

# SENATE BILL No. 1240

November 29, 2018, Introduced by Senator KOWALL and referred to the Committee on Elections and Government Reform.

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 2018 PA 176.

**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~~**SOCIAL SECURITY** number. The applicant  
19 may provide a mailing address if the applicant receives mail at an  
20 address different from his or her residence address. **FOR AUTOMATIC**  
21 **VOTER REGISTRATION PURPOSES UNDER SECTION 493A OF THE MICHIGAN**  
22 **ELECTION LAW, 1954 PA 116, MCL 168.493A, AN APPLICANT FOR AN**  
23 **OFFICIAL STATE PERSONAL IDENTIFICATION CARD MUST INDICATE ON THE**  
24 **APPLICATION, RENEWAL APPLICATION, OR CHANGE OF ADDRESS APPLICATION**  
25 **WHETHER HE OR SHE IS A CITIZEN OF THE UNITED STATES. AN APPLICATION**  
26 **MUST ALLOW THE APPLICANT TO INDICATE THAT THE APPLICANT DECLINES TO**  
27 **USE THE APPLICATION AS A VOTER REGISTRATION APPLICATION.**

1           (2) The secretary of state shall accept as 1 of the  
2 identification documents required under subsection (1) an  
3 identification card issued by the department of corrections to  
4 prisoners who are placed on parole or released from a correctional  
5 facility, containing the prisoner's legal name, photograph, and  
6 other information identifying the prisoner as provided in section  
7 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237.

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

12           (4) The secretary of state shall not issue an official state  
13 personal identification card to a person who holds an operator's or  
14 chauffeur's license issued under the Michigan vehicle code, 1949 PA  
15 300, MCL 257.1 to 257.923, unless the license has been suspended,  
16 revoked, or restricted.

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

1 1961 PA 236, MCL 600.631. The secretary of state shall not issue an  
2 official state personal identification card to an applicant  
3 described in this subsection for a term that exceeds the duration  
4 of the applicant's legal presence in the United States.

5 (6) The secretary of state shall not disclose a ~~social~~  
6 ~~security~~**SOCIAL SECURITY** number obtained under subsection (1) to  
7 another person except for use for 1 or more of the following  
8 purposes:

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

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

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

18 (d) As otherwise required by law.

19 (7) The secretary of state shall not display a person's ~~social~~  
20 ~~security~~**SOCIAL SECURITY** number on the person's official state  
21 personal identification card.

22 (8) A requirement under this section to include a ~~social~~  
23 ~~security~~**SOCIAL SECURITY** number on an application does not apply to  
24 an applicant who demonstrates he or she is exempt under law from  
25 obtaining a ~~social security~~**SOCIAL SECURITY** number.

26 (9) The secretary of state, with the approval of the state  
27 administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may

1 enter into agreements with the United States government to verify  
2 whether an applicant for an official state personal identification  
3 card under this section who is not a citizen of the United States  
4 is authorized under federal law to be present in the United States.

5 (10) The secretary of state shall not issue an official state  
6 personal identification card to a person holding an official state  
7 personal identification card issued by another state without  
8 confirmation that the person is terminating or has terminated the  
9 official state personal identification card issued by the other  
10 state.

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

12 (a) Ensure the physical security of locations where official  
13 state personal identification cards are produced and the security  
14 of document materials and papers from which official state personal  
15 identification cards are produced.

16 (b) Subject all persons authorized to manufacture or produce  
17 official state personal identification cards and all persons who  
18 have the ability to affect the identity information that appears on  
19 official state personal identification cards to appropriate  
20 security clearance requirements. The security requirements of this  
21 subdivision and subdivision (a) may require that official state  
22 personal identification cards be manufactured or produced in this  
23 state.

24 (c) Provide fraudulent document recognition programs to  
25 department of state employees engaged in the issuance of official  
26 state personal identification cards.

27 Enacting section 1. This amendatory act does not take effect

1 unless Senate Bill No. 1238

2 of the 99th Legislature is enacted into law.