



# The Nineteenth Amendment and Women's Suffrage Part 5: Supreme Court Interpretations

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This Legal Sidebar is the fifth in a six-part series that discusses the Nineteenth Amendment to the Constitution, which recognized women's voting rights. Shortly before Election Day 2022, a group of people [gathered in Rochester, New York](#), to honor the late social reformer and women's rights activist, Susan B. Anthony. About 150 years earlier, Anthony [cast a ballot](#) in the 1872 presidential election. She was arrested and charged with illegally voting as a woman in violation of federal law. She unsuccessfully claimed that the [Fourteenth Amendment](#) gave her the right to vote as a privilege of citizenship. A federal district court [imposed a fine](#) of \$100 on Anthony, but she never paid it. As the nation marks the 150<sup>th</sup> anniversary of Anthony's vote—and the 2020 centennial of the Nineteenth Amendment's ratification—Congress may be interested in the history and impact of the women's suffrage movement and the Nineteenth Amendment. Additional information on this topic will be published in the [Constitution Annotated: Analysis and Interpretation of the U.S. Constitution](#).

The Supreme Court has not decided many cases interpreting the Nineteenth Amendment. In the only significant case addressing the Amendment's effect, *Breedlove v. Suttles*, the Court [upheld](#) a Georgia law that required state residents between the ages of 21 and 60 to pay a poll tax. The law exempted women who did not register to vote from paying the tax. However, men between 21 and 60 years of age were required to pay the tax, regardless of whether they registered to vote.

A 28-year-old male who sought to register to vote challenged the law as a violation of the Fourteenth and Nineteenth Amendments. The Court acknowledged that the Nineteenth Amendment protected men's voting rights in addition to women's. However, the Court determined, without much elaboration, that the tax did not deny or abridge a man's right to vote on account of his sex.

Almost three decades later, in *Harper v. Virginia State Board of Elections*, the Supreme Court [overruled](#) *Breedlove*, determining that imposing a poll tax on voters in state elections violated the Fourteenth Amendment's Equal Protection Clause. The Court held that conditioning a voter's participation in state elections upon payment of a poll tax discriminated against prospective voters based on their wealth. However, in *Harper*, the Court did not revisit *Breedlove*'s Nineteenth Amendment holding.

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Since *Breedlove*, the Supreme Court has occasionally referenced the Nineteenth Amendment when resolving claims brought under the Fourteenth Amendment’s Due Process or Equal Protection Clauses. For example, when striking down Georgia’s county-unit system for tabulating votes in state primary elections as a violation of the [Fourteenth Amendment’s Equal Protection Clause](#), the Court [suggested](#) that the Nineteenth Amendment stands for “political equality” and illustrates the concept of “one person, one vote.”

In a later equal protection case involving the Virginia Military Institute’s “male-only” admission policy, the Court [traced](#) its application of heightened scrutiny to official actions that deny “rights or opportunities based on sex,” in part, to the history of sex discrimination that preceded the Nineteenth Amendment’s recognition of women’s suffrage.

Although the Court has occasionally referenced the Nineteenth Amendment in its opinions, a number of questions concerning the Amendment’s scope remain unresolved. For example, it is unclear whether a successful Nineteenth Amendment claim [requires](#) a showing of intentional gender-based discrimination and [how far](#) Congress’s Section 2 enforcement power extends.

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