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.
of General Services for use in connection with the preparations for the assumption of official duties as President or Vice President.

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

SECTION 1. SHORT TITLE, ETC.

(a) Short Title.—This Act may be cited as the “Electoral Count Reform and Presidential Transition Im-
provement Act of 2022”.

(b) Table of Contents.—The table of contents of 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.

TITLE I—ELECTORAL COUNT REFORM ACT

SEC. 101. SHORT TITLE.

This title may be cited as the “Electoral Count Re-
form Act of 2022”.
SEC. 102. TIME FOR APPOINTING ELECTORS.

(a) In General.—Title 3, United States Code, is amended by striking sections 1 and 2 and inserting the following:

"§ 1. Time of appointing electors

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

(b) Election Day.—Section 21 of title 3, United States Code, is amended by redesignating subsections (a) and (b) as paragraphs (2) and (3), respectively, and by inserting before paragraph (2) (as so redesignated) the following:

"(1) 'election day' means the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President held in each State, except, in the case of a State that appoints electors by popular vote, if the State modifies the period of voting as necessitated by extraordinary and catastrophic events as provided under laws of the State enacted prior to such day, 'election day' shall include the modified period of voting."

(c) Conforming Amendment.—The table of contents for chapter 1 of title 3, United States Code, is
amended by striking the item relating to section 1 and inserting the following:

4. Time of appointing electors.

SEC. 103. CLARIFICATION WITH RESPECT TO VACANCIES IN ELECTORAL COLLEGE.

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

SEC. 104. CERTIFICATE OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS.

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

§ 5. Certificate of ascertainment of appointment of electors

(a) In general. —

(1) Certification. — Not later than the date that is 6 days before the time fixed for the meeting of the electors, the executive of each State shall issue a certificate of ascertainment of appointment of electors; under and in pursuance of the laws of such State providing for such appointment and ascertainment enacted prior to election day.

(2) Form of certificate. — Each certificate of ascertainment of appointment of electors shall—

(A) set forth the names of the electors appointed and the canvass or other determina-
tion under the laws of such State of the number
of votes given or cast for each person for whose
appointment any and all votes have been given
or cast;

"(B) bear the seal of the State; and

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

"(b) Transmission.—It shall be the duty of the ex-
cecutive of each State—

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

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

"(c) Treatment of Certificate as Conclu-
sive.—

"(1) In general.—For purposes of section

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

(B) any certificate of ascertainment of
appointment of electors as required to be re-
vised by any subsequent State or Federal judi-
cial relief granted prior to the date of the meet-
ing 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 as-
certainment of appointment of electors shall be con-
clusive.

(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 Federal district in which the State capital is located.

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

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

"(D) APPEALS.—Any appeal from the judgment of the panel convened under subparagraph (B) may be heard directly by the Supreme Court, pursuant to section 1253 of title 28, United States Code, on an expedited basis, so that a final order of the court on remand of the Supreme Court may occur on or before the
day before the time fixed for the meeting of electors.

(2) **Rule of construction.**—This subsection shall be construed solely to establish venue and expedited procedures in any action brought by an aggrieved candidate for President or Vice President as specified in this subsection that arises under the Constitution or laws of the United States.

(b) **Executive of a State.**—Section 21 of title 3, United States Code, as amended by section 102(b), is amended by striking paragraph (3) and inserting the following:

"(3) ‘executive’ means, with respect to any State, the Governor of the State (or, in the case of the District of Columbia, the Mayor of the District of Columbia), except when the laws or constitution of a State in effect as of election day expressly require a different State executive to perform the duties identified under this chapter."

(c) **Conforming Amendments.**—

(1) Section 9 of title 3, United States Code, is amended by striking "annex to each of the certificates one of the lists of the electors" and inserting "annex to each of the certificates of votes one of the
certificates of ascertainment of appointment of elec-
tors’.

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

"5. Certificate of ascertainment of appointment of electors."

SEC. 105. DUTIES OF THE ARCHIVIST.

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

"§ 6. Duties of Archivist

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

(1) be preserved for one year;

(2) be a part of the public records of such of-

ice; and

(3) be open to public inspection."

(b) Conforming Amendment.—The table of con-
tents for chapter 4 of title 3, United States Code, is amended by striking the items relating to section 6 and inserting the following:

"6. Duties of Archivist."

SEC. 106. MEETING OF ELECTORS.

(a) Time for Meeting.—Section 7 of title 3, United States Code, is amended—
(1) by striking "Monday" and inserting "Tuesday"; and

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

(b) Clarification on Sealing of Certificates of Votes.—Section 10 of such title is amended by striking "the certificates so made by them" and inserting "the certificates of votes so made by them, together with the annexed certificates of ascertainment of appointment of electors, ",".

SEC. 107. TRANSMISSION OF CERTIFICATES OF VOTES.

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

"§ 11 Transmission of certificates by electors

"The electors shall immediately transmit at the same time and by the most expeditious method available the certificates of votes so made by them, together with the annexed certificates of ascertainment of appointment of electors, as follows:

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

"(2) Two sets shall be sent to the chief election officer of the State, one of which shall be held subject to the order of the President of the Senate, the
other to be preserved by such official for one year
and shall be a part of the public records of such of-
ic and shall be open to public inspection:

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

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

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

````11. Transmission of certificates by electors.”
````

SEC. 108. FAILURE OF CERTIFICATE OF VOTES TO REACH
RECIPIENTS.

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

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

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

````
(3) by striking "or, if he be absent" and inserting "or, if the President of the Senate be absent";

(4) by striking "secretary of State" and inserting "chief election officer of the State";

(5) by striking "and list";

(6) by striking "lodged with him" and inserting "lodged with such officer";

(7) by striking "his duty" and inserting "the duty of such chief election officer of the State"; and

(8) by striking "by registered mail" and inserting "by the most expeditious method available".

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

(1) by inserting "% after the meeting of the electors shall have been held," after "When";

(2) by striking "in December, after the meeting of the electors shall have been held," and inserting "in December,";

(3) by striking "or, if he be absent" and inserting "or, if the President of the Senate be absent"; and

(4) by striking "that list" and inserting "that certificate".

(c) ELIMINATION OF MESSENGER’S PENALTY.—
In general.—Title 3, United States Code, is amended by striking section 14.

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

SEC. 109. CLARIFICATIONS RELATING TO COUNTING ELECTORAL VOTES.

(a) In general.—Section 15 of title 3, United States Code, is amended to read as follows:

§ 15. Counting electoral votes in Congress

(a) In general.—Congress shall be in session on the sixth day of January succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o’clock in the afternoon on that day, and the President of the Senate shall be their presiding officer.

(b) Powers of the President of Senate.—

(1) Ministerial in nature.—Except as otherwise provided in this chapter, the role of the President of the Senate while presiding over the joint meeting shall be limited to performing solely ministerial duties.

(2) Powers explicitly denied.—The President of the Senate shall have no power to solely de-
terminate, accept, reject, or otherwise adjudicate or resolve disputes over the proper list of electors, the validity of electors, or the votes of electors.

(e) Appointment of Tellers.—At the joint meeting of the Senate and House of Representatives described in subsection (a), there shall be present two tellers previously appointed on the part of the Senate and two tellers previously appointed on the part of the House of Representatives by the presiding officers of the respective chambers.

(d) Procedure at Joint Meeting Generally.—

(1) In general.—The President of the Senate shall—

(A) open the certificates and papers purporting to be certificates of the votes of electors appointed pursuant to a certificate of ascertainment of appointment of electors issued pursuant to section 5, in the alphabetical order of the States, beginning with the letter A; and

(B) upon opening any certificate, hand the certificate and any accompanying papers to the tellers, who shall read the same in the presence and hearing of the two Houses.

(2) Action on Certificate.—
15

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

"(B) REQUIREMENTS FOR OBJECTIONS.—

"(i) OBJECTIONS.—No objection shall be in order unless the objection—

"(I) is made in writing;

"(II) is signed by at least one-fifth of the Senators duly chosen and sworn and one-fifth of the Members of the House of Representatives duly chosen and sworn; and

"(III) states clearly and concisely, without argument, one of the grounds listed under clause (ii).

"(ii) GROUNDS FOR OBJECTIONS.—The only grounds for objections shall be as follows:

"(I) The electors of the State were not lawfully certified under a certificate of ascertainment of appointment of electors according to section 5(a)(1).

"(II) The vote of one or more electors has not been regularly given.
(C) Consideration of objections.—

(i) In general.—When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision.

(ii) Determination.—No objection may be sustained unless such objection is sustained by separate concurring votes of each House.

(D) Reconvening.—When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the questions submitted. No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of.

(c) Rules for tabulating votes.—

(1) Counting of votes.—
"(A) In general.—Except as provided in
subparagraph (B)—

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

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

"(B) Exception.—The vote of an elector
who has been appointed under a certificate of
ascertainment of appointment of electors issued
pursuant to section 5 shall not be counted if—

"(i) there is an objection which meets
the requirements of subsection
(d)(2)(B)(i); and

"(ii) each House affirmatively sus-
tains the objection as valid.

"(2) Determination of majority.—If the
number of electors lawfully appointed by any State
pursuant to a certificate of ascertainment of ap-
pointment of electors that is issued under section 5
is less than the number of electoral votes entitled to be cast by the State, or if an objection the grounds for which are described in subsection (d)(2)(B)(ii)(I) has been sustained, the total number of electors appointed for the purpose of determining a majority of the whole number of electors appointed as required by the Twelfth Amendment to the Constitution shall be reduced by the number of electors whom the State has failed to appoint or as to whom the objection was sustained.

"(3) List of votes by tellers; declaration of winner.—The tellers shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted according to the rules in this subchapter provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.".

(b) Conforming Amendment.—The table of contents for chapter 4 of title 3, United States Code, is
amended by striking the item relating to section 15 and
inserting the following:

''15. Counting electoral votes in Congress.''

SEC. 110. RULES RELATING TO JOINT MEETING.

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

ows:

''§ 17. Same; limit of debate in each House

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

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

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

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

''(4) at the close of such debate, it shall be the
duty of the presiding officer of each House to put
the objections and questions to a vote without fur-
ther debate.'''
(b) **Parliamentary Procedure.**—Section 18 of title 3, United States Code, is amended by inserting under section 15(d)(2)(C)(i)" after "motion to withdraw".

**SEC. 111. SEVERABILITY.**

(a) In General.—Title 3, United States Code, is amended by inserting after section 21 the following new section:

"§ 22. Severability

"If any provision of this chapter, or the application of a provision to any person or circumstance, is held to be unconstitutional, the remainder of this chapter, and the application of the provisions to any person or circumstance, shall not be affected by the holding."

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

"22. Severability."

**TITLE II—PRESIDENTIAL TRANSITION IMPROVEMENT ACT**

**SEC. 201. SHORT TITLE.**

This title may be cited as "Presidential Transition Improvement Act"."
SEC. 202. MODIFICATIONS TO PRESIDENTIAL TRANSITION ACT OF 1963.

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

"(c)(1) APPARENT SUCCESSFUL CANDIDATES.—

(A) In General.—For purposes of this Act, the 'apparent successful candidate' for the office of President and Vice President, respectively, shall be determined as follows:

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

(ii) If, on the date that is 5 days after the date of the election, more than one eligible candidate for the office of President has not conceded the election, then each of the remaining eligible candidates for such office and the office of Vice President who have not conceded shall be treated as the apparent successful candidates until such time as a single candidate for the office of President is treated as the apparent suc-
successful candidate pursuant to clause (iii) or clause (iv).

**(iii)** If a single candidate for the office of President or Vice President is determined by the Administrator to meet the qualifications under subparagraph (B), the Administrator may determine that such candidate shall solely be treated as the apparent successful candidate for that office until such time as a single candidate for the office of President is treated as the apparent successful candidate pursuant to clause (iv).

**(iv)** If a single candidate for the office of President or Vice President is the apparent successful candidate for such office under subparagraph (C), that candidate shall solely be treated as the apparent successful candidate for that office.

**(B) INTERIM DISCRETIONARY QUALIFICATIONS.**—On or after the date that is 5 days after the date of the election, the Administrator may determine that a single candidate for the office of President or Vice President shall be treated as the sole apparent successful candidate for that office pursuant to subparagraph (A)(iii) if it is substan-
tially certain the candidate will receive a majority of
the pledged votes of electors, based on consideration
of the following factors:

"(i) The results of the election for such office in States in which significant legal challenges that could alter the outcome of the election in the State have been substantially resolved, such that the outcome is substantially certain.

"(ii) The certified results of the election for such office in States in which the certification is complete.

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

"(C) MANDATORY QUALIFICATIONS.—

"(i) In general.—Notwithstanding subparagraph (A) or (B), a candidate shall be the sole apparent successful candidate for the office of President or Vice President pursuant to subparagraph (A)(iv) for purposes of this Act if—

"(I) the candidate receives a majority of pledged votes of electors of such office based on certifications by States of their
final canvass, and the conclusion of any recounts, legal actions, or administrative actions pertaining to the results of the election for such office;

"(II) in the case where subclause (I) is not met, the candidate receives a majority of votes of electors of such office at the meeting and vote of electors under section 7 of title 3, United States Code; or

"(III) in the case where neither subclause (I) or (II) is met, the candidate is declared as the person elected to such office at the joint session of Congress under section 15 of title 3, United States Code.

"(ii) CLARIFICATION IF STATE UNABLE TO CERTIFY ELECTION RESULTS OR APPOINTS MORE THAN ONE SLATE OF ELECTORS.—For purposes of subclauses (I) and (II) of clause (i), if a State is unable to certify its election results or a State appoints more than one slate of electors, the votes of the electors of such State shall not count towards meeting the qualifications under such subclauses.

"(2) PERIOD OF MULTIPLE POSSIBLE APPARENT SUCCESSFUL CANDIDATES.—During any period in which
there is more than one possible apparent successful candidate for the office of President—

**(A) the Administrator is authorized to provide,** upon request, to each remaining eligible candidate for such office and the office of Vice President described in paragraph (1)(A)(ii) access to services and facilities pursuant to this Act;

**(B) the Administrator, in conjunction with the Federal Transition Coordinator designated under section 4(c) and the senior career employee of each agency and senior career employee of each major component and subcomponent of each agency designated under subsection (f)(1) to oversee and implement the activities of the agency, component, or subcomponent relating to the Presidential transition, shall make efforts to ensure that each such candidate is provided equal access to agency information and spaces as requested pursuant to this Act;

**(C) the Administrator shall provide weekly reports to Congress containing a brief summary of the status of funds being distributed to such candidates under this Act, the level of access to agency information and spaces provided to such candidates, and the status of such candidates with respect to meeting the qualifications to be the apparent successful can-
didate for the office of President or Vice President under subparagraph (B) or (C) of paragraph (1); and

"(D) if a single candidate for the office of President or Vice President is treated as the apparent successful candidate for such office pursuant to subparagraph (A)(iii) or (A)(iv) of paragraph (1), not later than 24 hours after such treatment is effective, the Administrator shall make available to the public a written statement that such candidate is treated as the sole apparent successful candidate for such office for purposes of this Act, including a description of the legal basis and reasons for such treatment based on the qualifications under subparagraph (B) or (C) of paragraph (1), as applicable.

"(3) DEFINITION.—In this subsection, the term ‘eligible candidate’ has the meaning given that term in subsection (h)(4).”.

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

(1) in section 3—

(A) in the heading, by striking “PRESIDENTS-ELECT AND VICE-PRESIDENTS-ELECT” and inserting “APPARENT SUCCESSFUL CANDIDATES”;
(B) in subsection (a)—

   (i) in the matter preceding paragraph

   (1)—

   (I) by striking “each President-
elect, each Vice-President-elect” and
inserting “each apparent successful
candidate for the office of President
and Vice President (as determined by
subsection (e))”; and

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

(ii) in paragraph (1)—

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

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

(iii) in paragraphs (2), (3), (4), and

(5), by striking “the President-elect or
Vice-President-elect” each place it appears
and inserting "the apparent successful candidate";

(iv) in paragraph (4)(B), by striking "the President-elect, the Vice-President-elect, or the designee of the President-elect or Vice-President-elect" and inserting "the apparent successful candidate or their designee";

(v) in paragraph (8), in subparagraph (A)(v) and (B), by striking "the President-elect" and inserting "the apparent successful candidate for the office of President";

and

(vi) in paragraph (10)—

(I) by striking "any President-elect, Vice-President-elect, or eligible candidate" and inserting "any apparent successful candidate or eligible candidate"; and

(II) by striking "the President-elect and Vice President-elect" and inserting "the apparent successful candidates";

(C) in subsection (b)—
(i) in paragraph (1), by striking "the President-elect or Vice-President-elect, or
after the inauguration of the President-elect as President and the inauguration of
the Vice-President-elect as Vice President" and inserting "the apparent successful
candidates, or after the inauguration of the apparent successful candidate for the office
of President as President and the inauguration of the apparent successful can-
didate for the office of Vice President as Vice President"; and

(ii) in paragraph (2), by striking "the President-elect, Vice-President-elect" and
inserting "the apparent successful can-
didate";

(D) in subsection (d)—

(i) in the first sentence, by striking
"Each President-elect" and inserting
"Each apparent successful candidate for
the office of President"; and

(ii) in the second sentence, by striking
"Each Vice-President-elect" and inserting
"Each apparent successful candidate for
the office of Vice-President";
(E) in subsection (e)—

(i) in the first sentence, by striking "Each President-elect and Vice-President-elect" and inserting "Each apparent successful candidate"; and

(ii) in the second sentence, by striking "any President-elect or Vice-President-elect may be made upon the basis of a certificate by him or the assistant designated by him" and inserting "any apparent successful candidate may be made upon the basis of a certificate by the candidate or their designee";

(F) in subsection (f)—

(i) in paragraph (1), by striking "The President-elect" and inserting "Any apparent successful candidate for the office of President"; and

(ii) in paragraph (2), by striking "inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President" and inserting "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’;

(G) in subsection (g), by striking “In the
case where the President-elect is the incumbent
President or in the case where the Vice-President-elect is the incumbent Vice President” and
inserting “In the case where an apparent successful candidate for the office of President is
the incumbent President or in the case where
an apparent successful candidate for the office
of Vice President is the incumbent Vice Presi-
dent”;

(H) in subsection (h)—

(i) in paragraph (2)(B)(iv), by strik-
ing “the President-elect or Vice-President-elect” and inserting “an apparent successful candidates”; and

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

(I) in subsection (i)(3)(C)—

(i) in clause (i), by striking “the inaug-
uration of the President-elect as Presi-
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(e))’’; and

(ii) in paragraph (1)(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)—
(i) in paragraph (3)(A), by striking "the President-elect'' and inserting "the apparent successful candidate for the office of President''; and

(ii) in paragraph (3)(B)(ii)(III), by striking "the President-elect'' and inserting "the apparent successful candidate for the office of President'';

(3) in section 5, in the first sentence, by striking "Presidents-elect and Vice-Presidents-elect'' and inserting "apparent successful candidates (as determined by section 3(c))'';

(4) in section 6—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking "The President-elect and Vice-President-elect'' and inserting "Each apparent successful candidate (as determined by section 3(e))''; and

(II) by striking "the President-elect or Vice-President-elect'' and inserting "the apparent successful candidate'';
(ii) in paragraph (2), by striking "The President-elect and Vice-President-elect" and inserting "Each apparent successful candidate"; and

(iii) in paragraph (3)(A), by striking "inauguration of the President-elect as President and the Vice-President-elect as Vice President" and inserting "inauguration of the apparent successful candidate for the office of President as President and the apparent successful candidate for the office of Vice-President as Vice President";

(B) in subsection (b)(1)—

(i) in the matter preceding subparagraph (A), by striking "The President-elect and Vice-President-elect" and inserting "Each apparent successful candidate"; and

(ii) in subparagraph (A), by striking "the President-elect or Vice-President-elect's" and inserting "the apparent successful candidate's"; and

(C) in subsection (c), by striking "The President-elect and Vice-President-elect" and inserting "Each apparent successful candidate"; and
(5) in section 7(a)(1), by striking “the President-elect and Vice President-elect” and inserting “the apparent successful candidates”.

SECTION 1. SHORT TITLE, ETC.

(a) Short Title.—This Act may be cited as the “Electoral Count Reform and Presidential Transition Improvement Act of 2022”.

(b) Table of Contents.—The table of contents of 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.

TITLE I—ELECTORAL COUNT REFORM ACT

SEC. 101. SHORT TITLE.

This title may be cited as the “Electoral Count Reform Act of 2022”.
SEC. 102. TIME FOR APPOINTING ELECTORS.

(a) In General.—Title 3, United States Code, is amended by striking sections 1 and 2 and inserting the following:

“§ 1. Time of appointing electors

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

(b) Election Day.—Section 21 of title 3, United States Code, is amended by redesignating subsections (a) and (b) as paragraphs (2) and (3), respectively, and by inserting before paragraph (2) (as so redesignated) the following:

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

(c) Conforming Amendment.—The table of contents for chapter 1 of title 3, United States Code, is amended
by striking the item relating to section 1 and inserting the following:

“1. Time of appointing electors.”

SEC. 103. CLARIFICATION WITH RESPECT TO VACANCIES IN ELECTORAL COLLEGE.

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

SEC. 104. CERTIFICATE OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS.

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

“§ 5. Certificate of ascertainment of appointment of electors

“(a) IN GENERAL.—

“(1) Certification.—Not later than the date that is 6 days before the time fixed for the meeting of the electors, the executive of each State shall issue a certificate of ascertainment of appointment of electors, under and in pursuance of the laws of such State providing for such appointment and ascertainment enacted prior to election day.

“(2) Form of certificate.—Each certificate of ascertainment of appointment of electors shall—

“(A) set forth the names of the electors appointed and the canvass or other determination under the laws of such State of the number of
votes given or cast for each person for whose appointment any and all votes have been given or cast;

“(B) bear the seal of the State; and

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

“(b) TRANSMISSION.—It shall be the duty of the executive of each State—

“(1) to transmit to the Archivist of the United States, immediately after the issuance of the certificate of ascertainment of appointment of electors and by the most expeditious method available, such certificate of ascertainment of appointment of electors; and

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

“(c) TREATMENT OF CERTIFICATE AS CONCLUSIVE.—

For purposes of section 15:

“(1) IN GENERAL.—

“(A) INITIAL CERTIFICATE.—Except as provided in subparagraph (B), the certificate of ascertainment of appointment of electors issued pursuant to subsection (a)(1) shall be treated as
conclusive in Congress with respect to the determination of electors appointed by the State.

“(B) Certificates issued pursuant to court orders.—Any certificate of ascertainment of appointment of electors required to be issued or revised by any 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 in Congress.

“(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 Federal district in which the State capital is located.

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

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

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

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

“(D) APPEALS.—Notwithstanding section 1253 of title 28, United States Code, the final judgment of the panel convened under subparagraph (B) may be reviewed directly by the Supreme Court, by writ of certiorari granted upon
petition of any party to the case, on an expedited basis, so that a final order of the court on remand of the Supreme Court may occur on or before the day before the time fixed for the meeting of electors.

“(2) RULE OF CONSTRUCTION.—This subsection—

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

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

(b) EXECUTIVE OF A STATE.—Section 21 of title 3, United States Code, as amended by section 102(b), is amended by striking paragraph (3) and inserting the following:

“(3) ‘executive’ means, with respect to any State, the Governor of the State (or, in the case of the District of Columbia, the Mayor of the District of Columbia), except when the laws or constitution of a State in effect as of election day expressly require a dif-
ferent State executive to perform the duties identified
under this chapter.”.

(c) CONFORMING AMENDMENTS.—

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

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

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

SEC. 105. DUTIES OF THE ARCHIVIST.

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

“§6. Duties of Archivist

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

“(1) be preserved for one year;

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

and

“(3) be open to public inspection.”.

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

“6. Duties of Archivist.”.

SEC. 106. MEETING OF ELECTORS.

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

(1) by striking “Monday” and inserting “Tuesday”; and

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

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

SEC. 107. TRANSMISSION OF CERTIFICATES OF VOTES.

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

“§ 11. Transmission of certificates by electors

“The electors shall immediately transmit at the same
time and by the most expeditious method available the cer-
tificates of votes so made by them, together with the annexed
certificates of ascertainment of appointment of electors, as
follows:
“(1) One set shall be sent to the President of the Senate at the seat of government.

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

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

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

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

“11. Transmission of certificates by electors.”.

SEC. 108. FAILURE OF CERTIFICATE OF VOTES TO REACH RECIPIENTS.

(a) IN GENERAL.—Section 12 of title 3, United States Code, is amended—
(1) by inserting “, after the meeting of the electors shall have been held,” after “When”;

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

(3) by striking “or, if he be absent” and inserting “or, if the President of the Senate be absent”;

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

(5) by striking “and list”; and

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

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

(8) by striking “by registered mail” and inserting “by the most expeditious method available”.

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

(1) by inserting “, after the meeting of the electors shall have been held,” after “When”;

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

(3) by striking “or, if he be absent” and inserting “or, if the President of the Senate be absent”; and
(4) by striking “that list” and inserting “that certificate”.

(c) Elimination of Messenger’s Penalty.—

(1) In general.—Title 3, United States Code, is amended by striking section 14.

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

SEC. 109. Clarifications relating to counting electoral votes.

(a) In general.—Section 15 of title 3, United States Code, is amended to read as follows:

§ 15. Counting electoral votes in Congress

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

“(b) Powers of the President of Senate.—

“(1) Ministerial in nature.—Except as otherwise provided in this chapter, the role of the President of the Senate while presiding over the joint meeting shall be limited to performing solely ministerial duties.
“(2) Powers explicitly denied.—The President of the Senate shall have no power to solely determine, accept, reject, or otherwise adjudicate or resolve disputes over the proper list of electors, the validity of electors, or the votes of electors.

“(c) Appointment of Tellers.—At the joint meeting of the Senate and House of Representatives described in subsection (a), there shall be present two tellers previously appointed on the part of the Senate and two tellers previously appointed on the part of the House of Representatives by the presiding officers of the respective chambers.

“(d) Procedure at Joint Meeting Generally.—

“(1) In general.—The President of the Senate shall—

“(A) open the certificates and papers purporting to be certificates of the votes of electors appointed pursuant to a certificate of ascertainment of appointment of electors issued pursuant to section 5, in the alphabetical order of the States, beginning with the letter A; and

“(B) upon opening any certificate, hand the certificate and any accompanying papers to the tellers, who shall read the same in the presence and hearing of the two Houses.

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

“(B) REQUIREMENTS FOR OBJECTIONS.—

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

“(I) is made in writing;

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

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

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

“(I) The electors of the State were not lawfully certified under a certificate of ascertainment of appointment of electors according to section 5(a)(1).

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

“(C) CONSIDERATION OF OBJECTIONS.—
“(i) IN GENERAL.—When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision.

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

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

“(e) RULES FOR TABULATING VOTES.—

“(1) COUNTING OF VOTES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B)—
“(i) only the votes of electors who have been appointed under a certificate of ascertainment of appointment of electors issued pursuant to section 5, or who have legally been appointed to fill a vacancy of any such elector pursuant to section 4, may be counted; and

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

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

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

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

“(2) Determination of Majority.—If the number of electors lawfully appointed by any State pursuant to a certificate of ascertainment of appointment of electors that is issued under section 5 is fewer than the number of electors to which the State is entitled under section 3, or if an objection the grounds for
which are described in subsection (d)(2)(B)(ii)(I) has
been sustained, the total number of electors appointed
for the purpose of determining a majority of the whole
number of electors appointed as required by the
Twelfth Amendment to the Constitution shall be re-
duced by the number of electors whom the State has
failed to appoint or as to whom the objection was sus-
tained.

“(3) List of votes by tellers; declaration
of winner.—The tellers shall make a list of the votes
as they shall appear from the said certificates; and
the votes having been ascertained and counted accord-
ing to the rules in this subchapter provided, the result
of the same shall be delivered to the President of the
Senate, who shall thereupon announce the state of the
vote, which announcement shall be deemed a sufficient
declaration of the persons, if any, elected President
and Vice President of the United States, and, together
with a list of the votes, be entered on the Journals of
the two Houses.”.

(b) Conforming Amendment.—The table of contents
for chapter 1 of title 3, United States Code, is amended
by striking the item relating to section 15 and inserting
the following:

“15. Counting electoral votes in Congress.”.
SEC. 110. RULES RELATING TO JOINT MEETING.

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

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

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

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

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

“(3) the total time for debate for all such objections and questions with respect to such State shall not exceed two hours in each House; and

“(4) at the close of such debate, it shall be the duty of the presiding officer of each House to put the objections and questions to a vote without further debate.”.

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

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SEC. 111. SEVERABILITY.

(a) In General.—Title 3, United States Code, is amended by inserting after section 21 the following new section:

“§ 22. Severability

“If any provision of this chapter, or the application of a provision to any person or circumstance, is held to be unconstitutional, the remainder of this chapter, and the application of the provisions to any person or circumstance, shall not be affected by the holding.”.

(b) Conforming Amendment.—The table of contents for chapter 1 of title 3, United States Code, is amended by adding at the end the following:

“22. Severability.”.

TITLE II—PRESIDENTIAL TRANSITION IMPROVEMENT ACT

SEC. 201. SHORT TITLE.

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

SEC. 202. MODIFICATIONS TO PRESIDENTIAL TRANSITION ACT OF 1963.

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

“(c)(1) Apparent Successful Candidates.—
“(A) IN GENERAL.—For purposes of this Act, the ‘apparent successful candidate’ for the office of President and Vice President, respectively, shall be determined as follows:

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

“(ii) If, on the date that is 5 days after the date of the election, more than one eligible candidate for the office of President has not conceded the election, then each of the remaining eligible candidates for such office and the office of Vice President who have not conceded shall be treated as the apparent successful candidates until such time as a single candidate for the office of President is treated as the apparent successful candidate pursuant to clause (iii) or clause (iv).

“(iii) If a single candidate for the office of President or Vice President is determined by the Administrator to meet the qualifications under subparagraph (B), the Administrator may determine that such candidate shall solely be treated
as the apparent successful candidate for that office until such time as a single candidate for the office of President is treated as the apparent successful candidate pursuant to clause (iv).

“(iv) If a single candidate for the office of President or Vice President is the apparent successful candidate for such office under subparagraph (C), that candidate shall solely be treated as the apparent successful candidate for that office.

“(B) INTERIM DISCRETIONARY QUALIFICATIONS.—On or after the date that is 5 days after the date of the election, the Administrator may determine that a single candidate for the office of President or Vice President shall be treated as the sole apparent successful candidate for that office pursuant to subparagraph (A)(iii) if it is substantially certain the candidate will receive a majority of the pledged votes of electors, based on consideration of the following factors:

“(i) The results of the election for such office in States in which significant legal challenges that could alter the outcome of the election in the State have been substantially resolved, such that the outcome is substantially certain.
“(ii) The certified results of the election for such office in States in which the certification is complete.

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

“(C) MANDATORY QUALIFICATIONS.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A) or (B), a candidate shall be the sole apparent successful candidate for the office of President or Vice President pursuant to subparagraph (A)(iv) for purposes of this Act if—

“(I) the candidate receives a majority of pledged votes of electors of such office based on certifications by States of their final canvass, and the conclusion of any recounts, legal actions, or administrative actions pertaining to the results of the election for such office;

“(II) in the case where subclause (I) is not met, the candidate receives a majority of votes of electors of such office at the meeting and vote of electors under section 7 of title 3, United States Code; or
“(III) in the case where neither sub-
clause (I) or (II) is met, the candidate is
declared as the person elected to such office
at the joint session of Congress under sec-
tion 15 of title 3, United States Code.

“(ii) Clarification If State Unable to
Certify Election Results Or Appoints More
Than One Slate Of Electors.—For purposes
of subclauses (I) and (II) of clause (i), if a State
is unable to certify its election results or a State
appoints more than one slate of electors, the votes
of the electors of such State shall not count to-
wars meeting the qualifications under such sub-
clauses.

“(2) Period Of Multiple Possible Apparent Suc-
cessful Candidates.—During any period in which there
is more than one possible apparent successful candidate for
the office of President—

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

“(B) the Administrator, in conjunction with the
Federal Transition Coordinator designated under sec-
tion 4(c) and the senior career employee of each agency and senior career employee of each major component and subcomponent of each agency designated under subsection (f)(1) to oversee and implement the activities of the agency, component, or subcomponent relating to the Presidential transition, shall make efforts to ensure that each such candidate is provided equal access to agency information and spaces as requested pursuant to this Act;

“(C) the Administrator shall provide weekly reports to Congress containing a brief summary of the status of funds being distributed to such candidates under this Act, the level of access to agency information and spaces provided to such candidates, and the status of such candidates with respect to meeting the qualifications to be the apparent successful candidate for the office of President or Vice President under subparagraph (B) or (C) of paragraph (1); and

“(D) if a single candidate for the office of President or Vice President is treated as the apparent successful candidate for such office pursuant to subparagraph (A)(iii) or (A)(iv) of paragraph (1), not later than 24 hours after such treatment is effective, the Administrator shall make available to the public a written statement that such candidate is treated as
the sole apparent successful candidate for such office
for purposes of this Act, including a description of the
legal basis and reasons for such treatment based on
the qualifications under subparagraph (B) or (C) of
paragraph (1), as applicable.

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

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

(1) in section 3—

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

(B) in subsection (a)—

(i) in the matter preceding paragraph

(1)—

(I) by striking “each President-
elect, each Vice-President-elect” and in-
serting “each apparent successful can-
didate for the office of President and
Vice President (as determined by sub-
section (c))”; and
(II) by striking “the President-elect and Vice-President-elect” and inserting “each such candidate”; 
(ii) in paragraph (1)—

(I) by striking “the President-elect, the Vice-President-elect” and inserting “the apparent successful candidate”; and

(II) by striking “the President-elect or Vice-President-elect” and inserting “the apparent successful candidate”; 
(iii) in paragraphs (2), (3), (4), and (5), by striking “the President-elect or Vice-President-elect” each place it appears and inserting “the apparent successful candidate”; 
(iv) in paragraph (4)(B), by striking “the President-elect, the Vice-President-elect, or the designee of the President-elect or Vice-President-elect” and inserting “the apparent successful candidate or their designee”; 
(v) in paragraph (8), in subparagraph (A)(v) and (B), by striking “the President-elect” and inserting “the apparent success-
ful candidate for the office of President’’;
and

(vi) in paragraph (10)—

(I) by striking “any President-elect, Vice-President-elect, or eligible candidate” and inserting “any apparent successful candidate or eligible candidate”; and

(II) by striking “the President-elect and Vice President-elect” and inserting “the apparent successful candidates’’;

(C) in subsection (b)—

(i) in paragraph (1), by striking “the President-elect or Vice-President-elect, or after the inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President” and inserting “the apparent successful candidates, or after 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 paragraph (2), by striking “the President-elect, Vice-President-elect” and inserting “the apparent successful candidate”; 

(D) in subsection (d)—

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

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

(E) in subsection (e)—

(i) in the first sentence, by striking “Each President-elect and Vice-President-elect” and inserting “Each apparent successful candidate”; and

(ii) in the second sentence, by striking “any President-elect or Vice-President-elect may be made upon the basis of a certificate by him or the assistant designated by him” and inserting “any apparent successful candidate may be made upon the basis of a certificate by the candidate or their designee”; 

(F) in subsection (f)—
(i) in paragraph (1), by striking “The President-elect” and inserting “Any apparent successful candidate for the office of President”; and

(ii) in paragraph (2), by striking “inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President” and inserting “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”;

(G) in subsection (g), by striking “In the case where the President-elect is the incumbent President or in the case where the Vice-President-elect is the incumbent Vice President” and inserting “In the case where an apparent successful candidate for the office of President is the incumbent President or in the case where an apparent successful candidate for the office of Vice President is the incumbent Vice President”;  

(H) in subsection (h)—

(i) in paragraph (2)(B)(iv), by striking “the President-elect or Vice-President-
elect” and inserting “an apparent successful candidates”; and

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

(I) in subsection (i)(3)(C)—

(i) in clause (i), by striking “the inau-
guration of the President-elect as President
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 ap-
parent 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 success-
ful 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)—

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

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

(3) in section 5, in the first sentence, by striking “Presidents-elect and Vice-Presidents-elect” and inserting “apparent successful candidates (as determined by section 3(c))”;

(4) in section 6—

(A) in subsection (a)—

(i) in paragraph (1)—

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

(II) by striking “the President-elect or Vice-President-elect” and inserting “the apparent successful candidate”;

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

(iii) in paragraph (3)(A), by striking “inauguration of the President-elect as President and the Vice-President-elect as Vice President” and inserting “inauguration of the apparent successful candidate for the office of President as President and the apparent successful candidate for the office of Vice-President as Vice President”;

(B) in subsection (b)(1)—

(i) in the matter preceding subparagraph (A), by striking “The President-elect and Vice-President-elect” and inserting “Each apparent successful candidate”; and
(ii) in subparagraph (A), by striking “the President-elect or Vice-President-elect’s” and inserting “the apparent successful candidate’s”; and

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

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

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A BILL

S. 4573

117th CONGRESS

Calendar No. 529

OCTOBER 18, 2022

Reported under authority of the order of the Senate of

OCTOBER 18, 2022

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 how the President-elect, Vice President-elect, and the President, respectively, shall assume the duties of President and Vice President.