

SENATE JOINT RESOLUTION S

December 1, 2011, Introduced by Senators MEEKHOF and RICHARDVILLE and referred to the Committee on Government Operations.

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. (1) 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 the electoral district of the officer sought to be

1 recalled. ~~The sufficiency of any statement of reasons or grounds~~
2 ~~procedurally required shall be a political rather than a judicial~~
3 ~~question.~~

4 (2) THE DISCRETIONARY PERFORMANCE OF A LAWFUL ACT OR OF A
5 PRESCRIBED DUTY BY AN ELECTIVE OFFICER DOES NOT CONSTITUTE A REASON
6 TO RECALL THAT ELECTIVE OFFICER. THE REASONS FOR THE RECALL OF AN
7 ELECTIVE OFFICER ARE LIMITED TO 1 OR MORE OF THE FOLLOWING:

8 (A) THE ELECTIVE OFFICER'S CONVICTION OF A FELONY.

9 (B) THE ELECTIVE OFFICER'S CONVICTION OF A MISDEMEANOR
10 INVOLVING THE BREACH OF THE PUBLIC TRUST.

11 (C) THE ELECTIVE OFFICER'S MISAPPROPRIATING PUBLIC RESOURCES.

12 (D) ANY OTHER OFFICIAL MISCONDUCT BY THE ELECTIVE OFFICER.

13 THIS SUBSECTION APPLIES ONLY TO THE RECALL OF AN ELECTIVE
14 OFFICER BEGINNING ON OR AFTER THE EFFECTIVE DATE OF THIS
15 SUBSECTION.

16 Resolved further, That the foregoing amendment shall be
17 submitted to the people of the state at a special election to be
18 held on February 28, 2012 in the manner provided by law.