

**CITY, VILLAGE, AND TOWNSHIP LIBRARIES (EXCERPT)**  
**Act 164 of 1877**

**397.211 Vote of city, village, or township to establish free public library; governing board; establishment; provisional or permanent; membership; powers.**

Sec. 11.

(1) Immediately after a city, a village, or a township has voted to establish a free public library, the city, village, or township shall establish a governing board as provided in subsections (3) and (4).

(2) If a city, village, or township has a free public library that has not elected a governing board, including a city library and governing board established under sections 1 to 10, the city, village, or township shall establish a governing board as provided in subsections (3) and (4).

(3) The legislative body of a city, village, or township described in subsection (1) or (2) shall appoint a provisional governing board of 6 members who shall hold office until the next city, village, or township election of a permanent governing board.

(4) A permanent governing board shall be established for a city, village, or township described in subsection (1) or (2) as follows:

(a) In a city or village that holds an annual election, 6 members shall be elected. The terms of 2 of the members shall be 1 year; the terms of 2 of the members shall be 2 years; and the terms of 2 of the members shall be 3 years. Each year thereafter, 2 members shall be elected for 3-year terms.

(b) In a city or village that holds biennial elections, 6 members shall be elected. The terms of 2 of the members shall be 2 years; the terms of 2 of the members shall be 4 years; and the terms of 2 of the members shall be 6 years. Biennially thereafter, 2 members shall be elected for 6-year terms.

(c) In a city or village that holds elections for city or village officers every 4 years, 6 members shall be elected for 4-year terms.

(d) In a township that holds elections for township officers every 4 years, 6 members shall be elected for 4-year terms.

(e) The members shall be nominated and elected on nonpartisan ballots. A candidate for city, village, or township governing board member shall be a qualified elector of that city, village, or township and shall file nonpartisan nominating petitions bearing the signatures of a number of registered and qualified electors of that city, village, or township as follows:

(i) For a city, village, or township having a population of 9,999 or less, not less than 6 or more than 20 signatures.

(ii) For a city, village, or township having a population of 10,000 or more, not less than 40 or more than 100 signatures.

(f) In lieu of the nominating petitions prescribed in subdivision (e), an individual may file with the clerk conducting an election a \$100.00 nonrefundable fee to have his or her name placed on the ballot.

(g) The Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, governs the circulation and filing of nonpartisan nominating petitions and the conduct of nonpartisan elections under this section. A nonpartisan election conducted under this section shall be held in conjunction with the city, village, or township's next regularly scheduled primary or general election.

(5) Except as otherwise provided in this subsection, a member shall hold office until a successor is elected and qualified. The office of member becomes vacant when the incumbent dies, resigns, is convicted of a felony, is removed from office by the governor under section 10 of article V of the state constitution of 1963, or, except as otherwise provided in this subsection, ceases to be a qualified elector of the city, village, or township in which he or she was appointed or elected. A member who is serving a term on a library governing board on the effective date of the amendatory act that added this sentence and who during that term ceases to be a qualified elector of the city, village, or township in which he or she was appointed or elected may serve the remainder of the term, but may not seek another term on the library governing board of that city, village, or township unless he or she meets the requirements of subsection (4)(e).

(6) A city or village library governing board shall fill a vacancy in a membership by appointment of an individual to hold office until the next regular election at which city or village officers are elected. A township library governing board shall fill a vacancy in a membership by appointment of an individual to hold office until the next general November election.

(7) A provisional or permanent governing board has the powers prescribed in section 5.

**History:** 1877, Act 164, Eff. Aug. 21, 1877 ;-- How. 5185 ;-- CL 1897, 3459 ;-- Am. 1905, Act 67, Eff. Sept. 16, 1905 ;-- CL 1915, 3442 ;-- CL 1929, 8070 ;-- Am. 1931, Act 248, Eff. Sept. 18, 1931 ;-- Am. 1945, Act 60, Imd. Eff. Mar. 28, 1945 ;-- CL 1948, 397.211 ;-- Am. 1978, Act 130, Imd. Eff. May 4, 1978 ;-- Am. 1980, Act 114, Imd. Eff. May 14, 1980 ;-- Am. 1980, Act 521, Eff. Mar. 31, 1981 ;-- Am.

1984, Act 138, Imd. Eff. June 1, 1984 ;-- Am. 1988, Act 432, Imd. Eff. Dec. 27, 1988 ;-- Am. 2002, Act 160, Eff. Jan. 1, 2003 ;-- Am. 2014, Act 131, Imd. Eff. May 27, 2014