

HOUSE BILL NO. 4163

February 07, 2019, Introduced by Reps. Yaroch, Griffin, Yaroch, Wittenberg, Vaupel, Allor, Marino and LaFave and referred to the Committee on Elections and Ethics.

A bill to create a request process for the gubernatorial removal of certain elected officials; and to prescribe the powers and duties of certain state officers.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Political subdivision" means a county, city, village,
3 township, charter township, or school district of this state.

4 (b) "School district" means a school district, a local school
5 district, or an intermediate school district, as those terms are

1 defined in the revised school code, 1976 PA 451, MCL 380.1 to
2 380.1852, or a community college district under the community
3 college act of 1966, 1966 PA 331, MCL 389.1 to 389.195.

4 Sec. 2. (1) An individual who is a resident of this state may
5 request that the governor remove or suspend from office for gross
6 neglect of duty or for corrupt conduct in office, or for any other
7 misfeasance or malfeasance in office, an elected officer of a
8 political subdivision. A request made under this subsection must
9 meet all of the following requirements:

10 (a) Be in writing.

11 (b) Be submitted to the governor.

12 (c) Specify the charges of gross neglect of duty or corrupt
13 conduct in office, or any other misfeasance or malfeasance in
14 office, made by the individual against the elected officer.

15 (d) Include evidence of the elected officer's gross neglect of
16 duty or corrupt conduct in office, or any other misfeasance or
17 malfeasance in office.

18 (e) Include an affidavit of the individual making the charges
19 verifying that the individual believes the charges to be true.

20 (2) Within 60 days after receiving a request under subsection
21 (1), the governor shall do both of the following:

22 (a) Review the request to determine whether the evidence
23 supports a finding of gross neglect of duty or corrupt conduct in
24 office, or any other misfeasance or malfeasance in office, by the
25 elected official.

26 (b) Notify the requestor of the determination made under
27 subdivision (a).

28 (3) The governor may consider the determination under
29 subsection (2) (a) in exercising his or her powers and duties under

1 any law of this state relating to the removal of an elected officer
2 of a political subdivision.

3 Enacting section 1. This act takes effect 90 days after the
4 date it is enacted into law.