




## Case Overview: **Dunn v. Blumstein, 405 U.S. 330 (1972)**

 Decided: March 21, 1972

 Vote: 6–1 (Justice Powell took no part; Justice Rehnquist dissented)

 Majority Opinion by: Justice Thurgood Marshall

 Legal Focus: Voting Rights, Equal Protection Clause, Right to Travel

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### Background and Context

Dunn v. Blumstein was a pivotal case concerning the constitutionality of durational residency requirements for voting in state elections. The challenge came from James Blumstein, a law professor who had recently moved to Tennessee and attempted to register to vote. However, under Tennessee law, to be eligible to vote, one had to have been a resident of the state for at least one year and of the county for at least three months prior to the election.

Blumstein, though a U.S. citizen and otherwise qualified, was denied the right to vote in an upcoming election because he had not yet lived in Tennessee for the required period. He filed suit in federal district court, claiming that the durational residency requirement violated the Equal Protection Clause of the Fourteenth Amendment and infringed on his constitutionally protected right to travel interstate. The case made its way to the U.S. Supreme Court, which granted certiorari to consider the constitutionality of such requirements in the context of voting rights.

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### Legal Questions Presented

The Court was tasked with answering two main constitutional questions:

1. Does a state law requiring durational residency (one year in the state, three months in the county) to vote violate the Equal Protection Clause of the Fourteenth Amendment?
2. Does such a law infringe upon the constitutionally protected right to travel between states, which includes establishing a new residence and participating fully in civic life?


The Tennessee statute's intent was purportedly to ensure voters were familiar with local issues and candidates, and to prevent fraud by discouraging "voting tourism" or manipulation of elections by new residents.

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### The Supreme Court's Ruling and Reasoning

In a 6–1 decision, the Supreme Court ruled in favor of Blumstein and struck down the Tennessee law as unconstitutional. Justice Thurgood Marshall delivered the majority opinion, setting forth a strong affirmation of both the fundamental nature of the right to vote and the right to interstate travel.

The Court applied a strict scrutiny standard because the law burdened two fundamental rights:

1.  Right to Vote — The right to vote is a “fundamental political right,” central to representative democracy. Because voting is fundamental, any law that significantly burdens this right must be subjected to strict scrutiny. That means the state must prove the law is necessary to achieve a

compelling governmental interest and is narrowly tailored to that purpose.

2. 🚗 **Right to Travel** — The right to move freely between states and to settle in a new state is a constitutional right recognized under the privileges or immunities of national citizenship. Imposing a waiting period before someone can exercise their voting rights solely because they changed residence penalizes this right.

Marshall emphasized that although the state may have legitimate interests—like ensuring knowledgeable voters or preventing election fraud—these goals could be achieved through less restrictive means that don't discriminate against newcomers. For example, education campaigns or fraud prevention laws could be implemented instead of a flat residency ban. He stressed that durational residency laws were not sufficiently tailored to these goals and thus failed the strict scrutiny test.

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### **Legal and Historical Significance**

Dunn v. Blumstein had major implications for voting rights, state electoral law, and the right to travel. Here are the key takeaways:

1. 🔒 **Reinforced Strict Scrutiny for Voting Laws** — This case reaffirmed that any law affecting the right to vote must be closely examined. Laws that disproportionately impact certain groups—such as recent movers—must serve a compelling state interest and be narrowly designed.
2. 🚗 **Protected Interstate Mobility** — The Court declared that citizens cannot be penalized for exercising their right to relocate by having their civil rights delayed or denied. This decision built upon the foundation laid in earlier right-to-travel cases like Shapiro v. Thompson (1969).
3. 🗽 **Expanded Equal Protection Doctrine** — The case underscored that equal protection applies not just to racial or economic classifications, but also to temporal residency distinctions that unjustifiably deny people equal participation in democracy.
4. 📖 **Modern Voting Rights Doctrine** — Dunn v. Blumstein became a cornerstone in the constitutional framework regulating state-imposed voting qualifications. It has been cited repeatedly in litigation over voter ID laws, registration deadlines, and residency requirements.

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### **Conclusion**

Dunn v. Blumstein, 405 U.S. 330 (1972), stands as a resounding affirmation of the principle that states may not place undue burdens on citizens' access to the ballot box. By ruling that durational residency requirements violate both the Equal Protection Clause and the right to travel, the Supreme Court fortified protections against discrimination based on residence and bolstered the constitutional stature of the franchise. The decision remains a vital precedent for ensuring inclusive participation in state and local elections, especially as debates over voting access continue into the present day.

**Case File:** <https://supreme.justia.com/cases/federal/us/405/330/>