

Calendar No. 529

117TH CONGRESS
2^D SESSION

S. 4573

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.

IN THE SENATE OF THE UNITED STATES

JULY 20, 2022

Ms. COLLINS (for herself, Mr. MANCHIN, Mr. PORTMAN, Ms. SINEMA, Mr. ROMNEY, Mrs. SHAHEEN, Ms. MURKOWSKI, Mr. WARNER, Mr. TILLIS, Mr. MURPHY, Mrs. CAPITO, Mr. CARDIN, Mr. YOUNG, Mr. COONS, Mr. SASSE, Mr. GRAHAM, Mr. GRASSLEY, Mr. HICKENLOOPER, Mr. PADILLA, Mr. BENNET, Mr. TOOMEY, Ms. HASSAN, Ms. KLOBUCHAR, Mr. BLUNT, Mr. KELLY, Mr. MCCONNELL, Mr. CARPER, Mr. THUNE, Ms. CORTEZ MASTO, Mr. CORNYN, Mrs. FEINSTEIN, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

OCTOBER 18, 2022

Reported under authority of the order of the Senate of October 14, 2022, by
Ms. KLOBUCHAR, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

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,*

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

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

7 (b) **TABLE OF CONTENTS.**—The table of contents of
 8 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.

9 **TITLE I—ELECTORAL COUNT**
 10 **REFORM ACT**

11 **SEC. 101. SHORT TITLE.**

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

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

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

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

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

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

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

24 (c) **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 1 and
 2 inserting the following:

“1. Time of appointing electors.”.

3 **SEC. 103. CLARIFICATION WITH RESPECT TO VACANCIES IN**
 4 **ELECTORAL COLLEGE.**

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

8 **SEC. 104. CERTIFICATE OF ASCERTAINMENT OF APPOINT-**
 9 **MENT OF ELECTORS.**

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

12 **“§ 5. Certificate of ascertainment of appointment of**
 13 **electors**

14 **“(a) IN GENERAL.—**

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

22 **“(2) FORM OF CERTIFICATE.—**Each certificate
 23 of ascertainment of appointment of electors shall—

24 **“(A)** set forth the names of the electors
 25 appointed and the canvass or other determina-

1 tion under the laws of such State of the number
2 of votes given or cast for each person for whose
3 appointment any and all votes have been given
4 or cast;

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

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

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

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

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

19 “(c) TREATMENT OF CERTIFICATE AS CONCLU-
20 SIVE.—

21 “(1) IN GENERAL.—For purposes of section
22 15—

23 “(A) the certificate of ascertainment of ap-
24 pointment of electors issued pursuant to this
25 section shall be treated as conclusive with re-

1 spect to the determination of electors appointed
2 by the State; and

3 “(B) any certificate of ascertainment of
4 appointment of electors as required to be re-
5 vised by any subsequent State or Federal judi-
6 cial relief granted prior to the date of the meet-
7 ing of electors shall replace and supersede any
8 other certificates submitted pursuant to this
9 section.

10 “(2) DETERMINATION OF FEDERAL QUES-
11 TIONS.—The determination of Federal courts on
12 questions arising under the Constitution or laws of
13 the United States with respect to a certificate of as-
14 certainment of appointment of electors shall be con-
15 clusive.

16 “(d) VENUE AND EXPEDITED PROCEDURE.—

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

1 “(A) VENUE.—The venue for such action
2 shall be the Federal district court of the Fed-
3 eral district in which the State capital is lo-
4 cated.

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

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

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

1 day before the time fixed for the meeting of
2 electors.

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

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

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

20 (c) **CONFORMING AMENDMENTS.**—

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

1 certificates of ascertainment of appointment of elec-
2 tors”.

3 (2) The table of contents for chapter 1 of title
4 3, United States Code, is amended by striking the
5 items relating to sections 5 inserting the following:

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

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

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

9 **“§ 6. Duties of Archivist**

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

13 “(1) be preserved for one year;

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

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

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

“6. Duties of Archivist.”.

21 **SEC. 106. MEETING OF ELECTORS.**

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

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

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

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

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

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

15 **“§ 11 Transmission of certificates by electors**

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

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

23 “(2) Two sets shall be sent to the chief election
24 officer of the State, one of which shall be held sub-
25 ject to the order of the President of the Senate, the

1 other to be preserved by such official for one year
 2 and shall be a part of the public records of such of-
 3 fice and shall be open to public inspection.

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

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

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

“11. Transmission of certificates by electors.”.

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

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

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

23 (2) by striking “in December, after the meeting
 24 of the electors shall have been held,” and inserting
 25 “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 applica-
 11 tion of a provision to any person or circumstance, is
 12 held to be unconstitutional, the remainder of this
 13 chapter, and the application of the provisions to any
 14 person or circumstance, shall not be affected by the
 15 holding.”.

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

“22. Severability.”.

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

21 **SEC. 201. SHORT TITLE.**

22 This title may be cited as “Presidential Transition
 23 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 “(H) 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 (H) 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 (H) 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(e) 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 sserting “each such candidate”;

13 (ii) in paragraph (1)—

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

18 (II) by striking “the President-
19 elect or Vice-President-elect” and in-
20 sserting “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-

1 President-elect as Vice President” and in-
2 sserting “the inauguration of the apparent
3 successful candidate for the office of Presi-
4 dent as President and the inauguration of
5 the apparent successful candidate for the
6 office of Vice President as Vice President”;
7 and

8 (ii) in clause (ii), by striking “upon
9 request of the President-elect or the Vice-
10 President-elect” and inserting “upon re-
11 quest of the apparent successful can-
12 didate”;

13 (2) in section 4—

14 (A) in subsection (e)—

15 (i) in paragraph (1)(B), by striking
16 “the President-elect and Vice-President-
17 elect” and inserting “the apparent success-
18 ful candidates (as determined by section
19 3(c))”; and

20 (ii) in paragraph (4)(B), by striking
21 “the President-elect is inaugurated” and
22 inserting “the apparent successful can-
23 didate for the office of President is inaugu-
24 rated”; and

25 (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(e))”;

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(e))”; 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”.~~

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

5 (a) *SHORT TITLE.*—*This Act may be cited as the*
 6 *“Electoral Count Reform and Presidential Transition Im-*
 7 *provement Act of 2022”.*

8 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 9 *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.

10 **TITLE I—ELECTORAL COUNT**
 11 **REFORM ACT**

12 **SEC. 101. SHORT TITLE.**

13 *This title may be cited as the “Electoral Count Reform*
 14 *Act of 2022”.*

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

2 (a) *IN GENERAL.*—Title 3, United States Code, is
3 amended by striking sections 1 and 2 and inserting the fol-
4 lowing:

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

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

9 (b) *ELECTION DAY.*—Section 21 of title 3, United
10 States Code, is amended by redesignating subsections (a)
11 and (b) as paragraphs (2) and (3), respectively, and by in-
12 serting before paragraph (2) (as so redesignated) the fol-
13 lowing:

14 “(1) ‘election day’ means the Tuesday next after
15 the first Monday in November, in every fourth year
16 succeeding every election of a President and Vice
17 President held in each State, except, in the case of a
18 State that appoints electors by popular vote, if the
19 State modifies the period of voting, as necessitated by
20 force majeure events that are extraordinary and cata-
21 strophic, as provided under laws of the State enacted
22 prior to such day, ‘election day’ shall include the
23 modified period of voting.”.

24 (c) *CONFORMING AMENDMENT.*—The table of contents
25 for chapter 1 of title 3, United States Code, is amended

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

“1. Time of appointing electors.”.

3 **SEC. 103. CLARIFICATION WITH RESPECT TO VACANCIES IN**
 4 **ELECTORAL COLLEGE.**

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

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

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

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

13 *“(a) IN GENERAL.—*

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

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

23 *“(A) set forth the names of the electors ap-*
 24 *pointed and the canvass or other determination*
 25 *under the laws of such State of the number of*

1 *votes given or cast for each person for whose ap-*
 2 *pointment any and all votes have been given or*
 3 *cast;*

4 *“(B) bear the seal of the State; and*

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

8 *“(b) TRANSMISSION.—It shall be the duty of the execu-*
 9 *tive of each State—*

10 *“(1) to transmit to the Archivist of the United*
 11 *States, immediately after the issuance of the certifi-*
 12 *cate of ascertainment of appointment of electors and*
 13 *by the most expeditious method available, such certifi-*
 14 *cate of ascertainment of appointment of electors; and*

15 *“(2) to transmit to the electors of such State, on*
 16 *or before the day on which the electors are required*
 17 *to meet under section 7, six duplicate-originals of the*
 18 *same certificate.*

19 *“(c) TREATMENT OF CERTIFICATE AS CONCLUSIVE.—*
 20 *For purposes of section 15:*

21 *“(1) IN GENERAL.—*

22 *“(A) INITIAL CERTIFICATE.—Except as pro-*
 23 *vided in subparagraph (B), the certificate of as-*
 24 *certainment of appointment of electors issued*
 25 *pursuant to subsection (a)(1) shall be treated as*

1 *conclusive in Congress with respect to the deter-*
2 *mination of electors appointed by the State.*

3 “(B) *CERTIFICATES ISSUED PURSUANT TO*
4 *COURT ORDERS.—Any certificate of ascertain-*
5 *ment of appointment of electors required to be*
6 *issued or revised by any State or Federal judi-*
7 *cial relief granted prior to the date of the meet-*
8 *ing of electors shall replace and supersede any*
9 *other certificates submitted pursuant to this sec-*
10 *tion.*

11 “(2) *DETERMINATION OF FEDERAL QUES-*
12 *TIONS.—The determination of Federal courts on ques-*
13 *tions arising under the Constitution or laws of the*
14 *United States with respect to a certificate of ascer-*
15 *tainment of appointment of electors shall be conclu-*
16 *sive in Congress.*

17 “(d) *VENUE AND EXPEDITED PROCEDURE.—*

18 “(1) *IN GENERAL.—Any action brought by an*
19 *aggrieved candidate for President or Vice President*
20 *that arises under the Constitution or laws of the*
21 *United States with respect to the issuance of the cer-*
22 *tification required under section (a)(1), or the trans-*
23 *mission of such certification as required under sub-*
24 *section (b), shall be subject to the following rules:*

1 “(A) *VENUE.*—*The venue for such action*
2 *shall be the Federal district court of the Federal*
3 *district in which the State capital is located.*

4 “(B) *3-JUDGE PANEL.*—*Such action shall be*
5 *heard by a district court of three judges, con-*
6 *vened pursuant to section 2284 of title 28,*
7 *United States Code, except that—*

8 “(i) *the court shall be comprised of two*
9 *judges of the circuit court of appeals in*
10 *which the district court lies and one judge*
11 *of the district court in which the action is*
12 *brought; and*

13 “(ii) *section 2284(b)(2) of such title*
14 *shall not apply.*

15 “(C) *EXPEDITED PROCEDURE.*—*It shall be*
16 *the duty of the court to advance on the docket*
17 *and to expedite to the greatest possible extent the*
18 *disposition of the action, consistent with all*
19 *other relevant deadlines established by this chap-*
20 *ter and the laws of the United States.*

21 “(D) *APPEALS.*—*Notwithstanding section*
22 *1253 of title 28, United States Code, the final*
23 *judgment of the panel convened under subpara-*
24 *graph (B) may be reviewed directly by the Su-*
25 *preme Court, by writ of certiorari granted upon*

1 *petition of any party to the case, on an expedited*
2 *basis, so that a final order of the court on*
3 *remand of the Supreme Court may occur on or*
4 *before the day before the time fixed for the meet-*
5 *ing of electors.*

6 “(2) *RULE OF CONSTRUCTION.—This sub-*
7 *section—*

8 “(A) *shall be construed solely to establish*
9 *venue and expedited procedures in any action*
10 *brought by an aggrieved candidate for President*
11 *or Vice President as specified in this subsection*
12 *that arises under the Constitution or laws of the*
13 *United States; and*

14 “(B) *shall not be construed to preempt or*
15 *displace any existing State or Federal cause of*
16 *action.”.*

17 (b) *EXECUTIVE OF A STATE.—Section 21 of title 3,*
18 *United States Code, as amended by section 102(b), is*
19 *amended by striking paragraph (3) and inserting the fol-*
20 *lowing:*

21 “(3) *‘executive’ means, with respect to any State,*
22 *the Governor of the State (or, in the case of the Dis-*
23 *trict of Columbia, the Mayor of the District of Colum-*
24 *bia), except when the laws or constitution of a State*
25 *in effect as of election day expressly require a dif-*

1 *ferent State executive to perform the duties identified*
 2 *under this chapter.”.*

3 (c) *CONFORMING AMENDMENTS.*—

4 (1) *Section 9 of title 3, United States Code, is*
 5 *amended by striking “annex to each of the certificates*
 6 *one of the lists of the electors” and inserting “annex*
 7 *to each of the certificates of votes one of the certifi-*
 8 *cates of ascertainment of appointment of electors”.*

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

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

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

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

15 **“§ 6. Duties of Archivist**

16 *“The certificates of ascertainment of appointment of*
 17 *electors received by the Archivist of the United States under*
 18 *section 5 shall—*

19 *“(1) be preserved for one year;*

20 *“(2) be a part of the public records of such office;*

21 *and*

22 *“(3) be open to public inspection.”.*

23 (b) *CONFORMING AMENDMENT.*—*The table of contents*
 24 *for chapter 1 of title 3, United States Code, is amended*

1 *by striking the items relating to section 6 and inserting*
 2 *the following:*

“6. Duties of Archivist.”.

3 **SEC. 106. MEETING OF ELECTORS.**

4 (a) *TIME FOR MEETING.*—Section 7 of title 3, United
 5 States Code, is amended—

6 (1) *by striking “Monday” and inserting “Tues-*
 7 *day”;* and

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

11 (b) *CLARIFICATION ON SEALING OF CERTIFICATES OF*
 12 *VOTES.*—Section 10 of such title is amended by striking
 13 *“the certificates so made by them” and inserting “the cer-*
 14 *tificates of votes so made by them, together with the annexed*
 15 *certificates of ascertainment of appointment of electors,”.*

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

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

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

20 *“The electors shall immediately transmit at the same*
 21 *time and by the most expeditious method available the cer-*
 22 *tificates of votes so made by them, together with the annexed*
 23 *certificates of ascertainment of appointment of electors, as*
 24 *follows:*

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

3 “(2) Two sets shall be sent to the chief election
4 officer of the State, one of which shall be held subject
5 to the order of the President of the Senate, the other
6 to be preserved by such official for one year and shall
7 be a part of the public records of such office and shall
8 be open to public inspection.

9 “(3) Two sets shall be sent to the Archivist of the
10 United States at the seat of government, one of which
11 shall be held subject to the order of the President of
12 the Senate and the other of which shall be preserved
13 by the Archivist of the United States for one year and
14 shall be a part of the public records of such office and
15 shall be open to public inspection.

16 “(4) One set shall be sent to the judge of the dis-
17 trict in which the electors shall have assembled.”.

18 (b) *CONFORMING AMENDMENT.*—The table of contents
19 for chapter 1 of title 3, United States Code, is amended
20 by striking the item relating to section 11 and inserting
21 the following:

 “11. *Transmission of certificates by electors.*”.

22 **SEC. 108. FAILURE OF CERTIFICATE OF VOTES TO REACH**
23 **RECIPIENTS.**

24 (a) *IN GENERAL.*—Section 12 of title 3, United States
25 Code, is amended—

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

3 (2) by striking “in December, after the meeting
4 of the electors shall have been held,” and inserting “in
5 December,”;

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

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

10 (5) by striking “and list”;

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

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

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

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

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

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

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

1 (4) *by striking “that list” and inserting “that*
2 *certificate”.*

3 (c) *ELIMINATION OF MESSENGER’S PENALTY.—*

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

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

9 **SEC. 109. CLARIFICATIONS RELATING TO COUNTING ELEC-**
10 **TORAL VOTES.**

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

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

14 “(a) *IN GENERAL.—Congress shall be in session on the*
15 *sixth day of January succeeding every meeting of the elec-*
16 *tors. The Senate and House of Representatives shall meet*
17 *in the Hall of the House of Representatives at the hour of*
18 *1 o’clock in the afternoon on that day, and the President*
19 *of the Senate shall be their presiding officer.*

20 “(b) *POWERS OF THE PRESIDENT OF SENATE.—*

21 “(1) *MINISTERIAL IN NATURE.—Except as other-*
22 *wise provided in this chapter, the role of the President*
23 *of the Senate while presiding over the joint meeting*
24 *shall be limited to performing solely ministerial du-*
25 *ties.*

1 “(2) *POWERS EXPLICITLY DENIED.*—*The Presi-*
 2 *dent of the Senate shall have no power to solely deter-*
 3 *mine, accept, reject, or otherwise adjudicate or resolve*
 4 *disputes over the proper list of electors, the validity*
 5 *of electors, or the votes of electors.*

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

12 “(d) *PROCEDURE AT JOINT MEETING GENERALLY.*—

13 “(1) *IN GENERAL.*—*The President of the Senate*
 14 *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 pursuant*
 19 *to section 5, in the alphabetical order of the*
 20 *States, beginning with the letter A; and*

21 “(B) *upon opening any certificate, hand the*
 22 *certificate and any accompanying papers to the*
 23 *tellers, who shall read the same in the presence*
 24 *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-fifth
9 of the Senators duly chosen and sworn
10 and one-fifth of the Members of the
11 House of Representatives duly chosen
12 and sworn; and

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

16 “(ii) *GROUND FOR OBJECTIONS.*—The
17 only grounds for objections shall be as fol-
18 lows:

19 “(I) The electors of the State were
20 not lawfully certified under a certifi-
21 cate of ascertainment of appointment
22 of electors according to section 5(a)(1).

23 “(II) The vote of one or more elec-
24 tors has not been regularly given.

25 “(C) *CONSIDERATION OF OBJECTIONS.*—

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

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

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

22 “(e) *RULES FOR TABULATING VOTES.*—

23 “(1) *COUNTING OF VOTES.*—

24 “(A) *IN GENERAL.*—Except as provided in
25 subparagraph (B)—

1 “(i) only the votes of electors who have
2 been appointed under a certificate of ascer-
3 tainment of appointment of electors issued
4 pursuant to section 5, or who have legally
5 been appointed to fill a vacancy of any such
6 elector pursuant to section 4, may be count-
7 ed; and

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

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

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

18 “(ii) each House affirmatively sustains
19 the objection as valid.

20 “(2) DETERMINATION OF MAJORITY.—If the
21 number of electors lawfully appointed by any State
22 pursuant to a certificate of ascertainment of appoint-
23 ment of electors that is issued under section 5 is fewer
24 than the number of electors to which the State is enti-
25 tled under section 3, or if an objection the grounds for

1 *which are described in subsection (d)(2)(B)(ii)(I) has*
2 *been sustained, the total number of electors appointed*
3 *for the purpose of determining a majority of the whole*
4 *number of electors appointed as required by the*
5 *Twelfth Amendment to the Constitution shall be re-*
6 *duced by the number of electors whom the State has*
7 *failed to appoint or as to whom the objection was sus-*
8 *tained.*

9 “(3) *LIST OF VOTES BY TELLERS; DECLARATION*
10 *OF WINNER.—The tellers shall make a list of the votes*
11 *as they shall appear from the said certificates; and*
12 *the votes having been ascertained and counted accord-*
13 *ing to the rules in this subchapter provided, the result*
14 *of the same shall be delivered to the President of the*
15 *Senate, who shall thereupon announce the state of the*
16 *vote, which announcement shall be deemed a sufficient*
17 *declaration of the persons, if any, elected President*
18 *and Vice President of the United States, and, together*
19 *with a list of the votes, be entered on the Journals of*
20 *the two Houses.”.*

21 “(b) *CONFORMING AMENDMENT.—The table of contents*
22 *for chapter 1 of title 3, United States Code, is amended*
23 *by striking the item relating to section 15 and inserting*
24 *the following:*

 “15. *Counting electoral votes in Congress.”.*

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

2 (a) *LIMIT OF DEBATE IN EACH HOUSE.*—Section 17
3 of title 3, United States Code, is amended to read as follows:

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

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

9 (1) all such objections and questions permitted
10 with respect to such State shall be considered at such
11 time;

12 (2) each Senator and Representative may speak
13 to such objections or questions five minutes, and not
14 more than once;

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

18 (4) at the close of such debate, it shall be the
19 duty of the presiding officer of each House to put the
20 objections and questions to a vote without further de-
21 bate.”.

22 (b) *PARLIAMENTARY PROCEDURE.*—Section 18 of title
23 3, United States Code, is amended by inserting “under sec-
24 tion 15(d)(2)(C)(i)” after “motion to withdraw”.

1 **SEC. 111. SEVERABILITY.**

2 (a) *IN GENERAL.*—Title 3, United States Code, is
 3 amended by inserting after section 21 the following new sec-
 4 tion:

5 **“§22. Severability**

6 “If any provision of this chapter, or the applica-
 7 tion of a provision to any person or circumstance, is
 8 held to be unconstitutional, the remainder of this
 9 chapter, and the application of the provisions to any
 10 person or circumstance, shall not be affected by the
 11 holding.”.

12 (b) *CONFORMING AMENDMENT.*—The table of contents
 13 for chapter 1 of title 3, United States Code, is amended
 14 by adding at the end the following:

“22. Severability.”.

15 **TITLE II—PRESIDENTIAL**
 16 **TRANSITION IMPROVEMENT ACT**

17 **SEC. 201. SHORT TITLE.**

18 This title may be cited as “Presidential Transition
 19 Improvement Act”.

20 **SEC. 202. MODIFICATIONS TO PRESIDENTIAL TRANSITION**
 21 **ACT OF 1963.**

22 (a) *IN GENERAL.*—Section 3 of the Presidential Tran-
 23 sition Act of 1963 (3 U.S.C. 102 note) is amended by strik-
 24 ing subsection (c) and inserting the following:

25 “(c)(1) *APPARENT SUCCESSFUL CANDIDATES.*—

1 “(A) *IN GENERAL.*—*For purposes of this Act, the*
2 *‘apparent successful candidate’ for the office of Presi-*
3 *dent and Vice President, respectively, shall be deter-*
4 *mined as follows:*

5 “(i) *If all but one eligible candidate for the*
6 *office of President and one eligible candidate for*
7 *the office of Vice President, respectively, concede*
8 *the election, then the candidate for each such of-*
9 *fice who has not conceded shall be the apparent*
10 *successful candidate for each such office.*

11 “(ii) *If, on the date that is 5 days after the*
12 *date of the election, more than one eligible can-*
13 *didate for the office of President has not conceded*
14 *the election, then each of the remaining eligible*
15 *candidates for such office and the office of Vice*
16 *President who have not conceded shall be treated*
17 *as the apparent successful candidates until such*
18 *time as a single candidate for the office of Presi-*
19 *dent is treated as the apparent successful can-*
20 *didate pursuant to clause (iii) or clause (iv).*

21 “(iii) *If a single candidate for the office of*
22 *President or Vice President is determined by the*
23 *Administrator to meet the qualifications under*
24 *subparagraph (B), the Administrator may deter-*
25 *mine that such candidate shall solely be treated*

1 *as the apparent successful candidate for that of-*
2 *office until such time as a single candidate for the*
3 *office of President is treated as the apparent suc-*
4 *cessful candidate pursuant to clause (iv).*

5 “(iv) *If a single candidate for the office of*
6 *President or Vice President is the apparent suc-*
7 *cessful candidate for such office under subpara-*
8 *graph (C), that candidate shall solely be treated*
9 *as the apparent successful candidate for that of-*
10 *office.*

11 “(B) *INTERIM DISCRETIONARY QUALIFICA-*
12 *TIONS.—On or after the date that is 5 days after the*
13 *date of the election, the Administrator may determine*
14 *that a single candidate for the office of President or*
15 *Vice President shall be treated as the sole apparent*
16 *successful candidate for that office pursuant to sub-*
17 *paragraph (A)(iii) if it is substantially certain the*
18 *candidate will receive a majority of the pledged votes*
19 *of electors, based on consideration of the following fac-*
20 *tors:*

21 “(i) *The results of the election for such office*
22 *in States in which significant legal challenges*
23 *that could alter the outcome of the election in the*
24 *State have been substantially resolved, such that*
25 *the outcome is substantially certain.*

1 “(ii) *The certified results of the election for*
2 *such office in States in which the certification is*
3 *complete.*

4 “(iii) *The results of the election for such of-*
5 *fice in States in which there is substantial cer-*
6 *tainty of an apparent successful candidate based*
7 *on the totality of the circumstances.*

8 “(C) *MANDATORY QUALIFICATIONS.—*

9 “(i) *IN GENERAL.—Notwithstanding sub-*
10 *paragraph (A) or (B), a candidate shall be the*
11 *sole apparent successful candidate for the office*
12 *of President or Vice President pursuant to sub-*
13 *paragraph (A)(iv) for purposes of this Act if—*

14 “(I) *the candidate receives a majority*
15 *of pledged votes of electors of such office*
16 *based on certifications by States of their*
17 *final canvass, and the conclusion of any re-*
18 *counts, legal actions, or administrative ac-*
19 *tions pertaining to the results of the election*
20 *for such office;*

21 “(II) *in the case where subclause (I) is*
22 *not met, the candidate receives a majority*
23 *of votes of electors of such office at the meet-*
24 *ing and vote of electors under section 7 of*
25 *title 3, United States Code; or*

1 “(III) in the case where neither sub-
2 clause (I) or (II) is met, the candidate is
3 declared as the person elected to such office
4 at the joint session of Congress under sec-
5 tion 15 of title 3, United States Code.

6 “(i) CLARIFICATION IF STATE UNABLE TO
7 CERTIFY ELECTION RESULTS OR APPOINTS MORE
8 THAN ONE SLATE OF ELECTORS.—For purposes
9 of subclauses (I) and (II) of clause (i), if a State
10 is unable to certify its election results or a State
11 appoints more than one slate of electors, the votes
12 of the electors of such State shall not count to-
13 wards meeting the qualifications under such sub-
14 clauses.

15 “(2) PERIOD OF MULTIPLE POSSIBLE APPARENT SUC-
16 CESSFUL CANDIDATES.—During any period in which there
17 is more than one possible apparent successful candidate for
18 the office of President—

19 “(A) the Administrator is authorized to provide,
20 upon request, to each remaining eligible candidate for
21 such office and the office of Vice President described
22 in paragraph (1)(A)(ii) access to services and facili-
23 ties pursuant to this Act;

24 “(B) the Administrator, in conjunction with the
25 Federal Transition Coordinator designated under sec-

1 *tion 4(c) and the senior career employee of each agen-*
2 *cy and senior career employee of each major compo-*
3 *nent and subcomponent of each agency designated*
4 *under subsection (f)(1) to oversee and implement the*
5 *activities of the agency, component, or subcomponent*
6 *relating to the Presidential transition, shall make ef-*
7 *forts to ensure that each such candidate is provided*
8 *equal access to agency information and spaces as re-*
9 *quested pursuant to this Act;*

10 *“(C) the Administrator shall provide weekly re-*
11 *ports to Congress containing a brief summary of the*
12 *status of funds being distributed to such candidates*
13 *under this Act, the level of access to agency informa-*
14 *tion and spaces provided to such candidates, and the*
15 *status of such candidates with respect to meeting the*
16 *qualifications to be the apparent successful candidate*
17 *for the office of President or Vice President under sub-*
18 *paragraph (B) or (C) of paragraph (1); and*

19 *“(D) if a single candidate for the office of Presi-*
20 *dent or Vice President is treated as the apparent suc-*
21 *cessful candidate for such office pursuant to subpara-*
22 *graph (A)(iii) or (A)(iv) of paragraph (1), not later*
23 *than 24 hours after such treatment is effective, the*
24 *Administrator shall make available to the public a*
25 *written statement that such candidate is treated as*

1 *the sole apparent successful candidate for such office*
 2 *for purposes of this Act, including a description of the*
 3 *legal basis and reasons for such treatment based on*
 4 *the qualifications under subparagraph (B) or (C) of*
 5 *paragraph (1), as applicable.*

6 “(3) *DEFINITION.—In this subsection, the term ‘eligi-*
 7 *ble candidate’ has the meaning given that term in sub-*
 8 *section (h)(4).’.*”

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

11 (1) *in section 3—*

12 (A) *in the heading, by striking “PRESI-*
 13 ***DENTS-ELECT AND VICE-PRESIDENTS-***
 14 ***ELECT” and inserting “APPARENT SUCCESS-***
 15 ***FUL CANDIDATES”;***

16 (B) *in subsection (a)—*

17 (i) *in the matter preceding paragraph*

18 (1)—

19 (I) *by striking “each President-*
 20 *elect, each Vice-President-elect” and in-*
 21 *serting “each apparent successful can-*
 22 *didate for the office of President and*
 23 *Vice President (as determined by sub-*
 24 *section (c))”;* and

1 (II) by striking “the President-
2 elect and Vice-President-elect” and in-
3 serting “each such candidate”;

4 (ii) in paragraph (1)—

5 (I) by striking “the President-
6 elect, the Vice-President-elect” and in-
7 serting “the apparent successful can-
8 didate”; and

9 (II) by striking “the President-
10 elect or Vice-President-elect” and in-
11 serting “the apparent successful can-
12 didate”;

13 (iii) in paragraphs (2), (3), (4), and
14 (5), by striking “the President-elect or Vice-
15 President-elect” each place it appears and
16 inserting “the apparent successful can-
17 didate”;

18 (iv) in paragraph (4)(B), by striking
19 “the President-elect, the Vice-President-elect,
20 or the designee of the President-elect or Vice-
21 President-elect” and inserting “the appar-
22 ent successful candidate or their designee”;

23 (v) in paragraph (8), in subparagraph
24 (A)(v) and (B), by striking “the President-
25 elect” and inserting “the apparent success-

1 *ful candidate for the office of President”;*

2 *and*

3 *(vi) in paragraph (10)—*

4 *(I) by striking “any President-*
5 *elect, Vice-President-elect, or eligible*
6 *candidate” and inserting “any appar-*
7 *ent successful candidate or eligible can-*
8 *didate”;* *and*

9 *(II) by striking “the President-*
10 *elect and Vice President-elect” and in-*
11 *serting “the apparent successful can-*
12 *didates”;*

13 *(C) in subsection (b)—*

14 *(i) in paragraph (1), by striking “the*
15 *President-elect or Vice-President-elect, or*
16 *after the inauguration of the President-elect*
17 *as President and the inauguration of the*
18 *Vice-President-elect as Vice President” and*
19 *inserting “the apparent successful can-*
20 *didates, or after the inauguration of the ap-*
21 *parent successful candidate for the office of*
22 *President as President and the inaugura-*
23 *tion of the apparent successful candidate for*
24 *the office of Vice President as Vice Presi-*
25 *dent”;* *and*

1 (ii) in paragraph (2), by striking “the
2 President-elect, Vice-President-elect” and in-
3 serting “the apparent successful candidate”;
4 (D) in subsection (d)—

5 (i) in the first sentence, by striking
6 “Each President-elect” and inserting “Each
7 apparent successful candidate for the office
8 of President”; and

9 (ii) in the second sentence, by striking
10 “Each Vice-President-elect” and inserting
11 “Each apparent successful candidate for the
12 office of Vice-President”;
13 (E) in subsection (e)—

14 (i) in the first sentence, by striking
15 “Each President-elect and Vice-President-
16 elect” and inserting “Each apparent suc-
17 cessful candidate”; and

18 (ii) in the second sentence, by striking
19 “any President-elect or Vice-President-elect
20 may be made upon the basis of a certificate
21 by him or the assistant designated by him”
22 and inserting “any apparent successful can-
23 didate may be made upon the basis of a cer-
24 tificate by the candidate or their designee”;
25 (F) in subsection (f)—

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

5 (ii) in paragraph (2), by striking “in-
6 auguration of the President-elect as Presi-
7 dent and the inauguration of the Vice-Presi-
8 dent-elect as Vice President” and inserting
9 “inauguration of the apparent successful
10 candidate for the office of President as
11 President and the inauguration of the ap-
12 parent successful candidate for the office of
13 Vice President as Vice President”;

14 (G) in subsection (g), by striking “In the
15 case where the President-elect is the incumbent
16 President or in the case where the Vice-Presi-
17 dent-elect is the incumbent Vice President” and
18 inserting “In the case where an apparent suc-
19 cessful candidate for the office of President is the
20 incumbent President or in the case where an ap-
21 parent successful candidate for the office of Vice
22 President is the incumbent Vice President”;

23 (H) in subsection (h)—

24 (i) in paragraph (2)(B)(iv), by strik-
25 ing “the President-elect or Vice-President-

1 *elect*” and inserting “an apparent successful
2 *candidates*”; and

3 (ii) in paragraph (3)(B)(iii), by strik-
4 *ing* “the President-elect or Vice-President-
5 *elect*” and inserting “an apparent successful
6 *candidates*”; and

7 (I) in subsection (i)(3)(C)—

8 (i) in clause (i), by striking “the inau-
9 *guration of the President-elect as President*
10 *and the inauguration of the Vice-President-*
11 *elect as Vice President*” and inserting “the
12 *inauguration of the apparent successful*
13 *candidate for the office of President as*
14 *President and the inauguration of the ap-*
15 *parent successful candidate for the office of*
16 *Vice President as Vice President*”; and

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

21 (2) in section 4—

22 (A) in subsection (e)—

23 (i) in paragraph (1)(B), by striking
24 “the President-elect and Vice-President-
25 *elect*” and inserting “the apparent success-

1 *ful candidates (as determined by section*
2 *3(c))*”; and

3 *(ii) in paragraph (4)(B), by striking*
4 *“the President-elect is inaugurated” and in-*
5 *serting “the apparent successful candidate*
6 *for the office of President is inaugurated”;*
7 *and*

8 *(B) in subsection (g)—*

9 *(i) in paragraph (3)(A), by striking*
10 *“the President-elect” and inserting “the ap-*
11 *parent successful candidate for the office of*
12 *President”;* and

13 *(ii) in paragraph (3)(B)(ii)(III), by*
14 *striking “the President-elect” and inserting*
15 *“the apparent successful candidate for the*
16 *office of President”;*

17 *(3) in section 5, in the first sentence, by striking*
18 *“Presidents-elect and Vice-Presidents-elect” and in-*
19 *serting “apparent successful candidates (as deter-*
20 *mined by section 3(c))”;*

21 *(4) in section 6—*

22 *(A) in subsection (a)—*

23 *(i) in paragraph (1)—*

24 *(I) by striking “The President-*
25 *elect and Vice-President-elect” and in-*

1 serting “Each apparent successful can-
2 didate (as determined by section
3 3(c))”; and

4 (II) by striking “the President-
5 elect or Vice-President-elect” and in-
6 serting “the apparent successful can-
7 didate”;

8 (ii) in paragraph (2), by striking “The
9 President-elect and Vice-President-elect”
10 and inserting “Each apparent successful
11 candidate”; and

12 (iii) in paragraph (3)(A), by striking
13 “inauguration of the President-elect as
14 President and the Vice-President-elect as
15 Vice President” and inserting “inaugura-
16 tion of the apparent successful candidate for
17 the office of President as President and the
18 apparent successful candidate for the office
19 of Vice-President as Vice President”;

20 (B) in subsection (b)(1)—

21 (i) in the matter preceding subpara-
22 graph (A), by striking “The President-elect
23 and Vice-President-elect” and inserting
24 “Each apparent successful candidate”; and

1 (ii) in subparagraph (A), by striking
2 “the President-elect or Vice-President-
3 elect’s” and inserting “the apparent success-
4 ful candidate’s”; and
5 (C) in subsection (c), by striking “The
6 President-elect and Vice-President-elect” and in-
7 serting “Each apparent successful candidate”;
8 and
9 (5) in section 7(a)(1), by striking “the President-
10 elect and Vice President-elect” and inserting “the ap-
11 parent successful candidates”.

Calendar No. 529

117TH CONGRESS
2^D SESSION

S. 4573

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.

OCTOBER 18, 2022

Reported under authority of the order of the Senate of
October 14, 2022, with an amendment