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## Key New York Races Remain Undecided

By **DANNY HAKIM**

ALBANY — Nearly two weeks after Election Day, New York is having a “hanging chad” moment.

Republican and [Democratic Party](#) leaders in Washington have dispatched lawyers and staff members to help candidates in Syracuse and Suffolk County still fighting for Congressional seats, and this week both candidates vying for the Long Island seat are headed to Washington, laying claim to being the district’s officially elected representative.

Appeals for money have been sent out across the country to help in the battle. “Please rush a contribution of \$5, \$10 or more to help our voter protection efforts to keep the fight going,” the Democratic Congressional Campaign Committee wrote in a recent fund-raising pitch, while some of the political action committees that helped Republicans win elections are now helping pay their postelection legal bills.

While the two Congressional contests have drawn much of the attention, there is at least as much urgency on the state level, where three pivotal New York Senate races that will determine the balance of power in the chamber have not been decided.

From Long Island to Buffalo, election lawyers have been hired, judges are sorting through dueling claims of electoral wrongdoing, and election workers in some counties are training their eyes on ballots trying to discern which candidate a voter meant to choose.

One election law expert, [Jerry H. Goldfeder](#), said the struggle over some of the disputed races “could go on for months.”

The Republican wave that toppled Democrats across the country produced many tight races, but in New York there was another wrinkle: the introduction of a computerized voting system to replace antiquated lever machines that seems to have befuddled many poll workers.

“I think the question is, what happened?” said Senator-elect Michael Gianaris, a Queens Democrat. “The old lever machines were far more reliable and faster in producing results than the optical scanners.”

On election night on Long Island, Representative Timothy H. Bishop, a Democrat, was up by 3,461 votes after workers called in results to the local board of elections and The Associated Press declared him the winner.

But within days, he was down by 383 votes to Randy Altschuler, the Republican candidate, after the results from the machines were downloaded, and The A.P. withdrew its call. Both men plan to be in Washington this week, Mr. Bishop to lobby for committee assignments and Mr. Altschuler to attend orientation sessions for new members.

“Because we are confident Congressman Bishop will win re-election when all eligible votes are counted, he will be in Washington,” said Mr. Bishop’s campaign manager, Lisa Wieber.

Mr. Altschuler’s campaign was equally certain about the outcome. “When all the votes are counted, we expect him to be the next congressman,” said Robert H. Ryan, a top campaign adviser to Mr. Altschuler. “Of course he should be a participant in the new members’ orientation.”

Mr. Gianaris left Queens two days after the Nov. 2 election to aid in the Democratic efforts in the 60th Senate District in western New York, where Senator Antoine Thompson trailed Mark Grisanti, the Republican candidate, by 597 votes, with 2,700 absentee ballots still to be counted and audits continuing of 3 percent of the voting machines in the district, which stretches across Erie and Niagara Counties.

He was still there last Friday.

“I love Buffalo,” he said. “It’s a beautiful city.”

Mr. Ryan said, “I think it’s like any new technology, when you use it for the first time — whether it be an appliance in your home or reading the numbers off a voting machine — it’s going to be confusing.”

While it is probably too early to make a definitive judgment on the optical scan machines, even some of the advocacy groups that supported them are open to having hand recounts.

“Speed is not our primary concern, accuracy is,” said Neal Rosenstein, an elections expert for the [New York Public Interest Research Group](#). “If that means putting this in the hands of elections lawyers and poring over each ballot, it’s something I think should be done.”

Mr. Goldfeder, who served as a special counsel to Governor-elect [Andrew M. Cuomo](#) earlier in Mr. Cuomo’s tenure as attorney general, suggested that the state’s chief judge, [Jonathan Lippman](#), should set guidelines for the various State Supreme Court judges overseeing the Senate race challenges.

“Given the fact that what’s at stake here is the organization and functioning of the State Senate, the courts ought to supervise this process in a manner that leads to a quick resolution,” he said.

Judge Lippman, in a statement, said, “It has not escaped our attention.” His spokesman, Gary Spencer, added that “he’s aware of it but has not decided, what, if anything, to do.”

In Syracuse, five lawyers and staff members dispatched by [Republican Party](#) officials in Washington are helping Ann Marie Buerkle, the party’s candidate for Congress, fend off Representative Dan Maffei, the Democrat.

Ms. Buerkle led by more than 700 votes as of Friday, but several thousand absentee ballots had to be counted, with the work continuing through the weekend.

Ms. Buerkle has received financing from political action committees like the [Susan B. Anthony](#) List, which supports candidates who oppose abortion.

“The N.R.C.C. has been up here since the day after the election,” Ms. Buerkle’s spokeswoman, Liza Lowery, said, referring to the National Republican Congressional Committee.

In Westchester County, the local board of elections could not finish an initial canvass of the votes in a State Senate race until several days after the election.

State Senator Suzi Oppenheimer, a Democrat, had a slim lead over her Republican opponent, Bob Cohen, with nearly 7,000 absentee and other ballots still to be counted.

Reginald A. LaFayette, the Democratic chairman of the Board of Elections in Westchester, said older poll workers had trouble reading the vote tallies printed out by the machines.

“You take the average age of an inspector, it’s maybe about 65, and so you put a new product out with them, and the change has been overwhelming to some of them,” he said.

The outcome of a State Senate race on Long Island between Craig M. Johnson, an incumbent Democrat, and his challenger, Jack Martins, also rests with several thousand absentee ballots that still need to be tallied.

Legal challenges, including demands for hand recounts, could prolong the outcomes in both Congressional and state races.

The Senate fight has broad implications, largely because the next Legislature redraws district lines for the next decade, and each majority party in the Legislature traditionally carves the most advantageous districts to keep its incumbents safe.

Democrats went into the elections with a 32-to-30 majority, but if the results stand as they are now, the Republicans will win the majority by the same margin.

The outcome of the Senate race in the Buffalo-based district is particularly critical. Mr. Grisanti, the Republican candidate, is actually a registered Democrat, but he said his registration would change after the first of the year.

“The Republican Party, basically they had the faith and confidence in me to represent the 60th District,” Mr. Grisanti said, “but I’m not locked into voting across Republican lines on every issue.”

Still, Mr. Grisanti said he could not spend much time thinking about how he might vote.

“It’s a bit premature,” he said, “because all the votes aren’t even counted yet.”