

## Sharon Iovanni

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**From:** Rep. Jason Lewis [jlewis@cte.ccsend.com] on behalf of Rep. Jason Lewis [jason.lewis@state.ma.us]  
**Sent:** Monday, September 21, 2009 9:31 AM  
**To:** sharon@stonehamchamber.org  
**Subject:** Vote on Interim Appointment to Vacant Senate Seat

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Dear Friends,

Last week the Massachusetts House of Representatives voted to authorize the Governor to make an interim appointment until a special election can be held when a U.S. Senate seat becomes vacant.

I want to thank the hundreds of people who contacted me to voice their opinions. I understand there were strong feelings on both sides of this issue, and I assure you that I carefully considered each person's feedback. I spent many hours evaluating the arguments for and against an interim appointment, as well as considering both the near-term and longer-term ramifications.

Election laws should never be changed merely for political advantage or so frequently that they cause confusion. The specific context for this decision -- with the memory still fresh of the last change to our election laws in 2004; the request from Senator Kennedy to make this change shortly before his death; and the heated debate surrounding healthcare reform in Washington -- made it inevitable and understandable that charges of partisanship and hypocrisy would be raised.

I made the decision to support an interim appointment because I believe this is the soundest public policy, now and in the future. This should be the sole basis for deciding any issue that comes before the legislature.

Prior to 2004, when a Senate vacancy occurred, the Governor would appoint somebody to serve out the remainder of the term, which could be many years. In 2004, the law was changed to require a special election within 145-160 days. I think most people, regardless of their political views, would agree that a vacancy should be filled by an election. Elections are the hallmark of a democracy and are the best way for us to hold our elected officials accountable.

However, when the legislature made this change in 2004, it did not adopt an interim appointment provision for the five month period when the seat would sit vacant until the special election. This was a mistake. Of the states that call for a special election to fill a vacant Senate seat, more than 75% (including California, Texas, New Jersey, and Vermont) also give the Governor the power to make an interim appointment so the seat never sits empty. Massachusetts should have done the same in 2004.

The people of Massachusetts are not well served by a vacant Senate seat for any length of time. The duties of a Senator are too significant. In addition to important policy matters and spending decisions that impact billions of dollars in federal funding, the Senate provides advice and consent on judicial appointments and treaties. Senators and their staff also provide critical constituent services. I know from firsthand experience how Senator Kennedy's office helped many people in need.

Although the legislature could not restrict the temporary appointee from running in the special election (since this is believed to be unconstitutional), the House passed a resolution stating its strong conviction that any interim appointee, now and in the future, would pledge not to be a candidate in the special election.

I understand that some people will be upset at this decision and will ascribe only political motives. My decision, however, was based on what I believe to be the best public policy. This is the same position taken by Common Cause Massachusetts, a nonpartisan, nonprofit government watchdog, dedicated to open, honest, and accountable government. The law adopted in 2004 was an improvement over prior law because it gave the people of Massachusetts the power to elect their Senator. It fell short because it failed to give our citizens a voice in the Senate during the period leading up to the special election. Adopting a temporary appointment now, and for all future vacancies, along with a special election, rectifies past mistakes and gives the people of Massachusetts the representation that they need and deserve in the U.S. Senate.

Best Wishes,



Jason Lewis  
State Representative

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