

STATE OF NEW YORK

9020

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
declaring incapacities of the governor, lieutenant-governor and acting
governor

Section 1. Resolved (if the Senate concur), That article 4 of the
constitution be amended by adding a new section 9 to read as follows:

§ 9. (a) Governor's declaration of inability. Whenever the governor
transmits to the lieutenant-governor, the temporary president of the
senate, the speaker of the assembly, the minority leader of the senate
and the minority leader of the assembly a written declaration of inabil-
ity to discharge the powers and duties of the office of governor, and
until the governor transmits to them a written declaration to the
contrary, such powers and duties shall be discharged by the lieutenant-
governor, or the next available person in the line of succession to the
office of governor, as acting-governor.

(b) Committee on gubernatorial inability. A committee on gubernatorial
inability shall be comprised of the lieutenant-governor, the attorney
general, comptroller and six heads of executive departments, divisions
or offices, as provided by law, who shall have been confirmed by the
senate to lead their departments, divisions or offices. For the purposes
of subdivisions (c) and (d) of this section, should there be a vacancy
in the committee, a written declaration under those paragraphs shall
require a two-thirds vote of the committee.

(c) Committee on gubernatorial inability's declaration of the gover-
nor's inability. Whenever a majority of the committee on gubernatorial
inability, or two-thirds of a partial committee as provided in paragraph
(b) of this section, transmit to the officials receiving the declaration
in paragraph (a) of this section a written declaration that the governor
is unable to discharge the powers and duties of the office of governor,
such powers and duties shall immediately be discharged by the lieuten-

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

LBD89117-01-5

1 ant-governor, or the next available official in the line of succession
2 to the office of governor, as acting-governor.

3 (d) Governor's declaration of no inability. Thereafter, whenever the
4 governor transmits to the officials receiving the declaration in para-
5 graph (a) of this section and the committee on gubernatorial inability a
6 written declaration that no inability exists, the governor shall resume
7 the powers and duties of the office of governor on the fourth day after
8 making such declaration or at such earlier time as may be determined by
9 such committee, unless a majority of the committee, or two-thirds of a
10 partial committee as provided by paragraph (b) of this section, transmit
11 within the four day period to the officials receiving the declaration in
12 paragraph (a) of this section their written declaration that the gover-
13 nor is unable to discharge the powers and duties of the office of gover-
14 nor.

15 (e) Legislative determination of gubernatorial inability. If there is
16 a disagreement between the governor and the committee on gubernatorial
17 inability concerning whether the governor has an inability to discharge
18 the powers and duties of the office of governor, the legislature shall
19 decide the issue, assembling within forty-eight hours from the expira-
20 tion of the four days described in paragraph (d) of this section for
21 that purpose if not in session. If both houses of the legislature, with-
22 in twenty-one days after assembling, determine by two-thirds votes of
23 all members elected that the governor is unable to discharge the powers
24 and duties of the office of governor, the acting-governor shall continue
25 to discharge the same; otherwise, the governor shall resume the powers
26 and duties of the office of governor.

27 (f) Lieutenant-governor inability procedures. The lieutenant-governor
28 may voluntarily declare inability to discharge the powers and duties of
29 the office, in a process identical to that described in paragraph (a) of
30 this section, except the declaration shall be transmitted to the gover-
31 nor, in addition to the officials receiving the declaration in paragraph
32 (a) of this section, rather than the lieutenant-governor. The committee
33 on gubernatorial inability may declare the lieutenant-governor unable,
34 in a process identical to that described in paragraph (c) of this
35 section, except the governor shall take the place of the lieutenant-gov-
36 ernor on the committee. Thereafter, the lieutenant-governor may declare
37 no inability exists, and the legislature shall decide the issue, in
38 processes identical to those described in paragraphs (d) and (e) of this
39 section, except for the lieutenant-governor. When the lieutenant-gover-
40 nor is unable to discharge the powers and duties of the office of lieu-
41 tenant-governor or the office of lieutenant-governor is vacant, the line
42 of succession to the governor's office shall exclude the lieutenant-gov-
43 ernor.

44 (g) Acting governor inability procedures. An acting governor under
45 section six of this article shall be subject to all provisions of this
46 section as if the acting governor had been elected governor. If the
47 acting governor, by way of their existing office, is a member of the
48 committee on gubernatorial inability, the acting governor shall not
49 participate in the committee, and the acting governor's existing office
50 will be considered vacant for purposes of the committee's voting.

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