

# PRESIDENTIAL TRANSITION IMPROVEMENT ACT

The Presidential Transition Improvement Act would help to promote the orderly transfer of power by providing clear guidelines for when eligible candidates for President and Vice President may receive federal resources to support their transition into office. It would allow an eligible candidate, during the limited time period in which the outcome of a presidential election is reasonably in dispute, to receive transition resources, removing the need for the Administrator of the U.S. General Services Administration to ascertain the apparent winner during this time. The Administrator would still be able to limit transition resources to just the apparent winner if the outcome is clear.

## KEY PROVISIONS INCLUDE:

- **Guidelines for When Presidential Candidates Can Receive Transition Resources in Contested Elections.** The bill would allow more than one candidate to receive transition resources during a period of time when the outcome of an election is reasonably in doubt. Only one candidate, however, shall be eligible once there is a clear winner of the election.
  - **Allowance for Multiple Candidates to Receive Transition Resources.** When neither candidate has conceded within five days of election day, both candidates may receive equal access to federal transition resources until it is substantially certain who will win the majority of electoral votes. Factors that the Administrator shall use when determining whether the outcome of an election is “substantially certain” include whether legal challenges that could alter the outcome have been resolved, the certified results of the election in each state, and the totality of the circumstances.
  - **Required Ascertainment of a Single Successful Candidate.** Notwithstanding the factors above, a candidate shall be the sole candidate eligible to continue receiving transition resources if that candidate—
    - Receives the majority of pledged electoral votes and there are no further legal or administrative actions pertaining to the results;
    - Receives the majority of electoral votes at the meeting of electors in December following the election; or
    - Is formally elected at the joint meeting of Congress on January 6.
- **New Reporting Requirements.** When neither candidate has conceded, the Administrator would be required to—
  - Report on the federal resources provided to each candidate;
  - Provide weekly reports to Congress on the transition, including the status of determination of the apparent election winner under the guideposts established in this Act; and
  - Issue a public written opinion when the law permits or requires that a single candidate be ascertained as the winner of the election that includes a description of the legal basis and reasons for doing so.