

TITLE 3—THE PRESIDENT

This title was enacted by act June 25, 1948, ch. 644, §1, 62 Stat. 672

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Editorial Notes

AMENDMENTS

1996—Pub. L. 104-331, §2(c), Oct. 26, 1996, 110 Stat. 4068, added item for chapter 5.
 1951—Act Oct. 31, 1951, ch. 655, §4, 65 Stat. 711, added item for chapter 4.

Statutory Notes and Related Subsidiaries

POSITIVE LAW; CITATION

This title has been made positive law by section 1 of act June 25, 1948, ch. 644, 62 Stat. 672, which provided in part that: "Title 3 of the United States Code, entitled 'The President', is codified and enacted into positive law and may be cited as '3 U. S. C., §—.'"

SAVINGS CLAUSE

Section 2 of act June 25, 1948, provided that: "The provisions of title 3, 'The President', set out in section 1 of this Act, shall be construed as a continuation of existing law and no loss of rights, interruption of jurisdiction, nor prejudice to matters pending on the effective date of this Act shall result from its enactment."

REPEALS

Section 3 of act June 25, 1948, provided that the sections or parts thereof of the Statutes at Large or the Revised Statutes covering provisions codified in this Act are repealed insofar as the provisions appeared in former Title 3, and provided that any rights or liabilities now existing under the repealed sections or parts thereof shall not be affected by the repeal.

PRIOR REPEALS

Former sections 21 and 22 relating to performance of presidential duties in absence of both the President and Vice President were repealed by act July 18, 1947, ch. 264, §1(g), 61 Stat. 381.

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF FORMER TITLE 3

<i>Title 3 Former Sections</i>	<i>Revised Statutes Statutes at Large</i>	<i>Title 3 New Sections</i>
1	R.S. §131	1

¹Chapter repealed by Pub. L. 109-177 without a corresponding amendment of chapter analysis.

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF FORMER TITLE 3—Continued

<i>Title 3 Former Sections</i>	<i>Revised Statutes Statutes at Large</i>	<i>Title 3 New Sections</i>
2	R.S. §132	3
3	R.S. §133	4
4	R.S. §134	2
5	Feb. 3, 1887, ch. 90, §1, 24 Stat. 373	7
5a	May 29, 1928, ch. 859, §1, 45 Stat. 945	7
6	June 5, 1934, ch. 390, §6(a), 48 Stat. 879	5
7	Feb. 3, 1887, ch. 90, §2, 24 Stat. 373	6
7a	Feb. 3, 1887, ch. 90, §3, 24 Stat. 373	6
8	May 29, 1928, ch. 859, §2, 45 Stat. 946	6
9	R.S. §137	8
9a	R.S. §138	9
10	May 29, 1928, ch. 859, §3, 45 Stat. 946	9
11	R.S. §139	10
11a	R.S. §140	11
11b	Oct. 19, 1888, ch. 1216, §1, 25 Stat. 613	11
11c	May 29, 1928, ch. 859, §4, 45 Stat. 946	11
12	May 29, 1928, ch. 859, §5, 45 Stat. 946	12
13	June 5, 1934, ch. 390, §6(b), 48 Stat. 879	13
14	May 29, 1928, ch. 859, §6, 45 Stat. 946	13
15	June 5, 1934, ch. 390, §6(c), 48 Stat. 879	11, 12
16	Oct. 19, 1888, ch. 1216, §1, 25 Stat. 613	13
17	R.S. §141	13
18	Oct. 19, 1888, ch. 1216, §2, 25 Stat. 613	11
19	R.S. §143	11
20	R.S. §144	11
21	R.S. §145	14
22	Feb. 3, 1887, ch. 90, §4, 24 Stat. 373	15
23	June 5, 1934, ch. 390, §7, 48 Stat. 879	18
24	Feb. 3, 1887, ch. 90, §5, 24 Stat. 374	17
25	Feb. 3, 1887, ch. 90, §6, 24 Stat. 375	16
26	Feb. 3, 1887, ch. 90, §7, 24 Stat. 375	19
27	Jan. 19, 1886, ch. 4, §1, 24 Stat. 1	19
28	Jan. 19, 1886, ch. 4, §2, 24 Stat. 1	20
29	R.S. §151	20
30	July 18, 1947, ch. 264, §1(a-f), 61 Stat. 380, 381	19
31	July 26, 1947, ch. 343, §311, 61 Stat. 509	101
32	R.S. §152	102
33	June 5, 1934, ch. 390, §1, 48 Stat. 879	103
34	R.S. §153	104
35	Mar. 4, 1909, ch. 297, §1, 35 Stat. 859	105
36	June 23, 1906, ch. 3523, 34 Stat. 454	106
37	Aug. 2, 1946, ch. 744, §17(c), 60 Stat. 811	107
38	R.S. §154	108
39	Feb. 26, 1907, ch. 1635, §4, 34 Stat. 993	109
40	Mar. 4, 1925, ch. 549, §4, 43 Stat. 1301	110
41	Aug. 2, 1946, ch. 753, §601(a), 60 Stat. 850	110
42	Apr. 22, 1926, ch. 171, §1, 44 Stat. 305	110
43	Apr. 3, 1939, ch. 36, §301, 53 Stat. 565	110
44	June 12, 1922, ch. 218, 42 Stat. 636	110
45	Feb. 13, 1923, ch. 72, 42 Stat. 1227	110
46	June 7, 1924, ch. 292, §1, 43 Stat. 521	110
47	Mar. 3, 1925, ch. 468, §1, 43 Stat. 1198, 1199	110
48	Apr. 22, 1926, ch. 171, §1, 44 Stat. 305	110
49	Feb. 11, 1927, ch. 104, §1, 44 Stat. 1069	110
50	May 16, 1928, ch. 580, §1, 45 Stat. 573	110
51	Feb. 20, 1929, ch. 270, §1, 45 Stat. 1230	110
52	Apr. 19, 1930, ch. 201, §1, 46 Stat. 229	110
53	Feb. 23, 1931, ch. 281, §1, 46 Stat. 1355	110
54	June 30, 1932, ch. 330, §1, 47 Stat. 452	110
55	June 16, 1933, ch. 101, §1, 48 Stat. 284	110
56	Mar. 28, 1934, ch. 102, §1, 48 Stat. 509	110
57	Feb. 2, 1935, ch. 3, §1, 49 Stat. 6	110
58	Mar. 19, 1936, ch. 156, §1, 49 Stat. 1148	110
59	June 28, 1937, ch. 396, §1, 50 Stat. 350	110
60	May 23, 1938, ch. 259, §1, 52 Stat. 411	110
61	Mar. 16, 1939, ch. 11, §1, 53 Stat. 524	110
62	Apr. 8, 1940, ch. 107, §1, 54 Stat. 112	110
63	Apr. 5, 1941, ch. 40, §1, 55 Stat. 93	110
64	June 27, 1942, ch. 450, §1, 56 Stat. 392	110
65	June 26, 1943, ch. 145, §101, 57 Stat. 169	110
66	June 27, 1944, ch. 286, §101, 58 Stat. 361	110
67	May 3, 1945, ch. 106, §101, 59 Stat. 106	110
68	Mar. 28, 1946, ch. 113, §101, 60 Stat. 61	110
69	Mar. 4, 1911, ch. 285, §1, 36 Stat. 1404	108
70	June 25, 1910, ch. 384, §9, 36 Stat. 773	109
71	R.S. §1829	110
72	Feb. 26, 1925, ch. 377, §§1, 2, 43 Stat. 1091	110

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF FORMER TITLE 3—Continued

<i>Title 3 Former Sections</i>	<i>Revised Statutes Statutes at Large</i>	<i>Title 3 New Sections</i>
50	R.S. §1832	109
51	R.S. §1833	109
52	R.S. §1834	109
53	June 23, 1913, ch. 3, §1, 38 Stat. 23	201
54	June 9, 1941, ch. 189, 55 Stat. 247	Elim.
61	Sept. 14, 1922, ch. 308, §1, 42 Stat. 841	202
62	May 14, 1930, ch. 277, §1, 46 Stat. 328.	203
	Sept. 14, 1922, ch. 308, §2, 42 Stat. 841	
	May 14, 1930, ch. 277, §2, 46 Stat. 328.	
	May 28, 1935, ch. 154, 49 Stat. 304.	
	Apr. 22, 1940, ch. 133, 54 Stat. 156.	
62a	June 9, 1947, ch. 102, 61 Stat. 132.	205
	Oct. 9, 1942, ch. 582, §1, 56 Stat. 778	
62b	Oct. 9, 1942, ch. 582, §2, 56 Stat. 778	206
63	Sept. 14, 1922, ch. 308, §3, 42 Stat. 842	204
	May 14, 1930, ch. 277, §3, 46 Stat. 328.	
64	Sept. 14, 1922, ch. 308, §4, 42 Stat. 842	207
65	Sept. 14, 1922, ch. 308, §5, 42 Stat. 842	Rep.
66	Sept. 14, 1922, ch. 308, §6, 42 Stat. 842	Rep.
67	Sept. 14, 1922, ch. 308, §7, 42 Stat. 843	208
	May 14, 1930, ch. 277, §4, 46 Stat. 329.	

CHAPTER 1—PRESIDENTIAL ELECTIONS AND VACANCIES

- Sec.
1. Time of appointing electors.
 2. Failure to make choice on prescribed day.
 3. Number of electors.
 4. Vacancies in electoral college.
 5. Determination of controversy as to appointment of electors.
 6. Credentials of electors; transmission to Archivist of the United States and to Congress; public inspection.
 7. Meeting and vote of electors.
 8. Manner of voting.
 9. Certificates of votes for President and Vice President.
 10. Sealing and endorsing certificates.
 11. Disposition of certificates.
 12. Failure of certificates of electors to reach President of Senate or Archivist of the United States; demand on State for certificate.¹
 13. Same; demand on district judge for certificate.
 14. Forfeiture for messenger's neglect of duty.
 15. Counting electoral votes in Congress.
 16. Same; seats for officers and Members of two Houses in joint meeting.
 17. Same; limit of debate in each House.
 18. Same; parliamentary procedure at joint meeting.
 19. Vacancy in offices of both President and Vice President; officers eligible to act.
 20. Resignation or refusal of office.
 21. Definitions.

Editorial Notes

AMENDMENTS

1984—Pub. L. 98-497, title I, §107(e)(3), Oct. 19, 1984, 98 Stat. 2292, substituted "Archivist of the United States" for "Administrator of General Services" in items 6 and 12.

1961—Pub. L. 87-389, §2(b), Oct. 4, 1961, 75 Stat. 820, added item 21.

1951—Act Oct. 31, 1951, ch. 655, §5, 65 Stat. 711, substituted "Administrator of General Services" for "Secretary of State" in items 6 and 12.

§ 1. Time of appointing electors

The electors of President and Vice President shall be appointed, in each State, on the Tues-

¹ So in original. Does not conform to section catchline.

day next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President.

(June 25, 1948, ch. 644, 62 Stat. 672.)

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2020 AMENDMENT

Pub. L. 116-121, §1, Mar. 3, 2020, 134 Stat. 138, provided that: "This Act [amending provisions set out as a note under section 102 of this title] may be cited as the 'Presidential Transition Enhancement Act of 2019'."

SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-283, §1, Oct. 15, 2010, 124 Stat. 3045, provided that: "This Act [enacting provisions set out as a note under section 102 of this title and amending provisions set out as notes under section 102 of this title, section 1101 of Title 5, Government Organization and Employees, and section 435b of Title 50, War and National Defense] may be cited as the 'Pre-Election Presidential Transition Act of 2010'."

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-331, §1(a), Oct. 26, 1996, 110 Stat. 4053, provided that: "This Act [enacting sections 401, 402, 411 to 417, 421, 425, 431, 435, 451 to 456, and 471 of this title and sections 1296, 1413, and 3901 to 3908 of Title 28, Judiciary and Judicial Procedure, amending sections 1346 and 2402 of Title 28, repealing section 1219 of Title 2, The Congress, and enacting provisions set out as notes under section 401 of this title, section 1219 of Title 2, and section 1296 of Title 28] may be cited as the 'Presidential and Executive Office Accountability Act'."

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-398, §1, Aug. 17, 1988, 102 Stat. 985, provided that: "This Act [amending sections 3345, 3348, and 5723 of Title 5, Government Organization and Employees, and enacting and amending provisions set out as notes under section 102 of this title] may be cited as the 'Presidential Transitions Effectiveness Act'."

CONSTITUTIONAL PROVISIONS

Time of choosing electors, see Const. Art. 2, §1, cl. 3.

§ 2. Failure to make choice on prescribed day

Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct.

(June 25, 1948, ch. 644, 62 Stat. 672.)

§ 3. Number of electors

The number of electors shall be equal to the number of Senators and Representatives to which the several States are by law entitled at the time when the President and Vice President to be chosen come into office; except, that where no apportionment of Representatives has been made after any enumeration, at the time of choosing electors, the number of electors shall be according to the then existing apportionment of Senators and Representatives.

(June 25, 1948, ch. 644, 62 Stat. 672.)

§ 4. Vacancies in electoral college

Each State may, by law, provide for the filling of any vacancies which may occur in its college of electors when such college meets to give its electoral vote.