The Court Archive:
Nineteenth Amendment

John A. Lupton
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The year 2020 marks the 100th anniversary of the 19th Amendment, which prohibited the federal and state governments from denying the right to vote on the account of gender. While the movement was national in scope, Illinois played a leading role to secure the right to vote for women.

Women's suffrage competed with and coordinated with abolition and temperance movements before the Civil War. Arguments against a woman voting were rooted in the laws of coverture, which civilly merged a married woman with her husband. Married women could not enter into contracts, sue, or own property in their own names. In 1861, the Illinois legislature passed the Married Women Property Act, allowing married women to own real estate. This act began to erode the use of dower and began a series of laws culminating in the women's suffrage amendment.

The first woman to vote in Illinois was Ellen Martin on April 6, 1891. She was a Chicago attorney who lived in Lombard. The incorporation statute of Lombard noted that all citizens above the age of 21 could vote. Martin went to the polling place, and the election judges were so flabbergasted that one fell backwards into a flour barrel. The judges eventually allowed Martin to vote, and Martin gathered up fourteen additional women to vote also.

Opponents also used the "separate sphere" argument that men earned income and women performed household duties. Suffragists turned this argument around and suggested that if a woman's role is to care for children and the household, then women should be allowed to vote in elections related to women. In May 1891, the Illinois legislature gave women the right to vote in school elections, and suffragists continued to fight to obtain the right to vote in township, village, and other municipal elections, to no avail. Suffragists coalesced into a stronger and united force with middle class, working class, immigrant, and wealthy women.

In 1913, Illinois passed a law allowing women to vote in presidential elections—the first state east of Mississippi River to do so. The 1914 *Scown v. Czarnecki* (264 Ill. 305) cases affirmed the legislation. Women were still not allowed to vote in state elections since that required an amendment to the Illinois constitution.

World War I resulted in widespread awareness of women's greater role in society, and the U.S. Congress passed the amendment allowing women to vote in May 1919. Three-quarters of the states needed to ratify it for it to become a part of the U.S. Constitution. Illinois's legislature was in session when the transmittal documents were sent from the federal government to the states.

On June 10, 1919, the Illinois General Assembly passed the resolution to become the first state to ratify the 19th amendment. However, the introduction to the resolution repeated a typo from the transmission papers from Washington, and the Illinois legislature passed another resolution on June 17, and Wisconsin then laid claim to be the first state to ratify it. The U.S. State Department confirmed the correction of the typo was not necessary to the passage, and Illinois remained the first state to ratify the amendment. When Tennessee became the 36th state to ratify the amendment in August 1920, the so-called Susan B. Anthony amendment, proposed in the 1870s, became the law of the land.

Largely left behind in the suffrage movement were women of color. African American men secured their right to vote with the passage of the 15th amendment. The suffrage movement began with white middle-class women and slowly bringing in women of other economic classes, except for African American women, who were able to vote in northern and western states but not in southern states. Not until the passage of the Voting Rights Act in 1965 were all African American women (and men) given access to the voting booth.