# WORKS CITED


1. *The First Line of Defense* by Clint Bolick (Goldwater Institute, 2007). This second edition incorporates some of the wording of the original.
2. The Federalist No. 51 at 351 (J. Cooke, ed. 1961).
3. Id. No. 45.
4. Cal. Const. art. I sec. 2.
5. *Robins v. Pruneyard Shopping Ctr.*, 23 Cal. 3d 899, 910 (1979).
6. Rachel A. Van Cleave, *State Constitutional Interpretation and Methodology*, 28 N.M.L. Rev. 199, 203 (1998).
7. State courts have devised four different approaches to this question: the "lockstep," "interstitial," "sovereignty," and "primacy" approaches. Robert F. Utter, E*nsuring Principled Development of State Constitutional Law: Responsibilities for Attorneys and Courts,* 1 Emerging Issues in State Constitutional Law 217-224 (1988).
8. Ariz. Const. Art II sec. 8.
9. Richard Saunders, *Battles for the State Constitution: A Dissenter's View*, 37 Gonzaga L. Rev. 1, 3 (2002).
10. *Tosto v. Pennsylvania Nursing Home Loan Agency*, 460 Pa. 1, 10 (1975) (quoting *Basehore v. Hampden Indus. Dev. Auth.*, 433 Pa. 40, 48 (1968)).
11. Ariz. Const. art. IX sec 7.
12. *Turken v. Gordon*, 223 Ariz. 342, 351 (2010).
13. *Nextel Commc'ns of Mid-Atl., Inc. v. Commonwealth, Dep't of Revenue*, 171 A.3d 682, 694–95 (Pa. 2017), *cert. denied sub nom. Nextel Commc'ns of the Mid-Atl., Inc. v. Pennsylvania Dep't of Revenue*, 138 S. Ct. 2635 (2018). *See also New Jersey State League of Municipalities v. Kimmelman*, 105 N.J. 422, 428–29 (1987).
14. *Metro. Sports Facilities Comm'n v. Cty. of Hennepin*, 478 N.W.2d 487, 490 (Minn. 1991).
15. Jack Stark, *The Uniformity Clause of the Wisconsin Constitution*, 76 Marq. L. Rev. 577, 600–01 (1993).
16. *Gottlieb v. City of Milwaukee*, 33 Wis. 2d 408 (1967).
17. *State ex rel. La Follette v. Torphy*, 270 N.W.2d 187, 194 (Wis. 1978).
18. *Voters with Facts v. City of Eau Claire*, 913 N.W.2d 131 (Wis. 2018).
19. Joe Kreye, *The Uniformity Clause*, Reading the Constitution vol. 1 no. 2 (Wisconsin Legislative Reference Bureau, Oct. 2016), https://docs.

legis.wisconsin.gov/misc/lrb/reading_the_constitution/reading_the_constitution_1_2.pdf.

20. In *RUI One v. City of Berkeley*, 371 F.3d 1137 (9th Cir. 2004), for instance, the court upheld a minimum-wage requirement that was carefully designed to apply to only one business in the whole city. Lawyers in that case, however, invoked only federal constitutional arguments, and did raise a uniformity clause claim.
21. For an explanation of why "rational basis" is essentially a meaningless gesture, see Judge Janice Brown's separate opinion in *Hettinga v. United States*, 677 F.3d 471, 480–83 (D.C. Cir. 2012) (Brown, J., concurring).
22. *Illinois Polygraph Soc. v. Pelligrano*, 414 N.E.2d 458, 462-63 (Ill. 1980).
23. *Gen. Motors Corp. v. State Motor Vehicle Review Bd.*, 862 N.E.2d 209, 229 (2007).
24. *Gallardo v. State*, 236 Ariz. 84, 88 (2014).
25. *State v. Levy's*, 119 Ariz. 191 (1978).
26. *Tucson Elec. Power Co. v. Apache Cty.*, 185 Ariz. 5 (Ct. App. 1995).
27. *California Fiscal Recovery Fin. Auth. v. Fullerton Ass'n of Concerned Taxpayers*, No. C048368 (Sacramento County Superior Court, 2003).
28. *Goetz v. Kunstler*, 164 Misc. 2d 557, 561 (N.Y. Sup. Ct. 1995).
29. *Prigmore v. City of Redding*, 211 Cal. App. 4th 1322, 1336 (2012).
30. *Pruneyard Shopping Center, supra* note __; *State v. Schmid*, 423 A.2d 615 (N.J. 1980); *Commonwealth v. Tate*, 432 A.2d 1382 (Pa. 1981).
31. *People ex rel. Tooley v. Seven Thirty-Five E. Colfax, Inc.*, 697 P.2d 348, 361 (Colo. 1985).
32. *National Institute of Family & Life Advocates v. Becerra*, 138 S. Ct. 2361 (2018).
33. *Sorrell v. IMS Health*, 131 S.Ct. 2653 (2011).
34. Jared Blanchard & Adi Dynar, *Heed Reed: Goldwater Institute's Guideposts for Amending City Sign Codes* (Goldwater Institute, 2016), https://goldwaterinstitute.org/wp-content/uploads/2016/04/Heed-Reed-downloadable-PDF.pdf.
35. N.C. H.B. 527 (Session Law 2017-196).
36. 545 U.S. 469 (2005).
37. *State v. Lupo*, 984 So. 2d 395, 408 (Ala. 2007) (Parker, J., concurring).
38. *Patel v. Texas Dep't of Licensing & Regulation*, 469 S.W.3d 69, 112 (Tex. 2015).
39. *Shoul v. Commonwealth, Dep't of Transportation, Bureau of Driver Licensing*, 173 A.3d 669, 677 (Pa. 2017) (quoting *Gambone v. Commonwealth*, 101 A.2d 634, 636–37 (Pa. 1954)).

40. See Clint Bolick, *The Right to Earn a Living* (Goldwater Institute, 2016), https://goldwaterinstitute.org/wp-content/uploads/2016/01/Right-to-Earn-a-living-1.pdf.
41. A.R.S. § 41-1038.
42. Timothy Sandefur, *Permit Freedom* (Goldwater Institute, 2018),, https://goldwaterinstitute.org/wp-content/uploads/cms_page_media/2017/2/14/Tim%20Rela%20paper%20FINAL%20.pdf. Unfortunately, Governor Doug Ducey vetoed the bill.
43. *Tetra Tech EC, Inc. v. Wisconsin Dep't of Revenue*, 382 Wis. 2d 496, 547, 552 (2018).
44. *Id.* at 553.
45. *Id.* at 560.
46. *King v. Mississippi Military Dep't*, 245 So. 3d 404, 408 (Miss. 2018).
47. A.R.S. § 12-910(E).
48. A.R.S. § 41-1038.
49. A.R.S. § 9-832.
50. Mo. Const. art. I sec. 2.
51. N.C. Const. art I sec. 1.
52. See Steven G. Calabresi & Larissa C. Leibowitz, *Monopolies and the Constitution: A History of Crony Capitalism*, 36 Harv. J.L. & Pub. Pol'y 983, 1075–95 (2013).
53. *King v. Town of Chapel Hill*, 367 N.C. 400, 409 (2014).
54. Gary J. Simson, *School Vouchers and the Constitution—Permissible, Impermissible, or Required?*, 11 Cornell J.L. & Pub. Pol'y 553, 557 (2002); Greg D. Andres, *Private School Voucher Remedies in Education Cases*, 62 U. Chi. L. Rev. 795 (1995).
55. Benjamin Barr & Tim Keller, "This Land is My Land: Reforming Eminent Domain after *Kelo v. City of New London*" (Goldwater Institute, 2006); Timothy Sandefur, "Gradual and Silent Encroachments: How the Missouri Supreme Court Expanded the Power of Eminent Domain," (Show Me Institute, 2009); Dana Berliner, *Public Power, Private Gain* (Institute for Justice 2003); Samuel R. Staley & John P. Blair, "Eminent Domain, Private Property, and Redevelopment: An Economic Analysis," (Reason Foundation, Feb. 2005).
56. *Wayne County v. Hathcock*, 471 Mich. 445 (2004); *Norwood v. Horney*, 853 N.E.2d 1115 (Ohio 2006); *Bd. of Cty. Comm'rs of Muskogee Cty. v. Lowery*, 136 P.3d 639 (Okl. 2006).

57. *Mayor & City Council of Baltimore City v. Valsamaki*, 916 A.2d 324 (Md. 2007).
58. Timothy & Christina Sandefur, *Protecting Private Property Rights: The Property Ownership Fairness Act*, (Goldwater Institute 2016).
59. 206 Ariz. 224 (Ct. App. 2003).
60. *Sedona Grand, LLC v. City of Sedona*, 229 Ariz. 37, 43 (Ct. App. 2012).
61. *Aspen 528, LLC v. City of Flagstaff*, No. 1 CA-CV 11-0512, 2012 WL 6601389 (Ariz. Ct. App. Dec. 18, 2012).
62. Howard Fischer, "AG: Sedona Cannot License Short-Term Rental Homes," *Arizona Capitol Times*, May 7, 2018, https://azcapitoltimes.com/news/2018/05/07/ag-sedona-cannot-license-short-term-rental-homes/. Blanchard & Adi Dynar, Heed Reed: Goldwater Institute's Guideposts for Amending City Sign Codes (Goldwater Institute, 2016), https://goldwaterinstitute.org/wp-content/uploads/2016/04/Heed-Reed-downloadable-PDF.pdf.