

condition denial of the motion upon the advancement by the party in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things. In the case of public records or documents, copies thereof, certified by the person having official custody thereof, may be produced in lieu of the originals.

(Pub. L. 91-138, §9, Dec. 5, 1969, 83 Stat. 288.)

### § 389. Officer and witness fees

(a) Each judge, clerk of court, or other officer who issues any subpoena or takes a deposition and each person who serves any subpoena or other paper herein authorized shall be entitled to receive from the party at whose instance the service shall have been performed such fees as are allowed for similar services in the district courts of the United States.

(b) Witnesses whose depositions are taken shall be entitled to receive from the party at whose instance the witness appeared the same fees and travel allowance paid to witnesses subpoenaed to appear before the House of Representatives or its committees.

(Pub. L. 91-138, §10, Dec. 5, 1969, 83 Stat. 288.)

### § 390. Penalty for failure to appear, testify, or produce documents

Every person who, having been subpoenaed as a witness under this chapter to give testimony or to produce documents, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the contested election case, shall be deemed guilty of a misdemeanor punishable by fine of not more than \$1,000 nor less than \$100 or imprisonment for not less than one month nor more than twelve months, or both.

(Pub. L. 91-138, §11, Dec. 5, 1969, 83 Stat. 288.)

### § 391. Certification and filing of depositions

#### (a) Sealing of papers; deposit with clerk

The officer before whom any deposition is taken shall certify thereon that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition, together with any papers produced by the witness and the notice of deposition or stipulation, if the deposition was taken without notice, in an envelope endorsed with the title of the contested election case and marked "Deposition of (here insert name of witness)" and shall within thirty days after completion of the witness' testimony, file it with the Clerk.

#### (b) Notification of filing

After filing the deposition, the officer shall promptly notify the parties of its filing.

#### (c) Copy of deposition to parties or deponents

Upon payment of reasonable charges therefor, not to exceed the charges allowed in the district court of the United States for the district wherein the place of examination is located, the officer shall furnish a copy of deposition to any party or the deponent.

(Pub. L. 91-138, §12, Dec. 5, 1969, 83 Stat. 289.)

### § 392. Record

#### (a) Hearing on papers, depositions, and exhibits

Contested election cases shall be heard by the committee on the papers, depositions, and exhibits filed with the Clerk. Such papers, depositions, and exhibits shall constitute the record of the case.

#### (b) Appendix to contestant's brief

Contestant shall print as an appendix to his brief those portions of the record which he desires the committee to consider in order to decide the case and such other portions of the record as may be prescribed by the rules of the committee.

#### (c) Appendix to contestee's brief

Contestee shall print as an appendix to his brief those portions of the record not printed by contestant which contestee desires the committee to consider in order to decide the case.

#### (d) Contestant's brief; service on contestee

Within forty-five days after the time for both parties to take testimony has expired, contestant shall serve on contestee his printed brief of the facts and authorities relied on to establish his case together with his appendix.

#### (e) Contestee's brief; service on contestant

Within thirty days of service of contestant's brief and appendix, contestee shall serve on contestant his printed brief of the facts and authorities relied on to establish his case together with his appendix.

#### (f) Reply brief of contestant

Within ten days after service of contestee's brief and appendix, contestant may serve on contestee a printed reply brief.

#### (g) Form of briefs; number of copies served and filed

The form and length of the briefs, the form of the appendixes, and the number of copies to be served and filed shall be in accordance with such rules as the committee may prescribe.

(Pub. L. 91-138, §13, Dec. 5, 1969, 83 Stat. 289.)

### § 393. Filing of pleadings, motions, depositions, appendixes, briefs, and other papers

(a) Filings of pleadings, motions, depositions, appendixes, briefs, and other papers shall be accomplished by:

(1) delivering a copy thereof to the Clerk of the House of Representatives at his office in Washington, District of Columbia, or to a member of his staff at such office; or

(2) mailing a copy thereof, by registered or certified mail, addressed to the Clerk at the House of Representatives, Washington, District of Columbia: *Provided*, That if such copy is not actually received, another copy shall be filed within a reasonable time; and

(3) delivering or mailing, simultaneously with the delivery or mailing of a copy thereof under paragraphs (1) and (2) of this subsection, such additional copies as the committee may by rule prescribe.

(b) All papers filed with the Clerk pursuant to this chapter shall be promptly transmitted by him to the committee.