



About the National Archives



KNOW YOUR RECORDS
National Archives and Records Administration

The National Archives and Records Administration (NARA) is the nation's record keeper. Of all the documents and materials created in the course of business conducted by the United States Federal government, only 1%–3% are determined permanently valuable. Those valuable records are preserved and are available to you, whether you want to see if they contain clues about your family's history, need to prove a veteran's military service, or are researching an historical topic that interests you.



KNOW YOUR RECORDS

National Archives and Records Administration



KNOW YOUR RECORDS
National Archives and Records Administration

THE KNOW YOUR RECORDS PROGRAM

consists of free events with up-to-date information about our holdings. Events offer opportunities for you to learn about the National Archives' records through ongoing lectures, monthly genealogy programs, and the annual genealogy fair. Additional resources include an online reference reports for genealogical research, and the newsletter *Researcher News*.



November 10, 2016



KNOW YOUR RECORDS
National Archives and Records Administration

The Federal Register and the Electoral College

Amy Bunk

The Federal Register's Director of Legal Affairs and Policy, Amy Bunk, will discuss the function of the Electoral College as well as her office's role in disseminating Government regulations, proposed rules and notices, Executive orders, proclamations, and other Presidential documents.

Presenter's Biography



Amy Bunk

**Director of Legal Affairs
and Policy Division
Office of the Federal Register**

Ms. Bunk is the Director of Legal Affairs and Policy for the Office of the Federal Register (OFR), National Archives and Records Administration, where she supervises the legal staff who review documents submitted for publication in the Federal Register and codification in the Code of Federal Regulations (CFR) for compliance with the requirements of applicable law. She also administers OFR's responsibility for processing the Presidential electoral vote and coordinated Electoral College functions with the Congress and State Governments (including the District of Columbia). She received her JD cum laude from Syracuse University College of Law. Amy is admitted to practice in New York.



ELECTORAL COLLEGE PROCESS AND DEADLINES

Amy Bunk

Director of the Legal Affairs and Policy Division

Office of the Federal Register

National Archives and Records Administration

BACKGROUND

- States elect the President
- Voters in each state vote for Presidential candidate and Vice Presidential candidate.
- In most States, the candidate with the most votes wins the state's electoral college votes



BACKGROUND



BACKGROUND



nationalatlas.govTM
Where We Are

VERMONT

CONGRESSIONAL DISTRICTS

113th Congress (January 2013–January 2015)

The Constitution prescribes Congressional apportionment based on decennial census population data. Each state has at least one Representative, no matter how small its population. Since 1941, distribution of Representatives has been based on total U.S. population, so that the average population per Representative has the least possible variation between one state and any other. Congress fixes the number of voting Representatives at each apportionment. States delineate the district boundaries. The first House of Representatives in 1789 had 65 members; currently there are 435. There are non-voting delegates from American Samoa, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.




U.S. Department of the Interior
U.S. Geological Survey

The National Atlas of the United States of America[®]

ELECTORS

- 538 members of the Electoral College.





CONSTITUTIONAL QUALIFICATIONS OF ELECTORS

- You cannot be a
 - Senator or Representative,
 - Person holding an Office of Trust or Profit under the United States, or
 - State official who engaged in insurrection or rebellion against the United States or given aid and comfort to its enemies.
 - This prohibition relates to the post-Civil War era.

4-YEAR TIMELINE



PRIMARY SEASON

- State primaries, caucuses, conventions – NOT part of Electoral College – details depend on state law and political party requirements
- Delegates to national party conventions – NOT part of Electoral College – details depend on state law and political party requirements
- Party process for nominating potential Electors – NOT part of Electoral College – details depend on state law and political party requirements
- General election ballot requirements and formats – NOT part of Electoral College – details depend on state law (within Federal framework)
- General election voting (absentee, early voting, mail-only) – NOT part of Electoral College – details depend on state law (within Federal framework)



SELECTING ELECTORS

In General

- the political parties nominate electors at their State party conventions or by a vote of the party's central committee in each State.
- The electors' names may or may not appear on the ballot below the name of the candidates running for President, depending on the procedure in each State.

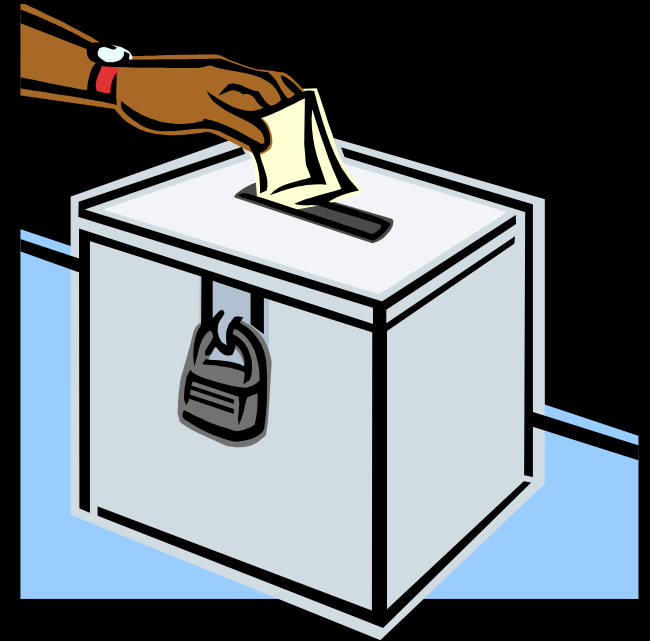
GENERAL ELECTION NOVEMBER 8, 2016

- Most States are winner take all
- Maine and Nebraska
 - 2 electors chosen at large all others chosen by district.



GENERAL ELECTION NOVEMBER 8, 2016

- ▶ Prepare **SEVEN original** "Certificates of Ascertainment"
 - ▶ send one original along with two certified copies to the Archivist.
- ▶ **OR**
- ▶ Prepare **NINE original** "Certificates of Ascertainment"
 - ▶ Send three originals to the Archivist.



CERTIFICATE OF ASCERTAINMENT

- Lists the names of the electors chosen by the voters and the number of votes they received.
- Lists the names of all other candidates and the number of votes they received.

UNITED STATES OF AMERICA
STATE OF SOUTH DAKOTA
CERTIFICATE OF ASCERTAINMENT OF ELECTION

I, M. Michael Rounds, Governor of the State of South Dakota, do hereby certify that at the general election held within and for the State of South Dakota on the 2nd day of November, 2004, A. D., the following three persons were elected as the Electors of President and Vice President, viz.: M. Michael Rounds, Dennis Daugaard, Larry Long, and that the votes cast at said election for any and all persons who were voted on as such Electors were duly canvassed by the Board of Canvassers as provided by Sections 12-20-46 and 12-20-47 of the South Dakota Codified Laws, at Pierre, the Capital of South Dakota. The Board of Canvassers duly ascertained the number of votes cast for all persons as Electors from the returns of said election made to the Secretary of State, the Canvassers duly ascertained that said persons were duly elected as such Electors, and the Canvassers duly declared each of them to have been elected as such Electors.

I hereby further certify that the total number of votes cast for each and every person as Elector at said Election, as so ascertained and determined by said State Board of Canvassers, is as follows:

REPUBLICAN PARTY		DEMOCRATIC PARTY	
Bush & Cheney	232,584	Kerry & Edwards	149,244
Mike Rounds		Mary Lou Mahan	
Dennis M. Daugaard		Don Larson	
Larry Long		Rosalie Aslesen	
LIBERTARIAN PARTY		INDEPENDENT CANDIDATES	
Badnarik & Campagna	964	Nader & Camejo	4,320
Mary Goulet		Thomas Diggins	
Chad Heckmalaible		Amy Yanni	
Jude Ager		Betty Harris	
CONSTITUTION PARTY			
Feroukha & Baldwin	1,103		
Wilson Barnesberger			
Norman Jones			
William Scott			

Dated at Pierre, South Dakota, this 15th day of November, 2004, A. D.


M. Michael Rounds
Governor of the State of South Dakota


Witness the signature of his Excellency, the Governor
and the Great Seal of the State of South Dakota.


Chris Nelson
Secretary of State of South Dakota



EXAMPLES: CERTIFICATES OF ASCERTAINMENT

State of Hawaii



To the Archivist of the United States
Pursuant to the Laws of the United States

I, LINDA LINGLE, Governor of the State of Hawaii, do hereby certify that the returns of votes cast for Electors of President and Vice President of the United States of America, for the State of Hawaii, at an election held therein for that purpose, on the Tuesday after the First Monday in November, in the year of our Lord two thousand and eight, agreeably to the provisions of the laws of the said State, and in conformity with the Constitution and laws of the United States, for the respective terms prescribed by the Constitution of the United States, to begin on the twentieth day of January in the year of our Lord two thousand and nine, were, ascertained on the twenty-fourth day of November A.D. two thousand and eight, and that the list of persons voted for and the number of votes cast for each, respectively, is as follows:

CONSTITUTION PARTY OF HAWAII	DEMOCRATIC PARTY OF HAWAII
DAVID PORTER 1,013	JOY KORASHIGAWA LEWIS 323,871
T. STUART MURPHY 1,011	MARIE DOLORES STRAZAR 323,871
NORMAN G. DALE 1,013	ANGELI AGRAYANI 323,871
PATRICIA N. DALE 1,013	FRANCES K. KAGAWA 323,871

HAWAII GREEN PARTY OF HAWAII	INDEPENDENT PARTY OF HAWAII
MICHELLE HARMAN 879	DALE W. STENSON 3,825
WILLIAM R. BALLEE 879	JILDA FOKES 3,825
ROBERT P. SUTTER 879	ERIK KEVAM 3,825
JEA ROHTER 879	MARSHA MAHER 3,825


LIBERTARIAN PARTY OF HAWAII	REPUBLICAN PARTY OF HAWAII
TRACY RYAN 1,314	LINDA LINGLE 120,366
JOHN SPANGLER 1,314	GERALD COFFEY 120,366
LARRY BARTLEY 1,314	GEORGE HADD 120,366
ROGER TAYLOR 1,314	WILLES K. LEE 120,366

And I further certify that

**JOY KORASHIGAWA LEWIS
MARIE DOLORES STRAZAR
ANGELI AGRAYANI
FRANCES K. KAGAWA**

Were appointed Electors of President and Vice President of the United States of America, for the State of Hawaii, at said election.

Given under my hand and the Seal of the State, this twenty-fourth day of November, in the year of our Lord two thousand eight.


Governor of Hawaii

STATE OF WYOMING
CERTIFICATE OF ASCERTAINMENT


Whereas according to the official returns of the General Election held in the State of Wyoming on the 4th day of November, 2008, as duly canvassed by the State Canvassing Board, it is hereby ascertained that the presidential electors elected by the voters and the number of votes credited to said electors pursuant to WYO. STAT. §22-19-103 is as follows:


Mr. Resa Goolsby Mr. Ron Micheli Ms. Susan Thomas	Number of Votes Received: 164,958
---	--


The names of all other candidates for elector and the number of votes credited to each is as follows:

Ms. Harriett Elizabeth "Liz" Byrd Ms. Matilda A. Hansen Mr. Robert J. "Bob" Pemney	Number of Votes Received: \$2,868
Mr. Peter Bauman Ms. Margaret Leanne Harper Mr. Lamont R. Hettich	Number of Votes Received: 2,525
Mr. Richard Brubaker Mr. Mike Gonsior Mr. Dave Herbert	Number of Votes Received: 1,594
Ms. Nanette Hincok Mr. James Paul Jensen Mr. Stephen Mavy	Number of Votes Received: 1,192

In Witness Hereof, I, Dave Freudenthal, Governor of Wyoming, have set my hand and caused the Great Seal of Wyoming to be affixed hereto. Done this 12th day of November, 2008 at Cheyenne, Wyoming.


Dave Freudenthal, Governor


Mary Maxfield, Secretary of State



TRANSMISSION OF CERTIFICATES OF ASCERTAINMENT TO THE ARCHIVIST

- The Governors submit the certificates of ascertainment "as soon as practicable," after their States certify election results.
- They must be sent no later than December 19, 2016



CONTROVERSY AS TO APPOINTMENT OF ELECTORS

DECEMBER 13, 2016



- is the deadline for States to make final determinations of any controversies over the choice of electors

Washington

MEETING OF THE ELECTORS

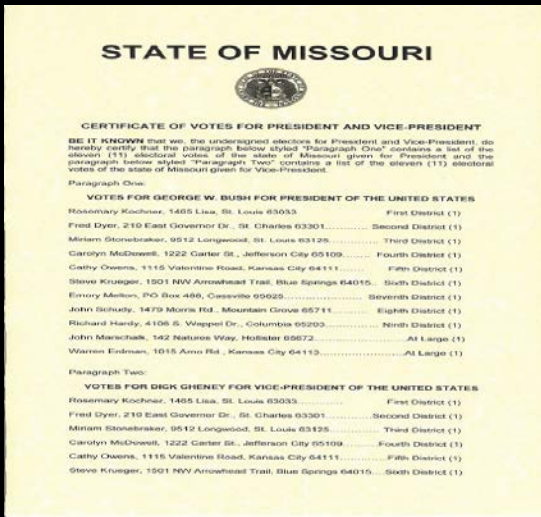
DECEMBER 19, 2016

- Generally, each State's electors vote at their respective State capitols.
- Each State determines whether or not the voting is open to the public



CERTIFICATE OF VOTE

- Contains the elector's actual votes for President and Vice President.
- Contains two distinct lists – one for President and one for Vice President.



EXAMPLES: CERTIFICATES OF VOTE

CERTIFICATE OF VOTE
STATE OF DELAWARE

We, the undersigned, Electors of President and Vice President of the United States of America, for the respective terms beginning on the twentieth day of January, A.D., 2009, being Electors duly and legally appointed and qualified by and for the State of Delaware, as appears by the annexed certificate made and delivered to us by the Executive of said State, having met agreeably to the provisions of law, at Dover, in said State of Delaware, on the first Monday after the second Wednesday in December of the year 2008, being the fifteenth day of said month;

DO HEREBY CERTIFY, that being so assembled and duly organized, we proceeded to vote by ballot, and balloted first for President and then Vice President by distinct ballots;

AND WE FURTHER CERTIFY that the following are two distinct lists, one of the votes for President, and the other of the votes for Vice President, so cast as aforesaid.


	<u>Number of Votes</u>
For President:	
Barack Obama	3
For Vice President:	
Joseph R. Biden, Jr.	3

Witness our hands on the first Monday after the second Wednesday of December, A.D., 2008, being the fifteenth day of said month.

James Johnson
James Johnson

Edward Kaufman
Edward Kaufman

Harriet Smith Windsor
Harriet Smith Windsor


State of Alabama
Certificate of Vote
Electoral College
2008

We, the undersigned, being duly elected as Electors for President and Vice President of the United States of America, for the State of Alabama, at the General Election held on Tuesday, the fourth day of November in the year 2008, pursuant to the Constitution and laws of the United States of America and this State, certify that the following candidates for President and Vice President received the following number of votes, by ballot, at the meeting of the Electors held on Monday, the fifteenth day of December in the year 2008, at the State Capitol in Montgomery, Alabama.

For the President of the United States of America:

John McCain	Number of Electoral Votes <u>9</u>
-------------	------------------------------------


For the Vice President of the United States of America:

Sarah Palin	Number of Electoral Votes <u>9</u>
-------------	------------------------------------

<i>Les Barnett</i> Les Barnett	<i>Ralph A. Blythe</i> Ralph A. Blythe
<i>Robert A. Cusanelli</i> Robert A. Cusanelli	<i>Matthew Findy</i> Matthew Findy
<i>J. Edward Peters</i> J. Edward Peters	<i>Will Sellers</i> Will Sellers
<i>W. Jack Stiefel</i> W. Jack Stiefel	<i>Cam Ward</i> Cam Ward
<i>James Eldon Wilson</i> James Eldon Wilson	

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Alabama at the State Capitol, in the City of Montgomery, on this, the fifteenth day of December, in the year 2008.

Beth Chapman
Beth Chapman
Secretary of State

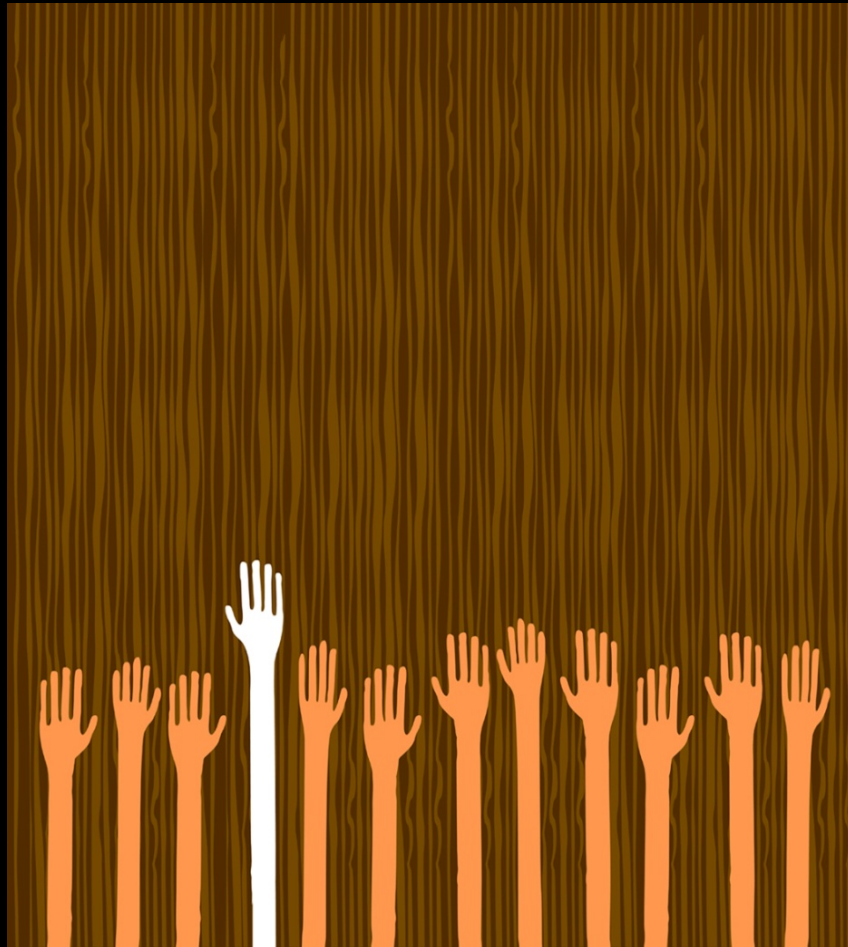


MEETING OF THE ELECTORS DECEMBER 19, 2016

- The electors record their votes on **SIX original** "Certificates of Vote,"
- paired with the remaining **six original** "Certificates of Ascertainment."
- The electors sign, seal and certify the packages of electoral votes and immediately send them to Federal and State officials.



FAITHLESS ELECTORS



- Does not vote for the candidate they pledged to vote for.
- Some States require electors to vote as they pledged
- No Federal requirements

DISTRIBUTE THE PAIRED CERTIFICATES OF VOTE AND CERTIFICATES OF ASCERTAINMENT

- *One* is sent by registered mail to:

**The Honorable Joseph Biden
President of the United States Senate**

- *Two* are sent by registered mail to:

**David Ferriero
Archivist of the United States**

DISTRIBUTE THE PAIRED CERTIFICATES OF VOTE AND CERTIFICATES OF ASCERTAINMENT

▶ *Two* were sent to:

The Secretary of State of each State.

▶ *One* was sent to:

**The Chief Judge of the Federal District
Court located where the electors meet.**

DEADLINE FOR RECEIPT OF THE CERTIFICATES

DECEMBER 28, 2016

- The proper Federal and State officials must have the electoral votes in hand.

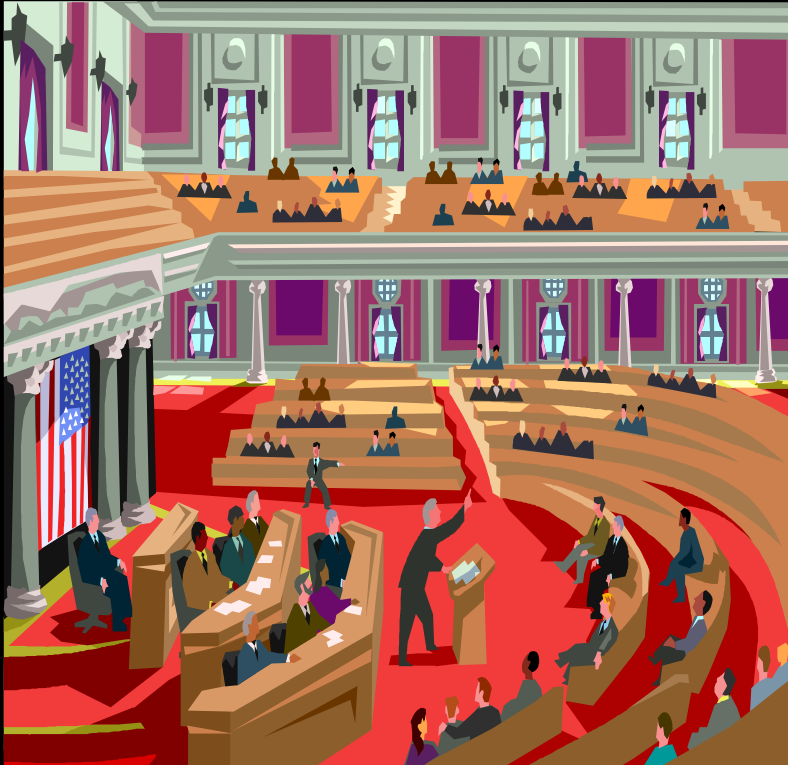


TRANSMISSION OF CERTIFICATES OF ASCERTAINMENT TO CONGRESS

- January 3, 2017
- As the new Congress assembles, the Archivist transmits copies of the Certificates of Ascertainment to Congress.



COUNTING ELECTORAL VOTES IN CONGRESS



- January 6, 2017
- The Congress meets in joint session to count the electoral votes.

INAUGURATION JANUARY 20, 2017

- The President-elect takes the Oath of Office and becomes the U.S. President.



RESEARCHING ELECTORAL COLLEGE RECORDS

- ▶ Federal Register Certificates
 - ▶ Record Group 11.7 at the National Archives.
- ▶ Congressional Certificates
 - ▶ [Election Records, compiled 1789–2000](#)
 - ▶ **ARC Identifier 559853**
 - ▶ Textual Records from the U.S. Senate. (03/04/1789 -)
 - ▶ Center for Legislative Archives, Washington, DC
 - ▶ Series from Record Group 46: Records of the U.S. Senate, 1789–2006

MORE INFORMATION

- www.archives.gov/federal-register/electoral-college/



QUESTIONS?





KNOW YOUR RECORDS
National Archives and Records Administration

Thank you for attending!

If we did not get to your question,
you may submit it to inquire@nara.gov

Today's video recording and materials
will remain available at
www.archives.gov/calendar/know-your-records



KNOW YOUR RECORDS
National Archives and Records Administration

www.archives.gov/calendar/know-your-records