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TITLE III.

THE PRESIDENT.

CHAPTER ONE.

PRESIDENTIAL ELECTIONS.

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Time of appointing electors.

1 Mar., 1792, c. 8, s. 1, v. 1, p. 239.
23 Jan., 1845, c. 1, v. 5, p. 721.

SEC. 131. Except in case of a presidential election prior to the ordinary period, as specified in sections one hundred and forty-seven to one hundred and forty-nine, inclusive, when the offices of President and Vice-President both become vacant, the electors of President and Vice-President shall be appointed, in each State, on the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice-President. [See § 5520.]

Number of electors.

1 Mar., 1792, c. 8, s. 1, v. 1, p. 239.

SEC. 132. 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.

Vacancies in electoral college.

23 Jan., 1845, c. 1, v. 5, p. 721.

SEC. 133. 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.

Failure to make a choice on the appointed day.

23 Jan., 1845, c. 1, v. 5, p. 721.

SEC. 134. 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.

Meeting of electoral college.

1 Mar., 1792, c. 8, s. 2, v. 1, p. 239.

SEC. 135. The electors for each State shall meet and give their votes upon the first Wednesday in December in the year in which they are appointed, at such place, in each State, as the legislature of such State shall direct.

List of names of electors to be furnished to them.

1 Mar., 1792, c. 8, s. 3, v. 1, p. 240.

SEC. 136. It shall be the duty of the executive of each State to cause three lists of the names of the electors of such State to be made and certified, and to be delivered to the electors on or before the day on which they are required, by the preceding section, to meet.

Manner of voting.

1 Mar., 1792, c. 8, ss. 2, 3, v. 1, p. 239. 26 Mar., 1804, c. 50, s. 1, v. 2, p. 295.

SEC. 137. The electors shall vote for President and Vice-President, respectively, in the manner directed by the Constitution.

Certificates to be made and signed.

SEC. 138. The electors shall make and sign three certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President, and the other of the votes for Vice-President, and shall annex to each of the certificates one of the lists of the electors which shall have been furnished to them by direction of the executive of the State.

Certificates to be sealed and indorsed.

1 Mar., 1792, c. 8, s. 2, v. 1, p. 239. 26 Mar., 1804, c. 50, s. 1, vol. 2, p. 295.

SEC. 139. The electors shall seal up the certificates so made by them, and certify upon each that the lists of all the votes of such State given for President, and of all the votes given for Vice-President, are contained therein.

Transmission of the certificates.

1 Mar., 1792, c. 8, s. 2, v. 1, p. 239. 26 Mar., 1804, c. 50, s. 1, v. 2, p. 295.

SEC. 140. The electors shall dispose of the certificates thus made by them in the following manner:

One. They shall, by writing under their hands, or under the hands of a majority of them, appoint a person to take charge of and deliver to the President of the Senate, at the seat of Government, before the first Wednesday in January then next ensuing, one of the certificates.

Two. They shall forthwith forward by the post-office to the President of the Senate, at the seat of Government, one other of the certificates.

Three. They shall forthwith cause the other of the certificates to be delivered to the judge of that district in which the electors shall assemble.

When Secretary of State shall send for district judge's list.

1 Mar., 1792, c. 8, s. 4, v. 1, p. 240.

SEC. 141. Whenever a certificate of votes from any State has not been received at the seat of Government on the first Wednesday of January indicated by the preceding section, the Secretary of State shall send a special messenger to the district judge in whose custody one certificate of the votes from that State has been lodged, and such judge shall forthwith transmit that list to the seat of Government.

Counting the electoral votes in Congress.

1 Mar., 1792, c. 8, s. 5, v. 1, p. 240.

SEC. 142. Congress shall be in session on the second Wednesday in February succeeding every meeting of the electors, and the certificates, or so many of them as have been received, shall then be opened, the votes counted, and the persons to fill the offices of President and Vice-President ascertained and declared, agreeable to the Constitution.

Provision for absence of President of the Senate.

1 Mar., 1792, c. 8, s. 6, v. 1, p. 240.

SEC. 143. In case there shall be no President of the Senate at the seat of Government on the arrival of the persons intrusted with the certificates of the votes of the electors, then such persons shall deliver such certificates into the office of the Secretary of State, to be safely kept, and delivered over as soon as may be to the President of the Senate.

Mileage of messengers.

1 Mar., 1792, c. 8, s. 7, v. 1, p. 240.

SEC. 144. Each of the persons appointed by the electors to deliver the certificates of votes to the President of the Senate shall be allowed, on the delivery of the list intrusted to him, twenty-five cents for every mile of the estimated distance, by the most usual road, from the place of meeting of the electors to the seat of Government of the United States.

Forfeiture for messenger's neglect of duty.

1 Mar., 1792, c. 8, s. 8, v. 1, p. 240.

SEC. 145. Every person who, having been appointed, pursuant to subdivision one of section one hundred and forty or to section one hundred and forty-one, to deliver the certificates of the votes of the electors to the President of the Senate, and having accepted such appointment, shall neglect to perform the services required from him, shall forfeit the sum of one thousand dollars.

Vacancy in both offices.

1 Mar., 1792, c. 8, s. 9, v. 1, p. 240.

SEC. 146. In case of removal, death, resignation, or inability of both the President and Vice-President of the United States, the President of the Senate, or, if there is none, then the Speaker of the House of Representatives, for the time being, shall act as President until the disability is removed or a President elected.

Notification of vacancies to be published.

1 Mar., 1792, c. 8, s. 10, v. 1, p. 240.

SEC. 147. Whenever the offices of President and Vice-President both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every State, and shall also cause the same to be published in at least one of the newspapers printed in each State.

Requisites of the notification.

1 Mar., 1792, c. 8, s. 10, v. 1, p. 240.

SEC. 148. The notification shall specify that electors of a President and Vice-President of the United States shall be appointed or chosen in the several States, as follows:

First. If there shall be the space of two months yet to ensue between the date of such notification and the first Wednesday in December then next ensuing, such notification shall specify that the electors shall be appointed or chosen within thirty-four days preceding such first Wednesday in December.

Second. If there shall not be the space of two months between the date of such notification and such first Wednesday in December, and if the term for which the President and Vice-President last in office were elected will not expire on the third day of March next ensuing, the notification shall specify that the electors shall be appointed or chosen within thirty-four days preceding the first Wednesday in December in the year next ensuing. But if there shall not be the space of two months between the date of such notification and the first Wednesday in December then next ensuing, and if the term for which the President and Vice-President last in office were elected will expire on the third day of March next ensuing, the notification shall not specify that electors are to be appointed or chosen.

Time of holding election to fill vacancy.

1 Mar., 1792, c. 8, s. 10, v. 1, p. 240.

SEC. 149. Electors appointed or chosen upon the notification prescribed by the preceding section shall meet and give their votes upon the first Wednesday of December specified in the notification.

Regulations for quadrennial election made applicable to election to fill vacancies.

1 Mar., 1792, c. 8, s. 10, v. 1, p. 240.

SEC. 150. The provisions of this Title, relating to the quadrennial election of President and Vice-President, shall apply with respect to any election to fill vacancies in the offices of President and Vice-President, held upon a notification given when both offices become vacant.

Resignation or refusal of office.

1 Mar., 1792, c. 8, s. 11, v. 1, p. 241.

SEC. 151. The only evidence of a refusal to accept, or of a resignation of the office of President or Vice-President, shall be an instrument in writing, declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of the Secretary of State.

CHAPTER TWO.

OFFICE AND COMPENSATION OF THE PRESIDENT.

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152. Commencement of term of office.
153. President's salary.
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155. Officers of the President's household.
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Commencement of term of office.

1 Mar., 1792, c. 8, s. 12, v. 1, p. 241.

SEC. 152. The term of four years for which a President and Vice-President shall be elected, shall, in all cases, commence on the fourth day of March next succeeding the day on which the votes of the electors have been given.

President's salary.

24 Sept., 1789, c. 19, v. 1, p. 72.
18 Feb., 1793, c. 9, v. 1, p. 318.
3 Mar., 1873, c. 226, s. 1, v. 17, p. 486.

SEC. 153. The President shall receive in full for his services during the term for which he shall have been elected the sum of fifty thousand dollars a year, to be paid monthly, and shall be entitled to the use of the furniture and other effects belonging to the United States and kept in the Executive Mansion. [See § 1829.]