

United States Senate
OFFICE OF THE SECRETARY

October 24, 2016

The Honorable Nikki R. Haley
Governor
1205 Pendleton Street
Columbia, SC 29201

Dear Governor Haley:

As your state prepares to hold an election for United States Senator on November 8, it is also critical to consider the constitutional, statutory, and Senate requirements for certificates of election. Pursuant to the Constitution, a Senator's term begins on January 3. My goal is to assist you in providing a legally sufficient certificate of election for your Senator-elect well in advance of that date. Following the directions in this letter will minimize the risk of last minute obstacles to your Senator-elect being sworn in and seated with all other Senators-elect when the new Congress convenes.

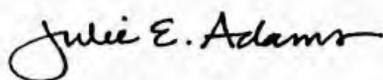
The United States Constitution (Art. I, Sec. 5) provides that the Senate shall be the judge of the elections, returns and qualifications of its own Members. In order to carry out that function, federal law (2 U.S.C. § 1(a)-(b)) requires that a certificate of election be signed by the Governor, attested to by the Secretary of State, have the seal of the state affixed and be provided to the President of the Senate. If a state does not have a Secretary of State, the certificate must be signed by the highest state election official. Finally, Senate Rule II (enclosed) provides the suggested format for a certificate. If any of the requirements are not met, the certificate will be returned to the state for re-certification before the Senator-elect will be seated.

Heightened mail security measures at the U.S. Capitol and the need to ensure that election certificates will be received in a timely manner require that the certificate must either be:

1. Mailed via U.S. Postal Service certified/registered (use the option that does not require a Return Receipt Requested, as there is no one to sign) to the U.S. Senate, Office of Public Records, P.O. Box 77578, Washington, D.C. 20013-7578. Enclosed is a return label for mailing the document. It is advised that the mailing receipt be retained for proof of timely mailing; or
2. Hand-delivered to the U.S. Senate, Office of Public Records, 232 Hart Senate Office Building, Washington, D.C. 20510. Because the delivery of sealed envelopes, boxes, or other containers is prohibited in the Senate buildings, the certificate should be delivered in an unsealed file folder.

If you have any questions or should any problems arise, please contact Dan Schwager or Sydney Butler, of my staff, at (202) 224-3622. We look forward to receiving the certificate of election from your state in the coming weeks and appreciate your assistance.

Sincerely,



Julie E. Adams
Secretary of the Senate

Enclosure



STANDING RULES OF THE SENATE

RULE II

PRESENTATION OF CREDENTIALS AND QUESTIONS OF PRIVILEGE

1. The presentation of the credentials of Senators elect or of Senators designate and other questions of privilege shall always be in order, except during the reading and correction of the Journal, while a question of order or a motion to adjourn is pending, or while the Senate is voting or ascertaining the presence of a quorum; and all questions and motions arising or made upon the presentation of such credentials shall be proceeded with until disposed of.

2. The Secretary shall keep a record of the certificates of election and certificates of appointment of Senators by entering in a well-bound book kept for that purpose the date of the election or appointment, the name of the person elected or appointed, the date of the certificate, the name of the governor and the secretary of state signing and counter-signing the same, and the State from which such Senator is elected or appointed.

3. The Secretary of the Senate shall send copies of the following recommended forms to the governor and secretary of state of each State wherein an election is about to take place or an appointment is to be made so that they may use such forms if they see fit.

THE RECOMMENDED FORMS FOR CERTIFICATES OF ELECTION AND CERTIFICATE OF APPOINTMENT ARE AS FOLLOWS:¹

"CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

"To the President of the Senate of the United States:

"This is to certify that on the day of —, 20—, A— B— was duly chosen by the qualified electors of the State of — a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 20—.

"Witness: His excellency our governor —, and our seal hereto affixed at — this — day of —, in the year of our Lord 20—.

"By the governor:

"C— D—,"
"Governor.

"E— F—,
"Secretary of State."

"CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

"To the President of the Senate of the United States:

"This is to certify that on the — day of —, 20—, A— B— was duly chosen by the qualified electors of the State of — a Senator for the unexpired term ending at noon on the 3d day of January, 20—, to fill the vacancy in the representation from said State in the Senate of the United States caused by the — of C— D—.

"Witness: His excellency our governor —, and our seal hereto affixed at — this — day of —, in the year of our Lord 20—.

"By the governor:

"E— F—,"
"Governor.

"G— H—,
"Secretary of State."

¹ All year designations within the following certificates were changed from 19 to 20 by S. Res. 99, 106-2, Apr. 27, 2000.

"CERTIFICATE OF APPOINTMENT

"To the President of the Senate of the United States:

"This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of —, I, A— B—, the governor of said State, do hereby appoint C— D— a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the — of E— F—, is filled by election as provided by law.

"Witness: His excellency our governor —, and our seal hereto affixed at — this — day of —, in the year of our Lord 20—.

"By the governor:

"G— H—,"
"Governor.

"I— J—,
"Secretary of State."