

HOUSE JOINT RESOLUTION GG

October 20, 2011, Introduced by Rep. Roy Schmidt and referred to the Committee on Redistricting and Elections.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 8 of article II, to provide the reasons for the recall of an elective officer.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to provide the reasons for the recall of an elective officer, is proposed, agreed to, and submitted to the people of the state:

ARTICLE II

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in

1 the electoral district of the officer sought to be recalled. The
2 sufficiency of any statement of reasons or grounds procedurally
3 required shall be a political rather than a judicial
4 question. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE
5 DISCRETIONARY PERFORMANCE OF A LAWFUL ACT OR OF A PRESCRIBED DUTY,
6 INCLUDING VOTING, BY AN ELECTIVE OFFICER DOES NOT CONSTITUTE A
7 REASON TO RECALL THAT ELECTIVE OFFICER. THE REASONS FOR THE RECALL
8 OF AN ELECTIVE OFFICER ARE LIMITED TO 1 OR MORE OF THE FOLLOWING:

9 (A) THE ELECTIVE OFFICER'S CONVICTION OF A FELONY OR
10 MISDEMEANOR.

11 (B) THE ELECTIVE OFFICER BEING FOUND RESPONSIBLE IN A COURT
12 FOR LIBEL, SLANDER, OR MISAPPROPRIATION OF MONEY OR ASSETS.

13 (C) THE ELECTIVE OFFICER MISUSING OR MISAPPROPRIATING PUBLIC
14 ASSETS.

15 (D) THE ELECTIVE OFFICER'S VOTE RESULTS IN THE MISUSE OR
16 MISAPPROPRIATION OF PUBLIC ASSETS.

17 Resolved further, That the foregoing amendment shall be
18 submitted to the people of the state at the next general election
19 in the manner provided by law.