

HOUSE BILL NO. 4986

September 14, 2023, Introduced by Reps. Wilson, Tsernoglou, McFall, Wegela, Conlin, Glanville, Hope, Brixie, Skaggs, 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 2008 PA 23, entitled
"Enhanced driver license and enhanced official state personal
identification card act,"
by amending section 5 (MCL 28.305), as amended by 2021 PA 106.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) An applicant who chooses to apply for an enhanced
2 driver license or enhanced official state personal identification
3 card shall provide all of the following items to the secretary of
4 state in the manner prescribed by the secretary of state:

1 (a) A completed application indicating the applicant's full
2 legal name, any legal name change resulting from the applicant's
3 adoption, marriage, divorce, or a court order, date of birth,
4 residence address, height, gender, eye color, Social Security
5 number, signature, and, if applicable, the applicant's intention to
6 be an organ donor as provided under section 307 of the Michigan
7 vehicle code, 1949 PA 300, MCL 257.307, or section 2 of 1972 PA
8 222, MCL 28.292.

9 (b) Documentation demonstrating the applicant's United States
10 citizenship, full legal name, any legal name change resulting from
11 the applicant's adoption, marriage, divorce, or a court order, date
12 of birth, residence address, and Social Security number.

13 (c) The applicant's signed certification that the information
14 presented by the applicant is true and correct to the best of the
15 applicant's knowledge.

16 (d) The fee prescribed under section 6.

17 (2) An applicant who applies for an enhanced driver license or
18 enhanced official state personal identification card shall have ~~his~~
19 ~~or her~~ **the applicant's** facial image and signature captured or
20 reproduced by the secretary of state at the time of application. An
21 individual's facial image or signature may be made available by
22 this state and used as follows:

23 (a) By a federal, state, or local government agency for any
24 law enforcement purpose authorized by law.

25 (b) By another state to the extent required by federal law.

26 (c) By the secretary of state for any purpose specifically
27 authorized by law.

28 (d) By the secretary of state for forwarding to the department
29 of state police for use as provided in section 5c of 1927 PA 372,

1 MCL 28.425c.

2 (e) For any other purpose as determined by the secretary of
3 state, if an individual provides ~~his or her~~ **the individual's**
4 written authorization for the release of ~~his or her~~ **the**
5 **individual's** own facial image or signature.

6 (f) As otherwise required by law.

7 (3) Except as otherwise provided under subsection (2), the
8 secretary of state shall not disclose an individual's facial image,
9 signature, Social Security number, or copies or digital images of
10 documents retained under this act.

11 (4) An enhanced driver license or enhanced official state
12 personal identification card issued under this act must not display
13 ~~a person's~~ **an individual's** Social Security number or, if
14 applicable, a communication impediment designation on the face of
15 the card.

16 (5) The secretary of state shall examine and verify the
17 genuineness, regularity, and legality of every application and
18 other documentation submitted to the secretary of state for an
19 enhanced driver license or enhanced official state personal
20 identification card, and may in all cases investigate as the
21 secretary of state considers necessary or require additional
22 information, and shall reject any application if not satisfied of
23 the genuineness, regularity, and legality of the application or
24 supporting documentation or the truth of any statement contained in
25 the application or supporting documentation, or for any other
26 reason authorized by law. A decision by the secretary of state to
27 reject an application under this subsection may be appealed under
28 section 631 of the revised judicature act of 1961, 1961 PA 236, MCL
29 600.631.

1 (6) The secretary of state shall retain copies or digital
2 images of documents provided by the applicant to the secretary of
3 state under this act.

4 (7) The facial image of an applicant for a license or card
5 under this act who was not issued an enhanced driver license or
6 enhanced official state personal identification card must be
7 retained for not less than 1 year, unless fraud is suspected, in
8 which case a record containing the applicant's facial image and the
9 reason for denial must be retained for not less than 10 years.

10 (8) The secretary of state may disclose digital images of
11 documents retained under this act to a federal, state, or local
12 government agency for any law enforcement purpose authorized by
13 law. Except as otherwise provided in this act, copies or digital
14 images of documents retained under this act are exempt from
15 disclosure under the freedom of information act, 1976 PA 442, MCL
16 15.231 to 15.246.

17 (9) The secretary of state shall not compile or maintain a
18 database under this act that may be shared with a country other
19 than the United States.

20 ~~(10) An application for an enhanced driver license or enhanced~~
21 ~~official state personal identification card must allow the~~
22 ~~applicant to indicate that the applicant declines to use the~~
23 ~~application as a voter registration application.~~

24 **(10)** ~~(11)~~The secretary of state shall, as provided under
25 section 310 of the Michigan vehicle code, 1949 PA 300, MCL 257.310,
26 and under section 1 of 1972 PA 222, MCL 28.291, allow an applicant
27 for an enhanced driver license or enhanced official state personal
28 identification card, as applicable, to elect a communication
29 impediment designation and implement the process to allow ~~a person~~

1 **an individual** with authorized access to the law enforcement
2 information network under the C.J.I.S. policy council act, 1974 PA
3 163, MCL 28.211 to 28.215, to view a communication impediment
4 designation that the holder of an enhanced driver license or
5 enhanced official state personal identification card has
6 voluntarily provided to the secretary of state. The secretary of
7 state may cancel or revoke a communication impediment designation
8 elected and maintained under this section for the circumstances
9 described under section 310(23) of the Michigan vehicle code, 1949
10 PA 300, MCL 257.310 and under section 1(16) of 1972 PA 222, MCL
11 28.291. The secretary of state shall provide the holder of an
12 enhanced driver license or an enhanced official state personal
13 identification card notice and an opportunity to be heard before
14 canceling or revoking a communication impediment designation under
15 this section.

16 Enacting section 1. This amendatory act does not take effect
17 unless Senate Bill No. ____ or House Bill No. 4983 (request no.
18 02701'23) of the 102nd Legislature is enacted into law.