

SENATE BILL No. 520

May 22, 2007, Introduced by Senator GLEASON and referred to the Committee on Campaign and Election Oversight.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 71, 191, 207, 238, 252, 268, 281, 302, 327, 342, 369, and 383 (MCL 168.71, 168.191, 168.207, 168.238, 168.252, 168.268, 168.281, 168.302, 168.327, 168.342, 168.369, and 168.383), sections 71, 191, 281, and 342 as amended by 1999 PA 218, section 302 as amended by 2005 PA 71, and sections 327 and 383 as amended by 1982 PA 505.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 71. (1) A person ~~shall~~**IS** not ~~be~~ eligible to the ~~offices~~
2 **OFFICE** of secretary of state or attorney general if the person is
3 not a registered and qualified elector of this state by the date
4 the person is nominated for the office.

5 (2) A person who has been convicted of a ~~violation of section~~

1 ~~12a(1) of 1941 PA 370, MCL 38.412a, shall not be eligible to the~~
 2 ~~offices of secretary of state or attorney general for a period of~~
 3 ~~20 years after conviction~~ **FELONY UNDER THE LAWS OF THIS STATE OR AN**
 4 **OFFENSE UNDER THE LAW OF ANOTHER STATE OR THE UNITED STATES**
 5 **SUBSTANTIALLY CORRESPONDING TO A FELONY IN THIS STATE IS NOT**
 6 **ELIGIBLE TO THE OFFICE OF SECRETARY OF STATE OR ATTORNEY GENERAL.**

7 Sec. 191. (1) A person ~~shall~~ **IS** not be eligible to the office
 8 of county clerk, county treasurer, register of deeds, prosecuting
 9 attorney, sheriff, drain commissioner, **OR** surveyor ~~, or coroner~~ if
 10 the person is not a registered and qualified elector of the county
 11 in which election is sought by the filing deadline.

12 (2) A person who has been convicted of a ~~violation of section~~
 13 ~~12a(1) of 1941 PA 370, MCL 38.412a, shall not be eligible to any of~~
 14 ~~the offices enumerated in this section for a period of 20 years~~
 15 ~~after conviction~~ **FELONY UNDER THE LAWS OF THIS STATE OR AN OFFENSE**
 16 **UNDER THE LAW OF ANOTHER STATE OR THE UNITED STATES SUBSTANTIALLY**
 17 **CORRESPONDING TO A FELONY IN THIS STATE IS NOT ELIGIBLE FOR**
 18 **ELECTION OR APPOINTMENT TO AN OFFICE ENUMERATED IN THIS SECTION.**

19 Sec. 207. (1) The governor may remove ~~any and all county~~
 20 ~~officers~~ **A COUNTY OFFICER** named in section 200 ~~of this chapter when~~
 21 ~~he shall be~~ **191 IF THE GOVERNOR IS** satisfied from ~~sufficient~~ **THE**
 22 evidence submitted to him, ~~as hereinafter provided, that such~~ **THE**
 23 officer has been guilty of official misconduct, ~~or of wilful~~
 24 **WILLFUL** neglect of duty, or ~~of~~ extortion, or habitual drunkenness ~~,~~
 25 or has been convicted of being drunk. ~~, or whenever it shall appear~~
 26 ~~by a certified copy of the judgment of a court of record of this~~
 27 ~~state that such officer, after his election or appointment, shall~~

1 ~~have been convicted of a felony; but the~~ **THE** governor shall **NOT**
2 take ~~no~~ action upon ~~any such~~ **THE** charges made ~~to him~~ against any
3 ~~such~~ **THE** officer until the ~~same shall have been exhibited to him~~
4 **CHARGES ARE SUBMITTED** in writing, ~~AND~~ verified by the affidavit
5 **SWORN STATEMENT** of the party making them, ~~that he~~ **OR SHE** believes
6 the charges to be true. ~~But no such~~ **THE** officer shall **NOT** be
7 removed for ~~such~~ misconduct or neglect until charges thereof shall
8 ~~have been exhibited~~ **OF MISCONDUCT OR NEGLECT ARE SUBMITTED** to the
9 governor as ~~above provided and~~ **IN THIS SECTION**, a copy of the ~~same~~
10 **CHARGES IS** served on ~~such~~ **THE** officer, and an opportunity **IS** given
11 ~~him~~ **THE OFFICER** of being heard in his **OR HER** defense. ~~Provided,~~
12 ~~That the~~ **THE** service of ~~such~~ charges upon the ~~person or persons~~
13 **OFFICER** complained against shall be made by handing to ~~such person~~
14 ~~or persons~~ **THE OFFICER** a copy of ~~such~~ **THE** charges, together with
15 all affidavits or exhibits which may be attached to the original
16 petition if ~~such person or persons~~ **THE OFFICER** can be found; and if
17 not, by leaving a copy at the last place of residence of ~~such~~
18 ~~person or persons~~ **THE OFFICER**, with some person of suitable age, if
19 such person can be found; and if not, by posting it in some
20 conspicuous place upon ~~his~~ **THE OFFICER'S** last known place of
21 residence. ~~No officer who has been removed in accordance with the~~
22 ~~provisions of this section shall be eligible to election or~~
23 ~~appointment to any office for a period of 3 years from the date of~~
24 ~~such removal.~~

25 (2) **A COUNTY OFFICE NAMED IN SECTION 191 BECOMES VACANT**
26 **IMMEDIATELY UPON THE OFFICER'S CONVICTION OF A FELONY, REGARDLESS**
27 **OF DECLARATION BY AN OFFICER OR ANY OFFICIAL ACCEPTANCE.**

1 Sec. 238. (1) **A PERSON IS NOT ELIGIBLE FOR ELECTION TO THE**
2 **OFFICE OF COUNTY AUDITOR IF THE PERSON HAS BEEN CONVICTED OF A**
3 **FELONY UNDER THE LAWS OF THIS STATE OR AN OFFENSE UNDER THE LAW OF**
4 **ANOTHER STATE OR THE UNITED STATES SUBSTANTIALLY CORRESPONDING TO A**
5 **FELONY IN THIS STATE.**

6 (2) The governor may remove any county auditor ~~when he shall~~
7 ~~be satisfied from~~ **IF THE GOVERNOR FINDS, BASED ON** sufficient
8 evidence, ~~submitted to him, as hereinafter provided, that such~~ **THE**
9 officer has been guilty of official misconduct, ~~or of wilful~~
10 **WILLFUL** neglect of duty, or ~~of~~ extortion, or habitual drunkenness ~~7~~
11 or has been convicted of being drunk. ~~, or whenever it shall appear~~
12 ~~by a certified copy of the judgment of a court of record of this~~
13 ~~state that such officer, after his election or appointment, shall~~
14 ~~have been convicted of a felony; but the~~

15 (3) **THE** governor shall **NOT** take ~~no~~ action upon any such
16 charges ~~made to him~~ **A CHARGE** against any such ~~an~~ officer until the
17 same ~~shall have been exhibited to him~~ **CHARGE IS SUBMITTED TO THE**
18 **GOVERNOR** in writing, ~~verified by the affidavit of the party making~~
19 ~~them, that he~~ **WITH THE SWORN STATEMENT OF THE CHARGING PARTY,**
20 **STATING THAT HE OR SHE** believes the charges to be true. ~~But no such~~
21 ~~an~~ officer shall **NOT** be removed for ~~such~~ misconduct or neglect
22 until charges thereof shall have been exhibited **THE CHARGE IS**
23 **SUBMITTED** to the governor as above provided, ~~and a copy of the same~~
24 **CHARGE IS** served on ~~such~~ **THE** officer, and an opportunity **IS** given
25 ~~him of being~~ **THE OFFICER TO BE** heard in his **OR HER** defense. ~~+~~
26 ~~Provided, That the service of such charges upon the person or~~
27 ~~persons complained against shall be made by handing to such person~~

~~1 or persons a copy of such charges, together with all affidavits or~~
~~2 exhibits which may be attached to the original petition if such~~
~~3 person or persons can be found; and if not, by leaving a copy at~~
~~4 the last place of residence of such person or persons, with some~~
~~5 person of suitable age, if such person can be found; and if not, by~~
~~6 posting it in some conspicuous place upon his last known place of~~
~~7 residence. No officer who has been removed in accordance with the~~
~~8 provisions of this section shall be eligible to election or~~
~~9 appointment to any office for a period of 3 years from the date of~~
~~10 such removal.~~ **THE SERVICE REQUIRED IN THIS SUBSECTION SHALL BE MADE**
~~11 BY PERSONAL SERVICE ON THE OFFICER AND SHALL INCLUDE A COPY OF THE~~
~~12 CHARGE AND EACH SWORN STATEMENT AND EXHIBIT ATTACHED TO THE~~
~~13 ORIGINAL PETITION. IF THE OFFICER CANNOT BE FOUND, SERVICE MAY BE~~
~~14 MADE BY LEAVING A COPY AT THE OFFICER'S LAST KNOWN PLACE OF~~
~~15 RESIDENCE WITH A PERSON OF SUITABLE AGE, IF A PERSON OF SUITABLE~~
~~16 AGE CAN BE FOUND, AND IF NOT, BY POSTING THE COPY OF THE CHARGE IN~~
~~17 A CONSPICUOUS PLACE AT THE OFFICER'S LAST KNOWN PLACE OF RESIDENCE.~~

~~18 (4) THE OFFICE OF COUNTY AUDITOR BECOMES VACANT IMMEDIATELY~~
~~19 UPON THE COUNTY AUDITOR'S CONVICTION OF A FELONY, REGARDLESS OF~~
~~20 DECLARATION BY AN OFFICER OR ANY OFFICIAL ACCEPTANCE.~~

~~21 Sec. 252. (1) No~~ **A person shall be IS NOT** eligible to the
~~22 office of county road commissioner who shall not have been~~ **UNLESS**
~~23 HE OR SHE IS~~ a citizen of the United States and a qualified and
~~24 registered elector of the county in which election is sought for at~~
~~25 least 1 year next preceding~~ **BEFORE** his **OR HER** election. ~~, nor shall~~
~~26 A PERSON IS NOT ELIGIBLE TO THE OFFICE OF COUNTY ROAD COMMISSIONER~~
~~27 IF he be~~ **OR SHE IS** a member of the county board of supervisors

1 COMMISSIONERS.

2 (2) A PERSON IS NOT ELIGIBLE TO THE OFFICE OF COUNTY ROAD
3 COMMISSIONER IF THE PERSON HAS BEEN CONVICTED OF A FELONY UNDER THE
4 LAWS OF THIS STATE OR AN OFFENSE UNDER THE LAW OF ANOTHER STATE OR
5 THE UNITED STATES SUBSTANTIALLY CORRESPONDING TO A FELONY IN THIS
6 STATE.

7 Sec. 268. (1) The governor may remove ~~any~~**A** county road
8 commissioner ~~when he shall be~~**IF THE GOVERNOR IS** satisfied from
9 ~~sufficient~~**THE** evidence submitted to him, ~~as hereinafter provided,~~
10 that ~~such~~**THE** officer has been guilty of official misconduct, ~~or of~~
11 ~~wilful~~**WILLFUL** neglect of duty, or ~~of~~ extortion, or habitual
12 drunkenness, ~~or~~ has been convicted of being drunk. ~~or whenever~~
13 it shall appear by a certified copy of the judgment of a court of
14 record of this state that such officer, after his election or
15 appointment, shall have been convicted of a felony; but the **THE**
16 governor shall **NOT** take ~~no~~ action upon ~~any such~~**THE** charges made to
17 him against ~~any such~~**THE** officer until the same shall have been
18 exhibited to him **CHARGES ARE SUBMITTED** in writing, ~~and~~ verified by
19 the affidavit **SWORN STATEMENT** of the party making them, that he **OR**
20 **SHE** believes the charges to be true. ~~But no such~~**THE** officer shall
21 **NOT** be removed for ~~such~~ misconduct or neglect until charges thereof
22 shall have been exhibited **OF MISCONDUCT OR NEGLECT ARE SUBMITTED** to
23 the governor as ~~above~~ provided **IN THIS SECTION** and a copy of the
24 ~~same~~**CHARGES IS** served on ~~such~~**THE** officer, and an opportunity **IS**
25 given him **THE OFFICER** of being heard in his **OR HER** defense. +
26 ~~Provided, That the~~**THE** service of ~~such~~ charges upon the ~~person or~~
27 ~~persons~~**OFFICER** complained against shall be made by handing to ~~such~~

1 ~~person or persons~~ **THE OFFICER** a copy of ~~such~~ **THE** charges, together
2 with all affidavits or exhibits which may be attached to the
3 original petition, if ~~such person or persons~~ **THE OFFICER** can be
4 found; and if not, by leaving a copy at the last place of residence
5 of ~~such person or persons~~ **THE OFFICER**, with some person of suitable
6 age, if such person can be found; and if not, by posting it in some
7 conspicuous place upon ~~his~~ **THE OFFICER'S** last known place of
8 residence. ~~No officer who has been removed in accordance with the~~
9 ~~provisions of this section shall be eligible to election or~~
10 ~~appointment to any office for a period of 3 years from the date of~~
11 ~~such removal.~~

12 **(2) THE OFFICE OF COUNTY ROAD COMMISSIONER BECOMES VACANT**
13 **IMMEDIATELY UPON THE COUNTY ROAD COMMISSIONER'S CONVICTION OF A**
14 **FELONY, REGARDLESS OF DECLARATION BY AN OFFICER OR ANY OFFICIAL**
15 **ACCEPTANCE.**

16 Sec. 281. (1) A person ~~shall~~ **IS** not ~~be~~ eligible to membership
17 on the state board of education, the board of regents of the
18 university of Michigan, the board of trustees of Michigan state
19 university, or the board of governors of Wayne state university if
20 the person is not a registered and qualified elector of this state
21 on the date the person is nominated for the office.

22 (2) A person who has been convicted of a ~~violation of section~~
23 ~~12a(1) of 1941 PA 370, MCL 38.412a,~~ shall not be eligible to
24 membership on any of the boards enumerated in this section for a
25 period of 20 years after conviction **FELONY UNDER THE LAWS OF THIS**
26 **STATE OR AN OFFENSE UNDER THE LAW OF ANOTHER STATE OR THE UNITED**
27 **STATES SUBSTANTIALLY CORRESPONDING TO A FELONY IN THIS STATE IS NOT**

1 ELIGIBLE FOR ELECTION OR APPOINTMENT TO MEMBERSHIP ON ANY OF THE
2 BOARDS ENUMERATED IN THIS SECTION.

3 (3) THE OFFICE OF A MEMBER OF A BOARD ENUMERATED IN THIS
4 SECTION BECOMES VACANT IMMEDIATELY UPON THE BOARD MEMBER'S
5 CONVICTION OF A FELONY, REGARDLESS OF DECLARATION BY AN OFFICER OR
6 ANY OFFICIAL ACCEPTANCE.

7 Sec. 302. An individual is eligible for election as a school
8 board member if the individual is a citizen of the United States,
9 ~~and~~ is a qualified and registered elector of the school district
10 the individual seeks to represent by the filing deadline, **AND HAS**
11 **NOT BEEN CONVICTED OF A FELONY UNDER THE LAWS OF THIS STATE OR AN**
12 **OFFENSE UNDER THE LAW OF ANOTHER STATE OR THE UNITED STATES**
13 **SUBSTANTIALLY CORRESPONDING TO A FELONY IN THIS STATE.** At least 1
14 school board member for a school district shall be elected at each
15 of the school district's regular elections held as provided in
16 section 642 or 642a. Except as otherwise provided in this section
17 or section 310 or 644g, a school board member's term of office is
18 prescribed by the applicable provision of section 11a, 617, 701, or
19 703 of the revised school code, 1976 PA 451, MCL 380.11a, 380.617,
20 380.701, and 380.703, or section 34, 34a, 41, 54, or 83 of the
21 community college act of 1966, 1966 PA 331, MCL 389.34, 389.34a,
22 389.41, 389.54, and 389.83. Except as provided in section 302a, if
23 a ballot question changing the number of school board members or
24 changing the terms of office for school board members pursuant to
25 section 11a of the revised school code, 1976 PA 451, MCL 380.11a,
26 is proposed and a school district needs a temporary variance from
27 the terms of office provisions in this act and the revised school

1 code, 1976 PA 451, MCL 380.1 to 380.1852, to phase in or out school
2 board members' terms of office, the school board shall submit the
3 proposed ballot question language and a proposed transition plan to
4 the secretary of state at least 30 days before the school board
5 submits the ballot question language to the school district
6 election coordinator pursuant to section 312. The secretary of
7 state shall approve or reject the proposed transition plan within
8 10 business days of receipt of the proposed transition plan. The
9 secretary of state shall approve the proposed transition plan if
10 the plan provides only temporary relief to the school district from
11 the terms of office provisions in this act and the revised school
12 code, 1976 PA 451, MCL 380.1 to 380.1852, until such time that the
13 terms of office for school board members can be made to comply with
14 this act and the revised school code, 1976 PA 451, MCL 380.1 to
15 380.1852. The school board shall not submit the proposed ballot
16 question language to the school district election coordinator
17 pursuant to section 312 until the proposed transition plan is
18 approved by the secretary of state. A school board member's term
19 begins on 1 of the following dates:

20 (a) If elected at an election held on a November regular
21 election date, January 1 immediately following the election.

22 (b) If elected at an election held on a May regular election
23 date, July 1 immediately following the election.

24 **Sec. 327. (1) A PERSON WHO HAS BEEN CONVICTED OF A FELONY**
25 **UNDER THE LAWS OF THIS STATE OR AN OFFENSE UNDER THE LAW OF ANOTHER**
26 **STATE OR THE UNITED STATES SUBSTANTIALLY CORRESPONDING TO A FELONY**
27 **IN THIS STATE IS NOT ELIGIBLE FOR ELECTION OR APPOINTMENT TO AN**

1 **ELECTIVE CITY OFFICE.**

2 (2) The governor shall remove ~~all city officers chosen by the~~
3 ~~electors~~ **THE HOLDER OF AN ELECTIVE OFFICE** of a city or ~~any~~ **A** ward
4 or voting district of a city ~~, when~~ **IF** the governor ~~is satisfied~~
5 ~~from~~ **FINDS, BASED ON** sufficient evidence, ~~submitted to the governor~~
6 that the officer ~~has been~~ **IS** guilty of official misconduct, ~~wilful~~
7 **WILLFUL** neglect of duty, extortion, or habitual drunkenness ~~, or~~
8 has been convicted of being drunk. ~~, or whenever it appears by a~~
9 ~~certified copy of the judgment of a court of record of this state~~
10 ~~that a city officer, after the officer's election or appointment,~~
11 ~~has been convicted of a felony.~~

12 (3) The governor shall not take action upon ~~any charges made~~
13 ~~to the governor~~ **A CHARGE** against a city officer until the charges
14 ~~have been exhibited~~ **CHARGE IS SUBMITTED** to the governor in writing,
15 ~~verified by the affidavit~~ **WITH THE SWORN STATEMENT** of the **CHARGING**
16 party, ~~making them,~~ **STATING** that he or she believes the charges
17 **CHARGE** to be true. ~~But a~~ **A** city officer shall not be removed for
18 misconduct or neglect until ~~charges of misconduct or neglect have~~
19 ~~been exhibited~~ **THE CHARGE IS SUBMITTED** to the governor as provided
20 in this section, ~~and a copy of the charges~~ **CHARGE IS** served on the
21 officer, and an opportunity **IS** given the officer ~~of being~~ **TO BE**
22 heard in his or her defense. The service ~~of the charges upon the~~
23 ~~officer complained against~~ **REQUIRED IN THIS SUBSECTION** shall be
24 made by personal service to the officer ~~of~~ **AND SHALL INCLUDE** a copy
25 of the charges, ~~together with all affidavits or exhibits which may~~
26 ~~be~~ **CHARGE AND EACH SWORN STATEMENT AND EXHIBIT** attached to the
27 original petition. ~~, if the officer can be found; and if not,~~ **IF**

1 **THE OFFICER CANNOT BE FOUND, SERVICE MAY BE MADE** by leaving a copy
2 at the **OFFICER'S** last known place of residence ~~of the officer,~~ with
3 a person of suitable age, if a person of suitable age can be found,
4 ~~and if not,~~ by posting the copy of the ~~charges~~ **CHARGE** in a
5 conspicuous place at the officer's last known place of residence.
6 ~~An officer who has been removed from office pursuant to this~~
7 ~~section shall not be eligible for election or appointment to any~~
8 ~~office for a period of 3 years from the date of the removal. A~~
9 ~~person who has been convicted of a violation of section 12a(1) of~~
10 ~~Act No. 370 of the Public Acts of 1941, being section 38.412a of~~
11 ~~the Michigan Compiled Laws, shall not be eligible for election or~~
12 ~~appointment to an elective or appointive city office for a period~~
13 ~~of 20 years after conviction.~~

14 **(4) AN ELECTIVE OFFICE OF A CITY, A WARD, OR A VOTING DISTRICT**
15 **OF A CITY BECOMES VACANT IMMEDIATELY UPON THE OFFICER'S CONVICTION**
16 **OF A FELONY, REGARDLESS OF DECLARATION BY AN OFFICER OR ANY**
17 **OFFICIAL ACCEPTANCE.**

18 Sec. 342. (1) A person ~~shall~~ **IS** not be eligible to a ~~AN~~
19 **ELECTIVE** township office unless the person is a registered and
20 qualified elector of the township in which election is sought by
21 the filing deadline. A person ~~shall~~ **IS** not be eligible for
22 membership on the board of review unless, in addition to the
23 qualifications for eligibility to a ~~AN ELECTIVE~~ township office,
24 the person is a landowner and taxpayer in the township.

25 (2) A person who has been convicted of a ~~violation of section~~
26 ~~12a(1) of 1941 PA 370, MCL 38.412a,~~ shall not be eligible for
27 election or appointment to an elective or appointive township

1 ~~office for a period of 20 years after conviction~~ **FELONY UNDER THE**
2 **LAWS OF THIS STATE OR AN OFFENSE UNDER THE LAW OF ANOTHER STATE OR**
3 **THE UNITED STATES SUBSTANTIALLY CORRESPONDING TO A FELONY IN THIS**
4 **STATE IS NOT ELIGIBLE FOR ELECTION OR APPOINTMENT TO AN ELECTIVE**
5 **TOWNSHIP OFFICE.**

6 Sec. 369. (1) The governor shall remove a township officer
7 chosen by the electors of any township, ~~when~~ **IF** the governor is
8 satisfied from the evidence submitted that the officer has been
9 guilty of official misconduct, ~~wilful~~ **WILLFUL** neglect of duty,
10 extortion, **OR** habitual drunkenness, ~~or~~ has been convicted of being
11 drunk. ~~or when it appears by a certified copy of the judgment of~~
12 ~~a court of record of this state that the officer, after the~~
13 ~~officer's election or appointment, was convicted of a felony.~~ The
14 governor shall not take action upon the charges made against the
15 officer until the charges are ~~exhibited~~ **SUBMITTED** in writing, ~~and~~
16 verified by the ~~affidavit~~ **SWORN STATEMENT** of the party making the
17 charges that the party believes the charges to be true. The officer
18 shall not be removed for misconduct or neglect until charges of the
19 misconduct or neglect are ~~exhibited~~ **SUBMITTED** to the governor as
20 provided in this section, a copy of the charges **IS** served on the
21 officer, and an opportunity **IS** given to the officer of being heard
22 in his defense. The service of the charges upon the officer shall
23 be made by handing to the officer a copy of the charges, together
24 with the affidavits or exhibits which may be attached to the
25 original petition if the officer can be found. ~~if~~ **IF** the officer
26 cannot be found, a copy shall be left at the last place of
27 residence of the officer with a person of suitable age, if a person

1 can be found. If a person **OF SUITABLE AGE** cannot be found, a copy
2 shall be posted in a conspicuous place upon the officer's last
3 known place of residence. ~~An officer who has been removed in~~
4 ~~accordance with this section shall not be eligible for election or~~
5 ~~appointment to an office for a period of 3 years after the date of~~
6 ~~removal from office.~~

7 (2) **AN ELECTIVE TOWNSHIP OFFICE BECOMES VACANT IMMEDIATELY**
8 **UPON THE OFFICER'S CONVICTION OF A FELONY, REGARDLESS OF**
9 **DECLARATION BY AN OFFICER OR ANY OFFICIAL ACCEPTANCE.**

10 Sec. 383. (1) **A PERSON WHO HAS BEEN CONVICTED OF A FELONY**
11 **UNDER THE LAWS OF THIS STATE OR AN OFFENSE UNDER THE LAW OF ANOTHER**
12 **STATE OR THE UNITED STATES SUBSTANTIALLY CORRESPONDING TO A FELONY**
13 **IN THIS STATE IS NOT ELIGIBLE FOR ELECTION OR APPOINTMENT TO AN**
14 **ELECTIVE VILLAGE OFFICE.**

15 (2) The governor shall remove ~~all village officers chosen by~~
16 ~~the electors of a village when~~ **THE HOLDER OF AN ELECTIVE VILLAGE**
17 **OFFICE IF** the governor ~~is satisfied from~~ **FINDS, BASED ON** sufficient
18 evidence, ~~submitted to the governor that the officer has been~~ **IS**
19 guilty of official misconduct, ~~wilful~~ **WILLFUL** neglect of duty,
20 extortion, or habitual drunkenness ~~, or has been convicted of being~~
21 drunk. ~~, or whenever it appears by a certified copy of the judgment~~
22 ~~of a court of record of this state that a village officer, after~~
23 ~~the officer's election or appointment, has been convicted of a~~
24 ~~felony.~~

25 (3) The governor shall not take action upon ~~any charges made~~
26 ~~to the governor~~ **A CHARGE** against a village officer until the
27 ~~charges have been exhibited~~ **CHARGE IS SUBMITTED** to the governor in

1 writing, ~~verified by the affidavit~~ **WITH THE SWORN STATEMENT** of the
2 **CHARGING** party ~~making them,~~ **STATING** that the party believes the
3 ~~charges~~ **CHARGE** to be true. A village officer shall not be removed
4 for misconduct or neglect until ~~charges of misconduct or neglect~~
5 ~~have been exhibited~~ **THE CHARGE IS SUBMITTED** to the governor as
6 provided in this section, ~~and a copy of the charges~~ **CHARGE IS**
7 served on the officer, and an opportunity **IS** given the officer of
8 ~~being~~ **TO BE** heard in his or her defense. The service ~~of the charges~~
9 ~~upon the person or persons complained against~~ **REQUIRED UNDER THIS**
10 **SUBSECTION** shall be made by personal service to the officer of ~~AND~~
11 **SHALL INCLUDE** a copy of the charges, ~~together with all affidavits~~
12 ~~or exhibits which may be~~ **CHARGE AND EACH SWORN STATEMENT AND**
13 **EXHIBIT** attached to the original petition. ~~, if the officer can be~~
14 ~~found, and if not,~~ **IF THE OFFICER CANNOT BE FOUND, SERVICE MAY BE**
15 **MADE** by leaving a copy of the charges ~~CHARGE~~ at the **OFFICER'S** last
16 known place of residence ~~of the officer~~ with a person of suitable
17 age, if a person of suitable age can be found, ~~and if not,~~ by
18 posting the copy of the charges ~~CHARGE~~ in a conspicuous place at
19 the officer's last known place of residence. ~~An officer who has~~
20 ~~been removed from office pursuant to this section shall not be~~
21 ~~eligible for election or appointment to any office for a period of~~
22 ~~3 years from the date of the removal from office. A person who has~~
23 ~~been convicted of a violation of section 12a(1) of Act No. 370 of~~
24 ~~the Public Acts of 1941, being section 38.412a of the Michigan~~
25 ~~Compiled Laws, shall not be eligible for election or appointment to~~
26 ~~an elective or appointive village office for a period of 20 years~~
27 ~~after conviction.~~

1 (4) AN ELECTIVE VILLAGE OFFICE BECOMES VACANT IMMEDIATELY UPON
2 THE OFFICER'S CONVICTION OF A FELONY, REGARDLESS OF DECLARATION BY
3 AN OFFICER OR ANY OFFICIAL ACCEPTANCE.