GOVERNMENT AFFAIRS

NEW YORK GENERAL ELECTION RESULTS

Tuesday, November 6, 2018 was election day in New York and there were many races to watch. All four statewide elected officials, Governor, Lieutenant Governor, Attorney General and Comptroller, were up for election as well as all 213 seats of the New York State Legislature. There were also elections for a U.S. Senate seat as well as all 27 U.S. House of Representative seats in New York.

The political landscape at the national level created a voter turnout unlike anything we have ever seen before in New York. Voters of both parties were motivated to head to the polls and vote. Voter turnout was at a record high for mid-term elections, and there was a lot of talk of a blue wave. We don't yet know the exact voter turnout number, but it is being reported that it was significantly higher than the turnout in the 2014 mid-term elections and may rival the turnout numbers from the 2016 Presidential elections. This record level voter turnout in New York also happened during the primary elections and means we saw more votes cast in the statewide and legislative races than would traditionally be expected. This increased voter turnout, and resulting blue wave for New York, didn't change the anticipated results in the races at the statewide level, but it certainly had significant consequences in the New York State Senate.

In the statewide races, Governor Andrew Cuomo, and his Lieutenant Governor candidate Kathy Hochul, were seeking reelection to a third term of office. Governor Cuomo accomplished this goal by defeating his Republican challenger, Marcus Molinaro, and his Lieutenant Governor candidate Julie Killian, by a 58% - 35% margin. In the race for the open Attorney General seat, Democratic challenger Letitia James defeated Republican challenger Keith Wofford by a 59% - 35% margin. James victory is an historic one in that she becomes the first black woman elected to the position of Attorney General in New York State. Finally, in the race for Comptroller, incumbent Democratic candidate Tom DiNapoli defeated Republican challenger Jonathan Trichter by a 64% - 30% margin.

The statewide races did not present any surprises. The results in the New York State Assembly did hold a few surprises in that several incumbents were defeated. Heading into the 2018 elections, the Democrats controlled the Assembly by a 105 - 41 margin with four open seats. In addition to the four open seats that had not been filled by special election, there were 11 seats that were contested due to a combination of retirements and people running for different offices. The Democrats lost one of their contested seats while the Republicans were able to defend all of their contested seats. In addition, four incumbents were defeated in these elections; 3 Democrats and 1 Republican. This means that after the 2018 elections, the Democrats will remain the majority party with 104 seats to the Republicans 46 seats.

The races that were the most closely watched and contested were those in the New York State Senate where the outcome of the 2018 elections determined which party would control the Senate. There are currently 31 elected Republicans and 32 Elected Democrats, but 1 Democratic Senator from Brooklyn conferences with the Senate Republicans thereby giving the Republicans control of the Senate.

While the Senate Republicans held the majority going into the elections last night, they will not be the majority party in the Senate next year. At this point, it's uncertain how large the Democratic majority will be because some races are still too close to call. As of this update, there are 8 races where the Democrats appear to have won but the final counts will have to go the paper ballots and recounts. The Democrats managed to win the majority by picking up seats on Long Island and in the Hudson Valley.

On Long Island, it appears there was a four seat gain for the Senate Democrats. Preliminary results show that the Senate Democrats picked up an open seat on Long Island that had been represented by Senator Tom Croci. He will be replaced by Monica Martinez, a Suffolk County legislator, who defeated Republican Assemblyman Dean Murray. Preliminary results also show that incumbent Republican Senator Carl Marcellino was defeated by Democratic challenger Louis D'Amaro, incumbent Republican Senator Kempe Hannon was defeated by Democratic challenger Kevin Thomas and incumbent Republican Elaine Phillips was defeated by Democratic challenger Anna Kaplan.

In the Hudson Valley, preliminary results are showing that the Senate Democrats picked up two open seats from Republicans who had retired. Democratic Assemblyman James Skoufis defeated Republican challenger Tom Basile and Democratic challenger Jen Metzger defeated Republican challenger Ann Rabbit. It also appears that incumbent Republican Terrence Murphy has been defeated by Democratic challenger Peter Harckham. Finally, in New York City, incumbent Republican Senator Martin Golden appears to have lost to Democratic challenger Andrew Gounardes.

We want to stress that many of these races are not finalized because the vote tallies are very close. There is even an outside chance that the Democrats could pick up another seat or two if other races go to recounts as well. These are the results as of election night, and therefore, these results are not certified and final. However, it appears that the Senate Democrats will have a substantial majority in the next legislative session.

The 2019 legislative session will begin on January 9, 2019 with the Governor's State of the State address. The session will begin with a new majority in the Senate as the Senate Democrats were able to pick up enough seats to secure the majority. If the election results are confirmed as they stand now, there would be 39 Democrats and 23 Republicans and Senator Simcha Felder, whose status is uncertain at this time.

As you may recall from the Primary Election, 6 of the 8 members of the Independent Democratic Conference (IDC) and 1 member of the Democratic Conference were defeated in their primaries. When you couple that with 5 members of the Republican Conference who did not seek reelection and the defeat of perhaps 5 incumbents on Election Night, we will have 17 new members in the New York State Senate next year. With 63 Senators total, and 17 new members, mostly Democrats, this means that 27% of the Senate will be newly elected Senators. This is the largest turnover of members in either house of the New York State Legislature in recent history, perhaps ever.

In addition to the historic nature of the turnover, the amount of money spent in this election cycle was also historic. The final numbers are still being tallied, but this election cycle saw unprecedented spending not only by candidates in the races but by outside interest groups as well.

The blue wave of voter turnout in New York did not just impact the State level elections. The voter turnout also turned 3 House seats from Republican control to Democratic control. This gain of 3 seats in New York helped the Democrats recapture the majority in the U.S. House of Representatives as well. In addition, Senator Kirsten Gillibrand was reelected to another 6-year term over her Republican challenger Chele Farley by a margin of 64% - 35%.

The election results mean that there is a lot of change coming to the New York State Legislature, and we will enter the 2019 legislative session with a new Senate Majority, all new Senate leadership and committee chairs and a new majority leader in the New York State Assembly as well as several Assembly leadership changes and perhaps Assembly committee changes. We will be assessing these changes and will provide information on legislative priorities and strategies as 2019 unfolds.

If you have any questions regarding this LEGALcurrents®, please do not hesitate to contact any member of our firm's Government Affairs Practice Group at 518.434.4377, 585.232.6500, or visit www.hselaw.com for more information.

hselaw.com

Rochester ■ Buffalo ■ Albany ■ Corning ■ New York City
Attorney Advertising. Prior results do not guarantee a similar outcome.

3