H. R. 11

To amend title 3, United States Code, to reform the process for the counting of electoral votes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. LOFGREN (for herself and Ms. CHENEY) introduced the following bill; which was referred to the Committee on ____________________________

A BILL

To amend title 3, United States Code, to reform the process for the counting of 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 “Presidential Election Reform Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Article II and the Twelfth Amendment to the Constitution govern how our Republic selects the
president and vice president of the United States. Article II provides that “each state shall appoint, in such manner as the legislature may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.” (Constitution, article II, section 1, clause 2). Article II provides that Congress has the authority to regulate the timing of such elections by setting the “time” of the Presidential election and the “day” on which presidential electors cast their votes (Constitution, article II, section 1, clause 4). The Twelfth Amendment identifies Congress’ responsibility for counting electoral votes: “The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted. The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed.” Congress’ authorities in these respects are further bolstered by the Necessary and Proper Clause of the Constitution (article I, section 8, clause 18).

(2) “On January 6, 2021, a mob professing support for then-President Trump violently attacked
the United States Capitol in an effort to prevent a
Joint Session of Congress from certifying the elec-
toral college votes designating Joseph R. Biden the
46th President of the United States.’’ Trump v.
denied, 142 S. Ct. 1350 (2022). This constituted
“the single most deadly attack on the Capitol by do-
mestic forces in the history of the United States.”
Trump, 20 F.4th at 35. “Then-Vice President
Pence, Senators and Representatives were all forced
to halt their constitutional duties and flee . . . for
safety.” Id. at 16. “The events of January 6, 2021
marked the most significant assault on the Capitol
since the War of 1812.” Id. at 18–19.

(3) The Electoral Count Act of 1887 should be
amended to prevent other future unlawful efforts to
overturn Presidential elections and to ensure future
peaceful transfers of Presidential power.

(4) The reforms contained in this Act are fully
consistent with States’ constitutional authority vest-
ed by Article II to appoint electors; the reforms
herein do not restrict the mode in which States law-
fully appoint their respective electors or resolve re-
related contests or controversies, but instead ensure
that those appointments, and the votes cast by those
electors, are duly transmitted to Congress.

SEC. 3. TIMING OF APPOINTING ELECTORS.

Section 1 of title 3, United States Code, is amend-
ed—

(1) by striking the period at the end and insert-
ing “, in accordance with State laws duly enacted
prior to such day.”; and

(2) by striking “in every fourth year succeeding
every election of a President and Vice President”
and inserting “in each year that is evenly divisible
by four”.

SEC. 4. PERMITTING EXTENSION OF TIME FOR PRESI-
DENTIAL ELECTION IN EVENT OF CATA-
STROPHIC EVENT POTENTIALLY AFFECTING
OUTCOME.

(a) Extension of Time for Election.—Section
2 of title 3, United States Code, is amended to read as
follows:

“§ 2. Limited extension of time for appointing elec-
tors

“(a) Criteria for Extending Time for Voting
in Presidential Elections.—If a State provides for
the State’s electors to be appointed by popular election
pursuant to State laws duly enacted prior to the day fixed
by section 1 of this title, the time for voting in such election shall, in accordance with the procedures described in subsection (b), be extended beyond the day fixed by section 1 of this title if a candidate for President who appears on the ballot in the State demonstrates by clear and convincing evidence in an action filed under subsection (b) that—

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

“(2) the catastrophic event has prevented a substantial portion of the State’s electorate from casting a ballot on such day, or caused a substantial portion of ballots already cast to be destroyed or rendered unreadable by such event without sufficient notice to affected voters by such day; and

“(3) the number of voters prevented from casting a ballot by such event, the number of ballots destroyed or rendered unreadable by such event, or the total of both such numbers, is sufficient in number to potentially affect the ability of that candidate to win the election with respect to one or more presidential electors.

“(b) PROCEDURES.—

“(1) AUTHORIZING FILING OF ACTION BY CANDIDATE.—A candidate for President who appears on
the ballot of the State, and no other person, may file an action against the chief State election official of the State in the district court of the United States for the judicial district in which the capital of the State is located to seek an extension of the time for voting in the election under this section. Such district court shall have original and exclusive jurisdiction of any such action.

“(2) Determination by three-judge court.—

“(A) In general.—Any action under this subsection shall be heard and determined by a court of 3 judges convened pursuant to section 2284 of title 28, United States Code, except that subsection (b)(2) of such section shall not apply to any such action, and any determination with respect to such an action shall be reviewable only by appeal directly to the Supreme Court of the United States.

“(B) Expedited consideration.—It shall be the duty of the district court described in paragraph (1) and the Supreme Court of the United States to advance on the docket and to expedite to the greatest extent possible the dis-
position of any action or appeal under this subsection.

“(3) CRITERIA FOR DECISION.—The court shall require the time for voting in the election to be extended under this section only if the court finds by clear and convincing evidence that the criteria of subsection (a) are met.

“(4) SCOPE OF EXTENDED VOTING PERIOD.—

“(A) PERIOD OF EXTENSION.—If the court finds that the criteria of subsection (a) are met, the court shall, except as provided in subparagraph (C), order an extended voting period that shall be for the shortest duration necessary in light of the catastrophic event justifying the extension, so long as such extended voting period concludes not later than 5 days after the day fixed by section 1 of this title.

“(B) IMPLEMENTATION OF EXTENSION.—The time for voting in an election which is extended under this section shall only be extended in the area in the State specifically and directly affected by the catastrophic event, and, to the extent practicable, all ballots cast on or prior to the day fixed by section 1 of this title that are otherwise valid under State law duly enacted
prior to such day shall be counted, and voters
who cast such ballots shall not be required to
take further action to take into account the ex-
tension of time for the election under this sec-
tion.

“(C) Impossibility of Implementation.—If the court finds that the criteria of
subsection (a) are met, but that it is impossible
for the State to administer an extended voting
period as a result of the catastrophic event, the
court shall issue a declaratory judgment to that
effect and, to the extent practicable, all ballots
cast on or prior to the day fixed by section 1
of this title that are otherwise valid under State
law duly enacted prior to such day shall be
counted.

“(5) Right to Intervene.—Only a candidate
for President who appears on the ballot of the State
may intervene in an action filed with respect to the
State under this subsection.

“(6) Sanctions.—If, on the court’s own initia-
tive or the motion of a party, the court finds that
the candidate filing an action under this subsection
did not have a good-faith basis for the factual or
legal contentions asserted in the action, the can-
didate’s attorneys of record and their law firms shall
be jointly and severally liable for an amount equal
to 3 times the full attorney’s fees and other expenses
incurred by each other party to the action.

“(7) Deadline.—

“(A) In general.—An action under this
subsection must be filed not later than the day
after the day fixed for the election by section 1
of this title.

“(B) Exception.—If the catastrophic
event prevents the appropriate court from ac-
cepting the filing of an action under this sub-
section, the action must be filed in another dis-
trict court of the United States capable of ac-
cepting the filing most proximate to the judicial
district in which the capital of the State is lo-
cated.

“(8) Chief state election official de-
defined.—In this subsection, the term ‘chief State
election official’ has the meaning given such term in
section 253(e) of the Help America Vote Act of 2002 (52 U.S.C. 21003(e)).

“(e) Catastrophic Event Defined.—

“(1) Definition.—In this section, the term
‘catastrophic event’ means a major natural disaster,
an act of terrorism, or a widespread power outage, so long as such event is on a scale sufficient to prevent a substantial portion of a State’s electorate from casting a ballot on the day fixed by section 1 of this title, or such event causes a substantial number of ballots already cast in a State to be destroyed or rendered unreadable.

“(2) OTHER DEFINITIONS.—In paragraph (1)—

“(A) the term ‘act of terrorism’ means an activity that involves acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, and that appear to be intended—

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

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

“(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

“(B) the term ‘major natural disaster’ means any natural catastrophe (including any hurricane, tornado, historically significant widespread snowstorm, historically significant wide-
spread flooding, historically significant destructive fire, tidal wave, tsunami, earthquake, or volcanic eruption that causes great damage or loss of life).

“(d) RULES OF CONSTRUCTION.—Nothing in this section may be construed—

“(1) to limit the application of any State or Federal protection of the right to vote in an election during the period during which the time for voting is extended under this section;

“(2) to preclude a court in an action filed under subsection (b) from ordering sanctions otherwise authorized by law; or

“(3) to affect the manner in which, or circumstances under which, other elections under other provisions of law may be postponed or extended.”.

(b) CONFORMING AMENDMENT RELATING TO THE MAYOR OF THE DISTRICT OF COLUMBIA.—Section 21 of such title is amended by adding at the end the following:

“(c) ‘Governor’ includes the Mayor of the District of Columbia.”.

(c) CLERICAL AMENDMENT.—The table of sections of chapter 1 of such title is amended by amending the item relating to section 2 to read as follows:

“2. Limited extension of time for appointing electors.”.
SEC. 5. TIMING OF ENACTMENT OF LAWS PROVIDING FOR VACANCIES IN ELECTORAL COLLEGE.

Section 4 of title 3, United States Code, is amended—

(1) by striking “by law” and inserting “by laws duly enacted prior to the day fixed by section 1 of this title for the appointment of electors”; and

(2) by adding at the end the following new sentence: “Vacancies occurring after the day fixed by section 1 of this title for the appointment of electors shall be filled only by alternative electors appointed under State law pursuant to this section.”.

SEC. 6. REPEAL OF “SAFE HARBOR” RULES FOR DETERMINATION OF CONTROVERSY REGARDING APPOINTMENT OF ELECTORS.

(a) REPEAL.—Title 3, United States Code, is amended by striking section 5.

(b) CLERICAL AMENDMENT.—The table of sections of such title is amended by striking the item relating to section 5.

SEC. 7. CERTIFICATES OF APPOINTMENT OF ELECTORS.

(a) IN GENERAL.—Section 6 of title 3, United States Code, is amended to read as follows:
“§ 6. Credentials of electors; transmission to Archivist of the United States and to Congress; enforcement; public inspection

“(a) Duties of Governor with respect to certification of electors.—

“(1) Obligation to certify.—Not later than December 14, the Governor of each State shall certify the appointment of the electors for the State in compliance with section 1 or, if applicable, section 2 of this title.

“(2) Transmission to Archivist of the United States.—The Governor of a State shall, immediately after certifying the appointment of electors for the State under paragraph (1)—

“(A) transmit under the seal of such State the certificate of the appointment of electors under paragraph (1) to the Archivist of the United States by the most expeditious method available and by secure electronic transmission; and

“(B) make such certificate publicly available on the date of such transmission to the Archivist.

“(3) Transmission of duplicate-originals to electors.—The Governor of a State shall deliver to the electors of such State 6 duplicate-origi-
nals of the certificate described in paragraph (2) under the seal of the State not later than the date specified in section 7 of this title.

“(b) Preservation and Transmission of Certificate.—The Archivist of the United States shall—

“(1) preserve any certificate received under subsection (a) for 1 year as part of the public records of the office of the Archivist open to public inspection; and

“(2) immediately transmit to the two Houses of Congress copies in full of each such certificate received by the most expeditious method available and by secure electronic transmission.

“(c) Enforcement.—

“(1) Actions Against Governor.—

“(A) Actions Authorized.—Any candidate for President or Vice President who appears on the ballot in a State who is aggrieved by a violation of subsection (a) with respect to such State, including by failing to certify the appointment of electors or because the certification does not accurately reflect the final election results of the State as modified by any recount or judicial or administrative proceeding conducted pursuant to State or Federal laws
duly enacted prior to the day fixed by section 1 of this title, may file an action against the Governor for such declaratory, injunctive, or other appropriate relief in the district court of the United States for the judicial district in which the capital of the State is located to ensure the issuance and transmission of the certificate of appointment in compliance with the requirements of subsection (a), the Constitution of the United States, and any other Federal law.

“(B) RELIEF.— Such district court shall have original and exclusive jurisdiction of any such action and shall issue any appropriate relief, including, in appropriate cases, injunctive relief ordering the Governor of the State to issue, transmit, or revise the certificate of appointment of electors under subsection (a)(1), or other appropriate relief sufficient to ensure the transmission of the lawful certificate of appointment. If the Governor refuses to issue, transmit, or revise such certificate in compliance with the district court’s order, the court shall direct another official of the State to
issue, transmit, or revise the certificate of appointment of electors under such subsection.

“(2) ACTIONS AGAINST ARCHIVIST.—Any candidate for President or Vice President who appears on the ballot in a State who is aggrieved by a violation of subsection (b) with respect to the failure of the Archivist to transmit a certificate of appointment may file an action for such declaratory, injunctive, or other appropriate relief in the United States District Court for the District of Columbia, and such district court shall have original and exclusive jurisdiction of any such action, and shall issue any relief necessary to ensure the transmission of the certificate of appointment in compliance with the requirements of subsection (b).

“(3) DETERMINATION BY THREE-JUDGE COURT.—

“(A) IN GENERAL.—Any action described in this subsection shall be heard and determined by a court of 3 judges convened pursuant to section 2284 of title 28, United States Code, except that subsection (b)(2) of such section shall not apply to any such action, and any determination with respect to such an action shall
be reviewable only by appeal directly to the Supreme Court of the United States.

“(B) EXPEDITED CONSIDERATION.—The court described in subparagraph (A) shall issue any relief under this subsection as promptly as possible but in no case later than December 19 such that a final order of the court on remand of the Supreme Court of the United States may occur not later than December 22.

“(d) CONCLUSIVE EFFECT OF CERTIFICATES.—

“(1) IN GENERAL.—In the joint session of Congress to count electoral votes pursuant to section 15 of this title, the certificate of appointment transmitted by the Governor of a State under subsection (a)(2), subject to any modification pursuant to a court order under subsection (c)(1), shall be accepted as conclusive with respect to the appointment of electors for such State, except that, in the case no such certificate is transmitted by the Governor of a State, or the certificate transmitted by the Governor does not comply with revisions ordered by the court pursuant to subsection (c)(1), the certificate of appointment for the State transmitted by another official of the State pursuant to a court order under subsection (c)(1) shall be accepted as conclusive with
respect to the appointment of electors for such State.

“(2) **Special rule with respect to final determination of judicial proceeding.**—In the case that a certificate of appointment is subject to a final determination by a Federal and a State judicial proceeding, the certificate as modified by the final determination of the Federal judicial proceeding shall be accepted as conclusive with respect to the appointment of electors for such State to the extent that there is any inconsistency between such determinations.

“(e) **Rule of construction.**—Nothing in this section may be construed to preempt any action conducted pursuant to State law duly enacted prior to the day fixed by section 1 of this title or affect the right of any person to bring an action under any other Federal law.”.

(b) **Clerical Amendment.**—The table of sections of chapter 1 of such title is amended by amending the item relating to section 6 to read as follows:

“6. Credentials of electors; transmission to Archivist of the United States and to Congress; enforcement; public inspection.”.

**SEC. 8. DATE OF MEETING AND VOTE OF ELECTORS.**

Section 7 of title 3, United States Code, is amend—
(1) by striking “the first Monday after the second Wednesday in December” and inserting “the twenty third of December”; and

(2) by inserting “, except that if the twenty third of December falls on a Saturday or Sunday, the electors shall meet and give their votes, in the case of a Saturday, on the preceding day, and, in the case of a Sunday, on the following day” after “State shall direct”.

SEC. 9. DISPOSITION OF CERTIFICATES AND LISTS.

(a) ELECTRONIC TRANSMISSION OF CERTIFICATES OF ELECTORS.—Section 11 of title 3, United States Code, is amended—

(1) in the undesignated paragraph beginning with “First.”, by striking “registered mail” and all that follows and inserting “the most expeditious method available to the President of the Senate at the seat of government and shall, on the same day, transmit a facsimile of the same in a secure, electronic manner.”; and

(2) in the undesignated paragraph beginning with “Third.”—

(A) by striking “registered mail” and inserting “the most expeditious method available”; and
(B) by adding at the end the following:

“They shall, on the same day, transmit facsimiles of the same to the Archivist of the United States in a secure, electronic manner.”.

(b) Failure of Certificates to be Delivered.—

(1) Demand on State.—Section 12 of such title is amended—

(A) by striking “the fourth Wednesday in December” and inserting “December 30”; and

(B) by striking “registered mail” and all that follows and inserting the following: “the most expeditious method available to the President of the Senate at the seat of government and to immediately transmit a facsimile of the same in a secure, electronic manner.”.

(2) Demand on Judge.—Section 13 of such title is amended—

(A) by striking “votes” each place it appears and inserting “votes and list”;

(B) by striking “the fourth Wednesday in December” and inserting “December 30”; and

(C) by striking “list by the hand” and all that follows and inserting the following: “certificate and list by the hand of such messenger
to the seat of government and shall immediately
transmit a facsimile of the same in a secure,
electronic manner.”.

(c) INCREASE IN PENALTY FOR NEGLECT OF DUTY.—Section 14 of such title is amended—

(1) by striking “electors” and inserting “electors and list”; and

(2) by striking “$1,000” and inserting “$25,000”.

SEC. 10. COUNTING ELECTORAL VOTES IN CONGRESS.

(a) PROCEDURES AT JOINT SESSION.—Section 15 of title 3, United States Code, is amended to read as follows:

“§ 15. Counting electoral votes in Congress

“(a) PROCEDURES AT JOINT SESSION.—

“(1) IN GENERAL.—Congress shall be in session on the sixth day of January succeeding every meeting of the electors. 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, and the President of the Senate (or, in the absence of the President, the President pro tempore) shall be their presiding officer. Such joint session of the Senate and House of Representa-
electoral votes shall be completed and the result of such count declared.

“(2) Authority of Presiding Officer at Joint Session.—

“(A) Power to Preserve Order.—The presiding officer shall have power to preserve order, and no debate shall be allowed and no question shall be put by the presiding officer except as provided by this section.

“(B) No Discretionary Power.—The role of the presiding officer is ministerial. Except with respect to the procedures described in this section, the presiding officer shall not have any power to determine or otherwise resolve disputes concerning the proper list of electors for a State, the validity of electors for a State, or the votes of electors of a State. Except as provided for in this section, the presiding officer shall not order any delay in counting or preside over any period of delay in counting electoral votes.

“(3) Reading of Certificates.—

“(A) In General.—The presiding officer shall, in the alphabetical order of the States, beginning with the letter A, open the sealed cer-
tificate in which is contained the signed certificates of votes and the annexed list of electors appointed for each State, and shall read aloud the names of the list of electors appointed for each State according to the certificate received.

The presiding officer shall present the certificate of electoral votes cast by the State's appointed electors to the tellers for the purpose of reading such certificates pursuant to subparagraph (B).

“(B) Reading of certificates by tellers.—Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives. Upon the reading by the tellers of any such certificate of electoral votes, the presiding officer shall call for objections to such certificate pursuant to the rules described in subsection (c), if any.

“(C) Result of electoral vote count.—After having read the certificates of each State in the presence and hearing of the two Houses, the tellers shall make a list of the votes as they shall appear from the certificates, and the votes having been ascertained and counted according to the requirements of this
section, the result shall be delivered to the pre-
siding officer, who shall thereupon announce
the state of the vote. Such announcement shall
be deemed a sufficient declaration of the per-
sons, if any, elected President and Vice Presi-
dent of the United States, and shall, together
with a list of the votes, be entered on the Jour-
nals of the two Houses.

“(4) MOTIONS IN ORDER AT JOINT SESSION.—
No motion shall be received in the joint session ex-
cept—

“(A) a motion pursuant to subsection (b)
of this section in relation to the appointment of
electors from a State; or

“(B) a motion to recess.

“(5) REQUIREMENTS FOR ACTIONS IN ORDER
AT JOINT SESSION.—

“(A) IN GENERAL.—An objection, appeal,
or motion shall not be received by the presiding
officer unless such action—

“(i) is submitted in writing and states
clearly and concisely, and without argu-
ment, the ground for such action;

“(ii) is signed by at least one third of
each House of Congress; and
“(iii) in the case of a motion to recess, states a time certain, in accordance with paragraph (6), at which the joint session will resume proceedings.

“(B) RESTRICTION ON MOTION TO RECESS.—A Senator or Representative may sign only one motion to recess received by the presiding officer during joint session proceedings with respect to a single State.

“(C) APPEALS.—

“(i) IN GENERAL.—If an appeal is submitted in accordance with subparagraph (A)(i), the Clerk of the House of Representatives shall maintain the written appeal at the desk and the presiding officer shall provide Senators and Representatives with a sufficient opportunity to sign it before proceeding which shall not exceed 15 minutes.

“(ii) PROHIBITION AGAINST WITHDRAWAL OF APPEAL.—An appeal submitted in accordance with subparagraph (A)(i) may not be withdrawn following submission, and only one such appeal may be
submitted with respect to a ruling of the
presiding officer.

“(iii) FORM.—The presiding officer
shall put the question on any appeal as fol-

 lows: ‘Shall the decision of the presiding
officer be overturned?’.

“(D) THRESHOLD TO ADOPT.—A majority
vote of both Houses shall be required for the
adoption of any question received during the
joint session, except that a majority vote of ei-
ther House shall be required for the adoption of
a motion to recess.

“(6) RECESS.—A motion to recess must state
the time certain for the resumption of proceedings in
the joint session, the Senate, or the House, and may
not state a time beyond the next calendar day at the
hour of 10 o’clock in the forenoon. If the pro-
ceedings of the joint session have not been completed
in three calendar days, no further recess may be
taken.

“(7) DEBATE.—

“(A) DEBATE OF CERTAIN ACTIONS.—

“(i) IN GENERAL.—Except as pro-
vided in clause (ii), any question received
by the presiding officer pursuant to para-
graph (5) shall be reported in the joint session, and such question shall be submitted to each House, which shall each withdraw for a period of debate described in sub-paragraph (B).

“(ii) EXCEPTION FOR MOTION TO RECESS.—A motion to recess shall not be subject to debate.

“(B) LENGTH OF DEBATE.—The time for debate of any question shall be limited to—

“(i) in the case of any motion that is made under subsection (b), two hours equally divided and controlled by the Majority Leader and Minority Leader of each House or their respective designees;

“(ii) in the case of any objection that is made under subsection (c), two hours equally divided and controlled by the Majority Leader and Minority Leader of each House or their respective designees; and

“(iii) in the case of any appeal of a decision of the presiding officer, 30 minutes equally divided and controlled by the Majority Leader and Minority Leader of each House or their respective designees.
“(C) SINGLE DEBATE FOR MULTIPLE MOTIONS IN RELATION TO APPOINTMENT OF ELECTORS.—If more than one motion in relation to the appointment of electors from a State is made under subsection (b) that satisfies the requirements of paragraph (5), such motions shall be debatable for a single period of two hours as provided in subparagraph (B)(i).

“(D) SINGLE DEBATE FOR MULTIPLE OBJECTIONS.—If more than one objection with respect to any vote from a State is made under subsection (c) that satisfies the requirements of paragraph (5), such objections shall be debatable for a single period of two hours as provided in subparagraph (B)(ii).

“(E) SPECIAL RULE REGARDING LENGTH OF DEBATE.—If the proceedings of the joint session have not been completed in five calendar days, the presiding officer may reduce the length of debate for any question to not less than 30 minutes equally divided and controlled by the Majority Leader and Minority Leader of each House or their respective designees.

“(b) RULES FOR IDENTIFYING THE DULY APPOINTED ELECTORS OF A STATE.—
“(1) IN GENERAL.—The presiding officer shall announce the electors whose appointments are reflected in a certificate that is received under section 6 of this title. Pursuant to section 6 of this title, such electors shall be the conclusive appointed electors for the State, and in no case shall the presiding officer or the joint session consider any other person to be an appointed elector for a State.

“(2) MOTIONS IN RELATION TO THE APPOINTMENT OF ELECTORS.—After the declaration of the presiding officer under paragraph (1) with respect to a State, the following motions may be submitted:

“(A) A motion to reject the declaration of the appointment of electors for the State by the presiding officer under paragraph (1) on the grounds that the certificate of appointment presented by the presiding officer is not conclusive under section 6 of this title and to receive a certificate of appointment from the State that is conclusive under section 6 of this title.

“(B) In the absence of any presentation of a certificate from a State by the presiding officer, a motion to receive a certificate of appointment from the State that is conclusive under section 6 of this title.
“(3) Voting by the Houses.—

“(A) In general.—When all motions offered pursuant to paragraph (2) with respect to a State have been received and read in the joint session, the Senate shall thereupon withdraw, and such motions shall be submitted to the Senate for its decision, and the Speaker of the House of Representatives shall submit such motions to the House of Representatives for its decision.

“(B) Announcement of decision.—When the two Houses have voted, they shall immediately resume proceedings in the joint session, and the presiding officer shall announce the decision on any such motions.

“(4) Announcement of appointment of electors.—If a motion under paragraph (2) is adopted, the presiding officer shall declare the list of electors that was received under such motion to be the appointed electors for the State.

“(c) Objections to Certificate of Electoral Votes.—

“(1) In general.—Once the joint session has identified the duly appointed electors of a State pursuant to the procedures described in subsection (a)
and the rules described in subsection (b), the pre-
subsiding officer shall call for objections, if any, to one
or more electoral votes cast by the electors of the
State on the grounds specified in paragraph (2). No
votes from a State shall be acted upon until any ob-
jections made to the votes from a State under this
subsection have been decided.

“(2) GROUNDS FOR OBJECTIONS.—To raise an
objection under this subsection, a Member must sub-
mit such objection pursuant to the requirements of
subsection (a)(5) and specify in writing the number
of electoral votes objected to and one of the following
grounds for the objection:

“(A) The State in question was not validly
a State at the time its electors cast their elec-
toral votes and is thus not entitled to such
votes, except that such objection may not be
raised with respect to the District of Columbia.

“(B) The State in question submitted more
votes than it is constitutionally entitled to, and
thus a corresponding number of its purported
votes should be rejected.

“(C) One or more of the State’s electors
are constitutionally ineligible for the office of
elector under article II, section I, clause 2 or
section 3 of the Fourteenth Amendment of the Constitution of the United States, except if a State has replaced the ineligible elector with an eligible elector pursuant to the authority described in section 4 of this title prior to the casting of electoral votes by its electors, then it shall not be in order to cite the initial appointment of the ineligible elector as grounds for raising an objection under this subparagraph.

“(D) One or more of the State’s electoral votes were cast for a candidate who is ineligible for the office of president or vice president pursuant to—

“(i) article I, section 3, clause 7 of the Constitution of the United States;

“(ii) article II, section 1, clause 5 of the Constitution of the United States;

“(iii) section 3 of the Fourteenth Amendment to the Constitution of the United States; or

“(iv) section 1 of the Twenty-second Amendment to the Constitution of the United States.

“(E) One or more of the State’s electoral votes were cast in violation of the requirements
enumerated by article II, section 1, clause 4 of the Constitution of the United States by failing to vote on the date specified in section 7 of this title, or one or more of the State’s electoral votes were cast in violation of the Twelfth Amendment to the Constitution of the United States by failing to be cast—

“(i) by ballot; or

“(ii) distinctly for the offices of president and vice president, one of whom is not an inhabitant of the elector’s State.

“(3) VOTING BY THE HOUSES.—

“(A) IN GENERAL.—When all objections offered pursuant to paragraph (1) with respect to a State have been received and read in the joint session, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision, and the Speaker of the House of Representatives shall submit such objections to the House of Representatives for its decision.

“(B) ANNOUNCEMENT OF DECISION.— When the two Houses have voted, they shall immediately resume proceedings in the joint ses-
sion, and the presiding officer shall announce
the decision on any such objections.

“(d) Effect of Rejection of Electoral
Votes.—

“(1) Effect of rejection of electoral
votes.—If a State’s electoral votes are rejected
under subsection (c)(2)—

“(A) in the case a State’s electoral votes
are rejected pursuant to an objection under
subsection (A), (B), or (C) of such sub-
section, the whole number of electors appointed
for purposes of the Twelfth Amendment of the
Constitution of the United States shall be re-
duced by the number of rejected electoral ap-
pointments; and

“(B) in the case a State’s electoral votes
are rejected pursuant to an objection under
subsection (D) or (E) of such subsection,
the whole number of electors appointed for pur-
poses of the Twelfth Amendment of the Con-
stitution of the United States shall be unaf-
fected.

“(2) Constitutional ineligibility.—For the
purposes of section 3 of the Twentieth Amendment
of the Constitution of the United States, in the case
an objection is sustained under subsection (e)(2)(D)—

“(A) the electoral votes cast for such candidate shall be counted for the purposes of determining whether the candidate has been elected under such amendment;

“(B) such candidate shall be deemed to have failed to qualify under such amendment; and

“(C) subparagraphs (A) and (B) shall apply with respect to any electoral votes cast for such candidate from any other State that are otherwise valid under this section, except that nothing in this paragraph shall be construed to prohibit a Member from objecting to any such electoral votes on other grounds described in subsection (e)(2).”.

(b) CONFORMING AMENDMENT.—Title 3, United States Code, is amended by striking sections 16 through 18.

c) CLERICAL AMENDMENT.—The table of sections of such title is amended by striking the items relating to sections 16 through 18.
SEC. 11. PROTECTION OF TABULATION AND CERTIFICATION.

(a) PROHIBITION.—With respect to an election for the office of President, Vice President, or presidential elector, no person acting under color of law shall willfully fail or refuse to—

(1) tabulate, count, or report any vote that is timely cast and is otherwise valid under applicable State and Federal law; or

(2) certify the aggregate tabulations of such votes or certify the election of the candidates receiving sufficient such votes to be elected to office.

(b) ENFORCEMENT.—

(1) AUTHORIZING FILING OF ACTION BY CANDIDATE.—Any candidate for President, Vice President, or presidential elector who appears on the ballot in a State who is aggrieved by a violation of subsection (a) may file an action for such declaratory and injunctive relief as may be appropriate in the district court of the United States for the judicial district in which the capital of the State is located.

(2) DETERMINATION BY THREE-JUDGE COURT.—

(A) IN GENERAL.—An action described under this subsection shall be heard and determined by a court of 3 judges convened pursuant
to section 2284 of title 28, United States Code, except that subsection (b)(2) of such section shall not apply to any such action, and any determination with respect to such an action shall be reviewable only by appeal directly to the Supreme Court of the United States.

(B) EXPEDITED CONSIDERATION.—It shall be the duty of the district court described in this subsection and the Supreme Court of the United States to advance on the docket and to expedite to the greatest extent possible the disposition of any action or appeal under this subsection.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to preempt any action conducted pursuant to State law duly enacted prior to the day fixed by section 1 of title 3, United States Code, or affect the right of any person to bring an action under any other Federal law.

SEC. 12. SEVERABILITY.

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