

BRIEF NO. 51 SUMMARY OF EVENTS LEADING TO WOMAN SUFFRAGE  
IN WISCONSIN

Prepared by Legislative Reference Library December 1956

Introduction

Recently we were asked how it happened that the Wisconsin Constitution was not amended to eliminate the restriction on woman suffrage until 1934, and what the status of woman suffrage was to that point.

Although there was a strong woman suffrage movement in Wisconsin almost from the moment of statehood, the privilege of voting was not extended generally to women until 1920 when the 19th amendment to the federal constitution was first put into effect. At least 11 states, Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, Oregon, Utah, Washington and Wyoming had all granted full suffrage to women as early as 1914, and 21 other states had gone as far as had Wisconsin by 1900, in extending the privilege of voting to women in school matters.

The Constitutional provisions

There is some difference of opinion as to whether woman suffrage was considered at the time of the drafting of the State Constitution. Apparently what was said on the subject came in an indirect way. The 1846 proposal incorporated an article giving married women control over their property. There was a great deal of discussion of this article and its existence was one of the causes of the rejection of the 1846 Constitution. In the course of the discussion of this article the issue of woman suffrage appears to have been raised, but there is grave doubt that it received any serious consideration at that time.

The original constitutional provisions relating to suffrage found in article III section 1 restricted the privilege of voting to men when it said in the introductory paragraph; "Every male person of the age of 21 years or upwards, belonging to either of the following classes, who shall have resided in the state for one year next preceding any election, shall be deemed a qualified elector at such election:"

Paragraph (3) of the section is the provision which enables the legislature to extend the privilege of citizenship without amending the Constitution provided the extension is approved by the electors. This paragraph provides that the legislature may at any time extend, by law, the right of suffrage to persons not herein enumerated, but no such law shall be in force until the same has been submitted to the voters at a general election and approved by a majority of those voting on the question. This provision has been used 3 times in the history of the state, in 1885, 1911 and 1954.

It should be pointed out that by reason of this procedure the provisions of article III section 1 of the Wisconsin Constitution are not necessarily an accurate enumeration of who may vote in Wisconsin because it is possible to extend the privilege by statute. The Constitutional provisions in fact set forth the minimum qualifications only.

Statutory Proposals

Almost immediately after Wisconsin became a state efforts were made to extend the privilege of voting to women. In 1856 a bill was proposed. Again in 1867 an effort to amend the Constitution was started, but in 1868 it failed to get second approval.

In 1885 the first successful attempt to extend the privilege of voting to women was made. This law, Chapter 211 extended the privilege of voting to women in school matters. The law, in accordance with the Constitution, had to be approved by a referendum. This was done 43,581 to 39,988 in the same year, 1885.

This law, however, apparently was a dead issue until 1911 when by chapter 384 separate ballot boxes for women were provided. This resulted from the interpretations placed on the procedure by the constitution.

Under this law the advocates of woman suffrage sought to extend their privilege by seeking to vote in a municipal election in Racine. Judge Winslow, then circuit judge who later became a Supreme Court Justice, held that women could vote in the municipal election, but in Brown v. Phillips and others, 71 Wis. 239 (1888) the Supreme Court reversed the circuit court and held that the municipal election was not an election for school matters. The court did, however, say that the legislature could by law extend the privilege of voting to women. In 1909 Bill 114S providing full suffrage passed the senate but failed by one vote to pass the assembly.

In 1911 a law, chapter 227 by Senator James, providing full privilege of voting to women passed the senate 16-4, the assembly 59-29 and was signed by Governor McGovern. It provided for a referendum on Nov. 4, 1912, but met defeat there 135,736 to 227,054. Two assembly bills providing full suffrage were indefinitely postponed that year.

In 1913 a similar proposal Bill 225S passed both houses but was vetoed by Governor McGovern. On May 27 the Governor gave 3 reasons for his veto:

1. The measure was defeated in Nov. 1912 by a decisive vote and no change in conditions had occurred since. If it were to be submitted in 1916 he would approve it.
2. The experience of other states which extended suffrage to women was too limited to warrant following them at this point.
3. The decision to extend the suffrage is irrevocable. The Constitution provided that the privilege may be extended but not contracted. Therefore the change should be approved with extreme caution.

In 1915 4 bills relating to the extension of woman suffrage failed: 118S by Senator Glenn was refused passage 15-16 and its counterpart 212A by Mr. Bradley was indefinitely postponed 49-41, 412S relating to woman suffrage in counties was indefinitely postponed 25-6 and its counterpart 577A was indefinitely postponed 57-27.

In 1917 Bill 103S passed the senate 20-12 but failed in the assembly 44-41. Its counterpart 491A was returned to the author. A unique proposal introduced in 1917 was Bill 345S which contemplated holding an advisory referendum for women one week before the regular elections of 1918. If 60% of the eligible women voted at that election and 50% of those voted aye, then the question would be submitted to the male voters for action. The bill was indefinitely postponed.

The movement for woman suffrage culminated in the constitutional amendment to the U. S. Constitution which provided that the right of

citizens of the U.S. to vote shall not be denied or abridged by the U.S. or by any state on account of sex. This, the 17th amendment, was submitted to the State of Wisconsin for ratification by congress in June, 1919. On June 10, 1919 Illinois, Michigan and Wisconsin all ratified. Although Illinois apparently ratified a few minutes before Wisconsin, but because Senator Jones personally escorted the ratification to Washington, Wisconsin became the first to have this approval filed.

Further action by the Wisconsin legislature appeared unnecessary because that amendment prohibited action by the federal or state governments, but in 1921 the legislature enacted the equal rights laws which included a provision relating to equal rights in suffrage. The issue of voting having been settled by the 19th amendment, the scope of the equal rights law on matters of election was never settled.

Finally in 1931 an effort to bring the Wisconsin Constitution in line with practice by striking the restriction of voting to men was initiated. It was passed as a joint resolution in 1931 and 1933 and approved by the voters in 1934, thereby wiping out the last vestige of the long resistance to woman suffrage. Even though the Constitution until 1934 restricted voting to men, the provision was of no effect.

It is interesting to note that the resistance to change was in a large measure attributed to the liquor and brewery interests which resisted woman suffrage, allegedly because they feared its influence on their business. In 1912 when the general extension of suffrage to women met defeat in a referendum, the loss was attributed in part to the liquor interests, but also to the fact that certain population and political groups did not come through with the votes or their influence was overestimated.

A quarter of a century has passed since women gained the privilege of voting in Wisconsin. The dire consequences of such a movement have failed to materialize. We do not choose to suggest whether the democratic processes have been enhanced by the change. Suffice it to say that it took most of a century for women to gain the franchise, this is but a moment in the long struggle for the extension of the privilege of voting.

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Bibliographical references to more detailed discussions:

1. Youmans, Theodora W. How Wisconsin Women Won the Ballot. The Wisconsin Magazine of History, Vol. V p. 3-32.
2. Kohler, Ruth DeYoung. The Story of Wisconsin Women, Chapter 7. Angels Do Not Vote, p. 59-69.
3. Raney, William Francis. Wisconsin, A Story of Progress, p. 324-326