

# STATE OF NEW YORK

1438

2023-2024 Regular Sessions

## IN SENATE

January 11, 2023

Introduced by Sens. GRIFFO, BORRELLO -- read twice and ordered printed,  
and when printed to be committed to the Committee on Judiciary

### CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 4 of the constitution, relating to the  
lieutenant-governor acting as governor

1 Section 1. Resolved (if the Assembly concur), That the third undesig-  
2 nated paragraph of section 5 of article 4 of the constitution be amended  
3 to read as follows:

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

8 § 2. Resolved (if the Assembly concur), That the third, fourth and  
9 fifth undesignated paragraphs of section 6 of article 4 of the constitu-  
10 tion be amended to read as follows:

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

16 In case of vacancy in the office of lieutenant-governor alone, or if  
17 the lieutenant-governor shall be impeached[~~, absent from the state~~] or  
18 otherwise unable to discharge the duties of office, the temporary presi-  
19 dent of the senate shall perform all the duties of lieutenant-governor  
20 during such [~~vacancy or~~] inability.

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

26 § 3. Resolved (if the Assembly concur), That the foregoing amendment  
27 be referred to the first regular legislative session convening after the

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

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1 next succeeding general election of members of the assembly, and, in  
2 conformity with section 1 of article 19 of the constitution, be  
3 published for 3 months previous to the time of such election.