

Effective Apr. 1, 1985, section 106b of title 1, United States Code, ⁽¹⁾ was amended⁽²⁾ to transfer from the Administrator of General Services to the newly established Archivist of the United States the responsibility for publishing and certifying the adoption of amendments to the Constitution.

The Archivist of the United States first executed this responsibility under § 106b of title 1, United States Code, in 1992 when the 27th Amendment was published and certified as having been adopted.⁽³⁾

1. Section 106b of title 1, United States Code, reads as follows:

§ 106b. Amendments to Constitution

Whenever official notice is received at the National Archives and Records Administration that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Archivist of the United States shall forthwith cause the amendment to be published, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States.

2. Section 107(d) of the National Archives and Records Administration Act of 1984 (Pub. L. No. 98-497; Oct. 19, 1984, 98 Stat. 2291).
3. *House Rules and Manual* § 258, footnote 18 (2007).

§ 11. State Consent; Withdrawal and Rescission of Withdrawal

Under Article V of the Constitution, the approval of three-fourths of the States is required to ratify an amendment to the Constitution. Whether a State may rescind its ratification of a constitutional amendment has been the subject of discussion⁽¹⁾ and litigation.⁽²⁾ A State, having previously rescinded its ratification before the effectiveness of an amendment, has later ratified the amendment (after it had become effective). For example, on Mar. 12, 2003,⁽³⁾ the Ohio General Assembly passed a joint resolution ratifying the 14th Amendment. The joint resolution recited the history of Ohio's action with respect to the 14th Amendment, as follows: Ohio ratified the amendment on Jan. 11, 1867, but rescinded such ratification on Jan. 15, 1868 (the amendment becoming effective six months later).

1. See 5 Hinds' Precedents § 7042.
2. For relevant case law, see *House Rules and Manual* § 192 (2007).
3. The memorial was noted at 150 CONG. REC. 100, 108th Congress 2d Sess., Jan. 20, 2004. See also *Id.* for a memorial from New Jersey revoking an earlier attempt to withdraw its ratification of an amendment.