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**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.<sup>1</sup>
- 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-

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.