

# HOUSE BILL NO. 4885

May 19, 2021, Introduced by Reps. Yaroach, Wozniak and Marino and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 207, 268, 327, 369, and 383 (MCL 168.207,  
168.268, 168.327, 168.369, and 168.383), section 327 as amended by  
1982 PA 505 and section 383 as amended by 2018 PA 120.

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

1       Sec. 207. ~~The governor may remove any and all county officers~~  
2       ~~named in section 200 of this chapter when he shall be satisfied~~

~~from sufficient evidence submitted to him, as hereinafter provided,  
that such officer has been guilty of official misconduct, or of  
wilful neglect of duty, or of extortion, or habitual drunkenness,  
or has been convicted of being drunk, or whenever it shall appear  
by a certified copy of the judgment of a court of record of this  
state that such officer, after his election or appointment, shall  
have been convicted of a felony; but the governor shall take no  
action upon any such charges made to him against any such officer  
until the same shall have been exhibited to him in writing,  
verified by the affidavit of the party making them, that he  
believes the charges to be true. But no such officer shall be  
removed for such misconduct or neglect until charges thereof shall  
have been exhibited to the governor as above provided and a copy of  
the same served on such officer and an opportunity given him of  
being heard in his defense: Provided, That the service of such  
charges upon the person or persons complained against shall be made  
by handing to such person or persons a copy of such charges,  
together with all affidavits or exhibits which may be attached to  
the original petition if such person or persons can be found; and  
if not, by leaving a copy at the last place of residence of such  
person or persons, with some person of suitable age, if such person  
can be found; and if not, by posting it in some conspicuous place  
upon his last known place of residence. No officer who has been  
removed in accordance with the provisions of this section shall be  
eligible to election or appointment to any office for a period of 3  
years from the date of such removal.~~

**(1) The governor may remove a county officer named in section  
200 from office under this section if the governor is satisfied  
from the evidence submitted to the governor that the county officer**

1 is guilty of gross neglect of duty, corrupt conduct in office, or  
2 any other misfeasance or malfeasance in office.

3 (2) Before the governor removes a county officer under this  
4 section, all of the following procedures must be followed:

5 (a) Charges must be submitted to the governor in writing  
6 specifying the grounds for removal. The charges must be accompanied  
7 by any supporting evidence and by the affidavit of the individual  
8 making the charges verifying that the individual believes the  
9 charges to be true.

10 (b) Within 10 days after receiving charges under subdivision  
11 (a), the governor shall serve or cause to be served a copy of the  
12 charges on the county officer. Service must be made as follows:

13 (i) If the county officer can be found, by handing the county  
14 officer a copy of the charges and of any affidavits or exhibits  
15 accompanying the charges.

16 (ii) If the county officer cannot be found, by leaving a copy  
17 of the charges and of any affidavits or exhibits accompanying the  
18 charges with an individual of suitable age at the county officer's  
19 last known place of residence or, if an individual of suitable age  
20 is not available, by posting the copy or copies in a conspicuous  
21 place at the county officer's last known place of residence.

22 (c) The county officer must be given a minimum of 10 days  
23 after service is made under subdivision (b) to respond to the  
24 charges.

25 (d) Within 60 days after receiving charges under this  
26 subsection, the governor shall do both of the following:

27 (i) Review the charges to determine whether the evidence  
28 supports a finding of gross neglect of duty, corrupt conduct in  
29 office, or any other misfeasance or malfeasance in office by the

1 county officer.

2 (ii) Notify the individual making the charges of the  
3 determination made under subparagraph (i).

4 (3) The governor may consider the determination under  
5 subsection (2) (d) (i) in exercising his or her duties under any law  
6 of this state relating to the removal of a county officer.

7 (4) An individual removed from office under this section is  
8 not eligible for election or appointment to any office for a period  
9 of 3 years after the date of removal.

10 Sec. 268. ~~The governor may remove any county road commissioner~~  
11 ~~when he shall be satisfied from sufficient evidence submitted to~~  
12 ~~him, as hereinafter provided, that such officer has been guilty of~~  
13 ~~official misconduct, or of wilful neglect of duty, or of extortion,~~  
14 ~~or habitual drunkenness, or has been convicted of being drunk, or~~  
15 ~~whenever it shall appear by a certified copy of the judgment of a~~  
16 ~~court of record of this state that such officer, after his election~~  
17 ~~or appointment, shall have been convicted of a felony; but the~~  
18 ~~governor shall take no action upon any such charges made to him~~  
19 ~~against any such officer until the same shall have been exhibited~~  
20 ~~to him in writing, verified by the affidavit of the party making~~  
21 ~~them, that he believes the charges to be true. But no such officer~~  
22 ~~shall be removed for such misconduct or neglect until charges~~  
23 ~~thereof shall have been exhibited to the governor as above provided~~  
24 ~~and a copy of the same served on such officer and an opportunity~~  
25 ~~given him of being heard in his defense: Provided, That the service~~  
26 ~~of such charges upon the person or persons complained against shall~~  
27 ~~be made by handing to such person or persons a copy of such~~  
28 ~~charges, together with all affidavits or exhibits which may be~~  
29 ~~attached to the original petition if such person or persons can be~~

~~found; and if not, by leaving a copy at the last place of residence of such person or persons, with some person of suitable age, if such person can be found; and if not, by posting it in some conspicuous place upon his last known place of residence. No officer who has been removed in accordance with the provisions of this section shall be eligible to election or appointment to any office for a period of 3 years from the date of such removal.~~

(1) The governor may remove a county road commissioner from office under this section if the governor is satisfied from the evidence submitted to the governor that the county road commissioner is guilty of gross neglect of duty, corrupt conduct in office, or any other misfeasance or malfeasance in office.

(2) Before the governor removes a county road commissioner under this section, all of the following procedures must be followed:

(a) Charges must be submitted to the governor in writing specifying the grounds for removal. The charges must be accompanied by any supporting evidence and by the affidavit of the individual making the charges verifying that the individual believes the charges to be true.

(b) Within 10 days after receiving charges under subdivision (a), the governor shall serve or cause to be served a copy of the charges on the county road commissioner. Service must be made as follows:

(i) If the county road commissioner can be found, by handing the county road commissioner a copy of the charges and of any affidavits or exhibits accompanying the charges.

(ii) If the county road commissioner cannot be found, by leaving a copy of the charges and of any affidavits or exhibits

1 accompanying the charges with an individual of suitable age at the  
2 county road commissioner's last known place of residence or, if an  
3 individual of suitable age is not available, by posting the copy or  
4 copies in a conspicuous place at the county road commissioner's  
5 last known place of residence.

6 (c) The county road commissioner must be given a minimum of 10  
7 days after service is made under subdivision (b) to respond to the  
8 charges.

9 (d) Within 60 days after receiving charges under this  
10 subsection, the governor shall do both of the following:

11 (i) Review the charges to determine whether the evidence  
12 supports a finding of gross neglect of duty, corrupt conduct in  
13 office, or any other misfeasance or malfeasance in office by the  
14 county road commissioner.

15 (ii) Notify the individual making the charges of the  
16 determination made under subparagraph (i).

17 (3) The governor may consider the determination under  
18 subsection (2) (d) (i) in exercising his or her duties under any law  
19 of this state relating to the removal of a county road  
20 commissioner.

21 (4) An individual removed from office under this section is  
22 not eligible for election or appointment to any office for a period  
23 of 3 years after the date of removal.

24 ~~Sec. 327. The governor shall remove all city officers chosen~~  
25 ~~by the electors of a city or any ward or voting district of a city,~~  
26 ~~when the governor is satisfied from sufficient evidence submitted~~  
27 ~~to the governor that the officer has been guilty of official~~  
28 ~~misconduct, wilful neglect of duty, extortion, or habitual~~  
29 ~~drunkenness, or has been convicted of being drunk, or whenever it~~

~~appears by a certified copy of the judgment of a court of record of this state that a city officer, after the officer's election or appointment, has been convicted of a felony. The governor shall not take action upon any charges made to the governor against a city officer until the charges have been exhibited to the governor in writing, verified by the affidavit of the party making them, that he or she believes the charges to be true. But a city officer shall not be removed for misconduct or neglect until charges of misconduct or neglect have been exhibited to the governor as provided in this section and a copy of the charges served on the officer and an opportunity given the officer of being heard in his or her defense. The service of the charges upon the officer complained against shall be made by personal service to the officer of a copy of the charges, together with all affidavits or exhibits which may be attached to the original petition, if the officer can be found; and if not, by leaving a copy at the last known place of residence of the officer, with a person of suitable age, if a person of suitable age can be found; and if not, by posting the copy of the charges in a conspicuous place at the officer's last known place of residence. An officer who has been removed from office pursuant to this section shall not be eligible for election or appointment to any office for a period of 3 years from the date of the removal. A person who has been convicted of a violation of section 12a(1) of Act No. 370 of the Public Acts of 1941, being section 38.412a of the Michigan Compiled Laws, shall not be eligible for election or appointment to an elective or appointive city office for a period of 20 years after conviction.~~

**(1) The governor may remove a city officer chosen by the electors of a city or a ward or voting district of a city from**

1 office under this section if the governor is satisfied from the  
2 evidence submitted to the governor that the city officer is guilty  
3 of gross neglect of duty, corrupt conduct in office, or any other  
4 misfeasance or malfeasance in office.

5 (2) Before the governor removes a city officer under this  
6 section, all of the following procedures must be followed:

7 (a) Charges must be submitted to the governor in writing  
8 specifying the grounds for removal. The charges must be accompanied  
9 by any supporting evidence and by the affidavit of the individual  
10 making the charges verifying that the individual believes the  
11 charges to be true.

12 (b) Within 10 days after receiving charges under subdivision  
13 (a), the governor shall serve or cause to be served a copy of the  
14 charges on the city officer. Service must be made as follows:

15 (i) If the city officer can be found, by handing the city  
16 officer a copy of the charges and of any affidavits or exhibits  
17 accompanying the charges.

18 (ii) If the city officer cannot be found, by leaving a copy of  
19 the charges and of any affidavits or exhibits accompanying the  
20 charges with an individual of suitable age at the city officer's  
21 last known place of residence or, if an individual of suitable age  
22 is not available, by posting the copy or copies in a conspicuous  
23 place at the city officer's last known place of residence.

24 (c) The city officer must be given a minimum of 10 days after  
25 service is made under subdivision (b) to respond to the charges.

26 (d) Within 60 days after receiving charges under this  
27 subsection, the governor shall do both of the following:

28 (i) Review the charges to determine whether the evidence  
29 supports a finding of gross neglect of duty, corrupt conduct in



1 office, or any other misfeasance or malfeasance in office by the  
2 city officer.

3 (ii) Notify the individual making the charges of the  
4 determination made under subparagraph (i).

5 (3) The governor may consider the determination under  
6 subsection (2) (d) (i) in exercising his or her duties under any law  
7 of this state relating to the removal of a city officer.

8 (4) An individual removed from office under this section is  
9 not eligible for election or appointment to any office for a period  
10 of 3 years after the date of removal.

11 Sec. 369. ~~The governor shall remove a township officer chosen~~  
12 ~~by the electors of any township, when the governor is satisfied~~  
13 ~~from the evidence submitted that the officer has been guilty of~~  
14 ~~official misconduct, wilful neglect of duty, extortion, habitual~~  
15 ~~drunkenness, or has been convicted of being drunk, or when it~~  
16 ~~appears by a certified copy of the judgment of a court of record of~~  
17 ~~this state that the officer, after the officer's election or~~  
18 ~~appointment, was convicted of a felony. The governor shall not take~~  
19 ~~action upon the charges made against the officer until the charges~~  
20 ~~are exhibited in writing, verified by the affidavit of the party~~  
21 ~~making the charges that the party believes the charges to be true.~~  
22 ~~The officer shall not be removed for misconduct or neglect until~~  
23 ~~charges of the misconduct or neglect are exhibited to the governor~~  
24 ~~as provided in this section, a copy of the charges served on the~~  
25 ~~officer, and an opportunity given to the officer of being heard in~~  
26 ~~his defense. The service of the charges upon the officer shall be~~  
27 ~~made by handing to the officer a copy of the charges, together with~~  
28 ~~the affidavits or exhibits which may be attached to the original~~  
29 ~~petition if the officer can be found; if the officer cannot be~~

~~found a copy shall be left at the last place of residence of the officer with a person of suitable age, if a person can be found. If a person cannot be found, a copy shall be posted in a conspicuous place upon the officer's last known place of residence. An officer who has been removed in accordance with this section shall not be eligible for election or appointment to an office for a period of 3 years after the date of removal from office.~~

(1) The governor may remove a township officer chosen by the electors of a township from office under this section if the governor is satisfied from the evidence submitted to the governor that the township officer is guilty of gross neglect of duty, corrupt conduct in office, or any other misfeasance or malfeasance in office.

(2) Before the governor removes a township officer under this section, all of the following procedures must be followed:

(a) Charges must be submitted to the governor in writing specifying the grounds for removal. The charges must be accompanied by any supporting evidence and by the affidavit of the individual making the charges verifying that the individual believes the charges to be true.

(b) Within 10 days after receiving charges under subdivision (a), the governor shall serve or cause to be served a copy of the charges on the township officer. Service must be made as follows:

(i) If the township officer can be found, by handing the township officer a copy of the charges and of any affidavits or exhibits accompanying the charges.

(ii) If the township officer cannot be found, by leaving a copy of the charges and of any affidavits or exhibits accompanying the charges with an individual of suitable age at the township

1 officer's last known place of residence or, if an individual of  
2 suitable age is not available, by posting the copy or copies in a  
3 conspicuous place at the township officer's last known place of  
4 residence.

5 (c) The township officer must be given a minimum of 10 days  
6 after service is made under subdivision (b) to respond to the  
7 charges.

8 (d) Within 60 days after receiving charges under this  
9 subsection, the governor shall do both of the following:

10 (i) Review the charges to determine whether the evidence  
11 supports a finding of gross neglect of duty, corrupt conduct in  
12 office, or any other misfeasance or malfeasance in office by the  
13 township officer.

14 (ii) Notify the individual making the charges of the  
15 determination made under subparagraph (i).

16 (3) The governor may consider the determination under  
17 subsection (2) (d) (i) in exercising his or her duties under any law  
18 of this state relating to the removal of a township officer.

19 (4) An individual removed from office under this section is  
20 not eligible for election or appointment to any office for a period  
21 of 3 years after the date of removal.

22 Sec. 383. ~~The governor shall remove all village officers~~  
23 ~~chosen by the electors of a village if the governor is satisfied~~  
24 ~~from sufficient evidence submitted to the governor that the officer~~  
25 ~~is guilty of official misconduct, wilful neglect of duty,~~  
26 ~~extortion, or habitual drunkenness, or has been convicted of being~~  
27 ~~drunk, or if it appears by a certified copy of the judgment of a~~  
28 ~~court of record of this state that a village officer, after the~~  
29 ~~officer's election or appointment, has been convicted of a felony.~~

~~The governor shall not take action upon any charges made to the governor against a village officer until the charges have been exhibited to the governor in writing, verified by the affidavit of the party making them, that the party believes the charges to be true. A village officer must not be removed for misconduct or neglect until charges of misconduct or neglect have been exhibited to the governor as provided in this section and a copy of the charges served on the officer and an opportunity given the officer of being heard in his or her defense. The service of the charges upon the person or persons complained against must be made by personal service to the officer of a copy of the charges, together with all affidavits or exhibits which may be attached to the original petition, if the officer can be found, and if not, by leaving a copy of the charges at the last known place of residence of the officer with a person of suitable age, if a person of suitable age can be found, and if not, by posting the copy of the charges in a conspicuous place at the officer's last known place of residence. An officer who has been removed from office under this section is not eligible for election or appointment to any office for a period of 3 years from the date of the removal from office.~~

**(1) The governor may remove a village officer chosen by the electors of a village from office under this section if the governor is satisfied from the evidence submitted to the governor that the village officer is guilty of gross neglect of duty, corrupt conduct in office, or any other misfeasance or malfeasance in office.**

**(2) Before the governor removes a village officer under this section, all of the following procedures must be followed:**

**(a) Charges must be submitted to the governor in writing**

1 specifying the grounds for removal. The charges must be accompanied  
2 by any supporting evidence and by the affidavit of the individual  
3 making the charges verifying that the individual believes the  
4 charges to be true.

5 (b) Within 10 days after receiving charges under subdivision  
6 (a), the governor shall serve or cause to be served a copy of the  
7 charges on the village officer. Service must be made as follows:

8 (i) If the village officer can be found, by handing the village  
9 officer a copy of the charges and of any affidavits or exhibits  
10 accompanying the charges.

11 (ii) If the village officer cannot be found, by leaving a copy  
12 of the charges and of any affidavits or exhibits accompanying the  
13 charges with an individual of suitable age at the village officer's  
14 last known place of residence or, if an individual of suitable age  
15 is not available, by posting the copy or copies in a conspicuous  
16 place at the village officer's last known place of residence.

17 (c) The village officer must be given a minimum of 10 days  
18 after service is made under subdivision (b) to respond to the  
19 charges.

20 (d) Within 60 days after receiving charges under this  
21 subsection, the governor shall do both of the following:

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

26 (ii) Notify the individual making the charges of the  
27 determination made under subparagraph (i).

28 (3) The governor may consider the determination under  
29 subsection (2) (d) (i) in exercising his or her duties under any law

1 of this state relating to the removal of a village officer.

2 (4) An individual removed from office under this section is  
 3 not eligible for election or appointment to any office for a period  
 4 of 3 years after the date of removal.