

APPENDIX A: CONSTITUTIONAL PROVISIONS ON PRESIDENTIAL ELECTIONS

Article II, Section 1, Clause 1

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Article II, Section 1, Clause 2

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

Article II, Section 1, Clause 3

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

Article II, Section 1, Clause 4

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

10th Amendment

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

12th Amendment

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with

themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;--The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;--The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

14th Amendment—Sections 2 and 3

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

15th Amendment—Section 1

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

19th Amendment

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

20th Amendment—Sections 1-5

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

22nd Amendment—Section 1

Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

23rd Amendment

Section 1. The District constituting the seat of government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a state, but in no event more than the least populous state; they shall be in addition to those appointed by the states, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a state; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

24th Amendment

Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

26th Amendment

Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2. The Congress shall have the power to enforce this article by appropriate legislation.

APPENDIX B: ELECTORAL COUNT REFORM ACT OF 2022

United States Code Title 3, Chapter 1. Presidential Elections and Vacancies.¹

Time of appointing electors

§1. 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.

Failure to make choice on prescribed day

§2. Repealed.

Number of electors

§3. 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

§4. Each State may, by law enacted prior to election day, provide for the filling of any vacancies which may occur in its college of electors when such college meets to give its electoral vote.

Certificate of Ascertainment of appointment of electors

§5. (a) In General.—

(1) Certification.—Not later than the date that is 6 days before the time fixed for the meeting of the electors, the executive of each State shall issue a certificate of ascertainment of appointment of electors, under and in pursuance of the laws of such State providing for such appointment and ascertainment enacted prior to election day.

(2) Form of certificate.—Each certificate of ascertainment of appointment of electors shall—

(A) set forth the names of the electors appointed and the canvass or other determination under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast;

(B) bear the seal of the State; and

(C) contain at least one security feature, as determined by the State, for purposes of verifying the authenticity of such certificate.

(b) Transmission.—It shall be the duty of the executive of each State—

(1) to transmit to the Archivist of the United States, immediately after the issuance of a certificate of ascertainment of appointment of electors and by the most expeditious method available, such certificate of ascertainment of appointment of electors; and

¹ The earlier Electoral Count Act of 1887 may be found in appendix B of the 4th edition of this book at <https://www.every-vote-equal.com/4th-edition>

(2) to transmit to the electors of such State, on or before the day on which the electors are required to meet under section 7, six duplicate-originals of the same certificate.

(c) Treatment of Certificate as Conclusive.—For purposes of section 15:

(1) In general.—

(A) Certificate issued by executive.—Except as provided in subparagraph (B), a certificate of ascertainment of appointment of electors issued pursuant to subsection (a)(1) shall be treated as conclusive in Congress with respect to the determination of electors appointed by the State.

(B) Certificates issued pursuant to court orders.—Any certificate of ascertainment of appointment of electors required to be issued or revised by any State or Federal judicial relief granted prior to the date of the meeting of electors shall replace and supersede any other certificates submitted pursuant to this section.

(2) Determination of federal questions.—The determination of Federal courts on questions arising under the Constitution or laws of the United States with respect to a certificate of ascertainment of appointment of electors shall be conclusive in Congress.

(d) Venue and Expedited Procedure.—

(1) In general.—Any action brought by an aggrieved candidate for President or Vice President that arises under the Constitution or laws of the United States with respect to the issuance of the certification required under section (a)(1), or the transmission of such certification as required under subsection (b), shall be subject to the following rules:

(A) Venue.—The venue for such action shall be the Federal district court of the Federal district in which the State capital is located.

(B) 3-judge panel.—Such action shall be heard by a district court of three judges, convened pursuant to section 2284 of title 28, United States Code, except that—

(i) the court shall be comprised of two judges of the Circuit court of appeals in which the district court lies and one judge of the district court in which the action is brought; and

(ii) section 2284(b)(2) of such title shall not apply.

(C) Expedited procedure.—It shall be the duty of the court to advance on the docket and to expedite to the greatest possible extent the disposition of the action, consistent with all other relevant deadlines established by this chapter and the laws of the United States.

(D) Appeals.—Notwithstanding section 1253 of title 28, United States Code, the final judgment of the panel convened under subparagraph (B) may be reviewed directly by the Supreme Court, by writ of certiorari granted upon petition of any party to the 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.

Duties of the Archivist

§6. 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.

Meeting and vote of electors

§7. 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.

Manner of voting

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

Certificates of votes for president and vice president

§9. 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.

Sealing and endorsing certificates

§10. 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.

Transmission of certificates by electors

§11. 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.

Failure of certificates of electors to reach President of the Senate or Archivist of the United States; demand on state for certificate

§12. 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.

Same; demand on district judge for certificate

§13. 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.

Forfeiture for messenger's neglect of duty

§14. Repealed.

Counting electoral votes in Congress

§15. (a) In General.—Congress shall be in session on the sixth day of January succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer.

(b) Powers of the President of Senate.—

(1) Ministerial in nature.—Except as otherwise provided in this chapter, the role of the President of the Senate while presiding over the joint session shall be limited to performing solely ministerial duties.

(2) Powers explicitly denied.—The President of the Senate shall have no power to solely determine, accept, reject, or otherwise adjudicate or resolve disputes over the proper certificate of ascertainment of appointment of electors, the validity of electors, or the votes of electors.

(c) Appointment of Tellers.—At the joint session of the Senate and House of Representatives described in subsection (a), there shall be present two tellers previously appointed

on the part of the Senate and two tellers previously appointed on the part of the House of Representatives by the presiding officers of the respective chambers.

(d) Procedure at Joint Session Generally.—

(1) In general.—The President of the Senate shall—

(A) open the certificates and papers purporting to be certificates of the votes of electors appointed pursuant to a certificate of ascertainment of appointment of electors issued pursuant to section 5, in the alphabetical order of the States, beginning with the letter A; and

(B) upon opening any certificate, hand the certificate and any accompanying papers to the tellers, who shall read the same in the presence and hearing of the two Houses.

(2) Action on certificate.—

(A) In general.—Upon the reading of each certificate or paper, the President of the Senate shall call for objections, if any.

(B) Requirements for objections or questions.—

(i) Objections.—No objection or other question arising in the matter shall be in order unless the objection or question—

(I) is made in writing;

(II) is signed by at least one-fifth of the Senators duly chosen and sworn and one-fifth of the Members of the House of Representatives duly chosen and sworn; and

(III) in the case of an objection, states clearly and concisely, without argument, one of the grounds listed under clause (ii).

(ii) Grounds for objections.—The only grounds for objections shall be as follows:

(I) The electors of the State were not lawfully certified under a certificate of ascertainment of appointment of electors according to section 5(a)(1).

(II) The vote of one or more electors has not been regularly given.

(C) Consideration of objections and questions.—

(i) In general.—When all objections so made to any vote or paper from a State, or other question arising in the matter, shall have been received and read, the Senate shall thereupon withdraw, and such objections and questions shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections and questions to the House of Representatives for its decision.

(ii) Determination.—No objection or any other question arising in the matter may be sustained unless such objection or question is sustained by separate concurring votes of each House.

(D) Reconvening.—When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the questions submitted. No vote or paper from any other State shall be acted upon until the objections previously made to any vote or paper from any State, and other questions arising in the matter, shall have been finally disposed of.

(e) Rules for Tabulating Votes.—

(1) Counting of votes.—

(A) In general.—Except as provided in subparagraph (B)—

(i) only the votes of electors who have been appointed under a certificate of ascertainment of appointment of electors issued pursuant to section 5, or who have legally been appointed to fill a vacancy of any such elector pursuant to section 4, may be counted; and

(ii) no vote of an elector described in clause (i) which has been regularly given shall be rejected.

(B) Exception.—The vote of an elector who has been appointed under a certificate of ascertainment of appointment of electors issued pursuant to section 5 shall not be counted if—

- (i) there is an objection which meets the requirements of subsection (d)(2)(B)(i); and
- (ii) each House affirmatively sustains the objection as valid.

(2) Determination of majority.—If the number of electors lawfully appointed by any State pursuant to a certificate of ascertainment of appointment of electors that is issued under section 5 is fewer than the number of electors to which the State is entitled under section 3, or if an objection the grounds for which are described in subsection (d)(2)(B)(ii)(I) has been sustained, the total number of electors appointed for the purpose of determining a majority of the whole number of electors appointed as required by the Twelfth Amendment to the Constitution shall be reduced by the number of electors whom the State has failed to appoint or as to whom the objection was sustained.

(3) List of votes by tellers; declaration of winner.—The tellers shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted according to the rules in this subchapter provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

Same; seats for officers and members of two houses in joint meeting

§16. At such joint session of the two Houses seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators, in the body of the Hall upon the right of the presiding officer; for the Representatives, in the body of the Hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform. Such joint session shall not be dissolved until the count of electoral votes shall be completed and the result declared; and no recess shall be taken unless a question shall have arisen in regard to counting any such votes, or otherwise under this subchapter, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess of such House not beyond the next calendar day, Sunday excepted, at the hour of 10 o'clock in the forenoon. But if the counting of the electoral votes and the declaration of the result shall not have been completed before the fifth calendar day next after such first session of the two Houses, no further or other recess shall be taken by either House.

Same; limit of debate in each house

§17. When the two Houses separate to decide upon an objection pursuant to section 15(d)(2)(C)(i) that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter—

(1) all such objections and questions permitted with respect to such State shall be considered at such time;

(2) each Senator and Representative may speak to such objections or questions for up to five minutes, and not more than once;

(3) the total time for debate for all such objections and questions with respect to such State shall not exceed two hours in each House, equally divided and controlled by the Majority Leader and Minority Leader, or their respective designees; and

(4) at the close of such debate, it shall be the duty of the presiding officer of each House to put each of the objections and questions to a vote without further debate.

Same; parliamentary procedure at joint meeting

§18. While the two Houses shall be in session as provided in this chapter, the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw under section 15(d)(2)(C)(i).

Vacancy in offices of both President and Vice President; officers eligible to act

§19. (a)(1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is neither a President nor Vice President to discharge the powers and duties of the office of President, then the Speaker of the House of Representatives shall, upon his resignation as Speaker and as Representative in Congress, act as President.

(2) The same rule shall apply in the case of the death, resignation, removal from office, or inability of an individual acting as President under this subsection.

(b) If, at the time when under subsection (a) of this section a Speaker is to begin the discharge of the powers and duties of the office of President, there is no Speaker, or the Speaker fails to qualify as Acting President, then the President pro tempore of the Senate shall, upon his resignation as President pro tempore and as Senator, act as President.

(c) An individual acting as President under subsection (a) or subsection (b) of this section shall continue to act until the expiration of the then current Presidential term, except that—

(1) if his discharge of the powers and duties of the office is founded in whole or in part on the failure of both the President-elect and the Vice-President-elect to qualify, then he shall act only until a President or Vice President qualifies; and

(2) if his discharge of the powers and duties of the office is founded in whole or in part on the inability of the President or Vice President, then he shall act only until the removal of the disability of one of such individuals.

(d)(1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is no President pro tempore to act as President under subsection (b) of this section, then the officer of the United States who is highest on the following list, and who is not under disability to discharge the powers and duties of the office of President shall act as President: Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of Health and Human Services, Secretary of Housing and Urban

Development, Secretary of Transportation, Secretary of Energy, Secretary of Education, Secretary of Veterans Affairs, Secretary of Homeland Security.

(2) An individual acting as President under this subsection shall continue so to do until the expiration of the then current Presidential term, but not after a qualified and prior-entitled individual is able to act, except that the removal of the disability of an individual higher on the list contained in paragraph (1) of this subsection or the ability to qualify on the part of an individual higher on such list shall not terminate his service.

(3) The taking of the oath of office by an individual specified in the list in paragraph (1) of this subsection shall be held to constitute his resignation from the office by virtue of the holding of which he qualifies to act as President.

(e) Subsections (a), (b), and (d) of this section shall apply only to such officers as are eligible to the office of President under the Constitution. Subsection (d) of this section shall apply only to officers appointed, by and with the advice and consent of the Senate, prior to the time of the death, resignation, removal from office, inability, or failure to qualify, of the President pro tempore, and only to officers not under impeachment by the House of Representatives at the time the powers and duties of the office of President devolve upon them.

(f) During the period that any individual acts as President under this section, his compensation shall be at the rate then provided by law in the case of the President.

Resignation or refusal of office

§20. 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.

Definitions

§21. As used in this chapter the term—

(1) “election day” means the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President held in each State, except, in the case of a State that appoints electors by popular vote, if the State modifies the period of voting, as necessitated by force majeure events that are extraordinary and catastrophic, as provided under laws of the State enacted prior to such day, “election day” shall include the modified period of voting.

(2) “State” includes the District of Columbia.

(3) “executive” means, with respect to any State, the Governor of the State (or, in the case of the District of Columbia, the Mayor of the District of Columbia), except when the laws or constitution of a State in effect as of election day expressly require a different State executive to perform the duties identified under this chapter.

Severability

§22. If any provision of this chapter, or the application of a provision to any person or circumstance, is held to be unconstitutional, the remainder of this chapter, and the application of the provisions to any person or circumstance, shall not be affected by the holding.

APPENDIX C: A VINDICATION OF THE GENERAL TICKET LAW PASSED BY VIRGINIA IN 1800

“A Vindication of the General Ticket Law Passed by the Legislature of Virginia on this 18th Day of January 1800.”²

To the Freeholders of Shenandoah County:

When alterations are made in the laws of a free people, it is natural for them to have a desire to know (and it is proper that they should know) the nature of such alterations, and the reasons why they were made, and more especially in important cases, changing the mode by which the people elect any of their public officers.

This committee have therefore thought proper to inform you, that an alteration has been made in the law prescribing the mode of appointing electors to choose a President and Vice President of the United States—and as an explanation and vindication of the principles of such alteration present you the following extract from a late publication signed “Franklin.”

A Vindication

At the last session, to wit, on the 20th day of January, 1800, the general assembly of this commonwealth, passed a law, changing the mode, which had been prescribed by the act of October, 1792, of appointing electors to choose a president and vice-president of the United States.

By the last mentioned act, the freeholders of each district, were required to convene on the first Monday in November, in every 4th year, at their respective county courthouses, and to vote for one person, a resident within the district, as an elector.

By the law now in force, every freeholder in the state, on the first Monday in November next, is to vote for one person, residing in each electoral district. Of course, he will vote for 21 persons; the state of Virginia being authorized under the federal constitution to appoint 21 electors. The vote is given in this way. The freeholder writes on a ticket the names of 21 persons for whom he means to vote, puts his own name on the back of the ticket, and delivers it, with his own hand, publicly at the courthouse to the commissioners, appointed by law to receive it. If any voter should put on his ticket, the names of two persons belonging to the same district, either his own, or any other, his vote for the person last named, will not be counted.

As it is easier for a man to pronounce one name, than to write 21, besides his own, and as he can more readily select from his own district one person qualified to be an elector, than 21 persons from the several districts in the state, it is admitted, that the mode of election, prescribed by the act of 1792, is more convenient, to the individual voter, than that now adopted, by the law under consideration.

² Democratic Party of Shenandoah County and Franklin (pseudonym). 1800. *A Vindication of the General Ticket Law Passed by the Legislature of Virginia on this 18th Day of January 1800*. Staunton Publishing—John M. Thur Printers. Available at Library of Virginia Special Collections West Side. Call number JK528.V82.

Why then it has been asked, and may be asked again, was a change thought necessary or expedient? To this question, the answer shall be candid, and we hope satisfactory.

The federal constitution declares, (article 2d section 1st)

“that each state shall appoint, in such manner as the legislature thereof may direct, a number [of] electors equal to the whole number of senators and representatives to which the state may be entitled in the congress.”

Under this constitutional provision, no less than three different modes of election have been pursued in the several states forming the union. In some, the legislatures have themselves chosen the electors; in some, the electors have been chosen by the people, by a general ticket, which is the plan adopted; and in others they have been chosen by the people divided into districts, which was the plan marked out by the act of October 1792.

Let us examine the effects of these different systems.

If the legislature of a state choose the electors, the consequence inevitably is, that all the electors give their votes to the same persons; because it is obvious, that the legislature will take care to choose men, whose political principles agree with their own, and who, they know, will vote for the candidate whom they prefer.

But to this mode of election there are two objections, neither of which can be easily surmounted. The first is, that the constitution having declared, “that each state should appoint electors in such manner as the legislature thereof might direct,” seems to have given to the legislature not the actual power of appointment, but only the power of prescribing the manner in which the appointment shall be made: that is to say, whether it shall be done by a general ticket or by districts, publicly or by ballot. Between those two things, the power of appointing electors, and the power of directing how they shall be appointed, there appears to be a substantial difference, which ought not to be disregarded by a legislature, the members of which have taken an oath to support the constitution of the United States. The force of this objection is irrefutable, if the constitution, in the recited clause, means by the word “state” the people in each state, in their highest sovereign capacity.

The other objection is founded on a principle of political science, which is not perhaps sufficiently regarded in the structure of the general government. The principle is, that in all cases whatever, those who are to act for the people, in other words their servants and agents, ought to be chosen by the people, unless the power of choosing cannot be conveniently and properly exercised. Now the constitution of the United States certainly not having excluded the people from the appointment of electors, and the power of appointment being one, which they can as experience proves, conveniently and properly exercise, the right of electing electors ought to remain unimpaired in their hands. If they exercise it, the majority will prevail, and the minority, unless destitute of principle, which cannot be supposed, will feel disposed to acquiesce; but if the legislature exercise it, they may appoint a set of electors, not one of whom would stand a chance to be chosen if the election depended on the people. It is said that in the state of New York, at the last presidential election, all the electors chosen by the legislature were not approved by the majority of the people.

It is believed that reasons, something like these, were deemed sufficient, even to prevent a proposition in the general assembly of this commonwealth, for a legislative appointment.

Under the second system of election by a general ticket, the majority of the people of a state, supposing them to act rationally and in concert as they have done in Pennsylvania, and no doubt will do here, fix on the persons to whom the whole number of electoral votes shall be given. For the election in November next; two tickets will be submitted to the consideration of the people; one containing the names of 21 persons, who will vote for Mr. Jefferson, or some other person whose political principles correspond with his; the other, the names of 21 persons, who will as certainly vote for Mr. Adams, or some man who thinks as he does. The question therefore will be, or rather is now fully before the people, and the majority by the choice of their thicket, will fairly determine to whom the 21 electoral votes belonging to Virginia shall be given.

The effect of the third or district plan of election, though equally obvious, is very different from the effect already stated to result from an appointment by the legislature or by the people collectively. In the latter cases all the electors voting for the same persons, the state to which they belong avails itself of the full extent of its electoral power. But in the former case, the influence of the largest state in the union, in the presidential election, may be reduced to a level with that of the smallest, and even below it. Virginia for instance has 21 electors, who constitute nearly one third of a majority, which is 70. If all her votes are given in the same way, her constitutional influence in the election is great; it is three times greater than that of New Jersey, which has seven votes, and seven times greater than that of Delaware which has three. But if the state were to vote by districts, ten votes might, under the law, be given for one candidate and eleven for the other, and thus the state of Virginia, instead of retaining a power in the election, which the constitution allows three times greater than that of New Jersey, and seven times greater than that of Delaware, would have only a seventh part of the influence of the former, and a third part of the influence of the latter; in other words, only one efficient vote.

In addition to this it may be observed that the states in the case of direct taxation, pay not in proportion to the number of their electors, but in proportion to the number of the representatives. Delaware, for instance, pays only the nineteenth part of the tax on lands and houses paid by Virginia—but in choosing a president, her power is not the nineteenth part only, but a seventh part of the power of Virginia. It is manifest, therefore, that the smaller states being allowed an elector for their two senators, as well as for each representative, have a very great advantage in the important national concern of choosing a president; and the advantage is greatly augmented by the inattention of some of the larger states, in adopting a plan, by which their own votes are divided.

Under this view of the subject, it becomes well worthy of consideration, whether if by general consent an amendment to the constitution shall prescribe a uniform mode of appointing electors throughout the United States, the plan of general ticket would not be the most equal, and the best calculated to preserve to every state in the union, the full extent of that power which the constitution intended to confer. In support of this idea it deserves farther to be remarked that there is less probability of a difference of sentiment in a small than in a large state, and of course, a small state would be less likely than a large state under the district system of election, to lose any part of its constitutional proportion of electoral influence. Until therefore, the constitution of the United States shall be so amended as to leave the decision of a question, in which the people alone are concerned, to a majority of the people themselves, or to electors chosen by a majority of the people,

an election by a general ticket is unquestionably, the only plan by which the larger states can in any degree counteract the effect arising from the present unequal and very unjust distribution of electoral power.

This short view of the effect of the different modes of election, which have pursued in the United States, furnishes at once an explanation of the motives, and a vindication of the conduct of the general assembly, in passing the law in question. Several of the states having adopted plans by which at the last election of president and vice-president, unanimity in their electoral assemblies was produced, and by which they exercised in its full extent the power constitutionally allowed to them, it is manifest that Virginia, unless she pursues the same policy stands on very unequal ground. If the majorities in the other states, or some of them, will not permit the votes of their minorities to be counted, and the minority in this state is added to these, it is clear that the state of Virginia not only surrenders the power which she may rightfully exercise, but she does worse: she permits a part of that power to be employed in a way which may disappoint the wishes of four fifths of her people, on a subject of the highest national importance.

To illustrate this position, let it be supposed that Mr. Adams had or rather was likely to have sixty-seven votes in the other states; fifty one votes of course would remain for Mr. Jefferson. In this state of things, it is obvious that the event of the election would depend on the votes given in Virginia. Let it also be supposed, as the fact really is, if we may deduce any inference either from the last election, or from the political principles of the legislature, that the great majority of the people are disposed to give a decided preference to Mr. Jefferson. Under the plan now adopted, Mr. Jefferson would be elected: 21 votes added to 51 would give him 72: but under the former system, three districts by voting in favor of Mr. Adams, would carry his election in opposition to 18 districts: in other words the wishes of three men would be preferred to those of eighteen, the wishes of a seventh part would be consulted in preference to those of the whole.

There is no clause in the constitution, there is no principle in political or moral law, which imposes on the legislature of this state, the necessity of making a sacrifice so momentous. On the contrary, as the constitution has given to them the power of directing the mode of choosing electors, it appears to us to be their sacred duty to prescribe that mode of election which, without contravening the constitution, is most likely to accomplish the wishes of a majority of the people. If it be admitted as a general principle, that the voice of the majority shall prevail, surely it would be as absurd as it would be impolitic to except from its operation a case of the greatest magnitude and importance to which it can be applied.

It ought to be repeated, that it is the duty of the legislature of Virginia, at all times, and on all occasions, and on every subject, whether general or local, to consult the wishes as well as the interests of a majority of the free people of Virginia, and to adopt such measures, not incompatible with the constitution, as are best calculated to promote those wishes. If this great principle shall be abandoned by them on a question so important as the election of a president, the opponents of the present law are called upon to point out some other principle, equally pure, equally safe, and as universally admitted to be true, by which their conduct shall be governed. Are they to consult the voice of the people in any other state? This has never been suggested. Are they to consult the voice of the people of the United States? How are they to know it? How, in fact, is this voice to be known, even

on a point really determined by a majority of the people, until the majorities in the several states are ascertained?

If the foregoing remarks are correct, they prove that the plan of electing electors by a general ticket, ought, under the present constitutional arrangement of electoral power, to be uniformly adopted throughout the United States. It is proper however to observe, that this position was not maintained by the friends of the present law during the last assembly. The idea which they generally, perhaps universally entertained, was that the district system was to be preferred, provided all the states would agree to have recourse to it, but that until this agreement did take place, it was necessary that the policy pursued by many of them in making their elections either by the legislature or by the people collectively, should be counteracted by a similar policy on the part of Virginia.

Having stated with truth and in the plain language in which truth ought always to be spoken, the reasons which induce us to give to the principle of the law in question our unequivocal approbation.

Viewing the foregoing reasons as founded on truth and good sense, we submit the same to your consideration, with an earnest request that you will use your exertions in explaining the subject to your neighbors and give aid to the Republican Ticket.

SHENANDOAH COMMITTEE

The following persons are recommended as the most fit characters to be named at the ensuing Election of a President & Vice President of the United States on the Republican Ticket.

- In District No. 1. William Newsum of Princess Ann
2. George Wythe of the city of Richmond
3. Edmund Pendleton of Caroline
4. William St. Cabell of Amherst
5. James Madison, Jr. of Orange
6. John Page of Gloucester
7. Thomas Newton, Jr. of Norfolk Borough
8. Carter B. Harrison of Prince George
9. Gen. Joseph Jones of Dinwiddie
10. William B. Giles of Amelia
11. Creed Taylor of Cumberland
12. Thomas Read Sen. of Charlotte
13. George Penn of Patrick
14. Walter Jones of Northumberland
15. Richard Brent of Prince William
16. William Ellzey of Loudon
17. Hugh Holmes of Frederick
18. Archibald Stuart of Augusta
19. Andrew Moore of Rockbridge
20. Gen. John Brown of Hardy
21. Gen. John Preston of Montgomery

APPENDIX D: STATE CANVASSING AUTHORITIES

State	Name	Composition	Date for certification of canvass (2024)
AL	State Canvassing Board	The Canvassing Board is the Governor, Secretary of State, and Attorney General; or two of them. The Governor must be present for the certification of presidential electors. AL Code §17-12-17; 17-14-34	20 days after the election. (Within 15 days of the time for making returns—which is 5 days.) AL Code §17-14-33; 17-14-34
AK	Director of Elections; State Ballot Counting Review Board	Members of the State Ballot Counting Review Board are named by the political parties in the state. AK Stat §15.15.420; 15.15.430; 15.15.440; 15.15.450	“Upon completion of the state ballot counting review,” which is to begin no later than 16 days after the election, and continue “until completed.” AK Stat §15.15.440
AZ	Secretary of State; Attorney General; Governor	The Secretary of State, in the presence of the Governor and the Attorney General, canvasses all statewide offices. A.R.S. §16-648	Third Monday following a general election. A.R.S. §16-648
AR	Constitutional Officers	The Governor, Secretary of State, and other constitutional officers work jointly to certify results. A.C.A. §7-8-304	Within 20 days of the election (and sooner if all returns are received by either the Governor or Secretary of State) A.C.A. §7-8-304; 7-8-305
CA	Secretary of State	Secretary of State CA ELEC §15505	Within 32 days of the election CA ELEC §15505
CO	Secretary of State	The Secretary of State prepares the Certificate. The Governor signs and affixes the seal. C.R.S. §1-10-105; 1-11-107	Within 27 days of the election, and after all mandatory recounts have been completed C.R.S. §1-10-103; 1-10-105
CT	State Canvassing Board	The Treasurer, the Secretary of State, and the Comptroller comprise the State Canvassing Board. The Secretary of State is the state executive under the ECRA requirement, responsible for issuing and transmitting the Certificate of Ascertainment. CGS §9-315	Last Wednesday of November CGS §9-315
DC	Board of Elections	A total of three members are appointed by the Mayor; no more than two members can be of the same political party. D.C. Code §1-1001.01; 1-1001.03; 1-1001.05	D.C. Code §1-1001.05; D.C. Mun. Regs. r. 3813

(Continued)

State	Name	Composition	Date for certification of canvass (2024)
DE	Governor	Title 15 Del. C. §5709; 5711	Canvass begins at the county level within two days following general election. Title 15 Del. C. §5701
FL	Elections Canvassing Commission; Department of State	The Elections Canvassing Commission consists of the Governor and two members of the Cabinet selected by the Governor. Code specifies that the Department of State certifies results for electors. FL ST §102.111; 102.121; 103.011	Results canvassed by Elections Canvassing Commission on the 14 th day after a general election and certificates recorded in the Department of State. FL ST §102.111; 102.121; 103.011
GA	Secretary of State and Governor	GA Code §21-2-499	No later than 17 days after the election. GA Code §21-2-499
HI	Chief election officer; Governor	The chief election officer is selected by the Hawaii Elections Commission, which consists of an equal number of Republicans and Democrats, and a nonpartisan tiebreaker agreed upon by the commission members. The commission members are appointed equally in groups of two by the President of the Senate, the Senate Minority Leader, the Speaker of the House, and the House Minority Leader. The chief election officer certifies the results to the Governor, the Governor produces/signs/issues the Certificate of Ascertainment, and the chief election officer issues the duplicate Certificates to the electors. H. R. S. §11-1.6; 14-24	No later than the last day of the month of the election, or as soon as the returns have been received from all counties in the State, if received before that time. H. R. S. §14-24
ID	State Board of Canvassers; Secretary of State; Governor	The State Board of Canvassers consists of the Secretary of State, the State Controller, and the State Treasurer. The Secretary of State is the chairman of the Board. The Secretary of State prepares the Certificates and the Governor signs and affixes the seal to the Certificate. ID ST §34-1211; 34-1501	Within 21 days after the general election. ID ST §34-1211

(Continued)

State	Name	Composition	Date for certification of canvass (2024)
IL	State Board of Elections; Governor	The State Board of Elections is an eight-member bipartisan body appointed by the Governor. Four members must be from within Cook County, and four members must be from outside of Cook County. From each geographical area, two members must be from the same political party as the Governor, and two must be from the party that received the second-highest number of votes in the last gubernatorial election. The Board canvasses the result, and the Governor prepares the certificate. 10 ILCS §5/1A-2, 5/21-3	Within 31 days after the election, and sooner if all the returns are received by the State Board of Elections 10 ILCS §5/21-2
IN	Governor; Election Division of the Secretary of State	The Governor appoints the two co-directors of the Election Division; the co-directors cannot both be from the same political party. The Election Division tabulates the results; the Secretary of State certifies the results to the Governor; and the Governor issues the Certificate. IN ST §3-6-4.2-2; 3-6-4.2-3; 3-12-5-7; 3-10-5-6.5	Not later than noon on the last Tuesday in November following the election IN ST §3-12-5-7
IA	Board of Canvassers; Governor	The Board of Canvassers consists of the state executive council. The council's five members include the Governor, Secretary of State, Treasurer of State, Secretary of Agriculture, and Auditor of the State. The Secretary presents the abstracts to the Board of Canvassers, which canvasses and approves the results. The Governor then issues the Certificates. IA ST §50.37; 54.6	Not later than 27 days after the election IA ST §50.38
KS	State Board of Canvassers; Secretary of State; Governor	The Governor, Secretary of State, and Attorney General, or such officers' designee, constitute the State Board of Canvassers. Any two of such members may act as the Board. The Board canvasses the result, and the Secretary prepares the Certificate, procures the Governor's signature, and issues the Certificate. K.S.A. §25-3201; 25-801	Not later than December 1 following the election, unless that day is a Sunday, in which case no later than the following day K.S.A. §25-3206

(Continued)

State	Name	Composition	Date for certification of canvass (2024)
KY	State Board of Elections	The Board consists of the Secretary of State and several members appointed by the Governor from lists supplied by the two political parties in the Commonwealth and the Kentucky County Clerks Association. KY ST §117.015; 118.425	No later than the third Monday after the election KY ST §118.425
LA	Secretary of State; Governor	The Secretary of State ascertains the results. The Governor issues the certificate. LA R.S. §18:513; 18:1261	Certification within 30 days following the election. Promulgation of returns by the 14th day after the election (or the next business day), if no action has been filed contesting the election and if no interim deadlines are delayed for falling on a holiday or weekend. LA R.S. §18:513
ME	Secretary of State; Governor	The Secretary of State tabulates results. The Governor issues the certificate. M.R.S. 21-A §722; 803	Within 20 days after an election M.R.S. 21-A §722
MD	Board of State Canvassers; Governor	The Board of State Canvassers consists of the Attorney General, the Comptroller, the State Treasurer, the Secretary of State, and the Clerk of the Supreme Court of the state. The Board canvasses the results. The Governor issues the Certificate. Md. Code, EL §11-502; 11-601	The Board shall convene within 30 days of the election, with up to one day adjournment, and determine the candidates elected within one day of convening, and the State Administrator shall transmit the certified election results to the Governor within 3 days of receipt from the Board Md. Code, EL §11-503
MA	Governor, Secretary of the Commonwealth, Executive Council	MA ST §54:115-118	Localities have 15 days to transmit results to the Secretary, and the Governor, witnessed by members of the Council, has 10 days following the Secretary's receipt of the votes to proclaim the results MA ST §54:112, 54:118
MI	Board of State Canvassers; Governor	Board consists of two members from each major political party, with one member each being nominated by the Senate Majority Leader, Senate Minority Leader, Speaker of the House of Representatives, and House Minority Leader, and the members being selected by the Governor. The Governor issues the Certificate. MCL §168.22	On or before the 20th day following the election; the Secretary of State may appoint an earlier day. MCL §168.842

(Continued)

State	Name	Composition	Date for certification of canvass (2024)
MN	State Canvassing Board; Governor	The State Canvassing Board consists of the Secretary of State, two judges of the Supreme Court, and two judges of the District Court selected by the Secretary of State. The Governor submits the state's Certificate of Ascertainment. MN Stat §204C.31; 208.44	The Board will meet on the 16th day following the election to conduct the canvass. Within three days after completing the canvass, the State Canvassing Board shall declare the result and declare the candidates duly elected who received the highest number of votes for each federal office. MN Stat §204C.33; 208.05
MS	Secretary of State, and State Board of Election Commissioners	The Board consists of the Governor, the Secretary of State, and the Attorney General. The Secretary of State transmits "a notice" to the persons elected. MS ST §23-15-211; 23-15-605; 23-15-787	Immediately after receiving the returns and not later than 30 days following the election MS ST §23-15-605
MO	Board of State Canvassers, Secretary of State	The Board of Canvassers consists of the Secretary of State and two disinterested judges appointed by the Secretary. MO ST §115.511	The Board shall complete the canvass not later than the second Tuesday in November following the general election. MO ST §115.511
MT	Board of State Canvassers; Secretary of State; Governor	The Board of State Canvassers consists of the State Auditor, Superintendent of public instruction, and Attorney General. The Secretary prepares the lists of electors, which are signed by the Governor and Secretary. MCA §13-15-502; 13-25-103	Within 27 days after the election, or sooner if the returns are all received MCA §13-15-502
NE	Board of State Canvassers; Secretary of State; Governor	The Board of State Canvassers consists of the Governor, the Secretary of State, the Auditor of Public Accounts, the State Treasurer, and the Attorney General. The Secretary prepares the Certificate, which is signed by the Governor. Neb. Rev. Stat. §32-1037; 32-1040	On the fourth Monday after the election Neb. Rev. Stat. §32-1037
NV	Supreme Court and Secretary of State; Governor	The justices of the Supreme Court (or a majority thereof) and the Secretary of State together canvass the votes. The Governor issues Certificates. N.R.S. §293.395	On the fourth Tuesday of November after the election N.R.S. §293.395

(Continued)

State	Name	Composition	Date for certification of canvass (2024)
NH	Secretary of State; Governor	The Secretary of State tallies votes and declares the highest vote-getters; the Governor issues some certificates of election, including those for presidential and vice-presidential electors. NOTE: The NH Executive Council voted to certify the 2020 election results. RSA §659:81; 659:84	Canvass and declaration “when the Secretary of State has received the returns for an office from all towns or wards comprising the elective district for that office.” Certificates of election provided when time for recounts/appeals have expired. RSA §569:81; 659:84; 660:1; 660:4; 665:8 (II); 665:16
NJ	State Board of Canvassers; Secretary of State; Governor	The board is composed of the Governor, plus four members of the State Legislature selected by the Governor (equally representing the two parties). Note: The Secretary of State, an appointee of the Governor, may take the Governor’s place if the Governor is not available. Otherwise, the Secretary serves a ministerial role. The Secretary prepares the Certificate, which is signed by the Governor and the Secretary. NJSA §19:6-27; 19:22-1; 19:22-3; 19:22-8	Board of State Canvassers shall meet as soon as practicable but no later than the 30th day after the day of election and proceed to canvass the election NJSA §19:21-1; 19:21-6
NM	State Canvassing Board	The Secretary of State, the Governor, and the Chief Justice of the New Mexico Supreme Court constitute the State Canvassing Board. NM Const. Art. V Sec. 2	Canvass occurs the third Tuesday after the election; Secretary must issue certificates upon approval of the state canvass, but no sooner than the 31st day after the election. State Canvassing Board is responsible for certificates of ascertainment. NMSA §1-13-15; 1-13-16; 1-15-4
NY	State Board of Canvassers; Governor	The State Board of Elections constitutes the State Board of Canvassers. The State Board of Elections consists of four commissioners appointed by the Governor. Each commissioner is selected by recommendations from the state chairman and from the legislative leaders of each of the major political parties. The Board prepares Certificates, which the Governor then signs. N.Y. Elec. Law §3-100; 12-102	The State Board of Canvassers shall meet on or before the first Monday after the first Wednesday, of December next after each general election. The Board may adjourn from day to day, not exceeding five days. N.Y. Elec. Law §9-216

(Continued)

State	Name	Composition	Date for certification of canvass (2024)
NC	State Board of Elections; Secretary of State; Governor	<p>State Board of Elections composition currently subject to litigation. As of 7/26/24, state law provides that the State Board of Elections is a bipartisan group of eight, with two members each being appointed by the President Pro Tempore of the Senate, the Senate Minority Leader, the Speaker of the House, and the House Minority Leader. However, this structure was successfully challenged (with appeal pending), so operative structure mirrors 2020 structure: 5 members, appointed by the Governor from lists provided by the parties, with no more than 3 members from the same party.</p> <p>The State Board certifies results to Secretary, who notifies the Governor. The Governor immediately issues a proclamation.</p> <p>N.C. Gen. Stat. §163-182.5, 163-19, 163-210</p>	<p>On the Tuesday three weeks after election day</p> <p>N.C. Gen. Stat. §163-182.5</p>
ND	State Canvassing Board; Secretary of State; Governor	<p>The clerk of the Supreme Court, the Secretary of State, the State Treasurer, and the Chairman, or Chairman's designee, of the state committee of the two political parties that cast the highest vote for Governor at the last general election at which a Governor was elected constitute the state canvassing board. The Secretary prepares the certificates, which are signed by the Governor and Secretary.</p> <p>N.D.C.C. §16.1-15-33; 16.1-14.02</p>	<p>Not later than 17 days following the election</p> <p>N.D.C.C. §16.1-15-35</p>
OH	Secretary of State	O.R.C. §3505.35	<p>County Boards of Elections must complete their canvasses within 21 days of the election, and the Secretary of State must complete the statewide canvass within 10 days of receiving the election returns from the Boards</p> <p>O.R.C. §3505.32; 3505.35</p>

(Continued)

State	Name	Composition	Date for certification of canvass (2024)
OK	State Election Board; Governor	The State Election Board is composed of three members and two alternate members (who may attend if a regular member is absent), each appointed by the Governor from nominations submitted by the two major political parties. Certificates are issued by the Board and transmitted to the electors by the Governor. Okla. Stat. tit. 26, §2-101, 2-101.1, 10-106	5PM on the Tuesday following the election Okla. Stat. tit. 26, §7-136
OR	Secretary of State	ORS §254.555	No later than 37 days after the election ORS §254.555
PA	Secretary of State; Governor	1937 Act 320 §1409, 1416; 25 P.S. §3159, 3166	"Upon receiving the certified returns of any primary or election from the various county boards." 1937 Act 320 §1409; 25 P.S. §3159
RI	State Board of Elections; Governor; Secretary of State	The State Board of Elections is made up of staggered gubernatorial appointees. The Secretary and Governor provide any certificates required by federal law. R.I. Gen. Laws §17-7-3; 17-4-12; 17-7-2; 17-7-5	Count begins at 8:00 PM on the day of any election in which mail ballots are used and continues until finished "with all reasonable expedition." R.I. Gen. Laws §17-22-1
SC	Board of State Canvassers; Governor	The State Election Commission constitutes the Board of State Canvassers. The Commission is made up of five members, at least one of whom is a member of the majority political party and at least one of whom is a member of the largest minority political party represented in the General Assembly. Members are appointed by the Governor for four-year terms. The governor issues the Certificate of Ascertainment. SC Code §7-3-10; 7-17-210; 7-19-70	The Board is set to meet for the canvass within 10 days after the election. The Board may adjourn for up to five days if the returns for presidential electors have not been received. SC Code §7-17-220; 7-17-230
SD	State Board of Canvassers; Governor	The State Board of Canvassers consists of the Governor, the Secretary of State, and the Chief Justice of the South Dakota Supreme Court. The governor delivers copies of certificates to electors. SDCL §12-20-46; 12-24-1	Within seven days of the election (though may be extended for a period not exceeding ten days for the purposes of obtaining the county returns). SDCL §12-20-47

(Continued)

State	Name	Composition	Date for certification of canvass (2024)
TN	Secretary of State, Governor, and the Attorney General and Reporter.	T.C.A. §2-8-110	“As soon as the returns [from the counties] are received.” The process of tallying and certification by the counties can begin no later than the third Monday after the election. T.C.A. §2-8-110; 2-8-101
TX	Governor; Secretary of State	The Secretary delivers county returns to Governor. The Governor conducts a canvass and certifies the tabulation. The Secretary prepares the Certificate of Ascertainment. Tex. Elec. Code §67.010; 67.013; 67.016	Tex. Elec. Code §67.012
UT	State Board of Canvassers; Lieutenant Governor	The State Board of Canvassers consists of the State Auditor, the State Treasurer, and the Attorney General. The Lieutenant Governor prepares and transmits the certificates. Utah Code Annotated §20A-4-306; 20A-13-302	Convenes at noon on the fourth Monday of November. No deadline specified, but presumed to be the same day. Utah Code Annotated §20A-4-306; 20A-13-302
VT	State Canvassing Committee	The Secretary of State and the chair of the state committee of each major political party (or their designee) constitute the canvassing committee. 17 V.S.A. §2592 (a)	Canvassing begins one week after the day of the election. The Committee can recess “from time to time” until it completes its work. 17 V.S.A. §2592 (g); 2731
VA	State Board of Elections	The Board has a majority of members reflecting the party of the Governor and is responsible for canvassing and certification at the state level. Members are appointed by the Governor and confirmed by the state Senate. VA Code §24.2-102; 24.2-679	Board is set to meet by the first Monday in December, but in the case the board is not able to meet, it can postpone no more than three days after. VA Code §24.2-679
WA	Secretary of State	RCW 29A.60.250	“As soon as the returns have been received from all the counties of the state, but not later than the thirtieth day after the election.” RCW 29A.60.250
WV	Governor	WV Code §3-6-11	County canvassing authorities must submit certified results to the Governor by 30 days after the election (or after recount). The Governor “shall ascertain who [is] elected and make proclamation thereof.” WV Code §3-6-11

(Continued)

State	Name	Composition	Date for certification of canvass (2024)
WI	Chairperson of State Election Commission; Governor	The chairperson of the Wisconsin Election Commission, or a designee of the chairperson, certifies results. (The chairperson is an appointee of the six-member bipartisan commission, two members of which are appointed by the Governor, and one each by the President of the Senate, the Senate Minority Leader, the Speaker of the Assembly, and the Assembly Minority Leader). The Governor issues certificates. Wis. Stat. §7.70(3)(a)–(c)	No later than December 1st after general election and no later than 10 days after state canvass commences. Wis. Stat. §7.70(3)(a)–(c)
WY	State Canvassing Board; Governor	The Governor, the Secretary of State, the State Auditor, and the State Treasurer constitute the State Canvassing Board. The Governor issues certificates. Wyo. Stat. Ann. §22-16-115; 22-19-104	By the second Wednesday following the election. Wyo. Stat. Ann. §22-16-118