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Abandoning a campaign isn't an easy thing to do

BENNETT J. LOUDON • STAFF WRITER • OCTOBER 25, 2010

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Foundering politicians don't just fade away, as much as they might prefer it. Instead, they often wind up running for state Supreme Court Justice in districts where they can't even vote.



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After a trouncing in the Republican gubernatorial primary, Rick Lazio of Suffolk County could have stayed on the ballot in the general election as the Conservative candidate. But he had practically no chance of success and the Conservative Party worried that Lazio might not attract the 50,000 votes needed statewide to maintain a permanent ballot position.

But Lazio couldn't simply pull out of the race. Under New York state Election Law, there are only three ways Lazio could get his name off the Conservative line on the gubernatorial ballot: death, change his residency to another state, or by accepting a nomination to another office.

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State judicial seats are a popular destination for candidates pulling out of other races because they require only New York state residency and because the nominating deadline is so late in the political season.

Lazio is now on the ballot as the Republican candidate in the 12th Judicial District in the Bronx, a predominantly Democratic district where he has no chance of winning and no plans to actively campaign.

Carl Paladino picked up the Conservative line for governor in the general election.

It's all part of a tricky procedure commonly employed by political parties when they need to juggle candidates in sticky situations.

In the 59th state Senate District, James Domagalski of Erie County withdrew from the race and is now on the ballot for the state Supreme Court downstate in Kings County.

Domagalski was defeated in a Republican primary by former Erie County Sheriff Patrick Gallivan. Domagalski stepped aside because he said he feared votes would be splintered among himself, Gallivan and Tea Party candidate David DiPietro, and lead to a win for their Democratic rival Cynthia Appleton.

"Nothing shows better that the Republican side is using its standard bag of tricks than this last-minute, back-room maneuvering to get Mr. Domagalski off the ballot by nominating him for a judgeship he admits he doesn't even want," Appleton said.

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