for Tiebout's theory in the literature, there is also significant criticism. Boadway and Tremblay (2012) find that while it may still have relevance in the most local of issues, it is not helpful in studying state-level fiscal policy. Truman Bewley (1981) argues that Tiebout's model is suited to narrow cases and is thus not satisfying as a general theory of local public goods. In certain applications, restrictions based on the housing market may also be shown to be more important to citizen choice than public services. In this instance, exit alone does not provide a compelling story for why municipal institutions offer particular services (Kelleher and Lowery 2002).

The structure of the community may matter as well. Lowery (2000) argues that the process of consolidating municipalities into a larger whole may be beneficial to both local interests and the offering of higher quality public services. The research of Lyons, Lowery, and DeHoog (1992, 15-16) finds further evidence of

this. The implications of citizen sorting as an aspect of the Tiebout model become less clear, however, in a consolidated government setting, and thus it is difficult to come to full conclusions about the virtue of consolidated government in public service provision (Lyons, Lowery and Dehoog 1992). Schneider (1986) argues that fragmented municipal governments are inherently associated with a degree of competition that will result in smaller budgets. Rather than focusing on public services, Schneider (1989) in a later article focuses on the local tax levels and argues that local government may vie for citizen attention by exacting a lower tax burden on their residents.

In addition to these concerns, cities may be quite limited in their capability to pursue these issues, due to limited statutory authority, limited capacity, and limited finances. Statutory authority is of particular interest here. State preemption of city authority is a current and often controversial issue, as already discussed with reference to North Carolina and the city of Charlotte. Preemption has received a great deal of attention from law reviews, but academic treatments are much less common. Instead, academic literature more frequently focuses on the general principle of home rule. In general terms, cities possess the power that they are given by the state legislature. However, this is not a simple, conclusive, or carved-in-stone rule. Municipal independence, or home rule, is a legal principle that exists to varying degrees throughout the United States. Because of this, cities in many states have differing degrees of independence and statutory authority.

Although most states have some degree of home rule, it is typically in the form of structural or functional home rule, rather than a broader, sweeping sort of rule that necessarily includes all functions and fiscal powers (Krane, Rigos, and Hill 2001, 1-4, 476-477). While cities are often limited in their statutory power, this limitation does not provide a clear obstacle to the establishment of municipal communication networks, as many of these networks exist in states with very limited municipal independence.¹

City leaders are generally responsive to the political desires of their constituents (Tausanovitch and Warshaw 2014). This responsiveness aligns with partisan electoral outcomes as well (Benedictis-Kessner and Warshaw 2016; Einstein and Kogan 2015). This responsiveness may be resistant to outside influences, making it difficult for any non-constituent group to influence local outcomes. Preemption may also introduce dynamics that alter political responsiveness in elected officials at the municipal level. Certain issues and positions may be positively viewed by particular communities, but failure to enact or create such policy or goods may also fail to inspire any sort of impassioned response, either in terms of votes or in terms of decisions to move. Although there may be positive consequences for pursuing some policies, it does not necessarily

¹ These networks exist in Dillon's Rule states such as Alabama, New Hampshire, Virginia, and Iowa. In these states city authority is limited solely to the powers granted by the legislature. It appears that the establishment of a communication network is an assumed power related to the provision of basic services, as this power is not explicitly granted in obvious terms (Institute for Local Self-Reliance 2015; Krane, Rigos, and Hill 2001, 4, 476-477).

follow in all circumstances that a failure to pursue such policy will have negative repercussions of significance for elected officials. Preemption could limit how responsive municipal leaders may be to their residents, and enforce policy homogeneity in various cities across a state. In pursuing their own reelections and their resident's desired policy outcomes, city leaders may want to avoid a situation that leads to preemption even if that decision comes at the cost of pursuing responsive policy, unless they believe that resisting outside influence will be more appreciated than saving resources will be.

Home internet access as a public service should also be addressed.

Although rural access has improved dramatically, the disparity between urban and rural internet users persists (US Department of Commerce 2016). Although the merits of the argument for publicly owned broadband may need to be tested, and are beyond the scope of this project, this issue has received some scholarly attention. Jain, Mandviwalla, and Banker (2007) argue that private telecommunication firms have in the past generally underserved rural and impoverished areas, and suggest that municipal government may act as a catalyst for technological development within its geographic area. Gillett, Lehr, and Osorio (2004) give a detailed taxonomy of local government broadband initiatives, discussing the varying roles of municipalities in broadband provision. Their findings fit the assumption that municipalities may be filling gaps left by private market providers, and they present evidence that municipal electric utilities are

more likely to provide communication infrastructure when private-market cable and DSL options are limited.² This assertion also fits the assumption that public internet services would be desired by the residents of the community in these communities, as there would be fewer useful private-market alternatives.

² These assumptions of broadband access are based on the FCC's January 2015 revision of the definition of broadband to minimum download and upload speeds of 25 Mbps and 3 Mbps respectively. Under prior definitions of broadband access, rural communities have better access to broadband, though it is still generally weak compared to what is available in urban and suburban centers.

Incentives and Inhibitions for New Public Services

As noted above, there is a large body of scholarly literature that argues that cities are politically responsive to their residents and that public opinion and elections have a meaningful impact on policy and spending in municipal government (Tausanovitch and Warshaw 2014; Einstein and Kogan 2015; Benedictis-Kessner and Warshaw 2016). However, mitigating factors to this phenomenon are less well researched. This raises the question of what scenarios may lead city leaders to abandon proposals that they would otherwise pursue in order to satisfy local voters and ensure city growth. While certain practical concerns such as budgetary problems or limited technical capacity provide simple and intuitive explanations for why some proposals may be abandoned, these explanations are often unique to a particular situation or location, and do not provide a consistent political reason for cities to avoid popular policy. In contrast, the threat of preemption from the state government may inspire city leaders to abandon potential policy pursuits, as preemption may make such pursuits a waste of time and money, with new projects potentially being either crippled financially or prohibited altogether. Furthermore, preemption limits the policy outcomes that might align with voter preferences. The relationship dynamics at play in this form of intrastate federalism are worthy of consideration.

As of 2014, 21 states had passed legislation that restricts or regulates municipal offerings of communication services to varying degrees. Legislation in some states, including Colorado, South Carolina, and Texas, effectively prohibits municipal broadband offerings. Other states, such as Minnesota, Tennessee, and Washington, allow the creation of municipal networks under certain local conditions. This legislation often comes with meaningful restrictions, often relating to city size, the presence of private offerings, and the nature of local utility districts (Baller 2014).

The American Legislative Exchange Council (ALEC) has proposed model legislation that addresses this issue. Portions of this legislation prohibit municipalities from creating publicly held communications services, such as ISPs (American Legislative Exchange Council 2012). Garrett and Jansa (2015) provide an interesting argument that interest group model legislation such as this is an important component of policy diffusion from state to state, and that such legislation has an important impact on the substance of legislation and the relative ease of passing that legislation.³ The piece of model legislation cited here is framed as providing protection for private industry from unfair public competition. According to a January 2015 White House report, however, in most communities

³ The article from Garrett and Jansa actually uses model legislation from ALEC as a significant part of its methodology.

there is little competition in the marketplace for wired internet to begin with.⁴ If there truly is a dearth of competition, it may not be entirely accurate to term the creation of a new offering as a threat to the integrity of the marketplace, and it is plausible that city leaders will act to create a public ISP in response to local demands and political desires. However, any number of local or legal pressures could operate to diminish the level of responsiveness to this particular problem. The literature around public responsiveness indicates that cities will be responsive to local pressures. However, it is also clear in the literature that this responsiveness is not necessarily straightforward or consistent, and local preferences may vary significantly from community to community as well.

While the model legislation offered by ALEC may represent a noteworthy example of interest group lobbying, there is significant variety in how cities and states may approach the topic of municipal broadband, and the issue does not seem to be settled at this point in time. As such, municipal broadband programs and associated state legislation provide a useful test case to examine whether city leaders may become less responsive to local political interests following a threat of preemption. It is plausible to assert both that a community might desire this service, and that a state might preempt city authority on the issue. There are

⁴ It is important to make a note here about wireless access. Most home wireless access is based on wired access to the home, with a local point of access. Smartphone internet access is also noteworthy and increasingly important, but smartphone access outside of WiFi is typically associated with significant restrictions on monthly bandwidth that make home access a more feasible economic choice for many (The Executive Office of the President 2015).

practical and ideological concerns that frame these actions, but those concerns do not inspire the kind of backlash that more often accompany issues like fracking or LGBT protections. Although the issue of municipal broadband will not be relevant in every city, town, and village, municipal broadband is an issue that is reasonably easy to explain and understand in the context of a survey, allowing this question to be tested.

Testing the Impact of Threat

The chief theoretical assumption driving this project is that variation in the responses between test groups should reveal whether a threat of preemption on the state level would change the likely voting patterns of city leaders from a previous course. Assuming a random sample, the response from the control group should be representative of the response that each of the treatment groups would have had without exposure to the succeeding scenarios, allowing simple statistical tests to provide insight into whether the plans of city leaders are adversely affected by state behavior in this instance.

To examine the dynamics discussed here and to test whether a given threat of state intervention affects the decision making of local officials, I have used a survey experiment, sampling city officials from across the United States. Invitations to the survey were sent by email to any municipal official that participated in the 2014 American Municipal Official Survey, so long as those email addresses did not return as invalid.⁵ Email invitations were sent on Tuesday, February 28, 2017, and the survey closed on Tuesday, March 7, 2017. Respondents came from 49 of the 50 states, with responses occurring at largely similar rates to

⁵ Access to the mailing list came through the generosity of principal investigators Daniel Butler and Adam Dynes. Information about the survey, as well as its results may be found at <http://campuspress.yale.edu/municipalsurvey/>.

survey invitations. Further details on responses and geography may be found at the end of the appendix.

The treatment was presented through a vignette, which asks the respondent to consider themselves serving in the role of a voting city council member.⁶ The vignettes gave three variations of stated preemption threat, ranging from no stated threat, to low and high degrees of perceived threat. In both the control and two treatment groups, the vignette states that the city is considering establishing an ISP as a new municipal service through the city's utility department, and describes the proposal in positive terms, with moderate majority support from local voters. It also states that the proposal is without any obviously troubling flaws in its feasibility, both financially and technically. After being presented with one of the three scenarios, respondents were asked for how they would vote in the given situation on a four-point scale, with no available neutral response. Respondents in the treatment groups that indicated support for the proposal were also asked whether they would choose to act quickly before the state legislature may have the opportunity to finish action. In addition to the treatment questions, respondents also answered questions about their political ideology on a single-dimensional left-right scale, and about their representation style as either a delegate or trustee. The

⁶ Some respondents, such as certain mayors, may be elected officials that lack a voting role on a city council, while holding a different influential role in the legislative process for a city. The vignette asks respondents to consider themselves as voting members of the council in order to ensure that respondents view the questions in the same way.

full text for the survey, including the wording of the vignettes, can be found in the appendix.

A threat of state preemption is one circumstance that would likely alter the level of political responsiveness displayed by city officials, because preemption may alter the incentives of pursuing particular policies and reduce the costs of failing to pursue those policies as well. This decision process may also make sense for the state. Although the state is clearly superior in law and capacity, conflicts between cities and states are not new, and it is reasonable to believe that state leaders, including the legislature and the governor, would prefer to have cities within the state acting according to the governor's and legislator's personal preference sets. States may be limited in how they can coerce cities to conform to preferred policy and institutional positions, and coercion through legislation, or even through the mere threat of legislation, could act to influence and manipulate cities into avoiding actions that officials at the state level would rather avoid.

There has been significant variation in the success of these public broadband programs, along with some noteworthy failures. Invoking concerns of failure in the vignettes, however, would not serve to answer the central question about city-state interactions. This project aims to find whether the perceived threat of state intervention discourages policy that a city is likely to pursue. If the vignette described a clearly flawed proposal, a threat of state intervention would

be only one of the reasons to vote against the proposal, rather than a determining reason for a dissenting vote.

Expectations and Hypotheses

While it may be in the best interests of a municipality to pursue a given policy in a vacuum, the consequences of both preemption from the state or of challenging such preemption may be too great to be ignored, especially when the probability of reversing the state action is low. These factors, along with the previously discussed dynamics around preemption, lead to the following hypotheses on the relationship between state preemption and political responsiveness at the municipal level.

Hypothesis 1: A perceived threat of state preemption will decrease the likelihood of city officials voting for the proposed service.

Hypothesis 2: An increased degree of perceived threat of state preemption will result in a greater degree of opposition to the proposed service.

It is possible that a threat of preemption will not have a noteworthy impact on the behavior of city leaders. After all, the residents of a community, not state legislators, elect city leaders. If city residents were aware of threatened or executed preemption action from the state, they would likely direct their political frustrations toward the state, rather than toward their city and its leaders. Furthermore, hostile actions from a locally unpopular state legislature may provide city leaders with opportunities to cast themselves as better, more in-touch representatives of their constituents. If city leaders feel that their actions will have

the support of their constituents in opposition to state-level government, it would be in their electoral interests to dig in their heels on municipal goals, rather than simply acceding to the aims of a hostile state legislature. City leaders may attempt to call the bluff of the state government, as it is not uncommon for legislators to introduce bills and proposals that are doomed from conception. Furthermore, city leaders, who are themselves involved the legislative process, may very well realize when proposed preemption is an empty, rather than sincere threat. If city leaders perceive that they will not waste valuable city resources by pursuing actions that are unpopular with the state legislature, the likelihood that a threat of preemption would alter their behavior would decrease significantly, and the treatments used here would not have a significant effect.

Results

Respondents were contacted by email, and from the contacted population, 690 responses were recorded. The mailing list from the American Municipal Official Survey is now a few years old, and as a result, not every individual on the list is still currently serving in office. I also knew that the list contained a small number of non-elected municipal officials, including city clerks, managers, and other appointed officers. To account for the diversity of respondents in the mailing list, I asked a screening question at the beginning of the survey to determine whether respondents were currently serving elected officials, former elected officials, or if they had only served in non-elected positions.

Table 1: Descriptive Statistics: Control and Treatment Groups

	Current Elected Officials Only	Current and Former Elected Officials
Control Group	199	215
Treatment 1—Moderate Threat	186	199
Treatment 2—High Threat	184	201
Total	569	615

In each table, values in cells refer to the frequency of each response.

Table 2: Descriptive Statistics for Ideology and Representation Style

	Current Elected Officials Only	Current and Former Elected Officials
Liberal	176 31.32%	193 31.85%
Middle of the Road	128 22.78%	134 22.11%
Conservative	258 45.9%	279 46.04%
Total	562	606
Delegate	178 32%	193 32.11%
Trustee	379 68%	408 67.89%
Total	557	601

Note: Some respondents completed the treatments questions but declined to answer the ideology and/or representation style questions. Data indicates frequencies and column percentages.

Of the sampled population, 569 respondents indicated that they were currently serving in elected office, while 46 respondents indicated that they have formerly served as elected officials. Finally, 75 respondents indicated that they have never served in elected office, but instead hold non-elected positions in their communities. Because they represent a uniquely different population within the sample, the responses of those who have never held public office have been omitted from the results presented here. Additionally, I present the results of currently serving officials and the combined group of officials that have ever

served in elected office separately, as there are differences in the day to day experiences of the two groups which might affect their responses. Tables 1 and 2 detail the basic results of the survey.

Chi-square tests show that the treatment effect has far from a statistically significant impact, whether examining current officials only, or examining both

Table 3: Chi-Square Test for General Support of the Proposal

	Level of Support	Control	Moderate Threat	High Threat	Total
Current Elected Officials Only	Strongly Support	95 47.74%	83 44.62%	82 44.57%	260 45.69%
	Moderately Support	72 36.18%	70 37.63%	62 33.7%	204 35.85%
	Moderately Oppose	13 6.53%	21 11.29%	23 12.5%	57 10.02%
	Strongly Oppose	19 9.55%	12 6.45%	17 9.24%	48 8.44%
	Total	199	186	184	569
Current and Former Elected Officials	Strongly Support	104 48.37%	87 43.72%	87 43.28%	278 45.2%
	Moderately Support	76 35.35%	76 38.19%	70 34.83%	222 36.1%
	Moderately Oppose	14 6.51%	22 11.06%	25 12.44%	61 9.92%
	Strongly Oppose	21 9.77%	14 7.04%	19 9.45%	54 8.78%
	Total	215	199	201	615

For currently serving officials, $\chi^2= 5.8352$, $p = 0.442$. For Current and former elected officials, $\chi^2= 6.1972$, $p= 0.401$.

current and former elected officials. The chi-square test shown here applies to a crosstab table and evaluates whether attitudes toward the municipal broadband proposal are independent of group assignment. The effect was even weaker when checking for whether respondents simply supported or opposed the measure, and when checking solely for respondents that indicated strong support for the proposal.

Table 4: Chi-Square Test for Broad Support of the Proposal

	Voting Response to Proposal	Control	Moderate Threat	High Threat	Total
Current Elected Officials Only	Support	167 83.92%	153 82.26%	144 78.26%	464 81.55%
	Oppose	32 16.08%	33 17.74%	40 21.74%	105 18.45%
	Total	199	186	184	569
Current and Former Elected Officials	Support	180 83.72%	163 81.91%	157 78.11%	500 81.3%
	Oppose	35 16.28%	36 18.09%	44 21.89%	115 18.7%
	Total	215	199	201	615

For currently serving officials, $\chi^2 = 2.2.1273$, $p = 0.345$. For Current and former elected officials, $\chi^2 = 2.2234$, $p = 0.264$.

Table 5: Chi-Square Test for Strong Support of the Proposal

	Voting Response to Proposal	Control	Moderate Threat	High Threat	Total
Current Elected Officials Only	Strong Support	95 47.74%	83 44.62%	82 44.57%	260 45.69%
	Other Responses	104 52.26%	103 55.38%	102 55.43%	309 54.31%
	Total	199	186	184	569
Current and Former Elected Officials	Strongly support	104 48.37%	87 43.72%	87 43.28%	278 45.2%
	Other Responses	111 51.63%	112 56.28%	114 56.72%	337 54.8%
	Total	215	199	201	615

For currently serving officials, $\chi^2 = 0.5156$, $p = 0.773$. For Current and former elected officials, $\chi^2 = 1.3477$, $p = 0.510$.

The difference of proportions test is a parametric test for two categories that has greater statistical power than the chi-square test. The difference of proportions tests shown here also demonstrate that the treatment did not generate a statistically significant effect on responses to the municipal broadband proposal, even when using a generous one-tailed test. The lack of a significant relationship between the treatment assignment and the respondent's attitude toward municipal broadband is consistent when examining either the responses of only currently serving elected officials, or both current and former elected officials.

Table 6: Difference of Proportions Test for Support of the Proposal

	Current Elected Officials Only				Current and Former Elected Officials			
	Diff. $p_1 - p_2$	Std. Err.	p	n	Diff. $p_1 - p_2$	Std. Err.	p	n
Control vs. Moderate Threat	0.017	0.038	0.331	385	0.018	0.037	0.313	414
Control vs. High Threat	0.057	0.040	0.078	383	0.056	0.039	0.072	416
Moderate Threat vs. High Threat	0.040	0.041	0.167	370	0.380	0.040	0.171	400

Diff. is the difference of proportions, with standard errors beside it. p represents the one-tailed p value. The one-tailed test increases the chance of finding a significant relationship between the treatment and responses, but such a relationship is still found to not be significant.

However, the figures produced by this test are certainly more compelling than the figures produced by the chi-square model are.

Finally, both ordered and binary probit regression models run on both sample groups show that the treatment in this experiment did not lead to a statistically significant change in the likelihood that municipal leaders would vote in favor of the given proposal. These tests are a full modeling approach that allow for paired comparisons of different treatments as an omnibus test of the effects of the test treatments against the control condition. The ordered probit model examines all available information by incorporating all four available responses

Table 7: Ordered Probit Test for Support of the Proposal

	Current Elected Officials Only	Current and Former Elected Officials
Moderate Threat	.0364208 <i>.1143098</i>	.0650715 <i>.1102291</i>
High Threat	.099558 <i>.1145203</i>	.1281586 <i>.1098163</i>
Pseudo-R ²	0.0006	0.0009
Likelihood Ratio χ^2	0.77	1.36
P	.680	.506
n= 569 for current elected officials only and 615 for current and former elected officials. Standard Errors in <i>italics</i> .		

Table 8: Probit Test for Support of the Proposal

	Current Elected Officials Only	Current and Former Elected Officials
Moderate Threat	-.0659142 <i>.1516067</i>	-.0711295 <i>.1456557</i>
High Threat	-.210125 <i>.1485672</i>	-.2071578 <i>.1422243</i>
Constant	.9911588 <i>.1066763</i>	.9830529 <i>.102318</i>
Pseudo-R ²	0.0006	0.0009
Likelihood Ratio χ^2	2.10	2.20
P	.350	.333
n= 569 for current elected officials only and 615 for current and former elected officials. Standard Errors in <i>italics</i> .		

regarding the broadband proposal, while the probit model instead evaluates differences between support and opposition as a binary variable.

It may be possible that the non-significant results found here might be a result of an insufficient sample size. A power analysis for a difference of proportions test shows that if the sample in each treatment were increased to 231, the project would be powered to have an 80% chance of detecting a change in the predicted probability of 0.1 using a one tailed test with $\alpha=0.05$. If a significant relationship between the given threat of preemption and support for the described service proposal exists at all, the effect is very likely smaller than that ten-point difference, as this investigation showed a maximum difference of 0.057.

Heterogeneous Treatment Effects

While the survey responses showed that city leaders are generally unswayed by threatened state actions, there are some heterogeneous treatment effects. These effects are likely the result of the construction of the vignettes. In describing the threatened state action, the treatment vignettes state that “some state legislators do not think such a plan is within the proper role of city government” (see appendix). This phrasing may activate certain perceptions and attitudes in moderate and conservative city leaders and lead them to be more sensitive to the treatments than they would otherwise be.

Table 9: Difference of Proportions for Liberals

Officials who Identified as Liberal				
	Diff. $p_1 - p_2$	Std. Error	p	n
Control vs. Moderate Threat	-0.054	0.038	0.924	117
Control Vs. High Threat	-0.016	0.043	0.649	131
Moderate Threat vs. High Threat	0.037	0.031	0.128	134

Diff. is the difference of proportions, with standard errors beside it. p represents the one-tailed p value. The one-tailed test increases the chance of finding a significant relationship between the treatment and responses, but such a relationship is still found to not be significant.

Table 10: Difference of Proportions for Moderates and Conservatives

	Officials who Identified as "Middle of the Road"				Officials who Identified as Conservative			
	Diff. $p_1 - p_2$	Std. Error	p	n	Diff. $p_1 - p_2$	Std. Error	p	n
Control vs. Moderate Threat	0.051	0.076	0.245	88	0.046	0.061	0.225	209
Control Vs. High Threat	0.129	0.078	0.048	97	0.118	0.067	0.038	188
Moderate Threat vs. High Threat	0.078	0.089	0.196	81	0.072	0.069	0.147	185

Diff. is the difference of proportions, with standard errors beside it. p represents the one-tailed p value. The one-tailed test was used as it increases the chance of finding a significant relationship between the treatment and responses. In this instance, both groups show a significant relationship between the high threat treatment and associated responses when compared to the control group, but no other comparison produced this result.

Table nine shows the results of the difference of proportions test for respondents who self-identified as liberals. Liberals were resistant to the treatment effects, and it appears that a perceived threat of state preemption in this instance had essentially zero effect on their voting decisions. Table 10 displays the results of a difference of proportions test for respondents that self-identified as conservatives and moderates (identified as "middle of the road" in the survey prompt). The results of this test show that the high threat treatment swayed the responses of moderates and conservatives by about 12-13 points, and the results are significant

in a one tailed test with $\alpha=0.05$. Substantively, however, these results are less remarkable. For conservatives, the effect dropped support for the proposal from 76.4% of respondents to 64.6%, and for moderates, support for the proposal dropped from 88.4% to 75.5%. In each case, the proposal would have passed easily. An effect of this size is far less detrimental to this proposal than it might be if the proposal was controversial at the local level or had only borderline support from a city council.

Discussion

From the results of this survey, it is clear that the treatments used did not have a noteworthy effect on the how city leaders indicated that they would vote, and it appears that a threat of preemption alone is not sufficient to alter the votes of city leaders. Even in the narrow circumstances where the treatment had a statistically significant effect on support for the proposal, that effect was not substantively significant, and would only scuttle proposals with borderline support.

There are a few explanations for why this might be the case. First, it is not necessarily in the interest of city leaders to be swayed by the state legislature, as state legislatures do not vote for city leaders. From a normative perspective, this is reassuring, as it would lead us to believe that electoral incentives are at play in the decision making of local officials and that those officials strive to represent the interests of their communities. The interests of other communities in the state, and of the representatives in the state legislature are not the concern of local officials, except as those independent concerns intersect. This is an intuitive, but important conclusion for explaining the voting incentives at play in this experiment. This explanation also provides a way to view the results as fitting within the broader literature on representation and responsiveness, as outlined by Tiebout, Warshaw, Tausanovitch, Hirschman and others.

Second, city leaders may not be afraid of preemption itself, and may wish to react only after the state legislature has acted. Even if some city leaders do not think the proposal is good policy, they may determine that it is more important for them to act according to their constituent's desires than it is to save time and money for the city government. In this scenario, city leaders can blame a state legislature for the restrictions and consequences of preemption, and reduce their own electoral risk as a result. Weaver notes that the motivation behind blame-avoidance is simple, as city leaders "cannot pursue their other policy objectives if they are not re-elected, and they will not be re-elected if they do not suppress their own views of "good policy" when those views clash with the strongly held opinions of their constituents" (Weaver 2009). Although the survey vignettes did not describe a desire for a municipal broadband network as a strongly held opinion for voters in the city, the vignettes did indicate majority support, and the incentives involved in blame-avoidance may be at play here.

Finally, the survey itself may have presented a case where a threat of preemption was less intimidating than it needed to be to inspire a change in vote patterns. The way that questions are framed can alter how individuals perceive their choices, and it is possible that a more stark threat of preemption could have had a greater discouraging effect on the proportion of respondents that indicated support for the proposal. This effect may be seen in the responses of conservative and moderate respondents that received the high threat treatment, but that effect

was limited and was not significant across the general sample. While the effect that question framing has is important, I do not believe that the failure of the treatments to produce significant results can be traced to the framing of the preemption threat, as one of the treatments was specifically designed to describe a high threat of preemption from the state. It is also important that the scenarios described appear to be somewhat realistic to the respondent, and increasing the given threat to a point where it inspired significant results might require describing a situation that currently serving city officials would simply find unrealistic. Alternatively, an overstated threat of preemption might not be something that respondents perceive as a realistic threat for their cities. It is not entirely uncommon for state legislators to introduce legislation that is unlikely to pass, and city leaders may be willing to call the bluff of their state representatives.

Concluding Remarks

In some ways, the subject of municipal broadband offers a fairly narrow perspective on city services, and perceptions of the issue may occasionally be colored by outside variables that are difficult to measure. However, municipal broadband also provides a useful and distinctive lens through which to examine some of the relationship dynamics of intra-state federalism. Although the state is clearly superior in law and capacity, city leaders have few electoral incentives and little reason to do what state leaders might hope. Conflicts between cities and states are not new and do not appear to be going away.

It seems logical that states will act to influence and manipulate cities into avoiding undesirable policy positions, but we are left without evidence that manipulation in the form of a threat will be effective. Of course, states can still exercise preemptive authority over cities as a blunt instrument of policy, and many state legislatures will likely be willing to exercise this authority. At times, this may be a drastic step, and for a state legislature looking to avoid a showdown, there does not appear to be a middle-ground solution.

The independent electoral incentives of city and state leaders may doom them to conflict in certain cases, but in other situations, these separate incentives may allow city and state leaders to satisfy their own constituencies more effectively, allowing for a diversity of local political outcomes. Residents of such

states may be better able to vote with their feet without moving out of state altogether or drastically uprooting their lives, and potential new residents may have an easier time finding a community to settle in. Whether these considerations would be compelling to leaders at the state level is unclear, but such a question would be a good place for future research into the dynamics of intra-state federalism.

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APPENDIX – SURVEY CONTENT AND DISTRIBUTION STATISTICS

Survey Content

For full transparency, the complete wording of the questions used for this project's survey experiment are presented here. The survey posed some additional questions for respondents beyond what was briefly described in the methodology section. First, respondents were asked to indicate their political ideology on a seven-point left-right ideological scale. Additionally, respondents were asked about how they viewed their role as a legislator, with the aim of classifying respondents as delegates or trustees. Variable names are indicated with each question. The full content of the survey follows.

Variable Name: Elected Status

Question: Have you served as an elected municipal official?

Response Options:

1. I am currently serving as an elected municipal official.
2. I have formerly served as an elected municipal official.
3. I have never served as an elected municipal official.

Introductory Statement: Please consider the following scenario and questions as if they applied to your city and you have a vote on the council.

Variable Name: Control

Prompt and Question:

Among the new policy proposals within your community is a plan for the city's utility department to create a fiber-optic internet network. This network would offer broadband internet access as an additional utility to customers that choose to participate. It appears that the proposal is supported by about 55% to 60% of the population, and is not likely to present you with great political risk.

It appears that the plan is financially reasonable; furthermore, the principal financing for the project should be manageable. In addition, the proposal has been designed to minimize the financial costs of network creation by spreading the project over years and implementing the new infrastructure as existing electric and other utility lines are maintained. Fiber-optic cable will be used alongside current utility infrastructure and will be put in place whenever any other form of work needs to be done within the grid. With the decision to minimize the instances in which underground lines need to be accessed, it is likely that costs will remain modest.

Based on this information, would you say that you support or oppose the current proposal?

Response Options:

1. Strongly support
2. Somewhat support
3. Somewhat oppose
4. Strongly oppose

Variable Name: Moderate Threat

Prompt and Question:

Among the new policy proposals within your community is a plan for the city's utility department to create a fiber-optic internet network. This network would offer broadband internet access as an additional utility to customers that choose to participate. It appears that the proposal is supported by about 60% of the population, and is not likely to present you with great political risk.

It appears that the plan is financially reasonable; furthermore, the principal financing for the project should be manageable. In addition, the proposal has been designed to minimize the financial costs of network creation by spreading the project over years and implementing the new infrastructure as existing electric and other utility lines are maintained. Fiber-optic cable will be used alongside current utility infrastructure and will be put in place whenever any other form of work needs to be done within the grid. With the decision to minimize the instances in which underground lines need to be accessed, it is likely that costs will remain modest.

There is a possibility that the state government may interfere with such a plan. You have heard rumors that some state legislators do not think such a plan is within the proper role of city government and may introduce legislation that would limit your city's ability to create and run a network such as this. If such

legislation were to pass, it could undo some or all of the work your city does on this issue.

Based on this information, do you support the current proposal?

Response Options:

1. Strongly support
2. Somewhat support
3. Somewhat oppose
4. Strongly oppose

Variable Name: High Threat

Prompt and Question:

Among the new policy proposals within your community is a plan for the city's utility department to create a fiber-optic internet network. This network would offer broadband internet access as an additional utility to customers that choose to participate. It appears that the proposal is supported by about 60% of the population, and is not likely to present you with great political risk.

It appears that the plan is financially reasonable; furthermore, the principal financing for the project should be manageable. In addition, the proposal has been designed to minimize the financial costs of network creation by spreading the project over years and implementing the new infrastructure as existing electric and other utility lines are maintained. Fiber-optic cable will be used alongside current utility infrastructure and will be put in place whenever any other form of work

needs to be done within the grid. With the decision to minimize the instances in which underground lines need to be accessed, it is likely that costs will remain modest.

There is a possibility that the state government may interfere with such a plan. You have heard rumors that some state legislators do not think such a plan is within the proper role of city government and may introduce legislation that would limit your city's ability to create and run a network such as this. Major lobbying groups and corporations, including the American Legislative Exchange Council and the major telephone, cable, and communications companies of your state appear to support the legislature's desire to block cities from running their own broadband internet services. If legislation like this were to pass, it could undo some or all of the work your city does on this issue.

Based on this information, do you support the current proposal?

Response Options:

1. Strongly support
2. Somewhat support
3. Somewhat oppose
4. Strongly oppose

Variable Name: Act Quickly

Presented to respondents in either of the treatment groups:

Question: If you do support, would you attempt to act quickly before the state legislature can take action?

Response Options:

1. Yes
2. No

Variable Name: Representation Style:

Question: Do you consider your role as a city leader to provide effective leadership based on your experience, judgment, and capability? Or, do you consider your primary role as a city leader to represent the will of the residents of your city independent of your own personal judgment?

1. Leadership based on judgment
2. Leadership based on representation

Variable Name: Ideology

Question: Do you consider yourself to be:

Response Options:

1. Very Liberal
2. Liberal
3. Somewhat Liberal
4. Middle of the Road
5. Somewhat Conservative
6. Conservative
7. Very Conservative

Geographic Distribution of Responses

The geographic distribution of individual survey responses has also been included here. The following tables describe the frequency of responses from each state and what proportion of responses they represent, as well as the frequency of mailing addresses from each state and the proportion of the mailing list they each state's list represents.

Table 11: Survey Responses by State

State	Frequency	Percentage
Alabama	7	1.05
Alaska	4	1.66
Arizona	15	2.26
Arkansas	9	1.36
California	52	7.83
Colorado	23	3.46
Connecticut	11	1.66
Delaware	4	0.60
Florida	22	3.31
Georgia	9	1.36
Idaho	10	1.51
Illinois	42	6.33
Indiana	9	1.36
Iowa	10	1.51
Kansas	7	1.05
Kentucky	3	0.45
Louisiana	1	0.15
Maine	7	1.05
Maryland	10	1.51
Massachusetts	15	2.26
Michigan	34	5.12
Minnesota	33	4.97
Mississippi	2	0.30
Missouri	9	1.36
Montana	1	0.15

Table Continues

Nebraska	2	0.30
Nevada	1	0.15
New Hampshire	4	0.60
New Jersey	19	2.86
New Mexico	4	0.60
New York	37	5.57
North Carolina	16	2.41
North Dakota	1	0.15
Ohio	21	3.16
Oklahoma	6	0.90
Oregon	18	2.71
Pennsylvania	22	3.31
Rhode Island	2	0.30
South Carolina	7	1.05
South Dakota	4	0.60
Tennessee	9	1.36
Texas	28	4.22
Utah	28	4.22
Vermont	8	1.20
Virginia	14	2.11
Washington	22	3.31
West Virginia	6	0.90
Wisconsin	32	4.82
Wyoming	4	0.60

Table 12: Survey Mailing Distribution by State

State	Frequency	Percentage
Alabama	552	1.55
Alaska	135	0.38
Arizona	506	1.42
Arkansas	453	1.27
California	2483	6.97
Colorado	821	2.31
Connecticut	686	1.93
Delaware	133	0.37
District of Columbia	10	0.03
Florida	1344	3.77

Table Continues

Georgia	838	2.35
Hawaii	11	0.03
Idaho	191	0.54
Illinois	2253	6.33
Indiana	752	2.11
Iowa	597	1.68
Kansas	405	1.14
Kentucky	495	1.39
Louisiana	222	0.62
Maine	441	1.24
Maryland	319	0.90
Massachusetts	962	2.70
Michigan	1673	4.70
Minnesota	1349	3.79
Mississippi	264	0.74
Missouri	977	2.74
Montana	91	0.26
Nebraska	183	0.51
Nevada	49	0.14
New Hampshire	270	0.76
New Jersey	1649	4.63
New Mexico	251	0.70
New York	1991	5.59
North Carolina	1032	2.90
North Dakota	115	0.32
Ohio	1737	4.88
Oklahoma	300	0.84
Oregon	587	1.65
Pennsylvania	1395	3.92
Rhode Island	196	0.55
South Carolina	387	1.09
South Dakota	129	0.36
Tennessee	535	1.50
Texas	1933	5.43
Utah	436	1.22
Vermont	208	0.25
Virginia	483	1.36
Washington	784	2.20
West Virginia	200	0.56
Wisconsin	1672	4.70
Wyoming	120	0.34
