

case, on an expedited basis, so that a final order of the court on remand of the Supreme Court may occur on or before the day before the time fixed for the meeting of electors.

(2) RULE OF CONSTRUCTION.—This subsection—

(A) shall be construed solely to establish venue and expedited procedures in any action brought by an aggrieved candidate for President or Vice President as specified in this subsection that arises under the Constitution or laws of the United States; and

(B) shall not be construed to preempt or displace any existing State or Federal cause of action.

(June 25, 1948, ch. 644, 62 Stat. 673; Pub. L. 117-328, div. P, title I, §104(a), Dec. 29, 2022, 136 Stat. 5234.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-328 amended section generally. Prior to amendment, text read as follows: “If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as herein-after regulated, so far as the ascertainment of the electors appointed by such State is concerned.”

§ 6. Duties of Archivist

The certificates of ascertainment of appointment of electors received by the Archivist of the United States under section 5 shall—

- (1) be preserved for one year;
- (2) be a part of the public records of such office; and
- (3) be open to public inspection.

(June 25, 1948, ch. 644, 62 Stat. 673; Oct. 31, 1951, ch. 655, §6, 65 Stat. 711; Pub. L. 98-497, title I, §107(e)(1), (2)(A), Oct. 19, 1984, 98 Stat. 2291; Pub. L. 117-328, div. P, title I, §105(a), Dec. 29, 2022, 136 Stat. 5236.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-328 amended section generally. Prior to amendment, section related to credentials of electors, transmission to Archivist of the United States and to Congress, and public inspection.

1984—Pub. L. 98-497 substituted “Archivist of the United States” for “Administrator of General Services” in section catchline and wherever appearing in text and “National Archives and Records Administration” for “General Services Administration”.

1951—Act Oct. 31, 1951, substituted “Administrator of General Services” for “Secretary of State” in section catchline and several places in text, and for “Secretary of State of the United States” in one place, and “General Services Administration” for “State Department”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of Title 44, Public Printing and Documents.

§ 7. Meeting and vote of electors

The electors of President and Vice President of each State shall meet and give their votes on the first Tuesday after the second Wednesday in December next following their appointment at such place in each State in accordance with the laws of the State enacted prior to election day.

(June 25, 1948, ch. 644, 62 Stat. 673; Pub. L. 117-328, div. P, title I, §106(a), Dec. 29, 2022, 136 Stat. 5236.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-328 substituted “Tuesday” for “Monday” and “in accordance with the laws of the State enacted prior to election day” for “as the legislature of such State shall direct”.

CONSTITUTIONAL PROVISIONS

Day of voting by electors, see Const. Art. II, §1, cl. 3. Voting by electors, see Const. Amend. XII.

§ 8. Manner of voting

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

(June 25, 1948, ch. 644, 62 Stat. 674.)

§ 9. Certificates of votes for President and Vice President

The electors shall make and sign six 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 of votes one of the certificates of ascertainment of appointment of electors which shall have been furnished to them by direction of the executive of the State.

(June 25, 1948, ch. 644, 62 Stat. 674; Pub. L. 117-328, div. P, title I, §104(c)(1), Dec. 29, 2022, 136 Stat. 5236.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-328 substituted “annex to each of the certificates of votes one of the certificates of ascertainment of appointment of electors” for “annex to each of the certificates one of the lists of the electors”.

§ 10. Sealing and endorsing certificates

The electors shall seal up the certificates of votes so made by them, together with the annexed certificates of ascertainment of appointment of electors, 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.

(June 25, 1948, ch. 644, 62 Stat. 674; Pub. L. 117-328, div. P, title I, §106(b), Dec. 29, 2022, 136 Stat. 5236.)

Editorial Notes**AMENDMENTS**

2022—Pub. L. 117-328 substituted “the certificates of votes so made by them, together with the annexed certificates of ascertainment of appointment of electors” for “the certificates so made by them”.

§ 11. Transmission of certificates by electors

The electors shall immediately transmit at the same time and by the most expeditious method available the certificates of votes so made by them, together with the annexed certificates of ascertainment of appointment of electors, as follows:

(1) One set shall be sent to the President of the Senate at the seat of government.

(2) Two sets shall be sent to the chief election officer of the State, one of which shall be held subject to the order of the President of the Senate, the other to be preserved by such official for one year and shall be a part of the public records of such office and shall be open to public inspection.

(3) Two sets shall be sent to the Archivist of the United States at the seat of government, one of which shall be held subject to the order of the President of the Senate and the other of which shall be preserved by the Archivist of the United States for one year and shall be a part of the public records of such office and shall be open to public inspection.

(4) One set shall be sent to the judge of the district in which the electors shall have assembled.

(June 25, 1948, ch. 644, 62 Stat. 674; Oct. 31, 1951, ch. 655, § 7, 65 Stat. 712; Pub. L. 98-497, title I, § 107(e)(1), Oct. 19, 1984, 98 Stat. 2291; Pub. L. 117-328, div. P, title I, § 107(a), Dec. 29, 2022, 136 Stat. 5236.)

Editorial Notes**AMENDMENTS**

2022—Pub. L. 117-328 amended section generally. Prior to amendment, section related to disposition of certificates.

1984—Pub. L. 98-497 substituted “Archivist of the United States” for “Administrator of General Services” two places in par. “Third”.

1951—Act Oct. 31, 1951, substituted “Administrator of General Services” for “Secretary of State” two places in par. “Third”.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 1984 AMENDMENT**

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of Title 44, Public Printing and Documents.

§ 12. Failure of certificates of electors to reach President of the Senate or Archivist of the United States; demand on State for certificate

When, after the meeting of the electors shall have been held, no certificate of vote mentioned in sections 9 and 11 of this title from any State shall have been received by the President of the Senate or by the Archivist of the United States by the fourth Wednesday in December, the President of the Senate or, if the President of

the Senate be absent from the seat of government, the Archivist of the United States shall request, by the most expeditious method available, the chief election officer of the State to send up the certificate lodged with such officer by the electors of such State; and it shall be the duty of such chief election officer of the State upon receipt of such request immediately to transmit same by the most expeditious method available to the President of the Senate at the seat of government.

(June 25, 1948, ch. 644, 62 Stat. 674; Oct. 31, 1951, ch. 655, § 8, 65 Stat. 712; Pub. L. 98-497, title I, § 107(e)(1), (2)(B), Oct. 19, 1984, 98 Stat. 2291; Pub. L. 117-328, div. P, title I, § 108(a), Dec. 29, 2022, 136 Stat. 5237.)

Editorial Notes**AMENDMENTS**

2022—Pub. L. 117-328, § 108(a)(1)–(4), (6)–(8), inserted “, after the meeting of the electors shall have been held,” after “When”, struck out “and list” after “certificate of vote” and after “send up the certificate”, and substituted “in December,” for “in December, after the meeting of the electors shall have been held,”, “or, if the President of the Senate be absent” for “or, if he be absent”, “lodged with such officer” for “lodged with him”, “the duty of such chief election officer of the State” for “his duty”, and “by the most expeditious method available” for “by registered mail”.

Pub. L. 117-328, § 108(a)(5), which directed substitution of “chief election officer” for “secretary of State”, was executed by making the substitution for “secretary of state” to reflect the probable intent of Congress.

1984—Pub. L. 98-497 substituted “Archivist of the United States” for “Administrator of General Services” in section catchline and two places in text.

1951—Act Oct. 31, 1951, substituted “Administrator of General Services” for “Secretary of State” in section catchline and two places in text.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 1984 AMENDMENT**

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of Title 44, Public Printing and Documents.

§ 13. Same; demand on district judge for certificate

When, after the meeting of the electors shall have been held, no certificates of votes from any State shall have been received at the seat of government on the fourth Wednesday in December, the President of the Senate or, if the President of the Senate be absent from the seat of government, the Archivist of the United States shall send a special messenger to the district judge in whose custody one certificate of votes from that State has been lodged, and such judge shall forthwith transmit that certificate by the hand of such messenger to the seat of government.

(June 25, 1948, ch. 644, 62 Stat. 674; Oct. 31, 1951, ch. 655, § 9, 65 Stat. 712; Pub. L. 98-497, title I, § 107(e)(1), Oct. 19, 1984, 98 Stat. 2291; Pub. L. 117-328, div. P, title I, § 108(b), Dec. 29, 2022, 136 Stat. 5237.)

Editorial Notes**AMENDMENTS**

2022—Pub. L. 117-328 inserted “, after the meeting of the electors shall have been held,” after “When” and