STATE OF NEW YORK

9021

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 gubernatorial absence provision

Section 1. Resolved (if the Senate concur), That section 5 of article 4 of the constitution be amended 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 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~~] governor-elect shall take the oath.

§ 2. Resolved (if the Senate concur), That the third, fourth and fifth undesignated paragraphs of section 6 of article 4 of the constitution be amended as follows:

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

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

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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 duties of governor, the speaker of the assembly shall act as governor during such vacancy or inability.

§ 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.