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Senate Bill 546 (as enacted)
Sponsor: Senator Dave Robertson
Senate Committee: Local Government and Elections
House Committee: Elections and Ethics

PUBLIC ACT 131 of 2014

Date Completed: 1-9-15

CONTENT

The bill amended Public Act 164 of 1877, which governs city, village, and township libraries, to revise provisions regarding library governing boards. Specifically, the bill does the following:

- **Establishes four-year terms for members of boards established by cities or villages that hold elections for local officers every four years.**
- **Requires a candidate for city, village, or township library governing board member to be a qualified elector of that city, village, or township.**
- **Requires a nonpartisan library governing board election to be held in conjunction with the applicable local unit's next regularly scheduled primary or general election.**
- **Specifies conditions that constitute a vacancy on a library governing board.**
- **Specifies that an individual appointed to fill a vacancy on a city or village library board serves until the next regular election, and a person appointed to fill a vacancy on a township board serves until the next November general election.**

The bill took effect on May 27, 2014.

The Act contains requirements for the appointment or election of boards of directors for public libraries established by local units of government. The bill replaced a number of references to the "board of directors" and "directors" with references to the "governing board" and "members", respectively.

A city, village, or township must establish a governing board as provided in the Act immediately after the local unit has voted to establish a free public library. A local unit also must establish a board if it has a free public library that has not elected a governing board. In either case, the local unit must appoint a provisional governing board of six members who will hold office until the next city, village, or township election of a permanent board. A permanent board of six members must be elected, with members serving the following terms:

- In a city or village that holds an annual election, the terms of two members are one year, the terms of two members are two years, and the terms of two members are three years; and each year after that, two members must be elected for three-year terms.
- In a city or village that holds biennial elections, the terms of two members are two years, the terms of two members are four years, and the terms of two members are six years; and every two years after that, two members must be elected for six-year terms.
- In a township that holds elections for township officers every four years, six members must be elected for four-year terms.

The bill requires six members to be elected for four-year terms in a city or village that holds elections for city or village officers every four years.

In addition, the bill requires a candidate for city, village, or township library governing board member to be a qualified elector of that city, village, or township. The Act requires members to be nominated and elected on nonpartisan ballots. The Michigan Election Law governs the circulation and filing of petitions and the conduct of nonpartisan elections under the Act. The bill requires a nonpartisan library governing board election to be held in conjunction with the applicable local unit's next regularly scheduled primary or general election.

The Act provides that a member holds office until a successor is elected and qualified. The bill created an exception to this provision, specifying that a member office becomes vacant when the incumbent dies, resigns, is convicted of a felony, is removed from office by the Governor under the State Constitution, or ceases to be a qualified elector of the city, village, or township in which he or she was appointed or elected. The bill specifies that a member who was serving a term on May 27, 2014, and who during that term ceased to be a qualified elector of the applicable local unit may serve the remainder of the term, but may not seek another term unless he or she meets the qualified elector requirement and files nominating petitions as required by the Act.

Previously, the Act required a library governing board to fill a vacancy by appointment of an individual to hold office until the next election. The bill applies this requirement to a city or village board, and refers to the next regular election at which city or village officers are elected. Under the bill, a township library governing board must fill a vacancy by appointment of an individual to hold office until the next general November election.

MCL 397.202 et al.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.