



CIVICS IN REAL LIFE

Qualifications to Hold National Office

Civics is all around us. There is a lot to know about the government and how “We the People” interact with the government and each other. Let’s help each other expand our civic literacy.

When evaluating candidates for office, voters all have different opinions regarding what qualifications they deem necessary in order for a candidate to receive their vote. Political party affiliation, age, religious preference, voting record, education, and stances on major issues are all common measures voters take into account. However, while a characteristic like having a law degree may be important to a voter when selecting a candidate, it is not a constitutional qualification to hold a national office. So, what does the U.S. Constitution require in terms of qualifications to hold national office?

The U.S. Constitution lists specific requirements for holding the office of president and to be a member of the U.S. House of Representatives or U.S. Senate. For president, [Article II, Section 1](#) specifies that a person must be a natural-born citizen, at least 35 years old, and a resident of the United States for at least 14 years. [Article I, Section 2](#) requires a member of the U.S. House of Representatives to be at least 25 years old, a citizen for 7 years, and live in the state they represent. [Article I, Section 3](#) requires a member of the U.S. Senate to be at least 30 years old, a citizen for 9 years, and live in the state they represent.



The U.S. Constitution also contains language on when individuals may be disqualified from holding public office. The [14th Amendment, Section 3](#) states:

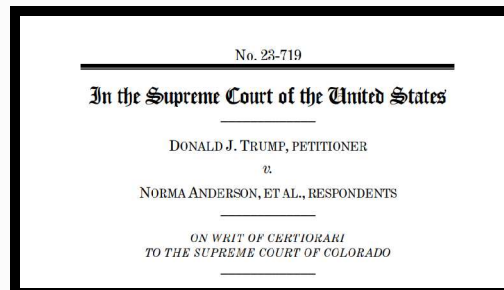
No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Known as the Disqualification or Insurrection Clause, this section of the 14th Amendment was enacted in the aftermath of the [Civil War](#) as a way to prevent former [Confederates](#) from seeking national office. It was only used a handful of times during the [Reconstruction Era](#) before Congress passed the [Amnesty Act in 1872](#). The last time Section 3 of the 14th Amendment was invoked was in 1919 when Congress refused to seat [Socialist Victor Berger](#), who was accused of giving aid to Germany during WWI, a charge that was later dropped.

On Tuesday, December 19, 2023, the Disqualification Clause was brought back into the spotlight. The Colorado Supreme Court, in a [4-3](#) decision that overturned a ruling from a district court judge, declared former president Donald Trump ineligible to appear on the state’s presidential primary ballot, citing Section 3 of the 14th Amendment and Trump’s role in the events on [January 6, 2021](#), at the U.S. Capitol. This marked the first time in history that Section 3 of the 14th Amendment had been used to disqualify a presidential candidate. On December 28, 2023, [Maine’s secretary of state disqualified Trump](#) from their primary ballot, and more than a dozen other states are considering challenges.

These attempts to invoke Section 3 of the 14th Amendment to determine the eligibility of an individual attempting to run for president in the 2024 election have shed light on numerous interesting constitutional legal questions. Some of these questions include:

- As not defined in the Constitution, what constitutes an “insurrection or rebellion”?
- What or who determines the activities that constitute an individual has “engaged in insurrection or rebellion”?
- Does the disqualification apply to the office of president?
- Does the language of the amendment disqualify an individual from running for office, being elected to office, or just holding office?
- Does the 1872 Amnesty Act apply retrospectively?
- Is a criminal conviction required first? Is Section 3 self-executing, or does it require enforcement by Congress?



The U.S. Supreme Court has [agreed to review](#) the ruling made by Colorado’s Supreme Court, and arguments are scheduled to begin on February 8, 2024. It is unclear how quickly the Court may issue a decision and which questions they will consider. But given Trump’s recent [victory in the Iowa primary](#) and the fast-approaching “[Super Tuesday](#),” this will certainly be a historic case to follow closely.

To Think and To Do: In thinking about the 14th Amendment, the U.S. Constitution does not define ‘insurrection or rebellion.’ What do you think those terms mean? When reading section 3 of the 14th Amendment, do you think this disqualification applies to the office of the president? Why or why not? Do you think the language used implies a disqualification from running for office or just holding office? Why or why not?

Learn MORE!

- [Congressional Research Service](#)
- [U.S. Supreme Court Petitioner’s Brief](#)
- [Colorado Supreme Court’s Majority Opinion](#)
- [Colorado Supreme Court’s Dissenting Opinion](#)



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