



Women’s Suffrage in the Western States and Territories

By Judge Samuel A. Thumma

Nationally, women’s suffrage came to be via the Nineteenth Amendment to the U.S. Constitution adopted a century ago. Other articles in this issue of *The Judges’ Journal* provide thoughtful history, context, and detail in celebrating that enactment. But women’s suffrage has a fascinating history in the states and territories that predates the Nineteenth Amendment, at times by decades and centuries. This article provides a brief glimpse into those efforts in the western states and territories.

Evolution and growth in the law in the United States sometimes is perceived to go from the east to the west. And as discussed in other articles, in some respects, that was the case for women’s suffrage. After all, the colonies were in the East, statehood largely went from east to west, and in the late 1800s and early 1900s, large population centers were in the East.

But, sometimes, legal developments go

from the west to the east. Women’s suffrage is one example of west to east development, as evidenced by advances in the western states and territories. In her masterful book *How the Vote Was Won: Woman Suffrage in the Western United States, 1868–1914*, Rebecca Mead writes, “[b]y the beginning of 1914, almost every western state and territory in the United States had enfranchised its female citizens in the greatest innovation in participatory democracy since Reconstruction.”¹

So how did the western states and territories broadly accept women’s suffrage before many eastern states, and years before the enactment of the Nineteenth Amendment? The answer to that question involves years and years and years of hard work, successes often after many setbacks, and perseverance in the face of uncertainty and danger. These fascinating journeys cannot be done justice here, other than through skimming the surface.



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Mead's book provides far richer context, detail, and depth into the issues and individuals involved and the struggles lost and then won, and at times won and then lost, but to then be won again. This article, by contrast, provides the briefest of summaries of women's suffrage in these pioneering states, at most whetting the appetite for more detail and leaving to Mead and others the incredible details and context for these efforts.

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This article provides an overview of the history of women's suffrage in the western states and territories of the United States before the adoption of the Nineteenth Amendment. These developments did not follow a straight line, at times were temporary, and had to be maddingly frustrating. But the history shows, in these ways, that the western states and territories were achieving the goal of women's suffrage before the nation followed with the Nineteenth Amendment. And in this way, civilization absolutely moved from the west to the east, perhaps starting as far west as statehood would ever reach.

Western Women's Suffrage Attempts

The Kingdom of Hawaii (1840–1852?)
Although uncertain, the start of women's suffrage in the western states and territories may have begun in in the Kingdom of Hawaii.

The 1840 constitution of the Kingdom of Hawaii established a House of Representatives, but did not specify who was eligible to participate in the election of it.

Some academics have argued that this omission enabled women to vote in the first elections, in which votes were cast by means of signatures on petitions; but this interpretation remains controversial. The second constitution of 1852 specified that suffrage was restricted to males over 20 years old.²

So whatever the meaning of the 1840 constitution, any women's suffrage effort was short-lived and "[o]pposition resulted

in a specific denial of women's suffrage in the 1852 constitution."³ As a result, it was not until 1920, with the passage of the Nineteenth Amendment, that women gained the right to vote in Hawaii (and, even then, because it did not become a state until 1959, Hawaii could not vote on the Nineteenth Amendment).⁴

The Kansas Attempt (1867)

Kansas became a state in 1861. In 1867, the Kansas legislature included two voting rights referenda on the ballot: one to enfranchise African Americans and the other to enfranchise women. This referendum on women's suffrage is cited as the first such attempt in the country.⁵ However, both provisions failed.⁶ And as discussed below, it would be nearly two generations (1912) until women in Kansas would gain the vote.

Utah Territory (1870–1887)

The Utah Territory approved a women's suffrage provision in the early part of 1870, a provision that would survive less than two decades. In February 1870,

the acting governor of the Utah Territory, S.A. Mann, signed a law (An Act Confering upon Women the Elective Franchise) allowing women aged 21 or older to vote in any election in the territory, adding that "[a]ll laws or parts of laws conflicting with this Act are hereby repealed."⁷ As a result, "Utah women hold the honor of being the first to vote."⁸

"Utah women exercised their right to vote for seventeen years until Congress passed the Edmunds-Tucker Act in 1887 that prohibited polygamy and rescinded women's suffrage."⁹ The Edmunds-Tucker Act, which became law on March 3, 1887, after President Grover Cleveland refused to sign or veto it, also repealed the charter of the Church of Jesus Christ of Latter-Day Saints and seized church.¹⁰ The U.S. Supreme Court rejected a challenge to the act, finding these actions were constitutional in *The Late Corporation of the Church of Jesus Christ of Latter Day Saints v. United States*.¹¹ As a result, although the Territory of Utah was an early adopter of women's suffrage, the federal government negated that right.

The federal government's disenfranchisement of women in the Utah Territory did not last a decade. When Utah became a state in 1896, women were, again, enfranchised. At that time, Utah joined Wyoming and Colorado as recognizing women's suffrage.¹²

Washington Territory (1883–1888)

In 1854, a women's suffrage proposal "came within one vote of passing" in Washington Territory and an 1878 constitutional convention rejected such a proposal, again by one vote.¹³ In 1883, however, the effort was successful, at least for a few years. As Mead notes, "woman suffrage in Washington Territory . . . had an unusual history of early enfranchisement and disenfranchisement closely related to statehood aspirations. The territorial legislature approved the measure in 1883, but the territorial Supreme Court invalidated the law in 1888."¹⁴

Bloomer v. Todd was the 1888 Washington Territorial Supreme Court decision invalidating the law.¹⁵ Nevada M. Bloomer attempted to vote, and when the

defendants, “judges of election,” refused to allow her to do so, she sued for “five thousand dollars [about \$135,000 in today’s dollars], and for her costs of suit.”¹⁶ The trial court dismissed for failing to state a claim, and the Territorial Supreme Court affirmed.¹⁷ The opinion in *Bloomer v. Todd* is filled with rambling paragraphs and sentences in the style of the day. The rationale offered, however, is captured nicely in the headnote, which concludes that the 1883 Washington Territorial act conflicted with the terms of the Act of Congress establishing Washington Territory,

providing that every white male inhabitant above the age of 21 years, resident in the territory, shall be a voter at the first election, but the qualifications of voters at subsequent elections shall be as prescribed by the legislative assembly, provided that the right of suffrage shall be exercised only by citizens of the United States above the age of 21 years, or by those above the age who have declared on oath their intention to become such; the word “citizens” meaning only male inhabitants.¹⁸

Stated differently, the court concluded *Bloomer* was a citizen of the United States and of Washington Territory, but not when it came to voting. Although Washington became a state in 1889, *Bloomer* remained the law there for more than two decades. Ultimately, “Washington State passed women suffrage quite easily in 1910,” which was later called “a vanguard state victory” representing “the first women suffrage amendment in fourteen years.”¹⁹ “Suffragists throughout the country took new inspiration and valuable lessons from the Washington victory,”²⁰ with several states following Washington’s lead in the early 1910s, as discussed below.

Alaska Territory (1913)

Alaska did not become a state until 1959, meaning it could not vote on the Nineteenth Amendment. In 1913, however, the

Alaska Territory granted women—more accurately some women—the right to vote.

[T]he Alaska territory granted women full voting rights in 1913—seven years before the 19th Amendment was ratified. While white women in the Alaska Territory could now vote, Indigenous women could not.

Activists from the Alaska Native Brotherhood and Sisterhood advocated for Native suffrage rights. In 1915, the Alaska Territorial Legislature recognized the right of Indigenous people to vote if they gave up tribal customs and traditions.²¹

first law granting women equal and unrestricted voting rights with men.”²³ And women’s suffrage in Wyoming has been in place ever since. Wyoming was at the cutting edge in the United States, adopting women’s suffrage more than 150 years ago, and 50 years before the enactment of the Nineteenth Amendment.²⁴ To this day, to honor the achievement, December 10 is celebrated as “Wyoming Day.”²⁵

Colorado (1893)

“In 1893, Colorado became the first state to enfranchise women in a popular referendum after a vigorous campaign.”²⁶ This effort traced back decades, including to a failed attempt in 1877 (a year after Colorado became a state) and a legislature that was, for many years, unwilling to submit the ques-

West to east comparisons show stark contrasts in approaches to women’s suffrage.

Western Women’s Suffrage Successes

By contrast to these unsuccessful attempts and temporary gains and losses, other western territories and states recognized women’s suffrage before the Nineteenth Amendment on a permanent basis, starting most notably with Wyoming.

Wyoming Territory (1869)

In 1869, the legislature of the Wyoming Territory passed a law providing for women’s suffrage, and territorial Governor John Allen Campbell signed the provision on December 10, 1869, making it the first territory or state to provide for women’s suffrage.²² In September 1870, in Laramie, “Louisa Swain became the first Wyoming woman to cast a ballot under the world’s

tion to voters.”²⁷ The enactment is attributed to a variety of different factors: “Women suffrage passed in Colorado in 1893 due to economic crises, consensus on silver in an off-year election, the participation of middle-class clubwomen, the positive example of neighboring Wyoming, and the weak mobilization of the opposition.”²⁸

Idaho (1896)

Idaho, which became a state in 1890, adopted women’s suffrage in 1896.²⁹ Although coming soon after the Colorado enactment, “the victory in Idaho in 1896 is less well understood.”³⁰ The success in Idaho, however, seems tied to the Colorado experience. The result, however, was felt almost immediately. “Idaho governor Frank Steunenberg commended female

turnout in 1898, when three women (a Democrat, a Populist, and a Republican) won seats in the legislature. They ‘made most accepted public officers, serving with ability and success,’ proving that ‘the only vital question at the polls were those of merit and party.’³¹

California (1911)

Notwithstanding Idaho’s success, California efforts that year yielded a different result. “The woman suffrage amendment [in 1896] lost in California (137,099 to 110,355), with a 44.6 percent positive vote statewide.”³² This loss “was a bitter blow to these suffragists, who had hoped the Populist momentum would help them sweep the West, but they were consoled by the Idaho victory that same year.”³³

It would be another 15 years until California would recognize women’s suffrage. In 1911, a broad base of support worked for a women’s suffrage proposal that passed: “[t]he final total was 125,037 to 121,450, a margin of only 3,587 votes,”³⁴ passing with just 50.7 percent of the votes. But western state efforts the next few years would “confirm[] that the suffrage movement had entered a new and more dynamic period in the twentieth century.”³⁵ In fact, “[i]nspired by the Pacific Coast victories, all other western states and territories except New Mexico enfranchised their women citizens by the end of 1914.”³⁶

Arizona, Oregon, and Kansas (1912)

In 1912, Arizona, Oregon, and Kansas all approved referenda adopting women’s suffrage.

When Arizona became a state on February 14, 1912, it did not recognize women suffrage. A ballot proposition later that year, on the first general election ballot for the State of Arizona, approved women’s suffrage with more than 68 percent of voters favoring the measure.³⁷

In Oregon, “full suffrage received large votes in the Oregon state legislature in 1871, 1873, and 1875 and women’s school voting and office-holding measures passed in 1877.”³⁸ But these ballot measures were not approved by the electorate and, in 1884, “an Oregon woman suffrage referendum lost badly.”³⁹ After further efforts,

including a 1906 failed effort that “was widely attributed to fraud,”⁴⁰ and another unsuccessful campaign in 1910,⁴¹ it was not until 1912 when “Oregon finally approved women suffrage.”⁴²

In Kansas, after the first-in-the-country statewide women suffrage referendum failed in 1867, and after a failed attempt in 1894 was referred to as a “disaster,”⁴³ Kansas also joined the club in 1912.⁴⁴

Montana and Nevada (1914)

Montana and Nevada followed two years later.⁴⁵ Notably, in 1916, Jeannette Rankin, a Republican from Montana, was elected to the U.S. House of Representatives and became the first woman to serve in Congress.⁴⁶

New Mexico

New Mexico appears to have been the outlier as the only western state or territory that did not guarantee women’s suffrage, in some form, before ratification of the Nineteenth Amendment. That said, the “Message of Governor O. A. Larrazolo to the 4th Legislature of the State of New Mexico, Santa Fe, January 15, 1919, an official State document,” showed that the governor “and the New Mexico Republican Party were pledged to support the women’s right to vote. He further noted the need for an amendment to the New Mexico Constitution to assure their right.”⁴⁷ After passage of the Nineteenth Amendment by Congress later in 1919, “[t]he New Mexico Legislature and Governor Octaviano Larrazolo ratified the amendment on February 21, 1920.”⁴⁸

Conclusion

West to east comparisons show stark contrasts in approaches to women’s suffrage.⁴⁹ And the comparison is stark. For example, in 1872, three years after the Wyoming Territory adopted women’s suffrage, Susan B. Anthony was arrested for attempting to vote in New York state.⁵⁰ And in 1915, after all the western states and territories except New Mexico had recognized women’s suffrage, New York voters defeated a women’s suffrage referendum.⁵¹

The importance of the Nineteenth Amendment cannot be understated, and

the efforts leading to it are legion. Some jurisdictions, however, acted earlier, and many of those states and territories were in the West. Those efforts were not universally successful, and at times had stops and starts even after winning the ballot. Each effort, either by statute or by initiative, has its own story with different participants, themes, and issues, some of which are masterfully captured in Rebecca Mead’s *How the Vote Was Won: Woman Suffrage in the Western United States, 1868–1914*, which is well worth reading. It is noteworthy that Mead opens her book with a quote from Theodore Roosevelt published in a 1913 article called “The Uncivilized East”: “I think civilization is coming Eastward gradually.”⁵² Truly, these western efforts establishing women’s suffrage show that legal developments sometimes really do go from the west to the east. ■

Endnotes

1. REBECCA MEAD, *HOW THE VOTE WAS WON: WOMAN SUFFRAGE IN THE WESTERN UNITED STATES, 1868–1914*, at 1 (2004).

2. This information about the Territory of Hawaii is found in a *Women’s Suffrage*, Wikipedia, https://en.wikipedia.org/wiki/Women%27s_suffrage#cite_note-7 and note-17 (citing J. KEHAULANI KAUNUI, *PARADOXES OF HAWAIIAN SOVEREIGNTY: LAND, SEX, AND THE COLONIAL POLITICS OF STATE NATIONALISM* (Oxford Press 2018)).

3. *Id.*

4. *Hawai’i and the 19th Amendment*, NAT’L PARK SERV., <https://www.nps.gov/articles/hawaii-and-the-19th-amendment.htm>.

5. Mike McCabe, *First in the Midwest: Kansas’ Role in the Women’s Suffrage Movement*, CSG MIDWEST (Mar. 2015), <https://www.csgmidwest.org/policyresearch/0315-kansas-womens-suffrage.aspx>.

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7. *Suffrage and Stories of Utah Women*, UTAH DIV. ARCHIVES & RECORDS SERV., <https://archives.utah.gov/digital/suffrage.html>.

8. Amy Barry, *Women’s Suffrage: 100th Anniversary of the 19th Amendment*, UTAH DIV. STATE HIST. (Oct. 28, 2019), <https://history.utah.gov/womens-suffrage-100th-anniversary-of-the-19th-amendment>.

9. *Id.*
10. M. Paul Holsinger, *Henry M. Teller and the Edmunds-Tucker Act*, *Colo. Mag.* 48, no. 1, Winter 1971, at 12–13 (cited in *Edmunds-Tucker Act*, WIKIPEDIA, https://en.wikipedia.org/wiki/Edmunds-Tucker_Act#cite_note-5).
11. 136 U.S. 1 (1890).
12. MEAD, *supra* note 1, at 43 & n.28 (citations omitted), 44.
13. *Id.* at 45.
14. *Id.* at 44.
15. 19 P. 135 (Wash. Terr. 1888).
16. *Id.* at 136–37.
17. *Id.*
18. *Id.* at 135.
19. MEAD, *supra* note 1, at 94, 44, 97.
20. *Id.* at 118.
21. *Alaska and the 19th Amendment*, NAT'L PARK SERV., <https://www.nps.gov/articles/alaska-and-the-19th-amendment.htm>.
22. *Women's Suffrage and Women's Rights*, WYO HISTORY.ORG, <https://www.wyohistory.org/encyclopedia/topics/womens-suffrage-and-womens-rights>.
23. *Id.*
24. See Christopher Klein, *The State Where Women Voted Long Before the 19th Amendment*, HISTORY (updated Apr. 1, 2019), <http://www.history.com/news/the-state-where-women-voted-long-before-the-19th-amendment>.
25. *Wyoming Day*, STATE SYMBOLS USA, <https://statesymbolsusa.org/symbol-official-item/wyoming/holidays-events/wyoming-day>.
26. MEAD, *supra* note 1, at 53.
27. *Id.* at 59.
28. *Id.* at 67.
29. *Id.* at 1.
30. *Id.* at 15.
31. *Id.* at 93–94 & n.114 (quoting Frank Steunenberg, *Woman Suffrage in Idaho*, HARPER'S BAZAAR, May 26, 1900, at 33).
32. *Id.* at 73, 90.
33. *Id.* at 92.
34. *Id.* at 94, 146.
35. *Id.* at 94.
36. *Id.* at 151.
37. *Arizona Suffrage and Right to Hold Office for Women Amendment, Questions 300 and 301 (1912)*, BALLOT PEDIA, [https://ballotpedia.org/Arizona_Suffrage_and_Right_to_Hold_Office_for_Women_Amendment,_Questions_300_and_301_\(1912\)](https://ballotpedia.org/Arizona_Suffrage_and_Right_to_Hold_Office_for_Women_Amendment,_Questions_300_and_301_(1912)); see also Staff, *A Voice for Giving Women a Voice*, ARIZ. CAPITOL TIMES (Sept. 20, 2018), <https://azcapitoltimes.com/news/2018/09/20/a-voice-for-giving-women-a-voice>.
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39. *Id.* at 47.
40. *Id.* at 97.
41. *Id.* at 106.
42. *Id.* at 118.
43. *Id.* at 83.
44. McCabe, *supra* note 5.
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47. *Celebrating the Right of Women to Vote in New Mexico*, N.M. UNIV. LIBRS., <https://libguides.unm.edu/c.php?g=956352>.
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49. *Centuries of Citizenship: A Constitutional Timeline*, Nat'l Const. Ctr., https://constitution-center.org/timeline/html/cw08_12159.html (see “Map: States grant women the right to vote”).
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51. *Id.*
52. MEAD, *supra* note 1, at 1 & n.1 (citation omitted).