

# Democrats' path to possible Senate control begins on Long Island



Kaminsky, Heastie and Sepúlveda leave a meeting of the so-called Reform Caucus. (AP Photo/Mike Groll)



By **JOSEFA VELASQUEZ** 5:25 a.m. | Mar. 18, 2016

The delicate balance of what party will control the state Senate next year lies in the hands of Mel Brooks' great-nephew.

Assemblyman Todd Kaminsky, who was boosted in his 2014 run for a Long Island Assembly seat by robocalls from his legendary relative, may now deliver the State Senate into Democratic control next month by winning a special election that will reverberate heading into the November elections.

Kaminsky — a former Brooklyn federal prosecutor who is partially responsible for convicting lawmakers like former state senator Pedro Espada — is banking on his previous profession in his bid to take the seat last held by Republican former Senate majority leader Dean Skelos, who was convicted in December of using his office to secure lucrative employment opportunities for his son, Adam.

"If the Democrats pick up the Long Island seat, it can affect decisions candidates make, big funders make, about what the future is going to look like in Albany," said Larry Levy, the executive dean of Hofstra University's National Center for Suburban Studies.

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Skelos' old seat is the opening Democrats have long prayed for. A Kaminsky win on April 19 would set the tone for November, giving Democrats a shot to take power cleanly in what has been a messy and beleaguered legislative

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But for Democrats to take control of the Senate, several things have to go exactly right for them.

As it stands, Republicans have a slim majority in the 63-seat Senate chamber.

The GOP occupies 31 Senate seats, not enough for outright control. But with the help of Simcha Felder, a Brooklyn Democrat who conferences with Republicans, the party maintains the 32 seats it needs to run the chamber. Felder, who has been jokingly referred to as the kingmaker by political

observers, says his allegiance is with his constituents, not a party.

The Democrats' situation is more complicated.

Mainline Democrats, led by Sen. Andrea Stewart-Cousins, hold 25 Senate seats. The Independent Democratic Conference, led since 2011 by Sen. Jeff Klein of the Bronx, controls five.

While both groups are largely in agreement on policy. A mixture of personality clashes and lingering resentments has left a chasm between them. Instead of siding with the Democrats, who have little influence in the Senate, the IDC has aligned itself with Republicans, giving the five-member conference more clout over what bills get brought to a vote and more money for their districts.

Republicans have 32 seats in the chamber, thanks to the help of one Democrat, and while Democrats technically have 30 seats, they're broken into two factions.

The Skelos seat is vacant. If Kaminsky were to win it, there would technically be 32 Democrats in the chamber, just enough needed to rule the Senate. But with such a capricious margin, a by-the-numbers majority doesn't mean Democrats would have control.

Even if Republicans manage to stay close, though, "the real power is in the negotiations between the independent Democrats, the conventional Democrats and Felder," said Gerald Benjamin, political science professor at SUNY New Paltz and longtime Capitol observer. That group, Benjamin says, "will probably have enough seats to determine a majority."

Presidential elections draw out more voters than off-year State Senate elections, and according to Costas Panagopoulos, a professor of political science at Fordham University, that translates to more minorities and young people, who tend to vote for Democrats.

Democrats have long argued presidential years, with their higher turnout, work to their benefit. The special election for the Skelos seat could put that argument to test: It will come the same day New Yorkers vote in the state's presidential primaries.

If Bernie Sanders and Hillary Clinton are still competing for the nomination by April, down-ballot Democrats like Kaminsky could be buoyed by a level of turnout higher than

you'd normally see for a special election.

The Democratic presidential race, though, so far isn't looking fierce in New York: A Siena poll released in March found that Clinton, who formerly represented New York in the Senate, led Sanders by 21 points among state Democrats.

In the event that a Democratic candidate for the presidency has been decided by April, which seems increasingly likely, Democrats down ballot could wind up in a more precarious situation.

"If increasingly Hillary Clinton looks like a sure thing, I don't know that Democrats are going to have the incentive to go out," said Jeanne Zaino, a professor of political science at Iona College and of campaign management at New York University. "On the other hand, if Republicans may be having more of a contest, that could certainly increase turnout."

The presidential impact just gets bigger come November, with what's shaping up to be an intense general election.

If Clinton is on the top of the ticket, New York Democrats could turn out en masse to support a candidate from their home state, Levy argues.

"You're going to have a maximum turnout of Democrats, and that's going to make it harder for Republicans, particularly in swing suburban districts, not just Long Island and Westchester, but even districts that have a heavy suburban piece. Upstate, districts outside of Syracuse, Rochester, Buffalo tend to be swing areas with higher proportions of unaligned moderates," Levy said. "These are places where Democrats do better in presidential years."

But if Donald Trump is at the top of the ticket for Republicans in November, Republicans running for office across the state could struggle.

Trump, Zaino said, could keep GOP suburbanites from the polls in bluer states, which in turn "could really have an impact on down-ballot elections."

The ninth Senate district has had a Democratic enrollment advantage since 2008, but that didn't stop Nassau County voters from sending Skelos to Albany four times since then.

That's until U.S. attorney Preet Bharara came into the mix.

In a dizzying year that saw the public corruption convictions of former Assembly speaker Sheldon Silver and Skelos at the hands of Bharara's office, what better candidate to run in Skelos' old district than a former prosecutor with a record of fighting corruption like Kaminsky?

Republicans responded to the challenge of facing a prosecutor by picking a candidate far removed from politics.

The tactical decision to put forward Chris McGrath, a personal injury attorney and former head of the Nassau County Bar Association, gives Republicans a complete outsider to the Nassau County Republican machine who won't fit neatly into Democrats' framing.

McGrath has never run for office before, is a virtual unknown in political circles and has

donated to members of both parties, including Gov. Andrew Cuomo.

A Siena poll released this month shows that the tactic is working, with both men in a virtual tie.

While Kaminsky has so far run on an anti-corruption platform that plays up his prosecutorial experience, McGrath's campaign has steered clear of any mention of corruption, instead focusing on school aid, taxes and the perennial Republican bogeyman, New York City Mayor Bill de Blasio.

"If I lose this race, then Bill de Blasio will be picking the pockets of each and every family in this district on Long Island," McGrath says in a TV ad released mid-February.

The anti-de Blasio message has been effective for the GOP. During the 2014 election cycle, the Senate Republican Campaign Committee linked Democratic candidates with de Blasio in upstate New York and throughout Long Island. It worked. Democrats were handed bruising losses despite a push from a coalition of labor unions and high-profile Democrats, including de Blasio. Republicans ousted three incumbent Democrats in 2014 and held onto all but one seat using the anti-de Blasio message.

Senate GOP spokesman Scott Reif hammered the message into POLITICO New York, saying his party will grow its Senate majority this year as "the last thing anyone wants is our entire state government controlled by Mayor de Blasio and the New York City Democrats."

But it's not a sure thing the de Blasio strategy will work in perpetuity.

One Republican strategist characterized the McGrath campaign as "traditional" and the school funding and tax cap message as "stale." While Democrats have latched onto sexy items like the minimum wage, Republicans are "micro-targeting" their campaigns and pushing the same message that has brought them favorable results in the past.

"I think it's the canary in the coal mine for the Republicans," one strategist said of the McGrath-Kaminsky race.

Sen. Mike Gianaris, the head of the Democratic Senatorial Campaign Committee, emphasized a campaign focus on ethics, telling POLITICO New York his party represents "the best hope for needed reform in the State Senate."

One thing is clear: With both parties vulnerable and eying control in the Senate, this will be a very expensive race.

The outcome of the special election will sway where campaign contributions flow. Senate Republicans have hefty campaign coffers and had the benefit of dictating how Senate districts were drawn during the latest round of redistricting. And Democrats are now in a better financial position than in years past, when they were competing with the GOP while lugging around old debt.

While some political strategists argue it's too early to tell exactly where either party will be playing, there are a handful of battleground districts where both Democrats and Republicans have been laying groundwork.

The Nassau County seat now held by Republican Sen. Jack Martins has a Democratic enrollment advantage and has been a top target for Democrats since Martins beat the Democratic incumbent, Craig Johnson, by less than 500 votes in 2010.

Martins is eying a run for Rep. Steve Israel's soon-to-be vacant congressional seat and is not seeking re-election to the Senate, his campaign spokesman said.

North of Long Island, things are slightly more complicated.

Each election cycle has shown that Buffalo politics are an anomaly, defined by warring factions of Democrats and Republicans. Despite a comfortable Democratic enrollment advantage, freshman Democratic Sen. Marc Panepinto won the seat in 2014 with only 33 percent of the vote due to a split on the Republican side of the ticket. Panepinto's predecessor, former senator Mark Grisanti, was relegated to a third party line during the 2014 elections, marking one of the most expensive Senate races in the 2014 cycle.

Panepinto announced this week that he won't be seeking a second term, but the likelihood of a split ticket on both sides is high. So far, a handful of Republicans and Democrats has shown interest in running in the cantankerous district.

Freshman Republican Sen. Sue Serino, who represents the lower Hudson Valley, will likely be challenged by the Democrat she unseated, Terry Gipson. In 2014, Democrats, Republicans and independent expenditure groups spent a combined \$5.3 million in the district.

In the Hudson Valley, Democrats have started going after Republican Sen. Bill Larkin early on. Assemblyman James Skoufis, a Democrat, has been flirting with a run against Larkin and recently formed a committee to begin fundraising.

Last election cycle, the amount of money spent on the race for the 40th Senate District in the Hudson Valley shattered previously known records. In the district, currently held by freshman Sen. Terrence Murphy, an aggregate \$7.48 million was spent by candidates and independent expenditure groups.

There's no reason to think there'll be any less money thrown around this fall.

"It's going to be a lot of spending because so much is at stake and [Senate majority leader John] Flanagan's leadership is being tested," said Benjamin.

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