

Michelle
Lujan Grisham

GOVERNOR 2018



Fixing New Mexico's Motor Vehicle Division *Creating an ID System that Works for ALL New Mexicans*

To rent a house, get a job, legally drive, enroll in school and even vote in some cities require a valid government-issued photo identification. But too many New Mexicans are finding it hard, if not impossible, to get the personal identification they need. New regulations and draconian policies issued by the Martinez administration have left many people unable to obtain a simple identification (ID) card and authorization to drive. Those denied identification cards include a cross section of New Mexicans including seniors, Native Americans, immigrants, the homeless and even people such as former Santa Fe Mayor David Coss. New Mexicans unable to secure an ID lose out on employment opportunities; cannot legally drive, usually spend money on burdensome fees and waste countless work hours trying to navigate the regulatory maze at the New Mexico Motor Vehicle Division (MVD).

As governor, I will stop the state from unlawfully denying driver's licenses and ID cards to New Mexicans and work to ease the application burden on everyone. On day one, I will begin reforming MVD operations to help those who are legally entitled to receive a state ID and authorization to drive.

BACKGROUND

The federal REAL ID Act of 2005 requires states to abide by federal standards when issuing personal identification (ID) documents such as a driver's license and ID cards. This sweeping federal law, requires applicants to provide specific, original or certified copies of ID documents, such as a birth certificate or Social Security card; and states must use counterfeit-resistant security features on the IDs. Beginning in October 2020, people will need photo ID that is compliant with the federal REAL ID Act to go through airport security, or board a commercial flight, or enter federal facilities, such as a military base or VA hospital.

Driver Authorization Cards and Second-Tier ID cards

The law also allows states to issue a driver's license or state ID card that does not comply with the federal REAL ID Act. That is exactly what New Mexico has done. In 2016, the New Mexico Legislature voted to bring New Mexico driver's licenses and ID cards into compliance with the federal REAL ID Act. But the state legislature, recognizing that many New Mexicans do not need an ID that complies with the REAL ID Act, also created another option - a government-issued driver's license or basic ID card that could be used for all state purposes.

This second-tier driver's license -- a "Driver Authorization Card" -- is valid for all non-federal purposes. It is intended not just for those who could not meet the standards of the REAL ID Act, but for New Mexicans who did not wish to furnish (or cannot locate) a Social Security card or birth certificate when they apply. Alternatively, if a person did not need a driver's license but needed an ID for other purposes the state law allowed him or her to apply for a "second-tier" state ID -- a non-federally compliant ID card.

The legislature authorized applicants for Driver Authorization Cards or second-tier ID cards to provide one of several different types of documents to prove their identity and age - documents that New Mexicans previously had used before the state started issuing the "REAL ID" licenses.

Confusing, Unnecessary and Illegal MVD Rules

Unfortunately, MVD has made this new two-tiered system unnecessarily confusing to New Mexicans and has created unnecessary -- and in some cases unlawful -- barriers to obtaining a second-tier license or ID card. MVD agents have not been properly trained to communicate the purposes of the alternative Driver Authorization Card, and, in many cases, have given applicants incorrect information about the law. MVD staff have required documentation (such as a Social Security card or birth certificate) that is not required by the 2016 law, and failed to inform applicants of their right to appeal a denial of their request for a Driver Authorization Card or state ID card. The agency has even passed rules that *require* documentation that is not required under the 2016 state law.

The state government's failure to properly implement the 2016 law hurts all of us. New Mexicans without a government-issued ID cannot complete the federal paperwork legally required to start a new job. Others cannot drive to their jobs because their licenses have expired. People without a valid driver's license cannot buy auto insurance. Without ID, parents cannot enroll their children in school. Finding a place to live without photo ID is near impossible. In short, without a state-issued photo ID, New Mexicans are limited in their ability to participate in our economy and community. That needs to change.

THE SOLUTION

As governor, I will immediately take action to reverse these actions. I will:

- **Bring MVD staff and private contractors who issue licenses into compliance with the law.** I will require comprehensive standardized retraining for MVD staff and private contractors to implement the appropriate requirements for each ID and inform people of their right to appeal a denial.
- **Make MVD customer friendly.** I will improve the culture at MVD, stressing customer service over bureaucratic overreach, and promote rather than discourage use of Driver Authorization Cards so people can simply obtain their needed ID cards and get on with their lives.
- **Educate the public** so people understand that non-REAL ID cards are valid forms of identification issued by the state that are good for almost all purposes. Twenty-seven states and territories are still not in compliance with the REAL ID Act. REAL ID is not required and it makes no sense for so many New Mexicans to be jumping through hoops, such as changing their names, or taking other drastic measures to obtain identification.
- **Implement a renewal-by-mail system** so that individuals who have complied with the statute can renew valid ID cards and authorizations by mail as they have in the past.
- Require the Secretary of the Taxation and Revenue Department, which oversees MVD, to **add additional valid documents that ID-seekers can use** to obtain identification, such as:
 - Proof of residency or receipt of services in a New Mexico homeless shelter; or
 - Qualifying medical records

Further, I will work with the legislature to:

- **Change the name of the Driver's Authorization Card** to a "New Mexico Driver's License". This simple name change will help clarify both its purpose and validity.
- **Require an easy-to-renew system** for non-REAL ID driver's licenses and ID cards.
- **Include confidentiality and privacy protections** for all driver's license and ID holders.
- **Pass clear, nondiscrimination laws that** prohibit businesses, employers, and others from rejecting someone who has a New Mexico ID instead of a license that complies with federal Real ID.

With these improvements in place, we can bring down the barriers created by the current administration that are preventing New Mexicans from obtaining the identification cards they need -- and that the legislature said they are entitled to obtain -- to drive, work, rent a home, thrive, and succeed. These are clear, simple steps that I will take as we build a more just and successful state.

WHAT THIS MEANS FOR NEW MEXICANS:

As a lawsuit has demonstrated, mismanagement at MVD doesn't just cause an inconvenience. It restricts opportunity and damages people's lives. In cases like these, reforms will have a real impact:

Charlie, who is homeless, spent over a year trying to obtain his non-federally compliant ID from the state because he was incorrectly told he needed to provide a birth certificate. When he did obtain the certificate after a year, he was falsely told he needed a matching social security card.

Under my administration, fixes to the MVD process will mean that those like Charlie can obtain an ID without unnecessary burden or harassment, and allow him to focus on more important things like finding work and permanent housing.

Drucilla, an 87-year-old with limited mobility, was denied a non-federally compliant ID because her name on her Social Security card and Birth Certificate did not match. This matching *is not* required under the law for the non-federally compliant IDs.

Under my administration, not only will these restrictions be taken away, but I'll direct the MVD to put in place a renewal-by-mail system for non-federally compliant IDs, meaning that Drucilla could renew her pre-2016 ID without even having to travel to the MVD.

Reyna, whose five children depend on her for transportation, was denied a non-federally compliant ID because a 17-year-old arrest record misrecorded her name and date of birth. She was not provided a reason for denial or a way to remedy the issue, and cannot legally drive her family.

I will ensure MVD does better. These requirements are not necessary for the non-federally compliant IDs, and no one should be unjustly denied the right to drive. My administration will end this practice and provide more friendly renewal options for those who already have a pre-2016 driver's license.