

(Pub. L. 90-206, title II, §225(n), as added Pub. L. 101-194, title VII, §701(k), Nov. 30, 1989, 103 Stat. 1767.)

#### REFERENCES IN TEXT

Sections 702, 703, and 704(a)(1) of the Ethics Reform Act of 1989, referred to in par. (3)(B), (C), are sections 702, 703, and 704(a)(1) of Pub. L. 101-194 which are set out as notes under sections 5303 and 5318 of Title 5, Government Organization and Employees.

### CHAPTER 12—CONTESTED ELECTIONS

Sec.	
381.	Definitions.
382.	Notice of contest.
383.	Response of contestee.
384.	Service and filing of papers other than notice of contest.
385.	Default of contestee.
386.	Deposition.
387.	Notice of depositions.
388.	Subpena for attendance at deposition.
389.	Officer and witness fees.
390.	Penalty for failure to appear, testify, or produce documents.
391.	Certification and filing of depositions.
392.	Record.
393.	Filing of pleadings, motions, depositions, appendixes, briefs, and other papers.
394.	Computation of time.
395.	Death of contestant.
396.	Allowance of party's expenses.

#### § 381. Definitions

For purposes of this chapter:

(1) The term "election" means an official general or special election to choose a Representative in, or Delegate or Resident Commissioner to, the Congress, but that term does not include a primary election, or a caucus or convention of a political party.

(2) The term "candidate" means an individual (A) whose name is printed on the official ballot for election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress, or (B) notwithstanding his name is not printed on such ballot, who seeks election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress by write-in votes, provided that he is qualified for such office and that, under the law of the State in which the congressional district is located, write-in voting for such office is permitted and he is eligible to receive write-in votes in such election.

(3) The term "contestant" means an individual who contests the election of a Member of the House of Representatives under this chapter.

(4) The term "contestee" means a Member of the House of Representatives whose election is contested under this chapter.

(5) The term "Member of the House of Representatives" means an incumbent Representative in, or Delegate or Resident Commissioner to, the Congress, or an individual who has been elected to such office but has not taken the oath of office.

(6) The term "Clerk" means the Clerk of the House of Representatives.

(7) The term "committee" means the Committee on House Oversight of the House of Representatives.

(8) The term "State" means a State of the United States and any territory or possession of the United States.

(9) The term "write-in vote" means a vote cast for a person whose name does not appear on the official ballot by writing in the name of such person on such ballot or by any other method prescribed by the law of the State in which the election is held.

(Pub. L. 91-138, §2, Dec. 5, 1969, 83 Stat. 284; Pub. L. 104-186, title II, §211(1), (2), Aug. 20, 1996, 110 Stat. 1743, 1744.)

#### AMENDMENTS

1996—Pub. L. 104-186, §211(1)(A)–(C), substituted "chapter:" for "chapter—" in introductory provisions, redesignated subdivs. (a) to (i) as pars. (1) to (9), respectively, and realigned margins of pars. (1) to (9).

Par. (1). Pub. L. 104-186, §211(2)(A), substituted ", or Delegate or Resident Commissioner to, the Congress, but that term" for "or Resident Commissioner to the Congress of the United States, but".

Par. (2). Pub. L. 104-186, §211(2)(B), substituted "office of Representative in, or Delegate or Resident Commissioner to, the Congress" for "House of Representatives of the United States" in subpar. (A) and "House of Representatives" in subpar. (B).

Pub. L. 104-186, §211(1)(D), redesignated pars. (1) and (2) as subpars. (A) and (B), respectively.

Pars. (3), (4). Pub. L. 104-186, §211(2)(C), (D), struck out "of the United States" after "House of Representatives".

Par. (5). Pub. L. 104-186, §211(2)(E), substituted "term 'Member of the House of Representatives' means an incumbent Representative in, or Delegate or Resident Commissioner to, the Congress, or an individual who has been elected to such office" for "term 'Member' means an incumbent Representative in or Resident Commissioner to the Congress of the United States, or an individual who has been elected to either of such offices".

Par. (6). Pub. L. 104-186, §211(2)(F), struck out "of the United States" after "House of Representatives".

Par. (7). Pub. L. 104-186, §211(2)(G), substituted "House Oversight of the House of Representatives" for "House Administration of the House of Representatives of the United States".

Par. (8). Pub. L. 104-186, §211(2)(H), substituted "means a State of the United States and any territory or" for "includes territory and".

Par. (9). Pub. L. 104-186, §211(1)(A), (C), redesignated former subsec. (i) as par. (9).

#### CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

#### EFFECTIVE DATE

Section 19 of Pub. L. 91-138 provided that: "The provisions of, and the repeals made by, this Act [enacting this chapter and repealing sections 201 to 226 of this title] shall apply with respect to any general or special election for Representative in, or Resident Commissioner to, the Congress of the United States occurring after the date of enactment of this Act [Dec. 5, 1969]."

#### SHORT TITLE

Pub. L. 91-138, §1, Dec. 5, 1969, 83 Stat. 284, provided that: "This Act [enacting this chapter and repealing sections 201 to 226 of this title] may be cited as the 'Federal Contested Election Act'."

#### § 382. Notice of contest

##### (a) Filing of notice

Whoever, having been a candidate for election in the last preceding election and claiming a