

VOTER IDENTIFICATION IN MICHIGAN



Michigan's Voter Identification Law Verifies Voters' Identities, While Ensuring That No Registered Voter Is Disenfranchised.

Michigan has had a voter identification law since 1996.¹ Under this law, every voter registered in Michigan must verify their identity prior to receiving a ballot at their polling location.

When a registered voter appears at their polling location to vote, poll workers ask for their photo identification. Voters must provide one of the following: a Michigan driver's license or state-issued ID card, a driver's license or personal identification card issued by another state, a federal or state government-issued photo identification, a U.S. passport, a military ID with a photo, a student ID with a photo from a high school or accredited institution of higher learning, or a tribal identification card with a photo.²

Michigan's voter identification law has always included an important security feature designed to ensure that no voter registered in Michigan is denied their constitutional right to vote for failure to have or bring an acceptable photo identification to the polls. If a registered Michigan voter appears at their polling location to vote, but they do not have acceptable photo identification, they may verify their identity by taking an oath and executing a legal document called an affidavit. Making a false statement on the affidavit is "perjury," and it is **"punishable by a fine up to \$1,000.00 or imprisonment for up to 5 years, or both."**³

This security feature was critical to the Michigan Supreme Court's decision in July 2007 upholding Michigan's voter identification law. The court held that the requirement of **"either presenting photo identification or signing an affidavit"** is not a severe burden on the right to vote.⁴

¹ Public Act 583 of 1996.

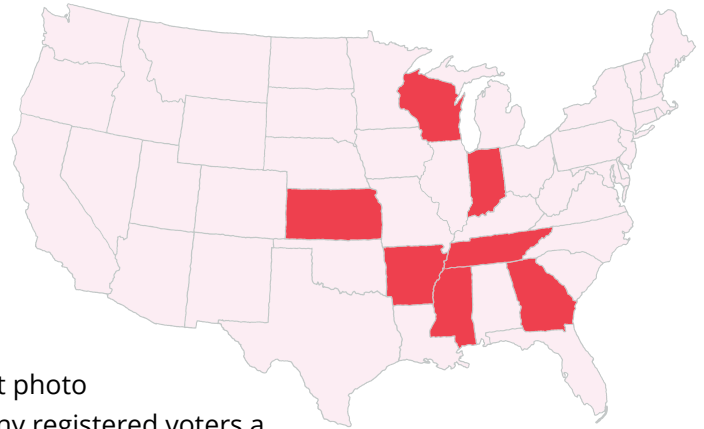
² MCL 168.2(k).

³ Affidavit of Voter Not in Possession of Picture Identification (https://www.michigan.gov/documents/sos/Affidavit_of_Voter_in_Possession_209344_7.pdf).

⁴ In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71, 479 Mich. 1 (2007).

Michigan's Voter Identification Law Is in Line With Those of Forty-Two States.

Michigan's Voter identification law – with the affidavit as a security feature – are in keeping with laws of the vast majority of states. Forty-two other states also allow registered voters to cast a ballot without presenting photo identification at the polls. Some of these states have voter identification laws with security features, like Michigan's affidavit, to ensure that no registered voter is denied their fundamental right to vote because they are unable to present photo identification. Fourteen states require no documentary identification at all when voters vote in person at their polling location. Just seven states subject voters without photo identification to a provisional ballot, the effect of which is to deny registered voters a voice in that election unless they provide an election official with acceptable photo identification by a specific deadline.⁵

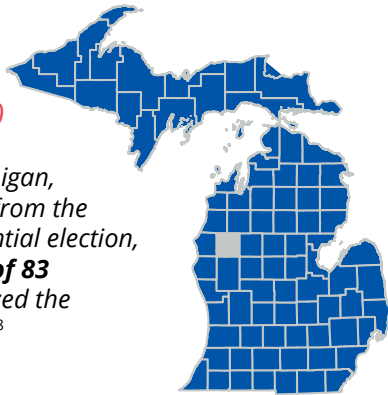


Registered Voters Across Michigan Utilize Security Feature in State's Voter Identification Law.

Use of the security feature contained within Michigan's voter identification law is robustly tracked and monitored. Each affidavit is retained for six years after the election.⁶ In addition, within 14 days of each election, each county clerk must submit a detailed report to the Secretary of State on the number of affidavits utilized in each municipality and precinct.⁷ According to these reports, nearly 30,000 registered voters across the state utilized the affidavit in the 2016 and 2020 presidential elections alone.

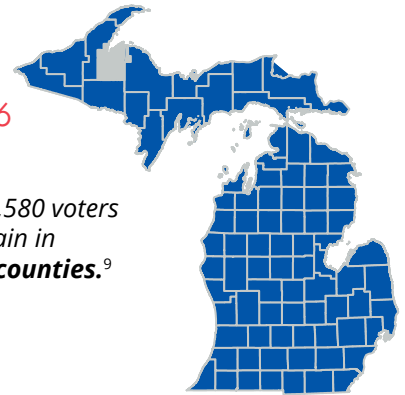
Usage of Security Feature in November 2020

According to Bridge Michigan, which reviewed records from the November 2020 presidential election, 11,417 voters in **82 out of 83 Michigan counties** utilized the affidavit in that election.⁸



Usage of Security Feature in November 2016

In the November 2016 presidential election, 18,580 voters utilized the affidavit, again in **82 out of 83 Michigan counties**.⁹



Registered Voters in Michigan Lack Photo Identification for Many Different Reasons.

There are many reasons why registered voters in Michigan may not have photo identification when they go to the polls.¹⁰ Some voters may have forgotten their photo identification at home and may live far from their polling locations, making it burdensome to travel back home to get their identification. Other voters may have had their photo identification stolen shortly before the election. Still others, such as elderly voters who do not drive, may not have any photo identification at all.¹¹ Rather than denying **registered** voters a ballot, Michigan should continue to allow them to prove their identities by signing an affidavit under penalty of perjury.

⁵ National Conference of State Legislatures, Voter Identification Requirements | Voter ID Laws (https://www.michigan.gov/documents/hal/mhc_rm_gs23_212716_7.pdf).

⁶ Michigan General Schedule #23.

⁷ MCL 168.829(3).

⁸ Oosting, Jonathan, "GOP Targets No-ID Ballots to Cut Fraud; Only 0.2% Voted that Way in Michigan," Bridge Michigan, 5/19/2021 (https://www.michigan.gov/documents/sos/nov_2016_final_no_ID_608840_7.pdf).

⁹ Michigan Secretary of State, "Affidavit of Not in Possession of Picture ID Report for the November 2016 Election," (https://www.michigan.gov/documents/sos/nov_2016_final_no_ID_608840_7.pdf).

¹⁰ Brennan Center for Justice at NYU School of Law, "Citizens Without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification," November 2006.

(https://www.brennancenter.org/sites/default/files/legacy/d/download_file_39242.pdf).

¹¹ National Public Radio, "Why Millions of Americans Have No Government ID," 2/01/2012 (<https://www.npr.org/2012/02/01/146204308/why-millions-of-americans-have-no-government-id>).