



Drive SAFE FAQ

DRIVER'S LICENSES/IDS - DEFINITIONS

1) What ID's and driver's licenses are currently offered by the State of Michigan and what can they be used for?

Michigan currently offers three different types of ID's / driver's license:

- **Non-REAL ID**. A non-REAL ID is the lowest level of ID or driver's license issued by the State of Michigan. It **cannot** be used for 'federal purposes', including air travel, border crossings, or entry into a federal facility.
- **REAL ID**. A REAL ID **can** be used for 'federal purposes', including domestic air travel and entry into a federal facility. It cannot be used for border crossings.
- **Enhanced ID**. An Enhanced ID is the highest level of ID or driver's license issued by the State of Michigan and may be used for 'federal purposes', including domestic air travel, entry into federal facilities, and international land or sea borders to Canada, Mexico, and the Caribbean.

2) If the latest version of Drive SAFE bills is passed, which Michigan ID / driver's license(s) would be affected?

Under the latest version of the Drive SAFE bills, *only* Michigan's Non-REAL ID would be impacted. A non-REAL ID is already the level of ID / driver's license issued by the State of Michigan that confers the fewest privileges on its holder and that will not change. It **cannot** be used for 'federal purposes'—meaning it cannot be used for air travel, border crossings, or entry into a federal facility—and that will not change under the proposed legislation.

3) How do REAL ID / drivers licenses differ in appearance from Non-REAL ID / drivers licenses?

A Michigan REAL ID / drivers license has a gold circle with a star to signify it is compliant. A Michigan Non-REAL ID does not have a star on it and it also says "Not For Federal Identification."

CURRENT PROCESS FOR OBTAINING A DRIVER'S LICENSE/ID

4) How does someone currently obtain a Michigan driver's license or ID?

All first-time applicants for any Michigan driver's license or ID must schedule an in-person visit at a Michigan Department of State (MDOS) branch. First time applicants cannot apply online. Required documents must be original; photocopies are not accepted, and all documents must either be in English or include an English translation. Adults applying for a first-time driver's

license, must pass the written driver knowledge exam, practice driving with a licensed adult for at least 30 days, and pass the driving skills road test.

5)What documents must an applicant show to get a Michigan driver's license or ID?

All first-time applicants must satisfy the requirements outlined in form SOS-428 (see [SOS-428: Driver's License or ID Requirements \(michigan.gov\)](#)), which include:

- Proof of Social Security Number;
- Proof of U.S. Citizenship or legal presence;
- Proof of identity; and
- Proof of Michigan residency.

6)Can non-citizens get a Michigan driver's license or ID?

Under current law, non-citizens who can prove legal presence may obtain a Michigan driver's license or state identification card.

PROCESS FOR OBTAINING DRIVER'S LICENSE/ID WITH DRIVE SAFE LEGISLATION

7)How would the application process change under the Drive SAFE bills?

All first-time applicants would follow the same process outline previously, including scheduling an in-person visit to a branch office. If the law were to change, applicants for a non-REAL ID would no longer have to produce a document demonstrating legal presence in the US from the second column on the required documents list (SOS-428) IDs, but the applicant would still be required to satisfy the other requirements listed above.

8)Would non-residents be able to obtain a Michigan ID / driver's license?

Nope. Proof of Michigan residency is a requirement for any Michigan ID / driver's license. So whether under current law or the proposed bills, non-residents simply are not be able to obtain any ID / driver's license from Michigan. An applicant must prove they are a Michigan resident by presenting at least two documents issued by a third party. Self-produced documents are not accepted. Additionally, as mentioned previously, all first-time applicants for any Michigan driver's license or ID must schedule an in-person visit to a branch office and they cannot apply online, which is an additional barrier for non-residents.

9)How does MDOS verify the authenticity of documents provided by non-citizens?

State and local law enforcement and the Michigan Department of State have experience with handling foreign documents. Under current law, drivers from recognized treaty countries can legally drive in Michigan using their foreign driver's license (see MCL 257.302a). Beginning in 2016, drivers from select non-treaty countries could also drive using their foreign driver's license so long as they also show proof of legal presence (see [What You Need to Know About Foreign Driver's License \(For Law Enforcement\) \(michigan.gov\)](#)).

The department currently verifies foreign passports and immigration documents through the SAVE program administered by U.S. Citizenship and Immigration Services. If an applicant's foreign passport or driver's license isn't printed in English, the department requires a translation. Anyone who entered the U.S. legally, but who can no longer prove their legal presence (i.e., stayed past the expiration date of their visa) could have their documents verified using the SAVE program.

10)How does the legislation impact REAL ID compliant credentials?

It doesn't. The Drive SAFE legislation would only impact the non-REAL ID, not the REAL ID compliant or enhanced driver's licenses or IDs, which would continue to require proof of legal presence.

PROCESS TO PREVENT VOTING FRAUD

11)What are the requirements to register to vote in Michigan?

To register to vote a person must be a U.S. citizen at the time of application, a resident of Michigan and the city or township in which they wish to register, and at least 17 1/2 years old. A person must reach the age of 18 on or before Election Day in order to vote. At the time of registering to vote, an individual must present a photo ID or sign an affidavit saying that they aren't in possession of ID (see [Affidavit of Voter Not in Possession of Picture ID - all uses \(michigan.gov\)](#)). A person who makes a false statement on the affidavit is subject to a fine of up to \$1,000 and a sentence of up to five years.

12)Can a Michigan resident cast a ballot in an election before being registered to vote?

No. Anyone who wishes to vote in a Michigan election must first be registered, which they can do through their local clerk's office or when conducting transactions with MDOS. If a person shows up to vote at the polls on election day and they are not registered, then they will be directed to their local clerk where they may register and vote on the same day.

13)How will the Secretary of State prevent non-citizens from voting?

Whether a Michigan resident is registering to vote with their local clerk or with a branch employee while conducting a transaction with MDOS, the same citizenship requirements apply. If the customer's record indicates that they are not a U.S. citizen at the time of the transaction, the customer won't be registered to vote unless their citizenship status is updated.

The Department currently works to inform non-citizens that they are unable to register and vote, until they become naturalized citizens. This education would continue as we allow additional groups of non-citizens to legally drive on Michigan roads or obtain a state-issued identification card. There are serious consequences for non-citizens regardless of legal presence who engage in unauthorized voting. It is a felony for a person who is not qualified to vote to cast their ballot in Michigan. Additionally, unauthorized voting is a deportable offense under the Immigration and Nationality Act (see [Matter of Fitzpatrick, 26 I&N Dec. 559 \(BIA 2015\) \(justice.gov\)](#)).

ADDITIONAL INFORMATION

14) Has the law always been this way?

Prior to the 2007 Attorney General Opinion (see [Opinion #7210 \(state.mi.us\)](#)), the department issued drivers licenses regardless of legal presence to citizens and non-citizens alike and accepted a combination of primary and secondary documents from an applicant to establish their identity and Michigan residence. An unexpired foreign passport was considered a primary document. Secondary documents could include a birth certificate, marriage license, divorce decree, and foreign driver's license.

15) Do other states issue a driver's license or ID without proof of legal presence?

Nineteen states and the District of Columbia issue credentials for people who cannot demonstrate legal presence but can prove their identity. (see [States Offering Driver's Licenses to Immigrants \(ncsl.org\)](#)). For example, New Jersey uses a point system and weights documents based on their type; no single document is sufficient to establish identity (see [Standard License Sheet Engl.pdf \(nj.gov\)](#)).

16) Is Michigan compliant with the REAL ID Act?

Yes, Michigan is compliant with the REAL ID Act. The department began issuing REAL ID's and driver's licenses on August 28, 2017.

17) Are Michigan residents required to get a REAL ID compliant credential?

No, there is no requirement for a Michigan resident to obtain a REAL ID or convert their non-REAL ID to a REAL ID. According to the U.S. Department of Homeland Security, jurisdictions may issue identification cards and driver's licenses that are not in compliance with the REAL ID Act so long as they clearly state that the card is not acceptable for official purposes (see [REAL ID FAQs | Homeland Security \(dhs.gov\)](#)). As mentioned previously, the Michigan non-REAL ID does not have a star on it and says, "Not For Federal Identification."

18) What is the Secretary of State's role in combating terrorism?

The reality is that the Department's capacity to combat terrorism, foreign and domestic, is limited, both in regards to the department's core function, capacity, resources, mission and objective, and the dynamic nature of threats to U.S. citizens at home and abroad from citizens and non-citizens alike. However, MDOS is a partner in national security efforts coordinated by the U.S. Intelligence Community, which is comprised of 18 federal agencies and organizations, as well as to domestic security through its partnerships with local, state, and federal law enforcement..