

Illinois

The 22nd Amendment to the Constitution, which limits a person to being elected to the presidency two times, and sets additional eligibility conditions for presidents who succeed to the presidency, was voted out of Congress by a supermajority vote in both chambers. Between 1947 and 1951, the 22nd Amendment was ratified by 41 state legislatures and officially came into effect after 36 states ratified the amendment in February 1951. Donald Trump's repeated public threats to seek a third term, if allowed to succeed, would plainly violate the 22nd Amendment. As a result of President Trump's authoritarian posturing, the history of the 22nd Amendment's passage, led by Republicans in many states, and the intent of those who ratified it, is newly relevant. This factsheet is part of a series covering each state's ratification of the 22nd Amendment.

Illinois' consideration of the 22nd Amendment:

- The Illinois legislature voted to ratify the 22nd Amendment on [April 3, 1947](#), becoming the [7th state](#) to do so.
- The Illinois Senate passed [Senate Joint Resolution 25](#) "Proposing an amendment to the Constitution of the United States relating to the terms of office of the President" on April 2, 1947, by a [vote](#) of 35 to 10.
- The Illinois House passed the Senate's resolution to ratify the 22nd Amendment on April 3, 1947, by a [bipartisan](#) vote of 82 to 50.
- At the time of the amendment's ratification, both chambers of the [Illinois legislature](#) were controlled by Republicans: in the Senate there were 38 Republicans and 13 Democrats and in the House there were 88 Republicans and 65 Democrats.
- Representative Clinton Searle, a Republican, said in support of the amendment, "The late Franklin D. Roosevelt overrode the unwritten law of our land. We want to reestablish that law so that some future demagog [sic] can't use bureaucratic [sic] controls to establish a dictatorship and political dynasty."
- Illinois legislators opposed to the 22nd Amendment [defended](#) President Roosevelt and "argued that the



voters should have unlimited latitude in voting for a chief executive.” Senator Roland Libonati, a Democrat, “argued that future emergencies could arise and that the individual voter shouldn’t be restricted in his choice of a President.” These arguments were ultimately rejected by the Illinois legislature, as both chambers approved the Amendment by significant margins.

Cases involving the 22nd Amendment in Illinois:

- There is scant case law in Illinois interpreting the 22nd Amendment, but it was recognized as among the body of the Constitution’s amendments related to “electoral procedures” for public office.
- In [Anderson v. Schneider](#), the Supreme Court of Illinois held that due process was violated when the Niles Township Officers Electoral Board disqualified an entire slate of candidates because one of such candidates was ineligible to run for office. In establishing the fundamental right to vote, the court explained: “The importance of the electoral process in American life is demonstrated by the fact that since 1791 no less than eight amendments to the [Federal Constitution](#) (amends. [XII](#), [XV](#), [XVII](#), [XIX](#), [XXII](#), [XXIII](#), [XXIV](#), [XXVI](#)) are concerned with voting rights and electoral procedures.” 365 N.E.2d 900, 902 (1977).