

of contest does not state grounds sufficient to change the result of the general election. Contestant, an unsuccessful candidate in the Democratic primary, was not a candidate for the Fifth Congressional District seat in the general election and does not claim any right to the seat. There are a number of recent precedents from 1941 to 1967 involving contests brought by persons who were not candidates in the general election indicating that the House of Representatives regards such persons as lacking standing to bring an election contest under the statute. [Citing *Miller v Kirwan* (§51, supra); *McEvoy v Peterson* (§52.2, supra); *Woodward v O'Brien* (§54.6, supra); *Lowe v Davis* (§56.3); *Frankenberry v Ottinger* (§61.1, supra); and *Five Mississippi Cases of 1965* (§61.2, supra).]

The committee ultimately concluded:

The committee, after careful consideration of the notice of contest, the oral arguments, and the brief filed by contestant, concludes that contestant Wyman C. Lowe, not being a candidate in the general election, has no standing to bring a contest under the contested election law and that he has failed to state sufficient grounds to change the result of said election. It is recommended that House Resolution 364 be adopted dismissing the contested election case.

The House agreed to House Resolution 364,⁽⁶⁾ which provided:⁽⁷⁾

6. 115 CONG. REC. 10041, 91st Cong. 1st Sess., Apr. 23, 1969.

7. *Id.* at p. 10040.

Resolved, That the election contest of Wyman C. Lowe, contestant against Fletcher Thompson, contestee, Fifth Congressional District of the State of Georgia, be dismissed.

A motion to reconsider was laid on the table.

Note: Syllabi for *Lowe v Thompson* may be found herein at §19.1 (contestants as candidates in general election).

§ 64. Ninety-second Congress, 1971-72

§ 64.1 Tunno v Veysey

On Nov. 9, 1971, Mr. Watkins W. Abbitt, of Virginia, from the Committee on House Administration, submitted the committee report, House Report No. 626, on the contested election case of *David A. Tunno v Victor V. Veysey* from the 38th Congressional District of California. Mr. Veysey was certified on Dec. 17, 1970, by the secretary of the State of California as elected to the office of U.S. Representative in Congress from the district at the general election held on Nov. 3, 1970. The credentials of Mr. Veysey were presented to the House of Representatives and he appeared, took the oath of office, and was seated without objection, on Jan. 21, 1971.⁽⁸⁾

8. 117 CONG. REC. 13, 92d Cong. 1st Sess.

The official canvass of the district showed that a total number of 173,163 votes were cast in the congressional election in the district. Of this total number of votes cast, Mr. Veysey received 87,479 votes and Mr. Tunno, the contestant, received 85,684 votes. Mr. Veysey's majority consisted then of 1,795 votes.

The contestant served notice of contest on the contestee by mail on Dec. 14, 1970. At the same time a notice of intent to contest was filed by the contestant's representative with the Clerk of the House for delivery to the Committee on House Administration.

While the contestant claimed the seat as required by 2 USC §§382 and 383,⁽⁹⁾ in his notice of contest, the relief sought by the contestant, as set forth in his notice, was that the seat be declared vacant. The notice stated:

Contestant requests the House of Representatives of the United States, 92d Congress, first session, declare a vacancy in the office of Member of the House of Representatives, U.S., 38th Congressional District, State of California, and direct the proper executive authority of the State of California to issue a writ of election ordering a new election to fill said vacancy of said of-

9. Pub. L. No. 91-138, §§3, 4; 83 Stat. 284 (Dec. 5, 1969). This was the first case arising under the Federal Contested Elections Act of 1969.

fice of Member, House of Representatives of the United States, 38th Congressional District, State of California.

The contestant claimed that the affidavits of registration of some 11,137 voters in Riverside County, California, had been wrongfully and illegally canceled, depriving approximately 10,600 qualified voters of the right to vote. The notice stated:⁽¹⁰⁾

1. On or about August 15, 1970, the elections supervisor, Riverside County, State of California (hereinafter referred to as "supervisor") wrongfully and illegally canceled the affidavits of registration of approximately 11,137 voters of Riverside County, State of California. As a result of said illegal and wrongful cancellation of said affidavits of registration, approximately 10,616 qualified voters of Riverside County, State of California, were precluded from voting at said last preceding general election for Member of the U.S. House of Representatives from the 38th district.

From facts set out in the committee report, it appeared that local California election officials may have misinterpreted a state election statute, a mistake which may have disenfranchised approximately 10,600 voters. There were no facts indicating how many, if any, of these voters would have voted, had they not been disenfranchised, nor was

10. H. Rept. No. 92-626, submitted Nov. 9, 1971.

there any indication, of course, of how they would have voted. The report declared:

On Tuesday, May 11, 1971, the Subcommittee on Elections met to hear arguments on the motion to dismiss the contest submitted by the contestee, Victor V. Veysey. Opening statements and rebuttal statements were given by the attorney for the contestant, Mr. Robert J. Timlin and the attorney for the contestee, James H. Kreiger. The contestant, Mr. David Tunno, and the contestee, Congressman Victor V. Veysey, also submitted statements.

The new Federal Contested Election Act, Public Law 91-138, 83 Stat. 284, provides in section 4(b)(3) this defense to the contestee, "Failure of notice of contest to state grounds sufficient to change result of election." This defense was raised by the present contestee by way of a motion to dismiss. This provision was included in the new act because it has been the experience of Congress that exhaustive hearings and investigations have, in the past, been conducted only to find that if the contestant had been required at the outset to make proper allegations with sufficient supportive evidence that could most readily have been garnered at the time of the election such further investigation would have been unnecessary and unwarranted.

Under the new law then the present contestant, and any future contestant, when challenged by motion to dismiss, must have presented, in the first instance, sufficient allegations and evidence to justify his claim to the seat in order to overcome the motion to dismiss.

The major problem raised is, on the basis of the contestant's allegations

and evidence, are a sufficient number of potential votes in actual contention to warrant the committee granting the relief sought and declaring the seat vacant and calling for a new election? This may be restated as, what standards has the House of Representatives applied in contests wherein declaring a vacancy was either contemplated or actually done where registration irregularities were alleged.

With regard to the problem, the contested election case of Carney v. Smith [6 Cannon's Precedents 911 in the 63d Congress considered a request that the seat be declared vacant and in response to the request set forth the following standards as a criteria for taking such action.

We do not believe that a committee of this House, looking for the truth to determine who in fact was elected by the voters, should, on account of this irregularity, disfranchise the electors of this township. No question is made but that the ballots cast in this precinct were cast by legal voters and in good faith. Nor is it claimed that the contestee received a single vote more than was intended to be cast for him, or that the contestant lost a single vote. We do not believe that the facts warrant the rejection of the entire poll of this township, nor does the law as practiced in almost every jurisdiction warrant such a result. *McCrary on Elections* [George McCrary, *A Treatise on the American Law of Elections*, Chicago, Callaghan & Co., 1897] section 488, says:

The power to reject an entire poll is certainly a dangerous power, and, though it belongs to whatever tribunal has jurisdiction to pass upon the merits of a contested-election

case, it should be exercised only in an extreme case; that is to say, where it is impossible to ascertain with reasonable certainty the true vote.

Paine's Treatise on the Law of Elections [Halbert Paine, *A Treatise on the Law of Elections*, Boston, Little, Brown & Co., 1890] section 497, says:

Ignorance, inadvertence, mistake, or even intentional wrong on the part of the local officers should not be permitted to disfranchise a district.

Section 498 says:

The rules prescribed by the law for conducting an election are designed chiefly to afford an opportunity for the free and fair exercise of the elective franchise, to prevent illegal votes, and to ascertain with certainty the result.

The departure from the mode prescribed will not vitiate an election, if the irregularity does not deprive any legal voter of his vote, or admit an illegal vote, or cast uncertainty on the result and has not been occasioned by the agency of a party seeking to derive a benefit from them.

Power to throw out the vote of an entire precinct should be exercised only under circumstances which demonstrate beyond a reasonable doubt that there has been such a disregard of law or such fraud that it is impossible to determine what votes were lawful or unlawful, or to arrive at any result whatever, or whether a great body of voters have been prevented from exercising their rights by violence or intimidation. (Case of *Daley v. Petroff*, 10 Philadelphia Rep., 289.)

There is nothing which will justify the striking out of an entire division but an inability to decipher the returns or a showing that not a single legal vote was polled or that no election was legally held. (In *Chadwick*

v. Melvin, Bright's Election Cases, 489.)

Nothing short of an impossibility of ascertaining for whom the majority of votes were given ought to vacate an election, especially if by such decision the people must, on account of their distant and dispersed situation, necessarily go unrepresented for a long period of time. [McCrary, *A Treatise on the Law of Elections*, 489.]

If there has been a fair vote and an honest count, the election is not to be declared void because the force conducting it were not duly chosen or sworn or qualified. [6 Cannon's Precedents §91.]

In the contested election case of *Reid v. Julian* [2 Hinds' Precedents §§881, 882], 41st Congress the committee in its report, House Report 116 stated that:

It has long been held by all the judicial tribunals of the country, as well as by the decisions of Congress and the legislatures of the several States, that an entire poll should always be rejected for any one of the three following reasons:

1. Want of authority in the election board.
2. Fraud in conducting the election.
3. Such irregularities or misconduct as rendered the result uncertain. [2 Hinds' Precedents §881].

In the Michigan election case of *Beakes v. Bacon* in the 65th Congress [6 Cannon's Precedents §144], the same standards were reiterated.

Because the contestant's allegations and the relief he seeks fall under No. 3, "Such irregularities or misconduct as render the result uncertain," it is necessary to survey those instances in contested election cases wherein "such

irregularities or misconduct . . ." involved registration procedures. Consideration of the above-mentioned cases will, of necessity, involve an ancillary problem, the problem of the potential voter, because the House in its consideration of irregularities and misconduct has traditionally dealt not only with such irregularities and misconduct in a vacuum but also with their effect on the election, the effect of the irregularities on the potential voter, and the amount of proof necessary to overcome the regular election returns as a result of such irregularities.

It should be noted as a preface to the contests involving registration procedures that in these the contestant had made an attempt to show with a great deal of specificity how those who were disfranchised by the irregularities in registration would have voted had they been given the opportunity and that, in general, the contests revolved around this point rather than around the mere fact of irregularity or misconduct on the part of the registration officials. The fact that the contestant in the present case makes absolutely no attempt to make such a showing as to how those who were disfranchised by being stricken from the registration lists would have voted had they been given the opportunity thus removes his case somewhat from the scope of the precedents. The problem lies basically in the fact that the contestant does not carry forward his claim to the seat.

One contest which concerns itself with almost the same issues that are involved in the present contest is *Wilson v. McLaurin* [2 Hinds' Precedents §1075] which arose out of an election in South Carolina for a seat in the

54th Congress. In the *Wilson* case the committee found that a South Carolina registration law needlessly disfranchised a significant number of otherwise qualified voters. The problems that the committee was then confronted with were (1) should the seat be declared vacant because of irregularities and (2) how to treat the potential vote of these individuals who should have been allowed to vote. In the following passage which is taken from the committee report, House Report 1566, 54th Congress first sess., particular attention should be paid to the manner in which the contestant attempted to prove that his claim to the seat was justified and the standards which the committee adopted in regard to such offers of proof.

A majority of this committee has reached the conclusion that the voters of the district now in consideration, who were qualified under the constitution of South Carolina and who were rejected under color of the enforcement of the registration law, are entitled to be heard in this contest.

In this conclusion no violence is done to the doctrine that "where the proper authorities of a State have given a construction to their own statutes that construction will be followed by the Federal authorities." While the supreme court of South Carolina has not passed decisively upon the statute in question the people themselves, the highest authority in that State have decreed its disappearance from the statute book.

From this standpoint we look for the course to be followed. Shall the election be set aside and the seat in question vacated? Under the authorities we think not.

Beyond doubt the usual formalities of an election were for the most part observed. No substantial miscount of

votes actually cast is alleged. There are no charges of violence or intimidation seriously affecting the result which have been verified. If fraud be alleged, under sanction of legislative enactment, it was a general fraud and the returns are in general unchallenged for correctness. The votes actually cast are not in controversy; the votes not cast are the ones presented for computation.

[McCrary], *Treatise on the American Law of Elections*, in section 483, says—

“The election is only to be set aside when it is impossible from any evidence within reach to ascertain the true result—when neither from the returns, nor from other proof, nor from all together can the truth be determined.”

The same authority quotes the following (sec. 489):

“Nothing short of the impossibility of ascertaining for whom the majority of votes were given ought to vacate an election.”

It is a matter of serious import and precedent to introduce into an election the count of a large disfranchised class. But if the principle is good as to 4 or 40 or 400 it should certainly be no less available for a large number; or, briefly, the number is immaterial if capable of correct computation.

In the case of *Waddill v. Wise*, [2 Hinds' Precedents §1026] reported by the Committee on Elections to the House in the 51st Congress, the doctrine is discussed, the authority is collated, and the opinion adopted by the House expressed in these words (p. 224):

“If the fraudulent exclusion of votes would, if successful, secure to the party of the wrongdoer a temporary seat in Congress, and the only penalty for detection in the wrong would be merely a new election, giving another chance for the exercise of similar tactics, such practices would be at a great premium

and an election indefinitely prevented. But if where such acts are done the votes are counted upon clear proof aliunde the wrong is at once corrected in this House and no encouragement is given to such dangerous and disgraceful methods.”

In following this opinion the testimony is presented for scrutiny.

A careful examination has been made of a record which covers 683 closely printed pages. The contestant claims to be allowed the votes of several thousand alleged voters, whose names are given, but whose qualifications rest upon varying testimony. These names of voters appear in lists executed in most of the election precincts on the day of the election, signed by the parties or by authorization, and (with few exceptions) are appended to a form of petition, which is as follows:

“To the Honorable Senate and House of Representatives of the United States in Congress assembled:

“The petition of the subscribers, citizens of the State of South Carolina, respectfully sheweth:

“That your petitioners are over the age of twenty-one (21) years and male residents of the county of _____, and the voting precinct of _____, in the county and State aforesaid, and are legally qualified to register and vote.

“That on this the sixth day of November eighteen hundred and ninety four, they did present themselves at said voting precinct in order to vote for Member of Congress, and that they were denied the right to vote.

“That your petitioners have made every reasonable effort to become qualified to vote according to the registration law of this State, but have been denied an equal chance and the same opportunity to register as are accorded to others of their fellow-citizens.

“Your petitioners desired and intended to vote for Joshua E. Wilson for Member of Congress.

“Wherefore your petitioners pray that you investigate the facts herein stated and the practical workings of the registration and election laws of this State and devise some means to secure to us the free exercise of the rights guaranteed to us by the constitution of this State and the laws and Constitution of the United States, and your petitioners will ever pray, etc., etc.”

These petitions are not usually verified by affidavit, but are generally supplemented by testimony of those who had them in charge, with such explanations and corroborations as the witnesses could give.

It is considered by a majority of this committee that these lists are not per se evidence in the pending contest. They are declarations, important parts of which should be proven in accordance with usual legal forms. It is not impossible so to do, and consequently we think it is necessary for reaching trustworthy results.

Under the authority of *Vallandigham v. Campbell* (1 Bartlett, p. 31) these declarations might serve a use beyond a mere list for verification. For it was there held—

“The law is settled that the declaration of a voter as to how he voted or intended to vote, made at the time, is competent testimony on the point.”

We propose to compute the ballots of those who were entitled to cast them, and there is ample support in a line of authorities and precedents. A few only are selected.

Delano v. Morgan (2 Bartlett, 170), *Hogan v. Pile* (20 Bartlett, 285), *Niblack v. Walls* (Forty-second Congress, 104, January, 1873), *Bell v. Snyder* (Smith's Rep., 251), are uniformly for—

“the rule, which is well settled, that where a legal voter offers to

vote for a particular candidate, and uses due diligence in endeavoring to do so, and is prevented by fraud, violence, or intimidation from depositing his ballot, his vote shall be counted.”

In *Bisbee, Jr. v. Finley* [2 Hinds' Precedents §§977-981], it was stated—

“as a question of law we do not understand it to be controverted that a vote offered by an elector and illegally rejected should be counted as if cast.”

In *Waddill v. Wise* (supra) the same doctrine was elaborately discussed and a further step taken by holding—

“That the ability to reach the window and actually tender the ticket to the judges is not essential in all cases to constitute a good offer to vote.”

Referring to the evidence given in connection with the lists in this record it seems proper to adopt some general principles as a standard for the examination, and the following have been used as suitable and in accord with the precedents quoted:

First. The evidence should establish that the persons named in the lists as excluded voters were voters according to the requisites of the constitution of South Carolina.

Second. The proof should show that said persons were present at or near the Congressional voting place of their respective precincts, for the purpose of voting and would have voted but for unlawful rejection or obstruction.

Third. That said excluded voters would have voted for the contestant.

Another election contest which involved irregularities in the application of a registration law resulting in the disfranchisement of a number of otherwise qualified voters was *Buchanan v. Manning* [2 Hinds' Precedents §972] in the 47th Congress. In this contest the

evidence of a disqualification of potential voters was somewhat stronger than in the present case because it appears that the registrars unlawfully refused to register "many electors." In regard to such action by the registrars, its effect on the election, and the efforts which are necessary for a potential voter to undertake in order that his vote may be counted the committee investigating the matter held:

It appears in the evidence that very many electors in the various counties of this district were deprived of the right of voting because they were not registered. The registry law of Mississippi provides the manner in which registration shall be made. An unlawful refusal on the part of the registration officers to register a qualified elector is a good ground for contest; but in order to make it available the proof should clearly show the name of the elector who offered to register; that he was a duly qualified voter, and the reason why the officer refused to register him, and, under the statutes of the United States, if he offered to perform all that was necessary to be done by him to register, and was refused, and afterwards presented himself at the proper voting place and offered to vote and again offered to perform everything required of him under the law, and his vote was still refused, it would be the duty of the House to see to it that he is not deprived of his right to participate in the choice of his officers. Unfortunately, in this case the proof falls far short of that which is required to enable the House to apply the proper remedy. That there were many instances in which the officers of the registration arbitrarily refused to do their duty is apparent. That many electors were deprived of their right to vote in consequence of this action is also apparent; but in going through the testimony in this case

the number thus refused registration and refused the right to vote if added to contestant's vote would not elect him. Neither is it shown sufficiently for whom the nonregistered voters would have voted had they been allowed that right.

As can be seen from the above mentioned cases the problem involved not so much the registration irregularities themselves but, rather, conceding the irregularities, the amount of and nature of the proof required of the contestant to substantiate his claim of a right to the seat in question. Where the proof offered by the contestant shows how those who were not permitted to vote would have voted and that they tendered a vote and were wrongfully rejected, the House has generally found that this is sufficient to warrant counting the votes as cast. Then if in counting these votes the contestant receives more votes than the contestee he gets the seat. This line of reasoning conforms with the earlier stated standard of preserving and correcting the return if it is at all possible, and with the concept that contestant bears the burden of proof in seeking to have certified returns rejected.

The House of Representatives has rather consistently been hesitant in declaring a seat vacant preferring rather to measure the wrong and correct the returns, if this is at all possible.

This preference for protecting the initial returns and correcting them if the evidence shows that they are incorrect is amply illustrated in the contests wherein fraud has been proven, and in contests involving possible rejection of returns. In fact in the index to *Hinds and Cannon* under Election of Rep-

representatives, section 376 is entitled "Returns, Purging of.—Not To Be Rejected If Corrections May Be Made" and section 377 is entitled "Returns, Purging of.—Not To Be Rejected Even for Fraud If Correction May Be Made." Under these two headings are three full pages of citations.

Considering the above precedents along with the statement from the committee report in the election contest of *Gormley v. Goss* [§47.9, supra], House Report No. 893, 73d Congress, second session wherein it was held that:

... your committee has been guided by the following postulates deemed established by law and the rules and precedents of the House of Representatives:

1. The official returns are prima facie evidence of the regularity and correctness of official action.

2. That election officials are presumed to have performed their duties loyally and honestly.

3. The burden of coming forward with evidence to meet or resist these presumptions rests with the contestants. It is clear that the contestant in this case has failed to meet these presumptions and requirements.

The major flaw in the contestant's case is that he fails to carry forward with his claim to the seat as required by the precedents of the House of Representatives and the Federal Contested Election Act. A bare claim to the seat as the contestant makes in his notice of contest without substantiating evidence ignores the impact of this requirement and any contest based on this coupled with a request for the seat to be declared vacant must under the precedents fail. The requirement that the contestant make a claim to the seat is not a hollow one. It is rather the very substance of any contest. Such a requirement carries

with it the implication that the contestant will offer proof of such nature that the House of Representatives acting on his allegations alone could seat the contestant.

That the contestant in the present case fails to do this is quite clear. If all of his allegations were found to be correct he would still not be entitled to the seat. It is perhaps stating the obvious but a contest for a seat in the House of Representatives is a matter of most serious import and not something to be undertaken lightly. It involves the possibility of rejecting the certified returns of a state and calling into doubt the entire electoral process. Thus the burden of proof placed on the contestant is necessarily substantial.

In this case the contestant has not met this burden of proof. He makes no substantial offer to show any of the following elements, much less all of them which are necessary to his case: (1) that those whose names were stricken from the registration list were, at the time of the election, qualified resident voters of the 38th Congressional District of California; (2) that those whose names were so stricken offered to vote; and (3) that a sufficient number to change the result offered to vote and were denied by election officials because their names had been stricken from the registration lists would have voted for the contestant had they not been so denied. Had all of the criteria been met then it would have been incumbent upon the committee to pass, in the first instance, on the actions of the registrars in Riverside County and then on the validity of the evidence offered, but such is not the ease here.

The type of relief that the contestant seeks is not a proper one. The contestant is limited, as was noted above, to claiming the seat in question and offering proof to substantiate that claim. Declaring a vacancy in the seat is one of the options

available to the House of Representatives and is generally exercised when the House decides that the contestant, while he has failed to justify his claim to the seat, has succeeded in so impeaching the returns that the House believes that the only alternative available to determine the will of the electorate is to hold a new election.

The committee also takes note of the time factor involved in the contest. It appears from the record available to the committee that the contestant had, at the very minimum, three months notice in advance of the election of the actions here protested of the registrars. It would seem that if the contestant had any reservations about such actions the proper forum in which to test such reservations would have been the California courts. In election matters the courts have generally been inclined to expedite the case and we feel certain that such would have been the case in California had the contestant chosen to so act. From the record it appears rather that the contestant decided to take his chances and we feel constrained to abide by that decision.

On Nov. 9, 1971, Mr. Abbitt, by direction of the Committee on House Administration, called up House Resolution 507 (accompanying H. Rept. No. 92-626) which provided:

H. RES. 507

Resolved, That the election contest of David A. Tunno, contestant, against Victor V. Veysey, contestee, Thirty-eighth Congressional District of the State of California, be dismissed.

The resolution dismissing the contest was agreed to by the House and a motion to reconsider was laid on the table.⁽¹¹⁾

Note: Syllabi for *Tunno v Veysey* may be found herein at §35.7 (burden of showing results of election would be changed); §35.8 (burden of establishing claim to seat); §42.11 (disposal by resolution declaring seat vacant).

11. 117 CONG. REC. 40017, 92d Cong. 1st Sess.

APPENDIX TO CHAPTER 9

Note.—Chapter 9 discusses contested election cases in the House of Representatives beginning with the year 1931. This appendix to Chapter 9 contains a digest of contested election cases for the years 1917 through 1931 (the 65th through the 71st Congresses), arranged by Congress and case name. It was thought necessary to include this material in an appendix to provide a more comprehensive coverage than now exists of election cases for the years cited.

Contested election cases from the first 64 Congresses have been presented in other works. In 1901, Mr. Chester H. Rowell completed preparation of a digest of all contested election cases in the House of Representatives from the 1st through the 56th Congresses. Mr. Rowell's intention was to summarize earlier compilations of such cases. As he stated in a preface to his work:

Most of the reports in the first fifty-two Congresses are included in the nine volumes known from the name of their compilers as: (1) Clarke and Hall (First to Twenty-third Congress), (2) 1 Bartlett (Twenty-fourth to Thirty-eighth Congress), (3) 2 Bartlett (Thirty-ninth to Forty-first Congress), (4) Smith (Forty-second to Forty-fourth Congress), (5) 1 Ellsworth (Forty-fifth and Forty-sixth Congresses), (6) 2 Ellsworth (Forty-seventh Congress), (7) Mobley (Forty-eighth to Fiftieth Congress), (8) Rowell (Fifty-first Congress), and (9) Stofer (Fifty-second Congress).

The volumes referred to, he noted, were largely unedited and in some degree incomplete. To correct these deficiencies, Mr. Rowell compiled his one-volume digest, the first half of which contained condensations of case reports arranged chronologically by Congress, with headnotes and a summary of actions taken by the House. The second part of Mr. Rowell's work consisted of a digest of the law and precedents established by the cases.

In 1919, Mr. Merrill Moores continued the presentation of contested election cases by compiling a digest of such cases in the House arising from the 57th through the 64th Congresses (1901–1917). (See H. Doc. No. 2052, 64th Cong.)

It is hoped that Chapter 9 and this appendix thereto, together with the above-mentioned works, will provide a sufficiently comprehensive treatment of all precedents arising from contested election cases.

**Commentary and editing by Assistant Parliamentarian
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