

# HOUSE BILL NO. 5885

March 08, 2022, Introduced by Reps. Bollin, Maddock, Steenland, Alexander, Lightner and LaFave and referred to the Committee on Elections and Ethics.

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 facial image and signature captured or reproduced by the  
20 secretary of state at the time of application. **Beginning on the**  
21 **effective date of the amendatory act that added this sentence, the**  
22 **secretary of state shall capture or reproduce the applicant's**  
23 **facial image and signature for a renewal or duplicate enhanced**  
24 **driver license or enhanced official state personal identification**  
25 **card. The facial image and signature captured or reproduced for a**  
26 **renewal or duplicate enhanced driver license or enhanced official**  
27 **state personal identification card must be used to replace the**  
28 **facial image and signature captured or reproduced when the**  
29 **application for an enhanced driver license or enhanced official**

1 state personal identification card is made and be uploaded to the  
2 qualified voter file as required under section 509q of the Michigan  
3 election law, 1954 PA 116, MCL 168.509q. An individual's facial  
4 image or signature may be made available by this state and used as  
5 follows:

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

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

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

11 (d) By the secretary of state for forwarding to the department  
12 of state police for use as provided in section 5c of 1927 PA 372,  
13 MCL 28.425c.

14 (e) For any other purpose as determined by the secretary of  
15 state, if an individual provides his or her written authorization  
16 for the release of his or her own facial image or signature.

17 (f) As otherwise required by law.

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

22 (4) An enhanced driver license or enhanced official state  
23 personal identification card issued under this act must not display  
24 ~~a person's~~ **an individual's** Social Security number **or any part of an**  
25 **individual's Social Security number** or, if applicable, a  
26 communication impediment designation on the face of the card.

27 (5) The secretary of state shall examine and verify the  
28 genuineness, regularity, and legality of every application and  
29 other documentation submitted to the secretary of state for an

1 enhanced driver license or enhanced official state personal  
2 identification card, and may in all cases investigate as the  
3 secretary of state considers necessary or require additional  
4 information, and shall reject any application if not satisfied of  
5 the genuineness, regularity, and legality of the application or  
6 supporting documentation or the truth of any statement contained in  
7 the application or supporting documentation, or for any other  
8 reason authorized by law. A decision by the secretary of state to  
9 reject an application under this subsection may be appealed under  
10 section 631 of the revised judicature act of 1961, 1961 PA 236, MCL  
11 600.631.

12 (6) The secretary of state shall retain copies or digital  
13 images of documents provided by the applicant to the secretary of  
14 state under this act.

15 (7) The facial image of an applicant for ~~a~~**an enhanced driver**  
16 license or **enhanced official state personal identification** card  
17 under this act who was not issued an enhanced driver license or  
18 enhanced official state personal identification card must be  
19 retained for not less than 1 year, unless fraud is suspected, in  
20 which case a record containing the applicant's facial image and the  
21 reason for denial must be retained for not less than 10 years.

22 (8) The secretary of state may disclose digital images of  
23 documents retained under this act to a federal, state, or local  
24 government agency for any law enforcement purpose authorized by  
25 law. Except as otherwise provided in this act, copies or digital  
26 images of documents retained under this act are exempt from  
27 disclosure under the freedom of information act, 1976 PA 442, MCL  
28 15.231 to 15.246.

29 (9) The secretary of state shall not compile or maintain a

1 database under this act that may be shared with a country other  
2 than the United States.

3 (10) An application for an enhanced driver license or enhanced  
4 official state personal identification card must allow the  
5 applicant to indicate that the applicant declines to use the  
6 application as a voter registration application.

7 (11) The secretary of state shall, as provided under section  
8 310 of the Michigan vehicle code, 1949 PA 300, MCL 257.310, and  
9 under section 1 of 1972 PA 222, MCL 28.291, allow an applicant for  
10 an enhanced driver license or enhanced official state personal  
11 identification card, as applicable, to elect a communication  
12 impediment designation and implement the process to allow a person  
13 with authorized access to the law enforcement information network  
14 under the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to  
15 28.215, to view a communication impediment designation that the  
16 holder of an enhanced driver license or enhanced official state  
17 personal identification card has voluntarily provided to the  
18 secretary of state. The secretary of state may cancel or revoke a  
19 communication impediment designation elected and maintained under  
20 this section for the circumstances described under section 310(23)  
21 of the Michigan vehicle code, 1949 PA 300, MCL 257.310 and under  
22 section 1(16) of 1972 PA 222, MCL 28.291. The secretary of state  
23 shall provide the holder of an enhanced driver license or an  
24 enhanced official state personal identification card notice and an  
25 opportunity to be heard before canceling or revoking a  
26 communication impediment designation under this section.