

# STATE OF NEW YORK

9022

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

AN ACT to amend the public officers law, in relation to the line of  
succession to the office of governor; and to repeal article 1-A of the  
New York state defense emergency act relating thereto

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. The public officers law is amended by adding a new section  
2 44 to read as follows:

3 § 44. Officials eligible to act as governor. 1. For the purposes of  
4 article four of the constitution, if the office of governor becomes  
5 vacant or if the governor is impeached or unable to discharge the powers  
6 and duties of the office of governor, and each of the lieutenant gover-  
7 nor, the temporary president of the senate and the speaker of the assem-  
8 bly is unable to act as governor or each office is vacant, then the  
9 official who is highest on the following list shall act as governor  
10 until a new governor is elected, or the governor or lieutenant governor  
11 is acquitted or becomes able: attorney general, comptroller, commission-  
12 er of transportation, commissioner of health, commissioner of financial  
13 services, secretary of state, commissioner of labor and commissioner of  
14 agriculture, provided that such official otherwise meets the criteria  
15 set forth in section two of article four of the constitution and was  
16 confirmed by the senate or elected to lead the official's respective  
17 department.

18 2. Whenever any official listed in subdivision one of this section  
19 shall act as governor, that official shall be required to vacate the  
20 official's existing position and shall remain eligible to act as gover-  
21 nor following such resignation. Notwithstanding the foregoing, if any  
22 official listed in subdivision one of this section shall act as governor  
23 when the governor or lieutenant governor is under impeachment or unable  
24 to discharge the powers and duties of office, such official shall not be

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

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1 required to vacate that official's existing position until they have  
2 served as acting governor for sixty consecutive days. However, while  
3 -serving as acting governor during such sixty-day period, that official  
4 shall not be permitted to discharge any powers and duties of the offi-  
5 cial's original position.

6 3. Any official listed in subdivision one of this section may decline  
7 to act as governor, making them unable to act as governor. In the event  
8 any official listed in subdivision one of this section is unable to act  
9 as governor or is ineligible to do so, the official next highest on the  
10 list who is eligible and able shall act as governor until a new governor  
11 is elected, or the governor or lieutenant governor is acquitted or  
12 becomes able.

13 4. If an official acts as governor under this section, the official  
14 shall discharge all the powers and duties of the office of governor as  
15 if the official had been elected governor.

16 § 2. Article 1-A of chapter 784 of the laws of 1951, constituting the  
17 New York state defense emergency act, is REPEALED.

18 § 3. This act shall take effect on the same date as a "CONCURRENT  
19 RESOLUTION OF THE SENATE AND ASSEMBLY proposing an amendment to article  
20 4 of the constitution, to the line of succession to the office of the  
21 governor" takes effect, in accordance with section 1 of article 19 of  
22 the constitution.