

Alert | New York Government Law & Policy



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New York 2020 Election Update

While much of the country was focused on the presidential electoral math, New York Capitol watchers were focused on state legislative races, and the question of whether certain so-called “third parties” would cease to have official recognition in New York. Heading into Election Day, there was little doubt that after ballots were counted in the 150 New York State Assembly and 63 New York State Senate races, both houses would remain under Democrat control. Rather, the more apt question was whether the Democrats would be able to obtain a supermajority of both houses, and whether election law changes adopted earlier in 2020 would result in the elimination of the Working Family Party (WFP), Independence Party (IP), and Conservative Party (CP) lines. Additionally, due to the COVID-19 pandemic, there was great attention paid to the sheer volume of absentee ballots cast and how the recently enacted absentee ballot cure process would be implemented. By the end of the night, the only thing that was clear was that New York did not experience a big “blue wave.”

State Senate

Prior to the 2020 election, of the 63 Senate seats, 40 were held by Democrats, 20 were held by Republicans, with three vacancies. The Republicans had been in the majority for decades preceding the 2018 election, save for a single session in 2008. This election cycle was not expected to result in any real swing back to Republican control. Rather, the Democrat conference was seeking not only to protect their recently established majority but to grow those 40 seats by at least two spots, to join the Assembly as holding a super-majority, thus making them “veto-proof” and ensuring direct control over the upcoming reapportionment process.

Notably, nine Republican senators announced they would not run for reelection, and many of those seats have become prime targets for Democrats. However, there were also several incumbent Democrats facing tough general election challenges. There were as many as a dozen races to watch, ranging from eastern Long Island (3), to New York City (1), up through the Hudson Valley (4) and then Central/Western New York (3), and the Southern Tier (1). As noted above, the Republicans ultimately had a strong showing at the polls, at least before taking into account the large volume of absentee ballots that had been issued. At least three seats that were open due to Republican incumbent vacancies appear to have flipped to Democrats (Rochester and Buffalo area). But all incumbent Republicans who sought re-election appear to have held onto their seats and, based on election night totals, Senate Democrats likely will have a net loss in seats, while maintaining a solid majority. For example:

- *Long Island*
 - Senate District (SD) 1: previously held by retiring Republican Senator Ken LaValle, is expected to remain in Republican control, where current Assemblyman Anthony Palumbo appears to have won.
 - SD 3: freshman Democrat Senator Monica Martinez is trailing Republican Alexis Weik.
 - SD 5: freshman Democrat Senator Jim Gaughran is trailing Republican challenger Ed Smyth, but there is a significant amount of paper ballots that may benefit the incumbent.
 - SD 6: previously held by a Republican, this district is currently held by freshman Democrat Kevin Thomas, who is trailing the Republican challenger Dennis Dunne, but the absentee ballots appear to heavily favor Thomas.

- *New York City*
 - SD 22: the only real competitive race within the New York City, another district that flipped R to D in 2018, the freshman incumbent Andrew Gounardes is behind the Republican challenger, Vito Bruno, by about 8%, with tens of thousands of absentee ballots to be counted.

- *Hudson Valley*
 - SD 38: an open race to replace outgoing Democrat Senator David Carlucci, Republican Bill Webber, Jr. is ahead, but Democratic candidate Elijah Reichlin-Melnick may prevail once paper ballots are counted.
 - SD 40: incumbent Democrat Senator Pete Harckham is in a tight race with former County Executive Rob Astorino that will turn on the outcome of the absentee ballot count.
 - SD 41: Republican Incumbent Sue Serino is winning by as much as 15,000 votes.
 - SD 42: challenger Mike Martucci is leading over incumbent freshman Democrat Jen Metzger, but this matter will be resolved only after the paper is counted.
 - SD 46: where there was an open seat after Senator George Amedore retired, Republican candidate Richard Amedure appears to be leading, but the Democrat candidate may prevail after counting the paper.

- *Central New York*
 - SD 50: with all election districts reporting, Democrat John Mannion is trailing but may prevail over Angi Renna after paper ballots are counted.

- SD 53: there is a toss-up between incumbent Democrat Rachel May and Republican challenger Sam Rodgers, but analysis of the outstanding paper ballots suggests that May has a good chance of winning.
- SD 55: retiring Republican Senator Funke may be replaced by Democrat Samra Brouk.
- SD 56: retiring Republican Senator Robach may be replaced by Democrat Jeremy Cooney.
- *Western New York*
 - SD 60: Democrat Sean Ryan will be replacing now-Congressman, Republican Chris Jacobs.

Assembly

Unlike the recent swing in Senate control, the Assembly Democrats have held control since the 1970s and presently occupy 101 of the 150 seats, with the Republican conference comprising 43 members. Even before Election Day it was clear that there would be some significant changes next year – many of which would be due to retirements, but in the Assembly, there were several veteran Democrat Assembly members who lost during the primary. As many as seven Democrat Assembly incumbents will be replaced by candidates backed by the Working Families Party (WFP) and/or Democratic Socialist parties. An interesting outcome in the Assembly is in Rebecca Seawright’s race, the incumbent Democrat who ran for re-election without being able to secure the Democrat line, due to a legal defect with her petitions. Despite running on an Independent Party (IP) line, Seawright appears to be going back to the Assembly. Yet, as a result of the general election, there were several notable Democrats who lost to Republican challengers. For example, the chairman of the Environmental Conservation committee and the chairman of the Energy Committee are both losing to Republicans, before any paper is counted. In total, Democrats may lose as many as 10 or 11 Assembly seats.

New York Votes for President on Third-Party Lines

Amendments to the election law enacted during the 2020 budget process tie political parties’ continued existence to whether the party’s presidential candidate receives the greater of at least 2% of the total votes cast or 130,000 votes. By all accounts this would have resulted in the demise of the WFP, but in fact had the opposite effect. WFP will now have the third place on New York ballots, ahead of the continued State Conservative Party and the Green Party. In contrast, the IP is no longer an official party. Accordingly, individuals registering to vote with the goal of remaining an “independent” will no longer mistakenly enroll as an IP member.

Conclusion

Republicans across the state outperformed any polled figures, particularly on Long Island and in the Hudson Valley. The election may also lead to greater scrutiny on the use of independent expenditure resources, given the large and late impact of funds spent in support of Republican candidates. Although the final count for the makeup of the conferences in both houses of the legislature will not be certain for several weeks, the governor will remain the strongest force in New York state government in the immediate future.

NOTE: This information is correct as of Wednesday, Nov. 4, 2020; however, canvassing of paper ballots are ongoing. For updated result statistics, please visit the [New York State Board of Elections website](#).

Author

This GT Alert was prepared by:

- [Michael J. Murphy](#) | +1 518.689.1411 | murphym@gtlaw.com

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