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SOME CURRENT THINKING ON VOTING RIGHTS

IN recent years an increasing concern with the problems of securing, strengthening, and broadening the American citizen's right to vote has been manifested in a variety of ways. Numerous examples of activity at various levels and in different branches of the federal and state governments may be cited as indicative of this growing interest. Insofar as the right to vote itself is involved, congressional concern over impediments to the eligibility of would-be voters is evidenced by the proposed twenty-fourth amendment—intended to abolish state poll-tax requirements—as well as by proposals for statutory restriction of state-imposed tests for literacy and other supposed qualifications for voter registration. At the state level, some attention has been given to problems presented by residency requirements, resulting in, to an only limited extent thus far, state legislation attempting to reconcile traditional conceptions of localized government with the realities of an increasingly mobile society. Considerable activity on the part of the federal government has also been directed toward insuring that the right to vote, as presently established, is unfettered by state-imposed restraints of a discriminatory nature. The Civil Rights Acts of 1957 and 1960 are exemplary, vesting investigative, prosecutory and remedial powers in various organs of the federal government. Finally, and perhaps most importantly, the Supreme Court's decision in *Baker v. Carr* represents the first of a series of steps to be taken, legislative as well as judicial, to protect the integrity of the vote once cast, without which the right is, to a varying extent depending upon the circumstances, meaningless.

In virtually every instance, such activity has raised not only substantial practical and political difficulties, but complex questions regarding the allocation of powers between and within respective units of the federal and state governments as well. The objectives, successes and failures of the attempts thus far under-

taken suggest the importance of a reappraisal of the meaning and significance of popular enfranchisement and representative government in contemporary American society, the limitations imposed upon governmental action seeking to foster the objective of securing, strengthening, and broadening the right to vote, and the various remedial measures which might appropriately be utilized in effectuating such objectives.

Consequently, this issue of the *Review* is devoted to a consideration of certain selected problems of present interest in the area of voting rights. Two of the articles, written by Professors Robert B. McKay and Jo Desha Lucas, are addressed, from somewhat varying points of view, to the questions raised by *Baker v. Carr* and its now prodigious progeny. Professor William W. Van Alstyne, in his article, inquires into the constitutional and practical significance of proposals for banning literacy and similar state tests for voter qualification which have recently come before the Senate—and are likely to recur in both Houses of the Congress. Finally, an analysis of the extent and significance of disenfranchisement resulting from state and local residency requirements, together with an appraisal of the existing and proposed solutions to this problem, is contained in the article by Professor John R. Schmidhauser.

The coverage of this issue is not intended to be comprehensive. Rather, the editors have attempted only to select certain important problems of current and continuing interest, hoping thereby to stimulate the reader's interest in and awareness of the complex of contemporary problems incident to insuring and protecting the right to vote.