

# HOUSE BILL NO. 4985

September 14, 2023, Introduced by Reps. Dievendorf, Tsernoglou, McFall, Wegela, Wilson, Brixie, Hope, Skaggs, Morgan, Haadsma, Brabec, MacDonell, Martus, Grant, Weiss, Stone, Rheingans, Andrews, Price, Breen, Coffia and Hill and referred to the Committee on Elections.

A bill to amend 1972 PA 222, entitled

"An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,"

by amending section 1 (MCL 28.291), as amended by 2021 PA 105.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           Sec. 1. (1) An individual who is a resident of this state may
- 2           apply to the secretary of state for an official state personal

1 identification card. Upon application, the applicant shall supply a  
2 photographic identity document, a birth certificate or other  
3 nonphotographic identity document, and other sufficient documents  
4 as the secretary of state may require to verify the identity and  
5 citizenship of the applicant. If an applicant for an official state  
6 personal identification card is not a citizen of the United States,  
7 the applicant shall supply a photographic identity document and  
8 other sufficient documents to verify the identity of the applicant  
9 and the applicant's legal presence in the United States under  
10 subsection (5). The documents required under this subsection must  
11 include the applicant's full legal name, date of birth, address,  
12 and residency and demonstrate that the applicant is a citizen of  
13 the United States or is legally present in the United States. If  
14 the applicant's full legal name differs from the name of the  
15 applicant that appears on a document presented under this  
16 subsection, the applicant shall present documents to verify ~~his or~~  
17 ~~her~~ **the applicant's** current full legal name. An application for an  
18 official state personal identification card must be made in a  
19 manner prescribed by the secretary of state and must contain the  
20 applicant's full legal name, date of birth, residence address,  
21 height, sex, eye color, signature, intent to be an organ donor,  
22 other information required or permitted on the official state  
23 personal identification card and, only to the extent to comply with  
24 federal law, the applicant's Social Security number. The applicant  
25 may provide a mailing address if the applicant receives mail at an  
26 address different from ~~his or her~~ **the applicant's** residence  
27 address. Beginning June 27, 2021, if the applicant is a program  
28 participant in the address confidentiality program under the  
29 address confidentiality program act, 2020 PA 301, MCL 780.851 to

1 780.873, ~~he or she~~ **the applicant** shall present to the secretary of  
2 state ~~his or her~~ **the applicant's** participation card issued under  
3 the address confidentiality program act, 2020 PA 301, MCL 780.851  
4 to 780.873. ~~For~~ **Only for** automatic voter registration ~~purposes~~  
5 **transactions** under section ~~493a~~ **493a(6)** of the Michigan election  
6 law, 1954 PA 116, MCL 168.493a, an applicant for an official state  
7 personal identification card must indicate on the application or  
8 change of address application whether ~~he or she~~ **the applicant** is a  
9 citizen of the United States. ~~An~~ **Only for automatic voter**  
10 **registration transactions under section 493a(6) of the Michigan**  
11 **election law, 1954 PA 116, MCL 168.493a, an** application must allow  
12 the applicant to indicate that the applicant declines to use the  
13 application as a voter registration application.

14 (2) The secretary of state shall accept as 1 of the  
15 identification documents required under subsection (1) an  
16 identification card issued by the department of corrections to  
17 prisoners who are placed on parole or released from a correctional  
18 facility, containing the prisoner's legal name, photograph, and  
19 other information identifying the prisoner as provided in section  
20 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237.

21 (3) The secretary of state shall have electronic access to  
22 prisoner information maintained by the department of corrections  
23 for the purpose of verifying the identity of a prisoner who applies  
24 for an official state identification card under subsection (1).

25 (4) The secretary of state shall not issue an official state  
26 personal identification card to an individual who holds an  
27 operator's or chauffeur's license issued under the Michigan vehicle  
28 code, 1949 PA 300, MCL 257.1 to 257.923, unless the license has  
29 been suspended, revoked, or restricted.

1           (5) If the applicant is not a citizen of the United States,  
2 the applicant shall provide, and the department shall verify,  
3 documents demonstrating ~~his or her~~ **the applicant's** legal presence  
4 in the United States. Nothing in this act obligates this state to  
5 comply with title II of the real ID act of 2005, Public Law 109-13.  
6 The secretary of state may adopt rules under the administrative  
7 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as are  
8 necessary for the administration of this subsection. A  
9 determination by the secretary of state that an applicant is not  
10 legally present in the United States may be appealed under section  
11 631 of the revised judicature act of 1961, 1961 PA 236, MCL  
12 600.631. The secretary of state shall not issue an official state  
13 personal identification card to an applicant described in this  
14 subsection for a term that exceeds the duration of the applicant's  
15 legal presence in the United States.

16           (6) The secretary of state shall not disclose a Social  
17 Security number obtained under subsection (1) to another person  
18 except for use for 1 or more of the following purposes:

19           (a) Compliance with 49 USC 31301 to 31317 and regulations and  
20 rules related to this act.

21           (b) To carry out the purposes of section 466(a) of the social  
22 security act, 42 USC 666, in connection with matters relating to  
23 paternity, child support, or overdue child support.

24           (c) To the department of health and human services, for  
25 comparison with vital records maintained by the department of  
26 health and human services under part 28 of the public health code,  
27 1978 PA 368, MCL 333.2801 to 333.2899.

28           (d) As otherwise required by law.

29           (7) The secretary of state shall not display an individual's

1 Social Security number on the individual's official state personal  
2 identification card.

3 (8) A requirement under this section to include a Social  
4 Security number on an application does not apply to an applicant  
5 who demonstrates that ~~he or she~~ **the applicant** is exempt under law  
6 from obtaining a Social Security number.

7 (9) The secretary of state, with the approval of the state  
8 administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may  
9 enter into agreements with the United States government to verify  
10 whether an applicant for an official state personal identification  
11 card under this section who is not a citizen of the United States  
12 is authorized under federal law to be present in the United States.

13 (10) The secretary of state shall not issue an official state  
14 personal identification card to an individual holding an official  
15 state personal identification card issued by another state without  
16 confirmation that the individual is terminating or has terminated  
17 the official state personal identification card issued by the other  
18 state.

19 (11) The secretary of state shall do all of the following:

20 (a) Ensure the physical security of locations where official  
21 state personal identification cards are produced and the security  
22 of document materials and papers from which official state personal  
23 identification cards are produced.

24 (b) Subject each person authorized to manufacture or produce  
25 official state personal identification cards and each person who  
26 has the ability to affect the identity information that appears on  
27 official state personal identification cards to appropriate  
28 security clearance requirements. The security requirements of this  
29 subdivision and subdivision (a) may require that official state

1 personal identification cards be manufactured or produced in this  
2 state.

3 (c) Provide fraudulent document recognition programs to  
4 secretary of state employees engaged in the issuance of official  
5 state personal identification cards.

6 (12) If an individual meets the requirements under subsection  
7 (13), beginning July 1, 2021, the secretary of state shall allow  
8 the individual to elect a communication impediment designation on  
9 the application maintained in the central file under section 7 or  
10 in another appropriate system that limits access to ~~a person~~ **an**  
11 **individual** allowed access to public record information by the  
12 criminal justice information policy council under the C.J.I.S.  
13 policy council act, 1974 PA 163, MCL 28.211 to 28.215, and that  
14 allows ~~a person~~ **an individual** with access to view a communication  
15 impediment designation with an official state personal  
16 identification card.

17 (13) An individual seeking an election for a communication  
18 impediment designation under subsection (12) shall provide the  
19 secretary of state a certification that meets all of the following:

20 (a) Is signed by a physician, physician assistant, certified  
21 nurse practitioner, audiologist, speech-language pathologist,  
22 psychologist, or physical therapist licensed to practice in this  
23 state.

24 (b) Identifies the individual for whom the communication  
25 impediment designation is being elected.

26 (c) Attests to the nature of the health condition that may  
27 impede communication.

28 (14) The secretary of state shall not display an individual's  
29 communication impediment designation on the individual's official

1 state personal identification card.

2 (15) ~~A person~~ **An individual** who intentionally makes a false  
3 statement of material fact or commits or attempts to commit a  
4 deception or fraud on a statement described under subsection (13)  
5 is guilty of a misdemeanor punishable by imprisonment for not more  
6 than 30 days or a fine of not more than \$500.00, or both.

7 (16) Subject to subsection (17), the secretary of state may  
8 cancel or revoke a communication impediment designation elected and  
9 maintained under this section if either of the following  
10 circumstances applies:

11 (a) The secretary of state determines that a communication  
12 impediment designation was fraudulently or erroneously elected.

13 (b) The secretary of state determines the communication  
14 impediment designation was abused during a traffic stop.

15 (17) The secretary of state shall provide an individual notice  
16 and an opportunity to be heard before canceling or revoking a  
17 communication impediment designation under subsection (16).

18 (18) As used in this section, "communication impediment" means  
19 an individual has a health condition that may impede communication  
20 with a police officer, including, but not limited to, any of the  
21 following:

22 (a) Deafness or hearing loss.

23 (b) An autism spectrum disorder.

24 Enacting section 1. This amendatory act does not take effect  
25 unless Senate Bill No. \_\_\_\_ or House Bill No. 4983 (request no.  
26 02701'23) of the 102nd Legislature is enacted into law.