

Twelfth Amendment

Under Article II, Section 1, Clause 3 of the Constitution as written by the Framers, there was no distinction between votes cast for president and vice president. Instead, the presidential candidate receiving the greatest number of electoral votes (as long as it was a majority of votes) was elected president, while the presidential candidate receiving the second most votes was elected vice president. In elections with two main candidates, this essentially made the 'loser' the vice president. When this system was used in the elections of 1796 and 1800, it resulted in the selection of a president and vice-president who were political opponents, and often worked at odds.

Because of this, the Twelfth Amendment was added to the Constitution in 1804. This amendment changed the procedure for electing the president and vice president, replacing the original procedure above. The amendment was ratified in time for the 1804 presidential election, and has remained the procedure for every presidential election since. Using the changes brought about by this amendment, the members of the Electoral College now cast two votes: one for president and one for vice-president. If no one gets a majority, the House of Representatives holds a contingent election for president as they did under the original rules, but now the Senate holds such a contingent election for vice-president.

Twentieth Amendment

The text of the U.S. Constitution outlines term lengths for nationally elected officials, but does not specify the actual dates on which those terms begin and end. In 1788, after the first national election following the ratification of the Constitution, March 4th was chosen as the date for when the terms of Congress, the president, and the vice president would begin.

The long “lame-duck” period, or period between when an official is elected and when they actually take office, was a practical necessity in the 18th and early 19th centuries. During this time, the journey from an official’s home state to the nation’s capital could be challenging. By modern times, however, with inventions that greatly sped up travel and communication, this long wait had a more negative effect of hampering the government’s ability to function and respond to crises. This problem was most glaring in 1861 and 1933 after the elections of Abraham Lincoln and Franklin D. Roosevelt. Both presidents had to wait four months before they, and the incoming Congress, could deal with the looming Civil War and Great Depression, respectively.

In 1933, with the nation in the middle of the Great Depression, Congress took action, adopting the Twentieth Amendment. This amendment cut the “lame duck” period nearly in half, moving the beginning of presidential terms from March 4th to January 20th, and Congressional terms from March 4th to January 3rd. The earlier start for Congress specified in this amendment also meant that the incoming Congress, rather than the outgoing one, would hold a contingent election if the Electoral College deadlocked regarding either the presidential or vice presidential elections.

Twenty-Second Amendment

While the U.S. Constitution outlines qualifications to serve as president, and established a four-year term for the office, it was silent on any limit to the number of times the office could be sought. George Washington, the first president, only reluctantly ran for reelection in 1792, and retired after his second term was over. Thomas Jefferson, the third president, and second after Washington to be reelected, declined to run for a third term, establishing a two term limit as a presidential tradition. In the ensuing century, presidents who ran for and were elected to a second term maintained this tradition.

Franklin Roosevelt was the first president to break this tradition. First elected in 1932, his tenure over the 1930s focused on addressing the crisis of the Great Depression. By 1940, at the end of his second term, a new crisis had emerged: World War II. Though the U.S. was remaining neutral, many feared that they would eventually have to engage. Not wanting a new and inexperienced president, his party nominated him for a third time. The American people agreed, and the popular Roosevelt was elected for an unprecedented third time. Four years later, with the U.S. still involved in World War II, Roosevelt would win a fourth term in office.

While Roosevelt's four terms were clearly the will of the voters, the occurrence led to concerns about the ability to re-elect a president to effectively unlimited terms. To prevent this from happening again, the Twenty-Second Amendment was proposed by Congress in 1947 and was ratified in 1951. This amendment prevents a president from serving more than two terms or more than ten years. The ten year limitation comes into effect for a person who has held the office of president for more than two years of a term to which some other person was elected president.

Twenty-Fifth Amendment

The 25th Amendment deals with presidential succession and disability. The text of the U.S. Constitution was originally vague on what happened if a president were to die or otherwise vacate office, simply saying that the powers and duties of the presidency would “*devolve on the Vice President*”. Did this mean that that vice president became the new president, or simply carried out the “powers and duties” until the next election?

The issue was tested in 1841, when William Henry Harrison, the ninth president, became the first to die in office. Heading off the constitutional questions above, his vice president, John Tyler, quickly took the presidential oath of office and proclaimed himself the tenth president. While not everyone was happy with this arrangement, this “Tyler Precedent” was followed during subsequent presidential deaths, that last time being 1963 following the assassination of President John F. Kennedy. One thing the “Tyler Precedent” never addressed was how to fill the resulting vacancy in the vice presidency.

To finally clarify all this, Congress passed the Twenty-Fifth Amendment, and it was ratified by the states two years later in 1967. It clarifies that if the president dies, resigns, or is removed from office through impeachment, that the vice president becomes president. This amendment also provides the new president the ability to appoint someone, with Congressional confirmation, to the vacant vice-presidency. Lastly, it provides for the temporary transfer of the president's powers and duties to the vice president, either on the initiative of the president alone, or on the initiative of the vice president with a majority of the president's cabinet. In either case, the vice president becomes acting president until the presidential powers and duties are returned to the president.