

The Debate Over Non-Citizen Voting: A Primer

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President Signs New Immigrant Voting Restoration Act in White House Ceremony: Millions Now Eligible

By John Coleman
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Surrounded by members of her party and representatives of major immigration advocacy groups, the president signed into law a bill enabling immigrants who have resided in the country for a period of at least six months to vote in federal elections. The bill was narrowly passed in Congress yesterday, over strenuous opposition, and was sent to the president last night. In a major signing ceremony, the president hailed the new law as a "return to fairness for all immigrants," and a "historic commitment to expanding democracy for all Americans."

*The bill's formal title, *The New Immigrant Voting Restoration Act*, recalls a period in American history when, as new settlers pushed westward, they were allowed to vote in some states and territories. That practice began to recede in the late eighteen hundreds and by 1926 the last of the states to allow non-citizens to vote rescinded that measure.*

Today's bill signing was hailed by immigration advocacy groups as a "landmark breakthrough for immigrant rights," and in "the noblest traditions of American democracy." Some characterized it as on a par with the historic civil rights act passed by Congress in 1964. Immigrant groups immediately announced plans for a vast immigrant voter registration drive with the goal of signing up over ten million new voters before next year's Congressional elections.

The bill allows any immigrant over the age of eighteen years old who has resided in the country for a period of six months or more to register to vote. Registrants would have to provide evidence of their six-months residence and in addition provide suitable personal identification. The bill also provides that immigrants be allowed to register by mail so long as they provide a notarized affidavit attesting to the accuracy of the identification they provide.

Opponents said the new law would "make a mockery of citizenship" and predicted that few immigrants would bother to become naturalized American citizens now that there was no longer a need to be a citizen in order to vote. They vowed to fight the new law in court, however it is unclear that they can prevail. Congress has traditionally held broad powers, recognized by courts, to set standards for citizenship and voting requirements for federal elections.

*The new law has the potential to vastly transform American politics. The addition of millions of new voters is likely to have profound effects on the nation's political parties and a large range of government policies. Jose Mercado, spokesman for *La Causa*, one of the largest Hispanic advocacy groups, predicted that political parties would be forced to reach out to immigrants "in a language they can understand" and "on issues important to them" to gain their trust and their votes. Among the issues he mentioned were recent efforts by the president and her party to ensure that every child born in the United States received a \$5,000 bond and a proposed program for the government to match money put into savings instruments by individuals and families. Other programs he mentioned included universal health care, support for immigrants retaining their own cultures, and parity of languages spoken by immigrants other than English.*

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There is no more iconic feature of American democracy and citizenship than the right to vote. Men and women have marched for it, fought for it, and died for it. Historically, those without property, women, and African-Americans have all legitimately counted their progress toward full citizenship by their ability to vote. And they have correctly judged America's progress toward living up to its ideals by the extension of the vote to all of the country's citizens.

Given these facts, it is understandable that the average American might well ask: What debate?

A Debate Gaining Momentum

The answer to that question is that this debate has been slowly gathering momentum out of the public view for some time. While most Americans have been understandably preoccupied with terrorism, Iraq, the economy, illegal immigration, and other issues, a steady drumbeat of advocacy has been gathering force trying to legitimize and implement the idea that the United States should allow new immigrants to vote without becoming citizens.

Advocates of this position use many arguments — about fairness, representation, teaching democracy, increasing participation, expanding democracy, being welcoming to immigrants, the large number of Hispanics who are not yet citizens, and so on. They buttress their claims with the fact that several foreign countries now allow immigrants to vote in local elections, that some American states and territories once allowed it, and that some localities allow it now.

This last fact, that there are several municipalities in the United States that currently allow non-citizens to vote in local elections, may come as somewhat of a surprise. The best known of these is Takoma Park, Md., which introduced the practice in 1992, although its legality has never been tested in the courts. In addition, legislation has been formally introduced in a number of cities, including New York City¹ and Washington, D.C.,² and in at least two states — New York and Minnesota³ — to allow non-citizens to vote in local elections. In Massachusetts, the cities of Amherst, Cambridge, and Newton have approved measures to allow non-citizens to vote in local elections, but the ordinances require approval by the state legislature, which has not yet acted favorably on these proposals. A number of other cities are in the initial stages of considering such schemes.

Chicago allows non-citizens to vote in school board elections, and New York did until elected school boards were abolished in 2003. Boulder, Colo., recently introduced a measure to allow non-citizens to serve on

city boards and commissions.⁴ And in City Heights, Calif., all residents, regardless of citizenship, are able to vote for members of the Planning Committee.⁵

Iconic Words, Prosaic Motivations

Anyone who delves into the arguments put forward in favor of giving non-citizens the right to vote soon encounters iconic terms like “justice,” “fairness,” and “democracy.” A great deal of the advocacy for non-citizen voting makes extensive use of what Mary Ann Glendon refers to as “rights talk,” the tendency to turn every policy debate into a clash of rights.⁶ From the advocate's perspective this is a winning strategy. One of the chief advocates of the non-citizen voting movement, Ron Hayduk, is quite direct about this strategy: “The use of democratic and moral claims on the polity has often been an effective tool used by social justice advocates in struggles for equality.”⁷ In their view, advocates are simply pressing for what they believe many would agree in theory would be a good thing — more democracy, higher morality, more social justice, and more equality, to name all four iconic terms used in that single sentence.

The problem with these iconic words is that they have many meanings. Their incantation is not necessarily synonymous with persuasive argument. Advocates use expansive definitions of these terms to further their goals, and rarely address the political, cultural, and policy implications of their proposals. Moreover, while advocacy rhetoric emphasizes lofty theoretical sentiments, there often are much more prosaic motives at work. Many supporters of non-citizen voting are seeking what they feel will be a large and reliable source of votes for their progressive political agenda. Hayduk, for instance, writes that for allies it is important to drive “home the potential benefits of non-citizens to forge progressive political majorities.”⁸

Others are more interested in furthering the political fortunes of the ethnic groups they favor. Louis DeSipio and Rodolfo de la Garza argue that non-citizens should be given the right to vote, although their focus is on the Spanish-speaking community.⁹ Mr. DeSipio details in a separate book “the low level of citizenship among Latino immigrants,” but argues that “Latino permanent residents offer a new pool of citizens and new voters. Sufficient numbers could naturalize to have influence in the next election.”¹⁰ And some proponents are simply interested, as one would expect from incumbents who wish to remain in office, in having what they envision as a large pool of reliable voters for their reelection.

It would be a tempting to dismiss calls for non-citizen voting as an idea that is not likely to get very

far. That however, would be a mistake. There is now a concerted campaign by a vocal group of liberal¹¹ (or progressive, if you prefer) academics, law professors, elected public officials, and community activists, working in tandem, to decouple voting from American citizenship. Their odds are long, but the stakes are high.

These activists are trying to erase the distinction between citizen and alien, or between national and foreigner...[speaking] directly to the nature of state sovereignty itself.”¹² This sounds like a somewhat abstract argument, but it is a debate with the most immediate, direct and profound consequences.

Some Non-Citizen Voting Proposals

Advocates for non-citizen voting have put forward a variety of proposals. Some focus on gaining non-citizens the vote in local school board elections.¹³ Others see granting voting rights at the local level, in less-threatening venues like school board elections, as a bridge to a wider expansion of voting rights for non-citizens.¹⁴ Others focus on gaining voting rights for non-citizens at the local level,¹⁵ even though as one advocate has written, “it is admittedly hard to think of any principled way to justify the inclusion of aliens in local elections, but exclude them from state elections. The problem is that the U.S. constitution categorically makes all persons enfranchised in state legislative elections into federal electors, and *alien participation in national elections presents a far more troubling proposition.*”¹⁶

Some want non-citizens to have voting rights at the state as well as the local level.¹⁷ They advocate this despite, or perhaps because of, the fact is that, as noted, given the structure of constitutional law this would inevitably involve granting voting rights at the national level as well.¹⁸ Some want the Supreme Court to declare non-citizen voting a federal right, thereby nullifying the overwhelming number of state constitutions that specifically state that voting is a right reserved for citizens.¹⁹ And some see no reason why non-citizens should not be allowed to run and serve in public office, as well as vote.²⁰

The New York City Proposal. In the spring of 2005, William Perkins, then the New York City Council’s Deputy Majority Leader, introduced a bill that defines a municipal voter as, “a person who is not a United States citizen, but is lawfully present in the United States, and has been a resident of New York City, as defined herein, for six months or longer by the date of the next election, and who meets all qualifications for registering to vote under the New York State election law, except

U.S. citizenship, and has registered to vote with the New York City Board of Elections under this provision.” This proposed bill would allow non-citizens to vote for “any municipal officer, including, but not limited to, the mayor, the comptroller, the public advocate, members of the council, borough presidents, and any other future elected municipal official.” These new voters may vote in, “without limitations, primary elections, and on municipal ballot questions.”²¹

This proposal effectively bypasses all the requirements for learning about the immigrant’s new country that are built into the nationalization process. It does not require a demonstrated familiarity with the English language. It does not require a demonstration of any knowledge of American civics and history. And it does not require any knowledge of the issues on which the person would be voting, since the person need only have been in the country for six months.

The most immediate (but not the only) drawbacks to such a proposal are obvious. The new non-citizen voters would be unfamiliar with the United States, its politics, its history, its culture, its language, and the issues on which they are being allowed to vote. Further, having been granted a green card simply acknowledges that a person has applied for and been granted permanent residence. Allowing non-citizens to vote before they have gone through the naturalization process is likely to diminish immigrants’ interest in undertaking that process. And this in turn is likely to marginalize a process through which many immigrants increase their emotional and psychological attachment to their new American community. Proposals to allow non-citizens to vote fail to recognize that attachment is an important part of integrating immigrants into the American national community, and that the naturalization process has an important role to play in this regard.

The DeSipio/de la Garza Hispanic Non-citizen Voting Proposal. As noted, some proposals for non-citizen voting have come from ethnic advocates interested in furthering the political clout of their favored ethnic groups. Louis DeSipio, now at the University of California, Irvine, and Rodolfo de la Garza, at the University of Texas, first put forward such a proposal in 1993. Their proposal “is a modified form of the current effort to make non-citizens eligible to vote.” They, however, “add two twists;”

“First, we would allow noncitizens to vote for the five-year period during which they are statutorily ineligible to naturalize. Under this system, recently immigrated permanent residents would be able to obtain a five-year voter registration card (transferable across jurisdictions, but not extendable). After five years, they

would no longer be eligible for permanent resident voting privileges, but would be able to naturalize. Recognizing that the INS suffers from frequent backlogs, *we would allow some provision for extending the temporary privileges while the application is on file.*"

The proposal's authors disagree on the range of elections to which their proposal would apply. "Because of their ability to shape national policy," de la Garza, would extend this limited non-citizen voting *only* for state and local elections."²² His co-author, DeSipio, "however fears the administrative burdens to local election officials of having to create two sets of voting lists and two ballots would allow permanent residents to vote in all elections during the first five years of residence."²³

This proposal, like that of New York Councilman William Perkins noted above, raises the same set of voting readiness issues. Here too, new non-citizen voters would not have to be familiar with or knowledgeable of any aspect of the country's history, language, politics, or culture. Yet what is truly unique about this proposal is the authors' highly unusual reassurance as to why it should be adopted: Hispanics won't make use of it.

In surely one of the oddest underlying arguments put forward in favor of non-citizen voting, the authors note, "We think that regardless of one's philosophical attitudes toward noncitizen voting in the contemporary political environment it has one serious flaw: Few noncitizens would use the right."²⁴ A few pages later, they remind their readers thusly: "Again, it is important to make note that neither one of us thinks that many noncitizens would vote in large numbers under this proposal."²⁵

The question immediately arises then: Why bother? Well, it seems that the authors are really of two minds about their proposal. On one hand, their view is that most of those for whom it is intended won't use it. On the other hand, they think it might have a "great impact" on cities where there is a sizable non-citizen population."²⁶ One reviewer of a book authored by Mr. DeSipio notes that he calls for "a massive, national citizenship campaign targeting these noncitizens [because it] would foster a sense of Latino unity and purpose, and translate into a serious political movement. The momentum created by hundreds of thousands of immigrants joining the polity would spur all Latinos toward greater political participation, culminating in a Latino electorate taking its place among the major new electorates of this century."²⁷ Allowing non-citizens to vote for a five-year period that could be renewable for some further period would be very consistent with that aim.

The professors also point out that there could be national implications to such a policy. They write that "it must be noted that the only national race — the campaign for the presidency — is in fact just fifty state races in which the winner takes all of the states' electoral votes. Thus in a very close race that is determined by the votes of the larger states (most of which are immigrant receiving states), an empowered noncitizen electorate could swing the election."²⁸ These advocates try to be reassuring by noting that, "The scenarios vary from the possible — influence in local elections — to the highly unlikely, that is, national or state level influence."²⁹

So, their point seems to be that non-citizens are unlikely to use the vote if it is given to them. On the other hand, if they do use it, they may be able to tip elections. This raises a very basic and direct question: Why should the United States have to take any chance that persons who have literally just arrived in the country and are very unlikely to know anything about its politics — much less the complex issues that citizens are called upon to address — have the opportunity to hold the fate of public decisions in their hands?

In Lieu of Naturalization?

The DeSipio/de la Garza proposal, like others that would allow an immigrant to vote within a short time of arrival, would substantially downgrade the importance of naturalization. That is because the second of their "two twists" involves allowing non-citizen voters to substitute evidence that they have voted for having to take the naturalization test. In their words, "naturalization applicants who can show that they voted in most primary and general elections would be exempt from the naturalization examination. The examination is designed to test good citizenship through indirect measures such as knowledge of American history and civics. We propose that voting is an equally good measure of commitment to and understanding of the American system."³⁰

The authors make a number of basic mistakes in this statement. They err in equating the knowledge of American history and citizenship with "commitment." Such knowledge can be part of the basis for forming an emotional attachment, and that attachment in turn can grow into a commitment over time, but it is a mistake to equate abstract knowledge with the emotional attachments that go into developing a commitment.

The authors also err in failing to see that knowledge of American history and citizenship, as well as knowledge of English (that the authors belatedly added to their list of items tested by the citizenship test)³¹ are not so much measures of good citizenship, indirect or

otherwise, as they are a *foundation* for it. Knowledge of the English language and American history and civics does not automatically make you a good citizen, but it does provide a starting point for becoming one.

It is hard to see how immigrants who know little of American history or American politics and its debates and who do not speak the language will develop that foundation by just pressing a lever three or four times over a five-year period. In practice this would mean that they have voted in “most” of the five elections that take place in any five-year period. In a later publication, they change the requirement of voting in “most” elections to a requirement that such immigrants vote “regularly.”³² It is unclear what this term means. Perhaps this would require new immigrants to vote in a minimum of three or maybe four elections. In return for this, the authors would “grant citizenship automatically upon application.”³³ No civics test. No American history test. No test of minimum English language facility. And no further mechanism for encouraging new immigrants to get that important basic knowledge. On all these matters, the proposal is very ill advised. Proposals that would grant non-citizens the right to vote will severely curtail the importance of the naturalization process, and that process plays an important role in the integration of new citizens into the American national community.

Potential Impact

Whether or not non-citizens would make use of the vote is one question. How many would be eligible to do so is another question. Those numbers give us some indication of the potential impact of such proposals. It is useful to begin framing the issues that underlie the debate by first asking a deceptively easy question: What is the number of non-citizens in this country that would be potentially be affected by allowing non-citizens to vote? That is not an easy number to ascertain. Some studies include persons residing in the country illegally. Some count those “recently naturalized,” while others count all naturalized citizens, whenever they were naturalized. And finally, different studies rely on different data sets that add variations to the figures. With those caveats in mind, we can at least attempt to narrow the range of estimates of the numbers of legal non-citizen residents who would be affected by the proposals to allow non-citizens to vote.

The Eligible Pool of Non-citizen Voters. The March 2007 Current Population Survey, conducted by the Census Bureau, reported that there were about 20.2 million adult non-citizens in the country, about half of

whom are believed (based on other research) to be illegal immigrants.³⁴ Adding to this figure are two important factors. The first is the number of legal immigrants admitted to the country every year. These constitute the pool of potential non-citizen voters for any given five-year period before they begin the naturalization process and become citizens (if they do so). Let us stipulate that the whole process from entry to oath takes six years to complete. So, to take the previous six-year period the numbers would be 1,058,902 for 2001; 1,059,356 for 2002; 703,542 for 2003; 957,883 for 2004; 1,122,373 for 2005; and 1,226,264 for 2006.³⁵ Thus, in 2006, the pool of non-citizen voters would be the number of new immigrants for the preceding five years, which totals 4,902,056 minus the number that were below voting age (18) in any single year. So, in 2006, the country admitted 1,226,254 immigrants of whom 78 percent were over 18 and thus immediately eligible to vote under most of the non-citizen voting proposals.³⁶ This figure would need to be added to the number of immigrants from previous years over 18 who had not naturalized.

A number of new immigrants will become naturalized citizens, thus reducing the pool of potential non-citizen voters, but how many? Here again, numbers and the means by which they are calculated vary.³⁷ A 2007 study by the Pew Hispanic Center estimated that naturalization rates among those eligible were 52 percent for the year 2005.³⁸ These rates, however, have varied over time depending on levels of immigration and political circumstances. In 1970, the naturalization rate was 64 percent but it dropped over time until in 1996 it stood at 39 percent.³⁹

Assuming a continuing robust naturalization of 50 percent, we can then estimate that the pool of non-citizen voters will increase somewhere between 400,000 and 500,000 each year. *So a prudent working assumption would be that there are today about 10.5 million legally resident non-citizens, with that number is growing at the rate of 400,000 to 500,000 each year.*

State and Local Impact. The numbers above are figures for the United States as a whole, but given immigrant settlement patterns it is clear that some localities and elections would be affected more than others. One way to look at this impact is to begin to look at the state distributions of new immigrant settlement. The Passel study of naturalization lists six states as major destinations. They are (with the number of persons eligible but not yet naturalized): California (2.6 million), New York (1.1 million), Texas (766,000), Florida (607,000), New Jersey (373,000), and Illinois (340,000). In addition, each of the major destination states has a pool of soon-to-

be eligible immigrants ranging from a high of 717,000 (California) to 142,000 (Illinois).⁴⁰

Seen from a slightly different perspective, a U.S. Census report from 2003 found that non-citizens accounted for about 10 percent or more of the populations of six major states plus the District of Columbia: California (15.5 percent), D.C. (10.4 percent), Florida (9.5 percent); Nevada (11.3 percent); New Jersey (10.3 percent); New York (10.2 percent); and Texas (10.2 percent).⁴¹

Within states, some cities and metropolitan areas are magnets for new immigrants. Within New York City's foreign-born population of 2.87 million foreign-born residents in 2000, 65.5 percent or 1.59 million were non-citizens.⁴² When introducing his non-citizen voting bill into the New York City Council, Mr. Perkins used a figure of 1,361,007 non-citizens of voting age living in New York as of 2005.

Hayduk provides us with some further information on the number of non-citizens in various kinds of local geographical areas.⁴³ Twenty-nine states contain cities with a non-citizen voting population of more than 10 percent. In immigrant-rich states, the figures can be dramatic. In California, 19 percent of the state population is made up of non-citizens. In at least 85 cities, 25 percent of the population consists of non-citizens. Eighteen percent of municipalities have non-citizen populations of between 40 and 49 percent. In 12 other municipalities, non-citizens comprise a majority of the adult population — between 50 and 63 percent.

However, the potential political impact of allowing non-citizens to vote is unlikely to be felt only in California. Across the United States, 874 cities have an adult non-citizen populations of more than 10 percent; 193 cities have a non-citizen population of more than 25 percent. And 21 cities have an adult non-citizen population of 50 percent or more.

The 10 most populous cities in the United States have a large percentage of adult non-citizens. These range from a high of 32.2 percent (Los Angeles) to a low of 13.8 percent (Austin). Other major cities with substantial adult non-citizen populations include New York City (22.9 percent), Chicago (16.4 percent), Houston (22.9 percent), Phoenix (17.5 percent), San Diego (16.6 percent); Dallas (22.27 percent) San Francisco (16.7 percent), and San Jose (24.9 percent).

The Consequences of Non-citizen Voting on American Political Culture. For many advocates, non-citizen voting represents the so-far unachieved holy grail of liberal politics, the creation of a major and sustainable progressive voting majority. Commenting on the

possibilities of non-citizen voting, Hayduk writes that the “Creation of a truly universal suffrage would create conditions conducive to forming progressive coalitions.” He then immediately goes on to exalt: *“Imagine the progressive political possibilities in jurisdictions of high numbers of immigrants such as New York City; Los Angeles; Washington, D.C.; and Chicago — as well as in such states — if non citizens were re-enfranchised.”*⁴⁴

Hayduk and many of his allies nurture high hopes for the impact of these initiatives. He writes, “noncitizen adults already comprise over 10 percent of the voting-age population in seven states and the District of Columbia, and 19 percent of all California voters. If these noncitizens were enfranchised, they could yield decisive power in state races.”⁴⁵ And one might add here, a number of cities, towns, and municipalities.

There is, however, one question that advocates of non-citizen voting do not address: What would happen to America's politics and political culture were advocates to get their wish? What would happen if they were able to successfully accomplish their goals and non-citizens nationwide were given the right to vote? How would American citizens in any state, city, or county feel about having an election decided by people who had not yet joined the community of citizenship and might never do so?

What if the political center of gravity in those places shifted decisively to the left because of the influx of these new voters as advocates hope? How would most Americans who, on repeated national surveys, see themselves as moderate, react to having their city, town, and state policies determined by a surging influx of progressive voters who have not become citizens?

These thought experiments lead easily to the conclusion that such occurrences would be profoundly upsetting to many, if not most, Americans. And it is easy to develop scenarios based on the overwhelming rejection of illegal immigration in this country by Americans in general that the responses to these circumstances would be emotionally vivid and strong.

One legitimate question, as yet unanswered by advocates, is whether such political trauma is really necessary. The United States is not a country that keeps immigration to a minimum. It takes in for permanent settlement more people from more countries every year than any other country on earth. It does not base its citizenship on blood or lineage as other countries do, keeping its immigrants in a perpetual state of limbo. Instead, it offers citizenship to almost every legal immigrant after a modest waiting period and after the satisfaction of several other relatively simple requirements.

And it offers immigrants, before they become citizens, many ways to take part in politics other than voting.

Non-citizen voting is a potentially politically traumatic and clearly unnecessary answer to a problem that is not very pressing.

Arguments for Non-Citizen Voting

Advocates of non-citizen voting make many arguments for what would be a radical historic change. In just one article, one author claimed 30 separate benefits.⁴⁶ It is only fair, advocates say, since non-citizens already pay taxes and can serve in the military. It provides an ideal way for new immigrants to learn about citizenship, they assert. It helps new immigrants feel more welcomed and included, they argue. It ensures that those who are not yet citizens will be represented, they suggest. And, it will help to increase declining rates of political participation, they promise.

These arguments seem reasonable. To advocates they are compelling. Yet, a closer look at each suggests they are neither.

Voting has always been a critical element of full citizenship; courts have called it the essential element. It is true that over 80 years ago, some states allowed resident non-citizens to vote. However, this was always an exception to a more general rule that preserved voting for citizens. By the 1920s, non-citizen voting had been ended by legislation, duly debated and passed by the people's representatives and signed into law by their governors, and with good reason.

Voting is one of the few, and doubtlessly the major, difference between citizens and non-citizens. Citizenship itself, and open access to it, is one of the major unifying mechanisms of *E Pluribus Unum*. When citizenship loses its value — and it would if voting were not an earned privilege — a critical tie that helps bind this diverse country together will be lost. Given the challenges that face us, this should not be done lightly.

What of fairness? Don't non-citizens pay taxes, and therefore isn't it unfair to not allow them to vote? That argument assumes that non-citizens get nothing for their taxes, and need the vote to compensate for that. However, the truth is that immigrants from most countries enjoy an immediate rise in their standard of living because of this country's advanced infrastructure — for example, hospitals, electricity, communications. They also get many services for their taxes — like public transportation, police, trash collection, and so on. Most

importantly and immediately they get what they came for: freedom and opportunity.

What of serving in the armed forces? If they can serve, why can't they vote? The difference here is between *can* and *must*. Non-citizens can serve if they volunteer, but they are not required to serve as part of the citizenship process. When they do volunteer, they earn this country's gratitude and, by presidential order, a shortening of the time period before they can become citizens.

Doesn't voting help immigrants learn about their new country? Yes, but the fallacy of that argument is the assumption that there are not other, less damaging ways, to do so. No law bars non-citizens from learning democracy in civic organizations or political parties. No law keeps them from joining unions or speaking out in public forums. Indeed, no law bars them from holding responsible positions within all these groups. In all of these many ways, legal residents can learn about their new country and its civic traditions. Voting is not the only means to do so, and may not even be the best since it can be done from start to finish with the pull of a lever.

What of representation? Isn't it bad for democracy and against democratic principles to have so many people unrepresented? The first problem with this argument is that the condition is temporary and easily remedied by time and patience. Second, the very fact that advocates push non-citizenship voting undercuts the argument that this group's interests are not represented. This country is a republic, not a democracy. We depend on our representatives to consider diverse views. The views of legal non-citizen residents are no exception. The more such persons take advantage of the many opportunities to participate in our civic and political life, the more likely it is that their voices will be heard.

Well, what about participation? Won't giving non-citizens the vote increase participation, and isn't that good for democracy? The answers to those two questions are no and maybe. The record of non-citizen voters should lead all of us to pause and reflect. When New York City allowed non-citizens to vote in local school-board elections, presumably something in which they had a direct, personal, and immediate stake, less than 5 percent of that group did so. Takoma Park, Md., often cited as a model by advocates, refuses to ascertain whether non-citizen voters are in the country legally. Even so, their participation went from a high point of 25 percent in 1997, to 12 percent in the next election, and 9 percent in the election thereafter. In November 2007, only 10 non-citizens voted.⁴⁷ In a special election held that year, "officials took extra steps to get the word

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out. They mailed a notice, in Spanish and English, to every home. They sent a second notice to every registered voter,” yet not a single non-citizen voted.⁴⁸ In the end, the touted benefits of non-citizen voting participation turn out to be very small and in some cases non-existent — very small gain upon which to sacrifice such a core element of American citizenship.

There are many things this country could and should do to make new immigrants feel welcomed. We could, and should, provide free English classes to all those who want them — and that want is great. We could set up classes to help immigrants learn about the nuts and bolts of our country’s life — how do you get insurance, why do you raise your hand in class. We take these things for granted, but new immigrants cannot. If elected officials really want to help new immigrants, these initiatives would be of direct and immediate benefit and won’t have the downside of destroying citizenship.

Every effort should be made to integrate legal immigrants into our national community. Yet, isn’t it fair to ask that they know something about that community before they fully take up the responsibilities, and not just the advantages, of what has been the core of citizenship? Some non-citizen voting proposals would require three years as a legal resident — saving a mere two years before naturalization and the vote. Others suggest a period of only one year or less, allowing people practically just off the plane to help make complex public decisions.

Advocates of non-citizen voting do not discuss whether these new voters would need to demonstrate language proficiency or knowledge of this country, as they must now do for naturalization. Would that requirement be waived? Nor have they said what they would do if many decided there was no longer a need to become a citizen — since they already can vote.

In the end, we do immigrants, and this country, no favor — indeed, we likely to do damage — by giving in to demands for erasing the distinction between immigrants and citizens.

End Notes

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⁴ Ryan Morgan, "Bolder Considers non-citizens on Boards," *Boulder Daily Camera*, August 8, 2007.

⁵ "Rocky Neptun wins in San Diego," *Green Focus* ("The Newspaper of the Green Party of California"), <http://www.cagreens.org/greenfocus/clips.html>

⁶ Mary Ann Glendon, 1991. *Right's Talk: The Impoverishment of Political Discourse*. New York: The Free Press.

⁷ Ron Hayduk, 2006. *Democracy for All: Restoring Immigrant Rights in the United States*. New York: Routledge, p. 197.

⁸ Ronald Hayduk. "Immigration, Race, and Community Revitalization," Aspen Roundtable on Community Change, 1998, p. 34. <http://www.aspeninstitute.org/atf/cf/%7BDEB6F227-659B-4EC8-8F84-8DF23CA704F5%7D/Hayduk.pdf>

⁹ Louis DeSipio and Rodolfo de la Garza, "Save the Baby, Change the Bathwater, and Scrub the Tub: Electoral Participation After Seventeen Years of Voting Rights Act Coverage," *Texas Law Review*, 71: 1474 (1993), pp. 12, 17-18; See also Louis DeSipio and Rodolfo de la Garza, *Making Americans, Remaking America*. Boulder, Colo.: Westview, 1998, pp. 96-101; and Louis DeSipio *Counting on the Latino Vote: Latinos as a New Electorate*. Charlottesville, Va.: University of Virginia Press, 1996.

¹⁰ DeSipio *Counting on the Latino Vote*, p. 140.

¹¹ This is an empirical observation. As Kini notes, "supporters of non-citizen voting rights are, at present, liberal." See Tara Kini, 2005. "Sharing the Vote: Noncitizen Voting Rights in Local School Board Elections," *California Law Review*, 93: 299. Surveying the lessons learned from efforts to secure the voting franchise for non-citizens, Hayduk writes: "Most often elected officials who have who have championed immigrant voting rights have been liberal Democrats, and in some places Green Party members. Most of the campaigns have taken place in culturally liberal and politically progressive cities and towns." See Hayduk, *Democracy for All*, p. 200.

¹² Earnest, David C. "From Ghettos to thee Ballot Box: Voting Rights for Noncitizens in Urban Elections," paper prepared for delivery at annual convention of the American Political Science Association, Washington, D.C., September 1-4, 2005, p. 2.

¹³ In February 1996, San Francisco Supervisor Mabel Teng proposed legislation allowing legal resident noncitizens to vote in city community college and school board elections. That measure was subsequently defeated at the polls. See William Carlsen. 1996. "Plan for Noncitizens to Vote in School Elections: S.F. supervisor wants voice for legal residents," *San Francisco Chronicle*, February 6, p. A13.

¹⁴ Michael Castagna, Walther Chen, Jen Lawrence and Stacy McHugh, "Securing Non-Citizen Voting Rights. Determining the Feasibility of Enabling Legislation in Massachusetts." A report prepared for the Massachusetts Immigrant and Refugee Advocacy Coalition, the Cambridge Immigrant Voting Rights Campaign, and the Department of Urban and Environmental Policy and Planning, Tufts University, (UEP 255 Field Projects), Spring 2005, http://ase.tufts.edu/uep/degrees/field_project_reports/2005/4-securing_noncitizen_voting_rights.pdf (accessed November 9, 2006).

¹⁵ Hayduk, *Democracy for All*.

¹⁶ Gabriela Evia. 2003. "Consent by all the Governed: Reenfranchising Noncitizens as Partners in Democracy." *Southern California Law Review*, 77: 1 (November): 176 (emphasis mine)

¹⁷ *Ibid.*, pp. 151-186.

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¹⁸ Gerald L. Neuman, 1992. “‘We the People’: Alien Suffrage in German and American Perspective,” *Michigan Journal of International Law*, 13:2 (Winter), p. 330; see also Evia, “Consent by all the Governed.”

¹⁹ Gerald M. Rosberg, “Aliens and Equal Protection: Why not the Right to Vote?” *Michigan Law Review*, 75:1092-1135.

²⁰ Raskin, Jamin B. 1993. “Legal Aliens, Local Citizens: The Historical, Constitutional and Theoretical Meanings of Alien Suffrage.” *University of Pennsylvania Law Review* 141 (April): p. 1452. Along similar lines, Peter Schuck argues, “I see no merit in denying voters or elected officials the opportunity to place aliens in the kind of high elective or appointive offices from which the law sometimes bars them regardless of their ability.” See Peter H. Schuck, “Membership in the Liberal Polity: The Devaluation of American Citizenship,” *Georgetown Immigration Law Journal*, 3:1, 1989, p. 4.

²¹ No. 627 – “Local Law to amend the New York City charter in relation to allowing non-citizens who are lawfully present in the United States, and who are residents of New York City, to vote in all New York City municipal elections.” Introduced April 2005.

²² This is a change from an earlier proposal in which he endorsed voting only in “local elections”; See DeSipio and de la Garza, “Save the Baby, Change the Bathwater, and Scrub the Tub...,” p.17.

²³ DeSipio and de la Garza, *Making Americans, Remaking America*. pp. 99 (emphasis mine).

²⁴ *Ibid.*, p. 98.

²⁵ *Ibid.*, p. 100.

²⁶ *Ibid.*, p. 98.

²⁷ Rob Paral, “Review Essay: Latinos Could Become a Significant Political Force as Immigrants Become Citizens and Vote,” *Illinois Issues*, 22:10, October 1996, <http://www.lib.niu.edu/ipo/1996/ii961034.html>

²⁸ DeSipio and de la Garza, *Making Americans, Remaking America*. p. 98

²⁹ *Ibid.*, p. 98

³⁰ The quotes in the preceding two paragraphs are drawn from DeSipio and de la Garza, “Save the Baby, Change the Bathwater, and Scrub the Tub...,” pp. 17-18.

³¹ In a later publication, they add English to the items that the naturalization test assesses. See DeSipio and de la Garza, *Making Americans, Remaking America*. p. 99.

³² *Ibid.*, p. 99.

³³ *Ibid.*, p. 99.

³⁴ Thanks to Steve Camarota for this information.

³⁵ Office of Immigration Statistics, “2006 Yearbook of Immigration Statistics,” Washington D.C.: Department of Homeland Security, September 2007, p. 10, Table 1.

³⁶ *Ibid.* p. 31, Table 8.

³⁷ For example, there is a difference between “stock” (Census data) and “flow” (Department of Homeland Security data), the former a more static snapshot measure and the latter a more dynamic measure that makes calculations during a specific period of time. See Derekh D.F. Cornwell, “Naturalization Rate Estimates: Stock vs. Flow,” Fact Sheet, U.S. Department of Homeland Security, November 2006; see also Michael Fix, Jeffrey S. Passel and Kenneth Sucher, “Trends in Naturalization-Policy Brief No.3,” Washington, D.C.: The Urban Institute, September 2003, p.5; Jeffrey Passel, “Growing Share of Immigrants Choosing Naturalization,” Washington, D.C.: Pew Hispanic Center, March 28, 2007, p. 20-21.

³⁸ Passel, “Growing Share of Immigrants Choosing Naturalization,” p. 26, Table 2.

³⁹ *Ibid.*, p. 3.

⁴⁰ *Ibid.*, p. 7, Table 1.

⁴¹ U.S. Census Bureau, American Community Survey, 2003, Table 1.17 a Population and U.S. Citizenship Status, with percentages by U.S. Citizenship Status: 2003.

⁴² New York City Department of City Planning, “The Newest New Yorkers-2000,” October 2004, p. 38, Table 3-11.

⁴³ The data in this and the two paragraphs that follows are drawn from Hayduk, *Democracy for All*, pp. 45-48. These numbers represent both documented and unauthorized immigrants.

⁴⁴ *Ibid.*, p.84 (emphasis mine).

⁴⁵ *Ibid.*, p. 7.

⁴⁶ Daniel Munro, "City Citizenship and Democratic Multiculturalism," paper prepared for the Annual Meeting of the Canadian Political Science Association, June 1-4, 2006, pp. 1, 3, 5, 9, 10, 11, 12, 16 (emphasis mine).

⁴⁷ Kathleen Miller, "Few Noncitizens Take Advantage of Vote," *The Examiner*, December 12, 2007.

⁴⁸ Reynolds Holding, "Voting Block," *Time*, April 12, 2007.

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The Debate Over Non-Citizen Voting: A Primer

By Stanley A. Renshon

There is no more iconic feature of American democracy and citizenship than the right to vote. Men and women have marched for it, fought for it, and died for it. Historically, those without property, women, and African-Americans have all legitimately counted their progress towards full citizenship by their ability to vote. And they have correctly judged America's progress toward living up to its ideals by the extension of the vote to all the country's citizens.

However, in recent years, a concerted effort to gain acceptance for, and implement legislation that would allow new immigrants to the United States to vote without becoming citizens has been gathering force. Advocates of non-citizen voting advance many arguments for their initiatives. Yet, to date, there has been no real assessment of these claims and no analysis that examines the possible impact of implementing these proposals on the immigration process itself, or more generally on American national politics and political culture.

This CIS *Backgrounder* primer addresses these issues and the stakes involved for American political culture and identity in allowing non-citizens to vote.

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Bill to exclude non-citizens sparks State House debate over voting rights. "My families have fought in the wars and so forth," Cooper said. "None of us view this vote as a test of patriotism. The question is: Is the law already clear? And if it is, aren't we just confusing matters?" In addition to the non-citizens voting proposal, the committee also held work sessions on a series of bills related to voting procedures. The committee was divided along party lines " with Democrats in support and Republicans opposed " on a bill, L.D. 1626, to hold presidential primaries rather than caucuses in Maine. But the committee tabled for later consideration a broader bill that would hold a presidential primary in March and to used ranked-choice voting in presidential primaries with more than three candidates.