**3.1 The Executive Branch**

**SSCG10: Demonstrate knowledge of the executive branch of government.**

**SSCG10a: Cite the formal qualifications listed in the Constitution for the President of the United States.**

Every four years Americans go to the polls to vote for a President. In our history, our country have elected 45 different men to this position. The Constitution outlines three formal qualifications that one must meet in order to run for the office of President of the United States: 1) must be a natural born citizen of the United States (a person who is born abroad to an American citizen is considered a citizen of the United States), 2) be at least 35 years of age, and 3) must have been a resident of the United States for at least 14 years (this does not have to be a consecutive 14 years). These qualifications can be found in Article II, Section 1, and Clause 5 of the United States Constitution.

**SSCG10b: Describe the informal qualifications common to past presidents.**

Although there are only three formal qualifications to run for President of the United States, there are other things that past presidents have had in common. Not all Presidents have had all of them, but nearly all of them, had demonstrated several of the following traits.

* Past political experience as a House member, Senator, or Governor
* Military Experience
* Name recognition
* Protestant religion
* Pleasant and healthy appearance
* Married
* Attractive family
* Well-developed speaking ability
* Charismatic
* Male
* College-educated with degrees in law or business
* White
* From larger states – New York, California, Texas, Illinois

**SSCG10c: Identify term of office and describe the line of succession (e.g., 20th, 22nd, and 25th amendments).**

Once elected, each President may serve a maximum of two full terms, but cannot exceed 10 years. A presidential term is four years. If a current President dies or is disabled and unable to serve his or her term, the Vice President of the United States becomes President. If there are two years or less remaining in the term that has been vacated by the current President, then the VP may serve out those two years plus he or she has the option of running for President for two more terms. If there are more than two years remaining in that current President’s term, then the VP may only fulfill that term and run for one more term as President.

If something happens to the President where they can’t fulfill their duties a system call succession goes into effect. **Presidential succession** is the scheme by which a presidential vacancy is filled. If a President dies, is disabled, or is impeached, the Vice President becomes President.

**Document #1**

Three Constitutional Amendments help to clarify the terms of the presidency and the order of succession.

The **20th Amendment** of the United States Constitution sets the dates at which federally elected offices end and identifies who succeeds the President if he or she dies. It was ratified in 1933. The terms of the President and Vice President end on January 20th at noon, and if the President dies, the Vice President fulfills the role of President.

The **22nd Amendment** was ratified in 1951 and addresses limits on presidential terms. The 22nd Amendment ensures that no one person be elected to more than two four-year terms as President of the United States. Until the 22nd Amendment was ratified, it was traditional for presidents to serve only two four-year terms, but after Franklin D. Roosevelt served four four-year terms, Americans recognized that it was not a good idea for the country to have a President serve more than two terms.

The **25th Amendment** was ratified in 1967 and addresses presidential succession in more detail. This amendment allows for the Vice President to become President in the event of the President’s death, incapacitation, resignation, or impeachment. In the event of temporary presidential disability, this amendment outlines how the President can regain his or her office as President. The amendment outlines how the President fills the role of the Vice President, in the event that the VP dies, resigns, is incapacitated, or is removed from office. If the President was temporarily incapacitated from an illness or injury, he or she may regain the office of the presidency by sending a declaration to Congress that he or she is no longer incapacitated.

**SSCG10d: Analyze the role of the Electoral College in electing the President and the clarification provided in the 12th Amendment.**

When U.S. citizens go to the polls to “elect” a president, they are in fact voting for a particular slate of electors. In every state but Maine and Nebraska, the candidate who wins the most votes (that is, a plurality) in the state receives all of the state’s **electoral votes**. The number of electors in each state is the sum of its U.S. senators and its U.S. representatives. (The District of Columbia has three electoral votes, which is the number of senators and representatives it would have if it were permitted representation in Congress.) Added all up, there are a total of 538 electors in the **Electoral College**. The electors meet in their respective states 41 days after the popular election. There, they cast a ballot for president and a second for vice president. A candidate must receive a majority of electoral votes to be elected president.

The reason that the Constitution calls for this extra layer, rather than just providing for the direct election of the president, is that most of the nation’s founders were actually rather afraid of democracy. James Madison worried about what he called “factions,” which he defined as groups of citizens who have a common interest in some proposal that would either violate the rights of other citizens or would harm the nation as a whole. Madison’s fear – which Alexis de Tocqueville later dubbed “the tyranny of the majority” – was that a faction could grow to encompass more than 50 percent of the population, at which point it could “sacrifice to its ruling passion or interest both the public good and the rights of other citizens.” Madison has a solution for tyranny of the majority: “A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking.”

The **12th Amendment** was ratified in 1804 and provides for the election of the President and the Vice President by the Electoral College. It goes further to outline how these offices are elected should there NOT be a majority vote. The background of this amendment goes back to colonial times. In early times, each individual ran for President; there was not a joint ticket where both Presidential and Vice Presidential candidates ran together as a team. The electors each cast two votes to choose the President and Vice President from the candidates running for President, and the states chose how their electors chose the President. The process was different for each state. It was very confusing and not uniform. It was so confusing that our second president, John Adams, had to accept his chief rival, Thomas Jefferson, as his VP. This would be akin to Trump having H.R. Clinton as his VP.

After the ratification of the 12th Amendment, the Presidential candidate and his/her running mate for Vice President run as a team. The electors cast one vote instead of two. There are a total of 538 electors, comprised of the 435 members of the House of Representatives, 100 Senators, plus three electors for the District of Columbia, as provided in the 23rd Amendment. You need 270 Electoral Votes to Win. In the event of a tie, the House of Representatives decides who will become President from among the top three candidates. Each state casts one vote. If no one candidate receives at least 26 votes, the decision then goes to the Senate. The Senate decides from the top two candidates, and a majority vote is required.

**SSCG10e: Distinguish between the roles of the President, including Commander in Chief of the Armed Forces, chief executive, chief agenda setter, chief of state, chief diplomat, and party leader.**

The President of the United States must serve many roles, and many of them simultaneously. The Constitution makes the President **Commander in Chief** of the nation’s armed forces. The President has direct and immediate control over all of the troops and nation’s military arsenal. This Constitutional directive can be found in Article II, Section 2. Congress does have to the authority to declare war under our nation’s system of checks and balances.

The President serves in the role of **chief executive.** The President’s power as chief executive is vested in the Constitution. This power is broad and covers both domestic and foreign affairs. The role of chief executive includes: supervise the executive branch of government, prepare the executive budget, and appoint and remove executive officials.

The President’s role as **chief agenda setter** includes: scheduling the agenda for the State of the Union address, determining policy initiatives of the government, setting the budget, and deciding on priorities for legislation to be supported by the executive branch.

As **chief of state,** the President is the ceremonial head of the United States government. He symbolizes all of the American people.

The role of **chief diplomat** includes the responsibility to develop American foreign policy and serve as the nation’s chief spokesperson to the rest of the world.

As **party leader** or **chief of party**, the President is the acknowledged leader of the political party that controls the executive branch.