



November 3

## General Election Day

By statute, the presidential election occurs on the Tuesday after the first Monday in November every four years and thus can be changed only if Congress changes the date by legislation that is enacted into law. The president has no power to change the date on his own initiative. In the words of the statute, “[t]he electors of President and Vice President shall be appointed, in each State, on the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President.” ([3 U.S. Code § 1](#))

December 8

## “Safe Harbor” Deadline

**State electors to the Electoral College will be recognized if any disputes that occurred in connection with the November 3 election have been resolved within 35 days.**

“If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned.” ([3 U.S. Code § 5](#))

December 11

## Government Spending Ceases Pursuant to Public Law No: 116-159

If Congress is unable to agree to another stop-gap spending bill, the government would shut down at midnight.

December 14

## Electoral College Delegations Meet and Vote in their Respective States

Between December 8 and December 13, Governors or Secretaries of State (depending on state law) are expected to certify the results of the election. By law, “[t]he electors of President and Vice President of each State shall meet and give their votes on the first Monday after the second Wednesday in December next following their appointment at such place in each State each as the legislature of such State shall direct.” ([3 U.S. Code § 7](#))

January 3

## Convening of the 117th Congress

The Twentieth Amendment to the Constitution, which came into effect in 1933, moved the date for the start of a new Congress from March 4 to January 3. (The March date had been included in the Twelfth Amendment as the date by which the House had to commence a contingent presidential election if the matter had not been resolved by then because no candidate had received an absolute majority of votes in the Electoral College.) The Senators and Representatives elected on November 3 will join the Senators who were not up for re-election to commence the new Congress, which will be known as the 117th Congress.

The Amendment provides in relevant part:

“The terms of Senators and Representatives [shall end] at noon on the 3rd day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.” ([U.S. Const. 20th Amendment Sec. I](#))

“The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.” ([U.S. Const. 20th Amendment Sec. II](#))

January 6

## Joint Session of Congress to Count Electoral Votes and Declare Official Election Results

As a result of the adoption of the Twentieth Amendment, the new Congress rather than the outgoing Congress will meet to count the Electoral College votes. No matter what happens on November 3, Donald J. Trump will still be president and Mike Pence will still be vice president when the newly elected Congress convenes in a joint session at 1 p.m. on January 6, with Vice President Pence sitting in the chair. The relevant provision says: “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 shall be their presiding officer.” ([3 U.S. Code § 15](#))

Article II of the Constitution provides in relevant part:

“The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. 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.” ([U.S. Const. Article II Sec. 1](#))

If no candidate reaches 270 electoral votes, the House of Representatives votes by state delegation, and the Senate by individual senator, to choose the President and Vice President, respectively.

As provided for in Article II:

“[I]f no Person have a Majority, then from the five highest on the List the said House shall in like manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.” ([U.S. Const. Article II Sec. 1](#))

January 20

## Inauguration of the President and Vice President

Even if the 117th Congress is still fighting over who should serve as president and vice president, the Twentieth Amendment makes clear that President Trump and Vice President Pence’s term will end at noon: “The terms of the President and Vice President shall end at noon on the 20th day of January.” ([U.S. Const. 20th Amendment Sec. I](#))

If a President and Vice President have not been chosen, the Speaker of the House will become President in an acting capacity. In the words of the statute, the Speaker elected on January 3 would become acting president “[i]f, by reason of death, resignation, removal from office, inability, or failure to qualify, there is neither a President nor Vice President to discharge the powers and duties of the office of President, then the Speaker of the House of Representatives shall, upon his resignation as Speaker and as Representative in Congress, act as President.” ([3 U.S. Code § 19](#))