



MONTANA SECRETARY OF STATE

LINDA McCULLOCH

SENATE State Admin
Exhibit No. 1
Date 2-6-2013
Bill No. SB 205

SB 205: Special Elections to fill vacancies in US Senate
Senate State Administration, Rm 335
February 6, 2013 @ 3:00 p.m.
Secretary of State Linda McCulloch's Testimony

Good afternoon Mr. Chair, members of the committee. For the record, I am Linda McCulloch, Montana Secretary of State. I am here today to urge you to amend current law to allow special elections to fill vacancies in the United States Senate. Thank you Senator Wanzenried for sponsoring this long-overdue legislation for our office.

As Montana's Chief Elections Officer, I believe voters have a fundamental right to directly elect those individuals charged with representing our state in Congress – and that includes both the House and the Senate.

I don't believe that politicians should be choosing politicians to represent Montana in Congress – regardless of whether the selected replacement will serve for one day or for one year.

Politicians selecting politicians was the law of the land for United States Senators almost 100 years ago. But on January 30th, 1913, Montana became the 11th state to ratify the 17th Amendment to the United States Constitution - establishing direct, popular elections of United States Senators.

This bill ensures that this right belongs solely to the people by requiring vacant U.S. Senate seats to be filled in the same manner vacant seats are filled in the U.S. House of Representatives – which is by special elections, not by gubernatorial appointment.

While I am confident in the ability of a Governor from Montana to honorably appoint the most qualified person to fill a vacant Senate seat, I am certain that Montana voters can do an even better job of selecting the right candidate.

Historically speaking, appointed Senators have not always been the people's choice in Montana. In fact, nationwide, less than 1/3rd of appointed U.S. Senators retain their seat.

Montana is an independent state with independent voters who don't want a self-serving government. Since 1913, two U.S. Senators have been appointed to office in Montana. Neither was elected to a full term when the voters were given the choice.

Examples: Senator John Erickson in 1933 (appointed himself to the seat, and lost the Primary to James Murray); Senator Paul Hatfield in 1978 (lost Primary to Baucus)

Appointments are as rare in the U.S. Senate as special elections are in the U.S. House of Representatives – but the officials who won each special election went on to serve multiple years in Congress. There have only been two special elections to fill a vacant U.S. House seat in Montana's history.

Examples: Rep. James O'Connor died in 1945, Rep. Wesley D'Ewart was elected and served until 1955; Rep. James Battin resigned in 1969, Rep. John Melcher was elected and served until 1977.

I urge you to ensure that unexpected or unscheduled vacancies in Congress are filled in the same manner for both the Senate and the House.

History speaks for itself. Montana voters want the right to choose.

Thank you for your time today.