

# COMMITTEE ON HOUSE ADMINISTRATION

117<sup>th</sup> CONGRESS

## A RESOLUTION

COMMITTEE RESOLUTION 117-10

### **Resolution to Establish Procedures in Contested Election Cases Properly Filed under the Federal Contested Election Act**

*Be it resolved*, that the Committee on House Administration, under the authority of clause 1(k)(12) of rule X of the Rules of the House of Representatives and in accordance with the Federal Contested Election Act, 2 U.S.C. §§ 381–396, sets forth the following procedures to be followed by the Committee for contested election cases in which written notice of intention to contest an election has been properly filed with the Clerk of the House of Representatives.

#### **Procedures in Contested Election Cases Properly Filed under the Federal Contested Election Act**

##### SECTION 1. FILINGS BY CONTESTANT AND CONTESTEE

(a) Filing Authorization.— No pleading, motion (other than a motion for leave to file), brief, or other paper may be filed by either party unless expressly authorized or directed by the Federal Contested Election Act, or by the Committee, the Chairperson, or a task force of the Committee.

(b) Contestant’s Response.— If a contestee files a motion under 2 U.S.C. § 383(b), the contestant may file a response. The contestant shall file and serve the response as soon as practicable, and no later than 21 days after service of the contestee’s motion or 21 days after issuance of these regulations, whichever is later. The response must not exceed 13,000 words. If filed and served before issuance of these regulations, a contestant’s response that complies with this word limit shall be deemed authorized notwithstanding subsection (a).

(c) Contestee’s Reply.— If a contestant files a response as described in subsection (b), the contestee may file a reply. The contestee shall file and serve the reply as soon as practicable, and no later than 7 days after service of the contestant’s response or 7 days after issuance of these regulations, whichever is later. The reply must not exceed 6,000 words. If filed and served before issuance of these regulations, a contestee’s reply that complies with this word limit shall be deemed authorized notwithstanding subsection (a).

(d) Word Limits.— Except as expressly provided by the Committee, the Chairperson, or a task force of the Committee, a motion or brief must not exceed 13,000 words,

except for a reply brief, which must not exceed 6,000 words. The word limits do not include any cover page, table of contents, table of authorities, certificate of counsel, signature block, proof of service, or affidavit or other exhibit. The word limits do include headings, footnotes, and quotations.

(e) Hearing on Papers.— The Committee shall hear and decide any motion under 2 U.S.C. § 383 on the papers, without conducting oral argument or a hearing.

## SEC. 2. FURTHER BRIEFING BY CONTESTANT AND CONTESTEE

(a) If the Committee denies a contestee's motion under 2 U.S.C. § 383(b) or postpones its disposition, the Committee, the Chairperson (following consultation with the ranking minority member), a task force of the Committee, or the Chairperson of a task force (following consultation with its ranking minority member) may request that each party file and serve no later than 10 days after notice of that action a brief that:

(1) expresses the party's views and answers any specific questions asked by a request made under this subsection about specific procedures, legal principles, and timelines that should control the course of the contested election case and facilitate the case's disposition; and

(2) explains how the party's views and answers in paragraph (1) comport with the Constitution, the Federal Contested Election Act, precedents of the House of Representatives, and any other applicable authorities.

(b) A brief filed by a party under subsection (a) must comply with the limitations for a brief under section 1(d).

(c) No later than 7 days after service of a brief filed by a party under subsection (a), the opposing party may file a reply brief, which must comply with the limitations for a reply brief under section 1(d).

## SEC. 3. PUBLICATION AND NOTIFICATION OF RESOLUTION.

Following adoption, these regulations shall be made available to the House and the public by publication in the *Congressional Record* and on the Committee's website, and transmitted to the contestants and contestees in any contested election case properly filed in the 117th Congress on or before the date of adoption, or their attorneys.

## SEC. 4. EFFECTIVE DATE.

This resolution shall be effective upon adoption by the Committee.

Adopted February 19, 2021