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CONSTITUTIONAL LAW—ELECTIONS—DURATIONAL RESIDENCY REQUIREMENT

I. INTRODUCTION AND BACKGROUND

> In times when the citizenry is specially exhorted to live within the law and to seek what they desire within the law, it seems particularly appropriate to insure to citizens of the United States the right to express themselves by use of the ballot.[1]

Several courts have recently been presented with the question of whether one year residency requirements for voting violate the equal protection clause of the fourteenth amendment.[2] Not only have these courts not reached the same conclusions, but they have also had differences of opinion with regard to what test should be used in determining the constitutionality of the residency statutes involved.

As early as 1904, the United States Supreme Court, in the case of *Pope v. Williams*,[3] was faced with deciding the constitutionality of a state statute which required a person coming into the state to reside to make a declaration of residential intent at least a year before he could be registered as a voter of the state. In holding that the statute did not violate the United States Constitution, the Court, discussing the privilege to vote, said:

> It may not be refused on account of race, color, or previous condition of servitude, but it does not follow from mere citizenship of the United States. In other words, the privilege to vote in a state is within the jurisdiction of the state itself, to be exercised as the state may direct, and upon such terms as it may seem proper, provided, of course, no discrimination is made between individuals, in violation of the Federal Constitution.[4]

The Court went on to state that it could neither find that the statute denied the plaintiff the equal protection of the laws, nor that it was

1. Keane v. Mihaly, 11 Cal. App. 3d 1037, 90 Cal. Rptr. 263, 268 (Ct. App. 1970).

2. Cocanower v. Marston, 318 F. Supp. 402 (D. Ariz. 1970); Burg v. Canniffe, 315 F. Supp. 380 (D. Mass. 1970); Blumstein v. Ellington, (M.D. Tenn. 1970) *petition for cert. filed*, 39 U.S.L.W. 3229 (U.S. Sept. 29, 1970) (No. 769), *prob. jurisdiction noted*, 39 U.S.L.W. 3375 (U.S. Mar. 1, 1971) (No. 769); Keane v. Mihaly, 11 Cal. App. 3d 1037, 90 Cal. Rptr. 263 (Ct. App. 1970); Kohn v. Davis, 39 U.S.L.W. 2253 (D. Vt. 1970); Bufford v. Holton, 319 F. Supp. 843 (E.D. Va. 1970).

3. 193 U.S. 621 (1904).

4. *Id.* at 632.

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"repugnant to any fundamental or inalienable rights of citizens of the United States . . . ."[5]

In 1959, the Supreme Court, in the case of *Lassiter v. Northampton County Board of Elections*,[6] again spoke approvingly of residency requirements for voters. After upholding the constitutionality of a North Carolina requirement that a voter be able to read and write any section of the constitution of North Carolina as a prerequisite to registration, the Court said:

> We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record . . . are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters.[7]

Quoting both *Lassiter* and *Pope*, the Supreme Court, in *Carrington v. Rash*,[8] used a "reasonableness" test to declare unconstitutional a Texas constitutional provision concerning the eligibility of members of the armed forces to vote in Texas.[9] The provision in question prohibited any member of the United States armed forces who moved his home to Texas during his military service from ever voting in any election so long as he was a member of the armed forces.[10] The Court recognized that the state had "treated all members of the military with an equal hand," but stated that this did not end the judicial inquiry and that the courts had to "reach and determine the question whether the classifications drawn in a statute are reasonable in light of its purpose . . . ."[11] Justice Harlan, dissenting, declared that this was the first case to subject state laws governing voter qualifications to the limitations of the equal protection clause.[12]

The "reasonableness" test used by the Supreme Court in *Carrington* was also used in *Drueding v. Devlin*.[13] Under consideration

5. *Id.* at 633.
6. 360 U.S. 45 (1959).
7. *Id.* at 51.
8. 380 U.S. 89 (1965).
9. *Id.* at 91, 93.
10. *Id.* at 89.
11. *Id.* at 93.
12. *Id.* at 97.
13. 234 F. Supp. 720 (1964), *aff'd per curiam*, 380 U.S. 125 (1965). The Voting

in this case were provisions of the Maryland Constitution and several state statutes which imposed a one year residency requirement for voting in elections for President and Vice-President of the United States. In upholding the one year residency requirement, the *Drueding* court stated that

> [t]he several states may impose age, residence and other requirements, so long as such requirements do not discriminate against any class of citizens by reason of race, color or other invidious ground and are not so unreasonable as to violate the Equal Protection Clause of the Fourteenth Amendment.[14]

While the judges of the *Drueding* court felt that a shorter residency requirement could obtain the same objectives,[15] they recognized that they could not "substitute [their] personal views for those of the Legislature and people of Maryland, unless there [had] been an *unreasonable* discrimination."[16]

In 1969, the Supreme Court, in *Kramer v. Union Free School District No. 15*,[17] was again faced with deciding the constitutionality of a state statute limiting the franchise. The New York statute involved in this case limited the franchise in certain school district elections to the owners or lessees of taxable real estate and to parents or guardians of children in public schools who were otherwise eligible to vote in state and federal elections.[18] In holding that this statute violated the equal protection clause of the fourteenth amendment, the Supreme Court applied a different test from the "reasonableness" test used in *Carrington* and *Drueding*. From the rationale of *Reynolds v. Sims*,[19] the Court recognized the need to give the statute in question a close and exacting examination and stated that:

> [S]ince the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any

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Rights Amendments of 1970, PUB. L. No. 91-285, *amending* Voting Rights Act of 1965, 42 U.S.C. § 1973 *et. seq.*, overruled the holding in *Drueding* by abolishing state durational residency requirements for Presidential and Vice-Presidential elections.

14. 234 F. Supp. at 723 (footnote omitted).

15. The court recognized these objectives as being "(1) 'identifying the voter, and as a protection against fraud;' and (2) to insure that the voter will 'become in fact a member of the community, and as such have a common interest in all matters pertaining to its government.' " 234 F. Supp. at 724.

16. *Id.* at 724 (emphasis added).

17. 395 U.S. 621 (1969).

18. *Id.* at 622.

19. 377 U.S. 533 (1964).

> alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized.[20]

The Court went on to set out the test to be used in this careful and meticulous scrutinization:

> If a challenged state statute grants the right to vote to some bona fide residents or requisite age and citizenship and denies the franchise to others, the Court must determine whether the exclusions are necessary to promote a compelling state interest . . . .
>
> . . . Accordingly, when we are reviewing statutes which deny some residents the right to vote, the general presumption of constitutionality afforded state statutes and the traditional approval given state classifications if the Court can conceive of a "rational basis" for the distinctions made are not applicable.[21]

In *Cipriano v. City of Houma,*[22] the Supreme Court reiterated the "compelling interest" test used in Kramer,[23] and declared unconstitutional a Louisiana law which restricted the franchise to "property taxpayers" in elections to approve the issuance of revenue bonds by a municipal utility. The Court held that the law violated the equal protection clause of the fourteenth amendment.[24]

In 1969, the constitutionality of a residency requirement was again brought before the Supreme Court in the case of *Hall v. Beals.*[25] This case involved a six month Colorado residency requirement which a three-judge district court had held to be constitutional on the basis of the *Drueding* decision. The Supreme Court, however, refused to decide the case on its merits.[26]

The Supreme Court on two occasions since *Kramer* and *Cipriano*

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20. 395 U.S. at 626 *quoting from* Reynolds v. Sims, 377 U.S. 533, 562 (1964).

21. *Id.* at 627 (footnote omitted).

22. 395 U.S. 701 (1969).

23. *Id.* at 703.

24. *Id.* at 702. The court based its holding on its determination that the statute in question "excluded otherwise qualified voters who [were] as substantially affected and directly interested in the matter voted upon as [were] those who [were] permitted to vote." *Id.* at 706.

25. 292 F. Supp. 610 (D. Colo. 1968), *vacated per curiam,* 396 U.S. 45 (1969).

26. Hall v. Beals, 396 U.S. 45 (1969). The Supreme Court refused to render a decision on the merits, stating (1) that the case was moot due to the fact that the election was over and the statute in question had been amended, and 2) that the appellants did not have standing to sue under the new statute because they were not members of the class it effected.

has invalidated state statutes restricting the franchise in one way or another.[27] In *City of Phoenix v. Kolodziejski*,[28] the Court declared unconstitutional a restriction on the franchise which only allowed real property owners to vote in elections to approve the issuance of general obligation bonds. The decision in this case was based on the principles upon which *Kramer* and *Cipriano* were decided.[29] In *Evans v. Cornman*,[30] the Supreme Court, quoting from the pre-*Kramer* cases of *Carrington v. Rash*[31] and *Lassiter v. Northampton Election Board*,[32] held that the Maryland statute, which denied the franchise to people living on the grounds of a federal inclave in Maryland, was unconstitutional.[33] The Court assumed, without deciding, that the interest or purpose asserted as a justification for the limitation on the vote was "sufficiently compelling to justify limitations on the suffrage,"[34] but decided that the limitation did not fulfill its asserted purpose.

II. COMPELLING STATE INTEREST TEST V. REASONABLENESS TEST

The line of Supreme Court cases dealing with restrictions on the franchise have not made clear the equal protection test to be used in determining the constitutionality of durational residency requirements for voting in elections other than Presidential and Vice-Presidential elections. Of several cases[35] which have handled this question since *Kramer*, the majority have decided that one year residency requirements are unconstitutional,[36] but one has held them to be constitutional.[37]

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27. City of Phoenix v. Kolodziejski, 90 S. Ct. 1990 (1970); Evans v. Cornman, 90 S. Ct. 1752 (1970).

28. 90 S. Ct. 1990 (1970).

29. City of Phoenix v. Kolodziejski, 90 S. Ct. 1990, 1993-94 (1970).

30. 90 S. Ct. 1752 (1970).

31. 380 U.S. 89 (1965).

32. 360 U.S. 45 (1959).

33. 90 S. Ct. at 1754-55.

34. *Id.*

35. *See* cases cited note 2 *supra.*

36. Burg v. Canniffe, 315 F. Supp. 380 (D. Mass. 1970); Blumstein v. Ellington (M.D. Tenn. 1970) *petition for cert. filed*, 39 U.S.L.W. 3229 (U.S. Sept. 29, 1970) (No. 769), *prob. jurisdiction noted*, 39 U.S.L.W. 3375 (U.S. Mar. 1, 1971) (No. 769); Keane v. Mihaly, 11 Cal. App. 3d 1037, 90 Cal. Rptr. 263 (Ct. App. 1970); Kohn v. Davis, 39 U.S.L.W. 2253 (D. Vt. 1970); Bufford v. Holton, 319 F. Supp. 843 (E.D. Va. 1970).

37. Cocanower v. Marston, 318 F. Supp. 402 (1970).

In *Burg v. Canniffe*,[38] the plaintiff challenged the constitutionality of Massachusetts' constitutional and statutory provisions which imposed a one year residency requirement for voting.[39] He alleged that the provisions denied him his rights under the equal protection and due process clauses of the fourteenth amendment, and alternatively, that they violated the right of interstate travel and restrained interstate commerce. The court determined that the plaintiff met the statutory residency requirement, and that the issue for decision was whether the applicable provision of the Massachusetts Constitution violated the equal protection clause of the fourteenth amendment.[40]

The *Burg* court realized that in order to determine whether the equal protection clause of the fourteenth amendment had been violated, it had to decide what equal protection "test" should be used. Rejecting the defendant's contention that the "rational legislative purpose" test should be applied, the court determined that the "compelling state interest" test had to be used. In making this determination, the court seemed to agree with the plaintiff's contention that *Drueding v. Devlin*[41] is "no longer a viable decision of the Supreme Court"[42] in light of subsequent Supreme Court cases which have applied the "compelling

38. 315 F. Supp. 380 (D. Mass. 1970).

39. MASS. CONST., amend., art. III provides:

> Every citizen of twenty-one years of age and upwards, excepting paupers and persons under guardianship and persons temporarily or permanently disqualified by law because of corrupt practices in respect to elections who shall have resided within the commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant governor, senators, or representatives, shall have a right to vote in such election of governor, lieutenant governor, senators and representatives; and no other person shall be entitled to vote in such elections.

MASS. GEN. LAWS ch. 51, § 1 provides in part:

> . . . every citizen twenty-one years of age or older . . . who can read the constitution of the commonwealth in English and write his name, and who has resided in the commonwealth one year and in the city or town where he claims the right to vote six months last preceding a state, city or town election, and who has complied with the requirements of this chapter, may have his name entered on the list of voters in such city or town, and may vote therein in any such election . . . . No other person shall have his name entered upon the list of voters or have the right to vote; . . . .

40. 315 F. Supp. at 382.

41. 234 F. Supp. 721 (1964), *aff'd per curiam*, 380 U.S. 125 (1965). This case applied the test of whether or not the statutes were "so unreasonable that they amount to an irrational or unreasonable discrimination." 234 F. Supp. at 725.

42. 315 F. Supp. at 384.

state interest" test.[43] After quoting from *Kramer* and *Cipriano*, the *Burg* court pointed out that in *Shapiro v. Thompson*[44] the Supreme Court

> specifically rejected . . . the rationale of three of its former decisions . . . each of which had used the rational legislative basis test, and embraced as the appropriate test the following: "[A]ny classification which serves to penalize the exercise of that right [interstate movement], unless shown to be necessary to promote a *compelling* governmental interest, is unconstitutional."[45]

The *Burg* court went on to state that any lingering doubts that the "compelling state interest" test must be used in determining the constitutionality of state voting statutes "would appear to be permanently put to rest"[46] by *Evans v. Cornman*[47] and *City of Phoenix v. Kolodziejski*.[48]

Having determined that the "compelling state interest" test had to be used, the *Burg* court declared unconstitutional the one year residency requirement because there was no showing that it served to promote a compelling state interest.[49] The court recognized that states have a legitimate interest in requiring voters to "establish that they have satisfied a durational residence requirement of some length,"[50] but specifically stated that it intimated "no opinion as to whether any other durational residence requirement short of twelve months may be found to serve a compelling state interest."[51]

In *Keane v. Mihaly*,[52] the California Court of Appeals faced the issue of the constitutionality of a one year residency requirement

43. Kramer v. Union Free School Dist., 395 U.S. 621 (1969); Cipriano v. City of Houma, 395 U.S. 701 (1969); Shapiro v. Thompson, 394 U.S. 618 (1969).

44. 394 U.S. 618 (1969). This case held that state and District of Columbia statutory provisions imposing a one year residency requirement for eligibility to receive welfare assistance were unconstitutional.

45. 315 F. Supp. at 384, *quoting from* Shapiro v. Thompson, 394 U.S. 618, 634 (1969).

46. 315 F. Supp. at 385.

47. 398 U.S. 419 (1970).

48. 399 U.S. 204 (1970).

49. 315 F. Supp. at 385. The opinion of the court did not invalidate any provision other than the one year requirement. *See* Maryland constitutional provision cited in note 36 *supra*.

50. 315 F. Supp. at 385.

51. *Id.* at 386.

52. 11 Cal. App. 3d 1037, 90 Cal. Rptr. 263 (Ct. App. 1970).

similar to the one involved in *Burg*. After deciding that the petition was not moot even though the deadline for registration had passed,[53] the *Keane* court went on, using reasoning similar to that found in *Burg*, to determine that the "compelling state interest" test was the proper standard of equal protection to be applied. The court explicitly stated that they would have followed the *Pope* and *Drueding* cases "had not the United States Supreme Court in later cases established a new standard, and the Supreme Court of this state [California] clearly recognized and announced the change . . . ."[54]

While the *Keane* court stated that the older standard of reasonableness "still obtains in many matters of less fundamental importance,"[55] it rejected the argument that the new "compelling state interest" standard "applies only when the classification is of the 'suspect' kind, a motive for unfair discrimination being discernible."[56] The court based its rejection of this argument on the *Burg* case, *Blumstein v. Ellington*,[57] and two California Supreme Court cases.[58]

Having determined that the "compelling state interest" test should be used, the *Keane* court went on to apply this test to the factual situation at hand. Two general reasons were presented to the court for upholding the residency rule: 1) the need for having an informed electorate, and 2) the need for preventing fraudulent or false declarations of residency.[59] The court decided that neither or these constituted a compelling state interest.

Observing that the California one-year residency requirement was created in 1879, the *Keane* court pointed out the many changes which have taken place since that date, especially in the areas of communication and education. It also noted that information on some important issues is not available until "a time much less removed than one year from the election,"[60] and that the voters usually only learn

53. 90 Cal. Rptr. at 264.
54. *Id.*
55. *Id.* at 265.
56. *Id.* at 266.
57. (M.D. Tenn. 1970) *petition for cert. filed*, 39 U.S.L.W. 3229 (U.S. Sept. 29, 1970) (No. 769); *prob. jurisdiction noted*, 39 U.S.L.W. (Mar. 1, 1971) (No. 769).
58. Castro v. State, 2 Cal. 3d 223, 466 P.2d 244, 85 Cal. Rptr. 20 (1970); Sei Fujii v. State, 38 Cal. 2d 718, 242 P.2d 617 (1952).
59. 90 Cal. Rptr. at 266.
60. *Id.* at 267.

who the candidates are after primary elections. The court summarized its feelings on the question of voters' information when it said:

> Probably a certain amount of sensitivity to the problems of the state is gained as residence becomes longer, but to say that in order to cast an informed vote it is necessary to have the whole year which was selected in 1879 is another matter.[61]

With regard to the proposition that the residency requirement was needed to prevent fraudulent or false declarations of residency, the *Keane* court considered both the problem of "false declarations knowingly made" and the problem of "false, though not necessarily fraudulent, declarations," and determined that neither or these problems necessitated the one year requirement.[62]

The same issue which faced the *Burg* and *Keane* courts faced a three-judge District Court in *Cocanower v. Marston,*[63] which involved Arizona's one-year residency requirement.[64] In *Cocanower,* however, the issue was resolved in a different manner. The court stated:

> [T]here is authority to indicate that the compelling state interest test is not the applicable standard and that the Equal Protection Clause does not yet demand abolition of such state residency requirements.[65]

While the *Cocanower* court recognized that the Supreme Court had applied the "compelling state interest" test in three special purpose election cases,[66] it went on to point out that

> in each case state legislation had the effect of completely denying the franchise to one or more classes of interested citizens on grounds *other than* age and residence.[67]

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61. *Id.*

62. *Id.* at 267-68. The court based its determination, with regard to the "false declarations knowingly made," on their conclusion that the registrars did not have a need for, or in practice accomplish, a checking of the voters' declarations. It based its determination, with regard to the "false, though not necessarily fraudulent, declarations," on the fact that a "close constitutional scrutiny" had to be given, and that with the one year requirement there would be a danger of unconstitutionally fencing out from the franchise a section of the population because of the way they might vote.

63. 318 F. Supp. 402 (D. Ariz. 1970).

64. ARIZ. CONST. art. 7 § 2 (Supp. 1969-70); ARIZ. REV. STAT. ANN. § 16-101 (1956).

65. Cocanower v. Marston, 318 F. Supp. 404 (D. Ariz. 1970).

66. Kramer v. Union Free School District, 395 U.S. 621 (1969); Cipriano v. City of Houma, 395 U.S. 701 (1969); City of Phoenix v. Kolodziejski, 399 U.S. 204 (1970).

67. 318 F. Supp. at 404.

The *Cocanower* court placed great weight on the limits of the holding in *Kramer* and pointed out that the Court in that case stated that "[a]ppellant agrees that the States have the power to impose reasonable citizenship, age, and residency requirements on the availability of the ballot."[68] The court in *Cocanower* went on to say:

> [W]hether the rule be phrased to the effect that the compelling state interest test has been thus far applied only to cases of permanent exclusion and limited special purpose elections, or that residence requirements for state general elections need only be based on a constitutionally permissive and reasonable state purpose, the result is the same—the states may still impose durational residency requirements for voting in their general elections.[69]

After determining that there was no need to apply the "compelling state interest" test, the *Cocanower* court declared that the reasoning of *Drueding v. Devlin*[70] and *Hall v. Beals*[71] appears to remain valid "insofar as state requirements for state elections are concerned."[72] The court felt that the extent to which the Voting Rights Amendments of 1970[73] had nullified the rationale of *Drueding* and *Beals* was not clear, and therefore stated that in the absence of a clearer indication from Congress or the Supreme Court, they could find no equal protection violation in Arizona's residency requirement.[74]

The *Cocanower* court also rejected the claim that Arizona's one year residency requirement violated the constitutional right of freedom to travel. It based this rejection on a distinction which it claimed the Supreme Court made in *Shapiro v. Thompson*[75] between "state-imposed residency requirements as a condition to receiving welfare benefits and those durational residency requirements imposed as a qualification to vote."[76]

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68. 318 F. Supp. at 404 *quoting from* Kramer v. Union Free School District, 395 U.S. 621, 625-26 (1969).

69. 318 F. Supp. at 405.

70. 234 F. Supp. at 721 (D. Md. 1964). This case, as duscussed in Part I *supra*, upheld a state-imposed residency requirement in Presidential elections.

71. 292 F. Supp. 610 (D. Colo. 1968), *vacated per curiam*, 396 U.S. 45 (1969).

72. 318 F. Supp. at 407.

73. PUB. L. No. 91-285, *amending* Voting Rights Act of 1965, 42 U.S.C. § 1973 *et. seq.*

74. 318 F. Supp. at 407.

75. 394 U.S. 618 (1969).

76. 318 F. Supp. at 408 (footnote omitted). The *Cocanower* court found this distinction in the following words from the Supreme Court's opinion in *Shapiro*:

> We imply no view of the validity of waiting-period *or* residence

III. CONCLUSION

While it obviously is not definite at this time which equal protection test should be used, it is significant that the "compelling state interest" test has been more widely accepted in recent decisions and it seems to be the more logical and desirable of the two standards.[77] The distinction made by the *Cocanower* court between cases involving permanent exclusion and those involving temporary exclusion does not seem to be a valid one when it is considered that *Shapiro* invalidated a temporary rather than a permanent denial of welfare payments. It would appear neither desirable nor logical to prohibit a state from imposing a one year residency requirement as a prerequisite for the receipt of welfare payments,[78] and at the same time allow the state to impose a one year residency requirement for voting.[79] The argument may also be made that the language of *Shapiro* implies that the "compelling state interest" test is the one to be used when considering voter residency requirements:

> We imply no view of the validity of waiting-periods or residence requirements determining eligibility to vote . . . Such requirements may promote compelling state interests on the one hand, or, on the other, may not be penalties upon the exercise of the constitutional right of interstate travel.[80]

The reasoning of the *Keane* court seems extremely sound on the issue of whether there is a compelling state interest in imposing the one year residency requirement. The advanced communications systems available and the amount of publicity involved in election campaigns appears to negate the relevancy of the one year requirement with regard to the goal of an informed electorate. Apparently, the one year

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> requirements determining eligibility to vote . . . Such requirements may promote compelling state interests on the one hand, or, on the other, may not be penalties upon the exercise of the constitutional right of interstate travel.

394 U.S. at 638 n.21. The *Cocanower* court recognized that this note arguably "implicitly recognizes the compelling state interest test as applicable in determining the constitutionality of state voting residency requirements . . . ." 318 F. Supp. at 408. Further discussion of the constitutional right of freedom to travel is beyond the scope of this comment.

77. The other standard being the "reasonableness" or "rational legislative purpose" standard.

78. Shapiro v. Thompson, 394 U.S. 618 (1969).

79. In a democratic society it seems proper for the right of suffrage to be more inalienable than the right to receive welfare payments.

80. 394 U.S. at 638 n. 21.

requirement is not of great value in preventing fraudulent registration,[81] and whatever value it may have in this area seems overshadowed by the fact that an estimated five million persons were prevented from voting in 1968 because of state residency rules.[82]

Due to the fact that thirty-three states, including South Carolina,[83] have one year durational residency requirements for voting,[84] and the fact that the district courts have gone different ways on what equal protection standard should be applied to these requirements, the issue of their constitutionality needs to be resolved by the United States Supreme Court.[85]

HERBERT THOMAS MCINTOSH, JR.

81. Keane v. Mihaly, 11 Cal. App. 3d 1037, 90 Cal. Rptr. 263, 267-68 (Cal. App. 1970).

82. The State, March 2, 1971, at 3-A, col. 1.

83. S. C. CODE ANN. § 23-62 (Supp. 1970).

84. The State, March 2, 1971, at 3-A, col. 1.

85. On March 1, 1971, the United States Supreme Court announced that it would decide the constitutionality of these residency requirements during its next term. The State, March 2, 1971, at 3-A, col. 1.