papers, was referred to the Committee on Elections and ordered printed. The committee, however, did not submit a report relating to this election contest during the 73d Congress, and the House took no other action with respect to the contest.

§ 43.14 There have been instances in which the report of the Subcommittee on Elections has been printed and adopted by the full Committee on House Administration, but no further action taken on the election contest.

In the 1963 Minnesota election contest of Odegard v Olson (§ 60.1, infra), neither a resolution dismissing the contest or declaring the contestee entitled to his seat nor the report of the Subcommittee on Elections, was submitted by the Committee on House Administration to the House, although the full committee had adopted the subcommittee report finding that time for taking testimony had expired.

§ 44. Form of Resolutions

Form of Resolution Disposing of Contest

§ 44.1 In a resolution dismissing an election contest, the House struck language declaring the contestee to be entitled to the seat, as such language is inappropriate in a procedural matter.

In the 1965 Mississippi election contest of Wheadon et al. v Abernethy et al. [The Five Mississippi Cases] (§ 61.2, infra), the House determined that the contestants who were not candidates in the official congressional election held in November 1964 (held under statutes which had not been set aside by a court of competent jurisdiction), lacked standing under the contested elections statute, 2 USC §§ 201 et seq. Accordingly, the House voted to dismiss the contests, based on its precedents. The resolution, however, further declared that the contestees, all sitting Members, were entitled to their seats. The resolution was amended to strike this language as inappropriate in a procedural matter.

§ 44.2 For form of resolution declaring contestant incompetent to initiate an election contest and dismissing his notice of contest, and barring future consideration by the House of subsequent petitions or papers relating to the case, see Miller v Kirwan (§ 51.1, infra).

§ 44.3 A single resolution may dispose of several contested elections.

In Roberts v Douglas (§ 54.4, infra), a 1947 California contest, without debate and by voice vote, the House agreed to a resolution disposing of three contested elections simultaneously on July 25, 1947. In none of the cases had any testimony been taken on behalf of the contestants within the time prescribed for taking of testimony.

In another instance in 1949, after the committee report recommended that three contested elections be dismissed on the grounds that no testimony had been received by the Clerk within the requisite time period, the house agreed without debate and on a voice vote to a resolution dismissing the contests simultaneously. See Browner v Cunningham (§ 55.1, infra), Fuller v Davies (§ 55.2, infra), and Thierry v Feighan (§ 55.4, infra).[21]

§ 45. Costs and Expenses; Compensation and Allowances

A witness whose deposition is taken under the Federal Contested Elections Act is entitled to receive the same fees and travel allowance paid to witnesses subpenaed to appear before the House of Representatives or its committees.[1]

The Committee on House Administration may allow to any party reimbursement, from the contingent fund of the House, for his reasonable expenses of the case, including reasonable attorney's fees. An application for such reimbursement should be accompanied by a detailed account of such expenses, together with supporting vouchers and receipts.[2]

Under the former Contested Elections Act, 2 USC § 226, no contestant or contestee was to be paid more than $2,000 for expenses in election contests. Payment of any sum under the former statute was subject to several conditions and obligations. No such limit, other than the term "reasonable expenses" is contained in the present statute, 2 USC § 396.

Payments From Contingent Fund

§ 45.1 Where authorized by the House, the Committee on House Administration may

21. See also Michael v Smith, § 54.3, infra.

1. 2 USC § 389(b).
2. 2 USC § 396.