



House Office Building, 9 South  
Lansing, Michigan 48909  
Phone: 517/373-6466

## PROHIBIT EX-FELONS FROM RUNNING FOR ELECTIVE OFFICE

House Bills 5179 and 5180

Sponsor: Rep. Michael Switalski

Committee: Constitutional Law and Ethics

Complete to 8-30-00

### A SUMMARY OF HOUSE BILLS 5179 and 5180 AS INTRODUCED 12-8-99

The bills would amend the Michigan Election Law and the county commissioners act (Public Act 261 of 1966) to prohibit ex-felons from running for state or local elective office for 20 years after their conviction.

Currently, the county employees' civil service system act (Public Act 370 of 1941) prohibits county civil service members or employees (or officers or employees of counties that have adopted the act) from providing copies of classified service examinations or answers to anyone who is not a county civil service commission member or employee (or county officer or employee of a county that has adopted the act). Violation of this prohibition is a felony, and violators are not eligible to be elected or appointed to any elective or appointive state or local office for 20 years after their conviction, both under Public Act 370 of 1941 and under the Michigan Election Law.

House Bill 5180 would amend the Michigan Election Law (MCL 168.51 et al.) to extend this 20-year ineligibility period for any felony conviction under Michigan or other state laws. The bill would apply to the offices of governor and lieutenant governor, attorney general, United States senator or representative, state senator or representative, county clerk, county treasurer, register of deeds, prosecuting attorney, sheriff, drain commissioner, surveyor, or "coroner" (i.e. medical examiner), state board of education, University of Michigan board of regents, Michigan State board of trustees, Wayne State University board of governors, city officer, township officer, village officer, state supreme court justice, court of appeals judge, circuit court judge, probate court judge, or district court judge. House Bill 5179 would amend the county commissioner act (MCL 46.411 and 46.412) to specify that a person who has been convicted of a felony is not eligible to be a county commissioner for 20 years after the conviction.

Other provisions. House Bill 5180 also would amend the election law to amend the law's provisions regarding the removal by the governor of city and village elected officials.

Currently, under the Michigan Election Law, the governor is authorized to remove elected county officials -- and is required to remove elected city, township, and village officials -- if the governor is "satisfied," based on "sufficient evidence" submitted to him or her, that the local official is guilty of official misconduct, wilful neglect of duty, extortion, or habitual drunkenness; has been convicted of being drunk; or has been convicted of a felony after being elected or appointed.

The bill would amend the election law provisions regarding city and village officials to strike the current references to "habitual drunkenness" and "being drunk," to add a list of "drunk operating" offenses for which the governor could remove city or village elected officials, and to add

as a cause for removal from city or village elective office conviction for refusing or neglecting to support one's family. The bill would keep the provisions requiring the governor to remove an elected city or village official if the governor found, based on sufficient evidence submitted to him or her, that the official were guilty of official misconduct, wilful neglect of duty, or extortion, or for conviction of a felony after being elected or appointed to office.

With regard to "drunk operating" offenses, the bill would allow the governor to remove an elected city or village official if the governor found, based on sufficient evidence submitted to him or her, that the official had been convicted of operating a motorized vehicle, aircraft, watercraft, off-road vehicle, snowmobile, or railroad train while drunk, whether "under the influence of " (OUIL), or "visibly impaired" (OWI, or "operating while impaired") by, intoxicating liquor or drugs. The bill also would apply to convictions for similar offenses under other Michigan laws, other state laws, or local ordinances substantially corresponding to state law.

Analyst: S. Ekstrom

---

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.