



Examining Turnover in the New York State Legislature:
Ethical Misconduct Increasingly the Cause for Legislators Leaving
*Framework for Reform to Address
Misconduct, Special Elections, and Redistricting*

NOVEMBER 2009

**Research and Policy Analysis by Citizens Union Foundation
Prepared and Published by Citizens Union**

Written by:

Dick Dadey
Executive Director

Rachael Fauss
Policy and Research Associate

DeNora Getachew
Director of Public Policy & Legislative Counsel

Andrea Senteno
Program Associate

With assistance from:
Christina Wong

Endorsed by:

**Common Cause/NY
League of Women Voters/N.Y.S.
New York Public Interest Research Group (NYPIRG)**

Citizens Union of the City of New York
299 Broadway, Suite 700 New York, NY 10007-1976
phone 212-227-0342 • fax 212-227-0345 • citizens@citizensunion.org • www.citizensunion.org
Peter J.W. Sherwin, Chair • Dick Dadey, Executive Director

I. Executive Summary

Over the past ten years, 139 elected state legislators have left office for any number of reasons ranging from ethical or criminal misconduct to dying in office. This report, researched by Citizens Union Foundation, finds that a state legislator in New York State is more likely to leave office because of ethical misconduct than either being redistricted out of one's seat or even death. Over the past ten years, fourteen legislators left their office because of ethical misconduct, criminal charges, or similar issues. Only seven died while in office, and eight left due to redistricting.

In fact, one of every fifteen seats in the legislature turned over in the past ten years because of ethical or criminal misconduct or related issues. This does not even count those who are still in office and under investigation or whose fates are currently being decided.

Regardless of how one analyzes the numbers, a stunning trend is emerging: more legislators are leaving office due to misconduct. Below are the major findings of the report, which also includes trends in other areas:

1. An increasing number of legislators leave office or are forced from office because of ethical or criminal misconduct or related ethics issues. While only one legislator left for this reason in the 1999-2000 session, in the 2007-2008 session the number had climbed to five.
2. The major reasons why legislators have left office during the ten year period from 1999-2009, from most frequent to least frequent, are:
 - For another office, elected or appointed – 54
 - To retire or work in the private sector – 31
 - Electoral defeat – 25
 - Ethical misconduct, criminal charges, or related issue – 14
 - Redistricting – 8
 - Death – 7
3. Law enforcement, rather than state ethics watchdogs, is unearthing, investigating and handling the serious instances of ethical misconduct by state elected officials. Federal investigations have recently been seen with former Assemblymember Anthony Seminerio and former Senator Joseph Bruno, who resigned last year before he was indicted and is currently on trial, while local law enforcement investigations have resulted in the resignations of Assemblymembers Gloria Davis and Clarence Norman for ethical misconduct, among others. It is clear from Citizens Union Foundation's findings that greater ethics oversight is needed to both prevent and uncover ethical misconduct, particularly in a climate of its increasing prevalence, instead of simply leaving it to law enforcement to handle.
4. Regardless of the reason why, too many legislators leave office before their terms have expired. This results in special elections being held to fill their vacancies, which are becoming increasingly commonplace. During special elections, party nominated candidates are chosen by the party leaders – not voters in a primary election. Nearly one third of all current state legislators were first elected to office during a special election, often held not on a regularly scheduled election day and when turnout is unfortunately low. Once chosen by party leaders and elected by less than 2 or 3% of

eligible voters, most state legislators are reelected in routine fashion until they either run for another office, retire, get indicted, or die. Few get defeated.

5. Turnout can also be low for primary elections, and in 2008's primary elections, a sampling of districts found that turnout of registered voters in districts was as low as 4%, and often less than 10%. Citizens Union is concerned by this abysmally low turnout and believes that reforms to the state's election and campaign finance laws are needed to increase the competitiveness of elections, give voters greater choice and incentive to vote.
6. Overall turnover in the state legislature is low, with only 9 to 16% of seats turning over during two year periods from 1999 to 2009. 2005 to 2006 saw the most legislative turnover, with 16% of seats turning over because legislators either sought other elected office in city elections in 2005 or state elections in 2006, or were appointed to other government office – as was seen with many appointments by outgoing Governor George Pataki. 2001 to 2002 had the second most turnover, with 15% of seats turning over, in large part due to the 2002 redistricting of legislative district lines. In other years, turnover has been low, at 9 or 11%.
7. Turnover can be either productive or unproductive for voters, and affects voters differently depending on the type of turnover. While turnover due to a competitive election may be productive by resulting in better representation, there is also turnover that is unproductive, such as when legislators leave office due to scandal, which can be harmful to voter confidence in government;— though this turnover can also be seen as productive because resignation is an appropriate consequence for illegal activities. In order to address these issues, this report provides recommendations for reform in section III to encourage turnover that may lead to better representation, while discouraging turnover that decreases public confidence in government.

In order to address the findings of this report, in addition to redistricting reform and campaign finance reform, the Legislature and the Governor should work together to swiftly to pass sweeping ethics reform legislation. State legislative ethics currently lacks the independence needed to give the public confidence that the legislature is not significantly policing itself – an inexcusable conflict of interest. New York desperately needs a new ethics system that includes independent oversight, effective administration, rigorous enforcement, and transparent operations.

While the Assembly in June passed a modest ethics bill, the Senate is working to draft stronger legislation that goes further and accomplishes greater oversight and independence. The Governor contributed to the need to act when he earlier this year also put forward a bold proposal. In spite of good intentions from all parties, no new law yet exists to address the incredibly weak system of state ethics oversight. Until legislation is passed, we will likely see the trend of too many legislators leaving office under the cloud of ethical misconduct continue.

Contained within this report is an analysis of why legislators leave and the reasons behind their departures. It also includes specific recommendations for strengthening ethics enforcement, among other needed reforms.

II. Introduction and Methodology

As an elected body, the New York State Legislature is the people's closest direct connection to state government. Similar to all but one state in the nation, New York's legislature is bicameral, composed of a state assembly and state senate.¹ Legislators in both houses of New York's legislative body are charged with representing the local interests of their districts in approving the state budget, passing laws, and engaging in other matters of state business. There are currently sixty-two (62) senate districts and one hundred fifty (150) assembly districts, with members from each district meeting in Albany for session every year from January to June, as well as at the call of the legislative leaders and the governor.

Voters have the opportunity to elect candidates for state assembly and state senate every two years, during even-numbered years, when the state's primary and general elections are held. While voters' decisions on candidates are limited to those who make it on the ballot, elected officials' choice of whether to stay in office, seek other office, or retire is much less restricted. The reasons why elected officials choose to stay in office or pursue particular paths may seem personal, but in many cases, decisions are made due to political considerations or other factors.

Citizens Union Foundation conducted research on turnover in the New York State legislature in the last decade from 1999 to 2009 and found that it can be attributed to four main factors: (1) unethical or criminal activity or issues, (2) the impact of the 2002 redistricting, (3) the loss of a primary or general election and (4) appointment or election to other office. The report also examines several other causes for turnover, including retirement, death, and work in the private sector. Turnover is examined in two-year periods, the length of a legislative session, for the purpose of spotting trends.

This report was compiled using information on the causes of turnover from news articles, press releases, board of election records and other publicly available information, which are all compiled in Appendix B. The classification on the causes of turnover was developed to show trends in certain areas, so it should be noted that where loss of election can be attributed to ethical lapses, it is recorded as turnover due to unethical activity rather than merely due to losing the election. Similarly, where an election was lost due to the impact of redistricting, i.e. two districts were merged pitting incumbents against each other, this instance is recorded as turnover due to redistricting, and where an incumbent legislator was offered a state government position after receiving a DWI to avoid a difficult primary election, this instance is recorded as turnover due to an ethical/criminal issue.

Depending on the cause of turnover, this report finds that turnover can be either productive or unproductive. While turnover due to a competitive election may result in representation that is more responsive to constituents' needs, there is also turnover that is unproductive, such as when legislators leave office due to scandal which can decrease voters' confidence in state government – though as mentioned previously, forced resignation may be an appropriate consequence of illegal activities. This report both sheds light on the causes and prevalence of legislative turnover, and proposes several good government reform recommendations in the areas of redistricting, ethics, campaign finance, elections and the process for filling vacancies in order to encourage turnover that may be productive, such as due to losing an election, and help to mitigate turnover that is unproductive, such as due to ethical indiscretions.

The collapse of the State Senate in summer 2009 due to partisan in-fighting raised many important questions regarding good governance and the responsiveness of legislators to their constituents. This

¹ The only state legislature that is not bicameral is Nebraska's, which is unicameral, i.e. with a single house.

report finds that turnover is often influenced more by elected officials' actions – which may not be in the public interest – and other outside factors rather than by the public in exercising its right to vote. In holding the state legislature accountable in 2010, voters are unfortunately hindered by the lack of competition due to draconian ballot access laws, weak campaign finance laws and districts drawn to favor particular candidates or parties. In order to address these concerns, section III of this report proposes comprehensive reforms in the areas of campaign finance, election and redistricting to allow the public to hold legislators more accountable and create a state legislature that is more responsive to the needs of its constituents.

This report also examines turnover due to ethical lapses and criminal activity in the state legislature. A major finding of the research is that legislators have increasingly left office due to ethical lapses or criminal activity, most often due to federal investigations rather than state government action. Occasionally, voters voice their disapproval of such unethical or criminal behavior at the polls, but all too often, it takes a high-profile investigation of such activities to cause legislators to either resign or lose an election. This report focuses on the state legislature, but it should be noted that, unfortunately, unethical behavior can and does occur in other branches of government. Recommendations are provided to improve ethics oversight and enforcement in the whole of state government in order to prevent misconduct.

The timing of turnover can also have a profound impact on the choice or the lack thereof that voters have at the polls to replace their representatives. Citizens Union Foundation in 2007 released a report, “Circumventing Democracy: The Flawed System for Filling Vacancies for Elected Office in New York,” which found that nearly a third, or thirty-one percent (31%), of state legislators were first elected to office through the special election process. This report builds on that research, noting that many legislators have left office at times which have resulted in special elections. These special elections, unfortunately, only give voters a limited choice between party-nominated candidates, and possibly those who petitioned to get on the ballot as an independent candidate. This report also provides recommendations to improve the choices voters have in special elections.

The findings of the research are first discussed broadly, and then in each of the main categories of turnover. Case studies or examples of specific legislator conduct are also provided in each area to illustrate particular types of turnover. Recommendations are then provided in five reform areas: redistricting, ethics, campaign finance, election reform and filling vacancies. Finally, a chart of the causes of turnover by percentage of total turnover as an appendix, as well as a table which provides a summary of every instance of turnover from 1999 – 2009.

III. Findings on the Causes of Turnover

a. Overall Findings

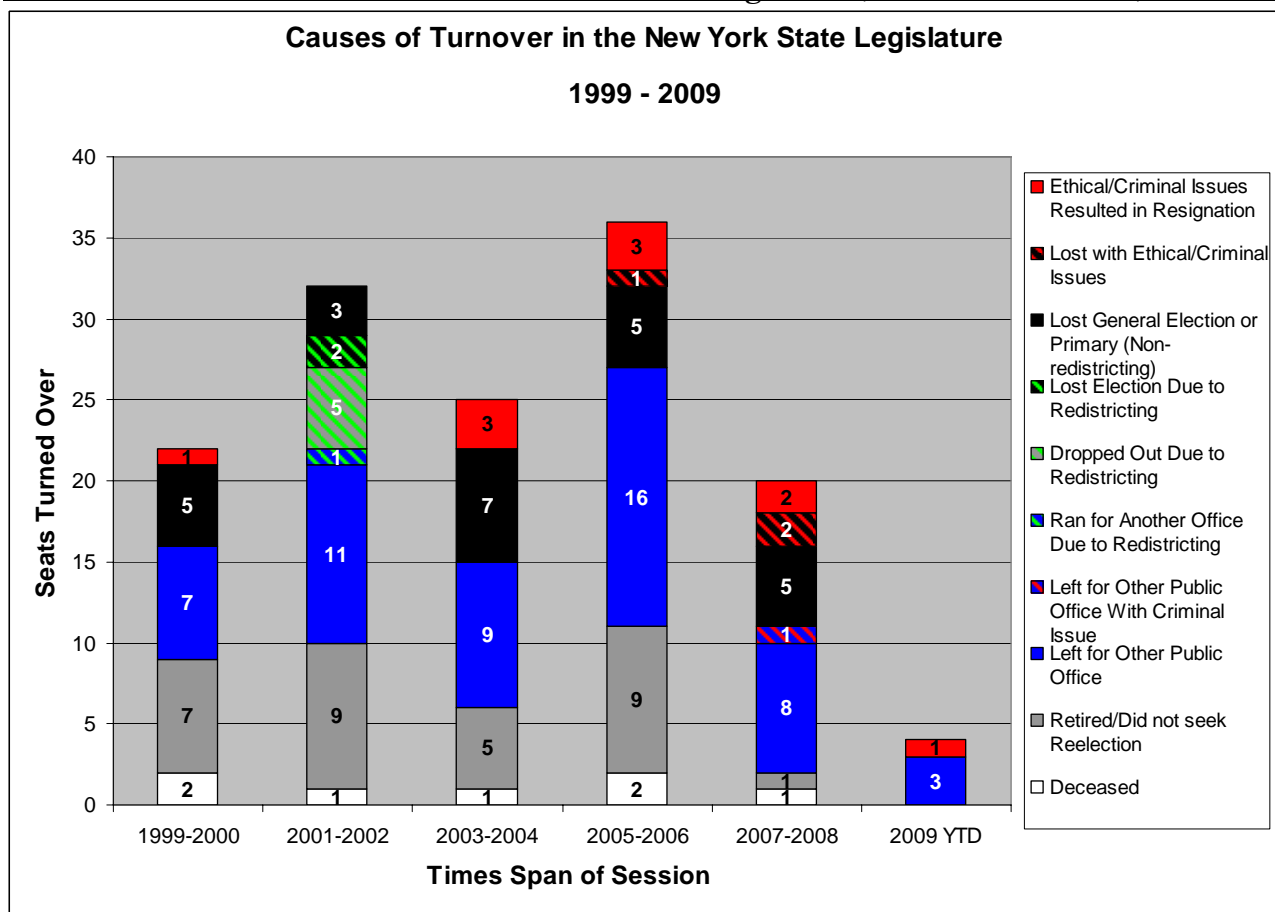
Turnover in the New York State Legislature from has fluctuated between 1999 and 2009, with the most turnover occurring during the 2005-2006 session with thirty-six (36) members leaving office and the least occurring during the 2007-2008 session, with nineteen (19) members leaving office.² Turnover was second highest from 2002-2003, which can be partially attributed to the redistricting of senate and assembly district lines in 2002.

² Please note that this does not consider the current 2009-2010 session, which has not yet ended.

The most common cause of turnover from 1999-2009 has been leaving for another government office, either elected or appointed at the federal, state or local level, amounting to nearly thirty-nine percent (39 %) of all cases of turnover. The second most common cause of turnover was no longer seeking office/retirement, which amounted to twenty-two percent (22%) of all instances of turnover.³ Losing a primary or general election is only the third most common cause of turnover, at nineteen percent (19%) of all cases of turnover. Turnover due to ethical lapses or criminal misconduct was the fourth most common cause of turnover, at ten percent (10%) of cases. Other reasons for turnover such as redistricting and death each amounted to six percent (6%) and five percent (5%) of the incidents, respectively.

Chart 1 below shows the causes of turnover in each of the two-year session periods from 1999-2009. It should be noted that where turnover can be attributed to more than one category, i.e. ethical lapses resulting in loss of an election, the category is striped with more than one color. For example, where a legislator lost an election after being charged with misdemeanor assault, it is represented in the chart as striped in red (corruption or criminal issues) and black (loss of an election). Findings in each category of turnover, such as trends, will be described in subsequent sections, as well as examples or case studies demonstrating a particular type of turnover.

Chart 1 – Causes of Turnover in the New York State Legislature, Two-Year Sessions, 1999-2009

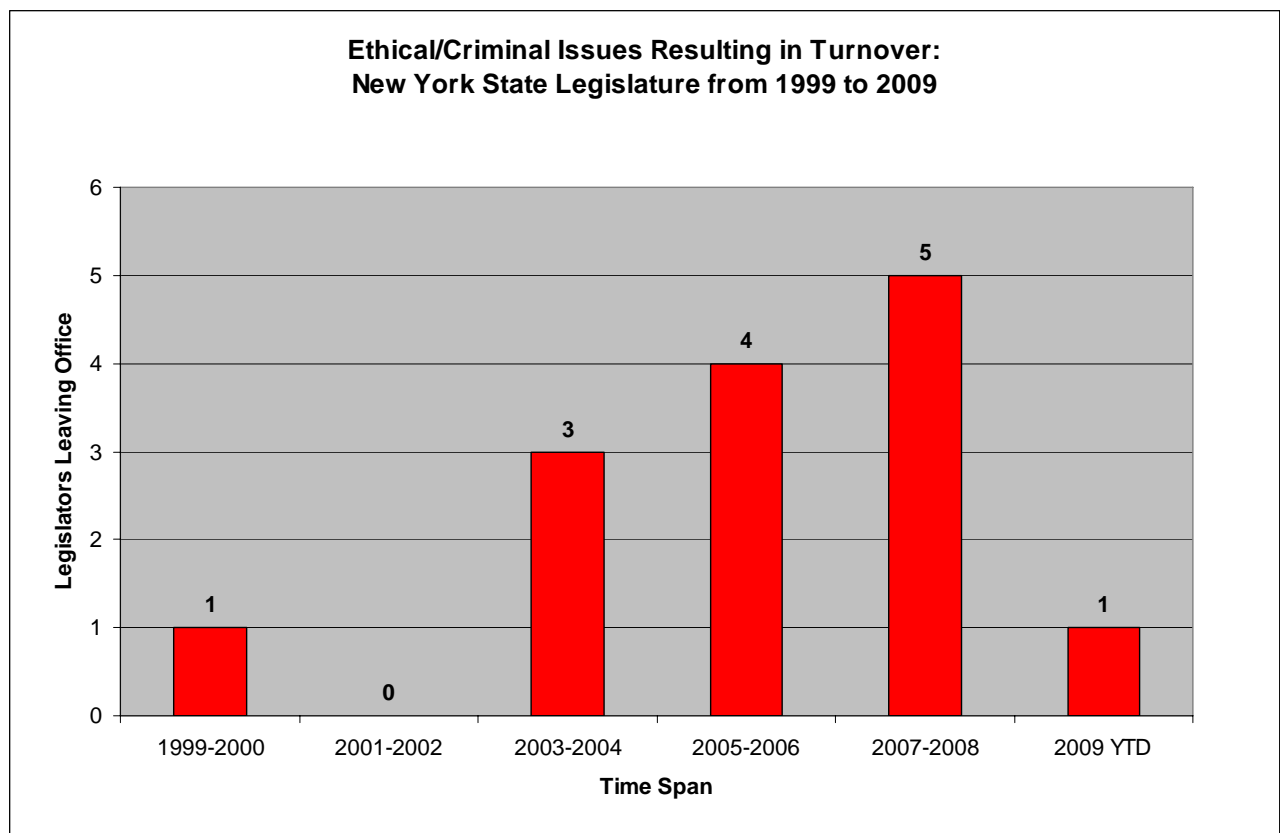


³ This does not include legislators who did not seek reelection due to redistricting.

b. Turnover due to Ethical Lapses and Criminal Issues

Citizens Union Foundation found that in examining the causes of turnover over the last decade, legislators are increasingly leaving office due to ethical or criminal issues. According to the Public Officer's law, only officials who are convicted of felonies or were involved in any actions that would hinder them from fulfilling his role as a state legislator are required to resign.⁴ From 1999-2000, one (1) legislator resigned due to a felony conviction. In the 2001-2002 session, on the other hand, was an anomaly in that no legislators left office due to ethical or criminal misconduct from 2001-2002. In the 2003-2004 sessions, three (3) legislators left or were forced to resign due to unethical or criminal behavior, four (4) legislators left for similar reasons during the 2005-2006 session, and five (5) left due to ethical or criminal misconduct or issues during the 2007-2008 session. So far during the 2009-2010 session, one (1) legislator has left due to such conduct. See the chart below which depicts such turnover from 1999 to 2009.

Chart 2 – Turnover due to Ethical/Criminal Issues



Most often legislators who have been found guilty of a crime or misconduct are forced to resign are forced, but in a few cases legislators have resigned before an investigation occurs, such as Assemblymember Ryan Karben (D-Rockland County) who resigned in 2006 after allegations surfaced of his improper fraternization with interns. While turnover due to ethical or criminal misconduct is often a necessary consequence of such behavior – particularly as consequence to the inappropriate exercise of power – this is bad or unproductive because it has increasingly caused the public to lose confidence in state government. The public's apathy can be attributed to disappointment in

⁴ NYS Public Officers Law, §30

government, which can consequentially result in lower turnout and elected officials who are less accountable.

Recent corruption convictions have been initiated by federal investigations, as was seen recently with Assemblymember Tony Seminerio (D-Queens) and Senator Efrain Gonzalez (D-Bronx) who were both investigated by federal law enforcement.⁵ Former Senate Majority Leader Joseph Bruno (R-Rensselaer County), who resigned in 2008 prior to the election, was recently indicted and is currently on trial for public corruption charges as a result of a federal investigation of his outside business dealings. While some of the corruption convictions resulting in resignation have come from state prosecution, all have been the result of an investigation by some form of law enforcement rather than through internal legislative ethics oversight bodies, as was seen with Assemblymembers Gloria Davis (D-Bronx) and Guy Velella (R-Bronx) in 2003, Assemblymember Clarence Norman (D-Brooklyn) in 2005 and Assemblymember Diane Gordon (D-Brooklyn) in 2008, all of whom were investigation by local district attorneys.

Legislative turnover also results from the commission of other criminal actions outside of the improper use of elected office. For example, Assemblymember Jerry Johnson (R-Western New York) in 1999 pleaded guilty to second degree attempted burglary, for breaking into the home of his office aid, using her telephone and stealing items, a felony charge that required his resignation from office.⁶

Often the less serious criminal or ethical issues profiled in this report have been taken up by the legislative ethics oversight bodies or directly by legislative leadership, as was seen most recently with former Assemblymember Michael Cole (R- Erie and Niagara Counties) in 2007. Cole spent the night in an intern's apartment after a night of drinking and was subsequently stripped of his committee posts, stipends, and ability to participate in the internship program. He subsequently lost his primary election in 2008. Other actions taken by the legislative leaders include censorship, for example with Senator Ada Smith (D-Queens) after she was accused of throwing coffee in an aide's face

Case Study 1: Assemblymember Tony Seminerio

Former Assemblymember Tony Seminerio (D-Queens) resigned from his seat in June 2009, pleading guilty to honest service fraud resulting from a federal investigation. Seminerio was caught inappropriately using his power as a state legislator to sell access to government services by collecting "consultant fees" which he funneled into Mare Consultants, a shell organization he used to hide these funds. He admitted to taking nearly \$1 million in "consultant fees" from hospitals and related entities, which federal prosecutors now say could total closer to \$2 million. From April 2000 to September 2008, an estimated \$310,000 worth of consultant fees was funneled into the Mare Consultant's account from the Jamaica Hospital on top of an additional \$80,000 from a separate Medicaid-managed health care plan which was affiliated with the hospital. In return for the consultant fees, Seminerio began talks with a state Health Department official to facilitate Jamaica Hospital's takeover of another hospital and expansion of its facilities. Seminerio is currently awaiting sentencing and federal prosecutors have stated that an appropriate penalty for his actions would be 11.25 to 14 years in jail and a fine of up to \$175,000.

For more information, see:
Moynihan, Colin. "Democratic Assemblyman Pleads Guilty To Soliciting Payments." *The New York Times*. June 25, 2009;
Davis, Pete. "Seminerio defense next at court hearing." *The Queens Courier*. October 27, 2009; and
Zambito, Thomas. "Anthony Seminerio's 30 years in office ends with 11 to 14 in prison." *The Daily News*. June 24, 2009.

⁵ Gonzalez lost the primary election in September 2009 to Pedro Espada, Jr. while he was indicted; he later pled guilty.

⁶ Appel, Howard. "2000: A year of Scandal and betrayal." *Clarion News*. Available at: <http://www.clarioncall.com/archive/2ktop.html>

Case Study 2 - Assemblymember Roger Green

Assemblymember Roger Green (D-Brooklyn) resigned in February 2004 after twenty years of service, pleading guilty to two counts of petty larceny and one count of filing a false instrument, only to be reelected later that year. From 2001 to 2002 Green received free rides to Albany from Correctional Services Corp, a Florida company that runs halfway houses for state prisoners. The company was fined \$3,000 in 2003 for failing to report free transportation, meals and other gifts that they gave to state legislators in return for their help to keep the corporation's state contracts. By pleading guilty to misdemeanor charges, Green agreed to be placed on probation for three years, make restitution to the state in the amount of \$3,000 related to his false travel reimbursements and pay a fine of \$2,000. Green's lawyers stated that his client's actions have not hindered his ability to fulfill his role as a state legislator and therefore should not be turned out from his seat. Assembly Speaker Sheldon Silver brought the case to the Assembly's Ethics committee, which issued a report recommending sanctions against Green, and Assembly Speaker Silver urged Green to step down from his position. Green ultimately did resign, but since Green avoided felony charges, he was able to successfully run for reelection later in fall 2004. He later unsuccessfully ran for Congress in 2006.

For more information, see:

Cooper, Michael. "Assemblyman Gets Probation In Travel-Expense Fraud Case." *The New York Times*. March 23, 2004;
Hicks, Jonathan. "From Conviction to Re-election and Beyond." *The New York Times*. December 9, 2005; and
McKinley Jr., James. "Assemblyman Pleads Guilty to Faking Travel Expenses." *The New York Times*. February 6, 2004.

and charged with harassment by then Senate Minority Leader David Paterson (D-Manhattan) in 2006 for "a pattern of inappropriate, unprofessional and often abusive behavior."⁷ She subsequently lost her stipend and state car, and also later that year lost the primary election.

In perhaps one of the more unusual instances of turnover due to a criminal issue, Democratic Senator John Sabini (D-Queens) was appointed as head of the Racing and Wagering Board by Governor David Paterson in June 2008, saving him from what was predicted to be a difficult primary election against New York City Councilman Hiram Monserrate. Sabini plead guilty to a reduced charge of driving while ability-impaired in November 2007, concluding a case from Albany in which police said he was driving while drunk. The Senator paid a fine of \$300, agreed to enroll in anti-DWI classes and had his license suspended for six months. No action was taken by the Senate to censure Sabini.⁸ Former City Councilmember Hiram Monserrate handily won the seat in the 2008 general election. Monserrate was subsequently charged with misdemeanor assault of his girlfriend in October 2009; a special Senate committee was convened in October to decide whether he should be removed from office.

In spite of continued editorials and newspaper exposes about ethical abuses in the New York State Legislature, including a recent *New York Times* editorial⁹ which called for an independent ethics oversight system to monitor the Legislature, ethics reform has not been enacted. See section III for greater details about how ethics oversight can be reformed in New York State.

⁷ "A Donor and a Critic." *The Empire Zone Blog*. *The New York Times*. July 20, 2006. Available at: <http://empirezone.blogs.nytimes.com/tag/david-paterson/page/2/>

⁸ For more information, see: Bertrand, Donald. "State Sen. John Sabini's DWI guilty plea revs up call for ouster." *The Daily News*. February 19, 2008; and Liu, Irene Jay. "Sabini is appointed head of Racing and Wagering Board (updated)." *Capitol Confidential*, *The Times Union*. June 13, 2008.

⁹ Editorial. "Fed Up With Albany." *The New York Times*. October 19, 2009. Available at: <http://www.nytimes.com/2009/10/19/opinion/19mon1.html?pagewanted=1>

c. Turnover due to Redistricting

The New York State Legislature's district lines are redrawn every ten years after the federal census by the New York Legislative Task Force on Demographic Research and Reapportionment (LATFOR) in order to ensure that each district fits within the state's guidelines for population distributions. The Task Force consists of six members, including four legislators and two non-legislators. Given that legislators serve on LATFOR, making up the majority of members as appointed by the legislative leaders, districts are often drawn to favor one party or candidate over another.

In 2002 after the Senate's and Assembly's districts were redrawn in advance of the elections, eight state legislators either dropped out of the election, lost the primary or general election, or ran for another office due to redistricting.¹⁰ Historically districts have been drawn in the Senate to favor Republicans and in the Assembly to favor Democrats, meaning that after redistricting occurs, incumbents may find themselves in new districts which may no longer contain a base of support for reelection depending on the candidate's party and house affiliation. In certain cases, incumbents were pitted against each other in districts that no longer resembled their previous districts – possibly in pursuit of creating new districts for party-preferred candidates of the opposite party – as was seen with Assemblymembers Jay Dinga (R-Broome County) and Robert Warner (R-Broome County), in which Warner won the Primary Election.

With new districts being drawn in advance of the 2012 elections and a new balance of power in the Legislature with the Senate in Democrat hands, it is important that the State Legislature consider whether the current redistricting process best serves the voters of New York State. Redistricting has too often been used in the past to cause turnover that is unproductive, as legislators who may be effective representatives have had their districts redrawn to their disadvantage simply because they belong to the minority party in a particular house. There is the potential, however, for redistricting to create districts that foster competitive elections that benefit voters rather than a particular party or candidate. The need for redistricting reform is discussed in greater detail in section III of this report.

Case Study 3 – Senator Vincent Gentile

After the 2002 redistricting, New York City gained four more assembly seats, as well as one senate seat. Republican Senators hoped that a new district in Bay Ridge, Brooklyn would increase the chances of a Republican joining the Senate. Senate District 23, which was held by Democratic Senator Vincent Gentile prior to redistricting, was one of the districts affected by the redrawn district lines. Many of the neighborhoods that made up the former Senate District 23 had been shifted into a new Senate District 22, which has one of the largest and most concentrated Asian populations among the redrawn districts. In the new district, incumbent Senator Gentile faced a race against Republican candidate City Councilmember Martin Golden. Although Gentile and Golden were both popular among their constituents, they were in two different levels of government (state and city), which made for a competitive race. Seventy percent (70%) of the non-Asian residents of Senate District 22 were equally split between Gentile and Golden, essentially making the Asian vote the deciding factor of this Senate race. While both candidates had been actively campaigning for the Asian vote close to Election Day, Golden had a stronger presence in Chinese communities in Brooklyn due to his relationship with various community leaders and involvement with events such as voter registration drives, as well as maintaining strong connections to Chinese communities in Manhattan. With a ten percent (10%) difference in votes, Golden had won the district Senate seat; Gentile later ran for City Council in 2003 and won.

For more information, see:
McKinley, James. "In Albany, a Redistricting Plan to Help the Majority Party." *The New York Times*. February 15, 2002;
Wu, Kevin. "Winning Chinese Vote Becomes Key As Bay Ridge State Senate Race Intensifies." *Gotham Gazette*. October 5, 2002.
Translated and reprinted from Singtao Daily; and
Gallahue, Patrick and Deborah Kolben. "Too Close To Call O'Keefe, Gentile Claim Victory In Council Race." *The Bay Ridge Paper*. March 3, 2003.

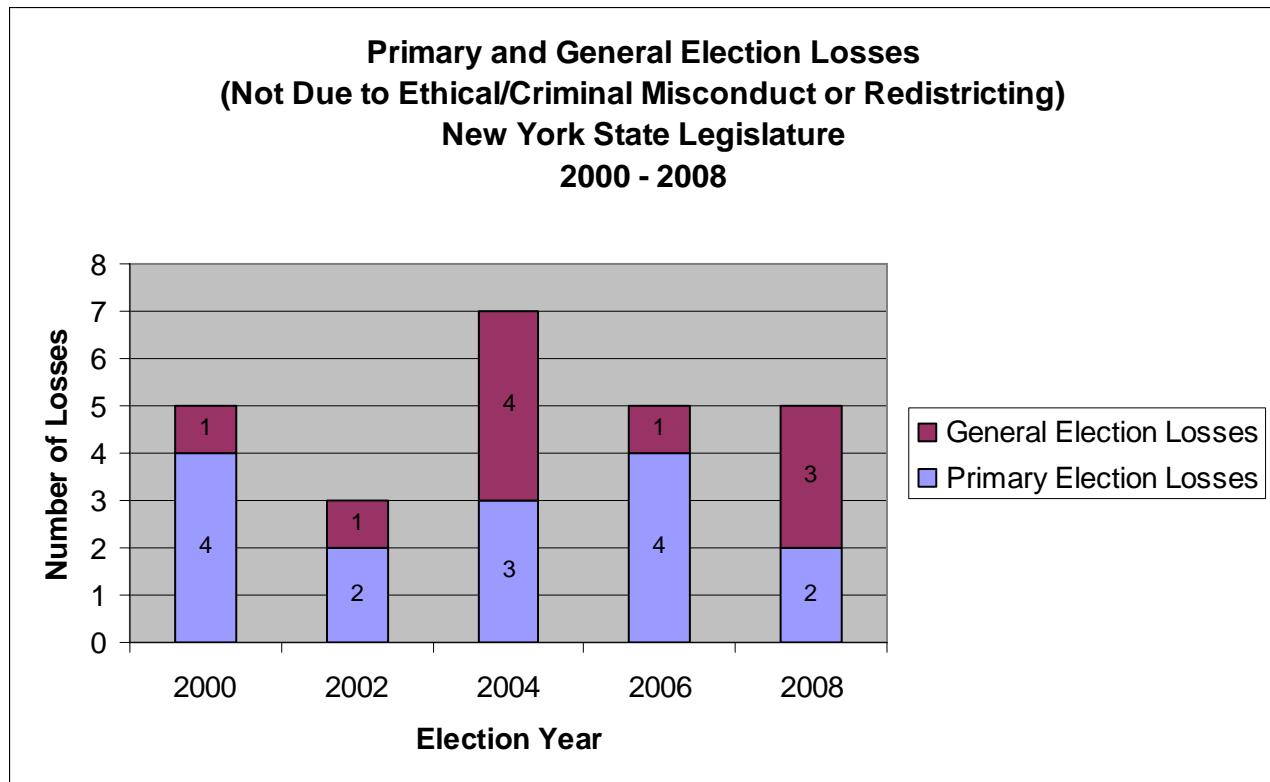
¹⁰ While the affects of redistricting upon elections have lasted beyond the 2002 elections, this report only focuses on the immediate affects in the 2002 election cycle, as they can be more directly attributed to the districting plans.

d. Turnover due to Losing an Election

Contrary to what might be expected, losing an election, whether primary or general, is not the most common cause of turnover for members of the New York State Legislature. Elections are often uncompetitive, with few challengers willing to run against incumbent legislators; moreover, for those incumbent members who seek reelection, they very rarely lose. When there is turnover as a result of losing an election, it generally is productive for voters, as it presents constituents with a new representative who may be more in touch with their needs and have fresh policy perspectives.

The chart on the next page outlines the total number of general and primary election losses from 2000 to 2008, which does not include losses attributable to any other cause such as legislators who lost an election due to redistricting or because of ethical or criminal issues. During the last decade, the number of incumbent legislators who have lost each election year has remained fairly constant, with about five (5) legislators losing each year. There were three (3) losses in 2002 that were unrelated to redistricting; however, and with redistricting included, the tally rises to five (5) losses. These findings of few instances of turnover due to loss of an election, however, are consistent with Citizens Union Foundation's research showing that there has been a nearly ninety-six percent (96%) reelection rate for incumbent members of the New York State Legislature representing New York City from 1992-2008.

Chart 3 – Primary and General Election Losses, 2000 - 2008



The highest number of election losses that did not involve ethical/criminal misconduct or redistricting occurred in 2004, when there were seven total losses, including three (3) primary election defeats and (4) four general election defeats. The four general election losses could be in part attributed to changes

in New York’s party enrollment¹¹: two in the State Senate, with Olga Mendez (R) losing to Democrat Jose Serrano (D) in the Bronx and Nancy Lorraine Hoffmann (R) losing to David Valesky (D) in Central New York, and two occurring in the State Assembly, with Bob Prentiss (R) losing to Bob Reilly (D) in Albany and Saratoga Counties, and Robert Warner (R) losing to Donna Lupardo (D) in Broome County. One of the primary election losses may be attributed at least in part to changing demographics, with Jimmy Meng beating incumbent Assemblymember Barry Grodenchik (D-Queens), becoming the first Asian-American representative in the state legislature.¹²

Most recently in 2008, there were three general election losses that could also in part be attributed to changing party enrollment in New York State.¹³ These elections included Senator Serphin Maltese (R) losing to challenger Joseph Addabbo, Jr. (D) in Queens and Senator Cesar Trunzo (R) losing to challenger Brian Foley (D) in Long Island. New Yorkers also saw two (2) incumbents lose primaries in 2008, both in New York City: Senator Marty Connor (D-Brooklyn and lower Manhattan) lost to Daniel Squadron, and Assemblymember Ellen Young (D-Queens) lost to Grace Meng.

The high incumbent reelection rate, coupled with the state’s arcane ballot laws and the lack of a public financing system, all discourage challengers to mount campaigns. Without competitive elections, voters have little incentive to turn out to vote. In 2008, a very small percentage of voters turned out for the primary election – which in most districts in New York State is tantamount to winning the general election, as districts have generally been drawn through the redistricting process to be polarized in favor of one political party over another. Even in the State Senate primary elections, which perhaps garnered more interest with the possibility of the Senate switching from Republican to Democratic control, turnout was low. The table below demonstrates the low turnout in the primary elections using a snapshot of key, competitive senate districts.

Table 1 – Turnout in Select New York State Senate Primary Elections, 2008¹⁴

Senate District	Incumbent	Democratic Primary Winner	Democratic Primary Turnout	Republican Primary Winner	Republican Primary Turnout	General Election Winner
5	Owen Johnson (R)	James McDonald	4%	n/a	n/a	Owen Johnson (R)
10	Shirley Huntley (D)	Shirley Huntley	8%	n/a	n/a	Shirley Huntley (D)
15	Serphin Maltese (R)	Joseph Addabbo	5%	n/a	n/a	Joseph Addabbo, Jr. (D)
25	Marty Connor (D)	Daniel Squadron	17%	n/a	n/a	Daniel Squadron (D)
33	Efrain Gonzalez (D)	Pedro Espada, Jr.	7%	n/a	n/a	Pedro Espada, Jr. (D)
43	Open seat (formerly held by Joseph Bruno)	Michael Russo	14%	Roy McDonald	14%	Roy McDonald (R)
59	Dale Volker (R)	Kathy Konst	7%	Dale Volker	51%	Dale Volker (R)

The 2008 General Election for the state senate races, on the other hand, had surprisingly higher turnout, with the average turnout of senate districts at sixty-four percent (64%), equal to the turnout

¹¹ The State Board of Elections listed 3,132,161 registered Republicans in 2002 and 5,255,521 registered Democrats in New York State in 2002. In 2004, Republican membership remained nearly equal at 3,130,122, and Democratic enrollment increased to 5,507,928.

¹² Schwartz, Shoshana. “Ethnic Politics in Changing Flushing.” Gotham Gazette. August 21, 2006. Available at: <http://www.gothamgazette.com/article/fea/20060821/202/1942>

¹³ In 2008, the State Board of Elections listed 3,054,520 registered Republicans and 5,831,445 registered Democrats.

¹⁴ Voter Enrollment and turnout information compiled from the New York State and City Boards of Election, as well as the Albany County Board of Elections.

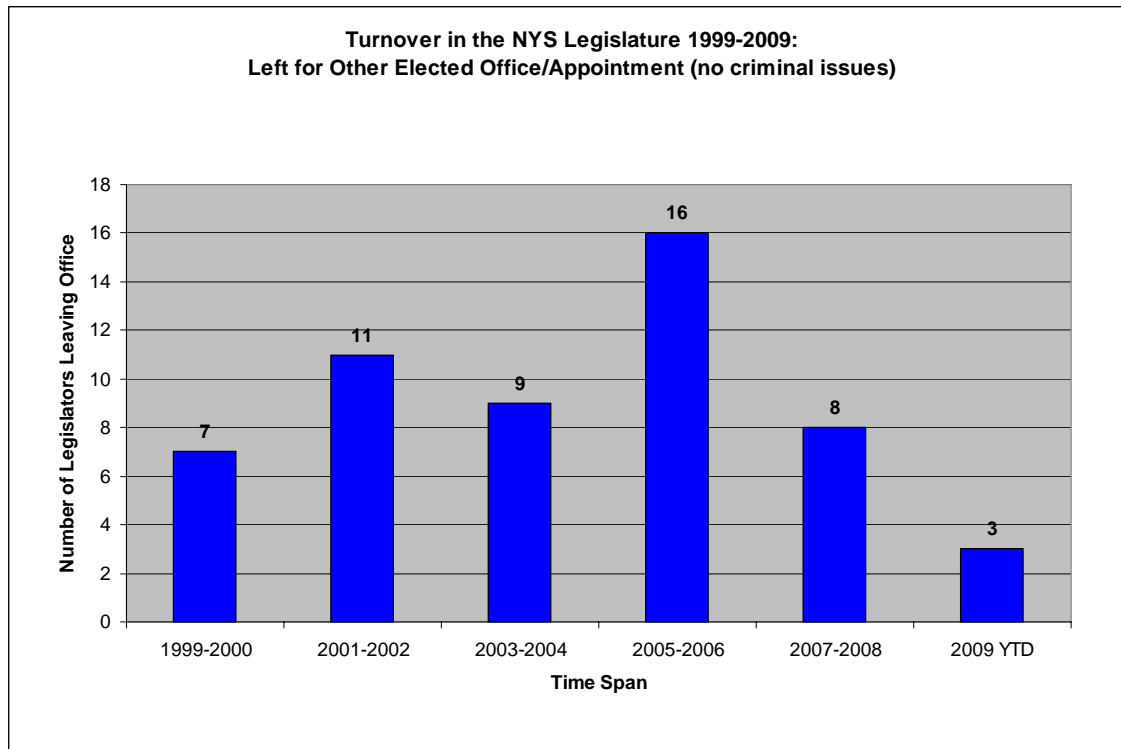
statewide for the presidential election.¹⁵ While it is encouraging that voters looked down the ballot to vote for state legislator candidates in the general election, in the non-presidential election years, turnout is typically lower, and it is incumbent on our state leaders to strive for increased electoral participation in future election years by enacting pro-voter reforms which are discussed in greater detail in section III of this report. Greater reforms are also needed to improve New York’s ballot laws and foster greater competitiveness in elections, which is also discussed in section III.

e. Turnover due to Seeking Another Office: Appointments and Election

Although it may not be intuitive, the most common cause of turnover in the New York State Legislature has been appointment or election to another government office – which does not include legislators who sought other government offices due to redistricting or to work in the private sector. Whether legislators have sought another office in federal, state or local government, it is common for state legislators to leave mid-term in pursuit of other political ambitions. Appointments to state, local, or federal offices are also common, with legislators being tapped often by governors of their own party to serve in executive positions, though occasionally governors have reached across the aisle to appoint a member of a different party – often with interesting political ramifications.

Between 1999 and 2009, fifty-four (54) legislators vacated their seat for another government office. The highest number of legislators left their positions during the 2005-2006 session, with sixteen (16) legislators seeking other elected or appointed public office. The chart below depicts this turnover from 1999 to 2009.

Chart 4 – Turnover due to Legislators Seeking Other Government Office, Elected or Appointed



¹⁵ Voter Enrollment and turnout information compiled from the New York State Board of Elections.

The increase in the number of appointments during the 2005-2006 session may be in part attributed to outgoing Governor Pataki appointing many Republican legislators to various state boards and commissions before he left office in 2006, such as Assemblymembers Patricia Acampora (R-Suffolk County) as Commissioner of the New York State Public Service Commission, Donna Ferrara (R-Nassau County) to the State Workers Compensation Board, and Chris Ortloff (R-Essex and Franklin Counties) to the State Parole Board.¹⁶ Similar appointments were made by Governor Eliot Spitzer in 2007 when he tapped legislators for state government positions, such as former Assemblymember Paul Tonko (D-Schenectady and Montgomery Counties) to head the New York Energy Research and Development Authority, and former Assemblymember Pete Grannis (D-Manhattan) as Commissioner of the Department of Environmental Conservation. Legislators who are appointed to other positions in government most often leave mid-term, which creates the need for a special election to fill the seat.

It is perhaps a common ambition of legislators to seek other elected offices, and between 1999 and 2009, this was a fairly constant phenomenon. Depending on when the legislator departs office, a special election may be necessary to fill any legislative vacancy, though this is not always the case. When legislators run for state or federal office where the election would take place in the same even-numbered year where the elected official would have been seeking reelection, they do not seek reelection to their current seats, effectively creating an open seat in which new candidates would run during the normal election cycle. In seeking local offices with different elections cycles, however, such as New York City which has elections in odd-numbered years, or running in a special election, legislators have been able to preserve their currently held seats in the event they lose the election, and will only resign if they win the election, which would create the need for a special election.

Legislators who ran for another elected office between 1999 to 2009 include former Assemblymember Byron Brown (D-Buffalo) who successfully ran for Mayor of Buffalo in 2005, former Assemblymember Scott Stringer (D-Manhattan) who successfully ran for Manhattan Borough President in 2005, former Assemblymember Steve Levy (D-Suffolk County) who successfully ran for Suffolk County Executive in 2003 after expressing his frustration with Albany politics, and former Assemblymember Roy McDonald (R-Rensselaer) who successfully ran for former Senator Bruno's seat in 2008. Brown, Stringer, and Levy all ran during a local election cycle and their successful win resulted in a special election to fill the vacancy. Unsuccessful election attempts that resulted in turnover in the State Legislature include former Senator Larry B. Seabrook (D-Bronx) who his lost election bid for the U.S. House of Representative in 2000, and former Assemblymember John Faso (R-Kinderhook) who lost election for State Comptroller in 2002.

¹⁶ It should be noted that Ortloff in 2008 was investigated for child sex charges and pled guilty. For more information, see: Associated Press. "Pataki Appoints Hundreds to Serve During Spitzer Administration." December 7, 2006. Available at: http://www.tonawanda-news.com/flicks/gnnnewtoday_story_341162053.html See also Dicker, Frederic. "Upstate Pol Busted for Kiddie Porn." The New York Post. October 14, 2008. Available at: http://www.nypost.com/p/news/regional/upstate_pol_busted_for_kiddie_porn_QvTEuzGq8OMbGXS9O4tA0H

When legislators have resigned mid-term after winning election or being appointed to another office, the governor can call a special election to fill the vacancy. State law governing special elections gives the governor some discretion in setting the date, meaning that often special elections do not coincide with a regularly scheduled election, which can result in extremely low turnout. For example, there was a special election held on June 16, 2009, a date on which there was no other scheduled election, to fill the vacancies in Assembly District 77, previously held by Assemblymember Aurelia Greene (D-Bronx) who was appointed Deputy Bronx Borough President, and Assembly District 85, which was previously held by Assemblymember Ruben Diaz, Jr. (D-Bronx) who was elected Bronx Borough President. The turnout for these races was abysmal, with four percent (4%) of voters turning out in Assembly District 77 (Aurelia Greene's former district) and two percent (2%) of voters turning out in Assembly District 85 (Ruben Diaz, Jr.'s former district).¹⁷

Case Study 5 – Senator Michael Balboni

Senator Michael Balboni (R-Nassau County) was appointed by former Governor Spitzer as the Deputy Secretary for Public Safety in early 2007. The vacancy resulted in the calling of special election for February 2007, in which Democrats sought to flip the seat to hold a Democratic senator. The Democratic candidate, Craig Johnson, won the special election. The New York Times reported that at the time it was the “costliest battle for a state legislative seat in New York history,” and was a test of Governor Spitzer’s political strength. Though Spitzer described his appointment of Balboni as a bipartisan move, some Republicans characterized the appointment as having the ulterior motive in opening up the seat for a Democrat to potentially win.

For more information, see:
Lambert, Bruce. “In Show of Spitzer’s Strength, Democrat Wins Senate Seat on Long Island.” The New York Times. February 7, 2007.

Another special election was held on September 15, 2009 to fill the seat of former Assemblymember Tony Seminerio (D-Queens) from District 38, who resigned after being indicted for theft of honest services.¹⁸ While the special election for Assembly District 38 coincided with the New York City primary elections, turnout was still quite low at eight percent (8%).¹⁹ Another special election is likely to be called in early 2010 to replace Assemblymember Mark Weprin (D-Queens), who was recently elected to the New York City Council to fill a seat that was previously held by his brother, David Weprin who vacated the seat to run for New York City Comptroller; which he lost in the Democratic Primary Election.

While turnover due to legislators seeking another office is not inherently productive or unproductive, the manner in which the resulting vacancy is filled may not best serve voters. As previously stated, since many vacancies occur mid-term, special elections are quite common. The current selection process for special election party candidates denies voters a real choice of candidates as party candidates are nominated by party committees, not through a primary process in which registered party voters are able to choose who will be on the ballot. While a candidate may also petition to get on the ballot as an independent candidate under a newly-created party label, the petition process is often a difficult uphill battle without the backing of the major parties. Moreover, given that a special election can occur on an atypical election day resulting in lower voter turnout, it does not serve voters well to have a representative who was elected by a small segment of the population.

Given the prevalence of legislators leaving office mid-term and the resulting low turnout in special elections to fill their vacancies, reforms to the special election process are long overdue. For further information about potential reform options, please see section III.

¹⁷ Voter Enrollment and turnout information compiled from the New York State and City Boards of Election.

¹⁸ See supra case study on Anthony Seminerio.

¹⁹ Id.

f. Other causes for turnover: Retirement, Death, and Work in the Private Sector

The remaining categories of turnover all concern state legislators who exit government work entirely. Legislators may retire from political life, not seek reelection and only serve out the remainder of their term, or seek work in the private sector. A small number of state legislators have also died while serving the public in elected office. It should be noted that this section does not consider those who retired or resigned due to ethical or criminal issues, or as a result of redistricting. Citizens Union Foundation's research shows that between 1999 and 2009, thirty-one (31) legislators who left office retired or did not seek reelection, and seven (7) legislators died in office.

Legislators who do not seek election may choose to work in the private sector, and often will work in governmental affairs or lobbying. While state law currently prohibits legislators and legislative staff from lobbying during a "black-out" period of two years²⁰, it does not prohibit these former state employees from consulting with firms regarding government relations. From 1999-2009, several legislators remained in political life outside of government, such as Assemblymember Daniel Fessenden (R-Cayuga County) who resigned his seat and joined the Carrier Corporation in Syracuse as manager of government affairs in 1999,²¹ and Assemblymember Steve Sanders (D-Manhattan), who in 2005 retired from the Assembly to join Crane and Vacco, a lobbying firm.²²

As stated earlier, while there is a "revolving door" ban that prohibits legislators from leaving office and immediately lobbying their former colleagues, legislators are, however, able to lobby other branches of government. For example, former Senate Majority Leader Joseph Bruno (R-Rensselaer) resigned his seat in 2008 and shortly thereafter announced his new position as chief executive officer of and registered lobbyist for CMA Consulting, an information technology company that has contracts with several executive branch offices and agencies.²³ Under existing law, Bruno would not be in violation of the state's revolving door ban as long as does not lobby the legislative branch, but it is worth considering whether his role as Senate Majority Leader provides him with knowledge of other branches of government that could present a conflict if used.

As legislators leave office, it is important that there be clear rules regarding future work with state government, as well as effective enforcement of ethics and lobbying laws. At this juncture, reforms to the state's ethics laws are particularly needed to restore the public's confidence in state government in light of recent ethical misconduct by elected officials, many of whom are profiled in this report. For a more detailed discussion about state ethics reform, please section III of the report.

²⁰ NYS Public Officers Law §73-8

²¹ Central New York Business Journal. "Fessenden to join Carrier Corp." June 25, 1999. Available at: http://findarticles.com/p/articles/mi_qa3718/is_199906/ai_n8863343

²² Heredia, Eric. "Sanders Leaving Assembly to Join Govt Lobbying Firm." The Legislative Gazette. October 24, 2005. Available at: <http://www.legislativegazette.com/printable.php?id=750>

²³ Lerner, Susan and Stengel, Andrew. "Bruno breezes through state's revolving door." The Times Union. August 26, 2008. Available at: <http://www.timesunion.com/AspStories/storyprint.asp?StoryID=715202>. See also Karlin, Rick. "Bruno becomes a lobbyist." Capitol Confidential, The Times Union. August 13, 2008. Available at: <http://blog.timesunion.com/capitol/archives/8332/bruno-becomes-a-lobbyist/>

IV. Opportunities for Reform

a. Ethics Reform

As evidenced by the findings of this report that the number of ethical violations resulting in turnover is on the rise, New York desperately needs ethics reform. As Citizens Union recently testified to both houses of the Legislature, New York's ethics laws and structures are in a state of major disrepair, and if left unattended threaten to lead to continued ethical lapses and opportunity for inappropriate conduct. This coupled with a system wherein most legislators engaged in inappropriate conduct only leave office due to pending investigations or the threat of criminal charges only furthers the public perception that too many elected officials in New York State are not only beholden to special interest groups but, even worse, are beyond the jurisdiction of the law's current enforcement authority – meaning these individuals can betray the public's trust and not be held accountable for their actions. New York's ethics oversight structure is antiquated and in need of immediate and meaningful reform to curb this conduct.

Despite the modest ethics reform passed in 2007, the number of ethical indiscretions has increased with five legislators leaving office between 2007-2008 due to ethical or criminal issues. The current bifurcated system, where executive and legislative ethics are treated separately and the Legislative Ethics Committee is comprised only of legislative appointees that oversee the legislative branch, is not only the minority approach in ethics oversight nationwide but has proven to be an ineffective oversight model.

Ideally, Citizens Union believes that the existing approach should be replaced with a new, unified ethics oversight entity, the Commission on Governmental Ethics (Commission). This new Commission would have jurisdiction for monitoring and enforcing the state's ethics laws for both the legislative and executive branches, as well as jurisdiction over the lobbying law, Article 14 of the Election Law relating to campaign finance, financial disclosure rules and some portions of the open meetings laws. This unified approach, when vested in a truly independent body, will ensure that the laws are interpreted and applied consistently to all subject to its jurisdiction, but also that the commissioners do not feel so indebted to their appointing authority that they make decisions contrary to the public interest.

Moreover, to ensure there are no conflicts of interest in the appointment of this body, the organization recommends that there be broad-based appointments that comply with the following guidelines:

- No one elected official would control a majority of appointments, which would more fairly balance the interests of all parties subject to oversight by the Commission and hopefully address any separation of powers arguments put forth in opposition to this proposal;
- No current legislator can serve on the commission;
- No commissioner can be a registered lobbyist;
- Depending on the size of the body, no more than two members may be from the same political party;
- No commissioner can serve as a party official or seek a leadership position with a state or local political party;
- No commissioner may hold any public office; and
- No commissioner may hold a paid position with a campaign for elective office.

The organization also recommends that any final ethics reform package, in addition to creating an independent and robust commission, must also:

- Institute contribution restrictions to avoid “pay-to-play” issues, which would be applicable to lobbyists, placement agents who should be required to register as lobbyists, state contractors, and certain business entities, as well as the senior managerial employees and immediate family of such persons or entities;
- Restrict the personal use of campaign contributions;
- Require candidates or political committees to dispose of their excess campaign contributions within a set period of time after an election;
- Conduct random audits of financial disclosure forms required to be filed by public officers; and
- Require public officers who retain, employ, designate or otherwise do business with a lobbyist to file a disclosure report with the ethics oversight body once the business begins.

If enacted, the organization believes that these reforms would be a tremendous step towards improving the ethical culture in the state and reducing the incidents of misconduct that have led to higher unproductive turnover.

b. Campaign Finance Reform

Citizens Union remains concerned about the undue influence and possible corruption that some private campaign contributions can have on candidates and government officials. While we recognize that candidates must have access to an appropriate level of funding in order to allow them to run effective campaigns for office, that must be balanced with the public’s ability to participate throughout the course of a candidate’s campaign by making contributions. Balancing these two factors ensures there is a healthy democracy.

Citizens Union strongly believes that New York’s campaign finance laws, last substantially revised in 1975, are in need of significant reform to eliminate the perception that elected officials in New York State may be beholden to special interest groups and the campaign contributions these individuals make affects the integrity of decision-making in Albany.

Reforming the campaign financing system to limit size, ban some forms, and lower scope of contributions, increase disclosure, and strengthen campaign finance enforcement, would likely reduce the propensity for inappropriate conduct. Further, it would substantially increase the opportunity for competitive elections. The organization also supports the implementation of a public funds campaign system. While Citizens Union supports specifically a public matching system, similar to the New York City system, there are options other than matching that are supported by other civic groups. All seek to limit the influence of large contributions and increase the value of smaller contributions.

c. Redistricting Reform

Under New York’s current redistricting scheme, the majority party in each house is effectively responsible for drawing districts lines due to their ability to appoint the members of the Joint Task Force on Demographic Research and Reapportionment. LATFOR since the 1980s has been responsible for assisting the legislature in drawing congressional and state legislative districts every ten years, after the census. In fact, legislators sit on the commission itself and have a direct hand in the process – the commission is made up of six members, including four legislators and two non-legislators.

Using highly technical demographic and geographic data provided by the Census Bureau, the Task Force is charged with aiding the Legislature “by providing technical plans for meeting the requirements of legislative timetables for reapportionment of Senate, Assembly and Congressional districts.”²⁴ The Task Force conducts hearings and receives input from the public about how best to develop plans that address the interests of communities, minorities, and the public at large. People can testify and comment on the Task Force’s plan, as well as submit their own plans, and the Task Force can modify its proposed plans based on public input.

Once the plan is created, in one legislative bill, the Senate and Assembly pass each others’ redistricting plans, historically in a way that preserved the Senate’s Republican majority and the Assembly’s Democratic majority and the plan is passed with little input from the Governor. Finally, since the Bronx, Kings and New York counties are covered by Section 5 of the Voting Rights Act of 1965, the legislature’s adopted plan must be reviewed and approved by the U.S. Justice Department for pre-clearance before the plan can be implemented.

The current redistricting method leaves too much control to legislators and the two-party system both of which have an inherent conflict of interest in drawing legislative district lines to suit their political purposes. Citizens Union advocates for redistricting reform that guarantees that legislative district lines are drawn in a more practical and less partisan manner. More specifically, the organization recommends the creation of a new redistricting commission that is fairly chosen that would operate independently of the legislature and political parties. Also there must be fair and sensible redistricting guidelines to ensure that district lines are not drawn to favor or disfavor one political party over another and that the process includes sufficient public disclosure to allow the public to know about and participate in the process. Finally, the organization believes there must be a more effective mechanism for the legislature to approve the independent redistricting commission’s plan. Enacting these reforms will foster elections that are more competitive and increase the opportunity for candidates and voters to participate more fully in the electoral process.

d. Filling Vacancies Reform

Most relevant to the issue of studying legislative turnover is the process for filling vacancies in the state legislature. This process entails the governor calling a special election on a date he/she determines to fill a vacancy followed by nomination of candidates by party committees. A candidate may also petition to get on the special election ballot as an independent candidate under a newly created party label to compete with the party-backed candidates. The party nomination process replaces the usual public primary election with a few hundred party members who narrow the field of aspiring candidates down to one for each party line without any input from rank-and-file voters. Voters are given the opportunity to choose from these candidates at the special election, but with so many legislative districts dominated by a single political party in this state, due in part to the way in which legislative districts are gerrymandered to favor majority party incumbents, a candidate who wins the dominant party nod rarely faces challenging competition at the polls. In addition to the expense, special elections provide voters with little real choice.

²⁴ The New York State Legislative Task Force on Demographic Research and Reapportionment, see <http://www.latfor.state.ny.us/>

Citizens Union Foundation in 2007 released a report titled *Circumventing Democracy: The Flawed System for Filling Vacancies for Elected Office in New York State*²⁵ outlining the various processes for filling vacancies throughout the state and offering a series of recommendations to reform these processes. Specifically with respect to filling state legislative vacancies, the organization recommends the process for filling vacancies in legislative office be modified in one of the following ways:

- Special Election with Primary: Pass legislation to replace the current system of holding one special general election with a traditional set of primary and general elections on an abbreviated schedule at dates specified by the governor. This change would allow all party voters to select the nominees for their party as they do for regular state legislative primary elections.
- Nonpartisan Special Election: Hold nonpartisan special elections similar to those conducted to fill a vacant New York City council seat where the mayor specifies a date for a special election and candidates petition to get on the ballot.
- Nonpartisan Election with a Separate Runoff Election or Instant Runoff Voting: This variation of the above nonpartisan special election would include a runoff between the top two vote getters if no candidate secures a substantial share of the votes. This could be conducted through a separate runoff election, although this could be costly, or through an instant runoff voting process at the time of the first special election. A runoff would ensure that the winning candidate earns a majority of voters' support and a stronger mandate to represent the district.

e. **Election Reform**

Electoral reform offers various mechanisms to make elections more competitive, ranging from easing ballot access requirements to instituting measures to increase voter participation, which would result in increases in turnover associated with an elected official losing an election. New York State's ballot access laws have been depicted as some of the most arcane in the country that prevent many candidates, in particular less funded candidates, from appearing on the ballot, thereby limiting voter choice on Election Day. Critics of the state's current election law argue that the laws only serve to punish candidates for making mistakes on their ballot petitions and reduce competition. In a recent case in New York City, Councilmember Bill de Blasio was temporarily removed from the ballot in his race for Public Advocate for a cover letter mistake, despite have strong support in the city, sufficient funding, and more than the needed number of signatures to qualify. While eventually reinstated to the ballot, this incidence highlights how easy it can for a minor misstep to lead to removal of the ballot, even for seasoned candidates. Further, ballot access laws become a tool for rival candidates to challenge the legitimacy of their opponents, when they often succeed in eliminating any opposition in their race, removing voters from the process of selecting the best candidate.

The state's ballot access laws could be reformed by reducing the number of signature candidates need to appear on the ballot, allowing voters to sign multiple petitions, making it easier for independent candidates to collect signatures, or lengthening the amount of time candidates have to collect signatures.²⁶ Another option is to require a combination of collected signatures and a fee in order to get on the ballot. In Los Angeles, for example, candidates can pay a fee to reduce the number of signatures they are required to collect and in San Francisco candidates can pay a fee equaling two

²⁵ Available at: http://www.citizensunion.org/www/cu/site/hosting/Reports/CUReport_2007special_election.pdf

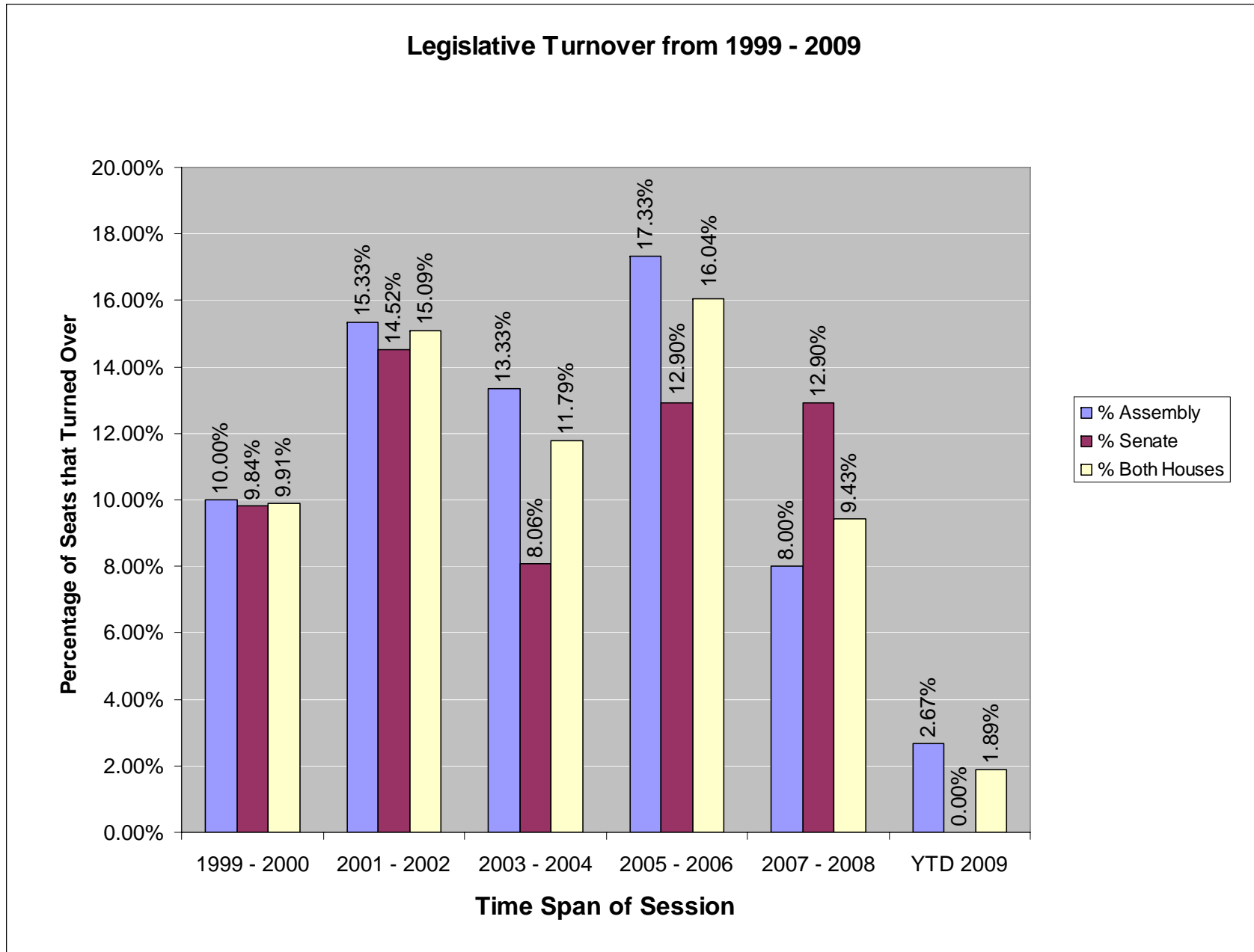
²⁶ Getachew, DeNora and Andrea Senteno. June 2009. Understanding the Labyrinth: New York's Ballot Access Laws. Gotham Gazette: <http://www.gothamgazette.com/article/voting/20090629/17/2954>

percent (2%) of the salary of the office sought to entirely avoid collecting signatures. In addition, the city does not allow petition challenges from other people, as is the case in New York, and all signatures are verified by the city's election officials.²⁷ These other models and recommendations for reform, if tailored to New York, may go a long way to creating a more fair and efficient system for securing a space on the ballot, and in the end provide voters with a greater number of choices.

In addition to making it easier for candidates to appear on the ballot, increasing voter participation is another way to foster greater competition. This can be accomplished through initiatives like implementing Election Day registration (or same-day registration), early voting, no-excuse absentee voting, online voter registration, and improved Election Day operations. These initiatives work to increase the electorate and their opportunities to cast a ballot, which increases the number of voters candidates need to reach out to and mobilize in order to win election. Increasing the number of active voters may also encourage incumbent candidates to be more inclusive and responsive to their constituents because they would have to work to secure support beyond their traditional base in order to win. Voter access initiatives may be particularly helpful in New York, where voter turnout is continually among the lowest in the nation, which results in a very few incumbents being losing elections. Lastly, increasing competition for seats may combat overall voter apathy and the sentiment that voting is of little value and encourage more voters to cast their ballots on Election Day.

²⁷ Kane, Alex. June 2009. Getting on the Ballot in Other Cities. Gotham Gazette: <http://www.gothamgazette.com/article/Voting/20090630/17/2962>

Appendix A – Total Turnover in the New York State Legislature



Appendix B: Turnover in the New York State Legislature, 1999 – 2009

LEGISLATIVE TURNOVER BY DISTRICT: 1999-2000					
DISTRICT	YEAR LEFT OFFICE	HOUSE	LEGISLATOR	REASON LEAVING OFFICE	SUCCEEDED BY (CURRENT INCUMBENTS IN BOLD)
3	2000	Assembly	Debra Mazarelli (D)	Did not seek reelection ⁱ	Pat Eddington (D)
5	2000	Assembly	Paul Harenberg (D)	Retired ⁱⁱ	Steve Levy (D)
21	2000	Assembly	James Darcy (R)	Ran and won seat on Valley Stream Town Board ⁱⁱⁱ	Robert Barra (R)
36	2000	Assembly	Denis Butler (D)	Retired ^{iv}	Michael Gianaris (D)
40	2000	Assembly	Edward Griffith (D)	Lost Primary Election to former aide ^v	Diane M. Gordon (D)
45	2000	Assembly	Lena Cymbrowitz (D)	Deceased ^{vi}	Steven Cymbrowitz
59	2000	Assembly	Elizabeth Connelly (D)	Did not seek reelection ^{vii}	John Lavelle (D)
68	2000	Assembly	Nelson Antonio Denis (D)	Lost Primary Election ^{viii}	Adam Clayton Powell IV (D)
78	2000	Assembly	Roberto Ramirez (D)	Did not seek reelection ^{ix}	Jose Rivera (D)
83	2000	Assembly	Samuel D. Bea, Jr. (D)	Unsuccessfully ran for State Senate ^x	Carl Heastie (D)
88	2000	Assembly	Audrey G. Hochberg (D)	Retired ^{xi}	Amy Paulin (D)
126	1999	Assembly	Daniel J. Fessenden (R)	Resigned to work in private sector in governmental affairs ^{xii}	Gary D. Finch (R) (special election)
129	1999	Assembly	Craig Doran (R)	Elected Ontario County Court Judge ^{xiii}	Brian Kolb (R) (special election)
136	2000	Assembly	Jerry Johnson (R)	Pleaded guilty to second degree attempted burglary; felony charged required resignation from office ^{xiv}	Joseph Errigo (R)
138	2000	Assembly	Robert A. Daly (R)	Lost General Election ^{xv}	Francine DelMonte (D)
10	1999	Senate	Alton R. Waldon, Jr. (D)	Appointed judge, State Court of Claims ^{xvi}	Malcolm Smith (D) (special election)
16	1999	Senate	Leonard Stavisky (D)	Died on June 19, 1999 ^{xvii}	Toby Ann Stavisky (D) (special election)
32	2000	Senate	David Rosado (D)	Lost Primary Election ^{xviii}	Pedro Espada, Jr. (D)*
33	2000	Senate	Larry B. Seabrook (D)	Unsuccessfully ran for U.S. House of Representatives ^{xix}	Ruth Hassell-Thompson (D)
38	1999	Senate	Joseph R. Holland (R)	Appointed Social Services Commissioner of Rockland County ^{xx}	Thomas P. Morahan (R) (special election)
57	1999	Senate	Anthony R. Nanula (D)	Elected Comptroller of the City of Buffalo ^{xxi}	Alfred T. Coppola (D) (special election)
57	2000	Senate	Alfred T. Coppola (D)	Lost Primary Election ^{xxii}	Byron Brown (D)

*Espada lost this seat in the 2002 election, and was recently elected to represent the 33rd Senate District in 2008, which seat he currently holds.

ⁱ “Republicans keep control of state Senate.” USA Today. November 8, 2000. Available at: <http://www.usatoday.com/news/vote2000/ny/main03.htm>

-
- ⁱⁱ Burgher, Valarie. "An Intra-Party Fight For 5th District Seat" Newsday. May 20, 2000 Available at: [http://pqasb.pqarchiver.com/newsday/access/54325819.html?dids=54325819:54325819&FMT=ABS&FMTS=ABS:FT&type=current&date=May+30%2C+2000&author=Valerie+Burgher.+STAFF+WRITER&pub=Newsday+\(Combined+editions\)&desc=An+Intra-Party+Fight+For+5th+District+Seat&pqatl=google](http://pqasb.pqarchiver.com/newsday/access/54325819.html?dids=54325819:54325819&FMT=ABS&FMTS=ABS:FT&type=current&date=May+30%2C+2000&author=Valerie+Burgher.+STAFF+WRITER&pub=Newsday+(Combined+editions)&desc=An+Intra-Party+Fight+For+5th+District+Seat&pqatl=google)
- ⁱⁱⁱ Kelley, Tina. "Nassau Republicans Make Comeback from Voter Revolt of 1999." The New York Times. November 12, 2000. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9800E3DA1338F931A25752C1A9669C8B63&sec=&spon=&pagewanted=all>
- ^{iv} Toscano, John. "Thermos, Gianaris in Major Battle to Succeed Butler in Assembly." Queens Gazette. August 23, 2000. Available at: http://www.qgazette.com/news/2000/0823/Front_page.html
- ^v Hicks, Jonathan. "Political Career Began with a Startling Upset." The New York Times. July 11, 2006. Available at: <http://www.nytimes.com/2006/07/11/nyregion/11gordon.html>
- ^{vi} "Republicans keep control of state Senate." USA Today.
- ^{vii} Hicks, Jonathan. "On Staten Island, Party Leader Runs, but Some Do Not Follow." The New York Times. September 10, 2000. Available at: <http://www.nytimes.com/2000/09/10/nyregion/on-staten-island-party-leader-runs-but-some-do-not-follow.html?n=Top/Reference/Times%20Topics/Subjects/P/Primaries>
- ^{viii} Hicks, Jonathan. "In Assembly Race, Power of Incumbency Vies With a Household Name." The New York Times. August 15, 2000. Available at: <http://www.nytimes.com/2000/08/15/nyregion/in-assembly-race-power-of-incumbency-vies-with-a-household-name.html>
- ^{ix} Hicks, Jonathan. "Legislator In the Bronx Takes a Role Backstage." The New York Times. May 28, 2000. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9D07EED61E3DF93BA15756C0A9669C8B63>
- ^x Levy, Clifford. "New York Primary: The Legislature; Most Incumbents Prevail Over Primary Challengers." The New York Times." September 13, 2000. Available at: <http://www.nytimes.com/2000/09/13/nyregion/new-york-primary-legislature-most-incumbents-prevail-over-primary-challengers.html?n=Top/Reference/Times%20Topics/People/S/Seabrook,%20Lawrence%20B>
- ^{xi} Brenner, Elsa. "In Brief: Politics; Contenders for Hochberg Seat." The New York Times. May 14, 2000. Available at: <http://www.nytimes.com/2000/05/14/nyregion/in-brief-politics-contenders-for-hochberg-seat.html>
- ^{xii} Central New York Business Journal. "Fessenden to join Carrier Corp." June 25, 1999. Available at: http://findarticles.com/p/articles/mi_qa3718/is_199906/ai_n8863343
- ^{xiii} Daily Messenger. "Judge Craig Doran to run for re-election." June 8, 2009. Available at: <http://www.mppnow.com/homepage/x1176008458/Judge-Craig-Doran-to-run-for-re-election>
- ^{xiv} Appel, Howard. "2000: A year of Scandal and betrayal." Clarion News. Available at: <http://www.clarioncall.com/archive/2ktop.html>
- ^{xv} Hicks, Jonathan. "For Defeated Incumbents, Shock and an Interest in Want Ads." The New York Times. December 31, 2000. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9C03EED7173BF933A05751C1A9669C8B63&sec=&spon=&pagewanted=all>
- ^{xvi} Hicks, Jonathan. "Race Draws Unexpected Attention." The New York Times. March 26, 2000. Available at: <http://www.nytimes.com/2000/03/26/nyregion/race-draws-unexpected-attention.html>
- ^{xvii} Mbugua, Martin. "Stavisky's Wife Eyes Senate Run." The Daily News. June 29, 1999. Available at: http://www.nydailynews.com/archives/ny_local/1999/06/29/1999-06-29_stavisky_s_wife_eyes_senate.html
- ^{xviii} Hicks, Jonathan. "For Defeated Incumbents, Shock and an Interest in Want Ads."
- ^{xix} Hicks, Jonathan. "An Incumbent Hews to the High Road Amid a Challenger's Seasoned Jobs." The New York Times. August 12, 2002. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9E01E6D7133AF931A2575BC0A9649C8B63&sec=&spon=&pagewanted=all>
- ^{xx} Perez-Pena, Richard. "Local Race, Statewide Ripple; Parties Place High Value On Seat In New York Senate." The New York Times. May 17, 2009. Available at: <http://www.nytimes.com/1999/05/17/nyregion/local-race-statewide-ripples-parties-place-high-value-on-seat-in-new-york-senate.html>
- ^{xxi} Hicks, Jonathan. "To Be State Senator, He Must Beat the Incumbent Again." The New York Times. October 18, 2000. Available at: <http://www.nytimes.com/2000/10/18/nyregion/to-be-state-senator-he-must-beat-the-incumbent-again.html>
- ^{xxii} Id.

LEGISLATIVE TURNOVER BY DISTRICT: 2001-2002

DISTRICT	YEAR LEFT OFFICE	HOUSE	LEGISLATOR	REASON LEAVING OFFICE	SUCCEEDED BY (CURRENT INCUMBENTS IN BOLD)
6*	2002	Assembly	Robert C. Wertz (R)	Unsuccessfully ran for State Senate ⁱ	Phil Ramos (D)
8*	2002	Assembly	Philip Boyle (R)	Dropped out due to redistricting ⁱⁱ	Thomas Barraga (R) (previously held Assembly District 7 seat)
9*	2002	Assembly	John J. Flanagan (R)	Successfully ran for State Senate ⁱⁱⁱ	Andrew P. Raia (R)
14*	2002	Assembly	Marc Herbst (R)	Dropped out due to redistricting ^{iv}	Donna Ferrara (R) (previously held District 15 seat)
19	2002	Assembly	Kathleen Murray (R)	Resigned to become Hempstead Town Clerk ^v	David McDonough (R) (special election)
31	2001	Assembly	Pauline Rhodd-Cummings (D)	Deceased ^{vi}	Michele Titus (D) (special election)
56	2001	Assembly	Al Vann (D)	Successfully ran for New York City Council ^{vii}	Annette Robinson (D) (special election)
60	2001	Assembly	Eric N. Vitaliano (D)	Elected Civil Court Judge ^{viii}	Matthew Mirones (R) (special election)
69	2002	Assembly	Ed Sullivan (D)	Retired ^{ix}	Daniel O'Donnell (D)
73	2002	Assembly	John Ravitz (R)	Did not seek reelection ^x	Jonathan L. Bing (D)
89	2002	Assembly	Naomi Matusow (D)	Lost Primary Election ^{xi}	Adam Bradley (D)
93*	2002	Assembly	Samuel Colman (D)	Retired ^{xii}	Ryan Karben (D) (now district 95)
100*	2002	Assembly	Bobby D'Andrea (R)	Retired to work in private sector ^{xiii}	Roy J. McDonald (R) (special election – now district 112)
102*	2002	Assembly	John Faso (R)	Unsuccessfully ran for State Comptroller ^{xiv}	Daniel L. Hooker (R) (now district 127)
109*	2002	Assembly	Elizabeth Little (R)	Successfully ran for State Senate ^{xv}	Teresa Sayward (R) (now district 113)
114*	2002	Assembly	H. Robert Nortz (R)	Retired ^{xvi}	Darrel Aubertine (D) (now district 118)
117*	2002	Assembly	Francis Sullivan (R)	Did not seek reelection due to redistricting ^{xvii}	William Barclay (R) (now district 124)
118*	2002	Assembly	Michael Bragman (D)	Resigned in January 2002 after failed coup attempt on Speaker Silver ^{xviii}	Bill Sanford (D) (special election)

*District number prior to redistricting.

LEGISLATIVE TURNOVER BY DISTRICT: 2001-2002

DISTRICT	YEAR LEFT OFFICE	HOUSE	LEGISLATOR	REASON LEAVING OFFICE	SUCCEEDED BY (CURRENT INCUMBENTS IN BOLD)
118*	2002	Assembly	Bill Sanford (R)	Lost General Election due to redistricting – paired against incumbent ^{ix}	Joan Christensen (D) (now district 119)
123*	2002	Assembly	Jay Dinga (R)	Lost Primary Election due to redistricting – paired against incumbent ^x	Robert Warner (R) (now district 126)
125	2002	Assembly	Marty Luster (D)	Retired ^{xi}	Barbara Lifton (D)
134	2002	Assembly	Joseph Robach (D)	Successfully ran for Senate seat due to redistricting – switched party affiliation to Republican ^{xii}	Bill Reilich (R)
139*	2002	Assembly	David E. Seaman (R)	Appointed Family Court Judge ^{xiii}	District sliced up in redistricting – no clear successor ^{xiv}
141	2002	Assembly	Arthur Eve (D)	Retired ^{xv}	Crystal Peoples (D)
2	2002	Senate	James L. Lack (R)	Appointed Court of Claims Judge ^{xvi}	John J. Flanagan (R)
13	2002	Senate	Dan Hevesi (D)	Dropped out due to redistricting ^{xvii}	John Sabini (D)
17	2002	Senate	Nellie Santiago (D)	Lost Primary Election ^{xviii}	Martin Malave Dilan (D)
20	2001	Senate	Marty Markowitz (D)	Successfully ran for Brooklyn Borough President ^{xix}	Carl Andrews (D)
23*	2002	Senate	Vincent Gentile (D)	Lost General Election after redistricting – new district created ^{xx}	Martin Golden (R) (now district 22)
26	2001	Senate	Roy M. Goodman (R)	Appointed President of United Nations Development Corporation ^{xxi}	Liz Krueger (D) (special election)
32	2002	Senate	Pedro Espada, Jr. (D, R)	Lost General Election; was removed from ballot for Democratic Primary ^{xxii}	Ruben Diaz, Sr. (D, R)
45	2002	Senate	Ronald Stafford (R)	Retired ^{xxiii}	Elizabeth Little (R)
54	2002	Senate	Richard A. Dollinger (D)	Did not seek reelection ^{xxiv}	Joseph Robach (R)

*District number prior to redistricting

ⁱ Ain, Stewart. “3 to Battle for Lack’s Senate Seat.” The New York Times. May 26, 2002. Available at: <http://www.nytimes.com/2002/05/26/nyregion/3-to-battle-for-lack-s-senate-seat.html?sec=&spon=&pagewanted=print>

ⁱⁱ Ain, Stewart. “Redistricting Shakes Up Political Picture.” The New York Times. May 5, 2002. Available at: <http://www.nytimes.com/2002/05/05/nyregion/redistricting-shakes-up-political-picture.html>

ⁱⁱⁱ For more information, see: <http://www.nysenate.gov/senator/john-j-flanagan/bio>

^{iv} Caruso, Victoria. “Meet the 15th Assembly District Candidates.” The Westbury Times. October 25, 2002. Available at: <http://www.antonnews.com/westburytimes/2002/10/25/news/ferrara.html>

-
- v Toy, Vivian. "Assembly Seat and More Are On the Line." The New York Times. February 10, 2002. Available at: <http://www.nytimes.com/2002/02/10/nyregion/assembly-seat-and-more-are-on-the-line.html>
- vi Sellers, Michelle. "Legacy Of 'A Lady': Recalling The life Of Assemblywoman Pauline Rhodd-Cummings." Southeast Queens Press. Available at: <http://queenspress.com/archives/coverstories/2002/0201/coverstory.htm>
- vii Searchlight on Campaign 2001. Gotham Gazette. Available at: <http://www.gothamgazette.com/searchlight2001/dist36.html>
- viii "Candidates Chosen for Goodman's Seat In The State Senate." The New York Times. January 18, 2002. Available at: <http://www.nytimes.com/2002/01/18/nyregion/candidates-chosen-for-goodman-s-seat-in-the-state-senate.html>
- ix See Eye on Albany, Gotham Gazette. Available at: <http://www.gothamgazette.com/eyeonalbany/assembly/district69.shtml>
- x Haas, Nancy. "Off and Running for the Silk Stockings." The New York Times. October 6, 2002. Available at: <http://www.nytimes.com/2002/10/06/style/off-and-running-for-the-silk-stockings.html>
- xi Foderaro, Lisa. "Incumbernt Appears Unseated in Westchester Race." The New York Times. September 21, 2002. Available at: <http://www.nytimes.com/2002/09/21/nyregion/incumbent-appears-unseated-in-westchester-assembly-race.html>
- xii See <http://www.prideagenda.org/tabid/304/default.aspx?c=289>
- xiii Leavitt. "Bobby D'Andrea joins D.A. Collins." The Business Review. April 26, 2002. Available at: <http://www.bizjournals.com/albany/stories/2002/04/22/daily52.html>
- xiv Eye on Albany, Gotham Gazette. <http://www.gothamgazette.com/eyeonalbany/state/comptroller.shtml>
- xv See <http://www.nysenate.gov/senator/elizabeth-little/bio>
- xvi Goldberg, Delen. "North Country's Assemblyman Nortz dies at 76." The Post-Standard. Available at: http://blog.syracuse.com/politicalnotebook/2008/12/north_countrys_assemblyman_nor.html
- xvii Iven, Chris. "Sullivan to Leave Assembly Seat; Calls it Her Most Difficult Decision." The Post-Standard. April 26, 2002. Accessed through NYS Library.
- xviii Breidenbach, Michelle. "Event's Kettle to Go Empty: After 15 Years, Bragman Announces End of Annual Summer Clambake." The Post-Standard. March 27, 2002. Accessed through NYS Library.
- xix See Reform New York: Redistricting. NYPIRG at <http://www.nypirg.org/goodgov/reformny/redist.html> and "New York Assembly; Christensen in the 119th District." The Post-Standard. October 29, 2002. Accessed through NYS Library.
- xx Id. See also: Stashenko, Joel. "Redistricting, Term Limits Spice Up Legislature Races." The Albany Times Union. September 11, 2002. Accessed through NYS Library.
- xxi "Pulling the Lever – Assembly, Sheriff Candidates Provide Answers." Ithaca Times. October 10, 2002. Available at: http://www.zwire.com/site/news.cfm?newsid=5886627&BRD=1395&PAG=461&dept_id=216620&rft=6
- xxii Kriss, Erik. "Republicans Gain When Others Save." The Post-Standard. December 4, 2002. See also "In Redistricting, Cries of Politics." The New York Times. February 28, 2002. Both accessed through NYS Library.
- xxiii "For New Family Court Judge, An Onslaught of Ugly Cases." The Buffalo News. May 26, 2002. Accessed through NYS Library
- xxiv Prohaska, Thomas. "Split Districts Dim County's Hope for Clout in Assembly." The Buffalo News. May 12, 2002. Accessed through NYS Library.
- xxv Hicks, Jonathan. "Longtime Assemblyman Announces He Will Not Seek Reelection." The New York Times. March 25, 2002. Available at: <http://www.nytimes.com/2002/03/25/nyregion/longtime-assemblyman-announces-he-will-not-seek-re-election.html>
- xxvi McKinley, James Jr. "State Senate Voters to Confirm One of Its Own for a Judgeship." The New York Times. December 18, 2002. Available at: <http://www.nytimes.com/2002/12/18/nyregion/state-senate-votes-to-confirm-one-of-its-own-for-a-judgeship.html>
- xxvii Schenkler, Michael. "The Inside Political Scoop Or Eenie, Meenie, It's John Sabini." The Queens Tribune. April 18, 2002. Available at: <http://www.queenstribune.com/archives/nfparchive/2002/0418/notforpub.html>
- xxviii See Eye on Albany, Gotham Gazette at <http://www.gothamgazette.com/eyeonalbany/senate/district17.shtml> and <http://www.nypirg.org/goodgov/reformny/redist.html>
- xxix Rizio-Hamilton, John. "No Consensus on Speaker." Courier Life Newspapers. November 5, 2001. Available at: <http://www.lidbrooklyn.org/bp110501.htm>
- xxx Hicks, Jonathan. "The 2002 Elections: The Legislature; Redistricting Means Gains for Majorities in Albany." The New York Times. November 7, 2002. Available at: <http://www.nytimes.com/2002/11/07/us/2002-elections-legislature-redistricting-means-gains-for-majorities-albany.html>

^{xxx} McKinley, James. "Goodman Plans to Quit State Senate For a City Job." The New York Times. December 22, 2001. Available at:

<http://www.nytimes.com/2001/12/22/nyregion/goodman-plans-to-quit-state-senate-for-a-city-job.html>

^{xxx} See Eye on Albany, Gotham Gazette. <http://www.gothamgazette.com/eyeonalbany/senate/district32.shtml>

^{xxx} McKinley, James. "State Senator, Elected in '65, Won't Return." The New York Times. May 28, 2002. Available at:

<http://www.nytimes.com/2002/05/28/nyregion/state-senator-elected-in-65-won-t-return.html>

^{xxx} McKinley, James. "Democratic Senator to Bow Out, Fueling Hopes for a G.O.P. Gain." The New York Times. July 2, 2002. Available at:

<http://www.nytimes.com/2002/07/02/nyregion/democratic-senator-to-bow-out-fueling-hopes-for-a-gop-gain.html?scp=8&sq=senator%20dollinger&st=cse>

LEGISLATIVE TURNOVER BY DISTRICT: 2003-2004

DISTRICT	YEAR LEFT OFFICE	HOUSE	LEGISLATOR	REASON LEAVING OFFICE	SUCCEEDED BY (CURRENT INCUMBENTS IN BOLD)
5	2003	Assembly	Steve Levy (D)	Elected Suffolk County Executive; expressed frustration with Albany politics ⁱ	Ginny Fields (D) (special election)
12	2003	Assembly	Steve Labriola (R)	Elected Town Clerk, Oyster Bay ⁱⁱ	Joseph Saladino (R) (special election)
13	2004	Assembly	David Sidikman (D)	Lost Primary Election ⁱⁱⁱ	Charles Lavine (D)
22	2004	Assembly	Barry Grodenchik (D)	Lost Primary Election ^{iv}	Jimmy Meng (D)
55	2003	Assembly	William F. "Frank" Boyland, Sr. (D)	Retired ^v	William F. Boyland, Jr. (D) (special election)
57	2004	Assembly	Roger Green (D)	Pleaded guilty to two counts of petty larceny and out count of filing a false instrument (false billing of Assembly travel expenses), then briefly resigned from office. He ran for reelection in November 2004 and won. In 2006, he unsuccessfully ran for Congress, leaving his seat open ^{vi}	Hakeem Jeffries (D)
62	2004	Assembly	Robert Straniere (R)	Lost Primary Election ^{vii}	Vincent Ignizio (R)
79	2003	Assembly	Gloria Davis (D)	Resigned after pleading guilty to taking bribes – result of Manhattan District Attorney investigation ^{viii}	Michael Benjamin (D) (special election)
80	2004	Assembly	Jeff Klein (D)	Successfully ran for State Senate ^{ix}	Naomi Rivera (D)
82	2004	Assembly	Stephen Kaufman (D)	Unsuccessfully ran for State Senate ^x	Michael Benedetto (D)
91	2004	Assembly	Ronald Tocci (D)	Retired; later appointed Deputy Commission for Veteran's Affairs, State Labor Department ^{xi}	George Latimer (D)
93	2004	Assembly	Mike Spano (R)	Did not seek reelection ^{xii}	Louis Mosiello (R)
94	2004	Assembly	Alexander Gromack (D)	Appointed Town Supervisor of Clarkstown ^{xiii}	Kenneth Zebrowski (D)
97	2004	Assembly	Howard D. Mills, III (R)	Unsuccessfully ran for U.S. Senate ^{xiv}	Annie Rabbit (R)
98	2003	Assembly	Jacob Gunther (D)	Deceased ^{xv}	Aileen Gunther (D) (special election)
103	2004	Assembly	Bob Prentiss (R)	Lost General Election ^{xvi}	Bob Reilly (D)
126	2004	Assembly	Robert Warner (R)	Lost General Election ^{xvii}	Donna Lupardo (D)
137	2004	Assembly	George H. Winner, Jr. (R)	Successfully ran for State Senate ^{xviii}	Thomas O'Mara (R)

LEGISLATIVE TURNOVER BY DISTRICT: 2003-2004

DISTRICT	YEAR LEFT OFFICE	HOUSE	LEGISLATOR	REASON LEAVING OFFICE	SUCCEEDED BY (CURRENT INCUMBENTS IN BOLD)
145	2004	Assembly	Brian Higgins (D)	Successfully ran for U.S. House of Representatives ^{xix}	Mark Schroeder (D)
146	2004	Assembly	Richard Smith (D)	Retired ^{xx}	Jack Quinn (R)
23	2004	Senate	Seymour Lachman (D)	Retired ^{xxi}	Diane Savino (D)
28	2004	Senate	Olga Mendez (R)	Lost General Election ^{xxii}	Jose Serrano (D)
34	2004	Senate	Guy Velella (R)	Resigned after pleading guilty to bribery – result of Manhattan District Attorney investigation ^{xxiii}	Jeffrey Klein (D)
49	2004	Senate	Nancy Lorraine Hoffmann (R)	Lost General Election ^{xxiv}	David Valesky (D)
53	2004	Senate	Randy Kuhl (D)	Successfully ran for U.S. House of Representatives ^{xxv}	George Winner (R)

ⁱ Healy, Patrick. “The 2003 Election: Suffolk County; A Maverick Assemblyman Becomes the First Democrat in a Decade to Run Suffolk.” The New York Times. November 6, 2003. Available at:

<http://query.nytimes.com/gst/fullpage.html?res=9E0DEEDF1439F935A35752C1A9659C8B63&n=Top/Reference/Times%20Topics/People/R/Romaine,%20Edward%20P>

See also: Benjamin, Elizabeth. “At Capitol, System Leads Some to Exit.” The Albany Times Union. September 14, 2004. Accessed through NYS Library.

ⁱⁱ Scaglia, Ronald. “Joe Saladino Opposed by Craig Heller for 12th Assembly.” Massapequa Post. October 26, 2002. Available at:

http://www.massapequapost.com/news/2006-10-26/Front_Page/007.html

ⁱⁱⁱ “The Message Gets Sent.” The New York Times. September 19, 2004. Available at:

<http://query.nytimes.com/gst/fullpage.html?res=9C02E6D71E30F93AA2575AC0A9629C8B63>

^{iv} Kurutz, Steven. “Neighborhood Report: Election 2004; ‘Jimmy Cares’ of Flushing Earns a Place in Civic History.” The New York Times. November 7, 2004. Available at:

<http://query.nytimes.com/gst/fullpage.html?res=9F06E6DA153CF934A35752C1A9629C8B63#>

^v Bleyer, Jennifer. “The Kennedys of Brownsville.” The New York Times. November 6, 2005. Available at:

<http://query.nytimes.com/gst/fullpage.html?res=990CE3D8173EF935A35752C1A9639C8B63>

^{vi} Hicks, Jonathan. “From Conviction to Re-election and Beyond.” The New York Times. December 9, 2005. Available at:

<http://query.nytimes.com/gst/fullpage.html?res=9504E1D61031F93AA35751C1A9639C8B63> See also: Hicks, Jonathan. “In Brooklyn, a Fierce Contest to Be Assembly Successor.” The New York Times. August 21, 2006. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9A07E3DE123EF932A1575BC0A9609C8B63>

^{vii} Gotham Gazette. “Defeated Incumbents.” September 15, 2004. Available at: <http://www.gothamgazette.com/thisweek/09.13.04.shtml>

^{viii} Dicker, Fred. “Probed Prisons Firm Has Limo-Link to Disgraced Pol.” The New York Post. January 13, 2003. Available at:

http://www.nypost.com/p/news/probed_prisons_firm_has_limo_link_4MTKIDxQGZto99a1sRQ2oI

^{ix} Hicks, Jonathan. “The 2004 Elections: The Area – State Senate; A Move to Change the Balance.” The New York Times. November 3, 2004. Available at:

<http://query.nytimes.com/gst/fullpage.html?res=9E06EEDC163CF930A35752C1A9629C8B63>

^x Id.

^{xi} “Metro Briefing New York: Albany: Ex-Legislator Gets New Post.” The New York Times. January 12, 2005. Accessed through NYS Library.

-
- xiii See <http://assembly.state.ny.us/mem/?ad=093&sh=bio>
- xiiii Benjamin, Elizabeth. "At Capitol, System Leads Some to Exit." The Albany Times Union. September 14, 2004. Accessed through NYS Library.
- xiv Church, Zach. "Mills Officially Enters Race Against Schumer." The Legislative Gazette. May 3, 2004. Available at: http://www.legislativegazette.com/read_more.php?story=95
- xv See <http://assembly.state.ny.us/mem/?ad=098&sh=bio>
- xvi Peppe, Matt. "Prentiss loss to Reilly boosts Assembly majority." The Legislative Gazette. November 8, 2004. Available at: http://www.legislativegazette.com/read_more.php?story=301
- xvii Cooper, Michael. "Despite a Strong Showing for Incumbents, Both Parties Claim a Mandate for Reform." The New York Times. November 4, 2004. Available at: http://www.nytimes.com/2004/11/04/nyregion/04legis.html?_r=2&oref=slogin
- xviii See <http://www.nysenate.gov/senator/george-h-winner-jr/bio>
- xix "New Representative: New York; Brian Higgins." The Washington Post. November 4, 2004. Available at: <http://www.washingtonpost.com/wp-dyn/articles/A23642-2004Nov3.html>
- xx See http://www.cumc.columbia.edu/dept/gc/issues/political_archives.html
- xxi Eye on Albany. Gotham Gazette. Available at: <http://www.gothamgazette.com/article/eyeonalbany/20040726/204/1048>
- xxii Chan, Sewell. "Olga Mendez, Longtime State Senator, Dies at 84." The New York Times. July 29, 2009. Available at: <http://www.nytimes.com/2009/07/30/nyregion/30mendez.html>
- xxiii Cooper, Michael. "Despite a Strong Showing for Incumbents, Both Parties Claim a Mandate for Reform." The New York Times. Nov 4, 2004. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9501E4DB173CF937A35752C1A9629C8B63&sec=&spon=&pagewanted=all>. See also: <http://www3.manhattanda.org/whatsnew/press/2002-05-09.shtml>
- xxiv Kriss, Erik. "Valesky Tagged as Reformer." The Post-Standard. March 30, 2005. Accessed through NYS Library.
- xxv "Buffalo Democrat wins seat on House committee." The Albany Times Union. January 6, 2005. Accessed through NYS Library.

LEGISLATIVE TURNOVER BY DISTRICT: 2005-2006

DISTRICT	YEAR LEFT OFFICE	HOUSE	LEGISLATOR	REASON LEAVING OFFICE	SUCCEEDED BY (CURRENT INCUMBENTS IN BOLD)
1	2005	Assembly	Patricia Acampora (R)	Appointed Commissioner of New York State Public Service Commission ⁱ	Marc S. Alessi (D) (special election)
8	2005	Assembly	Thomas Barraga (R)	Successfully ran for Suffolk County Legislature ⁱⁱ	Phillip Boyle (R) (special election)
15	2005	Assembly	Donna Ferrara (R)	Appointed to State Workers Compensation Board ⁱⁱⁱ	Rob Walker (R) (special election)
17	2006	Assembly	Maureen O'Connell (R)	Successfully ran for County Clerk ^{iv}	Tom McKeivitt (R) (special election)
22	2006	Assembly	Jimmy Meng (D)	Retired citing health reasons ^v	Ellen Young (D)
25	2006	Assembly	Brian McLaughlin (D)	Resigned amidst corruption indictment; pleaded guilty to racketeering after being arrested on charges of embezzling more than \$2 million in state and labor funds – result of federal investigation. ^{vi}	Rory Lancman (D)
28	2005	Assembly	Michael Cohen (D)	Resigned citing “family obligations” and took job with Health Insurance Plan of New York. This move is under investigation as a political deal secured by Alan Hevesi for his son to run for Cohen’s seat in a special election, though Cohen is not a target of the investigation ^{vii}	Andrew Hevesi (D) (special election)
43	2005	Assembly	Clarence Norman (D)	Found guilty on three felony counts in 2005 including intentionally soliciting illegal campaign contributions, stealing \$5,000 donated to his reelection, falsifying business records; was later sentenced to one to three years in prison for judicial extortion scheme – result of Brooklyn District Attorney investigation ^{viii}	Karim Camara (D) (special election)
46	2006	Assembly	Adele Cohen (D)	Did not seek reelection ^{ix}	Alec Brook-Krasny (D)

LEGISLATIVE TURNOVER BY DISTRICT: 2005-2006

DISTRICT	YEAR LEFT OFFICE	HOUSE	LEGISLATOR	REASON LEAVING OFFICE	SUCCEEDED BY (CURRENT INCUMBENTS IN BOLD)
57	2006	Assembly	Roger Green (D)	Pleaded guilty in 2004 to two counts of petty larceny and out count of filing a false instrument (false billing of Assembly travel expenses), then briefly resigned from office. Ran for reelection in November 2004 and won. In 2006, he unsuccessfully ran for Congress, leaving his seat open ^x	Hakeem Jeffries (D)
59	2005	Assembly	Frank Seddio (D)	Nominated Surrogate Court Judge; allegedly legally donated \$17,500 to a Brooklyn Democratic club to secure the positions ^{xi}	Alan Maisel (D) (special election)
60	2006	Assembly	Matthew Mirones (R)	Did not seek reelection ^{xii}	Janele Hyer-Spencer (D)
67	2005	Assembly	Scott Stringer (D)	Successfully ran for Manhattan Borough President ^{xiii}	Linda Rosenthal (D) (special election)
74	2006	Assembly	Steve Sanders (D)	Retired; joined lobbying firm ^{xiv}	Sylvia Friedman (D) (special election)
74	2006	Assembly	Sylvia Friedman (D)	Lost Primary Election ^{xv}	Brian Kavanagh (D)
93	2006	Assembly	Louis Mosiello (R)	Appointed to State Crime Victims Board ^{xvi}	Mike Spano (D)
95	2006	Assembly	Ryan S. Karben (D)	Resigned amidst charges of allegations of improper fraternization with interns ^{xvii}	Ellen Jaffee (D)
99	2006	Assembly	Willis Stephens (R)	Lost Primary Election ^{xviii}	Greg Ball (R)
103	2006	Assembly	Pat Manning (R)	Lost Primary Election ^{xix}	Marcus Molinaro (R)
108	2006	Assembly	Pat Casale (R)	Retired ^{xx}	Tim Gordon (R)
114	2006	Assembly	Chris Ortloff (R)	Appointed to State Parole Board; later pleaded guilty to child sex charges in 2008 ^{xxi}	Janet Duprey (R)
121	2006	Assembly	Jeff Brown (R)	Unsuccessfully ran for State Senate ^{xxii}	Al Stirpe (D)
127	2006	Assembly	Daniel L. Hooker (R)	Did not seek reelection ^{xxiii}	Peter Lopez (R)
139	2005	Assembly	Charles Nesbitt (R)	Appointed by Governor George Pataki to serve as president and commissioner of the New York State Division of Tax Appeals & Tax Appeals Tribunal ^{xxiv}	Steven Hawley (R) (special election)
142	2006	Assembly	Sandra Lee Wirth (R)	Deceased ^{xxv}	Mike Cole (R) (special election)
143	2006	Assembly	Paul Tokasz (D)	Retired ^{xxvi}	Dennis Gabryszak (D)
149	2005	Assembly	Catharine Young (R)	Successfully ran for State Senate ^{xxvii}	Joe Giglio (R) (special election)

LEGISLATIVE TURNOVER BY DISTRICT: 2005-2006

DISTRICT	YEAR LEFT OFFICE	HOUSE	LEGISLATOR	REASON LEAVING OFFICE	SUCCEEDED BY (CURRENT INCUMBENTS IN BOLD)
10	2006	Senate	Ada Smith (D)	Lost Primary Election after being found guilty of harassment; was accused of throwing coffee in a staffer's face at her Albany office. Was censured by then Senate Minority Leader Paterson for "a pattern of inappropriate, unprofessional and often abusive behavior." ^{xxviii}	Shirley Huntley (D)
20	2006	Senate	Carl Andrews (D)	Unsuccessfully sought seat for U.S. House of Representatives ^{xxix}	Eric Adams (D)
24	2006	Senate	John J. Marchi (R)	Retired ^{xxx}	Andrew Lanza (R)
30	2006	Senate	David A. Paterson (D)	Nominated and won election as Lieutenant Governor ^{xxxi}	Bill Perkins (D)
35	2006	Senate	Nick Spano (R)	Lost General Election ^{xxxii}	Andrea Stewart-Cousins (D)
47	2006	Senate	Ray Meier (R)	Unsuccessfully ran for U.S. House of Representatives ^{xxxiii}	Joseph Griffo (R)
57	2006	Senate	Patricia K. McGee (R)	Deceased ^{xxxiv}	Catharine Young (R) (special election)
60	2005	Senate	Byron Brown (D)	Successfully ran for Mayor of Buffalo ^{xxxv}	Marc Coppola (D) (special election)
60	2006	Senate	Marc Coppola (D)	Lost Primary Election ^{xxxvi}	Antoine Thompson (D)

ⁱ See <http://www.dps.state.ny.us/acampora.htm>

ⁱⁱ See <http://www.ucp-suffolk.org/ucpwelcomesfriends.htm>

ⁱⁱⁱ Caruso, Victoria. "Ferrara Nominated to State Workers' Comp Board." The Westbury Times. March 11, 2005. Available at: <http://www.antonnews.com/westburytimes/2005/03/11/news/ferrarseat.html>

^{iv} Rizza, Joe. "McKevitt Sworn in as New Assemblyman for 17th District." Garden City Life. March 17, 2006. Available at: <http://www.antonnews.com/gardencitylife/2006/03/17/news/>

^v "Contested State Assembly Seats." Gotham Gazette. September 11, 2006. Available at: <http://www.gothamgazette.com/article/iotw/20060911/200/1967>

^{vi} Precious, Tom. "Charges against Bruno are latest Albany scandals." The Buffalo News. September 17, 2009. Available at: <http://www.buffalonews.com/home/story/560228.html>

^{vii} Scott, Brendan and Dicker, Fred. "Pol Took 800G & Brokered Hevesi Son Seat: Probers." The New York Post. April 16, 2009. Available at: http://www.nypost.com/p/news/regional/albany_for_sale_raps_SuQuq8K02LW0mJxRbMLIFN See also Hicks, Jonathan. "State Comptroller's Son Wins Race to Replaces Queens Assemblyman." The New York Times. May 11, 2005. Available at: <http://query.nytimes.com/gst/fullpage.html?res=950CE4D81330F932A25756C0A9639C8B63#>

^{viii} Tucker, Rebecca. "Clarence Norman is Found Guilty on 3 Felony Counts." The New York Sun. September 28, 2005. Available at: <http://www.nysun.com/new-york/clarence-norman-is-found-guilty-on-3-felony-counts/20642/> See also Brick, Michael. "Metro Briefing, New York: Brooklyn: Former Democratic Leader is Sentenced." The New York Times. April 17, 2007. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9D0CE0D7113FF934A25757C0A9619C8B63>

-
- ^{ix} Beveridge, Sydney. “State Races and Incumbency – How New York is Not Connecticut.” Gotham Gazette. August 2006. Available at: <http://www.gothamgazette.com/article/voting/20060821/17/1944>
- ^x Hicks, Jonathan. “From Conviction to Re-election and Beyond.” The New York Times. December 9, 2005. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9504E1D61031F93AA35751C1A9639C8B63> See also: Hicks, Jonathan. “In Brooklyn, a Fierce Contest to Be Assembly Successor.” The New York Times. August 21, 2006. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9A07E3DE123EF932A1575BC0A9609C8B63>
- ^{xi} “The Rules Apply to You Too, Judge.” The New York Daily News. February 5, 2006. Available at: http://www.nydailynews.com/archives/opinions/2006/02/05/2006-02-05_the_rules_apply_to_you_too_.html See also: Friedman, Neil. “Only Thing Special About Recent Election Was How It Evolved.” The Canarsie Courier. March 16, 2006. Available at: <http://www.canarsiecourier.com/news/2006/0316/Attitude/>
- ^{xii} Hicks, Jonathan. “Rarity in New York Politics: Tight Assembly Race in City.” The New York Times. November 6, 2006. Available at: <http://query.nytimes.com/gst/fullpage.html?res=950DEFDC113FF935A35752C1A9609C8B63>
- ^{xiii} Berkey-Gerard, Mark and Brustein, Joshua. “No-So-Special Elections.” Gotham Gazette. February 17, 2006. Available at: <http://www.gothamgazette.com/article/issueoftheweek/20060217/200/1765>
- ^{xiv} Heredia, Eric. “Sanders Leaving Assembly to Join Govt Lobbying Firm.” The Legislative Gazette. October 24, 2005. Available at: <http://www.legislativegazette.com/printable.php?id=750>
- ^{xv} “Assemblymember Sylvia Friedman, David Chohen concede.” Downtown Express. Sept. 29 – Oct. 5 2006. Available at: http://www.downtownexpress.com/de_177/assemblymembersylvia.html
- ^{xvi} See <http://www.cvb.state.ny.us/aboutcvb/BoardMembers.aspx>
- ^{xvii} Foderaro, Lisa and Medina, Jennifer. “Downfall of a Young and Ambitious Assemblyman Stuns His Constituents.” The New York Times. May 27, 2006. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9802E4DC1E3EF934A15756C0A9609C8B63&sec=&spon=&pagewanted=1#>
- ^{xviii} Gross, Eric. “Greg Ball wins 99th Assembly District Race.” Putnam County Courier. November 11, 2006. Available at: http://www.zwire.com/site/news.cfm?newsid=17438225&BRD=1708&PAG=461&dept_id=72445&rfti=6
- ^{xix} “Molinaro defeats Manning in GOP primary.” The Independent. September 13, 2006. Available at: http://www.zwire.com/site/news.cfm?newsid=17187550&BRD=248&PAG=461&dept_id=462341&rfti=6
- ^{xx} Perry, Kate. “Departing Casale happy to have served: GOP assemblyman says he’s proud of having helped constituents.” The Albany Times Union. December 29, 2006. Accessed through NYS Library.
- ^{xxi} Associated Press. “Pataki Appoints Hundreds to Serve During Spitzer Administration.” December 7, 2006. Available at: http://www.tonawanda-news.com/flicks/gnnnewtoday_story_341162053.html; See also Dicker, Frederic. “Upstate Pol Busted for Kiddie Porn.” The New York Post. October 14, 2008. Available at: http://www.nypost.com/p/news/regional/upstate_pol_busted_for_kiddie_porn_QvTEuzGq8OMbGXS9O4tA0H
- ^{xxii} “Republicans hold N.Y. Senate; one race still close.” USA Today. November 8, 2006. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9506E7DC1E30F935A25753C1A9609C8B63>
- ^{xxiii} Santomaro, Thomas. “Candidates begin to line up for Hooker’s seat.” The Legislative Gazette. February 6, 2006. Available at: http://www.legislativegazette.com/read_more.php?story=962&searchstr=
- ^{xxiv} “Assemblyman-elect Steve Hawley sworn-in during Albany ceremony.” Westside News Inc. March 12, 2006. Available at: <http://www.westsidewestonline.com/OldSite/westside/news/2006/0312/polspeak/assembly.html>
- ^{xxv} Martinson, Chris. “Assembly Republicans Welcome New Colleague.” The Legislative Gazette. May 15, 2006. Available at: http://www.legislativegazette.com/read_more.php?story=1381
- ^{xxvi} See <http://assembly.state.ny.us/Press/20060713a/>
- ^{xxvii} See <http://assembly.state.ny.us/mem/?ad=149&sh=story&story=14891>
- ^{xxviii} “Senator Smith Guilty of harassment in coffee throwing incident.” Capital News 9. August 27, 2006. Available at: <http://capitalnews9.com/content/headlines/?RegionCookie=12&ArID=96846&SecID=331>. See also: “A Donor and a Critic.” The New York Times Empire Zone blog, July 20, 2006. Available at: <http://empirezone.blogs.nytimes.com/2006/07/20/a-donor-and-a-critic/>

-
- ^{xxxix} Cooper, Michael et al. "The New York Primary: The House; Councilwomen Wins Divisive House Primary." The New York Times. September 13, 2006. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9C04E6D71531F930A2575AC0A9609C8B63>
- ^{xxx} Hicks, Jonathan. "After 50 Years, Staten Island Senator Announces His Retirement." The New York Times. April 11, 2006. Available at: <http://www.nytimes.com/2006/04/11/nyregion/11senator.html>
- ^{xxxi} Roberts, Sam. "Paterson & Son, Offices in Harlem and Albany." The New York Times. December 27, 2006. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9C05E0D91E31F934A15751C1A9609C8B63>
- ^{xxxii} "Life After Spano." The New York Times. December 24, 2006. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9804EED71031F937A15751C1A9609C8B63>
- ^{xxxiii} Hernandez, Raymond. "Democrats Eyeing Upstate Races In Their Effort to Retake Congress." The New York Times. October 26, 2006. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9D00E2DB143FF935A15753C1A9609C8B63>
- ^{xxxiv} Spoto, Cara. "'No task too big or too small' for McGee." The Legislative Gazette. April 11, 2005. Available at: http://www.legislativegazette.com/read_more.php?story=537
- ^{xxxv} Hicks, Jonathan. "Special Election for the Legislature Today." The New York Times. February 28, 2006. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9503E0DA1631F93BA15751C0A9609C8B63&scsp=2&sq=Special%20Elections%20for%20the%20Legislature%20Today&st=cse>
- ^{xxxvi} Watson, Stephen and Rey, Jay. "WNY voters return incumbents to State Legislature." The Buffalo News. November 8, 2009. Accessed through NYS Library.

LEGISLATIVE TURNOVER BY DISTRICT: 2007-2008

DISTRICT	YEAR LEFT OFFICE	HOUSE	LEGISLATOR	REASON LEAVING OFFICE	SUCCEEDED BY (CURRENT INCUMBENTS IN BOLD)
16	2007	Assembly	Thomas DiNapoli (D)	Nominated State Comptroller by the State Legislature, filling vacancy of Alan Hevesi ⁱ	Michele Schimel (D) (special election)
22	2008	Assembly	Ellen Young (D)	Lost Democratic Primary Election and General Election on Working Families Party line ⁱⁱ	Grace Meng (D)
34	2008	Assembly	Ivan Lafayette (D)	Appointed Deputy Superintendent for Community Affairs at State Insurance Department ⁱⁱⁱ	Michael Den Dekker (D) (special election)
40	2008	Assembly	Diane Gordon (D)	Found guilty of taking bribes; tried to steer city-owned land to a private developer in exchange for a house – result of Brooklyn District Attorney investigation ^{iv}	Inez Barron (D) (special election)
61	2007	Assembly	John Lavelle (D)	Deceased ^v	Matthew Titone (D) (special election)
62	2007	Assembly	Vincent Ignizio (R)	Successfully ran for New York City Council in special election ^{vi}	Lou Tobacco (R) (special election)
65	2007	Assembly	Pete Grannis (D)	Appointed Commission of State Department of Environmental Conservation by Governor Spitzer ^{vii}	Micah Kellner (D) (special election)
94	2008	Assembly	Kenneth Zebrowski (D)	Deceased ^{viii}	Kenneth Zebrowski, Jr. (D) (special election)
100	2008	Assembly	Tom Kirwan (R)	Lost General Election ^{ix}	Frank Skartados (D)
105	2008	Assembly	Paul Tonko (D)	Appointed President and CEO of New York State Energy and Research Development Authority; later successfully ran for U.S. House of Representatives ^x	George Amedore (D)
112	2008	Assembly	Roy McDonald (R)	Successfully ran for State Senate for Joseph Bruno's seat ^{xi}	Tony Jordan (R)

LEGISLATIVE TURNOVER BY DISTRICT: 2007-2008

DISTRICT	YEAR LEFT OFFICE	HOUSE	LEGISLATOR	REASON LEAVING OFFICE	SUCCEEDED BY (CURRENT INCUMBENTS IN BOLD)
142	2008	Assembly	Michael Cole (R)	Lost Republican Primary Election after being censured by Assembly and stripped of committee posts due to his spending the night in the apartment of an Albany intern ^{xii}	Jane Corwin (R)
3	2008	Senate	Cesar Trunzo (R)	Lost General Election ^{xiii}	Brian X. Foley (D)
7	2007	Senate	Michael Balboni (R)	Appointed Deputy Secretary for Public Safety by Governor Spitzer ^{xiv}	Craig Johnson (D) (special election)
13	2008	Senate	John Sabini (D)	Appointed head of the State Racing and Wagering Board; pled guilty to DWI earlier that year ^{xv}	Hiram Monseratte (D)
15	2008	Senate	Serphin Maltese (R)	Lost General Election ^{xvi}	Joseph Addabbo (D)
25	2008	Senate	Marty Connor (D)	Lost Primary Election ^{xvii}	Daniel Squadron (D)
33	2008	Senate	Efrain Gonzalez (D)	Was indicted on mail fraud and lost election as result of federal investigation; he later pled guilty to two charges of mail fraud and two charges of conspiracy to commit mail fraud ^{xviii}	Pedro Espada, Jr. (D)
43	2008	Senate	Joseph Bruno (R)	Retired with pending federal investigation; was later indicted on eight counts, including corruption and theft of honest services; shortly after resigning, he became the chief executive officer of CMA Consulting, an information technology company that has contracts with several executive branch offices and agencies and registered as a lobbyist. ^{xix}	Roy McDonald (R)
61	2008	Senate	Mary Lou Rath (R)	Retired ^{xx}	Michael Ranzenhofer (R)

ⁱ Topousis, Tom. "GOP Helped Dems Win Shel Game." The New York Post. February 8, 2007. Available at: http://www.nypost.com/p/news/regional/gop_helped_dems_win_shel_game_uLFWzvVxLA4F1eQ6ZDJVJP

ⁱⁱ Abbott, Jillian. "Mend Defeats Young in race for state Assembly." The Queens Chronicle. September 11, 2008. Available at: http://www.zwire.com/site/news.cfm?newsid=20117440&BRD=2731&PAG=461&dept_id=574902&rft=6

-
- ⁱⁱⁱ Lovett, Kenneth and Benjamin, Elizabeth. "What hiring freeze? Big state payday for ex-Queens assemblyman." The Daily News. September 22, 2008. Available at: http://www.nydailynews.com/news/2008/09/22/2008-09-22_what_hiring_freeze_big_state_payday_for_.html
- ^{iv} Robbins, Tom. "Assemblywoman Diane Gordon Convicted; Faces 10 Years in Big House." The Village Voice, New York Blog. April 8, 2008. Available at: http://blogs.villagevoice.com/runninscared/archives/2008/04/assemblywoman_d.php
- ^v "Assemblyman Lavelle remembered for passion, dedication." The Business Review (Albany). January 25, 2007. Available at: http://albany.bizjournals.com/albany/stories/2007/01/22/daily37.html?from_rss=1
- ^{vi} "Guide for the Last Minute Voter." Gotham Gazette. September 17, 2007. Available at: <http://www.gothamgazette.com/article/issueoftheweek/20070917/200/2286>
- ^{vii} Depalma, Anthony and Perez-Pena, Richard. "Spitzer Names 2 Members of his Environmental Team." The New York Times. January 26, 2007. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9F0CE7DE173FF935A15752C0A9619C8B63>
- ^{viii} "Assemblyman Zebrowski Dies at 61." The New York Sun. March 19, 2007. Available at: <http://www.nysun.com/new-york/assemblyman-zebrowski-dies-at-61/50731/>
- ^{ix} Randall, Michael. "Assemblyman Skartados' district office opens at last." Times Herald-Record. January 26, 2009. Available at: <http://www.recordonline.com/apps/pbcs.dll/article?AID=/20090126/NEWS/901260312/>
- ^x Stanforth, Lauren. "Tonko appears close to decision." Times Union. April 24, 2008. Available at: <http://www.timesunion.com/AspStories/story.asp?storyID=683536&category=&BCCode=&newsdate=4/24/2008> See also <http://tonko.house.gov/about/index.shtml>
- ^{xi} Crowe II, Kenneth. "McDonald tops Tusso in 43rd Senate race." Times Union. November 5, 2008. Available at: <http://www.timesunion.com/AspStories/story.asp?storyID=736419&category=REGION>
- ^{xii} Jochnowitz, Jay. "Silver Censures, Scolds Cole." May 3, 2007. Available at: <http://blog.timesunion.com/capitol/archives/4567/spitzer-censures-scolds-cole/>
- ^{xiii} "Election 2008 on Long Island." The Hartford Courant. November 5, 2008. Available at: <http://www.courant.com/news/nationworld/wire/ny-livote1105.0.2638963.story?page=3>
- ^{xiv} Lambert, Bruce. "In Show of Spitzer's Strength, Democrat Wins Senate Seat on Long Island." The New York Times. February 7, 2007. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9F03E4DA103FF934A35751C0A9619C8B63>
- ^{xv} Liu, Irene Jay. "Sabini is appointed head of Racing and Wagering Board (updated)." Capitol Confidential, the Times Union. June 13, 2008. Available at: <http://blog.timesunion.com/capitol/archives/7729/> See also: Bertrand, Donald. "State Sen. John Sabini's DWI guilty plea revs up call for ouster." The Daily News. February 19, 2008. Available at: http://www.nydailynews.com/ny_local/queens/2008/02/19/2008-02-19_state_sen_john_sabinis_dwi_guilty_plea_r.html
- ^{xvi} Scott, Brendan. "Dems Rule in Albany: Take Senate for Total Control." The New York Post. November 5, 2008. Available at: http://www.nypost.com/p/news/politics/dems_rule_in_albany_UjYA3qoZRMdlxr6DUb12hL
- ^{xvii} "McMahon, Straniere to Battle for S.I. House Seat." NY1. September 10, 2008. Available at: http://www.ny1.com/content/top_stories/85627/voters-head-to-the-polls-on-primary-day/Default.aspx
- ^{xviii} Kratz, Alex. "Ex-Senator Gonzalez Pleads Guilty to Fraud Charges." Norwood News. May 14, 2009. Available at: <http://www.norwoodnews.org/story/?id=1456>
- ^{xix} Associated Press. "Former New York Sen. Bruno Indicted on Corruption Charges." Fox News. January 23, 2009. Available at: <http://www.foxnews.com/politics/2009/01/23/bruno/>
- ^{xx} Pye, Daniel. "Politics: Mary Lou Rath announces retirement." Niagara Gazette. January 28, 2008. Available at: http://www.niagara-gazette.com/local/local_story_028222136.html

LEGISLATIVE TURNOVER BY DISTRICT: YEAR TO DATE 2009

DISTRICT	YEAR LEFT OFFICE	HOUSE	LEGISLATOR	REASON LEAVING OFFICE	SUCCEEDED BY (CURRENT INCUMBENTS IN BOLD)
24	2009	Assembly	Mark Weprin	Resignation expected; won seat on City Council on November 3, 2009. ⁱ	Successor unknown; special election pending
38	2009	Assembly	Tony Seminerio (D)	Resigned after federal indictment; plead guilty to single count of theft of honest services for acceptance of “consulting fees” from those promised inside access in Albany ⁱⁱ	Michael Miller (D) (special election)
77	2009	Assembly	Aurelia Greene (D)	Appointed Deputy Bronx Borough President ⁱⁱⁱ	Vanessa Gibson (D) (special election)
85	2009	Assembly	Ruben Diaz, Jr. (D)	Successfully ran for Bronx Borough President ^{iv}	Marcos Crespo (D) (special election)

ⁱ “2009 General Election Results.” Gotham Gazette. November 4, 2009. Available at: <http://www.gothamgazette.com/article//20091103/255/3090>

ⁱⁱ Zambito, Thomas. “Anthony Seminerio’s 30 years in office ends with 11 to 14 in prison.” The Daily News. June 24, 2009. Available at: http://www.nydailynews.com/news/ny_crime/2009/06/25/2009-06-25_anthony_seminerios_30_years_in_office_ends_with_11_to_14_in_prison.html

ⁱⁱⁱ See <http://assembly.state.ny.us/Press/20090429a/>

^{iv} Id.