

dren in school,¹⁸⁸² and denied states the right to restrict the vote to property owners in elections on the issuance of revenue bonds¹⁸⁸³ or general obligation bonds.¹⁸⁸⁴ By contrast, the Court upheld a statute that required voters to present a government-issued photo identification in order to vote, as the state had not “required voters to pay a tax or a fee to obtain a new photo identification.” The Court added that, although obtaining a government-issued photo identification is an “inconvenience” to voters, it “surely does not qualify as a substantial burden.”¹⁸⁸⁵

The Court has also held that, because the activities of a water storage district fell so disproportionately on landowners as a group, a limitation of the franchise in elections for the district’s board of directors to landowners, whether resident or not and whether natural persons or not, excluding non-landowning residents and lessees of land, and weighing the votes granted according to assessed valuation of land, comported with equal protection standards.¹⁸⁸⁶ Adverting to the reservation in prior local governmental unit election cases¹⁸⁸⁷ that some functions of such units might be so specialized as to permit deviation from the usual rules, the Court then proceeded to assess the franchise restrictions according to the traditional standards of equal protection rather than by those of strict scrutiny.¹⁸⁸⁸ Also narrowly approached was the issue of the effect of the District’s activities, the Court focusing upon the assessments against landowners as the sole means of paying expenses rather than additionally noting the impact upon lessees and non-landowning residents of such functions as flood control. The approach taken in this

¹⁸⁸² *Kramer v. Union Free School Dist.*, 395 U.S. 621 (1969). The Court assumed without deciding that the franchise in some circumstances could be limited to those “primarily interested” or “primarily affected” by the outcome, but found that the restriction permitted some persons with no interest to vote and disqualified others with an interest. Justices Stewart, Black, and Harlan dissented. *Id.* at 594.

¹⁸⁸³ *Cipriano v. City of Houma*, 395 U.S. 701 (1969). Justices Black, Harlan, and Stewart concurred specially. *Id.* at 707.

¹⁸⁸⁴ *City of Phoenix v. Kolodziejski*, 399 U.S. 204 (1970). Justice Stewart and Chief Justice Burger dissented. *Id.* at 215. In *Hill v. Stone*, 421 U.S. 289 (1975), the Court struck down a limitation on the right to vote on a general obligation bond issue to persons who have “rendered” or listed real, mixed, or personal property for taxation in the election district. It was not a “special interest” election since a general obligation bond issue is a matter of general interest.

¹⁸⁸⁵ *Crawford v. Marion County Election Board*, 128 S. Ct. 1610, 1621 (2008) (plurality). See Fourteenth Amendment, “Voting and Ballot Access,” *infra*.

¹⁸⁸⁶ *Salyer Land Co. v. Tulare Water Storage Dist.*, 410 U.S. 719 (1973). *See also* *Associated Enterprises v. Toltec Watershed Improv. Dist.*, 410 U.S. 743 (1973) (limitation of franchise to property owners in the creation and maintenance of district upheld). Justices Douglas, Brennan, and Marshall dissented in both cases. *Id.* at 735, 745.

¹⁸⁸⁷ 410 U.S. at 727–28.

¹⁸⁸⁸ 410 U.S. at 730, 732. Thus, the Court posited reasons that might have moved the legislature to adopt the exclusions.