

117TH CONGRESS  
2D SESSION

# H. R. 8824

To amend title 3, United States Code, to reform the Electoral Count Act, and to amend the Presidential Transition Act of 1963 to provide clear guidelines for when and to whom resources are provided by the Administrator of General Services for use in connection with the preparations for the assumption of official duties as President or Vice President.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2022

Mr. GOTTHEIMER (for himself and Mr. FITZPATRICK) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Oversight and Reform, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 3, United States Code, to reform the Electoral Count Act, and to amend the Presidential Transition Act of 1963 to provide clear guidelines for when and to whom resources are provided by the Administrator of General Services for use in connection with the preparations for the assumption of official duties as President or Vice President.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE, ETC.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Electoral Count Reform and Presidential Transition Im-  
4 provement Act of 2022”.

5 (b) TABLE OF CONTENTS.—The table of contents of  
6 this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—ELECTORAL COUNT REFORM ACT

Sec. 101. Short title.

Sec. 102. Time for appointing electors.

Sec. 103. Clarification with respect to vacancies in electoral college.

Sec. 104. Certificate of ascertainment of appointment of electors.

Sec. 105. Duties of the Archivist.

Sec. 106. Meeting of electors.

Sec. 107. Transmission of certificates of votes.

Sec. 108. Failure of certificate of votes to reach recipients.

Sec. 109. Clarifications relating to counting electoral votes.

Sec. 110. Rules relating to joint meeting.

Sec. 111. Severability.

TITLE II—PRESIDENTIAL TRANSITION IMPROVEMENT ACT

Sec. 201. Short title.

Sec. 202. Modifications to Presidential Transition Act of 1963.

7 **TITLE I—ELECTORAL COUNT**  
8 **REFORM ACT**

9 **SEC. 101. SHORT TITLE.**

10 This title may be cited as the “Electoral Count Re-  
11 form Act of 2022”.

12 **SEC. 102. TIME FOR APPOINTING ELECTORS.**

13 (a) IN GENERAL.—Title 3, United States Code, is  
14 amended by striking sections 1 and 2 and inserting the  
15 following:

1 **“§ 1. Time of appointing electors**

2 “The electors of President and Vice President shall  
3 be appointed, in each State, on election day, in accordance  
4 with the laws of the State enacted prior to election day.”.

5 (b) ELECTION DAY.—Section 21 of title 3, United  
6 States Code, is amended by redesignating subsections (a)  
7 and (b) as paragraphs (2) and (3), respectively, and by  
8 inserting before paragraph (2) (as so redesignated) the  
9 following:

10 “(1) ‘election day’ means the Tuesday next  
11 after the first Monday in November, in every fourth  
12 year succeeding every election of a President and  
13 Vice President held in each State, except, in the case  
14 of a State that appoints electors by popular vote, if  
15 the State modifies the period of voting as neces-  
16 sitated by extraordinary and catastrophic events as  
17 provided under laws of the State enacted prior to  
18 such day, ‘election day’ shall include the modified  
19 period of voting.”.

20 (c) CONFORMING AMENDMENT.—The table of con-  
21 tents for chapter 1 of title 3, United States Code, is  
22 amended by striking the item relating to section 1 and  
23 inserting the following:

“1. Time of appointing electors.”.

1 **SEC. 103. CLARIFICATION WITH RESPECT TO VACANCIES IN**  
2 **ELECTORAL COLLEGE.**

3 Section 4 of title 3, United States Code, is amended  
4 by inserting “enacted prior to election day” after “by  
5 law”.

6 **SEC. 104. CERTIFICATE OF ASCERTAINMENT OF APPOINT-**  
7 **MENT OF ELECTORS.**

8 (a) DETERMINATION.—Section 5 of title 3, United  
9 States Code, is amended to read as follows:

10 **“§ 5. Certificate of ascertainment of appointment of**  
11 **electors**

12 “(a) IN GENERAL.—

13 “(1) CERTIFICATION.—Not later than the date  
14 that is 6 days before the time fixed for the meeting  
15 of the electors, the executive of each State shall  
16 issue a certificate of ascertainment of appointment  
17 of electors, under and in pursuance of the laws of  
18 such State providing for such appointment and as-  
19 certainment enacted prior to election day.

20 “(2) FORM OF CERTIFICATE.—Each certificate  
21 of ascertainment of appointment of electors shall—

22 “(A) set forth the names of the electors  
23 appointed and the canvass or other determina-  
24 tion under the laws of such State of the number  
25 of votes given or cast for each person for whose

1 appointment any and all votes have been given  
2 or cast;

3 “(B) bear the seal of the State; and

4 “(C) contain at least one security feature,  
5 as determined by the State, for purposes of  
6 verifying the authenticity of such certificate.

7 “(b) TRANSMISSION.—It shall be the duty of the ex-  
8 ecutive of each State—

9 “(1) to transmit to the Archivist of the United  
10 States, by the most expeditious method available, the  
11 certificate of ascertainment of appointment of elec-  
12 tors; and

13 “(2) to transmit to the electors of such State,  
14 on or before the day on which the electors are re-  
15 quired to meet under section 7, six duplicate-origi-  
16 nals of the same certificate.

17 “(c) TREATMENT OF CERTIFICATE AS CONCLU-  
18 SIVE.—

19 “(1) IN GENERAL.—For purposes of section  
20 15—

21 “(A) the certificate of ascertainment of ap-  
22 pointment of electors issued pursuant to this  
23 section shall be treated as conclusive with re-  
24 spect to the determination of electors appointed  
25 by the State; and

“(B) any certificate of ascertainment of appointment of electors as required to be revised by any subsequent State or Federal judicial relief granted prior to the date of the meeting of electors shall replace and supersede any other certificates submitted pursuant to this section.

“(2) DETERMINATION OF FEDERAL QUESTIONS.—The determination of Federal courts on questions arising under the Constitution or laws of the United States with respect to a certificate of ascertainment of appointment of electors shall be conclusive.

“(d) VENUE AND EXPEDITED PROCEDURE.—

“(1) IN GENERAL.—Any action brought by an aggrieved candidate for President or Vice President that arises under the Constitution or laws of the United States with respect to the issuance of the certification required under section (a)(1), or the transmission of such certification as required under subsection (b), shall be subject to the following rules:

“(A) VENUE.—The venue for such action shall be the Federal district court of the Fed-

1           eral district in which the State capital is lo-  
2           cated.

3           “(B) 3-JUDGE PANEL.—Such action shall  
4           be heard by a district court of three judges,  
5           convened pursuant to section 2284 of title 28,  
6           United States Code, except that the court shall  
7           be comprised of two judges of the circuit court  
8           of appeals in which the district court lies and  
9           one judge of the district court in which the ac-  
10          tion is brought.

11          “(C) EXPEDITED PROCEDURE.—It shall be  
12          the duty of the court to advance on the docket  
13          and to expedite to the greatest possible extent  
14          the disposition of the action, consistent with all  
15          other relevant deadlines established by this  
16          chapter and the laws of the United States.

17          “(D) APPEALS.—Any appeal from the  
18          judgment of the panel convened under subpara-  
19          graph (B) may be heard directly by the Su-  
20          preme Court, pursuant to section 1253 of title  
21          28, United States Code, on an expedited basis,  
22          so that a final order of the court on remand of  
23          the Supreme Court may occur on or before the  
24          day before the time fixed for the meeting of  
25          electors.

1           “(2) RULE OF CONSTRUCTION.—This sub-  
2           section shall be construed solely to establish venue  
3           and expedited procedures in any action brought by  
4           an aggrieved candidate for President or Vice Presi-  
5           dent as specified in this subsection that arises under  
6           the Constitution or laws of the United States.”.

7           (b) EXECUTIVE OF A STATE.—Section 21 of title 3,  
8           United States Code, as amended by section 102(b), is  
9           amended by striking paragraph (3) and inserting the fol-  
10          lowing:

11           “(3) ‘executive’ means, with respect to any  
12          State, the Governor of the State (or, in the case of  
13          the District of Columbia, the Mayor of the District  
14          of Columbia), except when the laws or constitution  
15          of a State in effect as of election day expressly re-  
16          quire a different State executive to perform the du-  
17          ties identified under this chapter.”.

18          (c) CONFORMING AMENDMENTS.—

19           (1) Section 9 of title 3, United States Code, is  
20          amended by striking “annex to each of the certifi-  
21          cates one of the lists of the electors” and inserting  
22          “annex to each of the certificates of votes one of the  
23          certificates of ascertainment of appointment of elec-  
24          tors”.



1           (2) The table of contents for chapter 1 of title  
 2           3, United States Code, is amended by striking the  
 3           items relating to sections 5 inserting the following:

“5. Certificate of ascertainment of appointment of electors.”.

4 **SEC. 105. DUTIES OF THE ARCHIVIST.**

5           (a) IN GENERAL.—Section 6 of title 3, United States  
 6 Code, is amended to read as follows:

7 **“§ 6. Duties of Archivist**

8           “The certificates of ascertainment of appointment of  
 9 electors received by the Archivist of the United States  
 10 under section 5 shall—

11           “(1) be preserved for one year;

12           “(2) be a part of the public records of such of-  
 13 fice; and

14           “(3) be open to public inspection.”.

15           (b) CONFORMING AMENDMENT.—The table of con-  
 16 tents for chapter 1 of title 3, United States Code, is  
 17 amended by striking the items relating to section 6 and  
 18 inserting the following:

“6. Duties of Archivist.”.

19 **SEC. 106. MEETING OF ELECTORS.**

20           (a) TIME FOR MEETING.—Section 7 of title 3, United  
 21 States Code, is amended—

22           (1) by striking “Monday” and inserting “Tues-  
 23 day”; and

1           (2) by striking “as the legislature of such State  
2       shall direct” and inserting “in accordance with the  
3       laws of the State enacted prior to election day”.

4       (b) CLARIFICATION ON SEALING OF CERTIFICATES  
5 OF VOTES.—Section 10 of such title is amended by strik-  
6 ing “the certificates so made by them” and inserting “the  
7 certificates of votes so made by them, together with the  
8 annexed certificates of ascertainment of appointment of  
9 electors,”.

10 **SEC. 107. TRANSMISSION OF CERTIFICATES OF VOTES.**

11       (a) IN GENERAL.—Section 11 of title 3, United  
12 States Code, is amended to read as follows:

13 **“§ 11. Transmission of certificates by electors**

14       “The electors shall immediately transmit at the same  
15 time and by the most expeditious method available the cer-  
16 tificates of votes so made by them, together with the an-  
17 nexed certificates of ascertainment of appointment of elec-  
18 tors, as follows:

19           “(1) One set shall be sent to the President of  
20 the Senate at the seat of government.

21           “(2) Two sets shall be sent to the chief election  
22 officer of the State, one of which shall be held sub-  
23 ject to the order of the President of the Senate, the  
24 other to be preserved by such official for one year

1 and shall be a part of the public records of such of-  
 2 fice and shall be open to public inspection.

3 “(3) Two sets shall be sent to the Archivist of  
 4 the United States at the seat of government, one of  
 5 which shall be held subject to the order of the Presi-  
 6 dent of the Senate and the other of which shall be  
 7 preserved by the Archivist of the United States for  
 8 one year and shall be a part of the public records  
 9 of such office and shall be open to public inspection.

10 “(4) One set shall be sent to the judge of the  
 11 district in which the electors shall have assembled.”.

12 (b) CONFORMING AMENDMENT.—The table of con-  
 13 tents for chapter 1 of title 3, United States Code, is  
 14 amended by striking the item relating to section 11 and  
 15 inserting the following:

“11. Transmission of certificates by electors.”.

16 **SEC. 108. FAILURE OF CERTIFICATE OF VOTES TO REACH**  
 17 **RECIPIENTS.**

18 (a) IN GENERAL.—Section 12 of title 3, United  
 19 States Code, is amended—

20 (1) by inserting “, after the meeting of the elec-  
 21 tors shall have been held,” after “When”;

22 (2) by striking “in December, after the meeting  
 23 of the electors shall have been held,” and inserting  
 24 “in December,”;

1           (3) by striking “or, if he be absent” and insert-  
2           ing “or, if the President of the Senate be absent”;

3           (4) by striking “secretary of State” and insert  
4           “chief election officer of the State”;

5           (5) by striking “and list”;

6           (6) by striking “lodged with him” and inserting  
7           “lodged with such officer”;

8           (7) by striking “his duty” and inserting “the  
9           duty of such chief election officer of the State”; and

10          (8) by striking “by registered mail” and insert-  
11          ing “by the most expeditious method available”.

12          (b) CONTINUED FAILURE.—Section 13 of title 3,  
13 United States Code, is amended—

14           (1) by inserting “, after the meeting of the elec-  
15           tors shall have been held,” after “When”;

16           (2) by striking “in December, after the meeting  
17           of the electors shall have been held,” and inserting  
18           “in December,”;

19           (3) by striking “or, if he be absent” and insert-  
20           ing “or, if the President of the Senate be absent”;  
21           and

22           (4) by striking “that list” and inserting “that  
23           certificate”.

24          (c) ELIMINATION OF MESSENGER’S PENALTY.—

1 (1) IN GENERAL.—Title 3, United States Code,  
2 is amended by striking section 14.

3 (2) CONFORMING AMENDMENT.—The table of  
4 contents for chapter 1 of title 3, United States Code,  
5 is amended by striking the item relating to section  
6 14.

7 **SEC. 109. CLARIFICATIONS RELATING TO COUNTING ELEC-**  
8 **TORAL VOTES.**

9 (a) IN GENERAL.—Section 15 of title 3, United  
10 States Code, is amended to read as follows:

11 **“§ 15. Counting electoral votes in Congress**

12 “(a) IN GENERAL.—Congress shall be in session on  
13 the sixth day of January succeeding every meeting of the  
14 electors. The Senate and House of Representatives shall  
15 meet in the Hall of the House of Representatives at the  
16 hour of 1 o’clock in the afternoon on that day, and the  
17 President of the Senate shall be their presiding officer.

18 “(b) POWERS OF THE PRESIDENT OF SENATE.—

19 “(1) MINISTERIAL IN NATURE.—Except as oth-  
20 erwise provided in this chapter, the role of the Presi-  
21 dent of the Senate while presiding over the joint  
22 meeting shall be limited to performing solely min-  
23 isterial duties.

24 “(2) POWERS EXPLICITLY DENIED.—The Presi-  
25 dent of the Senate shall have no power to solely de-

1        terminate, accept, reject, or otherwise adjudicate or re-  
2        solve disputes over the proper list of electors, the va-  
3        lidity of electors, or the votes of electors.

4        “(c) APPOINTMENT OF TELLERS.—At the joint meet-  
5        ing of the Senate and House of Representatives described  
6        in subsection (a), there shall be present two tellers pre-  
7        viously appointed on the part of the Senate and two tellers  
8        previously appointed on the part of the House of Rep-  
9        resentatives by the presiding officers of the respective  
10       chambers.

11       “(d) PROCEDURE AT JOINT MEETING GEN-  
12       ERALLY.—

13                “(1) IN GENERAL.—The President of the Sen-  
14       ate shall—

15                        “(A) open the certificates and papers pur-  
16                        porting to be certificates of the votes of electors  
17                        appointed pursuant to a certificate of ascertain-  
18                        ment of appointment of electors issued pursu-  
19                        ant to section 5, in the alphabetical order of the  
20                        States, beginning with the letter A; and

21                        “(B) upon opening any certificate, hand  
22                        the certificate and any accompanying papers to  
23                        the tellers, who shall read the same in the pres-  
24                        ence and hearing of the two Houses.

25                “(2) ACTION ON CERTIFICATE.—

1           “(A) IN GENERAL.—Upon the reading of  
2           each certificate or paper, the President of the  
3           Senate shall call for objections, if any.

4           “(B) REQUIREMENTS FOR OBJECTIONS.—

5           “(i) OBJECTIONS.—No objection shall  
6           be in order unless the objection—

7                   “(I) is made in writing;

8                   “(II) is signed by at least one-  
9                   fifth of the Senators duly chosen and  
10                  sworn and one-fifth of the Members of  
11                  the House of Representatives duly  
12                  chosen and sworn; and

13                  “(III) states clearly and con-  
14                  cisely, without argument, one of the  
15                  grounds listed under clause (ii).

16           “(ii) GROUNDS FOR OBJECTIONS.—  
17           The only grounds for objections shall be as  
18           follows:

19                   “(I) The electors of the State  
20                   were not lawfully certified under a  
21                   certificate of ascertainment of ap-  
22                   pointment of electors according to sec-  
23                   tion 5(a)(1).

24                   “(II) The vote of one or more  
25                   electors has not been regularly given.

1 “(C) CONSIDERATION OF OBJECTIONS.—

2 “(i) IN GENERAL.—When all objec-  
3 tions so made to any vote or paper from a  
4 State shall have been received and read,  
5 the Senate shall thereupon withdraw, and  
6 such objections shall be submitted to the  
7 Senate for its decision; and the Speaker of  
8 the House of Representatives shall, in like  
9 manner, submit such objections to the  
10 House of Representatives for its decision.

11 “(ii) DETERMINATION.—No objection  
12 may be sustained unless such objection is  
13 sustained by separate concurring votes of  
14 each House.

15 “(D) RECONVENING.—When the two  
16 Houses have voted, they shall immediately  
17 again meet, and the presiding officer shall then  
18 announce the decision of the questions sub-  
19 mitted. No votes or papers from any other  
20 State shall be acted upon until the objections  
21 previously made to the votes or papers from  
22 any State shall have been finally disposed of.

23 “(e) RULES FOR TABULATING VOTES.—

24 “(1) COUNTING OF VOTES.—



1           “(A) IN GENERAL.—Except as provided in  
2           subparagraph (B)—

3                   “(i) only the votes of electors who  
4                   have been appointed under a certificate of  
5                   ascertainment of appointment of electors  
6                   issued pursuant to section 5, or who have  
7                   legally been appointed to fill a vacancy of  
8                   any such elector pursuant to section 4,  
9                   may be counted; and

10                   “(ii) no vote of an elector described in  
11                   clause (i) which has been regularly given  
12                   shall be rejected.

13           “(B) EXCEPTION.—The vote of an elector  
14           who has been appointed under a certificate of  
15           ascertainment of appointment of electors issued  
16           pursuant to section 5 shall not be counted if—

17                   “(i) there is an objection which meets  
18                   the requirements of subsection  
19                   (d)(2)(B)(i); and

20                   “(ii) each House affirmatively sus-  
21                   tains the objection as valid.

22           “(2) DETERMINATION OF MAJORITY.—If the  
23           number of electors lawfully appointed by any State  
24           pursuant to a certificate of ascertainment of ap-  
25           pointment of electors that is issued under section 5

1 is less than the number of electoral votes entitled to  
2 be cast by the State, or if an objection the grounds  
3 for which are described in subsection (d)(2)(B)(ii)(I)  
4 has been sustained, the total number of electors ap-  
5 pointed for the purpose of determining a majority of  
6 the whole number of electors appointed as required  
7 by the Twelfth Amendment to the Constitution shall  
8 be reduced by the number of electors whom the  
9 State has failed to appoint or as to whom the objec-  
10 tion was sustained.

11 “(3) LIST OF VOTES BY TELLERS; DECLARA-  
12 TION OF WINNER.—The tellers shall make a list of  
13 the votes as they shall appear from the said certifi-  
14 cates; and the votes having been ascertained and  
15 counted according to the rules in this subchapter  
16 provided, the result of the same shall be delivered to  
17 the President of the Senate, who shall thereupon an-  
18 nounce the state of the vote, which announcement  
19 shall be deemed a sufficient declaration of the per-  
20 sons, if any, elected President and Vice President of  
21 the United States, and, together with a list of the  
22 votes, be entered on the Journals of the two  
23 Houses.”.

24 (b) CONFORMING AMENDMENT.—The table of con-  
25 tents for chapter 1 of title 3, United States Code, is

1 amended by striking the item relating to section 15 and  
2 inserting the following:

“15. Counting electoral votes in Congress.”.

3 **SEC. 110. RULES RELATING TO JOINT MEETING.**

4 (a) LIMIT OF DEBATE IN EACH HOUSE.—Section 17  
5 of title 3, United States Code, is amended to read as fol-  
6 lows:

7 **“§ 17. Same; limit of debate in each House**

8 “When the two Houses separate to decide upon an  
9 objection pursuant to section 15(d)(2)(C)(i) that may have  
10 been made to the counting of any electoral vote or votes  
11 from any State, or other question arising in the matter—

12 “(1) all such objections and questions permitted  
13 with respect to such State shall be considered at  
14 such time;

15 “(2) each Senator and Representative may  
16 speak to such objections or questions five minutes,  
17 and not more than once;

18 “(3) the total time for debate for all such objec-  
19 tions and questions with respect to such State shall  
20 not exceed two hours in each House; and

21 “(4) at the close of such debate, it shall be the  
22 duty of the presiding officer of each House to put  
23 the objections and questions to a vote without fur-  
24 ther debate.”.

1 (b) PARLIAMENTARY PROCEDURE.—Section 18 of  
 2 title 3, United States Code, is amended by inserting  
 3 “under section 15(d)(2)(C)(i)” after “motion to with-  
 4 draw”.

5 **SEC. 111. SEVERABILITY.**

6 (a) IN GENERAL.—Title 3, United States Code, is  
 7 amended by inserting after section 21 the following new  
 8 section:

9 **“§ 22. Severability**

10 “If any provision of this chapter, or the application  
 11 of a provision to any person or circumstance, is held to  
 12 be unconstitutional, the remainder of this chapter, and the  
 13 application of the provisions to any person or cir-  
 14 cumstance, shall not be affected by the holding.”.

15 (b) CONFORMING AMENDMENT.—The table of con-  
 16 tents for chapter 1 of title 3, United States Code, is  
 17 amended by adding at the end the following:

“22. Severability.”.

18 **TITLE II—PRESIDENTIAL**  
 19 **TRANSITION IMPROVEMENT ACT**

20 **SEC. 201. SHORT TITLE.**

21 This title may be cited as “Presidential Transition  
 22 Improvement Act”.

1 **SEC. 202. MODIFICATIONS TO PRESIDENTIAL TRANSITION**

2 **ACT OF 1963.**

3 (a) IN GENERAL.—Section 3 of the Presidential  
4 Transition Act of 1963 (3 U.S.C. 102 note) is amended  
5 by striking subsection (c) and inserting the following:

6 “(c)(1) APPARENT SUCCESSFUL CANDIDATES.—

7 “(A) IN GENERAL.—For purposes of this Act,  
8 the ‘apparent successful candidate’ for the office of  
9 President and Vice President, respectively, shall be  
10 determined as follows:

11 “(i) If all but one eligible candidate for the  
12 office of President and one eligible candidate  
13 for the office of Vice President, respectively,  
14 concede the election, then the candidate for  
15 each such office who has not conceded shall be  
16 the apparent successful candidate for each such  
17 office.

18 “(ii) If, on the date that is 5 days after the  
19 date of the election, more than one eligible can-  
20 didate for the office of President has not con-  
21 ceded the election, then each of the remaining  
22 eligible candidates for such office and the office  
23 of Vice President who have not conceded shall  
24 be treated as the apparent successful candidates  
25 until such time as a single candidate for the of-  
26 fice of President is treated as the apparent suc-

1            successful candidate pursuant to clause (iii) or  
2            clause (iv).

3            “(iii) If a single candidate for the office of  
4            President or Vice President is determined by  
5            the Administrator to meet the qualifications  
6            under subparagraph (B), the Administrator  
7            may determine that such candidate shall solely  
8            be treated as the apparent successful candidate  
9            for that office until such time as a single can-  
10          didate for the office of President is treated as  
11          the apparent successful candidate pursuant to  
12          clause (iv).

13          “(iv) If a single candidate for the office of  
14          President or Vice President is the apparent suc-  
15          cessful candidate for such office under subpara-  
16          graph (C), that candidate shall solely be treated  
17          as the apparent successful candidate for that  
18          office.

19          “(B) INTERIM DISCRETIONARY QUALIFICA-  
20          TIONS.—On or after the date that is 5 days after  
21          the date of the election, the Administrator may de-  
22          termine that a single candidate for the office of  
23          President or Vice President shall be treated as the  
24          sole apparent successful candidate for that office  
25          pursuant to subparagraph (A)(iii) if it is substan-

1 tially certain the candidate will receive a majority of  
2 the pledged votes of electors, based on consideration  
3 of the following factors:

4 “(i) The results of the election for such of-  
5 fice in States in which significant legal chal-  
6 lenges that could alter the outcome of the elec-  
7 tion in the State have been substantially re-  
8 solved, such that the outcome is substantially  
9 certain.

10 “(ii) The certified results of the election  
11 for such office in States in which the certifi-  
12 cation is complete.

13 “(iii) The results of the election for such  
14 office in States in which there is substantial  
15 certainty of an apparent successful candidate  
16 based on the totality of the circumstances.

17 “(C) MANDATORY QUALIFICATIONS.—

18 “(i) IN GENERAL.—Notwithstanding sub-  
19 paragraph (A) or (B), a candidate shall be the  
20 sole apparent successful candidate for the office  
21 of President or Vice President pursuant to sub-  
22 paragraph (A)(iv) for purposes of this Act if—

23 “(I) the candidate receives a majority  
24 of pledged votes of electors of such office  
25 based on certifications by States of their

1 final canvass, and the conclusion of any re-  
2 counts, legal actions, or administrative ac-  
3 tions pertaining to the results of the elec-  
4 tion for such office;

5 “(II) in the case where subclause (I)  
6 is not met, the candidate receives a major-  
7 ity of votes of electors of such office at the  
8 meeting and vote of electors under section  
9 7 of title 3, United States Code; or

10 “(III) in the case where neither sub-  
11 clause (I) or (II) is met, the candidate is  
12 declared as the person elected to such of-  
13 fice at the joint session of Congress under  
14 section 15 of title 3, United States Code.

15 “(ii) CLARIFICATION IF STATE UNABLE TO  
16 CERTIFY ELECTION RESULTS OR APPOINTS  
17 MORE THAN ONE SLATE OF ELECTORS.—For  
18 purposes of subclauses (I) and (II) of clause (i),  
19 if a State is unable to certify its election results  
20 or a State appoints more than one slate of elec-  
21 tors, the votes of the electors of such State  
22 shall not count towards meeting the qualifica-  
23 tions under such subclauses.

24 “(2) PERIOD OF MULTIPLE POSSIBLE APPARENT  
25 SUCCESSFUL CANDIDATES.—During any period in which



1 there is more than one possible apparent successful can-  
2 didate for the office of President—

3 “(A) the Administrator is authorized to provide,  
4 upon request, to each remaining eligible candidate  
5 for such office and the office of Vice President de-  
6 scribed in paragraph (1)(A)(ii) access to services  
7 and facilities pursuant to this Act;

8 “(B) the Administrator, in conjunction with the  
9 Federal Transition Coordinator designated under  
10 section 4(c) and the senior career employee of each  
11 agency and senior career employee of each major  
12 component and subcomponent of each agency des-  
13 ignated under subsection (f)(1) to oversee and imple-  
14 ment the activities of the agency, component, or sub-  
15 component relating to the Presidential transition,  
16 shall make efforts to ensure that each such can-  
17 didate is provided equal access to agency informa-  
18 tion and spaces as requested pursuant to this Act;

19 “(C) the Administrator shall provide weekly re-  
20 ports to Congress containing a brief summary of the  
21 status of funds being distributed to such candidates  
22 under this Act, the level of access to agency informa-  
23 tion and spaces provided to such candidates, and the  
24 status of such candidates with respect to meeting  
25 the qualifications to be the apparent successful can-

1 didate for the office of President or Vice President  
 2 under subparagraph (B) or (C) of paragraph (1);  
 3 and

4 “(D) if a single candidate for the office of  
 5 President or Vice President is treated as the appar-  
 6 ent successful candidate for such office pursuant to  
 7 subparagraph (A)(iii) or (A)(iv) of paragraph (1),  
 8 not later than 24 hours after such treatment is ef-  
 9 fective, the Administrator shall make available to the  
 10 public a written statement that such candidate is  
 11 treated as the sole apparent successful candidate for  
 12 such office for purposes of this Act, including a de-  
 13 scription of the legal basis and reasons for such  
 14 treatment based on the qualifications under subpara-  
 15 graph (B) or (C) of paragraph (1), as applicable.

16 “(3) DEFINITION.—In this subsection, the term ‘eli-  
 17 gible candidate’ has the meaning given that term in sub-  
 18 section (h)(4).”.

19 (b) CONFORMING AMENDMENTS.—The Presidential  
 20 Transition Act of 1963 (3 U.S.C. 102 note) is amended—

21 (1) in section 3—

22 (A) in the heading, by striking “**PRESI-**  
 23 **DENTS-ELECT AND VICE-PRESIDENTS-**  
 24 **ELECT**” and inserting “**APPARENT SUCCESS-**  
 25 **FUL CANDIDATES**”;

1 (B) in subsection (a)—

2 (i) in the matter preceding paragraph

3 (1)—

4 (I) by striking “each President-  
5 elect, each Vice-President-elect” and  
6 inserting “each apparent successful  
7 candidate for the office of President  
8 and Vice President (as determined by  
9 subsection (c))”; and

10 (II) by striking “the President-  
11 elect and Vice-President-elect” and in-  
12 serting “each such candidate”;

13 (ii) in paragraph (1)—

14 (I) by striking “the President-  
15 elect, the Vice-President-elect” and in-  
16 serting “the apparent successful can-  
17 didate”; and

18 (II) by striking “the President-  
19 elect or Vice-President-elect” and in-  
20 serting “the apparent successful can-  
21 didate”;

22 (iii) in paragraphs (2), (3), (4), and  
23 (5), by striking “the President-elect or  
24 Vice-President-elect” each place it appears

1 and inserting “the apparent successful  
2 candidate”;

3 (iv) in paragraph (4)(B), by striking  
4 “the President-elect, the Vice-President-  
5 elect, or the designee of the President-elect  
6 or Vice-President-elect” and inserting “the  
7 apparent successful candidate or their des-  
8 ignee”;

9 (v) in paragraph (8), in subparagraph  
10 (A)(v) and (B), by striking “the President-  
11 elect” and inserting “the apparent success-  
12 ful candidate for the office of President”;  
13 and

14 (vi) in paragraph (10)—

15 (I) by striking “any President-  
16 elect, Vice-President-elect, or eligible  
17 candidate” and inserting “any appar-  
18 ent successful candidate or eligible  
19 candidate”; and

20 (II) by striking “the President-  
21 elect and Vice President-elect” and in-  
22 serting “the apparent successful can-  
23 didates”;

24 (C) in subsection (b)—

1 (i) in paragraph (1), by striking “the  
2 President-elect or Vice-President-elect, or  
3 after the inauguration of the President-  
4 elect as President and the inauguration of  
5 the Vice-President-elect as Vice President”  
6 and inserting “the apparent successful  
7 candidates, or after the inauguration of the  
8 apparent successful candidate for the office  
9 of President as President and the inau-  
10 guration of the apparent successful can-  
11 didate for the office of Vice President as  
12 Vice President”; and

13 (ii) in paragraph (2), by striking “the  
14 President-elect, Vice-President-elect” and  
15 inserting “the apparent successful can-  
16 didate”;

17 (D) in subsection (d)—

18 (i) in the first sentence, by striking  
19 “Each President-elect” and inserting  
20 “Each apparent successful candidate for  
21 the office of President”; and

22 (ii) in the second sentence, by striking  
23 “Each Vice-President-elect” and inserting  
24 “Each apparent successful candidate for  
25 the office of Vice-President”;

1 (E) in subsection (e)—

2 (i) in the first sentence, by striking  
3 “Each President-elect and Vice-President-  
4 elect” and inserting “Each apparent suc-  
5 cessful candidate”; and

6 (ii) in the second sentence, by striking  
7 “any President-elect or Vice-President-  
8 elect may be made upon the basis of a cer-  
9 tificate by him or the assistant designated  
10 by him” and inserting “any apparent suc-  
11 cessful candidate may be made upon the  
12 basis of a certificate by the candidate or  
13 their designee”;

14 (F) in subsection (f)—

15 (i) in paragraph (1), by striking “The  
16 President-elect” and inserting “Any appar-  
17 ent successful candidate for the office of  
18 President”; and

19 (ii) in paragraph (2), by striking “in-  
20 auguration of the President-elect as Presi-  
21 dent and the inauguration of the Vice-  
22 President-elect as Vice President” and in-  
23 serting “inauguration of the apparent suc-  
24 cessful candidate for the office of President  
25 as President and the inauguration of the

1           apparent successful candidate for the office  
2           of Vice President as Vice President”;

3           (G) in subsection (g), by striking “In the  
4           case where the President-elect is the incumbent  
5           President or in the case where the Vice-Presi-  
6           dent-elect is the incumbent Vice President” and  
7           inserting “In the case where an apparent suc-  
8           cessful candidate for the office of President is  
9           the incumbent President or in the case where  
10          an apparent successful candidate for the office  
11          of Vice President is the incumbent Vice Presi-  
12          dent”;

13          (H) in subsection (h)—

14               (i) in paragraph (2)(B)(iv), by strik-  
15               ing “the President-elect or Vice-President-  
16               elect” and inserting “an apparent success-  
17               ful candidates”; and

18               (ii) in paragraph (3)(B)(iii), by strik-  
19               ing “the President-elect or Vice-President-  
20               elect” and inserting “an apparent success-  
21               ful candidates”; and

22          (I) in subsection (i)(3)(C)—

23               (i) in clause (i), by striking “the inau-  
24               guration of the President-elect as Presi-  
25               dent and the inauguration of the Vice-

President-elect as Vice President” and inserting “the inauguration of the apparent successful candidate for the office of President as President and the inauguration of the apparent successful candidate for the office of Vice President as Vice President”; and

(ii) in clause (ii), by striking “upon request of the President-elect or the Vice-President-elect” and inserting “upon request of the apparent successful candidate”;

(2) in section 4—

(A) in subsection (e)—

(i) in paragraph (1)(B), by striking “the President-elect and Vice-President-elect” and inserting “the apparent successful candidates (as determined by section 3(c))”; and

(ii) in paragraph (4)(B), by striking “the President-elect is inaugurated” and inserting “the apparent successful candidate for the office of President is inaugurated”; and

(B) in subsection (g)—



1 (i) in paragraph (3)(A), by striking  
2 “the President-elect” and inserting “the  
3 apparent successful candidate for the office  
4 of President”; and

5 (ii) in paragraph (3)(B)(ii)(III), by  
6 striking “the President-elect” and insert-  
7 ing “the apparent successful candidate for  
8 the office of President”;

9 (3) in section 5, in the first sentence, by strik-  
10 ing “Presidents-elect and Vice-Presidents-elect” and  
11 inserting “apparent successful candidates (as deter-  
12 mined by section 3(c))”;

13 (4) in section 6—

14 (A) in subsection (a)—

15 (i) in paragraph (1)—

16 (I) by striking “The President-  
17 elect and Vice-President-elect” and in-  
18 serting “Each apparent successful  
19 candidate (as determined by section  
20 3(c))”; and

21 (II) by striking “the President-  
22 elect or Vice-President-elect” and in-  
23 serting “the apparent successful can-  
24 didate”;

1 (ii) in paragraph (2), by striking “The  
2 President-elect and Vice-President-elect”  
3 and inserting “Each apparent successful  
4 candidate”; and

5 (iii) in paragraph (3)(A), by striking  
6 “inauguration of the President-elect as  
7 President and the Vice-President-elect as  
8 Vice President” and inserting “inaugura-  
9 tion of the apparent successful candidate  
10 for the office of President as President and  
11 the apparent successful candidate for the  
12 office of Vice-President as Vice President”;  
13 (B) in subsection (b)(1)—

14 (i) in the matter preceding subpara-  
15 graph (A), by striking “The President-elect  
16 and Vice-President-elect” and inserting  
17 “Each apparent successful candidate”; and

18 (ii) in subparagraph (A), by striking  
19 “the President-elect or Vice-President-  
20 elect’s” and inserting “the apparent suc-  
21 cessful candidate’s”; and

22 (C) in subsection (c), by striking “The  
23 President-elect and Vice-President-elect” and  
24 inserting “Each apparent successful candidate”;  
25 and

1           (5) in section 7(a)(1), by striking “the Presi-  
2       dent-elect and Vice President-elect” and inserting  
3       “the apparent successful candidates”.

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