

**State House News Service
September 9, 2009**

AUDITOR: SPECIAL ELECTION COSTS AN UNFUNDED MANDATE | In response to inquiries from local clerks, state Auditor Joseph DeNucci determined Tuesday that about \$7.2 million in local costs tied to the special election to fill a vacant U.S. Senate seat are unfunded mandates that should be paid for by the state. DeNucci aides say the \$7.2 million is separate from roughly \$5 million in election administration expenses estimated by Secretary of State William Galvin, who oversees elections. Before lawmakers in 2004 changed state law to require a special election, the governor was allowed to make an interim appointee and vacant seats were slated to be filled as part of the regular biennial state election.

The 2004 law requiring the special election comes with costs that the Patrick administration and Legislature have yet to address. "The state law requiring this special election imposes a significant cost on cities and towns at a time when they can least afford it," DeNucci said in a statement. "I request that my legal determination lead to full state funding of these costs." A 1980 state law requires that state laws imposing new costs on local governments must either be fully funded by the state, or subject to voluntary local acceptance. Local officials, struggling with local aid cuts and an erosion of revenues tied to the recession, are wondering how they will pay costs tied to the Dec. 8 primary and the Jan. 19 special election to fill the seat held by the late Sen. Edward Kennedy.

DeNucci says the \$7.2 million estimate covers the cost of wages for election day workers and law enforcement personnel, with costs rising higher when other expenses are factored in, such as the costs of certifying nomination papers, setting up and breaking down polling places, printing voting lists, programming voting equipment and rental and interpreter expenses.

"We are very pleased with the ruling," said Jeff Beckwith, executive director of the Massachusetts Municipal Association. "Communities are prepared to run at very high levels the special election and administer it but they were not prepared to provide the funding." In a Sept. 4 letter to Gov. Deval Patrick asking him to seek a state appropriation to cover election costs, Beckwith wrote, "Cities and towns have already set their budgets and have no way of raising revenues to pay for this election. Their only choices will be to reduce other services or drain what little research may exist in a few municipalities. Due to local aid cuts and the damaging recession, municipalities have already imposed deep cuts in services, layoffs and property tax and fee increases just to balance their budgets before this unanticipated cost arose." Local officials on Tuesday delivered a letter to Lt. Gov. Tim Murray asking for support for an effort to permit some communities to tack local ballot questions on the special election ballot.