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**CHAPTER 1—PRESIDENTIAL ELECTIONS AND VACANCIES**

Sec.	
1.	Time of appointing electors.
2.	Failure to make choice on prescribed day. <sup>1</sup>
3.	Number of electors.
4.	Vacancies in electoral college.
5.	Certificate of ascertainment of appointment of electors.
6.	Duties of Archivist.
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.	Transmission of certificates by electors.
12.	Failure of certificates of electors to reach President of Senate or Archivist of the United States; demand on State for certificate. <sup>2</sup>
13.	Same; demand on district judge for certificate.
[14.	Repealed.]
15.	Counting electoral votes in Congress.
16.	Same; seats for officers and Members of two Houses in joint session.
17.	Same; limit of debate in each House.
18.	Same; parliamentary procedure at joint session.
19.	Vacancy in offices of both President and Vice President; officers eligible to act.
20.	Resignation or refusal of office.
21.	Definitions.
22.	Severability.

**Editorial Notes**

AMENDMENTS

2022—Pub. L. 117-328, div. P, title I, §§ 102(c), 104(c)(2), 105(b), 107(b), 108(c)(2), 109(b), 110(c)(3), 111(b), Dec. 29, 2022, 136 Stat. 5234, 5236, 5237, 5240, 5241, added items 1, 5, 6, 11, 15, and 22, substituted “session” for “meeting” in items 16 and 18, and struck out former items 1 “Time of appointing electors”, 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”, 11 “Disposition of certificates”, 14 “Forfeiture for messenger’s neglect of duty”, and 15 “Counting electoral votes in Congress” repealed by Pub. L. 117-328 without corresponding amendment. Pub. L. 117-328, div. P, title I, § 107(e)(3), Oct. 19, 1984, 98 Stat. 12292, added item 1. 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 election day, in accordance with the laws of the State enacted prior to election day.

(Added Pub. L. 117-328, div. P, title I, §102(a), Dec. 29, 2022, 136 Stat. 5233.)

**Editorial Notes**

PRIOR PROVISIONS

A prior section 1, act June 25, 1948, ch. 644, 62 Stat. 672, related to time of appointing electors, prior to repeal by Pub. L. 117-328, div. P, title I, §102(a), Dec. 29, 2022, 136 Stat. 5233.

**Statutory Notes and Related Subsidiaries**

SHORT TITLE OF 2022 AMENDMENT

Pub. L. 117-328, div. P, §1, Dec. 29, 2022, 136 Stat. 5233, provided that: “This division [enacting this section and section 22 of this title, amending sections 6, 7, 9 to 13, 15 to 18, and 21 of this title, repealing this section and sections 2 and 14 of this title, enacting provisions set out as notes under this section, and amending provisions set out as a note under section 102 of this title] may be cited as the ‘Electoral Count Reform and Presidential Transition Improvement Act of 2022’.”

Pub. L. 117-328, div. P, title I, §101, Dec. 29, 2022, 136 Stat. 5233, provided that: “This title [enacting this section and section 22 of this title, amending sections 6, 7, 9 to 13, 15 to 18, and 21 of this title, and repealing this section and sections 2 and 14 of this title] may be cited as the ‘Electoral Count Reform Act of 2022’.”

Pub. L. 117-328, div. P, title II, §201, Dec. 29, 2022, 136 Stat. 5241, provided that: “This title [amending provisions set out as a note under section 102 of this title] may be cited as the ‘Presidential Transition Improvement Act’.”

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