

tration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE

Pub. L. 91-138, § 19, Dec. 5, 1969, 83 Stat. 291, 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 right to such office, intends to contest the election of a Member of the House of Representatives, 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.

(b) Contents and form of notice

Such notice shall state with particularity the grounds upon which contestant contests the election and shall state that an answer thereto must be served upon contestant under section 383 of this title within thirty days after service of such notice. Such notice shall be signed by contestant and verified by his oath or affirmation.

(c) Service of notice; proof of service

Service of the notice of contest upon contestee shall be made as follows:

- (1) by delivering a copy to him personally;
- (2) by leaving a copy at his dwelling house or usual place of abode with a person of discretion not less than sixteen years of age then residing therein;
- (3) by leaving a copy at his principal office or place of business with some person then in charge thereof;
- (4) by delivering a copy to an agent authorized by appointment to receive service of such notice;
- (5) by mailing a copy by registered or certified mail addressed to contestee at his residence or principal office or place of business. Service by mail is complete upon mailing; or
- (6) the verified return by the person so serving such notice, setting forth the time and manner of such service shall be proof of same, and the return post office receipt shall be proof of the service of said notice mailed by registered or certified mail as aforesaid. Proof of service shall be made to the Clerk promptly and in any event within the time during which the contestee must answer the notice of contest. Failure to make proof of service does not affect the validity of the service.

(Pub. L. 91-138, § 3, Dec. 5, 1969, 83 Stat. 284; Pub. L. 104-186, title II, § 211(3), Aug. 20, 1996, 110 Stat. 1744.)

Editorial Notes

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-186, § 211(3)(A), struck out "to the House of Representatives" after "for election".

Subsec. (c)(4), (5). Pub. L. 104-186, § 211(3)(B), struck out "or" at end of par. (4) and inserted "or" at end of par. (5).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable with respect to any general or special election for Representative in, or Resident Commissioner to, the Congress of the United States occurring after Dec. 5, 1969, see section 19 of Pub. L. 91-138, set out as a note under section 381 of this title.

§ 383. Response of contestee

(a) Answer

Any contestee upon whom a notice of contest as described in section 382 of this title shall be served, shall, within thirty days after the service thereof, serve upon contestant a written answer to such notice, admitting or denying the averments upon which contestant relies. If contestee is without knowledge or information sufficient to form a belief as to the truth of an averment, he shall so state and this shall have the effect of a denial. Such answer shall set forth affirmatively any other defenses, in law or fact, on which contestee relies. Contestee shall sign and verify such answer by oath or affirmation.

(b) Defenses by motion prior to answer

At the option of contestee, the following defenses may be made by motion served upon contestant prior to contestee's answer:

- (1) Insufficiency of service of notice of contest.
- (2) Lack of standing of contestant.
- (3) Failure of notice of contest to state grounds sufficient to change result of election.
- (4) Failure of contestant to claim right to contestee's seat.

(c) Motion for more definite statement

If a notice of contest to which an answer is required is so vague or ambiguous that the contestee cannot reasonably be required to frame a responsive answer, he may move for a more definite statement before interposing his answer. The motion shall point out the defects complained of and the details desired. If the motion is granted and the order of the committee is not obeyed within ten days after notice of the order or within such other time as the committee may fix, the committee may dismiss the action, or make such order as it deems just.

(d) Time for serving answer after service of motion

Service of a motion permitted under this section alters the time for serving the answer as follows, unless a different time is fixed by order of the committee: If the committee denies the motion or postpones its disposition until the hearing on the merits, the answer shall be served within ten days after notice of such action. If the committee grants a motion for a more definite statement the answer shall be served within ten days after service of the more definite statement.