State Senate Democrats Grasp For Control Of Chamber

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ALBANY, N.Y. — It wasn't quite Babe Ruth pointing to the stands, but the call Democratic state Sen. Neil Breslin made on the day before this week's election was nearly a home run.

"I think we are going to hold our seats downstate, pick up a seat in Rochester, and I really think Cecilia is going to win," Breslin said on Monday. The Cecilia he was referring to was Cecilia Tkaczyk, the Democratic candidate for the 46th Senate District that was supposed to have been hand-carved for the Republicans to bolster their majority.

Forgive Breslin, then, for gloating a bit about the prediction: New Yorkers woke up today to learn that Senate Democrats had picked up a seat in Rochester and that Tkaczyk, once a long-shot candidate, was on the cusp of victory with 140 more votes than her opponent, with paper ballots still needing to be counted.

“I was giving the best-case-scenario!” Breslin said in an interview yesterday when asked about the prediction. “I think it was a perfect storm.”

Democrats also successfully defended their vulnerable seats while adding at least two to change the balance of power in the Senate, even if modestly, tying the Republicans 31 to 31 (it is currently 33 to 20). Tkaczyk's surprising strength in the 46th district could turn out to be the wild card that pushes control of the Senate over the edge for the Democrats.

The Republicans’ hand-picked candidate, Assemblyman George Amedore, seemed like the perfect choice to win the district that was tailored to the party: He had name recognition following a reality television show appearance and is well-known developer.

But Tkaczyk, a farmer, challenged him in a spirited contest, with her grassroots campaign bolstered by major PAC support to close the gap on Amedore. Early yesterday morning, both candidates declared victory but Tkaczyk held a 140 vote lead over Amedore.

Breslin, who lost part of his district to the 46th, called Tkaczyk “a mother running against a one percent builder in a toss up district.”

“If we win the district, it will be poetic justice because they carved that district out to insulate their majority,” he said.

The major deciding factor will likely be the affidavit ballots filed at the University at Albany. Democrats believe that those ballots will break heavily in their candidate’s favor. Republicans say they have the clear lead when it comes to outstanding ballots.

Amedore's camp has filed a suit to impound all paper ballots in the 46th district and his spokesman issued this statement: "This morning, we filed a show cause order in Montgomery County Supreme Court to protect and substantiate each and every ballot. ... We firmly believe that once all the votes have been verified and counted, George Amedore will be the senator representing this five-county district. We will proceed with patience and confidence as this process moves forward."

Even after legal maneuvers, if the Senate Democrats pick up the seat in the 46th, they will need the Independent Democratic Conference to work with them. The IDC broke from the Democrats in 2010 and quickly benefitted from an alliance with Republicans. While Democrats lost funding and nice offices, the IDC was treated rather well by Republicans.The IDC later backed Republicans on a number of important procedural votes.

Making matters even more complicated for the Democrats seeking to gain the majority, newly elected Brooklyn Sen. Simcha Felder, also a Democrat, has struck an independent note and could end up caucusing with Senate Republicans .

Members of the IDC did not return requests for comment yesterday, issuing a general statement that said nothing about whom they intended to conference with. "We look forward to getting back to the people's business right away," read the statement.

"If Tkaczyk wins, hopefully it allows Felder to caucus with us and I would welcome the four back into the fold as Democrats with no hard feelings," said Breslin, who beat an IDC-backed primary challenger in September. "But they should not benefit from leaving."

The Independent Democrats are led by Sen. Jeff Klein, whose ambition to take charge of the Senate Democrats has been well known for years. He has pledged not to vote for current Senate Minority Leader John Sampson or Sen. Michael Gianaris — the man who replaced Klein as the head of the New York State Senate Democratic Committee.

Both Senate Democrats and Republicans have been making pretty overt gestures toward Klein in the past few days.

Appearing on a talk radio show yesterday morning, Republican state Sen. Tom Libous, the head of Senate Republican election efforts, said this when asked about negotiating with Klein: “I think those conversations will take place shortly, but they haven’t taken place yet.”

Speaking about Tuesday’s election, Libous admitted “it was a tough night for us but all is not lost” and was optimistic that outstanding ballots in the 46th district would help them elect Amedore. “We’ve been through counts before,” Libous said. “While Democrats may have had a good ground game with the Obama massacre again, we do a better job with absentee ballots than they do. We work them pretty hard.”

On the same show, Gianaris repeated something that a number of Democrats have seemingly adopted as a mantra lately: that Klein has said that he will never vote for a Republican Majority Leader.

Beyond the question of whether the IDC will play nice with their former party peers, there is also the question of how Gov. Andrew Cuomo might react to a State Senate dominated by Democrats. It is widely believed that Cuomo would rather deal with a Republican Senate because it allows him to pass fiscally conservative measures — not to mention the chaos that unfolded when Democrats controlled the chamber from 2008 to 2010.

In a recent piece for State of Politics, Nick Reisman deftly pointed out that registration numbers in the state favor Democrats so strongly that it is only a matter of time before Democrats gain control of the chamber again and relegate Republicans to a consistently minority party.

“I hope the governor reads that article,” said one member of the Democratic conference, speaking on the condition of anonymity. “He could be very helpful in getting the four back in the fold and making sure we have strong leadership.”

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