

STATE OF MICHIGAN



GRETCHEN WHITMER, Governor

## MICHIGAN CIVIL RIGHTS COMMISSION

# RESOLUTION

## RESOLUTION ENCOURAGING RESPONSIBLE LEGISLATIVE AND EXECUTIVE EFFORTS SUPPORTIVE OF PROVIDING RESIDENTS ACCESS TO DRIVERS LICENSES REGARDLESS OF UNDOCUMENTED STATUS

**WHEREAS** The Michigan Civil Rights Commission is a public body established under Article V, Section 29 of the Michigan constitution, which vests the commission with the power “to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by [the] constitution, and to secure the equal protection of such civil rights without such discrimination”; and

**WHEREAS** readily available access to transportation is an essential condition for maintaining a livelihood and taking advantage of opportunities, and resources for millions in Michigan, which is facilitated by acquiring a state driver’s license; and

**WHEREAS** local and regional public transportation serves an important but unfortunately limited role in the lives of individuals residing in Michigan, primarily due to the lack of an accessible, reliable, and pervasive traditional and rapid local

and regional transportation system that operates seven days a week, year-round and serves the many suburban and rural areas in the state; and

**WHEREAS** prior to 2008 the state of Michigan, consistent with a December 14, 1995 Attorney General opinion from Attorney General Frank J. Kelley, provided opportunities for individuals domiciled in the state to qualify for and obtain a driver's license irrespective of their status under the Immigration and Nationality Act of 1952, 8 USC 1101 et seq., opining that "neither federal nor Michigan statutes preclude an [undocumented individual] from establishing residence in Michigan. The courts have consistently ruled that [undocumented individuals], who are person protected from arbitrary state action by the Equal Protection Clause of the Fourteenth Amendment, may meet state residence standards"; with Attorney General Kelley therefore concluding "that the Department of State may not refuse a driver's license to an otherwise qualified person solely because that person is an [undocumented individual] under the Immigration and Nationality Act of 1952"; and

**WHEREAS** a subsequent contrary opinion by Michigan Attorney General Cox and later change in state law formed the basis for precluding such persons from obtaining driver licenses; and

**WHEREAS** not allowing undocumented persons to qualify for driver's licenses impacts an appreciable and disproportionate number of ethnic and racial minorities; and

**WHEREAS** the Michigan Civil Rights Commission takes note of the various safety and economic benefits proffered by legislators, advocacy organizations, and executive departments which are believed to result from legislation that eliminates restrictions on obtaining a driver's license based on immigration or citizenship status, which benefits include but are not limited to: Insurance savings for all citizens; enhanced public safety from vetted drivers; strengthened workforce participation; increase purchasing power and consumer activity; facilitate participation in daily activities that require identification; promotion of the purchase of automobiles; benefit the Michigan agricultural industry; and increase state revenue from registrations, insurance premium taxes and taxes on car

purchases; population growth and identification of Michigan as a state that is welcoming of diverse peoples and cultures; and

**WHEREAS** the Michigan Civil Rights Commission takes note that Puerto Rico, Washington, D.C. and several states allow driver licenses without proof of citizenship or legal residence, including but not limited to Illinois, Maryland, New Jersey, New Mexico, California, Connecticut, Colorado, Delaware, Hawaii, Nevada, New York, Oregon, Utah, Virginia, Vermont, and Washington; and

**WHEREAS** currently there is pending state legislation aimed at allowing for individuals to apply and qualify for driver's licenses without regard to undocumented status, with executive level support for such efforts; and

**NOW THEREFORE BE IT RESOLVED** that the Michigan Civil Rights Commission supports and encourages responsible executive and legislative efforts intended to provide undocumented individuals residing in the state the opportunity to apply and qualify for a driver's license and directs the Michigan Department of Civil Rights, where it deems feasible, to provide legislative officials and executive departments and officials with any advice or pertinent information within its control that may assist in the resolution of this issue.



Passed on Monday the 23<sup>rd</sup> day of October 2023, by the  
**MICHIGAN CIVIL RIGHTS COMMISSION**

Commissioner Portia Roberson, Chair

Commissioner Gloria E. Lara, Secretary

Commissioner David Worthams

Commissioner Rosann Barker

Commissioner Zenna Faraj Elhasan, Vice Chair

Commissioner Richard Corriveau

Commissioner Luke Londo

Commissioner Regina Marie Gasco