To amend title 3, United States Code, to revise the rules for Presidential elections and counting electoral votes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. KING (for himself, Ms. KLOBUCHAR, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend title 3, United States Code, to revise the rules for Presidential elections and counting electoral votes, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Electoral Count Modernization Act”.

SEC. 2. REVISION OF RULES RELATING TO PRESIDENTIAL ELECTIONS.

(a) IN GENERAL.—Chapter 1 of title 3, United States Code, is amended—
(1) by striking sections 1 and 2 and inserting
the following:

§ 1. Time of choosing electors

“(a) In General.—The time of choosing electors of
President and Vice President shall be, in each State, elec-
tion day.

“(b) Prohibition on Using Alternative
Dates.—No State may establish any day other than elec-
tion day as the time for choosing electors of President and
Vice President.

“(c) Popular Elections.—

“(1) In General.—In the case of a State that
chooses electors by popular election, the last day on
which popular ballots may be cast in such election
shall be election day.

“(2) Rule of Construction.—Nothing in
this section shall preclude a State holding a popular
election for the choosing of electors from providing
by law for—

“(A) ballots to be filled out, submitted, or
cast on or before election day in person, by
mail, or through any other means;

“(B) the treatment of ballots cast in per-
son after election day by voters physically
present and waiting in line at polls at the time
of the closing of the polls on election day as ballots cast on or before election day;

“(C) ballots cast, or filled out and submitted by mail or through any other means, on or before election day to be received, perfected, or cured after election day;

“(D) ballots cast, or filled out and submitted by mail or through any other means, on or before election day to be—

“(i) processed, counted, or tabulated, before or after election day; or

“(ii) canvassed after election day;

“(E) consistent with other provisions of Federal law, rules of decision for resolving whether a ballot was filled out and submitted by mail or any other means, or cast in person, on or before election day, provided such rules are prescribed prior to election day; or

“(F) vacancies in the office of elector to be filled pursuant to section 4.

“§ 2. Rules for extension of time for choosing electors

“(a) CRITERIA FOR EXTENDING POPULAR ELECTIONS.—If, as of the opening of polls in a State on election day, a State’s laws provide for the choice of electors by popular election, the time for voting in the popular election
may be extended through a period of time after election
day only if a candidate for President or Vice President
demonstrates beyond a reasonable doubt in an action filed
under subsection (b) that—

“(1) a catastrophic event has occurred in the
State;

“(2) the catastrophic event—

“(A) has prevented a potentially outcome-
determinative number of eligible voters of the
State from casting ballots on election day; or

“(B) has caused a potentially outcome-de-
terminative number of ballots to be destroyed or
rendered unreadable; and

“(3) the catastrophic event is potentially out-
come-determinative for whether that candidate
would win the State’s popular vote.

“(b) Process for Extending Popular Elec-
tions.—

“(1) In General.—An action seeking an ex-
tension of the period of time for casting ballots in
a popular election for choosing electors in any State
may only be filed under this subsection—

“(A) by a candidate for President or Vice
President who qualified to appear on the ballot
of the State; and
“(B) in the Federal district court of the
district in which the State capital is located.
“(2) **Time for filing.**—

“(A) **In general.**—Except as provided in
subsection (B), an action filed under this
subsection shall be filed no later than the day
after election day.

“(B) **Exception.**—If the catastrophic
event which is the subject of the action prevents
the court from accepting the filing before the
date described in subparagraph (A), the action
shall be filed no later than the first day that
the court is able to accept the filing.

“(3) **Intervention.**—Any candidate for Presi-
dent or Vice President who qualified to appear on
the ballot of the State, but no other person, shall
have the right to intervene in any action filed under
this subsection.

“(4) **Determination.**—A court may grant an
extension of the period of time for casting ballots in
a popular election for choosing electors in an action
brought under this subsection only if the candidate
seeking an extension meets the requirements of sub-
section (a).
“(5) Scope and period of extension.—Any extension granted under paragraph (3)—

“(A) shall apply throughout the entire State; and

“(B) shall be for the shortest duration necessary in light of the catastrophic event justifying the extension, but extend no longer than 14 days after election day.

“(6) Frivolous actions.—If, on the court’s own initiative or the motion of a party, the court finds that the candidate seeking an extension did not have a good-faith basis for the factual or legal contentions asserted in the action, the court shall require the candidate’s attorneys of record to pay to each other party an amount equal to three times the reasonable attorneys’ fees and other expenses incurred by each other party to the action.

“(c) Savings provisions.—Nothing in this section shall be construed to—

“(1) limit the application of any State or Federal protection of the right to vote during any extended election period;

“(2) permit or authorize a State not to count ballots for electors for President and Vice President that were cast by eligible voters of the State on or
before election day in accordance with the laws of
the State that existed as of the opening of polls on
election day; or

“(3) preclude a court in an action filed under
subsection (b) from ordering sanctions otherwise au-
thorized by law.

“(d) CRIMINAL LIABILITY FOR INTENTIONAL PRE-
CIPITATION OF A CATASTROPIC EVENT.—Any person
who causes or conspires to cause a catastrophic event to
occur, with the intent of precipitating an extended election
pursuant to this section, shall be guilty of a felony and,
upon conviction thereof, shall be imprisoned for not less
than 1 year and not more than 10 years, and shall be
fined not less than $10,000.

“(e) DEFINITIONS.—For purposes of this section:

“(1) CATASTROPIC EVENT.—The term “‘cata-
strophic event’” means a major disaster, act of ter-
rorism, act of war, insurrection, power outage, arson
or malicious destruction of property, or cyber attack.

“(2) MAJOR DISASTER.—The term ‘major dis-
aster’ means—

“(A) any natural catastrophe (including
any hurricane, tornado, storm, high water,
wind-driven water, tidal wave, tsunami, earth-
quake, volcanic eruption, landslide, mudslide, snowstorm, or drought); or

“(B) regardless of cause, any fire, flood, or explosion, that causes great damage or loss of life.

“(3) ACT OF TERRORISM.—The term ‘act of terrorism’ means activities that involve acts dangerous to human life that appear to be intended—

“(A) to intimidate or coerce a civilian population;

“(B) to influence the policy of a government by intimidation or coercion; or

“(C) to affect the conduct of a government by mass destruction, assassination, or kidnapping.”;

(2) by striking sections 4, 5, and 6 and inserting the following:

“§ 4. Vacancies in electoral college

“Each State may, by law, provide alternative electors to be identified by election day to fill any vacancies which may occur in its college of electors when such college meets to give its electoral vote. Vacancies occurring after election day shall be filled only by alternative electors chosen under State law pursuant to this section.
§ 5. Final determination of appointment of electors

(a) In General.—

(1) Final determination treated as conclusive.—If a final determination of the appointment of electors by a State has been made as provided in this section, such final determination 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 identification of the electors appointed by such State is concerned.

(2) Other determinations void.—Any determination purporting to be the final determination with respect to the appointment of electors by a State which is made in a manner contrary to the rules of this section, and any certificate of identification of electors purporting to reflect a determination contrary to the rules of this section, shall be void and without legal effect.

(b) Deadline for Final Determination.—The deadline for a State’s final determination for purposes of this chapter shall be the twentieth day of December next following election day. Such deadline shall be deemed to have passed on that date for any State after 11:59 p.m. local time of that State’s capital.

(c) Rules for Making Final Determination of Appointment of Electors by Popular Election.—
In the case of a State that, pursuant to laws duly enacted prior to election day, provides for a popular election for electors for President and Vice President, the following procedures shall apply with respect to a final determination of the appointment of such electors:

“(1) In general.—The final determination of the appointment of electors by a State shall be made in accordance with the final election results as certified by the State official or body responsible for certifying final election results under the laws duly enacted by the State prior to election day, except as modified by—

“(A) a recount or State judicial or administrative proceeding that—

“(i) has been finally resolved for purposes of State law by the deadline in subsection (b); and

“(ii) was conducted pursuant to State laws duly enacted prior to election day; or

“(B) the final judgment of a Federal court issued by the deadline in subsection (b).

“(2) Final resolution; final judgment.—For purposes of paragraph (1)(A), a State judicial or administrative proceeding shall be deemed finally
resolved if it is not subject to further review by a higher State court.

“(3) No final determination before deadline during pendency of litigation.—No State shall make a final determination under this subsection prior to the deadline in subsection (b) while a recount or State judicial or administrative proceeding described in paragraph (1)(A) or an action described in subsection (d) is pending.

“(4) Procedures where a State did not reach a final determination.—

“(A) Action for relief.—If the State has not reached a final determination by the deadline set forth in subsection (b) because the official or body responsible for certifying final election results has not certified a winner, any candidate for President or Vice President on the ballot in that State may bring a civil action in a Federal district court described in subsection (d)(2)(B) seeking declaratory, injunctive, or other appropriate equitable relief to ensure that the transmissions of certificates of identification of electors required under section 6 reflect the final election results of the State’s popular election under the laws duly enacted by
the State prior to election day, as modified by any recount or State judicial or administrative proceeding conducted pursuant to State laws duly enacted prior to election day or the final judgment of a Federal court.

“(B) JUDGMENT TREATED AS FINAL DETERMINATION.—In any judgment issued under subparagraph (A), the electors listed in the transmission of certificate of identification of electors resulting from such relief shall be treated for purposes of this chapter in the same manner as a final determination made under this section.

“(C) LIMITATION PERIOD.—A Federal action brought under this paragraph may be filed not later than 3 days after the deadline set forth in subsection (b).

“(D) OTHER ACTIONS.—If a State has not met the deadline established in subsection (b) for reaching a final determination concerning its electors, and if litigation pertaining to the results of the election for President or Vice President is pending in Federal court, then such court may convert that litigation into an
action for determination of all of the issues set out in subparagraph (A).

“(d) Action for Equitable Relief.—

“(1) In General.—

“(A) A person may bring an action in Federal court seeking declaratory, injunctive, or other appropriate equitable relief to enforce the requirements of this section.

“(B) Except as provided in subsection (c)(4) and this subsection, no civil action may be brought in Federal court after election day seeking any relief relating to a final determination of the appointment of electors by a State, or the counting of votes relating to a final determination of the appointment of electors by a State.

“(2) Venue and Limitations Period.—

“(A) Limitations Period.—A civil action brought in Federal court after election day seeking declaratory, injunctive, or other appropriate equitable relief challenging any aspect of a final determination of the appointment of electors by a State under this section shall be filed no later than 3 days after the person knew
or should have known of the circumstance giving rise to the Federal cause of action.

“(B) Venue.—An action under this section may be brought only in—

“(i) the Federal district court of the district in which the State capital of the State whose determination is at issue is located; or

“(ii) the Federal district court for the District of Columbia.

“(3) Judgment treated as final determination.—In any judgment issued under this subsection, the electors listed in the transmission of certificate of identification of electors resulting from such relief shall be treated for purposes of this chapter in the same manner a final determination made under this section.

“(4) Rules of construction.—Nothing in this section shall be construed to—

“(A) require the counting of votes of electors selected in violation of Federal law as determined by the final judgment of a Federal court;

“(B) preclude any Federal court from directing the transmission of, or itself transmit-
ting, any document required to effectuate the
final judgment of such court; or

“(C) preclude the joint meeting of the Sen-
ate and House of Representatives described in
section 15 from considering a document trans-
mitted under subparagraph (B).

“(e) Final Determination Binding on Gov-
ernor.—For purposes of the duties of the Governor set
out in section 6, a final determination of the appointment
of electors by a State under this section shall be conclusive
and the only names of electors contained in the certificates
of identification of electors that are transmitted under
that section. If any State official purports to discharge
the duties set out in section 6 in a manner inconsistent
with this subsection, such actions shall be void and with-
out legal effect; and no State official or purported elector
may certify or transmit to any official listed in sections
6 or 11 any purported certificate of identification of elec-
tors contrary to the final determination, and any action
by a State official or purported elector certifying or trans-
mitting such certificate contrary to the final determination
shall be void and without legal effect.
§ 6. Credentials of electors; transmission to Archivist
of the United States and to Congress;

public inspection

“(a) Duties of the Governor.—

“(1) Issuance of certificates of identification of electors.—The governor of each State shall—

“(A) issue 14 duplicate original certificates of identification of electors as described in paragraph (2),

“(B) transmit such duplicate original certificates of identification of electors as provided in paragraph (3), and

“(C) make publicly available on a website maintained by the governor, a copy of one such duplicate original of the certificate of identification of electors.

“(2) Form and content.—Each duplicate original certificate of identification of electors issued under paragraph (1) shall—

“(A) reflect the appointment of electors of the State pursuant to section 5;

“(B) be signed by the governor and affixed with the seal of the State;

“(C) include the names of the electors appointed and the names of alternative electors (if
any) chosen by State law pursuant to section 4;

and

“(D) if the State held a popular election
for the appointment of electors, include the
number of votes cast for each candidate for
President and Vice-President on the ballot in
that popular election.

“(3) Transmission of certificate of ident-
tification of electors.—

“(A) In general.—The governor of a
State shall transmit the 14 duplicate originals
of the certificate of identification of electors as
follows:

“(i) One to the President of the Sen-
ate at the seat of government.

“(ii) One to the Speaker of the House
of Representatives at the seat of govern-
ment.

“(iii) Two to the chief State election
official of the State.

“(iv) Two to the Archivist of the
United States at the seat of government.

“(v) One to the Chief Justice of the
Supreme Court of the United States.
“(vi) Seven to the electors of the State identified therein.

“(B) TIME AND MANNER OF TRANSMISSION.—

“(i) IN GENERAL.—The governor of the State shall transmit each duplicate original certificate of identification of electors as soon as practicable after the final determination of the appointment of electors under section 5 has been made.

“(ii) CERTIFICATES TRANSMITTED TO PERSONS OTHER THAN ELECTORS.—In the case of any duplicate original certificate of identification of electors described in clauses (i) through (v) of subparagraph (A), the duplicate original certificate of identification of electors shall be transmitted—

“(I) under the State seal in the most expeditious secure manner available; and

“(II) no later than the 3 days after the date of the final determination made pursuant to section 5.
“(iii) Certificates transmitted to electors.—In the case of the duplicate original certificates of identification of electors described in subparagraph (A)(vi), the duplicate original certificate of identification of electors shall be transmitted no later than the date set forth for the meeting of electors under section 7.

“(4) Failure to issue or transmit.—

“(A) In general.—If the governor of a State fails to execute the duties under this subsection by the date applicable under paragraph (3)(B), the chief State election official of the State shall execute such duties within one day following the governor’s failure.

“(B) Failure by chief state election official.—If the governor fails to execute the duties under this subsection by the date applicable under paragraph (3)(B) and the chief State election official fails to execute the duties under subparagraph (A), then any candidate for President or Vice President on the ballot in that State may bring an action in the Federal district court of the district in which the State capital of the State whose determination is at
issue is located or the Federal district court for
the District of Columbia seeking declaratory,
injunctive, or other appropriate equitable relief
to ensure the identity of the electors listed on
the certificate of identification reflects the final
determination under section 5. Any judgment in
such action, if neither stayed nor modified on
appeal, shall be treated for purposes of this
chapter in the same manner as a certificate of
identification of electors issued under this sec-
tion, and the court shall direct the preparation
and transmission of, or itself prepare and trans-
mit, any document required to effectuate the
judgment.

“(b) DUTIES OF THE ARCHIVIST OF THE UNITED
STATES.—The Archivist of the United States shall—

“(1) with respect to the certificates transmitted
by the governor of each State under subsection (a)—

“(A) preserve for one year, as part of the
public records of his office, one such certificate;
and

“(B) hold the other such certificate subject
to the order of the President of the Senate;

“(2) ensure that the certificates preserved
under paragraph (1)(A) are open to public inspec-
tion, including in an online and accessible format, as
soon as practicable upon receipt; and

“(3) transmit to the two Houses of Congress
copies in full of each and every such certificate
transmitted under subsection (a) at the first meeting
of the Congress next following the date set forth for
the meeting of electors under section 7.

“(c) DUTIES OF CHIEF STATE ELECTION OFFICIAL.—The chief State election official of a State shall—

“(1) with respect to the duplicate original cer-
tificates transmitted by the State’s governor under
subsection (a)—

“(A) preserve for one year, as part of the
public records of his office, one such certificate;
and

“(B) hold the other such duplicate original
certificate subject to the order of the President
of the Senate; and

“(2) ensure that the duplicate original certifi-
cate preserved under paragraph (1)(A) is open to
public inspection, including in an online and acces-
sible format, as soon as practicable upon receipt.”;

(3) in section 7, by striking “the first Monday
after the second Wednesday in December next fol-
lowing their appointment” and inserting “the twen-
ty-ninth day of December of the year in which election day occurs”;

(4) by striking section 9 and inserting the following:

“§ 9. Certificates of votes for President and Vice President

“(a) IN GENERAL.—The electors shall make and sign 7 duplicate original certificates of recorded electoral votes, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President.

“(b) IDENTIFICATION OF VOTES.—Each list included under subsection (a) shall identify the candidates for which each elector voted.”.

(5) in section 10—

(A) by striking “The electors” and inserting the following:

“(a) INNER ENVELOPE.—The electors”; and

(B) by adding at the end the following new subsection:

“(b) OUTER ENVELOPE.—The electors shall annex to each of the sealed certificates of votes under subsection (a) one of the duplicate original certificates of identification of electors provided to the electors under section 6(a)(3)(A)(vi), together with the identification of any al-
ternate elector who has filled a vacancy, and place each
sealed certificate of votes and annexed duplicate original
certificate of identification of electors into a separate outer
everse.”;

(6) in section 11—

(A) by striking “the lists attached thereto”
and inserting “the certificates of identification
of electors annexed thereto”;

(B) by striking “registered mail” each
place it appears and inserting “the most expedi-
tious secure method available”;

(C) by inserting “and one of the same to
the Speaker of the House of Representatives at
the seat of government” after “President of the
Senate at the seat of government”;

(D) by striking “secretary of state” and
inserting “chief State election official”; and

(E) by striking “the judge of the district
in which the electors shall have assembled” and
inserting “the Chief Justice of the Supreme
Court”;

(7) in section 12—

(A) by striking “certificate of vote and list
mentioned in sections 9 and 11” and inserting
“certificate of vote and certificate of identifica-
tion of electors described in sections 9, 10, and 11’’;

(B) by striking “the fourth Wednesday in December,” and inserting “January 3rd’’;

(C) by striking “secretary of state” and inserting “chief State election official”; and

(D) by striking “registered mail” and inserting “the most expeditious method available’’.

(8) in section 13—

(A) by striking “the fourth Wednesday in December,” and inserting “January 4th’’;

(B) by striking “the district judge” and inserting “Chief Justice’’;

(C) by striking “such judge” and inserting “the Chief Justice’’; and

(D) in the heading thereof, by striking “district judge” and inserting “Chief Justice’’;

(9) by striking sections 14 and 15 and inserting the following:

“§ 15. Counting of electors’ votes in Congress

“(a) Joint Session of Congress.—

“(1) In general.—Congress shall be in session on the sixth day of January succeeding every
meeting of the electors and 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.

“(2) Presiding officer.—

“(A) In general.—Except as provided in
subparagraph (B), the President pro tempore of
the Senate shall be the presiding officer at the
joint meeting of the Senate and House of Rep-resentatives referred to in paragraph (1).

“(B) Recusal.—If the President pro tem-
pore of the Senate is a candidate for President
or Vice President, the next most senior member
of the majority party in the Senate who is not
a candidate for President or Vice President
shall preside.

“(3) Debate prohibited.—No debate shall be
allowed during the joint meeting referred to in para-
graph (1), except when the Houses separate to con-
sider objections properly received under subsection
(c)(2).

“(4) Tellers.—At the joint meeting of the
Senate and House of Representatives referred to in
paragraph (1), there shall be present two tellers pre-
viously appointed on the part of the Senate and two
tellers previously appointed on the part of the House
of Representatives.

“(5) Powers of President of Senate and
Presiding Officer.—Neither the President of the
Senate nor the presiding officer shall have any
power to determine or otherwise resolve disputes
over the proper list of electors, the validity of elec-
tors, or the votes of electors outside of the proce-
dures in this section.

“(b) Procedure for Recording and Tallying
Electoral Votes.—At the joint meeting of the Senate
and House of Representatives referred to in subsection
(a), the following shall occur:

“(1) Presentation of Electoral Certifi-
cates.—In the alphabetical order of the States, the
Secretary of the Senate shall open in the presence
of the tellers the outer envelope containing for a
State the certificate of identification of electors and
the sealed certificate of votes provided to the Presi-
dent of the Senate under section 11, and shall make
a preliminary determination that the State has sub-
mitted its list of electors which list shall have been
previously made available to the members of the
Senate and the House of Representatives. The Sec-
retary of the Senate shall leave the inner envelope containing the certificate of votes sealed.

“(2) CALL FOR OBJECTIONS.—After the Secretary of the Senate has made the preliminary determination under paragraph (1) with respect to a State, the presiding officer shall call for objections to the validity of the certificate of identification of electors of such State. No objection shall be in order unless such objection meets the requirements of subsection (c)(1). If an objection is made, such objection shall be resolved as provided in subsection (c)(2).

“(3) UNSEALING OF CERTIFICATE OF VOTES.—

“(A) IN GENERAL.—The Secretary of the Senate shall present to the President of the Senate—

“(i) if no objection is made, or if no objection is sustained, with respect to the certificate of identification of electors of a State, the inner envelope containing the sealed certificate of votes of the electors of such State; and

“(ii) if, after resolution of any objection, an alternative certificate of electors has been determined to be the valid certifi-
cate of identification of electors from such 
State, the sealed certificate of votes of 
such alternative electors.

“(B) Objections sustained only with 
respect to specific electors.—If any indi-
vidual elector on the certificate of identification 
of electors accompanying a sealed certificate of 
electoral votes is invalid pursuant to subsection 
(c), the Secretary of the Senate shall announce 
the name or names of such invalid electors be-
fore presenting such sealed certificate to the 
President of the Senate.

“(C) Opening of certificate of 
votes.—The President of the Senate shall, in 
the presence of the Senate and House of Rep-
resentatives, open the certificate of votes. The 
President of the Senate shall then hand the cer-
tificate to the tellers.

“(4) Reading of certificate by tellers.—
The tellers shall read the certificate in the presence 
and hearing of the two Houses, after which the pre-
siding officer shall call for objections to any votes. 
No objections shall be in order unless such objection 
meets the requirements of subsection (d)(1).
“(5) Recording of votes.—Upon resolution of objections (if any) under paragraph (4), the tellers shall make a list of the votes from the said certificates, disregarding any votes deemed invalid pursuant to an objection sustained under subsection (c) or (d).

“(6) Tally of votes.—

“(A) In general.—Each envelope containing the electoral votes for a State shall be acted upon in such manner, in the alphabetical order of the States, and the tellers shall aggregate the votes listed. The result of the same shall be delivered to the presiding officer, who shall thereupon announce the result of the vote.

“(B) Exclusion of votes to which objection sustained.—In determining whether a person has received a majority of validly appointed electors, the calculation of the total number of validly appointed electors shall exclude all electors for which an objection under subsection (c)(1) has been sustained without replacement by an alternative under subsection (c)(2).

“(7) Declaration of results.—The presiding officer shall declare the persons who have re-
ceived the votes of a majority of validly appointed
electors, if any, to be elected President and Vice
President of the United States, which announcement
shall be deemed a sufficient declaration of the per-
sons, if any, elected President and Vice President of
the United States. Such announcement, together
with a list of the votes, shall be entered on the Jour-
als of the two Houses.

"(e) Consideration of Objections to Identification of Electors.—

"(1) Requirements for objections.—

"(A) In general.—An objection meets
the requirements of this paragraph and shall be
considered only if the objection—

"(i) is made in writing;

"(ii) is signed by not less than one-
third of the Senators duly chosen and
sworn and one-third of the Members of the
House of Representatives duly chosen and
sworn; and

"(iii) states, clearly and concisely, and
without argument, one of the following
grounds:

"(I) The certificate of identification of electors contained in the enve-
lope opened by the Secretary of the Senate under subsection (b) is not the valid certificate of identification of electors of the State, as determined under subparagraph (B).

“(II) An individual elector on the certificate of identification of electors is ineligible to serve in that capacity under Article II, section 1, clause 2 of the Constitution, or section 3 of the Fourteenth Amendment to the Constitution.

“(B) VALID.—For purposes of subparagraph (A)(iii)(I):

“(i) If a certificate of identification of electors from a State has not been furnished pursuant to section 6, then such certificate shall not be a valid certificate under this subparagraph.

“(ii) If a certificate of identification of electors of a State has been furnished pursuant to section 6 and no other certificate of identification of electors from such State has also been furnished pursuant to such
section, then such certificate shall be the valid certificate under this subparagraph.

“(iii) If more than one certificate of identification of electors has been furnished pursuant to section 6—

“(I) if one such certificate has been issued pursuant to the final order of a Federal court not subject to a stay or reversal on appeal, or is the subject of an affirmative declaration of validity by the final order of a Federal court not subject to a stay or reversal on appeal, that certificate shall be valid except as subject to an objection under subparagraph (A)(iii)(II);

“(II) if no such certificate is valid under subclause (I), but one such certificate reflects the State’s final determination pursuant to section 5(a), including such successors or substitutes as have been appointed in the case of a vacancy to fill such vacancy in the mode provided by the laws of the State, that certificate shall
be valid except as subject to an objection under subparagraph (A)(iii)(II); and

“(III) if no such certificate is valid under subclauses (I) or (II), no such certificate shall be valid.

“(2) Procedure for resolving of objections.—

“(A) In general.—If there are one or more objections to any certificate of identification of electors which meet the requirements of paragraph (1), the Senate shall thereupon withdraw, and all such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision. When the two Houses separate to decide upon an objection or objections that have been properly received pursuant to this section, each Senator and Representative may speak to each objection for up to five minutes, and not more than once. After such debate shall have lasted two hours the presiding officer of each House shall call the objection to a vote without further debate.
“(B) VOTE.—An objection shall be sustained if and only if three-fifths of all of the members duly chosen and sworn of each House agree with an objection. If an objection is sustained, the elector or electors that are the subject of the objection shall be deemed invalid, and the votes of such elector or electors shall not be counted.

“(C) ALTERNATIVE LIST OF ELECTORS.—

“(i) IN GENERAL.—If an objection to any certificate of identification of electors of a State is sustained, any Senator or Representative voting to sustain such objection may move to offer an alternative submission from such State provided in accordance with section 4, but only if the certificate of identification of electors with respect to such submission has been issued pursuant to section 6, and such motion shall immediately be voted upon without debate separately by each House.

“(ii) VOTE.—If three-fifths of the members duly chosen and sworn of each House agree to the acceptance of any alternative submission described in clause
(i), the certificate of identification of electors for such alternative submission shall be treated as the valid submission of the State for purposes of this chapter.

“(D) Resumption of Joint Meeting.—
When the two Houses have resolved all objections with respect to a State under this paragraph, they shall immediately again meet in joint session, and the presiding officer shall then announce the decision of the questions submitted. No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of.

“(d) Consideration of Objections to Votes of Electors.—

“(1) Requirements for objections.—

“(A) In general.—An objection meets the requirements of this paragraph and shall be considered only if the objection—

“(i) is made in writing;

“(ii) is signed by not less than one-third of the Senators duly chosen and sworn and one-third of the Members of the
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House of Representatives duly chosen and
sworn; and

“(iii) states, clearly and concisely, and
without argument, one of the following
grounds:

“(I) A vote was cast for a can-
didate for President and a candidate
for Vice President both of which re-
side in the same State as the electors,
in violation of the Twelfth Amend-
ment to the Constitution.

“(II) A vote was cast for a can-
didate who is constitutionally ineli-
gible to serve as President or Vice
President.

“(III) A vote was cast on a day
other than the day prescribed by sec-

“(2) PROCEDURE FOR RESOLVING OF OBJEC-
TIONS.—

“(A) IN GENERAL.—If there are one or
more objections to the vote of any elector which
meet the requirements of paragraph (1), the
Senate shall thereupon withdraw, and all such
objections shall be submitted to the Senate for
its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision. When the two Houses separate to decide upon an objection or objections that have been properly received pursuant to this section, each Senator and Representative may speak to each objection for up to five minutes, and not more than once. After such debate shall have lasted two hours the presiding officer of each House shall call the objection to a vote without further debate.

“(B) Vote.—An objection shall be sustained if and only if three-fifths of all of the members duly chosen and sworn of each House agree with an objection. If an objection is sustained, the votes that are the subject of the objection shall be deemed invalid and shall not be counted.

“(C) Resumption of Joint Meeting.—When the two Houses have resolved all objections with respect to a vote under this paragraph, they shall immediately again meet in joint session, and the presiding officer shall then announce the decision of the questions
submitted. No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of.”.

(10) in section 16—

(A) by striking “At such joint meeting of the two Houses seats shall be provided as follows: for the President of the Senate, the Speaker’s chair” and inserting the following:

“(a) SEATING.—At the joint meeting of the Senate and House of Representatives under section 15, seats shall be provided as follows: for the presiding officer, the Speaker’s chair; for the President of the Senate, immediately on the presiding officer’s right”;

(B) by striking “Such joint meeting” and inserting the following:

“(b) RECESSES.—

“(1) IN GENERAL.—The joint meeting of the Senate and House of Representatives under section 15”;

(C) by striking “; and no recess” and all that follows and inserting a period;

(D) by adding at the end the following new paragraph:
“(2) Recesses.—The joint meeting of the two Houses under section 15 may recess only to permit the Houses, acting separately, to debate and dispose of objections received under section 15(c).”; and

(E) in the heading, by striking “Same” and all that follows and inserting “Conduct of joint session”;

(11) by striking sections 17 and 18; and

(12) by striking section 21 and inserting the following:

“§ 21. Definitions

“As used in this chapter—

“(1) The term ‘chief State election official’ has the meaning given such term under section 10 of the National Voter Registration Act of 1993.

“(2) The term ‘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.

“(3) The term ‘Governor’ includes the Mayor of the District of Columbia.

“(4) The term ‘State’ includes the District of Columbia.”.
(b) CONFORMING AMENDMENTS.—The table of contents for chapter 1 of title 3, United States Code, is amended—

(1) in the item relating to section 1, by striking “appointing” and inserting “choosing”;

(2) by striking the item relating to section 2 and inserting the following:

“2. Rules for extension of time for choosing electors.”;

(3) by striking the item relating to section 5 and inserting the following:

“5. Final determination of appointment of electors.”;

(4) in the item relating to section 13, by striking “district judge” and inserting “Chief Justice”;

(5) by striking the item relating to section 14;

(6) in the item relating to section 15, by striking “electoral votes” and inserting “of electors’ votes”;

(7) in the item relating to section 16, by striking “Same” and all that follows and inserting “Conduct of joint session”; and

(8) by striking the items relating to sections 17 and 18.

SEC. 3. MODIFICATIONS TO PRESIDENTIAL TRANSITION ACT OF 1963.

Section 3(c) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—
(1) by inserting ``(1)'' before ``The terms'';

(2) by striking ``ascertained'' and inserting ``announced''; and

(3) by adding at the end the following new paragraphs:

``(2) The Administrator shall make the announcement under paragraph (1) as soon as it is apparent that a candidate for the office of President and a candidate for the office of Vice President will receive a majority of pledged votes of electors of President and Vice President, and in any event not later than the earlier of—

``(A) the date on which there is a majority of pledged votes of electors of President and Vice President, based on certifications by States of their final canvass, for one candidate for President and one candidate for Vice President; or

``(B) December 20 of the year during which a Presidential election occurs

``(3) If the Administrator has not made the announcement under paragraph (1) by the third Tuesday after election day (as defined in section 21 of title 3, United States Code), the Administrator shall, for purposes of this Act—

``(A) treat as President-elect the 2 candidates for President with the most pledged votes of electors
of President, based on certifications by States of their final canvass; and

“(B) treat as Vice-President-elect the 2 candidates for Vice President with the most pledged votes of electors of Vice President, based on certifications by States of their final canvass.

“(4) If at any time it becomes apparent that a candidate other than the candidate announced under paragraph (1) has received a majority of pledged or actual votes of electors of President and Vice President, or upon the election of another President pursuant to the 12th Amendment to the Constitution of the United States, the Administrator shall immediately treat the new apparent successful candidate, or actual successful candidate, as the President-elect and Vice-President-elect for the purposes of this Act.”.

SEC. 4. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.