

STATE OF NEW YORK

9021

2025-2026 Regular Sessions

IN ASSEMBLY

September 5, 2025

Introduced by M. of A. BUTTENSCHON -- read once and referred to the
Committee on Governmental Operations

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 4 of the constitution, in relation to
the gubernatorial absence provision

Section 1. Resolved (if the Senate concur), That section 5 of article
4 of the constitution be amended as follows:

§ 5. In case of the removal of the governor from office or of ~~[his or
her]~~ the governor's death or resignation, the lieutenant-governor shall
become governor for the remainder of the term. In case the governor-e-
lect shall decline to serve or shall die, the lieutenant-governor-elect
shall become governor for the full term.

In case the governor is impeached~~[, is absent from the state]~~ or is
~~otherwise~~ unable to discharge the powers and duties of the office of
governor, the lieutenant-governor shall act as governor until the
inability shall cease or until the term of the governor shall expire.

In case of the failure of the governor-elect to take the oath of
office at the commencement of ~~[his or her]~~ such governor-elect's term,
the lieutenant-governor-elect shall act as governor until the ~~[governor]~~
governor-elect shall take the oath.

§ 2. Resolved (if the Senate concur), That the third, fourth and fifth
undesignated paragraphs of section 6 of article 4 of the constitution be
amended as follows:

In case of vacancy in the offices of both governor and lieutenant-gov-
ernor or if both of them shall be impeached~~[, absent from the state]~~ or
~~otherwise~~ unable to discharge the powers and duties of the office of
governor, the temporary president of the senate shall act as governor
until the inability shall cease or until a governor shall be elected.

In case of vacancy in the office of lieutenant-governor alone, or if
the lieutenant-governor shall be impeached~~[, absent from the state]~~ or
~~otherwise~~ unable to discharge the powers and duties of office, the

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 temporary president of the senate shall perform all the powers and
2 duties of lieutenant-governor during such vacancy or inability.

3 If, when the duty of acting as governor devolves upon the temporary
4 president of the senate, there be a vacancy in such office or the tempo-
5 rary president of the senate shall be [~~absent from the state or other-~~
6 ~~wise~~] unable to discharge the duties of governor, the speaker of the
7 assembly shall act as governor during such vacancy or inability.

8 § 3. Resolved (if the Senate concur), That the foregoing amendment be
9 referred to the first regular legislative session convening after the
10 next succeeding general election of members of the assembly, and, in
11 conformity with section 1 of article 19 of the constitution, be
12 published for 3 months previous to the time of such election.