

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

§ 364. Provision relating to certain other pay adjustments

(1) A provision of law increasing the rate of pay payable for an office or position within the purview of subparagraph (A), (B), (C), or (D) of section 356 of this title shall not take effect before the beginning of the Congress following the Congress during which such provision is enacted.

(2) For purposes of this section, a provision of law enacted during the period beginning on the Tuesday following the first Monday of November of an even-numbered year of any Congress and ending at noon on the following January 3 shall be considered to have been enacted during the first session of the following Congress.

(3) Nothing in this section shall be considered to apply with respect to any pay increase—

(A) which takes effect under the preceding sections of this chapter;

(B) which is based on a change in the Employment Cost Index (as determined under section 704(a)(1) of the Ethics Reform Act of 1989) or which is in lieu of any pay adjustment which might otherwise be made in a year based on a change in such index (as so determined); or

(C) which takes effect under section 702 or 703 of the Ethics Reform Act of 1989.

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

Editorial Notes

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.	Subpoena 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, appendices, 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 Rep-

resentative 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.)

Editorial Notes

AMENDMENTS

1996—Pub. L. 104-186, §211(1)(A)–(C), substituted “chapter:” for “chapter—” in introductory provisions, redesignated subdvs. (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 in-