**Thayer Podcast Thursday, November 7, 2024**

**Congress Certification**

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The final certification of the 2024 Presidential Election won’t be happening until the first week in January of next year – January 6th, 2025 to be exact. That’s when the House and Senate meet in Joint Session and the results from the Electoral College are tallied and approved by the Congress, and then Certified by the President of the Senate, who just happens to be one of the candidates for President of the United States .

Title 3 Section 1 of the U.S. Code provides the legal framework for Presidential Elections, including the tallying and certifying of their results from the state level all the way up to the Congress. When all the hoopla is completed the results are given to the President of the Senate, who serves as the Presiding Officer of the Joint Session. Title 3 Section 1 specifies that “[the] President of the Senate [shall] announce the state of the vote, which announcement shall be deemed a sufficient declaration [and] together with a list of the votes, be entered on the Journals of the two Houses.”

The Senate President is only one of several dignitaries who certify the results, and the certification itself is a ministerial formality. The Records created by the House and Senate Journals are the real certification.

My sister called me the other day and was wondering, probably like many other American voters, isn’t there some kind of conflict of interest on Vice President Kamala Harris’ part, since she happens to be the lawfully-constituted President of the Senate?

The answer is “No, there isn’t.” From the Constitution on down, all the rules and regulations relating to the duties of the President of the Senate during the counting of results from the Electoral College are specific that her roll is purely “Ministerial.” She is responsible for opening the envelopes containing the results from each state and handing them to the appointed Tellers, who then announce the results. No other powers are vested in her, not even a tie-breaking vote. Some might go so far as to call her the Congressional Super-Duper Executive Secretary!

Harris is no longer a member of the Senate. So, after the Electoral College results from all the states are recorded and counted, it is Vice President Kamala Harris who will declare who have been elected President and Vice President of the United States of America.

To reiterate … the Vice President’s signing of the Certification is a ministerial formality, simply not required by the Constitution. Accordingly, there is no conflict of interest on Harris’ part since she has absolutely no effect on the outcome! However, it will be an emotional time for her, whether she and Tim Walz won the election or not!

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