STATE OF NEW YORK

9017

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

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

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

§ 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~~] their services an annual salary to be fixed by joint resolution of the senate and assembly.

Whenever there is a vacancy in the office of the lieutenant-governor, the governor shall nominate an individual within sixty days of the creation of the vacancy to assume the office of lieutenant-governor for the remainder of the governor's term. The nominee shall take office following confirmation by a majority vote in each house of the legislature, within sixty days of receiving the nomination. If either house of the legislature rejects the nomination within said time period, the governor shall have thirty days after the rejection to nominate another individual to serve as lieutenant-governor, who shall then be subject to the confirmation procedure described in this paragraph except that the legislature shall have thirty days to act. If the legislature fails to either confirm or reject any nomination for lieutenant-governor in accordance with the time periods prescribed by this section, the nominee shall assume the office of lieutenant-governor.

The governor shall have the power to withdraw a nomination for lieutenant-governor prior to the legislature's confirmation or rejection. Whenever the governor withdraws a nomination, the governor shall have thirty days from the date of the withdrawal to nominate another individ-

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

LBD89116-01-5

ual, after which the legislature shall have thirty days to confirm or reject the nominee.

If the legislature twice rejects the governor's nominations, then the governor shall appoint an individual to assume the office of lieutenant-governor, but the governor shall be limited to choose from among the individuals listed in the line of succession to the office of governor as provided by law.

The governor shall not appoint anyone to serve as lieutenant-governor who was previously nominated to fill the same vacancy.

To assume the office of lieutenant-governor following confirmation by the legislature or appointment by the governor, an individual must resign from any existing government position.

If the governor does not nominate an individual to hold the office of lieutenant-governor in accordance with the time periods prescribed by this section, both houses of the legislature, by joint ballot, shall fill the vacancy.

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, or if the lieutenant-governor shall be impeached, absent from the state or otherwise unable to discharge the powers and duties of office, the temporary president of the senate shall perform all the powers and duties of lieutenant-governor during such vacancy or inability.

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 powers and 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.

§ 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.