

Electors and the Electoral College
November 3, 2020, General Election

Electors

Presidential Electors are the 55 individuals from California who are entitled to vote in the Electoral College. The number of electors is based on each state's total representation in Congress: California's two United States Senators and 53 United States Representatives in Congress. Each qualified political party chooses its electors in a manner provided by statute.

- A. Democratic Party: The candidate in each congressional district who received the largest number of votes in the primary election among the candidates who disclosed a preference for the Democratic Party shall designate one presidential elector and shall file his or her name and residence and business address with the state chairperson. The candidate for United States Senate who received the largest number of votes in the primary election among the candidates who disclosed a preference for the Democratic Party in each of the last two United States senatorial elections shall designate one presidential elector and shall file his or her name and residence and business address with the state chairperson. If there is no candidate for United States Senate or for any particular congressional district who disclosed a preference for the Democratic Party, or if any candidate fails to designate an elector, the state Democratic chair shall designate one elector for each vacancy. The state chairperson shall file the names and residence and business addresses of all the electors with the Secretary of State by October 1, 2020 (E-33). § 7100
- B. Republican Party: Republican nominees for Governor, Lieutenant Governor, Treasurer, Controller, Attorney General, Secretary of State, and United States Senator at the last two elections, the Assembly Republican leader, the Senate Republican leader, all elected officers of the Republican State Central Committee, the National Committeemen/women, the President of the Republican County Central Committee Chairmen's Association, and the chair or president of each Republican volunteer organization officially recognized by the Republican State Central Committee shall be electors. Any additional vacancies shall be filled by appointment of the chair of the Republican State Central Committee according to Republican State Central Committee bylaws. The Republican State Central Committee Chair must file the list, containing the name, residence address, and business address of each appointee, with the Secretary of State by October 1, 2020 (E-33). § 7300
- C. American Independent Party: The state convention nominates electors and the state chair certifies their names and residence addresses to the Secretary of State. § 7578
- D. Green Party: The party nominates electors, 50% of whom shall be women and 50% shall be men. The party liaison certifies their names and residence addresses to the Secretary of State. § 6864

E. Libertarian¹ and Peace and Freedom Parties: The state convention nominates electors, 50% of whom shall be women and 50% shall be men. The party chair certifies their names and residence addresses to the Secretary of State. § 7843

United States Senators and United States Representatives in Congress, and persons holding an office of trust or profit of the United States, shall not be electors. U.S. Const., art. II, § 1, cl. 2

The lists of electors for all parties must be filed with the Secretary of State by October 1, 2020 (E-33). The Secretary of State then notifies each elector of his or her nomination. §§ 6864, 6901, 7100, 7300, 7578, 7843

At the general election in each leap year, there shall be chosen by the voters of the state as many electors of President and Vice President of the United States as the state is then entitled to. § 6902

No later than December 5, 2020* [Saturday] (E+32), the Secretary of State analyzes the votes given for presidential electors and certifies the names of the proper number of persons having the highest number of votes to the Governor. Thereafter, the Secretary of State issues certificates of election to the electors, along with a notice of the time and place of the meeting of the Electoral College and a statement that they are entitled to per diem allowance and mileage, in the amounts specified. § 15505

The Electoral College

The electors pledged to the presidential slate that wins the popular vote in California in November convene at the State Capitol at 2:00 p.m. on December 14, 2020 (E+41), the first Monday after the second Wednesday in December following the election. U.S. Const., 12th Amend.; § 6904

The Governor convenes the Electoral College. The electors cast separate ballots for President and Vice President; they then sign, certify, seal, and deliver the results of each ballot to the Governor, who transmits the vote results to the President of the United States Senate. §§ 6903, 6906, 6907, 6908

Electors vote for United States President and United States Vice President, at least one of whom cannot be an inhabitant of this state. U.S. Const., 12th Amend.; § 6906

California's electors are compensated at the rate of \$10 per diem and \$0.05 per mile for travel from their domicile to Sacramento and return. § 6909

Congressional Role

On January 6, 2021 (E+64), the President of the Senate, in a joint session of the United States Senators and United States Representatives in Congress, opens and reads the ballots from the 50 states and the District of Columbia. They appoint tellers who identify and count the results,

¹Pursuant to California Elections Code section 5006, the Libertarian Party conducts its presidential primary election in accordance with the Peace and Freedom Party's statutory provisions.

*Date falls on a weekend or state holiday; it does not move forward to the next business day.

announcing states in alphabetical order. The candidate for President who receives the majority of the 538 votes of the Electoral College is declared elected President, with a similar procedure for election of Vice President. If no candidate receives the simple majority vote of the Electoral College, the decision moves to the newly-elected United States Representatives in Congress, for the United States President, and the United States Senate, for the United States Vice President.

U.S. Const., 12th Amend.; 3 U.S.C. § 15