First PRINCIPLES SERIES

New Jersey Recognizes the Right of Women to Vote

February 22, 1797

INTRODUCTION

In 1797 New Jersey made history by recognizing the right of women to vote. The enormity of this event cannot be overstated. Never before in all of recorded history had women been given voting rights. It is no accident that this happened in the United States, a country founded on the idea of equality.

On February 22, 1797, the New Jersey Assembly passed "An Act to regulate the Election of Members of the Legislative-Council and the General Assembly, Sheriffs and Coroners, in this State," which specifically included women in the franchise. The status of women voters had been unclear for decades. The 1776 New Jersey Constitution had vaguely stated that "all inhabitants" of the state could vote. To remedy this, a voting law in 1790, which applied only to seven counties, had clarified the Constitution by using the phrase "he or she" in referring to voters. Finally, in an effort to create uniformity, the Assembly passed the 1797 voting law, recognizing the right of women to vote across the state.

The 1797 law shows that women could, and did vote during the Founding period. In fact, it is likely that women voted in New Jersey even before 1797. The state Constitution's vague guarantee to "all inhabitants" probably allowed women to vote in the 1780s. Certainly, women's suffrage was not a controversial issue in the state: the 1790 voting law was approved with only three dissenting votes in the Assembly. Despite this, women apparently did not vote in large numbers until after the passage of the 1797 law. There is no record of any public discourse on women voting until a 1797 legislative race in Elizabethtown, when the local women turned out en masse to decide a close election.

Women voted in large numbers until 1807, when the Assembly passed a law limiting suffrage to free white males. The 1807 law was not seen as specifically hostile to women; instead, it was intended to clarify the Constitution's guarantee of the franchise to "all inhabitants." Because some objected that "all inhabitants" could allow slaves and aliens to vote, the Assembly acted to clarify the state's voting requirements. Interestingly, the women of New Jersey did not object to their exclusion with any rigor; they did not lobby or protest against the law.

New Jersey's decision to grant women the right to vote is perfectly in keeping with the United States Constitution, which leaves voter qualifications up to the states. Contrary to popular opinion, the 19th Amendment did not give women the right to vote; it merely guaranteed women the right to vote. By the time the 19th Amendment was ratified in 1920, more than three-fourths of the states already allowed women to vote in some or all elections. Ultimately, the seeds of women's suffrage were sown in the Declaration of Independence's dedication to equality.

An Act to regulate the Election of Members of the Legislative-Council and the General Assembly, Sheriffs and Coroners, in this State

Passed by the New Jersey General Assembly at Trenton, February 22, 1797.

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9. *And be it enacted*, That every voter shall openly, and in full view deliver his or her ballot (which shall be a single written ticket, containing the names of the person or persons for whom he or she votes) to the said judge, or either of the inspectors, who, on receipt thereof, shall, with an audible voice, pronounce the same of such voter, and if no objection is made to the voter, put the ballot immediately into the election box, and the clerk of the election shall thereupon take down the name of such voter in a book or poll list, to be provided for the purpose; and if an adjournment of the poll shall take place during the election, the aperture in the top of the box shall be secured by the bolt aforesaid, and the names on the poll list shall be counted, and the number put down in writing, and the said list locked in the box, and the keys kept separate by two of the persons hereby appointed to conduct the election.

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