

# THE IOLA REGISTER.

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## COUNTING THE ELECTORAL VOTES.

**The Bill Agreed Upon by the Committees of the Senate and House and Recommended for Passage.**

A Bill to provide for and regulate the counting of votes for President and Vice-President, and the decision of questions arising thereon for the term commencing March 4, Anno Domini, 1877.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Senate and House of Representatives shall meet in the hall of the House of Representatives at the hour of 10 o'clock ante meridian, on the first Thursday in February, A. D. 1877, and the President of the Senate shall be the presiding officer. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates, and papers purporting to be certificates, and the papers shall be opened, presented and acted upon in alphabetical order of the States, beginning with the letter A, and said tellers having then read the same, in the presence and hearing of the two Houses, shall make a list of votes as they shall appear from said certificates, and the votes having been ascertained and counted, as in the act provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote and the names of the persons, if any, elected, which announcement shall be deemed a sufficient declaration of the persons elected President and Vice-President of the United States, and, together with a list of States, be entered on the journals of the two Houses. Upon such reading of any such certificate or paper, when there shall be only one return from a State, the President of the Senate shall call for objections, if any; every objection shall be made in writing, and shall state, clearly and concisely, and without argument, the ground thereof, and shall be argued by at least one Senator and one member of the House of Representatives before the same shall be received. When all objections so made to any vote or paper from a State shall have been received and read, 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, in like manner, submit such objections to the House of Representatives for its discussion; and no Electoral vote or votes from any State from which but one return has been received shall be objected to except by the affirmative vote of the two Houses. When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the question submitted.

Sec. 2. That if more than one return or paper, purporting to be returns from a State, shall have been received by the President of the Senate, purporting to be certificates of Electoral votes given at the last preceding election for President and Vice-President in such State, unless they shall be duplicates of the same returns, all such returns and papers shall be opened by him, in the presence of the two Houses, when met as aforesaid, and read by tellers, and all such returns and papers shall thereupon be submitted to the judgment and decision, as to which is the true and lawful Electoral vote of such State, of a Commission constituted as follows, namely: During the session of each House, on the Tuesday next preceding the first Thursday in February, 1877, each House shall, by a viva voce vote, appoint five of its members, who, with five Associate Justices of the Supreme Court of the United States, to be ascertained as hereinafter provided, shall constitute the Commission for the decision of all questions upon or in respect to such doubtful returns named in this section, on the Tuesday next preceding the first Thursday in February, A. D. 1877, or as soon thereafter as may be. The Associate Justices of the Supreme Court of the United States now assigned to the First, Third, Eighth and Ninth Circuits shall select, in such manner as the majority of them shall deem fit, one of the Associate Justices of said Court, which five persons shall be members of said Commission, and the person longest in commission of the said Justices shall be President of said Commission. The members of said Commission shall respectively take and subscribe to the following oath:

I, ———, do solemnly swear or affirm, as the case may be, that I will impartially examine and consider all questions submitted to the Commission of which I am a member, and a true judgment give thereon, agreeably to the Constitution and the laws.

Which oath shall be filed with the Secretary of the Senate. When the Commission shall have been thus organized, it shall not be in the power of either House to dissolve the same or to withdraw any one of its members, but if any such Senator or member shall die or become physically unable to perform the duties required by this act, the fact of such death or physical inability shall be by said Commission, before it shall proceed further, communicated to the Senate or House of Representatives, as the case may be, which body shall immediately and without debate proceed by a viva voce vote to fill the place so vacated, and the person so appointed shall take and subscribe to the oath heretofore presented and become a member of said Commission; and in like manner, in case any of said Justices of the Supreme Court shall die or become physically incapable of performing the duties required by this act, the other of said Justices,



members of said Commission, shall immediately appoint another Justice of said Court a member of said Commission, and in such appointments regard shall be had to the impartiality and freedom from bias sought by the original appointments to said Commission, who shall thereupon immediately take and subscribe to the oath hereinbefore subscribed and become member of said Commission to fill the vacancy so occasioned. All the certificates and papers purporting to be certificates of Electoral votes of each State shall be opened in the alphabetical order of the States, as provided in section one of this act, and when there shall be more than one such certificate or paper, as the certificates and papers from such State shall be so opened, excepting duplicates of the same return, they shall be read by tellers, and thereupon the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely and without argument the grounds thereof, and shall be signed by at least one Senator and one member of the House of Representatives before the same shall be received. When all such objections so made to any certificates, vote or paper, from a State shall have been received and read, all such certificates, votes and papers so objected to, and all papers accompanying the same, together with such objections, shall be forthwith submitted to said Commission, which shall proceed to consider the same with the same powers, if any, now possessed for that purpose by the two Houses acting separately or together, and by a majority of votes decide whether any and what vote from such State are the votes provided for by the Constitution of the United States, and how many and what persons were duly appointed Electors in such State, and may therein take into view such petitions, depositions and other papers, if any, as shall by the Constitution and now existing laws be competent and pertinent in such consideration, which decision shall be made in writing, stating briefly the ground thereof, and signed by the members of said Commission agreeing therein, whereupon the two Houses shall again meet, and such decision shall be read, and entered in the journal of each House. The counting of the votes shall proceed in conformity therewith, unless, upon objection being made thereto in writing by at least five Senators and five members of the House of Representatives, the two Houses shall separately concur in ordering otherwise, in which case such concurrent order shall govern. No votes or papers from any other State shall be acted upon until objections previously made to the votes or papers from any State shall have been finally disposed of.

Sec. 3. That while the two Houses shall be in meeting as provided in this act, no debate shall be allowed, and no question shall be put by the presiding officer, except to either House, or a motion to withdraw, and he shall have power to preserve order.

Sec. 4. That when the two Houses separate to decide upon an objection that may have been made to the counting of any Electoral vote or votes from any State, or upon objection to a report of said Commission, or other question arising under this act, each Senator or Representative may speak to such objection or question ten minutes, and not oftener than once. But after such debate shall have lasted two hours, it shall be the duty of each of the Houses to put the main question without further debate.

Sec. 5. That at such joint meeting of the House seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators, in the body of the hall upon the right of the Presiding officer; for the Representatives, in the body of the hall not provided for the Senators; for the Tellers, Secretaries of the Senate and Clerks of the House of Representatives, at the Clerk's desk; for other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform. Such joint meeting shall not be dissolved until the count of Electoral votes shall be completed and the result declared, and no recess shall be taken unless a question shall have arisen in regard to the counting of any such votes, or otherwise, under this act, in which case it shall be competent for either House, acting separately in the manner hereinbefore provided, to direct a recess of such House, not beyond the next day, Sunday excepted, at the hour of 10 o'clock in the forenoon, and while any question is being considered by said Commission, either House may proceed with its legislative or other business.

Sec. 6. That nothing in this act shall be held to impair or affect any right now existing under the Constitution and laws, to question, by pro-

ceedings in the judicial courts of the United States, the right or title of the person who shall be declared elected, or who shall claim to be President or Vice-President of the United States, if any such right exists.

Sec. 7. That said Commission shall make its own rules, keep a record of its proceedings, and shall have power to employ such persons as may be necessary for the transaction of its business and the execution of its power.