



# The Twenty-Sixth Amendment and Reduction of the Voting Age (Part 2): History of Voter Age Qualifications

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This Legal Sidebar post is the second in a six-part series that discusses the [Twenty-Sixth Amendment to the Constitution](#), which prohibits the federal and state governments from denying or abridging, on the basis of age, the voting rights of U.S. citizens who are at least 18 years old. The Amendment effectively lowered the minimum voting age to 18 for all federal, state, and local elections. Recent questions about the Twenty-Sixth Amendment’s scope arose during the [COVID-19 pandemic](#), when litigants challenged state laws allowing older voters to cast an absentee ballot by mail upon request, without having to claim that they fell within a specific category of voter entitled to that privilege. These litigants claimed that these newly enacted state laws were inconsistent with the Twenty-Sixth Amendment rights of younger voters. The U.S. Courts of Appeals for the [Fifth](#) and [Seventh Circuits](#) rejected these challenges.

Because Congress may play a role in implementing the Twenty-Sixth Amendment, understanding the Amendment’s history and drafting may assist Congress in its legislative activities. This Sidebar post provides a history of voter age qualifications in the United States. Other Sidebars in this series provide an [overview](#) of the Twenty-Sixth Amendment, discuss the [Supreme Court’s 1970 decision in \*Oregon v. Mitchell\*](#), and examine the Amendment’s [drafting in Congress](#) and [unresolved issues](#). Additional information on this topic is available at the [Constitution Annotated: Analysis and Interpretation of the U.S. Constitution](#) and in a [CRS Legal Sidebar post](#).

## Voter Age Qualifications in the Early United States

The original Constitution, which took effect in 1789, [deferred to each state’s determination](#) of who could vote in federal and state elections and did not prohibit the states from restricting citizens’ eligibility to vote on the basis of age. Consistent with [British legal tradition](#), many Founding-era state constitutions, laws, and customs [limited voting privileges](#) to White men who were at least 21 years of age and owned a certain amount of property, among other qualifications. In the nation’s early years—and even [well into the 20th century](#)—many Americans believed that a minimum voting age of 21 was necessary to ensure that voters would possess [sufficient independence](#) and “[sound judgment](#).”

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The Fourteenth Amendment, ratified in 1868 after the Civil War, [appeared to recognize](#) that all of the states had adopted 21 as the minimum voting age at the time. In an effort to prevent southern states from interfering with African American men’s citizenship rights, Section 2 of the Amendment [penalized](#) states that restricted the voting rights of male inhabitants who were citizens of at least 21 years of age by reducing the states’ representation in the House of Representatives and Electoral College. (The provision, which was [never successfully used](#), contains an exception allowing restrictions on voting rights for “participation in rebellion, or other crime.”) The issue of voter age qualifications did not receive significant nationwide attention until the United States entered World War II in the 1940s.

## Voter Age Qualifications, World War II, and the 1940s

The minimum voting age received significant nationwide attention when the United States entered World War II during the 1940s. The war began in Europe when Nazi Germany [invaded Poland](#) in 1939. Although the United States remained neutral during the conflict’s early years, Congress enacted the [Selective Training and Service Act of 1940](#) to require men between the ages of 21 and 35 to register for the military draft and authorize the President to induct registered men into military service. After Japan [attacked](#) the U.S. Naval Base at Pearl Harbor in the Territory of Hawaii on December 7, 1941, the United States [entered World War II](#) on the side of the Allied powers, which included the United Kingdom, the Soviet Union, and China. Congress subsequently [amended the Selective Service Act](#) to make men ages 20 to 45 potentially liable for military service. (Men under 20 years of age could volunteer for military service.)

Almost a year after the United States entered the conflict, many policymakers [contended](#) that “successful prosecution” of the nation’s war effort required more enlisted men. In October 1942, President Franklin D. Roosevelt, speaking to the nation in one of his “fireside chat” [radio addresses](#), supported drafting men as young as 18 to enhance the military’s size and effectiveness. The next month, Congress [amended the Selective Training and Service Act](#) to lower the minimum conscription age to 18. These amendments prompted [some public officials](#), including [First Lady Eleanor Roosevelt](#), to question why 18- to 20-year-old men serving in the nation’s Armed Forces could not vote in federal or state elections. Alluding to this perceived contradiction, the slogan “old enough to fight, old enough to vote” [became popular](#) among proponents of lowering the voting age during the war.

In the years after Congress lowered the draft age, several Members of the 77<sup>th</sup> and 78<sup>th</sup> Congresses, including then-Representative Jennings Randolph of West Virginia, introduced [joint resolutions](#) proposing to lower the minimum voting age to 18 for all citizens nationwide by amending the Constitution. A subcommittee of the House Judiciary Committee [held hearings](#) on the Randolph proposal in 1943. However, no proposal was considered on the House or Senate floor during the 1940s. In 1943, the State of Georgia became the first state to [lower its minimum voting age to 18](#) for both federal and state elections when its voters approved an amendment to the state’s constitution by referendum.

## Voter Age Qualifications, the Korean War, and the 1950s

After World War II ended in 1945, the issue of lowering the minimum voting age received renewed attention when the United States entered the [Korean War](#) as part of the United Nations Forces defending the Republic of Korea from North Korea and China. In 1950, at the beginning of U.S. involvement in the Korean War, the [Selective Service Act of 1948](#) established 19 as the age at which men were liable for military service. In 1951, Congress [amended the law](#) to lower the draft age to 18-and-a-half years old. At the time, most soldiers under the age of 21 [could not vote](#) in federal or state elections.

The Korean War ended with the [signing of an armistice](#) in July 1953. In his January 1954 State of the Union Speech, President Dwight D. Eisenhower [observed](#) that “[f]or years our citizens between the ages of 18 and 21 have, in time of peril, been summoned to fight for America. They should participate in the

political process that produces this fateful summons.” Eisenhower recommended several measures to enhance access to the ballot, including “a constitutional amendment permitting citizens to vote when they reach the age of 18.” Although many 1950s-era proponents of lowering the voting age continued to focus on the perceived unfairness of denying the franchise to young men in the Armed Forces, other supporters [argued that](#) young men and women had earned the right to vote by demonstrating sufficient knowledge, responsibility, and maturity.

Soon after President Eisenhower delivered his 1954 State of the Union speech, Senator William Langer of North Dakota, chairman of the Senate Judiciary Committee, [introduced a joint resolution](#) that proposed a constitutional amendment to lower the voting age to 18 in federal and state elections. The Senate Judiciary Committee [favorably reported](#) the resolution, observing that men between the ages of 18 and 21 could be drafted for military service, and that President Eisenhower supported the measure. According to the committee, withholding the right to vote from young men and women until they became the age of 21 “[diminishe\[d\]](#)” their “[enthusiasm](#)” for participating in the political process. The committee contended that the amendment would not infringe on states’ authority to set voter qualifications because its successful ratification required the approval of three-fourths of the state legislatures.

Senator Langer’s joint resolution became the first proposed constitutional amendment that would have lowered the voting age to be debated on the floor of either house of Congress. The Senate narrowly [failed to approve](#) the joint resolution by the necessary vote of a two-thirds supermajority. During the 1950s, several states [considered measures](#) to lower their minimum voting ages below 21, and three states adopted them. Kentucky [lowered its voting age to 18](#) when voters amended its constitution by referendum in 1955. In addition, Alaska and Hawaii were admitted to the United States with [voting ages of 19 and 20](#), respectively, in 1959.

Click [here](#) to continue to Part 3.

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