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The Electoral Count Reform and Presidential Transition Improvement Act

Overview

In December 2022, Congress passed the [Electoral Count Reform and Presidential Transition Improvement Act](#) to help support the orderly transfer of power.

This bipartisan legislation had two goals. First, it clarified the process by which the federal government provides transition support to presidential candidates if two or more have not conceded after the election. Second, it established clear guidelines for certifying and counting electoral votes for the president and vice president.

Why Congress acted

Congress passed this legislation to address challenges wrought by the tumultuous 2020 presidential transition. In the months leading up to President Joe Biden's inauguration, the incumbent administration sought to exploit ambiguities in the Electoral Count Act to dispute the results of the 2020 election. The act, passed in 1887, outlines the process by which U.S. states and Congress certify the electoral votes for president and vice president to declare election winners.

Uncertainties over the election also led the General Services Administration to delay its recognition of an apparent election winner for more than two weeks. The postponement prevented the incoming Biden administration from conducting agency review and accessing federal services that support the transfer of power.

What the law says

The Presidential Transition Improvement Act requires the General Services Administration to provide support services to more than one eligible candidate if there is no concession within five days of the election.

The law also outlines the factors the GSA administrator should consider when determining the apparent election winner, including by assessing the status of legal challenges to the election results or whether a candidate received the majority of pledged electoral votes based on state certifications of a final canvass. After there is a concession—or the GSA administrator determines a “sole apparent successful candidate”—the agency continues to provide office space and support services to the president-elect and vice president-elect for up to 60 days after the inauguration.

The other part of the law seeks to ensure Congress identifies a single slate of electors from each state when tallying the electoral votes for president. It specifies that Congress must accept electoral tallies from a single official in each state—the governor, unless otherwise noted—and outlines a streamlined judicial process for challenging or reviewing a state's electoral votes.

Read our [statement](#) on this legislation.