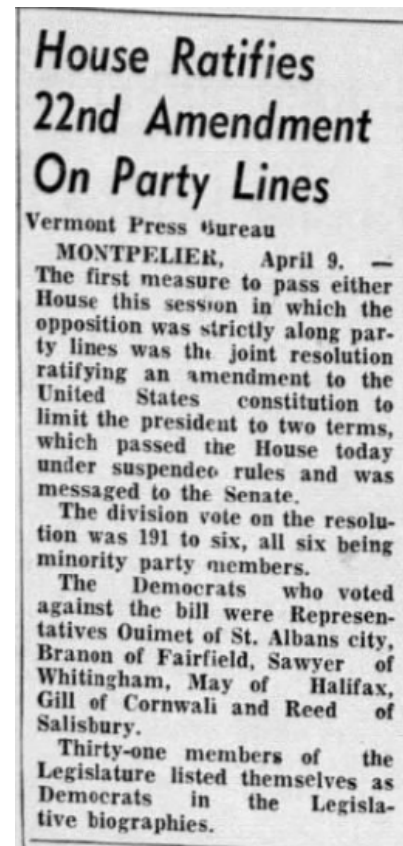


Vermont

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. Since the history of the 22nd Amendment's passage and the intent of those who ratified it has become relevant again, this factsheet is part of a series covering each state's ratification process.

Vermont's consideration of the 22nd Amendment:

- Vermont's legislature voted to [ratify](#) the 22nd Amendment on April 15, 1947, becoming the 12th state to do so.
- The joint resolution to ratify the amendment passed along party lines in the legislature where Republicans held majorities in each chamber.
- The measure was passed in the Vermont House by a vote of 191 to 6, on April 9, 1947.
- Although "[t]hirty-one members of the Legislature listed themselves as Democrats in the Legislative biographies", a mere six Democrats opposed the measure when it came to a final vote.
- The Vermont Senate [approved](#) the measure, J.H.R. 35 "Joint resolution ratifying a joint resolution of the Congress of the United States of America entitled, 'Joint Resolution proposing an amendment to the Constitution of the United States relating to the terms of office of the President,' in a concurrence vote on April 15, 1947.
- Later that day, the Senate suspended their rules and the adopted joint resolution was messaged back to the House.



Cases involving the 22nd Amendment in Vermont:

- The lone case in Vermont discussing the 22nd Amendment involved a birther challenge to President Obama's election which the court rejected out of hand, but also noted that Obama could not "seek reelection" to a third term pursuant to the 22nd Amendment.
- In 2013, the Vermont Supreme Court dismissed a Vermont resident's challenge to President Obama's eligibility to be on the 2012 presidential ballot. [*Paige v. State*, 195 Vt. 302 \(2013\)](#)
- H. Brooke Paige, the Vermont resident, argued that President Obama was not a "natural born Citizen" under Article II of the U.S. Constitution and that placing him on the ballot violated constitutional eligibility requirements. He also claimed that President Obama's re-election could open the door to an unconstitutional third term, potentially violating the 22nd Amendment.
- The Vermont Superior Court dismissed the case for lack of standing and mootness after Obama won reelection. The Vermont Supreme Court affirmed, holding that the issue was moot and that none of the exceptions to the mootness doctrine applied. The Court emphasized that: "Recognized principles of mootness apply to the present case because it no longer involves a live controversy. Plaintiff has no legally cognizable interest in the outcome. Barack Obama's name was on the ballot, and he is now the President of the United States. President Obama is also unable to seek reelection." [*Paige v. State*, 195 Vt. 302, 306 \(2013\)](#)