

THIS RESOLUTION IS OFFERED PURSUANT TO ARTICLE III, SECTION 8 OF THE MICHIGAN CONSTITUTION

Reps. Ward, Hildenbrand, Hummel, Caswell, Rocca, Mortimer, Gosselin, Marleau, LaJoy, Ball, Emmons, Pastor, Brandenburg, Van Regenmorter, Gaffney, Sheen, Nofs, Taub, Nitz, Moolenaar, Caul, Huizenga, Stakoe, Proos, Baxter, Green, David Law, Jones, Vander Veen, Kahn, Hune, Meyer, Moore, Amos, Shaffer, Pavlov, Steil, Palsrok, Stahl, Hoogendyk, Hansen, Newell, Farhat, Casperson, Robertson, Garfield, Elsenheimer, Schuitmaker, Pearce and Kooiman offered the following resolution:

House Resolution No. 199.

A resolution to request the Michigan Supreme Court to issue an opinion on the constitutionality of the provisions of 2005 PA 71 that require voters to provide photo identification in order to obtain a ballot.

Whereas, The sanctity of the elections process is a cornerstone of our democracy. In an effort to safeguard the integrity of elections, the Legislature and the Governor amended the Michigan Election Law (1954 PA 116) in 1996 to provide that voters must identify themselves at polling places by presenting photo identification; and

Whereas, In 1997, Michigan's Attorney General issued an opinion (OAG No. 6930, issued January 29, 1997) that said that the photo identification requirement, contained in MCL § 168.523, violated the equal protection clause of the Fourteenth Amendment to the United States Constitution. Since the issuance of this opinion, neither of Michigan's Secretaries of State, nor any local election official, has enforced the photo identification requirements of MCL § 168.523; and

Whereas, In 2002, the federal government took a major step to strengthen our elections process with the Help America Vote Act (HAVA), which requires first-time voters who register to vote by mail to produce proof of identity, which may include photo identification; and

Whereas, In the past few years, many states, complying with HAVA, have enacted legislation to require stronger voter identification procedures. In 2005, Michigan enacted Senate Bill No. 513 into law as 2005 PA 71 and reenacted the photo identification requirements in MCL § 168.523. This amendatory act will not take effect until January 1, 2007; and

Whereas, Article III, Section 8 of the Michigan Constitution provides that "Either house of the legislature or the governor may request the opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date"; now, therefore, be it

Resolved by the House of Representatives, That we request the Michigan Supreme Court to issue an opinion, pursuant to Article III, Section 8 of the Michigan Constitution, on the following important question of law: Do the photo identification requirements contained in 2005 PA 71 violate either the Michigan Constitution or the United States Constitution?; and be it further

Resolved, That copies of this resolution and a copy of 2005 PA 71 be transmitted to the Michigan Supreme Court.