State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

November 9, 2009

TO THE HONORABLE, THE PRESIDENT OF THE SENATE:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2009 S 0201, "An Act Relating to Elections – Federal Elective Officers."

This act would provide for a special election to fill a vacancy in the United States Senate that occurs prior to the expiration of a term. In doing so, this act revokes the Governor's authority as it presently exists under the current statute to appoint an interim Senator until the time of the next general election.

The current Rhode Island statute provides for an interim appointment by the Governor until the next general election. At the next general election, Rhode Island voters would select the interim appointment to serve out the remainder of the vacant Senate term. However, if the vacancy occurs within seventy (70) days from the time of the next general election, the temporary interim appointment would serve until the following general election. The purpose of providing this grace period is to allow for a fair and competitive election. The process in Rhode Island is consistent with the practice followed by the majority of the states and is inherently reasonable.

While I am wholly supportive of the proposition that the people of the State of Rhode Island should elect those who represent them in Congress, this proposal is unfortunately flawed because it fails to properly address the possibility that a vacancy could occur within a window of time just before or just after a previously scheduled general election.

Consider, for example, a vacancy occurring 60 days prior to a general election or when changing the ballot could not logistically occur. Under those circumstances, convening another special election (which would presumably be held within several months *after* the general election) would not only saddle the State with the significant additional cost of another election – perhaps during a time of fiscal crisis and estimated to be $3 Million or more – but, more significantly, would result in confusion, poor voter turnout, insufficient time to provide a fair and

equal opportunity for all candidates to be considered and other problems associated with trying to hold two elections within a short period of time.

During this time, of course, the State would be without important representation in Congress, a problem that would be further exacerbated if an election became contested, something that has occurred recently in other states. The result of recounts and legal challenges could cause a vacancy for an extended period of time and Rhode Island would be with one less voice in Congress. I firmly believe the citizens of Rhode Island must be represented to the greatest extent possible in Congress, but also with minimal disruption during these important times, a concern that is not adequately addressed by this proposal.

Finally, it should be pointed out that Massachusetts recently amended their laws to provide its Governor with interim appointment authority similar to Rhode Island in an effort to make sure the Bay State is fully represented in the Senate with minimal disruption following the death of Senator Kennedy. Clearly this was done in recognition of the problem of leaving their state without representation, a situation which ironically resulted from an earlier change put into place for political reasons during Governor Romney's tenure. I do not want Rhode Island to make the same mistake.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor