

# HOUSE BILL No. 4941

June 11, 1991, Introduced by Reps. Niederstadt, Bartnik, Byrum, Weeks and Dalman and referred to the Committee on Towns and Counties.

A bill to amend section 369 of Act No. 116 of the Public Acts of 1954, entitled "Michigan election law," being section 168.369 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 369 of Act No. 116 of the Public Acts of  
2 1954, being section 168.369 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4 Sec. 369. (1) ~~The~~ SUBJECT TO SUBSECTION (3), THE gover-  
5 nor shall remove ~~a township officer chosen by the electors of~~  
6 ~~any township, when~~ AN OFFICER FROM AN ELECTIVE TOWNSHIP OFFICE  
7 IF the governor is satisfied from the evidence submitted that the  
8 officer has been guilty of official misconduct, ~~wilful~~ WILLFUL  
9 neglect of duty, extortion, OR habitual drunkenness, or has been  
10 convicted of being drunk, or ~~when~~ IF it appears by a certified

1 copy of the judgment of a court of record of this state that the  
2 officer, after the officer's election or appointment, was con-  
3 victed of a felony.

4 (2) SUBJECT TO SUBSECTION (3), IF IT APPEARS FROM A CERTI-  
5 FIED COPY OF THE JUDGMENT OF A COURT OF RECORD OF THIS STATE  
6 THAT, AFTER THE ELECTION OR APPOINTMENT OF AN OFFICER TO AN ELEC-  
7 TIVE TOWNSHIP OFFICE, THE OFFICER WAS CONVICTED OF A MISDEMEANOR  
8 THAT IS NOT AN INFAMOUS CRIME, THE TOWNSHIP BOARD OF THE TOWNSHIP  
9 OR, IF THE TOWNSHIP BOARD FAILS TO ACT WITHIN 60 DAYS AFTER THE  
10 DATE OF CONVICTION OR THE EFFECTIVE DATE OF THE AMENDATORY ACT  
11 THAT ADDED THIS SUBSECTION, WHICHEVER IS LATER, THE GOVERNOR MAY  
12 REMOVE THE OFFICER FROM OFFICE. THE EXERCISE OF THE AUTHORITY  
13 GRANTED TO THE TOWNSHIP BOARD AND GOVERNOR BY THIS SUBSECTION IS  
14 DISCRETIONARY.

15 (3) The governor OR THE TOWNSHIP BOARD shall not take action  
16 upon the charges made against the officer until the charges are  
17 exhibited in writing, verified by the affidavit of the party  
18 making the charges that the party believes the charges to be  
19 true.

20 (4) The officer shall not be removed for misconduct or  
21 neglect until charges of the misconduct or neglect are exhibited  
22 to the governor as provided in this section, a copy of the  
23 charges served on the officer, and an opportunity given to the  
24 officer of being heard in his OR HER defense. The service of the  
25 charges upon the officer shall be made by handing to the officer  
26 a copy of the charges, together with the affidavits or exhibits  
27 which may be attached to the original petition if the officer can

1 be found. ~~if~~ IF the officer cannot be found a copy shall be  
2 left at the last place of residence of the officer with a person  
3 of suitable age, if a person OF SUITABLE AGE can be found. If a  
4 person OF SUITABLE AGE cannot be found, a copy shall be posted in  
5 a conspicuous place upon the officer's last known place of  
6 residence.

7 (5) An officer who has been removed ~~in accordance with~~  
8 PURSUANT TO this section ~~shall~~ IS not ~~be~~ eligible for elec-  
9 tion or appointment to an office for a period of 3 years after  
10 the date of removal from office.