



Republican National Lawyers Association

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The Massachusetts Election and Scott Brown's Win **Even Liberals and Losing Candidate Coakley Agree:** **Scott Brown "Should be Sworn in ASAP"**

RNLA Chair David Norcross stated: "The message sent tonight by voters in Massachusetts was unambiguous and momentous. The will of the people supersedes all else and it would be deeply troubling and politically perilous for national leaders in Congress to disregard it. Senator-elect Scott Brown should be seated immediately and without delay to undertake the work he was elected to execute. Both Democrats and Republicans, liberals and conservatives can agree that this is the people's seat and the people have chosen Brown to represent them."

- Even liberal watchdog groups like Common Cause agree: "We believe that elections should be by the people and for the people, and when the people have spoken, the system ought not be politicized," said Common Cause President Bob Edgar. "If the Republican wins, the person should be seated immediately. If the Democrat wins, the person should be seated immediately." [*The Washington Post*, Seating Mass. Senate winner could be delayed (Jan. 13, 2010).]
- More importantly, the person with the most to lose, losing candidate, Martha Coakley had previously stated that she: "**agreed with Brown that the new senator 'should be sworn in as soon as possible' after the election.**" [*Boston Globe*, 1/10/10]

The Secretary of the Commonwealth, William Galvin, after initially, stating that he would take 32 days or more to seat the winning senator now states: "I am going to do everything that I can to give the winner, whoever that winner is, the credentials they need as soon as possible." [*Politico*, 1/19/10]

Thus, the Senate could and should seat Brown as soon as possible.

- The Senate Standing Rules require an official election certification to seat a senator but can be, and have been, waived when the result of an election is not in doubt. [Standing Rules of the Senate, Rule 2.]
- Recent history demonstrates that a delay of several weeks is ridiculous and without precedent: The **average time is 9.3 days** to seat a senator-elect following a special election when the election was not on the same date as the November General Election (three races total). In 1996, Ron Wyden (D-OR) was seated in **seven days**. In 1993, Kay Bailey Hutchison (R-TX) was seated in **nine days**, replacing the incumbent Democrat Senator, Bob Krueger. In December of 1992, sitting Senator Kent Conrad was re-seated in **twelve days**.

Another relevant example is Senator Dianne Feinstein (D-CA), who effectively became a senator the day after the election. In 1992, Feinstein defeated the sitting, appointed senator, John Seymour (a Republican), in a November 3 election to complete an unexpired term. She formally took office **seven days** later. "Sen. Dianne Feinstein (D-Calif.) wasted no time setting up shop on Capitol Hill. A day after she defeated Republican John Seymour, someone from the Senate Rules Committee called Mr. Seymour's office and told the staff to vacate it - pronto." [*Atlanta Journal and Constitution*, 1/17/92]

There is precedent for a fast seating after a Massachusetts election. In 2007, Rep. Niki Tsongas (D-MA) was sworn in **just two days** after winning a special election. Tsongas made it to Capitol Hill just in time to override a presidential veto of the expansion of S-CHIP. (*Boston Herald*) The results were not officially certified in that instance. Rather, a letter signed by the Secretary of the Commonwealth was faxed to the House of Representatives allowing Tsongas to be seated. [*Boston Globe*, Tsongas set to join Congress, fight Bush veto (October 18, 2007).] A similar expedited action was taken in 2001 to allow the seating of Rep. Stephen F. Lynch.

Secretary of the Commonwealth Galvin "said he will be happy to write a similar letter if Brown wins, but it's unlikely senate democrats would rush to seat him." [*My Fox Boston*, Would Democrats delay Scott Brown being seated in senate? (Jan. 14, 2010).] And one should never forget, Senator Ted Kennedy was sworn in the day after his election in 1962. [*Politico*, Mass. official: It's not precedent to immediately seat senate winner, Jan. 19, 2010.]