



# HOUSE BILL No. 5267

February 2, 2000, Introduced by Reps. Switalski, Lemmons, Scott and Rivet and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 207, 238, 268, 327, 369, and 383 (MCL 168.207, 168.238, 168.268, 168.327, 168.369, and 168.383), sections 327 and 383 as amended by 1982 PA 505.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 207. (1) The governor may remove ~~any and all~~ A  
2 county ~~officers~~ OFFICER named in section 200 ~~of this chapter~~  
3 ~~when he shall be satisfied from~~ IF THE GOVERNOR FINDS, BASED ON  
4 sufficient evidence submitted to ~~him~~ THE GOVERNOR, ~~as herein~~  
5 ~~after provided,~~ that ~~such~~ THE officer ~~has been~~ IS guilty of  
6 official misconduct, ~~or of wilful~~ WILLFUL neglect of duty, or  
7 ~~of extortion, or habitual drunkenness,~~ or has been convicted  
8 ~~of being drunk, or whenever it shall appear by~~ UNDER ANY OF THE  
9 FOLLOWING:

1 (A) SECTION 625(1), (3), OR (8) OF THE MICHIGAN VEHICLE  
2 CODE, 1949 PA 300, MCL 257.625.

3 (B) SECTION 185(1), (2), OR (3) OF THE AERONAUTICS CODE OF  
4 THE STATE OF MICHIGAN, 1945 PA 327, MCL 259.185.

5 (C) SECTION 80176(1) OR (3), SECTION 81134(1) OR (2), SEC-  
6 TION 81135, OR SECTION 82127(1) OR (3) OF THE NATURAL RESOURCES  
7 AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.80176,  
8 324.81134, 324.81135, AND 324.82127.

9 (D) SECTION 353(1) OR (2) OR SECTION 355 OF THE RAILROAD  
10 CODE OF 1993, 1993 PA 354, MCL 462.353 AND 462.355.

11 (E) SECTION 167(1)(E) OF THE MICHIGAN PENAL CODE, 1931  
12 PA 328, MCL 750.167.

13 (F) A SIMILAR OFFENSE UNDER ANOTHER LAW OF THIS STATE, THE  
14 LAW OF ANOTHER STATE, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRE-  
15 SPONDING TO STATE LAW.

16 (2) THE GOVERNOR MAY REMOVE A COUNTY OFFICER IF a certified  
17 copy of the judgment of a court of record of this state SHOWS  
18 that ~~such~~ A COUNTY officer, after ~~his~~ THE OFFICER'S election  
19 or appointment, ~~shall have~~ HAS been convicted of a felony. ~~→~~  
20 ~~but the~~ THE governor shall NOT take ~~no~~ action upon ~~any such~~  
21 ~~charges~~ A CHARGE made to ~~him~~ THE GOVERNOR against ~~any such~~ A  
22 COUNTY officer until the ~~same shall have been exhibited to him~~  
23 CHARGE IS SUBMITTED TO THE GOVERNOR in writing, ~~verified by the~~  
24 ~~affidavit~~ WITH THE SWORN STATEMENT of the party making ~~them,~~  
25 THE CHARGE STATING that he OR SHE believes the ~~charges~~ CHARGE  
26 to be true. ~~But no such~~ A COUNTY officer shall NOT be removed  
27 for ~~such~~ misconduct or neglect until ~~charges thereof shall~~

~~1 have been exhibited~~ THE CHARGE OF MISCONDUCT OR NEGLECT IS  
~~2 SUBMITTED~~ to the governor as ~~above~~ provided ~~and~~ IN THIS  
~~3 SECTION,~~ a copy of the ~~same~~ CHARGE IS served on ~~such~~ THE  
~~4 officer,~~ and THE OFFICER IS GIVEN an opportunity ~~given him of~~  
~~5 being~~ TO BE heard in his OR HER defense. ~~∴ Provided, That the~~  
~~6 THE service of such charges upon the person or persons com-~~  
~~7 plained against~~ REQUIRED IN THIS SECTION shall be made by  
~~8 handing to such person or persons~~ PERSONAL SERVICE TO THE OFFI-  
~~9 CER AND SHALL INCLUDE~~ a copy of ~~such charges, together with all~~  
~~10 affidavits or exhibits which may be~~ THE CHARGE AND EACH SWORN  
~~11 STATEMENT AND EXHIBIT~~ attached to the original petition, if ~~such~~  
~~12 person or persons~~ THE OFFICER can be found. ~~∴ and if not,~~ IF  
~~13 THE OFFICER CANNOT BE FOUND,~~ SERVICE MAY BE MADE by leaving a  
~~14 copy at the last KNOWN place of residence of such person or~~  
~~15 persons~~ THE COUNTY OFFICER, with ~~some~~ A person of suitable  
~~16 age, if such~~ A person OF SUITABLE AGE can be found, ~~∴~~ and if  
~~17 not, by posting it~~ THE COPY OF THE CHARGE in ~~some~~ A conspicu-  
~~18 ous place upon his~~ AT THE OFFICER'S last known place of  
~~19 residence. No~~

~~20 (3) AN officer who has been removed in accordance with the~~  
~~21 provisions of~~ UNDER this section ~~shall be~~ IS NOT eligible ~~to~~  
~~22 FOR~~ election or appointment to any office for ~~a period of~~ 3  
~~23 years from~~ AFTER the date of ~~such~~ THE removal.

~~24 Sec. 238. (1) The governor may remove any~~ A county audi-  
~~25 tor when he shall be satisfied from~~ IF THE GOVERNOR FINDS,  
~~26 BASED ON~~ sufficient evidence submitted to ~~him~~ THE GOVERNOR, ~~as~~  
~~27 hereinafter provided,~~ that ~~such~~ THE officer ~~has been~~ IS

1 guilty of official misconduct, ~~or of wilful~~ WILLFUL neglect of  
2 duty, or ~~of~~ extortion, ~~or habitual drunkenness,~~ or has been  
3 convicted ~~of being drunk, or whenever it shall appear by~~ UNDER  
4 ANY OF THE FOLLOWING:

5 (A) SECTION 625(1), (3), OR (8) OF THE MICHIGAN VEHICLE  
6 CODE, 1949 PA 300, MCL 257.625.

7 (B) SECTION 185(1), (2), OR (3) OF THE AERONAUTICS CODE OF  
8 THE STATE OF MICHIGAN, 1945 PA 327, MCL 259.185.

9 (C) SECTION 80176(1) OR (3), SECTION 81134(1) OR (2), SEC-  
10 TION 81135, OR SECTION 82127(1) OR (3) OF THE NATURAL RESOURCES  
11 AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.80176,  
12 324.81134, 324.81135, AND 324.82127.

13 (D) SECTION 353(1) OR (2) OR SECTION 355 OF THE RAILROAD  
14 CODE OF 1993, 1993 PA 354, MCL 462.353 AND 462.355.

15 (E) SECTION 167(1)(E) OF THE MICHIGAN PENAL CODE, 1931  
16 PA 328, MCL 750.167.

17 (F) A SIMILAR OFFENSE UNDER ANOTHER LAW OF THIS STATE, THE  
18 LAW OF ANOTHER STATE, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRE-  
19 SPONDING TO STATE LAW.

20 (2) THE GOVERNOR MAY REMOVE A COUNTY AUDITOR IF a certified  
21 copy of the judgment of a court of record of this state SHOWS  
22 that ~~such~~ THE officer, after ~~his~~ THE OFFICER'S election or  
23 appointment, ~~shall have~~ HAS been convicted of a felony. ~~;~~ but  
24 the THE governor shall NOT take ~~no~~ action upon ~~any~~ such  
25 charges A CHARGE made to ~~him~~ THE GOVERNOR against ~~any~~ such  
26 AN officer until the ~~same shall have been exhibited to him~~  
27 CHARGE IS SUBMITTED TO THE GOVERNOR in writing, ~~verified by the~~

~~1 affidavit~~ WITH THE SWORN STATEMENT of the party making ~~them,~~  
~~2 THE CHARGE,~~ STATING that he OR SHE believes the ~~charges~~ CHARGE  
~~3 to be true. But no such officer~~ A COUNTY AUDITOR shall NOT be  
~~4 removed for such~~ misconduct or neglect until ~~charges thereof~~  
~~5 shall have been exhibited~~ THE CHARGE OF MISCONDUCT OR NEGLECT IS  
~~6 SUBMITTED~~ to the governor as ~~above~~ provided ~~and~~ IN THIS  
~~7 SECTION,~~ a copy of the ~~same~~ CHARGE IS served on ~~such~~ THE  
~~8 officer,~~ and THE OFFICER IS GIVEN an opportunity ~~given him of~~  
~~9 being~~ TO BE heard in his OR HER defense. ~~Provided, That the~~  
~~10 THE service of such charges upon the person or persons com-~~  
~~11 plained against~~ REQUIRED IN THIS SECTION shall be made by  
~~12 handing to such person or persons~~ PERSONAL SERVICE TO THE OFFI-  
~~13 CER AND SHALL INCLUDE~~ a copy of ~~such charges, together with all~~  
~~14 affidavits or exhibits which may be~~ THE CHARGE AND EACH SWORN  
~~15 STATEMENT AND EXHIBIT~~ attached to the original petition, if ~~such~~  
~~16 person or persons~~ THE OFFICER can be found. ~~and if not,~~ IF  
~~17 THE OFFICER CANNOT BE FOUND,~~ SERVICE MAY BE MADE by leaving a  
~~18 copy at the last KNOWN place of residence of such person or~~  
~~19 persons~~ THE OFFICER, with ~~some~~ A person of suitable age, if  
~~20 such~~ A person of suitable age can be found, ~~and if not,~~ by  
~~21 posting it~~ THE COPY OF THE CHARGE in ~~some~~ A conspicuous place  
~~22 upon his~~ AT THE OFFICER'S last known place of residence. ~~No~~  
~~23~~ (3) AN officer who has been removed ~~in accordance with the~~  
~~24 provisions of~~ UNDER this section ~~shall be~~ IS NOT eligible ~~to~~  
~~25 FOR~~ election or appointment to any office for ~~a period of~~ 3  
~~26 years from~~ AFTER the date of ~~such~~ THE removal.

1           Sec. 268. (1) The governor may remove ~~any~~ A county road  
2 commissioner ~~when he shall be satisfied from~~ IF THE GOVERNOR  
3 FINDS, BASED ON sufficient evidence submitted to ~~him~~ THE  
4 GOVERNOR, ~~as hereinafter provided,~~ that ~~such~~ THE officer ~~has~~  
5 ~~been~~ IS guilty of official misconduct, or ~~of wilful~~ WILLFUL  
6 neglect of duty, ~~or of~~ extortion, ~~or habitual drunkenness,~~ or  
7 has been convicted ~~of being drunk, or whenever it shall appear~~  
8 ~~by~~ UNDER ANY OF THE FOLLOWING:

9           (A) SECTION 625(1), (3), OR (8) OF THE MICHIGAN VEHICLE  
10 CODE, 1949 PA 300, MCL 257.625.

11           (B) SECTION 185(1), (2), OR (3) OF THE AERONAUTICS CODE OF  
12 THE STATE OF MICHIGAN, 1945 PA 327, MCL 259.185.

13           (C) SECTION 80176(1) OR (3), SECTION 81134(1) OR (2), SEC-  
14 TION 81135, OR SECTION 82127(1) OR (3) OF THE NATURAL RESOURCES  
15 AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.80176,  
16 324.81134, 324.81135, AND 324.82127.

17           (D) SECTION 353(1) OR (2) OR SECTION 355 OF THE RAILROAD  
18 CODE OF 1993, 1993 PA 354, MCL 462.353 AND 462.355.

19           (E) SECTION 167(1)(E) OF THE MICHIGAN PENAL CODE, 1931  
20 PA 328, MCL 750.167.

21           (F) A SIMILAR OFFENSE UNDER ANOTHER LAW OF THIS STATE, THE  
22 LAW OF ANOTHER STATE, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRE-  
23 SPONDING TO STATE LAW.

24           (2) THE GOVERNOR MAY REMOVE A COUNTY ROAD COMMISSIONER IF a  
25 certified copy of the judgment of a court of record of this state  
26 SHOWS that ~~such~~ THE officer, after ~~his~~ THE OFFICER'S election  
27 or appointment, ~~shall have~~ HAS been convicted of a felony. →

1 ~~but the~~ THE governor shall NOT take ~~no~~ action upon ~~any such~~  
2 ~~charges~~ A CHARGE made to ~~him~~ THE GOVERNOR against ~~any such~~  
3 ~~officer~~ A COUNTY ROAD COMMISSIONER until the ~~same shall have~~  
4 ~~been exhibited to him~~ CHARGE IS SUBMITTED TO THE GOVERNOR in  
5 writing, ~~verified by the affidavit~~ WITH THE SWORN STATEMENT of  
6 the party making ~~them~~, THE CHARGE, STATING that he OR SHE  
7 believes the ~~charges~~ CHARGE to be true. ~~But no such officer~~  
8 A COUNTY ROAD COMMISSIONER shall NOT be removed for ~~such~~ mis-  
9 conduct or neglect until ~~charges thereof shall have been~~  
10 ~~exhibited~~ THE CHARGE OF MISCONDUCT OR NEGLECT IS SUBMITTED to  
11 the governor as ~~above~~ provided ~~and~~ IN THIS SECTION, a copy of  
12 the ~~same~~ CHARGE IS served on ~~such~~ THE officer, and THE OFFI-  
13 CER IS GIVEN an opportunity ~~given him of being~~ TO BE heard in  
14 his OR HER defense. ~~Provided, That the~~ THE service ~~of such~~  
15 ~~charges upon the person or persons complained against~~ REQUIRED  
16 IN THIS SECTION shall be made by ~~handing to such person or~~  
17 ~~persons~~ PERSONAL SERVICE TO THE OFFICER AND SHALL INCLUDE a copy  
18 of ~~such charges, together with all affidavits or exhibits which~~  
19 ~~may be~~ THE CHARGE AND EACH SWORN STATEMENT AND EXHIBIT attached  
20 to the original petition, if ~~such person or persons~~ THE OFFICER  
21 can be found. ~~and if not,~~ IF THE OFFICER CANNOT BE FOUND,  
22 SERVICE MAY BE MADE by leaving a copy at the last KNOWN place of  
23 residence of ~~such person or persons~~ OFFICER, with ~~some~~ A  
24 person of suitable age, if ~~such~~ A person OF SUITABLE AGE can be  
25 found, ~~and if not,~~ by posting ~~it~~ THE COPY OF THE CHARGE in  
26 ~~some~~ A conspicuous place ~~upon his~~ AT THE OFFICER'S last known  
27 place of residence. ~~No~~

1           (3) AN officer who has been removed ~~in accordance with the~~  
2 ~~provisions of~~ UNDER this section ~~shall be~~ IS NOT eligible ~~to~~  
3 FOR election or appointment to any office for ~~a period of~~ 3  
4 years ~~from~~ AFTER the date of ~~such~~ THE removal.

5           Sec. 327. (1) The governor shall remove ~~all~~ A city  
6 ~~officers~~ OFFICER chosen by the electors of a city or ~~any~~ A  
7 ward or voting district of a city ~~, when~~ IF the governor ~~is~~  
8 ~~satisfied from~~ FINDS, BASED ON sufficient evidence submitted to  
9 the governor, that the officer ~~has been~~ IS guilty of official  
10 misconduct, ~~wilful~~ WILLFUL neglect of duty, OR extortion. ~~, or~~  
11 ~~habitual drunkenness, or has been convicted of being drunk, or~~  
12 ~~whenever it appears by~~ THE GOVERNOR SHALL REMOVE A CITY OFFICER  
13 DESCRIBED IN THIS SUBSECTION IF a certified copy of the judgment  
14 of a court of record of this state SHOWS that a city officer,  
15 after the officer's election or appointment, has been convicted  
16 of a felony.

17           (2) THE GOVERNOR MAY REMOVE A CITY OFFICER IF THE CITY OFFI-  
18 CER IS CONVICTED UNDER ANY OF THE FOLLOWING:

19           (A) SECTION 625(1), (3), OR (8) OF THE MICHIGAN VEHICLE  
20 CODE, 1949 PA 300, MCL 257.625.

21           (B) SECTION 185(1), (2), OR (3) OF THE AERONAUTICS CODE OF  
22 THE STATE OF MICHIGAN, 1945 PA 327, MCL 259.185.

23           (C) SECTION 80176(1) OR (3), 81134(1) OR (2), 81135, OR  
24 82127(1) OR (3), OF THE NATURAL RESOURCES AND ENVIRONMENTAL PRO-  
25 TECTION ACT, 1994 PA 451, MCL 324.80176, 324.81134, 324.81135,  
26 AND 324.82127.



1 (D) SECTION 353(1) OR (2) OR 355 OF THE RAILROAD CODE OF  
2 1993, 1993 PA 354, MCL 462.353 AND 462.355.

3 (E) SECTION 167(1)(E) OF THE MICHIGAN PENAL CODE, 1931  
4 PA 328, MCL 750.167.

5 (F) A SIMILAR OFFENSE UNDER ANOTHER LAW OF THIS STATE, THE  
6 LAW OF ANOTHER STATE, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRE-  
7 SPONDING TO STATE LAW.

8 (3) The governor shall not take action upon ~~any charges~~ A  
9 CHARGE made to the governor against a city officer until the  
10 ~~charges have been exhibited~~ CHARGE IS SUBMITTED to the governor  
11 in writing, ~~verified by the affidavit~~ WITH THE SWORN STATEMENT  
12 of the party making ~~them, that~~ THE CHARGE, STATING THAT he or  
13 she believes the ~~charges~~ CHARGE to be true. ~~But a~~ A city  
14 officer shall not be removed for misconduct or neglect until  
15 ~~charges~~ THE CHARGE of misconduct or neglect ~~have been~~  
16 ~~exhibited~~ IS SUBMITTED to the governor as provided in this  
17 section, ~~and~~ a copy of the ~~charges~~ CHARGE IS served on the  
18 officer, and THE OFFICER IS GIVEN an opportunity ~~given the offi-~~  
19 ~~cer of being~~ TO BE heard in his or her defense. The service ~~of~~  
20 ~~the charges upon the officer complained against~~ REQUIRED IN THIS  
21 SECTION shall be made by personal service to the officer ~~of~~ AND  
22 SHALL INCLUDE a copy of the ~~charges, together with all affida-~~  
23 ~~vits or exhibits which may be~~ CHARGE AND EACH SWORN STATEMENT  
24 AND EXHIBIT attached to the original petition, if the officer can  
25 be found. ~~and if not,~~ IF THE OFFICER CANNOT BE FOUND, SERVICE  
26 MAY BE MADE by leaving a copy at the last known place of  
27 residence of the officer, with a person of suitable age, if a

1 person of suitable age can be found, ~~and~~ and if not, by posting  
 2 the copy of the ~~charges~~ CHARGE in a conspicuous place at the  
 3 officer's last known place of residence.

4 (4) An officer who has been removed from office ~~pursuant~~  
 5 ~~to~~ UNDER this section ~~shall~~ IS not ~~be~~ eligible for election  
 6 or appointment to any office for ~~a period of~~ 3 years ~~from~~  
 7 AFTER the date of the removal.

8 (5) A person who has been convicted of a violation of sec-  
 9 tion 12a(1) of ~~Act No. 370 of the Public Acts of 1941, being~~  
 10 ~~section 38.412a of the Michigan Compiled Laws 1941 PA 370,~~  
 11 MCL 38.412A, ~~shall~~ IS not ~~be~~ eligible for election or  
 12 appointment to an elective or appointive city office for ~~a~~  
 13 ~~period of~~ 20 years after THE conviction.

14 Sec. 369. (1) The governor shall remove a township officer  
 15 chosen by the electors of ~~any~~ A township ~~, when~~ IF the gover-  
 16 nor ~~is satisfied from the~~ FINDS, BASED ON SUFFICIENT evidence  
 17 submitted TO THE GOVERNOR, that the officer ~~has been~~ IS guilty  
 18 of official misconduct, ~~wilful~~ WILLFUL neglect of duty, OR  
 19 extortion. ~~, habitual drunkenness, or has been convicted of~~  
 20 ~~being drunk, or when it appears by~~ THE GOVERNOR SHALL REMOVE AN  
 21 OFFICER DESCRIBED IN THIS SUBSECTION IF a certified copy of the  
 22 judgment of a court of record of this state SHOWS that the offi-  
 23 cer, after the officer's election or appointment, ~~was~~ HAS BEEN  
 24 convicted of a felony.

25 (2) THE GOVERNOR MAY REMOVE A TOWNSHIP OFFICER IF THE TOWN-  
 26 SHIP OFFICER IS CONVICTED UNDER ANY OF THE FOLLOWING:

1 (A) SECTION 625(1), (3), OR (8) OF THE MICHIGAN VEHICLE  
2 CODE, 1949 PA 300, MCL 257.625.

3 (B) SECTION 185(1), (2), OR (3) OF THE AERONAUTICS CODE OF  
4 THE STATE OF MICHIGAN, 1945 PA 327, MCL 259.185.

5 (C) SECTION 80176(1) OR (3), 81134(1) OR (2), 81135, OR  
6 82127(1) OR (3), OF THE NATURAL RESOURCES AND ENVIRONMENTAL PRO-  
7 TECTION ACT, 1994 PA 451, MCL 324.80176, 324.81134, 324.81135,  
8 AND 324.82127.

9 (D) SECTION 353(1) OR (2) OR 355 OF THE RAILROAD CODE OF  
10 1993, 1993 PA 354, MCL 462.353 AND 462.355.

11 (E) SECTION 167(1)(E) OF THE MICHIGAN PENAL CODE, 1931  
12 PA 328, MCL 750.167.

13 (F) A SIMILAR OFFENSE UNDER ANOTHER LAW OF THIS STATE, THE  
14 LAW OF ANOTHER STATE, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRE-  
15 SPONDING TO STATE LAW.

16 (3) The governor shall not take action upon the ~~charges~~  
17 CHARGE made TO THE GOVERNOR against the officer until the  
18 ~~charges are exhibited~~ CHARGE IS SUBMITTED TO THE GOVERNOR in  
19 writing, ~~verified by the affidavit~~ WITH THE SWORN STATEMENT of  
20 the party making the ~~charges~~ CHARGE, STATING that the party  
21 believes the ~~charges~~ CHARGE to be true. The officer shall not  
22 be removed for misconduct or neglect until ~~charges~~ THE CHARGE  
23 of the misconduct or neglect ~~are exhibited~~ IS SUBMITTED to the  
24 governor as provided in this section, a copy of the ~~charges~~  
25 CHARGE IS served on the officer, and THE OFFICER IS GIVEN an  
26 opportunity ~~given to the officer of being~~ TO BE heard in his OR  
27 HER defense. The service ~~of the charges upon the officer~~

1 REQUIRED IN THIS SECTION shall be made by ~~handing~~ PERSONAL  
 2 SERVICE to the officer AND SHALL INCLUDE a copy of the ~~charges,~~  
 3 ~~together with the affidavits or exhibits which may be~~ CHARGE AND  
 4 EACH SWORN STATEMENT AND EXHIBIT attached to the original  
 5 petition, if the officer can be found. ~~if~~ IF the officer  
 6 cannot be found, SERVICE MAY BE MADE BY LEAVING a copy ~~shall be~~  
 7 ~~left~~ at the last KNOWN place of residence of the officer, with a  
 8 person of suitable age, if a person OF SUITABLE AGE can be  
 9 found. If a person OF SUITABLE AGE cannot be found, a copy OF  
 10 THE CHARGE shall be posted in a conspicuous place ~~upon~~ AT the  
 11 officer's last known place of residence.

12 (4) An officer who has been removed ~~in accordance with~~  
 13 FROM OFFICE UNDER this section ~~shall~~ IS not ~~be~~ eligible for  
 14 election or appointment to an office for ~~a period of~~ 3 years  
 15 after the date of THE removal from office.

16 Sec. 383. (1) The governor shall remove ~~all~~ A village  
 17 ~~officers~~ OFFICER chosen by the electors of a village ~~when~~ IF  
 18 the governor ~~is satisfied from~~ FINDS, BASED ON sufficient evi-  
 19 dence submitted to the governor, that the officer ~~has been~~ IS  
 20 guilty of official misconduct, ~~wilful~~ WILLFUL neglect of duty,  
 21 OR extortion. ~~, or habitual drunkenness, or has been convicted~~  
 22 ~~of being drunk, or whenever it appears by~~ THE GOVERNOR SHALL  
 23 REMOVE AN OFFICER DESCRIBED IN THIS SUBSECTION IF a certified  
 24 copy of the judgment of a court of record of this state SHOWS  
 25 that a village officer, after the officer's election or appoint-  
 26 ment, has been convicted of a felony.

1 (2) THE GOVERNOR MAY REMOVE A VILLAGE OFFICER IF THE VILLAGE  
2 OFFICER IS CONVICTED UNDER ANY OF THE FOLLOWING:

3 (A) SECTION 625(1), (3), OR (8) OF THE MICHIGAN VEHICLE  
4 CODE, 1949 PA 300, MCL 257.625.

5 (B) SECTION 185(1), (2), OR (3) OF THE AERONAUTICS CODE OF  
6 THE STATE OF MICHIGAN, 1945 PA 327, MCL 259.185.

7 (C) SECTION 80176(1) OR (3), 81134(1) OR (2), 81135, OR  
8 82127(1) OR (3), OF THE NATURAL RESOURCES AND ENVIRONMENTAL PRO-  
9 TECTION ACT, 1994 PA 451, MCL 324.80176, 324.81134, 324.81135,  
10 AND 324.82127.

11 (D) SECTION 353(1) OR (2) OR 355 OF THE RAILROAD CODE OF  
12 1993, 1993 PA 354, MCL 462.353 AND 462.355.

13 (E) SECTION 167(1)(E) OF THE MICHIGAN PENAL CODE, 1931  
14 PA 328, MCL 750.167.

15 (F) A SIMILAR OFFENSE UNDER ANOTHER LAW OF THIS STATE, THE  
16 LAW OF ANOTHER STATE, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRE-  
17 SPONDING TO STATE LAW.

18 (3) The governor shall not take action upon ~~any charges~~ A  
19 CHARGE made to the governor against a village officer until the  
20 ~~charges have been exhibited~~ CHARGE IS SUBMITTED to the governor  
21 in writing, ~~verified by the affidavit~~ WITH THE SWORN STATEMENT  
22 of the party making ~~them,~~ THE CHARGE, STATING that the party  
23 believes the ~~charges~~ CHARGE to be true. A village officer  
24 shall not be removed for misconduct or neglect until ~~charges~~  
25 THE CHARGE of misconduct or neglect ~~have been exhibited~~ IS  
26 SUBMITTED to the governor as provided in this section, ~~and~~ a  
27 copy of the ~~charges~~ CHARGE IS served on the officer, and THE

1 OFFICER IS GIVEN an opportunity ~~given the officer of being~~ TO  
2 BE heard in his or her defense. The service ~~of the charges upon~~  
3 ~~the person or persons complained against~~ REQUIRED IN THIS  
4 SECTION shall be made by personal service to the officer ~~of~~ AND  
5 SHALL INCLUDE a copy of the ~~charges, together with all affida=~~  
6 ~~vits or exhibits which may be~~ CHARGE AND EACH SWORN STATEMENT  
7 AND EXHIBIT attached to the original petition, if the officer can  
8 be found. ~~and if not,~~ IF THE OFFICER CANNOT BE FOUND, SERVICE  
9 MAY BE MADE by leaving a copy of the ~~charges~~ CHARGE at the last  
10 known place of residence of the officer, with a person of suit-  
11 able age, if a person of suitable age can be found, ~~and if~~  
12 not, by posting the copy of the ~~charges~~ CHARGE in a conspicuous  
13 place at the officer's last known place of residence.

14 (4) An officer who has been removed from office ~~pursuant~~  
15 ~~to~~ UNDER this section ~~shall~~ IS not ~~be~~ eligible for election  
16 or appointment to any office for ~~a period of~~ 3 years ~~from~~  
17 AFTER the date of the removal from office.

18 (5) A person who has been convicted of a violation of sec-  
19 tion 12a(1) of ~~Act No. 370 of the Public Acts of 1941, being~~  
20 ~~section 38.412a of the Michigan Compiled Laws~~ 1941 PA 370,  
21 MCL 38.412A, ~~shall~~ IS not ~~be~~ eligible for election or  
22 appointment to an elective or appointive village office for ~~a~~  
23 ~~period of~~ 20 years after THE conviction.