

ALBERT B. CUMMINS  
PRESIDENT PRO TEMPORE

UNITED STATES SENATE

WASHINGTON

January 3, 1925.

My dear Mr. Secretary:

I am enclosing a digest of information which may be useful to you and the Presidential Electors of your State in connection with casting and forwarding to Washington their votes as Members of the Electoral College.

I am prompted to do this because I have been advised that in times past there have been occasions when the statutes, particularly as they relate to the messengers, were not uniformly interpreted, and also because I have received some inquiries as to the form the certificates should be made out in, and one or two other points which are covered by the enclosure.

Yours cordially,

*Albert B. Cummins*

The Honorable  
The Secretary of the State of Minnesota,  
St. Paul, Minnesota.

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DIGEST OF FEDERAL STATUTES RELATING TO PRESIDENTIAL ELECTORS  
AND THEIR DUTIES

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I. Certificates of selection of electors:

Executed by the Governors of the States:

The law requires the governor of each State to execute and "communicate, under the seal of the State, to the Secretary of State of the United States, a certificate of ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person \* \* \* "

Although the portion of the law above quoted requires the governors only to execute "a certificate", it has been the practice of the Secretary of State, for the convenience of his Department, to request the execution of four certificates. However, this comes within the province of the State Department and will not be dealt with further here.

The law further requires the executive of each State "to deliver to the electors of such State, on or before the day on which they are required by the preceding section to meet, the same certificate, in triplicate, under the seal of the State; and such certificate shall be inclosed and transmitted by the electors at the same time and in the same manner as is provided by law for transmitting by such electors to the seat of Government the lists of all persons voted for as President and of all persons voted for as Vice President; \* \* \* "

II. Time of meeting and voting of electors:

Second Monday in January following the election at which they were chosen. In this instance the day of meeting will be January 12, 1925.

III. Manner of voting for President and Vice President:

Shall be as provided for in the Constitution of the United States.

IV. Making, signing and sealing up by the electors of the certificates of their votes:

They shall make and sign three certificates of all votes cast.

Each certificate must contain two distinct lists of votes; one list being of votes cast for President and the other of votes cast for Vice President. The law does not prescribe the form which the certificates shall take, and for the convenience of the electors in those States where no definite form has been adopted for this purpose, the following copy of the formal parts of a certificate made by the electors of one of the States in 1917 is given and may be followed, by filling the blanks to suit it to the use of the electors of any State and for this occasion:

## STATE OF \_\_\_\_\_

We, the undersigned, electors of President and Vice President of the United States of America for the respective terms beginning on the fourth day of March, A. D. one thousand nine hundred and \_\_\_\_\_, being electors duly and legally appointed and qualified by and for the State of \_\_\_\_\_, as appears by the annexed certificate made and delivered to us by the Executive of the said State, having met and convened, agreeably to the provisions of law, at \_\_\_\_\_ in said State of \_\_\_\_\_ on the second Monday in January of the year one thousand nine hundred and \_\_\_\_\_, being the \_\_\_\_\_ day of said month,

DO HEREBY CERTIFY, That being so assembled and duly organized, we proceeded to vote by ballot, and ballotted first for President and then for 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:

## LIST OF ALL PERSONS VOTED UPON FOR PRESIDENT

Names of persons voted for	Number of votes

## LIST OF ALL PERSONS VOTED UPON FOR VICE PRESIDENT

Names of persons voted for	Number of votes

IN TESTIMONY WHEREOF, We have hereunto set our hands, on the second Monday of January, A. D. one thousand nine hundred and \_\_\_\_\_, being the \_\_\_\_\_ day of said month.

(Signatures of all electors voting)

One of the lists of electors furnished by the governor shall be attached by them to each of the certificates which they execute.

Certificates and attached lists shall be sealed up by the electors and they shall certify upon the containing envelope "that the lists of all votes of such State given for President and all votes given for Vice President are contained therein."

The certificate on the envelope may be made in the following form:

We, the undersigned, electors of President and Vice President for the State of \_\_\_\_\_, do hereby certify in pursuance of law that the lists of all the votes of the said State of \_\_\_\_\_ cast by us as the Electors thereof for President, and of all the votes of the said State of \_\_\_\_\_ cast by us as the electors thereof for Vice President, for the respective terms beginning on the fourth day of March, A. D. one thousand nine hundred and \_\_\_\_\_ are herein contained.

WITNESS our hands at \_\_\_\_\_ this second Monday in January, A. D. one thousand nine hundred and \_\_\_\_\_, being the \_\_\_\_\_ day of said month.

(Signatures of all electors voting)

V. Disposition of certificates by electors:

Provided for by Section 140, Revised Statutes, which is here quoted:

"The electors shall dispose of the certificates thus made by them in the following manner:

One. They shall, by writing, under their hands, or under the hands of a majority of them, appoint a person to take charge of and deliver to the President of the Senate, at the seat of Government, before the first Wednesday in January then next ensuing, one of the certificates.

Two. They shall forthwith forward by the post-office to the President of the Senate, at the seat of Government, one other of the certificates.

Three. They shall forthwith cause the other of the certificates to be delivered to the judge of that district in which the electors shall assemble." (The word "district" of course means Federal judicial district.)

Section one of the foregoing is supplemented by the Act of October 19, 1888, which provides as follows:

"The certificates and lists of votes for President and Vice President of the United States \* \* \* \* shall be forwarded \* \* \* \* to the President of the Senate forthwith after the second Monday in January \* \* \* \* ."

Therefore, in order to discharge their duties as required by the foregoing, the messengers must deliver the certificates entrusted to their care as soon after January 12, 1925, as it is possible for them to reach Washington. In view of the provisions of Section 141 of the Revised Statutes, which is hereafter quoted, the President of the Senate will not authorize the payment of mileage to messengers who deliver certificates after January 26, 1925, unless the Congress shall specifically so direct.

Section 141, Revised Statutes, is as follows:

"Whenever a certificate of votes from any State has not been received at the seat of Government on the fourth Monday of the month of January in which their meeting shall have been held, the Secretary of State shall send a special messenger to the district judge in whose custody one certificate of the votes from that State has been lodged, and such judge shall forthwith transmit that list to the seat of Government."

VI. The certificate of the appointment of the messenger may properly be made in the following form; which has heretofore been used:

STATE OF \_\_\_\_\_

We, the undersigned, having been duly appointed Electors of the State of \_\_\_\_\_ to vote for President and Vice President of the United States of America, for the respective terms beginning on the fourth day of March, A. D. one thousand nine hundred and \_\_\_\_\_

DO HEREBY CERTIFY, That we have appointed

\_\_\_\_\_  
(name of messenger)

to take charge of and deliver forthwith to the President of the Senate at the seat of Government the certificate made, pursuant to law, of all the votes given by us as such electors for President and Vice President of the United States.

WITNESS our hands, this second Monday in January of the year one thousand nine hundred and \_\_\_\_\_, being the \_\_\_\_\_ day of said month.

(Signatures of all electors or a majority of them)

Such certificates of appointment should be delivered to the messenger by the electors and must not be sealed up with the other certificates which they execute. Messengers are entitled to mileage, which is paid to them upon the delivery of the certificate of the vote of their State and the presentation of their certificates of appointment. The envelopes containing the certificates of votes are not opened until the second Wednesday in February.

Messengers are to make delivery of the certificates at Room 203, the Senate Office Building. Authorizations for the payment of their mileage by the Disbursing Clerk of the Senate will be issued to them there. Each messenger will be required to have in his possession the written certificate of his appointment.

VII. Mileage of Messengers:

Provided for by Sec. 144, Revised Statutes, which is here quoted:

"Each of the persons appointed by the electors to deliver the certificates of votes to the President of the Senate shall be allowed, on the delivery of the list entrusted to him, twenty-five cents for every mile of the estimated distance, by the most usual road, from the place of meeting of the electors to the seat of Government of the United States."

VIII. Neglect of messenger to perform duty:

Provided for by Sec. 145, Revised Statutes, which is here quoted:

"Every person who, having been appointed, pursuant to subdivision one of section one hundred and forty or to section one hundred and forty-one to deliver the certificates of the votes of the electors to the President of the Senate, and having accepted such appointment, shall neglect to perform the services required from him, shall forfeit the sum of one thousand dollars."

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STATE OF MINNESOTA  
DEPARTMENT OF STATE  
**FILED**  
JAN - 6 1925

*W. H. Johnson*  
Secretary of State