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Paterson to Name a Lt. Governor of New York

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ALBANY — Gov. [David A. Paterson](#) will name a lieutenant governor in a televised speech he has scheduled for late Wednesday afternoon, according to a person close to the governor.

It remains unclear, however, whom he will pick.

The office of lieutenant governor has been vacant since [Eliot Spitzer](#) resigned last March. The lack of a lieutenant governor — who casts tie-breaking votes in the Senate — has become a particularly pressing issue amid a nearly five-week old stalemate in the State Senate that has halted business in the chamber. The Senate has been deadlocked since [Pedro Espada Jr.](#), a Bronx Democrat, sided with the Senate's 30 Republicans, dividing the 62-member chamber.

But the governor's move is sure to be highly debated. Attorney General [Andrew M. Cuomo](#), the state's top legal officer, said this week that such a step would be unconstitutional and would entangle "the governor in a political ploy that would wind through the courts for many months."

Speculation in the capital ran rampant on Wednesday about a possible pick for the post, including the former Chief Judge Judith Kaye and Nassau County Executive [Thomas R. Suozzi](#). Ms. Kaye did not return a call for comment. Mr. Suozzi indicated at an appearance on Wednesday that he would not be appointed, nor had sought the job.

There is no provision in the New York State Constitution that provides for filling the office in the event of a vacancy, though some in

Albany have pushed a legal theory that state law would allow the governor to name someone to the post.

The combination of an empty lieutenant governor's office and a dispute in the Senate over which party is legitimately in control has created confusion about the line of succession to the governor. The Senate president is next in line to succeed the governor after the lieutenant governor. But Democrats and Republicans are both laying claim to the position.

Even the governor himself, who has not traveled out of state since the dispute began on June 8 to avoid any confusion about who is running the government, has said that he was unaware who would succeed him if he became incapacitated or unable to govern.

But whether Mr. Paterson can legally appoint a lieutenant governor has been a matter of some debate. One school of thought, which has been advanced in recent days by Democrats and government watchdog groups, is that a provision of state law allows the governor to fill elected offices for which there is no provision explicitly spelling out how the vacancy should be handled.

The governor's office issued a vague statement on the question on Monday, after Assemblyman [Michael N. Gianaris](#) of Queens joined [Citizens Union](#) and [Common Cause](#) New York, two government watchdog groups, in calling on Mr. Paterson to make the appointment. Mr. Paterson's office responded that it was reviewing the issue.

But an appointment would almost certainly face a legal challenge from Republicans, who have rejected the validity of such a move. Whomever Mr. Paterson appoints would probably be seen by Republicans as sympathetic to Democratic policy and ideology. And Republicans have been fighting to regain the Senate majority they lost in November, when Democrats picked up two seats in the election to capture control of the chamber by one vote.

Reaction to the possibility Mr. Paterson could appoint a lieutenant governor was mixed on Wednesday.

“It would guarantee a line of succession should something happen to the governor, and it would give the Senate a presiding officer to help get it out of the quagmire it’s been in for the last month,” Mr. Gianaris said.

But State Senator [Diane J. Savino](#), a Democrat from Staten Island, said a lieutenant governor could only resolve part of the gridlock the Senate is now trying to overcome.

“It won’t change the fact that we won’t have a quorum to do business, and we’ll still be split in half on everything,” she said.