



NEW YORK STATE SENATOR

Susan Serino

SERINO INTRODUCES LEGISLATION TO PROHIBIT SCANDAL-SCARRED GOVERNOR FROM APPOINTING COURT OF APPEALS JUDGES

SUSAN SERINO June 8, 2021

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ALBANY, NY – The pending approval of two more judges nominated by Governor Andrew Cuomo to the New York State Court of Appeals has exposed a glaring loophole in the State Constitution that would empower the Governor’s own appointees to play a significant role in his potential impeachment trial, presenting a clear conflict of interest.

Senator Sue Serino today announced that she has introduced a package of legislation that would amend the State Constitution to expressly prohibit a Governor's own appointees from serving as jurors in any potential impeachment trial (S. 7217) and prohibit any Governor who is the subject of an impeachment investigation to fill vacancies on the court (S.7216).

“No one accused of a crime gets to hand-pick their own jurors, and our scandal-scarred Governor should not get to either,” said Senator Serino. “Impeachment is not a process to take lightly, and first and foremost it should be one that is fully independent. Unlike these judges who have all been appointed by the Governor, legislators are independently elected, and it is the voters of New York who hold them accountable for their actions, which is why they are uniquely qualified to direct this process. While our judges may be people of the utmost integrity, even the appearance of a conflict can sway the outcome of such significant proceedings, and we must act immediately to ensure the independence of the process and safeguard the future of our state.”

According to the New York State Constitution, while the State Assembly is empowered to vote to impeach the Governor, the court for the trial of impeachments—those in charge of determining the Governor's guilt or innocence on any charge brought by the Assembly—would consist of the State Senators as well as the Judges of the Court of Appeals. The judges would make up approximately 10% of the overall impeachment court.

Any amendment to the State Constitution must pass the Legislature twice and be approved by a majority of New York voters before it can take effect, a process that could take at least two years. For this reason, Senator Serino's legislative package also includes a bill that amends the Judiciary Law to require any Court of Appeals Judges that have been nominated by a governor subject to an impeachment trial to recuse themselves from serving on the court for such trial (S. 7218).