

Act No. 159  
Public Acts of 2002  
Approved by the Governor  
April 8, 2002  
Filed with the Secretary of State  
April 8, 2002  
EFFECTIVE DATE: January 1, 2003

**STATE OF MICHIGAN  
91ST LEGISLATURE  
REGULAR SESSION OF 2002**

**Introduced by Senators Hammerstrom, Johnson, McCotter, Sikkema and Garcia**

**ENROLLED SENATE BILL No. 387**

AN ACT to amend 1989 PA 24, entitled "An act to provide for the establishment and maintenance of district libraries; to provide for district library boards; to define the powers and duties of certain state and local governmental entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 11 (MCL 397.181); and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

Sec. 11. (1) All of the following apply to an election of board members of a district library unless a school district is a participating municipality and subsection (2) imposes a different requirement:

(a) If an agreement prescribes elected board members, the board shall consist of 7 members elected at large from the district.

(b) If an agreement prescribes elected board members, a provisional board of 7 members shall be appointed. The members of the provisional board shall hold office until their successors are elected and qualified.

(c) The first election of board members shall take place at the first general election held 140 days or more after the appointment of the first member of the provisional board. The 4 persons receiving the most votes at the first election for board members shall have 4-year terms, and the 3 remaining persons elected to the board shall have 2-year terms. After the first election, board members shall be elected at general elections for 4-year terms that begin on January 1 following the election.

(d) Board members shall be elected on nonpartisan ballots.

(e) Subject to subdivision (f), a nomination for the office of board member shall be by nonpartisan petitions signed by registered electors of the district. The number of signatures shall be as follows:

(i) For a district with a population of less than 10,000, not less than 6 or more than 20.

(ii) For a district with a population of 10,000 or more, not less than 40 or more than 100.

(f) In lieu of the nominating petition prescribed in this subsection, an individual may file a \$100.00 nonrefundable fee to have his or her name placed on the ballot.

(g) A nominating petition or filing fee shall be filed with the clerk of the largest county not later than 4 p.m. of the day 110 days before the date of the election. The county clerk with whom nominating petitions or filing fees are filed shall certify the names of the candidates to the clerk of every other county in which all or part of a participating municipality is located.

(h) A vacancy in the office of a board member shall be filled until the expiration of the vacating board member's term by appointment by majority vote of the remaining board members. However, if the vacancy occurs 140 or more days or, if a school district is a participating municipality, 13 or more Mondays before the first regularly scheduled election

of board members that follows the beginning of the term of the board member vacating office and that term is 4 years, all of the following apply:

(i) The vacancy shall be filled by appointment by majority vote of the remaining board members only until the next date on which the term of any board member expires.

(ii) A board member shall be elected at the regularly scheduled election of board members next following the occurrence of the vacancy to fill the vacancy for the remainder of the term of the board member vacating office.

(2) If a school district is a participating municipality, the following apply to an election of board members for a district library:

(a) The first election of board members shall take place at the same time as the first regularly scheduled election of school board members in the largest participating school district occurring on or after the thirteenth Monday following the appointment of the first member of the provisional board. The term of office of an elected member of the board shall begin at the same time as the term of a school board member elected at the same election in the largest participating school district.

(b) Subject to subdivision (c), a nomination for the office of board member shall be by a petition meeting to the extent applicable the same requirements, including filing requirements, as a nominating petition for the office of school board member in the largest participating school district. However, the petition shall be filed not later than 4 p.m. of the ninth Monday preceding the election. The number of signatures shall be as follows:

(i) For a district with a population of less than 10,000, not less than 6 or more than 20.

(ii) For a district with a population of 10,000 or more, not less than 40 or more than 100.

(c) In lieu of the nominating petition prescribed under subdivision (b), an individual may file a \$100.00 nonrefundable fee to have his or her name placed on the ballot. A nominating petition or filing fee shall be filed with the secretary of the school board of the largest participating school district. The secretary of that school board shall certify the names of the candidates and the date of the election to the secretary of the school board of every other participating school district and to the election officials authorized by this act to conduct the election in each participating municipality all or a portion of which is located within a nonparticipating school district.

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

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

This act is ordered to take immediate effect.

*Carol Morey Viventi*

Secretary of the Senate.

*Jay E. Randall*

Clerk of the House of Representatives.

Approved .....

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Governor.