

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sections or parts thereof of the Statutes at Large or the Revised Statutes covering provisions codified in this Act are repealed insofar as the provisions appeared in former Title 3, and provided that any rights or liabilities now existing under the repealed sections or parts thereof shall not be affected by the repeal.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21 and 22 relating to performance of presidential duties in absence of both the President and Vice President were repealed by act July 18, 1947, ch. 264, §1(g), 61 Stat. 381.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¹Chapter repealed by Pub.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
	June 5, 1934, ch. 390, §6(a), 48 Stat. 879.	
6	Feb. 3, 1887, ch. 90, §2, 24 Stat. 373	5
7	Feb. 3, 1887, ch. 90, §3, 24 Stat. 373	6
7a	May 29, 1928, ch. 859, §2, 45 Stat. 946	6
8	R.S. §137	8
9	R.S. §138	9
9a	May 29, 1928, ch. 859, §3, 45 Stat. 946	9
10	R.S. §139	10
11	R.S. §140	11
	Oct. 19, 1888, ch. 1216, §1, 25 Stat. 613.	
11a	May 29, 1928, ch. 859, §4, 45 Stat. 946	11
11b	May 29, 1928, ch. 859, §5, 45 Stat. 946	12
	June 5, 1934, ch. 390, §6(b), 48 Stat. 879.	
11c	May 29, 1928, ch. 859, §6, 45 Stat. 946	13
	June 5, 1934, ch. 390, §6(c), 48 Stat. 879.	
12	Oct. 19, 1888, ch. 1216, §1, 25 Stat. 613	11, 12
13	R.S. §141	13
	Oct. 19, 1888, ch. 1216, §2, 25 Stat. 613.	
14	R.S. §143	11
15	R.S. §144	11
16	R.S. §145	14
17	Feb. 3, 1887, ch. 90, §4, 24 Stat. 373	15
	June 5, 1934, ch. 390, §7, 48 Stat. 879.	
18	Feb. 3, 1887, ch. 90, §5, 24 Stat. 374	18
19	Feb. 3, 1887, ch. 90, §6, 24 Stat. 375	17
20	Feb. 3, 1887, ch. 90, §7, 24 Stat. 375	16
21	Jan. 19, 1886, ch. 4, §1, 24 Stat. 1	19
22	Jan. 19, 1886, ch. 4, §2, 24 Stat. 1	19
23	R.S. §151	20
24	July 18, 1947, ch. 264, §1(a-f), 61 Stat. 380, 381.	19
	July 26, 1947, ch. 343, §311, 61 Stat. 509.	
41	R.S. §152	101
	June 5, 1934, ch. 390, §1, 48 Stat. 879.	
42	R.S. §153	102
	Mar. 4, 1909, ch. 297, §1, 35 Stat. 859.	
43	June 23, 1906, ch. 3523, 34 Stat. 454	103
	Aug. 2, 1946, ch. 744, §17(c), 60 Stat. 811.	
44	R.S. §154	104
	Feb. 26, 1907, ch. 1635, §4, 34 Stat. 993.	
	Mar. 4, 1925, ch. 549, §4, 43 Stat. 1301.	
	Aug. 2, 1946, ch. 753, §601(a), 60 Stat. 850.	
45	Apr. 22, 1926, ch. 171, §1, 44 Stat. 305	105
45a	Apr. 3, 1939, ch. 36, §301, 53 Stat. 565	106
46	June 12, 1922, ch. 218, 42 Stat. 636	107
	Feb. 13, 1923, ch. 72, 42 Stat. 1227.	
	June 7, 1924, ch. 292, §1, 43 Stat. 521.	
	Mar. 3, 1925, ch. 468, §1, 43 Stat. 1198, 1199.	
	Apr. 22, 1926, ch. 171, §1, 44 Stat. 305.	
	Feb. 11, 1927, ch. 104, §1, 44 Stat. 1069.	
	May 16, 1928, ch. 580, §1, 45 Stat. 573.	
	Feb. 20, 1929, ch. 270, §1, 45 Stat. 1230.	
	Apr. 19, 1930, ch. 201, §1, 46 Stat. 229.	
	Feb. 23, 1931, ch. 281, §1, 46 Stat. 1355.	
	June 30, 1932, ch. 330, §1, 47 Stat. 452.	
	June 16, 1933, ch. 101, §1, 48 Stat. 284.	
	Mar. 28, 1934, ch. 102, §1, 48 Stat. 509.	
	Feb. 2, 1935, ch. 3, §1, 49 Stat. 6.	
	Mar. 19, 1936, ch. 156, §1, 49 Stat. 1148.	
	June 28, 1937, ch. 396, §1, 50 Stat. 350.	
	May 23, 1938, ch. 259, §1, 52 Stat. 411.	
	Mar. 16, 1939, ch. 11, §1, 53 Stat. 524.	
	Apr. 8, 1940, ch. 107, §1, 54 Stat. 112.	
	Apr. 5, 1941, ch. 40, §1, 55 Stat. 93.	
	June 27, 1942, ch. 450, §1, 56 Stat. 392.	
	June 26, 1943, ch. 145, §101, 57 Stat. 169.	
	June 27, 1944, ch. 286, §101, 58 Stat. 361.	
	May 3, 1945, ch. 106, §101, 59 Stat. 106.	
	Mar. 28, 1946, ch. 113, §101, 60 Stat. 61.	
47	Mar. 4, 1911, ch. 285, §1, 36 Stat. 1404	108
48	June 25, 1910, ch. 384, §9, 36 Stat. 773	109
49	R.S. §1829	110
	Feb. 26, 1925, ch. 377, §§1, 2, 43 Stat. 1091.	

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
	May 14, 1930, ch. 277, § 1, 46 Stat. 328.	
62	Sept. 14, 1922, ch. 308, § 2, 42 Stat. 841	203
	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.	
	June 9, 1947, ch. 102, 61 Stat. 132.	
62a	Oct. 9, 1942, ch. 582, § 1, 56 Stat. 778	205
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-

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.