

109TH CONGRESS
1ST SESSION

H. R. 1579

To amend title 3, United States Code, to extend the date provided for the meeting of electors of the President and Vice President in the States and the date provided for the joint session of Congress held for the counting of electoral votes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 2005

Mr. PRICE of North Carolina introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend title 3, United States Code, to extend the date provided for the meeting of electors of the President and Vice President in the States and the date provided for the joint session of Congress held for the counting of electoral votes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Count Every Vote Act
5 of 2005”.

1 **SEC. 2. EXTENSION OF DATES PROVIDED FOR MEETING OF**
2 **ELECTORS AND JOINT SESSION OF CON-**
3 **GRESS FOR COUNTING ELECTORAL VOTES.**

4 (a) MEETING OF ELECTORS IN STATES.—Section 7
5 of title 3, United States Code, is amended by striking “the
6 first Monday after the second Wednesday in December
7 next following their appointment” and inserting the fol-
8 lowing: “the first day (or, if such day is a Sunday, the
9 second day) occurring after the January 1 that next fol-
10 lows their appointment”.

11 (b) ENSURING TIMELY DELIVERY OF CERTIFICATES
12 AND VOTES BY STATES.—

13 (1) CERTIFICATE OF APPOINTED ELECTORS.—
14 Section 6 of such title is amended by striking “com-
15 municate by registered mail under the seal of the
16 State to the Archivist of the United States” and in-
17 serting the following: “communicate to the Archivist
18 of the United States, by the most expeditious meth-
19 od available (including overnight delivery or a secure
20 form of electronic transmission) to ensure receipt
21 not later than the second day that follows the date
22 described in section 7,”.

23 (2) DISPOSITION OF CERTIFICATES BY ELEC-
24 TORS.—Section 11 of such title is amended—

25 (A) by striking “by registered mail” each
26 place it appears;

1 (B) by striking “The electors shall dis-
2 pose” and inserting “(a) IN GENERAL.—The
3 electors shall dispose”; and

4 (C) by adding at the end the following new
5 subsection:

6 “(b) METHOD OF DELIVERY AND TRANSMISSION.—
7 The electors shall carry out the delivery and transmission
8 requirements of this section by the most expeditious meth-
9 od available (including overnight delivery or a secure form
10 of electronic transmission) to ensure receipt of the certifi-
11 cates and lists by the President of the Senate and the Ar-
12 chivist of the United States not later than the second day
13 that follows the date described in section 7.”.

14 (3) FINAL DEADLINE FOR DELIVERY.—Section
15 12 of such title is amended—

16 (A) by striking “the fourth Wednesday in
17 December” and inserting “the second day that
18 follows the date described in section 7”; and

19 (B) by striking “transmit same by reg-
20 istered mail to the President of the Senate at
21 the seat of government” and inserting the fol-
22 lowing: “transmit such certificate and list to the
23 President of the Senate at the seat of govern-
24 ment by such method as may be necessary (in-
25 cluding overnight delivery or a secure form of

1 electronic transmission) to ensure that such cer-
2 tificate and list is received by the President of
3 the Senate or the Archivist of the United States
4 not later than the second day that follows the
5 date described in section 7”.

6 (4) DEMAND ON DISTRICT COURT JUDGE.—

7 Section 13 of such title is amended—

8 (A) by striking “the fourth Wednesday in
9 December” and inserting “the second day that
10 follows the date described in section 7”;

11 (B) by striking “send a special messenger
12 to” and inserting “immediately notify”; and

13 (C) by striking “shall forthwith transmit
14 that list by the hand of the messenger to the
15 seat of government” and inserting “shall take
16 such action as may be necessary (including
17 overnight delivery or a secure form of electronic
18 transmission) to ensure that such certificate
19 and list is received by the President of the Sen-
20 ate not later than 24 hours after receipt of the
21 Archivist’s notice”.

22 (c) JOINT SESSION FOR COUNTING ELECTORAL
23 VOTES.—The first sentence of section 15 of such title is
24 amended by striking “the sixth day of January succeeding
25 every meeting of the electors” and inserting the following:

1 “the second day (or, if such day is a Sunday, the third
2 day) that follows the deadline for the receipt of certificates
3 and votes by the President of the Senate or the Archivist
4 of the United States under section 12”.

5 **SEC. 3. EXTENSION OF SAFE HARBOR PERIOD FOR RESO-**
6 **LUTION OF CONTROVERSY OR CONTEST RE-**
7 **GARDING APPOINTMENT OF ELECTORS.**

8 Section 5 of title 3, United States Code, is amended
9 by striking “six days” each place it appears and inserting
10 “3 days”.

11 **SEC. 4. EFFECTIVE DATE.**

12 The amendments made by this Act shall apply with
13 respect to the Presidential election held in November 2008
14 and each succeeding Presidential election.

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