



## 2024 Electoral College

# Instructions and Guidance for State Officials and Points of Contact

Before this year's election, OFR's Legal Staff will contact your Secretary of State's Office or other appropriate election officials to identify designated points of contact for your State.

OFR prepared this material to help you carry out the activities required under 3 U.S.C. 6, 11, 12, and 13.

*The term "State" includes the District of Columbia, and the term "Executive" includes State Governors and the Mayor of the District of Columbia.*

### **Before the General Election**

**Make sure that you are in communication with OFR. If you have not completed the following steps, please contact OFR.**

[Sign up](#) to receive important email announcements and reminders from OFR.

### **Duties of State Officials for the Electoral College**

#### ***Appoint electors***

Following the general election, appoint electors following your State's established procedures. (These procedures must be in place before the general election.)

***Note:*** Under the Constitution, State legislatures have broad powers to direct the process for selecting electors, with one exception: Article II, section 1, clause 2 provides that "no Senator, Representative, or Person holding an Office of Trust or Profit under the United States" may be appointed as an elector. Since it is not settled as to whether this restriction extends to all Federal officials regardless of their level of authority or the capacity in which they serve, it is possible that the restriction could disqualify any person who holds a Federal government job from serving as an elector.

### ***Prepare Certificates of Ascertainment***

After the general election, your Executive signs SEVEN (7) original Certificates of Ascertainment. These must be issued no later than six (6) days before the meeting of the electors

Federal law does not govern the general appearance of the Certificate of Ascertainment. The format can vary from State to State and from year to year, generally conforming to State law or custom. You can view your State's (and others') recent Certificates in the [Results](#) section of this website.

However, Federal law does require that you prepare and authenticate the original Certificates of Ascertainment as follows:

Each of the SEVEN (7) original Certificates MUST meet the following five (5) requirements:

- List the names of the electors chosen by the voters and the number of votes each received.
- List the names of all other candidates for elector and the number of votes each received.
- Be signed and dated by the Executive (signatures by auto-pen or stamp are not permitted).
- Carry the State seal.
- Contain at least one security feature, as determined by your State, for purposes of verifying the authenticity of such certificate.

### ***Distribute Certificates of Ascertainment***

*At least six (6) days before the meeting of the electors* (and immediately after signature), send ONE (1) of the SEVEN (7) original Certificates of Ascertainment to the Archivist of the United States,

Dr. Colleen Shogan, c/o Office of the Federal Register (F).

Send these to the Archivist by the most expeditious means possible.

Note: Federal law prescribes an expedited procedure for resolving disputes before this deadline (see 3 U.S.C. §5).

Once we receive it, OFR's Legal Staff will examine the Certificate of Ascertainment for the requirements listed above. If the certificate meets all the requirements, OFR will post a digital copy of the certificate to the [Results](#) section of this website.

If the certificate does not contain all the required elements, OFR's Legal Staff will notify your State's designated point of contact. We will work with you to resolve outstanding problems within the prescribed timeline.

- Retain the other SIX (6) original Certificates of Ascertainment for the meeting of the electors. (You will pair them with the SIX (6) Certificates of Vote executed at the meeting of the electors.)

### ***Hold the meeting of electors***

Your State's electors will meet in your State on the same day all the other electors meet in their respective States. Federal law does not permit your State to choose an alternate date for the meeting of electors. However, your State may designate where the meeting will take place. At this meeting, the electors vote for President and Vice President.

If a designated elector is unable to carry out the required duties on this day, follow the laws of your State to fill the vacancy. When appointing a replacement elector, we recommend creating SIX (6) identical original documents establishing the appointment. If you only create one document, you will need to certify copies to provide with each of the Certificates of Ascertainment.

The meeting location and all procedures (including for appointing substitute electors) must be in place before election day.

### ***Prepare Certificates of Vote***

The electors must execute SIX (6) original Certificates of Vote.

Federal law does not govern the general appearance of the Certificate of Vote. The format can vary from State to State and from year to year, generally conforming to State law or custom. You can view your State's (and others') recent Certificates in the [Results](#) section of this website.

However, Federal law requires that you prepare and authenticate the Certificates of Vote as follows:

<https://www.archives.gov/electoral-college/state-officials/so-instructions>

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Each of the SIX (6) original Certificates MUST meet the following requirements:

- Contain two (2) distinct lists, one for President and one for Vice President that:
  - List all persons who received electoral votes for President and the number of electors who voted for each person.
  - List all persons who received votes for Vice President and the number of electors who voted for each person.
- Not include the names of any persons who did not receive electoral votes.
- Be signed by all of the electors.

THEN, pair the Certificates as follows:

- The SIX (6) original Certificates of Ascertainment provided to the electors by the Governor must be paired with the SIX (6) original Certificates of Vote.
- Each of the SIX (6) pairs must include any documentation (original or certified copy) regarding the substitution of elector(s).

The electors must seal up and certify that each of the SIX (6) pairs of Certificates contain the list of electoral votes of your State for President and Vice President.

### ***Distribute Paired Certificates of Ascertainment and Vote***

Distribute the SIX (6) pairs of Certificates to the designated Federal and State officials as follows:

- Send ONE (1) pair to the President of the Senate,  
The Honorable Kamala D. Harris.
- Send TWO (2) pairs to the Archivist of the United States,  
Dr. Colleen Shogan, c/o Office of the Federal Register (F).
- Send TWO (2) pairs to the chief election officer in your State.
- Send ONE (1) pair to the Chief Judge of the Federal District Court located where your State's electors met.

### ***Meet Statutory Deadline for Receipt of Certificates***

Federal law requires that you send the pairs of Certificates *immediately* after the meeting of electors, by the most expeditious method available. The statutory deadline

<https://www.archives.gov/electoral-college/state-officials/so-instructions>

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for the designated Federal and State officials to receive the paired Certificates is *the fourth Wednesday in December*.

We strongly recommend that you send the pairs of Certificates either the day of or, if necessary, no later than the morning after the meeting of electors to minimize delays that could occur during the holiday season.

Once we receive them, OFR's Legal Staff will examine the pairs of Certificate for the required elements listed above. If the certificates meet all the requirements listed above, OFR will post a digital copy of the Certificate of Vote to the [Results](#) section of this website.

If the certificates do not meet all the requirements listed above, OFR's Legal Staff will notify your State's designated point of contact. We will work with you to resolve outstanding problems within the prescribed timeline.

Once validated pairs of Certificates have been received by the designated Federal and State officials listed above, your State's Electoral College duties are complete.

## **OFR Contact Information**

Request permission to sign up for OFR's email list by sending an email to [election.officials+subscribe@nara.gov](mailto:election.officials+subscribe@nara.gov) from your official government email account.