

**Worcester Telegram & Gazette - Cost of Special Election now put at \$7.2M**  
**By Lee Hammel - 9/9/2009**

Requiring cities and towns to shoulder costs exceeding \$7.2 million for the special election to replace the late Sen. Edward M. Kennedy would violate state law, state Auditor A. Joseph DeNucci said yesterday.

The auditor's Division of Local Mandates estimated the cost of a special election at \$7.2 million just to cover the cost of wages for election day workers and law enforcement personnel, which is \$2 million more than the secretary of state estimated.

The auditor said it will exceed even \$7.2 million when tallying additional costs such as certifying nomination papers, setting up polling locations, printing voting lists, programming election equipment and the expense of rentals and interpreters.

The special election is a result of the change in state law in 2004 that removed from the governor the power to appoint someone to fill an unexpired Senate term and instead set up a special election to do that. At the time, Democratic Sen. John F. Kerry was running for president, and the Democratic Legislature changed the law so that Republican Gov. Mitt Romney would not have been able to fill the position if Mr. Kerry had been elected president.

A primary is scheduled for Dec. 8 and the special election to fill the Senate seat of Mr. Kennedy, who died last month, is set for Jan. 19.

Forcing cities and towns to underwrite the election costs would violate the state's Local Mandate Law passed in 1980 as part of Proposition 2-1/2, Mr. DeNucci said.

The law requires that state laws imposing new costs must be either fully funded or subject to voluntary local acceptance.

Mr. DeNucci's determination is welcome news to cities and towns groaning under the weight of deep cuts in state aid. It is less welcome for the state, which has its own serious budget problems.

Neither the governor's office nor legislative leaders commented yesterday on whether they agree with the auditor's decision.

"We just received the auditor's letter today," Cyndi Roy, communications director of the governor's budget office, said yesterday.

"We're reviewing the estimates and working to determine what the ultimate liability is.

"The House Speaker's office is still looking at the total cost of the special election. Secretary (of State William) Galvin indicated the cost from his end at a little more than \$5 million."

Senate President Therese Murray, D-Plymouth, "anticipated the additional costs. The auditor has made his calculations and we'll face those costs as we move forward," according to her press secretary, David Falcone.

There was no comment yesterday from Mr. Galvin, who last week had said that his office was considering funding \$5 million for the special election. But he said that would require getting additional money from the Legislature.

In Worcester the primary and the final election each would cost about \$142,500.