Amending the Constitution: Four Methods

Proposed in Congress by a 2/3 vote in both the House and the Senate

Ratified by state legislatures in 3/4 of the states (38)

OR

Ratified by state conventions held in 3/4 of the states (38)

Proposed at a National Convention called by Congress when requested by 2/3 of the State Legislatures

Ratified by state legislatures in 3/4 of the states (38)

OR

Ratified by state conventions held in 3/4 of the states (38)

Problems with Proposing Amendments by National Convention

Thus far, no amendment has been proposed in a convention called by Congress. The last convention called by Congress was the Constitutional Convention, which was supposed to revise the Articles of Confederation and which evolved into the drafting of a new constitution. Possible reasons why the convention formula has been unsuccessful follow:

- What would be considered a valid call of 2/3 of the legislatures?
- How long will the required 2/3 of the states be allowed to submit their resolutions?
- Can a state rescind its call for a convention?
- 2/3 of the states may call for a convention, but Congress may fail to do so. How should this be resolved?
- How should the apportionment of the delegates be decided and how are the delegates to be chosen?

Problems with Ratification by State Conventions

Only one amendment has been ratified by state conventions, the 1933 21st Amendment that repealed Prohibition (see page 1.47). Possible reasons why the state convention ratification formula is unsuccessful follow:

- Should Congress or state legislatures determine procedures for ratification by state conventions?
- What is a reasonable time period for ratification? The Supreme Court determined that Congress had the power to decide on a time period.