

HOUSE BILL No. 6068

November 29, 2016, Introduced by Rep. Lyons 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 sections 1, 1a, and 2 (MCL 28.291, 28.291a, and 28.292), section 1 as amended by 2012 PA 25, section 1a as amended by 2008 PA 31, and section 2 as amended by 2016 PA 203.

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

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

23 (2) The secretary of state shall accept as 1 of the
24 identification documents required under subsection (1) an
25 identification card issued by the department of corrections to
26 prisoners who are placed on parole or released from a correctional
27 facility, containing the prisoner's legal name, photograph, and

1 other information identifying the prisoner as provided in section
2 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237.

3 (3) BEGINNING FEBRUARY 1, 2018, IN LIEU OF A BIRTH CERTIFICATE
4 OR OTHER NONPHOTOGRAPHIC IDENTITY DOCUMENT REQUIRED UNDER
5 SUBSECTION (1), THE SECRETARY OF STATE SHALL ACCEPT AS 1 OF THE
6 IDENTIFICATION DOCUMENTS REQUIRED UNDER SUBSECTION (1) A
7 NONPHOTOGRAPHIC IDENTITY DOCUMENT DESCRIBED IN THIS SUBSECTION. A
8 STATE PERSONAL IDENTIFICATION CARD ISSUED BY THE SECRETARY OF STATE
9 USING A NONPHOTOGRAPHIC IDENTITY DOCUMENT DESCRIBED IN THIS
10 SUBSECTION SHALL ONLY BE ISSUED IF THAT ISSUANCE OTHERWISE COMPLIES
11 WITH FEDERAL AND STATE LAW AND IS A VALID FORM OF PHOTO
12 IDENTIFICATION FOR VOTING PURPOSES ONLY. A NONPHOTOGRAPHIC IDENTITY
13 DOCUMENT UNDER THIS SUBSECTION IS LIMITED TO AN AFFIDAVIT MADE BY
14 AN APPLICANT UNDER PENALTY OF PERJURY AND IN A FORM PRESCRIBED BY
15 THE SECRETARY OF STATE. AN AFFIDAVIT MADE UNDER THIS SUBSECTION
16 MUST INCLUDE ALL OF THE FOLLOWING:

17 (A) THE APPLICANT'S DATE OF BIRTH AS REPRESENTED BY THE
18 APPLICANT.

19 (B) THAT THE APPLICANT IS A CITIZEN OF THE UNITED STATES AND
20 WAS BORN OUTSIDE OF THIS STATE AND POSSESSES THE QUALIFICATIONS OF
21 AN ELECTOR UNDER SECTION 492 OF THE MICHIGAN ELECTION LAW, 1954 PA
22 116, MCL 168.492.

23 (C) THAT THE APPLICANT HAS ATTEMPTED AND FAILED TO OBTAIN A
24 BIRTH CERTIFICATE OR OTHER FORM OF NONPHOTOGRAPHIC IDENTIFICATION
25 REQUIRED UNDER SUBSECTION (1) FROM THE APPLICANT'S STATE OR UNITED
26 STATES TERRITORY OF BIRTH AS A RESULT OF EITHER OF THE FOLLOWING:

27 (i) INADEQUATE, NONEXISTENT, OR LOST RECORDS IN THE

1 APPLICANT'S STATE OR TERRITORY OF BIRTH.

2 (ii) THE INDIGENCY OF THE APPLICANT AND THE COST OF THE
3 RECORD.

4 (D) THAT THE APPLICANT DOES NOT POSSESS ANY OTHER FORM OF
5 PHOTO IDENTIFICATION FOR VOTING PURPOSES.

6 (E) DOCUMENTATION FROM THE APPLICANT'S STATE OR UNITED STATES
7 TERRITORY OF BIRTH SUPPORTING THE APPLICANT'S ATTESTATION UNDER
8 SUBDIVISION (C) (i) IF APPLICABLE, AND NOT LESS THAN 1 DOCUMENT
9 SUPPORTING THE APPLICANT'S ATTESTATION UNDER SUBDIVISION (A).

10 (4) THE SECRETARY OF STATE SHALL ESTABLISH A PROCEDURE FOR
11 ISSUING AN INDIVIDUAL A STATE PERSONAL IDENTIFICATION CARD UNDER
12 SUBSECTION (3).

13 (5) ~~(3)~~—The secretary of state shall have electronic access to
14 prisoner information maintained by the department of corrections
15 for the purpose of verifying the identity of a prisoner who applies
16 for an official state identification card under subsection (1).

17 (6) ~~(4)~~—The secretary of state shall not issue an official
18 state personal identification card to a person who holds an
19 operator's or chauffeur's license issued under the Michigan vehicle
20 code, 1949 PA 300, MCL 257.1 to 257.923, unless the license has
21 been suspended, revoked, or restricted.

22 (7) ~~(5)~~—If the applicant is not a citizen of the United
23 States, the applicant shall provide, and the department shall
24 verify, documents demonstrating his or her legal presence in the
25 United States. Nothing in this act shall obligate or be construed
26 to obligate this state to comply with title II of the real ID act
27 of 2005, Public Law 109-13. The secretary of state may adopt rules

1 under the administrative procedures act of 1969, 1969 PA 306, MCL
2 24.201 to 24.328, as are necessary for the administration of this
3 subsection. A determination by the secretary of state that an
4 applicant is not legally present in the United States may be
5 appealed under section 631 of the revised judicature act of 1961,
6 1961 PA 236, MCL 600.631.

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

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

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

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

19 (d) As otherwise required by law.

20 (9) ~~(7)~~—The secretary of state shall not display a person's
21 social security number on the person's official state personal
22 identification card.

23 (10) ~~(8)~~—A requirement under this section to include a social
24 security number on an application does not apply to an applicant
25 who demonstrates he or she is exempt under law from obtaining a
26 social security number.

27 (11) ~~(9)~~—The secretary of state, with the approval of the

1 state administrative board created under 1921 PA 2, MCL 17.1 to
2 17.3, may enter into agreements with the United States government
3 to verify whether an applicant for an official state personal
4 identification card under this section who is not a citizen of the
5 United States is authorized under federal law to be present in the
6 United States.

7 (12) ~~(10)~~—The secretary of state shall not issue an official
8 state personal identification card to a person holding an official
9 state personal identification card issued by another state without
10 confirmation that the person is terminating or has terminated the
11 official state personal identification card issued by the other
12 state.

13 (13) ~~(11)~~—The secretary of state shall do all of the
14 following:

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

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

27 (c) Provide fraudulent document recognition programs to

1 department of state employees engaged in the issuance of official
2 state personal identification cards.

3 Sec. 1a. As used in this act:

4 (a) "Highly restricted personal information" includes an
5 individual's photograph or image, social security number, digitized
6 signature, and medical and disability information and source
7 documents presented by an applicant to obtain a personal
8 identification card under section 1.

9 (b) "Personal information" means information that identifies
10 an individual, including the individual's photograph or image,
11 name, address (but not the 5-digit zip code), driver license
12 number, social security number, telephone number, digitized
13 signature, and medical and disability information.

14 (C) **"PHOTO IDENTIFICATION FOR VOTING PURPOSES" MEANS THAT TERM**
15 **AS DEFINED IN SECTION 20(A) OF THE MICHIGAN ELECTION LAW, 1954 PA**
16 **116, MCL 168.20.**

17 (D) ~~(e)~~-"Residence address" means the place that is the
18 settled home or domicile at which a person legally resides, which
19 meets the definition of residence as **THAT TERM IS** defined in
20 section 11 of the Michigan election law, 1954 PA 116, MCL 168.11.

21 (E) ~~(d)~~-"Resident" means every person who resides in this
22 state and establishes that he or she is legally present in the
23 United States. This definition applies to the provisions of this
24 act only.

25 Sec. 2. (1) An official state personal identification card
26 ~~shall~~**MUST** contain the following:

27 (a) An identification number permanently assigned to the

1 individual to whom the card is issued.

2 (b) The full legal name, date of birth, sex, residence
3 address, height, weight, eye color, digital photographic image,
4 signature of or verification and certification by the applicant, as
5 determined by the secretary of state, and expiration date of the
6 official state personal identification card.

7 (c) An indication that the identification card contains 1 or
8 more of the following:

9 (i) The blood type of the individual.

10 (ii) Immunization data of the individual.

11 (iii) Medication data of the individual.

12 (iv) A statement that the individual is deaf.

13 (d) In the case of a holder of an official state personal
14 identification card who has indicated his or her wish to
15 participate in the anatomical gift donor registry under part 101 of
16 the public health code, 1978 PA 368, MCL 333.10101 to 333.10123, a
17 heart insignia on the front of the official state personal
18 identification card.

19 (e) If requested by an individual who is a veteran as **THAT**
20 **TERM IS** defined in section 1 of 1965 PA 190, MCL 35.61, a
21 designation that the individual is a veteran. The designation shall
22 be in a style and format considered appropriate by the secretary of
23 state. The secretary of state shall require proof of discharge or
24 separation of service from the armed forces of this state, another
25 state, or the United States, and the nature of that discharge, for
26 the purposes of verifying an individual's status as a veteran under
27 this subdivision. The secretary of state shall consult with the

1 department of military and veterans affairs in determining the
2 proof that shall be required to identify an individual's status as
3 a veteran for the purposes of this subsection. The secretary of
4 state may provide the department of military and veterans affairs
5 and agencies of the counties of this state that provide veteran
6 services with information provided by an applicant under this
7 subsection for the purpose of veterans' benefits eligibility
8 referral.

9 (f) Physical security features designed to prevent tampering,
10 counterfeiting, or duplication of the official state personal
11 identification card for fraudulent purposes.

12 (2) In conjunction with the application for an official state
13 personal identification card, the secretary of state shall do all
14 of the following:

15 (a) Provide the applicant with all of the following:

16 (i) Information explaining the applicant's right to make an
17 anatomical gift in the event of death under part 101 of the public
18 health code, 1978 PA 368, MCL 333.10101 to 333.10123, and in
19 accordance with this section.

20 (ii) Information describing the donor registry program
21 maintained by Michigan's federally designated organ procurement
22 organization or its successor organization under section 10120 of
23 the public health code, 1978 PA 368, MCL 333.10120. The information
24 required under this subparagraph includes the address and telephone
25 number of Michigan's federally designated organ procurement
26 organization or its successor organization as described in section
27 10120 of the public health code, 1978 PA 368, MCL 333.10120.

1 (iii) Information giving the applicant the opportunity to have
2 his or her name placed on the registry described in subparagraph
3 (ii) .

4 (b) Provide the applicant with the opportunity to specify on
5 his or her official state personal identification card that he or
6 she is willing to make an anatomical gift in the event of death
7 pursuant to part 101 of the public health code, 1978 PA 368, MCL
8 333.10101 to 333.10123, and in accordance with this section.

9 (c) Inform the applicant that, if he or she indicates to the
10 secretary of state under this section a willingness to have his or
11 her name placed on the donor registry described in subdivision
12 (a) (ii) , the secretary of state will mark the applicant's record
13 for the donor registry.

14 (3) The secretary of state may fulfill the requirements of
15 subsection (2) by 1 or more of the following methods:

16 (a) Providing printed material enclosed with a mailed notice
17 for the issuance or renewal of an official state personal
18 identification card.

19 (b) Providing printed material to an applicant who personally
20 appears at a secretary of state branch office.

21 (c) Through electronic information transmittals for
22 applications processed by electronic means.

23 (4) The secretary of state shall prescribe the form of the
24 official state personal identification card. The secretary of state
25 shall designate a space on the identification card where the
26 applicant may place a sticker or decal of a uniform size as the
27 secretary may specify to indicate that the cardholder carries a

1 separate emergency medical information card. The sticker or decal
2 may be provided by any person, hospital, school, medical group, or
3 association interested in assisting in implementing the emergency
4 medical information card, but shall meet the specifications of the
5 secretary of state. The sticker or decal also may be used to
6 indicate that the cardholder has designated 1 or more patient
7 advocates in accordance with section 5506 of the estates and
8 protected individuals code, 1998 PA 386, MCL 700.5506. The
9 emergency medical information card, carried separately by the
10 cardholder, may contain the information described in subsection
11 (2)(c), information concerning the cardholder's patient advocate
12 designation, other emergency medical information, or an indication
13 as to where the cardholder has stored or registered emergency
14 medical information. An original identification card or the renewal
15 of an existing identification card issued to an individual less
16 than 21 years of age shall be portrait or vertical in form and an
17 identification card issued to an individual 21 years of age or over
18 shall be landscape or horizontal in form. Except as otherwise
19 required in this act, other information required on the
20 identification card under this act may appear on the identification
21 card in a form prescribed by the secretary of state.

22 (5) The identification card shall not contain a fingerprint or
23 finger image of the applicant.

24 (6) Except as provided in this subsection, the secretary of
25 state shall retain and use an individual's digital photographic
26 image and signature described in subsection (1)(b) only for
27 programs administered by the secretary of state as specifically

1 authorized by law. An individual's digital photographic image or
2 signature shall only be used as follows:

3 (a) By a federal, state, or local governmental agency for a
4 law enforcement purpose authorized by law.

5 (b) By the secretary of state for a use specifically
6 authorized by law.

7 (c) The secretary of state shall forward to the department of
8 state police the images of individuals required to be registered
9 under the sex offenders registration act, 1994 PA 295, MCL 28.721
10 to 28.736, upon the department of state police providing the
11 secretary of state an updated list of those individuals.

12 (d) As necessary to comply with a law of this state or the
13 United States.

14 (7) If an individual presents evidence of statutory blindness
15 as provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued
16 or is the holder of an official state personal identification card,
17 the secretary of state shall mark the individual's identification
18 card in a manner that clearly indicates that the cardholder is
19 legally blind.

20 (8) The secretary of state shall maintain a record of an
21 individual who indicates a willingness to have his or her name
22 placed on the donor registry described in subsection (2) (a) (ii).
23 Information about an individual's indication of a willingness to
24 have his or her name placed on the donor registry that is obtained
25 by the secretary of state and forwarded under this section is
26 exempt from disclosure under section 13(1) (d) of the freedom of
27 information act, 1976 PA 442, MCL 15.243. As required in section

1 10120 of the public health code, 1978 PA 368, MCL 333.10120, the
2 secretary of state shall establish and maintain the donor registry
3 in a manner that complies with that section and that provides
4 electronic access, including, but not limited to, the transfer of
5 data to this state's federally designated organ procurement
6 organization or its successor organization, tissue banks, and eye
7 banks.

8 (9) An official state personal identification card may contain
9 an identifier for voter registration purposes. **THE SECRETARY OF**
10 **STATE MAY MARK A STATE PERSONAL IDENTIFICATION CARD IN A MANNER**
11 **THAT CLEARLY INDICATES THAT IT IS VALID FOR VOTING PURPOSES ONLY IF**
12 **THE STATE PERSONAL IDENTIFICATION CARD WAS ISSUED UNDER SECTION**
13 **1(3).**

14 (10) An official state personal identification card shall
15 contain information appearing in electronic or machine readable
16 codes needed to conduct a transaction with the secretary of state.
17 The information shall be limited to the information described in
18 subsection (1)(a) and (b) except for the person's digital
19 photographic image and signature or verification and certification,
20 state of issuance, and other information necessary for use with
21 electronic devices, machine readers, or automatic teller machines
22 and shall not contain the individual's driving record or other
23 personal identifier. The identification card shall identify the
24 encoded information.

25 (11) An official state personal identification card shall be
26 issued only upon authorization of the secretary of state, and shall
27 be manufactured in a manner to prohibit as nearly as possible the

1 ability to reproduce, alter, counterfeit, forge, or duplicate the
2 identification card without ready detection.

3 (12) Except as otherwise provided in this act, an applicant
4 shall pay a fee of \$10.00 to the secretary of state for each
5 original or renewal official state personal identification card
6 issued. The department of treasury shall deposit the fees received
7 and collected under this section in the state treasury to the
8 credit of the general fund. The legislature shall appropriate the
9 fees credited to the general fund under this act to the secretary
10 of state for the administration of this act. Appropriations from
11 the Michigan transportation fund created under section 10 of 1951
12 PA 51, MCL 247.660, shall not be used to compensate the secretary
13 of state for costs incurred and services performed under this
14 section.

15 (13) An original or renewal official state personal
16 identification card expires on the birthday of the individual to
17 whom it is issued in the fourth year following the date of issuance
18 or on the date the individual is no longer considered to be legally
19 present in the United States under section 1, whichever is earlier.
20 The secretary of state shall not issue an official state personal
21 identification card under this act for a period greater than 4
22 years. Except as provided in this subsection, the secretary of
23 state may issue a renewal official state personal identification
24 card for 1 additional 4-year period by mail or by other methods
25 prescribed by the secretary of state. The secretary of state shall
26 require renewal in person by an individual required under section
27 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a,

1 to maintain a valid operator's or chauffeur's license or official
2 state personal identification card.

3 (14) The secretary of state shall waive the fee under this
4 section if the applicant is any of the following:

5 (a) An individual 65 years of age or older.

6 (b) An individual who has had his or her operator's or
7 chauffeur's license suspended, revoked, or denied under the
8 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, because
9 of a mental or physical infirmity or disability.

10 (c) An individual who presents evidence of statutory blindness
11 as provided in 1978 PA 260, MCL 393.351 to 393.368.

12 (d) An individual who presents other good cause for a fee
13 waiver.

14 (e) An individual who wishes to add or remove a heart insignia
15 described in subsection (1)(d).

16 **(F) AN INDIVIDUAL WHO DOES NOT POSSESS PHOTO IDENTIFICATION**
17 **FOR VOTING PURPOSES AND WHO POSSESSES THE QUALIFICATIONS OF AN**
18 **ELECTOR UNDER SECTION 492 OF THE MICHIGAN ELECTION LAW, 1954 PA**
19 **116, MCL 168.492.**

20 (15) An individual who has been issued an official state
21 personal identification card shall apply for a renewal official
22 state personal identification card if the individual changes his or
23 her name.

24 (16) An individual who has been issued an official state
25 personal identification card shall apply for a corrected
26 identification card if he or she changes his or her residence
27 address. The secretary of state may correct the address on an

1 identification card by a method prescribed by the secretary of
2 state. A fee shall not be charged for a change of residence
3 address.

4 (17) Except as otherwise provided in subsections (15) and
5 (16), an individual who has been issued an official state personal
6 identification card may apply for a renewal official state personal
7 identification card for 1 or more of the following reasons:

8 (a) The individual wants to change any information on the
9 identification card.

10 (b) An identification card issued under this act is lost,
11 destroyed, or mutilated, or becomes illegible.

12 (18) An individual may indicate on an official state personal
13 identification card in a place designated by the secretary of state
14 his or her blood type, emergency contact information, immunization
15 data, medication data, or a statement that the individual is deaf.

16 (19) No later than January 1, 2017, the secretary of state
17 shall develop and shall, in conjunction with the department of
18 state police, implement a process using the L.E.I.N. or any other
19 appropriate system that limits access to law enforcement that ~~would~~
20 ~~allow~~ **ALLOWS** law enforcement agencies of this state to access
21 emergency contact information that the holder of an official state
22 personal identification card has voluntarily provided to the
23 secretary of state. As used in this subsection, "emergency contact
24 information" means the name, telephone number, or address of an
25 individual that is used for the sole purpose of contacting that
26 individual when the holder of an official state personal
27 identification card has been involved in an emergency.

1 (20) If an applicant provides proof to the secretary of state
2 that he or she is a minor who has been emancipated under 1968 PA
3 293, MCL 722.1 to 722.6, the official state personal identification
4 card shall bear the designation of the individual's emancipated
5 status in a manner prescribed by the secretary of state.

6 (21) The secretary of state shall inquire of each individual
7 who applies for or who holds an official state personal
8 identification card, in person or by mail, whether he or she agrees
9 to participate in the anatomical gift donor registry under part 101
10 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123.
11 An individual who has agreed to participate in the donor registry
12 shall not be considered to have revoked that agreement solely
13 because the individual's official state personal identification
14 card has expired. Enrollment in the donor registry ~~constitutes~~**IS** a
15 legal agreement that remains binding and in effect after the
16 donor's death regardless of the expressed desires of the deceased
17 donor's next of kin who may oppose the donor's anatomical gift.

18 (22) A valid official state personal identification card
19 presented by the individual to whom the card is issued ~~shall be~~**IS**
20 considered the same as a valid state of Michigan driver license
21 when identification is requested except as otherwise specifically
22 provided by law.

23 Enacting section 1. This amendatory act takes effect February
24 1, 2018.

25 Enacting section 2. This amendatory act does not take effect
26 unless all of the following bills of the 98th Legislature are
27 enacted into law:

1 (a) Senate Bill No. _____ or House Bill No. 6066 (request no.
2 06687'16 *).

3 (b) Senate Bill No. _____ or House Bill No. 6067 (request no.
4 06688'16 *).