

STATE OF NEW YORK

9018

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 line of succession to the office of the governor

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

3 § 5. In case of the removal of the governor from office or of [~~his or~~
4 ~~her~~] the governor's death or resignation, the lieutenant-governor shall
5 become governor for the remainder of the term.

6 In case the governor-elect shall decline to serve or shall die, the
7 lieutenant-governor-elect shall become governor for the full term.

8 In case the governor is impeached[~~, is absent from the state~~] or is
9 [~~otherwise~~] unable to discharge the powers and duties of the office of
10 governor, the lieutenant-governor shall act as governor until the
11 [~~inability shall cease~~] governor is acquitted or becomes able or until
12 the term of the governor shall expire.

13 In case of the failure of the governor-elect to take the oath of
14 office at the commencement of [~~his or her~~] such governor-elect's term,
15 the lieutenant-governor-elect shall act as governor until the governor
16 shall take the oath.

17 The legislature shall by law provide for the cases wherein (1) both
18 the governor-elect and the lieutenant-governor-elect shall decline to
19 serve, die, be ineligible for office or be unable to take the oath of
20 office at the commencement of the term; (2) the lieutenant-governor-e-
21 lect alone shall be ineligible for office or unable to take the oath of
22 office at the commencement of the term; and (3) the election fails to
23 produce a result.

24 § 2. Resolved (if the Senate concur), That section 6 of article 4 of
25 the constitution be amended to read as follows:

26 § 6. The lieutenant-governor shall possess the same qualifications of
27 eligibility for office as the governor. The lieutenant-governor shall be

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

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1 the president of the senate but shall have only a casting vote therein.
2 The lieutenant-governor shall receive [~~for his or her services~~] an annu-
3 al salary to be fixed by joint resolution of the senate and assembly.

4 In case of vacancy in the offices of both governor and lieutenant-gov-
5 ernor, a governor and lieutenant-governor shall be elected for the
6 remainder of the term at the next general election happening not less
7 than three months after both offices shall have become vacant. No
8 election of a lieutenant-governor shall be had in any event except at
9 the time of electing a governor.

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

17 In case of vacancy in the office of lieutenant-governor alone, or if
18 the lieutenant-governor shall be impeached[~~, absent from the state~~] or
19 [~~otherwise~~] unable to discharge the powers and duties of office, the
20 temporary president of the senate shall perform all the powers and
21 duties of lieutenant-governor during such vacancy or inability, except
22 the temporary president of the senate shall not have a casting vote.

23 If, when the duty of acting as governor devolves upon the temporary
24 president of the senate, there be a vacancy in such office or the tempo-
25 rary president of the senate shall be [~~absent from the state or other-~~
26 ~~wise~~] unable to discharge the powers and duties of the office of gover-
27 nor, the speaker of the assembly shall act as governor [~~during such~~
28 ~~vacancy~~] until a new governor shall be elected, or [~~inability~~] until the
29 governor or lieutenant-governor is acquitted or becomes able.

30 Whenever the temporary president of the senate or the speaker of the
31 assembly shall act as governor, that officer shall be required to vacate
32 that officer's seat in the legislature and the temporary president of
33 the senate or speaker of the assembly position and shall remain eligible
34 to act as governor following resignation. Notwithstanding the foregoing,
35 if the temporary president of the senate or the speaker of the assembly
36 shall act as governor when the governor or lieutenant-governor is under
37 impeachment or unable, the temporary president of the senate or speaker
38 of the assembly shall not be required to vacate that officer's seat in
39 the legislature and the temporary president of the senate or speaker of
40 the assembly position until they have served as acting governor for
41 sixty consecutive days. However, while serving as acting governor during
42 such sixty-day period, that officer shall not be permitted to discharge
43 any powers and duties of that officer's seat in the legislature or any
44 powers and duties of the temporary president of the senate or speaker of
45 the assembly position. The temporary president of the senate or speaker
46 of the assembly may decline to act as governor, making them unable to
47 act as governor.

48 The legislature [~~may~~] shall provide for the devolution of the duty of
49 acting as governor in [~~any case not~~] beyond the cases provided for in
50 this article. A line of succession provided by the legislature shall
51 consist of either statewide elected officers, members of the legisla-
52 ture, or heads of executive departments who have been confirmed by the
53 senate to lead their departments, or a combination thereof. If the duty
54 of acting as governor devolves upon any official in a line of succession
55 provided by the legislature, such official shall act as governor until a

1 new governor shall be elected, or until the governor or lieutenant-gov-
2 ernor is acquitted or becomes able.

3 Before serving as acting governor, an official shall take an oath or
4 affirmation to faithfully discharge the powers and duties of the office
5 of governor. Failure to take such oath or affirmation shall make an
6 official unable to act as governor.

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

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