

The Twenty-Sixth Amendment and Reduction of the Voting Age (Part 4): Early Congressional Action

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This Legal Sidebar post is the fourth 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 argued that the 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 discusses early congressional action on an amendment to the Constitution lowering the voting age. Other Sidebars in this series provide an [overview](#) of the Twenty-Sixth Amendment; discuss the [history of voter age qualifications in the United States](#) and the Supreme Court's 1970 decision in *Oregon v. Mitchell*; examine [final congressional action](#) on the amendment; and explore [unresolved issues](#) related to the Amendment's scope. 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](#).

Introduction and Committee Action

By the late 1960s, a [large bipartisan movement](#) supported lowering the voting age in all elections to 18. This broad, nationwide coalition [included](#) young persons, students, teachers, civil rights groups, religious groups, and labor unions. [Supporters of lowering the voting age](#) petitioned Congress, lobbied state legislatures and the public, pursued litigation in the courts, and held conferences and rallies. In the midst of campus protests against the Vietnam War, some Members of Congress and other officials [argued that](#) giving young people the vote would allow them to express their views peacefully [within the political process](#).

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On January 25, 1971, Senator Jennings Randolph [introduced](#) S.J. Res. 7, a proposed constitutional amendment to lower the voting age to 18, in the 92nd Congress. Less than two months after it was referred to the Senate Judiciary Committee, the committee [reported the joint resolution favorably](#). The committee explained that the draft Twenty-Sixth Amendment was modeled after the Fifteenth Amendment, which prohibits racial discrimination in voting, and the Nineteenth Amendment, which recognizes women's suffrage and prohibits sex discrimination in voting. The committee explained that the amendment would prohibit age-based discrimination against citizens 18 years of age or older in all federal, state, and local elections. In the committee's view, the draft amendment would also prohibit imposing "special burdens" on these young voters, such as compelling them to vote by absentee ballot or in "one centralized location," which the committee believed would be inconsistent with the purposes of the Fourteenth Amendment's Equal Protection Clause and the Voting Rights Act of 1965.

Observing that the proposed amendment had attained broad bipartisan support, the committee explained why the Constitution should be amended to lower the voting age to 18. First, many Americans believed that 18- to 20-year-olds possessed the maturity and knowledge needed to vote. Second, by age 18, millions of young Americans were legally responsible for their actions and had assumed citizenship responsibilities like raising families, paying taxes, or serving in the Armed Forces. Finally, many proponents of lowering the voting age argued that it would help to bring youthful "idealism" and "energies" into the political process and "give young people the real opportunity to influence [American] society in a peaceful and constructive manner."

Turning to practical considerations, the committee observed that the proposed amendment would resolve administrative difficulties resulting from the Supreme Court's decision in *Oregon v. Mitchell*, which held that Congress could lower the voting age in federal elections but not any other elections. The amendment would thus alleviate the danger of "confusion," "delay," and "fraud" from states' maintenance of two separate elections systems. The committee also observed that the proposed amendment would allow young adult citizens in all of the states to vote in state and local elections and thereby express their views on matters particularly relevant to their lives, such as education.

On January 29, 1971, Representative Emanuel Celler, chairman of the House Judiciary Committee, [introduced](#) a nearly identical joint resolution, H.J. Res. 223, in the House of Representatives. It was referred to the House Committee on the Judiciary, and in March 1971, the committee [reported the joint resolution favorably](#). In explaining its support for the joint resolution, the committee [cited](#) many of the arguments contained in the Senate Judiciary Committee's report on S.J. Res. 7, including concerns about states maintaining "dual-age" voting systems and the need for a constitutional amendment to prevent Congress or state legislatures from raising the minimum voting age in the future. Referring to the proposed amendment as "part of a constitutional tradition of enlarging participation in [the nation's] political processes," the House report [stated](#) that the Amendment would give citizens 18 to 20 years of age the right to vote and, more broadly, participate "in the political process, free of discrimination on account of age."

Click [here](#) to continue to Part 5.

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