STATE OF NEW YORK

7812

2025-2026 Regular Sessions

IN SENATE

May 9, 2025

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the public officers law, in relation to the line of succession to the office of governor; and to repeal article 1-A of the New York state defense emergency act relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The public officers law is amended by adding a new section 44 to read as follows:

§ 44. Officials eligible to act as governor. 1. For the purposes of article four of the constitution, if the office of governor becomes vacant or if the governor is impeached or unable to discharge the powers and duties of the office of governor, and each of the lieutenant governor, the temporary president of the senate and the speaker of the assembly is unable to act as governor or each office is vacant, then the official who is highest on the following list shall act as governor until a new governor is elected, or the governor or lieutenant governor is acquitted or becomes able: attorney general, comptroller, commissioner of transportation, commissioner of health, commissioner of financial services, secretary of state, commissioner of labor and commissioner of agriculture, provided that such official otherwise meets the criteria set forth in section two of article four of the constitution and was confirmed by the senate or elected to lead the official's respective department.

2. Whenever any official listed in subdivision one of this section shall act as governor, that official shall be required to vacate the official's existing position and shall remain eligible to act as governor following such resignation. Notwithstanding the foregoing, if any official listed in subdivision one of this section shall act as governor when the governor or lieutenant governor is under impeachment or unable

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

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to discharge the powers and duties of office, such official shall not be required to vacate that official's existing position until they have served as acting governor for sixty consecutive days. However, while serving as acting governor during such sixty-day period, that official shall not be permitted to discharge any powers and duties of the official's original position.

3. Any official listed in subdivision one of this section may decline to act as governor, making them unable to act as governor. In the event any official listed in subdivision one of this section is unable to act as governor or is ineligible to do so, the official next highest on the list who is eligible and able shall act as governor until a new governor is elected, or the governor or lieutenant governor is acquitted or becomes able.

4. If an official acts as governor under this section, the official shall discharge all the powers and duties of the office of governor as if the official had been elected governor.

§ 2. Article 1-A of chapter 784 of the laws of 1951, constituting the New York state defense emergency act, is REPEALED.

§ 3. This act shall take effect on the same date as a "CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY proposing an amendment to article 4 of the constitution, to the line of succession to the office of the governor" takes effect, in accordance with section 1 of article 19 of the constitution.