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

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

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

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

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

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

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

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

§ 6. The lieutenant-governor shall possess the same qualifications of 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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the president of the senate but shall have only a casting vote therein. The lieutenant-governor shall receive [~~for his or her services~~] an annual salary to be fixed by joint resolution of the senate and assembly.

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

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, except the temporary president of the senate shall not have a casting vote.

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 the office of governor, the speaker of the assembly shall act as governor [~~during such vacancy~~] until a new governor shall be elected, or [~~inability~~] until the governor or lieutenant-governor is acquitted or becomes able.

Whenever the temporary president of the senate or the speaker of the assembly shall act as governor, that officer shall be required to vacate that officer's seat in the legislature and the temporary president of the senate or speaker of the assembly position and shall remain eligible to act as governor following resignation. Notwithstanding the foregoing, if the temporary president of the senate or the speaker of the assembly shall act as governor when the governor or lieutenant-governor is under impeachment or unable, the temporary president of the senate or speaker of the assembly shall not be required to vacate that officer's seat in the legislature and the temporary president of the senate or speaker of the assembly position until they have served as acting governor for sixty consecutive days. However, while serving as acting governor during such sixty-day period, that officer shall not be permitted to discharge any powers and duties of that officer's seat in the legislature or any powers and duties of the temporary president of the senate or speaker of the assembly position. The temporary president of the senate or speaker of the assembly may decline to act as governor, making them unable to act as governor.

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

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

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

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.

§ 3. 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.