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SPECIAL ELECTION PROVIDES WFP WITH SHOT AT ASSEMBLY SEAT

BY SARINA TRANGLE | APR 18, 2016 |

22

When then-Assembly Speaker Sheldon Silver was convicted on corruption charges last year, he gave up the district hugging the southeast shore of Manhattan that he had represented for decades. Now, the Democratic Party is at risk of letting the Assembly seat slip out of their grasp, too.

On Tuesday, four candidates – Democrat Alice Cancel, the Working Families Party's Yuh-Line Niou, Republican Lester Chang and the Green Party's Dennis Levy – will vie for the seat held by Silver since 1976. Silver, a Democrat who also ran consistently on the WFP line, was forced to forfeit the 65th Assembly District, which spans the Financial District, Chinatown and the Lower East Side.

Winning while running exclusively on the Working Families line would be a rare accomplishment – a reality even Niou acknowledges. The district skews heavily Democratic, with nearly 66 percent of active voters registered as Democrats, according to Board of Elections statistics, and Cancel has support from the county committee and two of four local clubs.

But some political scientists said making the bid in a special election may work in Niou's favor. Niou reported having \$134,716.21 on hand, compared to Cancel's \$3,736.00. (Niou had spent \$77,468.63 according to reports filed 11 days before the primary, compared with just \$580 in expenses for Cancel's campaign.)



Sheldon Silver's corruption conviction may have created an opening for the Working Families Party.

And despite the Working Families Party [losing some of its more powerful union financiers](#), Niou has secured support from such organized labor groups as the New York City municipal union District Council 37, the Hotel and Motel Trades Council, the building services workers' union 32BJ SEIU and the United Federation of Teachers.

"I'm not suggesting that it's easy, but there are clear historical precedents for special elections being won by candidates on what we call a third party line," said Bruce Gyory, an adjunct political science professor at the University of Albany.

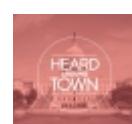
Gyory noted that such a strategy led to Rep. Eliot Engel's election to the Assembly as the Liberal Party candidate, former Assemblyman Charles Johnson's winning on the Liberal ticket and former Rep. Robert Garcia landing in Congress on the Liberal and GOP lines in the late 70s.

"It's actually easier in the special election because there's

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nobody ahead of you on the ticket,” he said. “It’s not like you’re buried beneath presidential or gubernatorial runs on the ballot.”

Of course, the presidential primaries on Tuesday will draw larger numbers to the polls than most special elections. And the other times the Working Families Party secured New York City seats without cross-endorsing – Public Advocate Letitia James’ City Council win in 2003 and Assemblywoman Diana Richardson’s success last year – came during special elections that did not coincide with such high-profile races. Still, New Yorkers who show up to vote for a presidential nominee will need to receive a second, separate ballot to weigh in on the 65th Assembly District race.

“You’re going to have a big fall off between the primary and the special election – the turnout is going to be lower,” said Doug Muzzio, a political scientist at Baruch College. “It all depends on how the campaigns actually turn out their vote. So, let’s horse race.”

The traditional campaign jockeying is complicated by other unusual factors. There are questions about whether any sense of feeling betrayed by Silver will compel more constituents to vote, or whether allegations that Silver supporters influenced the Democratic County Committee nominating process will have any impact.

Niou said she decided not to pursue the Democratic line because she was troubled by the party’s nominating process, claiming that committee members were unable to get clear answers on what voting protocols would be used to select a candidate and last minute changes to the committee roster gave her little time to introduce herself to members. In the end, Silver’s wife and his former chief of staff were among those who helped [deliver the Democratic line to Cancel](#).

“People literally are telling me, ‘Please, this is the most important thing right now,’” Niou said of the push for ethics reform in the wake of Silver’s conviction. “It’s always an uphill battle running on the third party line - everybody knows that - because our district here is a very Democratic district. ... But I have taken time to reach out to voters, door knock and call.”

Cancel said she feels confident she will come away victorious Tuesday, in part because she received 180 votes in the county committee endorsement decision, which is more than the roughly 140 active voters registered with the Working Families Party in the district. Cancel said her neighbors knew she, as a local leader, worked with Silver for their benefit – just like state Sen. Daniel Squadron and Councilwomen Rosie Mendez and Margaret Chin – but that’s where their association ended. Cancel earlier called Silver a [hero](#).

“The people in the community that put me here as a nominee know my track record in this community, know that I have been here 40-plus years, that I raised a family here,” Cancel said. “I’m getting a very good response from my community, and I’m feeling quite positive that I’m

going to be winning this.”

Cancel’s Lower East Side Democratic Club and Silver’s Harry S. Truman Club, which is backing her, pull from the Latino and longer-established but aging Jewish communities in the district. It’s unclear how the candidates will make inroads with the newer and often more affluent residents in Battery Park City.

The Downtown Independent Democrats declined to endorse in the special election, but the group’s president, Jeanne Wilcke, said some members were working to elect Cancel because of her work in the area.

In Chinatown, Niou and Chang, the Republican candidate, are expected to appeal to a growing Asian-American population. The United Democratic Organization in the neighborhood is backing Niou.

“I know I’m splitting the Chinese voters between myself and Ms. Niou – no question about that – I’m not sure about the percentage,” said Chang, a lifelong Chinatown resident, who is hoping his three competitors prevent one another from capturing enough of the liberal base. “I am very confident that it’s a three-way slugfest.”

Regardless of the outcome, the Working Families Party is seizing on an opportunity to showcase its traditionally strong ground operations, according to Gerald Benjamin, a political science professor at SUNY New Paltz. He said WFP suffered an embarrassment by backing Gov. Andrew Cuomo over a more ideologically aligned-candidate in 2014, and then not seeing Cuomo campaign vigorously to put the state Senate back in Democratic hands. The stakes are relatively low for the party in this race because it won’t impact whether the WFP maintains a ballot line and any loss could be reversed in the traditional election cycle this fall.

“They have some need to demonstrate a certain core from the point of view of the integrity of their issue positions,” Benjamin said. “You have to show two things: You can deliver some votes and that you have some expectations of the people you back. This is an opportunity for them to demonstrate both of those things – win or lose.”

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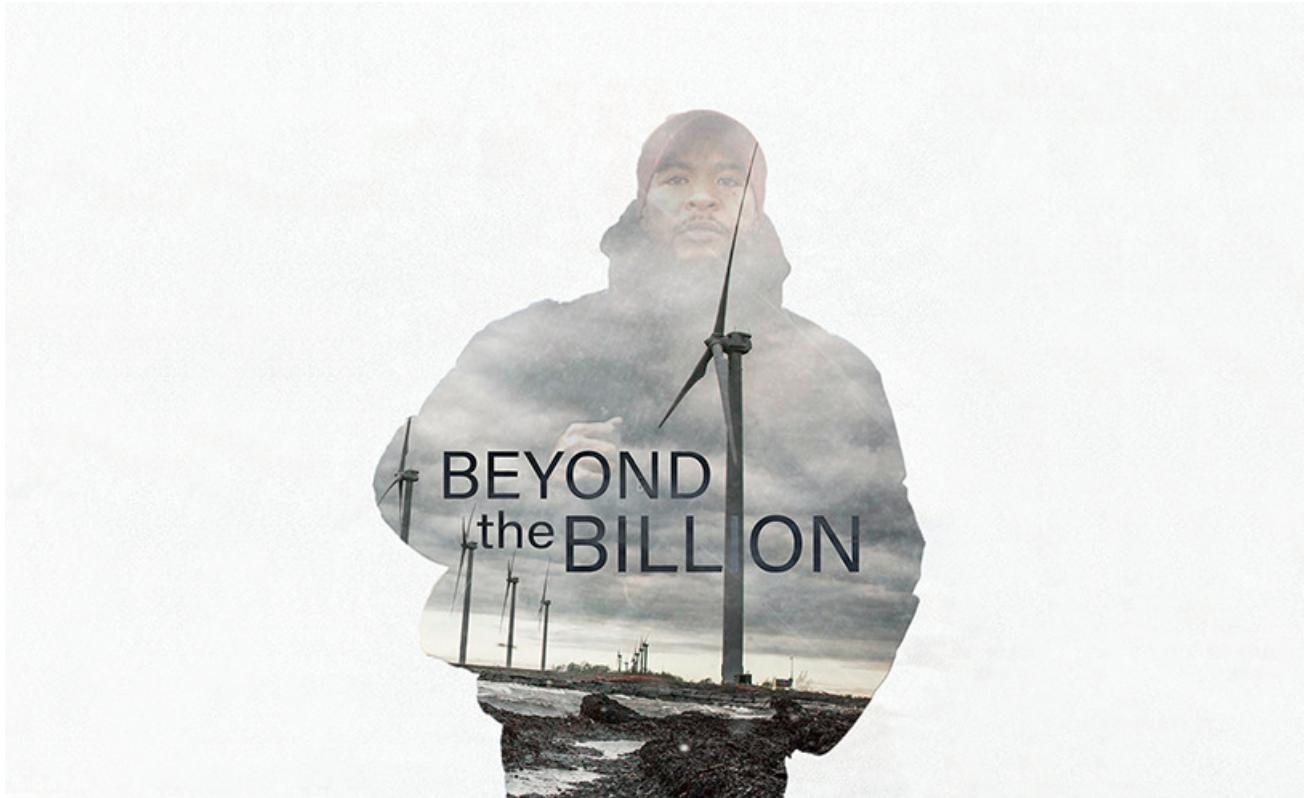
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