

A Citizens Union Foundation Briefing Paper

CIRCUMVENTING DEMOCRACY:

The Flawed System for Filling Vacancies for Elected Office in New York



April 2007

Prepared by:

Doug Israel

Director of Public Policy and Advocacy

Sydney Beveridge

Policy Associate

With Assistance from:

Andrea Senteno, Ricky Gelber, Gabriel Bolaños, Lauren Lindahl



Dick Dadey

Executive Director



Citizens Union Foundation • 299 Broadway, Suite 700 • New York, NY 10007

Richard J. Davis, Chair • Robert Abrams, President

1

INTRODUCTION

In the opening months of 2007, there was a flurry of activity to fill vacant seats for elected office at the state and local level. A new comptroller was appointed by the state legislature to serve out virtually the entire four year term of his predecessor who resigned before being sworn in; several state legislators were elected in special elections after closed door party nominations were held to select the party nominees; and two city council members were elected in a non-partisan special election with one of the seats requiring a do-over special election in April because of the failure of the winning candidate to prove that he had met the residency requirements to be able to serve. And while many may not have noticed, New Yorkers in three state assembly districts had the opportunity to vote in another special election to fill three additional vacancies on March 27 with a fourth special election planned for May 1 and one more expected for the spring.¹

Though the process for filling vacancies ordinarily receives little attention, these recent and numerous events have highlighted a lack of democratic practice and voter participation in the filling of vacancies for elected office. Because the outcomes of special elections and appointments have lasting impacts on New York State and City governance, a more thorough review of the process and procedures is warranted.

This briefing paper examines how the vacancies for different New York elected positions are filled and presents several policy options to increase democratic participation and strengthen voter enfranchisement in the process. The paper also looks at the current class of New York State legislators and reveals startling information on how they were first elected to office.

Nearly a third, or 31 percent, of state legislators (33 percent in the Assembly and 28 percent in the Senate) were first elected to office through the special election process. This finding raises serious concerns about the coronation of candidates at closed party nominating meetings that anoint the candidates whose names will appear on a special election ballot. The process leaves little but the ceremony of a special election – when voter turnout is abysmally low – between them and possible long term incumbency before any votes are cast. In a state with an incumbency retention rate that exceeds 95 percent and majority party rule in many legislative districts, the process disenfranchises voters and circumvents the democratic process. The process for filling vacancies for comptroller is equally disturbing as two of the last three were initially appointed by the state legislature to fill an unexpected vacancy.

However, reforms that would better engage voters and candidates, and increase voter participation are possible and should be seriously explored. Later in this report, Citizens Union Foundation outlines a number of specific policy changes that are worth considering.

Citizens Union Foundation thanks the New York Community Trust, the Rockefeller Brothers Fund and the Lily Auchincloss Foundation for their important support in funding our election reform and competitive elections work which made possible this report.

¹ First published in late March, this version of the report was updated in April 2007.

2

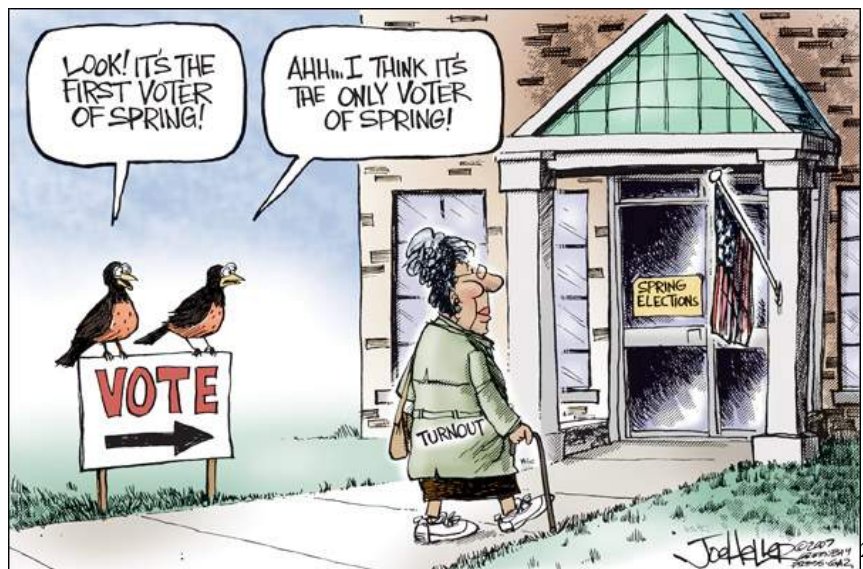
FILLING VACANCIES FOR ELECTED OFFICE

The rules for filling vacancies that occur during a term of office differ greatly from the usual process of electing representatives through traditional primary and general elections. To prevent significant gaps in representation when an elected official leaves office unexpectedly, a variety of rules are used to fill seats in a timely manner. However, the rules as they exist, especially for the state legislature and the offices of comptroller and attorney general have provided little room for meaningful public participation and have effectively disenfranchised voters.

State Legislature

The selection process for filling vacancies in the state legislature involves the nomination of candidates by party committees followed by a special general election scheduled at a date set by the governor. A candidate may also petition to get on the 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. These special elections provide voters with little real choice.

Additionally, very few people turn out to the polls to vote in these contests. In last year's legislative special elections, two of the seven assembly races had turnouts of less than 4 percent of registered voters. Even in the special election with the highest turnout, just 12 percent of registered voters went to the polls, which is less than a quarter of the turnout the district received a few months later at the general election.



² Cartoon first appeared in *Green Bay Press Gazette*, April 3, 2007. Reprinted with permission of artist Joe Heller.

Even when candidates for this February's State Senate District 7 race in Nassau County spent a record \$3.5 million campaigning, only 25 percent of eligible voters went to the polls for this competitive open seat (Craig Johnson won with a margin of victory of 7 percent), compared to the 41 percent that turned out in the prior general election to reelect longtime incumbent Michael Balboni.

And while turnout is abysmally low, special elections still cost almost as much per district as conventional elections. The counties running special elections must incur the standard costs of mailing information to voters, printing election materials, transporting voting machines and related equipment, and hiring and training poll workers, which are the largest expenses of an election.

The special election process raises additional concerns considering the 95 percent reelection rate of incumbent legislators in New York State—one of the highest incumbency retention rates in the nation. Due to the powers of incumbency among other factors, dominant major party candidates that win the party's nod are practically assured a lifetime position in the state legislature should they seek it.

State Comptroller and Attorney General

As was the case this January after the resignation of reelected State Comptroller Alan Hevesi, the state legislature is given the responsibility of filling vacancies in the offices of comptroller and attorney general by a collective majority vote of both houses of the legislature meeting in joint session. The newly appointed comptroller serves until the end of the four year term in which he or she is selected due to the requirements of the State Constitution that no election for the comptroller or attorney general may take place unless the governor is also up for election.

This January, with a majority in the assembly, the 107 Democratic assembly members, led by Speaker of the Assembly Sheldon Silver, had an overwhelming influence on the outcome. After wrangling with the governor over the process, the legislature appointed one of its own, Assemblymember Thomas DiNapoli, to serve as the watchdog over the state's finances and manager of the state's \$140.5 billion pension fund and \$48.5 billion state-funded debt. Though the comptroller is an elected office, at no time during this four year term, until the next statewide election in 2010, will voters have an opportunity to confirm or replace the legislature's appointee.

Governor

Should the position of governor become vacant, the lieutenant governor, who was elected by the voters, assumes the role for the remainder of the term and the temporary president of the senate performs the duties of the lieutenant governor. If the offices of both governor and lieutenant governor become vacant, the temporary president of the senate assumes the role of governor until the next general election that happens at least three months after the vacancies first occur.

Congressional Representative and Senator

If a congressional seat becomes vacant, the seat shall remain open until the next general election, unless the vacancy occurs before April of the last year of the term or if there is a special session of the legislature, in which case a special election will be called. In the case of a vacated senate office, the governor fills a vacancy with a temporary appointee and the office would be up for election at the subsequent general election to fill the rest of the term.

Refer to Appendix A for a detailed chart outlining the procedures for how vacancies are filled in New York State.

3

HOW NEW YORK STATE LEADERS FIRST ASSUMED OFFICE

In reviewing how our leaders in elected office first assumed their positions, Citizens Union Foundation found that a substantial number of them first entered office to fill unexpected vacancies. This is especially true for the state legislature and the office of comptroller.

In the past two decades, New Yorkers have witnessed two state comptrollers resign before the end of their terms. Each time, the vacancy was filled by the legislature with one of their former legislative colleagues. After fourteen years in office, then Comptroller Edward Regan resigned in 1994 and was replaced by former state senator H. Carl McCall, who went on to win reelection twice before running for governor. Former state comptroller Alan Hevesi, who first won election in 2002, resigned on the first day of his second term in 2007, and was replaced by Assemblymember Thomas DiNapoli. In short, two of the past three comptrollers have been initially appointed to office by the state legislature.

Likewise, Attorney General Robert Abrams resigned in 1993 and the legislature appointed Assemblymember G. Oliver Koppell to fill the vacancy. Koppell finished the last year of the term before losing his bid for election in the Democratic Primary. The last governor to leave office early was Nelson Rockefeller who was chosen to be Vice President in 1974. He was succeeded by Lieutenant Governor Malcolm Wilson.

To examine the extent to which special elections have impacted the state legislature, Citizens Union Foundation collected information about how the current 2007 class of legislators was first elected. This review included reading official homepage biographies, contacting legislative staffs, researching news archives and consulting the *New York Red Book*. Our research found that close to a third, or 31 percent, of the current state legislators first came into office through a special election, with 49 out of 150 state assembly members being first elected through a special election and 17 out of 62 state senators being first elected through a special election.

Refer to Appendix B and C for a full list of the current members of the state legislature and through what type of election they first entered office.

New York's Appointed State Comptrollers

- 2 out of the past 3 state comptrollers were first appointed by the legislature to fill a vacancy.
- Both replacement appointees were from the legislature.

New York's Special Election Legislators

Assembly

- In the current New York State Assembly **49 out of 150 members**, or 33 percent of the body, were first elected in a special election.
- The initial vacancies occurred as follows: 32 legislators sought election or appointment to another office, 6 retired, 8 died and 3 left because of actual or alleged corruption.

Senate

- In the current New York State Senate **17 out of 62 members**, or 28 percent of the body, were first elected in a special election.
- The initial vacancies occurred as follows: 12 legislators sought election or appointment to another office, 3 retired and 2 died.

4

TOWARD A MORE DEMOCRATIC PROCESS: POLICY OPTIONS FOR REFORM

Filling vacancies that occur when an elected official leaves office early is a complicated task. There are many considerations to be factored in, such as the time it will take to fill that seat, the effect the vacancy has on constituents of that district, the ability to attract qualified individuals to assume the position, the cost and ease of the process, and perhaps most importantly, the ability of the public to have a say in who represents them for what is ordinarily an elected office.

In surveying the current procedures for filling vacancies in state office, one sees a system that has largely excluded voters from the process. With the three most recent comptroller and attorney general replacements appointed by the state legislature (not coincidentally all had been legislators themselves) and 31 percent of the state legislature being elected through a special election, the system calls for policy change.

By examining the current procedures for filling vacancies in a variety of elected offices, Citizens Union Foundation was able to compare models and suggest both new and established reforms. However, not all city offices and policies are perfectly analogous to those of the state because of structural differences. For instance, city council members serve four year terms with term limits but state legislators serve two year terms without term limits.

To give voters a meaningful role in electing their leaders, Citizens Union Foundation urges the consideration of the following policy options as the basis for reforming the process by which vacancies are filled.

I. Policy Options for Filling a Vacancy in the Offices of Comptroller and Attorney General

- Temporary Replacement with General Election Contest: New York could amend the state constitution to allow the state legislature to fill the vacancy of either the comptroller or attorney general temporarily until the next general election. Filling the vacancy at the next practical general election, and not waiting until the next election at which the governor is elected, would encourage more voters and candidates to participate and would give the eventual office holder a stronger mandate from which to govern.

II. Policy Option for Filling a Vacancy in the State Legislature

- Special Election with Primary: Legislation could be passed 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. Concerns have been raised about the cost and administrative burdens associated with this option, especially when considering the low turnouts of special elections, but at least the voters would have greater choices and opportunities to participate.

- Non-Partisan Special Election: To fill a vacant New York City council seat, the mayor specifies a date for a special election and candidates petition to get on the ballot. Unlike standard elections in New York, these contests are non-partisan, and candidates run on alternative party lines that they create for the election without the official backing or support of the established political parties. Implementing this reform for the state legislature could allow the public to select from a larger field of candidates running in more competitive elections.
- Non-Partisan Election with a Separate Runoff Election or Instant Runoff Voting: This variation of the above non-partisan 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 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.
- Modifications to the Current System: Within the structures of the current system, measures such as reducing the number of signatures required for independent candidates to gain entry to the ballot would help open up the process to candidates outside of the major political parties. However, with single party domination in so many New York districts, dominant party candidates would most likely still be all but assured victory.

III. Policy Options for Filling a Vacancy in the City Council

- Separate Runoff Election or Instant Runoff Voting: If no candidate secures a substantial share of the votes, adding a runoff between the top two candidates in the non-partisan special election or an instant runoff voting system would ensure that the winning candidate earns a majority of voters' support and a stronger mandate to represent the district.
- Reduction of Signature Requirements: Lowering the number of signatures required to be placed on the ballot, regardless of the method of election, would enable more candidates to run and create more competitive elections.
- Clear and Enforceable Residency Requirements: This year at the city level, the vagaries of the residency requirement and the lack of an official mechanism for enforcement resulted in an election without a conclusion and continued lack of representation for the constituents of Council District 40. To run for state legislature, one must reside in the district for one full year before election day. For city council, one must only reside there by election day, but even that requirement is not clear in state law. To correct the ambiguity in state law, candidates should be required to be legal residents of the council district at an earlier juncture, such as by the time they begin circulating nominating petitions, a rule which the Board of Elections could enforce. Residency should also be established in order to receive public campaign funds, since several candidates spent tens of thousands of taxpayer dollars to run and did not even live in the district.

Until such a time as the above proposals are implemented, which are aimed at enfranchising voters, Citizens Union Foundation encourages New Yorkers to express their choices through their votes. With the low turnout experienced at special elections each vote carries more weight.

Appendix A: Procedures for Filling Vacancies in New York State and City Elected Offices

Position	How Vacancy is Filled	Time Frame	Modified Requirements to Run for Office	Length of Term
State Legislator	<ul style="list-style-type: none"> Governor may call special election at his/her discretion <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> Seat remains vacant until next general election 	<ul style="list-style-type: none"> Election can only be called before April 1st of the final year of the vacating legislator's term Election must be held within 30 to 40 days of announcement of election Candidates must be nominated within 10 days of the announcement of the election Petitions must be filed within 12 days of the announcement of the election 	<ul style="list-style-type: none"> Nomination by party according to party rules <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> Petition filed with Board of Elections with 1,500 signatures and registration under new party name 	<ul style="list-style-type: none"> Balance of term
Governor/ Lt. Governor	<ul style="list-style-type: none"> Lt. Governor fills in for departing Governor If Governor and Lt. Governor positions are both vacant, replacements elected at next general election and the Temporary President of the Senate serves as interim governor 	<ul style="list-style-type: none"> If both positions become vacant, they are up for election at the next general election occurring at least three months from the time of the vacancies 	<ul style="list-style-type: none"> Regular requirements 	<ul style="list-style-type: none"> Temporary President of the Senate serves until election of a new governor New Governor and Lt. Governor serve for balance of term
Attorney General & Comptroller	<ul style="list-style-type: none"> New York State Legislature appoints replacement by majority vote to serve duration of term 	<ul style="list-style-type: none"> Replacement serves for duration of term 	<ul style="list-style-type: none"> Not applicable 	<ul style="list-style-type: none"> Balance of term
Congressional Representative	<ul style="list-style-type: none"> Vacancy shall be filled at the next general election, unless occurring before the first day of July of the last year of the term or a special session of congress be called to meet in which case a special election is held 	<ul style="list-style-type: none"> Prior to July of the final year of the term or if a legislative session will occur between July and the end of the year, a special election shall occur. If no special election is held, the office shall remain vacant until the next general election. 	<ul style="list-style-type: none"> Regular requirements 	<ul style="list-style-type: none"> Individual elected at next appropriate general election serves the balance of the term
U.S. Senator	<ul style="list-style-type: none"> Governor fills the vacancy with a temporary appointee General election held to select replacement 	<ul style="list-style-type: none"> The election for U.S. Senator shall occur at the next federal election not less than 60 days after a vacancy. 	<ul style="list-style-type: none"> Regular requirements 	<ul style="list-style-type: none"> Appointee serves until successor chosen in general election takes office

Position	How Vacancy is Filled	Time Frame	Modified Requirements to Run for Office	Length of Term
Mayor (NYC)	<ul style="list-style-type: none"> Public Advocate (or if vacant, Comptroller) fills in until special election Winner of special election serves balance of term 	<ul style="list-style-type: none"> Within three days of vacancy, interim mayor will set date for special election. The election should take place within 60 days or to coincide with upcoming general election where practicable 	<ul style="list-style-type: none"> After proclamation of election, candidates may circulate independent nominating petitions Regular requirements 	<ul style="list-style-type: none"> Serves until successor chosen in general election takes office, with no general election taking place in the last year of the term
Public Advocate (NYC)	<ul style="list-style-type: none"> Vacant until special election with City Council Speaker filling in as needed 	<ul style="list-style-type: none"> Within three days of the vacancy, the mayor will set the date for the special election Election held on the first Tuesday at least 45 days after the vacancy, or to coincide with upcoming general election where practicable 	<ul style="list-style-type: none"> After proclamation of election, candidates may circulate independent nominating petitions Regular requirements 	<ul style="list-style-type: none"> Serves until successor chosen in general election takes office, with no general election taking place in the last year of the term
Comptroller (NYC)	<ul style="list-style-type: none"> Vacant until special election with deputy comptroller filling in where specified 	<ul style="list-style-type: none"> Within three days of the vacancy, the mayor will set the date for the special election Election held on the first Tuesday at least 45 days after the vacancy, or to coincide with upcoming general election where practicable 	<ul style="list-style-type: none"> After proclamation of election, candidates may circulate independent nominating petitions Regular requirements 	<ul style="list-style-type: none"> Serves until next general election with no general election taking place in the last year of the term
City Council (NYC)	<ul style="list-style-type: none"> Vacant until special election 	<ul style="list-style-type: none"> Within three days of vacancy, the mayor must set date for special election Election held on the first Tuesday at least 45 days after the vacancy or to coincide with upcoming general election where practicable 	<ul style="list-style-type: none"> After proclamation of election, candidates may circulate independent nominating petitions Regular requirements 	<ul style="list-style-type: none"> Serves until next general election with no general election taking place in the last year of the term
Borough Presidents (NYC)	<ul style="list-style-type: none"> Vacant until special election with deputy borough president or executive assistant filling in where specified 	<ul style="list-style-type: none"> Within three days of the vacancy, the mayor will set the date for the special election Election held on the first Tuesday at least 45 days after the vacancy, or to coincide with upcoming general election where practicable 	<ul style="list-style-type: none"> After the proclamation, candidates may circulate independent nominating petitions Regular requirements 	<ul style="list-style-type: none"> Serves until successor chosen in general election takes office, with no general election taking place in the last year of the term

Information adapted from New York State Election Law, the Public Officers Law, the City Charter, and the Constitution of the State of New York.

Appendix B: 2007 New York State Assembly Election Table

• In the New York State Assembly, 49 out of 150 members, or 33% of the body, were or will be first elected in a special election.

• The initial vacancies occurred as follows: 32 legislators sought election or appointment to another office, 6 retired, 8 died and 3 left because of actual or alleged corruption.

* *Shaded rows highlight those Assembly Members who were first elected in a special election.*

District	Assembly Member	First Elected	Election Type	Reason for Special Election	Vacancy Index: O=Other Office D=Deceased C=Corruption R=Retired
49	Abbate, Peter J., Jr.	1986	General		
1	Alessi, Marc S.	2005	Special	Replaced Republican Patricia Acampora who left to join the utility regulating state Public Service Commission	O
21	Alfano, Tom	1996	Special	Replaced Vince Muscarella who left to become a Nassau County Legislator	O
84	Arroyo, Carmen E.	1994	Special	Replaced David Rosado who left for a seat on the New York City Council	O
118	Aubertine, Darrel J.	2002	General		
35	Aubry, Jeffrion L.	1992	Special	Replaced Helen Marshall who resigned to run for New York City Council	O
136	Bacalles, Jim	1995	Special	Replaced Donald Davidsen who left to become Commissioner of Agriculture and Markets	O
99	Ball, Greg	2006	General		
124	Barclay, William A.	2002	General		
14	Barra, Bob	2000	General		
82	Benedetto, Michael	2004	General		
79	Benjamin, Michael	2003	Special	Replaced Gloria Davis who resigned after admitting to accepting a bribe	C
73	Bing, Jonathan L.	2002	General		
55	Boyland, William F., Jr.	2003	Special	Elected to succeed his father, William F. Boyland, Sr., who retired	R
8	Boyle, Philip	2006	Special	Replaced Thomas Barraga who left to become a county legislator	O
89	Bradley, Adam	2002	General		

District	Assembly Member	First Elected	Election Type	Reason for Special Election	Vacancy Index: O=Other Office D=Deceased C=Corruption R=Retired
44	Brennan, James F.	1984	General		
92	Brodsky, Richard L.	1982	General		
46	Brook-Krasny, Alec	2006	General		
147	Burling, Daniel J.	1998	General		
117	Butler, Marc W.	1995	Special	Replaced Anthony J. Casale who left to become chairman of the State Liquor Authority	O
101	Cahill, Kevin A.	1998	General		
96	Calhoun, Nancy	1990	General		
43	Camara, Karim	2005	Special	Replaced Assemblyman Clarence Norman who was convicted of soliciting illegal campaign contributions and forced to leave the state legislature	C
106	Canestrari, Ron	1988	General		
26	Carrozza, Ann Margaret	1996	General		
119	Christensen, Joan K.	1990	General		
33	Clark, Barbara M.	1986	General		
142	Cole, Mike	2006	Special	Replaced Republican Sandra Lee Wirth who died while in office	D
47	Colton, William	1996	General		
10	Conte, James D.	1988	Special	Replaced Toni Rettaliata who left to become Town Supervisor of Huntington	O
32	Cook, Vivian E.	1990	General		
107	Crouch, Clifford W.	1995	Special	Replaced Clarence D. Rappleyea Jr. who became chairman of the New York State Power Authority	O
63	Cusick, Michael	2002	General		
45	Cymbrowitz, Steven	2000	General		
138	DelMonte, Francine	2000	General		

District	Assembly Member	First Elected	Election Type	Reason for Special Election	Vacancy Index: O=Other Office D=Deceased C=Corruption R=Retired
116	Destito, RoAnn M.	1992	General		
86	Diaz, Luis M.	2002	General		
85	Diaz, Ruben, Jr.	1997	General		
81	Dinowitz, Jeffrey	1994	Special	Replaced G. Oliver Koppell who was appointed by the legislature to fill the vacancy for State Attorney General	O
114	Duprey, Janet	2006	General		
3	Eddington, Patricia A.	2000	General		
4	Englebright, Steve	1992	Special	Replaced Robert Gaffney who left to become County Executive of Suffolk	O
130	Errigo, Joseph A.	2000	General		
72	Espallat, Adriano	1996	General		
71	Farrell, Herman D., Jr.	1974	General		
5	Fields, Ginny	2004	Special	Replaced Steve Levy who left to become County Executive of Suffolk	O
123	Finch, Gary D.	1999	Special	Replaced Republican Daniel J. Fessenden who left for a job with Carrier Corporation in Syracuse	R
7	Fitzpatrick, Michael J.	2002	General		
143	Gabryszak, Dennis H.	2006	General		
90	Galef, Sandy	1992	General		
133	Gantt, David F.	1982	General		
36	Gianaris, Michael N.	2000	General		
149	Giglio, Joe	2005	Special	Replaced Cathy Young who was elected to fill the 57th District Senate seat of Patricia McGee who died while in office	O
66	Glick, Deborah, J.	1990	General		
40	Gordon, Diane	2000	General		

District	Assembly Member	First Elected	Election Type	Reason for Special Election	Vacancy Index: O=Other Office D=Deceased C=Corruption R=Retired
108	Gordon, Timothy	2006	General		
75	Gottfried, Richard N.	1970	General		
77	Greene, Aurelia	1982	Special	Replaced Charles R. Johnson who left to join the Urban Development Corporation	O
98	Gunther, Aileen M.	2003	Special	Replaced husband Jake Gunter who died while in office	D
139	Hawley, Stephen	2006	Special	Replaced Charles H. Nesbitt of Albion who left to take a post with the state tax tribunal	O
148	Hayes, Jim	1998	General		
83	Heastie, Carl E.	2000	General		
28	Hevesi, Andrew	2005	Special	Replaced Michael Cohen who retired	R
48	Hikind, Dov	1982	General		
18	Hooper, Earlene	1988	Special	Replaced Barbara Patton who left to become chairwoman of the State Workmen's Compensation Board	O
144	Hoyt, Sam	1992	Special	Replaced father William Hoyt Jr. who died in office	D
60	Hyer-Spencer, Janele	2006	General		
42	Jacobs, Rhoda	1978	General		
95	Jaffee, Ellen	2006	General		
57	Jeffries, Hakeem	2006	General		
131	John, Susan	1991	General		
74	Kavanagh, Brian P.	2006	General		
100	Kirwan, Tom	1994	General		
129	Kolb, Brian M.	2000	Special	Replaced Craig Doran who left for an Ontario County judgeship	O
135	Koon, David	1996	Special	Replaced James Alesi who left to become a State Senator	O

District	Assembly Member	First Elected	Election Type	Reason for Special Election	Vacancy Index: O=Other Office D=Deceased C=Corruption R=Retired
34	Lafayette, Ivan C.	1976	General		
25	Lancman, Rory I.	2006	General		
91	Latimer, George S.	2004	General		
13	Lavine, Charles	2004	General		
50	Lentol, Joseph R.	1972	General		
125	Lifton, Barbara	2002	General		
127	Lopez, Peter	2006	General		
53	Lopez, Vito J.	1984	General		
126	Lupardo, Donna	2004	General		
111	Magee, William	1990	General		
120	Magnarelli, William B.	1998	Special	Replaced Bernard Mahoney who retired	R
59	Maisel, Alan	2006	Special	Replaced Frank Seddio who was selected by Clarence Norman to take a newly created surrogate judgeship	O
30	Markey, Margaret M.	1998	General		
27	Mayersohn, Nettie	1982	General		
112	McDonald, Roy	2002	Special	Replaced Bobby D'Andrea who retired	R
19	McDonough, David G.	2002	Special	Replaced Kathleen Murray who left to become Hempstead Town Clerk	O
104	McEneny, John J.	1992	General		
17	McKevitt, Tom	2006	Special	Replaced Maureen C. O'Connell who left to become Nassau County Clerk	O
102	Miller, Joel M.	1994	General		
52	Millman, Joan	1997	Special	Replaced Eileen Dugan who died in office	D

District	Assembly Member	First Elected	Election Type	Reason for Special Election	Vacancy Index: O=Other Office D=Deceased C=Corruption R=Retired
103	Molinaro, Marcus	2006	General		
132	Morelle, Joseph D.	1990	General		
37	Nolan, Catherine	1984	General		
69	O'Donnell, Daniel J.	2002	General		
137	O'Mara, Thomas F.	2004	General		
128	Oaks, Bob	1992	General		
51	Ortiz, Felix	1994	General		
150	Parment, William	1982	General		
88	Paulin, Amy	2000	General		
141	Peoples, Crystal D.	2002	General		
39	Peralta, José	2002	General		
58	Perry, N. Nick	1992	General		
23	Pheffer, Audrey I.	1987	Special	Replaced Gerdi E. Lipschutz who resigned because of corruption charges	C
68	Powell, Adam Clayton, IV	2000	General		
87	Pretlow, J. Gary	1992	General		
146	Quinn, Jack	2004	General		
97	Rabbitt, Annie	2004	General		
9	Raia, Andrew P.	2004	General		
6	Ramos, Phil	2002	General		
134	Reilich, Bill	2002	General		

District	Assembly Member	First Elected	Election Type	Reason for Special Election	Vacancy Index: O=Other Office D=Deceased C=Corruption R=Retired
109	Reilly, Bob	2004	General		
78	Rivera, Jose	2000	General		
80	Rivera, Naomi	2004	General		
76	Rivera, Peter M.	1992	General		
56	Robinson, Annette	2002	Special	Replaced Al Vann who left to become a member of the New York City Council	O
67	Rosenthal, Linda	2006	Special	Replaced Assemblyman Scott Stringer who left to become Manhattan Borough President	O
12	Saladino, Joseph S.	2004	Special	Replaced Steven Labriola who left to become Oyster Bay Town Clerk	O
113	Sayward, Teresa R.	2002	General		
29	Scarborough, William	1994	General		
16	Schimmel, Michelle	2007	Special	Thomas P. DiNapoli was appointed State Comptroller	O
140	Schimminger, Robin	1976	General		
145	Schroeder, Mark J. F.	2004	General		
122	Scozzafava, Dede	1998	General		
38	Seminerio, Anthony S.	1978	General		
64	Silver, Sheldon	1976	General		
93	Spano, Mike	1992	Special	Seat vacated by Terence Zaleski who was elected mayor of Yonkers. Spano first elected in 1992 by special election, affected by redistricting in 1992,	O
121	Stirpe, Albert A., Jr.	2006	General		
11	Sweeney, Robert K.	1988	Special	Replaced Patrick G. Halpin who left to become Suffolk County Executive	O
110	Tedisco, James	1982	General		
2	Thiele, Fred, Jr.	1995	Special	Replaced John Behan who left to run the State Division of Veterans Affairs	O

District	Assembly Member	First Elected	Election Type	Reason for Special Election	Vacancy Index: O=Other Office D=Deceased C=Corruption R=Retired
61	Titone, Matthew	2007	Special	Replaced John W. Lavelle who died while in office	D
31	Titus, Michele R.	2002	Special	Replaced Pauline Rhodd Cummings who died in office	D
62	Tobacco, Louis	2007	Special	Replaced Vincent Ignizio who was elected to the New York City Council	O
105	Tonko, Paul D.	1983	Special	Replaced Gail S. Shaffer who left to become New York's Secretary of State	O
54	Towns, Darryl C.	1992	General		
115	Townsend, David R., Jr.	1990	General		
15	Walker, Rob	2005	Special	Replaced Donna Ferrara who left to become a commissioner on the State Workers' Compensation Board	O
41	Weinstein, Helene E.	1980	General		
20	Weisenberg, Harvey	1989	Special	Replaced Arthur Kremer who retired	R
24	Weprin, Mark	1994	Special	Replaced father Saul Weprin who died in office	D
70	Wright, Keith L.T.	1992	General		
22	Young, Ellen	2006	General		
65	<i>Currently Vacant</i>	2007	Special (to be scheduled)	Alexander B. Pete Grannis was appointed Department of Environmental Conservation Commissioner	O
94	<i>Currently Vacant</i>	2007	Special (May 1, 2007)	Kenneth P. Zebrowski died in office	D

Appendix C: 2007 New York State Senate Election Table

• In the New York State Senate 17 out of 62 members, or 28% of the body, were or will be first elected in a special election.

• The initial vacancies occurred as follows: 12 legislators sought election or appointment to another office, 3 retired and 2 died.

* Shaded rows highlight those Senators who were first elected in a special election.

District	Senator	First Elected	Election Type	Reason for Special Election	Vacancy Index: O=Other Office D=Deceased C=Corruption R=Retired
55	Alesi, James S.	1996	Special	Replaced Mary Ellen Jones who left for a position on the State Parole Board	O
20	Adams, Eric	2006	General		
42	Bonacic, John J.	1998	General		
46	Breslin, Neil D.	1996	General		
43	Bruno, Joseph L.	1976	General		
25	Connor, Martin	1978	Special	Replaced Carol Bellamy who left to become New York City Council President	O
50	DeFrancisco, John A.	1992	General		
32	Diaz, Ruben, Sr.	2002	General		
17	Dilan, Martin Malave	2002	General		
29	Duane, Thomas K.	1998	General		
44	Farley, Hugh T.	1976	General		
2	Flanagan, John J.	2002	General		
8	Fuschillo, Charles J., Jr.	1998	Special	Replaced Norman Levy who died in office	D
22	Golden, Martin J.	2002	General		
33	Gonzalez, Efrain Jr.	1989	Special	Replaced Jose Rivera who left to join the New York City Council	O
47	Griffo, Joseph A.	2006	General		

District	Senator	First Elected	Election Type	Reason for Special Election	Vacancy Index: O=Other Office D=Deceased C=Corruption R=Retired
6	Hannon, Kemp	1989	Special	Replaced John R. Dunne who left to become Assistant Attorney General for Civil Rights at the U.S. Department of Justice	O
36	Hassell-Thompson, Ruth	2000	General		
10	Huntley, Shirley	2006	General		
7	Johnson, Craig	2007	Special	Replaced Michael Balboni who left to become New York State Deputy Secretary for Public Security	O
4	Johnson, Owen H.	1972	General		
34	Klein, Jeffrey	2004	General		
27	Krueger, Liz	2002	Special	Replaced Roy Goodman who retired	R
26	Kruger, Carl	1994	Special	Replaced Donald M. Halperin who left to become the Division of Housing and Urban Renewal Commissioner	O
24	Lanza, Andrew J.	2006	General		
39	Larkin, William J., Jr.	1990	General		
1	LaValle, Kenneth P.	1976	General		
40	Leibell, Vincent L. III	1994	General		
52	Libous, Thomas W.	1988	General		
45	Little, Elizabeth O'C.	2002	General		
15	Maltese, Serphin R.	1988	General		
5	Marcellino, Carl L.	1995	Special	Replaced Ralph Marino who retired	R
62	Maziarz, George D.	1995	Special	Replaced John B. Daly who left to become State Transportation Commissioner	O
18	Montgomery, Velmanette	1984	General		
38	Morahan, Thomas P.	1999	Special	Replaced Joseph Holland who left to become Rockland County's Social Services Commissioner	O
54	Nozzolio, Michael F.	1992	General		

District	Senator	First Elected	Election Type	Reason for Special Election	Vacancy Index: O=Other Office D=Deceased C=Corruption R=Retired
12	Onorato, George	1983	Special	Replaced Anthony V. Gazzara who left to become chairman of the State Liquor Authority	O
37	Oppenheimer, Suzi	1984	General		
11	Padavan, Frank	1972	General		
21	Parker, Kevin S.	2002	General		
30	Perkins, Bill	2006	General		
61	Rath, Mary Lou	1993	Special	Replaced John B. Sheffer II who left to take a position at the University at Buffalo	R
56	Robach, Joseph E.	2002	General		
13	Sabini, John D.	2002	General		
41	Saland, Stephen M.	1990	General		
19	Sampson, John L.	1996	General		
23	Savino, Diane J.	2004	General		
31	Schneiderman, Eric T.	1998	General		
28	Serrano, José M.	2004	General		
51	Seward, James L.	1986	General		
9	Skelos, Dean G.	1984	General		
14	Smith, Malcolm A.	2000	Special	Replaced Alton Waldon who took a Manhattan Court of Claims judgeship	O
58	Stachowski, William	1981	Special	Replaced Raymond Gallagher who left to become chairman of the Niagara Frontier Transportation Authority	O
16	Stavisky, Toby Ann	1999	General		
35	Stewart-Cousins, Andrea	2006	General		
60	Thompson, Antoine M.	2006	General		

District	Senator	First Elected	Election Type	Reason for Special Election	Vacancy Index: O=Other Office D=Deceased C=Corruption R=Retired
3	Trunzo, Caesar	1972	General		
49	Valesky, David J.	2004	General		
59	Volker, Dale M.	1975	Special	Replaced Thomas McGowan who left to become a New York State Supreme Court Justice	O
53	Winner, George H., Jr.	2004	General		
48	Wright, James W.	1992	General		
57	Young, Catharine M.	2005	Special	Replaced Patricia McGee who died in office	D