

HOUSE JOINT RESOLUTION K

June 17, 1999, Introduced by Reps. Koetje, Richner, Toy, Patterson, Bishop, Green, Voorhees, Mortimer, Tabor, Julian, Switalski, DeRossett, Kuipers, Hart, DeVuyst, Jansen, Gilbert, Raczkowski and Cassis and referred to the Committee on Constitutional Law and Ethics.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 7 of article IV and section 26 of article V and adding section 8 to article XI, to provide that persons convicted of a felony are ineligible for certain statewide offices.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to provide that persons convicted of a felony are ineligible for certain statewide offices, is proposed, agreed to, and submitted to the people of the state:

ARTICLE IV

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Sec. 7. Each senator and representative must be a citizen of the United States, at least 21 years of age, and an elector of the district he represents. The removal of his domicile from the district shall be deemed a vacation of the office. ~~No person~~

1 ~~who has been convicted of subversion or who has within the~~
2 ~~preceding 20 years been convicted of a felony involving a breach~~
3 ~~of public trust shall be eligible for either house of the~~
4 ~~legislature.~~

5 ARTICLE V

6 Sec. 26. In case of the conviction of the governor on
7 impeachment, his OR HER removal from office, his OR HER
8 resignation, ~~or~~ his OR HER death, OR HIS OR HER VACATING OFFICE
9 UNDER SECTION 8 OF ARTICLE XI, the lieutenant governor, the
10 elected secretary of state, the elected attorney general and such
11 other persons designated by law shall in that order be governor
12 for the remainder of the governor's term.

13 **Death of governor-elect.**

14 In case of the death of the governor-elect, the lieutenant
15 governor-elect, the secretary of state-elect, the attorney
16 general-elect and such other persons designated by law shall
17 become governor in that order at the commencement of the
18 governor-elect's term.

19 **Duration of successor's term as governor.**

20 If the governor or the person in line of succession to serve
21 as governor is absent from the state, or suffering under an
22 inability, the powers and duties of the office of the governor
23 shall devolve in order of precedence until the absence or inabil-
24 ity giving rise to the devolution of powers ceases.

25 **Determination of inability.**

26 The inability of the governor or person acting as governor
27 shall be determined by a majority of the supreme court on joint

1 request of the president pro tempore of the senate and the
2 speaker of the house of representatives. Such determination
3 shall be final and conclusive. The supreme court shall upon its
4 own initiative determine if and when the inability ceases.

5 ARTICLE XI

6 SEC. 8. IF A PERSON HAS BEEN CONVICTED OF A FELONY, THE
7 PERSON HAS EXHAUSTED HIS OR HER APPEALS, AND THE CONVICTION HAS
8 NOT BEEN OVERTURNED, THAT PERSON IS INELIGIBLE FOR A STATE
9 OFFICE. IF THE PERSON HOLDS A STATE OFFICE WHEN THE INELIGIBIL-
10 ITY ARISES UNDER THIS SECTION, THE STATE OFFICE IS AUTOMATICALLY
11 VACATED.

12 IF, AS A RESULT OF THE OPERATION OF THIS SECTION, A STATE
13 OFFICE IS VACATED OR A POLITICAL PARTY IS LEFT WITHOUT A CANDI-
14 DATE FOR A STATE OFFICE NOMINATED OR INDORSED BY THAT PARTY, THE
15 VACANCY SHALL BE FILLED IN THE SAME MANNER PROVIDED BY THIS CON-
16 STITUTION OR LAW FOR THE FILLING OF A VACANCY THAT ARISES BECAUSE
17 OF THE DEATH OF THE CANDIDATE OR HOLDER OF THE STATE OFFICE.

18 THIS SECTION IS SELF-EXECUTING. LEGISLATION MAY BE ENACTED
19 TO FACILITATE OPERATION OF THIS SECTION, BUT A LAW SHALL NOT
20 LIMIT OR RESTRICT THE APPLICATION OF THIS SECTION.

21 AS USED IN THIS SECTION, "STATE OFFICE" MEANS THE OFFICE OF
22 STATE SENATOR, STATE REPRESENTATIVE, GOVERNOR, LIEUTENANT GOVER-
23 NOR, ATTORNEY GENERAL, SECRETARY OF STATE, OR JUSTICE OF THE
24 SUPREME COURT.

25 Resolved further, That the foregoing amendment shall be sub-
26 mitted to the people of the state at the next general election in
27 the manner provided by law.