

# STATE OF NEW YORK

6672

2025-2026 Regular Sessions

## IN ASSEMBLY

March 7, 2025

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

### CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing amendments to sections 5 and 6 of article 4 of the constitution, relating to the filling of vacancies in the office of lieutenant-governor and the powers and duties of such office

1 Section 1. Resolved (if the Senate concur), That the third undesignated paragraph of section 5 of article 4 of the constitution be amended  
2 to read as follows:

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

7 Whenever the governor transmits to the temporary president of the senate  
8 and speaker of the assembly the governor's written declaration that they  
9 are unable to discharge the powers and duties of the office, and until  
10 they transmit to them a written declaration to the contrary, such powers  
11 and duties shall be discharged by the lieutenant-governor as acting  
12 governor. Whenever the lieutenant-governor and a majority of either the  
13 principal officers of the executive department or of such other body as  
14 the legislature may by law provide transmit to the temporary president  
15 of the senate and the speaker of the assembly their written declaration  
16 that the governor is unable to discharge the powers and duties of the  
17 office, the lieutenant-governor shall immediately assume the powers and  
18 duties of the office as acting governor. Thereafter, when the governor  
19 transmits to the temporary president of the senate and the speaker of  
20 the assembly the governor's written declaration that no inability  
21 exists, they shall resume the powers and duties of the office unless the  
22 lieutenant-governor and a majority of either the principal officers of  
23 the executive department or of such other body as the legislature may by  
24 law provide transmit within four days to the temporary president of the  
25 senate and the speaker of the assembly their written declaration that  
26

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

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1 the governor is unable to discharge the powers and duties of the office.  
2 Thereupon the legislature shall decide the issue, assembling within  
3 forty-eight hours for that purpose if not in session. If the legisla-  
4 ture, within twenty-one days after receipt of the latter written decla-  
5 ration, or, if the legislature is not in session, within twenty-one days  
6 after the legislature is required to assemble, determines by two-thirds  
7 vote of both houses that the governor is unable to discharge the powers  
8 and duties of the office, the lieutenant-governor shall continue to  
9 discharge the same as acting governor; otherwise, the governor shall  
10 resume the powers and duties of the office.

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

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

19 In case of vacancy in the office of lieutenant-governor alone, or if  
20 the lieutenant-governor shall be [~~impeached, absent from the state or~~  
21 ~~otherwise~~] unable to discharge the duties of office, the temporary pres-  
22 ident of the senate shall perform all the duties of lieutenant-governor  
23 [~~during~~] until such vacancy be filled or during the pendency of such  
24 inability. In case of the removal of the lieutenant-governor alone from  
25 office or of the lieutenant-governor's death, resignation, impeachment  
26 or ascension to governor, the office of lieutenant-governor shall be  
27 filled for the remainder of the term by appointment of the governor,  
28 subject to confirmation of such appointment by majority vote of each  
29 house of the legislature.

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

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