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REMOVAL OF LOCAL ELECTED OFFICIALS BY GOVERNOR

House Bill 5267

Sponsor: Rep. Michael Switalski

Committee: Constitutional Law and Ethics

Complete to 8-29-00

A SUMMARY OF HOUSE BILL 5267 AS INTRODUCED 2-2-00

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 to strike the current references to "habitual drunkenness" and "being drunk," and instead would substitute a list of "drunk operating" offenses for which the governor could remove local elected officials (county, township, city, or village), and add as a cause for removal from elective office conviction for refusing or neglecting to support one's family. The bill would keep the provisions allowing the governor to remove an elected county official -- and requiring the governor to remove an elected township, city, or village official -- if the governor found, based on sufficient evidence submitted to him or her, that the officer were guilty of official misconduct, wilful neglect of duty, or extortion, or for conviction of a felony after being elected or appointed to office.

"Drunk operating" offenses. The bill would allow the governor to remove a local elected official if he or she found, based on sufficient evidence submitted to him or her, that the officer 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.

"Disorderly person." The Michigan Penal Code includes in its definition of "disorderly person" a person of sufficient ability who refuses or neglects to support his or her family. In addition to conviction for "drunk driving" offenses, the bill would allow the governor to remove from office, under the act's provisions, a local elected official who refused or neglected to support his or her family.

MCL 168.207 et al.

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.