

Kimberly Knox's Remarks for Law Day May 2, 2014
Connecticut Supreme Court
Hartford, CT

Good morning to the Chief Justice, Justices and Judges of the Court, colleagues, friends and especially our keynote speaker Prof. Douglas Spencer from the University of Connecticut School of Law.

On behalf of the Connecticut Bar Association I am honored to be here to speak about this year's Law Day theme "American Democracy and The Rule of Law: Why Every Vote Matters."

President Lincoln most eloquently described the importance of the right to vote in the context of the rule of law when he stated that we are a "government of the people, by the people, for the people." It is this rule of law principle enshrined in our nation's founding documents that assures our government derives its power from the consent of those who are governed.

The right to vote plays a significant part in American legal and civic history. The genesis of the right to vote is in the U.S. Constitution. But it is noteworthy that the regulation of voting and elections was vested by the U.S. Constitution in the states. As noted by Professor Spencer, the state laws limited voting eligibility by qualifications such as property requirements, literacy requirements, and poll taxes.

Our Connecticut history reflects some of the national events, but with its own interesting twists and turns. Prior to the constitutional convention of 1818, Connecticut was ruled by the Federalist Laws under which the right to vote was limited to white men who served in the militia or paid taxes. Beginning in the early 1800s, there was a movement to narrow eligibility further. For example, in 1813 an act was passed requiring that the real property used for voting eligibility be free of a mortgage and the then existing personal property valuation was increased by nearly 40%.

In the state elections of 1817 -1818, there was a shift in the political power. And in 1818, the General Assembly, with many newly elected members, re-established the more expansive right to vote to all white males who paid taxes or served in the militia. More importantly, the General Assembly called for a constitutional convention. The 1818 Constitutional Convention is a significant highlight of Connecticut legal history and is well-documented. One issue that was hotly contested was the right to vote. One fascinating amendment – proposed by Stephen Mix Mitchell, Connecticut’s first chief justice – was to eliminate the words “white male” from the eligibility requirement that included only “Every white male citizen of the United States”– this would have effectively eliminated the race and sex limitation. But in the end, and by a narrow margin, the right to vote was preserved for all adult white men who paid taxes or had served in the military.

Between the 1818 Constitutional Convention and 1965 Constitutional Convention, the Connecticut constitution was amended 59 times. Concerning the right to vote were the following amendments: in 1845, the property qualification, the militia clause and a state tax payment clause were eliminated; but in 1855, the ability to read was added; in 1876, the "white" qualification was eliminated; but, in 1897, the ability to read English was added. The elimination of the reference to “white” male followed six years after the adoption of the United States Constitution 15th Amendment (1891) which prohibited the denial of the right to vote at the state or federal level because of race. However, it was not until 1955 that Connecticut eliminated the restriction to men and acknowledged women had the right to vote pursuant to the ratification of the 19th Amendment to the United States Constitution (1920).

Today, the Connecticut Constitution provides that every citizen of United States who is 18 years and a bona fide resident of a town in Connecticut is qualified to vote. Today we celebrate the 50th anniversary of the Civil Rights Act of 1964 and the Voting Rights Act of 1965 and the leaders of that day who valued the right to vote as critical to our rule of law.

But the discussion and protection of the right to vote does not end – today we must recognize that persons may be disenfranchised as a result of the voting processes as well as potentially limiting voting eligibility requirements. Access to polls on voting day in terms of long lines, closing times and limited ballots, accessibility to the voting process by military personnel and students who are out of state, and the mechanics of the registration process are some examples of potential impediments to the right to vote.

The CBA has been active in protecting the right to vote. For example, last year the CBA supported the adoption here in Connecticut of the Uniform Military and Overseas Voters Act to ensure that military members and their family living away from their residences at the time of elections are provided the infrastructure needed to cast an absentee ballot in a timely and meaningful manner. During the past two years, the Connecticut Bar Association has worked with the Secretary of the State to ensure an accessible and orderly process of voting at Connecticut polling venues.

In closing, the right to vote is the very core of a government by the people.