

Facts on the MA Special Election

Massachusetts voters yesterday elected Republican candidate Scott Brown to the U.S. Senate by a 52%-47% margin. The election results will be certified within 10-15 days.

According to Massachusetts law, election officials are provided with time to certify vote totals and count absentee ballots (due January 29th). When the vote count is complete, the results will be presented to the Governor for certification, and the certification papers will be sent to the U.S. Senate.

Options for Health Care Reform

When Senator Ted Kennedy passed away, the Governor of Massachusetts appointed a Democrat to hold the seat until a special election was held. This gave Democrats a 60-vote coalition in the Senate. Sixty votes allows the majority to override any attempted filibuster. Last night, with the election of Republican Scott Brown, the partisan balance shifted from 60-40 to 59-41 – no longer providing Democrats the ability to override a filibuster once Senator Brown is seated.

Lacking the 60 votes necessary to override a filibuster attempt, Democratic leaders are considering several options to pass health care reform legislation:

- The House could pass the Senate bill and send it to the President; this seems highly unlikely given public statements by many legislators today.
- The House could approve the Senate version and also pass a “corrections” bill which could be considered under reconciliation – a process that requires only a simple majority of votes in the Senate.
- House and Senate Democratic leaders could schedule a vote of a compromise bill before Scott Brown is sworn in while they still hold a 60-40 majority. This approach has garnered criticism from officials in both parties.
- A scaled-back version of health care legislation could be advanced as a new bill or in reconciliation, which could take weeks or even months to develop.

What Does This Mean for Our Issues?

We will monitor the Congressional strategy as it evolves, but assuming momentum for a bill continues, we will press for the inclusion of the below items:

- a part-time worker exemption,
 - the most robust exception for small businesses we can achieve,
 - a penalty-free waiting period for new employees to gain health coverage of at least 60 days,
 - a full-time worker definition based on hours worked in a quarter rather than a week, and
 - a provision to allow larger restaurant companies to offer a uniform health benefits package across state lines (ERISA).
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- **Menu Labeling:** in addition to pursuing its inclusion in health care reform legislation, we have been exploring other legislative vehicles for enactment, if that becomes necessary.

In the coming days/weeks our strategy may shift based on the evolving situation. We urge you to contact members of Congress as well as stakeholders to press for our priorities.