

# CHAPTER 54 PRESIDENTIAL ELECTORS

Referred to in [§39.28](#)

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### 54.1 Time of election — qualifications.

At the general election in the years of the presidential election, or at such other times as the Congress of the United States may direct, there shall be elected by the voters of the state one person from each congressional district into which the state is divided, and two from the state at large, as electors of president and vice president, no one of whom shall be a person holding the office of senator or representative in Congress, or any office of trust or profit under the United States.

[C51, §301; R60, §535; C73, §659; C97, §1173; S13, §1173; C24, 27, 31, 35, 39, §963; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §54.1]

### 54.2 How elected.

A vote for the candidates of any political party, or group of petitioners, for president and vice president of the United States, shall be conclusively deemed to be a vote for each candidate nominated in each district and in the state at large by said party, or group of petitioners, for presidential electors and shall be so counted and recorded for such electors.

[C24, 27, 31, 35, 39, §964; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §54.2]

### 54.3 Canvass.

The canvass of the votes for candidates for president and vice president of the United States and the returns thereof shall be a canvass and return of the votes cast for the electors of the same party or group of petitioners, respectively, and the certificate of such election made by the governor shall be in accord with such return.

[C24, 27, 31, 35, 39, §965; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §54.3]

### 54.4 Nonparty organizations.

The term “group of petitioners” as used in [this chapter](#) shall embrace an organization which is not a political party as defined by law.

[C24, 27, 31, 35, 39, §966; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §54.4]

Nonparty organizations, see [chapter 44](#)

Political party defined, [§43.2](#)

See also [chapter 45](#)

### 54.5 Presidential nominees.

1. a. The names of the candidates for president and vice president of a political party as defined in the law relating to primary elections, shall, by 5:00 p.m. on the eighty-first day before the election, be certified to the state commissioner by the chairperson and secretary of the state central committee of the party.

b. However, if the national nominating convention of a political party adjourns later than eighty-nine days before the general election the certificate showing the names of that party’s candidates for president and vice president shall be filed within five days after adjournment.

c. As an alternative to the certificate by the state central committee, the certificate of nomination issued by the political party’s national nominating convention may be used to certify the names of the party’s candidates for president and vice president. If certificates of nomination are received from both the state central committee and the national nominating convention of a political party, and there are differences between the two certificates, the certificate filed by the state central committee shall prevail.

2. The state central committee shall also file a list of the names and addresses of the party's presidential electors and alternate electors, one from each congressional district and two from the state at large, not later than 5:00 p.m. on the eighty-first day before the general election. A political party may elect up to two alternate electors at the party's state convention. Additionally, the party's state central committee may nominate one alternate elector for each congressional district.

3. Each elector nominee and alternate elector nominee of a political party or group of petitioners shall execute the following pledge, which shall accompany the submission of the corresponding names to the state commissioner:

If selected for the position of elector, I agree to serve and to mark my ballots for president and vice president for the nominees for those offices of the party (or group of petitioners) that nominated me.

4. If a candidate for the office of president or vice president of the United States withdraws, dies, or is otherwise removed from the ballot before the general election, another candidate may be substituted. The substitution shall be made by the state central committee of the political party or by the governing committee of the national party. If there are differences, the substitution made by the state central committee shall prevail. A nonparty political organization which has filed the names of party officers and central committee members with the secretary of state before the close of the filing period for the general election pursuant to [section 44.17](#) may also make substitutions. A substitution must be filed no later than seventy-four days before the election.

[C24, 27, 31, 35, 39, §967; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §54.5; 81 Acts, ch 34, §38]

89 Acts, ch 136, §58; 97 Acts, ch 170, §74; 2015 Acts, ch 29, §9; 2020 Acts, ch 1098, §5, 6

Referred to in §54.7, 54.8

Political party defined, §43.2

#### 54.6 Certificate.

At the expiration of ten days from the completed canvass, the governor, under the governor's hand and the seal of state, shall issue to each presidential elector declared elected a certificate of election, the same in substance as required in other cases, and shall notify the elector to attend at the seat of government on the first Monday after the second Wednesday in December next following election, reporting the elector's attendance to the governor. If there be a contest of the election, no certificate shall issue until it is determined.

[C51, §308; R60, §542; C73, §665; C97, §1168; C24, 27, 31, 35, 39, §968; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §54.6]

Certificate of election, §50.41

#### 54.7 Meeting — certificate.

1. The presidential electors and alternate electors shall meet in the capitol, at the seat of government, on the first Monday after the second Wednesday in December next following their election.

2. If, at the time of such meeting, any elector for any cause is absent, the state commissioner shall appoint an individual to substitute for the elector as follows:

a. If the alternate elector is present to vote, by appointing the alternate elector for the vacant position.

b. If the alternate elector is not present to vote, by appointing an elector chosen by lot from among the other alternate electors present to vote who were nominated by the same political party or group of petitioners.

c. If the number of alternate electors present to vote is insufficient to fill a vacant position pursuant to paragraphs "a" and "b", by appointing any immediately available citizen of the state who is qualified to serve as an elector and chosen through nomination by a plurality vote of the remaining electors, including nomination and vote by a single elector if only one remains.

d. If there is a tie between at least two nominees to substitute as an elector in a vote

conducted under paragraph “c”, by appointing an elector chosen by lot from among those nominees.

e. If all elector positions are vacant and cannot be filled through the processes set forth in paragraphs “a”, “b”, “c”, and “d”, by appointing a single presidential elector with remaining vacant positions filled pursuant to the method set forth in paragraph “c” and, if necessary, paragraph “d”.

3. To qualify to substitute for an elector under [subsection 2](#), an individual who has not executed the pledge required for elector nominees and alternate elector nominees under [section 54.5](#) shall execute the following pledge:

I agree to serve and to mark my ballots for president and vice president consistent with the pledge of the individual whose elector position I have succeeded.

[C51, §308 – 310; R60, §542 – 544; C73, §665 – 667; C97, §1174; C24, 27, 31, 35, 39, §969; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §54.7]

[2020 Acts, ch 1098, §7](#)

Referred to in [§54.8](#)

#### **54.8 Elector voting — certificate of governor.**

1. At the time designated for elector voting and after all vacant positions have been filled under [section 54.7](#), the state commissioner shall provide each elector with a presidential and a vice presidential ballot. The elector shall mark the elector’s presidential and vice presidential ballots with the elector’s votes for the offices of president and vice president, respectively, along with the elector’s signature and the elector’s legibly printed name.

2. Except as otherwise provided by law of this state outside of [this chapter](#), each elector shall present both completed ballots to the state commissioner who shall examine the ballots and accept and cast all ballots of electors whose votes are consistent with their pledges executed under [section 54.5](#) or [54.7](#). Except as otherwise provided by law of this state outside of [this chapter](#), the state commissioner shall not accept and shall not count an elector’s presidential and vice presidential ballots if the elector has not marked both ballots or has marked a ballot in violation of the elector’s pledge.

3. An elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector’s pledge executed under [section 54.5](#) or [54.7](#) vacates the office of elector. The state commissioner shall declare the creation of the vacancy and fill the vacancy pursuant to [section 54.7](#).

4. The state commissioner shall distribute ballots to and collect ballots from a substitute elector and repeat the process set forth in [this section](#) for examining ballots, declaring and filling vacant positions as required, and recording appropriately completed ballots from the substituted electors until all of the state’s electoral votes have been cast and recorded.

5. The governor shall duly certify the results, under the seal of the state, to the United States secretary of state, and as required by Act of Congress related to such elections.

[C51, §311; R60, §545; C73, §668; C97, §1175; C24, 27, 31, 35, 39, §970; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §54.8]

[2020 Acts, ch 1098, §8](#); [2021 Acts, ch 80, §26](#)

#### **54.8A Elector replacement — associated certificates.**

1. After the vote of this state’s electors is completed, if the final list of electors differs from any list that the governor previously included on a certificate of ascertainment prepared and transmitted under 3 U.S.C. §6, the state commissioner shall immediately prepare an amended certificate of ascertainment and transmit the amended certificate to the governor for the governor’s signature.

2. The governor shall immediately deliver the signed amended certificate of ascertainment to the state commissioner and a signed duplicate original of the amended certificate of ascertainment to all individuals entitled to receive this state’s certificate of ascertainment, indicating that the amended certificate of ascertainment is to be substituted for the certificate of ascertainment previously submitted.

3. The state commissioner shall prepare a certificate of vote. The electors on the final list shall sign the certificate. The state commissioner shall process and transmit the signed certificate with the amended certificate of ascertainment under 3 U.S.C. §9 – 11.

[2020 Acts, ch 1098, §9](#)

#### **54.9 Compensation.**

The electors shall each receive a compensation of one-half of the federal general services administration's per diem rate for the relevant date and location for every day's attendance, and the same mileage as members of the general assembly which shall be paid from funds not otherwise appropriated from the general fund of the state.

[C51, §312; R60, §546; C73, §669; C97, §1176; C24, 27, 31, 35, 39, §971; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §54.9]

[2021 Acts, ch 147, §46, 54](#)