§ 5.7 The House refused to overturn an election in a state with a "county unit" primary election system, under which less populous counties were entitled to a disproportionately larger electoral vote than other counties in the same state.

On Apr. 27, 1948, the House adopted without debate House Resolution 553, dismissing the Georgia election contest of *Lowe* v *Davis*.[8]

Parliamentarian's Note: The House thereby refused to invalidate the Georgia "county unit" system for primaries, requiring use of county electoral votes rather than popular votes for choosing nominees. Under that system each candidate was required to receive a majority of county unit votes for nomination, and unit votes were allotted to less populous counties rather than strictly on the basis of population.[9]

1965), 22364 (Aug. 31, 1965), 24263–92 (Sept. 17, 1965).

8. 94 CONG. REC. 4902, 80th Cong. 2d Sess.

9. See the elections committee report in the case, H. REPT. NO. 1823, 80th Cong. 2d Sess. The Supreme Court later invalidated the use of the "county unit" system. *Gray* v *Sanders*, 372 U.S. 368 (1963).

§ 6. Elector Qualifications; Registration

The original Constitution and Bill of Rights left the determination of qualifications required of electors to vote for Members of the House entirely up to the states.[10] At the time of the adoption of the Constitution, qualifications based on status, such as property ownership, were a widespread prerequisite to the exercise of voting rights. Since that time, the power of the states to prescribe the qualifications of electors for Representatives and for Senators[11] has been severely proscribed by constitutional amendments extending the franchise to U.S. citizens without regard to such matters as race, color, or sex,[12] and by federal legislation protecting the integrity of the congressional electoral process.[13]

10. U.S. Const. art. I, § 2, clause 1. See also *House Rules and Manual* §§ 6, 7 (1973).

11. The 17th amendment altered the Constitution in directing the election of Senators by the people of the state, rather than by the state legislatures.

12. See the 15th amendment (race, color, previous condition of servitude); the 19th amendment (sex); the 24th amendment (poll tax); the 26th amendment (age).

13. For a summary of such legislation, see Constitution of the United States

The first step in the voting process for electors is voting registration. Although registration is primarily regulated by the states, congressional authority to preempt state regulation extends to the registration process.(14) Civil rights legislation enacted by Congress has provided for federal registrars and other procedures to insure that citizens qualified under the Constitution are not denied voting participation by rejection of registration applications on an arbitrary or discriminatory basis.(15) In judging election contests, the House or Senate may have occasion to construe state laws regulating registration and the effect of violations thereof.(16)

The states may prescribe reasonable qualifications for voting in congressional elections as long as the requirements do not contravene constitutional provisions or conflict with preemptive federal legislation enacted pursuant to law.(17) Residency requirements, absence of a previous criminal record, and an objective requirement of good citizenship are examples of allowable voter qualifications.(18)

The first voter qualification which was prohibited from consideration by the states was race,

---

of America: Analysis and Interpretation, S. Doc. No. 92–82, 108–111, 92d Cong. 2d Sess. (comments to U.S. Const. art. I, § 4, clause 1).

14. See *United States* v *Louisiana*, 225 F Supp 353 (D. La. 1963), aff'd, 380 U.S. 145; *Katzenbach* v *Original Knights of Ku Klux Klan*, 250 F Supp 330 (D. La. 1965).

15. See, for example, 42 USC § 1971 (a) (2), (e). See also South *Carolina* v *Katzenbach*, 383 U.S. 301 (1966), construing registration provisions of the Voting Rights Act of 1965. For early federal court approval of federal registrars, see *In re Sundry Citizens*, 23 F Cas. 13 (Ohio 1878).

16. See §§ 6.1, 6.2, infra.

17. See *Harman* v *Forssenius*, 380 U.S. 528 (1965); *Davis* v *Schnell*, 81 F Supp 872 (D. Ala. 1949), aff'd, 336 U.S. 933.

Although the Constitution itself does not confer federal voting rights on any person or class of persons, *Kuffman* v *Osser*, 321 F Supp 327 (D. Pa. 1971), the electors do not owe their right to vote to a state law prescribing qualifications for the most numerous branch of their own legislature in any sense which makes the exercise of the right depend exclusively on the state law. *Ex parte Yarbrough*, 110 U.S. 663 (1884); *United States* v *Mosley*, 238 U.S. 883 (1915).

18. *Lassiter* v *Northampton County Board of Elections*, 360 U.S. 45 (1959).

In relation to Presidential elections, Congress abolished state durational residency requirements and provided for absentee balloting. See *United States* v *Arizona*, 400 U.S. 112 (1970).

color, or previous condition of servitude; the 15th amendment provided not only that the right of citizens to vote should not be denied on those grounds but also granted Congress the power to enforce the amendment by appropriate legislation. Race as a substantive qualification in elections and primaries,[19] as well as procedural requirements which effectively handicap the exercise of the franchise on account of race, were barred.[20]

Under the 15th amendment, Congress may legislate to protect the suffrage in all elections, both state and federal, against state interference based on race, color, or previous condition of servitude,[1] and under the 14th amendment Congress may act to prevent state interference with any citizen's voting rights.[2] Under article I, section 4, clause 1 of the Constitution, Congress can legislate against private as well as state interference but only in relation to federal elections.[3]

Congress has enacted a number of statutes, dating from 1870 to the present, providing a variety of remedies against interference with voting rights.[4] Some of those statutes have provided for federal officials to actively supervise congressional elections in the

19. The same test to determine discrimination or abridgement of right to vote as applied in a general election should be applied to a primary election, and a resolution of a political party limiting membership to white citizens where membership in a political party was an essential qualification was an unconstitutional provision. *Smith* v *Allwright*, 321 U.S. 649 (1944), rehearing denied, 322 U.S. 769. For Congress' authority over primaries, see § 7, infra.

20. See *Wayne* v *Wilson*, 307 U.S. 268 (1939).

1. See *James* v *Bowman*, 190 U.S. 127 (1903); *United States* v *Reese*, 92 U.S. 214 (1876); *Larche* v *Hannah*, 177 F Supp 816 (D. La. 1959), reversed on other grounds, 263 U.S. 420, rehearing denied, 364 U.S. 855; *South Carolina* v *Katzenbach*, 383 U.S. 301 (1939).

2. *Katzenbach* v *Morgan*, 384 U.S. 641 (1966); *Oregon* v *Mitchell*, 400 U.S. 112 (1970).

3. See *Ex parte Siebold*, 100 U.S. 371 (1880); *Ex parte Yarbrough*, 110 U.S. 651 (1884); *United States* v *Classic*, 313 U.S. 299 (1941).

4. For early legislation, see Carr, *Federal Protection of Civil Rights: Quest for a Sword* (Ithaca, 1947). Later acts were the Civil Rights Act of 1957, Pub. L. No. 85–315, 71 Stat. 634; Voting Rights Act of 1960, Pub. L. No. 86–449, 74 Stat. 86; Civil Rights Act of 1964, Pub. L. No. 88–352, 78 Stat. 241; Voting Rights Act of 1965, Pub. L. No. 89–110, 79 Stat. 437; Civil Rights Act of 1968, Pub. L. No. 90–284, 82 Stat. 73; Civil Rights Act of 1970, Pub. L. No. 91–285, 84 Stat. 314.

states and directed suspension of otherwise permissible voting tests, such as literacy requirements,[5] which are designed and administered so as to deny voting rights in a discriminatory way.[6]

On occasion, titles to seats in the House have been challenged for reason of denial of voting rights, either through a systematic state pattern[7] or through private action by either the candidate or party officials.[8] On many such occasions, challenges and contests have been dismissed or denied due to the difficulty in obtaining substantial evidence of actual abridgment of voting rights or of a connection between the challenged Member and the alleged abridgment.

Other state-ordered voter qualifications have been removed by way of amendment of the federal Constitution. The right to vote regardless of sex was established in 1919 with the adoption of the 19th amendment. The right of all citizens to vote without paying a poll tax was affirmed through the adoption of the 24th amendment, following the passage by the House but not by the Senate of a bill in the 80th Congress to make unlawful a poll tax in any federal election.[9]

The right of citizens to vote has been set by the 26th amendment of the Constitution at 18 years of age or older. Prior to the adoption of this amendment, Congress had amended the Voting Rights Act in 1970 to authorize 18-year-olds to vote in all elections, both state and federal.[10] The Supreme Court held that although Congress did have authority under the Constitution to fix the age of voters in federal elections,[11] Con-

5. For permissible literacy requirements, see *Lassiter* v *Northampton County Board of Elections*, 360 U.S. 45 (1959); *Trudeau* v *Barnes*, 65 F2d 563 (5th Cir. 1933), cert. denied, 290 U.S. 659.

6. For construction of federal legislation suspending literacy tests, see *Katzenbach* v *Morgan*, 384 U.S. 641 (1966); *South Carolina* v *Katzenbach*, 383 U.S. 301 (1966); *Gaston County* v *United States*, 395 U.S. 285 (1969). See also *Davis* v *Schnell*, 81 F Supp 872 (D. Ala. 1949), aff'd, 336 U.S. 933; *Louisiana* v *United States*, 380 U.S. 145 (1965).

A "grandfather clause" exemption from an educational qualification prescribed by a state constitution is unconstitutional. *Guinn* v *United States*, 238 U.S. 347 (1915); *Myers* v *Anderson*, 238 U.S. 368 (1915).

7. See §§ 5.6, 5.7, supra.

8. See §§ 6.3, 6.5. infra.

9. See § 6.7, infra.

10. See Pub. L. No. 91-285, 84 Stat. 314.

11. One Justice was of the opinion that power was conferred on Congress by U.S. Const. art. I, § 4, clause 1, and four Justices were of the opinion

gress had no power to fix an age requirement for voting in state elections.[12]

Voter Registration

§ 6.1 Violations of a state's registration and election laws prohibiting transportation of voters to places of registration, providing qualifications for registrars, confining registration to certain hours, and requiring detailed registration lists were held not to affect the results of an election, and therefore did not nullify the election.

On June 19, 1948, the House adopted without debate House Resolution 692, dismissing an election contest:

> *Resolved*, That the election contest of David J. Wilson, contestant, against Walter K. Granger, contestee, First Congressional District of Utah, be dismissed and that the said Walter K. Granger is entitled to his seat as a Representative of said district and State.[13]

The resolution was adopted pursuant to a report of the Committee on House Administration recommending the contest be dismissed; the committee had determined that violations of Utah's registration laws applicable to congressional elections did not affect the election results and did not require the voiding of the election.[14] The registration laws in issue prohibited transportation of voters to places of registration, required qualifications of registrars, confined registration to particular hours, and mandated detailed registration lists.

§ 6.2 To provide a basis for the rejection of votes allegedly given by illegal registrants, challenge must have been made at the time of registration.

On Mar. 19, 1952, the House adopted without debate House Resolution 580, affirming the right of a Member-elect to his seat:

> *Resolved*, That Ernest Greenwood was duly elected as Representative

---

that power was conferred on Congress by the enforcement clause of the 14th amendment, § 5. *United States* v *Arizona*, 400 U.S. 112 (1970), rehearing denied, 401 U.S. 903.

12. The Court held that the 10th amendment to the Constitution reserved to the states the power to establish voter age qualifications in state and local elections. *Oregon* v *Mitchell*, 400 U.S. 112 (1970).

13. 94 CONG. REC. 9184, 80th Cong. 2d Sess.

14. H. REPT. NO. 2418, submitted June 17, 1948, 94 CONG. REC. 8964, 80th Cong. 2d Sess.

from the First Congressional District of New York to the Eighty-second Congress and is entitled to his seat.[15]

The resolution was adopted pursuant to a report of the Committee on House Administration submitted on the same day. The committee had ruled that votes claimed to have been given by illegal and fictitious registrants in congressional elections must have been challenged at the time of registration. Where the contestant files petitions to annul the votes of such registrants, he must show that he took testimony from those registrants and that they voted for his opponent.[16]

Challenges to Seats for Denial of Voting Rights

§ 6.3 Where the House by resolution has authorized the Committee on House Administration to investigate the question of the final right of a Member to his seat, the committee will not consider charges against party officials that they conspired to nullify the will of the voters, where there is no evidence to connect the Member to such conspiracy.

On Sept. 8, 1959, the Committee on House Administration submitted a report of an investigation of the final right of a Member to his seat.[17] The report stated in part that the committee had refused to consider charges against Arkansas party officials that they had conspired to nullify the will of the voters, where no evidence was tendered to connect the challenged Member, Mr. Dale Alford, with any such conspiracy.

§ 6.4 Where the right of an entire state delegation to take the oath was challenged by reason of systematic denial of voting rights, the challenge was treated as a contested election case and later dismissed by the House.

On Jan. 4, 1965, the convening day of the 89th Congress, a challenge was made to the administration of the oath to all the Members-elect from Mississippi. Those Members-elect stepped aside as the oath was administered to the other Members.[18] The House then authorized the Members-elect from Mississippi to be sworn in after Mr. Carl Albert, of Okla-

15. 98 CONG. REC. 2517, 82d Cong. 2d Sess.

16. H. REPT. No. 1599, 98 CONG. REC. 2545, 82d Cong. 2d Sess.

17. H. REPT. No. 1172, 105 CONG. REC. 18610, 86th Cong. 1st Sess. The House adopted H. Res. 380, affirming the right to a seat of Mr. Alford (Ark.), *id.* at p. 18611.

18. 111 CONG. REC. 18, 19, 89th Cong.

homa, stated that "Any question involving the validity of the regularity of the election of the Members in question is one which should be dealt with under the laws governing contested elections." [19]

Election contest proceedings were then instituted,[20] and the House later dismissed the contest.[1]

§ 6.5 Exclusion proceedings were sought in the 80th Congress against a Senator-elect charged with conspiracy to prevent voters from participating in sensational elections.[2]

On Jan. 4, 1947, at the convening of the 80th Congress, the right of Senator-elect Theodore G. Bilbo, of Mississippi, to be sworn in and to take a seat in the Senate was challenged by the presentation of Senate Resolution 1, which read:

> Whereas the Special Committee To Investigate Senatorial Campaign Expenditures, 1946, has conducted an investigation into the senatorial election in Mississippi in 1946, which investigation indicates that Theodore G. Bilbo may be guilty of violating the Constitution of the United States, the statutes of the United States, and his oath of office as a Senator of the United States in that he is alleged to have conspired to prevent citizens of the United States from exercising their constitutional rights to participate in the said election; and that he is alleged to have committed violations of Public Law 252, Seventy-sixth Congress, commonly known as the Hatch Act; and
>
> Whereas the Special Committee To Investigate the National Defense Program has completed an inquiry into certain transactions between Theodore G. Bilbo and various war contractors and has found officially that the said Bilbo, "in return for the aid he had given certain war contractors and others before Federal departments, solicited and received political contributions, accepted personal compensation, gifts, and services, and solicited and accepted substantial amounts of money

---

19. *Id.* at pp. 19, 20.

20. See 111 CONG. REC. 24263–92, 89th Cong. 1st Sess., Sept. 17, 1965; 111 CONG. REC. 22364, 89th Cong. 1st Sess., Aug. 31, 1965; and 111 CONG. REC. 18691, 89th Cong. 1st Sess., July 29, 1965.

1. One of the sitting Members whose seat was being contested voted on the resolution dismissing the contest and then withdrew his vote and was recorded as present. He stated that he felt he had the privilege of voting on the resolution since in hearings before the elections committee it was agreed that the election contest was an attack upon the seats of the State of Mississippi rather than against the individual Members-elect. 111 CONG. REC. 24292, 89th Cong. 1st Sess., Sept. 17, 1965.

2. See § 7.8, infra, for Senate expulsion proceedings in relation to a candidate's illegal control of election machinery and destruction of opposing ballots.

for a personal charity administered solely by him" . . . and "that by these transactions Senator Bilbo misused his high office and violated certain Federal statutes"; and

Whereas the evidence adduced before the said committees indicates that the credentials for a seat in the Senate presented by the said Theodore G. Bilbo are tainted with fraud and corruption; and that the seating of the said Bilbo would be contrary to sound public policy, harmful to the dignity and honor of the Senate, dangerous to the perpetuation of free Government and the preservation of our constitutional liberties; Now, therefore, be it

Resolved, That the claim of the said Theodore G. Bilbo to a seat in the United States Senate is hereby referred to the Committee on Rules and Administration with instructions to grant such further hearing to the said Theodore G. Bilbo on the matters adduced before the Special Committee To Investigate Senatorial Campaign Expenditures, 1946, and the Special Committee To Investigate the National Defense Program and to take such further evidence as shall be proper in the premises, and to report to the Senate at the earliest possible date; that until the coming in of the report of said committee, and until the final action of the Senate thereon, the said Theodore G. Bilbo be, and he is hereby, denied a seat in the United States Senate.[3]

After debate, the Senate laid on the table the resolution and the question as to whether the Senator-elect was to be sworn in, without prejudice to his rights, since he had recently undergone an operation and required further medical care. Senator-elect Bilbo later died in the first session of the 80th Congress, before any further consideration of his right to be sworn in.[4]

Poll Tax Requirements

§ 6.6 Members of the House were advised that an individual who threatened to contest the elections of Members from states having poll taxes had no legal standing to contest such elections.

On Feb. 14, 1945, Hatton W. Sumners, of Texas, Chairman of the Committee on the Judiciary, addressed the House in relation to the claim of a private citizen that he could contest the elections of 71 Members of the House of Representatives: Mr. Sumners inserted in the Record a letter he had written to one such Member, advising him that the citizen referred to had no standing to bring such election contests Mr. Sumners advised Members to ignore the claim of the citizen.[5]

---

3. 93 CONG. REC. 7, 8, 80th Cong. 1st Sess., Jan. 3, 1947.

4. 93 CONG. REC. 109, 80th Cong. 1st Sess., Jan. 4, 1947. For the announcement of Nov. 17, 1947, concerning Theodore G. Bilbo's death, see 93 CONG. REC. 10569, 80th Cong. 1st Sess.

5. 91 CONG. REC. 1083, 1084, 79th Cong. 1st Sess.

§ 6.7 The House under suspension of the rules passed a bill making unlawful a requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers, despite objections to its constitutionality.

On July 21, 1947, the House passed H.R. 29, rendering unlawful a state poll tax as a prerequisite to voting in a primary or other election for national officers.[6] The bill was passed by the House under suspension of the rules despite a point of order that the bill violated the U.S. Constitution, especially article I, section 2, which authorizes the states, not Congress, to set the qualifications of electors for Representatives. Speaker Joseph W. Martin, of Massachusetts, overruled the point of order on the grounds that the Chair does not pass on the constitutionality of proposed legislation.

The Senate rejected the bill, but a constitutional amendment with the same purpose was later ratified (see § 6.8, infra).

§ 6.8 While the Committee on House Administration has jurisdiction over legislation relating to poll tax requirements for federal elections, the Committee on the Judiciary has jurisdiction over proposals to amend the Constitution relative to federal election requirements.

On July 26, 1949,[7] Speaker Sam Rayburn, of Texas, submitted to the House the question as to the engrossment and third reading of H.R. 3199, the anti-poll tax bill. Mr. Robert Hale, of Maine, arose to offer a motion to recommit the bill to the Committee on House Administration with directions that it report the legislation back to the House in the form of a joint resolution amending the Constitution to make payment of poll taxes—as a qualification for voting—illegal. The Speaker ruled that the language carried in the motion to recommit was not germane to the bill since a constitutional amendment would lie within the jurisdiction of the Committee on the Judiciary and not the Committee on House Administration.

§ 6.9 In the 87th Congress, a Senate joint resolution proposing a national monument was amended in the Senate

For election contests initiated by petition of citizens, see Ch. 9, infra.

6. 93 Cong. Rec. 9552, 80th Cong. 1st Sess. For debate on the bill, see pp. 9522–52.

7. 95 Cong. Rec. 10247, 81st Cong. 1st Sess.

by striking all after the resolving clause and inserting provisions of a constitutional amendment abolishing the poll tax.[8]

On Mar. 27, 1962, the Senate was considering Senate Joint Resolution 29, providing for the establishment of a national monument. An amendment was offered to strike out all after the resolving clause of the resolution and to insert the provisions of a constitutional amendment abolishing the poll tax in the states. The Vice President ruled that the joint resolution could be so amended; he also ruled that only a majority vote was required for the adoption of a substitute, although a two-thirds vote was required on the adoption of the resolution as amended.[9]

The House passed the measure under a motion to suspend the rules on Aug. 27, 1962.[10]

8. The Anti-Poll Tax Amendment was ratified by 38 states and became effective Jan. 23, 1964. 110 CONG. REC. 1077, 88th Cong. 2d Sess. (see U.S. Const., 24th amendment).

9. 108 CONG. REC. 5086, 87th Cong. 2d Sess. (Vice President Johnson [Tex.]). The Senate proceeded to pass the amended resolution by a two-thirds vote.

For the entire Senate debate on the amendment and the method by which it was being offered, see pp. 5072–105.

10. 108 CONG. REC. 17670, 87th Cong. 2d Sess.

Residency Requirements

§ 6.10 An elections committee invalidated votes cast by workers who were only temporarily in an election district, but found that those votes, though disregarded, would not affect the outcome of the election.

On Mar. 11, 1940, Elections Committee No. 3 submitted Report No. 1722 in an elections case, recommending that the seated Member, Mr. Harrington, be declared entitled to his seat:

> *Resolved*, That Albert F. Swanson is not entitled to a seat in the House of Representatives in the Seventy-sixth Congress from the Ninth Congressional District of Iowa.
>
> *Resolved*, That Vincent F. Harrington is entitled to a seat in the House of Representatives in the Seventy-sixth Congress from the Ninth Congressional District of Iowa.[11]

The resolution was agreed to, the committee having determined that, although certain votes cast by workers temporarily present in the election district were invalid, the rejection of those votes would not change the result of the election.

§ 6.11 A contestant who alleges that certain voters in an

11. 86 CONG. REC. 2662, 76th Cong. 3d Sess. (H. Res. 419).

election did not reside in the precincts where registered must present evidence of the claimed irregularities sufficient to overcome the presumption that the election officials properly performed their duties.

On Mar. 19, 1952, the House adopted without debate House Resolution 580, affirming the right of a Member-elect to a seat:

> *Resolved*, That Ernest Greenwood was duly elected as Representative from the First Congressional District of New York to the Eighty-second Congress and is entitled to his seat.[12]

The resolution was adopted pursuant to a report of the Committee on House Administration submitted on the same day. The committee found that votes claimed to have been given by illegal registrants, not residing in the precincts where registered, must have been challenged at the time they registered or voted. The committee also invoked the general rule that the contestant must produce evidence in such cases, through testimony and documents, proving the fact of nonresidence in the county for the statutory period of time, to overcome the presumption that election officials properly perform their duties.[13]

Federal Protection of Voting Rights

§ 6.12 In the 89th Congress, the President delivered a special message on voting rights to a joint session and submitted to Congress proposed legislation which was enacted into law as the Voting Rights Act of 1965.

On Mar. 15, 1965, the House and Senate met in joint session, pursuant to House Concurrent Resolution 117, to hear an address by the President of the United States.[14] The President's message was directed to denial of voting rights on racial grounds and urged the passage of federal civil rights legislation to protect those rights.[15]

The legislation suggested by the President led to the passage by Congress of the Voting Rights Act of 1965, the bill being signed by the President at the Capitol on

---

12. 98 CONG. REC. 2517, 82d Cong. 2d Sess.

13. H. REPT. NO. 1599 (98 CONG. REC. 2545, 82d Cong. 2d Sess.). The committee had also found that a local court opinion was controlling as to when residence commenced to run, in the absence of challenge to a registrant at the time of registration or voting.

14. 111 CONG. REC. 5058, 89th Cong. 1st Sess.

15. *Id.* at pp. 5058–63. The President submitted a legislative proposal for voting rights legislation which became H.R. 6400.

Aug. 6, 1965.[16] In 1966, the act was upheld as constitutional by the U.S. Supreme Court.[17]

§ 7. Time and Place; Procedure

Article I, section 4, clause 1 of the Constitution vests in the states the power to prescribe the times, places, and manner of holding elections for Senators and Representatives but allows Congress preemptive authority to supersede or change any such state regulation.[18] Although Congress has enacted extensive legislation to protect the right to vote and to secure the process against fraud, bribery and illegal conduct,[19] the actual mechanism for conducting congressional elections has been left largely to the states. And in judging the elections of their Members, the House and the Senate defer in great part to state law regarding elections and to state court opinions construing such election laws.[20]

The place where elections shall be held is for the states to determine, qualified only by the requirement that Representatives must be chosen in congressional districts which comply with statutory and constitutional requirements.[1]

Poll facilities and functions of state officials at polling places are a matter of state regulation, but the House and Senate must often

16. On Aug. 6, 1965, the Senate stood in recess in order to receive the President of the United States. When the Senate reassembled, there was ordered to be printed in the *Congressional Record* the proceedings conducted at noon on the same day, when the President had delivered a message in the Rotunda of the Capitol and then retired to the President's Room in the Capitol in order to sign into law the Voting Rights Act of 1965. 111 CONG. REC. 19649, 19650, 89th Cong. 1st Sess. For the Voting Rights Act of 1965, see Pub. L. No. 89–110, 79 Stat. 437. For codification see 42 USC §§ 1971 et seq.

17. In upholding the validity of the 1965 Voting Rights Act in *Katzenbach* v *Morgan*, 384 U.S. 641 (1966), the Supreme Court cited congressional materials in finding a rational basis for the act. See 111 CONG. REC. 10676, 10680 (May 20, 1965), 15671 (July 9, 1965), 89th Cong. 1st Sess.

18. See *United States* v *Mumford*, 16 F 223 (Cir. Ct. Va. 1883). For a general discussion of the delineation of power over the regulation of elections, see § 5, supra.

19. For legislation protecting the right to vote, see § 6, supra. See §§ 10–14, infra, as to federal regulation of campaign practices.

20. See § 7.1, infra.

1. For districting requirements, see §§ 3, 4, supra.