

**TWENTIETH AMENDMENT
PRESIDENTIAL TERM AND SUCCESSION**

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TWENTIETH AMENDMENT—PRESIDENTIAL TERM AND SUCCESSION

SECTION 1—TERMS

Amdt20.S1.1 Presidential and Congressional Terms

Twentieth Amendment, Section 1:

The terms of the President and the Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Article II, Section 1, Clause 1 of the Constitution¹ fixed the term of the President at four years. By a resolution of the Confederation, Congress commenced under the Constitution on March 4, 1789. Consequently, the February 6, 1933 ratification of Section 1 of the Twentieth Amendment in effect shortened the terms of the President and Vice President elected in 1932 by the interval between January 20 and March 4, 1937.

Similarly, ratification of the Twentieth Amendment shortened, by the intervals between January 3 and March 4, the terms of Senators elected for terms ending March 4, 1935, 1937, and 1939; and thus temporarily modified the Seventeenth Amendment, fixing the terms of Senators at six years. It also shortened the terms of Representatives elected to the 73rd Congress, by the interval between January 3 and March 4, 1935, and temporarily modified Article I, Section 2, Clause 1, fixing the terms of Representatives at two years.

SECTION 2—MEETINGS OF CONGRESS

Amdt20.S2.1 Date When Congress Shall Meet

Twentieth Amendment, Section 2:

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 2 of the Twentieth Amendment superseded Clause 2 of Section 4 of Article I.¹ Setting an exact hour for Congress to meet recognized Congress's long practice, which it enacted into permanent law for the first time in 1867² but repealed in 1871.³ When January 3 fell on Sunday (in 1937), Congress appointed a different day by law to assemble.⁴

SECTION 3—SUCCESSION

Amdt20.S3.1 Presidential Succession

Twentieth Amendment, Section 3:

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been

¹ See ArtII.S1.C1.9 Term of the President.

¹ See ArtI.S4.C2.1 When Congress Shall Assemble.

² Ch. 10, 14 Stat. 378.

³ Ch. 21, § 30, 17 Stat. 12. See 1 ASHER C. HIND, PRECEDENTS OF THE HOUSE OF REPRESENTATIVES § 11 (1907).

⁴ Ch. 713, 49 Stat. 1826.

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chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Pursuant to the authority conferred upon it by Section 3 of the Twentieth Amendment, Congress passed the Presidential Succession Act of 1948¹ to address the situation that would arise if both the President-elect and Vice President-elect failed to qualify on or before the time fixed for the beginning of the new Presidential term.

SECTION 4—CONGRESS AND PRESIDENTIAL SUCCESSION

Amdt20.S4.1 Congress’s Power to Provide Further for Presidential Succession

Twentieth Amendment, Section 4:

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

In 1947, Congress adopted the Presidential Succession Act,¹ which provided for the Speaker of the House to “act as President”² followed by the President Pro Tempore of the Senate, and then by the department heads in the order in which each department had been established.

SECTION 5—EFFECTIVE DATE

Amdt20.S5.1 Effective Date of Sections 1 and 2 of Twentieth Amendment

Twentieth Amendment, Section 5:

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Because the Twentieth Amendment was ratified on January 23, 1933, Sections 1 and 2 of the Twentieth Amendment¹ became effective on October 15, 1933.

¹ Ch. 644, 62 Stat. 672, as amended, 3 U.S.C. § 19. For a discussion of the Twenty-Fifth Amendment, see Amdt25.1 Overview of Twenty-Fifth Amendment, Presidential Vacancy.

¹ Presidential Succession Act of 1947, Pub. L. No. 80-199, 61 Stat. 380 (codified as amended at 3 U.S.C. § 19).

² *Id.* § 19(1).

¹ See Amdt20.S1.1 Presidential and Congressional Terms; Amdt20.S2.1 Date When Congress Shall Meet.

TWENTIETH AMENDMENT—PRESIDENTIAL TERM AND SUCCESSION
Sec. 6—Ratification

Amdt20.S6.1
Ratification of Twentieth Amendment

SECTION 6—RATIFICATION

Amdt20.S6.1 Ratification of Twentieth Amendment

Twentieth Amendment, Section 6:

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

The Twentieth Amendment was proposed by Congress on March 2, 1932, when it passed the Senate¹, having previously passed the House on March 1.² It appears officially in 47 Stat. 745. Ratification was completed on January 23, 1933, when the thirty-sixth state approved the amendment, there being then forty-eight states in the Union. On February 6, 1933, Secretary of State Stimson certified that it had become a part of the Constitution.³

¹ Cong. Rec. (72d Cong., 1st Sess.) 5086

² *Id.* at 5027

³ 47 Stat. 2569

