# STATE OF NEW YORK

9094

# IN ASSEMBLY

February 7, 2024

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 filling of vacancies in the office of lieutenant-governor or governor

Section 1. Resolved (if the Senate concur), That section 6 of article 4 of the constitution be amended by adding new fourth, seventh, eighth, and ninth undesignated paragraphs to read as follows:

*In case of vacancy in the office of lieutenant-governor alone, due to death, resignation, removal from office, or ascension to governor, the office of lieutenant-governor shall be filled for the remainder of the term by appointment of the governor within forty-five days of such vacancy, death, resignation, removal from office, or ascension, subject to confirmation by a majority vote in the senate and a majority vote in the assembly to be held within forty-five days of such appointment. In the event that the lieutenant-governor appointee nominated by the governor is not approved by a majority vote in the senate or the assembly, then the governor shall make a new nomination for the office of lieutenant-governor within thirty days of such vote and shall be subject to confirmation by a majority vote in the senate and a majority vote in the assembly to be held within thirty days of such appointment.*

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

*If, when the duty of acting as governor devolves upon the comptroller, there be a vacancy in such office or the comptroller shall be absent from the state or otherwise unable to discharge the duties of governor, the attorney general shall act as governor during such vacancy or inability.*

*If, when the duty of acting as governor devolves upon the attorney general, there be a vacancy in such office or the attorney general shall be absent from the state or otherwise unable to discharge the duties of*

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

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**governor, the secretary of state shall act as governor during such vacancy or inability.**

§ 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.