

or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

*Harman v. Forssenius*, 380 U.S. 528 (1965); *Harper v. Virginia State Board of Elections*, 383 U.S. 663 (1966).

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

#### AMENDMENT XXV.<sup>16</sup>

SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

§ 252. Presidential succession and inability.

ruary 27, 1963; Minnesota, February 27, 1963; New Mexico, March 5, 1963; Hawaii, March 6, 1963; North Dakota, March 7, 1963; Idaho, March 8, 1963; Washington, March 14, 1963; Vermont, March 15, 1963; Nevada, March 19, 1963; Connecticut, March 20, 1963; Tennessee, March 21, 1963; Pennsylvania, March 25, 1963; Wisconsin, March 26, 1963; Kansas, March 28, 1963; Massachusetts, March 28, 1963; Nebraska, April 4, 1963; Florida, April 18, 1963; Iowa, April 24, 1963; Delaware, May 1, 1963; Missouri, May 13, 1963; New Hampshire, June 12, 1963; Kentucky, June 27, 1963; Maine, January 16, 1964; and South Dakota, January 23, 1964. Ratification was completed on January 23, 1964. Mississippi rejected the amendment on December 20, 1962.

<sup>16</sup>The 25th amendment to the Constitution of the United States was proposed to the legislatures of the several States by the 89th Congress on July 7, 1965, and was declared by the Administrator of General Services, in a proclamation dated February 23, 1967, to have been ratified by the legislatures of 39 of the 50 States. The dates of these ratifications were: Nebraska, July 12, 1965; Wisconsin, July 13, 1965; Oklahoma, July 16, 1965; Massachusetts, August 9, 1965; Pennsylvania, August 18, 1965; Kentucky, September 15, 1965; Arizona, September 22, 1965; Michigan, October 5, 1965; Indiana, October 20, 1965; California, October 21, 1965; Arkansas, November 4, 1965; New Jersey, November 29, 1965; Delaware, December 7, 1965; Utah, January 17, 1966; West Virginia, January 20, 1966; Maine, January 24, 1966; Rhode Island, January 28, 1966; Colorado, February 3, 1966; New Mexico, February 3, 1966; Kansas, February 8, 1966; Vermont, February 10, 1966; Alaska, February 18, 1966; Idaho, March 2, 1966; Hawaii, March 3, 1966; Virginia, March 8, 1966;

**SECTION 2.** Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

§ 253. Confirmation by House and Senate of nominee to fill vice presidential vacancy.

**SECTION 3.** Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

§ 254. President's declaration of disability.

**SECTION 4.** Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable

§ 255. Determination of Presidential inability and Vice President as Acting President.

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Mississippi, March 10, 1966; New York, March 14, 1966; Maryland, March 23, 1966; Missouri, March 30, 1966; New Hampshire, June 13, 1966; Louisiana, July 5, 1966; Tennessee, January 12, 1967; Wyoming, January 25, 1967; Iowa, January 26, 1967; Washington, January 26, 1967; Oregon, February 2, 1967; Minnesota, February 10, 1967; Nevada, February 10, 1967. Ratification was completed February 10, 1967. The amendment was subsequently ratified by Connecticut, February 14, 1967; Montana, February 15, 1967; South Dakota, March 6, 1967; Ohio, March 7, 1967; Alabama, March 14, 1967; North Carolina, March 22, 1967; Illinois, March 22, 1967; Texas, April 25, 1967; Florida, May 25, 1967.

to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

Congress has twice performed its responsibility under section two of the 25th amendment. On October 13, 1973, the Speaker laid before the House a message from President Nixon transmitting his nomination of Gerald R. Ford, Minority Leader in the House of Representatives, to be Vice President of the United States, Vice President Agnew having resigned on October 10, 1973. The Speaker referred the nomination to the Committee on the Judiciary, which under clause 1(k)(14) of rule X has jurisdiction over matters relating to Presidential succession (Oct. 13, 1973, p. 34032). The nomination of Mr. Ford to be Vice President was confirmed by the Senate on November 27, 1973 (p. 38225) and by the House on December 6, 1973 (p. 39900), and Vice President Ford was sworn in in the Chamber of the House of Representatives on December 6 (p. 39925). Subsequently, President Nixon resigned from office by delivering his written resignation into the Office of the Secretary of State, pursuant to 3 U.S.C. 20, on August 9, 1974. Pursuant to section one of the 25th amendment, Vice President Ford became President, and was sworn in in the East Room at the White House. He nominated Nelson A. Rockefeller to be Vice President, which nomination was received in the House of Representatives and referred to the Committee on the Judiciary on August 20, 1974; the nomination was confirmed by the Senate on December 10, 1974 (p. 38936) and by the House on December 19, 1974 (p. 41516), and Vice President Rockefeller was sworn in in the Senate Chamber on December 19, 1974 (p. 41181). On both instances, the House received the message from the Senate, announcing that body's confirmation of the nominee for Vice President, following the vote on confirmation by the House.

The Chair laid before the House communications from the President pursuant to section 3 of this amendment as follows: First, before undergoing sedation for a medical procedure, declaring his impending inability to discharge the constitutional powers and duties of the Office of President and advising that the Vice President would discharge those responsibilities as Acting President until the President declared his ability to resume that role; and second (after recovering from the sedation and the medical procedure) declaring his ability to resume the discharge of the constitutional powers and duties of the Office of President, and advising that he was doing so immediately (July 15, 1985, p. 18955; July 8, 2002, pp. 12089, 12090).