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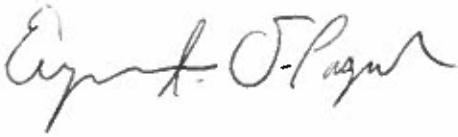
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MEMORANDUM

**TO:** Members of the House of Representatives

**FROM:** Representative Eugene A. DePasquale 

**DATE:** January 8, 2009

**SUBJECT:** Co-sponsorship memo -- Legislation amending the Pennsylvania Election Code regarding Special Elections for United States Senator

In the near future, I plan to introduce legislation that would amend the Pennsylvania Election Code, Act of June 3, 1937 (P.L. 1333, No. 320), to prohibit the gubernatorial appointment of Senator to the United States to fulfill unexpired terms. Vacancies may occur due to death, as in the case of former Senator Heinz of Pennsylvania, or through resignation, as in the cases of Senators Obama and Biden in preparation for their swearing in as President and Vice President of the United States.

Pennsylvania law provides for the filling of United States Senate vacancies through a special election by the voters at the primary or general election following the vacancy provided that election does not occur earlier within 90 days of the vacancy. In addition, the governor has the power to make an interim appointment to fill the unexpired term. The purpose of current law is to provide guidelines for the filling of unexpired term of United States Senator until the next election. However, I believe this responsibility belongs to the people of Pennsylvania to elect the Senator.

Although Illinois is receiving most of the national spotlight currently, it is important to note that four other states are filling their senate seats through gubernatorial appointment. While most governors make conscientious appointments, I think this choice belongs with the voters.

Accordingly, I developed legislation that would abolish the practice of temporary appointments by the governor. In addition, my legislation would call for a special election within 120 days of the vacancy to fill the position of United States Senator or a special election at the primary or general election, whichever would occur first. In so doing, the voters would maintain choice over who would fill the vacancy without the undue advantage of an appointed incumbent.

If you would like to join me in co-sponsoring this important legislation, please contact Britte Earp of my office at 787-7514 or [bearp@pahouse.net](mailto:bearp@pahouse.net).