

Rep. Schuitmaker offered the following concurrent resolution:

House Concurrent Resolution No. 28.

A concurrent resolution to call upon the Governor to remove Paul Mitchell and Doyle O'Connor from their positions as members of the Board of State Canvassers.

Whereas, On December 14, 2005, the Board of State Canvassers defied an order from the Michigan Court of Appeals to certify a certain ballot question and place the measure on the ballot for the November 2006 General Election. Board members Paul Mitchell, who voted against certification of the initiative, and Doyle O'Connor, who did not vote, have effectively violated their legal and moral obligations to uphold the Michigan Constitution and our state's laws. This is a serious matter; and

Whereas, The two board members who disregarded the order of the Court of Appeals are effectively attempting to disenfranchise 500,000 people who signed ballot initiative petitions. Their actions, however, go much farther. They are an offense to all of Michigan's citizens, who have every right to expect that their public officers will adhere to the provisions of our constitution and laws; and

Whereas, The rule of law is the foundation of our system of self-government. Defying a court order represents an attempt to exert authority beyond that intended. This flagrant violation of a court order erodes public trust in the board and, most likely, many aspects of the elections process and state government as a whole. The appropriate paths of adjudication must be followed. Sworn public servants cannot undermine the law and our courts; and

Whereas, Article V, Section 10, of the Michigan Constitution provides that "The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial"; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we call upon the Governor to remove Paul Mitchell and Doyle O'Connor from their positions as members of the Board of State Canvassers, pursuant to the provisions of Article V, Section 10, of the Michigan Constitution, and replace them with board members who will uphold Michigan's constitutional and statutory provisions; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor.