

The Twenty-Sixth Amendment and Reduction of the Voting Age (Part 5): Congressional Debates

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This Legal Sidebar post is the fifth 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 provides an overview of the Twenty-Sixth Amendment’s requirements. 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 [early congressional debates](#) about amending the Constitution to lower the voting age; and explore [unresolved issues](#) about 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](#).

Major Congressional Debates

Congress debated the language that would become the Twenty-Sixth Amendment in March 1971. At the time, nine states [maintained](#) minimum voting ages under 21, and many other states were considering lower voting ages. During Senate debates, proponents of the draft amendment [argued that](#) young voters were mature and knowledgeable enough to vote; that they had already assumed many of the responsibilities of adult citizenship; and that they would be able to play a “constructive role in the political process.” Proponents also [cited](#) concerns about a dual-age voting system for federal elections as compared to all other elections. The Senate [passed](#) the joint resolution unanimously.

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House debates [explored many](#) of the [same themes](#) as the Senate debates, including young persons' knowledge and responsibilities at age 18 and concerns about the impracticality and expense of maintaining a dual-age voting system. Proponents also [argued](#) that lowering the voting age would help to combat voter apathy that might result from delaying young persons' access to the franchise for a few years after they had assumed adult responsibilities.

Individual representatives also offered their interpretations of the draft amendment's provisions. For instance, Representative Emanuel Celler of New York, chairman of the House Judiciary Committee, [contended](#) that the right to "vote" protected in Section 1 of the proposed amendment would encompass "all action necessary to make a vote effective in any primary, special or general election." Celler further [observed](#) that Section 2 of the draft amendment mirrored congressional enforcement clauses in other [provisions](#) of the [Constitution](#).

Representative Richard Poff of Virginia [stated](#) that the "right to vote" protected by the amendment would encompass "the entire process by which the people make their political choices," including participation in primary, special, and general elections for federal, state, and local offices; nomination of candidates by petition or convention; ballot initiatives; and recall elections. Poff [expressed the view](#) that the amendment would prohibit age discrimination against any age group of adult voters (e.g., adults over the age of 65) but [would not nullify](#) federal or state laws establishing a minimum age for holding political office. Poff [observed](#) that, unlike Title III of the Voting Rights Act Amendments of 1970, which had attempted to lower the minimum voting age in all elections, the draft amendment would prohibit government restrictions on young citizens' exercise of the franchise that fell short of completely denying them the right to vote.

Opponents of the draft Twenty-Sixth Amendment [argued that](#) the states possessed primary constitutional authority to determine who could vote in state and local elections. Some opponents [argued](#) that granting young persons the right to vote would allow "transient" out-of-state college students to decide elections for college town governments. Other opponents [argued that](#) young voters lacked sufficient maturity, responsibility, or life experience to vote. Opponents also [suggested](#) that young voters would not turn out to vote in large numbers.

After the debates concluded, the House [approved](#) the amendment in the form of H.J. Res. 223 by a vote of 401 to 19. It then called up an identical Senate joint resolution, S.J. Res. 7, and [passed it](#) by the requisite two-thirds vote, laying its own joint resolution on the table.

Ratification of the Twenty-Sixth Amendment

Congress submitted the [proposed Twenty-Sixth Amendment](#) to the states for potential ratification on March 23, 1971. The introductory text of the joint resolution proposing the Twenty-Sixth Amendment required three-fourths of the state legislatures to ratify the Amendment within seven years of its submission to the states in order for it to become part of the Constitution. The Amendment [attained](#) ratification by the necessary three-fourths of the states on July 1, 1971. At a July 5 White House ceremony celebrating Independence Day, the Administrator of the General Services Administration [officially certified](#) the Amendment to have been ratified. President Richard Nixon [remarked](#) that the nation's 11 million new young voters would contribute "a spirit of moral courage" and "high idealism" to the electorate. Congress subsequently enacted legislation [authorizing](#) the Department of Justice to enforce the Twenty-Sixth Amendment against state and local governments in federal district courts with expedited review and direct appeal to the Supreme Court. The legislation also criminalized the denial or attempted denial of a person's rights under the Amendment.

Click [here](#) to continue to Part 6.

Author Information

Brandon J. Murrill
Attorney-Adviser (Constitution Annotated)

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