



# PUBLIC LIBRARY BOARDS AND OATHS OF OFFICE

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Under the definitions of “Public Officer” that are described in various legal authorities citing the [Michigan Constitution Art. XI, Sect 1](#), any Public Library Board would fit within the designation, and therefore should take the oath.

## **CONSTITUTION OF MICHIGAN OF 1963**

### **§ 1 Oath of public officers.**

Sec. 1.

*All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of ..... according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.*

**History:** Const. 1963, Art. XI, § 1, Eff. Jan. 1, 1964

**Former Constitution:** See Const. 1908, Art. XVI, § 2.

“Public Officer,” as defined by legal authority citing this constitutional provision, is:

A “public office” is the right, authority, and duty, created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of the government, to be exercised by him for the benefit of the public, and the individual so invested is a “public officer”. [People v. Freedland \(1944\) 14 N.W.2d 62, 308 Mich. 449.](#)

A state officer, in one sense of the word, is one who exercises a portion of sovereign powers on a state-wide basis, normally from seat of government, while in another sense he is any official whatsoever whose duties embrace the implementation of sovereign power, however expressed such as a village constable. [Schobert v. Inter-County Drainage Bd. of Tuscola, Sanilac, and Lapeer Counties for White Creek No. 2 Inter-County Drain \(1955\) 69 N.W.2d 814, 342 Mich. 270.](#)

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In Addition. [MCL 15.151](#) states:

**15.151 Constitutional oath of office; employees and persons in service of state.**

*Sec. 1.*

*All persons now employed, or who may be employed by the state of Michigan or any governmental agency thereof, **and all other persons in the service of the state or any governmental agency**, shall, as a condition of their employment, take and subscribe to the oath or affirmation required of members of the legislature and other public officers by section 2 of article 16 of the constitution of 1908 of the state of Michigan.(emphasis added)*

**History:** 1951, Act 22, Imd. Eff. Apr. 5, 1951

**Compiler's Notes:** For constitutional provision referred to in this section, see now Const. 1963, Art. XI, § 1.

However, election laws <http://legislature.mi.gov/doc.aspx?mcl-116-1954-X> that specify time frames within which the oaths should be taken by certain County officers do not include any Boards (as the laws for Villages and Townships do).

But that fact does not detract from the fact that the Mi. Constitution supersedes these statutes (and is not in conflict with, since these statutes are designed to create more specific criteria and consequences for oath-taking- or lack of – not change who should take the oath in general), and, as far as I can tell, the Constitution indicates that ALL Public Officers (elected OR appointed) must take the Oath.

This would seem to indicate that a Library Board should take the oath.

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