S T A T E O F N E W Y O R K

5269

2009-2010 Regular Sessions

I N A S S E M B L Y

February 11, 2009

Introduced by M. of A. CAMARA -- read once and referred to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 6 of article 4 of the constitution, in relation to a vacancy in the office of lieutenant-governor

Section 1. Resolved (if the Senate concur), That section 6 of article 4 of the constitution be amended to read as follows:

S 6. The lieutenant-governor shall possess the same qualifications of eligibility for office as the governor. The lieutenant-governor shall be the president of the senate but shall have only a casting vote therein. The lieutenant-governor shall receive for his or her services an annual salary to be fixed by joint resolution of the senate and assembly.

In case of vacancy in the offices of both governor and lieutenant-governor, a governor and lieutenant-governor shall be elected for the remainder of the term at the next general election happening not less than three months after both offices shall have become vacant. [No election of a lieutenant-governor shall be had in any event except at the time of electing a governor.]

In case of vacancy in the offices of both governor and lieutenant-governor 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, A LIEUTENANT-GOVERNOR SHALL BE ELECTED FOR THE REMAINDER OF THE NEXT TERM AT THE NEXT GENERAL ELECTION HAPPENING NOT LESS THAN THREE MONTHS AFTER SUCH OFFICE SHALL HAVE BECOME VACANT.

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 duties of office, the temporary president of the senate shall perform all the duties of lieutenant-governor

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

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[during such vacancy or] UNTIL THE inability SHALL CEASE OR UNTIL A LIEUTENANT-GOVERNOR SHALL BE ELECTED.

If, when the duty of acting as governor devolves upon the temporary president of the senate, there be a vacancy in such office or the temporary president of the senate shall be absent from the state or otherwise unable to discharge the duties of governor, the speaker of the assembly shall act as governor during such vacancy or inability.

The legislature may provide for the devolution of the duty of acting as governor in any case not provided for in this article.

S 2. Resolved (if the Senate concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.