

DISMISSING THE ELECTION CONTEST RELATING TO THE
OFFICE OF REPRESENTATIVE FROM THE TWENTY-
EIGHTH CONGRESSIONAL DISTRICT OF TEXAS

APRIL 9, 2025.—Referred to the House Calendar and ordered to be printed

Mr. STEIL, from the Committee on House Administration,
submitted the following

R E P O R T

[To accompany H. Res. 309]

The Committee on House Administration, having had under consideration an original resolution dismissing the election contest relating to the office of Representative from the Twenty-Eighth Congressional District of Texas, reports the same to the House with the recommendation that the resolution be agreed to.

DISMISSING THE ELECTION CONTEST IN THE TWENTY-EIGHTH
CONGRESSIONAL DISTRICT OF TEXAS

The Committee on House Administration, having had under consideration an original resolution dismissing the election contest in the Twenty-Eighth District of Texas, reports the same to the House with the recommendation that the resolution be agreed to.

COMMITTEE ACTION

On March 11, 2025, by voice vote, a quorum being present, the Committee agreed to a motion to report the resolution favorably to the House.

COMMITTEE OVERSIGHT FINDINGS

In compliance with House rule XIII, clause 3(c)(1), the Committee states that the findings and recommendations of the Committee, based on oversight activities under House rule X, clause 2(b)(1), are incorporated into the general discussion section of this report.

STATEMENT OF BUDGET AUTHORITY AND RELATED ITEMS

The resolution does not provide new budget authority, new spending authority, new credit authority, or an increase or decrease in revenues or tax expenditures and a statement under House rule XIII, clause 3(c)(2), and section 308(a)(1) of the Congressional Budget Act of 1974 is not required.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with House rule XIII, clause 3(c)(3), the Committee states, with respect to H. Res. 309, that the Director of the Congressional Budget Office did not submit a cost estimate and comparison under section 402 of the Congressional Budget Act of 1974.

STATEMENT OF FACTS

On February 11, 2025, Jay Furman (“Contestant”) filed a Notice of Contest with the Clerk of the House of Representatives pursuant to the Federal Contested Elections Act (FCEA).¹ Contestant ran as the nominee of the Republican Party for the office of Representative to the United States Congress representing the Twenty-Eighth Congressional District of the State of Texas in the November 5, 2024, general election. The other principal candidate for the Twenty-Eighth Congressional District was incumbent Democrat Henry Cuellar (“Contestee”). On November 25, 2024, the Texas Secretary of State, Jane Nelson, along with Texas Governor Greg Abbott, issued the Certificate of Election to the Clerk of the House of Representatives, certifying Contestee as the winner of the Twenty-Eighth Congressional District.

BASIS OF CONTEST

In his Notice of Contest, Contestant alleges that the official election results for the Twenty-Eighth Congressional District were tainted by fraud and vote tampering, and that absent such fraud and tampering, the election would have been in favor of Contestant. Specifically, Contestant claims that his name did not appear on some ballots, some mail-in ballots were shredded, ballot boxes were not secured, and ineligible voters participated in this election contest. Contestant is asking that the House order a review to determine whether election law violations occurred and a new election pursuant to the authority in Article I Sec. 5 of the United States Constitution.

STANDING

To have standing under the FCEA, a contestant must have been a candidate for election to the House of Representatives in the last preceding election and claim a right to the Contestee’s seat.² Contestant was the Republican nominee and his name appeared as a candidate for the Twenty-Eighth Congressional District on the official ballot for the November 5, 2024 election, thereby satisfying the standing requirement.

¹ 2 U.S.C. §§ 381–96.

² 2 U.S.C. § 382(a).

TIMING/NOTICE

FCEA requires that a contestant “shall, within thirty days after the result of such election shall have been declared by the officer or Board of Canvassers authorized by law to declare such result, file with the Clerk and serve upon the contestee written notice of his intention to contest such election.”³ The Notice of Contest was filed with the Clerk of the House of Representatives on February 11, 2025, which is after the statutory deadline prescribed by the FCEA.

ANALYSIS

The Committee finds that Contestant has failed to timely file his notice of contest with the Clerk of the House of Representatives. Under the FCEA, the deadline to file for Contestant to file with the Clerk of the House of Representatives to contest this election would have been December 25, 2024, 30 days after the Secretary of State and Governor of Texas officially certified the election results for this contest. Contestant filed his notice of contest with the Clerk on February 11, 2025, a date occurring after the prescribed time period, therefore the Committee finds that this claim must be dismissed due to untimely filing.

CONCLUSION

For the reasons discussed above, the Committee therefore concludes that this contest should be dismissed.



³*Id.*