

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Ms. KLOBUCHAR (for herself and
Mr. BLUNT)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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.

1 **TITLE I—ELECTORAL COUNT**
 2 **REFORM ACT**

3 **SEC. 101. SHORT TITLE.**

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

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

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

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

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

14 (b) **ELECTION DAY.**—Section 21 of title 3, United
 15 States Code, is amended by redesignating subsections (a)
 16 and (b) as paragraphs (2) and (3), respectively, and by

1 inserting before paragraph (2) (as so redesignated) the
2 following:

3 “(1) ‘election day’ means the Tuesday next
4 after the first Monday in November, in every fourth
5 year succeeding every election of a President and
6 Vice President held in each State, except, in the case
7 of a State that appoints electors by popular vote, if
8 the State modifies the period of voting, as neces-
9 sitated by force majeure events that are extraor-
10 dinary and catastrophic, as provided under laws of
11 the State enacted prior to such day, ‘election day’
12 shall include the modified period of voting.”.

13 (c) 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 1 and
16 inserting the following:

“1. Time of appointing electors.”.

17 **SEC. 103. CLARIFICATION WITH RESPECT TO VACANCIES IN**
18 **ELECTORAL COLLEGE.**

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

22 **SEC. 104. CERTIFICATE OF ASCERTAINMENT OF APPOINT-**
23 **MENT OF ELECTORS.**

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

1 **“§ 5. Certificate of ascertainment of appointment of**
2 **electors**

3 “(a) IN GENERAL.—

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

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

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

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

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

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

25 “(1) to transmit to the Archivist of the United
26 States, immediately after the issuance of the certifi-

1 cate of ascertainment of appointment of electors and
2 by the most expeditious method available, such cer-
3 tificate of ascertainment of appointment of electors;
4 and

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

9 “(c) TREATMENT OF CERTIFICATE AS CONCLU-
10 SIVE.—For purposes of section 15:

11 “(1) IN GENERAL.—

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

19 “(B) CERTIFICATES ISSUED PURSUANT TO
20 COURT ORDERS.—Any certificate of ascertain-
21 ment of appointment of electors required to be
22 issued or revised by any State or Federal judi-
23 cial relief granted prior to the date of the meet-
24 ing of electors shall replace and supersede any

1 other certificates submitted pursuant to this
2 section.

3 “(2) DETERMINATION OF FEDERAL QUES-
4 TIONS.—The determination of Federal courts on
5 questions arising under the Constitution or laws of
6 the United States with respect to a certificate of as-
7 certainment of appointment of electors shall be con-
8 clusive in Congress.

9 “(d) VENUE AND EXPEDITED PROCEDURE.—

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

18 “(A) VENUE.—The venue for such action
19 shall be the Federal district court of the Fed-
20 eral district in which the State capital is lo-
21 cated.

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

1 “(i) the court shall be comprised of
2 two judges of the circuit court of appeals
3 in which the district court lies and one
4 judge of the district court in which the ac-
5 tion is brought; and

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

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

14 “(D) APPEALS.—Notwithstanding section
15 1253 of title 28, United States Code, the final
16 judgment of the panel convened under subpara-
17 graph (B) may be reviewed directly by the Su-
18 preme Court, by writ of certiorari granted upon
19 petition of any party to the case, on an expe-
20 dited basis, so that a final order of the court on
21 remand of the Supreme Court may occur on or
22 before the day before the time fixed for the
23 meeting of electors.

24 “(2) RULE OF CONSTRUCTION.—This sub-
25 section—

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

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

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

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

21 (c) CONFORMING AMENDMENTS.—

22 (1) Section 9 of title 3, United States Code, is
23 amended by striking “annex to each of the certifi-
24 cates one of the lists of the electors” and inserting
25 “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 termine, 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 fewer than the number of electors to which the
2 State is entitled under section 3, or if an objection
3 the grounds for which are described in subsection
4 (d)(2)(B)(ii)(I) has been sustained, the total number
5 of electors appointed for the purpose of determining
6 a majority of the whole number of electors appointed
7 as required by the Twelfth Amendment to the Con-
8 stitution shall be reduced by the number of electors
9 whom the State has failed to appoint or as to whom
10 the objection 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 “(II) in the case where subclause (I)
6 is not met, the candidate receives a major-
7 ity of votes of electors of such office at the
8 meeting and vote of electors under section
9 7 of title 3, United States Code; or

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

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

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

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

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

8 “(B) the Administrator, in conjunction with the
9 Federal Transition Coordinator designated under
10 section 4(c) and the senior career employee of each
11 agency and senior career employee of each major
12 component and subcomponent of each agency des-
13 igned 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 sserting “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(c))”;

13 (4) in section 6—

14 (A) in subsection (a)—

15 (i) in paragraph (1)—

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

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

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

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

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

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

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

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