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**Veto Message: Governor Clement
1919 (S.8)**

An act to to give women the right to vote for presidential electors.

STATE OF VERMONT
Executive Department.
Montpelier, Vt., Feb. 20, 1919

The Senate proceeded to the consideration of Senate bill, entitled

S. 8. An act to give women the right to vote for presidential electors;_

Which had been returned by His Excellency, the Governor, without his approval and with his objections in writing, as follows:

I have the honor to return herewith without my approval Senate bill, No. 8, "An act to give women the right to vote for presidential electors," for the reason that:

This bill undertakes to prescribe qualifications for taking the freeman's oath and to confer upon women the right to vote for presidential electors.

Without considering the expediency or in expediency, the desirability or undesirability of the measure proposed, or the possible benefit or mischief which may result from its passage, inasmuch as it undertakes to confer the elective franchise to be exercised at the presidential election, it is of paramount importance that its validity should be unimpeachable; and, if there is any reasonable doubt of its constitutionality, it should not become a law. It is an undertaking on the part of the legislature to prescribe the qualifications of voters at the election of presidential electors.

The Constitution of the United States, while it prescribes

specifically the class of citizens entitled to vote for members of the national House of Representatives and Senators of the United States does not undertake to prescribe the qualifications of voters for presidential electors, but does provide; "Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the state may be entitled in the Congress, etc;" and further provides, "The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States."

The Congress is not authorized to determine what shall be the qualifications of voters for presidential electors. The office is created by the United States Constitution, and the number of electors is determined in part by the population of the respective states, individually, and with reference to the fact that each state is entitled to representation as a state, in the Senate of the United States. Their function is a choice of the president and vice president of the United States, offices created by the Constitution of the United States, in which the people of this Country and this State have such interest, both in the choice of the individual and the stability of his tenure of office as to require the utmost caution in the exercise of the elective franchise. Both the national and state governments should exercise the powers which respectively belong to them, according to a fair practical construction of the rights of the state and rights of the United States, for they are essential to the preservation of our liberties and the perpetuity of our institutions.

The constitution and laws of Vermont treat the elective franchise as a sacred trust committed only to that portion of the citizens who come up to the prescribed standards of qualification, to be exercised by them at the time and place, and in the manner prearranged by public law and proclamations.

Vermont was the first new state admitted to the Union, and it came in under a constitution which conferred the right of suffrage only upon men.

In prescribing the qualification of voters for candidates to elective offices in the state and national governments the right to vote is restricted to freemen.

Pursuant to the power vested in it by the Constitution of the United States, the legislature of Vermont has provided the manner in which the election of electors of president and vice president shall be held, and, since the adoption of the constitution, that instrument alone has specified the qualification of voters at such election. Presidential electors have been voted for in Vermont since the admission of the State into the Union at every election, by voters for whose qualification to exercise their suffrage we must look to the constitution, and to that alone. It is a fundamental principle of law that the constitution of a state, framed by a convention elected for that purpose and adopted by the people embodies their supreme original will; and, wherever the constitution has prescribed the qualifications of electors, they cannot be changed or added to by the legislature otherwise than by an amendment to the constitution. The constitution of Vermont, from which the legislature derives its powers, in prescribing what those powers shall be, adds express prohibition: "They shall have no power to add alter, abolish or infringe any part of this constitution (Chap. II, Sec. 6.) It follows that the constitution, having determined what the qualifications of voters for presidential electors shall be, the legislature can pass no act which shall add to, alter or abolish any of those qualifications. I am advised that, for this reason, S. 8, inasmuch as it undertakes to add to the qualifications of voters for presidential electors, prescribed by the constitution, is unconstitutional and beyond the power of the legislature to enact.

It is no answer to the foregoing to urge that the qualification of voters as provided in the Constitution extends only to the offices created by the Constitution, for the reason that in their action at the several presidential elections from 1791 to the present time, the people of the State have treated the restrictions of the constitution in reference to the exercise of thus suffrage as applying to voters for presidential electors.

In this respect, if the question of the right of the legislature were

doubtful, it would be a sufficient reason for not passing this bill. It seems eminently appropriate that the people of the State, through their Constitution, should determine the qualification of voters for offices in the National Government, and for those who are to choose the chief magistrate and vice president of the United States. It is more properly a part of the permanent supreme law, than a subject for an act of the legislature, which may be repealed at any time, either during the same session of its passage, or any subsequent session; which may be the result of a wave of popular enthusiasm or hysterical impulse, instead of the mature product of the considerate judgment of the years required for the adoption of a constitutional amendment. The present is a time of abnormal conditions. Nothing seems sure. Nothing is settled. It is difficult for the most calm and sober mind to realize the actual situation and form satisfactory conclusion as to the legislation needed to relieve the existing chaotic uncertainty, whether in matters of finance, of industry, of education, of labor or of government. The time appointed by the Constitution (Chap. 11, Sec 68) for the proposals of amendments to the Constitution very near, and it would seem wiser to postpone radical action in reference to the electorate of Vermont until that time has arrived. It may be noted, too, that, should this action of the legislature be held invalid as beyond its power, our State may be deprived of a voice in the election of the president of the United States.

PERCIVAL W. CLEMENT,
Governor

Governor's Veto Sustained
S. 8 1919

The Governor's veto was overridden in the Senate:
Yeas 18 Nays 19

The Governor's veto was sustained in the House:
Yeas 48 Nays 168

