

# Arkansas

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.

## Arkansas's consideration of the 22nd Amendment:

- The Arkansas legislature [ratified](#) the 22nd Amendment on February 15, 1951.
- On February 12, 1951, the Arkansas Senate [voted](#) to ratify the 22nd Amendment by a vote of 24 to 9.
- [According to press reports](#), opposition in the Senate was "only mild," with criticism that the measure was sponsored by the Republican Party.
- Legislative history from the Arkansas House is limited, but the *Northwest Arkansas Times* reported that "[e]arlier the House had passed the measure overwhelmingly." The Senate [concurred](#).
- Following this process, [House Joint Resolution No. 1](#) – "A CONCURRENT RESOLUTION, Ratifying the Proposed Amendment to the Constitution of the United States and Known as the 22nd Amendment to the Constitution of the United States Relating to the Terms of Office of the President" – was "approved" on February 15, 1951.



## Cases involving the 22nd Amendment in Arkansas:

- There is little Arkansas case law interpreting the 22nd Amendment, but the relevant decisions recognize that the amendment established term limits for the president.
- In *Plugge v. McCuen*, the Supreme Court of Arkansas held that a proposed amendment to the state's constitution that would have imposed term limits on Arkansas's federal representatives did not clearly violate the Standing Qualifications Clause of the U.S. Constitution and could remain on the ballot. While the court reasoned that the constitutional question could be decided if the amendment passed, the dissent argued that the proposed amendment clearly violated the Standing Qualifications Clause and it was the court's duty to enjoin its inclusion on the ballot.
- Citing the 22nd Amendment, the dissenting opinion noted, "A clear understanding of the founders' intentions leads to the inescapable conclusion that additions to the Standing Qualifications Clauses can be achieved only by amending the text of the Constitution, as was done with the Twenty-second Amendment, which limits the President to eight years of service." 310 Ark. 654, 671 (1992).
- In *Arkansas State Conf. NAACP v. Arkansas Bd. of Apportionment*, a federal redistricting case, the district court for the Eastern District of Arkansas referred to the Constitution as an "imperfect" document that "required attention from later generations of Americans" to correct its "defects," citing the 22nd Amendment as an example of such a correction. 586 F. Supp. 3d 893, 922 (E.D. Ark. 2022), *aff'd*, 86 F.4th 1204 (8th Cir. 2023).
- Plaintiffs claimed that a 2021 reapportionment plan for the Arkansas House of Representatives would dilute the voting strength of Black voters by failing to include at least four additional majority-Black districts. The plaintiffs claimed that this was in violation of § 2 of the Voting Rights Act, which specifically prohibits voting practices or procedures that discriminate on the basis of race and color, amongst other things. The Court held that there was no private right of action to enforce § 2 and ordered the case to be dismissed in five days, absent intervention by the US Attorney General.
- The Court states, "Everyone knows the Constitution had many defects—ranging from minor to serious" citing to the 22nd Amendment's term limit along with the 12th and 19th Amendments in the accompanying footnote: "See, e.g., U.S. Const. am. XII (fixing the manner in which the President and Vice-President were elected so as to avoid those officials being from two different parties); U.S. Const. am. XXII (limiting the President to essentially two terms); U.S. Const. am. XIX (providing women the right to vote)." 586 F. Supp. 3d at 922.