

Instant Incumbents

by Amy Ngai

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A dismal turnout and an [undemocratic nominating process](#) were not the most alarming aspects of the so-called Special Election on the last day of February, when voters in three State Assembly districts that represent roughly 375,000 people in New York City picked new legislators in what was nearly a foregone conclusion:

- Linda Rosenthal won the Assembly seat from the West Side of Manhattan, replacing Scott Stringer, who has become Manhattan borough president
- Sylvia Friedman won the Assembly seat from the East Side of Manhattan to replace Steve Sanders, who has retired
- Alan Maisel took the Assembly seat from the Canarsie/Mill Basin/Flatlands etc. district in Brooklyn, replacing his former boss Frank Seddio, who has taken over the borough's newly created second Surrogate's Court judgeship.

What is most alarming is that these new members, though technically elected for only the next six months, have become instant incumbents -- which means they are likely to remain in office for the next 20 years. Yes, they have to run for re-election this fall, but as incumbents they will have the full power of their office and the support of their political party. And being an incumbent in New York means never having to say goodbye.

Staying Forever

State Senator John Marchi has been in office for 49 years. But more to the point, in the past 22 years, there have been only 30 instances when incumbents in the New York State legislature have been defeated in a general election, according to a [report](#) by the New York Public Interest Research Group. Since all 212 members are up for election every two years, this means there were only 30 incumbent defeats in more than 2,000 races.

In another [survey](#), the National Conference of State Legislatures cited that in the 2002 elections only eight percent of the New York State Senate and 16 percent of the New York State Assembly were not returned to office -- one of the lowest turnover rates in the country.

The Incumbent Advantage

As Gotham Gazette has explained before in the online game, ["Donkey Con \(Elephant Evasion\),"](#) politicians are re-elected at staggering rates because of the state's incumbent protection racket:

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Access to the ballot: Incumbents have an easier time both getting on the ballot and assuring that any potential challengers stay off of it. [Ballot-bumping](#) is New York's bloodsport – the process by which politicians hire election lawyers conversant with the state's arcane election law to comb their rival's nominating petitions to find the slightest errors, so that they can be stricken from the ballot. Incumbents are not alone in engaging in this practice, but they have the resources – the backing of their political party, the troops, and the money – to be the strikers rather than the stricken.

Name recognition: An unquantifiable advantage of incumbency is the name recognition it provides. Voters frequently head to the polls on Election Day armed with selections for big ticket offices such as president, governor or mayor. Local races do not garner as much interest, so voters tend to vote for familiar names.

Political Parties And Campaign Cash Incumbents use their party organizations to reach out to more voters.

Both the Republican and Democratic organizations in New York have extensive funding mechanisms to re-elect members of the Senate and Assembly. In the most recent election cycle, the [Center for Public Integrity reported](#) that the [Democratic Assembly Campaign Committee](#) spent \$5.6 million while the minority [Republican Assembly Campaign Committee](#) contributed \$2.1 million to Republican candidates. In the Senate, the [Senate Republican Campaign Committee](#) spent \$9.5 million to hold on to their slim majority and the [Democrats](#) spent \$1.4 million to fund their State Senators in office.

Powers of incumbency: As elected officials, members have the power to secure funding through member items for special neighborhood projects and provide various constituent services. During campaign season, they can “call in their chits” for having provided these services. Those who have been the beneficiaries of the legislator's favors might fear the closing of the tap if they were to publicly support a challenger.

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Others benefits of incumbency include:

- Multiple district-wide mailings funded by tax payer dollars
- Unparalleled access to the community through speeches and official legislative events
- Fundraisers in Albany during legislative session that are well attended by lobbyists

Inadequacies of Incumbency

A permanent legislature doesn't just hurt the cause of democracy, it goes directly against the interests of the voters. It deters qualified candidates from seeking office and thus stymies fresh ideas. Legislators are less accountable to the public, and more beholden to party leaders. It is no coincidence that the New York State legislature, with among the smallest turnovers in the nation, has been labeled [the most dysfunctional in the nation](#), the legislators weak and non-responsive, deferring to the Assembly Speaker and the Senate Majority Leader.

For the voter, incumbency means there are no real choices on Election Day: In some races there are no challengers at all; in most, the results are a foregone conclusion. The lack of options diminishes voter participation and is reflected in turnout rates. No more than 30,000 [voters participate in Assembly and State Senate races](#) in each district where there is an incumbent, and it is often a lot less.

The lack of choices and the depressed voter turnout amount to voters rubberstamping party choices on Election Day – a kind of social promotion for elected officials.

Overcoming Incumbency

One solution that obliterates the problems of incumbency is term limits. A recent survey conducted by Sienna College Research Institute found that [68 percent of respondents support term limits for state legislators](#). In New York City, voters established through referendum term limits for citywide office, barring incumbents from seeking more than two terms. On a statewide level, the legislature would have to pass measures to limit the amount of time they can serve in office.

There are other ways of promoting competitive elections – through [reform of the process of redistricting](#) and by public financing of campaigns in a system similar to that set up by the [New York City Campaign Finance Board](#). The Sienna College survey found 74 percent favored redistricting done by an independent

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non-partisan commission. Currently there is a bill in the Assembly (
[A6287](#)
) that proposes such reform.

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