

GUBERNATORIAL REMOVAL OF LOCAL OFFICIALS FOR MISCONDUCT

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5666 as introduced
Sponsor: Rep. Jeff Yaroach
Committee: Elections and Ethics
Complete to 9-14-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5666 would amend the Michigan Election Code to allow the governor to suspend (as an alternative to removing) specified county, city, township, or village officers, as well as county road commissioners, if the governor received sufficient evidence that the individual were guilty of gross neglect of duty, corrupt conduct in office, or any other misfeasance or malfeasance in office.

Largely, the bill would reorganize and update the current rules for gubernatorial removal of county officials and county road commissioners for the grounds listed above (for instance, to replace a reference to “habitual drunkenness” as grounds for removal with a broader list of grounds).

The bill would retain all of the following requirements:

- The governor must receive the charges in writing, along with any evidence and an affidavit from the person making the charges.
- A copy of the charges must be served on the accused.
- The accused must be given an opportunity to respond to the charges.

Under the bill, within 60 days after receiving the charges, the governor would have to review them to determine whether the evidence supported a finding of the specified charges and to notify the accuser of the determination. (Currently, there is no time period specified.)

The governor could consider this determination in exercising his or her duties under any Michigan law relating to the removal of a county, city, township, or village officer, or a county road commissioner.

An official or commissioner removed from office under these rules would be ineligible for election or appointment to any office for three years after the removal.

Finally, the bill would remove the provision that states that a city official convicted of providing or possessing test answers for a county civil service examination is ineligible for elective or appointive city office for a period of 20 years. (This provision was added

following a 1982 investigation of allegations to that effect in Wayne County. The violation was removed from most sections of the Election Code during a 2018 update.¹⁾

MCL 168.207 et seq.

FISCAL IMPACT:

The bill could create administrative costs for the state, specifically the executive office, from dedicating time and resources necessary to review any charges and evidence submitted to the governor. Costs would likely be minimal and absorbed using existing staff time.

The bill would result in no additional costs to local governments except to the extent that they choose to pursue the removal of a local officer and incur costs related to gathering evidence or legal counsel. Costs would likely be minimal and absorbed using existing staff time.

Legislative Analyst: Jenny McInerney
Fiscal Analyst: Michael Crossen

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

¹ House Fiscal Agency analysis of 2018 PAs 120 to 125 (Senate Bills 809 to 814):
<http://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-0809-5CA894DA.pdf>