

Sec. 2—House of Representatives**Cl. 1—Congressional Districting**

Further, beyond the limitation of discretion on the part of the states, Congress has assumed the power, with judicial acquiescence, to legislate to provide qualifications at least with regard to some elections.³¹² Thus, in the Voting Rights Act of 1965,³¹³ Congress legislated changes of a limited nature in the literacy laws of some of the states.³¹⁴ Then, in the Voting Rights Act Amendments of 1970,³¹⁵ Congress successfully lowered the minimum voting age in federal elections³¹⁶ and prescribed residency qualifications for presidential elections.³¹⁷ On the other hand, a requirement that states lower the minimum voting age for state elections was struck down.³¹⁸ These developments greatly limited the discretion granted in Article I, § 2, cl. 1, and are more fully dealt with in the treatment of § 5 of the Fourteenth Amendment.

Clause 2. No person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an inhabitant of the State in which he shall be chosen.

QUALIFICATIONS OF MEMBERS OF CONGRESS**When the Qualifications Must Be Possessed**

A question much disputed but now seemingly settled is whether a condition of eligibility to serve in Congress must exist at the time of the election or whether it is sufficient that eligibility exist when the Member-elect presents himself to take the oath of office. Although the language of the clause expressly makes residency in the state a requirement at the time of election, it now appears established in congressional practice that the other qualifications, age and citizenship, need be met only when the Member-elect is to be sworn.³¹⁹ Thus, persons elected to either the House of Representa-

³¹² The power has been held to exist under § 5 of the Fourteenth Amendment. *Katzenbach v. Morgan*, 384 U.S. 641 (1966); *Oregon v. Mitchell*, 400 U.S. 112 (1970); *City of Rome v. United States*, 446 U.S. 156 (1980).

³¹³ § 4(e), 79 Stat. 437, 439, 42 U.S.C. § 1973b(e), as amended.

³¹⁴ Upheld in *Katzenbach v. Morgan*, 384 U.S. 641 (1966).

³¹⁵ Titles 2 and 3, 84 Stat. 314, 42 U.S.C. § 1973bb.

³¹⁶ *Oregon v. Mitchell*, 400 U.S. 112, 119–131, 135–144, 239–281 (1970).

³¹⁷ *Oregon v. Mitchell*, 400 U.S. 112, 134, 147–150, 236–239, 285–292 (1970).

³¹⁸ *Oregon v. Mitchell*, 400 U.S. 112, 119–131, 152–213, 293–296 (1970).

³¹⁹ See S. REP. NO. 904, 74th Congress, 1st sess. (1935), reprinted in 79 CONG. REC. 9651–9653 (1935).