

SB 387, As Passed Senate, November 1, 2001

**SUBSTITUTE FOR
SENATE BILL NO. 387**

A bill to amend 1989 PA 24, entitled
"The district library establishment act,"
by amending section 11 (MCL 397.181); and to repeal acts and
parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) ALL OF THE FOLLOWING APPLY TO AN ELECTION OF
2 BOARD MEMBERS OF A DISTRICT LIBRARY UNLESS A SCHOOL DISTRICT IS A
3 PARTICIPATING MUNICIPALITY AND SUBSECTION (2) IMPOSES A DIFFERENT
4 REQUIREMENT:

5 (A) IF AN AGREEMENT PRESCRIBES ELECTED BOARD MEMBERS, THE
6 BOARD SHALL CONSIST OF 7 MEMBERS ELECTED AT LARGE FROM THE
7 DISTRICT.

8 (B) IF AN AGREEMENT PRESCRIBES ELECTED BOARD MEMBERS, A
9 PROVISIONAL BOARD OF 7 MEMBERS SHALL BE APPOINTED. THE MEMBERS

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1 OF THE PROVISIONAL BOARD SHALL HOLD OFFICE UNTIL THEIR SUCCESSORS
2 ARE ELECTED AND QUALIFIED.

3 (C) THE FIRST ELECTION OF BOARD MEMBERS SHALL TAKE PLACE AT
4 THE FIRST GENERAL ELECTION HELD 140 DAYS OR MORE AFTER THE
5 APPOINTMENT OF THE FIRST MEMBER OF THE PROVISIONAL BOARD. THE 4
6 PERSONS RECEIVING THE MOST VOTES AT THE FIRST ELECTION FOR BOARD
7 MEMBERS SHALL HAVE 4-YEAR TERMS, AND THE 3 REMAINING PERSONS
8 ELECTED TO THE BOARD SHALL HAVE 2-YEAR TERMS. AFTER THE FIRST
9 ELECTION, BOARD MEMBERS SHALL BE ELECTED AT GENERAL ELECTIONS FOR
10 4-YEAR TERMS THAT BEGIN ON JANUARY 1 FOLLOWING THE ELECTION.

11 (D) BOARD MEMBERS SHALL BE ELECTED ON NONPARTISAN BALLOTS.

12 (E) SUBJECT TO SUBDIVISION (F), A NOMINATION FOR THE OFFICE
13 OF BOARD MEMBER SHALL BE BY NONPARTISAN PETITIONS SIGNED BY REG-
14 ISTERED ELECTORS OF THE DISTRICT. THE NUMBER OF SIGNATURES SHALL
15 BE AS FOLLOWS:

16 (i) FOR A DISTRICT WITH A POPULATION OF LESS THAN 10,000,
17 NOT LESS THAN 6 OR MORE THAN 20.

18 (ii) FOR A DISTRICT WITH A POPULATION OF 10,000 OR MORE, NOT
19 LESS THAN 40 OR MORE THAN 100.

20 (F) IN LIEU OF THE NOMINATING PETITION PRESCRIBED IN THIS
21 SUBSECTION, AN INDIVIDUAL MAY FILE A \$100.00 NONREFUNDABLE FEE TO
22 HAVE HIS OR HER NAME PLACED ON THE BALLOT.

23 (G) A NOMINATING PETITION OR FILING FEE SHALL BE FILED WITH
24 THE CLERK OF THE LARGEST COUNTY NOT LATER THAN 4 P.M. OF THE DAY
25 110 DAYS BEFORE THE DATE OF THE ELECTION. THE COUNTY CLERK WITH
26 WHOM NOMINATING PETITIONS OR FILING FEES ARE FILED SHALL CERTIFY

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1 THE NAMES OF THE CANDIDATES TO THE CLERK OF EVERY OTHER COUNTY IN
2 WHICH ALL OR PART OF A PARTICIPATING MUNICIPALITY IS LOCATED.

3 (H) A VACANCY IN THE OFFICE OF A BOARD MEMBER SHALL BE
4 FILLED UNTIL THE EXPIRATION OF THE VACATING BOARD MEMBER'S TERM
5 BY APPOINTMENT BY MAJORITY VOTE OF THE REMAINING BOARD MEMBERS.
6 HOWEVER, IF THE VACANCY OCCURS 140 OR MORE DAYS OR, IF A SCHOOL
7 DISTRICT IS A PARTICIPATING MUNICIPALITY, 13 OR MORE MONDAYS
8 BEFORE THE FIRST REGULARLY SCHEDULED ELECTION OF BOARD MEMBERS
9 THAT FOLLOWS THE BEGINNING OF THE TERM OF THE BOARD MEMBER VACAT-
10 ING OFFICE AND THAT TERM IS 4 YEARS, ALL OF THE FOLLOWING APPLY:

11 (i) THE VACANCY SHALL BE FILLED BY APPOINTMENT BY MAJORITY
12 VOTE OF THE REMAINING BOARD MEMBERS ONLY UNTIL THE NEXT DATE ON
13 WHICH THE TERM OF ANY BOARD MEMBER EXPIRES.

14 (ii) A BOARD MEMBER SHALL BE ELECTED AT THE REGULARLY SCHED-
15 ULED ELECTION OF BOARD MEMBERS NEXT FOLLOWING THE OCCURRENCE OF
16 THE VACANCY TO FILL THE VACANCY FOR THE REMAINDER OF THE TERM OF
17 THE BOARD MEMBER VACATING OFFICE.

18 (2) If a school district is a participating municipality,
19 the following apply to an election of board members for a dis-
20 trict library:

21 (a) The first election of board members shall take place at
22 the same time as the first regularly scheduled election of school
23 board members in the largest participating school district occur-
24 ring on or after the thirteenth Monday following the appointment
25 of the first member of the provisional board. The term of office
26 of an elected member of the board ~~begins~~ SHALL BEGIN at the

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1 same time as the term of a school board member elected at the
2 same election in the largest participating school district.

3 (b) ~~—A—~~ SUBJECT TO SUBDIVISION (C), A nomination for the
4 office of board member shall be by a petition meeting to the
5 extent applicable the same requirements, including filing
6 requirements, as a nominating petition for the office of school
7 board member in the largest participating school district.
8 However, the petition shall be filed not later than 4 p.m. of the
9 ninth Monday preceding the election. ~~For the first election of~~
10 ~~board members, the~~ THE number of signatures shall be ~~not less~~
11 ~~than 50. For subsequent elections of board members, the number~~
12 ~~of signatures shall be not less than 1/2 of 1% of the number of~~
13 ~~persons voting in the district at the last election at which~~
14 ~~board members were elected.~~ AS FOLLOWS:

15 (i) FOR A DISTRICT WITH A POPULATION OF LESS THAN 10,000,
16 NOT LESS THAN 6 OR MORE THAN 20.

17 (ii) FOR A DISTRICT WITH A POPULATION OF 10,000 OR MORE, NOT
18 LESS THAN 40 OR MORE THAN 100.

19 (C) IN LIEU OF THE NOMINATING PETITION PRESCRIBED UNDER SUB-
20 DIVISION (B), AN INDIVIDUAL MAY FILE A \$100.00 NONREFUNDABLE FEE
21 TO HAVE HIS OR HER NAME PLACED ON THE BALLOT. A nominating peti-
22 tion OR FILING FEE shall be filed with the secretary of the
23 school board of the largest participating school district. The
24 secretary of that school board shall certify the names of the
25 candidates and the date of the election to the secretary of the
26 school board of every other participating school district and to
27 the election officials authorized by this act to conduct the

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1 election in each participating municipality all or a portion of
2 which is located within a nonparticipating school district.

3 Enacting section 1. (1) This amendatory act takes effect
4 January 1, 2003.

5 (2) Section 10 of the district library establishment act,
6 1989 PA 24, MCL 397.180, is repealed.