

AMERICAN CONSTITUTIONALISM  
VOLUME II: RIGHTS AND LIBERTIES  
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Supplementary Material

Chapter 9: Liberalism Divided – Democratic Rights/Voting/Right to Vote

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**Right to Vote Scorecard (1969–1980)**

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*Turner v. Fouche* (1970)

State cannot permit only freeholders to be members of the board of education.

It cannot be seriously urged that a citizen in all other respects qualified to sit on a school board must also own real property if he is to participate responsibly in educational decisions.

*Evans v. Cornman* (1970)

Persons who live on federal enclaves within states have a right to vote in state elections

In their day-to-day affairs, residents of the NIH [National Institution of Health] grounds are just as interested in and connected with electoral decisions as they were prior to 1953 when the area came under federal jurisdiction and as are their neighbors who live off the enclave. In nearly every election, federal, state, and local, for offices from the Presidency to the school board, and on the entire variety of other ballot propositions, appellees have a stake equal to that of other Maryland residents. . . . [T]hey are entitled under the Fourteenth Amendment to protect that stake by exercising the equal right to vote.

*City of Phoenix, Ariz. v. Kolodziejki* (1970)

States cannot permit only property holders to vote in elections concerned with general bond obligations.

[I]t is unquestioned that all residents of Phoenix, property owners and nonproperty owners alike, have a substantial interest in the public facilities and the services available in the city and will be substantially affected by the ultimate outcome of the bond election at issue in this case. Presumptively, when all citizens are affected in important ways by a governmental decision subject to a referendum, the Constitution does not permit weighted voting or the exclusion of otherwise qualified citizens from the franchise.

*Dunn v. Blumstein* (1972)

States may not forbid from voting in state elections bona fide residents who have only resided in the state for a short period of time.

[D]urational residence requirements in this case founder because of their crudeness as a device for achieving the articulated state goal of assuring the knowledgeable exercise of

the franchise. The classifications created by durational residence requirements obviously permit any longtime resident to vote regardless of his knowledge of the issues—and obviously many longtime residents do not have any. On the other hand, the classifications bar from the franchise many other, admittedly new, residents who have become at least minimally, and often fully, informed about the issues. . . . There is simply nothing in the record to support the conclusive presumption that residents who have lived in the State for less than a year and their county for less than three months are uninformed about elections. . . .

*Salyer Land Company v. Tulare Land Basin Water Storage District* (1973)

No right to vote for the board of directors for a water storage district, where the board determined only the distribution of water to local farms.

The appellee district in this case, although vested with some typical governmental powers, has relatively limited authority. Its primary purpose, indeed the reason for its existence, is to provide for the acquisition, storage, and distribution of water for farming in the Tulare Lake Basin. It provides no other general public services such as schools, housing, transportation, utilities, roads, or anything else of the type ordinarily financed by a municipal body. . . . There are no towns, shops, hospitals, or other facilities designed to improve the quality of life within the district boundaries, and it does not have a fire department, police, buses, or trains.

*O'Brien v. Skinner* (1974)

States law providing absentee ballots for detainees who lived in a different county but not persons detained in the county of residence violates the Fourteenth Amendment.

New York's election statutes, as construed by its highest court, discriminate between categories of qualified voters in a way that, as applied to pretrial detainees and misdemeanants, is wholly arbitrary. As we have noted, New York extends absentee registration privileges to eligible citizens who are unable to appear personally because of 'illness or physical disability,' and to citizens required to be outside their counties of residence on normal registration days because of their 'duties, occupation or business.' In addition, New York extends absentee voting privileges to those voters unable to get to the polls because of illness or physical disability, to those who are inmates of veterans' bureau hospitals, and to those who are absent from their home county on election day either because of 'duties, occupation or business' or vacation. Indeed, those held in jail awaiting trial in a county other than their residence are also permitted to register by mail and vote by absentee ballot. Yet, persons confined for the same reason in the county of their residence are completely denied the ballot. . . . Appellants and others similarly situated are, as we have noted, under no legal disability impeding their legal right to register or to vote; they are simply not allowed to use the absentee ballot and are denied any alternative means of casting their vote although they are legally qualified to vote.

*Richardson v. Ramirez* (1974)

States may prohibit convicted felons from voting.

[T]he exclusion of felons from the vote has an affirmative sanction in § 2 of the Fourteenth Amendment, a sanction which was not present in the case of the other restrictions on the franchise which were invalidated.

*Hill v. Stone* (1975)

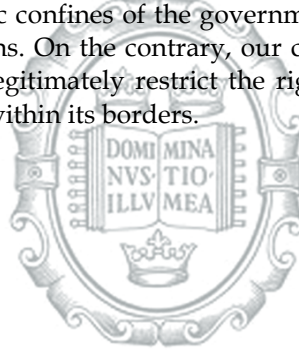
States cannot limit participation in a city bond election to finance library construction to persons who have “rendered property for taxation.”

[A]s long as the election in question is not one of special interest, any classification restricting the franchise on grounds other than residence, age, and citizenship cannot stand unless the district or State can demonstrate that the classification serves a compelling state interest.

*Holt Civic Club v. City of Tuscaloosa* (1978)

Residents of an unincorporated community had no right to vote in a city election, even though the city supplied the community with most municipal services and community members were obligated to obey city police regulations.

No decision of this Court has extended the “one man, one vote” principle to individuals residing beyond the geographic confines of the governmental entity concerned, be it the State or its political subdivisions. On the contrary, our cases have uniformly recognized that a government unit may legitimately restrict the right to participate in its political processes to those who reside within its borders.



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