

## Transcribed Excerpts from "An Act To Provide For And Regulate The Counting Of Votes For President And Vice-President..." January 29, 1877

The act of the Congress of the United States, approved by the President on the 29th of January, A.D. 1877, under which the Electoral Commission was organized, is in the following words:

AN ACT 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, A.D. 1877.

... SECTION 2. That if more than one return, or paper purporting to be a return from a State, shall have been received by the President of the Senate, purporting to be the 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 return,) all such returns and papers shall be opened by him in the presence of the two houses when met as aforesaid, and read by the 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, eighteen hundred and seventy-seven each house shall, by viva voce vote, appoint five of its members who with the five associate justices of the Supreme Court of the United States, to be ascertained as hereinafter provided, shall constitute a commission for the decision of all questions upon or in respect of such double returns named in this section.

All the certificates and papers purporting to be certificates of the electoral votes of each State shall be opened, in the alphabetical order of the States...and when there shall be more than one such certificate or paper, as the certificate and papers from such State shall so be opened...they shall be read by the 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 ground 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 certificate, 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... and, by a majority of votes, decide whether any and what votes 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...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, and the counting of the votes shall proceed in conformity therewith, unless, upon objection 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 ...

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 powers.