

CONSTITUTIONAL RIGHTS FOUNDATION

Bill of Rights in Action

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Who Voted in Early America?

Voting Before the Revolution

For the most part, American colonists adopted the voter qualifications that they had known in England. Typically, a voter had to be a free, adult, male resident of his county, a member of the predominant religious group, and a "freeholder." A freeholder owned land worth a certain amount of money. Colonists believed only freeholders should vote because only they had a permanent stake in the stability of society. Freeholders also paid the bulk of the taxes. Other persons, as the famous English lawyer William [Blackstone](#) put it, "are in so mean a situation as to be esteemed to have no will of their own."

Becoming a freeholder was not difficult for a man in colonial America since land was plentiful and cheap. Thus up to 75 percent of the adult males in most colonies qualified as voters. But this voting group fell far short of a majority of the people then living in the English colonies. After eliminating everyone under the age of 21, all slaves and women, most Jews and Catholics, plus those men too poor to be freeholders, the colonial electorate consisted of perhaps only 10 percent to 20 percent of the total population.

The act of voting in colonial times was quite different from today. In many places, election days were social occasions accompanied by much eating and drinking. When it came time to vote, those qualified would simply gather together and signify their choices by voice or by standing up. As time went on, this form of public voting was gradually abandoned in favor of secret paper ballots. For a while, however, some colonies required published lists showing how each voter cast his ballot.

Voting [fraud](#) and abuses were common in the colonies. Sometimes large landowners would grant temporary freeholds to landless men who then handed the [deeds](#) back after voting. Individuals were paid to vote a certain way or paid not to vote at all. Corrupt voting officials would allow unqualified persons to vote while denying legitimate voters the right to cast their ballots. Intimidation and threats, even violence, were used to persuade people how to vote. Ballots were faked, purposely miscounted, "lost," and destroyed.

After declaring independence on July 4, 1776, each former English colony wrote a state constitution. About half the states attempted to reform their voting procedures. The trend in these states was to do away with the freehold requirement in favor of granting all taxpaying, free, adult males the right to vote. Since few men escaped paying taxes of some sort, suffrage (the right to vote) expanded in these states. [Vermont's constitution](#) went even further in 1777 when it became the first state to grant universal manhood

suffrage (i.e., all adult males could vote). Some states also abolished religious tests for voting. It was in New Jersey that an apparently accidental phrase in the new state constitution permitted women to vote in substantial numbers for the first time in American history.

"Of Government in Petticoats!!!"

The provision on suffrage in the [New Jersey state constitution of 1776](#) granted the right to vote to "all inhabitants" who were of legal age (21), owned property worth 50 English pounds (not necessarily a freehold), and resided in a county for at least one year. No one is sure what was meant by "all inhabitants" since the New Jersey constitutional convention was held in secret. But it appears that no agitation for woman suffrage occurred at the convention.

After the state constitution was ratified by the voters (presumably only men voted), little comment on the possibility of women voting took place in the state for 20 years. Even so, one state election law passed in 1790 included the words "he or she." It is unclear how many, or if any, women actually voted during this time.

In 1797, a bitter contest for a seat in the New Jersey state legislature erupted between John Condict, a Jeffersonian Republican from Newark, and William Crane, a Federalist from Elizabeth. Condict won the election, but only by a narrow margin after Federalists from Elizabeth turned out a large number of women to vote for Crane. This was probably the first election in U.S. history in which a substantial group of women went to the polls.

Newspaper coverage of women voting was widespread in the state and included the publication of a new song titled, "The Freedom of Election." The sarcastic last verse illustrates pretty much what the attitude of most New Jersey men must have been:

*Then freedom hail! thy powers prevail
o'er prejudice and error;
No longer shall man tyrannize,
and rule the world in terror:
Now one and all, proclaim the fall
of Tyrants! - Open wide your throats,
And welcome in the peaceful scene,
of government in petticoats!!!*

New Jersey newspapers debated whether the state constitution really intended for women to vote. Some argued that the words "all inhabitants" surely did not include children, slaves, and foreigners. If this were the case, they continued, women should not be allowed to vote either because they never had before. Others maintained that perhaps widows and single women who owned property worth 50 pounds should be able to vote. Married women were automatically excluded from voting since at this time all property in a marriage legally belonged to the husband.

One New Jersey opponent of woman suffrage wrote in 1799, "It is evident, that women, generally, are neither, by nature, nor habit, nor education, nor by their necessary condition in society, fitted to perform this duty [of voting] with credit to themselves, or advantage to the public."

In 1806, Newark and Elizabeth again faced off at the polls, this time over the site of a new county courthouse. During three days of voting, partisans from both towns used every legal and illegal device to gather the most votes. Men and boys, white and black, citizens and aliens, residents and non-residents, voted (often many times). Women and girls, married and single, with and without property, joined the election frenzy. Finally, males dressed up as females and voted one more time.

Newark, with 1,600 qualified voters, counted over 5,000 votes; Elizabeth, with 1,000 legal voters, counted more than 2,200 votes. Although Newark claimed victory, the voting was so blatantly fraudulent that the state legislature canceled the election.

The following year, the state legislature passed a new election law to clear up the confusion over who was qualified to vote in New Jersey. The law declared that since it was "highly necessary to the safety, quiet, good order, and dignity of the state," no persons were to be allowed to vote except free white men who either owned property worth 50 pounds or were taxpayers. Such voters would also have to be citizens and residents of the county where they voted. The campaign for this new election law was led by John Condict, the legislator who was nearly defeated in 1797 when many women voted for his opponent. Thus, in 1807, with little debate in the all-male state legislature, and no public protest from the state's female population, the experiment with woman suffrage in New Jersey came to an end.

Expanding the Right to Vote

Although for a time some states like New Jersey wanted to limit suffrage, the trend throughout U.S. history has been to expand the right to vote. At first, the main debate was over property tests. But by the [Civil War](#), most states had replaced the freehold and other property requirements with universal white manhood suffrage or something close to it.

With the end of slavery, reformers turned to securing the right to vote for black freedmen. While this was accomplished constitutionally with the ratification of the [15th Amendment](#) in 1870, another century passed before discrimination against black voters was finally suppressed. Women did not win the right to vote until the adoption of the [19th Amendment](#) in 1920, over 100 years after women lost the vote in New Jersey.

In 1964, the [24th Amendment](#) prohibited denying anyone the right to vote in federal elections for failing to pay a voting or any other tax. Finally, in 1971, the [26th Amendment](#) reduced the legal voting age to 18 in all elections.

For Discussion and Writing

1. Make a list of all the groups of people who were excluded from voting during the early years of American history. Why do you think they were excluded?
2. Why did women seemingly have the right to vote in New Jersey between 1776 and 1807? Why do you think women lost this right in 1807?
3. What restrictions on voting do you think should be in force in the United States today?

For Further Information

[American Colonist's Library](#) A huge collection of early American primary documents.

[One Woman, One Vote: A Brief History and Guide](#) The site to this PBS program the American Experience includes [A Brief Timeline of the Woman Suffrage Movement](#) and a [History of the Suffrage Movement](#).

[Voting in America](#) A history of Voting in the United States. From the PBS Democracy Project.