

HOUSE BILL No. 4039

January 12, 2017, Introduced by Reps. Chirkun, Wittenberg, Green, Yanez, Moss, Hertel, Jones, Cochran, Neeley and Lasinski and referred to the Committee on Elections and Ethics.

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 2012 PA 25.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) A person who is a resident of this state may apply
2 to the department of state for an official state personal
3 identification card. Upon application, the applicant shall supply a
4 photographic identity document, a birth certificate or other
5 nonphotographic identity document, and other sufficient documents
6 as the secretary of state may require to verify the identity and
7 citizenship of the applicant. If an applicant for an official state
8 personal identification card is not a citizen of the United States,

1 the applicant shall supply a photographic identity document and
2 other sufficient documents to verify the identity of the applicant
3 and the applicant's legal presence in the United States under
4 subsection (5). The documents required under this subsection ~~shall~~
5 **MUST** include the applicant's full legal name, date of birth,
6 address, and residency and demonstrate that the applicant is a
7 citizen of the United States or is legally present in the United
8 States. If the applicant's full legal name differs from the name of
9 the applicant that appears on a document presented under this
10 subsection, the applicant shall present documents to verify his or
11 her current full legal name. An application for a state personal
12 identification card ~~shall~~**MUST** be made in a manner prescribed by
13 the secretary of state and ~~shall~~**MUST** contain the applicant's full
14 legal name, date of birth, residence address, height, sex, eye
15 color, signature, intent to be an organ donor, other information
16 required or permitted on the official state personal identification
17 card and, only to the extent to comply with federal law, the
18 applicant's social security number. The applicant may provide a
19 mailing address if the applicant receives mail at an address
20 different from his or her residence address. **FOR AUTOMATIC VOTER**
21 **REGISTRATION PURPOSES UNDER SECTION 493A OF THE MICHIGAN ELECTION**
22 **LAW, 1954 PA 116, MCL 168.493A, AN APPLICANT FOR AN OFFICIAL STATE**
23 **PERSONAL IDENTIFICATION CARD SHALL INDICATE ON THE APPLICATION,**
24 **RENEWAL APPLICATION, OR CHANGE OF ADDRESS APPLICATION WHETHER HE OR**
25 **SHE IS A CITIZEN OF THE UNITED STATES.**

26 (2) The secretary of state shall accept as 1 of the
27 identification documents required under subsection (1) an

1 identification card issued by the department of corrections to
2 prisoners who are placed on parole or released from a correctional
3 facility, containing the prisoner's legal name, photograph, and
4 other information identifying the prisoner as provided in section
5 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237.

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

10 (4) The secretary of state shall not issue an official state
11 personal identification card to a person who holds an operator's or
12 chauffeur's license issued under the Michigan vehicle code, 1949 PA
13 300, MCL 257.1 to 257.923, unless the license has been suspended,
14 revoked, or restricted.

15 (5) If the applicant is not a citizen of the United States,
16 the applicant shall provide, and the department shall verify,
17 documents demonstrating his or her legal presence in the United
18 States. Nothing in this act shall obligate or be construed to
19 obligate this state to comply with title II of the real ID act of
20 2005, Public Law 109-13. The secretary of state may adopt rules
21 under the administrative procedures act of 1969, 1969 PA 306, MCL
22 24.201 to 24.328, as are necessary for the administration of this
23 subsection. A determination by the secretary of state that an
24 applicant is not legally present in the United States may be
25 appealed under section 631 of the revised judicature act of 1961,
26 1961 PA 236, MCL 600.631.

27 (6) The secretary of state shall not disclose a social

1 security number obtained under subsection (1) to another person
2 except for use for 1 or more of the following purposes:

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

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

8 (c) With the department of ~~community~~ health **AND HUMAN**
9 **SERVICES**, for comparison with vital records maintained by the
10 department of ~~community~~ health **AND HUMAN SERVICES** under part 28 of
11 the public health code, 1978 PA 368, MCL 333.2801 to 333.2899.

12 (d) As otherwise required by law.

13 (7) The secretary of state shall not display a person's social
14 security number on the person's official state personal
15 identification card.

16 (8) A requirement under this section to include a social
17 security number on an application does not apply to an applicant
18 who demonstrates he or she is exempt under law from obtaining a
19 social security number.

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

26 (10) The secretary of state shall not issue an official state
27 personal identification card to a person holding an official state

1 personal identification card issued by another state without
2 confirmation that the person is terminating or has terminated the
3 official state personal identification card issued by the other
4 state.

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

6 (a) Ensure the physical security of locations where official
7 state personal identification cards are produced and the security
8 of document materials and papers from which official state personal
9 identification cards are produced.

10 (b) Subject all persons authorized to manufacture or produce
11 official state personal identification cards and all persons who
12 have the ability to affect the identity information that appears on
13 official state personal identification cards to appropriate
14 security clearance requirements. The security requirements of this
15 subdivision and subdivision (a) may require that official state
16 personal identification cards be manufactured or produced in this
17 state.

18 (c) Provide fraudulent document recognition programs to
19 department of state employees engaged in the issuance of official
20 state personal identification cards.

21 Enacting section 1. This amendatory act takes effect 90 days
22 after the date it is enacted into law.

23 Enacting section 2. This amendatory act does not take effect
24 unless Senate Bill No. _____ or House Bill No. 4037 (request no.
25 00438'17) of the 99th Legislature is enacted into law.