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## **STATEMENT FROM SENATOR BENJAMIN B. DOWNING ON AN ACT RELATIVE TO FILLING A TEMPORARY VACANCY IN THE UNITED STATES SENATE**

**(September 22, 2009)** - Over the past few weeks I have heard from hundreds of constituents on H. 4246, *An Act Relative to Filling a Temporary Vacancy in the United States Senate*. Current state law dictates a vacancy in one of the Commonwealth's two United States Senate seats must be filled by a timely special election; however H. 4246 authorizes the Governor to appoint an interim senator to represent Massachusetts until the winner of the special election can be sworn into office. Every constituent who contacted me on this issue was recorded by my office: of the 238 phone calls, letters and emails I received, 195 were in favor of the bill and 43 opposed. I spent much time considering these comments and conducted research on relevant debates that took place in 2004. Ultimately, when this legislation came to a vote this afternoon I chose to support it. As you may be aware, H. 4246 passed the Massachusetts Senate today by a vote of 24-16.

Clearly, the legislature was wrong in 2004 to alter state election laws in a manner that could potentially leave our constituents with partial representation in the U.S. Senate. While it is not ideal to remedy this shortcoming while a vacancy actually exists, allowing this situation to persist was, in my estimation, a far worse scenario.

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