

## Proposed Legislative Amendment on Vacancies

Vacancies

**Amendment Purpose:** 1967 Constitutional Convention Amendment: Provides for succession of Governor

**Summary of Amendment:**

- Provides for succession in cases of death, resignation and temporary disability.

### Article IV

#### Executive

Section 1. This article vests in the governor the executive power of the state. It confers on the governor, among other powers, the power to grant reprieves and pardons for all offenses except impeachments, to convene extraordinary sessions of the legislature or of the senate, and to approve and disapprove legislative bills. He may disapprove one or more items in an appropriations bill and approve others, and his disapproval may be overridden by a two-thirds vote of each house of the legislature.

Section 2. The governor shall be at least 30 years of age and an eligible voter domiciled in the state for at least five years preceding his election. He shall be elected for a term of four years. The same qualifications are required of the lieutenant governor, who shall be chosen jointly with the governor, for the same term. The lieutenant governor serves as president of the senate but has no vote except in the case of a tie.

Section 3. The lieutenant governor becomes governor for the remainder of the term if the governor dies, resigns or is removed from office and becomes governor for a full term if the governor-elect dies or declines to serve. Certain other contingencies of vacancies in the offices of governor and lieutenant governor are provided for by the article.

**Legislative Amendment Text:**

## Article IV

### Executive

§ 6. a. If the governor-elect **dies or declines to serve**, the lieutenant governor-elect shall become governor for a full term. If the governor-elect **fails to take the oath of office** at the commencement of his term the lieutenant governor shall act as governor until the oath is administered.

b. If the governor **dies, resigns or is removed from office**, the lieutenant governor shall become governor for the remainder of the term. If the governor is impeached, absent from the state or otherwise unable to perform his duties the lieutenant governor shall act as governor until the inability shall cease or the term of the governor shall expire.

c. In case of vacancy in the offices of both governor and lieutenant governor, their successors shall be elected for the remainder of the term at the next general election conducted not less than three months after both offices shall have become vacant and shall take office immediately.

d. 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 perform the duties of the office of governor, the temporary president of the senate or, if there be a vacancy in such office or he shall be unable to serve, the speaker of the assembly shall act as governor until the inability shall cease or a governor shall be elected.

e. 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 perform his duties, the temporary president of the senate shall perform all the duties of lieutenant governor during such vacancy or inability.

f. The legislature may provide for the succession to the duty of acting as governor in any case not provided for in this article and for the manner of determining when a person is unable to perform the duties of the office of governor or lieutenant governor.

### Legislative History:

In 1967, the New York State Constitutional Convention proposed a whole new Constitution that contained this provision and these changes to a vote of the people of the State of New York at the General Election asking "Shall the proposed new Constitution, adopted by the Constitutional Convention, and the Resolution submitting same, be approved?" The Constitution as a whole was voted down by the people, which included these changes.

Learn more on our page devoted to the [1967 Convention](#)<sup>[1]</sup>. The Proceedings of the Convention are available from the [New York State Library](#)<sup>[2]</sup> and you can [download](http://effectiveny.org/sites/all/modules/contrib/extlink/extlink.png) <http://effectiveny.org/sites/all/modules/contrib/extlink/extlink.png><sup>[3]</sup>); background-attachment: initial; background-origin: initial; background-clip: initial; background-color: initial; background-position: 100% 50%; background-repeat: no-repeat no-repeat; "> a PDF copy of the Constitution

proposed by the 1967 Constitutional Convention.

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**Links:**

[1] <http://effectiveny.org/1967-convention>

[2] <http://www.nysl.nysed.gov/scandocs/nyconstitution.htm>

[3] [http://effectiveny.org/sites/default/files/1967\\_Proposed\\_Constitution-Text\\_Abstract\\_Highlights.pdf](http://effectiveny.org/sites/default/files/1967_Proposed_Constitution-Text_Abstract_Highlights.pdf)