

# TITLE 3—THE PRESIDENT

*This title was enacted by act June 25, 1948, ch. 644, §1, 62 Stat. 672*

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<b>4.</b>	<b>Delegation of Functions .....</b>	<b>301</b>

### AMENDMENTS

1951—Act Oct. 31, 1951, ch. 655, §4, 65 Stat. 711, added heading of chapter 4.

### POSITIVE LAW; CITATION

This title has been made positive law by section 1 of act June 25, 1948, ch. 644, 62 Stat. 672, which provided in part that: "Title 3 of the United States Code, entitled 'The President', is codified and enacted into positive law and may be cited as '3 U. S. C., §—.'"

### SAVINGS CLAUSE

Section 2 of act June 25, 1948, provided that: "The provisions of title 3, 'The President', set out in section 1 of this Act, shall be construed as a continuation of existing law and no loss of rights, interruption of jurisdiction, nor prejudice to matters pending on the effective date of this Act shall result from its enactment."

### REPEALS

Section 3 of act June 25, 1948, provided that the sections or parts thereof of the Statutes at Large or the Revised Statutes covering provisions codified in this Act are repealed insofar as the provisions appeared in former Title 3, and provided that any rights or liabilities now existing under the repealed sections or parts thereof shall not be affected by the repeal.

### PRIOR REPEALS

Former sections 21 and 22 relating to performance of presidential duties in absence of both the President and Vice President were repealed by act July 18, 1947, ch. 264, §1(g), 61 Stat. 381.

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF FORMER TITLE 3

Title 3 Former Sections	Revised Statutes at Large	Stat-	Title 3 New Sections
1 .....	R.S. §131 .....		1
2 .....	R.S. §132 .....		3
3 .....	R.S. §133 .....		4
4 .....	R.S. §134 .....		2
5 .....	Feb. 3, 1887, ch. 90, §1, 24 Stat. 373 .....		7
5a .....	May 29, 1928, ch. 859, §1, 45 Stat. 945 .....		7
	June 5, 1934, ch. 390, §6(a), 48 Stat. 879 .....		
6 .....	Feb. 3, 1887, ch. 90, §2, 24 Stat. 373 .....		5
7 .....	Feb. 3, 1887, ch. 90, §3, 24 Stat. 373 .....		6
7a .....	May 29, 1928, ch. 859, §2, 45 Stat. 946 .....		6
8 .....	R.S. §137 .....		8
9 .....	R.S. §138 .....		9
9a .....	May 29, 1928, ch. 859, §3, 45 Stat. 946 .....		9
10 .....	R.S. §139 .....		10

<sup>1</sup>Chapter heading amended by Pub. L. 95-179 without a corresponding amendment of chapter analysis.

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Title 3 Former Sections	Revised Statutes at Large	Stat-	Title 3 New Sections
11 .....	R.S. §140 .....		11
	Oct. 19, 1888, ch. 1216, §1, 25 Stat. 613 .....		
11a .....	May 29, 1928, ch. 859, §4, 45 Stat. 946 .....		11
11b .....	May 29, 1928, ch. 859, §5, 45 Stat. 946 .....		12
	June 5, 1934, ch. 390, §6(b), 48 Stat. 879 .....		
11c .....	May 29, 1928, ch. 859, §6, 45 Stat. 946 .....		13
	June 5, 1934, ch. 390, §6(c), 48 Stat. 879 .....		
12 .....	Oct. 19, 1888, ch. 1216, §1, 25 Stat. 613 .....		11, 12
13 .....	R.S. §141 .....		13
	Oct. 19, 1888, ch. 1216, §2, 25 Stat. 613 .....		
14 .....	R.S. §143 .....		11
15 .....	R.S. §144 .....		11
16 .....	R.S. §145 .....		14
17 .....	Feb. 3, 1887, ch. 90, §4, 24 Stat. 373 .....		15
	June 5, 1934, ch. 390, §7, 48 Stat. 879 .....		
18 .....	Feb. 3, 1887, ch. 90, §5, 24 Stat. 374 .....		18
19 .....	Feb. 3, 1887, ch. 90, §6, 24 Stat. 375 .....		17
20 .....	Feb. 3, 1887, ch. 90, §7, 24 Stat. 375 .....		16
21 .....	Jan. 19, 1886, ch. 4, §1, 24 Stat. 1 .....		19
22 .....	Jan. 19, 1886, ch. 4, §2, 24 Stat. 1 .....		19
23 .....	R.S. §151 .....		20
24 .....	July 18, 1947, ch. 264, §1(a-f), 61 Stat. 380, 381 .....		19
	July 26, 1947, ch. 343, §311, 61 Stat. 509 .....		
41 .....	R.S. §152 .....		101
	June 5, 1934, ch. 390, §1, 48 Stat. 879 .....		
42 .....	R.S. §153 .....		102
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43 .....	June 23, 1906, ch. 3523, 34 Stat. 454 .....		103
	Aug. 2, 1946, ch. 744, §17(c), 60 Stat. 811 .....		
44 .....	R.S. §154 .....		104
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	Mar. 4, 1925, ch. 549, §4, 43 Stat. 1301 .....		
	Aug. 2, 1946, ch. 753, §601(a), 60 Stat. 850 .....		
45 .....	Apr. 22, 1926, ch. 171, §1, 44 Stat. 305 .....		105
45a .....	Apr. 3, 1939, ch. 36, §301, 53 Stat. 565 .....		106
46 .....	June 12, 1922, ch. 218, 42 Stat. 636 .....		107
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	Mar. 3, 1925, ch. 468, §1, 43 Stat. 1198, 1199 .....		
	Apr. 22, 1926, ch. 171, §1, 44 Stat. 305 .....		
	Feb. 11, 1927, ch. 104, §1, 44 Stat. 1069 .....		
	May 16, 1928, ch. 580, §1, 45 Stat. 573 .....		
	Feb. 20, 1929, ch. 270, §1, 45 Stat. 1230 .....		
	Apr. 19, 1930, ch. 201, §1, 46 Stat. 229 .....		
	Feb. 23, 1931, ch. 281, §1, 46 Stat. 1355 .....		
	June 30, 1932, ch. 330, §1, 47 Stat. 452 .....		
	June 16, 1933, ch. 101, §1, 48 Stat. 284 .....		
	Mar. 28, 1934, ch. 102, §1, 48 Stat. 509 .....		
	Feb. 2, 1935, ch. 3, §1, 49 Stat. 6 .....		
	Mar. 19, 1936, ch. 156, §1, 49 Stat. 1148 .....		
	June 28, 1937, ch. 396, §1, 50 Stat. 350 .....		
	May 23, 1938, ch. 259, §1, 52 Stat. 411 .....		
	Mar. 16, 1939, ch. 11, §1, 53 Stat. 524 .....		
	Apr. 8, 1940, ch. 107, §1, 54 Stat. 112 .....		
	Apr. 5, 1941, ch. 40, §1, 55 Stat. 93 .....		
	June 27, 1942, ch. 450, §1, 56 Stat. 392 .....		
	June 26, 1943, ch. 145, §101, 57 Stat. 169 .....		
	June 27, 1944, ch. 286, §101, 58 Stat. 361 .....		
	May 3, 1945, ch. 106, §101, 59 Stat. 106 .....		
	Mar. 28, 1946, ch. 113, §101, 60 Stat. 61 .....		
47 .....	Mar. 4, 1911, ch. 285, §1, 36 Stat. 1404 .....		108
48 .....	June 25, 1910, ch. 384, §9, 36 Stat. 773 .....		109
49 .....	R.S. §1829 .....		110
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50 .....	R.S. §1832 .....		109
51 .....	R.S. §1833 .....		109
52 .....	RS. §1834 .....		109
53 .....	June 23, 1913, ch. 3, §1, 38 Stat. 23 .....		201
54 .....	June 9, 1941, ch. 189, 55 Stat. 247 .....		Elim.
61 .....	Sept. 14, 1922, ch. 308, §1, 42 Stat. 841 .....		202
	May 14, 1930, ch. 277, §1, 46 Stat. 328 .....		
62 .....	Sept. 14, 1922, ch. 308, §2, 42 Stat. 841 .....		203
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62a .....	Oct. 9, 1942, ch. 582, §1, 56 Stat. 778 .....		205

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62b .....	Oct. 9, 1942, ch. 582, § 2, 56 Stat. 778 .....		206
63 .....	Sept. 14, 1922, ch. 308, § 3, 42 Stat. 842 .....		204
	May 14, 1930, ch. 277, § 3, 46 Stat. 328 .....		
64 .....	Sept. 14, 1922, ch. 308, § 4, 42 Stat. 842 .....		207
65 .....	Sept. 14, 1922, ch. 308, § 5, 42 Stat. 842 .....		Rep.
66 .....	Sept. 14, 1922, ch. 308, § 6, 42 Stat. 842 .....		Rep.
67 .....	Sept. 14, 1922, ch. 308, § 7, 42 Stat. 843 .....		208
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## CHAPTER 1—PRESIDENTIAL ELECTIONS AND VACANCIES

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21.	Definitions.

### AMENDMENTS

1984—Pub. L. 98-497, title I, § 107(e)(3), Oct. 19, 1984, 98 Stat. 2292, substituted "Archivist of the United States" for "Administrator of General Services" in items 6 and 12.

1961—Pub. L. 87-389, § 2(b), Oct. 4, 1961, 75 Stat. 820, added item 21.

1951—Act Oct. 31, 1951, ch. 655, § 5, 65 Stat. 711, substituted "Administrator of General Services" for "Secretary of State" in items 6 and 12.

### FEDERAL ELECTION CAMPAIGNS

Disclosure of Federal campaign funds and general provisions, see section 431 et seq. of Title 2, The Congress.

### § 1. Time of appointing electors

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.

(June 25, 1948, ch. 644, 62 Stat. 672.)

### CROSS REFERENCES

Time of choosing electors, see Const. Art. 2, § 1, cl. 3.

<sup>1</sup> So in original. Does not conform to section catchline.

### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 18 sections 871, 1751.

### § 2. Failure to make choice on prescribed day

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.

(June 25, 1948, ch. 644, 62 Stat. 672.)

### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 18 sections 871, 1751.

### § 3. Number of electors

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.

(June 25, 1948, ch. 644, 62 Stat. 672.)

### § 4. Vacancies in electoral college

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.

(June 25, 1948, ch. 644, 62 Stat. 673.)

### § 5. Determination of controversy as to appointment of electors

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 hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned.

(June 25, 1948, ch. 644, 62 Stat. 673.)

### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 15 of this title.

### § 6. Credentials of electors; transmission to Archivist of the United States and to Congress; public inspection

It shall be the duty of the executive of each State, as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment, to communicate by reg-