

HOW MANY NON-CITIZEN VOTERS? Enough to Make a Difference

*The Impact of Non-Citizen
Voting on American Elections*

BY DAVID SIMCOX



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A Note from the Editor

Honest Elections?

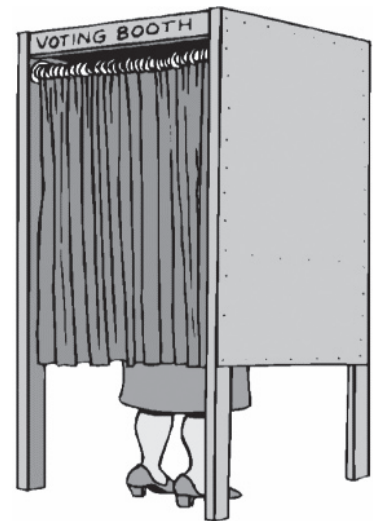
There have been reports of voting in U.S. elections by aliens in recent years. The following report by veteran immigration analyst David Simcox sheds additional light on this important issue.

Verification of voter registration applicants remains a serious problem. In a number of states, applicants are asked to check a box on a form asking if they are U.S. citizens. Applicants can check "Yes," but there is no follow-up to verify the authenticity of that answer. Mail-in registration allows even greater chance for error and deliberate fraud. The Government Accountability Office (www.gao.gov) notes that it is presently difficult for states to identify duplicate registrations in other states. And databases for felony convictions or immigration status are rarely matched against voter registration lists.

Non-citizens can dilute citizens' votes. When persons prohibited from voting by law, such as illegal aliens or felons, are allowed to vote, their votes cancel out those of American citizens. Legal and illegal aliens can easily register to vote in local and national elections; in close elections, they make a very big difference.

Considering several close elections at the presidential, congressional, and state levels, including the 2000 presidential election (one of the closest presidential elections in U.S. history), the sizable population of non-citizen voters, and the lack of resolve on the part of our elected officials to seal our borders, non-citizen voters will continue to undermine the integrity of our electoral system. It is a problem that, if unaddressed, will fester over time. ■

Wayne Lutton, Ph.D.
Editor



How Many Non-Citizen Voters?

EXECUTIVE SUMMARY

By DAVID SIMCOX

The Impact of Non-Citizen Voting on American Elections

The approaching 2008 general elections underscore concern that the growing access of non-citizens to the ballot box could distort the outcome. Groups arguing for easier access to the polls deny there is a problem at all, seeing restrictive registration and identification rules as anti-democratic and even racist. They dismiss non-citizen voting as rare, not criminal in intent or concerted, and more harmful than beneficial to non-citizens.

Yet anecdotal evidence persists and grows that non-citizens are registering and voting in significant numbers. A common and increasing indicator is the number of persons selected for jury duty from the voter rolls who beg off because they are not citizens. The 1993 "Motor-Voter" legislation accelerated the trend: it provided registration virtually by default, with affirmation of citizenship left to an honor system. The risk of detection of this fraud has waned with the increasing use of absentee and mail-in voting, which precludes personal inspection at the polls by election officials.

Anecdotal evidence tells us only that illegal voting happens

around the country, not how much. But there is overlooked data that define, if not the exact number of alien voters, at least the order of magnitude and extent of the practice.

The explosive growth of the Latino electorate in south Florida after "Motor-Voter" resulted in a registration rate among Miami-Dade county's putatively voting-eligible population some 30 percentage points higher than the national registration rate for Hispanics, suggesting a heavy presence of ineligibles on the voter rolls.

A Public Policy Institute of California survey in 2007 found 31 percent of the state's immigrant population was registered. This fraction, however, would be a population larger than the state's naturalized citizens shown by surveys to be registered. Some 300,000 to 450,000 registrations of non-citizens would be needed to bring total registrations up to 31 percent. Also in California, a poll by a Los Angeles university think tank in 2007 found that 12 percent of non-citizen respondents acknowledged being registered, implying 155,000 ineligible voters in Los Angeles County.

Assuming the 12 percent reg-

istration rate applied to the nation's adult non-citizens, there would be 2.3 million ineligible aliens on U.S. voting rolls.

An examination of voter registration rates in immigrant-rich congressional districts and counties in California, Texas, Florida, and New York show high numbers of registered vot-

ers disproportionate to their vote-eligible populations. In several districts and jurisdictions the number

of registrants even exceeded the total number of eligible voters.

Intense political mobilization and registration drives by ethnic groups in preparation for the 2008 elections—some of them aggrieved by tightened immigration policy—may well further enlarge the alien electorate. An estimated two to two and a half million ineligible voters may seem insignificant in an overall electorate that could reach 130 million in 2008. But in three presidential elections since 1960, the principal contenders have been separated by margins far less than two million. The concentration of those non-citizen votes in just a few states disproportionately increases their leverage in state and local contests and in the Electoral College. ■



How Many Non-Citizen Voters?

Enough to Make a Difference

By DAVID SIMCOX

Can U.S. residents who are prohibited from voting, but vote anyway, affect the political future of the country or its political subdivisions?

If you believe the word of open suffrage nonprofit organizations¹ and think tanks,² such as those whose challenge to Indiana's voter identification (ID) laws was rejected by the Supreme Court in 2008,³ the number of non-citizens who vote is negligible. Dismissing the lax voter registration process ushered in by the 1993 Motor-Voter law, those advocates argue that non-citizens have nothing to gain and a lot to lose by illegal voting, such as loss or delay of naturalization or, if illegal aliens, detection and deportation.⁴

Those claiming the number of proven cases of fraud is inconsequential often cite a Department of Justice (DOJ) five-year campaign begun in 2002 in which only 120 people have been charged and 86 convicted. These are cases in which DOJ was involved. The scoffers often ignore the sizable number of cases investigated at the state level, including those handled quietly and without criminal penalties in administrative processes.

Statements of various U.S. Attorneys involved invoke a permissive legal doctrine that discourages prosecution of non-citizen voting fraud, such as absence of "concerted effort to tilt elections," little evidence of "widespread, organized fraud," "mistakes or misunderstandings by immigrants, not fraud," and no indications of "conspiracy."⁵ Apparently, citizens must tolerate the spread-



**Former U.S. Rep.
Bob Dornan (R-CA)**

ing access of ineligible voters to the ballot boxes as long as it is "disorganized, not concerted, lacking criminal intent, and non-conspiratorial."

Some cases since 1995 in which community and ethnic nonprofit groups have been caught registering non-citizens, such as Hermandad Nacional Mexicana, DemocraciaUSA, or the Association of Community Organizations for Reform (ACORN), are, according to these arguments, just the result

of honest mistakes or confusion among the non-citizen registrants themselves about the citizenship requirement or their own status. Some of these non-compliant groups have been beneficiaries of federal grants.

But Americans favoring more, not less, ballot security remain convinced that non-citizen voters in 1996 provided the narrow winning margin in Democrat Loretta Sanchez's upset of long-time incumbent Republican Bob Dornan in California's 47th Congressional district (Orange County). They believe that the incident was not isolated and that it presaged a growing threat to good government in general and the Republican party in particular. Few accept the official 1997 finding of a California grand jury that the 624 proven votes by ineligible aliens—out of more than 4,000 claimed by Dornan's attorneys—would not have altered the outcome.⁶

Those arguing for added safeguards against ineligible voters have provided abundant anecdotal cases of non-citizen registration and voting, but few macro-statistics showing national or regional dimensions of the practice. Much of the evidence tends to be circumstantial. For example, U.S. Census data show that 41 percent of Hispanics and 33 percent of Asians are non-citizens. Yet a national survey of reasons for

not voting showed 13.8 percent of Hispanics and 13.1 percent of Asians gave “ineligibility” as their reason for not registering.⁷ How much of the gap can be attributed to the unfamiliarity of newcomers with the terms and regulations?

Cases numbering in the hundreds have surfaced in which non-citizen registered voters have admitted non-citizenship to escape a summons to jury duty. But such scattered cases are little help in projecting overall numbers for the nation or its major political subdivisions.

The lack of data is not surprising. It is not something

busy voter registrars in high immigration states want to examine carefully. To do so risks the hostility of open suffrage and ethnic political advocates who impute racism or oppression of the poor to rigorous voting rules. The former Immigration and Naturalization Service (INS)—now the Citizenship and Immigration Service (CIS)—has shown distaste for being drawn into investigations, alleging lack of useful data to prove non-citizenship.⁸

In another example of reliance on the honor system, the current naturalization application form used by CIS, the N-400, asks applicants if they

have registered or voted in a U.S. election. CIS so far has declined to disclose the number answering “yes.” Any such a number would have questionable validity, given the possible complications for the applicant who admits having voted.

But indicators of significant registration of non-citizens continue to pop up. The current vast voter registration campaigns of Hispanic and Asian ethnic interests since Congress’s 2006 rejection of mass amnesty may force local registrars to increase their rubber-stamping of applications, producing new legions of non-citizens to try to vote in 2008.

ABOUT THE AUTHOR

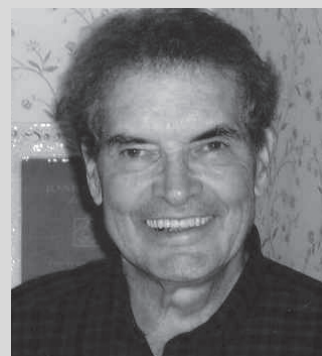
David Simcox was the first Executive Director of the Center for Immigration Studies, a Washington think tank. In that position from 1985 to 1992, he prepared or directed studies, opinion pieces, and congressional testimony on the social, economic, labor, and environmental consequences of high immigration and on immigration enforcement practices and deficiencies within the federal government. He has been a frequent witness at congressional committees on immigration, labor, and secure identification.

Before joining the Center, Simcox was a career foreign service officer of the Department of State. In his 30-year career, he was posted to American diplomatic missions in seven countries, including Mexico and the Dominican Republic. His experience with the immigration issue expanded with his postings as consular officer and labor affairs officer at the U.S. embassy in Mexico, where he assisted in the administration of the U.S.-Mexico Migrant Labor (“Bracero”) agreement. He was also consular officer in Panama and Ghana, and, from 1977 to 1979, Director of Mexican Affairs at the State Department in Washington. During a two-year assignment at the U.S. embassy in Brazil as Counselor for Political Affairs, he coordinated and monitored the family planning programs financed by the U.S. government and carried out in Brazil through U.S. and international family planning non-profit organizations.

Since his retirement from the Center in 1992, he has operated Migration Demographics in Louisville, Kentucky. This consultancy has conducted research and public affairs media events for the Center for Immigration Studies; Negative Population Growth, Inc.; The Social Contract Press; Kentucky Educational TV; and the Kentucky Federation for Immigration Reform and Enforcement (KFIRE).

Simcox is a graduate of the University of Kentucky. He holds a Masters Degree from American University, completed non-degree graduate studies at Columbia and Harvard, and in 1972 received a certificate of National Security Studies after one year of studies at the National War College in Washington.

He is a veteran of the U.S. Marine Corps and the Korean conflict. ■



South Florida: A “Welcome the World” Electorate

While exact figures of non-citizen registrants are impossible to determine, several indicators suggest at least the order of magnitude of non-citizen voting. In 2001 an article in *Insight on the News*, “Motor-Voter Law Responsible for Increases in Voter Fraud,” claimed that two to four percent of the votes in the 2000 presidential election were cast by non-citizens; in some Florida counties, 10 percent to 15 percent of votes were cast by non-citizens.⁹ (In Florida’s Miami-Dade County, over half the population is foreign born, and nearly a third of the voting age population is non-citizen.)

The *Insight* report is apparently based on research on the effects of the 1993 Motor-Voter law by U.S. Border Control (USBC), an immigration reform nonprofit organization. USBC found that between 1994 and 1998, Hispanic voter registration in Florida soared by 557 percent, from less than 100,000 to 655,000. In Miami-Dade County in the same period, the number of Hispanic registered voters increased 20-fold.¹⁰

Census and voter registration data for Miami-Dade indicate a disproportionately high voter registration among Hispanics, if the more than half a million non-citizen Latino adults are removed from the county’s pool of eligible Hispanic voters. The percentage of Hispanics registered out of the reduced pool of eligible citizen Hispanic adults is a remarkably high 88.4 percent. The comparable figure

for registration of non-Hispanic whites, with their usually higher propensity to naturalize and to register and vote, is 79.9 percent.

The 88.4 percent registration percentage also dwarfs the national percentages projected for the Hispanic vote in 2008 by the Pew Hispanic Center in December 2007. Pew projects that only 58.2 percent of 18.2 million eligible Hispanic adult citizens will be registered in 2008.¹¹ If Miami-Dade’s eligible adult citizen population registered at the 58.2 percent rate projected by Pew, there would be 354,000 registered Hispanic voters, not the present 536,000.

If the Miami-Dade His-

panic population in Miami-Dade is probably not fully representative of large Hispanic populations elsewhere. Cubans are 52 percent of the county’s Hispanic population and are the most mobilized and politically aggressive of Latino voting blocks, with a strong proprietary attitude toward local governance. The close identification of most Cubans with the Republican Party intensifies partisan and intra-ethnic political competition in the region—including in registration and mobilization of voters.

California: Tenuous Eligibility Standards

Another indicator of the



Latino activists organize mass protests during May Day rallies.

panic registration figures were generalized to the entire national Hispanic population, there would be 16.1 million registered Hispanic voters instead of the 10.6 million projected by Pew.

The strikingly high Hispanic non-citizen registration

order of magnitude of the non-citizen vote is in a 2007 study of California voting trends by a respected think tank, the Public Policy Institute of California (PPIC).¹² Its statewide survey of voter registration found 31 percent of the state’s immigrant population to be registered.

If registration eligibility laws were fully effective, the entire 31 percent should consist of naturalized citizens. But if a registration rate of naturalized citizens nationally found by the U.S. Census in 2004¹³ applies here (61.2 percent, according to 2004 Census figures), non-citizens probably account for 300,000 of those registrations (Table 1).

The Census finding of 61.2 percent naturalized citizen registration rate had a margin of error of 3.5 percent. Thus, the residual could range from a high of 443,000 non-citizen registrations at a naturalized registration rate of 57.7 percent to a low of 156,000 registrations of ineligible at 64.7 percent (see table 1). The Pew Hispanic Center projects for 2008 a naturalized citizen national registration rate of 60.8 percent. Substituting that figure for the 2004 Census figure of 61.2 percent registration rate for naturalized

citizens would imply 316,000 non-citizen registrations.

If these figures for non-citizen registration in California—home to more than one-quarter of the country's non-citizens—are projected to the entire country, they imply national registration of non-citizens from 600,000 to 1.71 million, with a mid-point of 1.2 million.

Reliance on Census data on the non-citizen population may skew these estimates toward the low side. If the total illegal alien population of the U.S. is 16 to 20 million, rather than the 11 to 12 million currently used by the Census, California's population of non-citizens (including illegal aliens) would be at least a million higher than shown above—or about 6.6 million—and the state's total immigrant population would approach 11 million. PPIC's figure of 31 percent registration would imply in column 5 below a

non-citizen registration twice as high, at 612,000, or about 2.5 million if applied to the entire nation.

Another indicator so far overlooked or dismissed in the debate is a 2007 research survey by an obscure southern California think tank that shows significant non-citizen voter registration. The study, done by the immigrant-friendly Leavey Center for the Study of Los Angeles of Loyola Marymount University (LMU), and titled *2007 Los Angeles Riots 15th Year Anniversary Resident Follow-up Survey Report*,¹⁴ surveyed 1,651 L.A. residents. The study broke down the residents into nine sub-populations, such as Latino, Anglo, Korean, African-American, U.S.-born, naturalized citizen, and non-citizen.

Question 27 of this poll asked respondents, including non-citizens: "At your current

TABLE 1
Estimated registration of non-citizen voters in 2007 in California, based on differences between the Public Policy Institute of California (PPIC) findings of immigrant registrations and Census estimates of naturalized citizen registration rates.

	1 Calif. Immigrant Populations 2007	2 All Ages (000s)	3 Age 18 or Over (%)	4 Number 18 or Over (000s)	5 Number	5A Number	5B Number
A	All California Immigrants	9,902	91.5%	9,060	@ 31% (PPIC)	@ 31% (PPIC)	@ 31% (PPIC)
B	Naturalized Citizens	4,265	96.1%	4,099	@61.2% (Census) + or - 3.5% 2,508	@57.7 (Census) 2,365	@64.7 (Census) 2,652
C	Non-Citizens	5,637	88.0%	4,961	Residual 300	Residual 443	Residual 156

address, are you registered to vote as a Democrat, a Republican, an independent, with another political party, or are you not registered to vote at your current address?"

The number of non-citizen respondents in the sample is not stated. If their share of all respondents corresponds to their share of the city's population (24.6 percent), the sample size would be a statistically acceptable 400. According to table 2, the non-citizens (along with other major subpopulations) replied as follows to question 27.

The structure of the question and the responses suggest these percentages probably understate the numbers actually registered. The 12 percent of respondents are those imprudent or clueless enough to admit to a pollster for publication that they had broken a 1996 federal law (PL 104-208, Sec. 215-216). More likely than not, the 3 percent who played it safe and refused to answer also represents registered voters.

The 86 percent declaring

themselves not registered is highly likely to include some registered voters who felt it safer to deny it. Another fraction of the deniers would include those respondents who adhered strictly to the question's limiting terms to answer "not registered," but either had been registered in the past or at that time were registered outside of the voting jurisdiction for their present address. With these considerations, a reasonable conservative estimate would be somewhere between 15 percent and 20 percent of the non-citizens polled were or had been registered.

Another striking feature of the responses is the party preferences, with registrants favoring the Democrats over Republicans two to one. Recent exit polls generally show that over half of independents also vote Democratic. Little wonder the Republicans have consistently pushed for more proofs of voter eligibility, while Democrats dismiss them as

unnecessary and repressive.

Table 3 on the following page posits from Census data that 88 percent of the non-citizen population are of voting age and 12 percent are registered, as suggested by the LMU poll. Additionally 80 percent of those registered will actually vote, the percentage projected for registered Hispanic voters in the 2008 presidential elections.¹⁵ Table 3 further generalizes the percentages of non-citizen registrants shown in Los Angeles to the national level.

These projections are based on Census estimates of the non-citizen population, including an estimated 12 million resident illegal aliens. But an increasing number of estimates now place the illegal alien population between 16 million and 20 million. The following estimates assume the presence of 16 million illegal aliens, the mid-point between the census estimate of 12 million and the estimates of Bear Stearns and others of 20 million.¹⁶ The percentage of non-

TABLE 2
Responses to LMU Poll Question No. 27 on voter registration by party preference

Party Preference	Non-Citizen %	Naturalized %	U.S.-Born %	Latino %	Anglo %	Black %	L.A.* (All) %
% of L.A. pop	24.6	15.3					100
Democrat	6	42	49	31	41	71	37
Republican	3	19	21	9	27	6	16
Independent	2	8	14	6	18	3	10
Other	1	1	3	1	3	2	2
Not Registered	86	26	9	48	8	10	31
Refused	3	3	4	3	3	4	3
Don't Know	2	2	1	2	1	2	2

2007 survey conducted by Loyola Marymount University (LMU) of Los Angeles. *Poll did not sample Asians in general, only Koreans, who are not included here because of small sample size.

TABLE 3
Projected number of non-citizen registrants and voters in 2006 — Low estimate

Jurisdiction	A Non-Citizen Population ACS 2006 (000s)	B Non-Citizen Population 18 or over @ 88% of A (000s)	C Number Registered @ 12% of B (000s)	D Number Voting @ 80% of C (000s)
United States	21,780	19,166	2,299	1,839
California	5,637	4,960	595	476
Los Angeles (city)	928	603	72	57
Los Angeles (county)	1,990	1,293	155	124
Orange County	576	375	45	36
Texas	2,596	1,687	202	161
Florida	1,875	1,219	146	117
Miami (MSA)	1,082	703	84	67
New York	2,022	1,314	158	127
New York City	1,592	1,034	124	100
Illinois	994	875	105	87
New Jersey	907	590	71	57
Arizona	655	426	51	41
Other States	7,094	6,243	749	599

Percentages listed in columns B and D are from the Bureau of the Census, Selected Indicators of Native and Foreign Born Population, Data set 2006, American Community Survey (ACS).

citizens registered is raised to 15 percent, as suggested above in assessing the LMU poll.

Ineligible Voters and Political Outcomes

The foregoing projections suggest a non-citizen electorate in 2008 ranging from a low estimate of 1.2 million to a high estimate of 2.7 million, with a mid-point just under 2.0 million. How significant are 2.0 million unlawful votes in an overall voter turnout that reached 126 million in the 2004 presidential race? Could 1.6 percent of the total electorate significantly affect the distribution of political power?

The percentage of ineligi-

ble registrants may seem modest. However, in areas heavily populated with non-citizens—such as Los Angeles City and County, Orange County, and the state of California or other states with large foreign-born populations, such as Texas, Florida, New York, and Arizona—those numbers could add up to a balance-tipping bloc of voters. The distortion of political outcomes will become more prevalent if illegal immigration continues to add a half a million new non-citizens a year.

In three presidential elections since 1960, the number of popular votes separating the two top contenders has been far less than the 2.0 million ineligi-

ble voters projected here for the country. In the 2008 California primary, Hillary Clinton edged out Barack Obama by less than 400,000 votes, slightly more than the 343,000 non-citizen votes conservatively estimated for that state.

In several California congressional districts, the ineligible alien vote may well decide the election. In the 47th district, Loretta Sanchez, who ousted Republican Bob Dornan in 1996 in a disputed election, eked out a 14,000 vote victory over Asian immigrant Tan Nguyen in 2006. Sanchez's victory margin was little more than the 13,600 non-citizen voters projected here.

In California, Texas, and

Florida, several congressional districts are nearing ethnic tipping points where the extra edge of non-citizen votes could hasten the transition from African-American or Anglo to Latino incumbency. Perversely, African-Americans may be the victims of the abuse of the lenient suffrage rules they have long championed. Particularly vulnerable in rapidly Latinizing districts in Texas are such sitting Congress members as Al Green (9th), Immigration subcommittee Chair Sheila Jackson-Lee (18th), and Eddie B. Johnson (30th).

African-American Congresswomen in California whose once heavily Black districts are rapidly Latinizing include Maxine Waters (35th) and Laura Richardson (37th). And in the 51st district (Imperial County), which would have upwards of 13,200 non-citizen voters, increasingly lonely Anglo Congressman Bob Filner may be among the next to succumb. A notable

irony is that entrenched Cuban-American Republican Congress members in three south Florida districts are now imperiled by the rapid rise of mostly Democratic non-Cuban Latino numbers in their districts.

Narrow election victories are not rare at the state and local level, even in the more populous jurisdictions. In the following recent cases, the margin of victory was well within the non-citizen voter numbers estimated here:

- In the 2004 Virginia Senate race, Democrat Jim Webb shaded out George Allen by 7,231 votes. This study estimates 42,000 votes cast by non-citizens.
- In Washington State, Christine Gregoire won the Governor's race by a tiny 261 vote margin—a trifle within the 47,000 ineligible registered voters in that state.
- In 2004, Democratic

presidential candidate John Kerry lost Nevada's electoral votes by a margin of only 22,000 popular votes—a little under the projected 25,600 votes cast by non-citizens.

If 58 percent of the non-citizens registered are either Democrats or Democratic-leaning independents, as these LMU poll numbers imply, it could seriously imperil the Republican presidential candidate in close races in states such as Texas, Arizona, and Florida.

Disproportionate Registration: An Indicator of Ineligible Voters

One major possible warning flag for non-citizen participation in the electorate is "over-registration," defined as disproportion in a jurisdiction between the size of the voting eligible population (VEP) and the number of registered voters that number produces (registered voters/VEP). Whether that

TABLE 4
Projected number of non-citizen registrants and voters in 2006 — High estimate

Jurisdiction	A Non-citizen Population ACS 2006* (000)	B Non-citizen Population 18 or over @ 88% of A (000s)	C Number Registered @ 15% of B (000s)	D Number Voting @ 80% of C (000s)
United States	25,700	22,616	3,392	2,714
California	6,630	5,834	875	700
Texas	3,156	2,777	417	333
Florida	2,195	1,931	290	232
New York	2,222	1,955	293	235
Illinois	1,977	1,740	261	209
New Jersey	1,067	937	144	113
Arizona	815	717	108	86
Other States	7,638	6,721	1,008	807

* Includes an additional 4 million for assumed undercount of illegal aliens.

percentage is disproportionate is judged by comparing it to registration percentages in comparable jurisdictions or against state and national percentages of registration in the same time period. It is basically a judgment of the plausibility of high voter registration levels in a jurisdiction in light of the rates in comparable jurisdictions and in the larger political entity in which the jurisdiction is lodged.

Disproportion is frequently seen in jurisdictions that Census data show have a high percentage of adult non-citizens, whose numbers are, or should be, deducted from the voting age population (VAP) to determine the VEP. For purposes of this study, the Census figures for the non-citizen population are taken at face value, though the Bureau

of the Census has tended to underestimate the foreign-born population. Census numbers here are reduced by 12 percent in line with Census estimates of the portion of the non-citizen population that is less than 18 years old.

Consider the following examples taken from a review of California congressional districts 30 to 47 in Los Angeles, Orange, and San Bernardino counties. On the eve of the 2000 general elections, four districts in Los Angeles with large non-citizen populations (congressional districts 34, 38, 39, and 43) showed registrations that were over 97 percent of VEP. In the 43rd district, registration even exceeded 100 percent—more registrants than eligible voters.¹⁷ All four districts had adult non-citizen populations greater

than 25 percent of the VAP.

Three other districts with high non-citizen presence showed registration percentages above 90 percent. One of those, the 47th in Orange County, is held by Congresswoman Loretta Sanchez, who won her seat in 1996 in an election marred by charges of non-citizen voting. Other congressional districts in the region, some predominantly white and others predominantly African-American and with significantly lower foreign-born populations, showed registration percentages ranging from 10 to 30 percentage points lower. The 10 districts highest in non-citizen populations, with at least 100,000 non-citizens, averaged registration percentages of 84.9. The lowest eight averaged only 74.1.

TABLE 5
Estimates of excess registrations in Los Angeles area congressional districts with high non-citizen populations, 2000 general election

District No.	Voting Age Non-Citizens %	Voting Eligible Pop. (VEP)	Reg. Voters (RV)	RV/VEP %	Excess RVs at >90%	Excess RVs at >95%
	000s	000s	000s		000s	000s
31	57.6	216.7	201.3	92.9	6.2	-0-
32	137.7	303.5	274.0	90.2	.850	-0-
34	191.2	240.4	239.8	99.8	22.4	11.4
38	132.6	303.6	295.6	97.4	29.6	14.8
39	125.6	306.2	300.5	98.1	24.8	9.5
43	102.3	302.8	303.2	100.2	30.9	15.7
47	210.6	206.2	188.0	91.2	2.4	-0-
				Totals	117.15	51.4
California	4,912	19,837	13,061	65.9		
LA City	927.9	1,885.4	1,409.6	74.4		
LA County	1,881.2	4,970.2	4,075	82.0		
Orange Cty	464.0	1,613.9	1,342.7	83.2		

Table 5 displays greater Los Angeles area congressional districts with sizable non-citizen populations and registration rates of 90 percent or more, including estimates of the number of ineligible registrants above the 90 and 95 percent registration thresholds. The premise here is that registration rates above 90 percent in a jurisdiction are open to question, and those higher than 95 percent are clearly excessive, suggesting other sources of registrants outside the known voter eligible population. Using these two threshold numbers permits us to make a range of high and low estimates of incommensurate registrations.

Registration of ineligible voters is not the only explanation for incommensurate registration percentages. Intense political mobilization and tight grassroots party organization

can produce high registrations. These political qualities, however, are more often associated with jurisdictions characterized by high income, education, and English language competency. Also, the relatively smaller pools of vote-eligible residents in high foreign-born districts may facilitate the close personal contacts and monitoring that could raise registration numbers.

The table shows that all seven districts examined have significantly higher registration rates than the county, city, and state in which they are lodged.

These figures suggest that in Los Angeles districts with non-citizen populations greater than 100,000, registration of non-citizens may run from under 1 percent to 10 percent of VEP, but clustering in four districts between 9 and 10 percent of VEP. In the seven districts

taken together, the range would be from 51,400 questionable registrations at the 95 percent threshold to a high of 117,150 at the 90 percent threshold.

Indications of Over-Registration in New York, Florida, and Texas

Some congressional districts in greater New York City and in south Florida, both areas heavily settled by non-citizens, showed over-registration in 2000 and in 2006, although registration rates tend to decline for voting between presidential elections. Table 6 shows disproportionate registration in six Florida districts in 2000 and 2006.¹⁸

New York: A High-Registration State

Table 7 addresses 11 congressional districts in the coun-

TABLE 6
Over-registration in South Florida congressional districts in Dade, Broward, and Monroe counties, 2000 and 2006

District No.	Voting Age Non-Citizens %	Voting Eligible Pop. (VEP)	Reg. Voters (RV)	RV/VEP %	Excess RVs at >90%	Excess RVs at >95%
	000s	000s	000s		000s	000s
2000						
19	53.1	465.3	485.2	104.3	66.4	43.2
20	78.1	452.2	435.6	102.4	28.6	6.0
21	168.8	314.5	285.8	90.9	2.8	-0-
Florida	1,287.7	11,408.3	8,752.7	79.3		
				Totals	97.8	49.2
2006						
17	145.2	343.8	319.6	93.0	10.3	-0-
18	179.5	322.9	311.4	96.5	20.8	4.6
25	139.2	316.9	326.9	103.2	31.7	25.8
Florida	1,875.9	12,195.3	10,433.8	85.6		
				Totals	62.8	30.4

ties of Bronx, Queens, Kings, New York, Nassau, and Suffolk, most of which have high non-citizen populations. New York State as a whole has among the nation's highest percentages of registration of its voting eligible population: 92.3 percent in 2000 and 91.4 percent in 2006.¹⁹ For this reason, Table 7 looks for possible over-registration only at those districts that had registration rates at or above 95 percent. But data for five of the

ies of Houston (Harris), Dallas (Dallas County), Fort Worth (Tarrant), San Antonio (Bexar), Austin (Travis), and El Paso (El Paso County).

Texas has by far the largest population of disenfranchised felons of any state—over 485,000 in 2004, according to Census numbers. Felons were 3 percent of Texas's voting age population, more than twice the national rate of 1.47.

In table 8, the state's felon

they are above a 98 percent threshold. The table's estimates separate out the number of suspect registrations attributable to non-citizens.

This table implies undue voter registrations of at least 400,000 in the state in 2000, which could yield 280,000 to 320,000 votes, and 178,000 to 200,000 in Harris County alone. Texas's non-citizen population grew by more than 100,000 a year between 2000 and 2006.

TABLE 7
Over-registration in greater New York congressional districts, 2000 and 2006

District No.	Voting Age Non-Citizens %	Voting Eligible Pop. (VEP)	Reg. Voters (RV)	RV/VEP %	Excess RVs at >95
2000	000s	000s	000s		000s
5	146.9	365.1	370.7	101.5	23.9
10	74.4	383	375.1	97.9	11.3
16	120.4	307.9	327.6	106.4	35.1
				Total	70.3
2006					
11	108.3	377.3	360.9	95.6	2.3
15	116.1	406.5	415.0	102.1	28.8
16	140.1	309.6	333.1	107.6	39.0
				Total	70.1
NY State	1,780	12,202	11,670	91.4	

districts surveyed in 2000 and four in 2006 showed registration rates higher than the state average.

Texas: Accounting for High Felon Ineligibility in Judging Over-Registration

The researcher used Texas county registration data to estimate over-registration, since congressional district data were less accessible. The 11 counties examined include the major cit-

population is prorated among counties and is subtracted, along with the non-citizen adults, from the voting age population to get the voting eligible population. To prevent double counting of non-citizen felons, the felon population in each county is reduced by the percentage of non-citizens in that county. Because of Texas's relatively high state registration rate for the 2000 elections—96.7 percent—we have considered registrations questionable when

That growth, combined with increasingly assertive ethnic voter registration drives and the presence of an attractive Latino Democrat candidate for the U.S. Senate in 2008, could easily push over-registration in the state past the half a million mark.

The Texas legislature, which has repeatedly considered proof of citizenship requirements for voter registration, decided in 2007 to defer any action until after the 2008 general elections.

TABLE 8
Voter registration in Texas counties with high non-citizen populations, with allowance for ineligible felons, 2000 general elections

County	VAP	Felons	Non-Citizen	RVs	VEP	% RV/ VEP	Over-Reg. >98% All	Over-Reg. Due to Non-Citizens
	000s	000s	000s	000s	000s		000s	000s
Bexar	996.5	28.4	88	871.8	880.1	99.1	9.3	6.6
Dallas	1600	39.7	318	1248.3	1242.3	100.5	30.8	27.4
El Paso	462.2	12.2	95.3	352.4	354.6	99.3	4.9	4.3
Harris	2161.2	59.5	469	1886.6	1632.7	116.0	286.6	254.3
Maverick	29.8	0.890	9.42	21.78	19.5	111.8	2.67	2.65
Presidio	4.9	0.036	1.79	4.22	3.09	136.6	1.22	1.2
Starr	53.6	0.82	11.58	25.0	20.4	122.0	5.0	4.67
Tarrant	1 039.7	28.3	118.4	851.1	893.0	95.3		
Travis	619.3	15.9	79.4	572.4	508.1	113.0	74.46	62.0
Valverde	30.5	.730	5.62	24.78	23.4	99.7	1.85	1.64
Webb	123.3	3.1	32.7	88.0	84.4	104.3	5.3	4.84
Texas (rest)	7844	237.0	517.8	6419.6	7175	89.5	-0-	
Texas (all)	14965.1	426.6	1747	12366	12791	96.7	Total	369.6

Key: VAP (Voting Age Population); RVs (Registered Voters); VEP (Voting Eligible Population; Over-Reg. (Over-Registration). Source of Texas registration data: sos.state.tx.us/elections/historical/index.shtml

Motor-Voter: An Honor System Short on Honor

Worth asking is not how did these numbers get so large, but why aren't they even larger? The 1993 Motor-Voter Act, as many conservatives warned, has made voter registration of applicants for drivers' licenses and social services virtually automatic, putting applicants' responses to such key questions as U.S. citizenship on an honor system. For illegal aliens—now at least 55 percent of the non-citizen population—drivers' licenses and, until recently, voter registration cards were documents of choice to satisfy prospective employers on identity and eligibility to work in the U.S.

The Federation for Ameri-

can Immigration Reform (FAIR), for example, in 2004 claimed that a large portion of the 250,000 persons issued New York State drivers' licenses while providing erroneous social security numbers were illegal aliens who were then quasi-automatically registered to vote under the procedures of the Motor-Voter law.²⁰ The New York experience was echoed in a number of states, until a public backlash after 9/11 forced tighter strictures on issuing licenses to illegal alien license seekers. Motor-Voter, however, still eases voter registration for the 45 percent of the immigrant population who are legal permanent residents but won't pay the price of naturalization.

Presumption of citizenship

is increasingly the policy of voting registrars. Simply signing voter registration forms and mailing them is a satisfactory affirmation of citizenship — no further questions asked. In some states such as Iowa and South Dakota, eligibility to vote is presumed even if the applicant fails to affirm U.S. citizenship.

In some immigrant "sanctuary" cities, asking about citizenship status even in such state-controlled transactions as voter registration runs counter to an emerging "don't ask—don't tell" ethos. Qualifications for voter registration are being eroded by immigration advocates' efforts to define an individual's immigration status as an "intimate personal matter" protected by the right

to privacy.²¹ Incredibly, your citizenship is presumably no one's business in exercising a fundamental right of U.S. citizenship.

Non-citizens signing up to vote quite correctly don't see much risk of penalties in it. The federal government has shown no interest in enforcing its 1996 ban on non-citizen

the 2008 elections. Most of the draft bills, including the one rejected soundly in California, would require proof of U.S. citizenship from first-time applicants for registration, and in some states each succeeding re-registration. Appropriate penalties would be imposed, along with better verification systems for state registrars.

2006 race in California's 47th Congressional district between incumbent Loretta Sanchez and unsuccessful Republican challenger Tan Nguyen.

The letter, cited in the findings of Obama's Senate bill, warned (correctly) that "illegal aliens" and (incorrectly) "immigrants" were ineligible to vote.²³ Obama's legislation, as now written, is more likely to do the "intimidating," mostly of those citizens who would make an issue of non-citizen voting. The bill would seriously chill political free speech. While the House version passed in 2007, Obama's bill is still tied up in the Senate—a condition likely to change in an Obama presidency.

Absentee and Mail-In Ballots: Invitations to Fraud

Some states' encouragement of the use of absentee ballots has reduced the risk to non-citizens of facing challenges at the polling place. Also facilitating ineligible voters is the greatly increased use of absentee ballots in immigrant-rich states. In California, 31 percent of all votes were cast by mail; in Arizona and Colorado 32 percent and 29 percent, respectively. In those jurisdictions, non-citizens can register on-line or by mail and regularly cast ballots without risking face-to-face challenges or close scrutiny at the registration office or at the polls. A possibly revealing statistic for the 2004 election period is that 23 percent of naturalized citizens registered by mail compared to only 12 percent of native-born citizens.²⁴

An extensive report by the Florida Department of Law



Latino activists in California mobilize to register Latino voters.

registration and voting, and the U.S. Congress has shot down all initiatives to require proof of citizenship. U.S. Attorneys, notwithstanding White House pressures, have shown little interest in giving the issue priority attention.

Only Arizona has legislatively required proof of citizenship in registering, a provision approved in 2004 but held up by challenges in federal court. Texas, California, Missouri, and 16 other states have considered similar legislation. None of the pending state measures, if adopted at all, would go into effect until after

Following the Democratic sweep in 2006, any political momentum in Congress for keeping non-citizens out of the polls has slowed or in some cases reversed. An indication is Senator Barack Obama's 2007 bill, the *Voter Intimidation and Deceptive Practices Prevention Act* (S. 453).²²

Obama and other authors of this bill effectively played on the calculated outrage and indignation mounted by Latino and other populist organizations at a letter reportedly disseminated by a California immigration reform organization during the

Enforcement (FDLE) on voter fraud, much of it in Miami-Dade, saw absentee voting as the greatest facilitator of fraud.

The desire to facilitate the opportunity for each person to vote has resulted in increased opportunity to use absentee ballots improperly. (Once one has registered fraudulently, he or she can obtain an absentee ballot for every election thereafter if he or she wishes. The lack of “in-person, at-the-polls” accountability makes absentee ballots the “tool of choice” for those inclined to commit voter fraud.)²⁵

Three factors probably boosting current estimates heading into the November presidential election would be the surge of young Latinos now reaching voting age, the massive ethnic voter registration drives during the past two years, and the increased militancy of ethnic political groups over Congress’s repeated rejections of amnesty legislation and support for tightened enforcement since 2005.

Voter registration drives by ethnic lobbies or their spin-offs have proliferated in the past two years. They are appealing to liberal foundation grant-givers. Such organizations as *DemocraciaUSA*, *VotoLatino*, and *Project Vote* work closely with major Latino organizations, such as La Raza, League of United Latin American Citizens (LULAC), the National Association of Latino Elected officials, the League of Women Voters, the heavily Hispanic Service Employees International Union (SEIU), and Univision Spanish-language media network. Funding comes from such foundations as People for the American Way and Pew.

Searching for new voters among Asian immigrants are the Asian-American Legal Defense and Education League and Asian and Pacific Islander Americans (APIAvote.org). Many of the Hispanic and Asian groups boast slick high-tech websites featuring on-line registration, raising further questions about the integrity of the registration process.



In Los Angeles, even local college chapters of the Aztlan Chicano Student Movement (MEChA) in Pasadena and East Los Angeles have joined the Latino get-out-the-vote effort. It’s hard to imagine that MEChA ideologues could be too conscientious about following the voter registration rules of a government they hold to be an illegitimate occupying power in their homeland.

Voter registration can be profitable as well as fulfilling. Registration agents contract with political or interest groups to bring in newly signed registration forms for a fee—now from two dollars to five dollars a head. How many agents are going to turn down a registrant—and a fee—over a minor technical matter of citizenship?

Ethnic political entrepreneurs count on lots of votes,

ineligible or otherwise, to swell their own political leverage. For the non-citizens, registering and voting is a way of ensuring friendly representation in the local halls of power and repaying the patronage they receive from their local “*patrones*.” Ineligible registration and voting fits easily within the prevailing civic culture of quiet, contagious dissemblance in immigrant enclaves, where most aspects of life itself are lived “off the books,” and one’s identity and antecedents depend on the circumstances of the moment.

It’s Pay Back Time at the Ballot Box

The perception of alien entitlement to vote is further nourished by the rising campaigns in a number of states and cities to make non-citizens eligible to vote on local issues, further confusing non-citizens about the current restrictions and increasing the atmosphere of permissiveness and illegitimacy in the existing system. Adding to this is a “cut-the-red-tape” frustration among legal immigrants toward naturalization. Washington’s delays in reducing the huge backlog of naturalizations has left many feeling that a premature exercise of the suffrage is justifiable.

The failure of ethnic interests in Congress in 2005–2006 to win amnesty injected a new militancy in mobilizing immigrant voters—a sense of gain power or else! Washington’s 2007 crackdown on illegal entry and employment and the spread of state restrictive laws toward illegal aliens have heightened the urgency.

A common placard at

Hispanic pro-amnesty demonstrations in 2006 was a warning to Anglo America: “Hoy Marchamos, Mañana Votamos!” (“Today we march, tomorrow we vote”). The message implies a determination to reward or punish at the ballot box—with or without the cachet of citizenship.



Latino celebrity Eddie Sotelo

A measure of the urgency for immigrants to enroll for their survival is the exhortation of a popular Univision comedian, Latino folk hero, and former illegal alien, Eddie Sotelo²⁶ (popularly known as “Piolin”). Sotelo’s exhortation echoes the current back-to-the-wall rhetoric among illegal immigrants: “Si no votan, nos botan” (“If you don’t vote, they’ll throw us out”).

There is no less urgency for citizens, naturalized and native. And they must decide whether voting should remain an exclusive attribute of citizenship and demand the safeguards to make it so. ■

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