ditional time to take testimony may be referred to an elections committee.

In the 1957 Iowa election contest of Carter v LeCompte (§ 57.1, infra), the contestant petitioned the House for an additional 20 days to take testimony. The request was ultimately referred to the Subcommittee on Elections which considered the House precedents on the requested extension before unanimously determining that the contestant had shown insufficient reasons for the extension. The Committee on House Administration unanimously adopted the subcommittee opinion. No formal report on the issue was made to the House.

Subsequent Authorization for Informal Extension

§ 27.14 The Committee on House Administration has informally granted extensions of time to parties in a contest for taking testimony without the House having adopted a resolution to that effect, and has subsequently authorized such extensions in its final report.

In Wilson v Granger (§ 54.5, infra), a 1948 Utah contest, the delay of over a year by the parties in filing the required papers with the Clerk as provided by statute is explained merely by the statement in the report that "the extensions of time heretofore granted in this contest by the Committee on House Administration are hereby authorized and approved."

Stipulation of Parties for Extension of Time

§ 27.15 The parties to a contest may agree to a stipulation ret questing an extension of time for the contestant to compensate for an adjournment taken at the contestee's request.

In the New York contested election case of Macy v Greenwood (§ 56.4, infra), arising out of the 1950 election, the contestant, at the contestee's request, adjourned the calling of two witnesses for six days during the 40-day period allotted for the taking of testimony under 2 USC §§ 201 et seq. Both parties had thus agreed to a compensatory extension of six days, subject to approval by the House. The House agreed by resoltion tn the extension.

§ 28. Examination of Parties and Witnesses

The officer before whom the testimony is taken puts the witness

under oath and records his testimony stenographically.[20] The opposing party has the right of cross examination;[21] if he does not wish to participate, he may transmit written interrogatories to the officer, who then propounds them to the witness and records the answers verbatim.[1]

After the testimony has been fully transcribed, the deposition is to be submitted to the witness for examination and reading, unless waived. Changes which the witness desires to make are to be entered on the deposition. The witness' refusal to sign a deposition may, in a proper case, be used against him unless, on a motion to suppress, the Committee on House Administration rules that the reasons given for such refusal require rejection of the deposition in whole or in part.[2]

Upon completion of a deposition, the officer before whom it is taken certifies thereon that the witness was duly sworn and that it is a true record of the testimony given. He then seals it, together with any accompanying papers, and files it with the Clerk of the House.[3]

The officer must then promptly notify the parties of the filing of the deposition with the Clerk. And he must furnish a copy of the deposition to any party or the deponent on payment of reasonable charges therefore.[4]

Unsigned Transcript of Deposition by Witness

§ 28.1 There have been instances in which attorneys have refused to accept an unsigned transcript of a witness' deposition, notwithstanding their prior agreement to waive such signatures.

In Lanzetta v Marcantonio (§ 48.1, infra), a 1936 New York election contest, the Committee on Elections called the attention of the House to the actions of the contestee's attorneys in refusing to accept unsigned testimony as agreed, which necessitated further subpenas to witnesses, some of whom refused to respond or could not be found. Notwithstanding these actions, the House agreed to a resolution that contestee was entitled to the disputed seat.[5]

20. 2 USC § 386(g).

21. 2 USC § 386(b).

1. 2 USC § 386(g).

2. 2 USC § 386(h). This section of the statute permits waiver of the signature requirement.

3. 2 USC § 391.

4. 2 USC § 391 (b), (c).

5. For the procedure under the present statute, see 2 USC § 386(h).