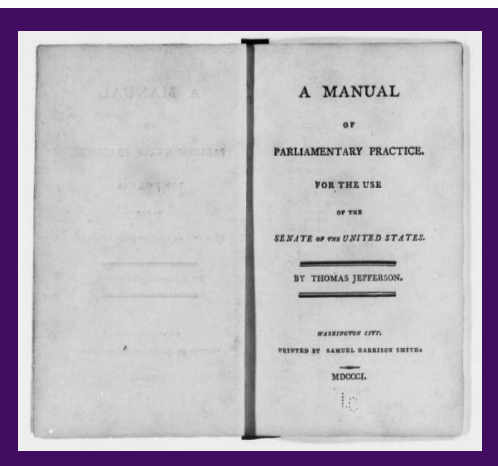


Removing the Speaker of the House

On October 3, 2023, the U.S. House of Representatives [voted](#) 216-210 to remove [Kevin McCarthy](#) (R-CA) from his position as [speaker of the House of Representatives](#). This unprecedented event marks the first time in U.S. history that a speaker of the House has been voted out of office. McCarthy had served in the position for just nine months before a resolution to vacate was filed by Representative [Matt Gaetz](#) (R-FL) on the evening of October 2, 2023. Explaining his reason for filing the resolution, Gaetz [alleged](#) that McCarthy had repeatedly gone back on promises and deals made with his party, especially in the area of government funding. After the vote, the office of the speaker of the House, the individual second in line in presidential succession, was declared vacant. So, what is a "motion to vacate," and what happens next?



The [U.S. Constitution](#) is silent on the topic of removing a speaker. Article I, Section II simply states, "The House of Representatives shall chuse their Speaker..." and Article I, Section V explains that "Each House may determine the Rules of its Proceedings..." The majority of the rules that govern the House were [adopted in 1837](#) and based on a guide to parliamentary procedure known as "[Jefferson's Manual](#)." Included in these original rules was one that stated, "A Speaker may be removed at the will of the House." Known as a "motion to vacate", it could be initiated by just one single member of Congress and forces a vote on removing the speaker. However, during each session, the House has the power to make rule changes. So, in 2019, Democrats led an effort to [amend the rules](#) and raised the requirements for bringing the motion to only "if offered by direction of a party caucus or conference." But, in January 2023, the rule was [changed back](#) after the [contentious and historic selection](#) of McCarthy to the office of speaker. Changing the rule was the trade-off that McCarthy had to make with members of his party in order to have enough votes to win the speakership.



How a motion to vacate works

1. Any member can "offer a [privileged](#) resolution declaring the Office of Speaker vacant."
2. If introduced as privileged, the resolution is treated as urgent and must be brought to the House floor for a vote.
3. A simple majority, currently 218 members, is needed for the motion to pass.

While McCarthy is the first speaker to be removed, this was not the first time in history that the motion to vacate has been used. The motion was first used in 1910 against [Speaker Joseph Cannon](#). In that instance, after Congress voted in favor of removing him from his position as chairman of the Rules Committee, a motion was introduced to also remove him as speaker. However, Cannon survived this second vote, and the motion failed. [Headlines](#) in 1997 alluded to threats of using the motion against [Speaker Newt Gingrich](#), but a resolution never materialized. The most recent use was in 2015 in an attempt to remove [Speaker John Boehner](#). Since it was not introduced as a privileged resolution, it never ended up coming to a full floor vote. Boehner resigned from the position on his own accord a few months later.

What happens next is uncharted territory for Congress. Per [House rules](#), Patrick McHenry (R-NC) steps in as speaker pro tempore and serves in the interim. The House made plans to suspend business for a week and hold elections for a new speaker on October 11, 2023. McCarthy is eligible to run for the position again but has stated that he will not be seeking re-election to the office. As Congress struggled to come to a consensus on a speaker back in January, there may lie significant challenges ahead before Congress can get back to the business of legislating.

To Think and To Do: Review the [roll call vote](#) on the motion to declare the office of Speaker of the House of Representatives to be vacant. How did [your representative](#) vote? What questions might you ask your representative about their vote?

Learn More:

- [Speakers of the House by Congress](#)
- [The Evolution of the Speaker of the House](#)



Lou Frey Institute