

insights

TYPES NOT MAPPED YET November 07, 2024 | TTR not mapped yet | James A. Conway, Jack N. Jacobson, Christopher T. Murray

Presidential Certification Process

A series of actions that must occur between Election Day and Inauguration Day to codify the results of the election for president and vice president.

Jump Around

[Article II, Section 1](#) established the Executive Branch and process by which the president and vice president are elected using the Electoral College. Since the 1830s, states have allocated their electors based on the popular vote of their citizens. Following these results, states then issue certificates of ascertainment by December 11, which inform Congress of the individuals that will serve as electors. On December 17, the electors gather in their respective states to vote, and states are then required to transmit those ballots to Congress no later than December 25 for certification on January 6.

The process has been adjusted over time, most recently by the [Electoral Count Reform Act](#) in response to the insurrection on January 6, 2021. Previous changes to the certification process include ratification of the [12th Amendment](#) in 1804, which required electors to cast separate ballots for president and vice president. This revision was in response to the [1800 election](#) when Thomas Jefferson and Aaron Burr tied in the Electoral College, with each receiving 73 votes. This tie led to a constitutional process that is known as a [contingent election](#).

Lose Yourself

Contingent elections are required when no candidate receives a majority of votes in the Electoral College and involve both chambers of Congress. In the House, each state delegation gets to cast one vote for president. The Senate votes for one of the two candidates who received the most electoral votes for vice president; each senator votes individually and not as a delegation. Territories and the District of Columbia cannot participate in contingent elections.

If there were a contingent election this cycle, the new 119th Congress, which will be seated on January 3, 2025, would choose between the two major party candidates. The Constitution requires the House to vote "immediately" by state delegation following the certification of electoral votes, and 26 state delegations would be needed to elect the president. The House may vote repeatedly until 26 delegations vote affirmatively for one candidate. If no candidate receives a majority of state delegations by Inauguration Day on January 20, 2025, the vice president elected by the Senate in its respective contingent election assumes the role of acting president.

Streets of Philadelphia

We do not yet know the partisan makeup of the 119th Congress, so there is no way to predict how each chamber would vote in a contingent election. What we do know is that today is the beginning of the end for the 2024 general election. The partisan rhetoric over the next 76 days may only increase if the outcome of the presidential race is as close as polls have consistently shown or if former President Trump again refuses to accept the results. Ultimately, Congress or the courts could decide the outcome.

Presidential Certification Process Timeline:

- November 5, 2024 - Election Day
- December 11, 2024 - Date by which states must issue certificates of ascertainment
- December 17, 2024 - Electors convene to cast their state's votes for president and vice president

- December 25, 2024 - Date by which electoral votes must be received in Washington, DC
- January 3, 2025 - Certified electoral votes transmitted to Congress
- January 6, 2025 - Congress counts certified electoral votes
- January 20, 2025 - Inauguration Day (and date by which contingent election for president in the House would have to be decided)

About Wonkology

What is a policy rider? How long is a legislative day? Political jargon can be headache-inducing. But your ability to understand how Washington works could significantly impact your business. Wonkology is a monthly alert from the Thompson Coburn Lobbying & Policy group. In each edition, we will decode Washington lingo by giving you a straightforward definition of a political term that is in the news.

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