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If a President dies during a campaign

Gleaves Whitney
Grand Valley State University

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If a President dies during a campaign

What would happen if the president died during a campaign for re-election? And has this ever happened?

John F. Kennedy was assassinated on November 22, 1963, at the start of the 1964 presidential race. (In fact, he was in Texas to shore up support among wobbly Southern Democrats, who distrusted Massachusetts liberals.) But Kennedy had not yet been officially *renominated* by his party.

That, more precisely, is what I believe your question is getting at. The fact is, death has never struck down a *renominated* president campaigning for re-election. It happened to a vice president shortly before the election in 1912, when William Taft's running mate, incumbent Vice President James Sherman, died of Bright's Disease. Just days later, Taft went on to lose the election to Woodrow Wilson, so it didn't matter that there wasn't a VP candidate.

Expanding your question a bit, Hauenstein Center Associate George Nash points out that there are at least four possible scenarios to think through if death, disability, or resignation occurs when a president is running for re-election:

a. Say the president dies after the convention that renominates him, but before the November election. There is no Constitutional provision or federal law governing such a scenario, but by custom it is the party that would determine who would then be the presidential nominee. In other words, if the incumbent president died during the re-election campaign, then the national committee of the president's party would convene to select a new nominee. Both parties have such a procedure in place. Party leaders might promote the vice presidential candidate, but they wouldn't have to; they could turn to another party leader, and that person would stand for election. You have to go back to 1972 to see anything remotely resembling this scenario. That was the year when Thomas Eagleton, who was George McGovern's vice presidential running mate, was forced to confirm that he had undergone shock therapy. Public opinion did not support the Democratic ticket. So he resigned, and leaders of the Democratic party convened and selected Sergeant Shriver to replace Eagleton. (McGovern-Shriver lost to Richard Nixon in a landslide.)

b. What about the gray area between the November election and the December meeting of the Electoral College? This scenario, remarkably, is the subject of unsettled debate. It is not automatic that the vice president-elect would become the president-elect. Nor is it a sure bet that the impacted party could pick a new person to step into the role of "president-elect." After all, the election would have already taken place, and electors technically would have pledged their vote to the deceased president-elect and not be bound to vote for a new person.

c. Yet another gray area lies between the December meeting of the Electoral College and the date when the House of Representatives convenes to count and certify the results. This scenario, too, is the subject of unsettled debate. It is not a given that the vice president-elect would slide into position as the president-elect.

d. What if death, disability, or resignation occurred after the House of Representatives certified the results? Here we are back on *terra firma*, as the 20th Amendment, Section 3, would kick in: upon the death of the president-elect, the vice president-elect would become president on January 20.

It surprises most students of American history and politics to realize that the Constitution only speaks to one of the four scenarios outlined above. The fact that parties still call the shots in scenario one, and may have an impact on scenarios two and three, shows the power of America's *unwritten* constitution. Political parties in the U.S. did not exist in when the Constitution was drafted in 1787; they only appeared in something resembling their modern form in 1831. Yet parties, developing organically as opposed to existing by constitutional stipulation, play the major role in determining who can serve as president.

(Question from WUOM listener [Ann Arbor, MI])

