Republicans Lay Claim to New York State Senate

By DANNY HAKIM

Republicans claimed they had retaken the New York State Senate on Saturday after a State Supreme Court justice rejected a hand recount of a pivotal race in Nassau County. But Democrats said they planned to appeal the decision this week, leaving the balance of power in the chamber still in some doubt.

Republicans have thus far won 31 of the Senate's 62 seats, enough to force at least a tie, but two close races have remained in limbo, with a race in Westchester County leaning Democratic and another in Nassau leaning Republican. On Saturday, Justice Ira B. Warshawsky in Nassau County rejected a hand recount in the state's Seventh Senate District, declaring Jack Martins, a Republican, the winner over the incumbent, Senator Craig M. Johnson, a Democrat, by 451 votes.

The Senate Republican leader, Dean G. Skelos, also of Nassau, said, "There's important work to be done in Albany, and now that the elections are over, we're eager to get right to it."

But Austin Shafran, a spokesman for Senate Democrats, said Mr. Johnson intended to appeal the ruling on Monday.

"The judge's decision to deny a recount is wrong on the letter and spirit of the law," Mr. Shafran said. "In a race where the margin is less than half of 1 percent, the failure to count every vote is a disservice to every voter."

Last month, at the request of Governor-elect Andrew M. Cuomo, the state's chief judge, Jonathan Lippman, imposed a list of expedited hearing dates so the disputed elections could work their way through the court system before the New Year, after which the next Legislature convenes to Albany. The deadline for the State Supreme Court is on Monday.

Democrats took control of the Senate for the first time in more than four decades in the 2008 election, but appear poised to cede to Republicans what would be a lone bulwark of power in the state, with all statewide offices and the Assembly in the hands of Democrats.