

## TITLE 3.—THE PRESIDENT

## Chapter 1.—PRESIDENTIAL ELECTIONS.

## Section 5. Meeting and vote of electors.—[Superseded.]

This section has been superseded by § 5a which follows.

**5a. Meeting and vote of electors.**—The electors of President and Vice President of each State shall meet and give their votes on the first Wednesday in January next following their appointment at such place in each State as the legislature of such State shall direct. (May 29, 1928, c. 859, § 1, 45 Stat. 945.)

The Act cited to the text was entitled "An Act providing for the meeting of electors of President and Vice President and for the issuance and transmission of the certificates of their selection and of the result of their determination, and for other purposes."

## 7. Certificates of appointment of electors.—[Superseded.]

This section has been largely if not wholly superseded by § 7a which follows.

**7a. Certificates by State executives of ascertainment of electors appointed and of determination of contests; transmission to Secretary of State and to Congress; public inspection of certificates.**—It shall be the duty of the executives of each State, as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment, to communicate by registered mail under the seal of the State to the Secretary of State of the United States a certificate of such 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 for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are required by section 5a of this title to meet, six duplicates original of the same certificate under the seal of the State; and if there shall have been any final determination in a State in the manner provided for by law of a controversy or contest concerning the appointment of all or any of the electors of such State, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate under the seal of the State to the Secretary of State of the United States a certificate of such determination in form and manner as the same shall have been made; and the certificate or certificates so received by the Secretary of State shall be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection; and the Secretary of State of the United States at the first meeting of Congress thereafter shall transmit to the two Houses of Congress copies in full of each and every such certificate so received at the State Department. (May 29, 1928, c. 859, § 2, 45 Stat. 946.)

For title of Act see note to § 5a.

## 9. Making and signing certificates.—[Superseded.]

This section has been superseded by § 9a which follows.

**9a. Certificates of electors of votes given by them for President and Vice President.**—The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President, and shall annex to each of the certificates one of the lists of the electors which shall have been furnished to them by direction of the executive of the State. (May 29, 1928, c. 859, § 3, 45 Stat. 946.)

For title of Act see note to § 5a.

## 11. Transmission of certificates.—[Superseded.]

This section is superseded by § 11a which follows.

**11a. Disposition of certificates of electors.**—The electors shall dispose of the certificates so made by them and the lists attached thereto in the following manner:

First. They shall forthwith forward by registered mail one of the same to the President of the Senate at the seat of government.

Second. Two of the same shall be delivered to the secretary of state of the State, one of which shall be held subject to the order of the President of the Senate, the other to be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection.

Third. On the day thereafter they shall forward by registered mail two of such certificates and lists to the Secretary of State at the seat of government, one of which shall be held subject to the order of the President of the Senate. The other shall be preserved by the Secretary of State for one year and shall be a part of the public records of his office and shall be open to public inspection.

Fourth. They shall forthwith cause the other of the certificates and lists to be delivered to the judge of the district in which the electors shall have assembled. (May 29, 1928, c. 859, § 4, 45 Stat. 946.)

For title of Act see note to § 5a.

**11b. Failure of certificates of electors to reach President of Senate or Secretary of State; demand on Secretary of State for certificate.**—When no certificate of vote and list mentioned in sections 9a and 11a of this title from any State shall have been received by the President of the Senate or by the Secretary of State by the third Wednesday in the month of January after the meeting of the electors shall have been held, the President of the Senate or, if he be absent from the seat of government, the Secretary of State shall request, by the most expeditious method available, the secretary of state of the State to send up the certificate and list lodged with him by the electors of such State; and it shall be his duty upon receipt of such request immediately to transmit same by registered mail to the President of the Senate at the seat of government. (May 29, 1928, c. 859, § 5, 45 Stat. 946.)

For title of Act see note to § 5a.

**11c. Same; demand on district judge for certificate.**—When no certificates of votes from any State shall have been received at the seat of government on the fourth Wednesday of the month of January, after the meeting of the electors shall have been held, the President of the Senate or, if he be absent from the seat of government, the Secretary of State shall send a special messenger to the district judge in whose custody one certificate of votes from that State has been lodged, and such judge shall forthwith transmit that list by the hand of such messenger to the seat of government. (May 29, 1928, c. 859, § 6, 45 Stat. 947.)

For title of Act see note to § 5a.

## 12. Time for transmission of certificates to President of Senate.—

This section is probably superseded by §§ 11a and 11b which precede it.

## 13. District judge's list.—[Superseded.]

This section is superseded by § 11c which precedes it.

## 14. Absence of President of Senate.—

This section was made obsolete by § 11a which does away with messengers in the transmission of certificates to the President of the Senate and supersedes § 11.

15. Mileage of messengers.—

This section was made obsolete by § 11a which does away with messengers in the transmission of certificates to the President of the Senate and supersedes § 11.

16. Forfeiture for messenger's neglect of duty.—

This section was made obsolete, as to persons appointed pursuant to § 11 by § 11a which does away with messengers in the transmission of certificates to the President, and supersedes § 11.

★ 18. Preservation of order in joint meeting.—

The words "of this title" should be inserted in line 3 of this section after "20."

★ 22. Officers eligible to act as President in case of vacancy.—

In the citation to this section "24 Stat. 1" should be "24 Stat. 2."

Chapter 2.—OFFICE AND COMPENSATION OF PRESIDENT.

Section 41. Commencement of term of office.—

This section has been superseded by the twentieth amendment to the Constitution which fixes the beginning of the terms of office of the President and Vice President on the 20th day of January.

42. President's salary.—

This section is affected by section 22 of Title 26 which provides that the salary of the President of the United States shall be included in gross income for the purposes of computing income tax.

43. President's traveling expenses.—

This section was saved from repeal or modification by § 10 of Act June 3, 1926, c. 457, 44 Stat. 689, constituting § 830 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES.

45. Salary of Secretary to President.—On and after July 1, 1926, the compensation for the position of Secretary to the President shall be at the rate of \$10,000 per annum. (Apr. 22, 1926, c. 171, 44 Stat. 305.)

R. S. § 155, cited to the original text of this section, was repealed by Act Mar. 3, 1933, c. 202, § 1, 47 Stat. 1428.

Sections 2 and 3 of Act Mar. 3, 1933, c. 202, provided as follows:

"SEC. 2. The question as to whether any other provisions of law now omitted from the United States Code and supplements, have present force or effect as general and permanent law, shall be determined without regard to this Act.

"SEC. 3. No inference shall be raised by the enactment of this Act that the sections of the Revised Statutes repealed by this Act were in force or effect at the time of such enactment: Provided, however, That any rights or liabilities existing under such repealed sections shall not be affected by their repeal."

★ 46. Detail of employees of executive departments to office of President.—

It is the opinion of the War Department that this section should be omitted from the Code "as not based on permanent law." It is but a proviso to an Appropriation Act and is repeated from year to year.

★ 48. Public property in and belonging to Executive Mansion.—

The words "Secretary of War" in line 9 of this section should read "Director of Public Buildings and Public Parks of the National Capital," the authority for the substitution being § 4 of Title 40, PUBLIC BUILDINGS, PROPERTY, AND WORKS. The second citation should be changed in part to read "c. 339, §§ 1, 3, 43 Stat. 983."

The words "officer in charge of public buildings and grounds" in lines 11 and 12 of this section should be changed to read "Director of Public Buildings and Public Parks of the National Capital," on authority of § 2 of Title 40, PUBLIC BUILDINGS, PROPERTY, AND WORKS.

The words "of the Director" in line 16 should be eliminated, on authority of said § 2 of Title 40.

★ 49. Furniture for White House.—

The words "officer in charge of public buildings and grounds" in line 7 of this section should read "Director of Public Buildings and Public Parks of the National Capital."

As authority for the change there should be added to the list of citations "Act Feb. 26, 1925, c. 339, § 1, 43 Stat. 983." Section 1 of Act Feb. 26, 1925, constitutes § 2 of Title 40, PUBLIC BUILDINGS, PROPERTY, AND WORKS."

The second citation should read "Feb. 28" instead of "Feb. 23."

50. Annual statement of public property.—

This section is probably superseded by § 48 of this title which is derived from later legislation.

51. Inventory of public property.—

This section is probably superseded by § 48 of this title which is derived from later legislation.

52. Annual statement and inventory of stationery and fuel.—

This section is dependent on §§ 50 and 51 of this title which are probably superseded by § 48 of this title.

★ 53. Protection of the President.

The words "and the members of his immediate family" in line 2 of this section should be omitted because not based on any permanent provision of law. All but the first citation should be omitted as relating to temporary legislation repeated annually.

Chapter 3.—WHITE HOUSE POLICE.

Section 61. Police force established; control and supervision; privileges, powers, and duties.—There is hereby created and established for the protection of the Executive Mansion and grounds in the District of Columbia a permanent police force, to be known as the White House police. Such force shall be under the control and direct supervision of the Chief of the Secret Service Division. The members of such force shall possess privileges and powers and perform duties similar to those of the members of the Metropolitan police of the District of Columbia, and such additional privileges and duties as the Chief of the Secret Service Division may prescribe. (As amended May 14, 1930, c. 277, § 1, 46 Stat. 328.)

62. Personnel; appointment; vacancies.—(a) The White House police force shall consist of one captain with grade corresponding to that of captain (Metropolitan police), one lieutenant with grade corresponding to that of lieutenant (Metropolitan police), three sergeants with grade corresponding to that of sergeant (Metropolitan police); and of such number of privates, with grade corresponding to that of private, class three (Metropolitan police), as may be necessary but not exceeding forty-three in number. Members of the White House police shall be appointed from the members of the Metropolitan police force and the United States park police force from lists furnished by the officers in charge of such forces. Vacancies shall be filled in the same manner. (As amended May 14, 1930, c. 277, § 2, 46 Stat. 329.)

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63. Grades of appointees; salaries; transfers.—

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(c) Any member of the White House police force appointed thereto from the Metropolitan police force or the United States park police force may be transferred to the organization of which he was a member at the time of such appointment. (As amended May 14, 1930, c. 277, § 3, 46 Stat. 329.)

★ 66. Transfer of members to other departments.—

This section should be omitted from the Code. It purports to limit the scope of § 670 of Title 5. But that section is derived from later legislation than that on which this section is based.

67. Appropriation to carry out provisions of chapter.—There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this chapter. (As amended May 14, 1930, c. 277, § 4, 46 Stat. 329.)

The amendment made necessary a new section heading.