

**(b) Time, method, and proof of service**

Service of the subpoena shall be made upon the witness no later than three days before the day on which his attendance is directed. A subpoena may be served by any person who is not a party to the contested election case and is not less than eighteen years of age. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fee for one day's attendance and the mileage allowed by section 389 of this title. Written proof of service shall be made under oath by the person making same and shall be filed with the Clerk.

**(c) Place of examination**

A witness may be required to attend an examination only in the county wherein he resides or is employed, or transacts his business in person, or is served with a subpoena, or within forty miles of the place of service.

**(d) Form**

Every subpoena shall state the name and title of the officer issuing same and the title of the contested election case, and shall command each person to whom it is directed to attend and give testimony at a time and place and before an officer specified therein.

**(e) Production of documents**

A subpoena may also command the person to whom it is directed to produce the books, papers, documents, or other tangible things designated therein, but the committee, upon motion promptly made and in any event at or before the time specified in the subpoena for compliance therewith, may (1) quash or modify the subpoena if it is unreasonable or oppressive, or (2) 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.)

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 386 of this title.

**§ 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.)

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 388 of this title.

**§ 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.

(Pub. L. 91-138, §14, Dec. 5, 1969, 83 Stat. 289.)

**§ 394. Computation of time****(a) Method of computing time**

In computing any period of time prescribed or allowed by this chapter or by the rules or any order of the committee, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, a Sunday, nor a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. For the purposes of this chapter, "legal holiday" shall mean New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day, and any other day appointed as a holiday by the President or the Congress of the United States.

**(b) Service by mail**

Whenever a party has the right or is required to do some act or take some proceeding within

a prescribed period after the service of a pleading, motion, notice, brief, or other paper upon him, which is served upon him by mail, three days shall be added to the prescribed period.

**(c) Enlargement of time**

When by this chapter or by the rules or any order of the committee an act is required or allowed to be done at or within a specified time, the committee, for good cause shown, may at any time in its discretion (1) with or without motion or notice, order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect, but it shall not extend the time for serving and filing the notice of contest under section 382 of this title.

(Pub. L. 91-138, §15, Dec. 5, 1969, 83 Stat. 290.)

**§ 395. Death of contestant**

In the event of the death of the contestant, the contested election case shall abate.

(Pub. L. 91-138, §16, Dec. 5, 1969, 83 Stat. 290.)

**§ 396. Allowance of party's expenses**

The committee may allow any party reimbursement from the applicable accounts of the House of Representatives of his reasonable expenses of the contested election case, including reasonable attorneys fees, upon the verified application of such party accompanied by a complete and detailed account of his expenses and supporting vouchers and receipts.

(Pub. L. 91-138, §17, Dec. 5, 1969, 83 Stat. 290; Pub. L. 104-186, title II, §211(4), Aug. 20, 1996, 110 Stat. 1744.)

## AMENDMENTS

1996—Pub. L. 104-186 substituted "applicable accounts" for "contingent fund".

**CHAPTER 13—JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS****§§ 411 to 417. Repealed. Pub. L. 104-186, title II, § 212(1)(A), (2), Aug. 20, 1996, 110 Stat. 1745**

Section 411, Pub. L. 91-510, title IV, §401, Oct. 26, 1970, 84 Stat. 1187, created a 10-member Joint Committee on Congressional Operations.

Section 412, Pub. L. 91-510, title IV, §402, Oct. 26, 1970, 84 Stat. 1187, enumerated duties of Joint Committee.

Section 412a, based on H. Res. No. 988, §206, Ninety-third Congress, Oct. 8, 1974, enacted into permanent law by Pub. L. 93-554, title I, ch. III, §101, Dec. 27, 1974, 88 Stat. 1777, related to continuing study of jurisdiction of House standing committees by House members of Joint Committee, periodic report to House Committee on Rules, and contents and purposes of such report.

Section 413, Pub. L. 91-510, title IV, §403, Oct. 26, 1970, 84 Stat. 1188, related to powers of Joint Committee, including rulemaking, issuing subpoenas, and administering oaths.

Section 414, Pub. L. 91-510, title IV, §404, Oct. 26, 1970, 84 Stat. 1188, authorized Joint Committee to appoint and manage professional staff members and to utilize Government services, personnel, consultants, and experts.

Section 415, Pub. L. 91-510, title IV, §405, Oct. 26, 1970, 84 Stat. 1188, related to records of Joint Committee.