

MEMORANDUM

FROM: Featherstonhaugh, Clyne & McCardle, LLP
DATE: November 6, 2024
RE: 2024 NYS Election Recap

Early this morning, Donald J. Trump became only the second president in the history of the United States, to win a second, non-consecutive term. Ironically, from an Empire State perspective, the president-elect follows in the footsteps of another New Yorker, former Governor and Democratic President, Grover Cleveland. As he prepares to return to the White House, he'll enter at a time of deep cultural and political division. Trump has vowed to swiftly enact seismic shift in the national agenda that would transform nearly every aspect of American government.

The political shift in Washington will be monumental. The impacts on New York in strategic planning, political maneuvering, and practical governance will be significant. With the Democratic Party retaining full control of New York's Senate and Assembly in this election, the political debates and policy impacts from the national election results will help define the coming legislative sessions.

With over fifty years of success in the shifts in the pendulum of New York politics, FCM is ready to assist all of our clients navigate these increasingly choppy legislative and regulatory waters.

CONGRESS

The Republicans also took control of the U.S. Senate and are fighting to keep their majority in the U.S. House, which would produce a full sweep of GOP power in Congress alongside President-elect Donald Trump in the White House. A unified Republican grip on Washington would set the course for Trump's agenda. Or if Democrats wrest control of the House, it would provide an almost certain backstop, with veto power over the White House.

Trump, speaking early Wednesday at his election night party in Florida, said the results delivered an "unprecedented and powerful mandate" for Republicans. He called the Senate rout "incredible," and he praised House Speaker Mike Johnson,

{WD046943.1}

who dashed from his own party in Louisiana to join Trump. “He's doing a terrific job,” Trump said.

In the U.S. House of Representatives, the battle for majority control of the chamber was destined to run directly through New York State, with the most consequential races found in suburban Long Island, Upstate, and the Hudson Valley. The New York House Democrats presented a united front as they unseated two Republicans, bolstering Hakeem Jeffries quest to be the next House Speaker. With House Democrats holding all of their seats, Governor Hochul has seemingly earned her national political stripes back after New York's losses two years ago.

CONTESTED NEW YORK CONGRESSIONAL RACE

Election results are unofficial until they are certified.

CONGRESSIONAL DISTRICT	CANDIDATES	PRE-ELECTION PROJECTION	UNOFFICIAL WINNER
NY-01	LaLota (R) Inc Avlon (D)	Lean R	LaLota
NY-03	Suozzi (D) Inc LiPietri (R)	Likely D	Suozzi
NY-04	D'Esposito (R) Inc Gillen (D)	Lean D (Potential Flip)	Gillen
NY-17	Lawler (R) Inc Jones (D)	Lean R	Lawler
NY-18	Ryan (D) Inc Esposito (R)	Lean D	Ryan
NY-19	Molinaro (R) Inc Riley (D)	Toss up	Riley
NY-22	Williams (R) Inc Mannion (D)	Lean D (Potential Flip)	Mannion
NY - 26	Marecki (R) Kennedy (D)	Lean D	Kennedy

{WD046943.1}

NEW YORK STATE LEGISLATURE:

The Democrat supermajority in both houses of the state legislature remained the target of GOP efforts within the state to break the longstanding hold on power in state government however Democrats held their tight grip on control of both houses of the state Legislature. Several incumbent Democrats in competitive districts were able to keep their seats, including Assemblywoman Marianne Buttenschon in the Mohawk Valley, Assemblywoman Stacey Pheffer Amato in Queens, and Sen. Michelle Hinchey in the Hudson Valley.

In the Senate, Andrea Stewart Cousins has proven not only to be a force as the longest serving Democratic Majority Leader, but a skilled operative who continues to grow her conference. Senate Democrats were able to hold onto two vacant seats— one in the Syracuse area won by Christopher Ryan and another in the Buffalo area won by April McCants-Baskin. Final results weren't yet available for a third vacant seat as of this morning.

In New York City, the GOP zeroed in on the outer boroughs and the coalition constructed in Orthodox Jewish and majority Asian districts that took shape in 2022. A limited example of the success of that strategy was the defeat of Senator Iwen Chu in the 17th Senate District. The party also targeted key suburban Senate seats in which incumbents faced pushback relating to the topics of the migrant crisis and congestion pricing, which remain deeply unpopular in these areas. While any erosion of a supermajority does not equate to a significant impact given the presence of a Democrat governor, a supermajority and lack thereof can become relevant in policymaking and state budget-level clashes among differing coalitions along with the presence of a likely competitive gubernatorial election in 2026.

CLOSELY CONTESTED STATE SENATE RACES

Election results are unofficial until they are certified.

DISTRICT	CANDIDATES	PRE-ELECTION PROJECTION	UNOFFICIAL WINNER
1	Palumbo (R) Inc Anker (D)	Lean R	Palumbo
4	Martinez (D) Inc Bryant (R)	Lean D	Martinez
11	Stavisky (D) Inc Yiatin Chu (R)	Toss up	Stavisky
17	Chu (D) Inc Chan (R)	Likely D	Chan
23	Scarcella-Spanton(D) Inc	Safe D	Scarcella-Spanton

{WD046943.1}

	Kepi (R)		
40	Hareckham (D) Inc Arena (R)	Likely D	Arena
42	Skoufis (D) Inc Houle (R)	Lean D	Skoufis
50	Ryan (D) Paro (R)	Likely D	Ryan

As the political pendulum continues to swing wildly nationally, here at the state Assembly level it only swings so far. After a hard fought election, it appears that the Assembly Democratic Majority will increase its stronghold to 103 members.

CLOSELY CONTESTED STATE ASSEMBLY RACES

Election results are unofficial until they are certified.

DISTRICT	CANDIDATES	PRE-ELECTION PROJECTION	UNOFFICIAL WINNER
4	Flood (R) Inc Kassay (D)	Toss up	Kassay
11	O'Pharrow (D) Cardinale (R)	Lean D	O'Pharrow
23	Pheffer-Amato (D) Inc Sullivan (R)	Toss up	Pheffer-Amato
40	Kim (D) Inc Wang (R)	Lean D	Kim
46	Brook-Krasny (R) Inc McCreight (D)	Lean D (Potential Flip)	Brook-Krasny
99	Eachus (D) Inc Lapolla (R)	Lean D	Eachus
107	Bendett (R) Inc Chloe Pierce (D)	Toss up	Bendett
143	Wallace(D)Inc Chludzinski (R)	Lean D	Chludzinski

Please note New York voters passed Proposition 1 on Tuesday, enshrining abortion rights by adding anti-discrimination language to the state constitution. The measure is New York's response to the U.S. Supreme Court's 2022 decision overturning Roe v. Wade, which protected reproductive rights at the federal level. While abortion is already legal in New York, the amendment makes it harder to restrict it in the future. Dubbed the Equal Rights Amendment by supporters, the measure expands the groups covered by the Equal Protection Clause of the state constitution to include "ethnicity, national origin, age, disability and sex — including sexual orientation, gender identity, gender expression, pregnancy, {WD046943.1}

pregnancy outcomes, reproductive health care and autonomy.” Previously, the clause only barred discrimination on the basis of “race, color, creed or religion.”

FCM continues to monitor election results that will shape the political future of New York’s residences and businesses in the upcoming session. We stand ready to answer any specific questions you might have regarding particular races of interest. Thank you.

{WD046943.1}